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United States of America PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Friday, March 10, 1995*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. BONILLA].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 10, 1995.

I hereby designate the Honorable HENRY BONILLA to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, for the blessings that have come to us and to our Nation. In good times and in times of trial, Your spirit of creation and renewal and comfort has been our constant guide and encouragement. For all Your gifts, gracious God, we offer our thanksgivings—for liberty and freedom, for opportunity and vision, for healing and help, for family and friends, and for the works of justice and the bounty of Your mercy, we offer these words of prayer. Bless us this day and every day, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from North Carolina [Mr. JONES] come forward and lead the House in the Pledge of Allegiance.

Mr. JONES of North Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PARLIAMENTARY INQUIRY

Mr. VOLKMER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. VOLKMER. Mr. Speaker, is there a limit on the number of 1-minutes this morning?

The SPEAKER pro tempore. There will be a limit of 10 1-minutes on each side.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces there will be a limit of 10 1-minute speeches on each side.

A VICTORY PARTY FOR THE PRIVILEGED FEW

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, for weeks now, Americans have watched in astonishment as House Republicans have voted to ravage our most basic commitments to hard-working families: School lunch for children who would literally go hungry without it; heating assistance for frail elderly who would literally freeze to death without it; a program of food and nutrition for pregnant women that saves more than three times what it costs.

Yesterday, the Republican leadership added outrage to injury, by rolling out the reason behind these budget-shredding atrocities: A capital gains tax cut that is a boon for the privileged, but a bust for working people.

The most affluent Americans do not need a tax cut. That is why Democrats are fighting to give a tax break to the middle-class families who have seen their standard of living slide for the past 16 years.

According to the nonpartisan Joint Committee on Taxation, the Republican tax cut would give $8,000 to those earning more than $200,000 a year—but only a meager $92 to those earning $30,000 a year.

That would be bad public policy on any day, in any debate. But because it is funded by taking food from the mouths of children and heat from the homes of senior citizens, this tax giveaway is an affront to fundamental fairness and decency.

Mr. Speaker, if there was ever any doubt, there is no doubt today: Elections have consequences. And with this latest assault on working America, the Republican Party is sending a powerful message: For the privileged few, the real party is just about to begin.

REPUBLICAN CONTRACT WITH AMERICA

(Ms. DUNN of Washington asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN of Washington. Mr. Speaker, our Contract With America states the following:

On the first day of Congress, a Republican House will require Congress to live under the same laws as everyone else; cut committee staffs by one-third; and cut the congressional budget.

We kept our promise.

It continues that in the first 100 days, we will vote on the following items: A balanced budget amendment—we kept our promise; unfunded mandates legislation—we kept our promise; line-item veto—we kept our promise; a new crime package to stop violent criminals—we kept our promise; national security restoration to our freedoms—we kept our promise; Government regulatory reform—we kept our promise; commonsense legal reform to end frivolous lawsuits—we are doing this now; welfare reform to increase school lunches for poor people, encourage work, not dependence; family reinforcement to crack down on deadbeat dads and protect our children; tax cuts

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

for middle-income families, who have been too long ignored by the Democrats; Senior Citizens' Equity Act to allow our seniors to work without Government penalty; and congressional term limits to make Congress a citizen legislature.

Mr. Speaker, this is our Contract With America.

CAMPAIGN FINANCE REFORM NEEDED NOW

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTIERREZ. Mr. Speaker, I can report today that one part of the Contract With America is working very well: Term limits.

You might say, "LUIS, the Republicans have not even let you vote on term limits yet." You are right. Actually, what is working is a different, very American version of term limits. It is called the ballot box.

American voters have limited plenty of terms. In fact, since 1990, half the Members of this House have been sent home. That is effective term limits.

But we could do even better, by passing a bill that says American elections are not only for millionaires and insiders, that says campaigns are for people—not for the powerful and privileged.

A tough campaign finance reform bill would mean real term limits for all of the career politicians who talk a good game about citizen legislators by supporting the phony Republican term limits bill that are not retroactive. Funny, though, I do not see one word about campaign finance reform in their contract.

I guess that issue will have to wait until the last lobbyists have turned out the lights at a few more thousand-dollar-a-plate Republican fundraisers.

SCORE ANOTHER ONE FOR THE TAXPAYERS

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, score another victory for the American consumer. Today this House, after years of failure, will finally bring about common sense legal reform. Another promise kept by the new Republican majority, and soon we will keep another promise. We will again honor our Contract With America by passing real welfare reform.

We will pass this legislation with the help of people. People on welfare need to break the bonds of dependency. They need hope, not a handout. We will send a clear message that those who are able to work will work to support themselves and their families. Those who can work but will not will no longer get a free ride at the expense of those who have traditionally footed the bill.

Mr. Speaker, in the coming days we will hear more of the same from our liberal friends. There will be whining and weeping and gnashing of teeth. They will play fast and loose with the truth. But we will fight. We will fight for real welfare reform.

It is time that the hard-working taxpayers of this country finally get a break. It is time for welfare reform. We will finally deliver that to the American people, who have been demanding it for such a long time.

DO NOT FORGET OUR CHILDREN

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, as reported yesterday, it appears an overburdened and overworked committee staff person realized that the Republicans forgot to add 57,000 children to the Welfare Reform School Lunch Program for the children of our military personnel. That little mistake could cost an additional $10 million. To paraphrase Senator Everett Dirksen, "A million here, a million there, pretty soon you're talking real money."

This is often what happens when the Republicans rush like a runaway train to reform our welfare system and include programs like school nutrition programs, which should be dealt with in the education system and not welfare reform.

This runaway train left 57,000 kids of military personnel at the station. But who else is left at the station? I will tell you. Twenty-eight hundred children in my district alone, and thousands in the State of Texas will have no school lunch.

Again, the Republican shell game of promising an increase but cutting appropriations proves that in this shell game our children are going to be the losers. Let us not forget our children, whether it is their school lunches, whether it is their job training, or whether it is their education that they are also cutting next week in the rescissions.

TELL THE TRUTH ABOUT WELFARE

(Mr. FUNDERBURK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUNDERBURK. Mr. Speaker, I was Ambassador to Romania in the 1980's. I watched the Communists manipulate the people through calculated half-truths. We call the method the big lie. To make the big lie work, you tell a lie so big it staggers the listener. Then you repeat it over and over until it is finally accepted as truth.

Mr. Speaker, I have had enough of the big lie about welfare reform. Day after day liberal Democrats come to the floor and repeat that Republicans are waging a war on poor children. That is a monstrous lie. What makes it all the more offensive is that the lie is peddled by the same people who created our welfare nightmare. Their policies led to the disintegration of the family, the highest crime rate in the world, and three generations of Americans who do nothing but wait at home for the next Government check.

Mr. Speaker, the Democrats like business as usual. They do not seem to care that their programs have not worked and they are spirtually and financially bankrupting our country. They do not trust the people, they have no faith in the American spirit.

We reject the notion that Washington knows best. We support local control. Why doesn't the Democrat Party tell the truth about welfare. Enough of this big lie.

THE AMERICAN PEOPLE ARE TAXED OFF

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, I do not know if you ever heard about it, but there is a day called Tax Freedom Day. This year it is May 5, which means that every American will work from January 1 through the 5th of May just to pay their taxes.

Disgusting. Ridiculous, Congress. Is it any wonder the American people are taxed off? But if you want to know what they are really taxed off about, when mom and pop go into certain civil tax courts, they are considered guilty and even have to provide themselves innocent.

Ladies and gentlemen of Congress, there can be no tax freedom in America when American taxpayers are treated worse that Jeffrey Dahmer. And let me tell you this: If we are going to have a real Contract With America, that contract should be broadened to provide true tax freedom.

Mr. Speaker, I appreciate the support of H.R. 390, and I am asking this Congress before the 15th of April to pass a true tax freedom bill. The American people are taxed off.

CHILDREN PAY THE PRICE OF FAILED LIBERAL WELFARE STATE

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, at the outset let me say I would associate myself in full with the remarks made by my good friend from Ohio.

Mr. Speaker, let me also observe though that my liberal colleagues on the other side of the aisle never tire of telling us how much they care for our Nation's children. But if they really cared about children, they would join us in reforming a welfare system whose primary victims are children.

Study after study shows that it is children who pay the price for the failed liberal welfare state. They do not learn as well. They have other developmental problems. They are more likely to go on welfare themselves, which starts the cycle all over again.

There is no doubt, Mr. Speaker, that welfare in its current form is bad for children. Yet my liberal Democrat colleagues come down here after day, defend the current welfare system, and distort the positive changes we will make. They do not want to end welfare as we know it. They want to spend more and grow it, and they have declared war on the very children they purport to protect.

KEEP FAITH WITH OUR PRESIDENT

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS. Mr. Speaker, in this week's Newsweek, there is an article called "The Hidden Success Story." It is about America's efforts to assist in diversifying the Mexican economy and make good economic friends of our neighbors to the south. And the article concludes with these words:

> Keep faith with those who are struggling to do the right thing. Bill Clinton may have received little credit for it in the United States, but his rescue of the peso places him, and not Washington conventional wisdom, on the right side of history. For a century American Presidents have blustered about being good neighbors to the rest of the Americas. Clinton, first in Haiti and now in Mexico, has shown more leadership and less arrogance in the struggle for hemispheric progress than any previous representative of the Colossus of the North. When in about 20 years that too becomes conventional wisdom, remember, you read it here first.

□ 1015

THE BIG LIE

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, today's headlines in Congress Daily read, "Clinton Budget Hikes Deficit More Than Expected." That says it all.

Of course, this article proves what we have believed about the Clinton budget and verifies why he campaigned against the balanced budget amendment truly mortgaging our children's future. Yet all of this comes to light while President Clinton and the Democrats shamelessly use children in his big lie scare tactics regarding our reforms.

In fact, let me once again reiterate the facts to the President, to his lackeys, and to the American people. Not only are we not cutting nutrition programs for our children, but we are increasing funding 4.5 percent every year. How many working people out there, if they got a 4.5-percent increase in pay, would think it was a cut?

Mr. Speaker, the American people did not believe the big Social Security lie during the last election used during the campaign and hopefully they will not believe this new big lie. Absent of good ideas and with budget numbers that increase the deficit more every year, what can be expected from the other side? Let us balance the budget. Let us save our children's future.

REPUBLICANS AND NUTRITION PROGRAMS

(Ms. McCARTHY asked and was given permission to address the House for 1 minute.)

Ms. McCARTHY. Mr. Speaker, the Republicans claim they received a clear electoral message that the Nation was ready for change. Well, we have begun to see what their definition of change means and here it is, Mr. Speaker: If you are a poor, hungry child in America, then you have to wait in line behind the space station and tax breaks for the wealthy before you can receive a nutritious meal.

We have heard Republicans come to this floor and claim they are not cutting child nutrition programs with the proposed block grants for the States. This is simply not true. In fact, in the first 5 years, the school-based nutrition programs will be cut by $2.5 billion and the family-based programs by $4.6 billion. In my State, Missouri, that translates into a $103 million loss for students in the school lunch program. Apparently, Republicans have not only misplaced their compassion, but it seems they have lost their calculators, as well.

Like many of the provisions in the Republican contract that have been rushed through this body, the attack on the nutrition programs promises to dismantle in 100 days, programs that have efficiently fed children for over 30 years.

We all agree on the need to reform the welfare system and to bring Federal spending under control, but I want to remind Republican leaders that it should not be done at the expense of working families.

IMPROVING THE WESTERN FORESTS

(Mr. COOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COOLEY. Mr. Speaker, I rise today to inform my colleagues that we have taken an important first step in improving the Western forest environment and economy.

Last week, the Appropriations Committee approved an emergency measure to harvest dead, burnt, and diseased timber that is rapidly diminishing the health of our forests.

First, this is important because it will improve the health of our forests. This is proper management that will ensure that our natural resources are not further ravaged by diseases, insect infestation, or fire.

Second, the sale of this timber will bring nearly a billion dollars in tax revenues into the Treasury.

Third, we will put our wood-starved communities back to work. For many mills and their employees, it is already too late. We can, however, help those communities which are struggling to stay alive.

Mr. Speaker, the salvage timber provision serves three vital functions—improving forest health, returning hefty revenues to Uncle Sam, and putting hard-working people back to work.

I urge my colleagues to support the rescission package next week.

THE FACTS

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, it has been said before that when you have facts on your side, you pound on the facts. When you have the law on your side, you pound on the law. When you have neither, you pound on the podium.

We have heard a lot of Republicans pounding on the podium for the last 2 weeks saying, we are not cutting school lunches. We are increasing it.

Yesterday in the New York Times the headline read: "School Lunch Bill Leaves Out Military Children." Fifty-seven thousand children eligible for school lunches left out.

When the gentleman from California, [Mr. CUNNINGHAM] was asked, is this true? How could this be? A Republican on the committee said, "Are there little glitches like this? Absolutely."

Little glitches leaving out thousands of school children? We do not want to put the Pentagon in charge of serving school lunches, Mr. Speaker. Let us make sure that we do not have glitches and omissions that will put our children on the streets and take food out of their mouths.

LIMITING THE AMOUNT OF ECONOMIC DAMAGES

(Mr. NORWOOD asked and was given permission to address the House for 1 minute.)

Mr. NORWOOD. Mr. Speaker, the veil of obfuscation must be lowered in this House, if you are to ever hear the truth. I sat here last night in great pain and had to listen to lawyer after lawyer come down in this well and champion the virtues of the trial lawyers against the evil doctors of this Nation. They railed against us for wanting to limit noneconomic damages and from these evil malpracticing doctors of our Nation.

Mr. Speaker, I am struck with how hypocritical that argument is when the other side voted against limiting contingency fees.

When as much as two-thirds of the noneconomic damage awards go to pay the legal fees of trial attorneys, would you not think they would want to limit these costs as well, if they really wanted to make the patient whole? Or maybe they are not interested in the pain and suffering of the victims of the evil doctors. Maybe they are more interested in the pain and suffering of the trial lawyers and the millions of dollars that they give to Democratic campaigns.

I am proud we took that step last night to limit noneconomic damages.

TRUE NATIONAL SECURITY

(Ms. FURSE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FURSE. Mr. Speaker, the School Lunch Program was established for the purpose of national defense in 1946, when it was found that many of our soldiers had grown up without adequate nutrition. Well, today our national security is just as dependent on these nutrition programs. That kind of national security, well-fed children, is certainly of greater value than star wars. But believe it or not, the Republican contract calls for cuts in WIC, cuts in school lunches, but increases in star wars.

Well, they certainly kept that promise. Shame on them.

Here are the facts: In Oregon, more than 283,000 children benefit from school lunches in WIC. If we adopt these Republican cuts, Oregon children will have $13 million less to be spent on them. Ask any American: What makes you feel more secure, adequately fed children or star wars? The Republican contract contracts the safety shield for American children. Let us keep feeding our kids, stop stuffing the Pentagon.

SPENDING DISCIPLINES, TAX RELIEF BENEFIT AMERICAN FAMILIES

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Mr. Speaker, families are the core of American society. Families are the principle mechanism through which values, knowledge, and discipline is passed from one generation to the next.

Why must working families suffer at the hands of the Government and its irresponsible spending habits? Families are required to pay more each year in taxes to support the failed welfare state and other failed programs.

To put an end to this tax and spend mentality, we have unveiled a tax relief plan that is pro-family and pro-economic growth. In fact, an additional $20 will go into each family's pocket for every dollar that is given to the Government. More exactly, 76 percent of the tax reductions, will go directly to families. Also, we have included a tax relief provision for small businesses and for future investment.

These provisions incorporated with the contract will benefit families while getting the country back on track.

FEDERAL FOOD ASSISTANCE

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, in our rush to meet an artificial, 100-day goal, it is a fair question to ask, are we hurting more than we are helping?

In yesterday's New York Times, an article noted that when the Personal Responsibility Act was marked up by the Committee on Economic and Educational Opportunity, the language passed resulted in 57,000 children of military families being denied access to the school feeding programs that would be established.

To restore this feeding program for the military, it will cost the Pentagon more than $5 million for meals and another $5 million for administrative costs.

It seems, Mr. Speaker, that we profess to want a strong military, yet we pass legislation that will cause military children to go hungry.

These actions are either mean spirited or grossly negligent. Either way, America suffers.

Let us demonstrate that we are wise enough to know that welfare reform means real wage reform for poor people and not taking food out of the mouths of children. Let us demonstrate the strength of having reason and compassion.

FOR TOM

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute.)

Mrs. SEASTRAND. Mr. Speaker, after dealing with special groups looking out for their own self-interest in the Nation's Capitol, we sometimes feel the creeping cynicism. It takes a strong example of people helping people to turn that cynicism into optimism for the future.

Tom Rogers has been a community leader and elected public servant in Santa Barbara County for more than a decade. Unfortunately Tom has been diagnosed with Lou Gehrig's disease. Now our community is pulling together to show our appreciation for a man who served our community with distinction by declaring this Tom Rogers Month. Friends and strangers alike are setting up community events to raise funds for the Rogers family. I would like to quote from a Santa Barbara News-Press editorial, "Former Santa Barbara Supervisor Tom Rogers has been dealt a tough hand, but he has faced the last few difficult years with confidence, good humor, and stunning graciousness." Mr. Speaker, while Tom Rogers Month ends March 17, Tom's effect on our community and his efforts to make it a better place to live, work, and raise a family will never end. God bless you, Tom.

FALL OF THE DOLLAR

(Mr. ROTH asked and was given permission to address the House for 1 minute.)

Mr. ROTH. Mr. Speaker, today we are seeing the true effects of President Clinton's $20 billion bailout of Mexico. In spite of his use of $20 billion, worked for, paid for, and belonging to the American taxpayer, the Mexican economy continues its downward slide toward collapse. The peso dropped to another historic low last night, and it is expected to go even lower.

The American taxpayers have been fooled again. This bailout was to be the magic formula for the Mexican economy, but it turned out to be poison for both them and for us.

The dollar, once a solid foundation of the global economy, fell again yesterday.

The eyes of the world have now looked on our economy as being destined to be linked with Mexico's. By doing so, we have committed an injustice to our own economy and to that of the American taxpayer. The American taxpayer has been victimized again, thanks to Mr. Clinton.

□ 1030

PAPERWORK REDUCTION ACT OF 1995

Mr. CLINGER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 244), to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. BONILLA). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 244

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—PAPERWORK REDUCTION

SEC. 101. SHORT TITLE.

This title may be cited as the "Paperwork Reduction Act of 1995".

SEC. 102. COORDINATION OF FEDERAL INFORMATION POLICY.

Chapter 35 of title 44, United States Code, is amended to read as follows:

"CHAPTER 35—COORDINATION OF FEDERAL INFORMATION POLICY

"Sec.
"3501. Purposes.
"3502. Definitions.
"3503. Office of Information and Regulatory Affairs.
"3504. Authority and functions of Director.
"3505. Assignment of tasks and deadlines.
"3506. Federal agency responsibilities.
"3507. Public information collection activities; submission to Director; approval and delegation.
"3508. Determination of necessity for information; hearing.
"3509. Designation of central collection agency.
"3510. Cooperation of agencies in making information available.
"3511. Establishment and operation of Government Information Locator Service.
"3512. Public protection.
"3513. Director review of agency activities; reporting; agency response.
"3514. Responsiveness to Congress.
"3515. Administrative powers.
"3516. Rules and regulations.
"3517. Consultation with other agencies and the public.
"3518. Effect on existing laws and regulations.
"3519. Access to information.
"3520. Authorization of appropriations.

"§ 3501. Purposes

"The purposes of this chapter are to—

"(1) minimize the paperwork burden for individuals, small businesses, educational and nonprofit institutions, Federal contractors, State, local and tribal governments, and other persons resulting from the collection of information by or for the Federal Government;

"(2) ensure the greatest possible public benefit from and maximize the utility of information created, collected, maintained, used, shared and disseminated by or for the Federal Government;

"(3) coordinate, integrate, and to the extent practicable and appropriate, make uniform Federal information resources management policies and practices as a means to improve the productivity, efficiency, and effectiveness of Government programs, including the reduction of information collection burdens on the public and the improvement of service delivery to the public;

"(4) improve the quality and use of Federal information to strengthen decisionmaking, accountability, and openness in Government and society;

"(5) minimize the cost to the Federal Government of the creation, collection, maintenance, use, dissemination, and disposition of information;

"(6) strengthen the partnership between the Federal Government and State, local, and tribal governments by minimizing the burden and maximizing the utility of information created, collected, maintained, used, disseminated, and retained by or for the Federal Government;

"(7) provide for the dissemination of public information on a timely basis, on equitable terms, and in a manner that promotes the utility of the information to the public and makes effective use of information technology;

"(8) ensure that the creation, collection, maintenance, use, dissemination, and disposition of information by or for the Federal Government is consistent with applicable laws, including laws relating to—

"(A) privacy and confidentiality, including section 552a of title 5;

"(B) security of information, including the Computer Security Act of 1987 (Public Law 100–235); and

"(C) access to information, including section 552 of title 5;

"(9) ensure the integrity, quality, and utility of the Federal statistical system;

"(10) ensure that information technology is acquired, used, and managed to improve performance of agency missions, including the reduction of information collection burdens on the public; and

"(11) improve the responsibility and accountability of the Office of Management and Budget and all other Federal agencies to Congress and to the public for implementing the information collection review process, information resources management, and related policies and guidelines established under this chapter.

"§ 3502. Definitions

"As used in this chapter—

"(1) the term 'agency' means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency, but does not include—

"(A) the General Accounting Office;

"(B) Federal Election Commission;

"(C) the governments of the District of Columbia and of the territories and possessions of the United States, and their various subdivisions; or

"(D) Government-owned contractor-operated facilities, including laboratories engaged in national defense research and production activities;

"(2) the term 'burden' means time, effort, or financial resources expended by persons to generate, maintain, or provide information to or for a Federal agency, including the resources expended for—

"(A) reviewing instructions;

"(B) acquiring, installing, and utilizing technology and systems;

"(C) adjusting the existing ways to comply with any previously applicable instructions and requirements;

"(D) searching data sources;

"(E) completing and reviewing the collection of information; and

"(F) transmitting, or otherwise disclosing the information;

"(3) the term 'collection of information'—

"(A) means the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format, calling for either—

"(i) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, ten or more persons, other than agencies, instrumentalities, or employees of the United States; or

"(ii) answers to questions posed to agencies, instrumentalities, or employees of the United States which are to be used for general statistical purposes; and

"(B) shall not include a collection of information described under section 3518(c)(1);

"(4) the term 'Director' means the Director of the Office of Management and Budget;

"(5) the term 'independent regulatory agency' means the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Energy Regulatory Commission, the Federal Housing Finance Board, the Federal Maritime Commission, the Federal Trade Commission, the Interstate Commerce Commission, the Mine Enforcement Safety and Health Review Commission, the National Labor Relations Board, the Nuclear Regulatory Commission, the Occupational Safety and Health Review Commission, the Postal Rate Commission, the Securities and Exchange Commission, and any other similar agency designated by statute as a Federal independent regulatory agency or commission;

"(6) the term 'information resources' means information and related resources, such as personnel, equipment, funds, and information technology;

"(7) the term 'information resources management' means the process of managing information resources to accomplish agency missions and to improve agency performance, including through the reduction of information collection burdens on the public;

"(8) the term 'information system' means a discrete set of information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information;

"(9) the term 'information technology' has the same meaning as the term 'automatic data processing equipment' as defined by section 111(a) (2) and (3)(C) (i) through (v) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(a) (2) and (3)(C) (i) through (v));

"(10) the term 'person' means an individual, partnership, association, corporation, business trust, or legal representative, an organized group of individuals, a State, territorial, or local government or branch thereof, or a political subdivision of a State, territory, or local government or a branch of a political subdivision;

"(11) the term 'practical utility' means the ability of an agency to use information, particularly the capability to process such information in a timely and useful fashion;

"(12) the term 'public information' means any information, regardless of form or format, that an agency discloses, disseminates, or makes available to the public; and

"(13) the term 'recordkeeping requirement' means a requirement imposed by or for an agency on persons to maintain specified records.

"§ 3503. Office of Information and Regulatory Affairs

"(a) There is established in the Office of Management and Budget an office to be known as the Office of Information and Regulatory Affairs.

"(b) There shall be at the head of the Office an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall delegate to the Administrator the authority to administer all functions under this chapter, except that any such delegation shall not relieve the Director of responsibility for the administration of such functions. The Administrator shall serve as principal adviser to the Director on Federal information resources management policy.

"(c) The Administrator and employees of the Office of Information and Regulatory Affairs shall be appointed with special attention to professional qualifications required to administer the functions of the Office described under this chapter. Such qualifications shall include relevant education, work experience, or related professional activities.

"§ 3504. Authority and functions of Director

"(a)(1) The Director shall oversee the use of information resources to improve the efficiency and effectiveness of governmental operations to serve agency missions, including service delivery to the public. In performing such oversight, the Director shall—

"(A) develop, coordinate and oversee the implementation of Federal information resources management policies, principles, standards, and guidelines; and

"(B) provide direction and oversee—

"(i) the review of the collection of information and the reduction of the information collection burden;

"(ii) agency dissemination of and public access to information;

"(iii) statistical activities;

"(iv) records management activities;

"(v) privacy, confidentiality, security, disclosure, and sharing of information; and

"(vi) the acquisition and use of information technology.

"(2) The authority of the Director under this chapter shall be exercised consistent with applicable law.

"(b) With respect to general information resources management policy, the Director shall—

"(1) develop and oversee the implementation of uniform information resources management policies, principles, standards, and guidelines;

"(2) foster greater sharing, dissemination, and access to public information, including through—

"(A) the use of the Government Information Locator Service; and

"(B) the development and utilization of common standards for information collection, storage, processing and communication, including standards for security, interconnectivity and interoperability;

"(3) initiate and review proposals for changes in legislation, regulations, and agency procedures to improve information resources management practices;

"(4) oversee the development and implementation of best practices in information resources management, including training; and

"(5) oversee agency integration of program and management functions with information resources management functions.

"(c) With respect to the collection of information and the control of paperwork, the Director shall—

"(1) review proposed agency collections of information, and in accordance with section 3508, determine whether the collection of information by or for an agency is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

"(2) coordinate the review of the collection of information associated with Federal procurement and acquisition by the Office of Information and Regulatory Affairs with the Office of Federal Procurement Policy, with particular emphasis on applying information technology to improve the efficiency and effectiveness of Federal procurement and acquisition and to reduce information collection burdens on the public;

"(3) minimize the Federal information collection burden, with particular emphasis on those individuals and entities most adversely affected;

"(4) maximize the practical utility of and public benefit from information collected by or for the Federal Government; and

"(5) establish and oversee standards and guidelines by which agencies are to estimate the burden to comply with a proposed collection of information.

"(d) With respect to information dissemination, the Director shall develop and oversee the implementation of policies, principles, standards, and guidelines to—

"(1) apply to Federal agency dissemination of public information, regardless of the form or format in which such information is disseminated; and

"(2) promote public access to public information and fulfill the purposes of this chapter, including through the effective use of information technology.

"(e) With respect to statistical policy and coordination, the Director shall—

"(1) coordinate the activities of the Federal statistical system to ensure—

"(A) the efficiency and effectiveness of the system; and

"(B) the integrity, objectivity, impartiality, utility, and confidentiality of information collected for statistical purposes;

"(2) ensure that budget proposals of agencies are consistent with system-wide priorities for maintaining and improving the quality of Federal statistics and prepare an annual report on statistical program funding;

"(3) develop and oversee the implementation of Governmentwide policies, principles, standards, and guidelines concerning—

"(A) statistical collection procedures and methods;

"(B) statistical data classification;

"(C) statistical information presentation and dissemination;

"(D) timely release of statistical data; and

"(E) such statistical data sources as may be required for the administration of Federal programs;

"(4) evaluate statistical program performance and agency compliance with Governmentwide policies, principles, standards and guidelines;

"(5) promote the sharing of information collected for statistical purposes consistent with privacy rights and confidentiality pledges;

"(6) coordinate the participation of the United States in international statistical activities, including the development of comparable statistics;

"(7) appoint a chief statistician who is a trained and experienced professional statistician to carry out the functions described under this subsection;

"(8) establish an Interagency Council on Statistical Policy to advise and assist the Director in carrying out the functions under this subsection that shall—

"(A) be headed by the chief statistician; and

"(B) consist of—

"(i) the heads of the major statistical programs; and

"(ii) representatives of other statistical agencies under rotating membership; and

"(9) provide opportunities for training in statistical policy functions to employees of the Federal Government under which—

"(A) each trainee shall be selected at the discretion of the Director based on agency requests and shall serve under the chief statistician for at least 6 months and not more than 1 year; and

"(B) all costs of the training shall be paid by the agency requesting training.

"(f) With respect to records management, the Director shall—

"(1) provide advice and assistance to the Archivist of the United States and the Administrator of General Services to promote coordination in the administration of chapters 29, 31, and 33 of this title with the information resources management policies, principles, standards, and guidelines established under this chapter;

"(2) review compliance by agencies with—

"(A) the requirements of chapters 29, 31, and 33 of this title; and

"(B) regulations promulgated by the Archivist of the United States and the Administrator of General Services; and

"(3) oversee the application of records management policies, principles, standards, and guidelines, including requirements for archiving information maintained in electronic format, in the planning and design of information systems.

"(g) With respect to privacy and security, the Director shall—

"(1) develop and oversee the implementation of policies, principles, standards, and guidelines on privacy, confidentiality, security, disclosure and sharing of information collected or maintained by or for agencies;

"(2) oversee and coordinate compliance with sections 552 and 552a of title 5, the Computer Security Act of 1987 (40 U.S.C. 759 note), and related information management laws; and

"(3) require Federal agencies, consistent with the Computer Security Act of 1987 (40 U.S.C. 759 note), to identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency.

"(h) With respect to Federal information technology, the Director shall—

"(1) in consultation with the Director of the National Institute of Standards and Technology and the Administrator of General Services—

"(A) develop and oversee the implementation of policies, principles, standards, and guidelines for information technology functions and activities of the Federal Government, including periodic evaluations of major information systems; and

"(B) oversee the development and implementation of standards under section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d));

"(2) monitor the effectiveness of, and compliance with, directives issued under sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757 and 759);

"(3) coordinate the development and review by the Office of Information and Regulatory Affairs of policy associated with Federal procurement and acquisition of information technology with the Office of Federal Procurement Policy;

"(4) ensure, through the review of agency budget proposals, information resources management plans and other means—

"(A) agency integration of information resources management plans, program plans and budgets for acquisition and use of information technology; and

"(B) the efficiency and effectiveness of inter-agency information technology initiatives to improve agency performance and the accomplishment of agency missions; and

"(5) promote the use of information technology by the Federal Government to improve the productivity, efficiency, and effectiveness of Federal programs, including through dissemination of public information and the reduction of information collection burdens on the public.

"§ 3505. Assignment of tasks and deadlines

"In carrying out the functions under this chapter, the Director shall—

"(1) in consultation with agency heads, set an annual Governmentwide goal for the reduction of information collection burdens by at least five percent, and set annual agency goals to—

"(A) reduce information collection burdens imposed on the public that—

"(i) represent the maximum practicable opportunity in each agency; and

"(ii) are consistent with improving agency management of the process for the review of collections of information established under section 3506(c); and

"(B) improve information resources management in ways that increase the productivity, efficiency and effectiveness of Federal programs, including service delivery to the public;

"(2) with selected agencies and non-Federal entities on a voluntary basis, conduct pilot projects to test alternative policies, practices, regulations, and procedures to fulfill the purposes of this chapter, particularly with regard to minimizing the Federal information collection burden; and

"(3) in consultation with the Administrator of General Services, the Director of the National Institute of Standards and Technology, the Archivist of the United States, and the Director of the Office of Personnel Management, develop and maintain a Governmentwide strategic plan for information resources management, that shall include—

"(A) a description of the objectives and the means by which the Federal Government shall apply information resources to improve agency and program performance;

"(B) plans for—

"(i) reducing information burdens on the public, including reducing such burdens through the elimination of duplication and meeting shared data needs with shared resources;

"(ii) enhancing public access to and dissemination of, information, using electronic and other formats; and

"(iii) meeting the information technology needs of the Federal Government in accordance with the purposes of this chapter; and

"(C) a description of progress in applying information resources management to improve agency performance and the accomplishment of missions.

"§ 3506. Federal agency responsibilities

"(a)(1) The head of each agency shall be responsible for—

"(A) carrying out the agency's information resources management activities to improve agency productivity, efficiency, and effectiveness; and

"(B) complying with the requirements of this chapter and related policies established by the Director.

"(2)(A) Except as provided under subparagraph (B), the head of each agency shall designate a senior official who shall report directly to such agency head to carry out the responsibilities of the agency under this chapter.

"(B) The Secretary of the Department of Defense and the Secretary of each military department may each designate senior officials who shall report directly to such Secretary to carry out the responsibilities of the department under this chapter. If more than one official is designated, the respective duties of the officials shall be clearly delineated.

"(3) The senior official designated under paragraph (2) shall head an office responsible for ensuring agency compliance with and prompt, efficient, and effective implementation of the information policies and information resources management responsibilities established under this chapter, including the reduction of information collection burdens on the public. The senior official and employees of such office shall be selected with special attention to the professional qualifications required to administer the functions described under this chapter.

"(4) Each agency program official shall be responsible and accountable for information resources assigned to and supporting the programs under such official. In consultation with the senior official designated under paragraph (2) and the agency Chief Financial Officer (or comparable official), each agency program official shall define program information needs and develop strategies, systems, and capabilities to meet those needs.

"(b) With respect to general information resources management, each agency shall—

"(1) manage information resources to—

"(A) reduce information collection burdens on the public;

"(B) increase program efficiency and effectiveness; and

"(C) improve the integrity, quality, and utility of information to all users within and outside the agency, including capabilities for ensuring dissemination of public information, public access to government information, and protections for privacy and security;

"(2) in accordance with guidance by the Director, develop and maintain a strategic information resources management plan that shall describe how information resources management activities help accomplish agency missions;

"(3) develop and maintain an ongoing process to—

"(A) ensure that information resources management operations and decisions are integrated with organizational planning, budget, financial management, human resources management, and program decisions;

"(B) in cooperation with the agency Chief Financial Officer (or comparable official), develop a full and accurate accounting of information technology expenditures, related expenses, and results; and

"(C) establish goals for improving information resources management's contribution to program productivity, efficiency, and effectiveness, methods for measuring progress towards those goals, and clear roles and responsibilities for achieving those goals;

"(4) in consultation with the Director, the Administrator of General Services, and the Archivist of the United States, maintain a current and complete inventory of the agency's information resources, including directories necessary to fulfill the requirements of section 3511 of this chapter; and

"(5) in consultation with the Director and the Director of the Office of Personnel Management, conduct formal training programs to educate agency program and management officials about information resources management.

"(c) With respect to the collection of information and the control of paperwork, each agency shall—

"(1) establish a process within the office headed by the official designated under subsection (a), that is sufficiently independent of program responsibility to evaluate fairly whether proposed collections of information should be approved under this chapter, to—

"(A) review each collection of information before submission to the Director for review under this chapter, including—

"(i) an evaluation of the need for the collection of information;

"(ii) a functional description of the information to be collected;

"(iii) a plan for the collection of the information;

"(iv) a specific, objectively supported estimate of burden;

"(v) a test of the collection of information through a pilot program, if appropriate; and

"(vi) a plan for the efficient and effective management and use of the information to be collected, including necessary resources;

"(B) ensure that each information collection—

"(i) is inventoried, displays a control number and, if appropriate, an expiration date;

"(ii) indicates the collection is in accordance with the clearance requirements of section 3507; and

"(iii) contains a statement to inform the person receiving the collection of information—

"(I) the reasons the information is being collected;

"(II) the way such information is to be used;

"(III) an estimate, to the extent practicable, of the burden of the collection; and

"(IV) whether responses to the collection of information are voluntary, required to obtain a benefit, or mandatory; and

"(C) assess the information collection burden of proposed legislation affecting the agency;

"(2)(A) except as provided under subparagraph (B), provide 60-day notice in the Federal Register, and otherwise consult with members of the public and affected agencies concerning each proposed collection of information, to solicit comment to—

"(i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

"(ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;

"(iii) enhance the quality, utility, and clarity of the information to be collected; and

"(iv) minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology; and

"(B) for any proposed collection of information contained in a proposed rule (to be reviewed by the Director under section 3507(d)), provide notice and comment through the notice of proposed rulemaking for the proposed rule and such notice shall have the same purposes specified under subparagraph (A) (i) through (iv); and

"(3) certify (and provide a record supporting such certification, including public comments received by the agency) that each collection of information submitted to the Director for review under section 3507—

"(A) is necessary for the proper performance of the functions of the agency, including that the information has practical utility;

"(B) is not unnecessarily duplicative of information otherwise reasonably accessible to the agency;

"(C) reduces to the extent practicable and appropriate the burden on persons who shall provide information to or for the agency, including with respect to small entities, as defined under section 601(6) of title 5, the use of such techniques as—

"(i) establishing differing compliance or reporting requirements or timetables that take into account the resources available to those who are to respond;

"(ii) the clarification, consolidation, or simplification of compliance and reporting requirements; or

"(iii) an exemption from coverage of the collection of information, or any part thereof;

"(D) is written using plain, coherent, and unambiguous terminology and is understandable to those who are to respond;

"(E) is to be implemented in ways consistent and compatible, to the maximum extent practicable, with the existing reporting and recordkeeping practices of those who are to respond;

"(F) contains the statement required under paragraph (1)(B)(iii);

"(G) has been developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected, including the processing of the information in a manner which shall enhance, where appropriate, the utility of the information to agencies and the public;

"(H) uses effective and efficient statistical survey methodology appropriate to the purpose for which the information is to be collected; and

"(I) to the maximum extent practicable, uses information technology to reduce burden and improve data quality, agency efficiency and responsiveness to the public.

"(d) With respect to information dissemination, each agency shall—

"(1) ensure that the public has timely and equitable access to the agency's public information, including ensuring such access through—

"(A) encouraging a diversity of public and private sources for information based on government public information, and

"(B) agency dissemination of public information in an efficient, effective, and economical manner;

"(2) regularly solicit and consider public input on the agency's information dissemination activities; and

"(3) not, except where specifically authorized by statute—

"(A) establish an exclusive, restricted, or other distribution arrangement that interferes with timely and equitable availability of public information to the public;

"(B) restrict or regulate the use, resale, or redissemination of public information by the public;

"(C) charge fees or royalties for resale or redissemination of public information; or

"(D) establish user fees for public information that exceed the cost of dissemination.

"(e) With respect to statistical policy and coordination, each agency shall—

"(1) ensure the relevance, accuracy, timeliness, integrity, and objectivity of information collected or created for statistical purposes;

"(2) inform respondents fully and accurately about the sponsors, purposes, and uses of statistical surveys and studies;

"(3) protect respondents' privacy and ensure that disclosure policies fully honor pledges of confidentiality;

"(4) observe Federal standards and practices for data collection, analysis, documentation, sharing, and dissemination of information;

"(5) ensure the timely publication of the results of statistical surveys and studies, including information about the quality and limitations of the surveys and studies; and

"(6) make data available to statistical agencies and readily accessible to the public.

"(f) With respect to records management, each agency shall implement and enforce applicable policies and procedures, including requirements for archiving information maintained in electronic format, particularly in the planning, design and operation of information systems.

"(g) With respect to privacy and security, each agency shall—

"(1) implement and enforce applicable policies, procedures, standards, and guidelines on privacy, confidentiality, security, disclosure and sharing of information collected or maintained by or for the agency;

"(2) assume responsibility and accountability for compliance with and coordinated management of sections 552 and 552a of title 5, the Computer Security Act of 1987 (40 U.S.C. 759 note), and related information management laws; and

"(3) consistent with the Computer Security Act of 1987 (40 U.S.C. 759 note), identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency.

"(h) With respect to Federal information technology, each agency shall—

"(1) implement and enforce applicable Governmentwide and agency information technology management policies, principles, standards, and guidelines;

"(2) assume responsibility and accountability for information technology investments;

"(3) promote the use of information technology by the agency to improve the productivity, efficiency, and effectiveness of agency programs, including the reduction of information collection burdens on the public and improved dissemination of public information;

"(4) propose changes in legislation, regulations, and agency procedures to improve information technology practices, including changes that improve the ability of the agency to use technology to reduce burden; and

"(5) ensure responsibility for maximizing the value and assessing and managing the risks of major information systems initiatives through a process that is—

"(A) integrated with budget, financial, and program management decisions; and

"(B) used to select, control, and evaluate the results of major information systems initiatives.

"§ 3507. Public information collection activities; submission to Director; approval and delegation

"(a) An agency shall not conduct or sponsor the collection of information unless in advance of the adoption or revision of the collection of information—

"(1) the agency has—

"(A) conducted the review established under section 3506(c)(1);

"(B) evaluated the public comments received under section 3506(c)(2);

"(C) submitted to the Director the certification required under section 3506(c)(3), the proposed collection of information, copies of pertinent statutory authority, regulations, and other related materials as the Director may specify; and

"(D) published a notice in the Federal Register—

"(i) stating that the agency has made such submission; and

"(ii) setting forth—

"(I) a title for the collection of information;

"(II) a summary of the collection of information;

"(III) a brief description of the need for the information and the proposed use of the information;

"(IV) a description of the likely respondents and proposed frequency of response to the collection of information;

"(V) an estimate of the burden that shall result from the collection of information; and

"(VI) notice that comments may be submitted to the agency and Director;

"(2) the Director has approved the proposed collection of information or approval has been inferred, under the provisions of this section; and

"(3) the agency has obtained from the Director a control number to be displayed upon the collection of information.

"(b) The Director shall provide at least 30 days for public comment prior to making a decision under subsection (c), (d), or (h), except as provided under subsection (j).

"(c)(1) For any proposed collection of information not contained in a proposed rule, the Director shall notify the agency involved of the decision to approve or disapprove the proposed collection of information.

"(2) The Director shall provide the notification under paragraph (1), within 60 days after receipt or publication of the notice under subsection (a)(1)(D), whichever is later.

"(3) If the Director does not notify the agency of a denial or approval within the 60-day period described under paragraph (2)—

"(A) the approval may be inferred;

"(B) a control number shall be assigned without further delay; and

"(C) the agency may collect the information for not more than 2 years.

"(d)(1) For any proposed collection of information contained in a proposed rule—

"(A) as soon as practicable, but no later than the date of publication of a notice of proposed rulemaking in the Federal Register, each agency shall forward to the Director a copy of any proposed rule which contains a collection of information and any information requested by the Director necessary to make the determination required under this subsection; and

"(B) within 60 days after the notice of proposed rulemaking is published in the Federal Register, the Director may file public comments pursuant to the standards set forth in section 3508 on the collection of information contained in the proposed rule;

"(2) When a final rule is published in the Federal Register, the agency shall explain—

"(A) how any collection of information contained in the final rule responds to the comments, if any, filed by the Director or the public; or

"(B) the reasons such comments were rejected.

"(3) If the Director has received notice and failed to comment on an agency rule within 60 days after the notice of proposed rulemaking, the Director may not disapprove any collection of information specifically contained in an agency rule.

"(4) No provision in this section shall be construed to prevent the Director, in the Director's discretion—

"(A) from disapproving any collection of information which was not specifically required by an agency rule;

"(B) from disapproving any collection of information contained in an agency rule, if the agency failed to comply with the requirements of paragraph (1) of this subsection;

"(C) from disapproving any collection of information contained in a final agency rule, if the Director finds within 60 days after the publication of the final rule that the agency's response to the Director's comments filed under paragraph (2) of this subsection was unreasonable; or

"(D) from disapproving any collection of information contained in a final rule, if—

"(i) the Director determines that the agency has substantially modified in the final rule the collection of information contained in the proposed rule; and

"(ii) the agency has not given the Director the information required under paragraph (1) with respect to the modified collection of information, at least 60 days before the issuance of the final rule.

"(5) This subsection shall apply only when an agency publishes a notice of proposed rulemaking and requests public comments.

"(6) The decision by the Director to approve or not act upon a collection of information contained in an agency rule shall not be subject to judicial review.

"(e)(1) Any decision by the Director under subsection (c), (d), (h), or (j) to disapprove a collection of information, or to instruct the agency to make substantive or material change to a collection of information, shall be publicly available and include an explanation of the reasons for such decision.

"(2) Any written communication between the Office of the Director, the Administrator of the Office of Information and Regulatory Affairs, or any employee of the Office of Information and Regulatory Affairs and an agency or person not employed by the Federal Government concerning a proposed collection of information shall be made available to the public.

"(3) This subsection shall not require the disclosure of—

"(A) any information which is protected at all times by procedures established for information which has been 'specifically authorized under criteria established by an Executive order or an Act of Congress to be kept secret in the interest of national defense or foreign policy; or

"(B) any communication relating to a collection of information which has not been approved under this chapter, the disclosure of which could lead to retaliation or discrimination against the communicator.

"(f)(1) An independent regulatory agency which is administered by 2 or more members of a commission, board, or similar body, may by majority vote void—

"(A) any disapproval by the Director, in whole or in part, of a proposed collection of information of that agency; or

"(B) an exercise of authority under subsection (d) of section 3507 concerning that agency.

"(2) The agency shall certify each vote to void such disapproval or exercise to the Director, and explain the reasons for such vote. The Director shall without further delay assign a control number to such collection of information, and such vote to void the disapproval or exercise shall be valid for a period of 3 years.

"(g) The Director may not approve a collection of information for a period in excess of 3 years.

"(h)(1) If an agency decides to seek extension of the Director's approval granted for a currently approved collection of information, the agency shall—

"(A) conduct the review established under section 3506(c), including the seeking of comment from the public on the continued need for, and burden imposed by the collection of information; and

"(B) after having made a reasonable effort to seek public comment, but no later than 60 days before the expiration date of the control number assigned by the Director for the currently approved collection of information, submit the collection of information for review and approval under this section, which shall include an explanation of how the agency has used the information that it has collected.

"(2) If under the provisions of this section, the Director disapproves a collection of information contained in an existing rule, or recommends or instructs the agency to make a substantive or material change to a collection of information contained in an existing rule, the Director shall—

"(A) publish an explanation thereof in the Federal Register; and

"(B) instruct the agency to undertake a rulemaking within a reasonable time limited to consideration of changes to the collection of information contained in the rule and thereafter to submit the collection of information for approval or disapproval under this chapter.

"(3) An agency may not make a substantive or material modification to a collection of information after such collection has been approved by the Director, unless the modification has been submitted to the Director for review and approval under this chapter.

"(i)(1) If the Director finds that a senior official of an agency designated under section 3506(a) is sufficiently independent of program responsibility to evaluate fairly whether proposed collections of information should be approved and has sufficient resources to carry out this responsibility effectively, the Director may, by rule in accordance with the notice and comment provisions of chapter 5 of title 5, United States Code, delegate to such official the authority to approve proposed collections of information in specific program areas, for specific purposes, or for all agency purposes.

"(2) A delegation by the Director under this section shall not preclude the Director from reviewing individual collections of information if the Director determines that circumstances warrant such a review. The Director shall retain authority to revoke such delegations, both in general and with regard to any specific matter. In acting for the Director, any official to whom approval authority has been delegated under this section shall comply fully with the rules and regulations promulgated by the Director.

"(j)(1) The agency head may request the Director to authorize a collection of information, if an agency head determines that—

"(A) a collection of information—

"(i) is needed prior to the expiration of time periods established under this chapter; and

"(ii) is essential to the mission of the agency; and

"(B) the agency cannot reasonably comply with the provisions of this chapter because—

"(i) public harm is reasonably likely to result if normal clearance procedures are followed;

"(ii) an unanticipated event has occurred; or

"(iii) the use of normal clearance procedures is reasonably likely to prevent or disrupt the collection of information or is reasonably likely to cause a statutory or court ordered deadline to be missed.

"(2) The Director shall approve or disapprove any such authorization request within the time requested by the agency head and, if approved, shall assign the collection of information a control number. Any collection of information conducted under this subsection may be conducted without compliance with the provisions of this chapter for a maximum of 90 days after the date on which the Director received the request to authorize such collection.

"§ 3508. Determination of necessity for information; hearing

"Before approving a proposed collection of information, the Director shall determine whether the collection of information by the agency is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility. Before making a determination the Director may give the agency and other interested persons an opportunity to be heard or to submit statements in writing. To the extent that the Director determines that the collection of information by an agency is unnecessary for the proper performance of the functions of the agency, for any reason, the agency may not engage in the collection of information.

"§ 3509. Designation of central collection agency

"The Director may designate a central collection agency to obtain information for two or more agencies if the Director determines that the needs of such agencies for information will be adequately served by a single collection agency, and such sharing of data is not inconsistent with applicable law. In such cases the Director shall prescribe (with reference to the collection of information) the duties and functions of the collection agency so designated and of the agencies for which it is to act as agent (including reimbursement for costs). While the designation is in effect, an agency covered by the designation may not obtain for itself information for the agency which is the duty of the collection agency to obtain. The Director may modify the designation from time to time as circumstances require. The authority to designate under this section is subject to the provisions of section 3507(f) of this chapter.

"§ 3510. Cooperation of agencies in making information available

"(a) The Director may direct an agency to make available to another agency, or an agency may make available to another agency, information obtained by a collection of information if the disclosure is not inconsistent with applicable law.

"(b)(1) If information obtained by an agency is released by that agency to another agency, all the provisions of law (including penalties which relate to the unlawful disclosure of information) apply to the officers and employees of the agency to which information is released to the same extent and in the same manner as the provisions apply to the officers and employees of the agency which originally obtained the information.

"(2) The officers and employees of the agency to which the information is released, in addition, shall be subject to the same provisions of law, including penalties, relating to the unlawful disclosure of information as if the information had been collected directly by that agency.

“§ 3511. Establishment and operation of Government Information Locator Service

“(a) In order to assist agencies and the public in locating information and to promote information sharing and equitable access by the public, the Director shall—

“(1) cause to be established and maintained a distributed agency-based electronic Government Information Locator Service (hereafter in this section referred to as the ‘Service’), which shall identify the major information systems, holdings, and dissemination products of each agency;

“(2) require each agency to establish and maintain an agency information locator service as a component of, and to support the establishment and operation of the Service;

“(3) in cooperation with the Archivist of the United States, the Administrator of General Services, the Public Printer, and the Librarian of Congress, establish an interagency committee to advise the Secretary of Commerce on the development of technical standards for the Service to ensure compatibility, promote information sharing, and uniform access by the public;

“(4) consider public access and other user needs in the establishment and operation of the Service;

“(5) ensure the security and integrity of the Service, including measures to ensure that only information which is intended to be disclosed to the public is disclosed through the Service; and

“(6) periodically review the development and effectiveness of the Service and make recommendations for improvement, including other mechanisms for improving public access to Federal agency public information.

“(b) This section shall not apply to operational files as defined by the Central Intelligence Agency Information Act (50 U.S.C. 431 et seq.).

“§ 3512. Public protection

“Notwithstanding any other provision of law, no person shall be subject to any penalty for failing to maintain, provide, or disclose information to or for any agency or person if the collection of information subject to this chapter—

“(1) does not display a valid control number assigned by the Director; or

“(2) fails to state that the person who is to respond to the collection of information is not required to comply unless such collection displays a valid control number.

“§ 3513. Director review of agency activities; reporting; agency response

“(a) In consultation with the Administrator of General Services, the Archivist of the United States, the Director of the National Institute of Standards and Technology, and the Director of the Office of Personnel Management, the Director shall periodically review selected agency information resources management activities to ascertain the efficiency and effectiveness of such activities to improve agency performance and the accomplishment of agency missions.

“(b) Each agency having an activity reviewed under subsection (a) shall, within 60 days after receipt of a report on the review, provide a written plan to the Director describing steps (including milestones) to—

“(1) be taken to address information resources management problems identified in the report; and

“(2) improve agency performance and the accomplishment of agency missions.

“§ 3514. Responsiveness to Congress

“(a)(1) The Director shall—

“(A) keep the Congress and congressional committees fully and currently informed of the major activities under this chapter; and

“(B) submit a report on such activities to the President of the Senate and the Speaker of the House of Representatives annually and at such other times as the Director determines necessary.

“(2) The Director shall include in any such report a description of the extent to which agencies have—

“(A) reduced information collection burdens on the public, including—

“(i) a summary of accomplishments and planned initiatives to reduce collection of information burdens;

“(ii) a list of all violations of this chapter and of any rules, guidelines, policies, and procedures issued pursuant to this chapter; and

“(iii) a list of any increase in the collection of information burden, including the authority for each such collection;

“(B) improved the quality and utility of statistical information;

“(C) improved public access to Government information; and

“(D) improved program performance and the accomplishment of agency missions through information resources management.

“(b) The preparation of any report required by this section shall be based on performance results reported by the agencies and shall not increase the collection of information burden on persons outside the Federal Government.

“§ 3515. Administrative powers

“Upon the request of the Director, each agency (other than an independent regulatory agency) shall, to the extent practicable, make its services, personnel, and facilities available to the Director for the performance of functions under this chapter.

“§ 3516. Rules and regulations

“The Director shall promulgate rules, regulations, or procedures necessary to exercise the authority provided by this chapter.

“§ 3517. Consultation with other agencies and the public

“(a) In developing information resources management policies, plans, rules, regulations, procedures, and guidelines and in reviewing collections of information, the Director shall provide interested agencies and persons early and meaningful opportunity to comment.

“(b) Any person may request the Director to review any collection of information conducted by or for an agency to determine, if, under this chapter, a person shall maintain, provide, or disclose the information to or for the agency. Unless the request is frivolous, the Director shall, in coordination with the agency responsible for the collection of information—

“(1) respond to the request within 60 days after receiving the request, unless such period is extended by the Director to a specified date and the person making the request is given notice of such extension; and

“(2) take appropriate remedial action, if necessary.

“§ 3518. Effect on existing laws and regulations

“(a) Except as otherwise provided in this chapter, the authority of an agency under any other law to prescribe policies, rules, regulations, and procedures for Federal information resources management activities is subject to the authority of the Director under this chapter.

“(b) Nothing in this chapter shall be deemed to affect or reduce the authority of the Secretary of Commerce or the Director of the Office of Management and Budget pursuant to Reorganization Plan No. 1 of 1977 (as amended) and Executive order, relating to telecommunications and information policy, procurement and management of telecommunications and information systems, spectrum use, and related matters.

“(c)(1) Except as provided in paragraph (2), this chapter shall not apply to the collection of information—

“(A) during the conduct of a Federal criminal investigation or prosecution, or during the disposition of a particular criminal matter;

“(B) during the conduct of—

“(i) a civil action to which the United States or any official or agency thereof is a party; or

“(ii) an administrative action or investigation involving an agency against specific individuals or entities;

“(C) by compulsory process pursuant to the Antitrust Civil Process Act and section 13 of the Federal Trade Commission Improvements Act of 1980; or

“(D) during the conduct of intelligence activities as defined in section 3.4(e) of Executive Order No. 12333, issued December 4, 1981, or successor orders, or during the conduct of cryptologic activities that are communications security activities.

“(2) This chapter applies to the collection of information during the conduct of general investigations (other than information collected in an antitrust investigation to the extent provided in subparagraph (C) of paragraph (1)) undertaken with reference to a category of individuals or entities such as a class of licensees or an entire industry.

“(d) Nothing in this chapter shall be interpreted as increasing or decreasing the authority conferred by Public Law 89–306 on the Administrator of the General Services Administration, the Secretary of Commerce, or the Director of the Office of Management and Budget.

“(e) Nothing in this chapter shall be interpreted as increasing or decreasing the authority of the President, the Office of Management and Budget or the Director thereof, under the laws of the United States, with respect to the substantive policies and programs of departments, agencies and offices, including the substantive authority of any Federal agency to enforce the civil rights laws.

“§ 3519. Access to information

“Under the conditions and procedures prescribed in section 716 of title 31, the Director and personnel in the Office of Information and Regulatory Affairs shall furnish such information as the Comptroller General may require for the discharge of the responsibilities of the Comptroller General. For the purpose of obtaining such information, the Comptroller General or representatives thereof shall have access to all books, documents, papers and records, regardless of form or format, of the Office.

“§ 3520. Authorization of appropriations

“(a) Subject to subsection (b), there are authorized to be appropriated to the Office of Information and Regulatory Affairs to carry out the provisions of this chapter, and for no other purpose, $8,000,000 for each of the fiscal years 1996, 1997, 1998, 1999, and 2000.

“(b)(1) No funds may be appropriated pursuant to subsection (a) unless such funds are appropriated in an appropriation Act (or continuing resolution) which separately and expressly states the amount appropriated pursuant to subsection (a) of this section.

"(2) No funds are authorized to be appropriated to the Office of Information and Regulatory Affairs, or to any other officer or administrative unit of the Office of Management and Budget, to carry out the provisions of this chapter, or to carry out any function under this chapter, for any fiscal year pursuant to any provision of law other than subsection (a) of this section.".

SEC. 103. PAPERWORK BURDEN REDUCTION INITIATIVE REGARDING THE QUARTERLY FINANCIAL REPORT PROGRAM AT THE BUREAU OF THE CENSUS.

(a) PAPERWORK BURDEN REDUCTION INITIATIVE REQUIRED.—As described in subsection (b), the Bureau of the Census within the Department of Commerce shall undertake a demonstration program to reduce the burden imposed on firms, especially small businesses, required to participate in the survey used to prepare the publication entitled "Quarterly Financial Report for Manufacturing, Mining, and Trade Corporations".

(b) BURDEN REDUCTION INITIATIVES TO BE INCLUDED IN THE DEMONSTRATION PROGRAM.—The demonstration program required by subsection (a) shall include the following paperwork burden reduction initiatives:

(1) FURNISHING ASSISTANCE TO SMALL BUSINESS CONCERNS.—

(A) The Bureau of the Census shall furnish advice and similar assistance to ease the burden of a small business concern which is attempting to compile and furnish the business information required of firms participating in the survey.

(B) To facilitate the provision of the assistance described in subparagraph (A), a toll-free telephone number shall be established by the Bureau of the Census.

(2) VOLUNTARY PARTICIPATION BY CERTAIN BUSINESS CONCERNS.—

(A) A business concern may decline to participate in the survey, if the firm has—

(i) participated in the survey during the period of the demonstration program described under subsection (c) or has participated in the survey during any of the 24 calendar quarters previous to such period; and

(ii) assets of $50,000,000 or less at the time of being selected to participate in the survey for a subsequent time.

(B) A business concern may decline to participate in the survey, if the firm—

(i) has assets of greater than $50,000,000 but less than $100,000,000 at the time of selection; and

(ii) participated in the survey during the 8 calendar quarters immediately preceding the firm's selection to participate in the survey for an additional 8 calendar quarters.

(3) EXPANDED USE OF SAMPLING TECHNIQUES.—The Bureau of the Census shall use statistical sampling techniques to select firms having assets of $100,000,000 or less to participate in the survey.

(4) ADDITIONAL BURDEN REDUCTION TECHNIQUES.—The Director of the Bureau of the Budget may undertake such additional paperwork burden reduction initiatives with respect to the conduct of the survey as may be deemed appropriate by such officer.

(c) DURATION OF THE DEMONSTRATION PROGRAM.—The demonstration program required by subsection (a) shall commence on October 1, 1995, and terminate on the later of—

(1) September 30, 1998; or

(2) the date in the Act of Congress providing for authorization of appropriations for section 91 of title 13, United States Code, first enacted following the date of the enactment of this Act, that is September 30, of the last fiscal year providing such an authorization under such Act of Congress.

(d) DEFINITIONS.—For purposes of this section:

(1) The term "burden" shall have the meaning given that term by section 3502(2) of title 44, United States Code.

(2) The term "collection of information" shall have the meaning given that term by section 3502(3) of title 44, United States Code.

(3) The term "small business concern" means a business concern that meets the requirements of section 3(a) of the Small Business Act (15 U.S.C. 632(a)) and the regulations promulgated pursuant thereto.

(4) The term "survey" means the collection of information by the Bureau of the Census at the Department of Commerce pursuant to section 91 of title 13, United States Code, for the purpose of preparing the publication entitled "Quarterly Financial Report for Manufacturing, Mining, and Trade Corporations".

SEC. 104. OREGON OPTION PROPOSAL.

(a) FINDINGS.—The Senate finds that—

(1) Federal, State and local governments are dealing with increasingly complex problems which require the delivery of many kinds of social services at all levels of government;

(2) historically, Federal programs have addressed the Nation's problems by providing categorical assistance with detailed requirements relating to the use of funds which are often delivered by State and local governments;

(3) although the current approach is one method of service delivery, a number of problems exist in the current intergovernmental structure that impede effective delivery of vital services by State and local governments;

(4) it is more important than ever to provide programs that respond flexibly to the needs of the Nation's States and communities, reduce the barriers between programs that impede Federal, State and local governments' ability to effectively deliver services, encourage the Nation's Federal, State and local governments to be innovative in creating programs that meet the unique needs of the people in their communities while continuing to address national goals, and improve the accountability of all levels of government by better measuring government performance and better meeting the needs of service recipients;

(5) the State and local governments of Oregon have begun a pilot project, called the Oregon Option, that will utilize strategic planning and performance-based management that may provide new models for intergovernmental social service delivery;

(6) the Oregon Option is a prototype of a new intergovernmental relations system, and it has the potential to completely transform the relationships among Federal, State and local governments by creating a system of intergovernmental service delivery and funding that is based on measurable performance, customer satisfaction, prevention, flexibility, and service integration; and

(7) the Oregon Option has the potential to dramatically improve the quality of Federal, State and local services to Oregonians.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Oregon Option project has the potential to improve intergovernmental service delivery by shifting accountability from compliance to performance results and that the Federal Government should continue in its partnership with the State and local governments of Oregon to fully implement the Oregon Option.

SEC. 105. TERMINATION OF REPORTING REQUIREMENTS.

(a) TERMINATION.—

(1) IN GENERAL.—Subject to the provisions of paragraph (2), each provision of law requiring the submittal to Congress (or any committee of the Congress) of any annual, semiannual or other regular periodic reports specified on the list described under subsection (c) shall cease to be effective, with respect to that requirement, 5 years after the date of the enactment of this Act.

(2) EXCEPTION.—The provisions of paragraph (1) shall not apply to any report required under—

(A) the Inspector General Act of 1978 (5 U.S.C. App.; Public Law 95-452); or

(B) the Chief Financial Officers Act of 1990 (Public Law 101-576).

(b) IDENTIFICATION OF WASTEFUL REPORTS.—The President shall include in the first annual budget submitted pursuant to section 1105 of title 31, United States Code, after the date of enactment of this Act a list of reports that the President has determined are unnecessary or wasteful and the reasons for such determination.

(c) LIST OF REPORTS.—The list referred to under subsection (a) includes only the annual, semiannual, or other regular periodic reports on the list prepared by the Clerk of the House of Representatives for the first session of the One Hundred Third Congress under Clause 2 of Rule III of the Rules of the House of Representatives.

SEC. 106. EFFECTIVE DATE.

The provisions of this title and the amendments made by this title shall take effect on June 30, 1995.

TITLE II—FEDERAL REPORT ELIMINATION AND MODIFICATION

SEC. 201. SHORT TITLE.

This title may be cited as the "Federal Report Elimination and Modification Act of 1995".

SEC. 202. TABLE OF CONTENTS.

The table of contents for this title is as follows:

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Sec. 202. Table of contents.

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Sec. 2231. Reports modified.
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SUBTITLE III—REPORTS BY ALL DEPARTMENTS AND AGENCIES
Sec. 3001. Reports eliminated.
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Sec. 4001. Effective date.

Subtitle I—Departments

CHAPTER 1—DEPARTMENT OF AGRICULTURE

SEC. 1011. REPORTS ELIMINATED.

(a) REPORT ON MONITORING AND EVALUATION.—Section 1246 of the Food Security Act of 1985 (16 U.S.C. 3846) is repealed.

(b) REPORT ON RETURN ON ASSETS.—Section 2512 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421b) is amended—

(1) in subsection (a), by striking "(a) IMPROVING" and all that follows through "FORECASTS.—"; and

(2) by striking subsection (b).

(c) REPORT ON FARM VALUE OF AGRICULTURAL PRODUCTS.—Section 2513 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421c) is repealed.

(d) REPORT ON ORIGIN OF EXPORTS OF PEANUTS.—Section 1558 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 958) is repealed.

(e) REPORT ON REPORTING OF IMPORTING FEES.—Section 407 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736a) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c) through (h) as subsections (b) through (g), respectively.

(f) REPORT ON AGRICULTURAL INFORMATION EXCHANGE WITH IRELAND.—Section 1420 of the Food Security Act of 1985 (Public Law 99–198; 99 Stat. 1551) is amended—

(1) in subsection (a), by striking "(a)"; and

(2) by striking subsection (b).

(g) REPORT ON POTATO INSPECTION.—Section 1704 of the Food Security Act of 1985 (Public Law 99–198; 7 U.S.C. 499n note) is amended by striking the second sentence.

(h) REPORT ON TRANSPORTATION OF FERTILIZER AND AGRICULTURAL CHEMICALS.—Section 2517 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 104 Stat. 4077) is repealed.

(i) REPORT ON UNIFORM END-USE VALUE TESTS.—Section 307 of the Futures Trading Act of 1986 (Public Law 99–641; 7 U.S.C. 76 note) is amended by striking subsection (c).

(j) REPORT ON PROJECT AREAS WITH HIGH FOOD STAMP PAYMENT ERROR RATES.—Section 16(i) of the Food Stamp Act of 1977 (7 U.S.C. 2025(i)) is amended by striking paragraph (3).

(k) REPORT ON EFFECT OF EFAP DISPLACEMENT ON COMMERCIAL SALES.—Section 203C(a) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by striking the last sentence.

(l) REPORT ON WIC EXPENDITURES AND PARTICIPATION LEVELS.—Section 17(m) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)) is amended—

(1) by striking paragraphs (8) and (9); and

(2) by redesignating paragraphs (10) and (11) as paragraphs (8) and (9), respectively.

(m) REPORT ON WIC MIGRANT SERVICES.—Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended by striking subsection (j).

(n) REPORT ON DEMONSTRATIONS INVOLVING INNOVATIVE HOUSING UNITS.—Section 506(b) of the Housing Act of 1949 (42 U.S.C. 1476(b)) is amended by striking the last sentence.

(o) REPORT ON ANNUAL UPWARD MOBILITY PROGRAM ACTIVITY.—Section 2(a)(6)(A) of the Act of June 20, 1936 (20 U.S.C. 107a(a)(6)(A)), is amended by striking "including upward mobility" and inserting "excluding upward mobility".

(p) REPORT ON LAND EXCHANGES IN COLUMBIA RIVER GORGE NATIONAL SCENIC AREA.—Section 9(d)(3) of the Columbia River Gorge National Scenic Area Act (16 U.S.C. 544g(d)(3)) is amended by striking the second sentence.

(q) REPORT ON INCOME AND EXPENDITURES OF CERTAIN LAND ACQUISITIONS.—Section 2(e) of Public Law 96–586 (94 Stat. 3382) is amended by striking the second sentence.

(r) REPORT ON SPECIAL AREA DESIGNATIONS.—Section 1506 of the Agriculture and Food Act of 1981 (16 U.S.C. 3415) is repealed.

(s) REPORT ON EVALUATION OF SPECIAL AREA DESIGNATIONS.—Section 1510 of the Agriculture and Food Act of 1981 (16 U.S.C. 3419) is repealed.

(t) REPORT ON AGRICULTURAL PRACTICES AND WATER RESOURCES DATA BASE DEVELOPMENT.—Section 1485 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5505) is amended—

(1) in subsection (a), by striking "(a) REPOSITORY.—"; and

(2) by striking subsection (b).

(u) REPORT ON PLANT GENOME MAPPING.—Section 1671 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5924) is amended—

(1) by striking subsection (g); and

(2) by redesignating subsection (h) as subsection (g).

(v) REPORT ON APPRAISAL OF PROPOSED BUDGET FOR FOOD AND AGRICULTURAL SCIENCES.—Section 1408(g) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(g)) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

(w) REPORT ON ECONOMIC IMPACT OF ANIMAL DAMAGE ON AQUACULTURE INDUSTRY.—Section 1475(e) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3322(e)) is amended—

(1) in paragraph (1), by striking "(1)"; and

(2) by striking paragraph (2).

(x) REPORT ON AWARDS MADE BY THE NATIONAL RESEARCH INITIATIVE AND SPECIAL GRANTS.—Section 2 of the Act of August 4, 1965 (7 U.S.C. 450i), is amended—

(1) by striking subsection (l); and

(2) by redesignating subsection (m) as subsection (l).

(y) REPORT ON PAYMENTS MADE UNDER RESEARCH FACILITIES ACT.—Section 8 of the Research Facilities Act (7 U.S.C. 390i) is repealed.

(z) REPORT ON FINANCIAL AUDIT REVIEWS OF STATES WITH HIGH FOOD STAMP PARTICIPATION.—The first sentence of section 11(l) of the Food Stamp Act of 1977 (7 U.S.C. 2020(l)) is amended by striking ", and shall, upon completion of the audit, provide a report to Congress of its findings and recommendations within one hundred and eighty days".

(aa) REPORT ON RURAL TELEPHONE BANK.—Section 408(b)(3) of the Rural Electrification Act of 1936 (7 U.S.C. 948(b)(3)) is amended by striking out subparagraph (I) and redesignating subparagraph (J) as subparagraph (I).

SEC. 1012. REPORTS MODIFIED.

(a) REPORT ON ANIMAL WELFARE ENFORCEMENT.—The first sentence of section 25 of the

Animal Welfare Act (7 U.S.C. 2155) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(5) the information and recommendations described in section 11 of the Horse Protection Act of 1970 (15 U.S.C. 1830).".

(b) Report on Horse Protection Enforcement.—Section 11 of the Horse Protection Act of 1970 (15 U.S.C. 1830) is amended by striking "On or before the expiration of thirty calendar months following the date of enactment of this Act, and every twelve calendar months thereafter, the Secretary shall submit to the Congress a report upon" and inserting the following: "As part of the report submitted by the Secretary under section 25 of the Animal Welfare Act (7 U.S.C. 2155), the Secretary shall include information on".

(c) Report on Agricultural Quarantine Inspection Fund.—The Secretary of Agriculture shall not be required to submit a report to the appropriate committees of Congress on the status of the Agricultural Quarantine Inspection fund more frequently than annually.

(d) Report on Estimated Expenditures Under Food Stamp Program.—The third sentence of section 18(a)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2027(a)(1)) is amended—

(1) by striking "by the fifteenth day of each month" and inserting "for each quarter or other appropriate period"; and

(2) by striking "the second preceding month's expenditure" and inserting "the expenditure for the quarter or other period".

(e) Report on Commodity Distribution.—Section 3(a)(3)(D) of the Commodity Distribution Reform Act and WIC Amendments of 1987 (Public Law 100–237; 7 U.S.C. 612c note) is amended by striking "annually" and inserting "biennially".

(f) Report on Priorities for Research, Extension, and Teaching.—Section 1407(f)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3122(f)(1)) is amended—

(1) in the paragraph heading, by striking "Annual report" and inserting "Report"; and

(2) by striking "Not later than June 30 of each year" and inserting "At such times as the Joint Council determines appropriate".

(g) 5-Year Plan for Food and Agricultural Sciences.—Section 1407(f)(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3122(f)(2)) is amended by striking the second sentence.

(h) Report on Examination of Federally Supported Agricultural Research and Extension Programs.—Section 1408(g)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(g)(1)) is amended by inserting "may provide" before "a written report".

(i) Report on Effects of Foreign Ownership of Agricultural Land.—Section 5(b) of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3504(b)) is amended to read as follows:

"(b) An analysis and determination shall be made, and a report on the Secretary's findings and conclusions regarding such analysis and determination under subsection (a) shall be transmitted within 90 days after the end of—

"(1) the calendar year in which the Federal Report Elimination and Modification Act of 1995 is enacted; and

"(2) the calendar year which occurs every ten years thereafter.".

CHAPTER 2—DEPARTMENT OF COMMERCE

SEC. 1021. REPORTS ELIMINATED.

(a) Report on Voting Registration.—Section 207 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa–5) is repealed.

(b) Report on Estimate of Special Agricultural Workers.—Section 210A(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1161(b)(3)) is repealed.

(c) Report on Long Range Plan for Public Broadcasting.—Section 393A(b) of the Communications Act of 1934 (47 U.S.C. 393a(b)) is repealed.

(d) Report on Status, Activities, and Effectiveness of United States Commercial Centers in Asia, Latin America, and Africa and Program Recommendations.—Section 401(j) of the Jobs Through Exports Act of 1992 (15 U.S.C. 4723a(j)) is repealed.

(e) Report on Kuwait Reconstruction Contracts.—Section 606(f) of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 is repealed.

(f) Report on United States-Canada Free Trade Agreement.—Section 409(a)(3)(B) of the United States-Canada Free-Trade Agreement Implementation Act of 1988 (19 U.S.C. 2112 note) is amended to read as follows:

"(3) The United States members of the working group established under article 1907 of the Agreement shall consult regularly with the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, and advisory committees established under section 135 of the Trade Act of 1974 regarding—

"(A) the issues being considered by the working group; and

"(B) as appropriate, the objectives and strategy of the United States in the negotiations.".

(g) Report on Establishment of American Business Centers and on Activities of the Independent States Business and Agriculture Advisory Council.—Section 305 of the Freedom for Russia and Emerging Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5825) is repealed.

(h) Report on Fisherman's Contingency Fund Report.—Section 406 of the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1846) is repealed.

(i) Report on User Fees on Shippers.—Section 208 of the Water Resources Development Act of 1986 (33 U.S.C. 2236) is amended by—

(1) striking subsection (b); and

(2) redesignating subsections (c), (d), (e), and (f) as subsections (b), (c), (d), and (e), respectively.

SEC. 1022. REPORTS MODIFIED.

(a) Report on Federal Trade Promotion Strategic Plan.—Section 2312(f) of the Export Enhancement Act of 1988 (15 U.S.C. 4727(f) is amended to read as follows:

"(f) Report to the Congress.—The chairperson of the TPCC shall prepare and submit to the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Foreign Affairs of the House of Representatives, not later than September 30, 1995, and annually thereafter, a report describing—

"(1) the strategic plan developed by the TPCC pursuant to subsection (c), the implementation of such plan, and any revisions thereto; and

"(2) the implementation of sections 303 and 304 of the Freedom for Russia and Emerging Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5823 and 5824) concerning funding for export promotion activities and the interagency working groups on energy of the TPCC.".

(b) Report on Export Policy.—Section 2314(b)(1) of the Export Enhancement Act of 1988 (15 U.S.C. 4729(b)(1)) is amended—

(1) in subparagraph (E) by striking out "and" after the semicolon;

(2) in subparagraph (F) by striking out the period and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new subparagraphs:

"(G) the status, activities, and effectiveness of the United States commercial centers established under section 401 of the Jobs Through Exports Act of 1992 (15 U.S.C. 4723a);

"(H) the implementation of sections 301 and 302 of the Freedom for Russia and Emerging Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5821 and 5822) concerning American Business Centers and the Independent States Business and Agriculture Advisory Council;

"(I) the programs of other industrialized nations to assist their companies with their efforts to transact business in the independent states of the former Soviet Union; and

"(J) the trading practices of other Organization for Economic Cooperation and Development nations, as well as the pricing practices of transitional economies in the independent states, that may disadvantage United States companies.".

CHAPTER 3—DEPARTMENT OF DEFENSE

SEC. 1031. REPORTS ELIMINATED.

(a) Report on Sematech.—Section 274 of The National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1071) is amended—

(1) in section 6 by striking out the item relating to section 274; and

(2) by striking out section 274.

(b) Report on Review of Documentation in Support of Waivers for People Engaged in Acquisition Activities.—

(1) In general.—Section 1208 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 1701 note) is repealed.

(2) Clerical amendment to table of contents.—Section 2(b) of such Act is amended by striking out the item relating to section 1208.

CHAPTER 4—DEPARTMENT OF EDUCATION

SEC. 1041. REPORTS ELIMINATED.

(a) Report on Personnel Reduction and Annual Limitations.—Subsection (a) of section 403 of the Department of Education Organization Act (20 U.S.C. 3463(a)) is amended—

(1) in paragraph (2), by striking all beginning with "and shall," through the end thereof and inserting a period; and

(2) by redesignating paragraph (3) as paragraph (2).

(b) Report on Projects Funded by the Fund for the Improvement and Reform of Schools and Teaching.—Section 3232 of the Fund for the Improvement and Reform of Schools and Teaching Act (20 U.S.C. 4832) is amended—

(1) in the section heading, by striking "and reporting";

(2) in subsection (a), by striking "(a) Exemplary Projects.—"; and

(3) by striking subsections (b) and (c).

(c) Report on the Success of FIRST Assisted Programs in Improving Education.—Section 6215 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (20 U.S.C. 4832 note) is amended—

(1) by amending the section heading to read as follows:

"**SEC. 6215. EXEMPLARY PROJECTS.**";

(2) in subsection (a), by striking "(a) EXEMPLARY PROJECTS.—"; and

(3) by striking subsections (b) and (c).

(d) REPORT ON SUPPORTED EMPLOYMENT ACTIVITIES.—Subsection (c) of section 311 of the Rehabilitation Act of 1973 (20 U.S.C. 777a(c) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

(e) REPORT ON THE CLIENT ASSISTANCE PROGRAM.—Subsection (g) of section 112 of the Rehabilitation Act of 1973 (20 U.S.C. 732(g)) is amended—

(1) by striking paragraphs (4) and (5); and

(2) in paragraph (6), by striking "such report or for any other" and inserting "any".

(f) REPORT ON THE SUMMARY OF LOCAL EVALUATIONS OF COMMUNITY EDUCATION EMPLOYMENT CENTERS.—Section 370 of the Carl D. Perkins Vocational and Applied Technology Act (20 U.S.C. 2396h) is amended—

(1) in the section heading, by striking "and report";

(2) in subsection (a), by striking "(a) LOCAL EVALUATION.—"; and

(3) by striking subsection (b).

(g) REPORT ON THE ADMINISTRATION OF THE VOCATIONAL EDUCATION ACT OF 1917.—Section 18 of the Vocational Education Act of 1917 (20 U.S.C. 28) is repealed.

(h) REPORT BY THE INTERDEPARTMENTAL TASK FORCE ON COORDINATING VOCATIONAL EDUCATION AND RELATED PROGRAMS.—Subsection (d) of section 4 of the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990 (20 U.S.C. 2303(d)) is repealed.

(i) REPORT ON THE EVALUATION OF THE GATEWAY GRANTS PROGRAM.—Subparagraph (B) of section 322(a)(3) of the Adult Education Act (20 U.S.C. 1203a(a)(3)(B)) is amended by striking "and report the results of such evaluation to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate".

(j) REPORT ON THE BILINGUAL VOCATIONAL TRAINING PROGRAM.—Paragraph (3) of section 441(e) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2441(e)(3)) is amended by striking the last sentence thereof.

(k) REPORT ON ADVISORY COUNCILS.—Section 448 of the General Education Provisions Act (20 U.S.C. 1233g) is repealed.

SEC. 1042. REPORTS MODIFIED.

(a) REPORT ON THE CONDITION OF BILINGUAL EDUCATION IN THE NATION.—Section 6213 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (20 U.S.C. 3303 note) is amended—

(1) in the section heading, by striking "report on" and inserting "**INFORMATION REGARDING**"; and

(2) by striking the matter preceding paragraph (1) and inserting "The Secretary shall collect data for program management and accountability purposes regarding—".

(b) REPORT TO CONGRESS ON THE STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT.—Subsection (b) of section 724 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11434(b)) is amended by striking paragraph (4) and the first paragraph (5) and inserting the following:

"(4) The Secretary shall prepare and submit a report to the appropriate committees of the Congress at the end of every other fiscal year. Such report shall—

"(A) evaluate the programs and activities assisted under this part; and

"(B) contain the information received from the States pursuant to section 722(d)(3).".

(c) REPORT TO GIVE NOTICE TO CONGRESS.—Subsection (d) of section 482 of the Higher Education Act of 1965 (20 U.S.C. 1089(d)) is amended—

(1) in the first sentence by striking "the items specified in the calendar have been completed and provide all relevant forms, rules, and instructions with such notice" and inserting "a deadline included in the calendar described in subsection (a) is not met"; and

(2) by striking the second sentence.

(d) ANNUAL REPORT ON ACTIVITIES UNDER THE REHABILITATION ACT OF 1973.—Section 13 of the Rehabilitation Act of 1973 (20 U.S.C. 712) is amended by striking "twenty" and inserting "eighty".

(e) REPORT TO THE CONGRESS REGARDING REHABILITATION TRAINING PROGRAMS.—The second sentence of section 302(c) of the Rehabilitation Act of 1973 (20 U.S.C. 774(c)) is amended by striking "simultaneously with the budget submission for the succeeding fiscal year for the Rehabilitation Services Administration" and inserting "by September 30 of each fiscal year".

(f) REPORT PREPARED BY THE DEPARTMENT OF THE INTERIOR ON INDIAN CHILDREN AND THE BILINGUAL EDUCATION ACT.—

(1) REPEAL.—Subsection (c) of section 7022 of the Bilingual Education Act (20 U.S.C. 3292) is repealed.

(2) ANNUAL REPORT.—Paragraph (3) of section 7051(b)(3) of the Bilingual Education Act (20 U.S.C. 3331(b)(3)) is amended—

(A) in subparagraph (D), by striking "and" after the semicolon;

(B) in subparagraph (E), by striking the period and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

"(F) the needs of the Indian children with respect to the purposes of this title in schools operated or funded by the Department of the Interior, including those tribes and local educational agencies receiving assistance under the Johnson-O'Malley Act (25 U.S.C. 452 et seq.); and

"(G) the extent to which the needs described in subparagraph (F) are being met by funds provided to such schools for educational purposes through the Secretary of the Interior.".

(g) ANNUAL EVALUATION REPORTS.—Section 417 of the General Education Provisions Act (20 U.S.C. 1226c) is amended—

(1) in the section heading, by striking "ANNUAL" and inserting "BIENNIAL"; and

(2) in subsection (a)—

(A) by striking "December" and inserting "March";

(B) by striking "each year," and inserting "every other year"; and

(C) by striking "an annual" and inserting "a biennial";

(3) in subparagraph (B), by striking "previous fiscal year" and inserting "2 preceding fiscal years"; and

(4) in subparagraph (C), by striking "previous fiscal year" and inserting "2 preceding fiscal years".

(h) ANNUAL AUDIT OF STUDENT LOAN INSURANCE FUND.—Section 432(b) of the Higher Education Act of 1965 (20 U.S.C. 1082(b)) is amended to read as follows:

"(b) FINANCIAL OPERATIONS RESPONSIBILITIES.—The Secretary shall, with respect to the financial operations arising by reason of this part prepare annually and submit a budget program as provided for wholly owned Government corporations by chapter 91 of title 31, United States Code. The transactions of the Secretary, including the settlement of insurance claims and of claims for payments pursuant to section 1078 of this title, and transactions related thereto and vouchers approved by the Secretary in connection with such transactions, shall be final and conclusive upon all accounting and other officers of the Government.".

CHAPTER 5—DEPARTMENT OF ENERGY

SEC. 1051. REPORTS ELIMINATED.

(a) REPORTS ON PERFORMANCE AND DISPOSAL OF ALTERNATIVE FUELED HEAVY DUTY VEHICLES.—Paragraphs (3) and (4) of section 400AA(b) of the Energy Policy and Conservation Act (42 U.S.C. 6374(b)(3), 6374(b)(4)) are repealed.

(b) REPORT ON WIND ENERGY SYSTEMS.—Section 9(a)(3) of the Wind Energy Systems Act of 1980 (42 U.S.C. 9208(a)(3)) is repealed.

(c) REPORT ON COMPREHENSIVE PROGRAM MANAGEMENT PLAN FOR OCEAN THERMAL ENERGY CONVERSION.—Section 3(d) of the Ocean Thermal Energy Conversion Research, Development, and Demonstration Act (42 U.S.C. 9002(d)) is repealed.

(d) REPORTS ON SUBSEABED DISPOSAL OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE.—Subsections (a) and (b)(5) of section 224 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10204(a), 10204(b)(5)) are repealed.

(e) REPORT ON FUEL USE ACT.—Sections 711(c)(2) and 806 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8421(c)(2), 8482) are repealed.

(f) REPORT ON TEST PROGRAM OF STORAGE OF REFINED PETROLEUM PRODUCTS WITHIN THE STRATEGIC PETROLEUM RESERVE.—Section 160(g)(7) of the Energy Policy and Conservation Act (42 U.S.C. 6240(g)(7)) is repealed.

(g) REPORT ON NAVAL PETROLEUM AND OIL SHALE RESERVES PRODUCTION.—Section 7434 of title 10, United States Code, is repealed.

(h) REPORT ON EFFECTS OF PRESIDENTIAL MESSAGE ESTABLISHING A NUCLEAR NONPROLIFERATION POLICY ON NUCLEAR RESEARCH AND DEVELOPMENT COOPERATIVE AGREEMENTS.—Section 203 of the Department of Energy Act of 1978—Civilian Applications (22 U.S.C. 2429 note) is repealed.

(i) REPORT ON WRITTEN AGREEMENTS REGARDING NUCLEAR WASTE REPOSITORY SITES.—Section 117(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10137(c)) is amended by striking the following: "If such written agreement is not completed prior to the expiration of such period, the Secretary shall report to the Congress in writing not later than 30 days after the expiration of such period on the status of negotiations to develop such agreement and the reasons why such agreement has not been completed. Prior to submission of such report to the Congress, the Secretary shall transmit such report to the Governor of such State or the governing body of such affected Indian tribe, as the case may be, for their review and comments. Such comments shall be included in such report prior to submission to the Congress.".

(j) QUARTERLY REPORT ON STRATEGIC PETROLEUM RESERVES.—Section 165(b) of the Energy Policy and Conservation Act (42 U.S.C. 6245(b)) is repealed.

(k) REPORT ON THE DEPARTMENT OF ENERGY.—The Federal Energy Administration Act of 1974 (15 U.S.C. 790d), is amended by striking out section 55.

SEC. 1052. REPORTS MODIFIED.

(a) REPORTS ON PROCESS-ORIENTED INDUSTRIAL ENERGY EFFICIENCY AND INDUSTRIAL INSULATION AUDIT GUIDELINES.—

(1) Section 132(d) of the Energy Policy Act of 1992 (42 U.S.C. 6349(d)) is amended—

(A) in the language preceding paragraph (1), by striking "Not later than 2 years after October 24, 1992, and annually thereafter" and inserting "Not later than October 24, 1995, and biennially thereafter";

(B) in paragraph (4), by striking "and" at the end;

(C) in paragraph (5), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following new paragraph:

"(6) the information required under section 133(c).".

(2) Section 133(c) of the Energy Policy Act of 1992 (42 U.S.C. 6350(c)) is amended—

(A) by striking, "October 24, 1992" and inserting "October 24, 1995"; and

(B) by inserting "as part of the report required under section 132(d)," after "and biennially thereafter,".

(b) REPORT ON AGENCY REQUESTS FOR WAIVER FROM FEDERAL ENERGY MANAGEMENT REQUIREMENTS.—Section 543(b)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8253(b)(2)) is amended—

(1) by inserting ", as part of the report required under section 548(b)," after "the Secretary shall"; and

(2) by striking "promptly".

(c) REPORT ON THE PROGRESS, STATUS, ACTIVITIES, AND RESULTS OF PROGRAMS REGARDING THE PROCUREMENT AND IDENTIFICATION OF ENERGY EFFICIENT PRODUCTS.—Section 161(d) of the Energy Policy Act of 1992 (42 U.S.C. 8262g(d)) is amended by striking "of each year thereafter,"; and inserting "thereafter as part of the report required under section 548(b) of the National Energy Conservation Policy Act,".

(d) REPORT ON THE FEDERAL GOVERNMENT ENERGY MANAGEMENT PROGRAM.—Section 548(b) of the National Energy Conservation Policy Act (42 U.S.C. 8258(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "and" after the semicolon;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following new subparagraph:

"(B) the information required under section 543(b)(2); and";

(2) in paragraph (2), by striking "and" after the semicolon;

(3) in paragraph (3), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following new paragraph:

"(4) the information required under section 161(d) of the Energy Policy Act of 1992.".

(e) REPORT ON ALTERNATIVE FUEL USE BY SELECTED FEDERAL VEHICLES.—Section 400AA(b)(1)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6374(b)(1)(B)) is amended by striking "and annually thereafter".

(f) REPORT ON THE OPERATION OF STATE ENERGY CONSERVATION PLANS.—Section 365(c) of the Energy Policy and Conservation Act (42 U.S.C. 6325(c)) is amended by striking "report annually" and inserting ", as part of the report required under section 657 of the Department of Energy Organization Act, report".

(g) REPORT ON THE DEPARTMENT OF ENERGY.—Section 657 of the Department of Energy Organization Act (42 U.S.C. 7267) is amended by inserting after "section 15 of the Federal Energy Administration Act of 1974," the following: "section 365(c) of the Energy Policy and Conservation Act, section 304(c) of the Nuclear Waste Policy Act of 1982,".

(h) REPORT ON COST-EFFECTIVE WAYS TO INCREASE HYDROPOWER PRODUCTION AT FEDERAL WATER FACILITIES.—Section 2404 of the Energy Policy Act of 1992 (16 U.S.C. 797 note) is amended—

(1) in subsection (a), by striking "The Secretary, in consultation with the Secretary of the Interior and the Secretary of the Army," and inserting "The Secretary of the Interior and the Secretary of the Army, in consultation with the Secretary,"; and

(2) in subsection (b), by striking "the Secretary" and inserting "the Secretary of the Interior, or the Secretary of the Army,".

(i) REPORT ON PROGRESS MEETING FUSION ENERGY PROGRAM OBJECTIVES.—Section 2114(c)(5) of the Energy Policy Act of 1992 (42 U.S.C. 13474(c)(5)) is amended by striking out the first sentence and inserting in lieu thereof "The President shall include in the budget submitted to the Congress each year under section 1105 of title 31, United States Code, a report prepared by the Secretary describing the progress made in meeting the program objectives, milestones, and schedules established in the management plan.".

(j) REPORT ON HIGH-PERFORMANCE COMPUTING ACTIVITIES.—Section 203(d) of the High-Performance Computing Act of 1991 (15 U.S.C. 5523(d)) is amended to read as follows:

"(d) REPORTS.—Not later than 1 year after the date of enactment of this subsection, and thereafter as part of the report required under section 101(a)(3)(A), the Secretary of Energy shall report on activities taken to carry out this Act.".

(k) REPORT ON NATIONAL HIGH-PERFORMANCE COMPUTING PROGRAM.—Section 101(a)(4) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(4)) is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following new subparagraph:

"(E) include the report of the Secretary of Energy required by section 203(d); and".

(l) REPORT ON NUCLEAR WASTE DISPOSAL PROGRAM.—Section 304(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10224(d)) is amended to read as follows:

"(d) AUDIT BY GAO.—If requested by either House of the Congress (or any committee thereof) or if considered necessary by the Comptroller General, the General Accounting Office shall conduct an audit of the Office, in accord with such regulations as the Comptroller General may prescribe. The Comptroller General shall have access to such books, records, accounts, and other materials of the Office as the Comptroller General determines to be necessary for the preparation of such audit. The Comptroller General shall submit a report on the results of each audit conducted under this section.".

CHAPTER 6—DEPARTMENT OF HEALTH AND HUMAN SERVICES

SEC. 1061. REPORTS ELIMINATED.

(a) REPORT ON THE EFFECTS OF TOXIC SUBSTANCES.—Subsection (c) of section 27 of the Toxic Substance Control Act (15 U.S.C. 2626(c)) is repealed.

(b) REPORT ON COMPLIANCE WITH THE CONSUMER-PATIENT RADIATION HEALTH AND SAFETY ACT.—Subsection (d) of section 981 of the Consumer-Patient Radiation Health and Safety Act of 1981 (42 U.S.C. 10006(d)) is repealed.

(c) REPORT ON EVALUATION OF TITLE VIII PROGRAMS.—Section 859 of the Public Health Service Act (42 U.S.C. 298b–6) is repealed.

(d) REPORT ON MODEL SYSTEM FOR PAYMENT FOR OUTPATIENT HOSPITAL SERVICES.—Paragraph (6) of section 1135(d) of the Social Security Act (42 U.S.C. 1320b–5(d)(6)) is repealed.

(e) REPORT ON MEDICARE TREATMENT OF UNCOMPENSATED CARE.—Paragraph (2) of section 603(a) of the Social Security Amendments of 1983 (42 U.S.C. 1395ww note) is repealed.

(f) REPORT ON PROGRAM TO ASSIST HOMELESS INDIVIDUALS.—Subsection (d) of section 9117 of the Omnibus Budget Reconciliation Act of 1987 (42 U.S.C. 1383 note) is repealed.

SEC. 1062. REPORTS MODIFIED.

(a) REPORT OF THE SURGEON GENERAL.—Section 239 of the Public Health Service Act (42 U.S.C. 238h) is amended to read as follows:

"BIANNUAL REPORT

"SEC. 239. The Surgeon General shall transmit to the Secretary, for submission to the Congress, on January 1, 1995, and on January 1, every 2 years thereafter, a full report of the administration of the functions of the Service under this Act, including a detailed statement of receipts and disbursements.".

(b) REPORT ON HEALTH SERVICE RESEARCH ACTIVITIES.—Subsection (b) of section 494A of the Public Health Service Act (42 U.S.C. 289c–1(b)) is amended by striking "September 30, 1993, and annually thereafter" and inserting "December 30, 1993, and each December 30 thereafter".

(c) REPORT ON FAMILY PLANNING.—Section 1009(a) of the Public Health Service Act (42 U.S.C. 300a–7(a)) is amended by striking "each fiscal year" and inserting "fiscal year 1995, and each second fiscal year thereafter,".

(d) REPORT ON THE STATUS OF HEALTH INFORMATION AND HEALTH PROMOTION.—Section 1705(a) of the Public Health Service Act (42 U.S.C. 300u–4) is amended in the first sentence by striking out "annually" and inserting in lieu thereof "biannually".

CHAPTER 7—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 1071. REPORTS ELIMINATED.

(a) REPORTS ON PUBLIC HOUSING HOMEOWNERSHIP AND MANAGEMENT OPPORTUNITIES.—Section 21(f) of the United States Housing Act of 1937 (42 U.S.C. 1437s(f)) is repealed.

(b) INTERIM REPORT ON PUBLIC HOUSING MIXED INCOME NEW COMMUNITIES STRATEGY DEMONSTRATION.—Section 522(k)(1) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437f note) is repealed.

(c) BIENNIAL REPORT ON INTERSTATE LAND SALES REGISTRATION PROGRAM.—Section 1421 of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1719a) is repealed.

(d) QUARTERLY REPORT ON ACTIVITIES UNDER THE FAIR HOUSING INITIATIVES PROGRAM.—Section 561(e)(2) of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a(e)(2)) is repealed.

(e) COLLECTION OF AND ANNUAL REPORT ON RACIAL AND ETHNIC DATA.—Section 562(b) of the Housing and Community Development Act of 1987 (42 U.S.C. 3608a(b)) is repealed.

SEC. 1072. REPORTS MODIFIED.

(a) REPORT ON HOMEOWNERSHIP OF MULTIFAMILY UNITS PROGRAM.—Section 431 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12880) is amended—

(1) in the section heading, by striking "**ANNUAL**"; and

(2) by striking "The Secretary shall annually" and inserting "The Secretary shall no later than December 31, 1995,".

(b) TRIENNIAL AUDIT OF TRANSACTIONS OF NATIONAL HOMEOWNERSHIP FOUNDATION.—Section 107(g)(1) of the Housing and Urban

Development Act of 1968 (12 U.S.C. 1701y(g)(1)) is amended by striking the last sentence.

(c) REPORT ON LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.—Section 2605(h) of the Low-Income Home Energy Assistance Act of 1981 (Public Law 97–35; 42 U.S.C. 8624(h)), is amended by striking out "(but not less frequently than every three years),".

CHAPTER 8—DEPARTMENT OF THE INTERIOR

SEC. 1081. REPORTS ELIMINATED.

(a) REPORT ON AUDITS IN FEDERAL ROYALTY MANAGEMENT SYSTEM.—Section 17(j) of the Mineral Leasing Act (30 U.S.C. 226(j)) is amended by striking the last sentence.

(b) REPORT ON DOMESTIC MINING, MINERALS, AND MINERAL RECLAMATION INDUSTRIES.—Section 2 of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a) is amended by striking the last sentence.

(c) REPORT ON PHASE I OF THE HIGH PLAINS STATES GROUNDWATER DEMONSTRATION PROJECT.—Section 3(d) of the High Plains States Groundwater Demonstration Program Act of 1983 (43 U.S.C. 390g–1(d)) is repealed.

(d) REPORT ON RECLAMATION REFORM ACT COMPLIANCE.—Section 224(g) of the Reclamation Reform Act of 1982 (43 U.S.C. 390ww(g)) is amended by striking the last 2 sentences.

(e) REPORT ON GEOLOGICAL SURVEYS CONDUCTED OUTSIDE THE DOMAIN OF THE UNITED STATES.—Section 2 of Public Law 87–626 (43 U.S.C. 31(c)) is repealed.

(f) REPORT ON RECREATION USE FEES.—Section 4(h) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(h)) is repealed.

(g) REPORT ON FEDERAL SURPLUS REAL PROPERTY PUBLIC BENEFIT DISCOUNT PROGRAM FOR PARKS AND RECREATION.—Section 203(o)(1) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(o)(1)) is amended by striking "subsection (k) of this section and".

SEC. 1082. REPORTS MODIFIED.

(a) REPORT ON LEVELS OF THE OGALLALA AQUIFER.—Title III of the Water Resources Research Act of 1984 (42 U.S.C. 10301 note) is amended—

(1) in section 306, by striking "annually" and inserting "biennially"; and

(2) in section 308, by striking "intervals of one year" and inserting "intervals of 2 years".

(b) REPORT ON EFFECTS OF OUTER CONTINENTAL SHELF LEASING ACTIVITIES ON HUMAN, MARINE, AND COASTAL ENVIRONMENTS.—Section 20(e) of the Outer Continental Shelf Lands Act (43 U.S.C. 1346(e)) is amended by striking "each fiscal year" and inserting "every 3 fiscal years".

CHAPTER 9—DEPARTMENT OF JUSTICE

SEC. 1091. REPORTS ELIMINATED.

(a) REPORT ON CRIME AND CRIME PREVENTION.—(1) Section 3126 of title 18, United States Code, is repealed.

(2) The table of sections for chapter 206 of title 18, United States Code, is amended by striking out the item relating to section 3126.

(b) REPORT ON DRUG INTERDICTION TASK FORCE.—Section 3301(a)(1)(C) of the National Drug Interdiction Act of 1986 (21 U.S.C. 801 note; Public Law 99–570; 100 Stat. 3207–98) is repealed.

(c) REPORT ON EQUAL ACCESS TO JUSTICE.—Section 2412(d)(5) of title 28, United States Code, is repealed.

(d) REPORT ON FEDERAL OFFENDER CHARACTERISTICS.—Section 3624(f)(6) of title 18, United States Code, is repealed.

(e) REPORT ON COSTS OF DEATH PENALTY.—The Anti-Drug Abuse Act of 1988 (Public Law 100–690; 102 Stat. 4395; 21 U.S.C. 848 note) is amended by striking out section 7002.

(f) MINERAL LANDS LEASING ACT.—Section 8B of the Mineral Lands Leasing Act (30 U.S.C. 208–2) is repealed.

(g) SMALL BUSINESS ACT.—Subsection (c) of section 10 of the Small Business Act (15 U.S.C. 639(c)) is repealed.

(h) ENERGY POLICY AND CONSERVATION ACT.—Section 252(i) of the Energy Policy Conservation Act (42 U.S.C. 6272(i)) is amended by striking ", at least once every 6 months, a report" and inserting ", at such intervals as are appropriate based on significant developments and issues, reports".

(i) REPORT ON FORFEITURE FUND.—Section 524(c) of title 28, United States Code, is amended—

(1) by striking out paragraph (7); and

(2) by redesignating paragraphs (8) through (12) as paragraphs (7) through (11), respectively.

CHAPTER 10—DEPARTMENT OF LABOR

SEC. 1101. REPORTS ELIMINATED.

Section 408(d) of the Veterans Education and Employment Amendments of 1989 (38 U.S.C. 4100 note) is repealed.

SEC. 1102. REPORTS MODIFIED.

(a) REPORT ON THE ACTIVITIES CONDUCTED UNDER THE FAIR LABOR STANDARDS ACT OF 1938.—Section 4(d)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 204(d)(1)) is amended—

(1) by striking "annually" and inserting "biannually"; and

(2) by striking "preceding year" and inserting "preceding two years".

(b) ANNUAL REPORT OF THE OFFICE OF WORKERS' COMPENSATION.—

(1) REPORT ON THE ADMINISTRATION OF THE LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT.—Section 42 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 942) is amended—

(A) by striking "beginning of each" and all that follows through "Amendments of 1984" and inserting "end of each fiscal year"; and

(B) by adding the following new sentence at the end: "Such report shall include the annual reports required under section 426(b) of the Black Lung Benefits Act (30 U.S.C. 936(b)) and section 8194 of title 5, United States Code, and shall be identified as the Annual Report of the Office of Workers' Compensation Programs.".

(2) REPORT ON THE ADMINISTRATION OF THE BLACK LUNG BENEFITS PROGRAM.—Section 426(b) of the "Black Lung Benefits Act (30 U.S.C. 936(b)) is amended—

(A) by striking "Within" and all that follows through "Congress the" and inserting "At the end of each fiscal year, the"; and

(B) by adding the following new sentence at the end: "Each such report shall be prepared and submitted to Congress in accordance with the requirement with respect to submission under section 42 of the Longshore Harbor Workers' Compensation Act (33 U.S.C. 942).".

(3) REPORT ON THE ADMINISTRATION OF THE FEDERAL EMPLOYEES' COMPENSATION ACT.—(A) Subchapter I of chapter 81 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 8152. Annual report

"The Secretary of Labor shall, at the end of each fiscal year, prepare a report with respect to the administration of this chapter. Such report shall be submitted to Congress in accordance with the requirement with respect to submission under section 42 of the Longshore Harbor Workers' Compensation Act (33 U.S.C. 942).".

(B) The table of sections for chapter 81 of title 5, United States Code, is amended by inserting after the item relating to section 8151 the following:

"8152. Annual report.".

(c) ANNUAL REPORT ON THE DEPARTMENT OF LABOR.—Section 9 of an Act entitled "An Act to create a Department of Labor", approved March 4, 1913 (29 U.S.C. 560) is amended by striking "make a report" and all that follows through "the department" and inserting "prepare and submit to Congress the financial statements of the Department that have been audited".

CHAPTER 11—DEPARTMENT OF STATE

SEC. 1111. REPORTS ELIMINATED.

Section 8 of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2606) is amended by striking subsection (b), and redesignating subsection (c) as subsection (b).

CHAPTER 12—DEPARTMENT OF TRANSPORTATION

SEC. 1121. REPORTS ELIMINATED.

(a) REPORT ON DEEPWATER PORT ACT OF 1974.—Section 20 of the Deepwater Port Act of 1974 (33 U.S.C. 1519) is repealed.

(b) REPORT ON COAST GUARD LOGISTICS CAPABILITIES CRITICAL TO MISSION PERFORMANCE.—Sections 5(a)(2) and 5(b) of the Coast Guard Authorization Act of 1988 (10 U.S.C. 2304 note) are repealed.

(c) REPORT ON MARINE PLASTIC POLLUTION RESEARCH AND CONTROL ACT OF 1987.—Section 2201(a) of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1902 note) is amended by striking "biennially" and inserting "triennially".

(d) REPORT ON APPLIED RESEARCH AND TECHNOLOGY PROGRAM.—Section 307(e)(11) of title 23, United States Code, is repealed.

(e) REPORTS ON HIGHWAY SAFETY IMPROVEMENT PROGRAMS.—

(1) REPORT ON RAILWAY-HIGHWAY CROSSINGS PROGRAM.—Section 130(g) of title 23, United States Code, is amended by striking the last 3 sentences.

(2) REPORT ON HAZARD ELIMINATION PROGRAM.—Section 152(g) of title 23, United States Code, is amended by striking the last 3 sentences.

(f) REPORT ON HIGHWAY SAFETY PERFORMANCE—FATAL AND INJURY ACCIDENT RATES ON PUBLIC ROADS IN THE UNITED STATES.—Section 207 of the Highway Safety Act of 1982 (23 U.S.C. 401 note) is repealed.

(g) REPORT ON HIGHWAY SAFETY PROGRAM STANDARDS.—Section 402(a) of title 23, United States Code, is amended by striking the fifth sentence.

(h) REPORT ON RAILROAD-HIGHWAY DEMONSTRATION PROJECTS.—Section 163(o) of the Federal-Aid Highway Act of 1973 (23 U.S.C. 130 note) is repealed.

(i) REPORT ON UNIFORM RELOCATION ACT AMENDMENTS OF 1987.—Section 103(b)(2) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4604(b)(2)) is repealed.

(j) REPORT ON FEDERAL RAILROAD SAFETY ACT OF 1970.—Section 211 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 440) is repealed.

(k) REPORT ON RAILROAD FINANCIAL ASSISTANCE.—Section 308(d) of title 49, United States Code, is repealed.

(l) REPORT ON USE OF ADVANCED TECHNOLOGY BY THE AUTOMOBILE INDUSTRY.—Section 305 of the Automotive Propulsion Research and Development Act of 1978 (15 U.S.C. 2704) is amended by striking the last sentence.

(m) REPORT ON OBLIGATIONS.—Section 4(b) of the Federal Transit Act (49 U.S.C. App. 1603(b)) is repealed.

(n) Report on Suspended Light Rail System Technology Pilot Project.—Section 26(c)(11) of the Federal Transit Act (49 U.S.C. App. 1622(c)(11)) is repealed.

(o) Report on Saint Lawrence Seaway Development Corporation.—Section 10(a) of the Act of May 13, 1954 (68 Stat. 96, chapter 201; 33 U.S.C. 989(a)) is repealed.

(p) Reports on Pipelines on Federal Lands.—Section 28(w)(4) of the Mineral Leasing Act (30 U.S.C. 185(w)(4)) is repealed.

(q) Reports on Pipeline Safety.—

(1) Report on natural gas pipeline safety act of 1968.—Section 16(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1683(a)) is amended in the first sentence by striking "of each year" and inserting "of each odd-numbered year".

(2) Report on hazardous liquid pipeline safety act of 1979.—Section 213 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2012) is amended in the first sentence by striking "of each year" and inserting "of each odd-numbered year".

SEC. 1122. REPORTS MODIFIED.

(a) Report on Major Acquisition Projects.—Section 337 of the Department of Transportation and Related Agencies Appropriations Act, 1993 (Public Law 102–338; 106 Stat. 1551) is amended—

(1) by striking "quarter of any fiscal year beginning after December 31, 1992, unless the Commandant of the Coast Guard first submits a quarterly report" and inserting "half of any fiscal year beginning after December 31, 1995, unless the Commandant of the Coast Guard first submits a semiannual report"; and

(2) by striking "quarter." and inserting "half-fiscal year.".

(b) Report on Oil Spill Liability Trust Fund.—The quarterly report regarding the Oil Spill Liability Trust Fund required to be submitted to the House and Senate Committees on Appropriations under House Report 101–892, accompanying the appropriations for the Coast Guard in the Department of Transportation and Related Agencies Appropriations Act, 1991, shall be submitted not later than 30 days after the end of the fiscal year in which this Act is enacted and annually thereafter.

(c) Report on Joint Federal and State Motor Fuel Tax Compliance Project.—Section 1040(d)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note) is amended by striking "September 30 and".

(d) Report on Public Transportation.—Section 308(e)(1) of title 49, United States Code, is amended by striking "January of each even-numbered year" and inserting "March 1995, March 1996, and March of each odd-numbered year thereafter".

(e) Report on Nation's Highways and Bridges.—Section 307(h) of title 23, United States Code, is amended by striking "January 1983, and in January of every second year thereafter" and inserting "March 1995, March 1996, and March of each odd-numbered year thereafter".

CHAPTER 13—DEPARTMENT OF THE TREASURY

SEC. 1131. REPORTS ELIMINATED.

(a) Report on the Operation and Status of State and Local Government Fiscal Assistance Trust Fund.—Paragraph (8) of section 14001(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (31 U.S.C. 6701 note) is repealed.

(b) Report on the Antirecession Provisions of the Public Works Employment Act of 1976.—Section 213 of the Public Works Employment Act of 1976 (42 U.S.C. 6733) is repealed.

(c) Report on the Asbestos Trust Fund.—Paragraph (2) of section 5(c) of the Asbestos Hazard Emergency Response Act of 1986 (20 U.S.C. 4022(c)) is repealed.

SEC. 1132. REPORTS MODIFIED.

(a) Report on the World Cup USA 1994 Commemorative Coin Act.—Subsection (g) of section 205 of the World Cup USA 1994 Commemorative Coin Act (31 U.S.C. 5112 note) is amended by striking "month" and inserting "calendar quarter".

(b) Reports on Various Funds.—Subsection (b) of section 321 of title 31, United States Code, is amended—

(1) by striking "and" at the end of paragraph (5),

(2) by striking the period at the end of paragraph (6) and inserting "; and", and

(3) by adding after paragraph (6) the following new paragraph:

"(7) notwithstanding any other provision of law, fulfill any requirement to issue a report on the financial condition of any fund on the books of the Treasury by including the required information in a consolidated report, except that information with respect to a specific fund shall be separately reported if the Secretary determines that the consolidation of such information would result in an unwarranted delay in the availability of such information.".

(c) Report on the James Madison-Bill of Rights Commemorative Coin Act.—Subsection (c) of section 506 of the James Madison-Bill of Rights Commemorative Coin Act (31 U.S.C. 5112 note) is amended by striking out "month" and inserting in lieu thereof "calendar quarter".

CHAPTER 14—DEPARTMENT OF VETERANS AFFAIRS

SEC. 1141. REPORTS ELIMINATED.

(a) Report on Furnishing Contract Care Services.—Section 1703(c) of title 38, United States Code, is repealed.

(b) Report on Adequacy of Rates for State Home Care.—Section 1741 of such title is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(c) Report on Loans To Purchase Manufactured Homes.—Section 3712 of such title is amended—

(1) by striking out subsection (l); and

(2) by redesignating subsection (m) as subsection (l).

(d) Report on Level of Treatment Capacity.—Section 8110(a)(3) of such title is amended—

(1) in subparagraph (A)—

(A) by striking out "(A)"; and

(B) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(2) by striking out subparagraph (B).

(e) Report on Compliance With Funded Personnel Coding.—

(1) Repeal of report requirement.—Section 8110(a)(4) of title 38, United States Code, is amended by striking out subparagraph (C).

(2) Conforming amendments.—Section 8110(a)(4) of title 38, United States Code, is amended by—

(A) redesignating subparagraph (C) as subparagraph (D);

(B) in subparagraph (A), by striking out "subparagraph (D)" and inserting in lieu thereof "subparagraph (C)"; and

(C) in subparagraph (B), by striking out "subparagraph (D)" and inserting in lieu thereof "subparagraph (C)".

Subtitle II—Independent Agencies

CHAPTER 1—ACTION

SEC. 2011. REPORTS ELIMINATED.

Section 226 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5026) is amended—

(1) by striking subsection (b); and

(2) in subsection (a)—

(A) in paragraph (2), by striking "(2)" and inserting "(b)"; and

(B) in paragraph (1)—

(i) by striking "(1)(A)" and inserting "(1)"; and

(ii) in subparagraph (B)—

(I) by striking "(B)" and inserting "(2)"; and

(II) by striking "subparagraph (A)" and inserting "paragraph (1)".

CHAPTER 2—ENVIRONMENTAL PROTECTION AGENCY

SEC. 2021. REPORTS ELIMINATED.

(a) Report on Allocation of Water.—Section 102 of the Federal Water Pollution Control Act (33 U.S.C. 1252) is amended by striking subsection (d).

(b) Report on Variance Requests.—Section 301(n) of the Federal Water Pollution Control Act (33 U.S.C. 1311(n)) is amended by striking paragraph (8).

(c) Report on Implementation of Clean Lakes Projects.—Section 314(d) of the Federal Water Pollution Control Act (33 U.S.C. 1324(d)) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

(d) Report on Use of Municipal Secondary Effluent and Sludge.—Section 516 of the Federal Water Pollution Control Act (33 U.S.C. 1375) (as amended by subsection (g)) is further amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(e) Report on Certain Water Quality Standards and Permits.—Section 404 of the Water Quality Act of 1987 (Public Law 100–4; 33 U.S.C. 1375 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(f) Report on Class V Wells.—Section 1426 of title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") (42 U.S.C. 300h–5) is amended—

(1) in subsection (a), by striking "(a) Monitoring Methods.—"; and

(2) by striking subsection (b).

(g) Report on Sole Source Aquifer Demonstration Program.—Section 1427 of title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") (42 U.S.C. 300h–6) is amended—

(1) by striking subsection (l); and

(2) by redesignating subsections (m) and (n) as subsections (l) and (m), respectively.

(h) Report on Supply of Safe Drinking Water.—Section 1442 of title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") (42 U.S.C. 300h–6) is amended—

(1) by striking subsection (c);

(2) by redesignating subsection (d) as subsection (c); and

(3) by redesignating subsections (f) and (g) as subsections (d) and (e), respectively.

(i) Report on Nonnuclear Energy and Technologies.—Section 11 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5910) is repealed.

(j) Report on Emissions at Coal-Burning Powerplants.—

(1) Section 745 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8455) is repealed.

(2) The table of contents in section 101(b) of such Act (42 U.S.C. prec. 8301) is amended by striking the item relating to section 745.

(k) 5-Year Plan for Environmental Research, Development, and Demonstration.—

(1) Section 5 of the Environmental Research, Development, and Demonstration Authorization Act of 1976 (42 U.S.C. 4361) is repealed.

(2) Section 4 of the Environmental Research, Development, and Demonstration Authorization Act of 1978 (42 U.S.C. 4361a) is repealed.

(3) Section 8 of such Act (42 U.S.C. 4365) is amended—

(A) by striking subsection (c); and

(B) by redesignating subsections (d) through (i) as subsections (c) through (h), respectively.

(l) Plan on Assistance to States for Radon Programs.—Section 305 of the Toxic Substances Control Act (15 U.S.C. 2665) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

CHAPTER 3—EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SEC. 2031. REPORTS MODIFIED.

Section 705(k)(2)(C) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–4(k)(2)(C)) is amended—

(1) in the matter preceding clause (i), by striking "including" and inserting "including information, presented in the aggregate, relating to";

(2) in clause (i), by striking "the identity of each person or entity" and inserting "the number of persons and entities";

(3) in clause (ii), by striking "such person or entity" and inserting "such persons and entities"; and

(4) in clause (iii)—

(A) by striking "fee" and inserting "fees"; and

(B) by striking "such person or entity" and inserting "such persons and entities".

CHAPTER 4—FEDERAL AVIATION ADMINISTRATION

SEC. 2041. REPORTS ELIMINATED.

Section 7207(c)(4) of the Anti-Drug Abuse Act of 1988 (Public Law 100–690; 102 Stat. 4428; 49 U.S.C. App. 1354 note) is amended—

(1) by striking out "GAO"; and

(2) by striking out "the Comptroller General" and inserting in lieu thereof "the Department of Transportation Inspector General".

CHAPTER 5—FEDERAL COMMUNICATIONS COMMISSION

SEC. 2051. REPORTS ELIMINATED.

(a) Report to the Congress Under the Communications Satellite Act of 1962.—Section 404(c) of the Communications Satellite Act of 1962 (47 U.S.C. 744(c)) is repealed.

(b) Reimbursement for Amateur Examination Expenses.—Section 4(f)(4)(J) of the Communications Act of 1934 (47 U.S.C. 154(f)(4)(J)) is amended by striking out the last sentence.

CHAPTER 6—FEDERAL DEPOSIT INSURANCE CORPORATION

SEC. 2061. REPORTS ELIMINATED.

Section 102(b)(1) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242; 105 Stat. 2237; 12 U.S.C. 1825 note) is amended to read as follows:

"(1) Quarterly reporting.—Not later than 90 days after the end of any calendar quarter in which the Federal Deposit Insurance Corporation (hereafter in this section referred to as the 'Corporation') has any obligations pursuant to section 14 of the Federal Deposit Insurance Act outstanding, the Comptroller General of the United States shall submit a report on the Corporation's compliance at the end of that quarter with section 15(c) of the Federal Deposit Insurance Act to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives. Such a report shall be included in the Comptroller General's audit report for that year, as required by section 17 of the Federal Deposit Insurance Act.".

CHAPTER 7—FEDERAL EMERGENCY MANAGEMENT AGENCY

SEC. 2071. REPORTS ELIMINATED.

Section 201(h) of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2281(h)) is amended by striking the second proviso.

CHAPTER 8—FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

SEC. 2081. REPORTS ELIMINATED.

Section 9503 of title 31, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) The requirements of this section are satisfied with respect to the Thrift Savings Plan described under subchapter III of chapter 84 of title 5, by preparation and transmission of the report described under section 8439(b) of such title.".

CHAPTER 9—GENERAL SERVICES ADMINISTRATION

SEC. 2091. REPORTS ELIMINATED.

(a) Report on Properties Conveyed for Historic Monuments and Correctional Facilities.—Section 203(o) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(o)) is amended—

(1) by striking out paragraph (1);

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(3) in paragraph (2) (as so redesignated) by striking out "paragraph (2)" and inserting in lieu thereof "paragraph (3)".

(b) Report on Proposed Sale of Surplus Real Property and Report on Negotiated Sales.—Section 203(e)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(e)(6)) is repealed.

(c) Report on Properties Conveyed for Wildlife Conservation.—Section 3 of the Act entitled "An Act authorizing the transfer of certain real property for wildlife, or other purposes.", approved May 19, 1948 (16 U.S.C. 667d; 62 Stat. 241) is amended by striking out "and shall be included in the annual budget transmitted to the Congress".

CHAPTER 10—INTERSTATE COMMERCE COMMISSION

SEC. 2101. REPORTS ELIMINATED.

Section 10327(k) of title 49, United States Code, is amended to read as follows:

"(k) If an extension granted under subsection (j) is not sufficient to allow for completion of necessary proceedings, the Commission may grant a further extension in an extraordinary situation if a majority of the Commissioners agree to the further extension by public vote.".

CHAPTER 11—LEGAL SERVICES CORPORATION

SEC. 2111. REPORTS MODIFIED.

Section 1009(c)(2) of the Legal Services Corporation Act (42 U.S.C. 2996h(c)(2)) is amended by striking out "The" and inserting in lieu thereof "Upon request, the".

CHAPTER 12—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SEC. 2121. REPORTS ELIMINATED.

Section 21(g) of the Small Business Act (15 U.S.C. 648(g)) is amended to read as follows:

"(g) National Aeronautics and Space Administration and Industrial Application Centers.—The National Aeronautics and Space Administration and industrial application centers supported by the National Aeronautics and Space Administration are authorized and directed to cooperate with small business development centers participating in the program.".

CHAPTER 13—NATIONAL COUNCIL ON DISABILITY

SEC. 2131. REPORTS ELIMINATED.

Section 401(a) of the Rehabilitation Act of 1973 (29 U.S.C. 781(a)) is amended—

(1) by striking paragraph (9); and

(2) by redesignating paragraphs (10) and (11) as paragraphs (9) and (10), respectively.

CHAPTER 14—NATIONAL SCIENCE FOUNDATION

SEC. 2141. REPORTS ELIMINATED.

(a) Strategic Plan for Science and Engineering Education.—Section 107 of the Education for Economic Security Act (20 U.S.C. 3917) is repealed.

(b) Budget Estimate.—Section 14 of the National Science Foundation Act of 1950 (42 U.S.C. 1873) is amended by striking subsection (j).

CHAPTER 15—NATIONAL TRANSPORTATION SAFETY BOARD

SEC. 2151. REPORTS MODIFIED.

Section 305 of the Independent Safety Board Act of 1974 (49 U.S.C. 1904) is amended—

(1) in paragraph (2) by adding "and" after the semicolon;

(2) in paragraph (3) by striking out "; and" and inserting in lieu thereof a period; and

(3) by striking out paragraph (4).

CHAPTER 16—NEIGHBORHOOD REINVESTMENT CORPORATION

SEC. 2161. REPORTS ELIMINATED.

Section 607(c) of the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8106(c)) is amended by striking the second sentence.

CHAPTER 17—NUCLEAR REGULATORY COMMISSION

SEC. 2171. REPORTS MODIFIED.

Section 208 of the Energy Reorganization Act of 1974 (42 U.S.C. 5848) is amended by striking "each quarter a report listing for that period" and inserting "an annual report listing for the previous fiscal year".

CHAPTER 18—OFFICE OF PERSONNEL MANAGEMENT

SEC. 2181. REPORTS ELIMINATED.

(a) Report on Career Reserved Positions.—(1) Section 3135 of title 5, United States Code, is repealed.

(2) The table of sections for chapter 31 of title 5, United States Code, is amended by striking out the item relating to section 3135.

(b) Report on Performance Awards.—Section 4314(d)(3) of title 5, United States Code, is repealed.

(c) Report on Training Programs.—(1) Section 4113 of title 5, United States Code, is repealed.

(2) The table of sections for chapter 41 of title 5, United States Code, is amended by striking out the item relating to section 4113.

(d) Report on Prevailing Rate System.—Section 5347 of title 5, United States Code, is amended by striking out the fourth and fifth sentences.

(e) Report on Activities of the Merit Systems Protection Board and the Office of Personnel Management.—Section 2304 of title 5, United States Code, is amended—

(1) in subsection (a) by striking out "(a)"; and

(2) by striking subsection (b).

SEC. 2182. REPORTS MODIFIED.

(a) Report on Senior Executive Service Positions.—Section 3135(a) of title 5, United States Code, is amended—

(1) in paragraph (1) by striking out ", and the projected number of Senior Executive Service positions to be authorized for the next 2 fiscal years, in the aggregate and by agency";

(2) by striking out paragraphs (3) and (8); and

(3) by redesignating paragraphs (4), (5), (6), (7), (9), and (10) as paragraphs (3), (4), (5), (6), (7), and (8), respectively.

(b) Report on District of Columbia Retirement Fund.—Section 145 of the District of Columbia Retirement Reform Act (Public Law 96–122; 93 Stat. 882) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking out "(1)";

(ii) by striking out "and the Comptroller General shall each" and inserting in lieu thereof "shall"; and

(iii) by striking out "each"; and

(B) by striking out paragraph (2); and

(2) in subsection (d), by striking out "the Comptroller General and" each place it appears.

(c) Report on Revolving Fund.—Section 1304(e)(6) of title 5, United States Code, is amended by striking out "at least once every three years".

CHAPTER 19—OFFICE OF THRIFT SUPERVISION

SEC. 2191. REPORTS MODIFIED.

Section 18(c)(6)(B) of the Federal Home Loan Bank Act (12 U.S.C. 1438(c)(6)(B)) is amended—

(1) by striking out "annually";

(2) by striking out "audit, settlement," and inserting in lieu thereof "settlement"; and

(3) by striking out ", and the first audit" and all that follows through "enacted".

CHAPTER 20—PANAMA CANAL COMMISSION

SEC. 2201. REPORTS ELIMINATED.

(a) Reports on Panama Canal.—Section 1312 of the Panama Canal Act of 1979 (Public Law 96–70; 22 U.S.C. 3722) is repealed.

(b) Technical and Conforming Amendment.—The table of contents in section 1 of such Act is amended by striking out the item relating to section 1312.

CHAPTER 21—POSTAL SERVICE

SEC. 2211. REPORTS MODIFIED.

(a) Report on Consumer Education Programs.—Section 4(b) of the mail Order Consumer Protection Amendments of 1983 (39 U.S.C. 3001 note; Public Law 98–186; 97 Stat. 1318) is amended to read as follows:

"(b) A summary of the activities carried out under subsection (a) shall be included in the first semiannual report submitted each year as required under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.).".

(b) Report on Investigative Activities.—Section 3013 of title 39, United States Code, is amended in the last sentence by striking out "the Board shall transmit such report to the Congress" and inserting in lieu thereof "the information in such report shall be included in the next semiannual report required under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.)".

CHAPTER 22—RAILROAD RETIREMENT BOARD

SEC. 2221. REPORTS MODIFIED.

Section 502 of the Railroad Retirement Solvency Act of 1983 (45 U.S.C. 231f–1) is amended by striking "On or before July 1, 1985, and each calendar year thereafter" and inserting "As part of the annual report required under section 22(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231u(a))".

CHAPTER 23—THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD

SEC. 2231. REPORTS MODIFIED.

Section 21A(k)(9) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(k)(9)) is amended by striking out "the end of each calendar quarter" and inserting in lieu thereof "June 30 and December 31 of each calendar year".

CHAPTER 24—UNITED STATES INFORMATION AGENCY

SEC. 2241. REPORTS ELIMINATED.

Notwithstanding section 601(c)(4) of the Foreign Service Act of 1980 (22 U.S.C. 4001(c)(4)), the reports otherwise required under such section shall not cover the activities of the United States Information Agency.

Subtitle III—Reports by All Departments and Agencies

SEC. 3001. REPORTS ELIMINATED.

(a) Report on Part-Time Employment.—(1) Section 3407 of title 5, United States Code, is repealed.

(2) The table of sections for chapter 34 of title 5, United States Code, is amended by striking out the item relating to section 3407.

(b) Budget Information on Consulting Services.—(1) Section 1114 of title 31, United States Code, is repealed.

(2) The table of sections for chapter 11 of title 31, United States Code, is amended by striking out the item relating to section 1114.

(c) Semiannual Report on Lobbying.—Section 1352 of title 31, United States Code, is amended by—

(1) striking out subsection (d); and

(2) redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

(d) Reports on Program Fraud and Civil Remedies.—(1) Section 3810 of title 31, United States Code, is repealed.

(2) The table of sections for chapter 38 of title 31, United States Code, is amended by striking out the item relating to section 3810.

(e) Report on Right to Financial Privacy Act.—Section 1121 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3421) is repealed.

(f) Report on Foreign Loan Risks.—Section 913(d) of the International Lending Supervision Act of 1983 (12 U.S.C. 3912(d)) is repealed.

(g) Report on Plans To Convert to the Metric System.—Section 12 of the Metric Conversion Act of 1975 (15 U.S.C. 205j–1) is repealed.

(h) Report on Technology Utilization and Intellectual Property Rights.—Section 11(f) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(f)) is repealed.

(i) Report on Extraordinary Contractual Actions To Facilitate the National Defense.—Section 4(a) of the Act entitled "An Act to authorize the making, amendment, and modification of contracts to facilitate the national defense", approved August 28, 1958 (50 U.S.C. 1434(a)), is amended by striking out "all such actions taken" and inserting in lieu thereof "if any such action has been taken".

(j) Reports on Detailing Employees.—Section 619 of the Treasury, Postal Service, and General Government Appropriations Act, 1993 (Public Law 102–393; 106 Stat. 1769), is repealed.

SEC. 3002. REPORTS MODIFIED.

Section 552b(j) of title 5, United States Code, is amended to read as follows:

"(j) Each agency subject to the requirements of this section shall annually report to the Congress regarding the following:

"(1) The changes in the policies and procedures of the agency under this section that have occurred during the preceding 1-year period.

"(2) A tabulation of the number of meetings held, the exemptions applied to close meetings, and the days of public notice provided to close meetings.

"(3) A brief description of litigation or formal complaints concerning the implementation of this section by the agency.

"(4) A brief explanation of any changes in law that have affected the responsibilities of the agency under this section.".

Subtitle IV—Effective Date

SEC. 4001. EFFECTIVE DATE.

Except as otherwise provided in this title, the provisions of this title and amendments made by this title shall take effect on the date of the enactment of this Act.

MOTION OFFERED BY MR. CLINGER

Mr. CLINGER. Mr. Chairman, I offer a motion.

The Clerk read as follows:

Mr. Clinger moves to strike all after the enacting clause of S. 244 and to insert in lieu thereof the text of H.R. 830, as passed, as follows:

H.R. 830

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Paperwork Reduction Act of 1995".

SEC. 2. COORDINATION OF FEDERAL INFORMATION POLICY.

Chapter 35 of title 44, United States Code, is amended to read as follows:

"CHAPTER 35—COORDINATION OF FEDERAL INFORMATION POLICY

"Sec.

"3501. Purposes.
"3502. Definitions.
"3503. Office of Information and Regulatory Affairs.
"3504. Authority and functions of Director.
"3505. Assignment of tasks and deadlines.
"3506. Federal agency responsibilities.
"3507. Public information collection activities; submission to Director; approval and delegation.
"3508. Determination of necessity for information; hearing.
"3509. Designation of central collection agency.
"3510. Cooperation of agencies in making information available.
"3511. Establishment and operation of Government Information Locator Service.
"3512. Public protection.
"3513. Director review of agency activities; reporting; agency response.

"3514. Responsiveness to Congress.
"3515. Administrative powers.
"3516. Rules and regulations.
"3517. Consultation with other agencies and the public.
"3518. Effect on existing laws and regulations.
"3519. Access to information.
"3520. Authorization of appropriations.

"§ 3501. Purposes

"The purposes of this chapter are to—

"(1) minimize the paperwork burden for individuals, small businesses, educational and nonprofit institutions, Federal contractors, State, local and tribal governments, and other persons resulting from the collection of information by or for the Federal Government;

"(2) ensure the greatest possible public benefit from and maximize the utility of information created, collected, maintained, used, shared and disseminated by or for the Federal Government;

"(3) coordinate, integrate, and to the extent practicable and appropriate, make uniform Federal information resources management policies and practices as a means to improve the productivity, efficiency, and effectiveness of Government programs, including the reduction of information collection burdens on the public and the improvement of service delivery to the public;

"(4) improve the quality and use of Federal information to strengthen decisionmaking, accountability, and openness in Government and society;

"(5) minimize the cost to the Federal Government of the creation, collection, maintenance, use, dissemination, and disposition of information;

"(6) strengthen the partnership between the Federal Government, State, local, and tribal governments by minimizing the burden and maximizing the utility of information created, collected, maintained, used, disseminated, and retained by or for the Federal Government;

"(7) provide for the dissemination of public information on a timely basis, on equitable terms, and in a manner that promotes the utility of the information to the public and makes effective use of information technology;

"(8) ensure that the creation, collection, maintenance, use, dissemination, and disposition of information by or for the Federal Government is consistent with applicable laws, including laws relating to—

"(A) privacy and confidentiality, including section 552a of title 5;

"(B) security of information, including the Computer Security Act of 1987 (Public Law 100–235); and

"(C) access to information, including section 552 of title 5;

"(9) ensure the integrity, quality, and utility of the Federal statistical system;

"(10) ensure that information technology is acquired, used, and managed to improve performance of agency missions, including the reduction of information collection burdens on the public; and

"(11) improve the responsibility and accountability of the Office of Management and Budget and all other Federal agencies to Congress and to the public for implementing the information collection review process, information resources management, and related policies and guidelines established under this chapter.

"§ 3502. Definitions

"As used in this chapter—

"(1) the term 'agency' means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency, but does not include—

"(A) the General Accounting Office;

"(B) Federal Election Commission;

"(C) the governments of the District of Columbia and of the territories and possessions of the United States, and their various subdivisions; or

"(D) Government-owned contractor-operated facilities, including laboratories engaged in national defense research and production activities;

"(2) the term 'burden' means time, effort, or financial resources expended by persons to generate, maintain, or provide information to or for a Federal agency, including the resources expended for—

"(A) reviewing instructions;

"(B) acquiring, installing, and utilizing technology and systems;

"(C) adjusting the existing ways to comply with any previously applicable instructions and requirements;

"(D) searching data sources;

"(E) completing and reviewing the collection of information; and

"(F) transmitting, or otherwise disclosing the information;

"(3) the term 'collection of information' means the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format, calling for either—

"(A) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, ten or more persons, other than agencies, instrumentalities, or

employees of the United States; or

"(B) answers to questions posed to agencies, instrumentalities, or employees of the United States which are to be used for general statistical purposes;

"(4) the term 'Director' means the Director of the Office of Management and Budget;

"(5) the term 'independent regulatory agency' means the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Energy Regulatory Commission, the Federal Housing Finance Board, the Federal Maritime Commission, the Federal Trade Commission, the Interstate Commerce Commission, the Mine Enforcement Safety and Health Review Commission, the National Labor Relations Board, the Nuclear Regulatory Commission, the Occupational Safety and Health Review Commission, the Postal Rate Commission, the Securities and Exchange Commission, and any other similar agency designated by statute as a Federal independent regulatory agency or commission;

"(6) the term 'information resources' means information and related resources, such as personnel, equipment, funds, and information technology;

"(7) the term 'information resources management' means the process of managing information resources to accomplish agency missions and to improve agency performance, including through the reduction of information collection burdens on the public;

"(8) the term 'information system' means a discrete set of information resources and processes, automated or manual, organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information;

"(9) the term 'information technology' has the same meaning as the term 'automatic data processing equipment' as defined by section 111(a)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(a)(2));

"(10) the term 'person' means an individual, partnership, association, corporation, business trust, or legal representative, an organized group of individuals, a State, territorial, or local government or branch thereof, or a political subdivision of a State, territory, or local government or a branch of a political subdivision;

"(11) the term 'practical utility' means the ability of an agency to use information, particularly the capability to process such information in a timely and useful fashion;

"(12) the term 'public information' means any information, regardless of form or format, that an agency discloses, disseminates, or makes available to the public; and

"(13) the term 'recordkeeping requirement' means a requirement imposed by or for an agency on persons to maintain specified records, including a requirement to—

"(A) retain such records;

"(B) notify third parties or the public of the existence of such records;

"(C) disclose such records to third parties or the public; or

"(D) report to third parties or the public regarding such records.

"§ 3503. Office of Information and Regulatory Affairs

"(a) There is established in the Office of Management and Budget an office to be known as the Office of Information and Regulatory Affairs.

"(b) There shall be at the head of the Office an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall delegate to the Administrator the authority to administer all functions under this chapter, except that any such delegation shall not relieve the Director of responsibility for the administration of such functions. The Administrator shall serve as principal adviser to the Director on Federal information resources management policy.

"§ 3504. Authority and functions of Director

"(a)(1) The Director shall—

"(A) develop, coordinate and oversee the implementation of Federal information resources management policies, principles, standards, and guidelines; and

"(B) provide direction and oversee—

"(i) the review and approval of the collection of information and the reduction of the information collection burden;

"(ii) agency dissemination of and public access to information;

"(iii) statistical activities;

"(iv) records management activities;

"(v) privacy, confidentiality, security, disclosure, and sharing of information; and

"(vi) the acquisition and use of information technology.

"(2) The authority of the Director under this chapter shall be exercised consistent with applicable law.

"(b) With respect to general information resources management policy, the Director shall—

"(1) develop and oversee the implementation of uniform information resources management policies, principles, standards, and guidelines;

"(2) foster greater sharing, dissemination, and access to public information, including through—

"(A) the use of the Government Information Locator Service; and

"(B) the development and utilization of common standards for information collection, storage, processing and communication, including standards for security, interconnectivity and interoperability;

"(3) initiate and review proposals for changes in legislation, regulations, and agency procedures to improve information resources management practices;

"(4) oversee the development and implementation of best practices in information resources management, including training; and

"(5) oversee agency integration of program and management functions with information resources management functions.

"(c) With respect to the collection of information and the control of paperwork, the Director shall—

"(1) review and approve proposed agency collections of information;

"(2) coordinate the review of the collection of information associated with Federal procurement and acquisition by the Office of Information and Regulatory Affairs with the Office of Federal Procurement Policy, with particular emphasis on applying information technology to improve the efficiency and effectiveness of Federal procurement, acquisition, and payment and to reduce information collection burdens on the public;

"(3) minimize the Federal information collection burden, with particular emphasis on those individuals and entities most adversely affected;

"(4) maximize the practical utility of and public benefit from information collected by or for the Federal Government;

"(5) establish and oversee standards and guidelines by which agencies are to estimate the burden to comply with a proposed collection of information; and

"(6) place an emphasis on minimizing the burden on small businesses with 50 or fewer employees.

"(d) With respect to information dissemination, the Director shall develop and oversee the implementation of policies, principles, standards, and guidelines to—

"(1) apply to Federal agency dissemination of public information, regardless of the form or format in which such information is disseminated; and

"(2) promote public access to public information and fulfill the purposes of this chapter, including through the effective use of information technology.

"(e) With respect to statistical policy and coordination, the Director shall—

"(1) coordinate the activities of the Federal statistical system to ensure—

"(A) the efficiency and effectiveness of the system; and

"(B) the integrity, objectivity, impartiality, utility, and confidentiality of information collected for statistical purposes;

"(2) ensure that budget proposals of agencies are consistent with system-wide priorities for maintaining and improving the quality of Federal statistics and prepare an annual report on statistical program funding;

"(3) develop and oversee the implementation of Governmentwide policies, principles, standards, and guidelines concerning—

"(A) statistical collection procedures and methods;

"(B) statistical data classification;

"(C) statistical information presentation and dissemination;

"(D) timely release of statistical data; and

"(E) such statistical data sources as may be required for the administration of Federal programs;

"(4) evaluate statistical program performance and agency compliance with Governmentwide policies, principles, standards and guidelines;

"(5) promote the sharing of information collected for statistical purposes consistent with privacy rights and confidentiality pledges;

"(6) coordinate the participation of the United States in international statistical activities, including the development of comparable statistics;

"(7) appoint a chief statistician who is a trained and experienced professional statistician to carry out the functions described under this subsection;

"(8) establish an Interagency Council on Statistical Policy to advise and assist the Director in carrying out the functions under this subsection that shall—

"(A) be headed by the chief statistician; and

"(B) consist of—

"(i) the heads of the major statistical programs; and

"(ii) representatives of other statistical agencies under rotating membership; and

"(9) provide opportunities for training in statistical policy functions to employees of the Federal Government under which—

"(A) each trainee shall be selected at the discretion of the Director based on agency requests and shall serve under the chief statistician for at least 6 months and not more than 1 year; and

"(B) all costs of the training shall be paid by the agency requesting training.

"(f) With respect to records management, the Director shall—

"(1) provide advice and assistance to the Archivist of the United States and the Administrator of General Services to promote coordination in the administration of chapters 29, 31, and 33 of this title with the information resources management policies, principles, standards, and guidelines established under this chapter;

"(2) review compliance by agencies with—

"(A) the requirements of chapters 29, 31, and 33 of this title; and

"(B) regulations promulgated by the Archivist of the United States and the Administrator of General Services; and

"(3) oversee the application of records management policies, principles, standards, and guidelines, including requirements for archiving information maintained in electronic format, in the planning and design of information systems.

"(g) With respect to privacy and security, the Director shall—

"(1) develop and oversee the implementation of policies, principles, standards, and guidelines on privacy, confidentiality, security, disclosure and sharing of information collected or maintained by or for agencies;

"(2) oversee and coordinate compliance with sections 552 and 552a of title 5, the Computer Security Act of 1987 (40 U.S.C. 759 note), and related information management laws; and

"(3) require Federal agencies, consistent with the Computer Security Act of 1987 (40 U.S.C. 759 note), to identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency.

"(h) With respect to Federal information technology, the Director shall—

"(1) in consultation with the Director of the National Institute of Standards and Technology and the Administrator of General Services—

"(A) develop and oversee the implementation of policies, principles, standards, and guidelines for information technology functions and activities of the Federal Government, including periodic evaluations of major information systems; and

"(B) oversee the development and implementation of standards under section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d));

"(2) monitor the effectiveness of, and compliance with, directives issued under sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757 and 759);

"(3) coordinate the development and review by the Office of Information and Regulatory Affairs of policy associated with Federal procurement and acquisition of information technology with the Office of Federal Procurement Policy;

"(4) ensure, through the review of agency budget proposals, information resources management plans and other means—

"(A) agency integration of information resources management plans, program plans and budgets for acquisition and use of information technology; and

"(B) the efficiency and effectiveness of inter-agency information technology initiatives to improve agency performance and the accomplishment of agency missions; and

"(5) promote the use of information technology by the Federal Government to improve the productivity, efficiency, and effectiveness of Federal programs, including through dissemination of public information and the reduction of information collection burdens on the public.

"§ 3505. Assignment of tasks and deadlines

"(a) In carrying out the functions under this chapter, the Director shall—

"(1) in consultation with agency heads, set an annual Governmentwide goal for the reduction of information collection burdens by at least 10 percent, and set annual agency goals to—

"(A) reduce information collection burdens imposed on the public that—

"(i) represent the maximum practicable opportunity in each agency; and

"(ii) are consistent with improving agency management of the process for the review of collections of information established under section 3506(c); and

"(B) improve information resources management in ways that increase the productivity, efficiency and effectiveness of Federal programs, including service delivery to the public;

"(2) with selected agencies and non-Federal entities on a voluntary basis, initiate and conduct pilot projects to test alternative policies, practices, regulations, and procedures to fulfill the purposes of this chapter, particularly with regard to minimizing the Federal information collection burden; and

"(3) in consultation with the Administrator of General Services, the Director of the National Institute of Standards and Technology, the Archivist of the United States, and the Director of the Office of Personnel Management, develop and maintain a Governmentwide strategic plan for information resources management, that shall include—

"(A) a description of the objectives and the means by which the Federal Government shall apply information resources to improve agency and program performance;

"(B) plans for—

"(i) reducing information burdens on the public, including reducing such burdens through the elimination of duplication and meeting shared data needs with shared resources;

"(ii) enhancing public access to and dissemination of, information, using electronic and other formats; and

"(iii) meeting the information technology needs of the Federal Government in accordance with the purposes of this chapter; and

"(C) a description of progress in applying information resources management to improve agency performance and the accomplishment of missions.

"(b) For purposes of any pilot project conducted under subsection (a)(2), the Director may waive the application of any regulation or administrative directive issued by an agency with which the project is conducted, including any regulation or directive requiring a collection of information, after giving timely notice to the public and the Congress regarding the need for such waiver.

"§ 3506. Federal agency responsibilities

"(a)(1) The head of each agency shall be responsible for—

"(A) carrying out the agency's information resources management activities to improve agency productivity, efficiency, and effectiveness; and

"(B) complying with the requirements of this chapter and related policies established by the Director.

"(2)(A) Except as provided under subparagraph (B), the head of each agency shall designate a senior official who shall report directly to such agency head to carry out the responsibilities of the agency under this chapter.

"(B) The Secretary of the Department of Defense and the Secretary of each military department may each designate a senior official who shall report directly to such Secretary to carry out the responsibilities of the department under this chapter. If more than one official is designated for the military departments, the respective duties of the officials shall be clearly delineated.

"(3) The senior official designated under paragraph (2) shall head an office responsible for ensuring agency compliance with and prompt, efficient, and effective implementation of the information policies and information resources management responsibilities established under this chapter, including the reduction of information collection burdens on the public. The senior official and employees of such office shall be selected with special attention to the professional qualifications required to administer the functions described under this chapter.

"(4) Each agency program official shall be responsible and accountable for information resources assigned to and supporting the programs under such official. In consultation with the senior official designated under paragraph (2) and the agency Chief Financial Officer (or comparable official), each agency program official shall define program information needs and develop strategies, systems, and capabilities to meet those needs.

"(b) With respect to general information resources management, each agency shall—

"(1) manage information resources to—

"(A) reduce information collection burdens on the public;

"(B) increase program efficiency and effectiveness; and

"(C) improve the integrity, quality, and utility of information to all users within and outside the agency, including capabilities for ensuring dissemination of public information, public access to government information, and protections for privacy and security;

"(2) in accordance with guidance by the Director, develop and maintain a strategic information resources management plan that shall describe how information resources management activities help accomplish agency missions;

"(3) develop and maintain an ongoing process to—

"(A) ensure that information resources management operations and decisions are integrated with organizational planning, budget, financial management, human resources management, and program decisions;

"(B) in cooperation with the agency Chief Financial Officer (or comparable official), develop a full and accurate accounting of information technology expenditures, related expenses, and results; and

"(C) establish goals for improving information resources management's contribution to program productivity, efficiency, and effectiveness, methods for measuring progress towards those goals, and clear roles and responsibilities for achieving those goals;

"(4) in consultation with the Director, the Administrator of General Services, and the Archivist of the United States, maintain a current and complete inventory of the agency's information resources, including directories necessary to fulfill the requirements of section 3511 of this chapter; and

"(5) in consultation with the Director and the Director of the Office of Personnel Management, conduct formal training programs to educate agency program and management officials about information resources management.

"(c) With respect to the collection of information and the control of paperwork, each agency shall—

"(1) establish a process within the office headed by the official designated under subsection (a), that is sufficiently independent of program responsibility to evaluate fairly whether proposed collections of information should be approved under this chapter, to—

"(A) review each collection of information before submission to the Director for review under this chapter, including—

"(i) an evaluation of the need for the collection of information;

"(ii) a functional description of the information to be collected;

"(iii) a plan for the collection of the information;

"(iv) a specific, objectively supported estimate of burden;

"(v) a test of the collection of information through a pilot program, if appropriate; and

"(vi) a plan for the efficient and effective management and use of the information to be collected, including necessary resources;

"(B) ensure that each information collection—

"(i) is inventoried, displays a control number and, if appropriate, an expiration date;

"(ii) indicates the collection is in accordance with the clearance requirements of section 3507; and

"(iii) contains a statement to inform the person receiving the collection of information—

"(I) the reasons the information is being collected;

"(II) the way such information is to be used;

"(III) an estimate, to the extent practicable, of the burden of the collection; and

"(IV) whether responses to the collection of information are voluntary, required to obtain a benefit, or mandatory; and

"(C) assess the information collection burden of proposed legislation affecting the agency;

"(2)(A) except for good cause or as provided under subparagraph (B), provide 60-day notice in the Federal Register, and otherwise consult with members of the public and affected agencies concerning each proposed collection of information, to solicit comment to—

"(i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

"(ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;

"(iii) enhance the quality, utility, and clarity of the information to be collected; and

"(iv) minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology; and

"(B) for any proposed collection of information contained in a proposed rule (to be reviewed by the Director under section 3507(d)), provide notice and comment through the notice of proposed rulemaking for the proposed rule and such notice shall have the same purposes specified under subparagraph (A) (i) through (iv);

"(3) certify (and provide a record supporting such certification, including public comments received by the agency) that each collection of information submitted to the Director for review under section 3507—

"(A) is necessary for the proper performance of the functions of the agency, including that the information has practical utility;

"(B) is not unnecessarily duplicative of information otherwise reasonably accessible to the agency;

"(C) reduces to the extent practicable and appropriate the burden on persons who shall provide information to or for the agency, including with respect to small entities, as defined under section 601(6) of title 5, the use of such techniques as—

"(i) establishing differing compliance or reporting requirements or timetables that take into account the resources available to those who are to respond;

"(ii) the clarification, consolidation, or simplification of compliance and reporting requirements; or

"(iii) an exemption from coverage of the collection of information, or any part thereof;

"(D) is written using plain, coherent, and unambiguous terminology and is understandable to those who are to respond;

"(E) is to be implemented in ways consistent and compatible, to the maximum extent practicable, with the existing reporting and recordkeeping practices of those who are to respond;

"(F) indicates for each recordkeeping requirement the length of time persons are required to maintain the records specified;

"(G) contains the statement required under paragraph (1)(B)(iii);

"(H) has been developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected, including the processing of the information in a manner which shall enhance, where appropriate, the utility of the information to agencies and the public;

"(I) uses effective and efficient statistical survey methodology appropriate to the purpose for which the information is to be collected; and

"(J) to the maximum extent practicable, uses information technology to reduce burden and improve data quality, agency efficiency and responsiveness to the public; and

"(4) place an emphasis on minimizing the bureen on small businesses with 50 or fewer employees.

"(d) With respect to information dissemination, each agency shall—

"(1) ensure that the public has timely, equal, and equitable access to the agency's public information, including ensuring such access through—

"(A) encouraging a diversity of public and private sources for information based on government public information,

"(B) in cases in which the agency provides public information maintained in electronic format, providing timely, equal, and equitable access to the underlying data (in whole or in part); and

"(C) agency dissemination of public information in an efficient, effective, and economical manner;

"(2) regularly solicit and consider public input on the agency's information dissemination activities;

"(3) provide adequate notice when initiating, substantially modifying, or terminating significant information dissemination products; and

"(4) not, except where specifically authorized by statute—

"(A) establish an exclusive, restricted, or other distribution arrangement that interferes with timely and equitable availability of public information to the public;

"(B) restrict or regulate the use, resale, or redissemination of public information by the public;

"(C) charge fees or royalties for resale or redissemination of public information; or

"(D) establish user fees for public information that exceed the cost of dissemination, except that the Director may waive the application of this subparagraph to an agency, if—

"(i) the head of the agency submits a written request to the Director, publishes a notice of the request in the Federal Register, and provides a copy of the request to the public upon request;

"(ii) the Director sets forth in writing a statement of the scope, conditions, and duration of the waiver and the reasons for granting it, and makes such statement available to the public upon request; and

"(iii) the granting of the waiver would not materially impair the timely and equitable availability of public information to the public.

"(e) With respect to statistical policy and coordination, each agency shall—

"(1) ensure the relevance, accuracy, timeliness, integrity, and objectivity of information collected or created for statistical purposes;

"(2) inform respondents fully and accurately about the sponsors, purposes, and uses of statistical surveys and studies;

"(3) protect respondents' privacy and ensure that disclosure policies fully honor pledges of confidentiality;

"(4) observe Federal standards and practices for data collection, analysis, documentation, sharing, and dissemination of information;

"(5) ensure the timely publication of the results of statistical surveys and studies, including information about the quality and limitations of the surveys and studies; and

"(6) make data available to statistical agencies and readily accessible to the public.

"(f) With respect to records management, each agency shall implement and enforce applicable policies and procedures, including requirements for archiving information maintained in electronic format, particularly in the planning, design and operation of information systems.

"(g) With respect to privacy and security, each agency shall—

"(1) implement and enforce applicable policies, procedures, standards, and guidelines on privacy, confidentiality, security, disclosure and sharing of information collected or maintained by or for the agency;

"(2) assume responsibility and accountability for compliance with and coordinated management of sections 552 and 552a of title 5, the Computer Security Act of 1987 (40 U.S.C. 759 note), and related information management laws; and

"(3) consistent with the Computer Security Act of 1987 (40 U.S.C. 759 note), identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency.

"(h) With respect to Federal information technology, each agency shall—

"(1) implement and enforce applicable Governmentwide and agency information technology management policies, principles, standards, and guidelines;

"(2) assume responsibility and accountability for information technology investments;

"(3) promote the use of information technology by the agency to improve the productivity, efficiency, and effectiveness of agency programs, including the reduction of information collection burdens on the public and improved dissemination of public information;

"(4) propose changes in legislation, regulations, and agency procedures to improve information technology practices, including changes that improve the ability of the agency to use technology to reduce burden; and

"(5) assume responsibility for maximizing the value and assessing and managing the risks of major information systems initiatives through a process that is—

"(A) integrated with budget, financial, and program management decisions; and

"(B) used to select, control, and evaluate the results of major information systems initiatives.

"§3507. Public information collection activities; submission to Director; approval and delegation

"(a) An agency shall not conduct or sponsor the collection of information unless in advance of the adoption or revision of the collection of information—

"(1) the agency has—

"(A) conducted the review established under section 3506(c)(1);

"(B) evaluated the public comments received under section 3506(c)(2);

"(C) submitted to the Director the certification required under section 3506(c)(3), the proposed collection of information, copies of pertinent statutory authority, regulations, and other related materials as the Director may specify; and

"(D) published a notice in the Federal Register—

"(i) stating that the agency has made such submission; and

"(ii) setting forth—

"(I) a title for the collection of information;

"(II) a summary of the collection of information;

"(III) a brief description of the need for the information and the proposed use of the information;

"(IV) a description of the likely respondents and proposed frequency of response to the collection of information;

"(V) an estimate of the burden that shall result from the collection of information; and

"(VI) notice that comments may be submitted to the agency and Director;

"(2) the Director has approved the proposed collection of information or approval has been inferred, under the provisions of this section; and

"(3) the agency has obtained from the Director a control number to be displayed upon the collection of information.

"(b) The Director shall provide at least 30 days for public comment prior to making a decision under subsection (c), (d), or (h), except for good cause or as provided under subsection (j).

"(c)(1) For any proposed collection of information not contained in a proposed rule, the Director shall notify the agency involved of the decision to approve or disapprove the proposed collection of information.

"(2) The Director shall provide the notification under paragraph (1), within 60 days after receipt or publication of the notice under subsection (a)(1)(D), whichever is later.

"(3) If the Director does not notify the agency of a denial or approval within the 60-day period described under paragraph (2)—

"(A) the approval may be inferred;

"(B) a control number shall be assigned without further delay; and

"(C) the agency may collect the information for not more than 1 year.

"(d)(1) For any proposed collection of information contained in a proposed rule—

"(A) as soon as practicable, but no later than the date of publication of a notice of proposed rulemaking in the Federal Register, each agency shall forward to the Director a copy of any proposed rule which contains a collection of information and any information requested by the Director necessary to make the determination required under this subsection; and

"(B) within 60 days after the notice of proposed rulemaking is published in the Federal Register, the Director may file public comments pursuant to the standards set forth in section 3508 on the collection of information contained in the proposed rule;

"(2) When a final rule is published in the Federal Register, the agency shall explain—

"(A) how any collection of information contained in the final rule responds to the comments, if any, filed by the Director or the public; or

"(B) the reasons such comments were rejected.

"(3) If the Director has received notice and failed to comment on an agency rule within 60 days after the notice of proposed rulemaking, the Director may not disapprove any collection of information specifically contained in an agency rule.

"(4) No provision in this section shall be construed to prevent the Director, in the Director's discretion—

"(A) from disapproving any collection of information which was not specifically required by an agency rule;

"(B) from disapproving any collection of information contained in an agency rule, if the agency failed to comply with the requirements of paragraph (1) of this subsection;

"(C) from disapproving any collection of information contained in a final agency rule, if the Director finds within 60 days after the publication of the final rule, and after considering the agency's response to the Director's comments filed under paragraph (2), that the collection of information cannot be approved under the standards set forth in section 3508; or

"(D) from disapproving any collection of information contained in a final rule, if—

"(i) the Director determines that the agency has substantially modified in the final rule the collection of information contained in the proposed rule; and

"(ii) the agency has not given the Director the information required under paragraph (1) with respect to the modified collection of information, at least 60 days before the issuance of the final rule.

"(5) This subsection shall apply only when an agency publishes a notice of proposed rulemaking and requests public comments.

"(6) The decision by the Director to approve or not act upon a collection of information contained in an agency rule shall not be subject to judicial review.

"(e)(1) Any decision by the Director under subsection (c), (d), (h), or (j) to disapprove a collection of information, or to instruct the agency to make substantive or material change to a collection of information, shall be publicly available and include an explanation of the reasons for such decision.

"(2) Any written communication between the Administrator of the Office of Information and Regulatory Affairs, or any employee of the Office of Information and Regulatory Affairs, and an agency or person not employed by the Federal Government concerning a proposed collection of information shall be made available to the public.

"(3) This subsection shall not require the disclosure of—

"(A) any information which is protected at all times by procedures established for information which has been specifically authorized under criteria established by an Executive order or an Act of Congress to be kept secret in the interest of national defense or foreign policy; or

"(B) any communication relating to a collection of information, the disclosure of which could lead to retaliation or discrimination against the communicator.

"(f)(1) An independent regulatory agency which is administered by 2 or more members of a commission, board, or similar body, may by majority vote void—

"(A) any disapproval by the Director, in whole or in part, of a proposed collection of information that agency; or

"(B) an exercise of authority under subsection (d) of section 3507 concerning that agency.

"(2) The agency shall certify each vote to void such disapproval or exercise to the Director, and explain the reasons for such vote. The Director shall without further delay assign a control number to such collection of information, and such vote to void the disapproval or exercise shall be valid for a period of 3 years.

"(g) The Director may not approve a collection of information for a period in excess of 3 years.

"(h)(1) If an agency decides to seek extension of the Director's approval granted for a currently approved collection of information, the agency shall—

"(A) conduct the review established under section 3506(c), including the seeking of comment from the public on the continued need for, and burden imposed by the collection of information; and

"(B) after having made a reasonable effort to seek public comment, but no later than 60 days before the expiration date of the control number assigned by the Director for the currently approved collection of information, submit the collection of information for review and approval under this section, which shall include an explanation of how the agency has used the information that it has collected.

"(2) If under the provisions of this section, the Director disapproves a collection of information contained in an existing rule, or recommends or instructs the agency to make a substantive or material change to a collection of information contained in an existing rule, the Director shall—

"(A) publish an explanation thereof in the Federal Register; and

"(B) instruct the agency to undertake a rulemaking within a reasonable time limited to consideration of changes to the collection of information contained in the rule and thereafter to submit the collection of information for approval or disapproval under this chapter.

"(3) An agency may not make a substantive or material modification to a collection of information after such collection has been approved by the Director, unless the modification has been submitted to the Director for review and approval under this chapter.

"(i)(1) If the Director finds that a senior official of an agency designated under section 3506(a) is sufficiently independent of program responsibility to evaluate fairly whether proposed collections of information should be approved and has sufficient resources to carry out this responsibility effectively, the Director may, by rule in accordance with the notice and comment provisions of chapter 5 of title 5, United States Code, delegate to such official the authority to approve proposed collections of information in specific program areas, for specific purposes, or for all agency purposes.

"(2) A delegation by the Director under this section shall not preclude the Director from reviewing individual collections of information if the Director determines that circumstances warrant such a review. The Director shall retain authority to revoke such delegations, both in general and with regard to any specific matter. In acting for the Director, any official to whom approval authority has been delegated under this section shall comply fully with the rules and regulations promulgated by the Director.

"(j)(1) The agency head may request the Director to authorize collection of information prior to expiration of time periods established under this chapter, if an agency head determines that—

"(A) a collection of information—

"(i) is needed prior to the expiration of such time periods; and

"(ii) is essential to the mission of the agency; and

"(B) the agency cannot reasonably comply with the provisions of this chapter within such time periods because—

"(i) public harm is reasonably likely to result if normal clearance procedures are followed; or

"(ii) an unanticipated event has occurred and the use of normal clearance procedures is reasonably likely to prevent or disrupt the collection of information related to the event or is reasonably likely to cause a statutory or court-ordered deadline to be missed.

"(2) The Director shall approve or disapprove any such authorization request within the time requested by the agency head and, if approved, shall assign the collection of information a control number. Any collection of information conducted under this subsection may be conducted without compliance with the provisions of this chapter for a maximum of 90 days after the date on which the Director received the request to authorize such collection.

"§ 3508. Determination of necessity for information; hearing

"Before approving a proposed collection of information, the Director shall determine whether the collection of information by the agency is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility. Before making a determination the Director may give the agency and other interested persons an opportunity to be heard or to submit statements in writing. To the extent, if any, that the Director determines that the collection of information by an agency is unnecessary for any reason, the agency may not engage in the collection of information.

"§ 3509. Designation of central collection agency

"The Director may designate a central collection agency to obtain information for two or more agencies if the Director determines that the needs of such agencies for information will be adequately served by a single collection agency, and such sharing of data is not inconsistent with applicable law. In such cases the Director shall prescribe (with reference to the collection of information) the duties and functions of the collection agency so designated and of the agencies for which it is to act as agent (including reimbursement for costs). While the designation is in effect, an agency covered by the designation may not obtain for itself information for the agency which is the duty of the collection agency to obtain. The Director may modify the designation from time to time as circumstances require. The authority to designate under this section is subject to the provisions of section 3507(f) of this chapter.

"§ 3510. Cooperation of agencies in making information available

"(a) The Director may direct an agency to make available to another agency, or an agency may make available to another agency, information obtained by a collection of information if the disclosure is not inconsistent with applicable law.

"(b)(1) If information obtained by an agency is released by that agency to another agency, all the provisions of law (including penalties which relate to the unlawful disclosure of information) apply to the officers and employees of the agency to which information is released to the same extent and in the same manner as the provisions apply to the officers and employees of the agency which originally obtained the information.

"(2) The officers and employees of the agency to which the information is released, in addition, shall be subject to the same provisions of law, including penalties, relating to the unlawful disclosure of information as if the information had been collected directly by that agency.

"§ 3511. Establishment and operation of Government Information Locator Service

"In order to assist agencies and the public in locating information and to promote information sharing and equitable access by the public, the Director shall—

“(1) cause to be established and maintained a distributed agency-based electronic Government Information Locator Service (hereafter in this section referred to as the ‘Service’), which shall identify the major information systems, holdings, and dissemination products of each agency;

“(2) require each agency to establish and maintain an agency information locator service as a component of, and to support the establishment and operation of the Service;

“(3) in cooperation with the Archivist of the United States, the Administrator of General Services, the Public Printer, and the Librarian of Congress, establish an interagency committee to advise the Secretary of Commerce on the development of technical standards for the Service to ensure compatibility, promote information sharing, and uniform access by the public;

“(4) consider public access and other user needs in the establishment and operation of the Service;

“(5) ensure the security and integrity of the Service, including measures to ensure that only information which is intended to be disclosed to the public is disclosed through the Service; and

“(6) periodically review the development and effectiveness of the Service and make recommendations for improvement, including other mechanisms for improving public access to Federal agency public information.

“§ 3512. Public protection

“(a) Notwithstanding any other provision of law, no person shall be subject to any penalty for failing to maintain or provide information to any agency if the collection of information involved was made after December 31, 1981, and at the time of the failure did not display a current control number assigned by the Director, or fails to state that such request is not subject to this chapter.

“(b) Actions taken by agencies which are not in compliance with subsection (a) of this section shall give rise to a complete defense or bar to such action by an agency, which may be raised at any time during the agency decision making process or judicial review of the agency decision under any available process for judicial review.

“§ 3513. Director review of agency activities; reporting; agency response

“(a) In consultation with the Administrator of General Services, the Archivist of the United States, the Director of the National Institute of Standards and Technology, and the Director of the Office of Personnel Management, the Director shall periodically review selected agency information resources management activities to ascertain the efficiency and effectiveness of such activities to improve agency performance and the accomplishment of agency missions.

“(b) Each agency having an activity reviewed under subsection (a) shall, within 60 days after receipt of a report on the review, provide a written plan to the Director describing steps (including milestones) to—

“(1) be taken to address information resources management problems identified in the report; and

“(2) improve agency performance and the accomplishment of agency missions.

“§ 3514. Responsiveness to Congress

“(a)(1) The Director shall—

“(A) keep the Congress and congressional committees fully and currently informed of the major activities under this chapter; and

“(B) submit a report on such activities to the President of the Senate and the Speaker of the House of Representatives annually and at such other times as the Director determines necessary.

“(2) The Director shall include in any such report a description of the extent to which agencies have—

“(A) reduced information collection burdens on the public, including—

“(i) a summary of accomplishments and planned initiatives to reduce collection of information burdens;

“(ii) a list of all violations of this chapter and of any rules, guidelines, policies, and procedures issued pursuant to this chapter;

“(iii) a list of any increase in the collection of information burden, including the authority for each such collection; and

“(iv) a list of agencies that in the preceding year did not reduce information collection burdens by at least 10 percent pursuant to section 3505, a list of the programs and statutory responsibilities of those agencies that precluded that reduction, and recommendations to assist those agencies to reduce information collection burdens in accordance with that section;

“(B) improved the quality and utility of statistical information;

“(C) improved public access to Government information; and

“(D) improved program performance and the accomplishment of agency missions through information resources management.

“(b) The preparation of any report required by this section shall be based on performance results reported by the agencies and shall not increase the collection of information burden on persons outside the Federal Government.

“§ 3515. Administrative powers

“Upon the request of the Director, each agency (other than an independent regulatory agency) shall, to the extent practicable, make its services, personnel, and facilities available to the Director for the performance of functions under this chapter.

“§ 3516. Rules and regulations

“The Director shall promulgate rules, regulations, or procedures necessary to exercise the authority provided by this chapter.

“§ 3517. Consultation with other agencies and the public

“(a) In developing information resources management policies, plans, rules, regulations, procedures, and guidelines and in reviewing collections of information, the Director shall provide interested agencies and persons early and meaningful opportunity to comment.

“(b) Any person may request the Director to review any collection of information conducted by or for an agency to determine, if, under this chapter, the person shall maintain, provide, or disclose the information to or for the agency. Unless the request is frivolous, the Director shall, in coordination with the agency responsible for the collection of information—

“(1) respond to the request within 60 days after receiving the request, unless such period is extended by the Director to a specified date and the person making the request is given notice of such extension; and

“(2) take appropriate remedial action, if necessary.

“§ 3518. Effect on existing laws and regulations

“(a) Except as otherwise provided in this chapter, the authority of an agency under any other law to prescribe policies, rules, regulations, and procedures for Federal information resources management activities is subject to the authority of the Director under this chapter.

“(b) Nothing in this chapter shall be deemed to affect or reduce the authority of the Secretary of Commerce or the Director of the Office of Management and Budget pursuant to Reorganization Plan No. 1 of 1977 (as amended) and Executive order, relating to telecommunications and information policy, procurement and management of telecommunications and information systems, spectrum use, and related matters.

“(c)(1) Except as provided in paragraph (2), this chapter shall not apply to obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions—

“(A) during the conduct of a Federal criminal investigation or prosecution, or during the disposition of a particular criminal matter;

“(B) during the conduct of—

“(i) a civil action to which the United States or any official or agency thereof is a party; or

“(ii) an administrative action or investigation involving an agency against specific individuals or entities;

“(C) by compulsory process pursuant to the Antitrust Civil Process Act and section 13 of the Federal Trade Commission Improvements Act of 1980; or

“(D) during the conduct of intelligence activities as defined in section 4–206 of Executive Order No. 12036, issued January 24, 1978, or successor orders, or during the conduct of cryptologic activities that are communications security activities.

“(2) This chapter applies to obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions during the conduct of general investigations (other than information collected in an antitrust investigation to the extent provided in subparagraph (C) of paragraph (1)) undertaken with reference to a category of individuals or entities such as a class of licensees or an entire industry.

“(d) Nothing in this chapter shall be interpreted as increasing or decreasing the authority conferred by Public Law 89–306 on the Administrator of the General Services Administration, the Secretary of Commerce, or the Director of the Office of Management and Budget.

“(e) Nothing in this chapter shall be interpreted as increasing or decreasing the authority of the President, the Office of Management and Budget or the Director thereof, under the laws of the United States, with respect to the substantive policies and programs of departments, agencies and offices, including the substantive authority of any Federal agency to enforce the civil rights laws.

“§ 3519. Access to information

“Under the conditions and procedures prescribed in section 716 of title 31, the Director and personnel in the Office of Information and Regulatory Affairs shall furnish such information as the Comptroller General may require for the discharge of the responsibilities of the Comptroller General. For the purpose of obtaining such information, the Comptroller General or representatives thereof shall have access to all books, documents, papers and records, regardless of form or format, of the Office.

“§ 3520. Authorization of appropriations

“There are authorized to be appropriated to the Office of Information and Regulatory Affairs to carry out the provisions of this chapter such sums as may be necessary.”.

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall take effect October 1, 1995.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES

Mr. CLINGER. Mr. Speaker, I ask unanimous consent that the House insist on its amendments to S. 244 and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Mr. CLINGER, Mrs. MEYERS of Kansas, and Messrs. MCHUGH, MCINTOSH, and FOX of Pennsylvania.

There was no objection.

The SPEAKER pro tempore. Further conferees will be appointed later today.

COMMON SENSE LEGAL STANDARDS REFORM ACT OF 1995

The SPEAKER pro tempore. Pursuant to House Resolution 109 and rule XXIII, the Chair declares the House in the Committee of the Whole on the State of the Union for the further consideration of the bill, H.R. 956.

□ 1032

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 956) providing for further consideration of the bill (H.R. 956) to establish legal standards and procedures for product liability litigation, and for other purposes, with Mr. DREIER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, March 9, 1995, amendment No. 12, printed in section 2 of House Resolution 109, offered by the gentleman from California [Mr. COX], had been disposed of.

It is now in order to consider amendment No. 13 printed in House Report 104–72.

Apparently, the amendment is not being offered.

It is now in order to consider amendment No. 14 printed in House Report 104–72.

AMENDMENT OFFERED BY MR. GEKAS

Mr. GEKAS. Mr. Chairman, I offer an amendment that has been made in order by the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GEKAS: Revisions to the heading of H.R. 1075:

Add the words "and civil" after the words "product liability" and before the word "litigation".

Revisions to the Table of Contents:

Page 2, redesignate title IV as title V and renumber sections 401, 402, and 403 as sections 501, 502, and 503, respectively, and after the words "SEC. 303. DEFINITIONS." add the following title:

TITLE IV—COLLATERAL SOURCE RULE REFORM

Sec. 401. Findings.
Sec. 402. Applicability and preemption.
Sec. 403. Collateral source payments.
Sec. 404. Definitions.

Page 30, line 1, redesignate title IV as title V and redesignate sections 401, 402, and 403 as sections 501, 502, and 503, respectively, and insert on line 1 the following:

TITLE IV—COLLATERAL SOURCE RULE REFORM

SEC. 401. FINDINGS.

(1) The practice of not permitting the jury to weigh evidence of collateral source benefits in making its award of damages in health care liability actions burdens interstate commerce by leading to increased costs for health care consumers, decreased efficiency for the legal system, and double recovery for plaintiffs which, in turn, encourages fraud, abuse, and wasteful litigation; and

(2) there is a need to restore rationality, certainty, and fairness to the legal system in order to protect against excessive damage awards and reduce the costs and delay of litigation.

SEC. 402. APPLICABILITY AND PREEMPTION.

This title governs any health care liability action brought in any State or Federal court and to any health care liability claim brought pursuant to an alternative dispute resolution process, by any claimant, based on any conduct, event, occurrence, relationship or transaction involving, affecting or relating to commerce, regardless of the theory of liability on which the claim is based, including claims for legal or equitable contribution, indemnity, or subrogation. The provisions of this title shall preempt State law, with respect to both procedural and substantive matters, only to the extent that such laws are inconsistent with this title and only to the extent that such law prohibits the introduction of collateral source evidence or mandates reimbursement from the claimant's recovery for the cost of collateral source benefits. The provisions of this title shall not preempt any State law that imposes greater restrictions on liability or damages than those provided herein.

SEC. 403. COLLATERAL SOURCE PAYMENTS.

In any civil liability action subject to this title, any defendant may introduce evidence of collateral source benefits. If any defendant elects to introduce such evidence, the claimant may introduce evidence of any amount paid or contributed or reasonably likely to be paid or contributed in the future by or on behalf of the claimant to secure the right to such collateral source benefits. No provider of collateral source benefits shall recover any amount against the claimant or receive any credit against the claimant's recovery or be equitably or legally subrogated to the right of the claimant in any civil liability action subject to this title. This section shall apply whether a civil action is settled or resolved by a fact finder.

SEC. 404. DEFINITIONS.

(a) The term "claimant" means any person who asserts a health care liability claim or brings a health care liability action, including a person who asserts or claims a right to legal or equitable contribution, indemnity, or subrogation, arising out of a health care liability claim or action, and any person on whose behalf such a claim is asserted or such an action is brought, whether deceased, incompetent or a minor.

(b) The term "economic loss" has the same meaning as defined in section 202(3) of this Act.

(c) The term "health care liability action" means a civil action brought in a State or Federal court or pursuant to any alternative dispute resolution process, against a health care provider, an entity which is obligated to provide or pay for health benefits under any health plan (including any person or entity acting under a contract or arrangement to provide or administer any health benefit), or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, in which the claimant alleges a claim based upon the provision of (or the failure to provide or pay for) health care services or the use of a medical product, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, or defendants or causes of action.

(d) The term "health care liability claim" means a demand by any person, whether or not pursuant to an alternative dispute resolution process, against a health care provider, health care organization, or the manufacturer, distributor, supplier, marketer, promoter or seller of a medical product, including, but not limited to, third-party claims, cross claims, counter-claims or contribution claims, which are based upon the provision of (or the failure to provide or pay for) health care services or the use of a medical product, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or causes of action.

(e) The term "health care organization" means any person or entity which is obligated to provide or pay for health benefits under any health plan, including any person or entity acting under a contract or arrangement to provide or administer any health benefit.

(f) The term "health care provider" means any person or entity required by State or Federal laws or regulations to be licensed, registered, or certified to provide health care services, and being either so licensed, registered, or certified, or exempted from such requirement by other statute or regulation.

(g) The term "health care services" means any service provided by a health care provider, or by any individual working under the supervision of a health care provider, that relates to the diagnoses, prevention, or treatment of any human disease or impairment, or the assessment of the health of human beings.

(h) The term "medical product" means a drug (as defined in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1)) or a medical device as defined in section 201(h) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321(h)), including any component of raw material used therein, but excluding health care services, as defined in subsection (g) of this section.

(i) The term "noneconomic damages" means damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses other than punitive damages.

(j) The term "punitive damages" has the same meaning as defined in section 202(5) of this Act.

(k) The term "State" has the same meaning as defined in section 202(6) of this Act.

REQUEST FOR MODIFICATION TO AMENDMENT OFFERED BY MR. GEKAS

Mr. GEKAS. Mr. Chairman, I ask unanimous consent that the amendment be modified. The modification is also at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification of amendment offered by Mr. GEKAS: (Technicals)

On page 3, at the beginning of line 24, insert the words "As used in this title:"

On page 4, strike lines 7 and 8 and on page 6 strike lines 11 through 19 and redesignate the subsections accordingly.

On page 6, line 9, strike "(g)" and insert "(f)".

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. STUPAK. Mr. Chairman, reserving the right to object, we would like to have a further inquiry as to this modification. I do not believe we have seen a copy of it.

Mr. GEKAS. Mr. Chairman, will the gentleman yield?

Mr. STUPAK. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Chairman, this is purely technical in nature. What happened was when I or my office prepared a series of amendments, six of them to go before the Committee on Rules, all of them were correlated one with the other. Some of the definitions applied. Three of them, specifically, applied to other portions of other bills as if there were a general bill.

We are, by this modification, extracting those from the definitions portion of my amendment.

Mr. STUPAK. Continuing my reservation of objection, Mr. Chairman, we would like to see the amendment. It has not been cleared by the minority. We have not seen it. We would like an opportunity to do that. I would ask the gentleman if he would respectfully withdraw his amendment until we have had a chance to take a look at it. Then we may be able to come back and agree to it.

Mr. GEKAS. If the gentleman will yield further, I will not withdraw it. We cannot withdraw, we have to move along with the amendment. I would be willing to enter into a soliloquy until the gentleman has a chance to review it.

Will somebody furnish the minority with what we are doing here with the definitions?

Mr. Chairman, I assure the gentleman that they are purely technical, that I am not engaged in subterfuge or in any kind of attack on the minority's right to know what we are doing. This is simply technical. The essence of the amendment remains intact.

The CHAIRMAN. The Chair will inform the gentleman from Pennsylvania that we can proceed with the amendment as it was printed in the RECORD and as reported out by the Committee on Rules.

Is there objection to the request of the gentleman from Pennsylvania?

Mr. STUPAK. Mr. Chairman, there is objection to the unanimous-consent request.

The CHAIRMAN. Objection is heard.

The gentleman from Pennsylvania [Mr. GEKAS] is recognized for 15 minutes in support of his amendment, and a Member in opposition is recognized for 15 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today we offer a corollary, as it were, to the bill that was approved yesterday in the House of Representatives, where we took a giant step in compacting the costs of medical liability when the House so overwhelmingly adopted the cap on noneconomic damages.

This portion of the debate will center on collateral source. This has been in itself a source of great irritation to the liability community across the Nation, but more than that, it has been a source of increased costs, in many cases double dipping or double recovery, which was paid for in each instance and is continued to be paid for by, guess who, the general public who pay the premiums on their insurances.

Let me give an example of how this works. If I as a claimant received some hospital services, and as a result of that I was unfortunately injured because of some alleged negligence that I say that the hospital performed or was guilty of, in that instance I have to have more doctor care and other hospital bills accrue.

That total package of bills that now I have to pay, let us say it is $10,000, those $10,000 are paid immediately by my personal insurance. I have insurance to cover that. I have, maybe, disability insurance or some kind of health coverage that pays my doctor bills and hospital bills forthwith, so I now undergo, as a result of this negligence, an extra $10,000 worth of bills, but they are paid for by the insurance company which I very foresightedly was able to obtain for myself for just such circumstances.

Now what happens? This is where the double dipping could enter into it. I now sue the hospital. I sue the hospital for, get this now, as part of the damages, the hospital bills and the doctor bills, that $10,000 package for which I have already received payment.

In addition to that, I may sue for lost wages, other kinds of things, pain and suffering that go around with this new round of hospitalization and doctoring that I had to go through, but the point is that the $10,000 that I have already been paid, that has been paid to my doctors, forms part of this claim.

If I recover, let us say, a $100,000 judgment, I, in effect, have been doubly enriched. The $10,000 costs in fees to the doctors and hospitals have been paid, and I recover them anew with the suit that I have successfully endeavored to bring to the court, and which has yielded a $100,000 verdict.

In that regard what happens is that you and I, the general public who purchases health insurance and pays doctors and hospitals, because of the way that the health care structure is dominant in the land, we all pay for that double recovery of this plaintiff. It is not fair, but more than that, it is costly. That is what we are about here today.

Mr. Chairman, let us follow through with our example. The Members will recall that I had $10,000 worth of damages, hospital and doctor bills, following my little incident in the hospital. Under the bill that we now have in front of us, the amendment that I am offering, this would occur.

The collateral source, namely, the insurance company that paid my doctor's bills and hospitals bills right away, that $10,000, is now, under the collateral source rule, in a situation where that stops. If the bills are paid promptly, as my example shows they were, then when I sue, when I sue the hospital and the doctors involved there for my incident in the hospital, the jury, under the amendment that I offer, will be able to take into consideration the fact that I have already been paid for my hospital damages and the doctor's bills.

In other words, the jury will know and will be able to take into consideration in their deliberations the fact that some of the damages are already zero, because my own insurance company has already paid those.

What does that do? That results in a lower cost all across the board.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Illinois. Does he want to engage in a cacophony?

Mr. HYDE. Mr. Chairman, I want to engage in a cacophony, then, right.

As I understand the gentleman's amendment, it cuts off subrogation claims, is that correct?

Mr. GEKAS. That is correct.

Mr. HYDE. If the gentleman will yield further, therefore, if the gentleman has insurance, if he is farsighted enough to pay premiums and make an insurance contract, and he is injured, and his insurer, his health insurance, pays that, the benefit of his foresight and the premiums that he has paid for years accrue to the wrongdoer. The wrongdoer walks scot free because the gentleman's company cannot subrogate against him.

The gentleman is paid because he had the smarts enough, the wisdom enough, the foresight to pay premiums, and the real winner is the wrongdoer, am I right?

Mr. GEKAS. Seizing back my time, Mr. Chairman, no, the gentleman is not correct. Here is the way I would paint that.

The gentleman is looking at it from the standpoint of the defendant, as you call him, the wrongdoer, but our whole system of justice calls out for the plaintiff, the claimant, to be reimbursed in full. Nowhere does it say that he should be double dipping, that he should have a double recovery.

If the result of what we are doing here is to eliminate that double dipping, even if it inures to the benefit of lower premiums for medical liability, both for the hospitals and the doctors, then the wrongdoer is not benefiting from that. The general public is, because their doctors and their hospitals will be able to purchase insurance for a lesser amount, thus making the cost of hospital service less.

Mr. HYDE. If the gentleman will continue to yield, Mr. Chairman, would the gentleman consider making the wrongdoer reimburse the plaintiff for the premiums he has paid for 22 years.

Mr. GEKAS. There, Mr. Chairman, the legislation that we have in front of us, the amendment does call for the plaintiff, for the jury, to have the right to take into account what the plaintiff has paid for this coverage.

Mr. HYDE. I thank the gentleman.

Mr. GOODLATTE. Mr. Chairman, will the gentleman yield for that point?

Mr. GEKAS. I yield to the gentleman from Virginia.

□ 1045

Mr. GOODLATTE. It is my understanding that the problem with a plaintiff recovering double is largely being taken care of now with subrogation agreements that are taken care of outside of court.

My concern is that we are sending separate messages for a plaintiff who has been responsible and for years has paid for health insurance, compared to one who might have the same economic circumstances, same type of injury, who has not paid. That plaintiff gets to go into court and say, here are all of my medical bills.

Mr. GEKAS. I understand the point.

Mr. GOODLATTE. Give me a big award.

The one who has been responsible, then the defendant gets to come in and say, "Don't worry about him because his medical bills are being paid by someone else," and that contravenes public policy.

Mr. GEKAS. Recapturing my time, I understand the gentleman's division of thought as to the one who has bought insurance and paid premiums and taken care of his family by doing so and the one who for one reason or another has not done so.

Let me give the same example and see if it does not comport with the gentleman's concerns. I who have bought insurance and paid $3,000 for this coverage, you say, will be treated less handsomely because the verdict will be lower presumably; is that correct? Because the jury could take into consideration all of this and come out with a lower verdict.

Well, in a similar circumstance, if there is a case on all fours exactly with somebody who does not have insurance, the verdict could be higher and you think that might be unjust enrichment, do you not?

However, here is what can and frequently does occur, at least in States like yours and mine that do not have this collateral source idea embedded in their laws. In these cases, the one who does not have insurance, in suing, gets a higher award, shall we say, has to pay higher attorneys' fees because of that, No. 1. No. 2, there is always the right in the entity that provided the medical service for the claimant to go against the verdict to recover their costs and fees, anyway. That has happened time and time again. A verdict and a judgment is always subject to attachment by the entities that provided the services and ran up bills in favor of the claimant. So it still comes out. There might be aberrations.

Mr. GOODLATTE. I have no dispute whatsoever that a plaintiff should not be able to double dip, if you will, but I think that should be taken outside the courtroom. This argument that somehow insurance should be brought into the case is exactly comparable to where the defendant should not want the plaintiff to come into court and tell the jury that the defendant has insurance to take care of the losses.

Mr. GEKAS. Recapturing my time, I would say notwithstanding the gentleman's own State policy and my own State policy of not having this collateral source, 20 other States do have it. So in those States which we have reviewed, and particularly that in California where their whole system is based around these elements of medical liability reform, these objections or concerns of the gentleman's have been resolved over time, and in balance what has happened is that the public has benefited, in California where this is in place, with a stabilized system of medical liability and the costs that are attached thereto.

The CHAIRMAN. The Chair wishes to inform the gentleman that he has consumed 10½ minutes of his 15 minutes.

There has yet to be recognized a Member for the 15 minutes of time in opposition to the amendment.

Mr. GEKAS. Mr. Chairman, I squander my time.

The CHAIRMAN. The gentleman squanders the balance of his time.

Is there a Member seeking to manage opposition to the Gekas amendment?

Mr. CONYERS. Mr. Chairman, I rise to ask the gentleman from Virginia [Mr. SCOTT] to control the time on our side in opposition.

The CHAIRMAN. The gentleman from Virginia [Mr. SCOTT] is recognized for 15 minutes to manage the opposition to the amendment.

Mr. SCOTT. Mr. Chairman, we had reserved the right to object to the unanimous-consent request. Is that still pending?

The CHAIRMAN. No. The request was made by the gentleman from Pennsylvania and there was an objection heard, so we are proceeding with the original amendment offend by the gentleman from Pennsylvania.

The Chair recognizes the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, there were no hearings on this amendment. it has been slapped together, we tried to fix it on the floor, and we apologize for the confusion on this side where we were disruptive. We were trying to figure out what the last-minute change in the amendment was. That is what happens when we do not have hearings and do not go through a deliberative process.

But in this case, Mr. Chairman, I think there was an intent not to have a hearing because on this same issue, we did have a hearing last year. Let me quote from that hearing last year when we were doing health reform on malpractice reform. The witness who spoke in favor of tort reform, who supported limitations on attorney's fees, restrictions on joint and several liability, reductions in statute of limitations, modifications in punitive damages, when this issue came up, he was asked of the three people of interest in this case, you have got the plaintiff, you have got the defendant, and you have got the health insurance company. Which one ought to receive the benefit of the payment? As the chairman of the committee has suggested, the tortfeasor really ought to be the last person to benefit from the insurance premiums.

I asked the witness, "Why should the tort-feasor, the wrongdoer, receive the benefit of the insurance?"

The witness said: "Our position is that there should not be a double recovery."

Then I asked: "Well, who ought to receive the recovery? Why shouldn't Blue Cross-Blue Shield get the money back?"

And the witness, a physician, said: "I think they should. In other words, insurance company ought to be paid."

Then I said: "Well, then if the plaintiff doesn't get the money, why shouldn't Blue Cross-Blue Shield be reimbursed?"

He said: "They should."

"They should?"

"Yes."

Then, just to make sure: "Don't you agree that the tort-feasor, which in this case could be medical malpractice, in another case it could be a drunk driver, ought that be the last person to receive the benefit?"

Answer: "Yes."

"So if we deny the plaintiff the basis of recovery for the insurance, then we ought to have subrogation so Blue Cross-Blue Shield can get this money back?"

And the witness said, "I would agree with that."

That is the kind of answer we would have gotten if we would have had a hearing. This is a good soundbite amendment but it only rewards the wrongdoer. A hearing would have proved that as it did last year. If there is not going to be any double recovery and you are going to say no to the policyholder who paid his premium, if you are going to deny him the extra benefit of this foresight in paying the premium, then you ought to have subrogation so the health insurance company can get its money back. If it is going to get its money back, at least the premium payer can get some benefit, because presumably the premium payment would be lower if they had subrogation.

This is an attack on consumers again, and I would hope that this amendment would be rejected. We had a hearing last year. The idea was rejected. I would hope that this would be rejected again.

Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. I thank the gentleman for yielding me the time.

Mr. Chairman, if the Gekas amendment were to deal specifically with the problem of double-dipping as the California law is focused on, I would support this amendment. I think in a tort action for negligence, the plantiff is entitled to be made whole. He is not entitled to be paid twice for the same occurrence. If his medical bills are being paid by one source, he is not entitled to pocket those payments again from another source. But the Gekas amendment goes far beyond the California Micra law and it goes far beyond medical malpractice. It deals with two issues I am very concerned with.

It is written in a fashion that guarantees that the health care provider as the gentleman from Virginia [Mr. SCOTT] pointed out will not get subrogated, in fact it seems to prohibit that very act, that the malpractice insurer rather than the health insurance provider will get the protection, and more importantly by doing it as a matter of evidentiary question, it would be somewhat equivalent to my offering an amendment that said in the course of a trial, it is quite appropriate for the plaintiff's counsel to point out that the defendant is insured, create the sense of the deep pocket, the big pocket so that the recovery will be big and if we ever get to the issue of punitive damages, they will zap them good because they know that there is a place to get that money from.

Mr. GOODLATTE. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Also look at the parallel that we talked about a moment ago between the plaintiff who has been concerned about—say it is a self-employed individual, been concerned about his family, has bought insurance for the family for years, compared to a plaintiff who has never bought insurance and not because of income, comparable income rates, they have the same injury, that plaintiff without insurance gets to go into court and say, "Look at all the medical bills I have, give me a big award."

They do not have that with this. What we are doing is we are setting a public policy against people having insurance.

The CHAIRMAN. The Chair wishes to inform the committee that the gentleman from Pennsylvania [Mr. GEKAS] has 4½ minutes remaining, and the gentleman from Virginia [Mr. SCOTT] has 10 minutes remaining.

Mr. GEKAS. If the gentleman from Virginia wants to continue drawing on his resources, I would have no objection since he has more resources at the moment.

The CHAIRMAN. The gentleman from Pennsylvania continues to squander his time.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. I thank the gentleman from Virginia for yielding me time.

I think the gentleman from California made the point very well. This is about making the plaintiff whole, and that is what it is all about. If we do not do this, or making the defendant whole, not doing everything we can to make their life miserable.

The plaintiff has bought this insurance, the plaintiff has paid this insurance, and now the very lucky defendant who may have insurance, let's say the defendant has insurance, the defendant's company does not have to pay, even though he is liable, if this were to happen. I think that that is really flipping the whole incentive program so that the plaintiff who bought the insurance, his insurance is now going to cover his cost. The defendant who may have liability insurance, his premiums are going to stay lower because he never has to get that part reimbursed from his. I think that is part of what the gentleman from Virginia was talking about even though we do not allow people to say whether or not the defendant had insurance.

Mr. GOODLATTE. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Virginia.

Mr. GOODLATTE. I thank the gentlewoman for yielding. In fact what we are saying here is this is a case where liability has already been established on the part of the defendant. The defendant is the responsible party, the one who has caused the harm and now gets to say, hey, don't worry about charging me for this because the plaintiff has insurance and they will take care of it.

Mrs. SCHROEDER. That is right.

Mr. GOODLATTE. How would that same defendant like to be put in the situation where the plaintiff said, "I've got a harm here, it's been established, don't worry about how much you give me because this defendant has X number of millions of dollars in insurance coverage."

Mrs. SCHROEDER. Reclaiming my time, the gentleman's point is that we are not allowed to say that the defendant has insurance.

Mr. GOODLATTE. That is correct.

Mrs. SCHROEDER. So if we are looking at the two insurance companies, then the question becomes, which one should have to pay, which one's premium should have to go up, and I think it should be the defendant that should have to go up, and I think the gentleman from Pennsylvania should be looking at collateral source rules and not this.

I would hope that the amendment would be defeated.

Mr. SCOTT. Mr. Chairman, is the gentleman from Pennsylvania going to waive again?

Mr. GEKAS. Mr. Chairman, I will take my time now if I may. Does the gentleman want to allow me to go on?

Mr. SCOTT. I have several other speakers.

Mr. GEKAS. I may make a unanimous-consent request to withdraw the amendment. That would help, would it not?

Mr. SCOTT. In that case, Mr. Chairman, I would certainly defer.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania who has to this point chosen to squander the balance of his time.

Mr. GEKAS. I yield myself such time as I may consume.

I want to apprise the gentlewoman from Colorado that the concerns that she has raised here should be thrust at the capital, the State capital of Colorado where there is in existence a collateral source statute and which has been employed for many years.

□ 1100

So, we are not varying that far in this proposal from what is already established in her province in her home State.

But nonetheless, I do not want to yield now because what the gentlewoman has done along with others, they have raised enough questions that perhaps we ought to look at this a little bit more accurately between now and the time that it takes its place in the debate either in the Senate or in conference.

With that, Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMENDMENT OFFERED BY MR. SCHUMER

Mr. CONYERS. Mr. Chairman, I offer amendment No. 15.

The CHAIRMAN. Is the gentleman the designee of the gentleman from New York [Mr. SCHUMER]?

Mr. CONYERS. Yes, I am, Mr. Chairman.

The CHAIRMAN. It is now in order to consider amendment No. 15 printed in House Report 104–72.

Mr. CONYERS. Mr. Chairman, I offer the amendment No. 15.

POINT OF ORDER

Mr. HYDE. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. HYDE. Mr. Chairman, in looking at the rule, I do not see where a designee is allowed, for it says it may be offered only by a Member designated in the report, and that is for the gentleman from New York [Mr. SCHUMER].

I am not going to object. There he is. I was not going to object, but I wanted to know if this was cleared with the gentleman from Texas [Mr. BRYANT].

The CHAIRMAN. The Chair would say in response to the point of order of the distinguished chairman of the Committee on the Judiciary that the report clearly states the amendment is to be offered by Representative SCHUMER of New York or a designee.

Mr. HYDE. I am sorry; I did not see it in the rule.

The CHAIRMAN. It is in the report.

Mr. HYDE. I was not going to object. I just wanted to make sure it is cleared with the gentleman from Texas [Mr. BRYANT].

The CHAIRMAN. It is now in order to consider amendment No. 15 printed in House Report 104–72.

Mr. SCHUMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SCHUMER: Page 31, line 5, insert before the period the following: "AND SUNSET", in line 6, insert "(a) EFFECTIVE DATE.—" at the beginning of the line, and after line 8 insert the following:

(b) SUNSET.—Titles I, II, and III shall expire 5 years after the date of the enactment of this Act unless the Secretary of Commerce has certified to the Congress not less than 90 days before the expiration of such years—

(1) that insurance rates covering liabilities affected by such titles have declined by not less than 10 percent after taking into account changes in the Consumer Price Index, or

(2) that insurance rates have not declined by at least 10 percent because of extraordinary circumstances, has specified such extraordinary circumstances, and has explained their impact on such insurance rates.

The CHAIRMAN. Pursuant to the rule, the gentleman from New York [Mr. SCHUMER] and a Member opposed will each be recognized for 10 minutes.

The Chair recognizes the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, we are now at the conclusion of the debate on the tort reform proposal, and while I think much has been ballyhooed about the contract, I would agree that this proposal as it emerges, at least in the area of law that we are dealing with, is indeed revolutionary. In fact, the bill goes quite a bit further than was ever imagined, particularly in terms of the two Cox amendments.

We are eliminating joint and several liability in any tort lawsuit anywhere in America. I supported that amendment. I thought it was a wise choice.

We are also putting a cap of $250,000 on all damages, all noneconomic damages in the health care area. That is a major, major change, plus all of the other changes proposed in the product liability area, plus the effect of the cap on punitive damages throughout lawsuits everywhere. Indeed, my colleagues, the bill is revolutionary.

I would say this: We do not know if it is going to work. And in fact, there are many of us who think the bill goes too far. There are some I guess on the far right, mainly on that side of the aisle, who feel that the bill is very good because it is revolutionary. There are some, probably mainly on this side of the aisle, on the far left side, who say the bill is horrible and we should not change very much at all. But there are many of us in the middle who feel the system is out of control, but who are terribly troubled, terribly troubled by the fact that we are making such radical changes without having any idea of what their effect will be.

This amendment deals with those concerns and anxieties. For those of us on both sides of the aisle who find ourselves in the middle, we want real change but we may think that this bill goes too far or we are worried that it does.

It simply says that if liability insurance rates do not go down 10 percent 5 years after these laws take effect, this bill takes effect, then the proposal should sunset.

What is the reason we are doing all of these changes? I certainly believe the proponents of the bill are sincere, they do not want to hurt the little guy, they do not want to hurt defendants, plaintiffs. They certainly think it will make salutary changes for America. But I also know that one of the main reasons we are doing this is because we feel insurance rates are too high. We have heard that over and over and over again.

Perhaps the nostrums we are applying will work. If they do, liability insurance should decline at least 10 percent, and I have counted in inflation, this is 10 percent after accounting for inflation, and then we will say we have done a good thing. Those who voted yes will be proud; those who voted no will admit they made a mistake. But if it does not work, why take away all of the various rights of the little people who need to sue if it is not going to bring insurance rates down at all? And so we propose this sunset.

This is a moderate amendment. It is saying, OK, we are going to make very radical changes, but let us have a little bit of a break on them just in case they do not work. The sunset has been proposed on many pieces of legislation. In fact, some of them I did not agree with, but many I did, but when you do something this breathtaking and this radical, and potentially this dangerous, at the very least there ought to be a sunset in case the proposal does not work.

The CHAIRMAN. Does the chairman of the committee seek to manage the opposition to the Schumer amendment?

Mr. HYDE. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois [Mr. HYDE] is recognized for 10 minutes.

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I strongly oppose this amendment. It is unnecessary. Focusing on the pricing practices of insurers is irrelevant in many places because most large businesses self-insure and do not purchase liability insurance. This amendment places the future of a fair civil justice system in the hands of Federal Government bureaucrats. Americans overwhelmingly support the reforms in this bill and it is ludicrous to give the Department of Commerce the power to determine whether Americans will continue to benefit by these reforms.

This amendment sunsets this legislation 5 years after the date of enactment unless the Secretary of Commerce certifies that insurance rates either have declined at least 10 percent or have not declined that much because of extraordinary circumstances.

This sunset is ill advised because factors other than this legislation contribute significantly to determining rates charged by insurance companies and the beneficial effects of this legislation are not limited to anticipated savings in insurance-related costs.

As the Committee on the Judiciary noted in its report, "Our excessive reliance today on a patchwork of conflicting State statutes and common law relating to allegations of product defects excessively burdens interstate commerce, discourages innovations, exacerbates liability insurance costs, compromises American competitiveness and forces Americans to pay higher prices.''

We had more than the cost of insurance in mind when we crafted this legislation. The limitation on joint and several liability, for example, recognizes the injustice of requiring minimally responsible defendants to pay for all noneconomic damages. We propose punitive damage reform, an important title of this bill, not only to ameliorate adverse effects on interstate and foreign commerce but also to protect due process rights. The unfairness of ignoring extent of fault or responsibility in assessing liability for noneconomic damages and the unfairness of virtually unlimited punitive damage awards in a range of cases that extend beyond the product liability context necessitated congressional action.

The 10-percent formula relating to insurance rates is flawed. Our objective of reducing insurance rates will be undermined rather than advanced by this amendment. The sunset creates uncertainty for insurance companies. They will not know whether the reforms incorporated in this legislation will remain in effect 5 years hence, and this uncertainty will affect risk calculations leading to higher rates.

I am confident this legislation, without a sunset, will have a positive effect on insurance rates. I cannot predict how other developments extraneous to this legislation, such as accident patterns and medical care costs, may impact on the risks the insurance company faces. The business of insurance, let us remember, is subject generally to State rather than Federal regulation and the capacity of the Federal Government to achieve rate reductions is limited.

If insurance rates do not decline by at least the arbitrary 10-percent figure, the explanation may have nothing to do with this legislation. The amendment gives the Secretary of Commerce excessive power to scuttle this legislation because only he or she can certify to the extraordinary circumstances to justify a deviation from the 10-percent requirement.

Congress does not need a sunset to revisit the issues addressed in this legislation. We can do that in any and every session that is forthcoming. In response to experiences in the years ahead, we are free to modify and refine the new law. Perhaps stronger medicine will be needed to deter abuses in the litigation process. Perhaps unforeseen developments will justify amending our work product. But a sunset provision that essentially says we may have to return to square one at the say so, the fiat of whoever is the Secretary of Commerce, is not a sensible way to legislate.

Mr. Chairman, I reserve the balance of my time.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. FAZIO], chairman of the Democratic caucus.

Mr. FAZIO. Mr. Chairman, I thank my friend from New York for yielding time to me. I must admit this has been a very difficult piece of legislation for me. I have been associated with Members who wish to see a products liability bill enacted, I have been associated with those who want to move on the question of medical malpractice, and I have made some votes, uncomfortable votes for me because I think the amendments were flawed in their drafting and I indicated that earlier in the deliberation on this bill.

But I must rise in support of the Schumer sunset provisions and in opposition to the enactment of this bill because I think it frankly is a travesty the way it has been put together here at the last minute on the floor, the way it combines a number of disparate elements in the tort reform area. I will be the first to admit these issues should have been deliberated in prior Congresses but the fact they have not does not in my view excuse the approach that has been taken in the amalgamation of all of these various provisions in this bill at this time.

Tort reform is a subject this Congress must deal with. It has not dealt with it effectively in this bill, and the bill should be opposed.

Mr. HYDE. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Illinois [Mr. HYDE] has 5 minutes remaining, and the gentleman from New York [Mr. SCHUMER] has 5 minutes remaining.

Mr. HYDE. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Chairman, I rise in opposition to the amendment. When we first set out on this legislation we had several goals in mind, and I would remind the Members that it was to improve the competitiveness of American business, to increase economic growth, create more jobs, reduce overall liability costs of which insurance rates are only one portion of that equation.

The gentleman from New York [Mr. SCHUMER] who offers the amendment it seems to me really misses the point behind the efforts that we are making with this legislation.

The gentleman from Massachusetts [Mr. MARKEY], who I assume will speak later, had a similar approach in the Committee on Commerce, which was rejected at that point and I think the full House should reject the Schumer amendment as well.

There are a lot of factors. The insurance rates are affected by a number of factors, medical costs, crime rates, accident patterns, court interpretation of legal reforms; punitive damages are not insurable in most jurisdictions, meaning that one of the core provisions of the legislation would not be relevant to insurance rates in most of the States. Insurer losses on which premiums are in part based will probably not decrease for several years because of all of the litigation in the pipeline.

Finally, Mr. Chairman, this amendment places unprecedented power in the hands of the Secretary of Commerce, essentially giving one individual life or death power over this legislation and the good that it is trying to accomplish.

□ 1115

So, Mr. Chairman, for all those reasons, and for the fact that we have a number of ambiguous circumstances involved in the uncertainties, I would ask that the Schumer amendment be defeated.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, the Schumer amendment is really the did-it-really-work amendment. Are all the promises which are being made by the proponents of this reform going to come to pass? In other words, consumers out there are being told that they will see lower doctor bills, that they will see lower costs for products because insurance rates are going to go down?

Now I remember back in 1988 in the Committee on Commerce when we had hearings. In that particular hearing we actually had insurance executives, and I asked them, ''Will insurance rates go down?''

They said, ''No, no, no.''

Well, if that is the ostensible guise for all of this, let us have a determination 5 years later whether or not the promise, like Reaganomics, of cutting taxes and actually having more revenues is going to work here in insurance product liability as well, and if it cannot withstand the crucible of scrutiny 5 years from today, and insurance companies are retaining windfall profits as——

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. MARKEY] has expired.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New York [Mr. LAFALCE], the ranking Democrat on the Committee on Small Business.

Mr. LAFALCE. Mr. Chairman, many years ago I had dozens of hearings on the issue of product liability and as long ago as 1978 introduced a uniform product liability law. It was opposed by the Republicans in the Chamber of Commerce at that time because they argued it ought not to be a Federal matter, this was a prerogative of the States.

Mr. Chairman, I will not point out the things that are wrong with the bill that we have today; they are too countless, it is too egregious. There are a lot of things that is wrong with what is not being done, too. We are not dealing with the problems of the insurance industry, and, if we need a law for anything, we need it for the regulation and practices of the insurance industry.

Second, we have Federal regulation now over remedies for product liability cases, but the most fundamental thing, the basic cause of action for a product defect, is left unattended. So we will have 50 separate causes of actions, but we will have one Federal law with respect to limitation of remedies.

Last, and there are so many other things I could point out, but 10 percent of the cases——

The CHAIRMAN. The time of the gentleman from New York [Mr. LAFALCE] has expired.

PARLIAMENTARY INQUIRY

Mr. SCHUMER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SCHUMER. I would inquire of the Chair if today is the day when the gentleman from Illinois [Mr. HYDE] has the right to close, or is it the day when we have the right to close?

Mr. HYDE. Mr. Chairman, I direct that parliamentary inquiry as well. I was told that I have the right to close.

The CHAIRMAN. The chairman of the committee controlling time in opposition has the right to close.

Mr. SCHUMER. I appreciate the determination of this very important rule.

The CHAIRMAN. That is the way it works.

Mr. SCHUMER. Mr. Chairman, I yield my remaining time to the distinguished gentleman from Texas [Mr. BRYANT], a member of the committee.

The CHAIRMAN. The gentleman from Texas [Mr. BRYANT] is recognized for 3 minutes.

Mr. BRYANT of Texas. Mr. Chairman, I thank the gentleman for yielding this time to me and for the opportunity to close on this, on our side of the amendment.

We are today taking steps to eliminate 200 years of common law in this country. We are taking an enormous amount of power from the States, something that was thought to be a prohibitive tenet of the Republican philosophy that we would never do, and we are raising a barrier to the middle class of this country that will prevent them from using the courthouse to redress grievances against the most powerful economic interests in our country. The question has to be why. Why are we doing it? We have asked over, and over, and over in this debate, and we asked over, and over, and over in committee, "Do you have any empirical data to show us that indicates that there is an explosion of lawsuits or there is an explosion in the size of verdicts? Any at all?" We have had some papers waved at us, but the answers have always been no every time we ask it of our witnesses, every time we ask it of you.

The fact of the matter is that there is no explosions with regard to litigation. We do data; it is not data we put together, but data that was available to my colleagues as well from the National Center for State Courts which indicates that product liability filings are only thirty-six one-hundredths of a percentage of the total civil caseload, that only 10 percent of the people who were ever injured from torts ever used the tort system in the first place. As a matter of fact, the number of cases in State courts and Federal courts are going down, and so I ask, Why are you doing this?

They will come back to us and say, Well, we think it's going to bring down insurance rates, and so the gentleman from New York [Mr. SCHUMER] comes out with an amendment here that says:

"OK. Since we don't know whether what you're promising will work or not, let's put something in the bill that says, 'In 5 years, if insurance rates with regard to the things that are affected by this bill have not come down by 10 percent, this bill will sunset,' and then you stand up on the floor this morning and say, 'Well, we are not sure insurance rates really will come down.'"

Well, Mr. Chairman, then what is the purpose of this bill? The bottom-line purpose is this:

"You want to do a favor for some wealthy, powerful people in this country who are your social peers, who are the people that you live with, the folks that you think about, the people whose opinions you adopt regardless of its impact on the American people, on the average middle class people, and in spite of the lack of any available data to support the direction you're going."

I say to my colleagues, Mr. SCHUMER has a commonsense amendment. If what you say is true, even if you have no evidence, then insurance rates will surely over 5 years come down 10 percent, and, if they do, the bill stays on the books. If they don't, it won't.

The CHAIRMAN. The time of the gentleman from Texas [Mr. BRYANT] has expired.

Mr. BRYANT of Texas. Vote for the Schumer amendment, and vote against this outrage against the American people.

Mr. HYDE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I am consoled that the class struggle has not expired with the demise of the former Soviet Union. We still put class against class here. The inability to understand that the nonavailability of medical help, and vaccines and drugs because of the unpredictability of product liability has not permeated our opponents, and I guess there is no way that it ever will.

But this amendment offered by the gentleman from New York [Mr. SCHUMER] guts the bill because the purpose of the bill is to have common standards wherever possible on those important items that affect our economy and predictability. A 5-year sunset means that in 5 years nobody knows what is going to happen. Insurance companies would not be able to set rates with any confidence or predictability, and who is going to make the determination? The Secretary of Commerce.

So, Mr. Chairman, I hope and pray that this amendment is defeated handily, but in closing, and this will be the last vote on this very important bill, I would like to bring to the Members' attention a letter that the gentleman from Michigan [Mr. CONYERS] and I got dated March 6 from the National Governors Association, and I will just read a couple of little paragraphs:

> We're writing to convey the support of the Nation's Governors for legislation to establish a uniform product liability code. Since 1986 the association has been on record in support of a uniform, consistent, and predictable approach to product liability. While Governors do not usually support one-size-fits-all legislation, we believe in this case uniform product liability standards can only be achieved by Federal action. We urge you to act swiftly to enact this legislation.

I thank the Chair for the courtesy and the efficiency with which he has conducted these four sessions, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SCHUMER].

The question was taken; and the chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SCHUMER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 175, noes 249, not voting 10, as follows:

[Roll No. 227]

AYES—175

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hayes
Hefner

Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Johnson (SD)
Johnson, E.B.
Johnston
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klink
LaFalce
Lantos
Laughlin
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Moakley
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Poshard
Rahall
Reed
Reynolds
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Schroeder
Schumer
Scott
Serrano
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thurman
Torres
Torricelli
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—249

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cunningham
Davis
DeLay
Deutsch
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Mineta
Molinari
Mollohan
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Bevill
Cubin
Gephardt
Jacobs
Jefferson
Kanjorski
McIntosh
Rangel
Riggs
Towns

☐ 1143

The Clerk announced the following pairs:

On this vote:

Mr. Kanjorski for, with Mr. McIntosh against.

Mr. Jefferson for, with Mrs. Cubin against.

Mr. SAWYER changed his vote from "aye" to "no."

Mr. BAESLER changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

Mr. POMEROY. Mr. Chairman, I rise in opposition to the bill currently before the House, H.R. 956.

Last night the Republican majority shoved through an amendment that was poorly drafted, superficially considered, and will hurt a lot of people. The Cox amendment imposed a cap of $250,000 on noneconomic damages in all civil lawsuits.

What this amendment does is limit the amount that can be recovered against insurance companies that refuse to pay health care claims that they legitimately owe.

I used to be an insurance commissioner. I used to help people who paid hard dollars for insurance so they would be protected against doctor and hospital bills only to find their claims denied and medical bill collectors at their door. The amendment adopted last night now protects those insurance companies who fail to pay what they owe.

I cannot understand how the majority Members of this House can turn their back on people in their districts that will have to deal with bill collectors, shattered credit standing, repossessed automobiles and even foreclosed houses because their insurance companies fail to pay the claim they owe.

They call this bill common sense legal reform. I doubt there is a single American who has had to fight their insurance company to get a claim paid who would think this bill makes any sense at all.

As amended I cannot in good conscience vote for this bill.

Mr. JOHNSON of South Dakota. Mr. Chairman, I reluctantly express my opposition to the passage of H.R. 956. There is no doubt that some reforms of the American civil justice system are needed, despite the fact that this area of the law has historically been largely the province of the individual States. It is true that the courts are too often slow and overburdened, and that jury awards sometimes seem inconsistent and instances of apparent excessive awards are well known. I am particularly concerned over problems involving medical malpractice claims and I have supported State and Federal legislative initiatives in that area.

Nonetheless, this bill is not well thought through and too little serious and reasoned deliberation has gone into its formulation. It makes little sense to me that a corporate CEO might be able to recover $1 million or more punitive damages under this bill but a typical working family in my State would have punitive damages capped at $250,000. It doesn't make sense to me that the punitive damage limit is the same for small business as it is for Fortune 500 corporations, much to the advantage of the largest corporations. I am not pleased that over 60 proposed amendments were not made in order for debate on the House floor and an inadequate amount of time is allowed for debate even for those amendments which were made in order. I am not pleased that the House was not permitted to debate or vote on an amendment which would have prevented Federal preemption of State laws to punish sexual predators and drunk drivers.

This legislation preempts State laws, not just in the product liability arena, but relative to all civil litigation, and increases the likelihood that injured individuals will not be able to collect compensation for their legitimate injuries from wrongdoers. It is little wonder that this specific bill is opposed by, among others, the Consumer Federation of America, Consumers Union, the National Conference of State Legislators, YWCA, National Women's Health Network, and the American Association of Retired Persons as well as the American Bar Association.

Mr. POSHARD. Mr. Chairman, I rise today in support of the Common Sense Legal Standards Reform Act, because I believe this bill moves us in the right direction of reforming our Nation's liability system. However, I also believe this bill is overreaching in its attempts to reform the system, and that is why I supported several amendments that I believe would have broadened an individual's opportunity to use the courts to seek due compensation for an injury.

While I understand and agree that injured parties are entitled to fair and just compensation, we all recognize the fact that many people have taken advantage of our health care providers along the way. The reality is the only person that pays for the outrageous settlements our health care providers are often forced to pay is the patient.

I believe the most serious harm caused by our current liability system is reduced access to health care. Increasing premiums and the threat of liability have caused physicians to abandon practices or to stop providing certain services in various areas of the country, especially in rural America. In my State of Illinois, 68 percent of all family doctors significantly decreased or eliminated obstetrics over a 5-year period, because of the danger of being sued.

Many of the obstetrical patients in my district travel over our State's eastern border to Indiana where caps on noneconomic damages made the profession of obstetrics more palatable. Because these threats of lawsuits exist, the doctors in my district and across the Nation have been forced to purchase exorbitant amounts of malpractice insurance to protect themselves from the threat of multimillion dollar lawsuits. No longer can many of our rural doctors and hospitals afford this costly insurance or the threat of expensive and time-consuming lawsuits.

Many rural hospitals are on the verge of closing, because of their inability to pay for malpractice insurance or million dollar settlements. The doctors, nurses, and hospitals of rural America are only trying to provide aid and comfort to our injured and sick. It is unfair to these health care officials that we allow a legal system to exist that simply sits and waits for them to make a mistake. Because of the constant fear of being sued, the practice of defensive medicine is costing Americans billions of dollars each year and driving our rural hospitals and medical centers to the brink of financial disaster.

Understand, I support compensating people injured by an individual or corporation's mistake, but I do not believe it is just to seek a high-priced settlement at the expense of a doctor or hospital that serves communities that would otherwise not have access to health care services. It is clear that the impacts of high malpractice premiums and lawsuit threats have created a situation that greatly disadvantages rural Illinois families.

Let me say again, I support this bill today, because I believe it is a step in the right direction, especially in its efforts to reform malpractice suits. However, unless the scope of this bill is further limited in the Senate or during conference committee, I will not be able to support the bill in its final form when it comes before the House of Representatives. In particular, the cap being placed on noneconomic losses, an individual's pain and suffering, must be raised to at least $500,000 if this bill is to receive my support in the future.

I support sending this bill to the Senate, because I believe it is a good and reasonable foundation on which to continue building. However, I could not in good conscience send to the President a bill that I believe would not be fair to those looking to the courts for due compensation.

Just yesterday, the Governor of Illinois signed into law a tort reform measure which may help mitigate the serious problems plaguing our liability system. Nonetheless, Federal action on the issue of malpractice reform could significantly improve the opportunity for rural Americans to have access to quality and affordable health care, and I will do all in my power to foster legislation that will bring about liability reforms which are fair, balanced and effective.

Mr. PORTMAN. Mr. Chairman, America is in the midst of a litigation explosion. Not long ago a woman in New York was using a knife to separate a package of frozen hors d'oeuvres she bought in the supermarket. The knife slipped and she cut her hand. She got a lawyer and sued. She sued the supermarket; she sued the manufacturer; and she sued the packager. We are a litigious society—and we're all paying for it.

In 1991, nearly 19 million new civil suits were filed in our Nation's courts. These lawsuits exact a huge price—a price that is ultimately paid not by big business but by America's consumers. In fact, recent estimates put the price tag at $300 billion annually. That's $1,200 for every man, woman and child in America.

Civil litigation attorneys present themselves as champions of the underdog, yet its estimated that only one-third of each dollar awarded in liability cases gets into the hands of the injured party. The great bulk of jury awards goes instead to pay court costs and the lawyers themselves.

The cost to consumers is high. As much as $500 may be added to the cost of your new car because of litigation costs passed on by the manufacturer. Nearly $3,000 of the cost of an $18,000 pacemaker goes to the tort tax. As much as $500 of the cost of a 3-day maternity stay is due to liability costs.

And it's not just the costs to America's consumers: This litigious feeding frenzy is costing the United States in terms of competitiveness. In a global economy, U.S. businesses have to be able to provide better value for the dollar than their competitors in, say, Japan and Europe. But it's not a level playing field when our products carry a legal surcharge.

The Japanese have 30 times fewer lawsuits than we do. We have 70,000 product liability lawsuits in the United States every year. In Great Britain, they have 200. The greatest loss, however, may not be a question of economics. It can't be measured in dollars and cents. It comes from the products—often medically necessary, life-saving products—that are kept off the market because of the high costs imposed by a civil litigation system run amok.

I believe it's time to stop the litigation explosion. The House took the first step today with the passage of the Contract With America's Common Sense Legal Reform Act. It makes a number of common sense changes, including limiting punitive damage awards to a reasonable relationship to the actual or compensatory damages incurred; punitive damages would be either three times the actual damages or $250,000, whichever is greater. It would help to limit the huge profits tort lawyers now rake in. This will make a plaintiff's lawyer and a potential litigant think carefully before filing a suit.

To discourage frivolous lawsuits, it would provide—as almost all other industrialized nations do—that the loser in civil cases pays costs. This will make a potential litigant think carefully before filing a suit. Right now, plaintiffs may sue on unsubstantiated grounds, because they have nothing to lose even if the jury throws the case out of court. The accused, however, may be saddled with tens of thousands in court costs, despite complete and utter innocence.

I believe common sense and fairness have prevailed by Congress' passage of these legal system reforms.

Mr. CARDIN. Mr. Chairman, although I shall support the amendment to H.R. 1075, offered by Mr. COX, which will add a noneconomic cap in medical malpractice awards, I do so with major reservations. The $250,000 cap is too low. My State of Maryland which originally enacted a $350,000 cap on noneconomic damages has increased that cap to $500,000. Such an amount is far more reasonable.

I also resent the fact that the amendment is being considered without any opportunity for me to submit an amendment to the Cox amendment, No. 12, to raise the cap or for me to submit a separate amendment regarding this subject.

My vote in favor of the Cox amendment should be interpreted only to support the inclusion of a cap. I trust the cap will be adequately adjusted by the Senate or in conference.

Mr. HASTERT. Mr. Chairman, I would like to clarify an important issue regarding title III of H.R. 956. This title incorporates the provisions of H.R. 753, the Biomaterials Access Assurance Act, a bill to ensure that adequate supplies of biomaterials are available to medical device manufacturers. During the Commerce Committee's markup of H.R. 917, I offered an amendment to protect these vital supplies, the text of which now appears, with some modifications, in H.R. 965.

It has come to my attention, however, that in the period of time between offering my amendment and today, language has been added to deal with the difficult issue of biomaterials suppliers who are alleged to have wrongfully withheld or misrepresented safety information, or who know of fraudulent use of their materials. I agree, of course, that conduct of this type, if it occurs, should not go unpunished. However, I have concerns regarding the specific language added to H.R. 965 to address this issue.

I have heard from a number of biomaterials suppliers in recent days that the new language will not arrest the flight of suppliers from the implantable device market. May I remind my colleagues that we came to this debate to achieve a singular objective: To stem the exodus of biomaterials suppliers from the implantable device market. We must reduce the incidence of unnecessary and costly litigation to prevent further flight by these suppliers. If we do not act, American patients will not have access to life-saving, life-enhancing implantable devices, including pace makers, heart valves, artificial blood vessels, hydrocephalic shunts, hip and knee joints, and even simple sutures for common surgeries.

Mr. Chairman, in the final analysis, this debate is about more than legal theory and procedure. It is about ensuring that those devices which can save and enhance a person's life will be available when they need them. It is imperative that we fix this problem.

In closing, I believe that the issues I have raised need to be discussed further. With the help of my colleagues, I am sure we can draft language that addresses these concerns.

Mr. GEKAS. Mr. Chairman, title III of H.R. 1075 essentially incorporates the provisions of H.R. 753, the Biomaterials Access Assurance

Act, which I introduced to help assure adequate supplies of biomaterials for medical devices.

Language has been added in H.R. 1075 to deal with the difficult issue of biomaterials suppliers who are alleged to have wrongfully withheld or misrepresented safety information or who know of fraudulent use of their materials. I believe strongly that conduct of this type should not go unpunished.

Under current law, a medical device manufacturer can bring an action in such circumstances against the biomaterials supplier, and may recover from the supplier any damages that the manufacturer had to pay as a result of a lawsuit by an individual who has been injured. This is unchanged by title III of H.R. 1075. This is as it should be.

The new language in title III, however, prevents a motion for dismissal by a biomaterials supplier if the injured individual claims misrepresentation or fraud. This will keep the deep pockets supplier in the case and subject to the same kind of costly litigation that now threatens to dry up the supply of biomedical materials. So the purpose of title III, to ensure the continuing availability of life-saving and life-enhancing medical devices made from these materials, will be thwarted. Again, let me emphasize that under existing law the manufacturer will have recourse against the errant supplier. The wrongdoer will have to pay for its action. Wrongful conduct will not be immunized.

As this legislation moves forward, I believe this situation should be kept in mind with a view toward finding an appropriate solution.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise today with words of support for H.R. 956, the Common Sense Product Liability and Legal Reform Act, as well as H.R. 10, the entire package of commonsense legal reforms which the House of Representatives has passed this week.

I strongly support the efforts of this House to bring much needed reforms to our tort liability system. This legislation, if enacted, will benefit the State of New Jersey, its businesses, and its consumers.

I have heard from hundreds of constituents and businesses in the 11th District of New Jersey regarding the need for limitations on frivolous lawsuits. These constituents are all too familiar with the rising costs of liability insurance.

I have also heard from constituents whose businesses, increasingly in the past several years, have been the targets of frivolous lawsuits which were eventually found meritless. These decisions came only after having spent obscene amounts of time and money defending themselves. These constituents are all too familiar with the phenomenon of costly settlements having to be made to settle even costlier lawsuits.

The reality is that even a single frivolous lawsuit is sometimes enough to force a small business out of business. Unfortunately, the costs associated with this reality are then passed on to clients and consumers.

Everyone agrees that citizens should have the right to sue and collect reasonable compensation if they are wrongfully injured. These bills will continue to protect fully, that right.

I am pleased to support passage of this well-balanced legislation.

Mr. FAZIO. Mr. Chairman, I rise today to affirm my support for product liability reform and commonsense legal reforms, but it is with great regret that I am not able to vote for final passage of this measure.

First, let me be clear that I strongly believe that we need to replace the current costly patchwork of State laws on product liability with a uniform standard which is fair to consumers, manufacturers, and small businesses. Although over 70 percent of products routinely travel across State lines, under our current laws, the outcome of product liability lawsuits more often depend on geography than the merits of the cases. this confusion of 50 separate State laws stifles business innovation and development. As a result of skyrocketing liability costs, 39 percent of American manufacturers have decided not to introduce new products and 25 percent have discontinued new product research. For consumers, disparate liability laws means that the costs for litigation and skyrocketing insurance rates are passed on to them through higher prices for products.

Furthermore, I support restoring fairness to liability litigation by applying a fair share principle for determining noneconomic damage awards, a step that the majority of States have already taken. This provision would ensure that victims are fairly compensated, but put an end to the practice of lawyers suing any deep pocket who is even remotely connected to the case.

However, I must express my great disappointment and frustration with the way this legislation was brought to the floor. While the title of this legislation is ostensibly the Common Sense Legal Reform Act, I cannot understand why the authors of this bill did not have the common sense to give more careful and deliberate consideration to these complicated issues. This legislation was rushed through the committee process, and as a result, I do not believe this legislation in any way represents the best effort this body can make to produce a uniform liability law. This flawed measure may be keeping the Contract With America on its timetable, but I do not believe it is worth the price of a bad bill.

For example, I supported the Cox amendment addressing the important issue of medical malpractice because I have been a proponent of similar provisions contained in California's Medical Injury Compensation Reform Act [MICRA]. MICRA was adopted to respond to the crisis in the availability and affordability of professional liability coverage for health professionals throughout the State in a way that preserved a high level of quality assurance for patients. MICRA compensates injured patients without limit for all economic losses, but limits noneconomic losses to no more than $250,000.

However, I wish to make it clear that I believe this amendment is a blunt instrument in which to bring MICRA type malpractice reform into the broader national debate about liability reform. This amendment would extend a cap on noneconomic damages to include medical devices as well as health insurance, provisions that are not part of my State's current law. I understand that this amendment was hastily drafted and went under a number of major revisions within less than 24 hours before it was debated. While I am troubled that this amendment contained provisions that were not thoroughly examined or debated, I supported the amendment because I believe that it was an important step to highlight the needs of malpractice reforms. With more time and consideration, this issue could have been addressed much more effectively.

Moreover, if the Rules Committee would have allowed for a fair and reasonable amendment process, I could have likely supported this bill. Regrettably, the Rules Committee shut out the most reasonable amendments that could have made this legislation a sound and workable solution to our product liability problems.

For example, I believe that placing a cap on punitive damages in product liability cases could relieve some of the needless uncertainty that exists today about the lottery of current litigation, a system which leads companies to agree to large settlements even in cases with extremely tenuous liability. However, the cap on punitive damages in this bill—$250,000 or three times the amount of monetary awards, whichever is greater—was just too low to serve as a true incentive to manufacturers to ensure their products are safe. Furthermore, this cap applied to all civil cases, not just product liability cases. The cap on punitive damages was a key issue in this debate, and a number of amendments were submitted to the Rules Committee which would have given us the opportunity to keep caps on punitive damages in the bill, but raise them to a more reasonable level or more specifically target the caps to product liability cases. The amendments we were allowed to consider on the floor did not adequately address these critical issues.

Thus, without the opportunity to vote on a better liability reform bill, I must oppose the final version of H.R. 956. It is my sincere hope that this legislation will eventually go to conference with the Senate, and return in a form that I can support which will be fair to consumers and business alike.

Mr. REED. Mr. Chairman, I was one of two Democrats to support H.R. 956 during its consideration by the Judiciary Committee.

I support product liability reform and I support the core principles of the original H.R. 10/H.R. 956.

A CAP ON PUNITIVE DAMAGES

We need to bring certainty and proportionality to the process. Everyone agrees that some awards are totally out of proportion to the harm done. The cost of insuring for this uncertainty is part of the litigation tax that drives up costs for all consumers.

Proportionate, not joint, liability for de minimis tortfeasors. This is a necessary reform: defendants who are peripherally responsible should not be handed the entire bill for someone else's wrongdoing just because they may have deep pockets.

A STATUTE OF REPOSE

Manufacturers should not be sued for a product that is still being used long past its useful life. And they deserve protection against suits that result from misuse or alteration of their products.

However, this bill has been distorted by the adoption of a series of floor amendments and the failure of the Rules Committee to allow consideration of amendments that would have, in my opinion, improved the bill.

For example, an amendment by Mr. BERMAN of California that would have provided relief from joint liability for de minimis tortfeasors while retaining liability for highly culpable wrongdoers was not allowed to be offered, in spite of the fact that this amendment received bipartisan support in the Judiciary Committee. As it stands now, the bill offers protection not only to de minimis tortfeasors but to serious wrongdoers who are 80 or 90 percent responsible for an injury.

But it is really the adoption of several floor amendments that vastly expand the scope of the bill that prevent me from being able to support the bill in its final form. These amendments were adopted without the benefit of hearings and careful deliberation and may have many unforseen and unintended consequences.

For example, the bill now preempts State laws that impose punitive damages on drunk drivers and sexual predators, among others. It also will enable clever wrongdoers to escape punitive damages. For example, the manufacturers of the drug Zomax reported adverse reactions to the FDA as required to gain an exemption from punitive damages under one of the floor amendments; then, before the FDA could act, they intentionally dumped their inventory on the market, causing 14 deaths and 400 allergic reactions. I do not believe this is the type of behavior we should shield from punishment. Finally, because of the way the caps are structured, the bill disadvantages children, seniors, women, and middle income working Americans who are injured. A high income executive who is injured by a Ford Pinto would receive a far higher share of the damages allowed under State law than a child or a senior citizen injured by the same product. I do not believe these are the results my constituents are looking for when they ask for litigation reform. Although I support tort reform, I believe this bill needs improvement.

I hope that the final conference report will return to the sound principles of the original bill, and embrace true product liability reform. If it does, I intend to support it.

However, at this time I do not believe that this bill is worthy of support. I voted in favor of a projob creation bill in committee that became, on the House floor, a bill that tilts the court system against people of modest means, and includes several anticonsumer provisions.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WALKER) having assumed the chair, Mr. DREIER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 956) to establish legal standards and procedures for product liability litigation, and for other purposes, pursuant to House Resolution 109, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

□ 1145

MOTION TO RECOMMIT OFFERED BY MR. GORDON

Mr. GORDON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore (Mr. WALKER). Is the gentleman opposed to the bill?

Mr. GORDON. In its present form, Mr. Speaker, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GORDON moves to recommit the bill to the Committee on the Judiciary with instructions to report the bill back to the House forthwith, with the following amendments:

Add at the end of the bill the following:

SEC. 404. SERVICE OF PROCESS.

This Act shall not apply to a product liability action unless the manufacturer of the product or component part has appointed an agent in the United States for service of process from anywhere in the United States.

Change the limit in section 201 on punitive damages to the following: "3 times the amount of damages awarded to the claimant for the economic loss on which the claimant's action is based, or $1,000,000, whichever is greater".

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. GORDON] is recognized for 5 minutes in support of his motion.

Mr. GORDON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise as someone who is a supporter of products liability reform, not just in this Congress, but in past Congresses. I supported the bipartisan bill last year because I do not think status quo is satisfactory. However, I am disappointed that this House has been required to work under a gag rule that has gagged amendments, has gagged this House from fully discussing this issue, and has really gagged the American people from having a full discussion of this issue and allowing us to put better amendments on the floor.

So I rise with a motion to recommit that I think improves this bill in two years: One, to put back in the bill a provision that will require foreign manufacturers to designate an agent in this country. The reason for that is that American consumers are going to be disadvantaged if they are the recipient of some harm by goods in this country by a foreign manufacturer and then cannot get service on them, and American business is going to be at a disadvantage if they are going to be responsible for liability in this country, however foreign manufacturers would not because they do not have an agent to be served.

Mr. Speaker, the second part of this motion to recommit will raise the punitive damage level from $250,000 to a more reasonable $1 million for outrageous conduct.

Mr. Speaker, I yield to my friend, the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Speaker, I thank the gentleman from Tennessee for the excellent job he has done.

Mr. Speaker, the motion to recommit makes two simple changes, first restoring the provision from the committee-passed bill which would require foreign manufacturers to be subject to service of process in this country before they could benefit from the bill's provision, and then second increase the cap on punitive damages from a quarter million dollars to $1 million.

Although the body approved a separate amendment by a 92-vote margin that I offered yesterday dealing with foreign manufacturers, that amendment merely ensured that foreign manufacturers were subject to Federal court rules in terms of discovery and jurisdiction. However, we all know that being subject to court rules is not worth anything unless you can actually serve the company with process and bring them into court.

Unfortunately, the first Cox amendment approved yesterday I like to think inadvertently knocked out my service-of-process language. This gutted the whole bill. So the Cox amendment gutted the whole provision of being able to hold foreign wrongdoers responsible for their actions.

Mr. Speaker, I strongly support the motion to recommit.

Mr. GORDON. Mr. Speaker, I yield to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, the function of this motion to recommit is a very simple one: One, to include what essentially would have been a bipartisan amendment to this legislation, which would have been offered by the gentleman from Ohio [Mr. OXLEY] and the gentleman from Tennessee [Mr. GORDON], that would have raised the amount of punitive damages to $1 million or three times the economic damages, a very fair and a very humane amendment which would protect the rights of persons injured by serious wrongdoing by manufacturers and others.

The other thing that the amendment does is something which was voted on yesterday and in which by 258 to a substantially lesser number this body came to the judgment that we ought to see to it that foreigners are treated the same way as Americans are.

The Cox amendment yesterday struck from the bill a requirement that foreigners appoint an agent for purposes of receiving service. The striking of that provision meant that no longer is it easy to get jurisdiction over foreigners who engage in improper processes in manufacturing.

Let me give you an example. An American manufacturer manufactures an automobile. In it he includes foreign parts. He is sued for product liability because of the manufacturing of that automobile. Service is easy on the American manufacturer. Under the Cox amendment, it is almost impossible.

Mr. Speaker, if you wanted to treat Americans fairly with foreigners, vote for the motion to recommit. Otherwise vote for the bill as it is.

Mr. GORDON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in summary, let me state this motion to recommit offers us a chance to protect U.S. citizens harmed by foreign products, allow American business a chance to compete against foreign manufacturers on an equal footing, and keep the most dangerous products in this country off the market.

Mr. Speaker, I urge Members to support the Conyers-Dingell motion to recommit.

Mr. HYDE. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. HYDE] is recognized for 5 minutes.

Mr. HYDE. Mr. Speaker, I yield to the distinguished gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to the motion to recommit, and I do so with some concern, because the fact is the language added regarding service of process I think is a bogus argument and is simply an effort to bash foreign manufacturers.

The motion to recommit, as far as the language increasing its punitive damage ceiling and the cap to $1 million, is an amendment that I had supported and had offered, in fact, to the Committee on Rules. But clearly the language involving service of process in my estimation has no business in the motion to recommit. Frankly, it has no business in the bill.

Mr. Speaker, for that, I feel compelled to oppose the motion to recommit.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there are three points to be made on this motion to recommit. The first one is on the first part of the motion to recommit, it has to do with service on foreign corporations. The amendment of the gentleman from Michigan [Mr. CONYERS] was not stricken by the Cox amendment. It still is in the bill, the one that passed last night making foreign manufactures subject to the jurisdiction of the Federal courts in product liability actions.

What the motion to recommit does has to do with service of process on foreign corporations. I tell you it is unnecessary. The Hague Convention, to which we are all subscribers, already provides for service of process on foreign corporations. So it is unnecessary and it is unneeded.

As to the second part of the motion to recommit, it seeks to elevate the ceiling on punitive damages from $250,000 or three times the economic damages, which could exceed $250,000, to $1 million.

Now, I point out with as much fervor as I can muster, punitive damages are not meant to compensate anybody. They are a punishment, they are a deterrent. There is no inhibition, there is no impediment to a plaintiff suing for medical expenses, economic expenses, noneconomic expenses, pain and suffering, loss of use. All of those things are elements of damages that are recoverable. We are talking now about punitive damages meant to punish somebody, and the purpose of this bill is to have a consistent, reasonable figure so insurance companies and manufacturers are not terrorized by the possibility of bankrupting punitive damages assessed against them in some of the States.

□ 1200

Punitive damages impede quick settlements. They get in the way. The reforms in our bill are reasonable. The Governors Association said, "We urge you to act swiftly to enact this legislation."

Now, if you elevate the ceiling to $1 million, you adulterate and you diminish the effect of having a good products liability bill, a good tort reform bill.

I hope Members will stay with the committee, stay with the bill and defeat the motion to recommit.

I want to say something about the remarks of the gentleman who moved this motion to recommit. He called it a gag rule. I, for one, am very tired of having the Republican side berated for issuing rules that do not make in order 82 different amendments but do make in order significant amendments of the opposition. This rule, this rule made in order 8 Democrat amendments out of 15.

I just say to the gentlemen and gentlewomen of this House that they have a short memory if they do not recall in the last session the motor-voter bill, where we got one amendment permitted; the assault weapons ban, where we got no amendments. Do Members hear that? No amendments.

That is a closed rule, let me tell my colleagues. Reinventing Government, do Members know how many amendments Republicans were permitted on that? Zero. How about campaign reform? Do my colleagues know how many amendments we were permitted? Zero. That is one of my objections to term limits. People will forget the way we were treated. And they have the, shall I say, "chutzpah" to say we put a gag rule on you when we give you eight amendments. I am sorry. I resist that.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I thank the gentleman for yielding to me.

The SPEAKER pro tempore (Mr. WALKER). The time of the gentleman from Illinois [Mr. HYDE] has expired.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. GORDON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 195, noes 231, not voting 8, as follows:

[Roll No. 228]

AYES—195

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Graham
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E.B.
Johnston
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Laughlin
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McCollum
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pomeroy
Poshard
Rahall
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder

Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—231

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cunningham
Davis
DeLay
Diaz-Balart
Doolittle
Dornan
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCrery
McDade
McHugh
McInnis
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—8

Cubin
Jefferson
Kanjorski
McIntosh
Moakley
Rangel
Torricelli
Towns

□ 1220

The Clerk announced the following pairs:

On this vote:

Mr. Jefferson for, with Mrs. Cubin against.
Mr. Kanjorski for, Mr. McIntosh against.

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. WALKER). The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 265, noes 161, not voting 8, as follows:

[Roll No. 229]

AYES—265

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cunningham
Danner
Davis
Deal
DeLay
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Johnson (CT)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennelly
Kim
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Moran
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—161

Abercrombie
Ackerman
Andrews
Baldacci
Barrett (WI)
Bateman
Becerra
Beilenson
Bentsen
Berman
Bishop
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clyburn
Coble
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Green
Gutierrez
Hastings (FL)
Hinchey
Hoyer
Istook
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kildee
King
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Pickett
Pomeroy
Rahall
Reed
Reynolds
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Stark
Stokes
Studds
Stupak
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—8

Chambliss
Cubin
Gibbons
Hilliard
Jefferson
McIntosh
Rangel
Towns

□ 1239

The Clerk announced the following pairs:

On this vote:

Mrs. Cubin for with Mr. Jefferson against.
Mr. McIntosh for with Mr. Towns against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CHAMBLISS. Mr. Speaker, unfortunately, when the vote on the Common Sense Legal Standard Reform Act was taken a few minutes ago, I was across the hall meeting with some folks in my State on a very important matter. I did not hear my beeper, nor did I hear the bells, and I just wish to insert in the RECORD the fact that had I been present during the vote, I would have voted affirmatively on that bill.

PERSONAL EXPLANATION

Mr. MCINTOSH. Mr. Speaker, I, too, was inadvertently detained from the floor of the House by an engagement that went beyond the anticipated time, and because of the earlier unanticipated vote on this matter I was not able to make it into the Chamber in time to cast my vote.

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 956, the bill just passed.

The SPEAKER pro tempore (Mr. WALKER). Is there objection to the request of the gentleman from Illinois?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 956, COMMON SENSE LEGAL STANDARDS REFORM ACT OF 1995

Mr. HYDE. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill H.R. 956 the Clerk have authority to make such technical and conforming amendments in the text of H.R. 956 as may be required because of the amendments to such bill agreed to by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

APPOINTMENT OF ADDITIONAL CONFEREES ON S. 244, PAPERWORK REDUCTION ACT OF 1995

The SPEAKER pro tempore. Without objection, the Chair appoints the following additional conferees on S. 244, Paperwork Reduction Act of 1995.

Mrs. COLLINS of Illinois, Mr. PETERSON of Minnesota, and Mr. WISE.

There was no objection.

REPORT ON RESOLUTION PROVIDING AMOUNTS FOR EXPENSES OF CERTAIN COMMITTEES OF THE HOUSE

Mr. THOMAS, from the Committee on House Oversight, submitted a privileged report (Rept. No. 104–74) on the resolution (H. Res. 107) providing amounts for the expenses of certain committees of the House of Representatives in the 104th Congress, which was reported to the House Calendar and ordered to be printed.

PERMISSION FOR COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES TO FILE REPORT ON H.R. 999, WELFARE REFORM CONSOLIDATION ACT OF 1995

Mr. CLINGER. Mr. Speaker, I ask unanimous consent that the Committee on Economic and Educational Opportunities may have until 5 p.m. today to file a late report on H.R. 999, the Welfare Reform Consolidation Act of 1995.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I inquire of the distinguished majority leader the schedule for next week.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. I thank the gentleman for yielding.

Mr. Speaker, on Monday, March 13, the House will meet in proforma session at 2 p.m. There will be no votes on Monday.

On Tuesday, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business. There will be no votes until 5 p.m. We expect to consider eight bills under suspension of the rules. If any votes are called on these bills, they will be held over until 5 p.m.

The following bills are scheduled for consideration under suspension of the rules on Monday:

H.R. 402, the Alaska Native Claims Settlement Amendments Act;

H.R. 421, the Cook Inlet Region Purchase of Common Stock Act;

H.R. 715, the Sea of Okhosk Fisheries Enforcement Act of 1995;

H.R. 531, the Great Western Scenic Trail Designation Act;

H.R. 694, the Minor Boundary Adjustments and Miscellaneous Park Amendments Act;

H.R. 562, the Walnut Canyon National Monument Modification Act of 1995;

H.R. 536, the Delaware Water Gap Recreation Area Vehicle Operation Fees Act; and

H.R. 517, the Chacoan Outliers Protection Act of 1995.

□ 1245

On Wednesday, the House will meet at 11 a.m. to take up House Resolution 107, the committee funding resolution. We expect to complete the resolution and then move to consideration of H.R. 1158 and H.R. 1159, the fiscal year 1995 emergency supplemental appropriations and rescissions legislation, subject to a rule.

On Thursday, the House will meet at 10 a.m. to complete the supplemental and rescission package. It is our hope to have Members on their way home to their districts and their families by 3 p.m. on Thursday.

I would remind Members that the House will not be in session next Friday or on the following Monday due to the district work period.

On the following Tuesday, March 21, we do not expect votes to be held before 5 p.m. If there is any change in this schedule we will notify Members as soon as possible to allow you to finalize your travel plans at the earliest possible date.

Mr. BONIOR. I would ask my friend from Texas, do you expect to have votes on any of these suspension bills that the gentleman listed on Tuesday?

Mr. ARMEY. If the gentleman will yield, of course votes are possible on any of them. We cannot predict at this time whether or not there will be votes, so Members should be advised that we expect votes after 5 o'clock on Tuesday next.

Mr. BONIOR. The reason I ask is these are the same bills that we had in the last Congress. They were so far as I know completely noncontroversial and passed without any objections to them last Congress. And they are the only business we are going to have on Tuesday. On votes, I think we might want to consider whether we want to go ahead with the votes on Tuesday on these measures which appear to be very noncontroversial, but I just raise that as something for my friend to consider.

Mr. VOLKMER. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Missouri.

Mr. VOLKMER. Briefly on that, I remember back when we had things like this come up, a lot of things, we would roll the votes to the next day when we had a pretty good idea we were not going to have votes or very many votes, and if we are just going to come back here on Tuesday and there are really not going to be any votes after all, I just do not understand it. And the other thing, it does not appear on Wednesday that we are going to be having a real heavy schedule.

Mr. BONIOR. Well, it is my understanding what the majority would like to do is deal with the committee funding bill.

Mr. VOLKMER. That is probably an hour.

Mr. BONIOR. And it is possible to roll the votes, and I would hope my friends on the other side of the aisle would consider that.

May I also ask the majority leader what time for the last votes on Tuesday and Wednesday? Any sense of that?

Mr. ARMEY. If the gentleman will yield, obviously this is a very important piece of legislation. We want to make sure that we can set our timing to as much as possible assure Members of their 3 o'clock departure on Thursday. We should be prepared to go late on both Tuesday and Wednesday night, and of course we would go no later than what we think is necessary to guarantee that 3 o'clock departure.

Mr. BONIOR. If we are only going to do the suspensions on Tuesday, what would necessitate us to go late Tuesday evening?

Mr. ARMEY. If the gentleman will yield, the gentleman's point is well taken. Tuesday night may not necessarily be such a late night, but Wednesday night we should be prepared.

Mr. BONIOR. I thank my colleague for his information on that.

I yield to my friend, the gentleman from Texas.

Mr. DOGGETT. I was wondering about our procedure this next week. Under the new open rules under the Contract With America, when we took up the law enforcement block grants there were at least 10 Members who were denied the right to offer an amendment. On national security there were at least eight Members who were denied an opportunity to offer an amendment. On the regulatory moratorium there were at least 15 Members who were denied the opportunity to offer an amendment. On risk assessment there were a mere three Members including myself and a Republican colleague who were denied the opportunity to offer an amendment. On the takings legislation, two Members, at least two Members were denied the opportunity to offer an amendment.

This week the numbers went up dramatically, four on attorney accountability, three on securities litigation. But 60 specific amendments, germane amendments, were not declared in order to be offered, Members cut off from the opportunity to offer them even though we have all afternoon, and now apparently under the answers from the majority leader all of Monday and Tuesday that could have been allocated, and I am just wondering with reference to the matters that are scheduled for next week, will we have more Members cut off and denied the opportunity to offer an amendment, or do you think it will stay at the current high level?

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. On the recession bill that we will have under consideration next week we are asking Members to preprint the amendment requests. We anticipate that no requests that are made will be rejected.

Mr. BONIOR. If I could just engage my colleague from Texas and my friend from New York, Mr. SOLOMON, the gentleman from New York announced that the Republican leadership is considering a restrictive rule for the rescission bill, a rule which contains a new set of limitations on the amendment process. It seems to us that under these new standards virtually all of the amendments that were offered in the Committee on Appropriations markup would be blocked on the House floor.

Is that pretty much the gentleman's understanding of the rule which is going to be given to us this week?

Mr. SOLOMON. Mr. Speaker, will the gentleman will yield?

Mr. BONIOR. I yield to the gentleman from New York.

Mr. SOLOMON. The only restrictions on the proposed rule, and we have not made the determination yet, is that on any reinstatement of cuts that appear in the rescission bill, that that would require an offsetting cut. However, if Members were to cut further on those issues that are in the 10 chapters of the bill, they are free to do so. So any of those amendments that were offered in committee can be offered all over again, and hopefully they will be.

Mr. BONIOR. I yield to my friend the gentleman from Missouri.

Mr. VOLKMER. Mr. Speaker, I would like to pursue that for just a minute with the gentleman from New York, because I had drafted an amendment in regard to restoring the funds for the veterans' outpatient clinic, one in my district that was eliminated in this rescission bill, and I would like to get that money back in.

Mr. SOLOMON. I would like to help the gentleman.

Mr. VOLKMER. You could help, if you really want to.

Mr. SOLOMON. I intend to do so.

Mr. VOLKMER. I am willing to offset, you understand. We found the money to offset. The Parliamentarian tells me it does not fit because we are taking money, we are cutting money elsewhere than what is cut in the bill. If I do not cut, deeper that is than cuts that are in the bill, I cannot cut anyplace else even in the same agency. That is what the gentleman is doing. He is telling me if I want to put the money back for VA I have to take it either out of housing money or someplace else. I cannot cut any further because the committee has already cut the full limits that can be cut in those items. But I cannot go to someplace else and cut and make a cut. The gentleman will not let me do that.

Mr. SOLOMON. It has to be cut by chapter.

Mr. VOLKMER. No, not just chapter, I have to cut within the areas within which the committee already cut. Does the gentleman understand what I am saying?

Mr. SOLOMON. That is correct. Those issues that are in that chapter of the bill.

Mr. VOLKMER. Right. And I cannot cut outside of those if I find money.

Mr. SOLOMON. The gentleman is correct.

Mr. VOLKMER. I cannot cut money someplace else in that chapter, in that agency. I cannot make that cut unless there is already a cut within that in the bill in that specific amount or area.

Mr. SOLOMON. The gentleman is correct.

Mr. VOLKMER. What I am trying to tell my majority whip is they are limiting the amendments by structuring it so we cannot offer amendments unless we make deeper cuts in the programs that we believe in.

Mr. BONIOR. I am aware of that, and that is why I raised the issue with the gentleman on the other side of the aisle. These standards seem arbitrary, and I would hope the gentlemen on the other side of the aisle would reconsider their position before we go to a rule next week.

I yield to my friend the gentleman from Texas.

Mr. DOGGETT. Like the distinguished chairman of the Committee on Rules, I am interested in getting something done about the deficit, and so the one amendment that I am most interested in that the gentleman made general reference to was that of the gentleman from Pennsylvania [Mr. MURTHA], to see that all of the rescissions go to reducing the deficit. Will that amendment be in order here on the floor?

Mr. SOLOMON. If the gentleman will yield, I do not believe so. I think you are going to be legislating in an appropriation bill to do that, and under the rules of the House you are not allowed to. That is why the gentleman from Missouri cannot offer his amendment, because it would be in violation of the rule of the House. We are trying to abide by the rules.

Mr. DOGGETT. Does not the bill as reported legislate on the same matter?

Mr. ARMEY. Mr. Speaker, will the gentleman from Michigan yield?

Mr. BONOIR. I will in just a second. But I think the gentleman from Texas is absolutely correct. There are things in the bill that legislate on appropriations, and I think my friends recognize that. So if that is the case, it seems to us the point my friend from Texas is making is a valid one, an even more important one given the deficit problem we face and its relationship to the other authorizations.

Mr. DOGGETT. If the gentleman will yield further, only momentarily to say, if I understand the answer, we will be denied any further opportunity to see that the cuts that are being made go to reduce the size of the Federal deficit to ensure they all go there, and that is something that is very important to those of us who believe in pay-as-you-go Government. And I am assuming we will be cut off entirely from the opportunity to see that that happens next week.

Mr. BONIOR. I yield to my friend, the gentleman from Missouri.

Mr. VOLKMER. I would like to inquire of the gentleman from New York as to whether or not this rule that will be forthcoming on the rescission bill will protect the language in the bill that does legislate on an appropriation bill, or is that going to be left alone so that it will be subject to a point of order?

Mr. SOLOMON. If the gentleman will yield, the Rules Committee has not met. We are going to take that into consideration.

I can just say to the gentleman though who wants to offer the additional amendment which would legislate in an appropriation bill, even if the appropriation bill did not follow the rules of the House, we intend to.

Mr. VOLKMER. Well then, what the gentleman is telling me basically is I had hoped that what is good for the goose is going to be good for the gander, and if you are not going to permit further things like I would like to do or the gentleman from Pennsylvania would like to do, the Murtha amendment, et cetera that you are going to also protect other things that are in the bill that were put in committee.

Mr. SOLOMON. I would say to the gentleman, come to the Rules Committee meeting at 10:30 on Tuesday morning and we will be glad to entertain the gentleman's testimony.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to my friend, the gentleman from Texas.

Mr. ARMEY. I appreciate the gentleman from Michigan yielding.

Since, in fact, the Rules Committee does invite the Members to come and give testimony and make requests before the committee before writing the rule, and since, in fact, we can debate the merits of the rule during the debate that there will be time scheduled for, I wonder if the gentleman from Michigan had any more questions about the schedule for next week?

Mr. BONIOR. I have one other question for my distinguished majority leader, and that resolves around the rescission bill itself. The gentleman mentioned that two bills will be considered in the Rules Committee and brought to the floor. Does the gentleman expect these rules to be considered separately?

Mr. ARMEY. If the gentleman will yield, as I pointed out, the Rules Committee has not yet met and decided that.

Mr. BONIOR. May I inquire of the distinguished chairman of the Rules Committee whether his intention is to consider these bills separately or together?

Mr. SOLOMON. If the gentleman will yield, as the distinguished majority leader has said, the Rules Committee has not met, but I will say to the gentleman that there is a probability that we will.

Mr. BONIOR. Let me just mention to my friends, one bill is an emergency bill and one is a nonemergency bill, and as the gentleman will recall vividly from his objections last year, the rules were changed to make it contrary to the new House rules to have these bills considered together and combined. So I hope we will stay with the rules and standards which you established for us during the last Congress and have implemented in the rules of this Congress.

Mr. WISE. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield finally to any friend, the gentleman from West Virginia.

Mr. WISE. Mr. Majority Leader, if I could engage you for a moment, I want to point out to the majority leader that last week you and I had a colloquy. The gentleman observed that it was in our best interest to put me at home with my family as opposed to having me on the floor, and you know we agree on that, and I want to thank the gentleman.

I was speaking with the gentleman from Indiana [Mr. ROEMER] as we went off the floor and I said see, just 1 week later and we have 3 days that we will be able to be with our families, so we thank the gentleman for that.

I would note, with my tongue just a little bit in my cheek, that this may bring out something that we have been trying to say all along, that when you remove items of the contract from consideration, like the term limits bill, that not bringing something up under the contract might truly be construed as family friendly.

Mr. BONIOR. I yield to the gentleman from Missouri.

Mr. VOLKMER. I would just like to take up one other little matter with the floor leader, and just bring it to his attention, and I hope that in the future maybe we can work out a little bit better utilization of time than we have been.

This morning we had a limit of 10 1-minutes on each side. At the time we had a number, quite a few more here that wanted to make 1-minutes, including yours truly, and I do not know, there were other Members of your party here also, but I do not know how many wanted to do 1-minutes. I did not go ask them.

□ 1300

But we are here now at 1 o'clock and everything, and I would hope that in the future Members would be able to give them. I appreciate it if the majority leader would recognize that this is an opportunity that many Members think is very worthwhile, to express themselves on an issue, and that by reducing that time unnecessarily it appears to some of us that you just do not want to hear us on the floor of the House, and I hope that that is not so. I would hope that, come like Monday, and Tuesday, there should not be any limit at all; come Wednesday, that we could have sufficient—at least 15 on each side, and then Thursday we will leave it up to you because you want to get out, and we all want to get out at 3 o'clock. But I would hope that we can have a little more favorable view of these 1-minutes.

Mr. ARMEY. Mr. Speaker, if the gentleman would yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. I would say to the gentleman from Missouri [Mr. VOLKMER] that I would look forward to listening to him speak for as long as he wants. I am sure he could have a 1-hour prime time special order on Monday, and, if the gentleman takes that special order, I am sure I will find some time to listen to some part of it.

Mr. VOLKMER. Well, I am not looking for the 1 hour for myself. I am looking for other Members that have been over here that have speeches ready to go and cannot give them because we have an artificial barrier of limiting the 1-minutes when some feel that it really is not necessary to limit it on certain days, and I would hope that the floor leader—I am not asking for an answer right now, but I hope he looks at it for the future and tries to assess it a little bit different.

Mr. ARMEY. Mr. Speaker, if the gentleman will yield, we plan for a 3 o'clock departure for today. We had a couple of amendments withdrawn. We had a couple of others that were accepted, and we got a bonus because of the working relationship of the majority and minority Members on the floor, and, yes, it turns out, given that circumstance, that our need was not as we had thought it was, and I thank the gentleman for his point.

Mr. BONIOR. Mr. Speaker, I wish the majority leader a very pleasant and happy weekend.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Michigan [Mr. BONIOR].

The SPEAKER pro tempore (Mr. WICKER). The Chair would point out that additional 1-minute speeches are in order at this time.

HOUR OF MEETING ON TUESDAY, MARCH 14, 1995

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, March 13, 1995, it adjourn to meet at 12:30 p.m., on Tuesday, March 14, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADJOURNMENT FROM FRIDAY, MARCH 10, 1995, TO MONDAY, MARCH 13, 1995

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PROVIDING FOR THE TRANSFER OF CERTAIN EMPLOYEE POSITIONS

Mr. ARMEY. Mr. Speaker, I send to the desk a resolution (H. Res. 113) providing for the transfer of certain employee positions and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 113

Resolved, That (a)(1) the two statutory positions specified in paragraph (2) are transferred from the House Republican Conference to the majority leader.

(2) The positions referred to in paragraph (1) are—

(A) the position established by section 102(a)(2) of the Legislative Branch Appropriations Act, 1988, as contained in section 101(1) of Public Law 100-202; and

(B) the position established by section 102(a)(2) of the Legislative Branch Appropriations Act, 1990.

(b)(1) The two statutory positions specified in paragraph (2) are transferred from the majority leader to the House Republican Conference.

(2) The positions referred to in paragraph (1) are—

(A) the position established for the chief deputy majority whip by subsection (a) of the first section of House Resolution 393, Ninety-fifth Congress, agreed to March 31, 1977, as enacted into permanent law by section 115 of the Legislative Branch Appropriation Act, 1978 (2 U.S.C. 74a-3); and

(B) the position established for the chief deputy majority whip by section 102(a)(4) of the Legislative Branch Appropriations Act, 1990;

both of which positions were transferred to the majority leader by House Resolution 10, One Hundred Fourth Congress, agreed to January 5 (legislative day, January 4), 1995.

SEC. 2. (a)(1) The two statutory positions specified in paragraph (2) are transferred from the Democratic Steering and Policy Committee to the minority leader.

(2) The positions referred to in paragraph (1) are—

(A) one of the two positions established by section 103(a)(1) of the Legislative Branch Appropriations Act, 1986; and

(B) the position established by section 102(a)(1) of the Legislative Branch Appropriations Act, 1988, as contained in section 101(i) of Public Law 100-202.

(b)(1) The two statutory positions specified in paragraph (2) are transferred from the minority leader to the Democratic Steering and Policy Committee.

(2) The positions referred to in paragraph (1) are—

(A) the position establish by section 102(a)(3) of the Legislative Branch Appropriations Act, 1990; and

(B) the position established by paragraph 2. (a) of House Resolution 690, Eighty-ninth Congress, agreed to January 26, 1966, as enacted into permanent law by section 103 of the Legislative Branch Appropriation Act, 1967.

SEC. 3. (a) Upon the enactment of this section into permanent law, the amendment made by subsection (b) shall take effect.

(b) Subsection (a) of the first section of House Resolution 393, Ninety-fifth Congress, agreed to March 31, 1977, as enacted into permanent law by section 115 of the Legislative Branch Appropriation Act, 1978 (2 U.S.C. 74a-3) is amended by striking out "Chief majority whip" and inserting in lieu thereof "chief deputy majority whip".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF COMMITTEE ON RULES' PLANS ON WELFARE REFORM

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, I rise to announce the Committee on Rules' plans for the welfare reform bill. For the information of the Members, the Committee on Ways and Means bill is H.R. 1157, the Committee on Economic Opportunity's bill is H.R. 999, and the Committee on Agriculture bill is H.R. 1135. It is the intention of the committee to make in order a new text reflecting the reported versions of the three major committees of jurisdiction. This text will be introduced as a new bill on Monday, March 13, that is this coming Monday, for draft and inspection purposes. Copies of the new bill can be obtained from the majority offices of the three committees that have reported this legislation around 3 p.m. on Monday, even though the House may have adjourned by that time.

The Committee on Rules plans to meet late next week to grant a rule to provide for consideration of the welfare reform package.

The committee is contemplating a rule which would restrict the offering of amendments. Any Member contemplating an amendment should submit 55 copies of the amendment and a brief explanation to the Rules Committee no later than 5 p.m. Wednesday, March 15. Substitutes and free-standing amendments may be filed. No second-degree amendments will be allowed.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain their amendments comply with the Rules of the House.

Mr. VOLKMER. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Missouri.

Mr. VOLKMER. On this bill, Mr. Speaker, it is necessary for Members to expect to appear before the Committee on Rules and to furnish the Committee on Rules with copies of the amendments and not just print them in the RECORD?

Mr. SOLOMON. That is correct. The gentleman is correct.

Mr. VOLKMER. I am glad to know that.

Mr. SOLOMON. I thank the gentleman for reminding the membership.

TURN OFF O.J. AND WATCH MY SPECIAL ORDER

(Mr. DORNAN asked and was given permission to address the House for 1 minute.)

Mr. DORNAN. Mr. Speaker, today I am first up for a 1-hour special order, and it is one that I have been trying to do before my fellow Members in this esteemed body and that growing audience of 1,300,000 caring Americans across the country through the courtesy of C-SPAN, and it is going to be on the Battle of the Bulge. Fortunately, I was able to get over to Europe in December with the Secretary of the Army, and I was a little bit saddened that no Member of the other Chamber, of the United States Senate, or any other Member of the House was able to get over there on December 16, which was the beginning of the last major

Army offensive move in the West of the war, and it took the lives of between 16,000 Americans killed in action, to 19,000, depending on when one determines what was the cutoff of this offensive, and it was fought in the dead of winter, under snow cover, and I hope that people will turn off O.J. Simpson's trial and watch this special order.

Mr. Speaker, this is what America is all about, remembering those who gave their lives for our freedom.

MOURNING THE PASSING OF JUDGE JAMES B. McMILLAN

(Mr. WATT of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATT of North Carolina. Mr. Speaker, Judge James B. McMillan, a North Carolina stalwart, died Saturday, March 4. Judge McMillan lived just outside my district, but he had a tremendous impact on children in my district. I rise today in tribute to this great man.

Judge James McMillan will always be remembered for his courageous, and right, court decision which ordered the desegregation of Charlotte-Mecklenburg Schools. This ruling forced a reluctant school system to move into the future. He did this despite the repeated threats to his life and his family, and the subsequent FBI protection that the McMillan family had to live with for years.

Judge McMillan should be remembered for his courage and for the impact he had on Charlotte-Mecklenburg and North Carolina. Today, the Charlotte-Mecklenburg schools are still among the Nation's most integrated schools. Charlotte, as a result, is viewed as a shining symbol of the South.

Because of Judge McMillan, North Carolina's children in 1970 received what they so rarely got: justice. Today's children receive the benefit of his wisdom, and live with more hope and opportunity. We mourn the passing of Judge James B. McMillan.

REPUBLICAN TAX PLAN FOR AMERICA'S CORPORATIONS

(Mr. MILLER of California asked and was given permission to address the House for 1 minute.)

Mr. MILLER of California. Mr. Speaker, the Republican tax plan announced yesterday takes us back to the days of yesteryear, when 130 of the 250 largest corporations in America paid no income taxes in spite of having profits of $72 billion prior to 1986; 130 of these corporations paid no taxes in 1 or more years.

The Republicans are repealing the alternative minimum tax for corporations and, once again, these corporations will not have an obligation to the people of this country. As they shift the jobs overseas, they will pay no taxes in America.

Prior to 1986, Burlington Industries paid no taxes in 2 out of 4 years; Burlington Northern, 2 out of 4 years; Adolph Coors, 1 out of 5 years; Lockheed, 4 out of 5 years; Mitchell Energy, 4 out of 5 years; General Dynamics, 4 out of 5 years; the Grumman Corp., 4 out of 5 years paid no taxes, yet they earned $72 billion.

Do Members want to know why middle-income taxpayers are paying more taxes? Because the Republicans are going to let the American corporations off the hook for over $13 billion in taxes.

130 companies that beat the tax system in at least 1 year between 1981 and 1985

[Out of a sample of 250 corporations]

Company	*Number of no-tax years*
Aetna Life & Casualty	1
Air Products and Chemicals	1
American Cyanamid Co.	3
American Standard	2
AMP	1
Anheuser-Busch	1
Archer Daniels Midland Co.	1
Armstrong World Industries	1
Ashland Oil	3
AT&T	2
AZP Group (Arizona Pub. Serv.)	1
Bankers Trust	3
Barnett Banks of Florida	1
Baxter Travenol Laboratories	1
Boeing Co.	4
Borden	1
Burlington Industries	2
Burlington Northern	2
Carolina Power & Light Co.	2
Carpenter Technology Corp.	1
Centex Corp.	3
Central and South West Corp.	2
Champion International Corp.	3
Citizens and Southern Ga. Corp.	2
Cleveland Electric Illum. Co.	1
Combined International Corp.	1
Comerica	4
Commonwealth Edison Co.	1
Continental Telecom	1
Coors (Adolph) Co.	1
Corning Glass Works	2
CSX Corp.	2
Cubic Corp.	1
Dun & Bradstreet Corp.	2
DuPont	3
Englehard Corp.	2
Federal Paper Board Co.	3
First Executive Corp.	2
First Interstate Bancorp	2
First Union Corp.	1
Foster Wheeler Corp.	1
FPL Group (Fla. Power & Light)	1
General Dynamics	4
General Electric	3
General Mills	3
General Public Utilities Corp.	1
Georgia-Pacific Corp.	2
Goodyear Tire & Rubber Co.	1
Grace (W.R.) & Co.	2
Great Northern Nekoosa	3
Greyhound Corp.	5
Grumman Corp.	4
Gulf States Utilities Co.	1
Gulf+Western Industries	1
Harris Bankcorp	1
Harris Corp.	2
Harsco Corp.	1
Hewlett-Packard Co.	1
HNG InterNorth	1
Hormel (Geo. A.) & Co.	1
Household International	1
Houston Industries	1
IC Industries	1
Illinois Power Co.	1
International Multifoods	2
International Paper Co.	2
Internat'l Minerals & Chemical	2
Jim Walter Corp.	2
Leaseway Transportation Corp.	2
Lockheed Corp.	4
MAPCO	1
Martin Marietta Corp.	2
McDonnell Douglas Corp.	1
Media General	1
Mellon Bank Corp.	1
Middle South Utilities	4
Mitchell Energy & Dev. Corp.	4
Mobil Corp.	1
Morgan (J.P.) & Co.	1
M/A–COM	2
Niagara Mohawk Power Corp.	2
Northern Indiana PSC	2
Northern States Power Co.	2
Northrop Corp.	2
Ohio Edison Co.	2
Overseas Shipholding Group	2
Owens-Corning Fiberglas Corp.	1
Owens-Illinois	1
Pacific Gas and Electric Co.	1
Pacific Lighting Corp.	2
PacifiCorp (Pac. Power & Light)	1
Panhandle Eastern Corp.	4
Pennsylvania Power & Light Co.	2
Pennzoil Co.	1
Pepsico	3
Philadelphia Electric Co.	2
Phillips Petroleum Co.	1
Piedmont Aviation	2
Pittway Corp.	1
Prime Computer	1
RCA	2
Rockwell International	1
Rohm and Haas	1
Senta Fe South'n Pacific Corp.	2
SCM Corp.	1
Scott Paper Co.	2
Sears, Roebuck & Co.	1
Singer Co.	3
Southeast Banking Corp.	2
Southern California Edison Co.	1
Southwest Airlines Co.	2
Sperry Corp.	1
Sun Chemical Corp.	2
Sundstrand Corp.	2
Tektronix	2
Tenneco	2
Texaco	3
Transamerica Corp.	4
Tribune Co.	2
TRW	1
Tyson Foods	3
Union Camp Corp.	4
Union Electric	2
Unocal Corp.	1
USG Corp. (U.S. Gypsum)	1
U.S. Bancorp	3
Westinghouse Electric Corp.	2
Westvaco Corp.	1
Weyerhaeuser Co.	2
Xerox	3

TOTALS

Number of companies paying zero or less in taxes in at least one year, 1981-1985—130 out of 250 companies.

Profits in the no-tax years—$72.9 billion.

Total tax rebates in the no-tax years—$6.1 billion.

Average tax rate in the no-tax years—8.3 percent.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CLOUD OF WRONGDOING COVERING THIS HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. VOLKMER] is recognized for 5 minutes.

Mr. VOLKMER. Mr. Speaker, Members of the House, the majority party took great pains to celebrate the 50th day of their Contract on America when only one piece of legislation had become law to this date. Only one piece of legislation has become law, and that is one we all agreed to. We, as Democrats, passed it last year, and it got bottled up over in the Senate.

Mr. Speaker, I would like to know where the celebration is today to mark the 50 days. Yes, it is a different 50 days. What happened 50 days ago today? Does anybody know?

Nobody knows here.

Well, I can tell my colleagues what happened 50 days ago. The ethics committee was appointed. What has happened since? Where is the press conference for today? Where is a press conference? Where is the majority party having their big celebration?

Mr. Speaker, I ask because no investigation has begun of all the ethics charges brought against the Speaker, and I think they would be out celebrating. I am sure the majority party will want to celebrate this 50th day as well and announce that no investigations are under way, Mr. Speaker, no special counsel has been named, despite the fact the complaints keep stacking up one after the other.

I can see the headlines now. We, Mr. Speaker, have been successful in stonewalling for 50 days, and we feel confident, Mr. Speaker, in continuing to stonewall for the next 50 days. Perhaps the Speaker believes that the ethics complaints are like constitutional rights, to say what you want on the floor, anything you want, but there are different rules for him.

As my colleagues know, we have seen this huge cloud that has grown over this House of Representatives, the House of Representatives that I love so well, that many of us feel is a bastion of democracy, and this cloud of wrongdoing is covering this House, and yet no action is being taken to take this cloud away, to say, "No, we should try to do something about this. We should have an investigation. We should have an independent counsel. Let the chips fall where they may. If the Member is innocent, so be it. If he is guilty, so be it."

But why are we stonewalling? It is 50 days since the ethics committee has been appointed, and not one action has been taken in that 50 days. Why not?

Well, I suggest to some of the Members to look and see who got appointed to that ethics committee. I suggest they look and see what has happened as a result of those appointments and who got appointed.

□ 1315

You know, it is interesting to me, I would like to ask other Members, maybe some can tell me the answer, which Member of Congress says he has a constitutional right to speak on the floor on any given subject, but no other Member has that right? Which Member says that publicly? Now, which Member of Congress said a year ago, "If you are innocent, why not appoint an Independent Counsel and clear your name?"

Well, our Speaker said that a year ago in regard to the Whitewater investigation. But he does not want it applied to him. I think that all laws, all rules, should apply to all Members equally, and that what is good for the goose should be good for the gander, and I am asking that the Committee on Ethics proceed with appointing an independent counsel to remove this cloud of darkness that permeates this House, and do it right away.

PROBLEMS WITH COMMON SENSE LEGAL REFORM ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Mr. Speaker, the reason that I am opposing what is billed as the Common Sense Legal Reform Act or Tort Reform Act is not because I am opposed to all tort reform. I am not. I think what most people want is they want to see the courts that are clogged have that ended. They want to discourage frivolous lawsuits. In some cases they want to limit what they see as unfair recoveries and perhaps unfair attorney fees. They want to see the end to the occasional sensational judgment you read about.

The fact of the matter is this legislation this Congress has been considering does not do any of that, and it will not guarantee to any working West Virginian, any middle or low-income West Virginian, any lower insurance rate. It will not guarantee any better health care. It will not do that.

But what it will do besides is, it is going to say to the average West Virginian that you are not going to get any lower insurance rates, you are not going to get any lower health care rates, but you are going to have a lot harder time going to court when you have a legitimate grievance you need to litigate.

I wanted to be able to support the product liability, the securities limitation, and even in some cases the attorney's accountability act, but I cannot do it, for instance, when they completely change the way that there is compensation for the victim. I cannot do it, for instance, when they overrule 200 years of common law in this country to say that now the loser will pay. That has never been a concept in our society. Instead of a contingency fee, the loser pays.

I cannot do it, for instance, when punitive damages are limited so strictly that that working family that is hit by a drunk driver on Route 9 in the eastern panhandle is sharply limited in the punitive damages they can recover, or the victim who has had their lives ruined by a sexual predator is limited strictly in the amount of punitive damages that they can recover.

What happened to the States rights that are so important, and indeed we hear so much about in this body today? What happened to that concept of States rights, when the Federal Government now moves in and says the State of West Virginia does not have the right to protect its citizens the same way it used to? And perhaps the State of West Virginia differs from Tennessee, California, or whatever. This litigation does nothing to stop frivolous lawsuits. This litigation does nothing to stop that attorney that many people worry about maybe filing suit after suit after suit in hopes of hitting the litigation lottery. In fact, there are existing sanctions you can already use on attorneys in the Rules of Civil Procedure. Indeed, there are means by which you can file counterclaims for attorneys fees if you think the other side is acting improperly. But this legislation does not do this.

There is no evidence that this legislation will lower anybody's insurance rates. In fact, there was an amendment defeated that would have made it possible for people to go and find out exactly what the impact of this legislation would be on insurance.

This legislation even added an amendment that limits pain and suffering, so-called noneconomic damages, to $250,000 total. That may sound like a lot, unless you are the 20-year-old who is made a quadriplegic and live out the next 40 or 50 years with pain and suffering, for which you are going to receive an average of about $5,000 or $10,000 a year.

This legislation does not help accountants. That is one of the groups I was hoping in the securities litigation it would help. In fact, the bill that passed was even worse than last year's bill, which was a compromise version.

So, Mr. Speaker, I am going to wait until the Senate acts. This legislation goes to the Senate. I believe it will be tempered there. It is my hope it will be, it will come back, and then we will evaluate again. This is a case of reaching too far. There was a chance to get significant liability reform, product liability reform, but that did not happen.

I want to talk for just a second about the loser-pays provision. What that means is for the average West Virginia couple, the average West Virginian low- or middle-income person who has a serious litigation claim, whether it is personal injury, product liability, whatever it is, when they go to court, when they go to see their lawyer, the lawyer will say, "I have to tell you even if you have a meritorious case, there is an excellent chance if a jury comes back against you, just by the thinnest of margins, you are going to end up paying the fees of the other side." You are going to end up paying the fees of the insurance company that is defending against you. That is quite a deterrent.

I want to speak for just a second about the securities litigation bill. That is one I thought I could vote for, but it, too, had the loser-pays provision in there. That is anathema to any serious tort reform. It also requires the plaintiff, the person filing the suit, the person alleging being defrauded, that they have to show intent by the securities firm. Not just recklessness, they have to show intent, which is an impossible standard. It does not separate accountants, as indeed we hoped it would, and indeed it keeps the loser pays.

Mr. Speaker, for all of those reasons, I oppose this legislation.

THE SYSTEMATIC ASSAULT ON CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MILLER] is recognized for 5 minutes.

Mr. MILLER of California. Mr. Speaker, earlier this morning in the 1-minutes, several Members of the Republican Party came down and asked why Democrats were saying they are so harsh on children and why this would be true when in fact they have not hurt children at all in the rescissions and the budget cuts that they have already made and in the welfare bills and the nutrition bills that are coming to this House in the next couple of weeks.

The fact is when we analyze the Republicans' welfare bill, the Republicans' rescission bill, the Republicans' nutrition and school lunch bill, the Republicans' child care bill, and what we see is a systematic assault on children, and especially poor children in this Nation.

In the rescission bill that will be coming to the floor of the House next week, $25 million has been cut by the Republicans for the Women, Infants and Children Program. This means about 100,000 pregnant women and newborn infants will not be served this fiscal year.

These are women and newborn infants who have been medically certified to be at high risk of having a pregnancy that is not normal or pregnancy that might not be carried to term or the birth of an infant that will be low birth weight and run a much, much higher risk of needing all kinds of intensive medical care at the time of birth.

These are some of the most expensive babies born in America today. And yet for a few dollars a week with the Women, Infants and Children Program, we can dramatically reverse these pregnancies and the birth weight of the newborn infants and their lives there ever after. Because some 40 percent of these low birth weight babies with the complications that many of them encounter at that time come back to us in the need of special education, of therapies and other programs to help them. But this is preventable with the Women, Infants and Children Program. Yet at the earliest stages of life, when children are struggling to thrive and survive, when women are struggling to provide a normal pregnancy, a full-term pregnancy, resulting in a healthy baby, we see $25 million taken out of this bipartisan program that has received universal praise and success in every study conducted. Whether in the universities, whether by government, whether by foundations, all of them praise the success in changing the outcome of these pregnancies.

When you consider in this country that 60 percent of all of the pregnancies in this country are unwanted, unintended, and that half of those are resolved by abortion, and now we put into the equation the likelihood of giving birth to a low birth weight baby with all of these complications, we create much more trauma around birth and the expectation of the birth of a child than there should be for these families. But the Republican budget cuts this program.

In the new nutrition program, $7 billion cut from what it would take to maintain the children currently on the program in the next 5 years. In my district, the Mount Diablo School District, that is about half a million dollars. Fewer lunches for fewer children or smaller lunches. The Richmond School District, the same kind of choices. The State of California, $1 billion in nutrition that goes to low-income working families and to poor families to feed their children.

The Food Stamp Program, same families, yet getting another cut, trying to provide nutrition for their children. The day care feeding program, family day care, where working parents leave their children for the hours they are at work, the nutrition program is being cut, raising the price of day care $15 a week, maybe $60 a month for people who are not working for all that high wages, trying to provide child care for their children.

The fact we see drug-free schools, programs started by Nancy Reagan, she was in town this last week testifying about the drug activity, and yet that program is being cut.

Summer youth employment: The greatest determinant of keeping children out of problems when they are adolescents and young people is to provide them employment, job experience, work experience. Half of the money for this program in most communities is put up by the private sector. That program is being zeroed out.

So you can see why the Republicans are so nervous about being anti-child, because on the facts, on the language of their bills, on the numbers of their cuts, and the impact on these programs, children are going to be hurt. This is not an abstract notion, ladies and gentlemen; these are the facts of the bills that will be coming to the floor this next week.

THE GREATEST BATTLE OF WORLD WAR II

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes as the designee of the majority leader.

Mr. DORNAN. Mr. Speaker, as I said a few moments ago in my 1-minute speech, I would be spending the better part of this next hour on America's most costly battle, the one that Winston Churchill said was the greatest battle in American history, the campaign in the Ardennes Forest of Europe. Churchill was correct. If we go by "killed in action and wounded in action," his words were true. His exact words were, "This is undoubtedly the greatest battle of the war, and will, I believe, be regarded as an ever famous American victory."

Before I do that, it is my desire, Mr. Speaker, to read slowly an article from the Washington Post on Wednesday that I believe is the great moral battle of our time. The unending death total of almost 4,500 Americans in their mother's wombs every single day. Still, a million and a half abortions every year. It is a death toll that is way past 30 million just since the Roe versus Wade decision, one of the most evil decisions by a court in all of recorded history, a decision based on a total lie.

Norma McCovey, who was named Jane Roe as her nom de guerre, her war title, war against the preborn, never did have an abortion. She tried to kill all three of her daughters that are still estranged from her. They are all in their middle twenties to early thirties now, and they are all saying when their mother is willing to apologize for having tried to kill them then they will reconcile with her.

She is on the road, not a very high IQ lady, on the road for Planned Parenthood and NARAL and other ferociously pro-abortion groups. And she is a sad figure, because she never was raped. And the whole case in Texas by a very poorly prepared attorney general of

Texas was based on a lie. She never was raped, I repeat, never did abort one of her three pregnancies. The three daughters live to this day. And on that lie, we did something as loathsome as keeping about four million Americans enslaved, Americans of African heritage, right up through the bloodiest conflict that America has ever known, 618,000 dead from all the American States on both sides, in a Nation that, including the non-free Americans, was only about 37 or 38 million people. And we killed off in their child bearing years through disease and combat, combat far less than those that died of diseases, 618,000 Americans. And here we are doubling that total every year with abortion alone.

□ 1330

This article is by a friend of mine who is an excellent actor. You can see him doing many commercials in any given year. He is a good character actor, but beyond that he teaches law at Pepperdine and he is an excellent philosopher, an observant individual, Benjamin J. Stein. And here is what he writes in Wednesday's Washington Post, one of America's three big liberal papers of record. The title of Ben's article is "Deep Sixed by the GOP."

"'A bureaucrat is a Democrat who has a job that a Republican wants.' So said Eleanor Roosevelt in 1946 when she was helping to campaign against the Republican tide in Congress. It didn't help, but it made a valid point. There's no particular pride in coining phrases and slogans and in posturing after moral superiority if all you really want is a job," that someone else has, "and the pose of moral superiority is your pitch."

"This comes to mind because of a recent spate of back pedaling among Republicans about the right-to-life issue. From what I hear," says Ben Stein, "it's coming from across the board, in Congress and elsewhere," across our land, "and there is not a single GOP Presidential hopeful at this point who is in favor of a right-to-life amendment to the Constitution or of repealing Roe versus Wade in any way."

I might put in an important footnote at that point, Mr. Speaker. This Member, who aspires to the greatest office in this land or any other, I not only have a right-to-life amendment, and have had in every one of nine Congresses that I have been here, but I have always been for repealing Roe versus Wade, a repeal of the Supreme Court decision of infamous and heinous ill repute that was based on a lie.

And the lawyer, Sarah Weddington of Texas, knew it was a lie and told her client Norma McCovey, Jane Roe, to continue lying. She wasn't raped and has never been subjected to an abortion.

Back to Ben Stein. Now to some of us, abortion is the preeminent moral issue of the century. It's not a medical procedure of moral neutrality. It's not a sad duty that conflicted mothers sometimes have to do. It's the immoral taking of a life, not very different from homicide.

"Since it's done by doctors and by mothers, it's particularly hypocritical since it's the taking of totally helpless life, it's the breaking of the most sacred trust imaginable—the implicit pledge by parents to take care of their children, or at least not to murder them.

"Stopping this riot of immorality is not just another issue like how many pages of regulations there should be on handling chicken by-products. It's not an issue about which learned people differ—but none considers either position immoral—like the balanced budget amendment. It's the bedrock test for many of us of whether we can consider ourselves a moral people. It's as vital for our time as abolitionism was for the America of a century and a half ago. From it flow all other considerations of how much importance we place on human life.

"Obviously, not everyone agrees with us about this issue. There are some politicians, like Barbara Boxer and Diane Feinstein," both of California, "who have always opposed right to life and tried to make the case for abortion. That's not fine, but at least it's understandable. There is some consistency there, and although it's consistency for a wicked principle, it's understandable.

"What's more troublesome right now is this screaming fact: The Republicans ran under the right-to-life banner. They gave money to right-to-life to turn out the pro-life vote. They got a stunningly high percentage of the right-to-life vote."

I might add another footnote here. Given the preponderance of people of my heritage in the other party, and a similar heritage to an Irish heritage, that of Italian-American ancestry, Polish-American ancestry, Lithuanian-American ancestry, French-American ancestry, there is a strong representation still of what we loosely call in politics, blue collar or Reagan Democrats in the other party. And they came over to the Republican vote on November 8, 1994, in more massive numbers than they ever had before, even in larger numbers than they did to elect Ronald Reagan in 1980 and 1984.

So it is fair to say we got a stunningly high percentage of the right-to-life vote, particularly thanks to the former Governor of Pennsylvania, Robert Casey, a large number of Democrat right-to-life voters.

"It's not an exaggeration to say the right-to-life vote put the Republicans in power in Congress," in this 104th Congress.

"Seemingly, now that the GOP is in the jobs that the Democrats had, the right-to-life voters can be safely cast aside. ('Where else do they have to go?' as a Republican strategist here said to me. 'We aren't going to lose them to Hillary Clinton.')

"There will be some minimal bows to not using taxpayer money to pay for abortions, but the Federal Government will not use its power to hinder privately paid abortions. (Even though the Federal Government pokes its snout into the nongovernment sector minute by minute, person-by-person all across America.)

"The notion here, as I," Ben Stein, "keep reading, is that abortion is a divisive issue, the kind of issue that gets people angry, that splits the party and that loses elections if it's pressed.

"Or, to put it another way, maybe abortion is the kind of issue that prevents a Republican from getting a job that a Democrat has." There is that Eleanor Roosevelt quote again. "But wait a minute: If it's true that the GOP ran on a pose of moral superiority, got elected on that pose and is now going to deep six the issue it posed on so as to go on to further electoral triumphs, don't we have a word for that? Isn't the word hypocrisy. Isn't it the most painful kind of hypocrisy—hypocrisy about a moral issue that keeps people up at night, that makes people go to jail for what they believe?

And I know my friend Ben is speaking here of people who demonstrate peacefully or at least nonviolently; not the two assassins or the midnight cowardly bomber. He is speaking about nuns and priests and ministers and rabbis and humble mothers and young kids who put it on the line before we tried to restrict the peaceful right to assemble or the freedom of speech of this one—this one human and civil rights movement in the 216-year history of our country.

Only the pro-life movement is subjected to this bullying that used to go on in this Chamber and that I do believe came to a screeching halt November 8.

Back to Ben Stein's closing two paragraphs: "Somehow, I don't think that all of the cutting of the budget, reduction of taxes and building up of the military will wipe away the stain. The GOP has seemingly just used the most morally sensitive issue of the century as a ploy to get votes. When it looks as if the issue might lose an election, even if the pledges were unequivocal, the issue and the faithful get dumped. It's frighteningly cynical.

"But now we know. Get the votes and run. A bureaucrat is a Democrat who has a job that a Republican wants. That, apparently, is the bottom line."

Signature by Benjamin J. Stein, a writer and actor in Los Angeles, a teacher of law at Pepperdine University.

Well, I would hope that my party will show more courage and more principle than what Mr. Stein suspects here, Mr. Speaker. And after we have our first pro-life debate and our pro-life vote, after the largest number of Roman Catholics to ever serve in this body waive the scriptural admonition, what does it profit a person to gain the whole world and lose their immortal soul, that some Roman Catholics who regularly vote for abortion here, that they will come home to their Christian faith and they will realize that they can be in the majority now. An easy call. That they can just give us a supermajority on stopping this unbelievable death toll of abortion in our fair, beautiful land, and that they will have a chance to reconcile themselves with their faith. That they no longer have to posture that they know more than Mother Teresa, more than the Pope in Rome, more than every bishop in this country—no matter how flaky they are on liberalism or how flaky they are on homosexuality—every bishop in this country and most Protestant bishops, all Jewish rabbis of orthodox faith closest to the land of the book that we all call the holy land, that maybe there will be a reconciliation and a coming home before that first vote before people lock themselves into what is, to quote Ben, a screaming denial of decency and a denial of their faith. Let's see what happens in the 104th Congress.

Now, I have been joined by a friend of mine who can almost ask me anything. But I was now about to spend the rest of this hour on the Battle of the Bulge. This man has probably seen more combat, given the retirement rate, than anybody in this Chamber; has shot down five of the enemy's best MIG fighters and was shot down himself in the process and plucked out of the sea by rescue forces before the enemy had a chance to torture him. And this is the kind of guy I think they would have preferred to torture to death, rather than let him come home and run for Congress, DUKE CUNNINGHAM.

And my dear colleague, I see a note from you that you want to take from my ration on the Battle of the Bulge 5 minutes for what subject?

Mr. CUNNINGHAM. Children's Nutrition Program.

Mr. DORNAN. Children alive today who are alive because of those heroes at the Battle of the Bulge and the drive across the Rhine which started 50 years ago on the 7th of March, a few days ago.

I was also going to mention that this is day 20 of the 36 days of our Marine Corps taking their worst casualties ever, almost 6,800 others dying on the island of Iwo Jima. They had reached the north shore yesterday and they still had 16 vicious days to go.

I will tell you what I will do. Children's nutrition is so important, and you are an expert, let me set the scene for my words on the Battle of the Bulge by telling everybody what happened 50 years ago today, DUKE, and then I will give you those 5 minutes carved right out of the middle of what I hope is commanding the attention of people.

DUKE, what I said in the 1-minute, and I meant to say at the beginning of this, I am begging anybody listening to the sound of my voice and to this distinguished Chamber and we have got—I can't identify them by name, but we have about, look at that, 250, make 300 young Americans, generation-X folks chasing the baby-boomers into what I hope will be a successful life for every one of them.

I am begging them, anybody listening, to call a friend, a friend that may be watching the O.J. Simpson trial—an athletic hero gone sour, but never was asked to lay his life on the line for his country, as you were and as I offered to do in peacetime as a combat-ready, trained fighter pilot.

Call a friend, tell them to take a break from the O.J. Simpson trial. Turn on C-SPAN and watch what you have to say on child nutrition and watch what I have to say about the heroes of Iwo Jima, the crossing of the Rhine, and the ones that I just didn't get an opportunity to talk about with our reorganization and rebirth of the American revolution here the last couple of months, what I learned in Europe in December last, this last Christmas week, about the Battle of the Bulge.

But let me set the scene and then I will yield to you, Mr. CUNNINGHAM. March 10, 1945, 50 years ago today—I am going to set the scene:

I have here the words of the 40th President of the United States, Ronald Reagan. And this is why I am doing this. Ronald Reagan, in his goodbye speech as President of the United States, 8 wonderful years, 9 days before George Bush was sworn in as our 41st President, President Reagan on all three major networks and CNN said goodbye to his fellow countrymen.

It is a beautiful speech, truly beautiful. I have put it into the RECORD several times. But at the end of his speech, in the last few paragraphs, he asked us to reflect upon the importance of the history of our great and fair land.

He said, and these are his exact words: "We've got to teach history based not on what's in fashion, but on what's important—why the Pilgrims came here, who Jimmy Doolittle was, and what those 30 seconds over Tokyo meant. You know, 4 years ago, on the 40th anniversary of D-day," this is the 51st anniversary coming up, "I read a letter from a young women writing to her late father, who'd fought on Omaha Beach. Her name was Lisa Zanatta Henn, and she said, 'We will always remember, we will never forget what the boys of Normandy did.' "

President Reagan goes on to talk about helping her keep her word and he closes his goodbye to the country this way. "Let me offer lesson number one about America: All great change in America begins at the dinner table. So, tomorrow night in the kitchen I hope the talking begins. And children, if your parents haven't been teaching you what it means to be an American, let 'em know and nail 'em on it. That would be a very American thing to do."

He goes on to talk about what he meant about "a shining city upon a hill," talks about the early Pilgrims, early freedom men, referring back to the stirring moments in his early speech where he recounted a favorite story of his of Vietnamese boat people seeking freedom, people we had betrayed and left behind in Vietnam to the cruel tortures and executions of their Communist masters from Hanoi, the conquerers who still rule there.

And this young Vietnamese boy, now an American citizen somewhere in the country, maybe listening to my voice right this afternoon, he yelled up at one of our rescue ships, "Hello," to this young sailor, "hello, freedom man."

So President Reagan is referring back to his beautiful freedom man story and he talks about what his vision of an American city on a hill is. And then he says about himself, "We've done our part. And as I walk off into the city streets, a final word to the men and women of the Reagan revolution, the men and women across America who for 8 years did the work that brought America back. My friends: We did it. We weren't just marking time. We made a difference. We made the cities stronger, we made the city freer, and we left her in good hands. All in all, not bad, not bad at all.

"And so goodbye, God bless you and God bless the United States of America."

That was 9:02 p.m. from the Oval Office, January 11, 1989. Remember those words: Children, if your parents haven't been teaching you what if means to be an American, let 'em know. Nail 'em on it. That would be a very American thing to do at your kitchen table.

Now, set the scene. March 10, 50 years ago. The allies complete the Rhineland campaign, on the west side of Europe's greatest river, the Rhine. The American 1st Army, 3rd Army, 9th Army, and the Canadian 1st Army are lined up across a 140-mile stretch of the Rhine.

Within a few days from now, General Patton is across the Rhine. A few more days after that, at the end of March, General Alexander Patch is across the Rhine. But at this moment, 50 years ago, it was day 3 of the Remagen bridgehead crossing at the Ludendorf Bridge. A 2-month offensive leading up to this crossing of the Rhine had cost us 63,000 Allied casualties.

Bob Michel was here yesterday, our former minority leader, I said, Bob, 50 years ago today, March 9, where were you? He stopped and said, "In the hospital recovering from my wounds of a few weeks ago." And he said, "Back getting ready to go back into combat."

But the Germans, a Christian nation composed of basically Roman Catholics and Lutherans, how did they ever get these Lutheran and Catholic kids to run those concentration camps or to murder our prisoners at Malmedy, the sacred ground that I walked across last Christmas week?

The Germans have lost 250,000, including 150,000 very eager-to-surrender young POW's and older men of the Home Guard. American combat engineers have now completed two bridges across the Rhine next to the shakey Remagen Bridge, which was to fall in a few days killing 14 of our heroic engineers trying to hold on to the railroad bridge while we build the two-pontoon bridge alongside.

The 9th "Varsity" Division, the 78th "Lighting" Division, the 99th "Checkerboard" Division have all joined the 9th "Phantom" Armor Division to expand the 1st Army's east bank foothold across the Rhine in Germany proper.

The Germans are trying to corral the bridgehead with 12 divisions—we are still badly outnumbered—including two of the infamous Panzer divisions. Hitler has named Kesseling, a professional field marshal, to replace Gerd von Rundstedt who he fired 3 days ago once we got across the river.

I already mentioned what was happening in Iwo Jima. General McArthur with the United States Army in the southern Philippines has the 41st "Sunset" Division establishing a beachhead on Mindanao's Zamboanga Peninsula; 150,000 Filipinos were slaughtered. Manila is just rubble and the Japanese commander, Hama, will be executed after the war because this slaughter took place under him.

That is setting the scene for me to go back to the veterans of the Rhineland campaign and those that crossed the Rhine that earned their place in American history in terrible snowstorms 50 years ago last December and this January at the Battle of the Bulge, which I will do after my friend DUKE CUNNINGHAM, brings us up to to date and informs us what is truly taking place about children's nutrition.

It is all yours, Mr. CUNNINGHAM.

CHILDREN'S NUTRITION PROGRAMS

Mr. CUNNINGHAM. Mr. Speaker, first of all, I really appreciate my friend from California, BOB DORNAN, yielding the time. I tried to make it over for the 5 minutes and he has been gracious enough to extend me the privilege to interrupt his special order.

And I first would like to say it is always good to be back with Tiger Flight. As always BOB DORNAN has more knowledge on military history than the Smithsonian Museum has. And if you notice, he does not do it from paperwork; he does it from memory. And, BOB, I would like to especially thank you.

You know, I do not know how to counter untruths that are spoken on this House floor, and I think one of the most frustrating thing for Members is to hear the daily rhetoric that goes on on this House floor that are untruths, that are not the truth. And I think who we hurt the most and how many Members on the other side hurt the most are our pages and our youngsters and the people that watch.

I listened and talked to some of the Democratic pages and also to the Republican pages and some of them came back to me and said, Congressman CUNNINGHAM, we know that they are saying children's nutrition, cutting children's nutrition programs is not right. We are Democrats but we were brought up not to tell untruths. And I do not know why our side of the aisle is doing it, but what can you do to show them the actual facts and that is why I have come today.

I am the chairman of the subcommittee that went over and looked at children's nutrition programs. I met with the Speaker, with the Republican Governors, and they said there are 366 welfare programs in existence. All 366 of those welfare programs have personnel, they have facilities, they have paperwork requirements. They have reporting data that school teachers and principals and superintendents have to deal with every day, a stack this high.

And they all intertwine and they cover different folks. But yet we have many people applying for various ones of the 366 and we cannot track who they are. The system has gone amuck. And just take a look at our welfare system today.

It is a disaster and it needs to be fixed. And this is a choice of allowing our children in the future to maintain in their lifetime and have a debt ceiling on their lives of $180,000 that they would pay in taxes just for the interest on the debt.

Now, the question is, are we doing that on the backs of the children? Are we taking food out of children's mouths? The answer is, of course not.

In the program what I did is took a look, and under H.R. 4, the plan was to take all of the block grants and put them in the welfare block grant. After consultations with my own school districts in San Diego, consultation with different groups that came in and talked to me in the food services, I determined, as well as Chairman GOODLING, that if we did that we would actually hurt children's nutrition programs. So being the chairman of the committee, I personally removed the child breakfast and the child lunch programs from the overall welfare block grant. I separated them.

There is another program that works very, very well to help, and you can tie an economic model on both of these programs. And that is the Women, Infants, and Children's Program, called WIC. They work very well. And in this body, both Republicans and Democrats, on a bipartisan basis, have supported both the school-based and the family-based program of WIC. And if we would have put them into that block grant, it would have damaged both of them.

I hear time after time after time again from the other side of the aisle that we are cutting those programs. Well, Mr. Speaker, I would like to speak to that very issue. Because instead of cutting the program, I protected them. I separated them in a block grant instead of cutting them.

There were many people that came back to this Congress, especially our freshmen, and said, We came back to cut, we want to cut down and we want to work on the deficit, and we want to cut the program. And they wanted not to go to zero growth, but to actually cut into it by 5 percent.

I went to Chairman GOODLING, and I said, Mr. Chairman, if that feeling prevails, I will resign my chairmanship of early childhood education. Because if we do that, again, we will damage children's nutrition programs. It meant that much to protect programs that work.

Are we cutting? Take a look at the WIC Program itself. This is what we, Mr. Speaker, in 1995, this year, we spent $3.47 billion on the Women, Infants, and Children's Program. In the year 2000, we spend $4.246 billion. And if you look at next year, from $3.4 we go to $3.7 billion. That is the Women, Infants, and Children's Program.

If you take a look at the school-based program, this year we spent $4.5 billion on our children and our School Lunch Programs. Next year, we spend $4.7 billion. And every year we increase it by more than $200 million a year. Instead of cutting it, I arranged to add dollars in that every single year and protect those programs.

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What about the protection of them? Each State is different. What Tommy Thomson's requirements are in Wisconsin may be different from what Governor Wilson's requirements are in California or Christy Whitman's requirements are in New Jersey. So we gave the Governors the remaining 20 percent.

I mandated that 80 percent of the money in this block grant goes to WIC. That 80 percent is represented in this figure. It is more than we currently spend every year in WIC.

In the lunch program, I mandated that 80 percent of the funds go to those children that need it most, those below 185 percent poverty level, the kids that cannot get a school meal because their parents or their economic situation would keep that child from eating.

That child, if they don't eat, they are not going to learn, and those are the children we found are going to end up on the economy on welfare or in low-paying jobs. So there is an economic model to it.

Now, in that 80 percent, there is 20 percent left over. It doesn't take a mathematical genius to figure that out. The Governor in each of those States has the authority to take that remaining 20 percent and if, in their State, they need it because of maybe a recession, whatever it is, and put more money into the School Breakfast and School Lunch Program, they can. If they need it to go in the WIC, in that separate block grant, they can take the 20 percent out that have block grant and include it there.

I yield back.

Mr. DORNAN. This is just the way you described it, trying to set the record straight. Tonight there is a dinner, a Lincoln dinner in the county of Washington in Arkansas, and they asked me to tape an introduction to the dinner for them because they knew I couldn't get down there by tonight because of votes today.

And I went to Arkansas 2 weeks ago, great American State, 24 Medal of Honor winners and hardly the image that comedians have given it since the current President was elected. But they had asked me to address one of four issues. One was the balanced budget, one was illegal immigration. And they said, please help us to tell fellow Republicans or conservative Democrats that the Republican Party is—and here is the quote—DUKE, not taking milk from the mouths of infants, not waging war upon poor young American children, and that is what you are setting the record straight on here.

So let me give you another couple of minutes and then I would love to join you in a special order next week to continue to set this record straight. The flamingest liberals in the dominant media culture are running wild with this theme. That it is being picked up in far-left Hollywood and all their comedian front men, that we are literally trying to hurt women and children, women, infants and children of the WIC Programs and others.

So take another couple minutes, please.

Mr. CUNNINGHAM. We are finally getting through to the press. Here is the Washington Post, the Washington Times, the Union. I talked to seven of the superintendents in most liberal schools in California, that is Los Angeles, San Francisco, Oakland, and they favored the block grant.

What they would like us to do even is to take the money and not even go through the State but get it down to the local LEA, or the local school district, so they are in favor of this. It takes out that middle bureaucracy.

What we did cut in all of those thousands of reports, we cut those out from the Federal Government, the personnel, the systems that have to operate it, to take away the dollars that we are actually trying to give. So we not only add dollars, we make it more cost effective so that there is more money. They don't have to spend it on those administration fees, on the extra people they have to hire to take care of their reports. They don't have to go through the reports and send them back here to Washington, DC.

We happen to believe that Government works best closest to the people. What about the nutrition standards? Well, DUKE, you are going to individual States. In the language—I had the language that protected the nutrition standards. Mr. GUNDERSON and Mrs. ROUKEMA said, Well, DUKE, we still don't feel that it is strong enough. It said that the latest science would prevail on nutrition standards.

In a bipartisan, Republican and Democrat, we passed two amendments to protect the nutritional standards for the States. And the point is, are we cutting children's nutrition programs? Absolutely not. We are adding dollars every single year. And what the Democrats are doing, politically motivated, in our old budget cycle, if the Democrats, when they were in the majority, projected that we would have a million dollars in the future for a program, but when it came time around for the budget, they would say, Well, we are going to cut $500,000 from that. We will reduce the rate of that growth by $500,000. They would come back and tell you that they cut the budget in half, by 50 percent.

Did they? No. They increased it by $500 million, and that is what we are doing. GAO projected that they would extend——

Mr. DORNAN. That is baseline budgeting.

Mr. CUNNINGHAM. At the end of 5 years, the rate would go up to 5.2 percent. This is at the end of 5 years. We are not even at that yet.

Mr. DORNAN. Mr. Speaker.

Mr. CUNNINGHAM. I will finish.

Mr. DORNAN. Then I want to ask you one question and then back to the Bulge 50 years ago. Go ahead.

Mr. CUNNINGHAM. That we are not even out here in 5 years at the year 2001. We are here now. This 4.5 percent is more than they even projected for the growth this year and I have added more money than even the GAO baseline, and the political rhetoric, it is an attempt to make us look like we are taking the food out of children's mouths, and we are not, Mr. Speaker. We are increasing it. We are making it cheaper.

We are giving the States the flexibility and at the same time we are going to make it where people that can—my children don't need money to go to school. I should have to pay for my child. I am not at a low poverty level, and neither should other people that cannot afford it. And that way we can bring down over a gradual period of time and balance the budget.

Thank you, and I thank my friend.

Mr. DORNAN. Let me take you back to your youth to show people that you can handle figures accurately.

Mr. CUNNINGHAM. That was a long time ago.

Mr. DORNAN. That is all right. You were a swimming coach before you were a Navy fighter pilot.

Mr. CUNNINGHAM. Swimming and football coach at Hinsdale High School.

Mr. DORNAN. There are a lot of aces in our society. There are ace pool players, there are ace marble players in the school yard, wide receiver aces that get five touchdowns in a game, but there is only one act that puts his life on the line, and that is a fighter ace, and that is what you are. Well, I guess tank aces too out there in the sand.

Let me show people—I will give you a chance to shine a little bit here because I love talking with my hands with you. What is the turn rate of a Faggot, a MiG–15?

Mr. CUNNINGHAM. It turns at about 19 degrees a second.

Mr. DORNAN. How about a Fresco, MiG–17?

Mr. CUNNINGHAM. Turns at about 20 degrees a second. A Phantom turns at about 11 degrees a second.

Mr. DORNAN. That is why our big Phantom that you were flying, what was your back-seater's name? Driscoll?

Mr. CUNNINGHAM. Willie Driscoll and we were both Irish.

Mr. DORNAN. Happy St. Patrick's Day. Where is he today?

Mr. CUNNINGHAM. Willie sells real estate for Coldwell Banker and that is not a 1–800 number.

Mr. DORNAN. May his sales increase if we can balance the budget around here. So with that big Phantom turning what? What is his turn ratio?

Mr. CUNNINGHAM. About 11, 11½ degrees a second at 420 knots.

Mr. DORNAN. What is a MiG–17 doing?

Mr. CUNNINGHAM. Twenty degrees a second.

Mr. DORNAN. So you can get inside that much smaller fighter?

Mr. CUNNINGHAM. No. If I get behind him and he turns at 19 to 20 degrees a second and I turn at 11, he is going to come around and shoot me.

Mr. DORNAN. So he is turning more degrees than you are and a MiG–21 is what?

Mr. CUNNINGHAM. A MiG–21, depending on the speed, but at his best turn rate turns in excess of 20 degrees a second.

Mr. DORNAN. So that is more of a fair fight. You have got a couple of those.

Mr. CUNNINGHAM. He also has more power to go vertical.

Mr. DORNAN. The reason I brought this out is to show that my friend, DUKE CUNNINGHAM of San Diego, can handle and master figures, and you taught this as the squadron CO of the aggressor squadron down there at fighter town USA, Miramar. This is not rocket science or shooting down MiG's for you to master these nutrition programs. What is the new name of the education and labor committee?

Mr. CUNNINGHAM. Early Childhood, Youth and Families.

Mr. DORNAN. Early Childhood, Youth and Families.

Mr. CUNNINGHAM, I am glad you are on that committee. I am glad you are doing this work. Let's keep telling the truth here and I want to master these figures and not just be the self-appointed House historian around here. Thanks, DUKE.

And speaking of history, Mr. Speaker, sometimes when you speak in grand terms about the sweep of battle in a war as cataclysmic or as massive in numbers of participants as World War II, you lose the viewpoint of a foxhole, the mud, one on one, combat situations.

Here is a book that I came across. I belong to the Military Book Club, along with the History Book Club and lots of other political book clubs, and I got a little book in the mail a couple of weeks before I left for Europe on an Army aircraft with the Secretary of the Army, Togo West, and sitting next to me, Harry Canard, as a 29-year-old full Eagle, full bird colonel, who was G3 operations for General McAuliffe, trapped inside Bastogne, completely surrounded by the best of German Panzer units, demanding that they surrender, and of course McAuliffe turned to his G3 in the headquarters as they read the German surrender demand and McAuliffe says, Well, this is nuts, nuts to them. What should I do, Harry?

General Canard, by the way, took the 1st Cavalry to Vietnam in 1965. Quite a man, and young 28-year-old Lieutenant Colonel Lynn still made bull in April a couple weeks before his birthday.

Lt. Col. Harry Canard said, Nuts is good enough, just tell them nuts, and that is what their young officers carried to the German side to this spit-and-polish Panzer commander, and the German reads the notes. I remember Harry saying it to me in German. Pardon my German if you speak the language, but he said something like, "Neutz, Was ist das?" "Negativ-affirmativ," and the young captain said, "It means hell no; hell no, we won't surrender."

That was probably still fresh in my mind why I used those words in the well January 25 while analyzing what aid and comfort to a hostile force that we are engaged in combat, what truly constitutes when you are in foreign countries. So "Hell no, hell no, we won't surrender" was embodied in the word "nuts."

Well, here is a small book, very quick and easy read by a young private, as he puts it, a private comes of age, the title of the book is, "Inside the Battle of the Bulge," published in 1994 by Roscoe C. Blunt, Jr. And in the foreword, in dedicating it to his sons, he explains that the first version of my book was called, "A War Remembered." He made it more specific with "Inside the Battle of the Bulge" and published it last year to take advantage of the 50th anniversary.

He says, It was written for my sons, Roscoe C. Blunt III, to Randy A. Blunt and to Richard D. Blunt. My purpose was to offer them—oh, I see, Richard is probably his brother. He said, My purpose was to offer them an insight into a time in my life that was quite remote from the man they know.

Many fathers, as mine almost did, take to the grave the stories of their youth when they were called upon to offer their very life or their limbs or suffer unbelievably serious wounds as BOB DOLE, the leader of the Republicans in the Senate, majority leader in the Senate, suffered just 16 days before Hitler committed suicide at the end of the war. Senator DOLE is approaching the 50th anniversary of his horrible wounds that kept him literally imprisoned in a hospital in Kansas for 3½ years. The full length of the war itself is what BOB had to add to his Army service. A young 21-year-old lieutenant when a German artillery shell brought him to the very edge of death's door.

This is the story also of the 84th Infantry Division. The ax chopping at a piece of wood, one of the divisions that was formed in 1942, building our Nation up to roll back Nazism, fascism, Mussolini, Hitler and the warlords of Tojo.

So, please, to young people, if you want just one man's view of these cataclysmic events across Europe, Roscoe Blunt's book, "Inside the Battle of the Bulge," is as good as it gets and it is very short. You can read it in a night or two.

I wanted to put in the RECORD, Mr. Speaker, a brief analysis of why Adolf Hitler, Chancellor and Furor of Germany, leader of Germany, why in September 1944 he organized with great secrecy our intelligence, did not break the secret of his massive offensive across the first few acres of Germany, territory that we held on the West or allied side of the Rhine River 50 years ago last December.

It said, Hitler's offensive, General Field Marshall Toeffel wrote after the war, Hitler's offensive was because he, Hitler, was convinced that the Allied coalition was on the verge of breaking up. He was into the gossip of the tension between Montgomery and Gen. George Patton, but he did not take into account the major skills as a conciliator of Gen. Dwight Eisenhower, a man who had only been a lieutenant colonel at the Louisiana war games in 1940. We did find the right man in the right place at the right time to hold together all of these egos, in the best sense of the word, of his combatant officers, British, Canadian, and United States.

But the Bulge was mainly a United States battle, the British only had—"only" is a sad word to use—200 killed in action, that is 50 more than we lost in the whole gulf war and double what our Allies lost in the gulf war. Two hundred is painful, but compared to our thousands, 11,000 killed in action and twice that missing in action, it was an American conflict.

The nightmare in their Ardennes, Mr. Speaker, what we call the Bulge, began on a snowy afternoon 2 days before the combat when a Sgt. Ralph Neppel, to focus in on one man, and the rest of his machine gun squad, December 14, 1944, set up a defensive perimeter at the end of the main street of Birgel, and that was German soil this side of the Rhine, a hamlet on the edge of the Herkin Forest, which is where Bob Michel, our former leader was wounded and where one of our now deceased great leaders on the other side, Mr. Nichols of Alabama had lost a leg in the Herkin Forest trying to retrieve a wounded man from a mine field, he also stepped on a mine leaving his leg in Europe. Before that time, Neppel's company had advanced steadily from that day it landed at Normandy on D-day plus 13.

The combat through the hedge rows and into Germany had been fierce, but nothing had prepared Sgt. Ralph Neppel for what he was to endure that evening at Birgel. Near dusk, the machine gun crew was astonished to hear the rumble of tanks entering the town. Neppel later reasoned that he and his men had not seen them earlier because they were camouflaged for winter. The sound of the grinding machinery, the terrifying sound for ground forces, came closer until a number of tanks emerged from the narrow side streets and turned toward the squad's position. German infantry followed the lead tank using it as a shield.

Neppel held his fire until the Germans had advanced to within 100 yards, then released a burst that killed several of the foot soldiers. The first tank lumbered forward within 30 yards of Neppel, then fired one cannon shot and blasted the Americans and sent the machine gun flying. Neppel was thrown 10 yards from the gun, his legs wounded horribly. In shock, he looked down to see that his foot had been blown off. He realized the other men were either dead or about to die, so he crawled on his elbows back to the gun and tried to set it up himself.

When he found the tripod had been knocked loose, he cradled the gun in the crook of his arm and fired until he was too weak to lift it any further. He killed the remaining infantrymen around the lead German tank.

Without infantry cover, the Panzer tank was left vulnerable to attack from bazookas or other American foot soldiers with phosphorous grenades so the tanks stopped. Neppel remembered the furious commander emerging from his tank and like a vision from a nightmare, advancing on the sergeant with a Luger held in his hand. The officer fired, hitting Neppel in the helmet and left him for dead. The helmet apparently diverted the course of the bullet. Neppel's skull was creased but he was alive and conscious.

Remember, Mr. Speaker, no foot, the rest of his leg shredded. When he again heard the rumbling of tanks, he was gripped by the awful thought that they were moving forward and would soon crush him under their tank treads. Instead, they withdrew.

Neppel was rescued by American troops as they took Birgel. He was to spend 6 months regaining his strength in a hospital. He had single-handedly turned back a Nazi armored attack but had lost both of his legs in the effort.

When he heard he was to receive the Medal of Honor, his reaction was to feel humble. This quotes him, "to feel humble." You see so many die, then in the hospital, you see triple amputees, guys who have lost their eyesight. You feel there are so many more deserving that you shouldn't be taking the glory as an individual. This was one of many recipients of the Medal of Honor and one of those who came home with terrible wounds, as I repeat, Senator BOB DOLE did.

Here is a picture of Neppel posing with a French rifle prior to his individual battle with a German Tiger on Panther tank. It doesn't identify the tank.

Here is another individual case. Pfc. Melvin "Bud" Biddle and the rest of his unit were in Reims, France, waiting to go home when the Germans launched their attack. Veterans of campaigns in Italy and southern France, they had turned in their equipment and were passing the time listening to Axis Sally, an English-speaking Nazi radio propagandist who played the latest hits from America while spouting lies in an attempt to demoralize the Allies. The troops were amused and then influenced by her show.

That night she announced, men of the 517th Parachute Infantry Regiment, you think you are going home, but you are not. This time, her information was deadly correct. The men of the 517th were issued new equipment, so new, in fact, that their rifles were still packed in Cosmoline grease, which the men had to clean off before they boarded their trucks and were driven to a crossroads in an area near the most advanced point of the German thrust into Belgium. This is during the later rescue operation of Patton's Third Army.

The men were to face again the elite troops of the German Army, Panzer divisions, paratroopers, and the dreaded SS soldiers. The mission of the 517th was to clear the Germans out of 3 miles of territory between the towns of Soy and Hotton. Biddle was the lead scout for the 517th. I may have mixed up the 101st with the 82d Airborne, here, Mr. Speaker, and I won't have time to correct it. A job he had inherited with other scouts who were wounded or killed during the Italian campaign.

One of his qualifications was his superb vision. He later picked up the nickname, Hawkeye, this GI from Indiana. I saw every German out in front before they saw me, which was a large part of keeping me alive. He was keenly aware of the responsibility he held as the lead scout and said later it helped him forget his fear.

I think I got so I would rather die than be a coward. I was terrified most of the time. But there were two or three times when I had no fear, no fear. That is why I love to wear it on my ball cap, Team Dornan, no fear, and it is remarkable. It makes you so you can operate in the lead.

One of those times came on the 7th day of the Battle of the Bulge, the 23d of December. Biddle was ahead of his company as he crawled through the thick underbrush toward railroad tracks leading out of Hotton.

I would recommend to these young people in the gallery, get a map. Keep the map next to the books and the stories as you read this and track what these 18-, 19-, 20- and 21-year-old heroes, 21- and 22-year-old platoon leaders, 20-, 21-year-old sergeants, platoon sergeants leading three squads of young men and some 10 years older than they.

Unseen by the Germans, he crawled to within 10 feet of three sentries. Firing with his M1 rifle, he wounded one man in the shoulder, killed a second with two shots near the heart. The third sentry fled but not before Biddle shot him twice.

I should have got him. He kept running and got to their machine guns and then all hell broke loose. Under heavy fire, Biddle stayed on point as his unit crawled to within range through lobbed grenades and destroyed all but one of the guns. With his last grenade, Biddle blew up the remaining machinegun, then he charged the surviving gunners, killing them all.

That night the Americans heard a large number of tracked vehicles which Biddle hoped would be American. I have never heard so many Germans. They didn't have equipment like we had, not in our numbers.

Biddle volunteered to lead two others in a scouting foray to make contact with these vehicles, what he thought were Americans. In the darkness, the three men came upon a German officer who fired at them. Separated from the others, Biddle crawled toward the German lines by mistake, realizing his error, he continued to reconnoiter by himself, alone, and carried back valuable information for use in the next day's attack.

Mr. Speaker, the next morning he spotted a group of Germans dug in along a ridge. He ducked behind a small bank for cover. He found he could not properly maneuver in order to shoot. In basic training he had learned to shoot from a sitting position, his favorite, but at the time he had thought there would be no way to use that in combat.

Now moving to a sitting stance, he shot 14 men. He hit each one in the head, imagining that the helmets were the same as the targets he had aimed at in training. Although others in his unit later would view the bodies, Biddle could not bring himself to look at the carnage he had wrought. His sharp shooting, however, made it possible for his unit to secure the village.

The next day, a German 88, same artillery that hit Senator DOLE, exploded a shell in a building behind him as he was returning to his unit from a hospital in London. Another soldier asked if he had heard about the guy in the Bulge that shot all those people. My God, between Soy and Hotton, it was littered with Germans. I think they are going to put the guy in for the Medal of Honor. He is another one of our surviving Medal of Honor winners from the Bulge battle. Most paid for it with their lives.

Mr. Speaker, I would like to submit this for the RECORD. I would like to submit an article on the 80,987 men who were casualties, again, 10,276 killed, 23,218 missing. And I would like to put in an article on what was happening this month 50 years ago, the rout in the Rhineland and also another article from the VFW magazine this month sweeping the southern Philippines where our young men, who may be not so young today, watching will know that I have not forgotten the Pacific.

And I close on the words of a youngster plus 50 that I met on the scene in the Bulge. I said, "What division were you in, corporal?" And he said he was wearing a jacket from his old uniform. He said 106th Division, two of our regiments surrendered; the largest American battle surrender in the history of our Nation.

And he said these sentences to me: "We were all college kids. We were too young. We didn't make out very well. It was all a waste." And I said, "Wait a minute. Did you regroup? Were you captured?" "No." "Were you retrained? Did you go on to fight in Germany and bring about the collapse of Hitler on D-Day, March 8th Harry Truman's birthday." "Yes, Congressman, I did." And I said, "Corporal, It was worth it. Your units weren't a failure. You took the brunt, as unbloodied, unseasoned troops that were put on what they thought was a quiet front-line area and no matter what your casualties nor how your regimental commander surrendered you to save lives since you were out of ammunition, you were part of what Eisenhower called 'The Great Crusade.' "

At some point I am going to do a special order on our young prisoners who were killed not at night, as it is shown in movies, not machinegunned from the back of trucks where they dropped the tail end of the truck, but the way it happened for real, in the middle of the afternoon, in an open field, at this Baugneuz crossroads and that sacred ground where so many of our prisoners were machinegunned by SS order telling young men to kill other men their age.

That Malmèdy massacre deserves a half-hour of its own and I will try and do that, Mr. Speaker, and then move on to Okinawa next month. These heroes gave us our freedom. The Nation was only about 135 million at Pearl Harbor. We are now closing in on 270 million, twice as many people, as we called upon to mount this great effort for victory and freedom in World War II.

Reagan used to like to say, "We are Americans, we can do anything." Is there any reason we can't balance the budget here and recapture the American spirit and leave a better country to our grandchildren? Of course we can do it and nobody is asking us to die or have our young bodies torn apart in the process.

I yield back a few seconds, look forward to hearing my colleague from Pennsylvania.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

ROUT IN THE RHINELAND

(By Ken Hechler)

In a Belgian orchard 10 miles from the German border at daybreak on Sept. 10, 1944, a barrage from U.S. 155mm guns thundered into the German frontier town of Bildchen. The church steeple collapsed in a shower of mortar dust and bricks. Defenders now realized that although they were being pulverized from afar, GIs were knocking at the gates of their homeland.

Within five days, U.S. forces were assaulting the "West Wall" or Siegfried Line, officially launching the Rhineland Campaign.

GIs joked about the much-vaunted Siegfried Line with its pillboxes and "dragon's teeth" tank obstacles: "All we have to do is to send a couple of dentists to yank out the dragon teeth and we'll tie knots in the Siegfried Line!" The boast came back to haunt its author, as some of the fiercest fighting of the war came as the Americans spent from Oct. 2–21 capturing the first sizable German city: Aachen.

The day after the Long Tom artillery shell toppled the Bildchen steeple, Staff Sgt. Warner W. Holzinger of the 85th Cavalry Reconnaissance Squadron had the honor of leading the first patrol across the German border.

But it soon became apparent that the Germans fully intended to use the pyramid-shaped concrete obstacles, plus their string of reinforced pillboxes, to exact a severe toll on the attackers.

"JEWEL CITY": AACHEN

Aachen opened the way to the Rhineland and the Cologne plain. To the German garrison—12,000 strong—defending Aachen, Heinrich Himmler sent this message: "German soldiers! Heroes of Aachen! Our Fuehrer calls upon you to defend to the last bullet, the last gasp of breath, Aachen, this jewel city of German kultur, this shrine where German emperors and kings have been enthroned!"

Combat engineers, with bangalore torpedoes and TNT, blasted a path through the West Wall fortifications.

1st Lt. Frank Kolb of the 1st Div. led the first platoon to launch the attack toward Aachen. It was rough going. In a five-day period, the 1st Bn., 16th Inf. Regt. lost 300 men out of its 1,300-man strength. Supported by the 3rd Armored Div. and the 30th Inf. Div. farther north, the "Big Red One" found it slow slogging as the rains churned up the mud and kept the bombers out of the sky.

German SS troops strengthened the enemy lines. Future Medal of Honor recipient T/Sgt. Jake Lindsey remarked: "Either those Krauts were crazy or else they were the bravest soldiers in the world." House-to-house fighting within Aachen produced murderously high casualties on both sides. (The 30th Inf. Div. lost 3,100 men; the 1st Inf. Div. suffered an equal number of casualties.)

The 248th Engineer Combat Bn. created a humorous diversion by loading up several streetcars on a downgrade into Aachen with time-fused shells and other explosives; swarms of news correspondents covered the bizarre exploit, which actually caused little damage.

Finally, after Aachen was surrounded and his own headquarters were under small arms fire, the German commander surrendered when his ammunition ran out.

"The city is as dead as a Roman ruin," wrote an American observer. "But unlike a ruin it has none of the grace of gradual decay * * * Burst sewers, broken gas mains and dead animals have raised an almost overpowering smell in many parts of the city." Hitler's prophecy had been realized: "Give me five years and you will not recognize Germany again," he had said.

ANCIENT METZ FALLS

Some 113 miles to the south, on the French border, "Blood and Guts" Gen. George S. Patton had led his Third Army on a 450-mile run from Avranches at the base of the Cherbourg Peninsula to the gates of the fortress city of Metz, where he met the forbidding fortifications of Fort Driant.

The fort had concrete walls seven feet thick, connected by underground tunnels with a central fortress. The defenders had emplaced huge quantities of barbed wire to add to the problems facing attackers. The German garrison of 10,000 had ample supplies of food and water. Other forts in the Metz area were similarly equipped.

In the early days of November, the 5th, 90th and 95th Infantry and 10th Armored divisions of XX Corps were slowed by the heavy rains which plagued the entire theater. Hitler took a very personal interest in the defense of Metz, reiterating his order that it must be held "to the last man." The new garrison commander, Heinrich Kittel, pledged to carry out that order.

There were many individual feats of heroism as U.S. forces slowly closed the jaws of the trap around Metz between Nov. 18–22. Pfc. Elmer A. Eggert of L Co., 379th Inf. Regt., 95th Div., advanced alone against a machine gun, killing five of the enemy and capturing four, earning a Distinguished Service Cross. After his tank received a direct hit, Cpl. C.J. Smith of the 778th Tank Bn. dismounted the .30-caliber machine gun and fought on alone until help arrived; he was also awarded a DSC.

Despite Hitler's own order, he allowed an SS regiment—which he planned to use in the Ardennes offensive—to slip out of Metz in the last stages of the U.S. offensive. Gen. Kittel finally surrendered Metz on Nov. 21, although several of the forts, including Driant, held out well into December before giving up.

The 5th Div.'s November losses were 172 KIA, 1,005 WIA and 143 MIA. The 95th Div. estimated 281 KIA, 1,503 WIA and 405 MIA. Records of casualties of other units involved in the Metz operation are incomplete. Hugh M. Cole, official Army historian of the Metz operation, concluded that the capture of Metz was "skillfully planned and marked by thorough execution," and "may long remain an outstanding example of a prepared battle for the reduction of a fortified position."

The U.S. First and Ninth Armies had launched Operation Queen in mid-November, with the Ninth clearing the west bank of the Roer River from Brachelen to Altdorf by early December. (See the November issue for the Battle of Huertgen Forest.) Queen witnessed, incidentally, the largest air-ground cooperative effort to date in the ETO.

Offensive operations were resumed Jan. 17, 1945. Operation Grenade achieved the Allied assault crossings over the Roer River, followed by a northeastward drive by the U.S. Ninth Army's link up with the First Canadian Army along the Rhine. The Ninth Army (its dash to the Rhine was dubbed Operation Flashpoint) comprised four corps with 13 divisions. In reaching the Rhine, the Ninth Army captured 30,000 German soldiers and killed 6,000, at the cost of 7,300 U.S. casualties.

A sequel to Grenade—Operation Lumberjack—was a converging thrust made by the U.S. First and Third Armies to trap the Germans in the Eifel Mountains during the first week of March. GIs were now poised to "bounce" the Rhine.

REMAGEN: AN "OPEN WOUND"

On the afternoon of March 7, 1945, 34-year-old Sgt. Alex Drabik from Toledo, Ohio, bobbed and weaved his squad acrcss a Rhine River railroad bridge (Ludendorff) at the little town of Remagen, Germany. His company commander, Lt. Karl Timmermann, from A Co., 27th Armored Inf. Bn., 9th Armored Div., who had ordered the crossing, followed close behind. Drabik, Timmermann and a handful of infantrymen, engineers and tankers, performed one of the most incredible feats in the annals of military history.

The Rhine River had not been crossed by an invading army since Napoleon's time over a century earlier. Hitler had ordered all the bridges up and down the Rhine to be blown up as the Americans approached. The last bridge, between Cologne and Koblenz, was still standing to enable German tanks and artillery to retreat safely. Just as Lt. Timmermann gave the order for Drabik's squad to cross, tremendous explosions shook the bridge and seemed to lift it from its foundations. The structure shuddered, but miraculously remained standing.

At this point, Lt. Hugh Mott and two brave armored engineers, Eugene Dorland and John Reynolds, dashed out on the bridge and feverishly cut wires to the remaining explosive charges. The Germans blew a 30-foot crater in the approach to the bridge to prevent tanks from crossing. Sgt. Clemon Knapp of Rupert, W.Va., and a crew, manned a "tank dozer"—a Sherman tank with a bulldozer blade—and filled in the crater. Knapp and his crew received Silver Stars for their actions.

The night of March 7 was one of the darkest of the war. Yet Lt. Windsor Miller gently guided his 35-ton Sherman tanks across the shaky bridge, dodging some gaping holes as he maneuvered between white tapes strung by the engineers. Across the Rhine, Miller's tank platoon beat off several German counter-attacks as they helped the armored infantry hang on to their tenuous toehold.

When the bridge was captured, the first troops proudly attached a sign reading: Cross the Rhine with dry feet—Courtesty 9th Arm'd Div.

The 9th, 78th and 99th Infantry divisions rushed to the scene to reinforce the bridgehead. Military police, tank-destroyer and anti-aircraft units were awarded Presidential Unit Citations for their heroism under fire.

Hitler threw in jet planes, underwater swimmers, giant V-2 rockets and massive reinforcements in trying to destroy the bridge. The bridge itself was so severely damaged that it collapsed without warning on March 17, taking the lives of 28 repairmen and injuring 93. But not before a pontoon and treadway bridge had been built under fire on either side of the permanent bridge.

WEST BANK CLEANSED

By mid-March, mopping up operations west of the Rhine were completed by the U.S. VIII Corps. Within a few days, Operation Undertone was under way by the U.S. Seventh Army to clear the Saar-Palatinate triangle.

On March 22, 1945, the 90th Inf. Div. cleared Mainz while other GIs achieved a surprise late night crossing of the Rhine at Oppenheim, south of Mainz. By then, the U.S. First Army held a bridgehead across the river 20 miles wide and eight miles deep; six divisions were east of the Rhine. The stage was set for the final drive into Germany's heartland.

□ 1430

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 24 AND HOUSE CONCURRENT RESOLUTION 5

Mr. FOX of Pennsylvania. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 24 and House Concurrent Resolution 5.

The SPEAKER pro tempore (Mr. WICKER). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

THE CONTRACT WITH AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Pennsylvania is recognized for 30 minutes as the designee of the majority leader.

Mr. FOX of Pennsylvania. Mr. Speaker, I want to thank the gentleman from California [Mr. DORNAN] for his eloquent testimony about the importance of the Battle of the Bulge in U.S. history, and the importance of our service men and women who have given us the opportunity to serve here in Congress and to try to make a difference in each person's life.

Mr. Speaker, it occurs to me that the media's coverage of the new Speaker of the House is further proof that elitists in the Washington press corps still do not get it. They fail to understand that the Republicans' sweep in November was not about the personalities of power inside the beltway that accompanied the democratically controlled Congress for so many years. The election was not about power in Washington at all. It was about ideas, about helping people.

Speaker NEWT GINGRICH is an excellent articulator of the conservative tenets of individual freedom and decentralized government, as well outlined by Jay Heslick in the Southeast Missourian.

Just this past week we have been discussing how we can work with our families, our neighborhoods, and our schools. The fact is we are growing school meals. Hungry children cannot learn. We are growing kids, not government. We are growing school meals 4.5 percent a year. Under our plan, in 5 years we will be spending $1 billion more on school meals than we are today.

For kids under school age, we are growing the WIC program, for lower-income women, infants, and children. A country that is broke certainly cannot feed a hungry child. The Clinton budget piles $1 trillion in new debt on our kids, which they will have to repay with interest. Unless we turn this around, a child born today will pay $180,000 in Federal debt during his or her lifetime. That is not for a house, a car, or a college education. That is interest on the Federal debt, and the Clinton budget is growing.

That is why I support the balanced budget amendment, even though President Clinton does not, and that is why I support reviewing all Federal expenditures, to see if they can be transformed or reformed. Money spent on bureaucrats cannot be spent feeding kids, and because the Clinton administration is still running deficits and adding to the debts that our kids will owe, money spent on bureaucrats has to be paid back with interest.

On school meals, we are transforming and reforming the program. We are cutting out the bureaucrats in Washington, cutting the paperwork and the waste that they impose on local schools, and we are going to add to the school lunch program by having more students served because less bureaucrats will be served.

At this point, Mr. Speaker, I think it is very interesting and very enlightening to see we have already passed here within the House the balanced budget amendment as part of the Contract With America; we have increased the penalties against violent criminals; we have already worked within the committee on tax cuts for families, and a stronger national defense, with no U.S. troops under U.N. command. We are working on various other items, common sense legal reform has just been completed, and we are going to be working on many other important issues.

Mr. Speaker, I did want to take a moment to talk about legislation which has received bipartisan support which goes to the item dealing with protecting our children, protecting our citizens, and protecting our country by discouraging the crime of jury tampering and witness tampering and witness intimidation.

Mr. Speaker, it was discovered not that long ago by the Wall Street Journal that in fact if someone is charged with a major offense federally, kidnaping or murder, and is through their own devices acquitted of the major offense because they tampered with a jury or intimidated a witness, later on, when it comes up, the fact is they can use double jeopardy to keep from being tried again. The fact is right now in our current law there is only a six month sentence for tampering with a jury or tampering with a witness.

Under legislation that has received bipartisan support that we have just filed, we will be able to increase those penalties for jury tampering and witness tampering, and to have a chilling effect on those crimes, by increasing the penalty to be equal to the substantive or greater offense. We believe it is a step in the right direction. I am pleased it is being investigated and studied by the National District Attorneys Association, and my own district attorney in Montgomery County, Michael D. Marino has endorsed this legislation fully. He believes this legislation will definitely be a deterrent for those who want to commit crimes, then to intimidate or bribe a witness, and then be off scot-free because they have in fact through illegal self-help made it easier for them to get away with a crime.

I am pleased to report to the House the bill has been filed. It will be going to the Committee on the Judiciary. It has received the support of the Committee on the Judiciary, the gentleman from Illinois [Mr. HYDE], the ranking member, the gentleman from Michigan [Mr. CONYERS], and the subcommittee ranking member, the gentleman from New York [Mr. SCHUMER], and as well the Crimes Subcommittee chairman, the gentleman from Florida [Mr. McCOLLUM]. These individuals are behind the bill. They are leaders in this legislation to reduce crime. I must say, Mr. Speaker, I am proud to be associated with them in this kind of legislation, which we hope will be good for all of the people of the United States and obviously not good for the criminals.

Mr. Speaker, in conclusion, I just want to say that for those people who realize we have a Contract With America, much of that credit goes to our

Speaker, the gentleman from Georgia [Mr. GINGRICH], to the gentleman from Texas [Mr. ARMEY], the gentleman from Texas [Mr. DELAY], the gentleman from Ohio [Mr. BOEHNER], our leadership. These individuals helped to write this contract, and for the first time in years we have a document that tells the people what we are going to try to do in the first 100 days.

We are more than halfway there. We are working hard, we are keeping promises, we are trying to make a difference. I am happy to say we have had bipartisan support for this people-oriented legislation, which is going to hold the line on costs, provide quality services to people, but make sure the people are part of the process. That is why we are here.

RULES OF PROCEDURE FOR THE COMMITTEE ON STANDARDS AND OFFICIAL CONDUCT FOR THE 104TH CONGRESS

(Mrs. JOHNSON of Connecticut asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. JOHNSON of Connecticut. Mr. Speaker, I am submitting to the House the interim rules of the Committee on Standards of Official Conduct of the 104th Congress. These rules were adopted by the committee at our organizational meeting on February 9, 1995.

The committee adopted these rules on an interim basis so that we could undertake the work before the committee according to the rules by which the committee was operating at the time of the initial filing of pending business. The committee intends to review these rules during the 104th Congress and make additional recommendations.

RULES OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

Foreword

The Committee on Standards of Official Conduct is unique in the House of Representatives. Consistent with the duty to carry out its advisory and enforcement responsibilities in an impartial manner, the Committee is the only standing committee of the House of Representatives the membership of which is divided evenly by party. These rules are intended to provide a fair procedural framework for the conduct of the Committee's activities and to help insure that the Committee serves well the people of the United States, the House of Representatives, and the Members, officers, and employees of the House of Representatives.

Part I—General Committee Rules

Rule 1. General Provisions

(a) So far as applicable, these rules and the Rules of the House of Representatives shall be the rules of the Committee and any subcommittee. The Committee adopts these rules under the authority of clause 2(a) of Rule XI of the Rules of the House of Representatives, 103d Congress.

(b) The rules of the Committee may be modified, amended, or repealed by a vote of a majority of the Committee.

(c) When the interests of justice so require, the Committee, by a majority vote of its members, may adopt any special procedures, not inconsistent with these rules, deemed necessary to resolve a particular matter before it. Copies of such special procedures shall be furnished to all parties in the matter.

Rule 2. Definitions

(a) "Adjudicatory Subcommittee" means a subcommittee of the Committee, comprised of those Committee members not on the investigative subcommittee, that holds a disciplinary hearing and determines whether the counts in a Statement of Alleged Violation are proved by clear and convincing evidence.

(b) "Committee" means the Committee on Standards of Official Conduct.

(c) "Complaint" means a written allegation of improper conduct against a Member, officer, or employee of the House of Representatives filed with the Committee with the intent to initiate a Preliminary Inquiry.

(d) "Disciplinary Hearing" means an adjudicatory subcommittee hearing held for the purposes of receiving evidence regarding conduct alleged in a Statement of Alleged Violation and determining whether the counts in the Statement of Alleged Violation have been proved by clear and convincing evidence.

(e) "Investigative Subcommittee" means a subcommittee designated pursuant to Rule 6 to conduct a Preliminary Inquiry to determine if a Statement of Alleged Violation should be issued.

(f) "Office of Advice and Education" refers to the Office established by section 803(i) of the Ethics Reform Act of 1989. The Office handles inquiries; prepares written opinions in response to specific requests; develops general guidance; and organizes seminars, workshops, and briefings for the benefit of the House of Representatives.

(g) "Preliminary Inquiry" means an investigation by an investigative subcommittee into allegations against a Member, officer, or employee of the House of Representatives.

(h) "Respondent" means a Member, officer, or employee of the House of Representatives who is the subject of a complaint filed with the Committee or who is the subject of a Preliminary Inquiry or a Statement of Alleged Violation.

(i) "Sanction Hearing" means a Committee hearing to determine what sanction, if any, to recommend to the House of Representatives.

(j) "Statement of Alleged Violation" means a formal charging document filed by an investigative subcommittee with the Committee containing specific allegations against a Member, officer, or employee of the House of Representatives of a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities.

Rule 3. Advisory Opinions and Waivers

(a) There is established within the Committee an Office of Advice and Education. The Office shall handle inquiries; prepare written opinions providing specific advice; develop general guidance; and organize seminars, workshops, and briefings for the benefit of the House of Representatives.

(b) Any Member, officer, or employee of the House of Representatives, or any other person specifically authorized by law, may request a written opinion with respect to the propriety of any current or proposed conduct of such Member, officer, employee, or person.

(c) The Office of Advice and Education may provide information and guidance regarding laws, rules, regulations, and other standards of conduct applicable to Members, officers, and employees in the performance of their duties or the discharge of their responsibilities.

(d) In general, the Committee shall provide a written opinion to an individual only in response to a written request.

(e) Unless specifically authorized by law or resolution of the House of Representatives, written opinions may be provided only to Members, officers, and employees of the House of Representatives. Other individuals may be provided with general information regarding rules or laws, such as citations to relevant texts of publicly available documents.

(f) A written request for an opinion shall be addressed to the Chairman of the Committee and shall include a complete and accurate statement of the relevant facts. A request shall be signed by the requester or the requester's authorized representative or employing authority. A representative shall disclose to the Committee the identity of the principal on whose behalf advice is being sought.

(g) A written opinion shall address the conduct only of the inquiring individual, or of persons for whom the inquiring individual is responsible as employing authority.

(h) The Office of Advice and Education shall prepare for the Committee a response to each written request for an opinion. Each response shall discuss all applicable laws, rules, regulations, or other standards.

(i) Where a request is unclear or incomplete, the Office of Advice and Education may seek additional information from the requester.

(j) The Chairman and Ranking Minority Member are authorized to take action on behalf of the Committee on any proposed written opinion that they determine does not require consideration by the Committee. If the Chairman or Ranking Minority Member requests a written opinion, or seeks a waiver, extension, or approval pursuant to Rules 3(n), 4(c), 4(e), or 4(h), the next ranking member of the requester's party is authorized to act in lieu of the requester.

(k) The Committee shall keep confidential any request for advice, as well as any response thereto.

(l) The Committee may take no adverse action in regard to any conduct that has been undertaken in reliance on a written opinion if the conduct conforms to the specific facts addressed in the opinion.

(m) Information provided to the Committee by a Member, officer, or employee seeking advice regarding prospective conduct may not be used as the basis for initiating an investigation under clause 4(e)(1)(B) of Rule X of the Rules of the House of Representatives, if such Member, officer, or employee acts in good faith in accordance with the written advice of the Committee.

(n) A written request for a waiver of House Rule XLIII, clause 4 (the House gift rule), or for any other waiver or approval, shall be treated in all respects like any other request for a written opinion.

(o) A written request for a waiver of House Rule XLIII, clause 4 (the House gift rule), shall specify the nature of the waiver being sought and the specific circumstances justifying the waiver.

(p) An employee seeking a waiver of time limits applicable to fact-finding or substantial participation travel shall include with the request evidence that the employing authority is aware of the request. In any other instance where proposed employee conduct may reflect on the performance of official duties, the Committee may require that the requester submit evidence that the employing authority knows of the conduct.

Rule 4. Financial Disclosure

(a) In matters relating to Title I of the Ethics in Government Act of 1978, the Committee shall coordinate with the Clerk of the House of Representatives, Office of Records and Registration, to assure that appropriate individuals are notified of their obligation to file Financial Disclosure Statements and that such individuals are provided in a timely fashion with filing instructions and forms developed by the Committee.

(b) The Committee shall coordinate with the Office of Records and Registration to assure that information that the Ethics in Government Act requires to be placed on the public record is made public.

(c) The Chairman and Ranking Minority Member are authorized to grant on behalf of the Committee requests for reasonable extensions of time for the filing of Financial Disclosure Statements. Any such request must be received by the Committee no later than the date on which the statement in question is due. A request received after such date may be granted by the Committee only in extraordinary circumstances. Such extensions for one individual in a calendar year shall not exceed a total of 90 days. No extension shall be granted authorizing a nonincumbent candidate to file a statement later than 30 days prior to a primary or general election in which the candidate is participating.

(d) An individual who takes legally sufficient action to withdraw as a candidate before the date on which that individual's Financial Disclosure Statement is due under the Ethics in Government Act shall not be required to file a Statement. An individual shall not be excused from filing a Financial Disclosure Statement when withdrawal as a candidate occurs after the date on which such Statement was due.

(e) Any individual who files a report required to be filed under title I of the Ethics in Government Act more than 30 days after the later of—

(1) the date such report is required to be filed, or

(2) if a filing extension is granted to such individual, the last day of the filing extension period, is required by such Act to pay a late filing fee of $200. The Chairman and Ranking Minority Member are authorized to approve requests that the fee be waived based on extraordinary circumstances.

(f) Any late report that is submitted without a required filing fee shall be deemed procedurally deficient and not properly filed.

(g) The Chairman and Ranking Minority Member are authorized to approve requests for waivers of the aggregation and reporting of gifts as provided by section 102(a)(2)(D) of the Ethics in Government Act. If such a request is approved, both the incoming request and the Committee response shall be forwarded to the Office of Records and Registration for placement on the public record.

(h) The Chairman and Ranking Minority Member are authorized to approve blind trusts as qualifying under section 102(f)(3) of the Ethics in Government Act. The correspondence relating to formal approval of a blind trust, the trust document, the list of assets transferred to the trust, and any other documents required by law to made public, shall be forwarded to the Office of Records and Registration for such purpose.

(i) The Committee shall designate staff counsel who shall review Financial Disclosure Statements and, based upon information contained therein, indicate in a form and manner prescribed by the Committee whether the Statement appears substantially accurate and complete and the filer appears to be in compliance with applicable laws and rules.

(j) Each Financial Disclosure Statement shall be reviewed within 60 days after the date of filing.

(k) If the reviewing counsel believes that additional information is required because (1) the Statement appears not substantially accurate or complete, or (2) the filer may not be in compliance with applicable laws or rules, then the reporting individual shall be notified in writing of the additional information believed to be required, or of the law or rule with which the reporting individual does not appear to be in compliance. Such notice shall also state the time within which a response is to be submitted. Any such notice shall remain confidential.

(l) Within the time specified, including any extension granted in accordance with clause (c), a reporting individual who concurs with the Committee's notification that the Statement is not complete, or that other action is required, shall submit the necessary information or take appropriate action. Any amendment may be in the form of a revised Financial Disclosure Statement or an explanatory letter addressed to the Clerk of the House of Representatives.

(m) Any amendment shall be placed on the public record in the same manner as other Statements. The individual designated by the Committee to review the original Statement shall review any amendment thereto.

(n) Within the time specified, including any extension granted in accordance with clause (c), a reporting individual who does not agree with the Committee that the Statement is deficient or that other action is required, shall be provided an opportunity to respond, orally or in writing. If the explanation is accepted, a copy of the response, if written, or a note summarizing an oral response, shall be retained in Committee files with the original report.

(o) The Committee shall be the final arbiter of whether any Statement needs clarification or amendment.

(p) If the Committee determines, by vote of a majority of its members, that there is reason to believe that an individual has willfully failed to file a Statement or has willfully falsified or willfully failed to file information required to be reported, then the Committee shall refer the name of the individual, together with the evidence supporting its finding, to the Attorney General pursuant to section 104(b) of the Ethics in Government Act. Such referral shall not preclude the Committee from initiating such other action as may be authorized by other provisions of law or the Rules of the House of Representatives.

Rule 5. Meetings

(a) The regular meeting day of the Committee shall be the second Wednesday of each month, except when the House of Representatives is not meeting on that day. When the Committee Chairman determines that there is sufficient reason, a meeting may be called on additional days. A regularly scheduled meeting need not be held when the Chairman determines there is not business to be considered.

(b) A subcommittee shall meet at the discretion of its chairman.

(c) Insofar as practicable, notice for any Committee or subcommittee meeting shall be provided at least seven days in advance of the meeting. The Chairman of the Committee or subcommittee may waive such time period for good cause.

Rule 6. Subcommittees—General Policy and Structure

(a) If the Committee determines by majority vote of its members that allegations of improper conduct (brought to its attention by a complaint or otherwise) by a Member, officer, or employee merit further inquiry, the Chairman and Ranking Minority Member of the Committee shall designate four or six members (with equal representation from the majority and minority parties) to serve as an investigative subcommittee to undertake a Preliminary Inquiry. The senior majority and minority members of an investigative subcommittee shall serve as the chairman and ranking minority member of the subcommittee. The Chairman and Ranking Minority Member of the Committee may serve only as nonvoting, ex officio members of any investigative subcommittee.

(b) If an investigative subcommittee, by a majority vote of its members, adopts a Statement of Alleged Violation, the remaining members of the Committee shall comprise an adjudicatory subcommittee to hold a Disciplinary Hearing under Committee Rule 19 on the violations alleged in the Statement.

(c) The Committee may establish other noninvestigative and nonadjudicatory subcommittees and may assign to them such functions as it may deem appropriate. The membership of each subcommittee shall provide equal representation for the majority and minority parties.

(d) The Chairman may refer any bill, resolution, or other matter before the Committee to an appropriate subcommittee for consideration. Any such bill, resolution, or other matter may be discharged from the subcommittee to which it was referred by a majority vote of the Committee.

(e) Any member of the Committee may sit with any noninvestigative or nonadjudicatory subcommittee, but only regular members of such subcommittee may vote on any matter before that subcommittee.

Rule 7. Quorums and Member Disqualification

(a) The quorum for an investigative subcommittee to take testimony and to receive evidence shall be two members, unless otherwise authorized by the House of Representatives.

(b) The quorum for an adjudicatory subcommittee to take testimony, receive evidence, and conduct business shall consist of a majority plus one of the members of the adjudicatory subcommittee.

(c) Except as stated in clauses (a) and (b) of this rule, a quorum for the purpose of conducting business consists of a majority of the members of the Committee or subcommittee.

(d) A member of the Committee shall be ineligible to participate in any Committee or subcommittee proceeding that relates to the member's own conduct.

(e) A member of the Committee may disqualify himself or herself from participating in any investigation of the conduct of a Member, officer, or employee of the House of Representatives upon the submission in writing and under oath of an affidavit of disqualification stating that the member cannot render an impartial and unbiased decision. If the Committee approves and accepts such affidavit of disqualification, or if a member is disqualified pursuant to Rule 15(h) or Rule 19(a), the Chairman shall so notify the Speaker and ask the Speaker to designate a Member of the House of Representatives from the same political party as the disqualified member of the Committee to act as a member of the Committee in any Committee proceeding relating to such investigation.

Rule 8. Vote Requirements

(a) The following actions shall be taken only upon affirmative vote of a majority of the members of the Committee or subcommittee, as appropriate.

(1) Adoption of a resolution to conduct a Preliminary Inquiry;

(2) Adoption of a Statement of Alleged Violation;

(3) Finding that a count in a Statement of Alleged Violation has been proved by clear and convincing evidence;

(4) Sending of a letter of reproval;

(5) Adoption of a recommendation to the House of Representatives that a sanction be imposed;

(6) Adoption of a report relating to the conduct of a Member, officer, or employee;

(7) Issuance of an advisory opinion of general applicability establishing new policy.

(b) Except as stated in clause (a), action may be taken by the Committee or any subcommittee thereof by a simple majority, a quorum being present.

(c) No motion made to take any of the actions enumerated in clause (a) of this Rule may be entertained by the Chair unless a quorum of the Committee is present when such motion is made.

Rule 9. Communications by Committee Members and Staff

Committee members and staff shall not disclose any evidence relating to an investigation to any person or organization outside the Committee unless authorized by the Committee, nor shall any evidence in the possession of an investigative subcommittee to disclosed to Committee members who are not members of the subcommittee prior to the filing of a Statement of Alleged Violation with the Committee.

Rule 10. Committee Records

(a) The Committee may establish procedures necessary to prevent the unauthorized disclosure of any testimony or other information received by the Committee or its staff.

(b) Members and staff of the Committee shall not disclose to any person or organization outside the Committee, unless authorized by the Committee, any information regarding the Committee's or a subcommittee's investigative, adjudicatory or other proceedings, including, but not limited to: (i) the fact of or nature of any complaints; (ii) executive session proceedings; (iii) information pertaining to or copies of any Committee or subcommittee report, study, or other document which purports to express the views, findings, conclusions, or recommendations of the Committee or subcommittee in connection with any of its activities or proceedings; or (iv) any other information or allegation respecting the conduct of a Member, officer, or employee.

(c) The Committee shall not disclose to any person or organization outside the Committee any information concerning the conduct of a Member, officer, or employee of the House of Representatives until it has transmitted a statement of Alleged Violation under Rule 17 of the Committee rules, to such Member, officer, or employee and the Member, officer, or employee has been given full opportunity to respond pursuant to Rule 18. The Statement of Alleged Violation and any written response thereto shall be made public at the first meeting or hearing on the matter that is open to the public after such opportunity has been provided. Any other materials in the possession of the Committee regarding such statement may be made public as authorized by the Committee to the extent consistent with the Rules of the House of Representatives.

(d) If no public hearing or meeting is held on the matter, the Statement and any written response thereto shall be included in the Committee's final report to the House of Representatives.

(e) All communications and all pleadings pursuant to these rules shall be filed with the Committee at the Committee's office or such other place as designated by the Committee.

(f) All records of the Committee which have been delivered to the Archivist of the United States shall be made available to the public in accordance with Rule XXXVI of the Rules of the House of Representatives.

Rule 11. Broadcasts of Committee and Subcommittee Proceedings

Whenever any hearing or meeting by the Committee or a subcommittee is open to the public, the Committee or subcommittee may, by a majority vote, permit coverage, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any such methods of coverage, under the following rules:

(a) If television or radio present live coverage of the hearing or meeting to the public, it shall be without commercial sponsorship.

(b) No witness shall be required against his or her will to be photographed or otherwise to have a graphic reproduction of his or her image made at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any witness, all media microphones shall be turned off, all television and camera lenses shall be covered, and that making of a graphic reproduction at the hearing shall not be permitted. This paragraph supplements clause 2(k)(5) of Rule XI of the Rules of the House of Representatives relating to the protection of the rights of witnesses.

(c) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The Committee may allocate the positions of permitted television cameras among the television media in consultation with the Executive Committee of the Radio and Television Correspondents' Galleries.

(d) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the Committee, or the visibility of that witness and that member to each other.

(e) Television cameras shall not be placed in positions that unnecessarily obstruct the coverage of the hearing or meeting by the other media.

Part II—Investigative Authority

Rule 12. House Resolution

Whenever the House of Representatives, by resolution, authorizes the Committee to undertake an inquiry or investigation, the provisions of the resolution, in conjunction with these Rules, shall govern. To the extent the provisions of the resolution differ from these Rules, the resolution shall control.

Rule 13. Committee Authority to Investigate—General Policy

Pursuant to clause 4(e)(2)(B) of Rule X of the Rules of the House of Representatives, the Committee may exercise its investigative authority when—

(a) a complaint by a Member of the House of Representatives is transmitted directly to the Committee;

(b) a complaint by an individual not a Member of the House of Representatives is transmitted through a Member who agrees, in writing, to submit it for the purpose of requesting an investigation;

(c) a complaint by an individual not a Member of the House of Representatives is submitted to the Committee after three Members of the House of Representatives have refused, in writing, to transmit the complaint to the Committee for the purpose of requesting an investigation;

(d) the Committee, on its own initiative, determines that a matter warrants inquiry;

(e) a Member, officer, or employee is convicted in a Federal, State, or local court of a criminal offense for which a sentence of one or more years' imprisonment may be imposed; or

(f) the House of Representatives, by resolution, authorizes the Committee to undertake an investigation.

Rule 14. Complaints

(a) A complaint submitted to the Committee shall be in writing, under oath and dated, setting forth in simple, concise, and direct statements—

(1) the name and legal address of the party filing the complaint (hereinafter referred to as the "complainant");

(2) the name and position or title of the respondent;

(3) the nature of the alleged violation of the Code of Official Conduct or of other law, rule, regulation, or other standard of conduct applicable to the performance of duties or discharge of responsibilities; and

(4) the facts alleged to give rise to the violation. The complaint shall not contain innuendo, speculative assertions, or conclusory statements.

(b) Any documents in the possession of the complainant that relate to the allegations may be submitted with the complaint.

(c) A complaint by a Member of the House of Representatives may be transmitted directly to the Committee.

(d) A complaint by an individual not a Member of the House of Representatives may be transmitted through a Member who states, in writing, that it is submitted for the purpose of initiating a Preliminary Inquiry. A copy of the exact complaint submitted to and transmitted by the Member must be attached to the Member's letter to the Committee.

(e) If a complaint by an individual who is not a Member of the House of Representatives is submitted to three Members of the House of Representatives who refuse, in writing, to transmit the complaint to the Committee for the purpose of requesting an investigation, the complainant may transmit the complaint to the Committee. Legible copies of each refusal letter must accompany the complaint. Each letter must clearly state the Member's refusal to transmit the complaint and must contain the Member's acknowledgment that such refusal may cause the Committee to consider initiating a Preliminary Inquiry. A legible copy of the exact complaint submitted to and considered by the Member must be attached to that Member's refusal letter.

(f) A complaint must be accompanied by a certification that the complainant has provided an exact copy of the filed complaint and all attachments to the respondent.

(g) The Committee may defer action on a complaint against a Member, officer, or employee of the House of Representatives when the Committee has reason to believe such conduct is being reviewed by appropriate law enforcement or regulatory authorities.

(h) A complaint may not be amended without leave of the Committee. Otherwise, any new allegations of improper conduct must be submitted in a new complaint that independently meets the procedural requirements of the Rules of the House of Representatives and the Committee's Rules.

(i) the Committee shall not accept, and shall return to the complainant, any complaint submitted within the 60 days prior to an election in which the subject of the complaint is a candidate.

(j) The Committee shall not consider a complaint, nor shall any investigation be undertaken by the Committee, of any alleged violation which occurred before the third previous Congress unless the Committee determines that the alleged violation is directly related to an alleged violation which occurred in a more recent Congress.

Rule 15. Processing of Complaints

(a) Upon receipt of a complaint, the Committee shall determine if it complies with clause 4(e)(2)(B) of Rule X of the Rules of the House of Representatives and Rule 14 of the Committee rules.

(b) If the complaint does not comply with such House and Committee Rules, it shall be returned to the complainant with copy of such Rules and a statement specifying why the complaint is not in compliance. The respondent shall be notified when a complaint is returned and provided the reasons therefor.

(c) If a complaint is in compliance with House and Committee Rules, a copy of the complaint and the Committee Rules shall be forwarded to the respondent with notice that the complaint conforms to the applicable rules and will be placed on the Committee's agenda.

(d) The respondent may provide to the Committee any information relevant to a complaint filed with the Committee. The Committee staff may request information from the respondent prior to the consideration of a Resolution of Preliminary Inquiry only when so directed by the Chairman and Ranking Minority Member.

(e) At the first meeting of the Committee following the procedures or actions specified in clauses (c) and (d), the Committee shall consider the complaint.

(f) If the Committee, by a majority vote, determines that the complaint is within the Committee's jurisdiction and merits further inquiry, it shall adopt a Resolution of Preliminary Inquiry. After such resolution is adopted, the Chairman and Ranking Minority Member shall designate four or six members to serve as an investigative subcommittee to conduct a Preliminary Inquiry in accordance with Rule 17.

(g) The respondent shall be notified, in writing, regarding the Committee's decision either to dismiss the complaint or to initiate a Preliminary Inquiry.

(h) Respondent shall be notified of the membership of the investigative subcommittee and shall have ten days after such notice is transmitted to object to the participation of any subcommittee member. Such objection shall be in writing and shall be on the grounds that the member cannot render an impartial and unbiased decision. The member against whom the objection is made shall be the sole judge of his or her disqualification.

Rule 16. Committee Initiated Preliminary Inquiry

(a) Notwithstanding the absence of a filed complaint, the Committee may consider any information in its possession indicating that a Member, officer, or employee may have committed a violation of the Code of Official Conduct or any law, rule, regulation, or other standard of conduct applicable to the conduct of such Member, officer, or employee in the performance of his or her duties or the discharge of his or her responsibilities.

(b) If the Committee determines that the information merits further inquiry, the Committee shall proceed in accordance with Rule 17.

(c) Any written request by a Member, officer, or employee of the House of Representatives that the Committee conduct an inquiry into such person's own conduct shall be processed in accordance with subsection (a) of this Rule.

(d) An investigative or disciplinary hearing shall not be undertaken regarding any alleged violation that occurred before the third previous Congress unless a majority of the Committee determines that the alleged violation is directly related to an alleged violation that occurred in a more recent Congress.

(e) Conviction of a Member, officer, or employee of the House of Representatives in a Federal, state, or local court of a criminal offense for which a sentence of one or more years' imprisonment may be imposed shall be a matter that merits further inquiry pursuant to Rule 15 and, after sentencing, a preliminary inquiry shall be undertaken. Notwithstanding this provision, the Committee may exercise its investigative authority at any time prior to conviction or sentencing.

Rule 17. Preliminary Inquiry

(a) In a Preliminary Inquiry undertaken by an investigative subcommittee—

(1) All proceedings, including the taking of testimony, shall be conducted in Executive Session and all testimony taken by deposition or things produced pursuant to subpoena or otherwise shall be deemed to have been taken or produced in Executive Session.

(2) The Chairman of the investigative subcommittee shall ask respondent and all witnesses whether they intend to be represented by counsel. if so, respondent or witnesses or their legal representatives shall provide written designation of counsel. A respondent or witness who is represented by counsel shall not be questioned in the absence of counsel unless an explicit waiver is obtained.

(3) The subcommittee shall provide the respondent an opportunity to present, orally or in writing, a statement, which must be under oath or affirmation, regarding the allegations and any other relevant questions arising out of the Preliminary Inquiry.

(4) The staff may interview witnesses, examine documents and other evidence, and request that submitted statements be under oath or affirmation and that documents be certified as to their authenticity and accuracy.

(5) The subcommittee, by a majority vote of its members, may require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary to the conduct of the inquiry. Unless the Committee otherwise provides, the subpoena power shall rest in the Chairman and Ranking Minority Member of the Committee and a subpoena shall be issued upon the request of the chairman and ranking minority member of the investigative subcommittee. A motion to quash a subpoena shall be decided by the Chairman of the Committee.

(6) The subcommittee shall require that testimony be given under oath or affirmation. The form of the oath or affirmation shall be: "Do you solemnly swear (or affirm) that the testimony you will give before this subcommittee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God?)" The oath or affirmation shall be administered by the chairman or subcommittee member designated by him to administer oaths.

(b) During the Preliminary Inquiry, the procedure respecting the admissibility of evidence and rulings shall be as follows:

(1) Any relevant evidence shall be admissible unless the evidence is privileged under the precedents of the House of Representatives.

(2) The chairman of the subcommittee or other presiding member at any investigative subcommittee proceeding shall rule upon any question of admissibility or pertinency of evidence, motion, procedure or any other matter, and may direct any witness to answer any question under penalty of contempt. A witness, witness' counsel, or a member of the subcommittee may appeal any evidentiary rulings to the members present at that proceeding. The majority vote of the members present at such proceeding on such appeal shall govern the question of admissibility, and no appeal shall lie to the Committee.

(3) Whenever a person is deemed by a chairman or presiding member to be in contempt of the subcommittee, the matter may be referred to the Committee to determine whether to refer the matter to the House of Representatives for consideration.

(4) Committee counsel may, subject to subcommittee approval, enter into stipulations with respondent and/or respondent's counsel as to facts that are not in dispute.

(c) Upon completion of the investigation, the staff shall draft for the investigative subcommittee a report that shall contain a comprehensive summary of the information received and may include any recommendations for action by the subcommittee regarding the alleged violations.

(d) Upon completion of the Preliminary Inquiry, an investigative subcommittee, by majority vote of its members, may adopt a Statement of Alleged Violation if it determines that there is reason to believe that a violation has occurred. If more than one count is alleged, such Statement shall be divided into counts. Each count shall relate to a separate violation, shall contain a plan and concise statement of the alleged facts of such violation, and shall include a reference to the provision of the Code of Official Conduct or law, rule, regulation or other applicable standard of conduct governing the performance of duties or discharge of responsibilities alleged to have been violated. A Statement of Alleged Violation may include offenses beyond those referenced in the Resolution of Preliminary Inquiry. A copy of such Statement shall be transmitted to the respondent and respondent's counsel.

(e) If the investigative subcommittee does not adopt a Statement of Alleged Violation, it shall transmit to the Committee a report containing a summary of the information received in the inquiry, its conclusions and reasons therefor, and any appropriate recommendation. The Committee shall transmit such report to the House of Representatives.

Rule 18. Respondent's Answer

(a)(1) Within 30 days from the date of transmittal of a Statement of Alleged Violation, the respondent shall file with the investigative subcommittee an answer, in writing and under oath, signed by respondent and respondent's counsel. Failure to file an answer within the time prescribed shall be considered by the Committee as a denial of each count.

(2) The answer shall contain an admission to or denial of each count set forth in the Statement of Alleged Violation and may include negative, affirmative, or alternative defenses and any supporting evidence or other relevant information.

(b) The respondent may file a Motion for a Bill of Particulars within 15 days of the date of transmittal of the Statement of Alleged Violation. If a Motion for a Bill of Particulars is filed, the respondent shall not be required to file an answer until 15 days after the subcommittee has replied to such motion.

(c)(1) The respondent may file a Motion to Dismiss within 15 days of the date of transmittal of the Statement of Alleged Violation or, if a Motion for a Bill of Particulars has been filed, within 15 days of the date of the subcommittee's reply to the Motion for a Bill of Particulars. If a Motion to Dismiss is filed, the respondent shall not be required to file an answer until 15 days after the subcommittee has replied to the Motion to Dismiss.

(2) A Motion to Dismiss may be made on the grounds that the Statement of Alleged Violation fails to state facts that constitute a violation of the Code of Official Conduct or other applicable law, rule, regulation, or standard of conduct, or on the grounds that the Committee lacks jurisdiction to consider the allegations contained in the Statement.

(d) Any motion filed with the subcommittee pursuant to this rule shall be accompanied by a Memorandum of Points and Authorities.

(e)(1) The chairman of the investigative subcommittee, for good cause shown, may permit the respondent to file an answer or motion after the day prescribed above.

(2) If the ability of the respondent to present an adequate defense is not adversely affected and special circumstances so require, the chairman of the investigative subcommittee may direct the respondent to file an answer or motion prior to the day prescribed above.

(f) If the day on which any answer, motion, reply, or other pleading must be filed falls on a Saturday, Sunday, or holiday, such filing shall be made on the first business day thereafter.

(g) As soon as practicable after an answer has been filed or the time for such filing has expired, the Statement of Alleged Violation and any answer, motion, reply, or other pleading connected therewith shall be transmitted by the chairman of the investigative subcommittee to the Chairman and Ranking Minority Member of the Committee.

Rule 19. Disciplinary Hearings

(a) If a Statement of Alleged Violation is transmitted to the Chairman and Ranking Minority Member pursuant to Rule 18, and no waiver pursuant to Rule 22(b) has occurred, the Chairman shall designate the members of the Committee who did not serve on the investigative subcommittee to serve on an adjudicatory subcommittee. The Chairman and Ranking Minority Member of the Committee shall be the chairman and ranking minority member of the adjudicary subcommittee. The respondent shall be notified of the designation of the adjudicatory subcommittee and shall have ten days after such notice is transmitted to object to the participation of any subcommittee member. Such objection shall be in writing and shall be on the grounds that the member cannot render an impartial and unbiased decision. The member against whom the objection is made shall be the sole judge of his or her disqualification.

(b) A majority of the adjudicatory subcommittee membership plus one must be present at all times for the conduct of any business pursuant to this rule.

(c) The adjudiciary subcommittee shall hold a Disciplinary Hearing to determine whether any counts in the Statement of Alleged Violation have been proved by clear and convincing evidence and shall make findings of fact, except where such violations have been admitted by respondent.

(d) At a Disciplinary Hearing the adjudicatory subcommittee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary. Depositions, interrogatories, and sworn statements taken under any investigative subcommittee direction may be accepted into the hearing record.

(e) The procedures set forth in clause 2(k) of Rule XI of the Rules of the House of Representatives shall apply to Disciplinary Hearings. All such hearings shall be open to the public unless the adjudicatory subcommittee, pursuant to such clause, determines that the hearings or any part thereof should be closed.

(f)(1) The adjudicatory subcommittee shall, in writing, notify the respondent that respondent and his or her counsel have the right to inspect, review, copy, or photograph books, papers, documents, photographs, or other tangible objects that the adjudicatory subcommittee counsel intends to use as evidence against the respondent in a Disciplinary Hearing. Respondent shall be given access to such evidence, and shall be provided the names of witnesses the subcommittee counsel intends to call, and a summary of their expected testimony, no less than 15 calendar days prior to any such hearing. Except in extraordinary circumstances, no evidence may be introduced or witness called in a Disciplinary Hearing unless respondent has been afforded a prior opportunity to review such evidence or has been provided the name of the witness.

(2) After a witness called by subcommittee counsel has testified on direct examination at a Disciplinary Hearing, the Committee, at the request of the respondent, shall make available to the respondent any statement of the witness in the possession of the Committee which relates to the subject matter as to which the witness has testified.

(3) Any other testimony, statement, or documentary evidence in the possession of the Committee which is material to the respondent's defense shall, upon request, be made available to the respondent.

(g) No less than five days prior to the Disciplinary Hearing, respondent or counsel shall provide the adjudicatory subcommittee with the names of witnesses expected to be called, summaries of their expected testimony, and copies of any documents or other evidence proposed to be introduced.

(h) The respondent or counsel may apply to the subcommittee for the issuance of subpoenas for the appearance of witnesses or the production of evidence. The application shall be granted upon a showing by the respondent that the proposed testimony or evidence is relevant and not otherwise available to respondent. The application may be denied if not made at a reasonable time or if the testimony or evidence would be merely cumulative.

(i) During the Disciplinary Hearing, the procedures regarding the admissibility of evidence and rulings shall be as follows:

(1) Any relevant evidence shall be admissible unless the evidence is privileged under the precedents of the House of Representatives.

(2) The chairman of the subcommittee or other presiding member at an adjudicatory subcommittee hearing shall rule upon any question of admissibility or pertinency of evidence, motion, procedure, or any other matter, and may direct any witness to answer any question under penalty of contempt. A witness, witness' counsel, or a member of the subcommittee may appeal any evidentiary ruling to the members present at that proceeding. The majority vote of the members present at such proceeding on such an appeal shall govern the question of admissibility and no appeal shall lie to the Committee.

(3) Whenever a witness is deemed by a chairman or other presiding member to be in contempt of the subcommittee, the matter may be referred to the Committee to determine whether to refer the matter to the House of Representatives for consideration.

(4) Committee counsel may, subject to subcommittee approval, enter into stipulations with respondent and/or respondent's counsel as to facts that are not in dispute.

(j) Unless otherwise provided, the order of a Disciplinary Hearing shall be as follows:

(1) The chairman of the subcommittee shall open the hearing by stating the adjudicatory subcommittee's authority to conduct the hearing and the purpose of the hearing.

(2) The chairman shall then recognize Committee counsel and respondent's counsel, in turn, for the purpose of giving opening statements.

(3) Testimony from witnesses and other pertinent evidence shall be received in the following order whenever possible:

(i) Witnesses (deposition transcripts and affidavits obtained during the Preliminary Inquiry may be used in lieu of live witnesses) and other evidence offered by the Committee counsel,

(ii) Witnesses and other evidence offered by the respondent,

(iii) Rebuttal witnesses, as permitted by the chairman.

(4) Witnesses at a hearing shall be examined first by counsel calling such witnesses. The opposing counsel may then cross-examine the witness. Redirect examination and recross examination may be permitted at the chairman's discretion. Subcommittee members may then question witnesses. Unless otherwise directed by the chairman, such questions shall be conducted under the five-minute rule.

(k) A subpoena to a witness to appear at a hearing shall be served sufficiently in advance of that witness' scheduled appearance to allow the witness a reasonable period of time, as determined by the chairman of the adjudicatory subcommittee, to prepare for the hearing and to employ counsel.

(l) Each witness appearing before the subcommittee shall be furnished a printed copy of the Committee rules, the pertinent provisions of the Rules of the House of Representatives applicable to the rights of witnesses, and a copy of the Statement of Alleged Violation.

(m) Testimony of all witnesses shall be taken under oath or affirmation. The form of the oath or affirmation shall be: "Do you solemnly swear (or affirm) that the testimony you will give before this subcommittee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God)?" The oath or affirmation shall be administered by the Chairman or Committee member designated by the Chairman to administer oaths.

(n) At a Disciplinary Hearing the burden of proof rests on Committee counsel to establish the facts alleged in the Statement of Alleged Violation by clear and convincing evidence. However, Committee counsel need not present any evidence regarding any count that is admitted by the respondent or any fact stipulated.

(o) As soon as practicable after all testimony and evidence have been presented, the subcommittee shall consider each count contained in the Statement of Alleged Violation and shall determine by majority vote of its members whether each count has been proved. If a majority of the subcommittee does not vote that the count has been proved, a motion to reconsider that vote may be made only by a member who voted that the count was not proved. A count that is not proved shall be considered as dismissed by the subcommittee.

(p) The findings of the adjudicatory subcommittee shall be reported to the Committee.

Rule 20. Sanction Hearing and Consideration of Sanctions or Other Recommendations

(a) If no count in a Statement of Alleged Violation is proved, the Committee shall prepare a report to the House of Representatives, based upon the report of the adjudicatory subcommittee.

(b) If an adjudicatory subcommittee completes a Disciplinary Hearing pursuant to Rule 19 and reports that any count of the Statement of Alleged Violation has been proved, a hearing before the Committee shall be held to receive oral and/or written submissions by counsel for the Committee and counsel for the respondent as to the sanction the Committee should recommend to the House of Representatives with respect to such violations. Testimony by witnesses shall not be heard except by written request and vote of a majority of the Committee.

(c) Upon completion of any proceeding held pursuant to clause (b), the Committee shall consider and vote on a motion to recommend to the House of Representatives that the House take disciplinary action. If a majority of the Committee does not vote in favor of the recommendation that the House of Representatives take action, a motion to reconsider that vote may be made only by a member who voted against the recommendation. The Committee may also, by majority vote, adopt a motion to issue a Letter of Reproval or take other appropriate Committee action.

(d) If the Committee determines a Letter of Reproval constitutes sufficient action, the Committee shall include any such letter as a part of its report to the House of Representatives.

(e) With respect to any proved counts against a Member of the House of Representatives, the Committee may recommend to the House one or more of the following sanctions:

(1) Expulsion from the House of Representatives.

(2) Censure.

(3) Reprimand.

(4) Fine.

(5) Denial or limitation of any right, power, privilege, or immunity of the Member if under the Constitution the House of Representatives may impose such denial or limitation.

(6) Any other sanction determined by the Committee to be appropriate.

(f) With respect to any proved counts against an officer or employee of the House of Representatives, the Committee may recommend to the House one or more of the following sanctions:

(1) Dimissal from employment.

(2) Reprimand.

(3) Fine.

(4) Any other sanction determined by the Committee to be appropriate.

(g) With respect to the sanctions that the Committee may recommend, reprimand is appropriate for serious violations, censure is appropriate for more serious violations, and expulsion of a Member or dismissal of an officer or employee is appropriate for the most serious violations. A recommendation of a fine is appropriate in a case in which it is likely that the violation was committed to secure a personal financial benefit; and a recommendation of a denial or limitation of a right, power, privilege, or immunity of a Member is appropriate when the violation bears upon the exercise or holding of such right, power, privilege, or immunity. This clause sets forth general guidelines and does not limit the authority of the Committee to recommend other sanctions.

(h) The Committee report shall contain an appropriate statement of the evidence supporting the Committee's findings and a statement of the Committee's reasons for the recommended sanction.

Rule 21. Disclosure of Exculpatory Information to Respondent

If the Committee, or any investigative or adjudicatory subcommittee at any time receives any exculpatory information respecting a Complaint or Statement of Alleged Violation concerning a Member, officer, or employee of the House of Representatives, it shall make such information immediately known and available to the Member, officer, or employee.

Rule 22. Rights of Respondents and Witnesses

(a) A respondent shall be informed of the right to be represented by counsel, to be provided at his or her own expense.

(b) A respondent may seek to waive any procedural rights or steps in the disciplinary process. A request for waiver must be in writing, signed by the respondent, and must detail what procedural steps respondent seeks to waive. Any such request shall be subject to the acceptance of the Committee or subcommittee, as appropriate.

(c) Witnesses shall be afforded a reasonable period of time, as determined by the Committee or subcommittee, to prepare for the hearing and to obtain counsel.

(d) Except as otherwise specifically authorized by the Committee, no Committee member or staff member shall disclose to any person outside the Committee the name of any witness subpoenaed to testify or to produce evidence.

(e) Prior to their testimony, witnesses shall be furnished a printed copy of the Committee's Rules of Procedure and the provisions of the Rules of the House of Representatives applicable to the rights of witnesses.

(f) Witnesses may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. The Chairman may punish breaches of order and decorum, and of professional responsibility on the part of counsel, by censure and exclusion from the hearings; and the Committee may cite the offender to the House of Representatives for contempt.

(g) Each witness subpoenaed to provide testimony or other evidence shall be provided such travel expenses as the Chairman considers appropriate. No compensation shall be authorized for attorney's fees or for a witness' lost earnings.

(h) With the approval of the Committee, a witness, upon request, may be provided with a transcript of his or her deposition or other testimony taken in executive session, or, with the approval of the Chairman and Ranking Minority Member, may be permitted to examine such transcript in the office of the Committee. Any such request shall be in writing and shall include a statement that witness, and counsel, agree to maintain the confidentiality of all executive session proceedings covered by such transcript.

Adopted February 9, 1995.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WISE) to revise and extend their remarks and include extraneous material:)

Mr. VOLKMER, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

Mr. MILLER of California, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

(The following Member (at the request of Mr. DORNAN) to revise and extend his remarks and include extraneous material:)

Mr. KINGSTON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WISE) and to include extraneous matter:)

Mr. STUDDS.

Mr. HILLIARD.

Mr. ANDREWS in two instances.

Mr. FAZIO.

Mr. BROWN of Ohio.

Mr. LEWIS of Georgia.

(The following Members (at the request of Mr. DORNAN) and to include extraneous matter:)

Mr. NEY.

Mr. PORTMAN.

Mr. FRELINGHUYSEN.

Mr. HASTERT.

Mr. PACKARD.

Mr. DIAZ-BALART.

Mr. FRANKS of New Jersey.

Mrs. SMITH of Washington.

Mr. DORNAN.

(The following Members (at the request of Mr. FOX of Pennsylvania) and to include extraneous matter:)

Mr. PALLONE.

Mr. PORTER.

Mr. GILMAN.

Mr. PETRI.

ADJOURNMENT

Mr. FOX of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 35 minutes p.m.), under its previous order, the House adjourned until Monday, March 13, 1995, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

514. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to recover costs of establishing standards for agricultural products; to the Committee on Agriculture.

515. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of the Air Force, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

516. A letter from the Administrator, Panama Canal Commission, transmitting a draft of proposed legislation entitled, the "Panama Canal Amendments Act of 1995"; to the Committee on National Security.

517. A letter from the Federal Housing Finance Board, transmitting the office's 1995 compensation plan, pursuant to Public Law 101–73, section 1206 (103 Stat. 523); to the Committee on Banking and Financial Services.

518. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. B–95 which relates to enhancements or upgrades from the level of sensitivity of technology or capability described on section 36(b)(1) AECA certification 92–40 of September 14, 1992, pursuant to 22 U.S.C. 2776(b)(5); to the Committee on International Relations.

519. A letter from the Chairman, U.S. Advisory Commission on Public Diplomacy, transmitting the Commission's report on public diplomacy activities of the U.S. Government, pursuant to 22 U.S.C. 1469; to the Committee on International Relations.

520. A letter from the Chairman, Commodity Futures Trading Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

521. A letter from the Secretary of Transportation, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

522. A letter from the Secretary, Department of Transportation, transmitting the annual report on railroad financial assistance for fiscal year 1994, pursuant to section 409 of the Staggers Rail Act of 1980; to the Committee on Transportation and Infrastructure.

523. A letter from the Secretary of Transportation, transmitting the Department's annual report on pipeline safety activities for calendar year 1992, pursuant to 49 U.S.C. app. 1683(a); jointly, to the Committees on Transportation and Infrastructure, Commerce, and Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMAS: Committee on House Oversight. House Resolution 107. Resolution providing amounts for the expenses of certain committees of the House of Representatives in the 104th Congress; with an amendment (Rept. 104–74). Referred to the House Calendar.

Mr. GOODLING: Committee on Economic and Educational Opportunities. H.R. 999. A bill to establish a single, consolidated source of Federal child care funding; to establish a program to provide block grants to States to provide nutrition assistance to economically disadvantaged individuals and families and to establish a program to provide block grants to States to provide school-based food services to students; to restrict alien eligibility for certain education, training, and other programs; and for other purposes; with an amendment (Rept. 104–75, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WYDEN (for himself, Mr. SCHUMER, and Mrs. MORELLA):

H.R. 1201. A bill to amend the Public Health Service Act to prohibit health insurance discrimination with respect to victims of domestic violence; to the Committee on Commerce, and in addition to the Committee on Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of California (for himself, Mr. GOSS, Mr. MEEHAN, Mr. YATES, Mr. CLAY, Mr. BEILENSON, Mrs. MALONEY, Mr. MCDERMOTT, Mr. JACOBS, Mr. MOORHEAD, Mr. STARK, Mr. NADLER, Mr. OWENS, Mr. LANTOS, Ms. LOWEY, Mr. WILSON, Mr. TORRES, Mr. GEJDENSON, Mr. SHAYS, Mr. PORTER, Ms. PELOSI, Mr. MILLER of California, Ms. ESHOO, Mr. GALLEGLY, Mr. WAXMAN, Mr. ABERCROMBIE, Mr. DEFAZIO, Ms. ROYBAL-ALLARD, Mr. MINETA, Mr. COYNE, Mr. GUTIERREZ, and Mr. WELDON of Pennsylvania):

H.R. 1202. A bill to amend title 18, United States Code, to prohibit interstate-connected conduct relating to exotic animals; to the Committee on the Judiciary.

By Mr. FRANKS of New Jersey (for himself, Mr. ALLARD, Mr. BEREUTER, and Mr. LAHOOD):

H.R. 1203. A bill to provide an exemption for small cargo tank vehicles of 3,500 gallons or less, transporting petroleum products, from certain hazardous material transportation regulations; to the Committee on Transportation and Infrastructure.

By Mr. GEKAS:

H.R. 1204. A bill to amend the Immigration and Nationality Act to substitute references to children born out of wedlock for references to illegitimate children in the definition of child; to the Committee on the Judiciary.

By Mr. HILLIARD:

H.R. 1205. A bill to transfer to the Secretary of Agriculture jurisdiction over the research and experimentation program to develop methods for the commercial production of fish in shallow reservoirs and flooded rice lands and to transfer the experiment station in Marion, AL, established as part of the program; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATOURETTE (for himself, Mr. QUINN, and Mr. OBERSTAR):

H.R. 1206. A bill to amend the Federal Water Pollution Control Act to require the Administrator of the Environmental Protection Agency to conduct at least three demonstration projects involving promising technologies and practices to remedy contaminated sediments in the Great Lakes system and to authorize the Administrator to provide technical information and assistance on technologies and practices for remediation of contaminated sediments, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBERSTAR:

H.R. 1207. A bill to revise the master plan of Voyageurs National Park, and for other purposes; to the Committee on Resources.

By Mr. OXLEY:

H.R. 1208. A bill to amend the Federal Election Campaign Act of 1971 to provide for increased fairness and competition in elections for Federal office; to the Committee on House Oversight.

By Mr. QUINN (for himself and Mr. LATOURETTE):

H.R. 1209. A bill to amend the Federal Water Pollution Control Act to coordinate and promote Great Lakes activities, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAHALL (for himself, Mr. YOUNG of Alaska, and Mr. OBERSTAR):

H.R. 1210. A bill to amend the Railway Labor Act concerning the applicability of requirements of that act to U.S. air carriers and flight crews engaged in flight operations outside the United States; to the Committee on Transportation and Infrastructure.

By Mrs. ROUKEMA:

H.R. 1211. A bill to amend the Community Reinvestment Act of 1977 to enhance the availability of investment capital for low- and moderate-income housing in low- and moderate-income neighborhoods; to the Committee on Banking and Financial Services.

By Mrs. SMITH of Washington (for herself, Ms. DUNN of Washington, Mr. HERGER, and Mr. COLLINS of Georgia):

H.R. 1212. A bill to amend the Internal Revenue Code of 1986 to revise the estate and gift taxes in order to preserve American family enterprise, and for other purposes; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 1213. A bill to amend the Internal Revenue Code of 1986 to make S corporations eligible for the rules applicable to real property subdivided for sale by noncorporate taxpayers; to the Committee on Ways and Means.

By Mr. TALENT:

H.J. Res. 78. Joint resolution to grant the consent of the Congress to certain additional powers conferred upon the Bi-State Development Agency by the States of Missouri and Illinois; to the Committee on the Judiciary.

By Mr. HOYER (for himself, Mrs. MORELLA, Mr. WYNN, Ms. NORTON, Mr. WOLF, and Mr. MORAN):

H. Con. Res. 38. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby; to the Committee on Transportation and Infrastructure.

By Mr. ARMEY (for himself and Mr. GEPHARDT):

H. Res. 113. Resolution providing for the transfer of certain employee positions; considered and agreed to.

By Mr. GILMAN:

H. Res. 114. Resolution expressing the sense of the House of Representatives that the United States should support peace and stability in the South China Sea; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 55: Mr. SHAYS.

H.R. 65: Mr. MINETA.

H.R. 103: Ms. LOWEY, Mr. DEFAZIO, Mr. FRANK of Massachusetts, Mr. DE LA GARZA, and Mr. YATES.

H.R. 104: Mr. HASTERT.

H.R. 218: Mr. HAYWORTH.

H.R. 303: Mr. MINETA and Mr. OWENS.

H.R. 467: Mr. WALSH, Mr. BLUTE, and Mr. STUPAK.

H.R. 483: Mr. LEWIS of California, Mr. SERRANO, Mr. LEWIS of Kentucky, and Mr. BACHUS.

H.R. 494: Ms. MCKINNEY.

H.R. 497: Mr. BEILENSON.

H.R. 530: Mr. JOHNSON of South Dakota and Mr. TORRICELLI.

H.R. 560: Mr. BAKER of Louisiana.

H.R. 592: Mr. HERGER.

H.R. 682: Mr. ACKERMAN and Mr. LIPINSKI.

H.R. 704: Mr. ZIMMER and Mr. SERRANO.

H.R. 705: Mr. NORWOOD, Mr. PACKWOOD, and Mr. BAKER of Louisiana.

H.R. 708: Mr. CHRYSLER, Mr. ZIMMER, and Mrs. MORELLA.

H.R. 726: Mr. FATTAH, Mr. LIPINSKI, and Mr. SPRATT.

H.R. 763: Mr. GILLMOR, Mr. PARKER, Mr. KASICH, Mr. FROST, Mr. OBERSTAR, Mr. TOWNS, Mr. MARTINEZ, Mrs. FOWLER, Mr. METCALF, and Mr. GALLEGLY.

H.R. 771: Mr. KLUG, Mr. EVANS, Mr. LIPINSKI, Mr. ENGLISH of Pennsylvania, and Mrs. MORELLA.

H.R. 782: Mr. FRANK of Massachusetts and Mr. BRYANT of Tennessee.

H.R. 786: Miss COLLINS of Michigan and Mr. CRAMER.

H.R. 797: Mr. FATTAH.

H.R. 803: Mr. ZIMMER, Ms. LOFGREN, Mr. BONO, Mr. CALVERT, Mr. DREIER, Mr. HORN, Mr. KIM, Mr. MCKEON, Mr. RADANOVICH, Mr. RIGGS, Mr. ROHRABACHER, Mr. ROYCE, and Mrs. SEASTRAND.

H.R. 858: Mr. BORSKI, Mr. DELLUMS, Mr. EVANS, Mr. LIPINSKI, Mr. OLVER, Mr. SISISKY, Mr. CALVERT, Mr. DAVIS, Mr. FARR, and Mr. MASCARA.

H.R. 894: Mr. SOLOMON.

H.R. 895: Mr. PARKER and Mr. BENTSEN.

H.R. 899: Mrs. THURMAN, Mr. EVANS, Mr. VOLKMER, Mr. KASICH, Ms. FURSE, Mr. LUTHER, Mr. GILLMOR, Mr. ROBERTS, Mr. HOUGHTON, Mr. NUSSLE, and Mr. NEUMANN.

H.R. 940: Mr. BARRETT of Wisconsin and Mr. FATTAH.

H.R. 952: Mr. KINGSTON, Mr. TALENT, and Mr. PARKER.

H.R. 957: Mr. GALLEGLY and Mr. SAXTON.

H.R. 1002: Mr. COX, Mr. MILLER of California, Ms. DUNN of Washington, Mr. BEVILL, and Mr. PALLONE.

H.R. 1003: Mr. LIPINSKI, Mr. COLEMAN, and Mr. SAXTON.

H.R. 1010: Mr. FROST, Mr. HALL of Texas, Mr. CALVERT, Mr. GILLMOR, Mr. WILLIAMS, Mr. BROWN of Ohio, Mr. HILLIARD, Ms. MOLINARI, and Mr. SERRANO.

H.R. 1033: Mr. FRANK of Massachusetts, Mr. SCARBOROUGH, Mr. SCHUMER, and Mr. SAXTON.

H.R. 1045: Mr. MILLER of Florida, Mr. DREIER, Mr. BASS, Mr. LAHOOD, Mr. NETHERCUTT, Mr. HANCOCK, Mr. WELLER, Mr. BARTON of Texas, Mr. FOLEY, and Mr. NUSSLE.

H.R. 1055: Ms. VELAZQUEZ and Mr. FOX.

H.R. 1061: Mr. BAKER of California and Mr. HERGER.

H.R. 1103: Mr. GALLEGLY.

H.R. 1118: Mr. FIELDS of Texas, Mr. CALVERT, Mr. LEWIS of Kentucky, Mr. BARRETT of Nebraska, Mr. KNOLLENBERG, Mr. LUCAS, and Mr. BAKER of California.

H.R. 1129: Ms. RIVERS and Mr. BROWDER.

H.R. 1194: Mr. LIPINSKI, Mr. POMBO, and Mr. MARTINEZ.

H.J. Res. 64: Mr. NORWOOD, Mr. PACKARD, and Mr. BAKER of Louisiana.

H.J. Res. 76: Mr. SCARBOROUGH, Mr. RADANOVICH, Mr. DAVIS, Mr. FUNDERBURK, Mr. ENSIGN, Mr. BONO, and Mr. TALENT.

H. Con. Res. 12: Mr. ROBERTS.

H. Res. 21: Mr. TALENT.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1158

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 1: Page 49, line 14, strike "$5,733,400,000" and insert "$5,574,400,000".

Page 49, line 20, strike "$2,694,000,000" and insert "$2,625,000,000".

Page 50, beginning on line 4, strike "$90,000,000 shall be from amounts earmarked for the lead-based paint hazard reduction program;".

Page 50, strike lines 16 through 26.

Page 51, strike lines 7 through 12.

Page 54, after line 13, insert the following:

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(REDUCTION)

The amount otherwise provided under this heading in this Act is hereby reduced by $632,000,000.

H.R. 1158

OFFERED BY: MR. KLECZKA

AMENDMENT NO. 2: At the end of the bill, add the following new title:

TITLE IV—DEFICIT REDUCTION

DEDICATION OF SAVINGS TO DEFICIT REDUCTION

SEC. 4001. For each of the fiscal years 1995 through 1998, the Secretary of the Treasury shall transfer to the Deficit Reduction Fund established by Executive Order 12858 (58 Fed. Reg. 42185) amounts equivalent to the net deficit reduction achieved during such fiscal year as a result of the provisions of this Act. Such amounts shall be in addition to the amounts specified in section 2(b) of such order, but shall be subject to the requirements and limitations set forth in sections 2(c) and 3 of such order.

H.R. 1158

OFFERED BY: MR. ROHRABACHER

AMENDMENT NO. 3: Page 33, line 20, strike "$47,000,000" and insert "$94,000,000".

Page 33, line 22, strike "$94,000,000" and insert "$188,000,000".

H.R. 1158

OFFERED BY: MR. VOLKMER

AMENDMENT NO. 4: On page 48, strike line 7 through line 24.

On page 54, line 10, strike "$3,200,000" and insert "$50,700,000"

On page 54, at the end of line 24 delete the period (.) and add the following "; and, of the funds made available under this heading in Public Law 103–327, $158,610,000 are rescinded."

H.R. 1158

OFFERED BY: MR. VOLKMER

AMENDMENT NO. 5: On page 48, strike line 7 through line 24.

On page 54, line 10, strike "$3,200,000" and insert "$50,700,000"

On page 54, line 18, strike "$38,000,000" and insert "$196,610,000".

H.R. 1159

OFFERED BY: MR. KLECZKA

AMENDMENT NO. 1: At the end of the bill, add the following new section:

DEDICATION OF SAVINGS TO DEFICIT REDUCTION

SEC. 308. For each of the fiscal years 1995 through 1998, the Secretary of the Treasury shall transfer to the Deficit Reduction Fund established by Executive Order 12858 (58 Fed. Reg. 42185) amounts equivalent to the net deficit reduction achieved during such fiscal year as a result of the provisions of this Act. Such amounts shall be in addition to the amounts specified in section 2(b) of such order, but shall be subject to the requirements and limitations set forth in sections 2(c) and 3 of such order.

SENATE—*Friday, March 10, 1995*

(Legislative day of Monday, March 6, 1995)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore [Mr. ASHCROFT].

The ACTING PRESIDENT pro tempore. Dr. Richard C. Halverson, the beloved Chaplain of the Senate for the past 14 years, pastor to Senators and staff, and former pastor of the Fourth Presbyterian Church of Bethesda, MD, will lead us in the invocation.

Dr. Halverson.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

And we know that all things work together for good to them that love God, to them who are the called according to his purpose.—Romans 8:28.

Eternal God, Ruler of history, Governor of the nations, we are unspeakably grateful for the political system inherited from those who founded this Nation. We thank Thee for their faith in a Creator God, the equality of all humans, and the conviction that the Creator endowed His creatures with inalienable rights which Government was to secure, receiving its authority from the consent of the governed.

In a day of instantaneous communication universally, the words and actions of national leadership are observed by the people as they are being said and done—instantly. Not uncommonly, they are misunderstood, or seen and heard out of context, which breeds misunderstanding, anger, and cynicism.

Mighty God, encourage Your servants to recover the vision of our founders, to seek wisdom from the Scriptures, and the guidance of God. May Thy blessing rest upon every person who labors so tirelessly in this vortex of rapid information through press, radio, and television. Cover their families with Your grace and love and protection, and remind them as often as necessary that, though they sought their office, their position has been ordained of God.

Gracious Father, thank you for the privilege of serving Your servants for all these years.

In the name of Jesus, the King of Kings and the Lord of Lords. Amen.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

RECESS

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate stand in recess for 2 minutes.

There being no objection, the Senate, at 10:04 a.m., recessed until 10:08 a.m.; whereupon, the Senate reassembled when called to order by the Acting President pro tempore.

RICHARD C. HALVERSON, SENATE CHAPLAIN

Mr. DOLE. Mr. President, as the Acting President pro tempore noted, today marks the end of Dr. Richard Halverson's 14 years as Chaplain of the Senate.

Some people say that the Senate Chaplain has one of the best jobs in Washington. After all, whenever he speaks, all Senators are quiet. And that is a luxury we do not extend to anybody else.

I joined with many Senators in saluting Dr. Halverson when he announced his retirement last year. But I wish to take a minute this morning to once again thank Dr. Halverson for his service, his dedication, and his friendship. He should also be thanked for his patience and for agreeing to stay on for many months while we searched for someone to fill his shoes. And we look forward to Dr. Ogilvie's first official day as Chaplain on Monday.

I know that all Senators join me in wishing Dr. Halverson and his wife, Doris, many, many more years of health and happiness.

Several Senators addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

CONGRATULATING DR. HALVERSON

Mr. NICKLES. Mr. President, I join with the majority leader in congratulating Dr. Halverson for his 14-plus years of service to the U.S. Senate, not only to the Senate as a body but to each and every Member of this group of Senators, and also to each and every member of the entire Capitol complex. I have had the pleasure of watching, working with, and worshiping with Dr. Halverson, and in his presence he emanates love. He emanates love in his actions, in his words, and by his presence. He has been a mentor to me and countless others, but also to our staffs and to the elevator operators and to the interns and to the pages. He has shown his love by his actions, and we have really been blessed by his presence. For his years of service we are very grateful. Many of us are eternally grateful, and we thank him for that.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

TRIBUTE TO THE REVEREND RICHARD C. HALVERSON

Mr. HEFLIN. Mr. President, our Senate Chaplain, Dr. Richard C. Halverson, our dear friend, is retiring today and has delivered his last official prayer. He has been a great Chaplain. During his tenure, Dr. Halverson has proved himself over and over again, not only to be a comforting spiritual guide but also a wonderful friend and adviser to the entire Senate family, which includes all of its workers: elevator operators, the police, the pages, the waitresses, the waiters, the electricians. Every conceivable worker has in some way or form felt his influence. His ministering support has been helpful to us immeasurably as we wrestled with difficult personal, political, and policy issues.

While he is not a Catholic and I am not a Catholic, it seems to me that the Catholic Church has a title that is befitting Dr. Halverson, and that is "Father." He is father of the entire Senate family and we want to wish him well.

The Chaplain of the Senate is one of its 5 officers, and probably its most visible. Many people around the country watch as he opens the Senate's day with a prayer, or introduces the guest Chaplain to conduct the prayer. Dr. Halverson has been superb at arranging for guest Chaplains, thereby giving wide representation to the many diverse religious denominations in our Nation. As Chaplain, he has provided pastoral services to Members and our staffs, most of whom are far away from their own churches and ministers as well as to the entire Senate family. His soothing countenance and understanding manner have made us feel more at home here in the Senate.

Beginning his service on February 2, 1981, the Reverend Dr. Richard Halverson is the 60th Senate Chaplain. A native of North Dakota, he is a graduate of Wheaton College and the Princeton Theological Seminary. He has been awarded honorary doctoral degrees by Wheaton and Gordon Colleges, and has served churches in Kansas City, MO; Coalinga and Hollywood, CA; and for 23 years at his last pastorate at the Fourth Presbyterian Church in Bethesda, MD.

Dr. Halverson has been deeply involved as an associate in the International Prayer Breakfast movement in Washington, and I have had the personal pleasure of working with him since coming to the Senate. He has been active with this prayer breakfast for almost 40 years. He has served as chairman of the board of World Vision and president of Concern Ministries. He has authored several books, including "A Day at a Time," "Be Yourself . . . and God's," "Between Sundays," "No Greater Power," and "We the People."

He has traveled extensively through his associations with World Vision, the prayer breakfast movement, and pastors' and leaders' conferences in Asia, Australia, South America, Africa, and Europe.

Mr. President, Dick Halverson is an outstanding example of why the Senate has always had a Chaplain. He has been completely devoted to the Senate and we are grateful for his many years of service. We sincerely appreciate him, we will miss him, and we wish him and his wonderful wife, Doris, all the best as they move on to a well-deserved retirement. Dr. Halverson has left his mark on this body, and it will not be the same without him. The Senate is better for having had his guidance and wisdom for 14 years.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

THANK YOU, DICK HALVERSON, ON BEHALF OF ALL OF US

Mr. DOMENICI. Mr. President, the Book of Sirach, as I interpret it, tells us that from what comes out of our lips we will know what is in our hearts. Frankly, I want to say that there can be no doubt what is in Dick Halverson's heart. For he has the kindest, most loving words at his lips for everyone, all the time, of anybody I have ever known. He has been a personal spiritual influence on this Senator and many others. And that is not all. The people of this place were all part of his mission. I do not think it should go unnoticed that, instead of just Senators saying some kind remarks that he is entitled to, that there are many around the Senate who wish they could be here so they could say thank you.

I do not know how to do that, really, on behalf of all of them, but at least I will try, and say: Dick, we love you. We think you are one of the finest things that ever happened to this place. I hope that I speak for the thousands of non-Senators that you chose to help, of all religions, all creeds, all walks of life. Thank you very much.

I yield the floor.

Several Senators addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

THE EXAMPLE OF CHAPLAIN RICHARD C. HALVERSON

Mr. NUNN. Mr. President, echoing the remarks of my friend from New Mexico, I think it would truly be a unique hour in the history of the Senate if we could let the policemen and the maids and the janitors come up for an hour and talk about Dick Halverson.

None of us could express what this whole family of the Senate would say about this wonderful man who is a devoted follower of Jesus and who lives that example every day, more so than any person I have ever observed in my life; and whose religion is not only through the spoken word, but most of all through example.

Benjamin Franklin, who first suggested that sessions of the then-Continental Congress be opened with prayer, once said that true human happiness is produced not so much by great pieces of good fortune that seldom happen, as by little advantages that occur every day.

The Members of the Senate have enjoyed such daily advantages—I would not really call them small—having been blessed over the past 14 years by the thoughtful opening prayers of the Chaplain of the Senate, Dr. Richard Halverson.

In all that time, Dr. Halverson has been a real pastor to the Senate as a whole, sharing our long sessions, agonizing with us at times of difficult decisions, and helping us wrestle with the great moral concerns of our Nation. He has been there for each of us from the majority leader to the policemen to the waiters, conscious of the special pressures of our responsibilities, and of the pressures those responsibilities place on our families. He has brought to his duties a deep compassion and a deep concern for the moral climate of our Nation. He has shared his knowledge of the Scriptures and the thoughts of great spiritual leaders through the ages from many faiths, bringing to our attention passages from books and poems and his own meditations that he thought would be helpful to us as a body, through his prayers and pastoral letters, and as individuals in a variety of thoughtful ways.

Before he came to minister to the Senate, Dr. Halverson ministered to Presbyterian congregations from the Midwest to Hollywood to Maryland. We have benefited from his long experience and understanding of human frailty and human needs, and of the capacity of human beings to be compassionate, wise, and courageous as well. A committed follower of Jesus who lives his beliefs, he has never tried to impose his personal beliefs, but has worked hard to help us live up to ours, and to help us find the wellsprings of moral and ethical action as legislators and leaders.

I would like to think I speak on behalf, as the Senator from New Mexico has, of everyone here, the thousands of people in the Senate family, when we say to Dick Halverson, our friend, our colleague, our mentor, our adviser, and most of all our example: Thank you and God bless you and your family.

Several Senators addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

DR. HALVERSON, CHAPLAIN WITH AN OPEN HEART

Mr. CAMPBELL. Mr. President, I do not have a formal statement but I add my best wishes to Dr. Halverson. I am reminded that when Jesus was on the cross, he forgave a prostitute and a thief. I think there are very few people in the world that have hearts as open and as forgiving as Dr. Halverson.

Three years ago, in a discussion about crime, Dr. Halverson and I decided to try to bring some gang members to Washington on the day of the National Prayer Breakfast. So the next year we did, and this year was the second time we did that. We brought, as I remember, about 35 gang members. These are some pretty tough youngsters, the hoods, they are called, Crips and Bloods and Inca Boys and so on. We tried, through Dr. Halverson's leadership, to take them to the National Cathedral on the day of the Prayer Breakfast, and tried to show them a little different way of conducting their lives.

I know Dr. Halverson has that same attitude as Jesus himself, that there should be forgiveness in all of our hearts. No one is lost if you really to try to help them.

I certainly wish him good luck. I want him to know that program he started now will be in its third year. I intend, with the help of my colleagues, to carry that on.

My best wishes.

I yield the floor.

Several Senators addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Alaska is recognized.

DR. HALVERSON, A BROTHER

Mr. STEVENS. Mr. President, Dr. Halverson is a good example of why we should think twice about term limits. These past 14 years have gone by so quickly for those of us who have participated in the Senate Prayer Breakfast weekly. I know many are here who have done that, who have gone on Wednesday morning. The one thing that really drew us to that was not our participation with our colleagues, but it was the magnet of Dr. Halverson. We have developed the concept of calling each other brother, and I really and truly feel a sense of being a brother to Dr. Halverson.

Many of us have come through periods of great strain in our lives while still serving in the Senate. If there has been one steadying hand in this Senate to all of us, it has been Dick Halverson. In terms of just the camaraderie that surrounds the breakfast table on Wednesday morning, he always has something to add to really bring a little sparkle into life before the breakfast starts. Particularly, I recall, as Senator NUNN did, the times when we would go around the table and ask if anyone knew of any person who was connected with the Senate who ought to be remembered in our prayers. And, invariably, Reverend Halverson would tell us of members of the staff or a member of the family of a member of the staff or a person who was formerly with the Senate, to bring back to us the reality of the world outside of the beltway, outside of, really, the formality of the Senate.

I cannot remember the number of times we have conferred about the Presidential Prayer Breakfast over the years. I really think one of the guiding forces that has kept that great institution going and made it so meaningful, as the Senator from Colorado said, to people beyond the scope of our lives, is Dick Halverson.

I suggested several years ago that we start inviting a representative from each of the State legislatures to come to the Presidential Prayer Breakfast and that has become meaningful, due to the work of Dr. Halverson and Doug Coe who, together, have brought so many people into the family of Christ, working together with us here in the Senate Prayer Breakfast.

We shall miss his leadership, not only here opening the Senate in the morning, but we shall miss his friendship as we pass one another in the hall and as he comes by at the lunch table, or as he just takes time to visit with us here on the floor.

I have seen Members of the Senate retire, and we have expressed here on the floor our regret. But this is a retirement that will affect each of our lives, I think. We look forward to his successor and developing a relationship with his successor. But in my life, and particularly in terms of my approach to religion as I see it, I shall miss the steady hand of Richard Halverson. And I regret deeply that the time has passed so fast.

Mr. LIEBERMAN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair.

THE REVEREND DR. RICHARD C. HALVERSON

Mr. LIEBERMAN. Mr. President, I am really honored to have the opportunity to join in an expression of gratitude and tribute and, really, thanks to Chaplain Halverson.

His presence has really enriched the 6 years that I have been privileged to be in the U.S. Senate—by the warmth and grace of his personality, by the strength of his faith, and by the profound depth of his humanity and kindliness, the spirit of kindliness which just emits from him all the time.

He also has reminded us, by his daily public words as Chaplain, of the words that are over the door to the Chamber, which are "In God We Trust." And he has reminded us, in the words of the Psalmist, that the honor that we have been given here comes from the Lord. With that recognition, I think he has helped us proceed with more of both a sense of humility and a sense of purpose than we would otherwise have had.

Chaplain Halverson is a true student of both the Old and the New Testament. He is a son of both the Old and the New Testament. And I think in his life he has been an exemplar of the values that are contained in the aspirations that are expressed for those of us here in his daily life.

So I cannot thank him enough. I cannot tell him how much I hope we have the opportunity to stay in touch. And I can benefit from his counsel and personal warmth and strength.

I wish him all of God's blessings with his family in the years ahead.

I thank the Chair.

Several Senators addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

THE REVEREND DR. RICHARD C. HALVERSON

Mrs. HUTCHISON. Thank you, Mr. President.

Mr. President, I want to add to the accolades that are being given this morning to a wonderful leader in the U.S. Senate, and they are well deserved.

I have been here a short time compared to many of my compatriots who are talking today. But when I came the first day, I remember getting an invitation from Reverend Halverson to come to the weekly prayer breakfast that the Senate holds. I must say, when I started going to those, I felt that was the one hour that we had together on a very bipartisan basis—Jewish Members, Catholic Members, Baptist Members, Episcopalian Members—all coming together to share a quiet moment in an otherwise sometimes stormy week.

It has made a difference in my service in the Senate, and I cannot imagine that we would have been so strong had we not had the leadership of Reverend Halverson telling us how very important it was for us to come together in this very bipartisan way to talk about the things that bring us together rather than the things that sometimes divide us on this floor.

I have heard Members who have been here for years talk about personal things that he has done for members of their staff who were in trouble. The personal testimonies are legion around here about this man.

We will all miss him. But we will all remember what a strong leader he has been and how much better off we are for having him among us.

So I know all of us wish him Godspeed, but not farewell, because we hope that he will be back many times in the future.

Thank you, Mr. President.

Mr. BURNS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

THE REVEREND DR. RICHARD C. HALVERSON

Mr. BURNS. Thank you, Mr. President.

Mr. President, it is a long way from Pingree, ND, to the Halls of the U.S. Senate. And I would like to just be a part of a book that could be written about this young man's life.

We sort of entered his life when we came here in 1989, and they say in every man's life or every person's life there has to be what we call in the West, in the corral, a snubbing post—something to latch onto, something that is permanent, that has value, and those values were drawn from the soils of the High Plains and Northern High Plains of this great country. I guess those sorts of personalities blend, and they grow together.

That is what happened when I met Dr. Halverson. Not only does he write the prayer and give the prayer for this body on a daily basis, but he is counselor to us all in the long hours, and to our staffs. All of us have experienced tragedies in our staffs' lives and in our personal lives, and he was there to be a minister.

That will not be forgotten by this family and by this man who stands among the peers in this body.

So we say "farewell," not "goodbye"—just farewell. We hope that he does not cut us out of his life. We hope he will come by and share some North Dakota stories with us.

And we wish him Godspeed.

I yield the floor.

A FOND FAREWELL TO REV. RICHARD HALVERSON

Mr. COATS. Mr. President, in 1988, when I ran for reelection to the House of Representatives, I was, shortly after that both surprised and also very privileged to be considered for appointment to fill the vacancy created when Senator Dan Quayle was elected to the Vice Presidency. I was fortunate enough to receive that appointment to the Senate. I then resigned my House seat, and I was appointed to the Senate beginning in 1989.

I had several thoughts when that decision came down, but one of the very first thoughts that I had was the fact that I would have the privilege of serving in an institution in which Rev. Dick Halverson was Chaplain. We are fortunate to have been graduates of the same institution, Wheaton College.

I followed Chaplain Halverson's career as minister of the Fourth Presbyterian Church and his chaplaincy here in the Senate. So I had an inkling of the kind of man he was and deemed it a great privilege to be able to come here and serve with him.

I have observed few, if any, people that in my opinion better exemplify the walk of the Lord and the love of the Lord than Dr. Halverson. He has been a great inspiration to me. He is a humble servant of God.

We see him publicly, and most of the world sees him publicly, giving the opening prayer to the Senate. And those of us who are privileged to serve in the Senate see him on Wednesday morning in our Senate prayer breakfast. We have the opportunity to see him on the floor as he listens to our debate. And we know of his work behind the scenes, in total confidentiality, and his counsel to the Senators.

But what most do not see is the work that Dr. Halverson has done throughout the Senate for the Senate family. I think the thing I appreciate the most about Dick Halverson is that he sees us as God sees us. He sees us all as one. He shows respect to all persons. It is the example of Christ embodied in this man, who has served us so faithfully as our Chaplain.

We have heard some wonderful tributes here this morning. But I do not think any of the tributes that we can provide could begin to equal the tributes that we would hear if the guards and the cooks and the clerks and the staff and all those who serve us in the U.S. Senate could come to this floor and tell us what Dr. Halverson has meant in their lives. The guard at the door, the cook in the kitchen, the maintenance man working in the basement, and the staffers working in the back offices, are just as important to Dr. Halverson's ministry as the Senators who speak on this floor. That is a story that will not really be told and which most of the world has not heard. But that is the example of a Christ-like walk that has meant the most to me.

And so, if I could, on behalf of the thousands of people who support us so that we can come here and stand in the spotlight, I want to pay tribute to Dr. Halverson and all that he has meant in their lives and for all that he has done. I wish he and his dear wife many, many years of happiness together, rest, and well-deserved relaxation. I know he will keep us in his thoughts and prayers as he views the Capitol from his apartment and looks over this city that he loves so much and this institution into which he has poured his life and his love. We will miss you deeply.

Your successor, Dr. Ogilvie, is a fine man of God. He has huge shoes to fill. God's grace will allow him to do that. But you will be deeply missed. Your legacy lives in our hearts and in the hearts and minds of the thousands of people you have touched during your chaplaincy here, and we thank you for it.

Mr. President, I yield the floor.

Mr. BYRD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia [Mr. BYRD] is recognized.

A GOOD AND FAITHFUL SERVANT

Mr. BYRD. Mr. President, this morning, we heard the Reverend Dr. Richard C. Halverson offer his last prayer before the Senate. Dr. Halverson has been an inspiration for all of us over these many years, throughout which we have been blessed by his friendship, his fellowship, and his pastorship. And we shall miss him.

Tennyson's words, "I am a part of all that I have met," applies to our association with Dr. Halverson. He has ministered to us and to our families. When Erma, my wife, was in the hospital a few years back, he came to the hospital and prayed for Erma, prayed with Erma, prayed with me. When I lost my grandson, the oldest of our grandchildren in April 1982, Dr. Halverson delivered the prayer and the message at the memorial service.

His life has touched my life in many ways. He has inspired us with his prayers, with his dedication to the service here, with his dedication to this large family of his, with his dedication to his spotless Savior, Jesus Christ.

As Dr. Halverson goes away, he takes something of us with him, but he leaves something of himself with us.

'Twas battered and scarred, and the auctioneer
Thought it scarcely worth his while
To waste much time on the old violin,
But held it up with a smile:
"What am I bidden, good folks," he cried,
"Who'll start the bidding for me?"
A dollar, a dollar"; then, "Two!" "Only two?
Two dollars, and who'll make it three?
Three dollars, once; three dollars, twice;
Going for three——" But no,
From the room, far back, a gray-haired man
Came forward and picked up the bow;
Then, wiping the dust from the old violin,
And tightening the loose strings,
He played a melody pure and sweet,
As a caroling angel sings.

The music ceased, and the auctioneer,
With a voice that was quiet and low,
Said: "What am I bid for the old violin?"
And he held it up with the bow.
"A thousand dollars, and who'll make it two?
Two thousand! and who'll make it three?
Three thousand, once, three thousand, twice,
And going, and gone," said he.
The people cheered, but some of them cried,
"We do not quite understand
What changed its worth." Swift came the reply:
"The touch of a master's hand."

And many a man with life out of tune,
And battered and scarred with sin,
Is auctioned cheap to the thoughtless crowd,
Much like the old violin.
A "mess of pottage," a glass of wine;
A game—and he travels on.
He is "going" once, and "going" twice,
He's "going" and almost "gone."
But the Master comes, and the foolish crowd
Never can quite understand
The worth of a soul and the change that's wrought
By the touch of the Master's hand.

Dr. Halverson spoke to us often about that Master from Galilee. Dr. Halverson was something of a master himself. As he ministered to his flock, he gave of himself. And he continued to serve when his body sought retirement. His ready smile, his kind voice, his ever-ready hand extended in Christian fellowship—all these, we will miss.

We live in a very skeptical town. It is full of doubters and skeptics and cynics. But Dr. Halverson always represented the solid rock of faith, a steadfast belief in a higher power that has governed the destiny of this Nation from its beginnings.

This town, and every other town in America, large and small, needs to turn back to the old values that made America great, the old values that Dr. Halverson taught and that he emulated and that he followed in his daily walk with us.

Emerson, a great contemporary of Thoreau, said:

> The true test of civilization is, not the census, nor the size of cities, nor the crops—no, but the kind of man the country turns out.

This country needs to return to the old values that were taught by Dr. Halverson. The country would turn out better men, and those of us who are already turned out would become better.

Since its inception, the Christian movement has rested on the foundation of the personal witness of the individual believer.

During his several valuable years among us as the Senate Chaplain, Dr. Richard C. Halverson has served as a twentieth-century model of that ageless witness—one man, though an ordained clergyman of a distinguished community of believers, moving among us, sharing a love that he borrowed from his relationship with God, shedding light in darkness, drying the tears of "those who mourn," giving hope to the downcast, and, sometimes through his presence alone, reassuring thousands—thousands—here on Capitol Hill and, through the electronic eye, reassuring millions that life—even political life—has eternal meaning. It causes us, or ought to cause us, to pause amidst the strife that we endure on the political battlefields, pause and be still and know that "I am God." There is life beyond the Senate. There is a life beyond a political party. And that there is a life beyond this life.

I pity—I pity—one who does not believe in immortality. I cannot comprehend a belief that is without God. I cannot comprehend the worth of a life on this Earth if there is no assurance of a life beyond the grave, no assurance of immortality, if there is no assurance that I will ever again see, with my tired eyes, my departed grandson.

We are daily caught up in the gewgaws of political life, and our social life. Many of these things are, of course, worthwhile. But there will come a day and a time, if my mind is still clear, when I will look forward to crossing that mystic sea to the eternal land where Michael, where my parents, and the couple who raised me, and the friends of yesteryear will be waiting to greet me. It is up to me to be prepared, when the time arrives, for the narrow gate that leads home.

No man is good. I do not pretend to be a religious man. We all have our faults and we all fall short of our duty. We are all unworthy. We get caught up each day in the little chores and the demands that are made upon us as public servants. It is easy to forget how really tiny we are, how really insignificant we are. I have often thought that I would like to have gone to the Moon, just to be able to look back on this tiny, tiny, tiny speck which we know as our earthly planet, and then try, while looking down from that magnificent orb, to imagine tiny man and how insignificant and how small man truly is—less than a particle of dust traveling through this ephemeral life. How vain is man! How proud, vainly proud, is mortal man! I sometimes wonder if I am not the vainest, the vainest of men.

Even in leaving this work here as our Chaplain, Dr. Halverson has caused Senators today to reflect upon things that are lasting, things that are eternal. Darwin, in his treatise—as he expounds his theory of natural selection and conveys his impressions regarding the selection of the fittest as a microscopic organism evolves from virtual nothingness—speaks of a Creator. Darwin speaks of a Creator—of God.

So it is that through all of the ages, men of all races, in all parts of the Earth, have believed in a Higher Power, a creator.

Throughout Dr. Halverson's tenure as our Chaplain, he led us to a greater knowledge of, and a closer relationship with, our Creator, and more than once I have benefited from Dr. Halverson's ministry—a universal ministry not restricted by sectarian or even other-than-Christian boundaries. Just as important, however, I have benefited by Dr. Halverson's personal friendship. That friendship has brightened my life and enriched my work here as a Senator, and for that, I am grateful to him.

In the years that lie before Dr. Halverson, I wish him every happiness and every fulfillment that his exemplary spirit and pure heart might enjoy. And in that Great Eternal Beyond, I look forward to continuing the friendship and fellowship that are the promise to all of those whose daily walk is as Dr. Halverson's walk has been among us here in the U.S. Senate.

I think of Dr. Halverson as one who exemplifies the faith of the poor couple who raised me. I think of my own coal miner Dad as one of the few truly great men whom I have met in this life. He had very little education acquired in the halls of learning, but he was a man who owed no man a penny when he died. I never heard him use God's name in vain in all the years that I lived with him—a humble, hard-working coal miner.

And the woman who reared me from the day my mother died—I was then 1 year old. The woman who reared me was a woman of great religious conviction. Not a religious fanatic—I hold no brief for religious fanatics or any other fanatics. She lived a simple, good life. Many times, when I have driven to West Virginia, arriving at 2 o'clock in the morning, she would open the door, and I would hear her say, "ROBERT, can I fix you something to eat?"

And when it came time for me to return to Washington, she would say, "Robert, you be a good boy. I always pray for you."

It is that kind of ministry that touches the human heart. And it was that kind of ministry that Dr. Halverson gave to us here.

As Dr. Halverson departs our company on this side of the Capitol, I say to Dr. Halverson, "Well done, well done. You have served us and your country well, and we will never forget you."

Last night, I passed beside the blacksmith's door,
And heard the anvil ring the vesper chime,
And looking in, I saw upon the floor,
Old hammers worn with beating years of time.
"How many anvils have you had," said I,
"To wear and batter all these hammers so?"
"Only one," the blacksmith said, then with twinkling eye,
"The anvil wears the hammers out, you know."
And so the Bible, the anvil of God's word,
For centuries, skeptic blows have beat upon,
But, though the noise of falling blows was heard,
The anvil is unharmed, the hammers gone.

Mr. President, I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Illinois.

CHAPLAIN HALVERSON HAS SERVED US WELL

Mr. SIMON. Mr. President, I would like to associate myself with the words of praise of Dr. Halverson that Senator BYRD just provided us. I cannot do it with the same eloquence. I hate to say it, the few poems I memorized back when I was in grade school and high school I cannot recite now. But I wish I had Senator BYRD's recollections or ability to recall things so vividly.

Every once in a while someone says, "Why do you need a Chaplain in the Senate?" We go through the same pains and agonies that everyone else does, and we have, in addition, the stress of being here.

I hope I never have to go through what the Senator from West Virginia has gone through, seeing a grandchild die. I cannot imagine how tough that must be. But I know having a Chaplain, not just for Members of the Senate but for our staffs—Chaplain Halverson was there to help anyone associated with the Senate who had problems, and the same is true of Chaplain Ford in the House.

When I was in the House, I can remember one of my colleagues looked as if something was wrong. I sat down next to him. I said, "Everything all right?"

He said, "I just got word that my son committed suicide."

I will never forget it. He needed help, and it is important to each of us and important to the Nation that we provide that.

I have noticed Chaplain Halverson—yes, he is good to each of us who is in the Senate, but I think equally important, he is good to all the staff. I can remember serving in the House with someone who was always good to his colleagues, but he was mean to elevator operators and others. Frankly, I never had any respect for him, even though he was a person of great ability. One of the things I really appreciate about Chaplain Halverson's service is he was available to everyone. He has served this Senate, he has served all of us very well. I want to associate myself with the remarks of Senator BYRD.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

THE IMPACT OF CHAPLAIN HALVERSON ON PEOPLE

Mr. GORTON. Mr. President, I would like to associate myself with the remarks of my friend from Illinois on the remarkable eloquence of our senior colleague from West Virginia. I was thinking during his remarks how much they will be appreciated in printed form by Chaplain Halverson himself during the course of his retirement. They show a thoughtfulness and a sense for history and our culture which is unique with our friend from West Virginia.

One particular set of remarks made by my friend from Illinois were particularly appropriate, I think, and they had to do with the impact of Chaplain Halverson on the other people, other than the Members in the Senate.

One of the great occasional pleasures I can remember would be to walk down one of the Hallways here or in one of the Senate office buildings with the Chaplain and see how the faces of all we passed, all of the people who serve us and serve this body, would simply light up when they saw the face of the Chaplain and how he was never in too much hurry not to stop and have a good word or two of greeting for each and every person.

He was truly a Chaplain not just for 100 Senators but for all of the broad Senate family and for those in some sudden need who were just here as visitors as well.

As he retires and leave us, my own remembrance, my own memory of him will be of a man who comes closer in character to what we read about when we read about the saints and the great religious leaders in history, that he partakes of more of those qualities than any other individual whom I have been privileged to know, not just during my career here but during my life.

Chaplain Halverson, at some different time and some different place, might well end up being nominated a saint because his character was and remains a saintly character, who brings joy and sustenance and strength and peace into the lives of all with whom he associates.

Mr. BYRD. Mr. President, I thank both of my colleagues.

Mr. President, I also thank Senator DOLE, the majority leader, for his thoughtfulness in asking Senators to come to the floor today, to come to the Chamber and to be present when Dr. Halverson uttered his last prayer here in the Chamber. I think that was a very good thing to do, and I appreciate very much the majority leader's having done that, and told him so when he was here earlier.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for not to extend beyond the hour of 11 a.m., with Senators permitted to speak for up to 5 minutes each.

Mr. GRASSLEY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

DR. RICHARD C. HALVERSON

Mr. GRASSLEY. Mr. President, I hope before the clock starts to tick that I can take 15 seconds to speak about Pastor Halverson, and to remind everybody that Pastor Halverson is just retiring as Chaplain for the U.S. Senate. He is not retiring from being a pastor for people. He is not retiring from being a servant for the Lord.

This morning, I asked him to pray for me, and as I have done for the last 14 years, I will continue to pray for his work daily because I know that work will continue.

CONCERNING PRESIDENTIAL ETHICS

Mr. GRASSLEY. Mr. President, President Clinton was asked, at his most recent news conference, how he could explain the ethical controversies surrounding his administration—and these are the words of an inquiring press—"* * * after [he] came into office promising the most ethical administration in history."

I wanted to take this opportunity to discuss how the President reacted to that inquiry at his news conference.

First, he responded to allegations about Roger Altman's ethical troubles. President Clinton stated that:

> Roger Altman resigned even though he had violated no law and no rule of ethics.

There are two problems with that statement. First, Roger Altman resigned because bipartisan members of the Senate Banking Committee found that he misled Congress in sworn testimony. I hope that President Clinton did not mean to suggest that misleading Congress in sworn testimony is ethical.

And, second, Altman did not really resign. Several months later, he was still performing functions for the Treasury Department.

That is not the commitment to ethics that the President promised the American people.

President Clinton also mentioned former Agriculture Secretary Mike Espy. The President said that Secretary Espy's actions involved "* * * a few thousand dollars, all of which he has reimbursed."

I think Secretary Espy made a number of significant contributions as Agriculture Secretary. But, once again, I have to take issue with the President. The purity of the Nation's food supply is vital. Laws have been on the books for decades to prevent the Agriculture Department personnel from taking any payment that might influence their decisions regarding food product safety. And ethics is about the adherence to rules. The fact that amounts involved might have been petty may relate to appropriate punishments. But it does not relate to or excuse an ethics violation, if one occurred.

The President's comments that Mr. Espy is the only Cabinet Secretary to resign based on ethics challenges to actions taken while in office is technically true. But this is only because Commerce Secretary Ron Brown has not resigned. It is simply not true, as the President has repeatedly said, that the charges relating to Secretary Brown concern only his conduct prior to taking office. Significant ethical issues arise from the manner in which he reported various financial transactions on his ethics disclosure forms once he assumed office. Various conflicts of interest are alleged to have arisen after he became Secretary of Commerce as well.

I am also concerned that the President seems to think that somehow it is a matter of less concern that a person in his administration is accused of ethical conduct prior to joining his administration than afterward. What does that say about the vetting process that was followed?

Does the President suggest that the ethics of a person he chose for his administration matter only with respect to actions they took while in office? Remember, Vice President Agnew resigned because of actions he took prior to assuming that office.

I think that it is not asking too much of the President, who promised the toughest ethical standards in history, that his appointees be ethical in their current positions and that they have records of acting ethically.

However, the President said that we are "creating a climate here in which a lot of people will be reluctant to serve." Let me make crystal clear that, in fact, we are trying to create a climate in which people who are not ethical, including a number this President has appointed, are very reluctant to serve.

President Clinton also said that under the independent counsel law investigations cannot be controlled. The President said that if a certain number of Members of Congress ask for an independent counsel, then the prospect of a counsel is triggered. Mr. President, I am pleased to have supported the independent counsel law over many years in times of both Republican and Democrat Presidents. President Clinton made reauthorization of that statute a priority, so he should not complain about that law.

But we should be clear about the terms of the statute. A particular number of Senators cannot demand that an independent counsel be appointed. What Members of Congress can do is force the Attorney General to conduct an investigation and to make a decision. But the decision to ask for an independent counsel is the Attorney General's alone.

For instance, a majority of Republicans on the House Judiciary Committee wrote the Attorney General to ask that an independent counsel be appointed to prosecute Ira Magaziner on the contempt charges arising from the health care task force litigation that the Justice Department defended. Attorney General Reno conducted an investigation, but she decided not to ask for the appointment of an independent counsel. In the other instances in which an independent counsel was appointed, it was the President's own Attorney General who sought the appointment because the circumstances warranted it. Members of Congress cannot force an appointment.

President Clinton also said that with respect to his administration, "You would be hard pressed to cite examples that constitute abuse of authority." In fact, it is very easy in regard to the health care reform task force. A violation of the Federal Advisory Committee Act by the health care task force is one example. Failure to immediately put assets in a blind trust, as all other recent Presidents did, while those assets included a fund that shorted health care stocks, is a second example. A third example is Travelgate; that was an abuse of authority. And, of course, there are many others.

Mr. President, the Olympic games include the high jump. The gold medal is awarded to the person who jumps the highest, not to the person who sets the bar the highest but fails to scale it. President Clinton may honestly believe that his administration has set the ethics bar the highest of any of his predecessors. But that is irrelevant because so many people he has appointed are not clearing that bar.

With ethics, it is not the standard that is set but the standard that is met that counts. The fact is that this administration is not practicing what it preaches in the area of ethics. And that fact is unfortunately reducing public trust in Government. When President Clinton is questioned about the ethical performances of his administration, as he was in a news conference, he should make amends, not excuses. He should make sure that his appointees live up to the standards he believes are so high. Until then, the questions will continue.

Mr. LOTT addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

SCHEDULE

Mr. LOTT. Mr. President, as has already been announced, following the leader time, morning business will go until 11 o'clock with Senators allowed to speak not to exceed 5 minutes. In addition to the exception of 10 minutes for Senator GRASSLEY just being used, we also have 10 minutes for Senator ABRAHAM, 10 for Senator KOHL, and 15 minutes for Senator GRAHAM.

At 11 o'clock, we will resume consideration of H.R. 889, the supplemental appropriations bill. Cloture was filed last night on the Kassebaum striker replacement amendment. We hope to set that aside and set aside the pending Kassebaum amendment so we can consider other amendments. I urge my colleagues on the other side to allow that to happen, because this is an important supplemental appropriation.

We have already agreed that we will have a vote on Monday on the cloture motion, and we have other business that we can do on this bill. We should go forward with that this afternoon.

If consent is not given, the leader has indicated that he would expect full debate on the Kassebaum amendment throughout the day, and votes, therefore, would be possible throughout the day.

I yield the floor.

Mr. ABRAHAM addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. ABRAHAM. Thank you, Mr. President.

Mr. ABRAHAM. Mr. President, I would like to congratulate.

TORT REFORM

Mr. ABRAHAM. Mr. President, I would like to congratulate our colleagues in the House for acting this week to bring our tort system under control. The bill passed by the House earlier this week imposes all attorneys fees on a party who turns down a settlement offer if the final judgment is not more favorable to the offeree than that which he turned down. It also would eliminate junk science from the courtroom and require courts to sanction attorneys who file frivolous claims.

The House action constitutes an important first step toward reforming our civil justice system.

I also would like to take a few moments to respond to the criticism recently leveled at attempts to reform our tort system.

President Clinton and his Attorney General have called the House reform bill "too extreme." His counsel Abner Mikva went even further, claiming that the bill would "tilt the legal playing field dramatically to the disadvantage of consumers and middle-class Americans."

Some of our colleagues and the American Trial Lawyer's Association, one of President Clinton's most generous and loyal contributors, would like this characterization to take hold.

Opponents of tort reform would like it if the American people were to see changes in our civil justice system as a boon to big corporations and the rich rather than a broad-based set of reforms that will help consumers, victims, and the general public at the expense only of a handful of individuals and lawyers who bring frivolous lawsuits.

To hear much of the public debate you would think that tort reform is a struggle between corporate fat cats who want to injure the public with impunity and legal barracudas who seek only to feed on small business and the tort victims who must entrust lawyers with their claims. But this heated rhetoric in my judgment, helps no one, in fact it keeps us from focusing on the issue at hand—making our tort system more just and fair.

I come to this debate, not to attack lawyers, but to help victims and consumers. I take exception to the charge that tort reform is anti-consumer, particularly given the faults in the system as it stands.

Is it really pro-consumer to have a system like the current one in which those who are injured—consumers of legal services—receive only 43 cents of every dollar in damages awarded?

Is it really pro-consumer to have a system in which, as reported in a recent Conference Board survey, 47 percent of firms withdraw products from the marketplace, 25 percent discontinue some form of research, and 8 percent lay off employees, all out of fear of lawsuits?

Does it really help consumers and the middle class to have a system in which, according to a recent Gallup survey, one out of every five small businesses decides not to introduce a new product, or not to improve an existing one, out of fear of lawsuits?

Are we and our children better off when pharmaceutical companies stop producing helpful drugs like the DPT vaccine out of fear of lawsuits?

In this last case, that of DPT, two of the three companies making the vaccine stopped production in 1985 because they could not afford to deal with all the suits arising from the always highly suspect and now clearly disproved theory that it might in very rare instances cause brain damage. To conserve the limited supply remaining the Centers for Disease Control recommended that doctors no longer vaccinate children over age 1, leading to who knows how many illnesses in small children.

Is it really pro-consumer to have a system in which poor, unsophisticated clients in particular must hire lawyers, without fully knowing how much they will pay or what their options for legal services are?

Are our communities better off when the parents of Little Leaguers are afraid to have their kids play or organize games for fear of being sued?

Legal reform is in everyone's interest. The tort reform bill Senator MCCONNELL and I have introduced would lower prices, establish a legal consumer's right to know what he or she is purchasing and at what cost, promote early settlements, and reduce time and cost to injured parties, as well as often innocent defendants.

Our bill would curb windfall profits in lawsuits—thus reducing the price ultimately paid for goods by the consumer—by capping punitive damages and eliminating joint and several liability.

The bill would empower clients in their dealings with lawyers by requiring that attorneys disclose in writing, to any client with whom they have entered a contingency fee agreement, both the actual services performed and the precise number of hours expended on performing them. The bill also would require lawyers to tell clients that they may pay a percentage of their award or, alternatively, pay an hourly fee.

Thus we would protect consumers' right to know how much they are paying and for what services. We recognize this right to know in all other markets and should do so in the legal services market as well.

Our bill also would reform contingency fees by providing that, if a plaintiff receives a settlement offer and still wants to go to trial, the lawyer would receive the usual contingency percentage only on the portion of the award that is above the original offer.

Besides preventing lawyer overreaching, this last contingency fee reform also will encourage early settlements, thus saving transaction costs for plaintiffs and defendants, and ultimately consumers.

Our bill also would allow defendants, by making an early offer, to limit their exposure to certain damages and legal fees.

If a potential defendant agrees to pay in full for economic losses and the plaintiff accepts the offer there obviously would be no lawsuit. Under our bill, should the plaintiff not accept the offer, he or she still can sue, but can only recover noneconomic damages if they prove beyond a reasonable doubt that the defendant intentionally acted against the plaintiff's rights.

Besides discouraging lawyers and litigants from unreasonably holding out for more money and higher fees unless it clearly is warranted, this reform also would discourage defendants and their insurance companies from dragging out litigation in hopes of making plaintiffs give up their suits and go away.

Promoting early settlements, reducing insurance and legal transaction costs and thus reducing prices and stimulating production and innovation, and protecting the legal consumer's right to know. Those are the reforms we seek to institute for the good of all members of the American community.

Which brings me to my final point. Community is one of President Clinton's favorite terms. The President even wants a new covenant to bind us together as a people. Well I too am a proponent of community. I think it is important for Americans to join together in their homes, in their churches, and on their neighborhood baseball fields to learn one another's needs, form common habits, and see one another more as brothers and sisters than as strangers.

But Americans join together less and less, out of fear that an accident on the Little League baseball field will land them in court. Accidents happen, we all know that. But in my judgment, if we all spend all of our time trying to avoid them, or at any rate avoid paying for them in court, we will not have much time or energy left over to form the bonds of community that hold our society together.

Without the bonds formed on our ballfields and in our local civic halls we will lose that sense of our duty to be decent and civil to one another that maintains our civilization.

Our current tort system, by turning neighbors into potential defendants and/or plaintiffs, discourages us from coming together, and that is a major reason why I believe it must be changed. We must reform the system to reward the neighborly, who seek to settle disputes quickly and so reduce the fear of being sued that hangs over too many relationships in our society today.

As we proceed with legal reform in the Senate, I would urge that we consider everyone's needs and interests—victims who should receive quick and fair settlements, consumers who should not have to pay higher prices or have their product choices and economic opportunity stifled by high legal costs, and members of our own communities, whom we should not be tearing apart through explosive rhetoric but rather bringing together in a spirit of trust and cooperation.

Mr. President, I yield the floor.

Mr. GRAHAM addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. GRAHAM. Mr. President, I believe under the order Senator KOHL was to speak at this time. I was to speak after Senator KOHL. I request the opportunity to speak at this time.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. GRAHAM. Mr. President, I have a unanimous-consent request which has been cleared on both sides. I ask unanimous consent that morning business be extended for up to 30 minutes so that I and Senator KOHL may have time provided under the previous order, and that up to 15 minutes be allocated to the Senator from North Dakota [Mr. DORGAN].

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO REVEREND HALVERSON

Mr. GRAHAM. Mr. President, I would like to extend my very warm feelings for the service that Reverend Halverson has extended to me and to my colleagues.

One of the challenges in life is to be able to approach it holistically. We tend to focus on that thing for which we have a particular responsibility. In our case, our responsibility to represent our constituents in the Nation in the U.S. Senate.

What Reverend Halverson has so appropriately reminded Members is we also have broader reins of responsibility—responsibilities of a spiritual nature, responsibilities of a human nature, particularly our responsibilities within our own families. That constant reminder of our broad range of responsibilities has been one of his gifts to me. It will be a gift that I will continue to draw strength from.

I wish the reverend well in his own next stage of life. As I told him personally a few moments ago, I hope that he will be able to include some of the warmth of our State—not only its climate—in our appreciation of his service.

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 529 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from North Dakota is recognized for not to exceed 15 minutes.

CONGRATULATIONS TO REVEREND HALVERSON FOR DEDICATED SERVICE

Mr. DORGAN. Mr. President, I would like today to congratulate Reverend Halverson for his dedicated service to the Senate of the United States and to our country, and say that I take a special pride in the fact that Chaplain Halverson comes from my home State of North Dakota. He is from Valley City, ND. He has performed a wonderful service for our Nation.

I would like to add my comments to the comments of so many of my colleagues about what he has done for all of us for all of these years.

TAX CUT—WHAT IS POPULAR IS NOT ALWAYS RIGHT

Mr. DORGAN. Mr. President, a week ago, we finished a debate about a constitutional amendment to balance the budget. In that debate, there was a great deal of discussion about the desire of Members of Congress to see the Government balance its books and produce a balanced budget.

It is interesting to me today, on Friday, that we find a week later some of those who boasted the loudest about wanting to balance the Federal budget are now deciding that what we really need to do is to cut taxes. In fact, they are just marking up in the other body a $188 billion tax cut bill, which I assume is popular and I assume that in their polling has shown to be something that the American people would favor. So they decide that the road to fiscal policy health, at least from their perspective, is to offer the American people a tax cut.

Often what is popular is not always right, and that is the case with a proposed tax cut at this point in our country's history. All of us would like to be able to say to our constituents, we would like lower taxes for you. In fact, if we are signing up, let me sign up for a zero tax rate for my constituents.

I am sure that most of them would like to not pay any taxes if they can avoid doing so, but they understand the responsibility to do so. They understand the need to keep our streets safe and have a police department, to have a Defense Department to keep our country secure, to pay for education, to pay for the things that make life worthwhile in this country. They understand the need to pay some taxes. They do not want those payments wasted. They want them invested in the future of our country.

But at a time when we have a significant debt and a very significant budget deficit, for those who bellowed the loudest about changing the Constitution to require a balanced budget to 7 days later now tell us that their plan really includes reducing Federal revenues by $188 billion reminds me a little of watching ponies at the circus, all gussied up, prancing around in a circle, never going anyplace, just showing off.

The question is, Are you going to balance the budget or not? You do not balance the budget by cutting this Nation's revenues and increasing one of the largest accounts, defense spending. That is not an arithmetic that I learned in a high school class of mine. There might be a new math out there someplace that comes with these new Republicans who have arrived in Washington, but if it is a new math, I do not think it adds up.

At least from my standpoint, I say to the Contract With America and those who wrote it, I say to the President, I say to others who believe there ought to be a tax cut, you are wrong. Our job is simple. Our job is to cut Federal spending and use the savings to cut the Federal budget deficit. That is our job. It is not our job to be weather vanes, spinning to the latest moment of public passion and deciding it is popular now to be talking about tax cuts. It is our job now to be talking about spending cuts and reducing the budget deficit and putting us on a path toward balancing this Federal budget.

So again I say the proof is not in what people say, but it is in what people do. Those who now come trudging along with a proposal for a massive tax cut, much of which will go to the wealthiest of Americans, do no service to this country in the search for a balanced budget. I, for one, believe our job is clear. It is not to cut taxes, it is to cut spending and use the savings to cut the budget deficit. The sooner we do that in a serious way, the better this country's future will be.

SOCIAL SECURITY TRUST FUND

Mr. DORGAN. Mr. President, I would like to speak this morning about one other issue. In this morning's newspaper, a columnist named Krauthammer wrote a column. It was entitled "Social Security 'Trust Fund' Whopper." His column was one of the most Byzantine pieces of journalism that I have seen in some long while, and I have seen a few in my public career.

It demonstrates to me that you can be an awfully good writer without knowing anything about math or accounting. In fact, when I read this column this morning by Mr. Krauthammer, it occurred to me this is a candidate for O.J. Simpson's defense team. Facts and evidence seem irrelevant.

Let me go through just a bit of this column and talk about some of the conclusions.

Mr. Krauthammer's contention is that the Social Security trust fund is a "fiction." He says, it is a pay-as-you-go system and he says there, incorrectly, by the way, we are accumulating surpluses in the trust fund today so that "with so many boomers working today" that "produces a cash surplus."

Mr. Krauthammer, I think, pulled away from the research table a little too soon; at least his research comes up a little short. The surplus this year in the Social Security trust fund is not because we have so many boomers working and they produce a cash surplus, it is for a very specific reason. Mr. Krauthammer would know it had he researched it or remembered it.

In 1983, we passed a Social Security reform bill and in that bill made a specific, conscious decision to increase the FICA tax, in order to produce revenues that exceeded expenditures during this period and leading up through about the year 2019. We did that deliberately because we knew we were going to need those revenues later.

This is not a surplus that is an accident as a result of more people working. That is not what it is about. This is a deliberate strategy, and he could determine that by simply going back and reading the 1983 Social Security Reform Act. I, incidentally, helped write that. I was on the Ways and Means Committee at the time, so I would know something about that.

I would tell him, in future columns, he might want to remember, it is not an accident. It is not how many people are working versus how many retired. This was a deliberate strategy embarked on in 1983 to accumulate a deliberate pool of national savings in order to meet a need after the baby boomers retire.

Mr. Krauthammer says the Social Security trust fund is a fiction. Well, the money that is collected from the paychecks of workers and from those who employ them in this country is deposited in a trust fund that invests them in Government securities. The trust fund is in the same position as a young boy who just received as a birthday gift a $100 U.S. savings bond. Both possess assets, redeemable by the Federal Government. So the proposition that the trust fund is a "fiction," as Mr. Krauthammer suggests, demonstrates, in my judgment, a profound lack of knowledge.

Perhaps the best way to demonstrate the bankruptcy of this argument by Mr. Krauthammer would be to use the year 2002, just focus on one year, 2002, when my friends who proposed the balanced budget amendment say the budget would be in balance.

Let us take a look at that year only. According to the Congressional Budget Office, in the year 2002, we will in that one year alone raise $111 billion more in Social Security receipts than we need in spending. That surplus, as I have said before, is part of a long-term plan to save for the period when we are going to need the extra money.

Now, under the constitutional amendment that was offered, in the year 2002, the operating budget of the United States would show a zero balance. But, of course, in order to show the zero balance the $111 billion surplus in the Social Security trust fund account would have to be used to get there. Without using the Social Security surplus for that year, the operating budget deficit would not be zero, would not be in balance, but would in fact show a deficit of $111 billion.

The legislative promise that was made in 1983 was that that $111 billion would be saved in a trust fund to be used later. But, of course, if it is used to reduce the operating budget deficit, there is then no forced pool of national savings with which to fund the baby boomers' retirement later.

Now, I would say if Mr. Krauthammer's view, and for other proponents I would say, if their view of double-entry bookkeeping is that you can use the same money twice, then I understand the rationale for his column this morning, and I understand the rationale for their argument. It is, of course, a fraud, but it is still a column or it is still an argument. If, however, he, like most people, understands you can only use money once, it is either here or it is there. It is not both here and there. Then the balanced budget achieved by the constitutional amendment in the year 2002 was not in balance at all. It was $111 billion in deficit.

To me at least that looks like Washington as usual. It looks like Washington the way it always works, I guess an environment which Mr. Krauthammer is part of and comfortable with. But it is still, nonetheless, not honest budgeting.

Let me use an example probably closer to home. Let us assume a columnist makes speeches and gets speaking fees, big speaking fees, and uses a portion of those speaking fees to put them in a 401(k) to save for later in life.

Now, let us assume that after putting money away in a 401(k) from speaking fees, that person goes on a spending binge and spends more than their current income, and simply takes the money out of the 401(k) to cover the extra spending that occurred. And I suppose that person could say, well, I spent no more than I had; I spent all my income plus all my savings.

It is true they spent no more than they had, but it is also true they depleted their savings; they have no 401(k); it is gone. And that is the point.

That is the point about the year 2002. And that demonstrates it is not honest budgeting if you promise to save in a trust fund and use it to balance the rest of the budget. That is the point Mr. Krauthammer misses, and it is the point others miss.

I feel a bit strongly about this, as my colleagues understand, because I helped write the 1983 Social Security Reform Act when I was a member of the Ways and Means Committee. I would not have ever supported or cast a vote for that kind of proposition if someone had said to me, "let us increase payroll taxes, let us tell the

American workers that those moneys will go into a trust fund, let us use that trust fund—which comes from a regressive tax—and instead balance the Federal budget deficit." I guarantee you that would not have gotten two votes in the Senate or the House. No one, I mean no one, here would have had the bad judgment to decide to substantially increase a payroll tax, promise it will be put in a trust fund, and then claim later that it is used to reduce the Federal budget deficit. But that is exactly what has happened in the past. It is exactly what would have been enshrined in a requirement in the constitutional amendment in the future.

I regret that people like Mr. Krauthammer write articles with such a profound lack of understanding about the facts. They have every right to do that. But the fact is we have every right to challenge those who write as carelessly as he did.

Mr. President, we have a challenge, all of us, to start doing instead of talking. We offered yesterday a proposal for a new budget process. It said let us do this. If we believe, and I do, that we can balance the budget by the year 2002 without using Social Security trust funds, and we should, then let us decide on a budget procedure that brings a point of order, a 60-vote majority to overcome, against any budget that comes to this floor without a 7-year plan to get to a balanced budget by the year 2002. Let us see if people are willing to bite into this problem with real teeth. Let us decide soon whether this is a lot of talk or whether this is honest concern by people involved who are willing to do some heavy lifting.

At least in the last 24 hours, the news that the same people who were trumpeting the constitutional amendment for the balanced budget are now off deciding that what they want to do is have a very big tax cut, much of the benefits to go to the wealthiest Americans, does not seem to me that they are very serious about reaching a balanced budget in this country's future. I for one think a tax cut proposal in the midst of the kind of deficits and debt we have makes no sense at all. It is the ultimate in political posturing and the ultimate, in my judgment, failure to be willing to come to grips honestly with the serious problem this country faces.

At least speaking for myself, and I hope for others, we should not have a debate anymore about who wants balanced budgets. I do. I am willing to join in any group, in any way, on any day, in a bipartisan way to take tough medicine, to cut Federal spending in the right way, and to move this country toward a balanced budget. That ought to be the obligation of all of us working together in the months ahead.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. The Senate is in morning business.

Mr. SIMON. I thank the Chair. Parliamentary inquiry. When are we scheduled to return to—I believe the pending amendment is the Kassebaum amendment on the emergency supplemental?

The PRESIDING OFFICER. At 11:30.

Mr. SIMON. At 11:30.

BALANCED BUDGET AMENDMENT

Mr. SIMON. Mr. President, let me say first that I agree with three-fourths of what my colleague from North Dakota has just said. First, I think it makes absolutely no sense to be talking about a tax cut now. I think it is just absolutely irrational. It politically makes sense but it does not make sense any other way. And so I agree with him.

Let me point out one other area where we can save money and do a great deal of good for the people in our country. That is if we pass a minimum wage bill. If we pass a minimum wage bill, we will spend less money on food stamps; we will spend less money on welfare. That is very practical. I do not know the precise numbers, but I saw one figure yesterday that we will save approximately $1.8 billion a year if we pass a minimum wage bill, in terms of a Federal budget. I do not know how thoroughly documented that is.

Where I differ slightly from my colleague from North Dakota—I agree with him that we ought to be moving away from reliance on the Social Security trust fund in balancing the budget, and we came very close to an agreement on that—where I do differ is that it seems to me that the Krauthammer column is correct in saying the great threat to Social Security is the debt. Because if we do not change our policies, we will end up monetizing the debt, printing money, devaluing our currency. We are already seeing some of that. I want to comment on that in just a moment. We are already seeing some of that, just in the days since we failed to pass the balanced budget amendment last Thursday.

I am a cosponsor of the bill to move, by legislation, toward a balanced budget by the year 2002. There are two problems with that. I hope it can have some impact. I, frankly, do not think ultimately it is going to work, because as soon as the squeeze gets on we simply change the law. That is the reality. There is a second problem with it. Assuming that it works. And that is interest by the financial markets is composed of two things. One is they want to have a margin of profit. That is always going to be there. The second thing the financial markets do is they put into interest, a hedge against inflation. So every study, CBO, Data Resources, Inc., Wharton—all of them say if we pass a balanced budget amendment interest rates will go down. We have seen what has happened to interest rates since a week ago Thursday. We did not pass the balanced budget amendment.

There will be no similar confidence in the financial markets by any statutory change that we make. So we will be paying a premium on interest for our failure to pass a constitutional amendment. We will spend hundreds of billions of dollars, in my opinion—and no one knows this precisely—unnecessarily on interest because of our failure to pass a balanced budget amendment.

Data Resources, Inc., one of the two most prominent econometric forecasters in the Nation, predicts that, by the year 2002, if we pass it, the prime rate will drop 2.5 percent. Wharton says 4 percent. But Data Resources, 2.5 percent. They say half the savings that we must get can come from interest savings. That is a very significant savings.

Finally—and this is not in relation to the comment of my colleague from North Dakota, but to what has happened—I notice the international publications are very clear in pointing to our failure to pass the balanced budget amendment. Some of the domestic publications are, too, though there is much more focus on Mexico as a reason for the fall of the dollar. The reality is, if we had our fiscal house in order, what we have done by guaranteeing $20 billion in loans to Mexico would be just a blip on the horizon. A $20 billion loan guarantee for a country with a $6 trillion economy is not that significant an item. But when you compound it with our failure to pass a balanced budget amendment, then you have a problem.

I would like to quote a few items here, if I can find them. Yesterday's Los Angeles Times lead story, "Greenspan Asserts Deficit Sank Dollar. Fed chief says defeat of balanced-budget amendment sent wrong signal to global markets. He says Washington must cut deficit to ease pressure on greenback."

Then let me read the lead story by James Risen.

> Federal Reserve Board Chairman Alan Greenspan on Wednesday blamed last week's Senate defeat of the balanced-budget amendment for the sudden plunge in the value of the dollar and pointedly warned Congress that the currency will remain under pressure until Washington tackles the deficit.

There are a number of stories along the same line. I am not going to bother reading all of them at this point.

The point is, it is easy for us here to point to Mexico and say that is the cause of our problem. The reality of the cause of our problem is right here in the U.S. Senate, and we have to face up to that reality. The longer we postpone facing up to that reality, the greater the jeopardy we put the dollar in and all the ramifications that will have on the standard of living of our people.

I hope we will face up to reality.

Mr. President, since I do not believe anyone else seeks the floor right now, let me glance through a few of these things here. Here is the Financial Post, from Great Britain, "The Current U.S. Dollar Crisis Was Exacerbated by Congress' Inability To Get the Balanced Budget Amendment Passed."

Here is the Independent, also a British publication.

> * * * defeat of the balanced budget amendment only reinforced in foreign eyes Washington's reputation for incurable fiscal profligacy. And most important of all, the tectonic plates of interest rate expectations have abruptly shifted.

AFX News. I confess I do not know where that is from.

> I think some of the support the dollar got from the election of the Republican Congress has faded with the defeat of the balanced budget.

Quoting some analyst here.

Here, from Singapore, the Straits Times.

> The dollar's fall began last Friday, after Federal Reserve Board member, Mr. Lawrence Lindsay, told reporters that the yen-dollar rate had not reached a "critical level."
>
> It coincided with the failure of the U.S. Senate to pass a constitutional amendment requiring a balanced Federal budget.
>
> The failure was seen as a lack of political will by the United States to tackle its twin deficits—budget and trade deficits—widely seen as among the factors contributing to the weak dollar.

And the stories go on. Here is one from Japan, the Daily Yomiuri.

> The move was accompanied by news that the U.S. Senate voted down an amendment to the U.S. Constitution that would have forced balancing of the national budget by 2002. This combination caused the mark to soar, followed by the surge of the yen.

And the stories go on.

Clearly we have the ability here to get ahold of this thing. We ought to do it for the future of our country. But it is affecting us right now, and I hope in some way we can find one more Member of the U.S. Senate who will vote for a constitutional amendment. I think when that happens, if that happens, you will see a reversal. Obviously, I cannot predict and guarantee this. But the evidence is pretty overwhelming. You are going to see a reversal of what has happened to the dollar.

I hope we do the sensible thing.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MINIMUM WAGE

Mr. SARBANES. Mr. President, the time is long overdue for the Federal Government to establish a realistic wage standard for the American worker. The real value of the minimum wage has deteriorated markedly since 1979. At its current level of $4.25 per hour, the minimum wage will fall to its lowest real value in 40 years if Congress fails to take action. In the late 1950's the real value of the minimum wage was worth more than $5 per hour by today's standards and in the mid-1960's it peaked at $6.28. However, because Congress has failed to respond to inflation over the last 20 years, the real value of the minimum wage is now 27 percent lower than it was in 1979, and has fallen by almost 50 cents since 1991.

The decrease in the value of the minimum wage has widened the gulf between rich and poor, making it even more difficult for hard-working families to make ends meet. In 1993, I strongly supported President Clinton's expansion of the earned income tax credit [EITC] which raised the income of 15 million households—helping many families rise above the poverty line. Today a family of four with one worker working year round, full-time at the current minimum wage would earn $8,500 and receive a tax credit of $3,400 for a total annual income of approximately $14,700. The Congressional Budget Office [CBO] estimates that in 1996 the poverty line for a family of four will be $16,092. Therefore, under the current minimum wage, workers can work full-time for an entire year and still fall $1,300 below the poverty line.

One of the most common arguments put forth by opponents of the minimum wage is that an increase would ultimately rob the economy of jobs and income. The idea is that by increasing the minimum wage, businesses will have to pay fewer workers more, resulting in lower employment rates. Recent evidence has indicated that this argument is seriously flawed. A 1992 study by Princeton economists David Card and Alan Kruger in New Jersey found "no evidence" that a rise in New Jersey's minimum wage reduced employment. In fact, just the opposite was true. Card and Krueger's research indicates that "the increase in the minimum wage increased employment." These findings were echoed by Nobel Prize winning Economics Professor Robert Solow of MIT when he stated, "The main thing about minimum wage research is that the evidence of job loss is weak."

Mr. President, it is clear that the American economy can afford a reasonable increase in the minimum wage. In fact, it stands to reason that more money in the pocket of the American workers means that more money is being spent and purchasing power is increased. As Henry Ford so aptly stated, "If you cut wages, you just cut the number of your customers."

In debating the economic value of this important policy decision, we must be careful not to overlook what I believe to be the heart of the matter—the American worker. Historically, Congress has acted to ensure minimum standards of decency for working Americans. Measures to protect workers from unsafe and unfair working conditions were enacted under the belief that, as a society, we should support a basic standard of living for all Americans. It is in this spirit that minimum wage laws have been updated through the years. It is my strongly held view that these actions appropriately reflect the values and beliefs at the very core of our society—the idea that if you work hard and play by the rules, you deserve the opportunity to get ahead.

As long as we fail to act, we send the message to working families across the country that hard work and sound living is not enough. According to the Bureau of Labor Statistics, two-thirds of all minimum wage earners are adults who are struggling to achieve a decent standard of living for themselves and their families. The objective of the minimum wage is to make work pay well enough to keep families out of poverty and off Government assistance. An hourly rate of $4.25 is not enough to cover the average living expenses of a family of four. It is unthinkable to me that in what is arguably the wealthiest Nation in the world, there are families out there right now trying to choose between buying groceries for their children or heating their homes.

As the Senate prepares to take up the debate on welfare reform, it is important to note that the Bureau of Labor Statistics estimates that three out of every five workers earning the minimum wage or below are women—and the current minimum wage falls significantly short of enabling single mothers to achieve self-sufficiency. How can a single mother be expected to be able to provide food, clothing, shelter, medical care, and child care on $4.25 an hour? In my view, instead of maintaining barriers to work, we should be helping to tear them down.

Mr. President, Americans want to work. They want to be able to adequately provide for themselves and their families. But they are working for less and are becoming increasingly frustrated in the process. It is critical that we recognize the reality of minimum wage earners and take steps to help them rise above poverty. President Roosevelt once called for "a fair day's pay for a fair day's work." The American worker deserves no less, and I urge my colleagues to join me in supporting efforts to increase the Federal minimum wage.

EPA DRINKING WATER REGULATIONS SHOULD PROGRESS

Mr. KOHL. Mr. President, I rise today to express my displeasure with action taken by the Senate Governmental Affairs Committee.

Yesterday, in their markup of regulatory moratorium legislation, on a party-line vote, the Governmental Affairs Committee rejected an amendment by Senator GLENN to allow long-overdue EPA regulations protecting citizens from parasite contamination in drinking water to move forward.

Mr. President, just under 2 years ago, my colleagues will perhaps remember the national headlines delivering the grim news that citizens of Milwaukee were dying as a result of an infestation by the parasite cryptosporidium in the city's drinking water. By the time the parasite infestation had fully run its course, 104 Milwaukee residents had died, and over 400,000 had suffered from a debilitating illness.

What was the cause of the infestation? Government inaction. While we can all talk at length, and with good justification, about examples of overregulation, we must recognize that there are instances in which the Federal Government has not done enough to protect our citizens. Mr. President, parasite contamination in drinking water is one of those cases. The 104 deaths and 400,000 illnesses in Milwaukee are but one example attesting to that fact. In reality, while the Milwaukee incident is the largest reported outbreak in U.S. history, it is just one of many outbreaks nationwide. Other major outbreaks in recent years include a 1987 cryptosporidium outbreak in Carrollton, GA, that sickened 13,000 people, and a 1992 cryptosporidium incident in Jackson County, OR that caused 15,000 people to become ill. There are numerous other examples of parasite contamination nationwide.

In reaction to the lack of Federal Government action in this area, the city of Milwaukee has gone ahead with its own efforts to protect its residents against water-borne parasites such as cryptosporidium. But other communities are still vulnerable.

Mr. President, I support efforts to require a thoughtful cost-benefit justification to be made for Federal regulations. I think that that makes eminent sense given the complexity of risks that exist today. But I urge my colleagues to exercise some judgment and common sense when it comes to matters as important and as dangerous as parasite contamination in drinking water. We can sit in our towers of philosophical purity and vote party line on matters of general policy, but when it comes to life and death realities for the people of this Nation, we must use common sense.

So again Mr. President, I am upset by the actions of the Governmental Affairs Committee yesterday to prevent EPA from moving forward with regulations to protect our citizens from parasite contamination in drinking water. It is my hope that when the regulatory moratorium legislation reaches the floor, my friends on the other side of the aisle will use their good common sense when it comes to clear dangers in our drinking water. We should not be voting party line, when lives are on the line.

TRIBUTE TO JESSE LEWIS, JR.

Mr. HEFLIN. Mr. President, Jesse J. Lewis, Jr., a Birmingham, AL, advertising and public relations executive, passed away on February 26 after a tragic automobile accident. He was the president and chief executive officer of Jesse J. Lewis & Associates. His firm's clients included the State of Alabama, the city of Birmingham, the Birmingham Water Works Board, Midfield Dodge, the Birmingham Civil Rights Institute, and the Jefferson County Citizens' Coalition.

A native of Birmingham, Jesse Lewis, Jr., was one of the first blacks to attend the prestigious Indian Springs School in Pelham. He later graduated from John Carroll High School and Miles College.

In 1980, he took over the advertising firm from his father, Jesse Lewis Sr., who is publisher of the Birmingham Times newspaper, former president of Lawson State Community College, and the first black this century appointed to an Alabama Governor's cabinet; he served as director of highway traffic and safety under former Gov. George Wallace. The firm was founded in 1952, and is one of the oldest black-owned advertising and public relations companies in the country.

Jesse J. Lewis & Associates received the 1994 Travel Industry of America's Marketing and Promotion Creativity Award in the broadcast/radio category for an Alabama Bureau of Tourism commercial. Jesse, Jr. was also nominated for Business Person of the Year last year. He had a wide circle of friends crossing racial, economic, and social lines. He was extremely energetic and contributed much of his time to many civic organizations, especially those having to do with the city of Birmingham. He sat on the board of directors of the Birmingham Urban League.

Jesse Lewis, Jr.'s death at such a young age leaves a great void in his community and the business world of which he was such an integral part. He had already accomplished so much professionally, and so much more was confidently expected of him. He truly enjoyed the admiration and respect of those who knew him, including his loyal clients.

I extend my sincerest condolences to Jesse's parents, Jesse and Helen Lewis, and his brother James in the wake of their tremendous loss.

TRIBUTE TO JUDGE WILLIAM HUTCHINS COLE

Mr. HEFLIN. Mr. President, former Jefferson County, AL, Circuit Judge William Hutchins Cole, who served 18 years on the bench, passed away on February 12, 1995, at the age of 76. Judge Cole served as county circuit criminal judge until 1988, when he reached his 70th birthday. Under Alabama's judicial article, judges must retire when they turn 70. However, they may stay on as supernumerary judges—hearing cases as needed—as Judge Cole did until 1991.

During his tenure, Judge Cole presided over some of the most notorious criminal trials in Jefferson County. He was known for his sometimes stern demeanor in court. He was also known as one of the most conscientious and hard-working jurists in Alabama.

Judge Cole was a native of Towson, MD, and a graduate of the University of Maryland School of Law. He served as an FBI agent during World War II, beginning law practice in Birmingham in 1946 where he was a founding partner of the firm Jenkins, Cole, Callaway, & Vance.

Judge William Cole was an outstanding judge who contributed much to the legal community throughout his career and will be greatly missed. I extend my sincerest condolences to his wife Susan and the rest of his family in the wake of their tremendous loss.

THE CLOSING OF KORBET'S RESTAURANT

Mr. HEFLIN. Mr. President, a longtime fixture of the Mobile, AL, area, Korbet's Restaurant closed in January after serving customers—including me and some of my staff—at the same location for 45 years. The restaurant on Airport Boulevard was a part of Mobile's Loop area beginning in 1949, when owner Nick Catranis' mother and father-in-law—George and Katie Kordomenos—moved there from their Victory Cafe in downtown Mobile. The name for the restaurant came from the first three letters of their last name combined with the first three of a partner's name.

Nick Catranis married Ethel Kordomenos and joined her family's business in 1963, managing Korbet's for the next 32 years.

Nick issued a letter to his loyal customers in December giving a heartfelt description of his family's struggle against changing times and the personal sacrifice it took to keep the operation running. I ask unanimous consent that a copy of the letter be printed in the RECORD following my remarks. It is illustrative of the kinds of difficulties many small companies face in today's increasingly competitive business climate.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HEFLIN. Mr. President, it was sad to see Korbet's close. It was one of the last of a vanishing breed of mom-and-pop businesses that add so much flavor and character to a community or neighborhood. I congratulate Nick and Ethel Catranis for bringing so much dining pleasure to the Mobile area for so many years, and wish them all the best for the future. Korbet's is sorely missed.

[Exhibit 1]

KORBET'S RESTAURANT,
Mobile, Ala., Dec. 27, 1994.

DEAR KORBET'S RESTAURANT CUSTOMER: Korbet's Restaurant has been a part of many families in the Mobile area since 1949.

Mr. and Mrs. George Kordomenos started Korbet's in 1949 when they came to this location from the Victory Cafe in downtown Mobile. Their devotion to their profession, to the community and their desire to succeed made Korbet's Restaurant an institution in Mobile. They created a Mobile tradition for what would be a family gathering place for generations: a place where people proposed marriage and returned year after year to celebrate their anniversary; a place where people celebrated, graduations, retirements and other occasions; a place where families gathered for Thanksgiving and other holidays.

In return they accomplished "the American Dream." They helped their relatives back in the country that they left, they educated their children and saw their grandchildren become doctors, businessmen and pharmacists.

In 1963, my wife and I came into the family business and worked together with Mom and Dad. Then, in 1968, Dad, Mr. George Kordomenos, passed away and as you all know, Mother, Mrs. Katie Kordomenos, passed away last year.

Managing this restaurant for 32 years has taken its toll on me, I have become too wrapped up in my work. I have missed many things in my life such as not seeing my children grow up.

On January 14, 1995, Korbet's Restaurant will close its doors and will no longer serve Mobilians.

This decision is not a sudden one; it has taken much contemplation, has stirred many emotions, and has been of great consideration for many months. We feel that we have served the community as best as we personally could. As we move out of the restaurant business and diversify, we feel that we will be serving our community in other ways.

My belief for success has been that you have to get down in the trenches and work with your employees. That is what I have done and together, we have been successful. However, in recent years the restaurant industry has made many changes; our governing bodies have imposed many new taxes, regulations, and restrictions and so the time has come for us to move on.

Turning one's back on a business such as this is hard to do. I am lucky and blessed that I'm able.

My wife Ethel, my children, and I want to thank each and every one of you, our customers and fellow workers, for your loyalty throughout the years. We sincerely regret this move.

We want to thank our many suppliers who have made our survival possible by providing quality products so we may serve our many customers throughout the years.

To all the realtors of Mobile and the many politicians who had their business meetings here and in turn molded and reshaped the city of Mobile—they changed the borders, the subdivisions, the streets, the shopping centers—we thank them and feel that we were a part of all this, too.

To the many busboys and busgirls that worked here during their school years: this being their first job in life, and where we tried to instill in them and try to teach them the importance of work in life, and where they have gone and become professionals, good citizens, and raised families. We thank them for their contribution.

To the many waitresses, cooks, cashiers, and managers who worked endless, long and hard hours and have raised their families and educated their children: we thank you for your contribution.

To our many loyal customers and the many that we have spoiled: nothing could have been possible without your loyalty—we will always cherish your friendship and loyal patronage.

And finally, to my wife and children, whom I deprived many things for 32 years by working all day and all night often till 2:00 a.m., thank you for your support.

And now Korbet's Restaurant will go down in history as other great family businesses have, such as Hays Davis Packing, Constantines Restaurant, Gulas Restaurant, Metropolitan Restaurant, Government Street Lumber, Wintzell's Restaurant and many others.

On behalf of our management and staff, we want our customers to know you will be missed.

And so as the world goes around, so must we.

Sincerely,

NICK AND ETHEL CATRANIS.

PRESIDENTIAL INITIATIVE TO RESPOND TO GULF WAR VETERANS' NEEDS

Mr. DASCHLE. Mr. President, last month we commemorated the 50th anniversary of Iwo Jima. Iwo Jima holds a special place in our national consciousness because of the mythic heroism of those who fought there—and because of the ultimate sacrifice made by those who died there.

Grateful as we are to the veterans of Iwo, the truth is: Every veteran has performed an act of heroism, and every veteran deserves this Nation's support. Not simply our gratitude. But our support, while they are on the battlefield, and after they leave it.

This week, during an address to the Veterans of Foreign Wars, President Clinton announced a number of initiatives that will provide for some of our newest veterans—the veterans of the gulf war—the support which they clearly need and deserve.

I want to focus in particular on one of those initiatives.

The President announced that he is creating a Presidential advisory committee on gulf war veterans' illnesses. This will be the first fully independent panel to examine the issues surrounding what has come to be known as gulf war syndrome, the chronic medical problems suffered by many gulf war veterans and, in some cases, their spouses and children.

There are currently 30 studies being conducted on the gulf war syndrome.

The advisory committee will act as a clearinghouse. It will coordinate research efforts into the causes and treatment of gulf war-related illnesses.

It will also conduct aggressive outreach efforts to make sure that gulf war veterans and the medical professionals who treat them are kept fully informed of any advances.

The advisory committee will work with the Departments of Veterans Affairs, Defense, and Health and Human Services. And they will report directly their findings and recommendations directly to the President before the year is out.

America showed 4 years ago during the gulf war what we can accomplish when we mobilize all our resources to achieve a goal.

The veterans of that conflict are now relying on us to marshall our resources once again to provide them with the medical care they need and deserve.

Whether an injury is diagnosed or undiagnosed; whether it was caused by a bullet, by some invisible, poisonous gas, or by any other factor, it is still a service-related injury, and the man or woman who suffered it deserve our support.

In the last session I worked with my friend and colleague Senator ROCKEFELLER to develop legislation that would give VA the authority to pay compensation to ailing gulf war veterans, even if the exact nature of their illness has not yet been diagnosed. Congress passed that legislation because it was the right thing to do.

For more than a decade, I fought to gain compensation for veterans whose illnesses were caused by exposure to agent orange in Vietnam. That battle was won eventually, but only after a science proved what commonsense already told us: that there was a clear scientific link between agent orange and the illnesses.

Let us not repeat that mistake.

When the men and women who fought in the gulf were called to serve they did not say, "Let us conduct a study." They did their duty.

Now a grateful Nation should do its duty.

The President's advisory committee will help us perform that duty with the least possible duplication or delay.

As a veteran myself, and as a grateful American, I salute the President's initiative.

PEACE IN THE MIDDLE EAST

MR. PRESSLER. Mr. President, It was just ten months ago when Israeli Prime Minister Yitzhak Rabin and Jordan's King Hussein came before this body—and the world—to make an unprecedented call for peace in the Middle East. This week, Secretary of State Warren Christopher travels to Israel in an effort to jump start the peace process and help forge an agreement between Israel and Syria over perhaps the most vexing issue of the peace process: the status of the Golan Heights. However, as the people of Israel know all to well, the road to peace is a long and arduous one. Now more than ever, we must bolster our support for our greatest ally in the Middle East—Israel—and adopt her mission of regional peace as our own.

Without a doubt, a peaceful environment of mutual self-determination and co-existence in the Middle East is advantageous for the United States. I need not remind this body of the binding political and cultural ties that this country maintains with Israel and the great potential that an Arab-Israeli peace would have for the United States. The peace process is not solely an opportunity for improved Arab-Israeli affairs, but a unique occasion upon which the United States may attempt to ally herself with countries that, in the past, have vehemently refused to open their doors to the West.

Syria represents perhaps the last great obstacle to regional peace. The Syrian mandate for a single, complete Israeli withdrawal from the Golan Heights has resulted in a year and a half impasse in Syria-Israel negotiations. Arbitrary demands for withdrawal as a condition of cooperation cannot be viewed as a good faith effort to achieve peace. Without a doubt, Israel is correct to insist upon a comprehensive peace agreement with ironclad security arrangements before it begins any pullback from the strategically vital Golan Heights. Israel should not be asked to risk the security of her people in return merely for the possibility of better relations with Syria.

Mr. President, I sincerely hope that Secretary Christopher's latest round of shuttle diplomacy with Israel and Syria results in a renewal of the peace process. Clearly, Secretary Christopher needs to convey to the Syrian government that real concessions must be made in order for the Syrians to demonstrate they are serious about peace. The United States cannot agree to turn a blind eye to Syria's drug trade in exchange for cooperation in the peace process. Rather, Syria must take the initiative to stop being a safe-haven for terrorists and drug lords. That kind of action represents a genuine commitment to the peace-making process. Paper pledges and handshakes do not suffice.

Some have suggested that the recent peace talks are just cause for the United States to scale back its financial commitments with Israel. I disagree. The United States can best support the fragile peace process by continuing its investment in Israel's economic and military strength. The financial assistance we provide each year is in our national interest. Without it, Israel would be unable to deter potential threats and would fall victim to regional extremists. An economically vigorous Israel is the single most important element to sustain any peace agreement with her neighbors. For the past forty-six years, we have refused to manipulate Israel by bartering economic assistance for political influence. We have continually voted to avoid jeopardizing Israel's stability, at the bequest of our constituencies and our consciences. That course of action has put us on the path to peace. Therefore, I urge my colleagues to pursue our present course rather than consider options that have the potential of debilitating our sole democratic ally in the region during this delicate transition.

Eleven years ago, Congress endorsed the relocation of the United States Embassy in Israel from Tel Aviv to Jerusalem—a symbolic recognition of Jerusalem as the true capital of the State of Israel. It is time to call upon the United States government to begin the formal process of recognizing Jerusalem as Israel's capital city. To be sure, the acknowledgement of Jerusalem as the political center of Israel would not alienate the religious rights of Arabs or Christians. As Prime Minister Rabin recently stated before the Knesset, "[Jerusalem] has been * * * and forever will be the capital of the Jewish people." By clarifying our position now, instead of during sensitive "final status" negotiations, the United States would expedite the peace process. In doing so, we would represent the American people, assist our ally, and help preclude any existing false hopes among Palestinians.

Mr. President, though I no longer sit as a member of the Foreign Relations Committee, I will continue to monitor closely the events in the Middle East. Very few current foreign policy issues bear greater relevance to this nation than the security of the people of Israel. We must stand side by side with Israel's democratically elected leadership in the struggle for lasting peace. As the world's sole superpower, we must be unrelenting in our support of our allies, especially Israel who bravely stands alone as the Middle East's sole democracy. It is the responsibility of the United States to foster the peace process, and not to undermine our ally's regional goals during this time of transition. We must work to see the day when the people of Israel can turn to all its neighbors in the Middle east and say "Shalom Aleichem"—"Peace be with you."

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES!

Mr. HELMS. Mr. President, as of the close of business on yesterday, Thursday, March 9, the Federal debt stood at $4,846,101,629,353.21. On a per capita basis, every man, woman, and child in America owes $18,395.89 as his or her share of that debt.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 889, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (H.R. 889) making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Bumpers amendment No. 330, to restrict the obligation or expenditate of funds on the NASA/Russian Cooperative MIR program.

Kassebaum amendment No. 331 (to committee amendment beginning on page 1, line 3), to limit funding of an Executive order that would prohibit Federal contractors from hiring permanent replacements for striking workers.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

AMENDMENT NO. 331

Mr. SIMON. Mr. President, I rise in opposition to the pending amendment, which is the KASSEBAUM amendment.

I would like to make one brief point. Later I will probably speak on some other points. But in 1935 when Congress passed the National Labor Relations Act, section 13 stated:

> Nothing in this act, except as specifically provided for herein, shall be construed so as either to interfere with or impede, or in any way diminish, the right to strike, or to affect the limitations or qualifications on that right.

Then in 1938 in the Mackay radio case, the Supreme Court interpreted that as permitting permanent striker replacement. But that really did not happen in our country to any great extent and has not happened up until very recently. By tradition, we have worked things out, and we have avoided what most Western industrialized countries have outlawed. But the point I want to make is that in the discussion on the floor of the Senate, it has been assumed that the President's Executive order is as sweeping as our proposal last year on prohibiting permanent striker replacement. It is nowhere near as sweeping. It gives no additional powers to the National Labor Relations Board.

Let me just read two pertinent sections. This is the President's Executive order.

> It is the policy of the Executive Branch in procuring goods and services that, to ensure the economical and efficient administration and completion of Federal Government contracts, contracting agencies shall not contract with employers that permanently replace lawfully striking employees. All discretion under this Executive order shall be exercised consistent with this policy.

Then section 4(a):

"When the Secretary determines that a contractor has permanently replaced lawfully striking employees, the Secretary may"—no mandate—"may debar the contractor thereby making the contractor ineligible to receive government contracts."

It is much more restrictive than the legislation that we had before us last year that a majority of the Senate voted for but because of our filibuster rules we were unable to pass.

I will hold off saying anything further at this point, Mr. President. I will have some further comments before long.

I see my colleague, the new Senator from Oklahoma, here. I believe he wishes to speak.

So I yield the floor, Mr. President.

The PRESIDING OFFICER. The pending question is amendment No. 331 offered by the Senator from Kansas to the committee amendment on page 1, line 3 of the bill.

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I have been very disturbed during the debate on the defense supplemental appropriations. I just wanted to make a couple of comments not directly addressing the KASSEBAUM amendment but the appropriations itself.

I really believe this is one of the few times that I can stand here and say I do not know for sure how I am going to vote on this. I am a member of the Senate Armed Services Committee. When I was in the House of Representatives, I was a member of the House Armed Services Committee.

I find that we are in a way endorsing what I refer to as a flawed foreign policy when we come up in our forces to have supplemental appropriations to pay for various maneuvers and various missions that our military has pursued while we clearly disagree with those. As an example, I would suggest that, if the President had come to Congress, or to the Senate, and said is it going to cost $17 million to send troops to Rwanda, we probably would say "no" and we would not have to incur these costs.

The same thing would be true in Somalia—recognizing that in Somalia we originally sent them in December, under a previous administration, however. I think they were sent over for a humanitarian mission not to exceed—I believe it was—90 days initially. Then after that, each quarter we would have resolutions in order to try to bring the troops back home. That ended up costing $17 million.

If the President had come to Congress and asked Congress to appropriate $312 million to send troops to Bosnia without a well-defined mission there, certainly not having anything to do with our Nation's events, without having anything to do with our Nation's security, I suggest we would have said "no." The same thing is true; $367 million to Cuba, and then there is Haiti. This appropriation is going to have $595 million to support what nobody really knows we are doing in Haiti. I can assure you, Mr. President, that if the President had come to Congress and said we are going to ask you for $595 million so we can send troops into Haiti to help them with problems they are having, it would have been rejected. So here we come along later and are forced to do it.

I hesitated in voting against it, Mr. President, because it is not the military's fault. It is not their policy. They did not decide to go into Haiti. It was not their idea to go to Somalia, Bosnia, or Rwanda. If we do not do this, they are going to be forced into taking it out of their personnel accounts, their operation accounts, R&D accounts. And there are no spare dollars right now in any of those accounts. In fact, we are operating under a budget in this fiscal year that is comparable to the budget we had in 1980 when we could not afford spare parts.

So I have sat in these meetings and talked to the Chairman of the Joint Chiefs of Staff, as well as the Chief of Staff in the various services. I listened to them about the problems they have right now with their budget, in trying to keep America strong. I cannot conscientiously say take it out of our R&D budget just because I disagreed with the missions for which this money is being spent.

So, Mr. President, I wanted to get on record that I am very disturbed with the system. I hope we can establish some type of a system where those of us who are going to be asked to appropriate the money to pay for these missions will have some voice in making the decisions as to what we are doing with our armed services.

I yield the floor.

Mr. SIMON. Mr. President, if I may get back to mundane things that we talk about here, amendments—and it is good, not simply as a tribute to the Chaplain but it is good for us to pull ourselves back and remind each other there are things more important than these amendments we vote on, and we too easily forget.

Mr. President, let me comment again on the amendment that is before the Senate. It is very easy to forget we are talking about people, real people who are struggling for a living when we talk about people who go on strike.

I just have been going through some testimony given a couple of years ago by people who were struggling. I just this morning was with Senator KENNEDY, who held an informal session with a number of people who spoke on the need for a minimum wage. Two people I remember particularly. One is—and I believe I have his name correctly—David Dow, who has two children, a daughter 2, a son 1. He and his wife went 1 year to college. Then their first child was coming along so they had to quit.

They are struggling on the minimum wage. They cannot afford health insurance. They are paying $75 a month for their student loan, making that payment on the minimum wage. And he just told about the struggle he is going through.

These are real people we deal with when we are talking about a minimum wage. It is not some theoretical thing.

There was a small employer there who said he would like to pay the minimum wage if everybody else had to raise their minimum wage so we would all be on the same level.

We are talking about—and here they are judgment calls; I recognize that, but we are talking about trying to maintain some sense of balance in our society. I think that is what is needed in this area of permanent striker replacement. All the other Western industrialized nations, with the exception of Great Britain, Singapore, and Hong Kong, outlaw permanent striker replacement. Italy, Greece, France, Germany, Portugal, Spain, Denmark, Norway, Sweden, Finland—I am sure I am forgetting a few—Japan, all of them outlaw permanent striker replacement, and they do it for a very solid reason, that there is an imbalance. I say this as a former employer who was in business myself. There is an imbalance. Obviously, it is a struggle for a small business person. It was not easy for me in business. But as an employer I am at an advantage over somebody who is just struggling to pay a mortgage and to get by.

And so we had built into our structure certain things that give some power to the employees. While we have not outlawed it as a result of the Mackay Radio decision in the Supreme Court of 1938, with only three exceptions in large businesses we have exercised self-restraint and avoided having permanent striker replacements.

I think it is important that continue. I have been working with both sides in the Caterpillar strike in Illinois. Let me add I have great respect for Don Feits, the chief executive officer of Caterpillar, and Owen Biever, the president of the United Automobile Workers.

My feelings are, if we just turned this whole thing over to the two of them, we would get it worked out. But if at

Caterpillar you were to have permanent striker replacements, in a community like Peoria, it would just tear that town apart. It just would not be good. I think virtually everyone recognizes that. While that is a more volatile situation because of the concentration of employees of one company, I think we have to recognize we have to have balance, and that means, among other things, labor and management working together more than we have traditionally done. Germany has something they call mitbestimmung where an officer of the union is on the board of the corporation, but when that corporation talks about what they might offer to the unions in terms of concessions when they go to a contract, that union representative absents himself. But that way the unions get a chance to understand the problems of management and management gets to understand the problems of the unions.

It is also important they work together and get together for a cup of coffee, a beer, whatever, and just talk things over informally. Do not wait until you get to contract time. But occasionally we have situations that get to the extreme, and I do not think we should let that extreme go to the point of having permanent striker replacements. I think that puts things out of kilter. I do not think we should be in a situation where we want to encourage it.

The President's Executive order does one thing and one thing only. It says if we are going to buy supplies, we will not buy them from people who have permanent striker replacements, or at least we have that option. That is up to the Secretary of Labor.

My hope is that we will not adopt the Kassebaum amendment. My hope is, frankly, that the President, if that should be part of this bill, even though he needs this emergency supplemental appropriation, would veto it and say give me a clean bill on what we need in the Defense Department. I know that postpones things for the Defense Department, and I know they would not be happy about it, but the better answer is for us not to accept the Kassebaum amendment and to move ahead and maintain this important balance between labor and management that we need in this Nation.

Mr. President, if no one else seeks the floor, I question the presence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I ask unanimous consent that I may speak as in morning business for no longer than 5 minutes.

The PRESIDING OFFICER. Without objection, the Senator is recognized.

THE DAY-TO-DAY ACTIVITIES OF CONGRESS

Mr. CRAIG. Mr. President, I have before me at this moment the National Journal's Congressional Daily. It is a report of the activities of Congress on a daily basis, referring to what committees are doing both in the House and the Senate and also reporting on the executive branch of Government. It is one of those documents that many of us often refer to as an accurate accounting of the day-to-day activities of the U.S. Congress.

I thought it was appropriate to bring before us at this time. A week ago, we finalized debate and voted on a balanced budget amendment to our Constitution. At that time, we failed to get the necessary 67 votes by 1 vote. Immediately following that, we saw a precipitous drop in the value of the dollar on world currency markets, which actually continued through most of this week, only to be abated by Alan Greenspan coming to Capitol Hill and talking to a House committee on the need for congressional action as it relates to deficit reduction. That seemed to, at least for a time, level out the decline of the dollar.

One of the things that has concerned me—and I see the Senator from Illinois on the floor at this moment, who was one of the major leaders in the balanced budget amendment issue—and has concerned the Senator from Illinois for so long is the inability of Congress to manage the deficit. And even though there have been many tries made over the last several years, it was this inability that brought me, several years ago, to the conclusion that only a constitutional amendment to balance the budget would change this scenario.

I am not going to speak of the intentions of this President, but I will only say that this President, since he came to office, convinced this Congress that with a major tax increase in what was called a deficit reduction package, that he could reduce the deficit, he could control the out-of-control Federal budget.

Yet, this year we saw this President bring to the Hill a budget that is not reflective of a declining deficit. In fact, most assume that this administration has largely given up on their ability to bring the deficit near balance and that it is now moving up again. The reason I thought it was appropriate at this moment to mention that is that, in today's Congressional Daily, it says President Clinton's fiscal 1996 budget would cause the Federal deficit to climb $82 billion higher by the year 2000 than the administration has estimated, according to the Congressional Budget Office.

The article goes on to talk about preliminary studies or examinations which show that, by 2000, the deficit will still be in the $276 billion-and-climbing range.

The point I want to make is very simple. Once again, it is clearly reflective that this Congress and this President cannot and have not been able to control the Federal deficit. While this President may have tried, it is obvious that, under their own budget figures, whether it is lack of an adequate estimate or whether simply a failure to make the necessary cuts, he, too, is missing a Federal budget deficit projection in his own budgets by $82 billion.

That is a phenomenal amount of money under anyone's estimation and certainly it is by ours. If the budget were out of balance by $82 billion, then I think the Senator from Illinois and I would say, well, that is a major and a good-faith effort. But this is the estimate of a budget that is out of balance by nearly $300 billion, as it will be $82 billion higher.

Those are the problems we face that I think so clearly dramatize, day after day, year after year, why we need a constitutional amendment to balance the Federal budget.

Mr. SIMON. Mr. President, I want to join my colleague from Idaho in his efforts in this area. I would give the President a little more credit than he might in terms of what the President did in 1993. There is no question we made some progress on the deficit.

But the budget that has been submitted by the administration is illustrative of the fact that these things kind of ebb and flow. They go up and down like a roller coaster. Right now, I think the mood in Congress, after our lengthy discussion of the constitutional amendment, is we want to do something. And I think we may pass some statutory action to move us in that direction. I have no confidence, however, that statutory action this time, any more than in the past, is going to get us there. Because while today the mood is "Let's do something about the deficit," tomorrow, who knows what the mood will be? And so we will move away from that.

So I join my colleague in believing that that is the direction in which we have to go and one of these days, I believe it will happen.

Mr. President, if no one else seeks the floor, I question the presence of a quorum.

Mr. BYRD. Will the Senator withhold?

Mr. SIMON. I withdraw my request.

(Mr. CRAIG assumed the chair.)

BALANCING THE BUDGET

Mr. BYRD. Mr. President, may I suggest to both of my good friends, the Senator from Idaho and the Senator from Illinois, why do we not just quit talking about the balanced budget amendment and get on with balancing the budget?

The President has proposed an $83 billion tax cut. Let us vote it down. The Republicans, in their so-called Contract With America, have urged that we have something like a $200 billion tax cut. Let us also vote that down. Let us get out here and say that we are against any tax cuts at this time.

Mr. INHOFE. Will the Senator yield?

Mr. BYRD. No, I am not ready to yield just yet.

Let us say we are against tax cuts; just vote them both down. This is no time to talk about tax cuts while balancing the budget.

We are all concerned about budget deficits. We are concerned about passing this huge debt on to our children and grandchildren. Let us do something about it. Let us do it now.

We have heard the advertisement on TV, "Do it here. Do it now." Let us vote down both proposals for tax cuts.

Why do we not consider a tax increase? Let us increase taxes. Surely, we could sit down and, working together, could come up with a reasonable tax increase that would be calculated and directed toward reducing the deficits.

We have operated on a national credit card now for 14 years. During the 12 years of the Reagan and Bush administrations, we were on a national credit card binge: Enjoy today, pay later. Let our children and grandchildren pay for our profligacy. Live for today.

One can only cry so much over spilt milk, and it does not do any good after awhile. So why do we not just get on with balancing the budget? Let us help this President. Let us help him to balance the budget. First of all, vote his $83-billion tax cut down.

I have been somewhat critical of the tax cut that the President has advocated. I try to be constructive about it. But I think we also ought to be critical of the more-than-$200-billion tax cut that is being advocated by our Republican friends. That is not going to balance the budget.

"Oh," they say, "we will offset our tax cut. We can find $189 billion to offset it." Let us take a look at what they are going to offset, first, Mr. President. And then, whatever can be offset, whatever can be reasonably offset, let us apply that to the deficit.

Now, the Senator asked me to yield.

Mr. INHOFE. Mr. President, I thank the Senator from West Virginia for yielding.

The Senator asked a question, and the question was: Why not pass a tax increase? I suggest to the Senator from West Virginia that we passed, under the Clinton budget in 1993, what has been characterized as the largest single tax increase in our Nation's history.

All too often, we go back and say what a great job the administration did and we have these wonderful reductions in the deficit. I suggest to the Senator from West Virginia that a lot of people out there are learning that that kind of talk is not being very honest.

There was an article in Reader's Digest, I believe it was last December, the name of which was "Budget Baloney." In that article, they said, to let you know how they do things in Washington, a guy who has $5,000 who wants a $10,000 car, all he does is say, "Well, I really wanted a $15,000 car, but I settled on a $10,000 car. So I reduced the deficit by $5,000."

We played games for so long that I think we have an awareness and an understanding by the public out there that they did not have in years past.

I can recall one of your very good friends that you served with, Senator Carl Curtis of Nebraska, way back in 1972 was trying so hard to convince the American people that we could not continue on this road of increased deficits. Our deficit in 1972 was $15 billion. I remember this so well, because they tried to get the people of America to understand how significant the debt was, and they stacked up $1,000 bills until they were the height of the Empire State Building to try to impress upon people how significant the debt was. The debt at that time, in 1972, was $240 billion.

The first question you asked was, you know, why do we not do something about it if we want to reduce the deficit? That is a very legitimate question.

But I think that we, in the two bodies here in Congress, have demonstrated over the past 40 years that we are incapable of doing it without having some type of discipline there that we are forced to adhere to.

Mr. BYRD. Mr. President, I thank the Senator for his contribution.

Here we go again, saying that we need some kind of discipline to force us to act.

I do not know when we are going to stop breaking the mirror in the Alice in Wonderland story.

The Senator says we passed—we passed in 1993—the greatest tax increase. No, "we" did not pass it. Not a Senator on that side of the aisle voted for that tax increase. Not a Senator. Not a House Member on the Republican side of the aisle voted for that tax increase. Moreover, not one Republican on the Senator's side of the aisle or in the House on the Republican side voted for that same 1993 legislation, which, overall, reduced the budget deficits by somewhere between $450 billion to $500 billion. And it really has done better than that. The deficit has decreased 3 consecutive years in a row.

The Senator does not want to vote for a tax increase, but the Senator's party is advocating a tax cut of over $200 billion.

Now, who can possibly stand with a straight face and say, "Let's cut the deficit," and, at the same time, come in here day after day and talk about the President and how he has failed to cut the deficit, how the President has failed to exemplify leadership, who could do that with a straight face, and then turn around and say, "Let's cut taxes"?

Mr. INHOFE. Will the Senator yield?

Mr. BYRD. Not yet. I will yield in a moment.

The Senator's party is the party that is out here advocating cutting taxes louder than anybody else.

I think it is folly to cut taxes in this climate. It is folly, whether it is my President advocating it, or whether it is the so-called Contract With America. It is silly.

I cannot look my grandchildren in the eye and say "Well, I am for cutting taxes. I would rather have you live with the problems that we leave." I cannot say that to my grandchildren. "I would rather have you live with the problems that we have created in our time. I prefer that you increase taxes in your day and time."

Do not talk to me about cutting taxes. I think that is a bad message.

But we say, "Cut taxes." What utter folly! Now, the Senator's party is advocating cutting taxes. I do not see how they can do that with a straight face and come here on this floor, day after day after day and moan and groan and gnash their teeth over the fact that the balanced budget to the Constitution has been voted down. Now they say that that is the cause of the drop in the dollar. That is the cause of this, that, everything else.

But yet, not a word do they say—not a word—about the $200-plus billion tax cut that is being advocated by the so-called Contract With America.

Mr. SIMON. Will my colleague yield?

Mr. BYRD. Yes, I will yield in a moment, Mr. President.

Furthermore, I say to my friend from Oklahoma, who says we have played games, we are playing games. Yes, I was here when we played games during the Reagan administration. Read David Stockman's book, and he will tell the Senator from Oklahoma who played the games down in the Oval Office. He will tell the Senator who played the games in the Reagan administration with hidden asterisks.

I urge all Senators to read David Stockman's book. As a matter of fact, I may bring a portion of it to the floor after a while and read it. It is enlightening. Yes, I was here when the Reagan administration blew into town. And in all of the 39 previous administrations—182 years of administrations under various political parties—the Nation had accumulated a total debt of less than $1 trillion.

I saw Mr. Reagan get on television with that chart, pointing to that stack of what he called, would represent a stack of $1,000 bills, "Have a stack four inches thick and you will be a millionaire.'' He said it would take a stack of $1,000 bills 63 miles high to be representative of the debt that had been accumulated in all the administrations going back to the year 1789.

He never appeared on television with that chart again, Senator. Know why? Because during his administrations the debt reached to a total of over $3 trillion, and then, during the Bush administration, it reached $4 trillion. So, to represent that debt on the chart, with $1,000 bills stacked into the stratosphere and beyond, would probably require a stack of bills that would reach 252 miles into the sky, or some such.

I saw the debt triple. I saw it quadruple. Further, may I say to the distinguished Senator, I went down to see Mr. Reagan. I urged him not to press for his triple tax cut in 1981. He proposed a 3-year tax cut—the first year 5 percent, the next year 10 percent, and the third year, 10 percent—all in one passage. I urged him to at least leave off the third year until we could evaluate the economy, the deficit, what was happening to the dollar, interest rates, unemployment. At least, leave off the third year and wait 2 years, and then if he felt compelled to go for the third year, then try it. Why go for a 3-year tax cut all at once? He never could tell me why, never. He looked at his little card, the notes on the card, but he never could answer that question.

So now we have the aftermath of the Reagan tax cuts of 1981. I voted for his tax cuts. I have always regretted it. My constituents back home said ''Give the man a chance. Give this new President a chance.'' I gave him a chance. I have regretted it ever since. There is blame enough to go around, Senator.

The Senator from Oklahoma has talked about the last 40 years. Do not go back that far. Just go back to the fiscal year 1981 budget. Start there. Start there and see then what happened.

I yield.

Mr. SIMON. Mr. President, I agree with two-thirds of what my colleague from West Virginia has to say, and he knows I differ on the balanced budget amendment.

I do believe, however, in the immediate choices that we face, one is a tax cut. I think it makes absolutely no sense. When I was in the House I voted against the Reagan tax cut and I voted against the Democratic tax cut. We were in a bidding war, we are in a bidding war again. I am going to vote against the Republican vote, and I am going to vote against the Democratic tax cut. I do not think they make any sense at all.

In terms of tax increases, I think the political reality is we can only pass them if they are for designated purposes. The American public—if we need it for balancing the budget, it is very interesting—53 percent of the American public says they are for balancing the budget, even if it means they have to sacrifice. I think they are willing to face that.

In 1990, if I may be immodest, I faced reelection. One of the things my opponent, a very distinguished woman who served in the House, Lynn Martin, used against me, is that I said I think we need increases in Federal taxes to balance the budget.

I can remember reading in Roll Call that I was destined to defeat. I ended up getting the biggest plurality of any contested Senator of either political party running for reelection that year. I think people want to be told the truth.

The reality is on tax increases—if we take the 18 Western industrialized countries as a percentage of our income—we pay a lower percentage than any of the other countries. We have the lowest tax on gasoline of any country outside of Saudi Arabia. We have the lowest tax on cigarettes. We do not have a value-added tax that many countries have. But I think the reality is we have to tie any kind of revenue increase with something concrete, like a health program. Or like getting rid of the deficit.

As my colleague who is presiding, Senator CRAIG, knows, I have said all along that I think we have to combine cuts in spending to achieve a balanced budget with increases in revenue. I think that is the reality.

I do believe—and here I differ with my colleague from West Virginia—I do believe the only way we are really going to get a balanced budget is with constitutional restraint. I respect the fact that he and I differ on that question. I thank him for yielding.

Mr. BYRD. I thank the Senator. We do not have to wait. We do not have to wait for a constitutional amendment.

Mr. SIMON. I agree.

Mr. BYRD. Putting that aside entirely, I have many reasons for opposing the constitutional amendment to balance the budget. I am not against amending the Constitution. I have voted for five amendments to the Constitution since I have been in the Senate. Enough of that.

Mr. INHOFE. Will the Senator yield?

Mr. BYRD. The framers saw a need for amendments at some point in time, so they provided a way to do that in the Constitution itself. But I am opposed to amending the Constitution to write fiscal theory into it, fiscal policy. I am also opposed to destroying our constitutional system of mixed powers and checks and balances by a constitutional amendment to balance the budget.

I respect those who differ with me, but why do we keep on talking about a constitutional amendment? We Senators have as much power as Senators in the year 2002 will have. Why wait?

Mr. INHOFE. Will the Senator yield?

Mr. BYRD. I will in a moment. Why wait? Why not do it now? Instead, we continue to hear those who are up here every day pining over the loss of the balanced budget amendment, still bewailing the loss of the constitutional amendment that they say would give us discipline, that would put a little iron in our backbone; that great constitutional amendment, still crying over it, weeping, bemoaning the days of the past when the Senate voted down that monstrosity—killed it.

I hope that Senators will stop whining and weeping and bemoaning that vote. Let us get on with balancing this budget that they want so much to do. Let us get on with doing something for our children and grandchildren, which the Senators say they want so much to do. And, first of all, may I say to my friends on the other side, stop talking about Mr. Clinton until you yourselves are willing to vote for a deficit reduction package that he helped us to work out. You did not demonstrate your willingness to do that.

The Senator from Oklahoma was not here at that time, of course. But Republican Senators did not demonstrate a willingness in 1993 to exercise a little discipline, a little steel in the backbone. They used the excuse, and still use it, that it increased taxes.

I say, let them haul down the banner, haul down their own party banner of a tax cut. It is silly—silly—whether you use the old math or the new math. How in the world can anyone with a straight face get up here day after day and complain about a balanced budget constitutional amendment that was rejected and, at the same time, support a so-called Contract With America that would advocate a $200-billion-plus tax cut? That is what the Republican leadership is doing, advocating over $200 billion in tax cuts to the middle class.

If we really mean business about reducing the deficit, that will bring more relief to the middle class and every other class in this country and to our children and to our children's children, let us get on with balancing the budget, and not rule out the raising of taxes. That is a tool that could be used to balance the budget and to decrease the deficit. I am not on the Finance Committee or the Ways and Means Committee, but I certainly am open to suggestions as to how we might enact a tax increase that would be calculated and directed toward reduction of the deficit. There are many people in this country who can afford such a tax. Do not put the tax option off the table. At least leave it on the table as something to consider.

Yes, I yield.

Mr. INHOFE. The distinguished Senator from West Virginia has asked the question a couple of times that I previously answered, and that question is, What are we doing? I think, I say to the Senator, that if we have demonstrated that we have been incapable of doing it, that we are incapable of facing up to that insatiable appetite for spending money that future generations will have to pay back, year after year after year, then that should be evidence enough the discipline, the word you do not seem to like, is necessary.

Mr. BYRD. Oh, I like the word discipline. I like it. I like the word discipline. I have no problem with the word discipline. Let us discipline ourselves now. Let us not wait until we garble and scar the Constitution waiting on some magic discipline that that might give us. Let us exercise discipline now.

Mr. INHOFE. Let me repeat to the Senator from West Virginia.

Mr. BYRD. I yield.

Mr. INHOFE. We have demonstrated we are incapable of doing it——

Mr. BYRD. No, we are not incapable.

Mr. INHOFE. Year after year after year.

Mr. BYRD. No, no.

Mr. INHOFE. Some 48 States—in 1941 in Oklahoma, we were incapable of doing it. We passed a balanced budget amendment and it worked.

I want to address one other thing that you mentioned and——

Mr. BYRD. On that point—Mr. President, I have the floor—on that point about the States, the States do not balance their budgets in the sense that we are talking about balancing the Federal budget. The States have operating budgets. The States have capital budgets, and the Senator knows that. And to use that old canard is to fool the American people. The American people know that the States do not balance their budgets. The States borrow money, the States are in debt, the States are going more and more into debt every year.

Mr. INHOFE. Will the Senator yield on that?

Mr. BYRD. Yes.

Mr. INHOFE. They borrow money, but the difference is the States pay the money back.

Mr. BYRD. Oh——

Mr. INHOFE. The cities pay it back. I served in the State legislature.

Mr. BYRD. So did I.

Mr. INHOFE. I served as mayor of a major city, the city of Tulsa, and we have those constraints beyond which we cannot spend. It has worked very effectively. I did not get to the point I wanted to.

Mr. BYRD. On that point, let us stay with that point. I was majority leader when the Governors and the mayors of the country came to Washington with their hats in their hands and their hands out.

Mr. INHOFE. No, not this mayor. I was a mayor when you were majority leader.

Mr. BYRD. I did not say anything about the Senator. I was saying I was majority leader once. I was majority leader twice, and I saw the Governors of the States and mayors. I talked with them on the telephone. They called me on the telephone. They wanted this help; they wanted this aid; they wanted that aid; they wanted this appropriation increased. Do not talk to me about the great job the mayors and Governors have done throughout this country in balancing their budgets without help from the Federal Government.

Now, that is not to say that mayors and Governors have not taken strong actions to try to curtail expenditures. I do not say that at all. But do not come here trying to tell this Senator that the States balance their budgets. They do not do it, and they get a lot of help from the Federal Government. I know. I have met them right there, back there in my office and right over here in that office when I was leader. Do not tell me that stuff.

Mr. INHOFE. Will the Senator yield further?

Mr. BYRD. I know different. Yes, I yield.

Mr. INHOFE. I wanted to address this subject of the tax increase that you seem to be advocating at this time. There is a great misunderstanding about tax increases. When you look at what our problem is today, I offer a very friendly alternative to your philosophy, and that is, our problems are not that we are taxed too little, we are spending too much.

When you talk about a tax reduction that has been offered, you are also talking about spending reductions that are going to be offered at the same time.

I would like to suggest also that perhaps you share the philosophy of the chief financial adviser to the President, Laura Tyson, when she said that there is no relationship between the level of taxation and economic activity, and herein is the problem that we are having in communicating within this body and with the administration.

You are talking about the tax cuts during the eighties, during the Reagan years and the Bush years, keeping in mind just a few of those years did we have even control of one of the Houses, so it took both Houses to do it.

In 1980, the total revenues——

Mr. BYRD. We did not have control of the White House.

Mr. INHOFE. If the Senator will read the Constitution which he has in his pocket there and very available to him——

Mr. BYRD. Yes.

Mr. INHOFE. I am sure that he will see that it is the constitutional responsibility of Congress to develop the budget, to pass the budget on to the President.

In 1980, the total revenues that were derived from the income taxes amounted to $244 billion. In 1990, 10 years later, the total revenues that were derived were $466 billion. In that interim period, in the 1980's came the largest marginal tax reductions, as the Senator has already mentioned, that we probably have had in any 10-year period in this Nation's history.

The maximum rate then went down from 70 percent to 28 percent. We had some help as far as capital gains taxes are concerned. And yet during that time we actually increased the revenue from those sources.

The fact is that for each 1-percent increase in economic activity we increase revenues by $24 billion. And if we can increase economic activity, we can increase revenues. What has been suggested by many of the conservative think tanks using the CBO's projections is that we can balance the budget without cutting any programs. We can balance the budget without reducing any programs. The 2-percent-growth concept which we have already talked about, the Senator and I have, on the floor of this body, is one that would actually bring the budget into balance in approximately 8 years and not reduce one Government program; without a tax increase.

Mr. BYRD. I say to the Senator, the Congress has cut the Presidents' deficits. Since 1945, over that period of 50 years, Congress has appropriated something like $200 billion less than the accumulated budgets that have been requested by the various Presidents who have occupied the White House during those years. Congress has a good record.

Mr. INHOFE. I will grant the Senator that on occasion Presidents have left their philosophy feeling they could not get a budget passed and have gone to Congress such as was the case with President Bush at the famous meeting out at Andrews Air Force Base where he decided to go ahead and agree to a tax increase.

I think now in retrospect, and I think he believes the same thing, that was a mistake.

Before I catch a plane, I have one other area the Senator mentioned I feel compelled to address which is the issue of grandchildren.

The Senator might remember here a few weeks ago—it seems as if we have been addressing this subject now for quite a few weeks—I had occasion to give a talk over here for about an hour and 10 minutes with the picture of two beautiful children behind me, and those two children were my grandchildren.

If we are to look at this in a compassionate way, I think that should be the driving force for our actions today because virtually everyone who has made any kind of a prediction, CBO included, has said that if we do not change from the way we have been doing business for the last 10 years and the last 40 years, if you project that forward, someone who is born today such as my two grandchildren, who are less than 2 years old, will have to pay 82 percent of their lifetime income in taxes.

Now, the distinguished Senator advocates increases in taxes. I believe, and I believe the people who voted in the election on November 8 believe, that we can do it without increasing taxes but cutting the size of Government.

I used two charts here in the Chamber to show that those individuals who were opposing the balanced budget amendment were also the same ones who historically on the record are the biggest taxers and spenders in Congress, in both Houses. And also I showed on a chart that those individuals who lost the election, the 66 House Members that are not here after the November 8 election, and the eight Senators who either retired or are not here for one reason or another, all of them had a National Taxpayers Union rating of D or F. That is the universally accepted rating for those people who tax and spend. And all of them had voted for the 1993 stimulus bill, which was the largest spending increase, and the 1993 tax increase, which was the largest tax increase.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I saw those lovely pictures of the Senator's grandchildren, and we all love our grandchildren. I have been loving my grandchildren for almost 30 years now. But if we really want to do something for those grandchildren, those two lovely grandchildren whose pictures the Senator so proudly and prominently displayed on the floor, let us get on with the business of reducing the deficits now. We do not have to have any constitutional amendment to balance the budget. We have the tools in our own hands now. If we really want to help those grandchildren, let us get on with balancing the budget. Let us speak out against tax cuts for the middle class, whether they are being advocated by Mr. Clinton or by the so-called Contract With America.

Now is not the time for a tax cut. And let us not remove possible tax increases from the table when it comes to consideration. There must be some heads in this Chamber who have the expertise, who serve on the tax writing committees, who could devise a tax increase that would be calculated to reduce the deficit, which could be directed solely to the reduction of the deficit.

I know it is not easy to vote for a tax increase. I have been in political bodies—I am in my 49th year of serving in various and sundry legislative bodies. It is not easy to vote for tax increases. It is always easy to vote for tax cuts. But I think we have to forget the easy road now and at least consider increasing some taxes. We do have to continue to cut spending. I carry no brief for protecting all spending. There is some spending we have to do as a Government of a great people. We have to invest in our people's future.

Mr. INHOFE. One last comment before I leave.

Mr. BYRD. Not yet. I will yield to the Senator. I am conscious of the fact that he needs to catch a plane. But let me finish what I was about to say.

There is not only a Federal fiscal deficit but there is also an investment deficit. I was at the 1990 summit with Mr. Bush and with the Republican leadership and with the Democratic leadership in both ends of the Capitol. I said at the summit, we have an investment deficit. We need to build up our infrastructure, both human and physical. Any business or company that does not improve its plant and equipment and keep its employees trained to the new mode of manufacturing or production of things is going to go under. Business has to invest. Our country needs to invest. And spending moneys for infrastructure is wise. We just cannot cut everything.

During the Reagan years, and up to now, we have continued to cut domestic discretionary spending. It has been cut to the bone. I say to the Senator, we will have cut over the next 5 years—in the 1993 deficit reduction package, we cut Government spending. We cut domestic discretionary spending. And we put the level of spending on a 5-year downward glide. We froze it, meaning that we would not take into account inflation from year to year.

Not only that, but the amendment that was offered in the Finance Committee by Mr. EXON and Mr. GRASSLEY further cut $26 billion below a freeze. That $26 billion was reduced to a $13 billion cut in conference with the other body. So we are operating below a freeze in discretionary spending.

That is not to say we cannot cut more. But we cannot take defense off the table and say we will not touch it and still balance the budget and have a tax cut. All of these goodies—if you have a tax cut at the same time—we cannot do it.

Mr. INHOFE. Will the Senator yield?

Mr. BYRD. Yes, I yield.

Mr. INHOFE. One more comment. It was not my intention to use so much of the Senator's time.

I can only say, I am going to catch a plane. I am going back to Oklahoma where real people are, where the people spoke loudly and clearly in the November 8 election when they said: We want to downsize the scope of Government; we do not want to have Government involved in our lives to the degree that Government now is involved.

You and I probably will disagree philosophically with the role of Government. But the bottom line is, and I say it one last time, we have demonstrated we cannot do it, that either we cannot or will not do it.

I have not given up. I would like to serve notice to everyone in this Chamber, I believe we will get that one additional vote because the people are now identifying what is going on in this country and they are going to be heard.

I have the utmost respect for the Senator from West Virginia, but I suggest if you take a trip back to West Virginia, you will hear the same thing there.

Thank you.

Mr. BYRD. Mr. President, on that point, may I say to my friend, he does not need to instruct me about going to West Virginia. When he says he is going to Oklahoma where "real people are," he does not have to travel that far. West Virginia is within an hour and a half's drive. West Virginians are "real people." The people of Oklahoma are real people. The people of West Virginia are real people.

May I say to the Senator, I came here when I was a little wet behind the ears, too. For me to say to another Senator that he ought to go back to his own State and see what the people say—that is a little bit—that is stretching one's credibility a little bit.

Mr. INHOFE. I would say I appreciate the compliment, to the Senator from West Virginia, because this is the first time since I have reached the age of 60 I have been called wet behind the ears.

Mr. BYRD. Of course, a person who is 77, who has been in this body 37 years, can remember when he, this Senator from West Virginia, came here when he, too, was wet behind the ears. But I have never said to a Senator: You ought to go back to your own State and see what the people think. Leave me and my fellow West Virginians to ourselves.

Does anybody else want me to yield? I yield to the—I will either yield the floor or yield to the lady.

Mrs. HUTCHISON. Mr. President, I was just going to ask the Senator from West Virginia—I would like to make a statement totally off this subject in morning business talk. But I certainly do not want to interrupt the Senator if he is in the middle of continuing his speech on the amendment. I was really asking for a clarification of his ability to yield me some time, but I do not want to interrupt.

Mr. BYRD. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia yields the floor.

Mrs. HUTCHISON. Mr. President, I thank the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from Texas.

A STRAITJACKET FOR LILLIE RUBIN

Mrs. HUTCHISON. Mr. President, our regulatory reform debate has ranged from the sublime to the ridiculous and back. Today I would like to weigh in briefly on the side of the ridiculous.

The dressing room of a fine women's clothing store may seem like an odd place for the EEOC to intrude in a way that perfectly illustrates regulatory excess, but that is exactly where we find ourselves today. The firm in question, Lillie Rubin, is a successful 49-year-old business with 60 affiliates, specializing in clothes for women. But the EEOC is measuring Lillie Rubin for a new outfit, and I think it seems like more of a straitjacket than a woman's dress.

In opposition to its own regulations and its own previous decisions, the EEOC has ruled that a Lillie Rubin store in Phoenix must employ male salespeople, and it is demanding that they be allowed to work in the store's fitting rooms where female customers try on clothes. I know this does not sound like an EEOC case so much as an "I Love Lucy" rerun, but it is true.

However much our society has changed, I still believe that certain standards prevail, and I believe this dress store's customers should not be guinea pigs in a new Government experiment. I am astounded that an agency of the Government would seek to strong-arm a private business into violating basic standards in such an outrageous way. It is beyond my understanding why the EEOC would try to force a business such as Lillie Rubin to sacrifice the privacy of its customers in order to avoid Government censure.

But customer privacy is not all that Lillie Rubin would be sacrificing if it is forced to comply with this EEOC ruling. What the EEOC has concocted is a remedy that could well drive away Lillie Rubin's customers and hurt its business.

This is more than regulatory intrusion. The EEOC decision, if not reversed, will leave the company in an exposed financial position.

As a final blow, EEOC is insisting that Lillie Rubin pay for newspaper advertisements to publicize that it may be vulnerable to EEOC claims by men who have applied in the past or might in the future.

The EEOC's approach to Lillie Rubin has been highhanded and arbitrary in the extreme, and bizarre, I think, as well. According to the company, one EEOC investigator told a company representative that "Some women like it" when there are males in the dressing room when they disrobe.

Mr. President, I ask you, is that what the taxpayers of America want their hard-earned dollars to pay for from our Government employees? Is that what this Congress wants the people to whom we are delegating our authority to implement regulations to do? Of course not. I am sure President Clinton would not want an agency of his executive branch to be putting forward a policy that forces men into women's dressing rooms. Surely he realizes by now that it is impossible for one individual, regardless of how powerful, to even think that this would happen and to come to grips with the regulatory gridlock that has been created here.

I think this argues even more for a regulatory moratorium. If these kinds of things are out there happening in the real world, and if regulators are going to this extreme, I think it is time to have a moratorium that says: Hold it. Time out. Let us bring common sense into this process and let us find out how big the problem is.

I think this Lillie Rubin example is one more in a multitude of examples that we have heard talked about on the House floor in the last few weeks, and on this floor, talking about trying to put parameters and common sense into our regulatory framework. The EEOC's treatment of Lillie Rubin is tailor made—if I could use a pun—to show how bureaucratic intrusiveness is sapping the productivity of American business and how it is costing Americans billions of dollars every year.

I hope we can put common sense into the system. I hope this just illustrates how much we need to put common sense into the system. And I hope the EEOC will hear this put in context and retreat from such a ridiculous requirement of a women's dress store to hire male salespeople and allow them into the dressing rooms.

This is something we must stop. I hope the regulatory moratorium bill will be the first step to allow us to say: Enough is enough. This is not the way our American taxpayers expect their taxpayer dollars to be used.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT OF 1995

The Senate continued with the consideration of the bill.

AMENDMENT NO. 331

Mr. FAIRCLOTH. Mr. President, I rise in support of the Kassebaum striker replacement amendment. I strongly support the amendment offered by the distinguished Senator from Kansas. The Executive order is one more example of the President's bypassing the legislative process to accomplish his own agenda just as he did with the Mexican bailout which has been the subject of a Banking Committee hearing this morning and it is proving to be a monetary Vietnam.

More importantly, this amendment is essential to overturn an Executive order which would unilaterally resurrect archaic labor policies that undermine our national effort to move our economy successfully into the competitive international markets of the 21st century.

The President's action places at risk the integrity of our entire system of collective bargaining which is based on a delicate balance of the rights of employees to withhold their labor and the right of management to continue business operations during a strike. The President suggests that the ban on permanent replacement workers by businesses engaged in Federal contracts will lead to the more efficient performance of such contracts. This is ridiculous and is totally wrong. I am convinced that by upsetting the balance between labor and management, the entire system of collective bargaining will break down resulting in more strikes, business bankruptcies, and fewer jobs.

While this Executive order is limited to Federal contracts, the intent of the President and the opponents of this amendment is clear. They seek to return this country to labor policies which history has rejected as proven failures over and over. This Executive order embodies a labor policy completely at odds with current realities in the international marketplace.

It is contrary to the interests of working Americans striving for success in a global economy where free trade is the order of the day. It panders to special union interests who seek to protect their own privileged position at the expense of other working people. And it is a cynical attempt to delay congressional consideration of the priorities which voters last November clearly indicated they were most interested in.

The Congress has on many occasions debated the merits of banning permanent replacement workers. The most recent occasion was during the last Congress when the administration's proposal to overturn a 60-year interpretation of the National Labor Relations Act was defeated by a Congress controlled by the President's own party.

Last week, the President actively fought against the balanced budget amendment. This week he issues an Executive order on striker replacement knowing that it will be used by supporters to halt congressional consideration of legislation which the administration opposes.

In November the voters spoke unmistakably about their expectations for the 104th Congress. In my opinion during the first 100 days of this Congress the electorate does not expect us to devote our time and energies to long-settled issues which were recently revisited and reaffirmed.

My colleague from Kansas has offered a reasonable proposal limited to this fiscal year. I believe that at some point during this Congress we should consider legislation which would permanently nullify the President's Executive order. At a later date I will welcome a full debate on striker replacement with those who support the President's action, but not at this time.

I encourage opponents of this amendment to allow the Senate to continue with our consideration of the defense supplemental appropriations and then proceed with other important issues such as the line-item veto, welfare reform, product liability reform, tort reform, and a regulatory moratorium.

These are the issues that last November voters expected us to consider at this time, I think, and it is time we get on with considering them at a rapid rate.

Mr. President, I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I welcome the opportunity this afternoon to address some of the issues in question that have been raised by the Kassebaum amendment and hopefully resolve the questions that have been raised so that we will be able to move beyond the Kassebaum amendment to address the underlying issue which is the appropriations which are necessary for our national defense and national security.

This particular proposal is not really appropriate on this particular measure. But it has been the desire of a number of our Members to continue the debate and discussion on the measure rather than consider the urgency of the underlying proposal.

So I welcome the chance to respond to a number of the questions that have been raised including the questions that have been raised by my friend from North Carolina in his own comments.

The argument we hear over and over is the President is changing the law, that Congress gave employers the rights to use permanent replacements and the President is taking away that right. Let us look a little closer at this argument.

In the first place, Congress never gave employers the right to use permanent replacements. The National Labor Relations Act never uses the term and it was not in the act of 1935, and it is not there today. What Congress did say was very different. Section 13 states very plainly:

> Nothing in this act, except as specifically provided herein, shall be construed so as to either interfere with, or impede, or in any way diminish the right to strike, or to affect the limitations or qualifications on that right.

But nevertheless it is true that employers can use permanent replacements. If they did not get that right from Congress, where did it come from? The answer, of course, is the Supreme Court's decision in the 1938 case of Mackay Radio where the Court interpreted the act to allow the use of permanent replacements despite the statute's proscription against diminishing the right to strike. But even Mackay did not give employers the right to use permanent replacements. It merely said the National Labor Relations Act does not prohibit their use.

The Court said that the powers of the National Labor Relations Board and the act's legal machinery could not be used to stop employers from using permanent replacements. Has President Clinton changed that law or attempted to change it? No, he has not. Any Senator who will take the time to read the Executive order will see that he has not. It is still legal under the National Labor Relations Act to use permanent replacements.

There is no back pay remedy in the Executive order for workers whose jobs are taken from them. There is no power granted to the National Labor Relations Board to go to the court and get an order blocking the employer's use of permanent replacements. Those are the powers and remedies the Congress debated in the last Congress when we considered S. 55, not the President's power to administer Federal contracts. President Clinton has not given the National Labor Relations Board any of the powers that Congress debated in S. 55 nor has he given the Board any new powers at all.

So to say the Executive order is an end run around the Congress is untrue. The Congress never debated whether the President should exercise his procurement powers to prevent the kind of lengthy and bitter strikes that occur when Federal contractors use permanent replacements. We have never debated whether it makes sense, as I believe it does, for the President to prevent situations from occurring where unusually lengthy strikes led us to long periods where critical products such as fighter jet engines or missile guidance systems are produced entirely by any untrained workers brought in as permanent replacements for 20- or 30-year skilled veterans. I believe it does not make sense for the President to do that. It does make sense for the President to do what he can to protect the Government's procurement process from that sort of situation.

But no one should doubt that he has the power to do so. This power may be inherent in the Executive. But in any case, Congress has given the President this authority through the Federal Property and Administrative Services Act.

(Mr. SMITH assumed the chair.)

Mr. KENNEDY. Now, Senator KASSEBAUM might want to take that power away, but there is no end run here. Congress gave the power, gave the President the authority to oversee contracting by the Federal agencies and Executive Order 12954, is an exercise of that authority.

I hope, Mr. President, that over the period of the weekend our Members will have a chance to review the Department of Justice's legal memoranda supporting that authority.

I ask unanimous consent that that memorandum be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WASHINGTON, DC, *March 9, 1995.*

Memorandum for Janet Reno, Attorney General.

From: Walter Dellinger, Assistant Attorney General.

Re: Executive Order No. 12954, entitled "Ensuring the Economical and Efficient Administration and Completion of Federal Government Contracts".

On March 6, 1995, we issued a memorandum approving as to form and legality a proposed executive order entitled, "Ensuring the Economical and Efficient Administration of Federal Government Contracts." On March 8, 1995 the President signed the proposed directive, making it Executive Order No. 12954. This memorandum records the basis for our prior conclusion that the Federal Property and Administrative Services Act vests the President with authority to issue Executive Order No. 12954 in light of his finding that it will promote economy and efficiency in government procurement.

I

Executive Order No. 12954 establishes a mechanism designed to ensure economy and efficiency in government procurement involving contractors that permanently replace lawfully striking workers. After a preamble that makes and discusses various findings and ultimately concludes that Executive Order No. 12954 will promote economy and efficiency in government procurement, the order declares that "[i]t is the policy of the Executive branch in procuring goods and services that, to ensure the economical and efficient administration and completion of Federal Government contracts, contracting agencies shall not contract with employers that permanently replace lawfully striking employees." Exec. Order No. 12954, §1. The order makes the Secretary of Labor ("Secretary") responsible for its enforcement. *Id.* §6. Specifically, the Secretary is authorized to investigate and hold hearings to determine whether "an organizational unit of a federal contractor" has permanently replaced lawfully striking employees either on the Secretary's own initiative or upon receiving "complaints by employees" that allege such permanent replacement. *Id.* §2.

If the Secretary determines that a contractor has permanently replaced lawfully striking employees, the Secretary is directed to exercise either or both of two options. First, the Secretary may make a finding that all contracts between the government and that contractor should be terminated for convenience. *Id.* §3. The Secretary's decision whether to issue such a finding is to be exercised to advance the government's economy and efficiency interests as set forth in section 1. *Id.* §1 ("All discretion under this Executive order shall be exercised consistent with this policy.") The Secretary is then to transmit the finding to the heads of all departments and agencies that have contracts with the contractor.[1] Each such agency head is to terminate any contracts that the Secretary has designated for termination, unless the agency head formally and in writing objects to the Secretary's finding. *Id.* §3. An agency head's discretion to object is also limited to promoting the purpose of economy and efficiency as set forth in the policy articulated in section 1.

The Secretary's second option is debarment. If the Secretary determines that a contractor has permanently replaced lawfully striking employees, the Secretary is to place the contractor on the debarment list until the labor dispute has been resolved, unless the Secretary determines that debarment would impede economy and efficiency in procurement. The effect of this action is that no agency head may enter into a contract with a contractor on the debarment list unless the agency head finds compelling reasons for doing so. *Id.* §4.

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[1] Footnotes at end of article.

Executive Order No. 12954, taken as a whole, sets forth a mechanism that closely ties its operative procedures—termination and debarment—to the pursuit of economy and efficiency. The President has made a finding that, as a general matter, economy and efficiency in procurement are advanced by contracting with employers that do not permanently replace lawfully striking employees. Additionally, the President has provided for a case-by-case determination that his finding is justified on the peculiar facts and circumstances of each specific case before any action to effectuate the President's finding is undertaken.

II

The Supreme Court has instructed that "[t]he President's power, if any, to issue [an] order must stem either from an act of Congress or from the Constitution itself." *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 585 (1952). The President's authority to issue Executive Order No. 12954 is statutory; specifically, the Federal Property and Administrative Services Act of 1949 ("FPASA"). That statute was enacted "to provide for the Government an economical and efficient system for . . . procurement and supply." 40 U.S.C. §471. The FPASA expressly grants the President authority to effectuate this purpose, "The President may prescribe such policies and directives, not inconsistent with the provisions of this Act, as he shall deem necessary to effectuate the provisions of said Act, which policies and directives shall govern the Administrator [of General Services] and executive agencies in carrying out their respective functions hereunder." *Id.* §486(a). An executive order issued pursuant to this authorization is valid if (a) "the President acted 'to effectuate the provisions' of the FPASA," and (b) the President's "action was 'not inconsistent with' any specific provision of the Act." *American Fed'n of Gov't Employees v. Carmen*, 669 F.2d 815, 820 (D.C. Cir. 1981) (quoting 40 U.S.C. §486(a)). We are not aware of any specific provision of the FPASA that is inconsistent with Executive Order No. 12954. Therefore, we turn to the question whether the President acted to effectuate the purposes of the FPASA.

Every court to consider the question has concluded that §486(a) grants the President a broad scope of authority. In the leading case on the subject, the United States Court of Appeals for the District of Columbia Circuit, sitting en banc, addressed the question of the scope of the President's authority under the FPASA, and §486(a) in particular. *See AFL–CIO v. Kahn*, 618 F.2d 784 (D.C. Cir.) (en banc), *cert. denied*, 443 U.S. 915 (1979). A plausible argument that the FPASA granted the President only narrowly limited authority was advanced and rejected. *See id.* at 799–800 (MacKinnon, J., dissenting). After an extensive review of the legislative history of that provision, the court held that the FPASA, through §486(a), was intended to give the President "broad-ranging authority" to issue orders designed to promote "economy" and "efficiency" in government procurement. *Id.* at 787–89. The court emphasized that "'[e]conomy' and 'efficiency' are not narrow terms; they encompass those factors like price, quality, suitability, and availability of goods or services that are involved in all acquisition decisions." *Id.* at 789; *see also* Peter E. Quint, *The Separation of Powers under Carter*, 62 Tex. L. Rev. 786, 792–93 (1984) (although §486(a) "easily could be read as authorizing the President to do little more than issue relatively modest housekeeping regulations relating to procurement practice * * *. The *Kahn* court found congressional authorization of sweeping presidential power * * *."); Peter Raven-Hansen, *Making Agencies Follow Orders; Judicial Review of Agency Violations of Executive Order 12,291*, 1983 Duke L.J. 285, 333, n.266; Jody S. Fink, *Notes on Presidential Foreign Policy Powers (Part II)*, 11 Hofstra L. Rev. 773, 790–91 n.132 (1983) (characterizing *Kahn* as reading §486(a) to grant President "virtually unlimited" authority).

The court then concluded that a presidential directive issued pursuant to §486(a) is authorized as long as there is a "sufficiently close nexus" between the order and the criteria of economy and efficiency. *Kahn*, 618 F.2d at 792. Although the opinion does not include a definitive statement of what constitutes such a nexus, the best reading is that a sufficiently close nexus exists when the President's order is "reasonably related" to the ends of economy and efficiency. *See id.* at 793, n.49; Harold H. Bruff, *Judicial Review and the President's Statutory Powers*, 68 Va. L. Rev. 1, 51 (1982) ("in *AFL–CIO v. Kahn*, the court stated an appropriate standard for reviewing the basis of a presidential action—that it be 'reasonably related' to statutory policies") (footnote omitted).

As one commentator has asserted, under *Kahn*, the President need not demonstrate that an order "would infallibly promote efficiency, merely that it [is] plausible to suppose this." Alan Hyde, *Beyond Collective Bargaining: The Politicization of Labor Relations under Government Contract*, 1982 Wis. L. Rev. 1, 26. In our view a more exacting standard would invade the "broad-ranging" authority that the court held the statute was intended to confer upon the President. *See Kahn*, 618 F.2d at 787–89. In addition, a stricter standard would undermine the great deference that is due presidential factual and policy determinations that Congress has vested in the President. *See, e.g.*, Henry P. Monaghan, *Stare Decisis and Constitutional Adjudication*, 88 Colum. L. Rev. 723, 738 (1988).[2]

We have no doubt, for example, that §486(a) grants the President authority to issue a directive that prohibits executive agencies from entering into contracts with contractors who use a particular machine that the President has deemed less reliable than others that are available. Contractors that use the less reliable machines are less likely to deliver quality goods or to produce their goods in a timely manner. We see no distinction between this hypothetical order in which the President prohibits procurement from contractors that use machines that he deems unreliable and the one the President has actually issued, which would bar procurement with contractors that use labor relations techniques that the President deems to be generally unreliable, especially when the Secretary of Labor and the contracting agency head each confirm the validity of that generalization in each specific case.

The preamble of Executive Order No. 12954 sets forth the President's findings that the state of labor-management relations affects the cost, quality, and timely availability of goods and services. The order also announces his finding that the government's procurement interests in cost, quality, and timely availability are best secured by contracting with those entities that have "stable relationships with their employees" and that "[a]n important aspect of a stable collective bargaining relationship is the balance between allowing businesses to operate during a strike and preserving worker rights." The President has concluded that "[t]his balance is disrupted when permanent replacement employees are hired." In establishing the policy ordinarily[3] to contract with contractors that do not hire permanent replacement workers, the President has found that he will advance the government's procurement interests in cost, quality, and timely availability of goods and services by contracting with those contractors that satisfy what he has found to be an important condition for stable labor-management relations.

The order's preamble then proceeds to set forth reasonable relation between the government's procurement interests in economy and efficiency and the order itself. Specifically, the order asserts the President's finding that "strikes involving permanent replacement workers are longer in duration than other strikes. In addition, the use of permanent replacements can change a limited dispute into a broader, more contentious struggle, thereby exacerbating the problems that initially led to the strike. By permanently replacing its workers, an employer loses the accumulated knowledge, experience, skill, and expertise of its incumbent employees. These circumstances then adversely affect the businesses and entities, such as the Federal Government, which rely on that employer to provide high quality and reliable goods or services." We believe that these findings state the necessary reasonable relation between the procedures instituted by the order and achievement of the goal of economy and efficiency.

It may well be that the order will advance other permissible goals in addition to economy and efficiency. Even if the order were intended to achieve goals other than economy and efficiency, however, the order would still be authorized under the FPASA as long as one of the President's goals is the promotion of economy and efficiency in government procurement. "We cannot agree that an exercise of section 486(a) authority becomes illegitimate if, in design and operation, the President's prescription, in addition to promoting economy and efficiency, serves other, not impermissible, ends as well." *Carmen*, 669 F.2d at 821; *see Rainbow Nav. Inc. v. Dep't of the Navy*, 783 F.2d 1072 (D.C. Cir. 1986); Kimberly A. Egerton, Note, *Presidential Power over Federal Contracts under the Federal Property and Administrative Services Act: The Close Nexus Test of* AFL–CIO v. Kahn, 1980 Duke L.J. 205, 218–20.

Since the adoption of the FPASA, Presidents have consistently regarded orders such as the one currently under review as being within their authority under that Act. As the court *explained* in *Kahn*, Presidents have relied on the FPASA as authority to issue a wide range of orders. 618 F.2d at 789–92 (noting the history of such orders since 1941, especially to institute "buy American" requirements and to prohibit discrimination in employment by government contractors). Not surprisingly this executive practice has continued since *Kahn*. For instance, President Bush issued Executive Order No. 12800, which required all government contractors to post notices declaring that their employees could not "be required to join a union or maintain membership in a union in order to regain their jobs." 57 Fed. Reg. 12985 (April 13, 1992). The order was supported solely by the statement that it was issued "in order to * * * promote harmonious relations in the workplace for purposes of ensuring the economic and efficient administration and completion of Government contracts." *Id.*[4] This long history of executive practice provides additional support for the President's exercise of authority in this case. *See Kahn*, 618 F.2d at 790.[5] This is especially so where, as here, the President sets forth the close nexus between the order and the statutory goals of economy and efficiency.

It may be that in individual cases, a contractor that maintains a policy of refusing to permanently replace lawfully striking workers may nevertheless have an unstable labor-management relationship while a particular contractor that has permanently replaced lawfully striking workers may have a more stable relationship. As to such situations, however, the Secretary and the contracting agency heads retain the discretion to continue to procure goods and services from contractors that have permanently replaced lawfully striking workers if that procurement will advance the federal government's economy and efficiency interests as articulated in section 1 of Executive Order No. 12954.[6] We recognize that, even with these safeguards, it could happen that a specific decision to terminate a contract for convenience or to debar a contractor pursuant to the order might not promote economy or efficiency. The courts have held that it remains well within the President's authority to determine that such occurrences are more than offset by the economy and efficiency gains associated with compliance with an order generally. *See Kahn*, 618 F.2d at 793.[7]

Similarly, it would be unavailing to contend that Executive Order No. 12954 will secure no immediate or near-term advancement of the federal government's economy and efficiency procurement interests. Section 486(a) authorizes the President to employ "a strategy of seeking the greatest advantage to the Government, *both short- and long-term*," and this is "entirely consistent with the congressional policies behind the FPASA." *Id. emphasis added); cf. Contractors Ass'n v. Secretary of Labor*, 442 F.2d 159, 170 (3d Cir.) (deciding on basis of president's constitutional rather than statutory authority), *cert. denied*, 404 U.S. 854 (1971).

The FPASA grants the President a direct and active supervisory role in the administration of that Act and endows him with broad discretion over how best "to achieve a flexible management system capable of making sophisticated judgment in pursuit of economy and efficiency." *Kahn*, 618 F.2d at 788–89. As explained above, the President has set forth a sufficiently close nexus between the program to be established by the proposed order and the goals of economy and efficiency in government procurement.[8]

Finally, we do not understand the action of Congress in relation to legislation on the subject of replacement of lawfully striking workers to bear on the President's authority to issue Executive Order No. 12954. The question is whether the FPASA authorizes the President to issue the order. As set forth above, we believe that it does. Recent Congresses have considered but failed to act on the issue of whether to adopt a national, economy-wide proscription of the practice applying to all employers under the National Labor Relations Act ("NLRA").[9] This action may not be given the effect of amending or repealing the President's statutory authority, for the enactment of such legislation requires passage by both houses of Congress *and* presentment to the President. *See Metropolitan Washington Airports Authority v. Citizens for the Abatement of Aircraft Noise, Inc.*, 501 U.S. 252 (1991); *INS v. Chadha*, 462 U.S. 919 (1983). To contend that Congress's inaction on legislation to prohibit all employers from hiring replacement workers deprived the President of authority he had possessed is to contend for the validity of the legislative veto.

In *Youngstown Sheet & Tube*, it was considered relevant that Congress had considered and rejected granting the President the specific authority he had exercised. 343 U.S. 586. There, however, the President did not claim to be acting pursuant to any statutory power, but rather to inherent constitutional power. In such a case, the scope of the President's power depends upon congressional action in the field, including an express decision to deny the President any statutory authority. *Id. Youngstown Sheet & Tube* is inapposite here because the President does not rely upon inherent constitutional authority, but rather upon express statutory authority—§486(a) of the FPASA. *See Kahn*, 618 F.2d at 787 & n. 13.

Moreover, we note that Congress's action was far from a repudiation of the specific authority exercised in Executive Order No. 12954. Even if a majority of either house of Congress had voted to reject the blanket proscriptions on hiring permanent replacements for lawfully striking workers, contained in H.R. 5 and S. 55, this would denote no more than a determination that such a broad, inflexible rule applied in every labor dispute subject to the NLRA would not advance the many interests that Congress may consider when assessing legislation. The order, by contrast, does not apply across the economy, but only in the area of government procurement. Nor does the order establish an inflexible application, rather it provides the Secretary of Labor an opportunity to review each case to determine whether debarring or terminating a contract with a particular contractor will promote economy and efficiency in government procurement and further permits any contracting agency head to override a decision to debar if he or she believes there are compelling circumstances or to reject a recommendation to terminate a contract if, in his or her independent judgment, it will not promote economy and efficiency. In sum, the congressional action alluded to above simply does not implicate the narrow context of government procurement or speak to the efficacy of a flexible case-by-case regime such as the one set forth in the order.[10]

The *Kahn* opinion fully supports this view. There the President promulgated voluntary wage and price guidelines that were applicable to the entire economy. Contractors that failed to certify compliance with the guidelines were debarred from must government contracts. *See* Exec. Order No. 12092, 43 Fed. Reg. 51,375 (1978). The order was issued in 1978 against the following legislative backdrop: In 1971 Congress passed the Economic Stabilization Act, which authorized the President to enforce economy-wide wage and price controls. In 1974, a few months after the Economic Stabilization Act expired, the Council on Wage and Price Stability Act ("COWPSA") was enacted. COWPSA expressly provided that "[n]othing in this Act * * * authorizes the continuation, imposition, or reimposition of any mandatory economic controls with respect to prices rents, wages, salaries, corporate dividends, or any similar transfers." Pub. L. No. 93–387, §3(b), 88 Stat. 750 (1974).

The court concluded that "the standards in Executive Order 12092, which cover only wages and prices, are not as extensive as the list in Section 3(b). Consequently, we do not think the procurement compliance program falls within the coverage of Section 3(b), but rather is a halfway measure outside the contemplation of Congress in that enactment." *Kahn*, 618 F.2d at 795. Similarly, Executive Order No. 12954 is a measure that operates in a manner (case-by-case determination) and a realm (government procurement exclusively) that was outside the contemplation of Congress in its consideration of a broad and inflexible prohibition on the permanent replacement of lawfully striking workers.

III

Congress, in the FPASA, established that the President is to play the role of managing and directing government procurement. Congress designed this role to include "broad-ranging authority" to issue orders intended to achieve an economical and efficient procurement system. Executive Order No. 12954, "Ensuring the Economical and Efficient Administration and Completion of Federal Government Contracts," represents a valid exercise of this authority.

FOOTNOTES

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[1] We will refer to this class of officials generically as agency head(s).

[2] We do not mean to indicate a belief that Executive Order No. 12954 could not withstand a stricter level of scrutiny. We simply regard the employment of such a standard to be contrary to the holding of *Kahn*, as well as the view of the purposes of the FPASA and its legislative history upon which that decision expressly rests.

[3] Again, the order does not categorically bar procurement from contractors that have permanently replaced lawfully striking workers. The sanctions that the order would authorize would not go into effect if either the Secretary, with respect to either the termination or the debarment option, or the contracting agency head, with respect to the termination option, finds that the option would impede economy and efficiency in procurement.

[4] This order is also significant insofar as it demonstrates that Executive Order No. 12954 is not the first in which a president has found that more stable workplace relations promote economy and efficiency in government procurement.

[5] Of course, the President's view of his own authority under a statute is not controlling, but when that view has been acted upon over a substantial period of time without eliciting congressional removal, it is 'entitled to great respect.' . . . [t]he 'construction of a statute by those charged with its execution should be followed unless there are compelling indications that it is wrong.'" *Kahn*, 618 F.2d at 790 (quoting *Board of Governors of the Federal Reserve Sys. v. First Lincolnwood Corp.*, 439 U.S. 234 (1978), and *Miller v. Youakim*, 440 U.S. 125, 144 n.25 (1979)).

[6] The authority of an agency head is diminished somewhat, though not eliminated entirely with respect to procuring from a contractor that the Secretary has debarred. An agency head may procure from a debarred contractor only for compelling reasons. *See* Exec. Order No. 12954, §4. Nevertheless, the Secretary has authority to refuse to place a contractor on the debarment list in the first instance if the Secretary believes that debarment would not advance economy and efficiency.

[7] "[W]e find no basis for rejecting the President's conclusion that any higher costs incurred in those transactions will be more than offset by the advantages gained in negotiated contracts and in those cases where

the lowest bidder is in compliance with the voluntary standards and his bid is lower than it would have been in the absence of standards." *Kahn*, 618 F.2d at 793.

[8] Moreover, we note that under the Supreme Court's recent decision in *Dalton v. Specter*, 114 S. Ct. 1719 (1994), it is unlikely that the President's judgment may be subject to judicial review. It is clear that §486(a) gives the President the power to issue orders designed to promote economy and efficiency in Government procurement. *See* 40 U.S.C. §486(a); *Carmen*, 669 F.2d at 821; *Kahn*, 618 F.2d at 788–89, 792–93. The Supreme Court has recently "distinguished between claims of constitutional violations and claims that an official has acted in excess of his statutory authority." *Dalton*, 114 S. Ct. at 1726. The Court held that where a claim "concerns not a want of [presidential] power, but a mere excess or abuse of discretion in exerting a power given, it is clear that it involves considerations which are beyond the reach of judicial power. This must be since, as this court has often pointed out, the judicial may not invade the legislative or executive departments so as to correct alleged mistakes or wrongs arising from asserted abuse of discretion."

Id. at 1727 (quoting *Dakota Central Telephone Co. v. South Dakota, ex rel, Pevne*, 250 U.S. 163, 184 (1919)); *see also Smith v. Reagan*, 844 F.2d 195, 198 (4th Cir.), *cert. denied*, 488 U.S. 954 (1988); *Colon v. Carter*, 633 F.2d 964, 966 (1st Cir. 1980); *cf. Heckler v. Chaney*, 470 U.S. 821 (1985); *Chicago Southern Air Lines Inc. v. Waterman S.S. Corp.*, 333 U.S. 103 (1948).

Judicial review is unavailable for claims that the President had erred in his judgment that the program established in the order is unlikely to promote economy and efficiency. The FPASA entrusts this determination to the President's discretion and, under *Dalton*, courts may not second-guess his conclusion. The Court made it clear that the President does not violate the Constitution simply by acting ultra vires. *See Dalton*, 114 S. Ct. at 1726–27. Judicial review is available only for contentions that the President's decision not only is outside the scope of the discretion Congress granted the President, but also that the President's action violates some free-standing provision of the Constitution.

[9] In the 102d Congress, The House of Representatives passed a bill to amend the National Labor Relations Act to make it an unfair labor practice for an employer to hire a permanent replacement for a lawfully striking employee. *See* H.R. 5, 102d Cong., 1st Sess. (1991). The House passed this legislation on a vote of 247–182. *See* Cong. Rec. H5589 (daily ed. July 17, 1991). The Senate considered legislation to the same effect. *See* S. 55, 102d Cong., 2d Sess. (1992). The legislation was not brought to the floor for a vote because supporters of the measure were only able to muster 57 votes to invoke cloture. *See* Cong. Rec. S8237–38 (daily ed. June 16, 1992).

Likewise, legislation to categorize the hiring of permanent replacement workers as an unfair labor practice was considered in the 103d Congress. The House of Representatives approved the legislation on a vote of 239–190. *See* Cong. Rec. H3568 (daily ed. June 15, 1993). Again, the Senate did not bring the bill to a vote, because its supporters were unable to attract the supermajority required to invoke cloture. *See* Cong. Rec. S8524 (daily ed. July 12, 1994) (fifty-three senators voting to invoke cloture).

[10] We have found no indication in the legislative history that those opposing the proposed amendments to the NLRA even considered the specialized context of government procurement. *See, e.g.*, S. Rep. No. 110, 103d Cong., 1st Sess. at 33–49 (1993) (stating minority views); H.R. Rep. No. 116, 103d Cong. 2d Sess., pt. 1, at 42–62 (1993) (minority views); H.R. Rep. No. 116, 103d Cong., 2d Sess., pt. 2, at 16–17 (1993) (minority views); H.R. Rep. No. 116, 103d Cong., 2d Sess., pt. 3, at 11–15 (1993) (minority views). Moreover, we note that at least some of the opposition to the legislation was based in part on concerns regarding the breadth of the legislation, *see* H.R. Rep. No. 116, pt. 1, at 45 (minority views) (emphasizing absence of "a truly pressing societal need" (emphasis added)), as well as its inflexibility, *see id.* at 62 (views of Rep. Roukema).

Mr. KENNEDY. I will highlight a couple of essential parts of the memorandum.

On March 6, 1995, we issued a memorandum approving as to form and legality a proposed executive order entitled, "Ensuring the Economical and Efficient Administration of Federal Government Contracts." On March 8, 1995 the President signed the proposed directive, making it Executive Order No. 12954. This memorandum records the basis for our prior conclusion that the Federal Property and Administrative Services Act vests the President with authority to issue Executive Order No. 12954 in light of his finding that it will promote economy and efficiency in Government procurement.

I will come back to that issue because I think it is basic to both the rationale for the Executive order and reaches the heart of the whole debate on this issue.

Executive Order No. 12954 establishes a mechanism designed to ensure economy and efficiency in Government procurement involving contractors that permanently replace lawful striking workers.

Executive Order No. 12954, taken as a whole, sets forth a mechanism that closely ties its operative procedures—termination and debarment—to the pursuit of economy and efficiency. The President has made a finding that, as a general matter, economy and efficiency in procurement are advanced by contracting with employers that do not permanently replace lawfully striking employees. Additionally, the President has provided for a case-by-case determination that his finding is justified on the peculiar facts and circumstances of each specific case before any action to effectuate the President's finding is undertaken.

The rest of the memorandum goes on with citations in support for this President's authority in a very, I find, persuasive and convincing way.

What did the President base his Executive order on? He based it, effectively, on the pursuit of economy and efficiency. Procurements are advanced by contracting with employers that do not permanently replace lawfully striking employees.

So it seems to be appropriate that we give some consideration to what has been happening over the period of recent years with regard to various disputes involving the permanent replacement of striking workers per year.

This chart shows some, I think, very powerful and persuasive evidence justifying the Executive order. What we see in this chart is the rather dramatic increase in the numbers of strikes in which permanent replacements have been used over the period from 1935 all the way to 1991. What you do see, particularly, is that in the last 2 or 3 years the numbers have been going up dramatically.

Since we find out that they have been going up dramatically, we can ask ourselves, what has been the result? This chart reflects the average number of strikes involving permanent replacements per year by decade. So it is the concern of the President in connection with Government purchasing to take notice of the number of strikes that have been taking place in which permanent replacement strikers have been used. This is interesting in reflecting the increased numbers of replacement workers.

We have to ask ourselves, why is that important? Why should we take notice of this dramatic increase in permanent replacement strikes? Well, it is interesting for this reason, Mr. President. With the dramatic increase, we take note that strikes involving permanent replacement workers are substantially longer in duration than other strikes. One study done at the University of Notre Dame indicates that strikes involving permanent replacements last seven times longer than strikes that do not involve permanent replacements.

Other evidence suggests that the mere threat to use permanent replacement workers is associated with the longer strikes. So we have this phenomenon, increasing numbers of strikes, which are utilizing the permanent replacements, increasing powerful evidence that the strikes themselves last dramatically longer than other labor disputes.

Clearly, the President has an important responsibility, primarily in the area of our national defense, to make sure that we are going to be able to have our weapons systems and procurement be done in a way that is going to meet his responsibilities, to make sure that we are going to get good product, good quality, good performance, top-skilled people that are going to be working on the various systems which are so important to our fighting men.

Well, not only are the strikes longer involving permanent strikes, but there is another phenomenon, and that is what has happened to productivity in the areas of where the permanent replacements have taken place. We now know that the number of strikes in which permanent strikers are used has been increasing dramatically, and the strikes themselves last longer. But we can also ask ourselves what has been happening in terms of the productivity in those companies, where they have made the judgment to select permanent replacements.

Mr. President, I will just quote part of the findings from research by Prof. Julius Getman, professor of law at the University of Texas Law School to be included in a forthcoming book,

> The data that I have collected in my study of the Paper Workers strike in Jay, Maine from 1987 to 1988 is strongly supportive of the conclusion that hiring permanent replacement workers is harmful to productivity. This is true not only because the replacement workers are almost certain to lack the experience and know-how of the workers they replace, but because permanent replacement is totally inconsistent with the goal of the labor-management cooperation necessary for improving quality and productivity.
>
> * * * In any large enterprise, because of the Laidlaw doctrine, in the period after the strike terminates, significant numbers of former strikers will return.
>
> * * * The anger among the groups will inevitably effect productivity. It will make employees suspicious of cooperation and unwilling to take part in new approaches to productivity.
>
> * * * Managers, who are aware they will be required to rehire a former striker whenever a replacement worker either quits or is fired, will be loath to impose discipline on the replacement workers or crossovers. If they treat the strikers differently, they commit an unfair labor practice. At the Androscoggin mill all sides agree that the lack of discipline was harmful to productivity.

Then it continues in the study of the Androscoggin mill, pointing out the difference in atmosphere, the difference in productivity that existed prior to the time of the striker replacements. And drawing the conclusion that, on the issue of productivity, there had been a very significant diminution in the productivity of those companies that use the striker replacements.

So, Mr. President, I make the point which is the obvious one that the President has noted, that there are an increasing number of strikes, increasing number of permanent replacement workers, that productivity in those areas deteriorates. And, obviously, the President does have the authority and the power to issue such an Executive order as has been summarized in the Attorney General's memorandum.

Mr. President, we have been asked earlier about the precedents. Is this Executive order unprecedented? I have an interesting memorandum here, Mr. President, that I have developed that reviews the recent Executive orders that have been done under the Republican Presidents and also this one to put it in some proportion. I think in any fair evaluation you would find that there is far more excessive use of executive authority, particularly by President Bush in his Executive order basically on the prehire issue, which is basically in conflict with the law itself prohibiting the prehiring agreements, even though the National Labor Relations Act itself specifically permits the prehiring agreements.

Several Senators from the other side of the aisle took to the Senate floor yesterday to suggest that President Clinton's Executive order prohibiting Federal contractors from permanently replacing lawfully striking workers is completely unprecedented. They stated on this floor, as though it were an undeniable fact, that there has never before been an Executive order that has prohibited Federal contractors from undertaking an otherwise legal act.

Mr. President, these Senators are simply and plainly wrong. And Mr. President, we do not have to go back very far in our history to prove that they are wrong.

In late October 1992 President Bush issued Executive Order No. 12818 prohibiting Federal contractors from entering into pre-hire agreements. The agreements are also sometimes called project agreements. Project agreements are collective-bargaining agreements commonly used in the construction industry. They establish labor standards, the terms and conditions of employment for workers on construction sites before any of the workers are hired. President Bush's Executive order prohibited any Federal contractor working on a construction project from entering into a project agreement with a union.

President Bush justified this Executive order in many ways. He argued that he wanted to open up the bidding process. He wanted to reduce costs. Some of us took note that he made his announcement just a few days before the Presidential election in 1992 and the fact that immediately after he issued the Executive order he was endorsed by the Associated Builders & Contractors, a well-known lobbying group for nonunion and antiunion construction contractors.

Regardless of his reasons, President Bush and his allies in this body never tried to suggest that it was unlawful for construction employers and unions to enter into project agreements.

There is good reason for that, Mr. President. The National Labor Relations Act specifically and expressly permits construction employer and construction unions to enter into project agreements or pre-hire agreements. Permit me to read the relevant section of the National Labor Relations Act, section 8(f).

> (f) [Agreements covering employees in the building and construction industry] It shall not be an unfair labor practice under subsections (a) and (b) of this section for an employer engaged primarily in the building and construction industry to make an agreement covering employees engaged (or who, upon their employment, will be engaged) in the building and construction industry with a labor organization of which building and construction employees are members (not established, maintained, or assisted by any action defined in section 8(a) of this Act [subsection (a) of this section] as an unfair labor practice) because (1) the majority status of such labor organization has not been established under the provisions of section 9 of this Act [section 159 of this title] prior to the making of such agreement, or (2) such agreement requires as a condition of employment, membership in such labor organization after the seventh day following the beginning of such employment or the effective date of the agreement, whichever is later, or (3) such agreement requires the employer to notify such labor organization of opportunities for employment with such employer, or gives such labor organization an opportunity to refer qualified applicants for such employment, or (4) such agreement specifies minimum training or experience qualifications for employment or provides for priority in opportunities for employment based upon length of service with such employer in the industry or in the particular geographical area: *Provided*, That nothing in this subsection shall set aside the final proviso to section 8(a)(3) of this Act [subsection (a)(3) of this section]: *Provided further*, That any agreement which would be invalid, but for clause (1) of this subsection, shall not be a bar to a petition filed pursuant to section 9(c) or 9(e) [section 159(c) or 159(e) of this title].

In sum, President Bush's Executive Order No. 12818 not only prohibited an otherwise legal practice. It prohibited a practice specifically and expressly protected by the National Labor Relations Act.

Let us contrast that decision by President Bush with this decision by President Clinton. This Executive order would prohibit Federal contractors from permanently replacing lawfully striking employees. Nowhere in the National Labor Relations Act is there any express language that gives employers a right to permanently replace lawful strikers.

Further, Congress has never spoken on this issue. My distinguished colleague from Texas stated on the floor of this Body yesterday that the Senate had rejected legislation that would have prohibited the use of permanent replacements. Once again, the Senator is simply and plainly wrong.

This body never got the chance to vote on the striker replacement legislation. A majority of Senators were ready to enact a bill that prohibited all employers from using permanent replacements. But a handful of Senators from the other side of the aisle filibustered that legislation. They never permitted it to come to a vote. Mr. President, that happened not once, but twice.

So, Mr. President, the fact is that there is a precedent for this Executive order. The fact is that this Executive order is well within the President's authority—an authority that Congress has specifically delegated to the President in our procurement laws. The fact is that this amendment interferes with the President's ability to serve as our Federal Government's Chief Executive Officer and in that role to assure that the taxpayers get the quality goods and services they deserve in a timely way from reliable Federal contractors.

So here we had an action by a former President trying to effectively override the existing statute with an Executive order and we did not hear really the complaint at that time about the use of the executive powers compared to issuing of the Executive order at the present time which takes into consideration the very substantial and I find overwhelming evidence as to what is happening in contracting in our country with the use of the permanent striker replacements and the real danger that that presents to the administration or to the taxpayers in terms of both the quality and the on-time delivery and the efficiency of the various products.

I think, when you examine that, you will see the justification, the legal justification and I think the commonsense justification, for the issuing of that particular proposal.

Mr. President, we heard during the course of the debate yesterday another point that was made, those points being made about why are we doing this; why are we taking this action? Are we really not looking out after some special interests when the President issues this particular order?

I took the time to review some of the stories where the permanent striker replacements have been actually used and put in place to try and get some context for the issuing of this order and what it really is all about in human terms.

What I have just put in the RECORD is the memorandum from the Justice Department that details the legality of this action, looking at statutes and legal precedents. I have also included memoranda and studies that have been done in analyzing what has happened at a number of companies that have used permanent striker replacements and I have referred to other studies.

But I think it is appropriate, Mr. President, to really take a look at who these people are that are being affected, whose lives are being affected and families are being affected by the permanent striker replacements.

I would like to just take a moment or two to discuss different situations where permanent striker replacements have been used and quote from some letters from some of those individuals so we get some idea as to what we are talking about here this afternoon, who is really being benefited, whose lives will be affected and whose will not by this action.

Mr. President, there has been a bitter strike going on in California that illustrates many of the points that we have been making about the effects of an employer's decision to permanently replace its strikers. The strike at Diamond Walnut pitted a small group of determined women, many working at or near the minimum wage, struggling for dignity against an employer that sought to cut their wages and eliminate their jobs.

When these workers went out on strike, the company permanently replaced them. The workers' lives were ruined in many cases, and their families suffered without money, without health insurance, without the certainty of knowing when they would next have a steady, reliable source of income.

If this Executive order had been in effect, Mr. President, Diamond Walnut would not have been able to make this ruthless decision to discard workers—many of whom had worked for the company for 10 or 20 years—without itself suffering the threat of losing millions of dollars in contracts with the Federal Government.

The Federal Government had contracts with this company in terms of helping and assisting in the export of millions and millions of dollars of its products overseas.

Here we have the American taxpayers' funds being used to help and assist this company that has been exploiting its workers.

And that is really the issue. It is whether the Federal Government will halt the additional kinds of benefits that it is going to give to various companies that are committed toward the hiring of the permanent striker replacements. If they are not—even the majority of the other companies, they are not going to be affected or impacted—but we have to ask ourselves if they are going to do that, whether we ought to be benefiting them through various kinds of Federal contracts.

Permit me to tell some of the stories of the workers and their families that have been devastated by Diamond Walnut's decision to permanently replace these strikers. These are the people President Clinton promised to stand up for.

Benny Pacheko was with Diamond for 5 years as a mechanic. Since the strike, he has been going financially backward. He is terribly afraid of losing everything, having to sell all of his assets because he cannot afford insurance premiums.

He writes, "The mental stress is horrendous. I feel I can't maintain what I have. All I have worked and saved for is going down the drain."

Benny is on disability due to an industrial accident while working for Diamond. He cannot get a job because of the effects of the accident.

"Thanks," he writes, "from the bottom of my heart for being considerate and understanding of the situation."

And he talks about how difficult it is to face life every single day.

Dorothy Granger was a lift driver for 13 years. This is not a traditional job for women. It is not easy finding work when you are over 30 and the work you do is usually done by men. Companies would rather hire a man for the job. It is what they are used to. Of course, they will not tell you that.

> The strike is really affecting me financially. Bills are piling up and there's no money to pay them. I need my job. My husband and I are without medical insurance and I pray that nothing goes wrong.

Here is Gladys White, 47 years old. She started at Diamond in 1973 as a production worker. After 7 years, she begged to be moved to another area. The solvents Diamond used had burned her lungs and had given her headaches constantly. She got her transfer, although she was upbraided for having an active imagination. The chemicals could not possibly have caused her to fall ill, or so her supervisors and company nurses said.

But her health continued to deteriorate and in 1989 she was diagnosed with sarcodosis, fibrosis, and tuberculosis. She went out on disability.

The strike caused her to lose her health benefits. She has to be on medication which costs $100 per month. She has been denied Social Security disability.

> My children try to help me, but it is a hardship for them. I am living with them as I cannot afford to live alone.

And she wants to thank those that are interested in her case.

This is another worker named Rachael.

> I was a production worker with Diamond Walnut for 13 years. I have always worked hard and am self-supporting. I have tried looking for another job, but my age is holding me back. People don't want to hire those of us over 40.
>
> Being on strike is so stressful. It takes a terrible toll on a person, both mentally and physically. I do not know what will happen from day to day. Without medical insurance I am frightened all the time that I will get sick and have no way to pay for medical treatment and end up losing everything to the State.

Here is another fellow.

Raul, a single father who was with Diamond Walnut for 11 years. He was counting on accrued time to turn into a nice retirement in another 8 to 10 years.

"I'm starting over," he says, "and I'm too old to start over. I'm an electrician and there are lots of openings for electricians out there. But when they come up it is only for one or two positions, and there are hundreds of applications. My age hasn't seemed to be a problem, but then that isn't something they'd tell me to my face."

Meanwhile, he has cashed in his life insurance and his savings bonds. His son was working but has been laid off. His daughter, still in high school, is working as many hours as possible. Her dreams of going to college are on the shelf now.

> That is what hurts the most. I wanted so much to be able to help her through school. Now, even if she goes to State-funded community college, I can't afford to buy her books. But we're doing okay. We take each day as it comes. We have each other.

Ray Barbaza, a lift driver, worked his way up to that position over a period of 12 years. Sole supporter of his family.

> The loss of benefits hit us hard. One time this last year we were all sick. I had to apply for MedCal. That was embarrassing enough,

but my son requires special medication and I had to go through every department they could find and get their "seal of approval." They made me feel like trash. Now I know how the homeless feel, having to throw dignity away and picking up the food basket. People should be productive and have pride in their ability, and take care of their own, but when you need help you swallow your humiliation and do what you have to do.

The stories go on, Mr. President. This was a plant where these workers took reduction of their pay when the company was facing a difficult circumstance. Profits then went up dramatically. They tried to get some recovery in terms of their wages and were permanently replaced. The Federal Government comes and helps to assist the companies. They are making dramatic profits. What has happened effectively is most of the workers have been replaced, and those that had been working over a lifetime for those companies are now facing a very grim future indeed.

Mr. President, I have some letters here that have been sent to our Secretary of Labor, who has been so involved in this issue, as well as in the minimum wage issues and other issues affecting working men and women in this country. He will go down in history, I think, as one of the really extraordinary Secretaries of Labor.

He has received a number of letters from men and women, because they understand how committed he is to their well-being. Secretary Reich has been kind enough to share three letters that tell the stories of three families that have suffered because a Federal contractor has used the taxpayers' money to permanently replace its striking workers.

This is on the Bridgestone/Firestone issue. Here is a letter to Mr. Reich, from Steve Barber.

I wrote you a letter a few months ago when my URW local 713 went out on strike after negotiations with Bridgestone/Firestone failed. Since then I have been permanently replaced by replacement workers. I have a wife and four children; two children are still at home, we support a daughter in her first year away at college, and our oldest son is serving his country in the U.S. Army.

At age 45, after almost 23 years at Bridgestone/Firestone, everything I've worked for is gone. As I walked picket this cold Superbowl night, I saw many young people leaving the plant. They now have my job. My advice to them: Do not start a family, do not get a 30-year mortgage on a home, do not count on retirement or a long-range future with that company. For someday, possibly sooner than in my case, for one reason or another, you, too, will be used and discarded like a paper plate, your youth spent entirely for nothing.

I was discarded because I believed I had a legal right to strike in this land of the free and the home of the brave. I was discarded because I belong to a labor union and don't believe in giving up my hard won rights, and I won't cross over into what is now a non-union plant.

The past 7 months I have hoped and prayed this dispute would be fairly resolved. I appreciate the support you, President Clinton and the many other Senators and Congresspeople have given us in trying to find a just solution to this situation. All I ask in closing is that you and President Clinton use any and all the powers at your disposal to end this senseless disruption that has changed and ruined the lives of my family, my fellow workers and my community.

And here is a second letter:

DEAR MR. REICH: I am writing to you regarding the Bridgestone/Firestone strike that has been ongoing for the past 6 months. My father is employed by the company, and he is a good father who has always been there for his children. However, he is a very proud man who would find it difficult to ask for help. I, on the other hand, am more than willing to do so.

The recent development of Bridgestone/Firestone threatening to fire all of the striking employees and permanently replace them has hit our entire family extremely hard. Although I and my brother and sister are grown and on our own, my father is nearing retirement and greatly needs to know that he will be financially secure in his golden years.

We are of the working class and do not have the luxury of worrying about such things as capital gains tax cuts or upper-class frills.

Needless to say how appropriate this letter is to read, today, after what we saw the House Ways and Means Committee do yesterday in terms of proposing the special consideration for capital gains, the benefits for which will go to the wealthiest individuals in this country. It is interesting we are debating this issue here that involves men and women who are workers trying to make a go of it to bring up their children, to pay their taxes, and to work, and here we are on the other side of the building where we meet this afternoon, just 24 hours ago, seeing proposed very substantial, effectively giveaways, to some of the more fortunate wealthiest individuals in our country.

Now, I get back to the letter.

Needless to say, we will not receive tax credits for laptop computers. My mother, my siblings, and myself are all teachers with a strong work ethic.

This is what this whole issue is about. This is about teachers. It is about workers, workers' families, about their children. It is about people that want to be a part of the whole American system.

However, I now fear all that my father has worked for during the largest portion of his life will be ripped away from him.

I know you are aware of this problem as I heard you explain on television that the Government cannot force Bridgestone/Firestone to settle with the union; however, I do feel there is much that can be done. The Government does not have to take a strictly hands off policy as they did not do this with either the Chrysler or savings and loan bailouts. In this case, economic pressures would certainly be a good motivator. Neither our Government nor its citizens should do business with a company who would permanently replace its legally striking work force, nor should they be legally allowed to do so.

There it is, Mr. President. This company wanted to go out and get the permanent striker replacements, so be it. All that the Executive order is saying is that they are not going to get additional business. We are not going to use additional kinds of taxpayers' funds to help assist this company. It has made that judgment. That is what this issue is all about, in order that we will protect the outcomes of the products that are being purchased by the Federal Government, and make sure that they will be top of the line, good products, made by a well-trained and well-disciplined work force.

The letter continues:

I am pleading with you to assist us in our fight which may now seem hopeless in the wake of the November elections. On the other hand, my father always says, "You can't gain anything worthwhile without a struggle—this country was born in a struggle!" I urge you to aid us in our struggle until a resolution to this strike is reached and until a law is passed that will protect all striking workers in the future from being replaced. After all, union members should not be persecuted for standing up for what they believe in and going out on a legal strike. Striking is one of the few acts of leverage that union members have to be heard.

That is from Marilana Hurst.

Here is just one other item to the Secretary, a short letter:

The American factory worker desperately needs help.

I need your help.

After 26-plus years, I have been permanently replaced by Bridgestone/Firestone at the Decatur, Illinois facility, for no apparent reason.

I have a factory-related permanent injury but it in no way affected my position as mold change/cleaner setup person.

Since Bridgestone bought our plant we have given scores of concessions, including * * *.

And he mentions some of the health plan givebacks.

Our total efforts as union members at 3 of the Bridgestone/Firestone plants have made them some of Bridgestone's most profitable plants, with Decatur, Illinois, Firestone Tire the most profitable tire plant Bridgestone had in the world in 1993 according to their own books.

These are companies that have had enormous success, incredible profits. This is what we are talking about, the extraordinary phenomenon that has taken place in this country over the period of these last several years where we have had record profits from so many of the companies, for the companies and for individuals. Yet, the people who have not participated in that kind of enhancement of our economy are the men and women who are out there working on the frontline.

They are the ones who, in many instances, have given their lives to companies and plants and factories and then are being discarded. There are two kind of employers, as we all understand. There are those who believe that the workers are an asset, that they should be trained, respected, and be a part of an enterprise with the idea that they are going to commit themselves to that enterprise and that enterprise is going to grow and expand.

This morning at a forum we held on increasing the minimum wage, we heard the extraordinary story of Mr. Curry, who owns three hardware stores on the south shore of Massachusetts, and is able to compete with the biggest operations in the country. He starts his people off at $10 an hour for a minimum wage with decent benefits. He does not have the turnover; he does not have to expend the money to train more people. He has good workers. He does not have absenteeism. He does not have the sick days that other companies have, and he provides a savings incentive also.

A number of those people who have worked there 5 and 6 years now have savings of $3,000, $4,000, $5,000, which they never imagined in the past. They are good workers. He has virtually no turnover, and had a 38-percent increase in sales last year, is able to do a job, and respects every one of the workers. He is not discarding them, throwing them out after a lifetime of dedication and commitment and work.

All we are saying is, if you are going to do that, Mr. Corporation, if you are going to do that, Mr. Executive, if you are going to treat your people like that, we do not want to support that with American taxpayers' money. We do not want to do it, not just because we do not want to, but because what we see when we do is more disruption, poor quality, poor productivity, and poor turnout on many of these items. That is what is unacceptable.

I welcome the fact that the President is looking out after the issues of quality and productivity and output, particularly with regard to the areas of greatest need, and that is in the area of national security and defense.

As I mentioned yesterday, we produce in my own State of Massachusetts at General Electric the engines for the F–15's, F–16's, F–18's, the advance fighter, and many of the best helicopter engines, as well. We want to make sure that the servicemen and women who are flying those planes are going to have the best in terms of the skills of workers who know how to build those engines, not permanent replacements for a few bucks cheaper an hour. I want to make sure that those men and women who are going to be flying in those planes and using weapons to defend their lives are going to have the very best. I am not prepared to take chances on it. That is what this is all about.

The letter I read was from Glen Buckner of Decatur, IL.

Mr. President, I will have other letters as well, but the point, I think, has been made, and that is that what we are basically talking about are the interests of working families. We hear so easily bantered around, "Well, this is special-interest legislation for special-interest groups." You have heard who these people are. They are the men and women who are on Main Street, USA, who are the backbone of this country, and have built this Nation and made it the industrial power that it is. They are the ones committed and dedicated and loyal to their companies and to their corporations and who are trying, after they have tightened their belts and worked with company officials in order that the companies survive, to be able to participate in the expansion of the market—oh, no; oh, no; that is not possible.

That has been the record across this country. That has been the record across this country over the period of the last 12 or 15 years. That is something that has been a new phenomenon, and that is why it is important as well that we have this particular action.

Finally, Mr. President, having addressed both the legality of the President's position and the rationale for the issuance of this Executive order, I reviewed briefly today, along with my colleagues, Senator SIMON, Senator HARKIN yesterday, Senator MOSELEY-BRAUN, and many others who have talked, the citizens who are really affected by it. We now hopefully know who are the ones being impacted, and they are the families across this country, hard-working men and women. These are workers. They are the ones who are prepared to work the 40 hours a week, the 52 weeks of the year. These are the ones who are trying to educate their kids, trying to make sure their parents are going to live in some peace, some respect, and some dignity, and are facing the various pressures from all sides, particularly in these past weeks, I might add, that are threatening their lives or their families' lives.

That is why I think it is really extraordinary, as I mentioned yesterday, why it is that after we in this Congress spent a number of weeks debating the unfunded mandates issue, which we should and we did, and reached a conclusion on that, and then debated for a series of weeks the whole issue on the balanced budget and the changes in the Constitution and we have debated that and we reached some judgment and decisions, extremely important measures that we have been focusing on and addressing. There may be Members who agree and differ, but nonetheless the level and the nature of that debate and discussion was clearly motivated by individuals who were pursuing a national interest.

The next measure—the next measure—that we are debating on the floor of the U.S. Senate is not how we are going to enhance the quality of life of working families in this country; not what we are going to do about the children in this Nation, the increased numbers living in poverty; not what we are going to do about those young teenagers, not about how we are going to enhance their possibilities in schools and education; not about the children of working families trying to work their way through college; we are not even talking this afternoon about the security in the communities of these working families; we are not talking about the air they breathe; we are not talking about the water they drink; we are not talking about the quality of life of their parents. No, what we are talking about this afternoon is how we are going to diminish their economic power in being able to fight for a decent wage to provide for their families.

That is what we are debating here. We debated it yesterday, and we are debating it today. We are going to be debating it on Monday. We are going to have a cloture vote on that to see how we can jam, how we can squeeze, how we can pressure down the economic rights of working men and women. That is what we are debating here.

As I mentioned the other day, at the end of the debate today, who among us is going to go on back to their house and say, "Look, I did something in the U.S. Senate today that is going to give a little more hope to children, to a mother in terms of a day-care program. We are not going to be able to do all the things we want, but we are going to do a little something. It is going to be better tomorrow or the next day." Or, "I am going to do something to strengthen the quality of education." Who is going to leave here tonight believing that? Or, "I am going to do something that is going to mean greater economic good for the workers of the country." Who is going to do it? No one is going to do it.

What we are going to do, some of us, is go back and say that we tried to work for working men and women against an overwhelming onslaught that somehow believes we are out of skew in terms of the power of the working people.

I am on the Human Resources Committee. What have we been facing over the period of the last week? Repeal of the Davis-Bacon Act. Let us go ahead and repeal that act. Who benefits from the Davis-Bacon Act? The average income for working families is $27,000 a year for some of the toughest work in this country, working in construction—$27,000 a year.

What in the world have we got against working families that are making $27,000 a year? Is that what is ringing across this country, we have to undermine their ability to make that amount of money? Is that what people are crying about? Not in my State of Massachusetts.

We are trying to diminish their ability by the changing of just the prevailing wages. Maybe there are suggestions and ideas of how to make it more efficient. Maybe it has to be adjusted to eliminate paperwork. That is fine. We have had hours of hearings on that.

We have had hours of hearings about what they call the 8(a)(2) provisions of Taft-Hartley. What effectively that means is let us eliminate the real essence of the Taft-Hartley Act so we can eliminate company unions. Why? Because of the power, the power that is out there in the trade union movement?

I have difficulty, in reading my mail, seeing that that is something of a burning, passionate interest to the people of our State. What they want is decent jobs with good benefits and a good future and doing something about violence in the community and strengthening education.

But, oh, no, here we are trying to do something to undermine workers under Davis-Bacon. We are trying to do something about changing Taft-Hartley laws, about the power, the power of workers, trying to represent economic interests of working people.

What are we saying? It is all out there. That is part of the things we have been doing in January and February. And then in the meantime what are we doing about the children of these working families? Well, I will tell you what we are doing. We are cutting back on giving any kind of day care support to families. We are cutting right back on that. The families that are trying to make it, both parents trying to work, needing a little day care, we are cutting back on that program.

And then we have a son or daughter that we would like to be able to help, because we live in a major city, to make sure that kid over the course of the summer, for those parents who are working hard to keep them in school, make sure you try to keep them out of trouble. Oh, no, we are cutting all the summer jobs programs, not only for this summer but the summer beyond that. We cannot wait to do that. Cut that out, too. Cut that out, too.

So now we have done that. And just by the way, if you happen to have a child, because you are out there working, who happens to get into a good community college or State college, you have, as in my State, the highest public college tuition in the country under my Governor. We had an excellent university system. In those budget cuts, we are sticking it in Massachusetts to college students with higher fees and higher tuition. So we are No. 3 in the country in terms of the costs going up.

But we are not satisfied at what has happened up there. We are going to say that anyone who borrows the money is going to have to also pay the interest for that borrowing while they are in school. And in the meantime, you might have the idea you want to work while you are in school in a work-study program. Who qualifies for work-study programs? Middle-income working families. We are going to eliminate that as well. You are going to have to pay more, and we are going to deny you the opportunity to work while you are going to school.

Mr. President, you have to ask yourself what has happened out there, what has happened across our society, that we are declaring war? That is what this is. We will have seen battlegrounds in countries that have been at war that will be not as adversely impacted as what we are doing to working families, to their children, the very small.

I have not even mentioned cutting back on the WIC programs. I have not even mentioned cutting back on the school lunch programs, cutting back in terms of special education for economically disadvantaged, cutting back on their teachers. We have not even talked about that out here.

So not only are we diminishing the power of those who are attempting to work and want to work—two members of that family—we are after their children, the very small, the most vulnerable, those in their early teens who may need that opportunity to begin working when they are 13, 14, and 15 in programs that bring together the public and private sectors in extraordinarily cooperative ways as they have done in Boston, MA, the great, great cooperation in the public and private sector, as they have in education with the Boston compact that basically says to any kid that is able to gain entrance into college, they are prepared to raise the funds to augment and supplement that program so that kid can go on into school and college, the public and private sector working together. We are drawing that right on back. We are unraveling it, pulling the threads on those kinds of agreements and contracts.

On a Friday afternoon, with the American public as concerned as they are about the state of our economy, with more hopeful news today as we have seen unemployment go down across our Nation with some 350,000 new jobs which have been created, we are out here now talking about how we are going to undermine the working families.

Mr. President, I have not even mentioned the suggestions that have been made, as I look over and see my friend and colleague from West Virginia, who has been such an advocate on the health care issue, I have not even mentioned the kind of concern that must be out there for all of our senior citizens when they read the articles in the newspaper by our friend and colleague, the chairman of the Finance Committee, talking about the hundreds of billions of dollars in Medicare cuts that they are going to pursue in the period of this Congress that are going to impact our senior citizens.

And the other side of that, Mr. President, is to do what with them? Give tax advantages to the wealthiest companies and corporations and individuals. Now, that is the view that many working men and women must look at in terms of where we are in the Congress. It is not a hopeful picture.

Mr. President, I am sure they are asking why, what did they ever do, trying to provide for their families, what did they ever do to deserve that kind of a threat? It is difficult enough, difficult enough, if you are looking at the real incomes of working families, the working poor, the lower—the four-fifths effectively, most dramatically in the three-fifths of our various tax filings, but almost four-fifths that have been constantly going down, constantly falling further behind.

Here we are out on the floor of the Senate with a proposal which says that if the company is going to have permanent strike replacements, we are not going to give them additional kinds of Federal largesse. And we have those who are so antiworker they are prepared to hold up the defense appropriations bill and to have us spending days here, which I welcome the opportunity to do, to speak for the working families. But we take up the time of the Senate to do it.

Mr. President, it just is unwise to attempt to tamper with the justification, legality, or public policy purpose for the President's Executive order. I will look forward to having more to say about it later in the debate.

I yield the floor.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I just listened, as I always do, very closely to my friend, the senior Senator from Massachusetts, and not only identify myself with what he says but the compassion with which he says it, and the persistence. He never quits. There is no Senator in this body or in the recent history of this body who ever fought so hard for so many things so constantly, whatever the hour, the day or the night, than the senior Senator from Massachusetts.

He has been talking a lot because not enough of us have come down to the floor to help him. You can hear the hoarseness in his voice. I have heard cracks in his voice, and they have been when he has spoken at the funerals of, most recently, his mother, and to mourn the death of his two brothers, Robert and John. I heard cracks in his voice then. He did his best to prevent that, and then, at the end, could not quite avoid it. And I think we all sort of wanted that to happen so we could share in his grief.

But if you hear cracks in his voice now it is because he is fighting just for what they would fight for. But he is tired. His voice is tired, but his spirit is not. I respect him.

There is a fellow sitting next to him by the name of Nick Littlefield who ought to be a Senator in this body from somewhere. He is Senator KENNEDY's chief of staff and he is everywhere where he needs to be. His optimism and his fighting spirit is matched, obviously, by the man with whom he works. But there is not any good cause or battle that Nick Littlefield will stay away from. So with the two of them on this floor all by themselves except for the junior Senator from West Virginia, I am proud to be down here this afternoon.

That is not to say I do not have a great deal of respect for the Presiding Officer who, I expect if he wanted to mix it up, would do pretty well, too. Although I suspect we might be on different sides on this particular issue.

Mr. President, everything he said is true, I might say to the senior Senator from Massachusetts. I hope that come next Sunday he will see 1,000 children bused in from all over this country, being fed by Members of the Congress—dinner, lunch—and then joining hands with Members of Congress, literally surrounding the Capitol. Literally hands around the Capitol—little children and children not so young—but all children who are about to have their hot lunches taken away or their breakfasts taken away or something else taken away from them by the zeal that exists around here to cut back on what is necessary for some people in our country to survive and to live while finding ways to increase the wealth of some of us who, frankly, do not need a whole lot more.

It is all very perplexing to me. I grew up in one party, the Republican Party. I became a Democrat at the time that President John F. Kennedy was President because I worked in the Peace Corps. Then I worked for the State Department, then VISTA. But over these past couple of months, this period of time alone has made me understand—not that I had to—why I did what I did and became a Democrat.

Because we are talking about lives at stake in the matter of this Kassebaum amendment. We are talking about situations where I myself have seen families torn apart.

Probably one of the most famous examples of strikers being replaced—at least in the recent years, and maybe not the most famous, but the most famous to me—took place in West Virginia, at a place called Ravenswood Aluminum. It lasted a year and a half. It was terribly bitter. It was terribly dangerous. It was so dangerous that people wanted to stay away from the area.

The Ravenswood story is about people of West Virginia who are not necessarily born with a silver spoon when they are born. They have to work. So when Ravenswood locked out its own workers, and replaced them with something called permanent replacements, we literally saw situations in families with a striker-replacer brother and a striking brother; or brother/sister, in the same household. Husband/wife; brother/sister; uncle/nephew. Those scars still exist, and the anger and what it did to that community have not yet fully healed.

I gave a speech there not long ago. That community has not yet recovered. That is what they still talk about and the crisis was several years ago.

So I associate myself with what my friend from Massachusetts has said. I also want to note the irony, which I think he perhaps raised before but I did not hear it, and that is the irony that the Kassebaum amendment is holding up a package before us to reduce the deficit and supplement the Defense Department.

Let me start by emphasizing that this question posed by Senator Kassebaum's amendment is clearly stalling the passage of a bill which has enormously broad support for very obvious reasons. The Kassebaum amendment has slowed down a bill that would cut the Federal deficit by $1.5 billion as soon as it is signed into law. I do not know how long it takes to print up a bill and send it over to the White House, but I expect it could be by Monday or Tuesday. The President would sign it and the deficit would go down $1.5 billion as a result.

We have been here for the last several weeks and month or more debating deficit reduction. How to do it, by an amendment to the U.S. Constitution? Or by human endeavor?

The Kassebaum amendment has slowed down a bill that will make our military forces more capable of dealing with national security emergencies or dangers, which is something not only folks on this side of the aisle talk about, but almost to a person the folks on that side talk about constantly. This will not happen for as long as this amendment prevents it from happening.

So let us be very sure that the American people understand what is in fact going on, on this floor. A week and 1 day ago, 28 Senators put together this bill, to both replenish critical parts of the budget for the Defense Department and cut Government spending in order to reduce the deficit. We could have passed that bill yesterday. Everybody was here. It is hard to do that today because very few people are here. We could have appointed Senate negotiators to work out the final details with the House. They could have met over the weekend. I expect they would have met over the weekend. They would have been meeting today. They probably could have reached an agreement today—and seen the Federal deficit come down as a result, after the President's pen struck the bill and signed his name.

But instead we have an effort to strengthen our military forces and to cut Government spending being held up by this amendment that has absolutely nothing to do with either of these critical objectives.

I find that ironic, I have to say. I just find that ironic. It is incredible to me to see this impasse over a deficit reduction bill after every single Senator on the other side of the aisle, except for one lone voice, who some want to drive from his party, spent more than a month demanding the passage of a constitutional amendment because they felt so clearly that there could be no other way to reduce the deficit.

The fervor on the other side of the aisle over the balanced budget debate was remarkable. There was an awesome display of unity and singlemindedness. Once again, we are seeing proof that the balanced budget amendment is a very different matter than actually cutting Government waste. It is one thing to talk about it. It is another thing to do it—it's another thing to actually take tangible, real steps to cut that budget deficit. We are ready to do it. So if my colleagues on the other side of the aisle are so determined to really deal with the deficit, then why are they throwing up roadblocks to this amendment, which is an Executive order of substantial simplicity, which I will get into in a moment?

The Senate, although I suspect we could convince very few Americans of it, particularly when we do things like this, is not a political convention. It is supposed to be the place where we use our powers, our brains, our judgment, our convictions to get important work done.

I thought we had agreed on the need for this bill before us. In fact, 28 Senators last week, by a unanimous vote in the Appropriations Committee, did agree on that. That is where I understand 28 Senators to be—Republicans and Democrats—unanimous in their support for this bill. All the Senators who voted for this bill agreed that military readiness and deficit reduction should take priority over everything else that could take place during the course of this week. Nothing transcended that in importance, a proper judgment by both political parties.

But I guess that is not the case with some of our colleagues. I guess I am wrong. Instead, we have to burn up time talking about an amendment that tries to stop the President from doing something that is quite simple, that deserves support from both business and working families.

The President's Executive order, which this amendment attacks and seeks to defeat, is an effort to impose a basic condition on Federal contracts that by definition are financed by American taxpayers. We are not even talking about totally private arrangements. The condition in the Executive order says that businesses that want

Federal contracts—and there is no law saying that a business has to seek Federal contracts—should not be ones that deal with valid, legal labor disputes by hiring workers to permanently replace their own employees.

The President's Executive order does not take away a business' ability to hire temporary replacements when dealing with a dispute. I repeat: If there is a labor dispute or a strike, a business can hire temporary workers for the duration of the dispute or the strike. And, therefore, this order does not expect a business to stop production. This order does not expect to close one iota of anybody's operations down or do anything to lose one dime of business. It simply upholds the principle that when the law—that is, the Federal law—gives workers a right to collectively bargain, or the right to protest conditions or practices, then employers do not have the right to punish those workers by eliminating their jobs for good.

That is not very complicated. I do not think that is particularly difficult to swallow. In fact, it was something that was fairly broadly accepted in the business community until all of a sudden it suddenly became an issue because some people wanted to make it one, and it has been one ever since.

So we have these votes more or less on an annual basis. We have a Federal law that gives workers the right to collectively bargain. That is established fact in this country. Some people like that. Some people do not like that. But that is the law. And it is available to anyone who collectively bargains.

They have the right to protest conditions. Well, I work in a State, and so do the rest of us, where conditions are not what they ought to be in a few places. Since all of us here in the collective body politic tend to get around our States a great deal, visiting plants and facilities, we see situations like this unless we close our eyes. We see situations like this. It is not very often, but we do see them and we do know that in our hearts. We know that.

So if workers lawfully and legitimately protest unsafe conditions or practices, then employers do not have the right to punish those workers by permanently eliminating their jobs. Replace the workers while the dispute is going on, that is permissible. Operations do not cease. Profits do not cease.

If you come to West Virginia and you have 100 job offers—at a Rite-Aid Drugstore or somewhere else—you will get 1,000 to 1,500 applicants, Mr. President. I suspect in some parts of the State of the Presiding Officer, that is true, too. It is uplifting in one way. It is just incredibly sad in another. People are so hungry to work that 1,500 people turn out for 50 jobs, jobs that often do not offer any health benefits. But they are jobs and they are better than not having jobs, and people want to work in both the State of Pennsylvania and the State of West Virginia. So people turn up.

This Executive order does not and cannot prohibit permanent replacements in all labor disputes. It simply says to businesses that, if you want to benefit from Federal contracts paid for by the taxpayers, you need to uphold certain standards, standards long established, long followed, long not disputed, accepted until all of a sudden they became an issue. The American people are constantly telling us they want Congress to get their money's worth when taxes are spent on Government programs and contracts and benefits.

Mr. President, I would argue that the Executive order is designed to do exactly that. Look at the research. It is a fact. Strikes involving permanent replacements last seven times longer than strikes that do not involve permanent replacements. So that is seven times more grief and economic and personal and family and community agony that need not be. Those are the facts.

If there are permanent replacements, the strikes, the worker disputes, the worker-management disputes will go on seven times longer. Strikes involving permanent replacement workers tend to be much more hostile, much more painful for both sides, and often turn what could be a fairly brief period of disagreement and negotiation into a much longer and often, I am sorry to say, violent impasse: gunshots, attacks on the roads, baseball bats, intimidation from both sides.

Permanently replacing striking employees can mean trading in experienced, skilled workers for inexperienced men and women. It does not have to mean that. It does not always mean that. But it can mean that. That is not to the advantage of anyone either, particularly if the business wants to continue to make a profit, to do well, and to compete on an international basis.

Mr. President, asking businesses that want Federal contracts to resist dealing with labor-management disputes in ways that are more costly, in ways that are more contentious and contrary to the principle of collective bargaining and cooperation, is not something that should be holding up a deficit reduction and military readiness bill, in this Senator's opinion.

I suggest to all of my colleagues that it is not in anybody's interest to struggle over the issue of replacement workers with so much blustering conflict amongst ourselves. Congress should be encouraging cooperation and doing everything we can. That is what all of the study groups on competitiveness tell us to do. We should encourage cooperation between both management and labor and between business and workers. We should treat the idea of collective bargaining as a friendly and, frankly, a very American concept.

There is nothing wrong, Mr. President, with collective bargaining. It is the way that people improve their conditions. It has a stark pattern. I remember going to South Korea 10 years ago. They did not really have any labor unions in South Korea 10 years ago. As of about 2 or 3 years ago, they had over 3,000. What has happened? Yes, there have been some incidents, some strikes, and that is natural as a labor union and a company try to come to terms with each other. Wages have started to increase, conditions have started to improve. The national wealth of South Korea is now growing enormously. Japan went through this. I spent 3 years as a university student in Japan, at a time when labor was not strong, and then it became strong and now Japan has a higher industrial wage than the United States. The average worker makes more money there than they do here. And Japan is not particularly known as a country that is hard to do business with, if you get along with the Japanese. If you are an American company it could be harder, but amongst themselves, they do well.

So we should not treat the idea of collective bargaining as some kind of bizarre concept. It is inherent to the roots of this country and, quite frankly, I do not know where we would be without it. If half of this body really wants to encourage employers to resist problem solving and dispute resolution by hiring permanent replacements, then that is encouraging more conflict in the workplace and in our communities. Again, strikes are seven times longer where permanent replacements become the issue.

As I indicated before, I have great, painful knowledge about what happens in these situations. If you go to the community of Ravenswood, WV, a beautiful community in Jackson County, right by the Ohio river, employers were deciding whether to lock out their own workers, 1,700 of them—that is an enormous work force in that part of West Virginia—with permanent replacements. They made that decision. Everybody in West Virginia, including this Senator, watched the hurt that this labor dispute caused; it was genuine hurt—this is not a political speech. It was a genuine hurt within families. Families were just torn apart because, on the one hand, the need to work, and on the other hand, the need to play fair. This tore families asunder, and it was real. Families still do not speak to each other because of this issue. We watched this for over a year and a half in West Virginia, a State that can ill afford to have 1,700 people not working because an employer had the ability to punish its workers this way, and this employer tried very hard to punish his workers that way. It was violent and it was scary, and it hurt the image of West Virginia badly. We will never know how many families might have been saved from financial ruin, if the employer would have simply dealt with the labor dispute and gotten it resolved quickly.

Mr. President, I truly do not believe Republicans in the Senate need to take up the cause of businesses that want the power to punish workers with something called permanent replacements. We are talking about a relatively few number of businesses—the relatively few who, in a strike, will decide to punish in this extreme manner. Sometimes an employer will take this action during the course of the dispute and sometimes that will be the purpose of the dispute from the very beginning—to break the union, or something else. But it is the few. It is not many. But when it happens, it is awful. So we are not talking about a typical situation; we are talking about a very untypical situation. That excessive power simply is not necessary. The Executive order under attack by the Kassebaum amendment would still retain any business' lawful ability to bring in temporary workers, while a labor dispute or strike is getting resolved. But the point is that we should encourage cooperation, we should encourage resolutions to conflicts.

The Presiding Officer and I both come from States where there is a lot of coal mining. I can remember the days when, in my State, there were constant things called "temporary restraining orders" going before judges. Every time there was a dispute at the face of a mine between a worker and management over some little issue, or some big issue, the first thing they did—and the parallel is in the tort reform bill, where I expect the Presiding Officer and I will be on the same side—the first thing they did was call a lawyer and go to court. Then, of course, everybody got hostile and anxious, and the dispute went on forever, and no coal got mined and people did not make money and people could not put food on the table. The temporary restraining order—whatever happened in court—would be appealed.

Finally, management and workers decided in the coal industry in our State to simply say this is ridiculous, we are both losing. They sat down and worked out a way of working out their disagreements, which was to say that when a dispute occurred over a working condition or some rule or something at the face of a mine, which is underground where the wall of coal is, that the worker and the foreman at that area simply talked and worked it out right there. They agreed, workers and management, that this would be the system. I may have to fault my memory on this, but I think for 8 or 10 years, we had no temporary restraining orders whatsoever. Mining employers and workers simply decided that they were going to improve labor-management relations and they wanted it to work better. They wanted to be able to export coal which meant Japan, South Korea, and Canada had to depend upon the coal coming. Therefore, there had to be dependability and consistency that was in the interest of both workers and management. So they settled their disputes. I am talking about nothing different here.

But even if there is a situation where there is a labor dispute, still a company can bring in replacement workers until the dispute is resolved. The point is, we should encourage the cooperation and resolutions to conflicts. We should try to prevent painful, costly, divisive situations that break out—in Ravenswood and the other communities that have been discussed on the floor over the past day or so.

Again, I cannot understand why the President of the United States should not be allowed to condition Federal contracts on practices that would make us more sure that taxpayers' money would be spent efficiently. The logic of that, again, is where you do not have permanent replacements you have much shorter labor disputes by a factor of 7 and, therefore, money is saved for the taxpayers.

There is a lot of talk on this floor about playing by the rules. This Senator does some of it and a lot of Senators do some of it. Should not the President of the United States be able to suggest that businesses that want Federal contracts play by the rules as well? I mean, is that not reasonable? It is very obvious from statistics that workers and their families do not want to resort to strikes. When has there been a strike that has not been destructive of workers' interests, and especially in the short term?

People, generally, in this country want to work hard and make a good income and support their families. People have no choice but to work hard. But when the rare dispute breaks out, they should not have to fear the elimination of their jobs just because of a disagreement over wages or health benefits or safety standards. And I believe that deeply.

The Kassebaum amendment should be defeated on many grounds. It is a disruption to the first time this year that this body has finally been able to do something real about the Federal deficit and Government spending. The amendment is an effort to take the President's ability away to set some practical standards on how Federal contracts are given out. And this amendment will only encourage more labor-management conflict and strife, and everybody here knows that. If this amendment prevails there will be more of it which is not in anyone's interest.

I urge my colleagues to put aside the divisive tactics over issues that have to do with workplace and with relations between business and workers. Ask the families in Ravenswood, WV, what happened when an employer is allowed to respond to a labor dispute with permanent replacements. The answer is pain. The answer is suffering. And it is all totally unnecessary.

Everyone in the Senate should take a fresh, objective look at this issue, which is very hard for people to do. The lines are so set on it. Too many people here stopped actually thinking about this issue long ago and took positions. And in this case, I think that those who oppose this would do well to take a fresh look and not think about who is on the side of business and who is on the side of organized labor and what kind of points can we build up. That is irrelevant. All 100 of us should be on the side of cooperation. All 100 of us should be working to uphold the law that grants workers the right to collectively bargain. All 100 of us should insist that we get on with the job that the bill before us is about, which is called reducing the Federal deficit and increasing our national security.

I feel a special sense of obligation, I say to the Presiding Officer, because I voted against the balanced budget amendment. I feel a special sense of obligation to get about the business of deficit reduction. I mean, there will be some areas where I will disagree with the majority, but there will be many areas where I will agree. I feel an obligation. Reducing the deficit helps the people of my State, too, in terms of future generations. Just as I think it was wise not to include, hopefully not to include, Social Security in any budget balancing effort, because people have a right to retire with dignity and confidence.

So I hope this amendment will be defeated. I think that is important. This issue comes up every year and I know it is treated sort of automatically by both sides. But it is not an automatic issue. It is an extremely real and personal one. It has to do with the fundamental rights of people. It is not something which happens that often. We create more havoc in taking up this fight every year than if we let the President simply go out and do what Presidents ought to be able to do in the interest of business and working people.

I thank the Presiding Officer and yield the floor.

Mr. HATCH. Mr. President, I rise today in strong support of the Kassebaum amendment.

I must admit, Mr. President, that in listening to some of the debate today, I have felt like I am in a time warp. Congress has had this debate last year, the year before last. We have been here before. And, in earlier debates on legislation that would have prevented employers from using permanent replacements during an economic strike, that legislation did not pass.

Notwithstanding Congress' failure to pass this legislation, it's back. The

President has gone ahead on his own and by Executive order unilaterally imposed a major overhaul of labor law on Federal contractors.

I know there has been discussion on the floor on Executive orders issued by Republican administrations, but there cannot be any doubt that the current effort is unprecedented: This Executive order does not uphold existing law—it voids it.

I would urge my colleagues on both sides of labor issues to think twice about the type of precedent that this creates. This Executive order relies on the fact that use of replacements purportedly lengthens labor disputes. Does that mean that our next President can come along and by Executive order outlaw the right to strike by employees of Federal contractors?

The Executive order issued this week does not uphold rights guaranteed under law; it abrogates them. And the President's striker replacement policy is not merely an exercise of procurement prerogative, it regulates private labor relations and restricts private rights guaranteed under law.

I urge all of my colleagues to support Senator KASSEBAUM's amendment to withhold funds for this Executive order's implementation and enforcement.

Mr. DASCHLE. The practice of permanently replacing workers who are exercising their right to strike, as guaranteed by longstanding Federal labor law, is wrong. It is wrong to punish striking workers for exercising their rights, and it is wrong to use replacement workers to disrupt the collective bargaining process.

Since 1935, the National Labor Relations Act has expressly protected the right of workers to strike over economic conditions. Moreover, the act promises workers that they cannot be discharged by their employer for exercising this right.

Under current interpretations of the law, employers are not violating the National Labor Relations Act when they hire replacement workers during a strike and promise to make those positions permanent. Rather, these employers are taking advantage of a true anomaly in Federal labor law, one which sets out a dubious distinction between firing a striking worker and permanently replacing that worker.

To the worker, however, it is of little comfort to know that he or she has been permanently replaced rather than fired. The result in both cases is the same, and the right to strike becomes a right to lose your job.

I believe strongly that the Congress must pass legislation to get rid of this anomaly in Federal labor law. Unfortunately, a minority of the Senate was able to block passage of such a bill last year.

Having said that, however, I must emphasize that the President is not attempting to do by Executive order what Congress was prevented from doing last year.

There can be no disagreement that our Founding Fathers entrusted Congress with the power to adopt the laws of the land. To the executive branch, they assigned the duty of implementing those laws.

If the Executive order issued by President Clinton upset this balance of power, I would strongly oppose it. But it does not.

Rather than usurping the policy-making role of the Congress, this Executive order sets out the terms under which the executive branch will fulfill its own constitutional role.

Implementing the laws passed by Congress involves the procurement of goods and services by the Federal Government. To do this, the Federal Government enters into contracts with suppliers, as any business would do.

In these dealings, the Government wants the same things that businesses want: a quality product, a reasonable price, dependable service. And like any business, the Federal Government selects the suppliers it believes are best able to meet these objectives.

Indeed, with precious taxpayer dollars at stake, I'm sure most Americans want the Government to do business with only the most stable and reliable companies.

Are companies that replace their workers during a lawful labor dispute the most stable and reliable suppliers for the executive branch? The President—the CEO of the executive branch—has determined that they are not.

The use or threatened use of permanent replacement workers makes strained labor-management relations even more contentious. In fact, disputes involving replacement workers last seven times longer than disputes that do not.

A company that replaces its workers during an ongoing dispute is trading in its experienced employees for inexperienced ones. This necessarily raises questions about the timeliness of delivery and quality of product these replacement workers will produce.

Should the Federal Government take a gamble on products that might not be up to snuff? The President has determined that it should not.

Let's not forget that NASA and the Defense Department spend a large percentage of the Federal Government's total procurement dollars. When it comes to space and defense programs, it is critical that these dollars go to contractors of the highest caliber.

On the other hand, it must be noted that this Executive order will not prevent the Defense Department or any other Federal agency from contracting with the supplier that best fits its needs.

In fact, the order specifically guarantees the flexibility of an agency to enter into contracts with companies that have been debarred by the Secretary of Labor if a compelling reason can be shown.

My Republican colleagues are suggesting that President Clinton has taken an extraordinary step by issuing this Executive order. On the contrary, Executive orders have been used throughout the years by Democratic and Republican Presidents alike to set forth important policies of the Federal Government.

And addressing the issue of labor-management relations in an Executive order is not new, either. President Reagan did it in 1981 when he permanently banned the striking PATCO members from returning to their jobs as air traffic controllers.

And President Bush did it twice in 1992 when he issued Executive orders to prohibit the use of prehire agreements on Federal construction contracts and to require Federal contractors to post notices with regard to union membership.

What it comes down to, then, is this: President Clinton has revised the executive branch's procurement policy—nothing more. And he has done it in a way that will help ensure that the Federal Government obtains the best goods and services it possibly can from its suppliers.

If the chairwoman of the Senate Labor Committee disagrees with this policy, she should introduce legislation to overturn it.

That bill should be the subject of hearings by her committee and considered through the normal legislative process, not tacked on to a supplemental appropriations bill.

The chairwoman is attempting her own end run around the legislative process. I urge my colleagues to reject this effort and to get down to business with what is a very important measure to our national defense.

IMPACT OF RESCISSION ON DOE CLEANUP PROGRAM

Mr. GLENN. Mr. President, I rise today to express my strong concerns about the impact this rescission will have on DOE's nuclear weapons cleanup effort. The bill we have on the floor today reduces current year money for the cleanup program by $100 million. Other amendments being discussed may add to this cut. And we see where the House energy and water appropriations bill will reduce this year's funds for the program by an additional $45 million.

Quite simply, if this trend continues one outcome can be guaranteed. The cost to the taxpayer to complete the DOE cleanup—over the life of the program—will increase dramatically. By dragging our heels and refusing to adequately fund this program, we stretch out the time it will take and will increase the overall cost—not to mention the increased risks to workers and the public who may be exposed to radiation as a result of these delays.

Mr. President, I think it is important to discuss up front what the DOE cleanup budget is and is not. The majority of DOE's cleanup budget is dedicated to simply maintaining millions of tons of radioactive waste and scrap and thousands of contaminated facilities in a temporarily safe and secure condition while we try to figure out what to do with this material over the long haul.

Let me repeat that. The majority of the DOE cleanup budget doesn't actually pay for anything to be cleaned up. The majority of DOE's cleanup budget pays for things like waste management and nuclear materials and facilities stabilization. While there are most certainly ways to reduce these so-called landlord costs—and DOE, under Secretary O'Leary and Assistant Secretary Grumbly are actively seeking ways to do just that—these costs simply cannot be wished away, nor reduced entirely. Only about one-quarter of the cleanup budget pays for environmental restoration, or actual cleanup.

Mr. President, some of my colleagues may be interested in learning what the fastest growing part of DOE's environmental budget actually is. I can tell them what it is not. It is not environmental restoration. In fact the fastest growing portion of DOE's cleanup budget is the category of nuclear materials and facilities stabilization. This category represents costs to maintain closed nuclear weapons production facilities in a stable mode until their final decontamination. These costs are often referred to as landlord costs. They represent administrative costs, utility costs, and unique safety related costs that are absolutely necessary to maintain whether the facility is operating or shutdown. These costs only go off the books when the facility is finally decommissioned.

Over the last several years, as policy decisions have been made to shut down these production facilities, these landlord costs have been transferred to the Environmental Management Program from the Defense Program within DOE. DOE's fiscal year 1996 budget request illustrates this process issue vividly. The fiscal year 1996 budget request for the Environmental Management program includes $843 million to manage former defense facilities at Savannah River, Mound, and Pinellas which no longer have a production mission. Prior to this year's budget, these costs were born by DOE's Defense programs office. Budget cutters should keep this fact in mind when examining the Environmental Management budget. The scope of work—the number of facilities, people, and inventory which must be managed—within the EM program has expanded dramatically over the past several years.

Mr. President, as many of my colleague may know, my legislative and oversight work in environment, safety and health issues grew out of my concern about the condition of our country's nuclear weapon production complex. Ohio happens to be the location of 3 of the 17 major facilities in the United States which, over the past 45 years, produced the U.S. nuclear weapons arsenal. These 17 facilities are the ones we usually hear about when we talk about the DOE cleanup program—places like Fernald, Hanford, Savannah River, Rocky Flats, Los Alamos. However, many of my colleagues will be interested to find out that there are literally scores of sites around the country that fall under DOE's cleanup program. Most of these are associated in some way with the nuclear weapons program; however, some are associated with the nuclear navy program and others with energy research activities.

Mr. President, I ask unanimous consent that a list of the Department of Energy's cleanup sites—some 137 sites located in 34 states—be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

DOE EM SITES

ST #	Location	Installation/Site	*
AK-1	Amchitka Island	Amchitka Island Test Site	
AK-2	Cape Thompson	Project Chariot	C
AZ-1	Tuba City	Tuba City	U/C
AZ-2	Monument Valley	Monument Valley	U
CA-1	Berkeley	Lawrence Berkeley Laboratory	
CA-2	Berkeley	University of California	F/C
CA-3	Livermore	Lawrence Livermore National Laboratory	
CA-3	Livermore	Sandia National Laboratories—Livermore	
CA-5	Vallecitos	G E Vallecitos Nuclear Center	
CA-6	Canoga Park (L.A.)	Atomics International	
CA-7	San Diego	General Atomics	
CA-8	Palo Alto	Stanford Linear Accelerator Center	
CA-9	Oxnard	Oxnard	
CA-9	Santa Susana	Santa Susana Field Laboratory	
CA-9	Santa Susana	Energy Technology Engineering Center	
CA-10	Davis	Laboratory for Energy-Related Health Research at U.C. Davis	
CA-11	Imperial County	Salton Sea Test Base	
CO-1	Grand Valley	Project Rulison Site	
CO-1	Rifle	Old Rifle	U
CO-1	Rifle	New Rifle	U
CO-1	Rifle	Project Rio Blanco Site	
CO-2	Gunnison	Gunnison	U
CO-3	Jefferson County	Rocky Flats	
CO-4	Durango	Durango	U/C
CO-5	Grand Junction	Grand Junction Projects Office Site	
CO-5	Grand Junction	Climax Mill Site	U/C
CO-6	Maybell	Maybell	U
CO-7	Naturita	Naturita	U
CO-8	Slick Rock	Union Carbide	U
CO-8	Slick Rock	Old North Continent	U
CT-1	Seymour	Seymour Specialty Wire	F/C
CT-2	Windsor	Combustion Engineering Site	F
FL-1	St. Petersburg	Pinellas Plant	
FL-1	St. Petersburg	4.5 Acre Site	
FL-1	Largo	Peak Oil Petroleum Refining Plant	
HI-1	Kauai	Kauai Test Facility	
IA-1	Ames	Ames Laboratory	
ID-1	Lowman	Lowman	U/C
ID-2	Idaho Falls	Idaho National Engineering Laboratory	
ID-2	Idaho Falls	Argonne National Laboratory—West	
IL-1	Chicago	University of Chicago	F/C
IL-1	Chicago	National Guard Armory	F/C
IL-2	Cook County	Site A/Plot M, Palos Forest Preserve	
IL-2	Batavia	Fermi National Accelerator Laboratory	
IL-2	Lemont	Argonne National Laboratory—East	
IL-3	Granite City	Granite City Steel	F/C
IL-4	Madison	Madison	F
KY-1	Hillsboro	Maxey Flats Disposal Site	
KY-2	Paducah	Paducah Gaseous Diffusion Plant	
MA-1	Norton	Shpack Landfill	F
MA-2	Beverly	Ventron	F
MA-3	Indian Orchard	Chapman Valve	F
MD-1	Curtis Bay	W.R. Grace & Co.	F
MI-1	Adrian	General Motors	F

DOE EM SITES—Continued

ST #	Location	Installation/Site	*
MO–1	Kansas City	Kansas City Plant	
MO–2	Hazelwood	Latty Avenue Properties	F
MO–2	St. Charles County	Weldon Spring Site	
MO–2	St. Louis County	St. Louis Airport Vicinity Properties	F
MO–2	St. Louis County	St. Louis Airport Storage Site	F
MO–2	St. Louis	St. Louis Downtown Site	F
MS–1	Hattiesburg	Salmon Test Site	
MT–1	Butte	Western Environmental Technology Office (WETO)	
ND–1	Bowman	Bowman	U
ND–2	Belfield	Belfield	U
NE–1	Lincoln	Hallam Nuclear Power Facility	C
NJ–1	Jersey City	Kellex/Pierpont	F/C
NJ–2	Maywood	Maywood Chemical Works	F
NJ–3	Princeton	Princeton Plasma Physics Laboratory	
NJ–4	Middlesex	Middlesex Municipal Landfill	F/C
NJ–5	Middlesex	Middlesex Sampling Plant	F
NJ–5	New Brunswick	New Brunswick Laboratory	F
NJ–6	Wayne	Wayne	F
NJ–7	Deepwater	Du Pont & Company	F
NM–1	Albuquerque	South Valley Site	
NM–1	Albuquerque	Sandia National Laboratories—Albuquerque	
NM–1	Albuquerque	Inhalation Toxicology Research Institute	
NM–1	Albuquerque	Holloman Air Force Base	
NM–1	Los Lunas	Pagano Salvage Yard	
NM–2	White Sands MR	Chupadera Mesa	F/C
NM–3	Carlsbad	Project Gnome-Coach Site	
NM–3	Carlsbad	Waste Isolation Pilot Plant	
NM–4	Ambrosia Lake	Ambrosia Lake	U
NM–5	Farmington	Project Gasbuggy Site	
NM–6	Shiprock	Shiprock	U/C
NM–7	Los Alamos	Los Alamos National Laboratory	
NM–8	Los Alamos	Bayo Canyon	F/C
NM–8	Los Alamos	Acid/Pueblo Canyon	F/C
NV–1	Fallon	Project Shoal Site	
NV–2	Tonopah	Central Nevada Test Area	
NV–2	Nellis AFB	Tonopah Test Range	
NV–2	Mercury	Nevada Test Site	
NY–1	Buffalo	B&L Steel	F
NY–2	West Valley	West Valley Demonstration Project	
NY–3	Tonawanda	Seaway Industrial Park	F
NY–3	Tonawanda	Ashland Oil #1	F
NY–3	Tonawanda	Ashland Oil #2	F
NY–3	Tonawanda	Linde Air Products	F
NY–4	Lewiston	Niagara Falls Storage Site Vicinity Property	F/C
NY–5	Niagara Falls	Niagara Falls Storage Site	F/C
NY–6	Colonie	Colonie	F
NY–6	Schenectady	Knolls Atomic Power Laboratory	
NY–7	Manhattan	Baker & Williams Warehouse	F/C
NY–8	Upton, LI	Brookhaven National Laboratory	
OH–1	Columbus	Battelle Columbus Laboratories	
OH–1	Columbus	B&T Metals	F
OH–2	Fernald	Fernald Environmental Management Project	
OH–3	Ashtabula	Reactive Metals Inc./Fields Brook Site	
OH–4	Oxford	Alba Craft	F
OH–4	Fairfield	Associated Aircraft Tool & Manufacturing	F
OH–4	Hamilton	HHM Safe Site	F
OH–5	Painesville	Painesville	F
OH–6	Piqua	Piqua Nuclear Power Facility	C
OH–7	Miamisburg	Mound Plant	
OH–8	Portsmouth	Portsmouth Gaseous Diffusion Plant	
OH–9	Luckey	Luckey	F
OH–9	Toledo	Baker Brothers	F
OR–1	Lakeview	Lakeview	U/C
OR–2	Albany	Albany Metallurgical Research Center	F/C
PA–1	Aliquippa	Aliquippa Forge	F/C
PA–2	Canonsburg	Canonsburg	U/C
PA–3	Shippingport	Shippingport Atomic Power Station	C
PA–4	Springdale	C.H. Schnoor	F/C
PA–4	West Mifflin	Bettis Atomic Power Laboratory	
PR–1	Mayaguez	Center for Energy & Environmental Research	
SC–1	Aiken	Savannah River Site	
SD–1	Edgemont	Edgemont Vicinity Properties	C
TN–1	Oak Ridge	Elza Gate	F/C
TN–2	Oak Ridge	Y–12 Plant	
TN–2	Oak Ridge	Oak Ridge K–25 Site	
TN–2	Oak Ridge	Oak Ridge National Laboratory	
TX–1	Falls City	Falls City	U/C
TX–2	Amarillo	Pantex Plant	
UT–1	Green River	Green River	U/C
UT–2	Salt Lake City	Salt Lake City	U/C
UT–3	Mexican Hat	Mexican Hat	U
UT–3	Monticello	Monticello Millsite and Vicinity Properties	
WA–1	Richland	Hanford Site	
WY–1	Spook	Spook	U/C
WY–2	Riverton	Riverton	U/C

* U=UMTRA; F=FUSRAP; C=COMPLETED

Mr. GLENN. Mr. President, in the early 1980's I chaired hearings which revealed serious worker safety and health problems at DOE's uranium Enrichment facility in Portsmouth, OH, as well at the Fernald uranium foundry outside of Cincinnati. These hearings were among the first public examinations of the nuclear weapon complex. Due in part to decades of secrecy and the cold war urgency to produce nuclear weapons at any cost, little attention was historically given to worker safety or the environment. After becoming chair of the Governmental Affairs Committee in 1986, I significantly increased the number of oversight hearings of this heretofore neglected program.

As problems were uncovered at Ohio's facilities, I began asking whether similar problems existed at DOE's other sites around the country, including Savannah River, Hanford, Rocky Flats, and our national labs. Often utilizing the auditors and investigators of the General Accounting Office, the answer which all-too-often came back was, "Yes, in spades." One example shows how massive the nuclear weapons cleanup has become. In 1985, I asked GAO to estimate the cost of cleaning up DOE's facilities. Their answer was $8–12 billion, a significant sum. By 1988, that figure had risen to $100 billion. Now, in 1995 GAO's best guess is over $300 billion, with the caveat that much of the technology does not yet exist to do the job. Over the past several years, the fastest growing program within DOE has been the cleanup program. We are currently spending over $6 billion every year to address the very real environmental problems at these sites.

However like any other government program which grows exponentially in a short time, the growth of DOE's cleanup program has resulted in waste and inefficiency. My investigations into the DOE weapon complex have focused on exposing the serious environment safety and health problems which exist there, but also on the Department's ability to address and manage these problems efficiently. One particular problem has been DOE's contract management practices, which were all-too-often inadequate and failed to properly account for or track literally billions of dollars of taxpayer funds. Governmental Affairs Committee investigations into DOE's contracting practices have resulted in taxpayer savings in a variety of ways, from reducing the cost of drilling wells at Hanford, to controlling affiliate contracting relationships at Savannah River to implementing improved planning and management tools for estimating and tracking program costs at all sites.

I am pleased to say that the Department, under Secretary O'Leary's leadership has made a number of very real efforts to get waste and mismanagement problems under control. First and foremost Secretary O'Leary has agreed to reduce the DOE budget by $10.6 billion over the next 5 years. Within this reduction, the cleanup program has agreed to reduce its spending by $4.4 billion over the same timeframe. The DOE contract reform initiative and reorganization efforts also will strengthen the Department's ability to do more with less.

As the magnitude of the nuclear weapon cleanup becomes clearer, many people are beginning to suggest that we back away from our obligation to remediate these sites, saying that it is simply too expensive. "After all," these critics say, "these sites are remote and few people live there. Aren't there more cost-effective ways we can spend taxpayer dollars?" I simply do not agree with the premise that we can back off of this cleanup effort. While it is true that many of the most contaminated sites—like Hanford and Savannah River—are remote, they are unfortunately situated near major drinking water supplies. If little is done now, it is likely that our children or grandchildren—even those living far from these sites—will have to contend with severely contaminated water. And for every site that is remotely located, the Department has sites like Rocky Flats, outside of Denver, or Fernald, outside of Cincinnati, which are located near major population centers.

I am convinced that the answer to cleaning up these facilities will not be found by putting off to future generations the responsibility of dealing with these problems. I intend to continue to exercise broad and vigorous oversight in this area during the 104th Congress.

Mr. President, I will have more to say about this program as we proceed through this year's budgeting process. I would close by encouraging my colleagues to review information which describes the Department's fiscal year 1996 cleanup budget in greater detail. I ask unanimous consent that this material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHAT HAVE WE DONE?—ENVIRONMENTAL MANAGEMENT ACCOMPLISHMENTS, 1989–1994

Cleanup of 16 former nuclear weapons and industrial sites (FUSRAP).

Cleanup of 14 Uranium Mills Tailings Remedial Action (UMTRA) sites.

Remediation of 5,000 public and private properties contaminated with uranium tailings.

Completed 119 Remedial Actions.

100 Facilities have been decommissioned.

9 Site-Specific Advisory Boards have been established.

30.4 million square meters of soil and uranium tailings removed.

16 million pounds of scrap metal recycled.

2.4 billion gallons of ground water and 1.8 billion gallons of surface water treated.

500 tanks removed or replaced.

55,000 pounds of shrapnel and ordnance removed.

2,200 acres of land stabilized.

488,000 drum equivalent of stored waste shipped offsite.

Disposed of 50,000 m³ of low-level waste.

ENVIRONMENTAL MANAGEMENT PROGRAM

[Fiscal year 1996 Congressional Budget Request]

	Fiscal year—		Change
	1995	1996	
Waste Management	2,916.1	2,707.7	−208.4
Environmental Restorations	1,768.5	1,993.7	+225.2
Nuclear Mat. & Facilities Stabilization	838.9	1,679.7	+840.8
Technology Development	417.4	390.5	−26.9
Uranium Enrichment D&D	301.3	288.8	−12.5
Analysis, Education & Risk Mgt	84.9	157.0	+72.1
Corrective Activities	27.2	8.8	−18.4
Transportation Management	20.7	16.2	−4.5
Compliance & Program Coord	0.0	81.3	+81.3
Subtotls	6,374.0	7,323.7	+948.7
Use of Prior Year Balances	(257.5)	(300.0)	(+42.5)
SR Pension Funds	(0.0)	(37.0)	(+37.0)
D&D Fund Deposit Offsets	(133.7)	(350.0)	(+216.3)
D&D Fund Foreign Fee	(0.0)	(45.0)	(+45.0)
Totals	5,983.8	6,591.7	+608

Over 2,400 facilities will be transferred to EM from other DOE programs in 1995, adding an additional $843 million in site management responsibilities to the FY 1996 EM budget.

In December 1995 the Savannah River Site will begin removing High-Level Waste from storage tanks and "vitrifying" it into a safer glass form at the Defense Waste Processing Facility.

A minimum of 24 new or improved technologies will be made available for transfer to private industry for implementation and 50 technologies will be pilot-, bench-, or full-scale demonstrated in FY 1996.

Remedial action has been completed on 17 of 45 Formerly Utilized Sites Remedial Action Project (FUSRAP) and on 13 of 24 Uranium Mills Tailing Remedial Action sites.

16 Remedial Actions, 78 Assessments and 12 Decontamination and Decommissioning projects will be completed in FY 1995.

FISCAL YEAR 1996 CONGRESSIONAL BUDGET—OUTYEAR PROFILES

[Dollars in millions]

	1996	1997	1998	1999	2000	Total
	Budget authority					
Base	$6,592	$6,973	7,042	$7,115	$7,181	$34,903
Savings		(700)	(1,510)	(1,597)	(1,665)	(5,472)
Budget authority	6,592	6,273	5,532	5,518	5,516	29,431
	Outlays					
Base	$6,144	$6,686	$6,966	$7,070	$7,145	$34,011
Savings		(350)	(1,000)	(1,432)	(1,618)	(4,400)
Outlays	6,144	6,336	5,966	5,638	5,527	29,611

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SMITH. I thank the Chair.

(The remarks of Mr. SMITH and Mr. CHAFEE pertaining to the introduction of S. 534 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we had a good debate and discussion on the Kassebaum amendment earlier with a number of our colleagues. I would just like to make some concluding comments about where I think we are in this debate and discussion.

Earlier in the course of the afternoon, I talked in some detail about the legitimacy of the Executive order. I included in the RECORD the legal justification for the order and then summarized the policy considerations for the Executive order and responded to some of the questions that have been raised over the period of the last couple of days about whether the President exceeded his authority and responsibility in terms of issuing it.

Hopefully, for those Members who are interested, they will at least have an opportunity to read through the Attorney General's memorandum and some of the other material which I think spell out very clearly the responsibility that the President had for undertaking the Executive order, the legal justification for that order.

Just a few moments ago, I tried to put this proposal in the context of the discussions that we are having in the Senate of the United States and in the House of Representatives under the general rubric of the Contract With America. I think, quite frankly, Mr. President, it is appropriate to make these comments at this time because the amendment of the Senator from Kansas, in trying to undermine the President's authority and power, particularly the policy reasons for it. I think really helps put into sharper relief exactly what some of the public policy matters are that have been raised during the period of these past weeks and what I think the American people, particularly working families, should be very much aware of and I should think very much concerned about. I would like to take a few moments of the Senate's time this afternoon to address that broader issue.

The pending Republican amendment on permanent striker replacements is a skirmish in a much larger battle that is now unfolding in Congress in full view of the American people. Each day's developments under the new Republican majority in the Senate and House of Representatives raises increasing concern. The Republican's so-called Contract With America is being unmasked for what it is. It is not a Contract With America at all but a declaration of war on working families throughout America.

There is a fundamental hypocrisy behind many Republican positions in the current national debate. They do not mind Government stepping in with a generous helping hand for business; they think tax cuts for the rich and corporate welfare in the form of lavish Government subsidies for businesses are fine, but our Republican friends get upset when Government steps in to offer a helping hand to working families, to the elderly, to children and to those in need.

Democrats are proud to be the defenders of Social Security and Medicare for senior citizens, a fair minimum wage for workers, aid for college education, hot lunches for children in their schools. Democrats are proud to be on the side of all these individuals and families across America struggling to make ends meet, and we are proud to oppose any Contract With America that endangers all of these worthwhile programs.

President Clinton had it right when he said the Nation wants Government to be lean not mean. But wherever we turn in Congress today, we see mean-spirited assaults on programs that help people, and I would like to discuss a few of these basic priorities today issue by issue.

We know that education is a key building block of the American dream. While college costs rise to over $8,000 a year at many State universities and over $20,000 a year at many private colleges, a college education is too often an impossible dream for working families. We know that students and their families are struggling hard to find the finances needed to pursue the education and the training they need.

Yet, Republicans are proposing the largest cuts in student aid in the Nation's history. The proposals in the Contract With America would slash $20 billion from student aid over the next 5 years; an additional $20 billion that students and working families would have to come up with from their own pockets.

The contract proposes to eliminate the interest on student loans the Government now pays while students are in school. Under current law, interest does not build up on student loans until students graduate and can start paying back their loans. Slashing this interest subsidy will save the Federal Government $12 billion over 5 years, but at what price? By deeper indebtedness for students, as much as 20 to 50 percent deeper.

For a student who borrows the maximum amount to pay for 4 years in college, the Republicans' cut would add $3,000 in extra interest payments. Instead of $17,000 in loans to pay off college, the student would owe $20,000. And that is not all. Republicans are also calling for the elimination of the campus-based grant and loan programs that help students pay their way through college. That is another $7 billion in cuts that will hurt the Nation's students.

Republicans extol the virtue of work, yet they propose to eliminate the highly successful work-study program that enables students to work at jobs on campus and in their communities to earn part of their financial aid. And the only ones that are eligible for those are, again, working families, the sons and daughters of working families. There is a sliding scale and it gets up to maybe $62,000, $64,000 for three members of a family in school.

You are talking about a program that is targeted, again, to provide working families' students to be able to gain additional resources as a result of working at jobs on campuses and in the communities as part of a financial aid package.

It is not as if the States will pick up the slack. In Massachusetts, State financial aid for students has been cut by almost a third since 1988. Tuitions and fees charged to students at the State university have doubled. If the Republican cuts go through, Massachusetts students will lose $70 million in Federal student aid a year, more than the total amount the State spends on student aid.

Republicans claim they want to balance the budget so as not to bury the next generation in debt, but they are more than willing to bury the Nation's students in debt. In fact, Republicans are proposing at the same time to add to the deficit in order to protect the banks at the expense of students. And I want the attention of the Members on this particular issue affecting students in their own States.

Last Friday, Senator KASSEBAUM introduced a bill to cap the new Federal direct lending program for college students. That program began in 1993 under the leadership of President Clinton and Democrats in Congress but also with the support of Senator Durenberger, Senator JEFFORDS, and other Republicans. That particular program has cut college student loan fees in half and lowered interest rates on their loans. It has eliminated the huge and confusing bureaucracy that makes it difficult for students to receive their loans on time and even harder for them to pay back their loans.

Under the direct lending and current law, students will save $2.2 billion over 5 years and taxpayers will save $4.3 billion. But banks do not like the new program because it reduces the profits they were making at students' expense. The Republicans want to stop the direct lending in its tracks, even though stopping it will add to the deficit in the long run.

The Republican priorities are clear. The Democrats put students and education first; Republicans put the banks first, even ahead of reducing the deficit.

The economy, the Treasury and the families across America will suffer if the next generation of students have to start their working lives under a mountain of debt and cannot afford the education and training they need to be productive workers. Slamming the door of college in the face of the Nation's students is not a Contract With America, it is an insult to America.

The next issue is health care. Few things are more important to the security of working families than affordable quality health care. Few things are more important to senior citizens than Medicare. But for the new Republican majority, the tax cuts for the wealthy and the protection of corporate profits are more important than the health care of American workers and their families and Medicare for our senior citizens.

Today, no working family is guaranteed affordable health care. Thirty million members of working families have no health insurance at all. The breadwinners in these families work hard—40 hours a week, 52 weeks a year. But all their hard work does not free them from concern about their health security. They cannot afford to buy health insurance on their own and their employers will not contribute to the cost.

Even families that have health insurance are not secure. No family can be sure that the insurance that protects them today will be there for them tomorrow when serious illness strikes. Lose your job and you can lose your coverage. Change jobs and you can lose your coverage. Your employer can decide your coverage is too expensive and drop it altogether. And your insurance company can decide you are a bad risk and cancel your current policy. More than 2 million Americans lose their health insurance every month.

The skyrocketing cost of health care is depriving workers of the wage increases they deserve. It is keeping real income stagnant, even as the economy grows and strengthens.

Last year, the Republicans drew a line in the sand against the simple and sensible idea that every employer should be expected to contribute to the costs of health insurance for their employees, even though most employers do so voluntarily today.

Last year, as their alternative the Republicans proposed reforms in the insurance market, to try to make health insurance more available. They offered subsidies to workers whose employers did not provide health insurance. But this year, this year the Republicans have backed away from even this minimalist approach. Health care is not even in the Republican contract. It is not in the agenda for the first 100 days. And the two Republican bills introduced to date provide not a single dollar to help working families afford health insurance.

The problem has not gone away. Despite the economic recovery, the number of uninsured rose by more than a million last year. Workers who still have their insurance are less secure than they were a year ago. Health care costs continue to rise at twice the rate of general inflation. But for the Republicans, now that there is no threat of new responsibilities on business, they feel no responsibility to address the needs of workers.

Families need a reliable system of health security for their retirement years as well. Older Americans are the most vulnerable to costly illnesses. The cost of health care in retirement threatens not only the security of retired workers but the security of their children and grandchildren as well, who will contribute everything they have to keep their parents from destitution.

For three decades, Medicare has provided health security for senior citizens. But today, the security of Medicare is in danger, and the Republican program threatens to destroy it. The Republican Speaker of the House of Representatives has said that Medicare should be rethought from top to bottom and that every decision on it must be made in the light of a balanced budget. The Republican chairman of the Finance Committee has projected $300 billion in Medicare cuts over the next 7 years. Independent estimates of the cost of the Republican contract project cuts in Medicare of an almost unthinkable 31 percent of projected program costs.

Because of current program gaps and out-of-control health care costs, the protection that Medicare provides is already inadequate. Last year, senior citizens spent an average of $2,800 out of their pockets for health care—four times what nonelderly Americans spent.

Just 8 years ago, in 1987, senior citizens spent 15 percent of their income for medical care—and that was too much. Today, that number has soared to 23 percent—almost $1 in every $4 taken from limited incomes that are already stretched to pay for food, housing, heat, clothing, and other essential expenses of daily living. If the medical costs of senior citizens in nursing homes and other institutions are included, the percentages would be even higher. I say senior citizens should be paying less for medical care, not more.

The damage done by reductions of scale contemplated in the Republican contract go beyond the increase of out-of-pocket costs. They would turn senior citizens into second-class citizens in health care. They would significantly boost the already excessive insurance premiums paid by working families. They would damage key health care institutions. They would be achieved by forcing senior citizens into managed care programs and denying them the opportunity to go to the doctor and the hospital they choose.

President Clinton has taken a strong stance on this issue—no Medicare cuts unless they are part of overall health care reform that protects senior citizens, working families, and health care institutions.

Democrats support these principles, but our Republican friends take a different view. Billions of dollars in tax cuts for the wealthy, paid for by billions of dollars in Medicare cuts for senior citizens.

Other important aspects of health security are protection from unsafe and ineffective prescription drugs, reasonable access to the physicians and other health professionals, especially for those who live in rural and underserved urban areas, and safe workplaces and a safe environment.

What is the Republican program? Hamstring the FDA so that drug companies can have higher profits, even though the American people will have worse protection. Cut the National Health Service Corps, so that people who live in rural communities and inner cities will have to go without care when they need to see a doctor. Roll back the rules that require businesses to provide a safe workplace for employees. Undermine the environmental protections that bring clean air and clean water.

In each of these areas, the Republican prescription for health care is a healthier bottom line for special interests and the wealthy, and greater risk of illness for American families. That is the kind of cost-benefit analysis we are getting these days. It is the wrong analysis, because it looks at the wrong costs and the wrong benefits.

Yesterday, the Republican chairman of the House Ways and Means Committee outlined a 5-year tax cut proposal as part of the Republican contract. It is a lavish tax break for the rich, that will inevitably be paid for out of the pockets of working families. It is an antifamily, antiwork, antichildren tax cut, and it does not deserve to pass.

It will cost the Treasury $700 billion over the next decade. It will drive up the deficit to levels unheard of even during the Reagan and Bush administrations.

Is it just coincidence that the total amount of the nutrition cuts recently proposed by the House Republicans—in WIC, school breakfasts, school lunches—will provide just enough to pay for the capital gains tax cut for families earning over $100,000? This is an affront to working American families, because it takes the most from those who have the least.

The current capital gains tax cut will be cut in half; 75 percent of the tax benefit from this cut will go to those making more than $100,000 a year—the top 9 percent of income; 50 percent of the benefit will go to the wealthiest 1 percent of the population.

The tax cut proposal also calls for accelerated depreciation deductions for business. A similar tax break was included in the Reagan tax cut in 1981. It was rightfully curtailed in the 1986 Tax Reform Act and it should not be expanded now.

The poor and the middle class have no resources for these types of investments. They would get no benefit from this provision. But it would provide $90 billion in tax breaks for the wealthiest corporations in America.

The Republican tax cut would also repeal the alternative minimum tax which now keeps major corporations from avoiding taxes altogether. If it is repealed, it will put $60 billion into the pockets of wealthy corporations and let many of them go entirely tax free.

In the unkindest cut of all, the Republican proposal would deny any tax relief to the lowest income families.

The original Contract With America made the $500 tax credit for children refundable, which means the tax relief would have been available to all families including those at the lowest income levels who need help the most. By deleting the refundable features of this tax cut the Republican plan will deny $13 billion in tax relief for these families.

Millionaires will get their tax cut in full, but to save money our Republican friends now offer no relief at all to the millions of families at the other end of the income scale. The plan makes a mockery of any sense of tax fairness and tax justice, and it must not be permitted to stand.

I can cite many other ways in which the so-called Contract With America declares war on working families and average citizens across the country. In the weeks to come we will have an opportunity in the Senate to debate all of these issues in full and I am confident that when we do, a fairer contract will be written. The real casualties of this war will be the worst provisions of the contract, not the people of America.

The PRESIDING OFFICER (Mr. JEFFORDS). The Senator from Utah.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

Mr. HATCH. Mr. President, I do not intend to be long but I would like to say a few words about the balanced budget amendment.

Mr. President, the international financial markets and the Chairman of the Federal Reserve Board have passed judgment on America's future economic power in the wake of the Senate's failure to adopt a balanced budget amendment. Their reaction paints a bleak picture of the future of our country, and does not suggest we will leave a legacy to our children we can be proud of. I ask those colleagues who once supported this amendment and who changed their votes this year to rethink their position again in light of this judgment.

Mr. President, the balanced budget amendment vote suggested to the world that the success of President Clinton and the Senate Democratic leadership in blocking the amendment signaled the triumph of business-as-usual and a continuation of the big-spending practices of the past. The markets reacted swiftly and strongly, and, I think, justly. The dollar dropped precipitously to record low exchange rate levels against the Japanese yen and the German mark.

Fed Chairman Greenspan, in testimony before the House Budget Committee on Wednesday, attributed the precipitous fall of the dollar in large part to the failure of this body to adopt the balanced budget amendment. The Wall Street Journal, the New York Times, and the Washington Times all reported that Chairman Greenspan agreed with those who pointed to the Senate's rejection of the balanced budget amendment—and its implication of continued fiscal irresponsibility—as the cause of the dollar's drop.

Chairman Greenspan reportedly opined that "in futures markets—an important indicator that doesn't reflect current ups and downs in the economy—the dollar didn't begin to fall significantly until the Senate rejected the balanced budget amendment. * * *" (Wall Street Journal, Mar. 9, 1995) He was quoted as saying, "[t]here was apparent concern in the international financial markets that something significant was happening to our resolve with respect to coming to grips with the balanced-budget issue." (Id.)

He further noted that to continue on the path of $200 billion deficits—and I would add that that is precisely the path President Clinton has laid out for this country in his proposed budget—"would be unwise and probably impossible. * * * Indeed, given the weakness in the foreign exchange value of the dollar, world capital markets may be sending us just that message." (Washington Times, Mar. 9, 1995, p. 1)

In his testimony, Chairman Greenspan also pointed out the benefits of a balanced budget, which would be obtained through passage of a balanced budget amendment: a stronger dollar, lower interest rates, and a stronger economy.

Mr. President, I think the message is clear. The victory of President Clinton and a few of the Democrats who want to keep this country on a path of increasing debt and the business-as-usual spend and borrow policies was a defeat for the American economy and for the American people.

As we have said throughout the balanced budget amendment debate, the benefits of passing the amendment begin immediately and keep improving as Congress returns to a more rational fiscal regime. Failure to adopt the amendment means not just a continuation of the weakness of the past, but a worsening picture.

This Nation's fiscal freedom is at risk if we continue on President Clinton's path of irresponsible spending. If we wish to remain the power that we have been, we need to rekindle the values of thrift and responsibility in this Congress. And we should lock those values in place with a constitutional amendment to require a balanced budget.

The Senate should learn from its mistake—a mistake heralded as a serious economic mistake by world financial markets—and adopt the balanced budget amendment, and get on with balancing the budget. If we do this we can have the benefits Alan Greenspan pointed to: a stronger dollar, lower interest rates, and a stronger economy. And I would add to those benefits a more responsive and more responsible Government. All these things can be the legacy we leave our children. The alternative legacy is not one I would be proud to leave. We must pass the balanced budget amendment.

I believe that the time is this year. So I hope our colleagues will reconsider. I hope we can pass it.

I ask unanimous consent a number of articles from the various newspapers be printed in the RECORD.

There being no objection the articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 9, 1995]

FED CHAIRMAN BLAMES DEFICIT FOR DOLLAR'S FALL

GREENSPAN ALSO CITES DEFEAT OF BUDGET AMENDMENT, BACKING GOP CHARGES

(By Lucinda Harper and David Wessel)

WASHINGTON.—Federal Reserve Chairman Alan Greenspan blamed the weak dollar on a persistent U.S. government fiscal deficit and failure of Congress to pass a constitutional amendment to force a balanced budget.

Calling the dollar's fall "overdone . . . unwelcome and troublesome," Mr. Greenspan told the House Budget Committee that it "adds to potential inflation pressures in our economy."

The dollar rebounded yesterday for the first time in days. The rise, which began before Mr. Greenspan's testimony, took the dollar to 91.35 yen from 90.05 yen the day before and to 1.3940 marks from 1.3688 marks. Several European nations yesterday raised interest rates to try to boost their currencies against the German mark.

Mr. Greenspan said nothing yesterday to suggest he contemplates raising U.S. interest rates to help the dollar. Indeed, he repeatedly said the best way to help it is to reduce the budget deficit. But in his testimony, he avoided the word "ease"; his use of that word in earlier testimony, when referring to U.S. interest rates, has been cited by some analysts as one factor contributing to the weak dollar.

In his most detailed commentary since the dollar began plunging, Mr. Greenspan said the U.S. currency began to get weaker "as the economy started to give evidence of slowing down" and interest rates on one- and two-year maturities fell. Lower U.S. interest rates make the dollar less attractive to global investors.

But in futures markets—an important indicator that doesn't reflect current ups and downs of the economy—the dollar didn't begin to fall significantly until the Senate rejected the balanced-budget amendment, Mr. Greenspan said. The Fed chairman opposed the amendment, but said that with its rejection. "There was apparent concern in the international financial markets that something significant was happening to our resolve with respect to coming to grips with the balanced-budget issue."

Mr. Greenspan's analysis lent support to Republican charges that defeat of the amendment caused the dollar's collapse. "The dollar has been sliding against the yen and the mark ever since the amendment went down," House Speaker Newt Gingrich said yesterday.

Although Clinton administration officials remained publicly silent on the dollar, the

German Bundesbank—normally pleased when the mark is strong—said in a statement that the dollar's fall was exaggerated and wasn't justified by "economic fundamental factors."

The German central bank praised Treasury Secretary Robert Rubin's one public utterance on the dollar so far: that a stronger dollar is in the U.S. national interest. In a speech scheduled for this morning, Mr. Rubin is expected to elaborate on this theme, particularly on his view that U.S. support for Mexico isn't any reason for the dollar to be weak.

During some past episodes of dollar weakness in recent years, other Clinton administration officials have occasionally suggested the benefits of a weak dollar, but they now are avoiding saying anything that suggests they favor its decline.

Fed Governor Lawrence Lindsey, who has in the past made statements that hurt the dollar, wouldn't discuss it yesterday. "I don't have a yen to make a mark," he told wire-service reporters.

On the state of the economy, Mr. Greenspan reiterated that he sees "some indications that the expansion may be slowing from its torrid and unsustainable pace of 1994. . . . while there are signs that spending is slowing, the jury remains out on whether that will be sufficient to contain inflation pressure." He noted slowing of the housing sector and consumer spending, but said there are "few indications of that degree of slowing" in orders for nondefense capital goods or investment in commercial buildings.

[From the Washington Times, Mar. 9, 1995]

FED CHIEF HELPS DOLLAR SOAR

GREENSPAN CITES SENATE BUDGET VOTE AS TRIGGER FOR ALL, URGES DEFICIT ACTION

(By Patrice Hill)

Federal Reserve Chairman Alan Greenspan touched off a powerful dollar rally yesterday by signaling the Fed's concern about the beleaguered currency and calling on Congress to move quickly to cut the budget deficit.

Mr. Greenspan agreed with observers who think the failure of the balanced-budget amendment last week triggered the dollar's fall to record lows against the German mark and Japanese yen because it raised questions about Washington's willingness to control spending. He stressed that it is within Congress' power to reverse the currency's decline.

"A key element in dealing with the dollar's weakness is to address our underlying fiscal imbalance convincingly," he told the House Budget Committee, which is preparing a plan to balance the budget by 2002, as the constitutional amendment would have required.

To forever rely on foreign money to finance a $200 billion budget deficit and a $150 billion trade deficit "would certainly be unwise and probably impossible," he said. "Indeed, given the recent weakness in the foreign exchange value of the dollar, world capital markets may be sending us just that message."

Mr. Greenspan said an all-out effort by Congress to eliminate the deficit not only would bolster the dollar, but also substantially lower interest rates and stimulate the economy.

"The productive potential of the U.S. economy will be shaped significantly by the actions of this Congress," he said, predicting a "startling" pickup in growth, more stability on financial markets and an increasing standard of living if Congress acts decisively to cut the deficit.

Mr. Greenspan's statement, combined with his assurances that the Fed is prepared to do what is necessary to deal with the "troublesome" fall of the dollar, dramatically lifted the U.S. currency against the mark and yen.

In New York trading, the dollar leaped to 1.3935 marks after hitting an all-time low of 1.3440 marks earlier yesterday in European trading. It had closed at 1.3702 marks Tuesday in New York.

The dollar sprang to 91.33 yen from the record low of 88.70 reached in European trading overnight. Its Tuesday close in New York was 90.05 yen. Stocks and bonds rallied modestly with the dollar.

While Mr. Greenspan's talk was a salve for the dollar, some traders questioned whether the gains will last unless Congress acts or the Fed boosts interest rates. Raising interest rates would bolster the dollar by making U.S. bonds more attractive to investors. Mr. Greenspan appeared to leave that possibility open yesterday.

"Greenspan is telling all these congressmen that what's happening to the dollar now is a symptom of the problem," said Dan Seto, an economist at Nikko Securities in New York. He said the Senate's balanced-budget vote was a negative for investors who thought the amendment would keep the federal government from living beyond its means.

"It's loud and clear," he said of Mr. Greenspan's message, "but, unfortunately, a lot of congressmen have their own Walkmans on, and they're hearing other music."

Several congressmen at the Budget Committee hearing accused the Fed and the Treasury of causing the currency crisis by getting involved in Mexico's financial problems and depleting the central bank's foreign exchange reserves by committing $20 billion to prop up the Mexican peso.

Sen. Byron L. Dorgan of North Dakota, one of six Democratic senators who switched votes to block the balanced-budget amendment, brought up the peso when told about the Fed chairman's comments.

"The dollar was dropping rapidly before the Senate vote, and Greenspan knows that. He linked the dollar to the ailing peso," said Mr. Dorgan, a persistent Fed critic. "The marriage of the dollar and the peso has caused the trouble for the dollar."

Despite falling against other major currencies, the dollar has been hitting new highs against the peso. Yesterday it took 7.02 pesos to buy a dollar, near 50 percent more than it did Dec. 20, when Mexico devalued its currency.

"The dollar's problems began to mount when Mexico devalued the peso," Mr. Seto said, primarily because people wonder if the Mexican bailout leaves the Fed with enough reserves to influence movements in the dollar market, where $1 trillion changes hands each day.

Comparing the meager reserves of most central banks to a "bowling trophy on the mantle," he said such reserves can't prop up a currency experiencing a fall like the dollar's.

Mr. Greenspan insisted yesterday that the Fed's reserves are sufficient to defend the dollar.

Another Democrat who opposed the balanced-budget measure, Sen. Dale Bumpers of Arkansas, said, "The slide of the dollar obviously shows the financial markets are deeply concerned about the deficit."

But he and other Democrats said a constitutional amendment is not the solution.

They said they are willing to work with Republicans right away on a plan to balance the budget with the usual budget-writing procedures.

"We're dead serious," said Sen. Wendell H. Ford, Kentucky Democrat and another of the vote-switchers on the amendment.

"There's a difference between posing and lifting," Mr. Dorgan said. Pointing to his vote for President Clinton's $500 billion deficit-reduction plan in 1993, he said, "I'm perfectly willing to cast that kind of vote again."

Sen. Paul Simon, Illinois Democrat and author of the proposed constitutional amendment, called on other Democrats to reconsider their votes and halt the slide of the dollar.

"When the balanced-budget amendment went down," House Speaker Newt Gingrich said, "that was a signal to the world money markets that the United States is not going to be serious about balancing its budget."

While "the decay of the dollar as a reserve currency for the world is not a new thing," the Georgia Republican said, borrowing at the rate of $200 billion a year "implies a level of inflation and a level of decay of the currency that is almost Mexican in proportions."

The PRESIDING OFFICER. The Senator from Washington is recognized.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT OF 1995

The Senate continued with the consideration of the bill.

AMENDMENT NO. 331

Mrs. MURRAY. Mr. President, I rise today in strong opposition to the amendment proposed by my colleague from Kansas.

I am most concerned with those that question the administration's authority to issue this Executive order. As the Federal Government's chief executive officer, the President has the responsibility by law to assure that taxpayers receive the goods and services they require from Federal contractors. These contractors must maintain stable and productive labor-management relationships if they are going to produce the products our Nation must depend upon.

The Executive order advances cooperative and stable labor-management relations, a central component of this administration's workplace agenda. The use of—or the threat to use—permanent replacement workers destroys the cooperative environment that this relationship must maintain.

The Executive order represents a lawful exercise of Presidential authority. The Federal Procurement Act, enacted by Congress in 1949, expressly authorizes the President to prescribe such policies and directives, not inconsistent with the provisions of this act, as he shall deem necessary to effectuate the provisions of said act.

Presidents since Franklin Roosevelt have issued Executive orders addressing the conduct of firms with which the Federal Government does business. Those orders to be challenged have been upheld.

In 1941, President Roosevelt issued an Executive order requiring defense contractors to refrain from racial discrimination. In 1951, after enactment of the Procurement Act, President Truman issued an Executive order extending the requirement to all Federal contractors. When both orders were issued, such discrimination was not unlawful and, indeed, Congress had declined to enact an antidiscrimination law proposed by President Truman.

In 1964, President Johnson issued an Executive order prohibiting Federal contractors from discriminating on the basis of age. At the time, Federal law permitted such age discrimination. The Civil Rights Act of 1964 merely directed the President to study the issue.

In 1969, the Nixon administration expanded the antidiscrimination Executive order to encompass a requirement that all Federal contractors adopt affirmative action programs. This Executive order was upheld by the United States Court of Appeals for the Third Circuit.

In 1978, President Carter issued an Executive order requiring all federal contractors to comply with certain guidelines limiting the amount of wage increases. The D.C. Circuit Court upheld President Carter's Executive order.

Finally, in 1992 President Bush issued an Executive order requiring unionized Federal contractors to notify their unionized employees of their right to refuse to pay union dues. The National Labor Relations Act contains no such requirement and legislation proposing this in the 101st Congress was not passed.

The economical and efficient administration and completion of Federal Government contracts requires a stable and productive labor-management environment. Strikes involving permanent replacements last seven times longer than strikes that do not involve permanent replacements.

Mr. President, my personal interest in this amendment is its impact on the most vulnerable and fastest growing segment of our work force—American women.

Over the last decade, women have assumed ever greater economic and family caretaking responsibilities. Everyone in this country should be unsettled by the fact that women and children are most likely to fall deeper into poverty and homelessness. One of three families headed by a women lives to or below the poverty line: Nearly 70 percent of all working women earned less than $20,000 a year, and 40 percent earned less than $10,000 annually. These workers need the ability to raise their standard of living in order to break the cycle of poverty and welfare dependence which many of them endure.

These women understand that they cannot bargain effectively unless they are assured that they do not risk losing their jobs permanently. They understand the serious implications of a strike. They understand, as I do, the fear of being one paycheck away from economic disaster.

Most of us have home mortgages, car payments, educational and medical needs for ourselves and our families. America's workers know striking is the option of last resort. This action is never taken lightly.

I urge my colleagues to maintain the delicate balance of collective bargaining. This Executive order shows that this great society values the individual, that it cares about women, and it recognizes those that built this Nation. Let us defeat this amendment and prove to America that Government does respect the needs of ordinary working people.

I thank the President. I yield the floor.

APPOINTMENTS BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Senate Resolution 105, adopted April 13, 1989, as amended by Senate Resolution 280, adopted October 8, 1994, announces the appointment of the following Senators as members of the Senate Arms Control Observer Group: The Senator from Rhode Island [Mr. CHAFEE], the Senator from Virginia [Mr. WARNER], the Senator from Mississippi [Mr. COCHRAN], the Senator from Oklahoma [Mr. NICKLES], the Senator from New Hampshire [Mr. SMITH], the Senator from Maine [Ms. SNOWE], and the Senator from Arizona [Mr. KYL].

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. GREGG. Mr. President, I send a motion to invoke cloture to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators in accordance with the provisions of Rule XXII of the Standing Rules of the Senate do hereby move to bring to a close debate on the Kassebaum amendment No. 331 to the committee amendment to H.R. 889, the supplemental appropriations bill.

Trent Lott, Pete V. Domenici, Bob Packwood, Mark Hatfield, Bob Smith, Slade Gorton, Connie Mack, Judd Gregg, Bob Dole, Thad Cochran, Ted Stevens, Frank H. Murkowski, Don Nickles, John McCain, Phil Gramm, Nancy Landon Kassebaum.

MORNING BUSINESS

THE BALANCED BUDGET AMENDMENT—AN ISSUE OF PRINCIPLE

Mr. DORGAN. Mr. President, during the past several weeks I have been contacted on the subject of the constitutional amendment to balance the budget by nearly 10,000 Americans—most, but not all of them, North Dakotans. I know people felt strongly on all sides of this issue. I respect these different viewpoints, and I appreciate the opportunity to give my colleagues some information and background about why I voted as I did.

And I want to start by saying simply this: I have an unwavering commitment to balancing this Nation's budget, and that commitment is a longstanding one—dating back to the first vote I cast in favor of a constitutional amendment a dozen years ago, in 1982.

That was during my first term in Congress. Since that time I have voted for balanced budget amendments again and again. I voted "yes" in 1990 and in 1992, after the huge deficits created during the 1980's and early 1990's caused the Federal debt to explode to $4 trillion.

Last year I voted for it yet again. But I cast that vote with the firm assurance from the leading proponents of the amendment that Social Security trust funds would not be used to balance the budget.

This year in the Senate we cast two votes on constitutional amendments. I voted for the earlier of the two, Senator FEINSTEIN's substitute constitutional amendment to balance the budget. It was identical in every respect to the main constitutional amendment proposal offered by Senators HATCH and SIMON except for one important difference. It included a provision prohibiting use of the Social Security trust fund to balance the Federal budget. That proposal failed.

During the 2 days following that vote, I was involved in negotiations to try to get the sponsors of the Hatch-Simon amendment to modify their proposal so it would not result in raiding Social Security trust funds to balance the budget. Our negotiations were ultimately unsuccessful, and I therefore cast a "no" vote on that amendment.

The issue for me is one of principle—not politics. I felt it was important to stand up and fight for that principle, and that is what I did. I know the popular thing to do would have been to vote for this constitutional amendment. But if we are going to change the Constitution then we need to do that the right way. And in my mind, protecting the

Social Security trust fund is the right way.

We collect Social Security taxes to fund the Social Security system with a dedicated tax out of the paychecks of workers. It is supposed to go into a trust fund. Those who would use that trust fund to balance the Federal budget, in my judgment, are involved in dishonest budgeting. And yet, that's exactly what the constitutional amendment would have done.

I know proponents protested publicly they had no intention of doing that, but in our private negotiations they admitted they could not balance the budget without Social Security trust funds. In fact, in private they said they wanted to use those funds for the next 13 years and would stop after that point. That is not honest budgeting.

I know the Federal deficit is a crippling problem for this country. So I still hope we will be able to reach an agreement on the Social Security issue, and if we do I will vote for a constitutional amendment to balance the budget at some point in the coming months.

But we should understand that changing the Constitution does not change the budget deficit. That has to be done and it can be done during the regular budget and appropriations process. And I pledge to work as hard as I can—to fight in every way I can—to reduce this deficit.

This week I proposed a budget process that would require a balanced budget by the year 2000 without raiding the Social Security trust fund. I intend to work hard to cut spending to accomplish that.

I want this country to have a balanced budget and I will work hard toward that goal.

BILLY'S RESTAURANT CELEBRATES ITS 125TH ANNIVERSARY

Mr. MOYNIHAN. Mr. President, 125 years ago this March 13, the incomparable Billy's restaurant in New York City opened its doors for the first time. Billy's is known as "New York's oldest family-owned restaurant," but it is much more than that. It is an institution in New York, a regal old establishment that has catered to coal-yard workers, lawyers, politicians, actors and actresses, even a princess on occasion.

Billy's is a special place to my wife Elizabeth and me; we dined there often during our courtship, back when Billy's occupied a corner near 56th Street and First Avenue. Billy's has moved a few blocks south since then, but still has its original mahogany bar, gaslight fixtures, and those red-check tablecloths.

A fine article in the March 9, 1995, edition of "Our Town" details the history of Billy's restaurant, Mr. President, a history that mirrors a great deal of the history of New York. Billy's 125th anniversary celebration begins on Monday, and I simply wish to congratulate Joan Condron Borkowski, the third generation proprietor of this venerable old establishment.

Mr. President, I ask unanimous consent that the article from the March 9, 1995 edition of "Our Town" be printed in the RECORD, and I commend it to the attention of the Senate.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Our Town, Mar. 9, 1995]

FAMILY RECIPE

(By Nelson Williams Jr.)

It's seven o'clock on a Monday night and Billy's is bustling. The bartenders are mixing martinis for businessmen flanked by briefcases at the bar, and waiters in red jackets and bow ties maneuver through tables toting plates of thick steaks and chops. There's no music, just the convivial rumble of conversation coming from patrons in the dining rooms dotted with red checked tablecloths.

It could be 1895 or 1995—it just so happens it's the latter. Yet if restaurant founder Michael "Mickey" Condron walked through the swinging double doors up front this evening, he'd immediately recognize the place.

Believe it or not, Billy's hasn't changed much in more than a century. The gaslight saloon has moved twice—once, in 1880, from its initial location at First Avenue near 56th Street to the southeast corner of the same block; and 29 years ago, when its Sutton Place building came down. Now at 948 First Avenue, between 52nd and 53rd streets, Billy's is less than five blocks from its first location and still boasts its original, hand carved mahogany bar, gaslight fixtures, six-handled ale pump, and walk-in cooler.

This week, New York's oldest family owned restaurant turns 125 years old. Stop by from March 12–18, or anytime for that matter, and third-generation owner Joan Condron Borkowski will give you a hug and lead you past old photos of New York dating to 1860 on the way to a table. While seating you, she'll likely tell a tale or two about Billy's the East Side watering hole her great-grandfather founded in 1870.

Mickey and Bridget Condron were just over from Cork, Ireland, then and catered to the thirsts of coal-yard workers and drivers from the local breweries. They wouldn't serve women or mix drinks, but all the food you could put away was free as long as you kept emptying your glass. As was the custom at such Old World pubs, the floor was covered in sawdust to soak up the spilled suds, and buggies rolled right to the front door of the Upper East Side saloon.

"Fifty-sixth Street was the end of civilization" in those days, says Borkowski, 50, who recalls "dancing on the bar" when she was three years old.

In the beginning, before the turn of the century, the saloon had no name, but everyone called it "Mickey's," after the round-faced man behind the bar. After they'd been open a decade, Mickey got it in his head that a restaurant should be on a corner and talked the grocer at the end of the block into swapping shops. He brought his son, William, aboard in 1902.

With William came his wife, Clara, a squat mountain of a woman who stood just four-foot two yet strained the scales at 450 pounds. Routinely stationed at a tale in the center of the main dining room she was referred to simply as "Mrs. Billy."

During the First World War, the story goes, a general was waiting at the bar for a seat when Mrs. Billy sidled up to him and barked, "Hey, sergeant, your table's ready!" Perhaps because of her considerable girth—or because the military man knew he was outranked—the general didn't say a word while being relocated. "She didn't know what all the stripes meant," chuckles Borkowski.

William Jr. and his wife, Mildred, had joined the business by this time and when Prohibition was repealed in 1933, State liquor laws required that each drinking establishment be registered under a formal name.

Thus Billy's was born—and began to thrive, building upon its neighborhood, working-man core to include among its clientele some of New York's most notable businessmen, politicians, writers and celebrities. Even today, regulars include Henry Kissinger, Bill Blass and William F. Buckley Jr. Regardless of clout, Billy Jr. served everyone conversation and drinks from behind the bar while "playing the piano"—a euphemism he used for running the register.

After discouraging his college educated daughter from working at the restaurant—saying it was "no place for a woman"—he hired her as a waitress. "He didn't like juggling the tables and say I could do it," Borkowski says.

She learned grace under fire the day in the late '60s when a First Avenue ticker-tape parade for astronaut John Glenn resulted in an overflowing house—she was the sole waitress on duty. Glenn himself didn't dine in Billy's that day, but Borkowski remembers when Grace Kelly did after returning to the States for her father's funeral. "Everybody felt you should bow to her," recalls Borkowski, who took over full time for her late father in 1988.

When Princess Grace asked for a hamburger with grilled onions, her brother's jaw dropped in amazement. The former film star shrugged off his objection, insisting that "the Prince won't let me have one at Monaco, so I'll have it here!"

During regular visits to Billy's, Marilyn Monroe had a special table in the back. Once, when her mink stole fell to the floor, busboys and waiters jockeyed to replace it around her shoulders. "Don't worry about it," Borkowski recalls the actress giggling, "I've got seven more like this one at home."

Billy's itself made a cameo appearance in the blockbuster Robert Redford-Barbra Streisand movie. "The Way We Were," providing the setting for a lengthy scene that appeared in Alan Laurents' novel of the same name. "Most of it ended up on the editing-room floor," says Borkowski sadly, "All you see is a red checked tablecloth.

In a "Philadelphia Inquirer" article, actress Helen Hayes once called Billy's her favorite restaurant in the world, according to the owner. Still, it's the everyday folks who have made Billy's an East Side Institution.

"It's a time capsule," says regular Leo Yockin, who dines out six nights a week—at least one of those evenings at Billy's. "The only thing I've seen change in the last 10 years is that [the maitre d'] doesn't wear a red jacket anymore."

If the attire's slightly altered, the faces are the same. "The staff hasn't changed since I've been coming here," says one customer, "and I first ate here 20 years ago."

Hostess Hermy O'Sullivan has been greeting and seating people at Billy's for 39 years. Waiters Joe Donadie and Gus Smolich have been scribbling orders for 32 and 27 years, respectively. "The customers have kept me here," says Donadie, "It's almost like a private club."

The head broiler man, Ramon "R.C." Diaz, started as a dishwasher two decades ago before graduating to the kitchen's top spot. Night bartender Sal D'Ambrosio has been pouring drinks for 15 years.

"They're still calling me the new guy," says waiter Ivan Sladen, "and I've been here eight years."

The king of all Billy's career employees, though, has been Alex Dombrowski, who the current Mrs. Billy says was "like a brother to my father." After the war, during which Dombrowski was shot in the head and leg, Billy Jr. made good on a promise of providing his buddy with a job. Before his death in the 1980s, Dombrowski put in 44 years at the eatery, working his way up from hoisting the basement dumbwaiter to serving as manager.

"If I hire anybody as a waiter or waitress, they're not just technicians," says Borkowski, who lives with her mother, Mildred, and orders meals for them nightly from Billy's. "I look for heart along with technique. They have to really care about whether diners are having a good time."

That, by all accounts, is the key to Billy's longevity. "There are cheaper places in towns," explains longtime customer Alvin Levine, "but no one pays attention to quality and service like Billy's."

Borkowski, who say she learned about taking care of customers from her parents, reveals the family's secret recipe for success: "Good quality food, good atmosphere, good service, and a reasonable price—if you don't have those four ingredients," says Borkowski, "you won't succeed. You could serve the best meal in town, but if you throw it at the customer, they won't be back."

Customers—and their children and grandchildren—have been coming to Billy's for steaks and seafood for more years than any other family-owned restaurant in the city (Barbetta was founded in 1906, and Grotta Azzurra Inn came two years later.) Bridging generations, Billy's has endured four wars, two stockmarket crashes, Prohibition (during which they continued to sell beer), 26 presidents and 15,625 days, as one customer recently calculated between courses.

"It's not an easy life—you have to want it," says Borkowski. "You're married to it. But the customers keep you going. We share in their celebrations and their sorrows."

From Sunday to next Saturday, Billy's invited old and new customers alike to share in its 125th anniversary celebration. Borkowski and her 24-year old daughter, Susan, who recently received a communications degree yet often puts in an appearance as the restaurant's fourth-generation heir, encourage diners to dress in late 19th Century costumes and eat to the sounds of Victorian music.

"We can't do what we originally did—give away all the food you could eat with drinks," says Borkowski. "But with any entree, you get a free cocktail."

Also, at the bar, your first beverage will be regular price and the second will go for its long ago rate—five cents for beer and 95 cents for liquor.

Maybe they'll even throw sawdust on the floor.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Agriculture, Nutrition, and Forestry.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At noon, a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1058. An act to reform Federal securities litigation, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 1058. An act to reform Federal securities litigation, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES READ THE FIRST TIME

The following bill, previously received from the House of Representatives for concurrence, was read the first time:

H.R. 988. An act to reform the Federal civil justice system.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–493. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–8 adopted by the Council on February 7, 1995; to the Committee on Governmental Affairs.

EC–494. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–9 adopted by the Council on February 7, 1995; to the Committee on Governmental Affairs.

EC–495. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–10 adopted by the Council on February 7, 1995; to the Committee on Governmental Affairs.

EC–496. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–11 adopted by the Council on February 7, 1995; to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRAHAM (for himself, Mr. MACK, Mr. LOTT, Mr. BRADLEY, Ms. MOSELEY-BRAUN, Mr. HATCH, and Mr. GRASSLEY):

S. 529. A bill to provide, temporarily, tariff and quota treatment equivalent to that accorded to members of the North American Free Trade Agreement (NAFTA) to Caribbean Basin beneficiary countries; to the Committee on Finance.

By Mr. GREGG:

S. 530. A bill to amend the Fair Labor Standards Act of 1938 to permit State and local government workers to perform volunteer services for their employer without requiring the employer to pay overtime compensation, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HATCH:

S. 531. A bill to authorize a circuit judge who has taken part in an in banc hearing of a case to continue to participate in that case after taking senior status, and for other purposes; to the Committee on the Judiciary.

S. 532. A bill to clarify the rules governing venue, and for other purposes; to the Committee on the Judiciary.

S. 533. A bill to clarify the rules governing removal of cases to Federal court, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH (for himself and Mr. CHAFEE):

S. 534. A bill to amend the Solid Waste Disposal Act to provide authority for States to limit the interstate transportation of municipal solid waste, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 535. A bill to authorize the Secretary of Transportation to issue certificates of documentation with appropriate endorsement for employment in coastwise trade for each of 2 vessels named GALLANT LADY, subject to certain conditions, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 536. A bill to authorize the Secretary of the Interior to consolidate the surface and subsurface estates of certain lands within 3 conservation system units on the Alaska Peninsula, and for other purposes; to the Committee on Energy and Natural Resources.

S. 537. A bill to amend the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATFIELD:

S. 538. A bill to reinstate the permit for, and extend the deadline under the Federal Power Act applicable to the construction of, a hydroelectric project in Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COCHRAN:

S. 539. A bill to amend the Internal Revenue Code of 1986 to provide a tax exemption for health risk pools; to the Committee on Finance.

By Mr. GLENN (for himself, Mr. DEWINE, and Mr. LEVIN):

S. 540. A bill to amend the Federal Water Pollution Control Act to require the Administrator of the Environmental Protection Agency to conduct at least 3 demonstration projects involving promising technologies and practices to remedy contaminated sediments in the Great Lakes System and to authorize the Administrator to provide technical information and assistance on technologies and practices for remediation of contaminated sediments, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GLENN (for himself, Mr. DEWINE, Mr. LEVIN, and Mr. FEINGOLD):

S. 541. A bill to amend the Federal Water Pollution Control Act to coordinate and promote Great Lakes activities, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE:

S. Res. 87. A resolution authorizing the taking of a photograph in the Chamber of the United States Senate; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAHAM (for himself, Mr. MACK, Mr. LOTT, Mr. BRADLEY, Ms. MOSELEY-BRAUN, Mr. HATCH, and Mr. GRASSLEY):

S. 529. A bill to provide, temporarily, tariff and quota treatment equivalent to that accorded to members of the North American Free-Trade Agreement [NAFTA] to Caribbean Basin beneficiary countries; to the Committee on Finance.

THE CARIBBEAN BASIN TRADE SECURITY ACT

Mr. GRAHAM. Mr. President, today with my colleagues Senators MACK, LOTT, BRADLEY, MOSELEY-BRAUN, HATCH, and GRASSLEY, I am introducing the Caribbean Basin Trade Security Act, a bill which will improve the economic and political security of the nations of the Caribbean Basin and the United States of America.

In the last decade, the United States has supported and encouraged the extension of democracy in the Caribbean and Central America through enhanced trade and investment. Today, democracy rules in all of the nations of the Caribbean Basin, with the notable exception of Cuba. This year alone, eight nations in the region are holding free elections.

For many nations political stability is by no means guaranteed. As we saw in the painful lesson of Haiti, economic and political instability in the Caribbean region can have tragic consequences for the people and enormous costs to the United States.

It is of vital interest to America to see the Caribbean Basin grow economically. Continued economic expansion will help maintain political stability in the region. By improving economic conditions, we can deter illegal immigration, which taxes our resources and hurts those nations which lose some of their youngest and brightest citizens. Economic stability in the Caribbean Basin strengthens our defense against the trafficking of illegal drugs. An economically stable Caribbean Basin is a rich expanding market for United States goods.

Yet at a time when economic growth is increasingly critical to the region, members of the Caribbean Basin Initiative [CBI] have faced a challenging climatic change in the area of trade. Since the implementation of the North American Free-Trade Agreement [NAFTA], lowered tariffs on Mexican imports have left the Caribbean Basin at a competitive disadvantage to Mexico. As an example, apparel assembly has been the most rapidly expanding job generator in the CBI region. Over 77 percent of Central American and Caribbean textile and apparel exports to the United States are assembled, in whole or in part, from U.S. components. For an apparel item produced in a CBI country with materials from the United States, a 20-percent duty is charged on the value added by the off-shore assembly. Under NAFTA, this same item can be imported from Mexico duty-free.

As a result of this disparity, the growth in apparel imports from Caribbean Basin nations has slowed markedly. There has been a virtual halt in new investment in the apparel sector in the CBI countries and the closing of over 100 plants during the last year alone, at an estimated loss of 15,000 jobs. Before NAFTA, the growth rates for apparel imports from Mexico and CBI nations were roughly equivalent at 25 percent. But by 1994, the CBI growth rate dropped to 14.6 percent, while Mexico's surged to 48.8 percent.

All signs indicate that this inequality will continue to expand if parity is not granted to the CBI nations. With the recent devaluation of the Mexican peso, labor and production costs in Mexico have decreased, and as a result, apparel companies have an added incentive to close shop in CBI nations and relocate to Mexico.

As past Caribbean trade agreements have shown, the United States stands to be a the chief beneficiary of lowering trade barriers between the Caribbean Basin and the United States. The United States' trade balance with Caribbean Basin countries shifted dramatically following the implementation of the 1983 Caribbean Basin Initiative, from a deficit of $700 million in 1985. This has grown to a surplus of $2 billion in 1993. From a $700 million deficit to a $2 billion surplus on a per capita basis, our surplus with the Caribbean has consistently outpaced our surplus with any other region of the world.

This bill covers those manufactured products for which Mexico was granted preferential tariff levels, such as textiles and apparel. Currently, a large portion of U.S. textile and apparel imports are produced in the Far East, where few U.S. materials are used in the production process. U.S. manufacturers and workers stand to benefit from increased production of these items in the Caribbean Basin; new facilities will be more likely to utilize American materials, components, and machinery than does production in the Pacific rim. The American Apparel Manufacturers Association estimates that 15 jobs are created in the United States for every 100 apparel jobs created in CBI production facilities which use U.S. materials.

Mr. President, at the Summit of the Americas in Miami this past December, Vice President GORE reiterated the administration's commitment to the realization of hemisphericwide free trade. The administration supports the goal of bringing CBI nations into NAFTA-type free-trade agreements. The Caribbean Trade Security Act which we introduce today paves the way for the gradual association of the CBI nations into a closer bilateral or multilateral trade agreement with the United States. This legislation calls for a 6-year program after which the CBI nations will be allowed the opportunity to negotiate accession to NAFTA or to enter into independent free-trade agreements with the United States. The U.S. Trade Representative's office would make an assessment of the reforms made in each of the beneficiary countries and of the ability of each country to fulfill the obligations of the NAFTA. This checklist would include, among many criteria, the extent to which a country's markets are accessible, progress on macroeconomic reforms, and the protection of intellectual property rights.

Mr. President, there is no region in the world with which the United States has a stronger and more mutually beneficial relationship than with our Caribbean and Central American neighbors. This bill will enhance our trading relationship with our neighbors and will strongly benefit the United States. I urge my colleagues in the Senate to consider and support this legislation as a demonstration of our commitment to encouraging economic stability and the principles of free markets and free enterprise. From those, the principles of democratic government and personal freedom will continue to strengthen.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 529

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Caribbean Basin Trade Security Act".

SEC. 2. FINDINGS AND POLICY.

(a) FINDINGS.—The Congress finds that—

(1) the Caribbean Basin Economic Recovery Act represents a permanent commitment by the United States to encourage the development of strong democratic governments and revitalized economies in neighboring countries in the Caribbean Basin;

(2) the economic security of the countries in the Caribbean Basin is potentially threatened by the diversion of investment to Mexico as a result of the North American Free Trade Agreement;

(3) to preserve the United States commitment to Caribbean Basin beneficiary countries and to help further their economic development, it is necessary to offer temporary benefits equivalent to the trade treatment accorded to products of NAFTA members;

(4) offering NAFTA equivalent benefits to Caribbean Basin beneficiary countries, pending their eventual accession to the NAFTA, will promote the growth of free enterprise and economic opportunity in the region, and thereby enhance the national security interests of the United States; and

(5) increased trade and economic activity between the United States and Caribbean Basin beneficiary countries will create expanding export opportunities for United States businesses and workers.

(b) POLICY.—It is therefore the policy of the United States to offer to the products of Caribbean Basin beneficiary countries tariff and quota treatment equivalent to that accorded to products of NAFTA countries, and to seek the accession of these beneficiary countries to the NAFTA at the earliest possible date, with the goal of achieving full participation in the NAFTA by all beneficiary countries by not later than January 1, 2005.

SEC. 3. DEFINITIONS.

As used in this title:

(1) BENEFICIARY COUNTRY.—The term "beneficiary country" means a beneficiary country as defined in section 212(a)(1)(A) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(a)(1)(A)).

(2) NAFTA.—The term "NAFTA" means the North American Free Trade Agreement entered into between the United States, Mexico, and Canada on December 17, 1992.

(3) TRADE REPRESENTATIVE.—The term "Trade Representative" means the United States Trade Representative.

(4) WTO AND WTO MEMBER.—The terms "WTO" and "WTO member" have the meanings given such terms in section 2 of the Uruguay Round Agreements Act.

TITLE I—RELATIONSHIP OF NAFTA IMPLEMENTATION TO THE OPERATION OF THE CARIBBEAN BASIN INITIATIVE

SEC. 101. TEMPORARY PROVISIONS TO PROVIDE NAFTA PARITY TO BENEFICIARY COUNTRY ECONOMIES.

(a) TEMPORARY PROVISIONS.—Section 213(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)) is amended to read as follows:

"(b) IMPORT-SENSITIVE ARTICLES.—

"(1) IN GENERAL.—Subject to paragraphs (2) through (5), the duty-free treatment provided under this title does not apply to—

"(A) textile and apparel articles which are subject to textile agreements;

"(B) footwear not designated at the time of the effective date of this title as eligible articles for the purpose of the generalized system of preferences under title V of the Trade Act of 1974;

"(C) tuna, prepared or preserved in any manner, in airtight containers;

"(D) petroleum, or any product derived from petroleum, provided for in headings 2709 and 2710 of the HTS;

"(E) watches and watch parts (including cases, bracelets and straps), of whatever type including, but not limited to, mechanical, quartz digital or quartz analog, if such watches or watch parts contain any material which is the product of any country with respect to which HTS column 2 rates of duty apply; or

"(F) articles to which reduced rates of duty apply under subsection (h).

"(2) NAFTA TRANSITION PERIOD TREATMENT OF CERTAIN TEXTILE AND APPAREL ARTICLES.—

"(A) EQUIVALENT TARIFF AND QUOTA TREATMENT.—During the transition period—

"(i) the tariff treatment accorded at any time to any textile or apparel article that originates in the territory of a beneficiary country shall be identical to the tariff treatment that is accorded during such time under section 2 of the Annex to a like article that originates in the territory of Mexico and is imported into the United States;

"(ii) duty-free treatment under this title shall apply to any textile or apparel article of a beneficiary country that is imported into the United States and that—

"(I) meets the same requirements (other than assembly in Mexico) as those specified in Appendix 2.4 of the Annex (relating to goods assembled from fabric wholly formed and cut in the United States) for the duty free entry of a like article assembled in Mexico, or

"(II) is identified under subparagraph (C) as a handloomed, handmade, or folklore article of such country and is certified as such by the competent authority of such country; and

"(iii) no quantitative restriction or consultation level may be applied to the importation into the United States of any textile or apparel article that—

"(I) originates in the territory of a beneficiary country,

"(II) meets the same requirements (other than assembly in Mexico) as those specified in Appendix 3.1.B.10 of the Annex (relating to goods assembled from fabric wholly formed and cut in the United States) for the exemption of a like article assembled in Mexico from United States quantitative restrictions and consultation levels, or

"(III) qualifies for duty-free treatment under clause (ii)(II).

"(B) NAFTA TRANSITION PERIOD TREATMENT OF NONORIGINATING TEXTILE AND APPAREL ARTICLES.—

"(i) PREFERENTIAL TARIFF TREATMENT.—Subject to clause (ii), the United States Trade Representative may place in effect at any time during the transition period with respect to any textile or apparel article that—

"(I) is a product of a beneficiary country, but

"(II) does not qualify as a good that originates in the territory of that country,

tariff treatment that is identical to the preferential tariff treatment that is accorded during such time under Appendix 6.B of the Annex to a like article that is a product of Mexico and imported into the United States.

"(ii) PRIOR CONSULTATION.—The United States Trade Representative may implement the preferential tariff treatment described in clause (i) only after consultation with representatives of the United States textile and apparel industry and other interested parties regarding—

"(I) the specific articles to which such treatment will be extended,

"(II) the annual quantity levels to be applied under such treatment and any adjustment to such levels,

"(III) the allocation of such annual quantities among the beneficiary countries that export the articles concerned to the United States, and

"(IV) any other applicable provision.

"(iii) ADJUSTMENT OF CERTAIN BILATERAL TEXTILE AGREEMENTS.—The United States Trade Representative shall undertake negotiations for purposes of seeking appropriate reductions in the quantities of textile and apparel articles that are permitted to be imported into the United States under bilateral agreements with beneficiary countries in order to reflect the quantities of textile and apparel articles of each respective country that are exempt from quota treatment by reason of paragraph (2)(A)(iii).

"(C) HANDLOOMED, HANDMADE, AND FOLKLORE ARTICLES.—For purposes of subparagraph (A), the United States Trade Representative shall consult with representatives of the beneficiary country for the purpose of identifying particular textile and apparel goods that are mutually agreed upon as being handloomed, handmade, or folklore goods of a kind described in section 2.3 (a), (b), or (c) or Appendix 3.1.B.11 of the Annex.

"(D) BILATERAL EMERGENCY ACTIONS.—The President may take—

"(i) bilateral emergency tariff actions of a kind described in section 4 of the Annex with respect to any textile or apparel article imported from a beneficiary country if the application of tariff treatment under subparagraph (A) to such article results in conditions that would be cause for the taking of such actions under such section 4 with respect to a like article that is a product of Mexico; or

"(ii) bilateral emergency quantitative restriction actions of a kind described in section 5 of the Annex with respect to imports of any textile or apparel article described in subparagraph (B)(i) (I) and (II) if the importation of such article into the United States results in conditions that would be cause for the taking of such actions under such section 5 with respect to a like article that is a product of Mexico.

"(3) NAFTA TRANSITION PERIOD TREATMENT OF CERTAIN OTHER ARTICLES ORIGINATING IN BENEFICIARY COUNTRIES.—

"(A) EQUIVALENT TARIFF TREATMENT.—

"(i) IN GENERAL.—Subject to clause (ii), the tariff treatment accorded at any time during the transition period to any article referred to in any of subparagraphs (B) through (F) of paragraph (1) that originates in the territory of a beneficiary country shall be identical to the tariff treatment that is accorded during such time under Annex 302.2 of the NAFTA to a like article that originates in the territory of Mexico and is imported into the United States. Such articles shall be subject to the provisions for emergency action under chapter 8 of part two of the NAFTA to the same extent as if such articles were imported from Mexico.

"(ii) EXCEPTION.—Clause (i) does not apply to any article accorded duty-free treatment under U.S. Note 2(b) to subchapter II of chapter 98 of the HTS.

"(B) RELATIONSHIP TO SUBSECTION (h) DUTY REDUCTIONS.—If at any time during the transition period the rate of duty that would (but for action taken under subparagraph (A)(i) in regard to such period) apply with respect to any article under subsection (h) is a rate of duty that is lower than the rate of duty resulting from such action, then such lower rate of duty shall be applied for the purposes of implementing such action.

"(4) CUSTOMS PROCEDURES.—The provisions of chapter 5 of part two of the NAFTA regarding customs procedures apply to importations of articles from beneficiary countries under paragraphs (2) and (3).

"(5) DEFINITIONS.—For purposes of this subsection—

"(A) The term 'the Annex' means Annex 300-B of the NAFTA.

"(B) The term 'NAFTA' means the North American Free Trade Agreement entered into between the United States, Mexico, and Canada on December 17, 1992.

"(C) The term 'textile or apparel article' means any article referred to in paragraph (1)(A) that is a good listed in Appendix 1.1 of the Annex.

"(D) The term 'transition period' means, with respect to a beneficiary country, the period that begins on the date of the enactment of the Caribbean Basin Trade Security Act and ends on the earlier of—

"(i) the date that is the 6th anniversary of such date of enactment; or

"(ii) the date on which—

"(I) the beneficiary country accedes to the NAFTA, or

"(II) there enters into force with respect to the United States and the beneficiary country a free trade agreement comparable to the NAFTA that makes substantial progress in achieving the negotiating objectives set forth in section 108(b)(5) of the North American Free Trade Agreement Implementation Act.

"(E) An article shall be treated as having originated in the territory of a beneficiary country if the article meets the rules of origin for a good set forth in chapter 4 of part two of the NAFTA or in Appendix 6.A of the Annex. In applying such chapter 4 or Appendix 6.A with respect to a beneficiary country for purposes of this subsection, no countries other than the United States and beneficiary countries may be treated as being Parties to the NAFTA.".

(b) CONFORMING AMENDMENTS.—The Caribbean Basin Economic Recovery Act is amended—

(1) by amending section 212(e)(1)(B) to read as follows:

"(B) withdraw, suspend, or limit the application of the duty-free treatment under this subtitle, and the tariff and preferential tariff treatment under section 213(b) (2) and (3), to any article of any country,"; and

(2) by inserting "and except as provided in section 213(b) (2) and (3)," after "Tax Reform Act of 1986," in section 213(a)(1).

SEC. 102. EFFECT OF NAFTA ON SUGAR IMPORTS FROM BENEFICIARY COUNTRIES.

The President shall monitor the effects, if any, that the implementation of the NAFTA has on the access of beneficiary countries under the Caribbean Basin Economic Recovery Act to the United States market for sugars, syrups, and molasses. If the President considers that the implementation of the NAFTA is affecting, or will likely affect, in an adverse manner the access of such countries to the United States market, the President shall promptly—

(1) take such actions, after consulting with interested parties and with the appropriate committees of the House of Representatives and the Senate, or

(2) propose to the Congress such legislative actions,

as may be necessary or appropriate to ameliorate such adverse effect.

SEC. 103. DUTY-FREE TREATMENT FOR CERTAIN BEVERAGES MADE WITH CARIBBEAN RUM.

Section 213(a) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(a)) is amended—

(1) in paragraph (5), by striking "chapter" and inserting "title"; and

(2) by adding at the end the following new paragraph:

"(6) Notwithstanding paragraph (1), the duty-free treatment provided under this title shall apply to liqueurs and spirituous beverages produced in the territory of Canada from rum if—

"(A) such rum is the growth, product, or manufacture of a beneficiary country or of the Virgin Islands of the United States;

"(B) such rum is imported directly from a beneficiary country or the Virgin Islands of the United States into the territory of Canada, and such liqueurs and spirituous beverages are imported directly from the territory of Canada into the customs territory of the United States;

"(C) when imported into the customs territory of the Untied States, such liqueurs and spirituous beverages are classified in subheading 2208.90 or 2208.40 of the HTS; and

"(D) such rum accounts for at least 90 percent by volume of the alcoholic content of such liqueurs and spirituous beverages.".

TITLE II—RELATED PROVISIONS

SEC. 201. MEETINGS OF TRADE MINISTERS AND USTR.

(a) SCHEDULE OF MEETINGS.—The President shall take the necessary steps to convene a meeting with the trade ministers of the beneficiary countries in order to establish a schedule of regular meetings, to commence as soon as is practicable, of the trade ministers and the Trade Representative, for the purpose set forth in subsection (b).

(b) PURPOSE.—The purpose of the meetings scheduled under subsection (a) is to reach agreement between the United States and beneficiary countries on the likely timing and procedures for initiating negotiations for beneficiary countries to accede to the NAFTA, or to enter into mutually advantageous free trade agreements with the United States that contain provisions comparable to those in the NAFTA and would make substantial progress in achieving the negotiating objectives set forth in section 108(b)(5) of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3317(b)(5)).

SEC. 202. REPORT ON ECONOMIC DEVELOPMENTS AND MARKET ORIENTED REFORMS IN THE CARIBBEAN.

(a) IN GENERAL.—The Trade Representative shall make an assessment of the economic development efforts and market oriented reforms in each beneficiary country and the ability of each such country, on the basis of such efforts and reforms, to undertake the obligations of the NAFTA. The Trade Representative shall, not later than July 1, 1996, submit to the President and to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on that assessment.

(b) ACCESSION TO NAFTA.—

(1) ABILITY OF COUNTRIES TO IMPLEMENT NAFTA.—The Trade Representative shall include in the report under subsection (a) a discussion of possible timetables and procedures pursuant to which beneficiary countries can complete the economic reforms necessary to enable them to negotiate accession to the NAFTA. The Trade Representative shall also include an assessment of the potential phase-in periods that may be necessary for those beneficiary countries with less developed economies to implement the obligations of the NAFTA.

(2) FACTORS IN ASSESSING ABILITY TO IMPLEMENT NAFTA.—In assessment the ability of each beneficiary country to undertake the obligations of the NAFTA, the Trade Representative should consider, among other factors—

(A) whether the country has joined the WTO;

(B) the extent to which the country provides equitable access to the markets of that country;

(C) the degree to which the country uses export subsidies or imposes export performance requirements or local content requirements;

(D) macroeconomic reforms in the country such as the abolition of price controls on traded goods and fiscal discipline;

(E) progress the country has made in the protection of intellectual property rights;

(F) progress the country has made in the elimination of barriers to trade in services;

(G) whether the country provides national treatment to foreign direct investment;

(H) the level of tariffs bound by the country under the WTO (if the country is a WTO member);

(I) the extent to which the country has taken other trade liberalization measures; and

(J) the extent which the country works to accommodate market access objectives of the United States.

(c) PARITY REVIEW IN THE EVENT A NEW COUNTRY ACCEDES TO NAFTA.—If—

(1) a country or group of countries accedes to the NAFTA, or

(2) the United States negotiates a comparable free trade agreement with another country or group of countries.

the Trade Representative shall provide to the committees referred to in subsection (a) a separate report on the economic impact of the new trade relationship on beneficiary countries. The report shall include any measures the Trade Representative proposes to minimize the potential for the diversion of investment from beneficiary countries to the new NAFTA member or free trade agreement partner.

By Mr. GREGG:

S. 530. A bill to amend the Fair Labor Standards Act of 1938 to permit State and local government workers to perform volunteer services for their employer without requiring the employer to pay overtime compensation, and for other purposes; to the Committee on Labor and Human Resources.

THE STATE AND LOCAL VOLUNTEER PRESERVATION ACT OF 1995

• Mr. GREGG. Mr. President, it is my belief that the U.S. Government needs to foster voluntarism and philanthropy whenever it can. This is not how the system is currently working. On the contrary, overzealous regulation and oppressive Government agencies, such as the Department of Labor , stifle the efforts of citizens who want to volunteer some of their spare time to their community.

For example: In a small town in New Hampshire a police officer was using his free time at night to train women in self-defense. He volunteered to teach this course and did so gladly. The Labor Department came onto the scene, however, and told the police department that they must either pay the officer for overtime or cancel the program. The program was canceled for lack of funds. The women in this small town no longer have the option of free classes in order to learn to protect themselves.

This is a familiar story, not only to police departments across the country, but also to many other types of State and local agencies whose employees want to serve their community but are forbidden to by the Department of Labor. These incidents occurred because of the manner in which the Labor Department has decided to apply the Fair Labor Standards Act to those who willingly and gladly volunteer some of their spare time to public service. Such regulatory overreaching typifies what has gone wrong with the Federal Government, when public spirit and common sense lose out to narrow and misguided bureaucratic objectives.

It is for these reasons that I am introducing the State and Local Volunteer Preservation Act of 1995, which amends the Fair Labor Standards Act to allow State and local public servants to volunteer their time to their employers if they choose to do so. This bill will extend to town clerks who want to help count ballots on election night; firefighters who want to help put out fires in their districts even if they are not on duty; police officers who want to work with police dogs or train women in self-defense; and many other public employees who want to volunteer their free time to their communities. We must act now to stop this encroachment on local voluntarism and allow our civic-minded citizens to volunteer their time to their community, no matter what their occupation.

I am pleased to announce that the International Association of Chiefs of Police [IACP] have endorsed this legislation. It is from police officers in New Hampshire that I first heard of this problem, and it is from IACP that I learned that these regulations were causing difficulties not only in New Hampshire, but around the country.

I hope my colleagues will join me in supporting this important measure. Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 530

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "State and Local Volunteer Preservation Act".

SEC. 2. WAIVER OF OVERTIME COMPENSATION.

Section 7(o) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(o)) is amended—

(1) by redesigning paragraph (6) as paragraph (7); and

(2) by inserting after paragraph (5), the following new paragraph:

"(5) A public agency which is a State, political subdivision of a State, or an interstate governmental organization shall not be required to pay an employee overtime compensation or provide compensatory time under this section for any period during which the employee—

"(A) volunteered to perform services for the public agency; and

"(B) signed a legally binding waiver of such compensation or compensatory time.".

INTERNATIONAL ASSOCIATION OF
CHIEFS OF POLICE,
Alexandria, VA, March 8, 1995.

Hon. JUDD GREGG,
U.S. Senate,
Washington, DC.

DEAR SENATOR GREGG: The International Association of Chiefs of Police (IACP) has long been in support of amendments to the Fair Labor Standards Act. Applying laws and regulations initially designed for the private sector, to public sector employers and employees has created difficulties that can only be curbed by federal legislation. While IACP believes that other additional amendments would be helpful, we certainly support and endorse your proposed bill that would clarify the compensation status of reserve officers who wish to volunteer for public safety activities.

If we can be of further assistance, please do not hesitate to call.

Sincerely,

JOHN T. WHETSEL,
President. •

By Mr. HATCH:

S. 531. A bill to authorize a circuit judge who has taken part in an en banc hearing of a case to continue to participate in that case after taking senior status, and for other purposes; to the Committee on the Judiciary.

S. 532. A bill to clarify the rules governing venue, and for other purposes; to the Committee on the Judiciary.

S. 533. A bill to clarify the rules governing removal of cases to Federal court, and for other purposes; to the Committee on the Judiciary.

TITLE 28 CORRECTION LEGISLATION

Mr. HATCH. Mr. President, I am today introducing three bills, each of which would correct an inadvertent glitch in title 28 of the United States Code. I believe that all my colleagues will find these bills to be uncontroversial and nonpartisan. But they are nonetheless important, for they clean up problems that have surfaced in existing provisions.

Let me briefly describe the three bills.

My first bill would modify section 46(c) of title 28 to authorize a circuit judge who has taken part in an en banc hearing of a case to continue to participate in that case after taking senior status. Section 46(c) currently sets forth a general rule with one exception: It provides that only circuit judges in regular active service may sit on the en banc court, except that a senior circuit judge who was a member of the panel whose decision is being reviewed en banc may also be eligible to sit on the en banc court. This general rule makes good sense, for it ensures that it is the judges in regular active service who determine the law of the circuit. The exception also makes good sense, since it enables the court to avoid wasting the already-expended efforts of a judge.

The current language of section 46(c), however, inadvertently creates a problem, for it appears to require a circuit judge in regular active service who has heard argument in an en banc case to cease participating in that case when that judge takes senior status. Courts of appeals have regarded themselves as bound to so construe the statute. See, e.g., *United States* v. *Hudspeth*, No. 93–1352—7th Cir. Oct. 28, 1994. This result is problematic, for it means that at the time of argument in an en banc case, it may be unclear who will be eligible to vote on the final disposition. Worse, there is the possibility that a judge might delay—or might be perceived as delaying—the release of an opinion until a member of the court takes senior status, in order to affect the outcome. As the seventh circuit's discussion in Hudspeth makes clear, there is every reason to believe that this consequence was inadvertently produced by Congress. The Judicial Council of the seventh circuit has written to me recommending that this provision be reconsidered. Other courts have also faced difficulties with this provision. My bill would correct this problem.

My second bill adopts a proposal by the Judicial Conference of the United States to correct a flaw in a venue provision, section 1391(a) of title 28. Section 1391(a) governs venue in diversity cases. Like section 1391(b), which governs venue in Federal question cases, section 1391(a) has a fallback provision—subsection (3)—that comes into play if neither of the other subsections confers venue in a particular case. See C. Wright, Law of Federal Courts 262—5th ed. 1994—Specifically, subsection (3) provides that venue lies in "a judicial district in which the defendants are subject to personal jurisdiction at the time the action is commenced, if there is no district in which the action may otherwise be brought."

The defect in this fallback provision is that it may be read to mean that all defendants must be subject to personal jurisdiction in a district in order for venue to be lie. Under this reading, there would be cases in which there would be no proper venue. In short, the fallback provision would not always work. Such a result is undesirable and appears to be the inadvertent product of a rather tortuous drafting history. See C. Wright, supra, at 262 n. 35.

My bill would eliminate the ambiguity in subsection (3) by specifying that venue would be proper under this fallback provision in a district in which any defendant is subject to personal jurisdiction. This language would track the language in the parallel fallback provision in section 1391(b). Again, I note that the Judicial Conference has endorsed this change.

My third bill would remedy a problem that has arisen in the procedures governing remand to State court of cases that have been removed to Federal court. Section 1447(c) of title 28 provides that a motion to remand a case on the basis of any defect in removal procedure must be made within 30 days of the filing of the notice of removal. It appears clearly to have been the intent of Congress that the phrase "any defect in removal procedure" would encompass any defect other than lack of subject matter jurisdiction. Section 1447(c) specifies that no time limit applies to motions to remand based on lack of subject matter jurisdiction. But a few courts have taken a more narrow reading, and a circuit split exists. See C. Wright, supra, at 249–250 and nn. 3-6. My bill would make clear that a 30-day limit applies to all motions to remand except those based on lack of subject matter jurisdiction.

By Mr. SMITH (for himself and Mr. CHAFEE):

S. 534. A bill to amend the Solid Waste Disposal Act to provide authority for States to limit the interstate transportation of municipal solid waste, and for other purposes; to the Committee on Environment and Public Works.

INTERSTATE WASTE AND FLOW CONTROL LEGISLATION

Mr. SMITH. Mr. President, I am today introducing legislation that I believe will solve the longstanding problem of the interstate disposal of solid waste, as well as address the more recent issue involving the use of flow control measures to control the disposal of these materials.

For those of my colleagues who are not familiar with the issue, the controversy surrounding the interstate transportation of solid waste is one that the Senate has been considering since before 1990. Today, 47 States export approximately 14 to 15 million tons of solid waste per year for disposal in other States. While short distance waste exports have been occurring for some time, the development of a longhaul waste transport market has been a more recent development. With tipping fees of $140 per ton in some large cities, compared with a national average of between $30 and $50, there is an incentive for municipalities to transport these wastes by truck and rail to distant States for permanent disposal.

Those States that have recently been the recipients of large amounts of long-haul wastes have raised a concern that their limited capacity for solid waste disposal is being filled, and that they have become the dumping ground for someone else's waste problems. Over the last few years, 37 States have passed laws to prohibit, limit, or severely tax waste that enters their jurisdiction. However, almost all of these laws have been stuck down for violating the commerce clause of the Constitution. While there has been some recent easing of disposal capacity nationwide, there are still significant concerns about the future consequences of the long-haul system.

To address these concerns Congress, as well as the Environment and Public Works Committee, in particular, have been attempting to strike a balance between importing and exporting States. Last year, the Committee on Environment and Public Works, of which I am a member, unanimously reported S. 2345 to address this problem. A number of Members, both on and off the committee, including Senators COATS, SPECTER, LAUTENBERG, MOYNIHAN, and others, took a very active role in attempting to develop a compromise that importing and exporting States could live with. While the Senate easily passed this compromise by voice vote on September 30, 1994, time ran out before this issue could be finally resolved.

Today I am offering legislation that is cosponsored by Senator CHAFEE, the chairman of the Environment and Public Works Committee, that will address both interstate waste and flow control. Title I of our bill, which pertains to interstate waste, is essentially the same package that the Senate overwhelmingly supported last year. There was no opposition that I was aware of. It is our hope that we will have similar support for this legislation so that we can quickly lay this issue to rest.

The issue of flow control is another trashrelated concern that has been brought before Congress as a result of Supreme Court action. In essence, flow control is a mechanism that has been utilized by a variety of towns and cities to mandate that solid waste be disposed of at facilities designated by that entity. In May 1994, the Supreme Court, in the decision of Carbone versus Clarkstown, struck down a New York flow control ordinance as a violation of the commerce clause. For better or worse—depending on your point of view—the Carbone decision essentially halted efforts nationwide to enact flow control measures. Cities and towns that utilized flow control authority prior to Carbone assert that it allowed them to create integrated waste control systems, including activities such as recycling, composting, and hazardous waste collection—that would not have been possible without this authority.

Since 1980, over $20 billion in municipal bonds have been issued to pay for the construction of solid waste facilities utilizing flow control. In the wake of Carbone, there has been a strong concern raised that without prompt action by the Congress to authorize some flow control, many cities and towns that let these bonds are in danger of having these investments downgraded—some say even turned into junk bonds. This concern was underscored by a recent decision of Moody's Investors Service to downgrade the waste bond rating of five New Jersey counties to below investment grade status. In addition to bond-related concerns, the proponents also assert that the failure of Congress to provide flow control authority will leave State and local governments defenseless in their efforts to control the export of interstate waste.

It must be noted, however, that flow control does not have universal support. It does not really have this Senator's support. A number of mayors and local officials, such as Bret Schundler, the mayor of Jersey City, NJ, have gone on record in strong opposition to the use of flow control. They argue essentially that flow control limits the ability of local government to find low-cost, environmentally sound disposal alternatives, and results in exorbitant and unnecessarily high tipping fees.

In addition to these arguments, a recently released EPA report entitled "Flow Controls and Municipal Solid Waste," concludes that not only is there "no empirical data showing that flow control provides more or less protection" to human health and environment. The report then goes on to say that there is no evidence that "flow controls are essential either for the development of new solid waste capacity or for the long-term achievement of State and local goals for source reduction, reuse, and recycling."

So, last week, the Environmental and Public Works Subcommittee on Superfund, Waste Control and Risk Assessment, which I chair, of course, held an extensive hearing that focused on two issues: Both flow control and interstate waste. During that hearing, we heard testimony from New Jersey Governor Christine Todd Whitman and others, including Congressman CHRIS SMITH of New Jersey, who called for the enactment of very broad flow control authority for municipalities in States well into the future. Others, including the Natural Resources Defense Council and Competitive Enterprise Institute requested that the Senate enact no flow control whatever.

My subcommittee also heard from the Public Securities Association which outlined the domino effect that might occur if Congress were to fail to authorize any flow control for those municipalities that have already let bonds under the presumption that they had the authority to flow control. They assert that not only would a failure to enact this authority affect the value of the existing flow control bonds, but it would also have a detrimental effect on the ability of the municipalities to let any bonds in the future.

So, the language that Senator CHAFEE and I are today introducing will protect those municipalities that impose flow control pursuant to a law, ordinance, regulation, or any other legally binding provision prior to May 15, 1994, prior to the Carbone decision, and which implemented flow control by designating a flow control facility prior to that date. In addition, this bill will protect those municipalities that imposed flow control prior to May 15, 1994, but which were in the midst of constructing such a flow control facility. Thus, in other words, if the municipality had its permits to construct and had signed contracts to build the facilities, had let revenue bonds, or had received its operating permit prior to May 15, 1994, it would also be able to take advantage of the grandfather provision and the protection that we are providing in our bill.

Our bill also provides sufficient flexibility so that the facilities that need to retrofit or modify their equipment to meet environmental or safety requirements, or if the facility needs to expand on the land that they own and that it is covered by their permit, they will be allowed to do so.

But it does not stop there Mr. President. Our bill is intended to provide a sense of finality to this issue. Precisely 30 years after this legislation is adopted, no further flow control measures will be allowed. Zero, none.

I want to be clear: I am opposed to flow control. I think the interstate commerce clause is exactly correct and the court's ruling was correct. I am not convinced that communities need to have broad flow control authority in order to ensure the proper disposal of their solid wastes. Nonetheless, I am aware of and I am sympathetic to and understand the position of those cities and towns that need this grandfathering so they can pay off the bonds that were let, based on the presumption that they had this authority. They thought they had the authority, they let the bonds, and they are kind of in the middle in a whipsaw, what to do. And nothing has been done since May 15, 1994, except the bonds have been going down in value.

So, under our bill, those municipalities that took action on this presumption will be protected. It is a grandfather protection. It ends in 30 years. Why 30 years? Because that is as long as any bonds that we know of are out there. It is a compromise.

Frankly, it is not my philosophical view. I do not believe that there ought to be flow control, but I do understand that things happen. Sometimes people believe they are doing the right thing, think they have the authority to do the right thing, and they get caught in the middle.

I believe this legislation strikes a fair balance in accommodating those who are strong proponents of States' rights and those who are strong proponents of the free market system.

Now, there are some who will probably try to amend this legislation, perhaps here on the floor or in committee, who will take the position that the States should have the total right to enact flow control any way they want to do that. But that is not the free market system. I am surprised, somewhat, by some of my colleagues who take that position who claim to be free marketeers.

So, in essence, what I tried to do in order to help those people who immediately need the help, is to craft this compromise, to grandfather the situations where there is an urgency here, where there has been some money expended, through the processes that I indicated, letting the bonds, or permitting, or construction work, or contracts, allow that to be grandfathered, and then at the end of that period of time, we go back to no flow control, we go back to interstate commerce.

Now, I am not convinced that the free market could not fully address this issue of disposing of our Nation's solid waste, but I am willing to make this accommodation.

Now, again, let me repeat, so that there is no misunderstanding, I do not support systemwide flow control, and I am strongly opposed to any prospective flow control. I feel that our bill has struck the balance, and I do not feel we need to go any further. Grandfathering is there. It ends in 30 years from the date of the enactment of the legislation.

Those municipalities that are in danger of having their bonds downgraded have requested that we move quickly to resolve this issue. That is exactly what I have been doing. It is the first piece of legislation that we worked on and marked up. There are many other pieces of legislation out there that are very critical, that are very high priority to me and to the Senate, including Superfund. We put this first in order to accommodate these communities, these municipalities, who have this problem.

I would hope that those people who might have a stronger view that we ought to have total flow control would understand that I have done this in an effort to help those communities and not get this thing into an extended debate, an extended controversy, to try to go all the way over to systemwide flow control and allow what I believe to be a reasonable compromise to pass.

I hope that my colleagues will support this legislation. It is very carefully thought out. Senator CHAFEE was immensely helpful and supportive. Senator COATS did a lot of work on interstate transfer of waste. He was very helpful, of course, and others. I hope that we will get support for this legislation, that it will pass quickly, as we do have kind of an emergency situation out there with these municipalities.

But I would just say to my colleagues, if we wind up in a huge floor fight, either out here on the floor or perhaps a fight in committee which delays this, then I think we are making a serious mistake in not helping those communities who really need the help.

Again, this is a big step for me because I believe that there should not be flow control, as I indicated. And had this situation not developed where we had these municipalities who had let these bonds, we would be out here with legislation that basically says there would be no flow control.

So I am doing this as a compromise to help those communities and municipalities in need. Hopefully, people will understand that and this legislation will be promptly passed by the Senate, sent to the House and signed by the President and become law.

Mr. CHAFEE. Mr. President, today I join the Senator from New Hampshire [Mr. SMITH] in introducing legislation dealing with interstate waste and flow control authority. I want to acknowledge the Senator's effort. As the chairman of the Environment Committee's Superfund, Waste Control, and Risk Assessment Subcommittee, the Senator from New Hampshire has taken the lead in drafting this legislation, targeting issues that went unresolved last year.

As you may recall, at the close of the last session of Congress, a so-called compromise on interstate waste and flow control was approved by the House and sent to the Senate on the last day of the session. I had real concerns with the bill. We could have approved that bill if there had been time for debate and an opportunity to consider amendments. But that was not the case. It was a take-it-or-leave-it proposition, and for a number of reasons, I could not take it.

The legislation was broad in scope, both on interstate and flow control. In my view, unlike the Senate-passed bill on interstate waste—which was a fair accommodation of importing and exporting States' interests—the House-passed bill tilted the scales out of balance in favor of importing States. Rhode Island, I might add, is a waste exporter. On flow control—which was not addressed in the Senate bill—the House bill favored local governments to the detriment of consumers and small business.

My major concerns with the House-passed bill revolved around three key issues, one on interstate and two on flow control.

On interstate, the primary problem was the inclusion of language creating a statutory presumption against the lawful shipment of waste across the State lines. On flow control, the House-passed bill granted authority not only to existing facilities with outstanding bond debt—the Public Securities Association's primary concern—but also to facilities with little or no financial exposure. In addition, the language would have resurrected Rhode Island's flow control authority—even though a Federal district court blocked that law in 1992, and the State has no need for the authority.

Now, to the legislation. For the record, Senator SMITH chaired a Waste

Control Subcommittee hearing on March 1, 1995, to solicit testimony on interstate waste and flow control from the various interest groups, including the National Association of Counties, the National Federation of Independent Business, the Natural Resources Defense Council, and waste haulers. In addition, Senators COATS and COHEN as well as Representative CHRIS SMITH and Gov. Christine Todd Whitman testified before the committee. There is great interest in moving this legislation early in the session, and we intend to do so.

The legislation is straightforward. Title I deals exclusively with the interstate transport of waste. Title II focuses on the issue of flow control.

Let me turn to title I. On interstate shipments, this bill we are introducing is similar to S. 2345, legislation that was approved unanimously by the Senate last year. I want to make it clear that the bill before us deals exclusively with the transport, across State borders, of municipal solid waste—commonly known as garbage or trash. It purposely avoids imposing restrictions on the interstate transport of hazardous waste, industrial waste, or even construction and demolition debris, which create a different set of problems, and would require markedly different approaches.

The interstate conflict is a symptom of a larger solid waste problem. Our society is generating more and more waste. We are a throw-away society. As a result, our landfills have become precious resources. What's more, communities all across the country are finding it exceedingly difficult to site new capacity, even for waste generated within their borders.

Listen to these statistics. In the United States, we generate about 180 million tons of municipal waste each year. Forty-three States ship some 15 million tons out of State each year. Forty-two States also import some waste. Nearly every State relies on at least one other State to handle some portion of their waste. The vast majority of these shipments are noncontroversial, so-called border waste which has been traveling short distances over State lines for years. We do not want to upset these arrangements unnecessarily.

The real problem arises when some States, such as Pennsylvania, Indiana, and Ohio are forced to accept far more waste than they want. We need a three-part strategy to solve this problem. First, we must reduce the amount of waste we produce. Second, we need to recycle more of the waste that is produced. And third, States and localities must be given some additional authority to control the disposal of waste in a safe and environmentally sound manner.

Toward this end, the bill we are considering would give States limited authority to impose restrictions on municipal wastes that are imported from other States. Subject to certain exceptions, this legislation allows a Governor to prohibit shipments of out-of-State waste if the affected local government submits a request to the Governor. In addition, a Governor could unilaterally freeze out-of-State waste at 1993 levels at certain landfills and incinerators.

The legislation, I must admit, is complicated because it attempts to accommodate the interests of many Members and because it recognizes that interstate waste is not an issue in just one or two States. In developing this bill, the chairman has struggled to provide States some control over imported garbage without unduly limiting interstate commerce.

In addressing the problem, the chairman has tried to find a solution that will reduce unwanted imports, and yet give exporting States some time to reduce the amount of waste generated, to increase recycling, and to site new, in-State capacity. I believe the legislation we are considering, while far from perfect, is equitable, and will provide a responsible solution to the problem.

To be sure, our work on this issue, as well as on flow control, has just begun. Senator SMITH and I are ready to work with the committee and other interested Members of the Senate to craft a bill that can be approved by both Senate and House.

Now to title II on flow control. Flow control is the method used to route a community's solid waste to designated, often publicly financed, disposal facilities, with little or no competition from the private sector. Flow control laws, because of their potential interference in interstate commerce, have been overturned in several Federal courts, most recently last May at the Supreme Court in Carbone versus Clarkstown. The issue is controversial both for the private waste market and the many communities that have financed waste facilities in reliance upon flow control.

The implications of congressional action on flow control have the potential to resonate throughout the economy. Flow control laws have been widely used in recent years, often as a tool to guarantee that projected amounts of waste and revenues will be received at waste management facilities funded by revenue bonds. In fact, since 1980, over $24 billion in municipal bonds have been issued to pay for the construction of solid waste facilities.

In the overwhelming majority of cases, investors were assured that the projected amounts of waste would be delivered to the facility because flow control laws were in place. In some cases, the local government agreed to bear the risk that flow control laws would be found to be unconstitutional. They have enforceable put-or-pay contracts. Now, unless a solution is developed, affected governments' bond ratings may be at risk, and local residents will have to pay for services they are not receiving.

In developing a solution, however, we must take into consideration not only the interests of local taxpayers and bondholders but also consumers and small business who may get a better deal in the absence of flow control laws. Furthermore, I have great concern generally with the anticompetitive nature of flow control.

The bill we are introducing today strikes a balance, protecting past community investments based on flow control without perpetuating an anti-competitive market going forward. Under our bill, each State and each political subdivision may exercise flow control authority if that authority is imposed pursuant to law or other legally binding provision and has been implemented by designating facilities that were constructed after the effective date of the provision and prior to May 15, 1994. In addition, the bill provides a grandfather provision, for communities that have made a substantial commitment toward the designation of a waste management facility, although not yet constructed, prior to May 15, 1994. Finally, the bill includes a flow control authority sunset provision effective 30 years after date of enactment.

Mr. President, I believe this legislation represents a good faith effort to bring the various parties together on the issues of interstate waste and flow control. It provides additional authority to waste importers without overriding the needs of waste exporting States—it protects past community financial investments and yet provides opportunities for the private sector. So, I commend the Senator from New Hampshire and look forward to working with him and the other members of the committee to report this legislation in an expeditious fashion.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 537. A bill to amend the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

THE ALASKA NATIVE CLAIMS SETTLEMENT ACT AMENDMENTS ACT OF 1995

• Mr. MURKOWSKI. Mr. President, I am pleased to introduce a bill to amend the Alaska Native Claims Settlement Act of 1971. This legislation is noncontroversial and fully supported by the Alaska Federation of Natives. The bill was passed by the House of Representatives last Congress. The Senate Energy Committee held hearings and approved a similar bill. Unfortunately, it did not pass the full Senate last year because of an issue unrelated to this legislation.

The enactment of the Alaska Native Claim Settlement Act [ANCSA] was a landmark event in Alaska's history. The land grants and compensation provided to Alaska Natives under ANCSA was unprecedented and has proven to be a successful alternative to the reservation system in the lower 48 States. ANCSA created business corporations based on existing Alaska Native communities and the corporations are responsible for investing and managing assets provided under ANCSA for the benefit of the all-Native shareholders. ANCSA created a system that allows Alaska Natives to become self-sufficient.

While I am happy to say that the system created under ANCSA is working, there are some changes that are sometimes necessary to make sure the intent of ANCSA is carried out. This bill corrects existing technical problems with ANCSA and the Alaska National Interest Lands Conservation Act [ANILCA]. An identical bill was introduced in the House by my colleague from Alaska.

The legislation is designed to resolve specific problems, for example one section of the bill will make it possible for the Caswell and Montana Creek Native groups to receive lands approved by a February 1976 agreement and finally fulfill their land entitlement under ANCSA. Another provision would allow Chugach Native Corp. to select a specific tract of land at the edge of their own current boundaries. Included in this bill there are eight technical amendments to resolve specific issues. Another section would make certain veterans from the Vietnam era eligible for land allotments under ANCSA.

Mr. President, it is my hope that the committee which last year agreed that all of these items were noncontroversial will retain their spirit of cooperation so that this legislation will be able to move early in this session.●

By Mr. HATFIELD:

S. 538. A bill to reinstate the permit for, and extend the deadline under the Federal Power Act applicable to the construction of, a hydroelectric project in Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

TALENT IRRIGATION DISTRICT LICENSE EXTENSION

● Mr. HATFIELD. Mr. President, today I am introducing legislation which allows the Federal Energy Regulatory Commission to grant Talent Irrigation District, in Jackson County, OR, an extension of its hydro project construction commencement deadline.

The project is a 2.4-megawatt powerhouse, planned as an attachment to the existing Emigrant Dam, on the Emigrant River in southern Oregon. Low water conditions in the Emigrant River, resulting from 8 years of continuous drought in Oregon, have caused the irrigation district to reevaluate the operating plan of the project. I believe granting an extension in this case will enable local officials to better configure this project to maximize power production and fish enhancement in light of the reduced water flows in the Emigrant River.

Construction of the existing Emigrant Dam was completed in 1959. It has a structural height of 176 feet and impounds 39,000 acre feet of water, which is delivered to about 8,000 users, irrigating approximately 30,000 acres.

On May 24, 1989, FERC issued a construction license to the Talent Irrigation District for the hydro project extension at Emigrant Dam. The license required construction to commence within 2 years—by May 24, 1991. In January 1991, the district requested and received a 2-year extension of the construction commencement deadline, until May 24, 1993, citing the need to consult further with the Bureau of Reclamation and continue negotiating a power sales agreement.

All negotiations were completed by April 1992, but the low flow conditions in the Emigrant River caused the Talent Irrigation District to postpone the commencement of construction and reevaluate the hydro project's proposed operating plan. When the 2-year extension expired on May 24, 1993, FERC canceled the license.

In order to commence with this project, the district needs its license reinstated and additional time to carefully evaluate the operating plan for the Emigrant hydro project and adjust it to perform better under low water conditions, both for power production and fish enhancement. The Federal Power Act, however, only allows FERC to grant one 2-year extension to the district, which it granted in 1991. Therefore, legislation is required to authorize FERC to extend the deadline further.

The legislation I am introducing today reinstates the Talent Irrigation District license and grants the district up to 4 years to begin construction.

I look forward to working with members of the Senate Energy and Natural Resources Committee to ensure that this proposal receives prompt and thorough attention.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 538

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REINSTATEMENT OF PERMIT EXTENSION DEADLINE.

Notwithstanding the expiration of the permit and notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 7829, the Commission shall, at the request of the licensee for the project, reinstate the permit effective May 23, 1993, and extend the time period during which the licensee is required to commence the construction of the project to the date that is 4 years after the date of enactment of this Act.●

By Mr. COCHRAN:

S. 539. A bill to amend the Internal Revenue Code of 1986 to provide a tax exemption for health risk pools; to the Committee on Finance.

THE HEALTH RISK POOLS ACT OF 1995

● Mr. COCHRAN. Mr. President, today I am introducing legislation to grant Federal tax exemption to State health risk pools. The purpose of a health risk pool is to provide health and accident insurance coverage to individuals who, because of health conditions, would otherwise not be able to secure health insurance coverage.

Since 1976, 28 States have enacted legislation establishing a health insurance pool aimed at protecting uninsurable and high-risk individuals. Most of the pools were established in the last 4 years.

For example, the Comprehensive Health Insurance Risk Pool Association Act was enacted by the Mississippi State Legislature during the 1991 legislative session and became effective April 15, 1991. At that time Mississippi became the 25th State to enact such legislation.

The Comprehensive Health Insurance Risk Pool Association was created to implement such a health insurance program. Members of the association include insurance companies and nonprofit health care organizations which are authorized to write direct health insurance policies and contracts supplemental to health insurance policies in Mississippi. The association also includes third party administrators who are paying and processing health insurance claims for Mississippi residents.

Over the past 3 years, the association has issued medical insurance policies to approximately 900 Mississippians. The association is funded by premiums paid by policyholders and quarterly assessments against members of the association. There is no public funding—State or Federal—involved.

Currently, about 120,000 individuals nationwide are a member of a State pool. Nationally, there are an additional 1 to 3 million people who are uninsured and uninsurable, and who could be eligible for inclusion in a State pool.

Unfortunately, several State health risk pools have applied for, and have been denied, exemption from Federal taxation under International Revenue Code sections 501(c)(4) and/or 501(c)(6). Generally, the Internal Revenue Service's [IRS] rationale for such denial has been that the sole activity of the health risk pools is the provision of health insurance for individual policyholders. The IRS perceives, incorrectly in my view, health risk pools as a regular business ordinarily carried on for profit, which primarily provide commercial type insurance. Moreover, the IRS takes the position that health risk pools are primarily serving the private interests of its members and not the common interest of the community as a whole.

In its decision to deny the State of Mississippi's Comprehensive Health Insurance Risk Pool Association exemption from Federal income tax, the Internal Revenue Service in a letter dated August 16, 1993, states:

> For purposes of section 501(c)(6) of the Internal Revenue Code, an organization providing insurance for its members or other individuals, except in very limited instances, either is considered to be engaged in an activity that is an economy or convenience in the conduct of members' businesses because it relieves the members of obtaining insurance on an individual basis, or is a regular business of a kind ordinarily carried on for profit. In either case, the activity of providing insurance is not considered to be an exempt activity under section 501(c)(6) and, if it is the primary activity of the organizations, exemption under section 501(c)(6) is precluded pursuant to section 1.501(c)(6)–1 of the regulations.

However, health risk pools have been created by statute in several States to serve a public function of relieving the hardship of those who, for health reasons, are unable to obtain health insurance coverage. These pools do not carry on an activity ordinarily carried on by insurance companies and are not designed to make a profit. Further, they are established by State statute and none of the net earnings benefits any private shareholder, member, or individual.

The Federal Government should serve as an impetus for, not an impediment to, State health care reform. We should do all we can to increase the ability of States to help the uninsured. The Senate Finance Committee recognized the value of health risk pools and included a version of this bill in their health care reform legislation last year.

In order to allow States real flexibility in designing effective health care plans, State health risk pools should be exempt from taxation. By passing this legislation, we will promote State-based health care reform by expressly granting Federal tax exemption to State health risk pools, notwithstanding the IRS's current position. While future national health care reform may eliminate the need for State health risk pools, until such reform is implemented, these entities will remain the only source of medical insurance for many of our citizens.

I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 539

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That (a) subsection (c) of section 501 of the Internal Revenue Code of 1986 (relating to list of exempt organizations) is amended by adding at the end thereof the following new paragraph:

"(26) Any corporation, association, or similar legal entity which is created by any State or political subdivision thereof to establish a risk pool to provide health insurance coverage to any person unable to obtain health insurance coverage in the private insurance market because of health conditions and no part of the net earnings of which inures to the benefit of any private shareholder, member, or individual."

(b) The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1989.•

By Mr. GLENN (for himself, Mr. DEWINE, and Mr. LEVIN):

S. 540. A bill to amend the Federal Water Pollution Control Act to require the Administrator of the Environmental Protection Agency to conduct at least three demonstration projects involving promising technologies and practices to remedy contaminated sediments in the Great Lakes system and to authorize the Administrator to provide technical information and assistance on technologies and practices for remediation of contaminated sediments, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GLENN (for himself, Mr. DEWINE, Mr. LEVIN, and Mr. FEINGOLD):

S. 541. A bill to amend the Federal Water Pollution Control Act to coordinate and promote Great Lakes activities, and for other purposes; to the Committee on Environment and Public Works.

GREAT LAKES RESOURCES LEGISLATION

Mr. GLENN. Mr. President, it is my pleasure to rise today on behalf of myself and my distinguished colleagues, Senator DEWINE and Senator LEVIN to introduce the Assessment and Remediation of Contaminated Sediments [ARCS] Reauthorization Act and on behalf of Senator DEWINE, Senator LEVIN, and Senator FEINGOLD to introduce the Great Lakes Federal Effectiveness Act.

I am honored to be joined by a new Great Lakes Senator, Senator DEWINE. I am pleased that the Senator from my home State, Ohio, has shown such significant leadership on Great Lakes issues so early on in the 104th Congress. Both Senator LEVIN and Senator FEINGOLD's consistent leadership on issues of critical importance to the Great Lakes is exemplary. Furthermore, I am honored that another Ohio colleague, Congressman LATOURETTE, and Congressman QUINN are introducing a House companion bill for the Great Lakes Federal Effectiveness Act with Congressman OBERSTAR joining them on the ARCS Reauthorization Act.

These two bills address the unique water resources in the Great Lakes region, the impact of contaminated sediments on our freshwater resources and the need for coordinated research efforts to efficiently apply science to our efforts to protect and restore the Great Lakes. I am proud to join my colleagues from the Great Lakes region in the introduction of the ARCS Reauthorization Act and the Great Lakes Federal Effectiveness Act.

Sedimentation has created a need to dredge Great Lakes harbors for decades. Industrialization of our region and the nation increased the amount of erosion and storm water runoff which in turn escalates the amount of sediment being deposited on our lake and river bottoms and coastal shores. Unfortunately, recent times have seen dredging become increasingly costly largely due to the contaminants which accompany the silt. Contaminated dredge spoils require special handling for proper disposal which adds to the cost of the dredging.

Contrary to what one might think, the bottom of a water body is not a safe depository for toxics. Resuspension of these toxics may result from both human and natural activity in the water thus acting as a continual discharge of contamination into the water. The contaminants become available to enter the food chain or come in contact with recreational users. Contaminated sediments can result in shellfish contamination, fish advisories and threats to human health by those who consume tainted fish.

The ARCS Program is a demonstration program for innovative technology to address the problem of contaminated sediments. The 5-year ARCS program was originally authorized in the 1987 Clean Water Act. The ARCS Program authorized the implementation of pilot-scale tests of promising sediment remediation technologies to address the water pollution problems in the Great Lakes. Reauthorization of the ARCS Program takes us to the next level: full-scale demonstrations of contaminated sediment remediation. The ARCS Program, coordinated by the Administrator of the EPA, acting through the Great Lakes National Program Office, would implement three sediment remediation demonstration projects and at least one full-scale demonstration of a remediation technology.

The second bill, the Great Lakes Federal Effectiveness Act [GLFEA] is consistent with the current efforts to streamline Government and reduce redundant or outdated programs. The GLFEA will prevent unnecessary duplication of efforts among Federal agencies which undertake Great Lakes research. The act establishes a Great Lakes Council, composed of offices from the Environmental Protection Research Agency, Fish and Wildlife Service, the National Oceanic and Atmospheric Administration, and other

Federal agencies conducting research in the Great Lakes basin. The Council will assess the current status of scientific research capabilities, identify research priorities for the region, make recommendations for integrated data collection and management of Great Lakes resources, and finally develop and disseminate its findings through a biennial report.

The Great Lakes Federal Effectiveness Act does not require any new funding, rather it actually aims to help agencies better manage their research budgets and potentially cut costs through cooperative efforts to set research priorities and avoid unnecessary or duplicative projects. The Great Lakes Council will essentially serve as a clearinghouse for Great Lakes information and research findings and develop a uniform, multimedia, data collection protocol for use across the Great Lakes basin.

The multimedia approach of this legislation allows our experts to share scientific knowledge and address air, water, soil, and wildlife factors in our efforts toward responsible stewardship of the Great Lakes ecosystem. This ecosystem perspective on the natural environment, if incorporated into our Federal environmental policy, promises to fundamentally improve the effectiveness and efficiency of environmental management.

The Great Lakes Federal Effectiveness Act will provide Federal, State, academic and private sector officials with a vehicle through which information can be compiled and ultimately shared among the region's research community. The act will stretch our research dollars and help us to better tap scientific resources within the private sector, the academic community, and Federal agencies. I urge my colleagues of the Senate to endorse this legislation and move toward its timely enactment.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. DOLE, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 22, a bill to require Federal agencies to prepare private property taking impact analyses.

S. 111

At the request of Mr. DASCHLE, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 111, a bill to amend the Internal Revenue Code of 1986 to make permanent, and to increase to 100 percent, the deduction of self-employed individuals for health insurance costs.

S. 154

At the request of Mr. BUMPERS, the name of the Senator from Illinois [Mr. SIMON] was withdrawn as a cosponsor of S. 154, a bill to prohibit the expenditure of appropriated funds on the Advanced Neutron Source.

S. 240

At the request of Mr. DOMENICI, the names of the Senator from Oklahoma [Mr. NICKLES], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 240, a bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the act.

S. 254

At the request of Mr. LOTT, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 254, a bill to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the U.S. merchant marine during World War II.

S. 275

At the request of Mr. GRASSLEY, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 275, a bill to establish a temporary moratorium on the Interagency Memorandum of Agreement Concerning Wetlands Determinations until enactment of a law that is the successor to the Food, Agriculture, Conservation, and Trade Act of 1990, and for other purposes.

S. 304

At the request of Mr. SANTORUM, the names of the Senator from Missouri [Mr. BOND], the Senator from Texas [Mrs. HUTCHISON], and the Senator from Colorado [Mr. BROWN] were added as cosponsors of S. 304, a bill to amend the Internal Revenue Code of 1986 to repeal the transportation fuels tax applicable to commercial aviation.

S. 394

At the request of Mr. D'AMATO, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 394, a bill to clarify the liability of banking and lending agencies, lenders, and fiduciaries, and for other purposes.

S. 457

At the request of Mr. SIMON, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 457, a bill to amend the Immigration and Nationality Act to update references in the classification of children for purposes of U.S. immigration laws.

S. 495

At the request of Mrs. KASSEBAUM, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 495, a bill to amend the Higher Education Act of 1965 to stabilize the student loan programs, improve congressional oversight, and for other purposes.

S. 508

At the request of Mr. MURKOWSKI, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 508, a bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities.

S. 518

At the request of Mr. THOMAS, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 518, a bill to limit the acquisition by the United States of land located in a State in which 25 percent or more of the land in that State is owned by the United States, and for other purposes.

SENATE RESOLUTION 87—AUTHORIZING THE TAKING OF A PHOTOGRAPH IN THE CHAMBER OF THE U.S. SENATE

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. RES. 87

Resolved, That paragraph 1 of Rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol (prohibiting the taking of pictures in the Senate Chamber) be temporarily suspended for the sole and specific purpose of permitting the National Geographic Society to photograph the United States Senate in actual session on a date and time to be announced by the Majority Leader, after consultation with the Minority Leader.

SEC. 2. The Sergeant at Arms of the Senate is authorized and directed to make the necessary arrangements therefor, which arrangements shall provide for a minimum of disruption of Senate proceedings.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Friday, March 20, 1995, at 10 a.m., to conduct a hearing on the Mexican peso.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. GORTON. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet Friday, March 19, 1995, beginning at 10:30 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing on welfare reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet for a classified briefing during the session of the Senate on Friday, March 10, 1995, at 11 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUPERFUND, WASTE CONTROL, AND RISK ASSESSMENT

Mr. GORTON. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Waste Control, and Risk Assessment be granted permission to meet Friday, March 10, 1995, at 9:30 a.m. to conduct an oversight hearing regarding the Comprehensive Environmental Response, Compensation, and Liability Act [CERCLA].

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SOCIAL SECURITY AND THE BALANCED BUDGET

• Mr. SIMON. Mr. President, for the benefit of my colleagues, I wrote a newspaper column intended to end much of the confusion surrounding Social Security and its role in the recent debate on the balanced budget constitutional amendment.

I ask that the text be printed in the RECORD.

The column follows:

A REALITY CHECK ON SOCIAL SECURITY AND THE BALANCED BUDGET AMENDMENT

There is some confusion about the role of Social Security and the Balanced Budget Amendment. Let me answer a few of the questions that people are asking:

Would the Balanced Budget Amendment treat Social Security any differently than it is being treated now?

No. And if you are confused on this point, don't feel badly. One of the senators who participated in the debate didn't understand this either.

Does the Balanced Budget Amendment voted on recently treat Social Security differently than the amendment voted on in 1994?

The wording is identical on anything related to Social Security.

Would the Social Security system be better off with or without a Balanced Budget Amendment?

Much better off with a Balanced Budget Amendment. The great threat to Social Security is the growing federal debt. If it continues as projected, the United States government will eventually "solve" its problem like all nations with huge debts have historically done, by printing more and more money, making the dollar worth less and less. When you debase the value of the dollar, you also debase the value of the United States bonds that are the security for Social Security. If the dollar becomes worth ten cents, the bonds held by Social Security also drop 90 percent in value. That devastates Social Security. Those of us fighting for a Balanced Budget Amendment are trying to prevent this economic catastrophe from happening, but that is where we are now headed.

As a strong defender of Social Security, why didn't you vote to exempt Social Security in the Balanced Budget Amendment?

For two reasons.

First, I believe everything should be in the budget. As soon as you start making exceptions, where do you stop? I also believe it is important to include Social Security because in less than 30 years, Social Security will spend more than it takes in. We should have an obligation to protect Social Security well into the future, and not use the excuse that it isn't our responsibility.

Second, to make an exception of Social Security would permit a huge loophole in the amendment. Future Congresses could put welfare under Social Security, senior citizen housing, and virtually anything else. Since the word "security" is used, a creative Congress could even put the defense budget under Social Security.

Will there be changes in Social Security programs?

Apart from balancing the budget, there will have to be, for the long-term future of Social Security. My guess is that those on Social Security retirement now will experience no change in their retirement, but to prepare for a less rosy future, for example, there may have to be a one-half of one percent increase in the tax for Social Security on employers and employees, and some type of gradual increase in retirement age, worked out with the senior groups. If we were to raise the retirement age by one month a year for twelve years, over that period the retirement age would be raised by one year, and save billions of dollars for the retirement fund.

Also, Medicare will face serious shortfalls in only a few years. Here I favor changes now. For example, why shouldn't everyone with an income of over $100,000 a year pay for his or her own physician's fees? Hospital coverage and other features could remain the same. That one change would save billions of dollars.

Do Senators like Kent Conrad and Byron Dorgan of North Dakota have no valid point of concern?

They do. Since 1969 the federal government has included Social Security surpluses in our budgets so that the deficits would not look so bad. I have joined Sen. Fritz Hollings of South Carolina in trying to stop that practice, but administrations of both parties like to make their budgets look better.

During the evening negotiations on the Balanced Budget Amendment on the night the vote was first scheduled, Sen. Conrad was able to get an agreement to gradually move away from this practice, but he finally rejected the offer. One of my colleagues in the Senate told me, "Sen. Conrad was on the verge of a great victory for the Social Security cause and for sensible budgeting, but he blew it." I believe that judgment is premature. It is still possible that something can be worked out.

For the sake of Social Security recipients, and for the sake of the future of our country, I hope something will be.•

THE UNITED STATES-NORTH KOREA AGREED FRAMEWORK

• Mr. THOMAS. Mr. President, as the chairman of the Senate Subcommittee on East Asian and Pacific Affairs I come to the floor of the Senate this afternoon to briefly respond to certain statements made yesterday by representatives of the Government of the Democratic People's Republic of Korea regarding the agreed framework between our two countries governing the Democratic People's Republic of Korea's nuclear program.

North Korea has, for the second time in a month, again threatened to scuttle the agreement by making ludicrous take-it-or-leave-it demands. This time, it refuses to accept delivery from the Republic of Korea of two light-water reactors called for under the framework. The Democratic People's Republic of Korea's Foreign Ministry issued a statement in Switzerland stating that if the United States does not agree to another country furnishing the reactors, "because of the United States' attitude in insisting on supplying the South Korea type, we will be forced to take an appropriate position." The statement continued, "Even if that brings about the breakdown of the framework agreement * * * we will have nothing to lose but fear."

Mr. President, I—and, I am sure, my colleagues—grow weary of the continual 11th hour posturing and brinkmanship which seems to be the mainstay of the North's negotiating strategy. In a speech in the Senate on February 13, 1995, I made clear my position:

> I will not support the provision by the United States of one scintilla more than is called for in the Agreed Framework without substantial concessions from the DPRK; nor will I accept any diminution of the central role that has been set out for the ROK. South Korea is making a huge contribution to implementing the agreement, and it is their national interest that is most at stake. To accede to any demands by the DPRK in this regard is to assist it in its ongoing attempts to undermine US-ROK relationship.

This apparently bears repeating to drive it home to the North. If the Democratic People's Republic of Korea thinks that we will capitulate on the reactor issue, it is seriously mistaken. To put it into words that the Government in Pyongyang cannot mistake, its wish for reactors manufactured elsewhere is like a hungry man looking at "keurim eui teok i da," rice cakes in a picture. The North Koreans need to know, clearly and unequivocally, that on this point the Congress and administration are in complete and unwavering agreement; there is no acceptable alternative. We will stand by our position, stand by our principles, and most importantly stand by our important ally South Korea. If Pyongyang chooses to abandon the agreement, then so be it, we will quickly find ourselves back at the U.N. Security Council where the Democratic People's Republic of Korea will find itself the subject of tough economic sanctions.

Mr. President, next week at my behest the members of the Foreign Relations Committee will meet with Ambassador Galucci. I look forward to that meeting both as an opportunity to hear first hand about these latest developments, and as a chance to reiterate my position for the administration.•

STUDENT LOAN CONFLICTS OF INTEREST

• Mr. SIMON. Mr. President, my colleagues from Massachusetts, Senator

KENNEDY, yesterday recited a long list of items where the new Congress has declared war on working Americans.

One item that he mentioned is the attack on student financial aid: 75 percent of all college student aid comes from the Federal Government, much of that in the form of loans. The only significant Federal student aid subsidy that reaches middle-class families is the Federal payment of interest while students are in school. Now, it seems that this benefit is in danger in the House of Representatives.

Mr. President, I have argued that as far as student aid is concerned, we should not be balancing the budget on the backs of students while banks and middlemen continue to receive excessive subsidies in the Student Loan Program.

Two weeks ago, a letter I wrote to the Washington Post made the point that the Guaranteed Student Loan Program is not the private sector system that its proponents would have us believe it is, and that it is riddled with dangerous conflicts of interest.

In a response that appeared in yesterday's Washington Post, Roy Nicholson, the chairman of USA Group, charges me with vilifying and "attempt[ing] to silence" him, while ignoring "the substance of the debate" on student loans.

Ironically, Nicholson does not respond to the substance of the inspector general's concern, raised in my letter, that "billions of dollars of the Nation's [student loan] portfolio are at risk because many guaranty agencies * * * have a clear conflict of interest."

Mr. President, I ask that the two letters and the inspector general report be printed in the RECORD at the conclusion of my remarks.

Guaranty agencies like USA Group are supposed to act as bank regulators on behalf of the U.S. Government. Since banks have little financial incentive to put serious effort into collecting payments on Government-backed student loans, it is the guarantors' responsibility to ensure that—before taxpayers reimburse banks for a default—the bank actually did try to collect.

But what if, as in the case of USA Group, the guarantor works not just for the Government, but for the banks, too? Clearly, this is a case of the shepherd moonlighting for the wolf. The inspector general provides a number of examples of how these arrangements put taxpayer dollars at great risk.

Last year, a specific incident involving USA Group made this conflict painfully clear. In an effort to address the default problem, Congress 2 years ago directed the Education Department to oversee the loan collectors. But last June, when the Department tried to implement the new rules—something that guarantors, as protectors of the taxpayers, should support—USA Group sued to stop the rules, arguing that it was not fair to them as contractors for the banks.

The student loan industry has decided that the only way to keep their entitlements in the face of President Clinton's money-saving reforms to the Student Loan Program is to portray the reforms as big Government, in contrast to the current private sector system.

Don't be fooled. It is not a private sector system when the Government takes virtually all the risk of default through entities it backs with the full faith and credit of the United States.

Mr. President, taking a closer look at what is really going on in the Guaranteed Student Loan Program is not "the politics of vilification" or an "attempt to silence." It is what the substance of the debate should be. It should come as no surprise to my colleagues that people do try to take advantage of Federal programs. I do not consider it out-of-bounds to describe the structures and perverse incentives that lead to abuse.

President Clinton has proposed that the costly and risky Guarantee Program be phased out and replaced by the Direct Student Loan Program, which is working remarkably well at the first 104 colleges involved this year. He is also proposing that guaranty agencies return $1.1 billion in excess Federal reserves over the next 5 years.

These money-saving proposals should be seriously considered by Congress. Yet committee chairmen in both Houses are talking only about ways to put brakes on the Direct Loan Program.

Mr. President, we cannot afford to ignore the enormous abuses in the Guarantee Program. I urge my colleagues to take a closer look at both the Guaranteed and Direct Student Loan Programs, and to focus our efforts on providing assistance to students and taxpayers.

The material follows:

[From the Washington Post, March 2, 1995]

CONFLICT OF INTEREST IN THE STUDENT LOAN PROGRAM

In opposing President Clinton's money-saving reforms of the student loan program ["Clinton, GOP Split Over Student Loans," front page, Feb. 14], USA Group argues that it supports the "competition" in the current "private-public partnership."

Ironically, the only things "private sector" about USA Group are its salaries.

As a guarantor responsible for helping to oversee banks' roles in the student loan program, USAG has no private investors or contributors. Every penny of the $141,087,845 that USAG had in the bank in 1993 came from federal entitlements set by lobbying Congress, not through private-sector competition.

Furthermore, USAG has taken those taxpayer funds and used them to start other businesses, including becoming lenders—putting USAG in the position of regulating its own banking activity. The Education Department's inspector general has called this a "clear conflict of interest," putting "billions of dollars of the nation's [student loan] portfolio as risk."

USAG paid its chairman $527,833 plus benefits in 1992, even though it is a "charitable" organization and its employees are essentially public servants.

Taxpayers and students can do without "partners" like these.

PAUL SIMON

[From the Washington Post, March 9, 1995]

THE DEBATE ABOUT STUDENT LOANS

Sen. Paul Simon's March 2 letter—which responds to The Post's Feb. 14 front-page story about the issue of direct government loans for college students—ignores the substance of the debate and instead levels an attack on USA Group Inc., the nation's leading guarantor-administrator of student loans.

Sen. Simon's letter continues an unfortunate pattern in which the proponents of government lending try to discredit those who disagree with them, and he recklessly disregards the facts about USA Group.

USA Group is proud of its public service to millions of American students, but that work doesn't make us public employees. The company was established as a nonprofit corporation in 1960, five years before enactment of the Higher Education Act, which created the guaranteed student loan program. From its inception, a major portion of revenues has derived from non-guarantor activities serving higher education.

USA Group affiliates annually open their books for numerous independent audits, including those undertaken by federal agencies. Contrary to Sen. Simon's unsubstantiated assertion, USA Group has never taken taxpayer funds to start other businesses, and these audits clearly demonstrate our compliance with the highest fiduciary standards.

USA Group's voice of experience, which Sen. Simon attempts to silence, is warning the nation's thoughtful policymakers—and there are many on both sides of the aisle—about the pitfalls they risk by accelerating government lending before we know whether the government can effectively operate a $25 billion to $30 billion a year consumer loan program.

The politics of vilification has no place in the debate. Let's hope that reason and fact prevail in determining whether government lending is in the best long-term interests of students, schools and taxpayers.

ROY A. NICHOLSON,
Chairman and Chief Executive Officer, USA Group.

U.S. DEPARTMENT OF EDUCATION,
San Francisco, CA, March 15, 1993.

Re Management Improvement Report No. 93–02.

To: Maureen McLaughlin, Acting Assistant Secretary for Postsecondary Education.

From: Regional Inspector General for Audit, region IX.

Subject: ED Should Prohibit Conflicts of Interest Between Guaranty Agencies and Affiliated Organizations.

The purpose of this Management Improvement Report is to advise you of an opportunity to improve the administration of the Federal Family Education Loan Program (FFELP) by prohibiting conflicts of interest between guaranty agencies and affiliated organizations that the guaranty agencies are required to monitor.

Affiliations with a FFELP loan servicer, secondary market, or other FFELP service provider compromise a guaranty agency's impartiality in administering the loan insurance program, and ensuring that lenders exercise due diligence in collecting insured loans. Currently, billions of dollars of the nation's FFELP portfolio are at risk because many guaranty agencies are affiliated with FFELP loan servicers, secondary markets, and other FFELP service providers, and thus have a clear conflict of interest.

BILLIONS OF DOLLARS OF THE FFELP PORTFOLIO ARE AT RISK

We obtained data from 12 guaranty agencies that represent about $59 billion in total loan guarantees (approximately $42 billion in loans in repayment, and $17 billion in loans in deferment). In fiscal year 1991, the 12 guarantors we contacted accounted for approximately 68 percent of the new FFELP loan volume. Nine of the 12 guaranty agencies, with approximately $40 billion in loan guarantees, are affiliated with organizations that they are required to monitor. Of the $40 billion in loan guarantees, we have identified approximately $11 billion that are at risk due to the potential conflicts of interest. The schedule in Attachment A of this report illustrates the potential dollars at risk. The matrix in Attachment B of this report illustrates the various affiliations that may result in a conflict of interest. The notes to Attachment B explain the criteria we used to determine whether an affiliation exists. Where specific guaranty agencies are named in the body of this report, their designations correspond to those listed in the attachments to this report.

THE AFFILIATIONS CAUSE A NUMBER OF PROBLEMS

The affiliations take many forms. For example, Guaranty Agency B was so closely affiliated with a profit-making FFELP service provider that its CPA firm issued consolidated financial statements. Often, the guaranty agency acts as a parent corporation, with nonprofit and profit subsidiaries providing it with various services. In fact, Guaranty Agency G and a FFELP loan servicer functioned as divisions within a larger corporation. In other cases, the firms are legally separate, but are controlled by common management. In almost every affiliation, the firms share board members, corporate officers, management and employees. The firms also share assets, such as buildings, office space, computer equipment, and furniture.

The affiliations between guaranty agencies, FFELP loan servicers, secondary markets, and other FFELP service provides create many conflicts of interest. We interviewed ED and General Accounting Office (GAO) officials and reviewed ED OIG audit reports and guaranty agency program reviews performed by both Regional and Headquarters staff of the Office of Student Financial Assistance (OSFA). Each official we interviewed expressed concern that the conflicts could seriously impair the effectiveness of the FFELP. Similar concerns were expressed in the audit reports and program reviews. The concerns relate primarily to the guaranty agencies' loss of independence, the integrity of FFELP electronic data, the preferential treatment of affiliates, and the weakened financial condition of guaranty agencies. These concerns are discussed in the following paragraphs.

AFFILIATIONS CAUSE A LOSS OF INDEPENDENCE

Guaranty agencies play a critical oversight role in the FFELP. When a guaranty agency is affiliated with an organization that it is required to monitor, it may lack the independence necessary to objectively administer the program. Conflicting internal priorities may place undue pressure on the guaranty agency to make decisions that are not in the best interest of the taxpayer.

In one state, for example, the secondary market was instrumental in founding Guaranty Agency I. Later, the guarantor and the secondary market joined forces to create a new management company. As a result of this reorganization, the guaranty agency and the secondary market came under common management. Additionally, the secondary market has provided the guaranty agency with $3.5 million in loans and is committed to provide an additional $10 million line of credit.

In such cases, the guaranty agency may be unable to deal impartially with a corporation that is actively involved in its management and is a major source of its funding. If the guaranty agency disallows claims submitted by the secondary market, it hurts the finances of one of the guaranty agency's major funding sources.

The area of lender due diligence further demonstrates how important it is for the guaranty agency to remain independent of an organization it is required to monitor. Basically, lender due diligence regulations stipulate that the guaranty agency must ensure that the lender has taken all the required steps to collect the loan before it pays a default claim. In this case the lender can be the original lender, a secondary market, or a loan service acting on behalf of a lender. Therefore, the guaranty agency must review the collection activity of the lender or its agent to determine compliance with Federal due diligence requirements.

There is an obvious conflict of interest when a guaranty agency reviews the due diligence practices of its affiliated secondary market or loan servicer. In such cases, the guaranty agency's findings affect its own financial position. The close relationships between the FFELP service providers pose a significant risk that due diligence irregularities. could occur and go unreported.

A Guaranty Agency Failed To Remain Independent. In one state, a guaranty agency that was not one of the twelve included in our review, contractually delegated all of its duties and functions to its affiliated secondary market. In February 1989, OSFA conducted a review of the guaranty agency and requested the refund of over $1 million because the agency failed to follow due diligence requirements. The guaranty agency appealed OSFA's findings and requested that the Secretary waive the right to repayment because the financial cost would ruin its affiliated secondary market. ED denied the appeal and stated that the guarantor's regulatory violations were a matter between the guaranty agency and ED, regardless of the relationship between the guarantor and the secondary market.

The guaranty agency's appeal was clearly designed to protect the financial condition of its affiliated secondary market. It also demonstrates how the financial health of an affiliate may influence the decision-making of the guaranty agency.

The conflict was even more apparent in June 1990, when the same guaranty agency completed a lender review of its affiliated secondary market and reported numerous areas of noncompliance, including due diligence violations. However, the guaranty agency neither required the appropriate repayments resulting from the violations nor took action to ensure future corrective action. The guaranty agency's actions were even more egregious because it had contracted with the secondary market to review the secondary market's own claims and determine whether the guaranty agency should pay them.

About eight months later, in February 1991, OSFA conducted a review of the same secondary market. OFSA found that the guaranty agency's prior review had not been appropriately resolved, and compelled the secondary market to formally address the findings. Only after OSFA's intervention did the guaranty agency assess a liability of over $1.1 million against its affiliate. In our opinion, the guaranty agency's reluctance to enforce the Federal regulations clearly demonstrates that the interests of the taxpayers and those of its affiliate where in direct conflict.

AFFILIATIONS COMPROMISE THE INTEGRITY OF THE FFELP ELECTRONIC DATA

The administration of the FFELP requires a great amount of electronic data to pass between the lenders, the FFELP service providers, the guaranty agencies, and ED. This electronic data provides the basis for computing virtually all of the costs associated with the FFELP. It also provides ED with its primary means of monitoring the effectiveness of the program as a whole. Therefore, the integrity of the electronic data is essential to achieving the program's overall goals.

An important mission of the guaranty agency is to conduct lender and servicer reviews to ensure that there are adequate internal controls over computer generated data, and that the data is accurately transferred between entities. The guaranty agencies also review the accuracy and reasonableness of the fees and expenses computed by the automated systems.

ED and GAO have reported numerous problems with the accuracy and the completeness of the FFELP database. We believe that the conflicts of interest have contributed to the lack of integrity of the database because the guaranty agencies often have disincentives to identify and resolve systemic problems with the automated systems.

First, identifying the causes of the problems can be costly and often involves reviewing a system that the agency itself designed for its affiliate. Second, implementing the changes needed to improve the integrity of the data may place a financial burden on its affiliate. Consequently, the guaranty agency may conduct only cursory reviews of its affiliates in order to satisfy the Federal requirements, and ignore the underlying causes of the problems. In such cases, the guaranty agency may continue to accept and forward data of questionable accuracy in order to avoid the costly expenditures needed to ensure accurate and complete electronic data.

For example, ED OIG auditors conducted an assist audit of Guaranty Agency B for GAO. ED OIG auditors concluded that the guaranty agency's computer system was less accurate than the agency claimed it to be. When the auditors requested the guaranty agency to provide the dollar amount of loans in repayment, it initially computed the amount to be $2.4 billion. Later, it revised the amount to $2.2 billion, and finally to $2.3 billion. The auditors concluded that the guaranty agency's revisions will impact future trigger figures. At the time, approximately 40 percent of the loans in question were serviced by the guaranty agency's affiliated loan servicer.

AFFILIATIONS MAY RESULT IN PREFERENTIAL TREATMENT

FFELP service providers contract with guaranty agencies and lenders to provide a myriad of services such as loan origination, loan servicing, collections, litigation, and other administrative functions. Often the service providers are for-profit corporations that are subsidiaries or affiliates of the guaranty agencies. The potential for abuse exists in such arrangements.

Guaranty Agencies May Give Their Affiliates Unfair Advantages. The guaranty agency is in the position to spin-off specialized companies and then provide the new company with a level of sales that increases its odds for success. For instance, a guaranty agency could exert undue pressure on its affiliated secondary market to use the services of its new for-profit loan servicer.

Approximately 42 percent of Guaranty Agency C's $7.9 billion portfolio is handled by its servicing arm. Similarly, about 32 percent of Guaranty Agency A's $9.1 billion portfolio is serviced by one of its affiliates. About 45 percent of Guaranty Agency G's $4.1 billion portfolio is serviced by its affiliated loan servicer.

In another example, the Treasurer of Guaranty Agency B informed ED OIG auditors that it was successful in starting a new for-profit subsidiary without the infusion of capital. The guaranty agency was able to provide its new subsidiary with immediate cash flows from rent resulting from a building management agreement and from loan origination fees. According to the treasurer, the guaranty agency also permanently transferred some of its employees to the subsidiary.

Later, the same guaranty agency's CPA firm asserted in its working papers that the volume of transactions between the agency and its newly formed subsidiary was "excessive." The working papers also noted that the IRS may view the condition as undue favoritism towards a for-profit subsidiary. Such a relationship makes it more difficult for unaffiliated FFELP service providers to enter the market and compete.

Officers and Employees May Use Their Positions For Personal Gain. The guaranty agency's officers and senior management have direct control over how the guaranty agency delegates certain functions to outside companies. They also must determine the reasonableness of the fees charged by outside contractors for their services. In the same way a guaranty agency may exert pressure on an affiliate to use the services of another affiliate, officers may use their positions to exert pressure on the guaranty agency to use the services of certain companies that benefit the officers' financial positions.

For example, Guaranty Agency I joined forces with a secondary market to establish a management company. The guaranty agency and secondary market transferred all of their employees to the management company, and entered into a management services agreement with the new company. The Chairman of the Board for the management company that oversees the guaranty agency is also the President of the secondary market. This same officer is also 100% owner of a for-profit company that provided services to the guaranty agency and the secondary market. The President's personal corporation was paid over $150,000 by the guaranty agency and over $750,000 by the secondary market during the fiscal year ended September 30, 1991.

Although the President's corporation claims that it provides its services to the guaranty agency and secondary market at cost, it receives free rent in the building owned by the guaranty agency's management company and is allowed to bill unproductive time to the management company. With these benefits, the President's company has been able to successfully market its services in three other states.

Guaranty Agencies May Misuse Federal Funds. As long as guaranty agencies are allowed to start and operate FFELP service companies, there is a risk that Federal funds may be used for purposes for which they were not intended. For example, a guaranty agency that was not one of the twelve included in our review improperly used $3.1 million of its reserve fund to start and operate an affiliated, for-profit loan servicing operation. An ED OIG audit report concluded that the guaranty agency had misused the reserve fund and recommended that it refund the $3.1 million to the reserve fund.

Guaranty Agencies May Absorb the Costs of For-Profit Affiliates. Guaranty agencies can also support affiliates by paying some of their expenses. As previously noted, guaranty agencies and their affiliates often share buildings, office space, computer equipment, furniture, and even employees. This allows the affiliates to incur owner expenses and to increase profits.

For example, from 1989 to 1991, Guaranty Agency B paid approximately $768,000 in software development cost incurred by an affiliate that provided a specific service for the guaranty agency. Its agreement with that affiliate states the guaranty agency will continue to absorb the cost for the computer hardware, software, maintenance and enhancements incurred by its affiliate while performing this service. The affiliate is a for-profit corporation which earned approximately $1.4 million by providing this and other services to the guaranty agency.

AFFILIATIONS MAY WEAKEN GUARANTY AGENCIES FINANCIALLY

As guaranty agencies subcontract more activities to affiliates, they could become shell corporations with fewer financial assets. Such an occurrence has many negative implications for guaranty agency reserves. Furthermore, ED may find it more difficult to recover misspent funds from the guaranty agencies if their revenue flows have been diverted to affiliates. Fees and income designated for the guaranty agencies assist them in continuing to carry out their mission and increasing their reserves. When these income streams are diverted to affiliates through subcontracting, the guaranty agencies' reserves may be reduced and the agencies' overall financial condition may be weakened.

For example, Guaranty Agency B delegated escrow account services to an affiliate. Federal regulations (34 CFR 682.408) allow the guaranty agency to act as an escrow agent for receiving FFELP proceeds and transmitting them to the borrower. In return, the guaranty agency may invest the proceeds of the loans and retain the interest that it earns on the float. This interest assists the guaranty agency to build up its reserves. The guaranty agency delegated the escrow function to a for-profit affiliate and allowed the affiliate to retain the interest on the float. The guaranty agency paid over $400,000 of the costs incurred by its affiliate for operating the escrow system, but allowed its affiliate to retain over $1 million in interest earned on the float.

CONFLICT OF INTEREST RULES ARE COMMON

Every organization needs to be confident that its employees are acting in the organization's best interest. To achieve this, many entities restrict their employees' activities in order to prevent those employees from having a conflict of interest.

In the Federal government, for example, Executive Order 11222 requires agencies to issue regulations governing standards of conduct for their employees. ED has issued its regulations under 34 CFR Part 73. Section 73.11(a)(1) states that an employee may not:

"Have a direct or indirect financial interest that conflicts, or appears to conflict, substantially with the employee's official duties and responsibilities * * *."

Further, Section 73.20 prohibits an employee from accepting gifts or favors from any person who conducts business or financial operations that are regulated by the Department or whose business or financial interests may be substantially affected by the employee's official duties.

State and local governments have similar prohibitions. For example, under California law:

"No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest."

Professional organizations such as the American Bar Association, and the American Institute of Certified Public Accountants (AICPA) have adopted rules prohibiting their members from becoming entangled in business relationships that result in, or give the appearance of, a conflict of interest. Such rules are needed because much of their work involves issues of public trust.

An example of these conflict of interest rules is found in the AICPA's Code of Professional Conduct. That code requires accountants to maintain personal and professional business relationships that do not compromise their integrity and objectivity (Rule of Conduct 102). The AICPA has concluded that any member that holds a material financial interest in the client that is being reviewed has violated the principle of independence (Rule of Conduct 101).

The Securities and Exchange Commission (SEC), which relies on the accountant's independence when reviewing certain financial statements, has adopted related regulations that state:

"* * * an accountant will be considered not independent with respect to any person or any of its parents, its subsidiaries, or other affiliates (1) in which, during the period of his professional engagement to examine the financial statements, * * * his firm, or a member of his firm had, or was committed to acquire, any direct financial interest or any material indirect financial interest * * *." (17 CFR 210.2–01(b))

The AICPA and the SEC have concluded that both the accountant and the accounting firm lose the independence necessary to render an objective opinion when the accountant has a material financial interest, or actively participates in the management of the client being reviewed.

Organizations that prohibit conflicts of interest do not assume that their employees or members are dishonest. Rather, they recognize that persons who are responsible for interests of more than one party are often placed in untenable situations. First, they have no clear guideline as to which of the conflicting interests should have priority. Second, even the appearance of a conflict of interest reduces public confidence in their actions. In the case of governmental employees or representatives, public confidence is essential.

ED relies on guaranty agencies to review the compliance practices of other organizations that do business with ED. The results of the guaranty agency reviews may significantly impact taxpayer funds. If ED prohibits its employees from having financial interests that create conflicts of interest, or even the appearance of a conflict of interest, it should place similar prohibitions on agencies that have responsibility for ensuring appropriate actions in regard to billions of dollars of Federally insured student loans.

1992 AMENDMENTS ALLOW ED TO REQUIRE REPORTING OF INDIVIDUAL CONFLICTS OF INTEREST

ED is aware of the problems caused by the conflicts of interest between guaranty agencies and their affiliates. In fact, ED's recommendations for the Higher Education Amendments of 1992 (HEA) included language that would prohibit the officers and employees of guaranty agencies from having a financial interest in organizations that the agency is required to monitor. However, ED's recommendations did not prevail. Instead, the final version of the HEA only included a new reporting requirement. The provision requires certain paid officials of guaranty agencies, eligible lenders, and loan servicing agencies to report to the Secretary, if the Secretary should so require, any financial interest held in other institutions that participate in the FFELP.

The new provision indicates Congress's interest in identifying conflicts of interest, but it needs to be strengthened.

First, the new reporting requirement significantly increases the oversight responsibilities of the Department by requiring it to monitor the financial holdings of hundreds of officers and employees. ED officials informed us that the Office of Postsecondary Education is not in a position to handle the increased workload that the new provision requires without increasing staffing levels. Consequently, the new reporting requirement may not be implemented in the near future.

Second, the new provision stops short of prohibiting financial holdings that cause conflicts of interest.

Third, the new reporting requirement deals with only the financial holdings of individual officers and employees. The provision does not address the conflicts that arise when guaranty agencies have a financial interest in the institutions that they are required to monitor.

We believe that conflicts of interest could adversely impact the administration of the FFELP, regardless of whether the conflicts occur with individual officers and employees, or with affiliated agencies. In our opinion, prohibiting all affiliations, as described in the Recommendations section of this report, provides the best method of eliminating the potential conflicts of interest in the FFELP. It would also reduce the oversight burden of the new reporting requirement.

SUMMARY

The nation's guaranty agencies provide a critical oversight function on behalf of the Federal government. They must administer the FFELP objectively and efficiently. By affiliating with FFELP loan servicers, secondary markets, and other FFELP service providers, guaranty agencies often place themselves in the position of choosing between the interests of the taxpayers or their affiliates. The resulting conflicts of interest place billions of dollars of the FFELP portfolio at risk of mismanagement, waste, and abuse.

For many years professional organizations, Federal, state, and local governments have utilized conflict of interest rules to guard the public trust. ED prohibits its employees from having financial interests that create conflicts of interest, or even the appearance of a conflict of interest. We believe that ED should place similar prohibitions on guaranty agencies that are responsible for ensuring appropriate actions in regard to billions of dollars of Federally insured student loans.

RECOMMENDATIONS

We recommend that the Department amend its regulations, or, if necessary, seek legislative change to:

1. Prohibit guaranty agencies or their officers and employees from having any affiliation with an entity that is a participant or a service provider in the FFELP. Participants in the FFELP include the guaranty agencies, lenders, secondary markets, and eligible postsecondary institutions. FFELP service providers include entities that provide services that support the originating, servicing, and collecting of Federally insured loans.
2. Develop timetables for the guaranty agencies and their officers and employees to divest themselves of their current holdings or to legally separate the guaranty agency from its affiliates.

OTHER MATTERS

This memorandum was prepared in accordance with those GAO standards which the Inspector General has determined to be applicable to Management Improvement Reports. The work conducted on this issue does not constitute an audit.

We would appreciate your views and comments concerning our recommendations within 30 days of the date of this report. If you have any questions, or would like to discuss the report, please call me.

SEFTON BOYARS.

ATTACHMENT B

CRITERIA FOR AN AFFILIATION

We contacted twelve guaranty agencies and requested that they provide us with information about their relationships with loan servicers, secondary markets, and other FFELP service providers. Additionally, we contacted officials from ED and GAO, and reviewed numerous reports prepared by ED and independent CPA firms. Of the 12 agencies that we selected for review, 9 were affiliated with FFELP firms that they are required to monitor, and thus, have a potential conflict of interest. For the purposes of this review, we defined an affiliation as:

An organizational setting where, regardless of each firm's legal structure, a loan servicer, secondary market, other FFELP service provider, or any combination thereof, reported to the same senior management staff or board of directors (or its equivalent) as the guaranty agency.

An organizational setting where, regardless of each firm's legal structure, a loan servicer, secondary market, other FFELP service provider, or any combination thereof, shared at least one of its senior management staff or board of directors (or its equivalent) with the guaranty agency.

An instance where the guaranty agency, its parent, or management company held an ownership interest in, or was a member of (in the case of a nonprofit corporation), a loan servicer, secondary market, or any other organization that provided services to the FFELP.

An instance where an official of the guaranty agency, its parent, or management company held an ownership interest in any organization that provided services to the FFELP.

We recognize that some organizations that have a potential conflict of interest manage to prevent the conflict from harming the FFELP. However, our discussions with program officials revealed that those organizations that successfully manage the potential conflicts generally do so because of the efforts of key managers and employees. Consequently, replacing these key individuals with less conscientious managers and employees may significantly increase the risk of abuse.

SPECIFIC AFFILIATIONS THAT WE OBSERVED

The following paragraphs briefly discuss the organizational environment that exists at each guaranty agency we reviewed. Since the organizational structures are often very complicated, we have limited our discussion to a general overview. The guaranty agencies discussed in the following paragraphs correspond to those listed in the schedule found in Attachment A and the matrix shown above.

GUARANTY AGENCY A

This guaranty agency has a parent corporation that operates the guaranty agency, a loan servicer, and a secondary market as separate corporations under its umbrella. Each of the four corporations has a separate board of directors. However, at least one individual serves on all four boards, and several individuals serve on three of the four boards. Additionally, at least two individuals serve as officers in all four corporations, and several individuals serve as officers in three of the four corporations.

Until November, 1992, the secondary market activity was a departmental function of the guaranty agency. In November 1992, the secondary market was incorporated as one of the above mentioned companies. The guaranty agency plans to transfer some of its employees to its newly formed secondary market.

Approximately 84 percent of the secondary market's portfolio, and 79 percent of the loan servicer's portfolio are guaranteed by their affiliated guarantor.

GUARANTY AGENCY B

This guaranty agency underwent sweeping organizational changes in 1992. At the time of our review the changes were not completely finalized. Generally, the end result will be a management company which operates 1) a guaranty agency, 2) a nonprofit FFELP service provider that provides supporting services such as account management, litigation services, and loan disbursement services to the guarantor, and 3) a for-profit FFELP service provider that provides some of the same supporting services to the guarantor as its nonprofit counterpart. The new management company owns all of the stock of the for-profit FFELP service provider, and the two corporations share at least one board member.

The above corporations work very closely with three other organizations that were previously founded by the guaranty agency. These three firms are 1) a loan servicer, 2) a secondary market, and 3) an educational resource firm. Although the secondary market and the educational resource firm were legally separated from the guaranty agency, they continue to share common board members with the new management company mentioned above. The management company holds 25 percent of the stock of the loan servicer, and the two corporations share board members.

Approximately 55 percent of the secondary market's portfolio, and 69 percent of the loan servicer's portfolio are guaranteed by their affiliated guarantor.

GUARANTY AGENCY C

This guarantor, along with a loan servicer and secondary market, is operated as a division of a larger agency. There is no separate legal structure for the guarantor, loan servicer, or secondary market. All three divisions report to the same senior management and board of directors. Approximately 71 percent of the secondary market's portfolio, and 60 percent of the loan servicer's portfolio are guaranteed by their affiliated guarantor.

GUARANTY AGENCY D

This guaranty agency is operated by a state commission that is appointed by the Governor. The State Commission, along with its Executive Director, is responsible for operating the guaranty agency and the secondary market. The State Commission has only one board of commissioners to oversee the guaranty agency and the secondary market.

Approximately 99 percent of the secondary market's portfolio is guaranteed by its affiliated guarantor.

GUARANTY AGENCY E

This guaranty agency is a component of a state authority that manages all the Federal and state student loan programs. A separate state authority operates the secondary market. However, the management and board of the two authorities are the same.

Approximately 100 percent of the secondary market's portfolio is guaranteed by its affiliated guarantor.

GUARANTY AGENCY F

This guaranty agency is housed together with a loan servicer at the same state agency. There is only one board of commissioners for the guaranty agency and the loan servicer, and both are served by the same senior management staff.

Approximately 100 percent of the loan servicer's portfolio is guaranteed by its affiliated guarantor.

GUARANTY AGENCY G

This guaranty agency is a division of a larger corporation. The corporation has a guaranty agency division and a FFELP servicing division. The guarantor and servicer are managed by separate corporate vice presidents. The president of the corporation also holds the offices of Chairman of the Board of Directors, Chief Executive Officer, and Treasurer.

Approximately 100 percent of the loan servicer's portfolio is guaranteed by its affiliated guarantor.

GUARANTY AGENCY H

This guaranty agency provides FFELP servicing to participating lenders and secondary markets. The loan servicer is part of a division of the guaranty agency that reported to the Senior Vice President of Operations. The guaranty agency claims that it began phasing-out its loan servicing activities in the spring of 1989. However, it still retains a significant servicing portfolio.

Approximately 95 percent of the loan servicer's portfolio is guaranteed by its affiliated guarantor.

GUARANTY AGENCY I

This guaranty agency has a parent company that is the sole member (or shareholder) of both the guaranty agency and the secondary market. In this case, all three organizations are separate nonprofit corporations. The parent company is the employer with respect to virtually all of the staff of the guaranty agency and the secondary market, and provides the staff to its subsidiaries under a management contract.

The three companies have separate boards. However, the two presidents of the guaranty agency and the secondary market also serve on the board of the parent company. In fact, the Chairman of the Board of the parent company is also the president of the secondary market. This same person is the 100% owner of a for-profit company that was paid approximately $900,000 in 1991 to provide services to the guaranty agency and the secondary market.

Approximately 52 percent of the secondary market's portfolio is guaranteed by its affiliated guarantor.

GUARANTY AGENCIES J, K, & L

Our inquiries did not lead us to conclude that the above guarantors were affiliated with a loan servicer, secondary market, or other FFELP service provider.●

AUTHORIZING THE TAKING OF A PHOTOGRAPH IN THE CHAMBER OF THE U.S. SENATE

Mr. GREGG. Mr. President, I ask unanimous consent that the Senate proceed to Senate Resolution 87, submitted earlier today by Senator DOLE, and that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 87) was agreed to, as follows:

Resolved, That paragraph 1 of Rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol (prohibiting the taking of pictures in the Senate Chamber) be temporarily suspended for the sole and specific purpose of permitting the National Geographic Society to photograph the United States Senate in actual session on a date and time to be announced by the Majority Leader, after consultation with the Minority Leader.

SEC. 2. The Sergeant at Arms of the Senate is authorized and directed to make the necessary arrangements therefor, which arrangements shall provide for a minimum of disruption to Senate proceedings.

MEASURE READ FOR THE FIRST TIME—H.R. 988

Mr. GREGG. Mr. President, I inquire of the Chair if H.R. 988 has arrived from the House of Representatives.

The PRESIDING OFFICER. It has arrived.

Mr. GREGG. Therefore, I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 988) to reform the Federal civil justice system.

Mr. GREGG. I now ask for the second reading, and I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GREGG. The bill will remain at the desk to be read a second time following the next adjournment of the Senate.

ORDERS FOR MONDAY, MARCH 13, 1995

Mr. GREGG. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 12:30 p.m. on Monday, March 13, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and there be a period for transaction of morning business not to extend beyond the hour of 1:30 p.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I further ask unanimous consent that, at the hour of 1:30 p.m., the Senate resume consideration of H.R. 889, the supplemental appropriations bill; further, that at the hour of 4:30, the Senate begin 60 minutes of debate, equally divided between Senator KASSEBAUM and Senator KENNEDY; and that the vote occur on the motion to invoke cloture at 5:30 p.m. and the mandatory live quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GREGG. Mr. President, for the information of my colleagues, under the previous order, there will be a cloture vote on the pending KASSEBAUM amendment at 5:30 on Monday. Senators should also be aware that further rollcall votes are expected during Monday's session of the Senate.

OFFICIAL PHOTOGRAPH OF THE U.S. SENATE

Mr. GREGG. Mr. President, the official photograph of the U.S. Senate in session will be taken by the National Geographic Society on Tuesday, April 4, 1995, at 2:15 p.m. All Senators are now on notice to be on the floor at 2:15 on April 4 for the picture.

ORDER OF PROCEDURE

Mr. GREGG. Mr. President, I ask unanimous consent that, following the remarks of Senator EXON, the Senate stand in recess under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

STRIKER REPLACEMENT

Mr. EXON. Mr. President, next week I will be introducing a bill with regard to striker replacement. This is the same bill that I have introduced previously in this body.

I discussed this possible compromise that would maybe put an end, hopefully, to the ongoing battle we have had now for many years in the U.S. Senate. I discussed this with the chairman of the committee of jurisdiction, Senator KASSEBAUM, earlier today. I understand we will be having a cloture vote on this matter on Monday.

I would simply say to my colleagues on both sides of the aisle and on both sides of this issue that I think it is not good form, it is not good business, and it upsets the routine schedule of the Senate when matters of this nature, however important they are, and however timely they might be, should never, ever have been placed on the supplemental appropriations bill with regard to national defense that is before the body.

For the life of me, I do not understand why the managers of the bill or those in opposition did not simply make a point of order that it was legislation on an appropriations bill, which it clearly is. Had that point of order been made, I would hope that the matter would have fallen.

Let me say, Mr. President, that I have voted for and will continue to vote for some type of a striker replacement bill. What we have, of course, is the traditional battle: The old bulls of business on one side of the pasture, and the old bulls of organized labor on the other, glaring and pawing at the turf and snarling at each other across the pasture.

All too often we do not take into consideration, I think, what is in the interest of the United States of America as we go into the international arena, the international pasture today, and certainly into the new century that is almost here. We see the quarrelsome gestures and the rhetoric about how fair or unfair this is to different groups of Americans, depending how they are postured on this particular matter.

Senator DOMENICI was on the floor earlier this week, and I spoke after he spoke with regard to the fall of the dollar and what caused that and how serious it is. I agreed with all of that.

I simply state once again that I think the matter of the fair treatment of laboring people who are organized in the United States of America is something that we should continue to address and not just simply continue with actions on the floor of the U.S. Senate that I believe, for all meaningful purposes, are designed to end the rights of organized labor and the rights of collective bargaining.

Some will say that is an overly harsh statement, but I think that is the reality of the situation. And I suppose that businesses today feel that with the advent of the Republican majority in the U.S. Senate and the House of Representatives that they could sit back, take a sigh of relief and say it shall not pass with the revolution that took place last November.

That might well be. They may have their facts straight. Is not what I think should be a different and reasoned approach. Likewise, the organized labor should realize and recognize that the United States of America is now very much tied up, more so than they have ever been before, with the economies of the whole world. The new century that is about to come upon us, I suggest should best be recognized that we should be looking over the horizon, if we will, aside from the facts that we always have on measures of this nature.

The economy of the United States of America is tied more tightly to the international community—the whole globe—than it ever has been before. Many people, including this Senator, had thought that would probably be good for the United States of America. Maybe in the end it still might be.

Suffice it to say that when we are tied to the international community with trade agreements, trade treaties, NAFTAs, and GATT's, and all of these things, it is a small wonder that the dollar is not reacting well.

It is no small wonder, Mr. President, that there is nervousness in the international economic and fiscal community today, with the problems of the border with our neighbor to the south, just across the border in Mexico, and certainly the Mexico bailout proposition—call it what you will. Whether it is necessary or whether it is not, whether it is good or whether it is bad simply proves the point that I am making, that the United States of America is tied into the economic structure of the world more so than it ever has been before.

When we are doing these kinds of things, we should not be, therefore, particularly surprised when we see different things happening in different parts of the world and investors in different countries of the world moving money about, the super moneychangers of the world today for safety reasons and to get the best return on their investment.

So I think we are going to be involved in a rather uncertain period and it might all work out well.

That is why I think it was not wise for the President of the United States to take the action that he took by Executive order the other day with regard to penalizing certain companies or corporations that do business with the Federal Government with regard to replacement of workers. I thought that was an untimely move by the President. I am not a lawyer, but I suspect, in the end, the courts might decide he did not have that authority.

But whether the President did or did not certainly has brought up the firestorm that has taken over the Senate for the last few hours. The President did not consult with me before he took that action, nor is he required to do so, except to say I think we have enough to quarrel and worry about on the floor of the U.S. Senate today without getting a labor matter involved in a supplemental appropriations bill. It should never have come up on this measure. I wish that I had an opportunity to make a point of order against this, and probably that, hopefully, would resolve it. In any event, it has brought the matter of striker replacement up to this Senator once again, and I hope that is not going to be dealt with on an appropriations bill, especially the one before us now which needs to be moved.

Therefore, in the effort and sounding for compromise, once again, I am going to briefly talk about a bill that I will be introducing next week that I have introduced before, which I think if big management and big labor would take a look at and if both sides—both quarreling sides—in the U.S. Senate would take a look at it, they would see that the compromise offered by the Senator from Nebraska, if enacted, might put to rest this contentious matter that keeps bubbling to the surface of the floor of the Senate and the floor of the House with regard to striker replacements.

I would like to say, Mr. President, that it is very clear to me after looking at the situation in my great State of Nebraska today, we have an extremely low unemployment rate, one of the lowest in the Nation. I think the last unemployment rate in Nebraska was 2.3 percent. That does not mean that the people of Nebraska are being overpaid.

The facts of the matter are, we have a great number of college graduates today who are not able to find work in their desired type of employment, not able to find work that complements the degrees and studies that they receive from our various high-quality institutions of higher learning. That is another way to say that I think probably the main problem in Nebraska today, with our economy that otherwise is reasonably healthy, is that we have a great number of underemployed people in the State of Nebraska, many of them doing things that they are not trained for or ever sought to do in their early lives and during their educational experience.

Part of this has to do with the fact that there is great instability today of employment. The record is replete with big businesses, for whatever reason and probably some of them are justified, laying people off when they get to be 50 or 55 years of age, just about the time that they were set for life.

And at 50 and 55 years of age, they are not particularly attractive to many businesses for the jobs that at least pay something akin to the salary that they have been used to in their adult lives up to this period of time.

So I happen to feel that if we are going to be competitive in the world internationally in the next century, we had best set about some procedures that can solve the problems that we have in America today, the problems that labor sees, the problems that management sees and try to get these two sides together.

The bill that I am introducing is a compromise that I have alluded to. It is not a complicated piece of legislation at all. It simply says that under the Federal law, if it were adopted—and it would have to be a compromise; and this compromise is not accepted by big labor, they do not like it; it certainly is not accepted by big business, they do not like it—but it simply says as a compromise in trying to put an end to this, that for the first 60 days of a strike in an organized plant, the management of that company would not be allowed to hire permanent replacements. They could hire temporary people, but for the first 60 days of any legal strike that was called by an organized client under our collective bargaining laws today, management could not rush in and send the clear signal that if the people who had the right to strike do not show up, their job is going to be taken on a permanent basis by the first person that walks in the door or makes an application.

For the life of me, I have never been able to understand those who say they believe in collective bargaining and then turn right around and say, "but if the unionized plant goes on strike, management has the option at their discretion to say, 'OK, we'll hire somebody else to take your place.'"

Any reasonable person that believes in collective bargaining would have to agree that if organized labor does not have the right to strike, and organized labor does not use that promiscuously, but if they do not have the ultimate right to strike, the collective bargaining that they go through from time to time is heavily stacked against them because all of the chips for bargaining are on management's side of the table.

Now, on the other hand, let me take the devil's advocate position, if I might, for a moment with regard to unions and union membership and union leadership. I also feel that union labor and union leaders must also recognize that we are in a new era. I do not believe that we should simply pass legislation that permanently prevents management from ever hiring a replacement worker under any circumstances.

If you accept that point of view fully that organized labor pushes, which I do not agree with, that will simply mean that if organized labor never will agree to a contract, somewhat along the lines we are seeing in the baseball impasse today, then organized labor would be able to close down and eliminate a factory forever. I do not think they should have that power either.

Mr. President, the compromise that I am offering, that I emphasize is detested by management and it is detested by the leadership of organized labor, would simply reach a compromise by saying for the first 60 days of an organized strike management would be prevented from hiring permanent replacement workers. Again, I emphasize they could hire temporary workers but not permanent replacement workers. The first 60 days they could not do that. At the end of 60 days, the compromise would kick in, and for the first 30-days after 60 days management would be allowed to hire 10 percent of their work force as permanent replacements.

It goes up from there to 20 percent in 90 days, 30 percent in 120 days, and it goes on up to the end of 1 year, 360 days. If no settlement has been reached, then in that event and that event only would management be permitted to have total replacement of all the workers that went on strike.

Putting it another way, this is simply a phased program to try to satisfy what supposedly is the beliefs of both big labor and big management without taking a look at what is good for the overall economy of the United States of America and the competition that I suggest we are likely to have from around the globe with the turn of the century, as exhibited by the difficulties that we are having right now with regard to fiscal and monetary policy and the fall of the dollar and all the problems that could and probably will cause in the United States by further increasing interest rates. And some have alluded to the fact that, indeed, that could push us into a recession that no one had previously contemplated.

So I am saying, Mr. President, the votes I will be casting on this whole matter of striker replacement are in an effort to get myself into a position to hopefully bring along the Senate to stop shouting at each other, to quit listening to the dictates of big labor only and big management only and do what I think is right for America. And I have to think the Exon proposal should satisfy well meaning and well-intentioned individuals on both sides of this very contentious problem and maybe get on to lay this matter to rest and have labor peace and management peace in the years immediately ahead when I think the United States of America is very likely to set its course as to whether or not we are going to be as successful in the new century as we were in the last.

Mr. President, I am simply appealing for reason. I am only making these comments so I can explain to my colleagues the position that this Senator has on this matter, and I will be introducing the bill that I have briefly described next week so that all can look at it. I was very pleased to hear Senator KASSEBAUM, the chairman of the committee of jurisdiction, since she did not know about this piece of legislation. I do not think anybody else does either, because nobody will pay any attention to a compromise, although I have introduced this piece of legislation before and talked to some Senators about it—maybe, just maybe, Mr. President, something like this might be the bounds to stop the inflammatory rhetoric that is going on now, that is holding up the passage of the defense supplemental, which needs to be enacted into law. And we all agree on that. Yet we get off on what I think are these nonsensical maneuvers and rules to force some people's will on what should be done at a very inappropriate time.

I thank the Chair and I yield the floor.

RECESS UNTIL 12:30 P.M. MONDAY, MARCH 13, 1995

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 12:30 p.m. Monday, March 13, 1995.

Thereupon, the Senate, at 5:05 p.m., recessed until Monday, March 13, 1995, at 12:30 p.m.

NOMINATIONS

Executive nominations received by the Senate March 10, 1995:

DEPARTMENT OF AGRICULTURE

DANIEL ROBERT GLICKMAN, OF KANSAS, TO BE SECRETARY OF AGRICULTURE, VICE MIKE ESPY, RESIGNED.

EXTENSIONS OF REMARKS

AMANDA SAPIR'S VISION FOR AMERICA

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 1995

Mr. STUDDS. Mr. Speaker, I rise today to honor an outstanding young woman from my congressional district, Amanda Sapir of Kingston, MA. This week she won the national Voice of Democracy Award from the Veterans of Foreign Wars for an essay she wrote and recorded on her vision for America.

Amanda, an 18-year-old senior at Silver Lake Regional High School, is the first Massachusetts student to win the award in the 48-year history of the Voice of Democracy Program. She prevailed over 125,000 other students from across the country to win the $20,000 T.C. Selman Memorial Scholarship Award, sponsored by the VFW and its ladies auxiliary. I was informed of the award by proud local veterans who visited with me this week.

But more important than Amanda's winning a contest, or even the scholarship, is the vision she conveyed: that diversity is America's greatest strength and that our Nation's long journey toward justice and equality for all citizens is not complete.

Amanda's words are so eloquent, her message so timely, that I wanted to include them in the RECORD as a reminder of how far we've come and how far we have to go.

MY VISION FOR AMERICA

(By Amanda Sapir)

The air was thick and sweet smelling. Traffic was bumper-to-bumper as usual. It seemed like there were people everywhere; people walking up and down the sidewalks, shoppers peering hopefully into store windows, tourists searching aimlessly for the nearest landmark, and the homeless sitting in the warmth of a typical hustle and bustle summer in Washington, D.C. It was just another day when I was among the eternally lost sightseers and Helen among the homeless.

"Where's Wisconsin Ave.?" I asked a gentleman who responded, "Isn't that near O street?" "Hmm, where's O Street?" "Beats me. Do you know where Pennsylvania Ave. is?" By the end of the conversation we were both, if you can believe it, even more confused than when we started. This is when I spotted another homeless looking woman sitting on the sidewalk clasping her most precious belongings. On one of her bags was a sticker that read, "Helen." I figured she would know her way around this maze they call Washington.

"Excuse me, ma'am, do you know where Wisconsin Avenue is?" She was looking straight ahead with an empty gaze, not acknowledging me for quite a few seconds. After waiting patiently, I was startled when she jerked her head towards me and staring with intensely fierce brown eyes asked, "What do you see?" as she pointed to a perfectly maintained photograph. Surprised, yet curious by her question, I answered, "Well, there's an average looking older Asian woman, a middle-aged rather dirty looking white man, and a young well-dressed black woman all standing side by side." Apparently displeased by my answer, she yelled, "No, no, no!" Wondering where I went wrong, I asked, "Why what do you see?" She looked at me with those eyes and without hesitation said, "Three people. Keep walking up this street and you'll find Wisconsin Avenue."

I was stunned by her response, but learned that in Helen's answer was a translucently clear message that now typifies my vision for America, a nation where its citizens continue to make great strides toward demolishing discrimination by understanding that it is our differences which makes us similar. Although we may wear different clothes, earn different amounts of money, walk or talk differently, we are all just people with fears and hopes, struggles and joys. I feel that with this ideal in mind we as a nation can knock on the door to the next century with confidence, knowing that we will handle all changes and all challenges that will arise. However, this confidence is only achievable if all Americans feel included and worthy, without fearing discrimination.

As I continued on my walk, I learned how this could actually happen. Looking at museums, the White House, the Supreme Court and the Mall, I saw why the United States is the only global Superpower remaining. We rely on creative solutions, which are the result of educating and acting. My vision for a unified America necessitates effort. In order for compassion to prevail over discrimination, the nation must first call on our educators to teach about different places and different cultures. We need our nation's youth to further understand that we are all different, but that diversity is our greatest strength not only in problem solving but in fighting ignorance. Knowledge has a funny way of operating minds, and in the future, bright open minds will be quintessential in fighting prejudice. This knowledge is only useful if put into practice. My vision relies on Americans to act with the same moral impetus it took for civil rights to speak up and for American soldiers to leave their families to fight for our nation, we must also speak up and fight for equal treatment for everyone. As a country, we have already made leaping bounds in the name of equality, but there is more struggling to do, whether we are employees helping a co-worker cope with discrimination or an employer concentrating on having qualified diverse employees. We must act until minorities, disabled and abled are all viewed as people.

America is only as strong as its weakest link, and those links are tested by the way in which we treat people, be they friends or strangers. As this country enters a new millennia, progress will present many opportunities as well as obstacles. My vision is that on December 31, when the clock ticks the past century away, Americans, no matter what ethnicity or sociopolitical or economic status, together will unlock this potential of the 21st century with optimism and a renewed sincere commitment to educating and acting against discrimination and for open-mindedness and unity, so that when any American is asked, "What do you see?" the answer will be without hesitation, "People."

NATIONAL SERVICE CORPORATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 1995

Mr. ANDREWS. Mr. Speaker, a controversy has arisen recently over a protest staged by ACORN, a membership and advocacy group for low- and moderate-income families. The Washington Times, in a March 7 editorial, asserted that AmeriCorps members—whose stipends are subsidized by the Federal Government—may have worked for ACORN and therefore participated in the protest. Unfortunately, the newspaper got its facts wrong.

No AmeriCorps members work for ACORN, and none took part in the protest. Rather, 42 AmeriCorps members are serving with ACORN Housing Corporation, an entirely different organization that helps working families find homes.

Eli Segal, the CEO of the National Service Corporation, clarified the facts in his March 7 letter to the Washington Times. I have submitted his letter to set the record straight. I would like to express my disappointment that members of the press and of this body would spread misinformation to discredit a program as innovative, productive, and important as AmeriCorps.

AMERICORPS NATIONAL SERVICE,
Washington, DC, March 7, 1995.

TOD LINDBERG,
Editor of the Editorial Page,
Washington Times.

DEAR MR. LINDBERG: In your editorial today (Federally funded Newt-bashing), you asked whether AmeriCorps Members participated in the disruption of Monday's NACO luncheon, which prevented Speaker Gingrich from addressing the gathering. There is a simple answer: Absolutely not.

AmeriCorps doesn't support advocacy. Our statute and Regulations clearly prohibit it. Advocacy aims to make change through politics, and is therefore inherently a process of winners and losers. National service brings about positive change by helping local communities solve common problems through collective effort—where everyone ends up benefiting.

This is much more than rhetoric. Advocacy organizations were furious when our Regulations came out, but we didn't budge. We have also made it clear to all of our grantees that this is a matter of principle, not technicality. We will cut off funding to programs that do not comply. I have reminded all of our programs of these matters, today, in writing.

AmeriCorps aims to re-kit community. That can't happen when basic freedoms of

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

speech are trampled. In the wake of yesterday's disruption, we immediately investigated. Here's what we learned: No AmeriCorps Members participated in the incident (written conformation attached). In fact, the protesting organization is an entirely separate organization from our grantee—legally, and in Board, budget, staff and mission.

AmeriCorps Members serve not with ACORN, but with ACORN Housing Corporation. The latter is not an advocacy organization, but an entirely separate non-profit helping working families find housing—especially buying their own homes. In the three months our AmeriCorps program has been operating, AmeriCorps Members have already assisted hundreds of families interested in home ownership—and 84 families now have secured mortgages for their first homes.

This is the AmeriCorps mission: getting things done. And this is the American Dream: helping working families afford a home.

We agree with the Washington Times that federal funds must not be abused, and that service must be distinct from advocacy. AmeriCorps is proud of its record—and unshakable in its adherence to these principles.

Sincerely,

ELI J. SEGAL,
Chief Executive Officer.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR THE GREATER WASHINGTON SOAP BOX DERBY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 1995

Mr. HOYER. Mr. Speaker, today I am introducing a resolution which authorizes the use of Constitution Avenue, NE., between Delaware and Third, for the Greater Washington Soap Box Derby. The resolution also authorizes the Architect of the Capitol and the Sergeant at Arms, to negotiate the necessary arrangements for carrying out this event in complete compliance with rules and regulations governing the use of Capitol Grounds. The Soap Box Derby has run on the Capitol Grounds for the last 4 years.

This year marks the 54th running of the Greater Washington Area Soap Box Derby, and the race is slated for July 15, 1995. Participants ranging from ages 9 to 16 are expected to compete in the early summer race. They hail from Washington, DC and the surrounding communities of northern Virginia and Maryland. The winners of this local event will represent the Washington, DC area in the national race which will be held in Arkon, OH later this year.

The Soap Box Derby provides our young people with an opportunity to gain valuable skills such as engineering and aerodynamics. Furthermore, the derby promotes team work, a strong sense of accomplishment, sportsmanship, leadership, and responsibility. As we all know, these are all positive attributes which these young people can carry into adulthood.

Again, I strongly urge my colleagues to support this resolution.

TRIBUTE TO WILLIAM K. VAN PELT

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 1995

Mr. PETRI. Mr. Speaker, I rise in tribute to former U.S. Representative William K. Van Pelt of Fond du Lac, WI, on the occasion of his 90th birthday today.

A popular Member of Congress who was known for his quiet common sense and integrity, Bill served Wisconsin's Sixth District from 1951 through 1964, winning seven consecutive terms with little serious opposition.

Respected by colleagues on both sides of the aisle, Bill was proud of his record of service to his constituents and of his committee work. When he left office, Bill was the second ranking Republican member of the Merchant Marine and Fisheries Committee, which handled all conservation issues coming before the House. He was also a senior member of the Committee on Science and Astronautics, whose jurisdiction included policymaking and oversight of various facets of America's evolving space program.

Bill's first term in Congress came after he won an upset victory in a four-way Republican primary in 1950 in his first bid for public office. Before that time, Bill was in business for himself as owner and operator of City Fuel Co. of Fond du Lac and was an active participant in Republican Party politics on the local level, serving as chairman of the Fond du Lac County Republican Party from 1944 to 1950.

Throughout his tenure of office, Bill remained true to his roots as a businessman and advocate of Republican Party principles. He was a strong believer in the free enterprise system and in the need for a limited Federal Government dedicated to fiscal responsibility and a balanced Federal budget. He was not afraid to take unpopular stands, and was called on the carpet by his political opponents for daring to question the expenditure of Federal conservation dollars on a Wisconsin project he and many others deemed to be of dubious value.

In 1964, Bill Van Pelt was quoted as saying, "The Federal Government does not have to be a partner in a program to ensure its ultimate success." Thirty years later, I think Bill would have felt right at home in the current congressional climate, working to advance the tenets of the Contract With America.

Bill would probably be less comfortable, however, with the prevailing practices of political campaigning. A gentleman known for his unpretentious manner and low-key sense of humor, Bill prided himself on conducting campaigns free of personal attacks and disparagement. "I might say that I don't indulge in personalities," he said. "Never in eight campaigns have I felt it necessary to go to name-calling."

On this his 90th birthday, I want to congratulate Bill Van Pelt and to wish him continued health and happiness. In addition, on behalf of the people of the Sixth Congressional District, I want to thank him for his 14 years of service in the House of Representatives and for his legacy of integrity and commonsense leadership.

ON THE INTRODUCTION OF A BILL AMENDING THE RAILWAY LABOR ACT TO CLARIFY ITS APPLICABILITY TO WORK PERFORMED BY FLIGHT CREW MEMBERS OF U.S. CARRIERS ENGAGED IN FOREIGN FLYING

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 1995

Mr. RAHALL. Mr. Speaker, today, along with my distinguished colleagues, Representative JAMES OBERSTAR of Minnesota and Representative DON YOUNG of Alaska, I have reintroduced legislation to protect the public interest in uninterrupted international air service, and the stability of collective bargaining relationships between U.S. air carriers and their flight crew employees—flight deck crew members and flight cabin crew members. It does so by confirming and clarifying that the Railway Labor Act applies to the U.S. air carriers and their flight crew employees while operating to, from, or between points outside the United States.

Historically, air carriers and labor organizations have understood title II of the Railway Labor Act [RLA] to apply to U.S. air carriers and their flight crews when engaged in operations between the United States and foreign nations, and the terms of the act appear to cover these operations.

Such carriers are increasingly engaged in providing service to additional points outside the United States by engaging in beyond operations from one foreign destination to another. For this and other reasons, the status of negotiated contractual work rules applicable to the overseas flight operations of U.S. air carriers, and the statutory scheme applicable to labor relations during such operations, need to be clarified.

Recent court decisions are troubling because they have decided questions about the reach of the RLA by relying upon a presumption against extra-territoriality as well as the uncertain terms of the statute itself. But this approach does not effectively guide the courts or the parties in dealing with overseas flight operations of a U.S. carrier, which are essentially extensions of the carrier's domestic operations and are conducted by flight crews who operate interchangeably throughout the system. As a result, neither the public nor the parties can be certain that the industrial stability fostered by the RLA will protect the public while traveling in the foreign operations of U.S. carriers.

It is the reluctance to fully apply title II of the RLA as it should be applied and as we have understood its application for many years, that has brought us to where we stand today in introducing this legislation. We hope to amend the act so as to effectively guide the parties concerned in dealing with overseas flight operations of U.S. carriers.

Identical legislation (H.R. 4957) was introduced last year, and hearings were held in October, 1994 by the House Aviation Subcommittee, then chaired by the able Representative JAMES OBERSTAR, who joins me as an original cosponsor of today's bill.

This bill, as introduced, preserves the RLA's preference for systemwide collective bargaining agreements and permits such agreements to be enforced in the statutory adjustment board in accordance with the parties' intent.

It is well to note that U.S. airlines and their labor unions have, to date, proceeded as if the RLA and the labor contracts negotiated under it follow the aircraft of U.S. flag airlines and their flight crews in both domestic and international operations regardless of their point of operation at any particular moment in time. This is similar, if not identical, to the rules and procedures followed under maritime law involving U.S. flagships.

Here is what the bill does:

It prevents either a carrier or one of its flight crew labor organizations from evading its obligations under the RLA by simply relying on geographical location of a particular operation.

It prevents flight crew labor groups from conducting unpredictable work stoppages against the U.S. air carrier's foreign operations.

It prevents an air carrier from firing or disciplining flight crew employees for engaging in union activities protected under the RLA merely because such employees are assigned in whole or in part to the carrier's operations outside the United States.

It assures that the provisions in the bill apply only to flight crew employees—pilots and flight attendants—who are the employees engaged in the actual operation and service aboard the aircraft as they traverse international boundaries.

It requires, where appropriate, fair collective bargaining to establish wages and terms and conditions of employment for flight crews throughout an air carrier's systems.

Here is what the bill does not do:

It does not impose our labor laws on foreign countries.

It does not affect our aviation agreements with foreign countries.

It does not cover employees providing ground and related services for U.S. carriers exclusively in foreign countries.

It does not preclude negotiation of wages and terms and conditions of employment tailored to flight crew members that perform overseas operations.

I hope that my colleagues will join me in cosponsoring and supporting enactment of this bill. If you have any questions, or wish to cosponsor the bill, please call me or Mrs. Kyle on my staff.

IN REMEMBRANCE OF THE REVEREND RALPH DAVID ABERNATHY, JR.

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 1995

Mr. LEWIS of Georgia. Mr. Speaker, just a few days ago, many of us in the House came together on the House floor to celebrate the 30th anniversary of the Voting Rights Campaign of 1965. Last week, I traveled to Selma, AL, along with several of my colleagues from the Congressional Black Caucus and thousands of others, in commemoration of the historic march from Selma to Montgomery, a turning point in the campaign for voting rights.

Today, I would like to take a moment to pay special tribute to one of the soldiers and leaders of the civil rights movement, someone who was with us on the 54-mile march from Selma to Montgomery, the Reverend Ralph David Abernathy, Jr. As many of us who participated in the movement join together to celebrate the achievements of the past and to remember those who marched alongside us many years ago, I believe this is a very fitting time to recognize the Reverend Abernathy. It is also Dr. Abernathy's birthday tomorrow. Dr. Abernathy was born in Marengo County, AL on March 11, 1926. He passed away, too young, 5 years ago. Tomorrow, he would have been 69.

The Reverend Ralph David Abernathy, Jr. had a lifelong commitment to securing and protecting basic civil rights for all Americans. He was a leader in the civil rights movement, a close friend of the Reverend Martin Luther King, Jr. I marched with him many times. After the assassination of Dr. King in 1968, Dr. Abernathy assumed leadership of the Southern Christian Leadership Conference, and worked with dedication and perseverance to carry on Dr. King's dream. After Dr. King's death, Dr. Abernathy continued to organize and lead marches and other events, including the Poor People's Campaign, a massive demonstration to protest unemployment, held in Washington, DC.

I believe we should take a moment to remember the people who brought us here today, to remember some of the sacrifices and the contributions of the many people who participated in the civil rights movement. Thousands of people participated. Some had small roles, others large roles. The Reverend Ralph David Abernathy had many roles, often at the same time. He was a teacher, a leader, an organizer, a soldier, and a friend. Today, we remember his spirit, his good humor and his guidance. One day before the date of his birth, I ask my colleagues to join me in celebrating his legacy and his life.

PAKISTAN-BASED GROUPS TRAINS HOLY WARRIORS

HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 1995

Mr. BROWN of Ohio. Mr. Speaker, two American diplomats lie dead and another seriously wounded after Wednesday's brutal attack in Karachi, Pakistan. These Americans were gunned down when their vehicle stopped at a traffic light on Karachi's busiest road while the employees were en route to work in the service of the United States.

Mr. Speaker, Karachi is a city out of control, and Pakistan's continuing support of international terrorism has come home to roost. The Cleveland Plain Dealer has run just today an article that first appeared in the Washington Post in which Karachi is described as a "city of violence," where Islamic militancy is the rule and not the exception.

Mr. Speaker, this tragedy illustrates our need to stop terrorism no matter where it occurs. If American citizens in Pakistan are not safe when they are representing their country, then we must demand protection. If the Government of Pakistan cannot ensure their protection, we must take action to protect them ourselves.

[From the Cleveland Plain Dealer, Mar. 10, 1995]

PAKISTAN-BASED GROUP TRAINS HOLY WARRIORS

(By John Ward Anderson and Kamran Khan)

KARACHI, PAKISTAN.—On the third Thursday of every month, a bus with about two dozen young men pulls away from a secret rendezvous point in this port city and travels 600 miles north to a base in Afghanistan, where the men spend 40 days in basic training for a worldwide holy war.

The camp, just north of the Pakistani border town of Miram Shah, is operated by Harkatul Ansar (Movement of Friends), a radical group headquartered in the Pakistani capital, Islamabad, that is sworn to fight for the global supremacy of Islam. Since 1987, more than 4,000 militants—including Pakistanis, Indians, Arabs from several countries and a small number of Americans—have been trained by the group in making bombs, throwing hand grenades and shooting assault weapons, members of the group said.

"Ours is a truly international network of genuine Muslim holy warriors," said Khalid Awan, who joined Harkat, as the group is popularly known, after receiving his master's degree in economics from Pakistan's Punjab University. "We believe frontiers could never divide Muslims. They are one nation, and they will remain a single entity."

Harkat is one of the largest and most militant Islamic groups operating in Pakistan, which critics complain has done little to keep radical Muslims from using its soil to launch terrorist attacks.

Pakistant's reluctance to crack down was spotlighted last month when Ramzi Ahmed Yousef, suspected mastermind of the 1993 World Trade Center bombing in New York, fled here as a world-wide dragnet tightened around him. Yousef was arrested Feb. 7 in Islamabad when U.S. officials led Pakistani police to the guest house where he was staying.

Pakistan has been a haven for armed Islamic militants since the early 1990s, when dozens of fundamentalist groups and thousands of soldiers who had fought a jihad, or holy war, to drive the Soviet Union out of Afghanistan began searching for new theaters in which to wage battle.

The groups have continued to thrive here and in Afghanistan because of the easy availability of cheap and sophisticated weapons—many can be traced to more than $1 billion per year the United States gave to Afghan militias based in Pakistan during the war against the Soviets—and because large tribal areas along the Pakistani-Afghan frontier are unpatrolled and lawless.

Politicians in Pakistan have been reluctant to launch a committed effort to shut down the groups because they have the support of the country's powerful Muslim clergy. The groups openly raise funds and recruit members.

"The government at the highest levels is sufficiently frightened of these people, but its ability to crack down on them is very limited," said a Western diplomat in Islamabad. "No, they are not doing enough but it's not a lack of will—it's that the government here is not terribly efficient."

Observers say Pakistan has put itself in the difficult position of allowing the groups to operate in the country to fight against Indian troops in the disputed region of Kashmir, and at the same time trying to prevent the groups from using Pakistan as a base for operations against other countries.

The Pakistani government did not respond to requests to provide a spokesman to answer detailed questions.

In a brief telephone interview, Foreign Secretary Najamuddin A. Sheikh said the underlying problem is religious extremism, fueled by sectarian clashes between Pakistan's majority Sunni and minority Shiite Muslims. Often, he said, the extremism is encouraged in religious schools, which receive millions of dollars a year in state funding and are prime feeders for militant Islamic organizations.

Sheikh, the Foreign Ministry's highest-ranking civil servant, said Prime Minister Benazir Bhutto has proposed registering the schools as one way to moderate them.

India has long charged that Pakistan is involved in "state terrorism" by arming, training and funding Muslim insurgents waging a brutal civil war in Kashmir.

In 1993, the United States warned Pakistan that unless it stopped supporting Kashmir insurgents, the country would be put on the U.S. list of terrorist states. Since then, say U.S. officials, Pakistan has significantly reduced its role in the conflict.

Last month, during a state visit by Bhutto to the Philippines, President Fidel Ramos protested that Pakistanis were fighting alongside Muslim extremists battling for autonomy against his government. Russia has charged Pakistanis are aiding the separatist battle in Chechnya.

Following complaints by moderate Arab governments in Egypt, Algeria and Jordan that Pakistanis were involved in extremist movements in their countries, Pakistan asked Afghan aid groups—many were really fronts for militant organizations—to leave. That forced some groups underground and pushed others into Afghanistan.

"They have a right to protest, but we have our duties to perform as Muslims," said Tariq Cheema, 26, a member of the radical Markaz Dawatul Arshad organization, which aims to establish "the rule of God" throughout the world. While conducting street-corner recruiting in Karachi, Cheema passed out a list of names and addresses of 56 Markaz members killed last year during fighting against government troops in Tajikistan, the Philippines, Bosnia and Kashmir.

Since the end of the Afghan war in 1989, Pakistani officials estimate at least 10,000 Islamic militants have been trained by various groups in the Pakistan-Afghanistan border areas.

"Arabs run exclusive training camps for the recruits of Middle Eastern origin," a leading member of Harkat claimed, adding the instructors are Sudanese, Egyptian and Libyan veterans of the Afghan war. "We only go to those camps for advanced military training that involves operating antiaircraft guns and tanks" and laying land mines, he said.

Funding often comes from Muslims who think moderate Arab governments are becoming too Westernized.

"Funding for our organization largely comes from Saudi Arabia, where several philanthropists are not happy with the way the country is governed by the ruling family," said a Markaz activist. A Harkat official said his organization's largest donor is a group of Muslim merchants from India who now live in England.

THE REVOLUTION AND ITS CHILDREN

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 1995

Mr. DIAZ-BALART. Mr. Speaker, I ask that the following article by Ivan Arellanes be included in the RECORD. I believe that "The Revolution and Its Children" provides a worthwhile insight into problems that unfortunately many have chosen to ignore.

THE REVOLUTION AND ITS CHILDREN

(By Ivan Arellanes)

One of the most disquieting aspects of my recent trip to Cuba was learning about how young people my age live. Despite living in a country where most information concerning the West, and particularly the U.S., is censored, they are aware and even have some contact with the "materialist, capitalist, imperialist" culture, as Fidel Castro might categoriza it. I wanted to meet those young people who, although they were children of the Cuban Revolution and had been indoctrinated from childhood, had many of the same concerns, interests and ideas that I or any other young person might have.

I arrived in Cuba with this in mind, and my first impression was disappointing: children and young adults were asking for money, food, candy, pencils or any item we tourists might want to give them, as we got off the bus that had brought us from the airport to the hotel. I wasn't surprised to see beggars, since this is not an occurrence unique to Cuba, but rather by the fact that there were so many everywhere.

Next I encountered the much-reported phenomenon of prostitution. Without going into too much detail, let me just say that I saw a sea of men, women and children selling themselves to the highest bidder. The only way I can describe what I saw is to call Havana an enormous brothel.

My first night in Havana, I was lucky enough to meet a group of five young people between twenty-four and twenty-eight years old. I spoke at length with two of them, Ronie and Ernesto. One of the main topics of conversation was entertainment. What did they do for fun? (I met them sitting next to the hotel.) They answered, "This is what we do, sit here and watch people go by." They also like to bring some rum to a friend's house and dance to salsa music all night. But since the start of the daily blackouts, twelve hours long in some cases, It is no longer possible to have such parties. There is also nowhere to buy the very expensive alcoholic beverages unless you have dollars.

Both, Ronie and Ernesto are professionals; one is a biologist at a hospital. Though head of his shift at the time, he was just "hanging out" because there was no light and no supplies to help the sick.

Both laughed when I asked them where there might be a restaurant, not for tourists, but where one could find only Cubans. One asked, "Why do you want to eat with Cubans? Why don't you eat in this nice hotel that has everything, where we aren't allowed to enter?" They were surprised that I hadn't come, like other tourists, for sex.

They told me openly of their resentment, disillusionment and hatred of the revolution, which according to them lied about its supposed achievements. Later on I realized that in order to enjoy a better life than most Cubans (they earn the equivalent of $6 a month) they hooked up with tourists who would take them to discos, dinner, hotels, and who would buy them clothing in exchange for certain favors.

On my second day in Havana, I talked at length with a couple who were thirty-three and twenty-nine, respectively. They have a daughter who suffers from acute anemia owing to the lack of food. The husband works at the University of Havana and earns the equivalent of $5 a month, while his wife stays at home. They excused themselves for not offering me anything to eat or drink, because the only thing in their refrigerator was water and some old rice. She told me that sometimes days, even weeks go by when they eat only sugar water, so that they could give their daughter what little food they had.

We talked politics. Checking often to make sure the neighbors couldn't hear, they told me openly of their opinions on the Castro regime and the desperate living conditions in Cuba. I asked them to consider the extreme poverty, injustice and corruption in other countries, such as Haiti, and then asked them whether they would rather live in Cuba or Haiti. In a few words they summed up their disillusionment with the Castro regime: "Let me put it to you this way. We would rather live in the worst country on earth, anywhere but Cuba." During our conversation we listened to music by their favorite artists: Willy Chirino, Gloria Estefan and Jon Secada.

I would also talk to another person who practically broke my heart. His name is Yojiro, a thirteen-year-old boy who came up to me on the street and began to walk with me. He told me that his classmates were doing agricultural work, and that he hadn't been able to go because he had injured his foot. He also told me his favorite music was rap and Michael Jackson. When I asked him if he had ever seen Fidel Castro, he told me that Castro never got close to the "common" people and could only be seen from a distance. As with all the young people I had met previously, his major interest was in knowing what the United States was like, what we did for fun, what we thought of Cuba. Nevertheless, what most endeared him to me was that he would not accept any gifts from me. He just wanted to talk, to be treated like an equal and not a beggar, to go into a restaurant with me and sit at a table without having the waiters bother him, in short, to feel like a human being.

When I returned from my trip to Cuba, friends and relatives asked me if I had liked it, if I had enjoyed myself. I answered that it had been the worst vacation I had ever had, that I hated Cuba—not the country and certainly not the people—but the injustice forced upon them by the dictatorship they live under.

TRIBUTE TO ANDREW T. HOSPODOR

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 1995

Mr. PALLONE. Mr. Speaker, I wish to pay tribute today to a very special man, my father-in-law, Andrew T. Hospodor, who passed away on March 7. He was 58 years of age. He had been suffering from a brain tumor for the past 6 months. For me and Sarah, my wife and his loving daughter, the loss of Mr. Hospodor will leave a terrible void—one which we will try to fill with our many fond memories.

Mr. Speaker, my father-in-law was a lifelong Republican and ideologically a rather conservative Republican. He loved to talk politics, looked forward to the Republican takeover in Congress, and hoped that the GOP's Contract With America would be quickly implemented. Needless to say, we often disagreed. However, he shared with me an abiding optimism in the American democratic process. No one was more convinced than Andy Hospodor that America works, that equal opportunity was best achieved in the United States, and that our country would ultimately overcome racial, ethnic, and religious differences to achieve a truly classless society.

Mr. Speaker, for his family and friends, Mr. Hospodor will be remembered most as a husband, a father and a grandfather, a good neighbor who took an active interest in his community. For his professional colleagues, Mr. Hospodor will be remembered as a leading businessman with an uncommon grasp of cutting-edge technological development.

Since 1987, Mr. Hospodor had been the chairman of the board and chief executive officer of ARINC Inc., Annapolis, MD, and its wholly owned subsidiaries, Aeronautical Radio, Inc., and ARINC Research Corp. Aeronautical Radio provides voice and data communications systems and services for the air transport industry, the Federal Aviation Administration. ARINC Research Corp. provides systems engineering development and integration services to defense, Government and commercial customers in avionics, command and control, aircraft, transportation and communications systems. Prior to joining ARINC, Mr. Hospodor served as President and CEO of RCA American Communications, Inc. [AMERICOM]. His career with RCA extended over 20 years in a variety of technical, marketing, and senior management positions.

Born in Endicott, NY, Mr. Hospodor received his bachelor's degree in Mechanical Engineering in 1960 from Cornell University, a master of science in Mechanical Engineering from Lehigh University in 1963, and a master's degree in Business Administration from Lehigh in 1967. In 1976, he completed the Harvard University Program in Management Development. He appeared regularly in such publications as the "Who's Who Registry of Global Business Leaders," "Who's Who in America" and "Who's Who in Science and Engineering." He was an officer and former chairman of the Radio Technical Commission for Aeronautics.

Funeral services for Mr. Hospodor will be held tomorrow in Annapolis. The Hospodor family encourages those seeking more information on brain tumors to contact the American Brain Tumor Association, 2720 River Road, Des Plaines, IL, 60018, 708–827–9910.

TRIBUTE TO CARL MARION FRIERSON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 1995

Mr. RANGEL. Mr. Speaker, I would like to pay tribute to Mr. Carl Marion Frierson, a dedicated member of my district until his death. Mr. Frierson was the third born and second oldest son of the late Elon and Nora Frierson. Born on May 18, 1925 in Philadelphia, PA, Carl served in the U.S. Navy from August 24, 1943 to June 2, 1946. He was honorably discharged with the rank of machinist mate 3C SV–6.

After serving his country, Carl moved to Harlem where he resided for over 45 years. Mr. Frierson was employed with the State labor department as a supervisor of safety and health for 20 years before his retirement. Carl Frierson was also a Mason who held the exalted position of Worshipful Master. Mr. Frierson's unyielding dedication to the youth of the community included being a Boy Scout leader at the Explorer level, watching the children of young parents so that they could work, spending time at local schools, and at times helping out young parents by providing rent assistance.

Mr. Frierson's relentless devotion to his family and the Harlem community gives me great pride to have been his Representative.

TRIBUTE TO MARGARET A. MACCINI

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 1995

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today to commend Mrs. Margaret A. Maccini on her 21 years of dedicated service to Somerset County, NJ. On December 31 of last year, Mrs. Maccini retired as the clerk of the Board of Chosen Freeholders for Somerset County.

Mrs. Maccini began her career in 1973 as the administrative assistant to the county administrator. She soon became the executive secretary to the Board of Freeholders, and in 2 years became deputy clerk of the board. In 1976 she was appointed clerk of the Board of Chosen Freeholders, where she had remained until her retirement. In 1982, she earned her clerk's certificate through the International Institute of Municipal Clerks, and has offered her talents to Rutgers University as an assistant instructor in the Bureau of Government Services.

During her career as clerk of the board, Margaret served as liaison between the Freeholders and the public, the media, county officials, and staff members. In her 21 years of service, she has worked with 18 different Freeholders' offices.

In addition to her service to Somerset County, Margaret has had an avid interest in historical preservation. She is a member of the Somerset County Cultural and Heritage Commission, and president of the Meadows Foundation in Franklin Township.

The people of Somerset County owe Margaret a debt of gratitude for her dedicated service. As a Member of Congress for Somerset County, I congratulate Margaret on her retirement, and thank her for her hard work to improve Somerset County. Her dedication to public service is a fine example for young people everywhere.

PEACE AND STABILITY IN THE SOUTH CHINA SEA

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 1995

Mr. GILMAN. Mr. Speaker the resolution I introduced today is designed to focus attention on peace and stability in the South China Sea which is a matter of strategic national security interest to the United States, its friends, and allies.

Twenty-five percent of the world's ocean freight and 70 percent of Japan's vital energy supplies transit the South China Sea, an area larger than Western Europe. The South China Sea serves as the vital conduit for U.S. Navy ships passing from the Pacific to the Indian Ocean and the Persian Gulf. It is of crucial importance to the defense needs of the United States. Without question, if our Navy ships should be denied free passage during a time of emergency, particularly a flare up in the Middle East, our ability to expeditiously come to the aid of our allies, including Israel, would be in doubt.

For hundreds of years the countries around the South China Sea's rim have allowed free passage for all nations who wanted to ship their goods through it. Now, however, the scramble for marine resources and oil has led to the assertion of rival claims to parts or all of the islands and reefs compromising the area. In 1992 the countries of the Association of South East Asian Nations [ASEAN] as well as Communist China and Vietnam pledged in Manila to renounce the use of force to settle boundary disputes. Indonesia has sponsored a series of workshops on claims in the South China Sea but there has been little progress, primarily because of Beijing's intransigence.

In 1992 the People's Republic of China [PRC] rubber stamp legislature passed a statute asserting its claim to all of the South China Sea and declaring it to be territorial waters. Particularly ominous, the same statute declares that "Foreign ships [transiting the area] for military purposes shall be subject to approval." Given the PRC's longstanding military relations with terrorist countries of the Middle East, its approval for a United States Navy carrier group to come to aid of our friends in the Persian gulf or Israel is subject to doubt. Yes, it is possible for our Navy to go the long way around Pearl Harbor to the Persian Gulf, but time becomes critical in moments of crisis.

Little by little the leaders in Beijing have been turning the South China Sea into their own lake. Some scholars, most notably Ambassador James Lilly, have been pointing out that it is not in our national security interest to allow a nondemocratic power to deny us freedom of passage. However, the Clinton administration appears to be absent without leave on the strategic issue of the South China Sea.

My resolution contains three principal provisions: First, it declares the right of free passage to be in the national security interests of the United States. Second, it declares any attempt by a nondemocratic power to assert its territorial claims by force or intimidation to be of grave concern to us. Finally, it calls on the

President to review the defense needs of democratic claimants.

Permit me to address this last point a little more in depth. We are engaged with this issue, at this time, principally because last month Chinese military forces kidnapped Filipino citizens and planted the PRC flag on territory claimed by the Philippines.

The Philippines' claim is fully in accord with the Law of the Sea Convention. Clearly Beijing chose the Philippines because they thought that since our relations with that nation are at a low point and so they could get away with it. The Philippines' five aging F–5 aircraft are no match for China's Russian warplanes and their new blue-water navy. In order to avoid a future confrontation that we might lose, we had better shore up the defenses of our democratic friends and allies in the region. Otherwise, China will continue to use force and intimidation to gain exclusive control of the South China Sea.

Accordingly, I ask that the full text of House Resolution — be printed in the RECORD at this point and I invite my colleagues to cosponsor it.

H.R. _

Expressing the sense of the House of Representatives that the United States should support peace and stability in the South China Sea.

Whereas the South China Sea is a critically important waterway through which 25 percent of the world's ocean freight and 70 percent of Japan's energy supplies transit;

Whereas the South China Sea serves as a crucial sea lane for United States Navy ships moving between the Pacific and Indian Oceans, particularly in time of emergency;

Whereas there are a number of competing claims to territory in the South China Sea;

Whereas the 1992 Manila Declaration adhered to by the Association of South East Asian Nations, the Socialist Republic of Vietnam, and the People's Republic of China calls for all claimants to territory in the South China Sea to resolve questions of boundaries through peaceful negotiations;

Whereas the legislature of the People's Republic of China has declared the entire South China Sea to be Chinese territorial waters;

Whereas the armed forces of the People's Republic of China have asserted China's claim to the South China Sea through the kidnapping of citizens of the Republic of the Philippines and the construction of military bases on territory claimed by the Philippines; and

Whereas the acts of aggression committed by the armed forces of the People's Republic of China against citizens of the Philippines are contrary to both international law and to peace and stability in East Asia: Now, therefore, be it

Resolved, That the House of Representatives—

(1) declares the right of free passage through the South China Sea to be in the national security interests of the United States, its friends, and allies;

(2) declares that any attempt by a nondemocratic power to assert, through the use of force of intimidation, its claims to territory in the South China Sea to be a matter of grave concern to the United States;

(3) calls upon the Government of the People's Republic of China to adhere faithfully to its commitment under the Manila Declaration of 1992; and

(4) calls upon the President of the United States to review the defense needs of democratic countries with claims to territory in the South China Sea.

THE NATIONAL FAMILY ENTERPRISE PRESERVATION ACT OF 1995

HON. LINDA SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 1995

Mrs. SMITH of Washington. Mr. Speaker, today I am introducing a bill to help encourage the preservation and growth of family farms and businesses. Our current Tax Code severely discourages owners of family farms and businesses from passing their enterprise on to the next generation. This situation stems from a Tax Code that forces heirs of family businesses to sell their assets in order to pay off hefty Federal estate taxes.

Estate taxes are hurting the very family businesses of America that have played a significant role in the foundation of our economy. I believe these businesses deserve some measure of estate tax relief in order to survive when they move from one generation to the next.

The bill I am introducing, the National Family Enterprise Preservation Act of 1995, will provide estate tax relief to more than 95 percent of our Nation's family-owned farms and businesses. It will do so by increasing the current unified estate and gift tax credit of $192,800 to $314,600 for family enterprise property. This provision will effectively increase the current $600,000 estate tax exemption to $1,000,000 for family enterprises. To ensure that the family farm and business remains in the hands of qualified family members, the heir must continue in the active management of the farm or business for 10 years following the decedent's death, otherwise appropriate recapture provisions would apply.

Two other provisions in the bill are also designed to provide tax relief to family businesses. The first would increase the current annual gift tax exclusion of $10,000 to $20,000 in the case of gifts to qualify family members of family enterprise property. The second would increase the maximum reduction allowable for special use valuation from the current level of $750,000 to $1 million for family enterprises.

This legislation is greatly needed to help ensure the perpetuation of our country's family businesses. I urge my colleagues to show their support for family businesses by supporting this important measure.

TRIBUTE TO OTTO AND JULIE BAYRAM

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 1995

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to an extraordinary couple, Otto and Julie Bayram, who today celebrate 50 years of marriage.

The Bayrams were married during World War II during which Otto Bayram served with distinction in the Armed Forces as a pilot, returning to his community of New Britain, CT, to operate, along with his father and brother, the Arch Street Bakery and Delicatessen and later, the renowned EPICURE of Farmington, CT.

Julie and Otto Bayram have raised four wonderful children—Armen, Deborah, Steven, and Paul and are the very proud grandparents of three.

In every aspect of the life of the community, the Bayrams lead the parade. Whether it is a role in the betterment of their community, a role in support of their church as individuals of great faith, or opportunities to support their cultural heritage, the Bayrams have time and again exhibited their civic pride, their faith-based beliefs, and their unswerving commitment to who and what they come from.

Their home has been shared with thousands and their hospitality and generosity are known from coast to coast. They are an incomparable team, leading a life together based in the finest values. Julie and Otto Bayram have loved their faith, their family, their community, and their country. There are but a few individuals that actually help to shape each one of us. I have been blessed to have had Julie and Otto influencing and loving me throughout my life.

Mr. Speaker, I ask my colleagues to join me in congratulating the Bayrams on their 50th wedding anniversary and thank them for all they have done together and continue to do.

TIBETAN UPRISING DAY

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 1995

Mr. PORTER. Mr. Speaker, as co-chairman of the Congressional Human Rights Caucus, I have long followed the plight of the Tibetan people and the peaceful activities of His Holiness the Dalai Lama, for which he was awarded the Nobel Peace Prize in 1989. Forty six years ago in 1949, Communist China invaded Tibet. By 1959, the Chinese Army had a strong military presence in the Tibetan capital, Lhasa, and it was rumored that the Chinese had a plan to take the Dalai Lama to Beijing to act as a Chinese puppet. On March 10, 1959, in response to indications by the Chinese garrison in Lhasa, Tibetans staged massive demonstrations. Thousands of Tibetans surrounded the Dalai Lama's Palace to prevent him from being taken by the Chinese or voluntarily surrendering to avoid conflict and protect the Tibetan people. The Chinese made their intentions clear and began shelling the palace, causing further Tibetan demonstrations that ultimately resulted in the deaths of tens of thousands of Tibetans, many of them monks and nuns. The Dalai Lama narrowly escaped the slaughter by disguising himself and fleeing over the Himalayas to India. In the past 40 years, His Holiness has worked tirelessly to appeal for international help to save his people.

Congress officially recognizes that Tibet is an illegally occupied country whose true representatives are the Tibetan government in exile and His Holiness the Dalai Lama. Currently, the most critical issue for the Tibetan people is the transfer of Chinese population into Tibet, which is reducing the Tibetans to a minority in their own country and undermining the Tibetan culture. We cannot ignore the plight of the Tibetans and their ongoing loss of community and identity. Because today, March 10, marks an important day for Tibetans, I ask my colleagues to join me in remembering and paying tribute to the 1.2 million Tibetans who have died under Chinese rule since 1949 and to work with me through the Congressional Human Rights Caucus to continue to focus congressional attention on this issue. I also commend to my colleagues the following A.M. Rosenthal editorial "Criminals for Freedom" regarding this deplorable situation.

[From the New York Times, Dec. 27, 1994]

CRIMINALS FOR FREEDOM

(By A.M. Rosenthal)

From concentration camps come few dispatches, not even when a whole nation is imprisoned. Silence is as real as barbed wire. For the captors, it is at least as effective.

So, when occasionally I write about the captivity of Tibet, readers sometimes ask why I care so much.

They ask why they should involve themselves. Isn't so much else more important to American interest?

And since the invasion and occupation by the Chinese Communists have gone on so long, almost a half century now, with Beijing's grip growing ever tighter, forcing more and more Tibetans out of the country, and the world not even taking note, are not Tibetans and foreigners perpetuating an impossible dream when they insist that Tibet lives?

As the years pass, the questions become ever more important to answer—else the silence will become eternal, and the concentration camp one more national grave.

But before they can be answered, another question must be put: Why is it that Tibet, a nation with a history almost as old as man's memory, a nation with a culture unique in the world, with a religion that not only binds together its own people but embraces men and women all over the world, why is this nation, almost alone among nations, denied the most elemental rights of nationhood and personal freedom?

When I was a young reporter, The Times assigned me to the bureau it had just set up at the brand new United Nations. The total membership then was 56 and new countries were asking to be admitted. One day a British delegate warned that if the U.N. kept growing, the membership would be as high as 70, maybe 80.

Today the membership stands at 184. Among them are countries that are minute in population and size. Their most important industry is the bureaucracy created to run them.

And there are other members whose boundaries and identities were craved out of the map by the colonial powers of Europe for their own administrative and imperial conveniences.

And yet there they all are, flags waving on First Avenue, their ambassadors treated as they should be, with dignity and attention.

But Tibet—Tibet is not only barred from U.N. membership but its representatives are usually not even allowed in its halls and meeting rooms or in the state departments of the world.

Why? The nations know what has been happening—the massacres, tortures, pillage, the deportation of millions of Tibetans and their replacement by Chinese, the stone-by-stone, temple-by-temple destruction of a great culture.

The truth is that almost all the nations of the world made a deliberate decision to abandon Tibet to its captors. Among these nations were many U.N. members ruled by dictators. At least they had some rationale—the brotherhood of tyranny.

But for the others, including the United States and Europe, the reason was money. Beijing constantly warns that trade with China will be cut off for any nation daring to do all that the Tibetans really ask—speak up for their elemental human and political rights.

Once President Clinton did that. But that was long ago—a year or so. Now Washington talks about sending his wife or the Vice President to visit Beijing, the heart and head office of the Chinese and Tibetan concentration camps.

So, after all, what do we have in common with Tibetans? I can think of only this: shared criminality.

The same political crimes that bound us to the victims in the Nazi camps, to the dissidents in the Soviet Gulag, to the people in the Khmer Rouge death pits and in the torture chambers of the Middle East bind us to the Tibetans.

Every day we commit the crimes for which Tibetans have been made captive, tortured and murdered and for which their nation has been sundered and occupied. We talk, we write, we act, we think, we pray.

Tibet has no ethnic or national constituency in the U.S. But in America, as around the world, are thousands of people who do what they can for Tibet—write, talk, act, pray, help the International Campaign for Tibet (202) 785–1515. Among them are intellectuals, business people, members of Congress, working people, Democrats and Republicans.

This constituency is staunch and slowly growing. That is the best reason I can give for hoping for the future of the imprisoned nation in the Himalayas—the international conspiracy of the criminals for freedom.

FBI CALLED TO SOLVE UNITED STATES MURDER IN PAKISTAN

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 1995

Mr. NEY. Mr. Speaker, I call to the attention of my colleagues an article appearing in yesterday's Washington Times regarding the brutal murder of two American Foreign Service officers in Karachi, Pakistan, on Wednesday, March 8, 1995. The article, entitled "FBI Unit To Probe Pakistan Shooting" discusses how the U.S. Government has been forced to send an antiterrorist unit that specializes in forensics to Pakistan in an attempt to identify those responsible for this brutal slaying.

Mr. Speaker, according to press reports, the Karachi police refused a request by American diplomatic employees to pursue the gunmen immediately after the attack. The police allegedly said they feared for their lives. This story, if true, further underscores the pathetic state of affairs in Pakistan, where terrorist violence and religious fundamentalism have become the norm.

Mr. Speaker, I strongly urge my colleagues to read the Washington Times article. The murder of the United States diplomatic employees traveling in a consular van in downtown Karachi clearly shows that drastic measures must be taken to protect our Foreign Service officers and to reign in the terrorism and violence which is making Pakistan a danger to the region and ultimately to the world.

HOUSE OF REPRESENTATIVES—Monday, March 13, 1995

The House met at 2 p.m. and was called to order by the Speaker pro tempore [Mr. JONES].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 13, 1995.

I hereby designate the Honorable WALTER B. JONES, Jr. to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

With the psalmist of old we pray:

"Whither shall I go from thy Spirit? Or whither shall I flee from thy presence?

"If I ascend to Heaven, Thou art there! If I make my bed in Sheol, Thou art there!

"If I take the wings of the morning and dwell in the uttermost parts of the sea, even there thy hand shall lead me, and thy right hand shall hold me."

O gracious God, You have promised to be with us in every time and every place and have assured us that Your healing spirit never leaves. We pray this day that Your spirit and Your blessings are with us and remain with us always. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Oregon [Ms. FURSE] come forward and lead the House in the Pledge of Allegiance.

Ms. FURSE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

REPUBLICAN CONTRACT WITH AMERICA

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, our Contract With America states the following:

On the first day of Congress, a Republican House will require Congress to live under the same laws as everyone else; cut committee staffs by one-third; and cut the congressional budget.

We kept our promise.

It continues that in the first 100 days, we will vote on the following items: A balanced budget amendment—we kept our promise; unfunded mandates legislation—we kept our promise; line-item veto—we kept our promise; a new crime package to stop violent criminals—we kept our promise; national security restoration to protect our freedoms—we kept our promise; Government regulatory reform—we kept our promise; commonsense legal reform to end frivolous lawsuits—we kept our promise; welfare reform to encourage work, not dependence; family reinforcement to crack down on deadbeat dads and protect our children; tax cuts for middle-income families; Senior Citizens' Equity Act to allow our seniors to work without Government penalty; and congressional term limits to make Congress a citizen legislature.

This is our Contract With America.

ELIMINATION OF LIHEAP IS IRRESPONSIBLE

(Mr. BALDACCI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALDACCI. Mr. Speaker, our Republican colleagues have proposed the elimination of funds for the LIHEAP Program. This is simply irresponsible.

The winter in Maine is long and cold. Last month in Presque Isle, the temperature averaged just 9 degrees. That's relatively warm. In January 1994, the average temperature was minus .7 degree. Last winter, 60,000 Maine households received help from the LIHEAP Program.

An elderly woman in Woodland, ME, recently sent a letter to the State agency that oversees LIHEAP funds to say thank you for her fuel assistance. She said that she had high medication costs and lived on a meager income, and that without LIHEAP, she would have been forced to stop buying the medications that keep her well.

Nobody should be forced to choose between heat and medicine or heat and food. This proposal unfairly targets two highly vulnerable populations: children and the elderly. That is wrong. It is not the fault of children or the poor or the elderly that our Nation faces high deficits and debts. They should not have the budget balanced on their backs.

I urge my colleagues to reject this proposal to kill the LIHEAP Program. LIHEAP is not waste; it is not pork; it is an effective program that saves lives and deserves to be maintained.

CONGRATULATIONS TO CORNHUSKERS

(Mr. BEREUTER asked and was given permission to address the House for 1 minute.)

Mr. BEREUTER. Mr. Speaker, it is a proud day for Nebraska because the NCAA football champions University of Nebraska Cornhuskers are in the city to be honored today. At 11:30 on the south lawn of the White House, they were honored by President Clinton. We are very proud, of course, of coach Tom Osborne, his coaching staff and the players of the Nebraska Cornhuskers.

Coach Osborne has taken his teams to 22 consecutive bowls. He has the best winning record of any active college coach in the Nation, with over 82 percent wins.

We are also very proud of the fact not only do we have three all-American players on the team this year, but we have three academic all-Americans, including the outstanding academic all-American in the United States, which gives the University of Nebraska now more academic all-Americans by far than any other school in the country.

Coach Osborne, we take our football very seriously out there. We liked the event so much today, we think we will make it an annual affair.

Congratulations.

AMERICA'S ECONOMIC SYSTEM AND WOMEN

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I know all of us today want to congratulate the new freshman Congresswoman from Utah, as she and her husband announce that she will be expecting a new baby. This will only be the second Congresswoman who had a baby during her term of office, the first being Yvonne Brathwaite Burke. She did a terrific job, so the precedent has been laid. And I know all will go well.

I particularly appreciate what the Congresswoman from Utah said in that she said this was no big deal. Over 60 percent of the women in Utah with small children were working outside the home and so that is what American families are doing today.

I also hope the gentlewoman from Utah brings that up to the chairman of the Committee on Ways and Means who was in the Wall Street Journal this week saying they had to get the Tax Code fixed so that women could stay home in their proper role and take care of children. That may be the world he would like, but unfortunately that is not the world the economic system allows.

So congratulations to her, and we will all do a lot of reeducation, we hope, on some of the Members who still have not gotten it yet.

GO BIG RED

(Mr. BARRETT of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of Nebraska. Mr. Speaker, I rise to congratulate the 1994 National Champion Nebraska Cornhuskers, as they were honored today at the White House with President Clinton.

Despite losing a starting quarterback and nearly losing a second one, coach Tom Osborne led his team to an undefeated season, and Nebraska's third national title. It was Coach Osborne's first national championship, one of the best coaching minds in the country.

Nebraska's win in the Orange Bowl was a tremendous accomplishment, as the Cornhuskers overcame a hometown crowd and a very good Miami team. In the final analysis, the Huskers won it with heart. We're all proud of the tremendous effort that it took to win.

Mr. Speaker, this outstanding team was not just No. 1 on the football field. They also have had 56 football academic all-Americans, more than any other university in the Nation. They work as hard in the classroom as they do on the football field.

On behalf of the people of Nebraska and Husker fans everywhere, I say to Coach Osborne and the Cornhuskers: congratulations. You deserve to be No. 1.

NORTHAMPTON AND HALIFAX STUDENTS WIN ELECTRIC CAR COMPETITION

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, I want to commend the 14 young scientists from the counties of Northampton and Halifax in my congressional district. They are the winners of the 1995 National Electric Car Championships. At the competition, held in Phoenix, AZ, recently, the car submitted by these students was judged better than electric cars submitted by 37 other school systems, throughout the Nation.

The National Championship followed top honors won by this same group at the Mid-Atlantic Electric Vehicle Grand Prix, which was held in Richmond, VA, last spring. Their win is even more impressive when considering that the students come from schools that are among the poorest in North Carolina. Competing against much larger and wealthier schools, the students rebuilt a Geo Metro with an electric engine and scored at or near the top in four of the five categories used in judging. Their teachers, Eric Ryan and Harold Miller, are also to be commended for their patience and the long hours they devoted to providing guidance and direction to the students. Congratulations Northampton, Halifax, and Weldon city schools. You have made North Carolina proud.

ILLEGAL IMMIGRATION

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, in the last Congress there was a lot of tough talk about illegal immigration; however, little got accomplished. The Democrat majority repeatedly prevented us from considering legislation to stop the flood of illegal immigration facing our country. And contrary to public demands, they even slipped in a change to immigration law which rewards illegal aliens for breaking into our country. This provision was snuck into last year's Commerce, State, Justice appropriation bill without most Members' knowledge and allows certain aliens who are in the United States illegally—let me repeat that, illegally—to pay an $800 fee to the INS and acquire temporary legal status while applying to become permanent legal residents. These illegal aliens then are eligible for a whole host of taxpayer-funded Government benefits.

Our social service agencies are already stretched to the limit trying to provide services to eligible citizens and permanent residents who need them. How are we going to handle the needs of the 100,000 people the INS estimates will qualify this year, alone, under this fee-for-preference system?

I have introduced a bill, H.R. 592, which will repeal this travesty of justice. Let's stop rewarding those who have flagrantly violated our immigration laws by closing this loophole immediately. Cosponsor H.R. 592 today.

Let us make this Congress act, unlike when the Democrats controlled Congress and refused to stop illegal immigration. We Republicans will do the job.

REPUBLICANS AND THEIR PROMISE OF A VOTE ON TERM LIMITS

(Ms. FURSE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FURSE. Mr. Speaker, every day the Republicans come down on this floor and they tell us how they have kept their promises with the contract.

Well, they did keep some. They kept their promise to adversely affect children, women, and seniors. They kept their promise to weaken environmental laws. They kept their promise to protect companies who produce products that harm women and children.

Yes, they made lots of promises, but they made another promise. They promised to bring term limits to the floor. They promised that we could vote today on congressional term limits.

But guess what? The leadership said they could not schedule that vote today. I ask my colleagues why.

I suggest, perhaps because now they are elected, they really do not want to consider term limits.

CONFERENCE REPORT ON S. 1, UNFUNDED MANDATES REFORM ACT OF 1995

Mr. CLINGER submitted the following conference report and statement on the Senate bill (S. 1) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local, and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes:

CONFERENCE REPORT (H. REPT. 104–76)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1), to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Unfunded Mandates Reform Act of 1995".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to strengthen the partnership between the Federal Government and State, local, and tribal governments;

(2) to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate Federal funding, in a manner that may displace other essential State, local, and tribal governmental priorities;

(3) to assist Congress in its consideration of proposed legislation establishing or revising Federal programs containing Federal mandates affecting State, local, and tribal governments, and the private sector by—

(A) providing for the development of information about the nature and size of mandates in proposed legislation; and

(B) establishing a mechanism to bring such information to the attention of the Senate and the House of Representatives before the Senate and the House of Representatives vote on proposed legislation;

(4) to promote informed and deliberate decisions by Congress on the appropriateness of Federal mandates in any particular instance;

(5) to require that Congress consider whether to provide funding to assist State, local, and tribal governments in complying with Federal mandates, to require analyses of the impact of private sector mandates, and through the dissemination of that information provide informed and deliberate decisions by Congress and Federal agencies and retain competitive balance between the public and private sectors;

(6) to establish a point-of-order vote on the consideration in the Senate and House of Representatives of legislation containing significant Federal intergovernmental mandates without providing adequate funding to comply with such mandates;

(7) to assist Federal agencies in their consideration of proposed regulations affecting State, local, and tribal governments, by—

(A) requiring that Federal agencies develop a process to enable the elected and other officials of State, local, and tribal governments to provide input when Federal agencies are developing regulations; and

(B) requiring that Federal agencies prepare and consider estimates of the budgetary impact of regulations containing Federal mandates upon State, local, and tribal governments and the private sector before adopting such regulations, and ensuring that small governments are given special consideration in that process; and

(8) to begin consideration of the effect of previously imposed Federal mandates, including the impact on State, local, and tribal governments of Federal court interpretations of Federal statutes and regulations that impose Federal intergovernmental mandates.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) except as provided in section 305 of this Act, the terms defined under section 421 of the Congressional Budget and Impoundment Control Act of 1974 (as added by section 101 of this Act) shall have the meanings as so defined; and

(2) the term "Director" means the Director of the Congressional Budget Office.

SEC. 4. EXCLUSIONS.

This Act shall not apply to any provision in a bill, joint resolution, amendment, motion, or conference report before Congress and any provision in a proposed or final Federal regulation that—

(1) enforces constitutional rights of individuals;

(2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, handicap, or disability;

(3) requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the Federal Government;

(4) provides for emergency assistance or relief at the request of any State, local, or tribal government or any official of a State, local, or tribal government;

(5) is necessary for the national security or the ratification or implementation of international treaty obligations;

(6) the President designates as emergency legislation and that the Congress so designates in statute; or

(7) relates to the old-age, survivors, and disability insurance program under title II of the Social Security Act (including taxes imposed by sections 3101(a) and 3111(a) of the Internal Revenue Code of 1986 (relating to old-age, survivors, and disability insurance)).

SEC. 5. AGENCY ASSISTANCE.

Each agency shall provide to the Director such information and assistance as the Director may reasonably request to assist the Director in carrying out this Act.

TITLE I—LEGISLATIVE ACCOUNTABILITY AND REFORM

SEC. 101. LEGISLATIVE MANDATE ACCOUNTABILITY AND REFORM.

(a) IN GENERAL.—Title IV of the Congressional Budget and Impoundment Control Act of 1974 is amended by—

(1) inserting before section 401 the following:

"PART A—GENERAL PROVISIONS"; and

(2) adding at the end thereof the following new part:

"PART B—FEDERAL MANDATES

"SEC. 421. DEFINITIONS.

"For purposes of this part:

"(1) AGENCY.—The term 'agency' has the same meaning as defined in section 551(1) of title 5, United States Code, but does not include independent regulatory agencies.

"(2) AMOUNT.—The term 'amount', with respect to an authorization of appropriations for Federal financial assistance, means the amount of budget authority for any Federal grant assistance program or any Federal program providing loan guarantees or direct loans.

"(3) DIRECT COSTS.—The term 'direct costs'—

"(A)(i) in the case of a Federal intergovernmental mandate, means the aggregate estimated amounts that all State, local, and tribal governments would be required to spend or would be prohibited from raising in revenues in order to comply with the Federal intergovernmental mandate; or

"(ii) in the case of a provision referred to in paragraph (5)(A)(ii), means the amount of Federal financial assistance eliminated or reduced;

"(B) in the case of a Federal private sector mandate, means the aggregate estimated amounts that the private sector will be required to spend in order to comply with the Federal private sector mandate;

"(C) shall be determined on the assumption that—

"(i) State, local, and tribal governments, and the private sector will take all reasonable steps necessary to mitigate the costs resulting from the Federal mandate, and will comply with applicable standards of practice and conduct established by recognized professional or trade associations; and

"(ii) reasonable steps to mitigate the costs shall not include increases in State, local, or tribal taxes or fees; and

"(D) shall not include—

"(i) estimated amounts that the State, local, and tribal governments (in the case of a Federal intergovernmental mandate) or the private sector (in the case of a Federal private sector mandate) would spend—

"(I) to comply with or carry out all applicable Federal, State, local, and tribal laws and regulations in effect at the time of the adoption of the Federal mandate for the same activity as is affected by that Federal mandate; or

"(II) to comply with or carry out State, local, and tribal governmental programs, or private-sector business or other activities in effect at the time of the adoption of the Federal mandate for the same activity as is affected by that mandate; or

"(ii) expenditures to the extent that such expenditures will be offset by any direct savings to the State, local, and tribal governments, or by the private sector, as a result of—

"(I) compliance with the Federal mandate; or

"(II) other changes in Federal law or regulation that are enacted or adopted in the same bill or joint resolution or proposed or final Federal regulation and that govern the same activity as is affected by the Federal mandate.

"(4) DIRECT SAVINGS.—The term 'direct savings', when used with respect to the result of compliance with the Federal mandate—

"(A) in the case of a Federal intergovernmental mandate, means the aggregate estimated reduction in costs to any State, local, or tribal government as a result of compliance with the Federal intergovernmental mandate; and

"(B) in the case of a Federal private sector mandate, means the aggregate estimated reduction in costs to the private sector as a result of compliance with the Federal private sector mandate.

"(5) FEDERAL INTERGOVERNMENTAL MANDATE.—The term 'Federal intergovernmental mandate' means—

"(A) any provision in legislation, statute, or regulation that—

"(i) would impose an enforceable duty upon State, local, or tribal governments, except—

"(I) a condition of Federal assistance; or

"(II) a duty arising from participation in a voluntary Federal program, except as provided in subparagraph (B)); or

"(ii) would reduce or eliminate the amount of authorization of appropriations for—

"(I) Federal financial assistance that would be provided to State, local, or tribal governments for the purpose of complying with any such previously imposed duty unless such duty is reduced or eliminated by a corresponding amount; or

"(II) the control of borders by the Federal Government; or reimbursement to State, local, or tribal governments for the net cost associated with illegal, deportable, and excludable aliens, including court-mandated expenses related to emergency health care, education or criminal justice; when such a reduction or elimination would result in increased net costs to State, local, or tribal governments in providing education or emergency health care to, or incarceration of, illegal aliens; except that this subclause shall not be in effect with respect to a State, local, or tribal government, to the extent that such government has not fully cooperated in the efforts of the Federal Government to locate, apprehend, and deport illegal aliens;

"(B) any provision in legislation, statute, or regulation that relates to a then-existing Federal program under which $500,000,000 or more is

provided annually to State, local, and tribal governments under entitlement authority, if the provision—

"(i)(I) would increase the stringency of conditions of assistance to State, local, or tribal governments under the program; or

"(II) would place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding to State, local, or tribal governments under the program; and

"(ii) the State, local, or tribal governments that participate in the Federal program lack authority under that program to amend their financial or programmatic responsibilities to continue providing required services that are affected by the legislation, statute, or regulation.

"(6) FEDERAL MANDATE.—The term 'Federal mandate' means a Federal intergovernmental mandate or a Federal private sector mandate, as defined in paragraphs (5) and (7).

"(7) FEDERAL PRIVATE SECTOR MANDATE.—The term 'Federal private sector mandate' means any provision in legislation, statute, or regulation that—

"(A) would impose an enforceable duty upon the private sector except—

"(i) a condition of Federal assistance; or

"(ii) a duty arising from participation in a voluntary Federal program; or

"(B) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that will be provided to the private sector for the purposes of ensuring compliance with such duty.

"(8) LOCAL GOVERNMENT.—The term 'local government' has the same meaning as defined in section 6501(6) of title 31, United States Code.

"(9) PRIVATE SECTOR.—The term 'private sector' means all persons or entities in the United States, including individuals, partnerships, associations, corporations, and educational and nonprofit institutions, but shall not include State, local, or tribal governments.

"(10) REGULATION; RULE.—The term 'regulation' or 'rule' (except with respect to a rule of either House of the Congress) has the meaning of 'rule' as defined in section 601(2) of title 5, United States Code.

"(11) SMALL GOVERNMENT.—The term 'small government' means any small governmental jurisdictions defined in section 601(5) of title 5, United States Code, and any tribal government.

"(12) STATE.—The term 'State' has the same meaning as defined in section 6501(9) of title 31, United States Code.

"(13) TRIBAL GOVERNMENT.—The term 'tribal government' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688; 43 U.S.C. 1601 et seq.) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their special status as Indians.

"SEC. 422. EXCLUSIONS.

"This part shall not apply to any provision in a bill, joint resolution, amendment, motion, or conference report before Congress that—

"(1) enforces constitutional rights of individuals;

"(2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, handicap, or disability;

"(3) requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the Federal Government;

"(4) provides for emergency assistance or relief at the request of any State, local, or tribal government or any official of a State, local, or tribal government;

"(5) is necessary for the national security or the ratification or implementation of international treaty obligations;

"(6) the President designates as emergency legislation and that the Congress so designates in statute; or

"(7) relates to the old-age, survivors, and disability insurance program under title II of the Social Security Act (including taxes imposed by sections 3101(a) and 3111(a) of the Internal Revenue Code of 1986 (relating to old-age, survivors, and disability insurance)).

"SEC. 423. DUTIES OF CONGRESSIONAL COMMITTEES.

"(a) IN GENERAL.—When a committee of authorization of the Senate or the House of Representatives reports a bill or joint resolution of public character that includes any Federal mandate, the report of the committee accompanying the bill or joint resolution shall contain the information required by subsections (c) and (d).

"(b) SUBMISSION OF BILLS TO THE DIRECTOR.—When a committee of authorization of the Senate or the House of Representatives orders reported a bill or joint resolution of a public character, the committee shall promptly provide the bill or joint resolution to the Director of the Congressional Budget Office and shall identify to the Director any Federal mandates contained in the bill or resolution.

"(c) REPORTS ON FEDERAL MANDATES.—Each report described under subsection (a) shall contain—

"(1) an identification and description of any Federal mandates in the bill or joint resolution, including the direct costs to State, local, and tribal governments, and to the private sector, required to comply with the Federal mandates;

"(2) a qualitative, and if practicable, a quantitative assessment of costs and benefits anticipated from the Federal mandates (including the effects on health and safety and the protection of the natural environment); and

"(3) a statement of the degree to which a Federal mandate affects both the public and private sectors and the extent to which Federal payment of public sector costs or the modification or termination of the Federal mandate as provided under section 425(a)(2) would affect the competitive balance between State, local, or tribal governments and the private sector including a description of the actions, if any, taken by the committee to avoid any adverse impact on the private sector or the competitive balance between the public sector and the private sector.

"(d) INTERGOVERNMENTAL MANDATES.—If any of the Federal mandates in the bill or joint resolution are Federal intergovernmental mandates, the report required under subsection (a) shall also contain—

"(1)(A) a statement of the amount, if any, of increase or decrease in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable for activities of State, local, or tribal governments subject to the Federal intergovernmental mandates;

"(B) a statement of whether the committee intends that the Federal intergovernmental mandates be partly or entirely unfunded, and if so, the reasons for that intention; and

"(C) if funded in whole or in part, a statement of whether and how the committee has created a mechanism to allocate the funding in a manner that is reasonably consistent with the expected direct costs among and between the respective levels of State, local, and tribal government; and

"(2) any existing sources of Federal assistance in addition to those identified in paragraph (1) that may assist State, local, and tribal governments in meeting the direct costs of the Federal intergovernmental mandates.

"(e) PREEMPTION CLARIFICATION AND INFORMATION.—When a committee of authorization of the Senate or the House of Representatives reports a bill or joint resolution of public character, the committee report accompanying the bill or joint resolution shall contain, if relevant to the bill or joint resolution, an explicit statement on the extent to which the bill or joint resolution is intended to preempt any State, local, or tribal law, and, if so, an explanation of the effect of such preemption.

"(f) PUBLICATION OF STATEMENT FROM THE DIRECTOR.—

"(1) IN GENERAL.—Upon receiving a statement from the Director under section 424, a committee of the Senate or the House of Representatives shall publish the statement in the committee report accompanying the bill or joint resolution to which the statement relates if the statement is available at the time the report is printed.

"(2) OTHER PUBLICATION OF STATEMENT OF DIRECTOR.—If the statement is not published in the report, or if the bill or joint resolution to which the statement relates is expected to be considered by the Senate or the House of Representatives before the report is published, the committee shall cause the statement, or a summary thereof, to be published in the Congressional Record in advance of floor consideration of the bill or joint resolution.

"SEC. 424. DUTIES OF THE DIRECTOR; STATEMENTS ON BILLS AND JOINT RESOLUTIONS OTHER THAN APPROPRIATIONS BILLS AND JOINT RESOLUTIONS.

"(a) FEDERAL INTERGOVERNMENTAL MANDATES IN REPORTED BILLS AND RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committee of authorization of the Senate or the House of Representatives, the Director of the Congressional Budget Office shall prepare and submit to the committee a statement as follows:

"(1) CONTENTS.—If the Director estimates that the direct cost of all Federal intergovernmental mandates in the bill or joint resolution will equal or exceed $50,000,000 (adjusted annually for inflation) in the fiscal year in which any Federal intergovernmental mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

"(2) ESTIMATES.—Estimates required under paragraph (1) shall include estimates (and brief explanations of the basis of the estimates) of—

"(A) the total amount of direct cost of complying with the Federal intergovernmental mandates in the bill or joint resolution;

"(B) if the bill or resolution contains an authorization of appropriations under section 425(a)(2)(B), the amount of new budget authority for each fiscal year for a period not to exceed 10 years beyond the effective date necessary for the direct cost of the intergovernmental mandate; and

"(C) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable by State, local, or tribal governments for activities subject to the Federal intergovernmental mandates.

"(3) ESTIMATE NOT FEASIBLE.—If the Director determines that it is not feasible to make a reasonable estimate that would be required under paragraphs (1) and (2), the Director shall not make the estimate, but shall report in the statement that the reasonable estimate cannot be made and shall include the reasons for that determination in the statement. If such determination is made by the Director, a point of order

under this part shall lie only under section 425(a)(1) and as if the requirement of section 425(a)(1) had not been met.

"(b) FEDERAL PRIVATE SECTOR MANDATES IN REPORTED BILLS AND JOINT RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committee of authorization of the Senate or the House of Representatives, the Director of the Congressional Budget Office shall prepare and submit to the committee a statement as follows:

"(1) CONTENTS.—If the Director estimates that the direct cost of all Federal private sector mandates in the bill or joint resolution will equal or exceed $100,000,000 (adjusted annually for inflation) in the fiscal year in which any Federal private sector mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

"(2) ESTIMATES.—Estimates required under paragraph (1) shall include estimates (and a brief explanation of the basis of the estimates) of—

"(A) the total amount of direct costs of complying with the Federal private sector mandates in the bill or joint resolution; and

"(B) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution usable by the private sector for the activities subject to the Federal private sector mandates.

"(3) ESTIMATE NOT FEASIBLE.—If the Director determines that it is not feasible to make a reasonable estimate that would be required under paragraphs (1) and (2), the Director shall not make the estimate, but shall report in the statement that the reasonable estimate cannot be made and shall include the reasons for that determination in the statement.

"(c) LEGISLATION FALLING BELOW THE DIRECT COSTS THRESHOLDS.—If the Director estimates that the direct costs of a Federal mandate will not equal or exceed the thresholds specified in subsections (a) and (b), the Director shall so state and shall briefly explain the basis of the estimate.

"(d) AMENDED BILLS AND JOINT RESOLUTIONS; CONFERENCE REPORTS.—If a bill or joint resolution is passed in an amended form (including if passed by one House as an amendment in the nature of a substitute for the text of a bill or joint resolution from the other House) or is reported by a committee of conference in amended form, and the amended form contains a Federal mandate not previously considered by either House or which contains an increase in the direct cost of a previously considered Federal mandate, then the committee of conference shall ensure, to the greatest extent practicable, that the Director shall prepare a statement as provided in this subsection or a supplemental statement for the bill or joint resolution in that amended form.

"SEC. 425. LEGISLATION SUBJECT TO POINT OF ORDER.

"(a) IN GENERAL.—It shall not be in order in the Senate or the House of Representatives to consider—

"(1) any bill or joint resolution that is reported by a committee unless the committee has published a statement of the Director on the direct costs of Federal mandates in accordance with section 423(f) before such consideration, except this paragraph shall not apply to any supplemental statement prepared by the Director under section 424(d); and

"(2) any bill, joint resolution, amendment, motion, or conference report that would increase the direct costs of Federal intergovernmental mandates by an amount that causes the thresholds specified in section 424(a)(1) to be exceeded, unless—

"(A) the bill, joint resolution, amendment, motion, or conference report provides new budget authority or new entitlement authority in the House of Representatives or direct spending authority in the Senate for each fiscal year for such mandates included in the bill, joint resolution, amendment, motion, or conference report in an amount equal to or exceeding the direct costs of such mandate; or

"(B) the bill, joint resolution, amendment, motion, or conference report includes an authorization for appropriations in an amount equal to or exceeding the direct costs of such mandate, and—

"(i) identifies a specific dollar amount of the direct costs of such mandate for each year up to 10 years during which such mandate shall be in effect under the bill, joint resolution, amendment, motion or conference report, and such estimate is consistent with the estimate determined under subsection (e) for each fiscal year;

"(ii) identifies any appropriation bill that is expected to provide for Federal funding of the direct cost referred to under clause (i); and

"(iii)(I) provides that for any fiscal year the responsible Federal agency shall determine whether there are insufficient appropriations for that fiscal year to provide for the direct costs under clause (i) of such mandate, and shall (no later than 30 days after the beginning of the fiscal year) notify the appropriate authorizing committees of Congress of the determination and submit either—

"(aa) a statement that the agency has determined, based on a re-estimate of the direct costs of such mandate, after consultation with State, local, and tribal governments, that the amount appropriated is sufficient to pay for the direct costs of such mandate; or

"(bb) legislative recommendations for either implementing a less costly mandate or making such mandate ineffective for the fiscal year;

"(II) provides for expedited procedures for the consideration of the statement or legislative recommendations referred to in subclause (I) by Congress no later than 30 days after the statement or recommendations are submitted to Congress; and

"(III) provides that such mandate shall—

"(aa) in the case of a statement referred to in subclause (I)(aa), cease to be effective 60 days after the statement is submitted unless Congress has approved the agency's determination by joint resolution during the 60-day period;

"(bb) cease to be effective 60 days after the date the legislative recommendations of the responsible Federal agency are submitted to Congress under subclause (I)(bb) unless Congress provides otherwise by law; or

"(cc) in the case that such mandate that has not yet taken effect, continue not to be effective unless Congress provides otherwise by law.

"(b) RULE OF CONSTRUCTION.—The provisions of subsection (a)(2)(B)(iii) shall not be construed to prohibit or otherwise restrict a State, local, or tribal government from voluntarily electing to remain subject to the original Federal intergovernmental mandate, complying with the programmatic or financial responsibilities of the original Federal intergovernmental mandate and providing the funding necessary consistent with the costs of Federal agency assistance, monitoring, and enforcement.

"(c) COMMITTEE ON APPROPRIATIONS.—

"(1) APPLICATION.—The provisions of subsection (a)—

"(A) shall not apply to any bill or resolution reported by the Committee on Appropriations of the Senate or the House of Representatives; except

"(B) shall apply to—

"(i) any legislative provision increasing direct costs of a Federal intergovernmental mandate contained in any bill or resolution reported by the Committee on Appropriations of the Senate or House of Representatives;

"(ii) any legislative provision increasing direct costs of a Federal intergovernmental mandate contained in any amendment offered to a bill or resolution reported by the Committee on Appropriations of the Senate or House of Representatives;

"(iii) any legislative provision increasing direct costs of a Federal intergovernmental mandate in a conference report accompanying a bill or resolution reported by the Committee on Appropriations of the Senate or House of Representatives; and

"(iv) any legislative provision increasing direct costs of a Federal intergovernmental mandate contained in any amendments in disagreement between the two Houses to any bill or resolution reported by the Committee on Appropriations of the Senate or House of Representatives.

"(2) CERTAIN PROVISIONS STRICKEN IN SENATE.—Upon a point of order being made by any Senator against any provision listed in paragraph (1)(B), and the point of order being sustained by the Chair, such specific provision shall be deemed stricken from the bill, resolution, amendment, amendment in disagreement, or conference report and may not be offered as an amendment from the floor.

"(d) DETERMINATIONS OF APPLICABILITY TO PENDING LEGISLATION.—For purposes of this section, in the Senate, the presiding officer of the Senate shall consult with the Committee on Governmental Affairs, to the extent practicable, on questions concerning the applicability of this part to a pending bill, joint resolution, amendment, motion, or conference report.

"(e) DETERMINATIONS OF FEDERAL MANDATE LEVELS.—For purposes of this section, in the Senate, the levels of Federal mandates for a fiscal year shall be determined based on the estimates made by the Committee on the Budget.

"SEC. 426. PROVISIONS RELATING TO THE HOUSE OF REPRESENTATIVES.

"(a) ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.—It shall not be in order in the House of Representatives to consider a rule or order that waives the application of section 425.

"(b) DISPOSITION OF POINTS OF ORDER.—

"(1) APPLICATION TO THE HOUSE OF REPRESENTATIVES.—This subsection shall apply only to the House of Representatives.

"(2) THRESHOLD BURDEN.—In order to be cognizable by the Chair, a point of order under section 425 or subsection (a) of this section must specify the precise language on which it is premised.

"(3) QUESTION OF CONSIDERATION.—As disposition of points of order under section 425 or subsection (a) of this section, the Chair shall put the question of consideration with respect to the proposition that is the subject of the points of order.

"(4) DEBATE AND INTERVENING MOTIONS.—A question of consideration under this section shall be debatable for 10 minutes by each Member initiating a point of order and for 10 minutes by an opponent on each point of order, but shall otherwise be decided without intervening motion except one that the House adjourn or that the Committee of the Whole rise, as the case may be.

"(5) EFFECT ON AMENDMENT IN ORDER AS ORIGINAL TEXT.—The disposition of the question of consideration under this subsection with respect to a bill or joint resolution shall be considered also to determine the question of consideration under this subsection with respect to an amendment made in order as original text.

"SEC. 427. REQUESTS TO THE CONGRESSIONAL BUDGET OFFICE FROM SENATORS.

"At the written request of a Senator, the Director shall, to the extent practicable, prepare

an estimate of the direct costs of a Federal intergovernmental mandate contained in an amendment of such Senator.

"SEC. 428. CLARIFICATION OF APPLICATION.

"(a) IN GENERAL.—This part applies to any bill, joint resolution, amendment, motion, or conference report that reauthorizes appropriations, or that amends existing authorizations of appropriations, to carry out any statute, or that otherwise amends any statute, only if enactment of the bill, joint resolution, amendment, motion, or conference report—

"(1) would result in a net reduction in or elimination of authorization of appropriations for Federal financial assistance that would be provided to State, local, or tribal governments for use for the purpose of complying with any Federal intergovernmental mandate, or to the private sector for use to comply with any Federal private sector mandate, and would not eliminate or reduce duties established by the Federal mandate by a corresponding amount; or

"(2) would result in a net increase in the aggregate amount of direct costs of Federal intergovernmental mandates or Federal private sector mandates other than as described in paragraph (1).

"(b) DIRECT COSTS.—

"(1) IN GENERAL.—For purposes of this part, the direct cost of the Federal mandates in a bill, joint resolution, amendment, motion, or conference report that reauthorizes appropriations, or that amends existing authorizations of appropriations, to carry out a statute, or that otherwise amends any statute, means the net increase, resulting from enactment of the bill, joint resolution, amendment, motion, or conference report, in the amount described under paragraph (2)(A) over the amount described under paragraph (2)(B).

"(2) AMOUNTS.—The amounts referred to under paragraph (1) are—

"(A) the aggregate amount of direct costs of Federal mandates that would result under the statute if the bill, joint resolution, amendment, motion, or conference report is enacted; and

"(B) the aggregate amount of direct costs of Federal mandates that would result under the statute if the bill, joint resolution, amendment, motion, or conference report were not enacted.

"(3) EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.—For purposes of this section, in the case of legislation to extend authorization of appropriations, the authorization level that would be provided by the extension shall be compared to the authorization level for the last year in which authorization of appropriations is already provided.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended—

(1) by inserting "PART A—GENERAL PROVISIONS" before the item relating to section 401; and

(2) by inserting after the item relating to section 407 the following:

"PART B—FEDERAL MANDATES

"Sec. 421. Definitions.
"Sec. 422. Exclusions.
"Sec. 423. Duties of congressional committees.
"Sec. 424. Duties of the Director; statements on bills and joint resolutions other than appropriations bills and joint resolutions.
"Sec. 425. Legislation subject to point of order.
"Sec. 426. Provisions relating to the House of Representatives.
"Sec. 427. Requests to the Congressional Budget Office from Senators.
"Sec. 428. Clarification of application.".

SEC. 102. ASSISTANCE TO COMMITTEES AND STUDIES.

The Congressional Budget and Impoundment Control Act of 1974 is amended—

(1) in section 202—

(A) in subsection (c)—

(i) by redesignating paragraph (2) as paragraph (3); and

(ii) by inserting after paragraph (1) the following new paragraph:

"(2) At the request of any committee of the Senate or the House of Representatives, the Office shall, to the extent practicable, consult with and assist such committee in analyzing the budgetary or financial impact of any proposed legislation that may have—

"(A) a significant budgetary impact on State, local, or tribal governments;

"(B) a significant financial impact on the private sector; or

"(C) a significant employment impact on the private sector."; and

(B) by amending subsection (h) to read as follows:

"(h) STUDIES.—

"(1) CONTINUING STUDIES.—The Director of the Congressional Budget Office shall conduct continuing studies to enhance comparisons of budget outlays, credit authority, and tax expenditures.

"(2) FEDERAL MANDATE STUDIES.—

"(A) At the request of any Chairman or ranking member of the minority of a Committee of the Senate or the House of Representatives, the Director shall, to the extent practicable, conduct a study of a legislative proposal containing a Federal mandate.

"(B) In conducting a study on intergovernmental mandates under subparagraph (A), the Director shall—

"(i) solicit and consider information or comments from elected officials (including their designated representatives) of State, local, or tribal governments as may provide helpful information or comments;

"(ii) consider establishing advisory panels of elected officials or their designated representatives, of State, local, or tribal governments if the Director determines that such advisory panels would be helpful in performing responsibilities of the Director under this section; and

"(iii) if, and to the extent that the Director determines that accurate estimates are reasonably feasible, include estimates of—

"(I) the future direct cost of the Federal mandate to the extent that such costs significantly differ from or extend beyond the 5-year period after the mandate is first effective; and

"(II) any disproportionate budgetary effects of Federal mandates upon particular industries or sectors of the economy, States, regions, and urban or rural or other types of communities, as appropriate.

"(C) In conducting a study on private sector mandates under subparagraph (A), the Director shall provide estimates, if and to the extent that the Director determines that such estimates are reasonably feasible, of—

"(i) future costs of Federal private sector mandates to the extent that such mandates differ significantly from or extend beyond the 5-year time period referred to in subparagraph (B)(iii)(I);

"(ii) any disproportionate financial effects of Federal private sector mandates and of any Federal financial assistance in the bill or joint resolution upon any particular industries or sectors of the economy, States, regions, and urban or rural or other types of communities; and

"(iii) the effect of Federal private sector mandates in the bill or joint resolution on the national economy, including the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of United States goods and services."; and

(2) in section 301(d) by adding at the end thereof the following new sentence: "Any Committee of the House of Representatives or the Senate that anticipates that the committee will consider any proposed legislation establishing, amending, or reauthorizing any Federal program likely to have a significant budgetary impact on any State, local, or tribal government, or likely to have a significant financial impact on the private sector, including any legislative proposal submitted by the executive branch likely to have such a budgetary or financial impact, shall include its views and estimates on that proposal to the Committee on the Budget of the applicable House.".

SEC. 103. COST OF REGULATIONS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that Federal agencies should review and evaluate planned regulations to ensure that the cost estimates provided by the Congressional Budget Office will be carefully considered as regulations are promulgated.

(b) STATEMENT OF COST.—At the request of a committee chairman or ranking minority member, the Director shall, to the extent practicable, prepare a comparison between—

(1) an estimate by the relevant agency, prepared under section 202 of this Act, of the costs of regulations implementing an Act containing a Federal mandate; and

(2) the cost estimate prepared by the Congressional Budget Office for such Act when it was enacted by the Congress.

(c) COOPERATION OF OFFICE OF MANAGEMENT AND BUDGET.—At the request of the Director of the Congressional Budget Office, the Director of the Office of Management and Budget shall provide data and cost estimates for regulations implementing an Act containing a Federal mandate covered by part B of title IV of the Congressional Budget and Impoundment Control Act of 1974 (as added by section 101 of this Act).

SEC. 104. REPEAL OF CERTAIN ANALYSIS BY CONGRESSIONAL BUDGET OFFICE.

Section 403 of the Congressional Budget and Impoundment Control Act of 1974 is amended—

(1) in subsection (a)—

(A) by striking out paragraph (2);

(B) in paragraph (3) by striking out "paragraphs (1) and (2)" and inserting in lieu thereof "paragraph (1)"; and

(C) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(2) by striking out "(a)"; and

(3) by striking out subsections (b) and (c).

SEC. 105. CONSIDERATION FOR FEDERAL FUNDING.

Nothing in this Act shall preclude a State, local, or tribal government that already complies with all or part of the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report from consideration for Federal funding under section 425(a)(2) of the Congressional Budget and Impoundment Control Act of 1974 (as added by section 101 of this Act) for the cost of the mandate, including the costs the State, local, or tribal government is currently paying and any additional costs necessary to meet the mandate.

SEC. 106. IMPACT ON LOCAL GOVERNMENTS.

(a) FINDINGS.—The Senate finds that—

(1) the Congress should be concerned about shifting costs from Federal to State and local authorities and should be equally concerned about the growing tendency of States to shift costs to local governments;

(2) cost shifting from States to local governments has, in many instances, forced local governments to raise property taxes or curtail sometimes essential services; and

(3) increases in local property taxes and cuts in essential services threaten the ability of many citizens to attain and maintain the American dream of owning a home in a safe, secure community.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Federal Government should not shift certain costs to the State, and States should end the practice of shifting costs to local governments, which forces many local governments to increase property taxes;

(2) States should end the imposition, in the absence of full consideration by their legislatures, of State issued mandates on local governments without adequate State funding, in a manner that may displace other essential government priorities; and

(3) one primary objective of this Act and other efforts to change the relationship among Federal, State, and local governments should be to reduce taxes and spending at all levels and to end the practice of shifting costs from one level of government to another with little or no benefit to taxpayers.

SEC. 107. ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.

(a) MOTIONS TO STRIKE IN THE COMMITTEE OF THE WHOLE.—Clause 5 of rule XXIII of the Rules of the House of Representatives is amended by adding at the end the following:

"(c) In the consideration of any measure for amendment in the Committee of the Whole containing any Federal mandate the direct costs of which exceed the threshold in section 424(a)(1) of the Unfunded Mandate Reform Act of 1995, it shall always be in order, unless specifically waived by terms of a rule governing consideration of that measure, to move to strike such Federal mandate from the portion of the bill then open to amendment.".

(b) COMMITTEE ON RULES REPORTS ON WAIVED POINTS OF ORDER.—The Committee on Rules shall include in the report required by clause 1(d) of rule XI (relating to its activities during the Congress) of the Rules of the House of Representatives a separate item identifying all waivers of points of order relating to Federal mandates, listed by bill or joint resolution number and the subject matter of that measure.

SEC. 108. EXERCISE OF RULEMAKING POWERS.

The provisions of sections 101 and 107 are enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of such House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

SEC. 109. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Congressional Budget Office $4,500,000 for each of the fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002 to carry out the provisions of this title.

SEC. 110. EFFECTIVE DATE.

This title shall take effect on January 1, 1996 or on the date 90 days after appropriations are made available as authorized under section 109, whichever is earlier and shall apply to legislation considered on and after such date.

TITLE II—REGULATORY ACCOUNTABILITY AND REFORM

SEC. 201. REGULATORY PROCESS.

Each agency shall, unless otherwise prohibited by law, assess the effects of Federal regulatory actions on State, local, and tribal governments, and the private sector (other than to the extent that such regulations incorporate requirements specifically set forth in law).

SEC. 202. STATEMENTS TO ACCOMPANY SIGNIFICANT REGULATORY ACTIONS.

(a) IN GENERAL.—Unless otherwise prohibited by law, before promulgating any general notice of proposed rulemaking that is likely to result in promulgation of any rule that includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any 1 year, and before promulgating any final rule for which a general notice of proposed rulemaking was published, the agency shall prepare a written statement containing—

(1) an identification of the provision of Federal law under which the rule is being promulgated;

(2) a qualitative and quantitative assessment of the anticipated costs and benefits of the Federal mandate, including the costs and benefits to State, local, and tribal governments or the private sector, as well as the effect of the Federal mandate on health, safety, and the natural environment and such an assessment shall include—

(A) an analysis of the extent to which such costs to State, local, and tribal governments may be paid with Federal financial assistance (or otherwise paid for by the Federal Government); and

(B) the extent to which there are available Federal resources to carry out the intergovernmental mandate;

(3) estimates by the agency, if and to the extent that the agency determines that accurate estimates are reasonably feasible, of—

(A) the future compliance costs of the Federal mandate; and

(B) any disproportionate budgetary effects of the Federal mandate upon any particular regions of the nation or particular State, local, or tribal governments, urban or rural or other types of communities, or particular segments of the private sector;

(4) estimates by the agency of the effect on the national economy, such as the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of United States goods and services, if and to the extent that the agency in its sole discretion determines that accurate estimates are reasonably feasible and that such effect is relevant and material; and

(5)(A) a description of the extent of the agency's prior consultation with elected representatives (under section 204) of the affected State, local, and tribal governments;

(B) a summary of the comments and concerns that were presented by State, local, or tribal governments either orally or in writing to the agency; and

(C) a summary of the agency's evaluation of those comments and concerns.

(b) PROMULGATION.—In promulgating a general notice of proposed rulemaking or a final rule for which a statement under subsection (a) is required, the agency shall include in the promulgation a summary of the information contained in the statement.

(c) PREPARATION IN CONJUNCTION WITH OTHER STATEMENT.—Any agency may prepare any statement required under subsection (a) in conjunction with or as a part of any other statement or analysis, provided that the statement or analysis satisfies the provisions of subsection (a).

SEC. 203. SMALL GOVERNMENT AGENCY PLAN.

(a) EFFECTS ON SMALL GOVERNMENTS.—Before establishing any regulatory requirements that might significantly or uniquely affect small governments, agencies shall have developed a plan under which the agency shall—

(1) provide notice of the requirements to potentially affected small governments, if any;

(2) enable officials of affected small governments to provide meaningful and timely input in the development of regulatory proposals containing significant Federal intergovernmental mandates; and

(3) inform, educate, and advise small governments on compliance with the requirements.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to each agency to carry out the provisions of this section and for no other purpose, such sums as are necessary.

SEC. 204. STATE, LOCAL, AND TRIBAL GOVERNMENT INPUT.

(a) IN GENERAL.—Each agency shall, to the extent permitted in law, develop an effective process to permit elected officers of State, local, and tribal governments (or their designated employees with authority to act on their behalf) to provide meaningful and timely input in the development of regulatory proposals containing significant Federal intergovernmental mandates.

(b) MEETINGS BETWEEN STATE, LOCAL, TRIBAL AND FEDERAL OFFICERS.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to actions in support of intergovernmental communications where—

(1) meetings are held exclusively between Federal officials and elected officers of State, local, and tribal governments (or their designated employees with authority to act on their behalf) acting in their official capacities; and

(2) such meetings are solely for the purposes of exchanging views, information, or advice relating to the management or implementation of Federal programs established pursuant to public law that explicitly or inherently share intergovernmental responsibilities or administration.

(c) IMPLEMENTING GUIDELINES.—No later than 6 months after the date of enactment of this Act, the President shall issue guidelines and instructions to Federal agencies for appropriate implementation of subsections (a) and (b) consistent with applicable laws and regulations.

SEC. 205. LEAST BURDENSOME OPTION OR EXPLANATION REQUIRED.

(a) IN GENERAL.—Except as provided in subsection (b), before promulgating any rule for which a written statement is required under section 202, the agency shall identify and consider a reasonable number of regulatory alternatives and from those alternatives select the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule, for—

(1) State, local, and tribal governments, in the case of a rule containing a Federal intergovernmental mandate; and

(2) the private sector, in the case of a rule containing a Federal private sector mandate.

(b) EXCEPTION.—The provisions of subsection (a) shall apply unless—

(1) the head of the affected agency publishes with the final rule an explanation of why the least costly, most cost-effective or least burdensome method of achieving the objectives of the rule was not adopted; or

(2) the provisions are inconsistent with law.

(c) OMB CERTIFICATION.—No later than 1 year after the date of the enactment of this Act, the Director of the Office of Management and Budget shall certify to Congress, with a written explanation, agency compliance with this section and include in that certification agencies and rulemakings that fail to adequately comply with this section.

SEC. 206. ASSISTANCE TO THE CONGRESSIONAL BUDGET OFFICE.

The Director of the Office of Management and Budget shall—

(1) collect from agencies the statements prepared under section 202; and

(2) periodically forward copies of such statements to the Director of the Congressional Budget Office on a reasonably timely basis after promulgation of the general notice of proposed rulemaking or of the final rule for which the statement was prepared.

SEC. 207. PILOT PROGRAM ON SMALL GOVERNMENT FLEXIBILITY.

(a) IN GENERAL.—The Director of the Office of Management and Budget, in consultation with Federal agencies, shall establish pilot programs in at least 2 agencies to test innovative, and more flexible regulatory approaches that—

(1) reduce reporting and compliance burdens on small governments; and

(2) meet overall statutory goals and objectives.

(b) PROGRAM FOCUS.—The pilot programs shall focus on rules in effect or proposed rules, or a combination thereof.

SEC. 208. ANNUAL STATEMENTS TO CONGRESS ON AGENCY COMPLIANCE.

No later than 1 year after the effective date of this title and annually thereafter, the Director of the Office of Management and Budget shall submit to the Congress, including the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives, a written report detailing compliance by each agency during the preceding reporting period with the requirements of this title.

SEC. 209. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on the date of the enactment of this Act.

TITLE III—REVIEW OF FEDERAL MANDATES

SEC. 301. BASELINE STUDY OF COSTS AND BENEFITS.

(a) IN GENERAL.—No later than 18 months after the date of enactment of this Act, the Advisory Commission on Intergovernmental Relations (hereafter in this title referred to as the "Advisory Commission"), in consultation with the Director, shall complete a study to examine the measurement and definition issues involved in calculating the total costs and benefits to State, local, and tribal governments of compliance with Federal law.

(b) CONSIDERATIONS.—The study required by this section shall consider—

(1) the feasibility of measuring indirect costs and benefits as well as direct costs and benefits of the Federal, State, local, and tribal relationship; and

(2) how to measure both the direct and indirect benefits of Federal financial assistance and tax benefits to State, local, and tribal governments.

SEC. 302. REPORT ON FEDERAL MANDATES BY ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS.

(a) IN GENERAL.—The Advisory Commission on Intergovernmental Relations shall in accordance with this section—

(1) investigate and review the role of Federal mandates in intergovernmental relations and their impact on State, local, tribal, and Federal government objectives and responsibilities, and their impact on the competitive balance between State, local, and tribal governments, and the private sector and consider views of and the impact on working men and women on those same matters;

(2) investigate and review the role of unfunded State mandates imposed on local governments;

(3) make recommendations to the President and the Congress regarding—

(A) allowing flexibility for State, local, and tribal governments in complying with specific Federal mandates for which terms of compliance are unnecessarily rigid or complex;

(B) reconciling any 2 or more Federal mandates which impose contradictory or inconsistent requirements;

(C) terminating Federal mandates which are duplicative, obsolete, or lacking in practical utility;

(D) suspending, on a temporary basis, Federal mandates which are not vital to public health and safety and which compound the fiscal difficulties of State, local, and tribal governments, including recommendations for triggering such suspension;

(E) consolidating or simplifying Federal mandates, or the planning or reporting requirements of such mandates, in order to reduce duplication and facilitate compliance by State, local, and tribal governments with those mandates;

(F) establishing common Federal definitions or standards to be used by State, local, and tribal governments in complying with Federal mandates that use different definitions or standards for the same terms or principles; and

(G)(i) the mitigation of negative impacts on the private sector that may result from relieving State, local, and tribal governments from Federal mandates (if and to the extent that such negative impacts exist on the private sector); and

(ii) the feasibility of applying relief from Federal mandates in the same manner and to the same extent to private sector entities as such relief is applied to State, local, and tribal governments; and

(4) identify and consider in each recommendation made under paragraph (3), to the extent practicable—

(A) the specific Federal mandates to which the recommendation applies, including requirements of the departments, agencies, and other entities of the Federal Government that State, local, and tribal governments utilize metric systems of measurement; and

(B) any negative impact on the private sector that may result from implementation of the recommendation.

(b) CRITERIA.—

(1) IN GENERAL.—The Commission shall establish criteria for making recommendations under subsection (a).

(2) ISSUANCE OF PROPOSED CRITERIA.—The Commission shall issue proposed criteria under this subsection no later than 60 days after the date of the enactment of this Act, and thereafter provide a period of 30 days for submission by the public of comments on the proposed criteria.

(3) FINAL CRITERIA.—No later than 45 days after the date of issuance of proposed criteria, the Commission shall—

(A) consider comments on the proposed criteria received under paragraph (2);

(B) adopt and incorporate in final criteria any recommendations submitted in those comments that the Commission determines will aid the Commission in carrying out its duties under this section; and

(C) issue final criteria under this subsection.

(c) PRELIMINARY REPORT.—

(1) IN GENERAL.—No later than 9 months after the date of the enactment of this Act, the Commission shall—

(A) prepare and publish a preliminary report on its activities under this title, including preliminary recommendations pursuant to subsection (a);

(B) publish in the Federal Register a notice of availability of the preliminary report; and

(C) provide copies of the preliminary report to the public upon request.

(2) PUBLIC HEARINGS.—The Commission shall hold public hearings on the preliminary recommendations contained in the preliminary report of the Commission under this subsection.

(d) FINAL REPORT.—No later than 3 months after the date of the publication of the preliminary report under subsection (c), the Commission shall submit to the Congress, including the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committee on the Budget of the Senate, and the Committee on the Budget of the House of Representatives, and to the President a final report on the findings, conclusions, and recommendations of the Commission under this section.

(e) PRIORITY TO MANDATES THAT ARE SUBJECT OF JUDICIAL PROCEEDINGS.—In carrying out this section, the Advisory Commission shall give the highest priority to immediately investigating, reviewing, and making recommendations regarding Federal mandates that are the subject of judicial proceedings between the United States and a State, local, or tribal government.

(f) DEFINITION.—For purposes of this section the term "State mandate" means any provision in a State statute or regulation that imposes an enforceable duty on local governments, the private sector, or individuals, including a condition of State assistance or a duty arising from participation in a voluntary State program.

SEC. 303. SPECIAL AUTHORITIES OF ADVISORY COMMISSION.

(a) EXPERTS AND CONSULTANTS.—For purposes of carrying out this title, the Advisory Commission may procure temporary and intermittent services of experts or consultants under section 3109(b) of title 5, United States Code.

(b) DETAIL OF STAFF OF FEDERAL AGENCIES.—Upon request of the Executive Director of the Advisory Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Advisory Commission to assist it in carrying out this title.

(c) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Advisory Commission, the Administrator of General Services shall provide to the Advisory Commission, on a reimbursable basis, the administrative support services necessary for the Advisory Commission to carry out its duties under this title.

(d) CONTRACT AUTHORITY.—The Advisory Commission may, subject to appropriations, contract with and compensate government and private persons (including agencies) for property and services used to carry out its duties under this title.

SEC. 304. ANNUAL REPORT TO CONGRESS REGARDING FEDERAL COURT RULINGS.

No later than 4 months after the date of enactment of this Act, and no later than March 15 of each year thereafter, the Advisory Commission on Intergovernmental Relations shall submit to the Congress, including the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate, and to the President a report describing any Federal court case to which a State, local, or tribal government was a party in the preceding calendar year that required such State, local, or tribal government to undertake responsibilities or activities, beyond those such government would otherwise have undertaken, to comply with Federal statutes and regulations.

SEC. 305. DEFINITION.

Notwithstanding section 3 of this Act, for purposes of this title the term "Federal mandate" means any provision in statute or regulation or any Federal court ruling that imposes an enforceable duty upon State, local, or tribal governments including a condition of Federal assistance or a duty arising from participation in a voluntary Federal program.

SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Advisory Commission to carry out section 301 and section 302, $500,000 for each of fiscal years 1995 and 1996.

TITLE IV—JUDICIAL REVIEW

SEC. 401. JUDICIAL REVIEW.

(a) AGENCY STATEMENTS ON SIGNIFICANT REGULATORY ACTIONS.—

(1) IN GENERAL.—Compliance or noncompliance by any agency with the provisions of sections 202 and 203(a) (1) and (2) shall be subject

to judicial review only in accordance with this section.

(2) LIMITED REVIEW OF AGENCY COMPLIANCE OR NONCOMPLIANCE.—(A) Agency compliance or noncompliance with the provisions of sections 202 and 203(a) (1) and (2) shall be subject to judicial review only under section 706(1) of title 5, United States Code, and only as provided under subparagraph (B).

(B) If an agency fails to prepare the written statement (including the preparation of the estimates, analyses, statements, or descriptions) under section 202 or the written plan under section 203(a) (1) and (2), a court may compel the agency to prepare such written statement.

(3) REVIEW OF AGENCY RULES.—In any judicial review under any other Federal law of an agency rule for which a written statement or plan is required under sections 202 and 203(a) (1) and (2), the inadequacy or failure to prepare such statement (including the inadequacy or failure to prepare any estimate, analysis, statement or description) or written plan shall not be used as a basis for staying, enjoining, invalidating or otherwise affecting such agency rule.

(4) CERTAIN INFORMATION AS PART OF RECORD.—Any information generated under sections 202 and 203(a) (1) and (2) that is part of the rulemaking record for judicial review under the provisions of any other Federal law may be considered as part of the record for judicial review conducted under such other provisions of Federal law.

(5) APPLICATION OF OTHER FEDERAL LAW.—For any petition under paragraph (2) the provisions of such other Federal law shall control all other matters, such as exhaustion of administrative remedies, the time for and manner of seeking review and venue, except that if such other Federal law does not provide a limitation on the time for filing a petition for judicial review that is less than 180 days, such limitation shall be 180 days after a final rule is promulgated by the appropriate agency.

(6) EFFECTIVE DATE.—This subsection shall take effect on October 1, 1995, and shall apply only to any agency rule for which a general notice of proposed rulemaking is promulgated on or after such date.

(b) JUDICIAL REVIEW AND RULE OF CONSTRUCTION.—Except as provided in subsection (a)—

(1) any estimate, analysis, statement, description or report prepared under this Act, and any compliance or noncompliance with the provisions of this Act, and any determination concerning the applicability of the provisions of this Act shall not be subject to judicial review; and

(2) no provision of this Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any person in any administrative or judicial action.

And the House agree to the same.

WILLIAM F. CLINGER,
ROB PORTMAN,
DAVID DREIER,
TOM DAVIS,
GARY CONDIT,
CARDISS COLLINS,
EDOLPHUS TOWNS,
JOE MOAKLEY,
Managers on the Part of the House.
DIRK KEMPTHORNE,
BILL ROTH,
PETE V. DOMENICI,
JOHN GLENN,
J.J. EXON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment to the text of the bill struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

Sec. 2. Purposes

The Senate Bill includes a list of purposes for S. 1.

The House amendment contains a similar list with one exception. Subsection (8) of the House Amendment states that one of the purposes is to begin consideration of methods to relieve State, local, and tribal governments of unfunded mandates that result from Court interpretations of statutes and regulations.

The Conference Substitute adopts the House provision with an amendment. The substitute provides under subsection (8) that one of the purposes of the bill is to begin the consideration of the effect of mandates on States, local governments, and tribal governments, including those imposed by court interpretations of Federal statutes.

Sec. 3. Definitions

The Senate Bill provides that for purposes of this Act the terms defined under Sec. 408(h) of the Congressional Budget and Impoundment Control Act of 1974 (as added by Sec. 101 of this Act) shall have the meanings as defined. The Senate Bill also defines the term "Director" as the Director of the Congressional Budget Office.

The House Amendment provides that for purposes of this Act the terms defined under Sec. 421 of the Congressional Budget Act of 1974 (as added by Sec. 301 of this Act) shall have the meanings as defined. The House Amendment also defines the term "small government".

The Conference Substitute adopts the Senate language with technical changes.

Sec. 4. Exclusions

Section 4 of the Senate Bill, titled "Exclusions", sets out those provisions that are exempt from S. 1.

Section 4 of the House Amendment, titled "Limitation on Application", establishes a similar list of exempt provisions with two differences. For the exclusion applying to legislation that prohibits discrimination, the House uses "gender" rather than "sex" and does not include "color." The House bill also includes an exclusion for any provision that pertains to Social Security.

The Conference Substitute adopts the Senate Bill's language with a narrower exclusion for Social Security. The Substitute only excludes legislation that relates to Title II of the Social Security Act.

Sec. 5. Agency assistance

The Senate Bill requires agencies to provide information and assistance to the Director of the Congressional Budget Office in carrying out this Act.

The House Amendment contains no such provision.

The Conference Substitute adopts the Senate language.

TITLE I. LEGISLATIVE ACCOUNTABILITY AND REFORM

Sec. 101. Legislative Mandate Accountability and Reform

Section 101 of the Senate Bill adds a new section 408 to the Congressional Budget and Impoundment Control Act of 1974 that establishes new Congressional procedures for the consideration of mandate legislation.

Section 301 of the House Amendment divides Title IV of the Budget Act into two parts. Part A contains all the existing provisions of Title IV of the Budget Act. Part B contains the new procedures for Congressional consideration of mandate legislation.

Section 101 of the Conference Substitute adopts the House framework for amending the Budget Act. It adds new sections 421 through 428 as Part B of the Budget Act.

Sec. 421. Definitions

Section 101(a) of the Senate Bill adds a new Section 408(h) to the Budget Act that defines terms for the purposes of this Act. This subsection defined the following terms: "Federal intergovernmental mandate", "Federal private sector mandate", "Federal mandate", "Federal mandate direct costs", "amount", "private sector", "local government", "tribal government", "small government", "State", "agency", "regulation" (or "rule"), and "direct savings".

The House Amendment defines a similar list of terms as a new section 421 of the Budget Act with the following differences. The House Amendment does not include in the definition of the term "Federal Intergovernmental Mandate" a reduction or elimination of the amount authorized to be appropriated for the control of borders by the Federal Government or for reimbursement of net costs associated with illegal, deportable, and excludable aliens, unless the State, Local, or tribal government has not fully cooperated with Federal efforts to locate, apprehend, and deport illegal aliens. In the definition of the term "Federal Mandate Direct Costs," the House Amendment includes the aggregated estimated amounts forgone in revenues in order to comply with a Federal intergovernmental mandate. The House amendment defines "private sector" to include "business trusts, or legal representatives and organized groups of individuals" and excludes from this definition "all persons or entities in the United States." The House Amendment does not exclude from the definition of "agency" the Office of the Comptroller of the Currency and the Office of Thrift Supervision. The House Amendment does not include a definition of "amount", "tribal government", or "direct savings". The House Amendment includes a definition of "Director", "Federal Financial Assistance", and "Significant Employment Impact".

The Conference Substitute includes the list of definitions in a new section 421 of the

Budget Act. The Substitute uses the Senate list of definitions with the House language on revenue forgone and defines the term "agency" as provided in the House Amendment. The Substitute defines the term "Director" in section 3.

The Conference Substitute defines direct costs to include the aggregate amount State, local, and tribal governments would be prohibited for raising in revenue including user fees. The conferees note that the Joint Committee on Taxation is responsible for providing revenue estimates to CBO for legislation that affects revenues. CBO works closely with the Joint Tax Committee to assure these revenue estimates are reflected in cost estimates. The conferees do not intend to disrupt CBO's and the Joint Committee's respective responsibilities and expect the Joint Committee on Taxation will provide Congress with estimates for legislation that prohibits State, local, or tribal governments from raising revenue.

Subsection 5(B) of the Conference Substitute includes in the definition of an intergovernmental mandate any provision in legislation, statute, or regulation that relates to a then-existing Federal program that would place caps upon, or otherwise decrease, the Federal Government's responsibility to provide entitlement funding to State, local, or tribal governments under the program. The conferees intend that this definition only apply to caps on individual programs. The conferees do not intend this definition to be applicable to a measure that contains general budgetary limits or caps on spending or categories of spending, unless that measure also contained implementing statutory language for reductions required in specific programs if the budgetary limit or cap were exceeded.

The programs to which this definition relates are Federal entitlement programs that provide $500 million or more annually to State, local and tribal governments. This would currently include only nine programs: Medicaid; AFDC, Child Nutrition; Food Stamps; Social Services Block Grants; Vocational Rehabilitation State Grants; Foster Care, Adoption Assistance and Independent Living; Family Support Payments for Job Opportunities and Basic Skills (JOBS); and, Child Support Enforcement. This subsection would also apply to entitlement programs that Congress may create in the future where Congress provides $500 million or more annually to State, local and tribal governments.

The conferees do not interpret the meaning of "enforceable duty" in subsection (5)(A)(i) and (ii) to include duties and conditions that are part of any voluntary Federal contract for the provision of goods and services.

Sec. 422. Exclusions

Section 101(a) of the Senate Bill adds a new Section 408(g) to the Budget Act that provides the same exclusions as contained in section 4 of S. 1.

Section 301(a) of the House Amendment adds a new section 422 to the Budget Act that provides the same limitations on application as a section 4 of the Amendment.

Section 101(a) of the Conference Substitute adds a new Section 422 to the Budget Act that repeats the same exclusions provided in section 4 of the Substitute.

Sec. 423. Committee reports

Section 101(a) of the Senate Bill adds a new Section 408(a) to the Budget Act that requires an authorizing committee, when it orders reported a public bill or joint resolution (hereafter "a measure") establishing or affecting any Federal mandates, to submit the measure to CBO and identify the mandates involved. The Senate Bill requires that reports by authorizing committees on measures dealing with Federal mandates include the following information on the mandates in the bill: an identification of the mandates, a cost-benefit analysis, the impact on the public and private sector competitive balance, information on Federal funding assistance to cover the cost of the mandate (including how Federal funding will be allocated among different levels of government), the extent to which the bill preempts State, local, or tribal government law, and a CBO cost estimate.

Section 301(a) of the House Amendment adds a new section 423 to the Budget Act that establishes similar requirements for committee reports except the Amendment does not require the report to indicate whether the mandate bill includes a mechanism to allocate funding in accordance with costs to different levels of government.

Section 101(a) of the Conference Substitute adds a new Section 423 to the Budget Act that adopts the Senate's requirements for reports with technical changes.

Sec. 424. CBO Cost Estimates

Section 101(a) of the Senate Bill adds a new Section 408(b)(1) to the Budget Act that requires CBO to prepare, and submit to the reporting committee, an estimate of the direct costs to the State, local, and tribal governments of Federal intergovernmental mandates in each reported measure (or in necessary implementing regulations). For intergovernmental mandates, CBO is required to prepare estimates if the costs of the mandate would equal at least $50 million in any of the five fiscal years after the mandate's effective date. For private sector mandates, CBO is required to prepare estimates if the costs of the mandate would equal at least $200 million in any of the five fiscal years after the mandate's effective date. The Senate bill extends the scope of the estimate to ten years following the mandate's effective date.

The Senate Bill provides if CBO finds it not feasible to make a reasonable estimate, CBO must report that finding with an explanation. If CBO makes such a determination for an intergovernmental mandate, then a point of order would lie against the reported bill only for failure to contain such an estimate under section 408(c)(1)(A). In such case, the bill as reported would be exempt only from the point of order under section 408(c)(1)(B). Other Budget Act points of order would still lie if applicable.

Section 408(b)(3) of the Senate Bill provides that if direct cost of respective mandates in a measure fall below the thresholds, CBO is to so state, and is to explain briefly the basis of this estimate. Paragraph (4) of this subsection requires a conference committee, under certain circumstances, to ensure that CBO prepare a supplemental estimate on a measure passed by either house in an amended form (including a measure of one house passed by the other with an amendment in the nature of a substitute) or reported from conference in an amended form. The Senate Bill requires such action if the amended form contains a mandate not previously considered by either house or increases the direct cost of a mandate in the measure.

Section 301(a) of the House Amendment adds a new section 424(a) to the Budget Act that establishes similar requirements for CBO cost estimates on mandates. The House Amendment provides the threshold is $50 million for both intergovernmental and private sector mandates. In addition, the Amendment does not limit the scope of the estimate to ten years.

Section 101(a) of the Conference Substitute adds a new Section 424 to the Budget Act that adopts the Senate language on CBO's responsibilities for preparing estimates on legislation containing intergovernmental and private sector mandates with two changes. The Substitute amends the language the Senate proposed on the scope of CBO cost estimates. If the bill would authorize appropriations and makes an intergovernmental mandate contingent on appropriations as provided in section 425(a)(2)(B) in the Conference Substitute, then CBO is required to provide an estimate of the budget authority needed to pay for the mandate for each fiscal year for a period not to exceed ten years. The Substitute provides a threshold of $100 million for private sector mandates.

Sec. 425. Points of Order Against Unfunded Mandates

Point of Order & Mandate Cost Estimates

Section 101(a) of the Senate Bill adds a new Section 408(c)(1)(A) to the Budget Act that establishes a point of order in the Senate against consideration of a reported measure containing a mandate unless the report accompanying the measure contains a CBO cost estimate of the mandate, or the CBO cost estimate has been published in the Congressional Record.

Section 301(a) of the House Amendment adds a new Section 424(a)(1) to the Budget Act that establishes a similar point of order in the Senate and the House against consideration of a reported measure, but provides it does not apply to supplemental estimates prepared by CBO.

Section 101(a) of the Conference Substitute adds a new Section 425(a) to the Budget Act that adopts the House language with minor changes.

Point of Order & Unfunded Mandate Legislation

Section 101(a) of the Senate Bill adds a new Section 408(c)(1)(B) to the Budget Act that establishes a point of order in the Senate against consideration of a bill, joint resolution, amendment, motion, or conference report (hereafter referred to as "legislation") containing intergovernmental mandates exceeding the thresholds established above, unless the legislation funds these mandates. The Senate bill applies this point of order against legislation that would cause the direct costs of intergovernmental mandates to breach the $50 million annual threshold. The waiver of this point of order and the appeal of rulings regarding this point of order are covered by existing provisions under title IX of the Budget Act. Section 904 provides that in the Senate points of order under title IV of the Budget Act, including the point of order regarding unfunded mandate legislation, can be waived or appealed by a simple majority.

This subparagraph of the Senate Bill provides that legislation is not subject to the point of order if it provides either: (1) direct spending authority equal to the mandate's costs for each fiscal year; (2) an increase in receipts and an increase in direct spending authority for each fiscal year for those mandates equal to their costs for each fiscal year; or, (3) an authorization of appropriations at least equal to the direct cost and provides a mechanism to ensure that a mandate is effective only to the extent that it is funded in appropriations Acts.

The House Amendment establishes a similar point of order against consideration of legislation in the House and Senate containing intergovernmental mandates. The House amendment differs from the Senate bill on the requirements of funding mechanisms for mandates. Under the House amendment, legislation is subject to the point of order unless it provides: (1) new budget authority or new entitlement authority in the House (or direct spending authority in the Senate) in an amount that equals or exceeds the direct costs of the mandate; (2) an increase in receipts or a decrease in new budget authority or new entitlement authority in the House (a decrease in direct spending authority in the Senate) to offset the costs of spending authority for the mandate; or, (3) an authorization of appropriations at least equal to the direct cost and provides a mechanism to ensure that a mandate never takes effect unless fully funded in appropriations Acts or mandates are scaled back consistent with appropriations levels.

The Conference Substitute adopts the House language with an amendment. The Substitute provides that legislation containing a Federal intergovernmental mandate is out of order in the House and Senate unless it provides either: (1) new budget authority or new entitlement authority in the House (or direct spending authority in the Senate) in an amount that equals or exceeds the direct costs of the mandate; or (2) an authorization of appropriations and a mechanism to assure the mandate is only effective to the extent funding is provided in Appropriations Acts. If legislation funds the mandate to avoid the point of order, it must fund the entire cost of the mandate for each fiscal year.

The Substitute drops language in the House Amendment that provides a mandate could be paid for by an increase in spending authority and offset by a decrease in spending authority or an increase in receipts. This language is unnecessary because other budget laws already would govern how Federal mandates could be financed.

Nothing in the Substitute waives existing provisions of law that establish controls on Federal spending. The Budget Act, budget resolutions adopted pursuant to the Budget Act, and the Balanced Budget and Emergency Deficit Control Act already establish requirements for Federal budgeting. Since these laws already control legislation providing Federal funding, including funding that could be provided to cover a mandate's direct costs, the conference agreement does not address requirements for offsets to pay for Federal funding for mandates.

The Substitute provides that the point of order can be avoided if the mandate is paid for by either an increase in spending authority outside the appropriations process (new budget authority or new entitlement authority in the House of Representatives and new direct spending authority in the Senate) or is contingent on funding being provided in the appropriations process.

If a Committee chooses to fund a mandate with spending authority outside the appropriations process, this legislation will be subject to the requirements of the Budget Act and the pay-as-you-go provisions of the Balanced Budget and Emergency Deficit Control Act. If a committee chooses to pay for a mandate with an increase in spending authority outside the Appropriations process, there are generally three options under these laws: provide new spending authority that will cause a deficit increase; provide new spending authority and offset it by reducing existing spending authority for other programs; or, provide new spending authority and offset it by increasing receipts. If a committee chooses to make the mandate contingent on funding being provided in Appropriations Acts, the Appropriations Committees will have to fund these mandates within the annual allocations made under section 602 of the Budget Act and the discretionary caps under section 601 of the Budget Act.

Point of Order & the Appropriations Process

Section 101(a) of the Senate Bill adds a new Section 408(c)(1)(B)(iii) to the Budget Act that allows legislation to avoid the unfunded mandate point of order if the mandate is contingent on funding being provided in the appropriations process. More specifically, the legislation would escape the point of order if it: (1) authorizes appropriations in an amount equal to the direct costs of the mandate; (2) specifies the amount of direct costs of the mandate for each year or other period up to ten years during which the mandate will be in effect; (3) identifies any appropriation bill that would be expected to provide funding for direct costs of the mandate; and (4) provides that, if appropriations are insufficient to cover the direct cost of the mandate (as previously calculated by CBO), the mandate will expire unless Congress provides otherwise by law (through expedited procedures).

Section 408(c)(1)(B)(iii)(III) of the Senate Bill requires mandate legislation to include procedures in the event insufficient appropriations are provided to cover the entire direct costs of a Federal intergovernmental mandate for a fiscal year. If appropriations provided are insufficient for the mandate, the Agency is required to notify Congress within 30 days of the beginning of the fiscal year and submit either: (1) a statement, based on a re-estimate of the direct costs of the mandate, that the lower appropriations is sufficient; or, (2) legislative recommendations for implementing a less costly mandate or making the mandate ineffective for the fiscal year. Sixty days after the Agency submission, the mandate ceases to be effective unless Congress provides otherwise by law (see Appendix). Only if the appropriation is less than the direct cost of the mandate, the agency is required to submit a statement or legislative recommendation.

Section 408(c)(1)(B)(iii)(III)(bb) stipulates that the relevant committees in both the House and Senate provide an expedited procedure in the underlying intergovernmental legislation for the consideration of agency statements and legislative recommendations. If the relevant committees of the House and Senate choose not to include expedited procedures in the underlying intergovernmental mandates legislation, then a point of order may be raised against that legislation.

Section 408(c)(3)(A) of the Senate Bill exempts appropriations legislation from the points of order against unfunded mandates but establishes a procedure to extract legislative intergovernmental mandate provisions in appropriations legislation. An appropriations bill, resolution, amendment thereto, or conference report thereon that contains a provision with an intergovernmental mandate that exceeds the thresholds established in the Bill is out of order in the Senate. Upon a point of order being sustained against provisions in appropriations legislation containing mandates, the offending provision is deemed strickened from the measure.

Section 408(c)(2) allows State, local, or tribal governments to continue to voluntarily comply with the original intergovernmental mandate at its own expense.

Section 301(a) of the House Amendment adds a new Section 425(a)(2)(C) to the Budget Act that establishes different procedures for intergovernmental mandates that are contingent on appropriations Acts. More specifically, if mandate legislation funds an intergovernmental mandate through an authorization of appropriations, in order to avoid the point of order, the legislation must either: 1) require the implementing agency to repeal the mandate at the beginning of the fiscal year unless there are sufficient appropriations to cover the full cost of the mandate; or, 2) require the implementing agency to reduce the requirements of the mandate to bring its costs within the amount provided in the appropriations Act.

Second, the House Amendment exempts appropriations bills and amendments thereto from the point of order.

Section 101(a) of the Conference Substitute adds a new section 425(a)(2)(B)(iii) to the Budget Act, which adopts the Senate language with technical changes. In the House of Representatives and the Senate, the requirements of subclause (II) shall be considered as fulfilled by inclusion in the authorization bill of any procedural prescription to expedite consideration of the statement or legislative recommendations, including a requirement that the authorizing committee consider the statement or legislative recommendations on an expedited basis.

If an agency submits a statement with a re-estimate of the direct costs of a mandate or legislative recommendations pursuant to section 425(a)(2)(B)(iii), the conferees expect the agency to submit this statement or legislative recommendations to CBO for its review and comment. The conferees expect the relevant agency to fully and freely share with CBO the information used in developing the re-estimate or the legislative recommendations for a less-costly mandate. CBO should make its review and comments available to Congress as appropriate.

The agency is expected to consult with State, local, and tribal governments in preparing its re-estimate or its legislative recommendations for a less costly mandate.

Determinations of Applicability of the Point of Order

Section 101(a) of the Senate Bill adds a new Section 408(c)(4) to the Budget Act that requires the Presiding Officer of the Senate to consult with the Senate Governmental Affairs Committee, to the extent practicable, on the applicability of the point of order in the Senate. Paragraph (5) provides that the levels of mandates for a fiscal year be determined on the basis of estimates by the Senate Budget Committee.

Section 301(a) of the Senate Bill adds a new Section 425(c) to the Budget Act that only provides that mandate levels be based on estimates made by the Budget Committees, in consultation with CBO.

The Conference Substitute contains the Senate language as a new section 425 (d) and (e) of the Budget Act.

Sec. 426. Provisions Relating to the House of Representatives

Section 101(a) of the Senate Bill adds a new Section 408(d) to the Budget Act that makes it out of order in the House to consider a rule or order that waives the point of order established by S. 1.

Section 301(a) of the House Amendment adds a new Section 426 to the Budget Act that contains the same provision as the Senate Bill. Section 427 of the House Amendment establishes procedures for the disposition of the point of order in the House.

The Conference Substitute contains the House language on House waivers of rules as a new section 426(a) of the Budget Act. Section 426(b) of the Substitute contains the House language on the House's disposition of points of order.

Sec. 427. Senator's requests for CBO cost estimates

The Senate Bill requires CBO to prepare a cost estimate on a bill, joint resolution, amendment, or motion containing an intergovernmental mandate at the written request of any Senator.

The House Amendment contained no such provision.

Section 101(a) of the Conference Substitute adds a new section 427 to the Budget Act that narrows the Senate language so that it only applies to cost estimates for amendments that contain intergovernmental mandates. The conferees note CBO already responds to members requests for cost estimates to the extent practicable. Viewing the concern about the applicability of this point of order to amendments that would cause the intergovernmental mandate thresholds to be exceeded, however, the conferees have retained language requiring CBO, to the extent practicable, to prepare cost estimates for a Senator's amendment if it were to cause the thresholds to be exceeded.

This more limited language is not intended to preclude CBO from preparing mandate cost estimates for bills. These requirements are already provided for in section 424 of the Substitute regarding reported bills and conference reports. Moreover, the conferees intend that CBO be responsive to Senator's requests in preparing cost estimates for bills and joint resolutions that may be marked up or for bills and resolutions that may be offered as amendments.

Sec. 428. Clarification on the application

Section 101(a) of the Senate Bill adds a new subsection 408(f) to the Budget Act, which clarifies that application of section 408 to legislation. If a legislative measure would reauthorize or amend existing statutes, the points of order established by the bill would apply only if the measure would either: (1) reduce net authorized financial assistance for complying with mandates by an amount that would cause a breach of the thresholds, without reducing duties by a corresponding amount: or, (2) otherwise increase the net aggregate direct costs of mandates by an amount that would cause a breach of the thresholds. The Senate Bill also provides that the net direct cost of Federal mandates in legislation means the net increase of those costs as compared to current law levels. If mandate legislation is extending an authorization of appropriations, the levels authorized in the mandate legislation are to be compared to the last year in which appropriations are authorized under current law.

Section 301(a) of the House Amendment adds a new section 425(d) to the Budget Act that provides narrower language for limiting the application of part B.

The Conference Substitute contains the Senate language as a new section 428 of the Budget Act.

Sec. 102. CBO assistance to committees and studies

Section 102(1) of the Senate Bill amends section 202 of the Budget Act to add to CBO's responsibilities a requirement to assist committees in analyzing legislative proposals that may have significant budgetary impact on State, local, and tribal governments, or significant financial impact on the private sector. The Bill also amends section 202 of the Budget Act to require CBO to prepare studies at the request of the chairman or ranking minority member of a committee. Subsection (h)(1), regarding continuing studies, restates existing law. Subsection (h)(2) adds new provisions regarding mandate studies.

Section 102(2) of the Senate Bill amends section 301(d) of the Budget Act to require committees to comment on mandate legislation as part of their views and estimates submissions to the Budget Committees.

Section 301(a) of the House Amendment adds a new section 424(b) and (c), which includes similar language as the Senate Bill except that the House Amendment requires CBO to assist committees in assessing mandate legislation that will have a significant employment impact on the private sector.

The Conference Substitute contains the Senate language with an amendment to reflect the House language to require CBO to assist committees in assessing the impact of private sector mandates on employment. The Substitute drops the definition of employment for the purposes of this section.

Sec. 103. Cost of Regulations

Section 103 of the Senate Bill express the sense of Congress that agencies should review planned regulations to ensure that they take CBO cost estimates into consideration. It also requires CBO, at the request of any Senator, to estimate the cost of regulations implementing mandate legislation and compare it with the CBO cost estimate for the legislation itself. It directs OMB to provide CBO with such data and cost estimates.

The House Amendment contains no such provision.

The Conference Substitute adopts the Senate language with an amendment to narrow the section in two respects. First, the section provides that the chairman or ranking minority member of a committee can request such a study, consistent with requests for mandate studies (section 102 of S. 1). Second, the section requires CBO to compare the agency's cost estimate to the estimate prepared by CBO when the legislation was considered. In preparing a comparison, the conferees intend that CBO critique the agency cost estimate in such comparison to make sure it is an accurate reflection of the cost of the mandate.

The primary objective of the Unfunded Mandate Reform Act is to make sure Congress is adequately informed of the cost mandates in legislation when they are considered. The conferees are particularly concerned about instances in which agencies exceed their discretion to impose regulations that are much more costly than anticipated when the legislation was considered. The intent of this section is to provide, when requested, a review of agencies' actions and estimates to make sure they are consistent with the costs of the mandate when Congress considered the legislation.

Sec. 104. Repeal of existing requirements for CBO mandate cost estimates

Section 106 of the Senate Bill repeals provisions in section 403 of the Budget Act that are superseded by part B.

Section 305 of the House Amendment contained similar language.

Section 104 of the Conference Substitute contains the Senate language.

Sec. 105. Consideration for Federal funding

Section 107 of the Senate bill provides that nothing in S. 1 denies Federal funding to State, local, or tribal governments because they are already complying with all or part of a federal mandate.

The House Amendment contains no such provision.

The Conference Substitute contains the Senate language with a clarification that it applies to section 425(b)(2). The Conferees do not intend this section to create any legally binding duty to pay these governments, nor is it intended to affect the calculation of mandate estimates or Federal budget cost estimates.

Sec. 106. Impact on local governments

Section 108 of the Senate Bill includes findings about cost shifting from Federal to State and local, and from State to local, governments, and resultant increases in property taxes and service cuts. This section states the sense of the Senate that these practices should cease and that curbing them, and reducing taxes and spending at all levels, are primary objectives of this Act.

The House Amendment contains no such provision.

The Conference Substitute adopts the Senate language as section 106.

Sec. 107. Enforcement in the House of Representatives

The Senate Bill did not include language on enforcement in the House of Representatives.

Section 302 of the House Amendment amends House Rule XXIII so that when the Committee of the Whole is considering an amendment that includes a provision that would have been subject to a point of order established by the bill, it will be in order to move to strike that provision, unless the special rule for considering the measure specifically prohibits the motion. The House Amendment also requires the Committee on Rules to list in its activities reports all special rules waiving points of order established by the bill, and the measures to which they related.

The Conference Substitute contains the House language as section 107.

Sec. 108. Exercise of rulemaking

Section 105 of the Senate Bill provides that certain provisions of S. 1 are enacted pursuant to the rulemaking power of each house.

Section 303 of the House Amendment contains similar language.

Section 108 of the Conference Substitute preserves the rulemaking authority of the houses.

Sec. 109. Authorization of appropriations

Section 104 of the Senate authorizes $4.5 million annually through fiscal year 2002 for CBO to carry out this act.

Section 421(e) of the House Amendment contains the same language.

Section 109 of the Conference Substitute authorizes appropriations for CBO. The conferees note that this Act provides a major expansion in the responsibilities of CBO and recognize the need for additional funding in order for CBO to carry out these responsibilities. The conferees intend that these new responsibilities should not supplant CBO's existing responsibilities under the Budget Act.

Sec. 110. Effective date

Section 109 of the Senate Bill provides an effective date of January 1, 1996, or 90 days after an appropriation for CBO authorized by the Bill becomes available.

Section 306 of the House Amendment provides an effective date of October 1, 1995.

The Conference Substitute contains the Senate language as section 110.

TITLE II. REGULATORY ACCOUNTABILITY AND REFORM

Sec. 201. Regulatory process

The Senate bill, in section 201, directs each agency, ''to the extent permitted in law'', to assess the effects of regulations on State and local governments and the private sector, and to minimize regulatory burdens that affect the governmental entities. It authorizes the appropriation of such sums as are necessary to carry out this title.

The House amendment, in section 201, contains a similar provision.

The Conference substitute directs each agency, unless otherwise prohibited by law, to assess the effects of regulatory actions on State, local, and tribal governments and the private sector (other than to the extent that such regulations incorporate requirements specifically set forth in law).

Sec. 202. Statements to accompany significant regulatory actions

The Senate bill, in section 202, requires that before promulgating any final rule that includes a Federal intergovernmental mandate that may result in aggregate costs to State, local, or tribal governments, and the private sector, of $100,000,000 or more in any one year, or any general notice of proposed rulemaking that is likely to result in such a rule, an agency must prepare a written statement. The statement must estimate anticipated costs to such governments and the private sector of complying with the intergovernmental mandate, as well as (to the extent that the agency determines that accurate estimates are reasonably feasible) the future compliance costs of the mandate, and any disproportionate budgetary effects of the mandate on any particular region of the nation or type of community. Also included in the statement must be a qualitative, and if possible, quantitative assessment of the costs and benefits anticipated from the intergovernmental mandate, the effect of the private sector mandate on the national economy, a description of the extent of prior consultation with State and local elected officials (or their designated representatives), a summary of the comments of such officials, a summary of the agency's evaluation of those comments, and the agency's position supporting the need to issue the regulation.

The House amendment, in section 202, contains a similar provision with those same requirements, except that it applies to Federal mandates generally, and not just intergovernmental mandates, and the costs of $100,000,000 shall be of expenditures by States, local governments, or tribal governments, in the aggregate, *or* the private sector. In addition, it requires that the statement identify the provision of Federal law under which the rule is being promulgated, the disproportionate budgetary effects of the mandate on particular segments of the private sector, the effect of private sector mandates on the national economy, and the extent of the agency's prior consultation with designated representatives of the private sector.

The Conference substitute adopts the House provision, along with a condition that the items in the written report be included "unless otherwise prohibited by law". This section does not require the preparation of any estimate or analysis if the agency is prohibited by law from considering the estimate or analysis in adopting the rule. Several other modifications to the House provision were made by the conferees. The rules to which the required statement applies are any general notice of proposed rulemaking that is likely to result in promulgation of any rule that includes a Federal mandate, or any final rule for which such notice was published. The substitute adds a requirement that there be a qualitative and quantitative assessment of the anticipated costs and benefits of the mandate, and an analysis of the extent to which such costs may be paid with Federal financial assistance. The requirement that the effect of private sector mandates on the national economy be included is amended, so that the limitation to "private sector" mandates is stricken. The requirement that the statement include the agency's position supporting the need to issue the regulation containing the mandate is dropped. Also, the requirement for a description of prior consultation drops both the reference to "designated representatives" and to "the private sector", and instead refers to the "prior consultation with elected representatives (under section 204)".

It is the intent of the conferees that the rulemaking process shall follow the requirements of section 553 of title 5, United States Code, and shall be subject to the exceptions stated therein. When a general notice of proposed rulemaking is promulgated, such notice shall be accompanied by the written statement required by section 202. When an agency promulgates a final rule following the earlier promulgation of a proposed rule, the rule shall be accompanied by an updated written statement. In all cases, the exceptions stated in section 553 shall apply, including for good cause.

Sec. 203. Small government agency plan

The Senate bill, in subsection 201(c), provides that before establishing any regulatory requirements that might significantly or uniquely affect small governments, agencies shall have developed a plan under which the agency provides notice to potentially affected small governments, enables officials of such governments to provide input, and informs and advises such governments on compliance with the requirements. Such sums as are necessary to carry out these requirements are authorized to be appropriated to each agency.

The House amendment, in subsection 201(c), contains an identical provision.

The Conference substitute retains this provision.

Sec. 204. State, local and tribal government input

The Senate bill, in subsection 201(b), requires each agency, to the extent permitted in law, to develop an effective process to permit State, local and tribal elected officials (or their designated representatives) to provide meaningful and timely input into the development of regulatory proposals containing significant mandates. Such as process shall be consistent with all applicable laws.

The House amendment, in subsection 201(b), contains a similar provision, but without the references to "to the extent permitted in law" and "consistent with all applicable laws".

The Conference substitute requires each agency, to the extent permitted in law, to develop an effective process to permit elected officers (or their designated employees with authority to act on their behalf) of State, local and tribal governments to provide meaningful and timely input into the development of regulations containing significant intergovernmental mandates. It provides that the Federal Advisory Committee Act (FACA) shall not apply to such intergovernmental communications where the meetings are held exclusively between Federal officials and elected State and local officials (or their designated employees with authority to act on their behalf) acting in their official capacities, and where such meetings are solely to exchange views on the implementation of Federal programs which explicitly share intergovernmental responsibilities. The President shall issue guidelines to agencies on the implementation of this requirement, within 6 months.

The conferees agree that an important part of efforts to improve the Federal regulatory process entails improved communications with State, local, and tribal governments. Accordingly, this legislation will require Federal agencies to establish effective mechanisms for soliciting and integrating the input of such interests into the Federal decision-making process. Where possible, these efforts should complement existing tools, such as negotiated rulemaking and/or the use of Federal advisory committees broadly representing all affected interests.

The conferees recognize that FACA has been the source of some confusion regarding the extent to which elected officials of State, local, and tribal governments, or their designated employees with authority to act on their behalf, may meet with Federal agency representatives to discuss regulatory and other issues involving areas of shared responsibility. Section 204(b) clarifies Congressional intent with respect to these interactions by providing an exemption from FACA for the exchange or official views regarding the implementation of public laws requiring shared intergovernmental responsibilities or administration.

Section 204(c) requires the President to issue guidelines and instructions to Federal agencies, consistent with other applicable laws and regulations, within six months of enactment. The conferees would expect the President to consult with the Director of the Office of Management and Budget (OMB) and the Administrator of General Services (GSA) before promulgating such guidelines.

Sec. 205. Least burdensome option or explanation required

The Senate bill contains no such provision.

The House amendment, in subsection 201(d), prohibits an agency from issuing a rule that contains a mandate if the rulemaking record indicates that there are two or more alternatives to accomplish the objective of the rule, unless the mandate is the least costly method or has the least burdensome effect, unless the agency publishes an explanation of why the more costly or more burdensome method was adopted.

The Conference substitute requires that before promulgating any rule for which a written statement is required under section 202, an agency shall identify and consider a reasonable number of regulatory alternatives and select from them either the least costly, the most cost-effective, or the least burdensome alternative that achieves the objectives of the rule, unless either the agency head publishes an explanation of why this was not done or such a selection is inconsistent with law. The conferees intend that "a reasonable number of regulatory alternatives" means the maximum number that an agency can thoroughly consider without delaying the rulemaking process. The substitute also requires the OMB Director, within one year of enactment, to certify agency compliance with this section, and to include in the written explanation any agencies and rulemakings that fail to do so.

Sec. 206. Assistance to the Congressional Budget Office

The Senate bill, in section 203, provides that the OMB Director shall collect from the agencies the statements prepared under section 202 and periodically forward copies to the CBO Director on a timely basis.

The House amendment, in section 203, contains an identical provision.

The Conference substitute retains this provision.

Sec. 207. Pilot program on small government flexibility

The Senate bill, in section 204, requires the OMB Director to establish pilot programs in at least two agencies to test innovative and more flexibility regulatory approaches that reduce reporting and compliance burdens on small governments, while meeting overall statutory goals and objectives. Any combination of proposed rules and rules in effect may be part of the pilot programs.

The House amendment, in section 204, contains an identical provision.

The Conference substitute retains this provision.

Sec. 208. Annual statements to Congress on agency compliance with requirements of title II

The Senate bill contains no such provision.

The House amendment, in section 207, provides that the OMB Director shall annually submit written statements to Congress, detailing agency compliance with the requirements of its sections 201 (Regulatory Process) and 202 (Statements to Accompany Significant Regulatory Actions).

The Conference substitute adopts the House requirement and applies it to compliance with all sections of this title.

Sec. 209. Effective date

The Senate bill, in section 205, provides that this title shall take effect 60 days after the date of enactment.

The House amendment would take effect upon enactment.

The Conference substitute adopts the House effective date of upon enactment.

TITLE III. REVIEW OF FEDERAL MANDATES

Sec. 301. Baseline study of costs and benefits

The Senate bill, in section 301, provides that within 180 days, the Advisory Commission on Intergovernmental Relations (ACIR) shall begin a study of how to measure and define issues involved in calculating the total direct and indirect costs and benefits to State, local, and tribal governments of compliance with Federal law, and the direct and indirect benefits to such governments of Federal financial assistance and tax benefits. The study shall deal with issues related to the feasibility of measuring, and how to measure, such items.

The House amendment contains no similar provision.

The Conference substitute adopts the Senate language, except that the study is to be completed within 18 months rather than started within 180 days.

Sec. 302. Report on Federal mandates by Advisory Commission on Intergovernmental Relations

The Senate bill, in section 302, requires ACIR to study the role of unfunded Federal mandates in intergovernmental relations, and to make recommendations regarding allowing flexibility in complying with specific mandates, reconciling conflicting mandates, terminating duplicative or obsolete mandates, suspending mandates that are not vital to public health and safety, consolidating or simplifying mandates, and establishing common definitions or standards to be used in complying with Federal mandate. To the extent practicable, the specific unfunded mandate to which a recommendation applies should be identified. One of the existing Federal mandates that ACIR is to study and make specific recommendations on is the Federal requirement that State, local, and tribal governments utilize metric systems of measurement. Within 60 days of enactment of this Act, ACIR is required to issue proposed criteria under this subsection, and then to allow 30 days for public comment, with adoption of the final criteria not later than 45 days after the issuance of the proposed criteria. Within 9 months of enactment, ACIR is required to publish a preliminary report on its activities under this title, including its recommendations, and then to hold public hearings on these preliminary recommendations. Not later than 3 months after publication of the preliminary report, ACIR shall submit to Congress and the President a final report on its findings, conclusions, and recommendations under this section.

The House amendment, in section 101, contains nearly identical provisions, except that it also requires ACIR, when studying the role of unfunded Federal mandates, to review their impact on the competitive balance between State and local governments, and the private sector, to review the role of unfunded State mandates imposed on local governments and the private sector, and to review the role of unfunded local mandates imposed on the private sector. Definitions of "State mandate" and "local mandate" are provided. It also requires that ACIR make recommendations regarding the establishment of procedures to ensure that when private sector mandates apply to entities that compete with State or local governments, any relief from unfunded Federal mandates is applied in the same manner and the same extent to both. In addition, ACIR is instructed to give highest priority to mandates that are the subject of judicial proceedings between the United States and a State, local, or tribal government. The House amendment contains no provision regarding the metric system of measurement.

The Conference substitute retains the Senate provisions, and adds the House requirements for a review of the impact on competitive balance and a review of the role of unfunded State mandates imposed on local governments (only), as well as the provision placing highest priority on mandates that are the subject of intergovernmental judicial proceedings. It also includes a modification of a House requirement, so that ACIR shall make recommendations on mitigating any adverse impacts on the private sector that may result from relieving State and local governments of mandates, and the feasibility of applying relief from mandates in the same manner to both the private sector, and State and local governments. The House definition of "State mandate" is also retained. In addition, a provision is added requiring that, to the extent practicable, any negative impact on the private sector that may result from implementation of a recommendation be identified.

The conferees intend that ACIR have flexibility to review a wide array of federal requirements on State and local governments. These requirements may include conditions of federal assistance, such as those attached to the receipt of Federal grants, or direct orders like emissions testing requirements, carpool mandates, and national voter registration directives that are not tied to the receipt of Federal funds.

Sec. 303. Special Authorities of Advisory Commission

The Senate bill, in section 303, provides authority to the ACIR, for purposes of carrying out this title, to procure temporary and intermittent services of experts or consultants, to receive on a reimbursable basis detailees from Federal agencies, and to contract with and compensate government and private persons for property and services.

The House amendment, in section 102, contains the same provisions, as well as a provision authorizing ACIR to receive on a reimbursable basis administrative support services from the General Services Administration.

The Conference substitute adopts the House language.

Sec. 304. Annual report to Congress regarding Federal court rulings

The Senate bill contains no such provision.

The House amendment, in section 205, provides that ACIR shall annually submit to Congress a report describing Federal court rulings in the preceding year which imposed an enforceable duty on one or more State, local, or tribal governments.

The Conference substitute modifies the House provision, by requiring that the report describe any Federal court case to which a State, local, or tribal government was a party in the preceding year that required them to undertake responsibilities beyond those they would otherwise have undertaken, to comply with a Federal statute or regulation.

Sec. 305. Definition

The Senate bill contains no such provision.

The House amendment, in section 103, defines, for purposes of this title, "Advisory Commission" to mean the Advisory Commission on Intergovernmental Relations, and "Federal mandate" to mean any provision in statute or regulation or any Federal court ruling that imposes an enforceable duty upon States, local governments, or tribal governments including a condition of Federal assistance or a duty arising from participation in a voluntary Federal program.

The Conference substitute retains the House definition of "Federal mandate", but adds at the beginning of it the phrase "Notwithstanding section 3 of this Act,".

Sec. 306. Authorization of appropriations

The Senate bill, in section 304, provides an authorization of appropriations of $1,250,00 for each of fiscal years 1995 and 1996 to ACIR for the purposes of carrying out sections 301 and 302.

The House bill provides no authorization of appropriations.

The Conference substitute provides an authorization of appropriations of $500,000 for each of fiscal years 1995 and 1996 to ACIR to carry out sections 301 and 302.

COMMITTEE REPORT ON JUDICIAL REVIEW

The purposes of Section 401 are as follows: Section 401(a) (1) and (2) would allow court review only to redress a failure of an agency to prepare the written statement (including the preparation of the estimates, analyses, statements or descriptions) required to be included in such statement under Section 202 or the written plan under Section 203(a) (1) and (2). A reviewing court may not review the adequacy of a written statement prepared under Section 202 or a written plan under Section 203(a) (1) and (2). Challenges to an agency's failure to prepare a written statement under Section 202 or a written plan under 203(a) (1) and (2) may be brought only under Section 706(1) of the Administrative Procedures Act and may not be brought until after a final rule has been promulgated.

Section 401(a)(3) prohibits any court in which review of a completed rulemaking action is sought from staying, enjoying, invalidating or otherwise affecting the effectiveness of an agency's rulemaking for failure to comply with the requirements of Section 202 and Section 203(a) (1) and (2) of this Act. This is true not only under Section 401(a)(3), which regards review of rules under other provisions of law, but also under Section 401(a)(1), which only authorizes a court to compel the agency to prepare a written statement, but does not authorize a court to stay, enjoin, invalidate, or otherwise affect a rule.

It is the intent of the Conference Committee that if an agency prepares the statements, analysis, estimates or descriptions under Section 202 and the written plan under Section 203(a) (1) and (2) for purposes of its rulemaking pursuant to the underlying statute, a court may, if pursuant to the review permitted under such statute, consider the adequacy of such information generated. Section 401(a)(4) provides that information generated under Section 202 and Section 203(a) (1) and (2) is not subject to judicial review pursuant to this Act under Section 706(2) of the Administrative Procedures Act. Section 401(a)(4) does allow that such information may, in accordance with the standards and process of the underlying statute, be part of the agency's rulemaking record subject to judicial review pursuant to the underlying statute. Any such information that is part of the record for judicial review pursuant to the underlying statute. Any such information that is part of the record for judicial review pursuant to the underlying statute may be subject to review under Section 706(2) of the Administrative Procedures Act (or other applicable law) and can be considered by a court, to the extent relevant under the underlying statute, as part of the entire record in determining whether the record before it supports the rule under the "arbitrary and capricious" or "substantial evidence" standard (whichever is applicable). Pursuant to the appropriate Federal law, a court should look at the totality of the record in assessing whether a particular rulemaking proceeding lacks sufficient support in the record. The provisions of this Act do not change the standards of underlying law, under which courts will review agency rules.

Section 401(a)(5) provides that, for any action under Section 706(1), the provisions of the underlying Federal statute relating to all other matters, such as exhaustion of remedies, statutes of limitations and venue, shall continue to govern, notwithstanding the additional requirements on agencies that Title II of this Act imposes. If, however, such underlying Federal statutes does not have a statute of limitations that is less than 180 days, then for review of agency rules under Section 706(1) that include the requirements set forth in Section 202 or Section 203(a) (1) and (2), the time for filing an action under Section 706(1) is limited to 180 days.

Finally, Section 401(b)(1) makes it clear that except as provided in Section 401(a), no other provision or requirement in the Act is subject to judicial review. Title I, those portions of Title II not expressly referenced above, and Title III are completely exempt from any judicial review. Section 401(b)(2) states that, except as provided in Section 401(a), the Act creates no right or benefit that can be enforced by any person in any action. Section 401(a)(6) states that any agency rule for which a general notice of proposed rulemaking has been promulgated after October 1, 1995 shall be subject to judicial review as provided in Section 401(a)(2) (A) and (B).

U.S. SENATE,
OFFICE OF THE SECRETARY,
March 10, 1995.

Hon. DIRK KEMPTHORNE,
U.S. Senate,
Washington, DC.

DEAR SENATOR KEMPTHORNE: Per our conversation of March 9, 1995, I am writing to confirm that in the counting of days in the U.S. Senate, a sine die adjournment will result in the beginning again of the day counting process and that the sine die adjournment of a Congress results in all legislative action being terminated and any process ended so that it must begin again in a new Congress.

Hoping this may be of help. I remain,

Sincerely,

ROBERT B. DOVE,
Parliamentarian, U.S. Senate.

WILLIAM F. CLINGER,
ROB PORTMAN,
DAVID DREIER,
TOM DAVIS,
GARY CONDIT,
CARDISS COLLINS,
EDOLPHUS TOWNS,
JOE MOAKLEY,
Managers on the Part of the House.

DIRK KEMPTHORNE,
BILL ROTH,
PETE V. DOMENICI,
JOHN GLENN,
J.J. EXON,
Managers on the Part of the Senate.

VACATING OF SPECIAL ORDER

Mr. STEARNS. Mr. Speaker, I ask unanimous consent that the 5-minute special order granted to the gentleman from Missouri [Mr. TALENT] for Wednesday, March 15, 1995, be vacated.

The SPEAKER pro tempore (Mr. JONES). Is there objection to the request of the gentleman from Florida?

There was no objection.

□ 1415

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. JONES). Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members are recognized for 5 minutes each.

TERM LIMITS: BRING IT TO A VOTE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Oregon [Ms. FURSE] is recognized for 5 minutes.

Ms. FURSE. Mr. Speaker, I am here today to talk about promises. The Republicans have not lived up to their promise with the American people. Today we were supported to vote on term limits and on the first day of this session, I introduce a term limits bill that mirrors the one passed in my home State of Oregon. Oregonians overwhelmingly support term limits, and the majority of Americans do, too, and by all of the talk by Republicans, you would think they supported term limits too. But apparently not so.

The leadership will not schedule a vote on term limits today because a lot of those people who campaigned on term limits have suddenly gotten squeamish now that they are in office. Our current Republican Speaker has served in Congress for 28 years. That is what I call a career.

By not voting on term limits today, Republicans are saying that maybe they don't care what their constituents want. Maybe they just want to stay in office.

Most of those Republicans who signed this Contract With America said they are proud of it and they keep saying so. That contract has been rushed through Congress. Most of the issues being voted on have never been scrutinized in a hearing or allowed full public comment. But Republicans don't seem to have any problem voting anyway on those very important issues.

For instance, when the contract called for slashing laws that protect our health and our environment, laws like clean air and clean water, they had no problem scheduling a vote. When the contract called for taking away the number of cops on the street, no problem then for scheduling a vote. When the contract calls for taking away the rights of women and children and seniors to get fair treatment when a company knowingly harms them, again, no problem scheduling a vote.

But I want to remind all of us that the contract also called for a vote on term limits. We were supposed to vote on that today and tomorrow, but guess what? That is a vote that affects Members of Congress.

Now, we are not talking about hurting women and seniors and children and the environment or civil rights, no, not when we talk about term limits. What we are talking about is Members of Congress, about their jobs, their power, their incomes. Now we are talking about something that actually affects us.

I think that that is outrageous. I think that the business of this Congress is to keep our promises, and the reason why the public has such a low regard for Congress is because lawmakers put their interest in front of their constituents.

I came to Congress to do a job, not to get a job. I came here to change the spending priorities of Congress, to protect a woman's right to choose and to make our streets safer for all our citizens and, when my work is done, I will go back to my farm in Hillsboro, OR.

It has been an honor and it is an honor to be a public servant and I am proud to keep the promise I made to my constituents. I an here to fight for them. But I am not here to make a career out of it. I call on the majority to be honest with the American people, bring up term limits for a vote now, today, or tomorrow.

Mr. ROHRABACHER. Will the gentlewoman yield?

Ms. FURSE. I yield back the balance of my time.

Mr. ROHRABACHER. Would the gentlewoman yield for a question?

Ms. FURSE. Yes.

Mr. ROHRABACHER. Your complaint today is we did not bring up the term limit votes today. Is there some doubt in your mind that it will be brought up during the first 100 days as was promised the American people.

Ms. FURSE. The vote was scheduled for today and tomorrow; and Thursday evening, at the very last moment, I received the word that we were not going to vote on term limits.

Mr. ROHRABACHER. Is there any doubt in your mind—our Contract With America said it would be within the first 100 days there would be a vote on this issue.

Ms. FURSE. It makes me very doubtful. It raises a strong doubt. Why have we been voting on things that hurt children and women and the environment and civil rights, like the fourth amendment?

Mr. ROHRABACHER. So the gentlewoman has a doubt that the Republicans mean to bring this up to a vote. I would hope that the people that have that doubt, and if we do bring it up for a vote, that they will then understand the Republicans are keeping their pledge.

Ms. FURSE. I would hope they would keep their pledge on time. I would hope we would vote on this only issue that affects us as Members of Congress, and I yield back the balance of my time.

Mr. ROHRABACHER. Would the gentlewoman answer one other question? When have the Democrats for the last 40 years had such a vote?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. BATEMAN] is recognized for 5 minutes.

[Mr. BATEMAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

NOTABLE WOMEN OF HISTORY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I just would like to add to the gentlewoman from Oregon's concern before I go into what I wanted to talk about. I think her concern is a legitimate one, that for over 200 years of this Republic we have done without term limits, and we have now driven the American people to really want term limits, and yet we seem to be able to get everything else up on time. But we tend to want to play with the term limits legislation so that it won't really apply to us, so that everybody will get at least 20 more years in before they kick in. There are some games being played and I think she had a legitimate point.

But, Mr. Speaker, the reason I really come to the floor is to talk about women's history week because—actually it is a month, we get a whole month this year, and it should be a month because actually this is a year where we are celebrating the 75th anniversary of women having gotten the right to vote federally, so in this diamond jubilee, I think it is only right that we look back at some of the history that so many Americans really don't know.

I want to just quickly talk about three women this morning that I think all played very important roles that a lot of people don't know about.

First is Anne Hutchinson. Ann Hutchinson was born in 1591 in England. She was born during the reign of Elizabeth I. Her father was an Episcopalian minister and she migrated with her husband to the Massachusetts Bay Colony. She was very steeped in theology because she had grown up with it, and obviously it was not long before she came to loggerheads with the different leaders in the Massachusetts Bay Colony who really were not under free speech. They were only into free speech for themselves.

We as Americans talk about, first, free speech, and, second, freedom of religion, but let me tell you, the first guys that got off the boat were not for that. And it was this very courageous woman, with her husband standing beside her, and she had over 12 children to join her, that took up this cudgel, and she and their followers ended up moving outside of the Massachusetts Bay Colony after several very prolonged trials where they tried to try her for witchcraft and everything else.

They moved and they started the first colony in America that had freedom of religion and freedom of speech in it. So I think as we talk about that, we should remember where some of those ideas came from and came from early on.

Another woman that I would like to talk about that we don't mention, she was one of the very early women in America to become a doctor, Mary Edwards Walker. She was not the first, but one of the first, and she became a great friend of Ms. Bloomer of the Bloomer girls. People forget where the word "bloomer" came from; it came from the woman who came up with the idea that it was very difficult to wear hoop skirts all the time and came up with these billowing bloomers.

Well, Dr. Edwards, or Dr. Walker became very, very involved in serving the Union Army in the fields, and when she used to come into Washington, DC; to get you in someplace, they would arrest her because she was not wearing proper attire. If you can remember the attire of the Civil War, you can certainly understand why if you were a woman doctor and you were out on the field treating patients, you were not running around in one of those big hoop skirts. And finally, the Congress gave her a special exemption so she could come into town and resupply and not be arrested because of the terrific, meritious job that she was doing for Union soldiers.

I think that is another very interesting and heroic woman that we know very little about. Another woman that I think is very interesting is Bertha Palmer. How many people who grew up in Chicago know about Palmer House, and she was the spouse of the Palmer of Palmer House. She also, when she inherited his wealth, proceeded to double it before she died, which is no shabby task, but she was a very, very strong person for women's rights. And some of the very interesting things that she did was during the Columbus exhibition, when they were celebrating the 400th anniversary of Columbus finding America, she was on the board and she said, "Well, aren't we going to do anything about Queen Isabella who at least put up the money."

I mean, this woman had some respect for that and of course you could imagine what the old boys said. They said, "See, that is what happened, put a woman on the board, the next thing you know they are trying to take over everything," so she ended up having to form a woman's exhibition right alongside of it. It became very successful and actually it ended up in the black even though the other one ended up in the red.

So these are three mothers that I think we should think more about in this month and I hope we get to think about many more.

ON MEXICO BAILOUT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. STEARNS] is recognized for 5 minutes.

Mr. STEARNS. Mr. Speaker, my friends, in politics as in humor, timing is everything, and the timing of President Clinton's $20 billion bailout of Mexico could not be worse. At the very moment, the American dollar is taking a beating in world currency markets. The Clinton administration is sparing no expense to shore up the Mexican peso.

In looking through some of the clips over the weekend, it seemed to me the timing of what President Clinton is doing is everything. For on this House floor this week we will be voting on a rescission package that cuts benefits for veterans.

Now, how do the veterans feel about a rescission package that cuts the veterans at the same time we are shoring up the peso by giving $20 billion to the exchange stabilization fund?

Let me also talk to you about what the chief economist at Lehman Brothers, Allen Sinai said: "The dollars' new all-time lows are being generated by the United States ties to Mexico and the panic flight right now of funds away from weak currency countries, Mexico, Canada, and the United States."

Need I remind the Members of this body that the exchange stabilization fund that is being tapped by the Clinton administration was set up explicitly to protect the value of the United States dollar, not the Mexican peso. Yet the administration has already disbursed $3 billion from this fund to Mexico whose current political corruption saga contains more characters than a Tolstoy novel and is expecting to ship down the next $7 billion by the end of June. And for those of my colleagues who didn't read the paper this morning, Mr. Salinas, the former President of Mexico, has left Mexico, and now intends to reside in Boston, MA, and be a consultant.

Mr. Speaker, James Madison wrote, "The House of Representatives alone can propose the supplies requisite for the support of the Government. They, in a word, hold the purse."

My colleagues, what that means basically is Congress has to approve money that you spend. The administration can't take this kind of money from the American people without Congress approving.

So that is why I call on the rest of the Members of this House to allow a vote on congressional approval for any additional funds to Mexico and suspend further payment until all the questions are answered from the Leach letter that we approved in a House resolution here on the House floor.

I would like to conclude by reading a quote from a leading columnist in Mexico talking about the recent disruption in Mexico and the peso, and she said, "Two things happened to Mexico under Mr. Salinas. He made us believe in the Government of Mexico and he anesthetized us from the corruption. Now the new President has made us see the corruption, and the result is we don't believe in Government anymore."

Mr. Speaker, now is the time to allow us to vote on this matter and suspend all further payments, particularly in light of the fact that we have a rescission package coming on this House floor that is going to be $17 billion, almost as much as the President intends to give to Mexico without congressional approval.

Mr. Speaker, I yield to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, we will be voting on Wednesday on a major rescission. We will be voting to cut the spending for many programs that many of our people have learned to depend upon. Whether or not they should be depending on these programs, whether or not the Federal Government should be in those areas or not is a matter of debate, but if we cut these programs and then we spend the money, not on their benefit by bringing down the Federal deficit, which is the purpose behind cutting spending supposedly, but instead allow that money to be taken from the United States Treasury and sent to Wall Street speculators who went to Mexico to receive high returns on their investment or the Mexican elite, which is a corrupt elite that have betrayed their country time and again, we ourselves will be betraying our people in the same way that Mexican elite has been betraying their own people.

This bailout is a crime against our own people, and on top of that, it will not work. One can see the nature of this crime by the fact that here we are talking about the transferring of billions of dollars, American taxpayers' dollars, without so much as a vote of Congress.

The last time I heard, money was not supposed to be spent in this country unless the elected Representatives of the people voted for it. This is a travesty. It should and it will be stopped.

MORE ON THE MEXICAN BAILOUT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. ROHRABACHER] is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, in terms of the bailout, the Mexican bailout, there was no vote in this body on the transfer of those funds. In fact, when the President of the United States turned to Congress and saw that there was no support in Congress for this $40 billion, potentially $40 billion expenditure, he proceeded in what I consider an antidemocratic fashion to scheme and to plot in what could be a legal way of taking billions of our dollars and sending it to Mexico and spending it on the purposes he intended, meaning the bailing out of Wall Street speculators and basically lining the pockets of a corrupt Mexican elite so that the system will not break down in Mexico.

Well, perhaps it would be good if the current Mexican elite, which is corrupt, which has been antidemocratic, perhaps it would be good if that power structure did break down and that the people of Mexico at long last would be given a chance for true democracy and honest government, because the grip of their oppressor would have been broken.

We have a chance to try to put an end to this. Already $3 billion has been spent. It is up to Congress now to do everything that we possibly can to stop the spending of that money, mainly because—OK, it is wrong but also it will not work. It is not going to save Mexico.

Sending—you know, pouring money—it is the old adage, sending good money after bad is not a way to make things right. It will just make things worse. In Mexico, it will not work.

What is needed down there is a change. It needs change, basic change, and by us subsidizing the status quo by spending billions of dollars, we will not see that change come.

Mr. Speaker, I yield to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. The gentleman, perhaps like myself, has heard the arguments if we do not give this money to Mexico, there will be a financial catastrophe in Mexico and we hear that oftentimes here in the halls of Congress and we have heard the administration—in fact, recently Mr. Greenspan, the Chairman of the Federal Reserve Bank and the Secretary of Treasury, Mr. Rubin, used this. And frankly I think it is sort of a scare tactic because a recent Wall Street Journal properly debunks that whole idea that there would be a financial catastrophe.

From early December through mid-February, stock markets in emerging countries that undertook significant pro-markets reforms, the ones you are talking about, and sound money reforms survived quite nicely during the so-called global crisis that the currency has just been through. Stock markets in Singapore, Chile, and the Czech Republic were essentially flat during that period. Emerging nations with partial or faltering reforms, including Brazil and Hungary, however, did indeed suffer mightily during the Mexican breakdown.

So, in other words, private global investment capital is discerning and mobile. It knows where it is investing its money. It knows a good deal from a bad deal and it will not be intimidated by disaster scenarios conjured up by financial officials like Chairman Greenspan and Secretary Rubin.

Mr. ROHRABACHER. Reclaiming my time, every time we try to cut the budget around here, every time we say, Let us not spend Federal money in this area, let us cut the deficit, we are always told, My goodness, there is going to be a catastrophe, people are going to starve, there are going to be babies in the street, it is going to be horrible.

But you know what, most of these scare tactics that are being thrown out are just absolutely wrong and the people who are talking that way know they are wrong but they are using a tactic to get us to spend the taxpayer's dollar to line their own pockets. This is not contrary to what we have experienced here at home. But let us take a look at that.

If we are going to spend money to stabilize the currencies, what about Russia? Isn't that also an important country? We could be spending hundreds of billions of dollars to stabilize their currency. After all, they have got nuclear weapons. What if chaos erupts in Russia?

This is a formula for the United States to be spending hundreds of billions of dollars to protect other people's currencies, and do you know what that means? That means our currency will come under attack. That means our currency will come under attack. That means people will sense that our currency no longer is strong because we are spending money from a stabilization fund meant to protect our currency that now is protecting these foreign interests who basically are big money guys and rich elitists in other countries, and what happens?

We have found that since the Mexican bailout and the defeat of the balanced budget amendment, that our own dollar is now under attack. This is unconscionable. It has already cost American people too much. It is a disgrace. We have got to act to stop this.

ON THE REPUBLICAN AGENDA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from California [Mr. MILLER] is recognized for 60 minutes as the designee of the minority leader.

Mr. MILLER of California. Mr. Speaker, I probably will not take the whole 60 minutes, much to your relief and others, but I would like to take some time here to discuss some matters that concern me, some of which will be addressed in the rescission this week and later those that will come before us in the welfare reform bill proposed by the Republican Members of this Congress.

First of all, let me just say that it is pretty well documented now and I think people have come to understand that the welfare reform bill holds major, major cuts to populations that are very vulnerable in this American society and especially with those cuts with respect to nutrition programs for school children and for newborn infants and for children in child care settings. Specifically, some $7 billion are cut out of nutrition programs that serve the women's, infants' and children's program and the school lunch programs.

Now, many of my colleagues on the Republican side of the aisle have come to the floor and suggested from time to time that they are not cutting anything, that they are simply slowing the growth, but the fact of the matter is that they are removing a little over $7 billion from these programs over the next 5 years, and that means that the people who are administering these programs at the local level, because that is where these programs are run, will have to decide whether fewer children receive a school lunch or whether they will receive a smaller school lunch or whether they will receive it fewer days a week than they would otherwise, because this money is simply not sufficient to keep up with the current—the current—demand on these programs. And of course, if the economy should go into any kind of downturn, as more and more people become eligible for these programs because they have lost their jobs in the economic downturn, there will be no money to provide for those children and those programs.

The program also, and you will start to see the linkage here, that the Republicans also cut the moneys for the women's, infants' and children's program. Again, they will argue it is block granted. Again, they will argue it can be used more efficiently, but the fact of the matter is that the funding is incapable of keeping up with the current demand with a case load that unfortunately, unfortunately in this country, continues to grow, and that is, women who are pregnant, that are certified to be at medical risk of either not being able to carry the pregnancy to term and thereby giving it very extensive risks to a low-birth-weight baby being born.

We know from all of the academic studies and scientific studies that have been done over the last 20 years that should a low-birth-weight baby be born, a baby generally under 5.5 pounds, that that baby suffers a dramatic increase in the likelihood of mental or physical disabilities or other complications, medical complications at the time of birth. That baby can very easily cause the increase, because of the intensive and increased medical attention at the time of birth, that baby can cause an expenditure in the hundreds of thousands of dollars over a very short period of time to try to get the birth weight of the child up and to get the child functioning properly, to deal with the problems of the lungs, the respiratory problems that come from low-birth-weight babies as they are born. If the baby is very low birth weight, of course the complications become much more dramatic and the costs much more dramatic.

Interestingly enough, though, what we have found following these children over an extended period of time is that when you return them home from the hospital to the parents who now have a healthy child, a child that is up to par here in terms of its birth weight and it is looking healthy here, that many other problems continue to linger with these children, that these children now, as we track them, are 30 to 40 percent more likely to come in and need special education, remedial costs all throughout the early years of education.

So these problems do not end. Their problems do not cease, and yet we know that if we get them back up and if we were not cutting the WIC programs, that we have a dramatically, a dramatically increased opportunity of raising the birth weight of this child, of having this pregnancy go to term and having this child be a healthy, bouncy baby at the time of birth and not suffer all of these tragedies for the family, for the child, and eventually the expenses for the taxpayer.

But what are we doing now after 20 years of treating this population, we have now decided that we are going to turn our backs on this population and cut the funding to this most vulnerable, vulnerable group of people in our society, and something that is clearly preventable with a matter of a few dollars a week, because what has a few dollars a week done? What it does is it provides for medical screening for the pregnant mother.

At that time we try to tell them, do not engage in the use of alcohol, do not smoke during pregnancy because it can have a dramatic impact and unfortunately a bad impact on the fetus and the baby when it is born, and we also try to get them to understand nutrition.

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And in that light, we provide for them high-protein foods, foods high in iron and other supplements that we know can have a very dramatic impact on the likelihood that this nutritional risk that the woman suffers from can be reversed and we can have a healthy pregnancy at the outset.

Mr. Speaker, I yield to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. I am delighted that the gentleman from California has taken this time, because I think there are a lot of myths going on. My understanding is that many offices are being flooded with phone calls because somebody on the radio told them that they were wrong.

But you do not have to be a rocket scientist to figure out Members of Congress cannot say we are delivering all these savings, but of course we are not cutting anything. It does not figure.

And I know the gentleman worked on the same reports that have seen when he chaired the Select Committee on Children, Youth and Families that showed constantly over and over and over again every dollar spent by the Federal Government for immunizations, for WIC, for child feeding programs, we got back over and over and over again. It was one of the best investments we can make.

So I think the gentleman's point about cutting this, or even cutting the increase in this, without having it driven by the need I just think is outrageous, because it is very shortsighted and we are going to see very, very long-term spending.

Mr. MILLER of California. I thank the gentlewoman. And we both had the honor to chair the Select Committee on Children, Youth and Families in previous Congresses. It is interesting that they try to portray to the public that there essentially will be no cuts in these programs affecting the children, what have you, and yet they are also telling everybody that they cut all this money out so they can afford a tax cut to the wealthiest 1 percent of the people in the country.

If there are no savings and no cuts, how do you pay for the tax cut? They say that they pay for the tax cut by the savings that they have made. You serve on the Committee on Armed Services. If you were to say to Congressman CUNNINGHAM, who serves, I believe, on the Committee on Armed Services with you. And he says this is not a cut, we are simply reducing the growth in spending. If you were to tell him that you were going to take the armed services down to current services to maintain this current fighting force next year and the year after, taking into account inflation and mission growth and all the other things that are taking place, and you told him that you were going to take away the money that would allow that, would he say, "That is a cut" or would he say, "That is not so bad; it is slowing the growth"?

Mrs. SCHROEDER. You are setting me up. We would have to get a very large ladder and a scrapper and we would have to scrape him off the ceiling. He would be so angry that we would even think about cutting defense. In fact, they are yelling that defense is not high enough, even though defense is more than almost every other Nation on the planet is spending on defense added together, but that is still not enough. And, therefore, they are willing to go after these vulnerable populations.

I must say in my district I have not found anybody who agrees with these cuts. I have not found anyone who thinks these cuts are a great idea in order to give some fat cats who can pay $50,000 a plate for dinner, to give them a break. They do not feel that you take it from the most vulnerable and give it to the guys who have done the best. That is not America.

What I am hoping is that people who do agree with these cuts would not only write me but send me their picture. And I would hope that you would ask the same thing. I would like to have a board back here. I want to see what these people look like. They do not look like any Americans that I know.

And, really, there is a lot of flimflammery and a lot of smoke being blown around here. But the bottom line is, as the gentleman from California is saying, when you blow away the smoke, the children are going to be hurt.

Mr. MILLER of California. The gentlewoman is exactly right, because the fact of the matter is that if you take the cuts in school lunch programs, you are talking roughly about 2 million children that would have been served over that period of time, those 5 years, that simply will not be served because the programs will not have the money.

The notion is to suggest, again, that somehow local school districts will make up that money. The fact is that the local school districts do not have that kind of money. And in our State they have been taking money from the School Lunch Program to do other things with. That is why we have a National School Lunch Program, because we knew that the politics was the most difficult at the local level and moneys were diverted to other purposes.

Mrs. SCHROEDER. Could I ask the gentleman another question? I think it is good to clear the airways that are cluttered with a lot of noise. The other issue being the women, infants and children's programs. And I know that we have worked very hard to get the best deal on formula we have ever seen. And no one that I am aware of has been complaining that that program has been mismanaged or anything else. To now see it broken up and sent out to 150 different States, when I believe and the gentleman from California knows about this, we have saved about a billion dollars just in the contracting with infant formula people.

Mr. MILLER of California. The gentlewoman is quite correct. What we found out, unfortunately, is that, this never ceases to amaze me, but we do have very upstanding members of our communities and corporate members of our community who are fully prepared to rip off the taxpayers.

And what we found at one point was that a number of formula companies were charging very excessive rates for the formula for the newborn infants in this program, so we went to a program of bidding and making them compete on a national basis for these contracts and it dramatically lowered the cost of the formula about a billion dollars. And that was able to be plowed back into extending the number of infants that can be served.

Interestingly enough, in the bill that we will be considering, although this was a proposal by, I believe, the now chairman of the committee, the gentleman from Pennsylvania [Mr. GOODLING], that we tried to make sure that this bidding would continue and that amendment was rejected in the committee.

So now we have the ability to see people negotiate contracts and, as I said, unfortunately, one of the sad things in our job from time to time is that we find out that there are professional people, well-educated people, and a lot of other people, who are fully prepared to rip the Federal Government off for their own narrow gains. And now the likelihood of that happening again is substantially increased and the loss of these savings and the loss of nutrition to the newborn infants and the babies.

Mrs. SCHROEDER. Might I ask the gentleman another question, because I figure in a way maybe our dialog here can straighten out some of these things. There is so much disinformation around.

While I chaired the Committee on Children, Youth and Families, I do not believe we ever had one person come in and complain, one person, about the management of the feeding programs for children and for WIC and for others. And I was wondering about the gentleman's experience when he was there. In other words, I am going through that old adage, "If it isn't broken, don't fix it."

Mr. MILLER of California. The gentlewoman is quite correct. There has been very few, if any, complaints about the management of this program. The WIC program is essentially run at the local level. We simply reimburse the States for the formula and for the food that they provide for the pregnant women and for the newborn infants.

It is run by State WIC directors and local WIC people in the counties that come together for this purpose. And there is unanimity. People like the way the program is being run now. And that is why the Congress, even during the Reagan years and the Bush years, there has been a steady trend toward full participation, 100 percent participation in WIC, because both Republicans and Democrats and Governors and Senators and Congresspeople and local county health directors and medical directors, they all like the say this program is running.

Now, we are using the issue of a block grant so we can slice the funding. It is a ruse, it is camouflage to cover up what is actually going on. It is interesting in the Committee on Education and Labor, the Republicans selected five witnesses. They selected the witnesses. I do not think we were allowed to have a witness from the Democratic side; maybe one. And all five witnesses said, "Leave the program alone. Leave it alone."

The only problems we have had in this program is from time to time when people from the private sector have come in and ripped the program off with stale meals and old meals, bad food, mislabeled commodities, phony formula. Those kinds of problems; not from the public sector but, from people from the private sector who are trying to rip the program off and make ill-gotten gains at the expense of the children.

Mrs. SCHROEDER. And we have aggressively gone after that.

Mr. MILLER of California. And that is minimal at this stage; 10 or 15 years ago it was a major problem, but because of the changes that have been made historically on a bipartisan basis with Senator DOLE and Congressman GOODLING leading the Republican efforts, this bipartisan effort on agriculture and on the education committees had worked out so that we have a program now which is the model throughout the world.

The WIC Program is the model throughout the world on how to deal with high-risk pregnancies and all of the tragedies that can come from that. And going up front and providing a very strong prevention mode that has worked beyond people's wildest expectations.

You point out that we saved $3 for every dollar that we expend in WIC and $10 for every dollar that we spend immunizing a young child. That is just the immediate medical cost. That does not go to what you save in special education and remedial education and all of these other problems that, unfortunately, these children manifest many years later that have been separated from the time of birth when people are no longer concentrating on what happened, so that now Sally or Johnny has a problem in class or with attention span or all of these other problems that occur today.

Mrs. SCHROEDER. If the gentleman would yield further, I guess I stand here absolutely stunned by all of this because my other committee, unlike yours, is Armed Services. And we certainly could not come to the floor and say, "This has a been a model. This has been marvelous. No one has come in front of us and shown us any fraud." My word, it comes in by the ton over the transom every year in every Member's office. And no one is proposing to block grant the Pentagon. It is interesting, the systems that are having trouble, they are winking at and saying, "No, we have to given them more money."

Mr. MILLER of California. It is not to block grant it. They make a big point about they give in the nutrition program 200 million more a year. But if the money is insufficient to meet the demand of the children that are eligible, the children who need this nutrition, then they are in fact cutting the program.

If I said to the people in our Committee on the Armed Services: We will give you $500 million more a year every year for the next 5 years, they would say that is absolutely unacceptable. We have contingencies we cannot foresee. We do not know what is going to happen.

Mrs. SCHROEDER. They are saying that it is threat-based. We must have it be threat-based.

Mr. MILLER of California. We would like this to be family based and nutrition based and health based for the children of this country.

Mrs. SCHROEDER. The gentleman is correct. And I think it is so important to remember why we got into this. We got into this for national security reasons and that is because during World War II they found so many of the people that they drafted, when they came in for their physical, they were suffering from so many things from malnutrition and decided that it was a whole lot better to have some nutrition programs and some feeding programs and, obviously, national standards.

The idea to me that we are going to have 50 States having 50 different nutritional standards makes me crazy. But I think all of these things started as a national security program. Maybe what we ought to do is put it in the defense budget. I do not know.

And then the other thing, and this I realize I should not ask anyone from California. I realize you are in a difficult position, but I think of our Nation's children as a national problem. And it seems to me that in the past this is how we reflected it and they is why these have been in the budget.

And it seems that with these block grants we are saying, "Do not bring your problems anymore." We will throw money to the State and quickly we will get bored with that problem and it will be easy to cut entirely.

But another piece is we are saying that disasters have become a national problem, but not children. Part of the reason that we are hearing that we have to cut these is because of disasters.

Mr. MILLER of California. I think it is very unfortunate that we see the situation where before the election, when we had the Northridge earthquake in California, again on a bipartisan basis, people believed that that was an national emergency and you should not cut other program to pay for that.

I happen to have a little different view. I believe we should privatize the disaster system. We cannot have the "Disaster of the Month" here draining the Treasury. And I would have hoped that we would have done that with this California aid bill. The gentleman from Illinois, Congressman DURBIN, had a proposal in to do that and then we would have a rainy day fund and an earthquake fund or hurricane fund so that we would build that money up so that we could pay it out.

But that was not done, so now as we are halfway through taking care of people who were devastated in the earthquake, people who still cannot enter their houses or businesses or the universities because of the earthquake damage, all of a sudden we have decided it is no longer a national emergency and it is going to have to be paid for and the way to pay for it is to cut summer jobs for children, to cut drug-free schools and to cut the weatherization program to pay for the California aid.

And at the same time, the California Governor wants to give the same amount of money back to the taxpayers of California for a tax cut. So you are telling people in our State of Colorado, or New Mexico, or Maine, or Texas, you have to cut all of your programs to pay for the California aid, but the people in California are going to get a tax cut. I think that is a little hard to sell.

And I think that the Governor is doing a little bit of putting the pea under the walnut shell and seeing whether or not Congress can follow it. Apparently, the Republicans have lost the pea and they have decided they are going to go ahead and give them the money and he can give the tax cut and people all over the country will have those programs cut. It doesn't make any sense.

I honestly believe, and said this during the Midwest flood crisis, that we have got to develop another means of this so that we do not reach out on an ad hoc basis when we have these horrible, horrible disasters that this country, given its geographic size, is never going to be immune from, no matter what we do.

Mrs. SCHROEDER. I truly thank you for being a statesman, because that is what it is. If you are from California, it is difficult to say what you just said.

Mr. MILLER of California. I just talked to my wife this morning and the sandbags are out. We are about this far from——

Mrs. SCHROEDER. It is right at your front door. But I think you are absolutely correct, with the water at your front door, for which there would be a great temptation to say yes, the feds should pay for this and cut any program that there is, you are pointing out if we put cut these feeding programs, we are going to have a much bigger national disaster coming down the road.

And it is not fair for the Governor to have it both ways. He can give back State taxes and then we are forced here to send our Federal taxes to him.

Mr. MILLER of California. The word ingrate comes to mind.

Mrs. SCHROEDER. It kind of comes to mind. I again thank the gentleman.

Mr. MILLER of California. I thank the gentlewoman for joining me in these remarks and raising these points.

The point is that when we look at the rescission bill that we will vote on on Wednesday, the cuts come from low-income housing, from elderly housing, low-income energy assistance. We are taking from the poorest people in this country to provide the disaster assistance so we can provide a tax cut. It just does not make sense and it does not add up. It sounds like Mexico. It sounds like those folks would not go for it over there.

Mrs. SCHROEDER. It is going to go for tax cuts for the richest and disaster relief and it is going to create a huge disaster downstream.

Mr. MILLER of California. I thank the gentlewoman for joining me and, again, for all of her involvement in these issues.

I would just like to say now that it has been pretty well established that the Republican budget cuts and the welfare reform are prepared to turn their back on the issues of prevention with respect to disabled children and preventing these pregnancies that are high risk that we have identified.

We know before the fact, we know that we can go out and change the course of these pregnancies. But yet somehow we are not going to dedicate those funds. And Wednesday we will be voting to cut 100,000 women, pregnant women, pregnancies that are started. They do not know budget rescissions or balanced budgets or fiscal years. The pregnancies are launched, and yet we know if we can get there early, we can change the outcome of this pregnancy. One hundred thousand women will not be served this fiscal year because of these cutbacks. And that is what I mean by cutting the most vulnerable.

But now let us move on to the next stage of the Republican plan. They have already decided they are not going to make the maximum effort to prevent a birth defect from taking place or prevent a low-birth-weight baby from being born or to prevent mental retardation or physical disabilities that occur for a whole host of reasons. They are not going to make that effort.

But now what we find out is that they come back years later. And when we see low-income families, one of the facts about disabilities, mental disabilities and physical disabilities and birth defects, is they know no socioeconomic bounds.

You can be living behind a gated community in a country club and you can have the sadness of the visitation of a birth defect come to your family. And you can struggle with this child and to work out and to create a life for the child and a community within your family, and a family setting for that child, or you can be the poorest person in town. It can happen.

But what we see now is that they are going to take 225,000 children who are severely disabled, either mentally or physically, and they are going to take them off of the Supplemental Security Income Fund that was created to try and help these most disabled children. And they are going to take these children off because they believe that somehow some parents may be coaching their children to act like they are retarded, to act like they have learning disabilities, to act like they have mental disabilities so they can get $400 a month.

I am sure somewhere out there some place there are parents who do this. But let us assume it is 10 percent. It is 10 percent of the parents, so it is 25,000 children. That still leaves you with 200,000 children who are medically certified as severely disabled children. They are off the rolls. This low-income family now gets no fiscal help for the taking care of this child.

Assume it is 20 percent. You have 175,000 children out there who come from low-income families, because you only get the 400 a month if you are very poor. You must be among the poorest to get the maximum payment. You are off of the rolls.

So if your child has cerebral palsy, you are off of the rolls. If your child has other complications, such as the 6-year-old Jennifer Cox, who suffered from a congenital bowel malformation requiring a colostomy, and eye problems and lacks peripheral vision causing her to run into the walls.

At 6, she is not yet toilet trained. But if you are the family trying to take care of your child with all of these problems, we are going to say we are not going to help you anymore, even if you are low income. Somehow, that is not going to happen, because we are going to provide for a tax cut.

Or Kendra Whalen who is 2 who suffers from a very rare growth condition in which one arm is twice as long as the other arm which means it causes her to lose her balance, motor impairment, spinal curvature and has lost lung volume because of this. Kendra is off the rolls if this goes through.

And it goes on and on. To Mosha Smith who is 10 months old, requires a shunt in the back of her head to drain the cerebral spinal fluid from her brain into her abdominal cavity. She suffers partial paralysis of the legs, bowel and bladder and a condition that requires frequent catheterization.

The family is struggling to take care of these children in their family settings. They love these children. And yet somehow what we are saying to these families is the Government cannot help you a little bit.

And what is the help for? What is the help for after the child has been medically certified to suffer these disabilities of retardation, of physical impairments? A documentation that requires the person from Social Security to talk to child care providers; to talk to physicians; if they are school age, to talk to the school personnel; to talk to neighbors and playmates to make sure that this, in fact, this person is disabled to the extent to which it has been represented.

If you are so fortunate to get this help so you can keep your child home, so you can keep your child out of an institution, so you can provide your child some semblance of a normal family life and a normal childhood experience, be they infant or school age, what are you doing with this money that you are getting?

In some cases you are probably having the child's clothing altered, so instead of buttons it can be velcro because the child may not be able to button their clothes.

You may be paying utility bills because a child at home may be on a respirator for 24 hours a day. You may have it to buy or rent a backup generator, because you worry that the loss of electricity for the child who is on the respirator.

You worry about your ability for communication devices, so if something goes wrong you will be able to communicate to people.

What about all the telephone calls you have to make? You are a low-income person with a severely disabled child in your home. You are making phone calls to medical providers, pharmacists, to social services, to schools. We are not going to help you out with that.

How about specially trained child care? You are trying to work. You are low income and you are trying to work, but most child care centers will not take these children. They are not equipped or trained. And if you do find a place for your child, it is much more expensive. But the Government is not going to help you anymore.

Respite care. The taking care of these children is a 24-hour-a-day job. Husband and wife work it out together. They juggle their jobs. Most often what happens is one of them gives up income so that they can take care of the child. So you pay for respite care.

What is respite care? It is a chance to have the child taken care of for 5 hours, 6 hours, 12 hours. Maybe a big thrill, overnight so you and your spouse can spend the evening together. That would be the big thrill. Twenty-four hours of respite care. The Government helps you pay for that now. No longer, when you have a severely disabled child.

What about transportation? Additional transportation if the child is an older child? I mentioned adaptive clothing, the special laundry. The diapers for a teenage child that is uncontinent. You have to go through that for all those years.

Adaptive toys. All of the repairs for the equipment that you have for your child. That is what the $400 a month goes for and that is what is going to be cut off in the welfare reform bill for these most severely disabled children.

We cannot really be doing this in the name of humanity. We cannot be doing this because it is good for the children. We are simply doing this because the Republicans are on the march to round up money so that they can provide a tax cut, as we said, to some of the wealthiest people and corporations in this country.

I am sure that each of those people who earn over $100,000, $150,000, $200,000, if they knew where this money was coming from would probably say, "Why do you not take care of the children? Why do you not help out this family? Why do you not help these families who are financially poor and now have to deal with the problems of a disabled child in their family?"

I am sure that is what those people would say. But, apparently, the politicians whose represent them cannot get that message that that kind of cut is not necessary. This is not a cut about fraud and abuse. This is a cut about gathering up money that some people think that maybe families should not have.

Now, you could get the money if you can show that but for that money, your child would not have to be institutionalized. So if you have the threat of losing your child into an institution, away from your home, even though you want to take care of it, even though it may be less expensive, that is what you would have to show.

What about all the time and the effort and the money that these families put into these children already before they ever get to the Government for help? We have had hearings after hearings on these children and these families and what you see is a very loving child, a Down's syndrome child, a child with cerebral palsy, and a very loving family.

But in this day and age, to hold that family together economically is very difficult with both people working. And if you are low-income, it is almost impossible. So what do you do? You risk losing your child. You risk having to give up your child, because you cannot get the money so that you can give up some hours of work to stay home with that child. And so, therefore, you must show that the child must be institutionalized. Somehow that does not seem to be fair. That does not seem to be fair in terms of putting families into that situation and I do not think it should be done.

If there is some allegation of fraud, if there is some belief that out there somewhere, some parent is coaching their child, then why do we not make it a crime? It is a fraud. Well, it is crime. Do what you want to do.

And the one random sampling of over 600 of these cases, I believe, in 13 cases, no case did they find coaching. And in 10 or 13 cases they thought maybe that potentially there could be some coaching. And I think 10 kids were taken off, but that comes nowhere near the whole population or 5 percent or 2 percent of this population.

And that is why we have to ask whether or not this is really where we want to cut the budget to these most vulnerable families and these most vulnerable children. We have had a history of commitment to these children. We have had a history of commitment to these children because we realized their situation.

We have recognized the stress, the pain, the financial burden that this places on a family. And we have said we will try to help you where that help is necessary. And now we are saying we are going to withdraw that kind of support.

I do not think that that is going to go over well in this country. I do not think that the people believe that that has a higher priority than a tax cut. I think that they believe that that is one of the missions of Government, to see that these families can stay together. To see that children are not taken away from their parents who love them, but are not able to care for them for the want of a couple of hundred dollars a month.

And finally, let me say this. That should a family have to give up their child, and should a family be unable to care for that child, and if because of those special circumstances that child becomes eligible for adoption, cutting SSI makes the adoption of that child much more difficult. Because today, the adoptive families could get some financial help for taking a child with special needs, reaching out to a child with disabilities and saying, "We will make this child a part of our family, but we don't have the financial wherewithal." So it is a better deal for the Government. A child gets a loving family.

But today, that assistance would be cut off under this provision. So now a family that wants to adopt this child with special needs is denied the opportunity. The child is denied the opportunity, so now the child is in foster care. High-cost foster care, because foster care for children with special needs is very expensive, very difficult to come by.

So I want somebody to explain to me, when you get all done cutting the WIC program, the school lunch program, and the SSI benefits for disabled children, and the adoption benefits for disabled children, I want people to explain to me how the children are better off when the Contract With America is done.

The children of this Nation are the first victims of the Contract With American. I guess these Republicans grew up hearing, "Women and children first." They thought that meant to throw them out of the life boat. It meant to put them in the life boat first. It means to save the women and children.

And yet, what do we see? We see that the contract now takes away prenatal care. It takes away health care for pregnancies because of nutritional risks. It takes away the care for a newborn infant because of nutritional risk and brain development; those first hours that are so important for the development of that child.

And now we see later in life, when this family and child is in need of more help because of the birth defects that they suffered, because of the disabilities that they suffered, once again the Federal Government is walking away.

So, clearly, I guess the policy is women and children first during the contract; that they will be sacrificed first in the contract's period on America's children and on America's women.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. SCHROEDER) to revise and extend their remarks and include extraneous material:)

Ms. FURSE, for 5 minutes, today.

Mrs. SCHROEDER, for 5 minutes, today.

(The following Members (at the request of Mr. STEARNS) to revise and extend their remarks and include extraneous material:)

Mr. TALENT, for 5 minutes, on March 14.

Mr. BRYANT of Tennessee, for 5 minutes, on March 14.

Mr. STEARNS, for 5 minutes, today.

Mr. ROHRABACHER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. SCHROEDER) and to include extraneous matter:)

Mr. FRANK of Massachusetts.

Mr. HAMILTON.

Mrs. MEEK of Florida.

(The following Member (at the request of Mr. STEARNS) and to include extraneous matter:)

Mr. BURTON of Indiana.

(The following Member (at the request of Mr. MILLER of California) and to include extraneous matter:)

Mr. PALLONE.

ADJOURNMENT

Mr. MILLER of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 16 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, March 14, 1995, at 12:30 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

524. A letter from the Secretary of Defense, transmitting the annual report of the Reserve Forces Policy Board for fiscal year 1994, pursuant to 10 U.S.C. 113(c)(3); to the Committee on National Security.

525. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease

of defense articles to Turkey (Transmittal No. 13–95), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

526. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Memorandum of Justification for Presidential Determination on drawdown of Department of Defense commodities and services to support the Palestinian police force to carry out its responsibilities, pursuant to 22 U.S.C. 2348a; to the Committee on International Relations.

527. A letter for the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112B(A); to the Committee on International Relations.

528. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, and other statutes, to extend VA's authority to operate various programs, collect copayments associated with provision of medical benefits, and obtain reimbursement from insurance companies for care furnished; to the Committee on Veterans' Affairs.

529. A letter from the Comptroller of the Currency, transmitting the annual report of consumer complaints filed against national banks and the disposition of those complaints; jointly, to the Committees on Banking and Financial Services and Commerce.

530. A letter from the Administrator, General Services Administration, transmitting the annual report regarding the accessibility standards issued, revised, amended, or repealed under the Architectural Barriers Act of 1968, as amended, pursuant to 42 U.S.C. 4151; jointly, to the Committees on Transportation and Infrastructure and Economic and Educational Opportunities.

531. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for fiscal year 1996 for certain maritime programs of the Department of Transportation, and for other purposes; jointly, to the Committees on Transportation and Infrastructure and National Security.

532. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the guarantee fee provisions of the Federal Ship Mortgage Insurance Program in the Merchant Marine Act, 1936, as amended; jointly, to the Committees on Transportation and Infrastructure and National Security.

533. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Merchant Marine Act, 1936, as amended, to revitalize the United States-flag merchant marine, and for other purposes; jointly, to the Committees on Transportation and Infrastructure and National Security.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CLINGER: Committee of Conference. Conference report on S. 1. An act to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes (Rept. 104–76). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ARCHER (for himself, Mr. Goodling, and Mr. Roberts):

H.R. 1214. A bill to help children by reforming the Nation's welfare system to promote work, marriage, and personal responsibility; to the Committee on Ways and Means, and in addition to the Committee on Economic and Educational Opportunities, Agriculture, Commerce, the Judiciary, National Security, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ARCHER:

H.R. 1215. A bill to amend the Internal Revenue Code of 1986 to strengthen the American family and create jobs; to the Committee on Ways and Means.

By Mr. BLILEY:

H.R. 1216. A bill to amend the Atomic Energy Act of 1954 to provide for the privatization of the U.S. Enrichment Corporation; to the Committee on Commerce.

H.R. 1217. A bill to amend parts B and C of title XVIII of the Social Security Act to extend certain savings provisions under the Medicare Program, as incorporated in the budget submitted by the President for fiscal year 1996; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 1218. A bill to extend the authority of the Federal Communications Commission to use competitive bidding in granting licenses and permits; to the Committee on Commerce.

By Mr. KASICH:

H.R. 1219. A bill to amend the Congressional Budget Act of 1974 and the Balanced Budget and Emergency Deficit Control Act of 1985 to extend and reduce the discretionary spending limits, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATHAM:

H.R. 1220. A bill to establish a temporary moratorium on the delineation of new wetlands until enactment of a law that is the successor to the Food, Agriculture, Conservation, and Trade Act of 1990, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 29: Mr. Baker of Louisiana.

H.R. 117: Mr. Heineman and Mr. Weller.

H.R. 230: Mr. Livingston.

H.R. 612: Mr. Lipinski.

H.R. 678: Mr. Burton of Indiana.

H.R. 682: Mr. Weller.

H.R. 860: Mr. Packard.

H.R. 902: Mr. McCrery and Mr. Fattah.

H.R. 922: Mr. Serrano and Mr. Hilliard.

H.R. 969: Mr. Yates, Mr. LaFalce, Mr. Lipinski, Mr. Bryant of Texas, Mr. Visclosky, Mr. Evans, Mr. Serrano, Mr. Wyden, and Mr. Sanders.

H.R. 1145: Mr. Stupak and Mr. Berman.

H.J. Res. 61: Mr. Bunn of Oregon.

H.J. Res. 70: Mr. Scott, Mr. Tucker, Ms. Jackson-Lee, Ms. Waters, Mr. Franks of Connecticut, Mr. Flake, Mrs. Clayton, Mr. Watts of Oklahoma, Ms. Lofgren, Mr. Bryant of Tennessee, and Mr. Fattah.

H. Con. Res. 12: Mr. Ney and Mr. Crapo.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1159

Offered By: Mr. Clay

Amendment No. 2: Page 12, strike lines 10 through 15.

H.R. 1159

Offered By: Ms. Furse

Amendment No. 3: Page 12, after line 7, insert the following:

CHAPTER V

DEPARTMENT OF DEFENSE, MILITARY RESEARCH, DEVELOPMENT, TEST AND EVALUATION

Research, Development, Test and Evaluation, Army

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $486,600,000 is rescinded, to be derived from the Comanche helicopter.

Research, Development, Test and Evaluation, Navy

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $2,158,000,000 is rescinded, to be derived from the following programs in the specified amounts:

(1) F/A–18E/F fighter and attack aircraft program, $1,249,700,000.

(2) New attack submarine program, $455,600,000.

(3) V–22 Osprey program, $452,700,000.

Research, Development, Test and Evaluation, Air Force

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $2,941,500,000 is rescinded, to be derived from the following programs in the specified amounts:

(1) F–22 fighter aircraft program, $2,325,300,000.

(2) Milstar communications satellite program, $616,200,000.

Research, Development, Test and Evaluation, Defense-Wide

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $2,467,600,000 is rescinded, to be derived from the ballistic missile defense program.

H.R. 1159

Offered By: Ms. Furse

Amendment No. 4: Page 12, after line 7, insert the following:

CHAPTER V

DEPARTMENT OF DEFENSE, MILITARY PROCUREMENT

Procurement, Defense-Wide

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $1 is rescinded.

H.R. 1159

Offered By: Mrs. Lowey

Amendment No. 5: Page 14, line 11, strike ": *Provided*, That" and all that follows through "term" on line 16.

H.R. 1159

Offered By: Mrs. Morella

Amendment No. 6: Page 8, line 24, strike "$19,500,000" and insert "$9,500,000".

Page 9, line 11, strike "$20,000,000" and insert "$30,000,000".

H.R. 1159

Offered by: Mr. Murtha

Amendment No. 7: Add the following Section to the end of the bill:

"SAVINGS TO BE USED EXCLUSIVELY FOR DEFICIT REDUCTION

"Sec. 308. An amount equal to the net budget authority reduced in this Act is hereby appropriated into the Deficit Reduction Fund established pursuant to Executive Order 12858 to be used exclusively to reduce the Federal deficit: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. None of the savings derived from the net budget authority reduced in this Act shall be used as a budgetary offset for any subsequent legislation that reduces Federal tax revenue"."

H.R. 1159

Offered by: Mr. Murtha

Amendment No. 8: Add the following Section to the end of the bill:

"SAVINGS TO BE USED EXCLUSIVELY FOR DEFICIT REDUCTION

"Sec. 308. An amount equal to the net budget authority reduced in this Act is hereby appropriated into the Deficit Reduction Fund established pursuant to Executive Order 12858 to be used exclusively to reduce the Federal deficit: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended"."

H.R. 1159

Offered By: Mr. Obey

Amendment No. 9:

"SEC. 308. PRESERVATION OF SCHOOL LUNCH AND FAMILY NUTRITION PROGRAMS BY DELAYING DEPLOYMENT OF F-22 AIRCRAFT.

(INCLUDING RESCISSION)

"(a) F–22 Budget Savings and Replenishment of Nutrition Programs.—The Secretary of Defense shall defer the initial operational capability of the F–22 aircraft by 5 years in a manner consistent with recommendations of the General Accounting Office and shall adjust the currently planned production schedule accordingly.

"Of the funds available under 'Research, Development, Test, and Evaluation, Air Force' in Public Law 103–335 for development, test, and evaluation of the F–22 aircraft, $225,000,000 are rescinded. For additional payments to States above the amounts to which they are entitled for fiscal year 1996 under the School Lunch Program (42 USC 1751 et seq.), the School Breakfast Program (42 USC 1773), the Meal Supplements for Children in Afterschool Care Program (42 USC 1766a), the Special Milk Program (42 USC 1772), the Summer Food Service Program (42 USC 1761), the Child and Adult Care Food Program (42 USC 1766), the Homeless Children Nutrition Program (42 USC 1766b), and the Nutrition Education Grant Program (42 USC 1787), in accordance with the terms and conditions for such programs that exist in law as of the date of enactment of this Act, $200,000,000, to be available as of October 1, 1995 and to remain available until September 30, 1996: *Provided*, That the Secretary of Agriculture shall make available these supplementary funds to the States in a manner that best replenishes any funding gap a State may experience between what is currently authorized to be available for each program as of the date of enactment of this Act and what is authorized to be available for these activities on October 1, 1995. For an additional amount for 'Special Supplemental Food Program For Women, Infants, And Children (WIC)', $25,000,000 to remain available until September 30, 1996.

"(b) Establishment of School Lunch and Family Nutrition Preservation Fund.—There is hereby created in the Treasury of the United States a fund to be known as the 'School Lunch and Family Nutrition Preservation Fund'. The total capitalization of the Fund shall be not greater than $7,000,000,000, to be derived from the annual appropriations authorized to be made to the Fund beginning in fiscal year 1996 through fiscal year 2000. Such appropriations shall be based on amounts determined to be saved from extending the deployment date of the F–22 fighter aircraft as specified in this Act compared to the FY 1996 budget plan submitted by the President. The Secretary of Agriculture is authorized to provide grants to States (or to make amounts available to the Secretary of Defense as the case may be) from amounts available in the Fund for the purpose of carrying out nutrition programs authorized by the Child Nutrition Act of 1966 and the National School Lunch Act as the programs exist (and under the same terms and conditions) on the date of enactment of this Act. To the maximum extent feasible, the Secretary shall make grants in a manner that best replenishes any funding gap a recipient may experience between what is currently authorized to be available in each fiscal year for each program on the date of enactment of the Act and estimates of what is authorized to be available for these activities at the beginning of each fiscal year"."

H.R. 1159

Offered By: Mr. Obey

Amendment No. 10:

"SEC. 308. REPLENISHMENT OF SCHOOL LUNCH AND FAMILY NUTRITION PROGRAMS.

(INCLUDING RESCISSION)

"Of the funds available under "Research, Development, Test, and Evaluation, Air Force" in Public Law 103–335 for development, test, and evaluation of the F–22 aircraft, $225,000,000 are rescinded. For additional payments to States above the amounts to which they are entitled for fiscal year 1996 under the School Lunch Program (42 USC 1751 et seq.), the School Breakfast Program (42 USC 1773), the Meal Supplements for Children in Afterschool Care Program (42 USC 1766a), the Special Milk Program (42 USC 1772), the Summer Food Service Program (42 USC 1761), the Child and Adult Care Food Program (42 USC 1766), the Homeless Children Nutrition Program (42 USC 1766b), and the Nutrition Education Grant Program (42 USC 1787), in accordance with the terms and conditions for such programs that exist in law as of the date of enactment of this Act, $200,000,000, to be available as of October 1, 1995 and to remain available until September 30, 1996. *Provided*, That the Secretary of Agriculture shall make available these supplementary funds to the States in a manner that best replenishes any funding gap a State may experience between what is currently authorized to be available for each program as of the date of enactment of the Act and what is authorized to be available for these activities on October 1, 1995. For an additional amount for "Special Supplemental Food Program For Women, Infants, And Children (WIC)", $25,000,000, to remain available until September 30, 1996"."

H.R. 1159

Offered By: Mr. Vento

Amendment No. 11: Page 22, beginning line 5, strike "shall not be precluded because" and insert "shall be precluded if".

H.R. 1159

Offered By: Mr. Vento

Amendment No. 12: Strike section 307 (page 14, line 17 and all that follows through line 24 on page 27), relating to the emergency salvage timber sale program.

H.R. 1159

Offered By: Mr. Yates

Amendment No. 13: Strike section 307 (page 14, line 17 and all that follows through line 24 on page 27).

H.R. 1159

Offered By: Mr. Yates

Amendment No. 14: Strike section 307 (page 14, line 17 and all that follows through line 24 on page 27), and insert the following new section:

PROHIBITION ON BELOW-COST TIMBER SALES

Sec. 307. After the date of the enactment of this Act, none of the funds appropriated under Public Law 103–138 or 103–332 may be expended by the Bureau of Land Management or the Forest Service to offer timber for sale at below cost. For the purposes of this section, timber is offered for sale at below cost if the estimated—

(1) costs to be incurred by the Bureau of Land Management or the Forest Service relating to preparing and offering such timber for sale, reforestation after such sale, and purchaser road credits allocable to such sale, are greater than

(2) receipts from such sale (excluding those receipts to be paid to States for schools and roads).

H.R. 1158

Offered By: Mr. Andrews

Amendment No. 6: Page 4, line 25—Strike "$12,678,000" and insert "$100,000,000"

Page 6 strike line 17 and all that follows through line 22.

H.R. 1158

Offered By: Mr. Andrews

Amendment No. 7: Page 16, Line 23—strike "$14,390,000" and insert $33,190,000"

Page 17, line 16—strike "Urban Park and Recreation Fund" and all that follows through "rescinded."

H.R. 1158

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 8: Strike all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes, namely:

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

CHAPTER I

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for "Disaster Relief" for necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $860,000,000, to remain available until expended: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER II

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating expenses", to cover the incremental costs arising from the consequences of Operations Able Manner, Able Vigil, Restore Democracy, and Support Democracy, $28,197,000, to remain available until September 30, 1995: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

TITLE II—RESCISSIONS

CHAPTER I

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $31,000 is rescinded: *Provided*, That none of the funds made available to the Department of Agriculture may be used to carry out activities under 7 U.S.C. 2257 without prior notification to the Committees on Appropriations.

DEPARTMENTAL ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $2,500,000 is rescinded.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $8,000,000 is rescinded.

OFFICE OF COMMUNICATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $700,000 is rescinded.

ECONOMIC RESEARCH SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $3,600,000 is rescinded.

NATIONAL AGRICULTURAL STATISTICS SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $5,300,000 is rescinded.

ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $3,000,000 is rescinded.

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330 and other Acts, $100,000,000 is rescinded.

COOPERATIVE STATE RESEARCH SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $1,051,000 is rescinded, including $524,000 for contracts and grants for agricultural research under the Act of August 4, 1965, as amended (7 U.S.C. 450i(c)); and $527,000 for necessary expenses of Cooperative State Research Service activities: *Provided*, That the amount of "$9,917,000" available under this heading in Public Law 103–330 (108 Stat. 2441) for a program of capacity building grants to colleges eligible to receive funds under the Act of August 30, 1890, is amended to read "$9,207,000".

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330 and other Acts, $20,994,000 is rescinded.

AGRICULTURAL MARKETING SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $5,750,000 is rescinded.

RURAL DEVELOPMENT ADMINISTRATION AND FARMERS HOME ADMINISTRATION

LOCAL TECHNICAL ASSISTANCE AND PLANNING GRANTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $1,750,000 is rescinded.

ALCOHOL FUELS CREDIT GUARANTEE PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 102–341, $9,000,000 is rescinded.

RURAL ELECTRIFICATION ADMINISTRATION

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $3,000,000 for the cost of 5 percent rural telephone loans is rescinded.

FOREIGN AGRICULTURAL SERVICE AND GENERAL SALES MANAGER

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $9,500,000 is rescinded.

PUBLIC LAW 480 PROGRAM ACCOUNTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $6,100,000 is rescinded from the amount provided for Public Law 480 title I credit and $92,500,000 is rescinded from the amount provided for commodities supplied in connection with dispositions abroad pursuant to title III.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $40,000,000 is rescinded.

CHAPTER II

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $7,000,000 is rescinded.

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances in the Working Capital Fund, $1,500,000 is rescinded.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $1,000,000 is rescinded.

OFFICE OF JUSTICE PROGRAMS

DRUG COURTS

(RESCISSION)

Of the funds made available under this heading in title VIII of Public Law 103–317, $27,750,000 is rescinded.

OUNCE OF PREVENTION COUNCIL

(TRANSFER OF FUNDS)

Under this heading in Public Law 103–317, after the word "grants", insert the following: "and administrative expenses". After the word "expended", insert the following: ": *Provided*, That the Council is authorized to accept, hold, administer, and use gifts, both real and personal, for the purpose of aiding or facilitating the work of the Council".

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $1,000,000 is rescinded.

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $16,000,000 is rescinded.

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $35,100,000 is rescinded.

CONSTRUCTION OF RESEARCH FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $9,000,000 is rescinded.

National Oceanic and Atmospheric Administration

OPERATIONS, RESEARCH, AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $37,000,000 is rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $6,200,000 is rescinded.

General Administration

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $4,460,000 is rescinded.

Bureau of the Census

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $17,300,000 is rescinded.

Economic and Statistical Analysis

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $3,000,000 is rescinded.

International Trade Administration

OPERATIONS AND ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $18,000,000 is rescinded.

United States Travel and Tourism Administration

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $1,100,000 is rescinded.

Technology Administration

Under Secretary for Technology/Office of Technology Policy

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $3,300,000 is rescinded.

National Technical Information Service

NTIS REVOLVING FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $4,000,000 is rescinded.

National Telecommunications and Information Administration

PUBLIC BROADCASTING FACILITIES, PLANNING AND CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $18,000,000 is rescinded.

INFORMATION INFRASTRUCTURE GRANTS

(RESCISSION)

Of the funds made available under this heading in Public Laws 103–317, $30,000,000 is rescinded.

Economic Development Administration

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Laws 103–75 and 102–368, $37,584,000 is rescinded.

In addition, of the funds made available under this heading in Public Laws 99–500 and 99–591, $7,500,000 for the Fort Worth Stockyards Project is rescinded.

THE JUDICIARY

Courts of Appeals, District Courts, and Other Judicial Services

DEFENDER SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $1,100,000 is rescinded.

RELATED AGENCIES

Small Business Administration

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $33,000,000 is rescinded: *Provided*, That no funds in that Public Law shall be available to implement section 24 of the Small Business Act, as amended.

Legal Services Corporation

PAYMENT TO THE LEGAL SERVICES CORPORATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317 and prior appropriations Acts, $5,849,000 is rescinded, of which $33,000 are from funds made available for law school clinics; $31,000 are from funds made available for supplemental field programs; $75,000 are from funds made available for regional training centers; $1,189,000 are from funds made available for national support; $1,021,000 are from funds made available for State support; $685,000 are from funds made available for client initiatives; $44,000 are from funds made available for the Clearinghouse; $4,000 are from funds made available for computer assisted legal research regional centers; and $1,572,000 are from funds made available for Corporation management and administration.

DEPARTMENT OF STATE

Administration of Foreign Affairs

DIPLOMATIC AND CONSULAR PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $130,000,000 is rescinded.

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $22,200,000 is rescinded.

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $36,700,000 is rescinded.

RELATED AGENCIES

Board for International Broadcasting

ISRAEL RELAY STATION

(RESCISSION)

From unobligated balances available under this heading, $2,000,000 is rescinded.

International Trade Commission

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $2,700,000 is rescinded.

CHAPTER III

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

Corps of Engineers—Civil

GENERAL INVESTIGATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Appropriations Act, $10,000,000 is rescinded.

CONSTRUCTION, GENERAL

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Appropriations Acts, $40,000,000 is rescinded.

OPERATION AND MAINTENANCE, GENERAL

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $100,000,000 is rescinded.

REGULATORY PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $5,000,000 is rescinded.

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

CONSTRUCTION PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $18,000,000 is rescinded.

OPERATION AND MAINTENANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $18,000,000 is rescinded.

DEPARTMENT OF ENERGY

Energy Supply, Research and Development Activities

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316 and in appropriation Acts for prior fiscal years, $770,235,000 is rescinded.

General Science and Research Activities

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $86,265,000 is rescinded.

Atomic Energy Defense Activities

Defense Environmental Restoration and Waste Management

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Acts, $28,000,000 is rescinded.

Departmental Administration

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $34,000,000 is rescinded.

POWER MARKETING ADMINISTRATIONS

OPERATION AND MAINTENANCE, ALASKA POWER ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $2,000,000 is rescinded.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $13,000,000 is rescinded.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $9,000,000 is rescinded.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $43,000,000 is rescinded.

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $109,000,000 is rescinded.

TENNESSEE VALLEY AUTHORITY

TENNESSEE VALLEY AUTHORITY FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $70,000,000 is rescinded.

CHAPTER IV

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–306, $25,000,000 is rescinded.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEVELOPMENT ASSISTANCE FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–306, $45,500,000 is rescinded.

POPULATION, DEVELOPMENT ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–306, $9,000,000 is rescinded.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

PEACEKEEPING OPERATIONS

(RESCISSION)

Of the unobligated or unexpended balances of funds available under this heading from funds provided in Public Law 103–306, $4,500,000 is rescinded.

EXPORT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

SUBSIDY APPROPRIATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–87 and Public Law 103–306, $400,000,000 is rescinded.

ADMINISTRATIVE EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–306, $39,200,000 is rescinded.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–306, $4,500,000 is rescinded.

CHAPTER V

DEPARTMENT OF INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $37,370,000 is rescinded, of which $70,000 is to be derived from amounts available for developing and finalizing the Roswell Resource Management Plan/Environmental Impact Statement and the Carlsbad Resource Management Plan Amendment/Environmental Impact Statement: *Provided*, That none of the funds made available in such Act or any other appropriations Act may be used for finalizing or implementing either such plan.

CONSTRUCTION AND ACCESS

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138, and Public Law 102–381, $4,500,000 is rescinded.

PAYMENTS IN LIEU OF TAXES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $5,000,000 is rescinded.

LAND ACQUISITION

(RESCISSION)

Of the funds available under this heading in Public Law 102–381, Public Law 101–121, and Public Law 100–446, $1,997,000 is rescinded.

OREGON AND CALIFORNIA GRANT LANDS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–332, $6,000,000 is rescinded.

RANGE IMPROVEMENTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–332, $600,000 is rescinded.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $2,000,000 is rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading or the heading Construction and Anadromous Fish in Public Law 103–332, Public Law 103–138, Public Law 103–75, Public Law 102–381, Public Law 102–154, Public Law 102–368, Public Law 101–512, Public Law 101–121, Public Law 100–446, and Public Law 100–202, $33,190,000 is rescinded.

LAND ACQUISITION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138, Public Law 102–381, and Public Law 101–512, $10,345,000 is rescinded.

REWARDS AND OPERATIONS

(RESCISSION)

Of the funds available under this heading in Public Law 103–332 to carry out the provisions of the African Elephant Conservation Act, $300,000 is rescinded.

NATIONAL BIOLOGICAL SURVEY

RESEARCH, INVENTORIES, AND SURVEYS

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $16,680,000 is rescinded.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–332, $50,000,000 is rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $41,631,000 is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138, Public Law 102–381, Public Law 102–154, Public Law 101–512, Public Law 101–121, Public Law 100–446, Public Law 100–202, Public Law 99–190, Public Law 98–473, and Public Law 98–146, $16,509,000 is rescinded.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

(RESCISSION)

Of the funds made available under this heading in Public Law 103–332, $18,000,000 is rescinded.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–332, $10,000,000 is rescinded.

BUREAU OF MINES

MINES AND MINERALS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–332, $18,000,000 is rescinded.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $4,046,000 is rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $10,309,000 is rescinded.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $6,438,000 is rescinded.

TRUST TERRITORY OF THE PACIFIC ISLANDS

(RESCISSION)

Of the funds available under this heading in Public Law 99–591, $32,139,000 is rescinded.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–332, $3,000,000 is rescinded.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $6,000,000 is rescinded.

STATE AND PRIVATE FORESTRY

(RESCISSION)

Of the funds available under this heading in Public Law 103–332 and Public Law 103–138, $12,500,000 is rescinded.

INTERNATIONAL FORESTRY

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $1,000,000 is rescinded.

NATIONAL FOREST SYSTEM

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $3,327,000 is rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138 and Public Law 102–381, $4,919,000 is rescinded.

LAND ACQUISITION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138 and Public Law 102–381, $3,974,000 is rescinded.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $18,650,000 is rescinded.

NAVAL PETROLEUM AND OIL SHALE RESERVES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $21,000,000 is rescinded.

ENERGY CONSERVATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $46,228,000 is rescinded and of the funds available under this heading in Public Law 103–138, $13,700,000 is rescinded.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $2,000,000 is rescinded.

OTHER RELATED AGENCIES

SMITHSONIAN INSTITUTION

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

(RESCISSION)

Of the funds available under this heading in Public Law 102–381, and Public Law 103–138, $1,000,000 is rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 102–154, Public Law 102–381, Public Law 103–138, and Public Law 103–332, $31,012,000 is rescinded.

NATIONAL GALLERY OF ART

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $407,000 is rescinded.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $3,000,000 is rescinded.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $2,300,000 is rescinded.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $5,000,000 is rescinded.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $5,000,000 is rescinded.

CHAPTER VI

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $945,466,000 is rescinded, including $10,000,000 for necessary expenses of construction, rehabilitation, and acquisition of new Job Corps centers, $12,500,000 for the School-to-Work Opportunities Act, $6,408,000 for section 401 of the Job Training Partnership Act, $8,571,000 for section 402 of such Act, $3,861,000 for service delivery areas under section 101(a)(4)(A)(iii) of such Act, $2,223,000 for the National Commission for Employment Policy and $500,000 for the National Occupational Information Coordinating Committee.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

(RESCISSION)

Of the funds made available in the first paragraph under this heading in Public Law 103–333, $11,263,000 is rescinded.

Of the funds made available in the second paragraph under this heading in Public Law 103–333, $3,177,000 is rescinded.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $12,000,000 is rescinded, and amounts which may be expended from the Employment Security Administration account in the Unemployment Trust Fund are reduced from $3,269,097,000 to $3,253,097,000.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $2,487,000 is rescinded.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $16,072,000 is rescinded.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $10,000,000 is rescinded.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $7,000,000 is rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $78,275,000 is rescinded.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $8,883,000 is rescinded.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CENTER FOR RESEARCH RESOURCES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 for extramural facilities construction grants, $20,000,000 is rescinded.

BUILDINGS AND FACILITIES

(RESCISSION)

Of the available balances under this heading, $50,000,000 is rescinded.

ASSISTANT SECRETARY FOR HEALTH

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $1,400,000 is rescinded.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

(RESCISSION)

Of the Federal funds made available under this heading in Public Law 103–333, $3,132,000 is rescinded.

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

(RESCISSION)

Funds made available under this heading in Public Law 103–333 are reduced from $2,207,135,000 to $2,168,935,000, and funds transferred to this account as authorized by section 201(g) of the Social Security Act are reduced to the same amount.

ADMINISTRATION FOR CHILDREN AND FAMILIES

COMMUNITY SERVICES BLOCK GRANT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $26,988,000 is rescinded.

CHILDREN AND FAMILIES SERVICES PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 to be derived from the Violent Crime Reduction Trust Fund, $25,900,000 is rescinded for carrying out the Community Schools Youth Services and Supervision Grant Program Act of 1994.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 for payments to States under section 474(a)(3) of the Social Security Act, an amount is hereby rescinded such that the total made available to any State under such section in fiscal year 1995 does not exceed 110 percent of the total paid to such State thereunder in fiscal year 1994 which, notwithstanding any other provision of law, is the maximum amount to which any such State shall be entitled for payments under such section 474(a)(3) for fiscal year 1995.

Administration on Aging

AGING SERVICES PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $899,000 is rescinded.

General Departmental Management

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $4,500,000 is rescinded.

DEPARTMENT OF EDUCATION

EDUCATION REFORM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $186,030,000 is rescinded, including $142,000,000 from funds made available for State and local education systemic improvement, $21,530,000 from funds made available for Federal activities, and $10,000,000 from funds made available for parental assistance under the Goals 2000: Educate America Act; and $12,500,000 is rescinded from funds made available under the School to Work Opportunities Act, including $9,375,000 for National programs and $3,125,000 for State grants and local partnerships.

EDUCATION FOR THE DISADVANTAGED

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $8,270,000 from the Elementary and Secondary Education Act, title I, part E, section 1501.

IMPACT AID

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $16,293,000 for section 8002 is rescinded.

SCHOOL IMPROVEMENT PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $275,170,000 is rescinded as follows: from the Elementary and Secondary Education Act, title II–B, $60,000,000, title V–C, $28,000,000, title IX–B, $12,000,000, title X–D, –E, and –G, and section 10602, $21,384,000, and title XII, $100,000,000; from the Higher Education Act, section 596, $13,875,000; from the Stewart B. McKinney Homeless Assistance Act, title VII–B, $28,811,000; and from funds derived from the Violent Crime Reduction Trust Fund, $11,100,000.

Special Institutions for Persons With Disabilities

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $799,000 is rescinded.

GALLAUDET UNIVERSITY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $1,298,000 is rescinded.

VOCATIONAL AND ADULT EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $232,413,000 is rescinded as follows: from the Carl D. Perkins Vocational and Applied Technology Education Act, title III–A, –B, and –E, $151,888,000 and from title IV–A, –B, and –C, $34,535,000; from the Adult Education Act, section 384(c), part B–7, and section 371, $31,392,000; from the Stewart B. McKinney Homeless Assistance Act, $9,498,000; and from the National Literacy Act, $5,100,000.

STUDENT FINANCIAL ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $83,375,000 is rescinded from funding for the Higher Education Act, title IV, part A–4 and part H–1.

FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $3,000,000 is rescinded.

HIGHER EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $91,046,000 is rescinded as follows: from amounts available for Public Law 99–498, $1,000,000; the Higher Education Act, title IV–A, chapter 5, $496,000, title IV–A–2, chapter 2, $3,108,000, title IV–A–6, $9,823,000, title V–C, subparts 1 and 3, $16,175,000, title IX–B, $10,100,000, title IX–C, $7,500,000, title IX–E, $3,500,000, title IX–G, $14,920,000, title X–D, $4,000,000, and title XI–A, $13,000,000; Public Law 102–325, $1,000,000; and the Excellence in Mathematics, Science, and Engineering Education Act of 1990, $6,424,000: *Provided*, That in carrying out title IX–B, remaining appropriations shall not be available for awards for doctoral study.

HOWARD UNIVERSITY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $4,300,000 is rescinded, including $2,500,000 for construction.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 for the costs of direct loans, as authorized under part C of title VII of the Higher Education Act, as amended, $168,000 is rescinded, and the authority to subsidize gross loan obligations is repealed. In addition, $322,000 appropriated for administrative expenses is rescinded.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

(RESCISSION)

(TRANSFER OF FUNDS)

Of the funds made available under this heading in Public Law 103–333, $55,250,000 is rescinded as follows: from the Elementary and Secondary Education Act, title III–A, $30,000,000, title III–B, $10,000,000, title III–C, $2,700,000, title III–D, $2,250,000; title X–B, $4,600,000, and title XIII–B, $2,700,000; from the Goals 2000: Educate America Act, title VI, $3,000,000.

Notwithstanding any other provision of law, during fiscal year 1995, $56,750,000 shall be available under this heading for the Fund for the Improvement of Education: *Provided*, That none of the funds under this heading during fiscal year 1995 shall be obligated for title III–B of the Elementary and Secondary Education Act (Star Schools Program).

LIBRARIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $26,716,000 is rescinded as follows: for the Library Services and Construction Act, and part II, $15,300,000; for the Higher Education Act, part II, sections 222 and 223, $11,416,000.

Departmental Management

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $10,000,000 is rescinded.

Related Agencies

Corporation for Public Broadcasting

(RESCISSION)

Of the funds made available under this heading in Public Law 103–112, $47,000,000 is rescinded. Of the funds made available under this heading in Public Law 103–333, $94,000,000 is rescinded.

Railroad Retirement Board

DUAL BENEFITS PAYMENTS ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $5,000,000 is rescinded.

GENERAL PROVISION

Federal Direct Student Loan Program

SEC. 601. Section 458(a) of the Higher Education Act of 1965 (20 U.S.C. 1087h(a)) is amended—

(1) by striking "$345,000,000" and inserting "$298,000,000"; and

(2) by striking "$2,500,000,000" and inserting "$2,453,000,000".

CHAPTER VII

LEGISLATIVE BRANCH

JOINT ITEMS

JOINT ECONOMIC COMMITTEE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $460,000 is rescinded.

JOINT COMMITTEE ON PRINTING

(RESCISSION)

(TRANSFER OF FUNDS)

Of the funds made available under this heading in Public Law 103–283, $418,000 is rescinded: *Provided*, That, upon enactment of this Act, any balance of the funds made available that remains after this rescission shall be transferred in equal amounts to the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate for the purpose of carrying out the functions of the Joint Committee on Printing.

OFFICE OF TECHNOLOGY ASSESSMENT

Salaries and Expenses

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $650,000 is rescinded.

ARCHITECT OF THE CAPITOL

Capitol Buildings and Grounds

CAPITOL BUILDINGS

(RESCISSIONS)

Of the funds made available until expended for energy efficient lighting retrofitting under this heading in Public Law 102–392, $500,000 is rescinded.

Of the funds made available until expended for energy efficient lighting retrofitting under this heading in Public Law 103–69, $2,000,000 is rescinded.

GOVERNMENT PRINTING OFFICE

(RESCISSIONS)

Congressional Printing and Binding

Of the funds made available under this heading in Public Law 103–283, $3,000,000 is rescinded.

Office of Superintendent of Documents

salaries and expenses

Of the funds made available under this heading in Public Law 103–283, $600,000 is rescinded.

BOTANIC GARDEN

Salaries and Expenses

(rescission)

Of the funds made available until expended by transfer under this heading in Public Law 103–283, $4,000,000 is rescinded.

LIBRARY OF CONGRESS

(rescissions)

Salaries and Expenses

Of the funds made available under this heading in Public Law 103–283, $150,000 is rescinded.

Books for the Blind and Physically Handicapped

salaries and expenses

Of the funds made available under this heading in Public Law 103–283, $100,000 is rescinded.

GENERAL ACCOUNTING OFFICE

Salaries and Expenses

(rescission)

Of the funds made available under this heading in Public Law 103–283, $8,867,000 is rescinded.

CHAPTER VIII

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

OFFICE OF THE SECRETARY

Salaries and Expenses

(rescission)

Of the funds made available under this heading in Public Law 103–331, $3,000,000 is rescinded.

Transportation Planning, Research, and Development

(rescission)

Of the amounts provided under this heading in Public Law 103–331, $1,293,000 is rescinded.

Working Capital Fund

The obligation authority under this heading in Public Law 103–331 is hereby reduced by $8,000,000.

COAST GUARD

Operating Expenses

(rescission)

Of the amounts provided under this heading in Public Law 103–331, $6,440,000 is rescinded.

Acquisition, Construction, and Improvements

(rescission)

Of the available balances under this heading, $42,569,000 is rescinded.

Environmental Compliance and Restoration

(rescission)

Of the amounts provided under this heading in Public Law 103–331, $3,500,000 is rescinded.

FEDERAL AVIATION ADMINISTRATION

Facilities and Equipment

(airport and airway trust fund)

(rescission)

Of the available balances under this heading, $69,825,000 is rescinded.

Research, Engineering, and Development

(airport and airway trust fund)

(rescission)

Of the available balances under this heading, $7,500,000 is rescinded.

Grants-in-Aid for Airports

(airport and airway trust fund)

(rescission)

Of the available balances under this heading, all amounts available for the military airport program is rescinded.

FEDERAL HIGHWAY ADMINISTRATION

Limitation on General Operating Expenses

The obligation limitation under this heading in Public Law 103–331 is hereby reduced by $42,500,000.

Federal-aid Highways

(limitation on obligations)

(highway trust fund)

The obligation limitation under this heading in Public Law 103–331 is hereby reduced by $70,140,000: *Provided*, That $27,640,000 shall be deducted from amounts made available for the Applied Research and Technology Program authorized under section 307(e) of title 23, United States Code: *Provided further*, That no reduction shall be made in any amount distributed to any State under section 310(a) of Public Law 103–331.

Federal-aid Highways

emergency relief program

(highway trust fund)

(rescission)

Of the amounts provided under this heading in Public Law 103–211, $351,000,000 is rescinded.

FEDERAL RAILROAD ADMINISTRATION

Local Rail Freight Assistance

(rescission)

Of the funds made available under this heading in Public Law 103–331, $13,000,000 is rescinded.

Northeast Corridor Improvement Program

(rescission)

Of the amounts provided under this heading in Public Law 103–331, $7,768,000 is rescinded.

FEDERAL TRANSIT ADMINISTRATION

Transit Planning and Research

(rescission)

Of the available balances under this heading, $8,800,000 is rescinded.

Discretionary Grants

(limitation on obligations)

(highway trust fund)

(a) Reduction of Fiscal Year 1995 Limitation.—The obligation limitation under this heading in Public Law 103–331 is reduced by $146,160,000, to be distributed as follows:

(1) $91,110,000, for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, to be distributed as follows:

(A) Little Rock, Arkansas, $500,000.

(B) Long Beach, California, $500,000.

(C) Santa Cruz, California, $500,000.

(D) San Francisco Bay Area, California, $500,000.

(E) Eagle County, Colorado, $500,000.

(F) Norwich, Connecticut, $1,000,000.

(G) Orlando, Florida, $3,250,000.

(H) Iowa State, Illinois, $3,500,000.

(I) Cedar Rapids, Iowa, $1,500,000.

(J) Illinois State, Illinois, $5,500,000.

(K) Johnston County, Kansas, $5,050,000.

(L) Wichita, Kansas, $1,350,000.

(M) Detroit, Michigan, $2,000,000.

(N) Lansing, Michigan, $2,350,000.

(O) Michigan State, Michigan, $4,500,000.

(P) North Carolina, North Carolina, $8,000,000.

(Q) Atlantic City, New Jersey, $2,000,000.

(R) Vineland, New Jersey, $1,750,000.

(S) Las Vegas, Nevada, $60,000.

(T) Bronx, New York, $1,000,000.

(U) Buffalo bus transit centers, New York, $400,000.

(V) Long Island, New York, $3,600,000.

(W) Ohio State, Ohio, $7,500,000.

(X) Cleveland Tower City International hub, Ohio, $500,000.

(Y) Salem, Oregon, $500,000.

(Z) Philadelphia Erie Avenue, Pennsylvania, $750,000.

(aa) El Paso, Texas, $4,500,000.

(bb) Northern Virginia-Dulles, Virginia, $450,000.

(cc) Rowland, Vermont, $750,000.

(dd) Edmund, Washington, $200,000.

(ee) Seattle, Washington, $2,500,000.

(ff) Milwaukee, Wisconsin, $500,000.

(gg) Wisconsin, Wisconsin, $6,000,000.

(hh) additional, $17,650,000.

(2) $55,050,000, for new fixed guideway systems, to be distributed as follows:

(A) $300,000, for the Seattle-Renton-Tacoma commuter rail project.

(B) $1,500,000, for the DART North Central light rail extension project.

(C) $250,000, for the Miami Metrorail north corridor extension project.

(D) $2,000,000, for the Twin Cities central corridor project.

(E) $4,500,000, for the New Orleans Canal Street Corridor project.

(F) $3,000,000, for the St. Louis Metro Link LRT project.

(G) $1,000,000, for the Dallas-Fort Worth RAILTRAN project.

(H) $500,000, for the Boston, Massachusetts to Portland, Maine Transportation Corridor Program.

(I) $1,000,000, for the New Jersey Urban Core project.

(J) $40,000,000, for the New Jersey Secaucus transfer project.

(K) $1,000,000, for the Salt Lake City light rail project.

(b) Reduction of Fiscal Year 1994 Limitation.—Notwithstanding section 313 of Public Law 103–331, the obligation limitation under this heading in Public Law 103–122 is reduced by $42,100,000, to be distributed as follows:

(1) $36,700,000, for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, to be distributed as follows:

(A) $1,500,000, Little Rock, Arkansas.

(B) $2,700,000, Sacramento, California.

(C) $75,000, San Francisco-Fairfield, California.

(D) $100,000, San Francisco-Santa Rosa, California.

(E) $200,000, Sam. Trans., California.

(F) $500,000, San Francisco-Santa Clara, California.

(G) $5,500,000, State of Illinois.

(H) $6,000,000, Topeka, Kansas.

(I) $150,000, State of Maine.

(J) $3,000,000, Southeast Michigan (SMART).

(K) $1,000,000, Silver Spring, Maryland.

(L) $450,000, Camden, New Jersey.

(M) $275,000, South Amboy, New Jersey.

(N) $1,000,000, Albuquerque, New Mexico.

(O) $850,000, State of Oklahoma.

(P) $500,000, Eugene, Oregon.

(Q) $2,700,000, Salem, Oregon.

(R) $600,000, Philadelphia, Pennsylvania.

(S) $750,000, El Paso, Texas.

(T) $750,000, Callaeln, Washington.

(U) $3,000,000, Seattle, Washington.

(V) $5,000,000, Wheeling, West Virginia.

(2) $5,400,000, for new fixed guideway systems, to be distributed as follows:

(A) $300,000, for the Cleveland Dual Hub Corridor Project.

(B) $1,000,000, for the Twin Cities Central Corridor Project.

(C) $600,000, for the New Orleans Canal Street Corridor Project.

(D) $3,500,000, for the St. Louis METRO Link LRT to Airport Project.

(c) REDUCTION OF FISCAL YEAR 1993 LIMITATION.—Notwithstanding section 313 of Public Law 103–331, the obligation limitation under this heading in Public Law 102–388 (as amended by Public Law 103–122) is reduced by $126,689,500, to be distributed as follows:

(1) $63,169,500, for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, to be distributed as follows:

(A) $29,022,500: *Provided*, That in distributing the foregoing reduction, obligational authority remaining unobligated for each project identified in the joint explanatory statements of the committees of conference accompanying such Act shall be reduced by 50 percent.

(B) $5,500,000, Sacramento, California.

(C) $11,300,000, Des Moines, Iowa.

(D) $740,000, State of Maryland.

(E) $814,000, St. Louis, Missouri.

(F) $325,000, Rio Ranch, New Mexico.

(G) $3,350,000, Eugene, Oregon.

(H) $4,086,000, Erie, Pennsylvania.

(I) $6,136,000, Robins Town Center, Pennsylvania.

(J) $1,914,000, Challan-Douglas, Washington.

(2) $63,520,000, for new fixed guideway systems, to be distributed as follows:

(A) $9,120,000, for the San Francisco BART Extension/Tasman Corridor Project.

(B) $25,310,000, for the Boston, Massachusetts to Portland, Maine Commuter Rail Project.

(C) $1,750,000, for the Orlando OSCAR LRT Project.

(D) $1,880,000, for the Salt Lake City South LRT Project.

(E) $1,690,000, for the Cleveland Dual Hub Corridor Project.

(F) $3,000,000, for the Milwaukee East-West Corridor Project.

(G) $1,690,000, for the San Diego Mid-Coast Extension Project.

(H) $15,190,000, for the Seattle-Tacoma Commuter Rail Project.

(I) $1,490,000, for the Lakewood, Freehold, and Matawan or Jamesburg Commuter Rail Project.

(J) $165,000, for the Miami Downtown Peoplemover Project.

(K) $4,470,000, for the New Jersey Hawthorne-Warwick Commuter Rail Project.

(d) REDUCTION OF FISCAL YEAR 1992 LIMITATION.—Notwithstanding section 313 of Public Law 103–331, the obligation limitation under this heading in Public Law 102–143 is reduced by $98,696,500, to be distributed as follows:

(1) $10,781,500, for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, to be distributed as follows:

(A) $6,781,500: *Provided*, That in distributing the foregoing reduction, obligational authority remaining unobligated for each project for which the obligation limitation in Public Law 102–143 was applied shall be reduced by 50 percent.

(B) $2,000,000, San Francisco, California.

(C) $2,000,000, Eugene, Oregon.

(2) $87,915,000, for new fixed guideway systems, to be distributed as follows:

(A) $1,000,000, for the Cleveland Dual Hub Corridor Project.

(B) $465,000, for the Kansas City-South LRT Project.

(C) $950,000, for the San Diego Mid-Coast Extension Project.

(D) $10,000,000, for the Los Angeles-San Diego (LOSSAN) Commuter Rail Project.

(E) $57,100,000, for the Hawthorne-Warwick Commuter Rail Project.

(F) $1,000,000, for the New York-Staten Island-Midtown Ferry Project.

(G) $8,000,000, for the San Jose-Gilroy Commuter Rail Project.

(H) $3,240,000, for the Seattle-Tacoma Commuter Rail Project.

(I) $1,780,000, for the Vallejo Ferry Project.

(J) $5,000,000, for the Detroit LRT Project.

(e) REDUCTION OF FISCAL YEAR 1991 LIMITATION.—Notwithstanding section 313 of Public Law 103–331, the obligation limitation under this heading in Public Law 101–516 is reduced by $2,230,000, for new fixed guideway systems, to be derived from the Cleveland Dual Hub Corridor Project.

(f) REDUCTION OF FISCAL YEAR 1990 LIMITATION.—Notwithstanding section 313 of Public Law 103–331, the obligation limitation under this heading in Public Law 101–164 is reduced by $1,247,000, for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities: *Provided*, That in distributing the foregoing reduction, obligational authority remaining unobligated for each project identified in the joint explanatory statements of the committees of conference accompanying such Act shall be reduced by 50 percent.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–331, $1,000,000 is rescinded.

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

SEC. 801. Of the funds provided in Public Law 103–331 for the Department of Transportation working capital fund (WCF), $8,000,000 is rescinded, which limits fiscal year 1995 WCF obligational authority for elements of the Department of Transportation funded in Public Law 103–331 to no more than $85,000,000.

SEC. 802. Of the total budgetary resources available to the Department of Transportation (excluding the Maritime Administration) during fiscal year 1995 for civilian and military compensation and benefits and other administrative expenses, $20,000,000 are permanently canceled.

CHAPTER IX

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $33,200,000 is rescinded.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

(RESCISSION)

(TRANSFER OF FUNDS)

Of the funds made available for construction at the Davis-Monthan Training Center under Public Law 103–123, $5,000,000 is rescinded. Of the funds made available for construction at the Davis-Monthan Training Center under Public Law 103–329, $6,000,000 is rescinded: *Provided*, That $1,000,000 of the remaining funds made available under Public Law 103–123 shall be used to initiate design and construction of a Burn Building in Glynco, Georgia.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $9,960,000 is rescinded.

RESOLUTION FUNDING CORPORATION

(RESCISSION)

Of the balances available to the Resolution Funding Corporation, $300,000,000 is rescinded.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $6,000,000 is rescinded.

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–123, $1,500,000 is rescinded.

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $1,490,000 is rescinded.

EXECUTIVE OFFICE OF THE PRESIDENT

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $171,000 is rescinded.

FEDERAL DRUG CONTROL PROGRAMS

SPECIAL FORFEITURE FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $13,200,000 is rescinded.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

(LIMITATIONS ON AVAILABILITY OF REVENUE)

(RESCISSION)

(a) NEW CONSTRUCTION.—Of the funds made available under this heading for "New Construction" in appropriation Acts for fiscal year 1995 and prior fiscal years, the following amounts are rescinded from the specified projects:

(1) Bullhead City, Arizona, a grant to the Federal Aviation Administration for a runway protection zone, $2,200,000.

(2) Nogales, Arizona, U.S. Border Patrol Station, $2,000,000.

(3) Sierra Vista, Arizona, U.S. Magistrates Office, $1,000,000.

(4) San Francisco, California, lease purchase, $9,700,000.

(5) San Francisco, California, U.S. Courthouse, $4,000,000.

(6) Washington, District of Columbia, General Services Administration Headquarters, $13,000,000.

(7) Washington, District of Columbia, U.S. Secret Service building, $113,000,000.

(8) Jacksonville, Florida, U.S. Courthouse, $10,633,198.

(9) Atlanta, Georgia, Centers for Disease Control, site acquisition and improvements, $25,890,000.

(10) Atlanta, Georgia, Centers for Disease Control, $14,110,000.

(11) Atlanta, Georgia, Centers for Disease Control Royal Laboratory, $47,000,000.

(12) Savannah, Georgia, U.S. Courthouse Annex, $3,000,000.

(13) Hilo, Hawaii, Consolidation, $12,000,000.

(14) Covington, Kentucky, U.S. Courthouse, $2,914,000.

(15) London, Kentucky, U.S. Courthouse, $1,523,000.

(16) Beltsville, Maryland, U.S. Secret Service building, $2,400,000.

(17) Cape Girardeau, Missouri, U.S. Courthouse, $3,500,000.

(18) Las Vegas, Nevada, U.S. Courthouse, $4,230,000.

(19) Newark, New Jersey, Parking Facility, $9,000,000.

(20) Brooklyn, New York, U.S. Courthouse, $43,500,000.

(21) Cleveland, Ohio, U.S. Courthouse, $28,246,000.

(22) Stubenville, Ohio, U.S. Courthouse, $2,820,000.

(23) Youngstown, Ohio, Federal Building and U.S. Courthouse, $4,500,000.

(24) Columbia, South Carolina, U.S. Courthouse Annex, $592,186.

(25) Greeneville, Tennessee, U.S. Courthouse, $2,936,000.

(26) Corpus Christi, Texas, U.S. Courthouse, $6,446,000.

(27) Laredo, Texas, Federal Building and U.S. Courthouse, $5,986,000.

(28) Charlotte Amalie, Saint Thomas, United States Virgin Islands, U.S. Courthouse Annex, $2,184,000.

(29) Blaine, Washington, U.S. Border Patrol Station, $4,472,000.

(30) Point Roberts, Washington, U.S. Border Patrol Station, $698,000.

(31) Seattle, Washington, U.S. Courthouse, $10,900,000.

(32) Beckley, West Virginia, Federal Building and U.S. Courthouse, $33,000,000.

(33) Wheeling, West Virginia, Federal Building and U.S. Courthouse, $35,500,000.

(34) Montgomery, Alabama, U.S. Courthouse Annex, $24,000,000.

(35) Phoenix, Arizona, U.S. Courthouse, $110,000,000.

(36) Tucson, Arizona, U.S. Courthouse, $81,000,000.

(37) Ft. Myers, U.S. Courthouse, $25,000,000.

(38) Kansas City, Missouri, U.S. Courthouse, $100,000,000.

(39) Fargo, North Dakota, U.S. Courthouse, $20,000,000.

(40) Omaha, Nebraska, U.S. Courthouse, $9,300,000.

(41) Albuquerque, New Mexico, U.S. Courthouse, $47,450,000.

(42) Brownsville, Texas, U.S. Courthouse, $4,330,000.

(43) Highgate Springs, Vermont, U.S. Border Patrol Station, $7,080,000.

(b) REPAIRS AND ALTERATIONS.—Of the funds made available under this heading for "Repairs and Alterations" in appropriation Acts for fiscal year 1995 and prior fiscal years, the following amounts are rescinded from the specified projects:

(1) Walla Walla, Washington, Corps of Engineers Building, $2,800,000.

(2) District of Columbia, Central and West Heating Plants, $5,000,000.

OPERATING EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $8,065,000 is rescinded.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $2,792,000 is rescinded.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $10,140,000 is rescinded.

CHAPTER X

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MAJOR PROJECTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $156,110,000 is rescinded.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

NATIONAL HOMEOWNERSHIP TRUST DEMONSTRATION PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $50,000,000 is rescinded.

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under this heading in prior years, $1,696,400,000 is rescinded: *Provided*, That of the total rescinded under this heading, $690,100,000 shall be from the amounts earmarked for the development or acquisition cost of public housing; $15,000,000 shall be from amounts provided for the Family Unification program; $465,100,000 shall be from amounts earmarked for the preservation of low-income housing programs; $90,000,000 shall be from amounts earmarked for the lead-based paint hazard reduction program; $70,000,000 shall be from the amounts earmarked for special purpose grants in Public Law 102–389 and prior years; $39,000,000 shall be from amounts recaptured during fiscal year 1995 or prior years; $34,200,000 shall be from amounts provided for lease adjustments; and $287,000,000 of amounts recaptured during fiscal year 1995 from the reconstruction of obsolete public housing projects.

CONGREGATE SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under this heading in prior years, $37,000,000 is rescinded.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $404,000,000 is rescinded.

SEVERELY DISTRESSED PUBLIC HOUSING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under this heading in prior years, $523,000,000 is rescinded.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under this heading in prior years, $32,000,000 is rescinded.

YOUTHBUILD PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $38,000,000 is rescinded.

HOUSING COUNSELING ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $38,000,000 is rescinded.

FLEXIBLE SUBSIDY FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under this heading in prior years, and excess rental charges, collections and other amounts in the fund, $8,000,000 is rescinded.

NEHEMIAH HOUSING OPPORTUNITIES FUND

(RESCISSION)

Of the funds transferred to this revolving fund in prior years, $19,000,000 is rescinded.

HOMELESS ASSISTANCE

HOMELESS ASSISTANCE GRANTS

Of the funds made available under this heading in Public Law 103–327, $297,000,000 shall not become available for obligation until September 30, 1995.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under this heading in prior years, $349,200,000 is rescinded.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $2,000,000 is rescinded.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $22,000,000 is rescinded.

INDEPENDENT AGENCIES

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $500,000 is rescinded.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $124,000,000 is rescinded.

ENVIRONMENTAL PROTECTION AGENCY

RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $14,635,000 is rescinded.

ABATEMENT, CONTROL, AND COMPLIANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $4,806,805 is rescinded.

PROGRAM AND RESEARCH OPERATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $45,000,000 is rescinded.

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and prior years, $25,000,000 is rescinded.

WATER INFRASTRUCTURE/STATE REVOLVING FUNDS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 for wastewater infrastructure financing, $3,200,000 is rescinded, and of the funds made available under this heading in Public Law 103–327 and prior years for drinking water state revolving funds, $1,300,000,000 is rescinded.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE, AERONAUTICS AND TECHNOLOGY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $38,000,000 is rescinded.

CONSTRUCTION OF FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–389, for the Consortium for International Earth Science Information Network, $27,000,000 is rescinded.

MISSION SUPPORT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, for administrative aircraft, $1,000,000 is rescinded.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $228,000,000 is rescinded.

ACADEMIC RESEARCH INFRASTRUCTURE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $131,867,000 is rescinded.

CORPORATIONS

FEDERAL DEPOSIT INSURANCE CORPORATION

FDIC AFFORDABLE HOUSING PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $11,281,034 is rescinded.

RESOLUTION TRUST CORPORATION

RTC REVOLVING FUND

(RESCISSION)

Of the unobligated balances in the RTC Revolving Fund, $500,000,000 is rescinded.

TITLE III—GENERAL PROVISION

DENIAL OF USE OF FUNDS FOR INDIVIDUALS NOT LAWFULLY WITHIN THE UNITED STATES

SEC. 3001. None of the funds made available in this Act may be used to provide any direct benefit or assistance to any individual in the United States when it is made known to the Federal entity or official to which the funds are made available that—

(1) the individual is not lawfully within the United States; and

(2) the benefit or assistance to be provided is other than search and rescue; emergency medical care; emergency mass care; emergency shelter; clearance of roads and construction of temporary bridges necessary to the performance of emergency tasks and essential community services; warning of further risks or hazards; dissemination of public information and assistance regarding health and safety measures; provision of food, water, medicine, and other essential needs, including movement of supplies or persons; or reduction of immediate threats to life, property, and public health and safety.

H.R. 1158

OFFERED BY: MR. BARR

AMENDMENT NO. 9: Page 52, line 18, strike "$349,200,000" and insert "$59,200,000".

Page 54, line 9, after "Public Law 103–327", add "and prior years,".

Page 54, line 10, strike "$3,200,000" and insert "293,200,000".

H.R. 1158

OFFERED BY: MR. BARR

AMENDMENT NO. 10: Page 22, line 13, strike "$5,000,000" and insert "all unobligated balances".

H.R. 1158

OFFERED BY: MR. BARR

AMENDMENT NO. 11: Page 52, line 18, strike "$349,200,000" and insert "$59,200,000".

Page 54, line 4, strike "$25,000,000" and insert "$315,000,000".

H.R. 1158

OFFERED BY: MR. BARR

AMENDMENT NO. 12: Page 49, line 14, strike "$5,733,400,000" and insert "$5,823,400,000".

Page 52, line 18, strike "$349,200,000" and insert "$259,200,000".

H.R. 1158

OFFERED BY: MR. BREWSTER

AMENDMENT NO. 13: At the end of the bill, add the following new title:

TITLE IV—DEFICIT REDUCTION LOCKBOX

DEFICIT REDUCTION TRUST FUND

SEC. 4001. (a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the "Deficit Reduction Trust Fund" (in this title referred to as the "Fund").

(b) CONTENTS.—The Fund shall consist only of amounts transferred to the Fund under subsection (c).

(c) TRANSFERS OF MONEYS TO FUND.—For each of the fiscal years 1995 through 1998, the Secretary of the Treasury shall transfer to the Fund amounts equivalent to the net deficit reduction achieved during such fiscal year as a result of the provisions of this Act.

(d) USE OF MONEYS IN FUND.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amounts in the Fund shall not be available, in any fiscal year, for appropriation, obligation, expenditure, or transfer.

(2) USE OF AMOUNTS FOR REDUCTION OF PUBLIC DEBT.—The Secretary of the Treasury shall use the amounts in the Fund to redeem, or buy before maturity, obligations of the Federal Government that are included in the public debt. Any obligation of the Federal Government that is paid, redeemed, or bought with money from the Fund shall be canceled and retired and may not be reissued.

DOWNWARD ADJUSTMENTS IN DISCRETIONARY SPENDING LIMITS

SEC. 4002. (a) IN GENERAL.—Upon the enactment of this Act, the Director of the Office of Management and Budget shall make downward adjustments in the discretionary spending limits (new budget authority and outlays) specified in section 601(a)(2) of the Congressional Budget Act of 1974 for each of the fiscal years 1995 through 1998 by the aggregate amount of estimated reductions in new budget authority and outlays for discretionary programs resulting from the provisions this Act (other than emergency appropriations) for such fiscal year, as calculated by the Director.

(b) OUTYEAR TREATMENT OF RESCISSIONS.—For discretionary programs for which this Act rescinds budget authority for specific fiscal years, the Director of the Office of Management and Budget shall include in the aggregate amount of the downward adjustments under subsection (a) amounts reflecting budget authority reductions for the succeeding fiscal years through 1998, calculated by inflating the amount of the rescission using the baseline procedures identified in section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROHIBITION ON USE OF SAVINGS TO OFFSET DEFICIT INCREASES RESULTING FROM DIRECT SPENDING OR RECEIPTS LEGISLATION

SEC. 4003. Reductions in outlays, and reductions in the discretionary spending limits specified in section 601(a)(2) of the Congressional Budget Act of 1974, resulting from the enactment of this Act shall not be taken into account for purposes of section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

H.R. 1158

OFFERED BY: MS. BROWN OF FLORIDA

AMENDMENT NO. 14: Page 48, strike lines 10 through 24.

H.R. 1158

OFFERED BY: MS. BROWN OF FLORIDA

AMENDMENT NO. 15: Page 48, line 24, insert after "rescinded" the following:

Provided, That such rescission shall not be taken from amounts made available for ambulatory care projects at Gainesville or Orlando, in the State of Florida.

H.R. 1158

OFFERED BY: MR. CASTLE

AMENDMENT NO. 16: On page 2, line 15: strike $5,360,000,000 and insert: $4,360,000,000

Explanation: The purpose of the amendment is to reduce the amount available for Disaster Assistance by $1 Billion. A significant portion of the Disaster Supplemental Appropriations is to repair public buildings damaged by the Northridge earthquake. The Federal Emergency Management Agency (FEMA) has indicated that a significant portion of the funds designated for repair of public buildings could not be expended until Fiscal Years 1997 or 1998. Therefore, if needed, these funds could be appropriated in future years.

H.R. 1158

OFFERED BY: MR. CASTLE

AMENDMENT NO. 17: On page 29, line 18: strike $60,000,000 and insert: $80,000,000.

On Page 29, line 18: strike: $481,962,000 and insert $461,962,000.

Explanation: The purpose of this amendment is to restore $20 million in the Safe and Drug-Free Schools program to be used to continue funding for the Drug Abuse Resistance Education Program (D.A.R.E.) A corresponding reduction of $20 million is made in the Eisenhower professional development State grants program.

H.R. 1158

Offered By: Mr. Clay

Amendment No. 18: On page 23, line 10: strike "$1,603,094,000" and insert "$546,766,000".

Page 23, strike line 23 and all that follows through line 25.

H.R. 1158

Offered By: Mr. Clay

Amendment No. 19: Page 29, line 16, strike "$757,132,000" and insert "$275,170,000".

Page 29, line 18, strike "title IV, $481,962,000,".

H.R. 1158

Offered By: Mr. Coleman

Amendment No. 20: Page 43, after line 23, insert the following new section:

Sec. 803. (a) Cancellation of Funds for Highway Demonstration Projects.—Of the funds made available for highway demonstration projects of the Federal Highway Administration in any appropriation Act or P.L. 102–240, and that have not been obligated for construction, the Secretary of Transportation shall cancel $400,000,000 in unobligated balances. Funds may not be canceled under this section for any project that is under construction.

(b) Projects Subject to Cancellation.—Funds may be cancelled under this section only for projects that—

(1) have low economic rates of return, if such measures are available;

(2) have low benefits relative to costs, if such measures are available; or

(3) have low priority in the transportation plans of the State, local government, or other contracting authority having responsibility for the project.

(c) Notification Requirement.—No cancellation under this section shall take effect until 30 days after the Secretary of Transportation submits to the Congress a notification of the proposed cancellation.

(d) Definition.—For purposes of this section, the term "construction" refers to a project or segment of a project for which a construction contract for physical construction has been awarded by the State, local government, or other contracting authority having responsibility for the project, regardless of whether other obligations (such as for preliminary engineering or environmental studies) have been incurred.

H.R. 1158

Offered By: Mr. Crane

Amendment No. 21: Page 22, line 13, strike "$5,000,000" and insert "all unobligated balances".

H.R. 1158

Offered By: Mr. Crane

Amendment No. 22: Page 22, line 13, strike "$5,000,000" and insert "$10,000,000".

H.R. 1158

Offered By: Mr. Crane

Amendment No. 23: Page 22, line 13, strike "$5,000,000" and insert "$15,000,000".

H.R. 1158

Offered By: Mr. Crane

Amendment No. 24: page 33, line 20, strike "$47,000,000" and insert "$112,000,000".

Page 33, line 22, strike "$94,000,000" and insert "$215,000,000".

H.R. 1158

Offered By: Mr. Crane

Amendment No. 25: Page 33, line 20, strike "$47,000,000" and insert "$112,000,000".

Page 33, line 22, strike "$94,000,000" and insert "$215,000,000".

Page 30, line 23, strike "$151,888,000" and insert "$101,888,000".

H.R. 1158

Offered By: Ms. DeLauro

Amendment No. 26: Page 48, strike lines 10 through 24.

Page 54, line 18, strike "$38,000,000" and insert "$244,110,000".

H.R. 1158

Offered By: Ms. DeLauro

Substitute For The Amendment Offered By ———.

Amendment No. 27: Page 48, strike lines 10 through 24.

Page 54, line 18, strike "$38,000,000" and insert "$244,110,000".

H.R. 1158

Offered By: Mr. DeLay

Amendment No. 28: Page 25, line 12 strike "$82,775,000 are rescinded." and insert the following:

$107,775,000 are rescinded, including $25,000,000 from funds made available for carrying out title X of the Public Health Service Act.

H.R. 1158

Offered By: Mr. DeLay

Amendment No. 29: On page 25, line 5 strike "$16,072,000" and insert "$19,572,000."

H.R. 1158

Offered By: Mr. Dooley

Amendment No. 30: Page 23, line 10, strike "$1,603,094,000" and insert "$2,059,376,000".

Page 23, line 11, strike "$10,000,000" and insert "$410,000,000".

Page 23, line 13, strike "$12,500,000" and insert "$84,500,000".

Page 23, line 17, strike "$33,000,000" and insert "$66,800,000".

Page 23, line 18, strike "$310,000,000" and insert "$159,700,000".

Page 23, strike lines 23 through 25.

Page 24, line 14, strike "$12,000,000" and insert "$66,000,000".

Page 24, line 18, strike "$3,253,097,000" and insert "$3,153,097,000".

Page 28, line 14, strike "$186,030,000" and insert "$258,030,000".

Page 28, line 20, strike "$12,500,000" and insert "$84,500,000".

Page 28, line 22, strike "$3,125,000" and insert "$75,125,000".

H.R. 1158

Offered By: Mr. Fields of Louisiana

Amendment No. 31: Page 31, line 12, strike "$102,246,000" and insert "$91,046,000".

Page 31, line 15, strike "title IV–A–2, chapter 1, $11,200,000,".

H.R. 1158

Offered By: Mr. Fields of Louisiana

Amendment No. 32: Page 29, line 16, strike "$757,132,000" and insert "$275,170,000".

Page 29, line 18, strike "title IV, $481,962,000,".

H.R. 1158

Offered By: Mr. Fields of Louisiana

Amendment No. 33: Page 23, line 10, strike "$1,603,094,000" and insert "$188,481,000".

Page 23, beginning on line 11, strike "$10,000,000 for necessary expenses of construction, rehabilitation, and acquisition of new Job Corps centers, $12,500,000 for the School-to-Work Opportunities Act,".

Page 23, beginning on line 18, strike "$310,000,000 for carrying out title II, part C of such Act,".

Page 23, strike lines 23 through 25.

H.R. 1158

Offered By: Mr. Foglietta

Amendment No. 34: Page 23, line 10, strike "$1,603,094,000" and insert "$825,376,000".

Page 23, strike lines 23 through 25.

Page 34, after line 5, insert the following:

DEPARTMENT OF DEFENSE, MILITARY

Aircraft Procurement, Air Force

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, the following amounts are rescinded from the specified programs:

(1) Bomber Industrial Base, $125,000,000.

(2) B–2A MYP, $339,384,000.

Research, Development, Test and Evaluation, Air Force

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, the following amounts are rescinded from the specified programs:

(1) Milstar Satellite, $607,248,000.

(2) B–2 Advanced Technology Bomber, $388,543,000.

H.R. 1158

Offer By: Mr. Foglietta

Amendment No. 35, Page 25, line 12, strike "$82,775,000" and insert "$72,775,000".

Page 26, line 4, strike "$50,000,000" and insert "$60,000,000".

H.R. 1158

Offered By: Ms. Furse

Amendment No. 36: Page 55, after line 16, insert the following:

CHAPTER XI

DEPARTMENT OF DEFENSE, MILITARY

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

Research, Development, Test and Evaluation, Army

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $486,600,000 is rescinded, to be derived from the Comanche helicopter.

Research, Development, Test and Evaluation, Navy

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $2,158,000,000 is rescinded, to be derived from the following programs in the specified amounts:

(1) F/A–18E/F fighter and attack aircraft program, $1,249,700,000.

(2) New attack submarine program, $455,600,000.

(3) V–22 Osprey program, $452,700,000.

Research, Development, Test and Evaluation, Air Force

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $2,941,500,000 is rescinded, to be derived from the following programs in the specified amounts:

(1) F–22 fighter aircraft program, $2,325,300,000.

(2) Milstar communications satellite program, $616,200,000.

Research, Development, Test and Evaluation, Defense-Wide

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $2,467,600,000 is rescinded, to be derived from the ballistic missile defense program.

H.R. 1158

Offered By: Ms. Furse

Amendment No. 37: Page 55, after line 16, insert the following:

CHAPTER XI

DEPARTMENT OF DEFENSE, MILITARY PROCUREMENT

Procurement, Defense-Wide

(RESCISSION)

Of the funds made available under this heading in Public Law 103-335, $1 is rescinded.

H.R. 1158

Offered By: Mr. Gunderson

Amendment No. 38: On p. 2 line 15, delete $5,360,000,000 and insert $4,760,000,000.

On page 49, line 20, delete $2,694,000,000 and insert $2,194,000,000.

On page 50, line 6, delete $186,000,000 and insert $86,000,000.

H.R. 1158

Offered By: Mr. Gutierrez

Amendment No. 39: Page 27, strike lines 2 through 6.

H.R. 1158

Offered By: Mr. Gutierrez

Amendment No. 40: Page 50, beginning on line 6, strike "$186,000,000 shall be from amounts earmarked for housing opportunities for persons with AIDS;".

Conform the aggregate amount set forth on page 49, line 14, accordingly.

H.R. 1158

Offered By: Mr. Gutierrez

Amendment No. 41: Page 5, after line 18, insert the following:

Commodity Credit Corporation Fund

MARKET PROMOTION PROGRAM

(RESCISSION)

All unobligated balances available to carry out the Market Promotion Program under section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623) are rescinded.

H.R. 1158

Offered By: Mr. Horn

Amendment No. 42, Page 23, line 10, strike "$1,603,094,000" and insert "$1,198,124,000".

Page 25, line 23, strike "$20,000,000" and insert "$120,000,000".

Page 28, line 14, strike "$186,030,000" and insert "$391,000,000".

Page 29, line 16, strike "$757,132,000" and insert "$857,132,000".

Page 29, line 18, strike "$60,000,000" and insert "$160,000,000".

H.R. 1158

Offered By: Mr. Kennedy of Massachusetts

Amendment No. 43: Page 27, strike lines 2 through 6.

Page 34, after line 5, insert the following:

DEPARTMENT OF DEFENSE—MILITARY

Research, Development, Test, and Evaluation

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103-335, $1,319,204,000 are rescinded; *Provided*, That this amount is to be taken from amounts available for the F-22 aircraft program.

H.R. 1158

Offered By: Mr. Kennedy of Massachusetts

Amendment No. 44: At the end of the bill, add the following new title:

TITLE IV—ADDITIONAL PROVISIONS

RESTORATION OF HOUSING FUNDING

Sec. 4001. The amounts otherwise specified by this Act are revised by reducing the amount appropriated for "Federal Emergency Management Agency—Disaster Relief", and reducing the amount rescinded from "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT" (consisting of reductions of rescissions by $37,000,000, $32,000,000, $90,000,000, $404,000,000, $69,000,000, and $159,000,000 for "Congregate Services", "Drug Elimination Grants for Low-Income Housing", the lead-based paint hazard reduction program, "Payments for Operation of Low-Income Housing Projects", rental assistance under the section 8 existing certificate program and the section 8(i) housing voucher program, and the aggregate amount under "Annual Contributions for Assisted Housing", respectively), by $632,000,000.

H.R. 1158

Offered By: Mr. Kennedy of Massachusetts

Amendment No. 45: At the end of the bill, add the following new title:

TITLE IV—ADDITIONAL PROVISIONS

RESTORATION OF HOUSING FUNDING

Sec. 4001. The amounts otherwise specified by this Act are revised by reducing the amount appropriated for "Federal Emergency Management Agency—Disaster Relief", and reducing the amount rescinded from "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT" (consisting of reductions of rescissions by $37,000,000, $32,000,000, $90,000,000, $404,000,000, $69,000,000, and $159,000,000 for "Congregate Services". "Drug Elimination Grants for Low-Income Housing", the lead-based paint hazard reduction program, "Payments for Operation of Low-Income Housing Projects", rental assistance under the section 8 existing certificate program and the section 8(o) housing voucher program, and the aggregate amount under "Annual Contributions for Assisted Housing", respectively), by $791,000,000.

H.R. 1158

Offered By: Mr. Klug

Amendment No. 46: Page 13, line 9, strike "$10,000,000" and insert "$117,500,000".

H.R. 1158

Offered By: Mr. McIntosh

Amendment No. 47: Page 16, line 14, strike "$2,000,000" and insert "$19,540,000".

Page 20, line 13, strike "$46,228,000" and insert "$26,228,000".

After page 17, line 5, insert:

"Cooperative Endangered Species Conservation Fund

"(RESCISSION)

"Of the funds available under this heading in Public Law 103-138, $8,290,000 are rescinded".

H.R. 1158

Offered By: Mr. McIntosh

Amendment No. 48: Page 16, line 14, strike "$2,000,000" and insert "$19,540,000".

After page 17, line 5, insert:

"Cooperative Endangered Species Conservation Fund

"(RESCISSION)

"Of the funds available under this heading in Public Law 103-138, $8,290,000 are rescinded".

On page 36, lines 5 through 10, strike the text.

H.R. 1158

Offered By: Mr. McIntosh

Amendment No. 49: Page 16, line 14, strike "$2,000,000" and insert "$19,540,000".

After page 17, line 5, insert:

"Cooperative Endangered Species Conservation Fund

"(RESCISSION)

"Of the funds available under this heading in Public Law 103-138, $8,290,000 are rescinded".

H.R. 1158

Offered By: Mr. McIntosh

Amendment No. 50: Page 16, line 14, strike "$2,000,000" and insert "$19,540,000".

H.R. 1158

Offered By: Mr. Montgomery

Amendment No. 51: Page 48, strike lines 10 through 24.

H.R. 1158

Offered By: Mr. Montgomery

Amendment No. 52: At the end of the bill, add the following new title:

TITLE IV—ADDITIONAL PROVISIONS

RESTORATION OF VETERANS FUNDING

Sec. 4001. The amounts otherwise specified by this Act are revised by reducing the amount appropriated for "Federal Emergency Management Agency—Disaster Relief", and reducing the amount rescinded from "DEPARTMENT OF VETERANS AFFAIRS" (consisting of reductions of rescissions by $50,000,000 and $156,110,000 for "Veterans Health Administration—Medical Care" and "Departmental Administration—Construction, Major Projects", respectively), by $206,110,000.

H.R. 1158

Offered By: Mr. Murtha

Amendment No. 53: Add the following Section to the end of the bill:

"SAVINGS TO BE USED EXCLUSIVELY FOR DEFICIT REDUCTION

"Sec. 302. An amount equal to the net budget authority reduced in this Act is hereby appropriated into the Deficit Reduction Fund established pursuant to Executive Order 12858 to be used exclusively to reduce the Federal deficit: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended."

H.R. 1158

Offered By: Mr. Murtha

Amendment No. 54: Add the following Section to the end of the bill:

"SAVINGS TO BE USED EXCLUSIVELY FOR DEFICIT REDUCTION

"Sec. 302. An amount equal to the net budget authority reduced in this Act is hereby appropriated into the Deficit Reduction Fund established pursuant to Executive Order 12858 to be used exclusively to reduce the Federal deficit: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. None of the savings derived from the net budget authority reduced in this Act shall be used as a budgetary offset for any subsequent legislation that reduces Federal tax revenue."

H.R. 1158

Offered By: Mr. Nadler

Amendment No. 55: Page 20, line 5, strike "$18,650,000" and insert "$28,650,000".

Page 22, strike lines 7 through 18.

H.R. 1158

Offered By: Mr. Nadler

Amendment No. 56: Page 12, line 18, strike "$116,500,000" and insert "$81,500,000".

Page 13, line 14, strike "$5,000,000" and insert "$40,000,000".

H.R. 1158

Offered By: Mr. Nadler

Amendment No. 57: Page 49, line 14, strike out "$5,733,400,000" and insert "$1,696,400,000".

Page 50, line 6, strike "$1,157,000,000" and all that follows through "103-327;" on page 50, line 1.

Page 49, line 17, strike "$186,000,000" and all that follows through the semicolon at the end of line 7.

Page 55, after line 16, insert the following:

DEPARTMENT OF DEFENSE, MILITARY RESEARCH, DEVELOPMENT, TEST AND EVALUATION

Research, Development, Test and Evaluation, Air Force

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $2,385,000,000 is rescinded, to be derived from the C–17 program.

Shipbuilding and Conversion, Navy

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $2,000,000,000 is rescinded, to be derived from the CVN 76 program.

Research, Development, Test and Evaluation, Navy

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $158,100,000 is rescinded, to be derived from the Sea Wolf program.

H.R. 1158

Offered By: Mr. Obey

Amendment No. 58: 1. Disaster Assistance:

On page 2 strike 11 through 20 and insert the following:

DISASTER ASSISTANCE LOAN GUARANTEES

Subject to such terms, fees, and conditions as the Secretary of the Treasury determines to be appropriate and without regard to fiscal year limitation, the Director of the Federal Emergency Management Agency may make commitments to guarantee, and may issue guarantees, against losses incurred in connection with loans to States made to carry out disaster relief activities and functions described in the Robert T. Stafford Disaster Relief and Emergency Assistance Act for major disasters and emergencies declared under such Act and occurring before March 1, 1995. The aggregate principal amount of loans guaranteed under this head may not exceed $5,360,000,000. The Secretary of the Treasury shall establish terms, rates of interest, and other conditions for such loans as may be necessary to ensure that the aggregate cost (as such term is defined in section 502 of the Congressional Budget Act of 1974) of the guarantees for such loans does not exceed the amount appropriated under this head.

For the cost, as such term is defined in section 502 of the Congressional Budget Act of 1974, of guarantees under this head, $536,000,000, to remain available until expended, and such amount is hereby designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

1A. Disaster Assistance alternative:

On page 2 line 15, strike "$5,360,000,000" and insert "$536,000,000"

2. WIC, Women, Infants and Children:

On page 6, strike lines 17 through 22.

3. Training & Employment Services:

On page 23 line 10, strike "$1,603,094,000" and insert "$940,594,000".

On page 23 lines 13 & 14, strike "$12,500,000 for the School-to-Work Opportunities Act,".

On page 23, strike lines 23 through 25.

4. Community Services Employment for Older Americans:

On page 24 strike lines 1 through 9.

5. Health Resources and Services:

On page 25 line 12, strike "$82,775,000" and insert "$72,775,000".

6. Low Income Energy Assistance:

On page 27, strike lines 2 through 6.

7. Education Reform:

On page 28 line 14, strike "186,030,000" and insert "$103,530,000".

On page 28 line 15, strike "142,000,000" and insert "$83,000,000".

On page 28 line 16, strike "$21,530,000" and insert "10,530,000".

On page 28 line 19 after the word "Act" strike all through the word "partnerships" on line 23.

8. Education for the Disadvantaged:

On page 29 line 4 strike all after "103–333," through line 7 and insert "$8,270,000 from part E, section 1501 are rescinded."

9. School Improvement:

On page 29 line 16 strike "757,132,000" and insert "$408,321,000".

On page 29 line 18, strike "60,000,000" and insert "$40,000,000".

On page 29 line 18, strike "481,962,000" and insert "181,962,000".

On page 29 line 22 strike all after the semicolon through the semicolon on line 23.

10. Vocational and Adult Education:

On page 30 line 20, strike "$232,413,000" and insert "$124,413,000".

On page 30 line 22, strike "–B, and –E" and insert "and –B".

On page 30 line 23, strike "$151,888,000" and insert "$43,888,000".

11. Student Financial Assistance:

On page 31 line 6, strike "$83,375,000" and insert "$20,000,000".

On page 31 lines 7 & 8 strike "part A–4 and".

12. Corporation for Public Broadcasting:

On page 33 line 20, strike "$47,000,000" and insert "$31,000,000".

On page 33 line 22, strike "$94,000,000" and insert "$34,000,000".

13. Veterans Medical Care:

On page 48 strike lines 10 through 24.

14. Assisted Housing:

On page 49 line 14, strike "$5,733,400,000" and insert "$5,018,400,000".

On page 49 line 17, strike "$1,157,000,000" and insert "$467,000,000".

On page 50 line 4, strike "$90,000,000" and insert "$65,000,000".

On page 50, strike lines 22 through 26.

H.R. 1158

Offered By: Mr. Porter

Amendment No. 59: On page 23, line 10: strike "$1,603,094,000" and insert "$1,601,850".

On page 24, line 18: strike "$3,253,097,000" and insert "$3,221,397,000".

On page 25, line 12: strike "$82,775,000" and insert "$53,925,000".

On page 26, line 20: strike "$2,168,935,000" and insert "$2,178,935,000".

On page 29, line 4: strike "$113,270,000" and insert "$148,570,000" and on line 5: strike "$105,000,000" and insert "$140,000,000".

On page 29, line 16: strike "$757,132,000" and insert "$747,021,000".

On page 29, line 18: strike "$60,000,000" and insert "$90,000,000".

On page 29, line 19: strike "–D," and "–E".

On page 29, line 20: strike "$21,384,000" and insert "$10,084,000".

On page 29, line 22: strike all after the semicolon through the semicolon on page 29, line 23.

On page 30, line 20: strike "$232,413,000" and insert "$119,544,000".

On page 30, line 22: after "III–A," insert "and".

On page 30, line 22: strike "and –E,".

On page 30, line 23: strike "$151,888,000" and insert "$43,888,000".

On page 30, line 24: strike "section".

On page 30, line 25: strike "384(c),".

On page 30, line 25: strike "$31,392,000" and insert "$26,523,000".

On page 31, line 6: strike "$83,375,000" and insert "$187,475,000".

On page 31, line 7: after "IV," insert "part A–1.".

On page 33, line 11: strike "$34,742,000" and insert "$26,716,000"; and.

On page 33, line 13: after "$15,300,000" strike ", and part VI, $8,026,000".

H.R. 1158

Offered By: Mr. Porter

Amendment No. 60: On page 23, line 10: Strike "$1,603,094,000" and insert "$1,680,550,000".

On page 24, line 18: strike "$3,253,097,000" and insert "$3,221,397,000".

On page 25, line 12: strike "$82,775,000" and insert "$53,925,000".

On page 26, line 20: strike "$2,168,935,000" and insert "$2,178,935,000".

On page 29, line 4: strike "$113,270,000" and insert "$148,570,000" and on line 5: strike "$105,000,000" and insert "$140,000,000".

On page 29, line 16: strike "$757,132,000" and insert "$772,421,000".

On page 29, line 18: strike "$60,000,000" and insert "$115,400,000".

On page 29, line 19: strike "–D," and "–E".

On page 29, line 20: strike "$21,384,000" and insert "$10,084,000".

On page 29, line 22: strike all after the semicolon through the semicolon on page 29, line 23.

On page 30, line 20: strike "$232,413,000" and insert "$119,544,000".

On page 30, line 22, after "III–A," insert "and".

On page 30, line 22: strike "and –E,".

On page 30, line 23: strike "$151,888,000" and insert "$43,888,000".

On page 30, line 24: strike "section".

On page 30, line 25: strike "384(c),".

On page 30, line 25: strike "$31,392,000" and insert "$26,523,000".

On page 33, line 11: strike "$34,742,000" and insert "$26,716,000", and.

On page 33, line 13: after "$15,300,000" strike ", and part VI $8,026,000".

H.R. 1158

Offered By: Mr. Roemer

Amendment No. 61: At the end of the bill, add the following new title:

TITLE IV—DEFICIT AND DEBT REDUCTION ASSURANCE

TRANSFER OF SAVINGS TO PRESIDENT'S DEFICIT REDUCTION FUND

Sec. 4001. (a) In General.—For each of the fiscal years 1995 through 1998, the Secretary of the Treasury shall transfer to the Deficit Reduction Fund established by Executive Order 12858 (58 Fed. Reg. 42185) amounts equivalent to the net deficit reduction achieved during such fiscal year as a result of the provisions of this Act.

(b) Coordination of Provisions.—Such amounts shall be in addition to the amounts specified in section 2(b) of such order, but shall be subject to the requirements and limitations set forth in sections 2(c) and 3 of such order.

PROHIBITION ON USE OF SAVINGS TO OFFSET DEFICIT INCREASES RESULTING FROM DIRECT SPENDING OR RECEIPTS LEGISLATION

SEC. 4002. Reductions in outlays resulting from the enactment of this Act shall not be taken into account for purposes of section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

H.R. 1158

Offered By: Mr. Roemer

AMENDMENT NO. 62: Page 26, line 20, strike "$2,168,935,000" and insert "$2,119,253,000".

Page 29, line 18 strike "$481,962,000" and insert "$432,280,000".

H.R. 1158

Offered By: Mr. Roemer

AMENDMENT NO. 63: Page 53, strike lines 8 through 17.

Page 54, after line 18, insert the following:

Human Space Flight

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 for the space station, $210,000,000 are rescinded.

H.R. 1158

Offered By: Mr. Roemer

AMENDMENT NO. 64: Page 29, line 18, strike "$481,962,000" and insert "$308,337,000".

Page 29, line 19, insert "title VI, $173,625,000," after "$28,000,000,".

H.R. 1158

Offered By: Mr. Roemer

AMENDMENT NO. 65: On page 53, eliminate lines 8 through 17.

On page 55, after line 16, enter:

CHAPTER XI

National Security

(RESCISSION)

Of the funds made available under this heading from Public Law 103–335, $210,000,000 are rescinded from the account for "National Missile Defense."

H.R. 1158

Offered By: Mr. Rohrabacher

AMENDMENT NO. 66: Page 20, line 5, strike "$18,650,000" and insert "$23,450,000."

H.R. 1158

Offered By: Mr. Romero-Barceló

AMENDMENT NO. 67: Page 48, strike lines 10 through 24.

Page 54, line 23, strike "$27,000,000" and insert "$233,110,000".

H.R. 1158

Offered By: Ms. Roybal-Allard

AMENDMENT NO. 68: Page 50, strike line 16 through 21.

Page 54, line 18, strike "$38,000,000" and insert "$75,000,000".

H.R. 1158

Offered By: Mr. Scarborough

AMENDMENT NO. 69: Page 34, line 8, insert "(a)" after "601.".

Page 34, after line 13, insert the following new subsection:

(b) Notwithstanding any other provision of section 458 of the Higher Education Act of 1965 (20 U.S.C. 1087h), none of the funds made available under such section may be used by the Secretary of Education after the date of the enactment of this Act to hire additional fulltime equivalent employees for the sole or partial purpose of administering the Federal Direct Student Loan Program.

H.R. 1158

Offered By: Mr. Shays

AMENDMENT NO. 70: Page 50, beginning on line 6, strike "$186,000,000 shall be from amounts earmarked for housing opportunities for persons with AIDS;".

Conform the aggregate amount set forth on page 49, line 14, accordingly.

Page 54, line 18, strike "$38,000,000" and insert "$224,000,000".

H.R. 1158

Offered By: Mr. Stearns

AMENDMENT NO. 71: Page 48, strike lines 10 through 24.

Page 53, line 22, strike "$14,635,000" and insert "$220,745,000".

H.R. 1158

Offered By: Mr. Stearns

AMENDMENT NO. 72: Page 22, line 13, strike "$5,000,000" and insert "all unobligated balances".

H.R. 1158

Offered By: Mr. Stearns

AMENDMENT NO. 73: Page 45, after line 15, insert the following:

Exchange Stabilization Fund

(RESCISSION)

Of the funds in the Exchange Stabilization Fund, all unobligated balances are rescinded.

H.R. 1158

Offered By: Mr. Stokes

AMENDMENT NO. 74: On page 2, line 15, strike "$5,360,000,000" and insert in lieu thereof, "$3,360,000,000".

On page 48, strike lines 10 through 24.

On page 49, line 14, strike "$5,733,400,000" and insert in lieu thereof, "$4,914,300,000".

On page 49, line 17, strike "$1,157,000,000" and insert in lieu thereof, "$756,000,000".

On page 50, line 2, strike "$465,100,000" and insert in lieu thereof, "$150,000,000".

On page 50, line 4, strike "$90,000,000" and insert in lieu thereof, "$80,000,000".

On page 50, line 6, strike "$186,000,000" and insert in lieu thereof, "$86,000,000".

On page 50, strike lines 22 through 26.

On page 51, line 6, strike "$523,000,000" and insert in lieu thereof, "$333,410,000".

On page 51, strike lines 7 through 12.

On page 52, strike lines 12 through 18.

H.R. 1158

Offered By: Mr. Stump

AMENDMENT NO. 75: Page 48, strike lines 10 through 24.

Page 53, line 13, strike "$210,000,000" and all that follows through line 17 and insert "$416,110,000 are rescinded.".

H.R. 1158

Offered By: Mrs. Thurman

AMENDMENT NO. 76: Page 12, line 18, strike "$116,500,000" and insert "$183,500,000".

Page 13, line 9, strike "$10,000,000" and insert "$63,200,000".

Page 15, line 26, strike "$4,500,000" and insert "$11,000,000".

Page 48, strike lines 10 through 24.

Page 46, line 11, after "rescinded" insert "; for Albuquerque, New Mexico, U.S. Court House, $44,300,000 are rescinded; for Long Island, New York, U.S. Court House, $23,200,000 are rescinded; for Steubenville, Ohio, U.S. Court House, $2,800,000 are rescinded".

Page 55, after line 16, insert the following:

CHAPTER XI

DEPARTMENT OF DEFENSE—MILITARY

Procurement

AIRCRAFT PROCUREMENT, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $11,000,000 are rescinded.

H.R. 1158

Offered By: Ms. Waters

AMENDMENT NO. 77: Page 23, line 10, strike "$1,603,094,000" and insert "$1,578,309,000".

H.R. 1158

Offered By: Ms. Waters

AMENDMENT NO. 78: Page 23, line 10, strike "$1,603,094,000" and insert "$1,598,083,000".

H.R. 1158

Offered By: Mr. Wolf

AMENDMENT NO. 79: Page 25, line 12, strike "82,775,000" and insert "82,775,001".

H.R. 1158

Offered By: Mr. Young of Florida

AMENDMENT NO. 80: Page 48, strike lines 10 through 24.

Page 53, line 13, strike "$210,000,000" and insert "$416,110,000".

Page 53, line 14, insert "$386,212,000 of" after "That".

H.R. 1158

Offered By: Mr. Young of Florida

AMENDMENT NO. 81: Page 48, strike lines 20 through 24.

Page 53, line 13, strike "$210,000,000" and insert "$366,110,000".

SENATE—*Monday, March 13, 1995*

(Legislative day of Monday, March 6, 1995)

The Senate met at 12:30 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Our new Chaplain is now with us, Dr. Lloyd Ogilvie. He will now open the Senate with a prayer. We are delighted to have this fine man with us.

PRAYER

The Senate Chaplain, Dr. Lloyd John Ogilvie, D.D., offered the following prayer:

Let us pray:

Almighty God, Lord of our lives and Sovereign of our beloved Nation, as we begin this new day filled with awesome responsibilities and soul-sized issues, we are irresistibly drawn into Your presence by the magnetism of Your love and by our need for Your guidance. We come to You at Your invitation. Our longing to know Your will is motivated by Your prevenient and greater desire to guide and inspire us. In the quiet of intimate communion with You, the tightly wound springs of pressure and stress are released and a profound inner peace invades our minds. We hear again the impelling cadences of the drumbeat of Your Spirit calling up to press on in the battle for truth, righteousness, and justice. Our minds snap to full attention, and our hearts salute You as sovereign Lord. You have given us minds capable of receiving Your mind, imaginations able to envision Your plan and purpose, and wills ready to do Your will. Anoint our minds with the liberating assurance that whatever You give us the vision to conceive, and the power to believe, we can completely trust You to help us achieve. Lord, fill our minds with Your spirit. Go before us to show us the way, behind us to press us forward, beside us to give us courage, above us to protect us, and within us to give us supernatural wisdom and discernment. Continue to bless our President and his Cabinet, the House of Representatives, and the men and women of the Senate as together they serve You as partners in solving the problems which confront us and grasp the full potential of Your destiny for our great Nation.

In Your all-powerful name, amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

WELCOMING OF NEW SENATE CHAPLAIN, DR. LLOYD JOHN OGILVIE

Mr. HATFIELD. Thank you, Mr. President.

It is my great honor to welcome the Senate's new Chaplain, Dr. Lloyd Ogilvie. It is my feeling that the Senate is going to be richly blessed by the presence of Dr. Ogilvie. Reverend Ogilvie is undertaking a difficult task, because he is succeeding our good friend, Richard Halverson. Reverend Halverson not only leaves a spiritual legacy behind him, but he also leaves some very difficult shoes to fill. Richard Halverson offered this body an example of humility, gentleness, and personal integrity. He will be missed, not only by the Senators, but also by the staff, support workers, pages, and the various workers who experienced his ministry.

In the committee's search of hundreds of extremely qualified applicants, Dr. Ogilvie stood out because of his emphasis on nurturing others through personal relationships. I am pleased to hear of his determination to keep the office of Chaplain nonpolitical, nonsectarian, and nonpartisan. He has indicated that his role as Chaplain is to act as an intercessor for the Senators, serving as a trusted prayer partner and a faithful counselor. In his opening prayers, he is committed to praying to God, not preaching to the Senators. I believe this is the correct approach to the chaplaincy. The last thing we need in the Senate is another bully pulpit, instructing us as to the proper political decision or action. Dr. Ogilvie will minister through friendships and relationships with Members. His emphasis will be encouragement, not persuasion.

When I mentioned all these qualified applicants, let me suggest one further fact. Dr. Ogilvie did not apply for the office of Chaplain. He was sought out for the office.

I am so excited that Dr. Ogilvie will be joining us in this capacity. I would like to take some time to reflect on his many accomplishments. I will highlight some of his greater accomplishments and then enter his résumé into the RECORD. If I were to highlight all of his life work, I am afraid my colleagues would accuse me of filibustering. Dr. Ogilvie is leaving his congregation at First Presbyterian Church in Hollywood, CA, where he has ministered since 1972. In his capacity as pastor of First Presbyterian in Hollywood, he sought to encourage leaders in entertainment, business, and the community in the Los Angeles area.

Through personal interaction and small group settings, Dr. Ogilvie attempted to help men and women find mutual support to face their problems and to follow their callings in their vocations by encouraging the individuals around them. One of the keys to Dr. Ogilvie's ministry has been listening. By listening closely to the concerns of those around him, he can respond by tailoring his ministry to directly respond to those concerns. I think this will be an invaluable tool in his ministries in the Senate. The Senate is a dynamic body thus requiring an individual that can carefully listen and respond to the many concerns that we confront each day.

Dr. Ogilvie is an accomplished author of approximately 50 books, and he is a contributing author in many current religious magazines and periodicals. He is leaving his nationally syndicated weekly television show, "Let God Love You," which has been on the air for 17 years. He is also ending his daily radio program of 10 years. Both of these programs are financed by Lloyd Ogilvie Ministries, an independent, nonprofit organization from which Ogilvie draws no salary or compensation.

It is my belief that Dr. Ogilvie will be successful because of his calling as a pastor to be available, approachable, and attentive. As he seeks to be influential in the spiritual lives of the Senators, I trust that he will always strive to be a faithful friend and confidant. And I know and am persuaded that he will be.

I look forward to his work, and I encourage all my distinguished colleagues to take the opportunity to get to know him.

Of course, like all of us, he brings to this new ministry his devoted, wonderful, accomplished wife, Mary Jane, as they have worked together on the Lord's ministry all of these years. He has a beautiful family who support him and each of whom is contributing to our society.

So, Mr. President, at this time, I ask unanimous consent that a biographical sketch, with background, education, degrees, awards, and pastorates be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD.

BIOGRAPHICAL SKETCH—LLOYD JOHN OGILVIE

BACKGROUND

Born in Kenosha, Wisconsin, September 2, 1930.

Married to Mary Jane Jenkins Ogilvie.

Children: Heather, Scott, Andrew.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

EDUCATION

Public schools of Kenosha, Wisconsin.

Lake Forest College, Lake Forest, Illinois.

Garrett Theological Seminary, Northwestern University, Evanston, Illinois.

New College, University of Edinburgh, Edinburgh, Scotland.

DEGREES

Bachelor of Arts (Lake Forest College).

Master of Theology (Garrett Theological Seminary).

Doctor of Divinity (Whitworth College).

Doctor of Humane Letters (University of Redlands).

Doctor of Humanities (Moravian College and Seminary).

Doctor of Laws (Eastern College).

AWARDS (PARTIAL LIST)

Distinguished Service Citation, Lake Forest College.

Preacher of the Year, Religion in Media.

Angel Award, Religion in Media.

1982, 1986—Silver Angel Award (to Television Ministry).

Gold Medallion Book Award, 1985, "Making Stress Work For You". Presented by the Evangelical Christian Publishers Assn.

Salvation Army's William Booth Award, 1992.

PASTORATES

Gurnee Community Church, Gurnee, Illinois (Student Pastor).

Winnetka Presbyterian Church, Winnetka, Illinois (1956–62).

First Presbyterian Church, Bethlehem, Pennsylvania (1962–72).

First Presbyterian Church, Hollywood, California (1972–).

MINISTRY FOCUS

The consistent focus of the ministry of Lloyd Ogilvie through the years has been on the care, encouragement and support of business, political and community leaders. Beginning his ministry in Winnetka, Illinois working with the business leaders of Chicago, he developed a deep appreciation for the impact of leaders on society and their need to receive sensitive pastoral care to live out their faith in the pressures, stresses and immense challenges of their work. During this time of his ministry, Dr. Ogilvie developed a small group strategy to help men and women leaders and their families find mutual support and networking to face the problems and grasp the opportunities of their calling to serve God in their personal relationships, at work, and in the community. This emphasis was continued in his ministry to leaders and their families in the steel industry when he served as Pastor of the First Presbyterian Church of Bethlehem, Pennsylvania. He has pursued this calling during the past twenty-two years as Pastor of the historic First Presbyterian Church of Hollywood where he seeks to enable leaders in the entertainment community as well as business and community leaders in the greater Los Angeles basin.

In addition to his responsibilities as Pastor of the Hollywood Church, Dr. Ogilvie is a media communicator, author and frequent speaker throughout the nation.

Dr. Ogilvie believes that listening is the key to effective communication of the Gospel. His contemporary expositions of the Bible are in direct response to the most urgent questions and deepest needs of people in his congregation and throughout the nation. Through being attentive in conversations, extensive correspondence, and personal surveys of his national radio and television audiences, he seeks to feel the pulse of what people are thinking and feeling today. His messages, books, and the leadership of his congregation in Hollywood arise out of the ministry of listening to people's hopes and hurts and then to God for His answers in the Bible.

LOCAL CHURCH

As Pastor of his large congregation in the communications capitol, Dr. Ogilvie has developed the church's program in four major thursts—as a workshipping congregation, a healing community, an equipping center for the ministry of the laity, and a deployment agency for evangelism and mission. His guiding conviction is that all Christians are called into ministry and that the role of the local church is to equip them to be a bold, articulate apostolate of hope in the structures of society. This equipping program is carried out in in-depth study of the Scriptures, small group meetings throughout the Los Angeles basin, and retreats and conferences. Dr. Ogilvie consistently monitors the effectiveness of the ministry with these questions: What kind of people are we called to deploy in the world? What kind of church sets free that kind of people? What kind of church officers enables that kind of church?; and, What kind of pastoral leadership inspires that quality of vision?

Lloyd Ogilvie's strategy of leadership is to work with and through the lay Elders to shape the goals and program of the church. Along with a team of four pastors and ten program staff people, Dr. Ogilvie seeks to lead the church as a laboratory of experimentation with new forms of church life and innovative methods of meeting the needs of the members so that they can be contagious communicators of their faith and courageous witnesses in social issues.

Located at the center of population spread of the greater Los Angles community, the urban Hollywood church ministers to its immediate community and to members who live throughout the metropolitan and suburban areas. The vital program for members is coupled with a diversified outreach to meet the social needs of the community.

MEDIA MINISTRY

Lloyd Ogilvie's nationally syndicated radio and television ministry is called "Let God Love You." The weekly television program is celebrating its seventeenth anniversary and the daily radio program is going into its tenth year. This media ministry is guided by a strong national Board of Directors of the Lloyd Ogilvie Ministries, an independent, non-profit organization. In 1982, the Directors adopted "Ten Commitments" for the development of the ministry and its financial accountability.

Dr. Ogilvie brings to this media ministry the same commitment to listening he expresses as pastor of his church. His messages on the "Let God Love You" programs are his part of an ongoing dialogue with his listeners and viewers. On very program he encourages them to write him about what's on their minds and hearts. His voluminous correspondence with people and a special yearly inventory of their deepest concerns provide the focus of his personal sharing of grace. The central purpose is to help people turn life's struggles into stepping stones by linking their problems to the promises and power of God.

Beginning sixteen years age with one television station in Los Angeles, the "Let God Love You" program is now seen throughout the nation on independent stations and cable networks. The media ministry is supported exclusively by viewer and listener contributions and all gifts are used only for costs of producing and airing the programs. Dr. Ogilvie receives no salary from the media ministry.

PUBLICATION MINISTRY: BOOKS AUTHORED BY LLOYD JOHN OGILVIE

A Future and A Hope; Word Books.

A Life Full of Surprises; Abingdon Press.

Ask Him Anything (Answers to Life's Deepest Questions); Word Books.

Autobiography of God, The (On the Parables); Regal Books.

Beauty of Caring, The; Harvest House.

Beauty of Friendship, The; Harvest House.

Beauty of Love, The; Harvest House.

Beauty of Sharing, The; Harvest House.

Bush Is Still Burning, The (The "I Am" Sayings of Jesus); Word Books.

Climbing the Rainbow—Claiming the Covenant Promises of God; Word Books.

General Editor and Author of:

—Communicators Commentary on Book of Acts; Word Books.

—Communicators Commentary on Books of Hosea, Joel, Amos, Obadiah, Jonah; Word Books.

Congratulations—God Believes in You; Word Books.

Conversation With God; Harvest House.

Cup of Wonder, The (Communion Messages); Tyndale Books.

Discovering God's Will in Your Life; Harvest House.

Drumbeat of Love (Acts); Word Books.

Enjoying God; Word Books.

Falling into Greatness (Psalms); Thomas Nelson.

Freedom of the Spirit; Harvest House.

God's Best for My Life (Daily Devotional); Harvest House.

God's Transforming Love; Regal Books.

Greatest Counselor in the World, The; Servant Publications.

Heart of God, The; Regal Books.

If God Cares, Why Do I Still Have Problems?; Word Books.

If I Should Wake Before I Die; Regal Books.

Jesus The Healer [form. Why Not?] (The Healing Ministry); Revell Co.

Let God Love You; Word Books.

Life Without Limits; Word Books.

Living Without Fear; Word Books.

Longing to Be Free; Harvest House.

Lord of the Impossible; Abingdon Press.

Lord of the Loose Ends ("He is Able" claims of the Epistles); Word Books.

Lord of the Ups and Downs; Regal Books.

Magnificent Vision, The (Form. "Radiance of the Inner Splendor"); Vine Books.

Making Stress Work for You; Word Books.

Silent Strength (Daily Devotional); Harvest House.

Turn Your Struggles Into Steppingstones; Word Books.

Twelve Steps to Living Without Fear (Large Print); Word Books.

Understanding the Hard Sayings of Jesus (formerly "The Other Jesus"); Word Books.

When God First Thought of You (I, II, III John); Word Books.

You Are Loved and Forgiven; Regal Books.

You Can Live As It Was Meant To Be (I & II Thess.); Regal Books.

You Can Pray With Power; Regal Books.

You've Got Charisma; Abingdon Press.

Also, Dr. Ogilvie is the General Editor of the 32-volume Communicator's Commentary being published by Word Books, Inc. In addition, he is a contributing author in many current Christian magazines and periodicals.

SPEAKING MINISTRY

Lloyd Ogilvie's ministry as a speaker involves him in speaking engagements at conventions, conferences, renewal retreats for clergy and laity, and universities and secular gatherings.

LISTED IN

Who's Who in America.
Who's Who in the World.
Who's Who in the West.
Leaders of the English Speaking World.
Contemporary Authors.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. HATFIELD. Mr. President, I am now going to propound, on behalf of the Republican leader, two unanimous-consent agreements that have been cleared on the Democratic side.

Mr. President, I ask unanimous consent that the vote on the motion to invoke cloture on the Kassebaum amendment No. 331, scheduled for today, be vitiated and, further, that the vote now occur on Wednesday, March 15, at 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I further ask that the cloture vote scheduled for Tuesday of this week be postponed to occur on Thursday, March 16, at a time to be determined by the majority leader after consultation with the minority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. HATFIELD. Mr. President, I am authorized to indicate there will be no rollcall votes during today's session of the Senate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I ask that I may speak for 2 minutes as in morning business.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for morning business not to extend beyond 30 minutes with Senators permitted to speak therein.

THE TRUTH ABOUT SOCIAL SECURITY TRUST FUNDS

Mr. DOMENICI. Mr. President, last week during the debate on the balanced budget amendment, there was more than a little debate about the use of Social Security funds in calculating our annual Federal deficit. The fact is that much of the discussion was misleading, and some of it was just not true. But in all our discussions of the issue, few explain the truth of what this Government is doing more succinctly than columnist Charles Krauthammer did in his op-ed page in the Washington Post last Friday.

Mr. President, I ask unanimous consent that that column, entitled "Social Security 'Trust Fund' Whopper," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 10, 1995]

SOCIAL SECURITY "TRUST FUND" WHOPPER

(By Charles Krauthammer)

Last week, Sens. Kent Conrad and Byron Dorgan management to (1) kill the balanced budget amendment, (2) deal Republicans their first big defeat since November and (3) make Democrats the heroes of Social Security. A hat trick. How did they do it? By demanding that any balanced budget amendment "take Social Security off the table"—i.e., not count the current Social Security surplus in calculating the deficit—and thus stop "looting" the Social Security trust fund.

In my 17 years in Washington, this is the single most fraudulent argument I have heard. I don't mean politically fraudulent, which is routine in Washington and a judgment call anyway. I mean logically, demonstrably, mathematically fraudulent, a condition rare even in Washington and not a judgment call at all. Consider:

In 1994 Smith runs up a credit card bill of $100,000. Worried about his retirement, however, he puts his $25,000 salary into a retirement account.

Come Dec. 31, Smith has two choices: (a) He can borrow $75,000 from the bank and "loot" his retirement account to pay off the rest—which Conrad-Dorgan say is unconscionable. Or (b) he can borrow the full $100,000 to pay off his credit card bill and keep the $25,000 retirement account sacrosanct—which Conrad-Dorgan say is just swell and maintains a sacred trust and staves off the wolves and would have let them vote for the balanced budget amendment if only those senior-bashing Republicans had just done it their way.

But a child can see that courses (a) and (b) are identical. Either way, Smith is net $75,000 in debt. The trust money in (b) is a fiction: It consists of 25,000 additionally borrowed dollars. His retirement is exactly as insecure one way or the other. Either way, if he wants to pay himself a pension when he retires, he is going to have to borrow the money.

According to Conrad-Dorgan, however, unless he declared his debt to be $100,000 rather than $75,000, he has looted his retirement account. But it matters not a whit what Smith declares his debt to be. It is not his declaration that is looting his retirement. It is his borrowing (and overspending).

Similarly for the federal government. In fiscal 1994, President Clinton crowed that he had reduced the federal deficit to $200 billion. In fact, what Conrad calls the "operating budget" was about $250 billion in deficit, but the Treasury counted the year's roughly $50 billion Social Security surplus to make its books read $200 billion. According to Conrad-Dorgan logic, President Clinton "looted" the Social Security trust fund to the tune of $50 billion.

Did he? Of course not. If Clinton had declared the deficit to be $250 billion and not "borrowed" $50 billion Social Security surplus—which is nothing more than the federal government moving money from its left pocket to its right—would that have made an iota of difference to the status of our debt or of Social Security?

Whether or not you figure Social Security in calculating the federal deficit is merely an accounting device. Government cannot stash the Social Security surplus in a sock. As long as the federal deficit exceeds the Social Security surplus—that is, for the foreseeable forever—we are increasing our net debt and making it harder to pay out Social Security (and everything else government does) in the future.

Why? Because the Social Security trust fund—like Smith's retirement account—is a fiction. The Social Security system is pay-as-you-go. The benefits going to old folks today do not come out of a huge vault stuffed with dollar bills on some South Pacific island. Current retirees get paid from the payroll taxes of current workers.

With so many boomers working today, pay-as-you-go produces a cash surplus. That cash does not go into a Pacific island vault either. In a government that runs a deficit, it cannot be saved at all—any more than Smith can really "save" his $25,000 when he is running a $100,000 deficit. The surplus necessarily is used to help pay for current government operations.

And pay-as-you-go will be true around the year 2015, when we boomers begin to retire. The chances of our Social Security benefits being paid out then will depend on the productivity of the economy at the time, which in turn will depend heavily on the drag on the economy exerted by the next net that we will have accumulated by then.

The best guarantee, in other words, that there will be Social Security benefits available then is to reduce the deficit now. Yet by killing the balanced budget amendment, Conrad-Dorgan destroyed the very mechanism that would force that to happen. The one real effect, therefore, that Conrad-Dorgan will have on Social Security is to jeopardize the government's capacity to keep paying it.

Having done that, Conrad-Dorgan are now posing as the saviors of Social Security from Republican looters. A neat trick. A complete fraud.

Mr. DOMENICI. Mr. President, this distinguished columnist, who has a knack for exposing attempts at political deception and making difficult things simple, points out the deceit in the arguments that we heard on the floor last week.

I encourage all who participated in the balanced budget amendment debate to read this column. I am asking that it be made part of the RECORD so everyone will have an opportunity to do that. Because, if nothing else, Mr. Krauthammer's essay brushes aside the political rhetoric and emphasizes that, no matter how you add it up, where you put the numbers, or, as he says, which pocket you put it in, an obligation of the Federal Government remains just that—an obligation of the Federal Government. And we or our children and grandchildren have to pay it.

Mr. President, it just seems to this Senator that the balanced budget amendment should have been adopted. I repeat for those who are worried about the Social Security trust fund or, more precisely, where will the money be, where will it come from to pay Social Security recipients 20, 25, 30 years from now, I submit that the best thing we could have done was to get the unified budget of the United States in balance in 7 years. Because I believe that would have more to do with what Social Security of the future needs than anything else.

Simply put, as Mr. Krauthammer later in his article alludes to, the best thing for Social Security in the future is a vibrant, growing American economy with low inflation. If we can have that for periods of 4 or 5 years at a time, with mild downturns, then I believe we will be in a position as a nation to take care of our seniors.

Frankly, Mr. President, if we cannot do that, we will not be in a position to take care of them no matter what rhetoric is offered on the floor that seemed to say, in the 7-year balanced budget that was before us, even though we would have to cut or reduce Government about $1.2 trillion, essentially those who argued against it, at least from the Social Security standpoint, were saying that is not enough; you have to do more. And frankly, we have never come close to even that. I would have thought that would have been a fantastic effort on behalf of senior Social Security citizens and on behalf of a prospering American economy.

I hope everyone will get a chance to read this very basic approach that this excellent columnist talks to us about with reference to the Social Security trust fund.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THOMAS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HUTCHISON). Without objection, it is so ordered.

RESPONDING TO THE PEOPLE

Mr. THOMAS. Madam President, I come to the floor during this morning business to talk about several things, to sort of reflect a little bit on the 2 months that we have been here, a little over 2 months.

First of all, of course, it is a great honor to be a part of this body and to represent the State of Wyoming in the U.S. Senate.

We have to observe that we have dealt with a limited number of items while we have been here. Many of us are filled with some kinds of mixed emotions, recognizing and respecting the deliberative nature of the Senate and, at the same time, having some frustration with the slowness of the deliberations and the lack of movement on some of the issues that we consider to be very important.

As an American, of course, I believe that we want our institutions to be thoughtful and to fully explore issues, but also in a timely way to decide and to move on. That is what deliberation is all about.

There is, I believe, an agenda in this country. Everyone can read the past election as they choose, but it seems pretty certain that a number of things were on the minds of American voters. One of them is that most people believe we have too much government, that it costs too much, that we need to have in our lives less government, less cost, and less regulation. Of course, you can talk about the details of how do you do that, but, nevertheless, it is an agenda.

These were issues that were defined in the last election and they are issues that need to be dealt with by this Congress and by this Senate. One of the measures of good government, I believe, is the responsiveness that its institutions have to the people as they vote.

We have, as a result of the election, I think, the best opportunity that has been before us for 40 years to take a look at some of the things we do. Over the last number of years, about all the opportunities available were to add to programs that we had, put more money in programs that we had. Now we have a chance and we have a Congress that is willing to think through programs again and see if, in fact, they are delivering as they were designed to deliver.

In order to make this a useful discussion, of course, there has to be a stipulation that those who are interested in looking to change are just as caring and just as concerned about people as those who are opposed to change. And I think that is a fair and honest stipulation.

The question is what we are doing in seeing if there is a better way to provide services for the needy. Is there a better way to determine who those services should go to? Is there a more efficient way of delivering those services? That I think is what the change is about.

We need to have this institution to be the kind of institution that will take a look at these things and then move forward and decide.

We really do not need a rapid response team that is opposed to change. And the controversy—many of the issues are not between Republicans and Democrats—the controversy lies between those who would like to see some things done differently and those who basically do not want change.

There is a legitimate difference of view. There is a legitimate argument between those who think more government, more spending is better for the country, and those like myself, who do not agree, who think that, indeed, we can do it with less government, turning more responsibility to people, turning more of an opportunity for families to spend their own money, stimulating the economy.

We are now, today and in the next couple of days, debating the Kassebaum amendment with respect to replacement of strikers, an issue that we went through in the House and in the Senate last year in great detail. So I rise in strong support of that amendment. I think it is the will of the Congress. We have been through that. We have been through some 60 years of experience. Frankly, it has worked pretty well and there has been very little deviation from that in terms of hiring replacements.

Someone on the floor the other day said, "Is this the agenda of the new majority, to make it tougher for working people, to make it tougher for single mothers to have jobs?" Of course not. That is an absurd idea.

I think the idea of the new majority is to find a balance between labor and management, to find a way in which there is an environment where business can grow and jobs can be created, where the Federal Government is not an advocate for either of the parties in these kinds of controversies. I think that is what the Kassebaum amendment is all about.

Madam President, I thank you for the time. It is difficult to know how we should proceed. But there is a great deal before the Senate. We have a great many things to decide. In fact, we should be deciding them. That is what votes are about. Once they have been totally explored, we look forward to making a decision and not to obstruct a decision.

I look forward very much to the continuing efforts on the part of this body to respond to voters, responding to the people in this country in making decisions on major items, in the first opportunity in many years we have had to explore finding ways to do things in a better way.

I think the war on poverty is a good example. It has been going on for what—30 years? Twenty years? The fact of the matter is we are less well off now than we were then in terms of the things that the war on poverty was designed to resolve. It makes it pretty clear, if you want different results, you have to start doing things differently. you cannot expect different results by continuing to do the same thing.

So I look forward to the continued discussion. I look forward to dealing with the issues that the House has dealt with. However the majority here decides to deal with them is fine; I just suggest we come to grips with them, that we move forward, that we do not lose the momentum of an election, that we do not lose the interest and the interest of the American people in taking a look at questions like a balanced budget amendment, like line-item veto, like term limits, like accountability. All of those are issues that really deserve our best attention and final decision.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Madam President, I ask unanimous consent that I may proceed as if in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. I thank the Chair.

MAJOR LEAGUE BASEBALL IN TAMPA BAY

Mr. GRAHAM. Madam President, I rise today to commemorate the birth of one of baseball's two newest members, the Tampa Bay Devil Rays. The Tampa Bay community was awarded a franchise last Thursday and will commence play in 1998. This is a very important and welcome, celebrated event for our State and particularly for the 2 million citizens of the Tampa Bay area who have been waiting a long, long time for baseball to come in the summer.

For many years, the Tampa Bay area has been home to spring training baseball, and for many years there has been the hope and expectation that baseball would not terminate as the teams left to begin the regular season. That expectation will now be soon realized. This comes after many years of effort. The quest for a major league team began in 1977 with the formation of the Pinellas Sports Authority, an organization that has had as its goal to bring a major league franchise to the Tampa Bay area.

Since that time, there have been efforts to secure seven different franchises. In each case, there was the hope and the expectation that the franchise would be relocated to the Tampa Bay area, and then for a variety of reasons that hope was crushed.

The latest attempt occurred several years ago when an actual contract was signed for the relocation of the San Francisco Giants to Tampa Bay, and this contract was subsequently canceled by action of the other major league teams.

During the course of this activity, working with the various series of major league baseball commissioners, the city determined that it was in its interest and would advance its potential as a major league franchise by proceeding to construct a state of the art domed stadium, which has now been completed, which is utilized for other sports activities and which stands ready with modifications and final refinements to be the home to the new Tampa Bay Devil Rays professional team.

In achieving this success, there were many people who were active. I would like to particularly express my appreciation to the managing general partner of the new team, Mr. Vince Naimoli, who, over a period of setbacks and frustrations, remained constant in his commitment to bring major league baseball to Tampa Bay. There have been many officials with the Saint Petersburg city government who have been active in helping to realize this objective.

I should like to recognize Saint Petersburg City Administrator Rick Dodge, who, from the very beginning, has played a crucial role in helping to move toward the completion of the stadium and maintaining a high level of community support behind the effort to receive a major league franchise. He is illustrative of dozens of others—elected officials, city administration officials, and the citizens of Pinellas County—who have worked so hard to bring this to a successful realization.

Madam President, we are proud of the recognition of this awarded franchise to the important position which the State of Florida plays in major league professional athletics. With this award, our State will now have nine major league franchises in baseball, football, basketball, and hockey, second only to California in the number of professional major league teams playing in the State. This is appropriate to the size and rapid growth of our State and its demonstrated support for professional sports.

Madam President, I thank the major league baseball ownership for awarding this franchise to Tampa Bay. They have demonstrated wisdom in doing so because I am confident that this will quickly become one of the strongest franchises in major league baseball. There is a certain degree of optimism in accepting a major league franchise in the context of the current labor-management status, but I am confident well before 1998 we will be playing major league baseball again in America and look forward to the day when the Tampa Bay Devil Rays open their first season.

Madam President, thank you for affording me this opportunity to make these remarks on behalf of the citizens of our State and the event that we have long looked forward to celebrating.

EXTENSION OF MORNING BUSINESS

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, I ask unanimous consent that morning business be extended for 10 additional minutes, and that I be recognized for that period of time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. I thank the distinguished Chair.

REPORTING OF THE BALANCED BUDGET AMENDMENT

Mr. HOLLINGS. Madam President, I rise today to comment on the RECORD made earlier this morning by my distinguished colleague from New Mexico, Senator DOMENICI, the chairman of our Budget Committee. Let me say at the outset that I have the highest regard for Senator DOMENICI. He is very conscientious, very hard-working, and very honest in his beliefs and his work in the Senate. So in rising I do not intend to reflect on him, but rather to reflect on Charles Krauthammer's recent article concerning Social Security that the distinguished Senator from New Mexico included in the RECORD.

So there will not be any trouble referring to it, I ask unanimous consent that the article of Charles Krauthammer entitled "Social Security 'Trust Fund' Whopper" of last Friday, March 10 be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 10, 1995]

SOCIAL SECURITY "TRUST FUND" WHOPPER

(By Charles Krauthammer)

Last week, Sens. Kent Conrad and Byron Dorgan managed to (1) kill the balanced budget amendment, (2) deal Republicans their first big defeat since November and (3) make Democrats the heroes of Social Security. A hat trick. How did they do it? By demanding that any balanced budget amendment "take Social Security off the table"—i.e., not count the current Social Security surplus in calculating the deficit—and thus stop "looting" the Social Security trust fund.

In my 17 years in Washington, this is the single most fraudulent argument I have heard. I don't mean politically fraudulent, which is routine in Washington and a judgment call anyway. I mean logically, demonstrably, mathematically fraudulent, a condition rare even in Washington and not a judgment call at all. Consider:

In 1994 Smith runs up a credit card bill of $100,000. Worried about his retirement, however, he puts his $25,000 salary into a retirement account.

Come Dec. 31, Smith has two choices: (a) He can borrow $75,000 from the bank and "loot" his retirement account to pay off the rest—which Conrad-Dorgan say is unconscionable. Or (b) He can borrow the full $100,000 to pay off his credit card bill and keep the $25,000 retirement account sacrosanct—which Conrad—Dorgan say is just swell and maintains a sacred trust and staves off the wolves and would have let them vote for the balanced budget amendment if only those senior-bashing Republicans had just done it their way.

But a child can see that courses (a) and (b) are identical. Either way, Smith is net $75,000 in debt. The trust money in (b) is a fiction: It consists of 25,000 additionally borrowed dollars. His retirement is exactly as insecure one way or the other. Either way, if he wants to pay himself a pension when he retires, he is going to have to borrow the money.

According to Conrad-Dorgan, however, unless he declares his debt to be $100,000 rather than $75,000, he has looted his retirement account. But it matters not a whit what Smith declares his debt to be. It is not his declaration that is looting his retirement. It is his borrowing (and overspending).

Similarly for the federal government. In fiscal 1994, President Clinton crowed that he had reduced the federal deficit to $200 billion. In fact, what Conrad calls the "operating budget" was about $250 billion in deficit, but the treasury counted the year's roughly $50 billion Social Security surplus to make its books read $200 billion. According to Conrad-Dorgan logic, President Clinton "looted" the Social Security trust fund to the tune of $50 billion.

Did he? Of course not. If Clinton had declared the deficit to be $250 billion and not "borrowed" $50 billion Social Security surplus—which is nothing more than the federal government moving money from its left pocket to its right—would that have made an iota of difference to the status of our debt or of Social Security?

Whether or not you figure Social Security in calculating the federal deficit is merely an accounting device. Government cannot stash the Social Security surplus in a sock. As long as the federal deficit exceeds the Social Security surplus—that is, for the foreseeable forever—we are increasing our net debt and making it harder to pay out Social Security (and everything else government does) in the future.

Why? Because the Social Security trust fund—like Smith's retirement account—is a fiction. The Social Security system is pay-as-you-go. The benefits going to old folks today do not come out of a huge vault stuffed with dollar bills on some South Pacific island. Current retirees get paid from the payroll taxes of current workers.

With so many boomers working today, pay-as-you-go produces a cash surplus. That cash does not go into a Pacific island vault either. In a government that runs a deficit, it cannot be saved at all—any more than Smith can really "save" his $25,000 when he is running a $100,000 deficit. The surplus necessarily is used to help pay for current government operations.

And pay-as-you-go will be true around the year 2015, when we boomers begin to retire. The chances of our Social Security benefits being paid out then will depend on the productivity of the economy at the time, which in turn will depend heavily on the drag on the economy exerted by the net debt that we will have accumulated by then.

The best guarantee, in other words, that there will be Social Security benefits available then is to reduce the deficit now. Yet by killing the balanced budget amendment, Conrad-Dorgan destroyed the very mechanism that would force that to happen. The one real effect, therefore, that Conrad-Dorgan will have on Social Security is to jeopardize the government's capacity to keep paying it.

Having done that, Conrad-Dorgan are now posing as the saviors of Social Security from Republicans looters. A neat trick. A complete fraud.

Mr. HOLLINGS. Madam President, it really disturbed me when I saw our two distinguished Senators from North Dakota, Senator DORGAN and Senator CONRAD, described as being tricky, or outright fraudulent.

It's getting difficult to serve in the Senate. You have the Speaker of the House calling some Senators "liars." You have some of our colleagues parading in front of the Capitol with a poster containing the pictures of some Senators and a headline at the top saying, "Wanted for flip-flopping."

But if we want to get past the grandstanding and get to the truth of the matter, what we were trying to do was to keep our word by protecting Social Security. The American people should know that the real flip-floppers are those who voted in 1990 to protect Social Security but were willing to sacrifice it under the language of Section 7 in House Joint Resolution 1.

Charles Krauthammer's Social Security article is, to use his own language, the single most fraudulent article that our friend, Mr. Krauthammer, has written because he equates an individual with a $100,000 debt with the Government having a $100,000 debt. He claims that an individual borrowing $25,000 from a retirement account and borrowing the remaining $75,000 from the bank is in the same position as the Government borrowing its $25,000 from the Social Security account and the remaining $75,000 from the markets. But here's the difference. In borrowing $25,000 from his retirement, the individual is truly at zero because he has borrowed his own money. In the Government's case, the budget is not balanced because the $25,000 has been borrowed from future retirees.

Madam President, the Social Security surpluses were planned in 1983 with a special FICA tax to bring in funds in excess of the immediate need. We were not just trying to balance the Social Security budget. There was an affirmative intent that more moneys than were necessary would be collected so that we could build up surpluses and provide for the baby boomers that will retire early in the next century. The idea of the Greenspan Commission was that a sufficient Social Security reserve or trust be built up so that there would not be a call on general revenues. Of course, what has been happening, Madam President, is that administrations, Congresses, and columnists have all engaged in the deceptive reporting by using the Social Security surpluses to diminish the size of the deficit. This charade does not eliminate the deficit, it merely moves the deficit from the Federal Government over to the Social Security fund.

Of course, this trick does not eliminate the deficit. Already, $464 billion has been moved—by the year 2000 the Government will owe Social Security $1 trillion. As a result, the baby boomers, who are presently being taxed to pay for the Social Security of persons who have reached 72 years of age, like this particular Senator, will have to be taxed again to receive their benefits.

In addition, Mr. Krauthammer's claims that the Social Security system is a pay-as-you-go program. But as the record will show, that is not the case. In fact, Senator PATRICK MOYNIHAN and I were the ones who offered an amendment to put Social Security on a pay-as-you-go basis, but that effort was defeated.

Moreover, in 1990 the distinguished former Senator from Pennsylvania, Senator John Heinz, and I, were successful in passing legislation forbidding the use of Social Security trust funds to mask the size of the deficit. It remains on the books as section 13301 of the Budget Enforcement Act. Thus, I might point out that what Mr. Krauthammer calls a fiction and a fraud is actually a law that was signed by President George Bush on November 5, 1990.

Mr. Krauthammer knows full well the Congress would never have voted the tax increases for Social Security in 1983 if these revenues were to be used to spend on foreign aid, welfare, or the deficit. He disregards the representation by the sponsors of the balanced budget amendment that Social Security trust funds will be protected. He disregards the formal resolution by Senator DOLE, the majority leader, requiring that the Budget Committee demonstrate how the budget can be balanced without using Social Security funds. He disregards the formal statutory law that requires this, and he fails to mention that the two Senators he chastises joined with three others in a formal letter of commitment to vote for the balanced budget amendment if the protection for Social Security were included.

To quote Mr. Krauthammer, "A neat trick. A complete fraud." That is the trick and that is the fraud that has ensued here within the National Government.

Madam President, I ask unanimous consent to have printed in the RECORD at this point an article entitled, "Stop Playing Games With Social Security" that appeared in the Columbia, SC, "The State" as of yesterday, March 12, 1995.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STOP PLAYING GAMES WITH SOCIAL SECURITY

(By Senator Fritz Hollings)

"Nobody, Republican, Democrat, conservative, liberal, moderate, is even thinking about using Social Security to balance the budget."—Sen. Trent Lott, R-Miss., "Face the Nation," Feb. 2

In the recent weeks of floor debate and television interviews, many senators repeatedly pledged not to use Social Security funds to balance the budget.

They even passed an amendment by Senate Majority Leader Bob Dole to instruct the Budget Committee to develop a budget that didn't use Social Security funds but would conform with the constitutional balanced-budget amendment.

In the meantime, while Dole was struggling to pick up one vote to pass the amendment, five Democrats vowed they were ready, willing and able to vote for Social Security. In fact, the night before the vote, the five sent Dole a letter of commitment to vote for the amendment if Social Security were protected.

On March 2, the constitutional amendment failed by one vote. And over that weekend on "Face the Nation" Dole again reaffirmed his intent on Social Security when he said, "We are going to protect Social Security."

If he remains that committed, why did he refuse to put his word on the line in black and white on March 2 and pass a constitutional amendment by at least 70 votes? Because he knew that accepting the five Democratic votes would have cost him an equal number of votes of Republicans determined to spend Social Security surpluses on the deficit.

Dole didn't want to expose his Republican troops or expose the truth. While Republican rhetoric pledged to protect Social Security, Sen. Pete Domenici, chairman of the Budget Committee, and other Republicans were telling Dole that the budget could not be balanced without using Social Security surplus funds.

All of this word-battling—of saying one thing in public and trying to work around it in private—has led Americans to believe that there is a free lunch, that all we have to do to eliminate the deficit is to cut spending. The vote on Social Security exposes this myth.

Republican senators have no real intent on eliminating the deficit; they just want to move it from the federal government to Social Security.

Currently, Section 13.301 of the Budget Enforcement Act prohibits the use of Social Security funds for the deficit. But part of the balanced-budget amendment would repeal current law.

Even with all the promises tendered to correct Social Security with future legislation, any civics student knows you can't amend the Constitution with legislation. That's why the five Democrats—me included—insisted on including Social Security protection in the wording of the constitutional amendment.

Dole's stonewalling against our five votes on the constitutional amendment reveals another harsh truth: $1.8 trillion in spending cuts is necessary to balance the budget in seven years. But many senators reveal their intent to use Social Security surpluses when they state that only $1.2 trillion is necessary.

Let's face realities: There won't be enough cuts in entitlements. A jobs program for welfare reform will cost. Savings here are questionable.

You can and should save some on health reform, but slowing the growth of health costs from 10 percent to 5 percent still means increased costs. Social Security won't be cut, and any savings by increasing the age of retirement would be allocated to the trust fund, not the deficit.

Both the GOP's "Contract with America" and President Clinton have called for increases in defense spending. Results: No savings.

Therefore, savings must come from spending freezes and cuts in the domestic discretionary budget.

Coupling these cuts and freezes with a closing of tax loopholes still isn't enough to meet the target of a balanced budget in seven years. That's why Domenici has determined that Social Security funds will have to be used.

But using Social Security won't eliminate the deficit. It simply would increase the amount we owe Social Security. Already we owe $470 billion to the trust fund. If we keep raiding it, the government will owe Social Security more than $1 trillion by 2002.

Harsh realities. But there's a fifth and even harsher reality. All of the spending cuts in the world aren't politically attainable now. Domenici knows it's hard to get votes for enough cuts. To his credit, he tried in 1986 with a long list of cuts by President Reagan and the Grace Commission. But he got only 14 votes in the Senate.

Rep. Gerald Solomon, a New York Republican, also tried a list of $1 trillion in cuts just a year ago in the House. He got only 73 votes of 435.

In addition, the problem of balancing the budget with spending reductions is exacerbated by the "Contract With America's" call for a $500 billion tax cut.

The reality today is that a combination of cuts, freezes, loophole closings and tax increases must be cobbled together to put us on a glide path to balancing the budget. Now is the time to stop the finger-pointing, the blaming of the other guy. Now is the time to stop dancing around the fire of changes in the process.

It's a pure sham to think that a constitutional balanced-budget amendment will give Congress discipline.

If you put a gun to the head of Congress, it will get more creative. The proof is in the pudding that's being cooked all over town.

Some tout abolishing departments, like Commerce and Education. But their functions would continue somewhere. Others say send everything back to the states. But that way, the states would pick up deficits instead of the federal government.

Of course we know some want to use $636 billion in Social Security funds. And there's talk of picking up $150 billion by recomputing the Consumer Price Index and another $150 billion of re-estimating the growth of Medicare and Medicaid.

There are even those who want one-time savings, like selling the electric power grid or switching to the capital budget system.

In other words, there are people throughout town who are figuring out ways to make the federal budget appear balanced with hardly any cuts. With a balanced-budget amendment, they would be able to play this game for seven years.

Time out!

The gamesmanship, the charade, must stop. If this nonsense goes on for seven years, the United States will be down the tubes.

For all the talk about eliminating the deficit, the debt snowballs. Why? Because we add $1 billion a day to the debt by borrowing to pay interest.

In January and throughout February, I offered 110 spending cuts or eliminations from domestic discretionary spending. This was worth $37 billion in the first year and put deficit reduction on the glide path toward a balanced budget by 2002.

But even if these politically impossible cuts were agreed upon, the interest cost on the debt is growing at more than $40 billion a year.

The United States is in a downward budget spiral and we are meeting ourselves coming around the corner. Like the Queen in "Alice in Wonderful" told Alice: "It takes all the running you can do, to keep in the same place. If you want to get somewhere else, you must run at least twice as fast as that!"

Let's get past all the shenanigans. Let's include Social Security protection in the balanced-budget amendment. Then we could pass the amendment and get down to the hard work of balancing the budget.

Mr. HOLLINGS. Madam President, this article brings right into true focus exactly what is going on.

If, as Mr. Krauthammer says in this particular article, it was just "a fiction", then why not just include this exception in the language of the constitutional amendment?

The distinguished leaders of the legislation willingly accepted an exception for borrowed funds. The distinguished leaders of the balanced budget amendment willingly accepted the provision dealing judicial enforcement in order to pick up the one vote of the Senator from Georgia.

Why, Madam President, did they not accept five votes when all they had to do was put in black and white what they were publicly saying? There are five Senators who are ready, willing, and able to vote for a constitutional amendment for a balanced budget if they include a provision protecting Social Security funds.

The real flip-floppers are those who have abandoned their position taken in 1990 that Social Security funds should not be used in deficit calculations. It is very difficult to get that message out, but we will keep hammering. The distinguished majority leader says that he will continue to bring this up. I look forward to that debate and can likewise promise that this Senator will continue to push for language that excludes Social Security from deficit calculations.

I yield the floor.

EULOGY TO GLEN P. WOODARD

Mr. HEFLIN. Mr. President, Glen P. Woodard, the former vice president and director of community affairs for Winn-Dixie Food Stores, died on January 25, 1995, after an extended illness. As Winn-Dixie's community affairs director, Glen was widely known by food industry leaders and politicians for his handling of legislative and regulatory activities at both the State and national levels.

He moved to Florida at a young age, attending high school there and college at the University of Florida. He served in the U.S. Air Force 306 Bomb Group during World War II. Prior to joining Winn-Dixie in 1957, he was executive secretary of the Florida Petroleum Industries for 11 years. In 1981, he was named Groceryman of the Year by the Retail Grocers Association of Florida.

At his funeral on January 28, Robert O. Aders, former president of the Food Marketing Institute, gave a warm and moving eulogy to his good friend, Glen Woodard. It captures Glen's sharp wit, down-home personality, and wonderful good-natured philosophy. I ask unanimous consent that a copy of this excellent tribute be printed in the RECORD.

There being no objection, the tribute was ordered to be printed in the RECORD, as follows:

EULOGY TO GLEN WOODARD

(By Robert O. Aders)

Glen, it is an honor to be invited to eulogize you. It is not the first time that I or others have praised you in public but it is the first time you won't have the last word. I speak on behalf of myself and Tabitha and your other close friends in the industry that you have served so well for so many years—on behalf of your many associates in FMI and other groups in Washington and the State capitols with whom you have worked to improve food system and the supermarket industry—to improve the quality of government—and to improve the relationships between industry and government—in order to better serve the public. We have enjoyed considerable success in all these things and you have truly left your mark. You have made a difference. And today we celebrate your life.

We all lead our lives on many levels—our home, our church, our country, daily work, recreation. So did Glen Woodard. I would like to say a few words on behalf of those who knew him mostly in his Washington life, that part of his Winn-Dixie career where some of us in this room were his extended family. Glen was born in Washington, D.C.—says so in the Jacksonville newspaper so it must be true. But Glen always denied that. He didn't want to be a Washington insider. Instead Glen told a Supermarket News reporter who asked where he was born:

"Born in North Georgia in 1917, RFD 1, Clermont. Go out from Gainesville, turn left at Quillens store, going toward the Wahoo Church, and then past there up toward Dahlonega. We lived there till the Grand Jury met—then moved to Florida."

My friendship with Glen goes back a long way. We both joined the supermarket industry 38 years ago. In 1957 Glen joined Winn-Dixie and I joined Kroger—he as a lobbyist, I as a lawyer.

These were the good old days of smaller government but it was growing and soon Kroger decided to form a government relations department. I was chosen to do it. We were going to lobby and all I knew about that was what you had to go through when you check into a hotel. Then I got lucky. The American Retail Federation was holding a regional conference in Springfield, Illinois, and the already-famous Glen Woodard was the featured speaker on "lobbying." Glen spoke on the nitty-gritty of working with government—the day-to-day task of dealing with small problems so they don't get big—the same way we all deal with our family and business problems. He spoke on the day-to-day things that government does, wittingly or unwittingly, that impose a great burden on business. While business is focusing on the big issues we tend to ignore the minor day-to-day interferences that cost us money and slow us down. The title of his speech was repeated at just the right time throughout his presentation, in that patented stentorian voice. It was "While you are watching out for the eagles you are being pecked to death by the ducks." And that was my introduction to the famous Glen Woodard vocabulary and the beginning of a long professional relationship as well as a personal friendship.

To Glen, a Congressman or a Senator was always addressed as "my spiritual advisor." Glen Woodard's world was not populated by lawyers, accountants and ordinary citizens but by "skin 'em and cheat 'ems," "shiny britches," and "snuff dippers." These people don't merely get excited they have "rollin' of the eyes" and "jerkin' of the navel." Colorful he was. But Glen needed that lighthearted perspective to survive, for Glen was in the middle of what is now called "that mess in Washington" from Presidents Eisenhower to Clinton. Working his contacts, talking to representatives and senators, walking his beat—those endless marble corridors of power—doing as he put it "the work of the Lord." And, indeed, his work affected the law of the land.

And, indeed, that work was made a lot more fun for all of us by Glen's marvelous sense of humor and his wonderful delivery. I remember a meeting a few years ago with a top official in the Treasury Department. We had been stymied for years trying to change a ridiculous IRS regulation because of the stubbornness of one particular bureaucrat. One day Glen broke the logjam as follows: "Jerry, I had occasion to pay you a high compliment when I was with the Chairman of the Ways and Means Committee last week. I said you were just great with numbers. In fact, you're the biggest 2-timin'. 4-flushin', SOB I've ever known." He got the point and the rule was changed.

With all his blunt talk and tough wit, he was a kind and generous man. In fact, my wife described him when she first met him as courtly and gallant. That was at a luncheon at the Grand Old Opry years ago. My mother was also present and Glen was with his beloved Miss Ann. My mother was so charmed that for the rest of her life she always asked me "How is that wonderful gentleman from Winn-Dixie that you introduced me to in Nashville." Of course, Tab got to know the total Glen over the ensuing years at the many private dinners the three of us enjoyed when Glen was in Washington and had a free evening.

Those of us who worked at the Food Marketing Institute during Glen Woodard's career knew the many facets of this fine man. Always with us when we needed him, he was a brother to me and he was Uncle Glen to the young people on the staff.

Those young people he mentored over the years—young people now mature—carry the principles and values that he lived and taught. Here are some of them:

Integrity—stick to your principles.

Strength and toughness—take a position and stand on it.

Work ethic—It may not be fun at first. If you work hard enough you'll enjoy it.

Responsibility—Take it. Most people duck it.

Generosity—Take the blame; share the credit.

Reliability—Say what you'll do and then do it.

Fairness—It isn't winning if you cheat.

And finally, Grace under pressure.

On behalf of those young people, Glen, I say you brought a great deal of nobility to our day-to-day lives and you made us feel worthwhile.

A few years ago we tricked Glen into coming to a testimonial dinner on his behalf. He thought it was for someone else. The dinner menu was designed especially to Glen's taste. He always said he was sick of overcooked beef, rubber chicken and livers wrapped in burnt bacon. So we had a Glen Woodard menu prepared at one of the fanciest private clubs in Washington—The F Street Club. Their kitchen staff will never forget it. We had country ham, redeye gravy and biscuits with collard greens. We had cat fish, hush puppies and cole slaw. All the condiments were served in their original containers—ketchup in the bottle, mustard in the jar, and alongside each table in a silver ice bucket we had Glen's cheap rose' wine in a screw-top bottle.

The FMI staff had prepared a special plaque for this man who already had a wall covered with plaques, but this was different and it expressed how the staff felt about him. It went this way: "FMI to Glen P. Woodard, the Best There Is."

For nearly 30 years you have served your company and our industry in the area of public affairs with unparalleled skill and devotion. Currently chairman of the FMI Government Relations Committee, recent Chairman of the FMI Fall Conference, untiring laborer in the vineyards of government on behalf of the American food system, you have accomplished mightily for our industry.

We salute your dedication, your knowledge, your wit and your style. And we treasure your friendship. You are, indeed, The Best There Is. And we love you. Washington, D.C., October 22, 1985.

And that still goes Glen, old buddy.

IS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES!

Mr. HELMS. Mr. President, the impression will not go away: The enormous Federal debt greatly resembles the well-known energizer bunny we see, and see, and see on television. The Federal debt keeps going and going and going—always at the expense, of course, of the American taxpayer.

A lot of politicians talk a good game—when they are back home—about bringing Federal deficits and the Federal debt under control. But so many of these same politicians regularly voted in support of bloated spending bills during the 103d Congress—which may have been one factor in the new configuration of U.S. Senators for the 104th Congress.

There is a rather distressing fact as the 104th Congress moves along: As of Friday, March 10, 1995, the Federal debt stood—down to the penny—at exactly $4,847,327,170.23 or $18,400.54 per person.

Mr. President, my hope is that the 104th Congress can bring under control the outrageous spending that created this outrageous debt. If the party now controlling both Houses of Congress, as a result of the November elections last year, does not do a better job of getting a handle on this enormous debt, the American people are not likely to overlook it in 1996.

DR. RICHARD C. HALVERSON

Mr. HATCH. Mr. President, last Friday marked the official last day of duty for our Senate Chaplain, the Reverend Richard C. Halverson. I want to take just a moment to pay tribute to his service to the Senate as an institution and a word of thanks for his ministry to Senators as individuals.

Dr. Halverson came to us in 1981 after an already distinguished pastorate at Bethesda's Fourth Presbyterian Church. There, as here, he tried to build a strong community—a community that supported each other and strengthened each other's faith.

Dr. Halverson was not a spiritual leader as much as he was a spiritual coalition builder. He knew that the needs of Senators were so unique that any chaplain had to do more than pray for us once a day. He knew that cultivating faith and goodwill required more than the skills of a single professional clergyman. That Reverend Halverson led us to appreciate and seek out the spiritual strengths in each other was perhaps his greatest achievement as chaplain.

To those who view the Senate on C–SPAN or even from the inside vantage point of the press galleries, the office of Senate Chaplain may appear to be superfluous. But, Dr. Halverson's gentle outreach to all Senators—of both parties and of all religious denominations—made the chaplaincy a living example of exactly the kind of men and women we all strive to be: kind, forgiving, honorable, and joyful. I believe that most Americans support the idea that these qualities ought to exist somewhere in the hustle and bustle of what goes on under this great Capitol dome.

I, for one, will miss hearing his cheerful "God bless you" when passing him in the corridors. There is not a one of us here who would not admit to feeling better upon hearing that; sometimes it changed the perspective of the entire day.

His ministry here has been well-served and now his retirement is well-deserved. I wish to join all Senators in wishing Dr. Halverson a rewarding and happy retirement.

TIME FOR COMMON COURTESY: WELCOME TAIWAN'S PRESIDENT TO OUR SHORES

Mr. HELMS. Mr. President, I am happy to participate in calling the Senate's attention to a travesty in the modern conduct of U.S. foreign relations. The question all Americans should confront is, how and when did the United States reach the point in United States-Taiwanese relations that United States foreign policy could possibly forbid a visit to the United States by the highest-ranking, democratically elected citizen of Taiwan?

Though I seldom disagree with Ronald Reagan—I did strongly disagree on a few occasions and one of those was when President Reagan's advisors made a bad decision—one which so jeopardized our relations with Taiwan by cuddling up to the brutal dictators in Beijing.

Since that time, the United States has been forced to hide behind a diplomatic screen to demonstrate our commitment and loyalty to the Taiwanese people.

Mr. President, at the time President Reagan's advisers cast their lot with the Red Chinese Government, Congress was promised that the United States would nonetheless continue to "preserve and promote extensive, close and friendly * * * relations" with the people on Taiwan. But one administration after another failed to live up to that promise.

How in the world could any one consider it close and friendly to require the President of Taiwan to sit in his plane on a runway in Honolulu while it was refueled? I find it hard to imagine that United States relations with Red China would have come to a standstill because a weekend visit to the United States by Taiwan's President Lee was allowed.

The President's China policy is in poor shape at this point—even members of Mr. Clinton's team recognize that. So, how can anyone really pretend that allowing President Lee to travel to his alma mater—or to vacation in North Carolina—would send our already precarious relations with Red China plummeting over the edge?

Last time I checked the mainland Chinese were obviously and understandably enjoying their relations with the United States a great deal. We would be enjoying them, too, if only American taxpayers could be benefiting to the tune of $30 billion every year as a result of United States trading with Red China.

Time and again, the U.S. Congress has urged the administration to grant President Lee a visa. We have even amended United States immigration law so that it now specifically mentions the President of Taiwan. Congress has passed resolution after resolution encouraging the President to allow President Lee into the United States for a visit. All to no avail.

Now's the time, Mr. President, We encourage you to allow President Lee to visit the United States when he so chooses. Bear in mind that some of us in Congress will never cease our support for one of America's greatest allies, the oldest democracy in the Asian region—the Republic of China on Taiwan.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. Will the Senator from Massachusetts withhold so that we can go back to the pending business?

Mr. KENNEDY. I thank the Chair.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 889, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 889) making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Bumpers amendment No. 330, to restrict the obligation or expenditure of funds on the NASA/Russian Cooperative MIR program.

Kassebaum amendment No. 331 (to committee amendment beginning on page 1, line 3), to limit funding of an Executive order that would prohibit Federal contractors from hiring permanent replacements for striking workers.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts.

Mr. KENNEDY. Madam President, during the course of our discussion last week about the action of the President of the United States in issuing the Executive order on the permanent replacement of striking workers, there were a number of issues that were raised. One was the question of whether the President had the authority and the power to issue the Executive order; a second was whether there was a sound public policy rationale to do so. I would like to take a few moments of the Senate's time this afternoon to address those issues specifically, and then to make some additional general comments.

Madam President, I understand that earlier in the course of the Senate session there may have been a statement by the majority leader as to how we were going to proceed on the Kassebaum amendment. We initially had the cloture vote called for at 5:30 this afternoon but now that vote will occur on Wednesday at a time to be worked out by the leaders. I believe that I am correct. That is my understanding as how we are going to proceed. I was inquiring of staff whether that had actually been announced in the Senate for the benefit of the membership. Could I make that inquiry?

The PRESIDING OFFICER. Consent was obtained to postpone the vote on the Kassebaum amendment to Wednesday, March 15 at 10:30 a.m.

Mr. KENNEDY. I thank the Chair.

Madam President, when we debated the issue of permanent striker replacement last year and again on the floor last week, our opponents argued that the use of permanent replacements is too infrequent to justify a legislative response. But the tens of thousands of workers around the country who have lost their jobs for exercising their legal right to strike bear witness to the need for action. Study after study has shown that the permanent replacement of strikers has exploded, and that the use—or threat of use—of permanent replacement is now a routine practice in collective bargaining negotiations. I took a few moments when we were meeting last Friday with charts to demonstrate the rather dramatic increase in the utilization of permanent strike replacements in recent years.

In a survey of employer bargaining objectives conducted by the Bureau of National Affairs earlier this year, an incredible 82 percent of the employers surveyed said that if their employees went on strike, they would attempt to replace them, or would consider doing so. And of those employers, more than one in four said the replacements would be permanent.

The historical evidence also leaves no doubt that this has become a serious problem, and that it is getting worse. Let me just review for a moment the results of a study by Teresa Anderson-Little of the economics department at Notre Dame University.

By searching through electronic data bases, published legal articles, and National Labor Relations Board case reports, Ms. Anderson-Little was able to identify 632 strikes involving the use of permanent replacements which occurred between 1935 and 1991—the largest data base of any of the studies that have been conducted to date. Her research confirms that the use of permanent replacements was extremely rare in the first 40 years following passage of the National Labor Relations Act, and that the increase has been dramatic in recent years.

From 1935 through 1973, there were on average only six strikes per year in which employers hired permanent replacements. But beginning in 1974 and continuing through 1980, the average number of strikes per year involving permanent replacements nearly triples. And from 1981—the year President Reagan permanently replaced the striking PATCO workers—through 1991, the average rose to 24 strikes per year—4 times the average prior to the mid-1970's.

Our opponents like to claim that the ability of employers to permanently replace workers helps to promote more cooperative labor-management relations, and prevent disruptions to the economy caused by strikes. But Ms. Anderson-Little's study also confirmed that the use of permanent replacements significantly prolongs strikes and prevents disputes from being settled.

While the average duration of all strikes in the United States has historically ranged from 2½ to 4 weeks, strikes involving permanent replacements have consistently lasted an average of 7 times long as strikes where permanent replacements were not hired.

Since the Bureau of Labor Statistics stopped keeping comprehensive data on strike duration in the 1980's, Ms. Anderson-Little's findings involved strikes only through the end of the 1970's. However, studies involving more limited samplings of strikes during the 1980's and 1990's affirm the impact of striker replacements on strike duration.

Using a GAO-compiled data base of strikes that occurred in 1985 and 1989, Professors Cynthia Gramm and Jonathan Schnell of the University of Alabama found that the mean duration of a permanent replacement strike was three times as long as the mean duration of strikes where permanent replacements were not used.

A survey of strikes involving members of the Steelworkers Union from 1990 to the present found that where temporary replacements were used, the average duration of an economic strike was 121.9 days, but when the employer hired permanent replacements, average strike duration lengthened to 284.1 days.

Why is that strikes involving permanent replacements last so long? The answer is that once permanent replacements are hired, the union and the employer are immediately placed at opposite extremes on the issue of reinstatement of strikers, which becomes the sole topic of bargaining. Since it is an irreconcilable issue, the strike continues until either the union or the employer concedes.

The union finds it impossible to give in, since accepting the employer's position means by definition that the employees have been replaced and can't have their old jobs back. The employer, for its part, has little incentive to capitulate once it has hired and made commitments to new, permanent workers.

Studies like the Gramm-Schnell study have consistently found that employers now hire permanent replacements in 20 percent of all strikes, and threaten to hire replacements in another 15 percent of strikes.

The notion that we can sit back and let this practice continue because workers are permanently replaced in only 1 out of 5 strikes is both heartless and absurd. Every single worker who is permanently replaced is one too many.

Lest no one doubt that there are real, flesh-and-blood workers behind these statistics. When we debated this issue last year, we were presented with a list of individual names of more than 19,000 strikers who were permanently replaced in strikes that occurred in the eighties and early nineties. Those are names from just a limited sample of strikes that occurred during that period. And since last year, the numbers have kept growing.

In my own State of Massachusetts, at least 450 workers have been permanently replaced just since 1988, including workers at ADT Security Systems, Brockway Smith, Kraft S.S. Pierce, and Olson Manufacturing.

To these workers and their families, this is not some minor issue that is undeserving of congressional attention—this is about their jobs, their livelihood, their families' future.

Lori Pavao, a former nurses' aid at a nursing home in Fall River who was permanently replaced when she and other nurses' aides and members of the dietary and housekeeping staff went on strike on 1989, recently described her feelings about what happened to her:

> I worked there for 8½ years. A lot of patients were like family to me. I felt lost for awhile. I didn't want to start all over somewhere else.
>
> You always hear about people going out on strike and people going back. I just never dreamed that it would be over that way. I thought I was going to retire from the place.

Although opponents of the President's Executive order make much of that fact that permanently replaced strikers do have the right to be placed on a preferential hire list to be considered for future openings if the permanent replacements leave, the fact is that very few workers actually do over return to work with their previous employer.

And many never recover, financially or emotionally, from the devastating experience of being thrown out of their jobs for exercising what is supposed to be a legally protected right.

Banning the permanent replacement of striking workers has overwhelming support not just from labor, but also from religious groups, civil rights groups and women's groups. They understand that this issue is not about some abstract power struggle between big business and big labor. This is about real people who are being deprived of the only leverage they have to counteract the enormous power that employers have to dictate terms and conditions on the job.

This is about workers like the women at Diamond Walnut, who gave decades of their lives to that company, who agreed to 30 percent paycuts in their meager wages to help their company survive when it was in trouble, and who then were thrown out on the street when the company was back making record profits because of their sacrifice.

This is about the workers at Burns Packaging in Kentucky—45 percent black and 40 percent female—who were making $4.70 an hour when they decided to form a Union. What they asked for was a 5 percent increase, to just $4.95 an hour, and a grievance and arbitration procedure for resolving complaints about unfair treatment. But when they struck after 6 months of fruitless negotiations at the bargaining table, they were immediately permanently replaced.

(Mr. GRAMS assumed the chair.)

Mr. KENNEDY. The President's Executive order will not change the law regarding permanent replacements. But by banning the practice of permanent replacements on Federal contracts, it will help to prevent the terrible injustice to working people that is caused by the current system.

In the end, what is at stake here is the standard of living for working men and women. The country has experienced a 20-year decline in real wages. Hourly compensation has fallen compared to other major industrial nations.

Since the early 1980's, we stand virtually and ominously alone in the industrial world as a Nation where the disparity in income between the rich and the poor grew wider. That is not a healthy trend for any country, and certainly not for ours, which is based on the principle of fair opportunity for all.

The facts are disturbing. The ratio in earnings between the top 10 percent of wage earners and the bottom 10 percent is wider in the United States than in any other industrial country. The bottom third of American workers earn less in terms of purchasing power than their counterparts in other countries.

American workers are actually working harder than workers in other industrial nations. The U.S. workers now labor 200 hours more a year than workers in Europe. While vacation and leisure time have increased over the past 20 years for Europeans, they have declined for most Americans.

Yet, according to the Congressional Budget Office, between 1977 and 1989, the after-tax income of the top 1 percent of families rose by more than 100 percent, while that of the bottom 20 percent fell nearly 10 percent.

Here we are seeing an extraordinary phenomenon, which is really unique in terms of the whole American experience in this centry. For decades, all of us moved along together, as we increased productivity and output, and as we adopted new technology and new skills, as we saw corporate profits increase, the standard of living for working families also increased, so that each generation was better off than the past generation. That is generally what most Americans experienced, it is no longer true for the current generation.

We are seeing that working families are working longer and harder, and with less to show for it in terms of their real incomes. The only factor that has really enabled families to maintain a stable income over the last 15 years is the enormous infusion of second family earners—workers' wives, for the most part—into the labor market. It is only by having their spouses come into the work force and augmenting and supplementing the family's income that working families have been able to offset the effects of declining real wages.

Now what we are seeing, even with all these women who are wives and mothers in the work force, is that families have effectively stagnated and real purchasing power, is in decline.

That is what is happening. And there is no further adjustment that working families can really make to deal with that problem. Most families already have everyone in the family is able to work out there working. So they can't put another family member to work to make up for the fact that in real terms, their wages are declining.

Too many of those other members of the family who are trying to go out and find work to help supplement the family's income jobs are finding that the only jobs available are minimum wage jobs, and that is another issue which we must address. The real purchasing power and the minimum wage continue to decline. So the ability of those other members of the family to contribute to the income of the family is reduced. This whole issue presents to the Senate and the House of Representatives the question of whether we are going to truly honor and reward work in our society.

Are we going to say to people that are prepared to work 40 hours a week, 52 weeks a year, that you will earn a living wage and have a future? Or are we going to say that you can be treated like wornout and antiquated machinery and put on the junk heap while we hire other younger people that will work for a good deal less in terms of their benefits, because younger people are healthier and they do not have the health-care costs and needs that older workers do.

The phenomenon we are seeing, Mr. President, is that while the after-tax income of the top 1 percent of the families rose more than 100 percent, that of the bottom 20 percent fell nearly 10 percent. Who are those 20 percent who are seeing their real earnings decline? They are the workers who are out there every single day, playing by the rules, doing their bit and participating. And they are the workers who, if they have the nerve to try to gain another 5, 10, 15 cents an hour in wages, are being permanently replaced by their employers. They are the ones who are taking it on the neck.

The President of the United States says that if those companies are going to go ahead and dismiss those workers and hire permanent replacements for them, we are not going to give them an additional leg up by entering into contracts with them that allow them to make profits with taxpayers dollars; we are just not going to do that.

And now we have an amendment on the defense appropriations bill which seeks to block the President from implementing that policy, an amendment which is effectively a legislative initiative on an appropriations bill, which is not appropriate, and which is tying up the Senate and preventing us from doing our basic work in terms of dealing with defense appropriations. Our Republican colleagues have insisted on offering and pressing this amendment. So we are here responding to their arguments.

Mr. President, another phenomenon that is happening out there in the real world for workers is that health care for the American workers is becoming increasingly expensive.

Union workers who went without pay increases in order to obtain good health care have seen their health benefits cut back. They have been asked to pay greater percentages of health costs. Since 1980, the share of workers under 65 with employer-paid health care has dropped from 63 to 56 percent. The percent of workers covered by employer-provided pension plans is also rapidly decreasing.

What we are seeing is that the coverage of workers by employers for their health care costs is on a downward slide. And those pensions that were out there to give workers some degree of additional security so they would be able to live their golden years in peace and dignity are also being cut back. But by God, if you complain about those cutbacks that are taking place every single day across America, off you go—you're permanently replaced, put on the junk heap. And that is what is happening.

We have a President who is saying, to the extent that he has the authority and the power, he is going to say "no" to the use of permanent strike replacements on Federal contracts. That makes a good deal of sense.

This President's action on permanent replacements offers us a chance to take a stand against all of these disturbing trends: ending the practice of permanently replacing workers on Federal contracts will not solve all of the problems of working Americans, but it can help turn the tide, and by affirming this country's commitment to collective bargaining, we are reaffirming our commitment to a fair balance between labor and management.

We will be standing up for the original historic intent of the labor laws, which have done so much for the country in the past half century. The President's Executive order closes the loophole that undermines good relations between business and labor, and I urge the Senate to support it and reject the amendment.

Mr. President, many of our Republican colleagues have said that they are troubled by the President's action in signing the Executive order. They complain that it takes away the rights of Congress.

But this is not what they are really concerned about. Not one of them, not even the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Texas [Mr. GRAMM], nor the Senator from Vermont [Mr. JEFFORDS], not a single Republican Senator stood up to complain 3 years ago when President Bush signed an Executive order on project labor agreements that changed the national labor law and prohibited Federal contractors from doing something the National Labor Relations Act allowed them to do.

On October 23, 1992, President Bush signed Executive Order No. 12818, which prohibited contractors on federally funded construction projects from entering into otherwise lawful prehire labor agreements. The Executive order prohibited contractors from requiring their subcontractors be bound by their labor agreement, even though section 8(e) of the National Labor Relations Act explicitly permits such agreement. President Bush, unlike President Clinton, overrode an explicit congressional statement about national labor policy passed by both Houses of Congress and signed into law by the President.

Did any Republican complain? No, not a one. Why not? Could it be they have no real concern about the President overriding congressional labor policy as long as the President's actions are anti-union and are designed to thwart collective bargaining and diminish the power of working Americans? Isn't their only real problem with President Clinton's Executive order a partisan political problem—that they will support an activist Republican President but lash out at a Democrat? Certainly, there is no consistency of principle amongst our Republican friends who are attacking the President now.

Every Republican who voted for S. 55 is opposing the Executive order now. They are putting partisanship above principle.

President Clinton's Executive order does not conflict with an explicit congressional statement of labor policy. There is nothing in the National Labor Relations Act that specifically authorizes the use of permanent replacements for strikers. Yet there is a provision in section 8 of the National Labor Relations Act that makes project labor agreements legal. So why are the Republicans who were not concerned when President Bush issued his Executive order on project labor agreements now so concerned about President Clinton's order on permanent striker replacements?

The Republicans are deeply troubled by this order. We heard a great deal about that. We are deeply troubled by the action of President Clinton. We are deeply troubled by the implication of this Executive order. We are deeply troubled by what this is going to mean in terms of labor relations. We are deeply troubled that somehow we are interfering in the balance between workers and management. We are all deeply troubled.

Well, none of them was deeply troubled at the time when a Republican President issued an Executive order which was in conflict with the National Labor Relations Act. No, none of them were deeply troubled at that time. A Senator who truly finds President Clinton's action troubling would have been far more troubled by President Bush's much more direct challenge to congressional authority.

No, the problem is not the President's authority. Congress gave the President clear authority to control the practices of Federal contractors in the Federal Property Administrative Services Act, 40 U.S.C 471. As the Justice Department's legal analysis points out, that authority is broad-ranging.

As that legal analysis states:

> We have no doubt, for example, that section 486(a) grants the President authority to issue a directive that prohibits executive agencies from entering into a contract with contractors who use a particular machine that the President has deemed less reliable than others that are available. Contractors that use the less reliable machines are less likely to deliver quality goods or produce their goods in a timely manner.
>
> We see no distinction between this hypothetical order in which the President prohibits procuring from contractors that use machines that he deems unreliable and one that the President actually issued which would bar procurement from contractors that use labor relations techniques that the President deemed to be generally unreliable, especially when the Secretary of Labor or the contracting agency's head each confirm the validity of generalization in each specific case.

Mr. President, this issue is related as well to the debate that we have had in the past, and I am sure will have again in the course of this Congress, about the Davis-Bacon law which was initiated by Republicans and has been the law of the land for more than 60 years. Attempts will be made to repeal it.

The Republicans say, "Look, instead of requiring federal contractors to pay prevailing wages, we can actually save the Federal Government some money by letting those wages slide down, slide down, slide down, so that the contracting can be done at less cost to the taxpayer."

Well, that argument has a sort of superficial logic to it, but as former Secretary of Labor John Dunlop has commented—and Professor Dunlop is not a Democrat but a Republican, and one of the foremost labor economists in the country—as former Secretary Dunlop has argued, it is a very shortsighted way of viewing what is really going to be in the public's interest, in the taxpayers' interest, over the long run.

You cannot assume, Professor Dunlop points out, that overall project costs are going to be lower just because the dollars you are paying in wages to the workers are lower. What you have to look at is the overall issue of productivity and quality and the ability to deliver a good product on time. That ought to be obvious to all of us. And John Dunlop's basic posture and position is that it is delusional to believe that just by finding people that are going to work for a lesser cost than the prevailing wage, that somehow you are going to be able to save millions or hundreds of millions of dollars, some even estimate it as high as billions of dollars, in terms of taxpayers' funds. What is going to happen is you are going to get inferior products not delivered on time and of poor quality. And someone is going to have to make that up, and it is going to be the taxpayer who is going to pay a good deal more.

We are talking about the same concept, Mr. President, here in terms of the President's Executive order on the use of permanent replacements by Federal contractors. All we are saying is that, with regard to the President's Executive order, he does not want to use the contracting authority of the Federal Government to enter into contracts with contractors that are going to have permanent striker replacements.

Why? Because those permanent replacements are unlikely to have the skills, the background, the experience, the techniques, the knowledge and the know-how to deliver good products on time which they would be charged to do. And rather than taking that chance, in terms of protecting the taxpayers' interest in it, he is not going to participate in that.

I think that is sound common sense and is a sound action in terms of protecting the financial interests of the United States. And it is a sound social policy in terms of trying to give some respect to those individuals who are working hard, playing by the rules, who believe that under the National Labor Relations Act it is still the law that you cannot fire someone who strikes and that therefore it makes no sense to say that a striker can be permanently replaced.

It makes absolutely no common sense to say that you cannot fire strikers but you can permanently replace them. And the workers of this country are fortunate to have a President who understands that the use of permanent replacments is at odds with what the basic principles of the National Labor Relations Act and with the system of collective bargaining that has served this country well over many decades.

So, Mr. President, I hope we will not hear any more manufactured outrage about the President's Executive order. The President has followed precedents established by President Bush. He is fully within the authority granted him by Congress to control the Federal procurement process. The real issue for his critics is his support for working Americans and labor organizations, and not the process he has used to accomplish it.

Now, Mr. President, over the course of the debate in these past days, we have heard various arguments that preventing employers from permanently replacing strikers would encourage strikes and upset the balance in labor-management relations by somehow ensuring that unions would always win a strike situation, the President's Executive order. I thought it would be worthwhile just to take a few moments to review these arguments and also to respond to them so that the Senate record would reflect my view of the answers to these questions.

One of the first questions is, would a ban on permanent replacements inevitably lead to more strikes? No, Mr. President, I do not believe that it would. Even without the threat of permanent replacement, a strike has always been a serious matter for workers and their families. Workers do not lightly choose to forgo their wages, walk the picket lines for days, weeks, or months; deplete or exhaust their life savings and become dependent upon the charity of others. Workers are especially reluctant to take on these sacrifices because it is never certain that a strike will accomplish their goal.

Apart from the economic disincentives, a strike imposes a great emotional strain on families, friendships, and on the fabric of local community life. A strike is a last resort that no one undertakes lightly. It is wrong to suggest that workers will walk out on their jobs simply because they cannot be permanently replaced.

Workers do not enter into strikes out of any desire or expectation that they will cause permanent hardship to the employer. Workers expect to return after the strike. They have every interest in the long-term prosperity of their employer.

If anything, the use of permanent replacements is what produces longer, more bitter strikes, by transforming the dispute from a dispute about wages and benefits into a battle over the future of every striker's job. These are the hardest disputes to settle, and last the longest time.

Many strikes today occur precisely because the employer has the possibility of permanently replacing the work force. The employer has little incentive to engage in meaningful bargaining with the union when the alternative is either that the union surrenders to the employer's demands, or there is a strike that enables the employer to replace the work force, break the union, and escape the necessity of bargaining altogether.

Maybe strikes would be avoided if the employers did not have the temptation of permanently replacing their work force. That, Mr. President, really says it. If the employer understands that he has the option to replace all the workers, he has very little interest in trying to resolve the dispute. But if the employer has an interest in trying to resolve the dispute then it is logical to assume that the disruption would be held to a minimal amount of time.

You cannot read or hear the real-life stories of individuals that have been permanently replaced without being struck by the fact that invariably those workers talk about how they wanted to continue working for their employer—how they had every hope and intention of remaining with that employer as long as they were able to work. That is a common expression, a common view, a common opinion that runs through the stories of the vast majority of those workers.

Next, would prohibiting the permanent replacement of strikers guarantee that unions will win every strike? This is a concern raised by those who argue that somehow we are changing the rules in such a way as to upset the whole balance between the workers and the employers and guarantee that one side rather than the other would always win.

The fact is that employers win many strikes in which no permanent replacements are hired or threatened to be hired. A prohibition on permanent replacements would certainly not ensure that the union always prevailed in an economic strike.

Employers have many ways to maintain production and revenues during a strike. They can hire temporary replacements. They can use nonstriking employees, managers, and supervisors to do the work; they can hire subcontractors to do the work; and they can rely on stockpiled inventory. All of those techniques have been used in the past with considerable success by employers. Through these and other means, employers avoid the hiring of permanent replacements in the majority of strikes today. Prohibition on the use of permanent replacements leaves in place many significant limitations of what workers may do during a strike. Unions would remain unable to engage in secondary boycotts and would continue to be subject to stringent picket line restrictions.

Will a ban on permanent replacements unfairly deprive employers of a legitimate self-help option? No, because the hiring of permanent replacements should not be viewed as a legitimate form of employer self-help.

The National Labor Relations Act calls for controlled conflict between labor and management. There are principles of fairness that limit each side's right to engaging in self-help activity. Thus, unions are not permitted to engage in secondary boycotts or picket line violence during a strike, even though each of these activities makes it easier for unions to win a strike. Similarly, the hiring of permanent replacements must be viewed as so fundamentally unjust it undermines the basic concept of controlled labor-management conflict.

The fact of the matter is that it is not the law of the jungle out there. There are effective restraints in the law already on the tactics which can be used by parties to a labor dispute, and those restraints are respected. But the use of permanent replacements alters and changes this in a very significant way.

Cardinal O'Connor, the Archbishop of the Diocese of New York, testified eloquently on this moral dimension of the permanent replacement issue. He said:

> It is useless to speak glowingly in either legal or moral terms about the right to bargain and to strike as a last resort, or even the right to unionize, if either party—management or labor —bargains in bad faith, or in the case of management, with the foreknowledge of being able to permanently replace workers who strike on the primary basis of the strike itself. In my judgment, this can make a charade of collective bargaining and a mockery of the right to strike.

It could not be said any clearer than Cardinal O'Connor said it in that comment. So compelling, so sensible, so simple in its logic and rationale.

What is the practice of our foreign competitors with respect to the lawfulness of hiring permanent replacements? Often we hear the argument that if we prohibit employers from permanently replacing strikers we are going to be disadvantaged in our ability to compete effectively in trade around the world.

It is interesting to me to hear this argument invoked so frequently, when the fact is that every other industrial country provides much more generous benefits to its workers than we do. Our opponents say we cannot have comprehensive health insurance for all Americans because it is going to make it difficult for us to compete internationally, but all of the other industrial countries of the world have it. They said we could not have family and medical leave because we would not be able to compete effectively. But workers in other countries have family and medical leave. In fact, virtually all of them have paid family and medical family leave, except for the United States.

Our opponents says we cannot have an effective day care program because we will not be able to compete, when every other industrial country of the world has a comprehensive child care system as a matter of national policy. Whatever political parties are in power in the democratic industrial nations, none of the political leaders, none of the political parties is for emasculating programs that reach out to the most vulnerable in society. Contrast that to what is happening now in the

Contract With America where the Republicans are cutting out school lunch programs, cutting back on day care programs, cutting back on the WIC Program, cutting back on student aid programs and teacher support programs, cutting back on housing programs for the homeless.

I do not know how many saw that enormously moving story by one of the networks over the weekend called "The Feminization of Homelessness," about the growing number of women and children in our society affected by homelessness and the explosion of in those numbers that is taking place all across this country.

Maybe we do not have the existing programs right, and certainly we do not in all circumstances. But we ought to try to find ways of improving, strengthening, and making them more effective—making them work rather than effectively abandoning them.

No, we cannot say the benefits we provide to working families are disadvantaging us internationally in our ability to compete. The fact of the matter is, the United States lags behind the rest of the world, including our major competitors, when it comes to the basic democratic rights of workers. Our No. 1 trading partner, Canada, does not even authorize permanent replacements for strikers, even though Canada adopted the NLRA as a model for its labor laws. Canadian law has regularly rejected the Mackay rule as inconsistent with free collective bargaining. United States firms operating in Canada are as profitable without the Mackay rule—which is the rule that permits the permanent replacement of strikers—as American firms operating under the Mackay rule in the United States.

Other major economic competitors—Japan, France, Germany—categorically prohibit the dismissal of striking workers. Employers in these nations recognize the importance of investing in human resources and have no desire to rid themselves of the skilled and loyal work forces that they have assembled. The employers here who use permanent replacements are harming themselves and their country.

Most of the industrial democracies with which we compete—just about every one of them—has a very extensive, continuing training program to upgrade the skills of all of their workers. That is true in France, Germany, and all of the Western European countries.

Ask them how they do it? Are they not concerned that if they train, invest and use some of their profits to train and upgrade their work force that those workers may leave and go to another place? They say, "Well, the other companies are doing the same thing." And that is why we have seen in the United States, with the exception of some of the top companies, really less than 10 percent of companies who have real training programs. And most of that training does not go to the workers on the front line, but to the supervisors and the managers. We do not have a consistent ongoing upgrading and training system for American workers.

Other major economic competitors, as I mentioned, categorically prohibit the dismissal of striking workers. Even in the nations of Eastern Europe, which we applaud for their emerging democratic unionism, workers who strike do not lose their jobs.

What happened to the machinists at Eastern Air Lines did not happen to the shipyard workers at Gdansk and what happened to the coal miners at Massie Coal Co. did not happen to the coal miners in Eastern Europe. If we are prepared to extol the virtues of the trade union abroad, we should be willing to restore a level playing field for collective bargaining at home.

Mr. President, I see some of our other colleagues on the floor who want to speak. At this time, I yield the floor.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I would like to express my appreciation to the Senator from Massachusetts for being understanding of the necessary absence of the Senator from Utah. He very much wanted to be a part of the debate and the vote and his absence is one of the reasons that the cloture vote has been postponed until Wednesday. I also appreciate the understanding of the Democratic leader.

There has been a desire from all of you to move ahead. The defense supplemental legislation is an important measure, but it seems to me that we are having a good debate.

Mr. President, I would like to explain what this debate is about. This debate is not about the Contract With America. It is not about all of the other issues that have been raised, including school lunches and child care. Those are important issues to be debated at another time. The issue before us at this particular moment is an Executive order that President Clinton has issued that says large contractors doing business with the Federal Government should be prohibited from hiring permanent replacement workers.

There are people with strong views on both sides of the striker replacement issue. I feel that we have debated this issue thoroughly during the past Congress and again in this Congress, and we will be debating it further, I am sure, in years ahead.

What troubles me is that the President, through this Executive order, is able to change major labor law. The Senator from Massachusetts mentioned in his opening comments today that Presidents in the past—President Bush and President Reagan—issued Executive orders and nothing was said. Let me just, once again, go through those three Executive orders and why I believe they are very different from the Executive order that we are debating today, and the amendment which would say that no moneys could be used to implement that Executive order.

President Reagan issued an Executive order that replaced striking air traffic controllers with permanent replacement workers because the air traffic controllers had been striking illegally. There was never any question about hiring permanent replacement workers at that time. During the years following that Executive order there were several measures debated on the Senate floor about rehiring those striking air traffic controllers which did not pass.

President Bush issued one Executive order which required the posting in the workplace of all of the rights of employees. This was, by law, something that should have been done and was not in any way changing the law of the land.

The second Executive order issued by President Bush concerned prehire contracts, and that I think is a bit unclear. One of the major differences between that Executive order and this one is the fact that the prehire contract had never been debated in this Chamber. On the other hand the use of permanent striker replacement workers has been an issue debated in both the House and Senate at great length.

While one may question whether President Bush by Executive order could put into place the rule that prehire contracts could not be entered into, it had never been debated by Congress. If we were to have changed it, then Congress, logically, should have been the place to make a change. But the prehire contracts Executive order was never challenged by either the Congress or the Supreme Court.

So I think the difference is very clear. This Executive order is being challenged in Congress and is going to be challenged in the courts. It is by its very nature a troubling effort by the executive branch to, by executive fiat, change what has been the law of the land, and a major part of labor law, for some 60 years. This Executive order is troubling because, on the one hand, labor's right to strike has been upheld, but on the other hand management's right to hire permanent replacement workers, just as much a part of existing labor law, is being attacked.

I would like to quote a paragraph from the lead Washington Post editorial this morning. It says:

> The law is contradictory. The National Labor Relations Act says strikers can't be fired; the Supreme Court has nonetheless ruled that they can be permanently replaced. The contradiction may be healthy. By leaving labor and management both at risk, the

law gives each an incentive to agree. For most of modern labor history, management in fact has made little use of the replacement power and labor hasn't much protested it.

Perhaps this is where we are today, trying to ponder this contradiction. We can ask ourselves if, in revisiting the National Labor Relations Act we need to address it in some different ways to meet the changing labor markets. The current balance has worked well. On the other hand, I am sympathetic to those who say management should not immediately hire permanent replacement workers because, if that is the case, the employees have lost some leverage which they would have with the right to strike.

On the other hand, if the employees take advantage of a company such as Diamond Walnut, which has been debated here before, and strike right at the beginning of the season in which all of the crop must be harvested, is it not a calculated strike to force management to its knees? Is there not some means to balance these competing interests without causing a problem?

I am absolutely certain, Mr. President, that the President has made a serious mistake by issuing the Executive order and changing so fundamentally labor law that has on the whole worked well. Initiating an Executive order that will countermand legislative language is a slippery slope that can then work to any President's advantage. I think it calls into question the separation of powers between the executive and legislative branches.

While it is the right of the President to issue an Executive order, when it overturns the law of the land, I think we have to approach it carefully. The Senator from Massachusetts said that there are those who argue it would lead to more strikes. I am not sure that it necessarily would. But I think what it would do would certainly lead to far greater uncertainty in the marketplace. I think it would lead to far greater uncertainty in relations between management and labor. I think prohibiting permanent replacements would pose enormous difficulties on both sides and certainly increase the potential for longer strikes, because what would be the incentive for those on strike to go back to work?

It seems to me that we simply must uphold a balanced approach, and neither side should be able to unbalance the relationship. Yes, we have to be just as cautious of management in taking that opportunity as we would with labor. But the mechanism is already in place for collective bargaining to work—which is the heart of the matter—and for both sides to be able to bargain in good faith. I believe this is what we in the legislative branch owe both labor and management when they go to the bargaining table. It is up to them, both labor and management, to accomplish that.

I really believe that regardless of the merits of this issue and where people stand on either side, we should think carefully about the issue before us and the implication that by Executive order a major principle of labor law can be turned on its head. This, it seems to me, is what each and every one of my colleagues should consider as we approach a cloture vote on Wednesday.

I think that the merits of permanently replacing striking workers could be debated at another time. We debated it last year. We will be debating it again. But it is the Executive order that we have to deal with at this particular time.

Mr. President, I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I appreciate the explanation of the Senator from Kansas about the issuing of the Executive order and the authority for issuing the Executive order of President Bush on the prehire issue. But I do take issue with it.

The Senator states that the difference between that Executive order and the Executive order on striker replacements issued by President Clinton is that the issue of striker replacements has been debated by the Congress but the issue of prehire agreements has not. The fact is that Congress did specifically consider and debate the issue of whether prehire agreements should be lawful at the time that section 8(f) and section 8(e) were added to the National Labor Relations Act in 1959. This issue was debated at some length in the Senate as well as in the House of Representatives, and Congress affirmatively determined that prehire agreements and project labor agreements should be legal in the construction industry. President Bush acted contrary to that decision by Congress when he issued the Executive order in 1992 prohibiting any contracting with employers who entered into prehire agreements and project labor agreements.

So the Members of Congress understood in 1959 what they were approving, what the public policy implications were, and they accepted the particular provisions permitting prehire agreements and project labor agreements—sections 8(e) and 8(f), which I put into the RECORD last year. And then, in spite of that, without any debate and any kind of discussion, we have an Executive order by President Bush to effectively undermine that. And this was after the Supreme Court had unanimously affirmed, in a 9-to-0 decision in the Boston Harbor case, that such agreements were perfectly lawful and authorized by Congress in the public sector as well as in the private sector.

That is very different from what we are talking about in terms of striker replacement. We have in the National Labor Relations Act recognition that you cannot be fired for striking, and yet we have dictum—a footnote, effectively—in the Mackay case, which was never really made use of, picked up really in the period of the 1980's after the PATCO strike and used to inaugurate the widespread replacement of striking workers with permanent replacements.

We are talking about the history of the development of this whole program. That is really what has happened. Then we had a debate on this. There is no question we had the debate on it. It passed with the support of Republicans and Democrats alike over in the House of Representatives. It was a majority of the Members of the U.S. Senate who voted to eliminate the permanent replacements. But we had a filibuster and we were prohibited from acting.

I understand that is the way the rules go. So the Senator is quite correct in saying we had a debate but we did not get final action on it. That is true. But the overwhelming majority of the House of Representatives, and in a bipartisan way, wanted to repeal permanent striker replacements. The majority of Republicans and Democrats wanted to repeal striker replacements.

The Executive order is not banning the use of permanent striker replacements. All it is saying is we as the Federal Government are not going to do additional business with you to make you more profitable if you are going to go ahead and hire permanent striker replacements, as far as Federal contracting goes.

The reasons for that are, as I mentioned earlier, when you circumvent the quality, the training, the skills of workers who, for example, might be the GE workers up in Lynn, MA, who make the F–15 engines, the F–16 engines, the F–18 engines, the attack fighter engines—really among the best-skilled workers in the world, and who constantly are improving and strengthening their skills—those are men and women who have worked there 10, 15, 20, 25, 30, 35 years in that plant. They are top of the line. To say, look, if they have a dispute up there and you are going to replace one of those workers working on those engines with some permanent striker replacement who does not have that kind of experience that the Federal Government expects—in terms of our defense expenditures and contracting I think the President is well advised to assure that every dollar that is going to be expended is going to be expended wisely, that the item will be of good quality.

The President's Executive order does not change or alter the right to hire permanent striker replacements. Those companies can still go out and still have the authority and the power to have them. All we are saying is we are not going to give them an additional benefit, like we gave to the Diamond Walnut Co., which was getting increased productivity and profitability and refused to bargain with its workers who were making barely above the minimum wage. That is what we are talking about.

Who are we talking about making a dollar? We are talking about $6-an-hour or $7-an-hour Americans, who were prepared to work for $6 or $7 an hour. I wish we could get as worked up about the people we are really affecting as we are about this Executive order. These are people working for $6 or $7 an hour and we are somehow trying to diminish them to favor companies who want to pay them $5 an hour or throw them out, and give those companies the Federal contracts, like the agricultural contract which Diamond Walnut got which helped them to sell the products overseas. They made millions, tens of millions of dollars on that contract.

You have both sound public policy reasons for this, in terms of making sure we are going to have good quality and a good product for our Federal investment, and I think you have a sound social policy with regard to preventing exploitation of the workers.

The people we are talking about are barely above the minimum wage. We have been on this now Thursday, Friday, and today. We have not been talking about consultants making $25, $30, $35 an hour who are really ripping off the system. All the examples we have been using are people making $6, $7, $7.50 an hour. They are striking for another nickel, another dime, and bango—they are replaced. Those are the people we are talking about.

Why are we spending the time here trying to shortchange this kind of worker in our society? Why are we spending all day Thursday, all day Friday, today, and the time of the Senate, to do so? I think we have better things to do with our time.

I might take just a few moments of the Senate's time to include a more detailed history of the President's authority for issuing this Executive order.

Mr. President, the Justice Department's Office of Legal Counsel has served both Republican Presidents and Democratic Presidents as the chief guardian of the constitutional separation of powers. It is recognized by Members on both sides of the aisle as the authoritative voice on the scope of a President's powers.

On Friday, the Office of Legal Counsel made public a memorandum expressing its opinion that President Clinton was acting well within his executive authority when he issued this Executive order. I have entered the Office of Legal Counsel's memorandum into the RECORD. And I understand that the Justice Department has provided copies of the memorandum to each Senator's office.

This memorandum is important not simply because it offers the thoroughly researched and persuasive opinion of the leading institutional expert on the scope of the President's powers that this Executive order is an appropriate exercise of Presidential authority. It is important because several Members of this body have stated—without citing a single case or statute, without making a single legal argument, and without explaining their views—that they think this Executive order is unconstitutional.

The Constitution deserves more than that. The President deserves more than that. And the working families whose lives will be improved by this Executive order deserve more than that.

I have reviewed the Office of Legal Counsel's memorandum supporting this Executive order. I find it persuasive. For those who have not yet had the opportunity to review this important document, permit me to briefly lay out the analysis set forth in the memorandum that must lead any reasoned observer to conclude that this Executive order is both constitutional and appropriate to the President's authority.

The leading case on the comparative powers of the executive branch and the legislative branch is Youngstown Sheet & Tube Co. versus Sawyer, also known as the steel seizure case.

This case is something that everyone in this body who is a lawyer remembers studying from law school. It still stands as an enormously important, defining case in terms of executive authority.

In late 1951, the Nation's steel production was threatened by a labor dispute. President Truman sought to resolve the dispute by seizing most of the Nation's steel mills. He justified his action by claiming that steel was an indispensable component of the materials necessary to prosecute the Korean war. In his view, any steel strike threatened the national defense.

The Supreme Court's decision in the steel seizure case began with the premise that—

> The President's power, if any, to issue an order must stem either from an act of Congress or from the Constitution itself.

Justice Jackson's concurrence explained further that there are three zones of Presidential authority:

First, the President's authority is strongest when he acts with an express or implied authorization from Congress.

Second, the President's authority is less clear when he acts in the absence of a congressional grant or denial of authority.

Finally, the President's authority is at its lowest ebb when he takes measures incompatible with the express or implied will of Congress.

In the steel seizure case, the Supreme Court concluded that the President did not have the inherent authority under the Constitution to seize steel mills to resolve labor disputes, even in his role as Commander in Chief. Further, Congress, when it enacted the Taft-Hartley Act, expressly rejected seizure of corporate facilities as a remedy for labor disputes. Accordingly, without constitutional authorization and acting directly contrary to Congress' will, President Truman's authority was at its lowest ebb. The seizure of the steel mills, the Supreme Court concluded, was unconstitutional.

Unlike President Truman, President Clinton did not have to rely on inherent constitutional authority to issue this Executive order which prohibits Federal contractors from permanently replacing lawful strikers. As the Office of Legal Counsel's memorandum makes clear, President Clinton has the authority to issue this Executive order because Congress gave him the authority.

That is point 2 under the steel strike case.

What was the second paragraph in Justice Jackson's opinion? Did the Congress give authority which was utilized by the President to issue an Executive order? Clearly, that is so in this case.

The Federal Property and Administrative Services Act was enacted "to provide for the Government an economical and efficient system for procurement and supply." This act specifically and expressly grants the President the authority to manage the Federal procurement system to guarantee efficiency and economy. Permit me to quote directly from section 486(a) of the procurement law:

> The President may prescribe such policies and directives, not inconsistent with the provisions of this act, as he shall deem necessary to effectuate the provisions of said act.

In sum, it is not simply the President's right—it is his responsibility—to do whatever is necessary to promote economical and efficient procurement.

Every court to consider the question has concluded that section 486(a)—the section I have just read—grants the President a broad scope of authority. The U.S. Court of Appeals for the District of Columbia, interpreting section 486(a), emphasized that:

> "Economy" and "efficiency" are not narrow terms: They encompass those factors like price, quality, suitability, and availability of goods or services that are involved in all acquisition decisions.

President Clinton understood these boundaries when he issued this Executive order. The preamble to the Executive order makes abundantly clear that the state of a Federal contractor's labor-management relations directly affects the cost, quality, and timely availability of the goods and services paid for by the taxpayers. Specifically, the Executive order finds that "Strikes involving permanent replacement workers are longer in duration than other strikes."

That is in the Executive order, and last Friday I took a short period of time on the Senate floor to review what has been happening with regard to strikes since 1935, what happened in the MacKay case, and how the annual number of strikes has increased, and increased dramatically in terms of both the numbers and also the length of those strikes.

The Executive order continues:

> In addition, the use of permanent replacements can change a limited dispute into a broader, more contentious struggle, thereby exacerbating the problems that initially led to the strike.
>
> By permanently replacing its workers, an employer loses the accumulated knowledge, experience, skill, and expertise of its incumbent employees. These circumstances then adversely affect the businesses and entities, such as the Federal Government, which rely on that employer to provide high quality and reliable goods or services.

That is the end of the quote of the Executive order.

The Office of Legal Counsel is plainly correct when it stated in its memorandum:

> We believe that these findings state the necessary reasonable relation between the procedures instituted by the order and achievement of the goal of economy and efficiency.

Mr. President, compare the detailed findings in this Executive order with Executive Order No. 12800, issued by President Bush to require Federal contractors to post a notice that workers are not required to join unions. The only finding in that Executive order is a conclusory statement that President Bush's order would "promote harmonious relations in the workplace for purposes of ensuring the economical and efficient administration and completion of Government contracts."

That is all there is, Mr. President. And I cannot recall any Republican Senator taking to the floor after the Executive order was issued to complain that President Bush had usurped Congress' authority, had attempted an end run around Congress.

Some of the corporate lobbyists and lawyers that have complained about President Clinton's Executive order might attempt to argue that Congress has spoken on the question of permanent replacements. In the words of the steel seizure case, they are attempting to show that President Clinton's Executive order is an act directly contrary to Congress' express or implied will.

The fact is that the House of Representatives overwhelmingly passed legislation that would have prohibited all employers—not just Federal contractors—from using permanent replacement workers. This body never got the chance to vote on the striker replacement legislation. A majority of Senators were ready to enact a bill that prohibited all employers from using permanent replacements. But a handful of Senators from the other side of the aisle filibustered that legislation. They never permitted it to come to a vote. Mr. President, that happened not once, but twice. If Congress has expressed any view on this subject, it has expressed overwhelming support for the President's ban on the use of permanent replacements.

Mr. President, this Executive order is a lawful and necessary exercise of the authority delegated to the President by Congress to effectuate the purposes of our Government's procurement laws. It is consistent with past Presidential practice and legal precedent. This Executive order is an appropriate exercise of the President's Executive authority.

Mr. President, we have over these last few days spelled out in careful detail the legal justification and rationale for the issuing of the Executive order. We have analyzed the impact of the Executive order and reviewed what has been happening in terms of labor-management relations over the period of the last 10 or 15 years. We have drawn conclusions based upon those strikes and what is happening in the real world in terms of labor-management relations, about how the public's interest would be served by this action.

I believe it is sound and wise public policy. I hope that the Senate will uphold it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I ask to be able to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota [Mr. CONRAD] is recognized.

(The remarks of Mr. CONRAD pertaining to the introduction of S. 542 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CONRAD. I thank the Chair.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will please call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

The Senate continued with the consideration of the bill.

Mr. DASCHLE. Mr. President, I want to commend the distinguished Senator from Massachusetts for his eloquent and passionate leadership on this issue. Let me also commend many of my other colleagues: the Senator from Iowa, the Senator from Minnesota, the Senator from Illinois, and a number of others who have participated over the last several days in this debate.

No one should misunderstand what this debate is all about. Obviously, if Senators have heard any of the speeches made by the colleagues whom I have just mentioned, there can be no misunderstanding. Quite simply, it is about fairness. That is the issue.

It is fairness for American working families, in a very important set of circumstances: the workplace. It is fairness in reaffirming their right to strike, fairness in restoring a fundamental balance between workers and management, and fairness in halting the practice of requiring striking workers to pay taxes for salaries of workers who replace them.

That is really what this issue is all about. The President understands that. He understands he is on solid ground in issuing the Executive order as he did a couple of weeks ago. The order is quite simple. It says to do business for more than $100,000 with the Federal Government, you cannot hire replacement workers in the case of a strike. That is all it says. A person simply cannot do what the law of the last 60 years has said could not be done.

This President is doing exactly what President Bush did in 1992. President Bush required unionized contractors to notify employees of their right to refuse to pay union dues. He was not challenged by Republicans when he issued that particular Executive order. President Clinton is doing also what President Carter did in 1978, when he issued an Executive order that directly affected the lives and livelihood of thousands of working families by limiting what Federal contractors could agree to in collective bargaining.

In fact, this President is doing exactly what President Roosevelt, President Truman, Presidents Nixon, Johnson, Carter, and Bush have all done in the past. In this case, he has shown Presidential leadership in protecting the rights and the spirit of the law for all working families.

The President is well within his rights, in my view, for at least three good reasons. First, as I indicated, there is ample precedent in virtually every past administration for the past 60 years. Second, he is supported by the American people. More than 60 percent of the American people, according to recent polls, have shown that they oppose the use of permanent replacement workers in the event of a lawful strike.

The American people understand the question of fairness. They appreciate the need for worker-management balance. The American people support actions and laws to guarantee that balance, which is really what the Executive order was designed to do.

And third, this action taken by the President is consistent with the National Labor Relations Act itself, signed into law, as I said, by President Roosevelt about 60 years ago. In fact, this year, we will celebrate the 60th anniversary of the National Labor Relations Act, an act that fundamentally appreciates the balance in the workplace, that understands the need for the right to strike, that underscores the importance of providing opportunities for workers and management to work out their differences.

That was the law that recognized the need for American workers to form organizations to bring the balance back into the workplace. It has been a balance that, frankly, has worked well for 45 years, a balance that has brought about better wages, a balance that has brought about better working conditions, better retirement security, better productivity.

But it is a balance that was destroyed by the actions taken by President Reagan during the PATCO strike of 1981, when the President of the United States hired permanent replacement workers. His action sent a green light to every business in the country. Virtually all of the work of 45 years under the National Labor Relations Act was lost with that action, and for 15 years now, Democrats in Congress, and others, have attempted to pass the Workplace Fairness Act to restore the balance that we had for those 45 years, an act which very simply puts into law what we believe was there all along: a prohibition of the hiring of permanent replacement workers during a strike; a restoration of the balance that we had in labor-management relations up until 1981.

It is important to note that a majority of Congress has supported the Workplace Fairness Act. There have been more than 50 votes for it on those occasions when the legislation was brought before this body, and were it not for a minority that kept it from being passed, it would, in fact, be law.

So whether it is law or whether it is an Executive order, this clarification is long overdue and extremely important to all working families. The right to organize, the right to bargain collectively is essential to American workers. As history has shown, the right to strike is the right to be taken seriously. The right to strike is the only leverage workers have when bargaining with management.

As economically painful as it may be for workers and their families, resorting to a strike is sometimes the only way to resolve a labor dispute. But when employers are free to replace striking workers, that leverage disappears and the imbalance destroys any hope of meaningful conflict resolution.

We have seen it in the precipitous drop in the number of strikes over the past 20 years. There are nearly half the strikes in the early 1990's that there were in the 1970's, and the number of union members has also declined.

The attack on this Executive order is part of a well-orchestrated effort to dramatically reduce the Federal role in workers' security. This effort ranges from calls for the elimination of the Federal minimum wage law, to proposals to repeal the Davis-Bacon Act, to efforts to minimize the regulation of workplace safety. These efforts are orchestrated to continue the rollback of the progress we have made for decades under the auspices of the National Labor Relations Act and other important labor legislation. As the rollback continues, while unions are threatened, the American worker and working families have seen their incomes and the level of job benefits plummet. In constant dollars, wages have now declined by more than 10 percent in 10 years. Wages have actually gone down by more than a dollar an hour since the 1970's. Moreover, far fewer workers have health insurance benefits or retirement benefits than they did back then.

Without the right to strike, workers continually lose the right to negotiate. Without the right to negotiate, they lose the right to benefits, benefits on which they and their families depend.

By taking this action, the President is simply saying, "If you're going to bid for Federal tax dollars on a Federal contract, all we ask is that you live up to the intent of the National Labor Relations Act. If there is a strike, we want you, the company, to resolve it in a responsible way. We want you to renounce the practice of hiring permanent replacements."

Working families are counting on us to support the President. This is a very important vote for them and for the future of labor law in this country. A vote against cloture is a vote for working Americans at their time of greatest need. It should also be a clear sign of our desire to reverse the long downward slope of economic security for all working families. There is much which must be done, including the passage of meaningful health reform during this Congress. Hopefully, we can do that and many other things to restore the kind of security and confidence that working families must have if they are to look to the future with any more optimism than they can right now.

But this is the place to begin, on this vote, on this important issue, to send the kind of clear message: that we understand the importance of balance, that we understand the importance of fostering meaningful negotiations between workers and their employers, that we understand the right to strike, that we understand the importance of a law that has now been on the books for 60 years, and that we restore the kind of equality in the workplace that workers now say is even more important than it was back in 1935.

So, Mr. President, I hope that we can defeat this cloture motion and send the kind of message that I know Republicans and Democrats want to be able to send to working families. And that is: we appreciate your plight, we appreciate your need for security, we appreciate your need for more confidence in the future than you have right now.

I hope that all Senators will understand that message and support us in our effort to defeat cloture on Wednesday morning.

With that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAIG). Without objection, it is so ordered.

The Senator from Arkansas is recognized.

(The remarks of Mr. BUMPERS pertaining to the introduction of S. 545 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

RETURNING TO STATES RESPONSIBILITY FOR COMPLEX ISSUES

Mr. GRAHAM. Mr. President, I first would like to commend our friend and colleague, the Senator from Arkansas, for another outstanding statement on a cause that he has led for many years, and I hope, I say to the Senator from Arkansas, that we are close to the time when your long walk will reach its destination. I agree with the comments that you have made today as to the fairness and the rationale of moving forward as the Supreme Court has now allowed us to do to sanction States to impose this sales tax on mail order businesses.

But, Mr. President, I suggest that there is another reason why this is an imperative at this point in time. We are soon to consider a series of proposals that will have the effect of devolving back to the States, returning to the States significant responsibility for some of the most complex domestic programs that we have in our Nation, programs, in some cases, in which the

States have had current involvement, such as the Medicaid Program, some programs in which the Federal Government has in the past played a priority role, such as welfare, and others that are mixed.

If we are prepared to say that the States are able to provide the administrative machinery to carry out these complex domestic programs, I find it hard to say that the States should not be entrusted with the authority to make a judgment as to whether it is in the interest of their citizens to tax products that come in by mail order in a parity means with products that are purchased within the State itself, and that is essentially what the issue is with the legislation proposed by the Senator from Arkansas. We are not imposing the tax, we are authorizing the 50 individual States to make a judgment as to whether they believe it is in the interest of their citizens for those States to impose the tax.

I am also concerned, Mr. President, about what we are about to do to States, and I come out of a background as a very strong believer in the State Government sensitivity to their people, to their capability to operate programs effectively and efficiently and to their innovative capabilities. But the States also are not alchemists, they do not have the ability to take stones and rub them and convert them into golden coins.

We are going to be sending substantial responsibilities back to the States with substantially less dollars than we had felt it was necessary to operate those if they were still under Federal obligation. As an example, in my State of Florida, the calculations are that if we send back Medicaid, the program that provides financing for indigent Americans, to the States, that over the next 5 years, the State of Florida will receive approximately $3.5 billion less than the individual recipients of those funds would have received had we stayed with the current Federal program—$3.5 billion less.

The State of Florida this year, from both Federal and State sources, will spend approximately $5 billion on Medicaid. So we are talking about very substantial percentage reductions in funds available.

Why is it going to cost the State of Florida so much? In part it is because the formula that has been suggested is one that essentially says we take the status quo, we freeze it for 5 years and allow essentially a cost-of-living adjustment. In my State, we are a growth State which is adding a substantial population every year. For the last 15 years, we have grown at a rate in excess of 300,000 persons a year. Many of those 300,000 are in the high-target populations for Medicaid. In my State, about half of Medicaid expenditures goes for the elderly, primarily for long-term care.

So if we are going to say for the next 5 years we are going to freeze the program at a cost-of-living factor and not take into account growth in population, not take into account growth in those populations that are heaviest users of these programs, we are going to be imposing very serious financial obligations on the States.

I think that as we enter into this debate on turning responsibility back to the States, we have an obligation to also ask the question, what are we going to do to assure that the States have the fiscal capacity to accept those responsibilities that we are imposing?

I believe the Senator from Arkansas has certainly pointed to what ought to be at the head of the line as we begin to ask that question of fiscal responsibility. Here is the program for which there is no rationale as to why the Federal Government should deny the States the authority to impose this tax. There is every reason in terms of tax fairness that they should, in fact, treat mail order sales in parity with sales from the local Main Street store, and the States are going to need the revenue this will provide.

In my State of Florida, the estimate is that in 1974 had the sales tax been applied on mail order sales to the same extent it was on Main Street sales it would have produced $168.9 million. That will not close all the gap that our States are going to be faced with as they are asked to take on these new responsibilities, but it will be a worthy beginning.

So, Mr. President, I believe for all of the reasons that the Senator from Arkansas has cited with such force and eloquence, as well as the time in history in which we find ourselves, in which we are about to ask the States to do more, that we should also have a concern about how our brethren in the Federal system are going to have the capacity to accept those responsibilities.

We say that it is not our purpose to have a dramatic fraying of the safety net. The safety net in my State for hundreds of thousands of older Americans who are in need of long-term care and who have spent all of their life savings as their health condition deteriorated, I do not think we as a nation want to turn those people out of the kind of institutions that they need in order for their well-being.

We are asking the States now to pick up a much larger share of the cost of providing for those Americans. This is a beginning of a demonstration of the Federal Government's commitment to see that there are adequate resources available at the State level to meet the additional responsibilities that we are proposing to impose.

So, in closing, I want to thank my friend from Arkansas for his leadership in this effort. I hope his leadership will be rewarded by successful passage of this legislation and passage in 1995. Thank you, Mr. President.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, let me, first of all, thank my very distinguished colleague from Florida, a former Governor, as was I, who fully understands the problem the States are going to have with unfunded mandates, but also for his very perceptive comments about the legislation.

Now, Mr. President, let me make just a couple of observations. I see the Senator from Michigan awaits recognition, so I will not be long. But the Senator from Florida has just told you about some of the budget constraints on them because of the Medicaid Program, but there are a whole host of others.

This bill has the potential for $169 million a year for the State of Florida. That is not beanbag either. And I promise you the Governor of Florida favors this legislation. I promise you the Governor of virtually every State in this Nation favors this legislation. As I said, every mayor, every county executive favors it. But the point that must not be lost sight of is we are not imposing anything. We are simply saying to the States, if you choose to do this, it is your prerogative. If you do not, that is also your prerogative. But we are also saying that if you do not have a sales tax in your State, you cannot charge it.

There are five States in this country that have no sales tax. This bill would not apply to them. They would not be able to charge this because they do not have a tax that they tax their own citizens with, and therefore they could not tax citizens of other States.

How many times have you heard in this body that the reason for the big revolution on November 8 was people are tired of being told what to do. They want somebody to listen to them. They want to have some discretion over their own lives and what they want to do.

Now, here is a classic case of doing precisely that. We are saying to the States we are going to enable you to help yourself if you choose. But that is your discretion, not ours. So how can anybody quarrel with that? If you vote for this and you do not personally approve of it, go tell your Governor I voted for it to give you the discretion. But if you do not want to do it, that is OK with me.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Michigan.

Mr. ABRAHAM. Thank you, Mr. President.

TAX CUTS IN MICHIGAN

Mr. ABRAHAM. Mr. President, I rise today to congratulate John Engler, Governor of my State of Michigan, for signing into law last week his 12th, 13th, 14th, and 15th tax cuts since taking office.

Governor Engler has increased the personal exemption in our State to at least $2,400, saving Michigan taxpayers $69 million on their income taxes in fiscal year 1995. The exemption also will be indexed for inflation starting in 1998.

He has created a new refundable income tax credit for college tuition that will help individuals and families struggling to get an education.

He has reduced the single business tax by removing unemployment and workers' compensation funds and Social Security payments from the tax base.

He has begun phasing out Michigan's intangibles tax, raising the filing threshold and providing for its total repeal, effective January 1, 1998.

Mr. President, 70 percent of these tax cuts will benefit individuals, with 30 percent benefiting the State's job creators. Taken together with the other 11 tax cuts he already has implemented, these cuts will save Michigan taxpayers $1.2 billion this year alone.

We here in Congress would do well to look at Governor Engler's performance in setting out our program of fiscal reform from the Nation. When he took over as Governor in 1991, John Engler inherited a $1.8 billion deficit. That means that in 1991 Michigan was running a deficit that equaled 10 percent of its total State spending—almost as large a deficit in proportion to total spending as the one run here in Washington.

Governor Engler had a tough choice to make. He could maintain Michigan's current spending levels and increase taxes, or cut spending and hold the line on taxes. But he decided to choose neither course of action, instead boldly cutting both spending and taxes.

And the results have been remarkable. Through aggressive use of his line-item veto he brought about an 11-percent cut in real, after-inflation spending. In addition, he made Michigan our Nation's top State in creating manufacturing jobs, more than 40,000 in the last year alone, second in the Nation in personal income growth, and a leader in lowering unemployment rates. All this while increasing State funding to educate Michigan's children.

Mr. President, Michigan can serve as an example to the Nation of how aggressive budget and tax cutting can go together to spur economic growth and better the lives of our citizens.

We too can get our spending under control, without cutting essential programs; we need only the courage to put in place and utilized the tools Governor Engler and the Michigan State Legislature used to bring their State back from the brink of economic disaster.

Michigan's constitution required a balanced budget; it also provides the Governor with a line-item veto. Both of these tools were essential to Governor Engler's efforts to bring spending under control.

We have the power to do for America what Governor Engler and his partners in the State legislature have done for Michigan, if we are willing to enact a line-item veto and add a balanced budget amendment to our Constitution. These tools will help us order our priorities and discipline our spending.

Most important, we must recognize that by taxing the American people less we can help our economy and our budget more. This week the House Ways and Means Committee will report a tax reduction bill that creates a $500-per-child tax credit for families and cuts the capital gains tax in half. In all likelihood, the House will approve these important tax reductions.

Some of our colleagues here in the Senate have suggested that we abandon tax cuts—and focus exclusively on reducing the budget deficit. Having lost the vote on the balanced budget amendment, I can understand their desire to put spending cuts first in order to produce a balanced budget plan.

But as Governor Engler has demonstrated, cutting spending and taxes is the best way to reduce the deficit and encourage economic growth. We must have confidence that the American people, if allowed to keep their own money and spend it as they choose, will fuel the engine that runs our economy, producing more jobs, greater prosperity, and a balanced budget.

Mr. President, I yield the floor. I also suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMPSON). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

(During the session of the Senate, the following morning business was transacted.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents which were referred as indicated:

EC–497. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, the annual report of the Board for fiscal year 1994; to the Committee on Governmental Affairs.

EC–498. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report relative to the escheated estate fund; to the Committee on Governmental Affairs.

EC–499. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report relative to the District's Emergency Assistance Services; to the Committee on Governmental Affairs.

EC–500. A communication from the Chief Financial Officer of the Export-Import Bank, transmitting, pursuant to law, the annual management report for 1994; to the Committee on Governmental Affairs.

EC–501. A communication from the Office of the Nuclear Waste Negotiator, transmitting, pursuant to law, a report relative to the Federal Managers' Financial Integrity Act; to the Committee on Governmental Affairs.

EC–502. A communication from the Chairman of the Board of the National Credit Union Administration, transmitting, pursuant to law, a report relative to schedules of compensation; to the Committee on Governmental Affairs.

EC–503. A communication from the Chairman of the Commission on Intergovernmental Relations, transmitting, pursuant to law, a report relative to unfunded mandates; to the Committee on Governmental Affairs.

EC–504. A communication from the Acting Inspector General of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report entitled "Limitation on Use of Appropriated Funds to Influence Certain Federal Contracting and Financial Transactions;" to the Committee on Governmental Affairs.

EC–505. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative Federal Managers' Financial Integrity Act; to the Committee on Governmental Affairs.

EC–506. A communication from the Chair of the Administrative Conference of the United States, transmitting, pursuant to law, a report relative to the Inspector General Act Amendments; to the Committee on Governmental Affairs.

EC–507. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, the semiannual report of the Inspector General and the Director's Report on Audit Resolution and Management for the period April 1, 1994 through September 30, 1994; to the Committee on Governmental Affairs.

EC–508. A communication from the Director of the Office of Management and Budget, transmitting, a draft of proposed legislation to revise and streamline the acquisition laws of the Federal Government, and for other purposes; to the Committee on Governmental Affairs.

EC–509. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to the assignment or detail of General Accounting Office employees; to the Committee on Governmental Affairs.

EC–510. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation to recover costs of establishing standards for agricultural products; to the Committee on Agriculture, Nutrition, and Forestry.

EC–511. A communication from the Comptroller General of the United States, transmitting, pursuant to law, an overview report of the high risk areas of the General Accounting Office; to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CONRAD:

S. 542. A bill to amend the Solid Waste Disposal Act to allow States to regulate the disposal of municipal solid waste generated outside of the State, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HATFIELD:

S. 543. A bill to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BRYAN (for himself and Mr. REID):

S. 544. A bill to establish a Presidential commission on nuclear waste, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BUMPERS (for himself and Mr. GRAHAM):

S. 545. A bill to authorize collection of certain State and local taxes with respect to the sale, delivery, and use of tangible personal property; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CONRAD:

S. 542. A bill to amend the Solid Waste Disposal Act to allow States to regulate the disposal of municipal solid waste generated outside of the State, and for other purposes; to the Committee on Environment and Public Works.

INTERSTATE SHIPMENTS OF MUNICIPAL SOLID WASTE

Mr. CONRAD. Mr. President, today I am introducing legislation that would give States and local governments the power to regulate and, if they choose, reject interstate shipments of municipal solid waste.

This is a problem Congress has grappled with now for years and it only grows more and more serious. An estimated 18 million tons of municipal solid waste travels across State lines each year. Landfills are filling up around the country and communities are searching for new places to send their trash.

Where are they searching? Mr. President, they are searching in rural areas like my home State of North Dakota and, no doubt, they are looking in the State of the distinguished occupant of the chair, the State of Idaho.

Mr. President, rural States like ours, where pollution has not spoiled the land, where small communities may be willing to take large amounts of money from a waste company in exchange for landfill space, are the places they are looking. Whether they want this imported waste or not, States are almost powerless to stop the flow of garbage across their borders.

Mr. President, I can remember very well being involved in a debate on this matter a number of years ago, and the trash merchants had their lobbyists lining the Halls. I have never seen so many people off the Chamber of the Senate. The trash merchants want to ship this stuff someplace, and they are looking for States that are willing to take it.

Mr. President, States ought to have an ability to say "no." Waste is already coming to my State of North Dakota. We take industrial waste from General Motors plants from all around the country. We take municipal solid waste incinerator ash from Minnesota. A waste company continues its efforts to open a superdump in my State that would take garbage from Minneapolis-St. Paul. This one landfill, Mr. President, would receive almost twice as much garbage as is produced in my entire State. This situation is not unique. It is happening all over the country.

States should be able to do something about it. They should be able to regulate how much solid waste comes into the State so they can implement effective waste disposal policy. The Federal Government requires the States to manage and oversee solid waste disposal programs. States are required to issue permits, monitor existing sites, and enforce landfill regulation. Why, then, should States not also be able to regulate how much waste comes in from out of State? It only makes sense that they have this power.

Mr. President, imported waste not only takes up precious landfill space, but it also puts a strain on services of the importing State without properly compensating that State. Waste trucks from out of State wear down the roads of the importing State, but the exporting community pays nothing. Similarly, States must spend money to run their solid waste program, but they get no additional payments for accepting out-of-State wastes. In other words, exporting communities are passing their waste problems, and the costs associated with them, on to importing States. This is not fair, and it should be changed.

The bill I am introducing today takes strong steps to address the problems of interstate waste. First, it gives States the authority to regulate interstate waste. If a State wants to reject new solid waste shipments, my bill would allow that.

Second, it requires that affected local governments formally approve of any waste import. This gives the communities the ability to veto proposed shipments of out-of-State wastes. Why should not those communities that are affected by waste shipments have the ability to say no?

Third, it provides the opportunity for the area surrounding the host community to be involved in the decision to accept out-of-State wastes. A decision on siting a solid waste landfill, especially one that will take large amounts of imported waste, must be a collective one, and a small community alone should not be able to make a decision that will affect a much larger surrounding area.

Finally, my bill requires that waste companies publicly release all of the relevant information about their proposed landfill before a community makes a decision on it. This information should include estimated environmental impacts and mitigation, economic impacts, planned expansion, financial disclosure, and records of past violations by the owner and operator of the disposal site. Waste companies hold up the promise of jobs and economic incentives, but they do not want to reveal the potential risks involved in their plan. In many cases, they may not even reveal their overall plans until it is too late to stop them. One practice I have seen involves having a local developer purchase the site and get a permit to dispose of modest amounts of solid waste. A big waste company then buys out the local party and aggressively expands the site's permit. The local community does not have a chance. This is not fair and cannot be allowed to continue. Communities must be able to make informed choices.

Mr. President, how often have we seen it, where one of these trash merchants comes into a State and they spend lots of money up front, talking about the opportunities, talking about the jobs, talking about the good things, but failing to reveal the real plan, failing to tell how big the operation is really going to be? They fail to tell of past violations. We have seen companies go into States that are bad operators, that have a bad record, that have a bad reputation, but they do not reveal that. They do not talk about that before the community has a chance to vote.

Mr. President, many of us believe that a local community ought to have a choice and it ought to be an informed choice. They ought to know the record, they ought to know the plan before they make a final decision.

We have been working on the interstate waste problem in the Senate for many years now. During the years we have been debating this issue, the problem has not gone away. It has simply gotten bigger. The trash is still moving, and States and communities are almost powerless to stop it. It is time to enact interstate waste legislation into law.

Congress came very close to passing an interstate waste bill in 1994. I hope we can build on the work that has been done and take quick action in 1995.

I look forward to working with Chairman CHAFEE, Senator BAUCUS, Senator COATS, and others to move this matter forward.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 542

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO REGULATE OUT-OF-STATE WASTE.

(a) AMENDMENT.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following new section:

"SEC. 4011. AUTHORIZATION FOR STATES TO REGULATE MUNICIPAL SOLID WASTE GENERATED IN ANOTHER STATE.

"(a) DEFINITIONS.—In this section:

"(1) AFFECTED LOCAL GOVERNMENT.—The term 'affected local government' means the elected officials of a political subdivision of a State in which a facility for the treatment, incineration, or disposal of municipal solid waste is located (as designated by the State pursuant to subsection (d)).

"(2) AFFECTED LOCAL SOLID WASTE PLANNING UNIT.—The term 'affected local solid waste planning unit' means a planning unit, established pursuant to State law, that has—

"(A) jurisdiction over the geographic area in which a facility for the treatment, incineration, or disposal of municipal waste is located; and

"(B) authority relating to solid waste management planning.

"(3) MUNICIPAL SOLID WASTE.—The term 'municipal solid waste'—

"(A) means refuse, and any nonhazardous residue generated from the combustion of the refuse, generated by—

"(i) the general public;

"(ii) a residential, commercial, or industrial source (or any combination of the sources); or

"(iii) a municipal solid waste incinerator facility; and

"(B) includes refuse that consists of paper, wood, yard waste, plastic, leather, rubber, or other combustible or noncombustible material such as metal or glass (or any combination of the materials); but

"(C) does not include—

"(i) hazardous waste identified under section 3001;

"(ii) waste resulting from an action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604, 9606);

"(iii) material collected for the purpose of recycling or reclamation;

"(iv) waste generated in the provision of service in interstate, intrastate, foreign, or overseas air transportation;

"(v) industrial waste (including debris from construction or demolition) that is not identical to municipal solid waste in composition and physical and chemical characteristics; or

"(vi) medical waste that is segregated from municipal solid waste.

"(b) AUTHORITY TO REGULATE.—

"(1) IN GENERAL.—Each State is authorized to enact and enforce a State law that regulates the treatment, incineration, and disposal of municipal solid waste generated in another State.

"(2) AUTHORITIES.—A State law described in paragraph (1) may include provisions for—

"(A) the imposition of a ban or limit on the importation of municipal solid waste generated outside of the State; and

"(B) the collection of differential fees or other charges for the treatment, incineration, or disposal of municipal solid waste generated in another State.

"(c) LOCAL GOVERNMENT APPROVAL.—

"(1) IN GENERAL.—Except as provided in paragraph (2) or as otherwise provided under State law, the owner or operator of a landfill, incinerator, or other waste disposal facility in a State may not accept for treatment, incineration, or disposal any municipal solid waste generated outside of the State unless the owner or operator has obtained a written authorization to accept the waste from—

"(A) the affected local government; and

"(B) any affected local solid waste planning unit established under State law.

"(2) EXCEPTIONS.—

"(A) IN GENERAL.—Paragraph (1) shall not apply with respect to an owner or operator of a landfill, incinerator, or other waste disposal facility that—

"(i) otherwise complies with all applicable laws of the State in which the facility is located relating to the treatment, incineration, or disposal of municipal solid waste; and

"(ii) prior to the date of enactment of this section, accepted for treatment, incineration, or disposal municipal solid waste generated outside of the State.

"(B) EXISTING AUTHORIZATIONS.—An owner or operator of a facility described in paragraph (1) that, prior to the date of enactment of this section, obtained a written authorization from—

"(i) the appropriate official of a political subdivision of the State (as determined by the State); and

"(ii) any affected local solid waste planning unit established pursuant to the law of the State, to carry out the treatment, incineration, or disposal of municipal solid waste generated outside of the State shall, during the period of authorization, be considered to be in compliance with the requirements of paragraph (1).

"(C) FACILITIES UNDER CONSTRUCTION.—If, prior to the date of enactment of this section, an appropriate political subdivision of a State (as determined by the State) and any affected local solid waste planning unit established under the law of the State issued a written authorization for a facility that is under construction, or is to be constructed, to accept for treatment, incineration, or disposal municipal solid waste generated outside the State, the owner or operator of the facility, when construction is completed, shall be considered to be in compliance with paragraph (1) during the period of authorization.

"(3) EXPANSION OF FACILITIES.—An owner or operator that expands a landfill, incinerator, or other waste disposal facility shall be required to obtain the authorizations required under paragraph (1) prior to accepting for treatment, incineration, or disposal municipal solid waste that is generated outside the State.

"(4) PRIOR DISCLOSURE.—Prior to formal action with respect to an authorization to receive municipal solid waste or incinerator ash generated outside the State, the affected local government and the affected local solid waste planning unit shall—

"(A) require from the owner or operator of the facility seeking the authorization and make readily available to the Governor, adjoining Indian tribes, and other interested persons for inspection and copying—

"(i) a brief description of the planned facility, including a description of the facility size, ultimate waste capacity, and anticipated monthly and yearly waste quantity to be handled;

"(ii) a map of the facility site that discloses—

"(I) the location of the facility in relation to the local road system and topographical and hydrological features; and

"(II) any buffer zones and facility units that are to be acquired by the owner or operator of the facility;

"(iii) a description of the then current environmental characteristics of the site, including information regarding—

"(I) ground water resources; and

"(II) alterations that may be necessitated by or occur as a result of the facility;

"(iv) a description of—

"(I) appropriate environmental controls to be used at the site, including run-on or runoff management, air pollution control devices, source separation procedures, methane monitoring and control, landfill covers, liners, leachate collection systems, and monitoring and testing programs; and

"(II) any waste residuals generated by the facility, including leachate or ash, and the planned management of the residuals;

"(v) a description of the site access controls to be employed and roadway improvements to be made by the owner or operator and an estimate of the timing and extent of increased local truck traffic;

"(vi) a list of all required Federal, State, and local permits required to operate the landfill and receive waste generated outside of the State;

"(vii) estimates of the personnel requirements of the facility, including information regarding the probable skill and education levels required for jobs at the facility that distinguishes between employment statistics for pre-operational levels and those for post-operational levels;

"(viii)(I) information with respect to any violations of regulations by the owner or operator, or subsidiaries;

"(II) the disposition of enforcement proceedings taken with respect to the violations; and

"(III) corrective action and rehabilitation measures taken as a result of the proceedings;

"(ix) information required by State law to be provided with respect to gifts, contributions, and contracts by the owner or operator to any elected or appointed public official, agency, institution, business, or charity located within the affected local area to be served by the facility;

"(x) information required by State law to be provided by the owner or operator with respect to compliance by the owner or operator with the State solid waste management plan in effect pursuant to section 4007;

"(xi) information with respect to the source and amount of capital required to construct and operate the facility in accordance with the information provided under clauses (i) through (vii); and

"(xii) information with respect to the source and amount of insurance, collateral, or bond secured by the applicant to meet all Federal and State requirements;

"(B) provide opportunity for public comment, including at least 1 public hearing; and

"(C) not less than 30 days prior to formal action—

"(i) publish notice of the action in a newspaper of general circulation; and

"(ii) notify the Governor, adjoining local governments, and adjoining Indian tribes.

"(d) DESIGNATION OF AFFECTED LOCAL GOVERNMENT.—Not later than 90 days after the date of enactment of this section, the Governor of each State shall, for the purpose of this section, designate the type of political subdivision of the State that shall serve as the affected local government with respect to authorizing a facility to accept for treatment, incineration, or disposal of municipal solid waste generated outside of the State. If the Governor of a State fails to make a designation by the date specified in this subsection, the affected local government shall be the public body with primary jurisdiction over the land or use of the land on which the facility is located.".

(b) TABLE OF CONTENTS.—The table of contents for subtitle D of the Solid Waste Disposal Act is amended by adding after the item relating to section 4010 the following new item:

"Sec. 4011. Authorization for States to regulate municipal solid waste generated in another State.".

By Mr. HATFIELD:

S. 543. A bill to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

EUGENE WATER & ELECTRIC BOARD FERC LICENSE EXTENSION

Mr. HATFIELD. Mr. President, today I am introducing legislation to allow the Federal Energy Regulatory Commission to grant the Eugene Water & Electric District, in Lane County, OR, an extension of its hydro project construction completion deadline.

The subject of this license is a 21 megawatt hydroelectric project at the Blue River Dam, an existing Corps of Engineers flood control project. The Federal Energy Regulatory Commission granted the license for the project in November 1989. The deadline for completion is October 31, 1995. Construction has begun and EWEB has invested $4.5 million to date.

The Eugene Water & Electric Board, also known as EWEB, has asked for an extension to the construction completion deadline because its ability to complete construction has been, and will continue for some time to be, impeded by the ongoing fish mitigation efforts of the Corps of Engineers. These efforts are focused on minimizing temperature variations in the McKenzie River caused by both the Blue River and Cougar Dams. The corps' work will entail drawing down reservoirs to very low levels.

I support this temperature control work being done by the corps. However, until the corps completes these fish mitigation improvements on Blue River Dam, the hydroelectric project currently licensed and being pursued by EWEB will be untenable. The corps is expected to first construct temperature control improvements at nearby Cougar Dam. This project is not expected to be completed until 2001. At that time, the corps will begin work on similar improvements at Blue River Dam, which it expects to finish by 2005.

The legislation I am introduction today is designed to accommodate both the beneficial fish mitigation efforts being pursued by the corps and the ongoing hydroelectric project being pursued by EWEB. My legislation directs FERC, at the request of EWEB, to extend the time for completion of construction to the later of October 31, 2002, or a date 1 year after the corps completes construction of temperature control structures on the Blue River Dam. The legislation also requires EWEB to file a construction completion progress report with FERC each year until construction is completed.

I look forward to working with members of the Senate Energy and Natural Resources Committee to ensure that this proposal receives prompt and thorough attention.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 543

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF DEADLINE FOR BLUE RIVER PROJECT.

(a) EXTENSION.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 3109, the Commission shall, at the request of the licensee for the project, extend the time for completion of the construction of the project to the later of—

(1) October 31, 2002; or

(2) the date that is 1 year after the date on which the Army Corps of Engineers completes construction of water temperature control structures at the Blue River Dam.

(b) REPORTS.—The licensee for the project described in subsection (a) shall file with the Federal Energy Regulatory Commission, on October 31 of each year until construction of the project is completed, a report on progress toward completion of the project and of water temperature control structures at the Blue River Dam.

EUGENE WATER & ELECTRIC BOARD,
Eugene, OR, February 20, 1995.
Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATFIELD: The Eugene Water & Electric Board requests your help in seeking Congressional action which will allow us to extend, by eleven years, the construction completion deadline required by FERC on our Blue River hydroelectric project. The Blue River Dam is one of two facilities on the McKenzie River for which you have introduced legislation to facilitate and clarify financing for temperature control work by the Corps of Engineers. Due to the Corps' construction schedule and recent changes in BPA financing we are unable to meet the construction deadline of October, 1995 as required in our FERC license. For us to complete this project we will need additional time to coordinate our construction schedule with that of the Corps.

This is not a standard extension request and it is unlike other legislation to extend construction deadlines for hydroelectric projects. Timing problems, financial and environmental considerations necessitate a longer extension than those which have been granted to other licensees. Also, unlike other licensees, EWEB has already started construction on the project and seeks only an extension of the completion deadline.

THE PROPOSED PROJECT

For over a decade EWEB has been pursuing development of a hydroelectric project at the existing Corps of Engineer's flood control dam at Blue River. The project would generate 21 Mw, enough to provide power for 2000 homes annually. Our license for the project was granted in November, 1989. The deadline for completion is October 31, 1995. Construction began with the fabrication of the turbine and other associated equipment. Our investment to date is $4.5 million and the license has a duration of 50 years. The attached Briefing Document of January 26th describes the project in detail.

FEDERAL ACTIONS BEYOND OUR CONTROL

The existing Corps flood control dams at Cougar and Blue River Reservoir will be modified to alter temperature variations (caused by the dams) which severely threaten salmon fry. This will be accomplished by installing multi-level release port towers. Construction is scheduled first a Cougar Reservoir as this is the larger project and it has a greater impact on fish mortality. After completion of the Cougar project in 2001 the Corps will begin work on Blue River with a scheduled completion date of 2005. Each year, over this four year construction period, the Corps will have to draw down the reservoir to very low levels. Generation from EWEB's power plant would be substantially reduced as would the revenue and operational benefits during the early years of the project's operation. Also, EWEB's design for the hydroelectric facility may have to be modified based on the Corps design and operating plan.

Our Blue River project was also accepted as a billing credit project by BPA. Billing credits is a financial benefit awarded by BPA in response to the Northwest Regional Power Act to help utilities overcome the negative short-term economics associated with developing new resources during the early life of the project. Due to market changes and BPA's growing financial problems negotiations on our billing credit's contract was cancelled.

The timing and sequence of the Corps projects along with the loss of billing credits will make the project untenable.

ENVIRONMENTAL BENEFITS

A settlement agreement, approved by FERC and incorporated into the license, was reached between EWEB, the Oregon Department of Fish and Wildlife, the National Marine Fisheries Service and the U.S. Fish & Wildlife Service. The original fish mitigation plans for Blue River called for a fish screen and bypass facility. The agencies determined that only a fish barrier was needed at Blue River and the McKenzie River could be better served by investing screen and bypass costs into improving salmon habitat. As a result, EWEB will contribute $2,200,000 to a trust fund for fish enhancement rather than building a screen and bypass facility. (Settlement Agreement attached).

In addition, the project itself will benefit fish simply through its construction. Currently, water released from the reservoir passes through an outlet tunnel many feet below the reservoir's surface. This results in rapid water depressurization causing a fish mortality rate of 60%. We would pressurize the tunnel by installing outlet gates downstream. The transition from pressurized to depressurized water will be slowed enough to reduce fish mortality by more than half resulting in an overall survival rate exceeding 70%.

CONSULTATION WITH FERC

Before approaching your office with this extension request we spoke with Fred Springer, Director, Office of Hydropower Licensing and Mark Robinson, Director, Division of Project Compliance and Administration at FERC. They were clear that although the Commission has the authority to extend completion dates, an extension of an 11 year duration is unusual. Extensions are usually granted when the applicant can show diligence or continuous progress toward project completion. We would be unable to make that showing, especially while the Corps work is underway. Additionally, 11 years is a lengthy extension compared to other extension requests which have been granted by either legislative or administrative means. In terms of financial factors, extensions may be granted when the licensee needs more time to secure a power sales contract or another means of financing. FERC acknowledges the revenue losses we would incur by completing a project we could only operate part time is a serious concern. However, this too is an uncommon situation which falls outside the generally accepted rationale for granting construction extensions. According to FERC staff, these circumstances are so unusual, that the Commission would be hard pressed to give us a favorable ruling. FERC would need a legislative directive to grant us the extension we request.

Consistent with the Regional Act, EWEB has aggressively pursued conservation and renewable resources. As you consider helping us with the Blue River project we ask you to note that we have three others, all renewable resource projects, with existing agreements or contracts with BPA. EWEB recently learned that all three projects are at risk of being abandoned by BPA due to continuing budget constraints. We have made substantial investments in two of them. Regional funding from BPA for conservation will also likely end requiring EWEB to sustain local conservation investments alone. Additionally, we are facing yet to be determined rate impacts from BPA's reinvention. The combination of all these actions at BPA and the Corps shifts significant obligations to EWEB and its ratepayers. The increased financial obligation for conservation and renewable resource development makes it economically imprudent to proceed with the Blue River Project under the current schedule even though it may be one of the few resource options remaining at this time.

We thank you for your serious consideration of our request.

RANDY L. BERGGREN.

By Mr. BUMPERS (for himself and Mr. GRAHAM):

S. 545. A bill to authorize collection of certain State and local taxes with respect to the sale, delivery, and use of tangible personal property; to the Committee on Finance.

CONSUMER AND MAIN STREET PROTECTION ACT

Mr. BUMPERS. Mr. President, I come today to introduce a bill dealing with the mail-order catalog business. This issue has become almost an obsession with me over the past 2 years, and one of the reasons for that obsession is that, before I became Governor of Arkansas, I was a hardware, furniture, and appliance dealer, practicing law in a small town, raising cattle, doing anything to put bread on the table. And the biggest competitor I had was the Sears, Roebuck catalog. Sears, Roebuck was tough competition for me because they were big, had a much bigger variety of goods, and were reasonably cheap by comparative standards.

But while Sears, Roebuck was tough competition, it was also fair competition. They bore the same burdens of doing business that I did. One of those burdens was collecting sales taxes. Because Sears, Roebuck had stores in every State in the Nation, they had to collect sales taxes on everything they sold through their catalog operation, just like I had to collect sales taxes on everything I sold in my hardware store. The reason Sears, Roebuck had to collect those taxes was that, under the law, if you have a physical presence in any State, you must collect sales tax on goods shipped into that State, even if the goods are sold through a catalog.

Over the past few years, however, an entirely new situation has been developing in the competition between Main Street retailers and catalog operations. And that situation is not one of fair competition. What has been developing is that the catalog operations often limit their physical operations to one State, or a few States, and refuse to collect the taxes that are due on goods shipped into other States. This is increasingly significant because catalog sales are $100 billion a year. Fingerhut, one of the biggest mail-order houses in America, has annual sales in excess of $1 billion a year. They sent out 476 million catalogs in 1993 alone. Mr. President, bear in mind that Fingerhut is only one of several very large mail order operations. Lands' End, L.L. Bean, some of the big ones, have similar sales figures. In all, there are around 7,500 mail-order houses in this country, and they are growing like mad.

I daresay that on an average day, I get somewhere between 4 and 10 catalogs in my mail chute every night. If you live in my home State of Arkansas and order something from L.L. Bean or Lands' End, the company collects no sales tax. That does not mean there is no sales tax in my State, because there is. But do you know who has the responsibility for remitting the tax to the State revenue department, Mr. President? The consumer. If you buy a $10,000 fur coat from a mail-order house, you are personally responsible for remitting the $500 tax on that purchase to the State revenue department. And it is not just mail-order houses that play this game. Sometimes, if you buy it in New York City, they will say, "You have a southern accent; are you not from New York?" "No, I am not; I am from Arkansas." "Would you like for us to mail this to your home and save you $500?" Of course, the consumer is going to say, "Yes, I would like that." The company will then mail it to your home and not charge you one red cent of sales tax. But what the unsuspecting consumer does not know is that he or she does owe tax on that purchase, and that he or she is personally responsible for paying it to the State.

My State imposes its sales tax on all goods, regardless of whether they are purchased in State or out of State. The 44 other States which have sales taxes also apply those taxes to both in-State and out-of-State purchases. Technically, the tax on out-of-State goods is called a use tax, while the tax on in-State goods is called a sales tax. But for all intents and purposes, the use tax is identical to the sales tax. But because out-of-State companies usually refuse to collect the applicable use tax, the consumer does not even know there is a tax when purchasing merchandise via mail order.

The Presiding Officer is from the great State of Idaho. Idaho has a sales tax, and Idaho applies that sales tax to goods shipped into the State, just like it does to goods sold by Idaho department stores. So if Idaho's sales tax is 4 or 5 percent, the person who buys a $10,000 fur coat via mail order would be liable for $400 or $500 in sales taxes.

Some people say, "There is already a tax on mail-order sales. It is the use tax. What are you trying to do?"

What I am trying to do is make sure that mail-order companies do not blind-side their customers. Consumers buy from mail-order companies thinking their sales are tax free, and then they learn otherwise after the fact. Last year in Florida, 19,000 people got notices in the mail that goods they bought from direct marketers were not tax free, as the company had lead them to believe. The furniture they bought in North Carolina or the merchandise they bought from Lands' End or L.L. Bean, they owed a tax on it. Admittedly, not every mail-order customer gets caught. Sometimes the State finds out about the purchase, and sometimes they do not. But when they do, the consumer has to pay.

This is not a new tax. Of course, it is not. Think about it for a second. Why would any State have a tax structure that required Main Street merchants to collect sales tax and allowed out-of-State companies to ship the same merchandise into the State and collect nothing? No State would ever do that, and no State does it.

Oh, how everybody's heart bleeds around here for the poor, small town, Main Street businessman. But when it comes to catalog operations, we give them a huge advantage, 5 to 8 percent or more, and nobody wants to stand up for the Main Street businessman.

Recently the argument was made by one of the Senators from Maine that

Maine does not have the problem I am describing because they have something that says on the State income tax return in Maine, "List all your catalog purchases from last year."

Now, who knows what all they bought from catalogs last year? There are a lot of people who order something every other day from a mail-order house, and of course they do not take the time to keep a record of every purchase. People just do not keep up with it.

Do you know what Maine collected last year on that? You guessed it. Not much. Only around $1 million of the total $13 million they should have collected on out-of-State mail order purchases. But Maine is fat and happy because L.L. Bean is located there and L.L. Bean does around $1 billion a year in sales and they pay sales tax on every dime of merchandise sold to customers living in the State of Maine. It is those other 49 States that do not get anything.

The direct marketing industry says, "Oh, this is such a burden, Senator. You have got a city tax, you have got a county tax, you have got a State tax. Do you expect me to keep up with all of that?"

No, I do not. And this legislation would allow mail-order companies the option of collecting a single blended rate for each State where they do business. Then the mail-order companies would simply send a quarterly payment to the State revenue department and let them distribute it to the local jurisdictions that have a sales tax.

Do you want to hear a true anecdote? One of the finest Republican Senators to come to the U.S. Senate since I have been here is Senator BOB BENNETT from the great State of Utah. Senator BENNETT founded a mail-order company years ago. In a Small Business Committee hearing last year on this legislation, he said, "The people in the company with me sat around the table with me and we debated this issue. Shall we or shall we not collect sales tax on our sales made to other States?" He said the decision was almost unanimous, "Yes, let's be good citizens and let's collect a sales tax."

Anybody who wants to make the argument about what a terrible burden this is on these mail-order houses, talk to BOB BENNETT. He says, "We punch a computer button at the end of the month, and that is it. It is no problem whatever to collect this sales tax. We do it and we do millions in business a year." So much for the burden. Another argument they make is, "But, Senator, we do not require fire protection, law enforcement, all those things that your sales taxes go for."

That is true. But I will tell you what burden you do impose on other States. You contribute almost 4 million tons of waste to the landfills of this country annually. Talk to any mayor: "Mayor, what is the biggest problem you have?" "Trying to find enough landfill to take care of our garbage." And here is a contributor of around 4 million tons a year that mayors have to find some method of disposing of. And the mail-order houses do not contribute one penny, except companies like BOB BENNETT's.

"Well, we don't want to have to do this every month." Fine. My bill says you only have to remit every 3 months.

Now, if that "ain't" a deal. I wish I had had that kind of opportunity when I was in business. If I did not pay my sales tax by the 20th of each succeeding month, I did not get a 2-percent discount.

Mr. President, I have gone even further than that. In order to take care of some of these smaller mail-order houses, we have exempted in this bill, in the interest of being for small, fledgling businesses—and, I must say, $3 million a year is not exactly my idea of small—we say, "If you do less than $3 million a year of business, you do not have to mess with this bill." Of the 7,500 catalog companies in the United States, not very many of them do more than $3 million of business a year. Only 825 of the 7,500 mail-order houses in this country that would be covered by this bill.

Mr. President, there is another element of unfairness besides the competitive advantage that these mail-order houses get. Some of them do advertising that is very offensive to me and I think it would be to any Senator.

Here are a couple of charts. I do not know the name of this company. But here is what their ad says. "Nobody beats our deal." "No sales tax added outside of North Carolina."

Now, technically, that is correct. They do not add any sales tax. The poor consumer who buys that yacht, or whatever, is subject to a tax, but he is misled by this ad into believing that he will never have to pay any sales tax.

Here it is, "No sales tax added." Now, it is true they do not add it, but if a State you live in happens to catch you buying that, they can assess a sales tax against you.

I have some letters that I will put in the RECORD in a moment, Mr. President, from people from all over the country who have gotten the sad news that they thought they were buying $10,000 worth of furniture tax free. And the clerk that sold them assured them, "We will ship this from North Carolina to Florida, and you will not have to pay sales tax on it."

But think about this. Wallcovering, Inc.—I blocked out the address of this company—here is their advertising: "Discount wallcovering, the phone way." Now, all these mail order houses have their 1-800 number listed on every page of their catalog. "The phone way, save 33 to 66 percent."

And what do you think? No sales tax outside of Pennsylvania. That is not the worst of it. A lot of them have advertised "No sales tax." They do not say, "No sales tax added," as they do here. They just say "No sales tax." A person getting ready to order wall covering, I promise, would assume that there is no sales tax.

But that is not the worst of this firm. Listen to this: "Stop in your neighborhood, write down the pattern number, and then call us." Use that poor stiff down on Main Street. Go into his store and shop. Get the model number, get the cover number, whatever, and then call our 800 number and save the sales tax.

I have never introduced a piece of legislation in this body, Mr. President, that I thought was more meritorious than this. When I offered this amendment on the unfunded mandates bill these mail order houses started sending telegrams to every single person they had ever sold 10 cents worth to and said "Write your Senator. Tell them you don't want any more taxes. Tell them Senator BUMPERS' proposal will cost them an arm and a leg." And a lot of people bought into that business about it being a new tax, and scared to death they will get a 30-second spot running against them the next time they run, being a taxer and a spender.

Ask the little shopkeeper in your hometown on Main Street what he thinks about it. Ask your Governor or your mayor how he or she feels about it.

We had a music dealer in North Little Rock testify. This music dealer said, "People come into our shop all the time, get model numbers off our musical instruments so they can order from a mail order house. They get it from a mail order house, it does not work, and then they bring it in here for repair, and they think we ought to repair it free because we sell that same product."

Now, Mr. President, if the Presiding Officer will pardon this odious comparison, it is just like mining law reform. It may not happen this year, may not even happen next year, but this is going to happen.

Do Senators know who collects taxes in every single State? The Boy Scouts. When ordering Scout uniforms out of their catalog, order it from Florida, they collect the tax and send it to the State of Florida. If the Boy Scouts can do it, surely the Lands' End and L.L. Bean and all the others can do it.

I am not going to bore Members with a bunch of catalogs. I keep a couple hundred in the office just for amusement. I am not going to bore Members with them, but that argument about how complex it is, it would take a Philadelphia lawyer to decipher the instructions on some of these mail order houses. Some of them do business in 25 States. If you live in this State, this State and this State, add 5 percent for sales tax; if you live in this State, add

4 percent sales tax, plus sales tax on the shipping charges; if you live in this State, allow 3 days for delivery; if you live in this State allow 2 days for delivery. And they talk about this being complicated.

Mr. President, the reason I say this is an idea whose time has come, and it will pass ultimately, is because this business is growing a lot faster than the retail business in your hometown.

So I always want to say to these people who say this is too burdensome, it is a new tax. All of those arguments we will hear when we debate this, they are the most specious arguments I have ever heard. I want to say to those people, what if everybody in the country decides to start ordering from mail order houses? Who will educate our children? Who will provide for fire protection and law enforcement and the landfills? If they continue to grow as fast as they are growing right now, compared to Main Street merchants, that is where we are headed.

The Senator from Maine—do not misunderstand me—I am not quarreling with the Senator from Maine. They have L.L. Bean in their State doing almost $1 million a year. I understand we all protect our own local interests, but you want to say to a lot of those people, "You are getting your sales tax from the biggest mail order house in the country, but nobody else is."

Is it fair for people to get this sudden notice when they thought they bought merchandise with no sales tax? Is it fair for them to suddenly get a notice from the State Revenue Department because their next door neighbor squealed on them for buying that oriental rug out of New York? It is patently unfair to the purchaser to suddenly find out that he owes a big tax bill that he was told by the mail order house that he would not have to pay.

So far as the burden is concerned, I want Senators to listen to this. These are not my words. These are Fingerhut's words, last quarter of 1993, Fingerhut in their annual report to their stockholders:

> To the extent that any States are successful in requiring use tax collection the cost of the company's business, doing business, could be increased although it does not believe any increase would be material.

Lands' End, probably the first quarterly report of 1994.

> Although collecting use taxes would likely influence the buying decisions of some customers, the company believes there would be no material adverse affects on financial results.

They are two of the biggest ones in the United States saying, "We do not think the imposition of the collection of these sales taxes will affect our profits."

Finally, why are we doing this now? Because until 1992, we could not. In 1967 the Supreme Court said in the famous case of Bellas Hess, a big mail order catalog house, the Supreme Court said the States may not impose a tax on mail order catalog houses because it would constitute an undue burden on commerce, interstate commerce, as prohibited by the Constitution, and would also be a violation of the due process clause of the 14th amendment. That was in 1967. Nobody can do anything because the Supreme Court said they could not.

In 1992 in the case of Quill versus North Dakota, the Supreme Court reversed half of that and said, "We no longer believe that the imposition of a tax by the States on mail order houses is a violation of due process." Since the determination as to what burdens interstate commerce can be determined by Congress, it is now up to Congress to pass a law, if they choose, that allows the States to impose this tax on this roughly 825 mail order houses.

So in 1992, the Supreme Court said, "Congress, it's up to you. If you want to help the States and the States want to impose this sales tax collection burden on the mail order houses, like they do on that poor Main Street merchant, Congress is going to have to pass a law enabling them to do it."

So it has only been since that 1992 Supreme Court decision that we have had the authority to allow the States to do this.

Mr. President, if we cannot pass this, I hope I do not hear anymore whining, groaning, moaning, and gnashing of teeth about unfunded mandates on the States when you refuse to help the States collect a legitimate tax to deal with unfunded mandates and a whole host of other problems.

And if this bill does not pass, I hope I do not hear any moaning about the poor small business people in this country, how we ought to do something for the small business people. Everybody is always willing to do something for small business people as long as it does not affect big business people.

Mr. President, I ask unanimous consent that a letter from Ray Jones, owner of Long Beach Yacht Sales, Long Beach, CA; a letter from Mamie R. Willis, Portland, TN, the sad recipient of a pretty good sized order only to find out that she owed the sales tax; White Furniture Co. in my own home State from Debbie White, who talks about how competitively unfair it is for her to have to charge sales tax on furniture sold all over town and people ordering furniture from mail order houses and paying no sales tax; and finally a letter from an ordinary citizen, John Dix, who bought a house full of furniture in North Carolina, almost $10,000 worth, and suddenly was slapped with a tax bill of $700 that he and his wife never dreamed even existed. If you want to stop all of that, fine.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

LONG BEACH YACHT SALES,
Long Beach, CA, January 18, 1994.

Attention: Mr. Stan Fendley, Tax Council
Hon. SENATOR BUMPERS,
Chairman, Committee on Small Business,
Russell Senate Office Building, Washington, DC.

Thank you, in advance, for your sponsorship of legislation regarding the collection of interstate sales tax. This week we lost a $240,000 deal as a result of a sales tax issue. They buyer bought a boat in Oregon to avoid our local and state sales tax. The vessel will be kept out of state for the required period of time and will be subsequently brought into California after the waiting period has elapsed. Based on our local tax rate of 8.25% the resulting tax would have been $19,800.

Not only did we (and the State) lose this deal, but we also lost the time and expenses involved in upselling the customer to a more expensive boat (from $140,000 to $240,000), sea trialing the boat and providing extensive consultation regarding the product. The customer thanked us but basically said for $19,800 he would have to make an economic choice to buy elsewhere. We did not have the margin to discount the product further to even attempt to compete.

In todays economic environment it is tough enough to succeed but without some form of a fair interstate sales tax collection program we, as a responsible and law abiding dealership, can not compete fairly against some of our out of state competitors that are not required to collect sales tax or tax at a significantly lower rate.

Again, thank you for sponsoring this important piece of legislation. Hopefully this will create a fair arena in which we can compete. As always, please feel free to contact me with any questions or comments that you may have.

Sincerely,

RAY JONES,
Owner.

Portland, TN, September 8, 1994.

Senator DALE BUMPERS,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR BUMPERS: When I moved from Nashville to a small town a number of years ago, I discovered the convenience of mail-order buying. I buy several hundred dollars worth of merchandise per year. I am 75 years old and can no longer drive to the city to shop. I know there are probably thousands in my situation.

Several months ago I heard on our local news that people purchasing goods from mail order catalogs must pay State sales and use tax on these items. That was news to me. I, and I know many others, have always thought that merchandise purchased outside our state was not subject to sales tax unless such a vendor had a store within our state.

Since I have always tried to be a law-abiding citizen, I added up from my records all purchases made in recent years, figured the sales tax, and mailed a check to the State Department of Revenue. But what about those many people who still do not know they are liable for these taxes? This situation makes it unfair to those who are paying.

I once ordered many Christmas gifts from catalogs. Now I am inclined to send money to my out-of-town relatives, avoiding the hassle of tax-record keeping.

I believe it is the duty of mail order companies to collect sales taxes due, just as other stores and grocers do. Modern-day computers certainly make it easy for them.

I understand you are working on legislation to correct this situation. I hope you will succeed.

Sincerely yours,

MAMIE R. WILLIS.

WHITE FURNITURE CO.,
January 19, 1994.

Senator DALE BUMPERS,
Dirksen Building, Washington, DC.

DEAR SENATOR BUMPERS: I want to make you aware of an unfair tax situation that has been occurring for years in the furniture business. For quite some time we tried to ignore this, but when you see or hear the results every day of the week you have to finally stop and take notice.

My family has a small retail furniture business in Arkansas. We have paid taxes in the same small town for years. Now we have customers who are being educated by advertisers to shop their local retail stores for model numbers and prices—then call North Carolina and order and avoid paying our state sales taxes.

I have personally lost individual sales in my area for fifteen to twenty thousand dollars. We have found that the larger sales are the ones that people do out of state because of the high percentage of tax.

I'm not crying about the prices; I would just like to have a level playing field. We service our clients with free delivery; we furnish the showrooms where they can touch and feel the merchandise; we finance the merchandise locally, and we employ Arkansas people to sell and deliver the furniture.

Last year NBC did a travel segment and, on over 200 stations across our country, showed people how to take their vacations in North Carolina, shop while they are there and save enough in sales tax to pay for their vacation. Then CBS did a week long special on "Good Morning America," devoting one day to furniture, one to cars, and another to clothes, etc.

I don't know about the other 49 states, but I do know that our state could use the revenue from those lost sales taxes for our schools, roads, and local government.

I will be proud to support you in any effort you can make to help our state collect these unpaid taxes.

Thank you.

DEBBIE WHITE.

Hilton Head, SC, September 12, 1994.

Hon. DALE BUMPERS,
Chairman, Committee on Small Business,
U.S. Senate, Washington, DC.

DEAR SENATOR BUMPERS: While on a trip to North Carolina a few years ago, my wife and I visited a furniture store to look for items for our winter home in Hilton Head, South Carolina. As you are no doubt aware, North Carolina is the furniture center of America. People come from all over America to buy furniture in North Carolina, drawn by word of mouth and various means of advertising.

As we shopped at one store in High Point, my wife and I found a number of furniture pieces that we were interested in buying. While considering the purchase, we were told by the sales staff that if this furniture were delivered to our home in South Carolina, no sales tax would be collected. This represented a savings of several hundred dollars, and became one factor in our decision to make the purchase. Subsequently, we concluded the purchase agreement, and the furniture was delivered to our home in South Carolina a short time later.

Approximately four years after making that purchase, we were surprised to receive a letter from the South Carolina Department of Revenue informing us that the furniture we had purchased in North Carolina was subject to South Carolina's use tax. (South Carolina had learned about the purchase when North Carolina audited the furniture company and shared the audit information with South Carolina.) In addition to the 5 percent tax, we owed interest and penalties because we had failed to pay the tax promptly. On our furniture of some $10,000, the total we owed for tax, interest and penalties was approximately $700.

As you can imagine, we were shocked and upset at this news. We had no idea that we owed tax on this purchase. Like most consumers, we were accustomed to having sales taxes collected at the time of purchase, and it seemed odd to expect the customer to know when, where and how much tax to pay. And because the furniture salesman had told us that no tax would be "collected," we assumed that no tax existed.

I am not complaining about the tax itself. I certainly do not enjoy paying taxes, but had we known about this tax at the time of purchase, it wouldn't have been so bad. In that case, we could have considered the tax as part of the cost of the transaction and then made an informed decision about whether to make the purchase or not. Indeed, it's quite possible that we would still have bought the furniture. But we were blindsided. We were led to believe that there was no tax, then told four years later that there was a tax. That simply is not fair.

The worst part of this situation is that we were expected to pay interest and penalties. As I told the South Carolina Department of Revenue, I felt that this was particularly unreasonable since we didn't even know we owed the tax—and they didn't know we owed the taxes for four years. In the end, I won half the battle: they agreed to waive the penalties, but we still had to pay the interest.

I understand that the State of South Carolina cannot control what North Carolina merchants tell their customers. But the United States Congress can and should do so. I urge you to pass legislation immediately correcting this situation so that other consumers do not have the same bad experience we had.

In my opinion, you should require merchants who ship goods to other states to inform those customers that taxes may apply. The disclosure should be in writing, and the customer's signature should be required. Any merchant who fails to give the disclosure should have to pay 50 percent of any penalties or interest that occur. I believe this would discourage companies from failing to share important information with the consumer.

Thank you for the opportunity to share my thoughts with you on this issue. I hope that you will move quickly to ensure that other consumers aren't misled the way my wife and I were.

Sincerely,

JOHN DIX.

NOTICE OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Wednesday, March 22, 1995, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to review the findings of a report prepared for the Committee on the cleanup of the Hanford Nuclear Reservation.

Those wishing to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call David Garman at (202) 224–7933 or Judy Brown at (202) 224–7556.

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the information of the public that a hearing has been scheduled before the Subcommittee on Forests and Public Lands Management to receive testimony on S. 506, the Mining Law Reform Act of 1995.

The hearing will take place Thursday, March 30, 1995, at 9:30 am in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Those wishing to testify or who wish to submit written testimony statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Michael Flannigan at (202) 224–6170.

SUBCOMMITTEE ON FOREST AND PUBLIC LANDS MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the information of the public that a hearing has been scheduled before the Subcommittee on Forests and Public Lands Management to receive testimony for a general oversight on the Forest Service land management planning process.

The hearing will take place Wednesday, April 5, 1995, at 9:30 am in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Those wishing to testify or who wish to submit written testimony statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mark Rey at (202) 224–2878.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. ABRAHAM. I ask unanimous consent that the Finance Committee be permitted to meet on Monday, March 13, 1995, beginning at 9:30 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing on the Consumer Product Index.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE SENATOR

• Mr. SIMON. Mr. President, one of the members of the Presbyterian clergy with whom I have had the chance to work on historical projects and other things is the Reverend Robert Tabscott.

He sent me some observations he made 21 years ago about our former colleague, Senator Bill Fulbright. Bill Fulbright was a remarkable public servant.

I had the chance to work with him on exchange programs and other matters in the area of foreign policy.

To get a little more perspective on the impact of Senator Fulbright on people, it is good to read what Robert Tabscott wrote almost 21 years ago.

I ask that the tribute be printed in the RECORD.

The tribute follows:

[November 1974]

THE SENATOR

(By Robert Tabscott)

Reaching back in my memories I was first appreciative of William Fulbright in the early fall of 1961 when he eulogized the fallen Dag Hammerskijold. Six years later in Mississippi I read his book, "The Arrogance of Power." It was a watershed for me: a provocative word in a hard and sterile time. The book challenged the American dream of opulence and power and called for a rediscovery of the values of Jefferson and the American revolution. But more, it was a fervent appeal for a new tolerance among us for people of differing philosophies and cultures. The book shook my patriotic myths and aroused a circumspection for which I shall always be grateful.

So when it became possible to interview the Senator on one of my recent visits to Washington, I was beside myself. Meeting him in the privacy of his large comfortable office, it was hard to imagine him as an international figure. He was surrounded by half-packed cartons of books (a prelude to his departure from the Senate), a cumbersome stack of magazines and papers, several bottles of mineral water and at least a week's supply of health foods and vitamins. Entering the office, I stood motionless. "Sit down," he said in a sonorous voice. I was extremely nervous and he waited for me to gain my composure. "You will have to excuse me," I said, "but this is quite an occasion for me." Graciously, he coaxed me on. "Well I am glad I could give you this time." I described my work and the Rockefeller grant and asked if I could take notes. He smiled and said, "I don't know if I will say anything important, but you may." And so I did.

J. William Fulbright was born in Missouri sixty-nine years ago. But he grew up in Arkansas, enjoying the benefits of a well-known and prosperous family. He won honors at the University in Fayetteville and was awarded a coveted Rhodes scholarship. His three years at Oxford were indelible. He read Tennyson, Lord Byron, Dryden, inspected Norman Churches, sought out Canterberry and Stradford and buried himself in English history and political thought. In 1928 he settled for a time in Vienna. From there he ventured with a friend to Salonika, Athens, and the Balkans. But his mind probed even further into Chinese history, Russian literature, and Creek philosophy.

At 34 he became the president of the University of Arkansas. Two years later during a political controversy he was asked to resign by the governor. He refused and was promptly fired. It was 1942. That spring, young Fulbright decided to run for Congress. Contrary to almost everyone's expectations, he was elected. By 1945 he had become the junior senator from Arkansas and had launched a career that would span thirty years and bring him international prominence.

We probably know William Fulbright best as chairman of the Senate's Foreign Relations Committee and for his untiring efforts to achieve détente with Russia and a better understanding of world Communism. For that he has been labeled a liberal and Communist sympathizer.

His greatest and most difficult years were between 1950 and 1973. At times he stood alone as he did against the maniacal red crusade of Joseph McCarthy, or as a persistent critic of two Administrations' Vietnam policies. On other occasions he has been painfully silent as he was during the Little Rock crisis and throughout most of the Civil Rights movement. The Senator is far from the hero his supporters have wanted him to be. But what is significant is that he has remained a man of conscience and integrity who has not sought to cover his inconsistencies but has acknowledged the painful struggle of public service and the burden of political compromise.

Two events illustrate that tension. On August 6, 1964, President Johnson requested Fulbright to introduce the famous Tonkin Resolution which gave the chief executive authority, "* * * to take all necessary measures to repel any armed attack against forces of the United States and to prevent further aggression." That action put us into a land war in Asia. Only two Senators, Morse of Oregon and Gruening of Alaska, voted against the resolution. But by February, 1965, Fulbright had become disillusioned. He was alarmed, "* * * by the tyranny of Puritan virtues, of the dogmatic ideology of false patriotism and a resurgence of manifest destiny in American life." The Senator would later confess that the Tonkin Resolution was one of the most regrettable mistakes of his public life.

In 1957, 19 senators and 77 representatives from the eleven states of the old Confederacy, drafted a manifesto attacking the Supreme Court's historic decision on segregation. "The court," they said, "had substituted naked power for established law." The signers pledged themselves "* * * to resist integration through all lawful means and by any lawful means." J. William Fulbright signed the Manifesto.

But there were reasons, he contended. It was an election year and there was great pressure in the south. He could leave his southern colleagues and go his own way or stay with them and be assured of remaining in the Senate. Better to compromise and to fight again. He was convinced that he could not survive if he stood alone. He chose to remain silent. Many were shocked and disappointed because of his actions.

But when you consider the events of the last decade there were few men and women in public life who stood apart to face the crisis of Little Rock, Vietnam, Selma, Kent State or Attica. At a time when the South needed the wisdom of its statesmen, not one major figure dared to challenge the old myths. It was left to a heroic company of black men and women and an unlikely army of students, teachers, ministers, editors, lawyers, judges, and businessmen to stir the nation's conscience and to open a way for politicians to follow.

William Fulbright is a scholar, a man of reason and reflection. Some consider him a child of the Enlightenment. Intellectually he is much like Adlai Stevenson or Woodrow Wilson. He speaks of Jefferson and DeTocqueville, but I would venture he is more Hamiltonian in his philosophy. If he were to put this in theological terms, he would probably say that God's special gift to man is his capacity for reason.

A biographer has described him as "* * * a complex human being, at times, witty, erudite, earthy, sardonic, melancholy, shrewd, innocent to the point of nievete, and candid—but never indifferent." Someone else said, "Fifty years from now when they talk of Senators, they will remember Fulbright."

Great men and women are not perfected; they endure. They survive the best and worst that is in them to become. In the end, they stand apart because they are real, but in so doing, they are always just beyond our grasp. Most politicians like their constituents, lack the intellectual penetration to form independent judgments and therefore accept the prevailing opinions of their society. But there are always a few who, assessing the circumstances, speak their minds and call us to growth and maturity.

At the end of his book, "The Arrogance of Power," William Fulbright, wrote: "For my own part I prefer the America of Lincoln and Adlai Stevenson. I prefer to have my country the friend rather than the enemy of demands for social justice; I prefer to have the Communists treated as human beings, with all the human capacity for good and bad, for wisdom and folly, rather than embodiments of an evil abstraction; and I prefer to see my country in the role of a sympathetic friend to humanity than its stern and painful school-master."

When you consider the recent revelations of our government's involvement in the overthrow of the government in Chili, Fulbright's words are apocalyptic. He stands apart.

When I left the Senator's office, the long shadows of an October afternoon had filled most of the street. Already the leaves had begun to fall and a tinge of cold passed through the air. A season was passing. I walked on through the park toward the Capitol, warmed and grateful for what I seen and heard. I realized that I had been with a remarkable man whose wisdom, if remembered, could make a difference in our world.•

BUDGET SCOREKEEPING REPORT

• Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effect of congressional action on the budget through March 10, 1995. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 218), show that current level spending is below the budget resolution by $2.3 billion in budget authority and $0.4 billion in outlays. Current level is $0.8 billion over the revenue floor in 1995 and below by $8.2 billion over the 5 years 1995–99. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $238.7 billion, $2.3 billion below the maximum deficit amount for 1995 of $241.0 billion.

Since my last report, dated February 27, 1995, there has been no action that affects the current level of budget authority, outlays, or revenues.

The report follows:

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, March 13, 1995.

Hon. PETE DOMENICI,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report for fiscal year 1995 shows the effects of Congressional action on the 1995 budget and is current through March 10, 1995. The estimates of budget authority, outlays and revenues are consistent with the technical and economic assumptions of the 1995 Concurrent Resolution on the Budget (H. Con. Res. 218). This report is submitted under section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements of Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since our last report, dated February 27, 1995, there has been no action that affects the current level of budget authority, outlays, or revenues.

Sincerely,

JUNE E. O'NEILL,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1995, 104TH CONGRESS, 1ST SESSION AS OF CLOSE OF BUSINESS MAR. 10, 1995

[In billions of dollars]

	Budget resolution (H. Con. Res. 218)[1]	Current level[2]	Current level over/under resolution
ON-BUDGET			
Budget authority	1,238.7	1,236.5	−2.3
Outlays	1,217.6	1,217.2	−0.4
Revenues:			
1995	977.7	978.5	0.8
1995–99[3]	5,415.2	5,407.0	−8.2
Maximum deficit amount	241.0	238.7	−2.3
Debt subject to limit	4,965.1	4,755.7	−209.4
OFF-BUDGET			
Social Security Outlays:			
1995	287.6	287.5	−0.1
1995–99	1,562.6	1,562.6	*0
Social Security Revenues:			
1995	360.5	360.3	−0.2
1995–99	1,998.4	1,998.2	−0.2

[1] Reflects revised allocation under section 9(g) of H. Con. Res. 64 for the Deficit—Neutral reserve fund.

[2] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full—year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions

[3] Includes effects, beginning in fiscal year 1996, of the International Antitrust Enforcement Act of 1994 (P.L. 103–438).

* Less than $50 million.

Note: Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1995 AS OF CLOSE OF BUSINESS, MAR. 10, 1995

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in Previous Sessions			
Revenues	(*)	(*)	978,466
Permanents and other spending legislation	750,307	706,236	(*)
Appropriation legislation	738,096	757,783	(*)
Offsetting receipts	(250,027)	(250,027)	(*)
Total previously enacted	1,238,376	1,213,992	978,466
Entitlements and Mandatories			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	(1,887)	3,189	(*)
Total current level[1]	1,236,489	1,217,181	978,466
Total budget resolution	1,238,744	1,217,605	977,700
Amount remaining:			
Under budget resolution	2,255	424	(*)
Over budget resolution	(*)	(*)	766

[1] In accordance with the Budget Enforcement Act, the total does not include $1,394 million in budget authority and $6,466 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and $877 million in budget authority and $935 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount requested as an emergency requirement.

* Less than $500,000.

Notes: Numbers in parentheses are negative. Detail may not add due to rounding.•

BETTYLU SALTZMAN RECEIVES THE DEBORAH AWARD

• Mr. SIMON. Mr. President, for a number of years, my Chicago office was run by someone for whom I have come to have great respect, Bettylu Saltzman.

Recently, she was honored by the American Jewish Congress, along with Elaine Wishner, for her leadership.

That happened 6 or 8 weeks ago. Just recently, I had the opportunity to read her acceptance remarks.

Her eloquent remarks urge people to be sensitive and understanding, to reach out to all human beings, while being proud and sensitive of our individual traditions.

While the remarks are addressed to a Jewish audience, those of us who are Christians can learn from reading her remarks also.

I should add, Bettylu Saltzman, in these remarks, follows a great tradition. Her father, Philip Klutznick, served as one of our Ambassadors to the United Nations and served as Secretary of Commerce under Jimmy Carter. But more important than the offices he held was the way he held them. He called for reaching out when it was unpopular, as Bettylu mentions in her remarks.

I am proud to have a citizen like Bettylu Saltzman in the State of Illinois.

At this point, I ask that her remarks be printed in the RECORD.

The remarks follow:

It's a great honor to be here tonight. And while I remember Golda Meir's famous admonition—"Don't be humble; you're not that great"—it's hard to avoid, when sharing an honor with Elaine Wishner and joining the ranks of the other outstanding women who have been recognized in the past seven years.

I don't know if I belong among them, but I'm proud to stand with them, as they are truly people who have made a difference—giving of themselves to make the world a better place for all of us.

Through their examples, they have advanced the cause of justice which is an essential part of Jewish values and Jewish tradition.

Since its inception, the American Jewish Congress has personified that tradition. And for the past ten years, the Commission for Women's Equality has provided valuable and enlightened leadership.

I'm delighted to lend my name to that important effort.

But this evening also is gratifying because it marks a kind of milestone in my own evolution.

Though I come from a family with a deep commitment to Judaism and Israel, it is only in recent years that I have really come to terms with what that means to me.

I am the only girl among five children and I believe that is the reason I was largely deprived of the religious and cultural education that might have given me an earlier and richer appreciation for Jewish history and tradition.

Like many contemporary Jews, I struggled with the relevance of religion in my life, when religion seemed remote and ritualistic. And, as a much younger woman, I tried to find my place in Jewish life, in a community in which such participation was strictly dictated by a few, so-called "mainstream" organizations, in which men dominated and alternative points of view were not particularly well received.

My own metamorphosis began with the realization of the underlying lessons and values that form the foundation of Judaism—values that are as relevant and important today as they were thousands of years ago.

We Jews believe that it is our responsibility to repair the world—Tikkun Olam, and a commitment to justice is a recurrent theme in our history. The entire prophetic tradition commands us to show compassion and seek justice. We do this not just for our fellow Jews, but for all human beings.

Listen carefully to this quote from Leviticus inscribed on the Liberty Bell—"Proclaim liberty throughout all the land unto all the inhabitants thereof".

That is why I'm proud to serve with Susan Manilow on the board of Mount Sinai Hospital, where Ruth Rothstein labored so long and hard to see to it that Chicagoans of all races, religions and creeds are provided with excellent health care. It is why I served on the board of the Crossroads Fund and continue to serve on the board of the Jewish Council on Urban Affairs.

Recently I was introduced to someone who recognized me as a trustee of Mount Sinai Hospital—a position of which I am justifiably proud. So, I was quite disturbed when this person admonished me that I should spend more time worrying about Jews, instead of poor people in the inner city.

Ethics, morality and the commandment to help others, are central to our tradition and our way of life. Through such activities, I have found my place in the Jewish community and in the process I have come to understand my Jewishness in a much deeper sense.

I share this thought because of the current debate on Jewish continuity, and my belief that if we are to encourage the perpetuation of Jewish awareness, we must discourage the kind of thinking that would dismiss a Mount Sinai Hospital or Jewish Council on Urban Affairs as an invalid way of expressing one's commitment to Jewish values.

The same is true of attitudes toward how one can best express support for Israel, and whether there is room for different approaches and views.

Over a decade ago, my father Philip Klutznick, courageously spoke of the need to bridge the chasm between Arab and Jew. He said we cannot afford, nor should we want, Israel to live in a perpetual state of war, and suggested that Israel's survival demanded an end to the conflict.

Though he devoted much of his life to the Jewish community and support of Israel, he was censured by some members of the community, who accused him of treachery and betrayal.

Today, once again, there was an horrendous terrorist attack at a bus stop north of Tel Aviv. Many lives were lost and many more Israeli citizens were maimed. But does it behoove us to give in to the enemies of peace, who perpetrate these atrocities in the Middle East or any place else in the world? I hope not.

I do not believe that due to the heroic actions of Israeli and Arab leaders, my father's dream of peace is several steps closer today.

I am vice president of the New Israel Fund, an organization dedicated to promoting social justice and democracy within Israel. I support the work of the Fund because it is consistent with my belief that maintaining a civil and just society takes vigilance and hard work, beginning at the grassroots, and because continued political, economic and moral support for Israel from America and the world community depends upon its survival as a healthy and robust democracy.

This endeavor is the way I have chosen to act on my commitment to Israel, though in the past, the New Israel Fund was not an organization that was always warmly welcomed into the Jewish community.

But my hope, as we carry on this debate about Jewish continuity, is that we think more expansively, understanding that there are many ways to demonstrate our devotion, each as valid as the next.

If one chooses to invest time and resources in an organization like the New Israel Fund, that is a triumph for the community, because it means one more person committed to justice, equality and the principles of Judaism.

In times when we are concerned about Jews in America drifting away, we simply cannot afford to disqualify and discourage those who are reaching out to find their place in the community.

And I hope I don't offend, when I include in that category the young couples, Jew and non-Jew, who ask a rabbi to join them in marriage. By seeking rabbinic involvement they are making an important choice. By refusing them, we simply insure the likelihood that one more couple will be lost, and one more family isolated from our traditions.

My point is that we cannot address the issue of Jewish continuity without broadening our horizons and opening our arms. Rigidity will not lead to greater Jewish identification—inclusiveness will.

As the years go by, I grow more and more appreciative of the meaning and value of Judaism, the sense of rootedness and belonging, and the opportunity to participate in Jewish life in ways in which I feel most comfortable.

That's a wonderful gift, which I want my children and future generations to share.

But for that to happen they must embrace our traditions and as a community we must enhance the attractiveness of a variety of paths leading to meaningful Jewish experiences; not devalue or marginalize choices that diverge from the middle of the road.

Tonight, you have honored me for the manner in which I have chosen to connect with those traditions, and in doing so, you have sent an important message that there are many meaningful ways to fulfill our obligations as Jews.

For that, as much as for this wonderful award, I thank you very much.•

ORDERS FOR TUESDAY, MARCH 14, 1995

Mr. ABRAHAM. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 11:30 a.m. on Tuesday, March 14, 1995, that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, there then be a period for the transaction of routine morning business not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak for up for 5 minutes each, with the following exceptions: Senator MURKOWSKI for 30 minutes, Senator EXON for 15 minutes, and Senator FEINGOLD for 15 minutes.

I further ask consent that at the hour of 12:30 p.m., the Senate stand in recess until 2:15 p.m. on Tuesday in order for the weekly party caucuses to meet.

I further ask unanimous consent that, following the recess, the Senate resume consideration of the supplemental appropriations bill, and at that point Senator BYRD be recognized to speak.

I further ask unanimous consent that immediately following the conclusion of Senator BYRD's statement, the Senate turn to the consideration of the conference report to accompany S. 1, the unfunded mandates bill, and there be 3 hours for debate, to be equally divided in the usual form.

I further ask unanimous consent that at the conclusion or yielding back of time on the conference report, the Senate proceed to vote on the conference report, without any intervening action or debate. If a rollcall vote is ordered on the conference report, I ask that the vote occur immediately following the scheduled cloture vote on Wednesday, notwithstanding rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ABRAHAM. For the information of all Senators, the Senate will debate the Kassebaum amendment and the unfunded mandates conference report during tomorrow's session of the Senate; however, no votes will occur. The first vote will be at 10:30 a.m. on Wednesday on the cloture motion on the Kassebaum amendment dealing with striker replacement.

For the information of all Senators, the official picture of the U.S. Senate in session will be taken by the National Geographic Society on Tuesday, April 4, 1995, at 2:15 p.m. All Senators are now on notice to be on the floor at 2:15 p.m. on April 4 for the picture.

RECESS UNTIL 11:30 A.M. TOMORROW

Mr. ABRAHAM. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 5:14 p.m., recessed until Tuesday, March 14, 1995, at 11:30 a.m.

EXTENSIONS OF REMARKS

HUMAN RIGHTS VIOLATIONS IN INDIA; THE CASE OF S.S. MANN

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1995

Mr. BURTON of Indiana. Mr. Speaker, I rise today to discuss the serious human rights problems in India—especially in Punjab and Kashmir. I would like to focus today on the case of Sikh leader Simranjit Singh Mann—a former Member of Parliament. He has been held in an Indian prison for over 2 months now for the simple act of making a speech.

Mr. Mann was arrested after making a speech December 26 in Punjab, Khalistan, in front of a crowd of 50,000 Sikhs. At that time, he called for a peaceful, democratic, nonviolent movement to liberate Khalistan. Major Sikh political groups called for an independent Khalistan in October 1987. In his speech, Mr. Mann asked those attending to raise their hands if they agreed with him that a peaceful movement for a free and independent Khalistan is necessary. Every hand was raised.

Mr. Mann is being held without trial or formal charges under India's brutal Terrorist and Disruptive Activities Act. This oppressive law has been universally condemned by human rights groups around the world. It allows the Government to detain virtually anyone in prison for nearly 2 years without filing charges or going to court. Sikhs and Moslems detained under this law are routinely tortured and often murdered. How can a country which proclaims itself the world's largest democracy behave in such a manner?

On January 12, I, along with 25 of my colleagues wrote to the Prime Minister of India, P.V. Narasimha Rao, to demand Mr. Mann's release. The letter was signed by prominent members of both parties, Republicans and Democrats. While we disagree on many things, we all agree that everyone around the world is entitled to certain basic human rights—freedom from torture and other violent abuses, dignity, and self-determination.

India's response to our letter was extremely disappointing. Instead of doing the right thing and releasing Mr. Mann, the Government of India dug up old charges against him from 1985—charges long ago discredited—and added them to the charges against Mr. Mann.

India's harassment of Sikh leaders, and its revival of old trumped-up charges against Mr. Mann demonstrate India's fear of the potency of the movement for an independent Khaslistan. The fact that only 4 percent of Sikhs in Punjab participated in State elections organized by the Government in New Delhi in 1992 is a further indication of the Indian Government's weakness in that region. What India must understand is that, if a people are determined to be free, it cannot hold them at the point of a gun forever. India has over a half-a-million armed forces in Punjab to force its will on the Sikh people. It cannot sustain this heavy military presence forever. The army rules in Punjab with a ruthlessness and brutality that we in this country have a hard time understanding. However, every murder, act of torture, or rape committed by India's Army or paralegal forces will only increase the animosity between these two peoples.

Mr. Mann is the most visible spokesman for the freedom of Khalistan in Punjab. The Government's intimidation of Mr. Mann and other peaceful advocates must not be met with silence by the world's leaders. As long as India continues to practice this kind of repression, the other governments of the world must speak out and protest. A country which practices systematic repression should not receive aid from free countries like ours. The United States must not support tyranny.

The release of S.S. Mann would be a good first step by the Indian Government to demonstrate its commitment to democratic principles. I call for Mr. Mann's immediate release, and I call upon the First Lady, who will be traveling to India at the end of the month, to raise the issue of human rights with the Prime Minister.

Mr. Speaker, I ask unanimous consent to insert in the RECORD at this point an article from the January 19 issue of the Indian Express of Chandigarh about our letter to the Prime Minister calling for Mr. Mann's release.

[From the Indian Express Chandigarh, Jan. 19, 1995]

TWENTY-SIX CONGRESSMEN PROTEST TO RAO OVER MANN'S ARREST

WASHINGTON.—Influential members of the new Republican-controlled Congress have fired their first anti-India salvo on urgings from the pro-Khalistan lobby.

Hardly two weeks in the session, the Congress has seen a bipartisan group of 6 lawmakers write to the Prime Minister, Mr. P.V. Narasimha Rao, protesting the detention of Sikh leader Simranjit Singh Mann.

The group has also called for the repeal of the Terrorist and Disruptive Activities (prevention) Act (TADA). The letter was written on the urging of the Council of Khalistan, the leading pro-Khalistani lobby in the US headed by Dr. Gurmit Singh Aulakh.

Influence: Although it was initiated by the usual coterie of India-bashers led by New Delhi's most acerbic critic on Capitol Hill, the Republican, Mr. Dan Burton, the difference this time around is that many of them now hold leadership positions and wield considerable influence.

Mr. Burton himself is now a senior member of the House International Relations Committee. Other Republicans who had signed the letter are Mr. Gerald Solomon, the chairman of the Rules Committee, Mr. Phil Crane, the head of the Trade Sub-committee of the powerful Ways and Means Committee and Mr. Tom Bliley, chairman of the Commerce Committee.

Thus, while Mr. Solomon could allow anti-India legislation and resolutions to the floor of the House for debate, Mr. Bliley and Mr. Crane could put a damper on the burgeoning Indo-US commerce and trade relations by calling for punitive action against India on trade matters and keep pushing for laws such as Super 301 and Special 301.

Mann's Arrest: In their letter to Mr. Rao, the legislators said that "we find it very troubling that a leader of Mr. Mann's stature can be arrested for exercising his freedom of speech."

The legislators said that they had been informed by Dr. Aulakh, that Mr. Mann, a former Member of Parliament and senior leader of the Shiromani Akali Dal party, was arrested on January 5 for "having advocated independence for Khalistan by peaceful means."

They noted that Mr. Mann had urged a rally of 50,000 people to show their support for "a peaceful movement toward an independent state by raising their hands, and that the entire crowd did so."

The legislators wrote that they were concerned that this was not the first time Mr. Mann had been arrested under TADA, and noted that he spent five years in prison during the 1980s "without trial and without formal charges being filed against him in a court of law."

The lawmakers noted that according to press reports, "he was subject to physical and psychological torture during that period—including electric shock and having his beard pulled out in tufts."

Misuse of TADA: In January 1994, Mr. Mann was again arrested under TADA, and over 50 charges filed against him "were later dropped and he was released," they said. The legislators wrote to Mr. Rao that "it appears that the Indian government is using [the] TADA to harass and intimidate Mr. Mann."

The legislators also called on the Prime Minister "to recommend to your Parliament that (the) TADA be reformed to bring it into compliance with generally accepted human rights.

POLICE TRAINING FOR GEORGIA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1995

Mr. HAMILTON. Mr. Speaker, it has come to my attention that the United States is considering providing police training to Georgia. While we would all like to help Chairman Shevardnadze in his fight to stabilize his torn country, I have fundamental reservations about the wisdom of providing police training to Georgia at this time.

Those reservations are spelled out in a letter I sent recently to the Department of State. I ask that my letter, and the Department's response, be included in the CONGRESSIONAL RECORD.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

COMMITTEE ON
INTERNATIONAL RELATIONS,
Washington, DC, February 28, 1995.

Hon. WARREN CHRISTOPHER,
Secretary of State, Department of State, Washington, DC.

DEAR MR. SECRETARY. I write to oppose U.S. assistance or training at this time for police forces in the Government of Georgia.

I support carefully crafted police training programs overseas. In particular, I support the Administration's efforts to fight organized crime in Eastern Europe and the N.I.S. through targeted assistance to police forces in those regions. These efforts, however, carry a degree of risk. In the case of Georgia, that risk is too high to merit the use of scarce U.S. Government resources.

We all want to be supportive of Chairman Shevardnadze in his efforts to bring peace and prosperity to his troubled country. The United States has provided more the $250 million in food aid to Georgia since Fiscal Year 1992, which I believe demonstrates U.S. support. But the risks of establishing a police training program in Georgia outweigh any possible benefits.

Providing police training to foreign countries requires us to ask tough questions about who will benefit. Do we have reasonable assurances that those being trained are not corrupt, are committed to the rule of law, and will not engage in abusive practices?

In the case of Georgia, I do not believe we can answer "yes" to those questions. Widespread media reports, and the State Department's own reporting, indicate massive and pervasive corruption in the Government of Georgia, especially in the police forces. Much of the substantial U.S. aid already sent is reported to have been diverted—by some estimates, as much as half. Organized crime reportedly controls important sectors of the government.

Under these circumstances, it seems to me that the possibilities for abuse in a police training program are unacceptably high. The United States could too easily become associated with unlawful elements of the Georgian Government, and support for police training generally could be weakened as a result. I believe that Chairman Shevardnaze must take more forceful steps to attack criminal elements within his government before the United States put its credibility, and scarce resources, on the line with a police training program of Georgia.

I understand that an interagency team will visit Georgia in the near future to assess the need for a police training program. I believe that when you assess the risks as opposed to any possible benefits, you will agree with me that such a program at this time simply cannot be supported.

Thank you for your attention to this matter.

With best regards,
Sincerely,

LEE H. HAMILTON,
Ranking Democratic Member.

U.S. DEPARTMENT OF STATE,
Washington, DC, March 7, 1995.

Hon. LEE H. HAMILTON,
House of Representatives.

DEAR MR. HAMILTON: Thank you for your letter of February 28 to Secretary Christopher regarding possible U.S. criminal justice assistance for the Republic of Georgia.

The Administration shares your concern that U.S. assistance and training for law enforcement personnel in the NIS not be abused by criminal or repressive elements. Recognizing the potential for misuse, our practice has been to ground our NIS programs firmly in the rule of law and respect for human rights.

Our interagency assessment team scheduled to visit Tbilisi later this month will examine precisely the issues raised in your letter. They will gather information regarding (a) Georgia's capacity to employ properly U.S. criminal justice assistance and (b) which programs might best promote democratization, human rights and the rule of law in Georgia.

In the vacuum created by the collapse of the Soviet Union, crime and corruption have gained a worrisome beachhead in the NIS. It is a problem by no means limited to Russia. Chairman Shevardnadze, senior officials of his government and Ambassador Brown in Tbilisi repeatedly have identified crime as the most important impediment to economic and political reform in Georgia.

The danger that NIS crime poses for the nascent democracies as well as the broader international community requires a thorough consideration of the most appropriate U.S. assistance. The Georgians have asked for our help. That interagency assessment team visiting Tbilisi this month constitutes a modest response, consistent with our limited resources. We would be happy to brief you on our findings when our team returns from Tbilisi.

I hope we have been responsive. to your concerns. Please feel free to call me on this or any other issue.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary,
Legislative Affairs.

TRIBUTE TO THE MIAMI TIMES NEWSPAPER

HON. CARRIE P. MEEK

OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Monday, March 13, 1995

Mrs. MEEK of Florida. Mr. Speaker, the week of March 12 is Black Newspaper Week. In recognition of the important role that black newspapers have played in bringing about a fair and just society, I rise to pay special tribute to the Miami Times newspaper, one of the largest, most innovative, and important weekly newspapers in America.

After very careful and deliberative consideration Henry E. Sigismund Reeves decided that the black community could not depend on either their friends or enemies to express their ideas and aspirations. So on September 1, 1923, Henry E.S. Reeves founded the Miami Times as a voice for Miami's black community.

In its 73 years of existence the Miami Times has taken strong stances on issues such as segregation, economic opportunity, equal justice, and the positive promotion of black life. Through its efforts, the paper helped to integrate Miami's public beaches, golf courses, and played a critical role in winning concessions for Miami blacks in the successful black tourism boycott of Miami.

The Miami Times has played an important role not only as a protest journal but also as an instrument for revealing the human dimension of the black personality. White men of the day scoffed at the idea of love and family ties among blacks. By featuring blacks as parents, brides, mothers, and fathers, the paper exposed the one-dimensional treatment of blacks in the mainstream press.

Long before Ebony and Jet magazines came on the scene, the Miami Times stressed facets of black life which were ignored in white media. Black achievement, as expressed in the careers of Phyllis Wheatley, Toussaint L'Ouverture, Richard Allen, and our own Athalie "Mama" Range, Hon. Joe Lang Kershaw, and Gwen Sawyer Cherry.

The Miami Times also emphasized racial pride and other values of the black community. It chronicled the dreams, aspirations, and achievements of our community.

The Miami Times has also served as a catalyst for change between people outside of the black community. In 1987, the Miami Times became one of the first black newspapers in America to exchange editorials, letters, and articles with a Jewish newspaper, the Miami Jewish Tribune, in an effort to foster better understanding and cooperation between the two communities. At that time then, Miami Times publisher Garth Reeves believed that such a partnership between a black and a Jewish newspaper would help to close what was seen as a growing chasm between the two communities.

A few years later, the Miami Times began exchanging opinion pieces with one of America's great Spanish-language weeklies Diario Las Americas, in an effort to forge better links between blacks and Latinos.

Since 1923, four generations of Reeves have managed the Miami Times. Founder Henry E.S. Reeves was followed by his only son Garth Reeves, Sr., who was followed by his only son, the late Garth Reeves, Jr., who was succeeded by his sister Rachel Reeves. And, Mr. Speaker, I understand that the next generation of the Reeves family is being trained for leadership and management of the paper; young Garth Basil.

My dear colleagues, we talk a lot about creating jobs and development in all kinds of communities. This family business has been doing it for more that 70 years. I am proud to salute the Miami Times.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 14, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 15

9:00 a.m.

Environment and Public Works

Superfund, Waste Control, and Risk Assessment Subcommittee

Business meeting, to mark up S. 534, to provide flow control authority and authority for States to limit the interstate transportation of municipal solid waste.

SD-406

9:30 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Smithsonian Institution.

SD-116

Armed Services

Airland Forces Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense and the future years defense program, focusing on Army force modernization.

SR-222

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Finance

Business meeting, to mark up H.R. 831, to permanently extend the 25% deduction for the health insurance costs of self-employed individuals.

SD-215

Labor and Human Resources

To continue hearings to examine health care reform issues in a changing marketplace.

SD-430

10:00 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for farm and foreign agriculture services of the Department of Agriculture.

SD-138

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Justice.

S-146, Capitol

11:00 a.m.

Commission on Security and Cooperation in Europe

Briefing on the International Foundation Election System.

2200 Rayburn Building

2:00 p.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Bonneville Power Administration.

SD-192

Select on Intelligence

To hold closed hearings on intelligence matters.

SH-219

Commission on Security and Cooperation in Europe

To hold hearings to examine free trade unions with regard to the New Independent States of the former Soviet Union.

2105 Rayburn Building

2:30 p.m.

Indian Affairs

To hold hearings on S. 349, to authorize funds for the Navajo-Hopi Relocation Housing Program.

SR-485

3:00 p.m.

Commerce, Science, and Transportation

Oceans and Fisheries Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1996 for the United States Coast Guard, Department of Transportation.

SR-253

MARCH 16

9:30 a.m.

Agriculture, Nutrition, and Forestry

To resume hearings on proposed legislation to strengthen and improve United States agricultural programs, focusing on taxpayers' stake in Federal farm policy.

SR-332

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Emergency Management Agency (FEMA).

SD-138

Rules and Administration

To hold hearings to examine Architect of the Capitol funding authority for new projects.

SR-301

10:00 a.m.

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Bureau of Investigation and Drug Enforcement Agency, both of the Department of Justice.

S-146, Capitol

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Highway Administration, Department of Transportation.

SD-192

2:00 p.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Education.

SD-192

Armed Services

Personnel Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense and the future years defense program, focusing on manpower, personnel, and compensation programs.

SR-222

Foreign Relations

East Asian and Pacific Affairs Subcommittee

Closed briefing to discuss recent developments on the implementation of the Agreed Framework with North Korea.

S-407, Capitol

MARCH 17

9:30 a.m.

Environment and Public Works

To hold hearings on the Department of the Interior and the Department of Defense consultations concerning conservation of endangered species at Ft. Bragg, North Carolina.

SD-406

10:00 a.m.

Judiciary

To hold hearings on proposed legislation to reform the Federal regulatory process.

SD-226

MARCH 20

2:00 p.m.

Foreign Relations

Business meeting, to consider S. Con. Res. 6, to express the sense of the Senate concerning compliance by the Government of Mexico regarding certain loans, S. 384, to require a report on U.S. support for Mexico during its debt crisis, S. Con. Res. 3, relating to Taiwan and the United States, S. Con. Res. 4, expressing the sense of Congress with respect to the North-South Korea Agreed Framework, S. Con. Res. 9, expressing the sense of the Congress regarding a private visit by President Lee Teng-hui of the Republic of China on Taiwan to the U.S., Treaty Doc. 103-25, with respect to restrictions on the use of certain conventional weapons, and pending nominations.

SD-419

Indian Affairs

To hold oversight hearings on the impact in Indian country of proposed recissions of fiscal year 1995 Indian program funds and of proposals to consolidate or block grant Federal programs funds to the several states.

SR-485

MARCH 21

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on the nomination of Daniel Robert Glickman, of Kansas, to be Secretary of Agriculture.

SD-G50

Special on Aging

To hold hearings to examine the scope of health care fraud.

SD-628

10:00 a.m.

Energy and Natural Resources

Energy Production and Regulation Subcommittee

To hold hearings on S. 92, to provide for the reconstitution of outstanding repayment obligations of the Administrator of the Bonneville Power Administration for the appropriated capital investments in the Federal Columbia River Power System.

SD-366

Governmental Affairs

Business meeting, to mark up proposed legislation to reform the Federal regulatory process.

SD-342

Labor and Human Resources

Aging Subcommittee

To hold oversight hearings on the implementation of the Older Americans Act, focusing on Title III.

SD-430

MARCH 22

9:30 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the

United States Fish and Wildlife Service, Department of the Interior.
SD–192

Energy and Natural Resources
To hold oversight hearings to review a report prepared for the committee on the clean-up of Hanford Nuclear Reservation.
SD–366

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Natural Resources Conservation Service, Department of Agriculture.
SD–138

2:30 p.m.
Indian Affairs
To hold hearings on S. 441, to authorize funds for certain programs under the Indian Child Protection and Family Violence Prevention Act.
SR–485

MARCH 23

9:30 a.m.
Labor and Human Resources
Education, Arts and Humanities Subcommittee
To hold oversight hearings on direct lending practices.
SD–430

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Railroad Administration, Department of Transportation, and the National Passenger Railroad Corporation (Amtrak).
SD–192

2:00 p.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Bureau of Alcohol, Tobacco and Firearms and the United States Customs Service, Department of the Treasury.
SD–192

3:00 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Institutes of Health, Department of Health and Human Services.
SD–138

MARCH 24

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Housing and Urban Development.
SD–138

MARCH 27

2:00 p.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Executive Office of the President, and the General Services Administration.
SD–138

MARCH 28

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Bureau of Land Management, Department of the Interior.
SD–116

Governmental Affairs
Oversight of Government Management and the District of Columbia Subcommittee
To hold oversight hearings to examine initiatives to reduce the cost of Pentagon travel processing.
SD–342

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for foreign assistance programs, focusing on Africa humanitarian and refugee issues.
SD–192

MARCH 29

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

Special on Aging
To hold hearings to examine ways that individuals and families can better plan and pay for their long-term-care needs.
SD–628

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Food Safety and Inspection Service, Animal and Plant Health Inspection Service, Agricultural Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, all of the Department of Agriculture.
SD–138

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Judiciary, Administrative Office of the Courts, and the Judicial Conference.
S–146, Capitol

10:30 a.m.
Indian Affairs
Business meeting, to consider pending calendar business.
SR–485

MARCH 30

9:30 a.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 506, to reform Federal mining laws.
SD–366

Rules and Administration
To hold hearings to examine the future of the Smithsonian Institution.
SR–301

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of AMVETS, American Ex-Prisoners of War, Vietnam Veterans of America, Blinded Veterans Association, and the Military Order of the Purple Heart.
345 Cannon Building

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Aviation Administration, Department of Transportation.
SD–192

MARCH 31

9:30 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation to strengthen and improve United States agricultural programs, focusing on agricultural credit.
SR–332

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Veterans Affairs, the Court of Veteran's Appeals, and Veterans Affairs Service Organizations.
SD–138

APRIL 3

2:00 p.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Internal Revenue Service, Department of the Treasury, and the Office of Personnel Management.
SD–138

APRIL 4

9:30 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation to strengthen and improve United States agricultural programs, focusing on market effects of Federal farm policy.
SR–332

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Park Service, Department of the Interior.
SD–138

APRIL 5

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Aeronautics and Space Administration.
SD–192

Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the U.S. Forest Service land management planning process.
SD–366

Rules and Administration
To resume hearings to examine the future of the Smithsonian Institution.
SR–301

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Agricultural Research Service, Cooperative State Research, Education, and Extension Service, Economic Research Service, and the National Agricultural Statistics Service, all of the Department of Agriculture.
SD–138

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Immigration and Naturalization Service, and the Bureau of Prisons, both of the Department of Justice.
S–146, Capitol

2:30 p.m.
Indian Affairs
To hold oversight hearings on welfare reform in Indian Country.
SR–485

APRIL 6

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Emergency Management Agency.
SD–138

2:00 p.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of the Treasury and the Office of Management and Budget.
SD–116

APRIL 26

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for energy conservation.
SD–116

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Food and Consumer Service, Department of Agriculture.
SD–138

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Legal Services Corporation.
S–146, Capitol

11:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for fossil energy, clean coal technology, Strategic Petroleum Reserve, and the Naval Petroleum Reserve.
SD–116

APRIL 27

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Transit Administration, Department of Transportation.
SD–192

MAY 2

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Forest Service of the Department of Agriculture.
SD–138

MAY 3

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Environmental Protection Agency, the Council on Environmental Quality, and the Agency for Toxic Substances and Disease Registry.
SD–192

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Agriculture.
SD–138

MAY 4

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the United States Coast Guard, Department of Transportation.
SD–192

MAY 5

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for Environmental Protection Agency science programs.
SD–138

MAY 11

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Bureau of Indian Affairs, Department of the Interior.
SD–116

1:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Indian Health Service, Department of Health and Human Services.
SD–116

MAY 17

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of the Interior.
SD–192

CANCELLATIONS

MARCH 16

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD–226

POSTPONEMENTS

MARCH 14

9:30 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Defense.
SD–138

SENATE—*Tuesday, March 14, 1995*

(Legislative day of Monday, March 6, 1995)

The Senate met at 11:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Lloyd John Ogilvie, D.D., offered the following prayer:

Let us pray:

Almighty God, ultimate Sovereign of this Nation, gracious Lord of our personal lives, and Providential Guide of this Senate, we dedicate this day to do justly, love mercy, and to walk humbly with You. We are challenged by the realization that the Hebrew meaning of "walk humbly" means "to walk attentively." And so, we commit our minds and hearts to listen attentively to You.

Speak to us so that what we speak may be an echo of Your voice which has sounded in the depth of our receptive souls. In the din of the cacophony of voices demanding our attention and the pressure of the self-seeking forces willfully dominated by self-interest, help us to seek to know and do Your will for what is best for our beloved Nation. Help us to remember that no problem is too small to escape Your concern and no perplexity too great to resist Your solutions. Grant us the greatness of minds tuned to the frequency of the Spirit's guidance. Free us of any tenaciously held positions that may not have been refined by careful listening to You so that our united position together may be that of women and men committed to Your righteousness and justice. So we say with Samuel of old, "Speak Lord, Your servant listens"—I Samuel 3:9. And the same blessing we seek for us this day, we pray for our President, the House of Representatives, the Justices, and all who carry the awesome responsibilities of government in every city and State of our land. Lord God of Hosts be with us yet, lest we forget to listen to You.

In Your holy name, amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 12:30 p.m. with Senators permitted to speak therein for up to 5 minutes each.

Mr. THOMAS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

The Senator from South Carolina.

KASSEBAUM AMENDMENT NO. 331

Mr. THURMOND. Mr. President, President Clinton recently issued an Executive order to ban the use of permanent replacement workers during labor disputes involving Government contractors. The Secretary of Labor would have the responsibility to enforce the order by asking Federal agencies to cancel existing contracts, or ban violators from future contracts.

This Executive order is contrary to current law and, therefore, improper. It will deny to Federal contractors a legal right which is available to all other businesses; namely, the right to respond to union economic warfare by hiring permanent replacement workers. This is a fundamental legal right of all employers and should not be eliminated by Executive order.

This administration asserts that the Executive order is simply a procurement policy under the discretion of the President. Yet, Congress has dealt decisively with this issue over the past 4 years by consistently rejecting legislation with the same objective as this order. Furthermore, the right to hire permanent striker replacements has been Federal law for 60 years. Let me repeat that—60 years. Banning the use of permanent replacements by Federal contractors through Executive order is an improper intrusion into the province of the legislative branch of Government.

This Executive order violates the congressional mandate of Federal Government neutrality in labor disputes. Current Federal labor laws are designed to strike a very delicate balance between management and labor. The right to replace strikers is just as much a vital part of that balance as is the right to strike and the right to bargain. This balance has evolved over many years of congressional scrutiny, and this intrusion will change the effectiveness of the law without proper legislative action.

Mr. President, it is a sad day for our Nation whenever one branch of our constitutional form of Government seeks to encroach upon the province of another. The Kassebaum amendment will prohibit the administration from spending any appropriated funds to implement this Executive order. I strongly urge my colleagues to support this amendment and to support cloture.

Mr. President, I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, may I have a response to the order currently pending from the Chair?

The PRESIDING OFFICER. Under the previous order, the Senator is recognized to speak for up to 30 minutes.

Mr. MURKOWSKI. Mr. President, I thank the Chair. I shall not take that time.

NORTH KOREA

Mr. MURKOWSKI. Mr. President, I would like to speak very briefly on two points, one involving the framework agreement between North Korea, and the other a resolution pending to allow President Li to visit the United States. It is my understanding that the occupant of the chair, Senator THOMAS, also wishes to speak briefly on the matter of President Li's visit to the United States. I would be willing to relieve him from the chair for the period of time for his statement.

If I may proceed, Mr. President, one of the issues I want to bring to the attention of my colleagues that is rather disturbing is associated with the United States and North Korea agreed-to framework on nuclear issues. There is an agreement that has been entered into by the United States directly with the Government of North Korea. As the President will recall, the framework agreement was signed on October 21 and we have so far had some four senatorial committee hearings covering various aspects of the framework agreement. The Foreign Relations Committee has addressed it. The Energy Committee has addressed it. The Armed Services Committee has addressed it, and the Intelligence Committee has addressed it.

In the agreed-to framework, the administration has stressed consistently North Korea's adherence to the terms of that agreement. But I share two specifics with my colleagues concerning recent articles that cast some doubt on North Korea's good faith.

First, North Korea is conducting vigorous military exercises at this time. In a March 6 Defense News report, it says:

> North Korea is conducting its most vigorous winter military exercise in recent years, an event that the U.S. and South Korean officials here attribute, in part, to the U.S. shipments of heavy oil authorized under the October 1994 nuclear package deal with Pyongyang.

Having been in Pyongyang with my colleague, the Senator from Illinois, I think we both find this rather distressing and inconsistent.

I remind my colleagues that the story is referring to the 50,000 tons of oil that was paid for with $4.7 million in Department of Defense emergency funds. Although not intended, the provision of heavy oil to North Korea has the perverse effect of strengthening North Korea's 1-million-man military machine. The story states:

> This year's exercises are significant because of the increased air sorties and a surge in the number of armored, mechanized and artillery corps practicing joint warfare operations.

I further point out in the March 6 Defense News the following:

> Although U.S. oil is not used directly to fuel military maneuvers, the influx of heavy oil into the country has allowed North Korea to divert other types of fuel reserves from domestic to military use.

We were assured, Mr. President, by the administration that this would not happen. Well, it has happened. What is our response? Well, the United States response is to cancel our winter "team spirit" military exercises with South Korea. I find that very inconsistent. What are we following it up with? The preparation to send 100,000 tons of additional oil in October, without safeguards.

The second report is that North Korea is not fully cooperating with the International Atomic Energy Agency. The March 2 Nucleonics Week reported:

> Pyongyang categorically refuses to allow the IAEA to reconstruct the history of fissile materials production at its Yongbyong complex.

The report of Nucleonics Week points out that Pyongyang's refusal to grant access could cause irreparable damage. The North Korean position is that the IAEA will have access to the inside of the reprocessing plant on or after a 5-year period. But IAEA officials report that access to the inside of the plant before then is paramount. The IAEA doesn't know right now what is going on inside the plant, if there is any plutonium separation, or if there are any materials being moved around.

The second story illustrates the problems with the agreed-to framework. We should have had a broader agreement that addressed other issues of concern—such as North Korea Army activities; should have demanded access to the two suspected wastesites, complete and total access to past, current, and future nuclear activities—something we demand from all other nations that are a party to the nuclear proliferation agreement.

We asked South Africa to come clean and they did, but the North Koreans have not. We have left the North Koreans, in the opinion of the Senator from Alaska, with too many cards in their hands.

I have sponsored two specific resolutions, one that is being taken up by the Foreign Relations Committee next week, requiring that we show progress on the framework agreement, and one that was accepted last week on the defense appropriations stating that no further funding could take place without the administration coming to Congress for approval.

RESOLUTION ALLOWING PRESIDENT LI TO VISIT THE UNITED STATES

Mr. MURKOWSKI. Mr. President, I rise to discuss a concurrent resolution expressing the sense of the Senate that the President of Taiwan, Li Teng-hui, be allowed to visit the United States.

We submitted this concurrent resolution, Senate Concurrent Resolution 9, last week. We had 36 bipartisan cosponsors, some 11 or 12 Democrats, and 24 or 25 Republicans.

Specifically, the concurrent resolution calls on President Clinton to allow President Li to come to the United States on a private visit, as opposed to an official state visit. An identical concurrent resolution, House Concurrent Resolution 33, has been submitted in the House by Congressmen LANTOS, SOLOMON, and TORRICELLI.

Why should we simply let the People's Republic of China, our friends in China, dictate to us who can visit our country? The current State Department policy of saying that allowing Li to visit would upset relations with the People's Republic of China offends the Senator from Alaska. I think Taiwan has made great strides toward achieving some of the goals that we have achieved in our democracy, such as ending martial law, free and fair elections, a vocal press, and in human rights great advancements have taken place.

Taiwan is a friendly, democratic, stable, prosperous country and the 5th largest trading partner of the United States and the world's 13th, I might add. They buy twice as much from the United States as from the People's Republic of China. The largest foreign reserves per capita, and contribute to international causes. They are good international citizens.

But the United States continues to give a cold shoulder to the leader of Taiwan. That leader, I might add, is going to run in a reelection effort. It is the first time they have had free and open elections. Last May, in Hawaii, the State Department refused to allow President Li to visit overnight while his plane refueled, and they indicated they would not allow a private visit. The rationale for that was that the President was going on to Central America and his plane had to land for refueling. I think it was the worst type of hospitality evidenced by the State Department in some time. We know that the People's Republic of China is going to bellow about everything we do regarding Taiwan—United States pressures at the United Nations on human rights, World Trade Organization membership, and anything we do for Taiwan is raised as an issue by the People's Republic of China. But, in the end, they will make the same calculation about when to risk offending us on the U.S. market.

I think that the precedent exists for President Li to visit the United States. Consider for a moment, Mr. President, that we have welcomed other unofficial leaders to the United States, such as Dalai Lama, who called on Vice President GORE—over the objections of the People's Republic of China. Yasser Arafat came to the White House ceremony; he was once considered a terrorist. Gerry Adams has been granted numerous visas over British objections.

In each case, the administration made direct choices to allow a visit to advance America's goals. Li's visit would do the same thing. United States-ROC Economic Counsel Conference will hold a meeting in Anchorage, AK. Visiting there would not be a political statement. We are almost another country, in the sense that we are a little out there in the western northern part of the hemisphere, if you will.

What they are asking for here is for Li to visit his alma mater, Cornell University in New York. They would like him to come up in the spring and give an address to the students and faculty. I call on the administration to allow these events.

I remind my colleagues, as we address the friction between Taiwan and China, that there are two organizations—one, the mainland People's Republic of China, and one in Taiwan. They meet regularly and discuss hijackings and commercial and trade activities—everything but politics. Chinese business men and women are probably the best in the world. They recognize that it is necessary that they maintain a dialog, and now we are seeing the opening up of some of the southern ports of China with direct shipment of goods originating in Taiwan. They will not have to go through Hong Kong anymore. So as we look at a stagnant relationship with Taiwan, clearly there is a dialog developing between Taiwan and the People's Republic of China. It is time that we allowed President Li to visit this country.

Mr. President, that concludes my remarks. I see my friend from Illinois on the floor seeking recognition. I had the pleasure of accompanying him on a recent trip to North Korea and to China, as well. I am sure he has some observations.

I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

TAIWAN

Mr. SIMON. Mr. President, let me speak briefly on both the Taiwan situation and the North Korean situation.

I am pleased to cosponsor the concurrent resolution of Senator MURKOWSKI. I commend him for his leadership on this.

We ought to maintain a good relationship, if possible, with the People's Republic of China, but they should not be permitted to veto our standing up for human rights.

Senator MURKOWSKI mentioned that when President Lee landed in Hawaii at a military base on his way to Costa Rica, he was not permitted to stay overnight. The base commander was not permitted to come out and greet him.

Is this the President of a dictatorship? We treat dictators better than we treat the freely elected President of Taiwan. Taiwan is doing everything that we say a country should do—free press, a multiparty system, holding elections—and yet we treat them as a pariah. We treat them as they used to treat people with leprosy.

It is very interesting what happened in Germany. There were two Germanys, and we recognized both Governments. Neither Government was particularly happy that we did it, but it did not prevent the two Germanys from coming together. And that should be our attitude toward Taiwan.

I realize that right now formal recognition is not going to be in the cards for Taiwan. But, at the very least, we ought to say to the President of Taiwan, President Lee, who wants to come over to go to his school reunion at Cornell, who was not permitted to do that last time, that he should be able to come to his school reunion at Cornell.

There is also a meeting on United States-Republic of China economic relations. He would like to combine the two. Why should he not be permitted to come and attend those?

As one Senator, I think our conduct toward Taiwan has, frankly, been an embarrassment. If the People's Republic of China squeals some because we show some deference to the leadership of Taiwan, I think we just have to understand that is going to be part of the process.

NORTH KOREA

Mr. SIMON. Mr. President, let me comment also on the North Korean situation.

When Senator MURKOWSKI and I were in North Korea in December, we landed with the first official American plane to land in North Korea since the Korean war. It is important that both the United States and North Korea live up to our agreements.

The situation in Korea is the most volatile anywhere in the world where there are American troops. We have 36,000 to 37,000 American troops just south of the border in Korea. You have about 1 million troops in total facing each other with no communication. Even in the situation with Pakistan and India, there is communication between the two Governments. There is no communication between North Korea and South Korea.

North Korea is unlike any other government on the face of the Earth right now. It is a very tightly controlled dictatorship. The radio stations only have one station. The television stations only have one station. It is like Albania must have been back in the old days of communism.

I think it is important that the United States assist—while making clear to South Korea that we are going to be loyal to our friends there—in communication between the two countries.

Thanks to President Carter, a meeting had been set up between the President of South Korea and Kim Il-song, the leader of North Korea. Then he died fairly suddenly back in July of last year, and that did not happen.

Senator MURKOWSKI and I are working on the possibility of getting some North Korean and South Korean Parliamentarians together, some kind of minimal contact, so that there is some understanding between the two sides, so that what happens on the other side in both cases is not viewed with paranoia.

I would add, I think it is extremely important that North Korea permit South Korea to build the nuclear plants that we talked about. That was the understanding in the agreement that we had with North Korea and they should not back down on that agreement.

I hope we can be of some assistance to North Korea, which feels very isolated now. It is isolated. It has to make this transition from an old-fashioned, extremely monolithic communism to at least a more moderate communism, if their such a phrase, as in China and Vietnam. But I think we can play a constructive role there, and I hope we will.

TAX CUTS

Mr. SIMON. Mr. President, I see my colleague from Wisconsin about to take the floor. I see he has a cartoon about tax cuts. If he is going to speak about tax cuts, I want him to know I agree with him 100 percent. If there is anything irrational—and he will disagree with my next statement—if there is any illustration that shows why we need a balanced budget amendment, we would not be considering tax cuts right now in both political parties. If we had a balanced budget amendment, we would be focusing on balancing the budget.

But I agree 100 percent with my colleague that this is not the time to be moving in the direction of tax cuts.

Mr. President, I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Under the previous order, the Senator is recognized to speak for up to 15 minutes.

Mr. FEINGOLD. I thank the Chair.

TAX CUT FRENZY

Mr. FEINGOLD. Mr. President, I certainly thank the senior Senator from Illinois for noticing the cartoon and for being one of the first people in this body to come to me and say that we do need to prevent this tax cut frenzy if we are going to be serious about balancing the Federal budget.

I think, Mr. President, now is the time to put the tax cut proposals out of their misery. Let us do it early on so the American people know that there is something real to all this rhetoric in Washington about balancing the Federal budget.

It seems to me, ever since the tax cut frenzy started with the November 8 election, that I have had a hard time finding anyone who is really for it other than a few folks here in Washington.

I have chosen this cartoon from December at Christmastime to illustrate how early the people of America were ahead of the politicians on this issue. It is a very simple cartoon. It shows a couple of parents holding a nice present, "The tax cuts." But their baby holds "The bill." The parents are enjoying this nice present, but passing its cost along to the next generation.

So even before the 104th Congress convened, I feel that the American people were way ahead on this and felt that this just did not make sense and that it did not add up.

I sort of felt as if maybe this issue would die pretty quickly, but I was wrong. In a way, this frenzy for a tax cut, which nobody supports, is the inevitable result of the November 8 election.

In the Milwaukee Sentinel just yesterday, there was an editorial entitled "Tax Cut Plans—Questions About Both Party Plans."

Mr. President, I ask unanimous consent that this editorial from the Milwaukee Sentinel be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Milwaukee Sentinel, Mar. 13, 1995]

TAX CUTS PLANS—QUESTIONS ABOUT BOTH PARTY PLANS

Bill Archer, the new Republican chairman of the House Ways and Means Committee, strode to the microphone in a basement hearing room after being introduced by a young couple from Virginia holding their year-old daughter.

It was just the common touch the Texas congressman was seeking to announce the committee's plan to cut taxes by nearly $200 billion over the next five years, or about $140 billion more than President Clinton has proposed in his plan.

Trouble is, both plans butt up against growing popular discontent over the federal deficit, which still will grow by $1 trillion over five years under Clinton's irresponsible budget plan. There also is no indication that Republicans have discovered the magic bullet that will slay the deficit dragon.

The reality is that hardly anyone accepts the current political nostrum that Congress and/or Clinton can cure what ails the nation by advocating spending and tax cuts, all at the same time.

That even includes prominent Republicans such as Bob Packwood, of Oregon, chairman of the Senate Finance Committee, and Pete V. Domenici, of New Mexico, who heads the Budget Committee.

Both have voiced opposition to tax cuts while government continues to spend more than it takes in. The simple truth is that House Republicans have not yet indicated how they would pay for tax cuts in the $200 billion range and still balance the budget.

Still, the Republican plan has some attractive features.

A capital gains tax cut, harangued by Democrats as a payoff to the rich, would benefit millions of middle-class investors and, at least in the short term, increase federal revenue as stockholders liquidate some of their holdings. That could help lead to the creation of revenue-producing jobs.

Similarly, the suggestion that people could withdraw money, free of penalty, from their individual retirement accounts for buying a home or other purposes is another economy booster. For local government, that's a future source of property-tax revenue.

What's confounding about it all is that while Democrats such as Rep. Sam M. Gibbons, of Florida, ranking Democrat on Ways and Means, say it's "the wrong time and the wrong tax cut," you can bet that if it were Clinton and not Archer making a tax cut proposal, Democrats would rush to his banner.

The public, however, is far out in front on this issue and can see through both parties' strategies.

Mr. FEINGOLD. Mr. President, I just want to briefly suggest that this editorial points out that there is still a problem with both parties going after this tax cut idea.

The article says:

> Bill Archer, the new Republican chairman of the House Ways and Means Committee, strode to the microphone in a basement hearing room after being introduced by a young couple from Virginia holding their year-old daughter.
>
> It was just the common touch the Texas Congressman was seeking to announce the committee's plan to cut taxes by nearly $200 billion over the next 5 years, or about $140 billion more than President Clinton has proposed in his plan.
>
> The trouble is [the Milwaukee Sentinel says] both plans [both Republican and Democratic plan] butt up against growing popular discontent over the Federal deficit, which still will grow by $1 trillion over 5 years under Clinton's irresponsible budget plan. There also is no indication that Republicans have discovered the magic bullet that will slay the deficit dragon.

The editorial goes on to say, "The reality is that hardly anyone accepts the current political nostrum that Congress and/or Clinton can cure what ails the Nation by advocating spending and tax cuts all at the same time."

So, Mr. President, what the public knew in December has apparently not completely reached the Halls of Congress. Day after day I see evidence, whether at a Wisconsin town meeting, or reading the major national newspapers, that in general the American people and the opinion makers outside of Washington do not want to do this, and thinks it is a foolish way to handle our budgetary problems.

This last night I had a chance to see a few minutes of a C–SPAN program on which two of our colleagues were appearing in front of the National League of Cities, and what they pointed out was that they had different views exactly on what should happen in the Federal budget.

I was intrigued by the different responses on what they said about the tax cut issue. The junior Senator from New Hampshire, Senator GREGG, indicated to the audience he was interested in a $500 billion deficit reduction package, to be passed by the 104th Congress.

I was struck by that figure, because that is exactly what we have already accomplished in the 103d Congress under President Clinton and the Democratic leadership. I am glad to hear that kind of figure is being thrown around. What the Senator from New Hampshire then said was perhaps as a part of the $500 billion—he would not go with the overall Republican contract idea of a $200 billion tax cut, I believe I am correctly characterizing his statement that that was too much—but he said, "Maybe we would look at the President's $63 billion level, and perhaps have that included in the $500 billion."

That got applause. People seemed to feel that was more sensible that a $200 billion tax cut. But then the Senator from Nebraska, the junior Senator from Nebraska, Senator KERREY, took the microphone and said to Senator GREGG, "Now, how much will it take to balance the budget by the year 2002? What is the total figure?" And the indication was that it was well over $1 trillion.

So Senator KERREY indicated that even if we do the $500 billion, we are less than half the way there. Senator KERREY said to this audience of people involved in city government that he was against tax cuts in any form.

I would think people would maybe nod or maybe even disagree. Instead it got a rousing applause. Everyone in the audience gave him a similar strong applause in saying he would fight any of the tax cuts, because they are not consistent with the notion of dealing with the deficit and caring about our children and our grandchildren.

So the common sense is out there. The commonsense view that frankly helped fuel the debate on the balanced budget amendment and had a lot to do with that month-long debate. That common sense is out there.

If this institution is willing to listen, the first thing we will do is say we cannot afford either the Clinton tax cut or the Republican contract tax cut. Of course, I believe the American public would like to have a tax cut if they possibly could. But what they are saying clearly is, we cannot afford it until we get our house in order.

Mr. President, it is not easy to slay the tax cut dragon. I have noticed the allure of a tax cut to politicians, just as the allure of the balanced budget amendment has been very strong. I would have to say, compared to the first time I had a chance to oppose this in December, things look a lot better, especially here in the Senate.

Between November 8 and now I have gone from being the lone voice, according to the Los Angeles Times, against this to being one of many people who are criticizing the tax cut. In fact, I would call it now sort of a healthy competition between a lot of the leading Senators who are saying that they will oppose this.

I even think there is a good strong competition going on to see who can be the toughest on opposing the tax cuts. I think that is very healthy. We do not get anything done around here by being 1 out of 535. I am extremely happy that so many of the leading Senators, especially on the Finance Committee, have openly stated their opposition to either all or part of the tax cuts.

Mr. President, as Senators recall, we did have our test vote on this issue during the balanced budget amendment. The proposition, that we ought to put the tax cut below deficit reduction, got 32 votes, including some of the leading Republicans in the Senate. That was amazing, because it was 32 Senators saying up front they are not for a tax cut.

A couple months ago, people would have said nobody would take that position. It was also very striking because a number of Senators told me they wanted to vote for the amendment, but they were not going to support any amendments to the balanced budget amendment. My guess is we are a lot closer to 50 or even higher than anyone would have imagined at this point.

For example, Mr. President, if we take a look at the reaction, we see in the Washington Post even today an editorial called "Greasing the Tax Cut Rules," and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GREASING THE TAX CUT RULES

The President and Congressional Republicans keep saying that to get control of the deficit they have to cut the cost of entitlements. They're right, but even as they've been making the speeches again this year, they're also preparing to change the budget rules to let entitlements partly off the hook.

The president and Republicans both want to cut taxes. It's a terrible competition for them to be engaged in; the government is in no position to give up the revenue. As a way of driving home the cost of tax cuts and creating a political barrier to their enactment, the budget rules used to provide that they be paid for either by offsetting tax increases or by entitlement cuts.

The administration relished neither alternative, and in its budget suggested a third. It proposed a change—it would say careful rereading—of the rules under which tax cuts could also be paid for by cuts in non-entitlement spending or appropriations. The House Republicans, far from objecting, have adopted the idea with enthusiasm. It sounds as if only accountants should care. If the dollars all come from the same Treasury, as they do, what difference does it make which category of programs is trimmed to produce them? A dollar saved one way is surely as good as another.

That's true, and an evasion at the same time. The easing of pressure on the entitlement side of the budget, where cuts are hardest to make because so many people are affected, represented a weakening of budget discipline. The tax cuts the House Republicans propose would cost about $200 billion their first five years and $500 billion the five after that. The Republicans would have found it hard to extract that much from entitlements without getting into the giant programs for the middle class, Social Security and Medicare. As it is, they'll propose to pay half the first-year cost by lowering—again—the caps that the budget rules also impose on appropriations.

The pressure will fall on domestic appropriations only, not defense. Most of the programs the government runs fall into this category—everything from Head Start and highway grants to the costs of operating the national parks and administering the Immigration and Naturalization Service—but together they make up only about a sixth of the budget and as a group have already been much cut in recent years. It's relatively easy, of course, to lower appropriations caps. They're an abstraction. The effect will be felt only later and be spread across enough programs so as to leave few clear political fingerprints. The Republicans say not to worry, that sooner or later they're going to have to cut the major entitlements too in order to balance the budget, as they've also promised. But the old rules would have forced the tax and entitlement cuts to be made at the same time. The new ones make it easier to blur the cost of an irresponsible policy.

Mr. FEINGOLD. Mr. President, the point of that editorial is that although there is this opposition growing in the Senate, there is an effort going on to change the budget rules in such a way that would allow these tax cuts in a way that would immunize, in effect, both entitlements and the defense budget, causing any cuts that might be made to pay for the tax cuts to come, essentially, out of the appropriations areas, out of discretionary funding.

The Washington Post does a good job of criticizing this move, pointing out that it does not bode well for the future of deficit reduction. They commented on what it would mean, given the need for further cuts in discretionary spending, on top of the fair amount we did in the 103d Congress. And they noted that not all of those cuts are going to be applied to reducing the Federal deficit, but instead would be used to promote this tax cut that I am having a hard time finding anyone favoring other than those in Washington.

So, Mr. President, despite the growing criticism of the tax cut around the country and in this body, the skids are being greased for a have-your-cake-and-eat-it-too approach, when it comes to balancing the budget and fixing the tax cut problem.

Mr. President, I turn again to a cartoon that I think describes the problem we have here in Washington. This cartoon refers to a new illness called deficit attention disorder. We talk about the balanced budget amendment, run around the country saying that a balanced budget is the top priority, and we come out here every day and say bringing the deficit under control is our top priority. But this cartoon shows the contrast of those words with the possible actions here. It shows folks running in and out of offices saying, "$50 billion tax cut, $60 billion tax cut, $75 billion tax cut, $100 billion tax cut, $120 billion tax cut."

The cartoon suggests a serious illness in this place. That is, the deficit attention disorder from which institution suffers. Mr. President, I think the worst example of this deficit attention disorder is the very document that the Republican Party says they campaigned and won on—the Republican contract, which calls for increased defense spending, balancing the budget, and tax cuts that dwarf what this cartoon suggests. Notice all the little people in the cartoon talking about tax cuts from $50 billion to $120 billion.

What the Republican contract calls for over the next 10 years is a $700 billion tax cut. What Congressman Archer proposed last week would cost $200 billion over the next 5 years. This includes the $500 tax credit for families making up to $200,000 per year, including changes in IRA's and a variety of other provisions.

Mr. President, this is a very serious example of how, even today, despite all the criticism and all the concern in the other House, the other body especially is continuing to move forward as if not only we do not have a deficit problem, but that we have a giant surplus that can be used for all these cuts.

Mr. President, on March 10, the Washington Post commented on these proposals in an editorial entitled "The Tax Cuts and the Deficit," and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 10, 1995]

THE TAX CUTS AND THE DEFICIT

The tax cuts from the House Republican "Contract With America" have been reduced to legislative form. The process hasn't improved them a bit. They remain a bad idea, the revenue loss from which would be more than the sponsors have acknowledged, and more than a government running a deficit of a fifth of a trillion dollars a year can afford to give up.

The cuts would make it harder to reduce the deficit even if the Republicans do come up with a way to pay for them, which despite their pledges they haven't yet. The stated purpose of several of them is to increase savings and investment, but by leaving the deficit larger than otherwise they would reduce the national savings rate. They are also poorly targeted, and the long-term effect of their enactment would likely be to widen the income gap between the better-off and the rest of society.

The last time the Republicans cut taxes, in 1981, they failed to make the spending cuts to match, and the deficit soared. This time they've said the spending cuts will come first; they're still saying that. But the only specific spending cuts of any size that they've advanced thus far have been in welfare and other programs for the poor; that's not the way to finance tax cuts. It is said they may next propose some generalized entitlement and appropriations cuts, lump sums that they will commit themselves to saving over time without spelling out how. That's not the way to do it either, the more so because they've promised that in cutting they won't touch defense or Social Security and can't touch interest on the debt. They've left themselves less than half the budget in which to work. Nor is it just their tax cuts that they have to finance. They've said they'll balance the budget as well. But the more spending cuts they dedicate to the first purpose, the fewer they'll have left for the second. That's the problem.

The Republicans keep saying they want to get at the cost of entitlements. The last Congress, at the administration's behest, did put a dent in the net cost of the largest entitlement, Social Security, by subjecting a larger share of benefits to the income tax. The bill that the House Ways and Means Committee will begin marking up next week would repeal that modest step in the right direction. In the name of capital formation, it would also cut the capital gains tax, create a new stream of wholly tax exempt investment income by expanding the individual retirement account or IRA provisions in current law, and enact a roundabout cut of as much as a third in the corporate income tax by liberalizing depreciation rules. All three of these provisions would be late bloomers. Two are set up in such a way that they look as if they would even raise revenue in the first years. That masks the full effect that they would have in terms of revenue lost; it wouldn't be felt until after the five-year estimating period. Who will pay for that?

These are damaging proposals—and unfortunately, the administration has already weakly concurred in some of them. We suppose they're likely to pass the House. In the Senate, however, some Republicans as well

> as some Democrats are saying that spending and the deficit should be cut first. They're right.

Mr. FEINGOLD. Mr. President, that article commented on the Contract With America, and specifically the Archer proposal, by saying the following:

> The tax cuts from the House Republican "Contract With America" have been reduced to legislative form. The process hasn't improved them a bit. They remain a bad idea, the revenue loss from which would be more than the sponsors have acknowledged, and more than a government running a deficit of a fifth of a trillion dollars a year can afford it give up.
>
> The cuts would make it harder to reduce the deficit even if the Republicans do come up with a way to pay for them, which despite their pledges, they haven't yet. The stated purpose of several of them is to increase savings and investment, but by leaving the deficit larger than otherwise, they would reduce the national savings rate.

The editorial also goes into a bit of a history:

> The last time the Republicans cut taxes, in 1981, they failed to make the spending cuts to match, and the deficit soared. This time they've said the spending cuts will come first; they're still saying that. But the only specific spending cuts of any size that they've advanced thus far have been in welfare and other programs for the poor; that's not the way to finance tax cuts. It is said they next proposed some generalized entitlement and appropriations cuts, lump sums they will commit themselves to saving over time without spelling out how. That's not how to do it either, the more so because they've promised that in cutting they won't touch defense or Social Security and can't touch interest on the debt. They've left themselves less than half the budget in which to work. Nor is it just their tax cuts that they have to finance. They've said they'll balance the budget as well. But the more spending cuts they dedicate to the first purpose, the fewer they'll have left for the second. That's the problem.

Again, it is the harsh reality that the numbers cannot possibly add up, it cannot possibly be true that we can do all of these things laid out in the Archer proposal and then come up with a balanced budget, even in the long term, let alone doing it in the short term.

So, Mr. President, not only do we have a deficit attention disorder with regard to the Archer plan and the Republican contract, but time and again, whether it be the President's plan, the plan of the minority leader in the House, the plan of the senior Senator from Texas, in each case we have a plan for tax cuts that is not paid for.

I realize that there will be many opportunities to speak on this issue on the floor. I will not take the time today to outline all the opposition from different places in the country, whether it be editorials or polls or statements of economists. All I can say is that, although the news is troubling to me, although the tax cut keeps coming back and coming back, I see reason for optimism in the U.S. Senate. It appears that it is going to be up to the U.S. Senate to stop this fiscal irresponsibility.

I was very heartened to see the article in the Washington Post of last week on March 9 entitled "Tax Cutters Lose Steam in Senate."

I ask unanimous consent that article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 9, 1995]

TAX CUTTERS LOSE STEAM IN SENATE; HOUSE PANEL TO UNVEIL GOP REVENUE PLAN

(By Eric Pianin)

Republican and Democratic opposition in the Senate to major tax cut legislation stiffened yesterday, while Ways and Means Committee Chairman Bill Archer (R-Tex.) prepared to unveil the details of a House GOP tax plan that could cost as much as $700 billion over 10 years.

Archer's plan, modeled after proposals within the House GOP "Contract With America," includes a $500-per-child tax credit for families earning up to $200,000 a year, a 50 percent reduction in the capital gains tax, massive write-offs and tax breaks for businesses and a new Individual Retirement Account (IRA) for middle- and upper-income families.

The Ways and Means Committee is scheduled to vote on the proposal early next week. House leaders have pledged to make offsetting cuts in the 1995 budget and to alter welfare programs and Medicare to pay for the package. But in the wake of the defeat of the constitutional balanced budget amendment, Senate Finance Committee Chairman Bob Packwood (Ore.) and other deficit-conscious Republican tax writers warned yesterday that the tax package would take a back seat to further efforts to reduce the deficit.

"Almost every witness we've had has indicated the deficit is the biggest problem we face," Packwood said, "and if we want to do more for the economy, then reducing the deficit is the most important thing to do."

Sen. John H. Chafee (R-R.I.), a Finance Committee member, declared: "Basically, I'm opposed to tax cuts * * * as much as we love to parcel them out."

Sen. Alfonse M. D'Amato (R-N.Y.), another committee member, said the House GOP tax cut proposals "all sound good," but Congress would accomplish far more by reducing the deficit and indirectly helping to lower interest rates and spur economic activity.

"Cut spending and get the deficit under control that's number one," D'Amato said. "That's what people want. Otherwise, [the economy will falter and] we're going to end up Mexico II."

President Clinton and liberal House Democrats also have proposed middle-class tax relief, including tax credits for families and other breaks to help cover educational costs. But the tax-cut fever that swept Washington shortly after the Republican takeover of Congress last November has begun to dissipate, as GOP leaders confront the harsh realities of trying to simultaneously eliminate the deficit and make good on their promise of generous tax cuts.

For their part, Senate Democratic leaders feel obliged to emphasize deficit reduction over tax relief after helping to defeat the popular balanced budget amendment last week. Senate Minority Leader Thomas A. Daschle (D-S.D.) told reporters yesterday he would not rule out passage of some type of tax reform this year, but members had little enthusiasm for proposed tax cuts that "would compound our problems" in reducing the deficit.

"It's apparent to all of us we have a big job ahead of us in deficit reduction, and we want to make everyone understand that that's our first priority," Daschle said.

House Republican leaders have cited little empirical evidence that a major tax cut is needed at a time when the economy is strongly rebounding, inflation is under control and the deficit is declining for the third year in a row.

Earlier this week, three prominent economists—Roger E. Brinner, Stephen S. Roach and Barry Bosworth—told the House Budget Committee that Congress would do little for the economy while complicating its deficit-reduction efforts if it cuts taxes.

Brinner, the chief economist for DRI/McGraw-Hill, described the $500-a-child tax credit, the most expensive measure in the Republican tax package, as "possibly mediocre politics but definitely bad economics."

House GOP leaders concede that the tax credit would do little, if anything, to stimulate the economy. But they insist the tax credit for children 18 and younger is important to providing relief to the middle class and "strengthening" the family unit.

Archer is scheduled to announce the details of the GOP tax plan this morning in an address to the conservative Family Research Council. According to committee sources, the package will approximate the Contract With America plan, which according to the Joint Committee on Taxation would cost $200 billion over five years but then balloon to $704.4 billion over a decade.

House GOP leaders, including Archer, have said the Contract With America plan was not "written in stone" and acknowledge that it may undergo substantial changes once it reaches the Senate. However, House leaders are more concerned about honoring the terms of the contract than developing a plan that is palatable to the Senate.

"We're committed to the contract," Archer told the Associated Press. "We ran on it, we all signed it, and we'll do what we said we were going to do."

Rep. Bill Thomas (R-Calif.), a senior member of the Ways and Means Committee, said that it doesn't make sense for the committee to put together a package that might pass muster in the Senate "but that can't get out of the House."

(Mr. ABRAHAM assumed the chair.)

Mr. FEINGOLD. Mr. President, as we move into the period where we actually take up issues such as the line-item veto and then the budget resolution and then the reconciliation package, there will be the opportunities to actually make this happen, to actually force this institution through the work of the U.S. Senate to not waste the funds that could be used for deficit reduction.

I suggest that as we move into the budget resolution, either at the committee level or at the level of the entire Senate, if necessary, that an amendment be offered to the fiscal year 1996 budget resolution to change the revenue assumption to exclude or reject a major tax cut and instead to explicitly allocate the spending cuts that would offset such a tax cut to deficit reduction, to make sure that every dollar that was identified for spending cuts be immediately transferred into an account to reduce the Federal deficit.

I think that is the only way we avoid the kind of losses and deficit reduction that are the inevitable result of the President's plan and especially the result of the Republican contract and the Archer plan.

So I hope we can return to the wisdom that was indicated by the American people ever since the proposals were made, and I return to what is my favorite cartoon on the issue, which is the somewhat bizarre but rather effective portrayal of a giant deficit monster that is constantly calling out for more and more, in this case more fruit cake in the form of "Tax Cuts R Us." The American people are onto the foolishness of this. They are onto it in the form of cartoons that ridicule a Congress that stands up and talks about fiscal responsibility but cannot resist the temptation to get some quick political gain by handing out a tax cut that will both hurt the economy and severely damage, if not permanently ruin, the possibility of ever having a balanced budget, whether it be in the next few years or by the year 2002.

Mr. President, we will be coming back to this, but I notice in this institution, if you do not keep bringing something up like this, it has a way of getting resolved in the middle of the night and, all of a sudden, you have an up-or-down vote on the whole package. Somehow, whether it be $10 billion or $100 billion or $700 billion, it could be lost instead of actually being used to almost eliminate the Federal deficit. I think that is the opportunity we have. Instead of feeding this monster, reject the tax cuts and take the next big step to eliminate the Federal deficit.

So, Mr. President, as I yield the floor, I urge my colleagues to cosponsor the sense-of-the-Senate resolution which Senator BUMPERS, of Arkansas, and I have offered to specifically go on record as a body saying the tax cuts have to take second place to this historic opportunity to eliminate the Federal deficit.

I thank the Chair, and I yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

TAIWAN

Mr. THOMAS. Mr. President, I rise today as chairman of the Senate Subcommittee on East Asia and Pacific Affairs to join in the sentiments of my colleagues on Taiwan, and particularly on the visit of President Lee.

I need not repeat in detail for the Senate Taiwan's many accomplishments, either economic or political. These have often been discussed on the Senate floor. It is sufficient to note that this country is our fifth largest trading partner and imports over 17 billion dollars' worth of U.S. products annually. More importantly, though, Taiwan is a model emerging democracy in a region of the world not particularly noted for its long democratic tradition.

The Taiwanese Government has ended martial law, removed restrictions on freedom of the press, legalized the opposition parties, and instituted electoral reforms which last December resulted in free elections.

Taiwan is one of our staunchest friends. I think every Member of this body recognizes that and accords Taiwan a special place among our allies. Unfortunately, Mr. President, the administration apparently does not share our views. Rather, the administration goes out of its way to shun the Republic of China on Taiwan, almost as though it were a pariah state like Libya or Iran.

Sadly, the administration's shoddy treatment of Taiwan is based not on that country's faults or misdeeds but on the dictates of another country, the People's Republic of China. It is because the People's Republic of China continues to claim that it is the sole legitimate Government of Taiwan and because of the administration's almost slavish desire to avoid upsetting that view that the State Department regularly kowtows to Beijing and maltreats the Government of Taiwan. If this were not such a serious matter, it would almost be amusing, the lengths to which the administration goes to avoid any perceived official entanglements.

Representatives of the Taiwan Government are prohibited from physically entering the State Department or the Pentagon buildings. Any United States Government employee who goes to work to represent United States interests in Taiwan and who also works for the State Department must first resign from the State Department before being allowed to go. One has to carefully choose what one calls the island's government to avoid slighting Beijing: Is it the Republic of China, is it the Republic of China on Taiwan, Taiwan, or the Republic of Taiwan?

Finally, the last humiliation to which we subject our ally brings us here this morning. This administration refuses to allow the President of Taiwan to enter this country, even for a private visit—a private visit, Mr. President. President Lee is a graduate of Cornell University where he earned his Ph.D. He has expressed an interest in attending a class reunion at his alma mater this June and a United States-Taiwan Economic Council conference. Yet, the administration has made it clear it will not permit him entry.

The only people that this country systematically excludes from entry to its shores are felons or criminals, terrorists, and individuals with dangerous communicable diseases. How is it possible that this administration can see fit to add the President of Asia's oldest republic to the list? We have allowed representatives of the PLO and the Sinn Fein to enter this country, yet we exclude a visit by an upstanding private citizen?

I think we have made it clear to Beijing—I know I have tried to—of the great importance to us of our strong relationship with that country. This relationship should in my opinion transcend squabbles over diplomatic minutia. I will always seek to avoid any move that the Government of the People's Republic of China reasonably could find objectionable. I believe that countries like ours should try hard to accommodate each other's needs and concerns in order to further strengthen our relationships.

However, I believe that the People's Republic of China needs to recognize the reality of the situation. Both Taiwan and the People's Republic of China are strong, economically vibrant entities. Both share a common heritage and a common culture and yet have chosen political systems that are mutually exclusive. Despite these differences, the United States has a strong and important relationship with them both, and we need to continue those relationships.

Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I believe the Senator from Nebraska has 15 minutes allotted to him under the unanimous-consent agreement. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

(The remarks of Mr. EXON pertaining to the introduction of S. 550 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

UNFUNDED MANDATES CONFERENCE REPORT

Mr. EXON. Mr. President, I rise today in support of the conference report to the unfunded mandates bill. I am proud that we are so close to delivering this critical legislation to the nation's Governors, mayors, and town managers who have been laboring under the terrible weight of unfunded mandates.

When the President signs this bill, we will hear a collective sigh of relief from coast to coast. For too long, Congress shifted the cost of these regulations and mandates to the States. Their ledgers bled red from our actions. Their treasuries were sapped to pay for compliance with the unfunded mandates that we have foisted upon them.

However, with this conference report, of which I was very happy to be a part, in working out the differences between the House and Senate versions of the mandate bill, we are taking an important step in the right direction. Equilibrium is restored. The fiscal responsibility shifts back where it belongs—with the authors of these rules.

Mr. President, I say to my colleagues this is a fair and just compromise. This is a conference report that addressed the unfunded mandates problems head on. This is a conference report all of us can support no matter on which side of the aisle we sit. I wish we could approach more of the business of the American people in such a bipartisan manner as we have addressed this in the Congress of the United States.

In closing, Mr. President, it is my opinion that the conferees did an excellent job knitting together the two different bills in this coherent and seamless package. We compromised without sacrificing the muscle and teeth of the Senate bill.

From my point of view as a Senate conferee, I was most pleased that the judicial review process was kept to a minimum. The current wording is certainly far more restrained than the broad House language which would have provided a field day for lawyers. Their loss is our gain, thank goodness.

I would also point out that the conference report maintained the amendment sponsored by the distinguished Senator from West Virginia [Mr. BYRD]. The language forces Congress to vote on an agency's decision on whether or not it can implement a mandate with the money appropriated. This conference report gives Congress the last word, to which I say "amen."

Mr. President, one of my favorite Presidents, Harry Truman, was famous for the sign on his desk that said, "The buck stops here." We can learn a lot from those words. For too long, Congress has been passing the buck to the States. For too long, we have been passing the buck and passing the bill. It is time we took responsibility for our own actions. It is time we pulled the plug on unfunded mandates. It is time we passed this conference report, and I hope we will today.

Mr. President, I reserve the remainder of any time remaining, and I yield the floor.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

EXTENSION OF MORNING BUSINESS

Mrs. MURRAY. Mr. President, I ask unanimous consent to extend morning business for approximately 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, thank you.

THE NOMINATION OF DR. HENRY FOSTER

Mrs. MURRAY. Mr. President, I understand that the Senate Labor and Human Resources Committee has received all the necessary paperwork from the administration for Dr. Henry Foster's nomination for U.S. Surgeon General. I rise today to encourage the committee to move Dr. Foster's nomination expeditiously, and I look forward to his receiving a full and fair hearing.

Unlike some of my colleagues, I am very excited about Dr. Foster's nomination. Dr. Foster is an ob/gyn. I appreciate, and want to stress, the importance and relevance of his practice area. For far too long, women's health concerns have been neglected by our Government.

Women's health is critical to every family—every man, woman, and child—in this Nation. As a woman, and the mother of a son and a daughter, I find the selection of Dr. Foster reassuring. It is especially important at this time that President Clinton chose to nominate a physician who has dedicated his life to maternal and child health.

Dr. Foster is one of the country's leading experts on preventing teen pregnancy and drug abuse, as well as reducing infant mortality.

Dr. Foster is a very decent and dedicated physician who has been unfairly maligned. I hope my colleagues and the American public will hear the stories of some of the many people whose lives Dr. Foster has touched.

I hope they get a more complete picture of Dr. Foster and the work he has done.

For example, Dr. Foster worked tirelessly to help bring Christopher Hight into this world. Jeannette Hight and her husband Charles almost lost their baby twice during her pregnancy, but Dr. Foster helped nurse her through these crises.

Earlier this year, Jeannette and Charles Hight wrote to Dr. Foster:

> Without you, there would not be a Christopher Hight. Your talents and work have brought joy to our lives. You will be proud to know that your extraordinary efforts resulted in us having a son who is excelling at Rice University in architecture. His teachers, who are nationally renown, have told us that he has very special talents. No matter what happens, we are with you. We will always remember your special dedication, caring nature and skills.

Cliff and Wilda Denton from Moses Lake in my home State of Washington wrote the following to Dr. Foster:

> I can say in all humility, without you we could have lost our only daughter and first born grandson. Wilma was so very ill and dehydrated. All I had to do was call you. You would nourish her back to normal. This was thirty some years ago. When you were a doctor in the Air Force at Larson Air Force Base, her husband was away fighting a war.
>
> That's when we got acquainted with you. After the birth and both were well and healthy, I wrote you a letter, thanking you for all your good care. You told me I was the first person (white that is) to ever give you a compliment. Greg is now over thirty years old.
>
> We were so impressed when we visited you a few years ago and found you had dedicated your entire life to humanity . . . I feel confident you will be confirmed. . . .

Mr. President, these are just a few examples for Dr. Foster's great work. He has delivered many thousands of babies, and he has saved hundreds of lives.

Some of our colleagues would have the U.S. Senate exclude Dr. Foster from consideration because he has performed abortions. I disagree. Abortion should not be the determining factor in the selection of a Surgeon General. Abortion is a legal procedure, and every woman in this Nation has a constitutional right to choose whether and when to bear a child.

Whether Dr. Foster has performed 1 abortion or 1,000 abortions, he should not be disqualified from consideration.

I believe that the majority in this Nation will not allow an extremist minority to criminalize abortion through the Surgeon General nomination process. Furthermore, I believe the women in this Nation will not stand for perfunctory disqualification of candidates based on their practice areas, especially when the physician involved has dedicated his life to women's health.

Mr. President, why is no one concerned about the exact number of babies Dr. Foster has delivered in the course of his practice? Why is no one inquiring into exactly how many lives he has saved?

I am curious how many teenagers have benefited from his I Have A Future Program? I wonder how many unintended pregnancies he has prevented?

How many young people has he empowered and inspired?

Why is this man being attacked so viciously when he has dedicated his life to our well-being? Finally, how can a U.S. Senator vow to filibuster Dr. Foster's nomination before the doctor has even had a hearing?

Mr. President, I had to speak on Dr. Foster's behalf today because I cannot stand by and watch his nomination be railroaded. Senator KASSEBAUM has promised Dr. Foster a hearing and I believe she is committed to following through. Luckily, not everyone is rushing to prejudge this nominee.

Every day that goes by without a U.S. Surgeon General in place who can provide strong leadership for our Nation's future—is a day in which American lives can be changed.

Mr. President, having a Surgeon General in place who can speak to women's health issues is imperative. I urge the committee to move quickly on Dr. Foster's nomination. And, I look forward to consideration of Dr. Foster's nomination by the full Senate.

I yield the floor.

IN SUPPORT OF THE REPUBLIC OF CHINA—SENATE CONCURRENT RESOLUTION 9

Mr. CRAIG. Mr. President, I am pleased to join my colleague from Alaska, Senator MURKOWSKI, in submitting a concurrent resolution expressing the sense of the Congress that President Lee Teng-Hui of the Republic of China on Taiwan [ROC] should be allowed a private visit to the United States.

This concurrent resolution makes an important statement in the future direction of United States/Republic of China relations. The State Department's refusal last year to allow President Lee, a freely elected leader from a democratic Nation, an overnight layover in Hawaii during his trip to Costa Rica, was very unfortunate. It is hoped that, with the passage of this legislation, the indiscretion that occurred last year will not be repeated. And, Mr. President, it is important to note that this bill expresses support for a private visit to the United States.

Last May I had an opportunity to visit the Republic of China on Taiwan. It was a wonderful experience forging new friendships and strengthening the many ties between the Republic of China and my home State, Idaho. I was very much impressed by the public officials with whom I met and enjoyed the engaging conversations about the politics in the Republic of China and the recent elections.

During my meeting with President Lee Teng-Hui, I learned of his genuine interest in seeing his country play a larger international role, which is a goal befitting Taiwan's economic power and place within the international community. President Lee urged all Nations, especially the United States, to give their support to Taiwan's campaign to return to the United Nations. It is my hope that this goal will someday be realized. In addition, President Lee expressed a very sincere desire to travel privately to the United States. I shared with him an invitation extended by one of my constituents, who was concerned about the incident in Hawaii. In addition, I expressed my hope that he would be able to visit Idaho.

Mr. President, Idaho and the Republic of China have enjoyed the mutual benefits of a long and close relationship. During my visit last year I had the pleasure of joining then Governor of Idaho Cecil Andrus and Governor James Soong of the Taiwan provincial government to celebrate the 10th anniversary of the sister-state relationship between Idaho and the Taiwan Province. Through this friendship my State has greatly benefited by expanding trade, cultural, and educational exchanges. Idaho exports to the Republic of China range from agricultural and wood products to electronics. In addition, the growth in trade has been enhanced by the placement of an Idaho trade office in the world trade center, in Taipei. Eddie Yen, the gentleman that operates the office for the Idaho Department of Commerce has been an asset to our State and has played an essential role in furthering the Expansion of Idaho's trade to Taiwan.

The United States also benefits from a stable relationship with the Republic of China on Taiwan. After extensive internal review, there has been recent progress toward upgrading the relations between the United States and Taiwan, which was good news from the Clinton administration. The administration has agreed to help Taiwan enter certain international organizations, especially those that deal primarily with trade and commerce. I applaud and encourage that endeavor.

The Clinton administration has also agreed to allow the Republic of China to change the name of its offices in the United States from the Coordination Council for North American Affairs, to the Taipei Economic and Cultural Representative Office. These modest improvements in relations between our two countries are certainly a step in the right direction. It is hoped that we will see this pattern of improvement continued.

The concurrent resolution submitted by Senator MURKOWSKI is yet another step in the right direction. Mr. President, I hope that remaining issues or obstacles can be resolved so that President Lee Teng-Hui can be allowed to visit the United States. It is my understanding that a number of my colleagues have extended invitations to President Lee and other leaders from Taipei, to visit Capitol Hill. I know for a fact that President Lee has much insight to share with us, especially on East Asian affairs, and, Mr. President, since the Republic of China on Taiwan is a tremendous example of economic prosperity and democratic freedom for developing nations around the world, we would undoubtedly benefit from the insights of a leader such as President Lee Teng-Hui, who has played a central role in the achievements of the Republic of China on Taiwan.

NATIONAL MENTAL HEALTH COUNSELING WEEK, APRIL 30–MAY 6, 1995

Mr. HEFLIN. Mr. President, I come to the floor today to acknowledge the importance of mental health to everyone's and society's well-being and to call our attention to counseling as a vital part of maintaining good mental health.

Mental health counseling is provided along a continuum of patient needs, from educational and preventive services, to diagnosis and treatment of mental illness, to long-term and acute care. It assists individuals and groups with problem-solving, personal and social development, decision-making, and self-awareness.

Such counseling is offered through community mental health agencies, private practices, psychiatric hospitals, college campuses, and rehabilitation centers. It is often provided in conjunction with other mental health professionals, including psychiatrists, psychologists, social workers, psychiatric nurses, and marriage and family therapists so that the most appropriate treatment for each patient is assured. It is provided by professionals with advanced degrees in counseling or related disciplines, practicing within the scope of their training and experience. They are currently licensed in 40 States and the District of Columbia.

I want to congratulate the American Mental Health Counselors Association on their designation of April 30–May 6, 1995 as "National Mental Health Counseling Week," and urge each and every American to seek the assistance of a qualified mental health counselor when needed. After all, our mental health is just as important as our physical health.

WELCOMING CROATIA'S DECISION ON U.N. TROOP PRESENCE

Mr. PELL. Mr. President, I welcome the decision by Croatian President Franjo Tudjman to allow an international force to remain in Croatia. As one who has long opposed sending United States ground troops to Bosnia or Croatia, the good news about President Tudjman's decision seemed to be tempered, however, by a report in this morning's New York Times.

According to that article, Secretary Perry announced that United States troops would be sent to Croatia to help with the reconfiguration of U.N. forces. Upon further examination, however, it appears that this morning's report may have been premature, as the President has not—repeat not—yet made a decision with regard to a commitment of United States troops. Moreover, the administration continues to assure me that if United States troops were deployed, it would not be for the purpose of helping with a reconfiguration or withdrawal of U.N. troops from Croatia.

Nonetheless, there is a great deal of confusion surrounding this issue, and accordingly, the administration needs to clarify its intentions with regard to troop commitments. Before any decision is made to send U.S. troops, I fully expect the administration to follow through on its commitment to consult with the Congress.

The issue of United States troops aside, President Tudjman's decision walks us back from the brink of disaster in Croatia and indeed, the entire former Yugoslavia. I can sympathize with President Tudjman's fear that a continuation of the status quo might have contributed to a permanent separation of Croatia, creating in effect, another Cyprus.

Despite Croatia's legitimate concerns, it would have been a grave mistake for U.N. troops to withdraw at this time. Following President Tudjman's January announcement that UNPROPFOR would have to begin withdrawing by March 31, there were strong signs that the Krajina Serbs and the Croatian Army were girding for war. A renewed war in Croatia would almost certainly have drawn in Serbia as well as the Bosnian Serbs—leading to a greater Balkan conflict.

While the United Nations does not have a flawless record in Croatia, UNPROFOR's presence since early 1992 has prevented the reemergence of full-scale war. Let us hope that the reduced U.N. force, under a new mandate, will help maintain the peace. The reduced U.N. force also will have as part of its mandate the patrolling of Croatia's borders with Serbia and Bosnia-Hercegovina—which will go a long way toward legitimizing Croatia's international borders.

We are not out of the woods yet, however. Neither the Krajina Serbs, who control 30 percent of Croatia, nor Serbian President Milosevic, who serves as their patron, have indicated their views of the new mandate. Their response will be key to determining the ultimate success of the U.N. mission.

The larger question, however, is where we go from here, and how a reduced and newly reconfigured U.N. force fits into the big picture. It appears that renewed war in Croatia will be averted in the near future—thanks in no small part to United States efforts. But now we must ask whether we are going to continue simply to put out fires in former Yugoslavia or whether we have long-term interests to pursue there. I am afraid that if we do not answer this question affirmatively, we will find ourselves in a continual crisis mode. We may find ourselves meeting one deadline after another—the next of which is the end of the Bosnian cease-fire on April 30—without a clear sense of purpose. I hope this impending deadline does not divert all of our attention from the remaining unresolved issues in Croatia. The two conflicts are after all, interconnected, and we must address them simultaneously.

Before President Tudjman's January announcement that the United Nations would have to leave, an international plan to resolve the status of Croatia's U.N. Protected Areas [UNPA's] was on the table. By all accounts, the so-called Z-4 plan satisfies many of the concerns of both the Croatian Government and the Krajina Serbs. It calls for the restoration of Croatian sovereignty to all the U.N. areas, with considerable autonomy for the local Serbian population.

Now that the immediate crisis has been averted, I hope that we will not miss out on an opportunity to address the underlying issues in Croatia. Now is a good time to revisit the Z-4 plan.

RATIFICATION OF THE LAW OF THE SEA CONVENTION IS NEEDED TO PROTECT THE FISHERY INTERESTS OF THE UNITED STATES

Mr. PELL. Mr. President, many of my colleagues know that I have had an abiding interest in oceans issues in general and the Law of the Sea Convention in particular. Consequently, I was delighted when on October 7, 1994, the President transmitted to the Senate for its advice and consent the U.N. Convention on the Law of the Sea (Treaty Doc. 103-39). We are now in the unique position to become full participants in this Convention and finally reap the benefits of decades of constructive negotiations conducted by Democratic and Republican administrations.

There is no doubt in my mind that this Convention will serve the interests of the United States best from a national security perspective, from an economic perspective, from an ocean resources perspective and from an environmental perspective. I have addressed many of these perspectives during earlier remarks in the Senate. Today, I speak to the importance of this Convention to our Nation's fishery resources.

Some have argued that the United States should not ratify the Convention because of a perceived negative impact which it might have on international fisheries agreements negotiated by the United States with its international partners. I submit that quite the opposite is the case. Ratification of the Law of the Sea Convention will be an important step towards assuring the continued benefits of these other agreements and protecting the fishery interests of our country.

I would like to bring to the attention of my colleagues an address delivered by Ambassador David Colson, Deputy Assistant Secretary of State for Oceans, which addresses precisely this issue. In it, he shows the paramount role that the Law of the Sea Convention will play in the implementation of the important international agreements to which the United States is already a party: The 1992 Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean, approved by the Senate on August 11, 1992, Treaty Doc. 102-30, Ex.Rpt 102-51; the U.N. General Assembly Resolution on Large-Scale High Seas Driftnet Fishing (approved by the Senate on November 26, 1991, Treaty Doc. 102-7, Ex.Rpt 102-20), the recently concluded Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea, "the Donut Hole Agreement" (approved by the Senate on October 6, 1994, Treaty Doc. 103-27, Ex.Rpt 103-36) and the FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (approved by the Senate on October 6, 1994, Treaty Doc. 103-24, Ex.Rpt 103-32).

The United States has long taken a pro-active approach to fisheries, both within its own exclusive economic zone and on the high seas. Through these recent successful negotiations, we have ensured that our international partners will be submitted to no less stringent rules. The United States will put an end to overfishing and further depletion of threatened stocks only if we can ensure that sound management practices are applied by the other major fishing nations. This is why the administration has negotiated in earnest to achieve what are widely perceived as breakthrough advances in strong and responsible arrangements.

Concerns have been expressed that ratification of the Law of the Sea Convention would jeopardize these agreements. Ambassador Colson shows that, far from hindering these processes, the entry into force of the Convention will actually benefit their implementation.

In the case of salmon, a very important commercial, recreational, and subsistence resource, the Law of the Sea Convention has provided a foundation upon which to build understandings for the States of the North Pacific region. The Law of the Sea Convention, in essence, prohibits fisheries for salmon on the high seas. It also recognizes that states in whose waters salmon originates have the primary interest in these stocks. The Anadromous Stocks Convention, approved by the Senate in 1992, achieved the major goal of ending all high seas fishing, thanks in great part to the clear mandate and requirements of the Law of the Sea Convention. Further, the implementation of this agreement will be facilitated by the entry into force of the Law of the Sea, as the prohibition on high seas salmon fishing will apply to all member states, not just the signatories to the Anadromous Stocks Convention.

The use of large-scale high seas drift nets in another issue that the United States has attempted to solve in international fora. A resolution was passed unanimously by the U.N. General Assembly that created a moratorium on the use of those drift nets on the world's oceans and seas at the end of 1992. The drift net moratorium builds upon basic principles of the Law of the Sea Convention, which provides for a limited and qualified right to fish on the high seas, making it subject to the obligation to cooperate in the conservation and management of high seas living resources. Enforcement will be facilitated in view of the fact that the Convention's standards would be violated by any high seas large-scale drift net fishing that occurs contrary to the moratorium.

With regards to the Bering Sea issue, problems arose for the United States when a straddling stocks fishery began outside our exclusive zone and Russia's. Concerns about stocks conditions led to measures to restrain fisheries in the U.S. zone and increasingly urgent calls by American fishermen for the Government to take steps to control the foreign fishery on the high seas. The Donut Hole Agreement approved by the Senate on October 6, 1994 was the result of lengthy negotiations between the United States and the other states involved in fishing in the area. It is a state-of-the-art fishing convention that resolves various issues to the satisfaction of the United States and other states concerned. Again, this agreement could not have been negotiated without the framework and foundation provided by the Law of the Sea Convention. The dispute settlement provisions of the Law of the Sea Convention will facilitate the implementation of the Donut Hole Agreement by providing an additional enforcement mechanism to ensure that no vessel undertakes conduct in the Bering Sea contrary to its provisions. It will thus serve as both a deterrent and as a means to bring about final resolution should problems arise in the Donut Hole in the future.

Finally, the very important FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas approved by the Senate on October 6, 1994 could not have been successfully negotiated had the Law of the Sea Convention not come before it. The High Seas Agreement is part of the FAO's Code of Conduct for Responsible Fishing and rests upon basic principles regarding high seas fishing and flag state responsibility found in the Law of the Sea Convention. The Law of the Sea Convention does not set up the high seas as a sanctuary for irresponsible fishermen but spells out that states fishing on the high seas have a duty to cooperate with other states to ensure responsible conservation and management actions.

This is also true of the current negotiations at the U.N. Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks. It is hoped that the final outcome of this conference will be a legally-binding agreement for the implementation of the provisions of the Convention on the Law of the Sea relating to the conservation and management of straddling fish stocks and highly migratory fish stocks. The general principles embodied in this agreement will here again ensure more responsible fishing on the high seas and will build upon the framework provided by the Law of the Sea Convention.

Only last week, a Canadian vessel fired warning shots and seized a Spanish fishing vessel that was operating on the Grand Banks off the coast of Newfoundland. Had Canada and Spain both been party to the Law of the Sea Convention, this dispute could have been settled without the firing of shots. Regrettably, such incidents are the result of the growing uncertainty that prevails with regard to high seas fisheries and will only be avoided if the Convention on the Law of the Sea becomes a widely recognized instrument on which the Straddling Stocks Conference can build to establish a lasting regime for those fisheries.

Another instance where the ratification of the Law of the Sea Convention would be beneficial to the United States is in the settlement of disputes with other states. Recently, the Canadian Government levied a fee of $1,100 for United States vessels that transit from Puget Sound and the States of Oregon and Washington to Alaska. The State Department concluded that this transit fee was inconsistent with international law, and particularly with the transit rights guaranteed to vessels under customary international law and the Law of the Sea Convention. Had the United States and Canada both ratified the Law of the Sea Convention, the Canadian actions would have been in clear contravention of the convention. As such, the Canadians might have been more hesitant to take the steps they did. In any event the full force of the convention and the international community could have been brought to bear for a prompt resolution of the dispute.

Mr. President, it is clear in my mind that the long-term benefits of these very important fishery agreements will only be realized and mutual enforcement ensured if the underlying principles of the Law of the Sea Convention—the constitution of the seas—are ratified by the United States. The convention entered into force on November 16, 1994. To date 73 countries have ratified, including Australia, Germany, Iceland, and Italy. Other major industrialized nations, such as Canada, the European Community, France, the United Kingdom, the Netherlands, and Japan, have signed the convention and indicated their intention to ratify it in the near future.

Mr. President, I commend the address of Ambassador Colson, which so ably sets forth the importance of the ratification of the Law of the Sea Convention to the fishing interests of the United States.

I ask unanimous consent that the address be printed in the RECORD together with the current list of countries who have to date ratified the Law of the Sea Convention.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONSERVING WORLD FISH STOCKS AND PROTECTING THE MARINE ENVIRONMENT UNDER THE LAW OF THE SEA CONVENTION

(By Ambassador David A. Colson)

Virtually every day we see another report about the decline of the world's fish resources or about ocean pollution.

We know that the world's population continues to grow dramatically. It is only logical to conclude that there is a direct correlation between more people and more impact on our fisheries and the marine environment.

We know that most of the world's population lives near the coast and intuitively we know that the result of an increased population is likely to be greater stress from human activity upon coastal environments be they wetlands, coral reefs, mangroves, beaches or coastal fisheries—all of which are in decline.

We know that the ocean is a large ecosystem made up of many smaller ones. We know that there are often relationships between areas, ocean systems, and species. We know that some fishery resources migrate over very long distances.

And we conclude that the oceans are a bridge between us; a tie that unites us. They are our sustenance; our life support.

They are integral to many global systems that we take for granted, but still do not understand. They are the future—their riches and their energy are yet to be fully tapped.

We know their health is important, but how little we really know about them. Yet in spite of our experience, we continue to pollute, to over-exploit—to assume that the ocean's vast regenerative capacity is unlimited.

We should know better.

And now, after so many years, the 1982 Law of the Sea Convention is in force. Will it help us do better?

I believe the Convention has, and it will. Already, for more than ten years, most States have acted consistently with its basic norms—and in those ten years advances in protecting the oceans have been made. And now that it is in force its specific implementation will bring more benefits and advance us further. I must be careful because I do not want to say that the Convention will solve all the ocean's problems. It will not. But can it help? The answer is yes.

In 1983, President Reagan said that the United States would act in accord with the balance of interests set forth in the Law of the Sea Convention, as long as other States would do likewise. I can report that in the intervening years basically all States have either expressly or by implication followed the basic rules set forth in the Convention. Thus, the positive achievements that have occurred in marine environmental protection and fisheries in the last ten years have taken place in the widely accepted Law of the Sea framework.

And there have been some very important advances. Today I want to review four of these which have occurred in the fisheries field. Before I do, I wish to emphasize the following point: the Law of the Sea Convention enabled the international community to reach these agreements. Even before its entry into force, the Convention was the foundation, the premise, upon which all governments operated in negotiating these understandings. Had we not had this basic foundation, had we not been in agreement about it, our task would have been much more difficult, indeed, perhaps impossible in some cases.

The four breakthrough advances are: (1) the 1992 Convention for the Conversation of Anadromous Stocks in the North Pacific Ocean (NPAFC); (2) the 1992 United Nations General Assembly Resolution on Large-Scale High Seas Driftnet Fishing (UNGA Resolution 46/215); (3) the recently concluded Convention on the Conservation and Management of Pollock Resources in the Central

Bering Sea; and (4) the 1993 FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas.

NORTH PACIFIC ANADROMOUS STOCKS CONVENTION

Salmon, anadromous stocks, are very important commercial, recreational and subsistence resources for the States of the North Pacific region. From time to time international disputes in the region relating to salmon have reached the highest level of government. The Law of the Sea Convention framework, however, provides a foundation that has substantially narrowed debate; its basic rules have been a foundation upon which to build additional understandings.

Article 66 of the Law of the Sea Convention recognizes that States in whose waters salmon stocks originate have the primary interest in those stocks. The Law of the Sea Convention prohibits fisheries for salmon on the high seas, with one narrowly drawn and now anachronistic exception—where that prohibition would result in economic dislocation for a State other than the State of origin. The Convention also requires that States cooperate with regard to the conservation and management of stocks when salmon which originate in the waters of one State migrate through the waters of another.

The Convention's prohibition on high seas salmon fisheries makes sense from both economic and conservation perspectives. Economically, salmon grow substantially in the last months of their lives and thereby tend to be a higher value and quality resource if taken in coastal zones and rivers and not the high seas. Moreover, maintenance and preservation of salmon producing areas in coastal rivers cannot be expected if other States fish for salmon on the high seas. And only the State of origin can effectively manage salmon resources in coastal waters and rivers, not the high seas where salmon stocks are mixed.

The rule of the Convention bans salmon fishing on the high seas for all States, including a State of origin. The only country that was fishing for salmon on the high seas, at the time these Convention provisions were negotiated, and thus the only one which might claim economic dislocation, was Japan. And, it was and is clear, as well, that Japan could claim a right to fish salmon on the high seas only so long as it could make a credible argument of economic dislocation, and so long as it did not assert coastal State rights.

As the 1980s passed, Japan's salmon interests shifted: its Coastal State interests in the production of salmon from its waters began to predominate and its reliance upon an economic dislocation argument to continue a high seas salmon fishery was not persuasive. In 1992, negotiations on a new salmon convention were completed by the United States, Japan, Russia and Canada, designed to replace the U.S.-Canada-Japan treaty that had created the International North Pacific Fisheries Commission. Provisions were included whereby these primary States of origin could invite other States of origin, such as China and Korea, to accede to the Convention. Japan agreed in this context to end its high seas salmon fishery. The fundamental rule of Article 66 of the LOS Convention was achieved by the Anadromous Stocks Convention: to end all high seas salmon fishing. This achievement came about among the States most concerned for many reasons—not the least of which is the clear mandate and requirement of Article 66 of the Law of the Sea Convention. Moreover, the respect in which the prohibition on high seas salmon fishing is held by all other States is a direct result of the Convention rule.

This positive result of the Anadromous Stocks Convention was achieved without the fundamental rule of Article 66 of the Law of the Sea Convention being binding on any State as a matter of treaty law. I have heard some people in the United States say that this result would never have been achieved if the U.S. had been party to the Law of the Sea Convention. I simply do not agree with that point of view; it is abundantly clear to me, as the United States negotiator for the Anadromous Stocks Convention, that the Law of the Sea Convention—although not in force—played a large role in bringing about this result—it certainly did not hinder it.

Let us examine a different question: will the Law of the Sea Convention help the parties to the Anadromous Stocks Convention in the future—if they become a party to the Law of the Sea Convention? The answer is clearly yes.

The Law of the Sea Convention does not require any change in the Anadromous Stocks Convention. The two treaties are completely consistent. What the Law of the Sea Convention does do is require all States Parties to it to abide by the prohibition on high seas salmon fishing—the basic rule of the Anadromous Stocks Convention. This is a major long-term benefit to salmon producing States. While salmon producing States assert our rights, the Law of the Sea Convention not only recognizes them, but prohibits all States from eroding those rights by engaging in high seas salmon fisheries.

There are additional benefits in the Law of the Sea for salmon producing States. Parties to the Law of the Sea Convention are also required to submit to compulsory binding dispute settlement in many circumstances. In some cases there are exceptions to this rule, but in this case there is not. If vessels of a State begin to fish for salmon on the high seas, one means of enforcing the prohibition on high seas salmon fishing would be to take that State to compulsory and binding dispute settlement under the Law of the Sea Convention.

For a moment, let me go into some additional detail on the dispute settlement provisions of the Law of the Sea Convention, as it is important that this subject, which is well understood by international lawyers, be understood by fishermen and political leaders as well.

International law requires States to settle their disputes by peaceful means. Where negotiated solutions are beyond reach, States more and more settle differences by going through a legal court-like process. There are several dispute settlement procedures and, as well, several more that can be used. The Law of the Sea Convention obliges States to use dispute settlement in certain circumstances when other means to resolve disputes have failed. Some such circumstances, as noted previously, include fisheries disputes.

To elaborate further, one must make a distinction between binding compulsory dispute settlement and nonbinding compulsory conciliation. The reason this distinction is important is that the Law of the Sea Convention uses it in relation to fisheries disputes.

With regard to certain fisheries disputes that may pertain to a coastal State's management in its exclusive economic zone, the Convention provides for non-binding compulsory conciliation. In regard to fisheries disputes that relate to high seas activities, the Convention provides for binding compulsory dispute settlement.

Nonbinding compulsory conciliation means, in essence, that if State A alleges that State B is mismanaging its 200-mile zone in a serious way, State A may require the establishment of a conciliation panel to look into the matter. While State B should participate in the proceedings, there is no penalty if it does not; and, any report the conciliation panel may issue has no binding or obligatory effect on State B.

Binding compulsory dispute settlement, which is required for high seas fishery disputes, is substantially different. If State A alleges that State B is violating Convention fishery rules and principles on the high seas, and if negotiations have failed, State A may institute a process that results in bringing the dispute before an international court or tribunal of some make-up. There are a number of variables concerning these courts or tribunals that we have not time to go into now. The point or bottom line is that pursuant to the Law of the Sea Convention, in such cases, State A can bring State B before such a court or tribunal on a matter pertaining to a high seas fishery dispute, and that court or tribunal can render a judgement which is binding on both State A and State B concerning that high sea fisheries dispute.

Returning now to salmon in the high seas of the North Pacific Ocean, the availability of such dispute settlement provides not only an effective tool to enforce the high seas salmon fishing prohibition; its very existence provides an effective deterrent against such fishing. So—for salmon—the Law of the Sea Convention has brought us much already; it consolidates and confirms present practice; it gives us clear rules which prohibit high seas salmon fishing by all States; and it provides a new and useful enforcement tool should someone break the rule in the future.

DRIFTNET FISHING

The use of large-scale high seas driftnets attracted significant international attention and concern in the 1980s. Ultimately, the General Assembly of the United Nations took up the matter and passed a consensus resolution in 1991. The 1991 Resolution, UNGA Resolution 46/215, created a moratorium on the use of large-scale high seas driftnets on the world's oceans and seas at the end of 1992.

This concerted action by the General Assembly was a vitally important step to protect fish stocks and other living species on the high seas from this very indiscriminate fishing method being used by more and more vessels, about 1,000 in the Pacific Ocean alone at the height of the fishery. Large-scale high seas driftnet fishing was a cause of concern in all regions of the world.

The driftnet moratorium of the United Nations builds upon basic principles of the Law of the Sea Convention. It applies only to the high seas—not exclusive economic zones or territorial seas. In the first instance it requires flag States to ensure the full implementation of the moratorium, but it also authorizes all members of the international community to take measures individually and collectively to prevent large-scale pelagic driftnet fishing operations. The moratorium is in implementation of the provisions of Part VII, Section 2 of the Law of the Sea Convention relating to the Conservation and Management of the Living Resources of the High Seas. It gives content to the principles of "due regard" for the rights and interests of other States and to the duty to cooperate in the conservation of living marine resources on the high seas.

Some have argued that the moratorium would never have been achieved through diplomacy if the Law of the Sea Convention had been in force. They argue that, had the Convention been in force, the driftnetting States would have refused to discuss the matter in the United Nations and might even have tried to use the dispute settlement provisions of the Convention to enforce their freedom to fish on the high seas against those States that sought to end driftnetting. I do not agree with this analysis at all.

First, this argument assumes that the freedom to fish on the high seas is an unfettered right. But that is not so. The Convention significantly limits and qualifies that right by making it subject to a number of important conditions, including the obligation to cooperate in the conservation and management of high seas living resources.

Second, the States that sought the moratorium were able to demonstrate that large-scale high seas driftnets, particularly in the North Pacific Ocean, intercepted salmon on the high seas in violation of Article 66 of the Convention and indiscriminately killed large numbers of other species, including marine mammals and birds, in contravention of the obligations in Part VII to conserve and manage living marine resources on the high seas and those of Article 192 to protect and preserve the marine environment.

In light of this, there is no reason to believe that driftnetting States could have successfully challenged the moratorium through dispute settlement under the Convention. In my view, the moratorium would have been achieved whether or not the Convention was in force. A different question is whether the Law of the Sea Convention helps to ensure effective implementation of the moratorium.

The moratorium on the use of large-scale high seas drift nets is an important international understanding pertaining to the conservation of living marine resources on the high seas and the protection of the marine environment. It is consistent with and meets the general obligation of States found within Article 192 of the Convention to protect and preserve the marine environment. It is properly within the scope of constraints on fishing on the high seas that are noted in Article 116.

And, as in the Anadromous Stocks Convention situation, the Law of the Sea Convention's provisions make fishing beyond the EEZ—including driftnet fishing—subject to compulsory, binding dispute settlement. It is clear to me that the Convention's standards would be violated by any high seas large-scale diftnet fishing that occurs contrary to the moratorium. Thus, the dispute settlement provisions of the Law of the Sea Convention would provide a new additional means through which to ensure respect for the moratorium on high seas driftnet fishing by enforcing Articles 66, 116 and 192 of the convention in light of the General Assembly Resolutions on this subject.

THE CENTRAL BERING SEA POLLOCK FISHERY AGREEMENT

The problem of straddling fish stocks has vexed the international community since even before the Law of the Sea negotiations concluded in 1982.

For the United States, this problem arose in the Central Bering Sea. In the mid-1980s, a fishery began outside the U.S. and Russian 200-mile zones on a stock of pollock—the Aleutian Basin stock—largely associated with the U.S. zone and its fisheries. The international fishery on the high seas grew quickly to harvesting 1.5 million metric tons or more annually. Concerns about stock conditions led to measures to restrain fisheries in the U.S. zone and increasingly urgent calls by American fishermen for the U.S. government to take steps to control the foreign fishery on the high seas.

In 1991, negotiations began among Russia, Japan, Korea, China, Poland and the United States in an effort to structure a new fisheries relationship for the high seas area of the Bering Sea. The negotiations began with largely a legal debate about a fishery for a straddling stock on the high seas and the respective rights of coastal States and fishing nations in that regard. Fishing States were strongly of the view that they were entitled to fish there on an equal footing with other States, including coastal States. The United States and Russia were of the opinion that the coastal States—while not having jurisdiction over the fish in the high seas area—nonetheless had a special interest in these stocks. Our six country regional negotiation was more than mindful that the straddling stock issue was also being played out in other regions and was central to the U.N. Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, called for by UNCED.

Ultimately, the six countries reached agreement, but only after ten intense and difficult negotiating rounds over three years.

The agreement is contained in a convention that is called the Donut Hole Convention in the United States. It is a state-of-the-art fishing convention that resolves various issues to the satisfaction of the States concerned. It does not refer specifically to the special interests of coastal States, but it does reflect such an interest in the outcome of the negotiation on various issues while providing for fair fishing opportunities on the high seas for all countries if and when the stock recovers.

Again, the Donut Hole Convention could not have been negotiated without the framework and foundation provided by the Law of the Sea Convention. Nor did the Law of the Sea Convention hinder the attainment of the Donut Hole Convention in any way.

I do not have time to review its provisions here in any detail. However, I would like to mention a few because I believe that provisions such as these must and will be incorporated into fishing agreements around the world in the near future.

The Donut Hole Convention provides that fishing vessels will use real-time satellite position-fixing transmitters while in the Bering Sea and that information collected thereby will be exchanged on a real-time basis through bilateral channels. This is the first multilateral fisheries management agreement to contain such a requirement and it will enable States such as Japan and the United States to ensure that, for instance, Japanese fishing vessels authorized to fish in the Donut Hole are doing so as authorized as that their presence in the coastal State zones in the region is only for the legitimate purpose of navigating to and from the fishing ground.

The Donut Hole Convention also requires notification of entry into the Convention Area; notification of the location of transshipments 24 hours prior to such activity; the presence of trained observers on all vessels; and the collection and sharing of catch data on a timely basis. It also provides for boarding and inspection of fishing vessels by any party; and, in cases of serious violation, the continuation of such boarding until the flag State is in a position to take full responsibility for the fishing vessel.

The Donut Hole Convention also contains provisions that ensure that consensus decision-making does not lead to stalemate or the inability to make effective conservation and management decisions. This has been a major problem in traditional fishing agreements. However, in this convention, in the absence of consensus among the Parties, means and procedures are established to ensure that no fishing occurs in the Donut Hole except in accordance with sound conservation and management rules.

Provisions such as these break new ground in regional fishery management agreements. I believe we should look for more of this in the future. After all, we are close to the 21st century. We live in a world of space age communication and data management. Fisheries data collection and its availability to fisheries managers remains an archaic process, to say the least. There is no reason today—other than the reluctance of fishermen and their governments to compel them—that every fishing vessel on the high seas does not have on board a satellite transmitter capable of two way communication, a fax machine, and a computer capable of collecting, storing and transmitting data immediately in agreed formats This is the future to which we look forward. This is the direction true international fisheries cooperation will take us.

Let me return to the Donut Hole Convention. The United States is confident that the Donut Hole Convention will be fully and fairly implemented by its Parties and that in doing so it will contribute to the protection of the marine environment and the conservation of the Aleutian Basin pollock resource and associated species for many years to come. We look forward, as well, not just to seeing this state-of-the-art convention well implemented, but to seeing it evolve and continue to set a high standard for regional fisheries agreements.

Could the Law of the Sea Convention help the Parties to the Donut Hole Convention?

Certainly. First, the Law of the Sea Convention will require no change in the Donut Hole Convention. The Donut Hole Convention will operate as it was negotiated among its Parties. Second, the Law of the Sea Convention can help the Donut Hole Convention, as in the case of the Anadromous Stocks Convention and the Driftnet Moratorium, by providing an alternative enforcement mechanism to ensure that no vessel undertakes conduct in the Central Bering Sea contrary to the provisions of the Donut Hole Convention. The dispute settlement provisions of the Law of the Sea Convention enable its Parties to ensure enforcement of multilateral fishery conservation arrangements on the high seas. Dispute settlement does not replace other means that States have at their disposal to enforce multilateral conservation arrangements. It adds to the options available. The Law of the Sea dispute settlement option can act both as a deterrent and as a means to bring about final resolution should problems arise in the Donut Hole in the future.

THE FAO FLAGGING AGREEMENT

The FAO Agreement to Promote Compliance with International Conservation and Management Measures By Fishing Vessels on the High Seas is often called the "Flagging Agreement," although it deals with much more than the flagging of fishing vessels. From my perspective, this very important Agreement could not have been successfully negotiated had the Law of the Sea Convention not come before it. Moreover, as with the other fishery agreements I've mentioned, States should be able to use the dispute settlement procedures of the Law of the Sea Convention to ensure observance of the FAO Agreement.

The FAO Agreement is part of the FAO's Code of Conduct on Responsible Fishing, an initiative begun at Mexico's Cancun Conference in 1992. It rests upon basic principles regarding high seas fishing and Flag State responsibility found in the Law of the Sea Convention. With respect to high seas fishing, as I have mentioned before, the LOS Convention does not permit a "free-for-all," an unfettered right to fish, as some suggest. While the Convention acknowledges the general right of all States for their nationals to fish on the high seas, it makes this right subject to a number of important conditions, including:

(a) other treaty obligations of the State concerned;

(b) the rights and duties as well as the interests of coastal States; and

(c) obligations to cooperate in the conservation and management of high seas living resources.

With respect to Flag State responsibility, Article 91 of the Law of the Sea Convention gives States the right to grant nationality to their ships. Flag States must ensure that there is a genuine link between themselves and the vessels that fly their flag. In addition to cooperating in the conservation and management of highs seas resources, Flag States (like all States) must protect and preserve the marine environment, which includes living marine resources.

The FAO Agreement builds upon these principles to meet two basic objectives. First, the Agreement sets forth a range of specific obligations for Flag States to ensure that their vessels act consistently with conservation and management needs developed by regional fishing arrangements. Second, the Agreement greatly promotes the transparency of high seas fishing operations through the collection and dissemination of information. By being Party to the FAO Agreement, a State fulfills basic responsibilities imposed by the LOS Convention to cooperate in the conservation and management of high seas living resources.

Flag State responsibility has a long tradition in the Law of the Sea, mostly—but not completely—for the good. It was originally justified on the notion that a ship should be regarded as an extension of the territory of the Flag State. Generally speaking, when a ship is on the high seas, no other State may exercise jurisdiction over it.

This exclusivity of jurisdiction has long been recognized to imply a duty—Flag States must control their vessels to ensure that they act consistently with international law. The Law of the Sea Convention makes this explicit—in exchange for exclusive jurisdiction over its vessels on the high seas, Flag States must ensure that such vessels act responsibly.

Today, high seas fishing vessels have harvesting capacities never imagined in the days when the notion of Flag State responsibility first arose. Modern fishing vessels and fleets can literally wipe out fish stocks. Flag States have a duty under the Law of the Sea Convention to exercise great vigilance over their fishing vessels which operate on the high seas. The FAO Agreement identifies vital elements of that duty. If they do not meet their duty, the fishery resources on which we all depend will collapse, and the Flag States will have failed to exercise their responsibility under the Law of the Sea Convention.

Some Flag States have begun to exercise this greater vigilance over their high seas fishing vessels. Others, unfortunately, continue to allow their flags to be flown by vessels over which they exercise virtually no control. This is improper under the Law of the Sea Convention. When such vessels fish in ways that break the rules and do harm to the marine environment, these States sometimes try to hide behind the tradition of Flag State responsibility, asserting that no other State may take action to compel proper fishing behavior on the high seas. When such vessels are suspected of fishing illegally in zones of national jurisdiction, and are later found on the high seas, these States sometimes refuse to cooperate with coastal States in investigating the alleged violations.

These patterns of conduct are inconsistent with Law of the Sea Convention requirements and jeopardize respect for the tradition of Flag State responsibility for fishing vessels on the high seas. The FAO Agreement represents one attempt to address part of the problem. It sets forth a reasonable set of specific duties for Flag States to ensure that their vessels do not undermine conservation rules on the high seas. As such, it elaborates upon basic duties in the Law of the Sea Convention.

All States should move quickly to become party to the FAO Agreement or otherwise observe its requirements. For those Flag States that do not, the international community can be expected to find another approach to fulfill the intent of the Law of the Sea Convention that the marine environment be preserved and protected against the actions of irresponsible high seas fishing vessels.

The message is that the Flag States of vessels fishing on the high seas must do more to cooperate among themselves and with coastal States. Some States argue that it is a derogation of sovereignty to cooperate with other States on the high seas in matters pertaining to boarding, inspection and other questions of compliance for responsible fishing behavior. We disagree. We see cooperation as an exercise of sovereignty.

Provision of high seas catch data to other States is not an infringement upon sovereignty or a derogation from the traditions of Flag State responsibility. It is a exercise of sovereignty and responsibility in fulfillment of the duty to cooperate to conserve the world's fishery resources and to protect the marine environment. Cooperating with coastal States on high seas enforcement problems, including boarding and inspection, either through formal or informal arrangements, is not an infringement on sovereignty or the traditions of Flag State responsibility. It is a practical decision by a sovereign State and an exercise of its Flag State duties to ensure that its flag vessels comply with international law and the rules and norms of responsible fishing behavior.

The Law of the Sea Convention does not set up the high seas as a sanctuary for irresponsible fishermen. States with fishing vessels on the high seas have a duty under the Law of the Sea Convention to cooperate with other States. That cooperation may take many forms—but it must be directed toward responsible conservation and management actions; and that means, at a minimum, monitoring and inspection of fishing vessels and reporting about their activities.

Within the context of regional fishery agreements, Flag States should consent to boarding and inspection of their fishing vessels on the high seas by other States to ensure compliance with those agreements. If a high seas fishing vessel is violating agreed fishing measures, the Flag State should either exercise responsibility for the vessel or authorize another State to exercise such responsibility on its behalf. If a vessel is suspected of violating coastal State rules, the Flag State should cooperate with the coastal State and provide the most efficient means of investigation including agreeing to coastal State boarding and inspection on the high seas when the Flag State is not in position to do so.

Numerous international extradition agreements include the "prosecute or extradite" rule. We believe international fishery agreements and relationships should include a similar approach. A State must either ensure that its flag vessels engage in responsible fishing on the high seas, or be prepared to allow other States to take the necessary steps. This approach fully respects the basic traditions of Flag State responsibility enshrined in the Law of the Sea Convention, while also meeting other responsibilities found in the Convention of equally compelling character to cooperate for the conservation and management of high seas living resources.

This approach, which the United States is advocating in the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, is completely consistent with the Law of the Sea Convention. If Flag States do not cooperate in this fashion, I believe that other members of the international community, particularly coastal States, will become more aggressive in asserting their rights and interests with respect to living marine resources. Indeed, we have begun to witness such actions in recent years.

We do not have time to go into this critical subject at greater length. We should recognize, however, the contributions that the FAO Agreement has made to giving content to the Flag State duties of the Law of the Sea Convention. We look forward to the FAO Agreement's entry into force and full implementation.

CONCLUSION

We generally ask too much of our international institutions. The Law of the Sea Convention is not a panacea that will make the oceans pristine and bountiful. Human behavior has a much greater role to play.

In the last ten years we have seen progress made on a number of fronts relating to the marine environment and high seas fisheries. And I should note that I have recounted just a few. These examples demonstrate, however, that it is possible to give real substantive, positive, beneficial, responsible content to that overused word "cooperation." There are, as well, recent major achievements in protection of the marine environment from pollution, including, Marpol and the London Convention prohibitions on the ocean dumping of industrial waste and radioactive waste.

But, much remains to be done. The International Coral Reef Initiative in which Japan and the United States are playing a leading role is a step in the right direction. The Global Conference on Land Based Sources of Marine Pollution to be held in Washington at the end of 1995 offers the possibility of beginning to come to grips with the most insidious of ocean pollution problems. And, of course, there is the UN Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks in which we hope to make continuing progress in the field of international fisheries cooperation.

The progress made in these areas to date is no doubt due in part to the fact that we have begun to realize in a more forceful way that we have to take care of the oceans—that we have to agree to restrain our behavior—that we just cannot do what we want, that ships under our flags must abide by rules of behavior to protect the marine environment and to conserve fisheries. It is also due in part to the fact that for eight years, from 1974–1982, the Third U.N. Conference on the Law of the Sea brought the entire world together to identify and negotiate the basic rules for traditional uses of the oceans and to set them out in the Law of the Sea Convention.

Thus, for the last ten years we have had a common foundation upon which to build. The progress made on ocean issues in the last ten years is directly attributable to the fact that everyone agreed on the basic rules.

The entry into force of the Law of the Sea Convention creates new opportunities to protect the marine environment and to conserve its fisheries. Not the least of these opportunities is found in the Convention's dispute settlement provisions, which no amount of rhetoric can make customary law.

No responsible actor, be it government, or individual, has anything to fear from compulsory dispute settlement. The Law of the Sea Convention's dispute settlement provisions, even if never used, can deter improper behavior and compel performance with basic rules and undertakings established by the international community to protect the marine environment and to conserve fisheries.

Let us ensure that we continue to make progress in these all important areas now that the Convention is in force.

THE 73 COUNTRIES THAT HAVE RATIFIED THE LAW OF THE SEA CONVENTION AS OF MARCH 1, 1995

Angola, Antigua and Barbuda, Australia, The Bahamas, Bahrain, Barbados, Belize, Bosnia-Herzegovina, Botswana, Brazil.

Cameroon, Cape Verde, Comoros, Cook Islands, Costa Rica, Cote d'Ivoire, Cuba, Cyprus, Djibouti, Dominica, Egypt, Federal Republic of Yugoslavia.

Fiji, the Gambia, Germany, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Honduras, Iceland, Indonesia, Iraq.

Italy, Jamaica, Kenya, Kuwait, Lebanon, Former Yugoslav Republic of Macedonia, Mali, Malta, Marshall Islands, Mauritius.

Mexico, Federated States of Micronesia, Namibia, Nigeria, Oman, Paraguay, Philippines, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines.

Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Tanzania, Togo.

Trinidad and Tobago, Tunisia, Uganda, Uruguay, Vietnam, Yemen, Zaire, Zambia, Zimbabwe.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, and upon the recommendation of the minority leader, pursuant to Public Law 102–138, appoints the Senator from Alabama [Mr. HEFLIN] as Vice Chairman of the Senate Delegation to the British-American Interparliamentary Group during the 104th Congress.

THE NEW YORK TIMES PUBLISHES ITS 50,000TH ISSUE

Mr. MOYNIHAN. Mr. President, careful readers of the New York Times may have noticed something special below the nameplate on the front page of today's issue. Just beneath the familiar box—known as the left ear in newspaper parlance—announcing "All the News That's Fit to Print," it says the following: "Vol. CXLIV . . . No. 50,000."

The New York Times published its 50,000th issue today, a noteworthy milestone even for a newspaper as seemingly eternal and immutable as the great presence on West 43rd Street. The first issue of what was then called the New-York Daily Times appeared 143 years, 7 days ago, on Thursday, September 18, 1851. With only a very few interruptions, there has been an issue of the Times every day ever since.

To give Senators a sense of the magnitude of this event: if one were to stack up 50,000 copies of the New York Times, the pile would be 300 feet taller than the Empire State Building, which is 102 stories tall.

Mr. President, I am sure all Senators will join me in offering congratulations and great good wishes to Arthur Ochs Sulzberger, the publisher of the New York Times, and to everyone else at the Nation's "newspaper of record," on this historic occasion. I ask unanimous consent that an article about the 50,000th issue from today's New York Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 14, 1995]

THE TIMES PUBLISHES ITS 50,000TH ISSUE: 143 YEARS OF HISTORY

(By James Barron)

This was front-page news in No. 1: "In England, political affairs are quiet." So were two stories about New-York, a city that still had a hyphen in its name: a 35-year-old Manhattan woman had died in police custody, and two Death Row inmates were facing execution.

No. 25,320 was the one that said Lindbergh did it, flying to Paris in 33½ hours. No. 30,634 described the Japanese attack on Pearl Harbor. No. 35,178 reported that the Supreme Court had banned segregation in public schools. No. 40,721 said that men had walked on the moon, No. 46,669 that the Challenger had exploded.

Today, 143 years and 177 days after No. 1 hit the streets, The New York Times publishes Vol. CXLIV, No. 50,000—its 144th volume, or year, and 50,000th issue.

Except for the Super Bowl and the copyrights in late-late movies, Roman numerals have gone the way of long-playing phonograph records and rotary-dial telephones. And in an industry where the numbers that matter most involve circulation and advertising lineage, the 50,000th issue is the journalistic equivalent of a car odometer's rolling over. The day will be noted in passing at The Times. The newspaper is preparing to commemorate the 100th anniversary of Adolph S. Ochs's purchase of the paper next year.

"The best way we can celebrate" No. 50,000, Arthur Ochs Sulzberger, the chairman of The New York Times Company, said yesterday in a memorandum to the staff, "is by insuring that our 50,001st edition is the best newspaper we can possibly produce." He added: "I'll fax you another memo when our 75,000th edition comes out."

Still, 50,000 is a lot of anything. It is the number of copies of John Steinbeck's "Grapes of Wrath" sold every year in the United States, and the number of copies of Conrad Hilton's autobiography, "Be My Guest," stolen every year from hotel rooms around the world, the number of rhinestones that were in Liberace's grand piano and the number of customers who crowd into Harrods in London every day.

If all 50,000 issues of The Times were stacked in a single pile, one copy apiece, they would be roughly 300 feet taller than the Empire State Building, or 200 feet taller than one of the twin towers at the World Trade Center.

The idea of 50,000 days of headlines summons memories. Going by the numbers, No. 18,806 said the Titanic had sunk after slamming into an iceberg near Newfoundland. No. 28,958 reported the explosion of the dirigible Hindenburg in Lakehurst, N.J., and No. 34,828 the conquering of Mount Everest. The 1965 blackout dominated No. 39,372; the one in 1977, No. 43,636.

The Times has covered 28 Presidents (29 if Grover Cleveland, who served two nonconsecutive terms, is counted twice), starting with Millard Fillmore. No. 4,230 reported the death of Abraham Lincoln, No. 38,654 the assassination of John F. Kennedy and No. 42,566 the resignation of Richard M. Nixon.

Ten thousand issues ago, No. 40,000 reported that a crib had been set up in the White House for Patrick Lyndon Nugent, the five-week-old grandson of President Lyndon B. Johnson. He was to stay in the White House while his parents took a vacation in the Bahamas.

No. 40,000 also reported that Ann W. Bradley was engaged to Ramsey W. Vehslage, the president of the Bonney-Vehslage Tool Company in Newark. No. 40,076, on Oct. 15, 1967, reported that their wedding had taken place the day before in Washington. Mr. Vehslage is still the president of the family-owned company. But the person who answered the phone at Bonney-Vehslage last week was Ramsey Jr., born on June 18, 1971 (an event not reported in No. 41,418, published that day).

Like No. 50,000 today, No. 30,000 hit the streets on a March 14—Thursday, March 14, 1940. No. 10,000, on Sept. 24, 1883, reported that J.P. Morgan's yacht had sunk. That issue had eight pages and a newsstand price of 2 cents. The daily-and-Sunday subscription price in those days was $7.50 a year.

Vol. I, No. 1 of The New-York Daily Times, as the newspaper was known, cost only a penny when it appeared on Thursday, Sept. 18, 1851. There were no Sunday issues until No. 2,990 on April 21, 1861. But each day brought a new number, and the continuity was preserved even when the paper was not published. After strikes in 1923, 1953 and 1958, special sections were printed containing pages that had been made up when the paper was not published.

Continuity was also preserved during a 114-day strike in 1962 and 1963. The Time's West Coast edition kept the numbers going. (The West Coast edition had no Sunday issue, but for the sake of continuity, the numbers skipped one between Saturday and Monday.)

In 1965, when a 24-day strike halted The Times's operations in New York, its international edition in Paris kept publishing.

That justified keeping the numbers going, even though the international edition had its own different sequence. For that reason, the number of the issue published in New York on Sept. 16, 1965, the last day before the strike, was No. 39,317. The first day after the strike was No. 39,342. The numbers from 39,318 to 39,341 were never used.

No such attempt at continuity was made during an 88-day strike in 1978. By then, the Times had suspended its international edition and become a partner in The International Herald Tribune. The last issue of The Times before the strike was No. 44,027. The first issue after the strike was No. 44, 028.

The Times is one of the last papers in America to print the volume number (in Roman numerals) and the issue number (in Arabic) on its front page. Dr. Holt Parker, an associate professor of classics at the University of Cincinnati, knows when this tradition began: in the Middle Ages, when scribes copied texts by hand.

Why does it continue? Dr. Parker can think of only one reason. "Because," he said, "it looks good."

THE DEATH OF JUDGE VINCENT L. BRODERICK

Mr. MOYNIHAN. Mr. President, New York and the Nation lost a most distinguished attorney, jurist, and public servant with the death on March 3 of the Honorable Vincent L. Broderick.

Judge Broderick, or Vince as he was known to family and friends, was born in 1920 into a family with a long tradition of public service. His father, Joseph A. Broderick, was Gov. Franklin D. Roosevelt's superintendent of banks, and was later appointed by President Roosevelt to the Federal Reserve Board. His uncle, James Lyons, served as Bronx borough president for 20 years. I might add that this tradition continues among other members of the family: Judge Broderick's nephew, Christopher Finn, who was my administrative assistant here in the Senate from 1987 to 1989, is now executive vice president of the Overseas Private Investment Corporation.

As a young man, Vincent Broderick was a leader of the Young Democrats in the late 1940's. He was active in the presidential campaign of Robert F. Kennedy, and, after the assassination in 1968, in the campaign of Hubert Humphrey. In 1969, after briefly considering running for mayor of New York City, Mr. Broderick sought the nomination for city comptroller. He was defeated in the primary by Abraham Beame. He continued to be active in Democratic politics in New York, working on Senator George McGovern's presidential campaign in New York in 1972.

Judge Broderick was the sort of uniquely able man who was called to duty by his Government again and again for the most difficult assignments. During World War II, he interrupted his studies at the Harvard Law School to enlist in the Army, where he served as a member of the amphibious engineers in the Pacific. He rose to the rank of captain before returning to law school, which he finished in 1948.

After practicing law with the Wall Street law firm of Hatch, Root & Barrett in the 1950's, Vincent Broderick became deputy commissioner for legal matters of the New York City Police Department. He later served as general counsel of the National Association of Investment Companies before becoming chief assistant U.S. attorney for the southern district of New York.

In 1965, Vincent Broderick was appointed police commissioner by New York City Mayor Robert F. Wagner. Running the Nation's largest police force in the Nation's largest city has always been an extremely difficult job, and never more so than in 1965, when New York City experienced a terrible blackout, a crippling transit strike, the first ever visit by a Pope—Paul VI—and a bitter dispute with Mayor John V. Lindsay over the handling of complaints against the police. Despite these challenges, Vincent Broderick excelled as police commissioner and became known as a leader who refused to tolerate excessive force or racial prejudice in his department.

After returning to private practice for a time, Vince Broderick was nominated to the U.S. District Court for the southern district of New York by President Ford, where he further distinguished himself as a jurist of great wisdom and fairness. From 1990 to 1993, he served as chairman of the criminal law committee of the Judicial Conference of the United States. He remained active as a senior judge in the southern district until shortly before he died.

Judge Vincent Broderick was a public man of singular accomplishments and abilities, a model public servant and model gentleman whose extraordinary career and accomplishments in government and the law will be studied and admired for many years to come.

Mr. President, I commend to the attention of Senators Judge Broderick's obituary, which appeared last week in the New York Times, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the obituary was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 7, 1995]

V. L. BRODERICK, JUDGE AND POLICE HEAD, 74, DIES

(By Lawrence Van Gelder)

Judge Vincent L. Broderick, who was a senior judge on the Federal District Court for the Southern District of New York and who served as New York City Police Commissioner during the tumultuous period of transition, died on Friday at the Stanley R. Tippett Hospice in Needham, Mass. He was 74.

Judge Broderick, who lived in Pelham Manor, N.Y., died of cancer, said his daughter Kathleen Broderick Baird of Needham.

In the eight months after he was appointed Police Commissioner by Mayor Robert F. Wagner in May 1865, Judge Broderick led the police force through the blackout that blanketed the Northeast, through the biggest transit strike in the city's history, through the first visit to New York by a Pope, Paul VI, and through a conflict with Mayor John V. Lindsay over the creation of a civilian board to review complaints against the police.

Lean, calm and reflective, Judge Broderick was a relative rarity in the ranks of commissioners—a man who had never walked a beat. But he came from a background in law, law enforcement and public service, having been deputy police commissioner in charge of legal matters and, at the time of his appointment as head of the 27,000-member force at the age of 45, the chief assistant United States Attorney for the Southern District of New York.

"Its a problem job," he said when Mayor Wagner named him to fill the unexpired term of Michael J. Murphy. "It always has been a problem job, and it always will be. But I think I have the capacity to handle it."

Judge Broderick wasted no time making clear where he stood. In his first major appointment after assuming office, he named a black captain, Eldridge Waith, to command the 32d Precinct in Harlem. Two weeks later, at a time of racial tensions throughout the country, Judge Broderick issued a warning at a police officers' promotion ceremony:

"If you will tolerate in your men one attitude toward a white citizen who speaks English, and a different attitude toward another citizen, who is a Negro or speaks Spanish—get out right now. You don't belong in a command position.

"If you will tolerate physical abuse by your men of any citizen—get out right now. You don't belong in a command position.

"If you do not realize the incendiary potential in a racial slur, if you will tolerate from your men the racial slur—get out right now."

In that same speech, Judge Broderick made clear where he stood on the subject that prompted Mayor Lindsay to deny him reappointment the following February: Judge Broderick opposed a civilian review of the police. Recalling testimony he had just given the City Council, he said, "I opposed it on the ground that we have civilian control of the Police Department; that we have civilian review of citizens' complaints; that outside review would dilute the quantum and quality of discipline within the department, and that outside review would impair the effectiveness of the police officer in coping with crime on the streets."

On leaving the Police Department, Judge Broderick, a Democrat, returned to the private practice of law until 1976, when he was appointed to the Federal bench by President Gerald R. Ford, a Republican.

As a senior judge of the United States District Court for the Southern District, he remained active until shortly before his death. He presided over one of the longest criminal trials in the Federal courts, an organized-crime racketeering case that lasted more than 18 months. And, in a ruling sustained by the Untied States Supreme Court that resulted in new hiring practices by governments, he held for the first time that political considerations had no place in selecting personnel for nonpolitical government jobs.

He served from 1990 to 1993 as chairman of the criminal law committee of the Judicial Conference of the United States, the policy-making arm of the judiciary, a position from which he led a fight to permit judicial flexibility in sentencing.

In 1993, he told a House subcommittee that an inherent vice of mandatory minimum sentences is that they are designed for the most culpable criminal, but they capture many who are considerably less culpable and who, on any test of fairness, justice and proportionality, would not be ensnared. The 1994 crime bill incorporated his view by permitting departures from the mandatory guidelines.

Judge Broderick's father, Joseph, was Superintendent of Banks for New York State and a governor of the Federal Reserve Board. His brother Francis was a chancellor of the University of Massachusetts in Boston.

Judge Broderick, who grew up in the Washington Heights section of Manhattan, graduated from Princeton in 1941, began studies at Harvard Law School and then enlisted in the Army. As a member of the amphibious engineers he served in Cape Cod, New Guinea, the Philippines and postwar Japan before leaving service with the rank of captain to resume his studies at Harvard. He graduated in 1948.

For the next six years, Judge Broderick practiced with the Wall Street firm of Hatch, Root & Barrett. Then he was chosen for the job of deputy commissioner for legal matters. After two years, Judge Broderick left to become general counsel of the National Association of Investment Companies.

In 1961, Robert M. Morgenthau, then the United States Attorney for the Southern District, named him chief assistant, and he served as acting United States Attorney in 1962, when Mr. Morgenthau ran unsuccessfully for governor against Nelson A. Rockefeller.

In addition to his daughter Kathleen, Mr. Broderick is survived by his wife, the former Sally Brine, of Pelham Manor; three other daughters, Mary Broderick of East Lyme, Conn., Ellen Broderick of East Chatham, N.Y., and Joan Broderick of East Sandwich, Mass.; two sons, Vincent J. Broderick of Westwood, Mass., and Justin Broderick of Cambridge, Mass.; a brother, Joseph, of Chapel Hill, N.C., and eight grandchildren.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:37 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 889, which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 889) making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Bumpers amendment No. 330, to restrict the obligation or expenditure of funds on the NASA/Russian Cooperative MIR program.

Kassebaum amendment No. 331 (to committee amendment beginning on page 1, line 3), to limit funding of an Executive order that would prohibit Federal contractors from hiring permanent replacements for striking workers.

The PRESIDING OFFICER. The chair, in his capacity as a Senator from the State of Indiana, suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from West Virginia [Mr. BYRD] is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

What is the pending question before the Senate?

The PRESIDING OFFICER. The business before the Senate is the Kassebaum amendment, No. 331, to H.R. 889.

Mr. BYRD. I thank the Chair.

Mr. President, although this amendment only directly affects workers involved in Government contracts, there is a deeper principle—a principle which goes to the rights of other workers to act in concert—in other words, to strike—to bring about improved working conditions, better wages, safety and health protection, and so on. It is a principle for which many men have given their lives, and, as one who grew up in the southern coal mining counties of West Virginia, I rise today in opposition to this amendment.

I was raised by a coal miner; I married a coal miner's daughter; my days as a boy and as a young man were spent in coal mining surroundings, and as a young man I worked in the coal mining company stores in Raleigh County and Fayette County, West Virginia. I lived at various times in Mercer and McDowell and Raleigh and Fayette Counties—all of which were big coal producers—and my uncle, who raised me, worked in the mines of Mercer, McDowell and Raleigh counties. Therefore, I shall reflect in my remarks today, on the conditions under which the coal miners worked when I was a boy and which led to the unionization of the miners. I shall refer to the social conditions under which the coal miners labored to raise their families, and I shall also speak of the trials and turmoils that attended the coming of the union to the southern counties of my State. To fully comprehend the importance of the ability of workers to collectively bargain—in other words, to strike—and to belong to a union, no industry is more illustrive than the mining industry in West Virginia.

Geologists place the beginnings of the Coal Age at about 315 million years ago, at the start of what is known in geologic time as the Pennsylvanian period. This, together with the earlier Mississippian period, make up the Carboniferous Age. The first Coal Age is thought to have lasted approximately 45 million years. Almost all of the valuable coal seams were laid during the Pennsylvanian period. These deposits stretched from the Canadian maritime provinces south to Alabama, generally paralleling the Appalachian Mountain chain. West Virginia was blessed with a great concentration of this natural resource, and from the beginnings of coal mining in the early 1800's, the economy, welfare, and political life of West Virginia had been largely dependent upon this "black gold," which underlies a great portion of my State. Coal was not a very important resource in West Virginia until after the Civil War, when the advent of the railroads made the coal fields accessible and brought thousands of miners into the State.

Since the advent of coal mining, West Virginia has been fertile ground for outside exploitation, massive labor confrontations, union organizing, and a multitude of political intrigues. The coal fields have provided great wealth to individuals and to corporations—many or most of which, as I have stated, were outsiders—while many of the miners and their families have known equally great poverty. Great wealth for the outside interests; great poverty for the men who toiled in the mines to bring out the coal. West Virginians have seen their State's landscapes altered by underground mining and more recently by the impact of strip mining, and the State's economy has been buffeted by the up-and-down cycle brought on by vacillating prices and other economic factors, many or most of which were beyond the immediate control of the coal miners themselves.

As Stan Cohen states in his fascinating treatise, titled "King Coal, a Pictorial Heritage of West Virginia Coal Mining," coal was sighted as early as 1790 in the northern part of the State, which, at that time, was a part of the State of Virginia. As transportation methods improved, the thick Pittsburgh coal seam, prominent in northern West Virginia, assured the area of a steady growth in coal production as transportation methods improved. I quote from Mr. Cohen's work:

> Mines were operating in the Fairmont region by 1850 for local consumption. When the Baltimore and Ohio Railroad reached Fairmont in 1853, markets opened up as far East as Baltimore. The coal fields around Wheeling, and the Northern Panhandle, were also

> mined prior to the Civil War; the coal was needed for a fledgling iron industry in that city that had begun before the War of 1812. The Baltimore and Ohio reached Wheeling in the early 1850's, providing access to eastern markets.
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> The northern coal fields assumed greater importance during the Civil War, when supplies from Virginia were cut off. The larger cities of the East needed a steady supply of coal for heating purposes and war-related industries. Union forces were able to keep the Baltimore and Ohio and the Norfolk and Western railroads open to Washington, D.C., and Baltimore, notwithstanding constant raids by the Confederates. The end of the war saw the expansion of coal mining in Marion, Taylor, Preston, Monongalia, Barbour, and Harrison Counties.
>
> The coal fields in southern West Virginia—those in Logan, Mingo, Wyoming, Mercer, McDowell, Wayne, and Summers—had to wait for the coming of the railroads to that section in the late 19th century to realize their vast potential.

Mr. President, coal mining in southern West Virginia is a vast storehouse of history. It is a story of struggle, oftentimes violent struggle—a story of courageous men and women demanding and fighting for their rights, for their dignity, and for their freedom. As David Alan Corbin, relates in his work titled "The West Virginian Mine Wars":

> Like the Civil Rights movement of the 1960's, the miners' organizing effort had good and bad characters. Each story involved brutality, destruction, and death. And both movements are stories of oppressed, exploited people fighting for dignity, self-respect, human rights, and freedom. Both are stories of courageous men and women doing heroic things under extraordinary circumstances against extraordinary foes.

Corbin refers to the Matewan massacre in 1920 as having parallels to the Old-West-style shootout on the main street of town. The killings of Sid Hatfield and Ed Chambers on the steps of the McDowell County courthouse in Welch was a gangland type "hit", and the ensuing march on Logan was Civil War.

And if ever my colleagues have the opportunity, I hope they will visit Matewan, in Mingo County, the southernmost part of West Virginia. McDowell County is an adjoining county. I lived in McDowell County as a little boy, and my coal miner dad worked in mines at Landgraff.

There on the courthouse steps, ascending the hill leading to the McDowell County Courthouse in Welch, can still be seen the bullet holes. Sid Hatfield and his wife, Ed Chambers and his wife, were ascending the steps. Sid Hatfield and Ed Chambers were shot dead by the Baldwin-Felts gunmen.

Mr. President, the West Virginia mine wars involved nearly every form of violence. Automatic rifles, machine guns, shotguns, handguns, and grenades were utilized, and there was a train, "Bull Moose Special." It was fitted with guns and armor. There were passwords, spies, scouts, sentries, medical units, medics, and officers. It was a war fought also with legal artillery—injunctions, yellow-dog contracts, housing contracts and evictions, economic sanctions—as well as by jailings, beatings, and murders. The West Virginia mine wars have been the subject of several interesting historical studies, including Lon Savage's, "Thunder in the Mountains," Howard Lee's "Blood Letting in Appalachia," and David Corbin's work titled "Life, Work, and Rebellion in the Coal Fields."

I do not recommend watching movies except excellent ones and there are not many American movies that are excellent. But I do recommend, if my colleagues ever have the opportunity of doing so and they have not done so already, I recommend they see "Matewan."

The coal miners' struggle for unionization was the culmination of decades of exploitation and oppression, and it was fought for dignity, and political and social rights. Coal mining operations ran an authoritarian system, the heart of which was the coal company town. The coal companies, owned by outside interests, exercised enormous social control over the miners. The coal company town was really not a town in the usual sense of the word. But it was a complete, autonomous system. In addition to owning and controlling all the institutions in the town, coal company rule in southern West Virginia, according to David Corbin, and I can bear witness to the facts that he describes, because I grew up in those surroundings.

Coal company rule in southern West Virginia,

> included the company doctor who delivered the babies, the mines in which the children went to work, and the cemeteries where they eventually were buried.

I have helped to bury coal miners on those hills. It is an experience, carrying those heavy caskets along the hillsides and digging the graves, as well. Company rule also included the company police in the form of mine guards, who would toss the miners into the company jail—not into the county jail but the company jail—or administer the company beating when the miners attempted to organize into a union. It was a complete rule, and it was a ruthless rule in many instances. Consequently, when the miners went on strike for their union, they did so not for simple wage increases always, but, in many instances, for their very dignity and freedom.

For millions of centuries, the hills and low mountains that cover so much of West Virginia slumbered in solitude. Mountain people were hard working, tough, clannish, and, while normally friendly, they looked upon strangers with suspicion. Life on the whole was simple.

In the early days of the mining industry, a miner learned how to mine by experience. He would work with another miner or with his father until he felt confident enough to work at the coal face alone. The early miner performed all mining tasks himself, including laying the track for the coal car, loading the car, and supporting the mine roof. As production increased and companies grew, a division of labor was instituted, with each miner having a specific task to perform. Young boys—12-year-olds, for example—often went into the mines with their fathers to learn the job. They were given odd jobs at first, such as door-tending, or "trapping," which consisted of sitting near a ventilation door and opening it—this is along the mine entrance. The mine perhaps had been driven a mile, two miles, or three miles or more into the bowels of the Earth, and there were large fans that would circulate the air through the entries. There were trap doors through which the motor, or earlier, the mules or ponies that pulled the mine cars, would travel. These boys would be employed to open the door and close the door after the cart or the mine car had passed through the door with its load of coal.

So these boys were given odd jobs at first, such as door-tending or "Trapping," which consisted of sitting near a ventilation door and opening it as the mule drivers, or "skinners," as they were sometimes called, passed through with their loads of coal.

In the days when my coal miner dad worked in the coal mines, the coal was dug and loaded by hand, and the miner's work area around him was referred to as his "place." That is why a few days ago, when speaking against this amendment, I referred to, on one occasion, the "coal miner's place." If he did not clean it up during the 9 or 10 or 12 hours, then someone else might take his job. The miners were told to clean up their "place," and there was always someone waiting on their job. That meant he had to shovel up the coal, the rock, the slate—whatever fell down when the dynamite went off—and clean it up, load it into the car. Many times the miner worked on his knees, loading that coal into the mining car.

Dynamite was used to bring down the coal, and the fallen coal was shoveled into one of the empty mine cars—a difficult job, especially in the low seams. There were some mines and some seams which enabled the miners to stand erect and work, but there were some seams that were so low, the miners had to work on their knees—they could not stand erect—with millions of tons of rock overhead, working in the darkness to bring out the coal. Especially in low seams, as I say, it was a difficult job and, in many instances, the miners worked in water holes.

While loading the coal, the miner had to remove the larger pieces of rock and slate so that he would not be "docked" for sending out "dirty" coal. Lump coal sold at a premium price while pea-sized or slack coal sold for a lesser price. A miner hung a brass "check" on each car that he loaded in order to get proper credit for the coal that he dug.

My dad's check number, I recall, was 232. Each car of coal that he loaded, he attached his brass check with No. 232 on it, so that when the coal car was unloaded into the tipple and later into the railroad cars, he would get credit for having dug and loaded that carload of coal.

In the mid 1920's, a miner would sometimes load more than 10 tons of coal a day. Companies in those days would haul the coal to the surface using mules or ponies, until small electric locomotives were introduced.

One source of constant tension between miners and coal companies in those days was the matter of fair payment to the miner for the coal that he had dug and loaded. "Short weighing," practiced by some unscrupulous companies to cheat the miners, occurred when the company weighman would record a weight less than the actual amount of coal in the car. "Dockage," to which I referred a little earlier, was an arbitrary reduction in payment for impurities such as slate and rock loaded in the coal car. These practices became so commonplace that one of the first demands of the miners when the union was formed was for their own check-weighman to monitor the company check-weighman, because the miners felt that only with such a system would they be paid a fair amount for the coal that they had so arduously dug and loaded.

With the coming of hydraulically controlled machines, mining has become an automated industry, and highly skilled men and women operate the complicated mining machinery of today. The pick and shovel mining, which constituted the life and times of the coal miners of my dad's day, are gone forever.

So, Mr. President, the West Virginia mountains had stood in untouched solitude throughout the hundreds of millions or billions of years. With the coming of large coal mining operations, in my boyhood and early manhood years, coal mining camps were to be found all over the southern counties of West Virginia. Large mine-mouths gaped bleakly from the hillsides. You travel along and see these mine openings in the Earth—large mine entry openings. Gaunt tipples, miners' bathhouses, and other buildings stared down upon the mining community itself from the slopes of the mountains. Railroads sent their sidings in many directions, and long lines of squat mine cars ran along the narrow gauge tracks and disappeared around the curves of the hills.

When unionism invaded these peaceful valleys, it made itself familiar often through bloody scenes. To the miner, his employment in the mines was his only way of making a living—he knew no other trade—and if a considerable number of mines closed down, whole mining communities sat around idle. Many times, I have looked into family cupboards of miners and they contained only a little food, perhaps for a single meager meal. I have seen the haunted look in the eyes of men who did not know how they were going to provide for the immediate wants of their children and wives.

Outside interests, as I have stated, had bought up the land in large quantities, and many corporations sprang into existence, some of them with the intention of mining the coal themselves, while others planned to lease their land to those who would do the mining. Some of the land was bought by railroad companies that wanted it for the coal that it held, as well as for rights of way. They used the coal to propel the large steam engines that pulled the long lines of coal cars over the hills and down the valleys. Manufacturing establishments in northern and eastern cities acquired some of it for their own future supplies of coal, and public utility corporations did the same thing.

The first railroads into the State were the Chesapeake and Ohio, the Baltimore and Ohio, the Norfolk and Western and the Virginia. Miners came into the West Virginia valleys from western and central and southern Europe, as well as from the southern cotton fields of the United States. Operators would advertise for workers to take mining jobs, and they came even from European countries and in the cotton fields of the South.

Welsh coal diggers came from the pits of Kidwelley; Englishmen came from Lancashire, and these mingled with Scotsmen and Hungarians and Czechoslovakians and Germans, Poles, and Austrians. There were large numbers of Italians. As many as 25 or 30 nationalities can still be found in the city of Weirton, in West Virginia's northern panhandle.

The typical coal mining community was not a town in the ordinary sense. The place where the town stood was the point at which a coal seam had been opened, buildings had been erected, and machinery had been installed. The dwellings, or shacks, clustered about the tipple or straggled along the bed of the creek, and there seemed to be always a creek in those coal mining communities. And these dwellings were occupied solely by the men who worked in the mines. Oh, there were some management personnel—the store manager, company doctor, principal of the nearby school. But other than that type of personnel, the houses were occupied by miners.

These communities were really not called towns. They were more often called "camps"—the mining camp down the way, or the Glen White mining camp, the Stotesbury mining camp, or the Slab Fork mining camp, the Tams mining camp, or the mining camp at Helen, West Virginia.

No one owned his own house. He could not acquire title to the property. No one owned a grocery store or a garage or a haberdashery. There was no Main Street of small independent businesses in the mining camps. There was no body of elected councilmen to pass on repairs for the roads or sanitation problems. There was no family physician who built up a successful practice by competing with other physicians. The coal company owned all of the houses and rented them to the miners. It owned the company store. It owned the pool room. It owned the movie theater. It built the church. The company employed the physician and collected a small sum monthly from each miner to help pay the company doctor. The coal company controlled life and activities of the little community. It was responsible for the sanitation and sewage disposal. The company's ownership usually extended to the dirt roads that ran alongside the railroad tracks or through the middle of the mining camp along by the creek.

Semimonthly paydays occurred and miners were given statements showing how much they owed the company and how much the company owed them. Among the items charged against the miners in this account were the indebtedness incurred by the miners at the company store, rent for their house, electricity for their house, heating, meaning coal; the miners heated their houses with coal, and they bought this coal from the company for which they worked. They got it at a cheaper price, but they paid for their coal. And also included in this account was a monthly checkoff for doctor services or use of the hospitals. The hospitals usually were several miles away and located in the incorporated towns. There was a charge for use of the company washhouse in which to clean up after a day's work. The miner paid the same amount for doctor and hospital services whether there was an illness in his family or not. An additional sum would be paid for such services as occurred with childbirth.

I was employed by the coal mining community company store at Stotesbury. I first worked in a gas station pumping gas. We did not have service stations in those days. Those were gas stations. And then I was a produce salesman for the coal company, at the coal company store, and I was also a meat cutter. And when our first daughter was born, my wife and I had two rooms in one of those coal company houses. The company doctor attended my wife on that occasion. The doctor and I sat in the kitchen beside a wood-burning stove. My wife gave birth to our older daughter in the adjoining room. My wife's mother attended my wife.

The next morning, after the baby was born, the doctor was leaving the house. I said, "How much do I owe you, Doctor?" He said, "$15." So my wife and I still refer to our older daughter, Mona, as our "$15 baby." But that is the way it was in those days.

The miners used scrip largely in making purchases at the company store. The scrip was in the form of small metal tokens rounded like coins, stamped in various denominations. The companies accepted this scrip in lieu of real money at the pool room, at the movie theater, and at the company store.

Some mining towns were unsightly, unhealthful, and poorly looked after. The surface privy was nearly everywhere in evidence and was a prevalent cause of soil pollution and its contents usually washed toward the bed of the creek. There was not a sidewalk in many of the mining communities. On the other hand, some of the mining communities were neat and attractive in appearance and well cared for. I can say that about the mining community in which I lived as a boy. Many coal mining companies offered prizes for the best gardens, and they tried in other ways to keep the town pleasant in appearance. It was a subservient existence—a civilization within a civilization. There was no escape from it.

One might leave this mining community, if he could get a job in another mining community, but he just moved from one mining community to another mining community, and it was all the same—a civilization within a civilization. There was no escape from it, and its paternalism touched the miners' lives at every point. Any collective voice among them was smothered.

The United Mine Workers of America came to southern West Virginia when I was in my teens. By belonging to a labor union strong enough to negotiate with the organized groups of coal operators—and the coal operators were organized—the miners were able to insist on better working conditions, and they were able to bring about higher wages and shorter hours of work. They were able to exert collective pressure for a greater degree of safety in the mines, and thus to reduce the number of fatalities, as well as the number of maimed and broken men. To miners who were pressed down by the pervading dependence of their existence in company towns, the opportunity afforded by unions for joining with their fellow miners in some kind of collective effort was a welcome escape.

From the cradle to the grave, the miners lived by the grace of the absentee coal owner, one of whose visible representatives was a deputy sheriff, who was often in the pay of the coal owner. Everything belonged to the coal owners, and as I have already stated, home ownership was not permitted. To quote David Corbin:

> The lease of the Logan Mining Company reads that when the miner's employment ceases, "either for cause or without cause, the right of said employee and his family to use and occupy premises shall simultaneously end and terminate."

Almost every coal operation had its armed guard—in many instances two or more guards. Mine guards were an institution all along the creeks in the nonunion sections of the State. As a rule, they were supplied by the Baldwin-Felts Detective Agency of Roanoke, Virginia and Bluefield, West Virginia. I again quote from David Corbin's work. David Corbin is writing about the mine guards, about the employees of the Baldwin-Felts Detective Agency:

> It is said the total number in the mining regions of West Virginia reaches well up to 2500. Ordinarily they are recruited from the country towns of Virginia and West Virginia . . . and frequently have been the "bad men" of the towns from which they came. And these towns have produced some pretty hard characters. The ruffian of the West Virginia mining town would not take off his hat to the desperado of the wildest town of the wildest west.
>
> These Baldwin guards who are engaged by the mining companies to do their "rough work" take the place of the Pinkertons who formerly were used for such work by the coal companies.

No class of men on Earth were more cordially hated by the miners than were those mine guards. If a worker became too inquisitive, if he showed too much independence or complained too much about his condition, Corbin states,

> . . . he is beaten up some night as he passes under a coal tipple, but the man who does the beating has no feeling against him personally; it is simply a matter of business to him.

In reference to the mine guards, Corbin writes,

> They are the Ishmaelites of the coal regions for their hands are supposed to be against every miner, and every miner's hand is raised against them. They go about in constant peril—they are paid to face danger and they face it all the time. But they are afraid, for they never know when they may get a charge of buckshot or a bullet from an old Springfield army rifle that will make a hole in a man's body big enough for you to put your fist in.

On May 19, 1920, several Baldwin-Felts agents with guns came to Mingo County to evict employees of the Stone Mountain Coal Company, who had become union members. An altercation arose between the Baldwin-Felts men and persons gathered around the little railroad station in Matewan—miners and citizens—the Mayor was shot to death, a battle ensued, seven Baldwin-Felts men were shot dead, along with two union miners, and, as I have already stated, the Mayor of Matewan.

When the UMWA began organizing in southern West Virginia, mine owners would discharge men as rapidly as they joined the union—a spy system furnished the information in many instances—and the discharged men were also dispossessed, without advance notice, from company-owned houses. As one coal miner was quoted in Dave Corbin's book,

> I joined the union one morning in Williamson, and when I got back to the mine in the afternoon, I was told to get my pay and get out of my house before supper.

County Sheriffs and their Deputies were often in the pay of the coal operators, and the State government itself was clearly in alliance with the employers against the mine strikers. Scores of union men were jailed, and Sid Hatfield and Ed Chambers, two union sympathizers, were shot dead by Baldwin-Felts Detectives on the courthouse steps at Welch, in McDowell County, on August 1, 1921. At Blair Mountain, in Logan County—I have crossed that mountain many times—a 3-day battle was fought. Quoting from a piece by James M. Cain, which appeared in the "Atlantic Monthly," October, 1922:

> The operators hired four airplanes and bombed the miners. Both sides used machine guns; both sides had a number of men killed. Civil War had broken out afresh. It did not stop until 2,000 federal troops were sent in on September 3. This aroused the public again, but the thing was quickly forgotten, and except for a Senatorial investigation, nothing was done.

Corbin wrote:

> Upon moving into a company town, a miner had to live in a company house and sign a housing contract—

I had to do that. My wife's father had to do that.

> that the courts of West Virginia subsequently ruled created a condition not of landlord and tenant, but of "Master and Servant."

Consequently, the coal company was allowed to unreasonably search and seize a man's house without any notice.

> If we rent a miner a home, it is incidental to his employment. And if a miner would undertake to keep anyone at that home that was undesirable or against the interest of the company, we will have him leave or have the miner removed.

On August 7, 1921, 6 days after the murder of Hatfield and Chambers on the steps of the McDowell County courthouse, 5,000 coal miners met in Charleston, the State capital. Meetings were held in Kanawha, Fayette, Raleigh, and Boone Counties to protest martial law in Mingo County and the Governor's refusal to lift it. There occurred an uprising of the southern West Virginia miners against the coal establishment. Exploitation, oppression, and injustice had created a common identity and solidarity among the miners, and their geographic mobility had turned the hundreds of seemingly isolated company towns into a single gigantic community.

Thousands of miners descended upon a place called Lens Creek, about 10 miles south of Charleston. Their announced intentions were to march through Logan County, hang the county sheriff, blow up the county courthouse on the way, and then to move on Mingo County, where they would overthrow martial law and liberate their union brothers from the county jail. In the process, they would abolish the mine guard system and unionize the remainder of southern West Virginia. The marchers were going to fight for their union.

On August 26, the miners arrived at a 25-mile mountain ridge that surrounds Logan and Mingo Counties. Here they met an equally strong, determined and well entrenched army composed of deputy sheriffs of the two counties, State police, State militia, and Baldwin-Felts guards. I quote from Corbin's work once more:

> The miners who participated in the events swore themselves to secrecy * * * the marcher used sentries, patrols, codes, and passwords to guard the secrets from spies and reporters. The secrecy was so tight that agents for the Department of Justice and the Bureau of Investigation, as well as reporters, though disguised as miners, were unable to attend the most important meetings.
>
> About 4,000 miners constituted the original army that gathered at Lens Creek, but more miners joined the march after it was underway. * * * Ten days after the miners had assembled at Lens Creek, Governor Morgan reported that the "number of insurrectionaries are constantly growing." Although an army officer sent to the battle observed that it is "humanly impossible" to say how many miners participated, an estimate of between 15,000 and 20,000 is probably safe.
>
> The marchers had their own doctors, nurses, and hospital facilities. They had sanitary facilities. The marchers were fed three meals a day. The marchers bought every loaf of bread, 1,200 dozen, in Charleston and transported the loaves to their campsites * * *. To guard against infiltrators and spies, the marchers used patrol systems and issued passes. Orders were given on papers that carried the union seal and had to be signed by a union official. The marchers used passwords and codes. To attend a meeting during a march, a miner had to give the password and his local union number to the posted sentries. Discovering the password, a reporter from the Washington Evening Star attempted to infiltrate a meeting by giving a fake local union number. As he approached the platform from which Keeney was about to talk, two miners grabbed him from behind and carried him toward the woods. A last minute shout to Keeney, whom he had interviewed before the march, saved the reporter * * *. Keeney instructed the miners merely to escort the reporter out of the meeting grounds.
>
> The miners were prepared to fight; they had to be, for they not only sustained a week-long fight, but they also defeated Sheriff Chafin's army of over 2,000 men, who were equipped with machine guns and bombing planes. [Bill] Blizzard was probably the generalissimo of the march. Approximately 2,000 army veterans were the field commanders, and they instructed the other miners in military tactics. A former member of the National Rifle Team of the U.S. Marine Corp and a former Captain in the Italian Army gave shooting lessons. Several former officers, including an ex-Major drilled the miners. * * * After watching several ex-servicemen drill the miners * * *, a reporter walked to another area and heard an ex-serviceman tell a squad of miners how to fight machine guns: "lie down, watch the bullets cut the trees, out flank'em, get the snipers. * * *" The local at Blair, having been given prior instructions, had dug trenches in preparation for the marchers. An advance patrol of 500 to 800 miners cut down the telephone and telegraph lines and cleared a 65-mile area of Baldwin-Felts guards. * * * The armed marchers were in complete control of the area from South of Charleston to the mountain range surrounding Logan and Mingo Counties. * * * Company officials and their families fled the area.
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> Sentries were posted along the Blair Mountain ridge. Sharp shooters with telescopic rifles were stationed at strategic locations to "clean out Sheriff Chapin's machine gun nests." The battle raged for over a week. Both armies took prisoners, * * * and both sides killed. * * * The federal government moved to end the struggle that President Harding called a "Civil War". The U.S. War Department sent Brigadier General Henry Bandholtz to the battle front * * * and ordered the miners to disburse. On August 30, the President placed the entire state of West Virginia under marshal law and issued a proclamation instructing the miners to cease fighting and to return home.
>
> By the morning of September 1, the miners had captured one-half of the 25-mile ridge and were ready to descend upon Logan and Mingo Counties. The President had already issued orders for 2500 federal troops, 14 bombing planes, gas and percussion bombs and machine guns to be sent into the area. The armed march and the Mingo County strike were doomed; Chafin, the Baldwin-Felts mine guard system, and the southern West Virginia coal establishment were saved.

The depression came, Franklin D. Roosevelt was elected President, the UMWA organized miners in West Virginia, and the long struggle was ended. The coal miners had fought bloody battles, and they had won. The evictions stopped, the mine guards became a thing of the past, and collective bargaining brought better living conditions to the families of those who worked for King Coal. The coming of the miner's union also resulted, over a period time, in improved health and safety conditions in and around the mines.

Many terrible mining tragedies occurred during the early half of the 20th century, and it will be my purpose here to afford only a brief glimpse of some of these. My purpose is not to condemn or to blame those in charge of the industry, nor the State government inspectors who, at times, may have been lax or coerced politically and who may have looked the other way when dangerous situations prevailed, hoping that such conditions would go away. But in some such cases, the mine blew up and many men died.

From January 21, 1886, when the explosion occurred in the mine at Newburg, West Virginia, to November 20, 1968, at least 43 major mine blasts in West Virginia took place. There were even more lesser ones, for example, the explosion at McAlpin, West Virginia, a mining community adjoining the Stotesbury community, where I lived as a boy and as a young man; where I married, where our first daughter was born, where I worked in the company store. The McAlpin explosion took place on Monday, October 22, 1928.

I can remember it as though it were yesterday.

It was a dust explosion, since the mine had never shown any methane gas reading. One of my classmates at Mark Twain School suffered the loss of a brother in that explosion. Sitting at the Mark Twain School, where I was a student, one could look out the window across a little valley to the mountain on the other side of the Virginian and C&O Railroads and there on that mountain was the opening of the drift mine, owned by the McAlpin Coal Company.

When the blast went off, no word of mouth was needed to tell the people that something was wrong at the mine. The running and shouting of the men outside the mine was dreadful news to those in view. It happened about 2:30 in the afternoon on an overcast day, weather being almost always adverse when a mine disaster happened. There were 60 men inside the mine who were unhurt, because the blast was confined to a small area. It was decided that a miner had used a "dobie" shot which blew him several feet down the entry. The five other victims presumably died from afterdamp or asphyxiation from smoke and fumes. By 8:30 that evening, all bodies had been brought from the mine. I can recall being at the foot of the hill leading to the mine that evening, when miners' wives boiled coffee over fires built at the foot of the hillside and served it to the rescue men and to other workmen and onlookers. I shall never forget the tearful faces of women who were wives or mothers or sisters of the men who were in the explosion. Relatives at the scene asked to see the bodies that were brought to the outside of the mine to get a glimpse or to identify their kin. The weeping and wailing of wives and mothers and children were a sight that never leaves one's memory.

The calamity at Newburg in 1886 was West Virginia's initiation into the horrors of mine explosions. The explosion killed 39 miners in the twinkle of an eye on that cold afternoon on January 21, 1886, in this small community just 12 miles east of Grafton in Taylor County. Not a soul is alive today who remembers the Newburg mine disaster. However, the town of Newburg keeps its history well. The people are aware that, once upon a time long ago, 39 men and boys died horribly underground. A cemetery on the hill holds the remains of nearly all of them. The town no longer has a mine. The spot where the shaft was sunk is now a barren space. The old crumbling coke ovens are now buried in a jungle of undergrowth and big trees. Newburg was once an exciting town with its crack

B&O passenger train with sleek pullmans, pulled by high-wheeler coal-burning engines en route from Baltimore to Cincinnati and points West. All stopped at Newburg. There were grist mills, good hardware stores, and numerous businesses. A bank stood on the corner, and nearby was a drugstore. Of course, today, the railroad station is no more. The bank is gone. And, as always, there were interesting stories to be told. Two men who died in the blast were married together on Christmas Eve, they lived under the same roof, and they died together in the explosion 28 days later, on January 21. The cemetery where many of the victims lie is still visible.

Men who volunteer to enter a blast-torn mine are a breed of men who stand alone—men who dare to go where an explosive element may regenerate and blow again or to enter where the deadly afterdamp or various gas combinations may destroy them. They hope that men alive may be huddled inside a barricaded room awaiting rescue, not death. Miners never hedge, but prepare, and then go inside if heat and smoke do not drive them back.

For many years, Mr. President, there was only charity—only charity—to assist families that were left destitute by the loss of the family provider. There was no Social Security. There were no welfare programs. There was no workers' compensation. Many years passed and many miners suffered before a system of compensation and Social Security was set up.

The most devastating mine explosion in West Virginia history occurred at Monongah, West Virginia. Those are the first eight letters in the name of the river, the Monongahela River. The town was named Monongah.

This devastating mine explosion took place on December 6, just a few days before Christmas, in 1907. Lacy A. Dillon, in his book "They Died in the Darkness," tells the awful story.

> On Friday morning, December 6, 1907, the men and boys walked to the pits in a cold, drizzling rain. The barometer was low and the humidity high. . . . When 361 men entered the mine that December 6 morning, they took 361 reasons for an explosion by carrying 361 open-flame lights.

My dad worked in the mines. He used a cloth cap and affixed to that cloth cap was a carbide lamp. He would send me to the store to buy some carbide or a flint for his carbide lamp. And the carbide lamp furnished the light for the working place. It was an open flame. And so, 361 men walked into that mine on that morning with 361 carbide lamps, open-flame lights.

> Every time the motor arm arced on the trolley wire, a chance for a blowup existed; as did countless other ways that today are prohibited by State and Federal laws. The method of forcing air into a mine, or sucking the air through a mine, as the case might be, was not so well tested in 1907. . . . The Monongah mine blew with a jar, an artillery-like report, a flame, and earth-shake, and billows of smoke. Concrete sidewalks buckled and broke, the streets opened in fissures, buildings shook, and some old weak ones collapsed. People rushed outside in horror and amazement, knowing what had happened, since mining towns near "hot" mines are always aware that the mines can explode. Soon, panic broke loose with people rushing downhill toward the mines, . . . that such a blast must have killed all men and boys inside, was felt by all. Those related to the men inside, especially the women, became near crazed. One woman pulled her hair out by the handful; another woman disfigured her face with her fingernails, screaming frantically in the meantime. The force of the explosion blew away the fan house, wrecked the fan's workings, destroyed the boiler house completely, . . . some of the buildings near the drift mouth were blown across the Westfork River, landing in pieces on the far bank. In 1907, there were no organized and equipped rescue squads as came into use later. Rescue and recovery of bodies depended on volunteers. . . . Women, children, and other relatives grouped as near as possible to the pit-mouths hoping for a miracle. Some of the women had become stoically philosophical, showing much restraint, while others gave vent to their grief. . . .
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> Mechanics worked frantically to restore air into the mines . . . crews went inside hanging brattices . . . the men began finding the dead ponies and mules following the explosion, the coal company employed a troop of doctors from Fairmont to report to Monongah. They stood around bonfires all night waiting to administer to survivors. None ever came. They remained through Saturday, and by that time, it was known that the only big need for professionals was undertakers. Coffins by the carload were ordered from Pittsburgh, Pennsylvania and Zanesville, Ohio. They were nothing more than plain rectangular wooden boxes with no inside lining. Additional men were employed to tack cloth inside them to keep the body from the bare walls. By Tuesday night, 149 bodies had been recovered. The full crew of men were digging graves on the hillsides in Monongah. The town was overrun with curious spectators. When evening began to fall, everyone tried to leave at the same time and on the same street car. As soon as possible after the explosion, an appeal was sent out, first, to the people of West Virginia, and then to the nation, to come to the assistance of Monongah. Money, lots of it, was needed at once (in those days, as I stated, there was no compensation, no Social Security), as well as clothing, food, medicine. It was winter, and snow fell two days after the blast. The Fairmont Coal Company gave $17,500 while Andrew Carnegie of Pittsburgh sent $2,500. Other organizations and individuals all over the nation began to respond.
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> Over 250 women became widows, and 1,000 children became fatherless. A survey indicated that 64 widows were pregnant. The company cancelled all debts for the widows and other dependents at the company store. Credit was then allowed for all of them. Those who lived in the company houses were notified that no house rent would be collected so long as they remained single. By noon Monday, December 12, there had been recovered 297 bodies. The temporary morgue was working overtime. As soon as a body could be prepared it was taken to the home of the victim to await funeral services, for burial quickly was necessary. Extra ministers of different faiths came in to assist. On December 19, just 6 days before Christmas, superintendent W.C. Watson announced that 338 bodies had been brought from the mine. The blast mangled and burnt some of them beyond recognition and some were never identified.
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> Human interest stories, as I said a moment ago, always occur in times of tragedy, one pitiful case was when the corpse was brought home, seven days after the explosion, the widow gave birth to a child two hours later. Then there was a Mrs. Davies, who lived on the west side of Monongah, lost her husband in the explosion and his body was never found. She went down the hill each day the mines ran after the explosion and got a burlap sack of coal from the mine cars, carried her burden home up the mountainside and deposited it near her house. She never burned a lump of it or allowed anyone else to do so. When asked why she piled this unused coal daily, she stated that she had hopes of retrieving some of her lost husband's body. She was a young woman when the tragedy happened, and she lived to be an old lady. At her death, her sons gave the coal to the churches of Monongah. The coal pile had grown to an enormous size.

Many of the widows were foreigners and unaccustomed to American ways. After the catastrophe, several of them were frustrated and wanted to return to their homelands. Money was given and arrangements made for them to go. Several widows were also in Europe when the mine blew. One boarding house in Monongah kept only miners, and all of them reported for work on that fateful morning. None of them came to supper that evening, leaving 17 empty chairs at the dining table. Their bodies lay somewhere under the mountain sprawled in total darkness, burned and mangled. The final count showed that 171 Italians, 52 Hungarians, 15 Austrians, 31 Russians, and 5 Turkish subjects were killed.

The last major mine explosion in West Virginia occurred at Farmington, in Marion County, on November 20, 1968, and perhaps some of my colleagues will remember having read about that catastrophe. The mine was owned and operated by the Consolidation Coal Company. After several days had passed, and repeated efforts had been made to reenter the mines and remove the bodies, the mine officials made their final decision. They concluded that the 78 men who remained in the mine were dead, and that the mine must be sealed. The officials sent word to the relatives of the entombed men and other concerned citizens to meet at the little Methodist Church. The people assembled in the evening, a somber time and in dreary weather. The lights inside dispelling the outside gloom, and the fact that all assembled were in the House of God, relieved some of the despair of man's inevitable fate.

The company official announced the decision to the weeping and praying people who felt that this announcement was coming. The official was humble and brotherly and his statements showed much compassion for the bereaved. The 78 humans, created in

God's own image, lay inert and today they lie in the totally dark caverns of the Consol Mine to await the day when mankind will kindly bring their bodies or their skeletons to daylight.

Mr. President, these are but a few of the many tragic stories of sorrow and death that have occurred in the history of coal mining in West Virginia. It was not until the union came to West Virginia, that enlightened state and federal governments acted to legislate health and safety laws to protect the lives of the men who bring out the coal. It has been a long history—a long history—of struggle and deprivation, of poverty and want, of harassment, intimidation, and murder, and it has been a story of courage and determination. The coal miner is a breed almost to himself. He lives dangerously, and he has borne humbly the edict, pronounced by the Lord when Adam and Eve were driven from the Garden of earthly paradise: "In the sweat of thy face shalt thou eat bread, til thou return unto the ground; for out of it wast thou taken: for dust thou art, and unto dust shalt thou return."

Mr. President, this short history of the introduction of collective bargaining in the coal mining towns of West Virginia is illustrative of many struggles waged by other working people throughout the United States. In those days about which I have spoken, unions and strikes were instrumental in winning minimum safety, health, and wage levels for workers. Management fought against the unions, and against any improvements in working conditions or benefits that cost them money and ate into their profits.

Today, however, unions are fighting a rearguard action. They are fighting to protect wages, safety and health benefits and pensions from cuts that owners and managers claim are necessary in order to be competitive. Unions have been willing to make concessions, many concessions, in order to keep the companies their members work for competitive and profitable. American productivity has been increasing. Today in West Virginia, we have roughly 20,000 coal miners. They produce the same amount of coal that was produced by 125,000 coal miners when I first came to the Congress 42 years ago. But the unions owe it to their members to protect them from deep cuts in wages and benefits, from cuts that push workers and their families to the poverty level. Unions also owe it to their members to protect the pensions that will allow union workers to maintain a reasonable standard of living into their old age.

This is important work. Many nations do not have unions, or they actively discourage workers from bargaining collectively. In the overview of the "1994 Report to Congress on Human Rights Practices," released in February, 1995, the Department of State notes that

> [t]he universal right most pertinent to the workplace is freedom of association, which is the foundation on which workers can form and organize trade unions, bargain collectively, press grievances, and protect themselves from unsafe working conditions. Just as they did, Mr. President, in the mining communities of West Virginia when I was a boy and when my dad was a coal miner, when my wife's father was a coal miner, when my brother-in-law's father was a coal miner and was killed in a slate fall, when my brother-in-law was a coal miner, my brother-in-law who later died of pneumoconiosis, black lung.

The report goes on to say,

> In many countries, workers have far to go in realizing their rights. Restrictions on workers range from outright state control of all forms of worker organization to webs of legislation whose complexity is meant to overwhelm and disarm workers . . . Trade unions are banned outright in a number of countries, including several in the Middle East, and in many more, there is little protection of worker efforts to organize and bargain collectively. Some protesting workers have paid with their lives; others, most notably in China and Indonesia, have gone to jail simply for trying to inform fellow workers of their rights. We also see inadequate enforcement of labor legislation, especially with regard to health and safety in the workplace.

These, then, Mr. President, are the countries that U.S. businesses are trying to compete with. These are the kind of working conditions that American workers, through their unions, have fought so hard against.

If American workers lose their ability to strike—and I do not condone all strikes or all strikers; I have never condoned lawlessness in the course of a strike—never—but most of the strikes have been lawful strikes. Lawful—that is what we are talking about here today, in connection with this amendment and in connection with the President's order. And I say parenthetically that I am not enthusiastic about Executive Orders. It is my information that there have been over 14,000 Presidential Executive orders going back over the many decades, and I am doing a little research on that. I hope one day I will have a little more information than I now have in that regard.

But I have to oppose this amendment. How can anyone do otherwise coming from my background—my background—with flesh and blood ties with the men who bring out the coal?

If American workers lose their ability to strike and play their trump card against owners and management, many will not accede to reasonable concerns about reductions and working conditions, hours, wages or benefits, and American workers could return to the days of the coal miners before collective bargaining.

The miner's only capital, the miner's only capital are his hands, his back, his feet, and his salty sweat.

Furthermore in Canada, Japan, France, Germany, and other countries of Europe, the rights of employees to strike are protected, and the use of permanent replacement workers is not permitted. These restrictions apply to the use of permanent replacement workers during all legal strikes, not just workers involved with government contracts.

If the Senate upholds the amendment now before us, I think it sends a terrible signal. If this amendment is passed, management is given a green light to simply replace workers who do not accept whatever management decrees. It sends a red light to workers and unions to stop striking, no matter how unreasonable the cuts or conditions, and no matter how obdurate the management negotiators. Not all management is cold and heartless, not all by any means. But we do not want to go backward in time, and the coal miners do not rush to return from whence they came. If you strike, no one will support you, and management will just hire new workers, desperate for any job, no matter if it is unsafe, or for wages and benefits more suitable to a Third World country than to the United States.

The amendment before us, opponents will say, affects only the President's Executive order, which only affects Federal contracts in excess of $100,000. That is true, but the message that the passage of this amendment sends, affects far more than the Executive order. It speaks as a matter of principle to the entire spectrum of labor relations and undermines the basic right of workers to organize, to bargain collectively, and to strike if necessity demands it.

Mr. President, I have seen what life in the United States can be like without that right, as I have recalled today, and I cannot support what this amendment would do. I urge the defeat of the cloture motion and this amendment.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ABRAHAM). The absence of a quorum having been noted, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMPSON). Without objection, it is so ordered.

UNFUNDED MANDATE REFORM ACT OF 1995—CONFERENCE REPORT

Mr. KEMPTHORNE. Mr. President, I submit a report of the committee of conference on the Unfunded Mandate Reform Act of 1995 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of March 13, 1995.)

The PRESIDING OFFICER. There will be 3 hours debate equally divided on the conference report.

Mr. KEMPTHORNE. Mr. President, I ask for the yeas and nays on the vote on the conference report on S. 1.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KEMPTHORNE. It is my understanding that vote will occur tomorrow, immediately following the 10:30 cloture vote.

The PRESIDING OFFICER. The Senator is correct.

Mr. KEMPTHORNE. Mr. President, we have certainly come a long way since May 1993 when we first began this effort. Now, 22 months later—with Governors, mayors, county commissioners, tribal leaders, school board members, and business leaders throughout the country looking on—Congress is about to end the debate on mandate relief, and begin a new partnership with States, cities, counties, tribes, schools, and the private sector by voting on final passage of the conference report on S. 1 the Unfunded Mandates Reform Act of 1995.

This bill has been described as landmark legislation, as far-reaching and visionary. It is all of those. Ever since 1791 when the 10th amendment was first ratified the Federal Government has slowly eroded the power of the States. Today, with passage of S. 1, we begin to reverse that role. S. 1 is founded on the premise of responsibility and accountability. This will change the mind set of Washington, DC, from this point forward.

First, it requires the Federal Government to know and pay for the costs of mandates before imposing them on State, local, and tribal government.

Second, the Federal Government should know the costs and impacts of mandates before imposing them on the private sector.

S. 1 thoroughly reforms the process by which Congress and Federal agencies impose new mandates on the public and private sector. Congress must identify the costs of new mandates imposed on State and local governments and the private sector. Congress must pay the costs of the new mandates on State and local governments by either providing spending, increasing receipts or through appropriations. If a mandate is to be paid for with a future appropriation, the appropriation must be provided for the mandate to take effect. If subsequent appropriations are insufficient to pay for the mandates, the mandates will cease to be effective unless Congress provides otherwise by law within 90 days of the beginning of the fiscal year.

This process is enforced by a point of order. Legislation that does not meet these requirements can be ruled out of order, blocking further consideration in the House and Senate. Debate continues only if a majority of the House and Senate votes to do so. A rollcall vote will decide whether the Senate and House should consider unfunded mandate legislation. S. 1 applies to all legislation—committee bills, House and Senate floor amendments, motions and conference reports—containing mandates.

Required cost estimates of legislated mandates will be done by the nonpartisan Congressional Budget Office. CBO will consult with State and local officials in preparing estimates.

Existing State and local government mandates will be reviewed by the Advisory Commission on Intergovernmental Relations. This Commission, comprised of State, local and Federal officials, will report to the President and Congress on existing mandates that should be modified or repealed. The Commission's final report is due in 12 months.

In developing legislation and Federal rules affecting State and local governments, Congress and Federal agencies are to consult with State and local government officials in the drafting of legislation.

S. 1 does not apply to certain mandates, including those that enforce constitutional rights of individuals, prohibit discriminations on the basis of race, age, religion, national origin, handicapped or disability status, are necessary to protect national security or provide for emergencies.

S. 1 applies to legislation being considered in Congress that imposes mandates of greater than $50 million on State and local governments and $100 million on the private sector. S. 1 applies to regulations being considered by Federal agencies that are greater than $100 million. S. 1 will apply to legislation considered in Congress either 90 days after additional appropriations are provided to CBO to do required cost estimates or January 1, 1996, whichever comes first.

S. 1 got better and smarter during the legislative process. S. 1 was better than last year's bill; after floor consideration, S. 1 was better than when it was first introduced. The record will show that a number of Senators made important contributions to this bill. My approach to amendments was simple. If they improved the bill, if they clarified the bill, if they made the bill smarter, I wanted to get those amendments in this bill. There were 9 strengthening amendments to S. 1 that were agreed to and we tabled 18 weakening amendments. Two examples of amendments that strengthen S. 1 were Senator BYRD'S amendment that improved and perfected the point of order and Senator McCAIN'S amendment that applied the point of order to appropriations.

I felt we took a solid bill in S. 1 to the conference committee, and as chairman of the conference, I worked to protect the Senate position. Virtually every amendment adopted by the Senate is in this report.

As Senators know, it took several weeks of negotiations between the House and Senate to write this final conference report. I want to review the major issues that the conferees had to resolve.

First, there is the issue of judicial review. As Senators know S. 1 said that nothing in this bill was judicially reviewable. The House bill provided that virtually everything contained in its unfunded mandates bill would be reviewed by courts.

To understand the significance of these two approaches, remember that in S. 1 we required that Federal agencies do cost/benefits analyses of mandates imposed on State, local and tribal Governments. In S. 1 we added a cost benefits analysis for the private sector. This requirement began as a codification of the Reagan Executive order on federalism and was designed to provide general direction to agencies and foster greater sensitivity on the issue of mandates. The Executive order did not provide for review of agency compliance with the Executive order's requirements and it also allowed agencies to seek waivers of the requirements imposed by the Executive order for cause.

I supported the lack of judicial review in S. 1 for good reason. First, my State of Idaho has been devastated by the ability of private individuals and philosophically motivated groups to slow down or stop legitimate and necessary natural resource industries in my State through the use of judicial review of agency decisionmaking. Timber and salvage sales for one have been delayed to the point that the forests of Idaho have been turned into a tinder box for yearly summer forest fires. Second, I supported the concept of no judicial review in the original S. 1 because I did not think that the requirements of title I of this bill, with their emphasis on legislative operation should allow judicial review. I saw a possibility of unconstitutional interference if we were to invite the judicial branch into the workings of Congress.

The House bill, H.R. 5, differed from S. 1 in a most significant way. The House did not include in its bill a prohibition of judicial review. In fact instead of addressing it, the House bill simply avoided the issue entirely. As a result, under H.R. 5, all agency rulemakings would be subject to the Administrative Procedures Act in title 5 of the United States Code. Under the House bill, virtually everything could be reviewed and interpreted by the courts. Courts could have the power to say whether a cost estimate was correctly prepared, whether agencies had consulted enough economists, or had consulted the right experts. Further, courts could have stopped any and all rules from being issued pending the completion of this analysis.

I am no fan of agency rulemakings. I support agency rulemaking moratoriums. We have had enough rules and the people of America want and need a rest from the heavyhanded Federal bureaucrats who make their livelihoods from dictating Federal policy to the people who pick up the tab. But neither am I a proponent of putting lawyers to work challenging rules for the sake of delay or wasting the taxpayers money in time consuming Federal rules that languish in the courts.

Therefore, in conference we were faced with a couple of very difficult problems. We had a Senate bill which passed with a 90-percent majority without judicial review and we had a House bill which had passed with an almost identical percentage of approval which had virtually unfettered judicial review. The main reason that the House wanted judicial review was the belief that Federal agencies were ignoring the requirements of Congress. One of the statutes they cited in support of their assertion was the Regulatory Flexibility Act. That act is not judicially reviewable and there is general belief that the agencies have a poor record of compliance. The House therefore wanted to make sure that the executive branch would observe the requirements of Congress—not an unreasonable request.

As a result of the inherent conflict between the parties on this issue, I suggested that we develop a checklist approach to a limited judicial review. The theory would be that we should provide a method which would ensure that agencies would provide the analysis without allowing courts to impose their judgement on the subjective quality of the agency's compliance. It is important to note that the analyses required by S. 1 act as additional requirements on statutes creating mandates. We call the statute actually creating the mandate the underlying statute. We wanted to ensure that the cost/benefits requirements of S. 1 would not supersede cost/benefit analyses in either an existing law or require a cost benefit analysis where one was specifically prohibited in an underlying statute.

The conference committee reviewed what title II directed agencies to do to make sure that agencies could meet the requirements. We cannot complain of an agency's failure of compliance with the requirements of Congress if we are irresponsible in what we ask them to do and if we are vague in our instructions. Therefore we had to redraft the requirements of title II in S. 1 to make sure that those requirements were tighter, more efficient and addressed the problem we sought to resolve.

Let me take a second to talk about the changes to title II of S. 1 as it comes out of conference. Recognize that most of the changes to title II are as a result of our need to tighten up the requirements if we are going to have judicial review.

S. 1 as passed by the Senate provided that agencies would assess the effect of mandates on State, local government and the private sector and seek to minimize the burdens. However, if you are going to allow judicial review, minimizing the burden is so unspecific and so subjective that virtually every rulemaking would be challenged on that basis alone.

S. 1, as passed by the Senate, provided that agencies would develop a plan to allow elected State, local and tribal officials to have input into agency rulemakings, but there was some fear that the Federal Advisory Committee Act could be used to prevent local officials from meeting with Federal officials. Judicial review of this issue would be a haven for lawyers. As a result of some of these problems and others, we knew that some redrafting of title II would be in order and would be necessary.

Title II as it comes out of conference is more objective, more achievable, and more effective than in either the House or Senate passed bills.

Title II provides that for every rulemaking each agency should assess the effects of regulatory action on States, local governments, and the private sector. For significant rulemakings, which are judicially reviewable, an agency shall provide a written statement of the authority under which the agency is proceeding; a qualitative and quantitative assessment of the cost and benefits of the rule; estimates, to the extent it is feasible to determine it, of the future compliance costs of the mandate and any disproportionate effect on particular regions of the country or sectors of the economy; a macro economic analysis of the effect of the rule on the national economy; and a description of the agency's contacts with State, local, and tribal governments.

New in title II is a provision which clarifies that the Federal Advisory Committee Act does not apply to meetings between Federal officials and elected officers of State, local, and tribal governments where those officials want to make their views, and the views of their constituents, known. Local officials should not be shut out of the process. We want to know their views and get their advice.

We also added a provision previously in the House bill which requires that agencies identify and consider the least costly, most cost-effective or least burdensome alternative to achieve the objective of the rule containing a Federal mandate. We require the OMB Director to report specifically on this least burdensome regulation requirement in 1 year and we require an annual statement from the OMB Director on agency compliance with title II.

The judicial review provision in the conference report of S. 1 provides limited scope of review under the APA if an agency unlawfully withholds or unreasonably delays compliance with the requirements of S. 1. A court would look to see if the agency had prepared the written statement required by sections 202 and 203. If the analyses, statement, description or written plan were not completed the court could compel the agency to complete the requirements of sections 202 and 203. However, to ensure that Federal rules were not delayed by endless litigation, S. 1 provides that failure by the agency to provide the analyses, statement, description or written plan could not be used to stay, enjoin, invalidate or otherwise affect the rule.

We also wanted to make sure that the underlying analysis needed to substantiate a rule under the requirements of S. 1 couldn't be used to invalidate the rule under some other rulemaking requirement in the underlying statute which imposed a mandate. But, if the analysis which was used to meet S. 1 requirements was provided pursuant to the underlying statute which imposed a mandate, then a court in review could invalidate the rulemaking based on that underlying statute.

Finally, S. 1 provides a limitation of 180 days on the time under which an action could be filed unless the underlying statute provided a different period. The judicial review provisions apply to proposed regulations issued after October 1, 1995.

No other provision of S. 1 is judicially reviewable. Title I deals with the requirements of Congress, and judicial review is not appropriate for the internal actions of Congress. Title III deals with ACIR's review of existing mandates and judicial review is not at issue. The remainder of title II deals with either general requirements that do not lend themselves to judicial review or with analyses which are essentially subjective—like the least burdensome option requirement added to the conference report on S. 1.

In all, I think we have developed a system which addressed the concerns in the House compelling agencies to comply with the requirements of Congress while being responsible to the agencies we have asked to perform.

Last December I spoke at the annual meeting of the Council of State Governments. On the stage, next to the podium, was the flag of the United States of America. And behind us, as a backdrop, were the flags of each of the 50 States. I told the folks who were gathered there, "That flag of the United States of America represents the greatest nation in the world! But let us not lose sight of the fact that its greatness is comprised of the 50 sovereign states that make up the United States. We are the United States of America, we are not the Federal Government of America!"

For the past two decades, the Federal Government has dominated our States and cities. Congress and the executive branch have not been partners with States and cities. The Federal Government has been the overseer and the mandate maker, telling States and cities what to do, when, where, and how, but never paying for it.

Congress passed legislation without ever knowing the costs or consequences of their actions on State and local governments. The mandates made Congress feel good, and, for a while, even look good back home.

But this is not the federalism that our Founding Fathers intended. Stanley Aranoff, who is the senate president in Ohio, stated:

> The Constitution, and specifically the 10th Amendment, guarantees that certain functions will be performed by certain levels of government, thus ensuring direct accountability of the elected official to the voters. Our Constitution guarantees a federal, state, and local partnership. Unfunded mandates undermines, blurs, and corrupts that fundamental understanding upon which our governmental framework is based.

One of the big steps forward, I believe, in helping to reaffirm the 10th-amendment rights is the effort to stop these unfunded Federal mandates which are simply hidden Federal taxes. We should not be paying for national programs with local property taxes.

This legislation forces Congress and agencies to know the mandate costs it imposes on the public and private sector. It requires Congress to pay for mandates imposed on State and local governments, and go on record with a vote when it does not.

S. 1 reflects a philosophy of limited government, that the best government is the government that governs least and to let local issues be decided by local officials and their citizens.

Those local officials set their priorities based on their finite resources. But for years, Congress has not had to worry about that. We come to the floor, and stand up and argue righteously and with great passion about the problems that are facing the United States, knowing full well that until now, we have not been held accountable. Congress has not had to pay for it. Those mandates have not been part of the Federal budget process, and the local governments end up paying for it, because it is mandated by Congress.

The Federal Government has, in essence, made local and State elected leaders nothing more than Federal tax collectors. Those officials have been very vocal about how they resent that, and they have every right to resent it.

Ben Nelson, the Democratic Governor of Nebraska, pretty well sums up the frustration of the States when he says: "I was elected Governor, not the administrator of Federal programs for Nebraska."

Now, people say, "How much do these Federal mandates cost?" Nobody knows. Congress does not know, because we have never, ever asked that question before voting on them.

And so we must be intellectually honest. If it is a Federal program, pay for it with Federal money, if it is State, pay for it with State money, and if it is local, pay for it at the local level.

Mr. President, this moment would not be possible without my partners in State and local government, and the private sector. I close my remarks by reminding Senators that S. 1 is strongly endorsed by the: U.S. Conference of Mayors, National Association of Counties, National Governors Association, National Conference of State Legislatures, National Association of School Boards, National League of Cities, the U.S. Chamber of Commerce, National Association of Homebuilders, National Association of Realtors, NFIB, and the Small Business Legislative Exchange Council.

I want to thank the citizens of Idaho for the opportunity they have given me in serving in the Senate. I hope they will take a small measure of pride that the effort to reform unfunded mandates was born in Idaho.

There are many people who made significant contributions to this process that I would like to thank. I want to especially thank our majority leader, Senator BOB DOLE. His support and commitment to mandate relief was critical to our success. His designation of our mandate legislation as S. 1 insured that we would have the highest priority for the 104th Congress. I also want to acknowledge the dedication and hard work for my Senate colleagues on the conference committee. First, of course, is my long time partner on mandate relief Senator JOHN GLENN. As we began this crusade we repeatedly stressed that relief from Federal mandates was not a Republican issue or a Democratic issue. We knew that if we were to be successful we had to keep the debate nonpartisan and focused on the merits of the issue. Without JOHN GLENN that would not have been possible and we would not be here today voting on final passage of mandate relief legislation. I believe our friendship and partnership have deepened during this process.

I note that last session, when the Democratic Party was the majority party and Senator GLENN was the chairman of the Governmental Affairs Committee, this was not necessarily a popular issue to take up. But he scheduled the hearings, he held the hearings, and he forged a partnership with me so we could come forward. It has allowed us to be where we are today. Ohio is rightfully proud of Senator GLENN.

Two key members of our conference team were the Republican chairmen of the two committees of jurisdiction, Senator ROTH of Governmental Affairs and Senator DOMENICI of the Budget Committee. These two experienced and knowledgeable leaders gave me valuable advice and constant support throughout the conference process and were instrumental in moving us toward the successful conclusion we have before us today.

Also my friend Senator JIM EXON, the ranking member of the Budget Committee who offered valuable insight during the committee process. Senator EXON has been a long-time supporter of relief from mandates and cosponsored my original bill in the last session of Congress.

Many other Senators—Democrats and Republicans—on both sides of the aisle have made enormous contributions to this legislation. I want to thank Senators CRAIG, BURNS, COVERDELL, and GREGG for being the original cosponsors of the first bill I introduced in Congress, and to Senators HATCH and BROWN for their help.

And I must give a great amount of credit and thanks to our House colleagues.

Speaker GINGRICH also made this a high priority, and he so stated repeatedly. Chairman BILL CLINGER of the Government Reform and Oversight Committee and Congressman ROB PORTMAN were terrific teammates and diligent partners on this legislation. We have had other stróng partners in Congressmen GARY CONDIT, DAVID DREIER, and TOM DAVIS.

I have often mentioned that mandate relief legislation was my top priority when I came to Congress. I want to acknowledge those members of my personal staff that worked so long and hard in helping me accomplish this important personal goal. My lead person in conference and the principal author of the final bill, my legislative director W.H. "Buzz" Fawcett, who was my city attorney when I was mayor of Boise, Gary L. Smith, my deputy legislative director who also came with me from Boise where he was a city council member and my administrative assistant, and my current administrative assistant in the Senate, Brian Waidmann who brought his invaluable experience and expertise on congressional process to our team.

But most of all I would like to share this victory with my family: my wife Patricia, my daughter Heather, and son Jeff. Perhaps only other Members of Congress can fully appreciate the sacrifices our families make on our behalf. I have a very special family that I appreciate very much.

I want to conclude by reading to you a quote from a Founding Father, James Madison. Here is what he said:

> Ambitious encroachments of the federal government on the authority of the state governments, would not excite the opposition of a single state, or of a few states only. They would be signals of general alarm. Every government would espouse the common cause. A correspondence would be opened, plans of resistance would be concerted, one spirit would animate and conduct the whole.

James Madison, the great visionary, predicted that this sort of thing would happen by the Federal Government. But he also said that someone will band together and stop it. And that is what S. 1 is all about.

Mr. President, I yield the floor and reserve the remainder of my time.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, this is a day that has been long in coming. We have worked for the better part of 2 years to get this legislation to the point where it is now, out of conference and here to get its final stamp of approval by the U.S. Senate. And with the same action taking place over in the House, that means this legislation will finally go to the President, who has announced his support for this legislation.

This has been a long process. To those not directly involved in all the committee work and I do not know how many hundreds of meetings and so on involved with all of this, without having been involved directly with some of that, I think it is difficult to appreciate what has happened with regard to this legislation.

It is landmark legislation. I think we have come up with a very excellent product here, one that literally does change the relationship between the Federal, State and local governments for the first time in probably 55 or 60 years.

This is legislation that passed the Senate back in January by a vote of 86 to 10, and my hope is that we will be able to pass this bill through the House and Senate tomorrow morning and get it to the President shortly.

Before I go into a description of the conference report, I would like to provide just a little bit of background to the whole unfunded Federal mandates debate.

On October 27, 1993, State and local elected officials from all over the Nation came to Washington and declared that day to be "National Unfunded Mandates Day." These officials conveyed a very powerful message to Congress and the Clinton administration on the need for Federal mandate reform and relief. They raised four major objections to unfunded Federal mandates.

First, unfunded Federal mandates impose unreasonable fiscal burdens on their budgets.

Second, they limit State and local government flexibility to address more pressing local problems like crime and education.

Third, Federal mandates too often come in a one-size-fits-all box that stifles the development of what might be more innovative local efforts—efforts that ultimately may be more effective in solving the problem the Federal mandate is meant to address.

And, fourth, they allow Congress to get credit for passing some worthy mandate or program, while leaving State and local governments with the difficult task of cutting services or raising taxes in order to pay for it. And that fourth item was probably the most important of all.

In hearings held by the Committee on Governmental Affairs in both this and the last Congress, we heard testimony from elected State and local officials from both parties representing all sizes of government—State, local, county, townships, all levels and all sizes of government. It was clear from the testimony that unfunded mandates hit small counties and townships just as hard as they do big cities and larger States.

I think it is worth stepping back and taking a look at the evolution of the Federal-State-local relationship over the last decade and a half, so we can put this debate into some historical context. I believe the seeds from which sprang the mandate reform movement can literally be traced clear back to the so-called policy of new federalism, a policy which resulted in a gradual but steady shift in governing responsibilities from the Federal Government to State and local government over the last 10 to 15 years. During that time period, Federal aid to State and local governments was severely cut or even eliminated in a number of key domestic program areas. At the same time, enactment and subsequent implementation of various Federal statutes passed on new costs to State and local governments. In simple terms, State and local governments ended up receiving less of the Federal carrot and more of the Federal stick.

The actual cost of Federal mandates. Let us examine the cost issue first. While there has been substantial debate on the actual costs of Federal mandates, suffice it to say that almost all participants in the debate agree that there is not complete data on Federal mandates to State and local governments. In fact, one of the major objectives of S. 1 is to develop better information and data on the cost of mandates and to force that to be considered up front. Likewise, there is even less information available on estimates of what potential benefits might be derived from selected Federal mandates—a point made by representatives from the disability, environmental, and labor community in the committee's second hearing in the last Congress.

Nonetheless, there have been efforts made in the past to measure the cost impacts of Federal mandates on State and local governments.

And those efforts do show that costs appear to be rising. Since 1981, CBO, the Congressional Budget Office, has been preparing cost estimates of major legislation reported by committee with an expected annual cost to State and local governments in excess of $200 million. According to CBO, 89 bills, with an estimated annual cost in excess of $200 million each, were reported out of committee between 1983 and 1988.

I would point out one major caveat with CBO's analysis—it does not indicate whether these bills funded the costs or not, nor how many of the bills were eventually enacted. Still, even with a rough calculation, CBO's analysis shows that committees reported out bills with an average estimated new cost of at least $17.8 billion per year to State and local governments. In total, 382 bills were reported from committees over the 6-year period with some new costs to State and local government. So, if anything, the $17.8 billion figure is a conservative estimate for reported bills.

Federal environmental mandates head the list of areas that State and local officials claim to be the most burdensome. A closer look at two of the studies done on the cost of State and local governments of compliance with environmental statutes does indicate that these costs appear to be rising. A 1990 EPA study, titled "Environmental Investments: The Cost of a Clean Environment," estimates that total annual costs of environmental mandates from all levels of Government to State and local governments will rise from $22.2 billion in 1987 to $37.1 billion by the year 2000—an increase in real terms of 67 percent.

EPA estimates that the cost of environmental mandates to State governments will rise from $3 billion in 1987 to $4.5 billion by the year 2000, a 48-percent increase. Over the same timeframe, the annual costs of environmental mandates to local governments is estimated to increase from $19.2 billion to $32.6 billion. That is a 70-percent gain.

According to the Vice President's National Performance Review, the total annual cost of environmental mandates to State and local governments, when adjusted for inflation, will reach close to $44 billion by the end of this century.

The city of Columbus, in my home State of Ohio, also noted a trend in rising costs for city compliance with Federal environmental mandates. The mayor of Columbus, Gregg Lashutka, has taken a personal interest in this and has done a superb job in detailing what the impact is on a medium-sized U.S. city from Federal mandates.

Our Governor, George Voinovich, has represented the National Governors Association in his representation of wanting this legislation through all and has given a lot of information that has come from the Governors across the country on this. Probably the most definitive study of all, as far as the impact on the city, is what Mayor Lashutka has done in Columbus, OH.

In his study, the city concluded that its cost of compliance for environmental statutes would rise from $62.1 million in 1991 to $107.4 million in 1995. That is—in 1991 constant dollars—a 73-percent increase. The city estimates that its share of the total city budget going to pay for the mandates will increase from 10.6 percent to 18.3 percent over that timeframe. This is just one medium-sized American city.

In addition to environmental requirements, State and local officials in our committee hearings cited other Federal requirements as burdensome and costly. They highlighted compliance with the Americans with Disabilities Act and the Motor-Voter Registration Act, complying with the administrative requirements that go with implementing many Federal programs and meeting Federal criminal justice and education requirements.

Now, I note that while each of these individual programs or requirements clearly carries with them costs to State and local governments, costs which we have too often ignored in the past, I believe that on a case-by-case basis, each of these mandates has substantial benefits to our society and our Nation as a whole.

Otherwise I, along with many of my colleagues in the Senate, would not have voted to enact them in the first place. State and local officials readily concede that individual mandates on a case-by-case basis may indeed be worthy, but when looking at all mandates spanning across the entire mammoth of Federal laws and regulations, we begin to understand that it is the aggregate impact of all Federal mandates that has spurred the calls for mandate reform and relief.

The Advisory Commission on Intergovernmental Relations testified in our April hearings that the number of major Federal statutes with explicit mandates on State and local governments went from zero during the period of 1941 to 1964. In other words, we did not pass along the bill during that period from 1941 to 1964.

But then it went to the Federal mandates during the rest of the 1960's, went to 25 in the 1970's, and 27 in the 1980's. However, to truly reach a better understanding of the Federal mandates debate, we must also look at the Federal funding picture, vis-a-vis State and local governments.

Addressing that first under Federal aid and to State and local governments, the record shows that Federal discretionary aid to State and local governments to both implement Federal policies and directives, as well as complying with them, saw a sharp drop in the 1980's.

An examination of Census Bureau data on sources of State and local government revenue shows a decreasing Federal role in the funding of State and local governments. In 1979, the Federal Government's contribution to State and local governments' revenues reached 18.6 percent. By 1989, the Federal contribution of the State and local revenue pie had instead daily shrunk to 13.2 percent before edging up to 14.3 percent in 1991, the latest year data was available.

What contributed to the declining trend in the Federal financing of State and local governments? A closer look at patterns in Federal discretionary aid programs to State and local governments during the 1980's provides the answer. According to the Federal Funds Information Service, between 1981 and 1990, Federal discretionary program funding to State and local government rose slightly from $47.5 to $51.6 billion.

However, this figure, when adjusted for inflation, tells a much different story. Federal aid dropped 28 percent in real terms over the decade. A number of vital Federal aid programs to State and local government experienced sharp cuts, and in some cases outright elimination, during the decade.

In 1986, the administration and Congress agreed to terminate the General Revenue Sharing Program. We all remember that one. That was a program that provided approximately $4.5 billion annually to local governments and allowed them very broad discretion on how to spend the funds.

Since its inception in 1972, general revenue sharing has provided approximately $83 billion to State and local government. Unfortunately, the Reagan administration succeeded in terminating the program. Congress followed its lead and approved that. There were other important Federal and State and local programs that were substantially cut back between 1981 and 1990. They include the economic development assistance, community development block grants, mass transit, refugee assistance, and low-income home energy assistance.

Luckily, under both the Bush and Clinton administrations, we managed to restore some of the needed funding—I repeat, needed funding—to these programs. And still, in real dollars, funds for discretionary aid programs to State and local governments remain today 18 percent below their 1981 levels. That is despite the fact we have put more of an unfunded mandates load onto the backs of the State and local governments.

Looking at our committee's legislative efforts in the last Congress, eight bills were referred to the Governmental Affairs Committee that touched on this aspect of the unfunded mandates Federal mandates problem.

After two hearings, we marked up a bill. I think it could be called, at least in part, a compromise bill. The basic part of it, though, was the bill that Senator KEMPTHORNE has submitted, and it became the vehicle that borrowed the best of the various provisions and requirements from the bills that had been submitted. It was basically—the basic bill—his work.

We worked closely in a deliberative, bipartisan fashion, and he was the de facto leadership on this issue. Along with other Members, and with the administration, we moved ahead with this legislation. What became known as the Kempthorne-Glenn compromise has the endorsement and strong support of the seven groups representing State and local governments. They are the National Governors Association, the National Conference of State Legislators, the Council on State Governments, the National League of Cities, the U.S. Conference of Mayors, the National Association of Counties, and the International City Management Association. It had the backing of the Clinton administration, and was endorsed by such editorial boards as the New York Times, the Cleveland Plain Dealer, and other newspapers across the country, both large and small. That largely embodies or includes, also, all that we had last year in Senate bill 993.

Let me just say that on this bill, if there is anyone who can be looked at as the father of this bill and the one who really kept going on this and kept interest going, it is Senator KEMPTHORNE. He did a magnificent job on this bill, not only here in Washington, but he traveled all over the country, meeting repeatedly with different groups representing those seven organizations that I just mentioned in getting their views on this legislation and bringing it back, putting it together. And he did a superb job in keeping contact with all these people. He deserves the full credit for being the sparkplug for this legislation.

(Mr. GORTON assumed the chair.)

Mr. GLENN. Mr. President, let me explain what the bill does.

It requires the Congressional Budget Office to conduct State, local and tribal cost estimates on legislation that imposes new Federal mandates in excess of $50 million annually onto the budgets of State, local, and tribal governments. The current law requires these estimates at a $200 million threshold, and I believe that that high a figure allows a lot of Federal mandates to slip through without being scored. Two hundred million dollars spread equally among all the States may not be much, but if it falls particularly hard on any one State or any one region, which does happen with legislation, it can be a substantial impact.

Let me make clear, however, that what CBO will score here are new Federal mandates—new Federal mandates—not what State, local, and tribal governments are spending now to comply with existing mandates, nor what they are spending to comply with their own laws and mandates.

Second, and I think most importantly, is that the bill holds Congress accountable for imposing additional unfunded Federal mandates. We do this by requiring a majority point-of-order vote on any legislation that imposes new unfunded Federal mandates in excess of a $50 million annual cost to State, local, or tribal governments.

To avoid the point of order, the sponsor of the bill would have to authorize funding to cover the cost to State and local governments of the Federal mandate or otherwise find ways to pay for the mandate. This could come from the expansion of an existing grant or subsidized loan program or the creation of a new one or perhaps a raising of new revenues or user fees.

The authorizing committee must also build into the legislation certain provisions to go into effect if funds for the mandate are not fully appropriated or not appropriated at all. This was the basic thrust of the Byrd amendment which the House receded to in conference and accepted in its entirety. The House bill would have left the fate of an unfunded or underfunded mandate in the hands of the Federal bureaucracy rather than in the hands of Congress where it properly lies.

Under the Byrd amendment, the authorizing committee would have to put expedited procedures into the underlying intergovernmental mandates bill that would direct the relevant Federal agency to submit a statement based on a reestimate done in consultation with State, local, and tribal governments that appropriations are sufficient to pay for the mandate or the agency submits legislative recommendations to implement a less costly mandate or to render the mandate ineffective for the fiscal year.

Under the expedited procedures, the authorizing committee must provide for consideration in both Houses of the agency statement or legislative recommendations within 60 calendar days. After the 60-day time period expires, the mandate ceases to be effective unless Congress provides otherwise by law. And I will discuss the Byrd amendment in greater detail a little later in my statement.

The conference report on S. 1 also includes provisions for the analysis of legislation that imposes mandates on the private sector. CBO would have to complete a private sector cost estimate on bills reported by committee with a $100 million or more annual cost threshold. In the Senate bill, we had a threshold of $200 million and the House had $50 million as their threshold, so we split the difference and wound up with $100 million being our threshold.

We do exempt certain Federal laws from this bill. Civil rights and constitutional rights are excluded. National security, emergency legislation, and ratification of international treaties are also exempt.

I want to also point out that the bill does not prohibit Congress from passing unfunded Federal mandates. Let me repeat that. It does not prohibit Congress from passing unfunded Federal mandates. There may be times when it is appropriate, for whatever purpose, to ask State and local governments to pick up the tab for Federal mandates. But the legislation does force us to take into consideration the cost of the unfunded mandates up front, consider it in its entirety with a point of order to lie against it if it is not funded. But the debate over whether it is appropriate to ask State and local governments at times whether it is a constitutional matter or whatever it might be, to pick up the tab across the country—all States—let that debate take place on the Senate floor, as it will under this legislation, and let the majority work its will on the specific mandate in the legislation.

The Kempthorne-Glenn bill also addresses regulatory mandates. We all know how the Federal bureaucracy can impose burdensome and inflexible regulations on State and local governments, as well as on others who end up trapped in the bureaucracy's regulatory net. In the committee's November hearing in 1993, we heard testimony from Susan Ritter. She is county auditor for Renville County, ND. Ms. Ritter noted that she comes from the town of Sherwood in her State with a total population of 286 people, and they will have to spend $2,000, which is one-half of their annual budget on testing the water supply in order to comply with certain EPA regulations.

Clearly, there is no way that that town is going to be able to meet this kind of a requirement. So, consistent with the President's Executive orders, we have required that Federal agencies conduct cost-benefit analysis and assessments on major regulations that impact State, local, and tribal governments, as well as the private sector. We have allowed a limited judicial review of agency preparation of some of those assessments and analysis. The House would have allowed full scale judicial review of practically everything, of both the agency analysis and the CBO cost estimates. This could have been a way of almost shutting down the whole regulatory process, as we saw it.

Enactment of these provisions also would have resulted in what I termed the Lawyers Full Employment Act, and would have had the law firms along K Street breaking out the champagne all over. So we significantly curtailed and narrowed and focused the judicial review requirements, which I will discuss in a little more detail a little later on also.

Further under S. 1, agencies must develop a timely and effective means of allowing State and local input into the regulatory process. Given the State and local governments are responsible for implementing many of our Federal laws, it is not only fair they be considered partners in the Federal regulatory process, but it is also good public policy as well.

The bill also requires Federal agencies to make a special effort in performing outreach to the smallest governments. Then maybe we will be able to minimize the occurrence of situations like the one that took place in the town of Sherwood that I mentioned a moment ago.

Let me put the issue into a larger perspective. As we all know, the Federal, State, and local relationship is a very complicated, a very complex one. It is a blurry line between where one line's level of responsibility ends and another begins. All three levels of government need to work together in a constructive fashion to provide the best possible delivery of services to the American people in the most cost-effective fashion. After all, as Federal, State, and local officials, we all serve the same constituency.

Further, we serve the American people at a time when their confidence in all three levels of government may be at an all-time low. There are numerous explanations for this lack of confidence in government, and we will not go into a long discussion of those here. Vice President GORE's National Performance Review attributes "an increasingly hidebound and paralyzed intergovernmental process" as at least a part of the reason why many Americans feel that government is wasteful, inefficient, and ineffective. We need to restore balance to the intergovernmental partnership, as well as strengthen it so that government at all levels can operate in a more cost-effective manner.

Both the administration and a number of my colleagues have made proposals to shift a number of Federal programs and responsibilities to State and local governments. Clearly, as this mandates debate has shown us, I believe we ought to at least experiment to see if State and local governments can carry out some of these programs in a more effective fashion than we have been doing at the Federal level.

I know from my years as chairman of the Governmental Affairs Committee that Americans do want more efficient and less costly government, and I, for one, do not believe that efficiency and government need necessarily be an oxymoron statement. We worked on the Governmental Affairs Committee to bring forth better ways of dealing with efficiency in the Federal Government, such as the Chief Financial Officer Act, the Inspectors General Act, Financial Management Act, and so on, and a number of different things we have done in that area. So it is not that we have ignored the efficiencies of government, but certainly we want to make the Government a more efficient and better and less costly government.

That certainly is a big move. Maybe one way to help accomplish that objective is to grant more flexibility to State and local governments and let them run some of these programs.

Where I think we should proceed with some degree of caution, we need to remember the reason many of these programs became part of the Federal level was back some 50 or 60 years ago when the country was in dire straits and we were not able, either would not or could not, at the State and local level to address problems and concerns of our citizens that had been dealt with in the family and local communities up to that time. We found soup kitchens on the corners, and we had people because of weather changes also—we remember the movies, famous movies of the Okies going West with a mattress on top of the car, and so on. The United States had lost its way at that time.

I grew up in that Great Depression. I learned that State and local governments do not have sometimes the wherewithal and resources to meet all human needs. That is why President Roosevelt came through with the New Deal. That was to address economic and social problems that previously were dealt with by State and local governments or by the local communities and families themselves more likely. And we followed the New Deal up with the Great Society and moved more of these programs up to a national level.

Now, I am the first to say many of these programs may have gone too far and so we need to tailor things back somewhat. But there has been and will continue to be the need for Federal involvement and decisionmaking in many domestic policy areas. But that should not preclude us from maybe loosening the reins on State and local governments in some areas or even dropping them entirely.

But we should be careful and look at it on a case-by-case basis, not with a meat ax approach, not just swinging the ax and taking whole programs out without considering what is going to happen to a lot of people.

Unfortunately, the House, in its race to devolve, as they call it, and seemingly block grant the entire Federal Government, I believe, is moving much too quickly in areas which should require closer scrutiny and greater deliberation.

I believe that the conference report on S. 1 will help to restore the intergovernmental partnership and bring needed perspective and balance to future Federal decisionmaking.

I think S. 1 is landmark legislation, as I said in starting out my remarks. I think it is landmark legislation that will help to redefine for the first time in 60 years the entire Federal, State and local relationship. And so I obviously urge my colleagues to vote for passage of this legislation.

I have some remaining remarks concerning the conference report, and I would like to clarify some of the provisions of the proposed legislation.

I would first refer to section 425(a)(2)(B)(iii)(III) of the conference report. Subsection (III) establishes a timeframe for expedited procedures under which Congress will consider the agency statement or legislative recommendations under subsections (aa) or (bb). The timeframe is 60 calendar days from which the agency submits its statement or legislative recommendations. Under such an expedited process, the mandate would cease to be effective 60 calendar days after the agency submission unless Congress provides otherwise by law.

The Senate Parliamentarian has provided us with his interpretation of the 60-day time period in a letter which has been attached as an appendix to the conference report. The letter states that a sine die adjournment "will result in the beginning again of the day counting process and that the sine die adjournment of a Congress results in all legislative action being terminated and any process [the counting of the 60 days] ended so that it must begin again in a new Congress."

Thus, if Congress adjourns sine die prior to the end of the 60-day time period after the agency submission of its statement or legislative recommendations then the the 60-day time clock terminates and would start all over again, beginning with day one, when Congress convenes the next year. In those instances, Congress would then have 60 calendar days to act on the agency submission or the mandate would cease to be effective after the 60-day period expires. Depending on when we convened in January, the time period would likely expire sometime during the month of March.

After a discussion with the Parliamentarian, I understand that his interpretation on the counting of days would also apply after sine die adjournment of the 1st session of a Congress as well.

This clarification by the Parliamentarian over the counting of days under S. 1 is critically important. During election years we usually adjourn sometime in early October. My concern had been that with a continuous 60-day clock we might be forced in those years to reconvene for a lame-duck session in December to vote on an agency statement or legislative recommendation or otherwise the mandate would cease to be effective. I think as a general rule we should avoid having to convene lameduck sessions except in emergencies and times of national crisis.

So I am pleased that the Parliamentarian's ruling would avoid putting us in a situation of having to schedule lameduck sessions to deal with agency statements or legislative recommendations.

I would like to clarify another provision in the act. Section 202(a)(2) requires Federal agencies to prepare qualitative and quantitative assessments of the costs and benefits of Federal mandates as well as its effect on health, safety, and natural environment. I believe that the meaning of the word "effect" would include both qualitative and quantitative costs and benefits to health, safety and the environment as well as other impacts in those areas. Further, the statement of conferees states that included in the agency written statement under section 202 "must be a qualitative, and if possible, quantitative assessment of the costs and benefits of the intergovernmental mandate." The word "intergovernmental" should be crossed out to make the sentence consistent with the statutory language. However, the sentence properly notes that a quantifiable assessment of the costs and benefits of a particular mandate may not be possible. This difficulty in preparing accurate quantitative assessments and estimates is noted in the statutory language for both section 202(a) (3) and (4). Indirect costs and benefits are particularly difficult to quantify and may be better addressed as part of an agency qualitative assessment of the Federal mandate.

In addition to addressing indirect costs and benefits, such a qualitative assessment would also include an assessment of considerations other than economic costs and benefits but are still necessary and important in guiding an agency in the promulgation of a major rule.

I would also like to discuss section 204, dealing with State, local, and tribal government input into the Federal regulatory process. Both the House and Senate bills required Federal agencies to develop an effective process to permit elected State, local, and tribal officials to provide timely and meaningful input into the development of agency regulatory proposals containing significant intergovernmental mandates. The language in both bills was consistent with the President's Executive order. The House bill, however, implicitly exempted all meetings and communications between Federal and State, local, and tribal officials under this process from the Federal Advisory Committee Act. The House felt that FACA was a bureaucratic encumbrance that impeded closer coordination between Federal, State, and local officials in the administration of programs with shared intergovernmental responsibilities. The Committee on Governmental Affairs has examined problems with FACA in the past and 3 years ago reported out unanimously legislation I wrote to reform FACA. The bill exempted elected State and local officials from some of its requirements. So I was sympathetic with the House position in this case. However, I believed that the House language needed to be tightened and narrowed so as not to give State and local officials an unfair advantage over others in the administrative process. So we developed compromise language in section 204(b) to provide an exemption from FACA for elected State, local, or tribal officials—or their designated employees with authority to act on their behalf—for meetings concerning the implementation or management of Federal programs that "explicitly or inherently share intergovernmental responsibilities or administration." So we have been careful to limit the FACA exemption to instances where Federal officials and State, local, and tribal officials are coimplementers or managers of a program. We did not want to allow a FACA exemption in instances where State and local officials are acting as advocates, which is what the House bill would have likely allowed. Further, we have asked the administration to promulgate regulations to implement section 204 and to ensure that there are proper safeguards in place.

I would note that the effective date of title I is January 1, 1996 or 90 days earlier if CBO receives appropriations as authorized. Thus, title I would apply to any bill, joint resolution, amendment, motion, or conference report considered by the House or Senate on or after January 1, 1996.

Finally, I would like to describe and explain the provisions of section 401, which deals with the subject of judicial review.

The version of S. 1 that passed the Senate contained an absolute bar on all judicial review. However, the bill that passed the House authorized judicial review of regulatory agency compliance with many requirements in the bill.

The conferees agreed to a compromise between the Senate and the House positions. Our goal was to provide for meaningful judicial review, so as to reassure the regulated community that agencies will prepare certain key statements and plans that are called for under S. 1. However, we also wanted to assure that agency rules and enforcement would not be stayed or invalidated by the judicial review, and that the regulatory process would not get bogged down in excessive litigation. I believe that section 401 achieves these goals.

Sections 401(a) (1) and (2) provide for limited judicial review of agency compliance with section 202 and sections 203(a) (1) and (2). As I discussed a moment ago, section 202 requires preparation of statements to accompany significant regulatory actions, and sections 203(a) (1) and (2) require agencies to develop small agency plans before establishing certain regulatory requirements.

Subparagraph (A) of section 401(a)(2) provides that judicial review is available only under section 706(1) of the Administrative Procedure Act. Section 706(1) of the APA authorizes a court to compel agency action unlawfully withheld or unreasonably delayed. Subparagraph (A) also states that such review will only be as provided under subparagraph (B). Subparagraph (B) states that, if an agency fails to prepare the written statement under section 202 or the written plan under section 203(a) (1) and (2), a court may compel the agency to prepare such a written statement.

Sections 401(a) (1) and (2) specify that the only remedy that a court may provide is to compel the agency to prepare the statement. So, for example, the court may not stay, enjoin, invalidate, or otherwise affect a rule. Nor may the court postpone the effective date of the rule, stay enforcement of the rule, or take any other action to preserve status or rights pending conclusion of the review proceeding or pending compliance by the agency with any court order to prepare a statement.

Furthermore, in this review under sections 401(a) (1) and (2), the court may not review the adequacy of a written statement under section 202 or of a written plan under sections 203(a) (1) and (2). This is because paragraph (2)(B) provides that a court may compel preparation of a written statement only if the agency actually fails to prepare the written statement under section 202 or actually fails to prepare the written plan under sections 203(a) (1) and (2).

Sections 401(a) (1) and (2) deal with the situation where rules that are subject to sections 202 and 203 (a) and (b) undergo judicial review under Federal law other than section 401(a) (1) and (2).

Paragraph (3) states that, in any such judicial review, the failure of an agency to prepare a required statement or plan shall not be used as a basis for staying, enjoining, invalidating, or otherwise affecting the agency rule. Subparagraph (3) further provides that, if the agency does prepare a statement or plan, any inadequacy of the statement or plan shall not be used as a basis for staying, enjoining, invalidating, or otherwise affecting the agency rule. Subsection (3) not only forbids a court to use the inadequacy or failure to prepare a statement or plan as the sole basis for invalidating or otherwise affecting a rule; the subsection also prohibits the court from using such inadequacy or failure as any basis, even if considered together with other deficiencies in the rulemaking, for invalidating or otherwise affecting a rule.

Subparagraph (4) states the circumstances when the information generated under section 202 or section 203(a) (1) and (2) may be considered by a court in the course of reviewing the rule under law other than sections 401(a) (1) and (2). Subparagraph (4) has two elements. First, the information may be considered by the court only if it is made part of the rulemaking record for judicial review. Second, if the information is made part of the record for review, then the information may be considered by the court as part of the entire record for the judicial review under the other law.

The question of whether the information is made part of the record for judicial review is not determined by any provision of S. 1; the contents of the record is governed by the law and court procedures under which the judicial review takes place. In judicial review of agency rules, the agency makes the initial decision of what documents to include in the rulemaking record for judicial review. Thus, the agency would make the initial decision of whether to include any information generated under sections 202 and 203(a) (1) and (2) in the record for judicial review. If the agency makes such information part of the record for judicial review, the court may then proceed to consider such information as part of the record for judicial review pursuant to the other law.

In no event may a court review whether the information generated under section 202 or 203(a) (1) or (2) is adequate to satisfy requirements of S. 1. Such review is clearly prohibited by subparagraph (3). However, in reviewing a rule under law other than sections 401(a) (1) and (2), if information generated under section 202 or 203(a) (1) or (2) is included in the record for review, the court may consider whether such information is adequate or inadequate to satisfy the requirements of such other law.

Any information that is made part of the record subject to judicial review, including information generated under sections 202 and 203(a) (1) and (2) that is made part of the record, may be considered by the court, to the extent relevant under the law governing the judicial review, as part of the entire record in determining whether the record before it supports the rule under the arbitrary capricious or substantial evidence or other applicable standard. Pursuant to the appropriate Federal law, a court looks at the totality of the record in assessing whether a particular rulemaking proceeding lacks sufficient support in the record.

Section 401(a)(5) states that a petition under paragraph (2) to compel the agency to prepare a written statement shall be controlled by provisions of law that govern review of the rule under other law. This applies to such matters as exhaustion of administrative remedies, the time for and manner of seeking review, and venue. Consequently, the petition under paragraph (2) may be filed only after the final rule has been promulgated, at which time review of the rule may be available under other law. The petition under subparagraph (2) may be filed only in a court where a petition for review of the rule itself could also be filed under other law. And the same requirements for exhaustion of administrative remedies that would apply in review of the rule shall also apply to the petition under paragraph (2). However, if the other law does not have a statute of limitations that is less than 180 days, then paragraph (5) limits the time for filing a petition under paragraph (2) to 180 days.

Section 401(a)(6) states the effective date for the judicial review provided under subsection (a). The effective date is October 1, 1995, and subsection (a) will apply to any agency rule for which a general notice of proposed rulemaking is promulgated on or after such date. Consequently, in the case of rules for which a general notice of proposed rulemaking is promulgated before October 1, 1995, subsection (a) does not apply. For these rules that are not subject to subsection (a), a petition under subsection (a)(2) may not be filed, and information generated under sections 202 and 203(a) may not be considered as part of the record for judicial review pursuant to subsection (4).

Section 401(b)(1) broadly prohibits all judicial review except as provided in subsection (a). Thus, all of title I, those portions of title II not expressly referenced in subsection (a), and all of title III are completely exempt from judicial review. This section also prohibits judicial review of any estimate, analysis, statement, description, or report prepared under S. 1. This list is intended to cover all forms of documentation or analysis generated under S. 1, so that no such documentation or analysis is subject to any form of judicial review except as provided in subsection (a). For example, not only is an agency's compliance with section 205 not subject to judicial review; but also the regulatory alternatives and the explanations prepared under section 205, and other records of the agency's activities under section 205, may not be reviewed in any judicial proceeding.

Subsection (b)(2) further states that, except as provided in subsection (a), no provision of S. 1 shall be construed to create any right or benefit enforceable by any person.

Finally, the provisions of S. 1 do not affect the standards of underlying law, under which courts will review agency rules. In other words, insofar as they provide the basis for judicial review of a rule, neither the standards of the statute that authorizes promulgation of the rule, nor the procedural standards for rulemaking under the authorizing statute or the APA, nor the standards for judicial review of the rule, nor agency or court interpretations, are affected by the provisions of S. 1.

Likewise, to the extent that applicable law vests discretion in an agency to determine what information and analysis to consider in developing a rule, nothing in S. 1 changes the standards under which a court will review and determine whether the agency properly exercised such discretion. Thus, even where the authorizing statute is vague or silent about what factors the agency must or may consider in promulgating a rule, a court reviewing the rule may not consider the requirements of section 202 or of any other provisions of S. 1 in interpreting the requirements of the statute. This is because, except as provided by a petition under section 401(a)(2), section 401 prohibits all judicial review of compliance or noncompliance with S. 1. If courts were allowed to interpret S. 1 as implicitly amending or superseding the provisions of another statute or to constrain the agency's discretion under another statute, and if the conference report had been written to allow a court to consider an agency's compliance or noncompliance with these amended or superseded provisions of the other statute, this would be the same thing as judicial review of the agency's compliance or noncompliance with the provisions of S. 1. But section 401 of the conference report clearly prohibits courts from doing this.

Furthermore, even when an agency prepares any statement under section 202, nothing in section 202 authorizes or requires consideration of the statement in development of the rule. Where the conference report intends to require that agencies consider certain factors, the language of the bill is drafted to say so explicitly, as in the provision of section 205 requiring that agencies consider a reasonable number of regulatory alternatives under certain circumstances. Furthermore, an agency may choose to prepare a statement even if consideration is clearly prohibited under another statute, and an agency may prepare a statement even if the applicable statute affords discretion to the agency to consider or not to consider the statement. Therefore, neither the provisions of S. 1 nor the fact that an agency prepares any statement under S. 1 affects the standards and interpretations under which courts will review the rule and the agency's exercise of discretion in developing the rule.

Mr. President, I would like to close by acknowledging some people who deserve a great deal of credit for this legislation. This has been tough legislation to bring through, and we had a long debate in the Chamber about it after it came out of committee. We remember some of the difficulties of getting it out of the committee, and I will not go into all the details of that.

I indicated earlier in my remarks, of all the people who have brought this through, Senator DIRK KEMPTHORNE certainly deserves credit as the spark plug for this legislation. I have been glad and honored to join him in it. W.H. "Buzz" Fawcett, who is sitting here with him today, deserves credit for his work on this, and Gary Smith, who is on the floor also today.

On our side of the aisle, those people who deserve a tremendous amount of credit are Sebastion O'Kelly, who is with me here today, who has worked on very little but this for the last couple of months, I guess, or ever since we came back into session; Larry Novey, who is not on the floor with us today—yes, he is back in the back. Larry worked on this legislation also, as did our minority staff director on the Governmental Affairs Committee, Len Weiss, who is here with us today.

Congressman ROB PORTMAN over in the House, who was the real sponsor of this and the prime mover of it, deserves a lot of credit, along with his principal staff person who worked on this, John Bridgeland; Congressman WILLIAM CLINGER over there, and the person on his staff, Christine Simmons, who worked so hard on this; Congresswoman CARDISS COLLINS and her staff person, Tom Goldberg, who met repeatedly with the group; GARY CONDIT over there, and his staffer, Steve Jones, played a vital role in this.

And back on our side again, Senator JIM EXON and Meg Duncan on his staff, and on our Governmental Affairs staff again Senator CARL LEVIN and Linda Gustitis, who has done such yeoman work on a number of pieces of legislation on our Governmental Affairs Committee staff.

I know to people out there maybe who watch this on television, the names are not associated directly with the people involved. You may or may not have seen them in the Chamber from time to time when we were debating the bill, sitting here beside us, keeping some of the legislative matters straight as we were debating some different parts of this bill. But they are people who should be known because they are the ones who have to write things up overnight, spend two-thirds of the night writing things up for our approval in the morning to go to another meeting and try to work things out, work differences out and different views on legislation. And this legislation did have a lot of things we had to work out together. It was together that we worked these things out. There was a lot of togetherness, legislative togetherness that let us get to the point where we are today.

So I urge my colleagues to vote for passage of this bill. I think it is landmark legislation, and we have so many people who have been part of this I probably have left some people out. I regret that. But I am glad we have come to this day, and I look forward to tomorrow when we will have a record rollcall vote. I hope it will be unanimous.

I yield the floor. I reserve the remainder of my time.

Mr. KEMPTHORNE. Mr. President, I certainly appreciate the remarks of the Senator from Ohio and the great role that he has played in bringing us to this point where we can have successful passage of this conference report.

I should like to associate myself with his remarks about the different staff members who have all played a key role. I would now like to yield 7 minutes to the Senator from Minnesota, who again has been one of those Senators on this issue who every time we needed to have assistance was there.

Mr. GRAMS. I thank the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I rise today in support of the unfunded mandates conference report.

By forcing Congress to know the costs of any legislation it passes down to our States, counties, cities, and townships, by forcing Congress to vote—openly in the light of day—to specifically impose those costs if it does not come up with the dollars itself, this legislation is a good first step toward loosening the noose of costly Federal requirements.

And it is also a good first step toward a return to States rights, and an end to what has too often amounted to taxation without representation by the Federal Government.

In Redwood Falls, MN, former Mayor Gary Revier echoes what I have heard time and time again since debate began in Washington on unfunded mandates.

He said to me recently:

> How can cities like Redwood Falls meet their own needs when our scarce dollars are continually going to meet Washington's needs?
>
> How do we tell our residents that we may need to reduce services or raise local taxes because a bureaucrat 2,000 miles away thinks he knows best how to spend our dollars?

I agree with Mr. Revier. In fact, I have asked him to chair my unfunded mandates task force, where he will play a key role in formulating a strategy to reduce the Federal Government's reach into Minnesota pockets.

Even with the Unfunded Mandates Relief Act in place, we must be vigilant of the unintended costs our actions here in Congress may represent on the local level.

Future legislation needs to be carefully scrutinized so that we avoid new and unwelcome financial pressures on the local level.

Other regulatory relief measures we consider this year will further enable local governments to get back to doing local business, and away from having to do the Federal Government's bidding.

We could learn a lot from Florida Gov. Lawton Chiles, who wants to repeal at least half of his State's nearly 29,000 regulations and replace them with loose guidelines, guidelines that promote accountability.

While trading archaic rules for common sense may not make sense to the Washington bureaucrats, it makes a lot of sense back home, and it is an approach we ought to encourage on the Federal level.

For all the good accomplished by the Unfunded Mandates Relief Act, it leaves untouched most of the 200 previously enacted unfunded mandates passed by this institution—and passed on to local governments—over the last two decades.

Implementing the requirements of the 10 costliest mandates—contained in bills like OSHA, the Clean Water and Clean Air Acts, and the Endangered Species Act—cost cities an estimated $6.5 billion in 1993.

By the year 2000, the price tag for those mandates will rise to nearly $54 billion.

It may be too late to change things with this bill, but it is not too late to change things with the next.

In the House, Speaker GINGRICH will begin monthly corrections days, and I urge my colleagues in the Senate to follow suit.

We will pull out the most inefficient Federal laws and regulations and bring them up for a vote.

We will begin stripping away the layers of Federal bureaucracy that, like bad varnish over good wood, have obscured for too long the role of the Government envisioned by our Founding Fathers.

Maybe, with the help of the Unfunded Mandates Relief Act and 2 years of corrections days, we will be able to say by the end of the 104th Congress that we have truly made a difference to the people back home who sent us here to change Washington.

I reiterate, this change begins with passage of the Unfunded Mandates Relief Act.

With that, I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I note Senator HUTCHISON was here a short time ago. She had hoped to speak on this issue but unfortunately a previous commitment had caused her to leave the floor. I wish she could have been able to remain because during the 11 days of the debate that we had on S. 1, there were different occasions when it was necessary to seek someone with her background in State government to come be an advocate and spokesperson for this bill. Whenever we called, she was there. I want to acknowledge her role in this as well.

With that, Mr. President, I know there are additional speakers who are on their way to the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator suggest the time be divided equally on both sides, under the quorum call?

Mr. KEMPTHORNE. Mr. President, that will be fine.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. KEMPTHORNE. Mr. President, I yield 5 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I thank the distinguished Senator from Idaho for yielding.

Mr. President, I have been most interested in what I think is our first major success in both Chambers. And certainly it is due to the perseverance of the Senator from Idaho that we are where we are today. I watched with interest what is happening in the House and, of course, what is happening over here. I think it is so significant because this symbolizes what I think is one of the products of the revolution that took place on November 8.

I have often joked around with many Members of both bodies in Washington. I said, "If you want to know what a real tough job it is to become a mayor in a major city, there is no hiding place there. If they do not like you, they trash you and they throw it in your front yard."

Of all the problems—and even though there are people serving in this body, distinguished Senators, who have had distinguished careers, including being mayor of major cities such as the Senator from California, Mrs. FEINSTEIN, and many of us may disagree philosophically on certain subjects, but if you were to ask any city official, any mayor, any city commissioner, city council member in America what the most serious problem is, they will not say, as you might expect, the crime problem or the welfare problem or other problems like that. They would say it is unfunded mandates. I had the honor of serving as mayor for three terms in the city of Tulsa, OK, with a half-million people.

There are so many aspects of unfunded mandates that people do not talk about because sometimes it is politically sensitive to talk about it, such as the Davis-Bacon Act and how that affects what we do with capital improvements in many of our large cities.

I can remember when I became mayor of the city of Tulsa, even though I was conservative it was very uncomfortable to do this. I had to pass a 1-cent sales tax increase for capital improvement because our city had been neglected in its infrastructure. Unfortunately, it is a political reality. Until you can visibly see the problems, you do not really do anything about it. So we passed it.

We calculated afterward that, if we had not had to comply with the Davis-Bacon Act, the taxpayers would have benefited so much more than they did. Without the Davis-Bacon Act, we could have produced 17 percent more in capital improvements for the citizens of Tulsa. Keep in mind this is all totally funded within the city with a 1-cent sales tax increase—6 more miles of roads and streets within one city, Tulsa, OK; 34 more miles of water and sewer lines. And we could have hired—this is simply the labor issue that you hear so much about—we could have hired 500 more people during that timeframe. At that time our unemployment was high. It was something that we needed. So it was one of those deals where no one would have been punished by our successfully not having to serve under the mandates of the Davis-Bacon Act.

A lot of us in Oklahoma put the pencil to these things so that we would know how many dollars it saved. The motor-voter law that came in is going to cost about $1 million a year. We are still working with that right now. That was something that came in that sounded very good when it surfaced. A lot of the authorities were certainly well meaning. But it was a very expensive thing for the people of Oklahoma. We went and looked at some of the things that happened in the city. Certainly we all know or are sensitive today to the League of Cities which is having their annual meeting here in Washington.

In one city, Oklahoma City, the compliance with storm water management and the Clean Water Act, in Oklahoma City alone it is estimated to be $2.7 million. The transportation regulations, which is the metric conversion, some of their anticipated fees are in excess of $2 million over the next 5 years. Land use regulations—that is the recycling and landfill requirements that have come—$2.5 million; the Clean Water Act, Safe Drinking Water Act is somewhere in the millions. We cannot even put the pencil to that.

In my city of Tulsa, OK, the other large city in Oklahoma, the Clean Water Act compliance was $10 million. The Safe Drinking Water Act was $16 million. The solid waste regulations, $700,000. And the lead-based paint, because it is a unique industry which we have there, it will cost in excess of $1 million. But when you look at the smaller communities like Broken Arrow, OK, the Clean Water Act, the storm water regulations were $100,000; the safe drinking water regulations were $40,000. This is a small community that has a very difficult time making ends meet. Yet, they look at these and they wonder why is it that we in Washington somehow have this infinite wisdom that we know what is better for them and we are willing to mandate things for them to do. Yet, we are not going to fund it.

I think if we face the reality and the truth, Mr. President, I suggest that it is because people in Washington, after being here for a while, cannot resist the insatiable appetite to spend money we do not have. One tricky way of doing that is to take credit for something politically at home in terms of the environment or something that we are needing to do that generally the people want and turn around and cause the people at home to pay for it.

I think we should look at this in another way, also. That is, what is going to happen with the frustration around the country if we do not do this? I was heartened the other day to see what is happening in Catron County, NM. In the frustration of dealing with the U.S. Forest Service, they enacted the U.S. Constitution as a county ordinance and put the Federal officials on notice to show up at the county supervisors meeting to get permission to impose future mandates.

I think we are looking at something here that either we do, or it is going to be done for us. I have never been prouder of an organization that is able to come in on both the House and Senate side and recognize that this is not a Republican program, this is not a Democratic program, this is not a conservative or liberal program; this is something that everyone is for if they are really for getting the maximum out of the tax dollars that are paid.

So, again, let me throw all the accolades I can on the distinguished Senator from Idaho, who has been so effective in getting this through. Thank you on behalf of all America.

I yield the floor.

Mr. KEMPTHORNE. Mr. President, I want to thank the Senator from Oklahoma. Not only is he a tremendous addition to the U.S. Senate, but his experience as a former mayor—I really think there are few training grounds that can better equip you for the issues we deal with than to be a mayor who deals with the pragmatic issues of government. He is a welcome addition here.

I yield 7 minutes to the chairman of the Budget Committee, the Senator from New Mexico, Senator DOMENICI.

Mr. DOMENICI. Mr. President, I know that the occupant of the chair would like the Senate to finish its business at the earliest possible moment. While he has not told me that, it seems to me that is the attitude he exhibited when I told him I was going to speak. I promise you that it will be reasonably interesting and very, very short.

First, let me say that this bill could not be passed by the U.S. Senate, this conference, at a better time, because in the confines of this city over the last 72 hours, councilmen and mayors and councilwomen from all across America were here as part of the National League of Cities' conference. I used to belong to that organization many years ago when I was an ex officio mayor of my home city. And our distinguished Senator, to whom we extend accolades here today, Senator KEMPTHORNE, also served as mayor, but much later than I. I knew about the government way back then, and he knew about it even more vividly.

But I might say to the Senate that there is no question that the exhilaration in the language and words of thanks and profuse gratitude from those who came from far and wide across America as mayors and council people, saying this was the first step in some kind of revitalization of federalism in a prudent and realistic manner, seem to me to be right on the mark. We were on the mark when we passed it.

So this bill begins a redefinition of the relationship between the Federal Government, States, and local governments and even our Indian tribes. In addition, due to the provisions of title II of this bill, it also begins a little bit to move the relationship of the Federal Government's regulatory processes, vis-a-vis the private sector, in a direction of somewhat more accountability for the bureaucracy's actions that bind our American people and business people. We are not there yet on private sector mandates. This is the very first step.

In the past, we have piled mandates on the States and the American people with very little idea of their economic impact. It seems to me these mandates were imposed with too much confidence that we could leave very open-ended, generalized kinds of authority to the regulators, expecting them to establish commonsense regulations. Instead, we have found the exact opposite. In many instances, you have to stretch your mind in terms of trying to figure out how they could arrive at certain regulations from the laws we have passed.

So, at the very best, we did not fully understand the cost of our laws, the cost and implications of our regulations on State and local governments and tribal governments, or the private sector. At the worst, we had no idea how much these laws and regulations cost the American people. One estimate places the aggregate cost of existing mandates from hundreds of laws and thousands of regulations at $580 billion annually.

Somebody pays that and somewhere it finds itself in either the cost of living of our people, or the cost of buying goods and services from our companies, because this huge cost does not just disappear into the ether. It is there every day, in our front rooms, kitchens, on our grocery shelves, the furniture and gasoline we buy, and all of the other things that we have seen fit to regulate without any real evidence of the risk and the cost and how it affects people.

In my own State—I repeat to the Senate—local officials, whether it be the secretary of state or labor implementing motor vehicle registrations, or the mayor of the little town of Las Vegas, NM, attempting to meet the needs of his small city, I have heard their appeals and they clearly are tired of the Federal Government telling them precisely how to do things by regulation when they believe they could do just as well in different ways at less cost to their people.

Small business in New Mexico first points to Federal regulations when asked what is slowing down employment and economic growth and causing them to expand less than they think they could. Their answer, I repeat, is most frequently: Regulations that burden us unduly, that cost more than they are worth. They are even raising this today more frequently than they are talking about higher taxes and how taxes burden them.

That is not to say that taxes are not a burden to small business and that they would not like to see some relief. But I am giving you my best version of what I have heard for the last 14 months, because I did call small business together in New Mexico. We had an advocacy group and we hold it together, and we have had about 800 small businesses go to five cities and just lay before me what is wrong with the Federal Government. It comes up over and over again that they are being regulated beyond belief, at costs that are significant, with achievements and goals that are irrelevant or very misleading in terms of their worth.

So I am hopeful that this bill will change the culture of the Federal Government by modifying the process by which we impose mandates on our people. This bill requires Congress and Federal regulatory agencies to consider the impact of mandates before they are legislated and implemented.

I congratulate Senator KEMPTHORNE on this bill. I congratulate his staff and my staff, some of them from the Budget Committee. He is just a freshman Senator, but actually we have all found that he is a powerful one and a good one. He introduced the bill, and our leader, Senator DOLE, said, "Manage it, since you feel so strongly about it."

I remember him asking me, "Do you think I can do it? What is managing a bill all about?"

And I said, "Nobody can tell you until you have done it."

I asked him the other day, and he had a mixed reaction to it all. He is not so leery about managing another one, but he was not totally sanguine about what he had to go through either.

We do have to go through some contortions here on the floor to accommodate fellow Senators. He, obviously, had to do that. And for some who wanted to delay this process, he had to do that.

But over the past 2 years I helped where I could and I believe we strengthened the bill in many respects. First, through Senator EXON's and my efforts, the point of order in this bill has been broadened to apply to all legislation and the bill's new legislative mandate control procedures have been folded into the Budget Act, where we have established precedents to show us how a point of order will work and how it will not work.

Second, Senators NICKLES, DORGAN and myself have worked to make sure that the new procedures in this bill apply to the private sector.

This bill may be just a start in that direction, but let me suggest for those who are overburdened in the private sector, this bill will send a signal that we have not forgotten about them as we talk about mandates. Because many small businesses in America, because of the type of regulations being imposed and the attitude of those who impose it, believe the Federal Government is their adversary, their enemy, not their friend, not working in partnership and cooperation to see that regulations and the mandates of our laws get carried out. This bill is going to make one first step. Agencies are going to have to assess the impact on small business, and it holds agencies accountable for their actions. There is one judicial review process that will be available to them.

I am very hopeful that, as we move through regulatory reform, we will find some more precise and better ways to address the huge, huge almost malaise that is out there from the regulations and that we will start to make sense of it. And if, in a couple of years, the small business community is saying, "Our Government cares about us, they work with us, the regulators work with us instead of starting as enemies and wanting to penalize us, to fine us," we will have made a very giant step in the right direction.

I thank Senator KEMPTHORNE for yielding me time and I yield the floor.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I wish to thank Senator DOMENICI for his comments. Again, we have a former mayor who has just spoken, and who, from experience, knows what these unfunded mandates are all about, but more importantly helped do something about it. During what was the Christmas recess, when, traditionally, there is some time off, we did not take the time off. We worked diligently so that we could be ready with S. 1, so that it could be ready the first day.

So I appreciate Senator DOMENICI's help on that. And to acknowledge his staff, Bill Hoagland, Austin Smythe, and Kay Davies, who worked diligently with us through this process.

Mr. President, I also think it is worth noting—and this is important—that of the conferees that were appointed—5 in the Senate, 8 in the House; a total of 13—we stated going into this, Senator GLENN has affirmed this point repeatedly, that this was a bipartisan effort.

I think it is significant that three Democrat Members of the House were appointed to the conference and not all three had voted for this, which, at that time, was H.R. 5 in the Senate. Not all voted for it but, significantly, all Members, all 13 conferees, signed this conference report. CARDISS COLLINS, EDOLPHUS TOWNS, and JOE MOAKLEY, we want to thank them for their efforts throughout this process. Again, you have a conference report now that has been unanimously signed by all conferees.

Mr. ROTH. Mr. President, as chairman of the Governmental Affairs Committee, I am pleased to join with the Senator from Idaho in bringing to the floor this conference agreement on the unfunded mandates legislation. In chairing the conference on S. 1, Senator KEMPTHORNE did an excellent job of preserving the strong bipartisan support for this important reform that was the hallmark of its passage in both Houses.

This bill, as it now appears before us, is a careful balance of the demands for strong, effective reform, with the necessity for reasonable procedures and practical requirements. For example, we have provided for judicial review of agency compliance with requirements for certain types of analysis of regulatory impacts but without allowing such review to become a device that grinds the regulatory process to a halt. We require agencies to seek the least costly or least burdensome option when developing regulations but we only require that they do so for a reasonable number of alternatives.

We have also struck fair compromises where the two versions of the legislation imposed differing requirements. For example, we now require a Congressional Budget Office analysis of any mandate on the private sector that exceeds $100 million per year in costs while the original Senate bill had set the threshold at $200 million and the House threshold had been $50 million. We have also tailored the point of order provisions to the unique procedural needs of each of the two Houses.

And while the legislation aims primarily at future Federal mandates in its point of order and regulatory procedures provisions, it also acknowledges that existing mandates may need to be rethought. It does this by charging the Advisory Commission on Intergovernmental Relations with studying and reporting to us on effects of the current burdens imposed by such mandates. It asks ACIR to recommend how best to end mandates that are obsolete or duplicative. It also asks for recommendations on how we might grant State and local governments more flexibility in complying with those mandates that ought to be retained.

In doing all of this, the conferees have developed a final version of this much-needed reform that I can strongly commend to my colleagues. This is due in large measure, as I have already mentioned, to the diligent work of Senator KEMPTHORNE, who has long championed this reform. He and his staff are to be commended for bringing us this far.

I also want to acknowledge the active role of Senator GLENN in shaping this final product. Senator GLENN and his staff have worked very hard over the past year and a half, to ensure that this legislation was able to have solid bipartisan support.

I am pleased to have worked with my two colleagues, and with the other conferees, to get us to this point. I know that my own staff has spent many long hours over the past several months to help in this effort, working closely with the staffs of the other conferees.

The bill now before us represents a landmark reform in the relationship between the Federal Government, and State and local governments. I urge all Senators to give it their strong support.

Mr. KEMPTHORNE. Mr. President, I thank Senator ROTH again, as I mentioned earlier, for his leadership and for the assistance of his staff, Frank Polk and John Mercer.

TREATMENT OF DISABILITY LAWS UNDER THE UNFUNDED MANDATES REFORM ACT OF 1995

Mr. HARKIN. Mr. President, I would like to enter into a colloquy with Senators EXON and GLENN, floor managers of the Unfunded Mandates Reform Act of 1995, regarding the impact of this legislation on the Americans With Disabilities Act [ADA], title V of the Rehabilitation Act of 1973, and the Individuals With Disabilities Education Act [IDEA].

Mr. EXON. I would be pleased to enter into a colloquy with my colleague, Mr. HARKIN, who served as the chairman of the Subcommittee on Disability Policy of the Committee on Labor and Human Resources from 1987 to 1995 and is currently ranking member of the subcommittee.

Mr. GLENN. I too would be pleased to enter into a colloquy with Mr. HARKIN, who was also the chief sponsor of the ADA and the most recent bills reauthorizing the Rehabilitation Act of 1973 and the IDEA.

Mr. HARKIN. The ADA and sections 503 and 504 of the Rehabilitation Act of 1973 are civil rights statutes protecting individuals from discrimination on the basis of disability. It is my understanding that these statutes are explicitly excluded from coverage under the Unfunded Mandates Reform Act of 1995. Is my understanding correct?

Mr. GLENN. The Senator is correct. The ADA and sections 503 and 504 of the Rehabilitation Act of 1973 are explicitly excluded from coverage under the Unfunded Mandates Reform Act of 1995. Specifically, the bill provides that the provisions of this act shall not apply to any provision in a bill or joint resolution before Congress and any provision in any proposed or final Federal regulation that establishes or enforces any statutory rights that prohibit discrimination on the basis of * * * handicapped or disability status.

Mr. HARKIN. I thank the Senator. It is also my understanding that the Unfunded Mandates Reform Act of 1995 includes a definition of the term Federal intergovernmental mandate and this definition explicitly excludes discretionary grant programs—except certain entitlement programs—that is, any provision in a bill or joint resolution that includes a condition of Federal assistance or a duty arising from participation in a voluntary Federal program.

IDEA is a voluntary discretionary Federal program. Therefore, it is my understanding that IDEA is not subject to the provisions of the Unfunded Mandates Reform Act of 1995 because it is not considered a Federal intergovernmental mandate. Is my understanding correct?

Mr. EXON. The Senator is correct. Because IDEA is a voluntary discretionary Federal program, it is not considered a Federal intergovernmental mandate. Therefore, none of the provisions applicable to Federal intergovernmental mandates included in the legislation apply to IDEA.

Mr. HARKIN. As the Senator knows, part B of IDEA—also known as Public Law 94-142—was enacted in 1975. Both the House and Senate reports that accompany the original legislation clearly attribute the impetus for the act to two Federal court decisions rendered in 1971 and 1972. As the Senate report states, passage of the act followed a series of landmark court cases establishing in law the right to education of all handicapped children. The U.S. Supreme Court in *Smith* v. *Robinson*, 468 U.S. 992, recognized that part B of IDEA is a comprehensive scheme set up by Congress to aid the States in complying with their constitutional obligations to provide public education for handicapped children. The Court cited another portion of the Senate report, which stated, "It is the intent of the Committee to establish and protect the right to education for all handicapped children and to provide assistance to the states in carrying out their responsibilities under State law and the Constitution of the United States to provide equal protection under the law." The Supreme Court then explained that "The [IDEA] was an attempt to relieve the fiscal burden placed on States and localities by their responsibility to provide education of all handicapped children."

It is my understanding that the provisions of the Unfunded Mandates Reform Act of 1995 do not apply to any provision in a bill or joint resolution before Congress that enforces constitutional rights of individuals. In light of the statements of congressional intent and the conclusions reached by the U.S. Supreme Court, would you agree with me that IDEA enforces constitutional rights of individuals and as such is excluded from coverage under the Unfunded Mandates Reform Act of 1995?

Mr. EXON. I agree with the Senator's conclusion in light of the statements of congressional intent he cited to and the conclusions reached by the U.S. Supreme Court.

Mr. HARKIN. It is also my understanding that the provisions of the Unfunded Mandates Reform Act of 1995 do not apply to IDEA because, like the ADA and section 504 of the Rehabilitation Act of 1973, IDEA is a civil rights statute that establishes or enforces statutory rights that prohibit discrimination on the basis of handicapped or disability status.

Mr. EXON. I agree with that conclusion.

Mr. HARKIN. I thank the Senator for entering into this colloquy with me. I ask unanimous consent that a memorandum prepared by the American Law Division of the Congressional Research Service regarding the applicability of the Unfunded Mandates Reform Act of 1995 to the ADA, IDEA, and the Rehabilitation Act of 1973 be printed in the RECORD.

Mr. GLENN. I thank the Senator for raising these important issues.

Mr. EXON. I also wish to thank him for raising these issues.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, January 23, 1995.

To: Senator Harkin, Attention: Bob Silverstein.

From: American Law Division.

Subject: Unfunded Federal Mandates Bill and the Americans with Disabilities Act and the Individuals with Disabilities Education Act.

This memorandum is furnished in response to your request for an analysis of the language of S. 1 and H.R. 5, 104th Cong., 1st Sess., to determine if the Americans with Disabilities Act (ADA), 42 U.S.C. §§12101 et seq., and the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§1400 et seq., would be covered under these bills. It should be emphasized that these bills are currently undergoing extensive debate and amendment. This memorandum is based on the language contained in the Senate bill as reported out of the Senate Governmental Affairs Committee on January 11, 1995 and the Senate Budget Committee on January 12, 1995, and on the language contained in the House bill as reported out of the House Committee on Rules on January 13, 1995.

These bills are both referred to as the "Unfunded Mandate Reform Act of 1995." Basically, both bills, with some variance in details, would establish new congressional procedures for identifying and controlling certain existing as well as new unfunded federal mandates. The bills set forth new congressional procedures that would prohibit the House and Senate from considering legislation that creates new mandates or changes existing mandates from direct costs over a statutory threshold unless it also includes a source of financing or a guarantee that any such mandates will be repealed if the financing is not provided. Other provisions in the bills relate to the establishment of a Commission on Unfunded Federal Mandates that is required to review existing federal mandates to state, local, and tribal governments and to the private sector, and to make recommendations regarding possible changes in these mandates. There are also provisions requiring federal agencies to assess the effect of federal regulations on state, local and tribal governments and on the private sector and to make public such assessments for federal mandates costing more than $100 million to implement.

Both bills contain a section entitled "Limitation on Application."[1] Section 4 of S. 1 provides that "this part shall not apply to any provision in a Federal statute or a proposed or final Federal regulation that—(1) enforces constitutional rights of individuals; (2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, religion, gender, national origin, handicapped or disability status, (3) requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the Federal Government; (4) provides for emergency assistance or relief at the request of any State, local government, or tribal government or any official of such a government; (5) is necessary for the national security or the ratification or implementation of international treaty obligations; or (6) the President designates as emergency legislative and that the Congress so designates in statute." It would appear that both the ADA and IDEA would be exempted from the requirements of the Unfunded Mandate Act based upon these exceptions, and IDEA would also come under the exception to the definition of Federal Intergovernmental Mandate for conditions of financial assistance.

The ADA would apparently be covered by the second exception, and possibly the first. The ADA provides, in part, that its purpose is "to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities." [2] The legislative history of the statute is replete with discussions of discriminatory actions and comparisons with civil rights protections given to individuals on the basis of race.[3] An examination of statutes that are commonly referred to as civil rights statutes, for example, title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d, indicates that the broadest common denominator is that these statutes prohibit discrimination against a particular class or particular classes of individuals. Using this criteria, it would appear that the ADA would be considered to be a civil rights statute as the term is used in the second exception to the unfunded mandates legislation. It is also possible that the first exception, regarding statutes that enforce constitutional rights, might also be applicable to the ADA. The ADA states, in part, that its purpose is "to invoke the sweep of congressional authority, including the power to enforce the Fourteenth Amendment and to regulate commerce, in order to address the major areas of discrimination faced day-to-day by people with disabilities."[4] It could be argued that this language, coupled with findings concerning the constitutional rights of individuals with disabilities such as were made in *City of Cleburne v. Cleburne Living Center*, 473 U.S. 432 (1985), would suffice to bring the ADA under the first exception in the unfunded mandates legislation.

IDEA would apparently be covered by the exception to the definition of federal intergovernmental mandate contained in Section 3 of S. 1 and Section 301 of H.R. 5 as well as by the first two exceptions regarding the enforcement of constitutional rights and the exception for civil rights statutes contained in the "Limitation on Application" provisions discussed above. The term "Federal Intergovernmental Mandate" is defined in both the Senate and House bills as meaning "any provision in legislation, statute, or regulation that—(1) would impose an enforceable duty upon States, local governments, or tribal governments, except—(I) a condition of Federal assistance; or (II) a duty arising from participation in a voluntary Federal program. . ."[5] IDEA provides funds to the states so that they may provide a free appropriate public education to all children with disabilities. As a condition for the receipt of these funds, the act contains detailed requirements for the provision of an education. Clearly, IDEA is a grants statute which imposes certain conditions upon the receipt of federal funds. As such it would be covered by the exception quoted above.

IDEA may also be exempted from coverage by virtue of the two exceptions regarding constitutional rights and civil rights statutes.[6] IDEA was originally enacted in 1975 in response to two judicial decisions[7] which found certain constitutional requirements for an education for children with disabilities. In addition, the Supreme Court in *Smith v. Robinson*, 468 U.S. 992 (1984), stated that "The EHA (now called IDEA) is a comprehensive scheme set up by Congress to aid the States in complying with their constitutional obligations to provide public education for handicapped children." At 1009. It could be argued that IDEA is, then, a statute enacted to help enforce constitutional rights. Similarly, IDEA specifically states that part of its purpose is to assure that the rights of children with disabilities and their parents or guardians are protected.[8] These rights are further defined in the statute. An examination of the legislative history of the act indicates that it was in response to the exclusion of children with disabilities from a public school education.[9] Since exclusion would appear to fall within the parameters of the term discrimination, it would appear that IDEA could also be classified as a civil rights statute.

Footnotes at the end of the memorandum.

We hope this information is useful to you. If we can be of further assistance, please call us.

KATHY SWENDIMAN,
NANCY LEE JONES,
Legislative Attorneys.

FOOTNOTES

[1] Section 4 of H.R. 5 sets forth a "Limitation on Application" section which is identical to that contained in S. 1 except for the addition, in committee, of a new (7) which reads "pertains to Social Security".

[2] 42 U.S.C. §12101(b)(1).

[3] See generally, S. Rep. No. 116, 101st Cong., 1st Sess. (1989).

[4] 42 U.S.C. §12101(b)(4).

[5] Section 3 of S. 1 and Section 301 of H.R. 5.

[6] Section 4 (1) and (2) of S. 1 and H.R. 5 read as follows: "This Act shall not apply to any provision in a Federal statute or a proposed or final Federal regulation, that—(1) enforces constitutional rights of individuals; (2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, religion, gender, national origin, or handicapped or disability status. . ."

[7] *PARC v. State of Pennsylvania*, 343 F. Supp. 279 (E.D. Pa. 1972), and *Mills v. Board of Education of the District of Columbia*, 348 F. Supp. 866 (D.D.C. 1972).

[8] 20 U.S.C. §1400(c).

[9] H. Rep. No. 332, 94th Cong., 1st Sess. 11 (1975); S. Rep. No. 168, 94th Cong., 1st Sess., *reprinted in 1975 U.S. Code Cong. & Ad. News 1425, 1432.*

Mr. KEMPTHORNE. Mr. President, I know that the majority leader wishes to make comments on this issue. Until his arrival, I suggest the absence of a quorum.

The PRESIDING OFFICER. Equally divided?

Mr. KEMPTHORNE. Equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANTIDERIVATIVE LEGISLATION

Mr. DORGAN. Mr. President, I will soon introduce a piece of legislation dealing with derivatives. The term "derivative" is not readily understood by most.

We read in the newspapers and hear on television reports these days about derivatives. The most recent news story, of course, was about a 28-year-old young fellow, an employee of the Barings Bank of England, a 230-year-old bank.

This young employee of the Barings Bank of England was stationed in Singapore. In Singapore as an employee of an English bank he was betting on the Nikkei index on the Japanese stock exchange. Turns out that he lost $1 billion, and a 230-year-old British bank went under.

This is not the first time we have heard about derivatives. We heard about derivatives with respect to Orange County, CA. We heard about derivative failures across this country in recent years and it has alarmed some people, and justifiably so. Some who thought their retirement earnings were safe found out that the mutual fund they thought they invested in was, in fact, leveraged with derivatives.

Schoolteachers, school districts, cities, elderly people who had saved for their retirement, all have discovered in recent years the risk and potential danger of derivative trading when they do not know what they are doing. There are worldwide some $30 to $35 trillion in derivative contracts.

Derivatives in another manner and another name can be simple hedging, and hedging is a very customary thing to have happened. Banks hedge, farmers hedge. Hedging is a customary transaction. I have no trouble with that. Derivatives have become an international financial game and, in fact, some countries call it wagering or betting.

In this country, we have some very large banks that have begun trading in derivatives on their own account. They are involved in proprietary trading and derivatives in their own account. Not for customers.

The difficulty I have with that is when a financial institution whose deposits are insured by the American taxpayers with Federal deposit insurance, starts putting up a keno pit in their lobby and gambling effectively on derivatives, believing if they lose their shirt, the American taxpayers will pay. That is wrong. I do not believe financial institutions whose deposits are insured by the Federal Government should be involved in any case or under any conditions in trading for their own proprietary accounts in derivatives. It is far too risky and far too fraught with potential failure.

In this case, the failure will be underwritten by the American taxpayers. We have seen a chapter of this in the past. It was called junk bonds in savings and loans. Let us not see that repeat itself in this country with banks and derivatives.

Now, most American banks are not involved in derivative trading. Ninety-nine percent of them are not. But we have several very large banks in the country, some of the largest, that are involved in derivatives, with risks up to 500 percent of their entire capital structure.

I will introduce legislation that I introduced in the previous Congress. It is very simple. It does not prohibit traditional hedging by financial institutions for the purposes of hedging risk. It does prevent and prohibit institutions whose deposits are insured by the Federal Government from trading on a proprietary basis in derivatives. That makes no sense, and we ought to stop it.

The fact is we have Federal regulators involved in looking over their shoulders on derivatives trading, but is like having traffic cops involved in looking at computer crime. It simply does not work.

We have a $30 to $35 trillion dollar worldwide derivative business, and we see what can happen. We see what happens when a 28-year-old, working for a British bank, living in Singapore, bets on Japanese stocks and loses $1 billion, and everyone stands around looking surprised.

We saw everyone scratching their heads looking surprised that Orange County went bankrupt. It is fine to stand up and decide that the regulators have to do their jobs, and we as legislators ought to do ours, and ours ought to be to say to all financial institutions in this country, if you have Federal deposit insurance, you have no business trading in derivatives.

The American taxpayers do not deserve to be stuck with your losses if you want to gamble with their money. I hope some of my colleagues would see merit in this legislation and help me pass it.

I recall the legislation that I offered that finally passed the Congress prohibiting savings and loans from buying junk bonds. There was a struggle to get that passed, but I finally did. The reason I got it passed was, unfortunately, we had already lost a bundle by having S&L's buy junk bonds. They are up to their neck in debt with junk bonds.

It should never have happened. The ultimate absurdity was the Federal Government ended up owning junk bonds in the Taj Mahal Casino because an S&L that went bankrupt owned Taj Mahal junk bonds that were nonperformers and the Federal Government ended up owning bank junk bonds in a casino.

That is the absurdity where we got with junk bonds, and we will head the same way with derivatives, mark my words, unless we decide that institutions whose deposits are insured ought not to bet on derivatives.

That is the purpose of my legislation. My hope is that several colleagues will see fit to pass this legislation in the near future. I thank may colleague from Ohio for indulging me with his statement.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

I ask that the time be charged to both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAMS). Without objection, it is so ordered.

UNFUNDED MANDATE REFORM ACT OF 1995—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. GLENN. Mr. President, in thanking people who were instrumental in putting together this kind of legislation, I think we probably were remiss in not thanking Tony Coe, who did so much in the legislative counsel's office in putting together draft after draft after draft of this.

I saw him walking through the Chamber a moment ago, and I want him to step outside just for a moment. I say to Tony, we thank him for all his efforts. I know he does long hours over in the legislative counsel's office putting together some of these legislative proposals which have to be written and rewritten, as this one was.

We were spelling out a while ago people instrumental in getting this legislation through, and Tony certainly deserves to be commended for his efforts on behalf of this legislation, too, and we are glad to recognize him for it.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I want to add my thanks also to Mr. Tony Coe and all that he has done. I think so often people do not realize the intricacies of this and the hours that are put in, and yet, time after time, we require staff to answer the call. Tony has done that in an exemplary fashion. We thank him for that. He has helped significantly, I think, in changing the mindset of how Congress will operate and he can be proud of it.

Mr. President, I suggest the absence of a quorum and ask that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered

Mr. DOLE. Mr. President, was leader's time reserved?

The PRESIDING OFFICER. Yes, it was.

Mr. DOLE. Mr. President, one of the first decisions I had to make as majority leader was which bill should be designated S. 1. When I considered the message the American people sent us last November, the decision was easy. I chose Senator KEMPTHORNE's unfunded mandates bill, because it shows we are serious about reining in the power of the Federal Government.

The 10th amendment to the U.S. Constitution reads:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

When the 104th Congress convened, I pledged that we would dust off the 10th amendment, and restore it to its rightful place in the Constitution.

The unfunded mandates bill is the first step in the important process of returning power to the States and to the people. For far too long, Congress has operated under the false assumption that legislation that did not affect the Federal Government had no cost. But, ask any mayor, Governor, county commissioner, or school board official—or any State and local taxpayer—and they will tell you otherwise.

This law will change the way we do business in Washington. Under business-as-usual, Congress had the costly habit of giving State and local governments new responsibilities without supplying the money to pay for these new obligations. Those unfunded mandates have forced State and local officials to cut services or increase taxes in order to keep their budgets in balance.

The unfunded mandates law will be a reality check for advocates of new mandates: the Federal Government should know and pay for the costs of mandates before imposing them on State and local governments, and the Federal Government should know the costs and impacts before imposing them on the private sector.

This law will provide real relief to State and local governments, and to the people who ultimately pay the bills for unfunded mandates—individual American taxpayers.

I am pleased that this bill will pass with strong bipartisan support, and there are a lot of Senators who deserve credit for this initiative's success. Senator GLENN has led the effort on the Democratic side of the aisle, and Senators DOMENICI and ROTH are among those who have also worked hard for this bill.

But no Senator worked harder than our colleague from Idaho, Senator DIRK KEMPTHORNE. He came to the Senate as a mayor, with front-line experience coping with the Federal Government telling him how to run Boise, ID. When he ran for the Senate, he promised the people of Idaho he would fight to stop unfunded mandates. He kept his promise. The first bill he introduced was an unfunded mandates bill—and it attracted only three cosponsors. But that did not stop him. He kept pushing, and he helped mobilize the mayors, county commissioners, and Governors, who stepped up their efforts. After he got more than 51 cosponsors on his unfunded mandates bill, he worked across the aisle to write a bipartisan bill. After that effort was blocked late last year, he spent the recess writing a better, tougher bill. He then spent 11 days and nights tirelessly debating and managing the bill on the floor, and 40 days and nights—it seems there is something else about 40 days and nights—getting it through the conference, successfully resisting efforts to weaken it.

All that work has produced a strong bill that all of us can be proud of, and all of us should vote for.

A few weeks ago, I told mayors they should send Senator KEMPTHORNE and Senator GLENN keys to their cities to thank them for their efforts.

I do not know if they have received any keys yet, but if you can use some, maybe I can round them up. Maybe by now you both have a pocketful of keys, and I am certain there are more on the way.

After all, our Nation's mayors, Governors, county commissioners, and taxpayers would be hard pressed to find a better friend than Senator DIRK KEMPTHORNE.

Mr. President, I urge all of my colleagues to vote for S. 1, and I urge President Clinton to sign it into law at the earliest possible date.

Mr. KEMPTHORNE. Mr. President, I wish to echo what America's mayors, Governors, and county commissioners are saying, and that is their gratitude to Senator DOLE for designating this bill S. 1. That sort of stamp of priority by the majority leader of the Senate went a long way toward helping propel this legislation toward what we believe tomorrow will be its successful conclusion.

So again, on behalf of America's mayors, Governors, and myself, I thank the Senator for the honor of having this legislation designated S. 1.

Mr. President, I am prepared to yield back the remainder of my time.

Mr. GLENN. I yield back my time.

The PRESIDING OFFICER. All time has expired. The vote is scheduled to be held tomorrow.

Mr. GLENN. Parliamentary inquiry, Mr. President. The vote, as I understand it, will be the second vote tomorrow. Is that correct?

The PRESIDING OFFICER. That is correct.

MORNING BUSINESS

(During the session of the Senate, the following morning business was transacted.)

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:44 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 956. An act to establish legal standards and procedures for product liability litigation, and for other purposes.

The message also announced that the House insists upon its amendment to (S. 244) An act to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. CLINGER, Mrs. MEYERS of Kansas, Mr. MCHUGH, Mr. MCINTOSH, Mr. FOX of Pennsylvania, Mrs. COLLINS of Illinois, Mr. PETERSON of Minnesota, and Mr. WISE as the managers of the conference on the part of the House.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 956. An act to establish legal standards and procedures for product liability litigation, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–512. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–12 adopted by the Council on February 7, 1995; to the Committee on Governmental Affairs.

EC–513. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–16 adopted by the Council on February 7, 1995; to the Committee on Governmental Affairs.

EC-514. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-17 adopted by the Council on February 7, 1995; to the Committee on Governmental Affairs.

EC-515. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-18 adopted by the Council on February 7, 1995; to the Committee on Governmental Affairs.

EC-516. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-19 adopted by the Council on February 7, 1995; to the Committee on Governmental Affairs.

EC-517. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-21 adopted by the Council on February 7, 1995; to the Committee on Governmental Affairs.

EC-518. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-22 adopted by the Council on February 7, 1995; to the Committee on Governmental Affairs.

EC-519. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-23 adopted by the Council on February 7, 1995; to the Committee on Governmental Affairs.

EC-520. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-24 adopted by the Council on February 7, 1995; to the Committee on Governmental Affairs.

EC-521. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled "Audit of the Operations of the Office of the Campaign Finance"; to the Committee on Governmental Affairs.

EC-522. A communication from Comptroller General of the United States, transmitting, pursuant to law, the report entitled "Independence of Legal Services"; to the Committee on Governmental Affairs.

EC-523. A communication from Administrator of General Services Administration, transmitting, pursuant to law, the report on the disposal of surplus Federal real property; to the Committee on Governmental Affairs.

EC-524. A communication from Chairman of the Administrative Conference of the United States, transmitting, a draft of proposed legislation to amend the Administrative Conference Act; to the Committee on Governmental Affairs.

EC-525. A communication from the Inspector General Agency for International Development, transmitting, pursuant to law, the report of an audit; to the Committee on Governmental Affairs.

EC-526. A communication from Chairman of the Administrative Conference of the United States, transmitting, pursuant to law, the report entitled "Toward Improved Agency Dispute Resolution: Implementing the ADR Act"; to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. THURMOND:

S. 546. A bill for the relief of Dan Aurel Suciu; to the Committee on the Judiciary.

By Mr. SIMON:

S. 547. A bill to extend the deadlines applicable to certain hydroelectric projects under the Federal Power Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER:

S. 548. A bill to provide quality standards for mammograms performed by the Department of Veterans Affairs; to the Committee on Veterans Affairs.

By Mr. BUMPERS:

S. 549. A bill to extend the deadline under the Federal Power Act applicable to the construction of three hydroelectric projects in the State of Arkansas; to the Committee on Energy and Natural Resources.

By Mr. EXON:

S. 550. A bill to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes; to the Committee on Labor and Human Resources.

By Mr. CRAIG:

S. 551. A bill to revise the boundaries of the Hagerman Fossil Beds National Monument and the Craters of the Moon National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BURNS (for himself and Mr. BAUCUS):

S. 552. A bill to allow the refurbishment and continued operation of a small hydroelectric facility in central Montana by adjusting the amount of charges to be paid to the United States under the Federal Power Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MOSELEY-BRAUN:

S. 553. A bill to amend the Age Discrimination in Employment Act of 1967 to reinstate an exemption for certain bona fide hiring and retirement plans applicable to State and local firefighters and law enforcement officers, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. FEINGOLD:

S. 554. A bill to amend the provisions of titles 5 and 28, United States Code, relating to equal access to justice, award of reasonable costs and fees, hourly rates for attorney fees, administrative settlement officers, and for other purposes; to the Committee on the Judiciary.

By Mrs. KASSEBAUM (for herself, Mr. KENNEDY, and Mr. FRIST):

S. 555. A bill to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health education programs, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 556. A bill to amend the Trade Act of 1974 to improve the provision of trade readjustment allowances during breaks in training, and for other purposes; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER:

S. 548. A bill to provide quality standards for mammograms performed by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

THE WOMEN VETERANS' MAMMOGRAPHY QUALITY STANDARDS ACT

• Mr. ROCKEFELLER. Mr. President, for a number of years, I have been active—both through legislation and oversight activity—in seeking to improve VA's response to women veterans. While there has been some progress, much remains to be done. During the last Congress, we were poised to make some significant improvements, particularly in defining which services VA must furnish to women veterans. Unfortunately, that legislation, along with other vital measures, died in the closing hours of the Congress. While those issues may still be brought into play on legislation later on this year, one element of our prior effort can clearly be separated out at this time and dealt with on its own merits—and that's what the bill I am introducing today will do.

BACKGROUND

Mr. President, the bill I am introducing, which is cosponsored by Senators AKAKA, JEFFORDS, MIKULSKI, MOSELEY-BRAUN, and MURKOWSKI, would ensure that women veterans will receive safe and accurate mammograms. Under this measure, VA facilities that furnish mammography would be required to meet quality assurance and quality control standards that are no less stringent than those to which other mammography providers are subject under the Mammography Quality Standards Act. VA facilities that contract with non-VA facilities would be required to contract only with facilities that comply with that act. I will now highlight briefly the provisions contained in this legislation.

SUMMARY OF PROVISIONS

Mr. President, this legislation would establish quality standards for mammography services furnished by VA which would:

First, require that all VA facilities that furnish mammography be accredited by a private nonprofit organization designated by the Secretary of Veterans Affairs.

Second, require the Secretary to designate only an accrediting body that meets the standards for accrediting bodies issued by the Secretary of Health and Human Services for purposes of accrediting mammography facilities subject to the Mammography Quality Standards Act of 1992—Public Law 102-539.

Third, require the Secretary, in consultation with the Secretary of Health and Human Services, to issue quality assurance and quality control standards for mammography services furnished in VA facilities that would be no less stringent than the Department of Health and Human Services regulations to which other mammography providers are subject under the Mammography Quality Standards Act of 1992.

Fourth, require the Secretary to issue such regulations not later than 120 days after enactment of this legislation.

Fifth, require the Secretary to inspect mammography equipment operated by VA facilities on an annual basis in a manner consistent with requirements contained in the Mammography Quality Standards Act concerning annual inspections of mammography equipment by the Secretary of Health and Human Services, except that the Secretary of Veterans' Affairs would not have the authority to delegate inspection responsibilities to a State agency.

Sixth, require VA health care facilities that provide mammography through contracts with non-VA providers to contract only with mammography providers that comply with the Department of Health and Human Services' quality assurance and quality control regulations.

Seventh, require the Secretary, not later than 180 days after the Secretary prescribes the mammography quality assurance and quality control regulations, to submit a report to the House and Senate Committees on Veterans' Affairs on the implementation of those regulations.

CONCLUSION

Mr. President, in closing, I emphasize just how vital improving VA health services for women veterans is to VA's future. Regardless of the outcome of national health care reform efforts, progress on health care reform at the State level dictates that VA must compete directly with non-VA providers. In addition, the State plans probably will provide veterans entitled to VA care, many of whom are presently uninsured, a wider range of health care choices. Under this scenario, VA would have to furnish a full continuum of health services, including quality mammography, in order to compete successfully for women veteran patients.

This bill would hold VA to the mammography standards required of other providers. Anything less would deny the great debt we owe to the courageous women who have sacrificed themselves in service to our Nation.

Mr. President, I look forward to working with the chairman of the Committee on Veterans' Affairs, Senator SIMPSON, the cosponsors of this bill, and the other members of the committee to gain prompt action on it in our committee and the Senate. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 548

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Women Veterans' Mammography Quality Standards Act".

SEC. 2. MAMMOGRAPHY QUALITY STANDARDS.

(a) PERFORMANCE OF MAMMOGRAMS.—Mammograms may not be performed at a Department of Veterans Affairs facility unless that facility is accredited for that purpose by a private nonprofit organization designated by the Secretary of Veterans Affairs. The organization designated by the Secretary under this subsection shall meet the standards for accrediting bodies establishing by the Secretary of Health and Human Services under section 354(e) of the Public Health Service Act (42 U.S.C. 263b(e)).

(b) QUALITY STANDARDS.—(1) Not later than 120 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall prescribe quality assurance and quality control standards relating to the performance and interpretation of mammograms and use of mammogram equipment and facilities by personnel of the Department of Veterans Affairs. Such standards shall be no less stringent than the standards prescribed by the Secretary of Health and Human Services under section 354(f) of the Public Health Service Act.

(2) The Secretary of Veterans Affairs shall prescribe standards under this subsection in consultation with the Secretary of Health and Human Services.

(c) INSPECTION OF DEPARTMENT EQUIPMENT.—(1) The Secretary of Veterans Affairs shall, on an annual basis, inspect the equipment and facilities utilized by and in Department of Veterans Affairs health-care facilities for the performance of mammograms in order to ensure the compliance of such equipment and facilities with the standards prescribed under subsection (b). Such inspection shall be carried out in a manner consistent with the inspection of certified facilities by the Secretary of Health and Human Services under section 354(g) of the Public Health Services Act.

(2) The Secretary of Veterans Affairs may not delegate the responsibility of such secretary under paragraph (1) to a State agency.

(d) APPLICATION OF STANDARDS TO CONTRACT PROVIDERS.—The Secretary of Veterans Affairs shall ensure that mammograms performed for the Department of Veterans Affairs under contract with any non-Department facility or provider conform to the quality standards prescribed by the Secretary of Health and Human Services under section 354 of the Public Health Service Act.

(e) REPORT.—(1) The Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the quality standards prescribed by the Secretary under subsection (b)(1).

(2) The Secretary shall submit the report not later than 180 days after the date on which the Secretary prescribes such regulations.

(f) DEFINITION.—In this section, the term "mammogram" shall have the meaning given such term in section 354(a)(5) of the Public Health Service Act (42 U.S.C. 263b(a)).●

By Mr. EXON:

S. 550. A bill to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes; to the Committee on Labor and Human Resources.

LABOR DISPUTE LEGISLATION

Mr. EXON. Mr. President, I rise today to introduce a bill which I hope—and I emphasize "I hope"—will serve as a common ground for the two warring factions very prominent in our society today.

My bill amends the Federal labor law by providing a short-term ban on permanent replacement workers for the first 60 days of a strike. Then permanent replacements could be gradually phased in over a 12-month period so that an employer could hire 100 percent of their work force as permanent replacements by the end of a year.

I believe that those two warring factions—management and labor—need to focus more on what is in our Nation's long-term best interests and less on getting and keeping an upper hand. I caution either side from thinking that crushing blows or complete victories are within reach. They are not. I have proposed my idea before but neither side wanted to take the first step.

To management I say you have leveraged a rarely used practice into what is now the sledgehammer of negotiations. The right to strike hangs by the thread that separates the difference between being fired and being permanently replaced. To labor I say the global economy has remade the rules. International competitiveness may mean that labor will have to settle for less than the whole loaf sometimes.

I voted against NAFTA and against GATT for various reasons, but some of the most important involved my concern that our chase for cheap labor would erode the ground under our workers and the standard of living in America. But that is over and done with. We can shore up as best we can, but I fear the erosion may continue, not subside.

The two old bulls, labor and management, are still at it, with their horns locked, straining. The harmful effects of that intransigence can be seen in the festering sore of professional baseball. They often threaten to pull the Senate into the trenches and seem to have done so once again.

Mr. President, I make this appeal: Congress has the power to step in and set some ground rules instead of being pushed this way and pushed that. Let us take this opportunity to impose some order, set some rules, then hopefully set this issue aside and see if such a resolution works.

Under my bill, management is barred from simply replacing workers permanently the day after the strike. Certainly management can keep the plant open, if they choose, with temporary workers. Labor knows, however, that the meter is running under my bill and that the effect of the strike is diminished with time.

For example, after 60 days, the employer can hire 10 percent of the work force as replacements, permanent replacements; after 90 days, 20 percent; after 4 months, 30 percent; after 5 months, 40 percent; after 6 months, 50 percent; after 9 months, 75 percent; and after 1 year, 100 percent, if that is the desire of management.

Management will say that the 60-day ban is too long, while labor will say that a year before being completely replaced is too short. I say that sounds like the start of a good compromise.

Congress can break this logjam, and I think it should. I do not believe this is a matter to be resolved by Executive order but, rather, by law. I think this proposal can satisfy well-meaning and well-intentioned people on both sides of the issue and may help us to look forward in both the Senate and this country to something better.

Mr. President, I suggest that we look ahead to the 21st century. Let us quit sticking our heads in the sand with meaningless gestures. Anyone who is looking beyond next year or the next election, who truly believes in collective bargaining, should recognize that international competition in the 21st century demands labor/management cooperation and not war.

I submit it is not fair or reasonable to expect a union worker to strike for economic grievances when he or she could lose their job the very first day that they dare walk the picket line. Some collective bargaining. With just a little bit of backbone and a little bit of reason and a little bit of understanding, we could properly correct this situation that continues to tear American labor and management apart.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 550

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended—

(1) in subsection (a)—

(A) by striking the period at the end of paragraph (5) and inserting "; or"; and

(B) by adding at the end thereof the following new paragraph:

"(6) subject to subsection (h), to promise, threaten, or take other action—

"(A) to hire a permanent replacement for an employee who—

"(i) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative, or, on the basis of written authorizations by a majority of the employees, was seeking to be so certified or recognized; and

"(ii) in connection with the dispute has engaged in converted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or

"(B) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of clauses (i) and (ii) of subparagraph (A) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed, or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute."; and

(2) by adding at the end thereof the following new subsection:

"(h)(1) An employer may not hire a permanent replacement for an employee described in subsection (a)(6) unless the employer complies with the requirements under paragraph (2).

"(2)(A) An employer may hire a permanent replacement for an employee described in subsection (a)(6)(A) during the period beginning 61 days after the date of the commencement of a dispute described in subsection (a)(6) and ending 90 days after the date of such commencement. The total number of replacements made under this subsection during such period shall not exceed 10 percent of the total number of employees who were in the bargaining unit described in subsection (a)(6)(A)(i) on the date of the commencement of the dispute.

"(B) An employer may hire a permanent replacement for an employee described in subsection (a)(6)(A) during the period beginning 91 days after the date of the commencement of a dispute described in subsection (a)(6) and ending 120 days after the date of such commencement. The total number of replacements made under this subsection during such period shall not exceed 20 percent of the total number of employees who were in the bargaining unit described in subsection (a)(6)(A)(i) on the date of the commencement of the dispute.

"(C) An employer may hire a permanent replacement for an employee described in subsection (a)(6)(A) during the period beginning 121 days after the date of the commencement of a dispute described in subsection (a)(6) and ending 150 days after the date of such commencement. The total number of replacements made under this subsection during such period shall not exceed 30 percent of the total number of employees who were in the bargaining unit described in subsection (a)(6)(A)(i) on the date of the commencement of the dispute.

"(D) An employer may hire a permanent replacement for an employee described in subsection (a)(6)(A) during the period beginning 151 days after the date of the commencement of a dispute described in subsection (a)(6) and ending 180 days after the date of such commencement. The total number of replacements made under this subsection during such period shall not exceed 40 percent of the total number of employees who were in the bargaining unit described in subsection (a)(6)(A)(i) on the date of the commencement of the dispute.

"(E) An employer may hire a permanent replacement for an employee described in subsection (a)(6)(A) during the period beginning 181 days after the date of the commencement of a dispute described in subsection (a)(6) and ending 270 days after the date of such commencement. The total number of replacements made under this subsection during such period shall not exceed 50 percent of the total number of employees who were in the bargaining unit described in subsection (a)(6)(A)(i) on the date of the commencement of the dispute.

"(F) An employer may hire a permanent replacement for an employee described in subsection (a)(6)(A) during the period beginning 271 days after the date of the commencement of a dispute described in subsection (a)(6) and ending 360 days after the date of such commencement. The total number of replacements made under this subsection during such period shall not exceed 75 percent of the total number of employees who were in the bargaining unit described in subsection (a)(6)(A)(i) on the date of the commencement of the dispute.

"(G) An employer may hire a permanent replacement for an employee described in subsection (a)(6)(A) effective 361 days after the date of the commencement of a dispute described in subsection (a)(6).".

SEC. . PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting "(a)" after "Fourth.";

(2) by adding at the end thereof the following new subsections:

"(b) Subject to subsection (c), no carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

"(1) to hire a permanent replacement for an employee who—

"(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the designated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

"(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

"(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.

"(c)(1) A carrier, or an officer or agent of the carrier, may not hire a permanent replacement for an employee under subsection (b) unless the carrier or officer or agent complies with the requirements under paragraph (2).

"(2)(A) A carrier, or an officer or agent of the carrier, may hire a permanent replacement for an employee described in subsection (b) during the period beginning 61 days after the date of commencement of a dispute described in subsection (b) and ending 90 days after the date of such commencement. The total number of replacements made under this subsection during such period shall not exceed 10 percent of the total number of employees who were in the craft or class described in subsection (b).

"(B) A carrier, or an officer or agent of the carrier, may hire a permanent replacement for an employee described in subsection (b) during the period beginning 91 days after the date of commencement of a dispute described in subsection (b) and ending 120 days after the date of such commencement. The total number of replacements made under this subsection during such period shall not exceed 20 percent of the total number of employees who were in the craft or class described in subsection (b).

"(C) A carrier, or an officer or agent of the carrier, may hire a permanent replacement for an employee described in subsection (b) during the period beginning 121 days after the date of commencement of a dispute described in subsection (b) and ending 150 days after the date of such commencement. The total number of replacements made under this subsection during such period shall not exceed 30 percent of the total number of employees who were in the craft or class described in subsection (b).

"(D) A carrier, or an officer or agent of the carrier, may hire a permanent replacement for an employee described in subsection (b) during the period beginning 151 days after the date of commencement of a dispute described in subsection (b) and ending 180 days after the date of such commencement. The total number of replacements made under this subsection during such period shall not exceed 40 percent of the total number of employees who were in the craft or class described in subsection (b).

"(E) A carrier, or an officer or agent of the carrier, may hire a permanent replacement for an employee described in subsection (b) during the period beginning 181 days after the date of commencement of a dispute described in subsection (b) and ending 270 days after the date of such commencement. The total number of replacements made under this subsection during such period shall not exceed 50 percent of the total number of employees who were in the craft or class described in subsection (b).

"(F) A carrier, or an officer or agent of the carrier, may hire a permanent replacement for an employee described in subsection (b) during the period beginning 271 days after the date of commencement of a dispute described in subsection (b) and ending 360 days after the date of such commencement. The total number of replacements made under this subsection during such period shall not exceed 75 percent of the total number of employees who were in the craft or class described in subsection (b).

"(G) A carrier, or an officer or agent of the carrier, may hire a permanent replacement for an employee described in subsection (b) effective 361 days after the date of commencement of a dispute described in subsection (b).".

By Mr. BURNS (for himself and Mr. BAUCUS):

S. 552. A bill to allow the refurbishment and continued operation of a small hydroelectric facility in central Montana by adjusting the amount of charges to be paid to the United States under the Federal Power Act, and for other purposes; to the Committee on Energy and Natural Resources.

FLINT CREEK HYDROELECTRIC FACILITY LEGISLATION

Mr. BURNS. Mr. President, I rise today to introduce legislation to allow for the orderly transfer of a license for the operation of a small hydroelectric facility in my State of Montana. This operation is no longer generating electricity. The utility that owns it, Montana Power, no longer finds it economical to continue to do so. Montana Power would like to turn the operation and ownership of the dam over to someone else. And there is a potential buyer, the county of Granite. The county would like to buy the facility, refurbish it, and continue to generate low-cost electricity for itself and its neighbors.

However, FERC, the agency that must approve the license request is demanding that the buyer pay for the rent of Forest Service land that lies under the lake that was created by the dam. The Forest Service gets no benefit from the land. It's under several feet of water. And the Federal Government already owns one-third of my State of Montana.

I believe that this bill, which will defer the rental costs for 5 years which will allow the county to get its repair work done and get the generation online, is an equitable solution to the problem posed by FERC. I hope that they will support the bill.

By Ms. MOSELEY-BRAUN:

S. 553. A bill to amend the Age Discrimination in Employment Act of 1967 to reinstate an exemption for certain bona fide hiring and retirement plans applicable to State and local firefighters and law enforcement officers, and for other purposes; to the Committee on Labor and Human Resources.

THE AGE DISCRIMINATION IN EMPLOYMENT AMENDMENTS OF 1995

• Ms. MOSELEY-BRAUN. Mr. President, I introduce the Age Discrimination in Employment Amendments of 1995, legislation designed to give State and local governments the same right to set mandatory retirement ages and maximum hiring ages for their police and firefighters that the Federal Government currently enjoys.

Throughout the 104th Congress, there has been a great deal of discussion about the need for those of us in this body to hold ourselves accountable to the same standards other Americans have to meet.

We have debated and passed congressional coverage legislation, which will apply to Congress a number of laws that have already been applied to the private sector. We have also debated and passed unfunded mandates legislation in order to ensure that the Federal Government does not impose mandates on State and local governments without the funding necessary to cover the cost of those mandates.

The legislation I am introducing today is based on this same basic theme. Currently, the Federal Government enjoys a permanent exemption from the Age Discrimination in Employment Act that allows it to set mandatory retirement ages and maximum hiring ages for its public safety officers. In effect, this exemption authorizes Federal public safety agencies to use mandatory retirement ages and maximum hiring ages for their police officers and firefighters including:

The U.S. Park Police; the Federal Bureau of Investigation; Department of Justice Law Enforcement personnel; District of Columbia firefighters; U.S. Forest Service firefighters; the Central Intelligence Agency; the Capitol Police; and Federal firefighters.

However, this same exemption from the Age Discrimination in Employment Act is not available to State and local governments.

My legislation corrects this disparity by allowing State and local governments the right to set mandatory retirement and maximum hiring ages if they so choose.

Mr. President, I want to emphasize that last point. This legislation merely allows State and local governments to set mandatory retirement and maximum hiring ages if they so choose.

The bill does not set national, mandatory retirement and maximum hiring ages for police and firefighters. It does not require State local governments to create their own mandatory retirement and maximum hiring ages. It does not even encourage them to do so. It merely grants State and local governments the same rights in this area which are currently being enjoyed by the Federal Government.

As a general rule, the Age Discrimination in Employment Act prohibits employers from discriminating against workers solely on the basis of age, and generally prohibits the use of mandatory retirement and maximum hiring ages.

Prior to Congress enacting an exemption in 1986, the Age Discrimination in Employment Act allowed State and local governments to use mandatory retirement and maximum hiring ages for their public safety officers only if they could prove in court that these rules were bona fide occupational qualifications [BFOQ's] reasonably necessary for the normal operation of the business.

Although this approach sounds reasonable, courts in some jurisdictions ruled limits permissible while identical limits were held impermissible in other jurisdictions. For example, the Missouri Highway Patrol's maximum hiring age of 32 was upheld while Los Angeles County Sheriff's maximum hiring age of 35 was not. East Providence's mandatory retirement age of 60 for police officers was upheld while Pennsylvania's mandatory retirement age of 60 was struck down.

As a result, no State or local government could be sure of the legality of its hiring or retirement policies. They could, however, be sure of having to spend scarce financial resources to defend their policies in court.

The 1986 amendment to the Age Discrimination in Employment Act authorized State and local governments to set maximum hiring ages and mandatory retirement ages until January 1, 1994. It also ordered the EEOC and the Department of Labor to conduct a study to determine:

Whether physical and mental fitness tests can accurately assess the ability of police and firefighters to perform the requirements of their jobs; which particular types of tests are most effective; and what specific standards such tests should satisfy.

Finally, the 1986 amendment directed the EEOC to promulgate guidelines on the administration and use of physical and mental fitness tests for police and firefighters.

Despite the very clear mandate in the 1986 amendment, neither the EEOC nor its researchers complied with that mandate.

While the Penn State researchers who conducted the study concluded that age was a poor predictor of job performance, they failed to evaluate which particular physical and mental fitness tests are most effective to evaluate public safety officers and which specific standards such tests should satisfy.

Nor did the EEOC promulgate guidelines to assist State and local governments in the administration and use of such tests, as Congress directed. As a result, State and local governments find themselves without a public safety exemption from the Age Discrimination in Employment Act, and also without any guidance as how to test their employees.

I firmly believe that, as a rule, Congress should avoid exempting whole classes of employees from the protection of civil rights laws. We should not carve out exemptions merely because an employer finds civil rights compliance to be too costly or inconvenient. Exemptions must be made only when there is a strong compelling need to do so and there is no other reasonable alternative.

That is the situation here. State and local fire and police agencies must be exempt from ADEA in order to protect and promote the safety of the public. This is literally a life or death matter; if police officers and firefighters cannot adequately perform their duties, people die and people get hurt.

Numerous medical studies have found that age directly affects an individual's ability to perform the duties of a public safety officer. This is not a stereotype. This is not ageism. This is a medical fact.

Consider the facts the American Heart Association found that clearly demonstrate the increased risk of heart attack and death in older individuals. One in six men and one in seven women between the ages of 45–64 has some form of heart disease. The ratio soars to one in three at age 65 and beyond. For people over age 55, incident of stroke more than doubles in each successive decade.

The diminishing of physical capabilities can also be seen in statistics in the field of public safety. For example, although firefighters over 50 comprise only one-seventh of the total number of firefighters, they account for one-third of all firefighter deaths.

Now, you may ask why State and local governments cannot just develop tests to screen out those individuals who may still retain their strength at the age of 60 or 70. However, there is no adequate test that can simulate the conditions that firefighters and police officers face in the line of duty.

The fact that an individual passes a fitness test one day does not, in and of itself, mean that the individual is capable of performing the sustained, strenuous, constant, physical activity required of a public safety officer. If a 75-year-old walks in and takes a test, and happens to be healthy on that particular day, a State or local government would have to hire that individual, even though that individual may not, day in and day out, be capable of physically performing his or her job.

Mr. President, as many of you in this body know, I come from a law enforcement background. My father was a police officer. My uncle was a police officer. My brother still is a police officer. I feel very strongly that we in Congress need to do everything we can to ensure that our rank and file officers have everything they need to do their jobs.

The legislation I offer here today is widely supported by rank and file public safety officers. In fact, my office has been besieged by calls and letters and visits from police officers and firefighters who want to see a permanent exemption enacted into law. I would like to read a list of organizations that support this legislation:

The Fire Department Safety Officers Association; the Fraternal Order of Police; the International Association of Firefighters; the International Association of Chiefs of Police; the International Brotherhood of Police Officers; the International Society of Fire Service Instructors; the International Union of Police Associations, AFL–CIO; the National Association of Police Organizations; The National Sheriffs Association; the National Troopers Coalition; the American Federation of State, County and Municipal Employees; the National Public Employer Labor Relations Association; the New York State Association of Chiefs of Police; and the City of Chicago Department of Police.

This legislation is also supported by the following State and local governmental organizations:

The National League of Cities; the National Association of Counties; the National Conference of State Legislatures; and the U.S. Conference of Mayors.

Mr. President, I strongly urge my colleagues to support and quickly enact this carefully drawn, greatly needed legislation.

Mr. President, I ask unanimous consent that the full text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 553

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Age Discrimination in Employment Amendments of 1995".

SEC. 2. AGE DISCRIMINATION AMENDMENT.

(a) REPEAL OF REPEALER.—Section 3(b) of the Age Discrimination in Employment Amendments of 1986 (29 U.S.C. 623 note) is repealed.

(b) EXEMPTION.—Section 4(j) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(j)), as in effect immediately before December 31, 1993—

(1) is reenacted as such section; and

(2) as so reenacted, is amended in paragraph (1) by striking "attained the age" and all that follows through "1983, and" and inserting the following: "attained—

"(A) the age of hiring or retirement, respectively, in effect under applicable State or local law on March 3, 1983; or

"(B) if an age of retirement was not in effect under applicable State or local law on March 3, 1983, 55 years of age; and".

SEC. 3. STUDY AND GUIDELINES FOR PERFORMANCE TESTS.

(a) STUDY.—Not later than 3 years after the date of enactment of this Act, the Chairman of the Equal Employment Opportunity Commission (referred to in this section as "the Chairman") shall conduct, directly or by contract, a study, and shall submit to the appropriate committees of Congress a report based on the results of the study that shall include—

(1) a list and description of all tests available for the assessment of abilities important for the completion of public safety tasks performed by law enforcement officers and firefighters;

(2) a list of the public safety tasks for which adequate tests described in paragraph (1) do not exist;

(3) a description of the technical characteristics that the tests shall meet to be in compliance with applicable Federal civil rights law and policies;

(4) a description of the alternative methods that are available for determining minimally acceptable performance standards on the tests;

(5) a description of the administrative standards that should be met in the administration, scoring, and score interpretation of the tests; and

(6) an examination of the extent to which the tests are cost effective, safe, and comply with the Federal civil rights law and regulations.

(b) ADVISORY GUIDELINES.—Not later than 4 years after the date of enactment of this Act, the Chairman shall develop and issue, based on the results of the study required by subsection (a), advisory guidelines for the administration and use of physical and mental fitness tests to measure the ability and competency of law enforcement officers and firefighters to perform the requirements of the jobs of the officers and firefighters.

(c) CONSULTATION REQUIREMENT; OPPORTUNITY FOR PUBLIC COMMENT.—

(1) CONSULTATION.—The Chairman shall, during the conduct of the study required by subsection (a), consult with—

(A) the Deputy Administrator of the United States Fire Administration;

(B) the Director of the Federal Emergency Management Agency;

(C) organizations that represent law enforcement officers, firefighters, and employers of the officers and firefighters; and

(D) organizations that represent older individuals.

(2) PUBLIC COMMENT.—Prior to issuing the advisory guidelines required in subsection (b), the Chairman shall provide an opportunity for public comment on the proposed advisory guidelines.

(d) DEVELOPMENT OF STANDARDS FOR WELLNESS PROGRAMS.—Not later than 2 years after the date of enactment of this

Act, the Chairman shall propose advisory standards for wellness programs for law enforcement officers and firefighters.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 to carry out this section.

SEC. 4. EFFECTIVE DATES.

(a) GENERAL EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

(b) SPECIAL EFFECTIVE DATE.—The repeal made by section 2(a) and the reenactment made by section 2(b)(1) shall take effect on December 31, 1993.•

By Mr. FEINGOLD:

S. 554. A bill to amend the provisions of titles 5 and 28, United States Code, relating to equal access to justice, award of reasonable costs and fees, hourly rates for attorney fees, administrative settlement offers, and for other purposes, to the Committee on the Judiciary.

THE EQUAL ACCESS TO JUSTICE REFORM AMENDMENTS ON 1995

• Mr. FEINGOLD. Mr. President, I introduce a bill to amend the Equal Access to Justice Act.

This legislation makes some needed improvements to the act to speed up the process of awarding attorney's fees to private parties who prevail in certain suits against the United States.

Mr. President, there has been considerable attention paid in the past few weeks to legislation such as regulatory reform, tort reform, and various pieces of the Republican contract which claim to address the concerns of many Americans that substantial change needs to take place in many areas.

My bill deals with some aspects of these concerns by assisting ordinary citizens who face legal conflicts with their Federal Government and prevail. The basic premise of EAJA is about giving individuals and small businesses the ability to confront the Government on a more equal footing. It is another step toward getting Government off the backs of the average citizen and small business owner.

I am convinced the improvements I have proposed will make the Equal Access to Justice Act work better and reduce the overall costs to taxpayers.

Mr. President, this is an area in which I have worked for several years before coming to this body.

My interest in this issue arises from my experience both as a private attorney and a member of the Wisconsin Senate.

When I was in private practice, I was aware of how attorneys' fees and the other costs associated with litigation could be a burden to a plaintiff with limited resources, even if the claim was just.

Once I entered the State senate, I authored legislation modeled on the Federal law. The State law, found in section 814.246 of the Wisconsin statutes, was enacted in 1985.

It seemed to me then, and does now, that we should do what we can to remove this burden to plaintiffs who need their claims reviewed and decided by an impartial decisionmaker.

When I joined the U.S. Senate, I began looking at how these two Federal statutes operate and whether change was needed. I was particularly interested in how we could make the system work better.

I am convinced change is necessary and that we can bring the system up to date to reflect 14 years worth of experience.

Mr. President, the Equal Access to Justice Act was enacted in 1980 and made permanent in 1985. The original intent of the act was to make the task of suing the Federal Government less daunting for small business owners. It was perceived that these owners suffered onerous Government regulation and other indignities rather than sue for relief because of the prohibitive costs of litigation.

Much of the work of this original Federal legislation was done by then-Representative Robert Kastenmeier of Wisconsin, who represented my home town of Middleton with distinction and served on the House Judiciary Committee for many years.

By giving prevailing parties in certain kinds of cases the right to seek attorney's fees and other costs from the United States, the act sought to prevent business owners from having to risk their companies in order to seek justice. It was, in effect, a way to give David another rock for his sling.

And it is the Davids, not the Goliaths, who benefit from this act.

Although I have reservations about the general concept of loser-pays rules, when a citizen faces the overpowering resources of the Federal Government, it is only fair that, when that citizen wins in court, the Government ought to reimburse the costs.

An individual with a net worth greater than $2 million may not request fees under EAJA, nor may a business or other organization with a net worth greater than $7 million and which employs more than 500 people, unless it qualifies either as a nonprofit under certain Federal tax laws or as an agricultural cooperative.

Collaterally, the act sought to provide a deterrence to excessive Government regulation, a subject in which we all share an interest.

Some would certainly argue that latter goal has not been achieved. But the Equal Access to Justice Act has been successful in other areas, although perhaps not quite as planned, Mr. President.

For one thing, the cost has been much smaller than originally anticipated. The Equal Access to Justice Act was originally estimated to cost at least $68 million per year, but according to the Administrative Office of the U.S. Courts, annual EAJA awards from 1988 to 1992 generally hovered around $5 to $7 million.

This is despite the fact that litigants are winning more cases than anticipated.

A study conducted by Prof. Susan Gluck Mezey of Loyola University at Chicago and Prof. Susan M. Olson of the University of Utah found that plaintiffs have been more successful than original estimates believed.

Professors Mezey and Olson examined 629 Federal district and appellate court decisions involving EAJA claims during the 1980's.

The Mezey-Olson study, published in the July-August 1993 edition of Judicature magazine, pointed out that the Congressional Budget Office originally assumed plaintiffs would receive fees under the act in about 25 percent of the claims filed against the Government.

However, the professors found in their sample that about 36 percent of litigants other than those suing the Department of Health and Human Services have won fees. Plaintiffs suing HHS, many of them seeking Social Security disability benefits, have a success rate most lawyers would envy, about 69 percent.

The Mezey-Olson study shows that most successful plaintiffs who seek fees have been these Social Security disability benefits applicants.

Another study, prepared in 1993 by Prof. Harold Krent of the University of Chicago law school for the Administrative Conference of the United States, found that, while the original intent of the Equal Access to Justice Act was supposed to make things a little easier on the applicants for fees, as currently written, it "probably creates a perverse incentive to litigate" on the part of Government attorneys.

This is because the act gives the government a chance to avoid paying fees, even when it loses its case, to the small business owner or individual who would otherwise see their costs paid. The Government can do this by showing it had substantial justification for its actions, despite the fact that those actions proved onerous to that small business owner or individual.

Professor Krent argues that the issues of whether fees should be awarded or whether the Government had substantial justification to act as it did can be nearly as exhaustive to litigate as the original complaint. This despite the fact that the substantial justification argument is successful in a relatively small number of cases.

We can fix that. We can bring the administrative costs of the Equal Access to Justice Act down.

My bill amends the act in several ways, and it is intended to make use of the act's provisions more acceptable to its original beneficiaries, the small business owners.

First, my bill raises the current $75-per-hour fee award cap to $125 per hour. It keeps the cost-of-living increase as a possible factor in setting the award, but it eliminates language which permits further increasing the award due to some special factor, defined by example in the existing statute as "the limited availability of qualified attorneys or agents for the proceedings involved."

This brings the fee cap more closely into line with current hourly rates charged by attorneys. It also makes these suits more attractive to attorneys, which in turn means prospective plaintiffs will have a larger pool of attorneys from which to choose. This, I think, obviates the need for the special factor language. I also believe eliminating that provision simplifies the process.

Second, my bill makes more specific the method of computing cost-of-living increases to fee awards. Under existing law, courts have been forced to make these determinations without adequate statutory guidance. Professor Krent notes in his study that "courts have split as to when the cost-of-living increase is applicable—for instance, whether it should be calculated as of the date of the work performed, or as of some later date."

My bill states that a cost-of-living adjustment should be calculated from the date of final disposition. In other words, if the work was performed in 1988 but the final disposition occurred in 1994, we should base the fee calculation on 1994.

Third, my bill eliminates language in the act that allows the Government to escape paying attorney's fees even if it loses a suit if it can show substantial justification for its actions.

I believe that if an individual or small business owner go up against the Federal Government and win, they win. If you are successful in your suit against the Government or in your defense against Government enforcement, and the law provides for Government payment of your fees, the Government should pay the fees.

Further, Professor Krent's study indicates that fee awards were denied in only a small percentage of EAJA cases because of the substantial justification defense.

It may sound as though we're actually increasing the cost of this act, but these steps may well have the opposite effect. Even though fee awards may go up somewhat, the time and cost of litigation to the Government will be reduced, and we should have a more cost-effective system.

Let me refer again to Professor Krent's study for guidance as to possible increased efficiency and cost-effectiveness.

Professor Krent noted that it is probably impossible to make an exact determination of the expense of litigating the substantial justification issue.

It is his opinion, based on a study of cases between June 1989 and June 1990, that the substantial justification defense may save some money in awards, but not enough to justify the cost of litigating the issue.

In short, this has not proven cost effective, except in a few Social Security cases involving large awards, unless you count some deterrent effect, which Professor Krent believes is impossible to quantify.

Fourth, the bill would set up a process to encourage settlement of the fee issue without litigation.

The legislation will provide the Government the opportunity, similar to the process described in rule 68 of the Federal Rules of Civil Procedure, to make an offer of settlement up to 10 days prior to a hearing on the fee claim. If that offer is rejected and the party applying for reimbursement later wins a smaller award, that party shall not be entitled to receive attorney's fees or other expenses incurred after the date of the offer.

This, I think, will speed up the process, thereby reducing the time and expense of litigation.

Finally, Mr. President, my bill also requires review of the act and looks ahead to possible future expansion.

Expanding the coverage of the Equal Access to Justice Act to additional areas of litigation is not directly addressed, but it is an issue on which I hope there can be future discussion.

My bill requires the Justice Department to submit a report to Congress within 180 days that provides an analysis of the variations in the frequency of fee awards paid by specific Federal districts under EAJA and include recommendations for extending the application of the act to other Federal judicial proceedings.

According to the Administrative Conference of the United States, it remains unclear "whether EAJA covers all litigation against the United States in article I courts, even though such proceedings are often directly analogous to those covered by the act in article III courts."

Congress has taken some steps. In 1985, for example, EAJA was amended to cover the U.S. Claims Court. The Court of Veterans Appeals, which had decided in 1992 it was not covered by EAJA, is now covered by legislation.

Likewise, my bill requires the Administrative Office of the U.S. Courts to submit a report to Congress within 180 days that provides an analysis of the variations in the frequency of fee awards paid by applicable Federal agencies under EAJA and include recommendations for extending the application of the act to other Federal agencies and administrative proceedings.

The U.S. Supreme Court, in a 1991 decision, Ardestani versus INS, held that EAJA fees are available only in cases where hearings are required by law to conform to the procedural provisions of section 554 of the Administrative Procedure Act.

However, Congress had already created a statutory exception. In 1986, Congress extended EAJA's coverage to include the Program Fraud Civil Remedies Act.

It is reasonable, I believe, to investigate whether certain agency proceedings, such as deportation cases, that are nearly identical to proceedings covered by section 554 should be likewise covered by EAJA.

It may be appropriate to expand EAJA to cover certain cases subject to proceedings which are substantially the same as, but not specifically covered by, the Administrative Procedure Act.

The study provision is also meant to be responsive to recommendations made by members of a business advisory group with whom I meet on a regular basis. It was suggested that there was a need to examine why some agencies have had fee judgments awarded against them at a higher rate than others.

Let me here acknowledge the work of the Administrative Conference of the United States, which has been very helpful by conducting research into this issue, making recommendations that helped form the basis of this bill and providing valuable assistance to me in preparing this legislation.

We all know the small business owner has a rough row to hoe and that unnecessary or overburdening Government regulation is sometimes an obstacle to doing business. The Equal Access to Justice Act was conceived to help overcome that obstacle, and my amending bill is submitted to make the act work better.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 554

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EQUAL ACCESS TO JUSTICE REFORM.

(a) SHORT TITLE.—This Act may be cited as the "Equal Access to Justice Reform Amendments of 1995".

(b) AWARD OF COSTS AND FEES.—

(1) ADMINISTRATIVE PROCEEDINGS.—Section 504(a)(2) of title 5, United States Code, is amended by inserting after "(2)" the following: "At any time after the commencement of an adversary adjudication covered by this section, the adjudicative officer may ask a party to declare whether such party intends to seek an award of fees and expenses against the agency should it prevail.".

(2) JUDICIAL PROCEEDINGS.—Section 2412(d)(1)(B) of title 28, United States Code, is amended by inserting after "(B)" the following: "At any time after the commencement of an adversary adjudication covered by this section, the court may ask a party to declare whether such party intends to seek an award of fees and expenses against the agency should it prevail.".

(c) HOURLY RATE FOR ATTORNEY FEES.—

(1) ADMINISTRATIVE PROCEEDINGS.—Section 504(b)(1)(A)(ii) of title 5, United States Code,

is amended by striking out all beginning with "$75 per hour" and inserting in lieu thereof "$125 per hour unless the agency determines by regulation that an increase in the cost-of-living based on the date of final disposition justifies a higher fee.);".

(2) JUDICIAL PROCEEDINGS.—Section 2412(d)(2)(A)(ii) of title 28, United States Code, is amended by striking out all beginning with "$75 per hour" and inserting in lieu thereof "$125 per hour unless the court determines that an increase in the cost-of-living based on the date of final disposition justifies a higher fee.);".

(d) OFFERS OF SETTLEMENT.—

(1) ADMINISTRATIVE PROCEEDINGS.—Section 504 of title 5, United States Code, is amended—

(A) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(B) by inserting after subsection (d) the following new subsection:

"(e)(1) At any time after the filing of an application for fees and other expenses under this section, an agency from which a fee award is sought may serve upon the applicant an offer of settlement of the claims made in the application. If within 10 days after service of the offer the applicant serves written notice that the offer is accepted, either party may then file the offer and notice of acceptance together with proof of service thereof.

"(2) An offer not accepted shall be deemed withdrawn. The fact that an offer is made but not accepted shall not preclude a subsequent offer. If any award of fees and expenses for the merits of the proceeding finally obtained by the applicant is not more favorable than the offer, the applicant shall not be entitled to receive an award for attorneys' fees or other expenses incurred in relation to the application for fees and expenses after the date of the offer.".

(2) JUDICIAL PROCEEDINGS.—Section 2412 of title 28, United States Code, is amended—

(A) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(B) by inserting after subsection (d) the following new subsection:

"(e)(1) At any time after the filing of an application for fees and other expenses under this section, an agency of the United States from which a fee award is sought may serve upon the applicant an offer of settlement of the claims made in the application. If within 10 days after service of the offer the applicant serves written notice that the offer is accepted, either party may then file the offer and notice of acceptance together with proof of service thereof.

"(2) An offer not accepted shall be deemed withdrawn. The fact that an offer is made but not accepted shall not preclude a subsequent offer. If any award of fees and expenses for the merits of the proceeding finally obtained by the applicant is not more favorable than the offer, the applicant shall not be entitled to receive an award for attorneys' fees or other expenses incurred in relation to the application for fees and expenses after the date of the offer.".

(e) ELIMINATION OF SUBSTANTIAL JUSTIFICATION STANDARD.—

(1) ADMINISTRATIVE PROCEEDINGS.—Section 504 of title 5, United States Code, is amended—

(A) in subsection (a)(1) by striking out all beginning with ", unless the adjudicative officer" through "expenses are sought"; and

(B) in subsection (a)(2) by striking out "The party shall also allege that the position of the agency was not substantially justified.".

(2) JUDICIAL PROCEEDINGS.—Section 2412(d) of title 28, United States Code, is amended—

(A) in paragraph (1)(A) by striking out ", unless the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust";

(B) in paragraph (1)(B) by striking out "The party shall also allege that the position of the United States was not substantially justified. Whether or not the position of the United States was substantially justified shall be determined on the basis of the record (including the record with respect to the action or failure to act by the agency upon which the civil action is based) which is made in the civil action for which fees and other expenses are sought."; and

(C) in paragraph (3) by striking out ", unless the court finds that during such adversary adjudication the position of the United States was substantially justified, or that special circumstances make an award unjust".

(f) REPORTS TO CONGRESS.—

(1) ADMINISTRATIVE PROCEEDINGS.—No later than 180 days after the date of the enactment of this Act, the Administrative Conference of the United States shall submit a report to the Congress—

(A) providing an analysis of the variations in the frequency of fee awards paid by specific Federal agencies under the provisions of section 504 of title 5, United States Code; and

(B) including recommendations for extending the application of such sections to other Federal agencies and administrative proceedings.

(2) JUDICIAL PROCEEDINGS.—No later than 180 days after the date of the enactment of this Act, the Department of Justice shall submit a report to the Congress—

(A) providing an analysis of the variations in the frequency of fee awards paid by specific Federal districts under the provisions of section 2412 of title 28, United States Code; and

(B) including recommendations for extending the application of such sections to other Federal judicial proceedings.

(g) EFFECTIVE DATE.—The provisions of this Act and the amendments made by this Act shall take effect 30 days after the date of the enactment of this Act and shall apply only to an administrative complaint filed with a Federal agency or a civil action filed in a United States court on or after such date.●

By Mrs. KASSEBAUM (for herself, Mr. KENNEDY, and Mr. FRIST):

S. 555. A bill to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health education programs, and for other purposes; to the Committee on Labor and Human Resources.

HEALTH PROFESSIONALS CONSOLIDATION AND REAUTHORIZATION ACT

Mrs. KASSEBAUM. Mr. President, on behalf of Senator KENNEDY, Senator FRIST, and myself, I rise today to introduce legislation aimed at improving the supply and distribution of health professionals for our Nation's underserved communities.

The Health Professions Consolidation and Reauthorization Act of 1995 would consolidate over 44 different health professions programs administered by the U.S. Public Health Service. Furthermore, this legislation would target Federal health professions funding to support training initiatives designed to improve the health of citizens in our Nation's underserved areas.

For three decades, through the Public Health Service and Medicare, the Federal Government has funded the training of health professionals. Once perceived to be in undersupply, physicians are now in oversupply as a result of this Federal intervention. However, the uneven distribution of physicians still leaves many areas underserved. Furthermore, many believe the Nation now has too many subspecialist physicians and too few primary care providers. To correct these problems, a better targeted Federal health professions strategy is needed.

Currently, through titles III, VII, and VIII of the Public Health Service Act, the Federal Government provides over $400 million for 44 separate initiatives. When the title VII and VIII programs were last reauthorized in 1992, the General Accounting Office [GAO] was requested to review their effectiveness in: First, increasing the supply of primary care providers and other health professionals; second, improving their representation in rural and medically underserved areas; and third, improving minority representation in the health professions.

GAO recommended that Congress or the Secretary of Health and Human Services should establish:

First, national goals for the title VII and VIII programs.

Second, common outcome measures and reporting requirements for each goal;

Third, restrictions limiting the use of funds to activities whose results can be measured and reported against these goals; and

Fourth, criteria for allocating funding among professions based on relative need in meeting national goals.

The Health Professions Consolidation and Reauthorization Act of 1995 builds on GAO's recommendations and is based on defined goals for these programs. In addition, all programs would include a strong evaluation component to ensure that they are really improving national, regional, and State work force goals.

The act targets Federal funding based on the following goals:

First, Federal health professions education programs and distribution programs should assure health through: improvements in the distribution of and quality of health professionals needed to provide health services in underserved areas; and enhancement of the production and distribution of public health personnel to improve the State and local public health infrastructure.

Second, the bureaucracy required to administer the current 44 independent programs should be simplified and reduced.

Under this proposal, future Federal support for health professionals programs would be targeted to: primary and preventive care; minorities and the disadvantaged; community-based training in underserved areas; advanced degree nursing; and the National Health Service Corps. In recognition of the need for fiscal restraint, funding for these programs would be decreased by 10 percent at the end of 4 years.

Mr. President, the Health Professions Consolidation and Reauthorization Act of 1995 maintains the traditional goal of Federal health professions programs, which is to improve the supply and distribution of health professionals in underserved areas. I believe, however, that it offers a more effective and targeted approach by moving away from small, narrowly defined categorical programs toward broad areas of focus. In addition, my proposal places an emphasis on outcomes measurement—a feature sadly lacking in our current efforts.

As discussion of these issues develops, I would welcome any suggestions my colleagues or others may have for improving this legislation.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE HEALTH PROFESSIONS EDUCATION CONSOLIDATION AND REAUTHORIZATION ACT OF 1995

BACKGROUND

Titles III, VII, and VIII of the Public Health Service Act authorize 45 different programs. The goal of these programs is to improve the supply and distribution of a variety of types of health professionals and to improve the representation of minorities and disadvantaged individuals in the health professions.

The focus of Title VII programs is on the training of physicians, general dentists, physician assistants, allied health personnel, public health professionals, and veterinarians. Title VIII provides for nurse training. Title III deals with the National Health Service Corps, which helps to place providers in underserved areas. These Titles include programs for direct student assistance, such as loans and scholarships, loan repayments programs, and expansion and maintenance of training programs.

SUMMARY

I. Primary care and preventive medicine training

Under this provision, funds for family physician, general pediatrician, general internists, preventive medicine physician, and physician assistant training would be authorized. These providers are generally needed to fill both rural and underserved health professional shortage areas and to help improve staffing in public health departments. Generally, priority would be given to programs which have a history of training health professionals who eventually enter practice in rural and urban underserved areas.

II. Minority and disadvantaged training

Under this provision, the Secretary would have broad discretion to fund projects which improve the number and quality of minority and disadvantaged health professionals. Many believe that an increased number of minority and disadvantaged providers would result in improvements of services in underserved areas, because such individuals are more likely to practice in those areas than are others. Generally, most minorities are currently under-represented in the health professions relative to their representation within the entire U.S. population.

III. Community-based training in underserved areas

This authority would be similar to the current Area Health Education Center program. These centers are located in underserved areas. They train medical students and other health professionals to provide services in rural and underserved areas. Exposure to these settings is generally recognized as a determinant in whether a health professional would return to practice in such settings. In addition, these centers help support practicing providers in such areas through continuing medical education support.

IV. Consolidated student assistance

This section would have a few authorities, but only one appropriation. This proposal would combine most of the current scholarship and loan programs into the current National Health Service Corps Scholarship and Loan Repayment program. As such, individuals would receive financial support only in return for service provided in primary care underserved areas. This would help to eliminate the 4,000 positions currently available in underserved areas. In addition, transfer of the current funding for scholarship programs to the Corps would help it fund more applications. Currently the National Health Service Corps is only able to provide scholarships in return for service to one out of every 10 applicants.

In addition, the current scholarship programs for minority and disadvantaged individuals would be consolidated into a single scholarship program for disadvantaged students.

The authorities which would be left in place from current law are those which do not require appropriations, but rather are revolving loan funds which currently exist at schools.

V. Nursing

The provisions of this proposal would be similar to those included in the Nursing Education Act reauthorization which was approved by the Senate last year. Under it, six current nursing programs would be consolidated into three to emphasize primary care nursing and the production of minority and disadvantaged nurses.

VI. Other priority areas

The Secretary could fund any number of other projects for health professionals training which meet national workforce needs to improve health services in underserved areas. For instance, under this provision, the Secretary could fund projects to train allied health professionals.

VII. Other provisions from last year's Minority Health Improvement Act Conference Report

Office of Minority Health

The authority for the office would be extended through FY 1999. Furthermore, the provision assures that the office is only coordinating services—not conducting its own services and research program. The authorization would be $19 million for each fiscal year through FY 1999. This would be a 10% reduction from the current appropriation of $20.668 million. (This is consistent with the general reductions in authorizations throughout the health professions bill).

State Offices of Rural Health

There would be "such sums as necessary" authorized through FY 1997. The cumulative appropriations would be capped at $20 million. In FY 1998, after these offices have been established in every state, the program would be repealed. The current appropriation for this program is $3.875 million.

Birth Defects

An enhanced program for an intramural program on birth defects at the Centers for Disease Control and Prevention (CDC) would be authorized. Through this program, research centers would be established, epidemiologic review of data would occur, and a national information clearing house would be established. This program is consistent with current CDC plans in this area. No funds would be authorized specifically for this program, but funding would occur under the general CDC program authority.

Traumatic Brain Injury

This provision is identical to that in the conference report. It would provide for the National Institutes of Health (NIH) to conduct research on traumatic brain injury without an authorization for a separate appropriation. It would also authorize $5 million a year for a demonstration program to be administered through the Health Resources and Services Administration, subject to the availability of funding, for the development of state systems of care for persons with traumatic brain injury. Finally, the provision would authorize a consensus conference at NIH regarding the treatment of individuals with this illness.

Health Services for Pacific Islanders

This would extend the Pacific Islanders initiative, with technical changes only. The program would be authorized at $3 million in FY 1996 and in each year through FY 1999. Finally, a study would be authorized to determine the usefulness of this initiative.

Demonstration Projects Regarding Alzheimer's Disease

There would be $5 million authorized in each of the fiscal years from FY 1996 through FY 1999. There are many technical revisions.

Miscellaneous Centers for Disease Control and Prevention Provisions

Epidemiologic Intelligence Service officers, funded through state and local governments, would not count in FTE determinations of CDC. Current fellowship programs at CDC would be authorized.

MINORITY AND DISADVANTAGED TRAINING

Purposes: (1) Provide for the training of minority and disadvantaged health professionals to improve health care access in underserved areas and to improve representation in the health professions; and (2) Provide administrative flexibility and simplification.

General Description: Under this provision, the Secretary would have broad discretion to fund projects which improve the number and quality of minority and disadvantaged health professionals. Many believe that an increased number of minority and disadvantaged providers would result in improvements of services in underserved areas because such individuals tend to practice in those areas more than others. Generally, most minority groups are currently under-represented in the health professions relative to their representation within the entire U.S. population.

Current Law Authorities Consolidated: (The numbers before each program are keyed to the Labor Committee document: "Health Professions Education: Summary of Federal Training Programs."

9. Centers of Excellence in Minority Health
10. Health Careers Opportunity Program
11. Minority Faculty Fellowships
12. Faculty Loan Repayment

Summary of Provisions:

Eligible entities

Schools of medicine, osteopathic medicine, dentistry, pharmacy, podiatric medicine, optometry, veterinary medicine, public health, allied health professions schools; schools offering graduate programs in clinical psychology; state or local governments; a consortia of health professions schools; or other public or private nonprofit entities could apply.

Activities

Grants and contracts would be made, as appropriate, to plan, develop, or operate:

1. Demonstrative programs.
2. Minority faculty development and loan repayment programs.
3. Programs to develop the pipeline for individuals from disadvantaged backgrounds to enter and remain in health professions schools.
4. Programs of excellence in the health professions education for minority individuals, including centers of excellence at certain historically black colleges and universities.
5. For the provision of technical assistance, work force analysis, and information dissemination.

Any grant which is funded could incorporate one or all of these activities. In addition, a preference would be given to projects which involve more than one health profession discipline or training institution and, beginning in fiscal year 1999, for centers of excellence at certain historically black colleges and universities.

The Secretary would fund grant applications which have the greatest chance of improving minority representation in the health professions and which have an above average record of retention and graduation of individuals from disadvantaged backgrounds.

Outcomes evaluation

Each program would be required to set performance outcomes and would be held accountable for meeting such outcomes. The performance outcome standards would be consistent with state, local, and national work force development priorities.

Non-Federal matching

The Secretary would have discretion to require institutional or state and local government matching grants to ensure the continuation of the project once federal aid ends.

Transition

Current grantees would continue to operate under existing authorities through the remainder of their funding cycles. The new provisions would apply only to new grants.

Authorization

There would be $51 million authorized for fiscal year 1996 and such sums as necessary through fiscal year 1999. Combined funding for these authorities in fiscal year 1995 is $50.806 million. For fiscal years 1996 through 1998, there would be a 4.25% setaside for the centers of excellence at certain historically black colleges and universities.

PRIMARY CARE AND PREVENTIVE MEDICINE TRAINING

Purposes: (1) Provide for the training of primary care providers and preventive medicine public health personnel to improve access to and quality of health care in underserved areas and to enhance state and local public health infrastructure; (2) Provide administrative flexibility and simplification.

General Description: Under this provision, funding for family physician, general pediatrician, general internist, preventive medicine physician, and physician assistant training would be authorized. These providers are generally needed to fill both rural and underserved health professional shortage areas and to help improve staffing in public health departments. Generally, priority would be given to programs which have a history of training health professionals who eventually enter practice in rural and urban underserved areas.

Current Law Authorities Consolidated: (The numbers before each program are keyed to the Labor Committee document: "Health Professions Education: Summary of Federal Training Programs.")

1. Family Medicine Training
2. General Internal Medicine and General Pediatrics Training
3. Physician Assistant Training
5. Preventive Medicine and Dental Public Health
12. Geriatric Medicine and Dentistry Faculty Development

Summary of Provisions:

Eligible entities

Health professions schools, academic health centers, or other public or private nonprofit entities could apply.

Activities

Grants and contracts would be made as appropriate to develop, operate, expand, or improve:

1. Departments (or academic administrative units) of family medicine.
2. Residency training programs in family medicine, general internal medicine, general pediatrics, or preventive medicine.
3. Physician assistant training programs.
4. Faculty development initiatives in primary care, including geriatrics.
5. Medical school primary care training initiatives.

Departments of Family Medicine

Departments of family medicine would be funded. Such units lead to a greater number of medical students choosing careers in primary care.

Residency Training Programs

Family medicine, general internal medicine, and general pediatrics residency programs would compete with one another for funding. Two outcome standards would be established to determine a funding preference. First, those programs with the highest percentage of providers who enter primary care practice upon the completion of training would receive a priority. In addition, programs which successfully produce professionals who go on to provide service in underserved areas would receive a preference.

Preventive medicine residencies would not compete for funding with family medicine, general internal medicine, or general pediatrics. Rather, they would receive an appropriate amount of funding, as determined by the Secretary. A preference would be given to those programs which train a high percentage of individuals who enter practice in state and local public health departments.

Physician Assistant Training Programs

Physician assistant training programs would receive an appropriate amount of funding, as determined by the Secretary, from the appropriation for this section. Those programs which have a higher output of providers who eventually enter practice in underserved areas would receive a preference for funding.

Faculty Development

The Secretary would determine which type of faculty development projects to fund based on national and state work force goals. Geriatric fellowships and faculty development could be funded.

Medical School Primary Care Training

Primary care training activities at medical schools would be funded through departments (or administrative units) of family medicine, general internal medicine, or general pediatrics. Applications from general internal medicine and general pediatrics administrative units would be required to demonstrate their institution's commitment to primary care education by: (1) A mission statement which has a primary care medical education objective; (2) faculty role models and administrative units in primary care, and general pediatrics; and (3) required undergraduate community-based medical student clerkships in family medicine, internal medicine, and pediatrics.

Outcomes evaluation

Each program would be required to set performance outcomes and would be held accountable for meeting such outcomes. The performance outcome standards would be consistent with state, local, and national work force development priorities.

Non-Federal matching

The Secretary would have discretion to require institutional or state and local government matching grants to ensure the continuation of the project once federal aid ends.

Transition

Current grantees would continue to operate under existing authorities through the remainder of their funding cycles. The new provisions would apply only to new grants.

Authorization

There would be $76 million authorized for fiscal year 1996 and such sums as necessary through fiscal year 1999. Combined funding for these authorities in fiscal year 1995 is $75.285 million. Family medicine departments would receive no less than 12 percent of the overall funding. This is consistent with the current set-aside that such departments receive.

COMMUNITY-BASED TRAINING IN UNDERSERVED AREAS

Purposes: (1) Provide support for training centers remote from health professions schools to improve and maintain the distribution of health providers in rural and urban underserved areas; (2) Provide the Secretary the option of funding geriatric training centers; (3) Provide administrative flexibility and simplification.

General Description: This authority, most similar to the current Area Health Education Center (AHEC) program, would enhance the community-based training in underserved areas of various health professionals. This goal would be achieved through greater flexibility in the design of such programs and through the leveraging of state and local resources. AHECs are generally located in underserved areas remote from academic health centers. They train health professionals to provide services in rural and underserved areas. Exposure to these settings is generally recognized as a determinant in whether a health professional returns to practice in such settings. In addition, these centers help support practicing providers in such areas through continuing medical education programs. Finally, the current program for funding geriatric training centers could continue at the discretion of the Secretary.

Current Law Authorities Consolidated: (The numbers before each program are keyed to the Senate Labor Committee document: "Health Professions Education: Summary of Federal Training Programs.")

40. Area Health Education Centers
41. Health Education and Training Centers
42. Geriatric Education Centers
43. Rural Health Interdisciplinary Training

Summary of Provision:

Eligible entities

Health professions schools, academic health centers, state or local governments, or other appropriate public or private nonprofit entities.

Activities

Grants and contracts would be made as appropriate to plan, develop, operate, expand, conduct demonstration projects, and to provide trainee support, for projects which:

1. Improve the distribution, supply, quality, utilization, and efficiency of personnel providing health services in urban and rural underserved populations.
2. Encourage the regionalization of educational responsibilities of the health professions schools into urban and rural underserved areas.
3. Are designed to prepare individuals effectively to provide health services in underserved areas through: preceptorships, the conduct or affiliation with community-based primary care residency programs, agreements with community-based organizations for the delivery of education and training in the health professions, and other programs.
4. Conduct interdisciplinary training of the various health professions.
5. Provide continuing medical and health professional education to professionals practicing in the underserved areas served by the grantee.

A preference would be given to projects which involve one or more health professions discipline or training institution, train individuals who actually enter practice in underserved areas, and have a high output of graduates who enter primary care practice.

In addition, the Secretary may fund geriatric training centers if the Secretary determines such entities are needed to improve the geriatric skills of health providers.

Outcomes evaluation

Each program would be required to set performance outcomes and would be held accountable for meeting such outcomes. The performance outcome standards would be consistent with state, local, and national work force development priorities.

Non-Federal matching

The Secretary would have discretion to require institutional or state and local government matching grants to ensure the continuation of the project once federal aid ends.

Transition

Current grantees would continue to operate under existing authorities through the remainder of their funding cycles. The new provisions would apply only to new grants.

Authorization

There would be $39 million authorized for fiscal year 1996 which would be reduced to $25 million by fiscal year 1999. Combined funding for these authorities in fiscal year 1995 is $39.159 million. The $14 billion in funding reductions over the three-year period is equivalent to the current combined appropriations for the Health Education and Training Centers, Rural Health Interdisciplinary Training Programs, and the geriatric training centers. Funding will be phased down to allow for the completion of current project funding periods.

HEALTH PROFESSIONS WORK FORCE DEVELOPMENT

Purpose: Provide support to strengthen capacity for the education of individuals in certain health professions which the Secretary determines to have a severe shortage of personnel and for improving the care of underserved populations and other high-risk groups.

Current Law Authorities Consolidated: (The numbers before each program are keyed to the Labor Committee document: "Health Professions Education: Summary of Federal Training Programs.")

4. Public Health Special Projects
6. Health Administration Traineeships and Special Projects
13. Geriatric Optometry Training
14. General Dentistry Training
15. Allied Health Advanced Training and Special Projects
16. Podiatric Primary Care Residency Training
17. Chiropractic Demonstration Projects
45. AIDS Dental Services

Summary of Provisions:

Eligible Entities

Schools of medicine, osteopathic medicine, public health, dentistry, allied health, optometry, podiatric medicine, chiropractic medicine, veterinary medicine, pharmacy, or graduate programs in mental health practice.

Activities

Grants and contracts would be made as appropriate to plan, develop, or operate programs to strengthen the capacity for health professions education and practice. The Secretary shall have broad discretion to fund projects, but shall give priority to projects which would improve care for underserved populations and other high-risk groups and which would increase the number of practitioners in any health professions field for which the Secretary determines there is a severe shortage of professionals.

In general, funds under this section could be used to provide for faculty development, model demonstrations, trainee support, technical assistance, or work force analysis.

Outcomes evaluation

Each program would be required to set performance outcomes and would be held accountable for meeting such outcomes. The performance outcome standards would be consistent with state, local, and national work force development priorities.

Non-Federal matching

The Secretary would have discretion to require institutional or state and local government matching grants to ensure the continuation of the project once federal aid ends.

Transition

Current grantees would continue to operate under existing authorities through the remainder of their funding cycles. The new provisions would apply only to new grants.

Authorization

There would be $20 million authorized for fiscal year 1996 which would be reduced to $5 million by fiscal year 1999. Combined funding for these authorities in fiscal year 1995 is $20.264 million. The three-year period to phase down this funding would allow for the completion of current project award periods.

NURSING WORK FORCE DEVELOPMENT

Purposes: (1) Provide for the training of advanced degree nurses and other nurses to improve access to and quality of health care in underserved medical and public health areas; and (2) Provide administrative flexibility and simplification.

General Description: This proposal would provide for the training of advanced degree nurses, including nurse practitioners, nurse midwives, nurse anesthetists, and public health nurses. In addition, projects to improve nursing work force personnel diversity and to expand the training of nurses in certain priority settings would occur. The Secretary would have broad discretion to determine which projects to fund. Generally, projects which would ultimately lead to a greater number of nursing providers for rural and underserved areas, including local and state public health departments, would receive a funding preference.

Current Law Authorities Consolidated: (The numbers before each program are keyed to the Labor Committee document: "Health Professions Education: Summary of Federal Training Programs.")

18. Nursing Special Projects
19. Advanced Nurse Education
20. Nurse Practitioner/Nurse Midwife Education
21. Nurse Anesthetist Training
22. Nursing Education Opportunities for Individuals from Disadvantaged Backgrounds
32. Professional Nurse Traineeships

Summary of Provisions:

Eligible entities

Schools of nursing (collegiate, associate degree, diploma), nursing centers, state or local governments, and other public or nonprofit private entities.

Activities

Grants and contracts would be made, as appropriate, to plan, develop, or operate:

1. Advanced practice nurses training programs including programs for nurse practitioners, nurse midwives, nurse anesthetists, and public health nurses.
2. Programs to increase nursing work force diversity.
3. Projects to strengthen the capacity for basis nurse education in certain priority areas.

Amounts provided under any one of these areas could be used for faculty development, demonstrations, trainee support, work force analysis, technical assistance, and dissemination of information.

In determining which projects to fund under each of these areas, the Secretary would give priority to those projects which would substantially benefit rural or underserved populations, including public health departments. Generally, those programs which tend to produce nurses for these areas, including primary care nurses, would receive funding priority. In addition, the Secretary would have broad discretion to distribute the appropriation among these different activity areas. Funds would be allocated among these activities to meet the priority for underserved areas and to meet relevant national and state nursing work force goals.

The National Advisory Council on Nurse Education and Practice would continue to advise the Secretary regarding nursing issues. Funding for this council would be provided through the appropriations under this section.

Advance Practice Nurses Training

Projects that support the enhancement of advanced practice nursing education and practice would be funded. In addition, a grantee could use a portion of the funds to provide for traineeships. Such traineeships would provide stipends to students to help cover the costs of tuition, books, fees, and reasonable living expenses. Programs which could receive support under this authority are those which train nurse practitioners, nurse midwives, nurse anesthetists, public health nurses, and other advanced degree nurses.

Programs To Increase Nursing Work Force Diversity

Projects to increase nursing education opportunities for individuals who are from disadvantaged racial and ethnic backgrounds under-represented among registered nurses would be funded. Such projects could provide student stipends or scholarships, pre-entry preparation, or retention activities.

Projects To Strengthen Basic Nurse Education

Funding priority would be given to basic nurse education programs designed to: (1) improve nursing services in schools and other community settings; (2) provide care for underserved populations and other high-risk groups such as elderly, individuals with HIV-AIDS, substance abusers, homeless, and battered women; (3) provide skills needed under new health care systems; (4) develop cultural competencies among nurses; (5) and serve other priority areas.

Outcomes evaluation

Each program would be required to set performance outcomes and would be held accountable for meeting such outcomes. The performance outcome standards would be consistent with state, local, and national work force development priorities.

Non-Federal matching

The Secretary would have discretion to require institutional or state and local government matching grants to ensure the continuation of the project once federal aid ends.

Transition

Current grantees would continue to operate under existing authorities through the remainder of their funding cycles. The new provisions would apply only to new grants.

Authorization

There would be $62 million authorized for fiscal year 1996, which would be reduced to $59 million for fiscal year 1999.

CONSOLIDATED FINANCIAL ASSISTANCE AND OTHER LOAN PROGRAMS

Purposes: (1) Provide consolidation of current loan repayment, scholarship, and scholarship payback programs into a flexible National Health Service Corps program requiring service payback in underserved areas in return for federal financial assistance; (2) Continue certain loan programs which do not require federal appropriations or that guarantee the availability of loan sources in the market for health professions students; (3) Consolidate scholarship programs for the disadvantaged; and (4) Provide administrative flexibility and simplification.

General Description: This proposal would combine most of the current targeted scholarship and loan repayment programs into the existing National Health Service Corps Scholarship and Loan Repayment program. As such, individuals would only receive "free" financial support in return for service provided in underserved areas. This would help to eliminate the shortage of over 4,000 positions in primary care underserved areas and in underserved public health positions in state and local health departments.

The three scholarship programs for minorities and disadvantaged students would also be consolidated into a single scholarship program for disadvantaged students.

The authorities which would not be consolidated are those which do not require appropriations but, rather, are revolving loan funds which currently exist at schools. In addition, the current Health Education Assistance Loan Guarantee program would also be left in place.

(This consolidated program is meant to complement other federal financial assistance programs for which health professional and public health professional students qualify. Generally, the funds provided under the Perkins and Stafford Loan programs, administered through the Department of Education, provide sufficient resources to allow anyone the opportunity to pursue a career in any health professions training program. For instance, medical students may qualify for $23,500 annually in loans under these two programs—more than enough to finance the average medical school education.)

Current Law Authorities Consolidated: (The numbers before each program are keyed to the Labor Committee document: "Health Professions Education: Summary of Federal Training Programs.")

23. Scholarships for Disadvantaged Students
25. Exceptional Financial Need Scholarships
26. Financial Assistance to Disadvantaged Health Professions Students
28. State Loan Repayment Program
29. Community Based Scholarship Program
30. Nursing Loan Repayment Program
36. National Health Service Corps Scholarship Program
37. National Health Service Corps Loan Repayment Program
39. Public Health Traineeships

Current Law Authorities Continued Without Consolidation: (These are revolving loan funds administered by schools which do not require appropriations.)

33. Nursing Student Loan
34. Primary Care Loan Program
35. Health Professional Student Loans
36. Loans for Disadvantaged Students

Current Law Authority Requiring a Separate Appropriation:

38. Health Education Assistance Loans

Summary of Provisions:

Part I. Consolidated Scholarships and Loans

A. National Health Service Corps Scholarship and Loan Payback

Eligible entities

Health professionals and public health professionals (for loan payback only).

Activities

The Secretary would have broad authority to offer the following scholarship or loan repayment options to persons who agree to provide services through the National Health Service Corps in underserved areas. This consolidated authority would be patterned after the existing National Health Service Corps Scholarship and Loan Repayment programs.

1. Provide scholarships to health professional students in return for a commitment for such students to practice in the National Health Service Corps in underserved areas once their education is completed.

2. Provide loan repayment to:

a. Health professionals and public health personnel in return for a commitment from such persons to practice in the National Health Service Corps designated underserved sites or, in the case of public health personnel, state and local health departments with public health professional shortages.

b. Nurses for an amount no greater than 85 percent of their debt for persons who agree to practice in National Health Service Corps designated underserved areas.

3. Provide funding to states to operate their own loan repayment or scholarship programs. States could designate their own underserved areas utilizing their own criteria if such criteria are approved by the Secretary.

The Secretary would determine how much to provide for each activity to meet the goals of providing service to underserved areas and retaining providers in underserved areas. States applying for grant funding to run their own programs would receive priority.

Authorization

There would be $90 million authorized for fiscal year 1996 and such sums as necessary through fiscal year 1999. This amount of funding is consistent with the combined current appropriations for these programs.

B. Scholarships for Disadvantaged Students

Eligible entities

Health professions schools.

Activities

The Secretary would award grants to health professions schools for the awarding of scholarships to disadvantaged students. Eligible entities would receive a preference based on the proportion of graduating students going into primary care, the proportion of minority students, and the proportion of graduates working in medically underserved areas.

Authorization

There would be $32 million authorized for fiscal years 1996 through 1999. This amount of funding is consistent with the combined current appropriation for these programs.

Part II. Current Loan Authorities Continued Without Appropriations

Activities

The current Nursing Student Loan (NSL) program, Primary Care Loan (PCL) program, Health Professions Student Loan (HPSL) program, and the Loans for Disadvantaged Students (LDS) programs would continue. These programs would continue using the revolving funds which remain at health professions schools.

Authorization

There would be $8 million authorized in each of fiscal years 1996 through 1998 for the LDS program. For fiscal year 1999, the authority for appropriations would be repealed after the revolving funds begin to be paid back by current loan recipients.

The NSL, PCL, and HPSL programs, which do not currently receive appropriations, would not be authorized to receive appropriations.

Part III. HEAL Loans

Activities

The HEAL loan program would continue in its current form.

Authorization

This program would continue to be authorized at such sums as necessary to guarantee sufficient funds for the insurance pool for loan defaulters. The current premiums provided by borrowers are insufficient to meet the needs of this fund. As a result of reforms made in this program in fiscal year 1992, HHS is improving its loan collection and the insurance fund is growing. Over time, this program may not require appropriations. The current appropriation is $24.972 million.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 556. A bill to amend the Trade Act of 1974 to improve the provisions of trade readjustment allowances during breaks in training, and for other purposes; to the Committee on Finance.

TRADE ADJUSTMENT ASSISTANCE IMPROVEMENT ACT

Mr. KERRY. Mr. President, last October I received a letter from a Mrs. Myra Hoey of Blandford, MA. Mrs. Hoey detailed a problem that her husband, David, was having with the Trade Adjustment Assistance Program which oversees the benefits provided to workers displaced by the North American Free-Trade Agreement. David Hoey was an employee at the Westfield River Paper Co. in Massachusetts. Along with over 100 other employees, David lost his job when the paper company moved to Canada after Congress approved NAFTA.

When we passed NAFTA in 1993, we recognized the importance of assisting those working families, like the Hoeys, who might be displaced by this agreement in obtaining gainful employment in another field through the Trade Adjustment Assistance Program. For many years the Trade Adjustment Assistance Program has been very helpful to the citizens of this Nation by helping them to seize an opportunity for a second chance—for another career or further education. However, Mr. President, occasionally some Federal guidelines fall behind the times and need to be adjusted in order to continue to be effective. Mrs. Hoey and the other workers in Westfield, MA, discovered—the hard way—that the Trade Adjustment Assistance Program has problems that need to be fixed.

Workers displaced because of import-related movement of companies are eligible for trade adjustment assistance [TAA]. Workers displaced specifically because of NAFTA related movement are eligible for trade readjustment allowances [TRA]. TAA and TRA provide 52 weeks of unemployment insurance-like payments to these workers and pay for approved training programs to train these workers.

Because their employer moved to Canada, the Westfield River Paper Co. employees were eligible for TRA, and a number of them began a retraining program at Springfield Technical Community College during the fall of last year. These workers dedicated themselves to the task of learning new skills so that they could support their families. However, during Christmas break from their training, these hard-working former employees found out that their benefits were cut off for a full month.

This is because the law that created TAA includes a provision that limits TAA and TRA payments during scheduled breaks in training to the first 14 days of these breaks.

Consequently, those workers who are out of work and are training for new jobs and who are enrolled in programs with 6-week winter breaks lose a month of benefits, even though they are willingly participating in good faith in a training program and have no other source of income. The missed weeks of benefits are tacked on to the end of the displaced workers' benefit year so that a total of 52 weeks of TRA is still provided.

The motivation behind this provision is to encourage workers to chose training programs with shorter breaks so that the workers will be moved into the workforce with greater speed. In addition, workers are implicitly encouraged to select programs that train them quickly because benefits only last 1 year.

However, not all workers have a plethora of programs from which to choose. Some are limited to only those programs offered by their local community college. Most colleges and universities have winter breaks longer than what is allowed by TRA, and as a result, benefits are temporarily suspended to those people enrolled in this program at those colleges.

Extending to 45 calendar days the period of a break in training through which TAA and TRA benefits can be paid would be helpful to displaced workers. It would be very nearly cost-neutral, because no additional weeks of benefits would be provided, and it would eliminate inequities in the existing system. And at the risk of redundancy, workers would still be encouraged to choose programs with smaller breaks, because the total amount of time that they will receive benefits will still be only a year. Finally, a 45 calendar day training break limitation would encourage workers to engage in summer programs if their period of retraining overlaps summer recess.

The bill I am introducing today, the Trade Adjustment Assistance Program Improvement Act, provides this increase in the training break during which benefits may continue to be paid. It also would clear up another problem as well, one that touches only on TRA's. I welcome my distinguished senior colleague from Massachusetts, Senator KENNEDY, as an original cosponsor.

In order to qualify for a TRA, the law currently requires a displaced worker to enroll in training by the end of the 16th week after his or her initial unemployment compensation benefit period. the rationale for the time limit is that adjustment assistance is generally more effective if adjustment decisions are made relatively early in the unemployment period. However, the current language creates some inequities because the initial benefit period is triggered by initial lay offs and continues to run even if a worker is recalled.

For example, if a worker is recalled 4 weeks after an initial layoff, then is laid off a second time after 12 weeks of employment, that worker would not qualify for TRA even if the worker immediately enrolled in training because the 16 weeks of his initial benefit period would have expired.

It makes a lot more sense to allow the worker 16 weeks from his or her most recent separation in order to determine whether retraining is needed. This would provide the worker an opportunity to conduct a job search and to explore other options before making an enrollment decision, while at the same time encouraging the person to make a decision at a point early enough to promote effective adjustment.

Therefore, this bill takes into account situations involving recalls and would require that in order to qualify for TRA, a worker must enroll in training by the end of the 16th week after his or her most recent separation from the impacted firm.

These two changes, one to both TAA and TRA, and one only to TRA, would improve the entire TAA system in small but tangible ways, and at slight additional cost enable these programs more effectively to help the people they were designed to aid. People like David and Myra Hoey, and other workers in Michigan, Tennessee, Washington, Pennsylvania, and around the Nation will get the assistance they need to get back on their feet and into the work force.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 556

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Trade Adjustment Assistance program Improvement act of 1995".

SEC. 2. PROVISION OF TRADE READJUSTMENT ALLOWANCES DURING BREAKS IN TRAINING.

Section 233(f) of the Trade Act of 1974 (19 U.S.C. 2293(f)) is amended by striking "14 days" and inserting "45 days".

SEC. 3. TRANSITIONAL ADJUSTMENT ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 250(d)(3)(B)(i) of the Trade Act of 1974 (19 U.S.C. 2331(d)(3)(B)(i)) is amended by striking "of such worker's initial unemployment compensation benefit period" and inserting "after such worker's most recent qualifying separation".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to workers covered under a certification issued on or after the date of enactment of this Act.

ADDITIONAL COSPONSORS

S. 12

At the request of Mr. BREAUX, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 12, a bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, and for other purposes.

S. 14

At the request of Mr. DOMENICI, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 14, a bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed cancellations of budget items.

S. 141

At the request of Mrs. KASSEBAUM, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 141, a bill to repeal the Davis-Bacon Act of 1931 to provide new job opportunities, effect significant cost savings on Federal construction contracts, promote small business participation in Federal contracting, reduce unnecessary paperwork and reporting requirements, and for other purposes.

S. 234

At the request of Mr. CAMPBELL, the name of the Senator from Maine [Ms. SNOWE) was added as a cosponsor of S. 234, a bill to amend title 23, United States Code, to exempt a State from certain penalties for failing to meet requirements relating to motorcycle helmet laws if the State has in effect a motorcycle safety program, and to delay the effective date of certain penalties for States that fail to meet certain requirements for motorcycle safety laws, and for other purposes.

S. 256

At the request of Mr. DOLE, the names of the Senator from Colorado [Mr. CAMPBELL], the Senator from Washington [Mrs. MURRAY], and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 256, a bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

S. 258

At the request of Mr. PRYOR, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 258, a bill to amend the Internal Revenue Code of 1986 to provide additional safeguards to protect taxpayer rights.

S. 277

At the request of Mr. D'AMATO, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 277, a bill to impose comprehensive economic sanctions against Iran.

S. 293

At the request of Mr. CONRAD, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 293, a bill to amend title 38, United States Code, to authorize the payment to States of per diem for veterans receiving adult day health care, and for other purposes.

S. 327

At the request of Mr. HATCH, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 327, a bill to amend the Internal Revenue Code of 1986 to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home.

S. 351

At the request of Mr. HATCH, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 351, a bill to amend the Internal Revenue Code of 1986 to make permanent the credit for increasing research activities.

S. 375

At the request of Mr. ABRAHAM, the names of the Senator from Oklahoma [Mr. INHOFE], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 375, a bill to impose a moratorium on sanctions under the Clean Air Act with respect to marginal and moderate ozone nonattainment areas and with respect to enhanced vehicle inspection and maintenance programs, and for other purposes.

S. 388

At the request of Ms. SNOWE, the names of the Senator from Kansas [Mr. DOLE] and the Senator from Pennsylvania [Mr. SANTORUM] were added as cosponsors of S. 388, a bill to amend title 23, United States Code, to eliminate the penalties for noncompliance by States with a program requiring the use of motorcycle helmets, and for other purposes.

S. 395

At the request of Mr. MURKOWSKI, the names of the Senator from California [Mrs. FEINSTEIN] and the Senator from Arizona [Mr. KYL] were added as cosponsors of S. 395, a bill to authorize and direct the Secretary of Energy to sell the Alaska Power Marketing Administration, and for other purposes.

S. 428

At the request of Mr. ROTH, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 428, a bill to improve the management of land and water for fish and wildlife purposes, and for other purposes.

S. 440

At the request of Mr. WARNER, the names of the Senator from Louisiana [Mr. BREAUX] and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 440, a bill to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

S. 445

At the request of Mr. D'AMATO, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 445, a bill to expand credit availability by lifting the growth cap on limited service financial institutions, and for other purposes.

S. 511

At the request of Mr. DOMENICI, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 511, a bill to require the periodic review and automatic termination of Federal regulations.

S. 469

At the request of Mr. GREGG, the names of the Senator from Wyoming [Mr. THOMAS], the Senator from Minnesota [Mr. GRAMS], and the Senator from Georgia [Mr. COVERDELL] were added as cosponsors of S. 469, a bill to eliminate the National Education Standards and Improvement Council and opportunity-to-learn standards.

S. 476

At the request of Mr. NICKLES, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 476, a bill to amend title 23, United States Code, to eliminate the national maximum speed limit, and for other purposes.

S. 520

At the request of Mr. SHELBY, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 520, a bill to amend the Internal Revenue Code of 1986 to allow a refundable tax credit for adoption expenses.

S. 530

At the request of Mr. GREGG, the names of the Senator from New Mexico [Mr. DOMENICI], the Senator from North Carolina [Mr. HELMS], and the Senator from Wyoming [Mr. THOMAS] were added as cosponsors of S. 530, a bill to amend the Fair Labor Standards Act of 1938 to permit State and local government workers to perform volunteer services for their employer without requiring the employer to pay overtime compensation, and for other purposes.

S. 531

At the request of Mr. HATCH, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 531, a bill to authorize a circuit judge who has taken part in an en banc hearing of a case to continue to participate in that case after taking senior status, and for other purposes.

SENATE JOINT RESOLUTION 21

At the request of Mr. THOMPSON, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of Senate Joint Resolution 21, a joint resolution proposing a constitutional amendment to limit congressional terms.

SENATE CONCURRENT RESOLUTION 9

At the request of Mr. MURKOWSKI, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Vermont [Mr. JEFFORDS], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Maine [Ms. SNOWE], the

Senator from Montana [Mr. BURNS], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Maine [Mr. COHEN], the Senator from Georgia [Mr. COVERDELL], the Senator from Arizona [Mr. KYL], the Senator from Tennessee [Mr. THOMPSON], the Senator from Texas [Mrs. HUTCHISON], and the Senator from Michigan [Mr. ABRAHAM] were added as cosponsors of Senate Concurrent Resolution 9, a concurrent resolution expressing the sense of the Congress regarding a private visit by President Lee Teng-hui of the Republic of China of Taiwan to the United States.

SENATE RESOLUTION 79

At the request of Mr. SPECTER, the names of the Senator from South Dakota [Mr. PRESSLER], the Senator from California [Mrs. BOXER], the Senator from Mississippi [Mr. COCHRAN], the Senator from New Hampshire [Mr. GREGG], the Senator from Maryland [Mr. SARBANES], the Senator from Massachusetts [Mr. KENNEDY], the Senator from California [Mrs. FEINSTEIN], the Senator from Texas [Mrs. HUTCHISON], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Nevada [Mr. REID], the Senator from Maryland [Ms. MIKULSKI], the Senator from Iowa [Mr. GRASSLEY], the Senator from Virginia [Mr. ROBB], the Senator from New Mexico [Mr. DOMENICI], the Senator from Wyoming [Mr. SIMPSON], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Delaware [Mr. BIDEN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Hawaii [Mr. INOUYE], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from New York [Mr. MOYNIHAN], the Senator from Delaware [Mr. ROTH], the Senator from Massachusetts [Mr. KERRY], the Senator from Washington [Mrs. MURRAY], the Senator from Connecticut [Mr. DODD], the Senator from Vermont [Mr. JEFFORDS], the Senator from Alabama [Mr. HEFLIN], the Senator from Georgia [Mr. COVERDELL], the Senator from Maine [Mr. COHEN], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Maine [Ms. SNOWE], the Senator from Virginia [Mr. WARNER], the Senator from Wisconsin [Mr. KOHL], the Senator from Kansas [Mr. DOLE], the Senator from Georgia [Mr. NUNN], the Senator from South Carolina [Mr. THURMOND], the Senator from Rhode Island [Mr. CHAFEE], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of Senate Resolution 79, a resolution designating March 25, 1995, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

SENATE RESOLUTION 80

At the request of Mr. DORGAN, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of Senate Resolution 80, a resolution expressing the sense of the Senate on the impact on the housing industry of interest rate increases by the Federal Open Market Committee of the Federal Reserve System.

SENATE RESOLUTION 85

At the request of Mr. CHAFEE, the names of the Senator from Kentucky [Mr. MCCONNELL] and the Senator from Florida [Mr. MACK] were added as cosponsors of Senate Resolution 85, a resolution to express the sense of the Senate that obstetrician-gynecologists should be included in Federal laws relating to the provision of health care.

AMENDMENT NO. 331

At the request of Mrs. KASSEBAUM, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of ammendment No. 331 proposed to H.R. 889, a bill making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will be holding a hearing on Wednesday, March 15, 1995, beginning at 2:30 p.m., in room 485 of the Russell Senate Office Building on S. 349, a bill to reauthorize appropriations for the Navajo-Hopi Relocation Housing Program.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

SPECIAL COMMITTEE ON AGING

Mr. COHEN. Mr. President, I wish to announce that the Special Committee on Aging will hold a hearing on Tuesday, March 21, 1995, at 9:30 a.m., in room 216 of the Hart Senate Office Building. The subject of the hearing is health care fraud.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, March 14, at 9:30 a.m., in SR–332, to discuss conservation, wetlands and farm policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet Tuesday, March 14, 1995, in room 215 of the Dirksen Senate Office Building, beginning at 9:30 a.m., to conduct a hearing on welfare reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 14, 1995, at 10 to hold a nominations hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Tuesday, March 14, for a hearing at 10 a.m. on nuclear nonproliferation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, March 14, 1995, at 9 a.m. to hold a hearing on proposals to reduce illegal immigration and reduce costs to taxpayers.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on effective health care reform in a changing marketplace, during the session of the Senate on Tuesday, March 14, 1995 at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ACQUISITION AND TECHNOLOGY

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Subcommittee on Acquisition and Technology of the Committee on Armed Services be authorized to meet at 2:30 p.m. on Tuesday, March 14, 1995, in open session, to receive testimony on the technology base programs in the Department of Defense.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING OPPORTUNITY AND COMMUNITY DEVELOPMENT

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that Subcommittees on Housing Opportunity and Community Development and HUD Oversight and Structure, of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, March 14, 1995, to conduct a hearing on HUD reorganization.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON DRINKING WATER, FISHERIES AND WILDLIFE

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Subcommittee on Drinking Water, Fisheries, and Wildlife be granted permission to meet Tuesday, March 14, at 10 a.m. to consider S. 503, a bill to amend the Endangered Species Act of 1973 to impose a moratorium on the listing of species as endangered or threatened and the designation of critical habitat.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

PASADENA ADOPTS AMMUNITION CONTROL

• Mr. MOYNIHAN. Mr. President, for more than a decade now, I have argued here on the Senate floor, and often in print, that in order to make any real progress in reducing gun violence, we must seek to control ammunition. I have put it that "Guns don't kill people, bullets do."

This is not to say that I do not support gun control; I certainly do. I was an original cosponsor of the Brady bill when it was first introduced in 1989, and was proud to vote for it when it finally passed the Senate in 1993. We are all pleased at the very real difference the Brady law has made. Just 1 year after it became effective, background checks under the Brady law have already prevented 45,000 felons and other prohibited persons from purchasing handguns. No doubt a significant number of lives were saved as a result.

Yet the fact remains that there are already some 200 million firearms in circulation in the United States. These weapons are not going away. With a minimum of care they will last indefinitely. I recall that as an officer of the deck in the Navy of the 1940's, I was issued a Colt model 1911 .45 caliber sidearm. That particular handgun was first sold to the U.S. military in 1912, and continued to be used in the Navy until very recently. Use of weapons 35 or even 50 years old has been common in our Armed Forces—and these guns still work perfectly.

We probably have a two-century supply of guns in circulation today. On the other hand we have something like a 4-year supply of bullets. This has led me to conclude that a different approach is needed.

Gun violence is a public health epidemic and therefore demands an epidemiological response. An epidemiologist will tell you that in order to cope with any epidemic, you must eliminate the pathogen, or the agent causing the disease. In 1992, Dr. Lester Adelson made precisely this argument in an article entitled "The Gun and the Sanctity of Human Life: the Bullet as Pathogen" in the "Archives of Surgery." In the case of gun violence, the pathogen is the bullet. I say again, guns don't kill people, bullets do.

I have been making this point for many years now, but with only the slightest success in getting it across. We have had two small but significant achievements: in 1986 and again in 1994, I was able to secure enactment of provisions to ban the manufacture or importation of armor-piercing ammunition: the so-called cop-killer bullets. This was done with considerable difficulty in the first instance because, although the police groups, led by Phil Caruso and the New York Patrolmen's Benevolent Association, were strongly supportive, the National Rifle Association was not, and in the end only grudgingly supported the bill. That bill, the Law Enforcement Officers Protection Act of 1986, was the first law to outlaw a round of ammunition. In 1994 in the crime bill, we updated the 1986 act to cover a new round of armor-piercing ammunition being made in Sweden.

These were important but really only incremental steps. The slaughter in the streets goes on. But Mr. President, we may have some good news. An editorial in the March 1, 1995, edition of the Los Angeles Times describes a bold new initiative in Pasadena, CA, where the city council has adopted one of the first ordinances in the Nation restricting the sale of ammunition. I ask that this article be printed in the RECORD.

Gun dealers in Pasadena must now record not only their sales of guns, but also of ammunition. And why? Pasadena Chief of Police Jerry Oliver summed it up nicely when he said

> In Pasadena tonight, at this very moment, it is easier to buy a box of 9-millimeter rounds than it is to buy a can of spray paint.

Last September, I noted on this floor that the city of Chicago had become the first municipality in the Nation to ban the sale of all handgun ammunition. Now Pasadena has taken steps to regulate the sale of bullets. This won't prevent buyers from going to neighboring Los Angeles to buy ammunition, but similar steps are now being considered in Los Angeles, and in nearby Azusa as well.

Mr. President, I hope the actions of Chicago and Pasadena represent a turning point in our thinking about this problem. I hope other cities and towns recognize the potential of ammunition control to bring about real progress in the fight against gun violence. I hope the States and the Federal Government will come around to this idea as well. We need a new approach, we need bold action, and we need it soon. Pasadena has the right idea. Let us hope the rest of the Nation is paying attention.

The article follows:

[From the Los Angeles Times, Mar. 1, 1995]

HOW DESPERATION BECOMES A TOOL

PRODDED BY EVER-RISING MAYHEM, PASADENA PASSES A LAW REGULATING BULLET SALES

Bravo to the members of the Pasadena City Council. By a vote of 5 to 2, the council adopted what is believed to be the nation's first municipal law restricting bullet sales.

Approval did not come easily, however. Emotions ran high: Ordinance supporters, outraged by street violence, verbally battled with gun enthusiasts who reject even the most reasonable restrictions. The vote did not occur until shortly before midnight, after five hours of debate. Dozens of backers and opponents of the ordinance offered impassioned testimony before a standing-room-only crowd. Tempers flared; one council member temporarily left the proceedings in angrily reacting to pro-ordinance comments by the police chief. Cheers and catcalls broke out often.

And what was all the fuss over? The new ordinance requires anyone buying bullets in Pasadena to provide identification showing proof of age and to complete a registration form listing the amount, brand and type of ammunition purchased.

The measure is intended to curtail sales of bullets to juveniles—such sales are already illegal but nonetheless widespread—and to provide police with information that may help link bullets found at a crime scene with suspects.

Pasadena has taken but the tiniest of steps with this ordinance. But it is a measure of the headlock in which the gun lobby has held federal, state and local lawmakers that even these tepid, sensible restrictions on bullet sales can be so strongly resisted as an infringement on the right of self-defense. After all, as Pasadena Police Chief Jerry Oliver noted at the start of the council meeting, "Tonight, it is easier to buy 9-millimeter ammunition than it is to buy a can of spray paint." That discrepancy is nuts.

The most powerful criticism of the new ordinance is that it may not be very effective. Pasadena kids and adults bent on violence may simply seek their bullets in nearby Glendale, Los Angeles or La Canada. Alone, Pasadena can realistically do little to reduce gun violence.

But the true worth of Pasadena's ordinance—its value as an example—was apparent even before its passage. Monday afternoon the Los Angeles City Council took the first steps to follow Pasadena's lead. The council's Public Safety Committee asked the city attorney to draft an ordinance patterned on Pasadena's. Then, on Tuesday, Azusa's police chief vowed to seek such an ordinance there.

If Los Angeles and Azusa—as we hope—pass bullet laws, more cities are sure to follow. Then, what began as, in part, a symbolic gesture reflecting the desperation of Pasadena's leaders to "do something" about gun crime will become a tough tool against criminals throughout this violence-weary region.•

DISCOVERY OF THE TOP QUARK

• Mr. D'AMATO. Mr. President, I rise today to congratulate Dr. Paul D. Grannis and the New York State D-Zero collaboration members on the discovery of the Top Quark.

Dr. Grannis is a physicist at the State University of New York at Stony Brook and is a leader of an international collaboration of scientists working at Fermi National Accelerator Lab in Batavia, IL.

The D-Zero collaboration includes scientists from Brookhaven National Laboratory, Columbia University, New York University, and the University of Rochester as well as those from the State University of New York at Stony Brook. Scientists from Rockefeller

University also participated in the discovery.

The discovery of the Top Quark is one of the most important achievements in high energy physics this decade. The Top is the last of six Quarks to be discovered and is an integral part of the Standard Model of modern physics. This Standard Model not only serves as the basis for our understanding of physics but defines the fundamental building blocks of the Universe.

Dr. Grannis has headed the D-Zero collaboration at Fermilab for over a decade. During this tenure he has commuted to Illinois nearly every week while never failing to meet his commitment to academics and teaching in New York.

I commend him on his extraordinary commitment—which I believe exemplifies the high standard of dedication to both research and education in New York. It is a great credit to New York State institutions that their leadership has culminated in this exciting discovery.

Again, I congratulate Dr. Grannis on this tremendous achievement and wish him continued success. Dr. Grannis lives in Stony Brook, NY with his wife Barbara and has four children: Jennifer, Eliza, Helena, and David.

Mr. President, I ask that the March 3, 1995, New York Times article by Malcolm W. Browne describing this discovery be included in the RECORD following the text of these remarks.

[From the New York Times, Mar. 2, 1995]

ELUSIVE ATOMIC PARTICLE FOUND BY PHYSICISTS

(By Malcolm W. Browne)

BATAVIA, IL., March 2—Culminating nearly a decade of intense effort, two rival groups of physicists announced today that they had found the elusive top quark—an ephemeral building block of matter that probably holds clues to some of the ultimate riddles of existence.

The announcements brought sustained applause and a barrage of questions from an overflow audience of physicists at the Fermi National Accelerator Laboratory, where the work was done. Fermilab has the world's most powerful particle accelerator.

The two competing scientific teams, each with about 450 scientists and each using a separate detection system, reported that after a long chase in which there had been several false sightings of the top quark, this monstrously heavy but elusive particle has finally been cornered and measured. The results of the two groups' independent measurements differed somewhat, but when margins of error were taken into account, the scientists agreed that the results were consistent.

One of the teams, the CDF Collaboration (standing for Collider Detector at Fermilab) reported last April that it had found evidence of the quark's existence. But at the time, the group lacked enough statistical evidence to claim discovery, and the competing group, the D0 (for D-Zero) Collaboration, which had even less evidence of its own, branded the CDF announcement as premature.

The achievement claimed today by both teams leaves virtually no room for doubt, however, and the discovery was hailed as a landmark in science. Hazel O'Leary, who as Secretary of Energy heads the Federal agency providing most of the money for research at Fermilab, called the discovery a "major contribution to human understanding of the fundamentals of the universe."

The finding confirms a prediction based on a theory known as the Standard Model that nature has provided the universe with six types of quarks; the other five, the up, down, strange, charm and bottom quarks had all been known or discovered by 1977. Since the infancy of the universe shortly after the Big Bang—estimated at 10 billion to 20 billion years ago—only the up and down quarks have survived in nature, and the protons and neutrons that make up the nuclei of all atoms are built from combinations of these two quarks; the other quarks disappeared from the observed universe, but have been recreated by modern particle accelerators.

Dr. Leon M. Lederman, a winner of the Nobel Prize in Physics and the former director of Fermilab, said at today's meeting that he doubted there could be any more quark types but that "we know there's a lot of dark matter out in the universe that we can't identify."

"We're still in for a lot of surprises," he added.

But more important than merely completing the table of quarks predicted by theory, the top quark may now begin to shed light on a deep philosophical question: everything in the universe, from the most distant galaxy to a rose petal, is made of quarks. Were the masses and other properties of these particles determined by random chance, or by some fundamental unifying plan? If so, what is that plan, and how might gravity, the least understood of the four forces of nature, be related to it?

"This monster, compared with all the other quarks, is like a big cowbird's egg in a nest of little sparrow eggs," said Dr. Paul D. Grannis, a leader of the D0 group. "It's so peculiar it must hold clues to some important new physics."

"The top quark has turned out to be so heavy," added Dr. John Peoples, director of Fermilab, "that it's kind of a laboratory in itself, from which many new experiments will certainly yield important insights."

It may be, scientists believe, that quarks (and the higher forms of matter they make up) are endowed with mass by interacting with an all-pervading universal "field," with which they communicate through a hypothetical particle called the Higgs boson. To find and measure the Higgs boson would be as exciting for a physicist as the creation of life in a test tube would be for a biologist.

One of the questions high-energy physicists regard as fundamental is whether there is a single type of Higgs boson, or several types. Theory predicts that if it is possible to accurately measure the masses of two known particles—the top quarks and the W particles that transmit the weak nuclear force—it will be possible to determine whether there are one or more than one Higgs bosons.

"We're so elated by the discovery of the top quark that we haven't yet begun to sift all the data," said Dr. Boaz Klima of Fermilab, one of the leaders of the successful search. "But this particle is so astonishingly heavy that its decay may give us hints of a lot of other things, perhaps even of supersymmetric particles."

The quest for supersymmetric particles by the world's most powerful accelerators during the last decade has failed to turn up any evidence that they exist, but according to some theories, they may be so heavy they are beyond reach of present-day accelerators. If supersymmetric particles could be shown to exist, they might offer scientists a tool for learning how gravity is related to the other forces of nature: the electromagnetic force and the strong and weak nuclear forces.

Even when trillions of protons and antiprotons are made to collide in Fermilab's huge accelerator at combined energies of two trillion electron-volts, the creation of top quarks by the miniature fireballs remains a rare event.

Dr. Grannis of the D0 collaboration said today that his group, which has been running its detector on and off since 1992, has found 17 collisions resulting in evidence of the creation of a top quark. The team was able to calculate the mass of the particle as 199 billion electron-volts, give or take about 30 billion electron-volts. (Particle physicists measure mass in terms of its energy equivalent, because the units are more practical. Einstein's famous equation $E=mc^2$ defines the equivalency of mass and energy.)

For their part, according to Dr. William Carithers Jr., a leader of the rival CDF Collaboration, two separate counting techniques using the CDF detector have turned up a total of about 21 top quark events. The group calculates the mass of the top quark as about 176 billion electron-volts, give or take about 13 billion.

These results, the competing teams say, are in reasonably close agreement. At any rate, they agree that they have found the quark, and that there is only one chance in about one million that the results could have been caused by anything besides the decays of pairs of top and antitop quarks.

One of the main difficulties in identifying the top quark is that it cannot be seen directly. When one is created from the immense pool of energy formed in the collisions of protons and antiprotons accelerated by Fermilab's Tevatron, its lifetime is so brief that no detector could sense it. But the top quark disintegrates into hundreds of daughter particles, which in turn decay into cascades of other particles.

From the patterns of "jets," particle types and other characteristics of these decays, theorists have learned to identify the parent particles like the top quark which cannot be detected directly. A jet is a spray of particles moving in the same general direction away from a collision.

High-energy physics is expensive. The Fermilab Tevatron accelerator, a ring of superconducting magnets four miles in circumference, cost about $250 million to build, and each of the two detectors built into the accelerator cost about $60 million. An upgrade of the Tevatron called a main injector, costing $228 million, is scheduled for completion by 1999.

The Superconducting Supercollider, a project that would have been Fermilab's successor, would have cost more than $8 billion if Congress had not canceled it last year. For the foreseeable future, Fermilab will remain America's most powerful particle accelerator, and scientists say that the machine has at least 15 more years of useful life.

The stakes for the high-energy physics community are enormous, in terms of job security, the risks of failure and the promise of great prestige for leaders of successful experiments. Competition between physicists is often intense and sometimes bitter.

The CDF and D0 detector collaborations have gone to great lengths to avoid even looking at each others' experiments—a policy that persisted even today minutes before their joint seminar began.

"We know that some of the younger physicists on both sides have been exchanging pirated copies of our reports, but we've tried to suppress such exchanges," one physicist said. "Of course there is friction, but that's a healthy aspect of science. This way, we know that our results are in no way influenced by those of our competitors, and when both our versions of the top quark are published side by side, scientists will be able to judge for themselves."

Despite a joking undertone of bickering between the two collaborations, which include scientists from a dozen nations, a holiday mood today eclipsed old rivalries and the collective anxiety about future financing of high-energy physics.

"We're ecstatic about this discovery," Dr. Peoples said. "Non-scientists often ask me what the point of all this may be. I say it's important because it makes the universe knowable, in the same sense that our discovery of DNA has made the nature of life knowable. We have a long, long way to go, but it's one of the most intellectually satisfying pursuits there is."●

HOMICIDES BY GUNSHOT IN NEW YORK CITY

● Mr. MOYNIHAN. Mr. President, I rise today, as I have done each week of the 104th Congress, to announce to the Senate that during the past week, 13 people were murdered by gunshot in New York City, bringing this year's total to 120.●

MEASURE READ FOR THE FIRST TIME—H.R. 956

Mr. DOLE. Mr. President, I inquire of the Chair if H.R. 956 has arrived from the House of Representatives.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOLE. Therefore, I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (H.R. 956) to establish legal standards and procedures for product liability litigation, and for other purposes.

Mr. DOLE. Mr. President, I now ask for its second reading.

Mr. GLENN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

ORDERS FOR WEDNESDAY, MARCH 15, 1995

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Wednesday, March 15, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders reserved for their use later in the day. I further ask that the Senate then immediately resume consideration of H.R. 889, the supplemental appropriations bill, and at that point there be 1 hour for debate on the Kassebaum amendment, to be divided equally between Senators KASSEBAUM and KENNEDY.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. For the information of all Senators, at 10:30 a.m. on tomorrow, Wednesday, two back-to-back votes will occur, the first being the cloture vote on the Kassebaum amendment, to be followed immediately by a vote on adoption of the unfunded mandates conference report, and following those two votes the Senate will resume consideration of the supplemental appropriations bill. Therefore, additional votes will occur and a late session can be anticipated.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DOLE. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:19 p.m., adjourned until Wednesday, March 15, 1995, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 14, 1995:

THE JUDICIARY

MARY BECK BRISCOE, OF KANSAS, TO BE U.S. CIRCUIT JUDGE FOR THE TENTH CIRCUIT, VICE JAMES K. LOGAN, RETIRED.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS TO TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

JAMES A. FAIN, JR [redacted]
JOHN M. NOWAK [redacted]

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

GEORGE T. BABBITT, JR. [redacted]
JOHN C. GRIFFITH [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

DANIEL R. SCHROEDER [redacted]

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS COMMANDANT OF THE MARINE CORPS, HEADQUARTERS, U.S. MARINE CORPS, AND APPOINTMENT TO THE GRADE OF GENERAL WHILE SERVING IN THAT POSITION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5043:

To be commandant of the marine corps

CHARLES C. KRULAK [redacted]

IN THE NAVY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

DAVID M. BENNETT [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE.

To be lieutenant colonel

JOSEPH L. WALDEN [redacted]

To be major

GRAEME R. BOYETT [redacted]
RICHARD A. LOGAN [redacted]

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

MEDICAL CORPS

To be colonel

ANDERSON, DOUGLAS M. [redacted]
*ATKINSON, SIDNEY W. [redacted]
*BALLOU, WILLIAM R. [redacted]
BENTON, FRANK R. [redacted]
*BERKENBAUGH, JAMES [redacted]
BRADSHAW, DONALD M. [redacted]
BYRNE, MICHAEL P. [redacted]
*CAWTHON, MICHAEL A. [redacted]
CLAYTON, WILLIAM L. [redacted]
COQUILLA, BEATRIZ H. [redacted]
*DAI, JOSEPH M. [redacted]
DAIGH, JOHN D. [redacted]
*DECKER, LAWRENCE A. [redacted]
*DONESKY, DWIGHT L. [redacted]
DRAKE, GREGORY L. [redacted]
*EGAN, JAMES E. [redacted]
FALBEY, ROBERT J [redacted]
GAFFNEY, CHERRY L [redacted]
*GATES, ROBERT H. [redacted]
*GIFFIN, JAMES M. [redacted]
*GOMEZ, EDWARD R. [redacted]
*GORE, NEY M. [redacted]
*GRAVES, WALTER G. [redacted]
HALBACH, DAVID P. [redacted]
*HAWLEYBOWLAND, CARL [redacted]
*HEFFESS, CLARA S [redacted]
*HEIB, LOUIS A. [redacted]
*HWANG, MOO O. [redacted]
*JAQUES, DAVID P. [redacted]
*JARRETT, ROBERT V [redacted]
*JOHNSON, BRIAN R. [redacted]
*JONES, MYRON B. [redacted]
*KUMAR, SHASHI [redacted]
*LANDE, RAYMOND G. [redacted]
*LOVETT, ETHRIDGE J [redacted]
MADIGAN, WILLIAM P. [redacted]
MARTIN, JAMES W. [redacted]
MASON, KEVIN T. [redacted]
MATTESON, GARY N. [redacted]
*MC QUEEN, CHARLES E. [redacted]
*MELENDEZ, JOSE E. [redacted]
MORTON, DAVID A. [redacted]
MURDOCK, EDWIN A. [redacted]
NAGORSKI, LEONARD E. [redacted]
NOCE, MICHAEL A. [redacted]
OLIVERSON, FORREST [redacted]
*PEARSON, CLARENCE E. [redacted]
*RAJAGOPAL, KRISHNAN [redacted]
RIPPLE, GARY R. [redacted]
*RIVERA, DAVID E. [redacted]
*RUEDAPEDRAZA, M E. [redacted]
*SADO, ANTHONY S. [redacted]
SCHULTE, JEFFREY J [redacted]
SERWATKA, LINDA M. [redacted]
*SODHI, PARMINDER [redacted]
*SOUTHPAUL, NEANNETT [redacted]
STECKEL, FREDERICK [redacted]
THOMPSON, IAN M. [redacted]
*THONG, AILEEN [redacted]
*TILLMAN, JOHNIE S. [redacted]
TOLLEFSON, DAVID F. [redacted]
*WATTERS, MICHAEL R. [redacted]
WEBBER, PAUL M. [redacted]
WHATMORE, DOUGLAS N. [redacted]
WILCOXRIGGS, SANDRA [redacted]
*WILDER, DAVID M. [redacted]
WINECOFF, WILLIAM F. [redacted]

DENTAL CORPS

To be colonel

*AKIYAMA, DENNIS P. [redacted]

ASHER, MARSHALL L [redacted]
BEATTY, GERALD W [redacted]
BERWICK, JAMES E [redacted]
BRADFORD, BRANT A. [redacted]
BROWN, CHARLES R. [redacted]
BUTEL, EUGENE M [redacted]
CASO, PETER A. [redacted]
CAVATAIO, RONALD E. [redacted]
CIBOROWSKI, PHILI [redacted]
CONCILIO, MARY C [redacted]
COOK, LAWRENCE J. [redacted]
DAVIDSON, MICHAEL J. [redacted]
FONDAK, JEFFREY T [redacted]
GRABOW, WAYNE E. [redacted]
HALEY, WILLIAM B. [redacted]
HARPER, DENNIS L. [redacted]
JENNINGS, DENNIS E. [redacted]
JONES, JACKIE L. [redacted]
KLAGER, PETER [redacted]
MCCANN, JOHN T. [redacted]
MUNDY, GARY D. [redacted]
MURRAY, DANIEL J. [redacted]
NICKEL, WILLIAM L. [redacted]
NIXON, LARRY L. [redacted]
OAKES, MARTIN J. [redacted]
PHILLIPS, JOHN L. [redacted]
PITCHFORD, JOHN H. [redacted]
POLLARD, BRYAN K. [redacted]
RAGNO, JAMES R. [redacted]
RESIDE, GLENN J. [redacted]
SCHACH, RAPHAEL T. [redacted]
STRITTMATTER, EDWAR [redacted]
THRONDSON, ROGER R. [redacted]
VANCE, BRADLEY J. [redacted]
WAWROUSEK, HANS W. [redacted]
WOLFF, GERALD K. [redacted]
WONDERLICH, STEVEN [redacted]

HOUSE OF REPRESENTATIVES—*Tuesday, March 14, 1995*

The House met at 12:30 a.m. and was called to order by the Speaker pro tempore [Mr. SHAYS].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 14, 1995.

I hereby designate the Honorable CHRISTOPHER SHAYS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida [Mr. GOSS] for 5 minutes.

STATE OF AFFAIRS AT GUANTANAMO BAY

Mr. GOSS. Mr. Speaker, I just returned from a quick visit down to Guantanamo Bay in Cuba to see how the situation was there with the Cubans who are in the detaining camps and see how our military is doing, and I have nothing but accolades to give to our military for the fine job they are doing down there under very difficult circumstances. They are running a city of about 36,000 people in reality and they are doing it with very little material and very little preplanning and under difficult circumstances when everybody who is there is not necessarily happy to be there in terms of the Cubans who have left.

Cubans had hoped to go to Miami rather than to Guantanamo Bay, but I will say that the Cubans themselves who are in the camps are doing very well. They are well cared for. I spent a good deal of time with Senator BOB GRAHAM from Florida talking directly with them about their problems. The main complaint of course is the paroling process. The immigration process is too slow and it is moving very, very slowly for the children, the elderly, the sick among them, and then the big problem, of course, that it does not provide for some 17,000 to 20,000 Cubans who don't really know where they are going to go because there is no process for them and at the present time they are just living in a camp, a tent camp in Guantanamo without too much hope of what is next.

We talked about the problems that they were having in those camps, the remoteness, the feeling out of touch, the medical attention, the priorities, not enough medicine to go around, not enough doctors' visits, the food. Everybody always complains about food in situations like that, but by and large the Cubans are being very, very well cared for and I think Americans can be proud of that.

Improvements are being made. We are putting in food galleys, putting in air-conditioning in some areas, better recreation areas, better bathrooms, getting away from the port-a-potties, better shelters, sturdier tents with hard roofs. This matters because it is a harsh climate down there. It is an area where the wind often blows hard, the windward passage, and it is subject to hurricanes. In fact, some call it Hurricane Alley in that part of the world.

We have dealt with the water problems, the sewer problems and landfill problems, and all of this is going on while there is a very intense opposition to Fidel Castro in these camps that has not diminished in any sense at all, and people who think we should negotiate might want to talk to some of these Cubans down there at Guantanamo about the human rights violations, the suffering, the misery, the economic hardship that the Castro government has put them through, even to the point of death and confiscation.

Right now Fidel Castro is in Europe in a self-rehabilitation program promoting himself and what a great guy he is and he has apparently convinced a few people in Copenhagen and is on his way to meet with the President of France and have some type of a photo opportunity to prove to the world that he has not really done all the bad things that these witnesses in Guantanamo are there to attest that he has done.

What is going on in Guantanamo is not without cost. It costs us about $20 million a month and it doesn't account for all of the costs we are putting in there. Right now, we are using Navy funds, operational and maintenance funds that the Navy needs for steaming, keeping up our readiness, national security, defense, as it were, is being used and we are going to have to restore those funds. When we get through, we are talking about hundreds of millions of dollars for this problem that Fidel Castro has given to the American taxpayer in the way we are handling it today.

There are some very serious problems staring us in the face right now. What is going to be the future of Guantanamo as a base once it is no longer a refugee camp, I don't know, but we are putting a ton of money in the place so we ought to know. But more important than that, what is going to happen when the long hot summer starts and 17,000 to 20,000 Cubans, mostly young adult males, discover that they really have no place to go and no way to get there. That is not a good situation and those who are working in the camps are very, very concerned about it.

There are probably more visits to the psychiatric side of the medical facility right now than any others by people who are already feeling stressed and as hope begins to erode and the summer gets warmer, it is going to be a very difficult situation and one that we cannot wait to solve itself or erupt.

We need to get ahead of the curve. Senator GRAHAM has a very good idea about shifting the visas that were arranged with the Castro government to apply to those folks in Guantanamo so that they can come here rather than some other folks that Fidel Castro might choose.

Senator GRAHAM makes a convincing case that Fidel Castro has violated the agreement that was made in New York with him at the United Nations because he is already charging a thousand dollars for visas for victims of his regime to leave, which is a real extraordinary—it would be a crime in this country, I guess.

I believe very strongly we should encourage our allies to tighten the embargo. It is extraordinary to me that Mexico and Canada and Venezuela and our good friends in France and Spain are trading only with Cuba, sustaining the Castro regime. There are solutions but we don't have much time. We must deal with the issue that is there.

WHERE ARE OUR PRIORITIES?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Oregon [Ms. FURSE] is recognized during morning business for 5 minutes.

Ms. FURSE. Mr. Speaker, I believe that every American wants, and is demanding that Congress change the way

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

it does business. I am committed to changing our spending priorities, and that is what I have been working on. We must cut unnecessary spending, cut waste, and eliminate programs that do not work—like star wars—and we must invest in our citizens and in our communities. That is true national security.

Everyday the Republicans come here to the House floor to talk about their Contract on America and how they are living up to their promises.

To clear up some confusion about exactly what is a contract, I consulted Webster's dictionary. It says that a contract is "a binding agreement between two or more persons * * * a covenant." However, only Republican Members and candidates signed that contract. The American people did not sign that contract. And now the Republicans are not even keeping to their so-called contract.

They promised a vote on term limits to be completed by today. But there was no vote. The majority leaders say "they don't have the votes." That's interesting. For the past 2 months they have been voting in near perfect lock step on every issue that impacts the lives of women, children, and seniors. But when the issue affects themselves, they pull the vote.

The American people want change, but they want a Government that's leaner, not meaner.

After ducking the bill that would affect Members jobs, we are now confronted with a rescission bill where 63 percent of the cuts are in programs that help low-income children and seniors, and not one penny is cut from the Pentagon. Is this what the people said last November? Cut the funds that keep children and seniors out of poverty, but don't touch wasteful Pentagon spending? I don't think so.

America signed a real contract with the men and women in our armed services. But this rescission will cut $206 million from veterans programs.

Is that what the people asked for last November?

I don't think so.

Why is a phony, one-sided contract more important than a genuine contract signed with our veterans?

To make matters worse, we are not even allowed a real debate on real choices. Is this what the American people said last November? Cut summer jobs, drug-free schools, and low-income heating for seniors, but don't let other choices even be discussed? Doesn't sound very democratic to me.

And lastly, Mr. Speaker, if that wasn't enough, not one penny of these cuts to summer jobs, drug-free schools, and low-income heating for seniors will reduce the deficit. This money taken from seniors and children will go for tax cuts for the wealthiest Americans. Taking money out of the pockets of seniors and children, as well as for future generations and put it in the pockets of those making over $100,000. I ask again, is this really what the people said last November?

At last, under the 1993 budget, we finally get the deficit going in the right direction—down. But now we are being asked to do voodoo economics all over again. Increase Pentagon spending. Cut taxes on the rich. Drive up the deficit.

I believe that what the people said last November was they want new priorities. They want us to bring common sense to the decisions we make here.

So I would like to remind my Republican colleagues that all of us have a real and binding contract with every citizen in this country. And that is to make our schools competitive, our streets safe and our communities strong. That is the real contract we have with our citizens. It is not a one-sided agreement.

The people in my home State of Oregon overwhelmingly approved a term limits bill. On the first day of this session, I introduced a term limits bill that mirrors the one Oregonians approved. Numerous States have also overwhelmingly supported term limits. The American people have spoken. They want us to vote on term limits, and they don't want a phony excuse. It is time for the Republicans to honor their own contract and the real contract that we have with the American people.

OSHA'S REGULATORY EXCESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Georgia [Mr. NORWOOD] is recognized during morning business for 5 minutes.

Mr. NORWOOD. Mr. Speaker, I believe that the American people are frustrated by regulatory process that creates impossible standards. Every day, small businessmen and women are pulling their hair out trying to keep up with unrealistic and overreaching regulatory mandates they cannot possible comply with. I know that the guardians of the old status quo will scoff at this, but I need only to point to a proposed OSHA rule to make my point.

Mr. Speaker, allow us to consider for a moment OSHA's proposed revision to its confined spaces standard. This applies to people who work in sewers or air ducts or in similarly tight quarters. In the abstract, this is a very reasonable subject for OSHA to be concerned with and employers have a responsibility to workers working in such confined spaces to make sure that their work spaces are as safe as possible.

However, OSHA has taken this a step further. Now OSHA wants to regulate what happens after an accident. If the revised standard is implemented, employers who rely on rescue squads and other outside rescue services to respond to emergencies would have to, and I quote, "ensure that the outside rescuers can effectively respond in a timely manner to a rescue summons," end quote.

Since most employers do not have an entire team of emergency medical technicians standing on guard at their worksites, it is reasonable to assume that these employers will be dependent upon the performance of professional rescue squads to meet OSHA's standards.

Mr. Speaker, accidents do happen. We funded OSHA to try to cut down the chances that a workplace accident would occur. Now OSHA wants an employer to ensure the rescue of a worker after an accident. What bothers me is OSHA's use of the word "ensure." The word "ensure" places an unrealistic burden on the employer, given OSHA's past behavior.

Mr. Speaker, perhaps the bureaucrats over at OSHA have doubts about an employer's desire to ensure a worker's rescue in case of an accident. I have little doubt that employers, often in family businesses, care about their employees, but given OSHA's history, I have serious doubts about allowing OSHA to define when an employer has done enough. I can just see OSHA slapping the employer with a huge fine if a rescue squad gets stuck in traffic.

Even if the employer makes a good-faith effort to provide rescue services, he or she could still be hit with a prohibitive fine if it does not meet with OSHA's ambitious standard.

Mr. Speaker, now OSHA claims that the employers' compliance with this proposed revision will not be based solely upon a rescue service's actual performance during any single incidence, but rather upon the employer's total effort to ensure that the prospective rescue service is indeed capable in terms of timeliness and training and equipment of performing an effective rescue, but what we have seen in the past is that OSHA implements a rule or a standard that sounds very reasonable in the Federal Register or before a congressional hearing; however, when a rule is enforced out in the field, it is used as a big stick to harass hard-working Americans.

Is this just another way for OSHA to fine hard-working Americans and collect more money for the Federal Treasury? Not until a great outcry is heard does OSHA consider providing a clarification of its standards or rules in order to ensure that it is not used to harass hard-working Americans. OSHA has shown again and again that regulatory excess is an addiction and they just cannot seem to kick the habit.

Mr. Speaker, I hope that in this case, OSHA's enforcement of its rules does not cause more problems than it is intended to prevent. You can be sure that I will be watching and listening just in case this is not true.

OSHA is one agency that has turned a reasonable and an important mission into a bureaucratic nightmare for the American economy. Common sense was long ago shown the door over at OSHA. OSHA is one agency that needs to be restructured, reinvented, or just plain removed.

BE ALL YOU CAN BE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I am very proud to take the well today wearing this ribbon which was given to me by the Girl Scouts, because the Girl Scouts today are asking adults to wear this ribbon and be the best that they can be. I think that that is a good motto for all of us as Americans. We probably ought to do it everyday, but this is a special day and I, as an ex-Girl Scout and a mother of a Girl Scout, am very, very proud to be here and be talking about that.

So I got to thinking, well, now, if you took this and applied it to the Federal Government in Washington, why do people get so frustrated with this and what would "be the best we could be" mean at the Federal level?

Well, it seems to me that one of the things that we don't do at the Federal level is model what the average family does at their kitchen table. At the average family kitchen table when times get tough, the last thing they do to make budget ends meet is cut the children. They will try to hold the children harmless from budget cuts absolutely as long as possible, and yet this week, the first thing we are going to do as we try to find the first round of budget cuts, and these are just for big tax cuts and they are for disaster relief in California, we are going to cut children. That is going to be our very first thing, our very first budget cut act. Heaven only knows what we will do to them when we get to the next round where we are dealing with the deficit.

Now I remind you that children did not cause this deficit, nor are they asking for big tax cuts. They would just like a school lunch, thank you, and they did not cause the disaster in California or other places. But I think the thing that is really harming and the reason I think our priorities are so wrong right now is that while this body has been discussing risk assessment, risk assessment, risk assessment, and we were doing this all across the board when it came to regulations, and many people agree, yes, we should look at that, but why are we not looking at the risk assessment on the next generation of children which will people America's 21st century if we continue on with these budget cuts?

Now, what are some of the things that we know? When I chaired the Committee on Children, Youth and Families, we had all sorts of CEOs from corporate America join us looking at the cost-effectiveness of Federal dollars spent for children, and the best money you can save is investing in a young child, because you are saving it later on, saving it later on.

We got all sorts of incredible numbers that are a big surprise. If you vaccinate every child—and as you well know, America is way behind in vaccinating children, many Third World countries do a much better job—the studies we have been showed is that it is $14 to the taxpayer later on. So one dollar for a vaccination, every one dollar spent on that saved $14 later on. That is not a bad deal. I have never been able to invest my money like that in any other area.

When you put children into Head Start, for every dollar we spent on Head Start, you could show a $6 saving in special education that the taxpayer would pick up. For feeding children, for every dollar you spent in WIC and for every dollar you were spending in child nutrition programs, you way more than made the money back in not having to spend it in Medicaid.

You know, we go around all the time, too, saying children must say no to this, children must say no to this, we must give them things to say yes to, and that is what we are doing. We are taking a lot of the same "yes to's" away.

We are totally taking away summer jobs. We are taking away many of the youth programs. We are cutting back many of the others so that localities are going to be really strapped, and I must say, as the prior gentlewoman from Oregon said, when you are taking 63 percent of these cuts out of a group of programs that only make up 12 percent of the discretionary budget. I think we are going down real heavy on the kids.

This is not across the board. We are not going after $600 toilet seats. Oh, no, those are sacred cows. We are not going after other things. No no, those are sacred cows. Why? Because they have political action committees that can come protect them with all sorts of money for campaigns. They can organize and they can vote.

Children don't vote. They don't have political action committees, and I think if we are going to be the best that we can be, we have got to reconsider these cuts this week because I think it is really—maybe you think it is penny wise, but it is long term and pound foolish.

RESCISSION CUTS ON JOBS PROGRAMS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Texas, Mr. GENE GREEN is recognized during morning business for 5 minutes.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to talk about two programs. First this week we will be considering a rescission bill and the activities that I was involved in over the weekend, but also talk a little bit about the School Lunch Program. But first let me talk about the rescission bill that Congress will be voting on this week.

This last Saturday in Houston, I had the opportunity to, at 8 o'clock in the morning, to go to our city hall in the city of Houston and see hundreds of young people and not so young people who were there at 8 o'clock on a Saturday morning getting prepared to go out and work in the community.

The rescission bill we are going to vote on this week will definitely cut part of the national service, the Americorps Program that serves Houston, and I have served Houston Program in Texas. We started with really no program last year and we have become such a great serving institution for the community.

Let me talk about the Corporation for National Service on a nationwide basis and then bring it down to how it affects Houston: AmeriCorps, Learn and Serve, and the Senior Corps. They work full or part-time in local organizations addressing community needs. We have 60 of them in Houston that serve Houston, 60 positions. I wanted more but we couldn't do it as a startup, 33,000 more with 1995 moneys and 47,000 more with 1996 moneys, but again, the rescission bill will cut us back.

This would complete the contract that a bipartisan Congress made with our young people with the National and Community Service Fund Act of 1993, but we cannot do it if we pass the rescission bill this week with those cuts.

Learn and Serve America, elementary and high school and college students participate in activities that address community needs and they enhance their own academic skills. Approximately 375,000 elementary and secondary school and college students participate, growing to over $588,000 if we had the 1996 funds.

The Senior Corps, Americans 55 or older serve in local communities on a part-time basis and they provide, for example, modest stipends for foster grandparents, and I have received a lot of mail and phone calls this week from senior companions, 480,000 seniors participate today, and if we could take it out of the rescission bill, we would be able to increase that just a small amount to 510,000.

The cuts in the Americorps is wrong and should not be because it is one of the best programs we have. If we are really going to reform welfare, we need to make sure we reform it by giving people that job experience and those jobs.

Let me talk about another example of the Saturday I was with the Summer

Jobs Program that is sponsored by Houston, works at the cooperative effort in a number of our local governments. We have 2,000 jobs in my district that are summer jobs that are part of that program, 6,000 in Harris County alone. And my concern, by the rescission bill that cuts those 6,000 jobs, we are going to lose out and three or four individuals who were there Saturday who were graduates of the Summer Jobs Program.

We have a young lady, Marilena, who now works at a radio station in Houston who got her start in the Summer Jobs Program. Wilbert, who now is a supervisor for the city of Houston in waste water, got his start in a summer jobs program. Laquista is a young lady who made the news in Houston who got her start working at a summer jobs program and now is supervising cleanup in our community for the city of Houston. Arti, who not only works in my office, but is also a student who got her start in the Summer Jobs Program.

Too often we hear that the majority party now says that there is no benefit to these summer jobs program, but there is a benefit, and Saturday morning I had four people who were graduates who are now productive citizens today because of the Summer Jobs Program. And to cut out 2,000 young people in my own district or 6,000 in the county or thousands all over the United States for a 6-week Summer Jobs Program is wrong because what we are doing is we are having some short-term savings that provides for some short-term tax relief; but in the long term, the American people in our country will lose the values of those talents of those young people whether it be in the Summer Jobs Program and productive citizens or whether it be in the Americorps and Serve Houston where we are losing not only their talents now in helping our community, but we are going to lose the experience they are getting now through Serve Houston and through Americorps for the future of our country.

We cannot be penny wise and pound foolish and lose that effort right now. And that is my concern, that the Congress this week needs to make sure that we do not cut these programs out of the rescission package. We do not need to cut those programs now and say we are going to provide for additional tax cuts now and cut out those 2,000 young people in my own district who have a summer job for 6 weeks.

□ 1300

THE RESCISSION BILL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Ohio [Mr. BROWN] is recognized during morning business for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, yesterday I was in Twinsburg, OH, in my district, Ohio's 13th District in northeast Ohio, visiting the community center and meeting with parents, children, teachers, and nurses and talking about the Women, Infants and Children's Program and the School Lunch Program.

Some of the people I met with, some of the parents, were unemployed. Most of them were working part-time or full-time, generally for minimum wage. Often many of these parents, basically all of those parents' children were getting school lunches, because their income was not high enough that they paid full price for these lunches.

Those parents, those teachers, those children, especially those nurses, could simply not understand why extremists in this body, in Congress, want to cut school lunches, want to cut senior nutrition, want to cut programs like Women, Infants and Children; Programs' that have been in effect, in terms of the School Lunch Program, for literally five decades, started by Harry Truman in 1946.

Other programs, like WIC, that have been in effect and working for a couple of decades. Programs that help young people grow, help pregnant women, help those children with nutrition and counseling. The WIC program, especially. And this was what was called a WIC center in Twinsburg.

The WIC Program is not just a giveaway program. It is a program where working class mothers come in with their children, come in while they are pregnant and get some nutritional supplements and are counseled, generally less educated women are counseled about nutrition while they are pregnant to make sure they have a healthy baby. The, after the baby is born, for the next 5 years they come into WIC regularly and are counseled about nutrition and can get immunized, either there or are directed where they can get immunized in the first 2 years of the baby's life; all the things that we need for the future of this country.

These people did not understand why the extremists in Congress want to make these cuts. What they did understand is that School lunches, Children's nutrition Programs, programs like counseling for WIC, immunizations, all these things are the investment for the future and they make sense for this country.

They do understand that, OK, we might save a few dollars making cuts now, but in the end, long term, we will pay more money for welfare for children as they get older and have bad nutrition and did not have the advantages when they were younger. They are more likely to be on welfare and more likely to be in prison. And these young families did understand that. That that simply is bad public policy long term.

I am a deficit hog. I voted for budget cut after budget cut after budget cut in this body. But we should not be stupid about it. There is no reason to make cuts that affect our children and affect our future the way that cutting school lunches and cutting programs like WIC and nutrition programs like that would mean.

Three weeks ago this body passed an increase in military spending of $3.2 billion. The extremists here are cutting nutrition, children's long-term-for-the-future programs on the one hand and increasing military spending $3 billion on the other hand, for a military in a country where our military budget is larger than the next nine countries in the world. Yet we are increasing military spending, cutting school lunches and WIC Programs, and at the same time the extremists in this body want to see major tax cuts for the wealthiest taxpayers.

Just recently the Republican leaders in the Committee on Ways and Means have called for an end to the alternative minimum tax. You may remember about 10 years ago President Reagan and most of the country were outraged that many large corporations in this country were able, through all kinds of use of accountants and lawyers and all their tax breaks and loopholes, literally to avoid paying any Federal tax and sometimes actually getting the government to pay them money through some rebate programs.

Many large corporations fell into the category. So Congress and President Reagan enacted something called the alternative minimum tax to make sure that every large corporation in this country did, in fact, pay some corporate income tax to the Government. They want to eliminate that alternative minimum tax. On the one hand we are increasing military spending, we are eliminating a tax on major corporations—these are corporations that have $250 million or larger in assets—and we are cutting Nutrition Programs and School Lunch Programs and WIC Programs.

In the other end of that, they want to give capital gains tax breaks which will go to the richest 1 or 2 or 3 percent in this country, in large part. The great majority of capital gains, 87 percent of capital gains cuts, go to the wealthiest people in this country.

This whole Contract With America disturbs me, Mr. Speaker, because it is transferring money from the middle class to the rich. It doesn't make sense and I ask for the defeat of the rescission bill this week.

UNHEALTHY KIDS DO NOT MAKE A STRONG AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Illinois [Mr. DURBIN] is recognized during morning business for 5 minutes.

Mr. DURBIN. Mr. Speaker, I am sure that many of my Republican colleagues were busy this past weekend, as were by colleagues on the Democratic side of the aisle. I wish some of my Republican colleagues who have proposed these cuts in programs might have accompanied me on my trip through Illinois.

My first stop was at a convention in Chicago sponsored by the Illinois Education Association, one of the largest groups of teachers in our State. Almost a thousand teachers met for a 3- or 4-day conference in Chicago to talk about issues on their mind.

I sat down for breakfast in Chicago with Gary Jones, a high school teacher in Troy, and Cindy Klickna from Springfield, IL, and I said, "What is different about this convention?" And they said, "The budget moved through quickly and we are glad to see that. But there is another thing that started coming up in the course of these conversations which is becoming more and more popular." And I said, "What is that?" And they said, "Security in schools."

Teachers who for years have been meeting and talking, scarcely talked about the question of security of teachers and students in schools. But now it has become an issue of paramount importance, not only in the city of Chicago but across the State.

All of us understand as we read in the newspaper about violence among kids. Children bringing knives and guns to school. Unfortunate and tragic incidents involving injury and death, schoolchildren one to another and threats to teachers. This is today's reality.

The reason why this is relevant is that this week on this floor of this House of Representatives we will be considering a Republican rescission bill, which is a spending cut bill, which will cut money for what is known as Safe and Drug-Free Schools. Money that we have put into a special account in the Federal Government to give to school districts to figure out ways to make if safer for our children and grandchildren to go to school.

I wish we didn't have to do this. I wish we could put the money into computers and teachers. But every one of us knows in our heart of hearts that more than anything we want our kids coming home at the end of the day safe. Safe. And yet we are going to cut millions of dollars out of that.

The Republicans believe this is thoughtful; this is sensible. They don't think this investment is necessary. I wish a few of them could sit down with the teachers in today's schools who will tell you that taking the weapons out of schools, stopping the fighting in schools, and ending the drugs that are starting to permeate all of our kids' culture is really the key to security and the key to America's future and readiness.

I went back to Springfield, IL, which is in my district, and had another meeting and this meeting consisted of people representing the WIC Program, day-care homes, and school lunch programs. My friend the gentleman from Ohio, SHERROD BROWN, has talked about the school lunch program. I will not dwell on it.

At that meeting we talked a lot about what day care means to working mothers and fathers. A young couple in their 20's came in to see me with their children; one was 3 and another in a toddler seat. Both of them are working, and that is not unusual in America today, and they depend on quality day care to take care of their kids while they are off to work.

The Republican proposal on welfare reform is going to cut the nutrition grants which we give to day-care centers and homes across America. This is in the name of saving money. What these families told me was: Congressman, if the cost of day care gets up too high, it does not make sense to work. We are working to pay day care. We want to work. We want to pay taxes and we want to improve our lives and buy our homes and prepare for our future. But do not make an additional burden on day care, which is literally going to pull the plug on a lot of working families.

In Quincy, a week ago, there was a woman working 45 hours a week in fast food who had her daughter in day care who said, "If you are going to raise my day care bill 20 percent, I have to stop and really think does this make sense anymore?"

In the midst of a welfare debate we should be encouraging people to work. We should be helping them to stay on the job. We should not be increasing the overhead costs of going to work.

The same thing is true on the WIC Program. Here is a program which is a dramatic success—40 percent—40 percent of the infants in America are in our Federal WIC Program. And you know why it is such a big program? It works.

We have dropped the infant death rate in America. It should go even lower, but we have dropped it dramatically because we bring in pregnant mothers. You meet early on with a counselor who says, "Here are the things you should put in your diet to have a healthy baby. And here are the things to avoid: Alcohol, narcotics and tobacco, especially."

And it works. We know it works. It is a proven success. And yet, the Republicans are coming in with their new vision of America to cut out these programs and reduce the amount of money we put in them. You know when we are going pay for that cut? Generations to come. Unhealthy kids do not build a strong America. We have got to stick with the programs that work. And I hope my Republican colleagues will get back to their districts and take a look around.

THE RESCISSION BILL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized during morning business for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, tomorrow we will consider the rule and the bill on rescissions. That $17 billion cut will begin to fundamentally change the way the Federal Government acts and responds, but more importantly, will begin to change the fundamental way we respond to Americans.

While I suspect both will pass, I intend to oppose both the rule and the bill. The rule is too restrictive. First, it only allows the restoration of programs through other cuts within the same chapter. And second, the rule restricts cuts to those programs already proposed to be cut. In short, the rule is designed to ensure that the disproportion in cuts proposed cannot be changed.

According to the analysis of the Center on Budget and Policy Priorities, low-income people will bear 63 percent of the cuts, where they only account for 12 percent. And over 12 percent of the total budget is paying 63 percent of the cuts proposed. The rule makes it virtually impossible to correct that imbalance of the shift of more burdens to the poor.

I cannot support such a rule, Mr. Speaker. Again, I cannot support such a rule that reverses in such a basic and elemental way the way in which we provide for the quality of life for the poor that Americans have come to expect and in fact, have come to rely upon.

The rescission bill would change how poor people eat, where poor people live, and where the poor people work, and what they can learn, and where they can travel, and how poor people can attend to their health care when they are in need.

It should be noted that the quality of life for poor people cannot be changed significantly or dramatically without affecting the quality of life of all of us. We all live in America and as they are affected, we are also affected.

If poor become poorer in our society, the resources from those of us who are affluent and rich certainly will be drained. If poor people are not involved in the mainstream of our economy, the mainstream of America will suffer as a consequence of that.

In our blind rush to change things, it seems that we are ignoring these changing factors. To review some of these changes, let's consider that again according to the Center on Budget and Policy Priorities, the low-income elderly will be the hardest hit by a rescission. Why? Because the low-income energy assistance program will be eliminated from these cuts. More than half of a million senior citizens will no longer have assistance in the cold of winter for heating purchases.

Also the low-income housing assistance program will also be drastically reduced. Poor children will be hit very, very bad by this bill. Excluding the housing and the energy assistance programs, $5 of every $6 proposed for the cut will affect children and youth. Children and youth thus far will face a double hit, because they also are assisted by the assistance for housing and also for fuel assistance.

More importantly, to receive no assistance means that low-income families with children must bear a disproportionate burden. The availability of housing for the poor will be made far more difficult if, indeed, the rescission package goes through.

These are fundamental changes in the quality of life of our citizens. While poor children will be cold, they may also be malnourished. Despite facts and statements to the contrary, more cuts in nutrition will indeed, occur, Mr. Speaker, despite the fact that the opposing side is saying that that will not happen.

Consider this fact: The WIC Program will be cut by $25 million in this rescission package, even before we get to the welfare reform next week. So to suggest that we are not cutting, we are going to make sure that children, pregnant women, and the very small suffer the most.

Why are we doing this? Where is the rationale for making these drastic cuts? In a sense, Mr. Speaker, we are imposing unfunded mandates on the States. I submit to you, by cutting these funds we are shifting the burden from the Federal Government to the States. And it will be, indeed, the expectation of the poor and those who have come to rely on these, they will now go to the States or to their local Governor expecting them to bear up this burden.

The States will have very little, I suspect, in responding to those who are cold in the winter, who are ill-housed. Therefore, Mr. Speaker we should not be doing this.

Funding for safe and drug-free schools, as my colleague has just mentioned to you, will be drastically cut. Some $482 million will be lost, including $9 million, Mr. Speaker, from my State of North Carolina. And for those lucky enough to receive training, they will not have jobs to go to because transportation will be cut.

Mr. Speaker, it seems to me that the rescission bill really is a contract for disaster for poor people in America.

RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12, rule I, the House will stand in recess until 2 p.m.

Accordingly (at 1 o'clock and 13 minutes p.m.) the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Pour down upon us, gracious God, the mercies and the judgments of Your word. Where we have missed the mark, grant us correction; where we have denied Your spirit and gone our own way, grant us forgiveness; when we have spoken the truth and done good works, give us encouragement; when we feel alone or in need of Your healing care, grant us Your abiding peace. We place before, O God, our prayers and the secret petitions of our hearts asking that Your word speak to us in the depths of our being. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. HASTERT. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HASTERT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The gentleman from Illinois [Mr. HASTERT] objects to the vote on the ground that quorum is not present and makes the point of order that a quorum is not present.

Pursuant to clause 5 of rule I, further proceedings on the question will be postponed until 5 o'clock this afternoon.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from North Carolina [Mr. FUNDERBURK] come forward and lead the House in the Pledge of Allegiance.

Mr. FUNDERBURK led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF MEMBERS OF REVIEW PANEL OF THE OFFICE OF FAIR EMPLOYMENT PRACTICES OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore (Mr. SHAYS). Pursuant to the provisions of rule LI, the Chair appoints to the review panel of the Office of Fair Employment Practices the following employees of the House of Representatives: Ms. Elizabeth Haas, legal counsel, Office of the Clerk; and Mr. Randy Johnson, workplace policy coordinator, Committee on Economic and Educational Opportunities.

REPUBLICAN CONTRACT WITH AMERICA

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, our Contract With America states the following:

On the first day of Congress, a Republican House will require Congress to live under the same laws as everyone else; cut committee staffs by one-third; and cut the Congressional budget.

We kept our promise.

It continues that in the first 100 days, we will vote on the following items: A balanced budget amendment—we kept our promise; unfunded mandates legislation—we kept our promise; line-item veto—we kept our promise; a new crime package to stop violent criminals—we kept our promise; national security restoration to protect our freedoms—we kept our promise; Government regulatory reform—we kept our promise; commonsense legal reform to end frivolous lawsuits—we kept our promise; welfare reform to encourage work, not dependence; family reinforcement to crack down on deadbeat dads and protect our children; tax cuts for middle-income families; Senior Citizens' Equity Act to allow our seniors to work without Government penalty; and Congressional term limits to make Congress a citizen legislature.

This is our Contract With America.

BLOCK GRANTS DO NOT FEED CHILDREN

(Mr. BONIOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONIOR. Mr. Speaker, after just 67 days in power, the Republicans are now known as the party that cut school lunches.

Today, they are actually trying to convince us that block grants will be better for children.

But that is not what they said in the past.

In 1982, Congressman WILLIAM GOODLING said, and I quote: "a child's nutrition needs do not vary from State to State."

Senator BOB DOLE said: "The nutrition area is one that does not easily lend itself to State responsibility" and added "It is appropriate that the Federal Government retain primary responsibility for nutrition programs."

And Speaker, GINGRICH himself cosponsored a resolution which said, and I quote, "the Federal Government should retain primary responsibility for the child nutrition program and such programs should not be included in any block grant."

Mr. Speaker, block grants do not feed children.

Republicans understood that in the past. But now that they need the money to pay for their tax cuts for the wealthy, they seem to have forgotten.

Well, I promise you this, Mr. Speaker: the American people will not forget.

PUT THE FARMER FIRST

(Mr. FUNDERBURK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUNDERBURK. Mr. Speaker, I have often said that farmers are the backbone of my district. The Second District of North Carolina from Rocky Mount to Dunn is the second largest producer of tobacco in America. We also have hundreds of soybean, peanut, and livestock farms. Unfortunately, Washington treats these hard working Americans like criminals. It taxes and regulates them.

A classic example of Washington's war on farmers is the tax penalty the IRS imposes on those who pass farmland down to their family members. Farmers have 2 years to notify the IRS that someone has died.

The catch is that the IRS has not made hundreds of farm families aware of this requirement. For farmers who do not have time to read the IRS fine print, the tax police demand back taxes and penalties which are so severe, that these farmers are now in the position of having to sell their farms to pay the tax man.

Mr. Speaker, the farmer has had enough—enough of interference, enough of redtape, and enough of the IRS. Let us do something right for the men and women who put the food on the table. For starters let us pass H.R. 501, which allows farm families to hand their farms down from each generation without fear of the IRS.

FREEDOM OF CHOICE ON BUDGET CUTS

(Mr. ANDREWS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDREWS. Mr. Speaker, this is a place where we come to make choices. Many of us, both Republican and Democrat, are ready to make choices to reduce the Federal budget, but today in the Committee on Rules, the Republican leadership of the Committee on Rules is ready to deny us a choice, a series of choices, that the American people have a right to hear us make.

This week on this floor, we will have presented to us a $17 billion budget cut proposal by the Republican majority. Some of us agree that the budget ought to be cut, but ought to be cut in different places. We want to offer an amendment that would say: "Let us not take home heating assistance away from senior citizens across this country; instead, let us take the money from the S&L bailout. Let us not take money away from reading teachers for children across this country; let us take the money from energy subsidies to huge multinational corporations.

We are not going to get the right to make that choice unless the rule proposed by the Republican leadership is defeated. Honor your Contract With America, open up the promise, and defeat this rule.

REPUBLICANS PROMISE DELIVERY ON FIGHT TO PRESERVE THE AMERICAN DREAM

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, you will hear a lot of whining, weeping, and gnashing of teeth on the other side of the aisle in the coming days. You see, the liberal Democrats just cannot accept that under our Republican tax relief plan, Americans will actually be allowed to keep more of their own money.

The liberal Democrats think all money belongs to the Government.

They think the Government needs the money more than working families do.

They think Government does a better job of spending your money than you do.

And they cannot accept that the bloated bureaucracy will be reduced to pay for much-needed tax relief.

They think Government should be even bigger.

They think Government does just a wonderful job of delivering services.

They think the Government needs a raise.

But Republicans will put Government on a diet. We will read every page, check every line, and challenge every figure in a search to cut waste, fraud, and abuse.

This is nothing less than a fight to preserve the American dream for our children. And we will deliver.

THE SHAMEFUL REVERSE ROBIN HOOD POLITICS OF THE REPUBLICAN PARTY

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, why are Republicans cutting school lunches for our children, heating assistance for our seniors, and health care for our veterans? To pay for yet another tax cut for the wealthy.

Last week we finally got a look at the Republican tax giveaway, and we found that 50 percent of the benefits of the Republican tax cuts go to people making $100,000 or more. The capital gains cut is worth $8,000 to families making $200,000 or more, while working middle class families making $30,000 or less would only get a tax cut worth $92.

Mr. Speaker, I say to my colleague who just spoke, yes, that is a fact, it is a diet, it is a diet for the working middle class families of this country. Cutting services for the most vulnerable to benefit the most privileged 2 percent of Americans is wrong. The reverse Robin Hood politics of the Republican Party is shameful.

TELL THE AMERICAN PEOPLE THE TRUTH

(Mr. JONES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES. Mr. Speaker, I have come to the floor of the House to confront my Democratic colleagues who seem more intent on distortions, regarding the future of the School Lunch Program, rather than promoting the health and safety of our Nation's most precious asset—our children. I hope these individuals abandon hollow political rhetoric and tell the American public the truth. The Republican plan is growing school meals by 4.5 percent. Tell the American people the truth. By the year 2000, we will be spending $1 billion more on school lunches than today. Tell the American public the truth, Republicans are cutting out Federal bureaucrats and bringing school lunches closer to home.

Mr. Speaker, for the sake of our children, let us hope the Democrats end this partisan charade and tell the truth about the Republican school lunch proposal—increased funding, more meals for the children who need them, and fewer Federal bureaucrats micromanaging our lives.

MEXICO DOES NOT DESERVE COMMENDATION FOR THEIR WAR AGAINST DRUGS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, 2 out of every 3 tons of cocaine that comes into America comes from Mexico and through Mexico. Brown Mexico heroin is as plentiful in American cities at times as jelly beans. Three assassinations in Mexico were recently now attributed to the drug cartel down there in Mexico.

It has gotten so bad Mexicans are running across the border with backpacks full of cocaine and heroin, and guess what, the administration commended Mexico for their war against drugs.

Beam me up, Mr. Speaker. Commending Mexico for their war against drugs is like commending Iran for their record on terrorism. I think NAFTA has taken on a whole new meaning. It now should be known as the "Narcotics Anonymous Federal Treatment Administration," and believe me, we need it.

I think the truth is, I remember when the administration gave a pat on the back to Gen. Manuel Noriega for his efforts on drugs. Think about that one a while.

THE IMPORTANCE OF BIODIVERSITY

(Mr. GILCHREST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILCHREST. Mr. Speaker, today, I would like to discuss an interesting story about the Endangered Species Act. As the Resources Committee begins to hold hearings on this issue, it is imperative that important facts about endangered species and biodiversity be known. The ESA is vital to maintaining our natural resources and to maintaining our quality of life.

I would like to illustrate this by discussing an endangered plant called the Lake Placid scrub mint which is found in only 300 acres in Central Florida. Scientists discovered that insects were not eating this rare plant. With further analysis, scientists found the plant contained a strong natural insect repellent called trans-pulegol, as powerful as any known insect repellent. The possibilities for agriculture are enormous.

Scientists also discovered a symbiotic fungus growing on the plant which had evolved only in association with this plant and therefore, was an extremely rare fungus. More analysis found this fungus produced an agent which had strong antifungal properties, with potential for pharmaceutical uses.

What are the real-life implications of discovering such agents in rare plants? Curing an array of diseases.

The $79 billion pharmaceutical industry relies on natural resources for 40 percent of its prescriptions. Rare plants and animals may very well hold the key to curing the common cold, AIDS, and cancer.

URGING MEMBERS TO COSPONSOR LEGISLATION TO OPEN FEDERAL HEALTH CARE CHOICES TO SMALL BUSINESS EMPLOYEES AND TO SELF-EMPLOYED AMERICANS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute, to revise and extend her remarks, and to include extraneous matter.)

Mrs. SCHROEDER. Mr. Speaker, I am wearing this blue ribbon because the Girl Scouts today are asking everyone to be the best that they can be, and to take some kind of a pledge to try and make our communities better.

One of the things I would hope Members would do would be to seriously consider cosponsoring the bill I have, because I think it would make Americans' lives better. What would it do? I have a bill that would allow anyone who works for a small employer or who is self-employed to be able to bid off the same Federal menu of health care choices we as Members of Congress get to, the President gets to, and Federal employees get to.

Boy, would that give people some choices and put them in a large pool where their premiums would be much more reasonable.

Mr. Speaker, I include for the RECORD this editorial in Roll Call this week talking about how the Speaker of the House has put on the payroll once a year for $100 his fundraiser, so she could have access to that health care.

Let us avoid this. Let us let everyone have it, and let us move on.

The editorial referred to is as follows:

THE $100 A YEAR CLUB

Her fundraising services were worth $16,000 to Rep. Newt Gingrich's (R-Ga) campaign between 1990 and 1993; helping Gingrich's Congressional staff learn how to answer constituent mail brought Nancy Bocskor a measly $100 a year. So, why did she bother? The hundred bucks Bocskor earned on Gingrich's payroll enabled her to maintain her participation in the federal employees' health care plan—a far cheaper and better alternative than buying private insurance (Roll Call, March 9). Nothing wrong with that, says Gingrich spokesman Tony Blankley. It's all legitimate under the rules. The question, Blankley says, "is whether the procedures should be changed, if somebody thinks they are not correct." Well, we do. Bocskor is a political fundraising consultant, not a real Hill employee. She shouldn't gain access to official benefits just because she performed a minor—though politically valuable—service to Gingrich. Neither should anybody else in the $100 a year club.

ENCOURAGING MEMBERS TO JOIN IN SPECIAL ORDER ON TIMBER SALVAGE

(Mr. COOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COOLEY. Mr. Speaker, tonight, time permitting, I will be giving a very important special order on timber salvage, an issue that is vital to my district and the West.

I will explain at length the necessity of salvage and the benefits to the environment, economy, and Federal budget.

I invite everyone to watch in preparation for tomorrow's debate. We will be embarking on a course that brings our timber policy back to sanity.

For too long we have fought battles against those whose idea of preservation is pickling our national forests and putting them on a shelf with a do not disturb sign. It is time to wake up and change this destructive mentality.

Tonight, I, along with several of my colleagues, will try to dispel some of these myths. I am looking forward to this opportunity and encourage as many as can to join me.

□ 1415

REPUBLICAN BUDGET CUTS

(Mr. OWENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS. Mr. Speaker, I would like to make one more plea for reason and justice in the fiscal decisionmaking process of the 104th Congress. Mr. Speaker, through the rescission process, to immediately cut the Summer Youth Employment Program is a reckless and barbaric act. First, planned school lunch cuts and now the overnight zero in the budget for summer teenage employment. This savage cut again dramatically demonstrates the Republican contempt for the work ethic. We say we want the poor to work and then we wipe out the Jobs Program for teenagers. Instead of saving money by compounding the sense of hopelessness among our youth, let's save money by cutting the *Sea Wolf* submarine; let us cut the CIA and the intelligence budget from $28 to $14 billion.

If we cut farm price supports in half we could save $8 billion. If we discontinue the unnecessary manufacture of the F-22 fighter plane we could save $17 billion over the next 6 years. Using reason and a sense of justice there are effective cuts that can be made to reduce the Federal budget. But the hi-tech barbarian approach is a dishonest approach, an overwhelming bully power approach. Fiscal decisionmaking in the 104th Congress is now so lopsided that it is becoming a form of legalized corruption. Let us please stop the madness now.

THE NEW SALT II

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute.)

Mrs. SEASTRAND. Mr. Speaker, it is time for a nuclear moratorium, a moratorium on the thermo-nuclear rhetoric spouted by the Democratic White House and those who continue to defend the failed welfare state and skyrocketing deficits.

We talk of transforming the poor. They hold up children. We want to end subsidized illegitimacy. They hold up children. We talk about giving more flexibility to the States. And they hold up children.

Mr. Speaker, have they no shame? Children cannot and should not be used as political shields. We have the moral obligation to our children to reduce the deficit and reform welfare. It is because we care about saving the future for our children and grandchildren, and it is because we know that our children do matter that we are taking on the difficult tasks of cutting the Federal bureaucracy. We are willing to make the difficult decisions.

Mr. Speaker, it is time to sign the new SALT II treaty. S. Stop the rhetoric. A. Assume responsibility. L. Limit the bureaucracy. T. Tackle the problem. The nuclear rhetoric must end.

REPUBLICAN BUDGET CUTS

(Mr. WARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WARD. Mr. Speaker, hearing about salt, I can only think of child nutrition. I can only think of our School Lunch Programs. I can only think about what we have heard from the people who are supporting and who are committed to one thing and one thing only, and, that is, this Republican contract.

They hate it when we stand up here, those of us who are fighting for our working families, and remind them that a cut is a cut if it does not meet the need. The need is what the goal is here, the need of our children to have a hot meal at school because that may be the only place they get it.

If you raise by 4.5 percent the money that is being spent, that is still not an increase if the need has gone up by more. If you cap that increase at 4.5 percent and the need does in fact go up by more, you are taking food from the mouths of our children. That is not what the voters have sent us here to do.

TAYLOR-DICKS EMERGENCY TIMBER SALVAGE AMENDMENT

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, much of our national forests in the West are sick and dying. Drought, disease, insects, and fire are killing our forest in epidemic proportions. Some forests are already 60 and 70 percent dead. We must restore the health of our forests before it is too late. The best way to do this is to remove the source of sickness as soon as possible. Insects and disease cannot kill living trees if we remove the infested trees from the forest. Dead brittle trees cannot become the kindling for wildfire if we extract them from overstocked timber stands. Mr. Speaker, if we really want to preserve our forests, then we must act now. The Taylor-Dicks emergency timber salvage amendment to the supplemental appropriations bill before the House this week will curb the death cycle in our forest. Mr. Speaker, I urge my colleagues to support this crucially important amendment.

REPUBLICAN RESCISSIONS PACKAGE

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, the Republican Contract With America is not with middle class America. It is a contract to help well-to-do and corporate America. The middle-class hardworking people of this country are going to be paying for Republican tax cuts for the wealthy.

Here are the facts. Republicans will cut funding for every American who wants to choose educational television programs. Republicans will cut funding for veterans, for medical equipment that vets need even though more veterans need medical help. Republicans will cut funding for students by cutting drug-free schools, summer jobs for youth, academic scholarships, a total of $1.7 billion in education cuts.

Mr. Speaker, it is virtually certain that none of these cuts will go for deficit reduction.

Mr. Speaker, instead the savings will go to finance a capital gains tax cut, 76 percent that will go to people with incomes of $100,000 or more.

Mr. Speaker, this is not a contract with middle-class America.

REPUBLICANS CARE ABOUT CHILDREN

(Mr. RIGGS asked and was given permission to address the House for 1 minute.)

Mr. RIGGS. Mr. Speaker, we just heard more baloney. The principal tax cut in the Contract With America is a $500 per child tax credit. If that is a tax break for the rich, then our friends on the other side of the aisle are sadly misinformed.

They can continue the scare tactics, the distortions, the out-and-out hysteria. It is time we told the truth. Republicans care about children and our numbers prove it.

We are growing School Lunch Programs by 4.5 percent per year for the next 5 years. By the year 2000, we will be spending $1 billion more on the School-Based Nutrition Program than today.

Yes, Mr. Speaker, it is clear that Republicans care about children and our numbers prove it. The American public should ask who the Democrats care about when they oppose a 4.5-percent spending increase for school lunches and $1 billion more by the year 2000.

Do they care about a School Lunch Program that is closer to home? Do they care about our children and their future or do they care about some Federal bureaucrats?

THE CONTRACT WITH AMERICA AND THE CONSTITUTION

(Mr. WATT of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATT of North Carolina. Mr. Speaker, the Republicans have a Contract With America. Unfortunately, they do not seem to care whether it violates this contract with America, the Constitution of the United States.

This contract with America, the Constitution, took another hit last week. They called it tort reform but what they did was federalize all the legal standards, and that, my friends, is contrary to the commerce clause and the 10th amendment to the Constitution.

Let's strike out another provision in the Constitution, punch it out again, punch it out again, my Republican colleagues. Your Constitution is going down the drain. Punch it out again.

MARCH MADNESS

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. It is the commerce clause, the commerce clause is the part of the Constitution that gives the mandate to the Congress to do what we did last week.

Mr. Speaker, March madness usually refers to that time of year when all college basketball fans glue themselves to the television and become transformed into screaming, raving hoops fanatics. However, this year March madness has taken on a few new connotations.

March madness could refer to the wild distortions that the bitter defenders of big Government the liberal

Democrats, are spreading about the Republican welfare plan. March madness could refer to the scare tactics and the false hysteria Democrats have ignited among the poor children in America telling them that they will starve under the Republican majority. Finally March madness could refer to the fact that yet another member of President Clinton's Cabinet has become involved in yet another ethics investigation.

Mr. Speaker, what madness is next?

CUTTING CHILDREN'S PROGRAMS

(Mr. POMEROY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POMEROY. Mr. Speaker, activities occurring in the 104th Congress this week make very clear the warped priorities and bad economics of the Republican's contract on America. The warped priorities are evident in the programs subject to deep and painful spending cuts: school lunches, day-care nutrition, drug-free schools, and several other programs representing an important investment in our next generation. In short, help for our kids that our kids need.

And for what are these cuts being made? Being made to finance a tax package to be voted on in the Committee on Ways and Means, a package that represents the more you make, the more you are going to get. In fact, this tax package makes it clear the breaks are going to be even more lucrative in the future. Consider it the gift that keeps on giving for America's most privileged and powerful.

So there it is. Cuts in programs for our kids to fund tax breaks for the most privileged. The contract for America is bad news for this country because it is bad news for our kids.

FCC SPECTRUM AUCTIONS

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, I want to today applaud yesterday's spectrum auction conducted by the Federal Communications Commission. The broadband auction for personal communications services resulted in bids of more than $7 billion, that is 7 with a "B", billion dollars, exceeding all previous estimates.

Pioneer preference licenses to companies using new innovative technologies resulted in bids of over $700 million. As many as 300,000 new jobs will be created as a result of these auctions.

They have been more than successful than I ever dreamed when I first introduced this concept a few years ago in that auction revenues now will approach an impressive $9 billion. This is $9 billion that will go to the Treasury. Rarely do we see an idea whose time has not only come but has produced the kind of revenue to the taxpayers that this particular provision has.

Our full Committee on Commerce tomorrow will consider legislation to extend the FCC's auction authority by the year 2000. We plan to continue in that vein.

REPUBLICANS ARE NOT CUTTING SCHOOL LUNCHES

(Mr. LAHOOD asked and was given permission to address the House for 1 minute.)

Mr. LAHOOD. Mr. Speaker, I see where several of our colleagues on the other side of the aisle are up to their same old class warfare tricks. The gentleman from Michigan, the distinguished minority whip, said that Republicans are giving working Americans the cold shoulder. Well, the Democrats' class warfare will not wash with the American people.

Republicans are not out to cut school lunches. Actually our program will increase school lunches to the children of our country. We do not intend to cut the School Lunch Program. Our proposal will actually increase school lunches.

We offer incentives. Our proposals offer better opportunities. The Democrats offer the same old class warfare rhetoric with more taxing and more spending.

I urge the American people to look carefully at what we the Republicans are attempting to do, which is provide more school lunches for our school children.

□ 1430

TAKE FROM OUR FAMILIES AND GIVE TO THE BUREAUCRATS

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, we are seeing a new version of Robin Hood displayed by the Democrats this week. They want to "take as much as possible from hard working families and give to the bureaucrats in Washington, DC."

Minority Leader GEPHARDT even called the Republican proposal to give a $500 per child tax credit to families "an appalling display of Republican indifference to working people." This tax credit will benefit approximately 50 million families—90 percent of whom earn less than $75,000 a year. Yet the minority party claims this is bad for working families.

Whose family would be worse off today with an additional $1,000 to help make ends meet? Whose family would be worse off with $1,000 to start a college education fund for their children? Whose family would be worse off with more of their own hard-earned money?

Mr. Speaker, it is time we start cutting bureaucracy here in Washington, DC, and returning control and money to American families. Despite what the minority party claims, the $500 per child tax credit is good for all working families and I urge my colleagues to support it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHAYS). Pursuant to the provisions of clause 5 of rule I, the chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

ALASKA NATIVE CLAIMS SETTLEMENT ACT AMENDMENTS

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 402) to amend the Alaska Native Claims Settlement Act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 402

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RATIFICATION OF CERTAIN CASWELL AND MONTANA CREEK NATIVE ASSOCIATIONS CONVEYANCES.

The conveyance of approximately 11,520 acres to Montana Creek Native Association, Inc., and the conveyance of approximately 11,520 acres to Caswell Native Association, Inc., by Cook Inlet Region, Inc. in fulfillment of the agreement of February 3, 1976, and subsequent letter agreement of March 26, 1982, among the three parties are hereby adopted and ratified as a matter of Federal law. These conveyances shall be deemed to be conveyances pursuant to section 14(h)(2) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(2)). The group corporations for Montana Creek and Caswell are hereby declared to have received their full entitlement and shall not be entitled to the receipt of any additional lands under the Alaska Native Claims Settlement Act. The ratification of these conveyances shall not have any other effect upon section 14(h) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)) or upon the duties and obligations of the United States to any Alaska Native Corporation. This ratification shall not be the basis for any claim to land or money by Caswell or Montana Creek group corporations or any other Alaska Native Corporation against the State of Alaska, the United States, or Cook Inlet Region, Incorporated.

SEC. 2. MINING CLAIMS AFTER LANDS CONVEYED TO ALASKA REGIONAL CORPORATION.

Section 22(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1621(c)) is amended by adding at the end the following:

"(3) This section shall apply to lands conveyed by interim conveyance or patent to a regional corporation pursuant to this Act which are made subject to a mining claim or claims located under the general mining laws, including lands conveyed prior to enactment of this paragraph. Effective upon the date of the enactment of this paragraph, the Secretary, acting through the Bureau of Land Management and in a manner consistent with section 14(g) of this Act, shall transfer to the regional corporation administration of all mining claims determined to be entirely within lands conveyed to that corporation. Any person holding such mining claim or claims shall meet such requirements of the general mining laws and section 314 of the Federal Land Management and Policy Act of 1976 (43 U.S.C. 1744), except that any filings which would have been made with the Bureau of Land Management if the lands were within Federal ownership shall be timely made to the appropriate regional corporation. The validity of any such mining claim or claims may be contested by the regional corporation, in the place of the United States. All contest proceedings and appeals by the mining claimants of adverse decisions made by the regional corporation shall be brought in Federal District Court for the District of Alaska. Neither the United States nor any Federal agency or official shall be named or joined as a party in such proceedings or appeals. All revenues from such mining claims received after passage of this paragraph shall be remitted to the regional corporation subject to distribution pursuant to section 7(i) of this Act, except that in the event that the mining claim or claims are not totally within the lands conveyed to the regional corporation, the regional corporation shall be entitled only to that proportion of revenues, other than administrative fees, reasonably allocated to the portion of the mining claim or claims so conveyed.".

SEC. 3. SETTLEMENT OF CLAIMS ARISING FROM HAZARDOUS SUBSTANCE CONTAMINATION OF TRANSFERRED LANDS.

The Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) is amended by adding at the end the following:

"CLAIMS ARISING FROM CONTAMINATION OF TRANSFERRED LANDS

"Sec. 40. (a) As used in this section:

"(1) The term 'contaminant' means hazardous substances harmful to public health or the environment, including asbestos.

"(2) The term 'lands' means real property transferred to an Alaska Native Corporation pursuant to this Act.

"(b) Within 18 months of enactment of this section, and after consultation with the Secretary of Agriculture, State of Alaska, and appropriate Alaska Native corporations and organizations, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, a report addressing issues presented by the presence of hazardous substances on lands conveyed or prioritized for conveyance to such corporations pursuant to this Act. Such report shall consist of—

"(1) existing information concerning the nature and types of contaminants present on such lands prior to conveyance to Alaska Native corporations;

"(2) existing information identifying the existence and availability of potentially responsible parties for the removal or amelioration of the effects of such contaminants;

"(3) identification of existing remedies; and

"(4) recommendations for any additional legislation that the Secretary concludes is necessary to remedy the problem of contaminants on such lands.".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS FOR THE PURPOSES OF IMPLEMENTING REQUIRED RECONVEYANCES.

Section 14(c) of Alaska Native Claims Settlement Act (43 U.S.C. 1613(c)) is amended by adding at the end the following:

"There is authorized to be appropriated such sums as may be necessary for the purpose of providing technical assistance to Village Corporations established pursuant to this Act in order that they may fulfill the reconveyance requirements of section 14(c) of this Act. The Secretary may make funds available as grants to ANCSA or nonprofit corporations that maintain in-house land planning and management capabilities.".

SEC. 5. NATIVE ALLOTMENTS.

Section 1431(o) of the Alaska National Interest Lands Conservation Act (94 Stat. 2542) is amended by adding at the end the following:

"(5) Following the exercise by Arctic Slope Regional Corporation of its option under paragraph (1) to acquire the subsurface estate beneath lands within the National Petroleum Reserve—Alaska selected by Kuukpik Corporation, where such subsurface estate entirely surrounds lands subject to a Native allotment application approved under section 905 of this Act, and the oil and gas in such lands have been reserved to the United States, Arctic Slope Regional Corporation, at its further option and subject to the concurrence of the Kuupik Corporation, shall be entitled to receive a conveyance of the reserved oil and gas, including all rights and privileges therein reserved to the United States, in such lands. Upon the receipt of a conveyance of such oil and gas interests, the entitlement of Arctic Slope Regional Corporation to in-lieu subsurface lands under section 12(a)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1611(a)(1)) shall be reduced by the amount of acreage determined by the Secretary to be conveyed to Arctic Slope Regional Corporation pursuant to this paragraph.".

SEC. 6. REPORT CONCERNING OPEN SEASON FOR CERTAIN NATIVE ALASKAN VETERANS FOR ALLOTMENTS.

(a) In General.—No later than six months after the date of enactment of this Act, the Secretary of the Interior, in consultation with the Secretary of Agriculture, the State of Alaska and appropriate Native corporations and organizations, shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, a report which shall include, but not be limited to, the following:

(1) The number of Vietnam era veterans, as defined in section 101 of title 38, United States Code, who were eligible for but did not apply for an allotment of not to exceed 160 acres under the Act of May 17, 1906 (Chapter 2469; 34 Stat. 197), as such Act was in effect before December 18, 1971;

(2) an assessment of the potential impacts of additional allotments on conservation system units as such term is defined in section 102(4) of the Alaska National Interest Lands Conservation Act (94 Stat. 2375); and

(3) recommendations for any additional legislation that the Secretary concludes is necessary.

(b) Requirement.—The Secretary of Veterans Affairs shall release to the Secretary of the Interior information relevant to the report required under subsection (a).

SEC. 7. TRANSFER OF WRANGELL INSTITUTE.

(a) Property Transfer.—Cook Inlet Region, Incorporated, is authorized to transfer to the United States and the General Services Administration shall accept an approximately 10-acre site of the Wrangell Institute in Wrangell, Alaska, and the structures contained thereon.

(b) Restoration of Property Credits.—

(1) In general.—In exchange for the land and structures transferred under subsection (a), property bidding credits in the total amount of $382,305, shall be restored to the Cook Inlet Region, Incorporated, property account in the Treasury established under section 12(b) of the Act of January 2, 1976 (Public Law 94–204; 43 U.S.C. 1611 note), referred to in such section as the "Cook Inlet Region, Incorporated, property account". Such property bidding credits shall be used in the same fiscal year as received by Cook Inlet Region, Incorporated.

(2) Hold harmless.—The United States shall defend and hold harmless Cook Inlet Region, Incorporated, and its subsidiaries in any and all claims arising from Federal or Cook Inlet Region, Incorporated, ownership of the land and structures prior to their return to the United States.

SEC. 8. SHISHMAREF AIRPORT AMENDMENT.

The Shishmaref Airport, conveyed to the State of Alaska on January 5, 1967, in Patent No. 1240529, is subject to reversion to the United States, pursuant to the terms of that patent for nonuse as an airport. The Secretary is authorized to reacquire the interests originally conveyed pursuant to Patent No. 1240529, and, notwithstanding any other provision of law, the Secretary shall immediately thereafter transfer all right, title, and interest of the United States in the subject lands to the Shishmaref Native Corporation. Nothing in this section shall relieve the State, the United States, or any other potentially responsible party of liability, if any, under existing law for the clean up of hazardous or solid wastes on the property, nor shall the United States or Shishmaref Native Corporation become liable for the cleanup of the property solely by virtue of acquiring title from the State or from the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska [Mr. Young] will be recognized for 20 minutes, and the gentleman from Massachusetts [Mr. Studds] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Alaska [Mr. Young].

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 402. This bill is the result of a 2-year effort of the Alaska Federation of Natives, the State of Alaska, the administration, and my ranking minority member, the gentleman from California [Mr. Miller]. I thank them for their dedication and hard work.

The bill is noncontroversial. Most of the provisions have already passed the House in previous Congresses but were not acted on by the Senate. We hope that the new congressional leadership will improve the track record on this bill.

Mr. Speaker, H.R. 402 makes several technical changes to the Alaska Native Claims Settlement Act of 1971 [ANCSA] and the Alaska National Interests Land Conservation Act to address some of the unresolved land issues which have arisen since the passage of these acts.

These include specific land conveyances to Native corporations, the clarification of mining authority and administration of mining claims on lands conveyed to Native corporations, a report on hazardous substances on lands conveyed to Native corporations, an authorization of technical assistance to Native villages to help with land reconveyances required under ANCSA, and a report on Vietnam-era veterans who were eligible but did not receive land under the Native Allotment Act of May 17, 1906.

Mr. Speaker, all these provisions are long awaited, but I feel very strongly about section 6 regarding unclaimed land allotments for Native Alaskans serving during the Vietnam war. Many of these Natives were in service overseas and were unable to file for their allotments. I do not believe that they should be penalized for fulfilling their patriotic duty. I hope that with this report, Congress will be able to enact additional legislation on behalf of these Alaska Native veterans.

The version of the bill before the House has a minor change from the version reported from the Resources Committee on February 8. In section 5, we have restored the right of a Native corporation to concur in the selection of oil and gas rights allowed under the act. Our minority has agreed to this small improvement to the bill.

I also want to thank Chairman KASICH and his staff for their thorough review of this bill in a short period of time and their cooperation in scheduling all the bills on today's program.

I urge my colleagues to support this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am a bit puzzled by about how long it took the gentleman from Alaska to describe this bill. What is different about this picture?

Mr. YOUNG of Alaska. Mr. Speaker, if the gentleman will yield, if I may, there is nothing different about this bill at all. We are just bringing it up under suspension today.

Mr. STUDDS. Let me just say that I concur with this legislation which is substantially the same as the legislation we passed in the previous Congress, and it is without controversy. It is even a good thing.

Mr. Speaker, I rise in support of the legislation. The gentleman from Alaska has long been a good friend of his Alaska Native constituents and this bill continues that tradition.

This legislation was the subject of a hearing, reported by the committee, and passed by the House in the previous Congress. The eight diverse sections in the bill were largely developed in the course of negotiations between the Alaska Federation of Natives, the State of Alaska, and the Department of the Interior. This process was successful in fostering consensus and minimizing controversy.

I would note, Mr. Speaker, that this bill also reflects a tradition of bipartisan concern and cooperation within the committee when dealing with issues affecting Alaska Natives.

I urge support for the legislation.

Mr. YOUNG of Alaska. Mr. Speaker, I have no more requests for time, and I yield back the balance of my time.

Mr. STUDDS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 402, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PURCHASE OF COMMON STOCK OF COOK INLET REGIONAL CORPORATION

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 421) to amend the Alaska Native Claims Settlement Act to provide for the purchase of common stock of Cook Inlet Region, and for other purposes, as amended.

The Clerk read as follows:

H.R. 421

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURCHASE OF SETTLEMENT COMMON STOCK OF COOK INLET REGION.

(a) IN GENERAL.—Section 7(h) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606(h)) is amended by adding at the end the following new paragraph:

"(4)(A) As used in this paragraph, the term 'Cook Inlet Regional Corporation' means Cook Inlet Region, Incorporated.

"(B) The Cook Inlet Regional Corporation may, by an amendment to its articles of incorporation made in accordance with the voting standards under section 36(d)(1), purchase Settlement Common Stock of the Cook Inlet Regional Corporation and all rights associated with the stock from the shareholders of Cook Inlet Regional Corporation in accordance with any provisions included in the amendment that relate to the terms, procedures, number of offers to purchase, and timing of offers to purchase.

"(C) Subject to subparagraph (D), and notwithstanding paragraph (1)(B), the shareholders of Cook Inlet Regional Corporation may, in accordance with an amendment made pursuant to subparagraph (B), sell the Settlement Common Stock of the Cook Inlet Regional Corporation to itself.

"(D) No sale or purchase may be made pursuant to this paragraph without the prior approval of the board of directors of Cook Inlet Regional Corporation. Except as provided in subparagraph (E), each sale and purchase made under this paragraph shall be made pursuant to an offer made on the same terms to all holders of Settlement Common Stock of the Cook Inlet Regional Corporation.

"(E) To recognize the different rights that accrue to any class or series of shares of Settlement Common Stock owned by stockholders who are not residents of a Native village (referred to in this paragraph as 'non-village shares'), an amendment made pursuant to subparagraph (B) shall authorize the board of directors (at the option of the board) to offer to purchase—

"(i) the non-village shares, including the right to share in distributions made to shareholders pursuant to subsections (j) and (m) (referred to in this paragraph as 'nonresident distribution rights'), at a price that includes a premium, in addition to the amount that is offered for the purchase of other village shares of Settlement Common Stock of the Cook Inlet Regional Corporation, that reflects the value of the nonresident distribution rights; or

"(ii) non-village shares without the nonresident distribution rights associated with the shares.

"(F) Any shareholder who accepts an offer made by the board of directors pursuant to subparagraph (E)(ii) shall receive, with respect to each non-village share sold by the shareholder to the Cook Inlet Regional Corporation—

"(i) the consideration for a share of Settlement Common Stock offered to shareholders of village shares; and

"(ii) a security for only the nonresident rights that attach to such share that does not have attached voting rights (referred to in this paragraph as a 'non-voting security').

"(G) An amendment made pursuant to subparagraph (B) shall authorize the issuance of a non-voting security that—

"(i) shall, for purposes of subsections (j) and (m), be treated as a non-village share with respect to—

"(I) computing distributions under such subsections; and

"(II) entitling the holder of the share to the proportional share of the distributions made under such subsections;

"(ii) may be sold to Cook Inlet Region, Inc.; and

"(iii) shall otherwise be subject to the restrictions under paragraph (1)(B).

"(H) Any shares of Settlement Common Stock purchased pursuant to this paragraph shall be canceled on the conditions that—

"(i) non-village shares with the nonresident rights that attach to such shares that are purchased pursuant to this paragraph shall be considered to be—

"(I) outstanding shares; and

"(II) for the purposes of subsection (m), shares of stock registered on the books of the Cook Inlet Regional Corporation in the names of nonresidents of villages;

"(ii) any amount of funds that would be distributable with respect to non-village shares or non-voting securities pursuant to subsection (j) or (m) shall be distributed by Cook Inlet Regional Corporation to itself; and

"(iii) village shares that are purchased pursuant to this paragraph shall be considered to be—

"(I) outstanding shares, and

"(II) for the purposes of subsection (k) shares of stock registered on the books of the Cook Inlet Regional Corporation in the names of the residents of villages.

"(I) Any offer to purchase Settlement Common Stock made pursuant to this paragraph shall exclude from the offer—

"(i) any share of Settlement Common Stock held, at the time the offer is made, by an officer (including a member of the board of directors) of Cook Inlet Regional Corporation or a member of the immediate family of the officer; and

"(ii) any share of Settlement Common Stock held by any custodian, guardian, trustee, or attorney representing a shareholder of Cook Inlet Regional Corporation in fact or law, or any other similar person, entity, or representative.

"(J)(i) The board of directors of Cook Inlet Regional Corporation, in determining the terms of an offer to purchase made under this paragraph, including the amount of any premium paid with respect to a non-village share, may rely upon the good faith opinion of a recognized firm of investment bankers or valuation experts.

"*(ii) Neither Cook Inlet Regional Corporation nor a member of the board of directors or officers of Cook Inlet Regional Corporation shall be liable for damages resulting* from terms made in an offer made in connection with any purchase of Settlement Common Stock if the offer was made—

"(I) in good faith;

"(II) in reliance on a determination made pursuant to clause (i); and

"(III) otherwise in accordance with this paragraph.

"(K) The consideration given for the purchase of Settlement Common Stock made pursuant to an offer to purchase that provides for such consideration may be in the form of cash, securities, or a combination of cash and securities, as determined by the board of directors of Cook Inlet Regional Corporation, in a manner consistent with an amendment made pursuant to subparagraph (B).

"(L) Sale of Settlement Common Stock in accordance with this paragraph shall not diminish a shareholder's status as an Alaska Native or descendant of a Native for the purpose of qualifying for those programs, benefits and services or other rights or privileges set out for the benefit of Alaska Natives and Native Americans. Proceeds from the sale of Settlement Common Stock shall not be excluded in determining eligibility for any needs-based programs that may be provided by Federal, State or local agencies.".

(b) CONFORMING AMENDMENT.—Section 8(c) of such Act (43 U.S.C. 1607(c)) is amended by striking "(h)" and inserting "(h) (other than paragraph (4))".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes, and the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 421, a bill to amend the Alaska Native Claims Settlement Act [ANCSA]. I introduced this bill at the request of Cook Inlet Region, Inc. [CIRI] and have worked with the Alaska Federation of Natives, the State of Alaska, the Department of the Interior, and my ranking minority member, Mr. MILLER, to reach a consensus.

Cook Inlet Region, Inc., is one of 13 regional corporations formed under ANCSA. CIRI has approximately 6,300 shareholders, who each own 100 shares of stock. ANCSA bans the public sale of any Native corporation stock until the majority of its shareholders vote to remove this restriction.

CIRI's shareholders would like to sell their stock. CIRI wishes to buy back stock from its shareholders and to cancel these shares, thus keeping the corporation in Native ownership. This bill is intended to give CIRI, and only CIRI, this authority.

The Committee on Resources favorably reported H.R. 421 on February 8 with an amendment offered by Mr. MILLER. His amendment protects CIRI, its directors, and officers from liability in connection with an offer to purchase stock if the offer was made in good faith, in reliance on a good faith opinion of a recognized firm of investment bankers or valuation experts, and if the offer was otherwise in accordance with section 7(h)(4) of ANCSA. This will provide reasonable protections for CIRI shareholders while protecting CIRI from repeated litigation when it has made a good faith offer to purchase stock that is based on an independent, professional evaluation.

I accepted Mr. MILLER's amendment because it contained the protection needed by CIRI, and it is consistent with ANCSA, which encourages Alaska's Native people and their corporations to conduct their affairs in their own way and without litigation. The protections provided under H.R. 421 are limited to stock re-purchase offerings only, as long as they are made in accordance with ANCSA, and this provision does not apply to other types of corporate activities under State or Federal law.

Mr. Speaker, this bill passed the House last Congress, and I urge support again for this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just observe we used to do these things a lot more expeditiously in the old days. The gentleman is filibustering in his vintage years.

Mr. Speaker, the gentleman is absolutely correct. This bill is absolutely without controversy and supported by the administration, and as far as I know, by everyone in Alaska. We did it before, and we should do it again.

Mr. Speaker, I rise in support of this legislation. H.R. 421 is virtually identical to a bill introduced by Chairman YOUNG and passed by the House last Congress.

Since the option to purchase stock is subject to approval of the Native shareholders and is expressly limited to Cook Inlet Region, Inc. This bill is not controversial. The administration has no objection. In an effort to assure that the interests of the Native shareholders are protected, the committee adopted an amendment offered by Representative GEORGE MILLER which deleted immunity from liability for financial advisors involved in establishing the value of the stock.

Mr. Speaker, I compliment the gentleman from Alaska for his legislation and ask that Members support the bill.

Mr. YOUNG of Alaska. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. STUDDS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 421, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

SEA OF OKHOTSK FISHERIES ENFORCEMENT ACT OF 1995

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 715) to amend the Central Bering Sea Fisheries Enforcement Act of 1992 to prohibit fishing in the Central Sea of Okhotsk by vessels and nationals of the United States.

The Clerk read as follows:

H.R. 715

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This act may be cited as the "Sea of Okhotsk Fisheries Enforcement Act of 1995".

SEC. 2. FISHING PROHIBITION.

The Central Bering Sea Fisheries Enforcement Act of 1992 (16 U.S.C. 1823 note) is amended—

(1) in section 302, by inserting "and the Central Sea of Okhotsk" after "Central Bering Sea"; and

(2) in section 306—

(A) by redesignating paragraphs (2), (3), (4), (5), and (6) in order as paragraphs (3), (4), (5), (6), and (7); and

(B) by inserting after paragraph (1) the following:

"(2) CENTRAL SEA OF OKHOTSK.—The term 'Central Sea of Okhotsk' means the central Sea of Okhotsk area which is more than two hundred nautical miles seaward of the baseline from which the breadth of the territorial sea of the Russian Federation is measured.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes, and the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the sponsor of H.R. 715, I urge my colleagues to join me in this effort to help save valuable living marine resources in a small enclave of international waters known as the Peanut Hole.

Three years ago, Congress approved my Central Bering Sea Fisheries Enforcement Act, which prohibited the destruction of pollock stocks in an area known as the Donut Hole.

While this law has promoted conservation efforts for the region, it has had unwanted results. Certain fishermen from China, Japan, Korea, and Poland have now moved their operations to the Peanut Hole and they are severely overfishing the pollock stocks in this region. Unless immediate steps are taken, these stocks will collapse.

My bill, which has been cosponsored by the leadership of the Subcommittee on Fisheries, Wildlife and Oceans, JIM SAXTON and GERRY STUDDS, would amend the 1992 statute to prohibit U.S. citizens from fishing in the Peanut Hole unless the fishing operation fully complies with international fishing agreements between the United States and Russia.

The bill is noncontroversial and well supported. It passed the House twice in the last Congress and it is helpful to our negotiators in their ongoing efforts to establish agreements to conserve fish stocks in international waters.

May I suggest at this time to the gentleman from Massachusetts [Mr. STUDDS], it is amazing what you learn when you go to a new committee, such as the Committee on Natural Resources. The gentleman just had the opportunity not only to support this legislation that he worked so hard on last year, but to become an expert in the American Native movement, and I hope and I wish him well.

Mr. STUDDS. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Massachusetts.

Mr. STUDDS. Mr. Speaker, I would also be very, very excited at the possibility of learning how to pronounce this particular sea.

Mr. YOUNG of Alaska. Mr. Speaker, I would yield to the gentleman from Massachusetts if he can also improve my pronouncement.

Mr. STUDDS. Mr. Speaker, I could not possibly. I was asking the gentleman.

Mr. YOUNG of Alaska. I would say it is Okhotsk. I hope that satisfies the gentleman. I would spell it O-k-h-o-t-s-k.

Mr. STUDDS. I congratulate the gentleman.

Mr. YOUNG of Alaska. Mr. Speaker, I reserve the balance of my time.

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 715, the Sea of Okhotsk Fisheries Enforcement Act.

The decline of fisheries worldwide, and the need for multilateral cooperation in fisheries management, have become increasingly evident as of late. A recent U.N. Food and Agriculture Organization report classified almost every commercial fish species in every ocean and sea as either "depleted," "fully exploited," or "over-exploited." Stocks in 4 of the world's 17 major fishing regions are seriously depleted, while catches in 9 other regions are declining. If this tide is to be turned, the United States and all coastal nations have a responsibility to participate in international agreements and organizations that provide responsible conservation and management of high seas resources.

This bill demonstrates the U.S. commitment to cooperative management of shared resources on the high seas. The Sea of Okhotsk, also known as the Peanut Hole, is an area of international waters completely surrounded by the Exclusive Economic Zone [EEZ] of the Russian Federation. Russian resources that migrate into the Peanut Hole are being adversely affected by heavy foreign fishing in that area. Recent efforts by the United States and Russia to forge a management agreement for the Peanut Hole have been thwarted by the lack of cooperation from other countries currently fishing in the area.

This bill would prohibit U.S. fishing in the Peanut Hole until a cooperative international agreement has been reached among the nations that fish there. It would also prohibit entry into U.S. waters to any vessel fishing in the Peanut Hole while no cooperative management agreement exists and to any vessel that violates the agreement once it has been negotiated.

By requiring the United States to work cooperatively in an area of the ocean where fisheries of importance to our own fishermen occur, H.R. 715 signals the U.S. dedication to multilateral management of high seas resources. It is also an important step in our efforts to restore global fisheries, and I am delighted to join the gentleman from Alaska in this effort. I urge Members' support.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, may I suggest that the gentleman from Massachusetts brings up a very good point. Our seas are in serious trouble, primarily because of indiscriminate overfishing. This is just a small step forward, but we are going to address this hopefully on another level very soon in the Magnuson Act with an attempt to again arrest some of the misuse of our seas as far as fishing efforts.

I am one who believes very strongly that there are enough fish if we take care of them, if we scientifically put them on a biological survival rate that we can continue to fish. But if we do not do something with the activities from all of the countries jointly we will be destroying that capability to provide the fish to all of the people of this world.

So I again welcome my good friend, the gentleman from Massachusetts, GARY STUDDS, to the Committee on Natural Resources, because there is no one who has worked harder over the years to provide and protect the fishing industry for the continued yield of the species which we depend on than the gentleman from Massachusetts. So we will be looking forward to looking with him hopefully sometime in May, bringing to this floor a bill that will address the domestic side of this issue as well as the international side of this issue. For those who may not be aware of this, to me the sea has to be recognized as a provider, and it is our responsibility not only to protect but to conserve and to continue providing of the fisheries, as I have said before, that we depend so heavily upon.

So again I welcome the gentleman from Massachusetts to the committee.

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Mr. Speaker, I yield back the balance of my time.

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman for his kind remarks. This is the most wonderfully nonpartisan of all matters. I never met a fish who gave a whit about the gentleman's political affiliation or mine, and we have responsibilities here that dramatically and significantly transcend some of the partisan differences that are occasionally reflected on this floor.

I am authorized by the good people of Cape Cod to extend another invitation to the gentleman, notwithstanding all the partisan things that have occurred here, notwithstanding some of his other contractual obligations, to say to him that he is still welcome on Cape Cod and to see if we can lure him again this year. We look forward to that.

Mr. YOUNG of Alaska. If the gentleman will yield, I accept that invitation as well as you have been so generously accepting my invitation to travel to the great State of Alaska and participate in the cuisine as provided by our great blue waters. If I go to Cape Cod, I hope I have the added attraction of having that which can be provided by your ocean to my palate regardless of what contract I will be working under for the last hundred days.

Mr. STUDDS. That is a deal, as they say. The gentleman will simply have to adjust himself to beauty of another scale.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHAYS). The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 715.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

DESIGNATING THE GREAT WESTERN SCENIC TRAIL AS A STUDY TRAIL

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 531) to designate the Great Western Scenic Trail as a study trail under the National Trails System Act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 531

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. POTENTIAL ADDITION OF GREAT WESTERN SCENIC TRAIL TO NATIONAL TRAIL SYSTEM GREAT WESTERN TRAIL.

Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following new paragraph:

"(38) The Great Western Scenic Trail, a system of trails to accommodate a variety of travel users in a corridor of approximately 3,100 miles in length extending from the Arizona-Mexico border to the Idaho-Montana-Canada border, following the approximate route depicted on the map identified as 'Great Western Trail Corridor, 1988', which shall be on file and available for public inspection in the Office of the Chief of the Forest Service, United States Department of Agriculture. The trail study shall be conducted by the Secretary of Agriculture, in consultation with the Secretary of the Interior, in accordance with subsection (b) and shall include—

"(A) the current status of land ownership and current and potential use along the designated route;

"(B) the estimated cost of acquisition of lands or interests in lands, if any; and

"(C) an examination of the appropriateness of motorized trail use along the trail.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes, and the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 531 is a noncontroversial measure that would simply study the prospect of adding the Great Western Trail to the National Trails System. The Great Western Trail extends from Mexico to Canada through the Rocky Mountain West and will take advantage of existing roads, trails, and corridors that enjoy nearly all types of recreational travel. The Great Western Trail is envisioned as truly a western trail. This corridor celebrates the heritage and spirit of the West and the many types of recreational travel people enjoy. Whether you prefer horseback, backpack, canoe, mountain bike, or four-wheel drive, the Great Western Trail will provide you access to the most scenic areas of the West.

There was much discussion in our subcommittee hearing regarding possible conflicts with private property. This is exactly what this trail study is designed to accomplish. H.R. 531, with the amendment I offered in subcommittee, will specifically look at the current status of landownership and the estimated cost of any acquisition if necessary. We cannot know what those impacts will be until this study is completed. I can assure the Members that private property rights are of a highest concern to me and this study will simply let Congress know what the potential impacts will be, giving us sufficient information to decide at a later time whether or not to actually designate this trail.

The amendment to H.R. 531 adopted in subcommittee would delete the language regarding the inventory of rights-of-way along the corridor and would replace that language with the protections called for in the National Trails System Act. The amendment also retains the requirement that the Secretary look at the appropriateness of motorized trail use. I believe this amendment will ensure that the Secretary include in the study a complete look at possible private property conflicts prior to actual congressional designation of the trail. I urge the Members to support H.R. 531.

Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 531, as amended, is a good bill which will provide for a study of the proposed Great Western Trail for possible designation as a national trail. While the bill only provides for a study, the subcommittee hearing on H.R. 531 entailed a considerable discussion about the possible impacts a trail could have on private property. Having authored national trail legislation myself, I have always found such trails to be highly popular with the public, with good relations among the affected interests and property owners. In any event, this bill just provides for a study, so that if any problems do exist they can be identified and perhaps addressed during the study process.

H.R. 531 was amended by the Resources Committee to substantively modify the bill language regarding the detailed identification of rights-of-way and private property along the proposed trail. This was an improvement over the bill, as introduced. I was concerned, as was the administration, about the original bill language's potential cost and workability. The committee amendment reintegrates the provisions of the National Trails System Act on these matters. I believe such language addresses any concerns. Therefore I support the bill as amended and recommend its adoption by the House.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 531, as amended.

The question was taken.

Mr. RICHARDSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

MINOR BOUNDARY ADJUSTMENTS AND MISCELLANEOUS PARK AMENDMENTS ACT OF 1995

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 694) entitled the "Minor Boundary Adjustments and Miscellaneous Park Amendments Act of 1995," as amended.

The Clerk read as follows:

H.R. 694

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Minor Boundary Adjustments and Miscellaneous Park Amendments Act of 1995".

TITLE I—MINOR BOUNDARY ADJUSTMENTS

SEC. 101. YUCCA HOUSE NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundaries of Yucca House National Monument are revised to include the approximately 24.27 acres of land generally depicted on the map entitled "Boundary—Yucca House National Monument, Colorado", numbered 318/80,001–B, and dated February 1990.

(b) MAP.—The map referred to in subsection (a) shall be on file and available for public inspection in appropriate offices of the National Park Service of the Department of the Interior.

(c) ACQUISITION BY DONATION.—

(1) IN GENERAL.—Within the boundaries described in subsection (a), the Secretary of the Interior may acquire lands and interests in lands by donation.

(2) ADMINISTRATIVE COSTS.—The Secretary of the Interior may pay administrative costs arising out of any donation described in paragraph (1) with appropriated funds.

SEC. 102. ZION NATIONAL PARK BOUNDARY ADJUSTMENT.

(a) ACQUISITION AND BOUNDARY CHANGE.—The Secretary of the Interior is authorized to acquire by exchange approximately 5.48 acres, in Washington County, Utah, that are located in the SW¼ of Section 28, Township 41 South, Range 10 West, Salt Lake Base and Meridian. In exchange therefor the Secretary is authorized to convey all right, title, and interest of the United States in and to approximately 5.51 acres, in Washington County, Utah, that are located in Lot 2 of Section 5, Township 41 South, Range 11 West. Upon completion of the exchange, the Secretary is authorized to revise the boundary of Zion National Park to add to the park the approximately 5.48 acres acquired by the Secretary under this subsection and to delete from the park the approximately 5.51 acres conveyed by the Secretary under this subsection. Land added to the park under this subsection shall be administered as part of the park in accordance with the laws and regulations applicable thereto.

(b) EXPIRATION.—The authority granted by this section shall expire upon the expiration of the two-year period beginning on the date of the enactment of this Act.

SEC. 103. PICTURED ROCKS NATIONAL LAKESHORE BOUNDARY ADJUSTMENT.

The boundary of Pictured Rocks National Lakeshore is hereby modified as depicted on the *map entitled "Area Proposed for Addition to Pictured Rocks National Lakeshore," numbered 625–80, 043A, and dated July 1992.*

SEC. 104. INDEPENDENCE NATIONAL HISTORICAL PARK BOUNDARY ADJUSTMENT.

The administrative boundary between Independence National Historical Park and the United States Customs House along the Moravian Street Walkway in Philadelphia, Pennsylvania, is hereby modified as generally depicted on the drawing entitled "Exhibit 1, Independence National Historical Park, Boundary Adjustment", and dated May 1987, which shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The Secretary of the Interior is authorized to accept and transfer jurisdiction over property in accordance with such administrative boundary, as modified by this section.

SEC. 105. CRATERS OF THE MOON NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

(a) Boundary Revision.—The boundary of the Craters of the Moon National Monument, Idaho, is revised to add approximately 210 acres and to delete approximately 315 acres as generally depicted on the map entitled "Craters of the Moon National Monument, Idaho, Proposed 1987 Boundary Adjustment", numbered 131–80,008, and dated October 1987. The map shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior.

(b) Administration and Acquisition.—Federal lands, waters, and interests therein deleted from the boundary of the Craters of the Moon National Monument by this section shall be administered by the Secretary of the Interior through the Bureau of Land Management in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.). Federal lands, waters, and interests therein added to the national monument by this section shall be administered by the Secretary as part of the national monument, subject to the laws and regulations applicable thereto. The Secretary is authorized to acquire private lands, waters, and interests therein within the boundary of the national monument by donation, purchase with donated or appropriated funds, or exchange, and shall administer such acquired lands, waters, and interests therein as part of the national monument, subject to the laws and regulations applicable thereto.

SEC. 106. HAGERMAN FOSSIL BEDS NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

Section 302 of the Arizona-Idaho Conservation Act of 1988 (102 Stat. 4576) is amended by adding at the end the following new subsection:

"(d) To further the purposes of the monument, the Secretary is authorized to acquire by donation or, from willing sellers only, by purchase with donated or appropriated funds or by exchange not more than 65 acres outside the boundary depicted on the map referred to in section 301 and to develop and operate, on such acres, research, information, interpretive, and administrative facilities. Lands acquired and facilities developed under this subsection shall be administered by the Secretary as part of the monument. The boundary of the monument shall be modified to include the lands added under this subsection as a noncontiguous parcel.".

SEC. 107. WUPATKI NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

The boundary of the Wupatki National Monument, Arizona, is hereby revised to include the lands and interests in lands within the area generally depicted as "Proposed Addition 168.89 Acres" on the map entitled "Boundary—Wupatki and Sunset Crater National Monuments, Arizona", numbered 322–80,021, and dated April 1989. The map shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. Subject to valid existing rights, Federal lands and interests therein within the area added to the monument by this section are hereby transferred without monetary consideration or reimbursement to the administrative jurisdiction of the National Park Service and shall be administered as part of the monument in accordance with the laws and regulations applicable thereto.

TITLE II—MISCELLANEOUS SPECIFIC PARK AMENDMENTS

SEC. 201. ADVISORY COMMISSION FOR KALOKO-HONOKOHAU NATIONAL HISTORICAL PARK.

Section 505(f)(7) of the National Parks and Recreation Act of 1978 (16 U.S.C. 396d(f)(7)), is amended by striking "ten years" and inserting "twenty-five years".

SEC. 202. FORT PULASKI NATIONAL MONUMENT, GA.

Section 4 of the Act of June 26, 1936 (ch. 844; 49 Stat. 1979), is amended by striking ": Provided, That" and all that follows and inserting a period.

SEC. 203. AMENDMENT OF BOSTON NATIONAL HISTORIC PARK ACT.

Section 3(b) of the Boston National Historical Park Act of 1974 (16 U.S.C. 410z–1(b)) is amended by inserting "(1)" after "(b)" and by adding at the end the following new paragraph:

"(2) The Secretary of the Interior is authorized to enter into a cooperative agreement with the Boston Public Library to provide for the distribution of informational and interpretive materials relating to the Boston National Historical Park and to the Freedom Trail.".

TITLE III—GENERAL AUTHORIZATIONS AND REPEALERS

SEC. 301. REPEAL OF LIMITATION ON PARK BUILDINGS.

The 10th undesignated paragraph (relating to a limitation on the expenditure of funds for park buildings) under the heading "MISCELLANEOUS OBJECTS, DEPARTMENT OF THE INTERIOR", under the heading "UNDER THE DEPARTMENT OF THE INTERIOR", in the first section of the Act of August 24, 1912 (37 Stat. 460; 16 U.S.C. 451), is hereby repealed.

SEC. 302. APPROPRIATIONS FOR TRANSPORTATION OF CHILDREN.

The first section of the Act of August 7, 1946 (16 U.S.C. 17j–2), is amended by adding at the end the following new subsection:

"(j) Provision of transportation for children in nearby communities to and from any unit of the National Park System used in connection with organized recreation and interpretive programs of the National Park Service.".

SEC. 303. FERAL BURROS AND HORSES.

Section 9 of the Act of December 15, 1971 (16 U.S.C. 1338a), is amended by adding at the end the following: "No provision of this Act shall be construed to limit the authority of the Secretary of the Interior to manage units of the National Park System. No provision of this Act shall be construed to diminish the authority of the Secretary of the Interior to use motor vehicles, fixed-wing aircraft, or helicopters, or to contract for such use, in furtherance of the management of the National Park System, and section 47(a) of title 18, United States Code, shall not apply to such use, or the contracting for such use, by the Secretary of the Interior in furtherance of such management.".

SEC. 304. AUTHORITIES OF THE SECRETARY OF THE INTERIOR RELATING TO MUSEUMS.

(a) Functions.—The Act entitled "An Act to increase the public benefits from the National Park System by facilitating the management of museum properties relating thereto, and for other purposes", approved July 1, 1955 (16 U.S.C. 18f), is amended—

(1) in subsection (b) of the first section, by striking "from such donations and bequests of money"; and

(2) by adding at the end the following new section:

"SEC. 2. ADDITIONAL FUNCTIONS.

"(a) Transfer, Conveyance, and Destruction.—In addition to the functions specified in the first section of this Act, the Secretary of the Interior may perform the following functions in such manner as he shall consider to be in the public interest:

"(1) Transfer museum objects and museum collections that the Secretary determines are no longer needed for museum purposes to qualified Federal agencies that have programs to preserve and interpret cultural or natural heritage, and accept the transfer of museum objects and museum collections for the purposes of this Act from any other Federal agency, without reimbursement. The head of any other Federal agency may transfer, without reimbursement, museum objects and museum collections directly to the administrative jurisdiction of the Secretary of the Interior for the purposes of this Act.

"(2) Convey museum objects and museum collections that the Secretary determines are no longer needed for museum purposes, without monetary consideration but subject to such terms and conditions as the Secretary deems necessary, to private institutions exempt from Federal taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) and to non-Federal governmental entities if the Secretary determines, prior to any conveyance under this subsection, that the private or non-Federal recipient is dedicated to the preservation and interpretation of natural or cultural heritage and is qualified to manage the objects or collections, as the case may be.

"(3) Destroy or cause to be destroyed museum objects and museum collections that the Secretary determines to have no scientific, cultural, historic, educational, esthetic, or monetary value.

"(b) Care, Deliberation, and Review.—The Secretary shall ensure that museum objects and museum collections are treated in a careful and deliberate manner that protects the public interest. Prior to taking any action under subsection (a), the Secretary shall establish a systematic review and approval process, including consultation with appropriate experts, that meets the highest standards of the museum profession and applies to all actions taken under this section.".

(b) Application and Definitions.—The Act entitled "An Act to increase the public benefits from the National Park System by facilitating the management of museum properties relating thereto, and for other purposes", approved July 1, 1955 (16 U.S.C. 18f), as amended by subsection (a), is further amended by adding at the end the following new section:

"SEC. 3. APPLICATION AND DEFINITIONS.

"(a) Application.—Authorities granted to the Secretary of the Interior by this Act shall be available to the Secretary only with regard to—

"(1) museum objects and museum collections that were under the administrative jurisdiction of the Secretary for purposes of the National Park System on the day before the date of the enactment of this section; and

"(2) museum objects and museum collections that the Secretary acquires on or after such date.

"(b) Definitions.—For the purposes of this Act, the terms 'museum objects' and 'museum collections' mean objects that are eligible to be or are made part of a museum, library, or archive collection through a formal procedure,

such as accessioning. Such objects are usually movable and include but are not limited to prehistoric and historic artifacts, works of art, books, documents, photographs, and natural history specimens.".

SEC. 305. VOLUNTEERS IN THE PARKS INCREASE.

Section 4 of the Volunteers in the Parks Act of 1969 (16 U.S.C. 18j) is amended by striking all that follows "Act" and inserting a period.

SEC. 306. COOPERATIVE AGREEMENTS FOR RESEARCH PURPOSES.

Section 3 of the Act entitled "An Act to improve the administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes", approved August 18, 1970 (16 U.S.C. 1a–2), is amended—

(1) in subsection (i), by striking the period at the end and inserting a semicolon; and

(2) by adding at the end the following new subsection:

"(j) enter into cooperative agreements with public or private educational institutions, States, and their political subdivisions, for the purpose of developing adequate, coordinated, cooperative research and training programs concerning the resources of the National Park System, and, pursuant to any such agreement, to accept from and make available to the cooperator the technical and support staff, financial assistance, supplies and equipment, facilities, and administrative services, relating to cooperative research units, that the Secretary determines to be appropriate; except that no provision of this subsection shall be construed to waive any requirement with respect to research projects that are subject to the Federal procurement regulations.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes, and the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 694, legislation to make minor boundary adjustments at several national parks and to make other technical amendments to various legislative acts affecting administration of the National Park System.

Title I of the bill contains minor boundary adjustments at seven parks: Zion National Park in Utah, Yucca House National Monument, Pictured Rocks National Lakeshore, Independence National Historical Park, Craters of the Moon National Monument, Hagerman Fossil Beds National Monument, and Wupatki National Monument.

Title II contains several park specific measures and Title III of the bill makes several changes in the generic authority of the Park Service, such as increasing the amount that NPS can spend on an annual basis for their volunteer program.

This is a good bill which has been developed in a bipartisan fashion with the administration. A similar bill has passed the House in each of the last two sessions and I hope that it will finally be enacted this Congress. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 694 is a noncontroversial housekeeping bill that makes minor boundary adjustments and other miscellaneous changes in programs and authorities of the National Park Service.

The bill, as reported by the Resources Committee, contains an amendment that reflects appropriate changes to this noncontroversial bill and will make the amended bill consistent with previous action on this and related measures in the last Congress. The deletion of the proposed extension of the Advisory Commission at Women's Rights National Historical Park mirrors the action the Resources Committee took on a measure—H.R. 359—dealing with the Women's Rights Park in the 103d Congress. Likewise, the amendment corrects a mistake in the introduced bill dealing with museum properties. The amended bill language will now accurately reflect the agreement worked out in the last Congress with the former Government Operations Committee and which also passed the House. The last change made by the amendment was technical to make sure that the bill did not inadvertantly undercut competitive bidding of research projects.

These are all good changes that improved the bill. I support HR 694, as amended, and recommend its adoption by the House.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 694, as amended.

The question was taken.

Mr. RICHARDSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

WALNUT CANYON NATIONAL MONUMENT BOUNDARY MODIFICATION ACT OF 1995

Mr. HAYWORTH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 562) to modify the boundaries of Walnut Canyon National Monument in the State of Arizona, as amended.

The Clerk read as follows:

H.R. 562

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Walnut Canyon National Monument Boundary Modification Act of 1995".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that:

(1) Walnut Canyon National Monument was established for the preservation and interpretation of certain settlements and land use patterns associated with the prehistoric Sinaguan culture of northern Arizona.

(2) Major cultural resources associated with the purposes of Walnut Canyon National Monument are near the boundary and are currently managed under multiple-use objectives of the adjacent national forest. These concentrations of cultural resources, often referred to as "forts", would be more effectively managed as part of the National Park System.

(b) PURPOSE.—The purpose of this Act is to modify the boundaries of the Walnut Canyon National Monument (hereafter in this Act referred to as the "national monument") to improve management of the national monument and associated resources.

SEC. 3. BOUNDARY MODIFICATION.

Effective on the date of enactment of this Act, the boundaries of the national monument shall be modified as depicted on the map entitled "Boundary Proposal—Walnut Canyon National Monument, Coconino County, Arizona", numbered 360/80,010, and dated September 1994. Such map shall be on file and available for public inspection in the offices of the Director of the National Park Service, Department of the Interior. The Secretary of the Interior, in consultation with the Secretary of Agriculture, is authorized to make technical and clerical corrections to such map.

SEC. 4. ACQUISITION AND TRANSFER OF PROPERTY.

The Secretary of the Interior is authorized to acquire lands and interest in lands within the national monument, by donation, purchase with donated or appropriated funds, or exchange. Federal property within the boundaries of the national monument (as modified by this Act) is hereby transferred to the administrative jurisdiction of the Secretary of the Interior for management as part of the national monument. Federal property excluded from the monument pursuant to the boundary modification under section 3 is hereby transferred to the administrative jurisdiction of the Secretary of Agriculture to be managed as a part of the Coconino National Forest.

SEC. 5. ADMINISTRATION.

The Secretary of the Interior, acting through the Director of the National Park Service, shall manage the national monument in accordance with this Act and the provisions of law generally applicable to units of the National Park Service, including "An Act to establish a National Park Service, and for other purposes" approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4).

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated such sums as may be necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona [Mr. HAYWORTH] will be recognized for 20 minutes, and the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 562, a bill to modify the boundary at Walnut Canyon National Monument in Arizona.

The purpose of this legislation is to allow consistent management of the archeological resources in Walnut Canyon.

Walnut Canyon National Monument was established in 1915 to serve and protect the ruins of prehistoric Sinaguan settlements.

Within the canyon there are five steep, rocky ridges that extend into the canyon from the rims. Archeological sites cluster around these dramatic features, which were called forts by early archeologists.

My legislation would extend the boundary of the monument to include an additional two forts and associated archeological areas by transferring approximately 1,279 acres currently managed by the U.S. Forest Service to the Walnut Canyon National Monument managed by the Park Service.

During consideration at the Resources Committee, an en bloc amendment to H.R. 562 was adopted.

This amendment changed the map reference used in this legislation to include 53 acres of land owned by a private property owner adjacent to the current Monument boundary.

The landowner in question has asked that this land be included and has indicated his desire to work with the Park Service to bring about a land exchange.

The amendment also inserts an authorization for appropriations into the bill. I believe that this language provides an important safeguard for the private landowner should his efforts at exchange fail.

Mr. Speaker, my legislation enjoys the strong support of the Flagstaff City Council and the Coconino County Board of Supervisors.

Mr. Speaker, I understand the administration has no objection to this legislation.

Mr. Speaker, in closing, I would like to thank the chairman of the Resources Committee and the chairman and ranking member of the National Parks, Forests, and Lands Subcommittee for their assistance in moving this important bill.

I urge my colleagues to support H.R. 562.

Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first to my colleague from Arizona, congratulations; I assume this is the first bill he has managed.

Mr. Speaker, H.R. 562, as introduced, would have modified the boundaries of the Walnut Canyon National Monument to provide for the inclusion of approximately 1,239 acres to be administratively transferred to the National Park Service from the Forest Service and the deletion of 54 acres which would be administratively transferred to the Forest Service from the National Park Service.

□ 1500

The bill was subsequently amended by the Resources Committee to also include within the monument boundaries 53 acres of private property. Mr. Speaker, we support the bill, and, as I noted at committee markup, I find it ironic that when Representative Karan English introduced this legislation last year, it included a private property owner. Subsequently, that owner decided, that after supporting being in the bill, he no longer wanted to be included. Representative English asked that his property be deleted and the committee and the House passed the bill in the 103d Congress without this property. That same private landowner now again wants his property included in the bill and the committee amendment accomplishes this.

My good friend, the gentleman from Arizona, assured me this is the last time we will deal with this issue. I supported this amendment in committee because the resource values of that private property would be an excellent addition to the monument. I just hope this landowner does not again change his mind.

With that being said, Mr. Speaker, I support H.R. 562, as amended, and recommend its approval by the House.

Mr. Speaker, I reserve the balance of my time.

Mr. HAYWORTH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I certainly welcome the support of the gentleman from New Mexico [Mr. RICHARDSON], my good friend, and once again, as we did in committee, let me allay the fears of my good friend from New Mexico because the landowner now in question has decided that we are married, and we are going to stay married with this provision.

Mr. Speaker, I have no further requests for time. Therefore I yield back the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I too, yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHAYS). The question is on the motion offered by the gentleman from Arizona [Mr. HAYWORTH] that the House suspend the rules and pass the bill, H.R. 562, as amended.

The question was taken.

Mr. RICHARDSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

COMMERCIAL VEHICLES IN THE DELAWARE WATER GAP NATIONAL RECREATION AREA

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 536) to extend indefinitely the authority of the Secretary of the Interior to collect a commercial operation fee in the Delaware Water Gap National Recreation Area, and for other purposes, as amended.

The Clerk read as follows:

H.R. 536

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION OF COMMERCIAL VEHICLES.

(a) IN GENERAL.—Effective at noon on September 30, 2005, the use of Highway 209 within Delaware Water Gap National Recreation Area by commercial vehicles, when such use is not connected with the operation of the recreation area, is prohibited, except as provided in subsection (b).

(b) LOCAL BUSINESS USE PROTECTED.—Subsection (a) does not apply with respect to the use of commercial vehicles to serve businesses located within or in the vicinity of the recreation area, as determined by the Secretary.

(c) CONFORMING PROVISIONS.—(1) Paragraphs (1) through (3) of the third undesignated paragraph under the heading "ADMINISTRATIVE PROVISIONS" in chapter VII of title I of Public Law 98-63 (97 Stat. 329) are repealed, effective September 30, 2005.

(2) Prior to noon on September 30, 2005, the Secretary shall collect and utilize a commercial use fee from commercial vehicles in accordance with paragraphs (1) through (3) of such third undesignated paragraph. Such fee shall not exceed $25 per trip.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes, and the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

Mr. HANSON. Mr. Speaker, I rise in support of H.R. 536, legislation to reinstate the commercial vehicle use fee at Delaware Water Gap National Recreation in Pennsylvania.

Mr. Speaker, this bill simply reinstates the authority of the Secretary of the Interior to collect a fee for nonlocal commercial vehicles which use Route 209 through Delaware Water Gap National Recreation Area. That authority, which expired in 1993, is important for the management of commercial vehicular traffic, as well as ensuring the safety of park visitors and local residents who use this road.

The bill provides for this unique authority to expire in 10 years, when alternative routes are expected to be available for this commercial traffic.

I commend the gentleman from Pennsylvania [Mr. MCDADE] for his work on this bill and urge all my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 536, as introduced, was a significant departure from the legislation—Section 301 of H.R. 3252—which passed the House last Congress. The bill that passed the House last Congress provided for an end by the year 2000 of through commercial truck traffic on Route 209 within the Delaware Water Gap National Recreation Area. The bill, as introduced, would have extended that authority indefinitely. I believe it is in the public interest to end through truck traffic on Route 209 within the park. That's why I prefer the House language from last year. However, I recognize that the National Park Service in their testimony before the Resources Committee asked for additional time, until the year 2005, to end through truck traffic. I supported the committee amendment that embodies this change with the understanding that this so-called temporary authority will be just that—temporary—and that through truck traffic on this segment of Route 209 will end in 2005.

Mr. Speaker, with that change to the bill, I support H.R. 536, as amended, and recommend its adoption by the House.

Mr. Speaker, I reserve the balance of my time.

Mr. MCDADE. Mr. Speaker, I want to commend Chairman DON YOUNG and Subcommittee Chairman JIM HANSEN and BILL RICHARDSON for their cooperation and support in fashioning this legislation. Over the last two sessions of Congress there has been strong bipartisan support for this bill. During the 103d Congress, Subcommittee Chairman VENTO helped to facilitate House passage of a bill similar to H.R. 536, but the Senate was unable to act on that measure prior to the close of the session.

I introduced this measure so that Congress can extend the management policy which has helped to save lives, maintained the economic viability of regional businesses and enhanced the quality of life in Monroe and Pike Counties, PA. The Office of Management and Budget and the National Park Service has advised me that there is no objection to the enactment of this bill. The fiscal impact of H.R. 536 would be negligible because the new fees authorized by this measure would offset the cost of collecting the fees.

The creation of the Delaware Water Gap National Recreation Area, in 1965, from an existing rural residential locality, with accompanying business community, presented many unique policy challenges to the Park Service. The test for the Park Service was how to manage the heavy truck traffic which was traveling through the center of the recreation area on Route 209, at a rate of 3,000 trucks a day, without adversely impacting local business needs.

Route 209 was a primary route for commercial truck traffic which was destined for points in New England. This heavy use of Route 209, which was incompatible with its original design as a small rural road, created problems varying from accident related deaths, road and property damage, to the creation of unacceptable levels of noise and air pollution.

Clearly, the existence of a heavily traveled commercial route cutting through the recreation area was inconsistent with the purpose for which the park was created. For this reason, Route 209 was transferred to the Park Service from the Commonwealth of Pennsylvania so that a partial ban could be implemented on truck traffic not serving local businesses.

In July 1983, Public Law 98–63 authorized the closure of Route 209 to commercial truck traffic except vehicles serving the park or regional businesses and established the existing fee schedule. The NPS implemented the law by setting up checkpoints and toll booths to collect fees from commercial traffic. The authority to collect fees was to expire in 10 years or when Interstate 287 was completed as an alternate route. This carefully crafted compromise effectively balanced the needs of the local business community with the mission of the national recreational area.

The execution of this ban and the free collection policy have been highly successful in reducing highway deaths and injuries, air and noise pollution and property damage. This has been accomplished while protecting local business needs. To date, businesses along Route 209 or contiguous to the recreation area have been able to effectively co-exist with the park under this management policy. The Park Service, in conjunction with the Delaware Water Gap Citizens Advisory Committee, support the provisions in H.R. 536 and the extension of the fee collection authority.

As a management policy tool, the ban and fee collection schedule have been effective in achieving the goals for which they were designed 10 years ago. Even though the revenues which have been generated by the fee collection operation are decreasing over time, the process raises adequate moneys to subsidize the collection operation. Historically, any profits from the commercial fees are additionally applied to the maintenance of Route 209.

Over time the collection process may have to be phased out due to dwindling revenues collected from the operation. It is anticipated that the Commonwealth of Pennsylvania will be able to improve State Route 2001, the major western north/south route paralleling Route 209, to an adequate level to accommodate the traffic from Route 209 if it must be closed to commercial traffic. The State envisions that it will take 10 years to upgrade State Route 2001. Therefore, I strongly recommend that, at this juncture, the Park minimally continue the current fee collection operation for another 10 years. For the immediate future, I believe that the collection of fees should be continued as an important management tool for the Park Service in order to allow local businesses to use Route 209 while raising revenues for its maintenance.

Mr. Speaker, I respectfully request the expeditious approval of this measure due to the July 30, 1993, expiration date of the current law.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I, too, yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 536, as amended.

The question was taken.

Mr. RICHARDSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

CHACOAN OUTLIERS PROTECTION ACT OF 1995

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 517) to amend title V of Public Law 96-550, designating the Chaco Culture Archeological Protection Sites, and for other purposes.

H.R. 517

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chacoan Outliers Protection Act of 1995".

SEC. 2. CONFORMING AMENDMENT.

Section 501(b) of Public Law 96-550 (16 U.S.C. 410ii(b)) is amended by striking "San Juan Basin;" and inserting in lieu thereof, "San Juan Basin and surrounding areas;".

SEC. 3. ADDITIONS TO CHACO CULTURE ARCHEOLOGICAL PROTECTION SITES.

Subsection 502(b) of Public Law 96-550 (16 U.S.C. 410ii-1(b)) is amended to read as follows:

"(b)(1) Thirty-nine outlying sites as generally depicted on a map entitled 'Chaco Culture Archeological Protection Sites', numbered 310/80,033-B and dated September 1991, are hereby designated as 'Chaco Culture Archeological Protection Sites'. The thirty-nine archeological protection sites totaling approximately 14,372 acres identified as follows:

"Name:

	Acres
Allentown	380
Andrews Ranch	950
Bee Burrow	480
Bisa'ani	131
Casa del Rio	40
Casamero	160
Chimney Rock	3,160
Coolidge	450
Dalton Pass	135
Dittert	480
Great Bend	26
Greenlee Ruin	60
Grey Hill Spring	23
Guadalupe	115
Halfway House	40
Haystack	565
Hogback	453
Indian Creek	100
Jaquez	66
Kin Nizhoni	726
Lake Valley	30
Manuelito-Atsee Nitsaa	60
Manuelito-Kin Hochoi	116
Morris 41	85
Muddy Water	1,090
Navajo Springs	260
Newcomb	50
Peach Springs	1,046
Pierre's Site	440

	Acres
Raton Well	23
Salmon Ruin	5
San Mateo	61
Sanostee	1,565
Section 8	10
Skunk Springs/Crumbled House	533
Standing Rock	348
Toh-la-kai	10
Twin Angeles	40
Upper Kin Klizhin	60.

"(2) The map referred to in paragraph (1) shall be kept on file and available for public inspection in the appropriate offices of the National Park Service, the office of the State Director of the Bureau of Land Management located in Santa Fe, New Mexico, the office of the Area Director of the Bureau of Indian Affairs located in Window Rock, Arizona, and the offices of the Arizona and New Mexico State Historic Preservation Officers.".

SEC. 4. ACQUISITIONS.

Section 504(c)(2) of Public Law 96–550 (16 U.S.C. 410ii–3(c)(2)) is amended to read as follows:

"(2) The Secretary shall seek to use a combination of land acquisition authority under this section and cooperative agreements (pursuant to section 505) to accomplish the purposes of archeological resource protection at those sites described in section 502(b) that remain in private ownership.".

SEC. 5. ASSISTANCE TO THE NAVAJO NATION.

Section 506 of Public Law 96–550 (16 U.S.C. 410ii–5) is amended by adding the following new subsection at the end thereof:

"(f) The Secretary, acting through the Director of the National Park Service, shall assist the Navajo Nation in the protection and management of those Chaco Culture Archeological Protection Sites located on lands under the jurisdiction of the Navajo Nation through a grant, contract, or cooperative agreement entered into pursuant to the Indian Self-Determination and Education Act (Public Law 93–638), as amended, to assist the Navajo Nation in site planning, resource protection, interpretation, resource management actions, and such other purposes as may be identified in such grant, contract, or cooperative agreement. This cooperative assistance shall include assistance with the development of a Navajo facility to serve those who seek to appreciate the Chacoan Outlier Sites.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes, and the gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Speaker, I rise in support of H.R. 517, a bill to improve the management and protection of the Chaco outliers in the Four Corners region.

Mr. Speaker, in 1980 Congress recognized the outstanding collection of archeological sites related to the Anasazi ruins at Chaco Canyon and established the Chaco outliers as additional resources worthy of recognition and protection. Subsequent analysis by the interagency team overseeing the management of these sites has led to the development of this legislation; which deletes some sites, adds other sites, and modifies the boundaries at some existing sites.

This is a good bill. I particularly want to note that this legislation provides for cooperative management of these sites by the Federal Government, native Americans, and private property owners. This is a good model which underscores the point that the Federal Government does not need to own cultural resources in order to ensure their protection.

I commend the gentleman from New Mexico [Mr. RICHARDSON] for his longstanding efforts to complete work on this bill, and I am pleased that we are able to move it early in the session. I urge all my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first let me congratulate the chairman of the subcommittee, the gentleman from Utah [Mr. HANSEN], for his outstanding bipartisan work, and, I must say, most productive work that he has initiated in our subcommittee. I think it is close to 10 bills that are moving through the House, perhaps even more, and I want to thank the gentleman for his fairness, his bipartisanship, and his immense productivity. I hope it continues throughout this session.

Mr. Speaker, I am pleased to speak in strong support of H.R. 517, legislation I introduced in January to protect outlying sites at the Chaco Culture Archaeological Protection Site in my congressional district in northwestern New Mexico.

The entire New Mexico congressional delegation has spent the better part of 10 years working to pass this legislation, which would correct several inequities resulting from passage of the last Chaco-related legislation in 1980. I am pleased that Chairmen HANSEN and YOUNG and their staffs have recognized the importance of this legislation by ensuring its timely consideration in the House early in this session. I would like to thank them for their leadership.

The name Chaco Canyon comes from the Chaco culture, the single most important prehistoric culture in the Western United States, which is known to have lived in the area. The Chaco culture site in New Mexico contains spectacular archaeological remains of the native American past, which have long been recognized as representing an archaeological peak in Anasazi Indian prehistory.

The Resources Committee considered this bill earlier this year, and did not make any changes to the bill as introduced. The bill would authorize alterations in the area including the addition of the Morris 41 site to the list of what will now be 39 outlying sites, the addition of clarifying language regarding the role of the National Park Service in working fully with the Navajo Nation to ensure that the sites are managed responsibly, and the addition of new language authorizing the acquisition of lands for the purpose of completing the inclusion of the new outlying sites.

New Mexico's senior Senator, PETE DOMENICI, has joined me in introducing identical legislation in the Senate. I am pleased that Senator DOMENICI has secured a subcommittee markup of this legislation in the Subcommittee on Parks, Historic Preservation and Recreation for tomorrow. With the Senator's fine leadership, I look forward to the swift consideration and passage of this legislation in the Senate as well.

I am confident that the provisions of H.R. 517 are reflective of the unique needs of this culturally significant site. I welcome the passage of H.R. 517 today and look forward to its enactment into law in the very near future.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I, too, yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 517.

The question was taken.

Mr. HANSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

COMMUNICATION FROM THE HONORABLE CHRISTOPHER SHAYS, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable CHRISTOPHER SHAYS, Member of Congress:

CONGRESS OF THE UNITED STATES,
March 9, 1995.

Hon. NEWT GINGRICH,
Speaker of the House, the Capitol, Washington, DC.

DEAR NEWT: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that my office has received a subpoena for testimony and documents concerning constituent casework. The subpoena was issued by the Superior court for the Judicial District of Fairfield County in the State of Connecticut.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

CHRISTOPHER SHAYS,
Member of Congress.

□ 1515

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SHAYS). Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO LTC MARY LOU SMULLEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, today I want to congratulate LTC Mary Lou Smullen who will retire from the U.S. Army on May 1, 1995, after a distinguished 20-year career of service to our Nation. I am particularly pleased to note that a significant portion of that service relates directly to the Congress.

Lieutenant Colonel Smullen graduated from Ohio University in Athens, OH, after majoring in radio and television broadcasting. In April of 1975, following a short foray into the business sector, she sought and accepted a direct appointment as a second lieutenant in the Women's Army Corps.

During her first assignment, then-lieutenant Smullen immediately established a reputation for excellence, creativity, and mission accomplishment. In a series of high profile positions at the U.S. Army Signal School and Center at Fort Gordon, GA, involving public affairs and protocol she excelled and began polishing skills that would serve her exceptionally well in future assignments. Perhaps the highlight of her tour at Fort Gordon was a weekly television show titled "On the Move" that she produced, wrote, and appeared in, that covered stories of local interest. This well-received show was eventually picked up and broadcast as a public service on one of the local commercial television stations.

Our very best officers actively seek duty with soldiers and Mary Lou Smullen is no exception. In the early 1980's, the U.S. Army in Europe was one of the most challenging places to serve with soldiers. Tough, realistic training and competent, confident leaders maintained the warrior's edge as America's Army stood ready to defend Western Europe from the Warsaw Pact.

Effective personnel administration is one of the many important, yet unheralded tasks, that contribute to maintaining trained and ready forces in the field. We want to be sure that utmost care is taken of America's sons and daughters. We want to be sure our soldiers are properly assigned, promoted, schooled, rewarded, and disciplined. And that is exactly what then-Captain Smullen did as chief of officer records for the Fifth U.S. Corps and later as commander of the 64th Adjutant General Replacement Detachment, and chief of the Enlisted Assignment Section for the Fifth Corps. Well over 21,000 soldiers in over 106 units directly benefited from LTC Smullen's exceptional efforts. She went on to serve with distinction as the Assistant Secretary for the General Staff for Protocol for the Fifth Corps and found the time somehow, to earn a master's degree in international relations from Troy State University at its overseas campus.

LTC Smullen's educational background, experience, and demonstrated performance resulted in her next assignment as assistant public affairs officer for the Armed Forces Inaugural Committee. Once again she set herself apart from her peers by exhibiting exceptional skill, intelligence, and innovation. The information briefings, historical, and art programs she deftly developed established a standard that is still looked to today.

Each service assigns congressional liaison officers to offices on the Hill that perform a particularly important function keeping Congress adequately apprised of myriad programs so we can make informed decisions regarding defense authorizations and appropriations. Few positions within the services have such direct impact on the services' programs as these liaison positions. Accordingly, the services strive mightily to assign only their best officers to liaison positions on Capitol Hill. LTC Smullen was the Army's first female officer assigned to such as liaison position on Capitol Hill. This action testifies to the degree of trust and confidence senior Army leadership placed in this superb officer. She did such a fine job for the Army that the Office of the Secretary of Defense sought her transfer and she went on to provide liaison between the Secretary of Defense and Congress in matters relating to all weapons systems procurements, command control and communications issues, and chemical matters.

Few of our serving military officers ever get the opportunity to work on Capitol Hill as bona fide members of the congressional staff. Perhaps the ultimate indicator of LTC Smullen's special talents was her selection and assignment as a special assistant to the staff director on the Joint Committee on the Organization of Congress. This historic effort, pursued only twice before in the history of our Republic, was supported by an extremely small staff. LTC Mary Lou Smullen played a key role in the joint committee's activities. She coordinated research and background of legislative-executive relations, chose the best witnesses, analyzed the correct solutions for the joint committee to recommend, oversaw preparation of all outgoing constituent correspondence signed by members, and prepared all correspondence for the National Archives. All these tasks were accomplished in an exemplary fashion, and many of the committee's recommendations are under consideration by the current Congress for implementation.

Since completing work with the joint committee, LTC Smullen has been serving as a special assistant to the Army's Chief of Legislative Liaison and has continued to excel in a position with many and varied challenges. Excellence continues as her hallmark.

The role of women in our Armed Forces has been a topic of much discussion over the past several years. Throughout our history women have served America's Army in many substantive and diverse roles: Mary Ludwig McCauley, alias Molly Pitcher, Dr. Mary Edwards Walker, Mary Hallaren, and Mary E. Clarke have inspired generations of women to seek an opportunity to serve our Nation. Like them, Mary Lou Smullen heard the call. In her own way, LTC Smullen has played an active part in effecting important changes within America's Army. These changes have not occurred quickly. However, they have rooted deeply within the institution itself. Often have I heard the Army claim that senior leaders cannot be hired off the street. They must be nurtured and grown within the institution. The very fact that we have senior Army officers like LTC Smullen actively engaged in sensitive, important, and demanding positions is ample testament that the Army has indeed kept pace with the cultural changes that have occurred in the rest of American society. The Women's Army Corps was eliminated shortly after LTC Smullen graduated from its basic course. She has been in the vanguard of change that has permeated America's Army, setting an example, breaking down long-established barriers, and disproving widely held stereotypes.

On a personal note, I would point out that LTC Smullen was one of the escort officers for a Veterans' Affairs Committee trip several years ago to Corregidor and talks with Filipino officials regarding the restoration of the memorial to United States troops on the island. She proved to be an excellent escort officer and contributed greatly to the success of the trip.

Mary Lou Smullen is a consummate professional. She has personified those traits of professionalism, integrity, and competence that our Nation has come to expect from its Army officers. When she was needed, she was there. She has served our country well and our heartfelt appreciation and best wishes go with LTC Smullen as she prepares for the future.

IN OPPOSITION TO VETERANS' ADMINISTRATION RESCISSIONS

The SPEAKER pro tempore. There being no designee of the majority leader at this time, under the Speaker's announced policy of January 4, 1995, the gentlewoman from Florida [Ms. BROWN] is recognized for 60 minutes as the designee of the minority leader.

Ms. BROWN of Florida. Mr. Speaker, the topic of my discussion will be the rescission cuts. There have been many targeted, including children and the elderly, but worst of all have been the veterans, and I rise today in behalf of the veterans throughout this Nation.

There is a national disgrace in this country that must be addressed now. We all know that American men and women in the prime of their lives willingly go to remote parts of the world to defend their country. Sometimes they do not return. Sometimes they return wounded. Sometimes they return with wounds that do not surface until years later. War is never without human cost, and for this reason we have a longstanding contract with our brave warriors that goes something like this: "If you will stand in harm's way for me, I will care for you later."

On February 24, a day of disgrace, the House Appropriations Committee with Republican leadership voted to rescind $206 million in fiscal year 1995 from the VA appropriations. During the full committee markup on March 2, the Republicans voted to support those cuts.

This rescission money was intended to fund six VA ambulatory care projects totaling $200 million. It is a national disgrace that veterans' programs are a part of this rescission list, a list that was quickly and thoughtlessly compiled. These canceled projects prevent us from expanding our outpatient service, a national trend in health care delivery and making our health care system more efficient and cost-effective. These canceled projects are aimed at one of the most deserving groups in our society, veterans after World War II and the Korean conflict. These veterans and all veterans should expect and receive good care. If we cannot protect them at this time in their time of need, how can we ask them to stand in harm's way to protect us?

GOP says veterans health is not a priority.—The Republicans' message is clear: the health of our Nation's veterans is not a priority. Clearly, they feel that reducing vital medical services to needy veterans is an appropriate way to pay for tax cuts for the wealthy.

All these funds have been carefully considered.—The Department of Veterans Affairs has ranked the six targeted ambulatory care projects as priorities. In fiscal year 1995, the Department proposed to fund these projects, all of which have been authorized, as part of the veterans health care investment fund.

Ambulatory care saves taxpayer dollars.—The ambulatory care projects are an integral part of the Department's plan to move away from costly inpatient care and provide more accessible, cost effective and efficient outpatient care. Ultimately, all of these projects will save the VA medical system more money.

These projects will provide better care.—The projects will allow VA to better meet the workload experienced by the transfer of expensive inpatient care to a less costly ambulatory setting.

These projects will allow VA to deliver managed outpatient care and will greatly improve VA's ability to deliver primary care.

These projects will correct serious safety and space deficiencies in ambulatory care areas of affiliated referral facilities or in undersized leased satellite clinics.

Presently, the clinic space available at these proposed facilities was designed for workloads of 50 to 60 percent of current workloads. The lack of space results in appointment delays and overcrowding.

Veterans take the hit to pay for taxcuts for the wealthy.—These cuts are not only "pennywise and pound-foolish," but also wrong. These cuts are aimed at the most vulnerable groups in our society—aging World War II and Korean conflict veterans and others who have sacrificed so much for our Nation.

Members will have another chance to get their priorities straight.—Support restoring this vital funding when this ill-conceived rescission package is brought to the floor next week. Do not let our veterans down. They deserve better.

Orlando Satellite Outpatient Clinic and Nursing Home.—The fiscal year 1995 appropriation is $14 million. This project will allow the VA to better provide primary and preventive care and address long-term care needs in the Orlando area. It renovates the Orlando Naval Training Center hospital for use as a VA satellite outpatient clinic and nursing home care unit. It will replace the existing leased undersized clinic which was sized to accommodate less than one-half of the visits currently experienced in Orlando. The project will allow the VA to provide excellent primary and preventive care and long-term care in the Orlando area. Since June 1994, there have been 15,000 veteran patient visits to the Orlando Satellite Outpatient Clinic—120,000 visits are expected by the end of 1995.

The existing clinic is in three separate buildings approximately one-half mile from each other and cannot be expanded further in present location. Unsuccessful efforts have been made for the past 6 years to obtain acceptable replacement lease space. Existing space lacks sufficient examining rooms, waiting areas, and bathrooms with no privacy for examining women veterans. This project will allow for 120 new beds without new construction by renovating an existing building.

Gainesville ambulatory care addition.—The ambulatory care addition will be added to the main hospital building. Ambulatory surgery facilities and an outpatient pharmacy will be included along with clinic space. The addition will allow the VA medical center to provide primary and preventive care in an ambulatory setting, as well as correct severe space and functional deficiencies and add much needed ambulatory care space.

The fiscal year 1995 appropriation is $17,812,000. The current ambulatory care facility was constructed in 1966. Present ambulatory care is 35 percent space deficient and handles over 133,000 visits a year. Services are spread over several floors making it confusing and physically difficult for many handicapped patients.

The emergency room is a converted hallway with treatment and support spaces on either side of the hall. Administrative duties take place in the hallway along with movement of patient, supply, staff, and visitor traffic.

Mr. Speaker, I will now yield to my good friend, the gentleman from Georgia [Mr. SANFORD BISHOP].

Mr. BISHOP. Mr. Speaker, I thank the gentlewoman from Florida for yielding.

Mr. Speaker, thanks to the men and women who have served in the Armed Forces, we Americans live in the freest, the most bountiful, and the most secure country in the world. All of us will agree, I am sure, that we owe each and every one of our veterans a deep debt of gratitude. On patriotic holidays we express our thanks in speeches and parades, and well we should, because when our veterans signed up and answered the call with their faithful service to our Nation, our Government in essence issued a promissory note, a check assuring them certain basic benefits, including education and job training opportunities, housing assistance, and a health care system that specifically serves veterans, the veterans' population, when they need it, for life.

It will be a tragic day, Mr. Speaker, if that check is ever returned marked "Insufficient Funds." In essence, that is exactly what will be happening if Congress votes to support the more than $206 million in VA rescissions the Appropriations Committee is recommending, rescissions that will eliminate critically needed high-priority improvements in the veterans' health care system that must sooner or later be implemented if the system is to meet its needs in the immediate years ahead.

These funds are earmarked for six ambulatory care projects totaling $156 million and medical equipment purchases totaling $50 million. The ambulatory care projects are needed to carry out the projected transfer of many inpatient-care patients to a more cost-effective outpatient care. In the long run it will cost much more money to continue to hospitalize many thousands of patients who could be treated on an outpatient basis. Rescinding this investment makes no sense from either a financial standpoint or a medical standpoint. It will prevent the Veterans' Administration from moving to more cost-effective and efficient operations. This means higher costs for current services and fewer resources for meeting future needs.

The VA health care system must either move forward or it will inevitably face decline, and that will be tantamount to breaking our promise.

Mr. Speaker, veterans are already shouldering their share of the burden of budget cuts in recent years, and then some. The Budget Reconciliation Acts of 1990 and 1993 alone have cut VA benefits and services by nearly $7 billion. Additional cuts can be expected in the VA budget that Congress will consider for the next fiscal year, and now on top of all this the House Appropriations Committee is proposing that Congress slash VA health care funds already appropriated and included in the current budget. Either we keep our promise to provide a quality health care system for our veterans or we renege on that promise. This is the fundamental issue that we will be debating when this ill-conceived rescissions package is brought to the floor next week.

In addition to the personal sacrifices that veterans have made in the defense of our country, we will be asking them to sacrifice benefits and services that have been promised and approved.

Mr. Speaker, let us keep our word. Let us restore these funds. Vote to build the VA health care system, not tear it down.

Ms. BROWN of Florida. Mr. Speaker, would the gentleman respond to a question?

Mr. BISHOP. Yes, I will, if the gentlewoman will yield further.

Ms. BROWN of Florida. Mr. Speaker, the gentleman serves on the authorizing committee, and can he tell me whether or not anyone on the authorizing committee was contacted by anyone from the administration or anyone from the Secretary's office pertaining to these cuts or whether it is politics the old-fashioned way, a group of good old boys getting together and making these decisions?

Mr. BISHOP. Mr. Speaker, as the gentlewoman is aware, we had hearings in the Committee on Veterans' Affairs, and I think the Secretary appeared and indicated that he had not been consulted, and I think that the committee records would reveal that probably there were no consultations from the authorizing committee. This was something that happened sui sponte. There was no consultation at all, and I think, as the gentlewoman alludes to it, this was the old-fashioned way of doing things, and apparently that is what we are faced with.

Ms. BROWN of Florida. Mr. Speaker, I have one followup question: What does the gentleman think about the reverse Robin Hood procedure, robbing from the poor to give to the rich?

Mr. BISHOP. I feel that it is a slap in the face to our Nation's veterans. I feel that it is certainly a disservice to our Nation's veterans, and it is tantamount, as I said earlier, to having the check come back marked "Insufficient Funds."

Ms. BROWN of Florida. Mr. Speaker, does the gentleman think there is a lot of waste as far as the dollars we spend on veterans?

Mr. BISHOP. No, no, they are cost-effective dollars, very cost-effective.

Ms. BROWN of Florida. Mr. Speaker, I thank the gentleman.

Mr. BISHOP. Mr. Speaker, I thank the gentlewoman for yielding.

Ms. BROWN of Florida. Mr. Speaker, I now yield to my friend, the distinguished leader of the Black Caucus and the leader in the Appropriations Committee, the gentleman from Ohio, Mr. LOUIS STOKES.

Mr. STOKES. Mr. Speaker, I want to thank my colleague, the distinguished gentlewoman from Florida, Ms. CORRINE BROWN, for reserving this hour to discuss a very important issue, cuts in programs which serve our Nation's veterans. I feel very strongly about the issue and I am pleased to participate in this special order.

For a number of years, I have been privileged to serve on the House Appropriations Subcommittee which funds the Veterans' Administration and its programs. I am currently the ranking Democrat on that subcommittee. As it relates to veterans issues, this important panel oversees the $37 billion budget to provide medical care, compensation and pension payments, educational training and vocational assistance, and housing assistance for our Nation's veterans.

As a member of this subcommittee and as a veteran, I have been proud of our legislative efforts to provide and care for those brave men and women who have risked their lives in service to this country. It is for this reason and in their defense that I rise today.

This Nation has been fortunate to have been defended by many men who gave the last full measure of devotion for this country; namely their lives. Others were wounded, crippled, and disabled, all in the name of service to their country. Many who served are now in the twilight of their lives. This is why the recent vote by the full Appropriations Committee to drastically cut $206 million in funding for programs that serve our Nation's veterans is unacceptable and unconscionable. That these cuts come from funds earmarked for medical equipment and ambulatory care facilities is an even greater disservice to this Nation's veterans.

In hearings last week before the VA/HUD and Independent Agencies Appropriations Subcommittee on the fiscal year 1996 budget, the Secretary of Veterans Affairs, Jesse Brown, gave moving testimony about the proposed rescissions and the impact on our veterans. He told us that these rescissions would prevent the Veterans' Administration from providing quality care for our veterans. He told us that he was shocked at this unprecedented departure from providing care for veterans.

I think it important that everyone understand and know that quality health care for our veterans has always been a top priority in previous Congresses. These rescissions supported by our Republican colleagues are an unprecedented departure from this longstanding tradition of supporting this Nation's veterans.

Furthermore, these actions come at a time when the Secretary himself acknowledges the unacceptable conditions of many of the Nation's VA hospitals. In fact, the Veterans' Administration currently has an unmet need of necessary medical equipment exceeding three-quarters of a billion dollars. The rescissions bill passed by the Appropriations Committee would increase that unmet need by at least $50 million.

I would ask my colleagues how we can even consider such reductions when information we hear daily tells us of new and emerging medical conditions being experienced by veterans? At a time when veterans medical centers and medical teams are recognizing and attempting to address these problems, these cuts come from previously appropriated funds which were to be used to purchase such types of equipment as CAT scanners, x rays, EKG machines, and other vital items. Private hospitals have access to this equipment, and can replace and improve their inventory; so should the medical centers caring for our veterans.

Mr. Speaker, even more shocking is the $156 million reduction in construction projects. These funds are targeted for ambulatory care facilities. This represents a crucial aspect of the VA's medical care agenda at a time when our aging World War II veterans are requiring more medical assistance. Not only are they older, but these veterans require more long-term care. Clearly, this is not the time to cut back on ambulatory care facilities—especially in States such as Florida which has the fastest growing and aging veterans population.

Our Republican counterparts argue that these rescissions are necessary to offset the costs of the California earthquake and other natural disasters. I would respond that these cuts will create an even greater disaster for thousands of veterans. I would argue further that if these actions are intended to offset the cost of future tax cuts—including capital gains for middle-class families and affluent investors—it is unconscionable. I cannot support legislation which views tax cuts for the wealthy to be a higher priority than needed veterans medical equipment and facilities.

We must stand up for our Nation's veterans. These brave men and women have dutifully served this country. We owe them the same full measure of devotion they gave in protecting this Nation with their lives. I want to thank my distinguished colleague from Florida for the opportunity to address this important issue, and commend her for the fight she is waging to restore funds to these veterans projects.

□ 1530

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I cannot support legislation which views tax cuts for the wealthy to be a higher priority than needed veterans medical equipment and facilities. We must stand up for this Nation's veterans. These brave men and women have dutifully served this country. We owe them the same full measure of devotion they gave in protecting this Nation with their lives.

I want to thank my distinguished colleague for Florida for the opportunity to address this important issue and I commend her for the fight she is waging to restore funds for these veterans' projects.

Ms. BROWN of Florida. You served on the Committee on Appropriations. Can you give us a little insight as to the process, whether or not—how this decision to attack the veterans came about? I know I serve on the authorizing committee and we were not notified. I spoke with the administration. They were not contacted, nor was the Secretary.

Is this politics the old-time way, back room, pizza, discovery and decisions made in closed doors?

Mr. STOKES. I would be pleased to try to respond to the gentlewoman's question. I could say to the gentlewoman that this particular subcommittee took a greater hit than any other subcommittee on the Appropriations Committee. The total in rescissions was about $17.3 billion. Of that amount, the VA, HUD, and Independent Agencies Subcommittee contributed about $9.3 billion. That is about 54 percent of the total amount of those cuts. And of course veterans took a hit of about $206 million, which was substantial in terms of this.

There was no scientific way of arriving at these figures. These were the figures brought in in terms of the Chairman's mark, and of course the subcommittee approved that mark. There is nothing logical, nothing by way of formula. These were just figures that were reached up and arrived at.

Ms. BROWN of Florida. Not based on any need factor or——

Mr. STOKES. None that I am aware of and I participated fully in that markup and at which time I opposed these cuts to our veterans programs.

Ms. BROWN of Florida. Can you briefly just tell us about some of the other cuts? One in particular, in the area of housing, I have a series of town meetings, probably more than anyone else in Congress, and the two areas that always come up, one is crime and two, housing, affordable housing. There is a lot of concern as far as senior citizens. Can you discuss housing and some of the other cuts briefly?

Mr. STOKES. I would be pleased to respond to the gentlewoman that the Department of HUD, Housing and Urban Development, took about 42 percent of the total rescission cuts out of that $17.3 billion cut. The actual cuts from HUD alone were about $7.3 billion. Programs were hit, such as operating subsidies, the preservation funds, modernization funds, the assisted housing account. Then the lead-based paint program, which enables us to be able to try and repair some of the damage done to the Nation's youth, particularly in our inner cities where these young children are subjected to paint and, as a result of it, suffer and are impaired with brain damage, which is often irreversible. Along with it, the Community Development Block Grant Program also sustained a large hit in terms of the cuts, and of course that affects almost every local and urban community around the Nation.

So these are some of the major cuts that came out, and of course also tomorrow I am hoping to have an amendment on the floor when the bill comes up that would restore about $2 billion of the cuts from VA and also from these housing programs.

Ms. BROWN of Florida. What about weatherization? That program, who benefits from that program and was that program also targeted for cuts?

Mr. STOKES. I do not believe that the weatherization program was part of that program.

Ms. BROWN of Florida. What about jobs, the summer jobs program?

Mr. STOKES. Summer jobs program is in the rescission cuts, comes out of the Labor, Health, Human Services, and Education Subcommittee on Appropriations. All the summer jobs were cut. This is going to put an enormous amount of young people on our streets, particularly at a time when we are already encountering a great deal of unemployment in our inner cities and where, within the next 2 months, the mayors of these cities must get ready to provide these jobs for these young people during the summer months, and that is one of the programs that is just totally unconscionable to see that the youth of this Nation who depended upon summer jobs will not be provided them this summer if these rescissions prevail here in the House.

Ms. BROWN of Florida. Can you explain for us—some of us, who are not familiar with the process, tell us a little about the rescission? Because it is my understanding we are talking about projects that have gone through the House of Representatives hearings, gone through the Senate, passed, the President has signed it into law, so we are talking about breaking out of a contract that we have already signed in many cases?

Mr. STOKES. These are from appropriated funds. They were in the fiscal year 1995 bill and they were funds that were already appropriated and signed into law, and of course this is a Congress coming back again rescinding action that it had previously taken in the last Congress where both the House and the Senate had passed on this legislation, had sent it to the President for his signature.

Ms. BROWN of Florida. Does this include the school lunch program?

Mr. STOKES. The school lunch program is not in our rescissions. That is in some other legislation that will be coming to the floor and it will not be in the $17.3 billion rescission bill.

Ms. BROWN of Florida. Can you explain to us the difference between a block grant and a program—you know, we have had block grants before. In fact, I think when we had it, President

Ronald Reagan stopped it because the money was not going where it was intended.

Can you tell us a little bit about it? Because I am very supportive of the present school lunch program that started in 1946 under President Truman, and the reason why this program was started was because it was in the national interest of this country to take care of our young people and they couldn't pass the physical. So that is why we invested in our young people.

Mr. STOKES. The gentlelady is certainly correct. One of the problems in terms of block granting many of these types of programs is the fact that each State has different regulations and standards with reference to these programs.

Many of them adopt a different type of program and in the absence of Federal standards, Federal guidelines, and Federal guidance to those programs, you will find a diminution of many of the programs in many of the States and you will find varied and different types of programs and not those which have been directed under the Federal aegis.

Ms. BROWN of Florida. I have been in this House for 2 years, which is not a lot of time, but I spent 10 years in the Florida House of Representatives. We passed a lot of bills out of this House, but I have never seen the process so broken down. As a Member that has served in the House, I have always been proud of the work, the deliberation of the House. Now I thank God for the Senate.

Can you tell us or share your experience with us about the process and how it has been working over these past how many days? It is not 100. We passed one bill to my knowledge.

Mr. STOKES. I think certainly for those of us who consider ourselves as legislators and those of us who take pride in sponsoring legislation and being able to create programs that help people, not only our own constituency, but people throughout the Nation, and many of us have taken great pride in the fact that over the years we were able to not only craft those programs but able to put the proper amount of funding into those kinds of programs and we have seen people benefit from it.

We have seen those who fall in the category of being low-income people, the poor, the disadvantaged, minorities, those who are dependent upon government, be able to survive in our society at a time when they needed help in order to be able to move on to the next stage of their lives, and to now see what is happening in terms of the kind of cuts that are coming.

You earlier mentioned cuts in the food stamps, nutrition programs, the WIC, which is the Women, Infants, and Children Program, to see cuts now coming in programs such as summer jobs and Healthy Start, which is for mothers and little children, and when you see the type of rescissions that are in this bill that is coming out to the floor tomorrow, as one who is interested in people and trying to provide for the people in this country, you could just deem it totally unconscionable that we are doing this to people at a time in this country when all Americans are entitled to be represented by those who serve in this body in a way where they show some degree of compassion and understanding of our people's lives.

Ms. BROWN of Florida. The last question I must ask you, can you tell me who was left out of these cuts?

Mr. STOKES. Well, I can tell you this, that the defense bill was totally off the board. No cuts came in the defense program. Not a single item was cut from defense. That was just untouchable. And so I can tell you that, and the other thing I think everybody needs to understand is that the President's request in terms of disaster relief was in the amount of $6.7 billion.

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The subcommittee on which I serve actually cut it down to $5.3 billion. The difference between $5.3 and the $17.3 billion, which is substantial, somewhere in the neighborhood of $11 billion, we have to ask ourselves, what are these cuts for, since the total amount of the rescission package is $5.3 billion. So the difference between $5.3 and $17.3 then is what the Republicans call a savings. Of course, the savings we all know obviously is going to go for the tax cut for the rich, so the Republicans, as usual, are robbing from the poor to give to the rich.

Mr. Speaker, I thank the gentleman so much for his insight, his information, and for coming and taking the time to share with the American people what has been going on in the 104th Congress.

Mr. STOKES. I thank the gentlewoman.

Ms. BROWN of Florida. Mr. Speaker, I yield to the gentleman from Puerto Rico [Mr. ROMERO-BARCELÓ].

As he is coming up, I would like to share with the House this picture. It says "Uncle Sam wants you." It is a commitment that we made to our veterans: If you will support us, if you will go and fight for us, we will be there for you.

I yield to the gentleman from Puerto Rico.

Mr. VOLKMER. Mr. Speaker, will the gentlewoman yield?

Ms. BROWN of Florida. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Speaker, that was a contract that the Congress, back when these veterans were coming home, had with our veterans that preserved the freedoms that we have. To me, that contract is just as important, if not more important, than the Contract With America.

Mr. Speaker, I think it is really important. I just returned from Haiti. I talked to the commander down there. He talked about the fact that we need to take care of our men and the missions will take care of themselves. We are talking about people who have committed themselves, have served this country, and now we are just tossing them out. They are not important.

I thank the gentlewoman for yielding to me.

Mr. ROMERO-BARCELÓ. Mr. Speaker, last week the House Committee on Appropriations voted to cut six Veterans' Administration ambulatory projects totaling $156 million, and $50 million in medical equipment purchases, which already face an $800 million backlog.

One of these projects happens to be the San Juan Veterans' Administration Medical Center outpatient clinic addition, a project designed to address a 15-year problem of severe overcrowding of the facility. The area currently used for ambulatory care in the San Juan VA Medical Center provides only 40 percent of the space required, according to VA standards, and that is cutting it short.

Therefore, temporary measures, such as converting storage space and corridors into clinical and office space, have been the mode of addressing these chronic space deficiencies for many years. Currently, some outpatient clinics and medical examinations are being performed in the hallways and nursing stations of the facility, and exit corridors have been converted into additional waiting areas, potentially compromising the health and safety of both patients and visitors.

The Secretary of Veterans' Affairs came down to Puerto Rico. We insisted he come down and see it for himself. He did not believe the conditions that he saw there in the outpatient clinics.

The ambulatory care addition would allow the medical center to relocate all outpatient functions into a one-story addition adjacent to the existing main hospital. This will correct all our patient safety, accreditation, functional and space deficiencies, and adapt space for handicapped accessibility and for women veterans.

A parking garage is also scheduled to be constructed to replace the parking lot, due to the siting of the ambulatory care addition. Land at home is very scarce and very expensive. This is why a new parking building is being built instead of buying additional land.

Further, San Juan is the only VA Medical Center for the entire veteran population within Puerto Rico and the U.S. Virgin Islands. Demand for care has consistently been much higher than on the mainland. Mr. Speaker, approximately 35 percent of veterans in Puerto Rico and the U.S. Virgin Islands use the VA facilities, compared to the 12 percent national average. Let me explain why.

Because Puerto Rico and the Virgin Islands are Territories, they do not share or do not participate in the Medicaid Program. What does that mean? That means that the poor veterans, the veterans that do not have health insurance, the veterans that cannot afford to pay a doctor or pay the hospital, when they go to a private hospital they cannot afford it, so they have to go to the public hospital or the Veterans' Administration facilities.

The public hospitals in Puerto Rico and the Virgin Islands are not up to par with the private hospitals and the private facilities, so the veterans would be getting a second class type of health treatment, so they insist on going to the Veterans' Administration. That is logical and that is to be expected. That is where they can get the best treatment.

This is why here in the Nation, in the 50 States where they have a Medicaid Program, the poor veterans do not need to go necessarily to the VA hospitals. They can go to private hospitals, to a private clinic, to a private doctor, and Medicaid will pay for it, but in Puerto Rico there is no Medicaid Program, so their only choice is the Veterans' Administration facilities. This is why it is even more imperative that these facilities be expanded.

After a 15-year struggle by the Puerto Rican veterans and the Virgin Islands veterans, Congress has finally appropriated the necessary funding, $34.8 million, to finalize construction of the vitally needed outpatient clinics of the San Juan VA Medical Center last year. The project had been authorized and $4 million had been appropriated for its design a year earlier.

Puerto Rico's 145,000 veterans, particularly the sick and the disabled, celebrated this long-awaited achievement. Only now, when they were celebrating the achievement, waiting for the contract to be signed, for the construction to start, all of a sudden the House Committee on Appropriations decided to take away all of the funds a few months later.

However, the fact that strikes me the most is that these proposed cuts will be particularly devastating to the VA Medical system, because the targeted facilities are all ambulatory care facilities. The rescissions come at a time when the VA is involved in the effort of shifting from hospital inpatient care to outpatient and noninstitutional care settings, which is in keeping with the new general trend in providing medical care throughout the Nation.

The Veterans' Administration has been called by Congress over and over again to stop investing so much money in hospitals and to invest more money in outpatient clinics. Now, the Veterans' Administration has responded to the Congress, it is beginning to invest in outpatient clinics, and all of a sudden Congress takes the money away. The money spent on outpatient facilities to prevent a veteran from going into the hospital is a savings for the Federal Government. It is a savings for the Nation.

If you do not take care of the patient while he can still walk, is still ambulatory, can live at home, then what happens is eventually then he has to go into the hospital, and the medical and hospital care is much, much more expensive, so instead of saving money we are actually spending more money.

In the words of the chairman of the Committee on Veterans' Affairs, the gentleman from Arizona, BOB STUMP, I will quote from his February 28 letter to the chairman of the Committee on Appropriations, the gentleman from Louisiana, BOB LIVINGSTON:

> The particular projects selected for rescission by the subcommittee are, unfortunately, the type of projects that the Veterans Affairs' Committee has been encouraging the VA to pursue. It is my strong belief, shared by veterans and their service organizations, that giving greater priority to ambulatory care projects is clearly the right approach to improve service to veterans.

Mr. STUMP went on to conclude: "In striking contrast to the needs the VA faces, these cuts move the VA in the wrong direction."

The Department of Veterans' Affairs has consistently ranked the six targeted ambulatory projects as one of its highest priorities. They are an integral part of the department's effort to move away from costly inpatient care and provide more accessible, cost-effective and efficient outpatient care.

However, by proposing the rescission of these six projects, the Republicans are sending a very clear message: The health of our Nation's veterans is not a priority to this Congress.

However, we owe a great debt to our veterans. A reduction in hard-earned medical services to deserving veterans is not the way to pay for a tax cut for the wealthy. Cutting high-priority veterans' projects is plain wrong.

I urge my colleagues from both sides of the aisle, but particularly the Republicans, to set their priorities straight and support the restoring of the vital funding when this ill-conceived rescissions package is brought to the floor next week.

Mr. VOLKMER. Will the gentlewoman yield, Mr. Speaker?

Ms. BROWN of Florida. I yield to the gentleman from Missouri.

Mr. VOLKMER. Would the gentleman also, as the gentlewoman from Florida, consider this a breach of the contract that Congress has with our veterans, especially our World War II veterans?

Mr. ROMERO-BARCELÓ. I definitely do, Mr. Speaker. I don't know if we can really call this a Contract With America. It looks more like a contract for the wealthy of America, and it is being performed on the backs of the poor, the children and the elderly and the veterans.

Mr. VOLKMER. This money that they are taking from these outpatient clinics, yours, mine, those of the gentlewoman from Florida [Ms. BROWN] and others, is going to go for tax cuts, and 75 percent of that money goes to the wealthy?

Mr. ROMERO-BARCELÓ. The gentleman is right. They quote the theory that the less taxes the wealthy pay, the more money there will be, but yet, they have to make cuts to meet those tax cuts. They have to cut another project.

Mr. VOLKMER. I want to give another problem with what I call the generational gap, Mr. Speaker. If you review and look at the age of the Members of the majority party, many of them are too young to have served, basically, in the armed services in time of war with Uncle Sam's Army, our Army, our Marines, our Air Force.

As a result, I think this generational gap has led to the point where they, perhaps, do not realize the importance of what those people that fought in those wars did for us in preserving our freedoms.

I am afraid that you may see another part of what I call the generational gap that is going to occur. I understand there may be an amendment to restore these funds when we get into the bill by someone from the majority side, but I have been told that the money is going to come from further rescissions in the Americorps Program.

In other words, it will do away completely with Americorps, which is a program for our youth, in order to help the veterans. Mr. Speaker, I do not think that is necessary.

I have an amendment that I will be offering, if I am given the opportunity, that does not perform that generational function and pit one generation against another, but it does restore the money by taking it out of funds under NAFTA for Mexico to do wastewater treatment, and also from NASA, from some of their operational programs, so it does not perform that generational problem that I see that the majority of amendments are going to do.

Mr. ROMERO-BARCELÓ. There are some of the programs in NASA, some of the projects, that have not even been authorized. I think those are very reasonable projects to take it away from.

Ms. BROWN of Florida. Could the gentleman tell me how long this project has been on the list, how long it has been authorized and been going through the process? I know for 2 years we have discussed it.

Mr. ROMERO-BARCELÓ. Our project was authorized in 1993. We got the funding for the planning and got the plans to get the construction project going. Then the authorization came last year.

Ms. BROWN of Florida. I remember in the testimony before our committee, you discussed the fact that there were no facilities for women, no waiting rooms. People were in the hall. It is just one mess.

Mr. ROMERO-BARCELÓ. That is correct. Not only that, but when the veterans ask for an appointment, because of the crowding of the facilities, instead of getting the appointment within a week, they will get the appointment sometimes 3 months, 4 months, 5 months later. Maybe before they get to the appointment their condition gets so much worse that they have to be hospitalized, even before they got to the appointment.

Ms. BROWN of Florida. That costs more money, Mr. Speaker.

I would ask the gentleman from Puerto Rico, what does he think about this reverse Robin Hood, robbing from the poor to give to the rich?

Mr. ROMERO-BARCELÓ. That is what I call it. I have used that phrase quite a bit, because Puerto Rico is like an Apartheid society. We are U.S. citizens, 3,700,000 U.S. citizens, and we are not treated the same, either economically or politically. We are still struggling for our equality, at the end of the 20th century.

Definitely, this is also part of that Apartheid mentality, treating people differently, and also taking away from the poor to keep the rich.

In Puerto Rico we have a program where they have a tax-exemption for the large corporations. Because those large corporations are tax-exempt, the Federal Government tells us there is no money to give to the U.S. citizens in Puerto Rico, the same way U.S. citizens are treated in the 50 States of the Union.

Ms. BROWN of Florida. Mr. Speaker, I yield to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, I thank the gentlewoman from Florida for yielding to me.

Mr. Speaker, I, too, would like to bring the attention of the House to what I call the mean-spirited, hard-hearted manner in which the Committee on Appropriations and the subcommittee has refused to restore the funds that were authorized and appropriated to start outpatient clinics at six outpatient facilities, at six veterans' hospitals throughout this United States.

One of those is in my district. That hospital is named on behalf of the greatest President, in my opinion, that has ever served this country. It is the Harry S. Truman Veterans' Hospital in Columbia, MO.

□ 1600

That hospital was built in 1972 in order to take care of veterans' medical problems for not only the central and rural part of Missouri, since we also have hospitals in St. Louis and elsewhere, but also for acute care for heart transplants, et cetera, throughout the Midwest.

It may be of interest to the Members to know that the number of veterans, especially World War II veterans, have gotten along in years. They have aged like the rest of us. They are no longer the 18-, the 19-, the 20-year-old that fought in the beaches of Omaha and in the plains of North Africa and in the islands of the Pacific to preserve the freedoms of this country.

At the time that they were fighting, when they came home, there was this commitment that we are going to take care of your medical needs, because many of them continued at that time and to the present time to need that medical care.

When the Harry S. Truman Hospital—and, by the way, we have to remember it was through the work of Harry Truman, then President, that terminated the Second World War, through his actions and what he did, not only of our fighting men but he as President. So I think it is very appropriate that the hospital be in his name, and he of course is a veteran of World War I and a recognized outstanding veteran of that war.

When that hospital was constructed in 1972, it was anticipated at that time that there would be a need for 12,000 patients a year. It may be of interest to Members to know that in the year 1992, there were 82,000 patients that went through that hospital, most of them outpatients. But they do not have the facilities, do not have the room to handle that many outpatients, and it has continued at that rate since that time.

It was suggested, and the Veterans Administration agreed, that we really should have an outpatient clinic to take care of outpatients and use the hospital for the inpatients. Working with Senator KIP BOND of Missouri, our senior Senator, we were able to persuade the Veterans Administration and this Congress, along with others, that this is the way to handle these patients, these veterans, through an outpatient clinic, so they did not have to wait.

How long do some of my veterans from my district have to wait? First let's say you are from Bowling Green and you served in the Second World War and whether it was in the Pacific or European theater makes no difference, or let's say it was in Korea, whether it was at Seoul or wherever in Korea, or whether it was in Vietnam, and let's say you live in Bowling Green, MO. Well, Bowling Green is about a 75-mile trip and so you get in your car and if you are not capable of driving, you get a neighbor and they drive you over to Columbia, and it takes you about an hour and 20 minutes, maybe an hour-and-a-half to get there.

So you start out, because you want to be there early because you know there is going to be a whole line of people there. So you start out about 6:30 or 7 o'clock in the morning and you drive to the hospital, and you get to the outpatient clinic. Lo and behold, you already have maybe 100 or 150 people already there, veterans, waiting, because we have a lot of veterans within that distance a lot closer. So you sit and wait, and sometimes, folks, they sit and wait almost all day just to see a doctor or a nurse to maybe find out exactly what they need to have, and then to maybe get a prescription.

Is that right, to tell your veterans—then they have to get in the car and drive back home—all day just to go through an outpatient clinic? That is what we are presently requiring of veterans that served in a world war.

I wonder how many people would like to serve this country in the future? I wonder how many of our young people would be willing to go serve when they told them, "We are not going to take care of you if you get shot up or if you lose an arm, or if you get a little disability or a large disability, we are not going to take care of you; you take care of yourself." I don't think we will have too many that would like to serve, anyway, and I think that would not help us any at all.

I know that we have an obligation, not only a moral obligation but an obligation as a country. If we are to have the respect of the rest of the world, we should take care of our veterans, and we are not doing it with this rescission bill. In fact, you are giving a slap in the face. You are actually telling your veterans, "You just go do your own thing, we are not going to do anything more for you."

As a result of that, I have an amendment that if I am permitted by the Committee on Rules, by the chairman of the committee when we get in the Committee of the Whole, I am going to offer to restore those funds, and I am sure that when that amendment is offered that the majority of the Members here will recognize the responsibility.

When it comes down to the question, the question really is, should this money—we are not saving any money by doing this. There is no savings, folks. I think everybody should recognize, we are not putting this money on the deficit. We are not telling our veterans, "Make a little sacrifice so it can reduce the deficit and help this country out."

No, we are saying, "Veterans, we want to take this 100 and some million dollars and we want to give it away to people for tax cuts, especially for those who have over $125,000-a-year income. We want to help those people, because they, I guess, according to the majority, they are the ones that really need the help." The way I read this, the majority is saying the veterans don't need any help.

I am just anxiously waiting for the debate on this bill, because back when I was talking to the chairman of the Committee on Appropriations about this, the gentleman from Louisiana, about this problem, he also made a statement to me that makes me really concerned about where this majority is going as far as our veterans are concerned. I do not remember the exact words, but the gist of it basically was, "HAROLD, we have got a bigger problem. We need to do something about our veterans hospitals. We need to do away with the veterans hospitals. We need to put the veterans on a voucher plan."

Those are the words that I got, and the understanding I got from the gentleman from Louisiana, the chairman of the Committee on Appropriations, from my conversation with him.

I wonder how many veterans groups out there know that that is the way that the majority feels? That the majority feels that we should close all of our veterans hospitals, we should not provide care for our veterans. All we do is give them a voucher and tell them, You go find the medical care wherever you can. That is the way that this is going with our majority.

I think they have lost sight of what again this Congress said to our veterans when they were preserving the freedoms that we all cherish and that we all now enjoy.

I feel that everybody in this House should recognize, and you among the general public should recognize, that we are having an onslaught against our veterans here in this Congress right now. And as one of those who feels that it is a wrong thing to do, I want the Members of this House to know that I am going to do everything I can to make sure, along with the gentleman that is here in the well and the gentlewoman from Florida, to make sure this money is replaced, and I know from my own knowledge that when it gets to the Senate, they are going to keep it in there. I know my senior Senator, KIP BOND, is going to keep it in there because he is one of those who believes strongly that we should provide for our veterans.

I know that all we have to do is win this battle here and we have won the battle. In the first place, though, it should have never been necessary. They should not even have thought of doing this.

For that reason, I say this was one of the most mean-spirited, hard-hearted things that the Members of Congress do, to actually give a slap in the face to a person who was willing to give his life for this country, in battle, and yet to slap him in the face and say, You go about your way, we don't care whether you get medical care or not.

Ms. BROWN of Florida. If the gentleman will yield, before we close, can the gentleman repeat his exact words?

Mr. VOLKMER. I don't know if I can say the exact words, but to me it is strictly a slap in the face to veterans. And these are the people, as depicted in these pictures and elsewhere, that with bullets flying around them were willing to give their life, and some of them gave their limbs, some of them gave their ability to even function so that we could stand here and speak today.

Yet the majority is saying, "Too bad. We don't care about you. We are going to give you a good slap in the face and tell you, you go take care of yourself." They are telling my veterans that were willing to sacrifice their life for the good of this country, willing to do that, they are telling them it is all right for them to have to spend 8, 10, 12 hours a day just to see a doctor, and that the majority says they do not deserve good medical care.

I say the opposite. I say that our veterans, that is a priority. They need to have the medical care that not only we should give them but that we promised them.

Ms. BROWN of Florida. I thank the gentleman from Missouri.

I yield to the gentleman from South Carolina [Mr. CLYBURN].

Mr. CLYBURN. I thank the gentlewoman from Florida for allowing me to participate in this special order. I am pleased to serve with the gentlewoman on the Committee on Veterans' Affairs, and I know of the gentlewoman's great commitment to the veterans of our Nation. And also to join with our friend from Missouri who too has displayed time and time again his concern for our veterans.

Mr. Speaker, I join the gentlewoman from Florida in her opposition to our Republican colleagues' plans to rescind funding for veterans programs. Our Republican colleagues have already displayed their callousness by proposing legislation that would harm our Nation's youth. Now they are going after our Nation's veterans, the men and women who have committed their lives to the defense of our country.

This so-called Contract With America has quickly revealed itself as a contract on Americans. The people who seem to be in the line of fire are the young and the helpless.

Is this how we want to honor our veterans, by rescinding $206.1 million in fiscal year 1995 VA appropriations? Is this how we are going to care for our aging veterans, by rescinding money intended to fund 6 ambulatory health care projects totaling $156 million, and $50 million in medical equipment purchases?

Mr. Speaker, these facilities are not Government frills. This medical equipment, these are not Government frills. They all represent an alternative to costly inpatient care by providing more accessible, cost-effective and efficient outpatient care.

Mr. Speaker, when this rescission bill comes to the floor, I am going to join the gentleman from Missouri and the gentlewoman from Florida in opposing the bill and I will urge all my colleagues to vote against what has got to be one of the most ill-conceived pieces of legislation to be proposed by the Republican-controlled Congress thus far.

Ms. BROWN of Florida. If the gentleman will yield, I just want to ask the gentleman one quick question.

In my opinion, this is old politics, because the committee did not discuss at all with the authorizers, did not talk with the Secretary, did not talk to the administration. It was just a group of good old boys from the bad old days getting together against the veterans. Would the gentleman agree?

Mr. CLYBURN. Absolutely. I think that most of our friends who have been looking at the Congress operate thus far have been surprised to wake up in the morning and all of a sudden see headlines indicating that such and such is about to happen.

□ 1615

We have always tended to take these kinds of decisions through a process of hearings; people would come before the committee to talk about the pros and the cons of all of these kinds of actions. But that is not what is happening here, not in this instance and in other instances as well. There are just two or three people, or whatever number, who have gotten together and decided what they need to do in order to make it work.

As our friend from Missouri said earlier, if this were being done in order to do something about the deficit, I am convinced that the veterans in my congressional district and the veterans all across America would be lining up to do their fair share, because they too want to see us take this deficit down even further. But that is not what is being done here. We are going through a process of deciding how much money can be moved to put over in a big pot that the friends and supporters of our Republican colleagues can dip into in order to see a tax break for themselves.

So that is what is happening here as a result of that. I hope that the American people will wake up and get in touch with their Congress people before we do our veterans what I consider to be irreparable harm.

Ms. BROWN of Florida. So we have here today coming up this afternoon and tomorrow reverse Robin Hood, robbing from the poor to give to the rich.

Mr. CLYBURN. That is exactly what we have got and I think it is being kind to call it that.

Ms. BROWN of Florida. I would also add that the Contract With America has turned out to be a contract on America.

Mr. CLYBURN. I think it is on Americans.

Ms. BROWN of Florida. On Americans. And this poster is a real example.

If you look at it this is a baby, and of course it does not vote. This is one of the targets of the Republican group. And who is the target now that they have added the veterans and elderly?

Everybody needs to take a close look because I think their pink slip is in the mail, too. If they are not careful they are next on the Republicans' hit list.

Mr. CLYBURN. I agree with the gentlewoman, and I think it is time for me to yield back so she may close this special order. I thank the gentlewoman so much for allowing me to be a part of this special order.

The CHAIRMAN. The time of the gentlewoman from Florida has expired.

Ms. BROWN of Florida. I want to thank my colleagues very much for coming and sharing with the American people the plight we are in here fighting for our veterans and for other groups that are not here in the House, represented here and given an opportunity to vote.

Mr. MONTGOMERY. Mr. Speaker, as the ranking member of the Committee on Veterans Affairs, I rise to urge all my colleagues to support an amendment to the rescission bill reported last Thursday by the Appropriations Committee. The amendment is modest in scope but vital to VA health care. It would restore the $206 million for veterans programs which the Committee on Appropriations proposes to rescind.

These rescissions don't make good sense. These funds were appropriated by Congress only a few months ago, primarily to help meet a critical need to improve veterans' access to outpatient care. The six VA projects which the committee now proposes to cancel would serve areas where more than 1.2 million veterans reside.

The budget for construction of veterans medical facilities has been pretty lean for the past 5 or 6 years. As a result, the VA says it now has almost 60 projects to improve outpatient services waiting to be funded. The VA could award construction contracts on these six projects in the next several months. We shouldn't put these projects off 1 day.

These are projects that can make VA health care delivery more cost-effective. This rescission bill would slam the door on veterans across this country. In some parts of the country, the VA doesn't have health facilities that meet veterans needs. In other places, the clinics are just too small. At one clinic, space is so tight that doctors are forced to perform eye examinations in the hallways. Veterans deserve better than this.

An increasing number of veterans are women; over 1.2 million. Many VA outpatient clinics still lack privacy for women veterans. In the face of such conditions, the rescission bill is a giant step backward.

Likewise, cutting funds for replacement equipment—as proposed by the rescission measure—forces VA to choose between obtaining a needed service at increased cost through contracting or continuing to use inefficient or even obsolete equipment. The VA's medical equipment backlog is more than $800 million. We must assure that VA care is care of high quality. Cutting back on VA funds to replace old equipment is putting out veterans at risk.

I want to commend all of the Members who are working hard to restore these funds—the gentlewomen from Florida, Ms. BROWN and Mrs. THURMAN, the gentlewoman from Connecticut, Ms. DELAURO, Mr. VOLKMER, Mr. SCOTT, Mr. ROMERO-BARCELÓ and the other Members who are gathered here tonight. They are all doing a good job looking out for our Nation's veterans.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 5 p.m. today.

Accordingly (at 4 o'clock and 18 minutes p.m.), the House stood in recess until 5 p.m.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. SHAYS] at 5 p.m.

THE JOURNAL

The SPEAKER pro tempore (Mr. SHAYS). Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal.

The Journal was approved.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which those motions were entertained. Votes will be taken in the following order: H.R. 531, as amended; H.R. 694, as amended; H.R. 562, as amended; H.R. 536, as amended; and H.R. 517, all by the yeas and nays.

The Chair alerts Members of the House that the Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

DESIGNATING THE GREAT WESTERN SCENIC TRAIL AS A STUDY TRAIL

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 531.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 531, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 400, nays 15, not voting 19, as follows:

[Roll No. 230]

YEAS—400

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crapo
Cremeans
Cunningham
Danner
Davis
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan

Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Schaefer
Schroeder
Schumer
Scott
Seastrand
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stenholm
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—15

Brownback
Christensen
Coble
Cooley
Crane
Ganske
Johnson, Sam
Manzullo
Roemer
Scarborough
Sensenbrenner
Stearns
Stockman
Taylor (MS)
Tiahrt

NOT VOTING—19

Becerra
Bliley
Coburn
Collins (MI)
Cubin
de la Garza
Dooley
Farr
Fields (LA)
Gallegly
Hall (OH)
Hunter
Lantos
Mfume
Rogers
Schiff
Smith (MI)
Thurman
Wolf

☐ 1724

Messrs. BROWNBACK, COOLEY, SENSENBRENNER, TIAHRT, CHRISTENSEN, COBLE, and STOCKMAN changed their vote from "yea" to "nay."

Mr. THOMPSON changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MINOR BOUNDARY ADJUSTMENTS AND MISCELLANEOUS PARK AMENDMENTS ACT OF 1995

The SPEAKER pro tempore (Mr. SHAYS). The pending business is the question of suspending the rules and passing the bill H.R. 694, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 694, as amended, on which the yeas and nays are ordered.

Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

The vote was taken by electronic device, and there were—yeas 337, nays 83, not voting 14, as follows:

[Roll No. 231]

YEAS—337

Abercrombie
Ackerman
Allard
Andrews
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Bartlett
Bass
Bateman
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Bunning
Burr
Buyer
Calvert
Canady
Cardin
Castle
Chabot
Chapman
Chenoweth
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crapo
Cremeans
Cunningham
Danner
Davis
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Dornan
Doyle
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Green
Greenwood
Gunderson
Gutierrez
Hamilton
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Herger
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kleczka
Klink
Knollenberg
Kolbe
LaFalce
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sabo
Salmon
Sanders
Sawyer
Saxton
Schiff
Schroeder
Schumer
Scott
Seastrand
Serrano
Shadegg
Shaw
Shays
Shuster
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Spence
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Talent
Tanner
Tauzin
Tejeda
Thomas
Thompson
Thornton
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walsh
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
White
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff

NAYS—83

Archer
Barrett (NE)
Barrett (WI)
Barton
Brownback
Bryant (TN)
Burton
Callahan
Camp
Chambliss
Christensen
Coble
Collins (GA)
Combest
Cooley
Crane
Dreier
Duncan
Everett
Ewing
Foley
Funderburk
Ganske
Gekas
Geren
Goodlatte
Goodling
Graham
Gutknecht
Hall (TX)
Hancock
Hastert
Heineman
Hilleary
Hostettler
Inglis
Johnson, Sam
Jones
Kingston
Klug
LaHood
Laughlin
Lewis (KY)
Longley
Manzullo
McHugh
Metcalf
Montgomery
Ney
Norwood
Nussle
Parker
Paxon
Peterson (MN)
Petri
Pickett
Poshard
Ramstad
Rohrabacher
Roth
Royce
Sanford
Scarborough
Schaefer
Sensenbrenner
Sisisky
Solomon
Souder
Stearns
Stockman
Stump
Tate
Taylor (MS)
Taylor (NC)
Thornberry
Tiahrt
Upton
Walker
Wamp
Watts (OK)
Weldon (FL)
Whitfield
Zimmer

NOT VOTING—14

Becerra
Bliley
Coburn
Collins (MI)
Cubin
de la Garza
Dooley
Farr
Gallegly
Hall (OH)
Lantos
Rogers
Smith (MI)
Thurman

☐ 1736

Messrs. DUNCAN, LONGLEY, INGLIS of South Carolina, KLUG, EWING, BRYANT of Tennessee, HILLEARY, TAYLOR of North Carolina, WHITFIELD, NEY, and TATE changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WALNUT CANYON NATIONAL MONUMENT BOUNDARY MODIFICATION ACT OF 1995

The SPEAKER pro tempore (Mr. SHAYS). The pending business is the question of suspending the rules and passing the bill, H.R. 562, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 562, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 371, nays 49, not voting 14, as follows:

[Roll No. 232]

YEAS—371

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Barcia
Barr
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crapo
Cremeans
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hamilton
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Knollenberg
Kolbe
LaFalce
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sabo
Salmon
Sanders
Sawyer
Saxton
Schiff
Schroeder
Schumer
Scott
Seastrand
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stark
Stenholm
Stokes
Studds
Stump
Stupak
Talent
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Waldholtz
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—49

Ballenger
Bartlett
Brownback
Burr
Burton
Christensen
Coble
Collins (GA)
Cooley
Crane
Dornan
Everett
Ewing
Foley
Ganske
Gekas
Graham
Hall (TX)
Hancock
Hastert
Heineman
Hoekstra
Hunter
Inglis
Johnson, Sam
Klug
LaHood
Largent
Lewis (KY)
Manzullo
McHugh
Nussle
Parker
Petri
Ramstad
Rohrabacher
Roth
Royce
Sanford
Scarborough
Schaefer
Sensenbrenner
Solomon
Stearns
Stockman
Tanner
Taylor (MS)
Tiahrt
Walker

NOT VOTING—14

Becerra
Bliley
Coburn
Collins (MI)
Cubin
Dooley
Farr
Gallegly
Hall (OH)
Lantos
Molinari
Reynolds
Thurman
Vucanovich

□ 1744

Mr. LIVINGSTON changed his vote from "nay" to "yea."

Mr. GRAHAM changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1745

COMMERCIAL VEHICLES IN THE DELAWARE WATER GAP NATIONAL RECREATION AREA

The SPEAKER pro tempore (Mr. SHAYS). The pending business is the question of suspending the rules and passing the bill, H.R. 536, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 536, as amended, on which the yeas and nays are ordered.

This is, hopefully, a 5-minute vote. Members are advised there is one more vote to follow this vote.

The vote was taken by electronic device, and there were—yeas 401, nays 22, not voting 11, as follows:

[Roll No. 233]

YEAS—401

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht

Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff

NAYS—22

Callahan
Christensen
Coble
Collins (GA)
Cooley
Everett
Ewing
Hall (TX)
Hancock
Hunter
Johnson, Sam
Largent
Lewis (KY)
Myrick
Pastor
Pickett
Roukema
Scarborough
Stearns
Stockman
Stump
Zimmer

NOT VOTING—11

Becerra
Bliley
Coburn
Collins (MI)
Cubin
Dooley
Farr
Gallegly
Hall (OH)
Lantos
Thurman

☐ 1756

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to prohibit the use of Highway 209 within the Delaware Gap National Recreation Area by certain commercial vehicles, and for other purposes."

A motion to reconsider was laid on the table.

CHACOAN OUTLIERS PROTECTION ACT OF 1995

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 517.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlemen from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 517, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 7, not voting 18, as follows:

[Roll No. 234]

YEAS—409

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—7

Coble
Cooley
Dickey
Ewing
Hutchinson
Scarborough
Stump

NOT VOTING—18

Becerra
Bliley
Coburn
Collins (MI)
Cubin
Dooley
Farr
Flake
Gallegly
Hall (OH)
Hancock
Lantos
Maloney
McDermott
Neal
Rangel
Thurman
Waters

□ 1804

Mr. HASTERT changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Miss COLLINS of Michigan. Mr. Speaker, due to an illness requiring hospitalization, I was unavoidably detained in Detroit today while the House was in session. Had I been present, I would have voted "aye" on passage of H.R. 531, "aye" on passage of H.R. 694, "aye" on passage of H.R. 562, "aye" on passage of H.R. 536, and "aye" on passage of H.R. 517.

PERSONAL EXPLANATION

Mrs. THURMAN. Mr. Speaker, on March 14, I was attending the funeral of my mother-in-law and was not present for roll call Nos. 230, 231, 232, 233, and 234. Had I been present, I would have voted "aye" on each vote.

PERSONAL EXPLANATION

Mr. COBURN. Mr. Speaker, due to travel delays on Tuesday, March 14, I unavoidably missed several votes. Had I been present, I would have voted "aye" on the passage of the following bills: H.R. 531, H.R. 694, H.R. 562, H.R. 536, and H.R. 517.

REQUEST FOR PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TOMORROW DURING THE 5-MINUTE RULE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit tomorrow while the House is meeting in the Committee of the Whole House under the 5-minute rule: Committee on Banking and Financial Services; Committee on Commerce; Committee on Economic and Educational Opportunities; Committee on Government Reform and Oversight; Committee on House Oversight; Committee on International Relations; Committee on the Judiciary; Committee on National Security, and Committee on Resources.

Mr. Speaker, it is my understanding that the minority has been consulted, and that there is no objection to these requests.

The SPEAKER pro tempore (Mr. SHAYS). Is there objection to the request of the gentleman from Pennsylvania?

Mr. WATT of North Carolina. Mr. Speaker, reserving the right to object, I am advised by the leadership that they have approved these committees meeting during legislative business, and so I withdraw my reservation of the right to object.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. HOYER. Mr. Speaker, reserving the right to object, it is my understanding that this includes the Government Reform Committee?

Mr. GOODLING. If the gentleman will yield, it is the Committee on Government Reform and Oversight.

Mr. HOYER. Reserving the right to object, Mr. Speaker, let me make a comment.

I understand what the leadership has done. But I want to say that there is no doubt in my mind that were the roles reversed there would be an objection.

What the Government Reform Committee, and my good friend, the gentleman from Florida [Mr. MICA], and the gentleman from Pennsylvania [Mr. CLINGER] intend to do is, having had a hearing last Monday, 8 days ago, they intend to propose effectively increasing the taxes on 30,000 to 40,000 Federal employees by 12 percent by taking 2½ points off the pretax income of Federal employees as an additional contribution on their pension system. Now, that is with 8 days' notice and hearing.

Now, I hope the committee tomorrow does not take that action. I hope they give both Federal employees and the public an opportunity to look at that.

But the reason I reserve my right to object is I worked very hard with the Bush administration and OMB under President Bush for the purposes of trying to come up with an equitable system. The Hudson Institute, a conservative think-tank out of the Midwest, in 1987 gave to the Bush administration and to this Congress a recommendation that we not touch the pension plan, not touch the pension plan until such time as we had fully effected a locality-pay adjustment. The Bush administration signed legislation in 1990 to effect that over a 9-year period.

We have done 1 year of that. Notwithstanding that, we are asked for a unanimous-consent request so the committee tomorrow, after having a hearing last Monday on this issue, move ahead to make a drastic change in Federal employees' pensions.

Now, very frankly, they are going to include congressional pensions. If we cannot protect ourselves, that is tough, in my opinion. I do not care about that, I tell you, Mr. Speaker. The fact is we ought not be doing this with this short notice to Federal employees and, in effect, giving them a 12-percent, 10-percent to 12-percent, tax increase.

I reserve my right to object to make that point. Now, apparently the leadership on this side has agreed not to object, and, therefore, Mr. Speaker, I am not going to object, but I vigorously object to the actions that are being proposed to be taken tomorrow, and I will oppose those tomorrow. I will oppose them on the floor, and I will oppose them anywhere I can confront them. I hope to be joined by some of my friends on that side of the aisle.

Mr. MORAN. Mr. Speaker, will the gentleman yield?

Mr. HOYER. Further reserving the right to object, I yield to the gentleman from Virginia.

Mr. MORAN. Mr. Speaker, I thank my friend from Maryland. I know that he recalls that when action of this magnitude was taken in 1986, it was the result of 2 years of bipartisan effort to study the Federal retirement system, and they came up with a plan that fixed the Federal retirement system and, in fact, we are now taking in $62.2 billion a year and paying out $36 billion.

What is being attempted tomorrow is not an attempt to fix the retirement system. It is an attempt to accumulate $12 billion in cuts in order to finance a tax cut for other Members on the backs of Federal employees who, in effect, would have to pay an increase, 12-percent increase, in their tax.

Mr. GOODLING. Mr. Speaker, I withdraw my request.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. GOODLING] withdraws his request.

TECHNICAL AMENDMENT TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 RELATING TO INDIAN EDUCATION

Mr. GOODLING. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 377) to amend a provision of part A of title IX of the Elementary and Secondary Education Act of 1965, relating to Indian education, to provide a technical amendment, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. CLAY. Mr. Speaker, reserving the right to object, I do not intend to object, but I yield to the gentleman from Pennsylvania so he may explain his unanimous-consent request.

Mr. GOODLING. Mr. Speaker, I have asked unanimous consent to bring to the floor for consideration S. 377, legislation providing for a technical amendment to the Indian title of the Improving America's Schools Act. This legislation passed the Senate on a voice vote on February 16, 1995.

This bill, S. 377, would correct a drafting error to section 9112(a)(1)(A) of the Elementary and Secondary Education Act relating to Indian education.

The intent of the House and Senate conferees was to require that a school would be eligible for an Indian Education Act formula grant if it had 20 eligible students or 25 percent of its student population eligible for the program. The provision was inadvertently drafted to replace the word "or" with "and."

The Department of Education is currently drafting regulations to implement the new provisions of the Indian Education Act. Unless this technical amendment is enacted by Congress, the existing language will result in disqualification of many schools serving American Indians and Alaska Natives, and I urge my colleagues to pass S. 377.

Mr. CLAY. Mr. Speaker, further reserving the right to object, I rise in support of the unanimous-consent request and in support of this technical correction.

Mr. Speaker, I withdraw my reservation of objection.

Mr. HOYER. Mr. Speaker, reserving the right to object, I object to being summarily sat down by the withdrawal. There are all sorts of things you can object to, I say to my good friend, the chairman of the committee, and he is my good friend.

I ask, under my reservation, does the gentleman intend to renew, and I would ask for a notice and the comity if you are going to renew the motion; you are not going to renew it because I happen to walk off the floor. We are not going to play that way, ladies and gentlemen.

Mr. GOODLING. If the gentleman will yield, that is not my responsibility to bring that to the floor nor is it my responsibility to remove it, nor is it my responsibility to bring it back again.

Mr. HOYER. Further reserving the right to object, I say to my good friend, he notices I was not looking at him at the time I said that.

Mr. GOODLING. I was merely going to say the gentlewoman from Maryland [Mrs. MORELLA] seconds whatever it was you were saying in your reservation.

Mr. HOYER. I am sure the gentlewoman from Maryland [Mrs. MORELLA] would join me and the gentleman from Virginia [Mr. DAVIS] would join me and others would join me as well.

□ 1815

Mr. GOODLING. It was the gentleman's leadership that had signed off. That is why it was given to me to present.

Mr. HOYER. I understand that. So we will have some further discussions before it is moved ahead?

Mr. GOODLING. The gentleman is correct.

Mr. HOYER. Will my friend give me the assurance that this unanimous-consent request will not be renewed until such time as I have signed off on it?

Mr. GOODLING. If your leadership comes to us, I suppose we can give you some assurance.

Mr. HOYER. I take it that is a no.

Mr. GOODLING. I am not in a position to respond to the gentleman's request.

Mr. HOYER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. SHAYS). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 377

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL AMENDMENT.

Section 9112(a)(1)(A) of the Elementary and Secondary Education Act of 1965 (as added by section 101 of the Improving America's Schools Act of 1994 (Public Law 103-382)) is amended by striking "and" and inserting "or".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 377, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

SENSE OF CONGRESS REGARDING FEDERAL DISASTER RELIEF

Mr. EMERSON. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the concurrent resolution (H. Con. Res. 39) expressing the sense of the Congress regarding Federal disaster relief, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. MINETA. Mr. Speaker, reserving the right to object, I would like to yield to the gentleman from Missouri to explain the request that is now before us.

Mr. EMERSON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, as Members know, we will soon consider fiscal year 1995 budget rescissions to pay for $5.36 billion in emergency supplemental appropriations for last year's Northridge, CA, earthquake. Combined with the $8.6 billion we appropriated last year, the cost to the Federal Government alone from this tragic disaster will be almost $14 billion. It has now been reported as of yesterday that an additional $2 billion in damages have occurred, with that number growing daily.

I rise today, Mr. Speaker, to offer this resolution expressing the sense of the Congress to address the serious issue of reforming our Federal disaster policy, and I outline a number of measures that should be taken to reform our Federal disaster policy.

Mr. MINETA. Mr. Speaker, further reserving the right to object, I thank the gentleman for his fine explanation and I comment him for bringing this important issue before the House.

Everyone is familiar with our recent legacy of natural disasters. Hugo, Andrew, Iniki, Loma Prieta, Northridge. The names alone are sufficient to conjure images of death and destruction. But experts tell us that these are but a prelude to future events which could be even more catastrophic. Whether it be Missouri or Tennessee or Washington State or California, the point is that natural disasters are going to happen and it is our responsibility as homeowners, Government leaders, and as businessmen and women, to prepare for them.

To do that, a new partnership is urgently needed, so that more of the disaster relief burden can be borne by insurance and less by the Federal Government. That is what this resolution urges us to do, and that is the cornerstone of H.R. 2873, the Natural Disaster Protection Partnership Act, which I proposed in the last Congress.

That bill was the subject of hearings and wide-ranging discussions among homeowners, consumer groups, the insurance industry, realtors, labor unions, firefighters, and countless others.

What began as a modest proposal became, in the eyes of more than 160 of our colleagues, the nexus for solving the crisis facing millions of Americans affected by the likelihood of a natural disaster touching their lives.

Last September, the Public Works and Transportation Committee—which I had the privilege to chair—approved H.R. 2873 without opposition. We knew we couldn't get the bill enacted into law so close to the end of that Congress, but we also knew that we had to begin to force the issue and chip away at the apathy which says that we can worry about this crisis some other time. We can't.

This country simply must begin to stop the fear of what may come tomorrow, and we do that by forging a consensus where none has been possible in the past. That consensus is becoming possible because of the nature of the partnership proposed in H.R. 2873.

The partnership would lower the cost of coverage for natural disasters such as earthquakes, volcanic eruptions, and windstorms by spreading the financial risks and requiring that coverage in all policies.

We would enable homeowners to continue to rely on private insurance by creating two new funding backstops to cover the cost of claims which a State insurance pool or private insurance company could not cover on its own.

The first backstop would be a private, nongovernmental corporation. The corporation would become a reinsurance pool to be tapped into when either an insurance company or a State has reached the limits of its financial resources.

The second backstop would be a new Federal Disaster Trust Fund. This trust fund would provide short-term loans if the reinsurance pool is temporarily depleted.

And since we are talking about Federal loans, it is important to remember that this partnership would not increase the Federal deficit; the bill requires that the Treasury be reimbursed, with interest, after the crisis ends.

But more than these backstops, we would take actions up front, such as requiring States to adopt one of several model building codes, and the enforcement to go with it. What we all saw in Florida after Hurricane Andrew, for example, was a code which had not been enforced—and roofs that flew around the citrus State like flies in an orange grove. In other words, there must be a partnership in preventive medicine before disaster strikes as well as in financial surgery after the fact.

A bipartisan House Task Force on Natural Disasters—cochaired by the gentleman from Missouri whom, again, I want to commend for bringing vision and leadership to that effort—endorsed many of the principles embodied in H.R. 2873 when it issued its report last year.

Mr. Speaker, obviously, what was a Democratic leadership agenda in the 103d Congress is now Republican in the 104th. Legislation dealing with the Contract With America has preoccupied the House in these first 100 days.

Given this, the task force report in December, the reality of scores of new Members, the legislative schedule, and my own desire to tackle as many disaster insurance-related problems as possible in my legislation, I decided not to simply reintroduce the same bill that my committee approved last fall.

Working with the gentleman from Missouri, we are now looking at issues ranging from unfunded mandates to commercial losses.

Our goal is to get the legislation as right and as complete as possible so that we can do even better than the 162 cosponsors from last year, and quicken the pace from the time the bill is introduced to the time the House approves it.

I expect that the new legislation will be about 90 percent or more of what we reported last year, and that the bill will be ready in a few weeks.

House Concurrent Resolution 39, which I cosponsor, supports that effort. If it is the most we can do at this time to address the issue of preparing for natural disasters; it is the very least we must do.

As the resolution states, "* * * a fundamental overhaul of Federal disaster policies should be undertaken to reduce costs to taxpayers and encourage more effective partnerships between private sector and government at all levels in anticipation of future catastrophes."

Mr. Speaker, I urge adoption of the resolution.

Mr. EMERSON. Mr. Speaker, if the gentleman will yield further, I just wish to take this time to thank the very distinguished gentleman from California [Mr. MINETA] for his leadership in this subject area, both in the last Congress as the chairman of the then Public Works and Transportation Committee and for his leadership in this Congress as the ranking member of the Committee on Transportation and Infrastructure, and also the role that he played, most constructively, in the Bipartisan Task Force on Natural Disasters, which rendered, I think, a very fine bipartisan set of recommendations that will be transformed into legislative language using the gentleman's bill from the last Congress as a base. I hope, together with the gentleman, to move forward very expeditiously in this Congress with passage of this much needed legislation.

Mr. MINETA. Mr. Speaker, I thank the gentleman from Missouri, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 39

Whereas catastrophic natural disasters are occurring with greater frequency, a trend that is likely to continue for several decades according to prominent scientists;

Whereas the Federal Government has responded to disasters by appropriating relief funds, which provide only short-term assistance to victims but long-term burdens to tax-payers; and

Whereas the increasing reliance on Federal disaster relief has overshadowed the need to perform more comprehensive disaster planning and rely on private insurance for protection against disaster risks: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) persons who live in areas at high risk to natural disasters should assume more responsibility for their actions by insuring against such risks in order to minimize the rising cost of Federal disaster relief;

(2) sensible, cost-effective disaster mitigation programs should be encouraged and enhanced at the State and local level;

(3) insurers should create a privately funded pooling mechanism for the spreading of disaster risk in order to encourage the continued availability and affordability of private insurance in all parts of the Nation; and

(4) a fundamental overhaul of Federal disaster policies should be undertaken to reduce costs to tax-payers and encourage more effective partnerships between the private sector and government at all levels in anticipation of future catastrophes.

The House concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EMERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 39; the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. EMERSON. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AUTHORIZING USE OF CAPITOL GROUNDS FOR CIRCUS ANNIVERSARY COMMEMORATION

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the current resolution—House Concurrent Resolution 34—authorizing the use of the Capitol Grounds for the Ringling Bros. and Barnum & Bailey Circus anniversary commemoration, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mrs. SEASTRAND. Mr. Speaker, reserving the right to object, and I will not object, I yield to the gentleman from Maryland, the chairman of the Subcommittee on Public Buildings and Economic Development, for an explanation of his request.

Mr. GILCHREST. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, this resolution merely authorizes the use of the Capitol Grounds for a brief performance of the Ringling Brothers and Barnum & Bailey Circus on or about April 3, 1995. This event is intended to be a salute to the 104th Congress and a celebration of the 125th anniversary of the Ringling Brothers Circus. This event promises to be a welcomed diversion for Members, their families, staff, and the general public, and will be free of charge. It will feature traditional circus entertainment, complete with recorded music.

Ringling Brothers will assume all expenses and liabilities in connection with this event, which will be presented under conditions prescribed by the Architect of the Capitol and the Capitol Police Board. These officials are currently meeting to discuss the details of this event.

Mrs. SEASTRAND. Mr. Speaker, I appreciate the gentleman's explanation, and I too support this resolution. The circus provides family entertainment for millions of Americans and families, and we are pleased to be able to be a part of this annual event and bring it to the Capitol Grounds for this salute to the 104th Congress.

Mr. Speaker, I urge my colleagues to support this measure.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 34

Whereas Ringling Bros. and Barnum & Bailey Circus celebrates its 125th year on April 10, 1995, during its engagement in our Nation's Capital;

Whereas Ringling Bros. and Barnum & Bailey Circus represents a 200-year tradition of circus in America;

Whereas Ringling Bros. and Barnum & Bailey Circus demonstrates to children of all ages that humans and animals can work together in harmony and cooperation; and

Whereas Ringling Bros. and Barnum & Bailey Circus is committed to its goal of educating the people of the United States as to the need to conserve endangered species: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR RINGLING BROS. AND BARNUM & BAILEY CIRCUS ANNIVERSARY COMMEMORATION.

Ringling Bros. and Barnum & Bailey Circus (hereinafter in this resolution referred to as "Ringling Bros.") shall be permitted to sponsor a public event, with circus elephants and performers, on the Capitol Grounds on April 3, 1995, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may jointly designate.

SEC. 2. CONDITIONS.

The event to be carried out under this resolution shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board; except that Ringling Bros. shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. STRUCTURES AND EQUIPMENT.

For the purposes of this resolution, Ringling Bros. is authorized to erect upon the Capitol grounds, subject to the approval of the Architect of the Capitol, such stage, sound amplification devices, and other related structures and equipment as may be required for the event to be carried out under this resolution.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements that may be required to carry out the event under this resolution.

SEC. 5. LIMITATION ON REPRESENTATIONS.

Ringling Bros. shall not represent, either directly or indirectly, that this resolution or any activity carried out under this resolution in any way constitutes approval or endorsement by the Federal Government of Ringling Bros. or any product or service offered by Ringling Bros.

The concurrent resolution was agreed to.

A motion to consider was laid on the table.

GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution just adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PARLIAMENTARY INQUIRY

Mr. HOYER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOYER. Mr. Speaker, it is my understanding that the minority side will still yet have a unanimous-consent request to make, and if we go into the special orders, will that be too late for them to do so? I think the gentleman from Pennsylvania [Mr. GOODLING] is checking on that now.

The SPEAKER pro tempore. The Chair would state that normally business requests are not entertained once special orders have begun.

☐ 1830

RENEWAL OF REQUEST FOR PERMISSION FOR CERTAIN COMMITTEES AND SUBCOMMITTEES TO SIT ON TOMORROW DURING THE 5-MINUTE RULE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that the following committees and subcommittees be able to sit during the 5-minute rule tomorrow: Committee on Banking and Financial Services, Committee on Commerce, Committee on Economic and Educational Opportunities, Committee on Government Reform and Oversight, Committee on House Oversight, Committee on International Relations, Committee on the Judiciary, Committee on National Security, and Committee on Resources.

The SPEAKER pro tempore (Mr. SHAYS). Is there objection to the request of the gentleman from Pennsylvania?

Mr. HOYER. Mr. Speaker, I reserve the right to object.

Mr. Speaker, as I was saying when this matter was previously brought up, I am not going to object, but I do want to make the point, and I think it is a point that bears consideration.

This is a very serious matter that is going to be considered by the Committee on Government Reform and Oversight tomorrow. It is a matter of great controversy. Now we have considered a lot of matters of great controversy when we have been under the 5-minute rule. My side has agreed to this, and I am not going to object because of that. The leadership on my side has consulted with their leadership and has agreed.

However, Mr. Speaker, I want to make the point under my reservation that this is a change of great magnitude for middle-income workers, that we expect to carry out our policies. The proposal is approximately a 10-percent tax increase. Now, if it were on any other people in America, the committee would not only not meet, they would be vigorously opposed to such an action. I am told that the proposal will be changed somewhat and that, in fact, the money will not be a savings, but will be applied to the retirement itself of Federal employees. But it has been projected at an $11 to $12 billion cut out of the pension benefits of some 2 million civilian Federal employees. That is a big hit on Federal employees. I am opposing that proposal, and will oppose it tomorrow, and am hopeful that it will not be approved.

Now the ranking member of the subcommittee from which that came is the gentleman from Virginia [Mr. MORAN]. He has raised many reasons why it should not be approved, and at this time, under my reservation of objection, I will be glad to yield to the gentleman from Virginia.

Mr. MORAN. Mr. Speaker, I thank the gentleman from Maryland [Mr. HOYER].

The reason why we have reserved the right to object is that we are marking up a bill that has been given very little consideration. The minority had been notified only days in advance of a markup and, in fact, of hearings. We are rushing to judgment on a retirement system that, in fact, does not need tampering with, that, in fact, was fixed in 1986 after 2 full years of deliberation, and now we are going to change that within a matter of days with very little reflection.

Most of the Members of this House have no idea what we will be marking up tomorrow and bringing to the floor very shortly. What we did in a bipartisan way, after 2 years of study in 1986, was to institute a new retirement system. That retirement system is working perfectly. It is fully funded. The old retirement system is not fully funded, but in fact it is being phased out. So there is no reason to mess with that, and, when we passed legislation in 1986, we told Federal employees, we told our colleagues, we told the American public, we were not going to change this system, and now we are asking for unanimous consent to mark up a bill that completely changes it in a radical and punitive manner.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Speaker, we did this in 1986. Was the gentleman here in 1986?

Mr. MORAN. Mr. Speaker, I was not here, and the gentleman from California [Mr. CUNNINGHAM] was not here.

I would tell the gentleman from San Diego and I would emphasize that we have a responsibility to maintain the contracts that we make with the American people, that this Congress does. We are standing in the seat and assuming the responsibilities of our predecessors, and, when the U.S. Congress makes contractual obligations, it is our responsibility to fulfill those obligations. I am glad that the gentleman from California made that point, made the point that we have a responsibility to fulfill our commitments, and we are going to abdicate that responsibility and violate that commitment in the markup tomorrow. At least that is the intent of getting unanimous consent to be able to meet during the legislative session. That is why we have brought up this reservation.

Granted, it applies to Members of Congress; that is not the reason for the objection. Members of Congress will pay more into their retirement, and they will get much less back out of their retirement. But the people that are taking the biggest hit are Federal employees who will pay almost a 12-percent tax increase in the CSRS plan. It will go from 7 to 9½ percent and, in the new plan, from 0.8 to 3.3 percent after we assured them this would not happen.

That is why this should be objected to, and I yield back to the gentleman who yielded to me, the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Reclaiming my time, Mr. Speaker, the gentleman from California [Mr. CUNNINGHAM] asked the gentleman from Virginia [Mr. MORAN] whether he was here. He, of course, perhaps knew, or at least may have known, that the gentleman from Virginia was not here.

As the gentleman well knows, I was here, and I would tell my friend from California that this was a bill that was passed by the Democrat House, by the Republican Senate, and signed by President Reagan. This was an attempt to put, as my friend from Virginia has said, the pension system on a sound basis. As the gentleman from California clearly knows, President Reagan, his OPM director, OMB and the Republicans in the U.S. Senate, then headed by Mr. DOLE, as he is now heading that Senate, as the gentleman knows, made a determination that it needed to be changed, so we created the FERS system, which is for new employees and new Members of Congress, and we kept in place the Civil Service Retirement System. As the gentleman from Virginia has pointed out, that was a bipartisan fix of a pension system.

It created two systems, a new system, and left in place the old system. It did not deal, as I know my friend knows, with the military retirement system, and I would presume that my friend would not want us to arbitrarily and capriciously, with very short consideration, change the military retirement system, and the reason we should not do that is we have a moral obligation to our friends who served in the military, who served their country, and under one consideration, they did not do it for this reason, but we told our friends in the military, "This is the deal, this is the pension system that we're going to give you," and I am going to yield to the gentleman in just a second, but I was intrigued with my friend's question, so I wanted to fully respond.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

Mr. CUNNINGHAM. I agree, and I do not disagree totally with what the gentleman is doing. My only intent was the gentleman was sounding like he helped create the bill. He, nor I, was there, and that is the only issue I brought.

Mr. HOYER. The gentleman makes a point, neither of them were there.

The point I want to make in all seriousness, and we are almost ready, but, further reserving my right to object, the point I want to make is that this is a very serious proposal which will adversely affect middle-class working Americans, and I have a lot of good friends on their side of the aisle with whom I agree some of the time, but very frankly this is not a partisan issue in terms of those who are being focused on it. The gentleman from Virginia [Mr. DAVIS], the gentlewoman from Maryland [Mrs. MORELLA], and, as the gentleman mentioned, others share our concerns that we not in a short term, without serious consideration, without extended debate in the subcommittee or in full committee, without an opportunity for persons to be heard who will be adversely affected, impose on middle-class working Americans in effect a 10- to 12-percent tax increase.

Now we do it by increasing their pension from 7 to 9½ points. That is a 2½ point—about $750—$750 on the average Federal worker, and that is akin to about a 10-percent tax increase. That is something we ought not to do in the fashion that we are doing it. That is the purpose of us rising.

Mr. Speaker, we are not going to object because there has been an agreement, and very frankly we understand, even if we objected, they could make a motion tomorrow to do the same thing, and I am convinced they would prevail, but I hope we look at this matter very closely. My friend from California said he may agree with me if we affected military retirement in this fashion. We would not want to do that. I say to my colleagues, don't do it to civil service employees any more than you would do it to military personnel in this fashion.

Mr. MORAN. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Virginia.

Mr. MORAN. Mr. Speaker, just as the gentleman from Pennsylvania who asked unanimous consent request, I ask that the Members of Congress realize what this means to them or, more importantly, to their staffs, in fact to all the committees' staffs, all the people who work up here on the Hill. They will see their retirement contribution requirement increased by about 12 percent, from 8 to 9½ percent. On the base that is about a 12-percent increase. They will see their accumulated retirement reduced by 2 percent. So we hit them on the front end in terms of what they contribute and on the back end in terms of what they are able to accumulate toward their retirement, but when we compare that to Federal employees, there was actually a 35-percent increase. That is 2½ percent over the current base of 7 percent, a 35-percent increase over what they are currently paying, plus there will be a reduction in what they are able to receive.

And in the Thrift Savings Plan, which was designed to fix this, which we were committed to sustaining and to not changing, there will be a reduction in the employer contribution, the Federal Government's contribution, from 5 down to 3 percent. This will affect the quality of life of everyone in the Federal Government who is dependent upon a Federal retirement, whether it is in the legislative branch, or the executive branch, or the judiciary branch.

This is a profound change in the assumptions that people have made when they seek and obtain Federal employment and when they plan their retirement years, and yet we get unanimous consent to mark up a bill with a few days' notice, and bring it to the floor and make such a profound change with very little consideration.

Mr. HOYER. Mr. Speaker, I thank the gentleman, and just in closing:

We ought to remember approximately 90 percent of private sector employees in America make no contribution to their retirement systems, none. Federal employees are now making a 7-percent contribution. Now, the Federal employee pension system is a better system than most private sector pension systems. I mentioned that Ronald Reagan signed the bill in which we formed this working with a Republican Senate and a Democrat House.

□ 1845

In 1990, A Democratic Senate and a Democratic House, working with a Republican President, George Bush, tried to reform and did reform the pay system. And the reason President Bush and his administration agreed to that was because they believed, correctly, that pay was not comparable, and they further believed that you ought not to modify in any way the pension system until you got pay comparable.

President Bush then signed the locality bill, the Federal Comparability Pay Act, and said in signing that that he hoped to put the pay and retirement system on a solid base. That is our point. We ought to retain what we have. We ought not to change it and we ought not to do it in this way.

But, again, as I said, Mr. Speaker, I will not object because of the fact that my leadership has agreed to this process.

The SPEAKER pro tempore (Mr. SHAYS). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE EFFECTIVENESS OF OUR WELFARE SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. TALENT] is recognized for 5 minutes.

Mr. TALENT. Mr. Speaker, next week the House will take up an historic piece of legislation, the welfare reform bill. There has been a lot of discussion about spending on welfare in the context of that bill and there is going to be a special order later this evening which will discuss that further.

I want to talk just for a few minutes not about spending as such, but about the relationship between spending on welfare and the effectiveness of our welfare system. And I am going to do that first by looking at this graph, which is very informative. It shows us how welfare spending has grown since the Great Society programs were announced in the mid-1960's.

What you can see from that, Mr. Speaker, is that in approximately 1965 we were spending about $30 billion in Federal and State spending on welfare. And that by 1992, we were spending close to $300 billion on welfare, or a tenfold increase in how much we were spending on welfare. So we had an explosion in welfare spending on the Federal and State level in the last 30 years.

But look, Mr. Speaker, at what has happened to the poverty rate during that period of time. In 1948, it began a steep decline, down to about 15 percent in approximately 1965, at the same time as welfare spending has exploded and it has stayed the same. It has gone up slightly since 1965.

This vast explosion of welfare spending has brought us not a decrease in poverty but, in fact, a slight increase in poverty and we are entitled to say, why? Why at the same time as we have increased, exponentially, spending on antipoverty programs has poverty stayed the same when it was declining beforehand?

The reason is because of the incentives in the welfare system. The welfare system pays this money only on the condition that people have a child without being married, earlier than they probably otherwise would, and without having a job.

So what the welfare system is doing is destroying work and marriage and family and responsibility. And if you destroy that, it does not matter how much money the Government gives somebody, you are not going to get people out of poverty. It is like bailing water out of a boat with one hand while you are pouring water in with the other.

I want to go to the other chart. I only have a few minutes. This is a projection of what is going to happen with welfare spending in the future.

Now, this is a baseline before the welfare reform bill that we are working with that we will be debating next week. You will see that welfare spending is projected to go up from $300 billion in 1992 to close to $520 billion by 1998. By that time, it will be almost twice what we spend on defense.

Now, the CBO numbers are not out, Mr. Speaker, so I did not put it on here. The Republican welfare bill we are going to debate allows welfare spending to go up about half that much by the rate of inflation.

And I want to close with a couple of comments. In the first place, nobody in Washington is talking about cuts in welfare. The bill we will debate next week will allow welfare to grow at approximately the rate of inflation. If you hear anybody talking about cuts in welfare, they are either very much mistaken or they are simply uttering something that is not true.

The second point that these two graphs graphically show is how much we are spending on welfare is a lot less important than how we spend it, because values are more important than money. What we have been doing in the past is spending money on welfare in a way that has destroyed families and destroyed work. And so we have gotten not only not less poverty, but more poverty.

What is exciting about our bill is that for the first time we begin spending money on welfare in a way that reinforces family and work and personal responsibility, and that will make a difference for the people caught up in the system.

We take a step for the first time toward ending cash benefits at least for teen moms. We are going to give that money to the States and localities so they can take care of those moms in a way that reinforces family and work instead of destroying it.

And not only are we going to stop punishing people for working, which is what the current system does, we are going to start requiring work so that by the end of the decade about 50 percent of the people on the welfare caseload, and that is an honest number, will have to work in order to get their welfare benefits.

I am going to close, Mr. Speaker, with an observation that my friend Mr. WATTS, our distinguished colleague from Oklahoma, often makes. Under the current system we have always measured the success of welfare by how many people we could get on food stamps and AFDC and medicaid and the 70-odd other Federal welfare programs. We measured success by how many people we could get on welfare; by how much money we could spend on welfare. We need to stop doing that because welfare is not a life of dignity and hope for anybody.

We need to start measuring success, and we are going to start measuring success, by how many people we get off of welfare, off the AFDC, off of food stamps, off of medicaid, and into a life of dignity and hope and self-sufficiency which is the American dream. That is what we are offering to people.

Mr. Speaker, that is what we are going to be debating next week.

WE OWE THE AMERICAN PEOPLE REAL WELFARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. BRYANT] is recognized for 5 minutes.

Mr. BRYANT of Tennessee. Mr. Speaker, the 104th Congress has been keeping its promises. From real crime legislation to giving much-needed reform to Federal regulations, we are indeed keeping our promises.

One of our promises to America has been to reform the welfare system. We are going to have the opportunity to change the welfare system within the next few weeks. I would like to share my thoughts with you on where welfare has been and where I would like to see it go.

For over two years, the current administration has promised to end welfare as we know it. For over two years, hard-working taxpayers have been waiting and waiting and waiting. Now, this Congress is going to begin that much-needed reform.

The current welfare system has been a tragic failure. It has encouraged dependency upon government, discouraged responsibility, and cost taxpayers hundreds of billions of dollars.

Part of the welfare reform process involves the food stamp reform. That the food stamp delivery system must be reformed, there can be no question. Currently there is an estimated $2 billion of fraud and abuse involved in the food stamp program annually.

The people of the 7th district of Tennessee who I represent are sick and tired of hearing about such widespread misuse of the food stamp program. They are demanding change and they deserve it.

The Food Stamp Program and Commodity Distribution Act will fight this abuse. It contains stricter penalties for food stamp trafficking, tough fines and forfeiture of ill-gotten gains. It is time we crack down harder on those who abuse food stamps and H.R. 1135 will do just that.

I have always believed that the States are better able to operate the food stamp program. After all, the States are on the frontline, much more so than we here in Washington. Pending legislation will give the States the option and the opportunity to take their food stamp funding in the form of a block grant. It is my hope that the States choose this option. It is the most effective and efficient way of reform.

Another important part of this legislation involves work requirements. It is neither right nor fair for those of us who choose to be responsible, taxpaying citizens to pay the way for someone who chooses to make no effort to be productive. So I don't think it is unreasonable to require someone to work for their benefits. H.R. 1135 does that.

Mr. Speaker, we owe the American people real welfare reform. The pending legislation will begin to provide that reform. I urge my colleagues to support H.R. 1135 as we begin considering it in the near future.

THE EMPLOYEE COMMUTE OPTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. MANZULLO] is recognized for 5 minutes.

Mr. MANZULLO. Mr. Speaker, the issue I want to speak about tonight involves a mandate imposed by Congress which must be enforced by the EPA. It is a plan that affects many of my constituents in the 16th congressional district of Illinois and many businesses in several cities across the country.

Many governors have called this the most unreasonable, least thought-out, least effective but very, very costly program ever proposed by the U.S. Congress. The plan, employer trip reduction, was mandated under the Clean Air Act amendments of 1990.

Let me explain what this mandate is all about. Section 182(d)(1)(B) of the Clean Air Act requires employers of 100 or more employees in severe and extreme ozone nonattainment areas to increase passenger occupancy per vehicle in commuting trips between home and the workplace during peak travel periods by not less than 25 percent. The idea is to have people find some other mode of transportation to and from work other than using their car.

The misnomer applied to this mandate is the Employee Commute Option. Some option. If the State elects not to implement this mandate, it stands to lose some of its transportation funds. In Illinois that is $700 million. In Pennsylvania, it is $900 million. In some States, fines levied against businesses that do not participate may range into the thousands of dollars.

Areas across the country that face this mandate include Baltimore, New York, Philadelphia, Chicago, Houston, Milwaukee, Los Angeles, San Diego, Ventura County and Orange County in California. Other affected States include Connecticut, Delaware, New Jersey, and Indiana.

The EPA, in implementing guidelines for this Employee Commute Option, suggests other options for getting to work including mass transit, jogging, bicycle riding, car pooling, and walking.

Well, in the 16th congressional district of Illinois there is a rural county, McHenry County, which is included in the Chicago consolidated statistical metropolitan area. That means residents in and around McHenry County who work in this rural area without sidewalks or mass transit system must car pool. This is a federally mandated car pooling and it is an outrage.

When the amendments of the Clean Air Act were passed in 1990, I was not a Member of this body, and to the best of my knowledge there was never any formal debate on this issue in the House; never any specific hearings on the issue before it was simply slipped in to the Clean Air Act amendments.

This past Sunday, Illinois Governor Edgar and I took the bold and courageous step of announcing a moratorium on the federally mandated employee commute option. He has directed the Illinois Department of Transportation not to enforce this measure. Why? An assistant administrator for the EPA admitted that air emissions reductions are, quote, "minuscule," and her agency has stated it simply does not intend to enforce the mandate.

This moratorium now puts Illinois in the same situation as Pennsylvania and Texas which have announced that they will not participate in enforcing the mandate. There is only one catch, Mr. Speaker: the employee trip reduction mandate is the law. The EPA may choose to not enforce it. The States may not enforce it. However, there is nothing to keep a Federal judge from enforcing it.

No, the mandate is clear. It is law. It says that businesses with over 100 employees shall participate and decrease the number of cars going to and from work. This will cost up to $210 million per year to enforce this unfunded mandate and that applies not only to the private business business but to the public sector.

This law is so ridiculous that it says to a high school that has more than 100 teachers and administrators, that those teachers have to car pool. But the students do not have to car pool, so we would have the incredible result of teachers walking to work, having to hitchhike there to be picked up by their students. And students would rather go to school without their teachers so that they will not have to be taught the subject for the first hour. It is crazy. It is insane. But that is how ridiculous this mandate is.

Data from Southern California indicates that forced car pooling costs companies over $100 per employee and $3,000 per vehicle taken off the road. And the EPA itself has estimated the tremendous cost into the billions of dollars annually to address a solution which itself calls minuscule.

□ 1900

I have introduced H.R. 325 to return the true meaning to the word "option." It makes the employer trip reduction mandate optional to the affected states. H.R. 325 is dedicated solely to correcting this single provision in the Clean Air Act. Nothing else. It does not decrease the quality of the air. This bill simply makes car pooling an option to reach the goal of clean air. This is not an environmental or anti-environmental bill. It simply makes car pooling voluntary in the menu of options available to achieve clean air standards.

This is why this bill has such wide support. It is bipartisan, has more than 152 cosponsors, and I would encourage my colleagues to become cosponsors with us.

SCHOOL NUTRITION AND FAMILY PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MILLER] is recognized for 5 minutes.

Mr. MILLER of California. Mr. Speaker, my colleagues on the other side insist upon trying to tell the country that a cut is not a cut. But the problem with their calculations are as we talk to more and more local school districts, they clearly realize that these are cuts. The School districts and school nutrition programs will have less money over the next 5 years to feed children than they have under the current services budget by CBO that will allow them to continue to serve the number of children that they are serving now.

Monroe County schools up near Rochester, NY, they are talking about serving 7,800 fewer children than they would otherwise be able to serve in the coming year. The point is this, that when you look at the cuts in school lunch programs, you see that the Republican proposal is off by some $2.3 billion. They can say this is not a cut, but the fact is it is a cut, because those children who would otherwise be served in this program over the next 5 years, many of them simply are not going to be able to be served.

If they choose to serve every child, they have to decide to cut back on the meal and nutrition component of that meal, and as we know from many of these children, this is where they get a good portion of their nutrition in the entire day. They can decide to raise the price to those who are now paying a reduced price meal. The fact is when we have seen that, a good portion of the reduced price young people are forced to drop out of the program because they simply do not have in their family income sufficient money to increase that price. They can choose to throw all of the paying children out of the program who pay full price for the meal, but as we know, when you do that, you start to lose the economics of the program and programs close down as a result of that.

So what we have here is a mismatch of about $7 billion in nutrition programs over what we should be spending to serve this population as opposed to what the Republicans are offering in the welfare reform bill under the child nutrition components. They say that they are offering $4.5 billion every year, and that is supposed to make everybody here believe that that in fact takes care of the problem. But the problem is that the 4.5 percent they are offering every year is not based upon the total cost of what it costs to deliver school lunches and pay for them under the current program, because it does not include the cost of the commodities, so that is excluded from the 4.5 percent. The cost of education is excluded from the 4.5 percent, and in fact they omit almost 20 percent of the funds currently used to provide nutrition programs for our young people, and that is why the 4.5 percent then, even though they add it every year, falls further and further behind, until by the 5th year, we see there is a gap in the nutrition component of my Republican colleagues of a little over $7 billion. That is roughly in the school lunch component because of 2 million children over the next 5 years that otherwise would be served under the current services budget as opposed to those who will not be served.

Now, the Republicans also want to convince everybody in America that they are not cutting meals, they are only cutting the bureaucracy. The bureaucracy at the Federal level for all nutrition programs is $140 million a year. $140 million a year. If you do it over the 5 years, it is roughly $700 million. They are cutting $7 billion out of the program. So obviously it is not just the bureaucracy.

The cuts go far beyond the bureaucracy at the Federal level. Where do the cuts go? They go right to the school lunches, to the participation in the WIC program, to the school breakfast programs, to the nutrition education programs that are sponsored by this program.

What does that mean? That means a good many of our poor and our near-poor, the working poor in this country who rely on this program for nutrition, simply will no longer be able to do so to the same extent that they are today.

They are not talking about waste, fraud, and abuse. We had those problems many years ago when the private sector thought it was open season on the school lunch program and they could deliver substandard meals and poorly packaged meals and stale meals and charge us. We are not talking about that in the WIC program, when we had the problems of being ripped off by some of the largest food companies in this country that thought they could sell us substandard formula or sell it to us at rates that far exceed the going rate.

Unfortunately, in the Republicans' proposal, they no longer include the competitive bid process, which would save us a billion dollars, and we were using that money to plow back into providing the services for pregnant women and newborn infants. So the bottom line is that a cut is a cut. There is a $7 billion gap between this and whatever.

I ask my colleagues, and Mr. CUNNINGHAM is on the Armed Services Committee, if someone said they were only reducing the growth of the defense budget, I suspect they would call it a cut. That is what they have been calling it over the last several years whenever it is suggested is that a cut take place or a reduction in the growth. But if you are a hungry child, the $7 billion gap that you create means that lunches will not be delivered, and that is the simple fact. The numbers cannot be denied. I assume that is why they are so frantically trying to convince people all is well in the school lunch program. It is not, and it is not well for the children.

FAMILY AND SCHOOL NUTRITION PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennylvania. Mr. Speaker, my Republican colleagues and I are here tonight to set the record straight about family and school nutrition programs. We care about women, infants and children, and are committed to compassionate solutions to assist our children.

I believe that the whole debate on this issue was best summarized in an editorial which appeared recently in the Cincinnati Enquirer. The author poses the following question to us: If you had a dollar to spend on lunch, would you rather, A, give it to Uncle Sam, who will order your lunch for a cut of the money, or, B, choose your own lunch, or, C, skip lunch and stay hungry?

We have a program that chooses A, give your money to Uncle Sam, who will order your lunch for a cut of the money. President Clinton and his Congressional allies would have you believe that any change in the current system would mean choice C, that kids would go hungry.

Nothing could be further from the truth. My colleagues and I believe we should choose B, to give block grants to the States and allow decisions to be made closer to our children, which empowers families and our local communities.

We are growing kids, not the Government. Our plan will increase funding for Women, Infants and Children programs and school nutrition programs by 4.5% each year. As you see from this chart in each year from 1995 to the year 2000, the red chart shows a yearly increase of the food programs for school nutrition of 4.5 percent and an even larger increase for WIC programs.

The GOP growth in school meals is very clear, the huge increase. You see the increases, 3.6 percent, 4.5 percent, and 4.5 percent. The same is true with WIC programs. I wish to point that out. The GOP also grows the WIC programs. In this case we see that a line goes up, the CBO baseline WIC funding and the GOP WIC funding, which is even higher.

By eliminating the Federal middleman and the 15-percent administrative costs that were used to run the current program, our plan will make more resources available to feed more children.

Our proposal creates two separate block grants—one to address family nutrition needs and one to address school nutrition needs, which preserves the family and rewards work.

The family nutrition block grant will allow States to promote the good nutrition, health and development of women, infants and children and to provide healthy meals in child care, head start, summer camp, and homeless shelters.

Under the block grant, funding for family programs, including vital programs to help women, infants, and children, will be $588 million greater over the next 5 years than in the current programs. With increased funding and less bureaucracy and paperwork, States can assist more of our children.

The school nutrition block grant allows our schools to provide breakfast, lunch, before and after school meals and low-cost milk to our children. We know that hungry children cannot learn—that is why we propose to increase funding for school meals 4.5 percent each year for 5 years. We are sensitive to the needs of our children. We are committed to providing healthy meals and thus creating a proper learning environment.

Furthermore, the school nutrition block grant will enable more meals to be served to more children.

We are proud to be part of a caring solution that helps our children grown, not our Government bureaucracy.

SCHOOL NUTRITION PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. CHABOT] is recognized for 5 minutes.

Mr. CHABOT. Mr. Speaker, last week President Clinton visited Patrick Henry Elementary School in Alexandria, VA, to have a bite to eat. He dined on federally subsidized beef tacos and coleslaw and corn and fruit. The point of his visit was to try to convince the American people that the Personal Responsibility Act would slash the money that funds the current school lunch programs. Frankly, that is a lot of suckatash.

The President and those who oppose welfare reform are not telling the truth to the American people. The Personal Responsibility Act would direct that money to go where it is most needed, away from the Washington bureaucrats and toward low income children. The idea is to help those who have the greatest need.

I apologize for injecting real facts into this otherwise lively debate, but let us look at the numbers. In 1994, the Federal appropriation for the school lunch program was $4.3 billion. The Personal Responsibility Act would allocate block grants to the States of $6.7 billion next year, rising to $7.8 billion in the year 2000.

So funding for school lunch programs will increase by 4.5 percent each year over the next 5 years. Let me repeat that again. School lunch programs will increase by 4.5 percent each year. Now, people can argue about whether that is good or bad public policy, but, please, do not mislead the public by calling it a cut.

There has never been a time during this debate when those of us who favor welfare reform have voted for decreasing spending for school lunch programs. Our intent is to better serve children, not the Washington bureaucrats.

How does this bill work? We will transfer power away from the Federal food bureaucrats in Washington and give more authority to the States where it belongs. At the same time, we will focus the program more efficiently to ensure that at least 80 percent of the money goes to children from low income families.

States will have the flexibility to use the grant funds to support what they find to be the best programs for their individual school districts. They can decide how to meet the needs of children and families in their areas. This plan makes school nutrition programs easier to operate and more cost-effective by reducing paperwork. It caps administrative costs at 2 percent, and it helps ensure that meals are appealing to children by allowing greater choice at the regional and local level. We are not cutting funds for our children; we are eliminating the Federal bureaucrat as the middleman.

Federally funded beef tacos may be what we have become accustomed to, but the diet we have become accustomed to here in Washington is not necessarily healthy for the American people. The States should have the opportunity to see if they can feed more children more efficiently with more money. That is what we propose to do.

Frankly, as a parent myself, it makes a lot more sense to me for someone to be able to talk directly with his or her local school board about school lunches than it does to have to speak to the Agriculture Department or Committee on Agriculture here in Washington. It is not as though Federal overmanagement makes beef tacos, coleslaw, corn and fruit taste better.

I hope that those who are so wedded to the present system finally will begin to tell the truth to the American people. The debate becomes clearer when it is understood all the distortions and false accusations are coming from people who understand that we are not proposing state school lunch cuts, but they want to avoid the real cuts other unrelated programs later on.

But opponents want to preserve the country's huge welfare state, so they launch this fear attack now as a preemptive strike. Well, my view is while we need nutritious lunches in our schools, we need a whole lot less baloney here in Washington.

□ 1915

REFORMING THE WELFARE SYSTEM AND FEDERAL NUTRITION PROGRAMS

The SPEAKER pro tempore (Mr. LUCAS). Under a previous order of the House, the gentleman from Minnesota [Mr. GUTKNECHT] is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, one of my favorite Presidents was Ronald Reagan, and two of my favorite expressions that he used, and some Members will remember in some of the debates, he would use the phrase, "Well, there you go again."

He used that expression when people would attempt to distort the facts. We have heard it again tonight. "Well, there you go again."

One of my other favorite expressions from President Reagan was one that I use often around my office, and, that is, "Facts are stubborn things." I almost wish we could bring those charts back here so people could continue to look at them because I think facts are stubborn things, and I think the more the American people get a chance to see the real facts about what we are talking about relative to welfare reform and reform of our nutrition programs, the more that they will see that the facts are on our side and that this is not a plan designed to cut the nutrition program. As a matter of fact, some of my more conservative constituents back in the district are saying, "Why are you allowing these programs to grow the way you are? We'd like to see you freeze these programs."

We are being accused by some of our Democratic colleagues of being mean-spirited and we are hurting children. But I was reminded of a quote the other day from Ralph Waldo Emerson. He said, "There is always a certain meanness in the argument of conservatism, joined with a certain superiority in its facts."

As we show the facts and as the American people get to know the facts, I think they will recognize that when we are talking about meanness and particularly as it relates to our children, I think the meanest thing we can do to our kids is leave them a debt which they will not be able to pay off. That is exactly what we are doing, ladies and gentleman.

Last year the President's own budget officers backed up by the General Accounting Office said that unless we make some changes, by the time today's kids reach our age, they may be confronted with an 82-percent tax rate. In fact, we are stealing from their future. I think the American people are way out in front of us. I think they expect some real cuts. As a matter of fact, all of my town meetings have centered around cut spending first. Frankly, I think some of my constituents are upset because we have taken so many things off the table. As I said earlier, I think they want real cuts in welfare, they want real cuts in some of these programs, and in fact as you look at the charts, whether you are looking at welfare, the Nutrition Program, the WIC Program, all of the other programs, we are actually seeing significant increases.

We have only been here about 9 weeks but it is interesting to me to learn the vocabulary of Washington. Here an increase can be called a cut. But we look at the numbers, and the numbers speak for themselves.

If we look at the Family Nutrition Block Grant Program. According to the current programs, we would be spending in fiscal year 1996, $3.585 billion this year. Fiscal year 1996. Under the Republican plan, we are going to spend for the Family Nutrition Block Grant Programs $3.684 billion. That is not a cut. The American people know that is not a cut, and I think the American people want cuts.

I want to close, Mr. Speaker, if I could with a quote, and I will not tell who said this because I think it is such an important message, but I would like to share this with the body:

> The government has extremely limited resources to address the many and urgent needs of our people. We are very keen that this real situation should be communicated to the people as a whole. All of us, especially the leadership of political organizations in civil society, must rid ourselves of the wrong notion that government has a big bag full of money. The government does not have such riches.

The speaker went on to say:

> It is important that we rid ourselves of the culture of entitlement which leads to the expectation that the government must promptly deliver whatever it is that we demand and results in some people refusing to meet their obligations.

That was not NEWT GINGRICH who said that, it was not even Thomas Jefferson who said that. That was said less than a month ago by Nelson Mandela, addressing some people in the Democratic Parliament in Cape Town, South Africa.

Let me just repeat that last sentence because I think it is so important and I think that is what this debate is all about. Are we willing to finally ride ourselves of this entitlement attitude that we have?

He said:

> It is important that we ride ourselves of the culture of entitlement which leads to the expectation that the government must promptly deliver whatever it is we demand and result in some people refusing to meet their obligations.

Mr. Speaker, this exercise that we are going through, whether we are talking about the nutrition programs or welfare reform, is really about changing the attitude not only of Washington but of the American people. We cannot go on under this principle that people are not responsible for themselves. Our welfare reform is really about reinforcing some of those principles, some of those values, if you will, that we know work. We need to reemphasize work, we need to reemphasize personal responsibility. That is what this exercise is about. The facts, the numbers are on our side. Frankly I think, Mr. Speaker, the American people are on our side.

FEDERAL NUTRITION PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, the Republicans say that really they are not cutting nutrition programs, and I do not intend to suggest that they mean to cut and suggest they are not cutting.

We are probably looking at this in different ways. I would think that the emphasis ought to be placed on will they serve more children in the long run or will they serve less? Is the current policy being enforced or will they indeed have a new policy which may yield more money but serve less people?

Let me say, Mr. Speaker, that wedding oneself to entitlement certainly is not wedding oneself to invest in our future. Wedding oneself to entitlement is not the same as saying children are our most precious commodity. And entitlements as to some of the basic necessities as food and shelter and health seems to be consistent with what democracy is all about, not necessarily wedding them to be on the dole. I would argue for consistency in terms of America and reaching out to help those least among us as reaching out to help those who are most affluent. It was indeed President Kennedy who said, and I agree, that if this Nation cannot respond to the many who are poor, certainly this Nation cannot defend the few who are rich. That is true, Mr. Speaker.

What are those myths they are saying? They are saying, well, there is going to be more food indeed for school lunches.

I would submit, indeed they are cutting. In fact, the chart we have here indicates surely that they are cutting as a whole.

They say indeed that what we are doing, we are increasing the School Lunch Program 4.5 percent. Indeed, that may be so, but consider this, Mr. Speaker. In that 4.5 percent, you are not taking into consideration inflation, you are not taking into consideration the increase of students who will be there, but yet that same approach was not led to the defense. Indeed, you did take into consideration when you were looking at the budget for defense that in order to maintain that level of service, we have to make an adjustment for inflation. But indeed you did not do that.

When you take all of the nutrition programs together, this chart clearly shows that over that 5-year period, there would be cuts of at least $7 billion. You see, when you take all the many nutrition programs together and begin to block grant them into two, something else happens to that, particularly the ones that you have the nutrition where you have WIC and other programs. You begin to have the programs who are in need competing among themselves. How does that affect the American people?

I will tell you, it certainly affects the day care people and those who are working because they are going to find that their day care is going to go up and beyond, to make work affordable, they are going to have to increase their outlay for day care because now the choices will be how much money we spend on WIC, how much money we spend on day care.

You say, well, 80 percent of those funds are designed for WIC. Well, WIC does not want to help people get over the first 2 or 3 years and find that the mother is now working and all of a sudden her day care is going up because you are pulling away the support that you had there before day care.

Block grant in itself may not be an evil concept but block grant under the guise of efficiency and better service and local control, it needs to be examined. I submit to Members that in the block grants, in cutting, we may indeed be offering an unfunded mandate because those people who are closest to their citizens will be going to their county commissions, be going to their State general assembly, because they have come to understand that these programs are there and they no longer will be there. You will say, we have given the block grant and we have capped them.

The other issue about block grants is that it does not indeed take into consideration the downturn of the economy. It makes no adjustment for that whatsoever.

Given these factors, it cannot be made substantial when we go beyond the rhetoric that more children will be served. The truth is, more children will not be served. Why? Food is going up, and the school and population is growing.

Which of us would rather tell the last 5 kids of the 25 that are there that they are not going to be able to be served? You must begin to understand why people are so outraged is they cannot believe that you understand this and will still go forward. It is not that we think anyone has more of a disregard for young people than we are, but apparently we do not share the same vision for the future to allow this to happen.

Mr. Speaker, I would urge all of us to begin to think not in terms of entitlement when we think of our children but think of our children as our future. To the extent we fail to invest in our future, we fail to invest in our society.

MORE ON FEDERAL NUTRITION PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. HAYWORTH] is recognized for 5 minutes.

Mr. HAYWORTH. Mr. Speaker, I thank the preceding speaker joining us in the well, the gentlewoman from North Carolina. I appreciate her point of view and especially her last couple of comments. However, I thought for a time tonight we had made real progress because it seemed the preceding speaker, Mr. Speaker, had decided to back away from the terminology "cut."

Let us again state for the record, the proposal offered by your new majority in the Congress of the United States, a proposal that for child nutritional programs adds $200 million over what President Clinton outlines in his budget, a plan that calls for annual increases over the next 5 years of 4.5 percent every single year, friends, those are increases.

The numbers, with all due respect, offered by the opposition are phantom numbers because they speak of $7 billion in cuts, $7 billion that don't even exist.

The problem, Mr. Speaker, is this: We do confront a deficit of stark proportions for us all. In fact, by some estimates since in essence the national debt is compounded every nanosecond, it continues to grow, by some estimates we confront a national debt that affects every man, woman, and child in this country to the tune of their share in the national debt, for you and me and for everyone else, fast approaching $20,000.

We have a simple choice: Either we can continue to play the tired old politics of the past which are akin to a schoolyard game of am-not-are-too, am-not-are-too, or we can face this serious problem and take a look and decide to rein in the growth of spending to what is reasonable, to what is rational, and, yes, taking into account the inflation rate, what is most effective, and that is behind our notion of changing these grants to block grants, to let those on the frontline fight the battle.

It is true there is a very real difference in philosophy here, because those in the new majority, Mr. Speaker, believe that people on the frontlines can best fight this battle and believe it is not incumbent upon a bureaucracy run amok in Washington, DC, to decide how best to spend money.

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Your new majority in this Congress realizes that what might work in Philadelphia might not work in Phoenix and that people on the frontlines in the States of Pennsylvania and Arizona and North Carolina and across this Union can best decide how to fight the battle.

But again, the programs are not being cut. Really, this begs a larger question, and one I think of stark importance to our Republic. Do we face the challenge now and deal with it responsibly, or do we remain wedded to the politics of the past?

We heard with great fanfare my friend on the other side from California just repeat all the arguments and all the incendiary rhetoric. Let me submit to you that if we fail to deal with this problem, if we continue with the same old name calling, the false numbers, in essence those who are wedded to the past, those who are the guardians of the past have become, in essence, the enemies of the future. For in maintaining a tired old broken-down welfare state, they have, in essence, declared war on the next generation of Americans.

All we ask is this, Mr. Speaker: That we in this body in which it is a great honor to serve, that we do what every American family at one time or another has to do, Mr. Speaker, to gather around the kitchen table and make some hard choices.

Can good people disagree? Yes. Good people can disagree. And certainly there is a difference in philosophy that I delineated.

But I would challenge the other side to come forward with positive programs to tell us where the cuts will come, to tell us where the changes will come, instead of trotting out the tired old rhetoric of the past.

The stakes are too high. The future beckons us.

IN THE FRONTLINES WITH THE WIC PROGRAM

The SPEAKER pro tempore (Mr. LUCAS). Under a previous order of the House, the gentleman from Oregon [Mr. DEFAZIO] is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, the gentleman who preceded me in the well talked about the frontlines. I do not know where he was yesterday, but I was at the frontlines. I went and visited a WIC program in Springfield, my hometown in Springfield, OR.

Apparently the gentleman is quite unfamiliar with the programs. They are run by local boards. In fact, the chairman of the board of our local WIC program is a Republican lawyer who a couple of years ago thought about running against me. So there is an incredible amount of discretion and weight given to local control.

What did I not see at the WIC program yesterday? I did not see this: I did not see a low-birthweight baby who was suffering tremendously and who was going to be an extraordinary expense all paid for out of the other pocket of the taxpayers, by Medicaid. I did not see one of these yesterday.

But what I did see were a bunch of healthy kids and some parents coming from a whole bunch of different circumstances. I want to talk just a little bit about that.

I saw a teen mom yesterday, a category of recipient who would be cut off from benefits in the Ozzie and Harriet world of the other side of the aisle. We should not have teenage pregnancies, and, by God, if they have them, they are not going to get any benefits.

What is going to happen to the baby in that world? You want to punish the teenager. What about the baby? I do not even think you should be punishing the teenager. A little counseling is a little more in order. I met a teen mom, and she had gotten some of that counseling at that WIC program. Counseling is one of the things cut off under the Republican block-grant proposal. You will give them the food vouchers still, but you will not get the nutrition counseling. They taught her how to breast feed her little baby, and they were there yesterday, and they were a testimony to how well this program works.

I saw a working mom with two kids. She is working, a single parent, but she qualified for the WIC program, and you know what, her kids had nutritional problems. They both had a problem with dairy. They had dairy sensitivity. She did not know how to deal with it. She did not have the wherewithal to deal with it. She went to the WIC program, and got nutrition counseling. She got a diet. I saw those two kids yesterday. They are beautiful kids. They are thriving now through the WIC program.

They talk a lot about fraud and abuse. There are no allegations of fraud and abuse in the WIC program. People get vouchers for a healthy diet.

You know, there are allegations, substantial allegations, in the food stamp program. What is very interesting is the Republicans originally proposed to block grant the food stamp program. But you know what, they backed off, not because they did not want to get at the $3 billion of fraud and abuse. I believe they want to get at that as much as I do and the organized crime. But because Safeway and A&P and Stop and Shop and all the farm lobby came in and said, "You can't do that to us."

Now, WIC unfortunately, the Women, Infants, and Children's Program, low-birthweight babies, the nursing moms, they do not have those kinds of lobbyists, the same kind of lobbyists

Safeway has or the agriculture groups have.

So food stamps is back on with ineffective measures to deal with the $3 billion of fraud and abuse, but WIC is on the chopping block. It is going into a block grant program about 80 percent of the funding it gets now, and 20 percent of that money can be diverted by the Governor of any State to any other purpose they want. And they tell me, "Don't worry, the WIC program won't be hurt." Well, there is an unmet need in my hometown of Springfield, OR, and I know there are unmet needs in many other towns across America, and the WIC program is one of the most cost-effective ways of meeting that need.

I met another gentleman, a man, who was there with his baby. He and his wife, both college graduates, both employed, but in the current job market they are not making a lot of money; they are having a little trouble making ends meet. They are new parents. They qualified for the WIC program. They are getting nutritional supplements for their baby, and they have learned a lot about parenting through this program.

I met another woman there whose child had had a routine pinprick blood test. They do that to the kids who come into the program to see if they have any deficiencies. They discovered that that child had childhood leukemia, and the child is now in treatment.

But this program in their world will not be required to exist anymore because of all of the Federal bureaucrats mandating so many things. I was there yesterday. I did not see any Federal bureaucrats. I saw a bunch of healthy, happy kids. I saw a bunch of parents who were doing better and getting just a little bit of help, and most everybody there was working. Funny thing, given the current minimum wage; and how well do you think you can provide for a family of four? That is why we have the Women, Infants, Children Program.

What does one low-birthweight baby cost, both in terms of trauma to the parents, both in terms of developmental disabilities for that child, both in terms of cost to the Medicaid program? Is it too much to ask that we continue the Women, Infants, Children's feeding program and prevent those low-birthweight babies? I do not think so. And I think America can afford that.

CHILD NUTRITION PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. NEY] is recognized for 5 minutes.

Mr. NEY. Mr. Speaker, once again, I think we have to make the facts known, especially in light of the last speaker. We are not cutting this program. We are increasing this program.

Here are the charts. Now, that chart is a hypothetical, what if, and I guess I could say that in an expenditure where we would hypothetically have $20 billion or $30 billion to care for some type of children's program, I could say we should have $60 billion to care for it, so we have really shortened and shortchanged that program. That is what this chart is. That is exactly what this chart is.

The fact remains we are increasing it. Something I am going to agree about with the last speaker about a successful program. Yesterday I was in Zanesville, OH, Muskingum County, Mr. Speaker, and the people that run the WIC program were in, and it is a successful program, and it is a good program, and I believe that we have recognized that time and time again. We are recognizing it again and again and again by saying we believe in it and we are going to increase it, and here is the chart that tells we are going to do it.

So we have not said it is a bad program. We have no question of the effectiveness of the program. We have no question how it has helped people.

But I have got to tell you, they call this the well. They ought to rename it the swamp, because I think we get to a low point when we come in and bring a picture in and try to say that by increasing this we are going to do harm to children. I think that is absolutely ridiculous.

Let us state the facts as they are, and the fact is that it has been a good program. The fact is that the new way to do the WIC program does not take away counseling, as the last speaker told you, Mr. Speaker. It does not, because nothing changes in this program.

The question of where are we going to live up to the food standards, we do, Mr. Speaker, live up to the food standards, because that is also taken care of through this program.

But it is a bigger picture, and the bottom line in this country, Mr. Speaker, is that tomorrow morning everyone in this country looks into the mirror and sees the face of the human being that is morally responsible as to whether our children live in a country that is safe, prosperous, and secure.

So we all have to ask ourselves, Mr. Speaker, as we look into our faces in the mirror, Members of Congress and people throughout this country, are we doing the best job to make sure that this country is safe, prosperous, and secure for our children? And I answer we are. But not just in how we revise this program to take the Federal bureaucratic end of it out, but in the overall picture of what we are also doing is stepping up to the plate and balancing this Nation's budget, of trying to reempower families to help them by reempowering them to make decisions, and this is what it is all about. It is a bigger picture.

Because what we have done in this country by letting Washington remain the same old, same old, time after time, is we have let a bureaucracy build up, and as I told people from the WIC organization yesterday, we have let it build up to the point if we do not take control now of this deficit, if we do not take back control and reempower families out in the heartland, Mr. Speaker, in this country, we are not going to have to worry about charts on either side of this aisle, because there is not going to be anything left. We will have nothing to leave our children. When we look in the mirror, we are going to know we did not leave our children with a safe country. We did not leave our children in prosperity. And we did not leave, Mr. Speaker, our children with peace.

So not only are we doing the right thing, not only are we increasing this, we are also looking at a bigger overall picture to restabilize this government, to reempower where it counts, in the hands of the citizenry, Mr. Speaker.

And with that, I think we have just got to stay to the facts and quit using scare tactics from this side of the swamp, not the well, to use this type of scare tactic. We should speak to the reality of what we are trying to do, to make a better America, and that is what we are. We are sending our message, Mr. Speaker, to you tonight and to our colleagues, and we know that if we work together in the bigger picture, we are going to give back to families their dignity and give back to families their ability to help empower themselves for a better future.

CAN THE FEDERAL GOVERNMENT SOLVE THE PROBLEMS OF AMERICA?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. WAMP] is recognized for 5 minutes.

Mr. WAMP. Mr. Speaker, I rise tonight to ask a series of questions and to make some statements, and the first question is: Can the Federal Government solve the problems of America? You know, I asked that question as I campaigned for the last 4 years.

I really believe the average person out there is this country does not think for a minute that the Federal Government is going to solve the problems that we have in this country, and there is a tremendous amount of misinformation and disinformation.

I returned to Washington today from Chattanooga, TN, my home, and I can tell you from being there this weekend that this issue has outraged so many people who know better and know that there is some untruth being told. The words "cutting" and "eliminating" are being used over and over again on editorial pages all across this country. It has gotten so out of hand that small children are writing letters to Members of Congress, I am sure at the instruction of their teachers or maybe even their parents, saying, "Mr. Congressman, please, don't cut my lunches. Please, don't eliminate the food from my table."

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And another question I have tonight is, who is actually taking advantage of children here? When you ask small children who don't know any better to write a letter to their Congressman with the threat that you are going to take food off of their plate in front of them and they are not explaining to these children what the truth is.

You know block grants is what we are talking about. Decentralization is what we are talking about. It is a recognition that things are not working, things have not been working. Federal Government got too big, too powerful, out of control. It is outrageous, and we are trying to block grant these dollars back to the State and the local governments.

You know, Al Harris runs the Chattanooga housing authority in my home city, and does an outstanding job there. They are concerned. Let me tell you what he says about block grants. He says block grants work. He says, "Send the money down, unleash the shackles. We got too many rules, too many regulations, too much bureaucracy. Send us the money. We can produce." He looks at this as a good thing, as decentralizing the Federal Government and sending the money on down.

I heard in church Sunday morning a teacher in Hamilton County, Tennessee, said, We have got problems with school lunch programs. Those people who are in need are not getting the services because people who do not qualify are abusing the system. People are applying for and receiving free lunches in our schools and they drive up in about BMW's to let their kids off in the morning. You know why that happens? Because this is a big Federal bureaucracy micromanaged out of Washington, DC, and every time we have turned these programs over to the Federal Government they have got out of hand. Fraud sets in and money is wasted and people do without.

In about 2 weeks, this House, I believe this majority, will vote to put $500 in the pocket of every child in this country whose parents are working and paying taxes. That is the kind of child relief—that is the kind of child support that we need to be engaged in, and there is more help on the way. We are sending this money back to the States. We are not cutting or eliminating anything, and my colleagues have said that over and over again.

What I think this really boils down to is whether or not we trust our State and our local governments, because I do not believe the liberals in this country will acknowledge that our States and our local governments have done a better job than we have done up here in Congress for the last 30 years.

You know, they are balancing their budgets at home. They are responsible. They have got their priorities in order. They are not about to go out and borrow money with a credit card like these voting cards here. The worst and most expensive credit card in the history of the world here is the credit card that Members of Congress use to vote in this Chamber, moneys that they do not have, and it is out of hand. We have got to do something about it.

So let us send the money back to the responsible governments, the State and the local governments. I know in my home State that our governor and our State legislature is going to do the right thing with these moneys when we block grant them back there, and if your program is good, you will get more money, not less money, through block grants and then you won't have the Federal Government breathing down your throat on everything.

I want to close with a statement I know you have heard before but we need to remember it right now, 1995, while this country is at risk. A government big enough to give you everything you want is a government big enough to take from you everything you have.

Patriotic, freedom-loving Americans need to recognize that our Federal Government is out of control. We have got more government than our Founding Fathers ever wanted. We have got more government on a Federal level, more micromanagement, more bureaucrats, more waste, fraud and abuse than I ever wanted to deal with, and we are up here trying to do something about it and they are not telling the truth.

Now, if we are going to have a legitimate dialog in this country about what is best for our children and our future, let us at least be honest. We are not running campaigns anymore. That comes up next year. You know, we knew when we got into it you would not tell the truth about us in our campaigns. That is part of campaigning. This is lawmaking. This is serious business.

Let us at least tell the country the truth on this issue of block grants because this is the beginning of downsizing the Federal Government, returning the power and the money to the States that have acted responsibly.

THE SCHOOL LUNCH PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky [Mr. WHITFIELD] is recognized for 5 minutes.

Mr. WHITFIELD. Mr. Speaker, when the school lunch program was started back in 1946, the research that I have done indicates that the program cost about $70 million that year, and the projections indicate that by the year 2000 the food programs in the United States will be approaching $7 billion.

Now, when you talk about hunger in America, I want to emphasize this evening that those of us on this side of the aisle are just as concerned about the welfare of children throughout America as those people on the other side of the aisle. They certainly do not have any sole discretion about and concern for the needs of children around this country.

But when you have a program, and I might also add that in addition to this school lunch program, there are thousands of programs out there to provide help to American citizens, and that is part of the problem, because you cannot solve a $4.7 trillion deficit problem in America without coming up with new approaches and new solutions to very difficult problems.

Now, all of us would like to do everything that we can do to eliminate hunger in this country. We would like to eliminate disease in this country. We would like to eliminate child abuse completely in this country. All of us agree to that. But we have a significant problem. How do we continue to provide the money for all of the thousands of programs out there, whether they are child care programs, breakfast programs, lunch programs, after school programs, child abuse programs, or whatever they may be?

So the challenge that we have is to come up with innovative solutions to provide the maximum benefit for children throughout America at the lowest cost, and that is what this block grant does that we are now proposing.

We are trying to send this money back to the State and say, bureaucrats in Washington are not close to the problem. The people in the State may be more innovative. Some governors around this State have shown in the last 10 years that they can come up with innovative programs to make a real difference in saving dollars and providing more benefits for the recipients, and that is what we are looking for in this block grant on this school lunch program.

Now, many speakers have already indicated today that our program provides 4.5 percent more nationally for this program each year over the next few years. But I want to, as we have talked about this program in very general ways, we have not been specific enough on how the program really works. And I want to take a moment this afternoon to talk about that.

First of all, in a school lunch program in America today, there are three basic programs. First of all, there are those children who receive free lunches, free breakfast and free snacks, and they receive it because they are somewhere between 135 percent and 185 percent of the poverty level, and they should receive free food because they are not going to get a nutritious meal anywhere else and our program is going to see to it that they continue to receive it.

Then the second group of students, in my home State of Kentucky, the average meal at lunch time on the school lunch program costs $1.60 approximately. And this second group, they pay 40 cents for that lunch.

Now, the Federal Government each month writes the local school board or school nutrition program a check. For those students who paid zero for their lunch, the Federal Government writes a check for $1.60 for every meal served, and by the way, 25 million meals are served around this country everyday. And for those students who paid 40 cents, the government writes a check each month for $1.20 to the local school program.

Now, there is another group of students and those are students who belong to their parents, may be doctors, may be lawyers, may be businessmen, coal operators, coal miners, but they can afford to pay for their lunch and they pay $1.20, still 40 cents below the cost of the lunch. And then on top of this—the Federal Government writing a check for the balance between 40 cents and $1.20, we also sent an additional 17 cents for all meals served.

So all I am saying is that we can provide a program where the wealthy children in this country pay their full share and we can benefit more poorer children, provide better nourishment, more nutrition, and I think that the entire country will benefit from this innovative approach to the school lunch program.

BLOCK GRANTING THE SCHOOL-BASED NUTRITION PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. RIGGS] is recognized for 5 minutes.

Mr. RIGGS. Mr. Speaker, I had to participate in this particular debate because it has grated on me, quite honestly, as a member of the House Appropriations Committee and a member of the Economic and Educational Opportunities Committee. I see a couple of my colleagues here, Mr. GOODLING, the chairman of the full committee, and Mr. CUNNINGHAM, one of the subcommittee chairmen, and it has grated on me to hear these repeated falsehoods and exaggerated claims coming from the other side of the aisle.

It has also reminded me of that wonderful statement that there are really three kinds of lies. There is lies, there is more lies, and there is damn lies, and we have been hearing an awful lot of damn lies and out and out falsehoods propagated by our friends on the Democratic side of the aisle regarding our plans with respect to block granting the school-based nutrition programs back to State and local education agencies and our plans to dramatically overhaul and reform the American welfare system.

Now, I am a former school board member. In a sense, that is how I cut my political teeth, because believe me, school boards remind one of the old saying of I think the late Speaker Tip O'Neill, that all politics are local, and I have a great deal of confidence and faith in those men and women who come forward, purely in a volunteer capacity, to serve on the school boards of their local communities.

I am fully confident that they will provide for the nutritional needs of our school kids at the local level and that is obviously the best way for government to function.

Now, we believe that block granting the school lunch and breakfast programs, obviously, as this chart indicates that my colleagues have made repeated reference to tonight during special orders, we believe that our block grant programs to State and local education agencies obviously does not mean the end of nutrition assistance to needy children. Instead, what it means is the end of funding to Federal bureaucrats.

Some facts to go with the chart as we have attempted to reinforce tonight with our colleagues, and also to the American citizens who might be viewing these proceedings, some facts. Number one, funding in the nutrition block grant will increase 4.5 percent per year, as the chart indicates.

Number two, at least 80 percent of the funds must be spent on low-income children, that is to say, the neediest of children in local schools around the country.

And number three, not more than 2 percent of the block grant funds can be spent on administrative expenses at the State government level, ensuring that more funds are spent on nutrition services for children.

And, ladies and gentlemen, let me just stress that this is part of an overall approach by Republicans in reinventing and downsizing the Federal Government. We are attempting to respond to this patchwork that we have today of over 600 separate Federal categorical programs that have been authorized by past Congresses over a period of many years, and as a consequence, we are putting forward proposals to radically reform this current maze of congressionally mandated government human service programs.

We are considering proposals that we will be bringing to the House floor in coming weeks to consolidate block grant programs in the areas of education, job training, nutrition, child care, and welfare.

And why the block grant approach? Well, the obvious reason. This is a fundamental and long overdue reform necessary back in Washington because these Federal categorical programs are too proscriptive. They are overregulated. They are incredibly fragmented. As my colleagues on the Committee on Economic and Educational Opportunities will attest, when you are talking about 153 federally mandated job training programs for adult and youth, we are obviously talking about government gone amuck and creating far too many programs that can be reasonably administered for productive results and actual benefits to recipients.

So these programs are fragmented and many times often duplicative with the programs at the State and even local government level. We think block granting will actually encourage flexibility, local control, innovation, and ultimately greater accountability.

And why are we taking this approach? Because we want, by cutting down on Federal bureaucracy here in Washington, to apply those cost savings to reducing the deficit and ultimately balancing the Federal budget, as we have promised our fellow Americans we will do by the year 2002.

The only way we can do that is to decentralize authority and responsibility, and, yes, funding and revenues back to the States. In turn, we will be dispersing power to our fellow citizens and will be empowering those Americans who are most in need of government services and encouraging them to take greater responsibility for their own lives and their own destinies.

I have to tell you, Mr. Speaker and colleagues, I wish the President and my colleagues on the other side of the aisle here cared enough about our children to balance the budget. I want to say that one more time. I wish our Democratic colleagues cared enough about our children to balance the budget. That is simply not the case.

In conclusion, we believe that we have a moral imperative to balance the budget, and that is exactly what we intend to do by taking these innovative approaches here despite the opposition.

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THE SCHOOL LUNCH PROGRAM AND BASIC MATHEMATICS

The SPEAKER pro tempore (Mr. LUCAS). Under a previous order of the House, the gentleman from California [Mr. CUNNINGHAM] is recognized for 5 minutes.

Mr. CUNNINGHAM. Mr. Speaker, the gentleman from Texas [Mr. ARMEY] has got a Ph.D. in economics, and the Dick Armey formula for basic math says, "If you increase spending by more dollars the following year than you have spent on it in the current year, that's an increase. If you spend less dollars the next year, that's a decrease." That is Dick Armey basic math. I would offer a book called "Basic Mathematics" for my colleagues on the other side because I am the subcommittee chairman that went through the process, and we sat and figured out what is the best way to improve programs that work good, but yet we can still improve them.

Mr. Speaker, I had a Democratic page come up to me and say, "Mr. CUNNINGHAM, we see the rhetoric on this issue. I'm a Democrat, but why are my own Representatives lying about the facts over and over again?"

We are adding dollars to the children's nutrition programs. What we are cutting is Federal bureaucracy, and the Clinton Democrats will do anything they can to protect those bureaucracies.

Is the school based program, the children based program and family based program; are they fairly effective? Yes, they have been worked on with bipartisanship by my chairman, the gentleman from Pennsylvania [Mr. GOODLING] and Mr. FORD who was his predecessor. And have they worked in the past? and do they work presently? Yes, but, if we can remove the mounds and mounds of paperwork, the Federal reporting that we have to go through every day. And back here in Washington we have got those Federal bureaucrats that have got to receive all those reports and justify their existence with those reports.

Mr. Speaker, that is what the Democrats will fight to do, anything they can in their power to spend and be reelected.

Let us take a look at what President Clinton projected in the 1995 budget. He projected a 3.1 percent increase. We are increasing it by 4.5. If I was a Democrat, I would say, "Well, President Clinton is cutting children's nutrition." He did not cut it; he increased it by 3.1 percent, and in the budget that he just spoke right up here, Mr. Speaker, in your chair, and announced to the American public, he justified a 3.6 percent increase, not a 4.5 like we did, but a 3.6 percent increase.

And again we could say, "Well, the President is cutting children's nutrition." He did not. But what we are doing is taking a look at how we can make it more effective. Republicans believe that government works best that is closest to the people.

I spoke yesterday to seven of probably the most liberal school superintendents in existence from Los Angeles, from San Francisco, from San Diego, and Oakland, and Fresno, and do my colleagues know what they said? "DUKE, we not only want you to block grant it, we want you to get the money to us directly in the LEAs so we can use it in the local school district, so we can disburse it and cut out the State bureaucracies, let alone the Federal rules and regulations. We want to get it to our kids, and, when we've got only 23 cents out of every buck that gets down to the local school district, something is wrong. There is too many bureaucracies, too many regulations, too many reports."

Mr. Speaker, that is what my colleagues on the other side will protest, and let me tell you something we did do in this committee.

In California we have 400,000 illegal immigrants, children, K through 12, 400,000. That is 800,000 meals per day to illegal kids. That is over a billion dollars a day. At $5,000 each to educate those children, that is $2 billion a year, and they want to feed kids.

Do we want to feed all the kids of the world? Yes. But do we want to do it at the expense of American citizens and American kids? The answer is no on our side of the aisle. We cannot afford to feed the world. We want to feed American kids and make sure that the dollars get down to the people, and we are increasing those funds, not decreasing those funds. We are eliminating bureaucracies, not increasing bureaucracies and making it much more effective to do that.

Now in practicality are schools going to go in and eliminate those kids? No, they are not.

TIMBER SALVAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. METCALF] is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, this week the House will take up consideration of the emergency timber salvage sales amendment. This is an amendment designed to make use of timber that would otherwise be left to rot in the forest. The Forest Service estimates that over 20 billion board feet of dead, dying, and downed timber is now in the forests of America.

I am going to tell my colleagues the story of just one tree, one of thousands in western Washington alone. This tree, and many others like it, blew down on the Olympic Peninsula. This is not an uncommon occurrence on the Washington State coast. While this tree grew in a region that is perfect for its growth, the unique combination of heavy rainfall, wet soils, and frequent high winds cause trees like this giant 500 year old Douglas fir to blow down. Thousands of these blown down trees are rotting on the forest floor right now. This tree had the chance to be different. Mr. Jim Carlson can be seen in this picture. He tried to purchase this tree from the Forest Service to be cut up in his sawmill, which used to employ about 100 people. The Quinault Ranger District refused to sell this tree to him. Mr. Carlson then came back to the Forest Service and asked that he be sold this tree and two other downed trees for use in construction of an interpretive building that he wished to construct at his ranch as part of an economic diversification project. This would have allowed Mr. Carlson to get into the tourism business, which, if we had put him out of the sawmill business, is the least we could do for him. The request was denied in spite of the fact that a provision for this type of sale was contained in the Grays Harbor Federal Sustained Yield Unit Agreement.

The taxpayers are the big losers in this story, though. This tree would have produced approximately 21,000 board feet of lumber. To put this in a better perspective, 800 board feet equals one cord. The sale of this tree by the Federal Government to Mr. Carlson would have brought the taxpayer between $10,000 and $20,000 for that one tree. Mr. Carlson would have been able to sell lumber from this tree for approximately $60,000 at retail rates. Conservatively this would be enough lumber to build two modest homes.

The sad end to this tree came in a perfectly legal, though terribly wasteful, manner. An out-of-work timber worker, armed with a firewood permit, cut up this grand old giant for $5 per cord. This amounts to about $120 to the taxpayers of this Nation instead of $10,000 to $20,000.

The rest of the story, as Paul Harvey likes to say, is that this past year, this timber worker had his home sold on the steps of the county courthouse for $931.91 in back taxes. At the same time, while the Quinault Ranger District would not sell this tree for lumber, they did not have enough money to purchase the diesel fuel to run their road grader.

Now environmentalists claim that these trees are necessary for the nutrients they provide for forest floor. Yet forestry scientists say that 90 percent of the nutrient value is found in the crown of the tree, while 80 percent of the fiber is found in the trunk. The 80 percent that we need and can be put to good use contains less than 10 percent of the nutrient value. It is possible to have the majority of the fiber we seek from these trees, and at the same time leave the majority of the nutrients behind. This is a case where you can have your cake and eat it, too.

Mr. Speaker, there are thousands of trees just like this one in the Pacific Northwest. When in full operation, Mr. Carlson could run his mill with only 150 trees like this one each year. He would employ 60 direct, full time workers, with a payroll of over $1 million from a yearly sales total of $7.5 to $9 million. He would pay $200,000 to $400,000 per year in corporate income tax, and would pay $1 to $2 million to the Forest Service in stumpage fees. His employees would pay personal income tax on the over $1 million. In addition, Mr. Carlson would employ up to 40 other people in subcontractor positions. These would be the timber cutters and haulers that would get these logs out of the forest. Sadly, If these giants are not harvested within 2 years of being blown down, they are of no value as timber, and thus, no value to us as taxpayers. This is part of the emergency situation that we face in our forests. Unless we pass this important legislation, these giant trees will rot back into the forest floor from which they sprang. We must use common sense to make the best use of our forest resources.

THE IMPORTANCE OF THE SUMMER JOBS PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I am pleased to rise this evening to help try to have a reasonable discussion to set the record straight here. Tomorrow and Thursday this House will have a major debate on actions to balance the budget of this country, starting with the goal of $17.3 billion, trying to find money to cut across the government, and I think that the goal of trying to balance the budget is absolutely worthy; and each of us in our capacities, as chairs of committees and as Members, has to be a part of this very serious task. I think that, however, as we try to plug the dike, the holes in the dike of our increasing debt, this $17.3 billion action is really going to be somewhat fruitless because at the same time there are billions flowing out the other side of the dike that we are not even taking a look at, and I want to talk about that tonight.

But let me say I am very proud to rise as a Democrat this evening and say that this will not be one Member who will vote to eliminate the summer jobs program, and I would love to be the opponent of any Republicans who votes to eliminate the summer jobs program—on that basis alone. In my district there are over a thousand young people; in fact there are 4,000 in line, for the summer jobs program. We want to provide the best opportunities for our young people, and yet the first place they look is the summer jobs program for our young teenagers; probably for most of them, if not all, the first opportunity they have to have any kind of gainful employment.

□ 2015

As a Democrat, on the second program, I will not vote to eliminate the Low-Income Heating Assistance Program. Twenty-five thousand senior citizens in my district benefit every year from that program. And for anybody who comes from the north and you know how cold the winters get and you know how tight those senior dollars are, I would love to be the opponent of any Republican who votes against the Low-Income Heating Assistance Program.

Let me also say as a Democrat, I will not vote to hurt seniors who are forced to buy these medigap policies when they really cannot afford supplemental insurance. And that is hidden in this rescission bill. I am proud to be a democrat and stand at the side of every poor senior citizen in our country who depends on that medigap insurance.

Now, what is interesting about this discussion is what the Republican Party will fail to go after and this is where my challenge lies with them.

Why do you not do anything about plugging the tax breaks that are there for corporate welfare? We hear a lot about welfare for ordinary citizens. What about corporate welfare? How about getting rid of the $5 billion that is there to let these pharmaceutical companies leave the United States and manufacture offshore? There is $5 billion of the $17 billion right there.

How about $30 billion worth of transfer pricing? All these foreign corporations that operate in the United States do not pay a dime of taxes. That is twice as much as you need right now to deal with the 15.3 billion.

How about all the multinational corporations that have got their hands out to the taxpayers of the United States like the market promotion program at the U.S. Department of Agriculture? We are subsidizing Pet Milk. We are subsidizing Mars Corporation. We are subsidizing Archer Daniel Midland & Company to the tune of millions of dollars a year.

But who do you go to to try to cut when you want to balance the budget? You go to the kids in my district who don't have work this summer. You go to my senior citizens who cannot pay their heating bills.

You know, I heard the Speaker say something really interesting. He is interested in privatizing NASA. Well, I do not know if I want to privatize all of NASA, but I would be happy to be a Democrat that supports privatization of the space station. That would be $40 billion. That is three times as much as you need this first time out of the box before we start taking all of the nicks out of the weakest and most vulnerable people in this country.

And I just want to say to my good friend, the gentleman from Pennsylvania [Mr. GOODLING], who I know labors under great pressures of that particular committee in trying to find these spending cuts, you know, Mr. GOODLING, I do not really think—and you cannot say this and you would not say this, because you are a very loyal servant of the people—but I do not think the Speaker of this House should go to the weakest people in this society and try to balance the budget on their backs.

I would have more respect if he followed through with some of the suggestions he had, for example, with NASA, in trying to get the money we need by cutting off some of the biggest leeches we have in this country who have their hands out and can pay for the lobbyists in this town to take out people's money and then they get kicked in the gut back in districts like mine.

I am proud to be a Democrat who is going to vote against this particular rescission bill.

BLOCK GRANTING CHILD NUTRITION PROGRAMS IS A BAD IDEA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, block granting child nutrition programs is a bad idea, but it is not a new idea. In 1982, members of this body felt it necessary to pass a bipartisan resolution opposing nutrition block grants and one of the signers of that resolution was House Speaker NEWT GINGRICH.

And in the resolution it said, "Whereas the nutrition benefits provided to our Nation's schoolchildren contribute significantly to the development of their learning potential, the Federal Government should retain primary responsibility for the child nutrition programs and such programs should not be included in any block grant." And that is a quote.

These statements, Mr. Speaker, are as true today as they were in 1982. Our Federal child nutrition programs work. They help to fight hunger. They keep our kids healthy, alert, and ready to learn every single day. Block granting child nutrition programs was a bad idea in 1982 and it is a bad idea in 1995.

Mr. Speaker, it has been said that sunshine is the best disinfectant, so I rise today to join my colleagues in shedding some light on the Republicans' plan and its devastating impact on Federal child nutrition programs and specifically the school lunch program.

The Republicans are at it again, insisting that their proposal actually preserves and strengthens the school lunch program. The very opposite is true.

As these charts behind me show, each year that the Republican block grant is in place, school meal programs will be cut. Over 5 years, funding for school meals programs will be cut resulting in a total loss of $2.3 billion in the year 2000.

And when you combine these cuts with cuts in the funding for the child nutrition programs under the family-based block grant program, which amounts to $4.6 billion, child nutrition programs will be cut by $7 billion over the next 5 years.

What the American School Food Service Association—don't take my word—the American School Food Service Association says, and what our Republican colleagues do not tell us, is that inflation with regard to this program rises 3.5 percent every year and school enrollment rises 3 percent every year. That is 6.5 percent.

My Republican colleagues tell you that they are going to increase the program 4.5 percent. And it does not take a rocket scientist to figure out that 4.5 from 6.5 is a 2-percent cut in this program. What they do not do is to include increased school enrollment, the increased cost of food prices, and a downturn in our economy.

Also, according to the American School Food Service Association, the bill cuts funding for school meal programs and places our children at risk in the following ways: First, the Republican plan means an end to free meals for the poorest children in America.

Currently children from the lowest income families receive their meals free. In my State of Connecticut, more than 13 million free meals were served last year. I went to the Simon Lake School in Milford, Connecticut, yesterday. In that very small community they served 96,000 free meals last year.

The Republican bill states that these children in the future may or may not receive free or reduced priced meals. And then it requires the States to spend only 80 percent of the money that they receive under this block grant toward providing free and reduced meals. They cut back the cost, then they say to the State: If you want you can spend only 80 percent; 20 percent of that money you can spend on anything else that you would like to.

The bill also eliminates current requirements that low-income children pay no more than 40 cents for a reduced price meal. Schools would be able to charge these kids any price they choose, 50 cents, 75 cents or even $1 per meal. This is a hardship that many working families simply could not afford.

Second, in addition to cutting $2.34 billion from the program, the school nutrition block grant would allow Governors to transfer up to 20 percent of the funds they receive to another block grant program. Further, Governors would no longer be required to make a State matching contribution to the program.

I will give you my own State. If the Governor of my home State of Connecticut had this kind of discretion and he chose to exercise it, the School meals program in Connecticut could lose $2 million this year.

Let me conclude. As my colleagues have said, school lunches are an essential part of every child's day and benefit every American child in the public school. We should not be tampering with a program that works. I say, leave the school lunch program alone and protect the children of America.

NATIONAL SCHOOL NUTRITION PROGRAMS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Pennsylvania [Mr. GOODLING] is recognized for 60 minutes as the designee of the majority leader.

Mr. GOODLING. Mr. Speaker, since the death of Chairman Carl Perkins, I have proudly accepted my role as the son of school lunch and child nutrition. He was the father.

I am really disappointed with the press accounts of the last several weeks, with the accounts of some of my colleagues, with those who are inside the Beltway as nutrition lobbyists. I do not take exception to the fact that perhaps their philosophy is different and they want to defend their philosophy against mine. But I do object to the fact that if they had read what is in H.R. 999, I do object to the fact that they are being Herman Goebbels, who was Hitler's propaganda expert. And he basically said that if you tell a lie enough times and big enough and long enough, you will get a lot of people to believe it.

And that is very discouraging to me because, as I said, if it is a philosophical difference, I do not have any problem with that. But if you will not read what is in H.R. 999, I do have a problem with that. Or if you have read it and you mischaracterize what is in it, I really have a problem with that.

Since the death of Chairman Perkins, I have shepherded, protected, and guided these programs in Congress. I heard someone say this evening that they have a vision of the future for children. I have a vision for the future of our children. And that vision is to have the healthiest children in the world.

But my vision goes beyond that. Because my vision is I want them to have a guaranteed hope that they can grab a piece of the American dream.

You cannot have it both ways. You cannot grow a debt by millions and trillions of dollars every couple years and expect that these children will ever have an opportunity to grab a piece of the American dream.

I heard someone else say, terrible, no counseling in H.R. 999. I do not know what bill he was referring to. He was not referring to H.R. 999. That I am sure of. But he said there was no counseling for WIC. The very first goal they have to meet in WIC is that of counseling.

The last speaker changed her tune a little bit later, but initially said, And then they can use the 20 percent for anything they want to use it for. Obviously, she either had not read H.R. 999 or is not interested in knowing what is said in H.R. 999.

I would like to do a couple things this evening. First of all, I would like to talk a little bit about the program that we now have. Because I have a feeling that there are not too many people out there that really even understand the present national school lunch program and that is what we are talking about.

If you do not participate in a national school lunch program, you do not have to feed free and reduced-priced meals except in three States, and that is why I have worked so hard to protect the national school lunch program.

□ 2030

But the existing program, you get reimbursed from the Federal Government for free meals. Children of families below 130 percent of poverty, $19,240 for a family of four, they receive $1.76, plus 14 cents in commodities, $1.90 subsidized by the Federal Government.

In the present program, if you receive a reduced price meal, you come from children of families between 130 and 185 percent of poverty, which is up to $27,380 for a family of four, and you receive $1.36 in cash and 14 cents in commodities.

If you are a full-program participant, your parents believe they are spending the full price for your meal. These are children of families over 185 percent of poverty, over $27,380 for a family of four. The Federal Government subsidizes, the taxpayers subsidize, 18 cents cash, 14 cents commodities. You are not sending the full amount to school for your children who are participating in a paying meal program.

We did that for many reasons when we were able to afford it. We did it, as I said earlier, to try to keep the school lunch program going, the national school lunch program going, so free and reduced price meals would be available.

We do not have the luxury to say that we will continue to do everything the way we have done it in the past, because as I mentioned, if you are growing trillions of dollars of debt in a few years' time, you are denying these same children any hope for a decent future in this country.

Now, at the present time the Clinton budget called in 1995 for $4,712,000,000. Our proposal for 1996 is $4,712,000,000.

In the President's budget, he proposes $656 million in commodities. We have $638 million in commodities.

The President proposes for State administration $92 million. We propose $98 million. That is the school lunch program as it is today.

Now, let us take a look at what we have done in committee. The first thing I want to talk about is the difference between H.R. 4 and H.R. 999, because I am giving some people who are standing up here saying incorrect things and I am giving the press the benefit of the doubt, the fact that they did not read H.R. 999, and are only talking about H.R. 4. Let me point out the differences.

H.R. 4 is one block grant to the States and combines all the programs. H.R. 999, because we in committee did not accept what was in H.R. 4, the one block grant proposal, created in nutrition alone two separate block grants, and then we created two additional block grants for child care and other programs.

H.R. 4 distributes funds to the States based on the lower living standard, and does not take into consideration current participation rates. On the other hand, H.R. 999 provides States the first year funding based on participation this year, a hold-harmless. However, in the next several years, it is based on participation, which is exactly the way it should be based. And that is what we do in H.R. 999.

H.R. 4 eliminated the entitlement status of all programs included in the block grant. H.R. 999, the program we are talking about, makes the school nutrition block grant a cap entitlement to the States, thereby ensuring a level of funding for each fiscal year.

H.R. 4 eliminated support payments for children in the school lunch program with incomes above 185 percent of poverty. H.R. 999 does not limit a State's ability to support meals for the paying child. It provides that 80 percent, and that figure was chosen because that is the figure at the present time for those who are receiving free and reduced price meals, it provides that 80 percent must go to those who are receiving free and reduced price meals.

The other 20 percent can be used for those who are below the 185 percent level of poverty, if that is what they need it for, or it can be used for the infrastructure of the school lunch program, if that is what they need to keep the school lunch program going, or they can transfer it, not to anything they want, as some people have said; they can transfer it to one of the other block grants only, only after the person who runs the program certifies that they have met all of our goals.

This is the difference between revenue sharing and block granting. We have set the goals. We have told them what the outcome has to be, and we have a way to assess that.

H.R. 4 set aside 12 percent of available funds for the WIC program. H.R. 999 creates a family nutrition block grant and reserves 80 percent of available funds for WIC. H.R. 4 contained no guidance to the States regarding the use of funds. H.R. 999 establishes program goals, specifies the uses of funds in each block grant, and contains reporting requirements which allow us to determine whether or not States are meeting such goals.

H.R. 4 did not require States to establish nutritional standards for assistance offered under the block grant. H.R. 999 requires States to develop their own nutritional standards based on the most recent tested nutritional research, or to adopt the nutritional standards developed for each block grant by the Food and Nutrition Board of the National Academy of Sciences.

A big difference, folks. If you have not read H.R. 999, I would suggest you do it, and perhaps you would not come and make statements on the floor that are positively incorrect in relationship to H.R. 999.

It was mentioned by my colleague who is the chairman of the subcommittee that these programs have been good programs. There is no question about it. Are there any programs that cannot be better programs? Well, I will guarantee you, every program that the Federal Government runs can be a better program if Federal Government is not running the program.

What program do you know that is totally outstanding because the Federal Government has run it? I do not know of any.

What are the concerns of the existing program? There are several. The complaint that we have heard over and over and over again by the people who are on the front line, the people who are serving these meals, the people who are preparing these meals, the people who are administering the program back on the local level, is the complaint that there is so much Federal bureaucracy, so much red tape, so much paperwork, that they spend hours and much, much money doing this paperwork, meeting the bureaucratic requirements, rather than feeding needy children.

Let me tell you what the American School Food Service Association just recently stated. This is the American School Food Service Association. Somebody in one of the previous speeches referred to them.

"School nutrition programs have become increasingly complex and more costly, due to overly prescriptive, intrusive and restrictive Federal regulations." BILL GOODLING is not saying this. I am quoting this from the lobbyists who are the most active when you talk about school lunch programs.

I quote again, and complete the quote:

> School nutrition programs have become increasingly complex and more costly, due to overly prescriptive, intrusive, and restrictive Federal regulations. Although there has been extensive communication with USDA, little progress has been made in simplifying regulations and limiting regulations to those specifically required by law.

The second concern we have with the existing program is there is some abuse. Unfortunately, there is some fraud. A program that is as big as this, I suppose one can expect that to happen. But let me tell you what I heard on a talk show the other day. A gentleman called in. He said he was a superintendent of schools in Texas. He asked to remain anonymous, and he asked that his school district remain anonymous, for good reason, because the auditors would just love to catch up with the gentleman.

What he said was that it is to our advantage, as I pointed out before, not to look too closely at who should get free or reduced price meals, because we get much more money for free and reduced price meals. You can understand why he and his district want to remain anonymous. The auditors would have a field day, and hopefully they will catch up with whomever it was that was speaking.

The third concern we have and why we think there needs to be change, only 46 percent of those students who would be paying customers participate in the program. Only 46 percent of those eligible to be paying customers participate in the program. Part of the problem is that one size does not fit all. You do not feed Pennsylvania Dutch what you may feed an Italian community or an Irish community. They determine, going by nutritious guidelines, what it is that these young people will eat, what will cause them to participate. But only 46 percent at the present time do.

We have to do better. You cannot support the program if you have a district that has 65, 75 percent free and reduced price. You have to get the paying customers participating. And we believe by giving the kind of flexibility that we do in this legislation, that that local district will have an opportunity to meet the nutrition standards, and, at the same time, cause an influx of the paying customer coming through that line because she will eat the meal that will be served.

Let me talk a little bit more about H.R. 999. Often times you get people who have not read it who are telling us, this is what is wrong with your program.

First of all, they say it is less money. Now, you know, I wish that chart were still there, because I would like them on that chart to put the 3.1 percent that the President recommended for 1995's budget, and then see how it comes out. I would like them to put the 3.6 percent that the President suggested for an increase for next year on that chart, and then show me a little bit about who is saving and who is paying and who is cutting and who is giving more. I think they would have to turn to this side to look at the charts on this side.

Do not talk about what your dreams may be or what you think should be. That is not what your Commander in Chief, that is not what the leader of your party has recommended 1995 budget, or the 1996 budget.

We grow children, and I think it is important that we understand that. We are growing children at a greater rate than the President does in his 1995 budget, than the President does in his 1996 budget.

Let me talk about a couple other most frequently mentioned untruths. They say how about an economic downturn? Well, do you know any time this Congress has walked away from those in need? What do we do when there is a flood that we have not budgeted for? What do we do when there is an earthquake that we did not budget for? We come back for supplementals.

But we built into H.R. 999 help for this same situation, because we say you do not have to return your money at the end of the year if you have a surplus, because you had a good year. You have a 2-year carryover. You had a good year in 1996, you saved money; you have a downturn in 1995, you have that extra money.

Now, let me tell you what we do beyond 4.5 percent. We probably get to the 5.2 CBO that they like to put over there. We may even go above it, I am not sure. Because when you think of the cost of the bureaucracy, when you think of the cost of the redtape, when you think of the cost to the local school district to meet all of these nutrition paperwork programs coming from the Federal level, there is a great deal of money to be saved, to be used not to feed bureaucrats, but to be used to feed children.

□ 2045

That is what we are in the business to do.

We heard a couple of people be awfully cute. I mean, they wanted to be cute. Unfortunately, they were not too cute, because they did not read what this administration is doing.

You had the President of the United States hold up a bottle of ketchup. You had the minority leader hold up a bottle of ketchup. And they were trying to bring up this old game they played back in 1982 or 1983, which was overplayed, which had nothing to do with reality, saying that somehow or other if you had those nutritious standards, the people back there who run these programs would feed a child a half cup of ketchup.

First of all, let me say, they could not afford to feed every child a half cup of ketchup. It is much easier and cheaper to feed the child a half cup of vegetables than it is to feed them a half cup of ketchup. So it had nothing to do with reality.

But how did they get ketchup on their face? They did not check what the nutrition standards are now in their own administration, because would you believe it, they can count ketchup in their calorie count?

This administration, who was second-guessing the people back home saying that you are feeding too much fat, what the people back home were doing was following their rules and regulations, their nutrition standards.

Now, why should we trust them to continue to tell the people back home what is the best nutrition that children should have when the very standards that they set out, then criticized the people who met their standards and said too much fat.

Again, I am afraid the two got ketchup on their face.

Let me just move on to one or two other areas. We build into our program a reward for participation. That is the way it should be. As I indicated, you have to attract the paying customer in there. You have to attract them to keep the program going.

What we say is the first year, you are held harmless and you will get, your State, the same amount of money. After that, however, it is all on participation. It goes down slightly each year, where you will get 95 percent based on your previous year, but you get 5 percent if you have an increased participation. The next year it is 10 percent. That is an encouragement to get them to do a better job. That is an encouragement to get more children participating in the program.

I have spent too much time, and I always have to laugh when people say, people who wrote this ought to get into the schools and see what is going on in the schools. For 22 years, I participated in school lunch every day, every day, sitting with the students, eating a school lunch, and for the 20 years here, I have tried to improve on that program year after year. Then I become most upset. Even a good friend sends out a "Dear Colleague" totally distorting what happened in 1982–83.

In 1982 and 1983, it was not that side of the aisle that stopped some of those revenue-sharing block grants. It was this side of the aisle, those of us who were on this committee, because they were revenue-sharing. They were not block grants. It was revenue-sharing.

I have always said if you are trillions of dollars in debt, it is pretty tough to go back home and say, "We're revenue sharing." The only thing we had to share is debt.

These block grants set the goals, say specifically what has to happen, and then give enough flexibility so the local district can make them work even better than they presently do.

Let's not mix apples and oranges. There is no comparison to what is in H.R. 999 and a revenue-sharing, massive block grant. That is why we designed H.R. 999, rather then go on with H.R. 4.

I would hope that those of you who were listening this evening are beginning to understand exactly what we have done, and what we have done is given an opportunity to grow more children than the President has requested, more children than would have been appropriated, and make sure that that increase is there year after year.

I am proud of our end product, very proud of that product. I know that people are fearful of change. Nobody likes change. You fear change. Folks, change is inevitable. Not only is it inevitable, it is positively necessary if we are going to give these children, as I have said several times, an opportunity as adults to grab a part of that American dream.

Is there anyone out there who really believes that in the last 35 or 40 years we have helped these people grab a part of that American dream? We have done just the opposite. What we have done is enslave them. We have put them in shackles, Federal shackles, to make sure that they never have an opportunity to get a piece of that American dream.

We are going to change things so they do have that opportunity, so that they too can be participants giving to this Nation, participants who can grow independently and not depend on the Federal Government.

I yield to my colleague the gentleman from California [Mr. CUNNINGHAM], the subcommittee chairman.

Mr. CUNNINGHAM. I thank the gentleman from Pennsylvania.

Mr. Speaker, you will not hear of a Republican or at least even very many Democrats that will say that the chairman, the gentleman from Pennsylvania [Mr. GOODLING], has ever attempted to hurt kids. He has spent his life protecting them, Mr. Speaker.

I would ask the honorable chairman, how many children can we feed on a bankrupt country? And today we are looking, where every child over their life, lifelong interest and account on the national debt, will be saddled with a $180,000 debt. Yes, it will be indexed. You will have to pay the increases with inflation. That is before you buy a car or a home or everything else.

We are also looking at a Medicare system that is going bankrupt and will be in the near future. If we do not attack waste in government by bigger bureaucracies, then it is going to affect that.

I would just like to make two quick statements and I have a lot of my colleagues that want to speak, and I would yield back to the gentleman.

One, when the other side of the aisle talks about cuts, I have been here for 4 years. The rhetoric was confusing to the American people, where Democrats were saying, Well, look what we have done, we have cut this budget, but yet the American people could not figure out how we keep spending more.

I have an example, Mr. Speaker, that if my mom in San Diego, CA, Escondido, said, "Son, we have a turkey this Thanksgiving and next Thanksgiving, your brother and family is coming over. I am going to project that I need 10 turkeys for next year."

Well, a few months before Thanksgiving, Mom calls up and says, "Son, your brother can't come, he's got to work, but the family's coming. I'm only going to need seven turkeys instead of 10 turkeys.''

Under the Democratic accounting principles, I have just cut 30 percent of the turkeys, when in essence I have increased it by 60 percent. I have gone from 1 to 7. I have not cut 30 percent. That is what they are trying to confuse the issue with, with the other chart.

The second point is that I would like to finish a statement on what the committee did on illegal immigration. Would American citizens like to feed the world? Probably the answer is yes. If you asked them the question, Would they like to do it on the backs of our children, the answer would be most definitely no.

We have eliminated illegal immigrants from all 23 programs that they previously held. We have 400,000 illegal children in California, just in California schools, K through 12, at over $1.33 a meal. That is over $1 million a day, 800,000 meals a day, just for illegals.

Mr. GOODLING. I would imagine they are receiving $1.90 a day.

Mr. CUNNINGHAM. No, I am trying to do it on a conservative basis. Then if you look at an average in California, it takes a kindergartner through high school, 12th grade, $5,000 a year to educate that child. That is $2 billion a year. Yet we are decrying that we do not have enough money for nutrition.

We have added money for nutrition. We have cut the bureaucracies. But what we also did is said, our priority in this country with limited resources, with the national debt getting out of shape, with the national deficit, and the President's budget increasing the national deficit by $300 billion, our priorities are American children, and we want to feed those children. We want to make sure that no child under any circumstances goes hungry.

Should a high-income parent be subsidized by the Federal Government? Absolutely not. But the chairman has provided for those children 185 percent below the poverty level that we are going to make sure that they are fed. Again, the priority of disestablishing big government and who should receive the support are the kids that most need it.

Mr. GOODLING. I yield to the gentleman from Michigan [Mr. KNOLLENBERG].

Mr. KNOLLENBERG. Mr. Speaker, I thank the chairman of the Committee on Economic and Educational Opportunities for yielding. I especially want to thank him not just for his leadership this year but for a countless number of years.

The gentleman from Pennsylvania has lived the life that many of us do not have or did not have the opportunity to do in terms of looking over the lunch programs from a perspective of a couple of feet. Most of us get most of our information from a book, a newspaper, from a pamphlet, from charts, information such as this.

I want to talk with my colleagues for a moment about the school-based child care block grant contained in the House Republican welfare bill. It has been subjected to vicious attacks by the White House and other defenders of the status quo, and I say defenders of government bureaucracy, of Federal bureaucracy.

I appreciate this opportunity to take just a moment and, with my colleagues, tell the truth about the House Republican welfare bill. I believe for the last few weeks, the American people have been deceived. Some would say maybe more strongly they have been lied to. But the Democratic Party, some of those who preceded us here this evening, have distorted the facts and attempted to use children to promote the political agenda, and one by one they have paraded out on the House floor to tell the story, make the claims that House Republicans are taking food out of the mouths of children. I have to say that nothing could be further from the truth.

The House Republican welfare bill actually expands the Federal commitment to child nutrition.

I will admit, maybe our block grants are a bad deal for Washington bureaucrats.

□ 2100

But they are a great deal for the local administrators of school lunches who no longer will have to wade through tons of redtape to provide nutritious meals to schoolchildren.

I would like to reaffirm what has already been brought out this evening that I would like to inform the American people and reaffirm that our proposal, the Republican proposal, increases funding for school lunches, as has been said, by 4.5 percent each year.

The other thing that is important, I think, to remember is that the total Federal funding for the school-based nutrition block grant over 5 years is real money. It is $36 billion, and despite this strong commitment to school-based food programs, Democrats are trying to convince the American people that the Republican Party has turned its back on the poor, and I think it is time the American people know the truth.

The school-based nutrition block grant proposed by the party, by the Republican Party, will greatly improve the way we provide school meals to needy children. It returns decisionmaking back home and removes the one-size-fits-all mandates that will allow States to provide nutritious meals to kids.

Now, one of the things that I really do not understand is why the Democratic Party, certain members, are so distrustful of the States. The Federal Government does not have a monopoly on compassion and, contrary to popular belief in this body by some, Congress does not have all the answers, not all of the answers to our Nation's problems. Governors and State lawmakers also have concerns about the well-being of children, and they live closer to the fact, to those children. They have a direct interest in promoting the health and development of the children in their States. They are not going to walk away from those responsibilities.

Just yesterday I had a chance to talk to the Governor of my State, Governor Engler, from Michigan. He is excited about this new majority in the House of Representatives. He is excited because they are willing to give him the flexibility that he wants and needs to design and craft some of the innovative solutions that will make a big difference, a positive difference, in the lives of those persons that are trapped in the current welfare system. He understands, and he assured me that he and the other Governors understand, that there is importance in providing nutritious school meals, and they do not want to shortchange the kids.

I truly believe that the States can do a better job with welfare reform, that welfare reform over and above what the Federal Government has done, and the House Republican welfare bill will encourage creativity at the State level instead of stifling it, and as a result, I am confident that we have offered a positive alternative to the current wasteful welfare system.

I urge the American people to search out the truth, listen to both sides. I believe that you will find there is no reason that you have to be lied to, to be deceived.

In closing, I just would like to reaffirm, restate, and it has been stated several times, but I do not think it hurts to drum it a few more times, the Republican bill increases funding for school lunches by 4.5 percent per year. By the year 2000, we will be spending $1 billion more on school lunches than we spend today.

We are not taking the food from the mouths of hungry children. We are streamlining the administrative costs and allowing more money to be spent on lunches instead of paper, paper-shuffling.

So I think it is time, and I am delighted, Mr. Chairman, that you have taken the leadership again to promote the facts that should be aired so that the American people can sort through the rhetoric and look at truly what is in this welfare bill, this child block grant bill and, frankly, I say again it is shameful that individuals would use children as political props.

I thank you for yielding, I say to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. I thank the gentleman for participating, a member of our committee, and I yield to another gentleman from our committee, the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. I thank the gentleman.

Before I get into my remarks, I want to congratulate you on an excellent presentation of the true facts about the Republican proposal to reform our school lunch program, our child nutrition programs, in ways that put more food in the mouths of kids and helps more people in this country, and you clearly, in your presentation, dispelled the falsehoods and the untruths that are being stated not only by people in the opposition but as well by people in the media who do not understand what we are trying to do here.

When I won my election, and this is my first time in Congress, I am one of the new freshman Congressmen, I had a lot of people tell me, "DAVE, you have got a tough job ahead of you. You face some real serious challenges up there in Washington, and the biggest one of them all, the budget deficit."

How do we rein in this budget monster? Clearly there was no other issue that Republicans and Democrats came together on more clearly than that issue. They all recognized it as being a serious problem, and how do we deal with it, particularly when we look at so much of the money that is spent up here in Washington is going to so many very, very good causes.

When I first was delighted to find that I was going to be on the Education and Economic Opportunities Committee with Chairman GOODLING, I was very challenged to see what we could do to make the system better and help us move our Nation towards a balanced budget so that we could have our children, instead of inheriting bankruptcy and debt, inheriting prosperity, so that our children would be able to have the opportunities that I had as a young man growing up in our Nation.

And there was probably no program that I saw a bigger challenge than our school nutrition and our childhood nutrition programs, because I have been able to see firsthand the benefits of so many of these programs. And I was very, very intrigued to see in the hearings that we held in our committee that many of the people directly involved in these programs were able to recognize that there were some very, very clear inefficiencies. We had witnesses come before us telling us how they were just burdened with too much bureaucracy and too much redtape and how there is a separate application program for the breakfast program, and a separate application for the lunch program, and a separate accounting process for the summer nutrition program, and how much better it would be if we would block grant these programs and eliminate bureaucracy.

After we held those hearings, I was so delighted to see you, Chairman GOODLING, come forward with a program, a solution to this problem, that would allow us to eliminate bureaucracy, eliminate redtape, and put more resources in the hands of State officials that would allow them to feed more kids, feed more of the hungry, and at the same time help us move towards that desired goal of reining in this deficit monster and moving towards a balanced budget. And we were able to do all of this in the framework of actually modestly increasing the funding for these programs at 4.5 percent per year.

We had Governors come before us and tell us that in that type of an environment they could feed many more children than what we were able to do with the current system.

I think what we have seen coming from the opposition for the past 2 weeks, the past 3 weeks, as well as liberal members of the media, in my opinion, is just fear of change. The American people are the people who are asking for change. They voted in change on November 8, and we are coming up with innovative ways to change the system for the better and, yes, there are people who are stuck in the past, stuck in the old ways of doing business who are making claims that are not true.

But I am very proud to be on the committee with you, Mr. Chairman, and to be able to support you in this effort, and I can say that the other freshman members of the committee, the Republican members of the committee, stand with you and are ready to help you get this program through and make sure it does what we desire it to do.

Mr. GOODLING. I thank the gentleman for participating.

I now yield to the gentleman from South Carolina [Mr. GRAHAM], who is also a member of the committee.

Mr. GRAHAM. Thank you, Mr. Chairman.

I, too, have enjoyed the committee. We are dealing with tough issues, but I think in a responsible fashion.

The frustrating thing is to be on that committee at 2 o'clock in the morning sometimes to deal with this legislation and get up and read the paper the next day and wonder, "Is that the committee that I was on?" It has been very difficult back home to get the truth out. So I had a news conference at the statehouse with my Governor and superintendent of education where we got together and kind of held hands and said we can handle this at the local level if you give us a chance, and I think our new Governor, Governor Beasley, and the superintendent of education, Mrs. Nelson, we can handle it if we give them a chance.

The thing that struck me the most about this debate, there have been a lot of charts put up. There are, I guess, two or three sides to every story. I am willing to concede something. I am willing to concede the people on the other side of the aisle care about children. I think people on our committee care about children. I think people on our committee care about children, the Democrats. They just have a different view of how government should interact in taking care of real problems. It is OK to differ. That is what makes this country great.

I just wish certain people on the other side of the aisle would admit that LINDSEY GRAHAM cares about children, because I do, and that David Beasley, my Governor, cares about children.

When it comes time to figure out how to change things, I would like people to think of concepts. Block-granting is a concept that is not that hard to understand. If you believe in a basic principle that everybody cares about children, that the people in South Carolina maybe care more about the children in South Carolina than the people in the Department of Agriculture, and I am willing to concede the bureaucrats in the Department of Agriculture care about people in South Carolina, but when you come up to Washington, drive by the Department of Agriculture building and ask yourself this, do the people in that building know more about the children in my district than I do? Do they care more about the children in my district than I do? Do they care more about the children in my State than my Governor? I think if you are honest with yourself that the answer would be no.

I live in an area that in the recent past in my lifetime, we have had abusive policies toward our fellow citizens. There has been discrimination in my State and other States in the South and throughout this country just not based on region where people did not get a fair break because of the color of their skin. That was wrong.

I have experienced change, and change is good. States' rights is something we talk about a lot. We have got to remember in the past the States have been irresponsible at times in treating their citizens fairly.

I can tell you this, that LINDSEY GRAHAM is not one of those politicians. My Governor is not one of those politicians. We have matured as a society.

The biggest fear and threat I think minority citizens have today is a Federal Government that does not allow them to get off welfare and get a job. The whole idea about caring has been talked about a lot tonight. I just wish people would admit that I care about the people in my district as much as anybody in Washington, DC, that my Governor cares about the children more than anybody in Washington, DC, in South Carolina, and block granting has a basic premise that that is the truth. If you believe that, you support block granting.

Cost, we talked a lot about cost. Right now, 25 percent of the money in the WIC Program goes to administer the program. We are trying to reduce the administration of these programs to get more money into the hands of the State people with less cost to feed and take care of more children and more new mothers, and one way you can do that is cut out the Federal middleman. Every business in America works on that concept of trying to reduce costs by streamlining the efficiency of delivery. That is all we are doing here.

And one thing I would like people at home to realize, why would Bill Clinton propose a 3.1 percent growth in this program, get on television, have his picture made in a school lunch setting, and accuse the Republicans of cutting the program when we have added more to the program than he has? I think the answer is pretty obvious. He has no agenda. He has abandoned welfare. The Clinton welfare reform proposal is nothing.

We are doing something, and the only way he can get out of this box is to criticize others who are taking an active role.

AL GORE's Reinventing Government, in my opinion, is a joke. Nobody has come to my office and said, "Congressman GRAHAM, AL GORE is going too far." I have not had one bureaucrat complain about AL GORE's Reinventing Government.

□ 2115

I have had everybody and their brother in Washington complain about what we are trying to do to reform welfare, and to me it is working because the right people are complaining. If you want to change something, somebody is going to complain and the people that are complaining are the right people. That is the bureaucrats in this town.

The people in my district, when they are told the truth, are not complaining. They do not want somebody making $100,000 a year to get a subsidized school lunch program. They do not want someone going to day care getting a subsidized school lunch program if they can afford to pay for it because we are broke up here.

The reason I am optimistic, Mr. Chairman, that we are on the right track is because the right people are complaining, those people that believe in big government, those people that care about children, but believe the only way you can care is spend from Washington, DC. I believe you can care and allow people to take care of their own at home and save money at the same time. I believe that very deeply and that is why I am supporting what you are doing and I will compliment you on that very reasonable approach to a real serious problem.

Mr. GOODLING. I would yield again to the gentleman from Florida.

Mr. WELDON of Florida. I thank the chairman and I would like the chairman, if he would, from his years of experience here, perhaps he could comment on why the President would do such a thing as accuse us of cutting these programs excessively when we, in reality, increased the funding for these programs over and above what the President had requested?

He requested, as my colleague from South Carolina very, very eloquently and appropriately pointed out, he requested a 3.1 percent increase and we on our committee, under your leadership, came in with a 4.5-percent increase, which is a 1.4-percent increase over and above what he himself had requested, and then he engages in the shameful act of appearing in school lunch lines claiming that we are cutting these programs too much.

I do not understand that, Mr. Chairman, and maybe you can explain that to me, and I took the liberty of putting up that chart there that I think shows our growth, and maybe you could explain that to us here and let us know what those numbers mean. That is a little complicated, but perhaps you could.

Mr. GUTKNECHT. If the gentleman will yield, I say to the gentleman from Florida [Mr. WELDON], I am not a member of the committee and I want to make—I am really glad that I came down here tonight because this is the most honest and healthy debate I have heard so far about this bill, because what I read in the newspaper and what I have heard on the news and what I have heard from some of the special interest groups does not match what we are seeing on these charts and what I have heard tonight.

Let me ask anybody here, and Mr. Chairman or Mr. WELDON or Mr. GRAHAM, if you want to respond to this, we are actually going to be spending 4.5 percent more in each of the years and the President only recommended what percentage increase?

Mr. GOODLING. He recommended 3.1 this year and 3.6 next year.

Mr. GUTKNECHT. Three point one, 4.5. In other words, we are going to be spending about 30 percent more than the President recommended?

Mr. GOODLING. That is why I said I would like to see them put their chart up there and put his 3.1 and 3.6 over there rather than talk about what a CBO baseline is.

Mr. GUTKNECHT. It is interesting, because when we first came here, we are all freshmen, we were not part of accumulating this huge national debt, and I think we all made the pledge to our voters last year that we want to do something about that, and we need some change around Washington.

We came here to change the way Washington does business and yet what we have heard from many leaders on the other side, including the person down at 1600 Pennsylvania Avenue, is that they want to fiercely defend the status quo, and I think the American people do want change.

In fact, it was less than a month ago that the President stood right up there and he said in his speech that we were not giving the American people enough change and now he had heard the message from the November elections.

I did not know until tonight though that we are actually going to be spending 30 percent more than the President requested. As somebody said when we first got here, people around here sometimes give the word "hypocrisy" a bad name.

Thank you, Mr. Chairman.

Mr. GOODLING. And I yield back to the gentleman from Florida.

Mr. WELDON of Florida. I just want to thank the gentleman from Minnesota, and I just also would like to share with the chairman that as a physician who practiced medicine up until I came here, that I had the opportunity firsthand to see the effects of malnutrition and the medical consequences of that and how it really is in our Nation's best interest to make sure our children are properly fed.

However, I do feel that it is the primary responsibility of parents to make sure that their children are properly fed and that we have had an erosion of responsibility in our Nation over the many years that the minority was in control because of an excessive tendency of the Government to take responsibility where parents should have been having responsibility.

And if I may go on a little further, Mr. Chairman, into this, I have seen the consequences of malnutrition and I expressed some of those concerns to you and to other members of the committee and I was very alarmed and shocked to learn that a substantial percentage of the program as it was devised up here actually was going to feed the children of people who really did not need this kind of financial support, that there were lots of middle class and actually children from affluent families who were getting subsidized meals in schools, and this is one of the very reasons why the Governors came to us and said that they wanted to take over managing these programs, because they, in their States at the local level, like the gentleman from South Carolina was describing, can better determine where the areas of poverty are, who would benefit the most from these programs, and I thought that was wonderful that you could design this program through this block grant to go make sure that the people who really needed it were getting it and the people who did not need it were no longer getting it.

I commend you and I commend the other members of the committee and the staff who were able to come up with this Child Nutrition Block Grant Program, and I think it is going to be a tremendous success.

Mr. GOODLING. One of the other tragedies, as I mentioned, that we had poor participation as far as paying customers are concerned in the School Lunch Program, but there is an even greater tragedy. We have about 46 percent of free and reduced priced people who do not participate in the program. So I am saying, just because someone says it is a good program, it has to be a better program because that 46 percent are in need of the program and are not participating.

Mr. WELDON of Florida. If I may interrupt the chairman, could you explain why so many of those people who need it are not participating in the program?

Mr. GOODLING. I think I said part of that in my opening statement in that the one size fits all from Washington, DC, we know best what is best for this town or this city or this State, does not sell back home, and those people back home know what nutritious food they can serve the children will eat and then you get the participation.

Did the gentleman from Minnesota have any—I wanted to summarize.

Mr. GUTKNECHT. On that point, I want to say and it has been said tonight, it is very important. People do resist change and there is no institution that resists change more than a monopolistic bureaucracy, and what you are really trying to do is decentralize this program and that is what we have to do. It has to be consumer driven.

The people out in the districts and the Governors are not heartless people. They want their kids to get nutritious meals as well. I think this is a good plan. I think it is a first step. I think once we get more of these facts out here—as I say, if I did not know that we were spending 30 percent more than the President requested, if I did not know that as a Member of Congress until tonight, I will guarantee you that an awful lot of American people did not know that but they are going to know it sooner or later.

Thomas Jefferson perhaps said it best. "Give the American people the truth and the Republic will be saved." All we really have to do is get the facts out about this program. I think the American people will see the wisdom of it. I think it is a good plan. We ought to pass it.

I hope colleagues will join us in this because if the American people get the facts about this, they will buy into this idea.

Mr. GOODLING. Let me quickly say that I again do not argue with somebody's philosophy. If they have a philosophical difference, that is fine. If they believe one size fits all, that is fine. I do not happen to have that philosophy. If they believe that the Federal Government has all the answers to all the problems, I do not have any problem with their philosophy. I do not agree with it, but I do not have any problem with it. That is their philosophy.

If they believe that we have helped those on welfare in the last 35 years, go on dreaming. I do not happen to believe that. The only thing I request is, please read the legislation and then discuss the legislation.

Mr. President, we are not cutting and gutting school lunch and child nutrition programs. We are cutting bureaucracy. We want to grow healthy children. We are not trying to grow healthy or unhealthy bureaucracies. And so I hope that everyone from the Commander in Chief on down will read what is in H.R. 999 so that they actually can participate in a debate intelligently and talk about the facts. And again, as you pointed out over and over again, we are doing better to grow healthy children than the President has recommended.

I appreciate all of your participation this evening and I hope that the public has been listening and I hope that they will now better understand what the existing program is and what we are doing in the future to try to change to make sure that more children have an opportunity and more pregnant women have an opportunity to participate in nutritious meals programs.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1158, EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE AND RESCISSIONS, FISCAL YEAR 1995

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 104–78) on the resolution (H. Res. 115) providing for consideration of the bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PEACE, JUSTICE, AND OPPORTUNITY FOR ALL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, no discussion is more important than the one that is now under way here in Washington concerning the budget and all matters related to fiscal appropriations policies. The discussion that we have just heard is a very vital one. It relates to one small facet of the total budget and one small portion of the Contract With America.

The question of school lunches and whether they have been cut or not has been thoroughly discussed and we will have some more discussion on it. It is very important because in the process of trying to save money on school lunches, there has been some trickery. We are moving under the cover of a block grant and we are talking about giving additional money to take care of inflation. We are not discussing the fact that an entitlement is being taken away, an entitlement.

Every hungry child who has a certain income level is entitled now to a free lunch, which means that no matter how large that number increases and how great it becomes, the free lunch will always be there for the hungry child. In the block grant process, there is a finite number of children who can be fed. The Federal Government has only provided a finite amount of money. There is no supplementary budget at the Federal level that you can fall back on. You cannot go to the treasury of the Federal Government. They have washed their hands of the process once they give the block grant. So it is up to the States. It is up to the local government to pick up at that point and that is a part of the discussion. We can talk more and more about that but it is only a small part of the total picture.

Let us not talk so much about what has been cut so far, although that is important, the fact that school lunches are on the block and they are being squeezed in devious ways to save money. The fact that the summer youth employment programs, one of the most basic, practical, and concrete programs ever devised by the Federal Government where teenagers are employed during the summer, that also is on the chopping block.

In the rescission process, they have put zero in the budget for the remainder of this year, reached into the current budget, money that has already been authorized, programs that have already been authorized, money that has already been appropriated is now being taken out of the current budget for the year which ends on September 30, 1995. That is called a rescission process. It is a cruel process of having people who anticipate that they are going to get certain kinds of programs and funding suddenly wake up and discover that it has been snatched away in this budget year, before we get to the process of the next budget year, 1996 budget year, which begins October 1, 1995.

So we are cutting programs which have relatively small amounts of money attached to them when you look at the total budget and benefit large numbers of people, programs that have been demonstrated to be workable, programs which go straight to the heart of the matter and serve the poorest people in the country. We are cutting them, and one of the questions is, why are we cutting these programs and not cutting other programs? And I will get to that later.

I think it is important to understand that the budget-making process is a vital part of a bigger process whereby we are defining our vision for America as we see it, as we go forward the year 2000 and beyond.

□ 2130

What happens this year will determine what is going to be happening in the next 10 to 20 years. This is a pivotal year. It is a pivotal year because the majority in the Congress that has just taken over has made it a pivotal year, and we should not back away from the challenge of making a lot of very basic decisions which will set the course of America for the next 10 to 20 years. We will not back away from it. Let us just understand that everything that is being done; those things that have dollars attached to them, and many of them that do not have dollars attached to them, are a part of a process to prepare America for a future that is going to be a future basically to serve a small elite group of people or a future America that belongs to everybody. I say it is a conflict, a battle, between the oppressive elite minority and the caring majority. I think there is definitely a cleavage here, unlike any we have seen before.

There is a group, which I call the oppressive elite minority, who have a great deal of education, a great deal of understanding about now to use power. They have a great knowledge of how to use information. They know how to control and make very good use of media. But the oppressive elite minority is lacking in compassion. The oppressive elite minority has a distorted vision of what America should be all about. This oppressive elite minority, in charge of Congress now, has a vision which seeks to throw certain groups of people overboard. It has a mentality of triage. It is basically saying that there are some things that are not in the American dream for all people. In fact only a small group should benefit.

This kind of philosophy is a distortion, in my opinion, of where we ought to go. It is the wrong vision. They are clear on where they want to go. They are forceful about where they want to go. But I say that they are very wrong. It is a mean-spirited approach.

In fact, you can go further and say it is a dangerous and deadly approach because of its basic assumption that we cannot build an America that serves all people, we cannot have an America which provides freedom, peace, justice, and opportunity for everybody. The patterns that they are laying out is a pattern which says we can only do it for an elite oppressive minority.

The budget cuts are the center of this whole process of redefining what America is all about. The budget cuts are at the center of the vision that is being laid out by both groups. I think we should accept the challenge that is being laid down by the majority party in the House of Representatives.

A challenge that they are laying down is that they have a vision for the new world order, they have a vision as to where America should be going, and we would like to offer an alternative vision. I am the chairman of a Congressional Black Caucus alternative budget committee, and we are going to accept the challenge of offering an alternative budget, and that budget will be very much a vision of where we think America should be going between now and the year 2000 or 2002.

Certain rules are being made about how this budget is going to be handled. The rumor is that we cannot bring any alternative or substitute budget to the floor of the House unless that budget shows where we are going to balance the budget by the year 2002. If we cannot balance the budget by the year 2002, we will not be allowed to put it on the floor is the rumor. It has not been finalized yet.

Well, we accept that challenge. If we have to prepare a balanced budget by the year 2002, that is the only way we can present the Congressional Black Caucus budget alternative, then we will bring to the floor a budget which will be balanced by the year 2002, but in the process of balancing the budget we are going to demonstrate what the vision of a caring majority is. We are going to show how a budget can be balanced by making cuts of programs that are really not in the best interests of the great majority of Americans. The budget that we will bring forward will have the support of the great majority of the American people because there is a caring majority.

The people who came out to vote on November 8 do not represent a mandate, did not offer a mandate, they do not represent a body on which a revolution can be based. We had about 38 to 39 percent of the people who were eligible to vote in America who came out, and half of those people voted for the party that won the majority. The half of 39 percent, 38 percent, is certainly not a majority of Americans. The Americans who did not come out to vote, in a large number who came out to vote and did not vote for the winners, they constitute the caring majority.

The caring majority is made up of people who are not wise enough to come out to vote and who did not protect their own interests in the proper way, but the caring majority also includes a lot of enlightened people who do vote and who do not identify with the policies of the elite oppressive minority who won the majority of the seats in the House. The caring majority is made up with people who are not necessarily homeless or do not even have the problem in getting shelter or buying homes, but they recognize that there are homeless people in America, and they want to see the America which provides the opportunity for everybody to have a decent home. They may not want to live next to homeless people, and that should not be the test of their compassion. The test of their compassion and their membership in the caring majority is do they believe that every American ought to have a decent home, an opportunity to have a decent home? A caring majority is made up of people who are not hungry, people who have plenty to eat and have good jobs, but the caring majority includes people who have good jobs, plenty to eat, who are willing to look at people who do not have jobs and do not have enough to eat, and they are willing to support public policies which are going to provide employment for all people. They are willing to support public policies which will allow everybody to earn an income and be able to provide the basic necessities of food, clothing, and shelter. The caring majority is made up of people like that who are voting and who will be on the side of those who are in need and who are being affected by the safety nets which are being removed by this oppressive elite minority.

We have a vision of America that is very different from the vision of the oppressive elite minority. We are not afraid to offer that vision.

On the other hand, we recognize that shortcomings of a vision of the elite minority, it is a vision of America for the few. It is a vision of America for the privileged. It is a vision of America for a new computer class. The cutoff is whether you can own a computer or not, I suppose from the kinds of language used by this oppressive elite minority. Traditional working class people are not included in the vision of this elite minority as to who America should exist for.

They do not include construction workers, for example, who always are a part of the middle class. They made good salaries in the past, and they have been supported in the past by both parties. In fact, most construction workers a few years ago we would say would definitely fall in the Republican Party. They had that kind of outlook on life. They were part of the establishment, making very good salaries, and we are surprised and shocked that the new oppressive elite minority in control of this Congress is moving rapidly to take away basic benefits from construction workers. The repeal of the Davis-Bacon Act is high on the list, high on the agenda, of the oppressive elite minority/majority now in control of Congress. They do not want to see construction workers paid decent wages. They want to take out the Davis-Bacon Act which controls the situation which can easily be exploited if it is not there. They do not want to have much to do with organized labor in general.

Our great middle class, the greatest portion of the American middle class, have been working people traditionally. We created a phenomenon that never existed in the history of the world when we began to pay millions of workers decent wages. We created the great American market, the great American consumer market, which sustained this country and built our capitalism into the strongest system of democratic capitalism in the world. Everybody wanted to get into the American consumer market, and we have allowed in many cases too generously—we have been too generous in allowing the Japanese to get into the American consumer market, the Germans to get into the American consumer market, everybody comes along with products, rushers to the great American consumer market to sell products and to benefit greatly. Japanese riches have been built on that openness of our consumer market.

That consumer market would not exist if we had not had the American labor movement, if we had not had a situation where the forces combine, the workers themselves, and enlightened Government starting with FDR, and an acceptance by the Republican Party, acceptance by the corporations, that it was good to have labor peace, it was good to pay decent wages, and we went forward all together under that system.

But, no, we want to turn the clock back and stop that in this present Congress controlled by the oppressive elite minority. The oppressive elite minority's leadership right away took the Education and Labor Committee and changed the name. They wanted to immediately insult labor by taking labor out of the name of a major committee on Congress so we no longer have any committee of Congress that has the word "labor" in it. They proceeded to move to repeal certain portions of the National Labor Relations Act. All kinds of things are moving forward to oppress and to squeeze the traditional middle class of working Americans, working Americans who do belong to the middle class. They want to redefine the middle class and push down those who before, who heretofore, have belonged to the great middle class.

Public education is now under attack by this oppressive elite minority. The leadership of this Congress, majority of this Congress, the leadership now wants to eliminate the Department of Education. They have gone after education programs with a large number of rescissions already before we get into the process of making the budget for next year. They want to pull back funds for large numbers of programs in this year. They propose first to cut Head Start, and then when they were forced to back away from that, they have cut title I programs. The most basic Federal aid to education is funneled through title I, formerly called chapter 1 programs. Public education is under attack, and after many years under Ronald Reagan and under President Bush, after years of recognizing that America had a problem with education, and after every President starting with President Reagan, attempted to move forward in some way to establish a Federal presence in education. We are now ready to recklessly retreat, recklessly eradicate all the work that has been done by Reagan, Bush, and Clinton and tear down the Federal involvement in education, just wipe out the Department of Education. We will be the only industrialized nation which does not have a centralized Department of Education to provide some guidance and some direction for the education function. We will rapidly begin to decline in our ability to compete once the Department of Education is gone.

But the oppressive elite minority is blinded by their own ideological biases, and they want to wipe out the effectiveness of public education. They are going to look to other ways to provide education, those that they think should be educated. The rest they will throw overboard, the billions of dollars. The riches of America will not be used for one of the most fundamental functions of society, the education of the populace. Nothing is more important to our national security than the education of the populace. The education of the American people will keep them competitive. The education of the American people will maintain civility and lessen friction, lessen crime, lessen disorder. The education of the American people is the most important function of Government as we go toward the new world order. Far more important in our national defense and our national security is education than new weapon systems.

But we define what we are all about, as I said before, by the steps we take in our policies and especially in our fiscal policies, budget policies, and other monetary policies. The steps that are being taken now are clearly defining what I call a high tech, a group of high technology barbarians, well educated people who understand how to use information, but who lack compassion, and in the final analysis, because they lack compassion, they lack the vision necessary to carry us forward and build on the greatness that already exists in America. The vision of a caring majority is very different from the vision of the oppressive elite minority.

□ 2145

The vision of the caring majority sees the possibility of peace, justice and opportunity for all of the people. We do not see America going bankrupt. We do not want to preach scarcity. We are not Bangladesh. We have the resources necessary to provide for a society and an economy that can support peace, justice and opportunity for all of the people.

We can provide health care for all of the people. We can provide housing for all of the people. We can provide employment for all of the people. The resources are there.

The caring majority is there. And given the opportunity, we are going to find a rejection of the kind of policies and programs being put forward by this elite, oppressive elite minority.

Democratic capitalism allows us to do the kinds of things that are needed to produce a society with opportunity for all and with justice and peace. Democratic capitalism is a good umbrella, an umbrella under which we may construct the most successful social order ever created. The skeleton of Democratic capitalism has the ability. It is able to adapt.

The system is responsive to innovations. We are not stuck in a situation where we can look forward to going to a bankrupt treasury in the year 2000, because Social Security is there, if we do not take radical steps now to end spending for programs that benefit people.

The responsiveness is there. We can do a great deal of things under our present setup. We are the greatest system that has yet been devised by man. And we must use it with imagination and creativity. And most of all, we must have the compassion to understand that we do not need to throw any group of people overboard.

This is the first and the most vital step. Make the assumption that the richest Nation in the history of the world can create, it can generate a society which provides peace, justice and opportunity for all.

Now, am I running away from the hard job of discussing the budget? I have not mentioned very many numbers at this point. Let's talk about numbers, the problem of funding. The problem of money, of taxes, is a monumental problem today. It will be a monumental problem in the future. It is a permanent challenge. We will always have to struggle to produce the revenues necessary to finance the activities and the functions of government and society that we deem are necessary. It is an ongoing problem. We will have to rise to the occasion.

We will always have to raise revenue. We will have to eliminate waste. We have to set the right priorities. We will always have to be improving efficiency and increasing effectiveness.

Any organization or any activity that has ever been devised by human kind has a problem with efficiency and effectiveness. It has a problem with waste. The species Homo sapiens, human kind, is not an administering animal. We are not naturally good administrators. Administration and management is something that human beings have to work at all of the time. It is a permanent, ongoing activity.

I am not going to say that there is not waste in the welfare program. I am not going to say there is no waste in the school lunch program. I am not going to say there is no waste in any function that is operated by government, just as there is tremendous amount of waste in the private sector. In fact, the private sector has shown us it can be the most wasteful and the most inefficient and the most corrupt sector of our society.

The savings and loans collapse, the savings and loan swindle, showed us how monumental waste and corruption and inefficiency can exist within the private sector. So mankind, homo sapiens, are no more effective in the private sector in administration and management than they are in the public sector. It is a problem that we have to confront.

Let us go forward and deal with new ways and deal with the problem of money. First, budget cuts. Am I afraid to talk about budget cuts? Do I think we should not cut the budget? There is no room in the budget for a downsizing and a decrease in expenditures? No, I would not take that position. There is a tremendous amount of waste in the budget. But we define ourselves and we show where our souls are when we make the choices as to what to cut.

Why are we going on and on, day in and day out, about the cutting of the school lunch program and there is no discussion of some cuts of the CIA and the intelligence budget? The CIA and the intelligence agencies have a secret budget. They will not even tell the American people what the budget is, yet estimates by all sources have placed it at no less than $28 billion. The intelligence budget is no less than $28 billion; probably more.

At a time like this in our history when there is no evil empire anymore and the Soviet Union is struggling just to exist, it cannot be an aggressor or threaten us in any way, why do we need a CIA budget of $28 billion?

If the people who want to downsize government and want to streamline government, if they want to do it in order to give a tax cut, if they want to do it in order to make sure that our children and our grandchildren do not have to pay all of these bills in the future, if they want to seriously and sincerely deal with those problems, then why are they not discussing a cut in the CIA and the intelligence budget? Why not cut it just in half?

You put zero in the budget for the summer youth employment program. That is bold and daring. They consider that bold and daring. I think it is an act of cowardice to cut the summer youth program for teenagers overnight, pull out the money and say it is zero this year and next year it will also be zero. I do not think that is an act of courage.

It would be an act of courage to say let's gut the CIA budget and the intelligence budget in half to $14 billion. We will have 14 billion to distribute for these other programs or to go to the deficit or to give a contribution toward the tax cut.

CIA, who don't we cut it? Why are we discussing the school lunch program and not discussing the CIA and the intelligence agency?

Why are we discussing the school lunch program endlessly and not the *Seawolf* submarine; 2.1 plus billion dollars, $2.1 billion to build a submarine that everybody admits we don't need at all? We don't need it to fight a war. It is only there to maintain the profits for the manufacturer at a certain level; to provide some jobs.

And if you want to take $2.1 billion, you could provide twice as many jobs if the object is just to provide jobs. The object is to provide profits also for people who certainly do not need to be milking the American taxpayers for more profits.

So why not cut the *Seawolf* submarine? We are talking some heavy dollars when you talk about the CIA and the *Seawolf* submarine.

Why not cut the cheap electricity that that the people in the Northwest and the Midwest have from dams that are built by all of the taxpayers with all the taxpayers' money? There are some people who are paying one-half the price for electricity as my constituents are paying in New York. Do they deserve the bargain of one half the cost for their electricity? They are Americans just like everybody else. Why not market rates for everybody?

If you raise the payments of the people who are getting the bargain in electric use and raise it to market rates, and let the Federal Government take back that money that it invested in the dams and the water projects and distribute throughout all America and let us all benefit from it, let's all get a benefit of the efforts of our Federal Government. Why are we not discussing a cut or a retrieving of the bounty that the people of the Northwest and the Midwest have enjoyed all these years? People say they want government off of their backs and yet they are the beneficiaries of some of our biggest government programs for the longest number of years.

And how about the Department of Agriculture? We are not discussing the biggest welfare program in America. The longest-running and the most lucrative welfare program in America is the farm price supports.

The Department of Agriculture handed out $16 billion plus just for farm price supports last year. Sixteen billion is about the same size as the program that feeds millions of children on welfare. But in our population, gentlewomen and gentlemen, we only have a farm family population of 2 percent. Only 2 percent of the total American population is still in the classification of farmers.

Most of the billions of dollars that we are handing to the farmers or to the agribusinesses goes to corporate agricultural business. Most of it goes to rich farmers. Tremendous amounts of money could be saved if we would take the rich farmers off of welfare.

In the State of Kansas, for example, in most of the rural counties, according to the New York Times, farm families that are there and farmers who are part of the program have averaged between $20,000 and $40,000 a year that is being handed to them every year for doing nothing. A $20,000 to $40,000 check that comes on top of all of the other money that they make.

And there is no means test. When you are trying to get aid for dependent children on welfare, you have to meet a means test. You have to show you do not own anything and you have no bank account. In the Department of Agriculture programs and the farm price support programs and the Farmer's Home Loan mortgages and all of these benefits that have been heaped on our agriculture sector for the last hundred years, you do not have to show any means test.

Now, I do not want to be misunderstood. I think that the American agricultural industry is the greatest industry in America. I think it is probably one of the most effective industries in the world. There is no other nation that begins to come close to the American farmers, the American agricultural industry, in feeding its population, the population of America.

It probably could feed a large sector of the total world if the economics were different. We have the capacity. Our Department of Agriculture has done a magnificent job. And the Department of Agriculture, the whole agriculture program in America, is a sterling example of what can be done by government. Government operated from one end of the spectrum to the other.

Government funded the land-grant universities. Government funded the experimental stations for agriculture. Government funded the county agents that took the results of the experimental stations to the farmers in the field; very effective use of science and technology and for that reason, it is a hugely successful industry.

Now that agriculture is such a huge and successful industry, why are we continuing to have government play such a major role in agriculture? Why not have the government step out? They talk about abolishing the Department of Education. Why do we not downsize and streamline the Department of Agriculture? Do you know that the Department of Agriculture is the second largest bureaucracy in the Federal Government? It is second only to the Pentagon in term of the number of employees.

The Department of Agriculture, they have done a great job. It is a marvelous success story. Private industry can now take over. We could downsize the Department of Agriculture, set a means testing procedure so that it provides aid and assistance only to the farmers who are the poorest farmers. We could privatize part of the Department of Agriculture. There are a whole set of experimental programs, there are research grants, private industry could take that research and development function at this point and do a job just as well.

So, instead of continuing to discuss on and on the school lunch program, why do we not discuss the downsizing and the streamlining of the Department of Agriculture? Why do we not discuss the elimination of $16 billion in farm price support payments; welfare for the farmers? Why do we not deal with the farmers on the dole?

Why do we not deal with cuts of the F-22 fighter plane? Why do we need an F-22 fighter plane which was originally projected to cost the American people $72 billion. The F-22 fighter plane is manufactured in Marietta, Georgia. The F-22 fighter plane was originally projected to cost $72 billion. We have paid out about 12 billion already for planes and we are projecting over the next six years about $17 billion more in expenditures for F-22 fighters.

If you want to keep America from going bankrupt, if you want to keep our grandchildren from having to pay the debt, then cut items like the F-22 fighter.

□ 2200

If you need an F-22 fighter plane, it is the most sophisticated thing ever developed in fighter planes. But do we need it? No. The second most sophisticated fighter plane we already have. We own the second most sophisticated fighter plane. We do not need to have another one more sophisticated, because we are not our own enemy. The Soviet Union is not developing any more fighter planes. They are not developing fighter planes that would even contest the one that exists already. Why keep manufacturing a brandnew one called the F-22?

So let us save over the next 6 years $17 billion that could be applied then to fund the Summer Youth Employment Program, to make certain there is no shortfall in the School Lunch Program, to make certain we do not kick people out of nursing homes, to guarantee that we do not remove home care from people in great need. Let us go forward and examine all of these expenditures if we really are sincerely interested in the most effective and efficient budget.

Mr. Speaker, this is a simple discussion, and I hope the American people are listening closely. Listen to the numbers. In addition to philosophy, it is very important that we understand the numbers. The numbers that are being poured into the defense budget are huge numbers: $17 billion more for F-22 fighters, $2.1 billion for another Seawolf submarine; $28 billion for the CIA; B-2 bombers. We could go on. The majority in this House want to spend another $50 billion for defense. The majority in this House want to spend another $50 billion for defense, while they are telling us they must trim school lunches and they must make more efficient programs like Medicare and Medicaid.

Finally, we have new revenue options. Our vision, the caring majority vision versus the vision of the oppressive elite majority. Their vision is we are in a situation where America is on the verge of bankruptcy. To hear the elite, the oppressive elite minority Members talk, we are almost at the stage of Bangladesh. We cannot exist much longer if we continue to try to build a society which is there for everybody. We have to start dumping people overboard. We have to rein in the safety net. Even Ronald Reagan acknowledged that there is a safety net that is needed, that we are now about to dump. The high technology barbarians who are in charge now have no compassion for those people.

Yet, every day there are new developments which show that far from being bankrupt and far from having our resources exhausted, America, the Democratic capitalistic society, America has all kinds of new potential for producing revenues.

We have just realized $9 billion by selling invisible frequency bands in the sky. Spectrums in the sky which you cannot even see have been sold to the tune of $9 billion, and that process has not ended. By just selling the air over ourselves, we have made money. And in the future, of course, we can always tax the income that is made off of those operations as normally the profits are going to be taxed, any profits made. So we have generated out of nothing. It shows you do not need land. You can take the air and sell it. If you are a nation, the power of nationhood is that you own the air.

They used to own the land, and we have given away a lot of the land. That is a chapter in American history which was very successful. You gave away land, you produced free enterprise, and you made great millionaires and produced a middle class. We have done a lot of great things in the past. We have given away too much in some cases. We have given away property that had minerals on it, up until very recently. We are still giving away property that has gold on it and we do not require that the people who mine the gold pay us a royalty and give us back some of the benefits of the lands that the Government and the people own. The people have to assert themselves, and the people are going to have to insist there can be no more nonsense on giving away public lands and not demanding that the public have some percentage of the profits realized from the minerals that we get from those public lands.

We could also gain more revenue if we would stop giving away the fruits of Federal and government research. Military research has spawned a whole host of hundreds of new products. We have not reached out and placed the royalty on those products to come back to the public Treasury. We have just given it away.

Many of you know, everybody knows of a few products. Television was really perfected by our government research, not just the famous product super glue, which everybody knows was developed by the space program. There are hundreds of products that were produced as a result of government research, and we, the people, who paid the bill to do the research, we get no benefit from those products. That is a source of revenue. We could reach out, and instead of worrying about going bankrupt and putting the elderly on the streets, out of nursing homes, cutting back on Medicaid and Medicare, cutting back on school lunch programs, let us be more creative about claiming what belongs to the people.

I am not in favor of new taxes on income. I am not in favor of new personal taxes. But there are ways to get revenue that we ought to closely examine, which have nothing to do with personal income taxes. There are all kinds of loopholes. At a later date we are going to list those loopholes. The Congressional Black Caucus' alternative budget, we intend to close the loopholes that corporations live by in order to maximize their profits and escape paying a just share of the taxes. Corporate taxes, the share of the overall revenue burden borne by corporate taxes, has dropped drastically in the last 20 years. We need to get back to having the corporate world carry their share of the taxes.

I am going to yield in a few minutes to a colleague of mine, but I want to make it clear that we are talking about the overall program of the new majority in Congress. We are talking about the fact that the budget process, the rescissions that are now being made right now, the budget that is going to be brought to the floor in May, all of that is part of an overall grand design that is a design, of course, a distorted vision of America, being driven by high-tech barbarians who have no compassion and are really on the wrong track when they conclude we cannot have an America which is for everybody. Contrasted with their position, the position of the oppressive elite minority is a position of the caring majority. We are going to produce a budget, the Congressional Black Caucus is going to produce a budget, which reflects a vision of the caring majority.

To talk more about budgets and the rescissions that are now at our doorstep, heartless, cruel decisions that are being made through this rescission process, is my colleague from Texas. I yield to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Let me thank my colleague from New York, MAJOR OWENS, and thank him for a very reasoned, if you will, detailed presentation, and almost a journey, if you will, taking us through very evenly how we have wound up to be here on the House floor, and poised, if you will, to vote for a rescissions bill that is larger than any I have ever seen and I think this House has ever seen.

Congressman, you know the last rescissions bill was in 1981. It is interesting, as you have been speaking about the cuts, and I just simply had to join you because as I have reviewed this legislation, the fact that it hits at the very most vulnerable in our society gives me a great deal of discomfort.

Interestingly enough, we are at 5.4 percent in unemployment. The economy is going well. You made a very good point about tax cuts and whether or not those who would be classified as Democrats are against improving the economy or looking at tax cuts.

We are looking at, are concerned about being fair. I took time for a moment to just find out what the word "rescission" means in Webster's dictionary. It is an act of rescinding, to take away, to take back, annul, cancel, to make void by action of the enacting authority or the superior authority.

That is what we have. We have a negative. We have a taking away of something already authorized. We have a taking back. We have an annulling. We have a canceling, and we have a superior attitude against the children of this country, against the elderly of this country, against those who need affordable housing.

We seem to want to pull back from the States of this country after, I remember, a very extensive debate about unfunded mandates, and many were called upon to support this legislation as innovative and positive. But yet this legislation will clearly put on the cities and States the great needs of its people, and that is the need to in fact serve those who are most vulnerable.

If I might just simply say that the rescissions bill, as it is politely known, will cut to the bone many of the programs that you have just spoken about. Across the country, throughout my home State and right in my hometown of Houston, millions of children, elderly and poor citizens will be devastated and forced to endure government-sanctioned hardships in order to provide extensive tax cuts.

Well, what does this boil down to? As though the unsettling dynamics and displacement of our rapidly changing global economy were not already bad enough when it comes to driving the widening wedge between America's economic haves and have-nots, now the have-nots have to worry about Uncle Sam cutting them off at the knees. I do not know what we are going to do, but I will simply share with my Republican colleagues who are constantly explaining that what they are doing is helping America.

Just read the headlines in the hometown papers like the Houston Chronicle that says "Do Not Short-Change Texas Children." These are not political activists who are seeking publicity. These are children advocates who realize that Texas alone has some 7.3 percent of the U.S. child population. It has a large number of the individuals that are infants, I think some 5 million or so children.

We have headlines from local papers saying "Do Not Play Politics with Hungry Children," from the El Paso Times. These are local people that are speaking. The GOP social agenda is flawed at best. Local people again.

We have got "The Republican Tax Cut Plan May Not Add Up." We know that it does not add up, because clearly it tends to take from those who can least afford it. That is why we are in trouble with school lunches and breakfasts, but more important, that is why we are in trouble with school-to-work programs and no summer jobs.

Here is one right out the mouths of Republican Congresspersons, "GOP Haste Laying Waste to Legislative Good Intentions." This is not the Democrats speaking, this is the Republicans. One Republican stated, "I have always been a little concerned about arbitrary deadlines. I do not think it contributes to sound legislating."

Well, it really has not, because it is helping those who need help the most.

So I think that we are moving toward hurting our children, and we are moving toward not even ensuring that children and workers and those who are in need can be best served.

But if we fancy ourselves a moral Nation, ought we not first look for efficiencies and cuts in programs and policies that generally serve the fortunate who have been blessed, and from whom a small sacrifice for the good of the whole would not be an undue burden?

Let me share with you the words of the late Hubert Humphrey, who was fond of reminding us of the moral litmus test.

> Those who are in the dawn of life, the children, those who are in the twilight of life, the elderly, and those who are in the shadow of life, the sick, the needy, and the handicapped.

Mr. Speaker and my colleague, I wonder if anyone from the other side of the aisle can in good conscience claim that this rescission package, taking back, canceling, does anyone any good.

This package cuts $17 billion, and it is a package. These cuts are not to the mohair growers subsidy or tax break on vacation home mortgages. But they simply get at the crux of those who are in need.

Let me just simply tell you where they are coming from. Where do the GOP cuts come from? My colleague ably detailed for us. Here it is in graphic design, if you will. Sixty-three percent comes from low-income cuts, individuals who are in need, and then 37 percent from other cuts. It gets to the people who most are in need.

Where is the justice in this rescission plan when 69 percent of the so-called savings will go to pay for tax cuts at a time when the deficits are already too high?

We wonder about the tax-and-spend liberals. That is what folks have been calling those who are not listening. What about the borrow-and-spend Republican administrations that have quadrupled our debt?

It is important to recognize that we have a job to do here in the United States Congress, and, therefore, it is a shame that we are canceling out housing, 42 percent, work experience and job training, 14 percent, health, 10 percent, education, 9 percent, and 25 percent in other cuts. People who are simply looking for the opportunity that we say in this country we are giving them.

Then I might add, as we begin to look elsewhere, we find that we have got some 69 percent tax cuts. That is where the money is going, and then of course it is going to the FEMA relief. I am not speaking about those States that are in great need, and need this kind of aid.

We know that California has been in some severe bad weather at this time, but we would simply say, what about those who are in need for hunger and housing? What about those who are trying to make a better life? Do we not need to be of assistance to them?

Mr. OWENS. Would the gentlewoman yield for a minute?

Ms. JACKSON-LEE. Yes, sir.

Mr. OWENS. I would like to underscore what the gentlewoman has just said. I wonder if the American people realize the tremendous amount of money they have given to take care of natural disasters over the past 3 or 4 years. For the hurricane in Florida, between $6 billion and $7 billion of taxpayers' money from all over America went to help the victims of the hurricane in Florida. The earthquake in California, floods, mud slides, we are talking about close to $7 billion or $8 billion just directed to California various natural disasters. The Midwest flood that took place a couple of years ago, $6 billion of people from all over the country's money went to help take care of those disasters.

We recognize people who are the victims of natural disasters are in need and therefore we come to their aid, and it is altogether fitting and proper for government to do this. But the people in our big cities who are the victims of a mismanaged economy which does not provide any jobs also have great needs and we ought to also look upon them in the same way and provide some kind of assistance on an ongoing basis without having to have these frequent reviews and without belittling people who are the victims of the economy and victims of the mismanagement of the economy.

We are all one people, and there is no reason why one kind of disaster and one kind of victimization should be treated in a different way from the other people who are also victims.

I hope we will take not of that. It is an involuntary stimulus. California did not make the earthquake happen but once the earthquake happened, they got an involuntary economic stimulus. Money was poured in to take care of that need. It also made the economy go again. That is just the way it happens. But we also have disasters of a different kind in our big cities, whether they are Houston, New York, or Newark, New Jersey. I just wanted to underscore that point.

Ms. JACKSON-LEE. The gentleman could not be more right, and he has made a very eloquent point. I wonder as the American people go about their business and some have said that this debate has caused a great deal of distortion. I think the American people are smarter than what we would give credit for, and, that is, appreciating the fact, again, that the government went into these places like Florida and California, and, by the way, they went into my State, the State of Texas, and in fact there are people in my community right now who are still in great need because of a very severe flood we had in early fall, and I am working to ensure that they can be made whole.

But if you can appreciate that kind of assistance from the Federal Government, then why do we hear from the Republicans how easy it is to cut now some $17 billion from the devastation that occurs in people's lives, especially that they have been challenged to pick yourself up, get off welfare, become independent, and I can assure you, just like I am sure in your community, that I have met with welfare mothers.

We sat down at the table and broke bread together and talked about their life. There was not a one that either got pregnant because they were getting a welfare check, there was a one that wanted to be on welfare. They talked about self-esteem, they talked about getting a job, they talked about trying to be independent. That is lives that are devastated, people responsible for children, and they need the help of the Federal Government.

If I could just share with you for one moment to tell you how much we are hurting in Texas.

Mr. OWENS. If the gentlewoman would yield for a moment, I want to inquire of the Chair how much time we have remaining.

The SPEAKER pro tempore (Mr. LUCAS). The gentleman has 8 minutes remaining.

Mr. OWENS. I yield 4 minutes to the gentlewoman from Texas and I will take the last 4 minutes. I just wanted to close out with a note and I neglected to put in before.

Ms. JACKSON-LEE. See how good it is to be able to have time and it is also good to be able to share with those who are in need, and that is the problem we have here in the State of Texas.

This is a gentleman who has no ax to grind. He is our State comptroller, and he has already assessed that we lose about a billion dollars in this rescission package for the State of Texas. We lose some $763.7 million in Medicaid. Therefore, those who are trying to get off welfare would not have health care, the elderly, the severely handicapped, 69 percent. Family nutrition programs, we are losing $170.6 million, 15.5 percent, for our State.

Then there is AFDC, there is training, emergency assistance, 10 percent, we are losing $118.6 million. Then school nutrition in particular, dealing with our school lunches and school breakfasts. By the way, I met with leaders of the local school community and they are just up in arms about the children who will come to their doors who are hungry, particularly the districts that serve at-risk children. We are talking about the national impact, but I know what it means. It is going to hurt the people in the State of Texas, people in the State of New York, people all over this country. The American people understand this. This rescissions package should go nowhere.

As I conclude, let me talk about, and you have worked so hard on the summer programs, summer job perhaps that I have been actively involved in in my community. We are getting ready to lose in FY 1995 and 1996, $66.6 million in 1995 and $66.9 million, 43,000 jobs each year, and in Houston, each year, 1995 and 1996, 6,000 jobs. It was already not enough just last summer, 8,000 youngsters showed up on the first day to sign up, with stories of pain and excitement at the same time, excitement of trying to get a job, and pain for the need of the money during the summer months, for rent for their families, for clothing for their families, to take care of younger brothers and sisters.

This is serious. I worked extensively with anti-gang measures in Houston, where there are some 3,000 gang members, drive-by shootings. This is what gets our children off the street. This is what prepares young adults for the 21st century, the opportunity to work. This changes their mind set.

So when we begin to talk about where we are today and your detailing of what we should be looking at with an alternative budget and fairly we can look at possibly tax cuts, possibly downsizing different agencies, we do not reject that, I do not reject it. But I do reject taking from the most vulnerable and undermining a State that is trying so very hard to improve itself and to serve the people in that community. We must be the better one, the Federal Government, to be able to stand up with the moral fiber and fight for those who are in need.

I thank the gentleman from New York but I think that we must cancel out this rescissions package and ensure that we stand up against this kind of intrusion into the lives of American citizens.

Mr. OWENS. I thank the gentlewoman from Texas. I would like to underscore your last point. The defunding, the placing of zero in the budget for the summer youth employment project is probably one of the most cruel and dangerous and deadliest acts of this oppressive elite minority in control of the Congress now. It shows no vision. It betrays the very vital segment of our population that needs help the most.

They follow through on that, that zeroing the budget for the summer youth employment program with a $210 million rescission of the National Service Program. The National Service Program is for a different set of youth but it is basically program-oriented toward young people.

The National Service Program is not a program of Bill Clinton, it is not a program that the Democrats fabricated 2 years ago and the Republicans stood on the sideline. I have been in Congress for almost 13 years and we have discussed a National Service Program for 10 of those 13 years. Both parties have come forward with proposals, both parties have worked together. Why do we all of a sudden have to throw overboard and destroy a program which it took 10 years of deliberation and planning to develop?

The National Service Program would receive rescissions of $210 million out of the $571 million that they have available for this fiscal year. That is taking $210 million and leaving only $365 million, crippling the program to such an extent that it would hardly be able to operate because it is just getting off the ground now.

And then there are bigger cuts coming in the budget that begins October 1 because the oppressive minority has made it quite clear that they want to destroy the National Service Program.

The American people have a right to know why. Why? We should challenge the high-technology barbarians and say, You cannot do reckless things like this, you cannot make reckless decisions, you cannot just disregard all reason without explaining to the American people why.

A rescission of this magnitude for the National Service Program would renege on the bipartisan congressional commitment of Americans who have already committed to serving their communities. Middle-class families who work hard and play by the rules would be especially hard hit because many of the members of the AmeriCorps are middle class. We designed it so it would not just be a program where young people who are poor were involved. It cuts across all classes.

A year and a half ago, Congress mandated a 3-year phase-in for funding 100,000 AmeriCorps members. It called for 20,000 members to begin a year of service in 1994 and 33,000 in fiscal year 1995.

This rescission, this heartless rescission, would require the corporation to scale back existing programs already in place, cutting approximately 2,000 AmeriCorps members from the current level of 20,000 and 15,000 from the phase-in level which has already been authorized by Congress. The majority of those reductions would occur in those States with the most AmeriCorps members: New York, California, Texas, Pennsylvania, and Michigan.

Middle-class families with college-age members willing to serve their communities full-time for a full year who are counting on AmeriCorps to help them afford college educations would be especially hard hit if the congressional commitment is not kept.

We close with National Service, as just one more example. School lunch programs, summer youth employment programs, National Service programs, programs that would benefit all of America a great deal are being very hard hit by these heartless cuts.

On the other hand, the F-22 fighter plane is not touched, and neither is the Seawolf submarine and a huge number of other programs in the military budget.

I want to thank the gentlewoman for joining me, and I hope that Americans are listening. There is a vision offered by the oppressive elite minority and there is a vision offered by the caring majority. We will talk more about those visions in the future.

Ms. JACKSON-LEE. Mr. Speaker, I rise this evening to speak unequivocally against the misguided, shortsighted, and unconscionable spending cuts proposed in H.R. 1158—the Republican rescissions bill—to be considered on the House floor on Wednesday and Thursday of this week.

This rescissions bill, as it is politely known, will cut to the bone many programs that manage to maintain a minimal standard of living and health care for America's most vulnerable citizens.

Across the country, throughout my home State of Texas, and right in my hometown of Houston, millions of children, elderly, and poor citizens will be devastated and forced to endure Government-sanctioned hardships in order to provide extensive tax cuts.

That's what it boils down to, Mr. Speaker.

As though the unsettling dynamics and displacement of our rapidly changing, highly competitive global economy were not already bad enough when it comes to driving the widening wedge between America's economic haves and have-nots.

Now, the have-nots have to worry about Uncle Sam cutting them off at the knees.

What in the world have we come to?

How can those Americans, who enjoy some of the highest living standards in human history, possibly begin to justify their demand for tax cuts when fellow citizens, through no fault of their own, are relegated to lives of bare subsistence and, in many cases, much less than that?

How can Republicans rationalize rescissions, while at the same time proposing to reduce spending on the hugely successful, bipartisan WIC Program that for better than two decades has been providing basic, healthful nutrition for poor women, infants, and children?

While economists and sociologists of all political stripes are telling us that, to succeed in the information age of the 21st century, American workers must be better trained and educated than the once-celebrated production-line workers of the 20th century, how can Republicans tell us—with a straight face—that we ought to be slashing job training and education programs that serve both children and adults?

How will the Republican leadership explain to senior citizens living in our colder climates that the Low-Income-Heating Assistance Program [LIHEAP] that has helped them pay their heating bills in the winter is being cut?

Though it's not politically popular to do so these days, I might remind this body that American tax burdens—for all income brackets—have been and remain among the very lowest of the industrialized, Western democracies.

Should American government at all levels continue to improve efficiency, cut spending for outmoded programs, and work very hard to keep taxes as low as possible? . . . Absolutely.

But, if we fancy ourselves a moral nation, ought we not first look for efficiencies and cuts in programs and policies that generally serve the fortunate who have been blessed and from whom a small sacrifice for the good of the whole would not be an undue burden?

The late Hubert Humphrey was fond of reminding us that the moral test of any government was in the way it treated "those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life—the sick, the needy, and the handicapped."

Mr. Speaker, I wonder if anyone from the other side of the aisle can in good conscience claim that their rescission proposals pass such moral muster.

I don't know how they could, Mr. Speaker, when their cold-hearted proposals call for more than $17 billion of cuts.

And these cuts are not to mohair grower subsidies or tax breaks on vacation home mortgages.

No, Mr. Speaker, these cuts to the bone come from programs like child nutrition, public housing, basic health care, education, transportation and community development—all programs that the most needy among us depend on for a brighter future.

Who takes the hit from these Republican spending cuts?

The answer is clear.

According to the Center on Budget and Policy Priorities, a whopping 63 percent of the GOP cuts—nearly $11 billion in fiscal year 1995—will impact low-income Americans.

And where does the money go?

Well, Mr. Speaker, 31 percent does go to help citizens who have lost their homes and communities due to natural disasters like earthquakes and hurricanes, and few would argue that the Government should not assist these victims.

But what about the victims of our man-made disasters like inadequate urban and rural schools; like job flight from our inner cities; like employment, housing and banking discrimination?

Are we not similarly obligated, Mr. Speaker, to assist these citizens, as well?

Where is the justice in this rescission plan when 69 percent of the so-called savings will go to pay for tax cuts at a time when deficits are already too high?

But it is disingenuous for GOP leadership to blame "tax-and-spend-liberals" for all America's financial woes when in fact it was during 12 years of "borrow-and-spend" Republican administrations that our national debt quadrupled.

Mr. Speaker, both parties and both the President and Congress can share equally in the blame for our sorry status quo.

But we're not going to get anywhere, much less rebuild a solid foundation for America's future by polarizing and dividing its citizens.

To blame poor people for all our problems just to curry political favor is shortsighted, immoral, and potentially catastrophic.

How will we pay for the additional medical care that will be needed by children made sick due to lack of nutrition?

How will we provide for families made homeless due to cuts in public housing? Almost 25,000 families remain on waiting lists in my city—Houston, TX.

How will we protect ourselves from those who may turn to crime when denied educational opportunities and a real chance in the mainstream economy?

My colleagues from the other side are fond of their "dynamic budget scoring" that tries to predict future Government revenues based on the boost they think their tax cuts will give to the economy.

Well, what's good for the goose, Mr. Speaker * * *

Ought not my Republican colleagues be prepared to score their spending cuts in the same fashion?

Shouldn't we think intelligently about the medium- and long-term effects these rescissions will have on future budgets and on the very moral fiber of our American society?

So as not to be accused of undue hyperbole or attempting to govern by anecdote, I'd like to share with my colleagues and the American people some clinical analysis of the GOP rescission plan.

I represent the people of Houston in the 18th Congressional District of Texas.

So in addition to looking at national figures for these rescission cuts, I'd like to start with this story from last Wednesday's Houston Chronicle.

"Funding Cuts Could Cost Texas Billions, Comptroller Warns" . . .

That's the headline of the story which goes on to quote Texas State Comptroller John Sharp.

Sharp foresees up to $1.1 billion in cuts in four critical categories in the next 2 years that would devastate needy people in Houston and throughout the State.

Let us examine some of the specific programs that would be cut under this bill.

One program that is critically important to young people is the Youth Summer Jobs Program. This program, which began 30 years ago, has worked very well and has always received bipartisan support.

Nevertheless, this rescission bill completely eliminates funding in fiscal year 1995 and fiscal year 1996 for the Summer Jobs Program to the tune of $1.6 billion nationwide.

During this 2-year period, more than 1.2 million kids in 650 communities will be left without summer jobs.

And without question, these jobs are extremely important to young people. In many instances, these jobs give them their first job opportunity and help them develop a good working ethic.

In addition, many young people use the money earned from these jobs to buy clothes and supplies for school.

Let us be clear about the effectiveness of this program . . . the Summer Jobs Program consists of real jobs, not "make-work" jobs.

In many cities and towns, no other jobs are available for young people. As I travel around my congressional district and around the country, teenage unemployment remains high—particularly in African-American and Latino communities.

We need the Summer Jobs Program now more than ever.

Let's look at how the elimination of this program will affect Texas and Houston. The State of Texas will lose $66 million in fiscal year 1995 and nearly $67 million in fiscal year 1996.

This translates into 43,000 summer jobs that will be lost in Texas in each of the 2 years.

During this period, the city of Houston will lose $9.1 million in 1995 and 1996 and will lose 12,000 jobs over this 2-year period.

I urge my colleagues to preserve this program and continue providing adequate funding.

Another program that will experience a major reduction in spending under this bill is housing.

This bill makes a frontal assault on the poor and our Nation's cities. One program, the Community Development Block Grant Program, will suffer a spending reduction of $350 million nationwide.

The CDBG Program is one of the largest sources of Federal assistance to States and local governments.

Most of this money is channeled directly to the local level, particularly metropolitan areas with large pockets of poverty and substandard housing stock.

These funds have been used to acquire and rehabilitate property, preserve historic structures, provide relocation assistance and enforce housing code violations.

For example, the State of Texas will lose $19.9 million in community development block grant funds and the city of Houston will lose $2.4 million.

Under this bill, public housing programs have also been targeted for major reductions. Funds for public housing modernization will be cut by $36 million in Texas and $3.8 million in Houston.

The State of Texas will also lose $14.2 million in public housing operating subsidies while the city of Houston will lost $1.9 million.

Decent and affordable housing for all Americans—families and individuals—is a basic building block for communities and our society at large.

We can no longer delay making housing a national and moral priority.

Health care for the poor is another area that will suffer greatly under this bill.

In addition to the unthinkable cuts to Medicaid—more than $760 million in 2 years for Texas alone—I am most concerned by cuts to the National Health Service Corps.

This program is designed to award scholarships to students in the health professions in exchange for their agreement to spend 2 to 3 years in medically underserved areas.

Over the last 25 years, this program has helped meet the health care needs of millions of low-income Americans.

This GOP rescissions bill proposes a $12.5 million cut in this program.

Through this program, the Community Health Center in Houston, known as Central Houston Action, and several projects at the Harris County Hospital District will be endangered.

There are currently 62 physicians in Texas who are participating in the National Health Service Corps . . . and it seems to me we ought to be looking to expand this program, not cut it.

Members of the last Congress chose not to undertake constructive health care reform . . . it remains to be seen whether or not this Congress will muster the political courage to try.

In the meantime, however, how can we possibly consider making cuts to one small program that we know works in bringing affordable, basic health services to millions of Americans in under-served regions?

Mr. Speaker, in many cases, the lives of these needy Americans literally hang in the balance.

I could go on all night citing other programs marked for cuts that have similarly critical impacts on millions of American lives and livelihoods.

And I could complain about the closed nature of debate my colleagues on the other side of the aisle have employed with this bill and others thus far in this 104th Congress.

I could complain in detail about the amendments we Democrats sought to offer in an effort to protect vulnerable Americans, only to have them blocked out-of-hand by the Republican majority.

But I'll simply conclude, Mr. Speaker, with a final, heartfelt plea to all my colleagues with a conscience and a greater sense of obligation to America's future than that evidenced by the cuts in H.R. 1158.

I urge my colleagues to vote against this pernicious piece of legislation.

□ 2230

CLICHES AND THEMES IN POLITICS

The SPEAKER pro tempore (Mr. LUCAS of Oklahoma). Under a previous order of the House, the gentleman from Maryland [Mr. EHRLICH] is recognized for 60 minutes.

Mr. EHRLICH. Mr. Speaker, I rise to continue the colloquy begun 2 weeks ago with the gentleman from California [Mr. RADANOVICH] and, Mr. Speaker, you will recall that during that colloquy we talked about themes in politics and cliches in politics and the unfortunate fact that politics in America in the 1990's has become theme-driven.

You hear often the phrase, "They don't get it." Well, the problem, Mr. Speaker, is "They don't get it," so now the American taxpayer is going to get it, and I hope that what we have heard on this floor tonight and what we have heard in this country over the last few months has received the attention of the American people, because the American people, I think, need to hear what the opposition is saying about the Contract With America and the importance of themes like personal responsibility, stopping the micro management of the private sector from Washington, a return to true free enterprise in this country that runs throughout the Contract With America.

It seems the loyal opposition truly believes government does it better, and we on this side of the aisle sincerely believe individuals do it better, Mr. Speaker.

This new Congress is made up of people who are willing to take a stand, who are willing to challenge accepted assumptions in this country for the last 40 years, and as a result of the Contract With America, what do we get? We get stories about the 1950's, about Governors from the 1950's, about the fact you can no longer trust States in the 1950's, in the 1960's, in the 1970's, in the 1980's, in the 1990's. You just cannot trust the States.

We get gross misrepresentations of fact. We get misinformation. We get horror stories. We get phony numbers. We get scarce tactics. And, I say to the gentleman from California [Mr. RADANOVICH], we get class warfare, because class warfare is the bottom line. It is what we hear time and time again, hour after hour, day after day, week after week on the floor of this House.

And an example is the School Lunch Program. Just this week, a few quotes: A Boston Globe columnist wrote that the country is simply not too broke to feed poor schoolchildren. The food services director in Omaha, NE, for the west side community schools of Omaha, said it is unconscionable to allow more of our children to suffer from hunger in addition to the 12 million who do now; health and nutrition are not a priority in Washington, she alleged, quoting a Government estimate. She said school lunch funding would be cut by 17 percent.

Now, on the floor of this House, we have seen the real numbers tonight. We have seen the real numbers every day in the newspaper. The real numbers. Mr. Speaker, are that nutrition programs have been funded at a level $4.3 billion for fiscal year 1994; under the Republican budget, they are projected to increase to $6.78 billion in 1996, and to increase further to $7.8 billion in the year 2000.

By eliminating the administrative costs, by cutting out the Federal middleman, by cutting out the Federal micromanager, we are giving more money to the States for nutrition programs. Those are the numbers. Those are the facts. And by the way, they are the true facts getting through to the American people, because the message coming from towns and cities and districts and counties and the people across this country back to Washington today is, "We are not buying that old class warfare anymore."

I say to the gentleman from California [Mr. RADANOVICH], I know you would like to comment on that, and I yield.

Mr. RADANOVICH. Thank you, I say to the gentleman from Maryland [Mr. EHRLICH], for yielding.

I guess the point I think that needs to be made in what is happening on the floor of this House, the changes that the new majority, the Republican Party, is wanting to make is that which is a return to local control and privatization of what we are doing right here in Washington right now, and I think that some of the basic messages of those who so desire a strong central government that reaches in and controls the lives of so many people is the basic message is you cannot trust anybody else but those on the floor of this House including the 2 of us, but not excluding 433 other Members of this House.

And I guess my comment is that, and to reinforce what the gentleman from Maryland [Mr. EHRLICH] is saying, is that government is best done at the local level, and problem-solving is best done at the local level. I can take care of things much better in my district much better than the gentleman from Maryland [Mr. EHRLICH] could, because he probably has never been to Fresno, probably has never been to my hometown.

Mr. EHRLICH. I intend to visit this year.

Mr. RADANOVICH. You will be there someday. But you have never been. But nobody knows my problems better than I do, and I believe nobody can solve my problems better than those elected officials in my district who are on the local and State level, and I think that in reference to the reference by the gentleman from Maryland [Mr. EHRLICH] to class warfare, it seems to be the defense of those who defend a strong central Federal Government that whenever people like us who are elected and come in and try to solve that problem, we get accused of being in favor of class warfare, being against the poor, being against the middle class, being for the rich, and I am a Republican, and, "I ain't rich."

But those seem to be the arguments that are posed here, and I cannot help but go back to two things. First is, there is a deep mistrust of local elected officials on behalf of the Democratic leadership, and there is also, in order to defend what they see as solving problems from a strong Federal Government, where if we raise your taxes a little bit more we just get a little bit more money in the Federal till, we will be able to solve welfare, we will be able to solve, we will be able to solve the dilemma of so many women becoming pregnant, unmarried mothers, we will be able to solve it, we will just spend a little bit more money on it. Implicit in that is a recurring theme that only the Federal Government can have empathy for poor people.

Mr. EHRLICH. Right. And only the Federal Government knows best what people need, not just the poor, but middle-class, working-class Americans.

Mr. RADANOVICH. Exactly. You know, I think there are probably 435 very caring people here, but I would not exclude it to us. I mean, there are thousands of elected officials out there that take their commitment to their public office just as seriously as you and I, and maybe more seriously than some people in this body. I do not see any reason why they cannot be trusted with more responsibility and, frankly, that is what this is all about.

Mr. EHRLICH. I agree. The horror stories we hear, the horror stories that we have heard, regardless of the issue, fill in the issue, there is a horror story that we hear put out night after night on the floor of this House.

The regulatory, just going back 2 weeks, with respect to the regulatory reforms that we have enacted, the regulatory moratorium bill, cost-benefit analysis, risk analysis, paperwork reduction, private property rights, we heard the same horror stories then as we hear now. Forget the issue, if it is part of the Contract With America, it is horrific, it is bad, it is anti-working people it is anti-poor.

And there again, we see the analogy, the class warfare time and time again.

The gentleman will recall that with respect to this whole issue of regulatory power, micromanagement from the Federal Government, I talked 2 weeks ago about the Department of Labor and the fact that the Department of Labor has made enforcement of child labor laws a top priority over the past several years. In particular, grocers, grocery store owners all over the country are being cited for violations of hazardous occupation order No. 12 which we discussed 2 weeks ago, and that order prohibits employees under the age of 18 from operating or assisting to operate balers, machines used to compact used cardboard. Inspectors routinely go to such lengths as issuing citations based on responses to questionnaires mailed to former employees. That is how bad it has gotten in this country today.

DOL recently decided, without seeking public comment, without seeking comment from the people impacted by this regulation, they recently decided that compactors are covered under HO 12 the same way that balers are covered. Therefore, no employee under age 18 is allowed to load or operate a baler or compactor.

Now, the history of this particular order is quite interesting. HO 12 was adopted in 1954 under authority of the Fair Labor Standards Act. Its rationale was based on a 1954, 40 year, 41 years ago report entitled "Operation of Paper Products Machines" that assessed the danger to teenagers of operating certain machinery used in the paper industry. The section on balers was based on a type of machinery used on a type of machine that was common in the paper industry back then. But it is far removed from the ones used in today's modern grocery stores.

HO 12 has never been updated to reflect the changes brought about by safety advances. Today's balers bear very little resemblance to the huge machines of 41 years ago, when HO 12 was issued.

The most serious injury assumed by the 1954 DOL report, and I quote, "for a person's arm to be caught by the descending plunger should someone else operate the control mechanism, * * * could only happen with balers of that era, 41 years ago," which did not have loading chamber doors, so the accidents could occur. They cannot occur today, yet we have a regulation that lives forever, and, of course, as we have discussed in the past in our first colloquy, that seems to be the whole idea behind bureaucracy and regulation; once you create a bureaucracy, a governmental bureaucracy or a new regulation, it lives forever.

Mr. RADANOVICH. Beyond that, it is a process of justification. Then those in the bureaucracy have to justify their existence so they will come up with new programs that are less and less applicable to the real world.

Mr. EHRLICH. And more money.

Mr. RADANOVICH. And more money. I have got an example, too, if I may. This is on the eating disorders of pigeons. There is a million dollars spent on discussing the eating disorders of pigeons. I will tell you, if I had an endangered species person, I was a pigeon, and had an endangered species person following me around day to day, watching everything I did, I would have an eating disorder, too. These are things, again, another example of how when you get a centralized government that is far removed from reality in the day-to-day business, you begin to get things that are unapplicable and have no sense to our daily lives.

Now, I am not against research, you know, of one kind or another, but I think what you get after awhile is stuff that is not applicable to reality, and I think that that is basically the problem that we are facing right now.

Those that are criticizing what the Republicans are doing in the House right now in the Contract With America, with the goals of achieving privatization and local control, in my mind, have a real hard time. I would be embarrassed, frankly, if I had to defend the system that we have here in Washington right now, and yet it seems to me that with the Democratic leadership on the other side of the aisle, or however you are supposed to say it, I would be embarrassed to defend what Washington does right now, rather than saying, "Let's both agree that what is going on is wrong right now. Let's both come up with plans, and let's introduce them on the floor and go back with new ideas." Who on Earth would want to have to defend what Washington is doing right now?

It is a ludicrous system back here that is bankrupting America, enslaving the lives of poor, unfortunate people who do not know better, under a system that is just doling out money. And, you know, frankly, I think that the Federal Government is such a poor substitute for personal responsibility that I would be embarrassed to be sitting on this floor defending all of the things that the Federal Government does right now.

□ 2245

But that is all we hear. That is all we hear, and it has been interesting for us who just arrived here 70 days ago, 10 weeks ago, to hear the defense of the welfare state we hear time and time again on the floor of this House. And the fact is, and it is an observation that many of us have discussed privately, there are no ideas. There are no new ideas. There are no new initiatives across the aisle. It is the same old stuff and the American people rejected it on November 8 and they are rejecting it in March 1995 and they are going to reject it in July 1995 and they are going to reject it in 1996.

Mr. RADANOVICH. I would like to make a point too at this particular stage and that is, a lot of what you hear on the other side of the aisle from their leadership is, when our party was in the minority, we resorted to a lot of hit tactics of their leadership. We did a lot of things that they didn't like, and now they are going to turn around and do it to us, as thinking that in some means by doing that they are going to get back the majority of the House.

My point is, I think that whatever the party did before I got here is fine, but I tell you, the only reason why I am here today and the only reason we are in the majority is not because we took hits to the then majority, but because we went before the American people with a plan and we said, listen, this is what we are going to do. We promise that we will do these things 1 through 10. You send us to Washington, we will do it.

Now, if that is the case and I believe it to be, gosh darn it, come up with your plan. Stop hitting, stop defending a miserable losing system that we have here in Washington right now.

Mr. EHRLICH. That is a wonderful point, a great lead-in to my next point, because we were not here. We have heard the stories about how the former minority, the present majority, was treated.

And let me relay your observation to the tort reform debate that occurred on this floor last week, and as you well know, Republicans are of different minds with respect to individual initiatives under the rubric of tort reform. But the fact is, the Democrat majority never allowed real tort reform measures to be brought to the floor of this House ever, and the American people demanded it and the Democrat majority said no, it is not important.

And what the new Republican majority did last week was bring very important initiatives to the floor of this House in the way of legal reform.

Now, as the gentleman knows, I opposed the loser pays provision, but I supported the securities litigation reform, the joint and several liability reform, punitive damages, the products liability reforms. These are reforms that the American public is demanding today. And what the Democrats seem to conveniently forget is they never allowed this debate to occur, and that is the whole idea behind the contract.

The whole idea behind the contract is not that 230 Republicans agree with every plank of the contract, but it was, we have a deal with the American people, a contract with the American people and we promise to bring these important initiatives to the floor of this House to debate them honestly, in substantive terms, so that the people of America can see a party that knows how to run the place and to restore that sense of pride and respectability that we saw the American people have lost when it comes to this institution, and I believe we have begun to do that, and the fact that we have begun to regenerate that pride is reflected in the poll results.

Getting back to tort reform and this whole theme that we are talking about, they do not get it, and a lack of individual initiative and individual pride, there is a psychology in this country, and I know the gentleman as a businessman suffers as a result of this psychology, and that psychology basically is, if some real or perceived ill befalls me at any point in society, well, there has to be a legal cause of action, there has to be a remedy, there has to be a bureaucrat to make you feel better, there has to be a regulation, and there has to be money in my pocket and it is costing all of us billions of dollars.

Now, many of us on this side know, and the American people know, there are legitimate plaintiffs in civil cases and they deserve, in some cases, major awards. But the fact is, this foundation that I am owed something, that if something happens to me, I have to have a lawyer, I have to file a lawsuit, I have to get the money, somebody has to pay for it, it goes back to this theme of a lack of individual responsibility. The American people are crying out to us saying, stop it, we are not that greedy, it is costing us too much money. We literally cannot afford it.

Mr. RADANOVICH. Can I make a point?

Mr. EHRLICH. Absolutely.

Mr. RADANOVICH. It does harken back to personal responsibility and what a privilege it is to live in a country such as America that was based on the principles of self government, and I think that somewhere in some good book it says, do not be so anxious to be suing your neighbor, and I think that the law system in this land, the court system in this land, really is a privilege, and I think that when you abuse a privilege, you end up getting restrictions on the privilege or the privilege gets taken away.

And I admire the fact that the Democrats for so many years defended the right to sue and the open legal system that we have had in the past, but I think what we are seeing right now is such an abuse of the system, and when you, through lack of personal responsibility and personal accountability for your own actions, you begin to abuse the system, you have to clamp down restrictions on that system and, to me, it is a perfect example, again, of where we have lost the idea of personal responsibility and personal accountability in this country.

Stop suing each other. We have sued each other too much. Now because of that and because we have placed such a burden on the system, we have got to clamp down on it. I think that is basically it.

Mr. EHRLICH. Just an aside, but very relevant to your point, as you know, I have practiced law for the last 12 years in the State of Maryland and I have seen one practice occur time and time again. And that practice is, in a run-of-the-mill tort case, personal injury case, a punitive damage count is included, even where there is no evidence of punitive damages.

Now, the opposition told America last week, there are not that many punitive damage judgments. The Republicans have a strident and ridiculous remedy for a problem that is not that large. We can count on the fingers of one hand how many punitive damage judgments were paid out in a particular jurisdiction. But that is missing the point. That is missing the point, because the fact that those punitive damage counts are included in complaints drives up the settlement value of cases.

Most cases, as the gentleman is well aware of, never go to trial, but the insurance company, the carrier, has to value a case, even a garbage case, at a higher figure because of the presence of a punitive damage count. Result, higher settlement. Result, cost passed on to consumer. Result, higher prices. Result, we got a big problem in this country.

Mr. RADANOVICH. You know, gentleman from Maryland, it seems to me that there are in a book somewhere, and I do not think it said Uncle Sam is my shepherd, it said somebody else, and I think that in America we have just begun to depend too much on Uncle Sam for being a little bit more than what he is and I think that some of the Representatives in the House of Representatives over the years, probably over the last 30 to 40 years, have gotten to the point where they justified their existence by expanding the role of what Federal Government does, and unfortunately, what it has led to is a lot of tragedy, I think, and into a current situation that, again, I am embarrassed to have to defend. I really am.

We have gotten to the point in this country where it is sad, frankly, the way we treat one another in this country and based upon this overriding dependence on Federal Government, and, again, my word to the opposite party, to the Democratic leadership, is, you should be very embarrassed to defend the way things are in Washington right now. And I just got out of a budget hearing today, a markup on bills where we are cutting budgets right now, and I am here to say that nobody is being treated any better than anybody else. The rich are going to get it, the middle class is going to get it, and the poor is going to get it. That is kind of the way it is right now. And the use of the Republicans wanting to do this to reward the rich is a pathetic argument, it really is.

Mr. EHRLICH. We here hear it time and time and time again.

Mr. RADANOVICH. Reinforced by the President as well. Through all that garbage must get some common sense to what we are really trying to accomplish here, and that is, reducing Federal Government by localizing it and privatizing it, and that extends to all areas of Federal Government.

Mr. EHRLICH. And in the process, I, we are looking to your leadership to let the American people know the real facts. I hope the leadership from the Democratic party in this House will begin to engage in an honest debate. If they have nothing to hide, if they want to defend the welfare state, let's face it, reasonable people can disagree about rescission bills, about welfare reform, about regulatory reform, about tort reform. Just do not hide in the failed policies of the past. Be proactive, look to the future, join us in serving the American people, but to the extent they continue to engage in phony numbers and misrepresentations to the American people on the important issues of the day, we need to call them on it, because to the extent we indulge them, we share the blame and rightfully so.

Mr. RADANOVICH. And it is a disservice to the American people flat out. I mean, what they are doing is clouding what the issues really are on the floor of this House. I have got an issue from one of the Senators in my State regarding a balanced budget amendment, which, in my view, is necessary in order to get spending under control and to achieve privatization and localization, where at one point during that Senator's election, voted for the balanced budget amendment, no limitations whatsoever. In the political race of that person's life, voted for the balanced budget amendment and won the election and then afterward it comes up to the Senate that person voted against the same balanced budget amendment measure. And what I would caution I think on both sides of the party is that people are going to come back to Washington, they better come here with some convictions and they better keep them once they get here because the voters are going to see right through them.

Mr. EHRLICH. We talked about that 2 weeks ago. Cliches, rhetoric, they do not get it. Class warfare. Right here is where the rubber meets the road and the American people can open their newspaper, tune in C-SPAN, listen to the radio, receive our correspondence, and find out who stuck by their guns, who cast tough votes.

Mr. RADANOVICH. And I would say to the Democratic party, rather than hurling stones and misrepresenting what is going on back here, come up with a plan, for God's sake. Bring it up here and let's debate the merits of it. But to use the same old tactic, admitting that maybe they worked for the Republicans in achieving the majority, which I think they are wrong, it was the Contract With America that got us the majority, do what we do, but do the things we did right. Do a plan and sell it to the American people. If they are not going to buy it, then I would suggest you change your plan.

Mr. EHRLICH. You hear time and time again the Democrat spin artists, the Democrat pollsters say, Hey, no one heard about the Contract With America, it is phony, folks, it was just one of those things. It was a bad year. We had an unpopular President, whatever. But the fact is, people may not have identified the Contract With America, but they knew about regulatory reform and they knew about tax reform and they knew about a stronger national defense.

Mr. RADANOVICH. Balanced budget.

Mr. EHRLICH. A balanced budget amendment, a line-item veto. They knew about these things. Maybe they did not label it as the Contract With America, but they recognized it when they saw it and they supported it and they voted accordingly and they are very happy with it.

Mr. RADANOVICH. And frankly I think that is why we are here, but I think the point, too, as to why we are here tonight is to get a point across, that point, and that is the fact that we are here for localizing government to the local level and also privatizing certain functions that Washington does, and that can't be said too many times. It just needs to be said over and over again.

Mr. EHRLICH. Well, I thank the gentleman from California. I look forward to continuing this colloquy in a few weeks with the gentleman with respect to budgetary issues.

Mr. RADANOVICH. Maybe next time we will have a 1-800 number and the people can do call-ins on. I do not know.

Mr. EHRLICH. I look forward to that.

Mr. Speaker, I yield the remainder of my time to Mr. COOLEY.

TIMBER SALVAGE

Mr. COOLEY. Mr. Speaker, I rise tonight to talk about timber salvage. For those watching or listening, I would first like to define this term briefly and then outline the course of my remarks.

Timber salvage is not a difficult concept. Presently, millions of acres of our public forest lands contain trees that have been burned, ravaged by disease or insects, or blown down.

These trees, like any other crop, such as wheat or apples, lose their value if not harvested in a timely fashion. After an apple has dropped from the tree it can still be used for eating if it is picked up quickly; if it is picked up after a few days, it may only be good for cider.

Trees have a little longer timeframe and are a good deal more hardy. Depending on the type of tree, some species may be taken for quality timber a year after falling.

After that, the quality of the wood products derived from these trees decreases. The final stage of downed timber's usefulness comes after the second year as it is sold for chips to be used in making pulp and paper.

Clearly, the commercial life of this crop is limited. If we are to reap some benefit from this resource that would otherwise be wasted, then we must act quickly. This harvesting of trees is known as salvage.

In short, timber salvage is the harvesting of trees that are dead or will die shortly. These trees have value and must be harvested quickly to assure that their economic value is not lost.

Tonight, I want to talk about timber salvage and what it accomplishes for us. I have some pictures that illustrate the effects of our timber policies and the need to continue our careful management of these resources that does not preclude harvesting timber.

□ 2300

I also want to explain the provisions of the bill that will be considered this week to implement a timber salvage program. I will be joined by several of my other colleagues, if time permits. I would like to show them something here.

Here is a photograph, I hope you can pick this up, of a lava butte on October 30, 1992, before man ever came, before the harvesting was ever accomplished on this property. You can see the effects of diseased and dying timber and the effects of fire.

I want to show you the same area on December 8, 1993. This is exactly the same timberland. You can see the greenness and the ability of protecting this forestland. The only intrusion in this entire line was the intrusion of a highway in this area.

This is good management of our natural resources. This is bad management of our natural resources.

We talk about what man has done to our natural resources, Mr. Speaker, and you can see the difference. Before man ever got involved, this is the picture we had in this particular area. In 1993, this is the results of man's intervention and what we have done to improve our forests.

The language that will authorize the salvage of timber is found in section 307 of title III in H.R. 1159.

Briefly, this will allow expedited preparation, advertising, offering, and awarding of contracts without being held up in court while the wood rots on the ground.

In the first year, 3 billion board feet are authorized to be harvested from Federal lands; an additional 3 billion board feet are to be harvested in the following year.

On Bureau of Land Management lands, an additional 115 million board feet are to be harvested each year.

The Secretary may not designate timber stands for sale that belong to the national wilderness preservation system or roadless areas in Colorado and Montana.

Section 318 provisions are written into the bill to award and release previously offered and unawarded timber sale contracts.

Environmental assessments must be prepared by the Secretary pursuant to the National Environmental Policy Act and the Endangered Species Act. If the sale fails on these counts then it will not be allowed.

Each section of land that is harvested must be replanted; the Secretary is given the authority and responsibility to carry this out.

Finally, no restraining order, injunction, or granting of relief may be given to prevent these sales. All civil actions to prevent sales must be completed within 45 days.

This is an extremely important provision that will prevent sales from being held up in court while the need for the sale becomes mute.

EFFECTS OF TIMBER SALVAGE ON THE ECONOMY AND ENVIRONMENT

The effects of this bill are three-fold:

First, this bill means better forest health. As I mentioned earlier when I showed the picture, active management means more and better forests.

If we allow diseased trees to stand, we are setting the stage for more catastrophic fires and the spread of diseases and infestations. In 1994, 33 young men and women, some of them from my district, lost their lives battling forest fires that consumed 4 million acres of forest land.

The American taxpayer picked up the tab—roughly $1 billion. Had we not pursued a fire-suppression policy and paid this price, millions more acres may have been lost.

The 4 million acres that burned destroyed 3.6 billion board feet of timber. The value of the burned timber is nearly $800 million, which amounts to the board footage needed to build 330,000 single-family homes.

It is no secret that wood burns—dry and dead wood burns even better. Lighting strikes or stray sparks from campfires that might have gone out in healthy forests become raging forest fires that consume the unhealthy trees and dead wood with the healthy growth.

Many fires are naturally occurring and even have some beneficial effects. However, the fires that become too intense, scorch the Earth and destroy the helpful nutrients, organisms, and seeds that are needed to regenerate the Earth.

U.S. forests contain an estimated 20 billion board feet of dead or dying timber. This is a huge amount of tinder.

Further, assuming the forests do not experience the ravages of fire, the biological balance is not served by having billions of board feet rot into oblivion on the ground. New growth is stifled.

Second, this bill means revenue for Uncle Sam. In a time of massive cutbacks, such as the rescissions bill we will be considering tomorrow, it is important to generate more revenue through increased commerce.

It is estimated that the salvage acreage in the bill will generate approximately $1.2 billion in gross revenues over the next 2 years. The release of old sales pursuant to section 318 will bring in over $115 million.

Mr. Speaker, to date, the efforts of our Federal agencies concerning timber salvage and forest health have been inadequate.

I believe this bill rectifies these errors in judgment and prevents deliberate attempts to lock up timber from any responsible management.

All this is not to mention the money saved from a reduced need to suppress fires. This could be as much as $200 million.

Third and finally, we will keep timber workers from the unemployment lines. The tension in these communities is high. Fewer harvests mean no jobs and the destruction of the economic base in many small logging towns. As the logger goes, so goes the town.

Other small businesses in these towns depend on the timber worker to spend his paycheck. Rather than describing this as a ripple effect, you could call it a tidal wave. As timber becomes scarce, communities begin to fold.

I'll wager that most of those who oppose even the most responsible logging haven't compiled statistics on the human damage that their antics create. Broken homes, drinking problems, and abuse abound when the pressures to find work increase.

Can the damage we have done by destabilizing these timber communities be fully calculated? Doubtful.

For some mills it is too little, too late. Last week, one mill in my district, the Modoc Co., announced that it would be closing its doors. To date, thousands of workers have been thrown out of work.

This bill will at least stop the carnage. For those who remain there will be timber to harvest and process.

I have received an estimate of the economic benefits that will accrue to these communities and would like to share some of the more important numbers: Employment will increase by 22,900; wages earned by workers will total $976.1 million; Federal income tax revenues will equal $150 million; finally, increased payments to the States will bring in $82.5 million.

As I conclude, remember that timber salvage will help the environment, raise $1 billion in revenue, and provide jobs for thousands of hard-working, honest people.

When we were receiving testimony on timber salvage last month I heard a story that underscores the idiocy of the policy we are pursuing presently.

A mammoth Douglas-fir had fallen somewhere in the West—a tree whose timber would have brought $60,000. Instead, while the bureaucrats fiddled, the tree lost its fine timber value, finally being sold for firewood at a cost to the buyer of $5 a cord.

I believe we can manage our resources better. We must, or the next generation will answer for our negligence. Tomorrow, let us take that step and approve the salvaging of dead and dying timber.

Mr. Speaker, I yield to the gentleman from North Carolina [Mr. TAYLOR].

Mr. TAYLOR of North Carolina. Mr. Speaker, I appreciate the statements of the gentleman from Oregon [Mr. COOLEY] about the forest salvage bill. It will come up as an amendment on Thursday to the emergency supplemental and rescission package that will be before the House, and the comments the gentleman just made from Oregon are very timely, and I think the whole Nation is beginning to realize that we have in many respects mismanaged our resources over the years.

The question has come up about the Forest Service management of property many times on this floor, and I am not here to defend the Forest Service categorically. I am one who believes that the Government generally will mess up a one-car funeral, and consequently most Government agencies are certainly not perfect. But the Forest Service has a history in the main of taking a nation at the beginning of this century where we had ravaged many of our forests and turned those forests into productive forests to the point that we are growing far more timber today than we are cutting. In fact, Mr. Speaker, more die in the forest than we harvest, and that is a shame when you consider that just in the last 3 years the price of lumber for a home has gone up from $4,000 to $6,000 for an average couple, and it is growing, and we have to substitute metal studs, for instance, and other metal components and plastic components for wood components in the home, and that is going to cost the average family more. In addition it is going to be against the environment because when we take metal, which must be mined, first of all creating environmental problems, than it has to be smelted, using a great deal of energy, and then manufactured in a more toxic process, many times greater than wood. In the end of its life disposing of it is much more difficult than wood.

□ 2310

And the same thing with plastic. We have to import the oil from outside the country. Often it is spilled on the way here. We have to fight many times to be able to retain our source of oil. And then the manufacturing process for the plastic is often more toxic and its disposal is more difficult.

So I am saying to you if you take the environmental path, a renewable resource like wood for making the table, or the dais or the chairs that we have, or many other good products, it is much better for us to use that renewable resource of wood than it is to use finite resources such as metal or plastic.

And yet as our country grows and as more homes are needed, we have no alternative but to use some source of materials. The renewable resource of wood is the environmental resource to use. Saying that, we have two sources providing it: First of all from the private sector, from individual farms and individual tracts that are purchased, and a great deal of our forest products come from that. But we also created the National Forest Service at the end of the last century and the beginning of this century to provide fiber for our Nation.

Now, the Forest Service is under the Department of Agriculture because it is to be harvested and grown in our national forests. We have a National Park Service under the Interior Department that is not harvested. There is very little management that goes on inside national parks. We have also set aside over 34 million acres inside the U.S. Forest Service in wilderness designation that is not harvested and is managed much like the national parks. There are other specific set-asides such as wilderness designation, wild and scenic rivers, where no harvest is allowed.

We are down to probably one in five acres of the one-third of this Nation that is publicly owned that even gets any consideration for harvest. The other 80 percent of our publicly owned land is not harvested. And that certainly, I think, disputes the fact that any sort of harvest will ravage our publicly owned lands because we only give attention to approximately one out of five acres.

We need the forest and the harvest also for the economy. We talked a moment ago about the costs going up for the average person buying a home because of the limited sales that are in this Nation now from our Forest Service and from many private lands because of the maze of regulations that have been ensnarled around them.

We know that home building, of course, is a very important part of our economy. But as we force homes higher, we are going to decrease the numbers of homes people are able to buy and we are going to hurt the economy and jobs in that way.

I often hear comments made on the floor about the forest sales go to big timber companies. That just is not true. Over 90 percent of the forest sales that are made in this country go to small family-owned organizations, all the way from the operation that may be harvesting the timber to the operation that is manufacturing it.

The major timber companies in this country, by the great portion, harvest a great portion of the timber from their own lands. So most sales that are made are small sales and they are made to small businessmen, in most cases family-owned businesses. It is just not true that there is any big amount.

They also are sold at a public bid. That means that the Forest Service advertises the timber that is for sale and the highest bid then is accepted and the Forest Service has the right to decline a bid if it is too low. So the government gets the top price in the bid process for its timber in most cases.

Now, what are we talking about tonight in this amendment? We are talking about not green timber that needs also to be harvested. We are talking about dead and dying trees. We are talking about timber that has been burned. We are talking about almost 30 billion board feet of timber in this country that will rot and die and be wasted unless some of it is harvested. We are harvesting only a fraction of it now because of the maze of regulations.

It is important for jobs, as we pointed out, because it can put in the stream in badly harmed areas in the south, southeast, in the Pacific Northwest and other areas, timber that is needed to start the mills going and to provide lumber for homes and for personal use.

But it is not just jobs that are involved. Forest health is involved. And it is a question all over this country. In the south and the southeast, pine beetles have ravaged thousands of acres of timber and used those trees as host trees to spread to other healthy parts of the forest and to spread to private lands.

We had one member of our Committee on Appropriations from Texas that pled that we try to start harvesting in his particular area because the host insects from the Forest Service were going on to private farms all around and destroying timber there.

The gypsy moth has done a great deal of damage. In the Appalachian region, oak decline. Natural disasters, winds, storms, hurricane, and tornadoes, things of that nature have ravaged, broken down timber in the forest. And if it cannot be harvested, it is almost impossible to go in and replant those areas that are destroyed because of the twisted and broken timbers.

In the areas out west where you have had devastating fires, you bake the soil, you create a charcoal mass that goes into the streams. It is almost impossible for vegetation to come back. Certainly not selected vegetation or a species that would be harvestable, a species that would be the best species for that forest.

And so, all across the Nation, we need for forest health to address the question of harvesting salvaged timber. And this amendment that we are offering on Thursday, that will be in the bill and will be voted on on Thursday, would allow the Forest Service to go in and harvest, over a 2-year period, approximately 6.2 billion board feet of timber.

The timber would amount to, probably by that time, about 20 percent of the down and dead timber. We are increasing salvaged timber about 6 billion board feet a year due to natural disaster, so we will not be getting all of the salvaged timber. It will allow the Forest Service to make the decision of which areas are to be harvested. They can pick those that are least sensitive; those that can be harvested the quickest and with the highest return to the government.

The Forest Service professionals make this decision, not people who are buying the timber, not the mills, not the timber loggers or the harvesters. It will be made by the forest professionals. They will determine which timber will be put on sale.

We know that this will be a plus for the taxpayer, because the CBO has scored a positive return to the taxpayer. The estimates range anywhere from $36 million the first year all the way up to $650 million. And it would be difficult to tell exactly the positive return until the sites are selected. But we know that there will be very little effort, little expenditure, put out for these because during the 2 years of this emergency provision there will not be time for road construction or a great deal of activity to go on in preparation.

□ 2310

They will have to go to the commercial areas of the forest. And that is all this applies to, not wilderness areas, park areas, or areas where we cannot cut now, it is to the commercial areas of forest already subject to being harvested. They will have to go to those areas ready and reachable in order to harvest 6.2 billion board feet over the next two years.

So we are saying to you that far too often in the past we have allowed people to use hysteria under the guise of environmentalism, to actually harm the environment, to cost thousands of jobs in the Nation, to drive up the cost of people's individual homes, and to hurt the environment, under the guise of environmentalism. Some of it is from individuals who are well-meaning, who just do not have the expertise or the knowledge. Some of it is deliberate hysteria, because many of those organizations take in hundreds of millions of dollars here in Washington, and by scaring people into sending money to protect something not endangered they can continue to take in those funds. That, unfortunately, is a shame.

With this bill we are using cooperation with professionals, with the Forest Service, with the best knowledge we have in managed silviculture, to go after a resource that is wasting and provide jobs, taxes, and forest health for this Nation. I hope the people of this Nation will all support us and the Members of this body when we vote on that measure Thursday.

I appreciate the gentleman from Maryland giving me the time.

Mr. EHRLICH. Mr. Speaker, I yield to the gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. Speaker, I like to read old books. I was poking around the other day in an old bookstore and found a book on Executive orders, and some of the Executive orders that were issued by President Teddy Roosevelt.

Because force management is an important issue to me, I found this very interesting Executive order that was issued in 1905. It talks about the formation of the Forest Service, and it states in this order that during the year of 1908, severe droughts visited many parts of the country and forest fires were frequent and destructive. But during this time, the National Forest suffered little loss, owing to a system of patrol by which many smaller fires are extinguished before gaining destructive headway. In pursuance of the policy that the forests are for the use of the people under proper restrictions, grazing privileges, timber cutting, haying, and other small privileges are let under government supervision.

I think Mr. Roosevelt's Executive order pretty well lays out what the responsibilities of the Forest Service were and the Forest Service's relationship to the States.

Mr. Speaker, I want to say that we in the West are very proud of our forest reserves, and it is my concern that we be able to bring back to this Nation the proud heritage that our fathers and forefathers left in beautiful stands of timber. We have learned our lessons from unfortunate timber harvest practices.

In the early seventies, a number of environmental pieces of legislation passed this body and were signed into law. Some of the legislation has been characterized as dooming the productive sector. I do not think so. In fact, I wish to rise this evening to defend the National Environmental Policy Act, one of the pieces of legislation which began the movement of more environmental legislation.

The issue is not the environmental legislation that was passed. The issue is today how we are carrying out that environmental legislation. I want to read to you the purpose statement set forth by the Congress of the National Environmental Policy Act of 1969, known as NEPA.

That purpose and policy statement reads as follows: To declare a national policy which will encourage production and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to this Nation.

You see, Mr. Speaker, NEPA is a very important document that has been for too long overlooked. First, NEPA is the national policy which recognizes the importance of production from our natural resources. In fact, the first purpose listed uses the words "encourage production." Second, NEPA recognizes man as an important element of our environment when it states "Harmony between man and his environment." Not only does NEPA recognize man as extremely important in this equation, but recognizes that the environment is his. NEPA indicates that man has the right of possession of the natural resources, but that these resources are to be used in a responsible manner, not to be locked away without man's use. Then NEPA recognizes that man has a role to prevent damage to the environment, so as to stimulate the health and welfare of man.

Finally, Mr. Speaker, NEPA tells us that we must enrich that understanding and importance of natural resources to our Nation. While NEPA clearly defines the role of man with his environment, we as a law making body have failed—failed to provide proper management of our natural forests. The Federal agencies have diverted congressional funds to other programs such as affirmative action programs and ecosystem management programs, multiple agreements with other agencies which are diverted into programs such as ecosystem management. And while this has happened, we have allowed a huge buildup of fuel to build up on the forest floor, creating tremendous potential for fires. That is the reason for this legislation.

Mr. Speaker, last year in the Northwest alone we had 67,000 fires. We burned 8.135 billion board feet of timber. That is enough to construct 542,000 homes and provide 1.5 million jobs just in home construction.

After 9 years of continuous drought in the West, and without proper thinning and harvest, and contrary to the acts of Congress that established the national forests in the beginning, the health and stability of these Federal lands have deteriorated rapidly. Wild fires have devastated millions of acres.

Mr. Speaker, unless these dead stands of timber, the dead and dying timber, is removed immediately through proper harvesting and we return to a proper role of management in our national forests, there will be a tremendous amount of eroded soil to flush into our mountain streams that destroy critical spotting and rearing habitat for our endangered species, the listed salmon.

Although Federal authorities have authority under present law to remove dead and dying timber from our national forests, they have failed to do so, and this is why at this time Congress must intervene to correct this mismanagement.

Timber salvage and proper forest health not only makes good sense for the environment, it makes good sense for our rural communities, our schools, and our roads and the national Treasury.

Mr. Speaker, I just want to close my comments by stating just a few things that wood provides, including rayon, photographic film, alcohol, football helmets, piano keys, on and on and on. This Nation cannot do without wood.

Mr. Speaker, I just hope that this body will recognize that and we can return to a multiple use, sustained yield policy in our national forests.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Miss COLLINS of Michigan (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of illness.

Mrs. THURMAN (at the request of Mr. GEPHARDT) for today, on account of a death in the family.

Mr. BLILEY (at the request of Mr. ARMEY), after 2 p.m. today, on account of illness.

Mrs. CUBIN (at the request of Mr. ARMEY), for today and the balance of the week, on account of recovering from surgery.

Mr. ROGERS (at the request of Mr. ARMEY), for today until 5:30 p.m., on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HANSEN) to revise and extend their remarks and include extraneous material:)

Mr. MANZULLO, for 5 minutes, today.
Mr. FOX of Pennsylvania, for 5 minutes, today.
Mr. CHABOT, for 5 minutes, today.
Mr. GUTKNECHT, for 5 minutes, today.
Mr. HAYWORTH, for 5 minutes, today.
Mr. LINDER, for 5 minutes, today.
Mr. NEY, for 5 minutes, today.
Mrs. SMITH of Washington, for 5 minutes, today.
Mr. WAMP, for 5 minutes, today.
Mr. WHITFIELD, for 5 minutes, today.
Mr. RIGGS, for 5 minutes, today.

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. GUTIERREZ, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.
Mr. MONTGOMERY, for 5 minutes, today.
Mr. MILLER of California, for 5 minutes, today.
Ms. DELAURO, for 5 minutes, today.
Mr. KILDEE, for 5 minutes, today.
Mrs. CLAYTON, for 5 minutes, today.
Mr. DEFAZIO, for 5 minutes, today.

(The following Member (at the request of Mr. MANZULLO) to revise and extend his remarks and include extraneous material:)

Mr. METCALF, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HANSEN) and to include extraneous matter:)

Mr. BUYER.
Mr. HASTERT.
Mr. FAWELL.
Mr. BAKER of California.

(The following Members (at the request of Mr. DEFAZIO) and to include extraneous matter:)

Mrs. MEEK of Florida.
Mr. KENNEDY of Rhode Island.
Mr. LANTOS.
Mr. MILLER of California.
Mrs. SCHROEDER.
Mr. MONTGOMERY.
Mr. MATSUI.
Ms. WOOLSEY.
Mr. NEAL.
Ms. SLAUGHTER.
Mr. MINETA.
Mr. SCHUMER.
Mr. FILNER.
Ms. ESHOO.

(The following Members (at the request of Mr. MANZULLO) and to include extraneous matter:)

Mr. PACKARD.
Mr. LAHOOD.
Mr. FORBES, in two instances.
Mr. LATOURETTE.

(The following Members (at the request of Mr. EHRLICH) and to include extraneous matter:)

Mr. ROTH.
Mr. PALLONE.
Mr. GORDON.
Ms. BROWN of Florida.
Mr. OWENS.
Mr. FRANK of Massachusetts.
Mrs. COLLINS of Illinois.

ADJOURNMENT

Mr. EHRLICH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 30 minutes p.m.), under its previous order, the House adjourned until Wednesday, March 15, 1995, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

534. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of the Air Force, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

535. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Secretary's determination and certification regarding Government actions to terminate chemical weapons proliferation activities of foreign persons, pursuant to 50 U.S.C. app. 2410c(b)(2); to the Committee on International Relations.

536. A letter from the Acting Director, Defense Security Assistant Agency, transmitting notification concerning a cooperative research and development effort with the NATO Hawk Production and Logistics Organization for the fire direction operations center project (Transmittal No. 03–95), pursuant to 22 U.S.C. 2676(f); to the Committee on International Relations.

537. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the engineering and manufacturing development [EMD] phase of the Evolved Seasparrow Missile Program (Transmittal No. 04–95), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

538. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–27, "Air Pollution Control Program Regulations Federal Conformity Amendment Act of 1995," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

539. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–28, "Government Managers Accountability Amendment Act of 1995", pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

540. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–26, "Foreign Physicians of Conceded Eminence University, Hospital, and Medical Centers Practices Amendment Act of 1995," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

541. A letter from the Director, Audit Operations, Division B, Department of Veterans Affairs, transmitting the Department's final report, "Review of VA's Implementation of the Anti-Influencing Requirements of Public Law 101–121," pursuant to Public Law 101–121, section 319(a)(1) (103 Stat. 753); to the Committee on Government Reform and Oversight.

542. A letter from the Executive Director, Pension Benefit Guaranty Corporation, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(b); to the Committee on Government Reform and Oversight.

543. A letter from the Chairman, U.S. Nuclear Regulatory Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

544. A letter from the Boy Scouts of America, transmitting the Boy Scouts of America 1994 report to the Nation, pursuant to 36 U.S.C. 28; to the Committee on the Judiciary.

545. A letter from the Chairman, U.S. Sentencing Commission, transmitting three reports on sentencing issues; to the Committee on the Judiciary.

546. A letter from the Deputy Administrator, General Services Administration, transmitting an informational copy of the space situation report for Cambria County, PA, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROBERTS: Committee on Agriculture. H.R. 1135. A bill to improve the commodity distribution programs of the Department of Agriculture, to reform and simplify the Food Stamp Program, and for other purposes; with an amendment (Rept. 104–77). Referred to the Committee of the Whole House on the State of the Union.

Mr. DREIER: Committee on Rules. House Resolution 115. Resolution providing for consideration of the bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes (Rept. 104–78). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WYDEN (for himself, Mrs. Morella, Mr. Kennedy of Massachusetts, and Mr. Regula):

H.R. 1221. A bill to amend the Public Health Service Act to establish Federal standards for long-term care insurance policies, and for other purposes; to the Committee on Commerce.

By Mr. BARRETT of Wisconsin (for himself, Mr. Klug, Mr. Deal of Georgia, Mr. Shays, Mr. Minge, Mr. Dickey, Mr. McHale, Mrs. Waldholtz, and Mr. Castle):

H.R. 1222. A bill to require that travel awards that accrue by reason of official travel of a Member, officer, or employee of the House of Representatives be used only with respect to official travel; to the Committee on House Oversight.

By Mr. BROWN of California:

H.R. 1223. A bill to amend the act of June 15, 1938, to extend the authority of the Secretary of Agriculture to purchase lands within the boundaries of certain National Forests in the State of California to include the Angeles National Forest and to expand the purpose for which such purchases may be made; to the Committee on Resources.

By Mr. DEAL of Georgia:

H.R. 1224. A bill to amend title 10, United States Code, to authorize the Secretary of Defense to detail members of the Armed Forces to other Federal agencies to assist such agencies in enforcing the drug, immigration, and customs laws of the United States in border areas, to make certain aliens ineligible for certain social services, and to provide for grants to the States to compensate for State costs associated with resident lawful aliens; to the Committee on the Judiciary, and in addition to the Committees on National Security, Agriculture, Commerce, Ways and Means, and Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FAWELL (for himself, Mr. Barrett of Nebraska, Mr. Andrews, Mr. Hoekstra, and Mr. Christensen):

H.R. 1225. A bill to amend the Fair Labor Standards Act of 1938 to exempt employees who perform certain court reporting duties from the compensatory time requirements applicable to certain public agencies, and for other purposes; to the Committee on Economic and Educational Opportunities.

By Mr. FAWELL (for himself and Mr. Petri):

H.R. 1226. A bill to amend the Fair Labor Standards Act of 1938 to make uniform the application of the overtime exemption for inside sales personnel; to the Committee on Economic and Educational Opportunities.

By Mr. FAWELL:

H.R. 1227. A bill to amend the Portal-to-Portal Act of 1947 relating to the payment of wages to employees who use employer-owned vehicles; to the Committee on Economic and Educational Opportunities.

By Mr. HUNTER (for himself and Mr. Cunningham):

H.R. 1228. A bill to amend the Fair Labor Standards Act of 1938 to provide a limited exemption from the child labor provisons of such act; to the Committee on Economic and Educational Opportunities.

By Mr. KENNEDY of Rhode Island:

H.R. 1229. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for the payment of interest on student loans; to the Committee on Ways and Means.

By Mr. MICA (for himself, Mr. Oberstar, Mr. Gilchrest, Mr. Hamilton, Mr. Emerson, Mr. McKeon, Mr. Lipinski, Mr. Traficant, Mr. Rahall, Mr. Blute, Mrs. Seastrand, Mr. Fazio of California, Mr. Manzullo, Mr. LaHood, Mr. Matsui, Mr. Hoyer, Mr. Condit, Mr. Brewster, Mr. Clement, Mr. McHugh, Mrs. Morella, Mr. Crapo, Mr. Lewis of California, Mr. Hyde, Mr. Moorhead, Mr. Hastert, Mr. McIntosh, Mr. Weldon of Florida, Mr. Ehlers, Mr. Miller of Florida, Mr. Hutchinson, Mr. Pallone, and Mr. Knollenberg):

H.R. 1230. A bill to authorize the Architect of the Capitol to establish a Capitol Visitor Center under the East Plaza of the U.S. Capitol, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. OLVER:

H.R. 1231. A bill to amend the Trade Act of 1974 to improve the provision of trade readjustment allowances during breaks in training, and for other purposes; to the Committee on Ways and Means.

By Mr. SKEEN (for himself, Mr. Hansen, and Mrs. Chenoweth):

H.R. 1232. A bill to direct the Secretary of the Interior to convey, upon request, certain property in Federal reclamation projects to beneficiaries of the projects and to set forth a distribution scheme for revenues from reclamation project lands; to the Committee on Resources.

By Mr. WISE:

H.R. 1233. A bill to improve budgetary information by requiring that the unified budget presented by the President contain an operating budget and a capital budget, distinguish between general funds, trust funds, and enterprise funds, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committees on Rules, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMAS (for himself, Mrs. Johnson of Connecticut, Mr. McCrery, Mr. Ensign, Mr. Crane, Mr. Houghton, Mr. Castle, Mr. Hobson, Mr. Riggs, Mr. Horn, Mr. Clinger, Mr. Greenwood, Mr. Frelinghuysen, Mr. Lazio of New York, Mr. Blute, Mr. Longley, Mr. Ehlers, Ms. Pryce, Mr. Bass, Mr. Portman, Mr. Kolbe, Mrs. Fowler, Mr. Shays, Mr. Goss, Mr. English of Pennsylvania, Mr. Calvert, Mr. Gutknecht, and Mr. Packard):

H.R. 1234. A bill to amend the Internal Revenue Code of 1986 to provide for reform of the health insurance market, to promote the availability and continuity of health coverage, to remove financial barriers to access, to enhance health care quality, to contain costs through market incentives and administrative reforms, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Commerce, Economic and Educational Opportunities, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ZIMMER (for himself, Mr. Armey, Mr. Schumer, Mr. Miller of Florida, Mr. Upton, and Mr. Fawell):

H.R. 1235. A bill to terminate the price support program for honey; to the Committee on Agriculture.

By Mr. EMERSON (for himself, Mr. Mineta, Mr. Shuster, Mr. Durbin, Mr. Dreier, Mr. Bliley, Mr. Oxley, Mr. Diaz-Balart, and Mr. Calvert):

H. Con. Res. 39. Concurrent resolution expressing the sense of the Congress regarding Federal disaster relief; to the Committee on Transportation and Infrastructure.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Ms. LOWEY:

H.R. 1236. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Dante;* to the Committee on Transportation and Infrastructure.

By Mr. OBERSTAR:

H.R. 1237. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Doppler Effect;* to the Committee on Transportation and Infrastructure.

By Mr. REED:

H.R. 1238. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for each of 3 barges; to the Committee on Transportation and Infrastructure.

By Mr. ROHRABACHER:

H.R. 1239. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Dordy III;* to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. McKeon.

H.R. 6: Mrs. CHENOWETH and Mr. WATTS of Oklahoma.

H.R. 26: Mr. RADANOVICH and Mr. SMITH of Michigan.

H.R. 46: Mr. BRYANT of Tennessee, Mr. LINDER, Mr. PARKER, Mr. BALLENGER, Mr. HOEKSTRA, and Mr. HAYWORTH.

H.R. 70: Mr. UNDERWOOD.

H.R. 71: Mr. JACOBS, Mr. BALLENGER, Mr. HANCOCK, Mr. TORKILDSEN, Mr. CAMP, and Mr. ENGLISH of Pennsylvania.

H.R. 75: Mr. JACOBS, Mr. SCHIFF, Mr. HANCOCK, Mr. GEKAS, and Mr. TORKILDSEN.

H.R. 325: Mr. INGLIS of South Carolina.

H.R. 328: Mr. LIPINSKI.

H.R. 354: Mr. ZIMMER.

H.R. 359: Mr. COMBEST and Ms. HARMAN.

H.R. 459: Mr. TRAFICANT, Mr. GENE GREEN of Texas, Mr. JACOBS, Mr. ENGLISH of Pennsylvania, Mr. LIPINSKI, Mr. POSHARD, Mr. CALVERT, Mrs. WALDHOLTZ, MR. WICKER, and Mr. INGLIS of South Carolina.

H.R. 460: Mr. KNOLLENBERG, Mr. GENE GREEN of Texas, Mr. NEY, Mr. MCHALE, Mr. STEARNS, Mr. KING, Ms. MOLINARI, Mr. SANDERS, Mr. BROWN of Ohio, and Mr. ZIMMER.

H.R. 580: Mr. COLEMAN, Mr. FARR, Mr. ROBERTS, Mr. BILBRAY, and Mr. GEJDENSON.

H.R. 587: Mr. SAXTON and Mr. ZIMMER.

H.R. 592: Mr. EMERSON and Mr. WELDON of Florida.

H.R. 612: Mr. HOEKSTRA.

H.R. 656: Mr. SOLOMON, Mr. JONES, Mr. ACKERMAN, and Mr. ROYCE.

H.R. 682: Mr. BARTLETT of Maryland and Mr. BEREUTER.

H.R. 732: Mr. BARTLETT of Maryland, Mr. GREENWOOD, and Mr. WICKER.

H.R. 783: Mr. UPTON, Mr. BEVILL, Mr. CALLAHAN, Mr. SPENCE, Mrs. CHENOWETH, Mr. WHITFIELD, and Mr. CRAMER.

H.R. 789: Mr. HAYWORTH, Mr. MONTGOMERY, Mr. CREMEANS, and Mr. FRANKS of New Jersey.

H.R. 849: Mr. STUDDS, Mr. HOKE, Mr. BENTSEN, Mr. MORAN, Mr. LIPINSKI, Mr. BROWN of California, and Mr. DEUTSCH.

H.R. 877: Mr. VENTO.

H.R. 911: Mr. CLINGER and Mr. SPRATT.

H.R. 913: Mr. FOLEY, Mr. LIVINGSTON, Mr. KLUG, Mr. HANCOCK, and Mr. BARTLETT of Maryland.

H.R. 930: Mr. SKEEN.

H.R. 939: Mr. BILBRAY.

H.R. 989: Mr. GORDON.

H.R. 1005: Mr. LAHOOD, Mr. RADANOVICH, and Mr. ROYCE.

H.R. 1018: Mr. HEINEMAN.

H.R. 1020: Mr. HYDE.

H.R. 1021: Mr. CARDIN.

H.R. 1023: Mr. JOHNSTON of Florida.

H.R. 1024: Mr. ROYCE.

H.R. 1044: Mr. HYDE and Mr. ROYCE.

H.R. 1085: Mr. CAMP and Mr. MCHUGH.

H.R. 1098: Mr. BUNNING of Kentucky, Mr. CALVERT, Mr. HANCOCK, Mr. WICKER, Mr. RADANOVICH, and Mr. ROYCE.

H.R. 1101: Mr. WOLF and Mr. WYNN.

H.R. 1103: Mr. HOLDEN.

H.R. 1118: Mr. HUTCHINSON, Mr. SCARBOROUGH, Mr. LAHOOD, Mr. HAYWORTH, Mr. GALLEGLY, Mr. STUMP, Mr. HEFLEY, Mr. PACKARD, and Mr. BALLENGER.

H.R. 1136: Mrs. SCHROEDER, Mr. DELLUMS, and Mr. TORRES.

H.R. 1143: Mr. HYDE, Mr. CONYERS, Mr. MCCOLLUM, Mr. SCHUMER, and Mr. SMITH of Texas.

H.R. 1144: Mr. HYDE, Mr. CONYERS, Mr. MCCOLLUM, Mr. SCHUMER, and Mr. SMITH of Texas.

H. Con. Res. 5: Mr. CLINGER, Mr. BUNN of Oregon, Mr. BAKER of Louisiana, and Mr. SOUDER.

H. Con. Res. 12: Mr. OXLEY.

H. Res. 18: Mr. HANCOCK, Mr. TORKILDSEN, and Mr. ENGLISH of Pennsylvania.

H. Res. 94: Mr. MURTHA, Mr. KLINK, Mr. HOLDEN, Mr. HAMILTON, Mr. MEEHAN, Mr. FOLEY, Mr. VISCLOSKY, Mr. BARRETT of Wisconsin, and Mr. HALL of Ohio.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1159

OFFERED BY: MR. NEUMANN

AMENDMENT NO. 15: At the end of the bill, insert the following new section:

MORATORIUM ON REFORMULATED GASOLINE REQUIREMENTS IN STATE OF WISCONSIN

SEC. 308. None of the funds made available in any appropriation Act for fiscal year 1995 may be used by the Environmental Protection Agency to administer or enforce (1) any requirement of the sale, dispensing, or use of reformulated gasoline for motor vehicles in the State of Wisconsin; or (2) any prohibition on the sale, dispensing, or use of conventional gasoline for motor vehicles in the State of Wisconsin.

EXTENSIONS OF REMARKS

WELFARE FOR GOLD MINERS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mr. MILLER of California. Mr. Speaker, I would like to bring to the attention of all Members an article which appeared in the March 13, 1995, issue of U.S. News and World Report, and to insert in the RECORD an editorial by the editor-in-chief, Mortimer B. Zuckerman. The article, by Michael Satchell, reports on the deplorable situation now confronting Yellowstone National Park due to the onerous and archaic provisions of the 1872 mining law. Mr. Satchell describes the ill-advised efforts of a Canadian-owned mining company to open a gold mine on the outskirts of Yellowstone Park, thereby creating a potentially dangerous predicament for one of the crown jewels of our National Park System. Mr. Zuckerman's editorial confronts the absurdities of the archaic law, daring Congress to "show some muscle about abuses that lose Federal revenues" by taking on "the politically powerful mining industry and its Western congressional allies" and reforming this "silly law".

Mr. Speaker, this coverage by U.S. News and World Report is particularly relevant and timely, in light of the recent introduction in the Senate of yet another industry-backed bill—craftily designed to look like reform but, in reality, devised to insure that the mining industry maintains its free-ride on the public dole. Representative NICK J. RAHALL and I have also introduced legislation, H.R. 357, identical to the bill passed by the House last year on a three-to-one bipartisan vote. Last year, over 300 House Members—including 70 Republicans—voted to bring some fairness into the hard rock mining system. This year, instead of only cutting school lunches and rent money for poor working families, I hope the Republican majority will have the determination to expunge some of the welfare enjoyed by the corporate elite. Reforming the 1872 mining law by enacting H.R. 357 would be a big step in the right direction.

[From U.S. News & World Report, Mar. 13, 1995]

BURY THIS IN GRANT'S TOMB

(By Mortimer B. Zuckerman)

How's this for a dream? You are free to roam anywhere on 600 million acres of public land in the West, staking out mining claims in the happy knowledge that if you strike gold or silver or copper, you can extract your find absolutely free. And, dream on, you will have the option on purchasing the land outright at a price of no more than $5 an acre.

It's no dream. An antique called the General Mining Law of 1872, signed by President Ulysses S. Grant to encourage migration into the Rocky Mountain states, provides such beneficence. The West has long been settled, but prospectors and mining companies are still getting rich off the 1872 law, and the taxpayers are still getting robbed.

It gets worse. You could have bought—or patented—17,000 acres of oil-shale claims near Rifle, Colo., for a mere $42,000 and a month later sold the package to Shell Oil for $37 million. But someone beat you to it. And that deal was no freak. An investigation by the U.S. General Accounting Office of some 20 patents examined at random found the government had been paid $4,500 for claims worth somewhere between $14 million and $48 million. Just last year the Secretary of the Interior was infuriated to discover he was obligated to let a Canadian company acquire, for a nominal amount, Nevada land with gold reserves estimated to be worth $10 billion. He called it "the biggest heist since the days of Butch Cassidy and the Sundance Kid."

To date, 3.2 million acres of public land—an area the size of Connecticut—have been sold. More than $230 billion in mineral reserves in 13 Western states has been given away since the passage of the 1872 law—more than 315 million ounces of gold, 5.5 billion ounces of silver, 79.5 million tons of copper, 19.2 million tons of lead and 13.9 million tons of zinc. Today, as much as $4 billion worth of hard-rock materials is taken out every year. The language of the law is such that a lot of "mining" land has been bought, then used to build everything from private homes to gambling casinos and luxury resorts. The not-so-funny name for all this is the Great Terrain Robbery.

Injury is added to insult. The law contains no environmental protection. The mining residue—some 70 billion tons of tailings—has been left exposed to the elements, polluting rivers and ground water. There are also 550,000 abandoned mines and open pits, such as the infamous Berkeley Pit in Butte, Mont.—a mile wide, a mile and a half long, half a mile deep—filled with water that is more acidic than vinegar. You know who bears the cleanup cost. Yes, you, the taxpayer. A new crisis has emerged with the plans of Noranda. Inc., a Canadian corporation with a history of environmental problems, to mine 3 miles from Yellowstone Park's northeastern boundary.

Today there is a moratorium on further land transfers. Yet nearly 400 patent applications are back up from companies that hope to slip through their claims to get their hands on $21 billion in reserves before the 1872 act is reformed.

The reformers want the mining companies to be treated like other extractive industries, which, astonishingly, they are not. First, fair prices for these patents should be determined by the marketplace; they should include the cost of reclamation and the enforcement of environmental standards. Second, there is the issue of royalties. Loggers, coal producers and offshore oil and gas companies pay royalties when they extract wealth from public land. Reformers want mining companies to pay a royalty on their ore based on gross sales. With net revenues estimated at 25 percent of gross values extracted, a royalty is easily affordable. So is compliance with environmental standards—federal standards, because oversight by the states, which the mining industry favors, has proven weak. It also makes sense to withdraw some federal lands from mining if they are close to national parks or similar natural resources.

Why has this silly law lasted this long? Because a politically powerful mining industry and its Western congressional allies have blocked any revision. The argument that it would cripple a key regional industry and costs jobs in essentially a rational for gouging the public.

Here is an opportunity for the "new" Republican Party. If it is determined to expunge abuses in federal spending, it should show some muscle about abuses that lose federal revenues.

TRIBUTE TO DOCTORS PHYLLIS AND RAY PHILLIPS

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mr. GORDON. Mr. Speaker, I rise today to pay tribute to two outstanding individuals from the Sixth District of Tennessee who are being honored upon their retirement.

Drs. Phyllis and Ray Phillips have made tremendous contributions to the field of higher education, and their leadership has been invaluable.

By their very example, Ray and Phyllis Phillips have committed their lives to helping others learn. They have taught in Tennessee and Alabama, and their talents have taken them as far away as Augsberg, Germany to lead and participate in the American schools program.

Phyllis Phillips has shared her expertise in speech pathology, audiology, and speech communication through almost 50 years of teaching in elementary and secondary schools. In 1983 she joined Cumberland University in Lebanon TN, and in her 12-year tenure, developed a working adult degree program and helped develop the Cumberland University Fine Arts Council. She is responsible for helping countless children and adults overcome their battles with speech and hearing problems.

The board of trustees of Cumberland University named Dr. Phyllis Phillips "Professor Emeritus" in recognition of her tremendous contributions to education, speech pathology, and communication.

Dr. Ray Phillips earned his undergraduate degree from Cumberland University in 1941. His love for his alma mater never left him, and, in 1983, he returned to Cumberland with his wife to assume the vice presidency for academic affairs. He assisted my colleague from Tennessee, Bob Clement, then president of the university, in establishing the institution as a 4-year degree program.

In 1991, he was named the 23d president of the university. Enrollments during his administration were recordbreaking, and he aided in

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the development of the sports medicine and fine arts programs.

Dr. Phillips was honored with his wife by the board at Cumberland in 1994. He was named "President Emeritus" and "Professor Emeritus" for his outstanding service.

I join with those at Cumberland University and Tennesseans all across the State in thanking the Phillips' for their tireless dedication and enumerable contributions. We wish for them a happy and fulfilling retirement.

COURT REPORTER FAIR LABOR AMENDMENTS OF 1995

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mr. FAWELL. Mr. Speaker, I am joined by my colleague, Mr. BARRETT of Nebraska, Mr. ANDREWS, Mr. HOEKSTRA, and Mr. CHRISTENSEN, in the introduction of the court reporter fair labor amendments of 1995. The Department of Labor [DOL] has adopted a position concerning the status of official court reporters under the Fair Labor Standards Act [FLSA] which, if allowed to stand, threatens State and local courts with explosive liability costs and could force them to take actions which would result in severe job losses and reduced income for thousands of court reporters.

In most States, court reporters are typically employed by the State or local court with primary duties of taking down and reading back court proceedings. They are considered employees of the court and are typically compensated with an annual salary and benefits. While performing these duties, the court reporter—unless he or she falls within one of the FLSA's exemptions—is entitled to overtime compensation for work performed in that capacity in excess of 40 hours in a given work week.

However, in addition to in-court duties, many court reporters prepare and certify transcripts of their stenographic records for private attorneys, litigants, and others. The court reporter collects a per-page fee for the transcripts and generally earns much more than he or she would for an hour of salaried work for the court. Very often, it is possible for a court reporter to earn more from transcription work than from his or her annual salary. When working for this per-page fee, the court reporter is clearly acting as an independent operator, as has been specifically determined by the Internal Revenue Service [IRS]. The fee income is treated as separate and apart from the annual government salary for taxation purposes. Indeed, court reporters file self-employment income forms with the IRS and pay self-employment taxes on this income.

Unfortunately, DOL has not yet recognized the independent capacity of court reporters. In August 1994, the Wage and Hour Division took the position that, even while preparing transcripts for attorneys, litigants, and other parties, official court reporters in Oregon are still acting as employees of the court for purposes of FLSA. Similar letters have been received regarding official court reporters in Indiana and North Carolina. Official court reporters in the vast majority of States operate in circumstances similar to these three States.

If allowed to stand, DOL's interpretation would require State and local courts to pay court reporters 1½ times their regular rate of pay for all transcription work performed during overtime hours in a given week. The DOL position threatens to dramatically impact State and local court budgets. The State and local courts will either have to increase their salary budgets or cut costs elsewhere. In return, they would receive nothing except additional administrative duties and headaches.

Faced with possibly hundreds of millions of dollars of liability nationwide, State and local courts are considering dramatic changes in pay practices and in how transcription work is to be performed. Meanwhile, court reporters who continue to perform transcription work may be required to do it for substantially reduced compensation.

This legislation would allow an exemption under the FLSA for official court reporters while they are performing transcription duties for a private party, provided there is an agreement between the court reporters and the State or local court employer. The legislation would also bar lawsuits by court reporters for overtime back-pay. I urge my colleagues to support this measure so that a law designed to protect workers will not instead lead to job losses and reductions in income.

TRIBUTE TO WILLIAM MEEHAN

HON. ROBERT T. MATSUI

OF CALIFORNIA

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mr. MATSUI. Mr. Speaker, the gentleman from California [Mr. FAZIO] and I rise today to pay tribute to Mr. William Meehan, a native Californian who has devoted his professional career to the preservation and growth of labor's health in this great State.

In the many years Mr. Meehan has been a major force in the labor realm, both of our offices have relied on his expertise and counsel. We join with the scores of colleagues to salute the outstanding leadership you have given to the Sacramento-Sierra's Building and Construction Trades Council and to the Sacramento Central Labor Council.

In an era of shrinking resources, Mr. Meehan has been one of Sacramento's great defenders, ensuring jobs for thousands of men and women throughout the region.

Not only has Mr. Meehan been an outstanding defender of the labor force, but we would be remiss in not commending his steadfast support of this entire community. The list of political, charitable, and labor related organizations with which he has aligned himself reflects the great characters all leaders strive to achieve. An abbreviated list of organizations who are indebted to his leadership and hard work include the Greater Sacramento Area Plan, Labor and Business Alliance, Sacramento Water Intelligently Managed, Private Industry Council, Auburn Dam Council, Friends of Light Rail, American Red Cross, Sacramento Employment Training Agency, Harps, National Toxics Coalition, United Way, Hundred Dollar Club, Sacramento Metropolitan Chamber of Commerce and the Sacramento Fire Board.

Truly, Sacramento is a better place to work and live thanks to what we hope is only the first half to Mr. Meehan's career. As he begins to undertake his latest challenge for the Painters' International, we ask our colleagues to join us in wishing him continued happiness and success.

REMEMBERING DAVID ROSS YOUNG

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Ms. WOOLSEY. Mr. Speaker, I rise today to commemorate the life of David Ross Young, who died of AIDS earlier this month. I am proud to say that David lived in my district, in Sonoma County, CA.

David did more to touch the lives of others in his 32 years than most people do in a lifetime. After being diagnosed with the AIDS virus, David dedicated his life to preventing the spread of AIDS among young people, speaking to students at Sonoma and Marin County schools about the disease. In addition, he trained hundreds of speakers who will carry on his message in his wake.

Mr. Speaker, it is a truly great human being who, when faced with a limit on the amount of time he has left in this world, chooses to spend it helping others. My heart and my thoughts are with you, David. Your legacy lives within the hearts and minds of the youngsters whose lives you have touched and whose lives you have saved.

ODE TO FITZSIMONS

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mrs. SCHROEDER. Mr. Speaker, Mrs. Florence Gasser, whose father was a World War I veteran, was so disturbed about the proposal to close Fitzsimons Army Medical Center that she wrote a poem in protest. I would like to share Mrs. Gasser's poem with my colleagues:

FOR WHOM THE KNELL TOLLS

Who needs a veteran's hospital
In these cloudless peaceful times?
Who cares that four generations fought,
In those lands of different clime?

This century ends with record wars,
Many wounded strewn along the way,
Don't we have moral obligation,
To take care of all of them today?

If you remove their anchors now
Should old soldiers just fade away?
Places like Fitzsimons long has been
Security in world of disarray.

Oh, "they'll get help," indifferent say,

As protest cries, echo in nation;
To most veterans change will seem,
Like a physical amputation.

Fitzsimons spreads out protective arms
To those sick in body and spirit too;
To close its doors, will cruelly state,
Find help elsewhere, then start anew.

Those left groping at hospital door,
Need assurance old Fitz gave heartily;
That they could go on with their lives,
Through all of their sickness and injury.

Those who bled on foreign fields,
And served their country very well,
Should not see Fitzsimons lights go out
And hear that sorrowful, hopeless knell.

FEDERAL FUNDING FOR PUBLIC BROADCASTING SHOULD CONTINUE

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Ms. BROWN of Florida. Mr. Speaker, today I want to spend a few minutes telling my colleagues about four public broadcasting television stations in Florida's Third Congressional District. WJCT in Jacksonville, WFME in Orlando, WUFT in Gainesville, and WCEU in Daytona Beach are truly community assets. They provide programming which enlightens, enriches, entertains, and touches the lives of thousands of north and central Floridians.

These public broadcasting stations have been an integral part of our communities. They have been important partners in public education, providing instructional television and media technology resources to our schools since their beginning.

Public broadcasting reaches 99 percent of all American television households. Its high quality educational and cultural programs have contributed significantly to the quality of life in north Florida. And it's a great investment. Public broadcasting is one of the best public-private partnerships ever developed, matching Federal dollars on a 5 to 1 basis. And it delivers these dollars to the local level. it is also at the forefront of the development and utilization of technology in education. For instance, through WJCT's National Teachers Training Institute in Math, Science, and Technology, our local teachers learn the latest techniques for using technology in the classroom.

Programs like "Reading Rainbow," "Sesame Street," and "Mr. Rogers' Neighborhood" are seen by school children and preschoolers in our community every day. Helping to prepare youngsters for school, and enhancing their education once they start school, are among public television stations' and our community's highest priorities.

Federal dollars are extremely important to these stations. Without them, WJCT's "Radio Reading Service for the Blind and Visually Impaired," and captioning of regularly televised local government meetings for the hearing impaired would not be possible. WCEU would not be able to produce programs like "Mathline," a pilot project, which trains teachers in the latest mathematics techniques. WMFE could not provide programming for public school systems in grades K–12, audio reading services for the visually challenged and print disabled, and public affairs shows like "Opinion Street." WUFT's daily half-hour News Five broadcasts, local television programs like the weekly "North Florida Journal" public affairs television programs, and the weekly minority affairs series "Reflections" would have to be reduced or eliminated.

Public radio and television provide these and many other services nationwide at the remarkable low cost of $1.09 annually per person. On the local level, Federal funds make up approximately 14 percent of WJCT's budget, 17 percent of WFME's budget, 20 percent of WUFT's budget, and 34 percent of WCEU's budget.

Privatizing public broadcasting means commercials, and dollar-driven programming, which would radically change the face of this unique broadcasting medium. If instructional/educational broadcasting could generate high profits, public broadcasting already would have become a commercial venture.

As representatives of the people, we must be constructive, creative, and cost-efficient in achieving our national goals of good education and the opportunity for rich cultural resources for all of our citizens. If we realistically evaluate what public broadcasting actually offers to our communities, I believe that we will see the value of continued funding for this very cost efficient and successful, national educational and cultural institution. Thank you for allowing me this time to tell you about the importance of continued Federal funding for public broadcasting for my constituents in the cities of Jacksonville, Gainesville, Daytona Beach, and Orlando.

TRAVEL TIME IN COMPANY VEHICLES

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mr. FAWELL. Mr. Speaker, today I am introducing legislation which will ensure that the Portal-to-Portal Act and the Fair Labor Standards Act are not misinterpreted by the Department of Labor [DOL] and the courts in such a fashion that employers are required to compensate employees for their use of company vehicles in their commutes.

The use of company vehicles by employees is pervasive in many industries. Police departments, air conditioning contractors, heating oil retailers, plumbers, and carpet cleaners all provide vehicles to their employees. This is generally seen as a benefit to the employee who is able to carry personal tools and equipment in a company vehicle to the first job site, without having to physically check in at the company office. The employee also does not have to buy a vehicle for commuting and saves money on gasoline.

Despite the clear benefits to the employee from this practice, DOL has indicated that employers should pay employees for time spent in company vehicles commuting to the first job site. Last year, after some pressure from several members of this body, DOL agreed to stop enforcing the policy pending a departmental review. This policy would create additional paperwork for the employer and increased employers costs, with the end result of generally discouraging this practice. Many employers may then decide to arrange the central storage of all the vehicles and to require the employee to pick up the vehicle in the morning, transfer his or her tools into the company vehicle and drive to the first job site. At the end of the day, the employee would then have to return to the company, transfer the tools back to his or her vehicle and drive home. This alternative clearly does not benefit the employee.

The longstanding practice utilized by employees and employers works well and benefits both parties. My legislation would make it clear that the use of a company vehicle by an employee for commuting from home to the first job site and from the last job site to home does not require the employer to compensate the employee for commuting time. I look forward to enacting this legislation in the 104th Congress.

DADE COUNTY'S OUTSTANDING WOMEN HONORED

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mrs. MEEK of Florida. Mr. Speaker, it is my great pleasure to join with the city of Miami Commission on the Status of Women in recognizing the achievements of eight talented women who are among Miami's most outstanding leaders.

The women to be honored this year are as inspiring as they are dedicated. They are outstanding women who make major contributions to our community every day but seldom make the evening news. They come from every part of our community, yet they share a common bond—service.

This year's honorees are:

Mercelee Woods Adderly, Model City volunteer par excellence, who helps to provide our youth with sound guidance and assist Haitian adults in making the adjustment to the United States;

Maria Elena Dellutri has worked with physical and mentally challenged individuals and poor children throughout Dade County;

Detective Therese Homer is a pioneer in domestic violence awareness and victim awareness intervention programs;

Sallye E. Jude, a leader in historic preservation including the revitalization of the Miami River area;

Joann Monrose, an advocate for children's education and welfare through Head Start Programs;

Rosalie B. Pincus, a caring and devoted high school counselor who teaches to touch a life, not just to make a living;

Suzette S. Pope, an extraordinary volunteer who has been a long-standing and faithful volunteer in service to the elderly;

Dr. Majorie P. Wessel has waged many battles against discrimination to bring about sports equity for girls and women.

Mr. Speaker, this event is a celebration of unity in diversity and provides an opportunity for women in Miami from all generations, racial and ethnic groups, socioeconomic levels and occupations to get together, exchange ideas, and share their vision and experience.

I am happy to join with our entire community in recognizing this year's honorees.

REMEMBERING TIM SULLIVAN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1995

Mr. PALLONE. Mr. Speaker, thousands of people in Monmouth, Ocean, and Middlesex Counties, New Jersey, were helped over the years by a dedicated public servant whose name most never knew. This public servant worked tirelessly and without personal gain or recognition assisting veterans, Social Security beneficiaries, students, and others on critical personal problems. He helped mayors and councilmen fix bridges, dredge waterways, and restore downtown areas so that men and women could work and the Jersey Shore could prosper.

Timothy F. Sullivan, this public servant in the truest sense, died Saturday of a heart attack. For 17 years, from 1965 to 1982, he was administrative assistant to Representative James J. Howard, former chairman of the House Public Works and Transportation Committee.

When Jim Howard, my distinguished and accomplished predecessor, won an uphill battle for Congress in 1964, he had the good judgment to ask Tim, his good friend, fellow teacher, and campaign advisor, to come to Washington as his chief aide.

Because Democrats were rarely elected in that old Third Congressional District on any level, Jim Howard's prospects for reelection were less than bright. But Jim and Marlene Howard had been eager to take the risk and their enthusiasm was catching.

Tim and his wife, Marilyn, pulled up stakes with six young children. Tim quit his job and came to Washington to begin his long career as a trusted advisor and manager, taking the heat over the years when necessary but not claiming the credit when it was his due. He kept Jim Howard's office on an even keel through tough elections and crises in the district like life-threatening coastal hurricanes and proposals to shut down Fort Monmouth and put thousands out of work.

Through it all, he helped Jim Howard develop a reputation for excellent constituent service. Tim had a right to be proud in the early eighties when the New York Times cited a poll taken of New Jersey staffers and Members of Congress in which Jim Howard's office operation was voted the best in the New Jersey congressional delegation.

Many of my colleagues and their staffs will remember Tim as I do, a warm and compassionate person with a dry Irish wit that earned him many friends and the love of his staff. He was often a help to me as I was starting my legislative career and I drew upon his wealth of wisdom and experience when I had the opportunity.

To Marilyn, his wife of 50 years, his 6 children and 10 grandchildren, I send my deepest condolences for a very great loss.

INTRODUCTION OF THE STUDENT LOAN AFFORDABILITY ACT OF 1995

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today to announce the introduction of the Student Loan Affordability Act of 1995. Many of my colleagues already agree that the best way to ensure the future prosperity of America is to empower our students to meet the demand for the high skill high wage jobs of the 21st century. Post-secondary education is an essential component in developing the skills necessary to be competitive in today's global markets. Unfortunately, with the costs of post-secondary education dramatically rising the number of middle class families who can afford to send their children to college is falling.

The Student Loan Affordability Act will offer middle income families the relief they need, and empower them to engage in the most important of tasks: sending their children off to college. The proposal will establish a tax deduction for the interest payments on student loans, just like that provided for interest on mortgages. As a result of this legislation, students and their families will be able to reduce the costs of their education.

Mr. Speaker, I sincerely hope that this bill is supported by my colleagues on both sides of the aisle. The education of our students should not be a battleground for partisan politics but a source of pride and consensus that we may all support. We must invest in our children's education today if we are going to be competitive in international markets tomorrow.

I encourage all my colleagues to support this legislation.

Mr. Speaker, I ask that a copy of the legislation be printed in the RECORD.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Student Loan Affordability Act of 1995".

SEC. 2. DEDUCTION FOR HIGHER EDUCATION EXPENSES.

(a) DEDUCTION ALLOWED.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to additional itemized deductions for individuals) is amended by redesignating section 220 as section 221 and by inserting after section 219 the following new section:

"SEC. 220. INTEREST ON STUDENT LOANS.

"(a) ALLOWANCE OF DEDUCTION.—In the case of an individual, there shall be allowed as a deduction an amount equal to the interest on qualified higher education loans paid by the taxpayer during the taxable year.

"(b) QUALIFIED HIGHER EDUCATION LOAN.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified higher education loan' means a loan which—

"(A) is made to a student to meet the student's cost of attendance at an institution of higher education;

"(B)(i) is made, insured, or guaranteed by the Federal Government;

"(ii) is made by a State or a political subdivision of a State;

"(iii) is made from the proceeds of a qualified student loan bond under section 144(b); or

"(iv) is made by an institution of higher education (as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))); and

"(C) in combination with all other financial assistance awarded to (or on behalf of) such student to meet such cost of attendance, does not exceed such cost of attendance for the academic year for which such loan is made.

"(2) COST OF ATTENDANCE.—The term 'cost of attendance' has the meaning given such term by section 472 of the Higher Education Act of 1965 (20 U.S.C. 108711).

"(3) INSTITUTION OF HIGHER EDUCATION.—Unless stated otherwise, the term 'institution of higher education' means an institution which—

"(A) is described in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088), and

"(b) is eligible to participate in programs under title IV of such Act.

"(c) NO DOUBLE BENEFIT.—No deduction shall be allowed under subsection (a) for interest on qualified higher education loans with respect to which a deduction is allowed under any other provision of this chapter.

"(d) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out this section, including regulations requiring recordkeeping and information reporting."

(b) DEDUCTION ALLOWED IN COMPUTING ADJUSTED GROSS INCOME.—Section 62(a) of such Code is amended by inserting after paragraph (15) the following new paragraph:

"(16) INTEREST ON STUDENT LOANS.—The deduction allowed by section 220."

(c) CONFORMING AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking the item relating to section 220 and inserting:

"Sec. 220. Interest on student loans.

"Sec. 221. Cross reference."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

TRIBUTE TO ROGER E. PETERSON

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mr. FAWELL. Mr. Speaker, I rise today to commend Mr. Roger E. Peterson, chief executive officer of Ace Hardware Corp. Ace Hardware is a dealer-owner cooperative founded in Chicago in 1924 and has its corporate headquarters located in Oak Brook, IL. Roger has announced his retirement effective May 31, 1995.

Under Roger's leadership Ace reached more than $2.3 billion in sales to its 5,000 independently-owned stores in all 50 States and 55 countries and territories in 1994. I am pleased to add over $205 million of those sales were accounted for by almost 400 Ace retailers in Illinois.

These retailers characterize what Roger, the State of Illinois, and Ace are all about: excellence, leadership, friendliness, team work, family orientation, and striving to always be the best they can be.

Roger began his career with Montgomery Ward after graduating from the University of Miami (Florida) in 1960. Prior to joining Ace, Roger was also executive vice president and general manager of C/P Products Corporation in Elkart, IN. His other experience includes various management positions with the J.C. Penney and Ben Franklin, Division of City Products Corporation.

Mr. Speaker, Roger joined Ace in September, 1976, as national distribution manager. In 1983, he was promoted to vice president of operations with additional responsibilities for traffic, labor relations, corporate security, and physical distribution center planning, including site selection negotiations.

Within 2 years, Roger was appointed executive vice president, and on August 5, 1986, he became president of Ace. In January, 1990, Roger was given the additional title CEO by the Ace board of directors. He has served longer as president than all but the legendary Richard C. Hesse who reigned for 44 years.

Under Roger's leadership, Ace's distribution system expanded from 5 distribution facilities in 1976 to the current total of 14. One of these facilities, at 1.1 million square feet, is the largest in the industry.

The Ace Hardware Corporation's Ace 2000 program and its accelerated version, the New Age of Ace initiated under Roger's leadership, has an objective of making Ace Hardware, Home Center, and LBM retailers the premier hardlines retailers in the industry by the year 2000.

Clearly Mr. Speaker, Roger defines Ace's corporate mission as being a total "* * * retail support company * * * providing independent Ace dealers with quality products, programs, and services. We exist to serve the Ace dealer and we know that Ace's success is based on the success of that independent Ace dealer," stated Roger.

He has worked diligently, not only for Ace, but for the hardware industry as well, as illustrated by the leadership award presented to him at the International Hardware Dealers Association convention in March, 1994. Roger personifies that true leadership is making people better than they ever thought they could be.

Mr. Speaker, Roger's management style, philosophy and leadership are paying huge dividends today and will continue to do so for years to come. After many years of distinguished and superior service to the Ace hardware Corp., I wish Roger all the accolades he so rightfully deserves. May his years of retirement bring Roger all the best with his wife, Joyce, and their six children, Stephen, Cindy, Linda, Kristin, Kathrin and Scott.

GROWING LUNCH MEALS, GROWING KIDS

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mr. PACKARD. Mr. Speaker, some things will never change. The Democrats continue to ignore the facts and continue to spew liberal lies. The Republican food and nutrition block grant proposal will not take food out of little Johnny's mouth. Republicans know that hungry children can't learn. Our plan takes the Federal bureaucratic fat out of the school lunch program, leaving more money for the kids.

Block grants will rid this country of a Washington-based, Washington-regulated, and Washington-mandated system that has failed our children. Our Republican proposals ensure that needy children are put in front of bureaucrats, not lost in their administrative maze. Children must and will get the services they need.

Removing the thick layer of Federal bureaucracy allows local and State governments to do a better job with less paperwork and less regulation. Our Republican proposal recognizes that local government knows what works best for the children in their communities. They know best how to get increased mileage out of the Federal money. Furthermore, cutting out the Federal middleman gets more money to the State and local level. Republicans make sure that States don't replace Washington bureaucrats with their own State bureaucrats.

Under our food and nutrition block grant proposal States cannot spend more than 2 percent of their block grant on administrative costs. Getting bureaucrats out of our children's school cafeterias permits funding to grow 4.5 percent a year, a rate above inflation.

Not one needy child will have food taken from his or her mouth. At least 80 percent of Federal funds must be spent on low-income children. Block grants actually will increase the amount of money that gets to the kids. In 5 years we'll be spending $1 billion more per year on school meals than we are today.

Mr. Speaker, Americans want us to reform our disastrous welfare state. Republicans want to get Washington out of the business of running these programs. Moving the money closer to the children ensures that we feed more kids with less money. Food and nutrition block grants are good for our kids and good for America.

GRASSROOTS ORGANIZATION

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mr. FORBES. Mr. Speaker, since its founding in 1921, the National Association of Retired Federal Employees [NARFE] has been a guardian of the rights of retired Federal employees. On this, the occasion of its 75th anniversary, I am pleased to tell my colleagues in the House that NARFE has been and continues to be sensitive to the needs of society at large, as well as those of the retired Federal employees.

As the organization grew in size to national preeminence, it grew in importance to its members. NARFE has been instrumental in the evolution of the Government's retirement and disability income protection system for civil service retirees.

NARFE has consistently met its goal of promoting and preserving the interests of its members in a radically changing work force. Most important, it's an organization run by the membership. In the truest sense of the word, NARFE is a grassroots organization.

THE F22 IS REPUBLICAN PORK

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mr. OWENS. Mr. Speaker, I would like to make one more plea for justice. I want to again beg the leadership of this Congress to abandon its reckless demolition of the programs that have helped to make America great in the eyes of the whole civilized world. The way we as a nation have treated the least among us is the vital ingredient of our greatness. This is a plea for honest decisionmaking. Yes, there is waste in Government and it must be removed. But school lunches and summer youth employment programs are not wasteful. These are the Government programs that work. These are the programs that are still very much needed. The CIA is not needed at the level of $28 billion a year.

The farm price supports for rich farmers are no longer needed at the level of $16 billion a year. We don't need another *Sea Wolf* submarine. We certainly do not need to spend billions of dollars for F22 fighter planes. The F22 enterprise in Marietta, Georgia represents a long-term overwhelming pork barrel. For this same amount of money we could employ twice the number of people in the civilian sector creating infrastructure and services that are needed. The F22 is Republican pork. In the Federal budget this is a huge hog that deserves to be slaughtered.

THE F22 IS REPUBLICAN PORK

The F22
Pork not for me and you
The F22
Toys for skies blue
Empty of any
Enemy crew
The F22
Jobs for just a few
The F22
Rich Georgia stew
Pork pork pork
Not for me and you
Off the orphans
Starve the kids
Save the contracts
Roll out the bids
Bully the poor
Be a hi-tech dog
Eat the best meat
High on the hog
For the peach
Who gives a hoot
The F22
Pork is now
The Georgia State fruit
Pork pork pork
Where they grew
The F22
That's the Speaker's
Hometown too
The F22
Pork pork pork
Not for me and you.

REMEMBERING MARK DOSTAL

HON. BILL BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mr. BAKER of California. Mr. Speaker, recently a tragedy befell my home area in the east bay region of San Francisco. Mark Christopher Dostal, a native of Moraga, CA, was a senior cadet at the U.S. Air Force Academy when he was killed in a training accident while flying a T–3 aircraft at the Academy February 23.

Mark was the kind of young person to whom our country has always looked as a future leader. He was a fine young scholar and a multisport athlete, serving as co-captain of his Miramonte High School football team and also was a member of the track and field team. And, too, Mark, loved skiing and rock climbing.

But it was in rugby, that toughest of land sports, that Mark especially excelled. He was a member of the High School All-American Rugby Team, on which he played for the United States in New Zealand. He was a starting player on the A-side men's rugby team at the Air Force Academy from his freshman year on.

Mark's academic career was no less outstanding. A 4.0 student at Miramonte, he was a 4-year member of the California Scholastic Federation. He won a prestigious award for one of his engineering drawings, and at the Academy, where he was majoring in behavioral sciences, he made the dean's list three times and superintendent's list twice.

Mark's promise as a leader was evident in the posts he held at the Academy. He was a projects non-commissioned officer and element leader, and was appointed squadron commander during survival training after his freshman year. He was in the Soar-for-All program, where he soloed in a motorless glider, and helped lead the assault course as an instructor for basic cadet training.

Mark took life at full tilt. His mother, Shirley, has said that over the course of his athletic career, he broke all his fingers at various times. He was a young man who would not quit, and who relished in the simple joy of being alive. He loved being with his friends, and knew how to laugh as well as to study and compete.

To his family and his many friends, I offer my deepest condolences. They have lost a son, a brother, and a friend. Our country has lost one of its most promising young leaders. Yet, in his memory, we gain enduring inspiration from a life characterized by a unique combination of excellence and joy. Mark's 20 years were too short, but the fullness of his living will remain.

THE SOCIAL SECURITY TRUST FUND

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mr. HASTERT. Mr. Speaker, it is time to measure our progress in protecting the Social Security Fund, specifically the Old Age and Survivors Insurance Fund [OASI]. This is the fund into which we all pay throughout our working lives and from which we expect to receive benefits when we retire.

In my tenure in the House of Representatives, I have had the opportunity to cast votes to protect the Social Security trust fund several times. Perhaps the most important vote I have cast was in 1990 when I voted to take the Social Security trust funds "off-budget." The purpose of this action to ensure that the Social Security trust funds would no longer be used to mask the true size of the Federal deficit. Instead, the trust fund would have a separate account. The administrative costs of the Social Security Administration were not taken "off-budget."

This action moved us closer toward honest accounting procedures and away from the concept of the "unified budget," a mechanism to place all revenues in one large pot from when the Government can draw. However, it turns out that the language included in the 1990 law was not enough to protect the trust fund.

In 1993, President Clinton undermined the trust fund by proposing a tax on Social Security beneficiaries at a rate of 85 percent of their benefits. The money collected from this tax would not go back into the trust fund, but was instead diverted to other programs in the Federal budget. I strongly opposed this tax. In fact, I went to the Rules Committee and offered an amendment to strip this tax on Social Security from the underlying budget legislation. But, the Rules Committee did not allow my amendment and the 1993 budget containing the tax on Social Security benefits passed into law with my strong objections.

Later in 1994, I had the opportunity to cast a vote in favor of making Social Security an independent agency. This legislation passed the House and Senate and became law. This means the Social Security Administration [SSA] is no longer counted as part of the Department of Health and Human Services. Thus, the budget for Social Security is completely contained in one agency and the administrative costs of the trust fund are clear and set aside with the "off-budget" trust funds. For the first time, there will be a bipartisan governing board that insulates the SSA from political influence and the everyday fiscal policy decisions of the administration in power. In fact, several improvements in the Social Security system as a whole will result from this change. It will now be much easier to monitor and thus, protect the Social Security trust funds. I am proud to have supported this important change in the system that bolsters the security of the trust funds.

This year, I cast a vote to support the balanced budget amendment [BBA]. This, too, was a vote to protect the security of the Social Security trust funds. During consideration of the BBA I voted for an amendment offered by my friend from Illinois, Representative FLANAGAN, to express the sense of the House of Representatives that Social Security would not be used to balance the Federal budget. This amendment passed and will provide crucial direction to the House in future years as we seek to balance the budget.

However, if Social Security had been statutorily exempt from cuts, I believe there are many who would try to expand Social Security to include benefits for nearly every group of Americans imaginable. Many of the benefits paid out by the Social Security Administration do not go to retirees, but rather drug addicts, children with learning disabilities and the like. I am fearful that this would not only continue, but expand under a system where only Social Security had an "exempted" status.

I have explained several key votes I have taken to protect the Social Security trust funds in the past several years. I do this because the people in the 14th district of Illinois want to know that their retirement benefits are safe.

In fact, a group that believes strongly, as I do, that these benefits be removed from the national budget and set aside for the intended use of retirees has recently contacted me. I have presented this history of my position to indicate that I am in full agreement. Congress should not use Social Security funds to balance the budget or mask the budget deficit, but rather to fund the earned benefits of our country's senior citizens.

FIFTIETH ANNIVERSARY OF FRANKLIN ROOSEVELT'S DEATH

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mr. NEAL of Massachusetts. Mr. Speaker, as we approach the month of April, the Presidential library founded by Franklin Delano Roosevelt will inaugurate a series of exhibits, events, films, and a play to commemorate the 50th anniversary of the death of America's 32d President. I would like to submit for the CONGRESSIONAL RECORD an article by a constituent of mine, Edmund Walsh.

FDR'S LEGACY CONTINUES AT HYDE PARK LIBRARY

(By Edmund A. Walsh)

Starting April 1, 1995, the presidential library founded by Franklin Delano Roosevelt will inaugurate a series of exhibits, events, films, and a play to commemorate the 50th anniversary of the death of America's 32nd president. The commemorational activities will start with an exhibit entitled "1945—The Year That Changed Your World." This program will cover FDR's inauguration for an unprecedented fourth term, with Harry S. Truman, former senator from Missouri, sworn in as his vice president. The exhibit will profile the Yalta Conference, where Roosevelt, Churchill and Stalin met to lay plans for the post-WWII world. The April program continues with displays showing the transition from "The New Deal to the Fair Deal" when a stunned Truman becomes president and moves to continue FDR's steps towards peace.

The "1945" presentation continues with the funeral of FDR and a description of "The Unfinished Legacy of the New Deal," and "The Birth of the United Nations." (Roosevelt passed away on April 12, 1945 in Warm Springs, Georgia; just two weeks before he was to host the San Francisco meeting that saw the birth of the United Nations). "VE Day," Victory in Europe will be honored. The exhibit will also cover "The Atomic Bomb" and "The End of World War II." The April program concludes with a presentation of the president's legacy of leadership.

A film and discussion series follows the "1945" exhibit with programs covering the Yalta conference in May and the atomic bomb in June. President Truman is the subject of the July segment.

A public debate on the legacy of FDR will be presented by teams from Marist College and United States Military Academy at West Point in late April. This will interest those interested in the FDR years, as well those closely following the continuing discussions in Congress concerning entitlement programs. Chief among those programs is the Social Security Act, a major betterment of the early Roosevelt administration.

The Memorial Day weekend will feature a bivouac and salute to FDR by the Duffel Bag group of Carmel, New York. This group, founded ten years ago, is composed of 300 men, women, and some children, who reenact WWII battles, march in parades, and stage exhibitions of their equipment and vehicles.

Duffel Bag was conceived and promoted by Brian Benedict, a Carmel dealer in military surplus goods. Recently, Benedict said, the group reenacted the Battle of the Bulge in Indian Gap, Pennsylvania. They performed at half-time of the Army-Navy game in 1993 and are scheduled to appear again in this year's game.

At Hyde Park, Benedict went on, the Duffel Bag associates will create an attempt by enemy commandoes to 'kidnap President Roosevelt. The "army's" assignment will be to deny the attempt. Benedict promised a skirmish between the forces, complete with simulated gunfire. Kids of all ages, he said, are welcome to inspect their equipment which will include jeeps, trucks, and possibly half-tracks and light armor.

August will see the presentation of the nationally-known "Sunrise at Campobello" by the Rhinebeck Theatre Group. This drama tells the story of the summer of 1921 when FDR contracted polio. Theatre goers may remember the original Broadway presentation with Ralph Bellamy in the title role.

Since the wartime president always considered himself first and foremost a farmer, the FDR Library in conjunction with the Dutchess County Cooperative Extension, will present its first Agricultural Heritage Day in September. Farm groups, a farmer's market and various environmental groups will participate.

Other activities are planned for Warm Springs, the New York Museum of Television and Radio, and at Roosevelt University in Chicago. For more information on the plans at Hyde Park or other locations, call 800-FDR-Visit or 800-337-8474.

INSIDE SALES COMPENSATION

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mr. FAWELL. Mr. Speaker, today I am joined by my colleague, Mr. PETRI, in the introduction of legislation to amend the Fair Labor Standards Act of 1938 [FLSA] to make uniform the application of the overtime exemption for inside sales personnel. This legislation is necessary to repair the inequity that presently exists between retail and wholesale establishments.

Under the FLSA, the treatment of sales people for overtime purposes varies significantly based on circumstance. As it now exists, a wholesaler's inside salesperson must be paid time-and-one-half for his or her additional hours, while the employee performing precisely the identical job at a retail establishment does not. During an economic downturn, these costs are considerable and have contributed to layoffs and comparable overhead reduction.

In 1938, Congress had no way of foreseeing the effect that distinctions in the overtime law could have a century later. Differences based on an ability to supervise or a retail-wholesale dichotomy no longer serve a useful purpose. As old practices of doing business change, the differences between a wholesaler's sales staff and a retailer's sales staff are no longer significant.

This legislation would make the application of this particular overtime exemption under the FLSA consistent for retail, wholesale, and service establishments. I would like to note that the provisions defining who is covered under section 13(a)(1) of the FLSA and the 541 regulations are very confusing. Apparently, the language in the act is the result of various amendments over the years. As we consider this legislation, I hope that we can also work to simplify and streamline the language.

STOP TERRORISM

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mr. SCHUMER. Mr. Speaker, I rise today to bring your attention to an ad that recently ran in the New York Times, the Wall Street Journal, the International Herald Tribune, and the New Republic sponsored by the American Jewish Committee [AJC]. This ad is part of AJC's recent campaign to educate people on international terrorism and the proposed U.S. international countermeasures. As the sponsor of H.R. 896, the President's Omnibus Counterterrorism Act of 1995, I would like to commend AJC for their efforts.

AJC is a national membership organization which protects the rights of Jews the world over; combats anti-Semitism and bigotry; works for the security of Israel, human rights, and democratic pluralism; and promotes the creative vitality of the Jewish people.

The AJC has recently begun work on raising public consciousness of the threat posed to all of us by terrorism, and developing appropriate responses to this threat.

I ask that the text of the AJC's ad on terrorism be included in the CONGRESSIONAL RECORD.

A TALL ORDER: STOP TERRORISM

NO ISSUE IS MORE URGENT, NO SECURITY THREAT MORE OMINOUS

Since the World Trade Center bombing two years ago, terrorists espousing a radical, vengeful interpretation of Islam have struck in Buenos Aires (for the second time), Panama, London, Cairo, Algiers and throughout Israel.

Terrorists claim divine guidance, but their brutal acts are condemned by the 50-country Islamic Conference Organization as "a clear deviation from the teachings of the righteous Islamic religion and blatant violation of our values, norms and heritage."

Terrorists are funded, housed, equipped, trained and provided logistical support, according to the U.S. government, by such U.N. member states as Iran, Iraq, Libya, Sudan and Syria.

Terrorists have taken the lives of hundreds of men, women and children of many nationalities and religions. Their targets can be anywhere. The next bus. The next plane. The next skyscraper.

A global peril, terrorism must be confronted globally—and immediately.

First, the U.S. and like-minded nations must intensify their cooperation in the fight against terrorism, making it an urgent international priority. Intelligence-gathering and investigative resources must be increased, border control procedures reassessed, and the flow of financial support to terrorist "charities" blocked, consistent with constitutional safeguards.

Second, the international community's tolerance of states that support terrorism must end. In Europe and the Far East, nations that extend preferential loans and other concessions to such states must be pressed to reconsider their shortsighted policies.

Third, moderate Arab states must be supported in their efforts to contain the forces of extremism. They are on the front line in this struggle.

Fourth, we must work to further the process of reconciliation between Israel and the Arab world which benefits the entire region, and undercuts the appeal of extremism.

These steps will enhance safety across the globe, in every land menaced by terrorism, including our own. It's a tall order . . . and a vital one.

UNWISE CUTS IN EDUCATION

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mr. FRANK of Massachusetts. Mr. Speaker, from time to time I will share with my colleagues evidence from people who are at work in Massachusetts of the damage that is being done to our social fabric by the proposed cuts that the Republican Party is putting forward. By increasing military spending, keeping other spending such as the manned space station sacrosanct, and advocating large tax cuts, many of which will go to wealthy people, the Republicans are forcing unduly deep cuts in many important programs that help our society attain the degree of civility that is essential. Recently, the commissioner of education in Massachusetts wrote to me and my Massachusetts congressional colleagues to talk about how seriously damaged programs in Massachusetts will be by cuts in the education area. I ask that Commissioner Antonucci's letter in which he stresses "the important connection between education and the nation's economic competitiveness and the vital role of federal investment in education" be printed here as one more argument against the cuts the Republican Party is now launched upon.

THE COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF EDUCATION,
Malden, MA, February 28, 1995.

The MASSACHUSETTS CONGRESSIONAL DELEGATION,
Washington, DC.

DEAR MEMBERS OF THE MASSACHUSETTS DELEGATION: As the Appropriations Committee proceeds to vote on March 2 on the rescission package that would cut $1.7 billion from Education programs, I have implored them to please consider the important connection between education and the nation's economic competitiveness and the vital role of federal investment in education.

For Massachusetts, a leader in education innovation and reform, the proposed cuts would shatter our best investment. For example, the Goals 2000 initiative so closely tied to each state's reform efforts is scheduled to be cut by $142 million. Programs such as School To Work and Tech Prep have been lauded as providing high-skilled preparation to 7000 students each year in the work place and the community colleges—the only entry for these particular students for higher wage jobs.

The Safe and Drug-Free program has served each one of our cities and towns since 1986. Through these drug and alcohol abuse programs, we have seen a significant drop in alcohol abuse as reported by students since 1990.

The loss of $2,000,000 in Adult Education funding has very serious consequences to our most vulnerable population. These monies provide workplace literacy to 1200 adult students, and literacy training to 1500 homeless adult students. Our business community has been so impressed with our success, that they match the federal grant with $1,800,000 each year.

We have written each member of the Appropriations Committee. We need their vote to reflect a level of funding that ensures every student's educational success.

Sincerely,

ROBERT V. ANTONUCCI,
Commissioner of Education.

TRIBUTE TO THE DISTINGUISHED WOMEN OF CALIFORNIA'S 14TH CONGRESSIONAL DISTRICT

HON. ANNA G. ESHOO

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 14, 1995

Ms. ESHOO. Mr. Speaker, I rise today during National Women's History Month to salute the remarkable women of California's 14th Congressional District who serve their communities as leaders of organizations that assist women.

This year, as we celebrate the 75th anniversary of women's suffrage, it is fitting that we honor those who devote their time and talents to organizations that promote women and meet their needs. The extraordinary efforts and public service of these outstanding women provide our district with great leadership. While we take time during this month to commemorate historic women and their achievements, we also take this opportunity to honor the contributions women in service organizations are currently making to our communities.

Our region is blessed with superbly capable women leaders. Among these distinguished women are: members of the San Mateo County Council on the Status of Women: Linda Crowe, Janet Frakes, Gale Frances, Barbara Gee, Laura Guluzzy, Barbara Hammerman, Zenaida Ivey, Teresa Jollymour, Mary McGlynn, Pat Paik, Ellen Petterson, Jo Anna Reichel, Mary Anne Rooke, Victoria Von Schell, Carol Tanzi, Edwina Wasson, Yvonne Webb, Eva Wright, and Brenda Yost; members of the Santa Clara County Commission on the Status of Women: Bonita Lynn Banducci, Annie Dandavati, Jean Graf, Norma Mencacci, Jyoti Pendse, Gwen Quail, Noreen Raza, Wiggsy Sivertsen, Rosemary Stasek, Linda Tauhid and Wilma Wool; Madolyn Agrimonti of the Latina Mentor Program; Elizabeth Alonzo, president of OPEIU Local 29; Dorothy M. Ames, president of AAUW Cupertino/Sunnyvale; Nancy Berg, executive director, San Francisco Bay Girl Scout Council; Vera Berg, vice president, Mills-Peninsula Hospital; Nancy Biagini, president, Communication Workers of America, Local 9423; Crownie Billick, copresident, League of Women Voters, Los Altos-Mountain View; Cynthia Carey-Grant, CARAL; Felisa Castillo, secretary-treasurer, Bakers' Local 24; Kalamu Chache, executive director, the Consortium for Young Women; Marcie Cisneros, Sor Juana Ines; Lisa Conrad, president, League of Women Voters of South San Mateo County; Amy Dean, business manager, South Bay AFL–CIO Labor Council; Carmen Delgado-Contreras, Latina Mentorship Program; Rosalind Fisher, executive vice president, Visa USA Inc.; Nancy Fox, executive director, Girl Scouts of Santa Clara County; Wanda W. Ginner, Petersen/Ginner, Inc.; Dian J. Harrison, executive director, Planned Parenthood of San Mateo County; Ila Homsher, Pacific Gas and Electric; Karen Keane, the Women's Center; Rita Keefe, president, AAUW Los Altos/Mountain View; Jane King, president, AAUW Menlo/Atherton; Muriel Knudsen, copresident, League of Women Voters of Los Altos/Mountain View; Sue Mirch-Kretschmann, president, League of Women Voters of Cupertino/Sunnyvale; Ruth Nagler, the Women's Center; Eve Orton, president, League of Women Voters of San Jose/Santa Clara; Fran Packard, president, Bay Area League of Women Voters; Sally Probst, president, League of Women Voters of Palo Alto; Nancy Roberts, president, AAUW, Palo Alto; Jeanine Meyer Rodriguez, SEIU Local 715; Linda Romley-Irvine, executive director, Community Breast Health Project; Mary Ann Sabie, president, Central San Mateo County of Women Voters; Marcy Schultz, business manager, Building Trades Council; Kristina Sermersheim, Service Employees No. 715; Charlene Shores, AFSCME, Council No. 57; Dorothy W. Smith, Elizabeth Toledo, president, California NOW; Betty Torrez, AAUW; Arleen Vallejo, program coordinator, the Women's Center; Ellen C. Weaver, Ph.D., Association for Women in Science; and Eleanor Curry Williams, Black Women in County Government and Linda Williams, executive director, Planned Parenthood Mar Monte.

We also honor the following members of our district's youth commissions: from San Mateo County: Priscilla Aguirre, Cassie Bergero, Catherine Bursak, Monica Yvonne Fuentes, Fiona Hsu, Virginia S. Lin, Nina Lu, Regina McMenomy, Anshu Mohllajee, Katie Moroney, Cecilia Pena, C.J. Ross, Mona Lisa Safai, Jocelyne Takatsuno, and Laurel Whitnah; and from Santa Clara County: Nashua Rachel Carlos, Siobahn E. O'Laoghaire, Carmen S. Paredes, Persees Goebel, Laurie Aguinaga, and Kristin Higaki.

In addition, we honor the young women who serve on the Student Advisory Board of the 14th Congressional District: Lisa Coar, Ashley Fay, Jessica Ginsburg, Shelly Gulati, JoAnn Hsiao, Aisha Machtinger, Alana Paull, Sara Tesfazghi, Caroline Tsou, and Serene Zloof.

Mr. Speaker, I ask my colleagues to join me in saluting these remarkable women and the extraordinary contributions they are making to their communities. These great leaders are fitting representatives of the many women who make history every day, and their efforts on behalf of the people of California's 14th Congressional District are invaluable and appreciated by all.

DISTINGUISHED PROFESSOR

HON. MICHAEL P. FORBES

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 14, 1995

Mr. FORBES. Mr. Speaker, I want to speak today on the occasion of the retirement of Robert R. Sokal, distinguished professor of ecology and evolution, at the State University of New York at Stony Brook, where his colleagues, former students, and family will gather on March 18, 1995, to honor him and his accomplishments.

Dr. Sokal began his teaching career at the University of Kansas in the summer of 1951, where he spent 18 years. He came to the University at Stony Brook in 1969.

During his years in academia, he has secured many honors, including being a member of the National Academy of Sciences, a fellow of the American Academy of Arts and Sciences, a fellow of the American Academy of Arts and Sciences, correspondent of the Museum National d'Histoire Naturelle in Paris, fellow of the Guggenheim Foundation, fellow of the Center for Advanced Study in Behavioral Sciences at Stanford University, and winner of the Distinguished Statistical Ecologist Award of the International Association for Ecology.

He has conducted pioneering research in ecological genetics and is a founder of the field of numerical taxonomy. He developed important statistical methods that he and others have applied to study geographic variation, ethnohistory, and mathematical classification.

A coauthor of 10 books, he has contributed to over 175 learned papers in the biological sciences, and has served as editor of the American Naturalist, a flagship journal in ecology and evolution.

He has been elected to high office in many scientific organizations, including the American Society of Naturalists, the Society for the Study of Evolution, the Classification Society, and the International Federation of Classifications Societies.

At Stony Brook he has served as vice provost for research, department chairperson, and professor.

Born in Vienna, Austria, he and his family fled to Shanghai, China, in 1939, to allow his father's release from the infamous Dachau and Buchenwald concentration camps. He met his wife, Julie Chenchu Yang, when they were both students at St. John's University in Shanghai. They have two children, David and Hannahk, and three grandchildren.

TRIBUTE TO MAYOR SAM HALLOIN

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mr. ROTH. Mr. Speaker, I rise today to honor a leader who provided both a bedrock of stability and a progressive vision for the community in which he served.

After 16 years at city hall, Mayor Sam Halloin of Green Bay, WI, will leave office to begin a well-earned retirement.

When Sam steps down this spring as the city's longest-serving mayor, the citizens of Green Bay will remember him as both a skilled political tactician and as a scupltor who shaped the city of Green Bay for nearly a generation.

As the guide of a changing city, it has been said that Sam tied all the loose ends together both in the community and in city council chambers, where he often encountered disagreement but never turned down an opportunity to listen to another's point of view.

From the beginning of his political career, Sam dedicated himself to considering all sides of an argument, announcing in his bid for the mayor's office: "I do not have the answers to all the problems that face us, but I will work actively for an honest government that will be responsible and objective in its service to the public."

Apparently, that was exactly what the people of Green Bay were looking for. They elected him to lead their city in 1979, defeating former mayor Thomas Atkinson.

Sam's political career began in 1962 when he was first elected to city council. In 1974 he was elected city council president and served for two terms. He also served two terms as Brown County board chairman before announcing his candidacy for mayor in 1978.

In each of his successive mayoral terms, Sam Halloin added to a list of accomplishments with wide-ranging benefits to the city and people of Green Bay.

His successful completion of city projects such as the Old Fort Square development, East Town Mall and the industrial park created jobs and provided a boost to the local economy while many cities suffered through a recession.

Mayor Halloin helped transform Green Bay into an even more popular tourism and business destination with the construction of the Embassy Suites and Regency Conference Center.

He also was successful in negotiating the construction of a $6 million State office building in downtown Green Bay, drawing hundreds of workers into the downtown area and creating a positive ripple effect in the local economy.

Always eager to share the credit, Mayor Halloin admitted recently that "as Mayor, you don't do anything on your own. You do it by working with others, and either you get the support of the Council or you don't."

Mayor Sam Halloin is still drawing the support necessary for creating jobs in the community. In the past year, Sam helped bring a large-scale revitalization proposal for the Broadway neighborhood to passage, and has guided city purchases of riverfront property to be sold to private owners.

Sam's dedication to the economic well-being of Green Bay and its residents will not be forgotten. Fortunately, the community will benefit from Sam's vision and initiative for years to come. In his years of service, he pointed Green Bay down a secure path to the 21st century without compromising the hometown feel and neighborly spirit of this great Northeast Wisconsin community.

I wish to commend Mayor Sam Halloin for his years of hard work and service to the city of Green Bay, and wish him well as he faces the new challenges that await him outside city hall.

Thank you, Mr. Speaker. I yield the floor.

WELCOMING HIS MAJESTY HASSAN II, KING OF MOROCCO

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in extending a warm welcome to the United States to His Majesty Hassan II, King of Morocco, who is visiting our country over the next few days.

Not only is King Hassan an outstanding and long-time friend of the United States, who has championed the cause of economic progress and democracy in his own country and peace and progress in the Middle East conflict, but he is the head of state of a country with which the United States has had a long and friendly relationship. Morocco was the first nation to recognize the independence of the United States of America in 1777, and it has been a steadfast ally of our country since that time.

During the 33 years of his reign, King Hassan has presided over the remarkable economic and political development of the Kingdom of Morocco. He was a dynamic leader in the liberation of Morocco from French and Spanish protectorates. Shortly after ascending to the throne in 1961, King Hassan established a constitutional monarchy based on a multiparty political system including free elections, an elected parliament, a free press, and free trade unions. The King has worked tirelessly for the economic and social progress of his people. I also want to commend His Majesty particularly for his commitment to a pluralistic society that is tolerant of ethnic and religious diversity.

Morocco's leaders have promoted peace through diplomatic dialog long before the country was liberated from colonial rule. King Hassan has continued in that distinguished national tradition, and he has personally played an important international role that has benefited countries and peoples well beyond the borders of Morocco. King Hassan is a former head of the Organization of African Unity, and he is a leader in the Arab world whose moderating influence has helped stabilize this turbulent region.

Recently, under the leadership of King Hassan, Morocco has played an extremely positive role in seeking to bring peace to the Middle East. King Hassan was the first Arab leader to meet with Israeli Prime Minister Rabin and Foreign Minister Peres following the signing of the Declaration of Principles in Washington, DC, in September, 1993, between Israel and the PLO, and Morocco was the first Arab country after the signing of that declaration to establish a liaison office in Israel.

I have personally witnessed the remarkable progress and modernization of the kingdom of Morocco under the leadership of King Hassan, and I have had the opportunity to meet with His Majesty King Hassan on a number of occasions over many years. I have the utmost respect and admiration for the enlightened leadership he has provided the kingdom of Morocco, in Africa and in the Arab world.

Mr. Speaker, I urge my colleagues to extend a warm hand of friendship and goodwill to this champion of peace and democracy in the true spirit of our Nation on the occasion of his visit to the United States.

CLEANUP THE GREAT LAKES

HON. STEVE C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mr. LATOURETTE. Mr. Speaker, on Friday the 10th of March, I joined Congressman QUINN of Buffalo and Congressman OBERSTAR of Minnesota to introduce two pieces of legislation crafted to protect and enhance one of the world's most valuable natural resources—the Great Lakes. Representing over 90 percent of our Nation's fresh water supply, the Great Lakes' importance to our region's health and economy cannot be overstated. Currently, the Great Lakes supports a $4.5 billion recreational fishing economy.

Unfortunately, historical pollution found in the sediments of Great Lakes rivers and harbors remains a severe impediment to our shipping and recreational opportunities, threatens fish and wildlife resources and places human health at risk.

Mr. Speaker, my first bill, the Assessment and Remediation of Contaminated Sediments [ARCS] Reauthorization Act, will amend the Clean Water Act section 118 to continue the demonstration of innovative technologies to remediate contaminated sediments in Great Lakes rivers and harbors that was originally authorized in the 1987 amendments to the Clean Water Act.

The first ARCS program provided valuable demonstrations of technologies at the pilot scale that now need to be validated for commercial use. In the reauthorization, the Environmental Protection Agency's Great Lakes National Program Office will also consider new strategies for sediment removal and containment such as those being demonstrated at the

Ashtabula River and Harbor in my congressional district in Ohio. To date, the formation of a new partnership among Federal, State, local government, and industry has been successful in avoiding a new Superfund designation and will lower cost and shorten the timeframe for cleanup. This is a success story that needs to be repeated throughout our country.

The second bill, the Great Lakes Federal Effectiveness Act, provides for enhanced research coordination efforts among the many Federal, State and Canadian parties across the Great Lakes Basin. By evaluating our current efforts against projected goals we can then prioritize among the agencies to ensure the best Federal investment while avoiding costly duplication of effort.

It is appropriate that I dedicate the Great Lakes Federal Effectiveness Act to the memory of Peter Seidl. As Secretary to the International Joint Commission's Council of Great Lakes Research Managers, Peter pioneered the concept and was instrumental to the drafting of this legislation. On May 7, 1994, Peter was on an environmental mission for the World Bank when his plane was lost over the Andes mountains enroute to La Paz, Bolivia. To date, the most extensive search and rescue effort in the history of South America has been unable to locate his plane.

While friends and family pray for Peter's safe return, I wish to memorialize his extraordinary efforts on behalf of the Great Lakes in service to both his homeland of Canada and his friends and colleagues in the United States.

BOY SCOUT TROOP 611'S EAGLE SCOUT COURT OF HONOR

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mr. MINETA. Mr. Speaker, on November 5, 1995 in San Jose the accomplishments of seven members of Boy Scout Troop 611 were acknowledged. I was fortunate enough to play a part in the honoring of these seven accomplished and talented young men.

Congratulations to Kevin Endo, Dean Handa, Neal Nakano, Brian Tamekuni, Ted Nakano, Michael Leung, and Ryan Yoshida. Attaining the rank of Eagle Scout is not an easy task. It takes hard work, commitment, and a lot of support from your family, your community and your Boy Scout leaders. Your dedication, resolution, and perseverance in achieving this rank is to be commended and emulated by all residents of the community, both those who will follow you and those who have gone ahead.

Mr. Speaker, I would like to respectfully request that the following account of the ceremony be placed in the CONGRESSIONAL RECORD.

On the evening of November 5, 1994, Boy Scout Troop 611, sponsored by the San Jose Buddhist Church Betsuin, held an Eagle Scout Court of Honor and dinner acknowledging the accomplishments of seven outstanding Boy Scouts. The recipients of Scouting's highest rank of Eagle Scout were Kevin M. Endo, Dean M. Handa, Michael S. Leung, Neal T. Nakano, Ted K. Nakano, Brian M. Tamekuni, and Ryan T. Yoshida.

Providing guidance and support for the seven Scouts were Scoutmaster Stan Kawamata and his assistants: Religious Advisor, Reverend Gerald Sakamoto, and Youth Director, Mrs. Jeanne Nakano. The Eagle Charge and Presentation and the Eagle Award Address were given by Mr. Doug McDonald, Santa Clara County Council Scout Executive. Among the dignitaries in attendance were U.S. Congressman Norman Mineta, a guest speaker, who presented an American flag flown over the United States Capitol to each Eagle Scout and Peter McHugh, the mayor of Milpitas, who made a special presentation to Ryan Yoshida.

Kevin M. Endo, the son of Mr. and Mrs. Jerry Endo, is a junior at Santa Clara High School. For his Eagle project Kevin supervised and participated in the construction of a four foot carved wooden Buddhist Wisteria symbol for the San Jose Buddhist Church Betsuin.

Dean M. Handa, a son of Mr. and Mrs. Ernest Handa, is a junior at Saratoga High School. Dean's Eagle project entailed supervising and helping to construct a display case for a kimono for the Yu-Ai-Kai Senior Center in San Jose's Japantown area.

Neal T. Nakano, the son of Mr. and Mrs. Mike Nakano, is a senior at Piedmont Hills High School. Neal's Eagle project included the planning, supervising, and construction of Japanese style fence toppers for the fence between the San Jose Buddhist Church Betsuin and the neighboring property.

Brian M. Tamekuni, a son of Mr. and Mrs. Kaz Tamekuni, is a senior at Bellarmine College Preparatory. For his Eagle project Brian supervised and participated in the construction of two large tables for the library in the Yu-Ai-Kai Senior Center in San Jose's Japantown.

Mr. Jimi Yamaichi was the Eagle project advisor for the preceding Eagle Scouts.

Ted K. Nakano, a son of Mr. and Mrs. Bob Nakano, is a freshman at West Valley College. For his Eagle project Ted designed, planned, supervised, and participated in the construction of three outdoor planters to be utilized by wheelchair users as part of their rehabilitation process. It was installed at a rehabilitation center run by the city of San Jose. Ted's father, Bob Nakano, was his project advisor.

Michael S. Leung, a son of Mr. and Mrs. Steve Leung, is a junior at Live Oak High School. For his Eagle project Michael planned and supervised the painting of a large map of the United States on the playground of Milpitas Christian School. His project advisor was Mrs. Celeste McVey.

Ryan T. Yoshida, the son of Mr. and Mrs. Richard Yoshida, is a junior at Bellarmine College Preparatory. Ryan's Eagle project entailed planning and supervising the refurbishing of the play kitchen area and the construction of a storage area for the kindergarten students at the Zanker Elementary School. Ryan's grandfather, Mr. Takeshi Sugimoto, was his Eagle project advisor.

TRIBUTE TO AL JOHNSTON

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Mr. FILNER. Mr. Speaker and colleagues, today I rise to honor and remember a leader and hero, Al Johnston, known to many in San Diego as a legend of the barrio.

Al Johnston was not the type of a man to sit back and let the world go by; he took action to make his community a better place to live.

During the 1930's, he took his property and gave it to the less fortunate by converting an old car into a soup kitchen in Logan Heights. Later, he provided guidance and inspiration for many teens in the community by founding "Los Gallos," a club for restless teens. He led voter registration drives. He was committed to making a difference in the lives of many in the Latino community in San Diego. He is the type of leader we should all try to emulate.

Mr. Johnston was a proud leader of the spirit and soul of the barrio. He was adamant in his opposition to junkyards and pollution producing industries in Logan Heights. In the 1970's, he led the campaigns for the conversion of most of a 5.4-acre parcel at the foot of Crosby Street into a bayfront addition to Chicano Park, a cultural landmark.

He was one voice who made a difference. My community has lost a great leader, and faithful fighter in the ongoing struggle to improve the quality of life for ourselves and our children. It is now up to us to continue his work and his dedication to the community.

My thoughts and prayers go out to his family and friends.

A TRIBUTE TO THE GIRL SCOUTS OF AMERICA

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 14, 1995

Ms. SLAUGHTER. Mr. Speaker, I rise today to applaud the Girl Scouts of Genesee Valley today as they take part in the first annual nationwide Girl Scouts "Be Your Best Day" by conducting a canned and nonperishable food drive for the benefit of Foodlink in Rochester, NY.

Voluntarism in America is one of the most important forces in keeping the fabric of our society together. With nearly 3.5 million members, Girl Scouting of the U.S.A. is the largest voluntary organization for girls in the world. The Girl Scouts have carried the spirit of voluntarism through generations of American women.

I would like to thank the 12,000 Girl Scouts of Genesee Valley and 4,000 volunteers, who—along with Girl Scouts all over the country—are joining hands today to help the less fortunate. You are doing this great service for our country.

I would also like to acknowledge a significant anniversary that the Girl Scouts of Genesee Valley are having this year. Congratulations for 75 years meeting the special needs of girls from diverse racial, ethnic, and socioeconomic backgrounds and enriching voluntarism in America in the process.

Mr. Speaker, please join me in paying tribute to the Genesee Valley Girl Scouts and the Girl Scouts of America on "Be Your Best Day." The Girl Scouts' activities are an inspiration to us all.

SENATE—*Wednesday, March 15, 1995*

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Lloyd John Ogilvie, D.D., offered the following prayer:

Let us pray:

Almighty God, You have told us through the prophet Isaiah that before we call, You will answer, and while we are still speaking, You will hear. We thank You that prayer begins with You. It originates in Your heart, sweeps into our hearts, and gives us the boldness to ask for what You desire to give. Lord, may the desires of our hearts be honed by Your greater desire for us. Then Lord, grant us the desires of our hearts. Enlarge our hearts until they are capable of containing the gift of Your spirit. In communion with You, surpass our human understanding with Your gift of knowledge, our inadequate judgment with Your wisdom, and our limited expectations with Your vision. May this day be one continuous conversation with You. We ask this not just for our own peace and security, but for our responsibility of leadership. You have placed us in decisionmaking positions of authority. The margin of human error is an ever-present concern. So we yield our minds, hearts, wills, and imaginations to be channels for the flow of Your divine intelligence. Without Your help, we will hit wide of the mark; with Your power, we cannot fail.

Lord, bless the women and men of this Senate with a dynamic dialog with You for the decisive decisions of the day. As You give the day, You will show the way. Grant us wisdom, grant us power for the facing of each hour.

In Your holy name. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

The PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 889, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 889) making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Bumpers amendment No. 330, to restrict the obligation or expenditure of funds on the NASA/Russian Cooperative MIR Program.

Kassebaum amendment No. 331 (to committee amendment beginning on page 1, line 3), to limit funding of an Executive order that would prohibit Federal contractors from hiring permanent replacements for striking workers.

The PRESIDENT pro tempore. There will now be 1 hour for debate on the Kassebaum amendment No. 331, to be equally divided between the Senator from Kansas [Mrs. KASSEBAUM] and the Senator from Massachusetts [Mr. KENNEDY].

The distinguished Senator from Kansas, Senator KASSEBAUM.

Mrs. KASSEBAUM. Mr. President, I yield 5 minutes to the Senator from Georgia [Mr. COVERDELL].

The PRESIDENT pro tempore. The distinguished Senator from Georgia is recognized.

AMENDMENT NO. 331

Mr. COVERDELL. Mr. President, I thank my colleague, the Senator from Kansas. I rise in support of her amendment.

I had an opportunity to speak to this issue just yesterday to several assembled journalists. I said one of the striking features about the issue that is before us is how it reminds us of a rather growing pattern of this administration to circumvent the legislative branch. If you think on it, this issue, which is very controversial, has been argued before this Senate repeatedly and the provision that the President is trying to put in place has been rejected here. It has not found acceptance in the people's branch of our Government. So now we find the President trying to accomplish by Executive fiat what the people's branch of Government would not do.

It reminds me of Somalia, of Haiti, of Mexico, and now striker replacement.

Time and time again we see the administration coming for acceptance to the legislative branch, the people's branch, for the impact and reflection of what the American people are arguing or are wishing for. And when that cannot be accomplished, he will just bypass it, circumvent it. I do not think this is going to set very well with the American people as they begin to focus on a pattern of moving around their interests.

I am always taken aback, still. I have been here going into the third year. I still am perplexed by a city that seems to feel that it and it alone can establish the relationships in the free marketplace of this great country. And every time they do it, every time they meddle, invariably the reaction is disruption in the marketplace and the very thing the sound bites suggest we are trying to do, to help workers, as a result is not what happens.

If you destabilize the playing field that has existed between labor and management for the last 50 years, if management has no recourse in terms of hiring a replacement worker if an extended strike takes place, then invariably you are going to have increased consumer costs, you are going to have business decisions to avoid this complexity, you will have businesses that decide this is not the place to build their business. And every time we add to the burden of management and how they build businesses, we make it harder and harder for people to work in their businesses. That is the outcome of this kind of interference in the workplace: less jobs, not more jobs—less jobs, not more protected jobs.

It has to be remembered, you cannot replace a striker today if it is a health-related issue or an environment-related issue. You can if there is an argument about wages that cannot be resolved. Only 3 percent of the work force in all these strikes have ever been replaced in this country.

Management does not want a strike. Management does not want to replace a worker. It is expensive, costly, time consuming, destabilizing.

I can see my time is about up, Mr. President. I support the amendment of the Senator from Kansas. I feel we are intervening in the free marketplace and it will be destabilizing to the work force of our country.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield 8 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, first of all, just so colleagues are clear before they cast this vote after listening to my colleague from Georgia—the Executive order does not resemble Somalia. It represents a lawful exercise of Presidential authority. The Federal Procurement Act, which was enacted by Congress in 1949, expressly authorizes the President to proscribe such policies and directives not consistent with the directives of this act as he shall deem necessary to effectuate the decisions of such act. And from Roosevelt to Johnson to Nixon to Carter to

President Bush, we have seen such orders issued.

So let us just be clear as to what is at issue. Second of all, Mr. President, we are, of course, not talking about S. 55, which was on the floor last session. But again, for the record, for the people in the country, that piece of legislation which prohibited employers from permanently replacing striking workers was filibustered. It was blocked. So it did not pass.

This is an Executive order by the President which applies to situations where the Federal Government has a contract with an employer for over $100,000 worth of business and that employer permanently replaces workers. This does not cover workers who were temporary replacement workers. We are talking about permanent replacement. That is all we are focusing on. It is really a very simple proposition that we are voting on here today.

I say to my colleagues, who take another position on this issue, that I wish their characterization of labor-management relations had some relationship to reality because, if it did, I would be taking a different position in this debate. But the General Accounting Office reports that since 1985, employers have hired permanent replacements in one out of every six strikes and threatened to hire replacements in one out of every three.

Mr. President, I just simply have to tell you that all too often, what happens is either employers require major and unreasonable concessions of the union, then force people out to strike, then replace them with workers unsympathetic to the union, and then move to decertify the union. That is called union busting. And, in many ways, that is the issue that is before us because either that happens or, because the United States happens to be the only country among the advanced economic countries in the world that enables employers to carry out this practice, many other wage earners just simply are forced to live with outrageous concessions that are asked of them with sometimes very deplorable working conditions in terms of health and safety, much less wages, because they know, if they do anything about it, they will be permanently replaced.

Mr. President, the issue here is which side is the Government on? In the debate last week, while I was on the floor, I happened to remember Florence Reese, from Appalachia—which is my wife Sheila's home, in Kentucky—and her famous song, "Which Side Are You On?"

What the President's Executive order essentially says is, "While many of us feel so strongly about this, if the Government is doing business with a company where the labor-management dispute causes the permanent replacement of striking workers, we ought not to use taxpayers' money to subsidize that kind of management practice."

Which side is the Government on? Are we on the side of union busting? Are we on the side of depressing wages? Are we on the side of forcing people out on strike and then permanently replacing them? Are we on the side of unsafe working conditions? Or are we on the side of working people, wage earners, and their having some leverage and ability to bargain for themselves and, yes, if necessary, to go out on strike—though no one likes to go out on strike—so that they are just not crushed?

Mr. President, that is the issue. Should the Government use taxpayers' money to support companies which permanently replace their workers in the labor-management dispute? It is that simple. That is the issue before us. That is why so many of us have taken such strong stands.

Finally, Mr. President, I know my colleague from Massachusetts, Senator KENNEDY, has been eloquent, powerful on the floor, on this issue. I think right now, in the 104th Congress, that so much of the debate and so much of the agenda is too abstract. There are no faces. There are no people.

Now, we look at these decisions on the House side. And we are talking about in Minnesota the Low-Income Energy Assistance Program. Let me tell you that in a cold-weather State like Minnesota—and I imagine Massachusetts—this is cruel for the elderly poor, for children, to just cut that out; and going after the Summer Jobs Program. We have had the debate here on school lunches, school breakfasts, and child nutrition programs. But are we going to do more for loopholes, deductions, and more by way of capital gains tax for large corporations and wealthy people? People—we cut one place. And those people have the least amount of clout, those most vulnerable citizens, and then we skew it to the very top of the population.

That is why this debate on the Kassebaum amendment has a significance. It has to do with the heart and soul of this 104th Congress. It has to do with where we stand. It has to do with who we represent or who we do not represent.

I can just say to my colleagues that I have seen all too often—I said this before on the floor of the Senate—people forced out on strike. I have seen people permanently replaced. I have seen the devastation of families. I have seen the devastation in communities. We had testimony in the Labor and Human Resources Committee from ministers, from business people, and others who talked about the divisiveness of all of this.

Mr. President, I come to the floor because I feel a real commitment to people whom I represent. To me, one that stands out in my mind more than any other is C.F. Industries, where workers were forced out on strike who did not want to go out on strike. I do not think they would mind my saying that they had a real sense of trepidation. They did not want to go out on strike. They were worried what was going to happen to them. But the company's offer was something they could not accept. The concessions that were asked of them went sort of directly to their sense of dignity about themselves. So there they were, outside on a Sunday morning. I went out there with the president of the AFL-CIO in the pouring rain. Their children were there. People who had essentially been permanently replaced were devastated. I do not think that should be a part of what the United States of America is about.

This amendment which deals with this Executive order by the President just deals with an Executive order that is a significant step in the right direction.

Mr. President, I urge my colleagues to vote against this amendment. I think, as much as I respect my colleague from Kansas, this amendment is profoundly wrong in its impact on working people and families. I think it is profoundly wrong in terms of the message that it stands for as to what we are about. I think the Government ought to be on the side of regular people, ought to be on the side of wage earners, and ought to be on the side of working families. I think that is really the large significance of this vote.

I yield the floor.

Mrs. KASSEBAUM. Mr. President, I yield 5 minutes to the Senator from Texas [Mr. GRAMM].

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, we should invoke cloture. We should pass this amendment, and we should stop the President's effort to use Executive power to do what he could not do in Congress and what, I believe, is clearly within the jurisdiction of the legislative branch of Government.

What we are debating today is nothing more than special interest politics undertaken by the President to reward a special interest group—organized labor in America. The President is giving them something that is not in the public interest through Executive order since he was unable in the last Congress to get a very similar provision adopted into law.

Let me review very briefly what the issue is. Under current law, if I do not want to work for you, I have the right to quit. If I feel that your pay or your working conditions are unfair, I have the right not only to quit, but to join with other workers to withhold our labor.

That is my fundamental right as a free American. That is a right that, so far as I know, is supported by every single Member of the U.S. Senate. But the employer, who has put up capital and who has made an investment, also has rights. Those rights basically are that if I refuse to work for you, or if I join other employees in denying my labor, you have a right to hire someone else.

I, as a worker, understand that I have my rights and you have your rights. Under the balanced system, which is the law of the land, we have not had any major labor unrest since the short period immediately after World War II. That is because every worker knows what his or her rights are, and every worker understands the employer's rights. With that balance of relative power in the marketplace, we have had negotiations, we have had settlements, we have had progress, and we have had labor stability. As a result, we have experienced economic growth and prosperity.

What is being proposed now is not really a labor issue, it is a freedom issue. Basically, what the President has tried to do by Executive order is that which we had previously rejected; that is, to tell employers that if an employee quits or, in conjunction with other employees, withholds his or her labor, you do not have the right to hire someone else permanently to replace that worker. That is a violation of the rights of Americans who have put up their capital and who have made investments.

In my opinion, this is a freedom issue. And if you believe in freedom, you ought to be for this amendment.

So there are three issues. First, the President has tried, by Executive order, to do what he could not do through the legislative process. We ought to stop him because it is a violation of the implicit principle of separation of powers.

Second, the President is trying fundamentally to change labor law in a way that is not only unfair but in a way that will clearly result in more labor unrest. As a result, we will have more strikes than we have had in the last quarter century.

Finally, we ought to stop the President's special interest power grab, because this is a freedom issue. If someone proposed on the floor of the Senate that we stop workers from exercising their legitimate right to withhold their labor, I believe that every Member of the Senate would rise to his or her feet and denounce that effort. How can it be right to denounce that abridgment of freedom and yet not denounce the abridgment of freedom that results from telling an employer, who saved and worked and put up his capital, that he cannot hire someone to take the place of a worker who voluntarily refuses to work? I think that is the issue.

I hope my colleagues will vote for cloture and vote for this amendment.

Mr. HEFLIN. Mr. President, with regards to the Kassebaum amendment concerning striker replacement issues and the Executive order to which it pertains, I oppose the amendment. When this issue has arisen in the past I have supported substantial modifications to the striker replacement bill, including mandatory arbitration. These modifications would have substantially reduced strikes. Given my reservations, I have spent a good deal of time studying the Executive order. It is important to note that the provisions established by this order are much narrower in scope than striker replacement proposals made in the past and very limited in the number of businesses that would be affected.

From the outset and before I go any further, let me point out that the Kassebaum amendment violates the rules of the Senate which prohibit legislating on an appropriations bill. The procedure in the Senate is to pass legislative authorization or prohibition legislation and to deal with the matter of appropriations separately. The Kassebaum amendment clearly violates these rules.

Next, the underlying issue before the Senate is a supplemental defense appropriations bill. I do not think that bill ought to be jeopardized by a nongermane issue that can be brought up through the regular legislative process.

In reference to the Executive order, there are two points that I think should be made. The first is that the order in question does not require that Federal contractors who permanently replace workers be barred from holding contracts with the Federal Government. The order only gives the Secretary of Labor permission to consider terminating contracts with companies who permanently fire lawfully striking employees. Even if the Secretary does decide to terminate the contractor on this basis, it takes only an objection from the head of the involved Government agency to have the contract reinstated.

There is also the issue of cost to the Government and ultimately to the taxpayers. We should realize that it is expensive for companies to hire replacement workers. For a business to change employees quickly costs a great deal of money. Considering how often we have seen some companies overcharge the Government in the past, it is completely reasonable to expect that the costs of hiring these replacement workers will be passed on to the Government and ultimately the taxpayers.

Mr. MOYNIHAN. Mr. President, the fundamental right of American workers to strike was guaranteed over a half century ago with the enactment of the National Labor Relations Act of 1935. Section 13 of the NLRA states:

> Nothing in this act, except as specifically provided herein, shall be construed so as to either interfere with, or impede, or in any way diminish the right to strike, or to affect the limitations or qualifications on that right.

As a former Assistant of Labor under Presidents Kennedy and Johnson, I am disappointed that we find ourselves having to debate this issue at all. The amendment of the Senator from Kansas would prohibit the use of appropriated funds for implementation of President Clinton's Executive Order 12954, which provides simply that the Federal Government will not do business with contractors that hire permanent replacement workers.

Yet the hiring of permanent replacement workers directly contravenes the right to strike. A worker does not have any meaningful right to withhold his or her labor if his or her employer hires a permanent replacement worker.

The President issued a lawful Executive order on March 8. The legal authority for this order has been fully documented in a careful memorandum of law written by Assistant Attorney General Walter Dellinger. The memorandum has already been discussed on the floor during this debate, and was made part of the RECORD by the Senator from Massachusetts.

We ought not be in the business of gutting this Executive order through an amendment to an appropriations bill. It is regrettable that this amendment has not been withdrawn. Its proponents failed to invoke cloture earlier today, and it is time we move on.

The opponents of the amendment have no desire to prolong debate on the DOD supplemental appropriations bill. We would prefer that the amendment be withdrawn so that the Senate can complete its work on the underlying legislation.

But it should be remembered that the antistriker replacement legislation, of which I have been a cosponsor since 1990, was repeatedly the subject of filibusters by our colleagues on the other side of the aisle. S. 55, the Metzenbaum antistriker replacement bill in the 103d Congress, got 53 votes for cloture last year. The Senate would have passed the bill last year had an up or down vote been permitted.

Fortunately, we still have Members in this Senate who can be counted on to fight for the rights of the American worker. The ranking member of the Labor and Human Resources Committee, Senator KENNEDY, deserves thanks and congratulations for his outstanding leadership on this issue. He has been on the floor for many hours, making his argument eloquently and forcefully—as only the Senator from Massachusetts can. I join him in opposing the amendment of the Senator from Kansas.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. COVERDELL). The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I yield myself 7 minutes.

Mr. President, many of us here in the U.S. Senate that are opposed to the amendment of the Senator from Kansas believe that we ought to be working on the defense appropriations bill rather than on this amendment. I think it is important to understand who is really delaying the U.S. Senate from taking action.

Many of us who are opposed to this amendment feel that the national interest and national security would be served by moving forward on the defense appropriations bill. But our Republican colleagues do not apparently share that view and that is why we are where we are today.

Last week, the President issued an Executive order barring the award of Federal contracts to companies that permanently replace striking workers. The ink was not even dry on the Executive order and the effort was made here in the U.S. Senate to block the Executive order. And that is why we are where we are today, instead of completing action on the defense appropriations bill. Those of us on this side of the aisle are prepared, even though we are required to go through a cloture motion, to go on to the underlying measure and see that it is acted on and acted on expeditiously.

I was interested a moment ago when my colleague from Texas said that what the amendment we are debating is about is the issue of freedom. I thought we disposed of that argument during the debate last week with the very profound and eloquent words of our friend and colleague from West Virginia, who talking about what real life is all about for working people—not the technicalities of Presidential power to issue Executive orders, but what real workers were facing at an important time in history, in terms of the mines of West Virginia.

I can still remember those words he recalled being told to the miners: "Clean up your place or you are going to lose your job." Sure, you had freedom not to have that job. You also had freedom not to feed your child; you had freedom not to pay your mortgage; you had freedom not to live in a home. You had that freedom because if you did not clean up your place at the end of a hard day's work, you had somebody else that was prepared to fill in. That is what we are talking about here. We are talking about the real experiences of working people.

I want to take a couple of minutes of the time of the Senate to talk about who we are protecting here today—the people who my colleague from Texas described as special interests. These are the kind of people that we on this side of the aisle are interested in protecting and that I am glad to stand with.

We are protecting Joyce Moore, who is married with three children. She worked at a laundry and also as a nurse's aide in a nursing home in Cincinnati, OH, for 13 years and was forced out on strike and subsequently permanently replaced. She was making $6.77 an hour. As she said,

> It ain't about money; basically, it is about respect. There is a lack of respect in there. I hate that we are all on strike because I enjoy getting up every morning and going to my job. I enjoy being around the residents, taking care of them. But we want a 3-year contract and a better health plan and a pension plan. Folks get sick and they need a health plan. When you have been there as long as I have, you deserve a pension plan.

But when Joyce Moore went on strike to get that respect, she was permanently replaced. That special interest was making $6.77 an hour. We are interested in protecting her from being permanently replaced, so that she can provide for a family.

Jenette Hillman, 52 years old, worked at the nursing home as a rehabilitation aide for 25 years, and was making $7.25 an hour before she was forced out on strike February 22 and permanently replaced 3 weeks later. She raised six sons. Now she is surviving only because one of those sons has moved back in with the family.

Bernadette Marion, making $5.30 an hour as a nursing assistant, barely enough to take care of her four daughters, after being out on strike—she was permanently replaced and is living on a dwindling savings and a tax refund check.

These are the real people that are being affected the unfair employer tactic of permanently replacing workers who exercise their legal right to strike.

Make no mistake about it, this is the opening skirmish in a larger battle that is now unfolding in the Congress over the rights of working men and women across the country. What is at stake in this battle is nothing less than the standard of living for working families.

Our Republican friends aim their opening salvo at a measure that is about simple justice for American workers. Under our national labor laws, it is illegal to fire a worker for exercising the right to strike. But because of a court-created loophole—not a legislatively created loophole; the loophole was not enacted by the Congress of the United States; it was a footnote on a court decision—because of the court-created loophole, workers who strike can be permanently replaced, which amounts to the same thing.

President Clinton was right to act to close that unfair loophole. And I am proud to stand with him in defense of that action.

Working families, Mr. President, are hurting. They have suffered a 20-year decline in real wages. Hourly pay is falling compared to other countries. The gap between the top 10 percent of wage earners and bottom 10 percent is wider in our country than in any other industrial nation. Yet, the new Republican majority, through this amendment and numerous other measures that are working their way through Congress, are advancing an agenda that is, in effect, an assault on working families. This attempt to block the Executive order on striker replacement is just one example of how this assault is being carried out, but it is an important one. So I want to take a few moments to talk about that this morning.

It is not just accidental, Mr. President, that what we have seen over the period of the past weeks—and it was illustrated in the excellent article in the Washington Post today by Mr. OBEY—is an attack on the legitimate interests and rights of working men and women to be able to protect their wages and to try and advance the interests of themselves and their families.

We have the actions which are being taken by the House of Representatives to basically undermine the School Lunch Program where working families' children go to school, to undermine the college assistance programs and loan programs by which working families are able to have their children go to the fine colleges and universities that exist in all of our States. Sixty-seven percent of the young people in my State of Massachusetts need some kind of help and assistance to go on to college. But what is the Republican leadership in the House of Representatives saying? We are to cut student aid programs and make hard-working families spend more to finance the cost of a college education.

It is an assault on the children who are going to the high schools, it is an assault on the teenagers who are trying to go to college, and it is a continued assault——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. I yield myself 3 more minutes.

It is a continued assault by those who refuse to give a living wage to people who are trying to work.

That is what this is about. You can talk about the scope of Presidential power to issue this Executive order—and we have put into the RECORD the Justice Department's justification for it, which is well supported—and you can talk about whether the President is really right to do this as a matter of social policy.

But I will tell you, those arguments would have a lot more credibility if those on the other side were prepared to say we are willing to support an increase in the minimum wage for workers in this country who are prepared to work 40 hours a week, 52 weeks a year. But, no, they say, we are opposed to that too. Come on. Come on, Mr. President. What is this battle all about? Come on. You have to be honest when you are talking to the American people. You have to be straightforward about what this is about.

My Republican colleagues say you are wrong Senator, this is just an issue about whether the President had the proper legal authority to issue this Executive order. But at the same time they are saying,

> No, Senator, we are not for enacting an increase in the minimum wage. No, no. You are quite right, we are for cutting back on school lunch programs for kids that are going to high school. Yes, we want to raise the cost of sending your children to the college and university. But we are not really assaulting working families. On, no, we are really for working families. Why do you get so excited out here on the floor of the U.S. Senate?

And only yesterday, in the Ways and Means Committee, they give tax breaks to the wealthiest individuals and corporations in the country by voting to lower the capital gains tax and effectively eliminating the minimum tax on corporations.

"No," they say, "it is just a coincidence that we are providing all these breaks and benefits to the rich at the same time we are making all these cuts in programs for working families."

Come on, Mr. President. This is the first major issue we have dealt with on the floor in the U.S. Senate this year that directly affects the working families of this country, and we are not going to be rolled over and stampeded on it. We are not going to be rolled over and stampeded on it.

The President is right to do this. He is right to issue this Executive order, not just from a fairness point of view and a social compact point of view, he is right to do it in terms of his responsibility as the Chief Executive to ensure that we are going to get good quality products for the Defense Department, that we are going to make sure that those plane engines that are going into the F-15's, F-16's, and F-18's are good engines, made in my own State at General Electric by workers who have worked there for 25 and 30 years. We are not going to have to take the chance of having some replacement workers in there trying to fulfill a contract and not being able to produce a good, quality product. We are going to make sure that those runways that are being built are going to be good runways for those planes. We are going to ensure that the housing that is going to house our personnel in the military is going to be of good quality.

I do not know what is the reason for this assault on all these people making barely above the minimum wage. If that isn't bad enough, the Republicans are saying "We have other good news for you, Senator, in terms of those construction workers. We are going to take away the Davis-Bacon Act, that guarantees prevailing wages on federally funded construction projects." We are talking about men and women in the construction industry making an average of $27,000 a year—$27,000 a year. One of the first priorities of the Contract With America is to undermine their ability to make prevailing wages in one of the most dangerous occupations in this country, and that is construction work.

The PRESIDING OFFICER. The Chair advises the Senator that his time has expired.

Mr. KENNEDY. I yield myself 2 more minutes.

And we are going to repeal the Davis-Bacon Act and diminish their ability to provide for their families.

What is it about working families that Republicans have it in for them? Why is it that our Republican leadership in the House of Representatives and here today on the floor of the U.S. Senate, virtually in lockstep, wants to deprive them of some legitimate rights? What is it about these working families? What is it about their children? What is it about their children that we want to cut back in terms of Medicaid? What in the world have they done, except be the backbone of this country?

Make no mistake about it, this is the first battle, Mr. President, and we are not going to let this stampede that may have gone over in the House of Representatives run roughshod here in the U.S. Senate.

Mr. President, I withhold the remainder of my time.

How much time do I have?

The PRESIDING OFFICER. The Senator has 11 minutes.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I yield 5 minutes to the Senator from Mississippi [Mr. LOTT].

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Thank you, Mr. President. And I thank the Senator from Kansas for yielding me this time.

I think it is time, maybe, we calmed down a little bit, stopped shouting, and talk about what is really involved here. This is not about——

Mr. KENNEDY. Will the Senator yield?

Mr. LOTT. I will not yield. I have been sitting here listening to the Senator, and I have a chance here now to correct the RECORD a little bit.

This is not about the Contract With America. This is not about Davis-Bacon. This is not about all the other extraneous matters we are talking about.

What we are talking about here is an opportunity for the Senators to vote to stop the filibuster so that we can talk about the substance of the amendment of the Senator from Kansas, Senator KASSEBAUM. So I urge the Senators to vote to invoke cloture.

Last Thursday, 57 Senators voted to stop President Clinton from unlawfully usurping congressional authority to regulate labor-management relations. The week before that, the President issued an Executive order which sought to overturn congressional and judicial policies that have stood for nearly 60 years. In so doing, the President claimed authority to defy Congress and the Constitution by rewriting Federal labor laws. The vast majority of the Senate has rejected this unlawful exercise of power, and has affirmed that the Executive order is bad policy and bad law.

Despite Thursday's vote, a handful of Senators from the other side of the aisle is filibustering this bill in an attempt to protect President Clinton's Executive order. The other side of the aisle has even objected to temporarily setting aside the Kassebaum amendment, so the Senate might proceed on other amendments to the defense supplemental appropriations bill.

I point out that the defense supplemental appropriations bill, requested by the administration, has now been on the floor of the Senate for 5 days. And so the routine continues, Mr. President. We spent weeks on the balanced budget amendment. We spent weeks on the uncontroversial unfunded mandates bill. We spent several days on congressional coverage. Everything is to be dragged out in the Senate; everything is to be slowed down. Sooner or later, the Senate is going to have to face up to taking action on the legislation that is pending before it.

And now a minority of Democratic Senators is so committed to giving away congressional authority to the President that they are willing to halt Senate action on an emergency bill the administration has requested the Senate to pass immediately.

And what is this filibuster being used to do? Is it being used to defend the ability of Congress to regulate labor-management relations? No, that is not happening. Is it being used to implement a Supreme Court ruling? No, Mr. President, this filibuster is being undertaken to protect an Executive action that contravenes the will of both Congress and the Courts.

President Clinton's Executive order would bar Federal contractors from hiring permanent replacements for striking workers. Under the order, the Secretary of Labor will determine whether "an organizational unit of a Federal contractor" has "permanently replaced lawfully striking workers." He may then instruct Federal agencies to cancel existing contracts. The contractor can also be debarred from future contracts for the duration of the labor dispute. This Executive order, effective immediately, applies to companies with Federal contracts in excess of $100,000.

This Executive order is seriously flawed on both policy and legal grounds, and it is a direct challenge to congressional authority.

Several times, Congress has tried to act in this area without success. And so now, they have gone to the Executive order to get done what the Congress would not approve and get action in an area where the Supreme Court does not even agree with their action.

This Executive order seeks to assert that as a matter of law, the hiring of permanent replacements adversely affects the Federal Government. Specifically, it states that the use of replacements lengthens strikes, broadens disputes, and shifts the balance in the collective bargaining relationship. As the lengthy debates in the House and Senate have shown, quite the contrary is true:

The Executive order will result in more strikes, inflationary wage settlements and a shift in the balance of power in favor of unions.

This was the conclusion of the Carter administration in 1977, when it rejected a limited ban on permanent replacements as part of labor law reform. Indeed, the Canadian Province of Quebec has experienced more strikes and longer strikes since it outlawed the use of any striker replacements—temporary or permanent.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LOTT. Mr. President, I ask unanimous consent for an additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. The President has delegated to the Secretary of Labor the decision of how far this order really goes. That is one of the things that really worries me.

This employer right is essential to maintaining balance in labor relations.

The right has always been recognized as the necessary counterweight to the unrestrained right to strike guaranteed by this Nation's labor laws. Because the risks are high if either side engages in economic warfare against the other, neither side exercises its rights and powers except over major issues. The Executive order abolishes this congressionally and judicially crafted balance.

LEGAL CONSIDERATIONS

The fact that many, many days have been devoted to the issue in recent years should leave no doubt that this is a legislative issue. Any Executive order that touches on this same issue is an infringement on the separation of powers. This order goes far beyond mere procurement policy and regulates private labor relations and restricts private rights guaranteed under the laws crafted by Congress.

It is argued that other Presidents have regulated labor relations through Executive orders. None of those orders, however, amount to the usurpation of congressional authority as does this action of President Clinton. President Reagan's order firing the striking air traffic controllers was based upon his constitutional duty to enforce the law. President Bush's order requiring their Beck rights simply required that workers be informed of their rights under the law. Finally, the Bush Executive order barring union-only agreements on Federal construction projects was consistent with the procurement authority of the Government as consistent with the procurement authority of the Government as declared in the Supreme Court's Boston Harbor decision. It should be noted, however, that this Executive order was never challenged in court.

Not merely the authority of the President is at issue. The Executive order raises numerous practical issues which would embroil the executive branch in legal quagmires for years. Consider the following:

The President has delegated to the Secretary of Labor the decision of how far this order really goes.

Robert Reich and his successors would decide whether "an organizational unit of a Federal contractor" has used permanent replacements. He is empowered in section 11 to define this term in regulations. At this point, we do not know whether the ban applies to employees working exclusively on Government projects, plants, or site-wide, to all operations whether a division or subsidiary. This vagueness should render the order void on its face.

The Department of Labor is unqualified to make determinations as to the legality of actions under the Federal labor statutes.

That expertise is housed in the National Labor Relations Board and the National Mediation Board. Using the procurement power of the President, the Secretary is empowered to address such legal issues as what is a lawful strike and who are unit employees. The Labor Department has had absolutely no involvement until now in interpreting these laws.

The order applies to all lawful work stoppages, whether or not a union is involved.

Two or more nonunion workers are free to walk off the job, giving little or no reason except to say that they are protesting terms or conditions of employment. Under current law, nonunion protests of this nature are relatively infrequent because of the countervailing employer right to hire permanent replacements. Federal contractors which exercise their legal right to use replacements in the face of such extortionist tactics do so at their peril.

CONCLUSION

So, Mr. President, it is clear that President Clinton's Executive order is bad policy and bad law which usurps congressional power and contravenes our Nation's courts.

In conclusion, I think that what we are really talking about here, Mr. President, is jobs, and what will happen if these strikes go on indefinitely and the companies do not have an opportunity to get replacement workers. What option will the company have if they cannot reach a negotiated agreement? What will happen is, they will wind up going out of business and the people will lose their jobs, and other people who would like to have those jobs would not have them either. We clearly should vote to invoke cloture and allow a full debate to occur on the Kassebaum amendment.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. Just over 11 minutes on your side.

Mr. KENNEDY. Mr. President, I yield 6 minutes to the Senator from Iowa.

Mr. HARKIN. I find the argument just made by the minority whip most intriguing. He is talking about a filibuster.

Mr. President, something is wrong here. It was the Republican side, for the last two Congresses, that filibustered the striker replacement bill. What is going on here? Surely, the Senator from Mississippi understands that it was their side that filibustered in the last two Congresses the striker replacement bill. That legislation passed the House, came to the Senate, and it was the Republicans who filibustered the bill, not the Democrats. We are not filibustering this bill.

We will have a vote on the underlying bill. For the last two Congresses, the Republicans would not permit the striker replacement bill to come up for a vote, and in both of those Congresses we had the majority votes to pass it. One Congress we had 57 votes; last year we had 53 votes. It was the Republicans who filibustered, not the Democrats. I want to set that record straight. The Senator from Mississippi is playing loose with the history of this bill. I see him smiling over there, and he knows exactly what I am talking about.

Mr. President, another Senator from the other side, the Senator from Texas [Mr. GRAMM] spoke on this issue. He equated workers exercising their legal right to strike to quitting. He says this issue is about people having a right to quit and employers having a right to hire people to replace them.

The Senator from Texas apparently believes good labor-management relations consist of workers taking what they are given, and not complaining. If the workers' salary and benefits and paid holidays are cut, because that means investors could make a nickel more dividend, and if they then go out on strike, that company can consider those workers as having quit, and permanently replace them.

But in reality, Mr. President, good labor-management relations means both sides are willing to talk. When we have a company like Bridgestone/Firestone, a wholly owned Japanese company operating in this country that refuses to sit down and negotiate in good faith with the workers, leaving them no other option but to go out on strike, then it cannot be the workers' fault. They are willing to negotiate.

This issue shows some fundamental differences between Senators on each side of the aisle. First, to listen to the Senator from Texas [Mr. GRAMM] and perhaps the Senator from Mississippi, they would just as soon see no unions. I think they would be happy to abolish unions if they could.

Second, they really believe that if a person works for someone they have to take what they get, no questions asked. If you produce more, and you then ask for higher wages, an employer can dismiss you an any time—you can work 20 years, and if they want, they get rid of you and throw you out the door.

I think that Senator KENNEDY is right. What this is about is whether or not we will have decent management-worker relationships in this country, or whether we will take the path the Republicans want to take, and tell workers they do not count for anything, that a worker in this country is like a piece of machinery. Use them up, depreciate them down, and they throw them out the back door when they can get another worker cheaper.

Mr. President, sometimes I wish that the Republican side would just quit messing around, and just go out and propose a law to ban strikes entirely? Better than that, they could ban negotiations, ban collective bargaining, because we really do not have collective bargaining any longer. The only thing that a worker can bring to the table in collective bargaining is his or her labor. And if they have no right to withhold that labor then the cards are stacked against them. Then only the employers have the power.

So I wish the Republicans would just go ahead and offer a law, an amendment to ban strikes and to ban collective bargaining. It would be honest, anyway, on their part. It would not be this sham that we are operating under now: A right to strike today is only a right to be permanently replaced. A right to be permanently replaced means you have no power in collective bargaining, and thus collective bargaining in this country is indeed a sham.

Every cutrate cutthroat employer knows they can break a union if they are willing to play hardball and ruin the lives of people who have made their company what it is. Unfortunately, the small minority of union busters drag down the rest of their industries in order to compete. Even responsible companies have to follow suit in the race to cut costs and salaries and cut workers' dignities.

I mentioned Bridgestone/Firestone. Other tire companies in this country—Goodyear, Dunlop, and Uniroyal—reached agreements. They had negotiations. Some of them went out on strike, but then they negotiated. They reached an agreement. But this one company, Bridgestone/Firestone, refused to negotiate even after the workers had increased their productivity to all-time record highs, even after the workers agreed in the 1980's to take over $7 an hour in wage and benefit cuts, and yet when it came time for collective bargaining to renew the contract, the company said, "Nope, you take what we offer or that is the end of it."

So, the workers went out on strike. Now, Bridgestone can win this, if they can bust the union and they hire permanent replacements. They have actually said it in letters, "You are permanently replaced."

If they can do that, then that will drag down Goodyear because the board of directors will say, "How can we let them undercut us? We have to compete." And so will Dunlop, and so will Uniroyal, and it drags down the whole industry.

So what the Republicans are proposing to do with this amendment offered—

The PRESIDING OFFICER. The Senator's time is expired.

Mr. KENNEDY. Mr. President, I yield 1 minute.

Mr. HARKIN. What they are proposing to do on the Republican side is to reward the worst companies: Those companies that will not negotiate in good faith and bargain with their workers; those companies that will drag down the other companies. That is the effect of their amendment.

This amendment is counterproductive. We need more organized labor, not less, to compete in international markets. We are the most productive country in the world, and it is because we have had good labor-management relations working together, to increase productivity on the world market. Unions boosted productivity from 17 to 22 percent in construction, and a study of 20 manufacturing industries showed that unionized workers were from one-fifth to nearly one-quarter more productive than their nonunion counterparts.

When I hear the statements coming from the other side of the aisle—and what I hear is, "Let's break down this labor-management relations we have had, let's break down collective bargaining"—the next thing I expect to hear is, "Let's reintroduce child labor, if you want to compete with other countries that employ child labor." Well, why not?

Workers have no more rights in this country. Workers have no rights to stick up for their dignity, to demand better wages, hours, and conditions of employment. I hope that the Senate will speak loudly and clearly. The President has acted correctly, and he acted within the confines of the law, in issuing that Executive order. We ought to uphold it for the good of America.

Mrs. KASSEBAUM. Mr. President, I would like to yield 5 minutes to the Senator from Oklahoma.

Mr. NICKLES. Mr. President, first I wish to compliment the Senator from Kansas for her amendment. I hope that my colleagues will vote with her on this amendment. I think it is important.

I note at the conclusion of the statement of my friend from Iowa that the President acted within the confines of law. Let me just state the facts. President Clinton issued an Executive order because he could not pass a law. President Clinton introduces a bill, that has been introduced a couple of times—I guess both years since he has been President—trying to get it passed, but he has not been successful. He has tried but he did not get a bill to become law. And so the President is trying to do by Executive order what he could not do legislatively. Even in spite of the fact that he had a Democrat-controlled House and Senate, he was not successful because Congress did not agree.

I think Congress is right in not agreeing. Now I am looking at the Executive order, and very clearly, if one reads this Executive order—and I know it has been put into the RECORD; if it has not, I will ask unanimous consent to put it in the RECORD—but one needs to read this to find out this is law. This is an Executive order where the President is trying to legislate.

I read in the Constitution—it is interesting, we have had a lot of discussion on the Constitution lately—but very clearly in article I, section 1, it says:

> All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

We did not elect the President to be issuing Executive orders in defiance of Congress. Congress did not pass this bill. Congress did not pass it because we did not think it was right. I happen to agree within Congress' decision. I think this is a mistake.

I look at the power that he has vested in the Secretary of Labor: The Secretary of Labor shall determine everything. The Secretary of Labor gets to determine the bargaining, he can object to a termination of a contract, he may debar the contractor. We are giving the Secretary of Labor the right to debar a contractor. Take, for example, the Senator from Georgia, or the Senator from Virginia, if you take a big contractor—maybe it is Newport News—building aircraft carriers, and maybe there is a small strike with a little union that is upset with one particular division which may affect less than 1 percent of their employees. But if there is a strike, is Newport News and their owner, I guess Tenneco, debarred from all Federal contracts? I asked that question before, and really that is to be determined by the Secretary of Labor.

This Executive order is written with a blank check: "The meaning of the term organizational unit of the Federal contractors shall be defined in regulations that shall be issued by the Secretary of Labor." My point being, this is terrible legislation, and the President does not have a right to legislate. He does not have the right. He is exceeding his powers. I am confident that if we do not succeed on the Kassebaum——

Mr. HARKIN. Will the Senator yield?

Mr. NICKLES. No. Let me finish my statement. I have limited time.

The President exceeded his power. I will state I am very confident that, if we are not successful with this amendment, it will be tested in court and this Executive order will be thrown out on constitutional grounds. I am very confident of that fact. But we should stop it now. The President is playing politics. He is trying to appease a special interest group. I think it is unfortunate.

What about the substance of it? I heard my colleague make the statement, "Well, the people who are pushing this amendment are just against organized labor." That is not true. I think the people should have the right to organize. If people want to strike, if they do not want to work, they should have that right as well.

Likewise, employers have to have the right to hire replacement workers. If they cannot do that, they cannot keep the doors open. In many cases, you might be a critical subassembly of a particular part that has to happen to make this entire unit come together on time and on budget, and if an employer cannot hire replacement workers to make that happen, then they could be in violation of the original terms of that contract. They could lose the whole contract. The entire country, if you are talking about a Government contract, could end up paying an enormous amount for not being on time and complying with the terms of the contract.

This is enormous power the President is trying to delegate to the Secretary of Labor. It is a mistake. Congress has refused to do this. Congress has refused to pass it, I believe correctly so. The President in trying to circumvent Congress, I think, greatly exceeds his authority, his power, and I hope my colleagues will agree with Senator KASSEBAUM and vote for cloture.

I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I will just take leader time and not take any time reserved for the distinguished Senator from Massachusetts.

Let me make four very important, but simple, points.

First of all, the President has every right to issue this Executive order. The precedent set by virtually every one of his predecessors makes that point loudly and clearly. President Bush, President Carter, President Nixon, President Johnson, President Truman, President Roosevelt—they all issued Executive orders having to do with important national priorities, and they did so without anyone challenging their right to make those choices. Obviously, they may have been in significant disagreement, but the fact is they made those Executive orders with the clear understanding that it was within their constitutional right to do so.

That is what this President is doing as well. The President is simply saying, "Look, if you want to do business with the Federal Government, you simply cannot replace striking workers who are conducting a legitimate strike with replacement workers." That is all he is saying.

I do not think that is too much to ask. Obviously, given the extraordinary difficulty working families are having today, the need to assure balance in the workplace is all this issue is about. Giving workers the right to strike, the right to maintain balance in a working relationship with their employers, has been something guaranteed under the National Labor Relations Act for 60 years.

The second point is that this is simply an issue of fairness. The right to strike—the right to ensure that your grievances can be heard in a meaningful way—is a longstanding right of workers, and one which must be protected. They must continue to have the right to strike, and this Executive order simply says that we are going to have that guarantee in writing, at least as far as Government contracts are concerned. The President has made it very clear that working families are a priority in this country.

My third point, Mr. President, is this: as the distinguished Senator from Massachusetts has said, this is the first in what will be a series of very critical votes this Congress that directly affect working families. What happens on this vote will send a clear message about what the Congress is going to do and the position it will take with regard to a number of these issues in the future.

If they lose the longstanding balance that has existed between labor and management, if they lose a fundamental right guaranteed all workers, I do not know that it bodes very well for other issues that will be pending. There are those who suggest we eliminate the minimum wage. There are those who suggest we eliminate the Davis-Bacon Act. They have suggested a number of attacks on the rights of working families, and certainly this is the first opportunity we have to defend those rights. I hope that everyone understands the critical nature of this vote. It goes beyond simply a question of filibusters. It goes beyond a question of procedure on the Senate floor. It goes to the very heart of why we are here defending the rights of workers at times as important as this.

The fourth point, Mr. President, is one that I hope everyone can appreciate. As we go through the final moments of this debate, we must remember that the question of whether or not the rights that have been reaffirmed in this Executive order are respected is of fundamental importance to our relationship with the President.

The President must make decisions with regard to executive branch policy. He has made a very important decision to respect the rights of working families. I think it is imperative that we respect his authority to do so. That is all we are saying here, that this President, as other Presidents have done, has made a decision with regard to working families that, in our view, ought to be upheld and ought to be respected.

So, Mr. President, in a couple of minutes, we are going to be casting a vote that goes beyond procedure, a vote that goes beyond simply a motion to invoke cloture. It goes to the very heart of whether working families are going to have the right to maintain the balance in the workplace that we all recognize is important to them and to this country.

So I hope we can sustain the necessary votes to defeat cloture this morning and send a clear message to working families that the Senate is on the side of families, on the side of working people, on the side of maintaining the balance between labor and management that we have recognized for the last 60 years.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, how much time is remaining?

The PRESIDING OFFICER. Just over 9 minutes on the Senator's side.

Mrs. KASSEBAUM. I would like to yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, if I may just restate what this amendment is about. It is an amendment which would bar any Federal funds from being spent to implement the Executive order that was issued by the President last week.

That Executive order would effectively prohibit Federal contractors from exercising their legal right to hire permanent replacement workers—a right that has been the law of the land for 60 years.

Mr. President, we have heard a lot about this debate being one thing or another—an assault on working families, an assault on children. I believe, Mr. President, and perhaps I am naive in thinking so, that this vote should not be viewed as a test of the President's leadership, nor should it be viewed as a test of Republican clout. I hope that it would not be viewed as a vote for labor or a vote for business.

I wish that this amendment would be taken for what it is. No one wants to see workers dismissed gratuitously and replaced by permanent replacement workers. That is not what is at issue either. This is not the beginning of a series of assaults on working class families. This is a debate on an Executive order issued by the President which effectively changes labor law in a significant way.

What this debate is all about, in my mind—and I think it is an important point—is the separation of powers between Congress and the executive branch. It is about whether our national labor policy should be determined by the President rather than by an act of Congress.

The question at stake is whether we are prepared to allow the President to overturn 60 years of established labor law with the stroke of a pen.

We can debate this issue at another time. We have debated it before, and I am sure we will again. There are those who suggest we may be able to find some compromises that can bring all sides together. But what the current law has done in over 60 years is to provide the balance to which the Democratic leader spoke. It has provided a balance between labor and management, and that should be preserved.

It has been mentioned that there were other Executive orders which were undertaken, and we have debated this before. Just to reiterate, however, no previous Executive order by President Bush or President Reagan went this far in contradicting both the law and the will of Congress.

President Reagan's order banned illegally striking air traffic controllers from Federal employment. This was well within his rights and was not contrary to existing law. President Bush's order on Beck was merely enforcing existing law. President Bush's order on prehire contracts was not preceded by extensive debate and defeat by Congress, as has been the case with striker replacement legislation. He may well have exceeded his authority on that Executive order on prehire contracts, but it was never an order that was challenged by the courts or challenged in Congress.

I think we are seeing here that under this Executive order Federal contractors will effectively be barred from exercising a longstanding legal right—just as labor has the right to strike—that all other companies are permitted to do under existing labor law.

Regardless of which side we might take on the issue of striker replacements, we should all be concerned, Mr. President, about the precedent this Executive order would set for future Presidents.

What if a new administration decided to debar any contractor whose workers decided to go on strike? Would we feel the same way about an Executive order that infringed on the equally longstanding right to strike?

It has also been argued that this Executive order will have only a limited impact, that perhaps only a dozen companies would be affected. Mr. President, the Federal Government contracts for close to 180 billion dollars' worth of goods and services. Many defense contractors would be affected, and that is why it is fitting this is added as a debate to the defense supplemental bill. This order will potentially affect tens of thousands of companies.

The PRESIDING OFFICER. The Senator's 5 minutes has expired.

Mrs. KASSEBAUM. I yield myself 2 additional minutes.

The Defense Department alone has contracts of value greater than $100,000 with over 20,000 different companies. This Executive order would cover Federal construction projects, potentially colleges and universities with Federal research contracts, hospitals and health care providers that contract with the Federal Government. It is very unclear as to what exactly this Executive order might apply. As was pointed out by the Senator from Mississippi and the Senator from Oklahoma, the Secretary of Labor has a great deal of discretion under this Executive order to decide when it may or may not apply.

Over 30 years ago, the Supreme Court overturned President Truman's attempt to seize control of the steel mills by Executive order. I believe Justice Black's opinion in the Youngstown case is relevant here. He said:

> In the framework of our Constitution, the President's power to see that the laws are faithfully executed refutes the idea that he is to be a lawmaker. The Constitution limits his functions in the lawmaking process to the recommending of laws he thinks wise and the vetoing of laws he thinks bad.

I believe the President has exceeded his authority here by attempting to make the law, dictating the terms of our national labor policy, by means of the Executive order in direct contravention of current law.

Congress makes the law, not the President, and we should not relinquish our role in setting national labor policy by allowing this Executive order to stand. I urge my colleagues to support cloture in order to reassert the authority of the Congress and to bring this debate to a close.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. DOLE. I yield to the Senator from Massachusetts.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts.

Mr. KENNEDY. How much time remains, Mr. President?

The PRESIDING OFFICER. Just over 4 minutes.

Mr. KENNEDY. I yield myself 3 minutes and then whatever time I will yield back, to let the majority leader have the final word.

Mr. President, I thank the Senator from Kansas for both her explanation and the justification for her amendment. Over the period of the last several days, we have tried to go through the circumstances of the Youngstown case and distinguish the executive authority that President Truman attempted to assert in that case and the executive authority that President Clinton is exercising with regard to this order, and I think we have made that case in a very compelling way. I think anyone who reads through the RECORD would find the analysis persuasive. I respect the fact that Senator KASSEBAUM does not believe this is really about broader public policy issues. But I must take issue with her in that conclusion.

We are not debating on the floor of the Senate the issue of what we are going to do about increasing the minimum wage.

My Republican colleague have not proposed even a sense-of-the-Senate resolution to say, for instance, that working families are falling further and further behind; that we think work ought to be adequately compensated; that we think work ought to be recognized; that we think any American who works 40 hours a week 52 a weeks a year ought to receive a decent wage. Not even a sense-of-the-Senate resolution to say perhaps we are not going to address this on this particular bill, but we are prepared to work to protect the future of working families; we are prepared to work to protect their interests in terms of their children who might need a summer job or their small children who might need a school lunch; we are prepared to speak up about the needs of working families. Nothing to say we differ with you on this Executive order, but we are for working families. And that is what this debate is really about.

What we are voting on takes place against the background of what has happened to family incomes since 1980, and the fact that the only real growth in family incomes that has taken place is among the families at the top—the wealthiest individuals in this country.

That is the background of what has happened to the income of working families over the past 20 years, and now we are debating against this background a measure that is going to further attack the legitimate rights of working people who are hard-working, who are trying to make it, but whose incomes have been held down over the last two decades. Those are the people who are going to be affected by the President's Executive order which my Republican colleagues are trying to block.

We have illustrated in the course of this debate the kinds of people who will be adversely impacted if the Senator's amendment is adopted.

The PRESIDING OFFICER. The Chair advises the Senator his 3 minutes have expired.

Mr. KENNEDY. Mr. President, therefore, it is my hope that the motion to invoke cloture would not pass, that the amendment itself would be withdrawn and that we would go back to further consideration of the very important underlying defense appropriations bill.

I thank the Chair.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. DOLE. Mr. President, how much time is remaining?

The PRESIDING OFFICER. Just over 2 minutes.

Mr. DOLE. Mr. President, let me just lay it out cold. This is all about politics. It has nothing to do with workers or anybody else.

Last week, President Clinton kicked off his 1996 reelection campaign by signing an Executive order that would prohibit Federal contractors from hiring permanent replacement workers during economic strikes.

Despite all the talk about fostering fairness in the Federal workplace, the Executive order is a transparent effort on the President's part to shore up a political base that he believes is vital to his own reelection chances.

During the past several years, Congress has considered, and repeatedly rejected, the so-called striker-replacement bill. That is why the President is setting a dangerous precedent if he believes he can revive this defeated legislation simply by issuing an executive order.

It is the responsibility of Congress, not the administration, to write the laws governing labor-management relations in this country.

So, Mr. President, I urge my colleagues to support this motion to invoke cloture. The amendment offered by my friend and colleague from Kansas, Senator KASSEBAUM, will help restore the careful balance—that is what we want—a careful balance between labor and management that has been the hallmark of our system of collective bargaining for more than 60 years.

The President's misguided directive is a politically inspired attempt to do an end run around the legislative process. I do not believe it should go unchallenged.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on amendment No. 331 to the committee amendment to H.R. 889, the supplemental appropriations bill:

Hank Brown, Nancy Landon Kassebaum, John Ashcroft, Jon Kyl, Lauch Faircloth, Don Nickles, Strom Thurmond, Dan Coats, Judd Gregg, Slade Gorton, Bob Dole, Chuck Grassley, Craig Thomas, Conrad Burns, Trent Lott, Mike DeWine, Pete Domenici.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the Kassebaum amendment No. 331 shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. PELL. Mr. President, on this vote, I have a pair with the distinguished Senator from Washington [Mrs. MURRAY]. If she were present and voting, she would vote "nay." If I were at liberty to vote, I would vote "aye." Therefore, I withhold my vote.

Mr. LOTT. I announce that the Senator from Vermont [Mr. JEFFORDS] is necessarily absent.

Mr. FORD. I announce that the Senator from Washington [Mrs. MURRAY] is necessarily absent.

On this vote, the Senator from Rhode Island [Mr. PELL] is paired with the Senator from Washington [Mrs. MURRAY].

If present and voting, the Senator from Washington would vote "nay" and the Senator from Rhode Island would vote "aye."

The PRESIDING OFFICER (Mr. THOMAS). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 58, nays 39, as follows:

[Rollcall Vote No. 103 Leg.]

YEAS—58

Abraham
Ashcroft
Bennett
Bond
Brown
Bumpers
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Exon
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hollings
Hutchison
Inhofe
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Pryor
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—39

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Byrd
Conrad
Daschle
Dodd
Dorgan
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Pell, for

NOT VOTING—2

Jeffords
Murray

The PRESIDING OFFICER. On this vote, the yeas are 58, the nays are 39. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

UNFUNDED MANDATE REFORM ACT OF 1995—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now vote on the conference report accompanying S. 1, which the clerk will report.

The bill clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The Senate resumed consideration of the conference report.

SECTION 105

Mr. KOHL. Mr. President, I invite the chairman of the Budget Committee to engage in a colloquy with me on section 105 of the conference report on S. 1, the Unfunded Mandates Reform Act of 1995.

During consideration of S. 1 before the full Senate, I offered an amendment which makes clear that nothing in this legislation denies Federal funding to States, local, or tribal governments because they are already complying with all or part of a Federal mandate. That amendment is now section 105 of the bill.

The conferees modified my language by stating that my amendment made reference to any mandates that are funded pursuant to section 425(a)(2) of the Congressional Budget and Impoundment Control Act of 1974, as added by section 101 of this act.

However, the report language accompanying S. 1 refers to section 425(b)(2).

I ask the distinguished Senator from New Mexico, is this reference in the conference report incorrect?

Mr. DOMENICI. Yes; the Senator is correct. The report language inadvertently refers to section 425(b)(2) when it should have been referring to section 425(a)(2). I appreciate the Senator from Wisconsin bringing this to the Senate's attention and it is my hope that this colloquy sets the record straight on the intent of the conferees on this language.

Mr. LAUTENBERG. Mr. President, when the Senate considered the unfunded mandates bill earlier this year, I voted against it. I am prepared to vote against the final version of that bill now. My concerns about S. 1 were not addressed in conference and, in fact, one could argue that bill comes back to us in worse shape then it left.

The conference made two substantive changes in the bill. First, judicial review has been added to an already unwieldy process and, second, the threshold above which CBO must provide cost estimates for private sector unfunded mandates has been reduced from $100 to $50 million.

These changes only reinforce my criticism of S. 1 as passed by the Senate in January: The procedural hurdles created by this legislation will only add to the arsenal of dilatory tactics which already have the ability to nuke necessary legislation and destroy public faith in the Congress.

Last year, I supported legislation that would have addressed the problem of unfunded mandates in an appropriate and effective manner. That bill, S. 993, would have required Congress to think carefully and critically about the mandates we were about to impose upon State and local governments. We would have to acknowledge the magnitude of the burden before we passed legislation. Congress could no longer hide behind ignorance. I believe this bipartisan effort would have remedied the problem of the Federal Government imposing mandates without thorough consideration of the financial burdens already faced by other levels of government.

The pending legislation, however, goes well beyond that. Not only is S. 1 procedurally flawed, it also enshrines the misguided principle and the unjustified presumption that the Federal Government should not impose requirements on the States unless it pays them to carry out the mandate. Supporters of the bill will respond that a simple majority can waive the requirements of this bill; however, the politics of such a waiver make this an unlikely occurrence. Clearly, the presumption is that unfunded mandates are inherently bad. I don't agree with that premise.

Many in Washington seem to have forgotten that State and local governments benefit from a clean environment and a healthy work force. I believe it is the Federal Government's responsibility to act when State and local government don't want to spend the money to prevent pollution or to immunize children. We should be there to stop gun-running across State lines or the spread of HIV-contaminated blood. We have a role in fighting the flood of illegal immigrants across our borders or the flow of people across State lines as a result of benefit shopping.

I am proud to represent a State which has some of the toughest environmental laws in the country. New Jersey cares for its disabled. We have tough gun control laws and occupational safety regulations. But these strengths could become a disadvantage to us if Federal standards are weakened or eliminated. I'll provide an example which was only too true for my State just a few years ago.

In the late 1980's, hundreds of millions of dollars were lost to New Jersey's economy because of another State's negligence. Raw sewage and medical waste originating from a neighboring State washed up on our beaches. This well-publicized problem not only tarnished my State's reputation—tourism is our largest employer—it cost us millions to clean it up. Federal Government intervention was necessary. An unfunded mandate was imposed upon the polluting State, but it was a necessary mandate and I believe it was proper that it was largely unfunded.

Today we are institutionalizing a dangerous precedent: unless the Federal Government pays, States do not have to comply with Federal standards. Many States will have no incentive to try to prevent transborder pollution. Why should a State worry about its neighbors when it could spend that money on its own constituents. Would enough U.S. Senators look with sympathy on those States who are victims of another's pollution so that they would waive the requirements created under this legislation? I hope so, but I have enough doubts that I must vote against this conference report.

Why has the Federal Government set standards to prevent States from cutting off food stamps to children or eliminating aid to legal immigrants? Because we know that some States, but for the Federal standards, would do exactly that. We created these standards because we did not want the kind of country where kids in one State would be denied nutritional assistance while the children of another jurisdiction received the benefits of such aid. We did not want a society that would cause some citizens to be disadvantaged merely because they had the misfortune of being born or raised in a State which did not place the same priority on pollution prevention or on caring for poor children.

Mr. President, we do need to deal with the problem created when one level of government shifts the cost of programs to another level of government. But we have to do so in a way which is consistent with both the Federal structure of our society and the compassion which powers us as a people. I do not believe this bill is consistent with those characteristics of our country. And I fear that it is simply a precursor of efforts to develop no-strings block grants which could, in the name of flexibility, destroy the ability of all Americans—wherever they live—to count on their Government to provide certain levels of services and meet certain standards of conduct.

For me, then, this is just the first step in what I suspect will be a long but ultimately triumphant fight to preserve the Federal nature of our system and the national character of the American experience.

Ms. MOSELEY-BRAUN. Mr. President, when I came to the Senate 2 years ago, I was surprised to discover that there was almost no discussion about the impact of mandates imposed by the Federal Government on State and local governments. Yet, today we are voting to implement legislation that shows that Congress promises to curb the practice of imposing Federal mandates on State and local governments without advance, complete disclosure of the impact of those mandates. As a strong supporter of this legislation, I am happy that we were able to come together to pass this long needed legislation.

S. 1 has achieved an important balance—a balance between the benefits of mandates and their costs. We have also achieved an important balance between the Federal, State, and local governments' roles in the writing of Federal regulations to implement legislation. Creating a mechanism that will help ensure that the voice of State and local governments is heard in Washington before legislation is enacted is both sound policy, and something that has long been needed.

S. 1 will make Federal officials more accountable. The Federal Government has foisted too many of the costs of Federal mandates on State and local governments for too long. Asking the Federal Government to make its decisions with good information—with the best information we can get on the State and local governments that will have to live by those decisions—should not be controversial. Rather, it is the way decisions should always have been made, and the way decisions should always be made in the future.

S. 1 requires the congressional committees to report on the costs and benefits anticipated from any Federal mandates contained in the bills they report to the Senate for action, including the effects of the mandate on health and safety, and the protection of the environment.

S. 1 has also achieved a better balance between the Federal, State, and local governments' roles in the writing of Federal regulations to implement legislation. Now State and local governments are partners to the Federal Government in writing these implementing regulations. Mandates impact big cities and small communities differently, yet rarely are regulations written to be sensitive to those differences. S. 1 requires that special outreach efforts be made to ensure that the voices of all State and local governments are heard.

S. 1 is an important step in the right direction. It creates equilibrium between the Federal Government and State and local governments. Now agencies will be required to estimate the costs of new rules to governments and industries and also analyze the effect of new rules on the U.S. economy, employment, and international competitiveness.

To further increase the Federal Government's accountability, State and local governments will now be allowed to challenge whether or not Federal agencies have completed required cost-benefit analysis. As State and local governments have to live by those decisions, it is right that Federal officials are held accountable for their analysis. However, the purpose of the bill was not to have courts second guess the Congressional Budget Office's attempts at analysis, which are often done quickly to satisfy numerous requests, but to redress failures of an agency to prepare written statements of mandate cost estimates.

S. 1, however is not a repudiation of the whole idea of mandates. The mandates that the Federal Government used to make real progress in civil rights and our treatment of the disabled, for example, were essential to our progress as a nation, and as a people. I applaud the fact that S. 1 recognizes how essential those mandates were and are, and that under the terms of the bill, future civil rights legislation which builds on this tradition will be exempt from S. 1.

S. 1 is necessary not because mandates are wrong in principle. The real reason it passed is because of the budgetary shell game that was played in the 1980's. The 1980's were a time when many domestic programs were slashed, with mandates pushing the responsibilities onto hard-pressed State and local governments. I was in the Illinois House when President Reagan introduced the New Federalism. It was supposed to redefine the relationship among Federal, State, and local governments. What it really did was to make large cuts in Federal taxes, and push off the responsibilities of providing necessary services to State and local governments—without sending the money. The net result of that exercise in fiscal subterfuge was an explosion of Federal debt from only about $1 trillion in 1980 to closing in on $5 trillion now.

S. 1 is designed to ensure that the kind of budget fraud we saw in the 1980's won't be repeated in the remainder of the 1990's, or in the next century. S. 1 cannot undo the mistakes made in the 1980's. What it can do, and what we must do, is help ensure that we don't repeat those mistakes. Now Congress will make informed decisions that give the interests of State and local governments the attention and consideration that they deserve.

S. 1 had strong bipartisan support when it passed the Senate on January 27, 1995, with a vote of 86–10. It also had strong support in the last Congress, when the Democrats controlled both the House and the Senate. S. 1 has strong support from Democratic mayors such as Mayor Richard Daley of Chicago, and from other Democratic and Republican mayors across the country. Governor Edgar of Illinois wrote me supporting S. 1, and numerous county boards in Illinois also wrote in support of this legislation. It is clear that unfunded mandates have consumed an increasing share of State and local budgets, and that it is time for a change.

We are all in this together, Mr. President. The Federal Government, State governments, and local governments, are all trying to meet their responsibilities to the American people. S. 1 will promote cooperation between the various levels of government, and make it easier to address the problems that the American people elected us all to solve.

I want to conclude my remarks by congratulating my colleague from Idaho, Senator KEMPTHORNE, and my colleague from Ohio, Senator GLENN, for their leadership in crafting this legislation. I am pleased that we have the opportunity today to enact this important and meaningful reform.

Mr. DORGAN. Mr. President, I rise to discuss the conference report on S. 1, the Unfunded Mandate Reform Act of 1995. It is great pleasure to speak on the floor about a conference report on this bill, because it means we have come a long way.

I remember when Senator DOMENICI and I introduced our own bill on unfunded mandates in the fall of 1993. I have been working to rein in Federal mandates ever since.

I want to start by thanking the ranking member of the Governmental Affairs Committee, Senator GLENN. Senator GLENN had been a leader in mandate reform long before this issue was popular. Under his leadership, the committee held three hearings on this bill before our markup last year. One of those was a field hearing that I chaired in Minot, ND. And of course, we had our joint hearing with the Budget Committee in January.

I would also like to salute Senator KEMPTHORNE for his hard work on this bill. I knew it was his top priority when we both joined the Senate 2 years ago. And his efforts have today borne fruit with the adoption of this conference report on S. 1.

CURBING UNFUNDED MANDATES

Mr. President, S. 1 has a simple premise—that the Federal Government should not impose financial mandates on State and local governments without adequate consideration of those mandates, and that we should try our best to provide funding for those mandates.

Much of this bill matches closely S. 1592, the Fiscal Accountability and Intergovernmental Reform Act, or FAIR Act, which Senator DOMENICI and I introduced in the last Congress. S. 1 would require that the Congressional Budget Office review legislation for the costs that mandates would impose on State, local, and tribal Governments. If a bill is not analyzed by CBO, a point of order could lie against the bill. S. 1 would also require regulatory review of proposed rulemakings proposed by agencies in the executive branch. This is a vital step because Congress cannot always anticipate how a regulation will be interpreted. S. 1 would closely parallel the regulatory review Executive orders issued by President Clinton. I am pleased to see these two principles of my own mandate relief bill at the heart of S. 1.

During my work on mandate relief, I have heard from State and local officials in North Dakota about the costs that Federal mandates impose. Examples of especially burdensome mandates include cleanup responsibilities under Superfund. The city of Minot is entangled in a wrangle with potentially responsible parties over cleanup costs for old Minot landfill. The Minot landfill, used between 1962 and 1970, is now a Superfund site. The city of Minot has been working to clean up that site since 1986. To date, Minot has spent $873,000 in order to comply with environmental mandates.

Water testing mandates can also be unreasonable—Sherwood, ND, population 286, must spend $2,000 annually—half its budget—to test its water supply. Even small communities must have clean drinking water. But they should also have flexibility in abiding by burdensome mandates. And they certainly are entitled to know how burdensome a bill could turn out to be.

PRIVATE SECTOR ANALYSIS

Another part of our society that needs notice of and information on costly mandates is the private sector. I am very pleased that the conferees have retained an amendment on this subject that I offered in markup last year. My amendment would require that the CBO analyze mandates on the private sector. The requirement is not as strict as that for analysis of intergovernmental mandates—if CBO cannot reasonably make an estimate of a private sector mandate, the bill would create no point of order—but the argument is the same.

My point in offering this amendment was simply that there is no reason not to analyze costs on the private sector if we do the analysis for the public sector. To pretend we need to have CBO analyze the impact of public sector mandates, while skipping over the private sector, is to violate elementary economics. The private sector is three or four times bigger than the public sector. If we should assess the impact of unfunded mandates on local governments we surely should assess the impact on our Nation's businesses. The private sector is the foundation on which we build the budgets of the Federal Government and the State and local governments.

I know some of my colleagues are concerned about analyzing private sector mandates. However, the analysis required by my amendment is no great mystery. We already examine the impact of paperwork on the private sector. Federal agencies must calculate the hours required to fill out paper. The Internal Revenue Service performs analysis of tax legislation and possible effects on the private sector. The Joint Tax Committee performs the same function for proposed legislation.

The Office of Management and Budget's Office of Information and Regulatory Affairs has a regulatory review program that oversees the development of all Federal regulations. President Clinton's Executive Order 12866—Regulatory Planning and Review—requires agencies to conduct analysis of costs to the private sector of proposed regulations. The Office of Management and Budget therefore has developed a reservoir of knowledge on the impact of public laws.

Federal agencies have long experience in analyzing the costs to the private sector of relevant legislation and regulation. USDA studies the impacts of laws on our Nation's farmers. The Commerce Department's Bureau of Economic Analysis reviews economic impacts on the private sector. Our trade agencies study the economic impact of trade policies. EPA has calculated that the costs of environmental mandates to the private sector has risen from $16.2 billion in 1972 to an estimated $76.1 billion in 1995—constant 1986 dollars.

And the duties that S. 1 would impose on the Congressional Budget Office are not new. The CBO has estimated private sector effects of complicated legislation—NAFTA and two proposed health care reform bills are outstanding examples.

So, Mr. President, the analysis of private sector costs is not rocket science. And this information will be cheap at the price. The CBO has a running start, and can use its knowledge base from existing analyses and models. This conference report authorizes $4.5 million a year for the CBO for this mandate review analysis work to begin.

I predict that CBO review will pay for itself many times over by enabling the Congress to avoid burdening businesses with ill-considered mandates. I would like to thank the conferees for retaining my private sector amendment in this bill.

OTHER AMENDMENTS

Let me also briefly mention two other amendments of mine that the Senate added to this bill. A number of North Dakotans have been particularly irked by the requirement that Federal building projects be built according to metric measurements rather than English ones. This is increasing the cost of medical staff housing being built on an Indian reservation in my State. Fortunately, the Indian Health Service has now agreed to drop this costly and unworkable requirement, which would have delayed staffing for an Indian hospital.

However, as a policy matter I think we need to suspend this mandate now, study its costs, and decide whether we really need it. I offered an amendment to do that on the floor, and after some discussion the Senate passed that amendment. I am pleased that the conferees have retained that amendment in the conference report.

Lastly, title III of the conference report retains my suggestion that we not set up a new commission to study Federal mandates but rather assign that task to the Advisory Commission on Intergovernmental Relations [ACIR]. ACIR has the knowledge, experience, trust and network to get this study done and do it well. I did not understand why we needed a new commission when this Congress has been working hard to cut boards and commissions. I am glad the conferees have taken my point and have provided that ACIR shall do the studying. I look forward to working with the Senator from Idaho, the Senator from Ohio, and other interested Senators to ensure that the ACIR receives the funding that this bill authorizes for both this fiscal year and next.

Mr. President, let me just conclude by saying that I am pleased that the long unfunded mandates debate has finally come to fruition. I would thank Senators GLENN and KEMPTHORNE for their leadership on this issue, and for their willingness to hear out my concerns with this bill and make changes. I think our consideration of this bill on the floor improved it markedly, and I appreciated the opportunity to help in that effort.

This bill makes a real and positive change in the relationship between the Federal Government and State, local, and tribal governments. I hope the House will pass S. 1 tomorrow, and I look forward to the President's signing this bill very soon.

Mr. LEVIN. Mr. President, I will be voting in opposition to the conference report to S. 1, because the problems I had with the bill as it passed the Senate have not been resolved or abated in the conference report. I had hoped to be able to support legislation this year to address the unfunded mandates problem of State, local, and tribal governments. I was a cosponsor of last year's bill, S. 993, which was wholeheartedly endorsed by all the organizations representing majors, Governors, State legislators, county officials, and other local elected officials. Last year's bill would have forced Congress to estimate the costs of Federal mandates and authorize appropriations to the level of the estimated costs. In the words of the State and local officials last year, it was a tough, important, meaningful bill.

Having served on the Detroit City Council for many years in the 1970's, I am well aware of the problems and constraints Federal mandates place on local officials. My first Senate campaign in 1978 was based on my desire to make the Federal bureaucrats more sensitive to local concerns. And I know these problems continue and that Congress simply hasn't paid enough attention to the costs we impose on State and local governments. Yet, I did not support S. 1 as it passed the Senate, and I cannot support the conference report.

In some respects, S. 1 simply goes too far; in other respects, it promises more than it can deliver. It goes too far in taking CBO cost estimates and locking them in for at least 5 years as the level at which we are expected to fund State and local governments. While these cost estimates may be useful for us in assessing the costs and benefits of legislating in a particular area, they are far too unreliable to serve as the basis for a mandated level of appropriations. An effort was made to address this concern when Senator BYRD offered an amendment to require agencies to notify Congress when the level of appropriations falls short of the CBO cost estimate. That was an improvement; but it wasn't enough, because absent our enactment of another law in response to that notice, the mandate at issue would expire. S. 1, therefore, ends up requiring that we legislate twice on the very same issues—once when we appropriate at a level less than the estimated cost of the mandate and once again to affirm that prior appropriations amount.

S. 1 is inadequate in that it fails to address what I believe will be the real life concerns of State, local, and tribal governments in the next 10 years as we face scarce Federal resources. The problem won't be so much the number of mandates we place on State and local governments; it will be the fact that we will be pulling out Federal funds and assistance used to address problems that won't go away when the Federal money does. We will be cutting funds for education, the homeless, community development, you name it, and State and local governments will be left to solve the problems with their own resources. S. 1 does not address that situation.

Another problem with S. 1 is the inherent unfairness in the bill's treatment between the public and private sector. S. 1 requires us to overcome a point of order if we don't pay for a Federal intergovernmental mandate, but it doesn't create a similar point of order for private sector mandates. There is a presumption created thereby that we should fund the mandate or not apply it to the public sector. This is particularly troubling when the State, local, or tribal government is acting in the same capacity as a private sector entity. S. 1 could put private entities at a competitive disadvantage relative to State, local, and tribal governments that operate the same kind of businesses.

S. 1 also has the potential of causing havoc in the legislative process and aiding in the very gridlock we are all so desperate to avoid. It's very important that we require an analysis of the impact of costs on State and local governments and the private sector before a committee reports a bill to the full Senate for consideration. That's what the hearing process is supposed to be about. The public is supposed to let us know just what the consequences of our proposals could be. And, it's very important that the requirement for a cost analysis be enforced by saying that a point of order will lie against a bill that doesn't have that cost analysis. But to go to the next step and say that an often problematical cost estimate will now become the actual cost—that what CBO estimates will be the cost to State and local governments for each year of the authorization, moves from being a cost estimate to an assertion of actual costs and that that level of costs should be funded—that is an unreasonable approach. And the mechanisms used to enforce that approach could cause endless delays and tie up the legislative process.

For these reasons, Mr. President, I will vote against the conference report. I do want to commend, however, Senator GLENN and Senator KEMPTHORNE in their successful effort on this bill. Setting aside our differing opinions on the final outcome, I think these two gentleman have conducted themselves in a remarkably able fashion with good humor and a strong sense of fairness. I particularly appreciate Senator GLENN's efforts to be responsive to my concerns, and I congratulate him on accomplishing passage of this bill. The State and local officials have a great friend and supporter in the senior Senator from Ohio.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 91, nays 9, as follows:

[Rollcall Vote No. 104 Leg.]

YEAS—91

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Breaux
Brown
Bryan
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NAYS—9

Boxer
Bradley
Bumpers
Byrd
Lautenberg
Leahy
Levin
Lieberman
Sarbanes

So the conference report was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. GLENN. Mr. President, I ask unanimous consent that we be permitted time to submit the final report of the Senate Task Force on Funding Disaster Relief, which Senator BOND and I were commissioned to do last year. And I ask that the pending business be set aside so we can present that report.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

SENATE DISASTER RELIEF TASK FORCE REPORT

Mr. GLENN. Mr. President, I am very pleased at this time, along with my friend and colleague from Missouri, Mr. BOND, as cochairs to lay before the Senate the Final Report of the Senate Task Force on Funding Disaster Relief. The task force was established pursuant to a sense-of-the-Senate resolution contained in Public Law 103-211, the emergency supplemental appropriations relief bill for victims of the Northridge, CA, earthquake.

I think I can speak for Senator BOND when I say that our sense of accomplishment in presenting this report is somewhat tempered by events past and present, in that we have just marked the solemn 1-year anniversary of the devastating California earthquake. For all the good that has happened in the past year, thanks to selfless efforts by friends, neighbors, charities and, yes, Government bureaucrats of all stripes, we know that for so many their lives have been irrevocably changed.

We also share the grief and shock of the Japanese people who had a tragedy of their own, the horrendous Kobe earthquake. We know the character of the Japanese people, and given some time and help—and we are glad President Clinton and the able Director of the Federal Emergency Management Agency [FEMA], James Lee Witt, have offered some of our technical expertise—we know the Japanese will soon be on their feet again.

These catastrophes—and need I mention the terribly destructive floods which recently rained down on California—underscore the importance of having an integrated and comprehensive emergency management system, and we are making great progress toward that goal today.

Our task force was commissioned to look at Federal disaster assistance programs, funding and effectiveness, possible program and policy modifications, budgetary and funding options, and the role of State, local, and other service providers.

The report covers a spectrum of issues on how we can best ensure that Federal assistance will always be there when needed and how our disaster response system might be made more efficient and more cost-effective. Given the enormity of this project, Senator BOND and I decided to enlist the resources of congressional entities such as the Congressional Budget Office [CBO], the Library of Congress, and, in particular, the General Accounting Office [GAO], which we tasked to coordinate and take the lead working with our staff on the preparation of this study.

The end product, I believe, is a testament to the professional work and collaboration of all of these different groups and bodies. Many individuals labored long and hard, and we in the Senate owe them a debt of gratitude.

One of the more striking aspects we found was the lack of comprehensive Government-wide data on Federal disaster expenditures. I had thought going in this would be readily available. We found it was not. While most agencies can produce statistics for a particular disaster or annual spending, the number of persons assisted and estimated benefits, these have not been systematically collected across Government—until now.

GAO has totaled up how much we have spent across the board between 1977 through 1993. In doing so, they examined our disaster planning, mitigation response, and recovery programs, and these programs I would like to describe in just a little bit more detail.

Our disaster preparedness and mitigation programs consist chiefly of FEMA grants and assistance for fire suppression, floodplain management, earthquake and hurricane vulnerability; flood control and coastal erosion works under the Army Corps of Engineers; NOAA's severe weather tracking programs; U.S.G.S. earthquake and volcanic reduction programs, and; coastal zone management activities through the Department of Commerce.

In the area of Federal disaster response and recovery programs, we are dealing primarily with FEMA's individual and public assistance grants, temporary housing, community disaster loans, and unemployment benefits; Small Business Administration loans; repairing crucial roadways through the Department of Transportation; aid for the restoration of school facilities by the Department of Education; disaster recovery grants by the Economic Development Administration; emergency disaster assistance loans, payments and food stamps administered by the Department of Agriculture, and; the Army Corps' emergency water supply operations and flood control and coastal works repair.

To state the obvious, our emergency management system is far, far more complex than most people realize. It involves quite a number of Government agencies.

I should note that these figures do not include FEMA's mission assignment requests of other agencies to provide specific types of assistance, depending on the situation and the need.

There is a pervasive cynicism in our land today that derides Government's ability to deliver efficient and effective services and to return taxpayer dollars in a meaningful way to those who sent them to Washington in the first place. In short, to touch people's lives when there is a desperate need.

What I just listed does that and more. We may talk about cutting Government, but these programs I feel are real, they are vital, and they are indispensable.

If in times of major emergencies we do not provide this assistance, then who will? I spent many days on the floor managing the minority side for the unfunded mandates bill and agree with much of what is said by States and localities regarding Federal mandates. But what we, the Feds, have spent in helping States and our citizens prepare for, respond to, and recover from disasters has never really been quantified until today.

This report shows that from fiscal years 1977 through 1993, Federal agencies obligated almost $120 billion for emergency management programs—$120 billion in constant 1993 dollars for emergency management programs.

Most of which, about $87 billion, was for post-disaster recovery assistance. Over $64 billion, 54 percent of the total, was in the form of either grants to disaster victims and communities or expenses from disaster-related activities and response. Some $55 billion, 46 percent of the total, consisted of various disaster recovery loans made by FEMA, SBA, or the Farmers Home Administration.

Since a large portion of the loans will ultimately be repaid, the entire loan amount is not necessarily a Federal cost, though costs are incurred through subsidized interest rates and when loans are forgiven or are written off.

(Mr. THOMAS assumed the chair.)

Mr. GLENN. For example, during this same timeframe, the Farmers Home Administration [FmHA] obligated over $34 billion for disaster emergency loans and wrote off about $7.5 billion. That is not too bad in a situation like this, I do not think.

To sum up, we have spent directly over $64 billion between fiscal years 1977 and 1993 and some $55 billion indirectly through low-cost Government loans.

While this data is the best we have to date, it is not exhaustive. It excludes what we have spent to repair or rebuild damaged Federal Government facilities, which we do not currently track. It also does not include costs incurred by the Federal Government through subsidies and disaster insurance programs.

During this timeframe, we spent about $10 billion on the Federal Crop Insurance Program and almost $3 billion in costs through FEMA's National Flood Insurance Program.

Last year, Congress did change both of these programs to make them more cost-effective, to minimize potential losses but still provide protection from these tragic events at a reasonable cost.

We soon will consider another supplemental bill to pay for additional costs from the Northridge earthquake. I know this is something my distinguished co-chair will be holding a hearing on, I believe tomorrow, in the HUD-VA Subcommittee on Appropriations, and particularly how we are going to pay for this request. That is a tough one.

As our communities continue to grow, so do our potential risks and liabilities. We need to see if there are better ways to prepare financially for such catastrophic events.

Increasingly, the debates on disaster relief aid and where the money comes from have grown rather contentious, and that is understandable.

Since these measures are deemed "emergencies," they have not been subject to budget caps requiring program offsets, so they add to the deficit.

Also, these bills have become too often the proverbial Christmas trees for items that may have little or no bearing on our disaster response efforts.

In other words, people know this legislation is going to go through, it is going to pass in some form, so whatever their pet program is, with the Senate's lack of germaneness rules, it can be brought out and attached. It is something I think we ought to correct in Senate rules and procedures sometime in the future.

But anyway, this tendency to treat some of these emergency bills as Christmas trees has attracted heightened scrutiny and distracts us and the public from our purpose at hand, which is to help fellow citizens in their time of need.

The report we are releasing today proposes several funding and budgetary options for consideration of the Senate.

By changing current procedures, these options could reduce the use of emergency supplementals and lower total Federal spending—but at a price, making it harder to provide such aid.

Our mission with this report was not one of coming up with one firm, solid recommendation. It was to lay out options for the Senate's consideration. It was to define problems, how we have dealt with these things in the past, and what options we have for dealing with them in the future.

Each of these options is more fully described in an appendix to my statement, which I ask unanimous consent be included at the completion of my remarks, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GLENN. Each of these options has its own advantages and disadvantages, and there probably is no clean, pure and simple magic bullet because, for one reason, we do not have clean and simple disasters out there so we can plan for them in advance like we might prefer to do.

There are five basic options:

First, tighten the criteria for using the emergency safety valve of the Budget Enforcement Act.

In other words, setting a threshold on what is categorized as truly emergency spending. This could mean that States don't always request Federal funding on things that normally, in times past, could and should have been taken care of by the local community or the county or the State government.

Second, fund disaster programs at historic average levels.

Third, establishing a rainy day fund to cover future disaster expenses for Federal disaster relief.

Fourth, eliminate the emergency safety valve and cut other spending to offset the cost of disaster assistance.

Fifth, allow funding only for emergencies in any supplemental containing an emergency designation.

Those are five options.

With increasing budgetary constraints, these approaches deserve serious consideration. I know Senator BOND is going to be on the hot seat grappling with these issues on his appropriations subcommittee, particularly what the implications are if his subcommittee accounts will have to absorb much of the current supplemental request. In other words, what is going to get cut if it all has to come out of his subcommittee accounts. I do not think it right that this should happen, but that is one of the things he has to deal with—whether these funds will come out of veterans programs, out of the space station, or out of low-income housing, all of which are covered under his subcommittee.

And those are going to be tough decisions.

I hope he would not have to make those decisions from within just the confines of that budget restriction, and that we could make separate funds available for emergency consideration. Being forced to change the rules in the middle of the game is a very serious policy change and one we should not adopt lightly.

Another area I wish to address is the rise in the number of Presidentially declared disasters.

In 1988, just 7 years ago, we had 17 declared disasters, but in 1993 there were 58.

Now, whether that is the result of Mother Nature becoming more testy or whether it is classifying more types of events as declared national disasters than in the past, or more generous Presidents—or a combination of all of these things—remains to be seen. But as the report suggests, we might want to examine setting very explicit and objective criteria for Presidential disaster declarations.

I also want to note two integral components of our emergency management system. We depend on the States and localities—the emergency managers, the firefighters, the rescue squads and, sometimes, the National Guard—to be the primary responders in times of difficulty, times of disaster. And that is as it has been in the past.

We do not want it to be that every time some disaster occurs, the Federal Government is called in to do everything rather than having State and local people be mainly responsible themselves. The efforts of these primary responders, the emergency managers, the firefighters, rescue squads and, sometimes, the Guard are augmented through the good work of charitable organizations like the American Red Cross, the Salvation Army, and many other worthy religious, church, and professional groups.

Locally, they provide what historically has been the way in this country of ours, and that is that neighbors take care of neighbors, locals take care of locals, States take care of their own situation as much as possible and only call on the Federal Government to supplement their efforts when things are basically out of control.

Now, our report highlights their special role and the enormous contributions made by thousands of dedicated volunteers. But we, the Federal Government, need to supplement their efforts where disasters get beyond the resources of local communities.

By and large, this system has worked well for the vast majority of disasters. It is only when we have a truly catastrophic disaster, one that is beyond the capabilities of these entities, that the Federal Government enters the picture in any significant way.

It is not to say, however, there is no room for improvement. A section of our study looks at how Federal assistance to States, localities and individuals is being spent. The short answer is: We really do not know. We must do a better job in overseeing what results we are getting for our money, whether the funds are being used effectively, and if program objectives are being met.

Further, I was also struck by the sheer number of Federal disaster programs we currently have spread across many agencies. I think it is imperative we begin to look at whether any of these are redundant or duplicative, can be done more efficiently, or organized differently. Can they be streamlined or consolidated to maximize resources and increase their efficiency? In a time of budget constraints, a thorough review of the mission, the management and organization of these various agency programs is long overdue.

We must also remember that our disaster response system is, in fact, a partnership which is, indeed, a hallmark of our federal system.

I know that some States take these matters quite seriously but others, perhaps, less so. As States have been faced with their own fiscal constraints, too often their emergency management programs get cut to the bone with the assumption: "Why bother; the Feds will come to the rescue." That is the wrong attitude.

Our own position is shaky enough. We must ensure that the States are doing their part to uphold their end of the bargain.

I think it is telling that before this study took shape, neither FEMA nor the States had an idea of what the States were spending or getting for their emergency management and related programs. And thanks to this effort, FEMA is now working with the National Emergency Managers Association [NEMA] to do just that. I think it is critical to know exactly how the States shape up in this regard.

The report also suggests a number of ideas to improve Federal-State coordination such as: adopting performance standards; providing incentives for planning and mitigation; cost-sharing reductions for those not up to par; more frequent exercises and training, and; very importantly, I believe, post disaster analysis to learn what worked, what did not, were the money and resources well spent. In short, to determine lessons learned after each disaster.

We should work with the States to implement these approaches, and FEMA is now beginning to do that. We also must make sure FEMA itself has the capabilities to effectively manage and oversee this effort so we will better know how well or how poorly the States are doing their job.

So, again, I wish to recommend to my colleagues they take a look at our task force report. I thank all those who have devoted their time and effort to putting it together.

In particular, GAO did an outstanding job in supervising and coordinating this effort. It is a job well done. And I already have asked unanimous consent the appendix be printed in the RECORD.

I want to close by giving full credit to my cochair in this effort, Senator BOND. After the election of last fall, when the leadership in the Senate changed, we sort of changed roles on this a bit. He took a major role from there on in putting this whole thing together and has done a superb job. I compliment him for his efforts in this regard, for leading this effort. It has been a pleasure to work with him on it.

We have made a report that does not solve all of our problems, but under his leadership, and working with him, I think we have been able to put together a report that is the most definitive report ever on disaster relief assistance, the Federal role, its historical connotations, and to provide some suggestions for the Senate's guidance of how we should deal with this in the future.

It has been a pleasure to deal with Senator BOND on this. I know he will submit our report on this officially. I yield the floor.

EXHIBIT 1

APPENDIX—TASK FORCE BUDGETARY AND FUNDING OPTIONS

I. TIGHTEN CRITERIA FOR USING THE EMERGENCY SAFETY VALVE OF THE BUDGET ENFORCEMENT ACT (BEA)

This option would require Congress and the President to issue specific, written justifications for designating appropriations as emergencies to escape funding constraints. Such formal criteria could impose a higher threshold that funding measures would have to hurdle to avoid the disciplines of the BEA. How high the threshold would be raised—and how much savings might result—is an open question. But such written justifications would provide Members more information and would presumably give those opposing such funding a more defined target.

II. FUND DISASTER PROGRAMS AT HISTORIC AVERAGE LEVELS

This alternative would require appropriations for FEMA, SBA disaster loans, and other disaster programs to be made in regular appropriations bills in amounts equal to an historic average or expected funding need for each program before the emergency designation could be used for supplemental funds. In theory, this should increase regular appropriations for such programs and lower the amounts of emergency supplementals.

Currently, the appropriation request for FEMA is loosely based on an historic average, which was calculated years ago and excludes the costs of major disasters. FEMA's regular appropriation was $292 million in 1994. Had the 10-year average of about $645 million been appropriated, the size of FEMA supplementals would have been about $350 million smaller. If the appropriations caps were unchanged—meaning spending in other programs was reduced to accommodate this—the Federal deficit would have been $350 million less.

It should be noted that, since 1993, firefighting programs of the Forest Service and the Department of the Interior have been funded based on a 10-year moving average. These programs also have the authority to borrow from other accounts. Since this practice was begun, no supplementals for these activities have been necessary.

On the other hand, unobligated balances could accumulate in the program accounts during some periods. If they grew large enough, it would be awfully tempting to lower the threshold of what is really a disaster, be more generous in our response, or to raid it for other purposes.

Of course, setting strict definitions of eligible disasters and developing procedures that would isolate this account money could be part of any legislative package to carry out this option.

III. ESTABLISHING A RAINY DAY FUND TO COVER FUTURE DISASTER EXPENSES FOR FEDERAL DISASTER RELIEF

This approach would create a so-called rainy day fund, or reserve account, financed by cutting other discretionary spending, by raising new taxes, or a combination of both.

Annual payments to the fund could be made until some desired balance is reached. Spending from this account could be subject to appropriation at the whenever the need arose. Unlike the previous option—where the executive branch could obligate accumulated account funds on their own—this approach would allow Congress to retain the discretion over using this money.

This option would cause disaster relief to be paid for up front—either by spending cuts or higher taxes—rather than borrowing and increasing the deficit, as we do now. But again, there could be some temptation—particularly in times of fewer, less costly disasters—for Members to be more generous than envisioned in utilizing any large, accumulated balances in this account.

IV. ELIMINATE THE EMERGENCY SAFETY VALVE AND CUT OTHER SPENDING TO OFFSET THE COST OF DISASTER ASSISTANCE

This alternative would remove the emergency safety valve provided for in the Budget Enforcement Act. Disaster assistance would be paid for by reducing other spending, thereby lowering the Federal deficit.

One version of this option would require that current year spending be reduced. Another approach would mandate that discretionary caps be reduced in future years to offset the increase in current year spending.

Under both these scenarios, if there is any unnecessary or excess relief now provided, it would be far less likely to occur in this modified pay-as-you-go procedure. Of course, as spending caps grow increasingly tighter, finding the programs to cut to accommodate the variable needs of disaster relief is going to be all the more difficult.

V. ALLOW FUNDING ONLY FOR EMERGENCIES IN ANY SUPPLEMENTAL CONTAINING AN EMERGENCY DESIGNATION

This option would establish a new point of order in the House and Senate against considering any bill or joint resolution containing an emergency appropriation if it also provides an appropriation for any other nonemergency activity. While not directly addressing disaster assistance funding, it seeks to eliminate the "Christmas tree" addons.

Opponents of this change could argue there is a longstanding practice of considering supplemental funding needs en masse, and this would be akin to requiring separate votes on provisions of regular appropriations bills.

Whether or not this approach would actually reduce the deficit is also open. Nonemergency items in supplementals must be estimated to have no net effect on the deficit, since there is no room left under the spending caps. So some would contend that while the policy might change, the Federal deficit likely would not.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Missouri.

Mr. BOND. Mr. President, I express my sincere thanks to my good friend and colleague from Ohio, Senator GLENN. On this as on other matters he has been very easy to work with. I appreciate the tremendous efforts he and his staff put in and the great leadership he showed on this task force.

ORDER FOR PRINTING OF REPORT

Mr. BOND. Mr. President, I now ask unanimous consent on behalf of myself and Senator GLENN that the report of the Senate Bipartisan Task Force on Funding Disaster Relief be printed as a Senate document. In addition to the usual number of copies, I also ask an additional 300 copies be printed for the use of the Senate. As noted, the task force was established by Public Law 103-211 in February 1994. Subsequently Senator GLENN and I were named cochairs of the task force.

I understand this request has been cleared on both sides of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I have already said how much I appreciate the opportunity to work with Senator GLENN. He has shown great dedication and concern about disaster declarations and how we provide assistance. I think he has given, in his remarks, an excellent overview of the contents of this report. I join him in commending the GAO, CRS, and the other agencies that worked on this, as well as the members of the task force and their staffs. As my colleagues can see, this is no small task. The information was very difficult to compile. It had not been done before. I believe it is a useful effort and I commend it to my colleagues. The good news is you do not have to read the whole thing. There is an executive summary so you can see what we are talking about.

I also want to highlight the comments that Senator GLENN made about the Red Cross, the Salvation Army, the National Guard, the other organizations, individual volunteers, and the State and local governments that respond in these disasters.

I have had more experience than I want in dealing with disasters as Governor of Missouri. I found that out of the hardship, death, injury, damage, and widespread devastation that nature frequently visits on our country comes a tremendous human response that is probably one of the most gratifying and encouraging things one can see in a disaster. I also appreciate Senator GLENN's comments about the funding difficulties that Senator MIKULSKI, my ranking member, and I on the Veterans' Administration, HUD and Independent Agencies Subcommittees on Appropriations will face if we have to make cuts solely in our subcommittee in order to handle the disaster implications. This is something we do need to address because in no subcommittee in Appropriations is there a great deal of slack to cover the costs of major disasters.

Let me share just briefly some of my observations. There are a couple of points I want to highlight about this report. As most of my colleagues will remember, nearly 2 years ago the Midwest experienced one of the worst floods in the Nation's history. It was deemed a 500-year flood in some areas. We in Missouri saw firsthand the devastating power of Mother Nature. Families were forced out of homes. Businesses and infrastructure, in some cases whole communities, were under water. Over the 3-month period of June to August 1993, northern and central Missouri received over 24 inches of rain. We thought that was a lot of rain. North of us, in east central Iowa, they dwarfed us with over 38 inches of rain.

The Missouri and Mississippi Rivers crested and fell, crested and fell, and then crested again. When the waters finally receded, because the ground was so saturated it took weeks, not days, before people could begin the nasty, dirty business of cleaning up. If you never had to be in an area of cleaning up after a major flood, you cannot really appreciate how difficult and how unpleasant a task that is. Needless to say, the damage which resulted was extraordinary, and efforts to repair roads, levees, airports, and communities are continuing in some areas even today.

It was with this experience still fresh in my mind that I accepted with pleasure the opportunity to serve as cochair, with my friend Senator GLENN, and accepted the responsibilities for the Senate's Bipartisan Task Force on Funding Disaster Relief last February.

As a former Governor who saw several disasters during my two terms as well as a 500-year flood, I was very pleased to be given the opportunity to take on the task of reviewing the Federal Government's disaster relief programs and policies. Our task force was asked to do several things: review the history of disaster relief and its funding; evaluate the types and amounts of Federal financial assistance provided to individuals as well as State and local governments; review the relationship between funding disaster relief and our budget enforcement rules; and report our findings, options, and any recommendations. As mentioned earlier, this proved to be an immense task and one which could not have been done without the massive amount of work done by the professionals at GAO, CBO, and CRS, who teamed up to put together this first-ever comprehensive review.

Our colleagues in Congress have been concerned, and rightfully so, that the cost of disaster assistance was growing exponentially while at the same time the temptation to declare anything and everything a disaster in order to get out from under the budget caps was also increasing. Thus, after seeing the sixth large supplemental moving through the Senate, our colleagues decided the time had come to take a longer look at our disaster programs. This report is the result of that decision, and tomorrow I plan to hold a hearing with the Federal Emergency Management Agency [FEMA], and a panel composed of GAO, CBO, and CRS, to begin exploring where we go from here.

Several of our report's findings are worth highlighting. First, the actual amount obligated by the Federal Government on disaster assistance, as has already been stated, from fiscal year 1977 to fiscal year 1993 has been, in constant 1993 dollars, $120 billion.

The distinguished occupant of the Chair, who served as Governor of Missouri, was on the receiving end of some of that assistance. I know he and our other colleagues around the country know how important that assistance can be.

Of this figure, $55 billion are in the form of loans, with $34.5 billion originating from the Farmers Home Administration and nearly $21 billion from the Small Business Administration.

The other major expenditures have been $16 billion from the U.S. Department of Agriculture for crop losses, $25 billion from the Corps of Engineers for hazard mitigation efforts, and $10 billion for FEMA's disaster recovery programs.

But of interest to many of my colleagues is the number of disasters since 1988. That year there were 17 disasters with a total cost of $2.2 billion.

In fiscal year 1989 there were 29 disasters; fiscal year 1990, 35; fiscal year 1991, 39; fiscal year 1992, 48; and by fiscal year 1993, there were 58 disasters at a cost of $6.6 billion. And then last year, not included in this report's totals, an $8.4 billion supplemental appropriations was agreed to. As I speak, we have pending before the Veterans Administration, HUD, and Independent Agencies Subcommittee of the Appropriations Committee a fiscal year 1995 supplemental request for an additional $6.7 billion FEMA request. As has been said in many other instances, that begins to mount up to real money.

Mr. President, I believe this report will serve as a very useful tool in two basic ways. First, it reminds our colleagues of the costs which have been occurring as a result of natural disasters and our responses to them; second, that we need to get everyone to take a second look at how we have been evaluating the successes or failures of our disaster responses.

For the past few years, we have been concentrating on improving the speed of response and the timeliness of the payments—how fast we can shovel the money out the door. For the most part, there have been dramatic improvements. We can really shovel it out the door quickly. However, it is about time that we look to see how the money is being spent. Senator GLENN has already referred to that. It is not just the fact that we shovel it out in a timely fashion. Where does it go and what does it do? I think that his comments are right on target. And this will be the subject of the hearing we will be holding tomorrow to begin to explore how this money is actually spent. Where does it go when it is shoveled out the door?

I invite my colleague, or others who are interested, to sit in or to have a staff member sit in as we begin to explore where the money goes, what it does, and if it is the kind of expenditure that we really need to make.

In the past 5 years, Congress, through FEMA alone, has provided $12 billion in emergency relief. We now are faced with another request by FEMA of $6.7 billion for this year. It should be obvious to everyone, as I think it is obvious to me, that in the budget climate we face, we must address these escalating costs to ensure that the billions we are spending is spent wisely.

I hope that this report will jump start the effort. I ask our colleagues to review at least the executive summary of the report so that they will have an idea of how we are spending billions and billions of dollars—$120 billion since fiscal year 1977. That is a significant amount of money, and one which we should take care to assure we are spending properly.

Mr. President, that concludes my remarks. I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I want to say once again what a great job Senator BOND did on this report. I think that is exactly what the Senate had in mind when they asked us to do this. I congratulate him. We worked on it very closely together.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

Mr. GLENN. Mr. President, I ask that the Senate return to regular order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate continued with the consideration of the bill.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I am grateful for the attention that our colleagues gave to our presentation earlier this morning on the issues at stake concerning the amendment before the Senate. Now, we will have some additional time during the course of the day to discuss these issues before we have another Senate vote on this matter tomorrow.

During the course of the morning, there was an effort by my Republican colleagues to characterize the amendment by the Senator from Kansas that is before the Senate as being a rather limited measure that simply addresses a serious question about the authority, the power of the President to issue the Executive order.

I mentioned briefly before the vote that I thought what was really at stake in this debate before the Senate was really a broader issue than just the issue of whether the President has the authority to issue the Executive order which the amendment of the Senator from Kansas seeks to repeal. As I have stated, it is the President's judgment that implementation of this Executive order is in the Nation's interest and also in the interest of the American taxpayer, based upon the fact that the use of permanent replacements results in many instances in a diminution in the quality of work performed and the ability to perform on time. The President, based on legislative authority provided by the Congress, was acting within his power in issuing that Executive order.

But the point I was trying to make earlier was that the broader issue at stake is really the standard of living for working families, and what the impact of Senator KASSEBAUM's amendment would be on a significant segment of working families in this country.

I was pointing out that if you look at the period from 1979 to 1993, what you find, as shown on this chart—which is based upon data from the Department of Commerce—what you find is that it is the top tier of families that have done exceedingly well during this period of time. They are the ones whose incomes have been rising steadily and at significant levels.

I think all of us welcome the fact that those families are doing well and that there is increased opportunity for the very top-income families in this country, and that those that are just below the very top have also seen a significant increase in their income. But this chart also reflects the disturbing fact that the majority—60 percent—of American families outside of this top 40 percent, have actually fallen behind in terms of real family income over this same period of time.

It is important to underscore that we are talking about family income, because what we saw during the period of the 1980's is not just a single member of the family working, supporting the family, but wives coming into the work force in record numbers and contributing their earnings to the family income. Even with the increased number of family members in the work force, we still have 60 percent of the families falling further and further behind those in the very top income brackets. That is the reality. That is what is happening out there.

It is relevant to note that at the same time that this decline in the incomes of the majority of families has been happening, there has been a dramatic and significant increase in the use of permanent striker replacements. Employers have used permanent replacements to displace well-paid workers and replace them with workers hired at significantly reduced wages. And even the original wages of those workers who have been permanently replaced were in many cases of a very modest nature. As I pointed out earlier today, in many instances, workers who have been permanently replaced were earning not much more than the minimum wage to start with—earning $6 and $7 or $8 an hour. Those are the workers whom we are talking about out here on the floor of the U.S. Senate—the workers who some of our Republican colleagues suggest are some kind of special interest group.

The people the President's Executive order seeks to protect from exploitation are people that are ready to work, that do work and have worked all of their lives. They are prepared to continue to work for $7 or $8 an hour, and they are being displaced by permanent striker replacements who are being paid lower wages. The result is that there has been a significant diminution in income for a great number of workers.

Mr. President, if you were to go back and look at what has happened to the incomes of working families since 1950, you would find that during the period from 1950 through the end of the 1970's, you would find that the incomes of families in all of these income groups moved up together, and that families at the top in the middle and at the bottom all enjoyed about the same level of income growth. The whole country was increasing its standard of living. All families were moving up together, all participating in the benefits of economic expansion. But that is not what has happened since 1980. That is not what is taking place in the America of today. That is something that we should be very conscious of, as we are considering the President's Executive Order, which is responsive, in small part, to this phenomenon.

This second chart shows what has happened to those workers who are trying to provide for themselves and their families and are getting paid the minimum wage.

The principle behind the minimum wage, which was first enacted into law in the 1930's, was that work ought to be rewarded, that men and women in our country who are willing to work ought to be able to earn enough to provide for their children, ought to be able to put a roof over the heads of their families and put food on the table and maintain some degree of self-respect and dignity. That is a fundamental principle that has been supported by Republicans and Democrats alike, Mr. President.

Here on this chart reflecting the real value of the minimum wage, where we see a bump here in the purchasing power of the minimum wage, this was a result of legislation being signed into law by a Republican President, George Bush, providing for an increase in the minimum wage of 45 cents an hour per year for 2 years, in 1990 and 1991. And now we can see on the chart that since that time, inflation has eaten away at the real value of the minimum wage, and it is virtually back to where it was prior to the time President Bush signed that last increase into law.

What many of us have been arguing is that if we had then a Democratic Congress, a Democratic Senate, and a Republican President and we could work together in order to enact an increase in the minimum wage, then now when we have a Republican House and Senate and a Democratic President, we ought to be able to again work together to enact another increase.

This chart, Mr. President, shows the real value of the minimum wage in terms of constant dollars. This reflects that the minimum wage is currently at $4.25 an hour, in 1995 dollars. That is where it is today. And this shows where the minimum was in terms of real dollars at other periods of time going back to 1965, then 1975, when the minimum wage was worth $5.82 in today's dollars. What we are really seeing is a dramatic decline in the value of the minimum wage in terms of its purchasing power for families. A full-time worker today working year-round at the minimum wage would make only $8,500 a year.

Both of these two charts are important in showing what is really happening out there in the work force in the United States of America; and that is, that far too many individuals who are working hard trying to provide for their families are falling further and further and further and further behind.

That is why I find it so disturbing that first issue directly affecting working families that we have considered on the Senate floor in this Congress—now that we have finished consideration of the unfunded mandate issue and the balanced budget amendment—should be a measure whose effect would be to ensure further diminution of workers' bargaining power in their dealings with employers.

We heard earlier—and I respect my friend and colleague, Senator KASSEBAUM—that in her view, her amendment is not really about the broader issues of working people. But I must say that it is difficult for me to accept that that is not what this amendment is really about. If the proponents of this amendment are so concerned about the scope of the executive power of the President—whether the President has the legal authority to issue such an order, whether he has the power to do it—that they felt they had to go ahead and address it on the defense appropriations bill, you might hope that they would still say look, OK, we have done the unfunded mandates bill and we have had a full debate on the issue of the balanced budget amendment, and we feel we must go ahead and address this issue of the President's executive authority on the defense appropriations bill. But we want you to know that we are concerned about what is happening to real workers and therefore we are proposing a sense of the Senate resolution to say that we are prepared to support an increase in the minimum wage, or we want to do something else for working families; we want to do something in terms of education for working families, or something for the children of working families in terms of their day care coverage. If that is what our Republican colleagues were saying, that would be great. But that is not the case.

Instead, we see cutbacks being recommended in day care, even though only about 5 to 6 percent of day care needs are being attended to at current spending levels. We are seeing cutbacks in the school lunch program and cutbacks in the summer jobs program. The Congress was not even in session 3 months before it eliminated the jobs programs for young people, not only for this summer but next summer as well. We are in that much of a hurry. The House of Representatives is voting to eliminate that summer jobs program, and they are also in the process now in the Labor/HHS appropriations subcommittee of cutting back the loan programs for working families. I do not know how it is in other Members' States, but in my State close to 70 percent of the young people that want to improve themselves and improve their lives and their abilities by attending college need some kind of student loan assistance. Well, we are raising the cost of that assistance between 25 and 30 percent under the proposal that is being acted on over in the House.

The people getting hurt are the sons and daughters of families in this group in here on this chart; not so much the families up here in the upper income brackets because they can afford the universities, they can pay the tuition on their own. It is these families in this area on the chart, the ones that are falling further behind that say, I know I have not been able to make it, but, by God, my daughter or my son has worked hard, has done well in school, has been a good student, and wants to go on to college or to the university. And with these cuts we are saying: No, your son or daughter can not go to college unless you are going to pay out of your pocket another $3,500 to $4,500 over what it now costs in terms of interest on their student loan. That is effectively what the impact of these cuts is going to be on working families.

So, Mr. President, the idea that somehow these matters are unrelated in terms of our priorities misses me.

I did not even mention, when I was talking about the increase in the interest costs on student loans for working families the fact that even if they were going to pay that extra average $3,500 and have that indebtedness and they were able to get to the school or college, our Republican colleagues want to eliminate the work-study program. That affects 70,000 young people in my own State. I do not know how it is in other States.

And who are these students? By definition you do not qualify for work-study unless you are in this area shown on this chart—unless your family is in this income bracket. So we are not only going to raise the cost of the education, we are going to make it even more complicated and difficult for you to participate in a work-study program to help you get some additional income as a result of working.

This is about working. We hear a great deal from our Republican colleagues about people that are not working. This debate is about Americans who are working, playing by the rules and working, and their futures. And that is why it is so important and why it is appropriate that the Senate really understand exactly where we are and what we are about.

We have had a long discussion about the steel mill seizure, about the scope of Presidential powers. We went through last week the various executive powers that exist inherently and those which do not. We went through the particular legislation which grants the President specific powers with respect to Federal procurement and the references that have been made to that in the excellent memoranda that was provided by Attorney General Reno. We have gone into considerable detail about exactly who was affected and impacted by the practice of permanently replacing striking workers.

And then we had a review for the Senate of the public policy issues in question, about why this Executive order makes eminently good sense in terms of the President's responsibility to oversee procurement by Federal agencies.

We heard a great deal around here some years ago, and I think many of us joined in the sense of outrage when we heard about the costs of ashtrays being $200 to $300, toilet seats at $1,500, $1,800, the abuses in terms of procurement policy, primarily in the Defense Department, but in other agencies as well. We have heard those stories and all of us are appalled by them.

Now we have a President that is trying to do something about making sure that the taxpayer is going to get a dollar's value for a dollar invested by making sure that the contracts are going to be delivered and delivered on time and that there is going to be good quality in terms of the purchases that are made primarily in the areas of defense and weapons and weapons systems and those contracts that are related to national security, but in other areas as well.

We have taken some time, although I intend to take a little more time later on this afternoon, to give examples of how productivity and quality have been adversely affected when permanent striker replacements were hired—what happens when because of the replacement workers' lack of skills and experience, of the conflict that exists in the plant and factory, the quality and efficiency of work is impaired.

The President has taken notice of that and we will share those experiences with the Senate. He understands it and says: "Look, on this issue, I'm going to side with the taxpayers to make sure that we are going to get a good product on time with good quality from skilled craftsmen and women in this country. I am not going to take a chance in the areas of national security to get an inferior product, either for our defense or in the other areas of procurement. And, also, I am going to make it very clear that we are not going to give companies like Diamond Walnut Company, for example, that have hired permanent replacements, additional financial incentives for sales overseas that result in millions of dollars of profit for them at taxpayers' expense. We are not going to reward companies that treat their workers this harshly."

So, Mr. President, these are some of the points that we will have a chance to develop further during the course of the discussion and debate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FAIRCLOTH). Without objection, it is so ordered.

HEALTH CARE

Mr. SIMON. Mr. President, before I comment on the Kassebaum amendment that is before us, let me comment on a hearing I just came from that Senator KASSEBAUM and Senator JEFFORDS have chaired, on the whole question of health care and where we are going.

The last few witnesses commented on the whole question of ERISA's assumption of responsibilities that prohibits States from moving ahead to have health care coverage for all their people.

Frankly, we cannot have it both ways. The American people are, more and more, demanding some kind of health care protection. I had three town meetings a week ago Saturday in Illinois. One man got up at one town meeting and said, "I am 59 years old, I have had a heart attack, I cannot get health insurance that I can afford. What is going to happen to me?" When he said it, it started triggering others getting up, standing up, telling their stories.

Every other Western industrialized nation protects all their people. We are the only one that does not. If that is a conscious decision we want to make, not to protect all of our citizens—and incidentally the number now is about 41 million that are unprotected and the projections that were made in the hearing yesterday are that will go to 50 million 5 years from now. We have gone from 67 percent of employers covering their people in 1980, down close to 50 percent now. The problem is getting worse.

But if the Federal Government is unwilling to act, we, at least, have to be willing to let North Carolina and Illinois and other States that want to protect all their citizens act. We can set it up in such a way that companies that are engaged in interstate commerce that protect their employees will be exempt by the State so we do not present a problem for business.

But we cannot have it both ways. There are just too many people who are hurting. Mr. President, 50 million people in 5 years means one out of five Americans—really more than that, because those over 65 are already covered through Medicare. But more than one out of five Americans are without health care coverage. That is just not the kind of choice we can make. The people in the gallery up there, one out of five are not covered. No one wants to volunteer for that.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 331

Mr. SIMON. Mr. President, let me talk about the other issue that is before us and that is striker replacement. In every Western industrialized nation with four exceptions permanent striker replacement is illegal. The exceptions are Great Britain, Hong Kong, Singapore, and the United States.

We have by tradition not done that. The Presiding Officer used to be in business in North Carolina. I used to be in business in Illinois. And we operate within certain traditions in addition to the law, and those traditions we have generally followed. We are starting to move away from those traditions and I think that is not a healthy thing. One of the reasons that is happening is because such a small percentage of our work force is organized. When you exclude Government employees, only 11.8 percent of working men and women in the United States belong to unions. That is far lower than Canada, which is around 35 percent; Western Europe 40 to 90 percent; Japan somewhat similar.

George Shultz, who was both Secretary of State and Secretary of Labor under Republican administrations, made a speech not too long ago in which he said we have an unhealthy amount of our working force that belongs to unions, because we are not getting some of the factors there that we ought to have.

One of the things that is happening as a result of that is our wages are not going up. When wages do not go up then corporations and employers do not buy labor-saving devices, so we become less productive per man-hour. Today the United States, in manufacturing pay per hour, we are $14.77. France is $15.23; Canada is $16.02; Italy, $16.41; Austria, $17.01; Netherlands, $17.85; Denmark, $18.60; Belgium, $18.94; Finland, $20.76; Switzerland, $20.83; Sweden, $20.93; Germany, $21.53; Norway, $21.86.

I can remember, back in 1986 we were still at the top of the heap. That is not that long ago. And the Presiding Officer will forgive me for saying he is old enough to remember, along with me, when there was a huge gap between the United States and the other countries. I can remember serving in Germany in the Army from 1951 to 1953 when the average German was just really struggling. I do not know what their percentage of U.S. wages at that point was. But it must have been one-fifth or one-seventh of the wages of the United States.

I mention all of this simply to suggest that what we need in this area of labor-management relations is balance. I do not think the President's action takes away any of our prerogatives. The President's action does not pass what we turned down here, Senate Resolution 55, striker replacement. That called for a major overhaul of our labor-management relations. The President's action simply says, if you are going to have a Federal contract, you cannot have permanent striker replacements. I think that makes sense in labor-management relations. I think it also makes sense in terms of quality of product. If anyone thinks that permanent striker replacements provide the same quality of work as a former employee, take a look at baseball today. Striker replacements are not the same quality as those who played for the major leagues.

So I think it makes sense from the viewpoint of quality product that we buy. I think it makes sense from the viewpoint of labor-management relations.

I hope that—we have had one cloture vote and we are going to have at least one more—we continue to prevent the passage of the Kassebaum amendment. Again, my belief is that what we need is a careful balance between labor and management. I think things have moved somewhat out of balance.

I would add I also am a great believer in labor and management working together much more. The Germans have what they called mitbestimmung, where there is a labor representative on a corporate board who is there except when they talk about labor-management relations. Then he or she absents himself or herself. The advantage of that is they get to know the problems of the corporation and the corporation gets to understand the viewpoint of labor. I think we should not wait until we are near time for contracts to expire and then all of a sudden we sit down and start working together.

So my hope is that we will continue to block the passage of this amendment and that we can move ahead in a constructive direction, not only on this issue but on many other issues in labor-management relations.

Mr. President, I do not see anyone else seeking the floor right now. If so I question the presence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AFFIRMATIVE ACTION

Mr. DOLE. Mr. President, to his credit, President Clinton has initiated a long-overdue review of all Federal affirmative action laws.

After nearly 30 years of government-sanctioned quotas, timetables, set-asides, and other racial preferences, the American people sense all too clearly that the race-counting game has gone too far. The President is responding to these pressures, and his review could not have come at a more propitious time.

But first things first. As the President conducts his review, he should also revisit some of the misguided affirmative action policies of his own administration.

For starters, he should take a few moments to read the Justice Department's brief in the Piscataway Board of Education case, which is now pending before the Third Circuit Court of Appeals.

In Piscataway, the Justice Department has taken the position that, when an employer is laying off employees, an individual American can legally be fired from her job because of her race. That is right: Our Nation's top law enforcement agency says that it is perfectly legal, as a way to achieve work force diversity, to tell a person that she can no longer keep her job because she happens to have the wrong skin color.

This is an insidious position—one that goes beyond current law and one that the President should emphatically reject.

I note that he had a little meeting as reported in the Washington Post last night with a number of people. I hope they discussed the Piscataway case, and I hope the President might respond to this Piscataway case.

The bottom line is that the President's affirmative action review cannot have credibility if the affirmative action policies of his own administration are fundamentally flawed. Correcting these policies, not reviewing old ones, should be the President's first priority.

With that said, let's remember that to raise questions about affirmative action is not to challenge our antidiscrimination laws. Discrimination is illegal. Those who discriminate ought to be punished. And those who are individual victims of illegal discrimination have every right to receive the remedial relief they deserve.

Unfortunately, America is not the color-blind society we would all like it to be. Discrimination continues to be an undeniable part of American life.

But fighting discrimination should never become an excuse for abandoning the color-blind ideal. Expanding opportunity should never be used to justify dividing Americans by race, by gender, by ethnic background.

Race-preferential policies, no matter how well-intentioned, demean individual accomplishment. They ignore individual character. And they are absolutely poisonous to race relations in our great country.

You cannot cure the evil of discrimination with more discrimination.

Mr. President, last December, I asked the Congressional Research Service to provide me with a list of every Federal law and regulation that grants a preference to individuals on the basis of race, sex, national origin, or ethnic background. Frankly, I was surprised to learn that such a list had never been compiled before, which, I suppose, speaks volumes about how delicate this issue can be.

Earlier this year, the CRS responded to my request with a list of more than 160 preference laws, ranging from Federal procurement regulations, to the RTC's bank-ownership policies, to the Department of Transportation's contracting rules. Even NASA has gotten into the act, earmarking 8 percent of the total value of its contracts each year to minority-owned and female-owned firms on the theory that these firms are presumptively disadvantaged. They may not be disadvantaged at all.

As a follow-up to the CRS report, I have written to my colleagues, Senators BOND and KASSEBAUM, requesting hearings on the most prominent programs identified in the report—the Small Business Administration's section 8(A) program and Executive order 11246, which has been interpreted to require Federal contractors to adopt timetables and goals in minority- and female-hiring.

These hearings, I expect, will demonstrate that there are other, more equitable ways to expand opportunity, without resorting to policies that grant preferences to individuals simply because they happen to be members of certain groups. And unless the hearings produce some powerful evidence to the contrary, it is my judgment that the section 8(a) program should be repealed outright.

The hearings also provide us with the opportunity to rediscover the original purpose of Executive Order 11246. As signed by President Johnson, the Executive order required Government contractors to agree,

> * * * not to discriminate against any employee or applicant for employment because of race, creed, color, or national origin * * * [and] to take affirmative action to ensure that applicants are employed * * * without regard to their race, creed, color, or national origin.

In other words, Executive Order 11246 defined affirmative action to mean "non-discrimination."

I believe in nondiscrimination. Everybody in this body should believe in nondiscrimination against race, color—and you can add disability to that list, too.

There was no mention of timetables or goals. No mention of racial preferences. These concepts were later grafted onto the Executive order not by Congress, but by regulation, the work of Federal bureaucrats.

At a minimum, we should restore the original purpose of Executive order 11246: to ensure that Federal contractors do not discriminate. And if they do, they should be punished. However, if the Executive order continues to be used, and misused, as a hammer to force contractors to adopt race-based hiring practices, then it, too, should be repealed.

In fact, I intend to introduce legislation later this year that will force the Federal Government to live up to the color-blind ideal by prohibiting it from granting preferential treatment to any person, simply because of his or her membership in a certain favored group.

I might add, when I got this CRS study, we made it available to the White House. There has been a story about it. They asked for it and we were happy to give it to the White House. It saved duplication. We would be happy to work with the White House and anybody else. And we will be working with Representative J.C. WATTS of Oklahoma on overall legislation, maybe at some later date.

Of course, the Government should fight discrimination where it exists, but, at the same time, it should be color-blind, race-neutral, both in theory and in practice.

Mr. President, I am hopeful about America. And I am optimistic, as we head into the 21st century, that the American experiment will continue to be a model of self-government and a source of hope for millions the world over.

But leadership also requires a sense of common purpose. We cannot continue to lead the world, if we are divided here at home.

Yes, we should celebrate our own differences. Yes, we should take pride in our own rich ethnic heritage. It is a source of great strength in America.

But, at the same time, we should not devalue the common bonds that define us as Americans. Too often, we speak in terms of a hyphenated identity: it is Italian-Americans, German-Americans, African-Americans, Irish-Americans, and not just "Americans." We are all just Americans.

Historian Arthur Schlesinger, Jr., probably put it best when he warned, and I quote:

> Instead of a nation composed of individuals making their own unhampered choices, America increasingly sees itself as composed of groups more or less ineradicable in their ethnic character. The multiethnic dogma abandons historic purposes, replacing assimilation by fragmentation, integration by separatism. It belittles unum and glorifies pluribus.

So, Mr. President, the coming debate over affirmative action will be much more than just a debate over reverse discrimination. It will be a debate that focuses us to answer a fundamental question: What kind of country do we want America to be?

Do we work toward a color-blind society? I hope so. A society that judges people by their talents, their sense of honor, their hopes and dreams, as individuals? Or do we continue down the path of group rights, group entitlements—special rights for some—judging people not by their character or intellect, but by something irrelevant: the color of their skin? Maybe it will extend to disabilities or something else.

America has always been a melting pot. But it should never become a place where race and ethnicity exclusively define who we are, how we think, and what we are supposed to believe.

Mr. President, I ask unanimous consent that my letters to Senators BOND and KASSEBAUM be printed in the RECORD, along with the report prepared by the Congressional Research Service.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, DC, March 2, 1995.

Hon. NANCY LANDON KASSEBAUM,
Chairman, Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

DEAR NANCY: As part of our review of federal affirmative action policies, I am writing to request that you, as Chairman of the Labor and Human Resources Committee, convene hearings on Executive Order 11246. In a recent report prepared at my request, the Congressional Research Service has identified Executive Order 11246 among those federal programs that grant preferences to individuals on the basis of race, sex, national origin, or ethnic background.

Executive Order 11246 was initiated by President Johnson in 1965. The Executive Order states, in part, that "[i]t is the policy of the Government of the United States to provide equal opportunity in Federal employment for all qualified persons, to prohibit discrimination in employment because of race, creed, color, or national origin, and to promote the full realization of equal employment opportunity through a positive, continuing program in each executive department and agency."

As administered by the Department of Labor's Office of Federal Contract Compliance Programs, Executive Order 11246 requires most federal contractors to file written "affirmative action" plans with the federal government. These plans must include minority- and female-hiring "goals" and "timetables."

In my view, hearings should seek to answer the following questions: What was the original purpose of Executive Order 11246? Has this purpose been fulfilled over the years through the Executive Order's implementation? Has Executive Order 11246 operated to discriminate on the basis of race, ethnicity, or gender? Are there other, more equitable, ways to expand opportunity for all Americans, without resorting to strategies that rely on providing preferences for individuals simply because they belong to certain groups?

The bottom line is that no federal program should be immune from Congressional scrutiny.

Nancy, thank you for your prompt attention to this important matter. I look forward to hearing from you at your earliest convenience.

Sincerely,

BOB DOLE.

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, DC, March 2, 1995.

Hon. CHRISTOPHER BOND,
Chairman, Committee on Small Business, U.S. Senate, Washington, DC.

DEAR KIT: As part of our review of federal affirmative action policies, I am writing to request that you, as Chairman of the Small Business Committee, convene hearings on the programs authorized by Sections 8(a) and 8(d) of the Small Business Act. In a recent report prepared at my request, the Congressional Research Service has identified these programs as programs that grant preferences to individuals on the basis of race, sex, national origin, or ethnic background.

As you may know, applicants for certification under Section 8(a) must demonstrate that they are either "socially disadvantaged" or that they "have been subjected to racial or ethnic prejudice or cultural bias because of their identities as members of groups without regard to their individual qualities." The Small Business Administration "presumes," absent contrary evidence, that small business owned and operated by members of certain racial and ethnic groups are "socially disadvantaged."

Section 8(d) requires prime contractors on major federal contracts to negotiate a "subcontracting plan" that includes "percentage goals" for the utilization of small socially- and economically-disadvantaged firms. To implement this policy, each prime contract must contain a clause stating that "[t]he contractor shall presume that socially and economically disadvantaged individuals include Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, and other minorities, or any other individual found to be disadvantaged by the [Small Business] Administration pursuant to section 8(a) . . . (emphasis added)."

In my view, hearings should seek to answer the following questions: What were the original purposes of the Section 8(a) and Section 8(d) programs? Have these purposes been fulfilled? Should the federal government be in the business of "presuming" that members of certain racial and ethnic groups are "socially disadvantaged?" Have these programs operated to discriminate on the basis of race or ethnic background? Are there other, more equitable, ways to expand opportunity for all Americans, without resorting to strategies that rely on providing preferences for individuals simply because they belong to certain groups?

The bottom line is that no federal program should be immune from Congressional scrutiny.

Kit, thank you for your prompt attention to this important matter. I look forward to hearing from you at your earliest convenience.

Sincerely,

BOB DOLE.

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, February 17, 1995.

To: Honorable Robert Dole.
From: American Law Division.
Subject: Compilation and overview of Federal laws and regulations establishing affirmative action goals or other preference based on race, gender, or ethnicity.

This is in response to your request, by letter dated December 22, 1994, for "a comprehensive list of every federal statute, regulation, program, and executive order that grants a preference to individuals on the basis of race, sex, national origin, or ethnic background. Preferences include, but are not limited to, timetables, goals, set-asides, and quotas."

To compile the list of federal legal authorities contained in this memorandum, several searches on LEXIS/NEXIS and WESTLAW legal databases were undertaken utilizing a variety of search strategies which incorporated legal terminology most frequently associated with federal affirmative action and minority set-aside programs. This yielded citations to several hundred statutory and regulatory programs which we then examined individually to determine whether they appeared to be of the nature described in your inquiry. The compilation of laws included in this memorandum reflects our efforts to be as "comprehensive" as possible, in accordance with your instructions. Consequently, we have included any statute, regulation, or executive order uncovered by our research which appears, in any manner, to prefer or consider race, gender, or ethnicity as factors in federal employment or the allocation of federal contracts or grants to individuals or institutions.[1] Several laws and regulations directed to "socially and economically disadvantaged" individuals and institutions are included because, as explained infra, that term has been defined administratively and by statute to presumptively apply to specific racial and ethnic minorities. As a background for understanding operation of the numerous listed federal laws and regulations, more extensive discussion is devoted at various points to the development of major "affirmative action" programs in federal grant, contract, and employment law.

FEDERAL GRANT AND PROCUREMENT LAW

Federal efforts to increase minority and female participation in contracting, federally assisted programs, and employment have been a major aspect of civil rights enforcement for more than three decades. Congress and the Executive Branch have crafted a wide range of federal laws and regulations authorizing, either directly or by judicial or administrative interpretation, race or gender "conscious" strategies in relation to jobs, housing, education, voting rights, and governmental contracting. The historical model for federal laws and regulations establishing minority participation "goals" may be found in Executive Orders which since the early 1960's have imposed affirmative minority hiring and employment requirements on federally financed construction projects and in connection with other large federal contracts. Presently, Executive Order 11246 as administered by the Office of Federal Contract Compliance Programs (OFCCP) requires that all employers with federal contracts in excess of $50,000.00 must file written affirmative action plans with the government. These are to include minority and female hiring goals and timetables to which the contractor must commit it's "good faith" efforts. Similar affirmative action measures relating to federal government employment were enacted as part of the Equal Employment Opportunity Act Amendment of 1972[2] and the 1978 Civil Service Reform Act.[3]

Affirmative action for minority entrepreneurs soon became a focus of efforts by the Small Business Administration (SBA) and other federal agencies to assist "socially and economically disadvantaged" small businesses under a variety of federal programs. Increasingly, an "affirmative action" model, in the form of participation "goals" or "set-asides" for members of racial or ethnic minorities, and businesses owned or controlled by these or other "disadvantaged" persons, found legislative expression in a wide range of federal programs.

The Small Business Act, as amended, provides the statutory prototype for a host of federal programs to increase minority and female participation as contractors or subcontractors on federally funded projects. First, the "Minority Small Business and Capital Ownership Development," or §8(a) program authorizes the Small Business Administration (SBA) to enter into all kinds of construction, supply, and service contracts with other federal departments and agencies. The SBA acts as a prime contractor and then "subcontracts" the performance of these contracts to small business concerns owned and controlled by "socially and economically disadvantaged" individuals, Indian Tribes or Hawaiian Native Organizations.[4]

Applicants for §8(a) certification must demonstrate "socially disadvantaged" status or that they "have been subjected to racial or ethnic prejudice or cultural bias because of their identities as members of groups without regard to their individual qualities."[5] The Small Business Administration "presumes," absent contrary evidence, that small businesses owned and operated by members of certain groups—including Blacks, Hispanics, Native Americans, and Asian Pacific Americans—are socially disadvantaged.[6] Any individual not a member of one of these groups must "establish his/her individual social disadvantage on the basis of clear and convincing evidence" in order to qualify for §8(a) certification. The §8(a) applicant must, in addition, show that "economic disadvantage" has diminished its capital and credit opportunities, thereby limiting its ability to compete with other firms in the open market.[7]

The "Minority Small Business Subcontracting Program" authorized by §8(d) of the Small Business Act codified the presumption of disadvantaged status for minority group members that applied by SBA regulation under the §8(a) program.[8] Prime contractors on major federal contracts are obliged by §8(d) to maximize minority participation and to negotiate a "subcontracting plan" with the procuring agency which includes "percentage goals" for utilization of small socially and economically disadvantaged firms. To implement this policy, a clause required for inclusion in each such prime contract states that "[t]he contractors shall presume that socially and economically disadvantaged individuals include Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, and other minorities, or any other individual found to be disadvantaged by the Administration pursuant to §8(a) . . ." Accordingly, SBA has discretion in designating a firm or individual as socially and economically disadvantaged for purposes of both the §8(a) and §8(d) programs in conformity with specified criteria.[9]

Footnotes at end of memorandum.

These obligations, first codified in 1978 as an amendment to the SBA, were augmented a decade later by the Business Opportunity Development Reform Act of 1988.[10] Congress there directed the President to set annual, government-wide procurement goals of at least 20% for small businesses and 5% for disadvantaged businesses, as defined by the SBA. Simultaneously, federal agencies were required to continue to adopt their own goals, compatible with the government-wide goals, in an effort to create "maximum practicable opportunity" for small disadvantaged businesses to sell their goods and services to the government. The goals may be waived where not practicable due to unavailability of disadvantaged business enterprises (DBEs) in the relevant area and other factors.[11] While the statutory definition of DBE includes a racial component, in terms of presumptive eligibility, it is not restricted to racial minorities but also includes persons subjected to "ethnic prejudice or cultural bias."[12] It also excludes businesses owned or controlled by persons who, regardless of race, are "not truly socially and/or economically disadvantaged."[13] Federal Acquisition Act amendments adopted in 1994 amended the 5% minority procurement goal, and the minority subcontracting requirements in §8(d), to specifically include "small business concerns owned and controlled by women" in addition to "socially and economically disadvantaged individuals."[14]

In addition, Congress has frequently adopted "set-asides" or other forms of statutory preference for "socially and economically disadvantaged" firms and individuals, following the definitions of the Small Business Act, or by designating minority groups and women as part of specific grant or contract authorization programs. Thus, targeted funding, in various forms, and minority or disadvantaged business set-asides or preferences have been included in major authorization or appropriation measures for agriculture, communications, defense, education, public works, transportation, foreign relations, energy and water development, banking, scientific research and space exploration, and other purposes. Other federal laws appear to authorize some consideration of race or gender to enhance the participation of minorities and women in federal programs or employment but without directly mandating preferential goals or set-asides.

The following statutes, regulations, and executive orders governing federal contracts and grant programs are, to the extent possible, grouped according to agency and subject matter.

Federal Acquisitions Regulations—General

48 C.F.R. §19.001(b) (1994): "Individuals who certify that they are members of named groups (Black Americans, Hispanic Americans, Native American, Asian-Pacific Americans, Subcontinent-Asian Americans) are to be considered socially and economically disadvantaged" for purposes of "Socioeconomic Programs" under the Federal Acquisitions Regulation (FAR).

48 C.F.R. §19.704 (1994): FAR requirement that "[s]eparate percentage goals for using small business concerns and small disadvantaged business concerns as subcontractors" be included in small disadvantaged business subcontracting plans.

48 C.F.R. §19.706(c)(2) (1994): FAR subcontracting assistance program states that "[v]arious approaches may be used in the development of small and small disadvantaged business concerns subcontracting incentives. They can take many forms, from a fully qualified schedule of payments based on actual subcontract achievement to an award fee approach employing subjective evaluation criteria. . . The incentive should not reward the contractor for results other than those that are attributable to the contractor's efforts under the incentive subcontracting program." See also §19.705–1 (monetary incentives for exceeding goals).

48 C.F.R. §§52.219–8, 52.219–9 (1994): Prescribe clauses for inclusion in federal prime and subcontract which require, inter alia, "[g]oal, expressed in terms of percentages of total planned subcontracting dollars, for the use of small business concerns and small disadvantaged business concerns as subcontractors."

Agriculture

7 U.S.C.S. §3154(c): The Secretary of Agriculture is authorized "to set aside a portion of funds" appropriated for certain research on the production and marketing of alcohols and industrial hydrocarbons for grants to colleges and universities to achieve "the objective of full participation of minority groups."

7 C.F.R. §225.6(g)(xi) (1994): Food service management companies participating in the Summer Food Service Program must submit with appropriate state agency a registration which is to include "a statement as to whether the organization is a minority business enterprise" managed and controlled by "Blacks, Hispanics, American Indians, Alaskan Natives, Oriental and Aleuts. . . "

7 C.F.R. §246.13(g) (1994): Financial management system maintained by state agencies participating in Special Supplemental Food Program for Women, Infants and Children are "encouraged" to use minority- and women-owned banks.

7 C.F.R. §272.4(b) (1994): Bilingual program information and certification, and interpreters must be provided in certain low income areas with specified percentages of non-English speaking minority households under Food Stamp and Food Distribution Program.

7 C.F.R. §1940.968(k)(3) (1994): States participating in certain rural economic development programs are "encouraged to use minority banks (a bank which is owned by at least 50 percent minority group members) for the deposit and disbursement of funds."

7 C.F.R. §1942.17(p)(3)(iii) (1994): Applicants for certain FmHA community facilities loans are "encouraged to use minority banks (a bank which is owned by at least 50 percent minority group members) for the deposit and disbursement of funds."

7 C.F.R. §1942.472(c) (1994): Grantees of certain rural housing and community development technical assistance and training grants are "encouraged to use minority banks (a bank which is owned by at least 50 percent minority group members) for the deposit and disbursement of funds."

7 C.F.R. §1944.526(a)(2)(i)(D) (1994): Preapplication process for Technical and Supervisory Assistance Grant program considers in determining applicant's eligibility "the estimated number of low income and low income minority families the applicant will assist in obtaining affordable adequate housing."

7 C.F.R. §1944.671(b) (1994): Equal Opportunity and outreach requirements applicable to FmHA Housing Preservation Grants program state that "[a]s a measure of compliance, the percentage of the individuals served by the HPG grantee should be in proportion to the percentages of the population of the service area by race/national origin."

7 C.F.R. §§3015.13, 3016.21(h) (1994): "Consistent with the national goal of expanding opportunities for minority business enterprises, recipients and subrecipients" of federal financial assistance administered by the Department of Agriculture "are encouraged to use minority and women-owned banks. Upon request, awarding agencies will furnish a listing of minority and women-owned banks to recipients."

7 C.F.R. 3051 Appendix A (1994): OMB Circular A–133, Audits of Institutions of Higher Education and Other Nonprofit Institutions. "11. Small and Minority Audit Firms. Small audit firms and audit firms owned and controlled by socially and economically disadvantaged individuals shall have the maximum practicable opportunity to participate in contracts awarded to fulfill the requirements of this circular." See also OMB Circular A–128 (.19) (Uniform Audit Requirements for State and Local Governments), 29 C.f.R. part 96 Appendix A (1994).

7 C.F.R. §§3403.1, 3403.2 (1994): USDA regulations implementing small business innovation grants program which as one of its goals is to "foster and encourage minority and disadvantaged in technological innovation." For purposes of this program "minority and disadvantaged individual is defined as a member of any of the following groups: Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, or Subcontinent Asian Americans."

48 C.F.R. §§419.201–72(a), 419.202–71(a) (1994): The Department of Agriculture small disadvantaged business regulations state that "[t]he Department is required . . . to establish fiscal year goals for the procurement preference programs" and mandate "[establishing aggressive minority and women-owned business goals based on the annual review of advance acquisition plans."

48 C.F.R. §422.804–2 (1994): Affirmative action program provision relating to the Department of Agriculture which states that "each contracting office awarding nonexempt construction contracts maintains a current listing of covered geographical areas subject to affirmative action requirements specifying goals for minorities and women in covered construction."

48 C.F.R. §452.215–71 (1994): Department of Agriculture instructions for the preparation of technical and cost or pricing proposals state that the contract offeror "[i]ndicate what positive efforts your company will take to implement the concepts of equal employment under the proposed contract" and state the extent of minority enterprise participation "goals the contractor has set in the past five (5) years and his actual performance against these goals."

Banking

12 U.S.C.S. §1441a(r–w): Provides for various incentives, including "preference points" on proposals and minority capital assistance programs, to preserve and expand bank ownership by minorities and women; authorizes establishment of Resolution Trust Corporation guidelines to achieve parity in distribution of RTC contracts, and "reasonable goals" for subcontracting, to minority and women-owned businesses and firms; and provides a "[m]inority preference in acquisition of institutions in predominantly minority neighborhoods."[15]

12 U.S.C.S. §1823(f)(12): Authorizes Federal Deposit Insurance Corporation (FDIC) approval of minority-controlled bank acquisitions by minority-controlled holding companies without regard to asset size.

12 U.S.C.S. §2219c: Requires that "all institutions of the Farm Credit System with more than 20 employees shall establish and maintain an affirmative action program plan

that applies the affirmative action standards otherwise applied to contractors of the Federal Government."

12 U.S.C.S. § 2907: Any donation or sale on favorable terms of bank branch in minority neighborhood to minority or women-owned depository institution shall be a factor in determining the seller or donor institution's compliance with the Community Reinvestment Act.

12 C.F.R. §4.63 (1994): Establishes Contracting Outreach Program for the Office of Comptroller of the Currency to "ensure that minority and women-owned businesses have the opportunity to participate, to the maximum extent possible, in contracts awarded by the OCC." "Minority means any African American, Native American . . ., Hispanic American, Asian-Pacific American, or Subcontinent-Asian American."

12 C.F.R. Part 361, §§361.2, 361.10 (1994): Federal Deposit Insurance Corporation "Minority and Women Outreach Program" states "policy of the FDIC that minorities and women and entities owned by minorities and women shall have maximum practicable opportunity to participate in [FDIC] contracts" and requires prime contractors "to carry out the FDIC minority and women-owned business contracting policy in the awarding of subcontracts to the fullest extent, consistent with the efficient performance of the awarded contract." For this purpose "minority" means "any Black American, Native American Indian, Hispanic American, or Asian American."

12 C.F.R. §§517.5, 517.7 (1994): The Minority, Women, and individuals with Disabilities Outreach Program of the Office of Thrift Supervision (OTS) defines "[o]utreach activities" to include "identification and registration of minority-, women-owned (small and large) businesses" and "[m]onitoring proposed purchases to assure that OTS contracting staff understand and actively promote the outreach program." Contract awarded guidelines state that "[t]he OTS Outreach Program Advocate shall work to facilitate the maximum participation of minority and women-owned . . . businesses . . . in the OTS procurement of goods and services."

12 C.F.R. Part 1507 (1994): Minority and Women Contracting Outreach Program of the Thrift Depositor Protection Oversight Board requires the Board's staff to formulate guidelines providing opportunities, "to the maximum extent possible, for the inclusion of minorities and women," and entities owned by them, in the performance of Board contracts; to undertake specified outreach activities; and to report periodically on minority and women-owned business participation in the contracting process, and as subcontractors on Board contracts. "Minority" means "Black American, Native American, Hispanic American, or Asian American."

12 C.F.R. Part 1617 (1994): Minority and Women Outreach and Contracting Program of the Resolution Trust Corporation (RTC) describes a variety of outreach activities (§1617.11); provides procedures for certification of minority and women-owned businesses (§1617.13); provides "incentives" and "bonus considerations" to RTC prime contractors "who demonstrate a commitment to subcontract at least 25 percent or more of the work" to minority or women-owned firms (§1617.30); and "reserves the right to award a contract directly to a MWOB either by technical competition or by con-competitive award." "Technical and cost bonus points" may be awarded to contractors with an "eligible subcontracting plan" for women and minorities (§1617.60). A special outreach program is provided to promote participation of minority and women-owned law firms in RTC legal services contracting (§1617.90).

13 C.F.R. §§317.19(b), 317.35 (1994): "No grant shall be made . . . for any project" under the Local Public Works Capital Development and Investment Program "unless at least 10 percent of the amount of such grant will be expended for contracts with and/or supplies from minority business enterprises." All applications for assistance must contain certification to that effect. "Minority group member means a citizen of the United States who is Negro, Spanish-speaking, Oriental, Indian, Eskimo, or Aleut." (13 C.F.R. 317.2).

Commerce

Executive Order 11625 (1971): Directs the Secretary of Commerce "[w]ith the participation of other Federal departments and agencies . . . [t]o develop comprehensive plans and specific program goals for the minority enterprise program; establish regular performance monitoring and reporting systems to assure that goals are being achieved; and evaluate the impact of Federal support in achieving the objectives established by the order." *See also* Executive Order 12138 (Women-owned Business Enterprise Program).

15 C.F.R. §24.21(h) (1994): Grantees and subgrantees of certain grants and cooperative agreements to state and local government "are encouraged to use minority banks (a bank which is owned at least 50 percent by minority group members)."

15 C.F.R. §917.11(d) (1994): A "factor considered" in the approval of proposals under the Sea Grant Matched Funding Program "will be the potential of the proposed program to stimulate interest in marine related careers among those individuals, for example, minorities, women, and the handicapped whose previous background or training might not have generated such an interest."

15 C.F.R. §2301.3 (1994): The National Telecommunications and Information Administration of the Department of Commerce, in administering the Public Telecommunications Facilities Program, "will give special consideration to applications that foster ownership and control of, operation of, and participation in public telecommunications entities by minorities and women."

48 C.F.R. §1319.7003(a) (1994): Directs contracting officers of the Commerce Department to "provide assistance to prime contractors to identify potential women-owned small businesses. Such assistance is intended to aid prime contractors in placing a fair proportion of subcontracts with women-owned businesses."

Communications

47 U.S.C.S. §309(j)(4)(D): In radio licensing proceedings, the Federal Communications Commission is directed to prescribe regulations to "ensure that small businesses, rural telephone companies, and businesses owned by members of minority groups and women are given the opportunity to participate in the provision of spectrum-based services, and, for such purposes, consider the use of tax certificates, bidding preferences, and other procedures."

47 C.F.R. §73.3555(d)(2)(ii) (1994): Federal Communications Commission (FCC) multiple ownership rules provide exemption for "minority-controlled" broadcast facilities from certain restrictions on the granting or transfer of commercial TV broadcast stations which result in an aggregate national audience exceeding twenty-five percent. "*Minority* means Black, Hispanic, American Indian, Alaska Native, Asian and Pacific Islander." (*italics* in original).

47 C.F.R. §76.977 (a), (b), (e) (1994): Minority and educational programming used in lieu of deregulated commercial leased access capacity. "A cable operator required by this section to designate channel capacity for commercial use pursuant to 47 U.S.C. 532 may use any such channel for the provision of programming from a qualified minority programming source . . . whether or not such source is affiliated with cable operator." "Qualified minority programming source" means a source "that devotes substantially all of its programming to coverage of minority viewpoints, or to programming directed at members of minority groups, and which is over 50 percent minority-owned." "Minority" includes "Blacks, Hispanics, American Indians, Alaskan Natives, Asians, and Pacific Islanders."

68 F.C.C. 2d 381, 411–412 (1978): FCC policy awards a quality enhancement credit for minority ownership and participation in station management in the comparative licensing process. When faced with mutually exclusive applications for the same broadcast channel, the FCC initiates a proceeding to compare the merits of the competing applicants based on specific factors including: diversification of control of mass media communications, full time participation in station management by owners, proposed program service, past broadcast record, efficient use of frequency, and character of the applicant. Under the FCC's preferred policy, ownership and active participation in station management by members of a minority group are considered a plus to be weighed in with the other comparative factors.

68 F.C.C. 2d 983 (1978): FCC "Distress Sale" Policy. Under this policy, existing licensees in jeopardy of having their licenses revoked or whose licenses have been designated for a renewal hearing are given the option of selling the license to a minority-owned or controlled firm for up to seventy-five percent of fair market value. The minority-assignee must meet the basic qualifications necessary to hold a license under FCC regulations and must be approved by the FCC before the transfer is consummated.

Defense

10 U.S.C.S. §2196(j)(8): Selection criteria for manufacturing engineering grant program established by the Secretary of Defense require proposal by applicant "to achieve a significant level of participation by women, members of minority groups, and individuals with disabilities through active recruitment of students from among such persons."

10 U.S.C.S. §2323: Establishes a goal of awarding five percent of the total value of Department of Defense procurement, research and development, military construction, and operation and maintenance contracts to "socially and economically disadvantaged individuals," historically black colleges and universities, and minority institutions in each of the fiscal years from 1987 to 2000. This requirement was extended to contracting activities of the Coast Guard and the National Aeronautics and Space Administration by §7105 of the Federal Acquisition Act of 1994, P.L. 103–355, 108 Stat. 3243, 3369 (1994) which also added a requirement that "[t]o the extent practicable," the head of each of these agencies is to "maximize the number of minority small business concerns, historically Black colleges and universities, and minority institutions participating in the program."

P.L. 103-335, 108 Stat. 2259, 2652, §8127(a) (1994): "in entering into contracts with private entities to carry out environmental restoration and remediation of Kaho'olawe Island, Hawaii, and the waters surrounding that island, the Secretary of the Navy shall, to the maximum extent practicable, give a preference to small business concerns and small disadvantaged business concerns located in the State of Hawaii. In giving the preference, the Secretary shall give especial preference to businesses owned by Native Hawaiians."

32 C.F.R. §3321(h) (1994): Department of Defense (DOD) Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments "encourage" DOD grantees and subgrantees to use minority banks at least 50% owned by minority group members.

48 C.F.R. §205.207(d)(iv) (1994): States that "[f]or acquisition being considered for historically black college and university and minority institution set-aside, "the proposed contract "is being considered as a 100 percent set-aside for historically black colleges and universities (HBCUs) and minority institutions (MIs), as defined by the clause at §252.226-7000 of the Defense Acquisition Regulation Supplement."

48 C.F.R. Part 219, §219.000 (1994): DOD regulation which implements "goal" in 10 U.S.C. 2323 to "[a]ward five percent of contract and subcontract dollars to small disadvantaged business (SDB) concerns, historically black colleges and universities (HBCUs), and minority institutions (MIs)." Specific requirements include data collection and reporting (§219.202-5); eligibility criteria for program participation (§219.703); subcontracting plan goals for SDB concerns and institutions (§219.704); reviewing the subcontracting plan (§219.705-4); solicitation provisions and contract clauses (§219.708); and evaluation preference for small disadvantaged business concerns ("by adding a factor of ten percent to the price of all offers") (§219.7002). See also 48 C.F.R. §226.7000 (implements the historically black college and university and minority institution provisions of 10 U.S.C. §2323; §252.219-7005) (small business and small disadvantaged business subcontracting plan on DOD contracts); §252.219.7005 (incentive for subcontracting with small businesses, small disadvantaged businesses, historically black colleges and universities, and minority institutions); §252.219-7006 (notice of evaluation preference for small disadvantaged business concerns); and §252.226-7000 (notice of historically black college or university and minority institution set-aside).

48 C.F.R. Chapter 2 Appendix I (1994): Pilot Mentor-Protege Program is to "provide incentives to major DOD contractors, performing under at least one active approved subcontracting plan negotiated with DOD or other Federal agencies, to assist small disadvantaged businesses (SDBs) in enhancing their capabilities to satisfy DoD and other contract and subcontract requirements."

Education

20 U.S.C.S. §1047: Authorizes grants and contracts by the Department of Education (ED) with "historically black colleges and universit[ies]" and other institutions of higher education serving a "high percentage of minority students" for the purpose of strengthening their library and information science programs, and establishing fellowships and traineeships for that purpose.[16]

20 U.S.C.S. §1063b: Authorizes ED grants to specified postgraduate institutions "determined by the Secretary [of Education] to be making substantial contributions to the legal, medical, dental, veterinary, or other graduate education opportunities for Black Americans."

20 U.S.C.S. §1069f(c): Reservation of 25% of the excess of certain educational appropriations for allocation "among eligible institutions at which at least 60 percent of the students are African Americans, Hispanic Americans, Native Americans, Asian Americans, Native Americans, Native Hawaiians, or Pacific Islanders, or any combination thereof."

20 U.S.C.S. §1070a-41: "Priority" in selection for Model Program Community Partnership and Counseling Grants given to program proposals "directed at areas which have a high proportion of minority, limited English proficiency, economically disadvantaged, disabled, nontraditional, or at-risk students . . ."

20 U.S.C.S. §1112d(d): "Special consideration" to be given "historically Black colleges and universities" and to institutions having at least 50% minority enrollment in making grants for teacher training and placement.

20 U.S.C.S. §1132b-2: In awarding facilities improvement grants, the ED Secretary or each State higher education agency "shall give priority to institutions of higher education that serve large numbers or percentages of minority or disadvantaged students."

20 U.S.C.S. §1134e: In making grants for post-graduate study, the ED Secretary shall "consider the need to prepare a larger number of women and individuals from minority groups, especially from among such groups which have been traditionally underepresented in professional and academic careers," and shall accord a "priority" for awards to "individuals from minority groups and women" pursuing study in specified professional and career fields.

20 U.S.C.S. §1134s: The ED Secretary "shall carry out a program to assist minority, low-income, or educationally disadvantaged college students" to pursue a degree and career in law through an annual grant or contract.

20 U.S.C.S. §§1135c, 1135d: The ED Secretary shall "carry out a program of making grants to institutions of higher education that are designed to provide and improve support programs for minority students enrolled in science and engineering programs as institutions with a significant minority enrollment (at least 10 percent)." Eligibility for such grants is limited to "minority institutions" (minority enrollment in excess of 50%) or other public or private nonprofit institutions with at least 10 percent minority enrollment.

20 U.S.C.S. §1409(j)(2): The ED Secretary "shall develop a plan for providing outreach services" to historically Black colleges and universities, other higher educational institutions with at least 25% minority student enrollment, and "underrepresented populations" in order to "increase the participation of such entities" in competitions for certain grants, contracts, and cooperative agreements.

20 U.S.C.S. §1431(a)(3): "Priority consideration" for fellowships and traineeships in special education and related services shall be given to "individuals from disadvantaged backgrounds, including minority and individuals with disabilities who are under represented in the teaching profession or in the specialization in which they are being trained."

20 U.S.C.S. §2986(b): A portion of state allotment of critical skills improvement funds to be distributed for various purposes, including "recruitment or retraining of minority teachers to become mathematics and science teachers."

20 U.S.C.S. §3156(a): Program to assist local educational agencies "which have significant percentages of minority students" to conduct "alternative curriculum" schools which "reflect a minority composition of at least 50 percent" and contribute to school desegregation efforts.

20 U.S.C.S. §3916: Fifteen percent of National Science Foundation funds available for science and engineering education is to be allocated to faculty exchange and other programs involving higher educational institutions with "an enrollment which includes a substantial percentage of students who are members of a minority group."

20 U.S.C.S. §5205(d): No less than 10 percent of Eisenhower Exchange Fellowship Program funds "shall be available only for participation by individuals who are representative of United States minority populations."

20 U.S.C.S. §6031(c)(5): ED "shall establish and maintain initiatives and programs to increase the participation" of "researchers who are women, African-American, Hispanic, American Indian and Alaskan Native, or other ethnic minorities" in the activities of various authorized educational institutes.

42 U.S.C.S. §292g(d)(3): For a three-year period beginning on October 13, 1992, historically black colleges and universities are exempted from provision rendering certain institutions ineligible for student loan program based on high loan default rate.

42 U.S.C.S. §293a: "Special consideration" in scholarship grant program to be given "health profession schools that have enrollments of under represented minorities above the national average for health profession schools."

42 U.S.C.S. §293b(3): Institutional eligibility for faculty fellowship program based on "ability to . . . identify, recruit and select individuals from under represented minorities in the health profession" with potential for teaching and educational administration.

42 U.S.C.S. §1862d: At least 12 percent of amounts appropriated for the Academic Research Facilities Modernization Program shall be reserved for historically Black colleges and universities and other institutions which enroll a substantial percentage of Black American, Hispanic American, or Native American students.

34 C.F.R. §7412 (1994): Department of Education (ED) Uniform Administrative Requirements for Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations "encourage" ED grantees and subgrantees to use minority-owned banks. See also 34 C.F.R. §80.21(h)(1994).

34 C.F.R. §318.11(a)(15), (16) (1994): Includes "[t]raining minorities and individuals with disabilities" and "minority institutions" among several optional funding priorities under special education training program.

34 C.F.R. §461.33(a)(2)(ii) (1994): "[P]articular emphasis" placed on training "minority" adult educators under one aspect of adult education demonstration grant program.

34 C.F.R. Part 607, §607.2(b) (1994): An institution of higher education is eligible to receive a grant under the Strengthening Institutions Program even if it does not satisfy certain other generally applicable state authorization or accreditation requirements if its student enrollment consists of specified percentages of designated minority groups.

34 C.F.R. Parts 608, 609 (1994): "the Strengthening Historically Black Colleges and Universities Program [HBCU] provides

grants to Historically Black Colleges and Universities to assist these institutions in establishing and strengthening their physical plants, academic resources and student services so that they may continue to participate in fulfilling the goal of equality of educational opportunity." (§608.1).

34 C.F.R. §637.1 (1994): "the Minority Science Improvement Program is designed to effect long-range improvement in science education at predominantly minority institutions and to increase the flow of under represented ethnic minorities, particularly minority women, into scientific careers."

34 C.F.R. §641.1 (1994): "The Faculty Development Fellowship Program provides grants to institutions of higher education, consortia of institutions, and consortia of institutions and nonprofit organizations to fund fellowships for individuals from underrepresented minority groups to enter or continue in the higher education professorate."

Energy

42 U.S.C.S. §7141: The Secretary of Energy "may provide financial assistance in the form of loans to any minority business enterprise under such rules as he shall prescribe to assist such enterprises in participating fully in research, development, demonstration, and contract activities of the Department to the extent he considers appropriate."

42 U.S.C.S. §13556: Provides that "[t]o the extent practicable, the head of each agency shall provide that the obligation of not less than 10 percent of the total combined amounts obligated for contracts and subcontracts by each agency" under the Energy Policy Act of 1992 "shall be expended with" socially and economically disadvantaged small businesses, historically Black colleges or universities, or college and universities with more than 20 percent Hispanic or Native American enrollment.

P.L. 103–160, 107 Stat. 1547, 1956, §3159 (1993): Provides, as a "goal," that 5 percent of the combined total of funds obligated by the Department of Energy for purposes of carrying out national security programs for fiscal years 1994 through 2000 be allocated to contracts and subcontracts with socially and economically disadvantaged small businesses, historically black colleges and universities, and minority institutions.

10 C.F.R. §600.3 (1994): "Socially and economically disadvantaged" firm or individual, for purposes of Department of Energy (DOE) financial assistance rules, is defined to include "Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, and other specified minorities, or any other individual found to be disadvantaged by the Small Business Administration under §8(a) of the Small Business Act."

10 C.F.R. §799.2, 799.7 (1994): A requirement of DOE loan guarantee program for waste projects that "the borrower agree to take positive efforts to maximize the utilization of small and disadvantaged business concerns in connection with the project . . ." For this purpose, "[d]isadvantaged business concern means a concern which is at least 51 percent owned by one or more socially and economically disadvantaged individuals" as defined by the Small Business Act.

10 C.F.R. Part 800, §800.003 (1994): Under DOE regulations setting forth policies and procedures for the award and administration of loans to minority small business enterprises, "[a]n individual who is a citizen of the United States and who is a Negro, Puerto Rican, American Indian, Eskimo, Oriental, and Aleut, or is a Spanish speaking individual of Spanish descent, is a member of a 'minority' . . ."

10 C.F.R. §1040.101(b)(1), (2) (1994): Under DOE regulations prohibiting discrimination in federally assisted programs, the agency is to select recipients for compliance reviews based, among other factors, on "[t]he relative disparity between the percentage of minorities, women, or handicapped persons, in the relevant labor market, and the percentage of minorities, women, or handicapped persons, employed by the recipient" or "in the population receiving program benefits."

Environment

P.L. 101–549, 104 Stat. 2399, 2708, §1001 (1990): "In providing for any research relating to the requirements of the amendments made by the Clean Air Act Amendments of 1990 which uses funds of the Environmental Protection Agency, the Administrator of the Environmental Protection Agency shall, to the extent practicable, require that not less than 10 percent of total Federal funding for such research will be made available to disadvantaged business concerns," defined to mean any concern with 51% of the stock owned by Black Americans, Hispanic Americans, Native Americans, Asian Americans, Women or Disabled Americans.

40 C.F.R. §33.240 (1994): Environmental Protection Agency (EPA) procurement requirements provide that "[i]t is EPA policy to award a fair share of subagreements to small, minority, and women's businesses. The recipient must take affirmative steps to assure that small, minority, and women's businesses are used when possible as sources of supplies, construction, and services."

40 C.F.R. §35.936–7 (1994): Grantees of EPA state and local assistance grants "shall make positive efforts to use small business and minority owned business sources of supplies and services. Such efforts should allow these sources the maximum feasible opportunity to compete for subagreements to be performed using Federal grant funds." See also 40 C.F.R. Part 35 APPENDIX C–1 (14.) (consulting engineering agreement).

40 C.F.R. §35.3145(d) (1994); State Water Pollution Control Revolving Fund requirement "for the participation of minority and women owned businesses (MBE/WBEs) will apply to assistance in an amount equaling the grant. To attain compliance with MBE/WBE requirements, the [regional administrator] will negotiate an overall 'fair share' objective with the State for MBE/WBE participation on these SRF funded activities. A fair share objective should be based on the amount of the capitalization grant award or other State established goals." See also 40 C.F.R. §35.4066(g) (1994) (grants for technical assistance).

40 C.F.R. §35.6580 (1994): Recipients under Cooperative Agreements and Superfund State Contracts for Superfund Response Actions "must comply with six steps . . . to insure that MBEs, WBEs, and small businesses are used whenever possible as sources of supplies, construction, and services," including establishment of "an annual 'fair share' objective for MBE and WBE use."

General Services Administration

41 C.F.R. §§105–71.121(j), 105–72.302(j) (1994): General Services Administration (GSA) Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments "encourage" recipients to use minority-owned and women-owned banks.

41 C.F.R. §105–72.504(b) (1994):[17] All recipients of GSA grants and agreements awarded to institutions of higher education, hospitals, and other non-profit organizations are to establish written procurement procedures to provide for "positive efforts . . . to utilize small businesses, minority-owned businesses, and women's business enterprises, whenever possible" and to ensure that such businesses "are utilized to the fullest extent practicable."

48 C.F.R. §552.219–9 (1994): Small business subcontracting plan prescribed for General Service Administration contracts requires "[g]oals, expressed in terms of percentages of total planned subcontracting dollars, for the use of small business concerns, small disadvantaged business concerns and, if an individual contract is involved, women-owned small business concerns as subcontractors."

Health and Human Services

42 U.S.C.S. §3027: State plans for grant program on aging "shall provide assurances that special efforts will be made to provide technical assistance to minority providers of services."

42 U.S.C.S. §3035d: Provides that the Assistant HHS Secretary "shall carry out, directly or through grants or contracts, special training programs and technical assistance designed to improve services to minorities" under the Older Americans Act.

42 C.F.R. §52c.2 (1994): Minority Biomedical Research Support Program makes grants to higher educational institutions with 50 percent or other "significant proportion" of ethnic minority enrollment.

42 C.F.R. §62.57(h) (1994): Among factors considered in making certain State loan repayment grants to State applicants is "[t]he extent to which special consideration will be extended to medically underserved areas with large minority populations."

42 C.F.R. §64a.105(d)(2) (1994): "Preferred service" for purposes of obligated service requirement for mental health traineeships includes service in any public or private nonprofit entity serving 50 percent or more specified racial or ethnic minorities.

45 C.F.R. §§74.12(h), 92.21(h), 602.21(h) (1994): Department of Health and Human Services (HHS) general administration requirements "encourage" grantees and subgrantees to use minority banks at least 50% owned by minority group members. Similar provisions may be found at 45 C.F.R. §§1050.13, 1157.21, 1174.21, 1183.21, and 1234.21.

45 C.F.R. §1010.30–2(c)(1),(2) (1994): Civil rights program requirements of Community Service Act grantees provide that the Office of Human Rights will consider when selecting for compliance reviews "[t]he relative disparities between the percentage of eligible minority or female populations, if appropriate, receiving program benefits and the percentage of eligible minorities or females, if appropriate, in the eligible population."

48 C.F.R. §319.705–4(d)(1)(ii) (1994): HHS small disadvantaged business subcontracting regulation require contracting officer to insure that "[s]ubcontracing goals for small and small disadvantaged business concerns are specifically set forth in each contract or modification over the statutory thresholds . . ." See also §§319.705–6, 319.706.

Housing and Urban Development

24 C.F.R. §84.22(j):[18] All recipients of Department of Housing and Urban Development (HUD) grants and agreements awarded to institutions of higher education, hospitals, and other non-profit organizations "shall be encouraged to use women-owned and minority-owned banks (a bank which is owned at least 50 percent by women or minority group members)." Same provisions apply to use of lump-sum grants under this program, 24 C.F.R. §84.82(c)(2), a related HUD state and

local grant and cooperative agreement program, 24 C.F.R. §85.21(h) (1994), and comprehensive planning assistance grants at 24 C.F.R. §600.410(k)(2) (1994).

24 C.F.R. §84.44(b): All recipients of HUD grants and agreements awarded to institutions of higher education, hospitals, and other non-profit organizations are to establish written procurement procedures to provide for "positive efforts . . . to utilize small businesses, minority-owned businesses, and women's business enterprises, whenever possible" and to ensure that such businesses "are utilized to the fullest extent practicable." Same provisions apply to procurement standards used by recipients for the procurement of supplies, equipment, real property and other services with federal funds. 24 C.F.R. §84.84(e)(2)(i).

24 CFR APPENDIX A and B to SUBTITLE A §425(a)(8) (1994): Rating factors for award of certain HUD Public and Indian Housing Home Ownership funds to accord maximum 10 points for "[t]he extent to which the applicant demonstrates a firm commitment to promoting the use of minority business enterprises and women-owned businesses, especially resident-owned businesses" . . . "but may not include awarding contracts solely or in part on the basis of race or gender."

24 F.F.R. §572.320(e) (1994): HUD will assign points in rating applications for certain single-family home ownership grants based on "[t]he extent to which the applicant demonstrates a firm commitment to promoting the use of minority business enterprises and women-owned businesses" . . . "but may not include awarding contracts solely or in part on the basis of race or gender."

24 C.F.R. §§850.33(o), .35(b), .39(b)(9) (1994): Applications for Section 8 Housing Assistance Programs and Section 202 Direct Loan Program must include a "description of minority and women representation in the ownership of the project" and "a minority and women-owned business development plan which shall contain specific and measurable goals and an affirmative strategy to promote awareness and participation of such businesses in the contracting and procurement activities generated by the project." In addition "[m]ore favorable consideration will be given to projects with a higher percentage of minority or women representation in the ownership of the project."

24 C.F.R. §968.110(b) (1994): Public housing modernization program requirements include: "the [public housing authority] shall take every action to meet Departmental goals for awarding modernization contracts to minority business enterprises. The PHA shall take appropriate affirmative action to assist women's business enterprises."

24 C.F.R. §968.320(d)(7)(vii): Public Housing Modernization program includes requirement of comprehensive plan certifying that "[t]he PHA has adopted the goal of awarding a specified percentage of the dollar value of the total of the modernization contracts, to be awarded during subsequent FFYs, to minority business enterprises and will take appropriate affirmative action to assist resident-controlled and women's business enterprises . . ."

48 C.F.R. §2419.901 (1994): Department of Housing and Urban Development (HUD) Office of Socially Disadvantaged Business Utilization is responsible for "Department-wide goals" for contract awards "to women-owned businesses" and monitoring and reporting with respect thereto.

48 C.F.R. §2426.101 (1994): States the policy of the Department of Housing and Urban Development "to foster and promote Minority Business Enterprise (MBE) participation in its procurement program, to the extent permitted by law and consistent with its primary mission." For this purpose, "minority" is defined as "Black Americans, Hispanic Americans, Native Americans, Asian Pacific Islanders and Asian Indian Americans, and Hasidic Jewish Americans." *See also* 48 C.F.R. §2452.219-70 (Small Business and Small Disadvantaged Business Subcontracting Plan to include percentage goals).

Interior

25 C.F.R. §276.3(c) (1994): Uniform administrative requirements for grants by the Bureau of Indian Affairs "encourage" grantees to use minority banks.

43 C.F.R. §§12.61(h), 12.922(j) (1994): Department of Interior Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments "encourage" grantees and subgrantees to use minority banks at least 50% owned by minority group members.

43 C.F.R. §12.944(b) (1994): Department of Interior procurement requirements provide that "[i]t is EPA policy to award a fair share of subagreements to small, minority, and women's businesses. The recipient must take affirmative steps to assure that small, minority, and women's businesses are used when possible as sources of supplies, construction, and services."

43 C.F.R. §27.6 (1994): Affirmative action plan requirements for recipient of financial assistance from the Department of Interior include "specific goals and specific timetables to which its efforts will be directed, to correct all deficiencies and thus to increase materially the participation of minorities and women in all aspects of its operation."

43 C.F.R. §1419.901 (1994): Department of Interior socioeconomic program regulations state that "[a]nnual goals for contract awards to women-owned businesses shall be established as prescribed in 1419.202-70."

Justice

P.L. 103-322, 108 Stat. 1796, 1860, §31001 (1994): Not less than 10 percent of the amount paid from the Local Government Fiscal Assistance Fund created by the Violent Crime Control Act shall be expended on contracts or subcontracts with socially and economically disadvantaged and women-owned small businesses, historically Black colleges and universities, and higher educational institutions with more than 40 percent hispanic student enrollment.

28 C.F.R. §O.18a (1994): Provides that Director of the Office of Small and Disadvantaged Business Utilization within the Department of Justice shall "[e]stablish Department goals for the participation by small businesses, including small businesses owned and controlled by socially and economically disadvantaged individuals, in Department procurement contracts."

28 C.F.R. §42.206 (c)(1) (1994): Recipients of Criminal Justice Improvement Act funds shall be selected for post-award compliance reviews in part on the basis of "[t]he relative disparity between the percentage of minorities, or women, in the relevant labor market, and the percentage of minorities, or women, employed by the recipient."

28 C.F.R. §66.21(h) (1994): Uniform requirements by the Justice Department for administration of state and local grants and cooperative agreements "encourage" grantees and subgrantees to use minority banks at least 50 percent owned by minority groups.

Labor

29 U.S.C.S. §718b(b): Directs the Commissioner of the Rehabilitation Services Administration to develop an "outreach" policy for "recruitment of minorities into the field of vocational rehabilitation, counseling and related disciplines" and for "financially assisting Historically Black Colleges and Universities, Hispanic-serving institutions of higher education, and other institutions of higher education whose minority enrollment is at least 50 percent."

29 U.S.C.S. §771a: Authorizes grants for personnel projects relating to training, traineeships and related activities to historically Black colleges and universities and other higher educational institutions with at least 50% minority student enrollment.

20 C.F.R. §627.430(g) (1994): Recipients and subrecipients of Job Training Partnership Act funds are "encouraged to use minority-owned banks (a bank which is owned at least 50 percent by minority group members)."

20 C.F.R. §653.111 (a), (b)(3) (1994): State agencies participating in the administration of Services for Migrant and Seasonal Farmworkers, under the United States Employment Service, are to develop affirmative action plans which contain "a comparison between the characteristics of the staff and the workforce and determine if the composition of the local office staff(s) is representative of the racial and ethnic characteristics of the workforce in the local office service area(s)." "On a statewide basis, staff representative of the racial and ethnic characteristics in the workforce shall be distributed in substantially the same proportion among (1) all 'job groups' . . . and (2) all offices in the plan(s)."

29 C.F.R. §§89.52(d), 89.72(d), 95.22(j), 97.21(h), 1470.21(h) (1994): Administrative requirements for Department of Labor (DOL) Project Grants to State and Local Governments, higher educational institutions, and other programs, "encourage" grantees to use minority banks.

29 C.F.R. §95.44(b) (1944):[19] All recipients of DOL grants and agreements awarded to institutions of higher education, hospitals, and other non-profit organizations are to establish written procurement procedures to provide for "positive efforts . . . to utilize small businesses, minority-owned businesses, and women's business enterprises, whenever possible" and to ensure that such businesses "are utilized to the fullest extent practicable."

48 C.F.R. Part 2919, §1919.202-70 (1994): Small disadvantaged business program regulations of the Department of Labor require "Heads of Contracting Activities [to] develop annual goals for each category of small business and small disadvantaged business utilization programs, which shall include projected acquisition awards to small businesses, minority businesses, 8(a) concerns, women-owned businesses, and HBCU."

National Aeronautics and Space Administration

42 U.S.C.S. §2473b: NASA Administrator is required to annually establish a goal of at least eight percent of the total value of prime and subcontracts awarded in support of authorized programs to be made to small disadvantaged business and minority educational institutions.

48 C.F.R. §1819.705-4 (1994): Small disadvantaged business subcontracting regulation of the National Aeronautics and Space Administration (NASA) states that "NASA contracting officers may accept as an element of a subcontracting plan the prime contractor's intention to use total small business, small disadvantaged business, women-owned business, historically black college and university, or minority educational institution set-asides in awarding subcontracts so long as such set-asides are competitive and awards

are made at reasonable prices." See also §1819.7003 (agency goal of 8 percent of total value of prime and subcontracts for disadvantaged businesses); and §1815.219-76 (prescribed clause for NASA contracts incorporating 8 percent goal for "small business concerns or other organizations owned or controlled by socially and economically disadvantaged individuals (including women), Historically Black Colleges and Universities, and minority education institutions").

Small Business

41 U.S.C.S. §417a: "Each Federal agency shall report to the Office of Federal Procurement Policy the number of small businesses owned and controlled by women and the number of small business concerns owned and controlled by socially and economically disadvantaged businesses, by gender, that are first time recipients of contracts from such agency."

13 C.F.R. §115.30(c) (1994): The Small Business Administration (SBA) Surety Bond Guarantee program indemnifies sureties for 90 percent of losses incurred on certain bonds "issued on behalf of a small concern owned and controlled by socially and economically disadvantaged individuals," including "Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, Subcontinent Asian Americans, and other minorities or any other individual found to be disadvantaged by SBA . . ."

13 C.F.R. 125.4 (1994): Small Business Administration requirement "[t]hat separate goals for the participation by small business concerns and small disadvantaged business in Government procurement contracts and subcontracts thereunder shall be established annually by the head of each Federal agency following consultation with the SBA, and that the Administrator of the Office of Federal Procurement Policy shall establish the goal whenever there is disagreement between a Federal agency head and the SBA . . ."

13 C.F.R. §143.21(h) (1994): Grantees and subgrantees under SBA program of grants and cooperative agreements with state and local governments are "encouraged to use minority banks (a bank which is owned at least 50 percent by minority group members)."

State Department and Foreign Affairs

22 U.S.C.S. §4852(d): Not less than 10 percent of the amount appropriated for diplomatic construction or designed projects each fiscal year shall be allocated to the extent practicable for contracts with American minority contractors.

22 U.S.C.S. §4864(e): Not less than 10 percent of the amount of funds obligated for local guard contracts for Foreign Service buildings shall be allocated to the extent practicable for contracts with minority small business contractors.

P.L. 103-306, 108 Stat. 1608, §555 (1994): Provides for a 10 percent set-aside of the aggregate amount of certain appropriations to the Agency for International Development—the Development Assistance Fund, Population, Development Assistance, and the Development Fund for Africa—for socially and economically disadvantaged U.S. businesses and private voluntary organizations, historically black colleges and universities, and higher educational institutions with more than 40 percent Hispanic student enrollment.

Government procurement agreements. The United States has entered into procurement obligations under the North American Free Trade Agreement (NAFTA) (Chapter Ten) and the Uruguay Round Agreement on Government Procurement under which the United States agrees, among other things, to accord national treatment to products, services, and suppliers of other parties with respect to government contracts entered into by named agencies above certain threshold amounts. In both the NAFTA and the Uruguay Round Agreement (as well as in earlier trade agreements), the United States has taken a reservation stating that agreement obligations will not apply to set asides on behalf of small and minority businesses (NAFTA, Chapter 10, Annex 1001.2b, General Notes, Schedule of the United States, Note 1; Uruguay Round Agreement on Government Procurement, Annex of the United States, General Note 1).

22 C.F.R. §145.44(b) (1944): All recipients of Department of State grants and cooperative agreements awarded to institutions of higher education and other non-profit organizations are to establish written procurement procedures to provide for "positive efforts . . . to utilize small businesses, minority-owned businesses, and women's business enterprises, whenever possible" and to ensure that such businesses "are utilized to the fullest extent practicable." Same provisions apply pursuant to uniform administrative requirements prescribed by 22 C.F.R. 518.44(b) (1994).

48 C.F.R. §652.219-70 (1994): Clause in Department of State contracts requiring disadvantaged and minority subcontracting goals. *See also* 48 C.F.R. §§619.201(b), 619.708-70.

48 C.F.R. §706.302-71 (1994): Agency for International Development (AID) requirement that "[e]xcept to the extent otherwise determined by the Administrator, not less than ten percent of amounts made available for development assistance and for assistance for famine recovery and development in Africa shall be used only for activities of disadvantaged enterprises," which includes minorities and women.

48 C.F.R. Part 419 (1994): Socioeconomic Program policies of AID state that "[w]here practicable and desirable, small business and minority goals will be established" for procuring activities (§719.270(e)); and mandates that the AID Office of Small Disadvantaged Business develop "a plan of operation designed to increase the share of contracts awarded to small business concerns, including small minority business enterprises" (§719.271-2(6)). Disadvantaged enterprises include socially and economically disadvantaged concern, historically black colleges and universities and higher educational institutions with more than 40 percent Hispanic student enrollments (§§726.201, 752.226-1,2).

TRANSPORTATION

49 U.S.C.S. §47107(e)(1): Requires federally aided airport operators to insure "to the maximum extent practicable" that at least 10% of contracts for consumer services to the public be placed with "small business concerns owned and controlled by a socially and economically disadvantaged individual . . ." The statute incorporates the Small Business Act definition of that term "except that women are presumed to be socially and economically disadvantaged." (49 U.S.C.A. §47113(a)(2)).

P.L. 102-240, 105 Stat. 1914, 1919, §1003(b) (1991): "Except to the extent that the Secretary [of Transportation] determines otherwise, not less than 10 percent of the amounts authorized to be appropriated" under various Titles of the Intermodal Surface Transportation Act of 1991 "shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals;" the statute incorporates the SBA presumption in favor of racial minorities (15 C.F.R. §637(d) and further provides that "women shall be presumed to be socially and economically disadvantaged individuals for purposes of this subsection."

49 C.F.R. Part 23, subpart C (1994): Minority-business enterprise program requirements for recipients and applicants under Department of Transportation financial assistance programs. DOT approved MBE affirmative action programs are to include recipient's "overall goals and a description of the methodology to be used in establishing them" (§23.43) and separate "contract goals for firms owned and controlled by minorities and firms owned and controlled by women, respectively" (§23.45). Rules for counting MBE participation toward meeting applicable goals (§23.47). The regulations further provide that a prime contractor unable to satisfy a particular contract's minority goal may nevertheless be awarded the contract if its "best efforts" were made to achieve the goal (§§23.45(g)(2)(ii), 23.45(h)). Several elements are considered in determining whether a prime contractor failing to meet its goal in fact made a good faith effort to comply (§23.45, app. A).

49 C.F.R. Part 23, subpart D (1994). Implementation of §105(f) of the Surface Transportation Assistance Act of 1982. DOT regulations establish a rebuttable presumption that women, Black-Americans, Hispanics, Native Americans, Asian-Pacific Americans, Asian-Americans and those individually certified under §8(a) of the Small Business Act are socially and economically disadvantaged (§23.62). Recipients of surface transportation funds must establish overall goal for disadvantaged business participation on funded projects (§23.64) and, absent a waiver by the DOT Secretary, must insure that at least ten percent of monies expended on federally assisted projects go to such enterprises (§§23.61(a), 23.63). "If a recipient fails to meet an approved goal, it shall have the opportunity to explain to the Administrator of the concerned Department element why the goal could not be achieved and why meeting the goal was beyond the recipient's control," failing which the recipient is subject to "appropriate remedial sanction" (§23.68).

49 C.F.R. §23.95 *et seq.* (1994): Minority business enterprise participation standards under §511(A)(17) of the Airport and Airway Improvement Act of 1982 provide that sponsors of airport improvement projects "shall establish an overall goal for the participation of DBE's" as concessionaires and "[t]o the extent practicable, shall seek to obtain DBE participation in all types of concession activities." "Where not prohibited by state or local law and determined . . . to be necessary to meet DBE goals, procedures to implement DBE set-asides shall be established. The DBE plan shall specify the concessions to be set-aside."

49 C.F.R. §265.13 (1994): Federal Railroad Administration regulations barring discrimination in federally assisted programs require "where there are deficiencies based on past practices, and with respect to future plans for hiring and promoting employees or awarding contracts, the development of specific goals and timetables for the prompt achievement and maintenance of full opportunities for minority persons and MBEs with respect to programs, projects and activities subject to this subpart.

Veterans Affairs

38 C.F.R. §43.21(h) (1994): Department of Veterans Affairs Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments

"encourage" grantees and subgrantees to use minority banks at least 50% owned by minority group members.

48 C.F.R. §819.202-5(c) (1994): Department of Veterans Affairs regulations require "all acquisition activities [to] submit information and procurement preference goals" for "minority direct business awards," "women-owned business awards," and "[s]ubcontracts to be awarded to small disadvantaged business concerns."

Other

36 C.F.R. Part 906 (1994): Affirmative action policy and procedures, including goals and timetables for women and minorities, "to assure full minority participation in activities and benefits that result from implementation of the Pennsylvania Avenue Plan—1974."

36 C.F.R. §1207.21(h) (1994): National Archives and Records Administration Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments "encourage" grantees and subgrantees to use minority banks at least 50% owned by minority group members.

44 C.F.R. §§13.21(h) (1994): Federal Emergency Management Agency Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments "encourage" grantees and subgrantees to use minority banks at least 50% owned by minority group members.

EQUAL EMPLOYMENT OPPORTUNITY LAWS

The evolution of federal law and policy regarding affirmative action in employment may be traced to a series of executive orders dating to the 1960's which prohibit discrimination and require affirmative action by contractors with the federal government. The Office of Federal Contract Compliance Programs, an arm of the U.S. Department of Labor, currently enforces the E.O. 11246, as amended, by means of a regulatory program requiring larger federal contractors, those with procurement of construction contracts in excess of $50,000, to make a "good faith effort" to attain "goals and timetables" to remedy underutilization of minorities and women. Another early Executive Order, No. 11478, was a precursor to the 1964 Civil Rights Act and mandates affirmative action hiring and employment policies by all federal executive department and agencies.

Public and private employers with 15 or more employees are also subject to a comprehensive code of equal employment opportunity regulation under Title VII of the 1964 Civil Rights Act.[20] Except as may be imposed by court order to remedy "egregious" violations of the law, or by consent decree to settle pending claims, however, there is no general statutory obligation on employers to adopt affirmative action measures. But the EEOC has issued guidelines to protect employers and unions from charges of "reverse discrimination" when they voluntarily take to correct the effects of past discrimination.[21] Federal departments and agencies, by contrast, are required to periodically formulate affirmative action plans for their employees and a "minority recruitment program" to eliminate minority "underrepresentation" in specific federal job categories.

Section 717 of 1972 Amendments to Title VII of the 1964 Civil Rights Act empowers the Equal Employment Opportunity Commission to enforce nondiscrimination policy in federal employment by "necessary and appropriate" rules, regulations, and orders and through "appropriate remedies, including reinstatement or hiring of employees, with or without backpay."[22] Each federal department and agency, in turn, is required to prepare annually a "national and regional equal employment opportunity plan" for submission to the EEOC as part of "an affirmative program of equal employment opportunity for all . . . employees and applicants for employment."[23]

Section 717 was reinforced in 1978 when Congress enacted major federal civil service reforms including a mandate for immediate development of a "minority recruitment program" designed to eliminate "underrepresentation" of minority groups in specific federal job categories.[24] The EEOC and Office of Personnel Management have issued rules to guide implementation and monitoring of minority recruitment programs by individual federal agencies. Among various other specified requirements, each agency plan "must include annual specific determinations of underrepresentation for each group and must be accompanied by quantifiable indices by which progress toward eliminating underrepresentation can be measured."[25]

In addition, the following statutes and regulations relate to employment policies of the federal government or under federal grant and assistance programs:

5 U.S.C. §4313(5): Performance appraisal in the Senior Executive Services to take account of individuals' "meeting affirmative action goals, achievement of equal employment opportunity requirements, and compliance with merit principles. . ."[26]

5 U.S.C. §7201: Establishes a "Minority Recruitment Program" for the Executive Branch and directs each Executive agency, "to the maximum extent possible," to "conduct a continuing program for the recruitment of members of minorities for positions in the agency . . . in a manner designed to eliminate underrepresentation of minorities in the various categories of civil service employment within the Federal service, with special efforts directed at recruiting in minority communities, in educational institutions, and from other sources from which minorities can be recruited."

22 U.S.C. §4141(b): Establishes the Foreign Service Internship Program "to promote the Foreign Service as a viable and rewarding care opportunity for qualified individuals who reflect the cultural and ethnic diversity of the United States. . ."

29 U.S.C. §1781(a): "A contractor subject to the affirmative action obligations of Executive Order 11246 . . . may establish or participate in training programs pursuant to this section . . . which are designed to assist such contractors in meeting the affirmative action obligations of such Executive Order."

42 U.S.C. §282(h): The Secretary of HHS, and the National Institutes of Health, "shall, in conducting and supporting programs for research, research training, recruitment, and other activities, provide for an increase in the number of women and individuals from disadvantaged backgrounds (including racial and ethnic minorities) in the fields of biomedical and behavioral research."

45 U.S.C. §§797b, 907, 1004: First right to hire a certain previously separated or furloughed railroad employees subject to exceptions for vacancies covered by "(1) an affirmative action plan, or a hiring plan designed to eliminate discrimination, that is required by Federal or State statute, regulation, or Executive order, or by the order of a Federal court or agency, or (2) a permissible voluntary affirmative action plan."

Executive Order 11246: Prohibits employment discrimination because of race, color, religion, sex, or national origin by non-exempt federal government contractors and requires inclusion of an affirmative action clause in all covered federal contracts for procurement of goods and services. Pursuant to Labor Department regulations, larger federal contractors are required to adopt goals and timetables to correct "underutilization" of minorities and women. See 41 C.F.R. Part 60 (discussed *infra*).

Executive Order 11478: States the policy of the United States government "to provide equal opportunity in Federal employment for all persons, to prohibit discrimination because of race, color, religion, sex, national origin, handicap, or age, and to promote the full realization of equal employment opportunity through a continuing affirmative program in each executive agency and department."

Federal Regulations

5 C.F.R. Parts 729, 720 APP. (1994): Affirmative Employment Programs of the Office of Personnel Management and Guidelines for Development of A "Minority Recruitment Program" to Implement 5 U.S.C. §7201.

14 C.F.R. §152.407, .409, .411 (1994): All grantees, sponsors, or planning agencies, with 50 or more aviation employees who participate in projects which receive federal airport aid funds are required to maintain "affirmative action" plans containing "goal and timetables" derived from "[a] comparison . . . of the percent of minorities and women in the employer's present aviation workforce . . . with the percent of minorities and women . . . in the total workforce" in the SMSA or surrounding area.

23 C.F.R. §230.111(1994): On-the-job training program rules for federally assisted highway construction projects provide that "[t]he Washington Headquarters shall establish and publish annually suggested minimum training goals . . . based on the Federal-aid apportioned amounts and the minority population, A State will have achieved its goal if the total number of training slots . . . equals or exceeds the State's suggested minimum annual goal."

23 C.F.R. Part 230 APP. A (1994): State Highway Agency Equal Employment Opportunity Programs. Affirmative action plans are to set "specific, measurable, attainable hiring and promotion goals, with target dates, in each area of underutilization" of women and minorities.

29 C.F.R. §§30.3–30.8 (1994): Affirmative action requirements of the Department of Labor (DOL) for registered state apprenticeship programs include "goals and timetable for women and minorities." "Compliance with these requirements shall be determined by whether the sponsor has met its goals within it timetables, or failing that, whether it had made good faith efforts to meet its goal and timetables."

32 C.F.R. Part 191, §191.5(a)(8) (1994): DOD Civilian Equal Employment Opportunity Program establishes affirmative action guidelines and procedures for all DOD components and directs the Assistant Secretary of Defense to "[e]nsure that realistic goals that provide for significant continuing increases in the percentages of minorities, women, and people with disabilities in entry, middle, and higher grade positions in all organizations and occupations are set and accomplished until the overall DOD objective is met and sustained."

34 C.F.R. Part 100 APPENDIX VII.C (1994): Department of Education guidelines for eliminating discrimination in vocational education programs provide that "[w]henever the Office for Civil Rights finds that in light of the representation of protected groups in the relevant labor market

there is a significant underrepresentation or overrepresentation of protected group persons on the staff of a vocational education school or program, it will presume that the disproportion results from unlawful discrimination. This presumption can be overcome by proof that qualified persons of the particular race, color, national origin or sex, or that qualified handicapped persons are not in fact available in the relevant labor market."

40 C.F.R. Part 8 (1994); Environmental Protection Agency (EPA) equal employment opportunity and affirmative action compliance requirements issued pursuant to E.O. 11246 as applied to EPA contracts and EPA assisted construction contracts.

41 C.F.R. Part 60 (1994): Sets forth the body of administrative rules issued by the Office of Federal Contract Compliance Programs within the Department of Labor to enforce the affirmative action requirements of E.O. 11246 on federal procurement and construction contractors. All contractors and subcontractors with federal contracts in excess of $10,000 are prohibited by the Executive Order from discriminating and required to take affirmative action in the employer of minority groups and women. Federal contractors and subcontractors with 50 or more employees and government contracts of $50,000 or more must develop written affirmative action compliance programs for each of their facilities. OFCCP rules direct these larger contractors to conduct a "utilization analysis" of all major job classifications and explain any underutilization of minorities and women by job category when compared with the availability of qualified members of these groups in the relevant labor area. Based on this analysis, the contractor's affirmative action plan must set forth appropriate goals and timetables to which the contractor must direct its "good faith efforts" to correct deficiencies. In addition, OFCCP has established nationwide hiring goals of 6.9 percent for women in construction, and regional and local goals for minorities in construction, which are set out in an appendix to the agency's affirmative action in construction regulations. 41 C.F.R. 60-4.

48 C.F.R. 22.804 (1994): Affirmative action program under Federal Acquisition Regulations requires written affirmative action plans of federal nonconstruction prime and subcontractors with 50 or more employees that comply with DOL regulations to assure equal opportunity in employment to minorities and women.

48 C.F.R. 52.222-23, 52.222-27 (1994): Prescribes clause for inclusion of federal contracts that requires "[g]oals for minority and female participation, expressed in percentage terms for the Contractor's aggregate workforce in each trade on all construction work in the covered area" and "to make a good faith effort to achieve each goal under the plan in each trade in which its has employees."

48 C.F.R. 922.804-2 (1984): Department of Energy regulations implementing the affirmative action plan requirements of E.O. 11246.

It is hoped that this is of assistance to you.

CHARLES V. DALE,
Legislative Attorney.

FOOTNOTES

[1] As per discussion with your staff, however, we have not included federal civil rights statutes, such as Title VI of the 1964 Civil Rights Act and related laws, that place nondiscrimination requirements upon recipients of federal financial assistance without mandating racial, ethnic, or gender preferences *per se*. Nor are regulations of the various federal departments or agencies under Title VI included for the similar reason that, although they almost uniformly authorize "affirmative action" by recipients to "overcome the effects of prior discrimination" or otherwise, they do not explicitly define the obligation in terms of "goals" or "setasides," or other forms of preference for minorities or women. *See e.g.* 15 C.F.R. 15.3(b)(6)(1994) (Department of Agriculture Title VI regulations). Also beyond the scope of this study are the remedy provisions in federal laws like Title VII of the 1964 Civil Rights Act (42 U.S.C. §2000e-5(g)), or the Fair Housing Act, 42 U.S.C. §3613, which authorize "affirmative" relief by the courts in discrimination actions, and have been the basis for judicial preference orders in certain circumstances, but do not explicitly direct the imposition of "timetables, goals, set-asides, and quotas" on their face.

[2] 42 U.S.C. §2000e-16(b).

[3] 5 U.S.C. §7201.

[4] 15 U.S.C. §637(a).

[5] 15 U.S.C. §637(a)(5).

[6] 13 C.F.R. §124.105(b).

[7] The statute, 15 U.S.C. §637(a)(6)(A), defines economic disadvantage in terms of: socially disadvantaged individuals whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others who are not socially disadvantaged, and such diminished opportunities have precluded or are likely to preclude such individuals from successfully competing in the open market.

[8] 15 U.S.C. §637(d). *See also* 13 CFR §124.106.

[9] 15 U.S.C. §637(d). Criteria set forth in the regulations permit an administrative determination of socially disadvantaged status to be predicated on "clear and convincing evidence" that an applicant has "personally suffered" disadvantage of a "chronic and substantial" nature as the result of any of a variety of causes, including "long term residence in an environment isolated from the mainstream of American society," with a negative impact "on his or her entry into the business world." 13 C.F.R. §124.105(c).

[10] P.L. 100-656, §502, 102 Stat. 3887, codified at 15 U.S.C. §644(g)(1).

[11] *See e.g.* 49 C.F.R. §§23.64(e), 23.65 (setting forth waiver criteria for the Department of Transportation).

[12] 15 U.S.C. §637(a)(5).

[13] *See* 49 C.F.R. Pt. 23, Subpt. D, App. C.

[14] P.L. 103-355, 108 Stat. 3243 , 3374, §7106 (1994).

[15] As amended by §3(a) of the Resolution Trust Completion Act, P.L. 103-204, 107 Stat. 2369, 2375 (1993).

[16] Opinions may reasonably differ as to whether federal programs that exclusively aid "historically black colleges and universities" or other minority institutions are a form of racial "preference." Without expressing any view on that policy issue, however, such programs are included here only because they employ racial and ethnic criteria or classification as the basis for distribution of federal benefits and, accordingly, at least arguably fall within the ambit of your inquiry.

[17] 59 Fed. Reg. 47279 (September 15, 1994).

[18] The provisions listed in 24 C.F.R. Part 84 are not yet codified by may be found at 59 Fed. Reg. 47010 et seq. (September 13, 1994).

[19] 59 Fed. Reg. 38281 (July 27, 1994).

[20] 42 U.S.C. §§2000e *et seq.*

[21] 29 C.F.R. Part 1608 (the guidelines state the EEOC's position that when employers voluntarily undertake in good faith to remedy past discrimination by race- or gender-conscious affirmative action means, the agency will not find them liable for reverse discrimination).

[22] 42 U.S.C. §2000e-16(b)

[23] 42 U.S.C. §2000e-16(b)(1).

[24] 5 U.S.C. §7201.

[25] 5 U.S.C. §720.205(b)(1991).

[26] As amended by P.L. 103-424, 108 Stat. 4361, §6 (1994).

Mr. DOLE. We have had a lot of requests for the CRS report, not just from Members of Congress on both sides of the aisle, but from a lot of people who would like to study it.

I hope, in the final analysis, that this would be a matter that we can discuss again in a bipartisan way.

I believe my civil rights record is impeccable, and I believe I have some credibility in this area. I am not out to destroy anybody or devastate anybody. I am out to take another look at what America should be. Can we have a color-blind society, which I think would meet the hopes and aspirations of 90 to 95 percent of all Americans? Some may want special rights and preferences. There may be some cases when we look over this document with 160-some different laws and regulations that have been compiled, where there may be some exception. There are some that should be continued. But certainly we ought to review it and look at it.

As I said earlier, unless I am totally wrong, we ought to take another look at the Executive order signed by President Johnson and see if it has been distorted, magnified, or whatever. The goal should be nondiscrimination. That was the original intent of it. We ought to look at the Small Business Administration 8(a) program. It has been abused, no doubt about it. A lot of people have made a lot of money by finding someone in a minority group to sort of front for the effort. I do not believe that is right. I do not believe that is fair. So we have asked for hearings. We will be reviewing this process, hopefully, on a bipartisan basis, not only in the Senate but in the House. I assume there will be further discussion of this as we come to the floor with a tax bill that has been reported out by the Senate Finance Committee, which takes a step, I believe, in the right direction toward eliminating preferences.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

AFFIRMATIVE ACTION

Mr. SIMON. Mr. President, I hope we can work out some bipartisan efforts here on this issue, but let me add that there is a lot of talk attacking affirmative action that is just nonsense. I see Senator DOLE nodding that he is in agreement.

Affirmative action can be a very good thing. It is like religion—it can be abused. It does not mean religion is wrong. But regarding affirmative action, if there is a company that hires 1,000 people and they all happen to be white males, I do not think we ought to have to prove that there is some discrimination. We ought to be able to say to that company that there ought to be some diversity. You ought not to have to lower your standards at all. But there ought to be some minorities, there ought to be some disabled people and some women in your work force.

The case at hand—and I have to say I do not remember all of the details—but a high school which has a majority of minority students there in the business section of that high school had nine teachers, all of whom happened to be white.

They had to reduce the number of teachers. The two teachers who had the least amount of seniority both happened to be hired the same day. One was white and one was black. That school made a decision on the basis of race that they felt it was important to have minority representation in the business section of this school.

I am not saying that their decision was necessarily right, but I think it is an understandable decision and I think the situation has been distorted. I think there are times when there should be some agreement.

I dealt with a city in Illinois that had some civil rights violence. It was 40 percent black. They did not have a single black on the police force or the fire department. We worked out an agreement that the next person they would hire would be someone who was African-American. I think that just makes sense. We did not say, "Lower the quality," or anything. That is affirmative action. I think it makes sense.

I am sure BOB DOLE, Senator FAIRCLOTH, Senator BAUCUS, like PAUL SIMON, you try to have some diversity in your office. You do not lower standards.

Two of the lawyers in my office are Jayne Jerkins and Carlos Angulo. I will put them up against any staff members in the U.S. Senate. One happens to be African-American; one happens to be Hispanic-American. They are just quality people.

But I have consciously in my office tried to have some diversity. And I think that is a healthy thing. That is affirmative action. It does not mean you lower standards or anything else.

So I think before we do too much attacking of affirmative action, let us recognize it can be a very good thing. Can it be abused? Yes, like any good things can be abused. But we should seek, as part of the American ideal, that we are going to have opportunities here for all Americans. I think that has to continue.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I thank my colleague from Illinois. I know of his feelings in this area.

I think, in fact, we want to do the same thing he has already suggested through nondiscrimination and penalties for discrimination. I mean, if you discriminate there ought to be punishment.

Al Shanker of the American Federation of Teachers came out against the Justice Department's position on the Piscataway case. In fact, he has written a column about it. There was not any evidence of any discrimination by the school board. Next time, it could be a black person, a black woman or black man, who may lose their job.

So that is why I say if somebody discriminates, to me that is one thing. If somebody has 1,000 white males, as the Senator from Illinois suggested, and there were good Asian, Hispanic, and black applicants, there ought to be at least some presumption or some evidence that someone may have discriminated, and we ought to go after that person if there is any evidence.

We are talking about the same result. We may have a different way of approaching it.

But I think, in any case, when we have had laws on the books for 10, 15, 20, 25, 30 years around here, it might be time to go back and take a look to see what has worked, what has not worked, see if they have worked at all, or if they have been misused or abused, taken advantage of by some people who may not have been in any of those special groups. That has happened, too.

So I hope we can discuss this in a very reasonable way, because it is a very, very touchy subject. In the past, you know, if you had two equally qualified people, you used to flip a coin. One might be black, one might Asian; or one Hispanic, one white. You would say, "Well, somebody has to go." You flipped a coin. And we have done a lot of that. I think we can all look back at the time we flipped coins. Sometimes we won; sometimes we lost.

In any event, it is a very important debate. There has been a lot of statements made that I think go over the edge; probably some from each side that go over the edge. That is not my purpose. I hope that, as we delve into this on the committee level, we will have a good discussion and maybe get some better results.

I yield the floor.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana.

Mr. BAUCUS. Mr. President, what is the pending business?

The PRESIDING OFFICER. H.R. 889 is the pending business.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak as if in morning business for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

DOUG SWINGLEY WINS THE IDITAROD TRAIL SLED DOG RACE

Mr. BAUCUS. Mr. President, let me read from a story that appeared on today's AP wire:

> A quiet "yahoo" was the first thing Montana musher Doug Swingley uttered when he arrived at Nome, winning the Iditarod Trail Sled Dog Race in record time. Swingley is the first non-Alaskan winner of the race in 23 years.

Well, today, many Montanans are echoing that "yahoo" heard up north.

We are saying yahoo for Doug Swingley and the hard work, determination and endurance that helped him win.

We are saying yahoo for the family and friends—particularly his wife Nelda—who backed Doug up and helped him get to where he is today.

And we are even saying yahoo for Doug's lead dog, Elmer, and what is almost certainly the fastest team of sled dogs in the world.

They have all made Montana proud. And to Doug, his family and his friends, we say congratulations.

Yet I doubt there is a yahoo to be heard anywhere in the State of Alaska today. And that includes my good friends and colleagues from Alaska, Senators STEVENS and MURKOWSKI.

But I would urge them to not take this loss too hard. It is never easy to keep up with Montana. Perhaps all those cold, dark Alaska winters have just slowed the Alaska mushers down. And maybe, if Alaska wants to stay competitive in future Iditarods, they should send their mushers to Montana to train. After all, it is warmer. But we usually have plenty of snow. And the sun even shines.

Despite this loss, Senators STEVENS, MURKOWSKI and the people of Alaska can be justly proud of the rich tradition and sporting heritage of the Iditarod and their home State.

THE LADY GRIZ OF THE UNIVERSITY OF MONTANA

Mr. BAUCUS. Mr. President, on a related subject, this is a great week for Montana sports enthusiasts. First, Doug Swingley won the Iditarod Dog Sled Race, and tomorrow night the Lady Griz of the University of Montana will be playing in the opening round of the NCAA's Women's Final Four Tournament being held in San Diego.

I have been watching the Lady Griz's trek to March madness. At the beginning of the season, we all had high hopes for them. But they have far surpassed what many of us expected of them—and believe me—we Montanans have high expectations for our sports teams.

This group of tough Montana and Pacific Northwest women have shown that they have the grit and the discipline to be national champions.

Just last weekend, I saw them win their final Big Sky season game against their cross-State archrivals, the Montana State University Lady-Bobcats. It was a great game, I sat down in the front row, right next to the floor, I enjoyed very much. Both teams played very well.

And now that the Lady Griz have prevailed and won the Big Sky title, all Montanans join together in wishing their coach Robin Selvig the best of luck as they represent Montana at the NCAA tournament. Robin has built a great program that stresses hard work, excellent academics and discipline—all Montana values that we treasure.

With the tough inside play of Jodi Hinrichs and the outside shooting skills of Kristy Langton and Skyla Sisco, teams from all over the country will be facing a tough challenge from the Big Sky State. Win or lose, we are all very proud of them. And we look forward to seeing them in the final four and hopefully as national champions.

Mr. President, I yield the floor.

MORRELL RETIREES

Mr. DASCHLE. Mr. President, last month, Republicans in the House of Representatives marked the first 50 days of their efforts to pass the Contract With America. Notably missing from their speeches was any mention of progress in the fight to enact health reform.

Indeed, this issue was not even mentioned in the House Contract With America, nor was health reform among the priority bills introduced by Republicans in either the House or Senate leadership.

Meanwhile, in this first 100 days, another group of citizens in my home State was learning, personally and painfully, why we need to continue the fight for health reform.

The 3,300 retirees of John Morrell & Co., a South Dakota meat packing firm, learned this January that the firm was ending all retiree health coverage.

Many of these retirees and their families had worked for Morrell all of their adult lives.

On January 24, Morrell retirees received a simple, yet unexpected, letter stating that their health insurance plan was being terminated, effective midnight, January 31, 1995—only a week later.

The benefits being terminated, the letter said, included all hospital, major medical, and prescription drug coverage, Medicare supplemental insurance, vision care, and life insurance coverage.

For those retirees under 65, this action poses a particular problem. While Morrell gave them the option of paying for their own coverage for up to 1 year, few can afford the $500 monthly premium for a couple. And many cannot purchase coverage at any price, because of preexisting conditions like diabetes or heart disease.

Medicare beneficiaries would have to buy expensive supplemental insurance on their own.

Morrell's decision was all the more painful to the retirees because it was so unexpected. These retirees believed they worked for a fair company; that a fair day's work resulted in a fair day's pay. They found out the hard way that the company they had helped to build had turned its back on them.

They also found out that the court system was not sympathetic to their cause: The Eighth Circuit Court of Appeals ruled in favor of the company's decision. The union is now planning to appeal the decision to the Supreme Court.

Sadly, some of the retirees will not live long enough for a possible reversal. And, if medical expenses eat up their income and assets, some Morrell retirees might be forced to resort to welfare.

All will struggle financially and emotionally to accept the change in benefits that they counted on for life.

A recent edition of the Sioux Falls Argus Leader recounted the stories of several Morrell retirees and their families.

One 26-year veteran of Morrell is legally blind, has diabetes and arthritis, takes heart medication, and wears a hearing aid. His $300 monthly pension from Morrell will not even cover the prescription drugs he needs. He fears the financial burden of high medical costs will force him and his wife to sell their home.

Another retiree gave up $130 from his monthly Morrell pension so his wife could get health insurance. He now has cancer and glaucoma, and his monthly prescription costs are $800. His wife's monthly drug costs are $200. His monthly pension from Morrell, after 30 years service, is about $300.

Finally, a retiree who had a kidney transplant and recently had a leg amputated, figures that he can pay for the company-offered insurance coverage for the year it is available. After that he is not sure what he will do to pay the $1,000 monthly cost for antirejection drugs, which Medicare doesn't cover.

Mr. President, the stories go on and on.

They describe proud people who worry that high medical costs will impoverish them or force them to rely on their children for financial help.

They are stories about loyal employees who each day will live in fear of illness and injury because they have no health insurance.

Unfortunately, this is not an isolated situation. What happened to Morrell workers could happen to any of the 14 million retired workers who believe they and their families have lifelong health insurance coverage through their employers.

As companies look for ways to reduce their health care costs, they will no doubt look at drastic reductions in, or outright elimination of, retiree health care benefits.

That just is not the way it should be in this country.

We all like to think that, if we work hard and play by the rules, we will be rewarded, especially in our old age.

Sadly, when it comes to our health care system, this is often not the case.

I was disappointed that the 103d Congress was unable to pass comprehensive health reform, because many of the proposals we were considering would have addressed the problem the Morrell retirees now face.

A union official recently said, "I wish that Harry and Louise could see what's happened to the people at Morrell."

I could not agree more. The problems we talked about in last year's health reform debate have not gone away simply because that session of Congress has ended.

The Morrell retiree situation is a painful reminder of that fact.

As I recently indicated in a letter to the majority leader, I remain committed to working with all of our colleagues to craft legislation that will address the serious problems of the health care system that plague American families and businesses.

I will also be offering in the next few weeks a bill that will deal directly with the problem that Morrell and other retirees face.

I hope that those who have blocked and delayed health reform will at least support the effort to ensure that our Nation's retirees get a fair day's wage from a fair day's work.

LOSS OF HEALTH CARE COVERAGE FOR MORRELL RETIREES

Mr. PRESSLER. Mr. President, I join my colleague, Senator DASCHLE, in efforts to find a solution for the Morrell retirees' who have lost their health benefits.

Nearly 1,200 Morrell retirees living in South Dakota have had their health insurance benefits terminated. Many retirees cannot purchase a private health insurance plan. Under the terms of their retirement contract with John Morrell & Co., health insurance benefits were provided to all retirees. But like so many retirees, they have found the ground rules changed. John Morrell & Co. has terminated their health benefits. This decision has caused great hardship for many South Dakota citizens. Benefits, which they were promised and which they earned, have been terminated.

I have taken steps to correct this problem. I have written to Mr. Carl Lindner, president of the Morrell parent company, Chiquita Brands. I asked that they reverse their earlier decision to terminate benefits. In addition I have drafted legislation, which I am garnering support for, which would reduce the health insurance deduction for corporations that terminate health insurance benefits of their retirees. Specifically, my proposal would limit a company to deduct just 25 percent of their health insurance costs—if they terminated the health benefits of their retirees.

The union has appealed this decision and the matter next goes before the Supreme Court. I am working on an amicus brief and hope to file this on behalf of the retirees.

I am prepared to assist in legislation, or take any needed steps, to find a solution. This will be very difficult. However, I am hopeful this can be resolved.

I did want to rise on the Senate floor to say that I am very concerned about what has happened to those retirees who have lost their health insurance in a contract dispute which sprung out of a long and difficult labor dispute that has been going on near the meat packing plant of John Morrell & Co. in Sioux Falls, SD.

So, Mr. President, I wish to announce that I am also prepared to join in a legislative effort to protect not only these retired workers, but other retired workers who believed that they had health care coverage into their retirement. We must make it clearer to people what these contracts contain. I think both unions and management have an obligation to be clearer and more careful about the rights of these elderly retirees in the medical area.

Mr. SIMPSON. Mr. President, I thank the Chair.

(The remarks of Mr. SIMPSON pertaining to the introduction of S. 559 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Chair recognizes the senior Senator from Maine.

Mr. COHEN. Mr. President, I ask unanimous consent I be allowed to proceed in morning business for a period of time not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AFFIRMATIVE ACTION

Mr. COHEN. Mr. President, I have been planning to take the floor for some time this week and have not been able to do so, given the Senate's schedule prior to this time. I was not aware that Senator DOLE would be taking the floor to talk about affirmative action.

First, let me say that I have the highest regard and respect for Senator DOLE and I agree completely with what he said earlier that no one—no one—can criticize his position on civil rights or on policies that would benefit those who suffer from any sort of affliction or disability.

Especially in the field of civil rights, he has been a leader. No one can question his motivations. I think he is correct to start calling attention to some revisions that may be necessary in dealing with affirmative action.

Having said that, I want to point out that affirmative action has moved apparently to the center stage of this country's political agenda. Critics of programs designed to address centuries' old discrimination range all the way from Presidential contenders to syndicated columnists.

Some argue that our Nation is or should be colorblind and our laws race and gender neutral. Some have argued—and I am paraphrasing, but I think correctly—that reverse discrimination is as bad as slavery. I want to repeat they believe that reverse discrimination is as bad as slavery. I suggest, perhaps, a reading of Alex Haley or James Baldwin or Gordon Parks might be beneficial in dismissing such a preposterous notion.

One writer has written that, "Compensatory opportunity is advocated by those who want to remedy the presumed victimization of certain groups in the past." Mr. President, since victimization has only been presumed, apparently like the Holocaust, it has to be proven in the present and in the future time and time again.

It is also said that preferential treatment based on race, gender or ethnicity is inherently anti-American and contributes to the polarization of the American people. Finally, some say that 30 years is long enough to compensate for the four centuries of our fathers' sins.

Mr. President, I should point out that these critics of affirmative action are not confined to angry white males. There are a number of prominent blacks, some of whom have no doubt been the beneficiaries of affirmative action programs, who now denounce the programs because of the so-called Faustian bargain that they had to strike. They resent the fact that they now have scarlet letters "AA" stamped on their brow, which, they believe, forever identifies them as social and intellectual inferiors who could not make it on merit.

Let me say, Mr. President, as a strong supporter of programs designed to help women and African Americans and other minorities break through glass ceilings and concrete walls, I believe, as I said earlier, that no program, however well-intentioned, should be excluded from review, revision, even elimination if circumstances warrant. There is no doubt in my mind that some programs have been used and abused in ways that many of us who are the authors and supporters of affirmative action never anticipated. The Viacom deal, which is about to come before the Senate in the next week or two, is perhaps a classic case of a program that has long since outlived its usefulness. Maybe it needs to be rejected and repealed.

But I say to those who argue that we should not consider any preferential treatment on the basis of group membership, I think we have to look back into our history and look deep into our hearts and remind ourselves that we have a great deal to account for and correct based on discriminatory policies of the past—policies that continue to this very day. Judgments and jobs are not, as we would like to believe, based on the content of our character. They are, in fact, in many, many cases still based on the color of one's skin, gender or ethnic background.

I know that affirmative action is said to be a politically defining issue, a wedge issue, one that is going to drive the middle-class white voters fully into the arms of the Republican Party, leaving the minorities and women and other liberals floating in the backwash of the Democratic Party. The polls actually confirm that this wedge is politically powerful and popular as a force that will, in fact, succeed in dividing segments of our society into clearly defined political camps.

Mr. President, let me say I believe any short-term political success is going to prove to be a long-term policy disaster, because what is truly at stake in the coming debate is not wedges but values.

There are two values that lie deep within the American hearts and minds. One is that every person should be given a fair chance to compete in the classroom, on the athletic fields and in the workplace. Every person under our Constitution should enjoy equal privileges and protections of the law.

Second, there should be no special privileges, no favoritism, no artificial or arbitrary rules that give something to someone that has not been earned. There should be no quotas, no rules of thumb. We want rules of reason instead.

In an ideal world, these values are not in conflict, they are in complete harmony.

But let us suppose that the world is less than ideal. Let us suppose that all the people are not treated equally over a long period of time. Suppose there are laws that discriminate against people because of their race or sex. Suppose that some people are treated as slaves or pack mules or objects of hatred and violence or as simple reproductive vessels. And suppose that some people cannot buy a home or obtain a mortgage or get a job or break through that so-called glass ceiling just because of the color of their skin. Is there anything more un-American than to deny a human being the chance to be the best that he or she can be on equal terms?

Is there anything more un-American than to isolate people in a ghetto, to put up invisible barriers by denying them jobs, opportunity, and any hope of breaking out of that prison of poverty, and then to watch in horror and outrage as their children go fatherless and the streets go white with drugs and run red with the blood of mindless violence?

Is there anything more un-American than to rob people of equal opportunity because of the pigment of their skin, the texture of their hair, the composition of their chromosomes, all while we proudly proclaim that our policies are colorblind and gender neutral?

And is there anything more hypocritical than to say that racism or sexism is a thing of the past?

Mr. President, a book I read some years ago, "Native Son," written by Richard Wright 55 years ago, told the story of what it means to be black in this country. There are many memorable scenes, but one that has stayed with me over the years is one where there are two young boys, one named Bigger and one named Gus. They look up at a pilot who is skywriting on a lazy summer day. The passage goes:

> "Looks like a little bird," Bigger breathed with childlike wonder.
>
> "Them white boys sure can fly," Gus said.
>
> "Yeah," Bigger said wistfully. "They get a chance to do everything. I could fly a plane if I had a chance."
>
> "If you wasn't black and if you had some money and they'd let you go to the aviation school, you could fly a plane," Gus said. . . .

Then Bigger said:

> Every time I think about it, I feel like somebody's poking a red-hot iron down my throat. . . . It's just like living in jail. Half the time I feel like I'm on the outside of the world peeping in through the knot-hole in the fence. . . ."

Mr. President, that scene was memorable for me not just because it depicts innocence in a novel that is filled with horror, but because it says so much about the human spirit, about the significance of hope, and about the utter destructiveness of knowing in advance that hope can never be realized.

Well, "Native Son" is fiction. It was written more than 50 years ago now, and we know that a lot of things have changed since that time. We know that we have Michael Jordan who may be, once again, skywriting in Chicago. We know that you can turn on your television set and watch Bryant Gumbel or Oprah Winfrey. We know we have Justice Thomas on the Court. We know that we have Colin Powell, who may be the most popular non-Presidential candidate to date on the American political scene. There are powerful women as well, Sandra Day O'Connor and Justice Ginsburg, to name a few.

Let me just say that for every Michael Jordan, for every Colin Powell, for every athlete, musician, businessperson who has succeeded, there are millions of people locked away from opportunity to this very day.

One of the things that struck me several years ago was a program I watched, I think it was on "ABC PrimeTime." The producers of that show took two attractive articulate male college graduates, one was white, one was black, and sent them out into the world followed by a hidden camera.

How was the black man treated? In a store, he was regarded with great suspicion by a security guard who followed him wherever he went. At an auto dealership he was ignored for not just minutes but nearly a half-hour or more. He went to look for an apartment and was told, "Just happened to miss it. The last one went just a few minutes ago."

Then they followed the white college graduate. Needless to say, he was treated quite differently. When he went to the store, he was welcomed with open arms. When he went to the auto dealership, he was given preferential treatment and terms. When he went to look for an apartment, the same building at which the black man had just been turned down, they said, "We have an apartment for you."

Well, the camera never blinked, not once, not twice. And not one of the participants in the film blinked. They either denied they were engaged in acts of racism or discrimination or they reacted with anger at the exposure of their behavior.

So for those today who say that racism is all a thing of the past, that we do not have to worry about it anymore, that 30 years has really leveled the playing field—it isn't true. And for those who say that affirmative action is being used to deny qualified white males their opportunity—Mr. President—that was never the goal of affirmative action. It was never the goal of affirmative action to give preference to unqualified people over qualified ones, be it in college, in graduate schools or the management level of business. We are not discriminating in favor of unqualified blacks and unqualified women.

Affirmative action is really about finding qualified people. They are out there in abundance. But either through inadvertence or deliberate neglect and rejection, they have been ignored. The pursuit has not been for mediocrity, it has been for opportunity, to give everyone a chance to be the best that they can be.

Justice Holmes, one of my favorite Justices in the history of this country, said at one time that the tragedy that filled the old world's literature was really about people who were taxed beyond their abilities. We know the story of Sisyphus forever rolling the rock up the hill and it kept rolling back down. We know about those with the water that kept coming up to their necks but could never drink. This theme was really part of the myths and the tragedies of the ancient Greeks.

Holmes said that in modern times there is a different type of hell, a much deeper abyss, that occurs when people who are conscious of their powers are denied their chance. That is what affirmative action really has been all about, when people conscious of their power have been denied their chance. Affirmative action has provided an opportunity for the U.S. Congress and the administration to work together to help bring people who have the talent and the ability, who have been held down over the centuries—not just 30 years, over the centuries—to give them a chance to break through the barriers. Now we are suddenly saying that society is all level, we are gender neutral, we are race neutral, we do not have to worry about affirmative action anymore.

But we have not been fully successful. A recent Time magazine article shows that affirmative action has not had as positive an effect as the critics claim or supporters hope. The article cites a Bureau of Labor Statistics study from 1994 noting that whites now hold 88.8 percent of managerial professional positions, down only slightly from 91.6 percent in 1983. In that same period, blacks increased their presence in the managerial professional ranks only marginally—from 5.6 to 7.1 percent. So there have not been these great strides that the critics of the programs have now cited.

Mr. President, I say it again, I have no doubt that there are some who might use either their race or gender as an excuse for failure. The vast majority of people, however, have found that others have used their race or gender as a reason to keep them from success. So let us remove programs that are no longer necessary, let us revise ones that are not working, but let us not indulge in the delusion that the field of dreams is equal and level for all of our people. We still have a long, long way to go.

Mr. President, I yield back the remainder of my time.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Chair recognizes the junior Senator from Illinois.

Ms. MOSELEY-BRAUN. Thank you, Mr. President. I ask unanimous consent to speak in morning business for a period not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AFFIRMATIVE ACTION

Ms. MOSELEY-BRAUN. Mr. President, I want to associate myself and actually commend Senator COHEN for the statement he just made on the subject of affirmative action. I have had the pleasure of serving with Senator COHEN now since I came to the Senate 2 years ago. I have seen him in action, and I have been just overwhelmed and, frankly, very grateful that he brings to these issues, particularly the hot-button issues and issues pertaining to race, a sensibility, a level-headedness, fairness, and a perspective that is just so important to have in this body.

It is because of the work of Senator COHEN and, frankly, many of the other Senators who approach these issues with a perspective that relates to the interests of our community, that makes it easier to address these issues here than might otherwise occur.

I come to the floor, Mr. President, though, because I just left a meeting of the Finance Committee in which the committee voted to repeal a section of the Tax Code which provided for minority and female ownership of broadcast media. The argument around the repeal had come up because of a particular deal that was talked about in the newspapers, one that has been debated as to whether or not it was a good deal or fair deal.

The point is that by its action, in my opinion, the committee has essentially cemented the glass ceiling that keeps women and minorities from participating as full partners in an important industry that really goes to the very heart of the character of our country.

I say that because, Mr. President, the section that was under review, section 1071, was originally adopted back at a time when the concern was over diversity of voices in the airwaves. The notion was that our entire community had an interest in hearing a multitude of voices so as to avoid the almost Orwellian Specter of a single point of view, a single voice being communicated to the American people over the airwaves.

And so this section was initially adopted in order to provide for openness, in order to provide for inclusion, in order to provide for diversity of voice in the airwaves. At the time, by the way, Mr. President, when the broadcast spectrums were initially instituted, they were essentially given away. There was no cost associated with them at the time.

As you can well imagine, Mr. President, at the time of the giveaway of these broadcast spectrums, no women got anything for free; no minorities were at the table. It was a situation in which you could almost say there was a 100-percent set-aside for white males who knew about broadcast spectrums and the opportunities they might provide.

Subsequently, Mr. President, the Congress decided that this section of the law that provided for openness and for inclusion and for diversity of voice should be amended to provide opportunity for women and minorities to have ownership of broadcast facilities. So the tax certificate approach was used as a way, really a tax way—it was not a set-aside in the sense we think of. It was a provision in the law that allowed for the private sector to diversify the airwaves, and allowed for the private-sector actors to come together and open up ownership so there would be this diversity of voices and so there would be diversity, in fact, in the ownership of broadcast facilities.

That section of the law has been with us for awhile, and it is almost disappointing, frankly, to note that in all the years since the 1980's, when this section was amended to include women and minorities, as of today women own about 3 percent of the entire broadcast industry—3 percent—and minorities own about 2 percent of that same industry.

So for all of this time and all of the effort, we still only were able to come up with a cumulative total of about 6 percent of the entire industry owned by women and minorities—a long way, I suggest, Mr. President, from achieving the kind of diversity of voice, the kind of diversity that was originally intended by this section.

However, apparently there was a deal announced in the newspapers that involved some high-profile actors in the broadcast field, and the House took it upon itself to target that specific deal—and I will use the name, the Viacom deal—to target that transaction as the basis upon which to repeal section 1071 and thereby constitute the first shot across the bow, if you will, on affirmative action.

The chairman of the committee was actually—it was kind of almost humorous because the chairman of the committee said he never expected that the first battle on affirmative action would come in the Finance Committee. But lo and behold, I guess by the law of unexpected consequences, it wound up there, and so we had to take up the issue of what about this section of the law? Is there some unfairness here? Should we maintain it or should we repeal it?

Mr. President, the question underlying this tax certificate issue was extension of health insurance for the self-employed. We all, I think, support that. People who are self-employed ought to be able to deduct their payments for health insurance just like anybody else. And we are just now restoring a partial effort in that regard. But the question before the committee was not just the reinstitution of the 25-percent deduction for health insurance. The question before the committee was how to pay for that. Do we pay for that through the repeal of this tiny step for women and minorities in the broadcast industry, do we pay for it with the repeal of section 1071, or do we find some other revenue sources?

Mr. President, it was, frankly, reflected in the President's budget, and a number of the members of the committee were interested in other alternative revenue sources such as a revenue source coming from those Americans who renounce their U.S. citizenship to avoid paying taxes. That provision, had we just changed the law a little bit for those billionaires that renounce their American citizenship to avoid paying taxes, would have raised twice the money, two times the money that would have been raised by repealing section 1071.

Unfortunately—and this is why I have taken the floor this afternoon—the committee decided it was going to go ahead and repeal section 1071 nonetheless, that somehow or another this was affirmative action gone amok, that somehow or another there was some problem with this section, that is, it was open to abuse and fraud alike.

The fact is, the facts do not show that. The facts show that those few minorities and those few women who participate in the broadcast industry in an ownership capacity got there in large part because of the existence of this statute that made it, frankly, financially worthwhile for sellers to sell to them. People would sell to minorities and people would sell to women precisely because they knew that there would be some tax deferral by virtue of the ownership of these tax certificates.

To the extent the door was open or the window was open or the ceiling was cracked just a little bit, what the committee did this afternoon was to seal over the crack in the glass ceiling, to shut the window on minority ownership, to close the door on women who would own in this area, and to really seal them in and make it more difficult than before, in spite of the limited success we have had so far.

I would like to review, just for a moment, some of the numbers. I have used percentages, but just so you get a sense of it: Of the 11,586 broadcast stations—11,586 broadcast stations, 420—420 are owned by women, and 323 are owned by minorities.

With regard to television stations, of the 1,342 television stations operating in the United States, 26 are owned by women and out of that number 31 are owned by minorities. I can break the figures down further and I certainly intend to do that at some point in the future. But the point is, of this huge industry, there is just a little bit of diversity of ownership. And the committee this afternoon decided to get rid of that.

In radio, out of 10,244 radio stations, some 394 are owned by women and 292 are owned by minorities.

It would be one thing if we were just talking about ownership, and that certainly is the issue. But think what that says about the whole notion of diversity of voice. If, to the extent we have minority ownership at all, to the extent we have female ownership at all, if we foreclose it and make that more difficult, then I fear we are doing a disservice to all of the American people who would benefit from the opportunity to share in the diversity of viewpoint, the diversity of voice, the diversity of opinion, the diversity of conversation, the diversity of perspective that is brought to this broadcast industry, which communicates information to all of us, by the presence of women and minorities in the field.

I listened to the majority leader a moment ago as he was speaking. I want to say this at the outset: I did not hear all of his comments, but I did hear some. One of the statements was the race counting game had gone too far. I daresay, if anything, that almost casts this debate in the wrong light altogether. No one is in favor of unfairness. No one wants to be unfair to white males. No one wants to be unfair to black males, black women, white women, Asian, Hispanic—you can go down the list and divide us up any number of ways. But the bottom line is we are all Americans. We are in this together and we will rise and we will sink as a Nation together. And to the extent we define ourselves as a community with coherent interests, with interests that come together, we will succeed as a Nation. We will not allow ourselves to be divided up and pitted against each other in this no-win, lose-lose game—I submit a cynical political game that suggests that race counting has any role in any of this.

That is not what affirmative action is about. I think Senator COHEN's remarks on this point were very well taken. Affirmative action is not about race counting. It is not about quotas. What it is about is the total community recognizing the value of opening up opportunity so the face of opportunity in America is everybody's face; so it is not just white males who are given broadcast spectrum, but now it is the face of black people, brown people, women, and all kinds of groups that were not previously included in the definition.

When we talked about the American dream 100 years ago, it had a particular meaning. It meant white male, period. I was reminded women in this country just got the vote 75 years ago. So even though an American of African descent—the emancipation happened over 100 years—as a woman, as an African-American woman, I still would not have been even able to vote until 75 years ago.

So the face of the American dream is changed. The face of the American dream now is a multiplicity of people. It is a multiplicity of faces. It is an inclusive face. It includes everybody. It includes everybody who subscribes to the ideals and the values that define us as Americans.

I submit that this debate about affirmative action goes to the heart of what we mean by who is included in this American dream. It goes to the heart of whether or not opportunity is going to be open to all Americans or just some Americans; whether or not we are going to begin to try to undo and fix some of the persistent problems that we have in our society by providing some support and some help to those who have previously been excluded.

It is for that reason, again, I am very distressed by what happened in the committee this afternoon. I am very distressed by the assault on affirmative action. I am very distressed, frankly, by the tenor that this conversation has taken—happily, so far, outside of this Chamber. I hope here in the Senate we will have a more reasoned debate about what are the real issues here, and not allow ourselves to get separated and inflamed, and not allow for the hot button appeals to pass and prejudice to succeed.

I hope in this body we will take it upon ourselves to look at the facts and make our decisions based on reality and not myths, preconceptions, diversions, and misinformation; make our decision based on what is actually going on in our country and what direction do we want to take.

I think in Senator COHEN's remarks—and I would like to take a point there to make the next step and talk about the next point—he talked about people having a sense of opportunity, of being able to rise to the highest level of their ability.

Certainly, ability and merit and excellence are concepts that are important and dear to all of us. But the question becomes to what extent do those who feel they are denied inclusion—to what extent do we not exacerbate, make worse the hopelessness that besets all too many of our communities, that besets all too many of our people? To what extent do we not exacerbate the notion that you can rise just so far but you cannot go any further; the notion the glass ceiling is there, intact; that a woman can only go so far, that a minority can only go so far in maintaining the institutions and the systems that by their operation create whole communities of disaffection? By maintaining those institutions, I believe we buy into and build up and give succor to the hopelessness that is beginning to erode the very foundations of our national character.

I submit this debate is going to be one of those turning debates, one of those critical debates that will direct the future direction of our country as we go into the next millennium which, as you know, is only 5 years from now. As we go into this next century, the question before us today—whether it is in a debate as specific and as complex as 1071 and the operation of a section of the Tax Code, or if the debate is on something more general and straightforward that people can grasp onto—the question becomes, for this body, how shall we proceed in this debate? Shall we allow it to become the kind of hot button race-baiting prejudicial kind of inflammatory debate that pits us against each other, inflames passions, distorts the debate, ignores the facts, and plays into myths and prejudices and fears? Or, instead of playing into people's fear, do we play to and direct our comments and our conversation and our decisions to the hopes of the American people that the American dream really is still alive; and that it lives not just for white males, but it lives for black males and black women and brown males and brown women and men and women of every stripe and description who call themselves Americans?

That is what this debate is about. I know the issue is going to come back to the floor time and time again. I am making extemporaneous remarks right now about it. But I was drawn to come to the floor this afternoon in large part in response to some of the things that were being said earlier.

I just submit to you that I hope that as we go down this road it will be a road we go down together and that we can appeal to, as Abraham Lincoln said, the "higher angels" of our nature and which address what is in the best interests of our country as a whole. And, therein, I think we will find a correct answer as to what to do about the issue of affirmative action.

Thank you.

Mr. FEINGOLD. Mr. President, let me first of all say that I am very glad coming down here I have the opportunity to hear the statements of both the Senator from Maine and the junior Senator from Illinois about the issue of affirmative action. It is again encouraging to see the U.S. Senate acting in a bipartisan manner to ask the questions that have to be asked about certain aspects of the so-called Republican contract that we are going to carefully examine the record of affirmative action and other such issues and make sure that in our haste to address some genuine public frustration that we do not destroy some of the things that have been done in the last 20 or 30 years that actually have helped people and made this country a fairer place.

So I appreciate that.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

The Senate continued with the consideration of the bill.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, thank you.

Mr. President, the pending business before us I assume is the Kassebaum amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. FEINGOLD. Mr. President, the purpose of the Kassebaum amendment is to overturn the President's Executive order saying in effect that Federal dollars should not be used to encourage strikebreaking. That is what it is really about. I think it is only fair to remind everyone that this amendment obviously has nothing to do with the bill before us. What is this amendment about strikebreakers doing on a Department of Defense bill having to do with peacekeeping? None of us are completely pure in this category of offering amendments that are not completely relevant to the core of a bill. The germaneness rule here essentially does not exist in most instances and stands in stark contrast to the rule that I got used to in the Wisconsin State Senate and for 10 years we really did have a germaneness rule. You can actually prevent this kind of confusion.

I want to reiterate. Of course, this has happened before. But on this bill it seems extremely off the mark to try to address the issue of strikebreaking and the strikebreaker issue in the context of this bill which I thought was about readiness.

I thought the bill was about whether we are going to provide certain funds for our peacekeeping forces. I thought the bill was supposed to be about the identification of certain cuts within the Defense Department that would help pay for some other things that the Defense Department believes needs to be done both in this country and around the world. That is what I thought the bill was about.

So do not let anybody be fooling you here. The effort we are making here is not a filibuster again against the bill. Many of us who are objecting to this amendment think the bill has tremendous merit. There is a lot of merit to it. But it is a rather unique way to finance needed peacekeeping funds by finding other things in the Defense Department that maybe can be eliminated. It has a lot of fiscal sense behind it. But this is not an effort to kill the bill. Everyone in here knows that. But I am afraid some of the people who might be watching this would assume, given the reputation of the Senate for filibusters, that this is an effort to delay the process. In fact, it is just the opposite.

It is amendment offered by the Senator from Kansas that has slowed us down. Day after day is being wasted on an effort to embarrass the President on this issue that could have been used, either to move this bill through to deal with the some 40 amendments pending on the bill, and maybe we could even be on what I thought was the business at hand according to the majority. According to the majority in this body, we were going to pass that balanced budget amendment so we could get down to the nitty-gritty of identifying where the cuts would come from and make the cuts now. Time and again both sides said, sure, we can pass a balanced budget amendment or not, but that the real work is identifying where the cuts are and not just identifying them but coming out here on the floor of the Senate and voting to cut waste in the Federal Government. Why is not that happening today? It is not happening today because we have this amendment before us that is completely extraneous to the deficit issue and that is intended to embarrass the President and that is intended to further drive a stake into the heart of the working people of this country.

I want to talk a little bit today about the merits of the issue. But before I do I hope we do not hear any complaints from the majority or the talk radio people about how the balanced budget amendment took up so much time. It did take time. It was a terribly important issue. It deserved to have that kind of consideration. I think the whole process was better for it. But what is happening here is that day after day we are arguing about a Federal Executive order about strikebreakers that is preventing us from getting on to the real work of identifying what must be eliminated from our Federal budget so we can have not just a balanced budget amendment, Mr. President, but a balanced budget, not necessarily waiting to the year 2002 but so that we can do it now.

In fact, it is one of the reasons I voted against the balanced budget amendment because it is an opportunity for people to say I am for balancing the budget but then talk about everything else in the world instead of getting down to the work of finding the cuts and implementing them. This amendment helps that process. Putting us off the track, putting us onto the effort to kick down, kick people who are already hurting in the labor movement, is a great way to stay away from those hard choices that we made in the 103d Congress and that the 104th Congress claims it intends to address. But so far we have seen none of the debate that is involved in reducing the Federal budget.

Sometimes I wonder if the Republicans in this body forgot that they won. This is the kind of amendment you bring up when you are in the minority. Say there is a bill coming up, and the bill has to pass—an appropriations bill. We know we have to do it. That is when you bring up these amendments to kind of put them off the track. But what you are doing is delaying your own agenda here. In the House they are moving much faster than you are here. I think generally that is not good. But in the case of this bill, what would be wrong with moving this issue forward and not getting sidetracked? You are slowing yourself down. You are slowing down the Republican contract for one specific aspect of the Republican contract which has to do with not just trying to prevent the use of permanent replacement workers or allow the use of permanent replacement workers but specifically to say it is OK to have Federal dollars flow to companies that use permanent replacement workers.

Mr. President, I hope everyone understands exactly what is going on here. It is a completely extraneous amendment that does not have to do with this bill and has even less to do with the main business that this Congress should be addressing which is reducing the Federal deficit.

Mr. President, to discuss this amendment we must because it is the business before us. The effort to embarrass the President continues despite the failure of two cloture votes now to cut off debate.

Mr. President, last week I spoke at some length on the issue of the use of permanent replacement workers by employers during labor disputes. I had a chance to come to the floor and follow the Senator from Massachusetts in describing the history of the use of permanent replacement workers in my own State of Wisconsin, the border State of the Senator in the chair. As I indicated then, I was the author of legislation in Wisconsin that would have prohibited the use of permanent strikebreakers. And I had the chance years ago when I was still in the State senate to come to Washington and testify before a committee of the other body on behalf of the Federal law that has been proposed over the years because I do think in the end it is better that we have a Federal law banning the use of permanent replacement workers. We have not achieved that yet. That was killed last session by a filibuster. We had enough votes in both the Senate and the House and the President ready to sign the bill. It was killed by a Republican filibuster.

So our President, President Clinton, who is a supporter of the antistrikebreaker legislation, at least has done what he could do. The Executive order issued last week by the President is actually just a very modest step which would only say that employers who receive Federal contracts would be prohibited from engaging in this unfair practice. To me that is almost a disappointment. It is just a minimal requirement to impose upon those who want to do business with the Federal Government. But it is what the President can do. And I am very proud of him for having the nerve and the courage to make that Executive order.

To me those who would take Government money should be held to certain standards of fundamental fairness. That is why Presidents have in the past issued Executive orders directing Federal contractors to do things like maintain discriminatory-free workplaces and to take affirmative steps to eliminate discriminatory practices. There are a number of important issues raised by the debate around the use of permanent replacement workers. My friends in Wisconsin, who work so hard, describe them as striker breakers. At the core of this however, is really one central question, the question that goes to the heart of the whole debate on this amendment. The question is should workers have the right to use the strike as an economic voice during times when negotiations with their employers break down? That is the question. I, of course, have answered in the affirmative. They must have that right to collectively bargain, the right to join together in a union to have any meaning at all.

Mr. President, let me examine this a little more closely in three areas. First, I want to talk a little bit about what other countries do with regard to the use of permanent replacement workers in the strike context. Secondly, I would like to turn to some of the comments of not political people but religious and community leaders that have strong moral feelings about the appropriateness of the use of permanent replacement workers. Finally, I would like to take a few minutes to illustrate yet a few more examples of the great harm and cruelty that can come from the abusive practice of using permanent replacement workers to resolve labor disputes.

First, turning to other countries. We ought to take a look, as some Senators have had us do, at what is done by other countries, what our international competitors do in this area. So often, when it comes to labor law or other laws having to do with health or safety, people say, let us look at this because we do not want to put American businesses at a disadvantage. That sometimes is a reason that people raise, that it is very legitimate for us not to pass legislation to protect our own people, saying it could hurt us competitively. But the senior Senator from Illinois, who has spoken on this issue very eloquently, has pointed out time and again that virtually all countries in the world that are involved in serious industrial and trade activity do not allow the use of permanent replacement workers.

I will give you a few examples from a report prepared by the Library of Congress in 1990. With the exception of Great Britain and some of the Canadian Provinces, the law in practice in all of the countries surveyed—Belgium, France, Germany, Greece, Italy, Japan, Netherlands, and Sweden—all prohibit employers from dismissing striking workers.

One example is France. French law does not allow the firing of workers during or because of a strike. Indeed, according to the first paragraph of article L.521-1 of the Labor Code, a strike is not a breach of contract. According to the third paragraph of the same article, any dismissal in violation of paragraph 1, which is the right to strike, is null and void. French law, as a consequence of this article, also prohibits the permanent replacement of striking workers. Moreover, article L.122-3 of the Labor Code specifically forbids the use of temporary replacements during a strike. French law regulates this issue to the point that even temporary workers hired before a strike cannot be used as replacements for permanent employees. Indeed, the notion of replacement for strike purposes is simply forbidden by law.

So I hope nobody says that our efforts to compete with the French and African trade opportunities is going to be impaired by this Executive order. It will not, because they do not allow it. We do.

The same is true of Greece. The right to strike in Greece is guaranteed by the Constitution of 1975, as amended. Article 23 states that the right to strike could be exercised by lawfully established trade unions in order to protect and promote the financial and general labor interests of employees. The fundamental law that governs workers' freedom in general and the right to strike in particular is Law 1264/1982 on Democratization of the Syndicalistic Movement and the Establishment of Syndicalistic Freedom of Working People. In article 19 of this law, only trade unions have a right to declare a strike to support economic and labor interests. Article 22 of Law 1264 explicitly prohibits the hiring of replacement workers. Specifically, it states: "During a legal strike, the hiring of strikebreakers is prohibited. The lockout is also prohibited."

Consequently, Mr. President, in Greece, a lawful strike does not bring about a breach of an employment contract. As in France, the contract is merely suspended during a strike, and the employer does not have the right to either dismiss the workers or hire replacement workers. That European nation does not permit permanent replacement workers.

Let us turn to another country nearby—Italy. Article 40 of the Italian Constitution recognizes the right to strike. In the absence of any legislative regulation expressly called for by the Constitution, the right is recognized in its broadest form and is intended to be used for the improvement of working and economic conditions. As a consequence of this recognition, a strike is considered as a cause of legitimate suspension of the individual employment relationship, with consequent suspension of compensation. The Italian law says a strike does not empower the employer to dismiss the strikers or permanently hire other workers to replace them.

Furthermore, in Italy, the right to strike finds strong, indirect protection under the provisions of Decree No. 300 of 1970, known as the "Workers' Statute." Article 28 of this decree punishes employers who carry out any actions aimed at preventing or limiting a worker's free exercise of union activities, as well as his or her right to strike. Article 15 of the decree nullifies any act or pact aimed at dismissing or discriminating against or hurting a worker in any way because of his union membership or because of his participation in a strike.

Finally, let me turn to another part of the world of our great competitors in international trade, if not our ultimate competitor—Japan. The senior Senator from Illinois, not just during this debate but in previous debates, has pointed out time and again that Japanese companies cannot use permanent replacement workers and strikebreakers in Japan. But, apparently, companies owned by the Japanese in this country have gone ahead and done that to break strikes. That is a great irony and unfortunate irony of the current state of our law.

Looking at the Japanese law, article 7, paragraph 1, of the Labor Union Law of Japan provides that:

> The employer shall not engage in the following practices: (1) discharge or show discriminatory treatment toward a worker by reason of his being a member of a labor union or having tried to join or organize a labor union or having performed an appropriate act of a labor union . . .

These last few words in the Japanese law, the words "an appropriate act of a labor union" are construed under Japanese law to include acts arising from collective bargaining with the employer, such as strikes, picketing, and so on. Therefore, under Japanese law, as with the other countries I mentioned, it is unlawful for an employer to discharge a striking employee.

The validity of the above provisions was upheld by the Supreme Court in that country, which stated that since the prohibitory clause as set forth in article 7, paragraph 1, of the Labor Union Law originated from article 28 of the Constitution and was intended, according to the court, to guarantee the workers' right to organize and to bargain collectively, and therefore any acts on the part of the employer done against the above provision is illegal per se.

For that reason, I believe it is fair to say that the use of strikebreakers, permanent replacement workers, would, of course, also be illegal under Japanese law.

So I hope we do not hear too much argument that our competitive position is about to suffer if we do not join the rest of the industrialized countries in the world in saying that the use of permanent replacement workers is unfair labor practice, that it is harsh and the unfair to people who have chosen to join together in a labor union.

Having mentioned some of the other countries' positions on this, let me turn to a completely different angle on this issue—some of the comments of some religious and community leaders, who are not addressing this issue because they intend to run for office, who are not addressing this issue because they like to always get into the political fray. I assume they address the issue because they have a responsibility to reflect and think and talk about what is fair and moral conduct in this society. What is the way one human being should treat another, I think, would be the perspective of the people I am about to discuss.

Mr. President, reviewing support for legislation prohibiting permanent replacement workers, I was struck by the number of religious and community leaders who agreed that no company—and certainly not the Federal Government—should engage in conduct that would promote the use of strikebreakers. The Most Reverend Frank

Rodimer, bishop of Paterson, NJ, had this to say on behalf of the U.S. Catholic Conference in testimony in 1991:

> The role of unions in promoting the dignity of work and of workers is very important in Catholic teaching. In the words of Pope John Paul II, through labor unions workers can "not only have more, but be more." Rooted in the basic human right to freedom of association, the right to organize unions and to bargain collectively remains essential in order to prevent the exploitation of workers and to defend the human person as more than just a factor in production. For one hundred years the Church has called on governments to respect and defend labor unions in their essential roles in the struggle for justice in the workplace and as building blocks for freedom and democracy.

He continues:

> Mr. Chairman, an essential tool for unions in pursuing the just rights of their members is the possibility of a strike; without the threat of a strike unions would be next to powerless to resist unjust demands by employers. Without the right to strike, workers come to the bargaining table at a serious disadvantage, facing employers who are holding most of the cards. This relative weakness of workers in a market economy is the reason that Catholic teaching supports the legitimacy of the resort to a strike when this is the only available means to obtain justice. The right to strike has not always been used wisely; nor are unions above criticism, but neither the corruption that has plagued some—not all—unions nor the violence associated with some—not all—strikes can justify the denial nor the erosion of workers basic rights.

The bishop continues:

> Forty years ago when I become a priest it would have been unthinkable for an employer in my community to respond to a strike by hiring permanent replacements. I am told that because of a Supreme Court decision in 1938 it would have been legal to do so, but in those days employers knew better. Labor unions represented a large proportion of workers, and union values permeated the community. In those days, solidarity was not the name of a union in Poland but a working principle in American communities.

He continues:

> However, economic restructuring and social change have undermined the cohesiveness of our communities, and devotion to the common good is often sacrificed in pursuit of personal gain. The painful recessions of the 70's and the relentless individualism of the 80's have left many without either the financial cushion or the community connections to ride out strikes or prolonged unemployment. In such an atmosphere, some employers feel free to use strikes as an opportunity to get rid of the union and collective bargaining and their union work force. I know many employers who wouldn't do this, but, unfortunately there are those that have done so and others that are open to it.
>
> The results have been predictable and damaging. Not only have unions been weakened in their ability to defend the rights of workers, but communities have experienced savage struggles, with neighborhoods in turmoil, families divided and workers without hope. The promise of permanent employment made to the replacement workers becomes an impediment to settling the strike, and negotiations are stymied. The victims are the original workers and their families who often have no place else to go and even the replacement workers who are later discharged when the business closes because of the damage of a prolonged strike. In some places, whole communities suffer wounds that won't heal for generations.

Mr. President, I am reading from the bishop's comments, but I would just say that I, too, in my work have had a chance to see whole communities wounded and damaged in Wisconsin, places like De Pere, WI, by the use of permanent replacement workers.

Returning to the comments:

> When employers are allowed to offer permanent jobs to strikebreakers, strikers lose their jobs. It's that simple. If workers lose their jobs, what does it mean to have a right to strike? If there's no effective right to strike, what does it mean to have a right to organize?
>
> Human dignity is clearly threatened in our country. The evidence is visible on our streets and in our shelters where a growing number of people are forced to live even though they work every day. In our cities and in our rural areas throughout this country working people are homeless because their wages have fallen so far below the cost of housing. Recent immigrants and single mothers, newcomers to the labor force and those least likely to have union representation, are mired in poverty.

Bishop Rodimer concluded:

> The right to strike without fear of reprisal is fundamental to a democratic society. The continued weakening of worker organizations is a serious threat to our social fabric. I think we have to decide whether we will be a country where workers' rights are totally dependent on the good will of employers or whether we will be a country where the dignity of work and the rights of workers are protected by the law of the land.

I think this was an eloquent statement by the bishop that gives us some guidance about how appropriate this amendment before us is today.

Very briefly, here is what some other national religious leaders have said.

From the United Methodist Church, Council of Bishops and General Board of Church and Society, this statement:

> Since the early years of the trade union movement, Catholic, Orthodox Christian, Protestant and Jewish leaders have supported collective bargaining as a democratic way to settle differences in the workplace. Permanent replacement of strikers upsets the balance of power critical for achieving peaceful, negotiated settlements between labor and management. As a result, both collective bargaining and the democratic values that created this Nation are under attack.

From the Christian Church—Disciples of Christ—Department of Church and Society, Division of Homeland and Ministries, the following:

> The record is clear that major religious groups in this country for many years have supported workers' rights against abusive tactics and treatment by employers.
>
> We deplore the tactics of "permanent replacement" and we urgently call for new federal legislation that will protect workers from such tactics.

Mr. President, from Jewish organizations, the National Council of Jewish Women has said: "The practice of hiring permanent replacement workers has had a chilling effect on collective bargaining. The legislation currently under consideration by Congress"—referring, I am sure, to S. 5 of last session and similar bills—"would help restore the balance between labor and management * * *"

From the Evangelical Lutheran Church in America, Reference and Counsel Committee, a resolution which they passed which "calls for an end to recriminations against workers who participate in strikes, and calls upon the appropriate churchwide units, synods, congregations, and members to support legislation that would strengthen the viability of negotiated settlements and prevent"—not slow down, but prevent—"the permanent replacement of striking workers."

Mr. President, not only in other countries but from some of our leading religious leaders and leading religious denominations in this country, not just my own words, but words of condemnation for the cruelty and harshness and immorality of throwing people out of their jobs permanently when they have exercised their legitimate right to strike.

Mr. President, I would like to turn now, third, to just add a few moments of real-life situations, concrete examples, of where workers have been forced to pay dearly for asserting their legal right to strike when collective bargaining efforts have failed.

Naturally, I begin with one from my own State of Wisconsin, one that I recall to have been very painful for the whole community of Racine, WI, and, of course, especially for the working families of that area.

I already talked about similar incidents in De Pere, WI, near Green Bay, and Cudahy, WI, near Milwaukee, and the area near my own home in southern Wisconsin, in towns like Madison, Stoughton, and Janesville.

But this is about Racine, WI, where the Ladies' Garment Workers Local 187 had not had a strike for 50 years at Rainfair, Inc., a manufacturer of protective clothing at Racine, WI. That, unfortunately, changed on June 20, 1991, when the workers did walk out over management demands that seemed designed to actually force a strike.

It appeared to the workers not just that they needed to go on strike, but that somebody was pushing them, shoving them, trying to get them to go out on strike.

The company had demanded the health insurance copayments more than double, and offered the low-wage workers only a 15-cents-an-hour increase over a 3-year period.

Unfortunately, and not surprisingly in this new era of permanent replacement workers, soon after the strike began, Rainfair began to hire permanent replacements, and seemed bound and determined to break the union.

The workers, most of them women, many of them single mothers, working single mothers—not single mothers on welfare, but working single mothers—held out, with virtually no one crossing the picket line.

I recall that five strikers joined a protest fast. Two of them went 35 days with no food.

The union launched a nationwide boycott of the protective gear sold to many union members, including police officers, firefighters, construction, postal and chemical workers.

But the presence of these permanent replacement workers did not help resolve the dispute. It greatly prolonged the dispute.

The primary issue soon became whether there would be an opportunity to return to work for all of the strikers. The issue divided the community and embittered once amicable labor-management relations.

Finally, the Rainfair Co., under pressure from the boycott and the national attention drawn to it by the fast, finally agreed to a new contract on December 3, 1991. To enable all strikers to return, the workers agreed to work 6-hour days temporarily.

But obviously, the situation was made worse by the use of permanent replacement workers, not better.

Another example, having to do with the General Dynamics Corp. In the summer of 1987, 3,500 machinists in San Diego were forced to strike in a division of General Dynamics Corp. when the aerospace firm demanded cutbacks in medical benefits and seniority rights.

Even before the final strike vote was taken, General Dynamics was threatening the members of IAM Local 1125, issuing handbills that told workers in advance that the intent of the company was to permanently replace them if they struck, and instructing union members on how to withdraw from the union. They were trying to undercut the union in advance.

During the second week of the strike, the company carried out its threat and resorted to scare tactics and coercion, cutting off workers' health benefits and pressuring union members to cross picket lines.

Those workers who did return to their jobs were directed to call IAM members at home, reminding them of the company's threat that they were going to be permanently replaced.

After the strike was finally settled, nearly 700 union members had, in fact, been permanently replaced. They were forced to wait on a recall list for a year or more just for a chance at a job that they were supposed to have in the first place. During that time, IAM members exhausted their savings, lost their homes, cars, and sometimes their families, as they struggled desperately to help each other out.

It was also a heartbreaking story of a woman from Indiana having to do with a company called Arvin Industries. One of the statements made was, "I always felt obligated to do a good job. I thought that honesty and obligation were a good way to live my life, but now I'm not sure. That company robbed me."

She said of the workers, "I look at the replacement workers and I wonder how they can feel good about taking our jobs. I try to put aside my feelings, but it's hard."

That is the status of Marcina Stapleton, for whom being permanently replaced brought bankruptcy and forced her daughter out of college.

The single mother of two was permanently replaced when Electrical Workers Local 1331 struck Arvin Industries in Columbus, IN. She had worked 6 years as a press operator. Even though the strike was settled in 7 months she was not called back for 17 months.

"It was hard making it" through those months, she said. Her only income was a $200 a month in child support and whatever she could earn from odd jobs. She had rent payments of $325 a month, car payments, utilities, college costs for her daughter, and it all proved to be too much.

Her daughter had to drop out of school and Stapleton declared bankruptcy. She said, "I am not proud of it but it was the only way out."

But the biggest toll was the emotional strain it put on her and her family. She felt the pressure of bills, including $2,300 in back rent, and the relationship with her children suffered from the strain. The children were fighting with each other and her teenage son ended up in counseling.

She went back to work in October 1990, making $8.80 an hour and paying $9 a week for health insurance. Before she went on strike she made $11.57 an hour with $2.25 an hour incentive bonus and employer-paid insurance, complete.

She said, "I had to go back into work, I have to keep living." But it is not easy to work alongside people who benefited from her pain. "What I did was the right thing. I would do it again if I had to," she said.

So, Mr. President, I assure you I could continue to read descriptions of these heartbreaking real life stories. I am tempted to do so. I may be back to do so later. I think at least for now the point has been made that these are real human examples and real human tragedies that are caused by the heartless practice and abuse of the use of striker replacement.

This is not, as the Senator from Massachusetts has pointed out time and again, just a dry academic argument about labor law. This is about people who simply want the opportunity to make a decent living and to be paid fairly and not be thrown out of their jobs because on occasion they may have to use their legitimate right to strike.

This is not just a debate about a Federal order from the Executive. This is a debate about whether this country cares about American workers. Whether we are prepared to stand by and watch the tremendous gains accomplished to be eroded by this kind of cruel practice aimed at breaking the backs of workers who exercise their right to engage in collective labor efforts and to strike when negotiations fail.

Mr. President, I would like to conclude shortly, but in doing so I would like to quote from an article recently written by the new president of our Wisconsin AFL-CIO, Mr. David Newby. David wrote:

> Let's cut through the rhetoric to the central issue: What is a strike? It is a situation where workers voluntarily leave their jobs—simply walk away—because they can't agree with their employer on a contract covering wages, working conditions, health insurance, or pension? Or is it that workers retain their jobs but temporarily withhold their labor until they and the employer come to an agreement?

Which is it? Just walking away or a legitimate part of the collective bargaining agreement, he was asking. Dave Newby says:

> The distinction is fundamental.
>
> The anti-union crowd means that workers have no bargaining power at all. As long as management can find others to work for whatever they offer (not hard to do when decent paying jobs are so scarce), they have no incentive to bargain serious with a union. And without strong unions that can bargain on equal terms with management, we will continue to see workers' wages fall and good paying jobs disappear.
>
> In the workplace, a "right" means nothing if you can be fired (or permanently replaced) for exercising it.

Mr. President, David Newby says that.

> If the right to strike means anything at all, it has to mean you can't be fired for striking. You lose your paycheck, but you don't lose your job. Win, lose, or draw, workers must have the right to return to their jobs when a strike is over.

Mr. Newby says:

> Workers don't strike for frivolous reasons. A strike is an action of last resort. Workers don't strike in order to bankrupt or close down the companies they have worked for: They realize better than anyone that their companies need to be profitable in order to have jobs at good wages.
>
> The issue for workers is simply getting their fair share and having the effective right to strike for their fair share when management won't voluntarily grant it.
>
> During the 1950's and 1960's, employers almost never used "permanent replacements during strikes"—temporaries, yes; permanent replacements, no. Both business and community values held that the permanent replacement of workers and strikers was abhorrent.

That is the way people felt, Mr. Newby points out.

> That changed 15 to 20 years ago. Many employers decided to destroy unions instead of bargaining with them. Indeed, this vicious management practice is becoming even more

> common. In a recent Congressional General Accounting Office survey, 35 percent of CEO's said they would use permanent replacement strikers during a strike; 17 percent reported actually doing so.

Mr. Newby concludes:

> It's time that American workers had the same rights and protections that workers have in the industrialized countries that are our main competitors and trading partners—countries such as Germany, Japan, and Canada. We're tired of being second-class citizens in the industrial world of global competition.

Mr. President, I don't think any statement could have pulled together these themes better than Mr. Newby's. The theme of competition internationally, the theme of what religious and communities leaders have to say about this practice, and the theme of the actual heartbreaking stories of what happens to the people in these communities when their jobs are ripped away from them simply because they are trying to exercise their right to strike.

It is time that American workers have the same rights and protections that workers have in the industrialized countries that are our main international competitors and trading partners. American workers should not be second-class citizens in the industrial world of global competition.

The President's Executive order is only a small step in the right direction. We ought to provide these protections against permanent replacement workers for all Americans, but at a minimum, we should uphold President Clinton's action to provide these protections for those employed by Federal contractors.

Mr. KENNEDY. Will the Senator yield?

Mr. FEINGOLD. I yield.

Mr. KENNEDY. Mr. President, I want to commend my friend and colleague from Wisconsin for an excellent presentation. This presentation was, I thought, one of the most thoughtful and comprehensive reviews of the significance of the Kassebaum amendment and what its implications would be in the real world.

We have heard a great deal of speeches about Executive orders, the power of the President, whether this Executive order was issued to benefit a special interest. But I think the Senator has in a very comprehensive and thoughtful way provided an insight about what is really before the Senate in terms of the people of his State. I just want to commend him and thank him for his thoughtfulness and for his insight in analyzing this issue and for sharing with the Senate a superb presentation on what is a very, very important issue.

When this amendment was initially proposed, it was really what I would call a seat-of-the-pants amendment. The President signed an Executive order, and the ink was not even dry when there was an amendment to try to undermine what the President was attempting to do.

I hope the American people have gained an insight into the human dimension of this debate. If they have, it is because of the presentation of the Senator from Wisconsin. I am very grateful to him for his presentation and, most importantly, I think our colleagues will be if they take the time to read and study this superb speech. I thank the Senator.

Mr. FEINGOLD. Mr. President, I would just like to thank the Senator from Massachusetts and say he has truly been an inspiration on this issue and during this debate. Not only has he spent a lot of time out here debating the amendment, trying to defeat it, but he has brought passion to the issue that it deserves.

It is an issue that should involve passion. It is an issue that should involve condemnation and that should bring forth the human element, which the Senator from Massachusetts has done so well.

I would just like to reiterate, this amendment is slowing down the process in the Senate. It is not helping us get our work done; it is hurting us getting our work done. We have no choice but to fight it because we believe it is off the point and it is fundamentally damaging to the very families that we have based our careers on and trying to fight for.

So it can be ended right away if this amendment is taken back. We can get back to the Department of Defense bill, but that is not the choice that the majority has made.

I am eager to work with the majority on a number of issues, including even some that are in the Republican contract—some. But when it comes to this kind of conduct suggesting that Federal dollars should be used to break unions and break the families that are part of them, we will fight and we will resist such a harsh verdict for the American people.

So, again, I thank the Senator from Massachusetts for his kind comments but, more importantly, for his strong leadership on this issue.

I yield the floor, Mr. President.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Connecticut.

MEASURES PLACED ON THE CALENDAR—H.R. 988 AND H.R. 956

Mr. DODD. Mr. President, I understand there are two bills at the desk that are due to be read a second time.

The PRESIDING OFFICER. The Senator is correct. The clerk will read the first bill for the second time.

The bill clerk read as follows:

> A bill (H.R. 988) to reform the Federal civil justice system.

Mr. DODD. Mr. President, I object to further proceedings on the bill at this time.

The PRESIDING OFFICER. Pursuant to rule XIV, the bill will be placed on the calendar.

The clerk will now read the second bill for the second time.

The bill clerk read as follows:

> A bill (H.R. 956) to establish legal standards and procedures for product liability litigation, and for other purposes.

Mr. DODD. Mr. President, I respectfully object to further proceedings on that bill at this time as well.

The PRESIDING OFFICER. Pursuant to rule XIV, the bill will be placed on the calendar.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

The Senate continued with the consideration of the bill.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank you. Those are procedural matters we just dealt with in order to clean up some business on the floor.

Quickly, before my colleague from Wisconsin leaves the floor, let me join in the comments of my colleague from Massachusetts. I want to commend Senator FEINGOLD for a very, very thoughtful set of remarks regarding the cloture motion on the Kassebaum amendment. It is an historical perspective that is not something we do with great frequency around here, but it is always nice to have a sense of history as to why we are in this particular debate and what has happened over the last number of decades that brought us to this particular debate when it comes to the issue of permanent replacements for strikers.

I just think he has added immeasurably to the knowledge base of this discussion and debate, and I think if Members do read it, particularly those who may be unclear in their own minds about whether or not we are on the right track with insisting that this Executive order issued by the President be given a chance to proceed, they will be enriched as a result of reading his remarks. I commend him for them.

Mr. President, as well, I commend my colleague from Massachusetts who, once again, is taking a very strong leadership position on a matter that many of us care very, very strongly about, and I rise, as well, today in opposition to the motion to invoke cloture on the Kassebaum amendment.

Throughout much of the 20th century, economic growth broadly benefited Americans of all income levels. We grew together and an expanding economy meant better jobs for everyone.

I will point out, Mr. President, in reading some history of the early part of World War II the other evening, I was shocked—maybe we should not be if we read a little more history—but shocked to discover that in 1940 in this country, which is not that long ago—there are many people working today who were at work in 1940 in this country—one-half of all the adult males in the United States in 1940 had an annual income of $1,000 a year; two-thirds of all working women outside the home had an annual income of $1,000 a year; one-third of all the homes in this country roughly had no indoor plumbing to speak of; almost 60 percent had no central heating. Only 1 in 20 in this country went beyond high school. In fact, only one in four actually had a high school diploma in 1940. And of the adult 75 million people in this country at that time who were above the age of 21, 2 in 5 only had eighth-grade educations.

That is not 100 years ago. It is within the living memory, the working memory of many Americans. We have come a long way since the early days of the 1940's and the outbreak of World War II. We were successful over the years in generating and creating wealth; in raising the living standards because of efforts made to see to it that people could improve their educational opportunities, that they could improve working conditions; in improving the ability of people to earn wages and salaries that would make it possible for them to buy homes and educate their children like no other generation has been able to do in the past. We were reaching down to people who would have been stuck permanently in a status economically in this country with little or no hope of moving up the income ladder. I think this country has benefited tremendously because of those efforts. In fact, it was one of those efforts that will be the subject, I gather, later this year of a significant debate here on the minimum wage, which has raised, if you will, the tide that made it possible for the hopes of people who could not otherwise dream of doing better to actually do better. And many of the laws that we put in place to protect people on the job also occurred during those days.

So there is much to be proud of as Americans over the success that we have made of our country in a generation and a half since the days of World War II and immediately thereafter. A typical family over these past number of decades could work hard and, year by year, build a better life, whether that meant buying a home or putting a child through college or taking a simple family vacation—things that were beyond the reach of an awful lot of people in this country not that many years ago.

But since 1979, Mr. President, the situation has changed dramatically, and I do not think most people are aware of this, except those who may be caught in it themselves and wonder what has happened. Thanks to rapid technological change, global competition and other political and economic factors, during this period from 1979 forward, the American engine of economic growth has continued almost unabated. In fact, during the last 15 years, real household income in the United States grew by $767 billion.

Let me repeat that. In the last 15 years in this country, real household income has grown by $767 billion—an incredible amount of growth. But, unlike the past, those gains have not been broadly shared. I am not engaging here in some sort of hypotheses or fiction. These are facts. Ninety-seven percent of our real income growth—that $767 billion—has gone to the top one-fifth of households incomewise in the country. The top 20 percent of households saw their real family incomes climb by 18 percent during the last 15 years while people in the middle 20 percent economically in this country actually suffered a 3-percent decline in that income growth. And the poorest families, the poorest one-fifth in this country, who previously had been the principal beneficiaries of economic growth in the decades of the 1940's, the 1950's, the 1960's, and up through the 1970's, saw between 1979 and 1993 their incomes decline by a staggering 17 percent.

So the top one-fifth has gone up 18 percent, the middle 20 percent has actually declined by 3 percent, and the bottom 20 percent, those working families out there struggling to make ends meet, to hold their families together, have seen their incomes decline by 17 percent in that same period.

So here we have this staggering increase in growth overall, and yet we can begin to appreciate, with that $767 billion of income growth, which part of our economy, what percentage of those in the economy have actually seen their lifestyles benefited the most.

The falling living standards of the vast majority of Americans should, I think, be of grave concern to all of us regardless of party or political ideology or persuasion. This country has historically done better when those at the lower income levels have had the chance to grow and become stronger, to be better consumers. We all benefit as a result of that.

I believe the President and many of us here are committed to doing something about raising those standards of living. The President wants to raise incomes for ordinary Americans. I mentioned already the debate that will ensue on the minimum wage law in this country in the coming days. Unfortunately, there are those who seem to be trying to block every effort to make a difference in this area. The minimum wage, we have already heard people say, they will filibuster. The last President, to his great credit, who raised the minimum wage was George Bush. It was a bipartisan effort. And here we are talking about 45 cents a year for 2 years, 90 cents, to a little over $5 an hour.

So the minimum wage says you make $8,500 a year in America. That is almost $4,000 less than the poverty level in this country for a family of three. How are we ever going to induce people on welfare to go to work when you start out with a minimum wage level that leaves you $4,000 less than the poverty level in this country?

If we are going to reward work, we are going to have do a bit better, it seems to me, than suggesting we cannot increase the minimum wage.

Summer job programs. Here we are talking about 600,000 summer jobs for kids in our inner cities. The Presiding Officer comes from Michigan. In the city of Detroit, and my city of Hartford, we have a lot of inner-city children who can get into a lot of trouble in the summer. Here is a chance—we have seen the benefit of it—to put these young people to work, and yet we are being told that the summer job program should be eliminated. We are also hearing no to job training, no to education, no to child care.

Again, I come back to the issue of trying to get people off welfare and reward work. Two-thirds of all families on welfare have at least one child of preschool age today. How are we going to convince those people to get off public assistance if we do not have an adequate child care system in this country? But our colleagues say no to that as well.

So you begin to see a pattern here that develops. It is no to everything except one thing. And that is that we are now going to provide, apparently, a significant tax break to that top 20 percent who are earning incomes in excess of $100,000 or more a year. The top 1 percent will get the kind of tax break that is being advocated in areas like capital gains.

I am not making this up. Before too long, the House of Representatives will try to cut $17 billion out of hot lunch programs, nutrition programs, drug free schools, higher education, a long list—$17 billion. Where did it go? Was it for deficit reduction? Oh, no. It was for the tax cuts, despite all of the great debate and a lot of heat around here about deficit reduction. We had an extensive debate about deficit reduction. But where does the first $17 billion in spending cuts go? It goes for a tax cut for those people who, as I said already, did the best in the last 15 years economically in the country.

In short, Mr. President, the message from the other side seems to be to working Americans: Tough luck; you are on your own.

And by blocking this Executive order on permanent replacement workers, the Kassebaum amendment would tell ordinary Americans that after years of losing ground on pay and benefits, they could lose their jobs, as well, solely for exercising their fundamental right to strike.

Let me talk about this point, because this is a serious one, and it goes to the sense of balance we should have in labor relations. Management has the power of salaries and wages which it offers to people. Labor has their work. That is what they have.

That is the balance here. And we have struck this balance historically between management and labor where labor, working people, say I will withhold my labor if we cannot strike an agreement on working conditions, wages, salaries. Management says we will not pay if we cannot strike a bargain.

So both sides have had some leverage, that is, working people say they will not work; they will go on strike. Management says we will not pay you.

And that has been the tension that has kept the process moving forward. Both sides have something to withhold.

What has happened lately is that management has said, look, we are going to take away the one thing working people have, that is, the right to strike, because we are going to hire permanent replacements. You go out on strike; we hire permanent replacements to fill your job.

The equation gets destroyed, in effect. If working people are told that withholding their labor no longer can be a factor or used as leverage, then how do you get to collective bargaining? How do you achieve the balance that has brought us the kind of working conditions and improvement in our plant floors that we have seen over the years?

What we are suggesting here is that, at least in the area of Federal contracts for employers who engage in this practice—that is to permanently replace people who are out on strike—we are saying if you are that kind of employer and you have Federal contracts, we are going to stop giving you contracts because we do not think what you are doing is right. It is not right for you to say to your striking employees, we are sorry, but we are going to hire permanent people to take your jobs.

I do not know anybody who thinks that is fair. It is one thing to say, look, you go out on strike, you do not get paid. You do not get work.

Here is a pressure then on working people and labor to come to that table. Obviously, if the management is not producing their widgets, their products, then there is pressure on management to get back to the table. But if you take away the major leverage point that working people have, that is, what they produce with their hands or otherwise, then you destroy that equation.

All we are trying to do here is to see to it that with those who get Federal contracts, that equation not be destroyed. We might even give it a chance to see what it does. It might improve the situation out there so we would not be asked all the time to get involved in strikes and negotiations where the Federal Government gets drawn into these processes.

So, Mr. President, I hope that we might even give this a chance, this Executive order that has been issued by the President—to his credit, I would add—for dealing with the issue of permanently replaced striking workers, and see how it goes for awhile instead of denying this experiment, because we are obviously not going to pass a bill that would ban it all across the board.

The President has exercised his Executive powers, which he has the right to do. Why not wait a few years and see how this works instead of trying to destroy this idea and attempt to test whether or not the situation might improve?

So, again, I commend our colleague from Massachusetts for taking a leadership role on this. I hope our colleagues who have been supporting the effort to not invoke cloture will continue to do so, or that those who have been trying to invoke cloture would let us move on to other matters because many of us here feel very, very strongly about this. I think it would be a tragic day, indeed, to not give this a chance to work.

It has been tough enough on working people over the last 15 years, watching their wages and salaries remain stagnant or decline, as I have already pointed out. Now they have their jobs in jeopardy by hiring permanent replacements when they exercise their right—this is a right we are talking about—the right to strike. It is a right. It is not a privilege; it is a right. When you come in and hire permanent replacements and destroy people's ability to exercise their rights, it is a setback for all of us.

So I hope we will be able to continue to muster the votes necessary or, better yet, I hope we'll drop this amendment. Let the President's Executive order go into place. Let us see what happens over the next few years. We will come back and revisit this issue—we can at any time—and let us move on to the other important matters that are before us.

Mr. KENNEDY. Will the Senator yield?

Mr. DODD. I will be glad to yield to my colleague.

Mr. KENNEDY. I thank my friend and colleague from Connecticut for really a splendid presentation. I hope our colleagues will pay particular attention to the comments of the Senator from Connecticut as they relate to how this proposal really impacts children. The Senator from Connecticut has been the chairman of the Children's Caucus and has really been the leader in this body, now and in the past, for the day care programs that we have as well as for family and medical leave and other very important programs.

One of the points we have been emphasizing over the course of this debate are the different concerns of the two parties. The Senate has just debated the unfunded mandates and the balanced budget, and the first issue we debate is an Executive order which makes more sure the economic security of working families. When the President issues an Executive order, the ink is not even dry on it when an amendment is put in which is going to diminish the economic interests and power of working families.

When we talk about the working families and the workers who are being permanently replaced, as the Senator knows, we are talking about people who are making $5, $6, $7, $8 an hour. Some maybe make $6 an hour and trying to get to that 7th dollar. To be a parent with two or three children making those kind of wages and then to be permanently replaced is a terrible thing.

I know the Senator is concerned as he looks back over the period of the past years and sees what has happened to real family income over the period from 1980 to 1993 and he takes into account that total real family income includes the income of the many mothers who have entered the work force. What you see is that families with small children have not even stayed even but are falling behind. And then look at who gains under the Republican contract? Just take a look at the most obvious parts of that contract which the Ways and Means Committee took up yesterday—the capital gains tax and the elimination of the minimum tax for corporations. Who gains? Who are the individuals benefiting from these proposals? Again, large corporations and the wealthy are the block benefiting from these contract proposals.

I ask whether the Senator is concerned not only about the impact on the workers who are being replaced but also on the impact on children. Because this is not the only proposal being made. There is a proposal to cut back on child care, cut back on the school nutrition programs, cut back on the WIC programs, cut back on lead paint poisoning to try to help parents who are trying to do something about lead paint poisoning and who are trying to stop the ingestion of lead paint by children. The Carnegie Commission report of several months ago talks about the importance of giving nutrition to children from 1 to 3 so they can develop and be able to develop cognitive skills, learning skills, so they can take an active part in learning—does the Senator believe this amendment will also impose a heavy burden on children in our country and that this is something that ought to be addressed as well?

Mr. DODD. Mr. President, let me thank my colleague from Massachusetts for his question. I think it is instructive to note the chart here as I am looking at it on my left. That points out what happened to incomes, real family incomes, between 1979 and 1993. I will come directly to the Senator's point regarding children right now.

But I think it is worthwhile for people to know that the sense of frustration people feel in a lot of working families in this country, wondering what is happening to them, is entirely justified. It is worthwhile to note in the economy of the Nation, household income grew at an incredible rate, $767 billion of family household income growth in that 15-year period. There was a staggering amount of growth. But 97 percent of that growth in the last 15 years grew in the top 20 percent of income earners in the United States.

I was trying to point out earlier that in the decades of the 1940's, 1950's, 1960's and 1970's, the distribution of income growth was fairly level. That is, all income groups did roughly the same and the country got stronger as a result of it. It has only been in this last 15 years that we have found unprecedented growth of our country and yet the growth has been pretty much locked in to the top 20 percent—97 percent of the $767 billion has been concentrated in the top 20 percent.

The middle 20 percent actually saw their household incomes decline by 3 percent in the midst of this unprecedented growth. That middle 20 percent found themselves losing ground.

And the lower 20 percent saw their household incomes decline by 17 or 18 percent, a tremendous drop, in the midst of great growth.

Now we are confronted with a situation where people lose their jobs. How does it affect children? I asked, back this fall, for the General Accounting Office to give me an update of how many children of working families are covered by health insurance, a subject very near and dear to the heart of the Senator from Massachusetts. We got the numbers back yesterday. Let me just share some numbers with my colleague.

Mr. President, 89 percent of uninsured children have at least one working parent, and 61 percent have a parent working full time for a full year. So even in these working families, the basic necessity of health insurance for these young children is being lost. Add to that the economic difficulty of a job lost to these children because their parents have exercised a right to strike, then you begin to see that the problem becomes even greater.

It is tough enough as it is right now for these kids. My Lord, you talk about a child starting out life without having basic health care, what are the implications to that child learning and being a productive citizen in their adulthood? Again, I am not stating anything that most of our colleagues are unaware of here. The data and information are overwhelming. A child that does not begin life with the proper nutrition and immunizations does not learn right. The child that does not learn right from the beginning drops out of school, does not get the kind of job he or she needs. The problem explodes down the road.

When you are talking about the economy here and how it affects children, the Senator from Massachusetts is absolutely proper and right to raise the issue.

We talked about adults and their jobs. But it is these kids who are the ones who pay an awful price. And it is that bottom 20 percent who really do not get a golden parachute. You lose your job on a factory floor; you may get a month or 6 weeks, if you are lucky, of paycheck. After that it is over with. We all know what happens to you if you are top management and you lose your job in this country. You get taken care of for life and two or three generations do pretty well in your family because they have worked out the deal. God help you if you are a working person out there every day trying to hold body and soul together and raise a family and do so on your own and not be dependent upon anybody else. You lose that job and the bottom falls out from under you. There is no golden parachute for you whatsoever.

So we are talking about here a basic right to protect your family and to negotiate through the normal processes of wages and benefits. When you strip that away, then you make the situation of these families that much more difficult for them to cope with.

I thank my colleague.

Mr. KENNEDY. This is really a point that I think needs underlining. There are those who are supporting this amendment that say, "Look, I do not know why there is a discussion about what is happening to working families. All we are talking about is a narrow, little Executive order."

Would the Senator not agree with me that those that are in lockstep in support of that proposal would have more credibility if they were out here on the floor of the U.S. Senate today saying we will join you in passing a resolution to increase the minimum wage? For example, wouldn't this proposal have more credibility if its proponents also supported the same increase in the minimum wage that was signed by a Republican President in 1990 of 45 cents? That 45-cent increase in minimum wage has lost its purchasing power. When we had Democratic Congresses and a Republican President, we were able to get together and pass that. Now we have a Republican Congress and a Democratic President who wants to do that. If they were out here saying we are really for those working families, we want to reward them, we are here to help minimum wage families, we are out here to help children and the sons and daughters of working families go on to school, but we are bothered by this Executive order, I daresay there might be a greater sense of belief on our part that this is not just a further attempt to diminish the real purchasing power of working families.

I want to mention one thing to the Senator. We had a forum last Friday of those who are concerned about the increase in the minimum wage. And we had a young couple, David Dow and his wife. Both of them effectively make the minimum wage. Both of them work hard. They want to go to school. They have a child. And as is typical, both have to go out and work, effectively at minimum wage. Mr. Dow has glasses. His young daughter used to get his glasses in the early morning when he woke up for his job and give them to him. One morning he woke up and he said, "Where are my glasses?" And she walked in and pointed into the toilet. She had dropped them down there. It would be humorous if it were not so sad and tragic. He has now been without those glasses for 3 months putting aside $5, $6, $7 in order to try to build a kitty to be able to purchase some replacement glasses.

The point is that this family believes that it is not only important to work and had a desire to work to provide for themselves and their wonderful young daughter, but the fact of the matter is both of them are working two jobs. They have 45 minutes every Saturday and 30 minutes on Sunday to spend time with that child; an hour and a half. What Member of the Senate would tolerate that policy? An hour and a half to spend with a child, and how do we expect that child to develop? Let alone the kinds of additional pressures these parents have—the toys that are not bought, the fact that the child cannot go to visit another child for her birthday party because she will not be able to bring a toy. All of these other issues aside, how can the time spent between a parent and a child, be denied? These are not people, as the Senator pointed out, that are not playing by the rules. These are people that want to work, honor work, have a pride in work, want to go to school, are trying to go to school. This one person is paying back $80 a month with the money he makes in the minimum wage to pay for his school loan because he wants to keep ahead so he can go back to school. But he just wonders when that tide is going to take over, when it is going to push him under.

That is what we are talking about in terms of the Senator from Connecticut, the Senator from Wisconsin, and others who talked about this measure and where we are as an institution and what is happening to people. That is what this measure is about.

I was interested in whether the Senator, as someone who has spent time working with children, wonders if this is not something more than an economic issue, not something more than just a bottom line of dollars and cents. That is important, but I am always impressed by the amount of time we spend on trying to understand the cost of so many things and the value of so little around this institution. Aren't we talking about providing these people who have become parents through a wonderful act of God and who have a wonderful opportunity as parents to love and adore their children, with a real opportunity to spend time with their children? Don't we have some responsibility to make sure that we are going to be attendant to their needs to care for their children?

Mr. DODD. I will conclude, Mr. President, by saying I think the Senator put it well by saying some people talk about the price of everything and the value of nothing. We can argue the numbers. Maybe we should not always talk numbers because I guess people's eyes glaze over if you start talking about the size of the economy, the percentages of groups of people that lose or gain in all of this. But it is not any great leap of knowledge to know what happens when you lose your job or are gripped by the fear of losing your job.

Most people in this country do not wake up in the morning wondering whether or not they are a Democrat or a Republican or conservative or liberal or who is winning or losing in Washington. Many families get up in the morning and there is a knot in their stomach because they do not know whether or not at the end of that day that job is going to be there. If that job is not there, how do you keep up the rent payments or the mortgage? How do you take care of those kids and their educational opportunities? If you have a parent that is living with you or down the street, you worry about what will happen if they get sick. How do you make the choice between the child and your parent who may need the money or the mortgage on the house or the car payment? That is what most people think about every day. That is what they think about.

They just like to know that occasionally somebody stands up for them because they do not have political action committees. They are not heavyweights who are in Washington. But they would like to think that somebody might stand up and say, "If I fight for a better wage or fight for a better salary or fight for better working conditions so that my family might do a bit better"—somebody might stand up and say, "I have a right to do that." They look around and they see that people do not seem to care about it at all. When they lose everything and they look in those children's eyes at night and wonder how they are going to put food on the table or provide for them down the road with their educational desires knowing full well how important it is, what is the price of that? I cannot tell you—$10, $20, $1,000, $10,000? That really is not the issue so much. It is about dreaming. It is about aspirations. It is about hope. That is what most people do. They dream for their families. They try to plan. They save. They think about how they might make it possible for their kids to do better than they have done.

So what we talk about with this issue here in many ways is pulling the rug out from under people and pulling the rug out from under these families who really make up the glue that holds this society together. These are the people who vote. These are the people who fight the wars. These are the people who pay the taxes. This is the working crowd in America. They believe in this country. It is a pretty depressing sight to see that when their right to fight for themselves and to fight for their concerns or wages or salaries, that that basic right is going to be denied them; that someone can be hired permanently to replace them if, God forbid, they stand up to defend themselves and their families and their children. That is basically what this is about. You do not have that right any longer. You can stand up and fight but you can get thrown out of a job tomorrow. You are gone, and "We will hire somebody else. Let me warn you. When we hire you as a new person, you had better not try it either. God forbid if you try to defend your family. We will do the same thing to you that we did to that person."

That is what this is about. It is that simple: Should people have the right to be able to protect themselves and protect their families? They are not asking the Government to come in and wage the battle for them. Good management-labor negotiations have produced fairness in this country. What the Senator from Massachusetts is talking about is how does it affect these children? I do not know, I suppose we can search out the actuaries and others to come up with the numbers.

But I know that it gets impossible for those parents to provide for those children, to give them much hope when their basic rights to defend themselves and their rights in the workplace are gone. I hope my colleagues will think long and hard about this. This issue may go away. Maybe the votes will be there to defeat us, and they think it will disappear. It is not going to go away. It is going to come back over and over again because peoples' rights ought not to be denied when they are trying to protect themselves.

I thank the Senator.

Mr. BIDEN. Will the Senator yield for a question?

Mr. KENNEDY. Yes, I am happy to.

Mr. BIDEN. I did not come over to speak to this issue, but listening to my colleagues, with whom I agree with on this issue, I was struck by how much things have changed since I arrived here in the Senate in 1973. Back in 1973, which is not that long ago—I guess my kids think it is 100 years ago, but it is not that long ago. It is not like listening to my Grandfather Finnegan telling me about strikes in the 1920's and that kind of thing. It was the beginning, looking back on it, of sort of the end, if not the demise, of the balancing power of American organized labor in the country, where they were able to be major players in determining wages, hours, working conditions, their input on the economy, and which direction the economy could go.

Over the last 23 years, something interesting has happened. If this debate were taking place in 1973, you would have some of our Republican colleagues standing up—and maybe even a few Democrats standing up—and saying, you know, the problem is that organized labor has become too powerful; organized labor is fat; organized labor is resting on its laurels; organized labor is not productive, and all of the list of horribles we used to hear. I find it kind of interesting in this debate that nobody who opposes our position—which is that you should not be able to replace people who are legitimately striking under the law—to maintain, not to gain but maintain, where they are. Nobody is making the argument we used to hear about how powerful and bullying the American labor movement is. Nobody is even making the argument that we used to always hear about how this is so unfair to business. What happened to them?

When I attend chamber of commerce dinners in my home State—a corporate State, and I suspect the same is true in Massachusetts and Connecticut—I do not hear businessmen complaining about organized labor; because, in effect, organized labor has already given at the office, already gotten the living devil kicked out of them. Without making a judgment that I think is unfair, the point is that this is like beating up on a kid now. Organized labor now frequently gets put in the position where, because of horrible management practices over recent decades, they are told that, by the way, if you do not make the following concessions, we are going to shut down. We are just going to close the company.

So organized labor is scared to death; the workers are scared to death. And they give much more than management gives in terms of concessions to keep a lot of these outfits open and running. And now they have gotten to the point where what happens—and it rarely happens—is that when they are truly being abused and when there is no serious good faith collective bargaining going on, they decide they have nothing left to do but go out on strike. And now some in American business are saying, we are about to strip you of the last bit of leverage you have. If you go out on strike, we are going to replace you. And thus union members are deterred because of what the Senator from Connecticut said: Fear.

People are scared to death. They are scared to death to exercise what they believe to be even their legitimate rights. Even when they are being maltreated, they do not go on strike because they are afraid of the alternative because of the nature of the economy, the downsizing of American corporations, the way things are; the whole world is turning upside down. I find it interesting that on this issue, which you would think would be so basic, this is not even taking place in an environment where anybody is legitimately making the argument that these people who are going on strike are doing it because they are greedy and trying to take over a company, or because they are trying to put somebody under. You do not even hear that argument. When these people go on strike—I think this is an interesting point people should remember—it is desperation. It is not deciding whether they want to go on strike to get a better wage to be able to have a second car and a trailer and a vacation at the beach. That is the argument we heard in the 1960s and 1970s. They are going on strike now because they say, hey, wait a minute, I have given at the office; I have been giving at the office for the last 15 years. I have already had my standard of living lowered and now you are telling me again that I cannot even maintain where I am. I do not think it is fair, you are not treating me fairly, and I am going on strike, which I am allowed to do under the law.

It amazes me why we are even having this fight. When is the last time any of the people in this Chamber picked up a paper and read about how unions and organized labor have taken such horrible advantage of people? All they have done for the last 10 to 12 years is given concessions and increased their productivity. And now, we have reached the point that—to steal a phrase from Mr. Stockman, who commented on the Reagan tax policy—these folks are like pigs in a trough now. They not only want them to continue to give at the office, but they want to take away the last thing they have under the law. I, quite frankly, did not ever think this would be a debate we would be having on the floor of the U.S. Senate.

Again, look at all the strikes that are taking place nationwide. Look at the effects of the strikes taking place nationwide. Look at what is being requested by those strikes that are taking place nationwide. I will lay you 8 to 5 that 85 percent of the people would say what is being asked is reasonable. They may or may not agree, but it is reasonable.

No one is even making the claims anymore, I say to my friend from Massachusetts, that this is some musclebound organized labor, who is just out there ripping off everyone and intimidating companies. This is just people who are just trying to be in a position where they can—to use the expression of my friend from Massachusetts—"keep their heads above the water." And now they are being told they do not even have a right. What prompted me to say all this was the word used by the Senator from Connecticut: Fear. Can you imagine the fear and intimidation of an individual who, in today's circumstances, thinking that after roughly 60 years of practice under the NLRB, they are going to be put in the position if they even stand up and try to stop further erosion, that the alternative for them in an environment where there are no other jobs is that they lose their job permanently? That is simply not fair.

Our former colleague from California, the present Governor of California, ran an ad I remember seeing. He was talking about immigration, but I will take the words he used and apply it here, because I disagreed with his view on immigration. He said something like this: Some people are playing by the rules. They are doing it the American way. Other people are not playing by the rules and they are being rewarded for it. That is not the American way.

Striker replacement in circumstances where there is no evidence that there has been a violation of the labor laws is not the American way.

It is a reflection of greed, the greed and avarice of those who want to make a fundamental change that working women and men are put into their proper place, from their perspective. I think it is, quite frankly, outrageous.

The Senator said, "Who is going to stand up and fight for them?" Well, I know of no two people who have been better champions of their cause in making sure they are never left unspoken for than the Senator from Massachusetts and the Senator from Connecticut, and I compliment them.

Mr. KENNEDY. Mr. President, I thank the Senator from Delaware for his comments and for his historical perspective. I think the Senator has, in his brief but I think pointed comments, reflected what this issue and what this battle is really all about. In the last day or so, as we focused on it, there have been those who say, We do not understand why we are talking about these broader themes of equity, about fear, about the real America. This is really just an Executive order.

The Senator has stated very clearly and effectively what really is at issue on the floor of the U.S. Senate and why this battle is so important. I thank the Senator for his statement and for his excellent support for working families, which has been a trademark of his career in the Senate.

Mr. BIDEN. Mr. President, I ask unanimous consent to be able to go into morning business for the purposes of discussing an issue totally unrelated to this, the introduction of a bill.

The PRESIDING OFFICER (Mr. CRAIG). Is there objection? Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I thank you.

(The remarks of Mr. BIDEN pertaining to the introduction of S. 564 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

ORDER OF PROCEDURE

Mrs. BOXER. Mr. President, I plan to speak about the striker replacement amendment that is before the Senate. But before I do, I ask unanimous consent that I may speak on another matter for about 15 minutes without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Thank you very much, Mr. President.

THE CALIFORNIA DISASTERS

Mrs. BOXER. Mr. President, before I get into the issue that my colleague, Senator KENNEDY, and others have addressed for the past few legislative days, I felt it is important to discuss briefly the disasters that have hit my State of California. I will tell you that one wonders when we are going to stop seeing these floods and these earthquakes, fires, and droughts. It seems as if our State is for some reason just getting much more than its share of these natural disasters. But it was interesting today that the Senate task force presented its report on disaster funding. I am a member of that task force, and we have been working hard to come up with some solutions as to how we are going to deal with these future disasters.

I want to say that the President moved very quickly to declare 39 counties disaster areas eligible for both individual and family emergency grants, and for infrastructure repairs. Federal Emergency Management Director James Lee Witt once again has proved that he is someone who wants to cut through the redtape that used to accompany FEMA wherever it went in this country. The President sent him out along with Acting Agriculture Secretary Rominger, and with Leon Panetta, the Chief of Staff who is so familiar with California. They saw for themselves the damage that we are facing.

I have to say that when Leon Panetta saw Monterey County, which he represented in Congress for many years, I am sure his heart stopped for a minute because so much damage greeted him. We have infrastructure problems there. We have communities shut off. We have crop damage to fruits and vegetables which is going to cause a lot of financial harm to the farmers. But also we are going to feel it in our pocketbooks—as consumers when we go to the stores.

We have already seen 2,900 applications for assistance from the storms that started on January 3. That was the first one, and then we had the one February 10. Those resulted in 90,000 applications for assistance. More than $51 million in emergency housing assistance checks have been mailed for the first disaster. In addition, $40 million in Small Business Administration loans have been approved for 2,000 people for losses to homes and businesses.

I cannot count how many times I have stood in this U.S. Senate and in the House telling my colleagues about these disasters. It just does not get any easier.

Interstate 5, a major north-south economic artery in the West, is still closed. I think many people saw the tragic photographs of cars that plunged into the waters and were swept away when a bridge failed. And we are trying very hard to get a temporary bridge constructed there.

We are looking at crop losses of about $300 million or more. This storm was very, very harsh on the crops. I talked about the fruits and vegetables. To be specific, the severe losses are lettuce, broccoli, cauliflower, almonds, and strawberries. California is the salad bowl of our Nation, and we got hit very, very hard. We have had damage to vineyards of $11.5 million. I have spoken to local elected officials in Monterey County, in Napa County, throughout the southern California region, and the Los Angeles area.

I have told them that we are going to do everything we can here. We will be getting an emergency supplemental to deal with this problem. We are working now on a defense emergency supplemental bill. But unfortunately—and I say this really from the heart—the House has chosen to use this needed emergency spending to relieve the suffering of the people in California, and I might add, other States who are recovering from other disasters, to rush through a $17 billion budget cut, rescissions of $17 billion, onto a bill that is about a $6 billion emergency relief bill.

I want to tell you that I intend to fight that bill, and I am not going to go into too many of the details other than to say that it wipes out many important programs, including summer youth job programs. It is very interesting, because today I received a letter from the Los Angeles Board of Supervisors and they have a lot of damage, of course, left over from the earthquake, and yet they are saying we should oppose that rescissions bill. They wrote to House Speaker GINGRICH and House Majority Leader ARMEY, and the county supervisors basically say that this bill, which would fund the disaster relief, but also offset it with very devastating cuts, is not the way to go.

People used to complain that we would load down these emergency bills with extraneous spending items, and that was true, and we stopped doing it. Why should we see it loaded down with rescissions of programs that are so very important? For example, on the one hand, the House says, California, we know you need money to rebuild. Yet, they cut emergency highway funding in the same bill, which could well be used to repair freeways and to make them safe from future earthquakes.

So I am very hopeful that when this bill gets into the U.S. Senate, we will look at it a little differently here. I am often reminded about what our Founders said about the U.S. Senate, that we act like the "saucer" and the House is the "cup." When the legislation comes over here, it cools down and people get a chance to look at it. This is certainly one that we have to look at.

Well, I will say, Mr. President, we need disaster reform. We do not have the perfect way to pay for disasters, that is for sure. I am working with my colleagues, really, from all over the country. This is a bipartisan task force that was set up here. Senators BOND and GLENN head it up, and I am on that task force. We are going to look at all of the ways we can to prepare here for the next disaster, to make sure that we can meet the needs of our people when our people cry out after an earthquake, flood, fire, or volcano, wherever that might be. And during the debate on the balanced budget amendment, I remember bringing to the floor photographs of disasters from all over the country, and truly there is not a place in America that is immune from a flood or some natural disaster that could lead to an emergency.

There is one element of disaster reform that I am prepared to introduce today. This component would repeal the current 10-percent income threshold for casualty loss deductions arising from a presidentially declared natural disasters. It is identical to legislation I offered 1 year ago to help the victims of last year's tragic Northridge earthquake.

We have all seen the devastating images of flooded farms and homes on television. But it is important to remember that many Californians affected by the flooding suffered serious, but moderate, damage. Their basements are filled with mud and their carpets and furniture need to be replaced, but their homes still stand. These people have $5,000 in damage, or maybe $10,000. These are the taxpayers who may not get the relief they need.

Suppose a middle-class family with adjusted gross income of $50,000 sustains $4,000 in flood damage. Under current law, only losses in excess of $5,100 can be deducted. But under my bill, that family could deduct all losses over $100, or $3,900. And where would their tax savings go? It would go back into the economy as a direct stimulus. It would create jobs for contractors and those who produce the raw materials they use. The economic benefits would ripple throughout the community.

This bill would allow nearly full tax deductibility of all casualty losses attributable to disasters declared on or after January 14, 1994. Victims of the Northridge earthquake could take advantage of this tax deduction as could victims of the current flooding. And most importantly, future disaster victims would gain a valuable tool to help themselves recover from these disasters.

So, Mr. President, that concludes my remarks on the update on the disaster.

(Mr. THOMPSON assumed the chair.)

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

The Senate continued with the consideration of the bill.

Mrs. BOXER. At this time, I will speak about the business before us. I think some very important issues have been raised in this debate. I often try to put myself in the position of an average American turning on the television set, looking at the U.S. Senate, and seeing a Senator speak from either side of the aisle and wondering why is a Senator speaking about this issue or that issue, when on the schedule it says we are taking up a defense emergency supplemental bill.

In fact, that is what we are doing. We have been asked by the Pentagon to meet their needs because they are engaged in some foreign operations for which they did not have a budget, and for which there were costs that they need to be reimbursed for. So in the middle of this debate that we are having on this very important defense emergency supplemental appropriations bill, there is an amendment offered which has absolutely nothing to do with the bill before us, not even in the most remote sense of the word.

I try to make some type of connection between the amendment that is pending and the bill that is pending, too. And unless I am missing something, I cannot see a connection, because the bill is about reimbursing the Pentagon for items that were needed for this country to engage in military or peacekeeping assignments. And the Kassebaum amendment before us, which has been before us for days now, deals with a worker issue, a workplace fairness issue, an Executive order that has to do with replacing legally striking workers. It has nothing to do with the military emergency supplemental bill.

I heard Senator FEINGOLD make this point, and I think it is worth repeating. It is interesting that the Republicans are in charge of this bill; they brought it out of the committee, and now they are amending it with a very controversial amendment which has nothing to do with the bill. They are slowing down their own bill.

One has to ask oneself why this would be. I have looked at that, also. I tried to look at the merits of it. They said, well, the President signed this Executive order and he now says that the Government should not do business with companies that permanently replace legally striking workers. The President said that. And so the argument is that he has no right to do that; he is trampling on the rights of the Congress. Yet, as you go back in history—and I will bring this out later—I never heard one Republican come to the Senate floor and complain that President Bush was overstepping his bounds when he made similar moves. So that is not an issue here.

So I come down to this: I think it is a way to slap working people, to put them in their place, to tell them that they do not have rights. And I think that is very sad. I do not see how—and I try intellectually to be fair about this—you can look a worker in the eye, whether it is a nurse or whether it is a construction worker, whether it is someone whose fingernails are dirty or clean, and say to that worker: You, my friend, have a right to strike; you, my friend, have a right under the laws of the United States of America to withhold your labor if you feel you are being treated unfairly. That is your ultimate human right. How could you look that worker in the eye, male or female, young or old, rich or poor, and say to that worker: You have the right to strike; and yet, in the same breath say: However, if you go out on strike, your boss can permanently replace you, even if you are out on strike legally and you have done everything right and you want to negotiate.

This is a very simple issue. You do not have the right to strike if you know the minute you step out the door you do not have a job.

What really interests me is that during the heyday of the Soviet Union, when we were all so excited about the fact that the Wall could come down, the Soviet Union would break up, and countries like Poland could be free at last, Republicans embraced the union movement in Poland called Solidarity.

I will never forget it. Lech Walesa came here. Republicans and Democrats alike said, "Solidarity. Show your strength. Stand up against the Communists. We support you. You are right. The Communists are not treating you fairly. They are treating you brutally."

Everyone embraced Lech Walesa and everyone invited him to speak. Republicans and Democrats here in America, we were united for Solidarity.

But, wait a minute. What happened? What happens in our own country when workers asked for that same dignity in this Nation? You get amendments like this one, amendments like this one that are so hurtful to people who believe they have a right to strike, to people who want to work but who want to know that they have that ultimate leverage.

I wish to compliment the President, because he looked at this issue and he knew that for many years we had a majority in this U.S. Senate which would have outlawed the permanent replacement of these striking workers. We did not have 60 votes, so we fell victim to filibuster.

He knew he had the ability to do something about this. And the Republicans do not like it. But he did it. He signed an Executive order. Guess what? We have a President. He has the ability to take some steps on his own.

My goodness, we have Republicans here who want to give him so much line-item veto power that it is too much for this U.S. Senator. I do not want to give the President too much power. But the President has a right to issue an Executive order like this one.

The Kassebaum amendment would say the President does not have this right, this very simple Executive order that says that we cannot contract with companies who fire legally striking workers. The Kassebaum amendment would wipe out that Executive order.

I will tell you what I hope. I hope, if that survives this bill and it is attached to this bill, I hope the President vetoes this bill, because I think that working people in America today need to know that they get some respect, that you do not have to be a striking worker in Poland and belong to Solidarity before you get respect from the Government of the United States of America.

The President, as head of the executive branch agencies, is well within his right to issue this order.

I said before, I never heard one Republican complain when George Bush issued his Executive order which required all unionized Federal contractors to post a notice in their workplace informing all employees that they could not be required to join a union. George Bush made sure that that kind of language was posted. The order says workers had a right to refuse to pay dues for any purpose unrelated to collective bargaining. I did not hear any Republican Senator complain that the President had overstepped his authority.

Oh, but now President Clinton stands up for workers and all you hear is complaints about it and we are going to stop him.

Well, I hope we do not succeed in overturning that Executive order, because I think working people are getting the shaft.

And why do I say that? Common sense. I am not a labor lawyer, but I have common sense. If somebody says to me, "You have a right to strike, but the minute you walk out the door someone is going to permanently replace you and you are out, no health insurance, no benefits, no nothing," I do not have a right to strike at all. It is just a paper right.

President Clinton understands this and he is showing leadership. The Republicans around here do not like it, so they put up the Kassebaum amendment. They slow down their own bill to slap working people.

There is a lot of talk in this country that people are insecure about this economy. In California, there is a lot of talk about affirmative action. And they are saying, "Well, this is the reason that people are having trouble getting jobs, affirmative action."

Well, let me tell you, if you look at the facts, you will find that is not so; that what is hurting the working person today is the fact that we do not see any policies coming out of this Congress that are going to help them.

Let me tell you, you read the contract for America or with America or on America. I think its the Contract With America, the Republican Contract With America. You read every line of that contract and you show me one place in that contract where there is one thing said about jobs, where there is one thing said about the rights of working people, where there is one thing said about increasing a minimum wage that is at a 40-year low. And there is a modest proposal by this President to increase it and no way will this Republican Congress even consider it.

But if they get a chance to slap the worker, here it is. I say it is wrong. It is wrong. These are the people that should be respected, not shunned, and this amendment that has been offered by the Senator from Kansas should be defeated.

The threat of using replacement workers is a veiled iron glove hovering over workers at the bargaining table. It upsets that delicate balance.

I have known some wonderful people in California who are very good bosses, who have very good relations with the working people that they hire. And I can tell you, those people would never replace workers who go out on strike. They would not do it because they have come to respect those workers and the workers' families and the workers' children and they know that their success has been brought about because of those workers. So this is not aimed at them—the good bosses, the management people who bring their workers in.

But I will tell you, there are those management people—and I have seen them, too, in California—who do not really care about the workers, who really do not care. Sometimes it is new management that is brought in when a company is bought out, some kind of a hostile takeover. They come in and they throw everybody out the door. They goad workers until they go out on strike, and then they permanently replace them.

We have a lot of companies to choose from when we hire companies to work for the Federal Government. President Clinton is right. Do not hire those firms that treat their people so badly, who care so little about them and their families, who would throw them out at the drop of a hat the minute they walk out on strike.

Let me say when people go out on strike, that is not a happy occasion. That is not something they do lightly. People suffer when they are out on strike. The family suffers when a person is out on strike. It is very hard. No one knows when the strike will end. It is very difficult to know that you will be replaced the minute you walk out the door. It changes the entire balance between workers and management. A stable and productive relationship can be put out of kilter if you know the minute you walk out that door you can be replaced.

Now let me say why I think what the President did is not only good for workers, it not only honors workers, but why it is good for America. It is a very important point. Strikes involving permanent replacements last far longer than other strikes. On average, strikes involving permanent replacements last seven times longer than other strikes. They are bitter. They are disruptive because business targets not just wages and benefits but the very right of the worker to strike.

I will tell Members as I have looked at these strikes in the past, the bad feelings linger. The bad feelings linger because permanent people have replaced workers, and finally if workers even do get their job back, it is after a very long struggle. It is not the right way to proceed.

So I say if we do not deal with companies that do that, that treat their people so badly, we will be dealing with better companies. We will be contracting with companies that will do a better job for the American people. I think that argument is sometimes lost.

So it is not only that this Executive order by the President is good for workers and honors workers, it is good for America because we will be contracting with companies that have a better labor track record and, therefore, are more reliable.

Now, I said before, we have had many incidents in California, and I want to talk about one that I talked about before. It is a situation where more than 400 nurses at the California Nurses Association went out on strike at the City of Hope Medical Center, in Duarte, CA. They were protesting contract demands that cut their vacations in half, and reassigned large portions of their duties to lower paid and in some cases unlicensed personnel.

I do not have to say how committed nurses are. They are committed to their work. They are proud of their work. They do not walk out on strike easily. They love their jobs. But they knew they had no choice. The minute they walked out the hospital management began to hire replacement workers. Let me tell Members, it was a bitter, bitter pill for those nurses to swallow.

Carol Beecher-Hoban, a pediatric nurse, found out on her sixth anniversary at the hospital that she would be permanently replaced. The day she went out on strike—a legal strike—a single mom with two kids, without her job, she was without health insurance for her and her family. Believe me, a registered nurse knows what it means to be without health insurance.

She had to take two jobs and sell her house to make ends meet, all because she exercised her right under laws passed by this Congress and supported, presumably, by everyone—the right to strike. That is supported by everybody. This is an amendment, my friends, to end the right to strike. If ending the right to strike was the amendment before the Senate, it would be more direct. But this deals with permanent replacement of strikers, which I say, is equivalent to ending the right to strike.

So here is a nurse who walks out to protest the working conditions of her job—and she's been there for 6 years—and she loses her job. Right away, a single mother, two kids, no medical insurance. She has to take two jobs, sells her house, because her employer chose to permanently replace her.

Let me underline the word "permanent." We are not talking about temporary replacements. Employers can do that if they want to. We are talking about permanent replacements. People go out on strike because they believe they have the right to strike. It is guaranteed to them here in the laws of our land, and then they are permanently replaced.

How about this other woman: Betty Razor, a specialist in a certain type of therapy which is very difficult to deal with. She deals with patients who have colostomies or other kinds of artificial diversions in place for bodily functions. It is a very tough and stressful job.

This woman, Betty Razor, was nurse of the year and employee of the year at that hospital, in Duarte, CA. She went out on strike. She was nurse of the year and voted employee of the year by the management. What do they do with Betty Razor? They permanently replace her. In a snap. In a snap. That is what they thought of her.

I say that is wrong. That is wrong. If a company wants to temporarily bring in a replacement because they have a need to fill, that would be something that could be understood. But to permanently replace the employee of the year, the nurse of the year, with no feeling at all about this person, is wrong. Yet this amendment would say, "It's fine. Go ahead. We love it. Congress says it's great. Permanently replace your people."

Not me. I say it is wrong.

What is she doing now? She is working in home care. She called my office when this debate was raging a few months back. She said when they told her they were replacing her she said, "You must be kidding. I didn't seem to think that they could do that." She said, "I thought when they told me I was being permanently replaced that it was a ploy to make us knuckle under." She said, "I didn't think they could just pick anyone to replace us. They let go the cream of the crop. Everyone who has professional influence with other nurses was replaced." So they got rid of the cream of the crop.

Five nurses of the year were replaced permanently. What did they do? Were they bad? Did they treat their patients badly? No, they were the nurses of the year. Their patients loved them. But they exercised their right to strike. Their human right to withhold their labor to protest. They thought once the strike was over, they would be working again, because they loved their work and they wanted to work, but they were permanently replaced.

This amendment will send a signal all over this country. Go ahead, everyone, fire people if they dare go out on strike, and permanently replace them. That is wrong.

She said to me, "I always felt you strike because of the issues, and when you settle the issues, you go back to work. You don't win every issue," she says, "You compromise."

She said, "That's how we do it in America. I never thought you would permanently replace the workers. Why would anyone strike then?"

I think the American people are fair, and I do not think the American people think it is unfair to tell someone "You have a human right to withhold your labor, to strike; now, remember, when you do it, you won't get a paycheck, it's going to be hard, you may have to stand out with a picket sign, you're going to have problems, people may not like you, it may be tough. But you have a right to strike while you bargain collectively until all the issues are resolved; you have a right to strike." I think the American people believe that is right.

Now, when it comes to certain public employees, we know that is another problem, that is another issue, and we are not talking about that here. We are talking about private contractors. So to tell someone you have the right to strike, we support your right to strike, and yet then say to them, "But the minute you walk out the door, you're history; you'll be thrown off health insurance, you can't get your job back," I think the American people would say that is not fair.

So Nurse Razor learned it the hard way.

Mr. President, there are other instances in California of the sheer inhumanity of hiring replacement workers. Last year, Senator Metzenbaum talked about an issue in California, the Diamond Walnut workers. It is a very, very, very tough issue. Four hundred members of a union exercised their right to strike more than 2 years ago. In 1985, they had given huge wage concessions to the employer because they were wanting to help the company avoid bankruptcy, and they said, "Look, we are part of the team here. We are not going to insist on higher wages if you are having trouble in the company."

They said, "We will give concessions. We will take lower wages," and they gave huge wage concessions.

The company turned around. It did amazingly well. But the concessions were not restored, despite renewed profitability and what they thought was an implied promise that things would change for them if the company's fortune reversed.

More than half of the striking workers happened to be women in that case. In a special report to Secretary of Labor Reich, Karen Nussbaum, Director of the Department's Women's Bureau, said, "The workers' sole precondition is to return to work while retaining union representation." That is all they wanted. They want to go back and still stay in their union. They cannot do that right now. They were punished, and they cannot go back to work, punished for exercising an American right, a right that is so American that we said to the workers in Poland when they were under the Soviet Union, "We back you." Solidarity was the union. "We back you," Republicans and Democrats on their feet, greeting the President of Poland, Lech Walesa. "We love you," we said. Solidarity. The workers overthrew communism, and yet right here, the workers in America are getting the shaft. The President says that is wrong and about 42 of us said that is wrong, and whether or not we hold ranks, I do not know. But I hope we hold our ranks. I hope we stick together for these working people.

I think the message that we send out from this Chamber is very important to the workers of America to know that someone is on their side. Maybe it is not so popular to be on the worker's side anymore, but it is popular with me, because I believe in America and the American dream and hard work, like the nurse of the year, who worked with patients who were sick, and they loved her and the bosses loved her, and the minute she said, "Wait a minute, you're not treating me fairly in these negotiations," and she walked outside the door, the door slammed shut on her.

What kind of a message is that to send to the hard-working people of America? We have a lot of contracts with companies. We can choose and pick the best. Let us choose and pick the best, and that means those that are the best to their workers. Does it mean that workers are always right? Of course not.

When I was a member of the board of supervisors, the union struck against me. I did not like that. I did not think they were right. I felt terrible about that. They struck me. They held signs against the board of supervisors. They said we were wrong, and I said to them that I thought they were asking for too much compensation, and we sat at the table. They went out on strike, and we had to work hard.

We had management people doing their jobs. It was not easy, but we negotiated in good faith, and when the strike ended, those employees came back to work and they said to me, I remember at that time, "Supervisor BOXER, we didn't agree with you, but let's put it behind us." That is what America is all about. We should not lord our power over working people and fire them the minute they have the temerity to walk out the door. This is America. That is wrong. We should not punish people for exercising their rights. We should argue with each other when we do not agree. I argued with those employees. I said, "You're asking for too much. You're making a mistake. You're going to get burned because you are not going to get everything you want. Don't go out on strike. It's wrong." But I never said to them, "If you walk out that door, you're history."

Why would I not say that? Because they are good people; they cared about the county. They worked in public works; they worked in all kinds of important parts of the county in Marin. They were good, hard-working, decent human beings who very rarely went out on strike, and when they did it, I said, "You're wrong." When it was over, we shook hands.

That is what America is about, not saying, "We're changing the lock on the door and you can never come back because you legally exercised your rights." That is wrong. That is what this Kassebaum amendment is about. It is slapping working people. It is a message that they do not have the right to withhold their labor and to have in any way a level playing field.

So I hope we are going to stand up for those who work for a living, whether they are cracking walnuts in Stockton or providing specialized nursing care in Duarte, CA, or any other economic pursuit you can name.

If people want to fight about the right to strike, let us have it out on that issue. That is what is so interesting to me about the Republican Contract With America, because I look at it as a war on children, on families, on consumers, on the environment. But if you look at the contract, it says "The Commonsense Legal Reform Act." That is how they talk about their legal reforms.

You tell me what is reform about saying there are no punitive damages that can be leveled against a corporation that goes ahead with a product that has FDA approval—let us say something like the Dalkon shield—and you say, "Well, you got FDA approval. Therefore, if it makes women sterile or it hurts them or it kills them or it gives them cancer, no punitive damages."

That is the commonsense legal reform act. I say it is a war against consumers, just as this amendment is a war against working people. But they never put it in those terms. There are other parts of the contract—regulatory reform—that deal with issues that can really hurt the health and safety of the people of this Nation.

What is a reform about stopping a regulation that is going to stop E. coli from getting into the hamburgers that people eat all through this country? I have constituents who have died because they ate a hamburger that had E. coli.

Regulatory reform, my friends, is going to do a lot for those people because it is going to stop that regulation from going into effect that will protect the meat supply. But they call that regulatory reform.

How about this one? A bacteria called cryptosporidium showed up in the Milwaukee water supply. We are finally getting around to regulating standards for the water supply. Oh, the Republican contract: Moratorium on all regulations. So they call it regulatory reform. I call it a war on consumers, a war on the environment. And this amendment, stopping a President from issuing an Executive order that he has every right to do, to me is a war on the working people of this Nation.

In a way, I am discouraged about having to fight these battles, but in a way it energizes me because I think the American people have to engage in what is going on here in Washington. A hundred days to change America, 100 days to turn back the clock on progress we have made in providing this country the toughest consumer law, the best in environmental protection, the best protections for water, for air. All that, we turn it back in 100 days because that is what the politicians said the last election meant.

Let me tell you, I think the last election meant change. People want change. People are tired of politics as usual. There is no question about it. People do not want waste. They want an end to fraud. They do not want useless regulation. But the election was not about leaving this country unprotected, unprotected from pollution and bacteria that gets in our meat supply, from drugs that have not been adequately tested.

What I find very interesting about the contract is it does a couple of different things. First, it says if a company issues a product that has Federal Drug Administration approval, you can never sue that company for punitive damages if you die or get cancer or something like that. At the same time, they want to go after the FDA and make it really an agency that cannot function. They attack the FDA. As a matter of fact, the Speaker of the House said, "Let's privatize the FDA. Let's not even have an FDA."

Well, imagine that combination: an FDA that is neutered and at the same time, you give them the power to protect companies from ever being sued if their product received FDA approval. That is a lethal combination, and that is in the Republican contract which, by the way, is moving very quickly.

But earlier in my remarks I said that when the Founders founded this Nation, they said that we would act in the Senate here as the saucer and in the House as the cup, and when these ideas spill over, they will cool down here because people are getting to see what they are.

I was very pleased that the majority leader gave us 2 extra days on the balanced budget amendment because my people in California now understand if Social Security wasn't exempted from that amendment, it would be raided and looted and gone. So where the balanced budget amendment was so popular, when people realized that Social Security was going to be looted, the polls totally switched and 70 percent opposed it.

I am glad that we have the time here to look at some of these issues, so I could tell you about some of these nurses, so I could tell you about the strikers at the Diamond Walnut plant. All they want now is to get their jobs back and stay in their union. They cannot do that.

I have to say that if you look at this contract, nowhere in it will you see anything that even mentions the word environment. Nowhere in it will you really see anything that mentions the words "consumer protection." And I hope that we will slow it down, just as we are slowing this debate down.

I do not know if we are going to win this debate on striker replacement. I do not know if we are going to win this debate. There may be some who say, look, we have had this discussion long enough. Let us get on with the bill. But I can tell you now, if the Republicans withdrew the amendment, if the good Senator from Kansas withdrew the amendment, we would be in good shape. We could move this bill forward. But if we insist on keeping this amendment alive, I think the Senator from Massachusetts is willing to talk about it for a long time. I am willing to talk about it for a long time. Frankly, if we do not have the votes to stop it, President Clinton may veto this bill. He may veto this bill, just as I think President Bush would have vetoed a bill that in fact reversed his Executive order.

There is a town in California called Hawthorne, and a firm there that makes hardware. There was a strike over a health care issue. When the workers went on strike, they were told that replacement workers would be brought in but they would not be permanent. They would only be temporary replacements.

On November 29, the members voted to call off the strike and accept the company's last offer. But—but—at that point, the company withdrew the proposal and declared the replacements permanent, leaving these union members without jobs.

Now, that to me is an extraordinary story, because I grew up to believe that when someone gives you their word, that is golden. That is golden. So the employer said: We are just going to replace you temporarily, but in the end the employer did not mean it. And I have to say that the NLRB, the National Labor Relations Board, still has not come down with a decision, and that has gone on for a long time. In the meantime, those workers are without health care, and they are close to exhausting their unemployment benefits.

Only 10 percent of those workers got other jobs. But those other jobs that they got, they are nothing like the ones they had before. Basically they are minimum wage jobs with no benefits. It is a very unhappy story, a very unhappy story.

Then there is a story, again out of San Bernardino, CA, of 150 workers at a bakery. They had very low wages. Many of them felt they were being passed up for promotions. After 5 months of negotiating, the workers went on strike. The union said let us bring in mediation, but the company refused to bargain. They hired 125 replacement workers, built a new facility somewhere else, and eventually closed the San Bernardino facility. Only 60 of those workers out of the 125 ever got back to work.

It goes on and on. I think that this amendment on this defense bill is totally uncalled for. This is not an amendment that deals with the defense supplemental bill. This is an amendment that I think is a gratuitous slap at people who work for a living. It is not necessary.

Why not have a hearing, I would say to my friend from Kansas, and bring in the administration? Let them explain why they feel this is important to the dignity of working people and, by the way, for the taxpayers who will benefit when companies with good labor records are hired by the Federal Government because they will not be dislocated. They will fulfill their obligations to be good contractors for the American people.

Offering this amendment on this bill is not necessary. I hope my friend from Massachusetts will continue to lead this fight.

I ask him at this point if he has remarks planned or if he wishes me to continue a few remarks for a short period of time?

Mr. KENNEDY. If the Senator will yield?

Mrs. BOXER. I am happy to yield.

Mr. KENNEDY. Mr. President, first of all I thank my friend and colleague, the Senator from California, for her comments. These have been comments, not just this afternoon, but I know and I can tell the Senate that she has been there every hour, every minute of this battle. She has worked with our minority leader and others who have been working on this issue for the past several days. She has spoken on this and has been ready to continue the battle for working people.

I want to thank her for her immense contribution to this debate. It has been enormously interesting. As she has pointed out, the time that was taken both in the balanced budget amendment and also particularly on this issue, I think, has been enormously informative to our Members. I find that has been the case.

We had, initially, the question about the Executive order, whether the President had the power to take this action. We went through that history. We went through the past Executive orders by past Presidents. There was some confusion. But we went through it.

We went through exactly the types of people who were going to be affected and impacted, and we were able to demonstrate these were, by and large, workers who were making $6, $7, $8 an hour at the tops—the ones who were being permanently replaced. So it was hard-working men and women who were trying to provide for their families who were going to be impacted by the amendment.

We went through the course of the history of the results of contracts that were being performed by permanent replacements. There were serious questions in terms of on-time delivery and also the quality of the work. And we went on in the broader context about how this issue that has affected the legitimate rights of working families, how this fits in with other actions or nonactions of the Congress during the past 3 months.

I think it has been enormously informative for our Members and also, I think, for those who have been watching and listening and following the debate. I am enormously grateful to her for her contribution.

I see the Senator from Kansas is prepared to perhaps make a comment. So I am prepared to yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I regret that we have been unable to have a final vote on my amendment. There are those who do not wish to see it come to a resolution with an up-or-down vote, and that is their right. I respect that.

The Executive order that we have been talking about—whereby striking workers now cannot be permanently replaced, as has been the law for some 60 years and which will now be overturned by this Executive order—is very important and very troubling.

The implications of the Executive order go far beyond just saying there will only be a few companies affected and it really will not make a lot of difference. It is very important for us to understand what, indeed, the ramifications of the order will be. I would argue that using Executive orders in this way can affect labor as well as management. And it will further destabilize the relationships in the work force.

So I just want to say, Mr. President, I will be back. This is an issue of vital importance and I intend to bring it up again and again because I think it is so very important.

Mr. President, I appreciate the fact that it has been a good debate. There have been, I think, some well-stated views on both sides. I suggest that this issue is one that will not be laid to rest until, I hope, we can reach some resolution on what basically is at stake here—and that is the separation of powers between the executive and legislative branches.

I yield the floor.

Mr. JEFFORDS. Mr. President, earlier today, due to inescapable circumstances I was absent from a cloture motion vote on the Kassebaum amendment No. 331. On my journey to the Senate Chamber I was trapped in an elevator in the Senate Dirksen Building for 40 minutes. I extend my most sincere thanks to the Senate superintendent's office for its assistance in my rescue. I must say that crawling out of the elevator was certainly a new and exciting experience, but not one I hope to repeat anytime soon. As I have said in prior statements I support Senator KASSEBAUM'S amendment and would have voted in favor of cloture had I been able.

THE DEFENSE INDUSTRIAL BASE

Mr. BIDEN. Mr. President, H.R. 889, the defense supplemental appropriations bill, has provided us an early rehearsal for a larger debate that will no doubt last throughout this session of Congress and beyond.

This debate takes place at two levels: First, we will be deciding how best to provide for our Nation's defense—for now, and for the long term. At another level, we will be setting priorities for the monumental task of restoring balance to the Federal budget.

This bill is before us today because we must fund unanticipated Defense Department expenses—for our operations in Haiti, Somalia, Bosnia, Cuba—out of funds that were originally intended to support normal, peacetime functions.

Eventually, the cost of those unforeseen operations took their toll on the ability of our armed services to pay for some of those training functions. I believe that it is now clear that we need a better way—a contingency fund, for example—to deal with the inevitable, but unpredictable tasks that our Armed Forces will be asked to undertake.

Unfortunately for colleagues in the House took a very short-sighted approach in their search for the funds needed to meet this year's needs.

They decided to cut funds from two programs that are essential to our country's economic and military security.

They eliminated the technology reinvestment program, cutting $502 million from this year's and next year's budgets. And they cut 25 percent, $107 million from the advanced technology program.

These programs are part of an established, bipartisan decision to maintain the technological advantage that we displayed so convincingly in the Gulf War and will continue to need to meet the threats the world now presents.

These programs are at the heart of an emerging base on domestic, American high-technology manufacturing capacity, the base we need to assure that we will continue to foster the discovery and development of the new ideas and products that the world's most sophisticated military demands.

To establish and maintain that base, these programs take advantage of our country's historical strength—our private economy. By making our Nation's high-technology industries partners in the development of the kinds of technologies and processes that future defense systems will require, we are building the essential foundation for our national security.

These programs are critical investments, in areas where there is the potential for both commercial and military applications. The potential spillover from these programs in both kinds of applications means that without the incentives they provide, we would engage in wasteful duplication of commercial and military research, on the one hand, or miss the opportunity for important breakthroughs, on the other.

Mr. President, recent history and economic logic tell us that individual firms will not find it cost-effective to undertake the research and development that these programs support, because the payoffs are often unpredictable and many years in the making.

In addition to promoting the private sector's involvement in this kind of long-term undertaking to preserve our Nation's competitive edge in the world economy—our Government has the responsibility to provide for the common defense.

In this day and age, and certainly into the future, that constitutional responsibility will require the maintenance of an advanced manufacturing capability, along with the scientific knowledge, engineering skills, and information management that support it.

Consider, Mr. President, the kinds of projects that these program make possible. TRP is supporting the development of advanced composite materials for advanced aircraft propulsion systems. Advanced engine designs now being considered for future production could increase performance and fuel efficiency for both commercial and military aircraft.

This potential can only be realized if much of the metal engine structure in conventional designs is replaced with polymer composites that can be produced at reasonable cost.

Another TRP Program supports private industry in the development of low- and high-power high-temperature superconductor microwave components for commercial and defense satellites. These new components could radically reduce the size and the power consumption of critical satellite components, creating longer-lasting communications and weather satellites.

The ATP is supporting the development of manufacturing processes that can reduce by at least one third the cost of producing advanced composite components for use in thousands of different applications.

These advanced manufacturing processes are the key to reducing the overall cost of employing new materials, such as the aircraft engine parts in the TRP Program I mentioned.

And to illustrate the important public investment component in these projects, Mr. President, a recently awarded ATP grant supports the development of very large scale component parts that can be used on civilian as well as military infrastructure projects, such as auto and rail bridges.

As we look for ways to rehabilitate our neglected public facilities, at all levels of our Federal system, these new materials offer ways of repairing conventional structures as well as constructing new ones, with longer lasting, low-maintenance components.

Mr. President, only by supporting these innovative ATP and TRP Programs can we maintain the cutting-edge commercial manufacturing capacity that is essential to meeting the rapidly evolving demands on our military capabilities.

At the same time, they provide the additional security of knowing that we are doing all we prudently can to assure that our domestic economy remains at the leading edge of commercial applications of new technologies.

We can no longer afford—if we ever could—wasteful duplication of military and commercial development of the same technologies.

And we certainly cannot afford to miss the next breakthrough in materials, information management, or communications, that could leave the men and women of our Armed Forces needlessly exposed to danger.

The greater their exposure—if we allow our technological edge to grow dull with false economies—the more reluctant we will be to face threats to our security. For want of the next generation of nails, Mr. President, the next century's battles may be lost.

These are difficult times—we must invest for long-term economic growth here at home and confront the confusing variety of new threats to our security abroad.

The Technology Reinvestment Program and the Advanced Technology Program are prudent, cost-effective means of dealing with both of those problems.

Mr. President, I want to commend the distinguished managers of this legislation, the members of the Defense Appropriations Subcommittee, Senators BINGAMAN and LIEBERMAN, and the other members who have spoken up for these programs, for showing the foresight to restore these important programs to more adequate levels of funding.

I am sure we will find ourselves revisiting these issues in the coming months and years. I will continue to support efforts that protect the technological foundations of our economic and military security.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, if I could inquire of the Chair, what is the pending business?

The PRESIDING OFFICER. The pending business is the Kassebaum amendment to H.R. 889. That is the pending question.

Mrs. KASSEBAUM. Mr. President, I would say these comments represent my point of view on this issue at this point. The majority leader is in discussions now. I think he will announce the outcome of those discussions in a few minutes.

Mr. KENNEDY. Mr. President, I appreciate the comments of my friend and colleague, the Senator from Kansas. I want to say, every person in this body knows the seriousness with which the Senator from Kansas takes her responsibilities as the chair of the Labor and Human Resources Committee and as someone who delves deeply and is concerned, interested, and attentive to the range of public policy issues that come before that committee. In particular, the Senator spends a great deal of time and gives a great deal of thought to issues involving the relationship between workers and employers. This has been a matter of very great seriousness, I know, to her.

I understand that and respect it. She has indicated she will be back at another time to address these issues. We regret we have not been overwhelmingly persuasive to her and to others as to the legitimacy of our position.

But we welcome the opportunity to continue the dialog not just here on the floor but otherwise to see if we can find areas of common ground in this area as we have found common ground with her and our other members of that committee in a great number of areas. We have been appreciative of the way that this debate and discussion has taken place.

We await the announcements of the majority leader as to the Senate business.

Again, I am grateful to both the Senator and her supporters as well as all of those who have spoken on this measure over the period of the past days, and for the courtesies and the attentiveness which they have given to this issue. I am also grateful to the leadership Senator DASCHLE and many of my other colleagues have personally demonstrated on this measure.

I thank all the Members. I yield the floor with the expectation that we will be on other matters after the majority leader speaks.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. SNOWE). Without objection, it is so ordered.

DEATH OF WILLIAM ARTHUR WINSTEAD

Mr. COCHRAN. Madam President, it is my sad duty to advise the Senate that Arthur Winstead, former Congressman of Mississippi, died last night at the age of 91.

William Arthur Winstead represented the 3d Congressional District of Mississippi from 1943 to 1965. During his 22 years of service in Congress, he was firmly loyal to his constituents and his principles. In an ironic twist of history, in spite of his conservatism, he was the first Mississippi Congressman in this century to be defeated by a Republican. Reflecting the changing nature of politics in the South, he subsequently became a strong supporter of several Republican candidates.

I was flattered and honored that I had the privilege to become his friend. It was only about 2 weeks ago that he called to talk about his impressions of our efforts to bring about changes in the Washington Government. He was very proud of the role the members of our State's delegation were playing in this period of transition.

Prior to entering Congress, Arthur Winstead served his community as a teacher and subsequently as county superintendent of schools for Neshoba County. During the administration of the late Gov. John Bell Williams, he served as commissioner of the Mississippi Department of Public Welfare.

Arthur Winstead was a personal friend of mine and a friend of many throughout Mississippi. I offer my personal condolences to his wife and family. In honoring his memory, we honor a good and dedicated man who served with distinction in Congress with a deep sense of public duty and principle.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

The Senate resumed consideration of the bill.

Mr. DOLE. I ask unanimous consent that the cloture vote scheduled for Thursday on the Kassebaum amendment be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. And with the consent of Senator KASSEBAUM, I would ask that her amendment be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the amendment (No. 331) was withdrawn.

Mr. DOLE. I further ask unanimous consent that H.R. 889 no longer be the pending business and the bill be returned to the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DOLE. Madam President, I ask unanimous consent there now be a period for the transaction of morning business with Senators permitted to speak not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

A FAITHFUL SERVANT PASSES

Mr. BYRD. Madam President, Cecil Romine, the former president of the West Virginia American Postal Workers Union and long time national business agent for the American Postal Workers Union, passed away earlier this year at age 67. He was born and raised in West Virginia, and served in the Navy at a very young age in World War II. He came home to reside in Parkersburg, where he went to work in the post office. When postal workers were given the right to bargain collectively by Congress in 1971 he established his home Local in Parkersburg—the Mountaineer Area Local—and then the West Virginia State organization.

Cecil Romine was then elected as national business agent for the Clerk Craft for the three-State region of Maryland, Virginia, and West Virginia in 1976. It is a mark of his extraordinary skill as an advocate and a negotiator that someone from a small Local like Parkersburg would be elected—and consistently reelected—in a region in which most voters come from much larger Locals such as Baltimore, Richmond, or Washington, DC. He was equally respected by postal management not only as one of the union's most resourceful and talented representatives, but also as a man of his word. He loved the union and the Postal Service and fought tirelessly to better both. Even after retirement, he worked hard and effectively with my office to preserve service in West Virginia.

Mr. Romine turned down many chances to take better paying and more secure jobs in management. Perhaps if he had, he would have enjoyed a longer and more normal retirement. But he knew his place was in the front line fighting for working people, and he was never interested in doing anything else.

He had 7 children, 13 grandchildren, and recently 2 great grandchildren. The pillars of his life were his family, his church, and his Union. He was a man of traditional values in the true sense of those words.

I know that Cecil Romine is deeply missed by both his personal family and his larger family of postal workers. In submitting this statement, I want to let his wife Betty and all of his family know that his memory is respected here.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES!

Mr. HELMS. Madam President, the enormous Federal debt which has already soared into the stratosphere is in about the same category as the weather—everybody likes to talk about it but almost nobody had undertaken the responsibility of trying to do anything about it until immediately following the elections last November.

When the 104th Congress convened in January, the U.S. House of Representatives approved a balanced budget amendment. In the Senate, however, while all but one of the 54 Republicans supported the balanced budget amendment, only 13 Democrats supported it. The balanced budget constitutional amendment, needing 67 votes, failed by just 1 vote. There will be another vote later this year or next year.

This episode—the one-vote loss in the Senate—emphasizes the fact that a lot of politicians talks a good game when they are back home about bringing Federal deficits and the Federal debt under control. But so many of them come back to Washington and vote in support of bloated spending bills rolling through the Senate.

As of the close of business yesterday, Tuesday, March 14, the Federal debt stood—down to the penny—at exactly $4,846,819,443,348.28. This debt, remember, was run up by the Congress of the United States.

The Founding Fathers decreed that the big-spending bureaucrats in the executive branch of the U.S. Government must never be able to spend even a dime unless and until authorized and appropriated by the U.S. Congress.

The U.S. Constitution is quite specific about that, as every school boy is supposed to know.

So, do not be misled by politicians who falsely declare that the Federal debt was run up by some previous President or another, depending on party affiliation. These passing-the-buck declarations are false because as I said earlier, the Congress of the United States is the culprit. The Senate and the House of Representatives have been the big spenders for the better part of 50 years.

Madam President, most citizens cannot conceive of a billion of anything, let alone a trillion. It may provide a bit of perspective to bear in mind that a billion seconds ago, Mr. President, the Cuban missile crisis was in progress. A billion minutes ago, the crucifixion of Jesus Christ had occured not long before.

Which sort of puts it in perspective, does it not, that Congress has run up this incredible Federal debt totaling 4,846 of those billions—of dollars. In other words, the Federal debt, as I said earlier, stood this morning at 4 trillion, 846 billion, 819 million, 443 thousand, 348 dollars and 28 cents. It'll be even greater at closing time today.

FRIENDS OF IRELAND ST. PATRICK'S DAY STATEMENT—1995

Mr. KENNEDY. Madam President, over the last year, we have witnessed truly historic progress in Northern Ireland which gives great hope that lasting peace and reconciliation are at hand.

The Friends of Ireland is a bipartisan group of Senators and Representatives opposed to violence in Northern Ireland and dedicated to maintaining a United States policy that promotes a just, lasting, and peaceful settlement of the conflict that has cost more than 3,100 lives over the past quarter century.

Since 1981, the Friends of Ireland have joined together in an annual St. Patrick's Day statement which focuses on the situation in Northern Ireland. I believe that all our colleagues will find this year's statement of particular interest, and I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE FRIENDS OF IRELAND, ST. PATRICK'S DAY, 1995

On this St. Patrick's Day, all friends of Ireland rejoice in the historic developments of 1994 and early 1995 that have led to a cease-fire in Northern Ireland and that offer the best hope for a negotiated and lasting peace since the Troubles began more than a quarter century ago.

We welcome the release last month by the British and Irish Governments of the Framework Document, which provides a fair and balanced basis for all-party talks in Northern Ireland—talks we hope will begin soon. The way forward can be found only if all parties work together to find a peaceful solution that will have the support of the people of Northern Ireland.

We commend all those in Ireland, Northern Ireland, and Britain, who deserve enduring credit for the achievements so far—especially John Bruton, John Major, Dick Spring, Sir Patrick Mayhew, John Hume, Gerry Adams, and Albert Reynolds.

We also commend the constructive role which President Clinton, U.S. Ambassador to Ireland Jean Kennedy Smith, and U.S. Ambassador to Great Britain William Crowe have played in advancing this process. The combined efforts of the Congress and the Administration played a critical role in the process which led to the IRA's historic cease-fire announcement in August 1994 and the Loyalist cease-fire declaration which followed in October. We commend both the IRA and Loyalist paramilitaries for deciding to seek a peaceful settlement to the conflict.

We support the total demilitarization of Northern Ireland. We urge the Republican and Loyalist paramilitaries to begin turning in their weapons. We are encouraged by the announcement by the British Government that it will begin to withdraw troops from Northern Ireland and we are hopeful that this process will continue.

Both the British and Irish Governments responded to the cease-fire announcements with significant steps to advance the cause of peace. The British Government opened cross-border roads, lifted the broadcast ban and exclusion orders, and removed British troops from daytime street patrols in Northern Ireland. The Irish Government established the Forum for Peace and Reconciliation, released prisoners, and lifted emergency laws.

Many Unionists and their leaders have shown a willingness to consider new proposals with an open-mindedness crucial to genuine progress. This development is welcomed.

We are also greatly encouraged by visits of Unionist leaders to this country. The United States is a friend of both communities and we hope Unionists will continue to visit. It is important that their voices be heard.

Recognizing that economic progress is also essential, the Friends of Ireland support measures to encourage economic development in Northern Ireland and the border counties of Ireland damaged by the years of conflict. The cease-fire has already led to new investment that will create needed jobs.

We welcome President Clinton's support for additional private economic development as demonstrated by the appointment of George Mitchell as the President's economic envoy. We look forward to the Conference on Investment and Trade for Ireland to be held in Washington in May. The aim of the conference, according to its mandate, is "to show U.S. companies that sustained peace is dramatically improving business opportunities on the island of Ireland, and particularly Northern Ireland and the border counties." We are confident it will encourage new American investment and enhance the prospects for peace.

We support the International Fund for Ireland as an important part of the search for peace. The Fund has helped create more than 25,000 jobs in the most disadvantaged areas of Northern Ireland and the border counties, and has had a major beneficial impact on the people in these areas.

We agree with the Committee on the Administration of Justice, an independent human rights organization in Northern Ireland, that "respect for and defense of human rights must be the cornerstone of any lasting settlement to the conflict." Britain should follow Ireland's lead and repeal emergency legislation with respect to Northern Ireland. There should be a thorough review of policing in Northern Ireland, with the goal of creating a police force that has the confidence of both communities. A Bill of Rights should be enacted to provide full protection for all people in Northern Ireland. Employment discrimination must be ended. We welcome advances in legislation involving fair employment; but twice as many Catholics as Protestants continue to be unemployed, and new economic initiatives are needed to address this injustice.

Finally, we are mindful that 1995 marks the 150th anniversary of the beginning of the Great Irish Famine. Though the Irish had already established a strong presence in the early years of our nation, many of the 44 million Irish Americans today are descendants of victims of the Famine. As President Mary Robinson of Ireland has eloquently stated, "Irishness is not simply territorial * * * emigration is not just a chronicle of sorrow and regret. It is also a powerful story of contribution and adaptation." Irish-Americans have contributed immensely to this country, while maintaining lasting ties of heritage, history, and affection for the land of our ancestors.

As Friends of Ireland on St. Patrick's Day 1995, we commit ourselves to ever closer ties with the island of Ireland and all its people. It is our hope and prayer that 1995 will bring even greater progress toward lasting peace.

FRIENDS OF IRELAND EXECUTIVE COMMITTEE

SENATE

Edward M. Kennedy.
Daniel Patrick Moynihan.
Claiborne Pell.
Christopher J. Dodd.

HOUSE OF REPRESENTATIVES

Newt Gingrich.
Richard A. Gephardt.
James T. Walsh.

ROBERT PERRIN GRIFFIN: IN MEMORIAM

Mr. HOLLINGS. Madam President, I rise today to pay tribute to Robert Perrin Griffin, a good friend who passed away last year.

Bobby Griffin was a native son of South Carolina. Born in Bishopville in 1992, he served as a U.S. Senate page for our beloved former colleague, Senator "Cotton Ed" Smith of South Carolina, from 1937 to 1939, and as chief page for Vice President John Nance Garner of Texas. He graduated from the Citadel in 1943, 1 year after I did.

After college, Bobby joined the Army. As a soldier, he distinguished himself as a brave leader. As a patrol officer in World War II under Gen. George Patton in the 3d Army, 26th Division, Captain Griffin led his men into the first occupation of many enemy towns in Europe. In fact, he commanded his company in the first contact with German troops in the Ardennes campaign of 1944.

Madam President, Bobby Griffin was a man of enormous courage. He served our country with great distinction and honor. Bobby was one of the few U.S. soldiers who was a prisoner of war twice. He was captured at the Battle of the Bulge in 1994 and was a German prisoner of war. He then escaped, but was recaptured. For his bravery, Bobby was awarded numerous medals and honors including: the Silver Star, two Bronze Stars, four Purple Hearts, a P.O.W. medal, the American Campaign medal, the World War II Victory medal, and the European African Middle Eastern Campaign medal.

Following the war, he continued to serve our country as commander of the Veterans of Foreign Wars Post, 3181, in Florence and as State commander of VFW in 1951.

Many around South Carolina remember Bobby best from his racing days. In 1950, he ran the first stock car in the first Southern 500 in Darlington. He was also one of the original owners of the Darlington International Raceway and past member of the board of directors.

Bobby was an auto dealer from the 1950's through the mid-1960's. In the Pee Dee, you can still spot an Oldsmobile from Griffin Motors that Bobby probably sold. After retiring from the car company, as a vice president, he spent many years in Myrtle Beach as a real estate developer.

Madam President, I would like to extend my thoughts and prayers to Bobby Griffin's friends and family. We will all miss him every much.

REPORT RELATIVE TO IRANIAN PETROLEUM RESOURCES—MESSAGE FROM THE PRESIDENT—PM 33

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Pursuant to the section 204(b) of the International Emergency Economic Powers Act (50 U.S.C. 1703(b)) and section 301 of the National Emergencies Act (50 U.S.C. 1631), I hereby report that I have exercised my statutory authority to declare a national emergency to respond to the actions and policies of the Government of Iran and to issue an Executive order prohibiting United States persons from entering into contracts for the financing of or the overall management or supervision of the development of petroleum resources located in Iran or over which Iran claims jurisdiction.

The Secretary of the Treasury is authorized to issue regulations in exercise of my authorities under the International Emergency Economic Powers Act to implement these prohibitions. All Federal agencies are also directed to take actions within their authority to carry out the provisions of the Executive order.

I am enclosing a copy of the Executive order that I have issued. The order is effective at 12:01 a.m., eastern standard time, on March 16, 1995.

I have authorized these measures in response to the actions and policies of Iran including support for international terrorism, efforts to undermine the Middle East Peace Process, and the acquisition of weapons of mass destruction and the means to deliver them. We have worked energetically to press the Government of Iran to cease this unacceptable behavior. To that end we have worked closely with Allied governments to prevent Iran's access to goods that would enhance its military capabilities and allow it to further threaten the security of the region. We have also worked to limit Iran's financial resources by opposing subsidized lending.

Iran has reacted to the limitations on its financial resources by negotiating for Western firms to provide financing and know-how for management of the development of petroleum resources. Such development would provide new funds that the Iranian Government could use to continue its current policies. It continues to be the policy of the U.S. Government to seek to limit those resources and these prohibitions will prevent United States persons from acting in a manner that undermines that effort.

William J. Clinton.

The White House,
March 15, 1995.

MESSAGES FROM THE HOUSE

At 12:04 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 377. An act to amend a provision of part A of title IX of the Elementary and Secondary Education Act of 1965, relating to Indian education, to provide a technical amendment, and for other purposes.

At 3:55 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 402. An act to amend the Alaska Native Claims Settlement Act, and for other purposes;

H.R. 421. An act to amend the Alaska Native Claims Settlement Act to provide for the purchase of common stock of Cook Inlet Region, and for other purposes;

H.R. 517. An act to amend title V of Public Law 96-550, designating the Chaco Culture Archeological Protection Sites, and for other purposes;

H.R. 531. An act to designate the Great Western Scenic Trail as a study trail under the National Trails System Act, and for other purposes;

H.R. 536. An act to extend indefinitely the authority of the Secretary of the Interior to collect a commercial operation fee in the Delaware Water Gap National Recreation Area, and for other purposes;

H.R. 562. An act to modify the boundaries of Walnut Canyon National Monument in the State of Arizona;

H.R. 694. An act entitled the "Minor Boundary Adjustments and Miscellaneous Park Amendments Act of 1995"; and

H.R. 715. An act to amend the Central Bering Sea Fisheries Enforcement Act of 1992 to prohibit fishing in the Central Sea of Okhotsk by vessels and nationals of the United States.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 34. A concurrent resolution authorizing the use of the Capitol Grounds for the Ringling Bros. and Barnum & Bailey Circus Anniversary Commemoration; and

H. Con. Res. 39. A concurrent resolution expressing the sense of the Congress regarding Federal disaster relief.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 402. An act to amend the Alaska Native Claims Settlement Act, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 531. An act to designate the Great Western Scenic Trail as a study trail under the National Trails System Act, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 536. An act to extend indefinitely the authority of the Secretary of the Interior to collect a commercial operation fee in the Delaware Water Gap National Recreation Area, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 562. An act to modify the boundaries of Walnut Canyon National Monument in the State of Arizona; to the Committee on Energy and Natural Resources.

H.R. 694. An act entitled the "Minor Boundary Adjustments and Miscellaneous Park Amendments Act of 1995"; to the Committee on Energy and Natural Resources.

H.R. 715. An act to amend the Central Bering Sea Fisheries Enforcement Act of 1992 to prohibit fishing in the Central Sea of Okhotsk by vessels and nationals of the United States; to the Committee on Commerce, Science, and Transportation.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 34. A concurrent resolution authorizing the use of the Capitol Grounds for the Ringling Bros. and Barnum & Bailey Circus Anniversary Commemoration; to the Committee on Rules and Administration.

H. Con. Res. 39. A concurrent resolution expressing the sense of the Congress regarding Federal disaster relief; to the Committee on Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following measures were read the second time and placed on the calendar:

H.R. 956. An act to establish legal standards and procedures for product liability litigation, and for other purposes.

H.R. 988. An act to reform the Federal civil justice system.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-527. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 93-51; to the Committee on Appropriations.

EC-528. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 95-9; to the Committee on Appropriations.

EC-529. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the report on the C-17 program; to the Committee on Armed Services.

EC-530. A communication from the Director of Defense Research and Engineering, transmitting, pursuant to law, the report on the Federally Funded Research and Development Center for fiscal year 1996; to the Committee on Armed Services.

EC-531. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a Department of Defense implementation plan; to the Committee on Armed Services.

EC-532. A communication from the Secretary of Defense, transmitting, pursuant to law, the annual report for calendar year 1994; to the Committee on Armed Services.

EC-533. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 92-10; to the Committee on Appropriations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DORGAN:

S. 557. A bill to prohibit insured depository institutions and credit unions from engaging in certain activities involving derivative financial instruments; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEVIN:

S. 558. A bill for the relief of Retired Sergeant First Class James D. Benoit, Wan Sook Benoit, and the estate of David Benoit, and for other purposes; to the Committee on the Judiciary.

By Mr. SIMPSON:

S. 559. A bill to amend the Lanham Act to require certain disclosures relating to materially altered films; to the Committee on the Judiciary.

By Mr. DASCHLE:

S. 560. A bill to amend section 6901 of title 31, United States Code, to entitle units of general local government to payments in lieu of taxes for nontaxable Indian land; to the Committee on Indian Affairs.

By Mr. CHAFEE:

S. 561. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Isabelle*, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GRAMM (for himself and Mr. SHELBY):

S. 562. A bill to provide for State bank representation on the Board of Directors of the Federal Deposit Insurance Corporation, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GREGG:

S. 563. A bill to amend the Internal Revenue Code of 1986 to treat recycling facilities as exempt facilities under the tax-exempt bond rules, and for other purposes; to the Committee on Finance.

By Mr. BIDEN:

S. 564. A bill to confer and confirm Presidential authority to use force abroad, to set forth principles and procedures governing the exercise of that authority, and thereby to facilitate cooperation between the President and Congress in decisions concerning the use or deployment of United States Armed Forces abroad in situations of actual or potential hostilities.

By Mr. ROCKEFELLER (for himself, Mr. GORTON, Mr. MCCONNELL, Mr. LIEBERMAN, Mr. DODD, Mr. PRESSLER, Mr. HATCH, Mr. EXON, Mr. INHOFE, Mrs. HUTCHISON, and Mr. CHAFEE):

S. 565. A bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 566. A bill for the relief of Richard M. Sakakida; to the Committee on Armed Services.

By Mrs. BOXER:

S. 567. A bill to amend the Internal Revenue Code of 1986 to allow the casualty loss deduction for disaster losses without regard to the 10-percent adjusted gross income floor; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DORGAN:

S. 557. A bill to prohibit insured depository institutions and credit unions from engaging in certain activities involving derivative financial instruments; to the Committee on Banking, Housing, and Urban Affairs.

THE DERIVATIVES LIMITATION ACT OF 1995

• Mr. DORGAN. Mr. President, today I reintroduce my legislation called the Derivatives Limitation Act to prohibit banks and other federally insured financial institutions from engaging in risky, speculative derivatives trading on their own accounts. In my judgment such proprietary trading involves a degree of risk that is totally out of step with safe banking practices.

Last year, the General Accounting office [GAO] issued a major report raising a red flag about the risks of derivatives trading. Since this report, a number of financial institutions and other derivative investors have suffered enormous losses totaling billions of dollars. Because of tremendous growth of the derivatives market, which is now estimated at $35 billion worldwide, a major default, Fortune magazine said, could ignite a chain reaction that runs rampant through the financial markets in the United States and overseas. "Inevitably, that would put deposit insurance funds, and the taxpayers behind it, at risk."

Most of us know that derivatives are essentially a form of gambling. Derivatives may be the most complicated financial device ever, contracts based on mathematical formulas, involving multiples and interwoven bets on currency and interest rates and more in a burgeoning galaxy of permutations. Generally, investors stake a position that interest rates, or the dollar, or commodities, or whatever, will rise or fall. Up to a point, this is simply a form of hedging risk. Some businesses including banks have hedged in this manner for many years, and my bill would not affect these traditional and conservative hedging transactions.

Far from hedging, some of largest players speculating in the derivatives game are banks. Three New York banks are into this market for over $6 trillion alone. All of these banks have federal deposit insurance. The purpose of my bill is to ensure that the banks don't have to use it to cover losses on derivatives trading for their own accounts.

The importance of preventing banks from gambling on risky derivatives is highlighted by the recent collapse of Barings PLC in London. As everyone knows, a 28-year-old trader for Barings Bank engaged in a speculative trading binge in the derivatives market. His actions have resulted in at least a $1 billion loss to Baring PLC, wiping out all of its capital and throwing it into insolvency. It is still unclear whether the failure of Barings will trigger others problems for the global financial markets.

This is not an isolated problem affecting a single foreign institution. The list of U.S. companies that have suffered from derivative losses is impressive, and is still growing. For example, our regulators were recently forced to take over Capital Corporate Credit Union [CapCorp], a large corporate credit union, because it loaded up on derivatives called collateralized mortgage obligations [CMO's] which soured over the past year. The General Accounting Office attributed CapCorp's failure, in part, to its inappropriate investment strategy and poor regulatory oversight.

We can't ignore the lessons to be learned from both Barings and CapCorp, or others hurt by derivatives like Orange County, CA, Piper Jaffray and Procter & Gamble. Banks, thrifts, and credit unions ought not be allowed to gamble on derivative investments because of the potential exposure to the deposit insurance fund. In my judgment, this financial roulette wheel is at odds with everything we know about sound banking principles.

I think that yesterday's Washington Post op-ed piece on derivatives called "Lessons from Barings" also makes a strong case for my legislation. It correctly states that "if banks are to be allowed to trade on their own accounts, with their own money—as Barings was doing in Singapore—that operation needs to be absolutely segregated from the part of the bank that takes insured deposits from the public." And my bill accomplishes this by prohibiting banks and other insured institutions from gambling with derivatives on their own accounts. It exempts derivatives activity that is conducted in separately capitalized affiliates operating without the protection of the deposit insurance safety net.

Again, let me point out that not all derivatives are bad. Some are important to lower capital costs and reduce interest and other financial risks. That's why I do not cover traditional hedging transactions under my legislation.

But, it's been clear to me that highly leveraged speculation by large, federally insured banks on price changes and the like is not healthy for our economy. It also threatens the long-term stability of the financial markets and to continued viability of the deposit insurance fund system.

Of course, what individual investors knowingly do with their own money is their own business. But when financial institutions are setting up what amount to keno pits in their lobbies, it's something that should concern us all. I hope my colleagues will cosponsor this important legislation.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE DERIVATIVES LIMITATION ACT OF 1995

I. SHORT TITLE.

The act may be cited as the Derivatives Limitations Act of 1995.

II. INSURED DEPOSITORY INSTITUTIONS

(1) General Prohibition—

Except as provided below, the legislation prohibits any bank, thrift or credit union and any affiliate of such insured depository institution from engaging in any transaction involving a derivative financial instrument for the account of that institution or affiliate.

For this purpose, a "derivative financial instrument" means an instrument of value which is derived from the value of stocks, bonds, other loan instruments, other assets, interest or currency exchange rates, or indexes; and other instruments as determined by the appropriate federal bank regulators.

(2) Exceptions—

(a) Hedging Transactions.—An insured depository institution may engage in hedging transactions as permitted by the appropriate federal banking regulators.

For this purpose, "hedging transaction" generally means any transaction involving derivative financial instruments entered into in the normal course of the institution's business to reduce risk of interest rate, price change or currency fluctuations with respect to property held by the institution, or loans or other investments or obligations made or incurred by the institution.

(b) Separately Capitalized Affiliates.—A separately capitalized uninsured affiliate of an insured depository institution may engage in a transaction involving a derivative financial instrument if such affiliate complies with certain rules and regulations as issued by the appropriate federal banking regulators, including notice that none of the activities of the affiliate are insured by the federal government or the parent company of the affiliate.

(c) De Minimis Interests.—An insured depository institution may engage in transactions involving small interests in derivative financial instruments for the account of that institution as permitted by the appropriate federal bank regulators.

(d) Existing Interests.—Existing interests and the acquisition of certain reasonably related interests in derivative financial instruments are grandfathered under this legislation.•

By Mr. SIMPSON:

S. 559. A bill to amend the Lanham Act to require certain disclosures relating to materially altered films; to the Committee on the Judiciary.

THE FILM DISCLOSURE ACT OF 1995

Mr. SIMPSON. Mr. President, I rise today to introduce the Film Disclosure Act of 1995.

This legislation would recognize the interest we all have in preserving the integrity of one of the most uniquely American of art forms—the motion picture. I personally recoil at the thought of colorizing such classics as "Casablanca" or "The Maltese Falcon." These films were intended to be shown in black and white by their creators.

Perhaps the most vivid example of an inappropriately altered film is the colorization of "Lost Horizon." That film was necessarily filmed in black and white because the mythical paradise in which it is set—Shangri-La, a name that has come down through the decades—is formed by the author's and the audience's imagination. I personally knew one of the stars of the movie, Isabel Jewell, a marvelous woman, she filled me with imagination as she described the filming of that remarkable film. It is up to the viewer of "Lost Horizon" to "fill in the blanks" when visualizing that paradise. Quite frankly, I find colorization of that particular film to be demeaning and wholly inappropriate—unfair, if you will.

However, I also believe that any legislation that addresses film alteration must recognize the realities of the international market. The motion picture industry ranks high among all industries in producing a positive cash flow in the U.S. balance of trade. While protecting the artistic integrity of motion pictures, I believe it is also essential that Congress do nothing to impede or harm the financial arrangements by which motion pictures are made and distributed.

The object of this legislation is to ensure that the artistic authors of motion pictures—principal directors, screenwriters and cinematographers—may be able to inform the viewing public about any significant changes that are made to their work by studios or by television stations. The bill requires that labels be affixed to all films that are exhibited in a "materially altered" form. The label would contain two parts: first, the nature of the alterations would be described, and second, the objection, if any, of the principal artistic authors to the alterations would be clearly stated.

This bill does not prohibit the exhibition of materially altered films. Nor does the bill allow the principal artistic authors to have their names stricken from the altered versions of the film. The bill is "truth in packaging." That is what it is, nothing more. It simply gives the consumers of films vital information on: first, the changes that have been made to the film, and second, the objection of the film's author to those changes, if such an objection exists. I might add that film authors in many European countries have much more extensive rights to object to significant alterations of their work than this bill would provide.

Here are the types of alterations—made by people other than the artistic authors—that this bill would require to be labeled: first, colorization; second, panning and scanning—changing the film's image to fit wider movies onto the narrower television screen; third, lexiconning—altering the sound track; fourth, time compression or expansion—speeding up or slowing down a film; and fifth, editing—removal of material or insertion of new material.

I know people understand that these alterations occur with surprising frequency. It is my personal belief that many of these alterations pass unnoticed by a viewing public which might wish to see the original version intended by the artist. I also believe that these alterations could discourage some artistic authors of films from making innovative films in the future. This would be a sad result.

However, let me emphasize again that this bill does not prevent alterations. It does not prevent copyright owners from changing the movie when it is distributed into the secondary markets—such as television or video stores. The bill simply will provide consumers with information on the workings of the market place for movies: it merely allows consumers of films to make the most informed choice possible when making their marketplace decision about what films to watch.

Mr. President, a little more knowledge never hurt anyone. I have visited over the years on this issue with directors and artists and actors and actresses who are offended to see the work that they have placed all of their energy and effort and skill and reputation into, seeing it jerked around, if you will, by people who have no sense or no sensitivity about the meaning of the train scene in a certain movie or this particular scene in "High Noon" or whatever was done with power, passion and skill by directors and actors and actresses.

That is what it is about. It is about knowledge. It is about the public's right to know. I hope that as this bill is reported to the American public, we will wrap around the cherished phrase of all journalists, the public's right to know. That is exactly what this is. More knowledge will not hurt any of the consumers. This is all the bill provides, more knowledge to the consumer about the original artist's intent when a film is publicly shown.

Mr. President, I commend this bill to my colleagues and ask for their support and ask unanimous consent a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 559

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Film Disclosure Act of 1995".

SEC. 2. AMENDMENT TO THE LANHAM ACT.

Section 43 of the Act entitled "An Act to provide for the registration and protection of trade-marks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946, commonly known as the Lanham Act (15 U.S.C. 1125), is amended by adding at the end the following:

"(c)(1)(A) Any distributor or network that proposes to exploit a materially altered motion picture shall—

"(i) make a good faith effort to notify each artistic author of the motion picture in writing and by registered mail and in a reasonable amount of time prior to such exploitation;

"(ii) determine the objections of any artistic author so notified to any material alteration of the motion picture;

"(iii) determine the objection of any artistic author so notified by the questionnaire set forth in paragraph (9) to any type of future material alterations which are in addition to those specifically proposed for the motion picture to be exploited;

"(iv) if any objections under clause (ii) or (iii) are determined, include the applicable label under paragraph (6) or (8) in, or affix such label to, all copies of the motion picture before—

"(I) the public performance of the materially altered motion picture if it is already in distribution, or

"(II) the initial distribution of the materially altered motion picture to any exhibitor or retail provider; and

"(v) in the event of objections by an artistic author to any future material alterations, include or affix such objections to any copy of the motion picture distributed or transmitted to any exhibitor or retail provider.

"(B) Whenever a distributor or network exploits a motion picture which has already been materially altered, such distributor or network shall not be required to satisfy the requirements of subparagraph (A) (i), (ii), and (iii), if—

"(i) such distributor or network does not further materially alter such motion picture; and

"(ii) such motion picture was materially altered by another distributor or network that complied fully with all of the requirements of subparagraph (A).

"(C)(i) The requirement of a good faith effort under subparagraph (A)(i) is satisfied if a distributor or network that has not previously been notified by each artistic author of a motion picture—

"(I) requests in writing the name and address of each artistic author of the motion picture from the appropriate professional guild, indicating a response date of not earlier than 30 days after the date of the request, by which the appropriate professional guild must respond; and

"(II) upon receipt of such information from the appropriate professional guild within the time specified in the request, notifies each artistic author of the motion picture in a reasonable amount of time before the exploitation of the motion picture by such network or distributor.

"(ii) The notice to each artistic author under this paragraph shall contain a specific date, not earlier than 30 days after the date of such notice, by which the individual so notified shall respond in accordance with subparagraph (A)(ii). Failure of the artistic author or the appropriate professional guild to respond within the time period specified in the notice shall relieve the distributor or network of all liability under subparagraph (A).

"(D) The requirements of this paragraph for an exhibitor shall be limited to—

"(i) broadcasting, cablecasting, exhibiting, or distributing all labels required under this section in their entirety that are included with or distributed by the network or distributor of the motion picture; and

"(ii) including or affixing a label described in paragraphs (6) and (8) on a materially altered motion picture for any material alterations performed by the exhibitor to which any artistic author has objected under subparagraph (A)(iii).

"(E)(i) The provisions of this paragraph shall apply with respect to motion pictures intended for home use through either retail purchase or rental, except that no requirement imposed under this paragraph shall apply to a motion picture which has been packaged for distribution to retail providers before the effective date of this subsection.

"(ii) The obligations under this paragraph of a retail provider of motion pictures intended for home use shall be limited to including or distributing all labels required under this paragraph in their entirety that are affixed or included by a distributor or network.

"(F) There shall be no consideration in excess of one dollar given in exchange for an artistic author's waiver of any objection or waiver of the right to object under this subsection.

"(2)(A) Any artistic author of a motion picture that is exploited within the United States who believes he or she is or is likely to be damaged by a violation of this subsection may bring a civil action for appropriate relief, as provided in this paragraph, on account of such violation, without regard to the nationality or domicile of the artistic author.

"(B)(i) In any action under subparagraph (A), the court shall have power to grant injunctions, according to the principles of equity and upon such terms as the court deems reasonable, to prevent the violation of this subsection. Any such injunction may include a provision directing the defendant to file with the court and serve on the plaintiff, within 30 days after the service on the defendant of such injunction, or such extended period as the court may direct, a report in writing under oath setting forth in detail the manner and form in which the defendant has complied with the injunction. Any such injunction granted upon hearing, after notice to the defendant, by any district court of the United States—

"(I) may be served on the parties against whom such injunction is granted anywhere in the United States where they may be found; and

"(II) shall be operative and may be enforced by proceedings to punish for contempt, or otherwise, by the court by which such injunction was granted, or by any other United States district court in whose jurisdiction the defendant may be found.

"(ii) When a violation of any right of an artistic author is established in any civil action arising under this subsection, the plaintiff shall be entitled to the remedies provided under section 35(a).

"(iii) In any action under subparagraph (A), the court may order that all film packaging of a materially altered motion picture (including film packages of motion pictures intended for home use through either retail purchase or rental) that is the subject of the violation shall be delivered up and destroyed.

"(C) No action shall be maintained under this paragraph unless—

"(i) the action is commenced within 1 year after the right of action accrues; and

"(ii) if brought by an artistic author designee, the action is commenced within the term of copyright of the motion picture.

"(3) Any disclosure requirements imposed under the common law or statutes of any State respecting the material alteration of motion pictures are preempted by this subsection.

"(4) To facilitate the location of a potentially aggrieved party, each artistic author of a motion picture may notify the copyright owner of the motion picture or any appropriate professional guild. The professional guilds may each maintain a Professional Guild Registry including the names and addresses of artistic authors so notifying them and may make available information contained in a Professional Guild Registry in order to facilitate the location of any artistic author for purposes of paragraph (1)(A). No cause of action shall accrue against any professional guild for failure to create or maintain a Professional Guild Registry or for any failure to provide information pursuant to paragraph (1)(A)(i).

"(5) As used in this subsection—

"(A) the term 'artistic author' means—

"(i) the principal director and principal screenwriter of a motion picture and, to the extent a motion picture is colorized or its photographic images materially altered, the principal cinematographer of the motion picture; or

"(ii) the designee of an individual described in clause (i), if the designation is made in writing and signed by the principal;

"(B) the term 'colorize' means to add color, by whatever means, to a motion picture originally made in black and white, and the term 'colorization' means the act of colorizing;

"(C) the term 'distributor'—

"(i) means any person, vendor, or syndicator who engages in the wholesale distribution of motion pictures to any exhibitor, network, retail provider, or other person who publicly performs motion pictures by means of any technology, and

"(ii) does not include laboratories or other providers of technical services to the motion picture, video, or television industry;

"(D) the term 'editing' means the purposeful or accidental removal of existing material or insertion of new material;

"(E) the term 'exhibitor' means any local broadcast station, cable system, airline, motion picture theater, or other person that publicly performs a motion picture by means of any technology;

"(F) the term 'exploit' means to exhibit publicly or offer to the public through sale or lease, and the term 'exploitation' means the act of exploiting;

"(G) the term 'film' or 'motion picture' means—

"(i) a theatrical motion picture, after its publication, of 60 minutes duration or greater, intended for exhibition, public performance, public sale or lease, and

"(ii) does not include episodic television programs of less than 60 minutes duration (exclusive of commercials), motion pictures prepared for private commercial or industrial purposes, or advertisements;

"(H) the term 'lexiconning' means altering the sound track of a motion picture to conform the speed of the vocal or musical portion of the motion picture to the visual images of the motion picture, in a case in which the motion picture has been the subject of time compression or expansion;

"(I) the terms 'materially alter' and 'material alteration'—

"(i) refer to any change made to a motion picture;

"(ii) include, but are not limited to, the processes of colorization, lexiconning, time compression or expansion, panning and scanning, and editing; and

"(iii) do not include insertions for commercial breaks or public service announcements, editing to comply with the requirements of the Federal Communications Commission (in this subparagraph referred to as the 'FCC'), transfer of film to videotape or any other secondary media preparation of a motion picture for foreign distribution to the extent that subtitling and editing are limited to those alterations made under foreign standards which are no more stringent than existing FCC standards, or activities the purpose of which is the restoration of the motion picture to its original version;

"(J) the term 'network' means any person who distributes motion pictures to broadcasting stations or cable systems on a regional or national basis for public performance on an interconnected basis;

"(K) the term 'panning and scanning' means the process by which a motion picture, composed for viewing on theater screens, is adapted for viewing on television screens by modification of the ratio of width to height of the motion picture and the selection, by a person other than the principal director of the motion picture, of some portion of the entire picture for viewing;

"(L) the term 'professional guild' means—

"(i) in the case of directors, the Directors Guild of America (DGA);

"(ii) in the case of screenwriters, the Writers Guild of America–West (WGA–W) and the Writers Guild of America–East (WGA–E); and

"(iii) in the case of cinematographers, the International Photographers Guild (IPG), and the American Society of Cinematographers (ASC);

"(M) the term 'Professional Guild Registry' means a list of names and addresses of artistic authors that is readily available from the files of a professional guild;

"(N) the term 'publication' means, with respect to a motion picture, the first paid public exhibition of the work other than previews, trial runs, and festivals;

"(O) the term 'retail provider' means the proprietor of a retail outlet that sells or leases motion pictures for home use;

"(P) the term 'secondary media' means any medium, including, but not limited to, video cassette or video disc, other than television broadcast or theatrical release, for use on which motion pictures are sold, leased, or distributed to the public;

"(Q) the term 'syndicator' means any person who distributes a motion picture to a broadcast television station, cable television system, or any other means of distribution by which programming is delivered to television viewers;

"(R) the terms 'time compression' and 'time expansion' mean the alteration of the speed of a motion picture or a portion thereof with the result of shortening or lengthening the running time of the motion picture; and

"(S) the term 'vendor' means the wholesaler or packager of a motion picture which is intended for wholesale distribution to retail providers.

"(6)(A) A label for a materially altered version of a motion picture intended for public performance or home use shall consist of a panel card immediately preceding the commencement of the motion picture, which bears one or more of the following statements, as appropriate, in legible type and displayed on a conspicuous and readable basis:

'THIS FILM IS NOT THE VERSION ORIGINALLY RELEASED. _____ mins. and _____ secs. have been cut [or, if appropriate, added]. The director, ______________________________, and screenwriter, __________ __________, object because this alteration changes the narrative and/or characterization. It has (also) been panned and scanned. The director and cinematographer,

________ ________, object because this alteration removes visual information and changes the composition of the images. It has (also) been colorized. Colors have been added by computer to the original black and white images. The director and cinematographer object to this alteration because it eliminates the black and white photography and changes the photographic images of the actors. It has (also) been electronically speeded up (or slowed down). The director objects because this alteration changes the pace of the performances.'

"(B) A label for a motion picture that has been materially altered in a manner not described by any of the label elements set forth in subparagraph (A) shall contain a statement similar in form and substance to those set forth in subparagraph (A) which accurately describes the material alteration and the objection of the artistic author.

"(7) A label for a motion picture which has been materially altered in more than one manner, or of which an individual served as more than one artistic author, need only state the name of the artistic author once, in the first objection of the artistic author so listed. In addition, a label for a motion picture which has been materially altered in more than one manner need only state once, at the beginning of the label: 'THIS FILM IS NOT THE VERSION ORIGINALLY RELEASED.'.

"(8) A label for a film package of a materially altered motion picture shall consist of—

"(A) an area of a rectangle on the front of the package which bears, as appropriate, one or more of the statements listed in paragraph (6) in a conspicuous and legible type in contrast by typography, layout, or color with other printed matter on the package; and

"(B) an area of a rectangle on the side of the package which bears, as appropriate, one or more of the statements listed in paragraph (6) in a conspicuous and legible type in contrast by typography, layout, or color with other printed matter on the package.

"(9) The questionnaire required under paragraph (1)(A)(iii) shall consist of the following statement and related questions:

'In order to conform [insert name of motion picture], of which you are an "artistic author", to ancillary media such as television, airline exhibition, video cassettes, video discs, or any other media, do you object to:

'(a) Editing (purposeful or accidental deletion or addition of program material)?

Yes__________ No__________

'(b) Time compression/time expansion/lexiconning?

Yes__________ No__________

'(c) Panning and scanning?

Yes__________ No__________

'(d) Colorization, if the motion picture was originally made in black and white?

Yes__________ No__________'."

SEC. 4. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 180 days after the date of the enactment of this Act.

By Mr. DASCHLE:

S. 560. A bill to amend section 6901 of title 31, United States Code, to entitle units of general local government to payments in lieu of taxes for nontaxable Indian land; to the Committee on Indian Affairs.

INDIAN LAND LEGISLATION

Mr. DASCHLE. Mr. President, today I introduce a bill to amend section 6901 of title 31, United States Code. This bill will provide payment in lieu of taxes to nontaxable Indian land that is conveyed to the ownership of an Indian or Indian tribe or to the United States in trust for an Indian or Indian tribe.

In 1976, Congress authorized a program to help compensate counties and units of local government for the loss of property taxes from the presence of tax-exempt Federal lands within their jurisdictions. This program, commonly referred to as payments in lieu of taxes, or PILT, is administered by the Bureau of Land Management. Payments are made for tax-exempt Federal lands administered by the BLM, Forest Service, National Park Service, U.S. Fish and Wildlife Service, and for Federal water projects and some military installations.

This amendment will provide compensation to local governments for lost revenue from land that is conveyed to an individual Indian or tribe and then converted to trust status. This amendment does not apply to Indian land that was not originally subject to property taxes or land converted to trust status prior to the enactment of this bill.

The purpose of the amendment is to provide a means for local governments to be compensated for the loss of revenue that results from the tax-exempt status of Indian land without discouraging individual Indians and tribes from converting recently purchased land holdings into trust status.

The additional PILT compensation will be minimal. Far more Indian land is converted from trust status to fee status. During the past 5 years, less than 1,000 acres have been converted to trust status in South Dakota.

This amendment is a fair and sensible approach to remedying an inequity effecting local governments in South Dakota and across the Nation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 560

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PAYMENTS IN LIEU OF TAXES FOR NONTAXABLE INDIAN LAND.

Section 6901 of title 31, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "means" and inserting "means—

"(A) land owned by the United States Government—";

(B) by redesignating subparagraphs (A) through (G) as clauses (i) through (vii), respectively, and adjusting the margins as appropriate; and

(C) by striking the period at the end, inserting a semicolon, and adding the following:

"(B) nontaxable Indian land.";

(2) by redesignating paragraph (2) as paragraph (5); and

(3) by inserting after paragraph (1) the following:

"(2) 'Indian land' means land that is owned by an Indian or Indian tribe or by the United States in trust for an Indian or Indian tribe.

"(3) 'Indian tribe' means an Indian tribe, band, nation, pueblo, or other recognized group or community, including any Alaska Native Village or regional corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(4) 'nontaxable Indian land' means Indian land that—

"(A) on or after the date of enactment of this paragraph, is conveyed to the ownership of an Indian or Indian tribe or to the United States, in trust for an Indian or Indian tribe;

"(B) prior to the conveyance, was subject to taxation by a unit of general local government; and

"(C) under a provision of the Constitution of the United States or an Act of Congress, is not subject to taxation by the unit of general local government by reason of that ownership.".

By Mr. CHAFEE:

S. 561. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Isabelle*, and for other purposes; to the Committee on Commerce, Science, and Transportation.

CERTIFICATE OF DOCUMENTATION LEGISLATION

• Mr. CHAFEE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 561

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. VESSEL DOCUMENTATION.

Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 8 of the Act of June 19, 1886 (24 Stat. 81, chapter 421; 46 App. U.S.C. 289), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel ISABELLE, United States official number 600655.•

By Mr. GRAMM (for himself and Mr. SHELBY):

S. 562. A bill to provide for State bank representation on the Board of Directors of the Federal Deposit Insurance Corporation, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE STATE BANK REPRESENTATION ACT

• Mr. GRAMM. Mr. President, our system of State and federally chartered banks has served Americans well over the years. Many of the bank products that are most popular with consumers were first developed by State banks.

Today, together with the chairman of the Financial Institutions Subcommittee, Senator SHELBY, I am introducing legislation to strengthen the dual banking system by providing for State bank representation on the board of Directors of the Federal Deposit Insurance Corporation [FDIC]. The FDIC Board currently is made up of five members: the Chairman of the FDIC, the Comptroller of the Currency, the Chairman of the Office of Thrift Supervision, and two independent members.

Mr. President, while the FDIC insures the deposits of both State and national banks, no one is seated at the table who can be counted on to present the perspective of State-chartered banks.

Decisions made and regulations issued by the FDIC have a powerful impact on banks, whether they have a State or national charter. We are in some degree, a dangerous degree, flying blind without having both elements of our dual banking system participating on the FDIC Board.

Our legislation contains several procedural safeguards. The bill would ensure that no one State would be favored over other States in serving on the FDIC Board. First of all, the State bank supervisor would be appointed to the Board by the President and confirmed by the Senate. Second, such a supervisor would serve for only 2 years and could not be reappointed. Neither could supervisors from the same State serve consecutive terms on the Board.

Finally, to ensure that it is the point of view of State bank supervisors that is being represented, should the individual while serving on the FDIC Board cease to be a State bank supervisor, then membership on the FDIC Board would also be lost. The President, in that case, would need to appoint another supervisor, with the advice and consent of the Senate, to serve for the remainder of the unexpired term. Such new appointment could be, but would not have to be, an individual from the same State as the individual originally appointed to that term.

As with the Comptroller of the Currency and the Chairman of the Office of Thrift Supervision, a State bank supervisor would receive no Federal salary for service as a member of the FDIC Board.

Mr. President, I believe that provision should have been made for a State bank supervisor on the FDIC Board when the Comptroller of the Currency was included on the Board. This legislation will rectify that oversight and bring about the balance that currently does not exist.

Mr. President, I ask unanimous consent that the text of the bill and a summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 562

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "State Bank Representation Act".

SEC. 2. STATE BANK REPRESENTATION OF FDIC BOARD OF DIRECTORS.

(a) IN GENERAL.—Section 2(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1812(a)(1)) is amended—

(1) by striking "5 members" and inserting "6 members";

(2) in subparagraph (B), by striking "and" at the end;

(3) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(D) 1 of whom shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals serving as State bank commissioners or supervisors (or the functional equivalent thereof) as of the date on which the appointment is made.".

(b) LIMITATION.—Section 2(b) of the Federal Deposit Insurance Act (12 U.S.C. 1812(b)) is amended—

(1) in paragraph (1), by striking "appointed members" and inserting "members appointed pursuant to subsection (a)(1)(C)"; and

(2) in paragraph (2), by striking "appointed members" and inserting "members appointed pursuant to subsection (a)(1)(C)".

(c) TERMS.—Section 2(c)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1812(c)(1)) is amended—

(1) by striking "Each appointed member" and inserting the following:

(A) IN GENERAL.—Each member appointed pursuant to subsection (a)(1)(C)"; and

(2) by adding at the end the following:

"(B) STATE BANK REPRESENTATIVES.—

"(i) IN GENERAL.—Except as provided in clause (ii), each member appointed pursuant to subsection (a)(1)(D) shall be appointed for a single term of 2 years.

"(ii) EXCEPTION.—If a member appointed pursuant to subsection (a)(1)(D) ceases to be a State banking commissioner or supervisor (or functional equivalent thereof) on a date prior to the expiration of the 2-year period described in clause (i), such member's membership on the Board of Directors shall terminate on that date.".

(d) VACANCIES.—Section 2(d)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1812(d)(1)) is amended—

(1) by striking "Any vacancy" and inserting the following:

"(A) IN GENERAL.—Subject to the restrictions contained in subparagraph (B), any vacancy"; and

(2) by adding at the end the following:

"(B) RESTRICTIONS.—

"(i) SAME INDIVIDUAL.—In filling a vacancy on the Board of Directors pursuant to subsection (a)(1)(D), the President may not appoint an individual who has previously served as a member of the Board of Directors pursuant to subsection (a)(1)(D).

"(ii) SAME STATE.—In filling a vacancy on the Board of Directors pursuant to subsection (a)(1)(D) (other than a vacancy occurring under subsection (c)(1)(B)(ii)), the President may not appoint an individual who is serving as the State bank commissioner or supervisor (or functional equivalent thereof) of the same State as the member most recently appointed pursuant to subsection (a)(1)(D).".

(e) NONCOMPENSATION; TRAVEL EXPENSES.—Section 2 of the Federal Deposit Insurance Act (12 U.S.C. 1812) is amended by adding at the end the following:

"(g) PERSONNEL MATTERS RELATING TO STATE BANK REPRESENTATIVES.—Members of the Board of Directors appointed pursuant to subsection (a)(1)(D)—

"(1) shall serve without compensation; and

"(2) shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board of Directors.".

SUMMARY—STATE BANK REPRESENTATION ACT

1. Short title: "State Bank Representation Act."

2. Add another member to the FDIC Board of Directors, who would be a sitting state banking Supervisor or Commissioner (or the functional equivalent thereof), and who would be a full voting member.

3. This board member would be nominated by the President and confirmed by the Senate.

4. Remuneration would only be for expenses in connection with official duties as a board member; no salary.

5. Term of office would be two years. Such a board member may not be reappointed to the board for this particular seat, nor may a Supervisor from the same state serve for two consecutive terms on the board.

6. If during term of office as a member of the FDIC board the individual ceases to be a state banking Supervisor, then the person would also lose membership on the FDIC Board.•

By Mr. GREGG:

S. 563. A bill to amend the Internal Revenue Code of 1986 to treat recycling facilities as exempt facilities under the tax-exempt bond rules, and for other purposes; to the Committee on Finance.

THE ENVIRONMENTAL INFRASTRUCTURE FINANCING ACT OF 1995

• Mr. GREGG. Mr. President, I introduce the Environmental Infrastructure Financing Act of 1995. The bill will amend the Internal Revenue Code of 1986 to allow recycling facilities to be eligible for tax-exempt bond financing.

A continuing problem in the development of recycling efforts is the need for markets for the materials that are being collected. Processes exist for remanufacturing the recycled materials into new products, but they frequently require extensive capital investment.

An approach that is often attempted is the use of the Federal tax-exempt bond program, which does have a subcategory for solid waste projects. Solid waste recycling facilities should constitute a legitimate application of these funds; however, oertain sections of the Tax Code define solid waste as being "material without value." With recycled materials now being traded as commodities, they do, in fact, have value, making the facilities which might process them ineligible for tax-exempt financing. This definitional problem impedes the construction of recycling facilities and hurts the development of recycling materials markets.

My bill will correct this problem in the Tax Code and allow recycling facilities to obtain tax-exempt financing.

The Environmental Infrastructure Financing Act of 1994 will foster the further development of the recycling industry and promote increased recycling.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 563

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Environmental Infrastructure Financing Act of 1995".

SEC. 2. RECYCLING FACILITIES TREATED AS EXEMPT FACILITIES.

(a) TREATMENT AS EXEMPT FACILITY BOND.—Subsection (a) of section 142 of the Internal Revenue Code of 1986 (defining exempt facility bond) is amended by striking "or" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", or", and by adding at the end the following new paragraph:

"(13) qualified recycling facilities."

(b) QUALIFIED RECYCLING FACILITIES DEFINED.—Section 142 of the Internal Revenue Code of 1986 (defining exempt facility bond) is amended by adding at the end the following new subsection:

"(k) QUALIFIED RECYCLING FACILITIES.—

"(1) IN GENERAL.—For purposes of subsection (a)(13), the term 'qualified recycling facilities' means any facility used exclusively—

"(A) to sort and prepare municipal, industrial, and commercial refuse for recycling, or

"(B) in the recycling of qualified refuse.

"(2) QUALIFIED REFUSE.—For purposes of this subsection, the term 'qualified refuse' means—

"(A) yard waste,

"(B) food waste,

"(C) waste paper and paperboard,

"(D) plastic scrap,

"(E) rubber scrap,

"(F) ferrous and nonferrous scrap metal,

"(G) waste glass,

"(H) construction and demolition waste, and,

"(I) biosolids (sewage sludge).

(3) RECYCLING.—For purposes of this subsection, the term 'recycling' includes either—

"(A) processing (including composting) qualified refuse to a point at which such refuse has commercial value; or

"(B) manufacturing products from qualified refuse when such refuse constitutes at least 40 percent, by weight or volume, of the total materials introduced into the manufacturing process.

"(4) SPECIAL RULE.—Refuse shall not fail to be treated as waste merely because such refuse has a market value at the place such refuse is located only by reason of the value of such refuse for recycling."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.•

By Mr. BIDEN:

S. 564. A bill to confer and confirm Presidential authority to use force abroad, to set forth principles and procedures governing the exercise of that authority, and thereby to facilitate cooperation between the President and Congress in decisions concerning the use or deployment of U.S. Armed Forces abroad in situations of actual or potential hostilities.

USE OF FORCE ACT

Mr. BIDEN. Mr. President, I rise today to introduce a piece of legislation that I worked on for the last several years. As time has passed, I believe my arguments for the legislation in the first instance are even more relevant today than they were then.

This legislation will replace the War Powers Resolution of 1973, and it is designed to provide a framework for joint congressional-Executive decisionmaking about the most solemn decision that a nation can make: to send women and men to fight and die for their country.

Decades ago, a noted scholar, Edwin Corwin, characterized constitutional provisions regarding the foreign policy of the Nation as an invitation to struggle—a struggle between the executive branch and the legislative branch.

Professor Corwin's maxim accurately describes over 200 years of constitutional history—two centuries of tension between the executive and the legislative branches regarding the war power.

But over the past four decades, what was intended as a healthy struggle between the executive and legislative branches has become an extremely excessively divisive and chronically debilitating struggle.

The primary cause, in my view, is that Presidents have pushed the limits of Executive prerogative, Democratic Presidents as well as Republican Presidents. Their rationale has been the supposed burden of Presidential responsibility imposed by the stresses and dangers of the cold war.

The era began in 1950, when President Truman deployed forces to defend South Korea without any congressional authorization.

With elaborate legal argument, Truman asserted an inherent Presidential authority to act unilaterally to protect the broad interests of American foreign policy.

A nearly lone voice of concern, Senate minority leader—Mr. Republican—Robert Taft—known, as I said, as Mr. Republican—declared that the President had usurped authority, in violation of the laws and the Constitution.

But Taft's pronouncements availed him little, a fate that would often befall similar Executive attempts to restrain Executive aggrandizement.

The dissenters were overwhelmed by the proponents of a thesis: The thesis that in the nuclear age—when the fate of the planet itself appeared to rest with two men thousands of miles apart—Congress had little choice, or so it was claimed, but to cede tremendous authority to the Executive.

By the beginning of the 1970's, that thesis had become doctrine.

In 1970, when President Nixon sent United States forces into Cambodia with neither congressional authorization nor even consultation, his accompanying assertions of autonomous Presidential powers were so sweeping and so extreme that the Senate began a search—a search led by Republican Senator Jacob Javits and strongly supported by Democratic Senator and hawk John Stennis—the Senate began a search for some means of rectifying what was now perceived as a dangerous constitutional imbalance in favor of the Executive.

The result was the enactment, in 1973—my first year in the U.S. Senate—of the War Powers Resolution over a Presidential veto.

Today, over two decades later, few would dispute that the War Powers Resolution has failed to fulfill its intent and has been, to state it quite simply, ineffective.

It is commonly said that every President has disputed the constitutionality of the War Powers Act, but that is not wholly true. President Ford took no issue with the act while he was in office.

And President Carter explicitly vowed to comply with its provisions, declaring that he would neither endorse nor challenge its constitutionality.

Moreover, the Carter Justice Department conducted a detailed analysis of the resolution and declared, quite explicitly, that its most critical mechanism—the timetable for congressional authorization of use of force abroad—is fully and unambiguously constitutional.

Unfortunately, under the Ford and Carter administrations, no body of practice under the resolution developed, because the only two military actions of that period—the *Mayaguez* incident under President Ford and Desert One under President Carter—were over almost before they began.

Then came President Reagan and President Bush, who dealt with the resolution pragmatically while declaring their blanket opposition to its provisions.

Their assertion of the doctrine of broad Executive powers—what I call the monarchist viewpoint—is best exemplified by President Bush's statement on the eve of the gulf war.

With half a million American forces standing ready in Saudi Arabia, President Bush petulantly declared that he did not need permission from some old goat in the Congress to kick Saddam out of Kuwait.

Although Mr. Bush eventually sought congressional support in the gulf, he did so reluctantly, and continued to assert that he sought only support, refusing to concede that congressional authorization was a legal necessity.

More recently, the notion of broad Executive power was claimed on the eve of the invasion of Haiti—an invasion that, thankfully, was averted by a last-minute diplomatic initiative.

Last summer, Clinton administration officials characterized the Haiti operation as a mere police action, a semantic dodge designed to avoid the need for congressional authorization.

Some of my Democratic colleagues suggested that the war clause of the Constitution was entirely ceremonial and that the President had virtually unlimited discretion to order an invasion of Haiti. These were some of the same Democrats who stood here on the floor and said President Bush did not have the authority to act in the gulf without congressional assent; proving the axiom that Senators and Congressmen tend to pick what side of their issue they are on depending on the partisan need.

We have the interesting phenomena, Republicans on the floor who said there was a broad range of congressional authority, but when it came to Clinton exercising it, saying, no, he did not have the authority; and Democrats who were on the floor telling President Bush he did not have the authority but saying, no, President Clinton does. To be sure, there were some of my Republicans and Democratic friends who were consistent—who may have questioned the President's policy in Haiti but did not question the right to deploy those troops in the absence of congressional consent.

In my view, the assertions expressed during the Haitian crisis underscore that the doctrine asserted by President Nixon 25 years ago still grips the executive branch. More alarming, the congressional viewpoints I summarized suggest that the legislative surrender of the war power continues, based in part on whether or not the man or woman in power is a man of your party and whether you agree with him on the substance of the action.

With all respect to my colleagues and the administration, I believe this President, the last President, and the Presidents under whom I have served have misread the Constitution. Article I, section 8, clause 11, grants to the Congress the power "To declare War, grant Letters of Marque and Reprisal and make Rules concerning Captures on Land and Water."

To the President, the Constitution provides in article II, section 2, the role of "Commander in Chief of the Army and Navy of the United States." It may fairly be said that with regard to many constitutional provisions, the framers' intent was ambiguous, but not on the war power. Both the contemporaneous evidence and the early construction of these clauses, in my view, do not leave much room for doubt.

The original draft of the U.S. Constitution would have given the Congress the power to "make war." At the Constitutional Convention in Philadelphia, a motion was made to change to "make war," to "declare war."

The reason for the change is very instructive. At the convention, James Madison and Elbridge Gerry argue for an amendment solely in order to permit the President the power "to repel sudden attacks." They were fearful if you said it was the power of the Congress to make war, that could be read to deny the President the authority without congressional power to repel sudden attacks.

Just one delegate at the convention, Pierce Butler of South Carolina, suggested that the President should be given the power to initiate war. All others disagreed. Only one to suggest that the President had the power to initiate war. The rationale for vesting the power to launch war in the U.S. Congress was quite simple: The framers knew their history. The framers' thoughts were dominated by their experience with the British king who had unfettered power to start wars and spend the treasure and blood of his nation. Such powers the framers were determined to deny the President of the United States.

George Mason, for example, explained that he was opposed to giving the power to initiate war to the President because the President, the Executive, he believed, was not to be safely trusted with that power. Even Alexander Hamilton, a staunch advocate of Presidential power, emphasized that the President's power as Commander in Chief would be "much inferior" to the British kings, amounting to "nothing more than the supreme command and direction of the military and naval forces," while that of the British king "extends to the declaring of war and the raising and regulation of fleets and armies—all which [by the U.S.] Constitution would appertain to the legislature."

It is frequently contended by those who favor vast Presidential powers that Congress was granted only ceremonial power to declare war, in effect, a designation to provide fair notice to the opposing States, and legal notice to neutral parties. At least that is what they argue.

But the framers had little interest, it seems, in the ceremonial aspects of war. The real issue was congressional authorization of war. As Hamilton noted in Federalist 25, "The ceremony of a formal denunciation of war has of late fallen into disuse." Indeed, by one historian's account, just 1 war in 10 was formally declared in the years between 1700 and 1870—1 in 10.

The proposition that Congress had the power to initiate all wars except to repel attack on the United States is also strengthened in view of the second part of the war clause. That is the power to "grant Letters of Marque and Reprisal."

Now, most Americans, I daresay most Members of Congress, I daresay most members of Government, do not even know what the "power to grant Letters of Marque and Reprisal" means and why it is in the Constitution. An anachronism today, letters of marque and reprisals were licenses issued by governments, usually to private citizens, but on occasion to government agents, empowering these private citizens or government agents to seize enemy ships or take action on land, short of all-out war.

In essence, it was the 18th century version of what we now regard as limited war or police actions. That is what letters of marque and reprisal were. If you are having trouble with pirates off the coast, you are not looking to declare war. The Federal Government, in this case the Congress, could go out and hire out, give permission to, give a letter of marque and reprisal to a local. Think of it in terms of a local security agency that comes by and patrols your neighborhoods. You could give letters of marque or reprisal and say, "You are authorized under the law, through the Congress, to go seize those pirate ships."

That is what it was about. A leading commentator of the day—that is, the late 1700's—a leading commentator of the day on international law explained the distinction this way: "A perfect war is that which entirely interrupts the tranquility of the state. An imperfect war, on the contrary, is that which does not entirely interrupt the peace. Reprisals are that imperfect kind of war."

So, when we hear people talk about imperfect wars, it is used as a term of art as it was used back in the late 1700's. The framers undoubtedly knew that reprisals or imperfect wars could lead to general or all-out wars. England, for example, had fought five wars between 1652 and 1756 which were preceded by public naval reprisals.

That is, if you gave these letters of marque to someone or a group of people to go out and seize shipping, it was acknowledged that that could lead to a larger war. If the nation from which those ships came decided that it was not in their interest, they may very well send a larger armada and you are at war. You move from that imperfect war to the so-called perfect war—an odd phrase, "perfect war."

Surely, those who met at Philadelphia, all learned men, knew and understood this history of marque and reprisals. Given this understanding, the only logical conclusion that the framers intended by vesting the power to grant these letters of marque and reprisal authorizing imperfect war in the Congress, could be that it was designed to grant to Congress the power to initiate all hostilities, even limited wars.

To review for a second, they changed from "make" to "declare" in the Constitution for the purpose of allowing the President not to initiate a war, perfect or imperfect, large or small, but for the purpose of allowing the President to respond to a sudden attack.

Then to be sure everyone understood what they meant, they said, "And by the way, we are going to vest in the section of the Constitution that relates to congressional power the exclusive power to the Congress of issuing these letters of marque and reprisal."

So they not only said Congress can only initiate war and the President can only respond, but even limited war only the Congress can initiate.

A comparison of the war clause to related constitutional provisions suggests that this interpretation is the correct one. Unlike other foreign affairs provisions in the Constitution which grant to the President and the Senate the shared power to make treaties and appoint ambassadors, when it comes to the war power the Constitution provides a role for the Senate and the House of Representatives—but not a shared responsibility between the branches.

The inclusion of the House, in particular, suggests a determination to mandate that public consensus be achieved before the initiation of a war.

Think about it. If the Founders thought that they should not give the power to raise taxes to the Senate because we were more like the House of Lords, and that all taxes must be initiated in the House of Representatives, why did they do that? They did that because they knew that taxation could affect people's lives so drastically that it should be a democratic decision and it should be made first and foremost in the people's house, that group of legislators who stand for election every 2 years and are immediately answerable to the public.

If they thought it was so important and so critical that taxes should be determined by the people's house because it had such an impact on the lives of the average citizen, what do you think they thought about the power of a Government to take your son or daughter and send them to war and die? It is illogical to me, and those who say that the President has this exclusive authority, to suggest that they would worry about taxation but not worry about taking a nation to war, which can cost them their lives, their monetary treasure, their lifeblood.

The inclusion of the House in the decision to go to war was because the House was designed to be closely attuned to the views of the Nation and thereby would provide a means for gauging and ensuring public support for any war.

Moreover, with both Chambers involved in the decision to go to war, the initiation of war could necessarily be slowed by the simple fact that securing passage of statutory authorization or a declaration of war through both Houses is potentially a time-consuming and cumbersome process. That is what it was intended to be, because when one goes to war, you cannot say, short of surrender, 2 weeks into it or 1 month into it, "By the way, we made a mistake, we're passing legislation to correct it." You can do that with taxes. You can pass a tax bill and 2 months later, 3 months later say, "We made a mistake and rescind it." You do not rescind a war.

So it was intended—it was intended—in the Constitution that decision to go to war—not to repel attack, to go to war—to initiate war, to alter the state of peace, it was intended that it should be a process that consumed some time.

It is bordering on the irrational, in my view, to suggest that the framers thought the appointment of ambassadors, although an important task, but not of the same consequence as war, that the appointment of ambassadors was so critical that they gave the Senate a veto power over it, but they considered the war powers so trivial that the decision to send Americans to fight and die was left deliberately vague so as to permit the Executive reasonable discretion to launch hostilities at his or her whim.

I think that is irrational for anyone to think that is what the Framers thought, that who we have as Ambassador to England is so important that we are not going to leave it to a President alone, we are going to require the Senate to go along with it, but going to war with England was so trivial that we did not have to consult the United States Senate or did not have to consult the people's House before a President could take us to war. That is, in my humble opinion, an irrational view.

In the same vein, I am continually amazed that many of my colleagues who zealously guard the Senate's power to advise and consent to treaties and to ambassadorial appointments, so cavalierly cede the war power to the Executive. I find that fascinating. What more can impact on the life of the average American than taking the Nation to war? Why would they possibly have left that to the President alone but said, "By the way, when you want to stop a war, when you want to have a treaty, the President has no authority to do that. He has to come to us and get a supermajority."

Does that make any sense? Talk about tortured logic. Yet, we have people on this floor, in the 22 years I have been here—and when I got here, the Vietnam war was still going on; that is one of the reasons I ran for the Senate in the first place—we have Members in both political parties with whom I have served and have great respect saying, "War is up to the President, but who the Ambassador is, you better check with me." War is up to the President. But whether there is a peace treaty, you better check with me.

I would respectfully suggest the reason that many have adopted that position is they do not have the political courage to take a stand on whether or not we should go to war.

In sum, to accept the proposition that the war power is merely ceremonial, or applies only to big wars, is to read much of the war clause out of the U.S. Constitution. And such a reading is supported neither by the plain language of the text or the original intention of the Framers of the Constitution.

In describing the Framers' intent, I hasten to add a caveat. We should always be cautious about our ability to divine the intentions of those who came 200 years before us, particularly when the documentary record is not at all voluminous.

But any doubt about the wisdom of relying on original intent alone, in my view, is dispelled in view of the actions of the early Presidents, early Congresses, and early Supreme Court decisions.

EARLY PRACTICE—SHEDDING LIGHT ON THE FRAMERS' INTENT

Let me speak to that a minute. Advocates of Executive power often assert that Presidents have used force throughout our history without congressional consent. But with all due respect, history does not support that claim.

Indeed, our earliest Presidents, who were involved in the ratification of the Constitution, were extremely cautious about encroaching on Congress' power under the war clause.

Our first President, George Washington, adhered to the view that only Congress could authorize offensive action. Writing in 1793, President Washington stated that offensive operations against an Indian tribe, the Creek Nation, depended on congressional action alone.

Let me quote from what Washington wrote. Washington as President said:

> The Constitution vests the power of declaring war with the Congress; therefore, no offensive expedition of importance can be undertaken until after they have deliberated upon the subject, and authorized such a measure.

That was George Washington.

During the Presidency of John Adams, the United States engaged in an undeclared naval war with France. These military engagements were clearly authorized by the Congress in a series of incremental statutes.

The naval war with France also yielded three important Supreme Court decisions regarding the scope of the war power.

In 1799, Congress authorized the President to intercept any United States vessel headed to France. President Adams subsequently ordered the Navy to seize any ship traveling to or from France. The Supreme Court declared the seizure of a United States vessel traveling from France to be illegal, thus ruling that Congress had the power not only to authorize limited war but also to limit Presidential power to take military action.

The Court ruled in two other cases bearing on the question of limited war. Wars, the Court said, even if "imperfect," are nonetheless wars.

In still another case, Chief Justice Marshall opined that:

> The whole powers of war [are] by the Constitution . . . vested in the Congress . . . [which] may authorize general hostilities . . . or partial war.

Now, modern monarchists, those who lean and tilt so far to the President on this, refer habitually to the actions of our third President, Thomas Jefferson, in coping with the Barbary pirates. But Jefferson's actions provide little solace to advocates of that position.

In May of 1801, President Jefferson deployed a small squadron of ships to the Mediterranean to deter attacks against American shipping. Acting under the authority of an act of Congress which mandated that six frigates be maintained in the Navy during peacetime, Jefferson instructed the naval commander that if he arrived and found that the Barbary powers had declared war against the United States, to take action if necessary "to protect commerce."

But when he learned that the leader of Tripoli had, in fact, declared war, Jefferson referred the matter to the Congress.

Reporting on a small skirmish won by a U.S. ship, Jefferson noted that the American ship was authorized by the Constitution, without the sanction of Congress, to go beyond the line of defense, and thus the U.S. commander did not take possession of the ship or retain its crew as prisoners of war.

Jefferson sought further guidance from Congress about the next step, and I quote:

> The legislature will doubtless consider whether, by authorizing measures of offence also, [Congress] will . . . place our forces on an equal footing [with the Tripolitan forces].

Congress promptly enacted a statute empowering Jefferson to protect U.S. shipping, and to seize vessels owned by the Tripoli règime. The legislation passed 2 years later gave explicit support for "warlike operations against Tripoli or other Barbary powers."

I believe this episode, and the historical record of actions taken by other early Presidents, has significantly more bearing on the meaning of the war clause than the record of Presidents in the modern era.

The reasons should be obvious. The men who were at Philadelphia and wrote the Constitution—or, as in Jefferson's case, participated in the ratification debates in the States—had a much better understanding of the intended meaning of the constitutional provisions than those of us 200 years later have. They participated.

Their actions while in office should, therefore, be given great weight in interpreting the constitutional clauses in question. As Chief Justice Warren once wrote, "The precedential value of [prior practice] tends to increase in proportion to the proximity" to that Constitutional Convention.

RESTORING THE CONSTITUTIONAL BALANCE

Unfortunately, this constitutional history seems largely forgotten, and the doctrine of Presidential power that arose during the four decades of the cold war continues to remain in vogue—even, to my dismay, among many of my colleagues in the Congress.

To accept this situation requires us to believe that the constitutional imbalance serves our Nation well. But it can hardly be said that it does.

As matters now stand, Congress is denied its proper role in sharing the decision to commit American troops, and the President is deprived of the consensus he needs to help carry that policy through.

Only by establishing an effective war powers mechanism can we ensure that both of these goals are met. More importantly, we will guarantee that the will of the American people will stand behind the commitment of U.S. forces.

The question then is this: How to revise the War Powers Resolution in a manner that gains bipartisan support as well as the support of the Executive?

In the past two decades, a premise has gained wide acceptance that the War Powers Resolution is fatally flawed. Indeed, there are flaws in the resolution, but they need not have been fatal.

For that law was designed—by legislators who were statesmen of a markedly conservative stripe—to embody constitutional principles and to set forth practical procedures.

Ironically, a law designed to improve executive-legislative branch comity on the war power has instead contributed to frequent squabbles about the minutiae of the law's provisions.

In 1988, determining that a review of the War Powers Resolution was in order, the Foreign Relations Committee established a special subcommittee to assume the task.

As chairman of the subcommittee, I conducted an exhaustive series of hearings, the most extensive hearings held in recent times on this subject.

Over the course of 2 months, the subcommittee heard from many distinguished witnesses: Former President Ford, former Secretaries of State and Defense, former Joint Chiefs of Staff, former Members of Congress who drafted the law, and many constitutional scholars.

At the end of that process, I produced a lengthy law review article describing how the War Powers Resolution might be thoroughly rewritten to overcome its actual and perceived liabilities.

I envisaged its replacement by a new act entitled "The Use of Force Act"—which would aim to achieve, at long last, the goal of its predecessor: To restore the balance of power between the executive and legislative branches regarding the war power for purposes of complying with the intent and will of the American people as well as the Constitution.

That effort provided the foundation for the legislation I introduce today. The bill that I offer has many elements; I will briefly summarize the most important.

First, it bears emphasis that my bill would replace the War Powers Resolution with a new version. But I should make clear that I retain its central element: A time-clock mechanism that limits the President's power to use force abroad.

That mechanism, I should repeat, was found to be unambiguously constitutional in a 1980 opinion issued by the Office of Legal Counsel at the Department of Justice.

It is often asserted that the time-clock provision is unworkable, or that it invites our adversaries to make a conflict so painful in the short run so as to induce timidity in the Congress, forcing the President to remove troops.

But with or without a war powers law, American willingness to undertake sustained hostilities will always be subject to democratic pressures. A statutory mechanism is simply a means of delineating procedure.

And the procedure set forth in this legislation assures that if the President wants an early congressional vote on a use of force abroad, his congressional supporters can produce it.

Recent history tells us, of course, that the American people, as well as Congress, rally around the flag—rally around the President—rally around the Commander in Chief—in the early moments of a military deployment.

Second, my bill defuses the specter that a timid Congress can simply sit on its hands and permit the authority for a deployment to expire.

As noted above, it establishes elaborate expedited procedures designed to ensure that a vote will occur. And it explicitly defeats the timid Congress specter by granting to the President the authority he has sought if these procedures nonetheless fail to produce a vote.

Thus, if the President requests authority for a sustained use of force—one outside the realm of emergency—and Congress fails to vote, the President's authority is extended indefinitely.

Third, the legislation delineates what I call the going-in authorities for the President to use force.

One fundamental weakness of the War Powers Resolution is that it fails to acknowledge powers that most scholars agree are inherent Presidential powers, such as the power to repel an armed attack upon the United

States or its Armed Forces, or to rescue Americans abroad.

My legislation corrects this deficiency—and thus avoids the endless dispute over where the exact location of the line between what the President already possesses independently and what Congress was bestowing upon him by legislation—where that line rests.

The bill enumerates five instances where the President may use force:

First, to repel attack on U.S. territory or U.S. forces;

Second, to deal with urgent situations threatening supreme U.S. interests—i.e. the Cuban missile crisis;

Third, to extricate imperiled U.S. citizens;

Fourth, to forestall or retaliate against specific acts of terrorism; and

Fifth, to defend against substantial threats to international sea lanes or airspace.

It may be that no such enumeration can be exhaustive. But it is worth noting that the circumstances set forth would have sanctioned virtually every use of force by the United States since World War II.

This concession of authority is circumscribed by the maintenance of the time-clock provision. After 60 days have passed—2 months—the President's authority would expire, unless 1 of 3 conditions had been met:

First, Congress has declared war or enacted specific statutory authorization; or

Second, the President has requested authority for an extended use of force but Congress has failed to act on that request, notwithstanding the expedited procedures established by this act—that is, Congress, if he asks to continue the force must act to tell him he cannot or it is presumed he can continue—or;

Third, the President has certified the existence of an emergency threatening the supreme national interests of the United States; in which case he can continue the force in place.

The legislation also affirms the importance of consultation between the President and Congress and establishes a new means to facilitate that consultation.

To overcome the common complaint that Presidents must contend with "535 secretaries of state"—that is 535 Members of Congress—the Use of Force Act establishes a congressional leadership group with whom the President is mandated to consult on the use of force.

Another infirmity of the War Powers Resolution is that it fails to define "hostilities." Thus, Presidents frequently engaged in a verbal gymnastics of insisting that "hostilities" were not "imminent." Even when hundreds of thousands of troops were positioned in the Arabian desert opposite Saddam's legions, President Bush argued that they were not in an area of hostilities and, even if they were, there was no prospect of imminent hostilities. Therefore the War Powers Act would not be triggered and engaged.

Therefore, my legislation includes a more precise definition of what constitutes the use of force. And this definition contains two elements:

First, a new commitment of U.S. forces, and second, the deployment is aimed at deterring a specific threat, the forces deployed have incurred or inflicted casualties, or are operating with a substantial possibility of incurring or inflicting casualties.

If those conditions are met then there is a use of force as defined in the law.

Finally, to make the statutory mechanism complete, the Use of Force Act provides a means for judicial review.

Like many of my colleagues, I am reluctant to inject the judiciary into decisions that should be made by the political branches. Therefore, the provision is extremely limited: It empowers a three-judge panel to decide only whether the time-clock mechanism has been triggered.

I have no illusions that enacting this legislation will be easy. The experience of the War Powers Resolution gives witness to the difficulty of finding the proper balance between the executive and legislative branches on war powers.

But I am determined to try. The status quo, with Presidents asserting broad executive powers, and Congress often content to surrender its constitutional powers, serves neither branch, and clearly does not serve the American people.

More fundamentally, it does not serve the men and women who risk their lives to defend our interests. For that, ultimately, must be the test of any war powers law.

Mr. President, some would argue now that the cold war is over there is less need for this delineation of authority, this new set of ground rules. I would argue nothing could be further from the truth. We are more likely to be pulled into hostilities—although not a world war III in all probability. More Americans have been engaged in areas of hostility, have been killed, and have been put on the battlefield since the cold war has ended than all during the cold war but for Korea and Vietnam, in little parts of the world all over the world: Bosnia, Somalia, and Haiti. What happens in a decade, a year from now—in the Ukraine, Byelarus, Russia—or any number of places where there might be hostilities and Americans or entire divisions of Americans may be called to action?

So, Mr. President, I think to have an ordered plan to diminish the bickering between the executive and legislative branches on this issue is more needed today than it has been at any time.

Mr. President, I ask unanimous consent that the text of the bill that I have sent to the desk and the accompanying section-by-section analysis be included in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 564

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Use of Force Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Congressional findings.
Sec. 4. Statement of purpose.
Sec. 5. Definitions.

TITLE I—GENERAL PROVISIONS

Sec. 101. Authority and governing principles.
Sec. 102. Consultation.
Sec. 103. Reporting requirements and referral of reports.
Sec. 104. Conditions for extended use of force.
Sec. 105. Measures eligible for congressional priority procedures.
Sec. 106. Funding limitations.
Sec. 107. Judicial review.
Sec. 108. Interpretation.
Sec. 109. Severability.
Sec. 110. Repeal of the War Powers Resolution.

TITLE II—EXPEDITED PROCEDURES

Sec. 201. Congressional priority procedures.
Sec. 202. Repeal of obsolete expedited procedures.

SEC. 3. CONGRESSIONAL FINDINGS.

The Congress affirms that—

(1) the provisions of the United States Constitution compel the President and Congress to engage actively and jointly in decisions to use force abroad;

(2) joint deliberation by the two branches will contribute to sound decisions and to the public support necessary to sustain any use of force abroad; and

(3) a statutory framework, devised to promote consultation and timely authorization as may be needed for specific uses of force, can facilitate cooperation between the Congress and the President in such decisionmaking.

SEC. 4. STATEMENT OF PURPOSE.

(a) IN GENERAL.—The purpose of this Act is to confer and confirm Presidential authority to use force abroad, to set forth principles and procedures governing the exercise of that authority, and thereby to facilitate cooperation between the President and Congress in decisions concerning the use or deployment of United States Armed Forces abroad in situations of actual or potential hostilities.

(b) EXCLUSIVITY OF PROVISIONS.—Because this Act confirms all of the President's inherent constitutional authority to use force abroad and confers additional authority, this Act applies to all uses of force abroad by the United States.

SEC. 5. DEFINITIONS.

As used in this Act—

(1) a "use of force abroad" occurs when—

(A) United States Armed Forces are—

(i) introduced into a foreign country,

(ii) deployed to expand significantly the United States military presence in a foreign country, or

(iii) committed to new missions or objectives in a foreign country, or in international airspace, or on the high seas; and

(B) such forces—

(i) have been deployed to deter an identified threat, or a substantial danger, of military action by other forces; or

(ii) have incurred or inflicted casualties or are operating with a substantial possibility of incurring or inflicting casualties;

(2) the term "foreign country" means any land outside the United States, its territorial waters as recognized by the United States, and the airspace above such land and waters;

(3) the term "high seas" means all waters outside the territorial sea of the United States and outside the territorial sea, as recognized by the United States, of any other nation;

(4) the term "international terrorism" means activities that—

(A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or any State;

(B) appear to be intended—

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by assassination or kidnapping; and

(C) transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to coerce or intimidate, or the locale in which their perpetrators operate or seek asylum;

(5) the term "United States" means the several States, the District of Columbia, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, American Samoa, Guam, the United States Virgin Islands, and any other possession of the United States; and

(6) the term "Use of Force Report" means the report described in section 103(a).

TITLE I—GENERAL PROVISIONS

SEC. 101. AUTHORITY AND GOVERNING PRINCIPLES.

(a) AUTHORITY.—In the absence of a declaration of war or statutory authorization for a specific use of force, the President, through powers vested by the Constitution of the United States and by this Act, is authorized to use force abroad in accordance with this Act—

(1) to repel an armed attack upon the United States or its armed forces;

(2) to respond to a foreign military threat that severely and directly jeopardizes the supreme national interests of the United States under emergency conditions that do not permit sufficient time for Congress to consider statutory authorization or a declaration of war;

(3) to extricate citizens and nationals of the United States located abroad from situations involving a direct and imminent threat to their lives;

(4) to forestall an imminent act of international terrorism directed at citizens or nationals of the United States or to retaliate against the perpetrators of a specific act of international terrorism directed at such citizens or nationals; and

(5) to protect internationally recognized rights of innocent and free passage in the air and on the seas in circumstances where the violation, or threat of violation, of such rights poses a substantial danger to the safety of American citizens or the national security of the United States.

(b) GOVERNING PRINCIPLES.—In exercising the authority set forth in subsection (a), the President shall, without limitation on the constitutional power of Commander in Chief, adhere rigorously to principles of necessity and proportionality, as follows:

(1) PRINCIPLES OF NECESSITY:

(A) Force may not be used for purposes of aggression.

(B) Before the use of force abroad, the President shall have determined, with due consideration to the implications under international law, that the objective could not have been achieved satisfactorily by means other than the use of force.

(2) PRINCIPLES OF PROPORTIONALITY:

(A) The use of force shall be exercised with levels of force, in a manner, and for a duration essential to and directly connected with the achievement of the objective.

(B) The diplomatic, military, economic, and humanitarian consequences of such action shall be in reasonable proportion to the benefits of the objective.

SEC. 102. CONSULTATION.

(a) PRIOR CONSULTATION REQUIRED.—Except where an emergency exists that does not permit sufficient time to consult Congress, the President shall seek the advice of the Congress before any use of force abroad.

(b) CONGRESSIONAL LEADERSHIP GROUP.—(1) To facilitate consultation between the President and the Congress, there is established within the Congress the Congressional Leadership Group on the Use of Force Abroad (hereafter in this Act referred to as the "Congressional Leadership Group").

(2) The Congressional Leadership Group shall be composed of—

(A) the Speaker of the House of Representatives and the President pro tempore of the Senate;

(B) the Majority Leader and the Minority Leader of the Senate and the Majority Leader and the Minority Leader of the House of Representatives;

(C) the chairman and ranking minority member of each of the following committees of the Senate: the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence; and

(D) the chairman and ranking minority member of each of the following committees of the House of Representatives: the Committee on International Relations, the Committee on National Security, and the Permanent Select Committee on Intelligence.

(3) The Speaker of the House of Representatives and the Majority Leader of the Senate shall each serve as co-chairman of the Congressional Leadership Group.

(c) REGULAR CONSULTATIONS.—(1) Except as the parties may otherwise determine, whenever Congress is in session, meetings shall be held, in open or closed session, for the purpose of facilitating consultation between Congress and the President on foreign and national security policy, as follows:

(A) The President shall meet at least once every four months with the Congressional Leadership Group.

(B) The Secretary of State shall meet at least once every two months with the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(C) The Secretary of Defense shall meet at least once every two months with the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

(D) The Director of Central Intelligence shall meet at least once every two months with the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) Such consultation shall have, among its primary purposes—

(A) identifying potential situations in which the use of force abroad might be necessary and examining thoroughly the advisability and lawfulness of such use of force; and

(B) in those instances in which a use of force abroad has already been undertaken, discussing how such use of force complies with the objectives and the authority required to be cited in the appropriate Use of Force Report and the governing principles set forth in section 101(b).

(d) EMERGENCY CONSULTATIONS.—Under emergency circumstances affecting United States national security interests, the President should meet promptly with the Congressional Leadership Group on his own initiative or upon receipt of a special request from its co-chairmen that is made on their own initiative or pursuant to a request from a majority of the members of the Congressional Leadership Group.

SEC. 103. REPORTING REQUIREMENTS AND REFERRAL OF REPORTS.

(a) USE OF FORCE REPORT REQUIRED.—Not later than 48 hours after commencing a use of force abroad, the President shall submit to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report stating—

(1) the objective of such use of force;

(2) in the absence of a declaration of war or specific statutory authorization for such use of force, the specific paragraph or paragraphs of section 101(a) setting forth the authority for such use of force; and

(3) the manner in which such use of force complies, and will continue to comply with, the governing principles set forth in section 101(b).

Any such report shall be known as a Use of Force Report and shall state that it is submitted pursuant to this subsection.

(b) PERIODIC REPORTING REQUIRED.—Whenever force is used abroad, the President shall, so long as the United States Armed Forces continue to be involved in the use of force, report to Congress periodically on the status, scope, and expected duration of such use of force. Such reports shall be submitted at intervals to be determined jointly by the President and the Congressional Leadership Group.

(c) REFERRAL OF REPORTS.—Each report transmitted under this section shall be immediately referred to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(d) RECONVENING CONGRESS.—If, when a report is transmitted under this section, the Congress has adjourned sine die or has adjourned for any period in excess of three calendar days, the Speaker of the House of Representatives and the Majority Leader of the Senate, if they deem it advisable (or if petitioned by a majority of the members of the Congressional Leadership Group or by 30 percent of the membership of either House of Congress) shall jointly request the President to convene Congress in order that it may consider the report and take appropriate action pursuant to this Act.

SEC. 104. CONDITIONS FOR EXTENDED USE OF FORCE.

The President may continue a use of force abroad for longer than 60 calendar days after the date by which the appropriate Use of Force Report is required to be submitted only if—

(1) Congress has declared war or provided specific statutory authorization for the use of force abroad beyond such period;

(2) the President has requested that Congress enact a joint resolution constituting a declaration of war or statutory authorization under section 105(a) but such joint resolution has not been subject to a vote in each House of Congress, notwithstanding the expedited procedures to which such joint resolution would be entitled; or

(3) the President has determined and certified to the Speaker of the House of Representatives and the President pro tempore of the Senate that an emergency exists that threatens the supreme national interests of the United States and requires the President to exceed such period of limitation.

SEC. 105. MEASURES ELIGIBLE FOR CONGRESSIONAL PRIORITY PROCEDURES.

(a) ELIGIBLE JOINT RESOLUTIONS.—A joint resolution shall be entitled to the expedited procedures set forth in section 201—

(1) if such resolution—

(A) is introduced in a House of Congress by a Member of Congress pursuant to a request by the President made in writing to that Member, or

(B) is introduced in a House of Congress and satisfies the cosponsorship criteria set forth in subsection (c); and—

(2) if such resolution—

(A) constitutes a declaration of war or specific statutory authorization within the meaning of this Act, or

(B) requires the President to terminate, limit, or refrain from a use of force abroad.

(b) ELIGIBLE CONCURRENT RESOLUTIONS.—A concurrent resolution shall be entitled to the expedited procedures set forth in section 201 if such resolution satisfies the cosponsorship criteria set forth in subsection (c) and contains a finding that—

(1) a use of force abroad began on a specific date or that a Use of Force Report was required to be submitted;

(2) a use of force abroad has exceeded the period of limitation set forth in section 104;

(3) the President has acted outside the authority of section 101(a) or abused the authority of section 104(3); or

(4) a use of force is otherwise being conducted in a manner inconsistent with the provisions of this Act.

(c) COSPONSORSHIP CRITERIA.—A joint resolution described in subsection (a)(1)(B) or a concurrent resolution described in subsection (b) is a resolution for purposes of section 201 if such resolution has been cosponsored—

(1) by a majority of the members of the Congressional Leadership Group who are members of the House of Congress in which it is introduced; or

(2) by 30 percent of the membership of the House of Congress in which it is introduced.

SEC. 106. FUNDING LIMITATIONS.

(a) PROHIBITION.—No funds made available under any provision of law may be obligated or expended for any use of force abroad inconsistent with the provisions of this Act.

(b) POINT OF ORDER.—(1) Whenever the Congress adopts a concurrent resolution making a finding under paragraph (2), (3), or (4) of section 105(b), it shall thereafter not be in order in either House of Congress to consider any bill or joint resolution or any amendment thereto, or any report of a committee of conference, which authorizes or provides budget authority to carry out such use of force.

(2) Any committee of either House of Congress that reports any bill or joint resolution, and any committee of conference which submits any conference report to either such House, authorizing or providing budget authority which has the effect of providing resources to carry out any such use of force, shall include in the accompanying committee report or joint statement, as the case may be, a statement that budget authority for that purpose is authorized or provided in such bill, resolution, or conference report.

SEC. 107. JUDICIAL REVIEW.

(a) STANDING.—(1) Any Member of Congress may bring an action in the United States District Court for the District of Columbia for declaratory judgment on the grounds that the provisions of this Act have been violated.

(2) A copy of any complaint in an action brought under paragraph (1) shall be promptly delivered to the Secretary of the Senate and the Clerk of the House of Representatives, and each House of Congress shall have the right to intervene in such action.

(b) THREE-JUDGE COURT.—Any action brought under subsection (a) shall be heard and determined by a three-judge court in accordance with section 2284 of title 28, United States Code.

(c) JUSTICIABILITY.—(1) In any action brought under subsection (a), the United States District Court and the United States Supreme Court, if applicable, shall not refuse to make a determination on the merits based upon the doctrine of political question, remedial discretion, equitable discretion, ripeness, or any other finding of nonjusticiability, unless such refusal is required by Article III of the Constitution.

(2) Notwithstanding the number, position, or political party affiliation of any party to an action brought under subsection (a), it is the intent of Congress that the United States District Court and, if applicable, the United States Supreme Court infer that Congress would disapprove of any use of force inconsistent with the provisions of this Act and find that an impasse exists between Congress and the Executive which requires judicial resolution.

(d) JUDICIAL REMEDIES.—If the United States District Court, in an action brought under subsection (a), finds that a Use of Force Report was required to have been submitted under this Act but was not submitted, it shall issue an order declaring that the period set forth in section 104 has begun on the date of the United States District Court's order or on a previous date, as may be determined by the United States District Court.

(e) APPEAL TO SUPREME COURT.—Notwithstanding any other provision of law, any order entered by the United States District Court in an action brought under subsection (a), including any finding that a Use of Force Report was or was not required to have been submitted to the Congress, shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after such order is entered, and the jurisdictional statement shall be filed within 30 days after such order is entered. No stay of an order issued pursuant to an action brought under this section shall be issued by a single Justice of the Supreme Court.

(f) EXPEDITED JUDICIAL CONSIDERATION.—It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite, to the greatest possible extent consistent with Article III of the Constitution, the disposition of any matter brought under this section.

SEC. 108. INTERPRETATION.

(a) CONSTRUCTION.—Nothing in this Act may be construed as requiring any use of force abroad.

(b) SPECIFIC AUTHORIZATION REQUIRED.—Authority to use force may not be inferred—

(1) from any provision of law, unless such provision states that it is intended to constitute specific statutory authorization within the meaning of this Act; or

(2) from any treaty heretofore or hereafter ratified unless such treaty is implemented by a statute stating that it is intended to constitute specific statutory authorization within the meaning of this Act.

(c) STATUS OF CERTAIN CONGRESSIONAL ACTIONS.—The disapproval by Congress of, or the failure of Congress to approve, a measure—

(1) terminating, limiting, or prohibiting a use of force; or

(2) containing a finding described in section 105(b);

may not be construed as indicating congressional authorization or approval of, or acquiescence in, a use of force abroad, or as a congressional finding that a use of force abroad is being conducted in a manner consistent with this Act.

SEC. 109. SEVERABILITY.

(a) SEVERABILITY.—Except as provided in subsection (b), if any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to any other person or circumstance shall not be affected thereby.

(b) EXCEPTION.—If section 101(b), 103, 104, or 106 of this Act or the application thereof to any person or circumstance is held invalid, section 101(a) of this Act shall be deemed invalid and the application thereof to any other person or circumstance shall be null and void.

SEC. 110. REPEAL OF THE WAR POWERS RESOLUTION.

The War Powers Resolution (50 U.S.C. 1541 et seq.; Public Law 93-148), relating to the exercise of war powers by the President under the Constitution, is hereby repealed.

TITLE II—EXPEDITED PROCEDURES

SEC. 201. CONGRESSIONAL PRIORITY PROCEDURES.

(a) DEFINITIONS.—For purposes of this section—

(1) the term "resolution" means any resolution described in subsection (a) or (b) of section 105; and

(2) the term "session days" means days on which the respective House of Congress is in session.

(b) REFERRAL OF RESOLUTIONS.—A resolution introduced in the House of Representatives shall be referred to the Committee on International Relations of the House of Representatives. A resolution introduced in the Senate shall be referred to the Committee on Foreign Relations of the Senate.

(c) DISCHARGE OF COMMITTEE.—(1) If the committee to which is referred a resolution has not reported such a resolution (or an identical resolution) at the end of 7 calendar days after its introduction, such committee shall be discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the House of Congress involved.

(2) After a committee reports or is discharged from a resolution, no other resolution with respect to the same use of force

may be reported by or be discharged from such committee while the first resolution is before the respective House of Congress (including remaining on the calendar), a committee of conference, or the President. This paragraph may not be construed to prohibit concurrent consideration of a joint resolution described in section 105(a) and a concurrent resolution described in section 105(b).

(d) CONSIDERATION OF RESOLUTIONS.—(1)(A) Whenever the committee to which a resolution is referred has reported, or has been discharged under subsection (c) from further consideration of such resolution, notwithstanding any rule or precedent of the Senate, including Rule 22, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House of Congress to move to proceed to the consideration of the resolution and, except as provided in subparagraph (B) of this paragraph or paragraph (2) of this subsection (insofar as it related to germaneness and relevancy of amendments), all points of order against the resolution and consideration of the resolution are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall be in order, except that such motion may not be entered for future disposition. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House of Congress, to the exclusion of all other business, until disposed of, except as otherwise provided in subsection (e)(1).

(B) Whenever a point of order is raised in the Senate against the privileged status of a resolution that has been laid before the Senate and been initially identified as privileged for consideration under this section upon its introduction pursuant to section 105, such point of order shall be submitted directly to the Senate. The point of order, "The resolution is not privileged under the Use of Force Act", shall be decided by the yeas and the nays after four hours of debate, equally divided between, and controlled by, the Member raising the point of order and the manager of the resolution, except that in the event the manager is in favor of such point of order, the time in opposition thereto shall be controlled by the Minority Leader or his designee. Such point of order shall not be considered to establish precedent for determination of future cases.

(2)(A)(i) Consideration in a House of Congress of the resolution, and all amendments and debatable motions in connection therewith, shall be limited to not more than 12 hours, which, except as otherwise provided in this section, shall be equally divided between, and controlled by, the Majority Leader and the Minority Leader, or by their designees.

(ii) The Majority Leader or the Minority Leader or their designees may, from the time under their control on the resolution, allot additional time to any Senator during the consideration of any amendment, debatable motion, or appeal.

(B) Only amendments which are germane and relevant to the resolution are in order. Debate on any amendment to the resolution shall be limited to 2 hours, except that debate on any amendment to an amendment shall be limited to 1 hour. The time of debate for each amendment shall be equally divided between, and controlled by, the mover of the amendment and the manager of the resolution, except that in the event the manager is in favor of any such amendment, the time in opposition thereto shall be controlled by the Minority Leader or his designee.

(C) One amendment by the Minority Leader is in order to be offered under a one-hour time limitation immediately following the expiration of the 12-hour time limitation if the Minority Leader has had no opportunity to offer an amendment to the resolution thereto. One amendment may be offered to the amendment by the Minority Leader under the preceding sentence, and debate shall be limited on such amendment to one-half hour which shall be equally divided between, and controlled by, the mover of the amendment and the manager of the resolution, except that in the event the manager is in favor of any such amendment, the time in opposition thereto shall be controlled by the Minority Leader or his designee.

(D) A motion to postpone or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is in order, except that such motion may not be entered for future disposition, and debate on such motion shall be limited to 1 hour.

(3) Whenever all the time for debate on a resolution has been used or yielded back, no further amendments may be proposed, except as provided in paragraph (2)(C), and the vote on the adoption of the resolution shall occur without any intervening motion or amendment, except that a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House of Congress may occur immediately before such vote.

(4) Appeals from the decisions of the Chair relating to the application of the Rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be limited to one-half hour of debate, equally divided between, and controlled by, the Member making the appeal and the manager of the resolution, except that in the event the manager is in favor of any such appeal, the time in opposition thereto shall be controlled by the Minority Leader or his designee.

(e) TREATMENT OF OTHER HOUSE'S RESOLUTION.—(1) Except as provided in paragraph (2), if, before the passage by one House of a resolution of that House, that House receives from the other House a resolution, then the following procedures shall apply:

(A) The resolution of the sending House shall not be referred to a committee in the receiving House.

(B) With respect to a resolution of the House receiving the resolution, the procedure in that House shall be the same as if no resolution had been received from the sending House, except that the resolution of the sending House shall be considered to have been read for the third time.

(C) If the resolutions of the sending and receiving Houses are identical, the vote on final passage shall be on the resolution of the sending House.

(D) If such resolutions are not identical—

(i) the vote on final passage shall be on the resolution of the sending House, with the text of the resolution of the receiving House inserted in lieu of the text of the resolution of the sending House;

(ii) such vote on final passage shall occur without debate or any intervening action; and

(iii) the resolution shall be returned to the sending House for proceedings under subsection (g).

(E) Upon disposition of the resolution received from the other House, it shall no longer be in order to consider the resolution originated in the receiving House.

(2) If one House receives from the other House a resolution before any such resolution is introduced in the first House, then the resolution received shall be referred, in the case of the House of Representatives, to the Committee on International Relations and, in the case of the Senate, to the Committee on Foreign Relations, and the procedures in that House with respect to that resolution shall be the same under this section as if the resolution received had been introduced in that House.

(f) TREATMENT OF IDENTICAL RESOLUTIONS.—If one House receives from the other House a resolution after the first House has disposed of an identical resolution, it shall be in order to proceed by nondebatable motion to consideration of the resolution received by the first House, and that received resolution shall be disposed of without debate and without amendment.

(g) PROCEDURES APPLICABLE TO AMENDMENTS BETWEEN THE HOUSES OF CONGRESS.—The following procedures shall apply to dispose of amendments between the Houses of Congress:

(1) Upon receipt by a House of Congress of a message from the other House with respect to a resolution, it is in order for any Member of the House receiving the message to move to proceed to the consideration of the respective resolution. Such motion shall be disposed of in the same manner as a motion under subsection (d)(1)(A). Such a motion is not in order after conferees have been appointed.

(2)(A) The time for debate in a House of Congress on any motion required for the disposition of an amendment by the other House to the resolution shall not exceed 2 hours, equally divided between, and controlled by, the mover of the motion and manager of the resolution at each stage of the proceedings between the two Houses, except that in the event the manager is in favor of any such motion, the time in opposition thereto shall be controlled by the Minority Leader or his designee.

(B) The time for debate for each amendment to a motion shall be limited to one-half hour.

(C) Only motions proposing amendments which are germane and relevant are in order.

(h) PROCEDURES APPLICABLE TO CONFERENCE REPORTS AND PRESIDENTIAL ACTION.—(1) Either House of Congress may disagree to an amendment or amendments made by the other House to a resolution or may insist upon its amendment or amendments to a resolution, and request a conference with the other House at anytime. In the case of any disagreement between the two Houses of Congress with respect to an amendment or amendments to a resolution which is not resolved within 2 session days after a House of Congress first amends the resolution originated by the other House, each House shall be deemed to have requested and accepted a conference with the other House. Upon the request or acceptance of a conference, in the case of the Senate, the President pro tempore shall appoint conferees and, in the case of the House of Representatives, the Speaker of the House shall appoint conferees.

(2) In the event the conferees are unable to agree within 72 hours after the second House is notified that the first House has agreed to conference, or after each House is deemed to have agreed to conference, they shall report

back to their respective House in disagreement.

(3) Notwithstanding any rule in either House of Congress concerning the printing of conference reports in the Congressional Record or concerning any delay in the consideration of such reports, such report, including a report filed or returned in disagreement, shall be acted on in the House of Representatives or the Senate not later than 2 session days after the first House files the report or, in the case of the Senate acting first, the report is first made available on the desks of the Senators.

(4) Debate in a House of Congress on a conference report or a report filed or returned in disagreement in any such resolution shall be limited to 3 hours, equally divided between the Majority Leader and the Minority Leader, and their designees.

(5) In the case of a conference report returned to a House of Congress in disagreement, an amendment to the amendment in disagreement is only in order if it is germane and relevant. The time for debate for such an amendment shall be limited to one-half hour, to be equally divided between, and controlled by, the mover of the amendment and the manager of the resolution, except that in the event the manager is in favor of any such amendment, the time in opposition thereto shall be controlled by the Minority Leader or his designee.

(6) If a resolution is vetoed by the President, the time for debate in consideration of the veto message on such measure shall be limited to 20 hours in each House of Congress, equally divided between, and controlled by, the Majority Leader and the Minority Leader, and their designees.

(i) RULES OF THE SENATE AND THE HOUSE.—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 202. REPEAL OF OBSOLETE EXPEDITED PROCEDURES.

Section 1013 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (50 U.S.C. 1546a), relating to expedited procedures for certain joint resolutions and bills, is repealed.

USE OF FORCE ACT—SECTION-BY-SECTION ANALYSIS

Section 1. Short Title. The title of the bill is the "Use of Force Act (UFA)."

Section 2. Table of Contents.

Section 3. Findings. This section sets forth three findings regarding the need to provide a statutory framework to facilitate joint decisionmaking between Congress and the President regarding decisions to use force abroad.

Section 4. Statement of Purpose. The key phrase in this section is "confer and confirm Presidential authority." The Use of Force Act is designed to bridge the long-standing—and, for all practical purposes, unresolvable—dispute over precisely what constitutes the President's "inherent" authority to use force. Whereas the War Powers Resolution purported to delineate the President's constitutional authority and to grant no more, the Use of Force Act sets forth a range of authorities that are practical for the modern age and sufficiently broad to subsume all presidential authorities deemed "inherent" by any reasonable constitutional interpretation.

Section 5. Definitions. This section defines a number of terms, including the term "use of force abroad," thus correcting a major flaw of the War Powers Resolution, which left undefined the term "hostilities."

As defined in the Use of Force Act, a "use of force abroad" comprises two prongs:

(1) a deployment of U.S. armed forces (either a new introduction of forces, a significant expansion of the U.S. military presence in a country, or a commitment to a new mission or objective); and

(2) the deployment is aimed at deterring an identified threat, or the forces deployed are incurring or inflicting casualties (or are operating with a substantial possibility of incurring or inflicting casualties.

TITLE I—GENERAL PROVISIONS

Section 101. Authority and Governing Principles. This section sets forth the Presidential authorities being "conferred and confirmed." Based on the Constitution and this Act, the President may use force—

(1) to repel an attack on U.S. territory or U.S. forces;

(2) to deal with urgent situations threatening supreme U.S. interests;

(3) to extricate imperiled U.S. citizens;

(4) to forestall or retaliate against specific acts of terrorism;

(5) to defend against substantial threats to international sea lanes or airspace.

Against a complaint that this list is excessively permissive, it should be emphasized that these are the President's initial authorities to undertake a use of force—so-called "going in" authorities—and that the "staying in" conditions set forth in section 104 will, in most cases, bear heavily on the President's original decision.

This section also sets forth two governing principles; necessity and proportionality. Although unavoidably imprecise in definition, these principles set important criteria against which any use of force can be evaluated.

Section 102. Consultation. Section 102 affirms the importance of consultation between the President and Congress and establishes a new means to facilitate it. To overcome the common complaint that Presidents must contend with "535 secretaries of state," the UFA establishes a Congressional Leadership Group with whom the President is mandated to consult on the use of force.

A framework of regular consultations between specified Executive branch officials and relevant congressional committees is also mandated in order to establish a "norm" of consultative interaction and in hope of overcoming what many find to be the overly theatrical public-hearing process that has superseded the more frank and informal consultations of earlier years.

Note: An alternative to the Use of Force Act is to repeal (or effectively repeal) the War Powers Resolution and leave in its place only a Congressional Leadership Group. (This is the essence of S.J. Res. 323, 100th Congress, legislation to amend the War Powers Resolution introduced by Senators Byrd, Warner, Nunn, and Mitchell in 1988.) This approach, which relies on "consultation and the Constitution," avoids the complexities of enacting legislation such as the UFA but fails to solve chronic problems of procedure or authority, leaving matters of process and power to be debated anew as each crisis arises. In contrast, the Use of Force Act would perform one of the valuable functions of law, which is to guide individual and institutional behavior.

Section 103. Reporting Requirements. Section 103 requires that the President report in writing to the Congress concerning any use of force, not later than 48 hours after commencing a use of force abroad.

Section 104. Conditions for Extended Use of Force. Section 104 sets forth the "staying in" conditions: that is, the conditions that must be met if the President is to sustain a use of force he has begun under the authorities set forth in section 101. A use of force may extend beyond 60 days only if—

(1) Congress has declared war or enacted specific statutory authorization;

(2) the President has requested authority for an extended use of force but Congress has failed to act on that request (notwithstanding the expedited procedures established by Title II of this Act);

(3) the President has certified the existence of an emergency threatening the supreme national interests of the United States.

The second and third conditions are designed to provide sound means other than a declaration of war or the enactment of specific statutory authority by which the President may engage in an extended use of force. Through these conditions, the Use of Force Act avoids two principal criticisms of the War Powers Resolution: (1) that Congress could irresponsibly require a force withdrawal simply through inaction; and (2) that the law might, under certain circumstances, unconstitutionally deny the President the use of his "inherent" authority.

To defuse the specter of a President hamstrung by a Congress too timid or inept to face its responsibilities, the UFA uses two means: first, it establishes elaborate expedited procedures designed to ensure that a vote will occur, second, it explicitly defeats the "timid Congress" specter by granting to the President the authority he has sought if these procedures nonetheless fail to produce a vote. Thus, if the President requests authority for a sustained use of force—one outside the realm of emergency—and Congress fails to vote, the President's authority is extended indefinitely.

The final condition should satisfy all but proponents of an extreme "monarchist" interpretation under which the President has the constitutional authority to use force as he sees fit. Under all other interpretations, the concept of an "inherent" authority depends upon the element of emergency: the need for the President to act under urgent circumstances to defend the nation's security and its citizens. If so, the UFA protects any "inherent" presidential authority by affirming his ability to act for up to 60 days under the broad-ranging authorities in section 101 and, in the event he is prepared to certify an extended national emergency, to exercise the authority available to him through the final condition of section 104.

Section 105. Measures Eligible for Congressional Priority Procedures. This section establishes criteria by which joint and concurrent resolutions become eligible for the expedited procedures created by Title II of the UFA.

A joint resolution that declares war or provides specific statutory authorization—or one that terminates, limits, or prohibits a use of force—becomes eligible if it is introduced: (1) pursuant to a written request by the President to any one member of Congress; (2) if cosponsored by a majority of the members of the Congressional leadership Group in the house where introduced; or (3) if cosponsored by 30 percent of the members of either house. Thus, there is almost no conceivable instance in which a President can be denied a prompt vote: he need only ask one member of Congress to introduce a resolution on his behalf.

A concurrent resolution becomes eligible if it meets either of the cosponsorship criteria cited above and contains a finding that a use of force abroad began on a certain date, or has exceeded the 60 day limitation, or has been undertaken outside the authority provided by section 101, or is being conducted in a manner inconsistent with the governing principles set forth in section 101.

While having no direct legal effect, the passage of a concurrent resolution under the UFA could have considerable significance: politically, it would represent a clear, prompt, and formal congressional repudiation of a presidential action; within Congress, it would trigger parliamentary rules blocking further consideration of measures providing funds for the use of force in question (as provided by section 106 of the UFA); and juridically, it would become a consideration in any action brought by a member of Congress for declaratory judgment and injunctive relief (as envisaged by section 107 of the UFA).

Section 106. Funding Limitations. This section prohibits the expenditure of funds for any use of force inconsistent with the UFA. Further, this section exercises the power of Congress to make its own rules by providing that a point of order will lie against any measure containing funds to perpetuate a use of force that Congress, by concurrent resolution, has found to be illegitimate.

Section 107. Judicial Review. This section permits judicial review of any action brought by a Member of Congress on the grounds that the UFA has been violated. It does so by—

(1) granting standing to any Member of Congress who brings suit in the U.S. District Court for the District of Columbia;

(2) providing that neither the District Court nor the Supreme Court may refuse to make a determination on the merits based on certain judicial doctrines, such as political question or ripeness (doctrines invoked previously by courts to avoid deciding cases regarding the war power);

(3) prescribing the judicial remedies available to the District Court; and

(4) creating a right of direct appeal to the Supreme Court and encouraging expeditious consideration of such appeal.

It bears emphasis that the remedy prescribed is modest, and does not risk unwarranted interference of the judicial branch in a decision better reposed in the political branches. The bill provides only that the court may declare that the 60-day period set forth in Section 104 has begun.

Section 108. Interpretation. This section clarifies several points of interpretation, including these: that authority to use force is not derived from other statutes or from treaties (which create international obligations but not authority in a domestic, constitutional context); and that the failure of Congress to pass any joint or concurrent resolution concerning a particular use of force may not be construed as indicating congressional authorization or approval.

Section 109. Severability. This section stipulates that certain sections of the UFA would be null and void, and others not affected, if specified provisions of the UFA were held by the Courts to be invalid.

Section 110. Repeal of WPR. Section 110 repeals the War Powers Resolution of 1973.

TITLE II—EXPEDITED PROCEDURES

Section 201. Priority Procedures. Section 201 provides for the expedited parliamentary procedures that are integral to the functioning of the Act. (These procedures are drawn from the war powers legislation cited earlier, introduced by Senator Robert Byrd et al. in 1988.)

Section 202. Repeal of Obsolete Expedited Procedures. Section 202 repeals other expedited procedures provided for in existing law.

Mr. BIDEN. Mr. President, I thank the Chair for being so gracious as to not only sit there, but to pay attention to what I had to say. I am flattered he would listen. I hope that he and others will engage their significant legislative skills in trying to work out a feasible war powers mechanism—whether it is exactly what I have proposed or something else—so we avoid the kind of gridlock that has occurred already in the last several years.

I thank the Chair. I thank my good friend from California who has been waiting to be recognized.

I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, thank you very much.

I want to say to my friend from Delaware that it is very important that he continue to work on this matter of the War Powers Act because what happens to us so often is we get into a discussion about it just when we are in the middle of a conflict. That is not the time that is appropriate, and this is.

So I just wanted to thank him for his leadership.

By Mr. ROCKEFELLER (for himself, Mr. GORTON, Mr. MCCONNELL, Mr. LIEBERMAN, Mr. DODD, Mr. PRESSLER, Mr. HATCH, Mr. EXON, Mr. INHOFE, Mrs. HUTCHISON, and Mr. CHAFEE):

S. 565. A bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE PRODUCT LIABILITY FAIRNESS ACT OF 1995

Mr. ROCKEFELLER. Mr. President, today I am pleased to introduce the Product Liability Fairness Act of 1995 with my esteemed colleague from Washington, Senator GORTON. Senator GORTON and I have joined together to introduce this much needed legislation to improve our Nation's product liability laws with a bipartisan group of our colleagues, Mr. MCCONNELL, Mr. LIEBERMAN, Mr. DODD, Mr. PRESSLER, Mr. HATCH, Mr. EXON, Mr. INHOFE, Mrs. HUTCHISON, and Mr. CHAFEE. We believe the time has come to reform our current system so that injured people are more likely to be compensated and so that businesses are not crushed by the costs of nonmeritorious inappropriate lawsuits.

Senator GORTON and I have worked diligently over recent months to hone this product liability reform legislation in order to insure that it strikes the right balance between the interests of both consumers and business, and recognizing that under our current system, legal professionals are most often the biggest and often sole winners in product liability cases. Adjustments were made to reflect substantive and other concerns which we concluded were obstacles to the enactment of this necessary legislation. We believe we have significantly improved the legislation from earlier drafts and been responsive to the issues which prevented earlier enactment of this legislation.

Before I review the reasons why I believe reform of this system is imperative and what has motivated me to work so hard to refine this bill, year after year, I want to take a moment to express my deep admiration for the work of the Senator from Washington and that of his staff. I have great respect for Senator GORTON's intellect and insight, and want to acknowledge his contribution to the improvement in this legislation—and the role he will play in pushing it to final enactment. It is a privilege to work with the distinguished new chairman of the Commerce Committee in crafting this year's bill.

Our bill will encourage alternative dispute resolution as a way of getting parties to have their cases heard without going through the time and expense of a court trial. It will apply different responsibilities to a product seller as opposed to a manufacturer to avoid the kind of lawsuits that cast a wide net in the hopes of catching a cash cow. Our bill will give consumers more time to pursue legal action and it will allow consumers greater awards for punitive damages.

This effort is nothing new for me. For years I have called for legal reforms to make the system more efficient, less costly, and fairer to consumers and business alike. I am tired of West Virginia businesspeople and workers and consumers paying the price for this inequitable, ineffective legal tangle. Paying higher costs for things or being denied new products because manufacturers are scared to assume the exposure that comes with it. And then, when a problem does arise, being forced to spend ridiculous amounts of money and invest years in the hopes of maybe getting some satisfaction.

The product liability system is broken, and it is hurting the people of West Virginia, and Washington, and every State in between. The Rockefeller-Gorton bill aims to reform the laws so product liability is not an anchor around the American economy.

Our approach is bipartisan and balanced and, I think, far-removed from the extreme bill in the House that is long on special interest needs and short on public interest fairness.

If today's product liability laws achieve one thing, it is that it is an equal opportunity victimizer. Injured consumers oftentimes find it impossible to get a just and prompt resolution, and just as frequently, blameless manufacturers are forced to spend thousands of dollars on baseless lawsuits. The system frequently allows negligent companies to avoid penalties and even rewards undeserving plaintiffs.

Product liability law should deter wasteful suits and discipline culpable practices but not foster hours of waste and endless litigation.

Under the patchwork system we now have, depending on which of the 51 different jurisdictions you are in, product liability is not more reliable than a roll of the dice. Today a consumer, seeking fair compensation for harm done by a manufacturer must brace for a legal ordeal, often tilted in favor of business. Consumers generally recover just one-third of their actual damages. And that is when they can recover damages at all after fighting their way through statutes of limitation and corporate shell games that make assigning true liability ofttimes impossible. If a consumer can plow through this maze, they must be able to endure years of litigation that wrack up legal fees faster than a taxi meter in rush-hour traffic.

And businesses are little better off. Perhaps the biggest manufacturers can ride out costly litigation with less financial drain than consumers, but businessowners face a dizzying number of lawsuits too often without merit. The result? Manufacturers abandon research and development on new products that could invite future lawsuits, and prices on products are inflated to compensate for liability insurance or huge legal retainers. Price inflation passed on to consumers who are now doubly squeezed by the liability labyrinth.

The Product Liability Fairness Act aims to correct this. Today, Senator GORTON and I introduce our bipartisan bill, with an impressive group of Senate cosponsors, and expect to begin hearings in his Commerce Subcommittee on Consumer Affairs in about a month.

Just the other day, the Washington Post quoted a business executive who said, basically, that American businesses can be lumped into two groups: those that have been sued and those that will be sued. That is no way for American industry to operate and it results in pitting consumers against business to the detriment of both. The Rockefeller-Gorton bill is a step at easing this tension and restoring some common sense to the American legal system.

Mr. President, I ask unanimous consent that the text of the bill and a summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 565

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Product Liability Fairness Act of 1995".

SEC. 2. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) CLAIMANT.—The term "claimant" means any person who brings a product liability action and any person on whose behalf such an action is brought. If an action is brought through or on behalf of—

(A) an estate, the term includes the decedent; or

(B) a minor or incompetent, the term includes the legal guardian of the minor or incompetent.

(2) CLAIMANT'S BENEFITS.—The term "claimant's benefits" means an amount equal to the sum of—

(A) the amount paid to an employee as workers' compensation benefits; and

(B) the present value of all workers' compensation benefits to which the employee is or would be entitled at the time of the determination of the claimant's benefits, as determined by the appropriate workers' compensation authority for harm caused to an employee by a product.

(3) CLEAR AND CONVINCING EVIDENCE.—

(A) IN GENERAL.—Subject to subparagraph (A), the term "clear and convincing evidence" is that measure of degree of proof that will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established.

(B) DEGREE OF PROOF.—The degree of proof required to satisfy the standard of clear and convincing evidence shall be—

(i) greater than the degree of proof required to meet the standard of preponderance of the evidence; and

(ii) less than the degree of proof required to meet the standard of proof beyond a reasonable doubt.

(4) COMMERCIAL LOSS.—The term "commercial loss" means any loss incurred in the course of an ongoing business enterprise consisting of providing goods or services for compensation.

(5) DURABLE GOOD.—The term "durable good" means any product, or any component of any such product, which has a normal life expectancy of 3 or more years or is of a character subject to allowance for depreciation under the Internal Revenue Code of 1986, and which is—

(A) used in a trade or business;

(B) held for the production of income; or

(C) sold or donated to a governmental or private entity for the production of goods, training, demonstration, or any other similar purpose.

(6) ECONOMIC LOSS.—The term "economic loss" means any pecuniary loss resulting from harm (including any medical expense loss, work loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities), to the extent that recovery for the loss is permitted under applicable State law.

(7) HARM.—The term "harm" means any physical injury, illness, disease, or death caused by a product. The term does not include commercial loss or loss or damage to a product itself.

(8) INSURER.—The term "insurer" means the employer of a claimant, if the employer is self-insured, or the workers' compensation insurer of an employer.

(9) MANUFACTURER.—The term "manufacturer" means—

(A) any person who is engaged in a business to produce, create, make, or construct any product (or component part of a product), and who designs or formulates the product (or component part of the product), or has engaged another person to design or formulate the product (or component part of the product);

(B) a product seller, but only with respect to those aspects of a product (or component part of a product) which are created or affected when, before placing the product in the stream of commerce, the product seller produces, creates, makes, constructs, designs, or formulates, or has engaged another person to design or formulate, an aspect of a product (or component part of a product) made by another person; or

(C) any product seller that is not described in subparagraph (B) that holds itself out as a manufacturer to the user of the product.

(10) NONECONOMIC LOSS.—The term "noneconomic loss"—

(A) means subjective, nonmonetary loss resulting from harm, including pain, suffering, inconvenience, mental suffering, emotional distress, loss of society and companionship, loss of consortium, injury to reputation, and humiliation; and

(B) does not include economic loss.

(11) PERSON.—The term "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity (including any governmental entity).

(12) PRODUCT.—

(A) IN GENERAL.—The term "product" means any object, substance, mixture, or raw material in a gaseous, liquid, or solid state that—

(i) is capable of delivery itself or as an assembled whole, in a mixed or combined state, or as a component part or ingredient;

(ii) is produced for introduction into trade or commerce;

(iii) has intrinsic economic value; and

(iv) is intended for sale or lease to persons for commercial or personal use.

(B) EXCLUSION.—The term "product" does not include—

(i) tissue, organs, blood, and blood products used for therapeutic or medical purposes, except to the extent that such tissue, organs, blood, and blood products (or the provision thereof) are subject, under applicable State law, to a standard of liability other than negligence; and

(ii) electricity, water delivered by a utility, natural gas, or steam.

(13) PRODUCT LIABILITY ACTION.—The term "product liability action" means a civil action brought on any theory for harm caused by a product.

(14) PRODUCT SELLER.—

(A) IN GENERAL.—The term "product seller" means a person who—

(i) in the course of a business conducted for that purpose, sells, distributes, leases, prepares, blends, packages, labels, or otherwise is involved in placing a product in the stream of commerce; or

(ii) installs, repairs, or maintains the harm-causing aspect of the product.

(B) Exclusion.—The term "product seller" does not include—

(i) a seller or lessor of real property;

(ii) a provider of professional services in any case in which the sale or use of a product is incidental to the transaction and the essence of the transaction is the furnishing of judgment, skill, or services; or

(iii) any person who—

(I) acts in only a financial capacity with respect to the sale of a product; and

(II) leases a product under a lease arrangement in which the selection, possession, maintenance, and operation of the product are controlled by a person other than the lessor.

(15) State.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States, or any political subdivision thereof.

(16) Time of delivery.—The term "time of delivery" means the time when a product is delivered to the first purchaser or lessee of the product that was not involved in manufacturing or selling the product, or using the product as a component part of another product to be sold.

SEC. 3. APPLICABILITY; PREEMPTION.

(a) Applicability.—

(1) Actions covered.—Subject to paragraph (2), this Act applies to any product liability action commenced on or after the date of enactment of this Act, without regard to whether the harm that is the subject of the action or the conduct that caused the harm occurred before such date of enactment.

(2) Actions excluded.—

(A) Actions for damage to product or commercial loss.—A civil action brought for loss or damage to a product itself or for commercial loss, shall not be subject to the provisions of this Act governing product liability actions, but shall be subject to any applicable commercial or contract law.

(B) Actions for negligent entrustment.—A civil action for negligent entrustment shall not be subject to the provisions of this Act governing product liability actions, but shall be subject to any applicable State law.

(b) Scope of Preemption.—

(1) In general.—This Act supersedes a State law only to the extent that State law applies to an issue covered under this Act.

(2) Issues not covered under this act.—Any issue that is not covered under this Act, including any standard of liability applicable to a manufacturer, shall not be subject to this Act, but shall be subject to applicable Federal or State law.

(c) Statutory Construction.—Nothing in this Act may be construed to—

(1) waive or affect any defense of sovereign immunity asserted by any State under any law;

(2) supersede any Federal law, except the Act of April 22, 1908 (35 Stat. 65 et seq., chapter 149; 45 U.S.C. 51 et seq.) (commonly known as the "Federal Employers' Liability Act") and the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.);

(3) waive or affect any defense of sovereign immunity asserted by the United States;

(4) affect the applicability of any provision of chapter 97 of title 28, United States Code;

(5) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation;

(6) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum; or

(7) supersede any statutory or common law, including any law providing for an action to abate a nuisance, that authorizes a State or person to institute an action for civil damages or civil penalties, cleanup costs, injunctions, restitution, cost recovery, punitive damages, or any other form of relief relating to contamination or pollution of the environment (as defined in section 101(8) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601(8)) or the threat of such contamination or pollution.

(d) Construction.—To promote uniformity of law in the various jurisdictions, this Act shall be construed and applied after consideration of its legislative history.

(e) Effect of Court of Appeals Decisions.—Notwithstanding any other provision of law, any decision of a circuit court of appeals interpreting a provision of this Act (except to the extent that the decision is overruled or otherwise modified by the Supreme Court) shall be considered a controlling precedent with respect to any subsequent decision made concerning the interpretation of such provision by any Federal or State court within the geographical boundaries of the area under the jurisdiction of the circuit court of appeals.

SEC. 4. ALTERNATIVE DISPUTE RESOLUTION PROCEDURES.

(a) In General.—

(1) Service of offer.—A claimant or a defendant in a product liability action that is subject to this Act may, not later than 60 days after the service of the initial complaint of the claimant or the applicable deadline for a responsive pleading (whichever is later), serve upon an adverse party an offer to proceed pursuant to any voluntary, nonbinding alternative dispute resolution procedure established or recognized under the law of the State in which the product liability action is brought or under the rules of the court in which such action is maintained.

(2) Written notice of acceptance or rejection.—Except as provided in paragraph (3), not later than 10 days after the service of an offer to proceed under paragraph (1), an offeree shall file a written notice of acceptance or rejection of the offer.

(3) Extension.—The court may, upon motion by an offeree made prior to the expiration of the 10-day period specified in paragraph (2), extend the period for filing a written notice under such paragraph for a period of not more than 60 days after the date of expiration of the period specified in paragraph (2). Discovery may be permitted during such period.

(b) Defendant's Penalty for Unreasonable Refusal.—

(1) In general.—The court shall assess reasonable attorney's fees (calculated in accordance with paragraph (2)) and costs against the offeree, if—

(A) a defendant as an offeree refuses to proceed pursuant to the alternative dispute resolution procedure referred to subsection (a)(1);

(B) final judgment is entered against the defendant for harm caused by the product that is the subject of the action; and

(C) the refusal by the defendant to proceed pursuant to such alternative dispute resolution was unreasonable or not made in good faith.

(2) Reasonable attorney's fees.—For purposes of this subsection, a reasonable attorney's fee shall be calculated on the basis of an hourly rate, which shall not exceed the hourly rate that is considered acceptable in the community in which the attorney practices law, taking into consideration the qualifications and experience of the attorney and the complexity of the case.

(c) Good Faith Refusal.—In determining whether the refusal of an offeree to proceed pursuant to the alternative dispute procedure referred to in subsection (a)(1) was unreasonable or not made in good faith, the court shall consider such factors as the court considers appropriate.

SEC. 5. LIABILITY RULES APPLICABLE TO PRODUCT SELLERS.

(a) General Rule.—

(1) In general.—In any product liability action that is subject to this Act filed by a claimant for harm caused by a product, a product seller other than a manufacturer shall be liable to a claimant, only if the claimant establishes—

(A) that—

(i) the product that allegedly caused the harm that is the subject of the complaint was sold by the product seller;

(ii) the product seller failed to exercise reasonable care with respect to the product; and

(iii) the failure to exercise reasonable care was a proximate cause of harm to the claimant;

(B) that—

(i) the product seller made an express warranty applicable to the product that allegedly caused the harm that is the subject of the complaint, independent of any express warranty made by a manufacturer as to the same product;

(ii) the product failed to conform to the warranty; and

(iii) the failure of the product to conform to the warranty caused harm to the claimant; or

(C) that—

(i) the product seller engaged in intentional wrongdoing, as determined under applicable State law; and

(ii) such intentional wrongdoing was a proximate cause of the harm that is the subject of the complaint.

(2) Reasonable opportunity for inspection.—For purposes of paragraph (1)(A)(ii), a product seller shall not be considered to have failed to exercise reasonable care with respect to a product based upon an alleged failure to inspect a product if the product seller had no reasonable opportunity to inspect the product that allegedly caused harm to the claimant.

(b) Special Rule.—A product seller shall be deemed to be liable as a manufacturer of a product for harm caused by the product if—

(1) the manufacturer is not subject to service of process under the laws of any State in which the action may be brought; or

(2) the court determines that the claimant would be unable to enforce a judgment against the manufacturer.

SEC. 6. DEFENSES INVOLVING INTOXICATING ALCOHOL OR DRUGS.

(a) General Rule.—Notwithstanding any other provision of law, a defendant in a product liability action that is subject to this Act shall have a complete defense in the action if the defendant proves that—

(1) the claimant was under the influence of intoxicating alcohol or any drug that may not lawfully be sold over-the-counter without a prescription, and was not prescribed by a physician for use by the claimant; and

(2) the claimant, as a result of the influence of the alcohol or drug, was more than 50

percent responsible for the accident or event which resulted in the harm to the claimant.

(b) CONSTRUCTION.—For purposes of this section, the determination of whether a person was intoxicated or was under the influence of intoxicating alcohol or any drug shall be made pursuant to applicable State law.

SEC. 7. REDUCTION FOR MISUSE OR ALTERATION OF PRODUCT.

(a) GENERAL RULE.—

(1) IN GENERAL.—Except as provided in subsection (c), in a product liability action that is subject to this Act, the damages for which a defendant is otherwise liable under applicable State law shall be reduced by the percentage of responsibility for the harm to the claimant attributable to misuse or alteration of a product by any person if the defendant establishes that such percentage of the harm was proximately caused by a use or alteration of a product—

(A) in violation of, or contrary to, the express warnings or instructions of the defendant if the warnings or instructions are determined to be adequate pursuant to applicable State law; or

(B) involving a risk of harm which was known or should have been known by the ordinary person who uses or consumes the product with the knowledge common to the class of persons who used or would be reasonably anticipated to use the product.

(2) USE INTENDED BY A MANUFACTURER IS NOT MISUSE OR ALTERATION.—For the purposes of this Act, a use of a product that is intended by the manufacturer of the product does not constitute a misuse or alteration of the product.

(b) STATE LAW.—Notwithstanding section 3(b), subsection (a) of this section shall supersede State law concerning misuse or alteration of a product only to the extent that State law is inconsistent with such subsection.

(c) WORKPLACE INJURY.—Notwithstanding subsection (a), the amount of damages for which a defendant is otherwise liable under State law shall not be reduced by the application of this section with respect to the conduct of any employer or coemployee of the plaintiff who is, under applicable State law concerning workplace injuries, immune from being subject to an action by the claimant.

SEC. 8. UNIFORM STANDARDS FOR AWARD OF PUNITIVE DAMAGES.

(a) GENERAL RULE.—Punitive damages may, to the extent permitted by applicable State law, be awarded against a defendant in a product liability action that is subject to this Act if the claimant establishes by clear and convincing evidence that the harm that is the subject of the action was the result of conduct that was carried out by the defendant with a conscious, flagrant indifference to the safety of others.

(b) LIMITATION ON AMOUNT.—The amount of punitive damages that may be awarded for a claim in any product liability action that is subject to this Act shall not exceed 3 times the amount awarded to the claimant for the economic injury on which the claim is based, or $250,000, whichever is greater. This subsection shall be applied by the court and the application of this subsection shall not be disclosed to the jury.

(c) BIFURCATION AT REQUEST OF EITHER PARTY.—

(1) IN GENERAL.—At the request of either party, the trier of fact in a product liability action that is subject to this Act shall consider in a separate proceeding whether punitive damages are to be awarded for the harm that is the subject of the action and the amount of the award.

(2) ADMISSIBLE EVIDENCE.—

(A) INADMISSIBILITY OF EVIDENCE RELATIVE ONLY TO A CLAIM OF PUNITIVE DAMAGES IN A PROCEEDING CONCERNING COMPENSATORY DAMAGES.—If either party requests a separate proceeding under paragraph (1), in any proceeding to determine whether the claimant may be awarded compensatory damages, any evidence that is relevant only to the claim of punitive damages, as determined by applicable State law, shall be inadmissible.

(B) PROCEEDING WITH RESPECT TO PUNITIVE DAMAGES.—Evidence that is admissible in the separate proceeding under paragraph (1)—

(i) may include evidence of the profits of the defendant, if any, from the alleged wrongdoing; and

(ii) shall not include evidence of the overall assets of the defendant.

SEC. 9. UNIFORM TIME LIMITATIONS ON LIABILITY.

(a) STATUTE OF LIMITATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2) and subsection (b), a product liability action that is subject to this Act may be filed not later than 2 years after the date on which the claimant discovered or, in the exercise of reasonable care, should have discovered, the harm that is the subject of the action and the cause of the harm.

(2) EXCEPTIONS.—

(A) PERSON WITH A LEGAL DISABILITY.—A person with a legal disability (as determined under applicable law) may file a product liability action that is subject to this Act not later than 2 years after the date on which the person ceases to have the legal disability.

(B) EFFECT OF STAY OR INJUNCTION.—If the commencement of a civil action that is subject to this Act is stayed or enjoined, the running of the statute of limitations under this section shall be suspended until the end of the period that the stay or injunction is in effect.

(b) STATUTE OF REPOSE.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), no product liability action that is subject to this Act concerning a product that is a durable good alleged to have caused harm (other than toxic harm) may be filed after the 20-year period beginning at the time of delivery of the product.

(2) STATE LAW.—Notwithstanding paragraph (1), if pursuant to an applicable State law, an action described in such paragraph is required to be filed during a period that is shorter than the 20-year period specified in such paragraph, the State law shall apply with respect to such period.

(3) EXCEPTION.—A motor vehicle, vessel, aircraft, or train that is used primarily to transport passengers for hire shall not be subject to this subsection.

(c) TRANSITIONAL PROVISION RELATING TO EXTENSION OF PERIOD FOR BRINGING CERTAIN ACTIONS.—If any provision of subsection (a) or (b) shortens the period during which a product liability action that could be otherwise brought pursuant to another provision of law, the claimant may, notwithstanding subsections (a) and (b), bring the product liability action pursuant to this Act not later than 1 year after the date of enactment of this Act.

SEC. 10. SEVERAL LIABILITY FOR NONECONOMIC LOSS.

(a) GENERAL RULE.—In a product liability action that is subject to this Act, the liability of each defendant for noneconomic loss shall be several only and shall not be joint.

(b) AMOUNT OF LIABILITY.—

(1) IN GENERAL.—Each defendant shall be liable only for the amount of noneconomic loss allocated to the defendant in direct proportion to the percentage of responsibility of the defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which the defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant under this section, the trier of fact shall determine the percentage of responsibility of each person responsible for the amount of noneconomic loss caused to the claimant, whether or not such person is a party to the action.

SEC. 11. WORKERS' COMPENSATION SUBROGATION STANDARDS.

(a) GENERAL RULE.—

(1) RIGHT OF SUBROGATION.—

(A) IN GENERAL.—An insurer shall have a right of subrogation against a manufacturer or product seller to recover any claimant's benefits relating to harm that is the subject of a product liability action that is subject to this Act.

(B) WRITTEN NOTIFICATION.—To assert a right of subrogation under subparagraph (A), the insurer shall provide written notice to the court in which the product liability action is brought.

(C) INSURER NOT REQUIRED TO BE A PARTY.—An insurer shall not be required to be a necessary and proper party in a product liability action covered under subparagraph (A).

(2) SETTLEMENTS AND OTHER LEGAL PROCEEDINGS.—

(A) IN GENERAL.—In any proceeding relating to harm or settlement with the manufacturer or product seller by a claimant who files a product liability action that is subject to this Act, an insurer may participate to assert a right of subrogation for claimant's benefits with respect to any payment made by the manufacturer or product seller by reason of such harm, without regard to whether the payment is made—

(i) as part of a settlement;

(ii) in satisfaction of judgment;

(iii) as consideration for a covenant not to sue; or

(iv) in another manner.

(B) WRITTEN CONSENT.—Except as provided in subparagraph (C)—

(i) an employee shall not make any settlement with or accept any payment from the manufacturer or product seller without the written consent of the insurer; and

(ii) no release to or agreement with the manufacturer or product seller described in clauses (i) through (iv) of subparagraph (A) shall be valid or enforceable for any purpose without the consent of the insurer.

(C) EXEMPTION.—Subparagraph (B) shall not apply in any case in which the insurer has been compensated for the full amount of the claimant's benefits.

(3) HARM RESULTING FROM ACTION OF EMPLOYER OR COEMPLOYEE.—

(A) IN GENERAL.—If, with respect to a product liability action that is subject to this Act, the manufacturer or product seller attempts to persuade the trier of fact that the harm to the claimant was caused by the fault of the employer of the claimant or any coemployee of the claimant, the issue of that fault shall be submitted to the trier of fact, but only after the manufacturer or product seller has provided timely written notice to the employer.

(B) RIGHTS OF EMPLOYER.—

(i) IN GENERAL.—Notwithstanding any other provision of law, with respect to an issue of fault submitted to a trier of fact pursuant to subparagraph (A), an employer shall, in the same manner as any party in the action (even if the employer is not a named party in the action), have the right to—

(I) appear;

(II) be represented;

(III) introduce evidence;

(IV) cross-examine adverse witnesses; and

(V) present arguments to the trier of fact.

(ii) LAST ISSUE.—The issue of harm resulting from an action of an employer or coemployee shall be the last issue that is presented to the trier of fact.

(C) REDUCTION OF DAMAGES.—If the trier of fact finds by clear and convincing evidence that the harm to the claimant that is the subject of the product liability action was caused by the fault of the employer or a coemployee of the claimant—

(i) the court shall reduce by the amount of the claimant's benefits—

(I) the damages awarded against the manufacturer or product seller; and

(II) any corresponding insurer's subrogation lien; and

(ii) the manufacturer or product seller shall have no further right by way of contribution or otherwise against the employer.

(D) CERTAIN RIGHTS OF SUBROGATION NOT AFFECTED.—Notwithstanding a finding by the trier of fact described in subparagraph (C), the insurer shall not lose any right of subrogation related to any—

(i) intentional tort committed against the claimant by a coemployee; or

(ii) act committed by a coemployee outside the scope of normal work practices.

(b) ATTORNEY'S FEES.—If, in a product liability action that is subject to this section, the court finds that harm to a claimant was not caused by the fault of the employer or a coemployee of the claimant, the manufacturer or product seller shall reimburse the insurer for reasonable attorney's fees and court costs incurred by the insurer in the action, as determined by the court.

SEC. 12. FEDERAL CAUSE OF ACTION PRECLUDED.

The district courts of the United States shall not have jurisdiction under section 1331 or 1337 of title 28, United States Code, over any product liability action covered under this Act.

SUMMARY OF THE PRODUCT LIABILITY FAIRNESS ACT

Alternative Dispute Resolution (ADR): Either party may offer to participate in a voluntary, non-binding state-approved ADR procedure. If a defendant unreasonably refuses to participate and a judgment is entered for the claimant, the defendant must pay the claimant's reasonable legal fees and costs. There is no penalty for claimants who refuse to participate in an ADR procedure. No penalty may be assessed against a defendant unless judgment is entered for the claimant.

Product Sellers: Product sellers will be liable only for their own negligence or failure to comply with an express warranty. However, if the manufacturer cannot be brought into court or is unable to pay a judgment, the seller shall be liable as if it were a manufacturer. This assures that injured persons will always have available an avenue for recovery.

Alcohol and Drugs: The defendant has an absolute defense if the plaintiff was under the influence of intoxicating alcohol or illegal drugs and the condition was more than 50 percent responsible for plaintiff's injuries.

Misuse and Alteration: The bill limits a defendant liability if the product user has misused or altered the product in an unforeseeable manner.

Punitive Damages: Punitive damages may be awarded if a plaintiff proves, by clear and convincing evidence, that the harm was caused by defendant's "conscious, flagrant indifference to the safety of others." To streamline litigation, trials may be bifurcated so the punitive damages phase is separate from the proceedings on compensatory damages. Courts may award punitive damages up to three times economic damages, or $250,000, whichever is greater.

Statute of Limitations: The pro-plaintiff statute of limitations is two years, which begins to run when the claimant reasonably should have discovered both the harm and cause.

Statute of Repose: The statute of repose is for capital and durable goods used in the workplace, and is set at 20 years.

Joint and Several Liability: The bill abolishes joint liability with respect to non-economic damages, such as pain and suffering. States are permitted to provide joint liability for economic damages, such as medical expenses and lost wages, so that these damages are always fully compensated in all cases.

Workers' Compensation Offset: An employer's right to recover worker's compensation benefits from a manufacturer whose product allegedly harmed a worker is preserved unless the manufacturer can prove, by clear and convincing evidence, that the employer caused the injury.

Mr. GORTON. Mr. President, I am pleased to join with Senator ROCKEFELLER to introduce legislation that will bring common sense back to America's product liability system. The Product Liability Fairness Act of 1995 is a bipartisan proposal that takes a moderate, sensible approach to product liability reform.

As an attorney myself, I recognize that America's trial lawyers would like to see me disbarred for introducing this bill.

It should come as no surprise that they are planning to spend $20 million to defeat this legislation. They're making millions off the current system, and the legislation we're introducing today will put an end to the lawyers' financial free-for-all.

Consider just a couple of cases from my own State of Washington. Connelly Water Skis of Lynnwood pays $345,000 a year for liability insurance even though they have never lost a liability case. They paid more than $83,000 in legal expenses to defend themselves in a case in which the plaintiff has asked be dismissed. They paid more than $12,000 to defend themselves in a case in which no Connelly product was involved.

Commercial Plastics of Seattle, which manufactures candy dispensers, has been sued in a case involving a drunken woman who pulled a unit off a grocery store shelf on New Year's Eve. She wasn't hurt, but she is suing for mental anguish caused by the embarrassment of the incident.

Bayliner Boats of Everett manufactures a 25-foot hardtop boat with the steering station inside. The plaintiff sawed a hole through the hardtop—kind of like a sunroof. He was sitting on the top driving the boat with his feet. He saw an oncoming boat and tried to honk the horn with his toe. He turned the boat to the left with his feet, and shifted his weight to the right to counter the turn. He fell overboard, was injured, and is now suing Bayliner.

Keep in mind that these examples come from a State where limits on punitive damages are already in place.

Does it make sense for consumers to pay higher prices for water skis or other equipment because the person used the product incorrectly? Does it make sense for consumers to pay higher costs for products because someone did something that defies all common sense? Does it make sense for consumers to pay higher prices for products because some inebriated person injures, and even embarrasses him or herself?

And most importantly, does it make sense that trial attorneys are ripping off consumers around the country when they make millions of dollars off these cases?

Out of every dollar spent on product litigation, more than 50 percent of the money goes to the lawyers. They're the only ones winning anything. Their opposition to this legislation is only about protecting their fees—not protecting consumers.

Consider the Chicago law firm that issued a bulletin to its clients stating: "We are pleased to announce that we obtained for our client the largest verdict ever for an arm amputation: $7.8 million."

Consider the new Florida company, called "Went For It," that researches the names of accident victims and sells them to lawyers.

Consider the New York lawyer found guilty of using a pickax to enlarge a pothole before he photographed it for a client with a personal injury claim.

It's outrageous.

This country desperately needs a fair and efficient product liability system. A fair and efficient product liability system should have consistent standards and yield predictable results. It should award damages in proportion to the harm suffered and those damages should be paid only by those responsible. A fair and efficient system should award damages in a timely manner without incurring large, wasteful transaction costs.

The status quo defended mightily by the trial lawyers is far from fair or efficient. Consumers, those injured by faulty products, and American businesses all suffer as a result of selfish lawyers.

Fair compensation is not awarded in a timely fashion. Cases drag on for years. Over 20 percent of seriously injured persons receive no compensation for 5 years. A 1989 GAO study says that the average case takes nearly 3 years to resolve, and longer if there is an appeal. When compensation is awarded, transaction costs—such as attorney's fees—absorb too much money that should have gone to injured persons.

Not only does the present product liability system generate excessive costs and delay, it does not compensate injured persons in proportion to their losses. If a person's injuries are minor, they can expect to receive a windfall of nearly nine times their losses. If their injuries are severe, they should expect to receive only 15 percent of their losses. A severely injured person cannot afford to gamble on the outcome of lengthy litigation. As a result, many are forced to settle for an amount far less than their injuries merit.

Injured persons are not the only ones that are treated unfairly by the tort system. That system imposes inordinate costs on the U.S. economy. Domestic manufacturers face product liability costs up to 20 to 50 times higher than those paid by foreign competitors.

These excessive costs put American business at a competitive disadvantage in world markets. Important sectors of our domestic economy are losing substantial market shares to foreign competitors. For example, the Association of Manufacturing Technology estimates its member companies have lost, in recent years, nearly 25 percent of their market share to foreign competitors. Much of this loss is attributed to the excessive costs of the current product liability system, which wastes vital resources and inhibits the development and marketing of innovative products. The U.S. machine tool industry spends seven times more on product liability costs than on research and development.

When the job creators have to pay insurance premiums instead of salaries, we've got a lot of people on unemployment for no good reason. Listen to the small business owner in Hoquiam who pays more in product liability premiums than he does in Federal taxes. Listen to the small business owner in Spokane who says his insurance premiums often equal his before-tax profits.

This is outrageous.

Innovation is also squelched because manufacturers decide not to market new products due to these excessive transaction costs and the possibility of unjustified, unpredictable but nonetheless crushing liability. These concerns further stifle innovation because scientific research essential for advanced product development, is foregone.

For instance, promising AIDS vaccines have been shelved. New hazardous waste cleanup technologies have been shelved. Asbestos substitutes have been shelved. The list of valuable products and life-saving medicines that have been shelved and kept from the market goes on, and on, and on, and on.

The current system is clearly broken, and it must be fixed. I hope that my colleagues will join with Senator ROCKEFELLER and me in supporting a bill that seeks in a balanced way to introduce fairness and efficiency to our product liability system.

Mr. McCONNELL. Mr. President, I am pleased to join my colleagues in the introduction of the Product Liability Reform Act of 1995. Our litigation system needs repair; less than half—43 cents to be precise—of every dollar spent in the liability system goes to injured victims. More than half of every dollar represents transactions costs—lawyers' fees, the cost of keeping the courts running, and other associated expenses of the legal system. Something is seriously wrong with a system that pays out more to those who run the legal system than to those who need it for dispute resolution.

And, litigation costs drain billions of dollars from our economy. We know there is a litigation tax associated with putting goods and services in the stream of commerce. For example, the price, on average, of an 8-foot ladder is $119.33. But the actual cost is only $94.47, with the litigation tax representing 25 percent of the cost. And, the litigation tax for a heart pacemaker is 20 percent, driving the cost up an additional $3,000. (Source: Newsweek, Oct. 25, 1993, reprinting from, "The 96 Billion Dollar Game," Philip Hermann.)

This litigation tax impedes innovation and invention. Companies hesitate to put products on the market because of the high risk of litigation. That means fewer choices for consumers and a shrinking share of the global market for American companies.

And unless we fix the problems of our legal system, the situation is bound to get worse. Longer delays in the courts, increased inefficiency and unpredictability in getting compensation to victims, and more burdens on productivity and invention.

This bill is a significant step in the right direction. It offers a national answer to a nationwide problem—uniformity and certainty in America's product liability laws.

The bill will not prevent those injured by defective products from receiving fair compensation for their injuries. Rather, it will offer some protection for those parties who had no connection to the defects in the product from unfairly and unreasonably having to pay the tab in a lawsuit. But, make no mistake about it, those who are responsible for the defects will be held accountable for the injuries they cause.

In addition, this bill restores the element of punishment to punitive damages. In the current environment, the quest for punitive damages is like taking a chance on the lottery—some plaintiffs win big and many win nothing at all. Often times, the award of punitive damages bears no relationship to the injuries suffered. The bill will link punitive damages to the economic loss by providing that where punitive damages are awarded, they should be awarded in an amount of three times the economic loss or $250,000, whichever is greater.

The time for this bill is long overdue. I look forward to its prompt consideration in the Commerce Committee and speedy action on the Senate floor.

Mr. LIEBERMAN. Mr. President, I am proud to join a broad bipartisan group of eight Senators led by my distinguished colleagues, Senators ROCKEFELLER and GORTON, in introducing a bill to address one of the most important issues facing this Congress—product liability reform. This is my third effort to pass much-needed changes to the product liability system and, after years of frustration, I believe we are finally going to succeed. This year's bill builds on last year's effort and is the fairest and strongest bill possible.

No one should be praising the status quo. The current system is inefficient, unpredictable, costly, slow, and inequitable. And everyone pays: plaintiffs, defendants, manufacturers, product sellers, and consumers. This bill addresses these problems by making a number of balanced and limited changes intended to reduce transaction costs, provide greater certainty to everyone, and increasing the competitiveness of U.S. firms. I urge my colleagues to support this bill.

Mr. President, I did not join the fight for product liability reform until my second year in the Senate. I came here as a former State attorney general who had been active in consumer protection. I knew that some consumer groups opposed Federal product liability legislation, and as a former State official, I was hesitant to step into an area that had traditionally been the province of State law. In fact, as attorney general of Connecticut and a member of the National Association of Attorneys General, I voted for resolutions opposing earlier Federal product liability legislation that would have swept away virtually all State product liability laws and repealed the doctrine of strict liability for product defects.

But as I traveled around the State of Connecticut, this problem—product liability litigation—kept coming up in my discussions with small business men and women, with small and large manufacturing companies, and with plant managers. They told me of problems they had experienced with the product liability system, of the expense of defending yourself even when you win, of the cost of settlements to avoid paying litigation costs, and of the time and energy that product liability suits diverted away from the business of designing new products and bringing them to market.

One of my favorite examples concerns an experience of Mr. Robert Lyons, who runs the Bilco Co. in New Haven, CT. Bilco, a small company, manufactures roof hatch doors. Several years ago, Mr. Lyons and his colleagues at Bilco invented an ingenious safety feature called the LadderUP Safety Post. This device attached to the ladder that led to the roof hatch. When the hatch was opened, the LadderUP Safety Post would automatically extend through the opening to a height several feet above the level of the roof. This allowed a person climbing out of the top of the hatch to hold on to the pole as he or she stepped up onto the roof.

After Bilco put the LadderUP Safety Post on the market, Bilco was sued by a person who had fallen when using a Bilco hatch without the device. The plaintiff argued that Bilco should only have sold its roof hatch with a LadderUP device, and that Bilco should not have permitted its customers simply to buy a hatch. The plaintiff also argued that Bilco should have more widely advertised its product. Despite the fact that anyone who uses a ladder surely must know that you have to be careful when climbing on the top rungs, and the fact that the builder had chosen not to buy or retrofit the hatch with a LadderUP device, Bilco ended up paying $20,000 to settle this case out of court, judging that to be cheaper than going through full litigation.

Now there are some people who will say, so what is wrong with that? After all, a person who was injured received $20,000 to help compensate for his injuries. But the flaw with the reasoning should be apparent. Private businesses cannot print money. A $20,000 payment here was $20,000 less to be invested in new plant equipment, in developing new products, or hiring new people. And what did Mr. Lyons and Bilco actually do to deserve having pay $20,000? They invented and put on the market a new product, a new safety device. They did not build the building with the roof hatch, they did not install the hatch, they were not the ones who decided to forego purchasing a LadderUP Safety Post for use with the hatch. All they did was to build a better mousetrap. And for that, a lawyer beat a path to their door.

The injustice of this case points out a fundamental problem with our product liability system. At a time when we need to be rebuilding our country's manufacturing base, to be promoting innovation in our manufacturing sector, to be designing, building and bringing to market the next generation of high-quality, highvalue added products the world will need, our liability system chills innovation like a bucket of cold water.

The debate should really center around consumers, because it is consumers who suffer because of this system, not simply businesses. Consumers are the ones who have to pay higher prices in order to cover product liability-related costs. If a ladder costs 20 percent more because of liability-related costs, consumers—not businesses—end up paying that 20 percent premium.

Consumers are also the ones who suffer when valuable innovations do not occur, or when needed products like life-saving medical devices or earthquake shock absorbers do not come to market because no one will supply the necessary raw materials.

Last term, at a hearing on product liability and sales of raw materials for medical devices, Mr. Mark Reily described what life would be like for his then 9-year-old son, Thomas Reily, if he could no longer obtain a replacement for the silicone shunt in Thomas' head: "The fluid builds pressure inside the head, like steam building inside a locked pressure cooker. If left untreated, it is a well-documented fact that the patient will initially suffer severe brain damage, become comatose and ultimately die." Mr. Reily pleaded for us to reform our product liability laws to ensure that raw materials for Thomas' shunt will continue to be available to the shunt's makers. Mark and Thomas Reily are consumers who are being hurt, not helped, by our product liability system.

The point that Mr. Reily and his son drove home is that the best interests of consumers as a whole are not always identical to the interests of people who are seeking compensation. The people who suffer or die because a new drug or medical device was never developed, or was delayed in its development, are hurt as surely as those who suffer because a device malfunctioned or a drug was improperly designed. These silent victims of our product liability system's chilling effect on innovation are consumers whose interests also deserve protection.

Of course, even for its putative beneficiaries, people who are injured by defective products, the legal system hardly can be said to work well. GAO, in its five-State survey, found that product liability cases took an average of 2½ years just to reach trial. If the case was appealed, it took, on average, another year to resolve. This is a very long time for an injured person to wait for compensation.

In some instances too, our product liability laws have erected barriers to suit that just do not make sense. For example, in some States, the statute of limitations—the time within which a lawsuit can be brought—begins to run even though the injured person did not know they were injured and could not have known that the product was the cause. In those States, the time in which to bring a suit can expire before the claimant knows or could ever know there is a suite to bring.

Mr. President, no one will argue that this bill will cure all the ills in our product liability system. That would require a gargantuan overhaul and I doubt we can reach agreement as to what that would look like. But we can, I believe, work to enact a balanced package of reforms that works incrementally to eliminate the worst aspects of our current system, to restore some balance to our product liability system. I believe this bill is just such a balanced package.

For people injured by defective products, this bill makes a set of very important and beneficial changes. First, it enacts uniform, nationwide statute of limitations of 2 years from the date the claimant knew or should have discovered both the fact he or she was injured and the cause of the injury. Injured people will no longer lose the right to sue before they knew both that they were hurt and that a specific product caused their injury.

Second, this bill will force defendants to enter alternative dispute resolution processes which can resolve a case in months rather than years. If the defendant unreasonably refuses to enter into ADR, it can be liable for all of claimant's costs and attorney's fees. On the other hand, if a plaintiff unreasonably refuses to enter ADR, she will suffer no penalty.

For workers who face possible injury in the workplace, this bill will reform the product liability system to give employers a stronger incentive to provide a safe workplace. Under current law, an employer is often permitted to recoup the entire amount of workers compensation benefits paid to an employee who was injured by a defective machine, even if the employer contributed significantly to the injury by, for example, running the machine at excessive speeds or removing safety equipment. This essentially means that an employer can end up paying nothing despite the fact that their misconduct was a significant cause of the injury.

This bill would change this. When an employer is found, by clear and convincing evidence, to be partly responsible for an injury, the employer loses recoupment in proportion to its contribution to the injury. This does not change the amount of money going to the injured person, but it makes the employer responsible for its conduct.

For manufacturers, this bill reforms the product liability system to establish a nationwide standard for punitive damages of proof of conscious, flagrant indifference to public safety by clear and convincing evidence. The clear and convincing evidence standard is already the law in over 25 States. Punitive damages in these product liability cases would also be limited to the greater of $250,000 or three times the amount of economic damages. The American College of Trial Lawyers and ALI support this provision. It will bring some reasonable limits to what too often just results in windfalls to particular claimants instead of the original purpose—punishing defendant's wrongful behavior.

Manufacturers of durable goods—goods with life expectancy over 3 years that are used in the workplace—will also be assured that they cannot be sued more than 20 years after they deliver a product. This will bring an end to suits such as the one in which Otis Elevator was sued over a 75-year-old elevator that had been modified and maintained by a number of different owners and repair persons through the decades. By the way, this same provision will not apply to household goods such as refrigerators, and is only intended to cover those workplace injuries that are already covered by workers compensation.

Manufacturers will also have some protection against "deep pocket" liability. While the bill still permits States to hold all defendants jointly liable for economic damages such as lost wages, foregone future earnings, past and future medical bills, and cost of replacement services, noneconomic damages such as pain and suffering will be apportioned among codefendants on the basis of each defendant's contribution to the harm. In addition, if the plaintiff misused or altered a product, or used the product under the influence of drugs or alcohol, the manufacturers share of the damages will also be reduced.

For wholesalers and retailers, they will, in the majority of cases, be relieved of the threat that they can be held liable for the actions of others. Under current law, for example, the owner of the corner hardware store could be sued for injuries resulting from a power saw just as if she was the manufacturer of a power saw, even if she had no input in the design or assembly of the power saw and had done nothing other than to inspect a sample to make sure there were no obvious flaws and to put the items on the shelf.

For our American economy and industrial base, passage of this product liability reform legislation will move us back to promoting innovation and the development and commercialization of new products. Passing this bill will create and save jobs here, not overseas.

After years of debate, this compromise bill balances important issues: It is pro-business and pro-consumer. It is pro-innovation and pro-safety. But most importantly, it finally balances the scales of justice properly to ensure that victims of defective products remain compensated while consumers receive the best products available. It is incremental reform. And it is a key component of any strategy for long-term economic growth, and for rebuilding our country's manufacturing base.

Let me say finally, that in the upcoming months, this bill will be debated over and over. In that rhetoric and inevitable soundbites, one thing should not be lost. This bill does not absolve a company from making an unsafe product. If a company has made a defective product, it must be held fully accountable. Period. But when a company does follow the rules and makes a safe product, it should not have to settle frivolous claims simply to avoid the expense of litigation and protect against the risk that a huge and irrational judgment will be awarded against it.

The time has come for us to move forward, to give this balanced package a chance for full consideration by this body. We owe it to the American people to look beyond the rhetoric. We owe it to the American people to pass this bill. Mr. President, I urge my colleagues to support and enact these overdue reforms.

Mr. DODD. Mr. President, I am pleased to join with the bipartisan group of Senators who are original cosponsors of the Product Liability Fairness Act of 1995. I would also like to commend Senators ROCKEFELLER, GORTON, and LIEBERMAN for all of their hard work on this legislation.

The current product liability system simply does not serve anyone well. The American people know the problem—the results in a product liability case depend primarily on a person's ability to afford a good lawyer. That's true whether you are a consumer injured by an unsafe product, or a businessperson trying to defend yourself against an unjustified lawsuit.

For consumers, the studies show that injured people must wait too long for fair compensation. A recent study by the General Accounting Office found that cases take about 3 years to be resolved—longer if there is an appeal.

Other studies show dramatically different compensation for similar injuries incurred in the very same way. Wealthier and better educated people fare far better than low-income people and less well-educated people.

So the present system is not serving the needs of our injured citizens. At the same time, it's not serving the needs of American businesses. They are reluctant to introduce new products because they are not sure what kind of liability they will face under the laws of 55 States and territories.

This uncertainty is particularly difficult for small businesses, who cannot afford the huge legal costs of the present system. And these are not legal costs that fall only on unscrupulous manufacturers—many companies have run up enormous legal bills only to be vindicated by the courts. Of course, those victories are hollow at best.

And what happens if an American business is afraid to innovate, or forced to defer investment on research and development? Are those only problems for particular businesses, and unworthy of serious attention—of course not. If American businesses are unable to bring innovative products to the marketplace, or forced to take helpful products off the market, we all lose.

The search for an AIDS vaccine is a good example. At least one company, Biogen in Massachusetts, terminated its investment in an AIDS vaccine because of product liability fears.

And this problem is not limited to particular products or companies. The current product liability system threatens entire industries. The contraceptive industry is one example. A 1990 report issued by the National Research Council and the Institute of Medicine concluded that "product liability litigation has contributed significantly to the climate of disincentives for the development of contraceptive products."

The American Medical Association has documented this problem:

> In the early 1970's, there were 13 pharmaceutical companies actively pursuing research in contraception and fertility. Now, only one U.S. company conducts contraceptive and fertility research.

Is our country well-served by a system that prevents contraceptives, and other critical medical products, from coming to the market? Who benefits from that result?

And if the present system is not working—if it helps neither people who are injured by products nor the businesses who are trying to develop lifesaving products—what should we do? Should we simply give up and walk away? Should we say that there's nothing we can do—the problem's too big for us too handle? Of course not—we owe it to the American people to try to do better.

With passage of the Product Liability Fairness Act we will do better. This legislation may not solve all of the problems in the product liability system, but it will improve that system for everyone—for the injured people who need fast and fair compensation, for consumers who need quality products to choose from, for those businesses who are at the cutting edge of international competition, and for workers who depend on a strong economy to support their families. The moderate reforms in this measure will reduce the abuses in the current system without eliminating solid protections for those who are victimized by defective or dangerous products.

Let me highlight some of the key provisions. First, this measure will provide a more uniform system of product liability. Since about 70 percent of all products move between States, it makes sense to have a federal system for resolving disputes. With Federal rules in place, there will be more certainty in the system, and the excessive costs in the present system should come down.

The provisions in the bill that encourage alternative dispute resolution will also help reduce the costs in the current system. Currently, too much money goes to transaction costs, primarily lawyers fees, and not enough goes to victims. A 1993 survey of the Association of Manufacturing Technology found that every 100 claims filed against its members cost a total of $10.2 million. Out of that total, the victims received only $2.3 million with the rest of the money going to legal fees and other costs. Clearly, we need to implement a better system in which the money goes to those who need it—injured people.

Most importantly, and I cannot emphasize this enough, the moderate reforms in this bill offer a balanced approach to the needs of both consumers and businesses. Consumers will benefit, for example, from a statute of limitations provision that preserves a claim until 2 years after the consumer should have discovered the harm and the cause. In many cases, injured people are not sure what caused their injuries and, under the current system, they lose their ability to sue. With this legislation, people injured by products will have adequate time to bring a lawsuit.

Businesses will also benefit from this legislation. For example, in order to recover punitive damages, the plaintiff will have to prove, by clear and convincing evidence, that the harm was caused by the defendant's "conscious, flagrant indifference to the safety of others." This provision will allow defendants to have a clear understanding of when they may be subject to this quasi-criminal penalty.

Under this measure, defendants also have an absolute defense if the plaintiff was under the influence of intoxicating alcohol or illegal drugs and the condition was more than 50 percent responsible for plaintiff's injuries. This provision, it seems to me, is nothing more than common sense. Why should manufacturers pay for the misconduct of intoxicated people?

Furthermore, product sellers will only be liable for their own negligence or failure to comply with an express warranty. But as an added protection for injured people, this rule will not apply if the manufacturer cannot be brought into court or if the claimant would be unable to enforce a judgment against the manufacturer. This provision will eliminate the need for sellers to hire lawyers in a high percentage of the roughly 95 percent of the cases where they are presently not found to be at fault.

Mr. President, this is an issue that many of us have spent a great deal of time on. My involvement dates back to 1986, when I worked on a reform proposal with our distinguished former colleague, Senator Danforth. We did not get very far with that bill. But the effort to improve the product liability system has gained momentum in recent years, and I am optimistic that we can pass this legislation during this Congress.

Because of the enormous costs associated with the product liability system, both economic and social, we must address this issue with the seriousness that it deserves. Unfortunately, in the past, some have characterized the debate as a battle between the manufacturers and the insurance companies on the one side, and consumers and trial attorneys on the other. Some have viewed this legislation in antagonistic terms, with one side winning and one side losing.

Of course, the problem is much more complex than that and the solution will be much more complex. As this bill moves forward, we will hear from many concerned citizens who can help us refine this legislation. I also look forward to working with my colleagues and the Clinton administration to strengthen this measure. But our Nation cannot afford to maintain the status quo, and this bill will take us a long way toward a fairer product liability system.

Mr. PRESSLER. Mr. President, I am pleased to be an original cosponsor of this important legislation. Our existing product liability system is a disaster. It is inefficient and unfair. The Senate Committee on Commerce, Science, and Transportation has long recognized these problems and has reported favorably a reform bill in six previous Congresses.

The Product Liability Fairness Act of 1995 is a balanced bill that will make substantial progress in addressing the many problems with our current system. This bill is good for consumers, good for businesses—especially small businesses—and good for those legitimately injured by faulty products.

I thank Senator GORTON and Senator ROCKEFELLER for their excellent work in preparing this bill. Their solid working relationship on this issue is indicative of the bipartisan support for these essential reforms.

Mr. President, I have long been a supporter of product liability reform and will make every effort to advance the reform effort.

Mr. HATCH. Mr. President, I am extremely pleased to cosponsor the Product Liability Fairness Act of 1995 with Senators ROCKEFELLER and GORTON, and many others. I commend their longstanding leadership on this issue.

This act represents a truly bipartisan effort to correct what many have long recognized to be malfunctions in our product liability system. We want American business to grow, to provide more jobs and more affordable consumer goods, and to continue to make medical and technological breakthroughs that benefit the people of Utah and all Americans. We can do that as well as make sure those who are wrongfully harmed in the marketplace are properly compensated, if we go about it in a rational way.

Under the current system, however, American manufacturers have been forced to devote far too many resources to the costs of product liability actions, and consumers have ultimately had to bear those costs. Punitive damage awards have particularly grown out of control and have crippled our manufacturers, distributors, and retailers. We have all heard about astronomical punitive damage awards for spilled coffee and other horror stories. What we often fail to focus on is where these terrific sums are coming from and the insidious economic damage that is caused by forcing the reallocation of millions of dollars away from productive, job creating uses.

The long and short of it is that the current system is harming both companies, workers, and consumers and is desperately in need of the reforms we propose today.

Let no one misunderstand what this bill does. It does not prevent injured people from being compensated for the harms caused to them by defective products. I strongly believe that those who are unfortunate enough to be harmed by defective products should have appropriate remedies and should be compensated for the harm they suffer.

However, product liability law as it stands today is severely skewed. What this law does is correct certain specific inequities in the law as it stands and make those corrections uniform nationwide. Many States, for example, have already enacted reforms at the State level that are similar to those we introduce today.

Under the law as it stands in many other States, however, manufacturers and others can be held responsible for striking amounts of damages for harm that they did not cause—just because another party cannot or will not pay its fair share. In addition, juries may award runaway amounts of punitive damages for a relatively small amount of harm, and courts can lack the power to adequately restrict those awards once made.

The threat alone of excessive punitive damages can force parties to settle under conditions in which they otherwise would not. Finally, as in numerous other areas of the law, litigation costs in product liability cases continue to soar.

All of this harms our economy. It removes companies' incentives to invest and discourages them from researching and developing newer and safer products. It limits the amount companies can spend on wages, research, and technology. All of this hurts consumers and workers. Litigation costs and the higher insurance costs that companies must pay to cover their expected liability are ultimately passed on to consumers. Of the cost of a simple ladder, for example, a shocking 20 percent goes to paying the costs of product liability litigation. Those costs impact the prices we pay for all sorts of other goods and services that we need and use everyday, and prevent the development and marketing of products we would like to use but cannot because companies are afraid to develop them.

These problems cannot be addressed comprehensively without a uniform, nationwide solution. I look forward to working with my colleagues to get this bill to the President.

Mr. President, I should also note that I expect to introduce civil justice reform which goes beyond product liability issues in the near future.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 566. A bill for the relief of Richard M. Sakakida; to the Committee on Armed Services.

PRIVATE RELIEF LEGISLATION

• Mr. AKAKA. Mr. President, in behalf of myself and Senator INOUYE, I am reintroducing today legislation I offered in the previous Congress for the private relief of Richard Motoso Sakakida of Fremont, CA. My bill would require the military to review whether the retired lieutenant colonel deserves the Congressional Medal of Honor, Distinguished Service Cross, or Silver Star for actions related to his service in the Philippines during World War II.

Despite many courageous and daring actions he undertook as an Army undercover agent before and during the Japanese occupation of the islands, Colonel Sakakida has never been officially recognized for his service there, largely because much of his work was classified, and therefore unknown, until well after the war. Despite efforts undertaken in his behalf by fellow veterans and Members of Congress to accord him the honors he deserves, the Army has refused to consider his case, citing a statute limiting the Medal of Honor or Distinguished Service Cross to those whose recommendations are received within 2 years of the act justifying the awards, or, in the case of World War II veterans, by 1951.

Mr. President, I believe a brief review of Colonel Sakakida's wartime exploits will convince my colleagues of the need to enact this legislation.

In March 1941, 9 months before the Japanese attack on Pearl Harbor, Richard Sakakida, the son of Japanese parents who immigrated to Hawaii at the beginning of the century, and another nisei from Hawaii became the first Japanese-Americans recruited to the Army's Counter Intelligence Police [CIP]. This unit would later become the Army Counter Intelligence Corps, or CIC.

Sworn in as a sergeant. Sakakida was sent to the Philippines, then an American possession; his mission was to spy on Japanese with possible connections to the Japanese military. There, Sakakida was able to masquerade as a draft evader from Hawaii and talk himself into being admitted to an all-Japanese residential hotel in Manila. Under cover of a prearranged job, and without any prior training or experience, he succeeded in establishing a clandestine intelligence collection operation out of his hotel room. As a measure of the success of his penetration of the Japanese community, Sakakida was even offered a post with the Japanese consulate in Mindanao.

The outbreak of war abruptly ended that possibility. Instead of returning to the American side, Sakakida was asked to stay with the Japanese community to continue his work. He relied on sheer resourcefulness to talk his way past unwitting American and Filipino security guards at the gate to the emergency Japanese relocation compound, where Japanese nationals were being detained. His vulnerability was compounded by the fact that only a few men were aware of his secret work. In fact, he was eventually arrested on spy charges by the Philippine Constabulary and subjected to punishing interrogation at Bilibid Prison. Throughout the ordeal Sakakida maintained his cover story, as he was later able to do with his Japanese captors.

Fortuitously, he was eventually recognized by a Filipino agent who was aware of his undercover status; unfortunately, this also compromised his cover among Philippine authorities. A ruse involving his return to the Japanese compound and unceremonious arrest by American agents was staged in an attempt to maintain his cover in the Japanese community, but the rapid advance of the Japanese Army ended hopes for his return to the Japanese. For the first time since he arrived in the islands, he reentered the American fold.

Back in military uniform with the CIP, Sargent Sakakida was tasked with interrogating Japanese civilians and POW's in Manila, Bataan, and Corregidor. He translated Japanese diaries and Bataan, and Corregidor. He translated Japanese diaries and combat documents, prepared propaganda leaflets in Japanese, and called upon the Japanese to surrender in loudspeaker broadcasts. He also monitored Japanese air-ground communications and deciphered enemy codes. At Bataan, he singled out and translated a key captured Japanese document that led to the destruction of a large battalion-size force that was attempting a landing there. It was one of the few, perhaps only, major American battlefield successes in a string of setbacks that led to the downfall of Bataan.

When the final surrender of the Philippines became imminent at Corregidor in 1942, General MacArthur ordered Sakakida's evacuation to Australia. In spite of the prospect of certain imprisonment, possible torture, and perhaps execution at the hands of the Japanese, he chose to give up his seat on one of the last escape aircraft to a nisei lawyer. Sakakida was aware that the lawyer had a family and for various reasons would have faced serious reprisals had he been captured. As a result, by his own hand, Sakakida became the only Japanese-American to be captured by the Japanese forces in the Philippines.

Sakakida spent 6 months in a Manila prison, where he would be mercilessly interrogated and tortured. His situation was compounded by the fact that, under existing Japanese law, everyone of Japanese ancestry was considered a citizen of the empire; thus, Sakakida was viewed as a traitor. He was strung up by the arms in such a way that his shoulders were literally dislocated. His captors forced water into him, and struck his swollen stomach repeatedly; they also burned his body with lighted cigarettes. Incredibly, through it all, Sakakida would adhere to his story that he was a civilian forced to work for the U.S. Army.

After being tortured, Sakakida spent more time in Bilibid Prison, where he underwent more interrogation for alleged treason. When treason charges against him were dropped, he was assigned to work for the Japanese judge advocate of the 14th Army Headquarters, although Japanese counterintelligence agents continued their attempts to elicit his true identity through trick questions and other stratagems. He took advantage of his position to aid secretly a number of allied prisoners of war who were being held there for trial for attempting to escape; Sakakida smuggled food to them and imaginatively interpreted for them during their trials. One of these men, a naval officer who was later to become an Oklahoma supreme court justice, believes he escaped execution only through Sakakida's intervention and assistance during the trial.

During this time, he established contact with the Filipino guerrilla underground, through which he funnelled important Japanese troop and shipping information to MacArthur in Australia. Sakakida's reporting from Manila also contributed to the destruction of a major Japanese task force headed for Davao by American submarines that lay in wait for the convoy. The huge Japanese setback abruptly ended the Japanese advance toward Australia, saving it from an invasion.

Sakakida then engineered a daring prison break from Mantinlupa Prison that freed the guerrilla leader Ernest Tupas and 500 of his men. Sakakida himself chose to remain behind in order to continue his intelligence activities from the enemy's midst. Thereafter, Sakakida was able to relay additional tactical information to MacArthur through the guerrillas.

After American forces invaded the Philippines, Sakakida escaped from the retreating Japanese forces at Baguio. During a firefight between American and Japanese troops, he suffered shrapnel wounds in the stomach. For the next several months Sakakida wandered alone in the jungle, living off the land, debilitated by his wound. He finally happened upon American troops, whom he eventually convinced of his identity. At that point, he was informed that the war was over.

Mr. President, this is a thumbnail sketch of Richard Sakakida's record of service in the Philippines. Naturally, it cannot do justice to the full tale of his courage, daring, sacrifice, and endurance. I have omitted many other incidents that displayed Sakakida's courage and fortitude. In fact, for a variety of reasons, including the secrecy surrounding his intelligence activities, his story has never been told in its entirety until relatively recently.

Mr. President, because Sakakida's activities were classified, few were in a position to recommend him for the Medal of Honor or other high award for valor. Much of what we know is largely anecdotal, because circumstances dictated that the presence of any official records would be damaging not only to his personal safety but also to the diplomatic and military efforts of the United States. Now, time has lifted the veil of secrecy, but many of the records of his activities are missing or were never kept; in addition, many witnesses who could have spoken of his exploits were either killed during the war or have since passed away in the period between the end of the war and the vitiation of the official blackout on Sakakida's operations. In spite of this catch-22 situation, I believe that ample evidence exists to support the awarding of the Congressional Medal of Honor to Colonel Sakakida. I believe this especially in view of the fact that the whole of his activities is informed by a supreme consistency, validated by objective events, that only the truth bears.

Nevertheless, after Colonel Sakakida's story was publicly revealed several years ago, and his record formally brought to the Army's attention by fellow veterans as well as by my Hawaii colleague, Representative PATSY MINK, the Army's Military Awards Branch refused to consider him for the Medal of Honor. The Army, citing the statute I have referred to earlier, stated that Sakakida's recommendation must have been submitted through official military channels shortly after the end of the war, by 1951. The Army refused to consider the special circumstances surrounding Sakakida's case, namely, that the nature of his intelligence work prevented his story from being appropriately considered prior to the delimiting date. In fact, as I have alluded to before, he was officially enjoined from talking about his intelligence activities during World War II until 1972, more than 20 years after the statutory deadline, when they were declassified and he was no longer bound by his secrecy oath. As a result, Colonel Sakakida's contributions to the allied victory have been overlooked by history and by his country.

This is a tragic oversight. Colonel Sakakida has been inducted into the Military Intelligence Hall of Fame. He has been honored repeatedly by his Japanese-American comrades-in-arms, notably members of the all-Nisei Military Intelligence Service and the 100th Infantry Battalion/442d Regimental Combat Team. At least one book, and chapters in many others, has been devoted to his wartime accomplishments. And, he has been awarded four different medals by the Philippine Government, including the Philippine Legion of Honor Award.

Thus, it seems that everyone but our own Government has recognized Colonel Sakakida's heroic military service in the Philippines. Indeed, the Army has never accorded Sakakida a single award or commendation for bravery associated with his undercover work in the archipelago.

Mr. President, I cannot help wondering if Colonel Sakakida's ethnic heritage has had something to do with this slight. While the Army apparently does not keep statistics on the ethnic breakdown of valor awards, one could make the case that Japanese-Americans have been underdecorated with respect to the Medal of Honor.

According to the book, "Nisei: The Quiet Americans," by Bill Hosokawa, no Japanese-American had been awarded a Medal of Honor at the end of World War II. It was only when a member of the all-Nisei 100th/442d, the most highly decorated military unit in American history made this known to Congress that the medal was awarded posthumously to one of its members.

Hosokawa noted that a number of the Japanese-Americans in the 100th/442d were recommended for the Medal of Honor, but in each case, somewhere along the line, the request was denied and the lesser, Distinguished Service Cross presented instead. As of the late 1960s, according to Hosokawa, only one other Japanese-American received the Medal of Honor, for his service in the Korean war. I have been unable to find data on Vietnam or post-Vietnam conflicts, which is significant in itself. I have no doubt Nisei like Colonel Sakakida suffered racial prejudice at the onset of hostilities with Japan; the unjust internment of Japanese-Americans is proof enough of this.

There have been other allegations of discrimination in the medal awarding process. Apparently, only one black American received the Medal of Honor for World War I service, and that happened only after the Army conducted research to determine if there had been any barriers to black soldiers in the medal recognition process. And, recently, a retired lieutenant colonel who is African-American alleged he was denied the Medal of Honor for his heroics in Korea because of discrimination.

The Army has contracted a second study on black winners of the Medal of Honor in World War II that will presumably throw additional light on this sensitive subject. However, I also understand there are no plans to study Asian-Americans or any other ethnic group.

In any event, Mr. President, whether Colonel Sakakida is a victim of discrimination, an outdated law, or merely circumstance, his record is compelling enough to warrant formal review.

My bill would accomplish this by authorizing the President to award the Medal of Honor, Distinguished Service Cross, or Silver Star to Colonel Sakakida. The award would be made on the basis of a positive review of his military records by the Secretary of the Army, free of any statutory time restrictions that may pertain to these awards.

Let me stress that this bill does not direct the President to award the Medal of Honor to Colonel Sakakida outright, but to do so only if a review of his records determines that he is indeed deserving of the Nation's highest military decoration.

This bill has the strong support of the Japanese-American veterans organizations as well as the Japanese-American community at large. I also have a letter of support from the Philippine Embassy for this effort. I ask unanimous consent that these messages of support, as well as a copy of the bill, be included in the RECORD at the conclusion of my remarks.

Mr. President, I do not offer this legislation entirely in Richard Sakakida's behalf. For Richard Sakakida is already amply bestowed with badges of honor—in the scars that deface his body, in the medication he takes to dull the constant pain he suffers from his wounds, and in the silent knowledge that he rendered extraordinary services to the Nation in its time of need. Rather, I offer this legislation in our collective behalf. For, in honoring individuals such as Richard Sakakida, we honor ourselves—by reaffirming the value of the freedoms that men and women like him have sacrificed so much to preserve.

In closing, I should note that since I last introduced this bill, Colonel Sakakida has suffered serious health problems. It is therefore important that Congress act with dispatch, if

Colonel Sakakida is to be appropriately honored for his courageous actions.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JAPANESE AMERICAN CITIZENS LEAGUE,
San Francisco, CA, January 31, 1995.

Hon. DANIEL K. AKAKA,
U.S. Senate, Washington, DC.

DEAR SENATOR AKAKA: The Japanese American Citizens League (JACL), the largest Asian Pacific American civil rights organization in the United States, strongly supports your legislative initiative to require the United States Army to consider awarding the Congressional Medal of Honor to retired Air Force Lieutenant Colonel Richard M. Sakakida in recognition of his work as a Military Intelligence Service (MIS) Officer.

LTC Sakakida was among the first to be recruited for the all-Nisei MIS unit which provided invaluable intelligence support to combat units throughout the Pacific during World War II. His extraordinary exploits while serving as an undercover agent in the Philippines are legendary and have been well chronicled. The government of the Philippines recently awarded him the Philippine Legion of Honor for his heroic actions as an undercover agent. He was also honored by being installed in the MIS Hall of Fame.

LTC Sakakida is worthy of recognition by the United States Army for his meritorious service to the military effort during World War II. JACL enthusiastically supports your efforts to secure proper acknowledgement for him.

Sincerely yours,
RANDALL SENZAKI,
Executive Director.

JAPANESE AMERICAN CITIZENS LEAGUE,
Washington, DC, July 28, 1994.

Hon. DANIEL K. AKAKA,
U.S. Senate, Washington, DC.

DEAR SENATOR AKAKA: The Japanese American Citizens League (JACL), the nation's largest Asian Pacific American civil rights organization, strongly supports your legislative initiative to require the United States Army to consider awarding the Congressional Medal of Honor, or other appropriate medal of valor, to retired Air Force Lieutenant Colonel Richard M. Sakakida in recognition of his work as a Military Intelligence Service (MIS) Officer.

Colonel Sakakida was among the first to be recruited for the all-Nisei MIS unit which provided invaluable intelligence support to combat units throughout the Pacific during World War II. His extraordinary exploits while serving as an undercover agent in the Philippines are legendary and have been well chronicled. The government of the Philippines recently awarded him the Philippine Legion of Honor for his heroic actions as an undercover agent. He was also honored by being installed in the MIS Hall of Fame.

Colonel Sakakida is worthy of recognition by the United States Army for his meritorious service to the military effort during World War II. JACL enthusiastically applauds your efforts to secure proper acknowledgement for him.

Please let me know if there is anything we can do to support your efforts.

Sincerely yours,
KAREN K. NARASAKI,
Washington, DC Representative.

NATIONAL ASIAN PACIFIC
AMERICAN LEGAL CONSORTIUM,
Washington, DC, August 1, 1994.

Hon. DANIEL K. AKAKA,
U.S. Senate, Washington, DC.

DEAR SENATOR AKAKA: On behalf of the National Asian Pacific American Legal Consortium, I am writing to support your efforts to require the U.S. Army to consider awarding the Congressional Medal of Honor, or other appropriate medal of valor, to retired Air Force Lieutenant Colonel Richard M. Sakakida for his heroic efforts in the Philippines during World War II.

As one of the first to be recruited into the all-nisei Military intelligence Service, which provided invaluable intelligence support to combat units during World War II throughout the Pacific, Lieutenant Colonel Sakakida is one of the most eminent of a group of men whose contributions to the Allied victory never have been fully acknowledged or appreciated.

Lieutenant Colonel Sakakida's incredible exploits while serving as an undercover agent in the Philipines are legendary indeed. His story has been related in several histories and recollections about World War II. In addition, he is a member of the Military Intelligence Hall of Fame and a recipient of the Philippine Legion of Honor. It is time the U.S. government offered similar recognition for the tremendous sacrifices by this brave man.

Thank you again for your efforts to secure proper recognition for Lieutenant Colonel Sakakida. The Consortium fully supports your initiative.

The National Asian Pacific American Legal Consortium is a not-for-profit, nonpartisan organization whose mission is to advance the legal and civil rights of Asian Pacific Americans through litigation, advocacy, public education, and public policy development.

Very truly yours,
PHILIP TAJITSU NASH, ESQ.,
Executive Director.

442ND VETERANS CLUB,
Honolulu, HI, July 27, 1994.

Hon. DANIEL AKAKA,
U.S. Senate, Washington DC.

DEAR SENATOR AKAKA: The 442nd Veterans Club supports your efforts to require the U.S. Army to consider awarding the Congressional Medal of Honor, or other appropriate medal of valor, to retired Air Force Lt. Colonel Richard M. Sakakida for his heroic efforts in the Philippines during World War II.

As one of the first to be recruited into the all-Nisei Military Intelligence Service, which provided invaluable intelligence support to combat units during World War II throughout the Pacific, Lt. Colonel Sakakida is one of the most eminent of a group of men whose contributions to the Allied victory never have been fully appreciated.

Lt. Col. Sakakida incredible exploits while serving as an undercover agent in the Philippines are the stuff of legend. His story has been related in several histories and recollections about World War II. In addition, he is a member of the Military Intelligence Hall of Fame and a recipient of the Philippine Legion of Honor. It is time the United States government offered similar recognition for the tremendous sacrifices by this brave man.

Thank you again for your efforts to secure proper recognition for Lt. Col. Sakakida. The 442nd fully supports your initiative.

Sincerely,
HENRY KUNIYUKI,
President.

ROCKY MOUNTAIN MILITARY INTELLIGENCE SERVICE VETERANS CLUB,
Denver, CO, February 10, 1995.

Hon. DANIEL K. AKAKA,
U.S. Senate, Washington, DC.

DEAR SENATOR AKAKA: Our MIS Veterans club is pleased to resubmit a letter in behalf of your efforts to gain belated but deserved official recognition for Richard Sakakida for his heroic military actions before and during World War II in the Philippines. Clearly Richard Sakakida's efforts and contributions toward a just victory deserve the highest awards that a grateful nation can bestow.

It is perhaps fitting to recognize that our nation is a great social experiment—proving to a world torn by ethnic and cultural strife that citizens from diverse origins and environments can live together and can demonstrate their courage and loyalty to that experiment. Our heroes can come from a variety of sources, and Richard Sakakida's humble but somewhat typical background adds to that variety. It is also fitting that this nation should seek out, recognize and honor those who rise above their challenges to add their names to our roster of heroes. It is unfortunate that the passage of time often dims our ardor for recognition because too often we are a nation of instantaneous celebrities. It is also unfortunate that there are no official records of Richard Sakakida's exploits because the circumstances of his actions precluded their presence. These conditions do not however diminish the magnitude and heroism of his actions and this nation can do no less than to acknowledge his valiant contributions.

All of our club members share a military intelligence background and we have lived with the knowledge that the use of a foreign language in a military confrontation is not given adequate recognition. The ability to use that language is often the crucial difference between success and failure of a military operation. Richard Sakakida's language skills enabled him to earn significant military gains as well as his own survival in an extended and tense situation. We heartily endorse and encourage your efforts to gain belated but hard earned recognition for Richard Sakakida.

Sincerely,
DR. SUEO ITO,
President.

ROCKY MOUNTAIN MILITARY INTELLIGENCE SERVICE VETERANS CLUB,
Denver, CO, August 14, 1994.

Hon. DANIEL K. AKAKA,
U.S. Senate, Washington, DC.

DEAR SENATOR AKAKA: Our MIS Veterans Club has been advised of your very laudable efforts in getting official recognition for Richard Sakakida for his valiant and largely unheralded military efforts before and during World War II in the Philippines. Clearly Richard Sakakida's heroic actions merit the highest recognition that this nation can bestow.

We recognize that the accounts of Sakakida's contributions are largely anecdotal because his circumstances dictated that the presence of any official records would be damaging not only to his personal safety but also to the diplomatic and military efforts of the United States. Also his actions during and after capture by the Japanese precluded any written records.

Our club is composed of veterans with a Military Intelligence background and we all recognize the important contributions made by the citizens of the United States through their knowledge and use of language. We therefore heartily endorse and encourage your efforts in securing belated but well-earned recognition for Richard Sakakida.

Sincerely,

Dr. SUEO ITO,
President.

444D VETERANS CLUB,
Honolulu, HI, January 26, 1995.

Hon. DANIEL AKAKA,
U.S. Senate, Hart Senate Office Building, Washington, D.C.

DEAR SENATOR AKAKA: The 442nd Veterans Club supports your efforts to require the U.S. Army to consider awarding the Congressional Medal of Honor, or other appropriate medal of valor, to retired Air Force Lt. Colonel Richard M. Sakakida for his heroic efforts in the Philippines during World War II.

As one of the first to be recruited into the all-Nisei Military Intelligence Service, which provided invaluable intelligence support to combat units during World War II throughout the Pacific, Lt. Colonel Sakakida is one of the most eminent of a group of men whose contributions to the Allied victory never have been fully appreciated.

Lt. Col. incredible exploits while serving as an undercover agent in the Philippines are the stuff of legend. His story has been related in several histories and recollections about World War II. In addition, he is a member of the Military Intelligence Hall of Fame and a recipient of the Philippines Legion of Honor. It is time the United States government offered similar recognition for the tremendous sacrifices by this brave man.

Thank you again for your efforts to secure proper recognition for Lt. Col. Sakakida. The 442nd fully supports your initiative.

Sincerely,

HENRY KUNIYUKI,
President.

JAPANESE-AMERICAN VETERANS
ASSOCIATION OF WASHINGTON, D.C.,
Vienna, VA, July 5, 1994.

Hon. DANIEL K. AKAKA,
U.S. Senator from Hawaii, Hart Senate Office Building, Washington, D.C.

DEAR SENATOR AKAKA: The Japanese American Veterans Association of Washington, D.C. stands in complete support of your effort to have our country award its highest military decoration to Lt. Col. Richard M. Sakakida, USAF (Ret.), for his extraordinary service to country and his heroic acts of self-sacrifice while in the Philippines as an undercover agent of the U.S. Army during World War II.

A review of the remarkable deeds and unshakable devotion to duty through the most inhuman of treatment and adverse conditions ranks Lt. Col. Sakakida among those who have served "above and beyond" the call of duty.

The passage of years or the resultant lack of the necessary documentation must not be the basis of denying a great American soldier his due recognition by a nation which he served to loyally and courageously.

Sincerely,

SUNAO ISHIO,
Col. AUS (Ret.),
President.

JAPANESE-AMERICAN VETERANS
ASSOCIATION OF WASHINGTON, DC,
Vienna, VA, January 28, 1995.

Hon. DANIEL K. AKAKA,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR AKAKA: The Japanese-American Veterans Association of Washington, D.C., whose members include many veterans of the Military Intelligence Service of the United States Army in the Pacific Theater of Operations during World War II, enthusiastically supports your legislative efforts to encourage the Department of Defense to consider the awarding of the Congressional Medal of Honor to LTC. Richard M. Sakakida, USAF (Ret), in recognition of his heroic deeds as an officer of the US Armed Forces in the Philippines during WW II.

The Japanese American Veterans Association of Washington, D.C. has been very aware of LTC Sakakida's heroic efforts and, accordingly, honored him as one of the first recipients of its American Patriot Award in October of 1993.

LTC Sakakida has been honored with numerous commendations for his dedicated and noteworthy services and the Congressional Medal of Honor would most certainly be the culmination of national recognition of this gallant warrior's efforts.

The Japanese American Veterans Association of Washington, D.C. appreciates and commends your efforts to obtain proper acknowledgement and commendation for LTC Sakakida, which he so rightfully deserves.

If there is anything more we can do to support your efforts, please do not hesitate to call me.

Sincerely yours,

HENRY S. WAKABAYASHI
Colonel USAR (Ret.),
President.

JAPANESE-AMERICAN
VETERANS ASSOCIATION,
January 21, 1995.

DANIEL K. AKAKA,
U.S. Senator from Hawaii.

DEAR SENATOR AKAKA: I consider it a great honor to support the effort to have the highest military award bestowed upon Lt. Col. Richard M. Sakakida, one of the forgotten and unsung heroes of World War II.

In more ways than one, Lt. Col. Sakakida placed devotion to duty and country above all else, disregarding any personal harm or danger to himself. When the opportunity came for him to evacuate from the Philippines for Australia as part of General MacArthur's group, he turned it down to give his place to a fellow nisei. He knew full well the horrible fate that awaited him as a prisoner of the Japanese, yet he felt that he would be more useful by remaining behind. Lt. Col. Sakakida suffered months of indescribable torture, but he never broke. Eventually his captors accepted his cover story that he was an army deserter and was given a certain degree of freedom and responsibility. He continued to gather and send valuable information on the Japanese forces to General MacArthur's HQ in Australia through the Filipino guerrilla network. One of the most vital pieces of intelligence which he sent was about the formation of a Japanese invasion task force against Australia. Corroboration of this plan by other sources resulted in a successful Allied action against this invasion effort. While working with the guerrillas, Lt. Col. Sakakida planned and carried out the escape of several hundred Filipino Guerrillas from the prison camp. He managed to escape with a group of guerrillas, but was wounded in the stomach and separated from them in the process. Already severely wounded, Lt. Col. Sakakida's indomitable will to survive carried him through to eventual rescue by U.S. forces.

The requirement of documentation should be waived in this case because of the highly classified nature of the undercover work involved and because of the lapse of over half a century since these events occurred. It should be noted that the Philippine Government has recognized Lt. Col. Sakakida's service in the Philippine liberation campaign and has awarded him the Legion of Honor (Degree of Legionnaire).

Lt. Col. Sakakida's unparalleled and unselfish service to his country under the most adverse of situations with complete disregard for personal safety and survival is certainly "above and beyond" the call of duty. It calls for his country's gratitude and recognition by the awarding of the highest military decoration commensurate with his service record.

Sincerely,

SUNAO (PHIL) ISHIO
Col. AUS (Ret.),
Founder and First President.

M.I.S. ASSOCIATION OF NORTHERN
CALIFORNIA, INC.,
San Francisco, CA, January 25, 1995.

Hon. DANIEL K. AKAKA,
U.S. Senator from Hawaii, Hart Senate Office Building, Washington, DC.

DEAR SENATOR AKAKA: This letter is in our support of a private bill for LTC. (Ret) Richard M. Sakakida to award him the Congressional Medal of Honor, or other appropriate medal for valor in recognition for his meritorious services as an undercover Military Intelligence Service (MIS) agent in the Philippines during World War II.

On behalf of the M.I.S. Association of Northern California, I wish to express our wholehearted appreciation and support your worthwhile and meaningful special legislation. Richard Sakakida is a member of our organization and over the past four years, we have endeavored to tell his story and seek recognition of his extraordinary service to his country in time of war. As you may know, he was the keynote speaker of the 50th MIS Anniversary Reunion in San Francisco/Monterey in November 1991. In April 1994 a videotape was made, entitled "Mission to Manila—The Richard Sakakida Story". A copy was delivered to your office.

Also, for the past three years, members of MIS NORCAL have been engaged in two separate actions concerning Richard Sakakida recommendation for the Award of Purple Heart for wounds sustained in the Philippines during WWII and an award for Valor. The latter is for heroic personal sacrifice, including the risk of his own life, to protect and save the lives of fellow American servicemen, while he, himself as a POW of the Japanese Military Forces. We have an unsung hero in our midst, and we welcome this opportunity to assist and support you in obtaining recognition for the highest military decoration of our country for Richard Sakakida.

Sincerely,

THOMAS T. SASAKI,
President.

MIS NORTHWEST,
Seattle, WA, July 9, 1994.

Hon. DANIEL K. AKAKA,
U.S. Senator from Hawaii, Hart Senate Office Building, Washington, DC.

DEAR SENATOR AKAKA: The Military Intelligence Service (MIS) Northwest Association wholeheartedly supports the effort to bestow upon Lt. Col. USAF (Ret.) Richard Sakakida the Congressional Medal of Honor.

We understand that this effort has been going on for a number of years without success mainly because of the passage of time and the lack of necessary documentation. Richard Sakakida is a unique American Hero. Time should not be a factor. It is never too late to acknowledge his heroic actions in the Philippines as a CIC agent which could only be classified as services performed "above and beyond the call of duty."

Documentation of his exploits should be properly recorded in the annals of U.S. military intelligence. Any lack of needed documentation could be supplemented by the records of the Philippine government which saw fit to award him the Philippine Legion of Honor medal. Additional documentation could be mustered from some of the 500 Filipino resistance fighters that he liberated.

We appreciate and endorse your effort to have the U.S. Army rightfully recognize the heroism of Richard Sakakida.

Yours truly,

KENICHI (KEN) SATO,
President.

MIS-NORTHWEST ASSOCIATION,
Seattle, WA, January 28, 1995.

Hon. DANIEL K. AKAKA,
U.S. Senator from Hawaii, Hart Senate Office Building, Washington, DC.

DEAR SENATOR AKAKA: The Military Intelligence Service (MIS) Northwest Association wholeheartedly supports the effort to bestow upon Lt. Col. USAF (Ret.) Richard Sakakida the Congressional Medal of Honor or other appropriate medal for valor in recognition for his meritorious service during WW II.

We understand that this effort has been going on for a number of years without success mainly because of the passage of time and the lack of necessary documentation. Richard Sakakida is a unique American Hero. Time should not be a factor. It is never too late to acknowledge his heroic actions in the Philippines as an undercover Military Intelligence Service (MIS) agent which could only be classified as services performed "above and beyond the call of duty."

Documentation of his exploits should be properly recorded in the annals of U.S. military intelligence. Any lack of needed documentation could be supplemented by the records of the Philippine Government which saw fit to award him the Philippine Legion of Honor medal. Additional documentation could be mustered from some of the 500 Filipino resistance fighters that he liberated.

We appreciate and endorse your effort to introduce legislation to rightfully recognize the heroism of LTC Richard Sakakida.

Yours truly,

KENICHI (KEN) SATO,
President.

M.I.S. ASSOCIATION OF NORTHERN CALIFORNIA, INC.,
San Francisco, CA, July 14, 1994.

Hon. DANIEL K. AKAKA,
U.S. Senator from Hawaii, Hart Senate Office Building, Washington, DC.

DEAR SENATOR AKAKA: I am in receipt of a letter from Mr. Sunao Ishio, President of the Japanese American Veterans Association of Washington, D.C. (JAVA) In this letter he describes your initiative with the backing of other concerned members of Congress, to introduce a private bill for LTC. (Ret.) Richard M. Sakakida to award him the Congressional Medal of Honor.

On behalf of the M.I.S. Association of Northern California, I wish to express our wholehearted appreciation and support your worthwhile and meaningful special legislation. Richard Sakakida is a member of our organization and over the past three years, we have endeavored to tell his story and seek recognition of his extraordinary service to his country in time of war. As you may know, he was the keynote speaker of the 50th MIS Anniversary Reunion in San Francisco/Monterey in November 1991. In April 1994 a videotape was made, entitled "Mission to Manila—The Richard Sakakida Story". A copy was delivered to your office.

Also, for the past two years, members of MIS NORCAL have been engaged in two separate actions concerning Richard Sakakida recommendation for the Award of Purple Heart for wounds sustained in the Philippines during WWII and an award for Valor. The latter is for heroic personal sacrifice, including the risk of his own life, to protect and save the lives of fellow American servicemen, while he, himself as a POW of the Japanese Military Forces. We have an unsung hero in our midst, and we welcome this opportunity to assist and support you in obtaining recognition for the highest military decoration of our country for Richard Sakakida.

Sincerely,

THOMAS T. SASAKI,
President.

CHICAGO-NISEI POST NO. 1183,
Chicago, IL, August 4, 1994.

Hon. DANIEL K. AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: As an American Legion Post consisting primarily of Nisei veterans of World War II (and subsequent conflicts), we point with considerable pride at the accomplishments of Richard Sakakida, whose remarkable achievements during WWII went unheralded until recently.

By way of further background, enclosed is an article which appeared in a CIC Journal in 1991. Those of us who met him at recent linguist reunions were overwhelmed with the story.

Further delay in recognition of his heroic exploits would be unconscionable, and we are in full support of your introduction of a private Bill to award him (albeit belatedly) the Congressional Medal of Honor.

Very truly yours,

SAM YOSHINARI,
Post Commander.

OFFICE OF VETERANS AFFAIRS,
EMBASSY OF THE PHILIPPINES,
Washington, DC, July 25, 1994.

Mr. JOHN A. TAGAMI,
Legislative Assistant, Office of Senator Daniel K. Akaka, Washington, DC.

DEAR MR. TAGAMI: In August 1993 I recommended the award of Philippine Legion of Honor to Lt. Col. Richard Sakakida on the basis of the Military Intelligence report compiled by Diane L. Hamn, (copy enclosed). My recommendation was addressed to his Excellency President Fidel V. Ramos, President of the Philippines through the Secretary of National Defense. This was referred to G2, Armed Forces of the Philippines which went over the attached report. I do not know what exactly happened. I can only surmise that the herein report had been confirmed by records we have in the Philippines and President Fidel V. Ramos approved the award.

Let me tell you that at one time, I was informed that the recommendation may not be approved because of the prescriptive period during which the achievement may be recognized. I made appropriate representation that this prescriptive period may be waived, my reason being that the recommendation for the award could not be made earlier because the record of Lt. Col. Sakakida had been declassified very much later.

I understand from Ms. Barbara Joseph that the same objection is being raised in connection with this award of Congressional Medal of Honor. Maybe the same argument may be used.

Sincerely yours,

TAGUMPAY A. NANADIEGO,
BGen, AFP (Ret), Special Presidential Representative/Head, Office of Veterans Affairs, WDC.

Falls Church, VA, February 27, 1995.

Hon. DANIEL K. AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: If you recall, His Excellency President Fidel V. Ramos of the Republic of the Philippines approved the award of the Philippine Legion of Honor (Degree of Legionnaire) to Lt Colonel Richard M. Sakakida, USAF (Ret) for his role in the Philippine campaign during WWII. The formal presentation was held at the Carlos P. Romulo Hall of the Philippine Embassy, Washington, D.C. on April 15, 1994. You were represented at the awarding ceremony by Mr. John Tagami who read your message and that of Senator Daniel Inouye.

I am enclosing herewith a copy of the General Orders issued by the General Headquarters, Armed Forces of the Philippines announcing the award.

In my private capacity as a former enlisted man in the 31st Division (PA) called and ordered into the service of the United States Army Forces in the Far East (USAFFE) in 1942 and as a guerrilla intelligence officer of the Vera's Tayabas Guerrillas, a combat batallion which was recognized by the Sixth Army, USA in 1945, I join in the recommendations for the award of the Congressional Medal of Honor to LtCol. Sakakida.

Enclosed is a brief summary on LtCol. Sakakida's role in the Philippine campaign which is chronicled in the intelligence operation reports of the Armed Forces of the Philippines.

Sincerely,

TAGUMPAY A. NANADIEGO,
BrigGeneral, AFP (Ret).

AWARD OF THE PHILIPPINE LEGION OF HONOR—(DEGREE OF LEGIONNAIRE)

By direction of the President, pursuant to paragraph 1–6e, Section II, Chapter 1, Armed Forces of the Philippines Regulations G 131–053, this Headquarters, dated 1 July 1986, the PHILIPPINE LEGION OF HONOR in the degree of Legionnaire is hereby awarded to Mr. Richard M. Sakakida for exceptionally meritorious conduct in the performance of outstanding service to the Filipino—American freedom fighters as the United States undercover counterintelligence agent from 22 April 1941 to 20 September 1945. At the outbreak of World War II, then Sergeant Sakakida was shipped out from Honolulu to the Philippines to monitor the activities of the Japanese community in Manila. When Corregidor surrendered to the Japanese Imperial Forces in 1942, he was taken as prisoner of war, was tortured and brought to Bilibid Prison. Later, he was utilized as interpreter for court martial proceedings for American and Filipino prisoners and on many occasions, interceded on behalf of the POWs by translating testimony in their favor. He engineered and successfully carried out a daring prison break from Muntinlupa Prison, releasing over 500 Filipino guerrillas with the assistance of some Filipinos. In July 1945, after his escape from prison, he was wounded in a skirmish between Filipino guerrillas and Japanese forces. He rejoined

General Douglas MacArthur's returning forces in the liberation of the Philippines after a long trek across miles of jungle terrain. By these achievements, Mr. Sakakida contributed immeasurably to the liberation of the Philippines, thereby earning for himself the respect and admiration of the Filipino people.

By Order of the Secretary of National Defense.

LISANDRO C ABADIA,
General, AFP, Chief of Staff.

RICHARD M. SAKAKIDA

Richard Sakakida's undercover intelligence work during World War II parallels Arthur Komori's in that both were from Hawaii and were selected over a number of candidates in March 1941 for the secret CIP (Counter Intelligence Police) undercover mission, until they sneaked ashore in Manila.

Once landed, Sakakida, pretending to be a draft evader from Hawaii, checked into the Nishikawa Hotel. He soon got a clerical job there checking passports and filling out passport entry forms of visiting Japanese. He obtained valuable information during this time. He even found work as a sales representative of Sears Roebuck to complete his cover, while he wove himself into the fabric of Manila's Japanese business community, passing on his findings to CIP chief, Major Nelson Raymond. One of Sakakida's assignments was to befriend a Nisei serving as local advisor to the Japanese Consulate in Manila and collect information from that source.

On December 8, 1941, when the Japanese bombed Manila and the United States declared war on Japan, Sakakida, as previously planned, voluntarily turned himself in at the Nippon Club Evacuation Center with the rest of the Japanese in Manila. One day, Sakakida, escorted by the Philippine Constabulary, went marketing for foodstuff for the other detainees. When he stopped at the Nishikawa Hotel to pick up his belongings, the Filipino Secret Service arrested him as a spy and hauled him to Philippine Constabulary headquarters for interrogation. U.S. CIP agents eventually rescued him.

Back in military uniform with the CIP Sakakida interrogated Japanese civilians until December 23, 1941, when the advancing Japanese Army forced the evacuation of the American military in Manila to Bataan and Corregidor. On Bataan, Sakakida interrogated Japanese POWs, translated Japanese diaries and combat documents, prepared propaganda leaflets in Japanese, and called upon the Japanese to surrender by loudspeaker broadcasts Assisting Army Signal Intelligence, he monitored Japanese air-ground communications and deciphered Japanese codes. He preformed critical intelligence work in Malinta Tunnel on Corregidor which came under intense daily bombing by Japanese planes.

After three months of bitter fighting, the lack of relief supplies and replacements forced the exhausted, malnourished, disease-ridden Americans to capitulate. Bataan fell on April 8, 1942, and 76,000 defeated American and Filipino troops embarked upon the infamous "Bataan Death March" that killed over half their numbers. General MacArthur ordered the evacuation to Australia of his two valuable Nisei linguists, Komori and Sakakida, but the latter chose to give up his seat on the escape aircraft to a civilian Nisei. With no chance, therefore to escape, Sakakida became one of General Wainwright's tragic survivors of Corregidor to surrender to the Japanese Army.

As the only American Nisei POW known to have been captured by the Japanese, Sakakida spent six months incarcerated on Corregidor. The Kenpei Tai quizzed him mercilessly and tortured him. Sakakida steadfastly endured, adhering to his story of being a civilian, forced to work for the U.S. Army after the war began. In December 1942, Sakakida was thrown into Bilibid Prison. The enemy questioned Sakakida's renunciation of his Japanese citizenship prior to the war but, because he was born of Japanese parents, considered he could be tried for treason. He faced an almost certain death sentence if tried before a Japanese military tribunal. The Japanese 14th Army HQ verified from the Foreign Minister that Sakakida's Japanese citizenship had indeed been voided (fortuitously, Sakakida's mother had cancelled his dual citizenship in August 1941 after his departure). On February 11, 1943, "Kigensetsu," (Empire Day), Sakakida was advised the treason charge would be dropped. Despite the hideous torture suffered at the hands of his Japanese captors, the marks of which remain evident today, Richard Sakakida never broke down and never revealed his undercover role and mission against the Japanese.

Sakakida was then assigned to work for Chief Judge Advocate Col. Nishiharu and remained under continued surveillance, subjected to periodic attempts at entrapment to elicit his true identity. During this period, Sakakida established contact with the Filipino guerrilla underground through which he managed to funnel vital military information to MacArthur's HQ in Australia. His most crucial report cited Japanese troop and shipping activity. The report also advised of preparations for an invasion of Australia to be launched from Davao, Mindanao, by the Japanese 35th Army with 15 troop transports and destroyers. Sakakida later learned from an officer of the sole surviving ship that American submarines had annihilated that convoy, probably reported in WW II history as the Battle of the Bismarck Sea.

Sakakida also engineered a daring prison break from Muntinglupa Prison by disguising as a Japanese security officer. The escape freed guerrilla leader Ernesto Tupas and 500 of his men. Tupas escaped to the Rizal mountains, where he established radio contact with MacArthur's HQ through which Sakakida could relay more tactical information gleaned from the 14th Army HQ where he worked. This could be the only instance in World War II where a U.S. Military intelligence agent relayed information from the very heart of the enemy's headquarters.

After October 1944, when the American forces invaded Leyte and American planes bombed Manila, inflicting heavy damage, General Yamashita moved his headquarters north to Baguio. As the American invading forces encircled the beleagured Yamashita's 14th Army, Sakakida encountered increasing hostility from his captors and decided to make his break. In June 1945, he escaped from the retreating Japanese forces and fled into the hills where he joined a band of guerrillas. During a firefight between the guerrillas and the Japanese a shell fragment hit Sakakida in the stomach. The retreating guerrillas had to abandon him. For the next several months, Sakakida wandered alone through the mountainous jungle, scrounging for food from the wild. He was weakened with his stomach wound and ravaged by malaria, dysentery and beriberi. His hair and beard grew long and wild; insect bites and sores covered his skin. His clothes hung in tatters; semi-starvation emaciated him.

One day, unaware that the war had already ended, he saw a group of approaching soldiers wearing unfamiliar uniforms and deep helmets, unlike the pie-plated American helmets of 1942. He thought they were Germans. But his heart leaped as he heard them speaking English. Sakakida emerged from his jungle hiding, waving his arms and yelling "Don't shoot!" and then fervently convinced the dubious American GIs that this ragged and haggard Japanese-looking soldier was an American sergeant captured by the Japanese at Corregidor. He begged them to call the CIC to verify his claim. Two hours later two CIC lieutenants drove up in a jeep, leaped out to identify him and welcomed him back to the CIC ranks. They took him back to the field office of the 441st Detachment where Sgt. Richard Sakakida was home at last. His long, lonely, fearful, tortuous ordeal as an undercover agent in the Philippines finally ended. On July 1, 1988, Lt. Col. Richard Sakakida was inducted into the Military Intelligence Hall of Fame at Fort Huachuca, Arizona.●

ADDITIONAL COSPONSORS

S. 44

At the request of Mr. REID, the names of the Senator from Washington [Mr. GORTON), the Senator from New Mexico [Mr. BINGAMAN], and the Senator from Colorado [Mr. CAMPBELL] were added as cosponsors of S. 44, a bill to amend title 4 of the United States Code to limit State taxation of certain pension income.

S. 145

At the request of Mr. GRAMM, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 145, a bill to provide appropriate protection for the constitutional guarantee of private property rights, and for other purposes.

S. 190

At the request of Mr. PRESSLER, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 190, a bill to amend the Fair Labor Standards Act of 1938 to exempt employees who perform certain court reporting duties from the compensatory time requirements applicable to certain public agencies, and for other purposes.

S. 216

At the request of Mr. HATCH, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 216, a bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment.

S. 240

At the request of Mr. DOMENICI, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 240, a bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the Act.

S. 256

At the request of Mr. DOLE, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S. 256, a bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

S. 327

At the request of Mr. HATCH, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 327, a bill to amend the Internal Revenue Code of 1986 to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home.

S. 374

At the request of Mr. KOHL, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 374, a bill to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, and for other purposes.

S. 403

At the request of Mr. AKAKA, the names of the Senator from Vermont [Mr. LEAHY] and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of S. 403, a bill to amend title 38, United States Code, to provide for the organization and administration of the Readjustment Counseling Service, to improve eligibility for readjustment counseling and related counseling, and for other purposes.

S. 447

At the request of Mr. INHOFE, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 447, a bill to provide tax incentives to encourage production of oil and gas within the United States, and for other purposes.

S. 503

At the request of Mrs. HUTCHISON, the names of the Senator from South Dakota [Mr. PRESSLER] and the Senator from California [Mrs. FEINSTEIN] were added as cosponsors of S. 503, a bill to amend the Endangered Species Act of 1973 to impose a moratorium on the listing of species as endangered or threatened and the designation of critical habitat in order to ensure that constitutionally protected private property rights are not infringed, and for other purposes.

S. 530

At the request of Mr. GREGG, the name of the Senator from Kentucky [Mr. McCONNELL] was added as a cosponsor of S. 530, a bill to amend the Fair Labor Standards Act of 1938 to permit State and local government workers to perform volunteer services for their employer without requiring the employer to pay overtime compensation, and for other purposes.

SENATE CONCURRENT RESOLUTION 3

At the request of Mr. SIMON, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of Senate Concurrent Resolution 3, a concurrent resolution relative to Taiwan and the United Nations.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, March 15, 1995, for purposes of conducting a full committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this meeting is to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BOND. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet Wednesday, March 15, 1995, in room 215 of the Dirksen Senate Office Building, beginning at 9:30 a.m., to conduct a markup on H.R. 831.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, March 15, 1995, beginning at 2:30 p.m., in room 485 of the Russell Senate Office Building on S. 349, a bill to reauthorize appropriations for the Navajo-Hopi Relocation Housing Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BOND. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on effective health care reform in a changing marketplace, during the session of the Senate Wednesday, March 15, 1995, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BOND. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet for the session of the Senate Wednesday, March 15, 1995, at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND FORCES

Mr. BOND. Mr. President, I ask unanimous consent that the Subcommittee on Airland Forces of the Committee on Armed Services be authorized to meet at 9:30 a.m. on Wednesday, March 15, 1995, in open session, to receive testimony on Army Force modernization in review of the defense authorization request for fiscal year 1996 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OCEANS AND FISHERIES

Mr. BOND. Mr. President, I ask unanimous consent that the Oceans and Fisheries Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet on March 15, 1995, at 3 p.m. on the Coast Guard authorization for fiscal year 1996.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUPERFUND, WASTE CONTROL, AND RISK ASSESSMENT

Mr. BOND. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Waste Control, and Risk Assessment be granted permission to meet Wednesday, March 15, at 9 a.m. to consider S. 534, a bill to amend the Solid Waste Disposal Act to provide flow control authority and authority for States to limit the interstate transportation of municipal solid waste.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO MRS. ALICE SPARKS

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to an outstanding Kentuckian who was recently honored with the Kentucky Enquirer's Woman of the Year award. Mrs. Alice Sparks of Crescent Springs, KY, has dedicated her time and energy for the betterment of northern Kentucky and its citizens.

Mrs. Sparks has made it common practice to work hard for the causes that she deems important. She has always strived to make a difference, especially when it comes to education. This interest in education has been acknowledged by her appointment to chair the Northern Kentucky University board of regents.

In addition, Mrs. Sparks has been politically active for the past 40 years. Often, her political interest has been combined with her interest in education. In particular, she helped usher in the Kentucky Education Reform Act, a major piece of legislation in my State.

Mr. President, I ask my colleagues to join me in paying tribute to Alice Sparks, the Kentucky Enquirer's Woman of the Year. I know that Mrs. Sparks will continue to display the leadership and dedication that she has demonstrated so capably in the past.

Mr. President, I ask that the Enquirer's March 6, 1995, article on Alice Sparks be printed in the RECORD.

The article follows:

[From the Kentucky Enquirer, Mar. 6, 1995]

Sparks Flies Into Adventures With Aplomb

(By Krista Ramsey)

Alice Sparks sits contentedly behind her desk in a nondescript corner of the WCET-TV (Channel 48) studios, and it's hard to imagine that a week earlier the 60-year-old was swimming with the piranhas in the Amazon.

It's not much easier to picture her tearing across the explosive Brazil-Colombia border in a Volkswagen caravan.

It was "just for fun," she says of the escapade, the third in a series of adventure vacations that have taken her to Tanzania and the mountains of Costa Rica. Back at the WCET studios, she says, is where the real pressure lies.

For 11 years, the Crescent Sprints resident and WCET trustee has been scheduling chairman for the Action Auction, the station's annual April fund-raiser. From her office, she routes more than 4,400 items to be sold over a 10-day period.

"I'm laid back in a lot of ways, but I'm also dead serious," she says of the auction. "Don't get in my way when we go on the air."

No one does.

Sparks is granite sheathed in satin. She has the savvy of a political trench worker sweetened with the smile of a homecoming queen.

When the cause is right—and the cause is always education—Sparks can be found in the back halls of WCET lining up auction chattel, or in the back rooms of the state Capitol in Frankfort, lobbying for legislative support.

As state legislative chair for the Kentucky PTA from 1988 to 1993, Sparks served as midwife as the Commonwealth gave birth to the Kentucky Education Reform Act (KERA) of 1990.

The legislation changed everything, from how schools are funded to how students are arranged in classes. It sparked controversies, which never deterred Sparks.

"I like all of KERA," she says firmly. "I can see the results. There are now more opportunities for parental involvement in the schools than ever before." Status quo wasn't good enough, she says. The Commonwealth was ready to take a risk.

Sparks is comfortable with risk, piranha and otherwise.

"I like to gamble," she admits conspiratorially, leaning across her desk. "My father liked to gamble. In the summer, we'd play cards all night." The itch still sends Sparks off on periodic trips to Las Vegas, and to play the ponies locally.

Besides how to spot a good poker hand, Sparks' father taught her to like another kind of risk. He was a printer at the Louisville Courier-Journal, and became an international representative for the printers union. A staunch Democrat, he always was concerned with social issues, she remembers.

The political bug bit his daughter as well, but the Republican strain. Her entry into Kentucky politics began nearly 40 years ago, when she left college and went to work as a social secretary for Mildred Chandler, wife of former Gov. A.B. "Happy" Chandler.

"The Chandlers made me a member of the family," she says. "I had an apartment right by the mansion. I learned a lot. I met a lot of influential people."

Later, she served on the Kenton County Republican Executive Committee, and is a member of the local and statewide Women's Political Caucus and the Kenton County Republican Women's Club.

In 1992, she earned an appointment to the Northern Kentucky University Board of Regents. Two years later, she became the first woman to chair the board. When Sparks speaks of NKU, she uses the collegial "we."

"We're playing the third-place team," she says of men's basketball. "We need a new science building," she says of the university as a whole.

Sparks' involvement with a cause, says W. Wayne Godwin, general manager of WCET, is paid for with "personal currency."

"Alice gives her causes her dedication, energy and thoroughness," Godwin says. "She works at an institutional level—as a trustee or board member—but she always stays focused on the personal level."

Sparks works so hard that the thought of spare time makes her nervous, she says. She has cut back on socializing to make room for more causes, but chooses carefully. Many, like her membership on the board of the Greater Cincinnati Film Commission, are a chance to make sure Northern Kentucky is well represented.

In daily life, little fazes Sparks. She bounced through her South American trip in turbulent skies without complaint. On her return, she was gracious about finding a stuffed wildebeest in her family room, a gift of her son-in-law.

She knows who she is, what she can do and what she's after. She's used to moving things along, from goods at the Action Auction to play on a golf course.

"I do still golf, especially at benefits," she says. "But I always stand on the green and admit I cheat. I don't have time to worry about a bad lie. I just kick it out."•

THE WELCOME AND THE UNWELCOME

• Mr. SIMON. Mr. President, yesterday my colleague Senator Murkowski and I rose to speak about the U.S. Government's shameful treatment of the democratically-elected leader of loyal friend of the United States. We were speaking of President Lee Teng-hui of Taiwan, who has been informed that, despite an invitation, he will not be admitted to the U.S. to attend his class reunion at Cornell this June. To admit President Lee, we are told, could jeopardize important interests we have in a key bilateral relationship, our relationship with China.

Sometimes, though, the U.S. is prepared to run such risks. Despite strong objections from the United Kingdom, our longstanding ally, we have admitted Gerry Adams, the leader of the Sinn Fein, to our country. Indeed, Mr. Adams is receiving a level of attention that a head of state might envy; he will even be welcomed to the White House on St. Patrick's Day.

I recognize the need to take risks for peace sometimes; the possibility of a fair and lasting solution in Northern Ireland may be worth taking a few chances for. But shouldn't we also be willing to take a few chances for Taiwan, a country that, in its adoption of democratic principles and its commitment to free market economics, can serve a model to many other countries in Asia? Other countries including, I would stress, China itself.

An editorial in today's Wall Street Journal does a particularly good job of highlighting the inconsistency between the welcome the U.S. extends to Mr. Adams, and the insulting brush off we give President Lee. I ask that the editorial "Two Visitors" be printed in the Record.

The editorial follows:

Review and Outlook—Two Visitors

Gerry Adams can tour the United States, but Lee Teng-hui can't. Gerry Adams will be feted and celebrated Friday at the White House, but when Lee Teng-hui's plane landed in Honolulu last year, the U.S. government told him to gas up and get out. The Gerry Adams who is being treated like a head of state by the Clinton Administration is the leader of Sinn Fein, the political arm of the Irish Republican Army. The Lee Teng-hui who has been treated like an international pariah by the Administration is the democratically elected President of the Republic of China, or Taiwan. The disparate treatment of these two men tells an awful lot about the politics and instincts of the Clinton presidency.

Gerry Adams's face will be all over the news for his Saint Paddy's Day party with Bill O'Clinton at the White House, so we'll start with the background on the less-publicized President of Taiwan.

Cornell University has invited President Lee to come to the school's Ithaca, N.Y., campus this June to address and attend an alumni reunion. In 1968, Mr. Lee received his doctorate in agricultural economics from Cornell. The following year, the American Association of Agricultural Economics gave Mr. Lee's doctoral dissertation, on the sources of Taiwan's growth, its highest honor. In 1990, Taiwan's voters freely elected Mr. Lee as their President. He has moved forcefully to liberalize Taiwan's political system, arresting corrupt members of his own party. Last year, The Asian Wall Street Journal editorialized: "Out of nothing, Taiwan's people have created an economic superpower relative to its population, as well as Asia's most rambunctious democracy and a model for neighbors who are bent on shedding authoritarian ways."

Asked last month about President Lee's visit to Ithaca, Secretary of State Christopher, who professes to wanting closer links with Taiwan, said that "under the present circumstances" he couldn't see it happening. The Administration doesn't want to rile its relationship with Beijing. The Communist Chinese don't recognize Taiwan and threaten all manner of retaliation against anyone who even thinks about doing so. That includes a speech to agricultural economists in upstate New York. This, Secretary Christopher testified, is a "difficult issue."

Sinn Fein's Gerry Adams, meanwhile, gets the red carpet treatment at 1600 Pennsylvania Avenue. Mr. Adams assures his American audiences that the IRA is out of the business of blowing body parts across the streets of London. He promises the doubters that if people give him money, it won't be used to buy more guns, bullets and bombs for the high-strung lads of the IRA.

Now before the Irish American communities of Queens and Boston get too roiled over our skepticism toward Northern Ireland's most famous altar boy, we suggest they take their grievances to John Bruton, who is Irish enough to be the Prime Minister of Ireland. He, too, will be at Bill Clinton's St. Patrick's Day party for Gerry Adams, and he has a message for the two statesmen:

The IRA has to give up its arms. "This is an item on the agenda that must be dealt with," Premier Bruton said Monday in Dublin. "It's a very serious matter. There are genuine fears felt by members of the community that have been at the receiving end of the violence."

We don't at all doubt that somewhere amid the Friday merriment, Mr. Clinton will ask Mr. Adams to give up the guns and that Mr. Adams will tell the President that is surely the IRA's intent, all other matters being equal.

It is hard to know precisely what motivates Mr. Clinton to lionize a Gerry Adams and snub a Lee Tenghut. The deference to China doesn't fully wash, because when Britain—our former ally in several huge wars this century—expressed its displeasure over the Adams meeting, the White House essentially told the Brits to lump it. Perhaps the end of the Cold War has liberated liberal heads of state into a state of lightheadedness about such matters. We note also this week that France's President Francois Mitterrand has been entertaining Fidel Castro at the Elysees Palace.

But it's still said that Bill Clinton has a great sense of self-preservation. So if he's willing to personally embrace Gerry Adams while stiffing the Prime Minister of England and forbidding the President of Taiwan to spend three days with his classmates in Ithaca, there must be something in it somewhere for him.●

THE PAPERWORK REDUCTION ACT OF 1995—MESSAGE FROM THE HOUSE

Mr. DOLE. Madam President, I ask that the Chair lay before the Senate a message from the House of Representatives on:

(S. 244) An act to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes, to the Committee on Governmental Affairs.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 244) entitled "An Act to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause, and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Paperwork Reduction Act of 1995".

SEC. 2. COORDINATION OF FEDERAL INFORMATION POLICY.

Chapter 35 of title 44, United States Code, is amended to read as follows:

"CHAPTER 35—COORDINATION OF FEDERAL INFORMATION POLICY

"Sec.
"3501. Purposes.
"3502. Definitions.
"3503. Office of Information and Regulatory Affairs.
"3504. Authority and functions of Director.
"3505. Assignment of tasks and deadlines.
"3506. Federal agency responsibilities.
"3507. Public information collection activities; submission to Director; approval and delegation.
"3508. Determination of necessity for information; hearing.
"3509. Designation of central collection agency.
"3510. Cooperation of agencies in making information available.
"3511. Establishment and operation of Government Information Locator Service.
"3512. Public protection.
"3513. Director review of agency activities; reporting; agency response.
"3514. Responsiveness to Congress.
"3515. Administrative powers.
"3516. Rules and regulations.
"3517. Consultation with other agencies and the public.
"3518. Effect on existing laws and regulations.
"3519. Access to information.
"3520. Authorization of appropriations.

"§3501. Purposes

"The purposes of this chapter are to—

"(1) minimize the paperwork burden for individuals, small businesses, educational and nonprofit institutions, Federal contractors, State, local and tribal governments, and other persons resulting from the collection of information by or for the Federal Government;

"(2) ensure the greatest possible public benefit from and maximize the utility of information created, collected, maintained, used, shared and disseminated by or for the Federal Government;

"(3) coordinate, integrate, and to the extent practicable and appropriate, make uniform Federal information resources management policies and practices as a means to improve the productivity, efficiency, and effectiveness of Government programs, including the reduction of information collection burdens on the public and the improvement of service delivery to the public;

"(4) improve the quality and use of Federal information to strengthen decisionmaking, accountability, and openness in Government and society;

"(5) minimize the cost to the Federal Government of the creation, collection, maintenance, use, dissemination, and disposition of information;

"(6) strengthen the partnership between the Federal Government and State, local, and tribal governments by minimizing the burden and maximizing the utility of information created, collected, maintained, used, disseminated, and retained by or for the Federal Government;

"(7) provide for the dissemination of public information on a timely basis, on equitable terms, and in a manner that promotes the utility of the information to the public and makes effective use of information technology;

"(8) ensure that the creation, collection, maintenance, use, dissemination, and disposition of information by or for the Federal Government is consistent with applicable laws, including laws relating to—

"(A) privacy and confidentiality, including section 552a of title 5;

"(B) security of information, including the Computer Security Act of 1987 (Public Law 100–235); and

"(C) access to information, including section 552 of title 5;

"(9) ensure the integrity, quality, and utility of the Federal statistical system;

"(10) ensure that information technology is acquired, used, and managed to improve performance of agency missions, including the reduction of information collection burdens on the public; and

"(11) improve the responsibility and accountability of the Office of Management and Budget and all other Federal agencies to Congress and to the public for implementing the information collection review process, information resources management, and related policies and guidelines established under this chapter.

"§3502. Definitions

"As used in this chapter—

"(1) the term 'agency' means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency, but does not include—

"(A) the General Accounting Office;

"(B) Federal Election Commission;

"(C) the governments of the District of Columbia and of the territories and possessions of the United States, and their various subdivisions; or

"(D) Government-owned contractor-operated facilities, including laboratories engaged in national defense research and production activities;

"(2) the term 'burden' means time, effort, or financial resources expended by persons to generate, maintain, or provide information to or for a Federal agency, including the resources expended for—

"(A) reviewing instructions;

"(B) acquiring, installing, and utilizing technology and systems;

"(C) adjusting the existing ways to comply with any previously applicable instructions and requirements;

"(D) searching data sources;

"(E) completing and reviewing the collection of information; and

"(F) transmitting, or otherwise disclosing the information;

"(3) the term 'collection of information' means the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format, calling for either—

"(A) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, ten or more persons, other than agencies, instrumentalities, or employees of the United States; or

"(B) answers to questions posed to agencies, instrumentalities, or employees of the United States which are to be used for general statistical purposes;

"(4) the term 'Director' means the Director of the Office of Management and Budget;

"(5) the term 'independent regulatory agency' means the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Energy Regulatory Commission, the Federal Housing Finance Board, the Federal Maritime Commission, the Federal Trade Commission, the Interstate Commerce Commission, the Mine Enforcement Safety and Health Review Commission, the National Labor Relations Board, the Nuclear Regulatory Commission, the Occupational Safety and Health Review Commission, the Postal Rate Commission, the Securities and Exchange Commission, and any other similar agency designated by statute as a Federal independent regulatory agency or commission;

"(6) the term 'information resources' means information and related resources, such as personnel, equipment, funds, and information technology;

"(7) the term 'information resources management' means the process of managing information resources to accomplish agency missions and to improve agency performance, including through the reduction of information collection burdens on the public;

"(8) the term 'information system' means a discrete set of information resources and processes, automated or manual, organized for the

collection, processing, maintenance, use, sharing, dissemination, or disposition of information;

''(9) the term 'information technology' has the same meaning as the term 'automatic data processing equipment' as defined by section 111(a)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(a)(2));

''(10) the term 'person' means an individual, partnership, association, corporation, business trust, or legal representative, an organized group of individuals, a State, territorial, or local government or branch thereof, or a political subdivision of a State, territory, or local government or a branch of a political subdivision;

''(11) the term 'practical utility' means the ability of an agency to use information, particularly the capability to process such information in a timely and useful fashion;

''(12) the term 'public information' means any information, regardless of form or format, that an agency discloses, disseminates, or makes available to the public; and

''(13) the term 'recordkeeping requirement' means a requirement imposed by or for an agency on persons to maintain specified records, including a requirement to—

''(A) retain such records;

''(B) notify third parties or the public of the existence of such records;

''(C) disclose such records to third parties or the public; or

''(D) report to third parties or the public regarding such records.

"§3503. Office of Information and Regulatory Affairs

''(a) There is established in the Office of Management and Budget an office to be known as the Office of Information and Regulatory Affairs.

''(b) There shall be at the head of the Office an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall delegate to the Administrator the authority to administer all functions under this chapter, except that any such delegation shall not relieve the Director of responsibility for the administration of such functions. The Administrator shall serve as principal adviser to the Director on Federal information resources management policy.

"§3504. Authority and functions of Director

''(a)(1) The Director shall—

''(A) develop, coordinate and oversee the implementation of Federal information resources management policies, principles, standards, and guidelines; and

''(B) provide direction and oversee—

''(i) the review and approval of the collection of information and the reduction of the information collection burden;

''(ii) agency dissemination of and public access to information;

''(iii) statistical activities;

''(iv) records management activities;

''(v) privacy, confidentiality, security, disclosure, and sharing of information; and

''(vi) the acquisition and use of information technology.

''(2) The authority of the Director under this chapter shall be exercised consistent with applicable law.

''(b) With respect to general information resources management policy, the Director shall—

''(1) develop and oversee the implementation of uniform information resources management policies, principles, standards, and guidelines;

''(2) foster greater sharing, dissemination, and access to public information, including through—

''(A) the use of the Government Information Locator Service; and

''(B) the development and utilization of common standards for information collection, storage, processing and communication, including standards for security, interconnectivity and interoperability;

''(3) initiate and review proposals for changes in legislation, regulations, and agency procedures to improve information resources management practices;

''(4) oversee the development and implementation of best practices in information resources management, including training; and

''(5) oversee agency integration of program and management functions with information resources management functions.

''(c) With respect to the collection of information and the control of paperwork, the Director shall—

''(1) review and approve proposed agency collections of information;

''(2) coordinate the review of the collection of information associated with Federal procurement and acquisition by the Office of Information and Regulatory Affairs with the Office of Federal Procurement Policy, with particular emphasis on applying information technology to improve the efficiency and effectiveness of Federal procurement, acquisition, and payment and to reduce information collection burdens on the public;

''(3) minimize the Federal information collection burden, with particular emphasis on those individuals and entities most adversely affected;

''(4) maximize the practical utility of and public benefit from information collected by or for the Federal Government;

''(5) establish and oversee standards and guidelines by which agencies are to estimate the burden to comply with a proposed collection of information; and

''(6) place an emphasis on minimizing the burden on small businesses with 50 or fewer employees.

''(d) With respect to information dissemination, the Director shall develop and oversee the implementation of policies, principles, standards, and guidelines to—

''(1) apply to Federal agency dissemination of public information, regardless of the form or format in which such information is disseminated; and

''(2) promote public access to public information and fulfill the purposes of this chapter, including through the effective use of information technology.

''(e) With respect to statistical policy and coordination, the Director shall—

''(1) coordinate the activities of the Federal statistical system to ensure—

''(A) the efficiency and effectiveness of the system; and

''(B) the integrity, objectivity, impartiality, utility, and confidentiality of information collected for statistical purposes;

''(2) ensure that budget proposals of agencies are consistent with system-wide priorities for maintaining and improving the quality of Federal statistics and prepare an annual report on statistical program funding;

''(3) develop and oversee the implementation of Governmentwide policies, principles, standards, and guidelines concerning—

''(A) statistical collection procedures and methods;

''(B) statistical data classification;

''(C) statistical information presentation and dissemination;

''(D) timely release of statistical data; and

''(E) such statistical data sources as may be required for the administration of Federal programs;

''(4) evaluate statistical program performance and agency compliance with Governmentwide policies, principles, standards and guidelines;

''(5) promote the sharing of information collected for statistical purposes consistent with privacy rights and confidentiality pledges;

''(6) coordinate the participation of the United States in international statistical activities, including the development of comparable statistics;

''(7) appoint a chief statistician who is a trained and experienced professional statistician to carry out the functions described under this subsection;

''(8) establish an Interagency Council on Statistical Policy to advise and assist the Director in carrying out the functions under this subsection that shall—

''(A) be headed by the chief statistician; and

''(B) consist of—

''(i) the heads of the major statistical programs; and

''(ii) representatives of other statistical agencies under rotating membership; and

''(9) provide opportunities for training in statistical policy functions to employees of the Federal Government under which—

''(A) each trainee shall be selected at the discretion of the Director based on agency requests and shall serve under the chief statistician for at least 6 months and not more than 1 year; and

''(B) all costs of the training shall be paid by the agency requesting training.

''(f) With respect to records management, the Director shall—

''(1) provide advice and assistance to the Archivist of the United States and the Administrator of General Services to promote coordination in the administration of chapters 29, 31, and 33 of this title with the information resources management policies, principles, standards, and guidelines established under this chapter;

''(2) review compliance by agencies with—

''(A) the requirements of chapters 29, 31, and 33 of this title; and

''(B) regulations promulgated by the Archivist of the United States and the Administrator of General Services; and

''(3) oversee the application of records management policies, principles, standards, and guidelines, including requirements for archiving information maintained in electronic format, in the planning and design of information systems.

''(g) With respect to privacy and security, the Director shall—

''(1) develop and oversee the implementation of policies, principles, standards, and guidelines on privacy, confidentiality, security, disclosure and sharing of information collected or maintained by or for agencies;

''(2) oversee and coordinate compliance with sections 552 and 552a of title 5, the Computer Security Act of 1987 (40 U.S.C. 759 note), and related information management laws; and

''(3) require Federal agencies, consistent with the Computer Security Act of 1987 (40 U.S.C. 759 note), to identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency.

''(h) With respect to Federal information technology, the Director shall—

''(1) in consultation with the Director of the National Institute of Standards and Technology and the Administrator of General Services—

''(A) develop and oversee the implementation of policies, principles, standards, and guidelines for information technology functions and activities of the Federal Government, including periodic evaluations of major information systems; and

''(B) oversee the development and implementation of standards under section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d));

''(2) monitor the effectiveness of, and compliance with, directives issued under sections 110

and 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757 and 759);

"(3) coordinate the development and review by the Office of Information and Regulatory Affairs of policy associated with Federal procurement and acquisition of information technology with the Office of Federal Procurement Policy;

"(4) ensure, through the review of agency budget proposals, information resources management plans and other means—

"(A) agency integration of information resources management plans, program plans and budgets for acquisition and use of information technology; and

"(B) the efficiency and effectiveness of interagency information technology initiatives to improve agency performance and the accomplishment of agency missions; and

"(5) promote the use of information technology by the Federal Government to improve the productivity, efficiency, and effectiveness of Federal programs, including through dissemination of public information and the reduction of information collection burdens on the public.

"§3505. Assignment of tasks and deadlines

"(a) In carrying out the functions under this chapter, the Director shall—

"(1) in consultation with agency heads, set an annual Governmentwide goal for the reduction of information collection burdens by at least 10 *percent, and set annual agency goals to—*

"(A) reduce information collection burdens imposed on the public that—

"(i) represent the maximum practicable opportunity in each agency; and

"(ii) are consistent with improving agency management of the process for the review of collections of information established under section 3506(c); and

"(B) improve information resources management in ways that increase the productivity, efficiency and effectiveness of Federal programs, including service delivery to the public;

"(2) with selected agencies and non-Federal entities on a voluntary basis, initiate and conduct pilot projects to test alternative policies, practices, regulations, and procedures to fulfill the purposes of this chapter, particularly with regard to minimizing the Federal information collection burden; and

"(3) in consultation with the Administrator of General Services, the Director of the National Institute of Standards and Technology, the Archivist of the United States, and the Director of the Office of Personnel Management, develop and maintain a Governmentwide strategic plan for information resources management, that shall include—

"(A) a description of the objectives and the means by which the Federal Government shall apply information resources to improve agency and program performance;

"(B) plans for—

"(i) reducing information burdens on the public, including reducing such burdens through the elimination of duplication and meeting shared data needs with shared resources;

"(ii) enhancing public access to and dissemination of, information, using electronic and other formats; and

"(iii) meeting the information technology needs of the Federal Government in accordance with the purposes of this chapter; and

"(C) a description of progress in applying information resources management to improve agency performance and the accomplishment of missions.

"(b) For purposes of any pilot project conducted under subsection (a)(2), the Director may waive the application of any regulation or administrative directive issued by an agency with which the project is conducted, including any regulation or directive requiring a collection of information, after giving timely notice to the public and the Congress regarding the need for such waiver.

"§3506. Federal agency responsibilities

"(a)(1) The head of each agency shall be responsible for—

"(A) carrying out the agency's information resources management activities to improve agency productivity, efficiency, and effectiveness; and

"(B) complying with the requirements of this chapter and related policies established by the Director.

"(2)(A) Except as provided under subparagraph (B), the head of each agency shall designate a senior official who shall report directly to such agency head to carry out the responsibilities of the agency under this chapter.

"(B) The Secretary of the Department of Defense and the Secretary of each military department may each designate a senior official who shall report directly to such Secretary to carry out the responsibilities of the department under this chapter. If more than one official is designated for the military departments, the respective duties of the officials shall be clearly delineated.

"(3) The senior official designated under paragraph (2) shall head an office responsible for ensuring agency compliance with and prompt, efficient, and effective implementation of the information policies and information resources management responsibilities established under this chapter, including the reduction of information collection burdens on the public. The senior official and employees of such office shall be selected with special attention to the professional qualifications required to administer the functions described under this chapter.

"(4) Each agency program official shall be responsible and accountable for information resources assigned to and supporting the programs under such official. In consultation with the senior official designated under paragraph (2) and the agency Chief Financial Officer (or comparable official), each agency program official shall define program information needs and develop strategies, systems, and capabilities to meet those needs.

"(b) With respect to general information resources management, each agency shall—

"(1) manage information resources to—

"(A) reduce information collection burdens on the public;

"(B) increase program efficiency and effectiveness; and

"(C) improve the integrity, quality, and utility of information to all users within and outside the agency, including capabilities for ensuring dissemination of public information, public access to government information, and protections for privacy and security;

"(2) in accordance with guidance by the Director, develop and maintain a strategic information resources management plan that shall describe how information resources management activities help accomplish agency missions;

"(3) develop and maintain an ongoing process to—

"(A) ensure that information resources management operations and decisions are integrated with organizational planning, budget, financial management, human resources management, and program decisions;

"(B) in cooperation with the agency Chief Financial Officer (or comparable official), develop a full and accurate accounting of information technology expenditures, related expenses, and results; and

"(C) establish goals for improving information resources management's contribution to program productivity, efficiency, and effectiveness, methods for measuring progress towards those goals, and clear roles and responsibilities for achieving those goals;

"(4) in consultation with the Director, the Administrator of General Services, and the Archivist of the United States, maintain a current and complete inventory of the agency's information resources, including directories necessary to fulfill the requirements of section 3511 of this chapter; and

"(5) in consultation with the Director and the Director of the Office of Personnel Management, conduct formal training programs to educate agency program and management officials about information resources management.

"(c) With respect to the collection of information and the control of paperwork, each agency shall—

"(1) establish a process within the office headed by the official designated under subsection (a), that is sufficiently independent of program responsibility to evaluate fairly whether proposed collections of information should be approved under this chapter, to—

"(A) review each collection of information before submission to the Director for review under this chapter, including—

"(i) an evaluation of the need for the collection of information;

"(ii) a functional description of the information to be collected;

"(iii) a plan for the collection of the information;

"(iv) a specific, objectively supported estimate of burden;

"(v) a test of the collection of information through a pilot program, if appropriate; and

"(vi) a plan for the efficient and effective management and use of the information to be collected, including necessary resources;

"(B) ensure that each information collection—

"(i) is inventoried, displays a control number and, if appropriate, an expiration date;

"(ii) indicates the collection is in accordance with the clearance requirements of section 3507; and

"(iii) contains a statement to inform the person receiving the collection of information—

"(I) the reasons the information is being collected;

"(II) the way such information is to be used;

"(III) an estimate, to the extent practicable, of the burden of the collection; and

"(IV) whether responses to the collection of information are voluntary, required to obtain a benefit, or mandatory; and

"(C) assess the information collection burden of proposed legislation affecting the agency;

"(2)(A) except for good cause or as provided under subparagraph (B), provide 60-day notice in the Federal Register, and otherwise consult with members of the public and affected agencies concerning each proposed collection of information, to solicit comment to—

"(i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

"(ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;

"(iii) enhance the quality, utility, and clarity of the information to be collected; and

"(iv) minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology; and

"(B) for any proposed collection of information contained in a proposed rule (to be reviewed by the Director under section 3507(d)), provide notice and comment through the notice of proposed rulemaking for the proposed rule and such notice shall have the same purposes specified under subparagraph (A) (i) through (iv);

"(3) certify (and provide a record supporting such certification, including public comments received by the agency) that each collection of information submitted to the Director for review under section 3507—

"(A) is necessary for the proper performance of the functions of the agency, including that the information has practical utility;

"(B) is not unnecessarily duplicative of information otherwise reasonably accessible to the agency;

"(C) reduces to the extent practicable and appropriate the burden on persons who shall provide information to or for the agency, including with respect to small entities, as defined under section 601(6) of title 5, the use of such techniques as—

"(i) establishing differing compliance or reporting requirements or timetables that take into account the resources available to those who are to respond;

"(ii) the clarification, consolidation, or simplification of compliance and reporting requirements; or

"(iii) an exemption from coverage of the collection of information, or any part thereof;

"(D) is written using plain, coherent, and unambiguous terminology and is understandable to those who are to respond;

"(E) is to be implemented in ways consistent and compatible, to the maximum extent practicable, with the existing reporting and recordkeeping practices of those who are to respond;

"(F) indicates for each recordkeeping requirement the length of time persons are required to maintain the records specified;

"(G) contains the statement required under paragraph (1)(B)(iii);

"(H) has been developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected, including the processing of the information in a manner which shall enhance, where appropriate, the utility of the information to agencies and the public;

"(I) uses effective and efficient statistical survey methodology appropriate to the purpose for which the information is to be collected; and

"(J) to the maximum extent practicable, uses information technology to reduce burden and improve data quality, agency efficiency and responsiveness to the public; and

"(4) place an emphasis on minimizing the burden on small businesses with 50 or fewer employees.

"(d) With respect to information dissemination, each agency shall—

"(1) ensure that the public has timely, equal, and equitable access to the agency's public information, including ensuring such access through—

"(A) encouraging a diversity of public and private sources for information based on government public information,

"(B) in cases in which the agency provides public information maintained in electronic format, providing timely, equal, and equitable access to the underlying data (in whole or in part); and

"(C) agency dissemination of public information in an efficient, effective, and economical manner;

"(2) regularly solicit and consider public input on the agency's information dissemination activities;

"(3) provide adequate notice when initiating, substantially modifying, or terminating significant information dissemination products; and

"(4) not, except where specifically authorized by statute—

"(A) establish an exclusive, restricted, or other distribution arrangement that interferes with timely and equitable availability of public information to the public;

"(B) restrict or regulate the use, resale, or redissemination of public information by the public;

"(C) charge fees or royalties for resale or redissemination of public information; or

"(D) establish user fees for public information that exceed the cost of dissemination, except that the Director may waive the application of this subparagraph to an agency, if—

"(i) the head of the agency submits a written request to the Director, publishes a notice of the request in the Federal Register, and provides a copy of the request to the public upon request;

"(ii) the Director sets forth in writing a statement of the scope, conditions, and duration of the waiver and the reasons for granting it, and makes such statement available to the public upon request; and

"(iii) the granting of the waiver would not materially impair the timely and equitable availability of public information to the public.

"(e) With respect to statistical policy and coordination, each agency shall—

"(1) ensure the relevance, accuracy, timeliness, integrity, and objectivity of information collected or created for statistical purposes;

"(2) inform respondents fully and accurately about the sponsors, purposes, and uses of statistical surveys and studies;

"(3) protect respondents' privacy and ensure that disclosure policies fully honor pledges of confidentiality;

"(4) observe Federal standards and practices for data collection, analysis, documentation, sharing, and dissemination of information;

"(5) ensure the timely publication of the results of statistical surveys and studies, including information about the quality and limitations of the surveys and studies; and

"(6) make data available to statistical agencies and readily accessible to the public.

"(f) With respect to records management, each agency shall implement and enforce applicable policies and procedures, including requirements for archiving information maintained in electronic format, particularly in the planning, design and operation of information systems.

"(g) With respect to privacy and security, each agency shall—

"(1) implement and enforce applicable policies, procedures, standards, and guidelines on privacy, confidentiality, security, disclosure and sharing of information collected or maintained by or for the agency;

"(2) assume responsibility and accountability for compliance with and coordinated management of sections 552 and 552a of title 5, the Computer Security Act of 1987 (40 U.S.C. 759 note), and related information management laws; and

"(3) consistent with the Computer Security Act of 1987 (40 U.S.C. 759 note), identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency.

"(h) With respect to Federal information technology, each agency shall—

"(1) implement and enforce applicable Governmentwide and agency information technology management policies, principles, standards, and guidelines;

"(2) assume responsibility and accountability for information technology investments;

"(3) promote the use of information technology by the agency to improve the productivity, efficiency, and effectiveness of agency programs, including the reduction of information collection burdens on the public and improved dissemination of public information;

"(4) propose changes in legislation, regulations, and agency procedures to improve information technology practices, including changes that improve the ability of the agency to use technology to reduce burden; and

"(5) assume responsibility for maximizing the value and assessing and managing the risks of major information systems initiatives through a process that is—

"(A) integrated with budget, financial, and program management decisions; and

"(B) used to select, control, and evaluate the results of major information systems initiatives.

"§3507. Public information collection activities; submission to Director; approval and delegation

"(a) An agency shall not conduct or sponsor the collection of information unless in advance of the adoption or revision of the collection of information—

"(1) the agency has—

"(A) conducted the review established under section 3506(c)(1);

"(B) evaluated the public comments received under section 3506(c)(2);

"(C) submitted to the Director the certification required under section 3506(c)(3), the proposed collection of information, copies of pertinent statutory authority, regulations, and other related materials as the Director may specify; and

"(D) published a notice in the Federal Register—

"(i) stating that the agency has made such submission; and

"(ii) setting forth—

"(I) a title for the collection of information;

"(II) a summary of the collection of information;

"(III) a brief description of the need for the information and the proposed use of the information;

"(IV) a description of the likely respondents and proposed frequency of response to the collection of information;

"(V) an estimate of the burden that shall result from the collection of information; and

"(VI) notice that comments may be submitted to the agency and Director;

"(2) the Director has approved the proposed collection of information or approval has been inferred, under the provisions of this section; and

"(3) the agency has obtained from the Director a control number to be displayed upon the collection of information.

"(b) The Director shall provide at least 30 days for public comment prior to making a decision under subsection (c), (d), or (h), except for good cause or as provided under subsection (j).

"(c)(1) For any proposed collection of information not contained in a proposed rule, the Director shall notify the agency involved of the decision to approve or disapprove the proposed collection of information.

"(2) The Director shall provide the notification under paragraph (1), within 60 days after receipt or publication of the notice under subsection (a)(1)(D), whichever is later.

"(3) If the Director does not notify the agency of a denial or approval within the 60-day period described under paragraph (2)—

"(A) the approval may be inferred;

"(B) a control number shall be assigned without further delay; and

"(C) the agency may collect the information for not more than 1 year.

"(d)(1) For any proposed collection of information contained in a proposed rule—

"(A) as soon as practicable, but no later than the date of publication of a notice of proposed rulemaking in the Federal Register, each agency shall forward to the Director a copy of any proposed rule which contains a collection of information and any information requested by the Director necessary to make the determination required under this subsection; and

"(B) within 60 days after the notice of proposed rulemaking is published in the Federal Register, the Director may file public comments

pursuant to the standards set forth in section 3508 on the collection of information contained in the proposed rule.

"(2) When a final rule is published in the Federal Register, the agency shall explain—

"(A) how any collection of information contained in the final rule responds to the comments, if any, filed by the Director or the public; or

"(B) the reasons such comments were rejected.

"(3) If the Director has received notice and failed to comment on an agency rule within 60 days after the notice of proposed rulemaking, the Director may not disapprove any collection of information specifically contained in an agency rule.

"(4) No provision in this section shall be construed to prevent the Director, in the Director's discretion—

"(A) from disapproving any collection of information which was not specifically required by an agency rule;

"(B) from disapproving any collection of information contained in an agency rule, if the agency failed to comply with the requirements of paragraph (1) of this subsection;

"(C) from disapproving any collection of information contained in a final agency rule, if the Director finds within 60 days after the publication of the final rule, and after considering the agency's response to the Director's comments filed under paragraph (2), that the collection of information cannot be approved under the standards set forth in section 3508; or

"(D) from disapproving any collection of information contained in a final rule, if—

"(i) the Director determines that the agency has substantially modified in the final rule the collection of information contained in the proposed rule; and

"(ii) the agency has not given the Director the information required under paragraph (1) with respect to the modified collection of information, at least 60 days before the issuance of the final rule.

"(5) This subsection shall apply only when an agency publishes a notice of proposed rulemaking and requests public comments.

"(6) The decision by the Director to approve or not act upon a collection of information contained in an agency rule shall not be subject to judicial review.

"(e)(1) Any decision by the Director under subsection (c), (d), (h), or (j) to disapprove a collection of information, or to instruct the agency to make substantive or material change to a collection of information, shall be publicly available and include an explanation of the reasons for such decision.

"(2) Any written communication between the Administrator of the Office of Information and Regulatory Affairs, or any employee of the Office of Information and Regulatory Affairs, and an agency or person not employed by the Federal Government concerning a proposed collection of information shall be made available to the public.

"(3) This subsection shall not require the disclosure of—

"(A) any information which is protected at all times by procedures established for information which has been specifically authorized under criteria established by an Executive order or an Act of Congress to be kept secret in the interest of national defense or foreign policy; or

"(B) any communication relating to a collection of information, the disclosure of which could lead to retaliation or discrimination against the communicator.

"(f)(1) An independent regulatory agency which is administered by 2 or more members of a commission, board, or similar body, may by majority vote void—

"(A) any disapproval by the Director, in whole or in part, of a proposed collection of information that agency; or

"(B) an exercise of authority under subsection (d) of section 3507 concerning that agency.

"(2) The agency shall certify each vote to void such disapproval or exercise to the Director, and explain the reasons for such vote. The Director shall without further delay assign a control number to such collection of information, and such vote to void the disapproval or exercise shall be valid for a period of 3 years.

"(g) The Director may not approve a collection of information for a period in excess of 3 years.

"(h)(1) If an agency decides to seek extension of the Director's approval granted for a currently approved collection of information, the agency shall—

"(A) conduct the review established under section 3506(c), including the seeking of comment from the public on the continued need for, and burden imposed by the collection of information; and

"(B) after having made a reasonable effort to seek public comment, but no later than 60 days before the expiration date of the control number assigned by the Director for the currently approved collection of information, submit the collection of information for review and approval under this section, which shall include an explanation of how the agency has used the information that it has collected.

"(2) If under the provisions of this section, the Director disapproves a collection of information contained in an existing rule, or recommends or instructs the agency to make a substantive or material change to a collection of information contained in an existing rule, the Director shall—

"(A) publish an explanation thereof in the Federal Register; and

"(B) instruct the agency to undertake a rulemaking within a reasonable time limited to consideration of changes to the collection of information contained in the rule and thereafter to submit the collection of information for approval or disapproval under this chapter.

"(3) An agency may not make a substantive or material modification to a collection of information after such collection has been approved by the Director, unless the modification has been submitted to the Director for review and approval under this chapter.

"(i)(1) If the Director finds that a senior official of an agency designated under section 3506(a) is sufficiently independent of program responsibility to evaluate fairly whether proposed collections of information should be approved and has sufficient resources to carry out this responsibility effectively, the Director may, by rule in accordance with the notice and comment provisions of chapter 5 of title 5, United States Code, delegate to such official the authority to approve proposed collections of information in specific program areas, for specific purposes, or for all agency purposes.

"(2) A delegation by the Director under this section shall not preclude the Director from reviewing individual collections of information if the Director determines that circumstances warrant such a review. The Director shall retain authority to revoke such delegations, both in general and with regard to any specific matter. In acting for the Director, any official to whom approval authority has been delegated under this section shall comply fully with the rules and regulations promulgated by the Director.

"(j)(1) The agency head may request the Director to authorize collection of information prior to expiration of time periods established under this chapter, if an agency head determines that—

"(A) a collection of information—

"(i) is needed prior to the expiration of such time periods; and

"(ii) is essential to the mission of the agency; and

"(B) the agency cannot reasonably comply with the provisions of this chapter within such time periods because—

"(i) public harm is reasonably likely to result if normal clearance procedures are followed; or

"(ii) an unanticipated event has occurred and the use of normal clearance procedures is reasonably likely to prevent or disrupt the collection of information related to the event or is reasonably likely to cause a statutory or court-ordered deadline to be missed.

"(2) The Director shall approve or disapprove any such authorization request within the time requested by the agency head and, if approved, shall assign the collection of information a control number. Any collection of information conducted under this subsection may be conducted without compliance with the provisions of this chapter for a maximum of 90 days after the date on which the Director received the request to authorize such collection.

"§3508. Determination of necessity for information; hearing

"Before approving a proposed collection of information, the Director shall determine whether the collection of information by the agency is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility. Before making a determination the Director may give the agency and other interested persons an opportunity to be heard or to submit statements in writing. To the extent, if any, that the Director determines that the collection of information by an agency is unnecessary for any reason, the agency may not engage in the collection of information.

"§3509. Designation of central collection agency

"The Director may designate a central collection agency to obtain information for two or more agencies if the Director determines that the needs of such agencies for information will be adequately served by a single collection agency, and such sharing of data is not inconsistent with applicable law. In such cases the Director shall prescribe (with reference to the collection of information) the duties and functions of the collection agency so designated and of the agencies for which it is to act as agent (including reimbursement for costs). While the designation is in effect, an agency covered by the designation may not obtain for itself information for the agency which is the duty of the collection agency to obtain. The Director may modify the designation from time to time as circumstances require. The authority to designate under this section is subject to the provisions of section 3507(f) of this chapter.

"§3510. Cooperation of agencies in making information available

"(a) The Director may direct an agency to make available to another agency, or an agency may make available to another agency, information obtained by a collection of information if the disclosure is not inconsistent with applicable law.

"(b)(1) If information obtained by an agency is released by that agency to another agency, all the provisions of law (including penalties which relate to the unlawful disclosure of information) apply to the officers and employees of the agency to which information is released to the same extent and in the same manner as the provisions apply to the officers and employees of the agency which originally obtained the information.

"(2) The officers and employees of the agency to which the information is released, in addition, shall be subject to the same provisions of law, including penalties, relating to the unlawful disclosure of information as if the information had been collected directly by that agency.

“§3511. Establishment and operation of Government Information Locator Service

“In order to assist agencies and the public in locating information and to promote information sharing and equitable access by the public, the Director shall—

“(1) cause to be established and maintained a distributed agency-based electronic Government Information Locator Service (hereafter in this section referred to as the ‘Service’), which shall identify the major information systems, holdings, and dissemination products of each agency;

“(2) require each agency to establish and maintain an agency information locator service as a component of, and to support the establishment and operation of the Service;

“(3) in cooperation with the Archivist of the United States, the Administrator of General Services, the Public Printer, and the Librarian of Congress, establish an interagency committee to advise the Secretary of Commerce on the development of technical standards for the Service to ensure compatibility, promote information sharing, and uniform access by the public;

“(4) consider public access and other user needs in the establishment and operation of the Service;

“(5) ensure the security and integrity of the Service, including measures to ensure that only information which is intended to be disclosed to the public is disclosed through the Service; and

“(6) periodically review the development and effectiveness of the Service and make recommendations for improvement, including other mechanisms for improving public access to Federal agency public information.

“§3512. Public protection

“(a) Notwithstanding any other provision of law, no person shall be subject to any penalty for failing to maintain or provide information to any agency if the collection of information involved was made after December 31, 1981, and at the time of the failure did not display a current control number assigned by the Director, or fails to state that such request is not subject to this chapter.

“(b) Actions taken by agencies which are not in compliance with subsection (a) of this section shall give rise to a complete defense or bar to such action by an agency, which may be raised at any time during the agency decision making process or judicial review of the agency decision under any available process for judicial review.

“§3513. Director review of agency activities; reporting; agency response

“(a) In consultation with the Administrator of General Services, the Archivist of the United States, the Director of the National Institute of Standards and Technology, and the Director of the Office of Personnel Management, the Director shall periodically review selected agency information resources management activities to ascertain the efficiency and effectiveness of such activities to improve agency performance and the accomplishment of agency missions.

“(b) Each agency having an activity reviewed under subsection (a) shall, within 60 days after receipt of a report on the review, provide a written plan to the Director describing steps (including milestones) to—

“(1) be taken to address information resources management problems identified in the report; and

“(2) improve agency performance and the accomplishment of agency missions.

“§3514. Responsiveness to Congress

“(a)(1) The Director shall—

“(A) keep the Congress and congressional committees fully and currently informed of the major activities under this chapter; and

“(B) submit a report on such activities to the President of the Senate and the Speaker of the House of Representatives annually and at such other times as the Director determines necessary.

“(2) The Director shall include in any such report a description of the extent to which agencies have—

“(A) reduced information collection burdens on the public, including—

“(i) a summary of accomplishments and planned initiatives to reduce collection of information burdens;

“(ii) a list of all violations of this chapter and of any rules, guidelines, policies, and procedures issued pursuant to this chapter;

“(iii) a list of any increase in the collection of information burden, including the authority for each such collection; and

“(iv) a list of agencies that in the preceding year did not reduce information collection burdens by at least 10 percent pursuant to section 3505, a list of the programs and statutory responsibilities of those agencies that precluded that reduction, and recommendations to assist those agencies to reduce information collection burdens in accordance with that section;

“(B) improved the quality and utility of statistical information;

“(C) improved public access to Government information; and

“(D) improved program performance and the accomplishment of agency missions through information resources management.

“(b) The preparation of any report required by this section shall be based on performance results reported by the agencies and shall not increase the collection of information burden on persons outside the Federal Government.

“§3515. Administrative powers

“Upon the request of the Director, each agency (other than an independent regulatory agency) shall, to the extent practicable, make its services, personnel, and facilities available to the Director for the performance of functions under this chapter.

“§3516. Rules and regulations

“The Director shall promulgate rules, regulations, or procedures necessary to exercise the authority provided by this chapter.

“§3517. Consultation with other agencies and the public

“(a) In developing information resources management policies, plans, rules, regulations, procedures, and guidelines and in reviewing collections of information, the Director shall provide interested agencies and persons early and meaningful opportunity to comment.

“(b) Any person may request the Director to review any collection of information conducted by or for an agency to determine, if, under this chapter, the person shall maintain, provide, or disclose the information to or for the agency. Unless the request is frivolous, the Director shall, in coordination with the agency responsible for the collection of information—

“(1) respond to the request within 60 days after receiving the request, unless such period is extended by the Director to a specified date and the person making the request is given notice of such extension; and

“(2) take appropriate remedial action, if necessary.

“§3518. Effect on existing laws and regulations

“(a) Except as otherwise provided in this chapter, the authority of an agency under any other law to prescribe policies, rules, regulations, and procedures for Federal information resources management activities is subject to the authority of the Director under this chapter.

“(b) Nothing in this chapter shall be deemed to affect or reduce the authority of the Secretary of Commerce or the Director of the Office of Management and Budget pursuant to Reorganization Plan No. 1 of 1977 (as amended) and Executive order, relating to telecommunications and information policy, procurement and management of telecommunications and information systems, spectrum use, and related matters.

“(c)(1) Except as provided in paragraph (2), this chapter shall not apply to obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions—

“(A) during the conduct of a Federal criminal investigation or prosecution, or during the disposition of a particular criminal matter;

“(B) during the conduct of—

“(i) a civil action to which the United States or any official or agency thereof is a party; or

“(ii) an administrative action or investigation involving an agency against specific individuals or entities;

“(C) by compulsory process pursuant to the Antitrust Civil Process Act and section 13 of the Federal Trade Commission Improvements Act of 1980; or

“(D) during the conduct of intelligence activities as defined in section 4–206 of Executive Order No. 12036, issued January 24, 1978, or successor orders, or during the conduct of cryptologic activities that are communications security activities.

“(2) This chapter applies to obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions during the conduct of general investigations (other than information collected in an antitrust investigation to the extent provided in subparagraph (C) of paragraph (1)) undertaken with reference to a category of individuals or entities such as a class of licensees or an entire industry.

“(d) Nothing in this chapter shall be interpreted as increasing or decreasing the authority conferred by Public Law 89–306 on the Administrator of the General Services Administration, the Secretary of Commerce, or the Director of the Office of Management and Budget.

“(e) Nothing in this chapter shall be interpreted as increasing or decreasing the authority of the President, the Office of Management and Budget or the Director thereof, under the laws of the United States, with respect to the substantive policies and programs of departments, agencies and offices, including the substantive authority of any Federal agency to enforce the civil rights laws.

“§3519. Access to information

“Under the conditions and procedures prescribed in section 716 of title 31, the Director and personnel in the Office of Information and Regulatory Affairs shall furnish such information as the Comptroller General may require for the discharge of the responsibilities of the Comptroller General. For the purpose of obtaining such information, the Comptroller General or representatives thereof shall have access to all books, documents, papers and records, regardless of form or format, of the Office.

“§3520. Authorization of appropriations

“There are authorized to be appropriated to the Office of Information and Regulatory Affairs to carry out the provisions of this chapter such sums as may be necessary.”.

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall take effect October 1, 1995.

Mr. DOLE. Madam President, I move that the Senate disagree to the amendment of the House, agree to the conference requested by the House, and the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. ROTH, Mr. COHEN, Mr. COCHRAN, Mr. GLENN, and Mr. NUNN conferees on the part of the Senate.

ORDERS FOR THURSDAY, MARCH 16, 1995

Mr. DOLE. Madam President, I ask unanimous consent when the Senate completes its business today it stand in adjournment until the hour of 9 a.m. Thursday, March 16, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak for up to 5 minutes each, with the exception of the following: Senator CRAIG, 35 minutes; Senator PRYOR, 15 minutes; Senator DORGAN, 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. For the information of all Senators, if we can reach an agreement for a short list of amendments to the supplemental appropriations bill, it will be my intention to call the bill back before the Senate in order to complete action on it expeditiously, and I think that means around 2 o'clock in the afternoon. Then we would hope to move to the line-item veto at that point.

I urge my colleagues—I know everybody feels compelled, because it is permitted in the Senate, to offer everything that they have ever thought of on every bill that comes through here.

I hope, at least it is my understanding, the President very much wants the supplemental appropriation bill. The Defense Department has been calling on a daily basis. I have notified the White House that if they were really interested in getting this bill done maybe they could help talk some of their colleagues off offering amendments, so we are working on that. We will be working on it overnight.

If an amendment is acceptable, that is one thing. If it is something that is going to take a long time to debate, then we would hope it would be called up at a later time.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. DOLE. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:50 p.m., adjourned until Thursday, March 16, 1995, at 9 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, March 15, 1995*

The House met at 10 a.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We remember with great affection and warmth, O gracious God, those people who volunteer their time and abilities in service to others so the blessings of life may be enjoyed by every person. With deep appreciation we offer our word of praise for the dedication and commitment for all those who share their gifts for the benefit of others. As each of us is bound together in Your spirit, O God, so may we reflect that unity with acts of kindness and deeds of compassion in all we do. Bless us this day and every day, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from North Carolina [Mrs. CLAYTON] come forward and lead the House in the Pledge of Allegiance.

Mrs. CLAYTON led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair announces there will be 20 1-minutes on each side.

REPUBLICAN CONTRACT WITH AMERICA

(Mr. ENSIGN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENSIGN. Mr. Speaker, our Contract With America states the following: on the first day of Congress, a Republican House will require Congress to live under the same laws as everyone else; cut committee staffs by one-third, and cut the congressional budget. We kept our promise.

It continues that in the first 100 days, we will vote on the following items: A balanced budget amendment—we kept our promise; unfunded mandates legislation—we kept our promise; line-item veto—we kept our promise; a new crime package to stop violent criminals—we kept our promise; national security restoration to protect our freedoms—we kept our promise; Government regulatory reform—we kept our promise; commonsense legal reform to end frivolous lawsuits—we kept our promise; welfare reform to encourage work, not dependence; family reinforcement to crack down on deadbeat dads and protect our children; tax cuts for middle-income families; Senior Citizens' Equity Act to allow our seniors to work without Government penalty; and congressional term limits to make Congress a citizen legislature.

This is our Contract With America.

RETROACTIVE TERM LIMITS WOULD CLEAN OUT THE BARN NOW

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTIERREZ. Mr. Speaker, I often hear Republicans say that we need term limits because "we need to clean out the barn." Look, I do not live on a farm, so I never use that phrase.

But, when I hear someone else say, "We need to clean out the barn," it sounds like something important, something that should be done soon. Not a few years down the road. But today. Now.

So, I do not understand when those who have been in Congress for 12, 20, 25 years say they support term limits, but they plan to stick around Washington a little longer, because these are the same folks who said, "We have got to clean out the barn."

Fine.

Grab a broom.

Clean out the barn.

But if it turns out that you are the one who is making the mess, you better get out of the barn, too.

I urge Members who talk about term limits to support retroactive term limits, where we count your accumulated service as of today.

That would turn term limits from rhetorical cheapshot into real change.

Retroactivity cleans out the barn, now.

SAVE OUR CHILDREN'S FUTURE—BALANCE THE BUDGET

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, I remember during the 1992 Presidential campaign when Bill Clinton promised he would balance the budget in 5 years. As the campaign wore on, he said "We will just cut it in half." Now, however, the President has decided to throw in the towel on deficit reduction, saying we should not even balance the budget by 2002.

That is just not another line of long broken promises. It is a betrayal of our children's future. They will pay the price if we do not balance the budget. They will pay the price for this fiscal irresponsibility.

Unless we take steps now to balance the budget, our children will look forward to higher taxes, as much as 82 percent of their income; higher interest rates; fewer opportunities; a lower standard of living.

Mr. Speaker, we will have to balance the budget soon. We will do it for our children; we will have to do it for our grandchildren. We will fight to see that they will not be the only generation that has a lower standard of living than their parents.

Mr. Speaker, we should save our children by balancing the budget.

CONGRESS IS JACK THE RIPPER TO AMERICA, BUT PLAYS SANTA CLAUS TO THE WORLD

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the American people are frustrated, and it is not hard to figure out. Congress cuts housing in America but gives a $50 million gift to Jordan. Congress cuts jobs for American kids but gives $20 billion to Mexico. Congress cuts money for schools in America but gives $12 billion to Russia. Congress cuts health care for America's veterans who fought in our wars, but pays for the defense of Japan and Germany.

The record speaks for itself. When it comes to America, Congress is like Jack the Ripper. When it comes to the rest of the world, Congress is Santa Claus. The truth is, the American taxpayer has the best government that Japan and Germany ever wished for or ever thought they could get.

Beam me up. This is a sad day. How about some more cuts for America?

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

KEEP THE REPUBLICAN PROMISE: CONTROL BOTH TAXING AND SPENDING

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, in the last few weeks, the other side of the aisle has engaged in such heated and hysterical rhetoric that it has reached meltdown levels. Their leadership and their President can no longer be thought of as sober or rational, and their hysterical and pathetic claims reveal a total lack of reasoned analysis of the facts.

They are slaves to a welfare state that insists on high taxes and bigger bureaucracies. They fail to see the disastrous consequences of welfare, and they are blind to the out-of-control spending that may yet put us all in the poor house.

Last November, the American people short-circuited the tax-and-spend Democrats. They said no to deficit spending and yes to accountability and responsibility. Republicans will keep our promise to cut wasteful Federal spending and to let Americans families keep more of what they earn. It is only right that we gain control of our taxing and spending, so that future generations may enjoy a decent way of life. Surely the alternative is budgetary chaos.

SCHOOL LUNCHES

(Mr. UNDERWOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, in 1991, 14,355 students participated in the national school lunch program on Guam. In 1994, 18,000 students participated. If the Republican School Lunch Program had been put into effect on Guam in 1991, even with their 4.5-percent increases, by 1994, over 3,500 children would have been without school lunches.

In the same time period, throughout the United States this would have meant 1.1 million students without lunch every day. These are the facts. This is the reality behind the rhetoric. The Government pays 4.5 percent now and the children pay later.

If the majority has their will, they will in fact have increased funds for school lunches for next year, and it is likely that few children will go hungry in 1996, but will the number of children eligible for the School Lunch Program remain the same in 1997 and 1998 and beyond?

This blockhead grant will simply not keep pace with the growing number of kids, nor will it help them wherever they go. What price is the majority willing to pay to block grant school lunches? Mr. Speaker, as far as I am concerned, they are not paying any price. Our children are.

CLINTON ADMINISTRATION IN SHAMBLES AS DEMOCRATS OPPOSE CONTRACT WITH AMERICA

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, yesterday Attorney General Janet Reno recommended appointing an independent special counsel to investigate the Secretary of Housing and Urban Development, Henry Cisneros. It seems that Secretary Cisneros may have lied to the FBI during his background check regarding payments he has made over the years to his mistress. Reports suggest that the payments he made to his mistress are much larger than he originally reported to the FBI.

Mr. Speaker, let us review the names of President Clinton's closest advisers that have resigned or are under a cloud of suspicion: Jocelyn Elders, Mike Espy, Les Aspin, Webster Hubbell, Robert Altman, Ron Brown, and now Henry Cisneros.

Mr. Speaker, who is next?

It is no wonder the President and his Democrat colleagues are spending so much time distorting the facts of our Contract With America. They have no ideas of their own, and their own administration is in a shambles.

THE VOTE ON H.R. 1158 AND 1159 DEFINES HOW MANY PRO-LIFE HOUSE MEMBERS HAVE BACKBONE AND HOW MANY ARE SPINELESS

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, the Republican Contract on America we all know, through cuts on the school lunch program and other programs, has been hard on the kids. Today we are finding that the leadership of the Republican Party in the House is not only taking it out on kids, they are now going to take it out on the unborn.

Under H.R. 1158 and 1159, there is language in there that will protect the unborn throughout this country. The leadership of this House, the Speaker, has now required the Committee on Rules to issue a rule that, under adoption of that rule, it automatically takes the Istook language out of the bill.

I have talked to the right-to-life forces here, and they are telling me that this vote will be counted. This is the pro-life vote. We are going to find out what Members will kowtow to the leadership in the Republican Party when they put the pressure on, when they tell them there will be retribution if they do not vote for this rule.

We are going to find out how many pro-life people in this House do have backbone, and how many are spineless.

THE IMPORTANCE OF BIODIVERSITY

(Mr. GILCHREST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILCHREST. Mr. Speaker, as we take up the debate over the reauthorization of the Environmental Protection Act, we hear claims there is no need to preserve less well-known, often unglamorous species. It is easy to call for preservation of charismatic species like the bald eagle, the grizzly bear, and the sea turtle.

Some of today's most important medicines, as well as the keys to future medical crises, come from a wide range of animals, plants, molds, invertebrates, and other obscure wild species. In fact, more than 40 percent of the prescriptions sold in the United States today are derived from these organisms.

For instance, one of our most effective treatments for heart and circulatory disease was derived originally from chemicals produced by the purple foxglove. In 1991, more than 923,000 Americans died of heart disease or stroke. That statistic would be higher if it were not for the purple foxglove, the plant which produces digitalis, a drug that is taken by 3 million Americans annually to combat high blood pressure. Digitalis is frequently used to improve circulation in patients with congestive heart failure.

Only 5 percent of known plant species have been screened for their medical purposes. Let us continue to look for more.

THE REAL REASON FOR CUTTING PROGRAMS FOR THE NEEDY: TO GIVE MONEY TO THOSE WHO DO NOT NEED IT

(Mr. MEEHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEHAN. Mr. Speaker before we start on a rampage of spending cuts, I thought we might like to consider the following multiple choice question: If you were trying to pay for over $1 billion in tax cuts for the wealthy, would you, A, cut funding from nutrition programs for pregnant women and infants; B, eliminate funding for low-income fuel assistance for older Americans and working families; C, take money away from low-income students trying to work to pay for a decent education; or D, all of the above?

If you answered D, you should have no problem with the Republican leadership's rescission bill. But before we even start debating the specifics, let us get the facts straight. There are plenty of other places to cut welfare spending.

Just take a good look at some of the special subsidies we give to animal damage control programs, tobacco giants, and corporate welfare. Do not be fooled by the Republican leadership's cosmetic attempt to use the balanced budget as an excuse to cut these programs.

It is a sham, because it has nothing to do with deficit reduction. It is all about taking money away from people who need it and giving it to people who do not.

SALVAGE IS NOT A ZERO-SUM GAME

(Mr. COOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COOLEY. Mr. Speaker, last night I and my colleagues, Mrs. CHENOWETH of Idaho and Mr. TAYLOR of North Carolina, presented a special order on timber salvage and its benefits to our environment and economy.

What should be abundantly clear from the statistics and facts that were presented last night is that salvaging timber is not a zero-sum effort.

The environment does not suffer at the expense of the economy when we allow dead timber to be harvested.

We can encourage a mutually beneficial relationship between the economy and environment, and, in fact, we have a responsibility to do so.

Today we will begin debate on a bill that will allow over 6 billion board feet in timber salvage. This means jobs, revenue, and forest health.

Join me and rise above the environmental hysteria surrounding timber salvage, and pass this rescission bill. Do what is right for the environment and the economy.

□ 1015

FEDERAL FOOD ASSISTANCE

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks).

Mrs. CLAYTON. Mr. Speaker, this last Saturday morning in my congressional district, some 500 people gathered together. They gathered at the J.H. Rose High School in Greenville. Some who gathered were men and some who gathered were women. Some who gathered were older and some who gathered were younger. Some who gathered were black and some who gathered were white. Not all were poor. In fact, the majority of them were not poor. But they all gathered with one purpose in mind. They all gathered to demonstrate their presence that hunger in America is unacceptable and cannot be tolerated.

Those who gathered and gave up their Saturday morning said they wanted to send a message. They asked me to deliver that message to you, Mr. Speaker. The message is very simple, it is plain and it is reflected in their signatures on the silhouette which I brought back to Washington for your observance.

The message, Mr. Speaker, is that Government should make sure that people who are hungry do not go unfed.

This Nation is a strong nation, Mr. Speaker, not because of its technology and its defense. It is because of its compassion. We must not let the folks go hungry.

TIME FOR TAX RELIEF

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, the American people are tired of burning in tax hell. For a generation now, American families and businesses have become virtual money trees for liberal Democrats. In order to finance their loony leftwing redistribution programs, Democrats have left no area of American life untouched. Virtually every facet of life is now taxed.

Americans today face Federal, State, and local income taxes and they have to pay tolls, fees, FICA, social security, capital gains, sales taxes, and on and on. On top of all this, Americans get very little in return, except a request for more, and a warning from Democrats that they are insensitive to the plight of others.

No wonder Americans are fed up with Government. Most Americans now pay 25 cents to 40 cents out of every dollar that they earn and if we do not do something about this soon, they will be paying 84 cents out of every dollar in taxes.

Mr. Speaker, the American people voted for the Republican majority to reduce taxes and cut spending and we are going to do it.

THE SPEAKER AND ETHICS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, we learned this week that Speaker GINGRICH failed to disclose GOPAC's involvement in his college course when he asked for Ethics Committee approval.

Mr. GINGRICH'S spokesman said that GOPAC's involvement was irrelevant. But that is not what Mr. GINGRICH'S colleagues at Kennesaw State College were saying.

In a letter to Kennesaw president Betty Siegel, Robert W. Hill, the chair of the English department, put it best:

> Because of Mr. Gingrich's congressional incumbency and because of his direct statements against inviting opposing viewpoints into his course and now with the evidence of GOPAC's direct and improper involvement, I do firmly object to its bearing academic credit.

Mr. Speaker, GOPAC's involvement in Mr. GINGRICH'S college course appears to be in violation of the ethics rules and tax laws and underscores the need for an outside counsel to investigate this mess.

RELIEF IS ON THE WAY

(Mr. RIGGS asked and was given permission to address the House for 1 minute.)

Mr. RIGGS. Mr. Speaker, today is the birthday of Andrew Jackson, our seventh President. One of his most memorable accomplishments is that he was the only President to actually pay off the national debt.

Where have you gone, Andrew Jackson? Our President today on the other hand thinks that $200 billion deficits as far as the eye can see is just OK.

Well, I just wish the President and House Democrats cared enough about our children to actually balance the budget. This week we begin to change the way Washington works by sending Washington home, back to the people. We will start by passing a bill to reduce the onerous tax burden that has stifled economic growth in our country. For the overtaxed American family, relief is on the way. For overtaxed small businesses, relief is on the way. For senior citizens hit by the Clinton tax hike on Social Security benefits, relief is on the way. And we will cover every dime of these tax reductions by cutting the fat from the Federal Government. It is time to fundamentally change the relationship between Washington and the American people. It is time to listen to the American people.

MORE ON THE SPEAKER AND ETHICS

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, every single week seems to bring a new ethics problem for NEWT GINGRICH.

This week, the Associated Press reveals that when Mr. GINGRICH was seeking approval from the Ethics Committee to teach his college class, he failed to tell them that his political action committee would be involved.

Keep in mind: This class was sold as a nonpartisan class.

If it turned out that GOPAC was involved, the course may be in violation of both Federal tax laws and House rules.

But on Monday, the AP reported that not only was GOPAC involved, it raised funds for the class, it sent mass mailings, and it even wrote course-related memos attacking President Clinton.

And Mr. GINGRICH failed to disclose any of this to the Ethics Committee.

Just as he failed to disclose past contributors to GOPAC.

And just as he has failed to disclose GOPAC's expenses.

Mr. Speaker, I say it is time for NEWT GINGRICH to stop playing hide and seek with the American people.

It is time for him to disclose his correspondence with the Ethics Committee.

Disclose the past GOPAC donors.

Disclose the past GOPAC expenses.

And let an outside counsel come in and get to the bottom of this mess.

PARLIAMENTARY INQUIRIES

Mr. LINDER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. HANSEN). The gentleman will state it.

Mr. LINDER. Mr. Speaker, is it within the rules of the House to continue to refer to matters that are currently pending before the Ethics Committee?

The SPEAKER pro tempore. Members should not refer to investigations pending before the Ethics Committee.

Mr. VOLKMER. I have a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. VOLKMER. Mr. Speaker, is there presently an investigation of Speaker GINGRICH before the Ethics Committee?

The SPEAKER pro tempore. The Chair does not need to respond to that as the Members know the answer to it.

WELFARE

(Mrs. WALDHOLTZ asked and was given permission to address the House for 1 minute.)

Mrs. WALDHOLTZ. Mr. Speaker, "Unless we work to strengthen the family, to create conditions under which most parents will stay together, all the rest—schools, playgrounds, public assistance and private concern—will never be enough."

Who do you think said that? NEWT GINGRICH? Ronald Reagan? Actually, it was Lyndon Baines Johnson, in 1965. He understood the dangers of a welfare system that is antifamily, antiwork, and antiopportunity.

Republicans agree with President Johnson. We have proposed a plan that is designed expressly to strengthen the family and to give those in need a hand up, not just a hand out. Our proposal will require work for reward, limit time on welfare rolls, track down deadbeat parents, and provide those in need with the skills to build better lives for themselves and their families.

The family is the cornerstone of our country. Strengthening the family through reforming our welfare system benefits us all. President Johnson was right—if we do not help build strong families all the debate, all the money, and all the benefits in the world, will never be enough.

TODAY'S MESSAGE OF NEW EXTREMIST REPUBLICAN MAJORITY

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, if there was ever a time that illustrated what the new extremist Republican majority is all about, it is today. Here is what they are trying to do. The Republicans in the appropriations bill are eliminating meat and potatoes programs like summer jobs and slashing desperately needed efforts like housing for the elderly while leaving billions of dollars of pork in their spending bill. At the same time the Republicans in the Committee on Ways and Means reported a bill that benefits the wealthy disproportionately.

One of the fairest and finest things done in the 1980's, the idea that the richest and largest corporations would have to pay some taxes no matter what loopholes they used, the Republicans seek to repeal even that.

The old days where huge companies like AT&T and General Dynamics and Mobil paid no taxes while the average working stiff had to ante up each year are coming back, thanks to the Republican majority. Eliminate summer jobs, cut housing for the elderly so the biggest corporations can pay no taxes? That is today's message of the new extremist Republican majority.

DUELING PHILOSOPHIES

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, in last year's budget, the President estimated that unless things changed, future generations would have to pay an 82-percent tax rate. So when I got this year's budget, I looked furiously to see just how much the situation had improved. Funny thing is, though, the President failed to include that number this time around. That is because instead of going down, the tax rate future generations would have to pay because of the President's fiscal folly has gone up. It has gone up to 84 percent.

The liberal Democrats in this Congress and in the White House have declared war on the next generation of Americans. Unless we act now to take control of this bloated and inefficient bureaucracy, our children can look forward to a future of higher interest rates, higher taxes, less opportunity, and ultimately a lower standard of living.

Well, we will not let the liberal Democrats make the first generation the first to have a lower standard of living than their parents. We will fight for the future of America. We will not let future generations foot the bill for the liberals' irresponsibility and mismanagement.

REPUBLICAN CONTRACT ON CLEAN AIR

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker, anyone needing evidence that the Republican Contract With America is a public health accident waiting to happen need only look at a recent study on the effects of air pollution. The news in the study, the most comprehensive ever, is that people who live in the most polluted areas are significantly more likely to die early from respiratory ailments and heart disease. Even here in the Washington area where the air is not that bad, air pollution is likely to steal a year of life from each person.

With this information, in a rational world, one would expect the Government to be doing more to be dealing with the air pollution problem. But not under Republican rules.

Why do I say that? Well, one of the provisions tucked in the bill that we are going to be debating today would prohibit the EPA from ensuring the inspection of cars in the areas with the most dangerous air pollution.

Republicans want to throw out one of the most effective tools we have had in keeping cars from pumping poison into the air.

For those who are not already gagging on the Republicans' so-called Contract With America, hold your breath.

PUTTING GOVERNMENT ON A DIET

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SEASTRAND. The facts are in, Mr. Speaker. The Clinton economic plan has not paid off for middle America.

According to a Labor Department report, the median weekly earnings of full-time workers—in real, inflation-adjusted terms—actually declined about 2 percent last year. In other words, Americans are working harder and getting less for it.

What makes this so startling is that it occurred during a time when the economy was growing.

This is just one reason why we need to move forward on our plan to cut taxes and balance the budget.

American families need tax relief.

American savers and investors need incentives.

American workers need more job opportunities.

Our plan will deliver all that. And it will be paid for by real reductions in government spending.

Mr. Speaker, the Clinton administration has put the American family, the American saver, the American worker on a diet. We Republicans will put the Government on a diet.

MORE ON THE ETHICS PROBLEMS OF THE HOUSE

(Mr. PETERSON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETERSON of Florida. Mr. Speaker, it is a great honor to serve in the people's House. Here, every Member is equal and directly responsible to his or her constituents to represent them at the national level.

To ensure that we each focus on constituent representation rather than our own or special interests, numerous ethics rules have been established to govern our conduct in carrying out our duties.

For instance: We cannot accept any outside earned income nor can we accept honoraria; we are prohibited from seeking special favors for ourselves from governmental agencies; and nor can we accept any funding from a corporation or person for representing their specific interest before a governmental agency.

Well, Mr. Speaker, given all of these very precise rules—it bothers me deeply that virtually every day a new allegation is reported in the news related to your multiple relationships with so-called think tanks, persons, and corporations that suggest a violation of the House ethics rules.

These allegations have the potential to discredit every Member of this House. Let us clear the air. I ask you to call for an outside counsel to investigate these allegations to clear your name and to lift the cloud over this House and to ensure no harm is done to the good reputations of all of the Members of this institution.

□ 1030

RESCISSION BILL IS ON THE RIGHT TRACK

(Mr. LINDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LINDER. Mr. Speaker, several years ago the American people were rightfully outraged when U.S. Congressmen wrote checks on empty bank accounts. The House Bank scandal was a disgrace to this body and an example of the lack of fiscal accountability common in Washington.

However, there seems to be less anger from the American people and less shame in this Congress today, as the Federal Government continues to write checks on an empty account.

The debt has reached crisis proportions, but President Clinton and the liberals have renounced any responsibility to this disaster—despite the fact that Bill Clinton himself noted in his 1994 budget that if left unattended the debt would force future generations to pay an 82-percent tax rate.

We have a moral obligation to clean up this mess. The rescissions package is a good start. The Republicans aim to rescind $17.2 billion.

Lobbyists are up in arms. If that many special interest groups hate the rescissions bill, I know we are on the right track.

DO NOT KILL BIG BIRD

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, I am here to deliver one short concise, simple message to my colleagues: Do not kill Big Bird. Do not kill Big Bird by voting for mean-spirited Republican budget cuts on Public Broadcasting. Do not kill Big Bird in order to help finance tax breaks for the very wealthy in this country. Do not kill Big Bird in order to help finance a star wars program that this country neither wants or needs.

Do not kill Big Bird because millions of American children, including my own three children, have grown up on Big Bird and "Sesame Street" and Mr. Rogers and Public Broadcasting. Do not kill Big Bird because Public Broadcasting works. Public Broadcasting is good for the American taxpayer and good for the American people.

Do not kill Big Bird because the public-private partnership of Public Broadcasting is what has really proven to be successful in this country.

In short, Mr. Speaker, do not kill Big Bird.

ETHICALLY CHALLENGED ADMINISTRATION

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. Mr. Speaker, we would not possibly kill Big Bird if we wanted to kill Big Bird. Nobody wants to kill Big Bird. The fact is that Big Bird generates hundreds and hundreds of millions of dollars of revenue every single year to the great benefit of the people that created it, and any suggestion that Big Bird is going anywhere is crazy.

We cannot go 1 week, 1 day without another new ethical allegation that is made against a member of the Cabinet. Today it is Henry Cisneros and his problem with Housing and Urban Development. Over the weekend there was a problem with Ron Brown and apparently Federico Peña had hired Mr. Brown using FAA funds to lobby on behalf of Denver back in the late 1980's or early 1990's.

There is a pall, a cloud of ethical problems that hangs over this administration. It is certainly no secret that it is, let us call it in the politically correct language of the day, the most ethically challenged administration of the 20th century, perhaps of both centuries.

RECENT ACTIONS BY THE FRENCH GOVERNMENT

(Mr. TORRICELLI asked and was given permission to address the House for 1 minute.)

Mr. TORRICELLI. Mr. Speaker, several weeks ago the French Government was complaining about the activities of American Government officials. This came as an enormous surprise. The Japanese, the Germans, and Americans did not know there was any technology in France that anybody needed.

Yesterday the French President hosts Fidel Castro.

Mr. Speaker, we are entitled to doubt whether if there were an island in the Mediterranean with a 30-year dictatorship, with no human rights for any of its people that the French Government would be so understanding.

In the coming years France will have its difficulties in North Africa. Europe has not seen its last internal political problems. I trust that all of the people of the Americas will be similarly understanding and give the same difference to the French Government when it faces its own next crisis.

TAYLOR-DICKS EMERGENCY TIMBER SALVAGE AMENDMENT

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, severe storms and floods have recently ravaged my home State of California, destroying entire communities and claiming over a dozen lives.

If flood prevention measures had been available to avoid this catastrophe at no cost to our taxpayers, every Member of Congress would have endorsed them. Mr. Speaker, next summer our Nation will face forest fires as destructive as our recent floods. If unchecked, these fire storms will incinerate public resources, homes, and people. Fortunately, the Taylor-Dicks emergency timber salvage amendment to the supplemental appropriations bill before the House today provides national wildfire protection through the removal of deadly natural fuels from our forests—at no cost to our taxpayers.

This is a deal that Americans and Congress simply cannot pass up. I strongly urge my colleagues to support this timely and tax-free legislation.

ETHICS

(Ms. McKINNEY asked and was given permission to address the House for 1 minute.)

Ms. McKINNEY. Mr. Speaker, it appears my colleagues from the Sixth District of Georgia has a problem recognizing the truth and making up facts to support his medieval ideology. Examples of this include the wasteful Federal shelter that does not even exist, the heart pump that the FDA allegedly refused to approve regardless of the fact that they have not seen it, and his claim that D.C. schools are the most expensive in the country when they are not.

Now it appears that information was withheld from the Ethics Committee about his controversial college course. The ultimate purpose of this tax-exempt course, according to Jeffrey Eisenach, is to, "train by April 1996, 200,000-plus citizens into a model for replacing the welfare state * * *." Sounds like the brown-shirts to me, Mr. Speaker, it is time for an outside counsel.

CONGRESS MUST MAKE BUDGET CUTS

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, we hear a lot from Members saying that we cannot cut this, we cannot cut that. But you know something, we have a budget which is shaped like a pie. A slice of that pie is the debt service, which is the interest we have to pay on a $4.5 trillion debt which, incidentally, is owned by countries like the Netherlands and Great Britain. They actually own this debt, the Treasury bonds.

It takes $250 billion just today, this year, to pay the service on the national debt. If we allow spending to increase at the same level that it has increased over the last 5 years, we will add $1 trillion to the national debt. That means that the slice of the pie will no longer be $250 billion, it will be $360 billion. And as this slice of the pie to pay off the interest on that debt without even lowering the debt grows, it means less money to help those people who truly need help, like the aged, blind, and disabled.

Keep that in mind when Members say do not cut this or do not cut that. We have to cut them all equally.

THE GINGRICH HEALTH CARE PLAN

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, there is a new health care plan available to some members of the public, it is called Newtcare. Under this plan, you work for a Member of Congress for 1 month each year for just $100, in return you are entitled to the Government's generous health care benefits. Under Newtcare, you will likely save hundreds, perhaps thousands, of dollars on your health care costs.

But wait, this is not a dream or a fantasy, at least for a select few. Last week the Capitol Hill newspaper, Roll Call, reported that a fundraiser for Speaker GINGRICH, Nancy Bocskor, has been put on the Government payroll for 1 month in 1991, 1992, and 1993, enabling her to participate in the Government employee health care plan.

Mr. Speaker, this practice may or may not violate the rules of the House. But it is wrong, just plain wrong. More importantly, this is but the latest example of the Speaker of this House pushing the rules to the limit and, perhaps, crossing the line.

There are many charges, serious charges, swirling around the Speaker of the House. Only an outside, independent counsel, can tell us for sure whether the Speaker has crossed the line. We need an outside counsel and we need one now.

STOPPING RUNAWAY INFLATION

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, in my hand is the most expensive credit card in the history of the world, a credit card that has piled up 4.7 trillion dollars' worth of debt and $247 billion in budget deficits for as far as the eye can see.

This credit card is a voting card for Members of Congress. We are continuing to imprison our children and theirs by this runaway spending.

Today on this floor House Republicans are going to begin the effort to stop this runaway spending with a $17 billion rescission package, and in May we are going to lay out a 7-year plan to balance our budget. And we believe that this year we need to make a significant downpayment on that effort.

We are going to be hearing from the left how we are hurting this and stopping this, all of the pain today. And I will say this: There will be pain today, there will be discomfort, but our effort is to make the courageous decisions to protect our children and their children.

DON EDWARDS SAN FRANCISCO BAY WILDLIFE REFUGE

(Mr. MINETA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINETA. Mr. Speaker, today I will introduce legislation to name the San Francisco Bay Wildlife Refuge after our distinguished former colleague Don Edwards.

Without Don Edwards, the creation of this wildlife refuge would have not been possible. Throughout the environmental community, Don is recognized as the father of this precious sanctuary.

Don was successful in passing legislation to establish the refuge by authorizing the Federal Government to acquire 20,000 acres of land around the San Francisco Bay.

In the years following, Don fought to secure appropriations for land acquisition for the refuge, and to expand the authorization of the refuge.

Mr. Speaker, I can think of no more appropriate way to recognize Don Edwards' many years of distinguished service to this body and his constituents than by naming this refuge in his honor.

REPUBLICAN CUTS WILL HURT CHILDREN

(Ms. JACKSON-LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE. Mr. Speaker, I listened carefully last evening to the remarks of a Republican Member and other colleagues from the other side of the aisle as they rose in protest of what they want America to believe is the big lie.

They say Democrats are lying about the proposed cuts to school lunch and breakfast programs. They say that they are not really cutting the critically important programs, they are only slowing the rate at which they will be allowed to grow; except hungry stomachs continue to grow. They say they are not really cutting these.

Well, Mr. Speaker, because of the Department of Education figures that project that the population of elementary and schoolchildren will increase substantially, some 8 percent during the same period that the GOP spending cuts will slow the rate of growth for nutrition programs, the net result is not a big lie, it is a big cut.

Mr. Speaker, I am new to this body, but as one who has kept a watchful eye on its goings on, I can clearly remember year after year Republican charges that Democrats are cutting defense when in fact Democrats only sought to slow the growth of Pentagon spending.

What is good for the goose is good for the gander, Mr. Speaker. My colleagues from the other side of the aisle cannot have it both ways.

When the tax cut is going to help not working Americans but those who have it already, I would say let the other guys miss a meal. I do not want our children to miss a meal. Let us not cut school breakfast and school lunches. Our children of America simply need to eat.

□ 1045

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HANSEN). The Chair will remind people in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

MOTION TO ADJOURN

Mr. VOLKMER. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. VOLKMER moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri [Mr. VOLKMER].

The question was taken; and on a division (demanded by Mr. VOLKMER), there were—yeas 6, nays 2.

Mr. THOMAS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 49, nays 367, answered "present" 1, not voting 17, as follows:

[Roll No. 235]

YEAS—49

Abercrombie
Andrews
Becerra
Bonior
Boucher
Brown (FL)
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Danner
Dellums
Filner
Foglietta
Ford
Frank (MA)
Hefner
Hilliard
Holden
Johnson (SD)
Lewis (GA)
Lofgren
Lowey
Manton
McDermott
McKinney
McNulty
Miller (CA)
Mollohan
Moran
Neal
Oberstar
Obey
Orton
Owens
Pastor
Payne (NJ)
Pelosi
Pomeroy
Roybal-Allard
Stark
Stokes
Studds
Thompson
Velazquez
Volkmer
Watt (NC)
Wise

NAYS—367

Ackerman
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Boehlert
Boehner
Bonilla
Bono
Borski
Brewster
Browder
Brown (CA)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crapo
Cremeans
Cunningham
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fields (LA)
Fields (TX)
Flake
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Luther
Maloney
Manzullo
Markey
Martini
Mascara
Matsui
McCarthy
McCollum
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Miller (FL)
Mineta
Minge
Mink
Molinari
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nadler
Nethercutt
Neumann
Ney
Norwood
Nussle
Olver
Ortiz
Oxley
Packard
Pallone
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Vento
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wolf
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—1

Fattah

NOT VOTING—17

Allard
Bereuter
Blute
Crane
Cubin
Fazio
Frost
Hall (OH)
Hastings (FL)
Martinez
McCrery
Metcalf
Moakley
Parker
Rose
Roth
Woolsey

□ 1105

Messrs. DEUTSCH, CLAY, GILLMOR, KLUG, BISHOP, MINETA, and ROYCE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. YATES, and Ms. DELAURO changed their vote from "yea" to "nay."

Ms. LOFGREN and MESSRS. HILLIARD, PAYNE of New Jersey, and OWENS changed their vote from "nay" to "yea."

Mr. FATTAH changed his vote from "yea" to "present."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING AMOUNTS FOR EXPENSES OF CERTAIN COMMITTEES OF THE HOUSE OF REPRESENTATIVES IN THE 104TH CONGRESS

Mr. THOMAS. Mr. Speaker, by direction of the Committee on House Oversight, I offer a privileged resolution (H. Res. 107) providing amounts for the expenses of certain committees of the House of Representatives in the 104th Congress, and ask for its immediate consideration.

The SPEAKER pro tempore (Mr. HANSEN). The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 107

Resolved,

SECTION 1. COMMITTEE EXPENSES FOR THE ONE HUNDRED FOURTH CONGRESS.

(a) IN GENERAL.—With respect to the One Hundred Fourth Congress, there shall be paid out of the applicable accounts of the House of Representatives, in accordance with this primary expense resolution, not more than the amount specified in subsection (b) for the expenses of each committee named in that subsection, including—

(1) the expenses of all staff salaries;

(2) the expenses of consultant services under section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); and

(3) the expenses of staff training under section 202(j) of such Act (2 U.S.C. 72a(j)).

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $7,590,139; Committee on Banking and Financial Services, $8,786,054; Committee on the Budget, $10,038,000; Committee on Commerce, $15,648,577; Committee on Economic and Educational Opportunities, $9,687,275; Committee on Government Reform and Oversight, $13,639,857; Committee on House Oversight, $6,394,121; Permanent Select Committee on Intelligence, $4,622,090; Committee on International Relations, $10,551,875; Committee on the Judiciary, $9,683,190; Committee on National Security, $9,981,615; Committee on Resources, $10,926,383; Committee on Rules,

$4,435,817; Committee on Science, $8,642,826; Committee on Small Business, $3,812,580; Committee on Standards of Official Conduct, $2,090,150; Committee on Transportation and Infrastructure, $12,414,469; Committee on Veterans' Affairs, $4,341,605; and Committee on Ways and Means, $10,338,340.

SEC. 2. FIRST SESSION LIMITATIONS.

(a) In General.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 1995, and ending immediately before noon on January 3, 1996.

(b) Committees and Amounts.—The committee and amounts referred to in subsection (a) are: Committee on Agriculture, $3,961,388 (of which $30,000 may be used for consultant services and $1,000 may be used for staff training); Committee on Banking and Financial Services, $4,286,579; Committee on the Budget, $5,013,000; Committee on Commerce, $7,625,910 (of which $25,000 may be used for consultant services); Committee on Economic and Educational Opportunities, $4,815,332 (of which $5,000 may be used for staff training); Committee on Government Reform and Oversight, $6,618,689 (of which $25,000 may be used for consultant services and $5,000 may be used for staff training); Committee on House Oversight, $3,250,783 (of which $500,000 may be used for consultant services and $20,000 may be used for staff training); Permanent Select Committee on Intelligence, $2,277,210 (of which $3,200 may be used for staff training); Committee on International Relations, $5,097,254 (of which $10,000 may be used for consultant services); Committee on the Judiciary, $4,672,187 (of which $8,000 may be used for staff training); Committee on National Security, $4,769,362 (of which $40,000 may be used for consultant services and $12,000 may be used for staff training); Committee on Resources, $5,210,815 (of which $45,000 may be used for consultant services and $1,000 may be used for staff training); Committee on Rules, $2,200,567 (of which $500 may be used for staff training); Committee on Science, $4,211,654 (of which $20,000 may be used for consultant services and $15,800 may be used for staff training); Committee on Small Business, $1,873,290; Committee on Standards of Official Conduct, $1,063,650 (of which $50,000 may be used for consultant services); Committee on Transportation and Infrastructure, $6,057,934 (of which $5,000 may be used for consultant services and $5,000 may be used for staff training); Committee on Veterans' Affairs, $2,084,500 (of which $10,000 may be used for staff training); and Committee on Ways and Means, $4,976,231.

SEC. 3. SECOND SESSION LIMITATIONS.

(a) In General.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 1996, and ending immediately before noon on January 3, 1997.

(b) Committees and Amounts.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $3,628,751 (of which $15,000 may be used for consultant services and $1,000 may be used for staff training); Committee on Banking and Financial Services, $4,499,475; Committee on the Budget, $5,025,000; Committee on Commerce, $8,022,667 (of which $25,675 may be used for consultant services); Committee on Economic and Educational Opportunities, $4,871,943 (of which $5,000 may be used for staff training); Committee on Government Reform and Oversight, $7,021,168 (of which $25,000 may be used for consultant services and $5,000 may be used for staff training); Committee on House Oversight, $3,143,338 (of which $130,000 may be used for consultant services and $22,000 may be used for staff training); Permanent Select Committee on Intelligence, $2,344,880 (of which $3,200 may be used for staff training); Committee on International Relations, $5,454,621 (of which $10,000 may be used for consultant services); Committee on the Judiciary, $5,011,003 (of which $10,000 may be used for staff training); Committee on National Security, $5,212,253 (of which $40,000 may be used for consultant services and $15,000 may be used for staff training); Committee on Resources, $5,715,568 (of which $1,000 may be used for staff training); Committee on Rules, $2,235,250 (of which $500 may be used for staff training); Committee on Science, $4,431,172 (of which $20,000 may be used for consultant services and $16,500 may be used for staff training); Committee on Small Business, $1,939,290; Committee on Standards of Official Conduct, $1,026,500 (of which $50,000 may be used for consultant services); Committee on Transportation and Infrastructure, $6,356,535 (of which $5,000 may be used for consultant services and $5,000 may be used for staff training); Committee on Veterans' Affairs, $2,257,105 (of which $10,000 may be used for staff training); and Committee on Ways and Means, $5,362,109.

SEC. 4. VOUCHERS.

Payments under this resolution shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, and approved in the manner directed by the Committee on House Oversight.

SEC. 5. REGULATIONS.

Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Oversight.

Mr. THOMAS (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the committee amendment in the nature of a substitute.

The Clerk read as follows:

Committee amendment in the nature of a substitute: Strike out all after the resolving clause and insert following:

SECTION 1. COMMITTEE EXPENSES FOR THE ONE HUNDRED FOURTH CONGRESS.

(a) In General.—With respect to the One Hundred Fourth Congress, there shall be paid out of the applicable accounts of the House of Representatives, in accordance with this primary expense resolution, not more than the amount specified in subsection (b) for the expenses of each committee named in that subsection, including—

(1) the expenses of all staff salaries;

(2) the expenses of consultant services under section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); and

(3) the expenses of staff training under section 202(j) of such Act (2 U.S.C. 72a(j)).

(b) Committees and Amounts.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $7,406,899; Committee on Banking and Financial Services, $8,645,054; Committee on the Budget, $9,912,000; Committee on Commerce, $13,686,823; Committee on Economic and Educational Opportunities, $9,621,539; Committee on Government Reform and Oversight, $13,520,037; Committee on House Oversight, $6,177,608; Permanent Select Committee on Intelligence, $4,519,890; Committee on International Relations, $10,028,093; Committee on the Judiciary, $9,553,190; Committee on National Security, $9,085,743; Committee on Resources, $9,588,953; Committee on Rules, $4,433,817; Committee on Science, $8,411,326; Committee on Small Business, $3,791,580; Committee on Standards of Official Conduct, $1,981,150; Committee on Transportation and Infrastructure, $10,878,981; Committee on Veterans' Affairs, $4,220,605; and Committee on Ways and Means, $10,219,358.

SEC. 2. FIRST SESSION LIMITATIONS.

(a) In General.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 1995, and ending immediately before noon on January 3, 1996.

(b) Committees and Amounts.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $3,866,148 (of which $30,000 may be used for consultant services and $1,000 may be used for staff training); Committee on Banking and Financial Services, $4,161,579; Committee on the Budget, $4,940,000; Committee on Commerce, $6,663,227 (of which $25,000 may be used for consultant services); Committee on Economic and Educational Opportunities, $4,777,196 (of which $5,000 may be used for staff training); Committee on Government Reform and Oversight, $6,576,369 (of which $25,000 may be used for consultant services and $5,000 may be used for staff training); Committee on House Oversight, $3,092,920 (of which $400,000 may be used for consultant services and $20,000 may be used for staff training); Permanent Select Committee on Intelligence, $2,226,210 of which $3,200 may be used for staff training); Committee on International Relations, $4,953,472 (of which $10,000 may be used for consultant services); Committee on the Judiciary, $4,577,187 (of which $8,000 may be used for staff training); Committee on National Security, $4,245,134 (of which $40,000 may be used for consultant services and $12,000 may be used for staff training); Committee on Resources, $4,795,970 (of which $45,000 may be used for consultant services and $1,000 may be used for staff training); Committee on Rules, $2,199,567 (of which $500 may be used for staff training); Committee on Science, $3,991,154 (of which $20,000 may be used for consultant services and $15,800 may be used for staff training); Committee on Small Business, $1,863,290; Committee on Standards of Official Conduct, $1,009,450 (of which $50,000 may be used for consultant services and $500 may be used for staff training); Committee on Transportation and Infrastructure, $5,386,171 (of which $5,000 may be used for consultant services and $5,000 may be used for staff training); Committee on Veterans' Affairs, $2,024,500 (of which $10,000 may be used for staff training); and Committee on Ways and Means, $4,916,740.

SEC. 3. SECOND SESSION LIMITATIONS.

(a) In General.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 1996, and ending immediately before noon on January 3, 1997.

(b) Committees and Amounts.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $3,540,751 (of which $15,000 may be used for consultant services and $1,000 may be used for staff training); Committee on Banking and Financial Services, $4,483,475; Committee on the Budget, $4,972,000; Committee on Commerce, $7,023,596 (of which $25,675 may be used for consultant services); Committee on Economic and Educational Opportunities, $4,844,343 (of which $5,000 may be used for staff training); Committee on Government Reform and Oversight, $6,943,668 (of which $25,000 may be used for consultant services and $5,000 may be used for staff training); Committee on House Oversight, $3,084,688 (of which $130,000 may be used for consultant services and $22,000 may be used for staff training); Permanent Select Committee on Intelligence, $2,293,680 (of which $3,200 may be used for staff training); Committee on International Relations, $5,074,621 (of which $10,000 may be used for consultant services); Committee on the Judiciary, $4,976,003 (of which $10,000 may be used for staff training); Committee on National Security, $4,840,609 (of which $40,000 may be used for consultant services and $15,000 may be used for staff training); Committee on Resources, $4,792,983 (of which $1,000 may be used for staff training); Committee on Rules, $2,234,250 (of which $500 may be used for staff training); Committee on Science, $4,420,172 (of which $20,000 may be used for consultant services and $16,500 may be used for staff training); Committee on Small Business, $1,928,290; Committee on Standards of Official Conduct, $971,700 (of which $50,000 may be used for consultant services and $600 may be used for staff training); Committee on Transportation and Infrastructure, $5,492,810 (of which $5,000 may be used for consultant services and $5,000 may be used for staff training); Committee on Veterans' Affairs, $2,196,105 (of which $10,000 may be used for staff training); and Committee on Ways and Means, $5,302,618.

SEC. 4. VOUCHERS.

Payments under this resolution shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, and approved in the manner directed by the Committee on House Oversight.

SEC. 5. REGULATIONS.

Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Oversight.

SEC. 6. ADJUSTMENT AUTHORITY.

The Committee on House Oversight shall have authority to make adjustments in amounts under section 1, if necessary to comply with an order of the President issued under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 or to conform to any reduction in appropriations for the purposes of such section 1.

Mr. THOMAS (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. Thomas] will be recognized for 1 hour.

Mr. THOMAS. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Arizona [Mr. Pastor], pending which I yield myself such time as I may consume.

Mr. Speaker, all time yielded will be for debate purposes only.

Mr. Speaker, it is a real pleasure to come to the floor of the House with a resolution to fund the committees of the 104th Congress. Anyone who has been in previous Congresses knows we have had a relatively difficult time in the past of deciding on what would be appropriate funding for committees.

At the beginning of the 104th Congress, the new Republican majority cut committee staffs by one-third.

Not all committees were cut equally. Some committees have new assignments because we eliminated certain committees and restructured other committees. But on average, the staffs of the committees were cut by fully one-third.

Since most of the committee funds go to staffing, it seemed appropriate that we should make, then, commensurate adjustments in the funding of committees. The successor to the old House Committee on Administration, the Committee on Oversight, is charged with that task. In the 104th Congress, the Committee on Oversight received the budget of one additional committee of the House, that being the Committee on the Budget.

So, as of today, all standing committees of the House, save one, the Committee on Appropriations, have their funding resolutions go to the Committee on Oversight.

Similarly, we changed the way in which committees were funded. In the past, the process looked like this column on the left on this chart. This is from the 103d Congress. The blue portion was that portion subject to public hearings in the Committee on House Administration at the time.

The portion of funding subject to House hearings and public hearings was less than a majority of the funding, $101 million. The red portion was known as the statutory funding that was moved through the Committee on Appropriations, kind of an automatic funding under the law.

The yellow portion is generally headed as other, and that is primarily legislative supplies, and detailees, those individuals from other agencies that were assigned to committees for a brief period of time.

The total of the so-called investigative, statutory, and other funding was $223 million. As chairman of the committee, I bring to you a resolution which passed unanimously, no "no" votes.

I want for the Record to indicate that the Republicans on the committee are Mr. Vernon Ehlers of Michigan, Mr. Pat Roberts of Kansas, Mr. John Boehner of Ohio, Jennifer Dunn of Washington, Lincoln Diaz-Balart of Florida, and Robert Ney of Ohio.

The Democrats—and I am sorry to say that the ranking minority member, Mr. Fazio, is not with us today because of concerns over his wife and a hospital question.

But Mr. Fazio of California was supportive. Mr. Sam Gejdenson of Connecticut was supportive. Mr. Steny Hoyer of Maryland was supportive. And Ed Pastor of Arizona was supportive.

What is so significant about a unanimous vote on a bipartisan basis out of the Committee on House Oversight is that the funding resolution, for all but one of the committees of the House, is $156 million. That is a 30-plus percent cut from the 103d Congress.

On a bipartisan basis we said we can live with less. We can live 30 percent less. We can do the job for American people by tightening our belts here in this institution in the funding of our committees.

Staff has been reduced by one-third. Committee funding has been reduced by more than 30 percent.

Mr. Speaker, I want to commend all the members of the Committee on Oversight for a job well done.

Mr. Speaker, I reserve the balance of my time.

Mr. PASTOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, all time yielded will be for the purpose of debate only.

Mr. Speaker, I want to begin by acknowledging the absence of our distinguished ranking minority member, Mr. Fazio. Unfortunately, Vic is with his wife, Judy, who is undergoing surgery. Our prayers go out to Judy and Vic for a speedy recovery.

Mr. Speaker, House Resolution 107 is a much different committee funding resolution from those this House has considered in the past, and I applaud many of the changes contained in the measure. Later today, we will be considering a rescissions package that will cut over $17 billion from a number of Federal agencies and departments. It is only fitting, Mr. Speaker, that we consider this funding resolution first. For before we seek to make those cuts, it is only proper that we look to ourselves first.

This biennial resolution, the first of its kind, reduces spending for 21 House committees and the Select Committee on Intelligence, in the aggregate, by 30 percent from the 104th to the 103d Congress. Including committee franked mail allocations, funding has been reduced by $67 million, from $223,335,419 in the 103d Congress to $145,332,129 for the 104th Congress. While three committees from the 103d Congress have been abolished, this is nonetheless a significant reduction in spending that tells the American people that Congress is ready, willing, and able to tighten its belt and function more efficiently with less money. What is a loss, Mr. Speaker, in committee funding is a gain for the American taxpayers. I commend Chairman THOMAS and Mr. FAZIO for working to make these very difficult cuts a reality.

I know that there may be some committee chairman and ranking minority members who feel their committee is deserving of more dollars. Frankly, Mr. Speaker, I tend to agree. We in Congress have a tremendous responsibility to ensure that the work we do on behalf of the American people is of the highest quality. The livelihood of our constituents can, and does, literally depend upon what transpires within this Chamber and the walls of committee rooms. In this regard, we must be careful to ensure that in our efforts to reduce the House's budget, we do not sacrifice the quality of work that is performed here. To the credit of Chairman THOMAS, Mr. FAZIO, and the rest of the House Oversight Committee, I believe this funding resolution strikes that necessary balance.

As you have heard already, and I am sure you will hear again, this resolution does allot to the minority a greater percentage of resources than have been historically apportioned. For many years, my colleagues on the other side of the aisle passionately argued for a one-third allocation of committee resources, including staff, to the minority. The report accompanying House Resolution 107 notes that progress has been made in this area—nine committees in the 104th Congress have now achieved this goal. While this is a fine start, we are still far short of reaching the one-third goal for all the committees of the House. I know that Chairman THOMAS is committed to this goal, and I look forward to working with him to see it realized as soon as possible. In addition, Mr. Speaker, we will work to ensure that all ranking minority members have complete latitude in determining how their allocations of committee resources are to be used.

Mr. Speaker, as I noted, this is the House's first attempt at implementing a biennial funding resolution. It is indeed difficult to project funding needs for 1 year, much less 2. With this biennial measure we are literally traveling into unknown territory. I know that the committee chairman and ranking minority members had a particularly demanding time estimating their needs over the course of 2 years, a task whose difficulty was compounded by the 30-percent overall reduction in committee funding. Many items in committees' budgets were necessarily estimates, that will undoubtedly undergo revision as we experiment with this new budgeting process.

In this regard, I was particularly struck by the wise variation in funds the committees had alloted for overtime pay. As you know, Mr. Speaker, with the signing into law of the Congressional Accountability Act, Congress is now subject to the same provisions of laws governing overtime pay as other governmental agencies. As a result, there is an expectation that many committees will have increased expenditures in this area. Yet, committee budgets for overtime pay vary from tens of thousands of dollars to no money at all. Mr. Speaker, this great variation points to what may be considerable inconsistencies among committees in abiding by the Congressional Accountability Act. It is my hope that the Oversight Committee will look at this area closely to guarantee that all employees of all committees are treated in an equitable manner under the law.

Mr. Speaker, I want to acknowledge the hard work and fine efforts of Chairman THOMAS, Mr. FAZIO, my colleagues on the House Oversight Committee, and the committee's staff in developing this committee funding resolution. I urge my colleagues to support its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. FAZIO of California. Mr. Speaker, I rise today in support of House Resolution 107, the Omnibus Committee Funding Resolution for the 104th Congress. For the first time, this resolution authorizes for the 2-year term of the 104th Congress all committee salaries and expenses for the 20 standing committees of the House of Representatives, except for the Committee on Appropriations.

I would like to commend the gentleman from California [Mr. THOMAS], the chairman of the Committee on House Oversight, for the forthright manner in which the committee compiled, evaluated, and adjusted the committee budget submissions. As the new ranking minority member of the House Oversight Committee, I want to especially acknowledge the good faith strides the new Republican committee chairmen have made in allocating an increased proportion of committee resources to their committee ranking minority members. This constructive legislative climate led to the unanimous bipartisan approval of this resolution by the members of our committee.

For the first time, this resolution consolidates the former statutory, investigative and other funds into a single biennial authorization process to achieve greater public accountability. For example, the primary Expenses Resolution providing for investigative and other expense of committees in the 103d Congress accounted for only 45.4 percent of total committee expenditures. The remainder was granted by statutory formula and other legislative accounts.

The resolution under consideration today provides for total committee funding for the 104th Congress of $156,332,129. This amount represents a $67,003,129 cut from the 103d Congress funding level of $223,335,419—a 30 percent concrete reduction. This $67 million savings has been realized from primarily two organizational reforms: a 13 percent reduction in the number of standing committees, and a 33 percent reduction in the number of professional committee staff.

With the beginning of the 104th Congress, the jurisdiction and related functions of Committees on the District of Columbia, Merchant Marine and Fisheries, and Post Office and Civil Service were consolidated into the remaining 20 standing committees. In the 103d Congress, the budgets for these three committees amounted to over $24 million. This current committee streamlining process builds on the initiatives of the Democratic leadership when in 1993, the Select Committees on Aging, Children, Hunger, and Narcotics were eliminated. This first step yielded a savings of over $3.5 million.

The bulk of the reduction in Committee funding levels is a direct result of reducing committee professional staffs by one-third. In 1994, the aggregate number of committee staff equaled 1,845. Today, that number is 1,233. Over 600 professional staff members have been terminated in this institutional downsizing.

Mr. Speaker, today's resolution builds on efforts launched by Speaker Foley and the Democratic leadership to reduce the costs of operating the People's House. Reforms made since 1991 to Member franking allowances will yield savings by the end of this year estimated to be over $190 million—a savings representing more than a 50 percent reduction of franking costs without the 1991 reforms.

In 1992, the Democratic leadership directed that committee budget levels be frozen at their 1991 amounts. Thereafter, the aggregate authorization for the primary committee expense resolution was reduced by 5 percent for both 1993 and 1994—yielding savings over $5 million.

Mr. Speaker, as you may remember, President Clinton, Speaker Foley, and Senate Majority Leader Mitchell announced in February 1993, a concerted policy to reduce executive and legislative branch full-time personnel. Accordingly, in correspondence dated April 22, 1994, Chairman ROSE and myself informed Speaker Foley that we jointly recommended five directives to reduce the House payroll by 387 full-time equivalents. Clearly, today's resolution is consistent with the policies advocated by the President and congressional Democratic leadership to streamline and realign all branches of the U.S. Government.

One issue I would like all members to take particular note of is the question of fairness to the minority party, whichever party that may be, in the allocation and control of resources.

As the new ranking minority member on this committee, I do want to acknowledge that this funding resolution, in the aggregate, allots to the minority an overall greater percentage of resources than have been historically apportioned. This is certainly true for the budget authority for this committee, as well as several others. In fact, the minority have been allocated 27 percent of aggregate committee staff slots. These improvements are welcome but still short of the overall one-third goal for which the Republicans have emphatically and consistently argued was the sine qua non of fairness and equity between majority and minority.

In preparation for this funding process, I have reviewed, among other things, the verbatim comments of those Republican members of this committee who served on the Accounts Subcommittee during the consideration of the primary expense resolution for the second session of the 103d Congress. In doing so, it was our belief that we could determine—based on their prior statements what the present majority defined as a fair and just approach to this issue.

For example, during consideration of the funding resolution last Congress, the gentleman from Kansas [Mr. ROBERTS] and others offered thoughtful, and instructive, amendments regarding the allocation of committee resources. Yes, I know, these amendments were defeated on a party line vote. However, with regard to providing the minority with a one-third allocation of all resources, Mr. ROBERTS said last year, "if lightening strikes and the sun comes up in the West and Republicans take over the Congress, we are going to do that for you. If I am here, we are going to try it, make that recommendation; you will at least get one-third."

With the Republicans now in the majority, I had intended to give them the opportunity to make good this pledge and consecrate their prior commitments with another affirmative vote on a motion to recommit identical to that offered by Mr. ROBERTS and others last year.

Instead, I would ask that a March 30, 1993 letter addressed to the co-chairman of the Joint Committee on the Organization of Congress and signed by Speaker GINGRICH, and virtually every Republican leader and committee chairman in the 104th Congress be entered into the record following my statement. This letter represents the "Minority Rights" policy articulated by the Republicans when they were in the minority. This "Minority Rights" policy is the benchmark against which all budget submissions in the future will be judged. In the interim, I will be monitoring the degree to which the minority is allowed to exercise autonomy over the direction and control of those committee resources allotted to each ranking minority member.

Finally, I would like to acknowledge that the chairman of the committee, Mr. THOMAS, at my request, will convene a hearing at the beginning of the second session of this Congress to review with all the committees the progress of operating under biannual budget authorization.

Mr. Speaker, I urge Members on both sides of the aisle to cast an affirmative vote for House Resolution 107 to continue the bipartisan commitment to reducing the costs of operating the people's House of Representatives.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 30, 1993.

Hon. LEE H. HAMILTON,
Co-Chairman
Hon. DAVID DREIER,
Co-Vice-Chairman
Joint Committee on the Organization of Congress, U.S. House of Representatives, Washington, DC.

DEAR MR. CO-CHAIRMAN AND MR. CO-VICE-CHAIRMAN: If congressional reform means anything, it means fairness to the Minority in allocation and control of resources. Reform without fairness is merely shuffling the cards in a marked deck.

There is no justification for the unfair disparity between Majority and Minority committee staff. Our colleagues in the Senate, under both Democratic and Republican majorities, have managed quite well with a staffing ratio of one-third/two-thirds. That, after all, is how we in the House apportion, by law, statutory staff.

The problem is that we do not so apportion investigative staff. We estimate that there are currently 947 investigative staff in the House, of which the Minority is allocated only 170, a mere 18 percent of the total. In past years, some have tried to justify that overwhelming disproportion by claiming the Minority could rely on the then-Republican Executive Branch to make up the difference. Whatever the accuracy of that argument then, it certainly no longer applies.

There are currently 175 Republicans serving in the House, more than 40 percent of total membership. Despite that, the Minority holds only 24 percent of total committee staff. Indeed, on several committees, the percentage is much lower than that. According to the Committee on House Administration, there are currently 1,131 Majority committee staff and 367 Minority counterparts, exclusive of the expiring select committees, the Committee on Budget and the Committee on Appropriations. The situation on those last two committees is equally flagrant: the Budget Committee boasts 50 Majority and 10 Minority staff while the Appropriations Committee has a professional staff ratio of 95 to 10 and an associate staff ratio of 74 to 46.

A ratio of one-third/two-thirds for all committee staff, investigative as well as statutory, is a *sine qua non* for bridging the institutional animosities that now poison our policy debates. We therefore urge the Joint Committee on the Organization of Congress to recommend, in your final report, this more equitable allocation of resources.

We would welcome the opportunity, as a group, to present and expand upon these views in a public hearing of the Committee.

Sincerely yours,

Robert H. Michel, Minority Leader; Dick Armey, Conference Chairman; Duncan Hunter, Research Committee Chairman; Tom DeLay, Conference Secretary; Gerald B.H. Solomon, Ranking Republican, Committee on Rules; Joseph M. McDade, Ranking Republican, Committee on Appropriations; Newt Gingrich, Minority Whip; Henry J. Hyde, Policy Committee Chairman; Bill McCollum, Conference Vice-Chairman; Bill Paxon, NRCC Chairman; Bill Archer, Ranking Republican, Committee on Ways and Means; John R. Kasich, Ranking Republican, Committee on the Budget.

Pat Roberts, Ranking Republican, Committee on Agriculture; Jim Leach, Ranking Republican, Committee on Banking, Finance and Urban Affairs; William F. Goodling, Ranking Republican, Committee on Education and Labor; Benjamin A. Gilman, Ranking Republican, Committee on Foreign Affairs Operations; William M. Thomas, Ranking Republican, Committee on House Administration; Hamilton Fish, Jr., Ranking Republican, Committee on the Judiciary; Floyd Spence, Ranking Republican, Committee on Armed Services; Thomas J. Bliley, Ranking Republican, Committee on the District of Columbia; Carlos J. Moorhead, Ranking Republican, Committee on Energy and Commerce; William F. Clinger, Jr., Ranking Republican, Committee on Government; Don Young, Ranking Republican, Committee on Natural Resources; Jack Fields, Ranking Republican, Committee on Merchant Marine and Fisheries.

John T. Myers, Ranking Republican, Committee on Post Office and Civil Service; Robert S. Walker, Ranking Republican, Committee on Science, Space, and Technology; Fred Grandy, Ranking Republican, Committee on Standards of Official Conduct; Bud Shuster, Ranking Republican, Committee on Public Works and Transportation; Jan Meyers, Ranking Republican, Committee on Small Business; Bob Stump, Ranking Republican, Committee on Veterans' Affairs; Larry Combest, Ranking Republican, Permanent Select Committee on Intelligence.

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Mr. THOMAS. Mr. Speaker, I thank the gentleman from Arizona [Mr. PASTOR] for the kind words.

Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. BOEHNER], a valued member of the committee and chairman of the Republican caucus.

Mr. BOEHNER. Mr. Speaker, I want to thank the gentleman from California [Mr. THOMAS] for allowing me to speak on this very important resolution.

Mr. Speaker, this is a very important day here in the U.S. House of Representatives because today we are going to reduce spending on committee staff by 30 percent, saving $67 million over the next 2 years on behalf of our constituents and the taxpayers around this country.

Over the last 4 years, Mr. Speaker, many of us have come to the floor during the debate on this resolution in past Congresses calling for smaller committee staffs, calling for smaller committee budgets, and in most cases we were rebuffed, and last summer, Mr. Speaker, House Republicans decided that we would include in our Contract With America the fact that we would reduce committee staff by one-third, and on January 4 we kept our promise. We reduced the staff by one-third. In 1994, Mr. Speaker, the average number of employees working for committees was 1,854. The 1995 ceiling for employees for committees in this House will be 1,233, a reduction of just slightly over one-third.

In order to really bring home the savings, Mr. Speaker, the committee in a bipartisan way worked with our committees to come up with a 30-percent reduction in terms of the cost of running those committees because most of the costs of the committees is staff. We, in fact, were able to achieve the 30-percent reduction which is going to result in a $67 million savings on behalf of the American taxpayers.

As my colleagues know, the American people sent a very loud and clear message on November 8 that they wanted a smaller, less costly, less intrusive Government. I think they also said that they wanted a more open, more accountable, more responsible Congress.

Mr. Speaker, the effort here today is a bipartisan effort because there has been a great deal of help from Members on both sides of the aisle in order to come up with these savings. But Congress is more accountable, it is more responsible, it is more open to the American people, and that is important if we in this Congress are to deliver on our much longer term vision of downsizing and reducing the size and scope of the Federal Government.

We are beginning to change the way this Federal Government works, but these efforts would not happen unless Congress continues to change. But these are needed and necessary reforms in this Congress. They have been done in a bipartisan way, as has almost everything in the Contract With America thus far this year. It has virtually all passed in broad bipartisan support.

Mr. Speaker, I want to congratulate the gentleman from California [Mr. THOMAS], I want to congratulate our committee chairmen, the ranking members on all the committees, and certainly I want to thank my colleagues on the Committee on House Oversight for their help in bringing this resolution to the floor today.

Mr. PASTOR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Minnesota [Mr. LUTHER].

Mr. LUTHER. Mr. Speaker, I rise to express my strong support for H.R. 107, the committee funding resolution. As a new Democrat, first-term Member of this body, I can tell my colleagues that the people of my district in Minnesota are very pleased that we are starting the budget cutting process right here in our own operations by saving $67 million over 2 years.

I ran for Congress to change the way Washington operates. Now that I am here, I have learned that over 50 percent of our Members have been here less than 5 years, and, like me, many Members are committed to reforming Congress and focusing on the need to make the tough decisions necessary to balance our Nation's budget.

Fighting for change is not a partisan issue, and this committee funding resolution is an excellent example of that. This $67 million cut is a very good beginning, and it represents a 30-percent reduction from the funding levels in the 103d Congress.

It is critical, as we make tough decisions about cutting spending, that the American people be assured that we are looking at our own operations first. The public deserves to have a Congress that keeps pace with the changes taking place in America, a Congress that is not wasteful or inefficient. Enacting this committee resolution and tightening our belts before we ask the rest of the American people to tighten theirs is a good step toward building confidence with the American people.

Mr. PASTOR. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Missouri [Ms. MCCARTHY].

Ms. MCCARTHY. Mr. Speaker, I am heartened by the committee funding resolution before the House today. First and foremost, it demonstrates once again that, when Democrats and Republicans work together, the American public benefits. This bill is important because it demonstrates bipartisan fiscal responsibility. Adoption of this resolution will mark the first installment of a promise many of us made to reduce the size of the Federal Government and make it more efficient. By eliminating three standing committees and cutting funding for all committees by 30 percent, we are assuring the people back home that reforming Government begins right here in this body.

As we begin the budget and appropriations process, I would like to reaffirm that the healthy debate we are having today on this funding resolution should act as a model of how we should proceed on future budget and appropriations bills. While we may not share similar view points on our Nation's spending priorities, I hope we share the desire to have all those view points heard on this floor.

Mr. Speaker, as a freshman Democrat, I commend the committee on its work and the model of bipartisan cooperation it has provided.

Mr. THOMAS. Mr. Speaker, I yield 5 minutes to the gentleman from Kansas [Mr. ROBERTS], a long and valued member of the committee in its various ramifications in previous Congresses, not the least of which was as the ranking member on the Subcommittee on Accounts that used to do this work first for us. It is exciting as a chairman to yield to a member of the committee as valuable as this gentleman is.

Mr. ROBERTS. Mr. Speaker, I rise in support of the resolution offered today by the gentleman from California [Mr. THOMAS]. Most of it has been said before by the gentleman from Ohio [Mr. BOEHNER], the gentleman from California [Mr. THOMAS], the gentleman from Arizona [Mr. PASTOR], and my other colleagues, but it bears repeating because it is such good news. It is progress. It is something that has been done that we can all be proud of, and I want to thank all the Members on both sides of the aisle for their participation and their cooperation, but especially the gentleman from California [Mr. THOMAS], our chairman, and also the gentleman from California [Mr. FAZIO] on the minority side, but more especially, BILL.

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The chairman of the committee has persevered time after time after time. We have been present during the process of the Subcommittee on Accounts and tried to institute reform and real cuts and bring sunshine into the process. The chairman has approached it in a professional manner, and lo and behold, this year we have been able to achieve true bipartisan reform.

The gentleman from California [Mr. FAZIO] has also illustrated the same school of thought and leadership all throughout our hearings.

We have a resolution before us that, as I said, represents real progress. Since the opening day of the 104th Congress, the House has been really working to fulfill our pledge that we made to the American people. We have cut the committee staff by one-third. For the first time we are consolidating the committee spending or the funding into a single 2-year funding resolution. That is reform. This new process includes both statutory and investigatory funds, as well as below-the-line costs, the hidden costs, the costs that were always hidden before. I am talking about office supplies and long-distance telephone charges that have never before been included in the committee budgets.

This resolution represents a total of a 30-percent cut in committee funding. That is a real cut. That is compared to the 103d Congress, from $223 million down to $156.3 million. That is a real cut.

In previous years the committees were funded on a yearly basis, 1 year, not 2, and they received funds from two sources—as I said before, statutory and investigative. I know that is an inside-the-Beltway term, and it is an inside-the-House Administration Committee term, but the statutory budgets, which total over 50 percent of the committee costs, what we are spending on committees, were allocated through a nonpublic process. It was behind closed doors. It was administered by the Finance Office. The investigative sources, which total only 45 percent of the total, were the only funds authorized through a public process, and that is where Chairman THOMAS, when he was the ranking minority member, and Yours Truly labored so long trying to institute the reforms. It included hearings, as I have indicated, before the previous House Administration Committee.

In addition, the committees received funding from other sources for such things as legislative office supplies, long-distance phone calls, and franked mail. These cost a total of 4.1 percent, but they were not available. The new majority in the Congress has finally shed the light of public disclosure on this process. House rules adopted at the beginning of the 104th Congress state that the Congress must, for the first time ever, publicly state all committee spending every 2 years and fund all staff salaries out of a single unified account.

Our committees must also include all the below-the-line costs, the hidden costs, in their budgets. The House Oversight Committee has taken further steps by establishing the franked mail allocations for each committee. Last year the House overspent the franked mail appropriations by over $2 million. Let me repeat that. They overspent the franked mail allowance by more than $2 million. The separate franked allocations included in this resolution will control the overspending and keep a lid on the excess mailings.

One of the biggest accomplishments has come in the area of minority resources. According to the House rules, the majority has the responsibility of determining the funding level of the minority. In the past many committees were denied a fair share of the resources. In the 103d Congress the minority was allowed only about 21½ percent of the investigative resources. Under the resolution we are considering today all committees will be treated fairly. All committee chairmen will treat the minority the same or better than the minority was treated in the past allocation of resources. In fact, 13 committee chairmen are increasing the allocations of staff or resources to the minority. In the last Congress only 4 of 21 committees were actually provided a figure at or above the 33-percent goal. Nine Republican chairmen will allot one-third of the committee staff and of the resources to the minority.

So I am calling this the BILL THOMAS 15-year Great Leap Forward. It is a reform. Progress is being made.

The SPEAKER pro tempore (Mr. HANSEN). The time of the gentleman from Kansas [Mr. ROBERTS] has expired.

Mr. THOMAS. Mr. Speaker, I yield 1½ additional minutes to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Speaker, at this time last year I estimated, along with the gentleman from California [Mr. THOMAS], with the progress we were making as we were calling forth the incremental reforms—and it was a slow call—that by the year 2010 we would reach our long-held committee funding goals. Well, we did it in 1995. That is 15 years ahead of time. As I have indicated, it is the Chairman THOMAS 15-year Great Leap Forward.

The resolution we are considering today has really been created in an open public process. It includes all funding. It takes into account every dollar that will be spent by the committees. It is more fair than any funding resolution ever considered on this floor. It represents a savings of $67 million to the American taxpayer.

Mr. Speaker, I urge all of my colleagues to rise in strong support of this resolution. I truly appreciate having had the opportunity to work with my colleagues on this bipartisan resolution. Hey, it is progress. Vote for it. It is time.

Mr. PASTOR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Maine [Mr. BALDACCI].

Mr. BALDACCI. Mr. Speaker, as a Democratic freshman I rise today in strong support of this resolution. On the first day of the 104th Congress, I voted for congressional accountability. This bill replaces rhetoric with action.

It cuts House committee funding by more than $67 million, and eliminates 620 committee staff positions, a 30-percent reduction. It also institutes a 2-year budget cycle for committee funding. This will help to ensure long-term planning and force committees to spend wisely. Finally, the legislation provides for greater oversight and disclosure of committee spending. All committee spending will be fully and completely disclosed so that the public can be assured that its tax dollars are being well spent.

This move to cut spending and streamline the process obviously is not going to balance the budget by itself, but it takes an important step in the right direction. We must begin to restore the trust and faith of the American people in their Government, and we must make sacrifices if we are to get our fiscal house in order.

Our single most important effort in this congress will be that to cut Government spending and reduce the deficit. We must do this in a careful, considered manner, not by taking a "slash and burn" approach or extreme approach.

This legislation is just one of many steps that the Congress, working together with the President, must take if we are to continue to move in the right direction to control spending and reduce the deficit. I urge my colleagues to join me in supporting this resolution.

Mr. PASTOR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Kentucky [Mr. WARD].

Mr. WARD. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, as a freshman Democrat I rise today in strong support of House Resolution 107, which is a bold first step in making this institution and Government as a whole more efficient, more effective, and in fact more truly representative of the people.

We as an institution cannot request families and businesses to make sacrifices and hard choices unless we are also willing to make those sacrifices. I am proud to support this resolution to cut funding for committees by over $67 million, a 30-percent reduction from the last Congress.

Under this resolution committee staffs will be cut by more than 620 staffers, which also represents a 30-percent reduction from the last Congress.

My support of this resolution is a natural extension of my support for the Congressional Accountability Act, which will force Congress to comply with the same laws it imposes on the rest of the Nation. We had a House rules package which I supported which reduced the number of House committees from 21 to 18. This resolution has broad bipartisan support and will set an example of how both sides of the aisle can come together. I believe that this resolution is an example of the bold, decisive measures which must be enacted in order to restore the faith of the American people in this great legislative body and put people's trust back in Government and in this House.

Mr. Speaker, I urge support of the resolution.

Mr. PASTOR. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Michigan [Ms. RIVERS].

Ms. RIVERS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, as a freshman Democrat who ran unchallenged and supported the package of reforms which began this 104th Congress, I am pleased to rise in support of this bill.

One of our primary tasks in this Congress will be to rebuild the trust of the American people in this body. I believe that this proposal is a good first step. The American people want us to work smarter, work more effectively, and work more economically. I believe this bill, which reduces committee funding by over a third, which reduces staff by over 620, which consolidates 3 separate committees, which requires a 2-year budget cycle in long-term planning, and which ensures that 100 percent of committee spending is justified and approved by Members of the House, is just the sort of reform we need.

I pledge to work with my constituents and the staff of my office to do the people's business in a more frugal manner. I believe this bill is a concrete first step to that end, and I am proud to be a part of it.

Mr. THOMAS. Mr. Speaker, it is my privilege to yield 3 minutes to the gentlewoman from Washington [Ms. DUNN], a member of the committee who has been of invaluable aid in making these adjustments in committee funding.

Ms. DUNN of Washington. Mr. Speaker, it is certainly a pleasure for me to offer support for this resolution and to make a couple of brief points.

This bill is another small example of the historic positive changes the 104th Congress is making to this great institution. It is another example of how the new majority in this House is keeping its promises, and I am especially pleased, Mr. Speaker, to see how the minority side is giving support to this initiative that we have begun.

It is important to point out that in bringing this resolution to the floor, Chairman THOMAS has done a great service on behalf of the American voters. Congress is being told to reduce the deficit and to cut spending.

Mr. Speaker, that is a very popular theme around this place these days. This bill offers proof to the taxpayer that we are starting out by saving them money and cleaning up our own house. During our opening-day reforms we voted to reduce committee staff by one-third. This bill acts as a companion piece to that measure. It makes an additional reduction in committee funding for staff and expenses by over $67 million, a 30-percent reduction from last year's provision.

This resolution reflects true reform, Mr. Speaker, in the entire legislative budget process by which committees ask for and receive funding. Prior to this Congress hundreds of millions of dollars in funding for salaries and below-the-line costs, an amount that made up over one-half of the total committee costs, was something that we did not even see. It escaped the scrutiny of the public hearing process.

Additionally, Mr. Speaker, this resolution sets a good, solid precedent for allocating a third of the resources to the minority. I have served for the last 2 years on this committee as a minority member and was vocal in insisting on fair treatment of the minority. I am still insistent on that fair treatment, and, Mr. Speaker, I am very pleased to see that the number of chairmen allocating at least one-third of their committees' resources to the minority has increased by over 50 percent.

Mr. Speaker, this bill establishes accountability and sunshine in the committee funding process. I commend Chairman THOMAS for his hard work and for his leadership, and I encourage my colleagues to support this resolution.

Mr. PASTOR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Speaker, I also am a freshman Democrat, and I rise in strong support of House Resolution 107.

Some of us came here with the contract for America, and some of us came here with just straight talk and common business sense about how we should approach the business of the House. During the first days of the Congress we began reducing the size of Government, and we started from within by cutting congressional staffs. We eliminated three committees and reduced committee staff by a third, for a total cut of 620 positions.

House Resolution 107 will cut congressional expenditures by more than $67 million. It proves to the American people that we mean business.

I intend to go further to demonstrate to my constituents a commitment to a smaller, more efficient Government by cutting my own personal staff, as I said during my campaign, long before there was any discussion of the contract for that matter.

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Coming from the private sector, I learned that you cut expenditures and you try and create efficiencies when you run a deficit, or you do not stay in business very long. This is a simple, commonsense business approach to government. We must be more efficient and must be more responsive to the people, and our budget cutting must begin at home.

We must create a bond with the American people if we are going to be serious about addressing the budget. We can all talk about less government, but today we can vote for less government. I further encourage my colleagues to join me in putting their money where their mouth is by downsizing their own offices and returning the unused funds in their clerk hire to the Treasury for deficit reduction.

I urge you, Mr. Speaker, to bring up after we pass this bill, H.R. 26, introduced by my colleague the gentleman from Indiana [Mr. ROEMER], to prove to the American people that we really are serious about deficit reduction.

Mr. PASTOR. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Speaker, I thank the gentleman from Arizona for his hard work and leadership, along with Chairman THOMAS and Ranking Member FAZZIO.

Mr. Speaker, I think it is time that we in the U.S. Congress announced to the American people that this Congress is ready to tighten our very own belts. We are prepared to do no less than what we have asked the small businesses around this Nation to do, and I am proud to join in in support of this resolution to emphasize that this Congress stands for sound fiscal policies and that we understand that as we move toward the 21st century in this budgeting process, we too have to look inside and establish guidelines to make sure that this Congress works well and works efficiently.

I am very proud of this resolution because it was a bipartisan effort, and I am glad to have joined in support of this resolution, like I supported the congressional resolution that dealt with congressional responsibility.

The important aspects of this particular resolution, I think, will sound like music to the ears of businesses across this Nation. One, there will be a 2-year budget cycle to ensure long-term planning. No guesswork in this Congress.

Two, it ensures that 100 percent of committee spending is justified and approved by the Members. The buck stops here. We understand what is going out, we understand the needs, we have to take the responsibility for improving it and approving it. We will have to have the responsibility for sound fiscal policies.

Then, No. 3, we ensure that 100 percent of committee spending is fully and completely disclosed. No less than what has to be done by the American people in running their businesses.

This is the way this Congress should operate. I am proud to be a part of it. I salute the focus we are taking, and I say to the American people, this resolution clearly states we are tightening our belts, we are looking to support sound fiscal policies.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will take only a minute in introducing the next gentleman, because frankly, the committee budgets could not have been cut without the full cooperation, understanding, appreciation, and hard work of the committee chairmen and the ranking members. This was an extremely difficult thing to do, and it was done in such style and willingness that, as chairman of the Committee on House Oversight, I have to congratulate all of the chairmen in the way in which they went about this difficult task.

Mr. Speaker, no one personifies it more than the chairman of the Committee on Veterans' Affairs, the gentleman from Arizona [Mr. STUMP]. I yield to him such time as he may consume.

Mr. STUMP. Mr. Speaker, I thank the gentleman for yielding time and for those kind remarks.

Mr. Speaker, I rise in support of House Resolution 107.

Our committee has cut its staff by one-third—this contributes to the overall 30-percent cut in committee funding from last Congress.

I would also like to thank the chairman of the Committee on House Oversight, Mr. BILL THOMAS, for his assistance and leadership in marshaling all of the committees through a difficult process.

I also appreciate Mr. THOMAS' attention to the special needs of smaller committees as well as all of the help and assistance provided by the Oversight Committee's staff to the Committee on Veterans' Affairs in this process.

Mr. PASTOR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, there will be precious little bipartisan agreement in the House today as we begin the upcoming rescission debate, so it is very appropriate we recognize our bipartisan moments as we find them. The proposal before us to reduce committee staffs by one-third clearly represents one such moment. We in the 104th Congress must show that when it comes to reducing Government spending, the cuts start here.

Last session, as a freshman in this body, I fought for reductions in the legislative branch appropriations. While some headway was made, frankly I did not feel the cuts went far enough.

Today, in a new Congress, I am happy to be part of an effort to make meaningful reductions in the amount Congress spends on itself. I particularly want to commend my friend, Chairman BILL THOMAS, and the majority caucus, for their support and leadership on making these reductions. Quite clearly, we could not have done it without you.

I also commend Ranking Member VIC FAZIO and my colleagues in the minority caucus for supporting these reductions. It is time to make these cuts. I urge all Members to join me in supporting these cuts.

Mr. THOMAS. Mr. Speaker, it is my privilege to yield 2 minutes to the gentlewoman from Washington [Mrs. SMITH].

Mrs. SMITH of Washington. Mr. Speaker, I thank the gentleman from California [Mr. THOMAS].

Mr. Speaker, when we got here, in fact way back in November right after the election, we talked about the part of the contract that said we were really going to clean house and really reduce spending for this Congress. I started hearing some whining and started hearing some people say, "But we cannot do that," from both sides of the aisle eventually.

Standing here today to see that we really can do it, the money is gone, and you add that to the fact that we reduced our own franking, I am now convinced, as well as the American people should be convinced, that this Congress is serious about cleaning house.

We are going to go into a budget cycle that is going to be hard, because we are going to have to make a lot of hard decisions, and every patriotic American is going to sacrifice something as we work to reduce a nearly $200 billion overspending problem a year. But, first of all, we stood and we did it ourself.

I think this is a good faith effort, but a very deep cut to this body, that the American people will appreciate us taking, and I want to commend the Chair and the bipartisanship of this group, because we really did it, and it shows again that you can trust this Congress to do what we promised. We keep our promises.

Mr. PASTOR. Mr. Speaker, I yield 2 minutes to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of this bipartisan resolution. It is very important that we cut where we can, and we should start cutting here where we work.

I think it is great that we have this resolution, but I want to ask the American public to look at some other cuts that are coming later today. The Republican majority is bringing us some cuts, and I want to look at those and say I do not know that they are such a good idea.

A cut of 180,000 jobs for our youth this summer. I ask you, what are we going to do? What do we plan for them to do this summer? Join gangs perhaps? And what about the cuts in senior housing we are going to see later, $2.7 billion in assistance. Where will those seniors live if we cut this assistance?

What about veterans? We are cutting $206 million on veterans. Do you know, that is a contract we made with the men and women who joined the armed services. Then there is one that is very close to my heart, the Coast Guard, $28 million. They protect our fishermen on the Oregon coast, and they do all that hard work in drug interdiction. Mr. Speaker, they also want to make a very tough cut, $47 million from student loans.

But do you know what? There is not one cut, not $1 dollar, from the pentagon in this rescission bill. Not $1 dollar. And I know, because I offered that as an amendment.

I support cuts in this resolution, but I ask the American people, were we sent here to cut the money from seniors, from students, from youth in our summer jobs programs? Were we sent here to do those kinds of cuts? I do not think so, and I do not think those are the cuts we should be voting on on floor today.

So I support this resolution, but I do not support the cuts that are coming later today.

Mr. PASTOR. Mr. Speaker, I have no further requests for time, but I strongly urge my colleagues to support this resolution. I commend Chairman THOMAS and ranking Member FAZIO for the fine work they have done, and I yield back the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I, too, want to thank the ranking member, the gentleman from California [Mr. FAZIO]. This was a new process for all of us, and, quite frankly, he made it much easier than it could have been. I also want to thank all of the Members of the committee who worked with us.

But remember, the Committee on House Oversight is new in this Congress. All of the Members on the majority side were appointed by the Speaker. The Committee on House Oversight works the will of the leadership, and the resolution before us here today reflects, more than any one individual, the Speaker of the House, the gentleman from Georgia [Mr. GINGRICH]. It was his guidance and leadership that focused on what could be done.

Frankly, as the gentlewoman from Washington indicated, a number of folks on both sides of the aisle did not think it could be done. We cut the staffs by one-third opening day, and we stand before you with a better than a 30-percent cut in resources, without a diminution in our ability to do the job.

I said earlier, and I will repeat it, without the committee chairmen and the ranking members' cooperation of each of the committees, it could not have been done. I want to take a moment and thank the staffs on both sides of the aisle, because in putting these numbers together, and they changed over time and, sometimes, very brief periods of time, they were taxed to the limit. They did an excellent job, and I want to thank them at this time for that.

Let me close with this: When I was a member of the minority, I did not think the minority was treated fairly. Now that we are in the majority, I want to pledge to the minority that, as soon as possible, they will have a full one-third of the resources, if I have anything to do about it. I have pledged to them and I will tell them again we will work together to make sure that both sides of the aisle have resources adequate and fairly distributed to do the job.

Mr. Speaker, with that, I would ask all Members to support this resolution.

Mr. HYDE. Mr. Speaker, the resolution before us today is keeping a promise to the American people to cut Congress' work force. During last fall's election campaign, we told the voters that if we became the majority we would reform Congress and no longer exempt this institution from the belt tightening actions the rest of America is facing. The American people want accountability and they want more bang for their taxpayers' buck. That is what we are doing in this resolution. When compared to what was spent in the previous Congress, this funding proposal represents a 30-percent cut, and a reduction of $67,003,290.

The House Oversight Committee deserves credit for the way it went about making these cuts. It was done very carefully, with full recognition of the importance of sustaining every committee's ability to operate effectively. Moreover, it was done with sensitivity to the needs of the minority party. Indeed, a close scrutiny of this budget reveals that the Democrat minority is treated comparatively better than their Republican predecessors were in previous Congresses. Moreover, to bring this about the new majority, on a number of Committees, substantially reduced the size of their own staffs to help the minority.

The House Oversight Committee must also be commended for developing an entirely new accounting system in which all of the House Committees' operational expenses are consolidated in a single account. Such streamlining will make auditing expenditures much easier to track. Thus, the taxpayers will be able to determine quickly how their tax dollars are being spent.

In short, Mr. Speaker, this responsive and responsible Congressional cost-cutting measure deserves the support of everyone in this House. I urge its swift passage.

Mr. THOMAS. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the amendment and on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. HANSEN). The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PASTOR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 421, nays 6, not voting 7, as follows:

[Roll No. 236]

YEAS—421

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—6

Fattah
Frank (MA)
Gibbons
Gonzalez
Jacobs
Moran

NOT VOTING—7

Barr
Cubin
Dicks
Fazio
Metcalf
Miller (FL)
Pelosi

□ 1216

Mr. ROTH and Mr. WAXMAN changed their vote from "nay" to "yea."

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MILLER of Florida. Mr. Speaker, I inadvertently missed rollcall No. 236, adoption of the committee funding resolution. Had I been here, I would have voted "aye."

PERSONAL EXPLANATION

Mr. BARR. Mr. Speaker, due to the fact that my pager failed, I missed a vote to cut committee funding by 30 percent. That vote was rollcall No. 236. Had I been able to vote, I would have voted yes in support of the cuts and consistent with my support, expressed earlier this year, with our congressional reform votes of January 4, 1995.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous material, on House Resolution 107, the resolution just agreed to.

The SPEAKER pro tempore (Mr. HANSEN). Is there objection to the request of the gentleman from California?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 1158, EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE AND RESCISSIONS FOR FISCAL YEAR 1995

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 115 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 115

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed ten hours and shall be considered as read. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of H.R. 1158 modified as follows: on page 56, after line 12, add as new titles IV, V, and VI the respective texts of titles I, II, and III of the bill

(H.R. 1159) making supplemental appropriations and rescissions for the fiscal year ending September 30, 1995, and for other purposes, except the text of section 306 of H.R. 1159. The amendment in the nature of a substitute shall be considered as read. Points of order against the amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI or clause 2 of rule XXI are waived. No amendment to the amendment in the nature of a substitute shall be in order unless printed as an amendment to H.R. 1158 or H.R. 1159, as the case may be, in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII before March 14, 1995. Amendments so printed shall be considered as read. Points of order against such amendments for failure to comply with clause 2(e) of rule XXI are waived. It shall not be in order to consider an amendment proposing to increase the net level of budget authority in the bill. It shall not be in order to consider an amendment proposing to redistribute budget authority within the net level of budget authority in the bill except within a chapter of the bill or, in the case of a title of the bill not organized by chapters, within such title. Debate on each amendment to the amendment in the nature of a substitute and any amendments thereto shall be limited to thirty minutes. Notwithstanding any other provision of this resolution, all points of order against the amendments specified in the report of the Committee on Rules accompanying this resolution are waived. At the conclusion of consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendment as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions.

AMENDMENT OFFERED BY MR. DREIER

Mr. DREIER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DREIER: Page 3, line 15, insert before the period ", and any such amendment, or any amendment thereto, shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole".

The SPEAKER pro tempore. The gentleman from California [Mr. DREIER] is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my very dear friend, the gentleman from south Boston, MA, Mr. MOAKLEY, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this is the second time that the House is considering a supplemental appropriation for fiscal year 1995. The first was necessary to address critical shortages in the defense budget which were threatening the readiness and safety of our national security forces. The supplemental appropriations in H.R. 1158 are equally critical. They provide disaster relief for 40 States with the largest recipient being by State of California in order to respond to last year's tragic Northridge earthquake and the flooding that has taken place in California.

Prior to last month's consideration of the defense supplemental, Congress had a spotlessly consistent track record of disrespect for the taxpayer on this type of spending bill. No emergency supplemental had ever been paid for through offsetting spending cuts. When emergency spending was needed, the answer was always to pile it on top of the already monstrous deficit. "Charge it to the future, let them pay" was the attitude that we had around here.

Mr. Speaker, this is a new era of fiscal responsibility in the House. This emergency bill reduces deficit spending. The rule makes in order H.R. 1158, provides 1 hour of general debate, and waives clause 2 of rule XXI which prohibits unauthorized and legislative provisions against the bill.

The rule makes in order as original text for the purpose of amendment the text of H.R. 1158 combined with the text of H.R. 1159, except for section 306 of H.R. 1159. The amendment in the nature of a substitute is considered as read and subject to amendment for up to 10 hours. The rule waives clause 7 of rule XVI, the germaneness rule, and clause 2 of rule XXI against the amendment in the nature of a substitute.

Only amendments to H.R. 1158 and 1159 printed in the CONGRESSIONAL RECORD before March 14, 1995 are in order. Debate on each amendment is not to exceed 30 minutes. Clause 2(e) of rule XXI requiring emergency designation is waived for each amendment. In order that amendments promote fiscal responsibility to the same degree as the committee's bill, amendments are not in order if they cause the net level of budget authority to increase. In addition, budget authority must be redistributed within a chapter or title if there are no chapters.

Points of order are waived against 3 amendments that have been printed in the RECORD, all filed by Members of the minority.

These are a Brewster amendment providing for net savings from the bill to be placed in a deficit reduction lock box, and amendment by the gentleman from Pennsylvania [Mr. MURTHA] appropriating net savings from the bill to deficit reduction, and an amendment by the gentleman from Illinois [Mr. YATES] to strike section 307 of H.R. 1159 regarding the emergency salvage of dead and rotting timber.

Mr. Speaker, changing the culture of deficit spending is not easy. Deficit spending is ingrained in the very heart of the bloated Federal Government.

Mr. DOGGETT. Will the gentleman yield?

Mr. DREIER. I would say to my friend, we have a number of requests for time over here, and I have a statement. Then I have members of the Committee on Rules to whom I will be yielding. I know that the gentleman from Massachusetts [Mr. MOAKLEY] will have time and I am sure be very generous with it as I am with our time.

Mr. DOGGETT. I have a question, not a statement.

Mr. DREIER. Mr. Speaker, changing the culture of deficit spending is not easy. Deficit spending is ingrained in the very heart of the bloated Federal Government. But effecting that change is the right thing to do. Taxpayers recognize that many programs despite good intentions clearly do not work. They also are very appreciative of the fact that our new majority has a clear position on new spending. We step up and pay for it. Nobody who cares about our Nation's future hopes we revert to the old ways.

Mr. Speaker, the $17.4 billion in very thoughtful rescissions reported by the Committee on Appropriations obviously far exceeds the level of disaster relief. However, this is only troubling to those who love the Federal bureaucracy. The committee did not set out to simply find the minimum amount of wasteful spending needed to offset the emergency funding. Instead, they set clear criteria to judge current programs and they rescinded spending that met one of the following conditions:

Spending that was not authorized.

Duplicative Federal programs.

Programs that received large funding increases in fiscal year 1995.

Programs with unspent funds piling up from year to year.

Programs that exceeded the level in the Clinton budget.

And programs that are wasteful or do not work.

To those around here who are committed to protecting the status quo, those are radical criteria which should not be utilized. But to the American taxpayer, Mr. Speaker, these standards are nothing more than common sense. I am happy to say that our new majority is using these as we proceed with this issue of spending.

The Committee on Appropriations followed a lengthy and very open process. They make a solid case that each and every rescission in the bill meets one of those stated criteria. The final total of $17.4 billion covers the disaster relief and makes a real down payment toward a balanced budget. They deserve our support, Mr. Speaker.

Of course we are going to hear complaints here on the floor from big spenders. They do not oppose the $200 billion deficit status quo. They look at the complete failure of the welfare state and say that the only problem is that we have not spent enough. Many of the same people who oppose the committee's rescissions opposed the balanced budget amendment because it did not include specific cuts. Now they get a first installment of our specific cuts, and how do they respond? They say, "No."

Others claim to oppose the cuts because the Committee on Ways and Means is going to report a bill that cuts taxes for working families. Besides the fact that families send too much of their hard-earned money to Washington already, if a Member does not like the tax package, vote against that. It is a Contract item, it will get here to the floor for a vote.

This rule debate really comes down to a very simple choice, Mr. Speaker. Some people want to continue to simply add new spending to the deficit. They always have an excuse why every program in the $1.5 trillion Federal budget is too important to cut. On the other side are those who recognize that things have to change. We offer answers that are no more complicated or profound than those offered by every middle-income family that spends more than it earns.

☐ 1230

We want to cut back a little here and there to work back to a balanced budget.

Mr. Speaker, I urge my colleagues to support this very fair and responsible rule, support the Appropriation Committee's very find work.

Mr. Speaker, I include for the RECORD material on the amendment process under special rules reported by the Committee on Rules, 103d Congress versus 104th Congress, as follows:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of March 15, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open[2]	46	44	19	83
Modified Closed[3]	49	47	4	17
Closed[4]	9	9	0	0
Totals:	104	100	23	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of March 15, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, CA	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/10/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: v.v. (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/1/95)
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95)
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res 108 (3/6/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95)
H. Res 109 (3/8/95)	MC			PQ: 234–191; A: 247–181 (3/9/95).
H. Res 115 (3/14/95)	MO	H.R. 1158	Making Emergency Supp. Approps.	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; PQ-previous question vote.
Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank my colleague from California for yielding me the customary half hour and I yield myself such time as I may consume.

Mr. Speaker, we have just listened to a masterpiece. We would never know from the conversation on the other side of the aisle that this bill cuts all of the low-income housing fuel for poor people, the $17 billion includes the money for LIHEAP. The bill also cuts back on student loans, cuts back on food programs.

I have not heard a word about it. They talk about how important this rule is. I think it is very important. But we in the minority were not allowed to bring forth a lot of amendments. We were told what was in the bill, but we had no role in shaping it.

This is the most restrictive rule. It goes beyond anybody's imagination, and despite the promises to the contrary, it protects the Republicans from the cuts that we want to make against them.

Mr. Speaker, we have heard a lot of talk about cutting, but they did not mention the specifics. The low-income people, the most vulnerable of our vulnerable, as I say. There was actually testimony from the Republican side that the low-income heating program is not needed anymore. I do not know where some of those people come from, but I know in Massachusetts we do not get a 5-day notice when we are going to have a freeze. We have people, we have pictures of people who have been frozen to death because heating units were shut off during a certain cold spell.

So I think we have to look at those things that really affect the poor people, those who are unable to help themselves.

They want to cut spending, sure they do. They want to cut spending so they can get that money in that pool to raise the tax breaks they are going to give to the high 2 percent of this country. That is very important. We have a list of corporations that will cease being taxpayers once this thing goes through. We will not hear about that though.

They want to cut spending for the elderly, for children, the working poor, but do not touch those corporations, do not touch those people in the high 2 percent on the capital gains tax.

Mr. Speaker, we have to make sure that the amendment satisfies the requirement, according to them, that it does not touch military projects; and it does cut more money from this bill than is needed because they are going to put that in a pot and use it for the tax cut.

Mr. Speaker, there are so many things that could be said but because of my restriction on time, I just cannot do it. But I want everybody in the Chamber or within the sound of my voice to know that this is the bill that cuts low-income housing programs, this is the bill that cuts low-income housing, this is the bill that cuts low-income feeding, Meals on Wheels, WIC Programs, if Members feel they can vote for that bill under any excuse, then so be it.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I would add to the brilliant remarks of my friend from South Boston and say yes, this is the bill that gets us on the road to a balanced budget.

Mr. Speaker, I yield such time as he may consume to my friend, the distinguished gentleman from Glens Falls, NY, Mr. SOLOMON, the chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for the time and, Mr. Speaker, I rise in support of this rule providing for the consideration of two supplemental appropriations and rescissions bills reported by the Committee on Appropriations. Taken together, these bills provide approximately $5.4 billion in supplemental appropriations for disaster assistance primarily for the Northridge earthquake victims in California, but also for victims of other disasters in a total of 40 States.

But the truly remarkable thing about these bills is that the cost is fully offset by rescissions which not only pay for the bills but produce reductions in Government spending totaling more than $17 billion.

This is the first major step in the downsizing of this bloated Federal Government and moves us closer to the twin goals of lower taxes and lower deficits.

I cannot help but remember the debate about the balanced budget constitutional amendment when its opponents charged that it was all rhetoric but that there were no real cuts. Do Members remember that? Today we have the first installment of the real cuts.

These cuts will result in immediate savings because almost all of these cuts are in current fiscal year funding.

And on the subject of rhetoric, I hope we will not hear too much of the usual song and dance where the big spenders try to portray themselves as the ones with compassion. We have heard a little bit about this this morning already.

What is compassionate about burying our children and our grandchildren in debt? That is about the least compassionate thing I ever heard of. The people with true compassion are those who are trying to reduce the debt burden on future generations.

Mr. Speaker, we also need to be certain that we keep the facts in our discussion of this bill straight. For example, yesterday in the Rules Committee there was a strong attack on so-called cuts in the School Lunch Program until it was pointed out that there is nothing in the bill dealing with school lunches.

Then there was an attack on the $25 million rescission in the Women, Infants and Children's Program. It turns out that the rescission will not affect anyone currently benefiting from that program. The entire rescission is from $125 million in unspent funds left over from the 1994 appropriations.

In other words, the $260 million increase provided for the program for fiscal year 1995 remains untouched, and that is a fact.

So we need to be certain that our words are accurately describing the situation. It is not fair to allege a program is being decimated when in fact the spending for the program will continue to increase, and that is exactly what most of this bill is all about.

Mr. Speaker, I would also like to point out that at the appropriate time in the consideration of this bill, I myself, along with the chairman of the Committee on Veterans' Affairs, the distinguished gentleman from Arizona [Mr. STUMP], will be prepared to offer an amendment to eliminate the rescissions in the bill which affect certain veterans programs. We have proposed to pay for that restoration of funding with additional cuts in the AmeriCorps Program, and I will have a lot more to say about that when the debate takes place.

The care of veterans who in many cases have risked their lives in defense of this Nation is a much higher priority than anything we will find in the so-called AmeriCorps Volunteer Program, which is not a volunteer program at all. When you get paid for something that is not volunteering.

Mr. Speaker, the bill before this House today is a historic move in the right direction, and I look forward to a very spirited debate leading to the adoption of this first major step to reduce the burden of bloated government on the American people.

Before this is over, we are going to restructure this Federal Government, we are going to shrink the size and the power of this Federal Government, and return it to the State and local governments where it belongs.

Mr. MOAKLEY. Mr. Speaker, I think my friend the gentleman from New York, will not only shrink the size of the Government but he is going to shrink the size of the elderly population once they have no more fuel.

Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. OBEY] the ranking member of the committee.

Mr. OBEY. Mr. Chairman, I would urge a "no" vote on this rule for a number of reasons. First of all, this fight between us today has nothing whatsoever to do with the amount of deficit reduction that is being proposed. Every amendment that I asked the Committee on Rules to make in order, and every amendment that they turned down that I tried to get made in order, would have cut exactly the same amount from the deficit as this proposal before us today. The only difference is that we would have cut that money in different places.

The bill before us is a contract on kids; the bill before us is a contract on old folks. It clobbers programs for both, and yet I think we ought to look at what it does not hit. It does not hit pork. We asked them to make in order the Coleman amendment so we could knock out $400 million of congressional pork. The Committee on Rules said no, no, no, you cannot touch that.

It does not touch the Pentagon. We are told by such well-known "liberals" as Senator MCCAIN that we have at least 8 billion dollars' worth of waste in the Pentagon, and yet the Rules Committee says "oh, no, no, you cannot take a single dime out of there, precious precious, precious; better we go after the kids, better we go after the old folks." So that is what we are being asked to do today.

This bill is laughable, and so is the justification for it by the majority party. We have been told since January that the reason they were going to pass this bill is to create a kitty of money so they could finance their tax cut. So they go after veterans, they went after kids and old folks in order to create a nice pot of money for their tax package.

We found out in the Ways and Means Committee 2 days ago what that tax package is. They are going to provide 75 percent of the capital gains tax relief to people who make more than $100,000 a year. Do Members really think that is what the public voted for in November? Baloney.

What else are they going to do? They are gong to repeal the alternative minimum tax on corporations. What does that mean? It means a laundry list of Fortune 500 corporations who used to get by with paying not a dime in Federal taxes will revert to form. And they will; I have a list here if anybody wants to see it. But then after we raised cain about it, they say well no, we do not think we are going to use that money for tax cuts after all.

In the Committee on Appropriations when we tried to pass the Murtha amendment, which said that you could not use any of these cuts to finance the Republican tax cuts for the wealthy, every single Republican in the committee voted against that amendment.

Now they have had a "religious conversion" on the road to Damascus. They say: "Oh well, Saint Paul told us that we better have a similar experience, and so what we are going to do now is we are going to pretend we are not going to use this for tax cuts."

I think that side of the aisle does not know what it is doing on this bill and the Congress should not pass this rule under those circumstances.

Mr. DREIER. Mr. Speaker, the ranking minority member of the Appropriations Committee has chosen the rule for the supplemental appropriations bill to debate the tax bill. I encourage him to debate and vote against the tax bill when it comes up.

Mr. Speaker, I yield 4 minutes to the gentleman from Louisiana [Mr. LIVINGSTON], the distinguished chairman of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Speaker, I thank the gentleman for yielding time to me.

There has been a lost of hue and cry about this bill over the last couple of weeks. But the fact of the matter is it has been a very open process through subcommittee and full committee, and we are proud to report that we are now bringing forward to the House the largest rescission package, the largest cut package in prior appropriations ever to come before the House of Representatives or for that matter the entire Congress, roughly a $17.2 billion package of cuts in this year's budget plan.

Our critics think that Republicans want to take food out of the mouths of widows and orphans. In fact, Republicans are determined to help future generations of widows and orphans and everybody else in this country to survive. The fact of the matter is this is the first step toward a balanced budget. We will get to a balanced budget by the year 2002 and this is the first step.

The Chicken Littles, the liberals, the Democrats of this Congress who had 40 years to try to bring fiscal sanity and common sense to the American public and totally abdicated their responsibility, with the budget presented by our President of the United States who refused to balance the budget this year, next year and every year into the future, by calling for $200 billion deficits 1 year after another, have essentially said to us a balanced budget is not necessary and anything you cut causes pain to women, children, infants, the infirm, elderly, et cetera. The fact is our bill does not take a single person off the WIC rolls.

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Actually it leaves in place a $260 million increase in the program for fiscal year 1995.

They say we are cutting the school-to-work program. It leaves in place $62.5 million more than the previous year appropriated. You can go down the list. There is always a reason to quarrel with all of the cuts that we have made.

Every program has a constituency. But, ladies and gentleman, if we do not make these cuts, we are going to run the risk of what happened in Mexico 10 weeks ago. With the devaluation of the peso, the collapse of their economic system, the prospects of recession or possibly depression, joblessness, massive unrest in the streets these are things that could happen in this country. I am not prepared to see that happen. As the new chairman of the Committee on Appropriations, I say we must work towards a balance budget.

That $200 billion to $300 billion in deficits year after year after year, a $5 trillion debt load which amounts to $20,000 for every man, women and child in America is unacceptable. In 2 years, the interest on the debt that we have now will exceed what we spend on all of the defense of this Nation. Now, that is a frightening prospect, and what we have to do is start getting our fiscal affairs under control just like every man, women, and child, every American family has to do in this country.

They have to balance the budget. They have to get outflow in line with income. And that is what we should be doing in this country. That is what we are attempting to begin by taking a small, modest step, with $17 billion in cuts, $6 billion in emergency spending, giving us $11 billion in net cuts in last year's budget.

Now, the gentleman from Wisconsin [Mr. OBEY] said that he is against this rule. I might only say that if he had offered to support the rule, he would have gotten a lot more amendments. The gentleman from Wisconsin [Mr. OBEY] said that he would have liked to offer a lot of other amendments. He might have been able to, had he supported the rule, but he did not like this rule anyway. He was going to vote against it.

Mr. OBEY. Mr. Speaker, will the gentleman yield? He mentioned my name. He will not yield to me?

Mr. LIVINGSTON. I yield to the gentleman from Wisconsin. What I said is true.

Mr. OBEY. Why do you not tell the whole story? You asked me if I would support the rule if you made my amendments in order. I told you not if you included the other language which was being objected to by 40 Members of your own party.

Mr. LIVINGSTON. Actually you mentioned two other language. One part of the language is in. Part of the language is out.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. LIVINGSTON. Not at this moment.

Mr. MOAKLEY. Why do you not mention my name and then yield?

Mr. LIVINGSTON. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. MOAKLEY].

Mr. MOAKLEY. Mr. Speaker, is it not true, I ask the chairman, that when you were in front of the Committee on Rules you said that the LIHEAP program was no longer needed?

Mr. LIVINGSTON. Indeed, I would, if I can reclaim my time. The gentleman full well knows that the LIHEAP program was created at a time of highly escalating energy prices, when the energy prices in this country because of the energy crisis of the 1970's were just running out of sight, and there were some people who felt that the poor people in the colder areas of this country needed that extra assistance. Well, energy prices are now about a third of what they were back then, and, yes, there are always going to be people in need of assistance, but we have hundreds and hundreds of programs of duplicating good intent, which have to be weaned out so that we can cut unnecessary bureaucracy, so we can eliminate the redundancies, so we can return to the taxpayer so much of the money that we have taken from him and so that we can lift the burden of regulation on the people of America.

Now, that is just an example. The gentleman from Massachusetts illustrated one program out of many that are affected here.

Now, nobody can say that Americans are not compassionate. We are so compassionate we are almost broke, and it is time to get our fiscal situation under control. It is time to begin with this one step toward a balanced budget.

Folks, if you do not like these cuts, you are not going to like the ones that come, but we are beginning in the right direction. We should begin with passing this rule, pass the bill, and go on and achieve a balanced budget so that our children and our grandchildren can have the same high standard of living that we enjoy today, and failure to act today almost guarantees disaster for them in the future.

Mr. MOAKLEY. Mr. Speaker, I yield such time as he may consume to my dear friend, the gentleman from California [Mr. BEILENSON], a very hard-working member of the Committee on Rules and a man who tells the truth all the time.

Mr. BEILENSON. Mr. Speaker, I thank my friend for yielding.

I rise in opposition to the rule and to the legislation that it would make in order.

Mr. Speaker, as the Member of Congress who represents the congressional district that was hardest hit by the Northridge Earthquake last year, I deeply regret that I cannot support the legislation that provides much-needed funding for relief for victims of that disaster, as well as for victims of other disasters across our Nation.

That is because, unfortunately, the $5.4 billion in emergency funding for disaster relief is contained in a bill that also slashes spending for a great many worthy programs. Combining these two matters—emergency assistance and rescissions—into one piece of legislation leaves us with the unfair choice of voting either for emergency assistance and against adequate funding for a great many other programs we support, or against emergency assistance and for retaining existing funding for those other programs.

The way the majority party has framed this choice does a grave injustice to the victims of the earthquake, and of the other disasters. It has made the provision of the relief they need, dependent upon cutting spending for public broadcasting, for housing assistance for the elderly, for student loans, for summer job programs, for veterans, and for a great number of other valuable programs which serve many of our Nation's pressing needs.

We don't mind having an all-out debate on whether we should cut these programs—we should have one—but we do object to holding emergency disaster assistance hostage to that debate. And that is exactly what we are doing by mixing $5.4 billion of emergency disaster assistance with 17.1 billion dollars' worth of very controversial spending cuts.

There is a sound reason why emergency spending was exempted from the Budget Act's rules about spending offsets: so that disaster relief or spending for any other emergency, would not get bogged down in controversy over unrelated matters, and so that Congress could pass these bills quickly and speed relief to people who are in need of our help.

However, now that the majority leadership has decided that emergency spending needs to be offset, that is likely to change. In fact, since this legislation cut three times as much spending as it provides in emergency assistance, the controversy over it is likely to be made greater than if the spending were offset by an equivalent amount of spending, which would, in itself, be difficult to pass—but a much fairer way of dealing with this. The likelihood of this emergency assistance getting through the legislative process quickly, and relatively intact, is very slim.

If we are going to change the way we provide disaster assistance, we should do it by voting for such a change, not by leadership fiat. Before we decide to offset every provision of emergency assistance with spending cuts—or, as in this case—with 3 times the amount needed to offset the assistance—Members ought to have the opportunity to ask themselves: If a disaster struck in my district, is this the way I would want relief legislation treated?

As someone who represents a district that has been declared a Federal disaster area a number of times in the last 3 years, I believe it is absolutely essential that we continue to treat disaster assistance separately from the way we treat other spending, and I think we are making a big mistake by not doing that now.

Not only does the combination of emergency assistance and spending cuts in one bill force an unfair decision on us, but the rule also leaves us with very limited options for making these spending cuts less onerous.

By limiting amendments to just those which meet very strict criteria, the rule makes it next to impossible to have a meaningful debate on spending priorities. In constructing amendments to restore spending for certain programs, Members were very limited in the ways they could construct the amendments. In many cases, they could not propose cuts in the programs they would have preferred to reduce, because those programs were outside the relevant chapter of the bill or were not cut in the bill as reported, and, therefore, not eligible for cuts under the rule.

To add to the restrictiveness in the way in which amendments could be drafted, many Members who wish to offer amendments will be prohibited from doing so because of the 10-hour time limit on the amendment process. There are about 40 amendments which were preprinted in the Congressional Record and which appear to meet the strict criteria of the rule. In 10 hours—which includes time spent on recorded votes—with a 30-minute time limit on each individual amendment, there will not be nearly enough time to consider all of these amendments—or even half of them.

In addition, because the rule protects an egregious example of legislating on an appropriations bill from points of order, the rule makes this already controversial bill even more so controversial. The rule waives clause 2 of rule XXI against consideration of the salvage timber provision, which would require cutting double the amount of timber which was cut from our national forests last year, and which would suspend all environmental laws protecting the preservation of our forests.

That provision, which makes a vast and unwise change in the policy governing logging in national forests, has no place in an appropriations bill. Had the Rules Committee left it unprotected from points of order—or had the committee struck this provision from the bill, as it did with the other controversial legislative provision in this bill, dealing with Medicaid funding of abortions for victims of rape and incest—we would not have to use any of our limited time on debating an amendment to strike this provision, and we would not be risking sending to the Senate a bill containing a provision which is likely to add to the time it will take to consider the bill in that body.

Mr. Speaker, this is an unfair rule that presents Members with an unfair decision on the bill it makes in order. I urge Members to vote "no" on the previous question, and "no" on the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 2½ minutes to Mr. Veteran, the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, this is not out of my time that we get the props in here.

Mr. Speaker, the pictures around me are veterans who were wounded or hurt in the service and wounded in combat. I thought it was important that we have these pictures.

I rise in opposition to the rule. Many Members share my view on what the Committee on Appropriations has done, and they were wrong, Mr. Speaker, in rescinding more than $200 million in funding to improve VA health care. And I was not permitted by this rule to offer a clean up-or-down amendment.

Now, veterans across the country are asking some hard questions about what is going on around here. Why, they ask, should it be necessary to fight to keep money already appropriated to improve VA health care? Why, they ask, should veterans have to find other cuts to keep funds needed for the VA? Why, they ask, cannot my Member of Congress have the chance to vote either yes or no on a straightforward amendment to restore VA funding?

In urging a clean amendment to restore the VA's $206 million, the commander in chief of the Veterans of Foreign Wars has put it very well, and I quote, he said, "This Nation's veterans should not be placed in competition with other Federal programs for Federal dollars to fund new spending initiatives," and the national commander of the American Legion is supportive of this clean amendment.

Now, my colleagues, generations of veterans have put their lives on the line. They did not ask any questions when they marched off to war. They did not know whether they were going to come back or not, and we owe them a debt, and I would hope you would vote against this rule that I was not given the opportunity to offer a clean up-or-down amendment.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I am happy to yield to the chairman, my good friend, the gentleman from New York, who did not give me this opportunity.

Mr. SOLOMON. I thank the gentleman very much. And I am going to tell you I am a veteran, and I represent hundreds and hundreds and thousands of veterans. None of them in my district want us to be fiscally irresponsible. They support offsetting cuts in those areas that are not priority.

And I would urge everybody to vote for the amendment offered by the gentleman from Arizona [Mr. STUMP] and my amendment which is going to restore those veterans' cuts and is going to reduce the level of spending for something called National Service Corps.

Mr. MONTGOMERY. You have got the great veterans' organizations who totally disagree, totally disagree with you. You are wrong. The gentleman is totally wrong in what he said.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. I want you to repeat what was drowned out in some catcalls when you made the statement. You said that you were refused an amendment, and the other amendment that is coming forward will not do what you want to do? Is that what you said?

Mr. MONTGOMERY. That is correct. I do not think we should go and take money away from other programs to fund veterans' programs. They marched off to war. They deserve a straight up-or-down amendment. We did not get it.

Mr. MOAKLEY. Just to even it out, I know the gentleman from Mississippi is a veteran. I am a veteran, disabled veteran, so we know where the veterans are.

Mr. MONTGOMERY. And I will be glad to let the gentleman have my charts.

Mr. MOAKLEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Speaker, I rise in total opposition to this rule. This resolution makes a travesty of the Democratic process and the rules of fair play. This rule is nothing but an attempt to divert attention to peripheral issues and deny the Congress and the American people the opportunity to discuss the real issues. I was not permitted to offer an amendment which would have restored $2 billion to the veterans and housing programs that will be cut here today.

The debate today should be whether cuts should be made in the Veterans Administration, or in the summer jobs program, or in the Department of Housing and Urban Development. We should not be debating the question: Do you want to cut the VA or do you want to cut Americorps? The debate should not be on whether the veterans' program is more popular than Americorps. But unfortunately, that is exactly what we would have to do as a result of this rule.

They do not want the debate to be on whether a cut in the Corporation for Public Broadcasting is good policy. They are afraid of that debate. So they hide behind this artfully crafted gag rule and force the debate to be on whether you want to rob Peter to pay Paul. The Sophie's Choice they have left us is totally unfair, and totally unnecessary.

There is nothing in the House rules or in the Budget Act that requires such a rule. Even though not required to do so, these bills offset the supplemental funding provided by a ratio of nearly 3 to 1. Why are the extra rescissions included? To offset the tax increase proposed in the contract for America.

Mr. Speaker, I urge a "no" vote on the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 30 seconds to the gentleman from Kentucky [Mr. WARD].

Mr. WARD. Mr. Speaker, as a freshman Member of this body, I feel I must point out that what we are debating here is typical slick contract-driven baloney. What they are doing is saying to this House, "You cannot bring up issues and vote them up or down. You can only bring up issues in a very narrow and impossible to explain in 30 seconds convoluted system so that they do not have to vote on families, they do not have to vote on children."

They can vote on chapters and sections. It is just not right.

Mr. MOAKLEY. Mr. Speaker, I yield 30 seconds to the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Speaker, I am opposed to this rule, because, among other things, the rule makes in order the Taylor timber salvage sale amendment which is a timber lobbyists dream.

The Taylor amendment is a congressional gift to the timber industry at a time when the timber companies are enjoying record profits. This amendment is not a part of the Republican Contract With America, and there is no need to rush it through. This amendment is a 13-page legislative bill that totally revises the law on timber sales, no hearings, no witnesses, no examination by a legislative committee.

I urge the House to oppose the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. ANDREWS].

Mr. ANDREWS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, here is what this debate is about: This weekend Members of both parties are going to go home and have a town meeting, and someone is going to ask them if they are in favor of cutting spending or not. Most of us are going to say yes, we are in favor of cutting spending, and then someone in the audience is going to raise their hand and say, "Congressman, why did you vote to cut the aid that I get to pay my utility bill, my heating bill, when you could have voted instead to cut money from the savings and loan bailout or from the bureaucracy in the Agriculture Department or from the Export-Import Bank?"

If you vote for this rule, Mr. Speaker, if Members vote for this rule, here is the honest answer to that question: "I had a chance to vote for that kind of amendment, but I refused it. I had a chance to defeat this rule and let us bring to the floor amendments that would let us cut other areas that benefit corporate America and do not hurt seniors and kids and middle-income families, but I did not take that opportunity."

□ 1300

If this rule passes, this will be the day that the Contract With America was breached for the first time.

Mr. MOAKLEY. Mr. Speaker, I yield 30 seconds to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, I rise in strong objection to the rule and the rescissions that follow this rule.

The gentleman from Louisiana said that the LIHEAP program, the low-income housing energy assistance program, is no longer needed. Maybe if you live in Louisiana it is no longer needed. But tell that to the 5 million people, families headed by disabled, families headed by people who earn $8,000 a year. Heat is still expensive, and it is still cold in New England.

Mr. Speaker, I strongly oppose this bill which is nothing more than an attempt to transfer wealth from the neediest in our country to those very well off, and to Fortune 500 companies.

For instance, and there are many examples, in 1993, more than 5 million households across the country, 1.7 million of them in New England, benefited from funding under LIHEAP. The program offers heating assistance to low-income, disabled, and elderly families; more than 70 percent of the recipients have annual incomes of less than $8,000.

In New England, where our winters are long and harsh, low-income families pay nearly four times more of their income for energy than the average family.

Mr. Speaker, it would be hard to believe that this would be one of the first programs picked on, but it is even more unbelievable when you know it would go to pay for a fiscally irresponsible tax bill which loses $188 billion over 5 years and $630 billion over 10 years. A tax bill that is unfriendly to those in middle-income brackets and a tax bill that promotes tax shelter activity, not the new business activity that we need.

By combining debt financing and a new cost recovery depreciation systems, the bill would create something tantamount to a voluntary corporate income tax, or at least the economic equivalent of safe harbor leasing—the egregious tax loophole created in 1981 that led to unprecedented commerce in tax preferences.

This bill would lead to a dramatic increase in tax-motivated leasing transactions or artificial merger and acquisition activity.

Mr. Speaker, the bill before us today is a bad bill linked to an even worse bill coming in 2 weeks. I urge all Members to vote against this rule.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 1½ minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. I thank the gentleman from Massachusetts for yielding this time to me.

Mr. Speaker, this debate on this rule is not about Democrats that are for or against offsets; it is not about whether we are for balancing the budget. We are. I voted for the balanced budget amendment, the line-item veto, and I have brought many amendments to this floor, including an amendment to cut the space station billions of dollars to reduce the deficit.

This debate today is one about a fair rule to allow us cuts in corporate programs and subsidies, to help heat the kitchens and the bedrooms for senior citizens or to help pregnant women deliver healthy babies. It is about a rule that is about 70 years old. I voted against Democratic rules when they were not fair. This is the first time I have risen against a Republican rule because it is a Russian rule; not of the Russia of 1995 but of the Russia of 1925.

Why not just have an up-or-down vote on this whole bill? We are not even given the opportunity to amend this.

Do the American people support cutting the CIA budget of $28 billion or, as the Republicans want to do, cutting the WIC Program, cutting heating for senior citizens, cutting summer youth training programs? I do not think so.

Mr. Speaker, give us the ability to make those offsetting cuts and balance the budget.

Mr. DREIER. Mr. Speaker, may I inquire as to the time remaining on both sides?

The SPEAKER pro tempore (Mr. HANSEN). The gentleman from California [Mr. DREIER] has 11 minutes remaining, and the gentleman from Massachusetts [Mr. MOAKLEY] has 15 minutes remaining.

Mr. MOAKLEY. Mr. Speaker, I yield 30 seconds to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. I thank the gentleman for yielding to me.

Mr. Speaker, what a terrible rule. Cutbacks for heating programs for low income, for senior citizens, cutbacks in education, cutbacks for veterans, cutbacks for WIC. But we are not allowed to discuss cutbacks in corporate welfare, cutbacks in military spending.

Let us vote this rule down and develop a fair system of priorities for this country.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY asked and was given permission to revise and extend her remarks.)

Mrs. LOWEY. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in opposition to the rule because it denies us the opportunity to make critical decisions about our spending priorities. This bill contains deep cuts in education and student aid, in assistance programs for seniors, in veterans programs, in health programs for pregnant women, and in antidrug programs. On the other hand, the bill contains no cuts in pork projects, no cuts in unnecessary weapons systems, and no cuts in wasteful programs. This bill cuts the muscle and leaves the fat. Worse, the rule doesn't give us chance to offer any real amendments to make the bill better.

For example, I had hoped to offer an amendment today to eliminate the cuts in funding to Public Broadcasting contained in this bill—but this restrictive gag rule would force me to make additional cuts in education or health programs that have already been cut too deeply. There are other programs in the budget that I would like to cut instead, but this rule will not let me.

The $141 million cut in funding for Public Broadcasting contained in this bill would result in 80 stations being forced to shut down and would mean the elimination of locally produced public television and radio shows. And this is only the beginning.

This cut was not made to save money—it was made to eliminate public television entirely. Make no mistake: this bill is a wrecking ball aimed straight at "Mr. Rogers' Neighborhood" and at "Sesame Street."

Mr. Speaker, it is clear that the Republican leadership is waging an ideological holy war against public broadcasting. Opposing this effort are millions of American families who watch public television and listen to public radio every day.

Mr. Speaker, this bill will mean a lot fewer cookies for my friend here—and as a mother of three children I can tell you that Cookie Monster and the other Muppets are among the best friends that any kid will ever have. Anyone who wants to take the Muppets off public television will have a lot of explaining to do to the children of America—and their parents too. Make no mistake: this debate is about Oscar the Grouch, and Big Bird, and Ernie, and Bert. The new Republican majority has put them on the chopping block.

Mr. Speaker, "Mr. Rogers' Neighborhood" is much more popular than Mr. GINGRICH's. "Sesame Street" is a far healthier environment for children than Capitol Hill. The Muppets are far more popular than this Congress, and we should think twice before we eliminate them.

Defeat the rule so that we can offer an amendment to save Sesame Street from the wrecking crew.

Mr. DREIER. Mr. Speaker, at this time I yield 1½ minutes to my very dear friend from Redlands, CA, Mr. LEWIS, the senior California member on the Committee on Appropriations.

Mr. LEWIS of California. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in strong support of a very, very difficult rule. To say the least, when we are attempting to address this horrendous deficit problem which burdens our entire economy, it is appropriate to look back at the 1995 appropriations year. Deciding how you are going to make adjustments in wished-for growth in each of those programs is a difficult process.

I hear the word "cut, cut, cut, cut," everywhere. What we are really talking about is an attempt to adjust decisions on spending within last year's bill, and to decide that some of the appropriated growth could be cut back a little.

Every one of these programs are either going back to the President's recommendations in the first place or they actually reflect efforts to rein in continued growth in programs where people services are involved.

There is little question that when people attempt to trade one program off against another, veterans versus NASA, assistance for people with AIDS versus space station, that makes it extremely difficult to understand the motives of those advocating smaller government.

We are attempting to start on that glidepath that will lead us to a balanced budget by 2002. The people who come to the floor who proudly say, "I voted for the balanced budget amendment," and then come and suggest we cannot even begin to slightly readjust backward the $1 trillion budget of last year are speaking out of both sides of their mouths.

The American public is not going to be fooled. I strongly urge you to support this rule.

Mr. MOAKLEY. Mr. Speaker, the next gentleman I will yield to probably could explain why the Republicans have taken this track. I yield 1 minute to our inhouse psychiatrist, the gentleman from Washington [Mr. MCDERMOTT].

Mr. MCDERMOTT. Mr. Speaker, the question here is: Why are we making these cuts? Is it to balance the budget? I would say "no."

Yesterday on the Committee on Ways and Means, on which I serve, we passed a bill that gives away $700 billion over the next 10 years. That unbalances the budget by $700 billion. These cuts are being made to pay for that tax cut.

Now, the tax cut goes to the most wealthy 10 percent in this country. Sixty percent of the benefit will go to the top 10 percent in this country. They will give a family credit to the 40 million families in this country—only the top 30 million. The bottom 10 million families in this country will not receive one dime for their children in a tax cut out of the tax bill we put through.

These cuts we are going through here today are simply to pay for a giveaway to the wealthy in this country. I think we ought to vote "no" on this rule.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. I thank the gentleman for yielding this time to me.

Mr. Speaker, I oppose this rule. This rule is a gag rule. This is a divisive rule. This rule only allows amendments that pit one good program against another good program. The $25 million cut in WIC can only be restored by cutting at least an equal amount in agricultural research funds. The $50 million in Veterans' Administration medical care funding, and the $156 million in VA hospital construction funding can only be restored by cutting wastewater treatment infrastructure financing and other worthy programs. Healthy Start money can only be restored under this rule by cutting money from the National Institutes of Health.

This rule is a classic case of robbing Peter to pay Paul. This rule is not unlike pitting sibling against sibling, or child against parent. Worse, Mr. Speaker, the rule allows debate and a vote on a bill that assaults the Nation's poor. For example, the bill proposes a rescission of $7.2 billion from the HUD programs—representing 42 percent of the entire rescission package. By cutting public housing programs, we will adversely affect 630,000 families with children and 530,000 elderly households. The cuts in the section 8 program will leave countless families with children and elderly virtually homeless.

The section 515 rental housing program will be nonexistent. In addition, the bill eliminates all—not some—but all funding for the Low-Income Home Energy Assistance Program. This program helps low-income families with home heating bills.

Mr. Speaker, what is going on here? Child nutrition programs are being cut. Housing assistance programs are being cut. And, assistance with heating bills is being eliminated. These are all basic needs. If this agenda continues, we will have millions of very hungry and very cold people, out on the streets.

While cutting these basic needs, the bill cuts $1.7 billion from education programs. Programs that prepare our students to compete in an increasingly globalized world cut. Youth job training programs that provide work experience for students are cut. And, the bill goes further and deeper. Rural America and National Public Radio are like peanut butter and jelly—they are best together. In isolated areas, like eastern North Carolina, National Public Radio is the only reliable news source.

With this bill and proposed amendments, the demise of the Public Broadcasting System is certain. A total of 15.8 million people listen to NPR every week. The total Federal investment in NPR amounts to just 29 cents per American, per year. I ask each of my colleagues, are these cuts putting good programs against each other, in the Nation's best interest? I think the answer is obvious. Vote against this rule and vote against the bill.

Mr. MOAKLEY. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. I thank the gentleman for yielding time to me, and I rise in opposition to the rule.

Mr. Speaker, this rule is an abomination. I am fundamentally opposed to several elements contained in this bill, as well as the way it will be considered.

First, emergencies are emergencies. We should never have to cut programs which have already been budgeted due to an act of God. That is what this legislation would do.

The State of California has been the unfortunate site of several natural disasters recently. It is absolutely the role of the Federal Government to assist in these relief efforts. But, the way this bill is structured, we will create several new emergencies as we pay for relief from earthquakes and floods.

Cities cannot afford cuts in summer jobs. This program has helped avert social disasters in many communities throughout this country. Not any more.

Poor people cannot go without energy assistance. But this bill will freeze elderly people in the northeast because of an earthquake in California.

People need housing. But this bill would create a shelter emergency for thousands of Americans because of a natural disaster in one region of the country.

Tell veterans why they do not need health care—health care which this Congress approved last year—because of a California earthquake last year. Anyone who has visited a veterans hospital in this country understands the number of emergencies that this bill will inflict on our Nation's veterans.

Last, this rule sets up false choices. It is a sham. This rule is not about robbing Peter to pay Paul. It is about taking away Peter's home to pay for Paul's tent.

The American people want a discussion about budget priorities. But that is not what is before us. This is a cold-hearted, slick, political way to punish poor and middle-income families because of unpredictable weather. It is using natural disasters to affect this Republican Congress' mean-spirited political agenda. This whole process should be rejected.

Mr. MOAKLEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. I thank the gentleman from Massachusetts for yielding this time to me for the opportunity to speak against this rule.

Mr. Speaker, it gives me a great deal of sorrow that we have to stay here today not only with this bill with which I disagreed on some of the provisions that took away my clinic in my veterans facility back in Columbia, MO, it took away my heating assistance during the cold winter months which will come up next year. But now it take away the possibility that we will save a lot of lives of the unborn with the Istook amendment, just like any amendment that would be offered to it, and strikes it from the bill. We do not an opportunity to save those lives of the unborn as a result of this rule.

Mr. Speaker, I am very disappointed in what I am now hearing from so-called pro-life forces on the majority side, that they are going to vote for this rule that will mean that more unborn are going to suffer the fate of an abortion and die as a result of this rule.

I strongly oppose the rule, I ask the Members to defeat the rule so that the Committee on Rules has to put back the Istook language and then we can vote on it fair and square in this House—either you are for it or against it—and not do it the way that the Committee on Rules has decided to do it and not give us a chance to vote on that language.

Mr. MOAKLEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas, the Honorable Judge DOGGETT.

Mr. DOGGETT. I thank the gentleman for yielding this time to me.

Mr. Speaker, the distinguished gentleman from California opened the debate on this rule by informing the House that this is a new era in addressing the deficit. And I have to agree with him completely. In fact, it is a brand-new, sparking era because as recently as last Friday I was engaged in colloquy here on the floor with the distinguished chairman of the Committee on Rules and the distinguished majority leader, and they all informed me that it would be entirely out of order, under the rule proposed for this debate, to allocate even as much as 1 cent to deficit reduction.

So I am glad we made some progress, if it is indeed progress, here in the House, in that in the period between last Friday and now we have found out from the majority that they have a new interest in deficit reduction and indeed a new era.

I sought to engage the gentleman from California [Mr. DREIER] in a colloquy during his opening remarks concerning this sudden change. And I would propose, since he would not do it on his time, to do it on my time.

Mr. Speaker, I ask the gentleman from California [Mr. DREIER] this question: Do I understand that under this rule it is proper to allocate these savings, that there will be an amendment to allocate savings to deficit reduction?

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. DOGGETT. I yield to the gentleman.

Mr. DREIER. I thank the gentleman for yielding.

Mr. Speaker, I say, yes, it is the Brewster amendment which has been made in order. That is the same as the Crapo amendment.

Mr. DOGGETT. And the Murtha amendment that I was told last Friday would not be in order? I am glad to know that they are now in order.

Mr. DREIER. We want all these ideas to be considered.

I hope my friend, the gentleman, will support the rule now that we have done this.

I assume my friend from Texas, Mr. DOGGETT, will be supporting the rule.

Mr. Speaker, I yield 2 minutes to my good friend, the gentleman from Wilmette, IL [Mr. PORTER], the distinguished chairman of the Subcommittee on Labor, Health and Human Services of the Committee on Appropriations.

Mr. PORTER. I thank the gentleman for yielding this time to me.

□ 1315

Mr. Speaker, I rise in support of the rule. It is a fair rule.

I read in the media today that several of our colleagues object to the rule as unfair because it requires amendments to have offsets, offsets in the same account, or subcommittee, in order to add back funds that have been rescinded.

Mr. Speaker, I am amazed at this. In 15 years the other party never went outside the accounts once, not once that I know of. I am amazed that with $200 billion deficits people do not understand that our job is not to be here to serve each special interest and fund their program. Our job, the reason we are here, is to be responsible for the bottom line, for governing this country and getting our financial affairs in order. The job of appropriators and the job of every Member in the House is to choose among competing priorities for spending, to choose among alternatives, to bring spending under control, to reduce the deficit and to take responsibility. The rule would require us to do exactly that.

Mr. Speaker, it is a good rule. It requires us to look at programs and determine if they have a national reason for being funded. We have to look at small programs that serve narrow constituencies at a huge expense and are expensive not only in terms of dollars, but also in personnel, and perhaps determine that they ought to be served under broader authorities; to look at programs and see if they might be better done in the private sector or by State and local government rather than by Federal Government; and, yes, to look at programs and determine they just do not work, if that is the fact.

Let me close, Mr. Speaker, by saying that this bill does not cut taxes. The arguments about cutting taxes are inappropriate here. I say to my colleagues, "When you're running $200 billion deficits, and you cut spending by $17.5 billion, that obviously reduces the deficit. Later, if you want to cut taxes, then you vote against doing that, as I will, and you ensure that you continue to reduce the deficit with this entire $17.5 billion."

Mr. Speaker, that is exactly what we are doing here.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. KENNEDY]. We only have 1 minute for him unless the Members on the other side will be so generous as to donate time.

Mr. DREIER. Mr. Speaker, I yield an additional 15 seconds to my friend, the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. I thank the gentleman from California [Mr. DREIER] very much for the usual consideration we get from the Republicans these days.

Mr. MOAKLEY. Are there any other Members over there who would like to donate 15 seconds?

The SPEAKER pro tempore (Mr. HANSEN). The chair recognizes the gentleman from Massachusetts for 75 seconds.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I came to the floor today with the hope that we could have offered an amendment along with the gentleman from Massachusetts [Mr. MOAKLEY] that would have restored the Federal fuel assistance. I had hoped to offer an amendment that would have gotten drug-addicted and mentally disturbed people out of public housing for senior citizens, and I had hoped to offer an amendment which would have made sure that poor children are not retarded by the time they reach school age by eating lead-based paint in their apartments, in addition to one that would have gotten drug dealers out of public housing. They were not allowed to be offered because the Committee on Rules struck down the ability because, even though we would have paid for every single one of those programs, the Committee on Rules denied the Democratic Members the opportunity to offer amendments that would have gotten the job done.

My colleagues, I ask the people of this House to defeat this rule, to recognize that we are not allowed to offer amendments that look out for poor, and the vulnerable, and our senior citizens in this country by virtue of the gag rule that the Republicans have put on the Democratic Members of the House of Representatives.

The SPEAKER pro tempore (Mr. HANSEN). The time of the gentleman from Massachusetts [Mr. KENNEDY] has expired.

Mr. DREIER. Mr. Speaker, for a response, I yield 15 seconds to the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Speaker, I just want to point out to the gentleman currently on the books there are 163 job training programs, 240 education programs, 93 early childhood programs, 46 youth development programs. The redundancy and inefficiency of government today in providing meaningful services for the American people is incredible, and the American taxpayers pay for every one of them.

Mr. KENNEDY of Massachusetts. Tell me whether the programs work.

Mr. DREIER. Mr. Speaker, with that I yield 3 minutes, not to the gentleman from Massachusetts. I am yielding it to the gentleman from Sanibel, FL [Mr. GOSS], a distinguished member of the Committee on Rules.

Mr. GOSS. Mr. Speaker, I am pleased to rise in support of this democratically constructed, fair, and modified open rule.

Mr. Speaker, our first mission is to provide emergency disaster relief to the people of California and other States. This is what we set out to do, and I will yield to the gentleman when I am through.

Mr. MOAKLEY. I am just wondering what document the gentleman is reading from.

Mr. GOSS. Also under this rule we allow Members to set cutting and spending priorities and to offer further reductions in government spending, a new idea here.

Mr. Speaker, the broader vision today is to take on another important step toward fiscal responsibility and accountability to the American taxpayer. That is what we promised.

I want Members to know that passing this rule will give us the opportunity to make two crucial advances in the way we do business. First, we will have the opportunity to vote for emergency disaster relief. That is entirely paid for, never been done before, new idea. We are paying for it, and at the same time we are making a major downpayment on our pledge to the American people to cut waste, reduce spending. That is what the vote was in November.

Last month I submitted my third annual list of spending cuts to the Committee on Appropriations. I am pleased and gratified to see that committee acted on several of those proposals in this package. Included, for instance, is a $45 million rescission in the Economic Development Commission, a $5 million rescission from the Legal Services Corporation, a $3 million rescission from the Rural Electrification Administration, a $5 million cut in TVA programs, along with several more cuts in areas I and others have targeted as wasteful spending, and, as the gentleman from Louisiana [Mr. LIVINGSTON] has just been reading from a long catalogue of redundancies, there is more to be done.

While we will hear some Members saying we are cutting too much spending in some cases, I am hopeful we can go beyond what the committees requested. I am proud to join with the gentleman from Wisconsin [Mr. KLUG] and the gentleman from Minnesota [Mr. MINGE] and others in bipartisan support of an amendment to further cut the Appalachian Regional Commission, that rescission increasing the committee's cut of $10 million to a full $117.5 million.

Mr. Speaker, there are contentious items in this bill, including a big cut in veterans funding, which I personally opposed, but I am pleased I am going to have the opportunity to restore those funds by cutting lower priority projects. That is a very fair system. My State of Florida ranks 2d in veterans population, yet it is 34th in VA funding, so I am confident that we are going to find the necessary offsets in a National Service Corps to preserve funds for our much-needed veterans clinics for Florida where they have been promised, and they are needed and deserved.

Mr. Speaker, this bill demonstrates the progress we in the majority have made in cutting spending. We said we would pay for all the supplementals and reduce the deficit. We are keeping our promise. We said that we would get specific spending on spending cuts, and we are doing that today. I think the array of opposition shows that we are on target, we are hitting the mark, we are excising pet projects that have been overserved and overprovided for many years.

I urge support of this rule.

The SPEAKER pro tempore. The minority has 7½ minutes remaining, and the majority has 3½ minutes remaining.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Speaker, the need for rescissions and deficit reduction has never been greater, and I agree with the gentleman from California [Mr. DREIER], my colleague, that it is time to step up to the tough choices. This rule, however, does not afford

Members the opportunity to step up to a serious debate about responsible alternative ways to cut spending.

In addition, Mr. Speaker, the rule is arbitrary in forcing proponents of amendments to stay within chapters of the bill, chapters which have no more relationship to the real world than chapters from Alice in Wonderland.

"Then you should say what you mean," the March Hare went on. "I do," Alice hastily replied; "at least—at least I mean what I say—that's the same thing, you know."

And what do the rule's proponents say. "It too confusing to do otherwise."

Do they mean what they say? Or is this patronizing statement part of an effort to demean the independence, intelligence and integrity of every Member of this body.

Further, we could have prevented making disaster relief a political football where victims of disasters are pitted against some of the most vulnerable in our society, the aged, the young and the ill-housed, and we could have had an opportunity to delete the language preventing the President from issuing his executive order on permanent replacement of strikers.

I hail the last-minute addition of the deficit lock box, a concept I co-authored and vigorously support, but I am well aware that the majority opposed it in the Committee on Appropriations, it appears now because without it the rule would have failed.

I urge rejection of this rule. We can do better.

Mr. MOAKLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Speaker, I rise in opposition to the rule.

There are few issues we deal with in Congress which are as important as our responsibility under the Constitution to exercise the power of the purse—to decide where spending will be increased and where it will be decreased. And that is exactly what this supplemental and rescission bill is all about.

But this rule would very narrowly limit our ability to do our job, which is to consider alternative places to cut spending and to increase spending. This rule says that if we want to increase funding for a particular program, we can do it only if we find cuts in the same chapter of the bill. We may well prefer to make an offsetting cut in some other chapter or some other program, but under this rule we could not do that.

That is simply not right. We should make the offsetting cuts wherever they make the most sense, not where they just happen coincidentally to have been put in the same chapter. There are amendments which will be offered to reduce a rescission for a particular program, and which I would want to support, but I will not be able to do so because the offsetting cut will be taken from a program which makes no sense to cut. And in fact, it may make no sense to the author of the amendment to make that particular cut, but he or she had to because that was the program which just happened to be in the same chapter as the program being restored. There may be other programs which would make perfect sense to cut instead, but we would be barred under this rule from making those more sensible spending cuts.

This is a totally arbitrary and artificial restriction on amendments to cut spending.

The rule before us, in my opinion, is a grotesque distortion of the principles of free and open debate that should prevail in this House.

I am not a stridently partisan Member of this House, and I have always done my best to work amicably with Members of both sides of the aisle.

But this rule put forward by the Republican Rules Committee, by restricting the cuts that can be offered to only those Republicans want to include, and protecting programs only Republicans want to protect, literally warps the nature of the spending debate in this House.

I will vote no on this rule. If it passes, I will refuse to cooperate with any Sophie's Choice amendment brought up under its structure and vote present.

These are not the country's choices, and attempting to portray them as such is a distortion of the process.

I also oppose the rule because it would protect provisions of the bill which violate House rules against legislating in an appropriations bill. Specifically, the bill lowers transit funding obligations ceilings and highway obligations ceilings in ways which clearly violate rule XXI of the House. Both Chairman SHUSTER and I urged the Rules Committee not to protect these violations of House rules, and yet that is exactly what the rule does.

Finally, I want to point out a very unfortunate provision of the supplemental and rescission bill with respect to California and with respect to any other State which might suffer natural disaster damage to its highways. When a natural disaster strikes, as flooding has struck California so severely in the past few days, damage to highways is often a substantial part of that damage, and highways are often the facilities which must most urgently be repaired, both for public safety reasons and for purposes of getting the area back on its feet economically. This bill would rescind all the emergency relief money for highways. In fact, it would rescind more money than exists in this program. The emergency relief fund in the highway program now has a balance of about $300 million. This bill would rescind $351 million.

What happens if we wipe out the emergency relief account? As the flood waters recede in California we are facing enormous amounts of emergency repair work to reopen highways. And we are likely to face additional flood damage further East in the coming months and hurricane damage in the Southeastern part of the country late in the fiscal year. If this bill is passed and wipes out the emergency relief account, the emergency highway repair effort will have to struggle to find unobligated balances in other highway programs from which to borrow. We would either not get the emergency repairs done, or we would get them done at the expense of other highway programs in other States. And we would probably end up restoring the Federal money later anyway, resulting in no real savings to the Federal taxpayer anyway, but resulting in program delays in other States. This is a crazy way to try to get highway emergency repair work done, when everybody agrees this is work that urgently needs to be done.

The highway emergency relief rescissions in this bill are seriously flawed, and I want Members to know that this has the potential to create real problems in highway programs all across the country.

Mr. Speaker, we need the FEMA supplemental which is part of this bill. But the rest of this bill is seriously flawed, and the rule for the consideration of the bill effectively blocks our ability to correct the flaws in the bill. I urge a no vote on the rule, and then let's take a few days to bring forth a FEMA supplemental in a bill which makes sense, under a new rule which makes sense.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana [Mr. FIELDS].

Mr. FIELDS of Louisiana. I rise in strong opposition to this gag rule, Mr. Speaker, and the reason why I rise in strong opposition is because I had several amendments that will address several serious, serious problems in this Nation, one being the summer jobs program.

I say to my colleagues: If you vote for this rule, this rule would not allow us to address the summer jobs program. There are 1.2 million young people that will be on the streets as a result of this rule and as a result of this rescission packet, 14,000 young people in a time that we need to get young people off the streets and into jobs and in a time that we want to take young people, older people or mothers off of welfare and put them on the payrolls. This amendment would not allow us to keep young people working during the summer.

Mr. Speaker, this amendment further takes away all the money—this rule will take away all the money for drug-free schools and communities. I have an amendment that would restore that money, but I will not be able to offer that amendment simply because this rule will not allow that.

Mr. Speaker, at a time when young people are using more drugs in our schools and communities, more guns in our schools and communities, we are still taking away all the money for drug-free schools and communities.

I offered three separate amendments to delete rescissions and restore funding for the TRIO Program, job training programs, and for safe and drug-free schools. Each of these amendments is not allowed under the rule we are currently debating.

The rule calls for offsetting rescissions to be made within the same chapter/appropriations subcommittee and within the same programs which have already been rescinded.

Under this rule, I would have to further cut into chapter VI. This chapter contains rescissions for programs I am committed to. I do not wish to further cut programs within this chapter. In my opinion, we have cut too far already. If I was going to cut I would cut further into the foreign operations chapter. Foreign operations appropriations were only cut $93.5 million. This accounts for only 0.5 percent of rescinded funding; 99.5 percent of all funding cut was to domestic programs. Of these programs $5.89 billion has already been cut from Labor, Health and Human Services, and Education programs.

Below, I list programs which I would have had to find further cuts in to make my amendment in order under this rule. Should I have cut deeper into the funding to keep this Nation healthy so that I could delete rescissions for training the youth of this country to be productive citizens and taxpayers? This is the type of decision we are faced with. I could not cut foreign operations programs.

Chapter VI—Labor-HHS-Education—$5.89 billion has already been cut from this chapter.

Labor: $2.3 billion cuts; of those cuts, I would have to make cuts beyond: Training and employment, $2.285 billion; community service employment for older Americans, $14.4 million; State unemployment insurance and employment service, $12 million; OSHA, $16.1 million.

Health and Human Services: $1.727 billion cuts; of those cuts, I would have to make cuts beyond: Health and human resources, $82.8 million; Centers for Disease Control, $8.9 million; National Institutes of Health, $70 million; Health Care Financing Authority, $38.2 million; LIHEAP—low income home energy assistance—$1.3 billion; community services block grant, $27 million; Children and Family Services Program—crime bill—$25.9 million; foster care and adoption assistance, $150 million.

Education: $1.626 billion cuts; of the cuts I list below, I would have to make cuts beyond: Education reform, $186 million; title I for disadvantaged students, $113.3 million; impact aid, $16.3 million; school improvement programs—construction—$746 million; crime bill, $11.1 million; bilingual and immigrant education, $38.5 million; vocational and adult education—tech prep and literacy—$232.4 million; national and community service, $210 million; public broadcasting, $141 million; student financial aid, $83.4 million; higher education, $102.3 million; libraries, $34.7 million.

These are just some of the programs that I would have to cut further to comply with the rule. This is rediculous and uncalled for. I oppose the rule and urge Members to vote "no" on the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I do not remember a rule like this. I do not remember a rule where it was preselected. The gentleman from New Jersey [Mr. ANDREWS] is on the floor. He had a bill called A to Z that allowed 46 hours for any Member to pick any program to cut spending. But in this rule we only have the leadership's list to choose from, and I say to my colleagues, If it's not on the list, you don't get your shot.

As a matter of fact, what is that for? To protect, I suggest, the projects they want to talk about, but not to do anything about.

My colleagues, I rise in opposition to this rule. If we pass this rule and bill, teenagers will have fewer jobs, children will be hungrier, older Americans will be colder, families will find housing less available, and veterans will be less cared for.

Yes, we need to cut spending, but let us do it not on the backs of children, veterans, and older Americans.

Mr. Speaker, I rise in strong opposition to this rule.

The appropriations process is inherently one of weighing priorities and making choices.

I am willing to make those choices—to bite the bullet and make the tough decisions that are necessary to bring our budget deficit under control. But this rule has made a farce of that process.

First, this rule requires that, if funding is to be restored to one program, offsets must be found in the same chapter of the bill.

I sit on two subcommittees—Treasury Postal and Labor-HHS-Ed. The idea that we can not weigh the importance of educating and training our children against the construction of a new building is ludicrous.

I am the ranking Democrat on Treasury Postal, but I would be the first to say that our Nation's children are more important than that construction. This rule prohibits us from making that judgment.

In addition, for the first time in my career in Congress, the rule requires that offsets come solely from programs which have already been cut at the subcommittee and full committee level.

All programs should share in the burden of necessary reductions. Instead, the Republicans have targeted programs for children, the elderly, and veterans for severe cuts or entire elimination—and then guaranteed that they would be cut still further by the adoption of these two provisions in the rule.

This rule also protects inappropriate authorizing legislation adopted by this committee with inadequate information, without holding any hearings, and against the strong objections of Mr. OBEY, the ranking Democratic member.

The original contract for American—the U.S. Constitution—promised an open, informed debate by educated citizens and their elected representatives.

This bill has been put together in haste, largely without hearings, and with inadequate consideration of its implications. It attacks the health, food, and education programs needed to create an active, informed democratic society of the future.

I urge you to vote against this rule.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Actually I have been corrected. Somebody informed me that there is money for low-income housing in the Republican legislation. They are building new prisons out of the crime bill, so there will be low-income housing available.

Mr. Speaker, I yield 30 seconds to the gentleman from West Virginia [Mr. MOLLOHAN].

□ 1330

Mr. MOLLOHAN. Mr. Speaker, the good news in this rule and this bill is we are funding disaster relief to California. The bad news is that we are taking money from across the country to fund it, instead of treating it as an emergency supplemental as we traditionally do. We are taking money from roads in the country, to pay for road reconstruction in California; from low-income housing across the country, to repair housing in California.

The rule and the reason why we oppose it is it prohibits the gentleman from Ohio [Mr. STOKES], who is the ranking minority member on VA-HUD, whose subcommittee is funding $7.2 billion, one-third of this, it prohibits him from offering an amendment to restore with offsets some of that housing money, and prohibits the gentleman from Mississippi [Mr. MONTGOMERY] from trying to restore the $206 million from veterans programs.

Mr. Speaker, I rise in opposition to the rule for those reasons.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the problem here with the statement from my very dear friend, the gentleman from West Virginia, is that once again it is looking at the past. We no longer plan to spend dollars that we do not offset. We are going to be responsible in dealing with even disasters that exist.

Mr. Speaker, I yield 2 minutes to my good friend, the gentlewoman from Ohio [Ms. PRYCE], a new member of the Committee on Rules, who played a key role in fashioning this rule.

Ms. PRYCE. Mr. Speaker, I thank the gentleman from California for his leadership on this rule.

Mr. Speaker, I rise to express my strong support for this very fair rule. If some here have not figured it out yet, Mr. Speaker, we find ourselves in a new era of fiscal responsibility. Gone are the days of wrapping up huge bills on the Federal credit card and then passing the check on to our children and grandchildren. It is time to make the tough choices, the tough choices for the future of this country.

Thankfully, many of us here are ready to do that. The 104th Congress under new leadership is committed more than ever to requiring the Federal Government to live within its means. That includes paying for supplemental appropriations, even if they are designated emergency spending. How novel. We pay for what we are spending.

Now, changing the culture of deficit spending is no easy task. The American people need only look to the debate in the other body to see how hard it was to pass the balanced budget amendment. As hard as we worked, that effort was not successful. Even as we speak, those who have the insatiable thirst for spending are working hard to weaken the line-item veto legislation.

This rule provides a reasonable, orderly procedure to consider these hard decisions in a manner that is fiscally responsible. Mr. Speaker, I believe that the Committee on Appropriations has taken brave, commendable steps to reduce the size and scope of Government and to put us on a steady course toward providing a more secure financial future for our children.

I urge my colleagues to support these bills and to adopt this very fair, reasonable rule. No doubt about it, these are tough choices. But these are tough times, and they require courage. Paint us as black as you will, but I am proud to be a part of the new culture of fiscal responsibility.

I urge my colleagues to join me. The alternative, the status quo, is a sin against our children. Vote for this fair rule.

Mr. MOAKLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Speaker, I rise in opposition to the rule.

Mr. MOAKLEY. Mr. Speaker, it gives me great pleasure to yield 30 seconds to the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN. Mr. Speaker, hard choices? Great courage? For heavens sakes. You know what this rule does not permit? It does not permit us to put highway demo projects for cutting before this Congress. Oh, we could not do that. That is in somebody's district.

It has been referred to as pork by Members of the Republican Party ever since I have been here. But would they approve my amendment which would have allowed the Secretary to cut out those projects? No. You know why? They would rather take money away from children and school lunch programs. And they ought to call time, because they made a mistake and they can live with it.

Mr. Speaker, I rise in strong opposition to the rule for H.R. 1158. This rule makes a mockery of the fair and open process we were promised by the Republican majority. Under the rule approved by the Republican majority, I will not be able to offer an amendment to correct a glaring inequity in H.R. 1158. My amendment would have done what H.R. 1158 does not do—cut out low priority highway demonstration projects.

Under the rule approved by the Republican majority, I will not be able to offer an amendment which would have authorized the Secretary of Transportation to cancel up to $400 million in unobligated funds currently designated for highway demonstration projects in appropriations or authorization acts. Authority to cut this low priority spending was requested and submitted to Congress by the President in his fiscal year 1995 supplemental proposals. My amendment would have required the Secretary to target only the lowest priority projects not yet under construction.

Mr. Speaker, I am opposed to a bill that looks first to slashing funds for the more than 1 million seniors who live in public housing, cutting funds for 50,000 to 100,000 pregnant mothers and infants from the WIC program, and eliminating funds for veterans' medical care facilities and equipment, without even considering the possibility of cutting wasteful highway demonstration projects.

I have to ask the question why certain items were not cut. Why is the $1.9 billion in unobligated money earmarked for over 400 highway demonstration projects not touched in this rescission package? According to the Federal Highway Administration, there is nearly $300 million in unobligated funds for highway demonstration projects funded in appropriations acts, and another $1.6 billion in unobligated funds highway demonstration projects authorized in the Intermodal Surface Transportation Act [ISTEA] that are yet not under construction. Why has not one dime of this money been targeted for rescissions in H.R. 1158?

In these austere times when we are cutting programs for women, children, the elderly, and veterans, I believe that we have to take another look at these highway demonstration projects. And, when we take a closer look, I think you will find that these are projects that have not been requested by the President.

When we take a closer look, we find that the Department of Transportation and the General Accounting Office have concluded that it will take some $28 to $30 billion to complete all of the earmarked highway demonstration projects authorized in either appropriations bills or authorization acts.

When we take a close look we find that the Federal Government is picking up the tab for many of these projects with the States have deemed to be a low priority for State funds or which are not even on State transportation improvement plans. If Congress is serious about making cutting wasteful spending, we need look no further than this group of projects to begin.

Mr. Speaker, if my amendment has been made in order under the rule, my amendment would have resulted in the cancellation of earmarked highway demonstration projects included not only in appropriations bills, but also in ISTEA. And, with good reason. ISTEA authorized more than $6 billion in direct spending through the use of contract authority for 539 specially earmarked highway projects—triple the number and four times the amount of congressional pork included in the previous highway authorization bills.

In 1991, when ISTEA was debated on the House floor, the now Republican majority leader had this to say:

> Now what is wrong with the spending? I happen to believe we need to spend on infrastructure where it is needed in the public's general interest. This bill again spends first on where it is needed in the parochial interests, in the special interests, in the local interests, what they call pork barrel spending.

Clearly, a big part of the problem is that back door spending on highway demonstration projects is out of control. The appropriations bills are scored with the outlays that result from this spending. If we are going to rein in the pork barrel spending spree, we have to look at the millions of dollars funneled to special highway projects through both the appropriations and the authorization process. If Congress won't do the job of curbing wasteful highway project spending, we ought to give the Secretary of Transportation the tools he needs to get the job done.

Mr. Speaker, I would like to insert at the end of my statement a list of hundreds of highway demonstration projects that should be examined before we proceed further to cut children, the elderly, veterans, and the most disadvantaged in our society.

HIGHWAY DEMONSTRATION PROJECTS NOT UNDER CONSTRUCTION

[Unobligated balances]

State	Description	Unobligated balance
	Misc. Highway Trust Funds	
Florida	17th St. Causeway Tunnel	3,291,616
Do	Biscayne Blvd/US 1 Connect Port Miami to I–395	2,400,000
Georgia	Railroad-Highway Crossings Demos, Augusta	1,013,334
Hawaii	Kihel-Haleakala Highway, Saddle Road	4,500,000
Massachusetts	Vehicular/Pedestrian Safety Demo	9,017,271
Michigan	M–84, Bay Road-Saginaw & Bay Counties	100,000
Missouri	Multi-Modal Transportation Center, St. Louis	640,000
Montana	I–90 Interchange, Belgrade	2,000,000
New Jersey	Rt. 21 Viaduct, Advance Property Acquisition	2,880,000
Do	I–78 Downtown Connector/Peddle St Ramp	1,504,000
Do	Rt. 21 widening, RR/Highway Bridge, Newark	1,200,000
New York	Design Improvement to Miller Highway, NYC	1,696,000
Do	Exit 26 Bridge, Schenectady	1,280,000
Pennsylvania	I–81, Wilkes-Barre, Exits 43–46 Corridor	2,880,000
South Dakota	New Castle-Vermillion Bridge	3,296,000
Indiana	SR67, I–69 to Muncie Bypass	4,992,000
Michigan	I–96 Bypass, Grand Rapids	768,000
Do	Maple Rd., Walled Lake	2,000,000
New Hampshire	Bridge Capacity Improvements	7,730,028
Pennsylvania	US 202, King of Prussia to Montgomery Ville	1,440,000
Subtotal		54,628,249

HIGHWAY DEMONSTRATION PROJECTS NOT UNDER CONSTRUCTION—Continued

[Unobligated balances]

State	Description	Unobligated balance
	General Funds	
Arizona	Veterans Memorial Overpass	1,000,000
Do	U.S. 93 upgrade, Kingman-Lake Mead	1,000,000
California	US 101 HOV lanes, Marin County	500,000
Do	Mare Island access study	500,000
Do	I–15 widening, Victorville to Barstow	1,667,000
Do	State route 71, planning/design, Riverside Co.	1,000,000
Do	CA 113–I–5 improvements	500,000
Do	Highway 41 expansion	1,000,000
Do	Bristol St. improvement project, Santa Ana	1,000,000
Do	US 101 congestion relief, Sonoma County	500,000
Do	CA 113 railroad grade separation	668,000
Do	State highway 58 upgrade, Bakersfield	500,000
Do	Arden Garden connector, Sacramento	1,000,000
Do	CA 138 CA 14 to 50th Street, E. CA	1,000,000
Do	CA 905 congestion mitigation border facility	668,000
Do	Highway Bypass Demo, Prunedale, CA	8,132,240
Connecticut	Transportation center, Norwich	668,000
Florida	Causeway Tunnel/Bridge	5,225,000
Do	Port of Palm Beach Intermodal Facility	500,000
Do	I–4 Greeneway Interchange, Orlando	1,000,000
Do	Fuller Warren Bridge, Jacksonville	5,000,000
Do	Airport Access road, Jacksonville	1,000,000
Do	NE Dade Bikepaths—North Miami	680,000
Do	NE Dade Bikepaths	247,564
Georgia	Railroad-Highway Crossing Demo, Augusta, GA	6,745,123
Do	Olive Road Crossing—Augusta, GA	1,635,000
Do	State road 611 connector with I–20	2,000,000
Do	Sidney Lanier bridge, Brunswick	1,850,000
Hawaii	Kihei road, Maui	2,500,000
Do	Saddle road	1,000,000
Illinois	Springfield—Eleventh Street Extension	549,032
Do	Bridge Construction—Hillsboro	529,434
Do	Bridge Construction—Hillsboro	378,530
Do	Veterans Parkway, Springfield	1,000,000
Do	Peoria-Chicago Highway	1,000,000
Do	US67/IL267 improvements	800,000
Do	Railroad-Highway Crossings Demo	8,330,669
Indiana	Rt 12 Relocation—E. Chicago Marina	46,962
Do	Indianapolis to Evansville (I–69)	2,120,975
Do	SR67 from I–69 to Muncie	4,093,831
Iowa	Des Moines Inner Loop	1,004,675
Kansas	I–35 Interchange—Salina	2,374,400
Louisiana	I–10/I–12 Baton Rouge bypass	500,000
Do	I–10, St. Charles Parish line to Tulande Ave	1,000,000
Do	I–10/I–610 intersection, New Orleans	10,000,000
Maryland	Corridor O	5,000,000
Massachusetts	Center Street Extension	3,360,000
Michigan	M–6 South beltline, Grand Rapids	1,000,000
Do	Rail consolidation project, Monroe	5,000,000
Do	M102/Grand River interchange	1,313,000
Minnesota	Wabasha St Bridge replacement, St. Paul	500,000
Missouri	I–255/Mo 231 intersection	535,000
Montana	I–90 interchange, Belgrade	1,104,000
Do	I–90 interchange, Belgrade	500,000
Nebraska	Missouri R. bridge, Springfield-Niobrara (NE/SD)	2,000,000
Do	Missouri R. bridge, Springfield-Niobrara (NE/SD)	2,240,000
Nevada	Pyramid interchange, I–80	5,500,000
Do	Rail Crossing Caliente	1,331,280
New Jersey	I–280 Downtown connector-interim improvements	2,648,366
Do	Route 21 widening, Newark	5,187,741
Do	Route 4 bridge replacement	490,400
Do	Highway study—Route 21 Viaduct	2,547,000
Do	Highway Study—Route 208/Route 4 interchange	1,561,382
Do	Highway Study Route 4/Route 17 interchange	3,511,808
Do	Route 21/McCarter highway, Newark	4,500,000
New Mexico	PE Demo—Railroad Overpass in Las Vegas, NM	1,363,391
Do	US 70 frontage road, Las Cruces	1,000,000
New York	Exit 26 Bridge Project, Schenectady County	1,700,000
Do	Miller Highway from 59th to 72nd St, Manhattan	2,800,000
Do	Exit 26 Bridge Project, Schenectady County	3,600,000
Do	Meadowbrook State Parkway	3,600,000
Do	Mount Vernon Parking Facility	320,000
Do	Grand Concourse Ave, Traffic Impr. Bronx	425,000
Do	Exit 26 Bridge Project, Schenectady County	3,200,000
Do	NY 531 extension study, Ogden-Sweden	150,000
Do	Delaware St. reconstruction, Tonawanda	700,000
North Carolina	Peace St. Thomasville	625,000
Do	US 17 bridge replacement, Neuse River	3,000,000
Do	Unity St, Thomasville	625,000
Ohio	I–680 Access Ramps Youngstown	1,700,000
Do	I–680 Access Ramps Youngstown	2,250,000
Do	SR 124/7, Ravenswood connector	1,336,000
Do	Intermodal terminal, Fearing Blvd, Toledo	668,000
Do	US 30 widening, Wooster to Riceland	2,500,000
Oregon	Columbia Gorge Highway	2,255,200
Pennsylvania	Highway widening dmeonstration project	1,381,840
Do	Highway widening demonstration project	32,081
Do	Highway widening demonstration project	640,000
Do	State Route 711 Bypass, Ligonier	2,965,752
Do	US Route 202 Bypass Montgomeryville & Doylestown	22
Do	US220 Bald Eagle to Centre County Line	27
Do	PA North Philadelphia Intermodal Facility	4,640,000
Do	PA Center Avenue Extension	2,464,000
Do	US 202 King of Prussia and Montgomeryville	400,000
Do	I–81 in Vicinity of Wilkes-Barre	2,264,577
Do	State Route 711 Bypass	900,000
Do	Pier 98, Philadelphia	60,000
Do	US 15 Steam Valley-Sebring	1,500,000
Do	US 22/PA 217 bridge	600,000
Do	Blairsville Bridge	1,069,000
Do	PA 3011 Improvements, Scranton	1,000,000
Do	PA 14 improvements, Bradford County	1,000,000

HIGHWAY DEMONSTRATION PROJECTS NOT UNDER CONSTRUCTION—Continued

[Unobligated balances]

State	Description	Unobligated balance
Do	US 22, Sec. B07 reconstruction	1,000,000
South Dakota	Missouri River Bridge, Vermillion, SD-Newcastle	2,000,000
Tennessee	Old Nashville Bridge	1,000,000
Texas	TX: FM–3464 from Mines Rd to I–35 in Laredo	1,600,000
Do	Texarkana Road improvement	1,379,960
Do	6th & 7th Sts. improvements, Brownsville	500,000
Utah	5600 West widening in West Valley City	1,572,000
Do	9th Crossing-Provo and E-W connector from US 89–189	5,051,474
Do	I–15 corridor improvements, Salt Lake City	1,500,000
Do	I–15/University Avenue interchange	1,500,000
Vermont	Bridge Safety Repair	208,871
Virginia	Pinners point connector	1,000,000
Do	14th Street Bridge lane addition	1,000,000
Washington	SR 305 improvement, Bainbridge Island	672,000
West Virginia	Corridor D improvement projects, Clarksburg to OH line	7,123,410
Do	Highway study—Route No. 2	441,228
Do	Mercer/McDowell Counties, Route 52	5,000,000
Do	Riverside expressway, Fairmont	4,000,000
Subtotal		225,528,245
Total		225,528,245

FEDERAL HIGHWAY ADMINISTRATION, FEDERAL-AID HIGHWAYS, 1991 ISTEA DEMONSTRATION PROJECTS NOT UNDER CONSTRUCTION AS OF FEB. 24, 1995

[*These balances are subject to change]

State and section No.	Project description	NHS	Est const start	Cong. dist.	Amount available thru FY 1995	Amount obligated (02/24/95)	(*) Unoblig Bal (02/24/95)	New authorization 96–97
Alabama—1105(f)2	Upgr E/W Corr-RT 72	yes	no info.	8	7,544,816	5,348,224	2,196,592	4,393,184
Alabama—1107(b)192	Imp to Anniston E Bypass US 431	unk	1995	3	6,952,000	200,000	6,752,000	4,048,000
Alabama—1107(b)30	Reconst W Tunnel Plaza Inter I–10 fr Va to Mobile Rv Tunnel	yes	1997	1	9,480,000	2,003,040	7,476,960	5,520,000
Alabama—1107(b)35	Const 4-lane Hwy to bypass Mont, AL	no	1997	2, 7	7,457,600	760,000	6,697,600	4,342,400
Alabama—1107(b)80	Black War Rv Br-AL	no	1995	6, 7	4,044,800	2,403,316	1,641,484	2,355,200
Total					35,479,216	10,714,580	24,764,636	20,658,784
Arizona—1106(b)74	Vet Memorial Inter/Palo Verde Overpass	no	1996	2	1,516,800	857,280	659,520	883,200
Arkansas—1103(b)4	Desha Co: Study for AR–MS Great River Bridge	unk	no info.	no info.	505,600	0	505,600	294,400
Arkansas—1106(a)49	Imp US 65	yes	1995	3	24,016,000	1,701,610	22,314,390	13,984,000
Arkansas—1106(a)51	Study Bypass Alternatives for US 71	yes	no info.	3	1,896,000	8,000	1,888,000	1,104,000
Arkansas—1106(a)53	Const of Replace Br across the White Rv	no	1995	1	1,580,000	538,400	1,041,600	920,000
Total					27,997,600	2,248,010	25,749,590	16,302,400
California—1104(b)1	Const of HOV Lns on I–70	yes	no info.	37	4,676,800	0	4,676,800	2,723,200
California—1104(b)10	Const 1 Block Tunnel on Rt 15	no	no info.	49	3,160,000	66,446	3,093,554	1,840,000
California—1104(b)11	Extend I–110	yes	no info.	33	6,383,200	3,200,000	3,183,200	3,716,800
California—1104(b)14	Imp 3 Grade Crossing	no	no info.	3	1,137,600	0	1,137,600	662,400
California—1104(b)15	Const 2 Park & Ride Facilities for I–80	yes	no info.	3	4,866,400	2,032,800	2,833,600	2,833,600
California—1104(b)40	HOV Lane Imp on Lawrence Expressway	no	no info.	15	6,383,200	5,534,670	848,530	3,716,800
California—1105(f)20	Imp on I–15 & I–40	yes	1995	40	26,914,400	3,775,792	23,138,608	21,785,600
California—1106(b)1	Bristol Street Project	no	no info.	46	2,591,200	1,817,600	773,600	1,508,800
California—1106(b)36	Grade Separation Project	no	no info.	37	4,171,200	0	3,539,200	2,428,800
California—1106(b)41	Conduct Environmental	no	no info.	50	632,000	632,000	312,000	368,000
California—1106(b)46	Relocate a Portion of Atlantic Blvd	no	no info.	33	2,970,400	320,000	2,890,400	1,729,600
California—1106(b)66	Gr separation projects (3)	no	no info.	36	4,487,200	80,000	4,407,200	2,612,800
California—1106(b)71	Const of Public HOV Facilities	no	1995	46	9,353,600	1,147,469	8,206,131	5,446,400
California—1107(b)116	Const of Indust Blvd	no	1996	3	5,245,600	1,352,000	3,893,600	3,054,400
California—1107(b)12	Const of A, B, & C Segments of St. Rt 76	no	no info.	48	9,100,800	400,000	8,700,800	5,299,200
California—1107(b)61	Widen & Reconst Bridge to Caltrans height standards	yes	1996	40	1,137,600	0	1,137,600	662,400
California—1107(b)71	Rt 156 Hollister Bypass	no	1997	17	568,800	403,200	165,600	331,200
California—1107(b)72	Rt 101	yes	1998	17	2,654,400	0	2,654,400	1,545,600
California—1107(b)82	1–880/Alvarado-Niles Rd Interchange	yes	1996	13	6,004,000	0	6,004,000	3,496,000
California—1107(b)86	Rt 58 Improvements	yes	no info.	20, 21	2,970,400	4,700,000	−1,729,600	1,729,600
California—1107(b)87	Norwalk Blvd grade separation	no	no info.	34	2,970,400	0	2,970,400	1,729,600
California—1108(b)15	Const of a Multi-Modal Transit Parkway	no	1997	29	5,624,800	1,502,000	4,122,800	3,275,200
California—1108(b)21	Upgrade Rt 87 fr 4 to 6 lanes	no	1996	16	9,353,600	0	9,353,600	5,446,400
California—1108(b)30	Extend Rice Rd, Widen Hueneme Rd & Cons Rt 1	no	1996	23	5,624,800	320,000	5,304,800	3,275,200
California—1108(b)31	Imp Ground Access	no	no info.	36	5,656,400	0	5,656,400	3,293,600
California—1108(b)36	Ave P8 Improvements	no	1996	25	2,275,200	0	2,275,200	1,324,800
Total					136,914,000	27,283,977	109,550,023	85,836,000
Colorado—1106(a)60	Upgrade Fram to Market Rd	no	no info.	3	1,832,800	1,299,200	533,600	1,067,200
Connecticut 1108(b)9	Imp of Hwy and Transit Projects	yes	1995	3	6,383,200	1,839,070	4,544,130	3,716,800
DC—1104(b)6	Primary Intermodal System	no	no info.	DC	4,297,600	0	4,297,600	2,502,400
DC—1106(b)10	Boundary Street Safety	no	no info.	DC	4,297,600	0	4,297,600	2,502,400
DC—1106(b)70	SE/SW & Anacostia Freeways	yes	no info.	DC	2,970,400	84,000	2,886,400	1,729,600
DC—1107(b)98	Hybrid Fuel Cell	unk	no info.	DC	2,275,200	0	2,275,200	1,324,800
Total					13,840,800	84,000	13,756,800	8,059,200
Florida—1103(b)12	17th St Causeway, Tunnel/Bridge, FT. Lauderdale	no	1997	16, 17	8,595,200	1,185,003	7,410,197	5,004,800
Florida—1104(b)30	Broward Co, Hallandale Bridge	no	no info.	16, 17	5,372,000	0	5,372,00	3,128,000
Florida—1106(a)28	Chattachouchee: Mosquito Creek Bridge	no	no info.	02	1,516,800	0	1,516,800	883,200
Florida—1106(a)29	Upgrade SR–71, Rt 10–Rt 8	no	1997	02	1,832,800	407,638	1,425,162	1,067,200
Florida—1106(a)30	Upgrade SR–267	no	no info.	02	2,970,400	0	2,970,400	1,729,600
Florida—1106(a)55	Brevard Co, Engineering Improv. SR–3	no	1997	11	101,120	13,600	87,520	58,880
Florida—1106(b)42	Sarasota: Interchange at US 301 & Univ PKY	yes	no inf.	13	1,516,800	593,323	923,477	883,200
Florida—1107(b)196	Orlando, ROW acquisition	unk	no info.	05, 11	61,620,000	0	61,620,000	35,880,000
Florida—1107(b)28	Brevard Co, Bridge SR 3 over Barge Canal	no	1995	11	4,360,800	0	4,360,800	2,539,200
Florida—1107(b)43	Hillsborough: I–4 from Tampa to Co line	yes	1995	07, 09	15,484,000	9,987,252	5,496,748	9,016,000
Florida—1108(b)16	Jacksonville: I–295 Interchange and access road	yes	no info.	03, 04	4,487,200	0	4,487,200	2,612,800
Total					107,857,120	12,186,816	95,670,304	62,802,880
Georgia—1105(f)2	Upgrade East-West Corridor along route 72	yes	no info.	7	3,531,616	433,047	3,098,569	2,056,394
Georgia—1106(b)4	Atlanta: Martin Luther King Dr.	no	1995	5	505,600	0	505,600	294,400
Georgia—1106(b)72	Atlanta: I–20 Interchange at Lithonia Indust Blvd	yes	1996	11	7,078,400	128,000	6,950,400	4,121,600
Georgia—1107(b)202	Hwy improvements	unk	no info.	no info.	17,064,000	200,000	16,864,000	9,936,000

FEDERAL HIGHWAY ADMINISTRATION, FEDERAL-AID HIGHWAYS, 1991 ISTEA DEMONSTRATION PROJECTS NOT UNDER CONSTRUCTION AS OF FEB. 24, 1995—Continued

[*These balances are subject to change]

State and section No.	Project description	NHS	Est const start	Cong. dist.	Amount available thru FY 1995	Amount obligated (02/24/95)	(*) Unoblig Bal (02/24/95)	New authorization 96–97
Georgia—1108(b)48	Augusta: RR overpass at 15th and Greene Sts.	unk	2000	11	3,728,800	158,400	3,570,400	2,171,200
Total					31,908,416	919,447	30,988,969	18,579,584
Hawaii—1107(b)203	Hwy improvements	unk	no info.	02	3,792,000	0	3,792,000	2,208,000
Idaho—1104(b)31	Bannock & Caribou Co.'s Hwy Improv	yes	1998	02	6,383,200	160,000	6,223,200	3,716,800
Idaho—1107(b)190	Lewiston: New Road along FAU73444 in Bryden Canyon	unk	1997	01	2,464,800	0	2,464,800	1,435,200
Idaho—1107(b)191	Bear Lake Co: US-89 from Montpelier to Geneva	unk	1996	02	11,692,000	1,334,383	10,357,617	6,808,000
Idaho—1107(b)60	Bryden Co: Improve Road WA State line to Lewiston	no	1997	01	3,349,600	480,000	2,869,600	1,950,400
Total					23,889,600	1,974,383	21,915,217	13,910,400
Illinois—1104(b)19	Fox River Valley: 8 bridges	unk	1999	14	5,245,600	1,657,512	3,588,088	3,054,400
Illinois—1104(b)4	East St Louis: Bridge Study	yes	1999	12	884,800	437,424	447,376	515,200
Illinois—11-7(a)1-	Study: Hwy 67 Alton to Jacksonville	yes	1999	18	1,580,000	385,744	1,194,256	920,000
Illinois—1106(a)31	East Louis to Carbondale Tollway Feasibility Sty	yes	1999	12	202,240	143,360	58,880	117,760
Illinois—1106(a)32	Mt. Vernon: 34th St Ext	no	1997	20	606,720	85,596	521,124	353,280
Illinois—1106(a)33	Feather Trail Road, Pulaski Co	no	no info.	no info.	695,200	85,285	609,915	404,800
Illinois—1106(a)34	Resurface SR 1: Cave-In-Rock to north of Omaha	yes	1999	19	1,137,600	0	1,137,600	662,400
Illinois—1106(a)36	Saline Co: Improve Rt 13	yes	1997	19	2,528,000	0	2,528,000	1,472,000
Illinois—1106(a)65	W. Central: Widen US 34	yes	1997	17	1,200,800	0	1,200,800	699,200
Illinois—1106(a)66	Bridge on US67 in NW IL	yes	1996	17	1,516,800	0	1,516,800	883,200
Illinois—1106(a)9	East St Louis: Study Access Rd to Jeff Mem Park	no	1999	12	151,680	0	151,680	83,320
Illinois—1106(b)14	Chicago: Various	unk	1995	1	2,338,400	204,367	2,134,033	1,361,600
Illinois—1106(b)17	Harvey: IL 1 interchange	yes	1996	14	1,580,000	0	1,580,000	920,000
Illinois—1106(b)18	Markham: Sibley Blvd	no	1997	2	2,212,000	0	2,212,000	1,288,000
Illinois—1106(b)19	Chicago: IL 1 at 155th St	unk	1996	2	884,800	76,000	808,800	515,200
Illinois—1106(b)2	Metro East/St Louis MO Bridge Study	no	no info.	12	632,000	0	632,000	368,000
Illinois—1106(b)52	Chicago: Eisenhower & Stevenson Connector	unk	1999	no info.	3,033,600	0	3,033,600	1,766,400
Illinois—1106(b)53	Chicago: Museum of Science and Industry	unk	1997	1	22,120,000	2,840,000	19,280,000	12,880,000
Illinois—1106(b)54	Chicago: Skyway Bridge	unk	no info.	1	8,974,400	74,222	8,900,178	5,225,600
Illinois—1106(b)55	Chicago: Cermak Rd Bridge	no	1996	1	5,814,400	488,927	5,325,473	3,385,600
Illinois—1106(b)57	Chicago: Cicero Ave	yes	1997	2	695,200	0	695,200	404,800
Illinois—1106(b)58	Chicago: 183rd St Reconstr	no	1997	2	948,000	0	948,000	552,000
Illinois—1106(b)59	Chicago: 111th St Reconstr	no	1996	3	1,580,000	337,411	1,242,589	920,000
Illinois—1106(b)6	Chicago: Study for road	unk	no info.	1	101,120	0	101,120	58,880
Illinois—1106(b)60	Chicago: 111th St Upgrade	no	1995	14	1,580,000	236,000	1,344,000	920,000
Illinois—1106(b)61	Chicago: 111th St. Widen	no	1996	3	2,970,400	862,990	2,107,410	1,729,600
Illinois—1106(a)56	Chicago: Roosevelt Rd and Bridge (56) Improv	no	no info.	1	8,974,400	4,861,264	4,113,136	5,225,600
Illinois—1106(b)16	Calumet Park Ashland Ave Bridge	no	1997	3	1,327,200	196,844	1,130,356	772,800
Illinois—1107(b)102	IL 17: Splear Rd to Rt 1	yes	1996	15	1,137,600	0	1,137,600	662,400
Illinois—1107(b)104	Ford Co: Replace 1.6 US 24	yes	1997	15	1,137,600	0	1,137,600	662,400
Illinois—1107(b)105	Watseka: US 24: Crescent City to IL 1	yes	1996	15	1,580,000	324,795	1,255,205	920,000
Illinois—1107(b)106	Replace Emington Spur Rd	no	1996	15	410,800	0	410,800	239,200
Illinois—1107(b)107	Improve New Lenox Rd	unk	1997	11	1,580,000	176,016	1,403,984	920,000
Illinois—1107(b)108	Improve Shorewood Roadway	unk	1996	11	821,600	0	821,600	478,400
Illinois—1107(b)11	Chicago: Computer Mgt System	no	no info.	1	2,717,600	1,926,400	791,200	1,582,400
Illinois—1107(b)120	Frankfort Twp: Improve Sts	no	1996	11	632,000	34,778	597,222	368,000
Illinois—1107(b)121	Matteson: I-57 Bridge	no	1996	2	2,275,200	396,723	1,878,477	1,324,800
Illinois—1107(b)122	US 150/IL 1 Belgium to South of Westville	yes	1996	15	2,401,600	0	2,401,600	1,398,400
Illinois—1107(b)123	US 45: Savoy to Tolono	no	1995	15	3,539,200	0	3,539,200	2,060,800
Illinois—1107(b)16	Frankfort: Road Improvemts	no	1997	11	821,600	79,440	742,160	478,400
Illinois—1107(b)17	Plainfield: EJ&E Viaduct	yes	1997	13	632,000	0	632,000	368,000
Illinois—1107(b)32	Galina: EIS on US 20	yes	no info.	16	1,264,000	528,000	736,000	736,000
Illinois—1107(b)38	Mendon to West Point Rd: Hwy 336	no	1997	17	3,160,000	1,694,212	1,465,788	1,840,000
Illinois—1107(b)66	Jacksonville Bypass	yes	1997	18	9,985,600	527,153	9,458,447	5,814,400
Illinois—1107(b)95	DuQuoin Hwy Bridge	yes	1996	12	1,643,200	291,834	1,351,366	956,800
Total					117,254,960	18,952,297	98,302,663	68,275,040
Indiana—1104(b)35	Merrillville: Road & Overpass Construction	unk	2000	1	1,137,600	186,724	950,876	662,400
Indiana—1105(f)26	Improve Bloomington to Newberry segment	yes	no info.	7, 8, 10	14,978,400	14,978,000	400	8,721,600
Indiana—1106(b)22	ROW Acquisition—West Lake Corridor	unk	1995	1	632,000	195,640	436,360	368,000
Indiana—1106(b)24	Hobart, Lake Station & New Chicago	unk	2000	1	2,717,600	416,320	2,301,280	1,582,400
Indiana—1106(b)62	Muncie: SR 67 Widening	no	no info.	2	6,320,000	0	6,320,000	3,680,000
Indiana—1107(b)97	East Chicago Marinal Access Rd	unk	no info.	1	5,372,000	2,403,142	2,968,858	3,128,000
Indiana—1108(b)45	Gary: US 12/20 to Lake	unk	1997	1	1,390,400	80,000	1,310,400	809,600
Total					32,548,000	18,259,826	14,288,174	18,952,000
Iowa—1106(a)108	Mason City Bypass	yes	1996	2	9,353,600	3,397,850	5,955,750	5,446,400
Iowa—1107(b)62	Freemont Co: Hwy 2	no	no info.	4	5,498,400	0	5,498,400	3,201,600
Total					14,852,000	3,397,850	11,454,150	8,648,000
Kansas—1104(b)29	West Leavenworth Trafficway	no	1997	2	5,435,200	729,600	4,705,600	3,164,800
Kansas—1106(a)21	Lake Porter & LaPort Cos	yes	1996	2	8,279,200	1,140,800	7,138,400	4,820,800
Kansas—1107(b)044	Wichita: Interchange at Oliver St	yes	1997	4	4,171,200	4,171,200	1,214,400	3,643,200
Kansas—1107(b)154	Widen US Rt 81	unk	1995	1	4,424,000	2,942,432	1,481,568	2,576,000
Kansas—1107(b)155	Hutchinson Bypass	unk	2000	1	15,420,800	2,303,000	13,117,800	8,979,200
Total					37,730,400	11,287,032	27,657,768	23,184,000
Kentucky—1104(b)39	Louisville: Waterfront Dev. Roadway	no	no info.	3	2,970,400	240,000	2,730,400	1,729,600
Kentucky—1106(a)98	Sount Central: Hwy 92 Study	no	no info.	5	63,200	26,400	18,400	36,800
Kentucky—1106(a)99	Improve US 27, Jessamine	no	1995	6	5,814,400	0	5,814,400	3,385,600
Total					8,848,000	266,400	8,563,200	5,152,000
Louisiana—1105(f)21	North-South Corridor State line to Shreveport	yes	1998	4, 5	18,707,200	4,000	18,703,200	10,892,800
Louisiana—1106(a)113	Replace Louisa Bridge	no	1998	3	6,004,000	532,368	5,471,632	3,496,000
Louisiana—1106(a)17	Lake Charles: Access to Rose Bluff Industrial Area	no	1996	7	2,591,200	55,299	2,535,901	1,508,800
Louisiana—1106(a)18	Ambassador Caffery Parkway	no	1997	4, 7	9,416,800	68,000	9,348,800	5,483,200
Louisiana—1106(a)56	Baker: New Road Constr	no	1996	1, 4, 6	1,074,400	80,000	994,400	625,600
Total					37,793,600	739,667	37,053,933	22,006,400
Maine—1104(b)44	Bath-Woolwich: Carlton Bridge	unk	1997	01	6,320,000	2,640,000	1,840,000	3,680,000
Maryland—1107(b)4	Hartford Co: S Hampton Rd Brg	no	1996	02	632,000	0	632,000	368,000
Maryland—1107(b)6	Hartford Co: Watervale Brg	no	1995	02	695,200	0	695,200	404,800
Maryland—1107(b)7	Baltimore Co: Papermill Rd Brg	no	1996	02	3,349,600	0	3,349,600	1,950,400

FEDERAL HIGHWAY ADMINISTRATION, FEDERAL-AID HIGHWAYS, 1991 ISTEA DEMONSTRATION PROJECTS NOT UNDER CONSTRUCTION AS OF FEB. 24, 1995—Continued

[*These balances are subject to change]

State and section No.	Project description	NHS	Est const start	Cong. dist.	Amount available thru FY 1995	Amount obligated (02/24/95)	(*) Unoblig Bal (02/24/95)	New authorization 96–97
Total					4,676,800	0	4,676,800	2,723,200
Massachusetts—1104(b)22	Boston: Bike & Ped Path	unk	2000	8	758,400	0	758,400	441,600
Massachusetts—1106(b)30	Lawrence: I–495 Improve	yes	1996	5	2,970,400	0	2,970,400	1,729,000
Total					3,728,800	0	3,728,800	2,171,200
Michigan—1104(b)32	Vienna Twp: I–75/M57	yes	1995	5	5,624,800	132,000	5,492,800	3,275,200
Michigan—1106(a)43	Ottawa: US 131 St Joseph Co	yes	1999	6	316,000	0	316,000	184,000
Michigan—1106(a)45	US 131 Holland, Ottawa Co	yes	1999	2	821,600	379,608	441,992	478,400
Michigan—1107(b)112	US 131 Cadillac to Manton To Traverse City	unk	1996	2	2,654,400	0	2,654,400	1,545,600
Michigan—1107(b)47	Grand Rapids: Connect I–96/I–196	yes	1999	2,3	4,360,800	1,821,600	1,269,600	2,539,200
Michigan—1107(b)54	Flint: Construct, Improve and widened of 5-land Roadway	no	1995	9	316,000	0	316,000	184,000
Michigan—1107(b)55	Flint: 5-lane Roadway Construction	yes	1995	9	568,800	0	568,800	331,200
Michigan—1107(b)89	Traverse City Bypass	no	1999	1	2,844,000	0	2,844,000	1,656,000
Michigan—1108(b)8	Road under Detroit City Airport runway	no	1997	14	2,717,600	0	2,717,600	1,582,400
Total					20,224,000	2,333,208	16,621,192	11,776,000
Minnesota—1105(f)22	Ave of the Saints, St. Paul to St. Louis	yes	1995	1	7,457,600	352,597	7,105,003	4,342,400
Minnesota—1106(a)88	Improve Mankato South Rt	no	1995	2	6,320,000	665,528	5,654,472	3,680,000
Minnesota—1106(a)91	Eden Praire/Cologne: Twin Cities Corridor	yes	1995	3	5,498,400	380,000	5,118,400	3,201,600
Minnesota—1107(b)128	Hwy 53 Twig to Hwy 37	unk	1995	8	6,004,000	1,699,628	4,304,372	3,496,000
Minnesota—1107(b)129	Hwy 169 Grand Rapids to High City	unk	1995	8	5,688,000	144,000	5,544,000	3,312,000
Minnesota—1107(b)130	Hwy 61 Schoeder to Grand Marais	unk	1995	8	11,376,000	288,000	11,088,000	6,624,000
Minnesota—1107(b)133	Hruck Hwy 37 & Hughes Rd	unk	1995	8	316,000	8,000	308,000	184,000
Minnesota—1107(b)159	Nicollet Co: C.A.S.H. 41	unk	1995	2	1,896,000	299,766	1,596,234	1,104,000
Minnesota—1107(b)81	Brooklyn Park: Hwy 610	unk	1997	3	22,752,000	590,072	22,161,928	13,248,000
Total					67,308,000	4,427,591	62,880,409	39,192,000
Mississippi—1104(b)28	Rankin Co: East-Metro Center Access Road	no	no info.	3	2,907,200	356,646	2,550,554	1,692,800
Mississippi—1106(a)26	Natchez: Upgrade Hwy 61	yes	no info.	4	221,200	0	221,200	128,800
Mississippi—1107(b)85	Pascagoula: Improve US 90	no	no info.	5	2,717,600	333,386	2,384,214	1,582,400
Mississippi—1108(b)34	I–20 at Pirate Cove Rd	yes	no info.	2	2,148,800	263,608	1,885,192	1,251,200
Mississippi—1108(b)35	Jackson Airport Connectors	no	no info.	3	1,959,200	0	1,959,200	1,140,800
Total					9,954,000	953,640	9,000,360	5,796,000
Missouri—1104(b)5	Lindbergh Blvd and I–70 St Louis Lambert Airport	yes	no info.	no info	9,353,600	0	9,353,600	5,446,400
Missouri—1105(f)22	Improve Ave of Saints St Paul to St Louis	yes	no info.	9	20,270,136	0	20,270,136	11,802,864
Missouri—1105(f)3	Improve North-South Corridor along Hwy 71	unk	1995	7	2,275,200	1,612,800	662,400	1,324,800
Missouri—1107(b)40	Jefferson Co: Widen I–55	yes	2003	3	3,223,200	0	3,223,200	1,876,800
Missouri—1108(b)27	St Louis: Construct multimodal transp. facility	no	no info.	no info.	3,728,800	0	3,728,800	2,171,200
Misssouri—1108(b)42	Kansas City: South River-front Expressway	unk	no info.	no info.	8,026,400	0	8,026,400	4,673,600
Total					46,877,336	1,612,800	45,264,536	27,295,664
Montana—1107(b)0194	Billings: Construct Shilo–90	unk	1997	1	6,952,000	568,388	6,383,612	4,048,000
Montana—1107(b)0195	Missoula: Construct Missoula Airport/I–90	unk	1997	1	4,424,000	542,127	3,881,873	2,576,000
Total					11,376,000	1,110,515	10,265,485	6,624,000
Nebraska—1105(f)17	Improve Heartland Expressway	yes	1995	3	9,353,600	560,000	8,793,600	5,446,400
Nebraska—1106(b)39	Omaha: Improve US6	yes	1997	1	3,286,400	1,372,800	1,913,600	1,913,600
Nebraska—1107(b)50	Springfield: Missouri River Bridge Construct	no	1996	3	2,970,400	0	2,970,400	1,729,600
Total					15,610,400	1,932,800	13,677,600	9,089,600
Nevada—1104(b)9	Las Vegas: Spaghetti Bowl/US95 & I15	yes	1995	1	28,440,000	16,697,491	11,742,509	16,560,000
Nevada—1105(f)20	Improve I–15 & I–40 in CA, AZ, NV	yes	1995	1	10,500,000	3,616,000	6,884,000	0
Total					38,940,000	20,313,491	18,626,509	16,560,000
New Jersey—1103(b)7	Ocean City-Longport Bridge	no	no info.,	02	11,628,800	513,637	11,115,163	6,771,200
New Jersey—1106(b)34	Middlesex: Widen Rt 1	yes	1996	6,7,13	4,676,800	4,593,746	83,054	2,723,200
New Jersey—1106(b)35	Perth Amboy & Woodbridge Twps: Study River Crossings	yes	no info.	06	1,580,000	343,557	1,236,443	920,000
New Jersey—1106(b)37	Parsippany, Troy Hills: Improve I–280	yes	no info.	11	1,959,200	432,704	1,526,496	1,140,800
New Jersey—1107(b)125	Paulsboro: New bridge	no	no info.	01	1,706,400	0	1,706,400	993,600
New Jersey—1107(b)73	Rt 21 Viaduct "NJ Transit Br" Acquisition	no	1999	10	9,353,600	6,198,608	3,154,992	5,446,400
New Jersey—1107(b)74	Widen Rt 21–Newark	no	1996	10	8,784,800	0	8,784,800	5,115,200
Total					39,689,600	12,082,252	27,607,348	23,110,400
New Mexico—1106(a)93	Clayton: Raton-Clayton Road	no	1995	3	5,877,600	619,910	5,257,690	3,422,400
New York—1104(b)07	Buffalo: Peace Bridge truck inspection facility	no	1998	29	12,324,000	2,773,000	9,551,000	7,176,000
New York—1106(b)48	Long Is: Southern State Pkwy	yes	1998	1,2	2,907,200	0	2,907,200	1,692,800
New York—1104(b)18	Long Island: Van Wyck Expressway	yes	1996	10,12	2,275,200	0	2,275,200	1,324,800
New York—1104(b)38	New York: Williamsburg to Holland Tunnel Bypass	yes	no info.	8,12	2,275,200	0	2,275,200	1,324,800
New York—1106(a)4	Oneida: Upgrade Hwy	no	1996	23	5,056,000	1,428,800	3,627,200	2,944,000
New York—1106(a)70	Wayne Co: Improve Rt 104	yes	1997	27	4,044,800	0	4,044,800	2,355,200
New York—1106(a)9	New York: Miller Hwy	yes	2001	8, 15	9,859,200	4,440,398	5,418,802	5,740,800
New York—1106(b)49	Schenectady: Exit 23 Bridge	no	1995	21	3,602,400	0	3,602,400	2,097,600
New York—1106(b)73	Buffalo: Southtowns Connector	no	1999	30	5,372,000	1,008,000	4,364,000	3,128,000
New York—1107(b)163	New York: Ferry landing	unk	1996	8	1,264,000	0	1,264,000	736,000
New York—1107(b)164	New York: Foley Square	unk	no info.	8	3,318,000	0	3,318,000	1,932,000
New York—1107(b)165	New York: FDR Drive	unk	no info.	15,14	6,320,000	6,320,000	4,480,000	3,680,000
New York—1107(b)200	Binghamton: Study rehab of S Wash. St Brg	unk	no info.	26	316,000	158,400	157,600	184,000
New York—1107(b)59	Amherst & Erie Cos: Rt263 & Rt78	yes	1996	27	4,803,200	1,269,414	3,533,786	2,796,800
New York—1108(b)12	Buffalo River/Gateway Tunnel	no	1999	30	12,766,400	1,560,000	11,206,400	7,433,600
New York—1108(b)28	Orange & Rockland: Park & Ride	no	1997	20	2,970,400	392,000	2,578,400	1,729,600
New York—1108(b)32	Intermodal Facility at Mt. Vemon Rail Station	no	no info.	19	4,487,200	0	4,487,200	2,612,800
New York—1108(b)33	Orange Co: Stuart Airport Interchange Proj.	yes	1997	19	9,922,400	2,992,000	6,930,400	5,777,600
Total					93,883,600	22,342,012	76,021,588	54,666,400
North Carolina—1106(a)100	U–2519/X–2 Hwys Cumberland	yes	1996	1,7,8	10,048,800	7,123,200	2,925,600	5,851,200
North Dakota—1104(b)12	Bypass around Lincoln State Park	no	1996	1	695,200	496,000	199,200	404,800
North Dakota—1107(b)171	Grading & surfacing-Richland Co.	unk	1995	1	379,200	637,600	−258,400	220,800
North Dakota—1107(b)183	Lincoln State Park-Morton Co.	unk	1996	1	2,022,400	80,000	1,942,400	1,177,600

FEDERAL HIGHWAY ADMINISTRATION, FEDERAL-AID HIGHWAYS, 1991 ISTEA DEMONSTRATION PROJECTS NOT UNDER CONSTRUCTION AS OF FEB. 24, 1995—Continued

[*These balances are subject to change]

State and section No.	Project description	NHS	Est const start	Cong. dist.	Amount available thru FY 1995	Amount obligated (02/24/95)	(*) Unoblig Bal (02/24/95)	New authorization 96–97
Total					3,096,800	1,213,600	1,883,200	1,803,200
N. Hampshire—1106(a)38	Ledyard Bridge reconstruction	no	no info.	2	4,929,600	774,827	4,154,773	2,870,400
N. Hampshire—1104(b)8	Nashua River Bridge	no	no info.	2	758,400	0	758,400	441,600
N. Hampshire—1107(b)153	Congrestion relief North Conway	unk	no info.	1	3,981,600	1,700,000	2,281,600	2,318,400
N. Hampshire—1106(a)47	Manchester Airport Rd. Improvement	yes	no info.	1	2,528,000	370,600	2,157,400	1,472,000
N. Hampshire—1106(a)37	Replacement of Winchester Bridge	no	no info.	2	505,600	160,000	345,600	294,400
N. Hampshire—1107(b)152	Study corridor Rte. 16	unk	no info.	no info.	1,264,000	896,000	368,000	736,000
Total					13,967,200	3,901,427	10,065,773	8,132,800
Ohio—1104(b)21	Toledo—study 6 corridors	no	no info.	9	151,680	0	151,680	88,320
Ohio—1104(b)41	Dayton-Bicycle/ped facility	no	1997	17	1,896,000	0	1,896,000	1,104,000
Ohio—1106(a)1	Improvements Short Creek Hwy	no	no info.	18	1,580,000	0	1,580,000	920,000
Ohio—1106(a)19	Rt. 68 Bypass—Clark, Champaign and Logan Counties	yes	1999	7	9,985,600	0	9,985,600	5,814,400
Ohio—1106(a)40	Belmont St. Bridge replacement	no	1998	17	758,400	0	758,400	441,600
Ohio—1106(a)41	Bridge St. Bridge replacement	no	1997	17	758,400	0	758,400	441,600
Ohio—1106(a)42	Niles: Belmont St. Bridge	no	1999	17	1,580,000	800,000	780,000	920,000
Ohio—1106(a)64	Const. interchgs rt.615 at 1–90	yes	1996	19	2,970,400	0	2,970,400	1,729,600
Ohio—1106(a)92	Rt 30 Ext: E. Canton/Minerva	yes	no info.	16	3,349,600	5,300,000	−1,950,400	1,950,400
Ohio—1106(b)20	Center St. Bridge replacement	unk	1999	17	7,710,400	0	7,710,400	4,489,600
Ohio—1107(b)(1)	Cadiz to Clairsville-US 250	yes	1998	18	12,640,000	0	12,640,000	7,360,000
Ohio—1107(b)197	Design & const. I–280 Bridge	unk	1997	9	23,384,000	0	23,384,000	13,616,000
Ohio—1107(b)65	US 68 Ohio River Bridge	no	1995	2	9,796,000	0	9,796,000	5,704,000
Ohio—1107(b)70	Brook Park: Access Rd.	no	no info.	19	8,974,400	0	8,974,400	5,225,600
Ohio—1107(b)78	Akron: Kelly Ave. extension	no	1999	14	6,004,000	800,000	5,204,000	3,496,000
Ohio—1107(b)99	Rehab. Bridge on US 224	no	1999	17	632,000	250,000	382,000	368,000
Total—					92,170,880	7,130,000	85,020,880	53,669,120
Oklahoma—1103(b)1	Bridge on Rt. 59, Delaware	no	1997	2	6,130,400	0	6,130,400	3,569,600
Oklahoma—1107(b)9	Tulsa-Upgrade US 75	yes	1997	1	8,848,000	6,272,000	2,576,000	5,152,000
Total—					14,978,400	6,272,000	8,706,400	8,721,600
Oregon—1103(b)2	Ferry St. Bridge, Eugene	yes	1998	4	14,978,400	0	14,978,400	8,721,600
Oregon—1108(b)43	Columbia Slough Bridge	no	1996	3	1,327,200	144,000	1,183,200	772,800
Total—					16,305,600	144,000	16,161,600	9,494,400
Pennsylvania—1103 (b)3	Aliquippa Ambridge Bridge Beaver County	no	1997	4	15,800,000	0	15,800,000	9,200,000
Pennsylvania—1104(b)2	Pratt Terminal Bridge, I–95, Philadelphia	no	1998	3	21,804,000	0	21,804,000	12,696,000
Pennsylvania—1104(b)26	Improve Towanda Township	yes	1997	10	5,561,600	0	5,561,600	3,238,400
Pennsylvania—1105(f)1	US 220 High Priority COrridor	yes	1995	5	32,042,400	1,760,000	30,282,400	18,657,600
Pennsylvania—1105(f)6	US 220-Bald Eagle to US 322	yes	1996	5,9	93,536,000	4,560,000	88,976,000	54,464,000
Pennsylvania—1106(a)106	US 222 reconstr. Berks Co.	yes	1999	6	4,171,200	720,000	3,451,200	2,428,800
Pennsylvania—1106(a)116	Carroltown/Dubois: US 219	yes	2001	9,12	2,528,000	306,671	2,221,329	1,472,000
Pennsylvania—1106(a)68	Dauphin Borough to Speeceville	yes	1996	17	7,584,000	2,534,764	5,049,236	4,416,000
Pennsylvania—1106(a)7	US 219 Johnsonburg Bypass	yes	1996	5	8,848,000	484,065	8,363,935	5,152,000
Pennsylvania—1106(a)75	Climbing Lane Demo - US 15	yes	1995	5	8,721,600	0	8,721,600	5,078,400
Pennsylvania—1106(a)81	US Rt. 219 Meyersdale Bypass	yes	1996	12	30,336,000	8,972,000	21,364,000	17,664,000
Pennsylvania—1106(a)83	Laurel Valley Expressway	no	no info	12	3,160,000	644,000	2,516,000	1,840,000
Pennsylvania—1106(a)96	US Rt. 222, Lehigh Co.	yes	1997	15	948,000	480,000	468,000	552,000
Pennsylvania—1106(a)97	Rt. 33, Northhampton Co.	yes	1996	15	10,617,600	5,392,000	5,225,600	6,182,400
Pennsylvania—1106(b)27	Chambersburg: I–81 interchange	yes	1996	9	1,162,880	131,560	1,031,320	677,120
Pennsylvania—1106(b)3	Beave/Butler Co: I–79 to Rt. 60	no	1999	4	2,212,000	0	2,212,000	1,288,000
Pennsylvania—1107(b)134	Route 120 - Lock Haven	unk	1996	5	2,528,000	160,000	2,368,000	1,472,000
Pennsylvania—1107(b)19	Borough of Water Street-US 22	yes	1997	9	5,056,000	240,095	4,815,905	2,944,000
Pennsylvania—1107(b)20	Borough of Holidaysburg: US 22	yes	no info.	9	32,864,000	1,040,000	31,824,000	19,136,000
Pennsylvania—1107(b)22	US 22 North of Lewistown	yes	1998	9	36,845,600	427,390	36,418,210	21,454,400
Pennsylvania—1107(b)23	Reedsville and Seven Mountains	yes	1997	9	22,183,200	216,231	21,966,969	12,916,800
Pennsylvania—1107(b)25	Roaring Springs: PA 36	no	1995	9	5,561,600	1,090,400	4,471,200	3,238,400
Pennsylvania—1107(b)26	Altoona to Juniata	no	1998	9	4,499,840	120,000	4,379,840	2,620,160
Pennsylvania—1107(b)27	Bedford Co.-Rt. 30	no	1998	9	30,336,000	1,858,447	28,477,553	17,664,000
Pennsylvania—1107(b)31	Widen US 202 to Montgomeryville	unk	no info.	8,13	5,624,800	1,668,000	3,956,800	3,275,200
Pennsylvania—1107(b)52	Wilkes-Barre & Mountaintop	yes	1996	11	10,554,400	0	10,554,400	6,145,600
Pennsylvania—1107(b)58	Montgomeryville: US 202	no	no info.	8,13	6,825,600	0	6,825,600	3,974,400
Pennsylvania—1108(b)39	Erie Co.; Eastide Connector Proj.	no	no info.	21	4,740,000	1,966,927	2,773,073	2,760,000
Pennsylvania—1108(b)5	OH border to Pittsburg Airport	no	1997	4	2,022,400	0	2,022,400	1,177,600
Pennsylvania—1108(b)6	Reconst. Delaware Ave. Serv.	no	1995	1,3	1,516,800	240,000	1,276,800	883,200
Total					420,191,520	35,012,550	385,178,970	244,668,480
Rhode Island—1107(b)140	I–95 Stormdrain Construction	unk	1995	1,2	8,216,000	800,800	7,415,200	4,784,000
Rhode Island—1107(b)149	Woonsocket Bridge Improvements	unk	1995	1	221,200	0	221,200	128,800
Rhode Island—1107(b)150	Reconstruction of Roadways	unk	1996	2	3,602,400	648,396	2,954,004	2,097,600
Total					12,039,600	1,449,196	10,590,404	7,010,400
South Dakota—1105(f)17	Improve Heartland Expressway		1996	001	9,353,600	255,200	9,098,400	5,446,400
South Dakota—1107(b)51	Mo River bridge in Vemillion		1996	001	2,275,200	88,512	2,186,688	1,324,800
Total					11,628,800	343,712	11,285,088	6,771,200
Tennessee—1104(b)17	Bicyle Sys. Contr.-Murfreesboro	no	no info.	6	252,800	40,000	212,800	147,200
Tennessee—1104(b)3	Davidson-Williamson County Bike Path	no	no info.	5,6	632,000	36,000	596,000	368,000
Tennessee—1105(f)2	Route 72 East-West Corridor	yes	no info.	7	1,765,808	416,000	1,349,808	1,028,192
Tennessee—1106(a)13	Ft Loudon Dam Brdg-Lenoir City	no	no info.	2	316,000	38,766	277,234	184,000
Tennessee—1106(a)69	W. Fork Stone River Bridge in Rutherford	no	1995	6	505,600	62,025	443,575	294,400
Tennessee—1106(b)45	Urban Diamond Interchange & Connector-Chattanooga	yes	1996	3	1,959,200	240,348	1,718,852	1,140,800
Tennessee—1107(b)76	1–81/Kendrick Creek Rd.-Sullivan	yes	no info.	1	3,665,600	80,000	3,585,600	2,134,400
Tennessee—1107(b)77	Foothills Parkway	no	1995	1	7,078,400	371,623	6,706,777	4,121,600
Total					16,175,408	1,284,762	14,890,646	9,418,592
Texas—1105(f)15	Constr. US–71	yes	1997	1	3,953,286	0	3,953,286	2,301,914
Texas—1106(a)110	Contr-Impr 4-lane divided hwy	yes	1997	14	27,744,800	0	27,744,800	16,155,200
Texas—1106(a)63	Highway 288: Angleton	yes	1997	14,22	568,800	0	568,800	331,200
Texas—1107(b)101	Ft. Worth: I–35 Basswood interch	yes	1996	6	11,249,600	0	11,249,600	6,550,400
Texas—1107(b)115	Ft Worth Hillwood/I–35 Interch	yes	1995	6	8,026,400	1,645,360	6,381,040	4,673,600
Total					51,542,886	1,645,360	49,897,526	30,012,314

FEDERAL HIGHWAY ADMINISTRATION, FEDERAL-AID HIGHWAYS, 1991 ISTEA DEMONSTRATION PROJECTS NOT UNDER CONSTRUCTION AS OF FEB. 24, 1995—Continued

[*These balances are subject to change]

State and section No.	Project description	NHS	Est const start	Cong. dist.	Amount available thru FY 1995	Amount obligated (02/24/95)	(*) Unoblig Bal (02/24/95)	New authorization 96–97
Utah—1108(b)38	Provo Municipal Airport	no	no info.	3	632,000	0	632,000	368,000
Vermont—1107(b)146	Constr. US–7 N Bennington to SW NY–7 Hoosick NY	unk	1999	1	12,640,000	1,389,600	11,250,400	7,360,000
Virgin Islands—1104(b)34	Raphune Hill Bypass: St. Thomas	yes	no info.	1	11,628,800	3,761,212	7,867,588	6,771,200
Virgin Islands—1107(b)94	Constr. second Road: St Thomas	no	no info.	1	1,074,400	310,000	764,400	625,600
Total					12,703,200	4,071,212	8,631,988	7,396,800
Virginia—1107(b)14	Maine/Worsham St. Brdg/Danville	no	1996	5	6,320,000	0	6,320,000	3,680,000
West Virginia—1104(b)42	Impr. SR–9 Martinsburg to VA Berkeley & Jefferson	unk	1995	2	69,520,000	3,330,442	66,189,558	40,480,000
West Virginia—1104(b)43	Constr. Coal Field Expressway	unk	1997	3	31,600,000	2,148,338	29,451,662	18,400,000
West Virginia—1105(f)10	Shawnee Project, part of I–73/74 Corridor Proj	yes	1998	3	2,844,000	1,188,000	1,656,000	1,656,000
West Virginia—1105(f)11	Widening US–52 Huntng.-Willism.	yes	1995	3	63,200,000	8,951,200	54,248,800	36,800,000
West Virginia—1105(f)12	Replac. US–52 From Williamson WV to I–77	yes	1997	3	8,848,000	2,087,865	6,760,135	5,152,000
West Virginia—1106(a)105	Hwy Impr. Mason County	yes	1996	2	12,324,000	194,960	12,129,040	7,176,000
West Virginia—1106(a)118	Chelyan Bridge Replacement	no	1995	2	5,372,000	0	5,372,000	3,128,000
West Virginia—1106(a)77	Riverside Expressway Imprv.	no	1996	1	3,349,600	1,248,758	2,100,842	1,950,400
Total					197,057,600	19,149,563	177,908,037	114,742,400
Wisconsin—1104(b)36	I–794 Bicycle Transportation	yes	no info.	4,5	948,000	0	948,000	552,000
Subtotal not under construction					1,893,875,342	272,828,236	1,623,533,506	1,103,977,258

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1) entitled "An act to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local, and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and for other purposes."

PROVIDING FOR CONSIDERATION OF H.R. 1158, EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE AND RESCISSIONS FOR FISCAL YEAR 1995

Mr. MOAKLEY. Mr. Speaker, it gives me great pleasure to yield the balance of our time to the gentleman from Missouri [Mr. GEPHARDT], the distinguished minority leader.

The SPEAKER pro tempore (Mr. HANSEN). The gentleman is recognized for 3½ minutes.

Mr. GEPHARDT. Mr. Speaker, I rise today to implore my colleagues to defeat this rule, to defeat this shortsighted, mean-spirited package of cuts that are aimed right at the young people of this country.

Mr. Speaker, let us understand why the Republicans are proposing these deep and dangerous cuts. It is not to balance the budget. It is to pay for a tax cut that gives nearly 80 percent of the benefits to people who earn $100,000 a year or more.

Each and every Member of this House has to look deep inside themselves and ask a profoundly human question, a profoundly moral question: What are we serving for? And who are we fighting for?

We should be fighting for young people, like Rusha Singleton of Baltimore. She was here yesterday in the building in a press conference. She talked about dropping out of school at age 16 when her first child was born. She was determined to do everything she could to stay off welfare. She did not have an education, she did not have skills to earn a decent wage. She was forced onto welfare. She became pregnant again. But through the Summer Youth Employment Program she was able to pay the bills while she studied for her high school diploma. She learned clerical skills, she took her high school equivalency test this Saturday. And soon she is going to get a positive result and she will be able to support her children and hold her head up high as a productive citizen of this society. Without that program, she would still be in Baltimore stuck in welfare, stuck in a cycle of lack of hope.

Then there is Damon Davis of Baltimore. He comes from a single-parent household. He had to drop out of high school and take a low wage job to support his family. Again, without the Summer Youth Program he would have never had the opportunity to develop real skills and find a higher paying job. Now he is about to get his diploma and be on the road to a future as a productive citizen in this society.

Mr. Speaker, this bill is about a very clear principle and idea. Do you want to invest your money in the people of this country? Do you want people to be productive citizens, and by saying that is our moral conscience, do we want to put that money in that investment in those people? Or do we want to take it from them and give it to the wealthiest, most privileged people in this society? Is that what we want to do?

I do not think that is what we should do. The people who are at the top who have done well, and God love them, we need them. Everybody lives the American dream and wants to become wealthy, and everybody I hope can become wealthy. But once you have reached that status, do we need to help them again at the expense of the people who are trying to crawl out of poverty?

This bill is wrong. It is morally wrong, and I urge Members to vote against this rule and to vote against this bill. Stand up for the Americans that are out there trying to pull themselves out of poverty and be productive citizens. They are the people we should be fighting for, not the people who have done well, who frankly do not even want this tax cut, but want to make an investment in the poor and the middle class citizens of our country.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Speaker, this bill only trims last year's appropriation by a net of $11 billion. Last year's appropriation in the total Federal budget ultimately amounted to $1.5 trillion. This a little item in the Federal budget. It was also appropriated when the Democrats controlled the Congress.

The Democrats, the other party, has said that we have not named specifics. They said you cannot balance the budget unless you give specifics. We have given specifics in this bill.

They said that we have not cut the pork. They are the ones that passed the pork. They were in the majority last year and every year before that for the last 40 years. It is their pork.

They said that the money that we are cutting goes to tax cuts. We have a proposal that is allowed by this rule, which will be a Democratic Party amendment, to apply these savings only to the deficit.

So all of these arguments are nothing more than the same old Chicken Little-ism: The sky is falling, liberals are out of power, and what are we going to do, beat our breasts and talk about the poor and the elderly, when in fact all we are trying to do is bring common sense and sanity to the U.S. Federal Budget.

Mr. DREIER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, this is a very simple debate which has come down to a combination of rhetoric and reality. We have Members on the other side of the aisle who offer great rhetoric about trying to balance the budget, and yet the reality is they want to maintain the status quo because they are not willing to step up to the plate and make these tough decisions.

Most of them, according to Mr. SOLOMON's findings here, are big spenders. But when it comes to actually making the tough decision, they are voting to keep government as it is. We want to change government for the better so the American people can be proud of what it is that we are doing.

Mrs. MALONEY. Mr. Speaker, I rise in strong opposition to this rule.

Mr. Speaker, the underlying rescissions bill is a bad bill. The $17 billion in cuts fall most harshly and heavily on the neediest in our society:

Women and infants who depend on WIC funding for simple sustenance;

Senior citizens who rely on LIHEAP funding to stay warm in the winter;

Young men and women who need the Summer Jobs Program to give them the skills to work and the incentive to stay off the streets.

But let me briefly point out why the rule itself must be defeated.

We will have no opportunity to make this bill better by restoring the devastating cuts in critical domestic programs and paying for them from the defense budget.

The American people should understand, for example, that for the cost of one B–2 Stealth bomber, we could fully fund the Safe and Drug Free Schools Program for 30 years.

But while the rule before us will take food off the tables of working class Americans, it keeps Pentagon pork off the table for those of us who wish to offer further budget cutting amendments.

This rule doesn't even allow me to try to cut one of the most ridiculous programs in the Federal budget—the Civilian Marksmanship Program.

This is a $2.5 million boondoggle which hands out free ammunition to gun clubs to subsidize recreational shooting, mainly for children.

It's a sad day in the House when we pass a rule that will force Congress to vote to take food and education away from our children while making sure that we can still give them free bullets!

Let's defeat the rule and put together a bill that cuts programs that need to be cut, rather than programs which will cut down the needy.

Mr. ORTON. Mr. Speaker, I rise in strong opposition to this extremely restrictive rule.

Last year, I led a fight in this body to have fiscal year 1995 appropriations spending bills be considered under an open rule, with unlimited opportunities to offer spending cut amendments. Under Democratic leadership, we brought the last 11 appropriations bills to the floor under an open rule. These bills accounted for almost 95 percent of discretionary spending.

During consideration of those bills, the House debated and voted on 74 amendments offered to cut fiscal year 1995 spending. Some of them failed, many of them passed. Most importantly, we could accurately tell the American public that all spending was on the table; that no rules or procedural gimmicks were used to protect particular items of spending.

Nine months later, we are revisiting fiscal year 1995 spending. The new majority ran on a platform last year of open rules which would give Members unfettered ability to cut spending. Many of these same Members pilloried me last year for my activities on the so-called A-to-Z bill—claiming—falsely—that I was standing in the way of spending cuts.

So what do these Members do now that they are in charge. They vote for a rule that makes 80 percent of discretionary spending off-limits from spending cuts—for the same fiscal year 1995 spending that the Democratic leadership allowed virtually unlimited amendments. This is the ultimate in hypocrisy, and I urge all Members of this body to reject this rule.

Now, let me make it clear that I support bringing a rescission bill to the floor today. With or without passage of a balanced budget amendment, we have to continue to debate spending priorities and cut spending where we can.

I also believe it is reasonable—even advisable—to bring this bill to the floor under a rule which requires that any restoration of proposed rescissions be offset by equal or greater spending cuts. This is essential to preserve a base level of spending cuts.

However, the rule also unfairly provides that any offsetting cut be made in the same chapter of the bill that the rescission restoration is made. There is absolutely no justification for this rule. Leadership has offered the excuse that this is necessary to avoid letting the process get out of hand. With preprinting requirements in the Record, such an argument escapes me completely. More importantly, it is hypocritical. Just a few weeks ago, the leadership brought a supplemental bill to the floor which violated today's rule—by paying for defense increases by cuts in nondefense discretionary spending.

Finally—and most egregiously—the rule effectively prohibits amendments which make cuts in the line items that are not included in the bill. This is the ultimate in arrogance. Leadership is saying that they and they alone will decide which items are on the chopping block and which are completely immune from cuts.

I understand the motivation behind this rule. Leadership wants to avoid embarrassing amendments to cut spending for projects which only benefit Republicans. Leadership also wants to control our spending priorities.

But, the effect of this is terrible, in two important ways. First, according to my calculations, it bars spending cuts in almost 80 percent of the discretionary spending that we approved for fiscal year 1995. This is the wrong way to go about cutting spending and balancing the budget. Because of this, I assume that every Member who cosponsored the A-to-Z petition last year or campaigned for it will vote against this rule. I don't know how they can possibly justify their vote in favor of this highly restrictive rule.

Second, this convoluted rule makes it almost impossible to propose spending shifts. There are many rescissions in this bill that I support. However, there are many items that I believe it would be a mistake to cut. However, any Member wishing to offer an amendment to restore a proposed cut is seriously restricted in any effort to pay for such a restoration. Because unless the item that Member wants to cut is in the bill, it cannot be cut at all.

Let me illustrate this point. I will be cosponsoring an amendment to be offered by Representative KLUG to zero out funding for the Appalachian Regional Commission. The only reason we can offer this amendment under the rule is that the bill proposed a meager cut of $10 million in this program. However, if the bill did not include this $10 million cut, we would be precluded from offering any amendment at all to cut funds for this program. This is arbitrary and ridiculous.

The voters sent us here to debate the wisdom of every item of Federal spending, to weigh competing priorities, and to cut spending in all programs which can no longer be justified. The rule for H.R. 1158 prohibits this and therefore it should be defeated.

Mr. MOAKLEY. I want to put in the Record a chart showing the restrictive nature of the floor procedures Republicans have used to hastily adopt their agenda. Less than one-quarter of the procedures used have been open despite Republican promises that all contract items will be considered under open rules.

FLOOR PROCEDURE IN THE 104TH CONGRESS

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1	Compliance	H. Res. 6	Closed	None.
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed; contained a closed rule on H.R. 1 within the closed rule	None.
H.R. 5	Unfunded Mandates	H. Res. 38	Restrictive; Motion adopted over Democratic objection in the Committee of the Whole to limit debate on section 4; Pre-printing gets preference.	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.J. Res. 2	Balanced Budget	H. Res. 44	Restrictive; only certain substitutes	2R; 4D.
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive; considered in House no amendments	N/A.
H.R. 2	Line Item Veto	H. Res. 55	Open; Pre-printing gets preference	N/A.
H.R. 665	Victim Restitution Act of 1995	H. Res. 61	Open; Pre-printing gets preference	N/A.
H.R. 666	Exclusionary Rule Reform Act of 1995	H. Res. 60	Open; Pre-printing gets preference	N/A.
H.R. 667	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 668	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open; Pre-printing gets preference; Contains self-executing provision	N/A.
H.R. 728	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 7	National Security Revitalization Act	H. Res. 83	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 729	Death Penalty/Habeas	N/A	Restrictive; brought up under UC with a 6 hr. time cap on amendments	N/A.
S. 2	Senate Compliance	N/A	Closed; Put on suspension calendar over Democratic objection	None.
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive; makes in order only the Gibbons amendment; waives all points of order; Contains self-executing provision.	1D.
H.R. 830	The Paperwork Reduction Act	H. Res. 91	Open	N/A.
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive; makes in order only the Obey substitute	1D.
H.R. 450	Regulatory Moratorium	H. Res. 93	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 1022	Risk Assessment	H. Res. 96	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 926	Regulatory Flexibility	H. Res. 100	Open	N/A.
H.R. 925	Private Property Protection Act	H. Res. 101	Restrictive; 12 hr. Time Cap on amendments; Requires Members to pre-print their amendments in the Record prior to the bill's consideration for amendment, waives germaneness and budget act points of order as well as points of order concerning appropriating on a legislative bill against the committee substitute used as base text.	1D.
H.R. 1058	Securities Litigation Reform Act	H. Res. 103	Restrictive; 8 hr. Time Cap on amendments; Pre-printing gets preference; Makes in order the Wyden amendment and waives germaneness against it.	1D.
H.R. 988	The Attorney Accountability Act of 1995	H. Res. 104	Restrictive; 7 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 956	Product Liability and Legal Reform Act	H. Res. 109	Restrictive; makes in order only 15 germane amendments and denies 64 germane amendments from being considered.	8D; 7R.
H.R. 1158	Making Emergency Supplemental Appropriations and Rescissions	H. Res. 115	Restrictive; Combines emergency H.R. 1158 & nonemergency 1159 and strikes the abortion provision; makes in order only pre-printed amendments that include offsets within the same chapter (deeper cuts in programs already cut); waives points of order against three amendments; waives cl 2 of rule XXI against the bill, cl 2, XXI and cl 7 of rule XVI against the substitute; waives cl 2(e) od rule XXI against the amendments in the Record; 10 hr time cap on amendments. 30 minutes debate on each amendment.	3D.

** 76% restrictive; 24% open. **** Restrictive rules are those which limit the number of amendments which can be offered, and include so called modified and modified closed rules as well as completely closed rules and rules providing for consideration in the House as opposed to the Committee of the Whole. This definition of restrictive rule is taken from the Republican chart of resolutions reported from the Rules Committee in the 103rd Congress. **** Not included in this chart are three bills which should have been placed on the Suspension Calendar. H.R. 101, H.R. 400, H.R. 440.

Mr. RICHARDSON. Mr. Speaker, this rule is a gag rule. Here are some facts to clarify to the American people exactly why they lose with this rule.

This restrictive rule prevents members from offering amendments that are important for their constituents.

This restrictive rule blocks amendments through arbitrary criteria not found in any rule of the House. It allows the Republicans to pick and choose which amendment they want the House to vote on.

This restrictive rule limits debate to 10 hours. Even if the Republicans allowed a Member's amendment, time could run out.

The bottom line, Mr. Speaker, is that we will soon be voting on a Republican bill to cut programs which give heat to the elderly, summer jobs for out youth, and educational television and radio to every American. This rule protects the contract with wealthy America at the expense of every middle-class, hard-working American.

I urge my colleagues to vote against this restrictive rule and force the Rules Committee to bring up an open and fair rule.

Mr. BROWN of California. Mr. Speaker, it used to be that the saying, "God willing and the creek don't rise" was a farmer's oath dealing with the uncertainties of bringing a crop to market. But after the actions being taken today by the Republican leadership, this oath will be repeated by every citizen of this country before they take the Federal Government at its word. Every time the spring rains come hard, prompting a Federal disaster declaration, Americans across the country will be asked to pay the bill.

We have never required recision offsets to pay for emergencies such as the Northridge earthquake or the spring floods in California. We didn't do it for the midwestern floods and we didn't do it for the hurricanes that have hit the south and east. We didn't even do it for the Northridge earthquake payments that have already been made.

Now, the Republican leadership has decided that they will require offsets, a move that directly contradicts the provisions of the 1990 Budget Act that allow true national emergency payments to go ahead without offsets being required. By fiat the Republican leadership has decided to require offsets for the Federal Emergency Management Agency [FEMA] outlays and did so, not by amending the Budget Act, but in a February 7, 1995, letter to President Clinton. Democratic Members of Congress were not consulted, the Governor of California was not consulted, even the Republican Conference was not consulted. A decision was unilaterally made by the Republican leadership and we are here today to pay the price for that decision, without being able to debate the decision, I might add.

What is most galling about this action is that it was made in the middle of the effort to repair the damage from the Northridge earthquake. We are not applying this new policy prospectively, we are applying it retroactively. The Republican leadership of the House has, in effect, broken a contract with the people of California. They have not proposed an alternative means of dealing with natural disasters, they have not amended the Budget Act, they have taken no rational steps to address this problem.

Even more distressing is the fact that the offsets being proposed total $17.1 billion, the largest rescission bill ever considered by the House, and all of the money beyond the $5.4 billion for FEMA were going to fund the tax cut that is being drafted and will be debated early next month. Then, when they realized they didn't have the votes for this, the Republican leadership changed their minds and will put the excess cuts toward deficit reduction. So, nearly $12 billion of the $17 billion in cuts in this bill have nothing to do with the FEMA emergency request.

Finally, we all recognize that the Senate will not go along with this approach and even if they should, there is a strong probability that the President will veto this bill. It is pointless for us to bring this bill up for a vote. Because the Republican leadership has engaged in a game of "chicken" with the White House, we are all being dragged along for the ride. We are pitting veterans against the homeless, putting towns seeking water treatment upgrades against cities seeking job training programs, and putting the citizens of California against the rest of the Nation. It is unfair and I hope that the citizens of California remember who put them in this situation.

I plan to oppose the rule and oppose the bill. I don't want to put Americans in the situation of having to check the weather reports or listen to the evening news to see if Mother Nature has canceled their Government checks. I don't want to be part of a program to fix a disaster by creating a disaster.

Ms. PELOSI. Mr. Speaker, I am in strong opposition to the rule governing debate on the Republican rescissions package before the House today. In my view, the rule, like the bill itself, is unfair.

This rule protects defense spending and spending for special projects while exposing most Federal programs that assist low-income children and the elderly poor to excessive cuts.

In particular, I object to the provision that any restoration of spending proposed for cuts must be offset by another cut in the same section of the bill. Thus, if we want to restore funding for summer youth employment for 600,000 disadvantaged youth, we would be asked to take the money from education programs for other disadvantaged youth. We could not move money from the star wars program in defense to restore funding for education programs.

Those of us who would like to restore proposed cuts to public broadcasting would be forced to take the funds from education for disadvantaged children. Yet, those Members with extreme amendments, such as cutting funding for public broadcasting even further, can offer any amendment they want. But any saving from these amendments can not be used to restore any important program being cut in the bill. I urge a no vote on the proposed rule.

Mrs. THURMAN. Mr. Speaker, last month, the Appropriations Committee met to consider offsets to pay for a $5.6 billion supplemental spending for the California earthquake relief. The committee cut more than $17.3 billion, including $208 million for six veterans health clinics and other medical equipment. One of the clinics targeted for elimination is in my district of Gainesville, FL. Mr. Speaker, the immediate question that comes to mind is: To what will the remaining $12 billion rescinded from the appropriations bills be applied? Many theories have been advanced, but most of them certainly indicate that vital programs for children, the elderly, and other vulnerable citizens are being cut simply to provide tax breaks for the rich.

I came to the floor today hoping to offer an amendment that would restore the $208 million rescinded from the veterans' health care budget, but because of the restrictive nature of this rule my amendment would be out of order.

My amendment would have targeted six actual pork projects and cut down on wasteful Government spending, while protecting the security of veterans who in many cases have risked their lives in defense of this Nation. The six projects targeted in my amendment included unauthorized courthouses and a Tokamak Reactor Energy Program which would cost taxpayers $2.2 billion in the coming years.

The six outpatient clinics that would have been restored by my amendment are a critical part of the VA's plan to move from delivering costly inpatient care to delivering cost-effective outpatient care. According to the VA officials in my district in Gainesville, existing space deficiencies currently prevent the medical center from offering care in a timely manner. These projects would provide better health care to more veterans at less cost to the taxpayer.

Mr. Speaker, it is clear that the Committee on Rules is not protecting the security of our vulnerable citizens. They are not interested in going after the real pork. The rule they have set provides for only further rescissions in what the Appropriations Committee considers pork, and not what the average American knows is pork and Government waste. Furthermore, they are denying Democratic Members the opportunity to offer amendments that would get the job done. Mr. Speaker, this issue really comes down to a matter of priorities: Are we going to forsake the many men and women who have risked their lives in defense of this Nation, simply to provide tax subsidies for the rich? I for one, will not retreat on the promise we have made our veterans, and I urge my colleagues to stand firm and oppose this gag rule.

Mr. DREIER. Mr. Speaker, with that I urge an "aye" vote on this rule, and I move the previous question on the amendment and the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California [Mr. DREIER].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 226, nays 204, not voting 4, as follows:

[Roll No. 237]

YEAS—226

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cunningham
Davis
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zimmer

NAYS—204

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Laughlin
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—4

Collins (MI)
Cubin
Souder
Zeliff

□ 1401

The Clerk announced the following pair:

On this vote:

Mrs. Cubin for, with Miss Collins of Michigan against.

Messrs. MILLER of California, BREWSTER, and PETERSON of Minnesota changed their vote from "yea" to "nay."

Mr. FRANKS of Connecticut and Mr. FOX of Pennsylvania changed their vote from "nay" to "yea."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRIES

Mr. MOAKLEY. I have a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore (Mr. HANSEN). The gentleman will state his parliamentary inquiry.

Mr. MOAKLEY. I am just trying to clarify exactly what is happening at this phase, Mr. Speaker.

There is one more vote on this matter, am I correct, Mr. Speaker?

The SPEAKER pro tempore. On the adoption of the resolution as amended, one more vote.

Mr. MOAKLEY. Continuing my parliamentary inquiry, Mr. Speaker, the first vote, the vote we just finished was on the Dreier amendment to fix up the rule.

The SPEAKER pro tempore. The gentleman is correct; to amend the rule.

Mr. MOAKLEY. Fix up the rule, whatever.

In effect, Republicans voted to deny Mr. MONTGOMERY——

Mr. THOMAS. Regular order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is not making a parliamentary inquiry.

Mr. DREIER. A parliamentary inquiry, Mr. Speaker——

Mr. MOAKLEY. This is my parliamentary inquiry; Mr. Speaker; Mr. Speaker, in effect the Republicans voted to deny Mr. MONTGOMERY and other the chance to divide the question and get a separate vote on——

Mr. THOMAS. A point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is not posing a parliamentary inquiry.

Does the gentleman from California seek recognition?

Mr. DREIER. Mr. Speaker, may we vote on the rule?

Mr. MOAKLEY. Mr. Speaker, I am still on my parliamentary inquiry.

Mr. DREIER. Mr. Speaker, I moved the previous question on the rule.

Mr. MOAKLEY. Mr. Speaker, I would like to complete my parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will maintain a proper parliamentary inquiry, not a statement but an inquiry.

Mr. MOAKLEY. Mr. Speaker, am I correct that the next vote, the vote we are about to take, is on whether or not to adopt this gag rule?

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MOAKLEY. Mr. Speaker, I demand a recorded vote

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 242, noes 190, not voting 2, as follows:

[Roll No. 238]

AYES—242

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cunningham
Danner
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Payne (VA)
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—190

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
de la Garza
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DeLauro
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Dixon
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Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Franks (CT)
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Gibbons
Gonzalez
Gordon
Green
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefley
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
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LaFalce
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Lewis (GA)
Lipinski
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Lowey
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Maloney
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Markey
Martinez
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McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
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Miller (CA)
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Moakley
Mollohan
Montgomery
Moran
Murtha
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Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
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Richardson
Rivers
Roemer
Rose
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Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Souder
Spratt
Stark
Stokes
Studds
Stupak
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—2

Borski
Cubin

□ 1423

The Clerk announced the following pair: On this vote:

Mrs. Cubin for, with Mr. Borski against.

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 115, the rule just adopted.

The SPEAKER pro tempore (Mr. HANSEN). Is there objection to the request of the gentleman from California?

There was no objection.

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bills, H.R. 1158 and H.R. 1159, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE AND RESCISSIONS FOR FISCAL YEAR 1995

The SPEAKER pro tempore. Pursuant to House Resolution 115 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1158.

□ 1425

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes, with Mr. BEREUTER in the chair.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Louisiana [Mr. LIVINGSTON] will be recognized for 30 minutes, and the gentleman from Wisconsin [Mr. OBEY] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today we bring to the House our regular and emergency supplemental appropriations and rescissions bills, H.R. 1158 and H.R. 1159. These bills, the product of 10 subcommittees, were ordered reported by the Committee on Appropriations on March 2. This was after 6 weeks of hearings beginning January 11 and culminating in the completion of subcommittee mark ups on February 24.

Mr. Chairman, the scope and size of these bills is unprecedented. Together these bills would rescind over $17.4 billion. If you add in the $3.2 billion that has already been rescinded in the emergency defense supplemental, the total rescissions reported by the Committee on Appropriations in the last 6 weeks are over $20.3 billion during the brief existence of the 104th Congress. I do not believe you will find any comparable performance in past Congresses.

Mr. Chairman, the details of these bills are well known. We began marking up in subcommittee nearly 3 weeks ago. These were open mark ups and the news of what was in them spread quickly. Also the reports to accompany them have been available since we circulated the bills for our full committee mark up on February 27. The reasons for the action we took are described in great detail in these reports. I commend them to all Members. Because of this I will not spend any time reviewing the bills at this point. Rather, I would like to talk about the overall situation that we dealt with on developing the bills.

After I became chairman in early January, I said that we needed to do a rescission bill. My reason was that we could not wait for our fiscal year 1996 bills to begin to downsize the Federal Government. If we began in fiscal year 1995, we would send the message sooner of our resolve to produce a leaner, not meaner, less intrusive government.

After we began to developing our rescission bill, major supplemental appropriations needs became known. Early in December we became aware of a significant unfunded problem in the Department of Defense of over $3 billion. When the President's budget was submitted, we learned of $7.5 billion more of supplemental needs, mostly for additional FEMA disaster relief. At this point we were not sure that any fiscal year 1995 effort to downsize Government would result in any savings beyond what we had to develop to offset the $10 billion in supplementals.

The approach we used to address this problem was to keep the development of the supplementals and rescissions separate. We put our rescissions on one track and developed the supplementals on another. A target was never set for rescissions. We just wanted to make a strong effort, and place ourselves in the best position we could in developing our fiscal year 1996 bills in order to meet expected significantly lower allocations.

□ 1430

First we peeled off enough rescissions to offset the defense supplemental because it needed to move the quickest. Then we peeled off enough rescissions to offset the nonemergency supplemental needs, and finally we packaged the domestic emergency supplemental needs with all of the remaining rescissions we had identified. As it turns out, we had over a 3-to-1 ratio of rescissions to supplemental appropriations in this final package.

I worked closely with the subcommittee chairman in aggressively pursuing rescissions, but I did not do this with any fixed target in mind. I am pleased with the outcome and with their product, but we were not trying to achieve any goal except looking to the future and getting a start on what needs to be done to balance the budget.

As it turns out, we were able to offset all supplementals, something that has not been done before, and we reduced fiscal year 1996 outlays resulting from prior appropriations by a very helpful margin.

We have started the process of downsizing the Federal Government, and our fiscal year 1996 bills can more easily be meshed in with this plan.

Perhaps most importantly we have sent the message that we will reduce the deficit beginning in fiscal year 1995 whether or not we have a balanced budget amendment.

Here are the guiding principles we used to develop the rescission proposals: We defunded unauthorized programs; we consolidated programs where duplication was so obvious that a meaningful service could not be rendered; we cut back on programs that received large increases in the fiscal year 1995 bills. Where we found programs that just do not work, we stood up and said so. And in other programs we flushed the pipeline, especially in the Department of Housing and Urban Development.

These principles produced huge results; some say these results have gone too far, but when we get into the details Members will find out just how important our thorough review of downsizing government was.

Take the special supplemental food program for women infants and children for instance. We have been accused of taking food out of the mouths of needy children. All we did was reduce slightly the amount of carryover that was occurring in this program because it was being increased faster than the system could handle it. No beneficiaries will be impacted, no one will be removed from this program, and the program funding will continue to increase.

We recommended terminating the low-income home energy assistance program beyond fiscal year 1995. Now we are being accused of causing low-income people to freeze to death, but this is just one more example of a temporary program far outliving its time. Energy costs are far below the pre-1980 levels in real terms. If low-income people need an income supplement, then a reason other than energy cost needs to be used. We need to go elsewhere and find other ways to help those people, as we certainly can do with the myriad of programs that are available under the Federal Government.

We recommended in these bills rescinding funding for construction of six veterans' ambulatory care units. Funding for these projects was added above last year's budget request. They were developed as part of last year's universal health care proposal that subsequently died, and if these projects are needed, then they could be reformulated as part of a new health care proposal. Building facilities without the solution on how to pay for them and how they might fit into some other overall scheme just is not reasonable.

However, I understand there will be an amendment to address this issue, and the problem may be resolved for the veterans.

But we are also recommending terminating the Summer Youth Jobs Program. This program has turned into an income supplement program without improving the employability of most of the participants or providing any long-term positive effect or skills training and we can do better than this. This program is not fulfilling any of its objectives.

Opponents of these bills say we are cutting spending in the wrong places. But this is a government with 163 job training programs, administered by 15 agencies costing $20 billion. Do these programs duplicate each other, do they work, can they be consolidated? Of course they can. But if this is the wrong place, the wrong time for cutting, then perhaps we should assume all 163 programs are doing just fine, thank you, and move on. I doubt that that is the case.

What is wrong with looking at education programs where 240 separate programs costing heaven knows how much and including 48 elementary and secondary education programs continue to flourish, notwithstanding the redundancy, the duplication and waste and inefficiency. Do they duplicate each other? Of course they do. Are they cost effective? No. Do they result in higher test scores? Obviously not from looking at the scores over the years. No one in or out of government can really say with certainty that we need any or certainly the vast majority of these programs.

Let us not forget the 93 early childhood programs, the 46 youth development programs, and the 14 nutrition programs. Actually I think that is closer to 30 nutrition programs. Is everybody satisfied that they are all functioning well and providing effective and efficient service to the neediest of Americans? Of course not.

In fact, I am convinced that we cannot find any single bureaucrat or advocate that says all of these programs are needed or meritorious. We can consolidate them. We can render service where service is needed. We can save the American taxpayer money, we can have fewer programs and less bureaucracy. We can work toward a balanced budget by trimming the Government down in this duplication and waste.

But if these are the wrong places to cut, what are the right places? If this is the wrong time to cut, then when is the right time? Do we fix the roof while the sun shines, or do we wait until the economy takes a turn down and find a new excuse to prime the pump with new jobs programs or youth development programs and more education programs?

Now that the balanced budget amendment has failed to pass the Senate, the thorny question still remains: Will Congress ever cut Federal spending? Even if we do not change the Constitution, it is still only one avenue open to us. It is the old-fashioned way. It is simply to sit down and get the job done, and take the first step, and that is what this bill is, taking the first step.

The Committee on Appropriations took the view that now is the time and that this rescission package is the way. The rescissions in these bills are less than 1 percent of the entire Federal budget. But it may be too much for some of our colleagues and for the President, all of whom are casting about for excuses as to why we should not even cut a single program.

They say we are not cutting spending, just paying for tax relief for the rich. But even if Congress fails to cut taxes, spending will exceed revenues by $200 billion this year and every year into the future, according to the Clinton administration plan.

If we approve this bill or approve the Clinton administration plan, another trillion dollars of debt will be layered on your children's shoulders in 5 years' time.

Mr. Chairman, here we are with a chance. We can downsize the Government, we can do it at a time of relative prosperity. We can reduce the deficit if we have the courage to get rid of bad programs, and we can do it in the old-fashioned way by just voting to cut spending now.

Let us not wait until next year or the year after, let us take the opponents at their word. If they are for getting our expenses in line with our inflow, then indeed we must pass these bills and I would urge the adoption of the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 13 minutes.

Mr. Chairman, what I would like to do here is to set the stage and explain why we are here and why we are doing this today. We have heard the gentleman from Louisiana [Mr. LIVINGSTON] and a lot of our Republican friends talk to us about deficit reduction and give us lectures about the need for deficit reduction.

I think it is important to explain how this country got to this moment. This chart will I think demonstrate what has happened to this country since the end of World War II. At the end of World War II, because we needed to borrow money in order to pay for the war, we wound up with a national debt which was roughly 115 percent of our total annual national income. Under a series of Presidents, Republican and Democrat, and under Congresses which were mostly Democratic but sometimes Republican, we brought that down on a bipartisan basis through the years to the point where in 1980 our debt as a percentage of gross domestic product was about 23 or 24 percent.

Then what happened is that Ronald Reagan was elected to office. He presented us a budget which essentially doubled military spending and which provided huge tax cuts for rich people, and that package was rammed through this House. I know, I was here; I offered alternatives to it. I warned at the time that if that budget package passed, we would have an explosion of both the national debt and the Federal deficit.

Mr. Stockman, who was the budget director for President Reagan at the time, admitted that, in his words, "the numbers did not add." In fact, his exact words were these: He said:

> In the budget that we sent down to the Congress we got the deficit down to $31 billion by hook or by crook, mostly the latter. We didn't think it all the way through. We didn't add up all the numbers. We should have designed those pieces to be more compatible. But the pieces were moving on independent tracks. That's what happened. But for about a month and a half we got away with that because of the novelty of it all.

Now that is Mr. Stockman talking, not me.

So the Reagan budgets were passed, and what happened? The Federal deficit which had never been larger than $74 billion exploded to nearly $300 billion over the next decade, and the national debt tripled and quadrupled. As a result, this line began going in the wrong direction; it began going up, so that today we are at a national indebtedness which is about twice the level as a percentage of the national income as it was in 1980.

So in the 1980s we had three different efforts to try to correct the problem because the Republican party was embarrassed by what they had produced. And we had three magic fixes: Gramm-Rudman I, Gramm-Rudman II and Gramm-Rudman III. None of them fixed the debt, none of them affected the deficit, although each of them promised within a time frame of 4 to 5 years to balance the budget.

The public finally got fed up with it, and 2 years ago they elected President Clinton. They expected he would do something about it. He produced a budget which called for $500 billion in deficit reduction. He got not a single Republican vote for that in the House or in the Senate.

Under that, our committee, after that budget was passed, our committee produced cuts in 500 separate programs in the first year of the last biennium and last year we produced cuts in 400 programs in the year during which I was chairman.

Now I will fully grant that our Republic friends did a much better job of getting their message across about what happened on the budget than we Democrats did. I will grant that. And as a result, we lost 53 seats because the public apparently did not like the fact that we had voted for the Clinton budget. They did not apparently like the fact that we had voted for the Clinton budget program which did bring that deficit down from the $323 billion that George Bush told us it was going to be on the day he walked out of the White House, down to around $180 billion today.

□ 1445

But I will grant we did not do a good job of explaining what we did. We paid a price for it. I think that demonstrates that our party is willing to pay whatever price is necessary to get the deficit down. We have already paid that price.

I would remind you that not a single Republican voted in either the Senate or the House for that deficit-reduction package. I say that simply to try to make the point that what we are talking about here today is not a difference over spending levels. Every single amendment that I asked the Committee on Rules to make in order would have saved precisely the same amount of money that is being saved in this bill today. What we argue about is where you are making the savings and where you are not making the savings.

This is not an issue about the number of education programs or the number of job-training programs. I stipulated at the beginning of the markup that we supported the elimination of most of the programs in question.

But here is what we do not support: We do not support hitting kids before they are born by cutting back on the Healthy Start program as this bill does. We do not support clobbering kids by wiping out over a 3-year time frame public broadcasting, because that is the only decent television that most preschool kids get these days. We do not support, as you do in another bill, cutting $7 billion below current services in the school lunch program. We do not support that. We do not support going after job-hungry kids by eliminating the summer jobs program, 610,000 kids just told to go take a walk this summer. We do not support whacking tech prep and the school-to-work programs as this bill does, and we do not support wiping out the drug-free school program that you wipe out, and we do not support eliminating 100,000 scholarships for kids who need help to go on to college. Neither do we support shooting old people.

What this bill does is say to 2 million senior citizens who make less than $10,000 a year, "Sorry, but even if you live in my district, 30 below zero weather, you are not going to get any help to pay your fuel bills anymore." That means those seniors are going to have to choose between prescription drugs and heating their homes. I think that is a lousy choice for any Member of Congress who makes $133 thousand a year to impose on somebody in that income bracket. I think morally that stinks.

I also think it is wrong to say that you are going to take 40 percent of the housing hits and target them to senior citizens. So that is what we object to. We object to where you are getting the cuts.

We also object to where you are not getting the cuts. We tried to get the Coleman amendment made in order that would have allowed us to cut $400 billion in highway demonstration pork, but the Committee on Rules under the Republican leadership said, "No, you cannot cut there." I tried to offer an amendment which would delay for 5 years the development of the F-22 aircraft which we do not even need until the year 2014, but which is going to cost us $150 million a copy. We tried to delay that for 5 years so we could save $7 billion so you would not have to wipe out the school lunch program. The Committee on Rules said, "No, we do not want you to have that fix-up." So they said we could not offer that amendment.

We also wanted to set up a new system for disaster relief so that every citizen who needs help can still get it, but gets it under a system of loan guarantees paid for by State governments, not Uncle Sam. That would have enabled us to restore a whole series of programs. We would have been able to restore Healthy Start, Chapter 1, safe, drug-free schools, education for the homeless, SSIG State scholarships, Public Broadcasting, summer jobs, Eisenhower teacher training, senior-citizen housing, older workers' programs, and veterans' benefits. But, again, the Committee on Rules said, "No, you cannot save the money there. You have got to go after seniors. You have got to go after kids." We think that is the wrong thing to do.

Now, why are we here? We were told a few months ago we were cutting the $17 billion in order to free up money for the Republican tax package. Two days ago we saw what that tax package does. We see what that tax package says to corporations like AT&T, du Pont, Boeing, General Dynamics, PepsiCo, Texaco, Greyhound Corp., Panhandle Eastern Corp., W. R. Grace, Sundstrand Corp., Burlington Industries, Westinghouse, et cetera, et cetera, et cetera. These are the folks who years ago paid no corporate tax, because we did not have an alternative minimum tax in the tax code.

Now, the Republicans are ripping out the provision in the tax code which says they have got to pay taxes. We are going to go back to the years when we have these giant corporations paying no taxes.

The second thing the Republican tax package does is say they are going to give three-quarters of the capital gains tax breaks to people who make more than $100,000 year. So we argued in committee you should not do that, you should not be shooting seniors, you should not be shooting kids in order to provide these kinds of tax bennies.

When we offered the Murtha amendment to prevent these cuts from being used to finance this kind of a rip-off, every single Republican in the committee voted against our amendment. But now they have not been able to take the heat. Why? Because the public understands you should not be gouging seniors and kids in order to provide these kinds of tax rip-offs, and because I frankly think that a lot of thoughtful Republicans on your side of the aisle recognize that is not the right thing to do. And so now we are told that they are suddenly going to accept the Murtha amendment and accept the Brewster amendment and provide us with the fig leaf by which they can now say, "Well, we are not going to cut taxes by making these reductions after all."

I would simply say what this really means is that there is a great deal of confusion apparently on the Republican side of the aisle about what they are going to do with their taxes. We were told first they were going to pay for whatever tax cuts they provide. Now we are being told, "well, we are not going to do it after all." We are going to be told tomorrow in the Committee on the Budget that they are willing to make generic cuts buy simply lowering the caps without describing which programs are going to actually be cut.

But what this demonstrates is that whenever you have a specific program which the Republicans are talking about cutting, then it is going to be very difficult for them to get the votes in their own Caucus to produce the votes for those cuts in order to finance the kind of outrageous tax breaks which they are talking about in the Committee on Ways and Means bill.

So I would urge Members today to vote for both the Murtha amendment and vote for the Brewster amendment. But do not kid yourself, do not kid yourself. In the end, they are still going to provide those wild tax breaks for corporations and high-income people. That tax package is just as misguided as shooting seniors and shooting kids' programs in order to free up a few dollars so they can pretend that they are going to make a significant impact on the deficit.

I urge a vote against this bill and to vote for those two amendments.

Mr. Chairman, I reserve the balance of my time.

Mr. LIVINGSTON. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. LEWIS], the distinguished chairman of the Housing and Veterans' Subcommittee of the Committee on Appropriations.

Mr. LEWIS of California. Mr. Chairman, I appreciate my colleague yielding and rise at this moment to express my strong support for the work of the committee.

All of us recognize that the country faces a most serious economic problem with ever escalating, year in and year out deficits, and a total deficit pushing well beyond $4 trillion. The price will be paid not by us but largely by a few of our children, indeed mostly our grandchildren.

My section of the bill involves approximately one-half of the rescissions that are involved here, and the subcommittee responsibility covers a whole array of Federal programs ranging from veterans to housing to EPA to NASA, a total of 22 different agencies.

Beyond that, within this bill is a very important element, a supplemental appropriation that affects 40 different States that have been impacted by disaster in recent years. A very significant part of that will affect my own State, for as you all know, California in recent years has had every disaster known to man. Californians have not asked to be put in this position, but ironically, as we work together today, all of you know that much of my State one more time is almost totally under water. One of the great things about this process is that it reminds us one more time that in times of crisis Americans come together as a unified public and help each other.

There is little doubt that all of us know that this will not be the last natural disaster. There will be another. We just do not know when it will occur or what part of the country it will hit.

I want you all to know that at that point in time this Californian stands ready to help you as you have helped us in the past.

Above and beyond that, we will be discussing a whole array of rescissions within my subcommittee. And in a lot of that discussion we will talk about HUD where there are some $7.2 billion worth of rescissions. This chart indicates the problem we have in discretionary spending and housing. Over the last 4 years, discretionary outlays have increased a full 50 percent, moving from $20.5 to $31 billion. Anybody who has any sense, who is willing to look, knows that those programs need fundamental review, and our effort here is to establish a new playing field whereby we will better serve the people who need Federal housing assistance.

Under our proposals, not one family currently receiving services will have those services terminated, and many more, in my judgment, will receive better service over time in a much more efficient process. That is what triggers and motivates these spending cuts.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan [Mr. BONIOR], the distinguished Democratic whip.

Mr. BONIOR. Mr. Chairman, I thank my colleague for yielding and I commend him for his statement earlier.

Mr. Chairman, the Republicans talk a lot about renewing American civilization, but you cannot renew American civilization by taking Big Bird from 5-year-olds, summer jobs from 15-year-olds, scholarships from 20-year-olds, in order to pay for a tax cut for the very wealthiest and most comfortable in our society. That is exactly what this bill does.

Mr. Chairman, yesterday the Committee on Ways and Means reported out the Republican tax plan out of committee. The bill cuts taxes by over $700 billion.

But the deep and the very dark secret of the Republican tax plan is this, the vast majority of the benefits go to those earning over $100,000 a year or more. Under the Republican tax plan, if you earn $100,000 a year, you get a tax cut of about $4 a day, but if you earn less than $100,000 a year, you get a tax cut of about 7 cents a day. If you are a Fortune 500 company under the Republican plan, not only will you get a tax break, you might not have to pay any taxes at all.

Look at how they intend to pay for it. They want to cut over $200 billion from veterans' benefits. They want to cut heating assistance for our elderly. They are cutting programs in nutrition for our infants. They are cutting jobs for kids and drug-free schools. That is what this bill does that is before us today.

So, Mr. Chairman, this is not what the American people voted for last November. If this is what the first $17 billion in cuts looks like, I can only wonder, I can only imagine what the next $700 billion is going to look like.

Mr. Chairman, let us not target children to pay for tax cuts for the most comfortable and the wealthiest in our society.

We all want to reduce the size of governments, but let us start by cutting over $200 billion in corporate welfare. What about all the irrigation subsidies and the mining subsidies and star wars? None of that is mentioned in here. They are just going after kids, going after the elderly. They are going after those in our society who are least able to defend themselves.

Mr. Chairman, Republicans keep talking about wanting to have a debate over issues. Well, we would love to debate these ideas, but under the rule in which we are operating now in the discussion of this bill, we have been shut out. Under this rule, we have time to debate probably just a dozen amendments; 82 amendments printed in the CONGRESSIONAL RECORD have been shut out. Is this what the Republicans mean by an open rule, by gagging 82 amendments, using an elaborate set of criteria not found in any House rule?

We cannot even offer amendments suggesting new cuts if we had them. Under this rule the only cuts we can offer are deeper cuts to the Republican cuts that have already been offered.

So, Mr. Chairman, this rule is closed. It is outrageous. It is offensive. It is contradictory to everything said last year when our colleagues on this side of the aisle complained to us about having open rules, especially on deficit reduction proposals like this one.

□ 1500

Mr. Chairman, I urge my colleagues to say "no" to targeting children and the elderly, say "no" to tax cuts for the wealthy, say "no" to this bill.

Mr. LIVINGSTON. Mr. Chairman, I yield 2 minutes to the distinguished chairman of the Subcommittee on Treasury, Postal Service, and General Government of the Committee on Appropriations, the great gentleman from Iowa [Mr. LIGHTFOOT].

Mr. LIGHTFOOT. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise to engage in a colloquy with the gentleman from New Mexico, chairman of the House agriculture appropriations subcommittee.

I would like to discuss the U.S. Department of Agriculture's National Swine Research Center to be located at Iowa State University. This project was included in the rescission legislation.

This center has been developed as a direct result of a partnership among the U.S. pork industry, the Agriculture Research Service and the U.S. Congress. The center has always had, and continues to enjoy the complete support of the Iowa congressional delegation and funding from the Iowa legislature.

The subcommittee has raised legitimate concerns about the center's mission in an era of declining Federal budgets. But I can assure the gentleman from New Mexico and this House, the center meets the tough criteria for future Federal spending.

Since the rescission bill was marked up, the Agricultural Research Service has testified before the agriculture appropriations subcommittee that the type of research to be conducted at this center is unique to problems associated with large hog operations, especially with environmental concerns.

My question to the gentleman from New Mexico [Mr. SKEEN] is: Can we work with the subcommittee to find a way to fund this necessary research?

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. LIGHTFOOT. I yield to the gentleman from New Mexico.

Mr. SKEEN. I thank the gentleman for yielding.

Mr. Chairman, I respond by saying, the subcommittee looks forward to working with the gentleman and other members of the Iowa delegation to find funds to start this research. It is my understanding the research enjoys widespread pork industry support and is important to ensure the continued world leadership of the U.S. pork industry into the next century.

As the gentleman from Iowa stated, the Agriculture Research Service has stated the unique nature of the research. It is essential that we address the problems facing the U.S. hog industry. I look forward to working with the gentleman.

Mr. LIGHTFOOT. I thank the gentleman from New Mexico and look forward to working with him to resolve this difficult situation.

Mr. SKEEN. This was an honest pork situation.

Mr. LIGHTFOOT. This is an honest pork situation. We are talking about real pork, the kind on four legs that you eat.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. I thank the gentleman for yielding this time to me.

Mr. Chairman, as we begin this first debate on the guts of the contract on America, the Republican economic plan, we ought to reflect on what has happened to working families' incomes in this country. It ought to be the baseline upon which we base our basic judgments about what to cut in spending and where we ought to be making adjustments in our taxes.

If you look at 1950 to 1978, Americans essentially at all income levels grew together. The poorest actually grew the most. The wealthiest, well, they had a 100-percent increase in real family income growth, were consistent with all the other classes in American society.

But in the last 20 years, since 1979 through 1993, we had a marked change in our society. The wealthiest gained most of the economic growth, 18 percent increase in the top 10 percent. Those at the bottom, in fact, 60 percent of all American working families, saw real declines in their standard of living. They have been the ones who have paid the price. Republicans offer little relief to that vast segment of our workforce that has seen real incomes decline in this recent past.

Despite the explosive growth of overall household incomes in the same period, most benefits were concentrated among upper-income families.

Now, if we want to go about restoring opportunity and providing the foundation for income growth for most Americans, we have got to take a different approach.

But that is not what we are doing here today. Without a doubt, this is an important bill for many of us, including those from California whose districts are under water and who have unpaid bills from the North Ridge earthquake. Yet I think without much exception, hopefully none, we will be opposing this disaster assistance bill because, unfortunately, the Republicans have chosen to put that funding at risk by unilaterally offsetting those funds with cuts that do California more harm than good.

Mr. LIVINGSTON. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. PACKARD], the distinguished chairman of the Subcommittee on Legislative Branch Appropriations.

Mr. PACKARD. Today, as a member of the Appropriations Committee, I am proud to offer our first down payment to balance the budget by 2002. Republicans made a promise to the American people; now, we are putting out money where our mouth is. As chairman of the Legislative Branch Subcommittee, I am pleased to contribute to this effort.

As the subcommittee responsible for funding Congress, I believe that our legislative branch must undergo the same kind of scrutiny as every other branch of Government. In fact, we should set the example.

I made a commitment to not just downsize for downsizing's sake. I want to restructure, I want to make Congress work better at less cost.

As part of that effort, we defunded the Joint Committee on Printing which oversees the Government Printing Office. This will remove duplication and redundancy. The House and the Senate's current committee apparatus can take over the Joint Committee's functions and eliminate the excessive overhead in the process.

On a voice vote, my subcommittee unanimously approved the reductions we made. I am pleased to offer these cuts as part of the rescission bill now before us.

Furthermore, I wish to commend the gentleman from Louisiana, Chairman LIVINGSTON, for his tenacious hard work and his dedication to deficit reduction. This is a transitional time in America. The voters asked for a smaller government that spends less, taxes less, and regulates less.

We must make some difficult choices to accomplish our goal. However, the voters elected us to make those tough choices. We must and we will. The American people, their kids and grandkids are counting on us.

I am proud of what we are doing today.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. I thank the gentleman for yielding this time to me.

Mr. Chairman, the Republicans have a Contract With America. They are proud of it. They had a 50-day celebration. They made a big to-do about it. They should be proud of what they are doing with the Contract. It is in the contract that you are going to have a cut that is going to give a tax cut to the most wealthy, affluent Americans in this country. And do it at the expense of the people who are the most vulnerable people in our society: children, senior citizens, and veterans.

Make no mistake about it, that is going to happen. This money goes into a pot. You can accept the amendments or whatever you want to do, but this money is counted as cuts that you have made today and you are going to use it for a tax cut.

I have a very limited amount of time here today, but I would like to give you a couple of instances of what separates us, the Democrats, from the Republicans. There was a group of consultants and people who work regularly for the Republicans, having a meeting just around the table with some of the people at Harper's.

Here are some of the things that were said when they talked about social security. They said, they talked about cutting social security.

Mr. Frank Luntz, the Speaker's adviser, said, "Philosophically, you are right, but politically we can't do anything for at least 2 years until we get the public's confidence." They also said, Mr. David Frum said, "The big programs like welfare, Medicaid and Medicare, will take a little time to get rid of. But there is a lot of little ones that we can get rid of right away."

And Mr. Reed, who is a consultant for the Christian Coalition, says, "The Legal Services Corporation, which provides legal aid for the poorest in our country, would be a great one to start with."

Be proud of your contract, but be honest about it. We are going to have a tax cut for the wealthiest people in this country, and we are going to put at risk the most vulnerable people in our society: the little old lady huddling up in Connecticut because she does not have the money to pay her heating bill, and the children who are going to be suffering from the lunch program. It is going to happen.

You can do all the rhetoric you want, but that is what separates us.

I urge a vote—and I have never voted against a disaster in my life, or an extension in my life—but this is one where I am going to make an exception.

Mr. LIVINGSTON. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Texas [Mr. DELAY], the honorable whip for the majority party.

Mr. DELAY. I thank the chairman of the committee, the gentleman from Louisiana, for yielding this time to me.

Mr. Chairman, I would like to commend the gentleman from Louisiana [Mr. LIVINGSTON] for the work he has done on this bill.

I would just like to take this time to address two provisions in H.R. 1159 that act as moratoriums on Federal trip reduction requirements and mandated emissions testing programs. The bottomline is simple: The scant environmental benefits to be gained from these flawed programs fall way short of the costs involved in implementing them.

I would like to thank Chairman LEWIS for working with me on these very important provisions and commend him for producing one of the toughest subcommittee marks in this rescission bill.

By preventing EPA from enforcing these requirements through the end of the fiscal year, we are giving the authorizing committee time to reopen the Clean Air Act. Changes must be made to reflect the expensive failures all of our constituents have encountered in dealing with these programs. Likewise, we must give States the option to choose the methods that work best for them to address their pollution problems.

EPA has backed off the trip reduction requirement. They acknowledge its ineffectiveness and say they will not enforce it. But businesses must still submit "employee commute option" plans to their States, forcing employers to divert resources to comply.

The bottomline is that the law is still on the books and just because EPA says it will not enforce it now, there is nothing to stop them from reversing their position in the future. This situation is causing significant uncertainty in the business community.

The moratorium in this legislation would provide that certainty until the Congress has an opportunity to reevaluate the authorizing language.

As far as the federally mandated emissions programs go, a virtual rebellion has occurred in those States required to implement them. Of the 28 States forced to comply, 22 programs have been delayed or suspended or the State has refused to comply altogether.

For example: in Maine the program was suspended after only 2 months due to the high number of false failures and reports of vehicle damage; in a demonstration in Denver, in January, cars were actually deliberately rigged to fail the IM 240 emissions test but instead passed with flying colors; according to a 1992 GAO report, the EPA itself found that in one case, over 25 percent of the vehicles tested using IM 240 failed initially, but then passed a second test, even though no repairs were made; according to one State coordinator of the so-called Green Party, "This law is unfair to poor and working people who cannot afford to pay $450 to have their cars fixed." Another member said, "The program won't accomplish what it is supposed to—clean up the air."

The fact is, that despite the EPA Administrator's pledge to grant States flexibility on their emissions testing programs, EPA cannot be trusted to handle these issues administratively. This moratorium provides a desperately needed short term fix until a long-term retooling of the requirement can be developed.

This bill doesn't repeal the laws that have broken down on the heads of the American public. And it doesn't fix those laws either. All it does is prevent the fact that these laws are broke from causing further unnecessary pain.

Mr. GEKAS. Mr. Chairman, if the gentleman will yield, I would also like to thank the gentleman for this discourse which he has begun on this very important question.

As the gentleman knows, there are many, many States under the gun of the EPA on the auto emissions issue, and we want them to pause. They said they are going to pause, as the gentleman indicated. But how do we know they are not going to unpause and begin the process all over again, when we are still not sure of the standards that are going to be applied, how they are going to be tested, what mechanisms the States are going to be given option to utilize?

It is important that we help the EPA help themselves.

Mr. LIVINGSTON. Mr. Chairman, may I inquire as to he time remaining on each side?

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] has 9½ minutes remaining, and the gentleman from Louisiana [Mr. LIVINGSTON] has 9 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Cleveland, OH [Mr. STOKES].

Mr. STOKES. I thank the distinguished ranking minority member, the gentleman from Wisconsin [Mr. OBEY] for yielding this time to me.

Mr. Chairman, I rise today in strong opposition to H.R. 1158, the bill making emergency supplemental appropriations and making rescissions for the fiscal year 1995. This bill would drastically cut funding for programs that are vital to the most vulnerable and needy in our society. As I stated in my remarks opposing the rule to this bill, numerous attempts by my Democratic colleagues failed to override the cold and callous reductions contained in this measure.

Everyone voting on this bill today should understand what these actions mean to millions of Americans. It has been said that none of the cuts in this bill would hurt people—that the cuts occur prospectively. This is not the case. No matter how some may want to justify these reductions, this rescissions bill is a prescription for disaster. It is an assault on the very basic and essential programs that impact the daily well-being of Americans; education, health, housing, and jobs. That is why I am opposed to the bill before us today.

Even if you support the argument that our Nation needs to be more vigilant in its efforts to reduce the Federal deficit, there is no grounds for the inequity in the rescissions in this bill. The figures derived were not from any set target or economic formula. These amounts were arbitrarily picked by the Committee Chairmen. In the end, the pain and burden of this bill is placed squarely upon the shoulders of the poor, the elderly, and the children of this country. These are the people who are really jeopardized by this legislation.

Let's talk about these cuts and the nearly one-half million elderly and almost 1½ million children living in public housing who will be harmed by the almost $3 billion slashed from public housing programs at HUD.

These elderly are predominantly single and disabled women, living by themselves. They are the same constituents who have approached each and every one of us about the need to provide special housing facilities for the elderly apart from special housing for the disabled and mentally ill. After years of negotiation to ensure that the housing needs of all special populations are met fairly by HUD, this bill in one fell swoop eliminates the 5,000 new section 8 vouchers and certificates which would be used for this purpose.

This cut, which completely eliminates the 69,000 new rental assistance vouchers, would also mean that 12,000 certificates reserved for homeless women with children—the fastest growing segment of homeless persons in America—would be rescinded. Additionally, the 3,000 certificates set aside for homeless persons with AIDS would be zeroed out.

Ironically, this bill cuts section 8 vouchers and certificates which are used by FEMA to provide assistance to families displaced by the Northridge earthquake in California, the same disaster for which we are providing assistance for in this supplemental. How do you provide disaster relief for them in one hand and take it away from them in the other?

People living with HIV/AIDS are further harmed by the reductions in this bill that eliminate funds for the housing for persons with HIV/AIDS [HOPWA] program. This cold-hearted action virtually takes away the only chance that people infected with HIV/AIDS and their families have for housing at their most dire time of need. Slashing the funds for this program will force people with HIV/AIDS—a growing number of whom are women with children both infected or affected by HIV—into the streets. This destroys any chance they may have had of leading a normal life while undergoing treatment or any chance of dying with dignity.

Mr. Chairman, if this is not enough, what chance do our children have when their brains and development are impaired as a result of ingesting lead-based paint with this bill which reduces the lead based paint abatement program at HUD?

One of the few possible sources of funding that may have been available to ease the loss of Federal funding for assisted housing halfway through the year, the community development block grant, is also targeted for a cut. Every State and local jurisdiction across this Nation benefits from this important program. In States like Georgia—recovering from devastating summer floods—FEMA has utilized CDBG monies in conjunction with its efforts to restore disaster communities. This bill eliminates $350 million from CDBG.

This list goes on and on with what I consider to be short-sighted and mean spirited rescissions. It is important that we defeat this bill which hurts our most needy citizens.

Lastly, this is what this bill does:

Funding for Healthy Start is cut $10 million. This program provides resources and assistance to urban and rural communities with high infant mortality rates; 2,200 pregnant women will not receive primary care; 33,000 prenatal visits will be eliminated; 3,000 pediatric appointments will be eliminated; 5,800 clients will not receive child care; 3,267 clients will not receive skill and job training.

Funding for low-income home energy assistance is terminated. Millions of children and elderly will be forced to choose between heating and food.

Funding for summer youth jobs has been completely eliminated, and funding for youth employment training has been cut by more than 50 percent. Approximately 1.2 million young people will no longer have summer jobs, and 318,000 will not receive employment training. This action leaves over 1 million young people on the streets in our inner cities and rural areas with missed opportunities, lack of hope, and nothing constructive to do.

The bill destroys the school to work, the tech-prep program and the youth fair chance program. Funds have been completely eliminated for these programs.

Funding for veterans' medical assistance has been cut $206 million. Funding for homeless veterans' employment training has been terminated.

Funding has been terminated for the Safe and Drug Free Schools Program. Ninety-four percent of our Nation's schools will lose critical resources for student safety and drug abuse prevention.

Funding for higher education is cut more than $237 million, and includes a $111 million cut in financial aid. These cuts will place the pursuit of a college education outside the reach of thousands of students; $7.3 billion has been cut from HUD housing programs.

These are but a cross section of the cuts in "people" programs. The action taken by the Republican majority is not only unconscionable but also very mean-spirited.

This bill is a prescription for disaster. It hurts the elderly, our children, our veterans, and low income people. I urge my colleagues to defeat this bill.

Mr. LIVINGSTON. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. BALLENGER].

□ 1515

Mr. BALLENGER. Mr. Chairman, I would like to engage in a brief colloquy regarding State OSHA programs with Chairman PORTER.

The committee bill includes a $16 million reduction in OSHA spending for fiscal year 1995. As I understand it, this rescission represents the entire increase over the fiscal year 1994 appropriation. The agency will have an operating budget of $296,428,000 for fiscal year 1995.

I would like to clarify one point. In fiscal year 1994, State program enforcement received $68.630 million and State program enforcement received $70.615 million in fiscal year 1995, an increase of $1.985 million. It is my understanding that State programs will not be reduced by any more than the original increase of $1.985 million.

Mr. Chairman, I ask the gentleman, is this your understanding?

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. BALLENGER. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I thank the gentleman from North Carolina for his question. It is also my understanding that the State plan programs will not receive a disproportionate share of the cuts and will receive the same level of funding appropriated for fiscal year 1994.

Mr. BALLENGER. Mr. Chairman, I thank the gentleman from Illinois for clarifying the point.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN. Mr. Chairman, I gave all of my colleagues on that side of the aisle an opportunity to make some more cuts, and they did not take it. I say to my colleagues, you remember the amendment I took to the Rules Committee as the ranking Democrat on the Subcommittee on Transportation? I provided you an opportunity to go after some highway demo projects. But they would have been in your district, just like they would have been in Democratic districts, and you opted out of that one.

So, Mr. Chairman, I do not want to hear any more speeches about tough choices and courage on this bill when they go after the elderly and the veterans in my district and the kids in my district. I do not call those tough choices. I call that kind of a chicken way out because, as I said, you had a chance to cut highway demo projects, by the way, up to $2 million, if you wanted to, from ISTEA and House Appropriations Committee highway demo project, but, no.

I want to tell the American people, and I want to tell all of my colleagues on both sides of the aisle, you took the easy way out. We don't want to harm any of our colleagues' projects because, after all, we don't really think that's pork when it comes to our projects; do we?

So the statements of the gentleman from California [Mr. DREIER] and the statements of the gentleman from Louisiana [Mr. LIVINGSTON] notwithstanding, it is not our side that wants business as usual. I say to my colleagues, I gave you the opportunity, yet you would not allow in this closed rule for me to present this amendment, and I didn't take the money and put it anywhere else. I was just going to allow you to cut another $400 million in my amendment. Or up to $2 billion if you had offered one and made a more serious rescission package. I would have preferred you not to take school lunches. I would have preferred you not to hurt my veterans. I would have preferred you not to hurt the elderly. But I didn't even require that you not do that. I gave you a chance, and you didn't take it.

So, Mr. Chairman, I think it is high time we all stopped praising ourselves over on that side of the aisle in the Republican Party and patting yourselves on the back. It is time that they fessed up and admitted they did not do what they could have done.

Mr. LIVINGSTON. Mr. Chairman, I yield 1½ minutes to the gentleman from North Carolina [Mr. BARR].

Mr. BARR. Mr. Chairman, I rise to engage the gentleman from California [Mr. LEWIS], who chairs the subcommittee dealing with HUD, in a colloquy if he is willing.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. BARR. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I would be very pleased to do so.

Mr. BARR. Mr. Chairman, many communities throughout the State of Georgia, including those within my own district, have raised a concern regarding the proposed reduction of $349 million in community development block grants. I am informed that the cut amounts to as much as an 8 percent reduction from what has already been publicly announced and communicated to them.

Mr. LEWIS of California. The gentleman is correct. Many local communities have been notified of their fiscal year 1995 allocations and have initiated community meetings to plan for the release of CDBG money for the wide variety of eligible purposes.

Mr. BARR. So can we expect the committee to help us make a determination of how to assure these communities that they will receive what they were previously promised?

Mr. LEWIS of California. The report accompanying this bill directs OMB to cause the affected agencies, including HUD, to stop obligating funds proposed for rescission. I am very concerned that HUD in particular has attempted to move funds out the door as soon as they suspected they were rescission candidates. If we can get OMB to put the brakes on, I am sure that we can make a factual determination of how much of the proposed cut should be restored in order to keep faith with the local planning that has naturally progressed prior to the full committee's action late last week. And I am more than willing to do so in conference if HUD and OMB step up to the plate on this.

Mr. BARR. I appreciate knowing that you have the same understanding I do regarding the dilemma faced by my communities in Georgia. They will be very pleased to know that we are working on a solution.

Mr. LEWIS of California. Mr. Chairman, I commend the gentleman from Georgia [Mr. BARR] for his efforts.

Mr. LIVINGSTON. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I think this is a very important bill. It has 20 pages of cuts, approximately $20 billion. But one of the things that really bothers me is that at a time we are making very strong cuts to get this budget under control, we are sending up to $52 billion down to Mexico. The President circumvented the Congress of the United States and did that by himself with the Secretary of the Treasury from the exchange stabilization fund.

Fifty-two billion dollars.

Mr. Chairman, we are cutting $20 billion out of this, and at the same time we are cutting Americans, and we should do that to get the budget balanced, we are sending $52 billion to Mexico. This is at a time when their peso is dropping like a rock and our dollar is dropping right with it because, in part, of our sending that $52 billion down there.

The American people do not want us sending their taxpayers' dollars down to Mexico, and we cannot even get a vote on it in this House of Representatives. One of the things that I think is extremely important, if we are asking Americans to take a hit in order to get this budget balanced, we should do the same thing in foreign policy, and we should tell the people in leadership here, and in the other body, and at the White House, "We want an up or down vote on the Mexican bailout."

Mr. OBEY. How much time does each side have remaining, Mr. Chairman?

The CHAIRMAN. Five and a half minutes on each side.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, in a famous court case a Supreme Court Justice said of obscenity, "I know it when I see it."

Mr. Chairman, we see it here today in the form of the Republican rescission bill on the floor. The bill abandons all sense of decency by cutting programs for children and seniors in order to cut taxes for the wealthiest Americans. Mr. Chairman, because the Republican disaster bill cuts investment in children, like nutrition, education and summer jobs, it will create other problems which will increase the budget deficit while it increases the human deficit.

Furthermore, Mr. Chairman, it is indecent to cut assistance to homeless vets and to cut other veterans' medical benefits while giving tax benefits to the wealthiest Americans and corporations. It is indecent to cut home heating oil for senior citizens. It is indecent to ask California's children to pay $2 billion—$2 billion in assistance for the aid that California will receive for the earthquake disaster.

Mr. Chairman, much has been said about saddling our children with increased deficits—budget and human. We must defeat this bill today.

Mr. LIVINGSTON. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Illinois [Mr. MANZULLO].

Mr. MANZULLO. Mr. Chairman, I rise in support of the committee recommendation to restrict funding in the bill for the imposition and enforcement of requirements that the States implement trip reduction measures to reduce automobile emissions.

Under the 1990 Clean Air Act amendments, Mr. Chairman, businesses that employ over 100 people in severe ozone nonattainment areas have developed a plan for forced carpooling. This employee commute option is supposed to encourage alternative means of transportation. However this plan is costly and, in some cases, impractical and unnecessary, which is why I applaud the restricting of the funding.

Mr. Chairman, in my home State of Illinois the estimated cost of businesses to comply with the employee trip reduction mandate is as high as $210 million a year, and data from southern California shows it simply does not work. One rural county in my district is included in the Chicago severe nonattainment zone and has no mass transit system, and people would be left with no reasonable option other than to instigate forced carpooling to comply with the mandate. This is unacceptable, and I applaud the Governor for standing against it.

Mr. LIVINGSTON. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in support of H.R. 1158.

Mr. Chairman, as a new Member of the House I voted for a balanced budget amendment knowing full well that such a measure would require tough choices. While some contend that we do not need such an amendment, personally I feel our Nation's future depends on it. Our national debt is staggering, our annual deficit continues to grow, and our actions today on H.R. 1158 mark the first real step to protect future generations. We are here for our children and grandchildren, pure and simple. If we act today, we give them the greater measure of security. Most important, this first tough vote may give them a chance to have the opportunities we now enjoy, a great education, the prospect of a good job and a quality of life unparalleled in the world.

My hometown paper urges that the majority party start to act in the new Congress, actually to cut spending. It urges Congress to start making the tough spending decisions now. While I don't always listen to my hometown paper, they are right: Don't talk cut, cut sensibly, and my constituents agree.

Our vote today will lead to a balanced budget. Let's be clear; this package is a $17.2 billion reduction out of a total of a $1.5 trillion budget. It is a 1.1-percent reduction.

The bottom line is that we need to start the process. What better steps than to consolidate a horde of programs, some highly duplicative, some unauthorized by Congress itself, some with unjustified increases and others paralyzed in the money pipeline with little likelihood of being spent.

Specifically, this bill reduces the HUD budget by $7.2 billion dollars. It has become obvious that many HUD programs are not working. The GAO and the inspector general's report reflect those facts. We need to get the money to people who Congress intended to help. The money does no good sitting in Washington.

Then there is the issue of scare tactics now that we are at decision time. They are the same tactics used when we made the same tough choices in my State. Again, we were told the sky would fall in. It did not happen. What did happen was smaller, smarter government. And we reduced taxes. We can and we will make the same tough choices in Washington. We can and will balance the budget while ensuring that the needy in our country are cared for.

Let us focus on some facts. Just one example: There have been many false accusations about the impact of cuts proposed in the Department of Housing. Despite a reduction of $7.2 billion, not one of the 4.8 million households currently subsidized by HUD will lose housing assistance. In fact, if all these cuts are approved, HUD's spending will still increase $3 billion over last year's level.

In the end its the Washington bureaucrats that are running scared. And scared they should be. No longer will we fund programs that don't work; no longer will we allow Federal bureaucrats to sit on taxpayers' money. We will set priorities, we will limit the size of Government, and we will do what we said we would—reduce the deficit, balance the budget, and restore the future to our children. I urge the passage of this bill.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I rise in strong opposition to H.R. 1158, the omnibus rescissions and disaster supplemental appropriations bill.

I strongly disagree with the priorities laid out by this bill. This bill cuts the muscle but leaves the fat. We owe the American people deficit reduction that builds on the major reductions we have made in the last 2 years.

There are cuts we should make. We can and should cut the strategic petroleum reserve, abolish numerous Federal commissions, eliminate the Aerospace Marketing Division within the Department of Commerce, modify the Triad force structure and delay the F-22 aircraft. These are just a few of the cuts I have advocated and will continue to push.

But the bill does not touch these programs, and the rule does not allow us to offer amendments to make those cuts instead of the cuts in this bill, fighting drugs and crime in the schools, helping students attend college, providing nutrition to infants and pregnant women, supporting education and public broadcasting, offering summer job opportunities. These are not the cuts we should be making.

Mr. Chairman, I strongly urge my colleagues to oppose this bill.

Mr. LIVINGSTON. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New York [Mr. FORBES].

Mr. FORBES. Mr. Chairman, fairy tales could come true, it could happen to you.

We are going to be listening to a lot of nonsense on the floor, poppycock, bogus, misleading false information. This is the kind of rhetoric that is coming out of the other side. It is manufactured dialogue with no basis in fact or reality, and I think we ought not to lose sight of that, Mr. Chairman.

The fact of the matter is that we are doing the necessary business of the Nation as asked of us on November 8 of 1994. We are making the tough decisions, and we are not hurting children, we are not hurting veterans, and we are not hurting senior citizens, and it is unconscionable of the other side to raise that kind of false rhetoric.

Mr. OBEY. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I say to my colleague: Tell the little old lady who I met in Stevens Point who was living in the house that her husband had built for her as a wedding present and who had boarded up every room in the house and was living only in the living room, the bathroom, and the kitchen, even sleeping on the dilapidated couch, who needed the home heating assistance program in order to stay in that house—tell her you're not going to hurt her by this action. I don't know how many people you've met like that, but you ought to meet more of them. You would know better than to say you're not hurting them.

□ 1530

Mr. LIVINGSTON. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Florida [Mr. MILLER].

Mr. MILLER of Florida. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise today in strong support of this package of spending cuts. This is a balanced package that will both pay for emergency disaster relief and start us on our glidepath to a balanced Federal budget. As a member of the Appropriations Committee, I have been intimately involved in the development of this bill, and I must say I have been surprised by the overheated rhetoric from the other side about the rescissions. Let us be clear what we're talking about. This package represents just 1 percent of the Federal budget—1 percent.

But we cannot, as we have in years past, simply pass a supplemental appropriation and expect to just "find" this money somewhere in the budget. As we were all told when we were young, money does not grow on trees, and I think it is time for the Federal Government to admit that fact.

We all have heard a lot of rhetoric about children. Folks, it's time we face up to the fact that the most important step we can take for our children is to balance the budget and stop leaving them an inheritance of debt. Let us stop living beyond our means and claiming we are doing it for the kids.

I urge my colleagues to support this bill in a bipartisan fashion.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Chairman, I rise in opposition to this bill, and I am proud to be a Democrat today.

Mr. Chairman, I would love to run against any Member of this Chamber who votes to eliminate the summer jobs for our teenage sons and daughters. I would be proud to run against any Member who votes to eliminate the winter heating program that helps people like Sadie in my district, a women who is 73 years old, worked all her life at a laundry, raised a family, and now survives by picking up odd jobs at age 72.

I would love to run against any Member who votes to eliminate this program today for the hundreds of thousand of seniors across our country who depend on this program, and then to take those savings and save them up for a tax cut for the wealthiest people in our society, rather than raising the money by closing tax loopholes that let billions of dollars go out the back door by letting our pharmaceutical companies manufacture abroad, or not close the transfer pricing loophole that lets foreign companies do business in this country and not pay their bills.

Mr. Chairman, I would love to run against anybody that votes to eliminate summer jobs and this winter heating program.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Chairman, I thank the ranking minority member.

Ladies and gentlemen, I really do not know what the majority speakers who have argued that this does not represent real cuts for real people mean. Because it does take away from real people's programs.

In my remarks on the rule, I commented that the bill sets up a face off between the emergency supplemental needs of States experiencing disasters and domestic critical discretionary programs. It ravages discretionary spending and sets up an unfortunate model for funding into the future whenever we have disasters.

We are cutting programs which benefit the most volunerable in this country under this legislation. We should be, Mr. Chairman, looking at these programs more carefully. We should be sympathetic to California disasters. But if we do not want to fund California disasters as emergencies, we should find some other formula. Maybe we should start an insurance program for disasters. But to us this as an excuse for making cuts in discretionary spending, in child nutrition, in youth summer programs, in homeless assistance grants, in community development, to cut housing $7.3 billion, is absolutely unconscionable.

Now, what we are funding for the disasters is $5.3 billion. What are we going to do with the other $12 billion not associated with the California disasters? Is it associated with a tax cut? I suspect it is, and I suspect that this bill includes rescissions to pay for high income tax cuts by devastating domestic discretionary programs.

Mr. LIVINGSTON. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, we are going into the amendment process, a rather lengthy process, on this very important bill which cuts a net of $11 billion in spending, the largest rescission bill in the history of the country. It is a very important first step towards balancing the budget.

Now, we have heard arguments that the deficits were caused by the Reagan years, but everybody should know that Congress approves the budget, Congress is the one that spends the money and raises the taxes. And throughout the Reagan years, Ronald Reagan reduced taxes on the American people, yet revenues went up and Congress spent more.

The reason we have the deficit is because Congress appropriated more money than revenue received. Democrats controlled the House of Representatives for the last 40 years; the Congress was responsible for the deficit.

They never saw a program they did not like. They never saw a program they did not want to take taxpayers' money and use it to tell them how it should be best spent. Then when we finally try to get the spending under control, we hear all of the bleeding hearts tell us how we are cutting women and infants and children and all this other stuff. A cut to them is an increase to any normal human being.

The WIC program, Women, Infants and Children Program, we are told we are cutting. It is going up from $3.4 to $4.2 billion in the next 5 years. We are said to be cutting the school lunch program. It is going up from $4.5 to $5.6 billion in the next 5 years. Those are not cuts, those are increases.

We are trying to make this government more efficient. We are trying to bring common sense to the budget, and we can hear this bleeding heart stuff, this compassion game from now until eternity, but it will not bring fiscal sanity to this country, and it risks the possibility of total and unequivocal economic collapse and a lower standard of living for every man, woman and child in this country in the future.

Mrs. MINK of Hawaii. Mr. Chairman, I rise to oppose H.R. 1158. Two-thirds of the $17.1 billion in rescissions contained in H.R. 1158 are taken from programs for children and the poor. While this fact demonstrates the majority party's indifference to programs that impact children, low-income families, and the elderly poor, the majority party's indifference is compounded by the fact that these rescissions were intended to offset part of the majority party's proposed package of tax cuts that total $189 billion. When it was brought to light that these cuts in programs for children and the poor were going to pay for tax cuts for the rich, the majority party was forced to change their strategy and dedicate the funds to deficit reduction.

I submit that this bill will only increase our nation's deficit. It will increase our deficit in education, nutrition, housing, employment and other services that our communities desperately need to raise the future generations that will lead this nation. It decimates the precious few dollars we spend on investments in our most important asset—our human capital—and yet does not touch the tax credits, subsidies, and direct benefits that corporations are feeding upon from the Federal government.

H.R. 1158 cuts appropriations for low-income programs by 15% while cutting appropriations for other programs by just 1%. Of H.R. 1158's many rescissions, the following are some of the more egregious: All $1.7 billion appropriated for the Summer Youth Employment Program for the summers of 1995 and 1996 and thereby denies summer jobs to 600,000 low-income youth in each year; $7.2 billion in appropriations for housing programs, including $5.7 billion for assisted housing; $1.7 billion in education appropriations, including all $482 million in FY 1995 appropriations for the Safe and Drug-Free Schools Program, $186 million from the Goals 2000 Program which includes state and local grants to assist education reform, $232 billion in vocational and adult education programs, and $63 million for Student Financial Aid under the State Student Incentive Grant Program; and $206 million in veterans programs, including $50 million for veterans medical care.

For the State of Hawaii, the rescissions package translates into cuts totalling $73.5 million, including the following: $12.6 million for Section 8 Housing vouchers and certificates, $7.4 million in Housing modernization, and $1.45 million Housing subsidies; $4.4 million for the Summer Jobs Program for the summers of 1995 and 1996; $2.2 million for the Safe and Drug-Free Schools Program, $541 thousand for the Goals 2000 Program for grants for education reform, $413 thousand for the Tech Prep Program which addresses the need for a more technologically proficient work force, $303 thousand for the Education for Homeless Children and Youth Program, $297 thousand for the Eisenhower professional development program which provides state grants to assist in the professional development of teachers in all the core academic subjects, and $260 thousand for the State Student Incentive Grant program which may cause students to lose their scholarships.

Of significant importance to my state is the elimination of two programs dedicated to the well-being of the Native Hawaiian people. The full remaining amount of Fiscal Year 1995 funds for the Native Hawaii Education Act and the Native Hawaiian Health Care Act are rescinded in this bill. The removal of these funds and proposed termination of both programs constitutes an abrogation of Federal responsibility to the native people of Hawaii.

Native Hawaiians are Native Americans. They occupied the land which now constitutes the State of Hawaii for centuries prior to the islands' annexation to the United States. The overthrow of the Hawaiian's sovereign government in 1893 was achieved only through the illegal actions of U.S. Government representatives.

For over 70 years, with bi-partisan support, the Congress has acknowledged and reaffirmed the Federal Government's legal and moral responsibility to the Native Hawaiian people by providing assistance for the improvement of their social and economic welfare.

The Native Hawaiian Education and the Native Hawaiian Health Care Act are among several programs designed to uphold the United States' trust responsibility to the indigenous people of Hawaii. The termination of these programs will have serious and detrimental consequences for the most vulnerable Native Hawaiians—the elderly and the children—and violate the integrity of the United States Government.

Yet in one fell swoop, without hearings or serious consideration by the committees with jurisdiction over Native American affairs, without thought of the consequences, this rescissions package drives a wedge into 70 years of history during which the Congress deliberately, purposefully established programs for the Native Hawaiian people.

It is just another example of how these rescissions further shred the social "safety net" of this country which has proved to be the sustaining element of our society through recessions, inflation, times of economic prosperity, through war and through peace. These rescissions prove beyond doubt that the collective voice of those Americans most impacted by these rescissions is but a faint echo, if even that, at any caucus held by the majority party.

I strenuously oppose H.R. 1158 because in its attempt to complete the implementation of the majority party's Contract with America, it utterly decimates the more important Social Contract.

Mr. TORRES. Mr. Chairman, I rise in strong opposition to this cold and heartless attack on our children, our veterans and our working poor. Two days ago, I had lunch with some of my youngest constituents at their elementary school in Pico Rivera, California. I wanted to see for myself the importance of federal assistance programs and to learn what these programs mean to the children and their teachers.

What I learned was heart-rending. It was heart-rending because for many of these children, programs like Head Start, WIC, Summer Jobs, and Drug Free Schools are the safety-net that keeps them from falling into the abyss of drug abuse, gang violence and often death. It is a social safety-net that is being stretched to the breaking point. This rescission bill, with over a billion dollars in cuts to local school districts, could rip a huge hole in this small but essential net. It is appalling to think that there are people in Congress who would deny this small but essential benefit. But that is exactly what the Republican majority has decided to do.

ENERGY AND NATURAL RESOURCES

The proposed reductions will also undercut important investments in emerging energy efficiency and renewable energy technologies conducted by the Department of Energy. I have to question the wisdom and motivation behind cutting these conservation programs, when virtually no funds were taken from the budgets for nuclear fission, nuclear fusion, oil and coal programs. It almost seems as though any program designed to aid the environment was targeted for life-threatening surgery.

There are other cuts that I find baffling and which lead me to question the priorities of the Republican leadership. For instance, the rescission of $1.3 billion in Safe Drinking Water loans that are needed to help States, localities and water suppliers protect the public from waterborne diseases like deadly Cryptosporidium. I would also mention the $145 million cut in the Energy Department's budget for cleaning up nuclear waste in dozens of states around the country. These cuts, which are now only figures on paper, could soon spell serious long-term public health and safety problems.

VETERANS

Mr. Chairman, I am extremely disappointed to see part of the rescission package come at the expense of the already beleaguered Veterans Affairs Medical facilities.

I spoke briefly in committee on this topic. But my resolve has not diminished. Today I am compelled to stand up for a group of people, 3.5 million under-represented citizens, from Puerto Rico and the many veterans that live on the island.

Last year $34 million was provided to build an outpatient facility at the VA Medical Center in San Juan, P.R., $4 million was approved to complete the design and initial stages of the facility in FY 1994. With the funding slated for FY 1995, construction was expected to begin shortly.

Veterans Administration Secretary Jesse Brown considers this VA outpatient addition a top priority. He visited the hospital in October of 1994. during that visit he told the head of the hospital that he was "angered, surprised and sickened," by what he saw.

The outpatient facility addresses a 15-year old problem of severe overcrowding at the existing San Juan Medical Center. The current situation leaves doctors to conduct medical examinations in the hallways and nursing stations.

In Puerto Rico, demand for VA medical services is almost four times greater than the national average. Outpatient care has proven to be both effective and cost efficient. The San Juan VA Medical Center cannot shift resources from inpatient to outpatient care without the new facility. Construction on this project should not be delayed.

Today's action is just a step toward fulfilling the so-called "contract," But, this action is a breach of the contract we have with our Nation's veterans. Our Nation's veterans deserve better.

The Republican leadership has declared a new war on poverty, but in fact they have declared war on the poor and the middle class. They claim to be cutting spending in order to pay for a natural disaster program. But these cuts are themselves a disaster in the making, because they are cutting vital social programs while programs for wealthy corporations go untouched.

We are all for deficit reduction. In fact, Democrats voted to reduce the deficit by over $400 billion last Congress, without a single Republican vote. As long as the Republican leadership insists on providing breaks for the well-to-do, it is my responsibility to defend the average Americans who stand to lose the most.

Today's action is a step toward fulfilling the so-called "contract." But, this action is a breach of the contract we have with the American people. The contract we have with the American people includes all Americans, not just the wealthy but all of our citizens, whether they are young or elderly, black or white, rich or poor. The American public simply deserves better than we are offering here today.

Mr. MILLER of California. Mr. Chairman, I rise in strong opposition to H.R. 1158. This legislation constitutes a mean-spirited and ill-advised attack on the well-being of our children and the health of our environment. While cutting deep into programs which benefit the less fortunate in our society, H.R. 1158 leaves the fat cats and corporate welfare beneficiaries unscathed.

Because my time is limited, I will focus my remarks on a few of the objectionable provisions in this bill.

At a time when we hear much rhetoric about family values from the Republican majority, this bill rescinds $25 million from the special nutrition program for women, infants and children, one of the most cost effective and beneficial Federal programs. We should be spending more money on the WIC Program, not taking away desperately needed assistance to mothers and their children.

At a time when the Republican majority is preparing to end Federal welfare programs under the guise of encouraging work, it rescinds $2.3 billion from Labor Department job training programs which help young people to obtain meaningful work.

At a time when the Republican majority talks about creating an opportunity society, this bill rescinds $1.6 billion in education program funding, shutting the door on our children.

At a time when the Republican majority doesn't mention the word environment in their contract because they know that the public overwhelmingly supports laws which protect our environment, this bill contains a blank check to ravage our national forests under the banner of salvage sales. In their rush to judgment, the majority didn't even bother going through the proper committees and include this authorizing language only through a waiver of the House rules.

At a time when the Republican majority takes great pride in defending property rights, this bill snubs private property owners who are willing sellers of their land by decimating the Department of the Interior's land acquisition budget.

At a time when the Republican majority complains that the Park Service is underfunded and uses that as an excuse to oppose new park acquisitions, this bill rescinds $22.8 million from the park construction budget.

At a time when the Republican majority wants to increase the role of State and local governments, this bill eliminates the urban park and recreation fund's entire budget of $7.4 million.

Mr. Chairman, this bill is riddled with misguided cuts and missed opportunities to cut subsidies for corporate welfare. I have introduced H.R. 721, the Public Resources Deficit Reduction Act of 1995, which would recover more than $3 billion a year lost through unjustified subsidies for timber, mining, grazing and water. While H.R. 1158 guts environmentally beneficial programs it completely ignores these environmentally destructive subsidies and the rule precludes any consideration of the provisions of my legislation.

Finally, Mr. Chairman, H.R. 1158 is flawed because it contains special interest provisions which are utterly irrelevant to deficit reduction. As just one example, the committee report accompanying H.R. 1158 includes language which is intended to bypass the Resources Committee and repeal section 3601(C)(1) of the 1992 Central Valley Project Improvement Act. That section required a study to address fish, wildlife and habitat concerns in the San Joaquin River and is objected to by certain heavily subsidized irrigation interests. While it is obvious that report language can not repeal a statute and this report language is not enforceable and non-binding on the Bureau of Reclamation, it does reflect the extent of the feeding frenzy that the subsidized special interests engaged in with cooperation from the Republican majority on this legislation.

Mr. REED. Mr. Chairman, I rise today to object to yet another attack by the Republicans on America's most vulnerable citizens. This time, the target is low income and elderly Americans who rely on public housing assistance. Last week, House Republicans reported a rescission package totaling $17.3 billion dollars. Forty percent of the cuts came from one Department; the Department of Housing and Urban Development. These Housing rescissions cut across virtually all of the Department's housing programs, from public housing projects to elderly housing, and from tenant-based rental assistance to homeownership initiatives for working families. Rhode Island stands to lost $73.5 million dollars.

In Rhode Island alone, we are expected to lose over $9 million dollars in modernization funds and operating subsidies for housing authorities throughout the State. This will severely hurt city and town officials because these reductions come in the middle of the fiscal year. Without warning, they will be left with less money to run and maintain public housing buildings where mostly elderly, low income and disabled people live. Without proper funding, many households will be displaced throughout Rhode Island and the Nation.

In addition, Republicans have cut $2.7 Billion in the Incremental Rental Assistance Program. This means 69,000 rental certificates and vouchers will be denied to low-income citizens who need some assistance in paying their rent. Rhode Island's funding for Section 8 Rental Assistance has been cut by $22 million dollars. This is a loss of 209 units, which means that those households with so-called Federal preferences will spend more time on Rhode Island's waiting list. Those without Federal preferences could wait forever. How can we expect to reduce government assistance to low income people when we gut programs that are designed to move these individuals from dependence to independence?

Mr. Chairman, when so much talk around here is about reforming our welfare system and "empowering" our citizens, it disappoints me greatly that Republicans have decided to rescind funding for programs that are designed to encourage self-sufficiency. One such program is the Tenant-Based Rental Assistance Program, an approach that was hailed by former Republican HUD Secretaries Jack Kemp and Carla Hills as the primarily Federal program for helping low income families achieve decent housing. This program maximizes individual choice and requires minimal government interference in the private market, yet the Republicans believe it is not worthy of proper funding.

It is important to point out that the rescissions to HUD will also have a major impact upon our children. Among the funding on the Republican chopping block is the lead hazard reduction fund. This funding is necessary to reduce the high level of lead based paint still found in many homes throughout America. In fact, my district has been faced with the increased health and educational problems found in children who have been exposed to lead. About one-third of children under six in the Elmwood area of Providence have blood lead levels high enough to require medical care. In 1994, 25 kids were hospitalized in Rhode Island for lead-related heath problems. Without this funding, these homes will go unprotected and result in higher cases of children being exposed to lead.

In addition to hurting our children and the elderly, the Republican rescission bill eliminates $297 million dollars to help fight this Nation's homelessness problem including the deletion of 3,000 housing certificates for persons with AIDS who are homeless. This action by the House Appropriations Committee will only increase the current rate of homelessness.

Republicans have argued that this rescission package will be used to reduce government spending. At the same time, they propose a tax cut that benefits families making over $100,000, a capital gains tax break that will cost $183 billion over the next 10 years, and a so called "neutral cost recovery" tax break for capital intensive companies. So while the American people are hearing from Republicans about how they are reducing spending, the reality is they are reducing spending on the poor, the elderly and our children to help finance tax breaks for the wealthiest Americans.

The people I mentioned tonight—the elderly, the children, the disabled, the homeless, the poor, anybody who benefits from HUD—will all be worse off it this rescission bill passes. Make no mistake about it, if this bill passes Congress, the only public housing for many people will be on the streets of America.

Mr. Chairman, I urge Members to call their local housing officials and ask them if this bill will make it easier or harder for them to run their programs. If they tell you that these cuts will make it easier, then I recommend you to support this bill. If, like the officials I have spoken with, tell you this will severely hamper their programs, I ask you to join me in opposing this bill.

Mr. BORSKI. Mr. Chairman, I rise in strong opposition to H.R. 1158, the Omnibus Rescissions and Supplemental Appropriations Act. This is the most mean-spirited bill that I have ever seen come before the House for consideration. This bill would literally take food from the mouths of children and send millions of senior citizens into poverty. And for what? Not to balance the budget. These cuts would go to pay for emergency appropriations and to finance massive tax cuts for high-income Americans.

This legislation cuts previously approved funding to pay for $5.4 billion in disaster relief for California, even though under the 1990 Budget Enforcement Act such funds are regarded as emergency requirements, which do not have to be offset by cuts in other programs. But, this bill goes even further, making cuts totaling $17.1 billion in order to begin financing tax breaks, 80 percent of which will go to those making over $100,000. The large majority of these spending cuts are aimed at children and low-income elderly. The majority party in this House is taking money away from the weakest in our society and using it to help the most powerful. Clearly, this is Robin Hood in reverse.

This package slashes funding from clearly successful programs that assist young and unborn children. $25 million will be cut from WIC, the Women, Infants and Children nutrition program. $10 million will be cut out of Healthy Start, a prenatal nutrition and care program. All of the funds for Safe and Drug-Free Schools will be eliminated.

An even larger share of the cuts in this package would be targeted at low-income senior citizens. In the last 30 years, the proportion of elderly living below the poverty line has been cut substantially because of a variety of programs. This package would strike at the heart of these same programs, forcing many seniors to fall below the poverty line.

More than a million senior citizens now live in federally assisted housing. This bill would cut $7 billion from housing assistance, resulting in future shortages of decent housing and a reduction in upkeep and security in units already occupied.

In addition, this package would eliminate funds that provide assistance to elderly households to pay their winter heating bills. Eliminating LIHEAP will force millions of senior citizens to choose between heat and medicine.

This package also attacks the older worker program which provides job opportunities to low-income Americans over the age of 55. These jobs give older Americans the chance to earn an income while providing services to local communities such as weatherization, park and play-ground maintenance, and working with underprivileged children. $14.4 million will be cut out of this program.

Veterans are also targeted by this legislation. Over $200 million will be cut from veterans' medical facilities and equipment. These cuts will come at a time when more and more veterans are reaching the age where they will need more medical service.

Mr. Chairman, it is becoming infinitely more clear every day that the majority in this House intends to protect their friends and special interests and do nothing to help middle-income Americans. Unfortunately, this bill is only the beginning. I urge my colleagues to vote against it.

Mr. BROWN of California. Mr. Chairman, the House Republican Leadership has set in motion a process that endangers earthquake and flood assistance to California. The Republican Leadership decided on February 7, 1995, to require other States and other programs to be cut to pay for the earthquake and flood assistance needed in California. Spending cuts have never been required in other emergencies, emergency spending is specifically excluded from needing offsets in the Budget Act, and this action sets in motion a confrontation that California does not need and may not win.

But the tragedy is that this bill is not about emergency aid. This bill is really a "Trojan Horse" in which the Republican Leadership has stuffed cuts of nearly $12 billion beyond those needed for the emergencies. These cuts were intended for use as an offset for part of the Republican tax cut, a bill that hasn't even been written yet and won't be debated until next month. Then, facing opposition to this approach, the Republican Leadership decided to take those excess cuts and put them toward deficit reduction.

To pay for this, the Republican Leadership has cut housing programs, veterans programs, EPA water and sewer grants, and NASA programs to pay for this earthquake and flood assistance. They have pitted homeless people in Chicago, against disabled veterans in Texas, against towns in Kansas trying to pay for clean water upgrades, against the people of Northridge. This just isn't fair. Even worse, it isn't needed.

Florida Hurricanes, Missouri Floods, and every other emergency in the past have not required offsets. The Republican Leadership has broken new ground by requiring these program cuts. They have, in effect, broken a contract with the residents of California. If the Republicans want to require "pay as you go" provisions to apply to emergencies, change the Budget Act or propose legislation for self-insuring funds, like many Democrats have done, such as Representative MINETA.

In essence, the Republican Leadership has engaged in a game of "chicken" with the White House and the Democrats in Congress and have dragged the people of Northridge along for the ride. We may not be able to pass this legislation because of the political fights that the Republicans have started. We may see delay or even cuts to the assistance package. And, at the end of the day, the President may have to veto this bill, due to the unthinking cuts the Republicans have made. And the tragedy is that none of this needed to happen in the first place.

Mr. RUSH. Mr. Chairman, I rise this evening in strong opposition to the mean-spirited and remarkably calloused rescissions bill which we are in the process of considering in this body. I do so with a heavy heart and a strong sense of foreboding about the effects of many of the random cuts in worthwhile programs within this bill. There are several which I felt particularly strongly about, and therefore I had authored and filed amendments to restore three particular rescissions. However, due to the restrictive rule which was authorized for consideration of H.R. 1158, I am regrettably unable to offer these amendments. This is another in an incessant progression of restrictions placed upon me and other Members of this Congress who, while striving to represent their constituents, have been prevented from doing so by the majority.

Three especially onerous rescissions, in my opinion, are those regarding public housing, the Low Income Home Energy Assistance Program [LIHEAP], and the summer jobs program. In districts like Illinois' First Congressional District whose residents have largely not yet benefited from the improvements in the Nation's economy, the succession of economic blows which these rescissions will land squarely on the backs of those who can least afford such brutality is utterly unconscionable and perhaps even somewhat bewildering.

The bill strikes more than two billion dollars for public housing operating subsidies, modernization and development. Mr. Chairman, nearly one fifth of my constituents live in public housing. Among the developments in my district are some of the more notorious in the Nation, including the Robert Taylor Homes and many others. Working in close conjunction with HUD Secretary Henry Cisneros and with the support of the first President in more than a decade that understands and cares about what happens to the Federal Government's tenants, we have been laboring mightily to improve the plight of public housing residents. I am shocked, appalled and dismayed at the sweeping and damaging nature of the public housing-related rescissions which are under consideration today in this body. For Chicago alone, the public housing operating subsidy reduction would be more than $68 million, the modernization reduction would be more than $25 million, and millions more would be taken out of funding for development and major reconstruction of obsolete public housing units. These cuts add genuine injury to the insults which public housing residents have endured for time immemorial.

Speaking of insults, what justifications can this body's appropriators offer to defend their complete elimination of the summer youth employment program? Can they really believe that prison construction and lip service to false, Jack Kemp-style "empowerment" can be the only substitute for creating genuine economic opportunity, real reduction of reliance on welfare, and consequent real reductions in crime? Chicago's youth will pay a drastic price for these reductions: of the $35 million which Illinois received last year, more than one third went for jobs programs in the city of Chicago. There is an identifiable human component to these cuts: some 65,000 Chicago youth have been helped by this program in the past 5 years, but over 10,000 additional youths, most of whom will have no alternative employment prospects of any kind, will be left on the street in the future as a result of the elimination of this program.

Moreover, as my colleagues from northern States know, the Low-Income Home Energy Assistance Program plays an essential role in keeping many low-income families warm throughout the winter months. I should point out that a large percentage of these families are either elderly or have young children, which are the two segments of society that are the most vulnerable to the elements found in colder climates. And Mr. Chairman, it is important to add that not only do States in the north rely on this program, southern States also utilize LIHEAP to assist families to pay cooling bills in those areas that are subject to extreme summertime temperatures. Again, these families from the south that utilize LIHEAP funding are mostly elderly or live with young children.

The State of Illinois alone receives 6 percent of total available LIHEAP funding. This means that over 238,000 families received an average of $258 in the last program year. If this rescission package passes this body with the cuts in LIHEAP funding intact, all of these Illinois families will have to look elsewhere for help in paying their heating bills. In my district, if you consider that ⅓ of these families are on AFDC, and one third are elderly Americans on Social Security, and ¾ of the total number of families receiving LIHEAP are headed by single mothers, you are left with a painful and unanswerable question: how will these families come up with money to pay their heating bills? Many will be forced to make decisions on what other basic necessity must be foregone in order to pay heating costs. Elderly recipients will be forced to choose which prescription they will leave unfilled; mothers will have to choose which child will go hungry; and families will be sent into homeless shelters because they cannot pay their monthly obligations.

As was the case with the public housing and summer jobs funding, I had hoped to offer an amendment to restore funding for LIHEAP and remove the program from the rescissions hit list. My friends who support eliminating LIHEAP just do not get it—millions of families around this Nation rely desperately on LIHEAP support. This program is not a boondoggle, but rather is a matter of life and death for many, pure and simple.

Mr. Chairman, the actions that the majority in House are sanctioning today are a direct, blatant attack on the poor and disadvantaged in this country. There are a host of other programs which will also be decimated, including Community Development Block Grants—some $7.6 million of which was earmarked for Chicago—and all funding for the groundbreaking Community Development Financial Institutions Fund on which I and others worked hard in the 103d Congress. I can only hope, once the hugely detrimental effects of these and other proposed cuts come home to the American people, that my colleagues in the majority will be justifiably and permanently restored to the minority party status which they are so richly earning.

Ms. PELOSI. Mr. Chairman, I am in strong opposition to the Republican Rescissions Package before the House today. In my view, this bill is part of a larger GOP agenda to advantage the wealthiest of Americans at the expense of low-income children and the elderly poor.

Mr. Chairman, the Congress is currently operating under the Budget Enforcement Act of 1990 which sets out the criteria for Congress to respond to "dire emergencies" with supplemental appropriations. President Clinton was correct in declaring the situation in California—and elsewhere—a dire emergency and requesting $6.7 billion in disaster-related supplemental appropriations. Under the Budget Enforcement Act, this spending does not have to be offset by spending cuts in other programs.

If the Republican Leadership disagrees with the Budget Enforcement Act, then they should propose to amend it to create a special emergency fund within the budget to be used to respond to natural disasters. In future years, this would eliminate the need to make dire emergency supplemental appropriations that are not included in the annual budget agreement. However, the Republican majority has made no such long-term proposal. Instead, they are attempting to use the California disaster as an excuse to cut popular programs that primarily assist disadvantaged children and the elderly poor.

The bill before us provides $5.4 billion in disaster relief but $17.1 billion in program cuts. The bill should not be considered in isolation from the larger Republican agenda. Next week, the House is expected to consider the Republican welfare reform legislation which would cut up to $70 billion from programs to assist low-income individuals and families. Following that bill, the Budget Committee is expected to report legislation that would lower the caps for discretionary programs by an additional $100 billion over the next 5 years, thus further cutting important programs for low-income families. These cuts are necessary to offset the $189 billion in tax cuts—primarily for upper-income Americans and corporations—expected to be passed as part of the Republican contract later this month.

The bill before the House today would:

Terminate summer employment programs for 600,000 disadvantaged youth;

Cut over $100 million from education programs for disadvantaged children;

Terminate the program that helps more than 6 million poor families pay their home heating bills;

Cut housing assistance for 630,000 poor families with children;

Cut housing assistance for 530,000 elderly Americans;

Terminate the program that provides housing for people with AIDS;

Cut 30 percent of the funds for public broadcasting; and

Cut over $200 million from VA medical programs.

Other cuts in this bill, such as the Healthy Start Program to reduce infant mortality and the nutritional program for women, infants, and children designed to decrease high-cost childhood medical problems, are only going to add to the Federal deficit in the long run. Eliminating housing assistance for more than 50,000 people with AIDS is not going to save money. Without housing, these people will become even sicker and end up in more costly hospital-based care. By cutting $186 million from this program, the Federal budget deficit will be increased through higher entitlement spending.

If this bill was about deficit reduction, then it would be part of an orderly process responding to a revised 5- or 7-year budget agreement. But it is not. If this bill was about responding to President Clinton's request to provide dire emergency funding for the California disasters, then it would be addressed in an orderly process as provided for under the Budget Enforcement Act. But it is not.

This bill is the beginning of a radical effort on the part of the Republican majority to provide tax cuts for the wealthiest of Americans and tax breaks for corporations at the expense of safety-net programs for Americans who have the greatest need for assistance. This bill is part of a larger agenda which does not reflect the majority views of the American people. I urge my colleagues to oppose the Republican rescissions package.

Mrs. COLLINS of Illinois. Mr. Chairman, my Republican colleagues like to say they have a Contract With America. Well they sure as heck could have fooled me. With this bill the GOP is severely violating a contract that this body made with the American people just last year to ensure that the interests of our most vulnerable citizens—our low-income children, seniors, and veterans—are protected.

At a townhall meeting I held in my congressional district in Chicago last week, my constituents decried the efforts of the Speaker and his band of merrymen to steal from the poor and give to the rich. They expressed outrage at the insolent attitude of the majority party that caters to the monied interests in Washington while leaving them, literally, out in the cold. They challenged the leadership in this Chamber to propose solutions to the problems that continue to ail us rather than simply oppose all Federal programs that are currently in existence. In short, Mr. Chairman, my constituents demanded that this Congress produce results, not some fancy, 100-day public relations campaign.

Oh, if only the Speaker could have been there. Maybe then the legislation before us would reflect real needs instead of misguided priorities.

This rescissions package runs directly counter to the idea that we in this body must help people to help themselves—something in which the Speaker purports to believe. In fact, it runs directly counter to any type of commonsense approach to public policymaking. With the tremendously severe cuts in this legislation, the Republicans have basically pulled the rug out from under millions of Americans and said, "We simply don't care."

However, my constituents and I do care about how thousands of residents in the Chicago metropolitan area will be terribly devastated by this legislation. The list seems endless.

The Low-Income Home Energy Assistance Program [LIHEAP], which helps 2 million elderly folks meet the high costs of their winter heating bills, is completely wiped out by H.R. 1158. As a result, over 82,000 Chicago households that were served in fiscal year 1995 will be cut off, not to mention those who have been on waiting lists. In a city such as mine, where on an average winter day the temperature hovers around 10 degrees, with the wind chill in the negative double digits, you tell me this is a sound policy decision. Tell the family of 60-year-old Earline Hooker, who froze to death in January in Chicago because she wasn't able to get LIHEAP assistance, that this program is fat in our budget. Get real.

This bill also rips hope and opportunity away from 600,000 of our disadvantaged youngsters through the dismantling of the summer jobs program that provides basic skills, income, and work experience. Across the Chicago metropolitan area this summer, 11,000 kids who had looked forward to being entrusted with responsibility will now be faced with hanging on the street corner with nothing to do but get into trouble. So much for promoting positive alternatives for our youth and investing in the future, Mr. Chairman.

The GOP continues its assault on low-income babies and their moms with a $10 million cut in Healthy Start—a proven program to provide expectant mothers with prenatal care, a $25 million cut from the Women, Infants, and Children nutrition program—knocking up to 100,000 mothers and newborns into limbo, and a $90 million cut in the lead-based paint abatement program—designed to deal with the health and related problems that befall children whose brains and development are damaged from lead-based paint. This is absolutely criminal.

Another, one of the most disturbing portions of this bill is its complete lack of regard for the plight of public housing residents in this Nation and the neighborhoods in which they live and work. Although the Department of Housing and Urban Development has already begun a serious effort to restructure and make Federal housing and community development programs more efficient and responsive to local needs, the Republicans don't want to hear it. They just want to slash, cut, and burn without regard to the necessity or productivity of the program or who gets hurt.

For instance, HUD has estimated that my city of Chicago will lose $180 million in this fiscal year alone as a result of the rescissions before us, eliminating more than 3,400 low-income housing units. Another $90 million will be lost in assistance for public housing modernization and operating subsidies, seriously disrupting already weakened maintenance and security for residents. In addition, $21 million in funds to help the homeless and individuals with AIDS find suitable shelter is out the window. Tell me how in the world this helps achieve what one former President of the other party termed "A kinder, gentler nation."

Ironically, even the Community Development Block Grant program that was started under President Nixon, is favored by a number of Republican governors, mayors, and county administrators, and is the ultimate example of Washington giving back program control to localities—something I thought the majority supported—is nixed under this legislation. Because of this, the Village of Oak Park in my district will lose $200,000 that they had previously budgeted for making public facilities accessible to the disabled, providing loans to low and moderate income households for home improvement, promoting fair housing and racial diversity efforts, and preventing child abuse and neglect. Chicago will lose $7.7 million that would have gone to many similar efforts. Where is the logic?

Also outrageous, Mr. Chairman, is my GOP colleagues' attempts to insert language in the bill before us that would subvert the President's recently issued Executive Order prohibiting Federal contracts with companies that hire permanent replacements for striking employees. Despite the fact that there is extensive precedent for Presidential action regulating employment rights of Federal contractors, the Republicans have used this bill to play more political games instead of doing their jobs and governing.

Finally, it is a mockery of the democratic processes of this body that the Rules Committee agreed to a rule that allows only amendments in which any reduction in the bill's rescissions must be offset by increasing rescissions in the same section of the bill. Such a rule effectively protects the GOP's special interests while ensuring that widely supported and much needed programs for average Americans are targeted.

Mr. Chairman, I urge my colleagues to vote no on the Republican rescissions package, thereby upholding the budgetary contract with the American people which we made last year.

Mr. GEJDENSON. Mr. Chairman, I rise in strong opposition to this bill. It is a down-payment on tax breaks for the wealthiest Americans that is made on the backs of low-income and elderly American across the country. Like so many other bills brought to the floor this session, I believe this bill will have consequences which its proponents have not fully explored.

This bill targets programs designed to help low-income people meet some of their most basic needs. One of the most egregious cuts would eliminate funding for the Low Income Home Energy Assistance Program [LIHEAP]. This valuable program helps 5.4 million American households meet their heating and cooling needs. Seventy percent of LIHEAP recipients have incomes less than $8,000 per year. The average benefit is merely $194, only a small portion of the cost of heating a home in many parts of this country. In my state of Connecticut, 73,000 households received important assistance in 1993 alone. During the winter of 1993 and 1994, one of the coldest and most brutal in recent memory, LIHEAP ensured that millions of Americans, especially elderly Americans, could afford to heat their homes. Without this assistance, poor families will be forced to choose between paying their heating bill and feeding their children. No one should have to make this choice.

The committee argues in its report that LIHEAP was intended to be a temporary program and that low-income people spend less of their income on heating costs today than when the program was established. What the Committee fails to note is that on average low-income families spend 18.4 percent of their income on heating costs while other families spend only 6.7 percent. While a gallon of oil might be cheaper today than it was during the last energy crisis, disadvantaged Americans are spending nearly 20 percent of their total income on energy costs. This figure is truly astonishing. This is a massive burden that would grow to unmanageable proportions if this program is terminated.

LIHEAP is not a welfare program. Instead, it assists working families and our senior citizens meet their most basic needs. With an average benefit of less than $200 per year, it only pays a portion of heating bills and helps people make it through tough times. It is truly a safety net that helps millions of families to avoid the Faustian choice between paying for oil or paying for medicine and food. We should defeat this bill so that nearly 5.5 million American households will not be faced with this choice next year.

I am also concerned about how cuts in this bill could undermine efforts to fight crime. We spent much of the month of February debating bills which my Repulicians colleagues said would be tough on criminals once and for all. I believe that this bill will actually undermine our efforts to fight crime.

For example, it cuts about $2 billion for youth summer job programs under the Job Training Partnership Act. This eliminates all funding for certain initiatives in 1995 and 1996. These funds provide summer employment for tens of thousands of young people each year. We have seen over and over again that when young people have educational or job opportunities or recreation options their involvement in criminal activities goes down substantially. Without the jobs these funds support, many of our young people will have a lot of idle time on their hands. Moreover, after my Republican colleagues eliminated prevention funding provided under the crime bill, these kids won't be able to go to a summer league. As a result, kids could turn to gangs for something to do and criminal activity is likely to follow. This is one of the consequences of these cuts that the committee report does not address.

In addition, the bill eliminates all funding for the safe and drug-free schools program. Just last week former First Lady Nancy Reagan testified eloquently before a House committee about the need to redouble our efforts in the fight against drugs. Mrs. Reagan did the country a great service with her "Just Say No!" campaign. There is solid evidence that drug and alcohol education programs in our schools work to reduce abuse and convince young people to avoid drugs and alcohol. Moreover, these programs are very cost-effective because they reach people before they get involved with the criminal justice system or develop health problems.

Instead of following Mrs. Reagan's advice, my Republican colleagues propose to terminate Federal support for these proven programs. They argue that States should fund these efforts and that federal support can come from other pots of money which are designed primarily to provide treatment to drug addicts. Currently, we have failed to commit sufficient resources to treatment and we can ill-afford to divert scarce funding. With the positive results of in-school programs, we should continue to provide a dedicated source of funding.

I also strongly object to eliminating funding for the National Undersea Research Program [NURP]. NURP is vitally important to the mission of the National Oceanic and Atmospheric Administration [NOAA]. It is the only program in the nation which specializes in undersea research in our oceans and in the Great Lakes. Moreover, research conducted by NURP scientists is relevant to Americans nationwide. Scientists are currently involved in research on marine ecosystem health, rebuilding fisheries, environmental technology development and global warming.

By the year 2000, fifty percent of the population will live near the coasts. Marine-related economic activity is responsible for approximately one-third of our gross national product. Coastal areas are some of the richest biological resources in the world and are vital to our multi-billion dollar fishing industry, which employs many more people "on-shore" than on boats in the Atlantic or Pacific. Moreover, every American has a stake in accurately assessing the extent of global climate change.

The NURP Centers specialize in using manned and unmanned deep-sea submersibles in their research. The use of mini submarines and robotic devices allows us to explore parts of our oceans and Great Lakes which are impossible to reach with surface technology. Using these methods, we are gaining insight into the dynamics of our marine environment which will enable us to address long-standing problems. It takes years of experience to operate these devices safely and effectively. If NURP is eliminated, we will lose this expertise and much of this technology.

NURP is not just a coastal program. Research conducted by NURP-supported scientists has important economic and environmental implications for every American. I firmly believe that it provides returns that dwarf the small appropriation it receives each year.

Further, under this legislation, many worthwhile housing programs will suffer severely. Specifically, $404 million will be slashed from operating assistance for low-income housing projects. $1.1 billion will be cut from the modernization of existing public housing projects. According to the Department of Housing and Urban Development, reductions in these projects will affect 630,000 families with children and 530,000 seniors, nationwide. In addition, the latter cut will seriously affect capital improvement projects at many public housing authorities, in my district and across the country. Many of these facilities were built nearly 40 years ago and are beginning to fall into disrepair.

This bill would slash and burn education funding, impacting every school district. In addition to cuts in vital programs like Title I Compensatory Education for the Disadvantaged, Federal Direct Student Loans, and Student Financial Aid for higher education, a number of other cuts will have profound repercussions in my district. In particular, Impact Aid is critical to the delivery of quality educational services in towns with naval installations which are exempt from the tax base. In addition, the Javits Gifted and Talented Program, the Law School Clinical Experience Program, Eisenhower Professional Development Grants, Consumer Homemaking and Home Economics, the Tech-Prep program, literacy programs, and school-to-work transition programs provide important educational opportunities for Connecticut's students and teachers.

This bill is short-sighted in its "save a little now, pay a lot later" reasoning. By cutting $25 million from the Women, Infants and Children special nutrition program [WIC], the bill virtually guarantees that we will be paying more down the road for medical care for low birthweight and learning-disabled children.

WIC is not the only vital health and human services program to be harmed by this bill. Rural Health Outreach funding provides important prevention and health education services for rural populations. Housing Opportunities for People with AIDS [HOPWA] also provides critical support for those who suffer from this devastating illness. The Community Services Block Grant [CSBG] program is so important to my district that I have received more mail on CSBG than on any other issue so far this year, unanimously in favor of maintaining funding.

Constituent letters in support of CSBG are rivaled only by those in support of public television, public radio, and the national endowments for arts and the humanities. It has often been said that no society ever flourished without supporting the arts which reflect its conflicts and its culture. The National Endowment for the Arts, in particular, has been a political punching bag for too long. These cuts are ill-considered and unwise.

Mr. Chairman, I am concerned about an amendment accepted in Committee which would require the Forest Service and the Department of Interior to make 3 billion board feet of timber available in each of the next two years. I understand the economic situation in the Pacific northwest and the plight of timber dependent communities. I face a similar situation in my district which is overly dependent on the declining defense industry. Moreover, I also appreciate the need to get into certain areas and remove burnt and blown down timber to combat fire dangers and insect problems. No one wants a repeat of the devastating fires of 1994.

At the same time, I believe this amendment sets some dangerous precedents. The definition of salvage timber sale is very broad and could allow companies to harvest trees that would not normally qualify for a salvage sale. The bill specifically authorizes below-cost timber sales. It is truly ironic to include this language, which will ensure that the American people continue to lose money on timber sales, in a bill which is designed to slash federal spending. Moreover, the amendment makes the blanket pronouncement that these sales will be deemed to be in compliance with our most important environmental laws, including the National Environmental Policy Act and the Federal Land Policy and Management Act. This short circuits environmental review and could lead to unintended damage to streams, fisheries and wildlife habitat. Finally, I am very concerned that this amendment would substantially restrict the ability of our courts to review the legality of timber sales. Courts could not impose injunctions while challenges are being heard and they could only bar a sale if the agency acted in a capricious and arbitrary manner. This language unfairly ties the hands of the courts.

This measure should not be part of an appropriations bill. It has not been reviewed by the relevant authorizing Committees and has implications for future timber sales that must be carefully weighed.

Mr. Chairman, this is a bad bill that slashes programs designed to assist the most needy Americans. I also believe that it will cost us more money down the road in terms of lost productivity, increased crime and educational problems. I urge my colleagues to reject this bill.

Mr. MEEHAN. Mr. Chairman, I rise today in opposition to the $26.5 million rescission from the National Institute of Standards and Technology's Manufacturing Extension Partnership (MEP). As cochair of the Congressional Manufacturing Task Force, I have had the opportunity to hear and see first hand the success of the Manufacturing Technology Centers. When Congressman Bob Franks and I formed this Task Force we did so because we saw a need to develop new ways in which government could stimulate continued manufacturing productivity as well as reform policies that undermine the vitality of the industrial sector. The MEP helps do just this.

This rescission would undermine this emerging nationwide network of extension centers—co-funded by state and local governments—that provide small and mid-sized manufacturers with technical assistance as they upgrade their operations to boost competitiveness and retain or create new jobs. This program has showed a rate of return of 7 to 1 for the federal government's investment, with concrete benefits in increased sales, cost savings and jobs for small manufacturers. It is a valuable program.

Relative to our foreign competitors, the United States has few established mechanisms to move technologies innovations into plants and to ensure their adaptation into production processes. The MEP program is one of them. This rescission will drastically reduce the effectiveness of the program. While the United States is still the world's leader in research and development, other countries like Japan and Germany are not that far behind us. Other nations have incorporated traditional business assistance services such as marketing, training and managerial support activities into their technology transfer delivery system to great advantage. Meanwhile in the U.S., some sources say it takes up to 55 years from the time a new manufacturing technology comes out of the laboratory until it reaches 90 percent of the U.S. companies that could use it.

Programs like the Manufacturing Extension Partnership are helping America stay competitive in the changing global markets. Let's not destroy that by passing this rescission.

Mr. SABO. Mr. Chairman, I rise today to address the American people and give some insight into the fiscal priorities of the new Congressional leadership. This rescissions bill seeks to slash nearly one of every six dollars set aside for the disadvantaged in our country in fiscal year 1995. That represents a dramatic $17 billion, or 15.7% reduction in funding for federal domestic programs. In contrast, only 1.2% of the funding for the rest of the discretionary budget, including defense, is targeted for reductions. Today the new Congressional leadership sends a clear message: when it comes to making sacrifices in the federal budget, it's children, women, and senior citizens first.

The Republicans terminate the summer youth program starting in 1995, and reduce $1.7 billion in funding for education programs including School-to-Work activities. Such ill-advised policy will produce modest reductions in expenditures in the short-term, but yield substantial long-term losses in the productivity and earning power of today's youth. I question the wisdom of striking directly at the programs which enable motivated young people to improve their own lives.

Additionally, these rescissions terminate a program which teaches children about substance abuse and violence prevention, the Safe and Drug-Free Schools program. While this rescission will do little to cut the deficit, it does effectively cut through Republican rhetoric. The leadership cannot convincingly claim to be tough on drugs and crime while simultaneously taking away an effective tool in combatting children's drug use.

Low-income families, including over one million senior citizens who currently live in federally assisted housing, will bear 40% of the cuts outlined in this package. If these $7.3 billion in housing rescissions are enacted, safe, decent housing for recipient families will be jeopardized, and the infrastructure of this multi-billion dollar public investment will be badly damaged.

The new Republican leadership recommends the termination of the Low Income Home Energy Assistance program (LIHEAP). Last year, this program helped approximately 6.1 million low-income households pay their heating bills, and half of those homes sheltered elderly or disabled individuals. LIHEAP recipients have an average annual income of only $8,257 and spend approximately 18.4% of that on energy expenses. They will not easily recover from this loss. These families already face significant hardships, and many will be forced to choose between groceries and heat.

Finally, the Republican plan targets mass transit. In urban areas like Minneapolis, this is the only program that provides affordable transportation to low-income families. A $17.5 million reduction in funding for public buses and bus facilities will severely impact many areas in this country where buses are the only mass transit option available. The efficient and effective bus transportation system in my Congressional District has been a key element in the development of the Twin Cities. This cut will depress both urban and rural development while simultaneously reducing the limited transportation options of low-income Americans.

I urge my colleagues to vote no on H.R. 1158, and reject a callous attempt to place the burden of reducing the deficit directly on the backs of children, women, and the elderly.

Mr. BATEMAN. Mr. Chairman, I rise today to discuss an issue that is of great concern to me and the District I represent—Impact Aid. I have dealt with Impact Aid for the last twelve plus years that I have been in Congress. However, I have discovered in recent weeks that the issue is not as familiar to many of my colleagues. So I would like to take this opportunity to clarify to everyone what we are dealing with when we discuss federal Impact Aid.

The Impact Aid program is designed to compensate localities for the tax revenue lost due to the presence of federal facilities. More than 2,000 school districts in fifty states nationwide count on the program as a reimbursement for the revenue loss by traditional funding sources, like property, sales and income taxes. This rescission bill deals with Section 8002 impact aid funding which provides payments for school districts heavily impacted by the federal acquisition of property, specifically for areas in which the federal government owns property representing 10 percent or more of the value of all real property in the jurisdiction. These funds are especially important to one area in my District where the federal government owns 40 percent of the land and I have heard from a number of my colleagues who represent areas where the government owns 75 percent or more of the land. This land is not subject to local real property taxes, a major source of funding for school systems. Please bear in mind that the tax revenue lost on this land is in addition to the losses incurred from those federal personnel who do not pay certain state or local taxes. This lost revenue would have gone to finance education in that area, including that for the children of federal employees. Even without the revenue, the school districts must provide education to the federal employees' children. Therefore, Impact Aid is not a handout. It is not an entitlement. Rather, it represents the federal government's obligation to provide access to education for the children of federal employees.

I believe it is essential that we ensure all children have access to an education. But this issue goes much further than that. In my capacity as Chairman of the National Security Subcommittee on Readiness, I am charged with ensuring that our armed forces are prepared to meet any military challenge we may face. The most basic assurance that we can provide is that of adequate personnel to defend the interests of our nation. Impact Aid directly affects military personnel who have agreed to serve their country but not at the expense of their children's education. In fact, cuts in Impact Aid will impact all children in a school district that experiences a resulting budget shortfall. If programs are cut, schools cannot single out the federally connected children to bear the brunt of such cuts. We must meet the needs of our children and those who serve their country—we must continue to provide compensation to federally impacted localities.

Mr. RICHARDSON. Mr. Chairman, I rise in strong opposition to this bill. This is not a rescissions bill, it's a resentment bill. It's a bill that shows how much certain Members of this House resent the needs of the poor, the young, and the elderly to get a helping hand from government.

There are fair ways to reduce government spending to pay for disaster relief and then there are mean-spirited and malicious ways of reducing spending. This so-called rescissions bill is chock full of mean-spirited cuts to people who need assistance.

And what are two-thirds of the rescissions in this bill going towards? Certainly not much help for those who are going to be hurt by these cuts. Far too much of these cuts are going towards people who need no helping hand from the government. These cuts are going predominantly to the top 10 percent of the wealthiest in the country, not quite the group that's in need of a helping hand from the government.

And what programs and people are getting rolled over by this steamroller trying to get tax cuts to the wealthiest: Food programs for women, infants, and children; low-income energy assistance for the elderly; employment programs to teach young people job skills; financial aid for students; health care programs for veterans; programs to keep schools safe from drugs and crime; healthy start funds to lower rates of infant mortality; and housing programs for the poor.

I guess the message being sent from those favoring this bill is that those people I have just named will have to fend for themselves. I don't think too much of the tax credit money going to the wealthy from these cuts is going to make life better for the groups I've just named. Looks like the Contract With America is limited to a select few.

Ms. ESHOO. Mr. Chairman, I oppose this supplemental appropriations bill for two reasons.

First, as a Californian, I'm disappointed that it fails to provide adequate funding in response to recent disasters in my state. While the administration requested $6.7 billion in emergency money to help California rebuild after the Northridge earthquake, House Republicans have provided just $5.4 billion—or $1.3 billion less than what's needed to do the job right.

Second, I cannot support legislation which responds to natural disasters in California by creating manmade disasters for families all across the United States.

This legislation eliminates over $17 billion in funding that heats our homes, nourishes our infants, enriches our culture, educates our children, heals our veterans, and houses our poor.

Mr. Chairman, California may have had the earthquake, but it's the most vulnerable in our society who will feel the aftershocks if this legislation passes. I urge my colleagues to defeat the supplemental appropriations bill.

Mr. COLEMAN. Mr. Chairman, I rise today in opposition to the rescissions contained in H.R. 1158. I oppose this measure for several reasons, primarily because of the detrimental effect it will have on our children.

No one suffers under this bill more than our children. They have been targeted to carry the bulk of the cuts to pay for the tax cuts for our Nation's most affluent.

We are not cutting bureaucrats. We are denying children who have no control over their circumstances an opportunity to learn in safe, clean schools with a nutritious meal in their stomachs. We are denying children in low income families a warm bed.

This measure will have a negative impact on my home State and my district. For my colleagues, I would like to point out a number of programs vital to the productivity and welfare of Texans which will be slashed or eliminated by this bill.

Under this bill, Texas will lose over $1 billion in funding. H.R. 1158 reduces the funding

Texas would have received under formula allocations by half a million dollars. This measure cuts over $162 million from housing modernization, operating subsidies, and section 8 vouchers funding for my State. Texas will lose $20 million from Community Development Block Grants, $30 million from the low-income home energy assistance program, and over $170 million in job training and employment services programs. Texas children will lose over $70 million in school programs.

Two cuts contained in this package will have a disparaging impact on residents of dilapidated, low-income housing. The reduction in payments for the operation of low-income housing projects and the elimination of funding for the Severely Distressed Public Housing Fund will result in a reduction of affordable housing for the residents of my district, where public housing is already at maximum capacity and 5000 families are on a waiting list for affordable housing. This cut will result in a loss of over 200 jobs in a region with unemployment over 9 percent.

The reduction in the payments for the operation of low-income housing projects will fall disproportionately on housing authorities. These housing authorities, which begin their fiscal year July 1 or October 1, could see their funding cut by as much as 50 percent. This reduction will mean a reduction in maintenance, security, and supportive services.

The Severely Distressed Public Housing fund is targeted to help those who live in some of our nation's most dilapidated and crime infested developments. The President had intended this last year of funding to assist communities with the worst public housing. This money is urgently needed. In many instances this money has already been obligated and contracts have been signed. Not funding this program in 1996 is one thing, reneging on our commitments for 1995 is another. This will result in long and costly litigation over the cancellation of this commitment.

Under this measure, funding for three national parks in Texas will lose funding. The Chamizal National Memorial, Palo Alto National Battlefield, and the San Antonio Missions will lose funding. These parks preserve our unique multicultural heritage. Although, less known than the Yellowstone National Park or the Grand Canyon, they are no less important and serve to commemorate and preserve an unique part of our history, culture, or landscape. Under this proposal, programs to promote this aspect of our heritage will continue to be underfunded and neglected.

I provided the Rules Committee an opportunity to make in order an amendment to eliminate funding for $400 million in low-priority highway demonstration projects. My amendment, which would have cut real pork, was not made in order. Instead the Republicans chose to cut funding for programs such as Healthy Start, which is aimed at improving the health of unborn children, and to eliminate over 50,000 pregnant mothers and infants from the WIC program.

Remember this bill only provides an $11 billion down payment. The Republican tax cuts will cost over $700 billion. The majority felt compelled to cut programs for children and the elderly first. It scares me, as it should any parent, to consider where they will get the remaining $690 billion.

Why are we doing this? So that big industry and the rich can be given a tax break that I doubt they want. I can not imagine any businessman that wants to see the next generation of high school graduates turn out to be an illiterate workforce of dropouts. I know I don't and my constituents don't.

I do not support the rescissions contained in this bill and I urge my colleagues to vote against it. I believe that it cuts the wrong programs—programs that hurt children, low-income Americans, and the elderly—for the wrong reasons.

Mr. ORTON. Mr. Chairman, I am taking this opportunity to explain my vote against the rescissions and supplemental spending bill which passed the House last week.

On Wednesday night, I was pleased to vote for the "lockbox" amendment offered by Representative BREWSTER. I have been involved from the beginning in the development of this provision, which ensures that spending reductions are strictly dedicated to deficit reduction, and not simply reallocated to other spending programs or used to finance tax cuts. The lockbox amendment, approved by a 418 to 5 vote of the House, clearly stated that spending would be reduced by some $55 billion over the next 5 years, and that all of these cuts could only be used to reduce the deficit.

Based on this amendment, and the resulting deficit reduction, I was prepared to vote for final passage of this bill. However, just prior to a final vote on the rescissions bill, the Budget Committee held a markup of legislation to lower spending caps for the next 5 years. At this markup, the Budget Committee chairman announced that he planned to use all of the savings in fiscal years 1996 through 2000 from the rescissions bill to finance the Republican tax cuts. He also announced that the lockbox provisions which would prevent this maneuver would be stripped from the bill prior to a conference report.

Without ascribing motivations or analyzing negotiations that took place, the effect was that the approximately $55 billion in outyear savings in the rescissions bill would not end up reducing the deficit by even a single dollar.

This made the bill unacceptable to me. Many of the cuts in this bill will be painful, especially in the areas of education, elderly housing, and children's programs. I could not in good conscience vote for these cuts, without assurance from leadership that they would honor the provisions of the lockbox amendment. So, reluctantly, I voted against final passage.

In addition, I must say that this decision was not made any easier by the unfair, highly restrictive way in which the bill was brought to the floor. Last week I explained in detail how this rule effectively protected 80 percent of the discretionary budget from budget cuts.

I also explained how the rule made it almost impossible to restore funds for good programs through cuts in bad or wasteful programs. I was prepared to support additional spending cuts in other parts of the budget to restore cuts that I believe were unfair or unwarranted. I would like to take this opportunity to identify those cuts I opposed.

The rescissions bill makes significant and unwise cuts in programs that promote opportunities. Cuts in impact aid and national service will hurt our education efforts. Cuts in foster care and grants for drug-free schools will have a negative effect on our children. And, cuts in information infrastructure grants will slow our efforts to develop and expand opportunities on the Information Superhighway. All of these are high priority areas.

I also oppose the excessive level of cuts for the Corporation for Public Broadcasting. While I could support modest cuts in the CPB, the bill makes 30 percent cuts in fiscal year 1997 funding, on a path to terminating Federal support. These cuts will have a significant negative effect on public broadcasting, especially for rural areas.

Finally, the bill makes excessive cuts in housing and community development programs. Cuts which I believe should have been rejected or scaled back include public housing modernization, community development block grants [CDBG's] drug elimination funds, and public housing operating subsidies.

Especially unfair is the cut of $404 million in operating subsidies for public housing authorities. It is fundamentally unfair to have agencies plan on receiving certain funding levels, and then make significant cuts in the middle of the year. Furthermore, the way these cuts are being implemented is especially unfair. PHA's with a fiscal year starting in July 1 will bear a disproportionate portion of the cuts, while those with an earlier fiscal year will be largely spared. I could not support this.

Again, I want to make it clear that I was prepared to support offsetting cuts to restore these important programs. I was also prepared to vote for additional cuts beyond those proposed by the committee—if the rule hadn't prevented this.

For example, I planned on offering an amendment with Representative KLUG to zero out funding for the Appalachian Regional Commission. However, because of the short time limits placed on debate of this bill, we did not have the opportunity to vote on terminating this program. As a result, the chance to cut the deficit by another $100 million was ruled out by this arbitrary rule.

There are many other areas where we could look to make cuts. For example, I am a strong defender of national defense, and especially readiness. However, the rule precluded amendments to cut unneeded and expensive weapons systems. We should also do more to consolidate programs and eliminate redundancies. For example, we should abolish the Interstate Commerce Commission.

Finally, there are programs where I feel we are simply spending too much. For example, in foreign aid, we should cut back on some of the AID programs, eliminate redundant broadcast programs, and reexamine our foreign military and economic assistance programs. In agriculture, we should cut back on programs which provide excessive crop subsidies. And we can do more to cut spending in the legislative branch.

Last week, the House Budget Committee voted to extend and lower the discretionary spending caps for the next 5 fiscal years. Spending bills for fiscal years 1996 and beyond will have even greater levels of cuts than those made in the rescissions bill. Like many other members of the House, I am ready to support such cuts.

However, I hope that the process to consider such cuts will be more fair and more rational than the one we used last week. We must have unlimited opportunities to make further spending cuts, and to change spending priorities, within predetermined spending limits. This can only be done through open rules on appropriations bills.

Therefore, within the next few weeks, I will be introducing a House resolution calling for open rules for all spending bills brought to the House floor in the 104th Congress. I urge my colleagues to join me in cosponsoring this resolution, and in voting against any restrictive rules in the consideration of future spending bills.

Ms. PELOSI. Mr. Chairman, I rise today to express my opposition to the Republican rescissions bill before us. With this bill, the Republicans end the war on poverty and declare war on the poor, instead. I am saddened that my Republican colleagues have turned their energy, their fervor and their fury toward attacking the most vulnerable among us. I note with particular concern the impact of the proposed funding cuts on housing programs designed to help the neediest and the most vulnerable in our society, children, the elderly, the disabled, and people with AIDS.

More than 40 percent of the cuts in this bill come from low-income housing programs. The $7.2 billion in Department of Housing and Urban Development [HUD] cuts equals ¼ of HUD's total budget. HUD estimates that the rescissions will affect 530,000 elderly households and 630,000 families with children. The complete elimination of the Housing Opportunities for People with AIDS [HOPWA] program will deprive at least 50,000 people with AIDS and their families of much-needed housing assistance. Public housing takes a direct hit. Efforts to improve public housing facilities and in some localities, to demolish unfit buildings and replace them, will be stopped dead in their tracks.

The cuts in the low income housing preservation program will result in the displacement of countless low income families from affordable housing. Estimates of the impact of losing preservation funds range from a low of 27,000 families losing their apartments to a high of 75,000. In most of the affected communities, there is no other housing available for these families. The affordable housing stock is disappearing at an alarming rate and these cuts will only hasten the process. Where are these people supposed to live?

At the same time that these important programs are being cut, the Republicans are also cutting incremental rental assistance, the Section 8 Program. The funds the Republicans are taking away would have provided 67,000 more families with housing certificates and vouchers. For the first time in the more than 20 years of this program, there will be no incremental funding of tenant-based rental assistance—a program which is widely acknowledged by conservative analysts to be HUD's most cost-effective one.

Mr. Chairman, the list of important and innovative housing programs to be cut by this legislation goes on and on and time prevents me from listing all of them. I wish to note for the record, however, my opposition to Republican cuts of $90 million in the lead-based paint program; $350 million in pension fund rental assistance; and $38 million in the Youthbuild Program, which not only increases affordable housing, but also provides job training and skills for lower income Americans.

I am also opposed to the $350 million cut in the Community Development Block Grant [CDGB] Program. CDBG funds allow community-based organizations to provide a wide range of services in their communities. Why, at a time when we are trying to promote community control are we tying the hands of communities trying to meet community needs?

What is the response of my Republican colleagues to our concerns about the impact of these draconian cuts? They say we simply cannot afford to provide housing for needy Americans. I say we simply cannot afford not to provide this housing.

This bill cuts funding which has already been voted on by Congress and signed into law by President Clinton. In many cases, communities and housing providers across the country struggling with trying to meet ever-growing needs with limited funds, will lose money for community development and for housing which is part of a community plan and which is already underway. Where progress is being made, it will be stopped. Would that halting progress is the only consequence under the Republican plan. Unfortunately, the bill before us today takes giant steps backwards in the fight against homelessness.

If we have learned anything about homelessness over the course of the past decade, it is that it costs less to keep people in affordable housing than it does to help homeless people with the transition back to being fully-functioning members of our society. The Republican cuts in our national housing programs are not only inhumane and cruel, but they are also inefficient and costly. While the Republican leadership trumpets the saving they propose today, they are covering up the costs their cuts will create tomorrow. I urge my colleagues to oppose this misguided and cruel bill.

Mr. EWING. Mr. Chairman, I rise today in support of H.R. 1158 and H.R. 1159 and to commend Chairman LIVINGSTON and the Appropriations Committee for all their hard work on these two supplemental appropriations bills. It is truly a new era when the Appropriations Committee demands that supplemental appropriations bills, emergency or otherwise, be paid for with offsetting spending cuts.

No doubt, each Member of this body would like to change certain provisions of these bills, but these rescissions are applied in a balanced and fair manner. Furthermore, H.R. 1159 recommends several important policy corrections.

I am particularly pleased the committee included language that allows HUD to waive the one-for-one public housing replacement requirement when public housing is no longer habitable and in need of demolition. This has been an ongoing problem in my congressional district.

The city of Danville, IL has been trying to receive approval to demolish the decaying and vacant Carver Park housing project for some time. Despite unanimous public support for the project's demolition and orders from the city government, Federal law has prevented the demolition of this dangerous and environmentally hazardous property.

I am also pleased the committee has taken action to prevent President Clinton from enforcing his Executive order prohibiting companies from permanently replacing striking workers. Our Nation's present labor negotiation system is balanced and fair for both labor and management. Each side faces consequences for their actions which serve as an incentive to bargain in good faith. The President's Executive order would alter the current balance.

Last, the President's Executive order is an effort to usurp congressional authority and should be overturned by this Congress. Major changes to our Nation's labor law should not be instituted without congressional approval.

Again, I thank the committee for acting to restore balance to our Nation's labor law and I urge my colleagues to support H.R. 1158 and H.R. 1159.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute consisting of the text of H.R. 1158, modified pursuant to House Resolution 115, is considered as an original bill for the purpose of amendment and is considered as having been read.

The text of the amendment in the nature of a substitute, as modified, is as follows:

H.R. 1158

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes, namely:

TITLE I EMERGENCY SUPPLEMENTAL APPROPRIATIONS

CHAPTER I

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for "Disaster Relief" for necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $5,360,000,000, to remain available until expended: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER II

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating expenses", to cover the incremental costs arising from the consequences of Operations Able Manner, Able Vigil, Restore Democracy, and Support Democracy, $28,197,000, to remain available until September 30, 1995: *Provided,* That such amount is designated by

Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

TITLE II

RESCISSIONS

CHAPTER I

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

Office of the Secretary

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $31,000 are rescinded: *Provided*, That none of the funds made available to the Department of Agriculture may be used to carry out activities under 7 U.S.C. 2257 without prior notification to the Committees on Appropriations.

Alternative Agricultural Research and Commercialization

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $3,000,000 are rescinded.

Agricultural Research Service

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330 and other Acts, $12,678,000 are rescinded.

Cooperative State Research Service

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $1,051,000 are rescinded, including $524,000 for contracts and grants for agricultural research under the Act of August 4, 1965, as amended (7 U.S.C. 450i(c)); and $527,000 for necessary expenses of Cooperative State Research Service activities: *Provided*, That the amount of "$9,917,000" available under this heading in Public Law 103–330 (108 Stat. 2441) for a program of capacity building grants to colleges eligible to receive funds under the Act of August 30, 1890, is amended to read "$9,207,000".

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330 and other Acts, $20,994,000 are rescinded.

Rural Development Administration and Farmers Home Administration

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $115,500,000 for the cost of section 515 rental housing loans are rescinded.

LOCAL TECHNICAL ASSISTANCE AND PLANNING GRANTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $1,750,000 are rescinded.

Alcohol Fuels Credit Guarantee Program Account

(RESCISSION)

Of the funds made available under this heading in Public Law 102–341, $9,000,000 are rescinded.

Rural Electrification Administration

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $3,000,000 for the cost of 5 percent rural telephone loans are rescinded.

Food and Nutrition Service

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

(RESCISSION)

Of the funds made available under this heading in Public Law 103–111, $25,000,000 are rescinded.

CHAPTER II

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF JUSTICE

General Administration

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances in the Working Capital Fund, $1,500,000 are rescinded.

Immigration and Naturalization Service

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $1,000,000 are rescinded.

Office of Justice Programs

DRUG COURTS

(RESCISSION)

Of the funds made available under this heading in title VIII of Public Law 103–317, $27,750,000 are rescinded.

OUNCE OF PREVENTION COUNCIL

(TRANSFER OF FUNDS)

Under this heading in Public Law 103–317, after the word "grants", insert the following: "and administrative expenses". After the word "expended", insert the following: ": *Provided*, That the Council is authorized to accept, hold, administer, and use gifts, both real and personal, for the purpose of aiding or facilitating the work of the Council".

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317 for the Manufacturing Extension Partnership and the Quality Program, $27,100,000 are rescinded.

National Oceanic and Atmospheric Administration

OPERATIONS, RESEARCH, AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $37,000,000 are rescinded.

Technology Administration

Under Secretary for Technology/Office of Technology Policy

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $3,300,000 are rescinded.

National Technical Information Service

NTIS REVOLVING FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $4,000,000 are rescinded.

National Telecommunications and Information Administration

INFORMATION INFRASTRUCTURE GRANTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $30,000,000 are rescinded.

Economic Development Administration

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Laws 103–75 and 102–368, $37,584,000 are rescinded.

In addition, of the funds made available under this heading in Public Laws 99–500 and 99–591, $7,500,000 for the Fort Worth Stockyards Project are rescinded.

THE JUDICIARY

Courts of Appeals, District Courts, and Other Judicial Services

DEFENDER SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $1,100,000 are rescinded.

RELATED AGENCIES

Small Business Administration

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $15,000,000 are rescinded: *Provided*, That no funds in that Public Law shall be available to implement section 24 of the Small Business Act, as amended.

Legal Services Corporation

PAYMENT TO THE LEGAL SERVICES CORPORATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317 and prior appropriations Acts, $5,849,000 are rescinded, of which $33,000 are from funds made available for law school clinics; $31,000 are from funds made available for supplemental field programs; $75,000 are from funds made available for regional training centers; $1,189,000 are from funds made available for national support; $1,021,000 are from funds made available for State support; $685,000 are from funds made available for client initiatives; $44,000 are from funds made available for the Clearinghouse; $4,000 are from funds made available for computer assisted legal research regional centers; and $1,572,000 are from funds made available for Corporation management and administration.

DEPARTMENT OF STATE

RELATED AGENCY

Board for International Broadcasting

ISRAEL RELAY STATION

(RESCISSION)

From unobligated balances available under this heading, $2,000,000 are rescinded.

CHAPTER III

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

Corps of Engineers—Civil

GENERAL INVESTIGATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Appropriations Acts, $10,000,000 are rescinded.

CONSTRUCTION, GENERAL

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Appropriations Acts, $40,000,000 are rescinded.

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

OPERATION AND MAINTENANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $10,000,000 are rescinded.

DEPARTMENT OF ENERGY

Energy Supply, Research and Development Activities

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $116,500,000 are rescinded.

Atomic Energy Defense Activities

Defense Environmental Restoration and Waste Management

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Acts, $28,000,000 are rescinded.

Departmental Administration

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $20,000,000 are rescinded.

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $10,000,000 are rescinded.

TENNESSEE VALLEY AUTHORITY

Tennessee Valley Authority Fund

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $5,000,000 are rescinded.

CHAPTER IV

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

International Organizations and Programs

(RESCISSION)

Of the funds made available under this heading in Public Law 103–306, $25,000,000 are rescinded.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

Agency for International Development

DEVELOPMENT ASSISTANCE FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–306, $45,500,000 are rescinded.

POPULATION, DEVELOPMENT ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–306, $9,000,000 are rescinded.

MILITARY ASSISTANCE

Funds Appropriated to the President

PEACEKEEPING OPERATIONS

(RESCISSION)

Of the unobligated or unexpended balances of funds available under this heading from funds provided in Public Law 103–306, $4,500,000 are rescinded.

EXPORT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

SUBSIDY APPROPRIATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–87 and Public Law 103–306, $5,000,000 are rescinded.

Funds Appropriated to the President

TRADE AND DEVELOPMENT AGENCY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–306, $4,500,000 are rescinded.

CHAPTER V

DEPARTMENT OF INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MANAGEMENT OF LANDS AND RESOURCES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $70,000 are rescinded, to be derived from amounts available for developing and finalizing the Roswell Resource Management Plan/Environmental Impact Statement and the Carlsbad Resource Management Plan Amendment/Environmental Impact Statement: *Provided*, That none of the funds made available in such Act or any other appropriations Act may be used for finalizing or implementing either such plan.

CONSTRUCTION AND ACCESS

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138, and Public Law 102–381, $4,500,000 are rescinded.

PAYMENTS IN LIEU OF TAXES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $5,000,000 are rescinded.

LAND ACQUISITION

(RESCISSION)

Of the funds available under this heading in Public Law 102–381, Public Law 101–121, and Public Law 100–446, $1,997,000 are rescinded.

United States Fish and Wildlife Service

RESOURCE MANAGEMENT

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $2,000,000 are rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading or the heading Construction and Anadromous Fish in Public Law 103–332, Public Law 103–138, Public Law 103–75, Public Law 102–381, Public Law 102–154, Public Law 102–368, Public Law 101–512, Public Law 101–121, Public Law 100–446, and Public Law 100–202, $14,390,000 are rescinded.

LAND ACQUISITION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138, Public Law 102–381, and Public Law 101–512, $7,345,000 are rescinded.

National Biological Survey

RESEARCH, INVENTORIES, AND SURVEYS

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $16,680,000 are rescinded.

National Park Service

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $22,831,000 are rescinded.

URBAN PARK AND RECREATION FUND

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $7,480,000 are rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138, Public Law 102–381, Public Law 102–154, Public Law 101–512, Public Law 101–121, Public Law 100–446, Public Law 100–202, Public Law 99–190, Public Law 98–473, and Public Law 98–146, $16,509,000 are rescinded.

Bureau of Indian Affairs

OPERATION OF INDIAN PROGRAMS

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $4,046,000 are rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $10,309,000 are rescinded.

Territorial and International Affairs

ADMINISTRATION OF TERRITORIES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $2,438,000 are rescinded.

TRUST TERRITORY OF THE PACIFIC ISLANDS

(RESCISSION)

Of the funds available under this heading in Public Law 99–591, $32,139,000 are rescinded.

DEPARTMENT OF AGRICULTURE

Forest Service

FOREST RESEARCH

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $6,000,000 are rescinded.

STATE AND PRIVATE FORESTRY

(RESCISSION)

Of the funds available under this heading in Public Law 103–332 and Public Law 103–138, $12,500,000 are rescinded.

INTERNATIONAL FORESTRY

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $1,000,000 are rescinded.

NATIONAL FOREST SYSTEM

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $3,327,000 are rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138 and Public Law 102–381, $4,919,000 are rescinded.

LAND ACQUISITION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138 and Public Law 102–381, $3,974,000 are rescinded.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $18,650,000 are rescinded.

NAVAL PETROLEUM AND OIL SHALE RESERVES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $21,000,000 are rescinded.

ENERGY CONSERVATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $46,228,000 are rescinded and of the funds available under this heading in Public Law 103–138, $13,700,000 are rescinded.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $2,000,000 are rescinded.

OTHER RELATED AGENCIES

SMITHSONIAN INSTITUTION

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

(RESCISSION)

Of the funds available under this heading in Public Law 102–381, and Public Law 103–138, $1,000,000 are rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 102–154, Public Law 102–381, Public Law 103–138, and Public Law 103–332, $31,012,000 are rescinded.

NATIONAL GALLERY OF ART

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $407,000 are rescinded.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $3,000,000 are rescinded.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $2,300,000 are rescinded.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $5,000,000 are rescinded.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $5,000,000 are rescinded.

CHAPTER VI

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $1,603,094,000 are rescinded, including $10,000,000 for necessary expenses of construction, rehabilitation, and acquisition of new Job Corps centers, $12,500,000 for the School-to-Work Opportunities Act, $6,408,000 for section 401 of the Job Training Partnership Act, $8,571,000 for section 402 of such Act, $3,861,000 for service delivery areas under section 101(a)(4)(A)(iii) of such Act, $33,000,000 for carrying out title II, part A of such Act, $310,000,000 for carrying out title II, part C of such Act, $2,223,000 for the National Commission for Employment Policy and $500,000 for the National Occupational Information Coordinating Committee.

(RESCISSION)

Of the funds made available under this heading in Public Law 103–112, $682,282,000 are rescinded.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

(RESCISSION)

Of the funds made available in the first paragraph under this heading in Public Law 103–333, $11,263,000 are rescinded.

Of the funds made available in the second paragraph under this heading in Public Law 103–333, $3,177,000 are rescinded.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $12,000,000 are rescinded, and amounts which may be expended from the Employment Security Administration account in the Unemployment Trust Fund are reduced from $3,269,097,000 to $3,253,097,000.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $2,487,000 are rescinded.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $16,072,000 are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $82,775,000 are rescinded.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $8,883,000 are rescinded.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CENTER FOR RESEARCH RESOURCES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 for extramural facilities construction grants, $20,000,000 are rescinded.

BUILDINGS AND FACILITIES

(RESCISSION)

Of the available balances under this heading, $50,000,000 are rescinded.

ASSISTANT SECRETARY FOR HEALTH

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $1,400,000 are rescinded.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

(RESCISSION)

Of the Federal funds made available under this heading in Public Law 103–333, $3,132,000 are rescinded.

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

(RESCISSION)

Funds made available under this heading in Public Law 103–333 are reduced from $2,207,135,000 to $2,168,935,000, and funds transferred to this account as authorized by section 201(g) of the Social Security Act are reduced to the same amount.

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW INCOME HOME ENERGY ASSISTANCE

(RESCISSION)

Of the funds made available in the third paragraph under this heading in Public Law 103–333, $1,319,204,000 are rescinded.

COMMUNITY SERVICES BLOCK GRANT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $26,988,000 are rescinded.

CHILDREN AND FAMILIES SERVICES PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 to be derived from the Violent Crime Reduction Trust Fund, $25,900,000 are rescinded for carrying out the Community Schools Youth Services and Supervision Grant Program Act of 1994.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 for payments to States under section 474(a)(3) of the Social Security Act, an amount is hereby rescinded such that the total made available to any State under such section in fiscal year 1995 does not exceed 110 percent of the total paid to such State thereunder in fiscal year 1994 which, notwithstanding any other provision of law, is the maximum amount to which any such State shall be entitled for payments under such section 474(a)(3) for fiscal year 1995.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $899,000 are rescinded.

DEPARTMENT OF EDUCATION

EDUCATION REFORM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $186,030,000 are rescinded, including $142,000,000 from funds made available for State and local education systemic improvement, $21,530,000 from funds made available for Federal activities, and $10,000,000 from funds made available for parental assistance under the Goals 2000: Educate America Act; and $12,500,000 are rescinded from funds made available under the School to Work Opportunities Act, including $9,375,000 for National programs and $3,125,000 for State grants and local partnerships.

EDUCATION FOR THE DISADVANTAGED

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $113,270,000 are rescinded as follows: $105,000,000 from the Elementary and Secondary Education Act, title I, part A, and $8,270,000 from part E, section 1501.

IMPACT AID

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $16,293,000 for section 8002 are rescinded.

SCHOOL IMPROVEMENT PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $757,132,000 are rescinded as follows: from the Elementary and Secondary Education Act, title II–B, $60,000,000, title IV, $481,962,000, title V–C, $28,000,000, title IX–B, $12,000,000, title X–D, –E, and –G, and section 10602, $21,384,000, and title XII, $100,000,000; from the Higher Education Act, section 596, $13,875,000; from the Stewart B. McKinney Homeless Assistance Act, title VII–B, $28,811,000; and from funds derived from the Violent Crime Reduction Trust Fund, $11,100,000.

BILINGUAL AND IMMIGRANT EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $38,500,000 are rescinded from funding for title VII–A of the Elementary and Secondary Education Act.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $799,000 are rescinded.

GALLAUDET UNIVERSITY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $1,298,000 are rescinded.

VOCATIONAL AND ADULT EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $232,413,000 are rescinded as follows: from the Carl D. Perkins Vocational and Applied Technology Education Act, title III–A, –B, and –E, $151,888,000 and from title IV–A, –B, and –C, $34,535,000; from the Adult Education Act, section 384(c), part B–7, and section 371, $31,392,000; from the Stewart B. McKinney Homeless Assistance Act, $9,498,000; and from the National Literacy Act, $5,100,000.

STUDENT FINANCIAL ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $83,375,000 are rescinded from funding for the Higher Education Act, title IV, part A–4 and part H–1.

HIGHER EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $102,246,000 are rescinded as follows: from amounts available for Public Law 99–498, $1,000,000; the Higher Education Act, title IV–A, chapter 5, $496,000, title IV–A–2, chapter 1, $11,200,000, title IV–A–2, chapter 2, $3,108,000, title IV–A–6, $9,823,000, title V–C, subparts 1 and 3, $16,175,000, title IX–B, $10,100,000, title IX–C, $7,500,000, title IX–E, $3,500,000, title IX–G, $14,920,000, title X–D, $4,000,000, and title XI–A, $13,000,000; Public Law 102–325, $1,000,000; and the Excellence in Mathematics, Science, and Engineering Education Act of 1990, $6,424,000: *Provided*, That in carrying out title IX–B, remaining appropriations shall not be available for awards for doctoral study.

HOWARD UNIVERSITY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $4,300,000 are rescinded, including $2,500,000 for construction.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 for the costs of direct loans, as authorized under part C of title VII of the Higher Education Act, as amended, $168,000 are rescinded, and the authority to subsidize gross loan obligations is repealed. In addition, $322,000 appropriated for administrative expenses are rescinded.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

(RESCISSION)

(TRANSFER OF FUNDS)

Of the funds made available under this heading in Public Law 103–333, $55,250,000 are rescinded as follows: from the Elementary and Secondary Education Act, title III–A, $30,000,000, title III–B, $10,000,000, title III–C, $2,700,000, title III–D, $2,250,000; title X–B, $4,600,000, and title XIII–B, $2,700,000; from the Goals 2000: Educate America Act, title VI, $3,000,000.

Notwithstanding any other provision of law, during fiscal year 1995, $56,750,000 shall be available under this heading for the Fund for the Improvement of Education: *Provided*, That none of the funds under this heading during fiscal year 1995 shall be obligated for title III–B of the Elementary and Secondary Education Act (Star Schools Program).

LIBRARIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $34,742,000 are rescinded as follows: for the Library Services and Construction Act, part II, $15,300,000, and part VI, $8,026,000; for the Higher Education Act, part II, sections 222 and 223, $11,416,000.

RELATED AGENCIES

CORPORATION FOR PUBLIC BROADCASTING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–112, $47,000,000 are rescinded. Of the funds made available under this heading in Public Law 103–333, $94,000,000 are rescinded.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $5,000,000 are rescinded.

GENERAL PROVISION

FEDERAL DIRECT STUDENT LOAN PROGRAM

SEC. 601. Section 458(a) of the Higher Education Act of 1965 (20 U.S.C. 1087h(a)) is amended—

(1) by striking "$345,000,000" and inserting "$298,000,000"; and

(2) by striking "$2,500,000,000" and inserting "$2,453,000,000".

CHAPTER VII

LEGISLATIVE BRANCH

JOINT ITEMS

JOINT ECONOMIC COMMITTEE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $460,000 are rescinded.

JOINT COMMITTEE ON PRINTING

(RESCISSION)

(TRANSFER OF FUNDS)

Of the funds made available under this heading in Public Law 103–283, $418,000 are rescinded: *Provided*, That, upon enactment of this Act, any balance of the funds made available that remains after this rescission shall be transferred in equal amounts to the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate for the purpose of carrying out the functions of the Joint Committee on Printing.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $650,000 are rescinded.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

(RESCISSIONS)

Of the funds made available until expended for energy efficient lighting retrofitting under this heading in Public Law 102–392, $500,000 are rescinded.

Of the funds made available until expended for energy efficient lighting retrofitting under this heading in Public Law 103–69, $2,000,000 are rescinded.

GOVERNMENT PRINTING OFFICE

(RESCISSIONS)

CONGRESSIONAL PRINTING AND BINDING

Of the funds made available under this heading in Public Law 103–283, $3,000,000 are rescinded.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

Of the funds made available under this heading in Public Law 103–283, $600,000 are rescinded.

BOTANIC GARDEN

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available until expended by transfer under this heading in Public Law 103–283, $4,000,000 are rescinded.

LIBRARY OF CONGRESS

(RESCISSIONS)

SALARIES AND EXPENSES

Of the funds made available under this heading in Public Law 103–283, $150,000 are rescinded.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

Of the funds made available under this heading in Public Law 103–283, $100,000 are rescinded.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $8,867,000 are rescinded.

CHAPTER VIII

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

OFFICE OF THE SECRETARY

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–331, $1,293,000 are rescinded.

WORKING CAPITAL FUND

The obligation authority under this heading in Public Law 103–331 is hereby reduced by $8,000,000.

COAST GUARD

OPERATING EXPENSES

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–331, $6,440,000 are rescinded.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(RESCISSION)

Of the available balances under this heading, $42,569,000 are rescinded.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–331, $3,500,000 are rescinded.

FEDERAL AVIATION ADMINISTRATION

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $69,825,000 are rescinded.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $7,500,000 are rescinded.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

The obligation limitation under this heading in Public Law 103–331 is hereby reduced by $42,500,000.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The obligation limitation under this heading in Public Law 103–331 is hereby reduced by $70,140,000: *Provided*, That $27,640,000 shall be deducted from amounts made available for the Applied Research and Technology Program authorized under section 307(e) of title 23, United States Code: *Provided further*, That no reduction shall be made in any amount distributed to any State under section 310(a) of Public Law 103–331.

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–211, $351,000,000 are rescinded.

FEDERAL RAILROAD ADMINISTRATION

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–331, $7,768,000 are rescinded.

FEDERAL TRANSIT ADMINISTRATION

TRANSIT PLANNING AND RESEARCH

(RESCISSION)

Of the available balances under this heading, $8,800,000 are rescinded.

DISCRETIONARY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The obligation limitation under this heading in Public Law 103–331 is hereby reduced by $17,650,000: *Provided*, That such reduction shall be made from obligational authority available to the Secretary for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities.

Notwithstanding Section 313 of Public Law 103–331, the obligation limitations under this heading in the following Department of Transportation and Related Agencies Appropriations Acts are reduced by the following amounts:

Public Law 102–388 as amended by Public Law 103–122, $67,227,500, to be distributed as follows:

(a) $29,022,500, for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities: *Provided*, That in distributing the foregoing reduction, obligational authority remaining unobligated for each project identified in the joint explanatory statements of the committees on conference accompanying such Act shall be reduced by fifty per centum; and

(b) $38,205,000, for new fixed guideway systems, to be distributed as follows:

$9,120,000, for the San Francisco BART Extension/Tasman Corridor Project;

$12,655,000, for the Boston, Massachusetts to Portland, Maine Commuter Rail Project;

$875,000, for the Orlando OSCAR LRT Project;

$980,000, for the Salt Lake City South LRT Project;

$745,000, for the Cleveland Dual Hub Corridor Project;

$1,500,000, for the Milwaukee East-West Corridor Project;

$845,000, for the San Diego Mid-Coast Extension Project;

$2,235,000, for the Hawthorne-Warwick Commuter Rail Project;

$7,595,000, for the Seattle-Tacoma Commuter Rail Project;

$1,490,000, for the Lakewood, Freehold, and Matawan or Jamesburg Commuter Rail Project; and

$165,000, for the Miami Downtown Peoplemover Project.

Public Law 102–143, $43,296,500, to be distributed as follows:

(a) $6,781,500, for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities: *Provided*, That in distributing the foregoing reduction, obligational authority remaining unobligated for each project for which the obligation limitation in Public Law 102–143 was applied shall be reduced by fifty per centum; and

(b) $36,515,000, for new fixed guideway systems, to be distributed as follows:

$1,000,000, for the Cleveland Dual Hub Corridor Project;

$465,000, for the Kansas City-South LRT Project;

$950,000, for the San Diego Mid-Coast Extension Project;

$5,000,000, for the Los Angeles-San Diego (LOSSAN) Commuter Rail Project;

$17,100,000, for the Hawthorne-Warwick Commuter Rail Project;

$500,000, for the New York-Staten Island-Midtown Ferry Project;

$4,000,000, for the San Jose-Gilroy Commuter Rail Project;

$1,620,000, for the Seattle-Tacoma Commuter Rail Project;

$880,000, for the Vallejo Ferry Project; and

$5,000,000, for the Detroit LRT Project.

Public Law 101–516, $2,230,000, for new fixed guideway systems, to be distributed as follows:

$2,230,000, for the Cleveland Dual Hub Corridor Project.

Public Law 101–164, $1,247,000, for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities: *Provided*, That in distributing the foregoing reduction, obligational authority remaining unobligated for each project identified in the joint explanatory statements of the committees of conference accompanying such Act shall be reduced by fifty per centum.

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

SEC. 801. Of the funds provided in Public Law 103–331 for the Department of Transportation working capital fund (WCF), $8,000,000 are rescinded, which limits fiscal year 1995 WCF obligational authority for elements of the Department of Transportation funded in Public Law 103–331 to no more than $85,000,000.

SEC. 802. Of the total budgetary resources available to the Department of Transportation (excluding the Maritime Administration) during fiscal year 1995 for civilian and military compensation and benefits and other administrative expenses, $20,000,000 are permanently canceled.

CHAPTER IX

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $100,000 are rescinded.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

(RESCISSION)

(TRANSFER OF FUNDS)

Of the funds made available for construction at the Davis-Monthan Training Center under Public Law 103–123, $5,000,000 are rescinded. Of the funds made available for construction at the Davis-Monthan Training Center under Public Law 103–329, $6,000,000 are rescinded: *Provided*, That $1,000,000 of the remaining funds made available under Public Law 103–123 shall be used to initiate design and construction of a Burn Building in Glynco, Georgia.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $160,000 are rescinded.

Bureau of the Public Debt

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–123, $1,500,000 are rescinded.

Internal Revenue Service

INFORMATION SYSTEMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $1,490,000 are rescinded.

EXECUTIVE OFFICE OF THE PRESIDENT

The White House Office

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $171,000 are rescinded.

Federal Drug Control Programs

SPECIAL FORFEITURE FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $13,200,000 are rescinded.

INDEPENDENT AGENCIES

General Services Administration

Federal Buildings Fund

(LIMITATIONS ON AVAILABILITY OF REVENUE)

(RESCISSION)

Of the funds made available under this heading for "New Construction" in Public Law 103–329 for Bullhead City, Arizona, a grant to the Federal Aviation Administration for a runway protection zone, $2,200,000 are rescinded; for Hilo, Hawaii, Consolidation, $12,000,000 are rescinded: *Provided*, That of the funds made available under this heading for "New Construction" in Public Law 103–123 for Sierra Vista, Arizona, U.S. Magistrates Office, $1,000,000 are rescinded; for Wheeling, West Virginia, Federal Building and U.S. Courthouse, $35,861,000 are rescinded: *Provided further*, That of the funds made available under this heading for "New Construction" in Public Law 102–393 for Nogales, Arizona, U.S. Border Patrol Station, $2,000,000 are rescinded; for Atlanta, Georgia, Centers for Disease Control, site acquisition and improvements, $25,890,000 are rescinded; for Atlanta Georgia, Centers for Disease Control, $14,110,000 are rescinded; for Newark, New Jersey, Parking Facility, $9,000,000 are rescinded; for Seattle, Washington, U.S. Courthouse, $11,548,000 are rescinded: *Provided further*, That of the funds made available under this heading for "New Construction" in Public Law 102–141 for Charlotte Amalie, Saint Thomas, United States Virgin Islands, U.S. Courthouse Annex, $2,184,000 are rescinded: *Provided further*, That of the funds made available under this heading for "New Construction" in Public Law 102–27 for Washington, District of Columbia, General Services Administration Headquarters, $13,000,000 are rescinded: *Provided further*, That of the funds made available under this heading for "Repairs and Alterations" in Public Law 103–329 for Walla Walla, Washington, Corps of Engineers Building, $2,800,000 are rescinded: *Provided further*, That of the funds made available under this heading for "Repairs and Alterations" in Public Law 103–123 for District of Columbia, Central and West Heating Plants, $5,000,000 are rescinded.

OPERATING EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $2,065,000 are rescinded.

Federal Election Commission

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $2,792,000 are rescinded.

Office of Personnel Management

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $3,140,000 are rescinded.

CHAPTER X

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

Veterans Health Administration

MEDICAL CARE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $50,000,000 are rescinded: *Provided*, That this amount is to be taken from the $771,000,000 earmarked for the equipment and land and structures object classifications, which amount does not become available for obligation until August 1, 1995.

Departmental Administration

CONSTRUCTION, MAJOR PROJECTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $156,110,000 are rescinded.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Programs

NATIONAL HOMEOWNERSHIP TRUST DEMONSTRATION PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $50,000,000 are rescinded.

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under this heading in prior years, $5,733,400,000 are rescinded: *Provided*, That of the total rescinded under this heading, $690,100,000 shall be from the amounts earmarked for the development or acquisition cost of public housing; $1,157,000,000 shall be from amounts earmarked for the modernization of existing public housing projects pursuant to section 14 of the United States Housing Act of 1937; $2,694,000,000 shall be from amounts earmarked for rental assistance under the section 8 existing certificate program (42 U.S.C. 1437f) and the housing voucher program under section 8(o) of the United States Housing Act of 1937, which shall include $100,000,000 from the amounts made available for new programs within the rental assistance earmark in Public Law 103–327; $15,000,000 shall be from amounts provided for the Family Unification program; $465,100,000 shall be from amounts earmarked for the preservation of low-income housing programs; $90,000,000 shall be from amounts earmarked for the lead-based paint hazard reduction program; $186,000,000 shall be from amounts earmarked for housing opportunities for persons with AIDS; $70,000,000 shall be from the amounts earmarked for special purpose grants in Public Law 102–389 and prior years; $39,000,000 shall be from amounts recaptured during fiscal year 1995 or prior years; $34,200,000 shall be from amounts provided for lease adjustments; and $287,000,000 of amounts recaptured during fiscal year 1995 from the reconstruction of obsolete public housing projects.

CONGREGATE SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under this heading in prior years, $37,000,000 are rescinded.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $404,000,000 are rescinded.

SEVERELY DISTRESSED PUBLIC HOUSING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under this heading in prior years, $523,000,000 are rescinded.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under this heading in prior years, $32,000,000 are rescinded.

YOUTHBUILD PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $38,000,000 are rescinded.

HOUSING COUNSELING ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $38,000,000 are rescinded.

FLEXIBLE SUBSIDY FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under this heading in prior years, and excess rental charges, collections and other amounts in the fund, $8,000,000 are rescinded.

NEHEMIAH HOUSING OPPORTUNITIES FUND

(RESCISSION)

Of the funds transferred to this revolving fund in prior years, $19,000,000 are rescinded.

Homeless Assistance

HOMELESS ASSISTANCE GRANTS

Of the funds made available under this heading in Public Law 103–327, $297,000,000 shall not become available for obligation until September 30, 1995.

Community Planning and Development

COMMUNITY DEVELOPMENT GRANTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under this heading in prior years, $349,200,000 are rescinded.

INDEPENDENT AGENCIES

Chemical Safety and Hazard Investigation Board

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $500,000 are rescinded.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $124,000,000 are rescinded.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $210,000,000 are rescinded: *Provided*, That this amount is to be taken from the $386,212,000 which is earmarked to be available for obligation for the period September 1, 1995 through August 31, 1996.

ENVIRONMENTAL PROTECTION AGENCY

RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $14,635,000 are rescinded.

ABATEMENT, CONTROL, AND COMPLIANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $4,806,805 are rescinded.

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and prior years, $25,000,000 are rescinded.

WATER INFRASTRUCTURE/STATE REVOLVING FUNDS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 for wastewater infrastructure financing, $3,200,000 are rescinded, and of the funds made available under this heading in Public Law 103–327 and prior years for drinking water state revolving funds, $1,300,000,000 are rescinded.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE, AERONAUTICS AND TECHNOLOGY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $38,000,000 are rescinded.

CONSTRUCTION OF FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–389, for the Consortium for International Earth Science Information Network, $27,000,000 are rescinded.

MISSION SUPPORT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, for administrative aircraft, $1,000,000 are rescinded.

NATIONAL SCIENCE FOUNDATION

ACADEMIC RESEARCH INFRASTRUCTURE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $131,867,000 are rescinded.

CORPORATIONS

FEDERAL DEPOSIT INSURANCE CORPORATION

FDIC AFFORDABLE HOUSING PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $11,281,034 are rescinded.

TITLE III GENERAL PROVISION

DENIAL OF USE OF FUNDS FOR INDIVIDUALS NOT LAWFULLY WITHIN THE UNITED STATES

SEC. 30. (a) IN GENERAL.—None of the funds made available in this Act may be used to provide any direct benefit or assistance to any individual in the United States when it is made known to the Federal entity or official to which the funds are made available that—

(1) the individual is not lawfully within the United States; and

(2) the benefit or assistance to be provided is other than search and rescue; emergency medical care; emergency mass care; emergency shelter; clearance of roads and construction of temporary bridges necessary to the performance of emergency tasks and essential community services; warning of further risks or hazzards; dissemination of public information and assistance regarding health and safety measures; provision of food, water, medicine, and other essential needs, including movement of supplies or persons; or reduction of immediate threats to life, property, and public health and safety.

TITLE IV

SUPPLEMENTAL APPROPRIATIONS

CHAPTER I

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOOD SAFETY AND INSPECTION SERVICE

For an additional amount for salaries and expenses of the Food Safety and Inspection Service, $9,048,000.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

For an additional amount for salaries and expenses of the Agricultural Stabilization and Conservation Service, $10,000,000.

COMMODITY CREDIT CORPORATION FUND

(TRANSFER OF FUNDS)

Notwithstanding any other provision of law, no funds of the Commodity Credit Corporation in excess of $50,000,000 for fiscal year 1995 (exclusive of the cost of commodities in the fiscal year), may be used to carry out the Food for Progress Act of 1985 (7 U.S.C. 1736o) with respect to commodities made available under section 416(b) of the Agricultural Act of 1949. The additional costs resulting from this provision shall be financed from funds credited to the Corporation pursuant to section 426 of Public Law 103–465.

CHAPTER II

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

RELATED AGENCY

UNITED STATES INFORMATION AGENCY

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations", $7,290,000, for transfer to the Board for International Broadcasting.

CHAPTER III

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

DEBT RESTRUCTURING

DEBT RELIEF FOR JORDAN

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, as amended, of modifying direct loans to Jordan issued by the Export-Import Bank or by the Agency for International Development or by the Department of Defense, as authorized under subsection (a) under the heading "Debt Relief for Jordan", in title VI of Public Law 103–306, $50,000,000.

CHAPTER IV

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to the family trust of Dean A. Gallo, late a Representative from the State of New Jersey, $133,600.

BOTANIC GARDEN

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

Of the funds made available until expended by transfer under this heading in Public Law 103–283, $3,000,000 shall be transferred to the appropriation "Architect of the Capitol, Capitol Buildings and Grounds, Capitol Complex Security Enhancements", and shall remain available until expended.

CHAPTER V

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

(TRANSFER OF FUNDS)

Section 341 of Public Law 103–331 is amended by deleting "and received from the Delaware and Hudson Railroad," after "amended,".

CHAPTER VI

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

In the paragraph under this heading in Public Law 103–329, delete "of which not less than $6,443,000 and 85 full-time equivalent positions shall be available for enforcement activities;".

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

In the paragraph under this heading in Public Law 103–329, delete "first-aid and emergency" and insert "short-term" before "medical services".

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS

(TRANSFER OF FUNDS)

In the paragraph under this heading in Public Law 103–329, delete "$650,000,000" and insert "$640,000,000".

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

In the paragraph under this heading in Public Law 103–329, in section 3, after "$119,000,000", insert "annually".

UNITED STATES MINT

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

In the paragraph under this heading in Public Law 103–329, insert "not to exceed" after "of which".

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

(TRANSFER OF FUNDS)

Of the funds made available for the Federal Buildings Fund in Public Law 103-329, $5,000,000 shall be made available by the General Services Administration to implement an agreement between the Food and Drug Administration and another entity for space, equipment and facilities related to seafood research.

OFFICE OF PERSONNEL MANAGEMENT

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE BENEFITS

For an additional amount for "Government payment for annuitants, employee life insurance", $9,000,000 to remain available until expended.

TITLE V

RESCISSIONS

CHAPTER I

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

PUBLIC LAW 480 PROGRAM ACCOUNTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-330, $20,000,000 for commodities supplied in connection with dispositions abroad, pursuant to title III of the Agricultural Trade Development and Assistance Act of 1954, as amended, are rescinded.

CHAPTER II

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $19,500,000 are rescinded.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $2,000,000 are rescinded.

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317 and prior appropriations Acts, $20,000,000 are rescinded.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $14,617,000 are rescinded.

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $3,000,000 are rescinded, of which $2,000,000 are from funds made available for activities related to the implementation of the Chemical Weapons Convention.

UNITED STATES INFORMATION AGENCY

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103-317, $5,000,000 are rescinded.

RADIO CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading, $6,000,000 are rescinded.

CHAPTER III

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEBT RESTRUCTURING UNDER THE ENTERPRISE FOR THE AMERICAS INITIATIVE

(RESCISSION)

Of the funds made available under this heading in Public Law 102-391, $2,400,000 are rescinded.

ECONOMIC SUPPORT FUND

(RESCISSIONS)

Of the unobligated balances of funds available under this heading from funds provided in Public Law 103-306, $7,500,000 are rescinded.

Of the unobligated balances of funds available under this heading from funds provided in Public Law 103-87, $20,000,000 are rescinded.

Of the unobligated balances of funds currently available under this heading, including earmarked funds, from funds provided in Public Law 102-391 and prior appropriations Acts, $15,475,000 are rescinded.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-306, $5,000,000 are rescinded.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(RESCISSIONS)

Of the unobligated balances of funds available under this heading from funds provided in Public Law 103-306, $17,500,000 are rescinded.

Of the unobligated or unexpended balances of funds available under this heading from funds provided in Public Law 103-87 and Public Law 102-391, $30,200,000 are rescinded.

CHAPTER IV

LEGISLATIVE BRANCH

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-283, $187,000 are rescinded.

TITLE VI

GENERAL PROVISIONS

SEC. 301. None of the funds made available in any appropriations Act for fiscal year 1995 may be used to issue, implement, administer, or enforce any executive order, or other rule or order, that prohibits Federal contracts with companies that hire permanent replacements for striking employees.

SEC. 302. Hereafter, the requirement pursuant to section 18(b)(3) of the United States Housing Act of 1937, for the provision of an additional dwelling unit for each public housing dwelling unit to be demolished or disposed of under an application submitted by a public housing agency under section 18(a) of such Act, shall not apply to any such application approved by the Secretary of Housing and Urban Development in fiscal year 1995 or in any prior fiscal year: *Provided*, That no such application submitted by a public housing agency to implement a final order of a court issued, or a settlement approved by a court, before the effective date of this public law, shall be affected by this paragraph.

SEC. 303. None of the funds made available in any appropriations Act for fiscal year 1995 may be used by the Environmental Protection Agency to impose or enforce any requirement that a State implement trip reduction measures to reduce vehicular emissions.

SEC. 304. None of the funds made available in any appropriations Act for fiscal year 1995 may be used by the Environmental Protection Agency to impose or enforce any requirement that a State implement an inspection and maintenance program for vehicular emissions.

SEC. 305. The Congress finds that the 1990 amendments to the Clean Air Act (Public Law 101-549) superseded prior requirements of the Clean Air Act regarding the demonstration of attainment of national ambient air quality standards and eliminated the obligation of the Administrator of the Environmental Protection Agency to promulgate a Federal implementation plan under section 110(e) of the Clean Air Act for the South Coast, Ventura, or Sacramento areas of California. Upon the enactment of this Act, any Federal implementation plan that has been promulgated by the Administrator of the Environmental Protection Agency under the Clean Air Act for the South Coast, Ventura, or Sacramento areas of California pursuant to a court order or settlement shall be rescinded and shall have no further force and effect.

SEC. 306. EMERGENCY TWO-YEAR SALVAGE TIMBER SALE PROGRAM.

(a) DEFINITIONS.—For purposes of this section:

(1) The term "emergency period" means the two-year period beginning on the date of the enactment of this section.

(2) The term "Federal lands" means—

(A) lands within the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)); and

(B) public lands, as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(3) The term "land management plan" means—

(A) a land and resource management plan (or, if no final plan is currently in effect, a draft land and resource management plan) prepared by the Forest Service pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604) for a unit or units of the Federal lands described in paragraph (2)(A); or

(B) a land use plan prepared by the Bureau of Land Management pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), or other multiple-use plan in effect, for a unit of the Federal lands described in paragraph (2)(B).

(4) The term "salvage timber sale" means a timber sale for which an important reason

for entry includes the removal of disease- or insect-infested trees, dead, damaged, or down trees, or trees affected by fire or imminently susceptible to fire or insect attack. Such term also includes the removal of associated trees or trees lacking the characteristics of a healthy and viable ecosystem for the purpose of ecosystem improvement or rehabilitation, except that any such sale must include an identifiable salvage component of trees described in the first sentence.

(5) The term 'Secretary concerned' means—

(A) with respect to Federal lands described in paragraph (2)(A), the Secretary of Agriculture; and

(B) with respect to Federal lands described in paragraph (2)(B), the Secretary of the Interior.

(b) TWO-YEAR EMERGENCY PROGRAM OF SALVAGE TIMBER SALES FOR FEDERAL LANDS.—

(1) SALVAGE TIMBER SALES REQUIRED.—Using the expedited procedures provided in subsection (c), the Secretary concerned shall prepare, advertise, offer, and award contracts during the emergency period for salvage timber sales from Federal lands to satisfy the volume requirements of paragraph (2).

(2) SALVAGE TIMBER SALE VOLUMES.—The salvage timber sales sold under this subsection during the emergency period shall contain the following total timber volumes (programmed or otherwise):

(A) For Federal lands described in subsection (a)(2)(A)—

(i) not less than 3,000,000,000 board feet during the first year of the emergency period; and

(ii) not less than 3,000,000,000 board feet during the second year of the emergency period.

(B) For Federal lands described in subsection (a)(2)(B)—

(i) not less than 115,000,000 board feet during the first year of the emergency period; and

(ii) not less than 115,000,000 board feet during the second year of the emergency period.

(3) USE OF SALVAGE SALE FUNDS.—To conduct salvage timber sales under this subsection, the Secretary concerned may use salvage sale funds otherwise available to the Secretary concerned.

(c) EXPEDITED PROCEDURES FOR EMERGENCY SALVAGE TIMBER SALES.—

(1) SALE DOCUMENTATION.—For each salvage timber sale conducted under subsection (b) to meet the minimum salvage timber sale volumes specified in paragraph (2) of such subsection, the Secretary concerned shall prepare a document that combines an environmental assessment under section 102(2) and implementing regulations of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(E)) and a biological evaluation under section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)) and other applicable Federal law and implementing regulations. The environmental assessment and biological evaluation must consider the environmental effects of the salvage timber sale and consider the effect, if any, on threatened or endangered species. In lieu of preparing a new document under this paragraph, the Secretary concerned may use a document prepared pursuant to the National Environmental Policy Act of 1969 before the date of the enactment of this section, a biological evaluation written before such date, or information collected for such a document or evaluation if the document, evaluation, or information applies to the Federal lands covered by the proposed sale.

(2) TIME PERIODS FOR, AND REPORTING OF, SALES.—

(A) FIRST YEAR.—For salvage timber sales conducted pursuant to subsection (b) during the first year of the emergency period, the Secretary concerned shall—

(1) offer sales which contain fifty percent of the total timber volume required pursuant to subsection (b)(2)(A)(i) or (b)(2)(B)(i), as the case may be, within the first 3 months of the year; and

(2) offer sales which contain the remaining volume required pursuant to subsection (b)(2)(A)(i) or (b)(2)(B)(i), as the case may be, evenly distributed throughout the remainder of the year.

(B) SECOND YEAR.—For salvage timber sales conducted pursuant to subsection (b) during the second year of the emergency period, the Secretary concerned shall—

(1) offer sales which contain fifty percent of the total timber volume required pursuant to subsection (b)(2)(A)(ii) or (b)(2)(B)(ii), as the case may be, within 15 months of the date of enactment of this Act, and

(2) offer sales which contain the remaining volume required pursuant to subsection (b)(2)(A)(ii) or (b)(2)(B)(ii), as the case may be, within the remainder of the year.

(i) Each Secretary shall report to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate 90 days after the date of enactment of this Act and on the final day of each 90-day period thereafter throughout the emergency period on the number of sales and volumes contained therein offered during such 90 day period and expected to be offered during the next 90 day period.

(ii) SPECIAL RULES FOR SECOND YEAR SALES.—The Secretary concerned may begin salvage sales intended for the second year of the emergency period before the start of the second year if the Secretary concerned determines that the preparation, advertisement, offering, awarding, and operation of such sales will not interfere with salvage timber sales required during the first year of the emergency period.

(3) DECISIONS.—The Secretary concerned shall design and select the specific salvage timber sales to be offered under subsection (b) on the basis of the analysis contained in the document or documents prepared pursuant to paragraph (1) to satisfy the applicable volume requirement in subsection (b)(2) within the applicable schedule specified in paragraph (2).

(4) SALE PREPARATION.—The Secretary concerned shall make use of all available authority, including the employment of private contractors and the use of expedited fire contracting procedures, to prepare and advertise salvage timber sales under subsection (b) to meet the applicable schedule specified in paragraph (2). The provisions of section 3(d)(1) of the Federal Workforce Restructuring Act of 1994 (Public Law 103-226) shall not apply to any former employee of the Department of the Secretary concerned who received a voluntary separation incentive payment authorized by such Act or accepts employment pursuant to this paragraph.

(5) COST CONSIDERATIONS.—Salvage timber sales undertaken pursuant to this section shall not be precluded because the costs of such activities are likely to exceed the revenues derived from such activities.

(6) EFFECT ON OTHER LAWS.—The documents and procedures required by this section for the preparation, advertisement, offering, awarding, and operation of any salvage timber sale subject to subsection (b) shall be deemed to satisfy the requirements of all applicable Federal laws (and regulations implementing such laws) including but not limited to:

(A) The Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.).

(B) The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(C) The National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(D) The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(7) EFFECT OF SALVAGE SALES.—The Secretary of Agriculture shall not substitute salvage timber sales conducted under subsection (b) for planned non-salvage timber sales.

(8) EFFECT ON JUDICIAL DECISIONS.—The Secretary concerned may conduct salvage timber sales under the authority of this section during the emergency period and the first year after the end of the emergency period notwithstanding any decision, restraining order, or injunction issued by a United States court issued before the date of the enactment of this section.

(d) REFORESTATION OF SALVAGE TIMBER SALE PARCELS.—The Secretary concerned shall plan and implement reforestation of each parcel of land harvested under a salvage timber sale conducted under subsection (b) as expeditiously as possible after completion of the harvest on the parcel, but in no case later than any applicable restocking period required by law or regulation.

(e) ADMINISTRATIVE REVIEW.—Salvage timber sales conducted under subsection (b), and any decision of the Secretary concerned in connection with such sales, shall not be subject to administrative review.

(f) JUDICIAL REVIEW.—

(1) PLACE AND TIME OF FILING.—A salvage timber sale to be conducted under subsection (b) shall be subject to judicial review only in the United States district court for the district in which the affected Federal lands are located. Any challenge to such sale must be filed in such district court within 15 days after the date of initial advertisement of the challenged sale.

(2) EFFECT OF FILING ON AGENCY ACTION.—For 45 days after the date of the filing of a challenge to a salvage timber sale to be conducted under subsection (b), the Secretary concerned shall take no action to award the challenged sale.

(3) PROHIBITION ON RESTRAINING ORDERS, PRELIMINARY INJUNCTIONS, AND RELIEF PENDING REVIEW.—No restraining order or preliminary injunction shall be issued by any court of the United States with respect to any decision to prepare, advertise, offer, award, or operate a salvage timber sale pursuant to subsection (b). Section 705 of title 5, United States Code, shall not apply to any challenge to such a sale.

(4) STANDARD OF REVIEW.—The courts shall have authority to enjoin permanently, order modification of, or void an individual salvage timber sale if it is determined by a trial on the merits that the decision to prepare, advertise, offer, award, or operate such sale was arbitrary and capricious or otherwise not in accordance with applicable law (other than those laws specified in subsection (c)(6)).

(5) TIME FOR DECISION.—Civil actions filed under this subsection shall be assigned for hearing at the earliest possible date and shall take precedence over all other matters pending on the docket of the court at that time except for criminal cases. The court shall render its final decision relative to any

challenge within 45 days from the date such challenge is brought, unless the court determines that a longer period of time is required to satisfy the requirement of the United States Constitution. In order to reach a decision within 45 days, the district court may assign all or part of any such case or cases to one or more Special Masters, for prompt review and recommendations to the court.

(6) Procedures.—Notwithstanding any other provision of law, the court may set rules governing the procedures of any proceeding brought under this subsection which set page limits on briefs and time limits on filing briefs and motions and other actions which are shorter than the limits specified in the Federal rules of civil or appellate procedure.

(7) Appeal.—Any appeal from the final decision of a district court in an action brought pursuant to this subsection shall be filed not later than 30 days after the date of decision.

(g) Exclusion of Certain Federal Lands.—

(1) Exclusion.—The Secretary concerned may not select, authorize, or undertake any salvage timber sale under subsection (b) with respect to lands described in paragraph (2).

(2) Description of excluded lands.—The lands referred to in paragraph (1) are as follows:

(A) Any area on Federal lands included in the National Wilderness Preservation System.

(B) Any roadless area on Federal lands designated by Congress for wilderness study in Colorado or Montana.

(C) Any roadless area on Federal lands recommended by the Forest Service or Bureau of Land Management for wilderness designation in its most recent land management plan in effect as of the date of the enactment of this Act.

(D) Any area on Federal lands on which timber harvesting for any purpose is prohibited by statute.

(h) Rulemaking.—The Secretary concerned is not required to issue formal rules under section 553 of title 5, United States Code, to implement this section or carry out the authorities provided by this section.

(i) Award and Release of Previously Offered and Unawarded Timber Sale Contracts.—

(1) Award and release required.—Notwithstanding any other provision of law, within 30 days after the date of the enactment of this section, the Secretary concerned shall act to award, release, and permit to be completed in fiscal years 1995 and 1996, with no change in originally advertised terms and volumes, all timber sale contracts offered or awarded before that date in any unit of the National Forest System or district of the Bureau of Land Management subject to section 318 of Public Law 101-121 (103 Stat. 745).

(2) Effect on land management plans.—Compliance with paragraph (1) shall not require or permit any change in any land management plan in existence on the date of the enactment of this Act.

The CHAIRMAN. The bill will be considered for amendment under the 5-minute rule for a period not to exceed 10 hours.

No amendment to the amendment in the nature of a substitute made in order as original text shall be in order unless printed as an amendment to H.R. 1158 or H.R. 1159 in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII before March 14, 1995. Those amendments will be considered as having been read.

It shall not be in order to consider an amendment proposing to increase the net level of budget authority in the bill.

It shall not be in order to consider an amendment proposing to redistribute budget authority within the net level of budget authority in the bill except within a chapter of the bill or, in the case of a title of the bill not organized by chapters, within such title. Any such amendment or any amendment thereto shall not be subject to a demand for a division of the question.

Debate on each amendment to the amendment in the nature of a substitute and any amendments thereto shall be limited to 30 minutes.

Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. LIVINGSTON

Mr. LIVINGSTON. Mr. Chairman, I offer amendment No. 68, the Roybal-Allard amendment, an amendment that the committee will support.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Livingston: Page 50, strike line 16 through 21.

Page 54, line 18, strike "$38,000,000" and insert "$75,000,000".

The CHAIRMAN. Under the rule, the gentleman from Louisiana [Mr. Livingston] will be recognized for 15 minutes in support of the amendment, and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. Livingston].

Mr. LIVINGSTON. Mr. Chairman, I am delighted to yield 5 minutes to the gentlewoman from California [Ms. Roybal-Allard].

Ms. ROYBAL-ALLARD. Mr. Chairman, H.R. 1158, in its current form, includes a number of harmful rescissions that specifically target the most vulnerable segments of our Nation's population. These proposed rescissions disproportionately affect seniors and the disabled, among others, but barely touch the billions of dollars annually allocated for corporate subsidies.

My amendment attempts to bring balance to the rescission package by restoring $37 million in funding for fiscal year 1995 to implement one of the most important supportive services programs administered by HUD: The Congregate Housing Services Program.

The Congregate Housing Services Program has successfully prevented or delayed the institutionalization of thousands of frail seniors and persons with disabilities by providing vital, nonmedical services. These services include meals, transportation, and personalized assistance to bathe and dress, get in and out of bed, and to access wheelchairs. The program also funds the retrofitting of individual dwelling units and the renovation of facilities for supportive services that enhance independent living. The $37 million to be restored by this amendment would provide services to over 8,200 elderly and handicapped persons throughout the country.

The restoration of congregate housing services funding would be offset by an equivalent reduction in NASA's Civilian Science, Aeronautics, and technology development research programs that are specifically designed to aid U.S. commercial aircraft firms. These systems-oriented research programs to maintain commercial airline sales should be a private, rather than a public responsibility. Think tanks ranging from the Cato Institute to the progressive policy institute have agreed that government-sponsored research programs should be basic and primary, not industry-specific. Furthermore, the Congressional Budget Office has targeted the NASA programs for possible elimination in its March 1995 report entitled "Reducing the Deficit: Spending and Revenue Options."

The congregate Housing Services Program is strongly supported by housing advocates throughout the Nation, as well as the American Association of Retired Persons because it improves the quality of life for the most needy of older and disabled Americans and facilitates independent living. The average elderly program recipient is a frail, older woman in her mid seventies, living alone with an income of less than $10,000 a year.

The Congregate Housing Services Program is a proven, cost-effective mechanism to fund these important supportive services for seniors and the disabled. The benefits of congregate housing services for recipients receiving home care is only 25 percent of the average cost of institutional care.

Congregate housing is a real lifeline for many elderly and disabled tenants trying to avoid unnecessary confinement in expensive institutions such as nursing homes. Without congregate housing services, many elderly and disabled persons could end up in institutions like nursing homes because many have no families and can't take adequate care of themselves.

Mr. Chairman, I urge an "aye" vote on the Roybal-Allard amendment.

Mr. LIVINGSTON. Mr. Chairman, I appreciate the gentlewoman's statement and look forward, since she has gotten a chance to offer this amendment, to her support on the bill.

Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. Lewis].

Mr. LEWIS of California. Mr. Chairman, as you know and as Ms. Roybal-Allard knows, we have discussed this problem very seriously and in depth.

There is no question the services to the elderly and the handicapped under this program have worked very well in many instances. In some instances we have serious concern about the management of these programs.

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Indeed, what we are doing here or were doing here was to accept the President's recommendation of rescinding this program as we try to reexamine all of the handicapped services throughout the housing programs. But in the meantime, because of the seriousness of the difficulty and because we do not know exactly where we should be going in the final numbers on this program and because I do have some questions about the way the gentlewoman would pay for it by way of cutting NASA, with reservation, I nonetheless am willing to consider the gentlewoman's argument and I will accept the amendment.

I have discussed it with my ranking member as well.

Mr. STOKES. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Ohio.

Mr. STOKES. Mr. Chairman, I thank the gentleman for yielding to me.

The gentleman and I have discussed it, and I commend the chairman of the subcommittee for accepting the gentlewoman's amendment. I concur in the reasons for acceptance of it. I think it is a good amendment.

Mr. LEWIS of California. Mr. Chairman, I congratulate the gentlewoman for bringing it to our attention in this serious way, and we accept the amendment.

Mr. LIVINGSTON. Mr. Chairman, I have no further requests for time, and I assume the gentleman from Wisconsin has no requests for time either.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. LIVINGSTON].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment No. 26.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBEY: Page 48, strike lines 10 through 24.

Page 54, line 18, strike "$38,000,000" and insert "$24,110,000".

Mr. LIVINGSTON. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The point of order is reserved.

The gentleman from Wisconsin [Mr. OBEY] is recognized for 15 minutes in support of his amendment.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, this amendment would restore the much needed funding for veterans' health care facilities and equipment. It restores $206 million for veterans' health care and provides for an identical offset in NASA's science, aeronautics, and technology account.

The total NASA budget is $14.4 billion so this amendment cuts only 1.4 percent of the NASA budget so that we can afford better health care for veterans.

Mr. Chairman, there is little debate that this funding for veterans' health care is needed. This amendment restores funding to build six critically needed VA outpatient clinics and to replace worn-out medical equipment at VA facilities. Each of these clinic projects has been carefully considered and authorized. They are an essential part of the VA's effort to move away from costly inpatient care to delivering cost-effective outpatient care.

This shift will provide better care for more veterans at lower cost to taxpayers.

As I stated, the amendment provides for offsetting rescissions in NASA's science, aeronautics, and technology account. Total 1995 funding for this account is $5.9 billion, and it includes several unauthorized programs that are either new starts at a time when we can ill afford new starts or received large increases in 1995.

While these NASA programs undoubtedly have merit, we do have to make tough choices. So I ask my colleagues, what is more important, authorized projects to improve veterans' health care or unauthorized projects such as building new rockets and satellites? The clear choice must be veterans.

In fact, the cuts are in two programs: The advanced space transportation program and the veterans' small satellite technology program. The cuts would be sufficient to provide for the offset of $206 million. Funding for these two programs total $224 million, $18 million more than necessary for the offset.

The advanced space transportation program is funded at $162.1 million, and it is aimed at developing a reuseable launch vehicle to replace the space shuttle. This program is unauthorized. It was not thoroughly debated in either the authorization or appropriation committee. It is high risk, and it is extremely expensive.

The advanced small satellite technology program also is unauthorized. Despite that, this program received a budget increase of 400 percent.

Let me repeat that, 400 percent, from $12.5 million in 1994 to $61.9 million in 1995. How in the world can we afford to increase funding for satellites by 400 percent when we cannot afford better health care for our veterans?

Mr. Chairman, I know that there are several Members on the other side who will argue that they plan to offer different amendments that restore the VA funding with offsets in the national service program. I find that appalling in that it would force us to choose between serving our veterans and providing education for our children and needed services for our communities.

Let me say to my colleagues, this amendment provides a fairer offset for restoring the veterans' funding. The amendment cuts only 1.4 percent of the NASA budget. In contrast, the Stump-Solomon alternative would result in total rescissions of 72 percent of the national service budget. That would devastate the national service program and break our promise to thousands of young people who are serving our communities across this country.

Mr. Chairman, the amendment sets the right priorities. It restores funding for veterans' health care. It prevents devastating cuts in the National Service Program, and it cuts NASA's budget, again, by only 1.4 percent.

I urge the adoption of this amendment.

The CHAIRMAN. Is the gentleman from Louisiana [Mr. LIVINGSTON] opposed to the amendment?

POINT OF ORDER

Mr. LIVINGSTON. Mr. Chairman, I am opposed to the amendment, and I insist on my point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. LIVINGSTON. Mr. Chairman, I make a point of order against the gentleman's amendment because it seeks to amend a paragraph previously amended.

In the "Procedures in the U.S. House of Representatives," chapter 27, section 27.1 states the following:

> It is fundamental that it is not in order to amend an amendment previously agreed to. Thus the text of a bill perfected by amendment cannot thereafter be amended.

Mr. Chairman, this amendment seeks to amend text previously amended and is therefore not in order.

I respectfully ask the Chair to sustain my point of order.

The CHAIRMAN. Does any Member desire to be heard on the point of order?

Mr. OBEY. Mr. Chairman, I do.

The CHAIRMAN. The chair recognizes the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I would urge the gentleman to withhold on his point of order for a very simple reason. Absent the rule which was adopted, the amendment of the gentlewoman from Connecticut [Ms. DELAURO] would have been in order as an amendment to the previous amendment that was brought up by the gentleman from Louisiana.

The gentleman from Louisiana brought up the original amendment, the Roybal-Allard amendment, obviously under the rule, in order to preclude the gentlewoman from Connecticut [Ms. DELAURO] from offering the amendment to restore funds for veterans.

I think this is an example of how the rules are being used to establish a very unfair situation, which precludes Members from offering amendments which otherwise would be perfectly in order.

I would concede the gentleman's point of order, but I would suggest that this is just another indication of how cynical the overall rule was which was adopted by this House an hour ago.

Mrs. BROWN of Florida. Mr. Chairman, Republicans have become Robin Hood in reverse. They steal from the poor to give to the rich.

I support the DeLauro amendment to H.R. 1158 because Republicans do not care about the vulnerable in our society—the very young and the elderly.

The Republican method for raising money to give to the rich is to rescind funding for authorized projects such as the VA ambulatory clinics. They do not do this for humane reasons. They want to steal the clinics and give a tax break to persons that make over $100,000.

Give me a break. What kind of nonsense is this? It is Republican tricksters using old ideas from the 1980's—ideas that got us into this mess. If we do what Republicans want—destroy programs that help people, increase defense spending irrationally and give the rich tax breaks—we will end in economic ruin. It did not work in the 1980's and will not work now.

The CHAIRMAN. Are there other Members who wish to be heard on the point of order?

If not, under the precedents recorded at section 31 in chapter 27 of Deschler's Procedure, the point of order of the gentleman from Louisiana [Mr. LIVINGSTON] is sustained.

For what reason does the gentleman from Florida [Mr. YOUNG] rise?

Mr. YOUNG of Florida. Mr. Chairman, I offer amendment No. 75.

PARLIAMENTARY INQUIRY

Mr. OBEY. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. OBEY. Mr. Chairman, since the amendment that was called up on the Democratic side was ruled out of order, does that mean that the recognition for amendments now reverts to the majority side, or does it still stay on this side?

The CHAIRMAN. It is the discretion of the Chair. Does the gentleman from Wisconsin seek recognition to offer an amendment?

Mr. OBEY. Mr. Chairman, yes.

Mr. Chairman, I will withhold. Could I inquire which amendment the gentleman is planning to bring up?

Mr. YOUNG of Florida. Mr. Chairman, this is amendment No. 75, which restores the veterans' appropriation.

Mr. OBEY. Mr. Chairman, we might as well continue with the charade.

AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA

Mr. YOUNG of Florida. Mr. Chairman, I offer amendment No. 75.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. YOUNG of Florida: Page 48, strike lines 10 through 24.

Page 53, line 13, strike "$210,000,000" and all that follows through line 17 and insert "$416,110,000 are rescinded.".

The CHAIRMAN. The gentleman from Florida [Mr. YOUNG] is recognized for 15 minutes in support of his amendment.

PARLIAMENTARY INQUIRY

Mr. OBEY. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. OBEY. Mr. Chairman, it is my understanding that no one will be opposed to this amendment. Under those circumstances, is it possible under the rule to reach an understanding about sharing of time so the amendment may be discussed?

The CHAIRMAN. That is possible. The gentleman may also, by unanimous consent, request that time if there is no other Member standing in opposition.

Mr. YOUNG of Florida. Mr. Chairman, the gentleman does not have to make a unanimous consent request. I will be very happy to share the time. What I would like to do is yield myself 5 minutes, 5 minutes to the gentleman from California [Mr. LEWIS], and 5 minutes to the gentleman from Arizona [Mr. STUMP].

The CHAIRMAN. Without objection, the gentleman from Wisconsin [Mr. OBEY] is recognized for 15 minutes that the Chair would otherwise set aside for opposition.

There was no objection.

Mr. OBEY. Mr. Chairman, I thank the Chair.

The CHAIRMAN. The Chair recognizes the gentleman from Florida [Mr. YOUNG].

Mr. YOUNG of Florida. Mr. Chairman, the amendment called up restores the funding for the Veterans' Administration military care facilities. And the amendment No. 75 was actually filed by the gentleman from Arizona [Mr. STUMP], the chairman of the Committee on Veterans' Affairs, and the chairman of the Committee on Rules, the gentleman from New York [Mr. SOLOMON].

Amendment No. 80, which is one that I had filed at the same time, is identical, so I called up No. 75 and I am going to yield most of the time to the gentleman from California [Mr. LEWIS] and the gentleman from Arizona [Mr. STUMP].

I just briefly want to say that today we are dealing with the Contract With America. At the same time when we talk about veterans issues and veterans medical care, we are talking about America's contract with veterans. One hundred thirty years ago this month, just outside this Chamber, just prior to the end of the Civil War, President Lincoln made that commitment. And he said, "Let us strive on to finish the work we are in," and he said, "to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and for his orphan." Those words are engraved in the walls of the Department of Veterans Affairs headquarters downtown as a reaffirmation of that commitment to our veterans. In keeping with that commitment to America's veterans, we offer this amendment today.

The amendment I offer today makes good on that contract with our veterans, one that predates Lincoln's words with its origins in the Plymouth Colony in 1636 and later the Continental Congress in 1776. Our Nation has always provided for the needs of those who have come to the defense of our Nation, first by providing pensions for those disabled in battle, and beginning in 1811, by providing medical care. In fact the United States is acknowledged to have the world's most comprehensive system for providing assistance for veterans.

Today we honor our Nation's veterans by providing them with the finest medical care available. Unfortunately, in States such as Florida, which I have the privilege to represent, where the population of veterans continues to grow rapidly, and where veterans facilities provide service to thousands of other veterans visiting our State, the need for veterans medical care far outpaces our ability to provide services.

To address this problem, the Department of Veterans Affairs recommended to Congress last year the establishment of a number of relatively low-cost outpatient clinics that could expand the services available to veterans with inpatient hospital care. Because of our booming veterans population, the Department of Veterans Affairs recommended, and the Congress included funding for, two outpatient clinics in Florida, and four others elsewhere in our Nation.

These are urgently needed projects to provide for the immediate health care needs of our aging veterans population. In testimony before the Appropriations Committee last year, the Department of Veterans Affairs talked of the need for the outpatient clinic at Gainesville to replace the almost 30-year-old facility there, which is more than 35-percent space deficient. Space is so restricted there that a converted hallway serves as an emergency room to treat veterans.

The Orlando outpatient clinic and nursing home will replace leased space which was sized for a caseload half of what is being handled by VA personnel there. This project will not only move the VA out of the current undersized lease space, but it will take advantage of a tremendous opportunity to renovate the hospital at the Orlando Naval Training Center to not only provide much needed primary and preventive care, but also to meet the long-term needs of our veterans.

My amendment also will restore $50 million for the VA's medical equipment account, an account which the Secretary tells me already has a backlog of $800 million in needed purchases. This equipment ensures that veterans have access to and are receiving the most up-to-date treatment using the most advanced medical technology and equipment available in our Nation today. We should expect our veterans to receive no less.

Mr. Chairman, as provided for by the rule, my amendment would fully offset the cost of restoring these rescissions by increasing the committee's recommended rescission for the AmeriCorps.

The 103d Congress approved legislation establishing a national service corps over my objection. In voting against this legislation, I told my colleagues that our Nation should not be creating new and costly programs with growing long-term financial requirements at a time when we are trying to reduce Federal spending and eliminate wasteful and unnecessary programs.

Our Nation has a long and rich history of volunteering to help our neighbors in need. We do not need a new Federal program to pay Americans to volunteer, especially with Federal funds that will squeeze the resources available for higher priority needs such as caring for our Nation's veterans.

Mr. Chairman, our veterans are the finest national service corps that has ever served our country. We should honor them today by adopting this amendment to make good on our contract to provide our veterans in their greatest time of need.

Mr. Chairman, the gentleman from Arizona [Mr. STUMP], the gentleman from California [Mr. LEWIS], the gentleman from New York [Mr. SOLOMON], and myself jointly offer this amendment in the hopes that the House, as the gentleman from Wisconsin [Mr. OBEY] has suggested, will consider it posthaste.

Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. LEWIS] to manage the rest of our time.

The CHAIRMAN. Without objection, the gentleman from California, [Mr. LEWIS] is recognized for the balance of the 15 minutes in support of the amendment.

There was no objection.

Mr. LEWIS of California. Mr. Chairman, I thank the gentleman for yielding this time to me.

I would like to speak to the House as to how we have come to this position on this amendment.

The committee is faced with some very, very serious difficulties interplaying between a variety and mix of serious programs under its jurisdiction. Members know that we had the responsibility for VA medical care funding. They also heard discussion already about housing rescissions in this package. There are problems in EPA, et cetera. They cut across the board of some 22 agencies.

As we looked at the question of was there room for any rescissions relative to the VA medical care, one recognizes initially that there are $17 billion in our bill that involve mandatory spending on those programs. Above and beyond that, there is $19.5 billion approximately in discretionary spending. It was our judgment that at least the House might consider looking at the bill they passed in appropriations for last year and rescinding the add-ons that took place in the Senate.

Frankly, the reason for those rescissions was not that we were targeting the specific building that was involved but, rather, we wanted to get the whole veterans discussion to conference with the Senate to decide what kind of new direction we should take in these programs that would do two things:

First, improve the quality and the efficiency of care to our veterans throughout our VA medical system. But second, to try to save some money in this category of spending as well, recognizing that if we are ever going to be able to balance this budget, everybody is going to have to participate. In this instance, we were attempting to make certain by way of the conference that whatever rescissions took place among veterans would be done fairly.

Having said that, the gentlemen involved in this amendment have been very persuasive. The gentleman from Arizona [Mr. STUMP] indeed, the gentleman from Louisiana [Mr. LIVINGSTON] the gentleman from New York [Mr. SOLOMON] all have been extremely helpful. The gentleman from Florida [Mr. YOUNG] especially within our committee has been helpful. So with that we are essentially moving to replace the $206 million which was a rescission for veterans and in turn the funding that would counterbalance that restoring of money will come out of specific programs within CNCS that we, too, will discuss further as we move towards conference.

□ 1600

In the meantime, I believe that the work that has been done by the chairman, the gentleman from Arizona [Mr. STUMP], especially has been most productive in this connection. I look forward to working with him regarding veterans' affairs in the months ahead.

Mr. STUMP. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield 5 minutes to the gentleman from California.

The SPEAKER pro tempore. Without objection, the gentleman from California, Mr. LEWIS, now controls the time.

There was no objection.

The gentleman from Arizona [Mr. STUMP] is recognized for 5 minutes.

Mr. STUMP. Mr. Chairman, let me say from the very beginning that I greatly appreciate the support that I received from the subcommittee chairman, the gentleman from New York [Mr. SOLOMON]. The gentleman from Florida [Mr. YOUNG], subcommittee chairman of the Committee on Appropriations, and the subcommittee chairman are to be commended for the job they have done in bringing this to the floor. I also want to thank my cosponsor, the gentleman from New York, GERRY SOLOMON, for what he has done.

Mr. Chairman, we are offering an amendment which sets forth a simple choice in Federal funding priorities. First, it strikes $206 million in cuts from V.A. medical care and construction accounts. Second, the amendment offsets an identical amount from the Corporation for National and Community Service.

The members of the Committee on Appropriations have done an extremely difficult task in bringing this rescission bill to the floor. They decided supplemental spending will be paid for, and they have done that. Unfortunately, the V.A. cuts included in H.R. 1158 are medical equipment purchases to the tune of $50 million, and outpatient construction projects for $156 million.

Mr. Chairman, these accounts are some of the highest priorities of my committee. The Committee on Veterans' Affairs' highest priority for this year is going to be to reform eligibility standards for health care. We strongly believe that Congress should not cut funding for V.A. outpatient clinics while unobligated balances remain in a program such as AmeriCorps. AmeriCorps pays so-called volunteers to perform services that millions of Americans already do without seeking any financial reward.

In fiscal year 1994, volunteers contributed a total of over 14 million hours of their time over 92,000 regularly scheduled volunteers. Of the 20,000 AmeriCorps volunteers in the field today, over one-fourth are working in either Federal or State agencies. This is not a priority, Mr. Chairman. This is not even volunteerism.

Mr. Chairman, as I said at the onset, I believe the Stump-Solomon amendment, along with the gentleman from Florida [Mr. YOUNG] and the gentleman from California [Mr. LEWIS], presents a simple choice for Federal spending priorities. I believe this choice is crystal clear, and hope all Members will support our veterans over AmeriCorps, and also will support this amendment to final passage.

Current statutory requirements dictate a counterproductive bias in favor of costly inpatient treatment for veterans.

Cutting VA outpatient construction would be a tremendous setback to the Veterans' Affairs Committee's policy initiatives favoring a more rapid shift to outpatient care.

We strongly believe Congress should not cut funding for VA outpatient clinics and medical equipment while unobligated balances remain in a program such as AmeriCorps.

AmeriCorps pays so-called volunteers to perform services that millions of Americans already do without seeking any financial reward.

The Department of Veterans Affairs Voluntary Service [VAVS] is in its 48th year of service to this Nation's hospitalized veterans in VA health care facilities.

In fiscal year 1994, VAVS volunteers contributed a total of over 14 million hours of their time mostly from 92,534 regularly scheduled volunteers.

It is hard to think of a better example for America's youth than this program of true volunteers performing services to our veteran's without the expectation or need for financial reward.

AmeriCorps targets the same population group for its members as the military services, and they both use educational benefits as a major incentive.

In testimony before the House National Security Committee on March 7, 1995, the Marine Corps stated that in fiscal year 1994, the Marines did not achieve their enlistment contracting goals for recruiting.

For the first quarter of fiscal year 1995, all services failed to meet requirements for new enlistment contracts.

DOD's awareness and attitude study is the measurement tool for estimating the propensity of American youth to join the military.

Fiftysix percent felt AmeriCorps and other programs were better ways to get money for college than joining the military.

AmeriCorps is hurting military recruiting, and will be a much larger problem for recruiting if it is allowed to expand.

Rather than promoting American's desire for smaller and more efficient government, AmeriCorps is channeling its participants into Federal and State bureaucracies.

Of the 20,000 AmeriCorps volunteers in the field today, over one-fourth are working in Federal or State agencies.

This is not a priority.

This is not volunteerism.

Mr. Chairman, as I said at the outset, I believe the Stump-Solomon amendment presents a simple choice for Federal spending priorities.

I believe the choice is crystal clear and hope all Members will support our veterans and vote for this amendment..

ORGANIZATIONS SUPPORTING STUMP-SOLOMON AMENDMENT TO RESTORE VETERANS PROGRAM CUTS WITH AMERICORPS REDUCTIONS

Paralyzed Veterans of America.
AMVETS.
Air Force Association.
Air Force Sergeants Association.
Association of Military Surgeons of the US.
Association of the US Army.
Commissioned Officers Association of the US Public Health Service, Inc.
Chief Warrant & Warrant Officers Association of US Coast Guard.
Enlisted Association of the National Guard of the US.
Fleet Reserve Association.
Jewish Reserve Association.
Marine Corps League.
Marine Corps Reserve Officers Association.
Military Chaplains Association of the USA.
National Association for Uniformed Services.
National Guard Association of the US.
National Military Family Association.
Naval Enlisted Reserve Association.
Naval Reserve Association.
Navy League of the US.
Non Commissioned Officers Association.
Reserve Officers Association.
The Retired Enlisted Association.
The Retired Officers Association.
US Army Warrant Officers Association.
US Coast Guard Chief Petty Officers Association.
United Armed Forces Association.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. STUMP. I am happy to yield to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. I thank the gentleman for yielding to me.

Mr. Chairman, we know what this amendment does. As the former ranking member on the Committee on Veterans' Affairs for a number of years, I can say that these outpatient clinics, especially with the aging veteran population we have in America, will save this Government money in the long run.

The reason we are taking the offsets from the National Service Corps is because of something that happened on this floor 2 years ago, when the National Service Corps legislation first came to the floor. I offered an amendment at that time which would not allow the funds for the National Service Corps to come out of the 602(b) allocations of the Department of Veterans Affairs, HUD, and independent agencies. Instead, they would come out of the education and labor 602(b) allocations, as it should be.

I was assured by the Democrat then-chairman of the Education & Labor Committee that my amendment would be supported in conference, and it would stay there is the legislation. Unfortunately, when that bill went to conference, the chairman of the Committee on Education and Labor did not support my amendment. It was dropped.

What we are doing today, Mr. Chairman, is sort of a get-even. What should have been done 2 years ago is going to be done today. Once this amendment is adopted, it means that any future funding for the National Service Corps whether funding the corps is good or bad, and I think it is bad—veterans programs will not compete with the National Service Corps for Federal funds at a time when the existing appropriated funds for veterans barely cover the health benefits of those citizens.

On top of undermining military recruiting, ruining the true spirit of volunteerism, creating a new and costly bureaucracy, and serving less than one-half of 1 percent of the population, this National Service Program will steal the funds from veterans' hospitals, veterans' families, and veterans' benefits.

That is what I said 2 years ago. That is exactly the problem we are correcting today. That is why Members should support this amendment here today with a unanimous vote of this Congress.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] is recognized for 15 minutes, and controls the time under his unanimous-consent request.

Mr. OBEY. Mr. Chairman, I yield myself 6 minutes.

PARLIAMENTARY INQUIRY

Mr. LEWIS of California. Parliamentary inquiry, Mr. Chairman.

POINT OF ORDER

Mr. YOUNG of Florida. Point of order, Mr. Chairman.

I want to make a point of order that the gentleman's unanimous consent to have 15 minutes was not acted upon, because I yielded to him 5 of my 15 minutes.

The CHAIRMAN. Subsequently the Chairman put the request for unanimous consent and there were no objections.

The gentleman from Wisconsin [Mr. OBEY] is recognized for 15 minutes, and controls 15 minutes.

PARLIAMENTARY INQUIRY

Mr. YOUNG of Florida. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Florida for his parliamentary inquiry.

Mr. YOUNG of Florida. Mr. Chairman, does that mean that the 5 minutes that I yielded to the gentleman from Wisconsin [Mr. OBEY], we can recapture that for our side?

The CHAIRMAN. That would certainly be the case.

Mr. OBEY. Mr. Chairman, I would like to explain the situation that we are in. We have heard two Republican speakers now talk about how outrageous it is that the contract with veterans is being broken by this legislation.

I want to point out, it is the gentleman's side of the aisle that tried to break the contract. They produced a bill which cut veterans' programs by $200 million. Democrats did not. Those folks did.

We then tried to correct it in the Committee on Appropriations. We offered an amendment that would have restored a number of programs, including full restoration for the veterans' programs. Every single Republican in the Committee on Appropriations voted against that restoration.

Now they are out here trying to pose for political holy pictures with the veterans, and trying to pose as the great defenders of the American veterans.

Mr. BUYER. Mr. Chairman, will the gentleman yield?

Mr. OBEY. No, I will not. I would like to finish my statement. I have had a tough time getting this time. You will have your time.

Mr. OBEY. As I was saying before I was rudely interrupted, Mr. Chairman, what we now have is Republicans desperately trying to climb back on board in support of veterans' causes. So now what they have first done is to preclude the gentlewoman from Connecticut [Ms. DELAURO] from offering her amendment to restore the veterans' program, and then what they have done instead is to have the gentleman from Florida [Mr. YOUNG] now offer an amendment which restores the funds that the gentleman from Mississippi [Mr. MONTGOMERY] wanted to get protected last week. But what you are doing now, you had to look and find a place that was the single most insulting place for the President that you could find—to restore the funds—and that is what you have done, by going after AmeriCorps.

Mr. Chairman, I see a Republican gentleman shaking his head here. It is too bad. I can remember when the President, regardless of party, was regarded as "Our President," not "your President." It is really too bad when I see the lack of respect on the floor of this House for the institution, of the presidency, or other political institutions.

What we have now at stake is: instead of looking for ways to reach accommodation with the President, the Majority party is looking for a way to find the most insulting possible way to restore the funds for veterans, while sticking it to the President of the United States on the program that is one of his highest priorities. There is a Republican gentleman here nodding his head, saying yes, that is what they are trying to do.

That, Mr. Speaker, is in my view cynical. I regret it, but I would suggest that the Members of this side of the aisle be a good deal bigger in their response to this issue than we are getting from that side of the aisle. I think we ought to accept this amendment, recognizing full well that there are extreme partisan motivations behind it, but also indicating that we will not let those extreme partisan motives get in the way of our trying to stick to the deal which we made with veterans to support these programs.

Therefore, I am going to support this amendment, even though I think that it is a lousy choice which they have given us. The gentlewoman from Connecticut [Ms. DELAURO] would have given us a much better choice because she would have taken it out of the nice fat NASA budget which could well sustain a hit. But no, that involves pork in Members' projects, in Members' districts, again. Therefore, they do not want to take it out of pork. They want to take it out of the White House's political hide.

I think President Clinton is big enough to absorb it. I think we are, too. I would urge that Members support the amendment.

Mr. HEFNER. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Chairman, I have worked for years and years with the gentleman from Arizona [BOB STUMP], who has the best interests of the veterans at heart, an honorable man, and the gentleman from Mississippi [SONNY MONTGOMERY], who has been a pillar for the veterans in this country for many, many years.

I would just like for somebody to tell me, we talked about priorities, why did this program in the first place come under the axe for the rescissions? What was the rationale that was used to cut these programs for the veterans, that forces us into this situation, into a political situation? Why did it not have a higher priority than to be under the Rescission Act to start with?

Could anybody answer that question for me?

Mr. OBEY. The gentleman will recall when this issue was before the committee, that at the time of these cuts it was being admitted fully on the Republican side these cuts were going to finance their tax cuts. What they wanted to do was gouge veterans in order to free up their nice big tax giveaways for corporations and the folks who are making more than $100,000 a year.

Now the heat has gotten too bad and they want to run for cover a little bit, but they still want to do it in a very partisan way. I think that is regrettable, but I do not think we should let that stand in the way of restoring funding for veterans' programs.

Mr. HEFNER. I thank the gentleman, Mr. Chairman.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I do remember being on the House floor and yielding to the gentleman from Wisconsin [Mr. OBEY] in the past, and it was with great disappointment to hear that he would consider it rude to request the return.

I would say to the gentleman from Wisconsin, about partisanship, these cuts of $206 million, I remember he was the former chairman of the Committee on Appropriations. It was that 1993 budget, that tough vote that occurred on this floor that only passed by one vote, that cut $2.5 billion out of veterans' programs.

Therefore, do not be coming to the House floor and saying "Gee, what is going on right now?" The President's budget that he just sent to us cuts an additional $3 billion, so President Clinton is personally responsible for $5.5 billion in cuts in veterans' programs.

So I would say to my colleagues on this side that now all of a sudden want to bash on this side, read the budget. If you read the budget and read the fine print, look on page 128 and come back and talk with me.

Mr. Chairman, let me say, first, why these things need to be restored. They need to be restored because we want to bring the VA into the 1990's. You do that by moving to the outpatient clinics. It is very, very important that we do that.

Why AmeriCorps? I do not know about this political stuff that is going on now. I am speaking as someone who has knowledge with regard to the military.

That knowledge with regard to the military, Mr. Chairman, when those of us that talked about the AmeriCorps and the problems it is going to have upon a volunteer military, if you support a volunteer military, then you want to be very careful about the pool from which we recruit. It impacts upon the propensity of those who are in the pool from the age of 18 to 25, and what impact it has.

If there is another program out there that gives benefits that far exceed that of the Montgomery GI bill for a 2-year enlistee who completes his or her term, they are eligible for $2,960 per year. Compare that to AmeriCorps, 2-year service, educational benefits, 1 year, they will receive $4,725 per year plus health care.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute and 30 seconds.

Mr. Chairman, I would simply point out that the gentleman may squawk all he wants about the President's budget. The bill we have before us is H.R. 1158. The name that is on the front page, the sponsor of that bill, is the gentleman from Louisiana, one Mr. LIVINGSTON. Last time I looked, he was not President. He is the Republican chairman of the Committee on Appropriations.

He is the fellow sponsoring the bill making the recommendation to cut veterans by $200 million.

The subcommittee recommendation, came out of the HUD Subcommittee. The chairman of that subcommittee is the gentleman from California [Mr. LEWIS]. Last time I looked, he also was not the President. He was the Republican chairman of the subcommittee who recommended $200 million in veterans' cuts.

Mr. Chairman, let us be straight, here, folks. You can talk all you want about some other vehicle, some other bill. The fact is, you are the ones who are recommending cutting veterans. Now you are running like scared rabbits to change it. I do not blame you. This should not be here in the first place.

□ 1615

Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. STOKES], the distinguished ranking member of the HUD subcommittee.

Mr. STOKES. I thank the distinguished ranking member of the full Appropriations Committee for yielding time to me.

Mr. Chairman, let me say that I want to associate my remarks with his remarks in the well a few moments ago. The rule that we are proceeding under today really points out the real hypocrisy of what we now see in terms of this amendment. As was stated by the gentleman from Wisconsin [Mr. OBEY], at the full Committee on Appropriations I offered the amendment which would have restored the full $206 million to the Veterans account.

Just as he stated, the vote in the full committee was 29–22 defeating my amendment, strictly along party lines. All the Republicans voted against restoring the money to the Veterans account. All of the Democrats voted for it.

Yesterday I appeared before the Committee on Rules. I once again asked for permission to make my amendment in order. The gentleman from Wisconsin [Mr. OBEY] appeared there, also asked the Committee on Rules to make my amendment in order to be able to restore all the funds to the Veterans account. We presented a budget-neutral amendment, and yet that amendment was not made in order.

It is interesting that we come to the floor now and the Republicans now want to restore this funding. The problem is and the hypocrisy of it is shown in the fact that they want to take it from AmeriCorps, which is a program which is part of the national effort to engage Americans in community-based service while in exchange for this service making funding available for educational opportunities for those persons making a substantial commitment to service.

I do not think that our Nation's veterans really want the Congress to deny these young people these opportunities just because of the shortsightedness that we see here today. In fact, it is interesting that AmeriCorps funding is available to veterans organizations to complement their efforts to serve their Members. This includes a wide range of support services.

While I will vote for the amendment, I just think that it points up the hypocrisy that is occurring on our floor here today.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. MCCOLLUM].

Mr. McCOLLUM. Mr. Chairman, I rise to support this amendment that restores funding, among other things, for Orlando's VA clinic.

Mr. Chairman, I rise today in support of the amendment offered by Mr. STUMP and Mr. YOUNG of Florida to H.R. 1158, fiscal year 1995 emergency appropriations for disaster relief, and rescissions. This amendment calls for a restoration of the $206.1 million in cuts to the Department of Veterans Affairs. To offset this cost the amendment would rescind an additional $206.1 million from the Corporation for National and Community Service.

The restoration of monies to the Department of Veterans Affairs for medical construction projects and supplies is in the best interest of our American veterans and taxpayers. We cannot afford to neglect these needs. In Florida alone, where the veteran population is presently growing at the net rate of approximately 3,000 per month and where we have the oldest median aged and the most disabled veterans in the nation, the proposed out-patient clinics are sorely needed.

The six proposed out-patient clinics affected by the rescission in H.R. 1158 represent the shift on the part of the VA from expensive, inefficient hospital care to cost-effective, efficient outpatient clinic care. In Orlando, in particular, the savings to taxpayers would be substantial where we could consolidate three separate facilities presently operating and paying annual rents totaling $405,000.00 per year.

What the Stump amendment calls for is to replace the VA rescissions is an additional cut in the Corporation for National and Community Service by $206.1 million. The major program in this Corporation is AmericCorps which is little more than another federal jobs program. Just last year, taxpayers paid over $24.8 billion on 154 such employment and training programs. The average cost of a single AmeriCorps "member" to the taxpayer is $30,000.00. Touting a goal of promoting volunteerism in this country, it probably does more to undermine this very worthy aim by paying people to do something millions of people already do without financial reward.

Mr. Chairman, I would ask that serious consideration be given to the priorities we set. Ours should certainly be the American veterans. And this is in the best interests of both our veterans and our taxpayers.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Chairman, I rise today in support of the Stump-Solomon amendment to H.R. 1158.

This rescissions bill goes a long way toward bringing some fiscal responsibility to the Federal Government. The cuts made in H.R. 1158 exemplify the Republicans' commitment to downsize the Government and reduce our national debt. I fully support the efforts to rescind appropriated funds as a step in the right direction.

However, the rescission of moneys allocated to the Department of Veterans Affairs for the health administration and for construction of ambulatory care facilities is a mistake. There are many other programs far more deserving of spending cuts than medical care for America's veterans.

I commend Chairman STUMP and Chairman SOLOMON for their amendment. They understand that the VA provides services absolutely essential to the well-being of our Nation's Veterans. Their amendment recognizes the importance of VA programs and prompts the right question: Which is more important, medical care for veterans or AmeriCorps—a multimillion dollar boondoggle that pays young people for an activity they used to do out of a sense of the common good.

As one who offered an amendment before the Rules Committee that would have done the same thing as Stump-Solomon—with the one difference that it would have offset the VA restoration with funds from the Environmental Protection Agency's construction budget—I lend my support to this worthy amendment. America's veterans deserve at least this much.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Chairman, I am proud to rise in support of the amendment offered by Chairman STUMP and Chairman SOLOMON to restore vital veterans' funding.

The proposed rescission of $206 million from Veterans Affairs will take away the VA's ability to construct six desperately needed outpatient clinics. These outpatient clinics would improve access to vital, cost-effective care in areas where more than 1.2 million veterans reside. The cuts in VA medical funding would hurt the VA medical population, which, as compared to the general veterans population, is more often single, older, disabled, and form a minority group.

The proposed rescission also cuts $50 million from medical equipment funding in the VA health care system, which has a backlog of $800 million in essential medical equipment purchases. The VA is already deferring maintenance and renovation projects to sustain current operations.

It is our duty to provide those who fought to defend our freedom with the services of a grateful Nation. It is a shame that we would even consider delaying much-needed repair, construction, and medical services to our veterans. I call upon my colleagues to support the Stump-Solomon amendment in order to restore essential funding to our veterans health care system. A yes vote on this amendment is the only way to honor our commitment to those who served their country in time of need.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in support of the amendment, and I strongly support its adoption. My project in Hampton, VA, has been 10 years in its formulation and is desperately needed.

Mr. Chairman, I rise today to discuss the proposed rescission of vital construction projects at six veterans medical centers. These projects are extremely important and should have their funding restored by this committee.

One of those projects, an outpatient facility at the VA medical center in Hampton, VA, represents the culmination of 10 years of planning and would replace two buildings constructed around 1910. The Hampton center was established in 1870 as the southern branch of the National Home for Disabled Volunteer Soldiers and is one of the oldest VA medical centers in the country. Working in outdated buildings with make-shift accommodations, the VAMC Hampton provided service to more than 171,000 outpatients in 1993. The space available is only half that needed for such a workload. The personnel perform exemplary service given the conditions, however, significant delays often occur because hallways and lobbies serve as waiting areas and work flow is inefficient. In many cases, veterans must visit different buildings sprawled across the center's 85 acres for various services. Often, because of their age those buildings cannot accommodate the handicapped patients who need treatment.

As I stated, the center has been planning a clinical addition for more than 10 years. The final plan, which was approved by the VA central office and funded in the fiscal year 1995 VA/HUD appropriations bill, would replace the two outdated buildings mentioned earlier and provide for a new building able to accommodate the workload the center must handle. The addition would be connected to the main hospital and would house all outpatient functions. This project is essential for the VAMC Hampton to be able to continue to provide high quality medical care to the growing veteran community in the Hampton Roads area.

Mr. Chairman, I am troubled by the fact that the Appropriations Committee eliminated the Hampton clinic and five other badly needed facilities simply because they were included in President Clinton's health care reform plan and are therefore thought to be of dubious merit. That is simply incorrect. These critical projects were taken out of the politics surrounding health care reform as part of a bipartisan effort to ensure that we considered them on their own merits. Let me submit to my colleagues that an overwhelming majority in both chambers specifically authorized each of these outpatient clinics. It makes no sense to revisit that wise decision now.

I recognize that we need to reduce Federal spending, but how can anyone come to this floor and say to veterans, "I know you fulfilled your promise to the government and people of the United States but we just can't fulfill the promises we have made to you." The veterans of our country deserve better.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. I thank the gentleman for yielding me the time.

Mr. Chairman, today I rise in strong support of the Young-Stump-Solomon amendment to H.R. 1158.

Since coming to Congress, I have repeatedly supported efforts to cut Federal spending and I will continue to do so. But as a member of the House Committee on Veterans' Affairs, I was extremely disappointed that the Committee on Appropriations rescinded $206 million from the Department of Veterans Affairs' fiscal year 1995 budget. Over the years, increases in Federal spending on veterans programs have not kept pace with increases for other programs. Consequently, the needs of our veterans exceed the VA's available resources. These rescissions will only magnify the problems currently confronting the VA health care system.

The proposed rescission eliminates construction funds for six VA outpatient clinics—two of which are in my home State of Florida. Florida already lacks the resources needed to adequately care for its veterans population. As a result, I frequently—too frequently—hear from veterans who are not able to receive treatment at VA medical facilities. In addition, every year, thousands of veterans travel south to spend the winter in Florida. These "snowbirds" place an extra burden on an already overtaxed system.

The elimination of the Tampa/Orlando and Gainesville ambulatory care centers means that once again Florida's veterans will be forced to forgo badly needed treatment. How can I tell the veterans of my district—brave men and women who just by serving put their lives on the line in service to their country—that they are not entitled to adequate health care?

In addition to the devastating effect these cuts will have on Florida, I am also concerned because of the long-term impact they will have on the overall VA health care system. Like the private sector, the VA is shifting from more expensive inpatient care towards ambulatory care in outpatient facilities. In fiscal year 1994, the VA had 26.3 million outpatient visits.

This shift to outpatient care would provide better health care to a larger number of veterans for the maximum return on funding dollars. Unfortunately, the six construction projects eliminated in the rescission bill are ambulatory care centers which are intended to improve medical care access to areas where more than 1.2 million veterans reside.

These are exactly the types of projects the Veterans' Affairs Committee has urged the VA to build. The cuts also undermine priority committee legislative initiatives for VA eligibility reform. We must give greater priority to ambulatory care projects to improve service to veterans on a more cost-effective basis.

H.R. 1158 also cuts $50 million in unobligated funds from medical equipment funding. The VA health care system already has an $800 million backlog of essential medical equipment purchases due to chronic underfunding. In fact, VA medical facilities are diverting their medical equipment funding to pay for current operations—sacrificing the future to pay for the present. Additional cuts are unjustified.

The Stump-Solomon amendment offsets the restoration of the VA funding by cutting back a lower priority program—Americorps. Why should we reduce funding for Americorps?

The purpose of that program is to promote national and community service. Americorps participants are not volunteers but federally funded employees. Full-time Americorps volunteers will receive a $7,400 annual stipend, plus $9,450 toward payment of higher education debts over 2 years.

Over one-quarter of the 20,000 Americorps personnel in the field today work directly for Federal or State bureaucracies. Another 2,934 volunteers are assigned to State government agencies and State-funded agencies.

There are already at least 23 existing volunteer programs throughout six Federal agencies at a cost to taxpayers of $1.3 billion. Currently $575 million is appropriated for Americorps and the program plans to spend another $8 billion over a 5-year period. During a time in our Nation's history when Congress is even contemplating cuts in veterans programs, Americorps is a costly and unnecessary expense.

The women and men who answered the call to duty deserve more than empty gestures and rhetoric about their service. Their life threatening sacrifices must be rewarded at a level beyond whatever else this Congress determines to be valuable. Whatever else, our veterans should come first. We cannot forget those who sacrificed for our Nation's security.

I urge my colleagues to vote for the Stump-Solomon amendment.

Mr. LEWIS of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. BARR).

Mr. BARR. Mr. Chairman, I rise in support of this amendment in support of our veterans.

Mr. Chairman, it is an honor to stand here today and support this vital amendment. After receiving the 1995 rescissions list I was deeply troubled to find that over $206 million was targeted for cuts from the Veterans Administration budget. Mr. Chairman, this rescissions package is about priorities, and there are few more important than our veterans who have served our country so honorably.

It is the obligation of Congress to protect the rights and services of our veterans. I personally have the greatest respect for those who sacrificed so much to insure America's freedom. This amendment is an important step because cutting $156 million in funding for six new V.A. outpatient clinic projects and $50 million from V.A. medical equipment funding is not in the best interests of America's veterans or taxpayers.

It is shameful for the current White House administration to send a budget to the Congress with $8 billion in AmeriCorps spending and nothing to address Veteran's eligibility requirements. The administration's budget fails to address the dire situation our VA hospitals are currently facing.

Mr. Chairman, AmeriCorps is nothing more than another Federal make-work program. Last year, taxpayers forked over $24.8 billion on 154 different employment and training programs. We do not need yet another Federal jobs program. With 20,000 participants in 350 projects around the Country, AmeriCorps is larger after just 5 months than the Peace Corps at its height.

This is a critical time for veteran's services. The V.A. is doing its part to provide more efficient and cost-effective service through shifting from more expensive inpatient care toward ambulatory care in outpatient facilities. V.A. cuts also undermine priority Committee legislative initiatives for V.A. eligibility reform.

Again Mr. Chairman, this rescissions package is about priorities, and when the decision is between the veterans of this nation and a pet pork project, the decision is easy. Our veterans must prevail and these funds must be restored.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I think it is critical that we restore funding for much needed VA outpatient clinics so that I will vote for this outrageous amendment. But I find it unconscionable that this amendment offsets this restored funding by making further cuts to the already hard-hit national service program. It is appalling that this amendment forces us to choose between serving our veterans and providing college education for our children and needed services to our communities and a program, national service, that is working all over this United States. This is nothing more than a pointed and a personal attack on the President of the United States, and I want to say to the American public that the pawns in this game are the 20,000 young people who will be sent home in the middle of their year of service.

The offset in my amendment would have made a cut of just 1.4 percent in the NASA budget rather than this 72 percent cut in the national service budget. But thanks to the Republican gag rule, I could not offer my amendment on the floor of this House, the people's House, so that we have been gagged at every step of the way, and that is wrong.

Let me tell my Republican colleagues that the veterans are not likely to forget that you cut $206 million from their projects, and neither will the young people of this country or their parents forget what you have done to their children today.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume to respond to the gentlewoman.

It is very important for the House to understand where we come from regarding this specific proposal for refunding the veterans programs that were formerly set for some rescission. The fact is that AmeriCorps is a program that began in 1994. At that point in time, the President funded the proposal at $365 million. The following appropriations year, before the young people involved were even in place, it was raised by $210 million, more than a 50 percent increase.

The President would have us in the 1996 year take the program up to $800 million. Shortly it would be another billion-dollar program. During all of this time, the program has not been evaluated indepth. There is little question that it is time we begin to stop this process of creating a brand new idea, a whim of somebody's, putting it in place and watching it go to billions and billions of dollars over the years.

There is no doubt at all as we review this program it may deserve some funding, but indeed it deserves careful review before we go down this pathway.

Mr. HEFNER. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from North Carolina.

Mr. HEFNER. I am all for this amendment for the veteran. I asked the question while ago, and the gentleman from Wisconsin [Mr. OBEY] answered it for me. I wanted you to answer it. Why was the program cut in priorities? Why was it cut to start with?

Mr. LEWIS of California. Reclaiming my time, if the gentleman had been on the floor earlier, we did explain that in some depth.

Mr. HEFNER. Would the gentleman explain it again?

Mr. LEWIS of California. I will be glad to respond. The fact is that our veterans programs involve approximately $38 billion of spending across the country. Many of us are concerned that within those medical services, many of our veterans are disserved. they receive inefficient service, they stand in lines, they are not being treated in those programs the way they should. The only way to get above that is to shake the programs at their foundation. So all we did out of a $38 billion program was to suggest a cut of $200 million so that we could take it to conference to discuss these programs further. It was clearly the intent of the committee to review those programs in depth. It is about time the new minority recognized that these programs have not worked nearly as well as they should in the past. And that was the reason, to take the programs to conference and evaluate how we can do the job better.

Mr. HEFNER. Good story, JERRY. Stick with it.

Mr. LEWIS of California. Mr. Chairman, I yield 30 seconds to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Chairman, something is really wrong when we as a Congress have provided better benefits to illegal immigrants than we have to people who have served this country, people who have fought and sacrificed for this country. Something is wrong when benefits for a volunteer program are more important than medical assistance for our veterans. We have cut our programs across this country and we need to direct our priorities at this time to those veterans who have served this country. I speak in strong support of this amendment.

Mr. Chairman, something is wrong when we as a Congress have provided better benefits to illegal immigrants than to people who have served, fought and sacrificed for this country. Something is wrong when benefits for a volunteer program are more important than medical assistance for our veterans.

Today, we propose a cut in a volunteer program that has pay and perks. Today, we have tough choices. Today, in central Florida we have over 150,000 veteran patient visits to a veterans outpatient clinic that was designed for 50,000.

Now the VA Administrator is threatening to abandon plans to continue the conversion of our former Naval Training Center Hospital to a veterans outpatient clinic. Now we have a choice: benefits to our veterans or benefits to volunteers.

I urge my colleagues to support this amendment, make tough choices today and support our veterans and their well-deserved medical services.

Mr. LEWIS of California. Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would just like to point out that if we are talking about how these projects actually get evaluated, if we are talking about real pork that is in these bills, let's talk about where this $206 million is getting spent. The VA requested 11 projects for $206 million. Only five got funded. Somehow three projects that were not even included on the list got put in in the conference.

The first one in the district of the gentleman from Arizona [Mr. STUMP] came in, it was not ranked, the VA when they did the arithmetic said it was worth $25 million, and $41 million got put in the conference committee.

The second one in Tennessee was not even listed as one of 67 projects, got put in in the conference committee in the district of a high-ranking member of the Republican Party.

The third in Kansas, in Mr. DOLE's State, was ranked No. 18 and mysteriously moved up to No. 3.

You talk about pork. The pork is in this bill.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume in responding one more time to one of my colleagues who to say the least was somewhat outrageous in his excess. The fact is that the rescission that was proposed initially essentially said that the House-passed appropriations bill from last year was the bill we wanted to support. The rescissions involved add-ons on the Senate side. If there was pork involved, perhaps it was Senate pork. But indeed we decided to eliminate the Senate adds so that we could have a healthy discussion in conference with the Senate. There is no doubt that as we go forward with this $38 billion in spending, if we will shake up departments like HUD, like Veterans, there is little question that we can improve the way we deliver these services to Americans across the country.

If the gentleman from Massachusetts is satisfied with the way many veterans are served by standing in lines half the day, then the gentleman is welcome to that satisfaction. It is my view that it is time we shake these departments in a fashion that causes them to pay attention to those we want to serve as human beings, not just as people with numbers on their forehead.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The committee will rise informally in order that the House may receive a message from the President.

MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore (Mr. THOMAS) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE AND RESCISSIONS FOR FISCAL YEAR 1995

The Committee resumed its sitting.

Mr. OBEY. Mr. Chairman, I yield 45 seconds to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I rise in support of the amendment, but opposed to the choices.

Greek history gives us the term pyrrhic victory, meaning that one army found against another and won but was so weakened by the time that it won that it could not go on to fight other battles.

This choice pitting veterans programs which we need to fund, and I will support, and I hope we accept this amendment, pitted against AmeriCorps, which does not have pork, which is at the grassroots, which Speaker GINGRICH signed a letter supporting AmeriCorps, a program run out of the University of Notre Dame last year.

We should not be pitting these programs against each other. Why not cut the CIA's $28 billion budget $206 million? Why not section 936 of the Tax Code? Better choices should be in order.

Mr. OBEY. Mr. Chairman, I yield 45 seconds to the gentleman from California [Mr. FILNER].

Mr. FILNER. I thank the gentleman for yielding me the time.

Mr. Chairman, I ask unanimous consent to substitute for the amendment the restoring of the full $206 million for the Veterans budget without any offsetting cut.

The CHAIRMAN. The Chair has no amendment in writing.

Mr. FILNER. Do you want to force us to choose between——

Mr. SOLOMON. Regular order, Mr. Speaker. Let's get some order around here.

Mr. FILNER. I have the time.

The gentleman from California [Mr. CUNNINGHAM] wants to force us to choose through his objection between the veterans and service opportunities for our young people.

□ 1630

I think this is hypocrisy.

The CHAIRMAN. The gentleman's unanimous-consent request was out of order. The gentleman is recognized for debate only.

Mr. FILNER. Mr. Chairman, there is obviously a new game being played in Washington. It is called bait and switch. The rules are simple. Propose massive and irresponsible budget cuts and then 2 weeks later stand up in front of the TV cameras and claim you are fighting to restore the very cuts you have initiated.

I am tired of this hypocrisy, Mr. Chairman. We should not be having choices between our veterans and our opportunities for our young people.

Regular order in this Nation is not being followed by this budget.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SOLOMON. Mr. Chairman, if Members are going to be yielded 45 seconds at a time, are they not supposed to stick to the 45 seconds and not carry it to a minute and one-half?

The CHAIRMAN. The gentleman is correct.

Mr. SOLOMON. Then let us abide by the rules of the House.

Mr. OBEY. Mr. Chairman, I yield three-quarters of a minute to the gentleman from Puerto Rico [Mr. ROMERO-BARCELÓ].

Mr. ROMERO-BARCELÓ. Mr. Chairman, I move to restore the rescission of $206 million for veterans affairs, but I question the wisdom of trying to take the money away from a program that is a yearly program, an expenditure program. When we take $206 million out of Americorps we are actually taking $1 billion away in 5 years.

I think the reasonable proposal was made here by the gentlewoman from Connecticut who proposed that capital expenditure programs be substituted by another capital expenditure program in NASA for projects that have not even been authorized.

I ask the leadership of the other side of the aisle to reconsider on their conditions. It is unfair to take a capital expenditures program and offset it with expenditures in the regular program because it is 5 times in 5 years the savings that you take.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I say to my colleagues whether they like it or not this is a raid on veterans programs. And what concerns me is later on the budget will be coming out; how much are they going to cut the veterans programs? How much is the appropriations going to come back and cut veterans programs gain?

I reluctantly will support the amendment, but I do not think this is the right way to do it. I asked for a clear amendment earlier and I did not get it, so I thank the gentleman for giving me this time.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] has 1 minute remaining and the gentleman from California [Mr. LEWIS] has 1 minute remaining.

Mr. OBEY. Mr. Chairman, I yield myself my remaining time, and I would simply say this in closing: I urge Members to vote for this amendment. But I would also urge Members to recognize the cynical situation that is presented to us by the majority party. The fact is that it is their party who proposed the $200 million cut in veterans funding in the first place. They have now chosen to prevent us from restoring that money by going to a more benign source such as the bloated NASA budget. Instead they want to go after the domestic volunteer program.

It is a lousy choice but I think the record is clear that the Democratic Party intends to keep its commitment to veterans no matter what the political machinations on the other side of the aisle.

I urge support for the amendment, misguided though half of it is.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. OBEY] has expired.

Mr. LEWIS of California. Mr. Chairman, I yield the final 45 seconds to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Chairman, the last comment of the gentleman from Wisconsin [Mr. OBEY] was probably the most correct one. This is an issue of policy. Do not allow politics to overtake policy and try to think of other reasons. I am one who gave the suggestion that this should be taken out of Americorps.

Listen to some of the testimony before the Readiness and Personnel Subcommittees of the House National Security Committee.

The Marine Corp Sargeant Major testified that for the first time since 1980 the Marine Corp missed its fiscal year 1994 recruiting goals.

If we look at DOD's fall 1994 Youth Attitudes and Awareness Survey, after hearing about Americorps, 47 percent of the prospects would rather consider Americorps over service in the United States military.

Just yesterday Lieutenant General Shoup testified the propensity to enlist now is the lowest it has been in 10 years and it has fallen 39 percent among 16- to 21-year-olds.

The facts speak for themselves.

The CHAIRMAN. The gentleman from California [Mr. LEWIS] has 15 seconds remaining.

Mr. BONIOR. Mr. Chairman, in a year when our nation is recognizing the great contribution of our World War II veterans, we must redouble our commitment to those who have served our country—not renege on the promises we made to them.

America owes a tremendous debt to all of our veterans and their families. At a time when many of our veterans need more health care services, the House is considering a rescission package that originally would have cut $206 million for medical equipment and medical facilities for veterans. Specifically, there were proposed cuts of $50 million from medical equipment for our ill-equipped Veterans Hospitals, and $156 million from construction projects for veterans facilities. Those cuts say to our veterans: "You were there when we needed you, but now that you need us we've forgotten you."

In order to restore the $206 million, the Republicans are forcing cuts to be made in other programs. This Nation's veterans should not be arbitrarily placed in competition with other federal programs in order to fund new spending initiatives. Veterans are entitled to advanced medical care, compensation for disabilities, benefits for families and freedom from government redtape—they must not be forced to compete for scarce federal resources.

We must never forget the promises remade to our veterans and their families. We must maintain and improve the quality of care they receive. Our nation is proud of our veterans, and they have earned our gratitude and respect. We must keep the commitment our country has made to them.

Mr. FLANAGAN. Mr. Chairman, I rise in support of the Stump amendment to H.R. 1158.

This amendment provides us with a chance to maintain the commitment to our veterans that we entered into when they chose to give of themselves for us.

The $206 million this amendment would restore to the Veterans' Affairs budget is vital to providing our veterans with more modern outpatient care and catching up with the current backlog of essential medical equipment purchases. Without this money, the VA would not be able to provide improved, more cost-effective outpatient-based medical services to areas servicing over 1.2 million veterans. Furthermore, the VA would not be able to meet existing healthcare system equipment needs.

Our Nation's veterans deserve our highest priority. It is hardly fiscally irresponsible to oppose this rescission. In fact, the funds in the Stump amendment promote fiscal responsibility.

Last year, VA hospitals provided care for 26.3 million outpatients. This amendment would allow for the construction of six desperately needed outpatient clinics. Without them, the VA would have to continue to rely on expensive inpatient care, when outpatient visits can provide our veterans more modern and cost-effective assistance. These clinics are fundamental to our commitment of providing our veterans with the best care available. Outpatient clinics provide better care to a larger number of veterans for maximum return on the dollar.

This $206 million recession is not in the best interest of America's veterans. I urge my colleagues to support the Stump Amendment and show America's veterans that we are committed to providing them with the care they deserve.

Mr. MINETA. Mr. Chairman, I must rise in opposition to the amendment.

The choice presented to us in this amendment is unnecessary, unwise and, in my opinion, represents a distortion of the debate over our Federal budget priorities. Beyond the requirements of the current rule of debate, there is no reason for this House to pit health services for our Nation's veterans against a program to encourage our young people to devote themselves to community service.

It is a false choice, dictated by the unjust rule under which we are considering this bill, and I will vote "present" on the amendment.

Mr. EVERETT. Mr. Chairman, I rise in strong support for the Stump amendment to restore funding to the veterans programs that have been cut in this bill. As a nation, we have asked veterans to put their lives in harms way to preserve our freedom. Many have given the ultimate sacrifice, and many more have suffered severe and debilitating injuries that they carry with them each and every day. As a nation, we have also asked these veterans to take cut, after cut, after cut to fund the modest programs to provide adequate health care. They have always responded "we'll do our fair share." Mr. Chairman, there is enough fat existing in the Federal Government that other programs should be cut before we ask the veterans of America to make yet another sacrifice.

The amendment before us restores $206 million needed for VA outpatient clinics and essential medical equipment purchases. These clinics will provide outpatient services at a much lower cost than if these services were delivered from a large hospital. The medical equipment cut of $50 million would only add to the $800 million backlog in needed medical equipment that already exists.

In order to restore these funds to the VA, the amendment reduces funding from Americorp. In my opinion, Americorp shouldn't be in existence at all. It's another example of a big, unnecessary Federal program that is a nice idea, but unwarranted in the wake of our budget problems. Furthermore, Americorp, which was created by the National Service Act, undermines and trivializes military service as a form of duty to country. Not only does Americorp provide these paid-volunteers the same educational benefits as military personnel under the GI bill, but the military member must pay $1,200 into this fund. The paid volunteer pays nothing into the Americorp fund.

Mr. Chairman, this amendment restores necessary and important funding to the VA and offsets these costs with prudent cuts from an unnecessary Federal program. Let's do the right thing and support the veterans of America; vote yes on the Stump amendment.

Mr. LEWIS of Kentucky. Mr. Chairman, I rise today in support of the Stump amendment to this rescission package.

Let me explain why. First of all, the Stump amendment does not lessen this package of much-needed reductions. We'll pay for it by reducing what American taxpayers are forced to shell out for a Federal volunteer program, AmeriCorps.

The rescissions bill is still a $17 billion blow to big government—and a $17 billion victory for the American taxpayer.

Mr. Chairman, a conservative view of the Federal Government's role holds that there aren't really that many things the Federal Government needs to be involved in.

Most Americans don't believe that everything good has to come from a Washington politician or bureaucrat.

We should all realize that a monstrous, expensive Federal Government is threatening our way of life.

But among the chief missions only the Federal Government can fulfill is that of national security. And Mr. Chairman, an effective military demands that we take proper care of the men and women who have put their lives on the line for our country.

It also happens to be the honorable thing to do. But we have not always done so in the past.

The military is not an easy way of life—even in peacetime.

Service men and women usually have little choice over their duty station. They spend months at sea, or in a tent—away from their loved ones.

And if we go to war, they can be ordered to the front lines to possibly lay down their lives for our country.

Of course, even in peacetime, the military can be a dangerous profession.

Mr. Chairman, the 104th Congress must do a better job of taking care of our active duty and retired military personnel.

We began to address the needs of our active duty service men and women with the National Security Restoration Act.

The Stump amendment will save $156 million for veterans and help us address their needs.

The sad fact is that America has often betrayed its veterans in the past. How many of the brave men and women of Operation Desert Storm are sick and don't know why?

Thousands of young men and women in the prime of their lives—many of them reservists—don't have the energy to return to work.

We owe it to them to see that they're taken care of.

We are cutting dozens of big government programs today, Mr. Chairman—many of which are duplicated elsewhere, or filled with waste, fraud and abuse.

But I suggest now is not the time to turn away from the needs of our men and women in uniform.

Mr. Chairman, I will vote "yes" for the Stump amendment today. And I urge my colleagues to devote some of their energy in the future to taking better care for those who have taken care of us.

Mr. PETRI. Mr. Chairman, I rise in support of this amendment. It came as no surprise to anyone that one of the few programs President Clinton proposes to increase in his recently released budget is his pet project, AmeriCorps. But does this program really warrant the kind of unwavering support the President would have us give it?

We keep hearing that this is one program that works because the volunteers themselves and the communities they assist seem happy with it. But why shouldn't they? The communities receive services that are paid for by the Federal Government rather than local taxpayers. As for the AmeriCorps participants, they receive a stipend of $7,500 and $4,700 in educational credits for 1,700 hours of work which is a little more than 10 months at 40 hours a week for—quote—volunteering. In 1995 the program is expected to spend over $24,000 per volunteer. Supporters will cry foul at the use of that number since it includes administrative costs and the average participant doesn't receive that amount. But the President claimed in his State of the Union Address that the program is "changing the way government works because there's no bureaucracy at all." We are spending $24,000 per volunteer. If there is no bureaucracy and the volunteers don't get it all where is the money going?

Clearly the fact that those who benefit from a Federal program are happy with it does not prove its worth to the taxpayers. So what other ways do we have to evaluate the program? The President says that the program will rekindle the spirit of community and mutual cooperation. This is a example of the belief that if the Government doesn't do it, it doesn't happen. The President ignores the 80 million Americans—about a third of the population—who currently volunteer their time for no compensation. I assert that they represent a spirit of community or sacrifice more than do the 47,000 AmeriCorps volunteers who are compensated. The volunteers across this Nation didn't & don't need a Government program to encourage them to give of their time to make their community a better place.

Another problem with taxpayer financed volunteerism is that many activities which are just fine for someone truly volunteering his or her time, are inappropriate when Government funding is involved. That's surely true of political protest and advocacy—activities which are supposedly prohibited for AmeriCorps by law. We have probably all heard by now about the protests sponsored by the Association of Community Organizations for Reform Now—ACORN—which prevented our Speaker from addressing a lunch sponsored by the National Association of Counties. The National Service program has hired 42 volunteers for ACORN at a cost of over $1 million. National Service supporters point out that the volunteers were not involved in the protest, but we must ask why a service program is giving money to an organization the main function of which is political advocacy in the first place. Furthermore, according to the Los Angeles Times, Americorps volunteers in San Francisco's Summer of Safety program were used to organize a protest against last year's crime bill's "three strikes and you're out" provision. Americorps denies that this happened but the journalist who wrote the article stands behind her story. Is this a proper use of federally funded volunteers?

Proponents also like to paint the program as a way to help young people pay for college. But the cost of one Americorps participant would pay for seven Pell grants. Moreover, you don't have to be in economic need to participate in Americorps. Why are we paying for the education of students whose parents may be wealthy or who themselves may have high after-school incomes while many low-income people cannot afford to send their kids to college? If our current student aid programs are not meeting the need, we should change those programs, not try to do it through the back door of Government jobs program.

The President is ignoring the obvious; Government cannot program true volunteerism and cannot mandate acts of charity. This program undermines the volunteer spirit it was intended to foster.

We have heard a great deal about the importance of the veterans programs this rescissions bill seeks to cut. Well, we would all like to increase funding for any justifiable program. I don't want to cut veterans either. But it is time to be responsible. If veterans programs are to be restored we should make the cuts elsewhere and the national service program, which duplicates other Government programs and private efforts, compromises true volunteerism, and puts Federal tax dollars to questionable uses, is a good place to start.

Mr. JONES. Mr. Chairman, the fiscal year 1995 rescissions bill cuts approximately $206 million from the Department of Veterans Affairs. The money will be taken from the Veterans Health Administration, which provides important services to our Nation's veterans. American veteran's have earned their health care through blood and sacrifice and deserve better. Mr. Speaker, our Nation's veterans should be honored for their heroic deeds, not punished. How can we expect the military to protect us when we don't honor the contract we made with our veterans? I support the Stump amendment which would restore the $206 million to the Department of Veterans Affairs.

Mr. HUTCHINSON. Mr. Chairman, I rise in strong support of the amendment offered by our distinguished chairman of the Veterans' Affairs and Rules Committees to reinstate funding for six needed VA outpatient clinics, along with funds to help defray the VA's backlog of essential medical equipment purchases.

For years, Chairman STUMP has been working diligently to reform VA's current eligibility system. Part of that approach, which has the strong backing of the VA and veterans' service organizations, is to place a priority on outpatient care. Too many veterans are eligible for care only on an inpatient basis, when their ailment may only require outpatient care. This must change, and we have been taking positive steps to see that VA outpatient services become the wave of the future. Financially, it makes sense to shift to outpatient care, just as the private sector is now doing. It is clear that these funds must be restored.

In order to offset the cost of these projects, money will be taken from AmeriCorps. Two years ago, when we debated the merits of the AmeriCorps Program, I stood in this well in strong support of another Stump amendment, this one to set the educational benefits of the program at 80 percent of what is offered under the Montgomery GI bill. I believed that if the national service plan offered benefits equal to or in excess of the GI bill, military recruitment would suffer.

Well, the amendment failed and military recruitment has indeed been hurt. Last year, for example, the Marine Corps missed its recruitment goal for the first time since before 1980. I believe that can be directly tied to AmeriCorps.

AmeriCorps targets the same population group as the armed services, yet it offers education benefits at no charge, a well-paid Government job, and no danger of being placed in a combat situation.

I think many young Americans are choosing paid volunteer work over the military, and that is a shame.

We have an opportunity to rectify this situation by taking funds from this unneeded program and redirecting them to those who truly need and deserve this money, our Nation's veterans.

I urge all my colleagues to support the Stump-Solomon amendment and yield back the balance of my time.

Ms. DELAURO. Mr. Chairman, during debate on the Young amendment to H.R. 1158 that restored funding for veterans' medical care and cut funding for the AmeriCorps national service program, it was charged that AmeriCorps is hurting military recruiting. This is an absolutely false charge concocted to justify an appalling amendment that pits veterans who served our country against young people serving their communities. There also is no evidence to support this charge. To refute this charge, I am submitting for the RECORD the following letter form Assistance Secretary of Defense for Force Management, Frederick Pang:

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., March 15, 1995.

Hon. BOB STUMP,
House of Representatives,
Washington, DC.

DEAR MR. STUMP: I understand that you are considering introducing an amendment to reduce funding for national service based on testimony from Sergeant Major of the Marine Corps, Harold G. Overstreet. This letter provides the Department's position regarding the possible effects of national service on military recruiting.

During his testimony before the House Committee on National Security on March 7, Sergeant Major Overstreet discussed results from the Marine Corps' Youth Attitude and Awareness Study that suggested national service is a threat to military recruiting. This survey is administered twice a year to a sample of 800 unmarried men, ages 16–19 years, with no military service. In particular, Sergeant Major Overstreet indicated that 47 percent of the young men responding to the survey would consider enrolling in a national service program. He also said 56 percent of the respondents believed that national service offers a better way to obtain money for college than does the military.

Unfortunately, Sergeant Major Overstreet's testimony did not include all the salient facts about national service from the survey. When asked if they were aware of national service, only 11 percent of respondents answered yes. The percentages mentioned above came after the interviewers had explained national service to the respondents. The proportions who indicated awareness of national service in October 1993 and in February 1994 were 15 and 8 percent, respectively.

At yesterday's hearing before the Personnel Subcommittee of the Committee on National Security, the Chairman asked the Service Personnel Chiefs if national service was causing recruiting problems. Each stated unequivocally that national service has not had a negative impact on recruiting. In addition, I am told that Lieutenant General G.R. Christmas further indicated that the types of people attracted to national service were very unlikely to be interested in joining the Marine Corps.

While I share Sergeant Major Overstreet's concerns about future recruiting challenges, I believe he overstated the potential impact of national service on recruiting. Given the small size of the current national service program, the greater value of the military educational benefits (Montgomery GI Bill), and the greater depth of training available in today's Armed Forces, we maintain that military recruiting is in no danger from national service. Fiscal Year 1994 was the third best recruiting year in the history of the All-Volunteer Force. In terms of recruit quality, 96 percent of new enlistees were high school diploma graduates and 72 percent scored above average on the enlistment test. Recruiting also is going well in Fiscal Year 1995.

I appreciate the opportunity to clarify the Department's position on this issue.

Sincerely,

F. PANG.

Mr. LEWIS of California. Mr. Chairman, I simply rise to ask the Members to support what is now the Stump-Lewis-Young-Solomon—and even Obey—amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Florida [Mr. YOUNG].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 382, noes 23, answered "present" 27, not voting 2, as follows:

[Roll No. 239]

AYES—382

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Evans
Everett
Ewing
Fawell
Fazio
Fields (TX)
Filner
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stokes
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Towns
Traficant
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—23

Abercrombie
Bentsen
Conyers
Dellums
Doggett
Fattah
Frank (MA)
Gonzalez
Hall (OH)
Johnston
Mfume
Miller (CA)
Moran
Owens
Payne (NJ)
Pelosi
Sabo
Serrano
Shays
Stark
Torres
Visclosky
Watt (NC)

ANSWERED "PRESENT"—27

Becerra
Beilenson
Berman
Clay
Collins (IL)
Eshoo
Farr
Fields (LA)
Flake
Hilliard
Kaptur
Lofgren
Markey
Martinez
Mineta
Reynolds
Roybal-Allard
Rush
Schroeder
Studds
Tucker
Velazquez
Vento
Waxman
Williams
Woolsey
Yates

NOT VOTING—2

Collins (MI)
Cubin

□ 1657

Mr. STARK and Mr. HALL of Ohio changed their vote from "aye" to "no."

Mr. UPTON changed his vote from "no" to "aye."

Mrs. SCHROEDER, Messrs. MARTINEZ, REYNOLDS, and RUSH, Mrs. COLLINS of Illinois, and Messrs. CLAY, HILLIARD, VENTO, and YATES changed their vote from "aye" to "present."

Mr. DEFAZIO and Mr. WARD changed their vote from "present" to "aye."

Ms. PELOSI changed her vote from "present" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment, amendment No. 13, which is made in order by the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. YATES: Strike section 307 (page 14, line 17 and all that follows through line 24 on page 27).

The CHAIRMAN. The gentleman from Illinois [Mr. YATES] is recognized for 15 minutes.

Mr. YATES. Mr. Chairman, I yield myself 3 minutes.

Mr. LIVINGSTON. Mr. Chairman, I rise in opposition and ask for time on the amendment.

The CHAIRMAN. The gentleman from Louisiana [Mr. LIVINGSTON] will be recognized for 15 minutes in opposition.

The Chair recognizes the gentleman from Illinois [Mr. YATES].

□ 1700

Mr. YATES. Mr. Chairman, this is an amendment to strike the so-called Taylor amendment. The Taylor amendment is a timber lobbyist's dream. It deals with salvage sales, and under its definition the salvage amendment will salvage our forests. Among the phrases in the amendment's definition of salvage are the following: the removal of associated trees imminently susceptible to fire, insect attack.

The Bureau of Land Management noted in a recent memo, quote, the definition of salvage timber sale is too broad; speaking of the Taylor amendment it is too broad, and is more or less a license for unregulated timber harvest.

What does this amendment do? It almost doubles the cutting of timber from our national forests over the amount cut last year. At the same time it suspends all environmental laws protecting the preservation of our forests.

On the question of how much will this cost the government, Mr. Chairman, the sky is the limit. As stated in the amendment, the language of the amendment itself, quote, salvage timber sales undertaken pursuant to this section shall not be precluded because the costs of such activities are likely to exceed the revenues derived from such activities. This could mean the government is required to unload much of the new timber even if it has to give it away. These sales are called deficit timber sales, money losers which are most frequently salvaged timber sales.

I say to my colleagues, once you peal away the misrepresentation of rhetoric, you realize that this amendment literally suspends every law governing management of the public forests, including those that protect fish, wildlife, water quality, and recreation and the jobs that depend on such critically important forest resources.

But this amendment does not stop there. It turns off judicial due process in standing court cases by overturning every past court decision in the country that protects timber sales. It bars public comment on these timber sales and eliminates administrative appeals.

Legislative committees in both the house and the Senate are now considering this question: Why should we permit a quick fix in an appropriations bill for a 13-page legislative amendment? The rules of the House which prevent legislation from being included in the appropriations bills should be sustained in this instance.

Mr. Chairman, I urge support of my amendment which will strike the Taylor amendment from the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. LIVINGSTON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Ohio [Mr. REGULA], chairman of the subcommittee of the Committee on Appropriations.

Mr. REGULA. Mr. Chairman, members of the committee, in 1989 a 2-by-4, 8 feet long, was $1.75. Today that same 2-by-4 is $3.02

Now what that means is that as young people in America want to achieve the American dream of owning a home, they are going to pay an extra 5 to $7,000 more for timber.

The point of that is that let us take advantage of this salvage. It is salvaged timber. It is diseased, burned; it is not live trees.

There are three reasons we need to do this, and one is that these trees are a threat and fire hazard because, if they stay there, they fall over and become fuel for a forest fire that will hit living trees.

Second, we need to clean the land so that it can be regenerated. Part of the money that is earned by these salvage sales will be used to replant, reforest, the land so that the wildlife will have habitat in the future and there will be timber available in the future. Timber is a resource, but it is also a crop.

Third, Mr. Chairman, it is important that we salvage these burned and diseased trees that can be made into lumber like this if we do it within 2 years. Otherwise it rots, and it is no longer useful, no longer in the condition that can be made available for home building and for the things that we use timber for.

For all of those reasons I think it is important that we get this salvage, harvest it, clean up the land, regenerate it for future generations, and I would point out that this is only a 2 year bill. It terminates at the end of 2 years for the simple reason that we have to do it or the trees will no longer be of the quality that can be used for saw logs.

So I urge the Members to reject this amendment, leave the language in that is in.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, for too long the extremes in the debate over western forest management have dominated the stage. On one side there are those who oppose any timber harvests in our public lands, even if it is necessary to improve forest health and reduce the risk of catastrophic fires. On the other side there are those who would treat our national forests as little more than industrial tree farms, sacrificing even the most basic environmental protections in the interests of short-term profit.

Last summer's western fires provided a hint of what may lie ahead. Catastrophic fires, unlike the low intensify fire regime that has been the historical norm, could devastate habitat for many declining and threatened species, including Columbia Basin salmon populations. An ecologically sensitive program of thinning. Controlled burning and salvage logging is essential to restore forest health across millions of acres in the West. If done with care, such a program could improve forest conditions while providing the secondary benefit of increased fiber supplies for our region's mills.

Mr. Chairman, I would have liked to offer a balanced alternative to this proposal today, but the Republican leadership would not allow it. The issue should never have been brought to the floor in this fashion. Salvage and forest health should be properly debated in the committees with jurisdiction and expertise and not written by special interests in the back rooms out of the public eye.

This proposal lacks even the most basic environmental protections for steep, unstable slopes, fragile soils, critical riparian habitat, even wild and scenic rivers. It defines what is to be harvested as dead, dying, diseased or associated with the large stands of green timber to be harvested.

I have legislated salvage before, but I did it properly in my first term in Congress. I played a major role in resolving a salvage controversy at least as contentious as the forest debate now raging here in Congress. The Silver Fire burned and erodes this area of the Siskiyou National Forest, long defended by environmental activists. That salvage was successfully done without harm. We could do the same across the Western United States if we were given the chance to offer a proper amendment.

Mr. Chairman, for too long, the extremes in the debate over western forest management have dominated the stage. On one side, are those who oppose any timber harvest on our public lands, even if it is necessary to improve forest health and reduce the risk of catastrophic fires. On the other side, there are those who would treat our National Forests as little more than industrial tree farms, sacrificing even the most basic environmental protections in the interests of short-term profit.

In my first term in Congress, I played a major role in resolving a salvage controversy at least as contentious as the forest health debate now raging in Congress. The Silver Fire burned in a roadless area of the Siskiyou National Forest long defended by environmental activists. The industry wanted to extend a road into the area and engage in wholesale salvage of dead and green timber. I was able to mediate an agreement that prevented new road building and green timber harvest, but allowed a significant amount of helicopter salvage of burned timber.

Neither the industry nor the environmental community were entirely happy with the agreement we reached. But today the Silver Fire salvage stands as an example of environmentally sound salvage that had the additional benefit of providing a significant volume of timber.

Today, I once again find myself somewhere between the extremes. On one side are those who oppose any thinning and salvage logging in the fire and pest-stricken forests of the West. On the other side are those who would throw all environmental protection out the window, and maximize timber production under the guise of a sound salvage program. Neither side has it right.

Forests across the West are in the grip of an ecological crisis of unprecedented proportions. The forest health crisis is the result of long term drought and a century of human impacts in the form of fire suppression, timber harvesting, and the introduction of foreign pests, to name a few. The result is that millions of acres of public forest are in the worst shape they've ever been, victim to disease, insect infestation, and fire.

Fire suppression has played a big part in undermining forest health. Controlling wildfires in forests where frequent, low intensity fires historically kept vegetation sparse has allowed a huge build-up of dense understory vegetation to take place. One study on the Boise National Forest in Idaho found that tree density on one site was about 29 trees per acre for the 300-plus years before 1906. Today on the same site, tree density has increased to 533 trees per acre and the species composition has changed from predominantly Ponderosa pine to predominantly Douglas Fir.

Last summer's Western wildfires provided a hint of what may lie ahead. Catastrophic fires, unlike the low-intensity fire regime that has been the historical norm, could devastate habitat for many declining and threatened species, including Columbia basin salmon populations.

An ecologically sensitive program of thinning, controlled burning and salvage logging is essential to restoring forest health across millions of acres in the West. If done with care, such a program could improve forest conditions, while providing the secondary benefit of increased fiber supplies for the region's mills.

We need legislation to help expedite a response to the forest health crisis in the West. But a sound salvage and forest health program needs some environmental safeguards. Unfortunately, the Taylor-Dicks amendment contains none. The Taylor-Dicks amendment would allow logging in Wild and Scenic River corridors and sensitive riparian and roadless areas, with no restrictions based on slope or soil conditions. Its definition of salvage is so broad that it opens the door to wholesale logging in the region's remaining old growth forests and roadless areas. This is not the balanced approach to forest management that most Oregonians want to see.

By setting an arbitrary minimum timber sale level, while prohibiting any environmental considerations on the part of the Forest Service, the Taylor-Dicks salvage amendment guarantees that sensitive salmon streams will be damaged, roadless areas will be opened up to commercial timber harvest, and areas that are simply unsuitable for timber management will be logged. This is a proposal that lurches from one unacceptable extreme to the other. That's why I will vote against this proposal and hope we have the opportunity to craft a salvage bill that gets the job done while protecting the values that Oregonians share.

I would have liked to offer a balanced alternative to this proposal today, but the Republican leadership wouldn't allow it. The issue should never have been brought to the floor in this fashion. Salvage and forest health should be properly debated in the committees with jurisdiction and expertise, not written by industry lawyers in backrooms out of the public eye.

So I am faced with two unacceptable choices—an extreme salvage program with no environmental safeguards or the status quo, which is simply not getting the job done.

It bears stating that the Forest Service is moving ahead with a salvage program, though slowly. The agency plans to offer at least 1.4 billion board feet of salvage in each of the next 2 years. Assistant Secretary Lyons tells me they could offer even more if Congress would appropriate more money for sale preparation and other related activities. But this salvage bill contains no additional money for sale preparation.

Oregonians, by and large, support policies that protect our environment and quality of life, without sacrificing our state's economic well-being. I hope to have an opportunity in the weeks ahead to offer a balanced Oregon alternative to the extreme log-it-at-all-costs salvage approach offered here today. I believe I'll have the support of most of my state's citizens when I do so.

Mr. LIVINGSTON. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. TAYLOR], the sponsor of the amendment and a distinguished member of the subcommittee.

Mr. TAYLOR of North Carolina. Mr. Chairman, in 2 minutes I can tell my colleagues several things about this. First of all, it will restore forest health. Most of the things that have been said about it so far just are not true. Scientists recognize that the forests are undergoing a serious ecological decline because of a lack of management. Fire disasters, unnatural species compositions, disease, insect infestation; all of these are threatening the forest health, and this legislation which has been worked out with professionals, it has been worked out in consulting with the Forest Service, as many people as we could find to try to alleviate this emergency were brought in in this short period of time, and it is an emergency. Even the chief of the Forest Service, Mr. Chairman, has said we need to increase our salvage cutting for forest health.

Second, there are tens of billions of dollars of revenue coming to the Treasury, or millions of dollars of revenue coming to the Treasury. It is not a loss. CBO scored it $37 million last year. FPA says it could be as much as $650 million. So it is a very positive revenue producer.

Third, it will stabilize the cost of homes. It will create jobs, and that is why the home builders, and realtors and many others are supporting this. It will create thousands of jobs all across this country in a much needed area, putting timber in the pipeline, and that is why the Teamsters Union supports it. It is why the Western Council of Industrial Workers supports it, the United Paperworkers International Union supports it, the United Brotherhood of Carpenters supports it, the International Association of Machinists and the Association of Western Paperworkers, because these are men and women who make the livings of this country and recognize that this will produce jobs, and they are endorsing this amendment in this legislation.

Mr. Chairman, it is an opportunity for us. It is an opportunity for us to provide forest health and to provide a good amendment to this bill.

Mr. Chairman, I rise to address the provisions of section 307 of H.R. 1159, a measure co-authored by myself and Mr. DICKS, and supported strongly by a number of our colleagues on the Appropriations Committee and on the authorizing committees with jurisdiction.

I wish to outline the intent of the provision, and the direction we have provided to the agencies affected for two reasons. First, I wish to be sure that the requirements of the provision are not misrepresented as the debate over this bill continues to the other body. Second, and perhaps more importantly, I wish to provide clear direction to the implementing agencies, and do everything possible to assure that the agencies understand, and can execute the direction we have provided.

To this latter end, the authors of section 307 have met several times with U.S. Forest Service Chief, Jack Ward Thomas, and his staff since the provision imposes most of its requirements on the Forest Service. The Chief and his staff have been quite helpful in reviewing the terms of section 307, suggesting modifications to assure that these requirements are technically correct, and evaluating the Forest Service's technical and operational capability to meet the requirements of section 307, including the volume targets for timber salvage. As a forester by training, I am very sensitive to saddling our Federal agencies with mandates that they are not able to implement.

Based upon our discussion with Chief Thomas it is the clear understanding of the authors of section 307 that—aside from the question of whether the Clinton administration agrees with the goals of section 307 as a matter of politics and policy—the Forest Service can implement the provision of section 307 in a fashion that meets the timber salvage targets contained in this section. Today, I have sent a letter to Chief Thomas which I will include in the RECORD at the end of this statement. In this letter, I review with the Chief the intention of the authors of section 307 and our expectations about Forest Service implementation of the measure. I have asked the Chief for a prompt response so that, if there is any difference in interpretation, this can be reviewed during Senate consideration of the bill and any necessary adjustments can be made. If the measure passes both bodies and is signed into law, we expect appropriate implementing actions to carry out a clear congressional intent which is, itself, grounded in an understanding of agency capabilities.

Now let me review the terms of section 307. Section 307 would provide authority and direction to the Secretaries of Agriculture and the Interior to conduct a 2-year emergency salvage timber sales program on lands of the Forest Service and the Bureau of Land Management [BLM]. The purpose of this one-time, short duration congressional mandate is to eliminate the extraordinary backlog of dead and dying trees on Federal lands in all regions of the country. This backlog has been created by the alarming decline in forest health and the unprecedented scale of wildfires over the last 2 years. Without an accelerated and dedicated response from the land management agencies in planning and conducting these emergency salvage timber sales, the decaying trees will soon lose any commercial value, thereby preventing harvesting and the timely accomplishment of reforestation and other restoration activities on the affected lands.

The two Secretaries are directed to offer a sufficient number of salvage timber sales during the 2-year emergency period following enactment to ensure that a minimum of 3-billion board feet is sold each year on Forest Service lands and 115-million board feet is sold each year on BLM lands (subsec. (b)(2)).

These volume targets were derived after extensive discussion with the Forest Service and BLM. The Forest Service targets were established after consultation with the Agency's field offices. They are statutory mandates that represent reasonable progress toward reducing the backlog of dead and dying timber on our Federal forests. The agencies have indicated that it is within their capability to achieve these targets and thereby improve the health of our Federal forests under the terms of section 307.

A timber sale qualifies as a salvage timber sale that can be offered under the provisions of section 307 only if an important reason for the sale is the removal of diseased or insect-infested trees; dead, damaged, or down trees; or trees affected by fire or imminently susceptible to fire or insect attack. Removal of associated trees for the purpose of ecosystem improvement or rehabilitation can occur if the sale has an identifiable component of trees to be salvaged. (Subsec. (a)(4).)

Salvage timber sales are to be offered whether or not revenues derived from the sales are likely to exceed the sales' costs (subsec. (c)(5)). In conducting the sales, the Secretaries are authorized to use salvage sale funds otherwise available to them (subsec. (b)(3)). But the Secretaries are not to substitute salvage timber sales under section 307 for planned non-salvage sales (subsec. (c)(7)).

Section 307 does not permit any salvage timber sales on specifically protected lands, namely areas designed by Congress as units of the National Wilderness Preservation System, any roadless areas in Colorado or Montana which were specifically designated by acts of Congress by geographical name or map reference as Wilderness Study Areas, any roadless areas recommended by the Forest Service or BLM for wilderness designation in their most recent land management plans, and areas where timber harvesting for any purpose has been specifically prohibited by a specific statutory provision. This proscription does not include any prohibition in any regulation, land management plan, agency guidance, research study, or settlement agreement which purports to rely on general statutory authority (subsec. (g)(2)).

This last distinction is important because we do not, even by inference, want to prohibit application of this section in areas where the agencies on their own have restricted timber harvesting. This includes agency initiatives such as the timber sale screens on the Eastside of the Cascades and the California Spotted Owl Report, the following environmental assessment, and the pending draft Environmental Impact Statement. Whether and to whatever extent the agencies choose to restore the forest health by scheduling salvage sales in such areas, they are still bound to meet the salvage targets in subsection (b)(2) of this section.

In order to ensure that the sales are conducted in a timely manner, section 307 requires the two land management agencies to follow certain schedules, expedited procedures, and reporting requirements. The schedule for offering timber sales requires that sales for at least 50 percent of the volume each agency is directed to make available in the first year must be offered in the first 3 months after enactment, and sales for at least 50 percent of the volume each agency is directed to make available in the second year must be offered within 15 months after enactment. Sales for the remaining 50 percent of the volume required each year can be spread evenly throughout the remaining 9 months of the year. (Subsec. (c)(2).) To track compliance with this schedule, the Secretaries are required to report to Congress every 3 months throughout the 2-year emergency period on the sales and volumes offered during the last 3-month period and expected to be offered during the next 3-month period (subsec. (b)(2)).

To meet this schedule, the Secretaries are admonished to use all available authority in preparing and advertising the salvage timber sales. This includes use of private contractors, and applying the type of expedited contracting procedures used to fight fires to the tasks of advertising and preparing salvage sales. To augment the available personnel, section 307 authorizes employment of former employees who received voluntary separation incentive payments under the Federal Workforce Restructuring Act of 1994 (P.L. 103–226) without applying the provisions of Section 3(d)(1) of P.L. 103–226. (Subsec. (c)(4).)

Sale procedures are expedited by the requirement that each Secretary prepare a single document analyzing the environmental effects of each salvage sale. The level of analysis in this consolidated environmental analysis document is to be that normally contained in an environmental assessment (not an environmental impact statement) under the National Environmental Policy Act [NEPA] on the environmental impacts of the sale generally and in a biological evaluation under the Endangered Species Act [ESA] on any specific effects the sale may have on any endangered or threatened species. (Subsec. (c)(1).) The language of this provision is explicit that these are the only document and the only procedure required from an environmental standpoint to comply with existing laws and regulations (subsec.(c)(6)). For example, the agency does not have to prepare a Finding of No Significant Impact under NEPA, nor consult with the Fish and Wildlife Service or National Marine Fisheries Service under the ESA after completing the consolidated environmental analysis document. Nor is an agency bound by any existing documents. On the other hand, if a NEPA document or a biological evaluation is already prepared for any particular sale by the date of enactment, a consolidated environmental analysis document need not be prepared for that sale. (Subsec. (c)(1).)

Each Secretary is to make the decisions on a sale's configuration and whether to offer the sale on the basis of the consolidated environmental analysis document. The Secretary may decide to not offer the sale or to reduce the size of the sale for an environmental reason grounded in the consolidated environmental analysis document, but he must then determine if he can meet the applicable volume requirement on schedule. If he determines he cannot, he must substitute another sale or sales with volume equal to the shortfall. (Subsec. (c)(3).)

The Secretary's decision, based on that consolidated environmental documentation, is deemed to satisfy all applicable environmental and land management laws (subsec. (c)(6)). This means, for example, that the Secretary cannot be sued for violation of the Clean Water Act, the provisions of the National Forest Management Act concerning species' viability, unsuitability, or consistency with the resource management plans, or the jeopardy or take standards of the Endangered Species Act. Furthermore, as indicated, a sale can be offered that does not comport with a resource management plan, or interim guidelines, or management directives. This provision is both reasoned and consistent with the one-time, emergency nature of section 307. Few if any such plans, guidelines, screens, or other agency guidance contemplated the dramatic decline in forest health and consequent unprecedented wildfires. Section 307 does not excuse long-term compliance with such agency guidance; instead, it permits only a one-time divergence therefrom. Without such temporary divergence, the very wildlife and other resources that the guidance is intended to protect may be destroyed or damaged, thereby rendering the guidance ineffective for the longer term. Finally, a sale can be offered even if it would be barred under any decision, injunction, or order of any federal court (subsec. (c)(8)).

Expedited procedures continue to apply after the decision to offer a salvage timber sale. Section 307 bars an administrative appeal of any sale decision (subsec. (e)). This allows challengers to go directly to court and hastens a final disposition of the challenge—a disposition timely enough to permit the sale and harvesting of dead and dying timber if the court ultimately determines that the sale is legally valid.

Finally as to expedited procedures, in language borrowed verbatim from previously enacted law (section 318 of Public Law 101–121), section 307 sets deadlines for challengers for filing and appealing lawsuits challenging salvage timber sales (15 days and 30 days, respectively) (subsec. (f)(1) and (7)) and for the district courts to decide the lawsuits (45 days, unless the particular court decides a longer period is necessary to satisfy Constitutional requirements) (subsec. (f)(5)). To protect challengers, the section requires that each challenged timber sale must be stayed by the appropriate agency for the same 45-day period in which the court hears and decides the case (subsec. (f)(2)). With a mandated automatic stay, restraining orders or preliminary injunctions are unnecessary and, therefore, are barred (subsec. (f)(3)).

A court is free to issue a permanent injunction against, order modification of, or void an individual salvage timber sale if it determines that the decision to prepare, advertise, offer, award, or operate the sale was arbitrary and capricious or otherwise not in accordance with law (subsec. (f)(4)). As the sale is deemed by law to satisfy the environmental and land management laws (subsec. (c)(6)), the challengers must allege and prove to the court under this standard that the sale was arbitrary or capricious under, or violates a specific provision of section 307.

The Secretaries' duties do not stop after the salvage timber sales are sold; they are directed to complete reforestation of the lands as expeditiously as possible after harvesting but no later than any periods required by law or the agencies' regulations. This last requirement is every bit as important as the rest of the section because it completes the forest restoration process and highlights the authors' commitment to sound forest stewardship.

Section (i) of section 307 addresses another related timber supply problem of an emergency nature. In this case, the emergency involves government liability for failure to perform the terms of a contract.

Previously-offered timber sales in the Northwest cannot be operated due to administrative delays and reviews. Many of these sales were mandated by Congress in Section 318 of the Department of Interior and Related Agencies Appropriations Act, Fiscal Year 1990, Pub. L. 101–121; others were offered in fiscal year 1991 and some more recently. Many of these sales were awarded to purchasers years ago; the government will have to pay tens of millions of dollars in contract buyouts if these sales were cancelled. Other sales were auctioned years ago but never awarded; in some cases the agencies rejected bids well after the auction due to administrative reviews and delays and changing standards. This is the case even though the preponderance of these sales were approved for harvest in the Record of Decision accompanying the President's Pacific Northwest Forest Plan, as not jeopardizing the continued existence of any of the numerous species of wildlife considered by that plan. The government will forego $207.8 million in timber receipts if these sales are not operated.

Subsection 307(i)(1) frees up all these sales, saving the government over one hundred million dollars in buyout claims, generating the $207.8 million in revenues and immediately providing substantial amounts of timber for mills hurt by Federal supply reductions. It applies to all national forests and BLM districts that were subject to section 318 of the Department of Interior and Related Agencies Appropriations Act, fiscal year 1990, Pub. L. 101–121; it applies throughout fiscal years 1995 and 1996, or longer as necessary, notwithstanding any other provision of law; and it requires full compliancy by the agencies within 30 days of the date of enactment of the section. It directs the award of all unawarded sales as originally advertised, whether or not bids on a sale previously rejected, and it directs the release of these sales and all other awarded sales in the affected area so that all the sales can be operated to completion, on their original terms, in fiscal years 1995 and 1996.

Subsection (i)(2) provides that agency compliance with this section will not provide a legal basis for a court to block an existing agency management plan, or to order an agency to change an existing plan. It leaves in place all other grounds unrelated to this section that may exist for any person to challenge an agency plan for any reason. It does not affect pending cases challenging agency plans for reason unrelated to this section.

CONGRESS OF THE UNITED STATES,
Washington, DC, March 15, 1995.

Dr. JACK WARD THOMAS,
Chief, U.S. Forest Service,
Department of Agriculture,
Washington, DC.

DEAR CHIEF THOMAS: We write to continue our important dialogue on the emergency forest health amendment contained in Section 307 of HR 1159. This amendment has bipartisan support in the House, and will shortly be considered in the Senate when that body takes up HR 1159.

We thank you and your staff for the technical assistance you provided to us as we developed the provision. While we understand the Administration has yet to take a position on the measure, we nevertheless appreciate the nonpartisan assistance the Forest Service provided to make sure that the amendment is drafted in a technically and legally sound fashion. We are sensitive to the need to avoid saddling our federal resource management agencies with mandates that cannot be implemented on the ground.

To this end we request one more review by your resource specialists and attorney advisors of the final language of Section 307. Enclosed is the final language and a floor statement we made during House consideration explaining our intent in writing this amendment. We want to ensure that the amendment can be implemented in a manner that brings salvage timber to the marketplace as quickly as possible within the environmental process provided.

We would like your review to assure that your specialists agree that the language would have the on-the-ground effect that we intend. Alternatively, if this is not the case, we would like to know which provisions are problematic, why this is the case, and what technical changes would better accomplish our purposes.

Let me be clear that we are not asking whether the Administration, the Agency, or you support the amendment or agree with its intent. We respect any difference of opinion you might have with specific requirements. Nevertheless, we need to be sure that we have a common understanding that our intent is implementable under the term of amendment. If the amendment is passed by both Houses of Congress and signed by the President we will expect full implementation of its terms.

Since the bill is being taken up in Subcommittee in the Senate next Wednesday, we will need your response by Monday, March 20. We apologize for the short notice, but we are victims of the legislative schedule.

We appreciate your continuing assistance and cooperation on this matter.

Sincerely,

CHARLES H. TAYLOR,
Member, U.S. Congress.
DON YOUNG,
Chairman.

Mr. YATES. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I rise in strong support of the Yates amendment to strike the Taylor Timber Salvage Language. We have all heard the old adage that you have to spend money to make money but the timber salvage provisions of H.R. 1159 turn this into a case where we will be spending money to lose money. Nominally, CBO shows that such sales will bring in $134 million, a far cry from the $1 billion in receipts proponents were touting just 2 weeks ago. The other side of the CBO analysis which bill proponents will not be speaking about is that salvage is direct spending, and thus the money goes right back out.

The taxpayer loses under the Taylor Salvage Language because whatever profitable sales there are will subsidize the many below cost sales that are not only needed but required to achieve the unrealistic cut in excess of 6 billion board feet called for in the bill. Further, since the estimates of revenue do not even count such significant costs as purchaser road credits the treasury will never see a dime from these sales.

Looking at savage from the question of forest health, what kind of perverse logic says that to make our forests healthy, we have to suspend not just every environmental law but every law dealing with forestry management and administrative procedure. What little judicial review there is in the bill, is made meaningless since all salvage actions are deemed to satisfy APPLICABLE LAW. Not content with this the Taylor Language goes on to USURP the role of the judiciary by lifting existing injunctions, prohibiting future injunctions, and dictating to the court when and how it may consider appeals.

Proponents of the salvage provisions have taken a complex forestry issue and boiled it down to a simple solution. That is to fight fire and insects with chainsaws. It is a discredited policy that is being resurrected under the guise of an emergency.

Is the Taylor Salvage Language forest health or hype? If proponents are truely interested in forest health, why are they mandating a specific, but unrealistic, cut? The answer is that this amendment is all about the cut and the notion that a dead tree is a wasted tree. Proponents both inside and outside of Congress who for years advocated fire suppression at any cost are now seeing that cost. But instead of owning up to it, they view it as an opportunity to bypass sound science and management and embark on a cutting frenzy. The use of thinning, pruning and prescribed burns are not even considered because that would diminish the all-driving cut.

This whole notion reminds me of the General in the Vietnam War who said they had to destroy a village to save it. That is what we are dealing with here. Look where this cut will come from. In their rush to get the Taylor Language out, proponents would open designated national wild and scenic river corridors to logging. In what appears at a minimum to be a serious oversight but perhaps is a devious design, wilderness study areas in Montana and Colorado are protected but not in Idaho.

The vast amount of logging will occur in roadless areas and we are not talking about helicopter logging here. No, the widely scattered nature of fire and infestation means that heavy equipment will be brought in to punch scores of new roads with machinery roaming over a forest floor disturbed by fire and highly susceptible to damage.

If we are serious about forest health, and we should be, the Taylor amendment is the wrong answer. It has no place in this bill both from a procedural and policy standpoint. The Taylor Salvage Language is a bad deal for the taxpayer and the environment. I urge adoption of the Yate's amendment to strike this ill-conceived language from the bill.

Mr. YATES. Mr. Chairman, I yield 1 minute to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, let me draw your attention to something that I do not think the sponsors of this legislation intended, but it will happen under this salvage sale. As my friends know, timber harvest and road building is not allowed in wilderness areas. In the last Congress this House voted by 300 votes in favor of a bill to designate a million and a half acres of wilderness in Montana. Now although that bill did not become law, although the Senate went along with most of it, there just were not enough days left in the session for it to become law. Although it did not become law, this bill before us today allows timber harvesting and road building in one million of those acres.

Mr. Chairman, neither Republicans, nor Democrats, would intend that, that one million acres in Montana, the last best place that we all agree should be wilderness, is now going to be harvested if this bill becomes law. The bill is poorly written.

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Mr. LIVINGSTON. Mr. Chairman, I am happy to yield two minutes to the gentleman from Washington [Mr. DICKS], a distinguished member of the committee.

Mr. DICKS. Mr. Chairman, I want to stand and strongly support this legislation. In the Pacific Northwest, we have seen harvest levels reduced by almost 95 to 100 percent over the last 4 years. We have been under a court injunction. At the same time, we have had blowdown, we have had burned timber, bug-infested timber that could be salvaged, and we could take that and sell it and bring money into the Treasury at a time when housing prices for lumber are sky high. It has added $5,000 to $7,000 per house because of the shortage of lumber.

Mr. Chairman, I would urge my colleagues to stick with the committee. The committee almost unanimously approved this amendment, and we did it with environmental sensitivity. Every sale has to have an environmental assessment. Every sale has to have a biological opinion. If they violate that, you can still go to the Federal Court for an injunction.

What we tried to do was expedite the process. Why? Because dead, diseased, dying, bug-infested logs only last for 2 or 3 years, and then they are gone. So if we went with the normal process, we would simply not get to it.

What are we doing here? We are not raping anything or tearing anything apart. We have said we will not go into wilderness areas. What we are doing is doing this in a very responsible way, that will restore forest health. The ecologists have looked at this and said this is a good way to go. There are 18 to 21 billion board feet of it laying out there over the country. The administration wants to do 3 billion. We are saying go out there and try to do 3 additional billion, or one-third. So two-thirds of it is going to be left, dead, dying, diseased on the ground for the ecosystem, for the bugs, to help the spotted owl recover, and all those other good things.

But this is good common sense. We need the lumber, we need the chips for our pulp and paper mills. This is an amendment that makes sense. We ought to bipartisanly back it and help out an industry that has been badly hurt over the last 4 years.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I have the highest respect for the gentleman from North Carolina, but this is simply not the way to do business. When we walked into the full Committee on Appropriations markup, we received a copy of the Taylor amendment for the first time. The amendment was over one dozen pages long and included portions that were handwritten. There were no hearings on the amendment by the authorizing committee nor the Committee on Appropriations. For years we Republicans have told Democrats who did this often that this was not something that we would countenance. Here we are, in power, and now doing it on our side.

This is not part of the Contract. We do not have to vote on it in the first 100 days. It ought to go to hearings. It ought to be considered very carefully. It is not simply a good way to do business.

I am also concerned about the substance of the amendment. The amendment overturns past court decisions, limits the power of courts to review Federal agency actions, and waives or puts on a fast track necessary environmental studies or surveys.

If the Taylor language truly promotes the long-term health of the forest, why must we waive the ability of the courts and the public to guarantee that our environment enforced management laws are being upheld. This is going to cost the taxpayers hundreds of millions of dollars. I urge Members to oppose the Taylor language and to support the amendment of the gentleman from Illinois [Mr. YATES].

Mr. LIVINGSTON. Mr. Chairman, I yield 1 minute to the gentleman from Alaska [Mr. YOUNG], the distinguished chairman of the Committee on Natural Resources, the authorizing committee, to speak to the emergency nature of this bill.

Mr. YOUNG of Alaska. Mr. Chairman, let us look at this amendment. This is the amendment to try to harvest dead, dying, dead trees. Double adjective. These trees burned last year. If we do not harvest them, they are rotted, they cannot be used, they are a waste. And it appalls me when I hear Mr. PORTER saying this overturns court decisions, et cetera, et cetera. These are not live trees. These are burnt trees, 16 billion board feet standing, and all we are asking is for 3 billion board feet this year and 3 billion board feet next year. That is all we are asking, to keep some of our American people working. There is no work for these mills, for the sawmills, for the people that make their living here, if we cannot have trees, and we stopped cutting live trees because of action of this Congress and the courts.

It is time that we pass this Taylor amendment and this legislation. We did have hearings. There was a long, protracted hearing of a whole day. We heard from those people who are not only working, but from the biologists, that said for the health of the forest we must harvest these trees. Let us stand with the committee.

Mr. YATES. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Chairman, I rise in support of the Yates amendment to strike section 307 or H.R. 1159. This provision is legislation and should never have been included in an appropriations bill.

Section 307 would double the amount of salvage timber cut on Federal lands and increase total logging on Federal lands by more than one-third. Salvage timber is ostensibly harvested to prevent dead and dying timber from rotting and going to waste, while reducing the risk of disease and fire. But this amendment goes well beyond that. It will condemn healthy timber because it sets a salvage quota that is twice the amount requested to be harvested by the Forest Service, broadens the definition of what constitutes salvage timber, and will allow logging on thousands of acres of old growth timber set aside by court order. This undermines forest health and rational timber lands management.

If the proponents of section 307 are as concerned about forest health as they claim, why does this legislation waive numerous environmental laws and administrative review, and severely restrict judicial review of timber sales? The answer is that many of these sales would not pass muster under the appropriate review. In a rush to sell off public assets and under the guise of forest protection, the proponents will run roughshod over the Constitution and the law. Of course by now, this is becoming somewhat mundane.

Proponents argue that this provision raises revenue. But under the peculiarities of scoring, the value of the assets is not considered. The Government can sell a tree worth $100 for $5 and that is counted as a receipt of $5. Moreover, the Congressional Budget Office's scoring of this provision does not include the millions spent yearly to build roads and to prepare timber sales. The scoring process notwithstanding, salvage sales do not benefit the taxpayer because most of the receipts that they do produce go to mandatory spending programs, much of it to hold even more salvage sales.

Rising interest rates always depress new home starts. This in turn depresses timber prices. Timber prices are driven by home sales, not the other way around. So tying the ability of Americans to own homes to the price of lumber is at best misleading. Dumping billions of board feet of timber onto the market under these conditions will further depress timber prices and will guarantee a poor return for the taxpayer on the sale of their assets.

Behind the rhetoric, section 307 is a subsidy for special interests that will harm the environment, and it has no place on a rescission bill. I urge the House to support the Yates amendment.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I thank the distinguished gentleman for the time.

Mr. Chairman, it is really a shame that this issue is having to be debated in this way before the House of Representatives, because had we wished to put together a thoughtful, well-considered, informed piece of legislation to deal with what is a real problem, I am sure we could have done it. This is not such a piece of legislation.

Salvage. We incant that word as if it can be used to finesse fundamental definitional and practical problems in this bill. This is not just about salvage timber. It goes far beyond that. There was no attempt to frame a bill that really fits both reality and practicality.

Where did the 3 billion board feet a year number come from? We have no evidence that BLM or the Forest Service is really going to be able to accommodate that. The gentleman from Illinois already pointed out this was dropped on us in appropriations with no warning and no ability to really engage in thoughtful consideration.

But, above all, the other gentleman from Illinois, the chairman of the Committee on the Judiciary who is sitting in the back of the Chamber, ought to be particularly exercised. This provision completely runs over regular judicial process. It did not go through the gentleman's committee for any kind of review. Although it pays lip service about availability of judicial review, as a practical matter, there is absolutely no way any citizen in this country will have access to any process that enables a review of these timber cuts.

All environmental review, all judicial review, for all practical purposes, is gone. It cannot be accomplished, given the constraints that have been put in this amendment.

This is going to cost this country in untold ways. Among others it has a below-cost timber sale provision in it, notwithstanding CBO scoring. I would predict we are going to come back in a couple of years and find that, again, the harvest has cost more than it has brought in by a large measure.

This provision is an affront to sound environmental policy, it is an affront to sound forest management, it is an affront to sound judicial process.

Mr. LIVINGSTON. Mr. Chairman, I yield 1 minute to the gentlewoman from Nevada [Mrs. VUCANOVICH], a valiant member of the Interior Subcommittee.

Mrs. VUCANOVICH. Mr. Chairman, I rise in opposition to the amendment offered by Mr. YATES.

In my own State of Nevada, 6 years of drought have produced large areas of dead and dying trees and other accumulated fuels in Nevada's forested lands. Last summer's wildlife season was the worst in history, and extreme wildlife danger still exists in many of the forested lands in Nevada.

The Lake Tahoe area, for instance, in addition to the drought, has suffered years of insect infestation, resulting in a dangerous overloading of fuels.

The bill before us includes emergency timber salvage provisions that are vital for the health of Nevada's forests, and forests across the West. Unless we take immediate action, the dangerous build-up of fuel for forest fires will continue unchecked, and the 1995 wildfire season may well be the worst yet.

I oppose the amendment offered by Mr. YATES, which would strip these necessary provisions from the bill.

Mr. LIVINGSTON. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. NETHERCUTT], another distinguished member of the committee, who is also a member of the Interior Subcommittee.

Mr. NETHERCUTT. Mr. Chairman, I thank the chairman for yielding.

Mr. Chairman, I am happy to rise in opposition to the Yates amendment and in support of the Taylor amendment. This is a common sense solution to a very difficult problem that we face out west. I wish that every Member of this body could come through the Copper Butte area of my State and my district and see the devastation of the forest fires that occurred last summer. You would see the timber rotting in the forest and you would see the necessity for this emergency measure.

It is an emergency measure. This is an expedited treatment of the environmental laws and an expedited treatment of an ability to get in and salvage timber that is dying and diseased in the forest, and it is absolutely necessary to protect the areas of my district. It will provide jobs, it will provide money to the Treasury, and it will provide a common sense environmentally sensitive solution to this very grave problem.

I ask the support of this body to oppose the Yates amendment and support the Taylor amendment.

Mr. LIVINGSTON. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Washington [Ms. DUNN].

Ms. DUNN of Washington. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the Emergency Timber Salvage Program in the rescissions bill.

Last year, devastating fires burned almost 1 billion board feet of timber in Washington State. I remember flying home last summer and seeing the clear blue sky at 40,000 feet clouded with smoke from these fires. As soon as I landed, I contacted friends in eastern Washington who were trying to protect their homes and orchards from fires burning less than a quarter of a mile away from their properties.

Thankfully, the western part of my State did not suffer from those fires. However, we do know about the effect of fires on private lands. Just this year there was a fire in Carbanado, a small community in my district. And the Forest Service representative in the Mount Baker/Snoqualmie National Forest informs me that there is a strong possibility that a fire similar to the ones in eastern Washington could be in our future because of the 200-year fuel load on the ground.

On my side of the mountains, we also have millions of board feet of blown-down timber in need of salvage. Salvage work that could put families back to work doing what they have been doing for generations.

Mr. Chairman, this is not just about salvaging timber. It is about salvaging families, communities, and human dignity. We have the opportunity to give a hand up to people in need, not the mere handout of public assistance.

Further, this issue is also about the health of our forests. Ignoring that concern now will result in larger and more catastrophic environmental tragedies later.

If we do not remove a significant amount of the fire-killed timber, we increase the likelihood that the area will burn again in the very near future. Another burn would destroy more valuable forest resources and wildlife habitat. And once again, we would place human lives and property at risk.

With that in mind, this language simply directs the Forest Service to perform emergency salvage sales during a 2-year period and directs the Bureau of Land Management to perform salvage sales each year for 2 years. These sales would be conducted on Federal lands managed by these two agencies.

The salvage program only involves less than one-third of the total estimated volume of dead, dying, and diseased timber on suitable Federal lands.

Unfortunately, Mr. Chairman, there has been some misinformation accusing the supporters of this program of ignoring, or trying to bypass, the administrative review process required before a sale goes to market.

Nothing—I repeat, nothing—could be further from the truth.

This language streamlines the process in order to allow the agencies involved to expedite these sales over a period of months, instead of years. Right now, many of these sales are locked up in litigation, appeals, and other roadblocks.

What this salvage program provides is the predictability that this process has so sorely missed.

Last and certainly not least, this salvage program will also return money to the Federal Government, up to $620 million.

The timber salvage program presents an opportunity to begin cleaning up our national forests, generating Federal revenues and providing family-wage jobs in affected communities. I strongly support this Timber Salvage Program.

Mr. YATES. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. ESHOO].

Ms. ESHOO. Mr. Chairman, I rise in strong support of the Yates/Vento amendment which would strike the timber salvage sales provision in H.R. 1159.

Under the guise of forest health, the salvage timber sale provision would savage our Nation's forests. Not only would the measure throw out all existing environmental safeguards and public oversight, it would result in significant losses to the Federal Treasury.

The provision mandates a minimum cut of 6.2 billion board feet over 2 years—almost doubling the current annual yield from the entire forest system. Even areas studied and proposed as wilderness would be open to logging.

The salvage timber sale provision would negate decades of effort by Congress and the Forest Service to ensure that national forests are managed in an environmentally, socially, and fiscally responsible manner.

And it wouldn't even provide any real savings. According to the Congressional Research Service, "Salvage timber harvesting generally costs more than the revenues they generate because of lower timber quality and higher operating costs for buyers."

In fact, this provision would likely cost the Federal Treasury at least $220 million more than the revenues salvage logging would bring in.

Put simply, salvage timber harvesting makes no sense. I urge my colleagues to join me in supporting the Yates/Vento amendment to stop this far-reaching assault on our public forestlands.

Mr. YATES. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, I rise in strong support of the Yates amendment. I want to quote from a letter I received from the two largest Northwest sports and commercial fishing groups. They represent 100,000 jobs in my area and billions of dollars. They say, "We oppose the effort to approve sufficiency language and mandate minimum timber harvest levels in the northwest." They say, "It makes no economic sense to harvest timber on the backs of fishermen and the expense of jobs and coastal communities which salmon support. This would be a form of economic suicide."

Mr. Chairman, I understand that there is a forest health program. It needs to be fixed, but not by bypassing our laws and sacrificing good science. I urge my colleagues to support the Yates amendment.

Mr. LIVINGSTON. Mr. Chairman, I yield one-half minute to the gentleman from Oregon [Mr. BUNN], a member of the Interior Subcommittee.

Mr. BUNN of Oregon. Mr. Chairman, I think it is about time we bring common sense back into the formula. I have listened to the extremists say if lightning strikes, let the trees burn and ignore the jobs. I think it is totally absurd when we are trying to find a balance, we are trying to maintain a sustainable yield, that we will not take the pressure off the green timber, but instead we have an opportunity to salvage trees that are going to rot if we do not do it. We are simply going to lose 22,000 jobs and deny the opportunity to maintain a sustainable yield. I urge a "no" vote on the Yates amendment.

Mr. LIVINGSTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, I rise in opposition to the Yates amendment and associate myself with the remarks of the gentleman from Oregon.

Mr. YATES. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT of Texas. Mr. Chairman, I urge you to use some common sense here and ask yourself a question: If this bill only relates to burned timber and rotting timber, why was it necessary to suspend every single environmental law which applies to forest, to fish, and to wildlife and recreation in order to pass it? If it applies only to burned and rotting timber, why was it necessary to provide in the bill that it is OK to log and build roads in a wilderness area that is permanently protected?

That is not what this bill is all about. This is no way to go about this. If you can make the case this is necessary, make the case in the authorizing committee. This is an extremely bad amendment.

Finally, if it is such a good piece of common sense, why in the world is it necessary to put a provision in here that says this is OK even if we lose money doing it? What interest do the American people have with permitting the cutting of forests in a situation in which we are going to lose money.

The fact of the matter is, we are suspending every environmental law, letting them log in the wilderness areas, and letting them sell this timber at below cost prices, which is a significant detriment to the American people. I strongly urge you to vote yes for the Yates amendment and oppose this extreme measure.

Mr. LIVINGSTON. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. RIGGS], a member of the committee, and a distinguished one at that.

□ 1730

Mr. RIGGS. Mr. Chairman, I thank the full committee chairman for yielding time to me.

Let me first say to the gentleman from Texas, he obviously has not read the provisions of the Taylor timber salvage amendment.

The Taylor amendment explicitly excludes wilderness areas or those areas under study or consideration for designation as wilderness. This bill is not about ideology. It is about jobs. It is about good productive resources, and it is about making our federal resource lands for fire suppression purposes and the health of the forest land.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. RIGGS. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, even if it is a salvage sale, we have got to do a complete EIS. That takes 3 years. It takes the Forest Service 3 years to prepare a single sale.

This is an emergency. If we do not do it rapidly, the timber is going to rot and is not going to be useful. That is why we have to do an EA instead of an EIS.

Mr. RIGGS. Mr. Chairman, I thank the gentleman for his comments and his contribution and his efforts, which make it a genuinely bipartisan effort.

I urge my colleagues to defeat the Yates motion to strike. Support the Taylor amendment.

Mr. Chairman, I rise in defense of our National Forests and the hard-working Americans who rely on the forests for their livelihoods. We are facing a national emergency.

A landmark timber salvage amendment is included in H.R. 1159, offered by Representatives CHARLES TAYLOR and NORM DICKS, with my full support. This amendment is about putting people back to work in one of our most important industries.

At a time when many are concerned about exporting jobs, we have a chance to put Americans to work—in an industry owned by Americans, harvesting a product consumed by Americans.

By providing the increased harvesting of salvage timber, we will be providing a product for idle sawmills throughout the country. Since 1987, a total of 51 facilities have closed in California. Twelve of those sawmills were in my district.

We must return to an intelligent, long-term forest management plan that is primarily focused upon forest health. This amendment starts us off in that direction.

This amendment also makes fiscal sense. CBO scored it as a revenue maker. Industry and labor estimate the provision will generate at least $620 million in additional Federal revenues. Local governments will receive another $200 million.

The U.S. taxpayer spent over a billion dollars and 33 lives to fight forest fires last year.

These losses could have been drastically curtailed had similar legislation been in place.

This amendment is a win-win proposition. We must not miss out on this opportunity.

Mr. Chairman, our forests are sick and our communities are dying. We must help our people get back to work. We must help our forests regain their productivity and provide a renewable resource for our children and grandchildren to enjoy.

I urge my colleagues to support the Taylor-Dicks amendment.

SIERRA PACIFIC INDUSTRIES,
Arcata, CA, March 14, 1995.

Re: Taylor/Dicks Emergency Salvage Amendment.

Congressman FRANK RIGGS,
Longworth House Office Building, Washington, DC.

DEAR MR. RIGGS: An article in the Times Standard Newspaper on Sunday, March 12, regarding the proposal to salvage the dead timber on our National Forests prompts me to write this letter. The article reports that the large amounts of timber that would be logged from our National Forests as a result of the Emergency Salvage Amendment would decrease the price of private timber to the point that the private landowner could ask the Forest Service for relief under the theory of a "taking." Further in the article Senator(?) Leahy guesses that the G.O.P. has created this situation.

I find it hard to read this kind of reporting without wondering whatever happened to responsible thinking and reporting. I would like you to know that a salvage program on our National Forest is a must. The scare tactic that our National Forests will be overcut as a result of removing the dead material is just not true. In fact years of responsible management of our National Forests has resulted in wood products for our country as well as a healthy National Forest for all of us to use and enjoy.

You and your colleagues know that there are a lot of us here in Humboldt County that want you to support the passage of an emergency amendment to salvage the dead and dying timber on all our National Forests. As you know it will not put an extra amount of timber on the market and result in lower prices on private land. The salvage timber will help maintain existing jobs. I doubt that it will create new jobs, however, because the amounts of timber that will be harvested are far below historical levels once produced under sound forest management practices. The practice of salvaging will help to maintain a healthy forest. You must ask (tell) the National Forest to closely monitor the harvest to assure all salvaged area will be fully restocked with new trees whether they are planted or seed in naturally from the surrounding timber.

The mills in our area will be asked to competitively bid on any salvage timber offered for sale. In the past this process has resulted in jobs for not only woods workers and their families but also for mill workers and support businesses and their families. Our schools will also benefit from the income to the Forest Service because 25% of the money received from the sale of timber goes to the county schools and county road departments. Our mill currently is no longer sawing any National Forest timber due to the fact the Six Rivers National Forest is no longer selling any timber sales. The salvage timber that could be sold from the Six Rivers National will help our sawmill as well as the other sawmills in the local area.

Please support the theory of a healthy National Forest by working for an Emergency Salvage Amendment. Thank you for your time and consideration of this matter.

Very Truly Yours,

RON HOOVER,
Timber Manager.

SCHMIDBAUER LUMBER, INC.,
Eureka, CA, March 14, 1995.

Hon. FRANK RIGGS,
Washington, DC.

DEAR CONGRESSMAN RIGGS: This letter is intended to indicate our STRONG SUPPORT for the Taylor/Dicks Emergency Salvage Amendment.

This amendment will create jobs in our area, and improve Forest Health of increasingly unhealthy public lands.

This amendment is critical to the future of our area and the future of our company. Please make every effort to see that this amendment is attached to the Omnibus Rescission Bill.

Sincerely,

MARK ANDERSON,
Resource Procurement.

BLUE LAKE FOREST PRODUCTS,
Arcata, CA, March 14, 1995.

Hon. FRANK RIGGS,
Congressman, First District of California.

DEAR FRANK: Blue Lake Forest Products employs directly 100 men and women and another 300 jobs in the area are indirectly dependent on the company's operation.

We strongly support the Emergency Salvage Amendment. It means jobs and survival to companies in the hard hit region. The Amendment will raise substantial revenues for the U.S. Government.

The Amendment fosters forest health, as the local Forest Service are full of dead and dying trees. This bill is critical to our company's survival and to local forests, and economic health. We urgently request you and your colleagues to support this amendment.

Very Truly yours,

BRUCE M. TAYLOR,
Owenr Blue Lake Forest Products.

UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA,
Washington, DC, March 10, 1995.

DEAR CONGRESSMAN: On behalf of the 600,000 members of the United Brotherhood of Carpenters and Joiners of America, I am writing to request your support for the timber salvage amendment to the Omnibus Rescission Bill sponsored by Congressmen Norm Dicks (D-WA) and Charles Taylor (R-NC). This measure gives the U.S. Forest Service emergency authority to remove dead, dying, diseased and fire-damaged timber from federal forests.

This amendment addresses two primary concerns of our membership. First, salvage harvests will provide a needed supply of timber to mills where tens of thousands of our members work. Harvest restrictions to protect endangered and threatened species on federal forest land have created a timber supply crisis, particularly in the Pacific Northwest and Northern California. During the past five years, almost 20,000 timber-related workers have lost their job in the region due to the supply crisis. Salvage timber, if removed in a timely manner, can help slow mill closures.

The Dicks-Taylor amendment mandates the Forest Service salvage not less than 3 billion board feet of timber from federal forest in 1995 and 1996. In 1994, the Forest Service salvaged just 1.5 billion board feet nationally. Doubling the salvage amount will create approximately 22,000 new jobs in forest products and related industries and timber-dependent communities nationwide.

Secondly, removing dead, dying and diseased timber will protect the health of our national forests. The dead and dying timber presents a serious fire hazard—standing as a fuel load across billions of acres of federal forest land. If not removed quickly, diseased timber can infect other trees, jeopardizing the health of the entire forest.

Importantly, this legislation requires salvage sales comply with environmental laws including the Endangered Species Act. It also expedites the judicial review process without undermining the public's right to challenge federal timber sales. This is important because of the brief window of opportunity for obtaining the value of salvaged timber.

It is essential the Congress pass his emergency measure as quickly as possible. In the last five years, an average of 6 billion board feet per year of timber died in national forests. The U.S. Forest Service timber salvage program averaged just 1.8 billion board feet for those years. This means that in the last five years alone, 21 billion board feet of dead timber has accumulated on Forest Service lands. This timber must be removed as soon as possible to reduce the risk of fire and obtain the timber for production before it loses its value.

The Dicks-Taylor amendment provides a rare opportunity for the Congress to provide a "win-win." The amendment will protect the ecological health of our forests and help support the employment base in timber-dependent communities by providing some small amount of timber for milling.

We hope you will support the Dicks-Taylor timber salvage amendment when it comes before the full House for consideration.

Sincerely,

SIGURD LUCASSEN.

SIERRA CEDAR PRODUCTS,
Marysville, CA, March 7, 1995.

Hon. FRANK RIGGS,
U.S. House of Representatives, Washington, DC.

DEAR MR. RIGGS: Our people, our communities and our state need your help convincing Congress to pass the emergency salvage amendment to the Omnibus Rescission Bill.

The amendment would allow the Forest Service to salvage fire damaged and dying timber and return burned forests to healthy forests.

The amendment would provide 6-billion board feet of salvage timber to the harvest and processing industries—a vital step to the renewal of our state's forest products economy.

Salvage work must begin quickly to help prevent another season of catastrophic fires and destruction of our wild life habitat and our emerging timber lands.

Sincerely,

HAL STILSON,
Sierra Cedar Products.

WESTERN COUNCIL OF INDUSTRIAL WORKERS—UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA,
Portland, OR, March 10, 1995.

DEAR CONGRESSMAN: On behalf of the 20,000 members of the Western Council of Industrial Workers, I am writing to urge your support of the timber salvage amendment attached to the 1995 Omnibus Recision Bill. The amendment is sponsored by Congressman Norm Dicks (D-WA) and Charles Taylor (R-NC).

The Dicks-Taylor amendment will help address the national forest health emergency. Over the past five years alone, more than 21 billion board feet of dead, dying and diseased timber has accumulated on federal forests. In my home state of Oregon, foresters estimate that more than half of the national forests are facing a health crisis. The backlog of dead and damaged timber in these forests threatens to infect other trees and serves as kindling for wildfire. The Dicks-Taylor amendment will enable the U.S. Forest Service to conduct emergency salvage sales to remove the damaged, diseased and dead timber.

Additionally, by passing this amendment, Congress can help save the jobs of our members and tens of thousands of other men and women employed in the forest products industry. Salvage timber, harvested in a timely manner, can be milled into forest products. Estimates show the salvage harvest levels called for under the amendment will add 22,900 jobs in forest products and related industries and communities nationwide. At a time of increasing unemployment and mill closures due to harvest restrictions on federal lands in the Pacific Northwest and Northern California, salvage logging can provide an important source of fiber supply to keep mills up and running and workers employed.

The amendment also recognizes the need to implement salvage operations as soon as possible. Because of the brief window of opportunity for obtaining the value of the salvaged timber, the amendment expedites deadlines for filing and appealing lawsuits.

Our members have long been concerned about forest health. The forest is our home. It supplies us with our livelihoods. It's where we raise our families. And it's where we recreate. We believe that with proper care, our national forests can continue to provide for an array of needs. We believe we can—and must—protect forest ecosystems and the economic base of our timber-dependent communities.

This amendment is a sound, moderate approach to help us reach these goals. We urge you to support the Dicks-Taylor amendment as it moves before the full House and join us in our efforts to secure quick passage.

Sincerely,

J.L. PERRIZO,
Executive Secretary.

STANDARD STRUCTURES INC.,
Santa Rosa, CA, March 14, 1995.

Congressman FRANK RIGGS,
Longworth H.O.B., Washington.

DEAR FRANK: The FY '95 Rescission Legislation will be before the House this week. There is an important provision within this legislation that calls for the harvest and sale of 6.2 billion board feet of dead and dying timber from our national forest.

It is very important that this provision stays in the bill. As a manufacturer of engineered wood products, we are in desperate need of additional harvesting that will bring some stability to our business.

This is a win-win provision as it will not only benefit the forest products industry and its employees, but will contribute to the short and long term health of the forests.

Please do all you can, Frank, to oppose any attempt to strip these provisions from the FY '95 rescission bill.

Sincerely,

RICHARD C. CALETTI,
President.

PETERSON TRACTOR CO.,
San Leandro, CA, March 8, 1995.

Hon. FRANK RIGGS,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE RIGGS, I am writing to urge you to support the emergency salvage amendment to the Omnibus Rescission Bill. This is a major first step toward development of a proactive forest health program on federal lands. Of equal importance, it will bring desperately needed jobs to my region again and help stabilize my suffering community.

With Congress cutting programs to trim the deficit, it's noteworthy that you've found a way to increase revenues and provide environmental benefits at the same time.

Last summer, more than four million acres of forests burned, largely because of buildups of dead and dying timber. Over $1 billion was spent to control those fires, and several lives were lost in the process.

The amendment would allow the Forest Service to recover some of the fire-damaged trees, and dying timber elsewhere, through emergency salvage sales. It calls for sales of three billion board feet each year for the next two years. No new money is needed to do this; it's already contained in the salvage trust fund. As a bonus, the amendment would give federal foresters the ability to convert dead, dying and burned forests into healthy young forests for the purpose of stabilizing soils, protecting streams, reducing the risk of catastrophic fire, and developing wildlife habitat.

With so much dead and dying timber threatening the health of our forests, and thousands of jobs at stake, it's impossible to believe that anyone would oppose a bill like this. Actually, there is a group who opposes it: environmental extremists. They don't want national forest timber harvested under any circumstances. They should be ignored, and I encourage you to pass the bill quickly. Salvage work must begin quickly to gain value from already-burned timber and to remove dead and dying timber before it is consumed in this year's firestorms.

Sincerely,

JERRY LOPUS,
Vice President—Sales.

PETERSON TRACTOR CO.,
San Leandro, CA, March 8, 1995.

Hon. FRANK RIGGS,
U.S. House of Representatives, Washington, DC.

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Sincerely,

ERNIE FIERRO,
Vice President—Product Support.

Mr. LIVINGSTON. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Washington [Mrs. SMITH].

Mrs. SMITH of Washington. Mr. Chairman, I rise in opposition to the Yates amendment.

Mr. Chairman, this bill is the best news my constituents have heard in a long time—cutting Government and putting people back to work. In the State of Washington, the spotted owl has caused 50 lumber mills to close since 1989, dislocating thousands of workers.

Now, help is on the way. This bill is going to put people back to work in economically depressed areas like Grays Harbor County. A sawmill owner there informed me that this bill will free up enough timber to put 50 people immediately back to work.

This bill is also good news for small timber towns in my district like Morton, Randle, and Packwood. Mills in these towns travel thousands of miles for wood when there is salvage timber right down the road.

Do not be misled by those who claim we are going to harm the environment or small critters if we salvage this timber.

In many cases we are just taking timber that was blown down in storms and has been on the ground for several years just rotting away.

So let us improve the health of our forests and put people back to work at the same time. I urge my colleagues to reject any effort to remove the timber salvage provisions from this bill.

Mr. LIVINGSTON. Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. COOLEY].

Mr. COOLEY. Mr. Chairman, I rise in strong opposition to the Yates amendment. This is an obstructionist move that takes aim at the rural American taxpayer. A vote for the Yates amendment is a vote against the environment and people of this country. A vote for the Yates amendment will make our already sick forests sicker, substantially increase fire hazards and completely waste a valuable resource that can employ thousands of people in a depression community.

A vote on the Yates motion is a "no" vote. The Taylor amendment will improve the health of the forest, returning hefty revenues to Uncle Sam and put people back to work.

If your head is screwed on today, as it should be, you will vote "no" on the Yates amendment.

Mr. LIVINGSTON. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Chairman, I am very concerned about environmental quality in this country. I represent an area in southern California that has the highest number of first-stage smog alerts in the Nation.

I have come to the conclusion that we must have a balanced policy. If we look at this issue of restoring forestry health, the need to create jobs and the opportunity to kill and actually salvage dead trees, this is the responsible approach for us to take.

I strongly support the language that is included in this bill. I believe we can bring down the cost of lumber, the cost of housing to people out there who are trying to attain the American dream and maintain environmental quality.

Support the committee position.

The CHAIRMAN. The gentleman from Illinois, Mr. [YATES] has 3½ minutes remaining.

Mr. YATES. Mr. Chairman, I have only one speaker. Did I understand the Chair to say that the gentleman from Louisiana has the right to close?

The CHAIRMAN. That is correct. He defends the committee position.

Mr. LIVINGSTON. Mr. Chairman, I yield a half minute to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Chairman, I thank the gentleman for yielding time to me.

First of all, lets say that this Taylor amendment is a good amendment. Last year we spent a billion dollars fighting wildfires here in America. But more importantly, we lost 26 good people and millions of acres of forest land.

The past few years have seen a stunning decline in the management of the health of our forests. This amendment will give us a chance to bring some of the health back to our forests.

In the last 5 years we lost 6 billion board feet per year in timber wasted in our national forests.

This is a good, commonsense amendment, the Taylor amendment. I hope Members vote for it.

Mr. LIVINGSTON. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Chairman, I rise in strong opposition to the Yates amendment. This amendment is anti-forest, anti-taxpayer, and pro-fire.

Last year 375,000 acres of forest in California and 4 million acres nationwide were incinerated by wildfire at a cost of $1 billion of taxpayer money.

This ecological mayhem was caused primarily by the excessive buildup of nature fuels in our forests. Some extreme environmentalists claim that this buildup and the devastation it caused was natural, but to the families of the 33 fire fighters who lost their lives it was an outrageous and needless tragedy.

Mr. Chairman, I have forests in my district that are 60 and 70 percent dead and dying due to insects, disease and 7 years of drought. These forests are fire bombs that will explode in the months ahead unless we act now.

I urge my colleagues to champion our forests, our fire fighters, our taxpayers.

Vote no, no, no to the Yates pro-fire amendment.

The CHAIRMAN. The gentleman from Louisiana [Mr. LIVINGSTON] has 1 minute remaining and may close the debate. The gentleman from Illinois [Mr. YATES] has 3½ minutes remaining.

Mr. LIVINGSTON. Mr. Chairman, I yield one-half minute to the gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. Chairman, I thank the gentleman for yielding time to me.

I rise in support of the Taylor amendment because actually this amendment did not require hearings necessarily. We are not creating new law. What we are doing is mandating that the Forest Service do whatever already has been passed in law in the Resource Planning Act and the National Forest Management Act.

It is required under those acts that the salvage be kept out of the forest. This bill does not even go far enough, because this last summer we burned 8.135 billion board feet of timber.

Mr. LIVINGSTON. Mr. Chairman, I reserve the right to close.

The CHAIRMAN. The gentleman from Illinois [Mr. YATES] will be closing debate on his amendment.

Mr. YATES. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I rise in strong opposition to the Taylor amendment.

Mr. Chairman, I rise in support of the amendment offered by Mr. YATES to strike the Taylor provision from the rescissions bill. The committee provision mandating targets for timber salvage sales on our Federal lands simply does not belong in this bill. It is an issue that should have been given ample and careful review by the appropriate authorizing committees.

The timber industry will love this Federal give-away. Under the pretense of saving our forests, the Taylor provision would instead double the amount of logging in our forests and wilderness—to 6.2 billion board feet. Armed with the excuse of removing salvage timber, roads will be built where they should never have existed and forest areas, previously untouched, will bear the new scars of timber industry greed.

The Taylor provision is a back-door attempt to open the floodgates on increased timber harvests. It is bad public policy and should be rejected. I urge my colleagues to support the Yates amendment to strike this excessive provision.

Mr. YATES. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. FARR].

Mr. FARR. Mr. Chairman, I rise in support of the Yates-Vento amendment.

Mr. Chairman I rise in strong support of this amendment.

Mr. Chairman, without this amendment we will in one sweep double the cutting of timber from our national forests and virtually suspend all environmental laws protecting our forests.

I urge you to support this amendment to strip the bill of provisions mandating specified levels of timber salvage sales.

The bill would declare a 2-year emergency and direct the Secretaries of Interior and Agriculture to produce a minimum total of 3.115 million board feet of timber per year. Since when does Congress set minimum cuts? Is this an effort to reduce the risk of forest fires or an effort to serve special interest logging companies?

The bill defines "salvage" timber to include the removal of live and healthy "associated trees," the removal of insect infested trees and the removal of "trees immediately susceptible to fire or insect attack."

Mr. Chairman this bill is a radical and excessive chainsaw solution that requires the Federal Government to cut regardless of environmental impact and regardless of the cost to the American taxpayer.

Vote for this amendment.

Mr. YATES. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I rise in strong support of this amendment. It is high time we began to look at what you have written and what you have done.

The reason this has no place in a rescission bill, this is a budget buster, this particular amendment. That is why we appropriate hundreds of millions of dollars to build timber roads in this country. It is because of amendments like this that we are going to have to devastate, not only what we have to pay out of our pocketbooks, but we are going to have to pay, future generations are going to have to pay with their legacy. Read what you have done.

It protects two States in terms of wilderness: Colorado and Montana, and Montana very little. Idaho is completely open. Any area that is a nonlegislative study area for wilderness is opened up. You suspend the deficit timber sale.

The fact of the matter is, this is just a fig leaf used to cover up to justify action when the authors should get arrested for indecent exposure here, based on what is going on, trying to wrap yourself in forest health. Forest health has more to do than just cutting down trees and trying to blame the wilderness areas for the fires after 100 years of fire suppression.

The proponents of this proposal would like you to believe that it is a win-win scenario, that we would be saving forests in danger of chronic health problems and extracting valuable timber. But this salvage timber sale savages the taxpayer and the national forests.

The substance of the bill points out that forest health is the least of their concerns and the real target is to ignore sound science, due process, to carve up our forests, to harvest regardless of law and cost. This particular measure stands every law right on its head. This is going to be the governing document, not the environmental laws, not the courts, not any type of reasonable due process that exists under current law.

You have really done it with this one. To superimpose, to mandate on the Forest Service and the BLM 6.3 billion boardfeet in the next 2 years in terms of cutting on top of everything else that they are doing, to disregard the courts, to disregard the taxpayer, to disregard everything, and it is a loser. CBO, it points out that it makes money, but they do not count the cost of the roads.

The Congressional Research Service points out that almost every sale is a deficit timber sale under salvage. You say you do not cut green trees, the definition that you put in here cuts out a lot of green trees and provides for a lot of roading in areas that are not roaded today.

This will, in fact, destroy many, many wilderness areas. This amendment deserves to be promoted. This provision of the bill should be knocked out. It has no place in a rescission bill. This is a budget buster, and it ought to be defeated, Mr. Chairman.

Mr. Chairman, I rise in support of the Yates-Vento amendment to strike the timber salvage provision. This provision is an outright assault on our public forests and environmental laws and does not belong in this bill or any rescission proposal because it is a revenue loser. It costs the taxpayer twice—from their wallet and from the destruction of natural legacy. The salvage timber provision not only violates House rules on legislating in an appropriations bill, but arrogantly wraps itself in a label of forest health while savaging the substantive scientific issues involved.

This provision should be labeled for what it is—under the guise of improving forest health this provision would allow timber companies heretofore unfettered access to logging in our national forests suspending all environmental laws, all past Federal court decisions, and all public input. The fig leaves used to cover up, to justify such action, should get the authors arrested for indecent exposure.

Proponents of this provision would like you to believe that this is a win-win scenario, that we would be saving forests in danger from chronic health problems and extracting valuable timber. But not this salvage timber provision which savages the taxpayer and the national forests. The substance of this bill points out that forest health is the least of their concerns and that the real target is to ignore sound science, due process and to carve up our forests to harvest regardless of law and cost.

Roadless areas will be carved up in many States and even areas being proposed and studied for NFS or BLM wilderness would be put to the bulldozer, the saw and the axe with this Taylor policy. The unrealistic goal of 6 billion board feet if enacted would change the face of America's landscape. Like a Third World nation, American exploitation would be our national patrimony for the profit of the few at the expense of the taxpayer and our national legacy.

The definition of salvage timber sales and the arbitrary mandated 6.3 billion board feet number contained in the provision clearly exposes the centerpiece of benefits being yielded to the timber industry. Salvage timber sales are defined so broadly that extensive logging of healthy trees and forests would be fair game. The Bureau of Land Management memo readily points this out: "This is an obvious attempt to open up areas for timber harvest without regard to environmental safeguards. it would not be necessary to set minimum harvest levels if the intent were to simply remove the trees in need of salvage."

The National Forest Service [NFS] in fact has a comprehensive plan to address chronic forest health problems based on five primary actions, of which selective harvesting is but one element. However the Forest Service is careful to point out that salvage timber harvesting is not always the best treatment for rehabilitating forests and can be used in context with thinning, species composition, prescribed burning and watershed restoration.

The NFS report asserts: "Some salvage—harvesting—is desirable, but often salvaging dead and dying trees in and around root disease centers can aggravate the situation and result in increased mortality * * * It should be recognized that salvage alone will do little to enhance forest health. Our ecosystem analysis will determine whether and when salvage should take place."

Mr. Chairman, I agree that we need to aggressively address chronic forest health problems. But salvage logging has significant impacts on fish, wildlife, soil, and other resources just as in the case of any other kinds of timber harvest. Forest health has been hijacked in this debate. To simply justify this savage/salvage operation—the same old business as usual with Congress feeding the timber company harvest sales figures without regards to science or the facts, is irresponsible. Past sales figures so stressed U.S. forests in even the most productive areas that the courts had to step in and stop the violation of fundamental laws—laws that this slam dunk timber salvage bill overrides and throws out.

Lastly, the September 26, 1994, CRS report on salvage sales should be kept in mind with regard to cost. Notwithstanding some creative CBO scoring on this bill, I quote: "Salvage sales often cost more than the revenues they can generate because of lower timber quality and higher operating costs for buyers." The report goes on to point out that even on revenue generators Treasury loses because by law, 100 percent must be returned to the salvage fund and 25 percent of the value must be paid to State and local governments, that is, the dollars incidentally are permanently appropriated—125 percent spending of 100 percent of the revenue. Now we find out that the Congressional Budget Office [CBO] doesn't even score the costs of timber roads regarding such sales and that the NFS pays out the local revenue up front inconsistent with the law—the taxpayer is left holding an empty bag with the enormous rehabilitation and reforestation tab for yet more hundreds of millions of dollars.

Approving the salvage timber harvest provision in this legislation disregards the science of all environmental laws governing timber harvesting, flies in the face of common-sense budgeting and elemental fairness. I strongly urge the Members to strike this 14 page legislative timber grab from the bill.

Mr. YATES. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from Louisiana [Mr. LIVINGSTON] has the right to close and has 30 seconds remaining.

Mr. LIVINGSTON. Mr. Chairman, I yield such time as he may consume to the gentleman from California, [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Chairman, I rise in strong support of the Taylor amendment.

Mr. LIVINGSTON. Mr. Chairman, I yield the balance of my time, 20 seconds, to the gentleman from Washington, [Mr. METCALF].

Mr. METCALF. Mr. Chairman, this 500-year old Douglas fir is a blow down in Washington State. Mr. Carlson tried to buy it for his lumber mill for $10,000 to $20,000. He was refused. Later on, as it deteriorated, it was sold for firewood and the taxpayers got just under $100.

Let us stop this waste and oppose the Yates amendment.

Mr. LIVINGSTON. Mr. Chairman, I would only say that Federal firefighting alone cost $1 billion in 1994 and whoever sent this flier out that says Speaker GINGRICH is for the Yates amendment and against this Taylor amendment is wrong. This is not true.

Mr. RICHARDSON. Mr. Chairman, I rise in support of the Yates-Vento amendment.

As my colleagues know, this amendment would strike provisions in the bill which mandate specific levels of timber salvage sales on Federal lands in fiscal years 1995 and 1996.

The Yates-Vento amendment would maintain common sense in American land use planning. It would strike the bill's dangerous salvage sale provisions and ensure that Congress doesn't allow the raiding of the Treasury and the pillaging of the environment just to hand a bonus check to the timber industry.

Our distinguished colleagues SID YATES and BRUCE VENTO have warned that this provision is a timber lobbyist's dream. But it is more than that. It is a taxpayer's nightmare.

As Mr. YATES noted during last week's markup, no funds will be returned to the Treasury from the salvage sales, since all receipts will go into the Salvage Fund or to individual counties. The loses to the U.S. Treasury will require subsequent supplemental appropriations and new funding to cover the costs.

The bill ignores our current fiscal problems and encourages timber to be cut at any cost, stating in section c(5) that salvage activities "shall not be precluded because the costs of such activities are likely to exceed revenues derived from such activities."

This means that even if salvage sales don't make money, they will continue, because Congress has said that protecting the timber industry is more important than protecting the environment or safeguarding the U.S. Treasury.

Perhaps even more incredibly, this provision would waive all Federal laws. By passing this bill unchanged, we would literally be suspending criminal law, conflict of interest limitations, Federal contracting requirements and anti-fraud provisions, not to mention the rule against obligating Federal funds without authority to do so.

Left unchanged, the bill replaces the rule of law with lawlessness. It says to the American people that Congress cares more about creating a few temporary jobs now than it does about deficit reduction and environmental protection for the future.

During the debate on this bill, we have heard a lot of rhetoric that this salvage authority is desperately necessary to save our forests and ensure forest health.

What we have not heard is that the Forest Service is already conducting an aggressive "salvage" program.

In fact, since 1978, the Chief's Annual Reports show that 15 percent of the cut was salvage—a figure representing more than 22 billion board feet!

The Forest Service currently has all the legal authority it needs to carry out an aggressive salvage program within existing law and clearly intends to do just that.

But perhaps my biggest concern with this ill-gotten gains legislation is that the level of logging required by this provision would require massive new road-building in roadless areas and massive clear-cutting.

Both of these practices seriously degrade the environment, including eroding the soil; harming the watersheds downstream; destroying salmon and trout spawning and rearing habitat; threatening watersheds and drinking water supplies and reducing the ability of forest soils to nourish healthy forests.

Mr. Chairman, in all the rhetoric of the debate on this issue, we've heard repeatedly about how the Clinton administration's land use policies have constituted some kind of "War on the West."

I would submit that this timber salvage provision is the real war on the West.

Unless we pass the Yates-Vento amendment to strike this industry bonus program, we will deliver a one-two punch to our country: we'll be robbing the Treasury and destroying our environment and the precious natural resources we all cherish.

Mr. Chairman, I did not come to Washington to do that. My constituents sent me here to ensure that we have an environment that is protected, natural resources that will still be around for future generations to enjoy, and a fiscal policy that makes sense.

They did not send me to Washington to vote for legislation dressed up to look like Little Red Riding Hood that's really the Big Bad Wolf.

Vote yes on the Yates-Vento amendment.

Mr. McDERMOTT. Mr. Chairman, I rise in support of the Yates-Vento amendment because it corrects the misguided piece of legislation which sits before us today. Unless changed through the adoption of the Yates-Vento amendment, this rescissions bill will seriously harm America's national forests.

Last week, while the Republican majority was busy cutting and slashing social programs which benefit America's neediest Americans, they got so carried away that they thought they might clear-cut a few trees as well.

Unfortunately, what has been tacked on to this "rescissions" bill is a costly environmental disaster known as a timber salvage plan. Although timber salvage is rhetorically pleasing—evoking images of saving rotting trees from their imminent demise, this timber salvage plan is a thinly disguised excuse for unregulated timber harvest in our treasured national forests.

As written, the timber salvage plan would mandate that 6.2 billion board feet be cut from our national forests over the next 2 years. Even more horrifying is that a majority of this astounding sum will come from our Northwest national forests most pristine roadless areas and old-growth remnants.

In order to go in and harvest these trees, the legislation before us today allows an extreme and unjustifiable legal exemption which permits the Forest Service salvage program to operate well beyond Federal laws and environmental regulations for the next 2 years.

I urge my colleagues to oppose this irresponsible environmental policy masquerading as timber salvage before us today and pass the Yates-Vento amendment. Allowing the so called timber salvage plan to pass not only threatens the future of our national forests, it continues Congress' irresponsible assault on our Nation's environmental policy.

Mr. HASTINGS of Washington. Mr. Chairman, I rise in strong opposition to the Yates amendment which attempts to remove the Taylor-Dicks emergency salvage language from this bill.

Throughout the West, the condition of our forests could not be worse. Years of drought and lack of any management activity on these lands led last summer to some of the most devastating wildfires on record. Millions of acres of pristine national forest land were destroyed and 34 lives were lost. If we don't take emergency action, millions more acres will be destroyed and even more lives could be lost during the upcoming fire season.

The Taylor-Dicks language in the bill allows for the immediate harvest of 6.2 billion board feet of dead and dying timber. In addition to providing for healthier forests and more wood for our struggling timber dependent communities, this provision will bring in an estimated $1.5 billion of revenue into the Federal treasury.

Mr. Chairman, the Taylor-Dicks amendment is good for the economy. It is good for the environment. And on top of all that, it is good for deficit reduction. Rarely in this body do we come across a "win-win-win" situation. I urge my colleagues to take advantage of this opportunity by voting no on the Yates amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Illinois [Mr. YATES].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. YATES. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 150, noes 275, answered "present" 1, not voting 8, as follows:

[Roll No. 240]

AYES—150

Abercrombie
Ackerman
Baker (LA)
Baldacci
Barrett (WI)
Becerra
Beilenson
Berman
Blute
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Coyne
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Durbin
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Filner
Flake
Foglietta
Ford
Fox
Frank (MA)
Frost
Furse
Gejdenson
Geren
Gibbons
Gilchrest
Gilman
Gonzalez
Green
Greenwood
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hilliard
Hinchey
Jackson-Lee
Jacobs
Jefferson
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
LaFalce
Lantos
Lazio
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Matsui
McDermott
McKinney
Meehan
Meek
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Moran
Morella
Nadler
Neal
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Porter
Rahall
Reed
Reynolds
Richardson
Rivers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Stark
Stokes
Studds
Thompson
Torkildsen
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Wise
Woolsey
Wyden
Wynn
Yates

NOES—275

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Boehner
Bonilla
Bono
Brewster
Browder
Brown (FL)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cunningham
Danner
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English

Ensign
Everett
Ewing
Fawell
Fields (LA)
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gillmor
Goodlatte
Goodling
Gordon
Goss
Graham
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martinez
Martini
Mascara
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Menendez
Metcalf
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Saxton
Scarborough
Schiff
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Traficant
Tucker
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—1

Williams

NOT VOTING—8

Collins (MI)
Cubin
Fazio
Gephardt
Herger
Rangel
Schaefer
Seastrand

□ 1800

The Clerk announced the following pairs:

On this vote:

Miss Collins of Michigan for, with Mrs. Cubin against.

Mr. Rangel for, with Mr. Herger against.

Mrs. THURMAN and Ms. BROWN of Florida changed their vote from "aye" to "no."

Messrs. GREENWOOD, TOWNS, and GILMAN changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HERGER. Mr. Chairman, I inadvertently missed the vote on the Yates amendment to strike the timber sales language in the bill. I would have voted "no."

AMENDMENT OFFERED BY MR. PORTER

Mr. PORTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PORTER: On page 23, line 10: strike "$1,603,094,000" and insert "$1,601,850".

On page 24, line 18: strike "$3,253,097,000" and insert "$3,221,397,000".

On page 25, line 12: strike "$82,775,000" and insert "$53,925,000".

On page 26, line 20: strike "$2,168,935,000" and insert "$2,178,935,000".

On page 29, line 4: strike "$113,270,000" and insert "$148,570,000" and on line 5: strike "$105,000,000" and insert "$140,000,000".

On page 29, line 16: strike "$757,132,000" and insert "$747,021,000".

On page 29, line 18: strike "$60,000,000" and insert "$90,000,000".

On page 29, line 19: strike "–D," and insert "–E".

On page 29, line 20: strike "$21,384,000" and insert "$10,084,000".

On page 29, line 22: strike all after the semicolon through the semicolon on page 29, line 23.

On page 30, line 20: strike "$232,413,000" and insert "$119,544,000".

On page 30, line 22: after "III–A," insert "and".

On page 30, line 22: strike "and –E,".

On page 30, line 23: strike "$151,888,000" and insert "$43,888,000".

On page 30, line 24: strike "section".

On page 30, line 25: strike "384(c),".

On page 30, line 25: strike "$31,392,000" and insert "$26,523,000".

On page 31, line 6: strike "$83,375,000" and insert "$187,475,000".

On page 31, line 7: after "IV," insert "part A–1,".

On page 33, line 11: strike "$34,742,000" and insert "$26,716,000".

On page 33, line 13: after "$15,300,000" strike ", and part VI, $8,026,000".

Mr. PORTER. Mr. Chairman, I ask unanimous consent that the 30 minutes on this amendment be divided between myself and the gentleman from Wisconsin [Mr. OBEY], the ranking member.

The CHAIRMAN. Is the gentleman from Wisconsin [Mr. OBEY] opposed to the amendment?

Mr. OBEY. No, Mr. Chairman, I am not.

The CHAIRMAN. Is there any Member opposed to the amendment offered by the gentleman from Illinois?

Hearing none, the unanimous-consent request will be accepted without objection.

There was no objection.

MODIFICATION TO AMENDMENT OFFERED BY MR. PORTER

Mr. PORTER. Mr. Chairman, I ask unanimous consent that the amendment be modified to correct three technical errors in the drafting of it, and I have an amendment for that purpose at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Amendment offered by Mr. PORTER, as modified:

On page 23, line 10: strike "$1,603,094,000" and insert "$1,601,850,000".

On page 24, line 18: strike "$3,253,097,000" and insert "$3,221,397,000".

On page 25, line 12: strike "$82,775,000" and insert "$53,925,000".

On page 26, line 20: strike "$2,168,935,000" and insert "$2,178,935,000".

On page 29, line 4: strike "$113,270,000" and insert "$148,570,000" and on line 5: strike "$105,000,000" and insert "$140,300,000".

On page 29, line 16: strike "$757,132,000" and insert "$747,021,000".

On page 29, line 18: strike "$60,000,000" and insert "$90,000,000".

On page 29, line 19: strike "–D" and "–E,".

On page 29, line 20: before "–G" and strike "and".

On page 29, line 20: strike "$21,384,000" and insert "$10,084,000".

On page 29, line 22: strike all after the semicolon through the semicolon on page 29, line 23.

On page 30, line 20: strike "$232,413,000" and insert "$119,544,000".

On page 30, line 22: after "III–A," insert "and".

On page 30, line 22: strike "and -E,".

On page 30, line 23: strike "$151,888,000" and insert "$43,888,000".

On page 30, line 24: strike "section".

On page 30, line 25: strike "384(c),".

On page 30, line 25: strike "$31,392,000" and insert "$26,523,000".

On page 31, line 6: strike "$83,375,000" and insert "$187,475,000".

On page 31, line 7: after "IV," insert "part A–1,".

On page 33, line 11: strike "$34,742,000" and insert "$26,716,000".

On page 33, line 13: after "$15,300,000" strike ", and part VI, $8,026,000".

Mr. PORTER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

Mr. PORTER. Mr. Chairman, I offer the amendment to correct 12 line items in our portion of the rescission bill, and I said, Mr. Chairman, that when we began our markup, we probably would make some mistakes. I think we did. We have attempted to correct them through this amendment.

It would add back to the National Skill Standards Board $500,000.

To the Women in Apprenticeships program also under the Department of Labor $744,000.

To organ transplantation under the Department of Health and Human Services, $2.45 million, and 3 rural programs under that department, rural outreach at $27.4 million, rural hospital transition grants, $8.5 million, and essential access community hospitals, $1.5 million.

Under the Department of Education, Mr. Chairman, we would add back $28.811 million. Tech prep, $108 million. In each case, in both of those cases, all of the amount that was rescinded.

Arts and education, $6 million.

Library literacy, $8.26 million.

National Institute for Literacy, $4.869 million.

And Reading is Fundamental, $5.3 million.

This would be offset by State unemployment insurance and employment service operations, $31.7 million, which is money that is not needed.

From the $300 million of surplus and Pell grants, $104.1 million.

From the Eisenhower Professional Development line, $30 million.

And from title I, $35.3 million.

I do not believe that there is opposition to the amendment, Mr. Chairman. I would commend it to the Members.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I guess this amendment is what I would put in the category of "Thank You for Small Favors."

What the subcommittee of the gentleman from Illinois [Mr. PORTER] originally did on this bill is to cut $5.9 billion out of programs such as Healthy Start, Chapter 1. Safe and drug-free schools were eliminated. Education for the homeless was cut in half. Tech prep was cut by $108 million. School-to-work was cut by $25 million. 100,000 State incentive grant scholarships were cut out for college kids. Public broadcasting was cut 10 percent the first year, $60 million the next year, and put on a 3-year route to oblivion. Summer jobs is totally eliminated in both 1995 and 1996. The new program to raise educational standards, Goals 2000, was cut by a large amount. The Eisenhower teacher training program was cut by a very large amount. All in total, $5.9 billion.

In addition, the energy assistance program was ended under which 2 million seniors get help to pay their home heating bills. Even programs like Green Thumb were reduced. Veterans medical care was cut back by $200 million, something which the House has scurried now to reverse today.

Now this amendment out of that $5.9 billion restores $200 million, about 4 percent of the mistake.

It restores that $200 million by making an additional cut in title I. It makes an additional cut in Eisenhower teacher training, and in the Pell grant carryover.

What it does is to restore the cut that was made in homeless kids and to restore $37 million of the cuts that were made in rural health programs.

In the rural health area, it still leaves substantial cuts in the rural outreach program, in the rural hospital transition program, and in the essential access community hospitals program.

I am not very happy about where these cuts come from, but I think that it is hard to object to where they go in the tiny restoration which is accomplished by this amendment, and so I would simply say that I would support the amendment but I think all it does is indicate just how savage some of the reductions and how misguided some of the reductions were that were made in the first place.

I would also note that despite the fact that we were told earlier today by the chairman of the Committee on Appropriations that this bill needed to be supported because there were way too many education programs and way too many job training programs, that this amendment manages to restore 4 of the programs which were eliminated and the elimination for which the Republicans were taking credit just about 2 hours ago, including, I understand, one that has even caught the interest of the speaker, I am happy to say.

So it seems to me that we cannot object to this restoration, but it does in the process of restoration indicate how misguided many of these original reductions were, targeted as they were at kids and senior citizens.

Mr. Chairman, I reserve the balance of my time.

Mr. PORTER. Mr. Chairman, I yield 5 minutes to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding me the time.

AMENDMENT OFFERED BY MR. CASTLE TO THE AMENDMENT OFFERED BY MR. PORTER, AS MODIFIED

Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. CASTLE to the amendment offered by Mr. PORTER of Illinois, as modified; Strike the item in the amendment relating to page 29, line 18, of the bill and insert the following:

On page 29, line 18: strike "$60,000,000, title IV, $481,962,000," and insert "$100,000,000, title IV, $471,962,000,".

Mr. CASTLE. Mr. Chairman, the effect of this amendment, the numbers are large but the basic effect of what this amendment does is it reduces the Eisenhower Program which I will explain in a minute by $10 million, actually $10 million beyond the $90 million that is already going to be reduced, and it leaves $10 million in the safe and drug-free schools and communities to be used for the DARE program.

That particular program is not a line item program and it is very important, I think, that we establish on the floor here today that the intent of this body is that $10 million which will be left in the safe and drug-free schools and communities program will be used for the DARE Program, a program which I think has generally been viewed as highly successful in virtually every State of the 44 States it is in, of the 50 percent of the school districts across the United States of America which is participated in by many, many tens of thousands of children and which may have had a positive an effect on dealing with the problems of young people using drugs as any other program which I know of in my personal hands-on experience in the drug area.

It also has the benefit of leaving this particular area open as the Senate considers this legislation to show that we consider this to be vitally important. That is the intent of what we do.

The Eisenhower Program which is going to be cut an additional $10 million supports State grants for the professional development activities to address teacher training needs in all the core academic subject areas and indeed that is going to still have some $220,298,000 left when it is all said and done.

□ 1815

So that is the intent of the amendment which is before us.

Mr. CHAMBLISS. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from Georgia for a moment to discuss the DARE Program.

Mr. CHAMBLISS. Mr. Chairman, I thank the gentleman for yielding.

I would just like to say in my hometown, Colquitt County, GA, the DARE Program has been extremely important in our educational system. The program has been in effect for the last 4 or 5 years, during which period of time we have had numerous incidents of the police officers who come into the school being looked upon as role models by the other students. This had led not only to an increase in awareness of the drug situation and alcoholism in our homes, but it also provided many other benefits in the area of child abuse.

It is a program that I am very familiar with, my wife having been a teacher for 25 years in our public school system. It is something that has worked very well; it is something that is needed and I support the gentleman's amendment.

Mr. FOX of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from the Commonwealth of Pennsylvania.

Mr. FOX of Pennsylvania. Mr. Chairman, I too rise to support of the Castle amendment to the Porter amendment because the DARE Program happens to be the best anti-drug, anti-alcohol, pro-student program there is in the United States. It started in Los Angeles County some years ago in the sheriff's department. It is now administered in Pennsylvania through most of our sheriffs departments.

It starts in fifth grade and teaches the refusal skills, leadership skills. It has done more to bring families together, to have students focus on what is really important about learning and leading. It has led to students actually being involved with community policing.

I know in Montgomery County, Pennsylvania, and in fact the Delaware Valley area how important the DARE Program has been, and this amendment is certainly a step in the right direction to underscore for our students, for parents and for teachers that this is the kind of program that the Congress can endorse, the kind of program that America needs, and I fully support this program, which is in support of DARE, which is the drug abuse education program, and I believe the Castle amendment deserves the support of all of our colleagues here in the House of Representatives and I appreciate the opportunity to speak on its behalf.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute and 15 seconds.

Mr. Chairman, I simply want to say I think this amendment indicates just how ludicrous the proposal is which is before us. The bill recommended by the Republican majority eliminates $482 million for drug-free schools, and then it tries in this amendment to restore $10 million of that $482 million reduction.

It pretends that it is going to restore the money for D.A.R.E. But in fact, this amendment cannot restore the money for D.A.R.E. because this money goes out by formula, goes to States and local school districts, and the school districts have the authority to decide how the money is spread out.

So we can pretend, by restoring a tiny $10 million fig leaf, that we are restoring D.A.R.E., but in fact this amendment does no such thing. It merely pretends to do that. And I guess it is sort of in the context of eliminating the entire drug-free school program; it is sort of like burning down the House but keeping the front doormat there as a souvenir; that is about all we have left of the drug-free school program.

Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I rise certainly in opposition to the warped rescission bill that we have before us. I appreciate my colleague from Illinois [Mr. PORTER] and our colleague from Delaware [Mr. CASTLE] attempting to try and mollify and to key dollars to some of the special programs. I know in the homeless youth education program that there is a small program here where he tries to. But I think as we look closely at the what is happening here, we are losing our focus.

A gaping wound is cut and targeted to the Department of Housing and Urban Development, public housing development. In fact, there is a drug rehabilitation program that is targeted for public housing that is eliminated in this rescission bill, and block grants.

The bulk of these programs provide basic housing for Americans in dire need of assistance that virtually prevent and end homelessness for thousands of families and children, and keep our senior citizens in their own homes independent instead of in more expensive nursing homes and dependent.

Mr. Chairman, I would just point out that this measure before us does precious little to deal with the deficit. In fact, as we know, the Republicans plan to use most of it for a tax cut for the well-off. And regrettably, the human deficit that continues to grow, the kids in poverty, the unemployed, the underemployed, the elderly, deeper and deeper the despair grows that pervades their lives; they live in the shadows.

We ought to do better; we can do better. We ought to offer hope. We ought not to be pulling away the very threads that tend to guide these people to a better life and to the people we represent.

Mr. Chairman, while I appreciate the gentleman's effort to try and put out a doormat for these, I think we need real programs and we have had them. I hope in the future we can work for that.

I think it is regrettable we are trying to pass a bill like this. I think 43 percent of the cuts in this program go right at the Department of Housing and Urban Development, at the homeless, at programs that deal with public assistance, and our cities will not be able to absorb those types of cuts in the next 6 months.

Mr. Chairman, I rise in opposition to this warped rescissions bill which cuts $17.1 billion in spending mostly from programs that serve working families, children, the elderly and our Nation's veterans, and uses these cuts—not to cut our deficit—but instead to fund the current California disaster relief and primarily to fund a tax cut for well off Americans. Further, under this rule, which requires that restoration of funds not only be paid for from the same chapter, but only from the programs included in this bill in the first place, the basic inequitable nature of the bill is compounded. Changes are only possible by further cutting the people programs included in the bill before us not the programs that are not included. This is like the starving fighting over a crust of bread.

Let me be clear, I am not opposed to paying for the supplemental assistance to California earthquake victims. I am, however, deeply concerned that we are paying with cuts in programs of those least able to pay. Knowing that the Republicans want these rescinded funds to be used for a GOP contract tax cut for the rich is adding salt to an open wound. Furthermore some of the very programs cut are taking from the California victims themselves. This is nonsensical.

Mr. Chairman, a gaping wound is the cuts targeted for the Department of Housing and Urban Development: Public Housing Development and Modernization, Housing for People with AIDS, Lead-Based Paint, Congregate Services for the elderly, Drug Elimination grants, and Community Development Block Grants are some of the basic programs that this bill targets.

The bulk of these programs provide basic housing for Americans in dire need of assistance. They literally prevent or end homelessness for thousands of families and children and keep our senior citizens in their own homes—independent—instead of more expensive nursing homes—dependent. There is a direct link between housing assistance and homelessness. Reducing Section 8 assistance will affect at least 12,000 homeless families and children who will be forced to stay in shelters or on the street instead of in permanent housing. Some have estimated as many as 63,000 families could be homeless because of this bill before the House today. These numbers are part of an entire picture of the United States which research has shown to have 7 million people in the past 5 years who have been homeless. Increasing homelessness through obliterating housing assistance is wrong. We can't deny the facts. We should not be washing our hands of the issue and withdrawing from a limited commitment.

The fact of the matter is, 43 percent of these rescissions are from programs affecting housing and community development. That is not balanced and not fair. It is a tremendously unfair burden to place upon programs that support working American families, children, the elderly, people with disabilities and the homeless. These cuts are real—very real, not just cuts in bureaucratic bodies. In Minnesota, alone, under the provisions of the total bill we would have an estimated loss of over $296 million. Minnesota would lose 886 Section 8 units, $15.5 million in public housing modernization, $2.8 million in operating subsidies, $4.7 million in Community Development Block Grant funds, and almost $1 million in AIDS housing. These are funds that have been planned for and are an integral part of hundreds of responsible communities' futures. Minnesotans had a right to count on the funding for the last 6 months of this 1995 fiscal year to stay in place.

Other homeless assistance programs under the McKinney Act are decimated by this rescissions bill: job training for homeless veterans, education for homeless children, adult education and literacy, and the McKinney portion of the Emergency Community Services Block Grant. These are not budget busting programs. These are not problem programs—they are working in Minnesota. This elimination serves notice that the unique programs designed to take the necessary step for our most vulnerable citizens today are serving as targets, literally: targets for potshots at programs aimed at alleviating poverty and helping working people help themselves.

Mr. Chairman, several amendments will be offered here today that I will support—amendments to restore what was so irresponsibly cut from vital housing programs and I would urge my Colleagues to support these amendments that will prevent homelessness and the tremendous burden that that represents for people and governments. Unfortunately, because of this gag rule, several more amendments I would have supported cannot be offered.

Referring back to the underlying legislation, another provision which deeply concerns me is the proposal to zero out the funding for the Low-Income Home Energy Assistance Program, otherwise known as LIHEAP. As a Member from one of the coldest States in the Nation, I am alarmed by the potential impact of this ill-advised action.

In 1994, approximately 6.1 million households received aid to help cover heating costs nationwide. Nearly half of these households contain elderly or handicapped persons—often on fixed incomes—and about 80 percent of them earn less than $10,000 a year. Where are these people to turn when they no longer can afford to heat their homes? Where are my constituents in St. Paul to turn when the temperature drops to 15 or 20 degrees below zero and they do not have the money to pay for heating fuel?

The Republican answer to us today is that the States and the utility companies will pick up the tab. Are they so flush with money? Well, the reality of the situation is that this $1.3 billion LIHEAP rescission is literally going to leave families in the cold. The shortfalls in our economy and disparities of incomes today, need programs such as LIHEAP to fill in the gaps.

The atrocious cuts to education contained in this bill counter any pretense of deliberate consideration of public policy. My frustration with the education cuts contained in this bill are not only with the cuts to Minnesota, which are indeed significant—over $14 million—but also with the lack of respect for the children who are our future. Every dollar for education is an investment in the future of this country and our national economy. This bill eliminates the funds used by 94 percent of schools across the country to make schools safer and drug free. This action is not just thoughtless, it is ignorant of the problems and needs and it is this indifference that speaks to an arrogance in this Congress today which doesn't serve the people. This bill cuts funds to assist students striving to meet higher standards for achievements and kills aid that makes college more accessible for thousands of students. At a time when jobs demand more preparation, cutting education funding is indeed a losing proposition. We need to support education as a budget priority and this bill before the House has it backward.

The cuts in summer youth job training and employment programs are illogical and shortsighted. How can we advocate choosing sensible alternatives when indeed none would exist for so many of our urban youth with this program terminated. Young people often choose improper behavior, even illegal activities, and the cost associated with the juvenile justice system pale in comparison to the cost of helping young people prepare themselves for a responsible future. The $210 million cut in the National and Community Service [AmeriCorps] has the same effect of pulling the rug out from under positive opportunities which offer hope for the future for young adults.

Another of President Clinton's priorities, Community Development Financial Institutions [CDFIs], whose development was bi-partisan, has fallen under the rescissions axe. CDFIs could be powerful utilizers of Federal seed capital for private sector community activities that will provide job creation, economic development, and affordable housing opportunities in low- and moderate-income neighborhoods. The cut of their funding before they have even had a chance to prove themselves is grossly unfair.

From the party that claims the high ground on private property rights and management of our National Parks, the cuts contained in this legislation strike me as hypocritical. The rescissions to both the BLM and National Park Service Land Acquisition funds are a perverse infringement on private property rights. Private property owners within parks or the public domain want to sell their land to the Federal Government but this legislation eliminates the funding needed to accomplish such end—in effect, denying property owners such long sought compensation. In addition, my Republican colleagues constantly complain about the inability of the NPS to manage their backlog and yet the first thing they do is to eliminate the funding necessary to carry out commitments—hence compounding the problem. When will we engage in common sense regarding this debate?

Mr. Chairman, I have grave concerns in what these rescissions mean both in themselves and in what they signal as the direction of this Republican Congress. What I am seeing is an erosion in support for working families and an eradication of support for those who cannot make ends meet: all in order to give folks making $200,000 or more a tax break and such tax cut is 30 times more than families making $20 to $30,000 a year. As I said, Minnesota will be out nearly $300 million in the next 6 months if this proposed bill were to become law. These cuts have been narrowly pulled from a small part of the Federal budget, cut from American working families, their housing, their schools, in essence, their hope for a better life.

Mr. Chairman, we have a budget deficit and we have a human deficit. This rescission bill will do little to help the deficit. In fact, the Republicans plan to use it for a tax cut for the well off, and regrettably the human deficit grows, the kids in poverty—the unemployed deeper, and the underemployed. The despair pervades those in the shadow of our society. We ought to be offering hope. This legislation does not acknowledge the reality that the Federal Government must remain a partner for supporting the basic needs of our citizens, and not serve as just an agent to cost shift burdens to State and local governments, and the non-profit sector that is already operating on overload today. I urge my colleagues to oppose this legislation.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Chairman, I rise in opposition to this rescissions bill.

In my 30-plus years in public service I have never witnessed such a vicious and mindless assault on the Nation's children.

This rescission bill is the clearest demonstration of the cynicism, indecency and greed of a Republican strategy to relieve their rich friends of the responsibility to pay taxes.

They would rather eat their young than cut one penny—one penny—out of defense.

Let the record show: when the Republicans decided to cut spending to pay for their tax cut they went after children, especially disadvantaged children. They went after these children with vengeance.

Nearly two-thirds of the rescissions are in low-income programs—even through they account for only 12 percent of fiscal year 1995 discretionary appropriations. The bill would slash 15 percent of appropriations for low-income programs, while other programs would be cut by only 1 percent.

At a time when we should be investing in our people, this bill reduces funding in education and job training. At a time when we should be addressing important social issues, this bill eliminates funding for the drug free schools program. At a time when politicians praise the value of work, this bill eliminates the Summer Jobs Program and reduces job training funding. No Mr. Chairman, this bill makes no sense at all.

This bill terminates programs that everyone who cares about our schools tells us, without a dissenting voice, are important.

This bill terminates the Drug Free Schools Program. This bill is the major Federal effort aimed at providing young people with a wide range of drug and alcohol abuse prevention training. By eliminating this program, as this bill does, 39 million students throughout the country will no longer benefit from drug prevention efforts. Almost every school district in the Nation will be affected. This makes no sense at all.

The bill cuts title I funding by $140 million. Title I helps at-risk students improve their reading and math skills and master challenging school work. It is a successful program. Last Congress we worked on a bi-partisan basis to improve it. Yet we all know that not every eligible child receives title I services, even though these services have helped students achieve better in school. Today about 60 percent of eligible title I kids do not receive title I benefits because the program does not have enough funds. What does this bill do? It cuts title I funds. One hundred thousand at-risk kids will be put more at risk by this cut.

Mr. Chairman, I could take all the time allotted to this bill to outline for my colleagues the destruction this bill will cause to children and families across this Nation. The bill eliminates funding for literacy programs for homeless adults; it eliminates money to help schools acquire new technology—the Speaker says that every poor person should have a lap-top computer at home. This bill won't even permit every school to have a computer.

The bill eliminates funding for the Star Schools Program, a program that is vital to rural areas and areas that rely on distance learning as a necessity, not a luxury.

Mr. Chairman, let me close with a brief discussion as to what this bill does to summer jobs. This bill ends the program. Six hundred thousand teenagers won't have summer jobs because of this bill. I have heard from mayors all over the country about what this will mean for their cities. These mayors have decried this elimination of summer jobs. And this has been a bipartisan outcry, from the Republican mayors of Los Angeles and Knoxville to the Democratic mayors of Boston and Philadelphia. They are united in their belief that this cut may be the most illogical cut of all.

This is a bad bill. It will not get any better through the amendment process. I urge my colleagues to reject it.

The CHAIRMAN. The Chair would advise that he would like to put the question on the Castle amendment to the Porter amendment if there are no further speakers. At that time, there will be time remaining on the Porter amendment.

Are there further speakers to be yielded to on the Castle amendment?

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. ROEMER], who wants to address the Castle amendment.

Mr. ROEMER. Mr. Chairman, what this amendment by the gentleman from Delaware [Mr. CASTLE] does, and I will support the Castle amendment, but what it simply does is it moves a terrible bill into the lousy bill category. We have cut $482 million out of drug-free schools.

Now, I applaud the gentleman from Delaware [Mr. CASTLE] for restoring $10 million out of $482 million, and the gentleman from Illinois [Mr. PORTER] for attempting to restore Tech-Prep and a host of other programs, but what they are using as offsets are the Eisenhower professional development program, among others things. We are losing good education programs, cutting proven education programs to help teachers teach better, to help our children learn better, and we are moving them, moving them in a shall game from one program to another.

It is a lousy choice that this bill offers. The gentleman from Nebraska [Mr. BARRETT] and I, a Republican on the other side, offered an amendment last year to restore all of the D.A.R.E. funding. This is $10 million out of $482 million. We need to go a lot further.

The CHAIRMAN. Are there further speakers on Castle amendment?

Mr. OBEY. Mr. Chairman, my understanding is that all the remaining speakers want to address the amendment as well as the underlying amendment.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas, Mr. GENE GREEN.

Mr. GENE GREEN of Texas. Mr. Chairman, I thank the gentleman for allowing me to address the Committee for 2 minutes. I serve on the Committee on Economic and Educational Opportunities and the restoring of $10 million with the $482 million cut is to small.

Just recently, a Wall Street Journal—NBC poll showed that 79 percent of Americans believe cutting the Department of Education funding is moving in the wrong direction. So that means even restoring $10 million is moving in the wrong direction.

Let us look at what the rescission bill does to education as a whole. As my ranking member now of the committee, the gentleman from Missouri [Mr. CLAY], said, $105 million from Title I of Chapter I funds, in the State of Texas we are losing $9 million out of this bill on just title I alone.

Title I was reauthorized last year, and allowed for more flexibility in our school district and now we are actually cutting it. Drug-free schools, a $481.9 million cut, again, and a $10 million restoration will not go anywhere all over the country to help; it is literally a fig leaf.

Diana Kelly, President of the Galena Park Area Council PTA, stated that eliminating these programs would be catastrophic not only to her district but to our Nation's youth.

Cutting the safe and drug-free schools by $472 million, if this amendment is adopted, is robbing from our kids by providing tax breaks for the wealthy. The tax cut is already out of the Committee on Ways and Means.

Tech-Prep was cut $108 million. Tech-Prep, every witness in our committee this year called by the Republican majority supported Tech-Prep, and yet we are zeroing it out because we are taking away money from current education. Seventy-nine percent of the people say they did not want to cut education funding, yet this House, by thee Republican majority, is doing that.

This represents the Goals 2000, which was many years in the making by President Bush and now President Clinton, is actually being cut $142 million. This is not the way the American people want us to go.

Mr. PORTMAN. Mr. Chairman, I reserve my time at this point.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. FATTAH].

Mr. FATTAH. Mr. Chairman, I rise in opposition to the underlying bill, the rescission package in total, and also to the Porter amendment and the Castle amendment to it.

Page after page of misguided and misplaced budget priorities, when the Federal Government already distributes such a small amount to education programs, to be standing here talking about $200 million in education programs we want to cut makes no sense, unless we are not concerned about the next generation and we are only focusing on the next election.

☐ 1830

I would challenge all of my colleagues to think clearly abut what it is that we are saying about where this future of this country lies. We need to invest in education, invest in the young people of our Nation, and I would hope, even though I know that it will not be the case, that some of my colleagues on the other side of the aisle will eventually wake up and see the light. If they fail to see the light, I would hope that the American public one day soon will have them feel the heat.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, there has been enough tragedy in all of these rescission bills to go around.

I see a very great bright spot in what the gentleman from Illinois [Mr. PORTER] is doing today.

In the United States there are anywhere between 750,000 and 1 million homeless children every single day. In any of the education bills that we have, none of the money applies to them, because they are not in school. A few years back with some wisdom we put together a bill here to educate the homeless children, to give them transportation, a piece of paper and pencil to write with.

We have reduced the number of homeless children not in school with this bill from 50 percent to 18 and continuing to go down. To take this program out was the height of stupidity. We are not going to be able to compete with the next century if we have children uneducated, unhealthy, and unskilled.

I am delighted to support the Porter amendment, because the homeless children in this country who have absolutely no voice but what we can muster in this House will have an opportunity to continue a program.

It is not their fault they are homeless. Their mothers and fathers are out of work because we failed somehow to create jobs in this country. But I want to thank the gentleman from Illinois [Mr. PORTER] for including the homeless children in this bill.

Mr. OBEY. Mr. Chairman, I yield 1 minute, the remainder of my time, to the gentleman from New Jersey [Mr. ANDREWS].

Mr. ANDREWS. Mr. Chairman, I thank the ranking member for yielding.

I do want to rise in support of the efforts of my friend and colleague, the gentleman from Delaware [Mr. CASTLE], but I wish we had been given a different choice here.

I think he is absolutely right when he wants to restore $10 million to the highly successful DARE program. Some of us though would have liked to have paid for that by taking money, for example, out of the operation and maintenance account of the Southeastern Power Administration, $13 million. I offered an amendment that would have let us pay for this kind of program that way, but because of the rule we are under, we are not permitted to do that.

Having to pay for this out of programs that help in the continuing education of teachers is a tragedy. Nevertheless, I will join my colleagues in supporting the amendment offered by the gentleman from Delaware [Mr. CASTLE], but again, remind the majority they have cut off debate where it really should happen here.

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, again, I thank the gentleman from Illinois for yielding. I will be very brief.

But essentially I do believe that the Porter amendment does a lot to reinstate some funds that needed to be reinstated as has been already set forth on this floor today. But I would also point out that the amendment which I have prepared for the DARE program, I believe by the discussion we have had today, will go to the DARE program.

I understand some of the objections which have been raised by some of my colleagues concerning where the cuts have to come from. We are limited by the rule with respect to that. But I would hope that everybody would understand that this is one program which is almost universally recognized as having been successful across the United States of America in fighting drugs. For that reason, I hope we can support both the Castle amendment and the underlying Porter amendment.

Mr. PORTER. Mr. Chairman, I have no further speakers on this amendment.

I reserve the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Delaware [Mr. CASTLE] to the amendment offered by the gentleman from Illinois [Mr. PORTER], as modified.

The amendment to the amendment, as modified, was agreed to.

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Chairman, I would be prepared to offer at this time, if it were appropriate, an amendment relating to saving the summer youth program. Unfortunately, some of the items have been precluded by the rules of the House that are being applied to a rescission bill that normally are applied to appropriations, which are not rescission bills. That is creating great difficulty.

The gentleman from Illinois [Mr. PORTER] and the gentleman from Delaware [Mr. CASTLE] have already preempted in essence the particular sections except for one on the amendment 42 which I had filed at the desk at the appropriate time on Monday, and what is left is page 25, line 23, where we could at the appropriate time after this, if that is not precluded, strike $682,282,000 and insert $582,282,000.

I would like to see a lot of this problem solved in conference. I think there is an overwhelming feeling in this House, in fact, many of the leaders on authorizations and Appropriations have said just that to me, to do something to restore the summer youth program. The fact is it was removed at 1:30 a.m. in the morning when I suggest some of the individuals might not have known what they were doing.

This is very vital for urban America. The school superintendent in Long Beach, my home city, has endorsed it even though I was taking funds from various education programs.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. HORN. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I would just say, my friend, if the gentleman does not like so much what is here, then one good way to deal with that would be to vote against it, and maybe if the gentleman does not like the rule because he is precluded, a good thing would have been to have voted against the rule. I think to vote for a restrictive rule and then vote for the bill which makes all of these cuts and then to lament them is very puzzling.

Mr. PORTER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. PORTER], as modified, as amended.

The amendment, as modified, as amended, was agreed to.

AMENDMENT OFFERED BY MR. MURTHA

Mr. MURTHA. Mr. Chairman, I offer an amendment, amendment No. 53.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MURTHA: Add the following Section to the end of the bill:

"SAVINGS TO BE USED EXCLUSIVELY FOR DEFICIT REDUCTION

"SEC. 302. An amount equal to the net budget authority reduced in this Act is hereby appropriated into the Deficit Reduction Fund established pursuant to Executive Order 12858 to be used exclusively to reduce the Federal deficit: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended."

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MURTHA] will be recognized for 15 minutes.

Does any Member rise in opposition to the amendment?

Mr. LIVINGSTON. Mr. Chairman, I request allocation of half of the time.

The CHAIRMAN. Without objection, the gentleman from Louisiana [Mr. LIVINGSTON] will be recognized for 15 minutes.

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. MURTHA].

Mr. MURTHA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today I want to rise in support of deficit reduction, and I think it is important to go back and look from a historical perspective of what I am trying to do and what I think is important.

If we are going to pass a budget resolution, I am convinced it is absolutely essential that we show we are going to make the spending cuts first. I do not think, based on my years here in Congress, it is possible to cut taxes and at the same time balance the budget. I am convinced that when President Reagan came to office, he believed he could balance the budget in the 8 years that he was here. I am convinced that President Bush believed that he could balance the budget in the 4 years that he was here, and even before that, President Carter talked about balancing the budget.

Because of the tax cut we implemented during the Reagan administration, the deficit got larger. Now, it was not that Congress did not cooperate, and it was not that the President and the Congress did not want to balance the budget. There were all kinds of efforts during that period of time.

Probably the most important single thing that happened was that entitlements increased substantially during this whole period. During the period of time that, the 12 years, almost every single appropriation bill that was sent to the Congress was reduced by the Congress, and the Presidents, President Reagan and President Bush, signed those bills. We worked out a compromise, and yet the national debt grew. It grew from $1 trillion to $4 trillion.

What I am saying today and what I am trying to impress upon the Members who have been advocating a tax cut is that first we ought to focus on the deficit and try to put the savings that we get from rescissions like this, and by the way, some of these rescissions I agree with, and some of them I do not agree with, but we ought to take the savings from these rescissions and put them against the deficit.

Most of the cuts that were made in the budgets that were sent to us were made in defense, and they were forced by the fact that there was no place else to go. It was defense against domestic programs, and we cut about $155 billion in a 12-period from defense. All of us believed that we were cutting the right amount at the right time. We had budget resolutions which passed, usually partisan budget resolutions, but in the end the bills passed in a bipartisan manner. Democrats and Republicans voted for them.

I am proud to say that the members of the Defense Appropriations Subcommittee have reduced the size of the military after the cold war and after the Berlin Wall came down in a way that we retained a world class military. The Chief of Staff of the Army just testified before Chairman YOUNG and the Defense Appropriations Subcommittee today and talked about how good the Army is compared to after the Vietnam war, after the Korean war, and after World War II. It could be better. It is about an 8 on a 1-to-10 scale is what he testified today.

And as I look down the road and as I worry about the possibility of a tax cut versus deficit reduction, I see defense competing with critical domestic programs. I see Social Security and Medicare and all of those programs overwhelming defense, and I do not think there is any way that we can keep that from happening.

I am concerned that Members with less experience that do not recognize or realize the difficulty we have gone through and the work that we have done, and we were probably the only committee in the House over those 12 years that actually made a reduction; everybody else might have made cuts in increases, but we in Appropriations made actual reductions in budget requests from the President, and we struggled with those budget requests, trying to make sure the funding priorities went to readiness, to quality of life, and I think that Desert Storm shows exactly what happened.

For instance, when Desert one went down in 1980, we had a very inept force, a force that was hollow, a force without training, a force with poor equipment. Half the combat aircraft of this country were deadlined because of lack of spare parts, and when that operation went in 1980, we went to the desert with only four or five helicopters. We lost a number of people. We could not even effect a rescue of our diplomats who were captured by the Iranians. And yet a decade later, in 1991, we pulled off Desert Storm, a magnificent operation.

So through this period when we made all of these cuts in defense, we actually were able to build our quality force, went to an all-volunteer force, put a GI bill in place, put new equipment in their hands, and it culminated with an operation where we had a very minimal loss of casualties and a phenomenal military success.

So I believe very strongly we have to be careful. We should send a message to the country that we are interested in deficit reduction first, and this is a policy statement that I believe the Congress should make, and I would hope that Members on both sides would support this as the goal. Obviously after that, after we make the spending cuts, after the deficit is reduced, we can look at the possibility of tax cuts.

□ 1845

So, Mr. Chairman, I feel very strongly about it, and I would hope that Members in this House on both sides of the aisle would support my amendment to emphasize deficit reduction rather than tax cuts.

Mr. Chairman, I reserve the balance of my time.

Mr. LIVINGSTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to say that the gentleman from Pennsylvania [Mr. MURTHA] was an outstanding chairman of our Defense Subcommittee, of the Committee on Appropriations. He has done yeoman service for this Congress over the years. He has got a good amendment. I support it, and I appreciate his cooperation with us in this bill, and I certainly hope that he will be voting for the bill on final passage.

Mr. Chairman, I yield back the balance of my time.

Mr. MURTHA. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. VISCLOSKY].

Mr. VISCLOSKY. Mr. Chairman, on March 10, 1995, Mr. LIVINGSTON, chairman of the Appropriations Committee, along with the Mr. PORTER, Chairman of the Appropriations Subcommittee on Labor, HHS, sent a letter to every Member of the House of Representatives. The letter states:

> We are writing to seek your support for the Appropriations rescission bill recently reported by the Committee on Appropriations.
>
> We are all committed to a program that will redress the decades of financial irresponsibility that has left our children and grandchildren saddled with over $4 trillion in debt. The $17 billion in reductions in this bill are a down payment on this major undertaking; a first step in setting our fiscal house in order. . .

Well, if the two chairmen really mean this, and if the Republican leadership agrees, they will vote to pass the amendment before us now. It is the only way to ensure these rescissions really reduce the deficit. It mandates that all savings in the bill be applied to the deficit.

As it stands now, this bill, and that letter, are a fraud. The $12 billion in "so called" savings in this legislation are not destined for our children and grandchildren. They are destined to offset new tax cuts.

And these tax cuts are not for kids. Just yesterday, the Republicans announced their tax plan which abolishes the alternative minimum tax. This means a return to the pre-1986 tax days where hundreds of corporate giants including Sears Roebuck, Texaco, Boeing, General Dynamics, Dun and Bradstreet, and J.P. Morgan and Company, could play the system and pay no taxes whatsoever. Zero.

Just think about it: today, we cut programs our kids depend on; tomorrow, we force our kids to pay for corporate tax cuts. Some legacy.

Two months ago, over-two thirds of the House of Representatives voted to add a balanced budget amendment to the Constitution. Regardless of what happened in the Senate, it is our obligation to behave as if that amendment were law.

Because I voted for the balanced budget amendment, I supported these rescissions in full Committee, even though I did not necessarily agree with the cuts.

Rescissions are not easy. Coming up with $17 billion in cuts is agonizing. The Majority rejected school lunch, Women Infants and Children, and other children's programs.

But if our budget crises forces us to make these awful cuts, it is imperative that we give our children a better future—as Mr. LIVINGSTON and Mr. PORTER suggest.

If this amendment fails, instead of coming through for our kids, we will be sticking it to our kids. I urge my colleagues support the Murtha amendment and give our children and grandchildren a real down payment on deficit.

Mr. DINGELL. Mr. Chairman, I rise in support of the amendment offered by my good friend from Pennsylvania, Mr. MURTHA. My colleagues on the other side of the aisle—under great pressure—have now agreed to permit his amendment requiring that the balance of the cuts in the bill be used for deficit reduction. The bill currently allows money not needed for last year's California earthquake to be set aside for tax cuts that primarily benefit the wealthiest Americans and corporations.

As my good friend and colleague from Wisconsin said earlier, this bill is a charade. That is why I will not dignify it by voting for the "either/or" amendments forced upon us by the closed rule.

While I view the Murtha amendment as a positive change, I regret that the process by which we are considering this flawed legislation is such a disgrace. It stifles responsible efforts to improve a rescissions package that takes direct aim at our children, veterans and elderly poor.

As we have seen throughout the day, the restrictive arrangement we are operating under has forced Members to choose between important issues like caring for veterans, providing adequate housing for seniors and educating our children. It has also placed the defense budget, which represents close to half of the discretionary budget, off limits. Star wars, contracting cost overruns, and low priority or questionable defense programs are preserved in full.

While I am supporting the Murtha amendment which places deficit reduction above financing tax cuts for the wealthy, I still have serious problems with the bill. The responsibility for drawing down the deficit is being placed squarely on the backs of those Americans who need our help most. This is occurring at a time when steps are being taken to make the wealthy better off. I can't help but ask two questions; "Are we going to focus on slashing programs which help the poor to reduce the deficit?", and "How do my colleagues plan to finance the $189 billion in tax cuts scheduled to come before the House next week?"

I believe the rescissions now being proposed by my Republican colleagues provide a very clear answer to these questions.

Money to improve the quality of medical care available to our veterans is being cut. This is being done despite the fact that the projected veterans population requiring health care services will far surpass available facilities in the future.

The Low-Income Heating Assistance Program is being terminated. This vital program helps two million elderly households and better than 3 million low income families meet their home heating needs each year. Without it these families will be forced to make difficult choices between heat and other basic necessities such as food and medicine. Today it is supposed to be 70 degrees in Michigan. After my friends on the other side of the aisle are finished, we all better hope that next winter is just as mild.

Cuts from housing programs will leave 14,500 seniors homeless. Another 530,000 elderly households will have the security and quality of their housing severely impaired as a result of these changes.

The Women, Infants, and Children Program, and the Healthy Start Program which provide nutrition supplements and valuable prenatal care to mothers are also being cut.

The Safe and Drug Free Schools Program is being terminated despite recent studies showing that drug use among students is on the rise. I find it very surprising that my colleagues would propose this cut less than one week after former First Lady Nancy Reagan stressed to a House subcommittee the importance of educating our young people on the harms of drugs.

Other valuable programs to construct schools and enhance their technologies are being terminated.

Programs to help move disadvantaged children from school to the world of work have also been put on the chopping block. The elimination of the Summer Youth Employment Program will translate to more than 600,000 lost opportunities for high risk youths. Funds are also being stripped from the Youth Job Training, Job Corps and School to work programs.

At a time when we are preparing to consider the issue of welfare reform, we should not terminate or reduce funding for valuable programs that expose our young people to the dignity of work.

The rescissions package before us clearly represents bad legislation. However, I commend my colleague from Pennsylvania for offering a measure to correct a defect in this bill that runs counter to the strong desire of the American people to see the deficit reduced. Regrettably, the Members on this side of the aisle are barred from offering amendments to ensure that we proceed in a responsible fashion. I urge my colleagues to support this amendment and to vote against the bill.

Mr. ROEMER. Mr. Chairman, I rise in support of the Murtha amendment. This amendment is essentially the same as one that I had printed in the CONGRESSIONAL RECORD that I had intended to offer. However, my amendment was not made in order.

While I do not support many of the rescissions in this package because they are targeted on programs that benefit children, youth, the elderly, veterans and others in need of assistance, I believe that if we are going to rescind funds for programs, those funds should be used for deficit reduction and not used to pay for tax cuts for wealthy Americans.

I recently introduced House Resolution 94 which calls on Congress to make deficit reduction a top priority. Clearly, we need to cut spending if we want to get our fiscal house in order and there are certainly many programs on the books currently that we don't need or can't afford, such as the $10 billion space station. Unfortunately, that program was not targeted for a cut in this legislation. I am pleased that the Murtha amendment requires the net budget savings under this bill go to the Deficit Reduction Fund established by Executive Order 12858 and used exclusively for deficit reduction.

Mr. MURTHA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MURTHA].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 421, noes 1, answered "present", not voting 12, as follows:

[Roll No. 241]

AYES—421

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant

Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—1

Williams

NOT VOTING—12

Bateman
Collins (MI)
Cubin
Ehrlich
Fazio
Gephardt
Gibbons
Mfume
Payne (NJ)
Rangel
Wilson
Yates

□ 1912

Mr. MENENDEZ changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. MFUME. Mr. Speaker, I was unavoidably delayed at the White House and not on the floor to be recorded on rollcall vote 241. Had I been here, I would have voted present.

PERSONAL EXPLANATION

Mr. BATEMAN. Mr. Speaker, on March 15, I was recorded in the CONGRESSIONAL RECORD as not voting during Rollcall Vote No. 241 although I was on the floor at that time and cast an "aye" vote. Evidently, a mechanical error led to this discrepancy. I have therefore submitted this statement so that my views on this matter are readily available to my constituents.

Mr. HOYER. Mr. Chairman, I move to strike the last word.

On behalf of the minority, Mr. Chairman, I wanted to rise and thank the chairman and the majority for their consideration. We had a meeting and a lot of our people were not here, and you extended the time to afford them the opportunity to vote on this amendment. I wanted you to know that on this side of the aisle we very much appreciate it. I thank the chairman for his actions.

AMENDMENT OFFERED BY MR. DE LAY

Mr. DELAY. Mr. Chairman, I offer amendment No. 29 which was printed in the RECORD.

The CHAIRMAN. the Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DELAY: On page 25, line 5 strike "$16,072,000" and insert "$19,572,000."

The CHAIRMAN. The gentleman from Texas [Mr. DELAY] will be recognized for up to 15 minutes in support of his amendment. Is there a Member rising in opposition to the amendment?

Mr. OBEY. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] is allocated 15 minutes for debate.

The gentleman from Texas [Mr. DELAY] is recognized for 15 minutes.

□ 1915

Mr. DELAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, frankly, I am somewhat disappointed that I have to offer this amendment today. But because OSHA is so intent on flouting the will of this Congress in an effort to add to its own regulatory enforcement empire, I must do so.

My amendment rescinds an addition $3.5 million from the OSHA rescission already contained in this bill. This would force OSHA to cease its activities on the promulgation of an ergonomics standard that is paternalistic in concept and a menace in its implementation.

Ergonomics is a fledgling science devoted to redesigning workplaces to better fit workers. By focusing on work spaces and stations, tools and equipment, lighting, typewriter keys and telephones, ergonomics as a practice affects virtually every aspect of American Businesses, both large and small. There is no consensus in the scientific community over risks or remedies of implementing or failing to implement ergonomic policies.

There is certainly no consensus that a Federal ergonomics standard can actually have any positive impact on work place health or safety.

OSHA, however, with little regard to cost, is bound and determined to press forward with what is by their own admission likely to be the most expensive, most far-reaching rule ever promulgated by the agency. It has been estimated that this rule would cost $21 billion to implement.

As has been repeated on this floor, speaker after speaker, before any regulations are imposed, there ought to be good science establishing the risks requiring the regulation, as well as the benefits justifying the new regulatory burden. That is why this House passed H.R. 450, H.R. 9, and H.R. 1022.

OSHA's proposal on this standard involved the imposition of billions of dollars on the private sector and a radical new level of government intrusion into work places and work practices without any scientific support.

The intent of OSHA to ignore and undermine the will of this House in reforming the regulatory regime of the Federal Government is quite clear by the agency's own statements in just the recent days.

I would like to share with my colleagues a quotation from the head of OSHA's ergonomics standards team which appeared in this Monday's papers:

> If the legislation says the moratorium runs through December the 31st, our anticipation is that we would get the proposal out January the 1st, unless it says, do not work on an ergonomics standards or go to jail. If it only says we cannot publish the proposal, we can continue to work on it.

OSHA's express intention to do business as usual in this area sends a very clear signal that the discipline Congress is seeking to bring to Federal regulatory agencies will not come easily. This amendment seeks to impose a fiscal discipline where it is clear that other forms of discipline will be ignored.

I appreciate Members supporting my amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, Frank Luntz, the Republican pollster, sent a memo to the Republican party leaders. In that memo he said: "Look, whenever you are talking about cuts for these programs, do not talk about the program because programs have friends. So simply talk about the bureaucrats." That is what is happening here. This amendment is being presented as though it is a discipline for bureaucrats.

Let me tell my colleagues what happens. When they continue to cut back at OSHA the way they have done in this bill and the way they want to intensify it by this amendment, you assure that people are going to be injured and you assure that people are going to die.

Now, when my father ran a floor covering business many years ago, I worked with him in it for 7 years. I worked with asbestos products. Johns-Manville had known since 1939 that asbestos caused cancer. The first time I knew about it is the first day I served on the Labor-HEW Appropriations Subcommittee, and I walked in here and I listened to the NIH person testifying. And they told us that 40 percent of British shipyard workers who had worked with asbestos had contracted mesothelioma and were dead.

Now, mesothelioma is a form of cancer. So I think I have a pretty good idea of what is going to get me eventually, especially because I was a heavy smoker in those days. And back when I was laying that floor covering and working with asbestos products, we did not have an agency called OSHA to protect workers. And the official position of the U.S. Government with respect to worker health was: "We do not give a damn!" That was the official position.

Today, thanks to a very fine Republican Congressman from Wisconsin, Bill Steiger, who was the father of the OSHA provisions, we have an agency charged with the responsibility to protect worker health and safety. And sometimes it does a lousy job of it, and sometimes it does a darn good job of it.

But I will tell Members something. You talk about unhappiness with the ergonomics standards that they are going to develop. I cannot tell you how many times I have walked through plants or offices and run into women who have had devices on their wrists and I have said: "What happened to you?" They said, "I just had carpal tunnel surgery." I said, "What is the matter?" They said, "Well, you know how it is working at terminals all day long." Those women are working mothers most of them. And they need our concern.

Now, the gentleman is worried because he says the ergonomics standard is going to be very expensive. Of course it is. Because right now the lack of protection for workers on standards like that is causing them an immense amount of health problems, and health problems cost money. So now we are told, oh, we ought to support another cut in OSHA because the majority whip does not happen to like the agency or does not happen to like the standard.

I would suggest, I read the story in the Washington Post 2 or 3 days ago, discussing how lobbyists for big business were crawling all over the office of the majority whip when they were preparing the strategy to go after regulation, and the gentleman may be proud of it. I was appalled. I was appalled.

He can laugh if he wants. I would not want to go to my district and brag about the number of lobbyists working in my office to supervise the work that I was performing. And so if you want to go ahead, this just makes a rotten bill a little bit worse. So go ahead.

If you do not want to have workers protected from things like carpal tunnel syndrome, go ahead. Vote for this turkey of an amendment. But recognize that according to OSHA's own estimates, at least 2,500 more people will be injured because of the budget reductions provided by this amendment.

If you do not like what OSHA does in specifics, correct their mistakes. Do what some of us have done. Work to try to see to it that you get proper training and education for those inspectors. But do not require an agency to cut back on its whole operation because you do not want some more workers to be protected from things like carpal tunnel syndrome.

It is a stupid amendment.

Mr. DELAY. Mr. Chairman, I yield myself such time as I may consume.

Let me just respond to the protector of bureaucrats. First off, what we are after is good science and good regulations based on good science, and the gentleman probably does not know that there is two kinds of asbestos: The asbestos that comes from Africa that is harmful and asbestos that comes from America. And after some billions of dollars were spent in attacking the asbestos problem, we find out that if you leave it alone, it is not dangerous and you do not tear it out and spend billions of dollars.

So the gentleman from Wisconsin has no idea what he is talking about and exactly what we are talking about is good science and good regulation based upon good science here. We have an agency that does not care about good science. It is amazing, people will die because we will not have ergonomics.

Ergonomics talks about gripping 10 pounds, pinching more than two pounds, twisting and bending the neck like this. Somebody is going to lose their life because there is some OSHA regulation about how many times you can twist your neck?

So, Mr. Chairman, the great majority leader in this House said it better than anything: the Democrats used to be the party of the only thing to fear is fear itself. Now they are the only party, they are the party that all they have to offer is fear itself.

Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. NORWOOD].

Mr. NORWOOD. Mr. Chairman, I rise very proudly to support the amendment of gentleman from Texas, [Mr. DELAY]. I do so for two reasons:

The first reason that I support this amendment is I find it absolutely unbelievable that we allow a federal agency to absolutely disregard what this House wants done. When they sit over there and laugh at us when we say that we want a moratorium on their rules and regulations and they are just going to figure out a way to get around it, I think we need to speak to them.

Ergonomics is a fancy term for designing jobs and tools to fit the physical and psychological limits of people. In general, that is a good idea. But if you look at what OSHA does, assuming they pass the new ergonomic rules and they can be adopted simply by issuing a public comment period without the messiness of having congressional approval, employers will be required to continuously survey and fix jobs deemed risky by OSHA.

The list of jobs is virtually unlimited in this country. These activities can cause or aggravate more than 160 musculoskeletal and nervous system disorders from a back pain to joint pain to a neck pain to tendinitis.

Joe Dear, the assistant labor secretary who heads OSHA, tries to rationalize the upcoming ergonomics rule this way. He says, "We clearly intend to propose a regulation whose benefits justify the cost." In other words, OSHA claims that its rules will result in huge savings from reduced injuries and increased productivity.

Mr. Chairman, that is a wishful claim at the very best and one more time they are not using good science at OSHA. Too little is known about preventing neuromuscular conditions to justify mandates.

Mr. Chairman, the answer for us today is very simple. If OSHA couldn't hear us when we voted for a regulatory moratorium, maybe we need to speak a little louder. If OSHA couldn't hear us when voted for cost-benefit and risk assessment legislation, maybe we need to shout. Mr. Chairman, perhaps OSHA will hear us when cut back on their funding; maybe then they will pay attention to the direction we are taking federal regulators. I sincerely doubt they will listen, but this is a first step we need to take. Mr. Chairman, I urge my colleagues to support the DeLay amendment.

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Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. PORTER], the chairman of the subcommittee.

Mr. PORTER. Mr. Chairman, I rise in very reluctant opposition to my leaders' amendment.

As chairman of the subcommittee that funds OSHA, I do not believe that it is possible, by offering an amendment to cut $3.5 million out of the salaries and expenses account at OSHA, that we are going to be able to get at the regulation dealing with ergonomics. We may be able to make a statement that way, but the effect of the amendment will be to take the salaries and expenses account that is, after being amended in the subcommittee markup down to the fiscal 1994 level, below that level.

In making the mark, I might say to the gentleman from Texas [Mr. DELAY], we did not touch salaries and expenses in any line item in our bill because we felt that that would be unfair. We are well into and mostly through the fiscal year. Even people who work for the government have a right to know that they are going to have a job and be able to afford to educate their children for the rest of the fiscal year. We just did not think that it was fair to them to put them in a position where a rescission would cut off their livelihood, very possibly, in the middle of the fiscal year, so we did not cut it.

Mr. Chairman, I might well agree with the gentleman's assessment of the regulation, but I do not think this is the proper way to get at it. I think it is unfair to Federal employees.

For those reasons, Mr. Chairman, I do reluctantly oppose the amendment.

Mr. DELAY. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, in the past, I have accused OSHA of being an agency out of control. Today, we have a good example of why that is true.

How bad is the ergonomic regulation OSHA is drafting? You do the math. According to the compensation insurance industry, cumulative trauma disorders cost employers approximately $1 billion per year.

On the other hand, OSHA's ergonomic regulations will easily be the most expensive they have ever promulgated—more expensive than their blood-born pathogen rule, more expensive than their asbestos standard, even more expensive than their proposed $8 billion indoor air regulation.

Still, the regulation might be reasonable if the size of the problem matched the costs. Is that the case? No.

Cumulative trauma disorders make up less than 4 percent of all work-related injuries and diseases that resulted in missed work.

OK. What about the science? To reduce the cost to employers, will OSHA be able to draft tight regulations which give employers specific guidelines and references. No.

Simply put, there is no scientific support for a national ergonomic standard. Everyone agrees that cumulative trauma disorders are a problem, but no one knows where the threshold between safety and injury lies—not medical doctors, not the Center for Disease Control, not even OSHA bureaucrats.

But that does not deter OSHA. As in the past, they are determined to plow ahead where no reasonable agency would tread.

The woman in charge of writing this new standard, Barbara Siverstein, told Forbes Magazine that despite the death of science, OSHA will "take some sort of a performance based approach to reducing exposure to those things that we know increase your risk of musculoskeletal disorders."

What Barbara says is true. It is possible to establish performance based standards to prevent repetitive motion traumas. I will establish one right now: Don't work, don't type, don't do any heavy lifting, never strain yourself, and try to avoid breaking out in a sweat.

The solution is somewhere between having a work place where no one works and a work place where something gets done. Unfortunately, neither Barbara nor anyone else knows where that point lies.

Mr. Chairman, the American people sent us to Washington to get the federal government off their backs and out of their lives. Support the DeLay amendment, rescind the $3.5 million from OSHA, and reign in an out-of-control agency.

Mr. OBEY. Mr. Chairman I yield 2 minutes to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Chairman, I rise in total opposition to H.R. 1158. H.R. 1158 represents wasteful, inefficient, illogical, and barbaric legislation. It is naked power exercised by the Committee on Appropriations, which has held no hearings, no site visits, and is in no way knowledgeable about what they are doing in this area, or any other area where they have promoted these rescissions.

The Department of Labor will stand behind the facts and figures that I cite here. The Secretary of Labor, Elizabeth Dole, a Republican, the Secretary of Labor, Lynn Martin, a Republican, started the ergonomics studies. They started the process, to be continued by a Democrat, but all three have gone through a deliberative process based upon the facts that they see.

Disorders for cumulative trauma, like carpal tunnel syndrome, have increased at epidemic rates, up 770 percent in the past decade. In 1993 more than 300,000 cases of repeated trauma disorders were reported. The overall problem of musculoskeletal disorders, including back injuries, is much bigger, more than 3 million cases a year.

The economic costs of these disorders is huge. The workers' compensation costs associated with musculoskeletal disorders is $20 billion a year.

Mr. Chairman, 56,000 people die every year form accidents on the job or from illnesses contracted on the job, 56,000 people die every year, which is as high as the number of people who are killed in all of the Vietnam War. You can check the facts and figures with the Department of Labor.

Over the 20-year history, the more than 20-year history of OSHA, we have saved millions of lives and avoided millions of injuries to workers. OSHA is a deliberative agency, based very much on scientific evidence and the use of information. This process, with the Committee on Appropriations legislative force, is not a deliberative process, it is a barbaric process.

Mr. Chairman, I rise in strong opposition to H.R. 1158. This bill would cancel $17.1 billion in previously appropriated funds, more than 99 percent of which represent investments in the American people. In return, what will the American people get? If they are low-income, working class Americans, they will get next to nothing; but if they are lucky enough to be among the few percent of Americans making more than $100,000 a year, then they will get a windfall. That is because the Contract With America is bloated with tax breaks for the wealthiest Americans, and my distinguished colleagues on the other side of the aisle are pressing forward with this rescissions package to pay for this pork—pork which is considered to be nothing but fatty, gristly meat when served on a plate to the Nation's poor, but somehow is magically transformed into protein-laden filet mignon when served on fine china to the Nation's rich.

Let me illustrate how the tax breaks in the Contract With America are a boon for the rich but a boondoggle for the poor. Under the proposed capital gains tax cut, 76 percent of the tax cut, or $10.6 billion, would go to those individuals making more than $100,000 a year. Moreover, a corporate executive making more than $200,000 a year would personally gain more than $3,800, while a family earning between $20,000 and $30,000 a year would gain a mere $5.52—not even enough to put a t-shirt on a child's back.

So we can see that all of the promises being made by Republicans—that people will be rewarded for getting off welfare, working hard, and playing by the rules—are illusory. Now let us take a look at all of the benefits which the American people will have to sacrifice so that the Republicans can spoon-feed the fat-cat freeloaders who belly-up to the Government trough.

To give the corporate executive his $3,800 capital gains tax benefit, the American people will lose 1.2 million jobs for at-risk youth during the next two summers. These jobs provide young adults with the money they need to purchase clothes and supplies for school. They also provide lasting gains in employment and purchasing power.

To give the corporate executive his $3,800 capital gains tax benefit, the American people will lose nearly 30,000 AmeriCorps members participating in the National Service program. That will be a tragic loss for communities which are benefiting from AmeriCorps' services, and an even greater loss for middle class families struggling to meet the costs of college tuition for their children.

To give the corporate executive his $3,800 capital gains tax benefit, the American people also will lose $105 million in assistance to their local school districts and, more specifically, services for 100,000 at-risk children which are designed to help them achieve the highest academic standards.

To give the corporate executive his $3,800 capital gains tax benefit, the American people additionally will lose violence and drug prevention programs for 39 million students due to the elimination of the Safe and Drug-Free Schools Program. And nearly $175 million will be stripped away from GOALS 2000 Education Reform, robbing 4,000 schools and thousands of parents of the resources they need to improve the education of our Nation's children.

As a result of this bill, New York alone will be hit with $1.6 billion in spending cuts. New York will lose $107 million in education funding; $540 million for public housing; $164 million for home heating for low-income people; and more than $160 million for job training and assistance for at-risk youth, displaced workers, and senior citizens.

The Grand Old Party [GOP] likes to present itself as the party of opportunity for those Americans who are willing to work. Clearly, that is more fiction than fact, for the wolf is disguised in sheep's clothing. Opportunity to the Republican Party means opportunity not for those who work the hardest, but for those who have the highest incomes. Opportunity to the Democratic Party, on the other hand, means opportunity for everyone, particularly American families who cannot make ends meet and work their way out of poverty despite working long hours at back-breaking jobs.

Mr. Chairman, because I prefer to reward individuals for the strength of their character and work ethic instead of the size of their wallet, I must vote against H.R. 1158, and urge every Member of this body to do the same.

The CHAIRMAN. The Chair will advise that the gentleman from Texas [Mr. DELAY] has 5½ minutes remaining, the gentleman from Wisconsin, [Mr. OBEY] has 6 minutes remaining, and the gentleman from Wisconsin has the right to close, since he is defending the committee's position.

Mr. DELAY. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Chairman, I rise in support of the DeLay amendment. In spite of what the opposition says, no one ever died of ergonomics. Today we have the opportunity to say no to the runaway Federal regulators.

Earlier this year, in a bipartisan vote, the House passed H.R. 450, which placed a moratorium on all new Federal regulations until December 31, 1995. The passage of this bill and other regulatory reforms was intended to send a signal to Federal departments and agencies to end the production and implementation of countless regulations that strangle competitiveness and economic growth.

However, one agency did not get the message, OSHA. Earlier this week, one of the top bureaucrats at OSHA's ergonomics team indicated that the agency will be pushing forward with plans to establish an ergonomics rule, blatantly flouting the will of Congress.

Plainly, OSHA wants to continue the practice of business as usual. As chairman of the Subcommittee on Work Force Protection of the Committee on Economic and Educational Opportunities, the subcommittee with jurisdiction over OSHA issues, let me tell the Members that the proposal on ergonomics is one of the broadest and most expansive health and safety regulations in recent times.

An ergonomics rule has the potential of devastating business and altering every job in America. Let us not forget that the rationales for the ergonomics regulation is not based on sound and strong scientific evidence.

There is a clear choice before us today. A vote against the DeLay amendment will signal Federal bureaucrats, particularly those in OSHA, that the business of issuing needless burdensome regulation should continue. A vote for the DeLay amendment will tell OSHA that it cannot impose a new socially-engineered workplace policy, which will literally affect every American worker, unless it is based on sound scientific and cost analysis.

Vote for the DeLay amendment.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, let us be very clear what this is all about. As a member of the committee, there is no question in my mind that the Republican majority just wants to get rid of OSHA. This is just a downpayment in putting OSHA on the chopping block.

There is no question about it. Let us also make it very clear that there is no reason for this to be a partisan issue. In fact, this rulemaking was started under a Republican administration. Former Secretary of Labor Elizabeth Dole made the decision to develop an ergonomics rule in 1990. Secretary of Labor Lynn Martin initiated the rulemaking with the request for comments in 1992. What they want to do is just to stop all discussion and stifle any debate.

Mr. Chairman, this should proceed so there can be careful, thoughtful consideration by employers, workers, unions, and others that can have input on this important rule. This ergonomics rule has not even been proposed right now. I suggest that we vote down this amendment so we can proceed in an orderly fashion.

Mr. DELAY. Mr. Chairman, I am glad to yield 2 minutes to my friend, the gentleman from Florida [Mr. MICA], a champion against regulations.

Mr. MICA. Mr. Chairman, during the debate on regulatory reform, I spent a great deal of time on the floor. I had a chance to re-read the Constitution, in this little pocket edition of the Constitution. In the back of this booklet is the Declaration of Independence.

If Members have not read it in a while, I recommend it. It states forth the reasons why this country sought its independence from the King, the oppressive King. Let me read one line here in the Declaration of Independence.

It says "He has erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out their substance." This is exactly what Washington, DC, has done, and what this agency has done.

OSHA has driven our employees out of business, it has harassed our businesses, and operates in conflict with the principles of the Constitution. In fact, our employers and our business men and women in this country are guilty until proven innocent.

Here is another regulation that will send swarms of new officers into our workplaces, harass our people who are trying to create jobs, keep jobs in this country, and make sense out of an agency that is totally out of control.

Pass this amendment and send OSHA a message that this rule and OSHA's oppressive actions must stop.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in very strong opposition to this amendment. Let us call this amendment what it is, another mean-spirited Republican attempt to harm working people in this country.

First, it is "Let us depress wages, let us not increase the minimum wage." Then it is "Let us destroy Davis-Bacon. We cannot have prevailing wages." Now it is "Let us destroy the health and the welfare and the safety of America's workers."

For shame, majority, for shame. The fact is that OSHA saves lives. OSHA improves workers' health. OSHA's enforcement programs improve safety. Safe workplaces save dollars. OSHA's job is far from done. Each year, 56,000 workers still die from work-related accidents and illnesses.

The fact of the matter is that working people in this country, the people that built this country, the people that continue to build this country, need protections, and OSHA provides those protections. We ought to stop the mean-spirited Republican assault on working people in the United States.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. COYNE].

Mr. COYNE. Mr. Chairman, this amendment does nothing to improve the bill before us, and I strongly oppose the rescission package before the House today.

This $17.3 billion cut in Federal domestic programs represents an attack on children, the poor, veterans, and the elderly. Nearly two-thirds of this bill's rescissions are from programs to assist children, low-income families, or the elderly poor. Low-income Americans across our country will feel the pain of these cuts but these cuts will hit especially hard in America's cities.

Communities in Pittsburgh and other major U.S. cities will suffer a major reduction in Federal funds for a range of basic human service programs. Urban programs account for 78 percent of the cuts in this package. The result will make life harder for hard working Americans who are already struggling to make ends meet.

Who will not be hurt by these cuts? The Defense Department will not lose one cent under the Republican majority's rescission package.

They have even denied Democratic Members the ability to restore funding for child nutrition or any other human service program by reducing any part of the $262 billion defense budget.

The Republican majority's rescission package would cut $88 million from the Department of Health and Human Services' health resources and services account. This cut will cut $10 million in funding for the Healthy Start Program that is helping to reduce infant mortality. My community was one of the first 15 U.S. cities to receive a Healthy Start Program and has already seen an 18 percent reduction in its infant mortality rate as a result. The lives of 18 babies have been saved in our area's Healthy Start Program area.

The elimination of all funding for LIHEAP—the Low-Income Home Energy Assistance Program—will hit 50,000 households in my congressional district alone. Seniors and low-income residents in the Pittsburgh area will lose $9.5 million in LIHEAP funds needed to help them pay their heating bills this winter.

This rescission package turns a cold shoulder to the children of my district. A total of $1.6 billion will be cut from education programs. The Republican majority's bill would eliminate every cent of funding for the Drug-Free School Program. Our city schools alone will be denied $500,000 needed to fight illegal drug use in our schools. The Republican majority also says "no" to our area's youth who want to get a job. The elimination of all funding for the Summer Youth Jobs Program will deny 900 Pittsburgh area teens a chance to learn job skills by working this summer.

Seniors housing accounts for 40 percent of the $7 billion cut from Federal housing programs. Cuts in Federal housing programs—including a $15 million cut in the budget for our local housing authority—will hurt seniors and other low-income residents who depend on Federal housing assistance.

Veterans at Pittsburgh's VA hospitals will also be affected by a $206 million cut in VA medical programs. These cuts will take place even while our country prepares to celebrate the 50th anniversary of V–E Day. This cut in VA medical programs is an outrageous way to commemorate veterans who fought to defeat fascism during World War II.

Why are we making these cuts? The Republican majority needs to slash domestic programs for the poor to pay for $189 billion in tax cuts. Many of those tax cuts will benefit upper incomes Americans; for example, 75 percent of the capital gains tax cuts will go to individuals with incomes above $100,000.

Mr. Chairman, the Republican majority's rescission package is too severe. It slashes Federal funding for children, seniors, veterans, and low-income families most in need. It protects the Defense Department budget and asks nothing from the most affluent in our society. I urge my colleagues to oppose this bill.

Mr. DELAY. Mr. Chairman, I have no other requests for time.

Mr. OBEY. Mr. Chairman, I was told by the Chair I have the right to close. I have only one closing speaker.

The CHAIRMAN. Is the gentleman from Texas [Mr. DELAY] yielding back the balance of his time?

Mr. DELAY. Mr. Chairman, if the gentleman is going to close, I will use the rest of the time myself.

The CHAIRMAN. The gentleman from Texas [Mr. DELAY] is recognized for the remaining 2 minutes.

Mr. DELAY. Mr. Chairman, what we are seeing here is a desperate attempt on the part of the minority to protect the status quo and what has been going on for the past 40 years.

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They want to continue spending and the joy ride that they have been on for the last 40 years, and they want to protect the bureaucrats that have been oppressing American citizens for a very long time. That is what this amendment is all about, is to stop the bureaucrats and stop what is going on.

I have been collecting horror stories about regulations for every year that I have been in Congress, and the most horror stories come from OSHA. OSHA is an oppressive agency, an agency that steps way beyond its bounds and way beyond the intent of the legislation.

When we had a decisive vote in this House to send a message to OSHA and other regulations that we want regulations based on good science, what did OSHA do? They decided to run off and continue operating as usual.

Under these standards of ergonomics, slouching in a chair could be a hazard, or someone holding a phone between their shoulder and their neck could be a hazard. In Australia, when ergonomic standards were adopted in the early 1980's injury rates increased. Workers' compensation costs increased by as much as 40 percent in some industries. And a single company lost more than $15 million in a 5-year period due to increased production costs.

All we are saying is:

"OHSA, heed our message. Step back, look at what you are doing. Use good science, good studies to do what you are doing but if you're not going to get the message," then the best way to get a bureaucrat's attention is to cut their central office.

That is what this amendment does. It goes right to the heart of the bureaucracy and cuts $3.5 million right out of the heart of OSHA. If OHSA does not get this message, we will come back on an appropriations bill and send them another message.

It is time the bureaucrats in this town got the message. America is fed up. I appreciate the Members' support for my amendment.

Mr. OBEY. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 3 minutes.

Mr. OBEY. Mr. Chairman, what a joke we just heard. We were just told that it is the Democrats who are protecting the status quo and yet it is the gentleman from Texas who is offering the amendment that is preventing the agency from moving off the status quo to protect people who are getting injured every day in the workplace.

Come on, get off it. Give me a break.

This amendment is paraded as the device by which you stop the ergonomic study. In fact, this amendment has no way of stopping the ergonomic study. It does not do that. All it does is cut 3 million additional dollars out of OSHA, and the gentleman is nodding in agreement. All that will do is cut the number of consultations which OSHA can provide businessmen so that businessmen can find out how to correct problems without being inspected, and all it does is also cut out their ability to provide needed high visibility inspections.

Now he says he wants OSHA to follow good science.

I ask a question: Where do you think you are likely to find that good science? From the neutral officials in OSHA who are charged with the legal responsibility to protect American workers? Or from the horde of lobbyists which the Washington Post described just last week as being all over the gentleman's office as he was preparing the anti-regulation barrage that we got hit with last week?

I think you know the answer to that one. With all due respect, if I am looking for good science, I am not going to go to the Fortune 500 list of lobbyists they talked about in that Washington Post article just 2 days ago.

This amendment is just like the tax cuts this party is trying to push. They are trying to push capital gains tax cuts and give three-fourths of the benefits to people who make more than 100,000 bucks a year. They are trying to repeal the requirement that every American corporation that is a big one and makes money at least pays some taxes. They want to go back to the good old days when you do not even require the Fortune 500 corporations to pay taxes. Why then we should be surprised that they offer an amendment which says to workers, "Forget it, baby, we're interested in your bosses but not you"?

I think this amendment perhaps ought to be passed. It is a perfect example of what the Republican party has come to stand for. It is a perfect symbol for how bad this bill is. So vote for it. You are going to pass it, you have got the votes, but you ought to be ashamed of yourselves.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. DELAY].

The question was taken; and the Chairman announced that the ayes appered to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This will be a 17-minute vote.

The vote was taken by electronic device, and there were—ayes 254, noes 168, not voting 12, as follows:

[Roll No. 242]

AYES—254

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cunningham
Danner
Davis
de la Garza
DeFazio
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goss
Graham
Greenwood
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)

Lightfoot
Lincoln
Linder
Lipinski
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—168

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Berman
Bishop
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Conyers
Costello
Coyne
Deal
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Engel
English
Eshoo
Evans
Farr
Fattah
Fields (LA)
Filner
Flake
Foglietta
Ford
Furse
Gephardt
Gilman
Gonzalez
Goodling
Gordon
Green
Gunderson
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Livingston
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Petri
Pomeroy
Porter
Rangel
Reed
Reynolds
Richardson
Rivers
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Williams
Wise
Woolsey
Wyden
Wynn

NOT VOTING—12

Collins (MI)
Cubin
Fazio
Frank (MA)
Frost
Gejdenson
Gibbons
Gutierrez
Johnson, E.B.
Lewis (GA)
Solomon
Yates

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The Clerk announced the following pair:

On this vote:

Mrs. Cubin for, with Miss Collins of Michigan against.

Mr. DEUTSCH changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer amendment number 13 originally printed by the gentleman from Oklahoma [Mr. BREWSTER].

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBEY: At the end of the bill, add the following new title:

TITLE IV—DEFICIT REDUCTION LOCKBOX

DEFICIT REDUCTION TRUST FUND

SEC. 4001. (a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the "Deficit Reduction Trust Fund" (in this title referred to as the "Fund").

(b) CONTENTS.—The Fund shall consist only of amounts transferred to the Fund under subsection (c).

(c) TRANSFERS OF MONEYS TO FUND.—For each of the fiscal years 1995 through 1998, the Secretary of the Treasury shall transfer to the Fund amounts equivalent to the net deficit reduction achieved during such fiscal year as a result of the provisions of this Act.

(d) USE OF MONEYS IN FUND.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amounts in the Fund shall not be available, in any fiscal year, for appropriation, obligation, expenditure, or transfer.

(2) USE OF AMOUNTS FOR REDUCTION OF PUBLIC DEBT.—The Secretary of the Treasury shall use the amounts in the Fund to redeem, or buy before maturity, obligations of the Federal Government that are included in the public debt. Any obligation of the Federal Government that is paid, redeemed, or bought with money from the Fund shall be canceled and retired and may not be reissued.

DOWNWARD ADJUSTMENTS IN DISCRETIONARY SPENDING LIMITS

SEC. 4002. (a) IN GENERAL.—Upon the enactment of this Act, the Director of the Office of Management and Budget shall make downward adjustments in the discretionary spending limits (new budget authority and outlays) specified in section 601(a)(2) of the Congressional Budget Act of 1974 for each of the fiscal years 1996 through 1998 by the aggregate amount of estimated reductions in new budget authority and outlays for discretionary programs resulting from the provisions this Act (other than emergency appropriations) for such fiscal year, as calculated by the Director.

(b) OUTYEAR TREATMENT OF RESCISSIONS.—For discretionary programs for which this Act rescinds budget authority for specific fiscal years, the Director of the Office of Management and Budget shall include in the aggregate amount of the downward adjustments under subsection (a) amounts reflecting budget authority reductions for the succeeding fiscal years through 1998, calculated by inflating the amount of the rescission using the baseline procedures identified in section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROHIBITION ON USE OF SAVINGS TO OFFSET DEFICIT INCREASES RESULTING FROM DIRECT SPENDING OR RECEIPTS LEGISLATION

SEC. 4003. Reductions in outlays, and reductions in the discretionary spending limits specified in section 601(a)(2) of the Congressional Budget Act of 1974, resulting from the enactment of this Act shall not be taken into account for purposes of section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

The CHAIRMAN. Pursuant to the rule, the gentleman from Wisconsin [Mr. OBEY] will be recognized for 15 minutes. Is there a Member standing in opposition to the Obey amendment?

Mr. LIVINGSTON. Mr. Chairman, I ask unanimous consent to be recognized for the extra 15 minutes.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to be recognized for 15 minutes in the face of no opposition being voiced. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, since I am calling up this amendment on behalf of the gentleman from Oklahoma, Mr. BREWSTER, who is the real author of the amendment, I yield 2 minutes to the gentleman from Oklahoma [Mr. BREWSTER].

Mr. BREWSTER. Mr. Chairman, I offer this amendment today with my good friends MIKE CRAPO, DAVID MINGE, and GLEN BROWDER, and thank them for working with me on this lockbox amendment.

I will keep my statement brief since I know there are many amendments made in order today.

Mr. Chairman, this amendment represents a subject that is very important to me, and other Members of this House. The subject is deficit reduction.

Constituents around the country sent a strong message to Washington last November. Americans sent their Representatives to Congress to first and foremost—reduce the Federal deficit.

For most of us in Congress, our contract is with our constituents—not a President, party or any interest group. All recent polls show that the vast majority of Americans are wanting to see Congress keep their word and cut the deficit.

With this said, it certainly surprises me that this appropriations bill was reported out of committee with nearly $12 billion in 1995 spending cuts that do not go toward deficit reduction. The point is that these cuts do not result in real savings.

The Brewster-Crapo-Minge-Browder lockbox amendment will ensure these cuts go only to deficit reduction. This amendment will take the net savings in the bill—the $17 billion rescissions, minus the expenses of the emergency supplemental portion of the bill—and put them in a deficit reduction lock box. It prohibits using these funds for anything except reducing the deficit, and it also requires the budgetary caps be lowered for the outyears.

Mr. Chairman, I will be candid about my feelings on this bill. There are many difficult cuts in this bill. There are programs eliminated that are very valuable to my State of Oklahoma. However, Mr. Chairman, it took 200 years to reach a $1 trillion debt and since 1980 we have added almost $4 trillion more debt.

I have discussed with my constituents over the last few months the seriousness of the Federal debt. They don't like many of these cuts either. But, these hard-working, honest citizens are willing to once again sacrifice in order to reduce our deficit.

But, Mr. Chairman, I can tell you they will not support these cuts if the savings go for anything other than deficit reduction. Quite frankly, Americans do not have a lot of trust in Congress right now. Let us start changing that today, and give them the deficit reduction they have asked for.

Mr. Chairman, I urge the Members of this House to support the Brewster-Crapo lockbox amendment.

Mr. LIVINGSTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Idaho [Mr. CRAPO], the cosponsor of this worthwhile amendment.

Mr. CRAPO. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I appreciate the opportunity to get up and talk further about the lockbox. The deficit reduction lockbox is an idea that is introduced with a much broader scope than just this bill and which I am sure we will talk about a lot in the future as we address the questions about how we must develop a budget system that truly reduces our deficits in this country.

With regard to this bill, however, I think it addresses one of the significant concerns that we have heard again and again and again. The argument being made is that, well, we should not be using this money for tax cuts, we should be using this money for deficit reduction. And it appears that we are getting into this continuous debate as to whether it is better to have deficit reduction or tax cuts, deficit reduction or tax cuts.

This will make it clear once and for all that we will make the necessary deficit reduction that we have called for in the Contract With America. And I believe that we are going to be able to go forward in future actions and find the necessary cuts for tax cuts.

But this bill will put into place a mechanism now that hopefully we can use in the future as we address other budgetary problems to assure that there is a lockbox mechanism that helps us to achieve deficit reduction.

One thing that I hope it does is clarify the debate so that there will be no more objection to the questions about this bill going to deficit reduction. We have stated that in an earlier debate, in an earlier vote today on the amendment brought by the gentleman from Pennsylvania [Mr. MURTHA], and this amendment provides the enforceable mechanism to make it happen with certainty.

If we are concerned about deficit reduction, this bill will make it happen, and I do not think that those who have debated against this bill can now say there is no reason to support it.

This makes it clear we are working for deficit reduction, and we will make deficit reduction a reality.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. MINGE].

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Mr. MINGE. Mr. Chairman, the cuts in this rescission bill are devastating, WIC, jobs for youth in the summer, fuel assistance for low-income Americans, foster care and adoption services, student loan programs, housing for low-income Americans, local .water treatment costs for programs mandated by Congress.

Can we justify the cuts for these programs in order to finance tax cuts for the more affluent members of our communities and increased military spending? Absolutely not.

Going further, we have a convoluted budget-cutting process. In my opinion, there are criteria for deficit reduction. We would not simply say that it is deficit reduction to plan to shave $200 billion off interest on the national debt. That is not realistic.

We need to have, if we are going to impose deficit reduction on the American people, shared sacrifice. We should not be balancing the budget on the backs of the poor, the veterans, and children.

Where are the cuts in the weapons systems that the Defense Department does not want? Where are the cuts in programs for those of us with higher incomes?

We are cutting the most vulnerable first. This stands our proud heritage of fairness on its head. At the very minimum, let us assure low-income Americans, students, and local communities that their disproportionate sacrifice goes for deficit reduction.

I urge you to vote for this amendment. It mandates real deficit reduction. It locks in the savings for 1995 and for years to come.

Mr. LIVINGSTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have heard a lot of speeches about how the savings in this bill, which will amount to roughly $11 billion net, will go to pay for the Contract or whether it will go to pay for tax cuts for the rich and the wealthy, notwithstanding the fact that three-quarters of the tax advantages of the Contract go to people earning $75,000 a year or less.

But all of that notwithstanding, considering the Murtha amendment, which has already passed almost unanimously, and this amendment, which I expect will pass, the fact is the savings that we have reaped with this fiscal year 1995 rescissions bill will go to help pay off the deficit, and I think that is a significant achievement.

So I rise in support of this particular amendment, and I hope that all of the supporters of the amendment who will cast their votes in favor of the amendment will likewise vote for final passage of the bill when it is all over. I challenge them to do so.

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama [Mr. BROWDER].

Mr. BROWDER. Mr. Chairman, we will vote in just a minute. I rise to support the Brewster amendment.

This deficit-reduction lockbox dedicates rescissions to deficit reduction. The American people have told us loudly and clearly that they want us to reduce the deficit first. The American public is rightly skeptical when we turn to budgetary gimmicks to pay for our wish lists, whether it is tax cuts or new benefits programs.

It was in the spirit of representing those concerns that we developed the lockbox, and it is our desire to reassure the American public that deficit reduction comes first.

Mr. Chairman, this amendment is an example of how bipartisan support moves us toward deficit reduction and a balanced budget.

I urge support of all of our Members for this amendment.

Mr. OBEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Chairman, I rise just to say finally this amendment will, in fact, give everyone the chance to put the money into deficit reduction that all of our families want and all of our children want. That is certainly an amendment I would ask for a unanimous vote for.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Utah [Mr. ORTON].

Mr. ORTON. Mr. Chairman, my constituents and the American people have voiced their priorities to cut spending and cut the deficit. Rescissions are difficult. Cutting spending is difficult, hard-fought, and often painful. But the American people are willing to cut spending, even their own benefits, if those spending cuts reduce the deficit.

The American people become upset when they find out a cut really does not reduce spending but it is simply shifted to other types of spending or to tax cuts.

In hearings in the Committee on the Budget we asked the people, "What would you rather have, the tax cut or devote all of the spending cuts to deficit reduction?" Overwhelmingly they asked to reduce the deficit.

This amendment sets up the mechanism to insure that a cut is a cut, and it will reduce the deficit.

I urge adoption of the Brewster amendment.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I rise in support of the lockbox Brewster amendment. The gentleman from Oklahoma [Mr. BREWSTER] and I have been working on this concept for 2 years, and it is gratifying to see it come finally to the floor.

In my judgment the lockbox amendment makes a very bad bill a little bit less worse. At the very least, the lockbox will guarantee that the spending cuts go to deficit reduction, not corporate tax breaks.

I will bet most Americans would be shocked to learn that without this amendment that the gentleman from Oklahoma and his colleagues deserve great credit for in persevering, not one dime of this rescission bill would have gone to deficit reduction, not a single dime.

The original intent of this bill was to guarantee such things like General Dynamics and Mobil and other billion-dollar, profit-making corporations pay no taxes to pay for the repeal of the alternative minimum tax.

Thanks to the gentleman from Oklahoma, thanks to the lockbox, that is not happening, and this, my colleagues, is what the lockbox was devised for.

When we get on the floor and say we are cutting, we should not find that money being used to spend for something else or, more importantly, to reduce taxes. This amendment will make sure that happens. It will make sure that the promise that has been made by so many to the American people that we are serious about deficit reduction does not just become words but it becomes actions.

I, for my part, still think the cuts in this bill are unfair and skewed against the poor, against the elderly, against the working people, and against urban areas.

It is small consolation, but some consolation at least, that the money that we are using for these cuts will go to deficit reduction, not tax breaks.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I have said many times that this bill, this amendment, and this concept have many fathers and one mother. As its mother, I was proud to help the gentleman from New York [Mr. SCHUMER] and others attach it to the 1993 budget bill, and I was happy to stand with the gentleman from Idaho [Mr. CRAPO] and others last week to propose it as a mechanism to use in our appropriations process.

I trust, as we did before, we will again work together in the future to adapt it to more spending cuts in this House. I support it here because it means that the cuts we will make through this bill will be devoted to deficit reduction. That is right. It is fair.

With the failure of the balanced budget amendment, the lockbox concept becomes all the more crucial, and spending cuts in the 104th Congress that are devoted to deficit reduction, start today.

I urge support for the amendment.

Mr. OBEY. Mr. Chairman, I hear the gentleman on the other side of the aisle shouting "Vote, vote." They are the ones who imposed this rule. I think we have a right to use the time granted under it.

Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Chairman, I support the Brewster amendment, but I want to make it clear it does not correct the irresponsibility in the provisions of the Contract With America on deficit reduction, because of the way that the proposal for the tax cut will be coming to the floor, and there is still going to be pressure on programs on our most vulnerable in order to finance a tax cut for the most wealthy.

In the next 5 years all of us hope we will be doing a lot more than deficit reduction that would be in this lockbox. If we do not cut $188 billion more, which is that the tax cut will take out of the Treasury, if we do not get $188 billion despite the fact we might have some money in the lockbox, the deficit will continue to grow. So this lockbox will not protect us from making sure that our programs that affect our children that we are cutting, that those dollars will, the fact, go to reducing the deficit if we do not address how we are going to finance the $188 billion.

This tax cut goes to the most wealthy.

Mr. OBEY. Mr. Chairman, I yield 4 minutes, the remainder of my time, to the gentleman from Illinois [Mr. DURBIN]

Mr. DURBIN. Mr. Chairman, I yield to the gentleman from Maryland [Mr. WYNN]

Mr. WYNN. Mr. Chairman, I would like to thank the gentleman for yielding.

Mr. Chairman, this is a good amendment that makes a bad bill better.

I am appalled at these cuts. I understand we have tough decisions to make, but I find it ironic that the people that say we need more people working and people need to pull themselves by their bootstraps want to cut off the bootstraps. They cut adult job training. They cut summer jobs. They cut job training programs.

But what made it so appalling was that they would make these cuts affecting the disadvantaged only to give to the rich. Under this bill, the wealthiest 2 percent of this country would get 30 percent of the tax breaks. The wealthiest, the people with over $100,000, would get 50 percent of the tax breaks.

This amendment corrects that. At least we see money going into deficit reduction, as it should be.

Perhaps the poor will benefit from lower interest rates. Perhaps the poor will benefit from not having to pay as much in debt service, and we can put some of that money back, but clearly we should not be making these draconian cuts to give money to the wealthy.

They say, well, they will find that money elsewhere to do the tax cut. Maybe so, but I submit that now the average American can ask the question, "Who is getting the tax break?" I think when they see who is getting the tax break, they will reject this approach.

I am pleased to support this amendment. I think it is moving in the right direction. It makes a bad bill better.

Mr. DURBIN. I want to thank my colleague from Oklahoma and his friends for offering this amendment, because it brings some sanity to what we are trying to do this evening.

The chairman from Louisiana has been speaking to us in subcommittee for the last several weeks about what we are going to do with all the money we are saving tonight, all the money we are saving by cutting these programs. The chairman has given several different explanations.

I think tonight finally we are down to one simple explanation: About $5 billion or so is going to disaster relief, primarily in California. The remainder is going to go to deficit reduction.

This is a new development. All of you who are following the contract, punching out the holes, there is a question tonight about the Republican tax plan. All of a sudden this tax plan that they love so much they are walking away from. Why would they walk away from a tax cut? Could it be the publicity that they have been getting, as Americans take a closer look at the Republican tax cut and find out that the benefits are, once again, under the Republican plan going to a privileged few?

Take a look at the capital gains tax cuts. If you happened to be making less than $100,000, the Republicans have in store for you 26 dollars and 5 cents. But if you happen to be one of those families making over $100,000, guess what the Republicans have to offer you, $1,223, too much money for the people who do not need it.

But where do they come up with this money? They come up with it by cutting critical programs, absolutely critical programs that are important for people all around America.

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Mr. DURBIN. We are talking about education dollars, money that should be going for safe and drug-free schools. Instead, they would cut the program to give tax breaks to wealthy people.

What else do they do with their tax cut plan? They end up saying that a lot of corporations in America, who otherwise would pay nothing, are going to continue to pay nothing, go back to the 1986 days before the alternative minimum tax. The Republican tax cut plan says that wealthy, profitable corporations should not pay their fair share.

Well, tonight, ladies and gentlemen, there has been a late breaking story. The Republicans have been reading their own publicity. They have been looking at the reaction across America and they are having second thoughts about this tax cut plan.

I thank the gentleman from Oklahoma [Mr. BREWSTER] and his friends for bringing some sanity to this process. If we have to cut critical programs, let us at least do it in the name of deficit reduction. This lockbox amendment may stop a few of my Republican friends, but not in lockstep.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. OBEY].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 418, noes 5, not voting 11, as follows:

[Roll No 243]

AYES—418

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cunningham
Danner
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—5

Miller (CA)
Nadler
Rahall
Waters
Williams

NOT VOTING—11

Collins (MI)
Cubin
Davis
Dooley
Gibbons
Johnson, E. B.
Lewis (GA)
Moran
Talent
Torkildsen
Yates

☐ 2047

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ROGERS

Mr. ROGERS. Mr. Chairman, I offer amendment No. 6.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROGERS: Page 8, line 24, strike "$19,500,000" and insert "$9,500,000".

Page 9, line 11, strike "$20,000,000" and insert "$30,000,000".

MODIFICATION OF AMENDMENT OFFERED BY MR. ROGERS

Mr. ROGERS. Mr. Chairman, at the behest of the original offeror of the amendment, I ask unanimous consent that the amendment be modified by the form the gentlewoman from Maryland [Mrs. MORELLA] has placed at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification of amendment offered by Mr. ROGERS: Strike "$9,500,000" and insert "$16,500,000"; and strike "$30,000,000" and insert "$23,000,000".

Mr. ROGERS (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. Without objection, the modification is agreed to.

There was no objection.

The text of the amendment, as modified, is as follows:

Amendment offered by Mr. ROGERS, as modified:

Page 8, line 24, strike "$19,500,000" and insert "$16,500,000".

Page 9, line 11, strike "$20,000,000" and insert "$23,000,000".

The CHAIRMAN. The gentleman from Kentucky [Mr. ROGERS] will be recognized for 15 minutes. Does a Member rise in opposition to the amendment?

Mr. OBEY. Mr. Chairman, I do not rise in opposition. I doubt that there is any Member in opposition, but I would again like to work out an understanding on the sharing of the time.

The CHAIRMAN. Does the gentleman wish to ask unanimous consent to take the 15 minutes in opposition?

Mr. OBEY. Yes, Mr. Chairman.

The CHAIRMAN. Without objection, the gentleman from Wisconsin [Mr. OBEY] will be recognized for 15 minutes.

There was no objection.

The CHAIRMAN. The gentleman from Kentucky [Mr. ROGERS] is recognized for 15 minutes.

Mr. ROGERS. Mr. Chairman, this amendment is offered by the gentlewoman from Maryland.

I yield 6 minutes to the gentlewoman from Maryland [Mrs. MORELLA] to explain the amendment and its modification.

Mrs. MORELLA. Mr. Chairman, the amendment that I am offering would reprogram some of the cuts in chapter 2 of H.R. 1159. The amendment would restore $3 million that would otherwise be rescinded from the research budget of the National Institutes of Standards and Technology, an equal offset of $3 million is made against the State Department account for acquisition and maintenance of buildings abroad. This $3 million amendment would partially restore the proposed 19.5 billion that would be rescinded from the NIST laboratory funding account.

This represents the lab's core functions, including its basic science and mission-related research.

I first of all wanted to thank the gentleman from Kentucky [Mr. ROGERS] for working closely with me on this issue. We are all operating under severe budgetary constraints at the current time. I know that the gentleman from Kentucky is very appreciative of the role that NIST plays in the Nation's overall competitiveness.

I look forward to working with him and the ranking member in the future on these issues. He has always been a good friend both to me and to NIST.

NIST, Mr. Chairman, is one of the premier research and technical agencies of the Federal Government. It is a nonregulatory agency whose one overriding mission is to promote economic growth by working with industry.

NIST's mission is to develop and apply technology, measurements and technical standards. The benefits of NIST activities are enjoyed throughout the country, wherever quality and competitiveness in manufacturing are valued.

For over 100 years, governments have recognized the importance of measurement standards for economic growth. That is why virtually every industrial nation has the equivalent of a NIST.

Even in the Middle Ages, commerce within a city or town depended upon having a standard pint, a standard yard and standard bushel. Today, manufacture of world-competitive computer chips and memory devices requires the use of measuring techniques accurate to less than a ten-thousandth of an inch. Measurements this precise require the development of whole new measuring technologies, and that is where NIST research comes into play.

NIST laboratory programs receive $265 million in funding for fiscal year 1995. This level of funding reflected a careful weighing of proprieties by Congress and the administration, taking account of the evolving needs of our manufacturing industries.

NIST laboratories still account for less than one half of 1 percent of the Federal R&D budget. These recent increases in the NIST budget come after decades of neglect, decades during which, as we all know, American industry suffered and an almost fatal decline in its manufacturing competitiveness.

I submit, Mr. Chairman, that there is no other place in the Government than NIST where dollars invested will reap such large gains for the economy. NIST creates and nurtures the measurement infrastructure that allows industry to speak the same language. Without measurement standards, industry would be doomed like the proverbial Tower of Babel to fall down in disarray.

Let me offer one example of how NIST laboratory programs benefit all of our constituents. Every year in America, doctors perform over 7 million diagnostic procedures using radiopharmaceuticals. In fact, these procedures are given to fully one fourth of all hospital patients. Heart patients, for example, often receive a thallium-201 stress test which allows doctors to actually see damaged portions of the heart muscle without ever breaking the skin.

The market for radio pharmaceutical preparations now approaches $1 billion annually. Patients and care-givers alike have a right to expect that these radioactive materials have been properly measured and standardized. It is a matter of safety, foremost, but also good medicine and good business practice.

NIST services are essential in each step of the process that I have outlined. It provides first the measurement standards that everyone can use; second, the protocol, so that instruments can be properly adjusted and calibrated; and third, the crucial standard reference materials for instrument testing.

I want to make one point very clear. The functions that NIST performs are not optional for the government. It is not a matter that if we drop these programs the private sector will take up the slack. Development of measurement standards is costly and research intensive, but most importantly, development of these standards is not in the economic interest of any one company. That is why we critically need NIST and why NIST programs need to be fully funded.

Furthermore, it is not a matter that we can develop these standards, place them gingerly under a bell jar, as it were, leave them there for an eternity. We are approaching a very difficult budgetary environment.

I do not undertake a further offset against the State Department buildings account in a light or cavalier fashion, but I think that the $3 million is not going to hurt them that much.

The proposed rescissions to NIST programs this year are quite significant. I know that my good friend, in restoring this $3 million, will look to the future NIST budget for fiscal year 1996. I look forward to working with him, and I wanted this body to hear something about how important NIST is.

I thank the gentleman.

Mr. OBEY. Mr. Chairman, I yield 7 minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I rise in support of the gentlewoman's amendment. I rise not to debate the merits of moving several million dollars from the State Department construction account to the NIST program, which I support, but more so to talk about the limited rule that we have here for us to make this decision in a host of other areas.

Abraham Lincoln once said, "As the times are new, we must think anew and act anew."

This is certainly a new idea, to pay for a natural disaster with offsets in the budget. I support that. But when you do that, I think you have to provide equity and judiciousness and the opportunity to restore programs that are important to many Members in Congress with offsets from other cuts.

Take, for instance, WIC, Women, Infants and Children. It is cut $25 million in this bill.

□ 2100

That is a program that President Reagan and President Bush supported. That should not be cut. We should have the opportunity to offer amendments to restore that.

Mr. Chairman, I offered five amendments in the Committee on Rules. Only one was ruled in order. Drug-free schools to keep our children out of harm's way and off drugs, where in every one of our newspapers we are reading about children in the first grade in my district bringing a gun to school. Drug-free schools money was $482 million. We have cut that by $472 million in this bill.

Finally, Mr. Chairman, heating for senior citizens, heating for senior citizens in the cold Northwest and in the Midwest, we have cut that by $1.3 billion.

Mr. Chairman, I am all for making cuts. I offer amendments to cut the space station each year however, let us have the opportunity under a fair rule to cut these programs like the CIA, with $28 billion a year; like Section 936, that allows us to send money down to Puerto Rico, to move jobs out of this contiguous United States.

They debated the A to Z bill when they were in the minority. Let us debate cuts A to Z. This bill is A to B. We are not given the opportunity to get into half the cuts we want to get into.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. ROEMER. I am happy to yield to the gentleman from New Jersey.

Mr. ANDREWS. Mr. Chairman, my friend, the gentleman from Indiana, is right in saying that our colleague, the gentlewoman from Maryland [Mrs. MORELLA], has come up with a creative way to save a program she cares about. We were not given a similar opportunity to offer alternatives to spending cuts that we care about.

I want to repeat something my friend, the gentleman from Indiana said, Mr. Chairman. This rescission bill in front of us will totally eliminate grants to senior citizens that help them pay their heating bills.

Mr. Chairman, many of us would like to have put that money back in the budget and pay for it by taking money away from the S&L bailout for the Resolution Trust Corporation. We cannot do that. We would have liked to have put money back in the budget and paid for it by considering something under another bill, the cancellation of a $50 million loan from the United States to the Kingdom of Jordan. We cannot do that under this bill.

Some of us would have liked to have put that senior citizen money back into the budget and paid for it by cutting some of the money to the power administrations, the TVA and some of the other subsidies around the country. We are denied the opportunity to do that by the procedure under which we are operating here.

Mr. Chairman, the gentlewoman from Maryland is to be congratulated for her creativity, but all the creativity in the world would not have given us a chance to vote on the changes I just made.

Mr. Chairman, I believe we did not get the chance because the leadership on the other side knows that we would win if we got a chance to offer those amendments.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. ROEMER. I am happy to yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, we have heard a lot about waste and bureaucracy. Let us talk about waste. Do Members know what waste is? $10 billion on the space station. Helping senior citizens heat their homes in Vermont in the winter time is not waste. Do you know what waste is? Corporate welfare and subsidies for large corporations and wealthy individuals, that is waste. Drug prevention programs for high schools and elementary schools in this country, that is not waste. That makes good sense.

Do people really think it is waste to put money into the WIC program so we can provide decent nutrition for pregnant women and their children? Is that waste? That is not waste. Keeping the CIA funded at almost the same level as in the cold war, that is waste.

Mr. ROEMER. Mr. Chairman, I would continue along this path that we are debating here and say that it is equally shameful, not only not to provide us the opportunity to cut some of this waste and some of this pork, but to then pit great programs one against the other.

First of all, the opportunity for us to support our veterans, which I just did, and restore $206 million to make sure our veterans get access to outpatient care is a great expenditure of money.

However, then to turn around and say the only way you can do that is to cut AmeriCorps and tell 18- and 19- and 20-year-olds that they cannot teach in schools in the South, or they cannot help in terms of cleaning up the environment in the West, or they cannot help in terms of great programs where they volunteer and serve and get into careers to help different Americans throughout the country, is a real travesty in this country.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. ROEMER. I am happy to yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I appreciate the gentleman making that point. As the gentleman knows, that amendment was supported overwhelmingly. It was supported by many of us who feel very, very strongly, as the gentleman has just articulated, the importance of AmeriCorps. That vote had nothing to do with AmeriCorps, although under the rule, as the gentleman points out, that was the way they found to fund that particular restoration. I think the gentleman makes a good point. We are certainly going to revisit that.

Mr. ROEMER. Mr. Chairman, I yield to the gentleman from New Jersey [Mr. ANDREWS].

Mr. ANDREWS. Mr. Chairman, I think one of the unwritten clauses with the Contract With America is that there will be free, open, and honest debate, regardless of party affiliation. Tonight is the night the Contract With America was breached. We are all watching it tonight.

Mr. ROGERS. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I rise in favor of the amendment of the gentlewoman from Maryland [Mrs. MORELLA]. I am delighted she was able to work it out with the chairman of the subcommittee, because I think what she is doing here is something which does advance the cause of science and technology in the country, because she is helping to fund a core program that increases U.S. competitiveness in those areas.

I could not help but be somewhat amused by what we just heard form the fear caucus and the look-back caucus here a couple of minutes ago. The gentlewoman has done exactly what the rule permits, and the rule permits under all circumstances out here on the floor, that she found a way to bring her amendment to the floor, to fund it within the right account.

Some people on the other side call that clever. Fine. That is part of what the legislative process is about. She has done a very good job of it. She deserves to be congratulated for doing that.

Others could have done exactly the same thing. They just do not like the idea that they have to obey the rules. What they want to do is to be able to reach into all kinds of areas and pull out, and what do we hear that they want to pull out, they want exactly the opposite direction from the gentlewoman. They want to kill and cut science and technology programs in order to fund social welfare programs.

Mr. Chairman, it seems to me that that is something that the American people might want to think a little bit about, whether or not we ought to cut the science and technology efforts of this country in order to increase the amounts of money going for largely social welfare programs.

Mr. Chairman, in the past few weeks what we have seen happening in this country is an understanding developing among the American people that what has gone on in Washington over the last several years is absolutely immoral; that we have brought about a situation where our children and our grandchildren are going to pay massive bills of debt that we are racking up because we want to feel good, because we want to be politically correct, because we want to be able to say that "we care for you" and we are going to dish out government money that we do not have and pile it on the debt of our kids.

Mr. Chairman, I simply suggest that if we are going to spend some of this money, it ought to be spent as the gentlewoman wants to spend it, increasing American competitiveness, advancing the cause of science and technology, so that in fact in the future our kids have something solid that we have created, so that they have some new economy, some new kinds of jobs that we have created out of the competitiveness that we brought about.

Mr. Chairman, what I hear from the other side is that that is not what they want to do. They want to cut these programs so we can make people more dependent, create more social welfare, and do it in the wrong way. I think that is a very, very disturbing trend, and it is probably the reason why the rules of the House are the way they are.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I would just say to the gentleman two things. One, I will give the gentleman from Pennsylvania [Mr. WALKER] an opportunity not to re-spend the cut from the space station later this year on social welfare programs, but to put it to the deficit. That is a program that is tens of billions of dollars over budget.

Mr. WALKER. Mr. Chairman, the gentleman and I have debated. Reclaiming my time——

Mr. ROEMER. Could I just make my second point, Mr. Chairman? The gentleman yielded.

Mr. WALKER. Sure.

Mr. ROEMER. The second point is that the gentleman used the rules in this Chamber as a member of the minority, or objected to those rules when they were not fair, in instances like A to Z.

I assume the gentleman signed the discharge petition for A to Z to get a full debate on cuts.

Mr. WALKER. Sure.

Mr. ROEMER. Now we do not have the opportunity on the floor.

Mr. WALKER. We are having a full debate now.

Mr. ROEMER. We are restricted by the rule as to what we can cut.

Mr. WALKER. Mr. Chairman, it is a much fuller debate then we usually got out of appropriations bills brought out of the committee.

Mr. ROEMER. First, it was a restrictive rule brought to the floor.

Mr. WALKER. Mr. Chairman, under the rules, it is my time.

I would say to the gentleman that the fact is that when supplementals were brought out in the past, we did not even pay for them. We were not given an opportunity on the floor to find a way to pay for them.

What we have here is a rather unique new procedure under the contract, where we are actually saying "Maybe we ought not fund our emergencies by piling it on as debt." We have a rather remarkable new thing out here on the floor, right here, where we are stopping the piling on of debt.

I know the gentleman is complaining about that. The gentleman would prefer——

Mr. ROEMER. I am not complaining about that.

Mr. WALKER. That what we do is come out here and kill space station, so he gets his social welfare money. I think that probably is a major mistake.

The gentleman never has liked space station because he does not think that space station creates new technology. I happen to believe it does. In fact, the President and his administration, Mr. GORE today, I talked to him on the phone, he was against those NASA cuts, because he feels as though that is a contributor.

The gentleman is out of touch with his own party and out of touch with, I think, the direction of the Congress.

Mr. ROEMER. That is helpful in some degree.

Mr. WALKER. That may be.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Chairman, I thank the ranking minority Member for yielding time to me.

Mr. Chairman, back on the ranch, with regard to the amendment offered by the gentlewoman from Maryland [Mrs. MORELLA], I rise in strong support of the amendment. It would restore $3 million of the $19.5 million in cuts for the internal laboratory research programs at the National Institute of Standards and Technology.

For the record, Mr. Chairman, I would support a full restoration of that funding. I know the gentlewoman from Maryland was very interested in doing that also, and worked very hard on it. This was the compromise she was successful in achieving. I congratulate her for that.

Before going on to talk a little bit about these programs and why we should support the Morella amendment, Mr. Chairman, I would like to note that I deeply regret that the offsets in this amendment are coming from the State Department's Foreign Buildings account.

This is a big account, there is no question about it, but this account provides funds for over 12,000 facilities valued at over $10 billion. Right now, we have a $400 million plus backlog of facility maintenance and repair projects for our decaying facilities overseas.

Mr. Chairman, this account has already taken two cuts as a result of the rescission process. It is a big account, an easy account to cut. However, it would really be penny-wise and pound foolish, because we are building up a great liability that we are going to have to address. And we have already cut $20 million in this bill and $28 million as a result of the Senate's action on the defense supplemental.

I simply want my colleagues to know that continued hits in this account jeopardize our foreign buildings, as well as our new embassies.

Mr. Chairman, I hope we would refrain from the temptation to cut this account simply because of its size, and slow outlay rate. While I regret this account is where we are getting the money to offset this amendment, I do support very strongly the NIST laboratories. They develop measurement techniques, testing methods, standards, and other types of infrastructural technologies and services that provide a common language needed by industry in all stages of commerce.

They respond to the present and anticipated needs of U.S. industry and set priorities based on close consultation with industry.

Mr. Chairman, to this end, this $19.5 million cut proposed in the rescission package would have a profound impact on U.S. industry's ability to compete in the worldwide high technology markets.

There are two reasons why this cut would be particularly devastating. First, historically, up until a couple of years ago, the NIST labs were getting about half of their budget from other agencies in contract services. In other words, they were contracting out their services and those contracts were supporting NIST employees.

The increases we see in the budget requests, and it has rightly been pointed out that NIST's internal laboratories have received increases, since that time represent a shift from this type of funding to a straight appropriation. They was a good reason for this.

Mr. Chairman, this change gives the labs more stability to plan their activities from year to year. This has become increasingly important as industries become more sophisticated and technology changes more quickly. It is important for NIST to be able to set its own agenda, to have a budget which supports its FTEs.

Second, it allows NIST to target resources to high priority areas, like advanced manufacturing and biotechnology and information technology.

Mr. SKAGGS. Mr. Chairman, would the gentleman yield?

Mr. MOLLOHAN. I am pleased to yield to the gentleman from Colorado, a distinguished member of the subcommittee.

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Mr. SKAGGS. I thank the gentleman for yielding. I just want to reinforce what the gentleman from West Virginia [Mr. MOLLOHAN] has been saying. We debate something that comes to us, and I appreciate the gentlewoman's bringing this to the floor, under the bureaucratic sounding title of Internal Laboratory Research and Members' eyes gloss over.

It is important to understand the real consequences of the work being done under this particular part of the National Institutes. We are talking about semiconductor microcircuitry research, materials, science research, a whole range of things that constitute a critical ingredient in any well-informed and sensible national competitiveness strategy. It is a vital part of the administration's efforts to really boost civilian research and secure an economic future for this country.

Mr. MOLLOHAN. We are supportive of the gentlewoman's amendment.

Mr. ROGERS. I only have one speaker remaining, and I think it is our right to close; is that correct, Mr. Chairman?

The CHAIRMAN. The gentleman is correct.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Chairman, that simply gives me an opportunity while we are on this subject to take my remarks one step further.

I would like to speak more broadly to all the proposed rescissions in the commerce technology programs, both in this bill and in the rescission package accompanying the defense supplemental. I want to go on record as strongly opposing these proposed cuts in the advanced technology program, in the manufacturing extension program, and in the Office of Technology Policy. Of course it is relevant to comment on these cuts because the NIST internal labs support the other commerce technology programs.. This is part of the reason why we desperately need this funding.

According to the charts contained in the World Competitiveness Report of 1994, the United States ranks 28th, behind Japan, Germany and all of our other major competitors in the percentage of government funding allocated to non-defense research and development. We rank fifth in total expenditure of R&D as a percentage of our GDP, and 19th in real growth of private sector R&D investment.

Let's face it. Our competitors are heavily investing in programs similar to the commerce civilian technology initiatives. They are pouring funding into research and development of precompetitive generic technologies. They are funding programs similar to MEP, and we are just beginning to understand the importance of that.

Consequently, Mr. Chairman, I particularly regret the cuts in the rescission packages to those external civilian technology programs.

Again, Mr. Chairman, I appreciate the time allocated and urge the support of the Morella amendment.

Mr. OBEY. Mr. Chairman, I have one other request for time. How much time do I have remaining?

The CHAIRMAN. The gentleman has 1 minute remaining.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, under the general rules of germaneness here and since I will not get a chance to talk about this elsewhere, I want to say a little bit about HUD.

We are hearing a lot and a lot in this bill beats up on HUD, and I want to acknowledge, HUD has been badly run, because from 1981 to 1989 under Ronald Reagan, the Secretary of HUD was Samuel Pierce, and rarely in the history of America under that Republican administration has any Federal department been run so incompetently and corruptly at the same time. They rarely did anything at all and when they did anything, it was likely to be crooked. The problem we now have is that the poor people in this country are going to be penalized by savage cuts in HUD which are a consequence in part of mismanagement of that Republican rule.

With Samuel Pierce having presided under Ronald Reagan over the most corrupt administration and the most inept in recent memory, it is a very cruel thing now to penalize the poor people today, and so these cuts in HUD which are being justified by HUD mismanagement are a clear case on the part of the Republican Party of killing your parents and claiming justification because you are an orphan.

Mr. ROGERS. Mr. Chairman, I yield myself the balance of the time.

The CHAIRMAN. The gentleman from Kentucky [Mr. ROGERS] is recognized for 4½ minutes.

Mr. ROGERS. Mr. Chairman, let me explain simply what the gentlewoman's amendment does. The 1995 appropriations act out of our subcommittee included $265 million for the National Institute of Standards and Technology's internal laboratory research programs. That amount was $40 million over the fiscal 1994 figure, an 18 percent increase, and deservedly so, because these labs do a wonderful job.

The committee rescission in this bill that is pending before us would rescind $19.5 million from that amount and reduce the 1995 figure to $245.5 million for fiscal 1995. That is still a 9.5 percent increase over the 1994 level, even after the rescission is taken.

The NIST internal program will not lose money. They will just simply get as much of an increase as the 1995 bill had given them. They will still be able to employ more people, even with this rescission.

The gentlewoman from Maryland has made a very powerful case to this gentleman and the gentleman from West Virginia [Mr. MOLLOHAN], the ranking minority member on our subcommittee, of the importance of the NIST program over and again to us.

I have to compliment the gentlewoman from Maryland [Mrs. MORELLA] for her tremendous persuasiveness about the effectiveness of NIST and its programs. She has convinced us that it would be wise to cut back on the rescission in a fairly modest way but a significant way.

This amendment she offers would restore $3 million to the NIST internal research program to enable them to continue the build-up that was started a few years ago to bolster our Nation's ability to compete by transferring technology to our Nation's industries and businesses.

I do not think anyone in this room needs to be convinced of the efficacy of the NIST programs. This is one of the government's good programs. These are dedicated scientists and economists and people who understand business and exports. These laboratories at NIST already have a 90-plus-year history of working closely with small and large companies coupled with a reputation for neutrality and technical excellence.

That is why NIST was selected by the Congress in 1987 and 1988 to tackle added assignments. Today we provide services through four major programs that make up a portfolio of technology-based tools:

One is the competitive advanced technology program which provides cost-shared awards to industry to develop high-risk technologies.

Two, a grassroots manufacturing extension partnership helping small and medium size companies to adopt new technologies.

Three, a strong laboratory effort planned and implemented in cooperation with industry and focused on infrastructural technologies.

And, four, a quality improvement program associated with the Malcolm Baldridge National Quality Award.

The NIST laboratories are an invaluable asset of our government in assisting American companies to be more competitive in the world market.

Unfortunately, Mr. Chairman, we do not have enough money in our bill to do all we would like to do. The monies that we restore tonight we will have to find in 1996 in order to keep these added employees on the line. None of us can guarantee that. We have got a tough year coming up in 1996. But for the moment, the gentlewoman from Maryland's amendment has been persuasive.

I want to again congratulate her on being able to convince a number of us to restore this amount of money to the NIST program.

I reluctantly have agreed to the amendment, and I will be voting for the Morella amendment and urge our colleagues to do the same.

With that, Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. ROGERS], as modified.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote. A recorded vote was ordered.

The CHAIRMAN. This will be a 17-minute vote.

The vote was taken by electronic device, and there were—ayes 419, noes 8, not voting 7, as follows:

[Roll No. 244]

AYES—419

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
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Seastrand
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Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
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Stark
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Stenholm
Stockman
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Talent
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Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
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Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—8

Abercrombie
DeFazio
Hefley
Hostettler
Johnston
Manzullo
Rohrabacher
Scarborough

NOT VOTING—7

Collins (MI)
Cubin
Foglietta
Gibbons
Johnson, E. B.
Lewis (GA)
Yates

□ 2143

Mr. ROHRABACHER changed his vote from "aye" to "no."

So the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

□ 2145

AMENDMENT OFFERED BY MR. CRANE

Mr. CRANE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Has the amendment been printed in the RECORD?

Mr. CRANE. Yes, it has, Mr. Chairman.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CRANE: page 33, line 20, strike "$47,000,000" and insert "$112,000,000".

Page 33, line 22, strike "$94,000,000" and insert "$215,000,000".

The CHAIRMAN. The gentleman from Illinois [Mr. CRANE] will be recognized for 15 minutes.

Is there any Member standing in opposition to the amendment?

Mr. OBEY. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Illinois [Mr. CRANE].

Mr. CRANE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, Speaker GINGRICH has indicated that he would not recognize further funding for the Corporation for Public Broadcasting after 1998, and as a result, we are on a course that is designed to totally defund the public contribution to public broadcasting. It is a, relatively speaking, minimal contribution right now, and it will be zeroed out.

But in the interim, what I am arguing is that my amendment would do this in a way that enables those people to make adjustments as they face that final decline of Government money involvement in public broadcasting. They would do this in a more rational way.

The proposal in the legislation before us is mild up front. In 1995, it is a 15-percent cut, a 30-percent cut in 1996, but then they are faced with a 70-percent reduction in their funding the year that it is terminated. My proposal, Mr. Chairman, would, instead, make it 33 percent, 33 percent, and 33 percent, and I would argue, Mr. Chairman, that that is a better way to approach the resolution to this problem than is currently contemplated.

The CPB funding, one must recognize, is a very small percentage of total funding for public broadcasting. As I indicated earlier, it is roughly 15 percent that comes from Federal appropriations to fund public broadcasting. We are talking about the Corporation for Public Broadcasting, not public broadcasting. Public broadcasting will continue, and my argument is there are ways in which it can be assured of a continuation for those programs that those people who are constant viewers, say, of public broadcasting, they can be assured that they will still continue to receive those services.

There will be some adjustments, however, and those adjustments are dictated in part by economic reasons, and that has been a part of the argument advanced by Speaker GINGRICH when he says by 1998 the Government taxpayers will no longer be involved in this process.

I think it is important for our colleagues to understand that from 1975 until the present the funding for the Corporation for Public Broadcasting, the public funding, has risen by 500 percent, 500 percent since 1975. And even if you are looking at constant dollars, the fiscal year 1995 appropriation is more than three times higher than 20 years ago.

Telecommunications is very different than it was in 1967 when CPB was created. The functions of public broadcasting, namely, education, entertainment, diversity, access, and so forth are now duplicated in other entities such as cable, direct satellite, VCR's, public-access shows. CPB provides only one block of programming, while cable provides hundreds.

Some say that we need CPB because many do not get cable, the main source of diversity. However, the answer to that problem is to encourage access to cable, not to subsidize public broadcasters. Many public TV stations themselves are now redundant. CPB estimates that 58 percent of Americans receive at least two or more public TV stations. In the greater Chicago area, for example, my hometown, there are as many as four access stations, and New York has four. Washington, DC, has three; Kansas City, for example, has two.

Public broadcasting funds should go to rural stations where the need for access and diversity is most acute. If the CPB were truly the philanthropic organization it claims to be, cuts in its budget would not lead to the end of small stations. Instead, it would end big stations where consumers have a number of choices.

Barney was created by the Lyons group. Founder Sheryl Leach and her partner were listed as one of Forbes magazine's highest-paid entertainers with 1993 to 1994 earnings of $84 million. The Lyons group has the licensing agreement with Hasbro and a theme park at Universal Studios theme park in Orlando.

Barney avoided extinction with the help of a $2 million grant from the CPB and public broadcasting. "What we didn't realize is that exposure is so important," said Barney creator Sheryl Leach. After public broadcasters provided exposure, Barney became an institution.

The Wall Street Journal reported that despite Barney's $1 billion in gross revenues and Leach's $84 million earnings, almost nothing goes to CPB. In total, according to the Wall Street Journal, the CPB earned $317,000 from product licensing fees in 1991.

Mr. Chairman, I would urge my colleagues to recognize that we are not talking about ending public broadcasting. What we are talking about is ending that minimal Federal Government involvement in this process that is not necessary, not in any way, shape, or form, to guarantee that public broadcasting continues.

And we know, for example, that there are alternative ways to meet that marginal void of the 15-percent taxpayer contribution to the process that has perpetuated this with escalating costs to the taxpayers and minimal return.

I would urge my colleagues to support the amendment.

Mr. OBEY. Mr. Chairman, I yield 1¾ minutes to that noted defender of Big Bird, the gentlewoman from New York [Mrs. LOWEY].

Mr. CRANE. Mr. Chairman, I yield 50 seconds to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I rise in very strong opposition to the Crane amendment to impose further cuts on the Corporation for Public Broadcasting.

In fact, had the rule not be so restrictive, I would have offered my own amendment to cut those cuts even further rather than increasing them.

The House Republican leadership has launched an all-out attack against the Corporation for Public Broadcasting as wasteful government spending and as culturally elite. This amendment hastens the planned demise of the Corporation for Public Broadcasting and reveals very clearly the extremist agenda of the Republican majority.

If you oppose violence in the media, you will oppose this amendment. Public broadcasting, Sesame Street, Prairie Home Companion, and other public programming provide an alternative for preschoolers, families, elderly Americans who want to avoid the violence of too much of commercial broadcasting. If you disagree with the Republican leadership claim that public broadcasting represents a subsidy for the culturally elite, you will oppose this amendment.

Nearly half of public broadcasting's audience are middle-income-family individuals. Calling public broadcasting culturally elite is an insult to the millions of hard-working, middle-class Americans who watch public television or listen to public radio. If you oppose the commercialization of public broadcasting, you will oppose this amendment.

You will oppose this amendment, because opponents of public broadcasting seek to privatize public broadcasting and allow commercial interests to take it over. The fact is public broadcasting could not support itself solely through revenues from its successful shows and should not support itself through commercials.

I strongly urge my colleagues to oppose the Crane amendment.

Mr. CRANE. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from Illinois.

Mr. CRANE. Mr. Chairman, I have not suggested the content. What I have suggested is that we are going to terminate public financing of public broadcasting by the year 1998, and all that my amendment does is to do that in a staggered way where those people can make easier adjustments than to take a 70-percent hit in their total budget in 1997. Mine is 33, 33, 33, so they can make the adjustments to the cutbacks. And the other point is it is not cultural elitism that I have argued about.

Mrs. LOWEY. I would just like to thank the gentleman for clarifying my statement even further. In fact, what this amendment does do, as you suggest, is hasten the demise of public broadcasting, because, in fact, you are increasing from 15 to 36 percent the cuts in 1996 and from 30 percent to 68 percent the cuts in the following year. So you are hastening the demise of public broadcasting, and I thank you for your clarification.

Mr. CRANE. Mr. Chairman, I yield myself such time as I may consume for one final rebuttal. My point is that is a gentler adjustment time frame than what is proposed under the legislation, because if you make marginal cuts this year and marginal cuts next year, and then you come in and you savage them totally in that final year, that is a bigger adjustment than my proposal offers.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Illinois [Mr. PORTER], the distinguished subcommittee chairman.

Mr. PORTER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, as well-intentioned as this amendment might be, I believe that it would very much undermine the efforts of the subcommittee and the committee to graduate public broadcasting off the Federal subsidy, and we believe that we are making great progress in that regard.

☐ 2200

Mr. FIELDS of Texas, the chairman of the authorizing subcommittee, and I met with officials of CPB, NPR, and PBS within the last 2 weeks, and we had I think a very, very productive meeting and understanding that our intention was that CPB become independent of the Federal subsidy, that they work on a plan that would provide for alternative revenue streams, and that they work also to incorporate a concept of graduation from subsidy for member stations who do not need it within their plans and to reduce or eliminate station overlap, of which there is some involved, particularly on the television side.

We believe that the cuts that we proposed are very substantial, 15 percent next year and 30 percent the following year. We believe that it allows them adequate time to adjust to the concept of coming off the Federal subsidy, and we believe very strongly that the Crane amendment would undermine these efforts.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I, of course, rise in strong opposition to the Crane amendment to increase the cut in the Corporation for Public Broadcasting. But do not let the Crane amendment distract us from what is really happening here today, because this rescission bill advanced by the Republican majority has huge cuts in the Corporation for Public Broadcasting: $47 million for this next year, and $94 million the year beyond.

So any words of support for CPB in opposition to Mr. CRANE, Members should demonstrate their support for the Corporation for Public Broadcasting by voting against this bill in final passage to eliminate these huge cuts that are already there.

Mr. CRANE in his remarks said people who do not have cable should get it. We should increase access to cable. What will that do? Increase access for our children to more sex and violence on television. Cable television, even if people can afford it, which they cannot, is no substitute for educational TV, which reaches 99 percent of our households. Our society benefits immensely from the unique educational services CPB provides that stretch across age, sex, gender, and ethnic boundaries.

Make no mistake, this rescission bill has serious cuts in the Corporation for Public Broadcasting. If you support it, you will vote against this whole bill in the end, because then you will be truly standing up for the Corporation for Public Broadcasting.

Another point our colleague has made is that if you eliminate public funds, it is still public. That cannot possibly be true.

Mr. OBEY. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Chairman, I rise in strong opposition to the Crane amendment.

Mr. Chairman, it strikes me as a bit odd, at a time when we are concerned about universal access to the internet, to laptop computers, to an array of educational technologies, to be talking about eliminating access to the one educational technology that is available to everyone already: public broadcasting.

I am old enough to remember in the 1950s, when broadcast television was hailed as the Nation's salvation, offering endless educational and entertainment possibilities—possibilities that did not seem outlandish in the medium's "golden age." And yet by the 1960s, Newton B. Minow famously surveyed the broadcasting landscape and saw nothing but a "vast wasteland."

So in the 1990's, as the commercial media become ever more competitive, they reach reflexively for the lowest common denominator of flashy, empty programming, often laden with violence and sex. It is in the public interest that quality alternatives be offered that the market is slow to provide. The Federal funding in public broadcasting is minimal, and I see no reason we should poor mouth our way into an impoverished culture.

Public broadcasting survives, and must survive, to meet real, legitimate, unmet public needs. It is a resource we need more than ever, and I urge my colleagues to vote against rescinding appropriations for the Corporation for Public Broadcasting.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, this amendment is part of the Republican campaign for the dumbing down of America. First, they killed the fairness doctrine so Americans no longer hear both sides of an issue. Then the Republicans invested heavily in right wing radio and TV, so that Americans get a steady diet of Rush Limbaugh and the world according to Professor GINGRICH. Now they wanted to kill public broadcasting.

My Republican colleagues live in fear that Americans will hear more than their narrow side of the political debate. It is ironic that my Illinois colleague, who railed against the freedoms destroyed by communism, is anxious to silence the free exchange of ideas on public broadcasting.

The Republicans should not be afraid of information and balanced debate. In many foreign nations, this kind of exchange of ideas is called the American way of doing things.

Now, let me reinforce what the gentlewoman from California said. Voting against Mr. CRANE's amendment does not make you a friend of public broadcasting. Keep in mind that the underlying bill, this rescission bill, cuts the heart out of public support for public broadcasting.

Those who are standing here opposing his amendment, to say that they are friends of public broadcasting I think a lot of us know better. The bottom line is this: If we are going to keep a free and open exchange of ideas in this country, we have to be subscribing to, supporting personally, and providing some Government support, yes, for public broadcasting, both radio and TV. Oppose the Crane amendment and oppose this bill.

Mr. CRANE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I assume that free exchange is on Barney and Sesame Street that he is talking about, and that is characteristic of the other side of the aisle. But let me tell you something: Lyon's Group and Children's TV Workshop are grossing about $2 billion a year through the exposure of Barney and Sesame Street. Now, why do they not, because of that free advertising, permit a little flow-back to replace any component part of national public broadcasting that is coming from the taxpayers.

Ms. PELOSI. Mr. Chairman, will the gentleman yield?

Mr. CRANE. I yield to the gentlewoman from California.

Ms. PELOSI. The gentleman knows, of course, what somebody grosses is not necessarily——

Mr. CRANE. Mr. Chairman, reclaiming my time, to be sure. I said gross income. But my point is that when you are looking at $2 billion a year in gross income, for goodness' sake, our contribution that we are talking about is inconsequential by comparison.

Ms. PELOSI. If the gentleman will further yield, the gentleman is on the Committee on Ways and Means, a great leader on that committee. Could the gentleman give us some idea of how much of tax write-offs the commercial television stations get each year, how much the taxpayer subsidizes their operations.

Mr. CRANE. Infinitely preferable to do it in the private sector than the public sector.

Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, I rise in support of this amendment. I am amazed from what I just heard from this other side of the aisle. They said we have to have Government-subsidized broadcasting at taxpayers' expense to counter what you are hearing from the free enterprise system; that you have to have Government to get out a public propaganda message instead of listening to what is on news programs or public information programs from free enterprise.

That is a socialist approach. I reject it. If you want education programming, you have got that in private sector already. Look at the Learning Channel, the Discovery Channel, the Arts and Entertainment Channel, C–SPAN, Spanish Network, Weather Channel, Headline News, CNN; then the other commercial stations. You do not need Government to give your side of the story whenever the free enterprise system says something.

I reject that notion. That shows what is really going on. Public broadcasting should be paid for by voluntary members of the public that want to contribute, not tax money.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, the free enterprise system does not work to serve the children of our country. ABC, CBS, NBC, and Fox combined have on 8 hours of children's television per week, total. PBS, starting at 6:30 each morning with Sesame Street through 6:30 every night with Bill Nye, the Science Guy, puts on 10 to 12 hours a day, 60 or so hours a week, of children's television.

Now, just so you will know the facts, ladies and gentlemen of the other side of the aisle, there are 70 million children in the United States. Of those 70 million, 33 million of them live in homes without any cable. The only channels they can turn to are ABC, CBS, NBC, Fox, or the other independent stations. There is no children's television on it.

Now, if you want these children to be able to compete in a post-GATT, post-NAFTA world the way I do, I voted for it, we have a big deal with these kids. We are letting the low-end jobs go and are going to try to target the information-age jobs.

If you take off the only channel on television that provides mothers of children that come from the low income areas with the informational and educational skills which they need, then you are dooming our country to a society where all the welfare reform in the world will never make it possible for these children to have the skills that make it possible for them to hold the jobs in your so sacred private sector that you cut their one link to it that the public is providing them.

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] has 4 minutes remaining; the gentleman from Wisconsin [Mr. OBEY] has 7¼ minutes remaining, and is entitled to the right to close since he is defending the committee position.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman, as a father of a 5-year-old and a 3-year-old, I got to tell you that when you rely only upon the commercial sector to produce programming that is in their interest, you do sacrifice quality and content.

I doubt any of you have the opportunity to watch the kinds of shows that are put on on Saturday mornings or during the morning on weekdays. But the reality is that the only quality is that which you get on public broadcasting. What you get on the commercial networks is full of gratuitous violence, it has no qualitative content to it. There is a reason why the Corporation for Public Broadcasting has been maintained. It is because there is a vast difference between what it produces and what the commercial networks produce. And it all comes down to where the motivation is. The motivation for the Corporation for Public Broadcasting is to produce the highest quality programming, to appeal to our best instincts, and that is what we got and that is what we should keep.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Chairman, this rescissions package is a joke, worse than what you see on the various cable TV networks. This rescissions package guts public corporation television. It guts summer jobs, it guts housing for people who need it. And let me say this: I resent the Members of the other side of the aisle calling us socialists. We simply stand here for working Americans. Public television is free television, and it is television for our children.

What you are asking us to do is take from the Old Testament Solomon's rule where he asked the mothers who gave birth to two babies how they would resolve who would get the one baby that lived. When they could not resolve it, one mother said cut the baby in half. The other mother said no, let the other mother take the baby because I love the baby too much.

We love our children. We will not let you put us in the Solomon's choice. Republicans can cut the baby in half. Democrats want to keep the baby alive because we love our children. Support the Public Broadcasting Corporation.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, I want to appeal to those of you who find more sense in being reasonable than to be idealogues. You know, there is a place for public television and a place for public radio, and it is indeed both in the urban and rural areas. I represent rural America, and it is refreshing to know there is a source of information that is not only qualitatively and quantitatively superior, but also is subjective and has an opportunity to advance learning.

This is in the American interest that we support it. It is not to suggest that we are any less caring about free enterprise, but it is to suggest we see value in having the Americans support it because it enhances not only the education advancement, but it enhances the American way. It makes sense.

Mr. Chairman, I appeal to the other side to not only defeat this amendment, but to know that you must defeat the whole bill itself.

Mr. CRANE. Mr. Chairman, I yield 30 seconds to the distinguished gentlewoman from Washington [Mrs. SMITH].

Mrs. SMITH of Washington. Mr. Chairman, I want to thank the gentleman, but I think I heard something that was false. It is not free. My five grandkids are going to get the bill. We are spending $200 million a year. It is not free. You are charging to each of my grandkids every month a debt they cannot pay, and it is not free. And if we do not pay attention right now, you are taking away their future, because you think it is free.

□ 2215

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, I thank the gentleman for yielding time to me.

This is once again another instance of mean-spirited Republican budget cuts. It really never ceases to amaze me how mean-spirited and radical the Republican party has become. When I left this morning, my 16-month-old son was watching Barney. My kids have grown up on Sesame Street. I said this morning, Don't kill big bird.

Let me tell you something: 40 percent of American families do not get cable television. So if we lose public broadcasting, 40 percent of America cannot see public broadcasting and these kinds of shows. Do we want our kids to be exposed to the sex and violence in commercial television? Do we really want our kids to be exposed to all these commercials?

For $1 every $1 that is put in of public funds, $6 in the private sector are generated. This is an example of the public/private partnership that works. This money that the Federal Government puts forth is less than $1 for every American person.

If it ain't broke, don't fix it. It ain't broke. Public TV works. Vote against this mean-spirited amendment and vote against the mean-spirited rescission package.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, we heard the previous speaker equate public broadcasting with socialism. I think that kind of laid it bare. There is no secret out here anymore. This is an amendment from the far right wing of the Republican party, this doubling of cut for the Corporation for Public Broadcasting really goes by name. It is called extremism.

Look, the mainspring of your party and the mainspring in the middle of your party, neither want to see the cuts doubled to the Corporation for Public Broadcasting, and neither your middle or ours or the middle of America believe the Corporation for Public Broadcasting is akin to socialism.

This amendment represents the far extreme right wing of your party.

Mr. CRANE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have to explain again to my colleagues on the other side of the aisle, CPB, the Corporation for Public Broadcasting, the public taxpayer-financed component of public broadcasting, will be gone by 1998. All my amendment does is phase that cut in in a way where they can make the adjustment easier than is otherwise prescribed under the legislation before us.

It is a 33, 33, 33 percent cut instead of waiting until 1997 and taking a 70 percent hit on their whole budget.

It is history, guys. Open your eyes up. We are talking about letting the private sector run it as it always should have.

Mr. Chairman, I yield 1 minute to my distinguished colleagues, the gentleman from Texas [Mr. FIELDS]. With all due respect, we have a gentleman's disagreement.

Mr. FIELDS of Texas. Mr. Chairman, I want to thank the gentleman from Illinois for yielding time to me, because I rise in reluctant opposition to the amendment at this time.

I think our position as Republicans first of all should be in support of public broadcasting. I think there is a niche for public broadcasting on the information superhighway. I do not believe there should be $1 of Federal money spent in the future when it comes to authorization or when we get to the next round of appropriations, I will support the gentleman from Illinois.

But I am now in a gentleman's agreement with CPB, with PBS, and with NPR, trying to find a solution to this problem, because I honestly believe there is a need for public broadcasting. But again, do not misunderstand me, particularly on this side of the aisle, in the future, we should not spend Federal money.

We can have a transitional time of commercial advertising. Then we can use the spectrum and through new technology allow compression that allows them to move into a new era.

So reluctantly, I oppose the amendment.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the distinguished chairman of the Committee on Appropriations, the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, I thank the gentleman for yielding time to me.

My colleagues, the hour is late. The fact is the gentleman from Illinois [Mr. PORTER] and the members of the subcommittee have done a good job. They called for a 15 percent cut in 1996 for CPB and a 30 percent cut in 1997. I think that is adequate. That gets us on the right track.

Next year we can deal with this matter in the appropriations process in the normal time sequence. But I think that we ought to leave this bill intact as it is.

I sympathize with my friend from Illinois. I share his goals as one who has been personally attacked, practically, and caused hardship by my own public TV station. But I believe that we should deal with this at the proper time.

I urge the committee, the whole committee to support the work of the Committee on Appropriations. Vote against the Crane amendment and sustain the work of the committee.

Mr. CRANE. Mr. Chairman, I yield 30 seconds to the gentleman from Massachusetts [Mr. TORKILDSEN] who has a gentleman's disagreement with me.

Mr. TORKILDSEN. Mr. Chairman, I thank the gentleman from Illinois for graciously yielding time to me.

I, too, disagree with the amendment. I think public broadcasting does have a role in our country. Commercial broadcasting is fine for what it does, but it does not have the educational component that public broadcasting has.

So I would ask members of my party to please vote against this amendment. I think we need public broadcasting to continue that education for preschoolers, but also for adults, programs that we would not see otherwise.

I thank the gentleman from Illinois for yielding time to me and ask that the amendment be voted down.

Mr. Chairman, I rise in strong opposition to this amendment. Further cuts in public broadcasting will not only devastate public television and radio systems, but it will also severely hamper the discussion already taking place about the future of public broadcasting.

Faced with the current $141 million reduction, about 30 stations would merge or go dark by 1998 and another 30 stations would have to shut down local operations by 2000.

This debate is about the value we place on public education. Public broadcasting is education for preschoolers; it's hands-on classroom materials for teachers; it's a way to earn a GED or college credits from home. The guiding principle of commercial broadcasting is clearly profit. For public television, the guiding principle is education.

Cable has certainly added to the television menu, but only for those who can afford its high prices. Basic cable costs around $25 per month. That is simply too high a price for millions of Americans, and as a result nearly 40 percent continue to go without. Public television reaches 99 percent of the nation.

The public broadcasting industry and Congress are currently discussing the future role of public broadcasting for America. Draconian cuts would hamper these talks and prevent any thoughtful resolution for this issue. I urge my colleagues—even those who would like to end Federal funding for public broadcasting—to vote against this amendment.

Mr. CRANE. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, Government ought to do what it has to do, not what it would like to do. We would all like to play Walter Annenberg or Lorenzo de Medici and be patrons of the arts. If we are serious about getting the deficit down, we can no longer do the things that are luxuries, that are nice and pleasant.

Let us go to the foundations. Let us go to the wealthy people who subsidize the arts, museums. Let them subsidize public broadcasting. It is good. It is worthwhile, but we have to borrow money to pay our bills. We can get by without this. We ought to fund it.

The CHAIRMAN. The gentleman from Illinois [Mr. CRANE] has ½ minute remaining, and the gentleman from Wisconsin [Mr. OBEY] has 1¼ minutes remaining.

Mr. CRANE. Mr. Chairman, I yield myself the balance of my time.

Let me just say in conclusion, we are not talking about ending public broadcasting. Eighty-five percent of public broadcasting is privately funded. We are talking about a minuscule contribution from our grandchildren who are going to inherit the debt that we are running up right now.

I say it is time to get Government out of public broadcasting. It can survive and it can continue to provide the worthwhile services it has in the past.

I urge support for my amendment.

Mr. OBEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this amendment is irrelevant. The Republicans have already decided to kill public broadcasting. This is simply a late-night sideshow to enable the reluctant dragons of the GOP Gingrich gang to get off the hook. That is all it is.

I never want to hear another lecture about family values from the Republicans in this House. I just heard someone on that side of the aisle, on the Republican side of aisle say our kids could not afford the money we are spending on public broadcasting. What our kids cannot afford is the garbage that passes for entertainment on commercial television. That is what our kids cannot afford.

This is a debate between family values and commercial values. And when you kill the only kind of television that gives young kids a decent opportunity to see something other than the garbage that passes for national network television, what you do is abandon them to the commercial marketplace. You abandon them to the commercial market forces. You say, "Values out the window, dollars come first." I do not think this country wants that.

Mr. RICHARDSON. Mr. Chairman, this bill indiscriminately cuts programs of great importance to millions of elderly, poor, and young Americans.

This bill reduces funding for important services like the Corporation for Public Broadcasting.

Now we are considering an amendment which further cuts funding for CPB.

CPB plays an important role in educating our young and keeping a vast part of our society informed.

This bill, already cutting CPB's funding by 15 percent, will have direct and negative consequences for children, rural areas, and minorities. This amendment will devastate public broadcasting.

My colleagues on the other side argue that CPB can be privatized, that the proliferation of cable has surpassed public television, or that CPB can survive through advertising, or from the profits from Barney and Sesame Street.

CPB cannot be privatized because there is nothing to privatize. CPB has no assets, it is not a business.

CPB is a grant making organization whose constituents are not-for-profit TV or radio stations.

Cable does not replace public broadcasting. Ninety-nine percent of Americans have access to public broadcasting. Only about 60 percent of Americans receive cable programming.

Public broadcasting is free and all Americans have access. Cable is expensive and it does not serve all homes.

By law public broadcasters are prohibited from advertising. Public broadcasters cannot sell air time for products or services.

Finally, public broadcasters receive only royalties from Barney the Dinosaur and Sesame Street. Last year these royalties were $20 million and most of that went back into expensive educational programming.

America's children, rural citizens, and minorities stand to lose the most. Urge my colleagues to oppose this amendment.

Mr. JOHNSON of South Dakota. Mr. Chairman, while I find many aspects of this rescission bill cold-hearted and callous, particularly where the children of this country are concerned, I rise today on behalf of all my constituents in South Dakota—young and old—to express my strong opposition to the Rohrabacher and Crane Amendments which further gut funding for the Corporation for Public Broadcasting. I simply cannot stand by and watch this heartless trouncing of an entity that has brought laughter, insight, and thought into the homes of countless South Dakotans and people all across this country.

This rescission bill already strips CPB of much needed funding. Given these new funding limitations, CPB must now make decisions about which programs will remain, what staff must be cut, and which stations will receive less funding. Any additional funding cuts to this invaluable resource will dramatically and negatively affect millions of people in this country. At a time when commercial broadcasting is bringing an excess of sex, violence, and just plain schlock into our homes, we simply cannot afford to lose public broadcasting—the one source of quality programming that we have.

Pulling the plug on public broadcasting hurts all of us, from those living in small rural communities to those surviving in inner city high rises to those residing in senior centers. For many people in South Dakota and across this country, public broadcasting is the only source of quality television and radio programming.

Nearly 40 percent of American households do not have cable television. In my home state of South Dakota, nearly 60 percent do not have cable. Public television and radio are often the only source of world and national news to millions of Americans. It plays a vital role in thousands of communities. Rural States such as South Dakota will be particularly hard hit by the proposed cuts and any additional cuts—25 percent of South Dakota Public Broadcasting funds come from CPB. Don't kid yourself or the American people. Our states will not be able to pick up the slack when the gutting process begins.

No one is opposed to having CPB look more aggressively for ways to profit from their occasional commercial success or to find ways to trim the fat from their overhead. But any attempt to make public broadcasting survive solely on its ability to the commercially successful should be thrown out the window.

I intend to do what it takes to ensure this senseless slashing ends. Enough is enough. No more endangering Big Bird. No more silencing Lawrence Welk. No more gutting.

Mr. GEPHARDT. Mr. Chairman, this week, House Republicans are pushing for cuts in many of our most crucial commitments to children, the elderly, pregnant women, and veterans, largely to pay for a capital gains tax cut that benefits those at the very top of the economic ladder. I believe these cuts are a grave mistake, because they punish those who are truly in need to help those who have few needs at all.

But there is one proposed cut that truly strikes at every single American, and that is the wrong-headed proposal to slash funding for the Corporation for Public Broadcasting—wounding public television and radio out of sheer partisan enmity.

Public television and radio perform a crucial public service, because they bring extremely high-quality, educational and informational programming into the homes of countless millions of Americans. These programs help young children to learn and to grow, and offer thought-provoking analyses of the world around us—programs that enrich the minds and enhance the debate of the country at large. I am proud to consider myself a viewer and listener—as are so many Americans.

Perhaps that is why I have been flooded with letters from the people of St. Louis, beseeching me to defend the Corporation for Public Broadcasting, and especially KWMU and KETC, from these draconian cuts. Educators, psychologists, doctors, parents, and teachers, concerned community members from the 3rd Congressional District have all joined together in this cause. They know that public television and radio offer a depth and perspective that commercial outlets simply do not and cannot.

In the most fundamental sense, the airwaves belong to the American people. A handful of partisan Republicans may not like P.B.S., but the vast majority of American families do. I urge my colleagues to defeat any and all efforts to weaken this cultural source of thought, opinion, and entertainment in America.

Ms. WOOLSEY. Mr. Chairman, I rise in strong opposition to the Crane amendment which would increase the cuts in funding for the corporation for public broadcasting.

Mr. Chairman, I have received hundreds of letters from my constituents, in the sixth Congressional District of California, opposing the republican leadership's attacks on the CPB. These attacks will hurt our local PBS stations, KRCB and KQED, which are an important source of educational and cultural programming for adults and children in my district.

KCRB and KQED have helped thousands of adults get their high school degree and pass college level courses. Workers on farms in isolated areas; welfare mothers striving to become self-sufficient; and individuals seeking to improve their job skills have benefitted from the educational programming offered by KRCB and KQED.

Mr. Chairman, no commercial stations are offering these much-needed educational services!

In addition, KRCB, KQED and other PBS stations are home to valuable programming for our children. As a mother of four, I remember how difficult it was to find entertaining and educational programs for my children. I often relied on my local PBS station as do many parents who do not want their children watching the increasingly violent adult programs which are prevalent on commercial television stations.

For the price of one dollar per person, the corporation for public broadcasting ensures that every american household, rich or poor, urban or rural, has access to a wide range of educational and cultural programming.

Mr. Chairman, this is a small price to pay for the valuable services provided by PBS stations throughout the Nation.

I urge my colleagues to vote "no" on the Crane amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Illinois [Mr. CRANE].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CRANE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 72, noes 350, not voting 12, as follows:

[Roll No 245]

AYES—72

Archer
Armey
Baker (CA)
Barr
Bartlett
Barton
Boehner
Bryant (TN)
Bunning
Burton
Buyer
Canady
Chabot
Christensen
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
DeLay
Dickey
Doolittle
Dornan
Dreier
Emerson
Flanagan
Funderburk
Hancock
Herger
Hilleary
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Kasich
Kingston
Largent
Lewis (KY)
Linder
Manzullo
McIntosh
Neumann
Norwood
Paxon
Pombo
Rohrabacher
Roth
Royce
Salmon
Sanford
Sensenbrenner
Shadegg
Shuster
Smith (WA)
Solomon
Souder
Stearns
Stenholm
Stockman
Stump
Tate
Thornberry
Vucanovich
Walker
Weldon (FL)
Weller
Zimmer

NOES—350

Abercrombie
Ackerman
Allard
Andrews
Bachus
Baesler
Baker (LA)
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TX)
Bunn
Burr
Callahan
Calvert
Camp
Cardin
Castle
Chambliss
Chapman
Chenoweth
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (IL)
Conyers
Costello
Coyne
Cramer
Crapo
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Furse
Gallegly
Ganske
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton

Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnston
Jones
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lightfoot
Lincoln
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Markey
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Serrano
Shaw
Shays
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Spence
Spratt
Stark
Stokes
Studds
Stupak
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Waldholtz
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff

NOT VOTING—12

Chrysler
Clay
Collins (MI)
Cremeans
Cubin
Gejdenson
Gibbons
Johnson, E. B.
Lewis (GA)
Martinez
Rangel
Yates

☐ 2243

Mr. HEFNER and Mr. GOSS changed their vote from "aye" to "no."

Mr. LARGENT and Mr. KASICH changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. CLAY. Mr. Speaker, I experienced a sudden illness and was unable to cast my vote against the Crane amendment to rescind funding from the Corporation for Public Broadcasting. I wish to inform this body that I have long supported Federal funding for the Corporation for Public Broadcasting and will continue to do so in the future.

☐ 2245

AMENDMENT OFFERED BY MR. ROHRABACHER

Mr. ROHRABACHER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROHRABACHER: Page 20, line 5, strike "$18,650,000" and insert "$23,450,000."

The CHAIRMAN. The gentleman from California [Mr. ROHRABACHER] will be recognized for up to 15 minutes.

Is there a Member standing in opposition? Is the gentleman from Wisconsin [Mr. OBEY] in opposition?

Mr. OBEY. Yes, I am, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin will also be recognized for up to 15 minutes.

The Chair recognizes the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, I yield myself such time as I may consume.

First, Mr. Chairman, I would like to apologize to some Members to whom earlier I stated that I would probably not be introducing this particular amendment, realizing that after the full discussion that we had on the Corporation for Public Broadcasting because of the last amendment, that this body did not need to spend another half-hour debating the Corporation for Public Broadcasting, I decided not to introduce my amendment on the Corporation for Public Broadcasting but instead decided to offer an amendment dealing with a piece of waste in the budget which I feel that would probably be more worth our time to talk about, rather than having another half an hour debate on the Corporation for Public Broadcasting.

Earlier in the day that was not my intent but, Mr. Chairman, the purpose of this amendment is to endorse the original decision made by the Interior subcommittee to include $4.8 million for the mild gasification plant in Illinois in this rescission package, a decision that was reversed in full committee.

The subcommittee had many sound reasons for not wanting this project financed. First, this is a program that the Department of Energy has left out of its budget requests since fiscal year 1993. The DOE requested this project be terminated in fiscal year 1994. Nevertheless, earmarked appropriations were made in 1994 and 1995. Arguments to the contrary, scientific justification be damned, the earmarks were made.

I am now chairman of the authorizing subcommittee, and I can tell Members, although coal gasification as a substitute for oil may have made sense in an era of high oil prices, both the Department of Energy and the National Academy of Sciences now agree that it has no practical value at the level of projected oil prices through the year 2010.

In addition, this project will duplicate other gasification projects already undertaken by the Department of Energy in West Virginia and Wyoming.

Furthermore, we are likely to come to the day when our other advanced technologies will replace the need for traditional coke-making altogether. As for power generation, this program has no value. Both the Department of Energy and the National Academy of Science agree that advanced gasification systems for power generation should have a higher priority than this mild gasification project which is aimed at producing a coal-based substitute for oil.

Mr. Chairman, when even the bureaucrats are saying that a project like this is unneeded, you know that what we are talking about is wasteful Government spending.

The timing on this rescission is also important. These are unobligated funds. Although construction is imminent at this moment, I am assured that the Department of Energy can stop this project now at no additional cost, saving the taxpayers almost $9 million over the life of the project.

If we act now, we will be saving $9 million over the life of this project. If we wait instead and do not include this in the rescission bill, and we wait for the fiscal year 1996 budget process, we will have lost our opportunity for real savings, construction will have started, and we will not be able to recoup millions of dollars.

I can assure Members of this, being the chairman of the authorizing subcommittee. We have no intention of authorizing this project for 1996, but if we wait for that, we have waited too long and millions of dollars will have been wasted.

I know that some people may argue, "We're not talking about a lot of money when we are talking about $4 million to $10 million." But that is the problem. For far too long, we have let these pet projects slip through while decrying the budget deficit and waste in Government. Here is our chance to show that in the 104th Congress, it is not business as usual. This project is pure pork, it is not justified by science, it is not justified by economics, it is not justified by need. What got it through the system was politics.

Today is a new day and there are different powers in place, political powers in place in Washington who will not put up with the type of decisionmaking that was made during the last session. Earmarking projects that even bureaucrats say is wasteful spending will not cut it anymore.

And, yes, a "yes" vote on this amendment is a vote against earmarks and a small but important step towards fiscal sanity and a balanced budget.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, I would like to at least clarify a few facts here. Could I have the attention of the gentleman from California.

Is the gentleman from California aware of the fact that this project was the result of a competitive solicitation by the Department of Energy and not a congressional earmark?

Mr. ROHRABACHER. If the gentleman will yield, the Department of Energy has requested that we terminate this project. Let me make that very clear. This is officially a request of the Department of Energy.

Mr. DURBIN. Let me reclaim my time. The gentleman has said repeatedly this is an earmark, this is pork. In fact it is not. It is the result of a competitive solicitation by the Department of Energy. It is not in my district but it is in my State and it is not only important to my State, it is important to a number of Midwestern States. We are talking about the use of high-sulfur coal which is becoming less popular and less commercial because of the Clean Air Act. The effort being made here is to find an environmentally safe way to use this coal.

Could I ask the gentleman from California another question. Does the gentleman know how much the total project costs?

Mr. ROHRABACHER. $19 million.

Mr. DURBIN. I believe it is $21 million. I would like to ask the gentleman, does he know how much the Federal Government has already put into this project before this year?

Mr. ROHRABACHER. I am told by the Department of Energy that the funds have not been expended and that $9 million has been spent and that we can save $10 million by acting now.

Mr. DURBIN. I think the gentleman's information is incorrect. It is a $21 million project. We have put in $12 million. It will take roughly $9 million to finish. Twenty percent is being provided by the State of Illinois and by private sources. I am sure the gentleman is not aware of the fact, but if we close down the project, if we stop now, if we do not spend another penny to finish it, the $8 million or $9 million to finish it, it will cost us $3.1 million to close down the project.

Here is what we are faced with. We either spend $8 million to finish the project, do the research and see if it helps, or we spend $3 million to close it down.

Mr. Chairman, I am sure the gentleman from California faces his own challenges in his State and we will be addressing some of those. We face a challenge in the Midwest because of the Clean Air Act. We have abundant coal resources which cannot be used under the Clean Air Act. We are desperately, desperately trying to find ways to use these coal resources to reduce our dependence on foreign energy. This research project, the result of a competitive bid through the Department of Energy, is an effort to find an environmentally safe way to produce form coke to help the steel industry. We have seen the coal industry in my home State of Illinois decline dramatically in the last few years. We have gone from 20,000 plus coal miners to 7,000 or 8,000. We are trying to find responsible ways to use this resource.

In the committee, the gentleman is correct, I restored the funds for this project by cutting other funds. There were setoffs made for every dollar that we are putting in this project. I hope the gentleman will reconsider his amendment. I hope he understands that to stop now and not move forward with the $8 million necessary to complete this project will still cost the taxpayers $3 million to close it down. It makes a lot more sense to finish the research, move forward, find new energy resources and reduce our dependence on foreign energy.

Mr. ROHRABACHER. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding me the time.

Mr. Chairman, there is a lot that we have to decide to do on the basis not just of whether things have merit but whether or not they have priority given the situation that we are in. This is a project that has some merit to it. It is a decent project, but it is of lower priority than other ongoing gasification efforts. This is not the only place that we are looking at how to gasify coal. There is a project in West Virginia. There are a number of places where we are looking at how to do this.

The question we have to ask ourselves in the House tonight is whether or not we want to go ahead spending money on what is a project of lower priority. The information I have is that the $12 million referred to by the gentleman in fact is $9 million, about $9.2 million of money that was invested by the Federal Government and another $3.7 million that was invested by industry, but we have some ongoing spending that has to go forward and that is the question that the gentleman from California has raised, as to whether or not we ought to continue to spend money for this project which with the merit that it has is of low priority.

These are the kinds of projects that we have to begin to think about in the Congress as we consider science. Science in the Federal Government's priorities ought to be toward a lot of those basic science missions that only some of the Federal research labs can do. This is the kind of thing that industry ought to be doing if industry wants to survive. Industry is contributing to this but industry is also expecting us to come up with the bulk of the funding. The gentleman from California who is chairman of the Subcommittee on Energy who is in charge of these research programs is bringing to you an amendment that suggests that maybe this is a lower priority effort that we ought not continue to fund. I support the gentleman's amendment. I think he is on the right track.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. POSHARD].

Mr. POSHARD. I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in opposition to this amendment from the gentleman from California [Mr. ROHRABACHER]. I know it is getting late and I will try to keep my remarks short. But I do want to give Members a little bit of the history behind this mild gas conversion project.

□ 2300

I live about 4 miles from where the research is taking place on this project. It is a DOE bid solicitation from 1991 because of this fact: When we passed another Federal regulation in this body, the Clean Air Act, the entire high-sulfur coal industry in this country, which I represent a great part in the State of Illinois, others here from Pennsylvania, Ohio, West Virginia, Virginia, and other places represent other coal fields, suddenly came under attack from our inability to come into compliance with these new clean air regulations.

Folks, try to understand this. The most plentiful energy supply source that we have in this entire country is not oil, it is certainly not solar, it is coal, and in particular high-sulfur coal.

In these eight or nine respective States of which I speak, we have the most plentiful energy resource in this country, enough high-sulfur coal to run the entire energy needs of this Nation for 300 solid years. With all of the known oil reserves in the entire world we have barely 30 years of those reserves left. If we truly want to provide a low-cost energy resource for the future of this country, then what we need to do is put the money into the technology to help us find a way to desulfurize the coal. That is what the mild gas conversion project will help us do. It was solicited by the Department of Energy, not by any Member in this body. It is barely into its third year now and we need to complete it.

We just ask for the money to go forward in making this project prosperous.

Ladies and gentlemen, let me point out one other significant fact here: This research goes to clean up an energy source that is mined by some of the poorest people in this country. Sixty-Five percent of the mines in my district are closed now as a result of the Clean Air Act. Unless we can develop the appropriate technology to serve these people, people who are working in those mine fields and who now are unemployed, their children have nothing left for the future, they do not have a job left. Are Members telling me we cannot invest another $2 million in a $1,600 billion budget to help poor people find a way to go back to work in the mines? Is this that important?

Help us out here; help the miners who go down into the belly of the Earth every day and serve the needs of this Nation. We need this project. Help us out.

Mr. ROHRABACHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, that was a very emotional appeal but the fact is there are many facts that were incorrect in the presentation.

Yes indeed, the Department of Energy did solicit on this project in 1991. Shortly thereafter, within a few years after that, it was determined that this was a totally worthless project. The Department of Energy solicited my office, solicited this Member to come here and prevent this money from being wasted.

The fact is, yes, there is some experimentation that needs to be done on coal gasification. The Department of Energy's position is this is not that project. This is a wasteful project that if we terminate right now, which we have the chance to do, we will be able to save $9 million dollars.

The experts, the scientific experts, BOB WALKER, the chairman of the Committee on Science, myself who is the chairman of the authorizations subcommittee, are telling Members this will not be authorized next year, if we do not eliminate the spending now we will have committed, it will have already been committed, as the process goes on the money will have been wasted.

The Department of Energy, let me note this, says whatever comes out of this project will not be worth the investment because of low oil prices until the year 2010. This money is a total waste, it is going down one big black hole.

the gentleman may be very well intended, he may love his constituents, but the money is wasted; it is not a good expenditure.

We have to make priority decisions here. When we have all of the experts telling us it is not a good project, we should cut our losses and save the taxpayers $9 million dollars.

That is what this is about. I ask my colleagues to join me.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman how much time do I have remaining?

Mr. Chairman. The gentleman from Wisconsin has 8 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. POSHARD].

Mr. POSHARD. Mr. Chairman, just in response to the gentleman from California, I can only tell the gentleman that we have letters here from the Department of Energy going back to the very beginning of this project and so on. To my knowledge, the Department of Energy has not told us at this point in time that they do not any longer want this project.

Mr. ROHRABACHER. Mr. Chairman, if the gentleman will yield, is he sure he is aware of the Department of Energy' position?

Mr. POSHARD. We have a letter here from the Governor of the State of Illinois, Governor Jim Edgar who is a Republican governor and form the leadership in the Republican governor and from the leadership in the Republican governor and from the leadership in the Republican State legislature, both Senate and House, who do not want this project terminated because they know what it means to the high-sulfur coal industry and the future of this industry.

So we are not speaking here in a partisan way. That is a very bipartisan concern of the people back in Illinois to help this country with respect to the high-sulfur coal industry.

Mr. ROHRABACHER. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Texas, Mr. SAM JOHNSON.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I remember 2 years ago when we were arguing over the superconducting super collider and you guys gave the same argument against Texas. We had the same research from the departments that this was the greatest project in the world, and it definitely had and would produce results. And you know what, we stopped it, and it has 3 billion Federal dollars in it and a billion Texas dollars in it to close it down.

This is a little project. I do not see any reason that we should keep trying to find out how to fix coal.

And I also remember in Texas a few years back when the Department of Energy made us switch from gas, natural gas, clean-burning natural gas to coal, and we now see coal going from Montana to Texas in 100 train carloads every day.

You know what, it is not clean. We need to stop this pork.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] has the right to close.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. NEY].

Mr. NEY. Mr. Chairman, I rise to oppose this amendment. I want to talk about fixing coal. Coal was fix, high-sulfur coal was fixed by this Congress and the White House with the passage of the Clean Air Act. They fixed it all right, because a half a billion dollar study commissioned for 10 years by this government showed that what the Clean Air Act was going to do to coal was not going to solve the problems of the rings in Los Angeles, but did anybody pay attention, at least the majority of the votes on both sides of the aisle? No.

So what we are trying to do is hold on to what we have, which is very little in the Ohio coal fields or in the Midwestern coal fields or Pennsylvania coal fields. We have very little left.

If Members want to debate whether it is $3 million spent to keep the project, or whatever the economic figure, coal jobs produce 6 to 1, for every coal miner that works, we have 6 spinoffs. So we are going to pay, if we want to look at economics, one way or another as more people lose their jobs, good paying jobs, we are going to pay in welfare, in unemployment and in reduction of monies to schools. But these projects have merit because we are not going to try to recreate the coal industry. What is out there, that is shot, is shot. We are trying to just simply hang on to the very little bit that we have.

□ 2310

And I want to also tell you, to mention the factor of oil. If we want to count on oil, and oil is great for the country, our production of oil, remember past embargoes of oil? Remember upheavals in the Mideast? Those types of situations can mean the price of oil, and I thank my colleague who reminds me we fought a war over oil. We had an embargo years ago in this country over oil.

Tomorrow morning the Strait of Hormuz can be shut off, and 90 percent of the Western World's oil is gone.

So we have got to preserve what we have. That is all we are asking through the coal fields is to simply preserve what we have left.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. COSTELLO].

Mr. COSTELLO. Mr. Chairman, the hour is late. I am sure that all of the Members, realizing this is the last vote, we want to go home, but let me just reiterate a few points that were made earlier by some of my colleagues on both sides of the aisle, in particular the gentleman from Illinois [Mr. DURBIN] and the gentleman from Illinois [Mr. POSHARD].

You know, we are always talking about partnerships as opposed to the Federal Government putting up all the money for projects. This is truly a partnership between the private sector, the State of Illinois, and the Federal Government. Let me also say that I think the gentleman from Illinois [Mr.

POSHARD] referred to the fact that the Governor of Illinois, a Republican Governor, sent a letter to our delegation saying that he realizes that we need to cut the Federal budget, but this is a priority project for the State of Illinois.

The State is willing to put up the money and do their part.

Let me also say that if this rescission goes through this evening, we are not talking about rescinding $4.8 million, we are talking about killing this project. This is a project that is under construction right now.

I am sure that the gentleman from California, in fact, very few of the Members who spoke on this issue, other than me and the gentleman from Illinois [Mr. POSHARD] and the gentleman from Illinois [Mr. DURBIN], have been actually to the coal park, to the construction site. I can tell you the project is under construction.

If you rescind this money this evening, the project is dead. If, in fact, the project is not rescinded and we go forward with this appropriation, it will be completed.

Let me close by saying that the gentleman from Illinois [Mr. DURBIN] referred to the fact that it would take $3 million to close the project down, and I would ask Members to keep that point in mind.

The State of Illinois is willing to do their part. The Republican Governor and the Republican legislature, they are willing to put the money up. It is a good project.

I rise in opposition to the amendment, and ask my colleagues to vote against the Rohrabacher amendment.

Mr. ROHRABACHER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we have a chance tonight, ladies and gentlemen, to save $9 million. That is what this is all about. I am sorry for keeping us all here for this small sum of $9 million.

I will tell you this much: These choices, and you have heard lots of great arguments of why we should spend money on this mild coal gasification program, I will tell you that in the next 6 months we will be hearing lots of arguments about why this or that program should be financed out of our budget. There will be many, many decisions that we will face that will be much tougher than this.

This is a very easy decision. In 1994 the administration, the Department of Energy, and the official position of this administration was that this program was not worth the money and that it should be terminated. That was the official budget request of the administration, and the fact is that this has got through; the reason why it got through at all this far is because last year the chairman of the subcommittee that made the decision came from Illinois, and we passed on to a program that is duplicative. The same type of research is being done elsewhere in Wyoming. It is being done in Wyoming and West Virginia, and the Department of Energy is adamant in that it will never come up with an energy source that is economical.

Thus, all the money will be a waste, and they have asked us to terminate it.

I ask you to join me in saving $9 million.

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I yield the balance of my time, 3 minutes, to the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Chairman, as a member of this side of the aisle that supported the superconducting super collider, I thought it might be appropriate to answer the gentleman from Texas who asked the question why we should not support the amendment offered by the gentleman from California.

I think the real answer is that this program, clean coal technology program and the incredible investment we have in it over the years producing good results, allows us to burn coal cleanly. He rightly notes that natural gas is a clean-burning fuel.

We are the Saudi Arabia of coal, if you will. We have coal reserves in the ground that can guarantee energy independence into the future.

I support multiple fuel use; I support multiple, flexible, fuel use policy in this country, and I think that is the best way for us to achieve energy independence around the world in whatever circumstances.

Keeping using that incredible reserve of coal is to keep going to fruition with the clean coal technology program, a program in which we have invested, as the gentleman rightly points out, considerable amounts of money. I hope he would see the advantage of supporting coal, as I see the advantage to supporting oil and gas and always have, and lament the fact that the superconducting super collider was terminated, as a matter of fact.

I would also say to my friend from California that in a piece of legislation where California is benefiting mightily, it is a bit disconcerting to have a cut targeted so regionally when under this bill domestic discretionary is being hit, domestic discretionary being used from across the country and gathered up and targeted to help our friends in California.

I would urge my colleagues to oppose this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. ROHRABACHER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ROHRABACHER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 142, noes 274, not voting 18, as follows:

[Roll No. 246]

AYES—142

Allard
Andrews
Archer
Armey
Baker (CA)
Baker (LA)
Barr
Barrett (WI)
Barton
Bass
Bereuter
Bilbray
Bono
Brown (OH)
Brownback
Bryant (TN)
Bunning
Burr
Burton
Camp
Canady
Chabot
Chambliss
Christensen
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Cunningham
Danner
Davis
DeLay
Doggett
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ensign
Forbes
Franks (NJ)
Funderburk
Gallegly
Ganske
Gekas
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hoekstra
Hoke
Hostettler
Hunter
Inglis
Istook
Jacobs
Johnson, Sam
Jones
Kasich
Kelly
Kingston
Klug
Latham
Lightfoot
Lincoln
Linder
LoBiondo
Longley
Luther
Martini
McCrery
McHugh
McInnis
McIntosh
Meehan
Metcalf
Minge
Moorhead
Myrick
Nethercutt
Neumann
Norwood
Nussle
Parker
Paxon
Petri
Pombo
Portman
Quillen
Ramstad
Riggs
Roemer
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Smith (MI)
Smith (WA)
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tate
Tauzin
Thornberry
Thurman
Tiahrt
Torricelli
Upton
Vucanovich
Walker
Wamp
Weldon (PA)
White
Wolf
Zeliff
Zimmer

NOES—274

Abercrombie
Ackerman
Bachus
Baesler
Baldacci
Ballenger
Barcia
Barrett (NE)
Bartlett
Bateman
Becerra
Beilenson
Bentsen
Berman
Bevill
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Bryant (TX)
Bunn
Buyer
Callahan
Calvert
Cardin
Castle
Chapman
Chenoweth
Chrysler
Clayton
Clement
Clinger
Clyburn
Coleman
Conyers
Costello
Coyne
Cramer
Crapo
Cremeans
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doyle
Durbin
Edwards
Ehrlich
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Fowler
Fox
Frank (MA)
Franks (CT)
Frelinghuysen
Frisa
Frost
Furse
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Hastert
Hastings (FL)
Hefner
Hilliard

Hinchey
Hobson
Holden
Horn
Houghton
Hoyer
Hutchinson
Hyde
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kleczka
Klink
Knollenberg
Kolbe
LaFalce
LaHood
Largent
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lipinski
Livingston
Lofgren
Lowey
Lucas
Maloney
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy
McCollum
McDade
McDermott
McHale
McKeon
McKinney
McNulty
Meek
Menendez
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murtha
Myers
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Porter
Poshard
Pryce
Quinn
Radanovich
Rahall
Rangel
Reed
Regula
Reynolds
Richardson
Rivers
Roberts
Rogers
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Spratt
Stokes
Studds
Tanner
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornton
Torkildsen
Torres
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Waldholtz
Walsh
Ward
Waters
Watt (NC)
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wise
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)

NOT VOTING—18

Clay
Collins (IL)
Collins (MI)
Cubin
Dixon
Ford
Gejdenson
Gibbons
Johnson, E. B.
Lantos
Lewis (GA)
Martinez
Rose
Solomon
Stark
Waxman
Williams
Yates

□ 2335

Mr. MANZULLO, Ms. McKINNEY, and Messrs. KIM, MANTON, and REYNOLDS changed their vote from "aye" to "no."

Mr. GANSKE and Mr. STUPAK changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. LIVINGSTON. Mr. Chairman, I congratulate the chairman for an outstanding job.

Mr. OBEY. Mr. Chairman, we on this side of the aisle would also like to congratulate the Chair on his fairness and firmness today.

Mr. LIVINGSTON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KIM) having assumed the chair, Mr. BEREUTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. GEJDENSON. Mr. Speaker, on Wednesday, March 15, 1995, I was unavoidably detained at the White House and not on the floor to be recorded on rollcall votes 242, 245, and 246 during consideration of H.R. 1158, the Omnibus Rescissions and Disaster Supplemental Appropriations bill. Had I been on the floor, I would have voted no on all three votes.

PERMISSION FOR CERTAIN COMMITTEES AND SUBCOMMITTEES TO SIT ON TOMORROW DURING THE 5-MINUTE RULE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit tomorrow while the House is meeting in the Committee of the Whole House under the 5-minute rule:

Committee on Agriculture;

Committee on Banking and Financial Services;

Committee on Commerce;

Committee on Economic and Educational Opportunities;

Committee on Government Reform and Oversight;

Committee on International Relations;

Committee on National Security;

Committee on Resources;

Committee on Science;

Committee on Small Business;

Committee on Transportation and Infrastructure; and

Committee on Veterans' Affairs.

Mr. Speaker, it is my understanding that the minority has been consulted and that there is no objection to these requests for all of these spectacularly named new committees.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

□ 2340

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 1, UNFUNDED MANDATE REFORM ACT OF 1995

Mr. DREIER. Mr. Speaker, I ask unanimous consent that all points of order against the conference report on the Senate bill (S. 1) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local, and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and for other purposes, for failure to comply with the provisions of clause 3 of rule XXVIII be waived.

The SPEAKER pro tempore (Mr. KIM). Is there objection to the request of the gentleman from California?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 73, TERM LIMITS CONSTITUTIONAL AMENDMENT

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 104–82) on the resolution (H. Res. 116) providing for consideration of the joint resolution (H. J. Res. 73), proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives, which was referred to the House Calendar and ordered to be printed.

DECLARATION OF NATIONAL EMERGENCY IN RESPONSE TO ACTIONS AND POLICIES OF THE GOVERNMENT OF IRAN AND ISSUANCE OF EXECUTIVE ORDER REGARDING CONTRACTS WITH IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–46)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed.

To the Congress of the United States:

Pursuant to section 204(b) of the International Emergency Economic Powers Act (50 U.S.C. 1703(b)) and section 301 of the National Emergencies Act (50 U.S.C. 1631), I hereby report that I have exercised my statutory authority to declare a national emergency to respond to the actions and policies of the Government of Iran and to issue an Executive order prohibiting United States persons from entering into contracts for the financing of or the overall management or supervision of the development of petroleum resources located in Iran or over which Iran claims jurisdiction.

The Secretary of the Treasury is authorized to issue regulations in exercise of my authorities under the International Emergency Economic Powers Act to implement these prohibitions. All Federal agencies are also directed to take actions within their authority to carry out the provisions of the Executive order.

I am enclosing a copy of the Executive order that I have issued. The order is effective at 12:01 a.m., eastern standard time, on March 16, 1995.

I have authorized these measures in response to the actions and policies of Iran including support for international terrorism, efforts to undermine the Middle East Peace Process, and the acquisition of weapons of mass destruction and the means to deliver them. We have worked energetically to press the Government of Iran to cease this unacceptable behavior. To that end we have worked closely with Allied governments to prevent Iran's access to goods that would enhance its military capabilities and allow it to further threaten the security of the region. We have also worked to limit Iran's financial resources by opposing subsidized lending.

Iran has reacted to the limitations on its financial resources by negotiating for Western firms to provide financing and know-how for management of the development of petroleum resources. Such development would provide new funds that the Iranian Government could use to continue its current policies. It continues to be the policy of the U.S. Government to seek to limit those resources and these prohibitions will prevent United States persons from acting in a manner that undermines that effort.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 15, 1995.*

TERM LIMITS

(Mr. METCALF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. METCALF. Mr. Speaker, today's growing support of term limits is a recognition of Lord Acton's dictum, power corrupts and absolute power corrupts absolutely.

Over 25-years ago I introduced a bill launching the fight for term limits. As a Washington State Senator, I saw that long-term service concentrates power in the hands of a few and reduces effective representation by the majority of any legislative body.

Mr. Speaker, our representative system is based on the concept of a citizen Congress where people serve a limited time and then return home to live under the laws they have made.

My State has passed and I support a 6-year term limit. Seventy-five percent of the people all around this Nation have decided that limiting terms will best allow them full representation in Congress.

By passing congressional term-limit laws in the States, they have given us a mandate.

Pass a term limit amendment for the Congress, as the Congress passed a term limit for the Presidency.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

EXPLANATION OF INABILITY TO SUPPORT CURRENT RESCISSION BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mr. FRANKS] is recognized for 5 minutes.

Mr. FRANKS of Connecticut. Mr. Speaker, I am for dismantling the Great Society programs and the Roosevelt New Deal, but I do not believe that the solution is merely to cut, cap, or pass the buck to the States. No, we cannot legislate on appropriation bills, but we have yet to offer alternatives as Republicans.

Mr. Speaker, I have struggled to support the rescission bill. As a loyal Republican with one of the highest conservative ratings, and with a strong desire to reduce our deficit, I want to support this bill, but I regrettably, Mr. Speaker, cannot in its present form. It troubles me that cuts, caps, and passing the problems off to the States, the Pontius Pilate approach to governing, a policy that we have taken of late, seems to disproportionately affect the elderly, women, African-Americans, and other minorities, veterans, and children.

Approximately 90 percent of the appropriation cuts have come from only 2 of the 13 appropriation subcommittees. The rule confines amendments to the same two areas. Where is the fairness?

It saddens me, when discussions rescissions, that the weakest links in our chain are the first to be affected. In the past I have proudly supported the amendments of the gentleman from Indiana [Mr. BURTON] to cut appropriation bills by 1 percent or 2 percent across the board. It was fair.

Now, Mr. Speaker, I ask every Member to put aside the logic of how the cuts are not really cuts, or how the people receiving the benefits are not truly going to be hurt. How ridiculous. To a degree, it is as disingenuous as some Members referring to the health care self-insurance tax break legislation as a bill to help small business people before the vote, and then bragging about how it was the first salvo against affirmative action after the vote.

□ 2350

Hoodwink is a term that comes to mind.

Mr. Speaker, I am for reducing our deficit, I am for helping our urban areas. For example, I believe that welfare dollars going to able-bodied and non-elderly recipients should be given in the form of loans, with the recipients being required to pay back or work off a portion if not all of the loan. This change would allow us to derive a significant sum of money each year that would help us reduce our deficit.

Just as important, Mr. Speaker, it would force all people to understand that they will no longer get something for nothing. It represents a true end to welfare.

Summer jobs. Instead of just eliminating the program, let's replace it with something better, like tax credits to employers who hire indigent youngsters.

And housing, Mr. Speaker. Cutting public housing by nearly 25 percent without a better solution is truly an enigma.

It has been said that we must be concerned with our children's future. No one will argue with that position. But for the less fortunate children in America, they are merely concerned about getting past tomorrow.

Oh, yes, it does get worse. We are telling the most despondent and the most vulnerable people in our society that we have changed our minds on having certain programs. When asked what are we offering instead at this time, the answer is, "Nothing." Yet we want these highly vulnerable people to believe in our system. It is a sad message, Mr. Speaker. It is a sad message. It is truly a classic example of adding insult to injury. We should strive to improve our Nation by strengthening our weakest link, not by crushing it.

FORMER CONGRESSMAN ARTHUR WINSTEAD DIED IN MISSISSIPPI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, I rise today to share with my colleagues the sad news of the death of our former colleague from Mississippi, Arthur Winstead. He died in Jackson, MS, on March 14 at the age of 91.

Arthur Winstead served with great distinction in the U.S. House of Representatives from 1943 to 1965. He was a member of the Armed Services Committee and had a big hand in helping U.S. servicemen as they returned and readjusted to civilian life after World War II. He also had a great interest in education and was instrumental in bringing vocational education schools in Mississippi.

I now represent the congressional district that Arthur served for so well over those 22 years. He was replaced in 1965 by Prentiss Walker and when Prentiss ran for the U.S. Senate in 1966, I was elected to fill the open seat. We continued to stay in touch over the years. He always gave me sound, common sense advice and had an ability to quickly analyze a problem and find a solution. I considered Arthur Winstead a close friend.

He is survived by his wife, Edna B.; a son, Arthur Winstead, Jr., and two grandchildren. Funeral services will be in Meridian and burial will be at Cedar Lawn Cemetery in his hometown of Philadelphia, MS.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HALL of Ohio (at the request of Mr. GEPHARDT), on March 14, on account of family business.

Miss COLLINS of Michigan (at the request of Mr. GEPHARDT), for today after 2:30 p.m., on account of illness.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. GEPHARDT), for today after 7:45 p.m., on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MFUME) to revise and extend their remarks and include extraneous material:)

Mr. GUTIERREZ, for 5 minutes, today.

Mr. BECERRA, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mr. PETE GEREN of Texas, for 5 minutes, today.

Mr. FIELDS of Louisiana, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Ms. JACKSON-LEE, for 5 minutes, today.

Mr. MENENDEZ, for 5 minutes, today.

Mr. OLVER, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

(The following Members (at the request of Mr. BARR) to revise and extend their remarks and include extraneous material:)

Mr. MILLER of Florida, for 5 minutes, today.

Mr. TAYLOR of North Carolina, for 5 minutes, today.

Mr. FRANKS of Connecticut, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MFUME) and to include extraneous material:)

Mr. SERRANO.
Mr. CLYBURN.
Mrs. THURMAN.
Mrs. KENNELLY.
Mr. MANTON.
Mr. TORRICELLI.
Mr. MONTGOMERY.
Mr. DELLUMS.
Mr. HAMILTON in three instances.
Mr. WILLIAMS.
Mr. MEEHAN.
Mr. MCDERMOTT.
Mr. GEPHARDT.
Mrs. MALONEY.
Mr. FRANK of Massachusetts.
Mrs. MEEK of Florida.
Mr. REED.
Mr. BRYANT of Texas.
Mr. BONIOR.
Mr. MFUME.
Mr. HILLIARD.
Mr. PALLONE.
Mrs. LINCOLN.
Ms. KAPTUR.
Ms. LOFGREN.

(The following Members (at the request of Mr. BARR) and to include extraneous matter:)

Mr. CAMP.
Mr. CLINGER.
Mr. PACKARD.
Mr. DICKEY.
Mr. SMITH of New Jersey.
Mr. ENSIGN.
Mr. CRANE.
Mr. DAVIS.
Mr. DELAY.
Mr. BURTON of Indiana.
Mr. PORTER.
Mr. HASTINGS of Washington.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 377. An act to amend a provision of part A of title IX of the Elementary and Secondary Education Act of 1965, relating to Indian education, to provide a technical amendment, and for other purposes

ADJOURNMENT

Mr. FRANKS of Connecticut. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 53 minutes p.m.), the House adjourned until tomorrow, Thursday, March 16, 1994, at 10 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

547. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a draft of proposed legislation entitled, "Iraq Claims Act of 1995"; to the Committee on International Relations.

548. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation entitled, "Pipeline Safety Act of 1995," pursuant to 31 U.S.C. 1110; jointly, to the Committees on Transportation and Infrastructure and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ARCHER: Committee on Ways and Means. H.R. 483. A bill to amend title XVIII of the Social Security Act to permit Medicare select policies to be offered in all States, and for other purposes; with amendments (Rept. 104–79, Pt. 1). Ordered to be printed.

Mr. ARCHER: Committee on Ways and Means. H.R. 1134. A bill to amend title XVIII of the Social Security Act to extend certain savings provisions under the Medicare Program, as incorporated in the budget submitted by the President for fiscal year 1996 (Rept. 104–80, Pt. 1). Ordered to be printed.

Mr. ARCHER: Committee on Ways and Means. H.R. 1157. A bill to restore families, promote work, protect endangered children, increase personal responsibility, attack welfare dependency, reduce welfare fraud, and improve child support collections (Rept. 104–81, Pt. 1). Ordered to be printed.

Mr. GOSS: Committee on Rules. House Resolution 116. Resolution providing for consideration of the joint resolution (H.J. Res. 73) proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives (Rept. 104–82). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MCCOLLUM (for himself, Mrs. VUCANOVICH, Mr. COBLE, Mr. BRYANT of Tennessee, Mr. SCHIFF, Mr. HEINEMAN, Mr. CHABOT, and Mr. BARR):

H.R. 1240. A bill to combat crime by enhancing the penalties for certain sexual crimes against children; to the Committee on the Judiciary.

By Mr. MCCOLLUM:

H.R. 1241. A bill to improve the capability to analyze deoxyribonucleic acid; to the Committee on the Judiciary.

By Ms. PRYCE (for herself, Mr. PARKER, Mr. MCINNIS, Mr. LINDER, Mr. BAKER of California, and Mr. OXLEY):

H.R. 1242. A bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to repeal the provisions relating to the use of asphalt pavement containing recycled rubber; to the Committee on Transportation and Infrastructure.

By Mr. ANDREWS (for himself and Mr. DEUTSCH):

H.R. 1243. A bill to require the President to notify the Congress of certain arms sales to Saudi Arabia until certain outstanding commercial disputes between United States nationals and the Government of Saudi Arabia are resolved; to the Committee on International Relations.

By Mr. BRYANT of Texas:

H.R. 1244. A bill to amend title 17, United States Code, to identify the author of a theatrical motion picture as a physical person for purposes of noneconomic interests in that work; to the Committee on the Judiciary.

By Mr. CASTLE:

H.R. 1245. A bill to amend the Congressional Budget Act of 1974 to provide for budgeting for emergencies through the establishment of a budget reserve account, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FIELDS of Louisiana:

H.R. 1246. A bill to amend the Electronic Funds Transfer Act to require fee disclosures by operators of electronic terminals at which electronic fund transfer services are made available to consumers; to the Committee on Banking and Financial Services.

H.R. 1247. A bill to require property and casualty insurers to provide written notification to insurance applicants and policyholders of decisions to refuse to issue or to cancel or refuse to renew an insurance policy; to the Committee on Commerce, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts (for himself, Mr. CONYERS, and Mr. BRYANT of Texas):

H.R. 1248. A bill to amend the Lanham Act to require certain disclosures relating to materially altered films; to the Committee on the Judiciary.

By Mr. GREENWOOD (for himself, Mr. CLINGER, Mr. WALKER, Mr. GILLMOR, Mr. ENGLISH of Pennsylvania, Mr. MURTHA, Mr. KANJORSKI, Mr. HOLDEN, and Mr. MCHALE):

H.R. 1249. A bill to amend the Solid Waste Disposal Act to permit States and political subdivisions to control the disposal of out-of-State municipal solid waste within their boundaries; to the Committee on Commerce.

By Mrs. MINK of Hawaii (for herself, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BECERRA, Mr. BEILENSON, Mr. BISHOP, Ms. BROWN of Florida, Mr. CLAY, Mrs. CLAYTON, Mr. CLYBURN, Mr. COLEMAN, Miss COLLINS of Michigan, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. DE LA GARZA, Mr. DELLUMS, Mr. ENGEL, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FATTAH, Mr. FIELDS of Louisiana, Mr. FLAKE, Mr. FOGLIETTA, Mr. FRANK of Massachusetts, Ms. FURSE, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HILLIARD, Mr. HINCHEY, Ms. JACKSON-LEE, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSTON of Florida, Mr. LEWIS of Georgia, Mr. MARTINEZ, Mr. MCDERMOTT, Ms. MCKINNEY, Mrs. MEEK of Florida, Mr. MFUME, Mr. MILLER of California, Mr. MINETA, Ms. NORTON, Mr. OLVER, Mr. OWENS, Mr. PASTOR, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. REYNOLDS, Mr. RICHARDSON, Mr. ROMERO-BARCELO, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SABO, Mr. SANDERS, Mrs. SCHROEDER, Mr. SCOTT, Mr. SERRANO, Mr. STARK, Mr. STOKES, Mr. STUDDS, Mr. THOMPSON, Mr. TORRES, Mr. TOWNS, Mr. TUCKER, Mr. UNDERWOOD, Ms. VELAZQUEZ, Mr. VENTO, Ms. WATERS, Mr. WATT of North Carolina, Mr. WAXMAN, Mr. WILLIAMS, Ms. WOOLSEY, Mr. WYNN, and Mr. YATES):

H.R. 1250. A bill to promote self-sufficiency and stability among families receiving aid to families with dependent children by increasing employment opportunities; to increase State flexibility in operating a Job Opportunities and Basic Skills Training Program; to improve the interstate enforcement of child support and parentage court orders; and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Economic and Educational Opportunities, Agriculture, Commerce, the Judiciary, National Security, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JEFFERSON:

H.R. 1251. A bill to amend the Internal Revenue Code of 1986 to permit the tax-free rollover of certain payments made by employers to separated employees; to the Committee on Ways and Means.

By Mrs. LINCOLN:

H.R. 1252. A bill to amend the Federal Water Pollution Control Act to improve stormwater management, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MINETA (for himself, Mr. DELLUMS, Ms. ESHOO, Mr. FARR, Mr. LANTOS, Mr. MILLER of California, Ms. PELOSI, and Mr. STARK):

H.R. 1253. A bill to rename the San Francisco Bay National Wildlife Refuge as the Don Edwards San Francisco Bay National Wildlife Refuge; to the Committee on Resources.

By Mr. RANGEL:

H.R. 1254. A bill to amend the Cuban Democracy Act of 1992 to limit provisions restricting trade in food and to terminate the denial of foreign tax credit with respect to Cuba; to the Committee on International Relations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHIFF:

H.R. 1255. A bill to amend the Clean Air Act to extend the deadline for the imposition of sanctions under section 179 of the act; to the Committee on Commerce.

By Mr. TORRICELLI (for himself, Mr. HINCHEY, and Mr. GILMAN):

H.R. 1256. A bill to authorize the Secretary of the Interior to provide funds to the Palisades Interstate Park Commission for acquisition of land in the Sterling Forest area of the New York/New Jersey Highlands Region, and for other purposes; to the Committee on Resources.

By Mr. PAYNE of New Jersey:

H. Con. Res. 40. Concurrent resolution concerning the movement toward democracy in the Federal Republic of Nigeria; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 26: Mr. VENTO, Mr. STUPAK, and Mr. CRAMER.

H.R. 70: Mr. ROBERTS, Mr. SAM JOHNSON, and Mr. WATTS of Oklahoma.

H.R. 120: Mr. CARDIN.

H.R. 359: Mr. WELDON of Florida and Ms. DANNER.

H.R. 399: Mr. WILLIAMS and Mrs. LOWEY.

H.R. 501: Mr. PARKER and Mr. WATTS of Oklahoma.

H.R. 548: Mr. FATTAH.

H.R. 549: Mr. FOLEY.

H.R. 580: Mr. PARKER and Mr. SAXTON.

H.R. 588: Mr. DELLUMS, Mr. SOLOMON, and Mr. TORKILDSEN.

H.R. 609: Mr. WILLIAMS and Ms. NORTON.

H.R. 619: Mr. LEWIS of Georgia.

H.R. 620: Mr. LEWIS of Georgia.

H.R. 660: Mr. MICA.

H.R. 682: Mrs. MINK of Hawaii, Mr. WELDON of Florida, and Mr. HOUGHTON.

H.R. 699: Mr. SKEEN and Mr. YOUNG of Alaska.

H.R. 733: Mr. HOKE.

H.R. 734: Mr. HOKE.

H.R. 757: Mr. UPTON.

H.R. 791: Mr. HOEKSTRA.

H.R. 800: Mr. WHITFIELD.

H.R. 801: Mr. CANADY, Mr. LAHOOD, Mr. MCINNIS, Mr. BILIRAKIS, Mr. BRYANT of Tennessee, Mr. CALVERT, Mr. MCHUGH, Mr. LARGENT, Mr. JOHNSTON of Florida, Mr. WAMP, Mr. COBURN, Mr. WATTS of Oklahoma, Mr. BARRETT of Wisconsin, and Mr. FORBES.

H.R. 804: Mr. METCALF.

H.R. 805: Mr. BONIOR, Ms. WATERS, Ms. MCKINNEY, and Mr. LEWIS of Georgia.

H.R. 820: Mr. BRYANT of Tennessee and Mr. BEVILL.

H.R. 867: Mr. GUTIERREZ, Mr. NADLER, and Mr. OWENS.

H.R. 928: Mr. WICKER.

H.R. 1023: Mr. REYNOLDS and Ms. PRYCE.

H.R. 1047: Mr. BRYANT of Tennessee and Mr. GOODLATTE.

H.R. 1094: Mr. LIPINSKI, Mr. BARRETT of Wisconsin, Ms. DANNER, Mr. GENE GREEN of Texas, Mrs. KELLY, and Mr. ROMERO-BARCELO.

H.R. 1169: Mr. BOUCHER, Mr. GOODLATTE, Mr. YATES, and Mr. DAVIS.

H.J. Res. 8: Ms. PRYCE.

H.J. Res. 76: Mr. INGLIS of South Carolina, Mr. FORBES, Mr. ENGLISH of Pennsylvania, Mr. SOUDER, Mr. GOSS, Mr. LAHOOD, and Mr. ARMEY.

H. Con. Res. 12: Mr. BATEMAN, Mr. BOEHLERT, and Mr. CALVERT.

H. Con. Res. 25: Ms. PRYCE.

H. Res. 28: Mr. DEAL of Georgia, Mr. SCHIFF, Mr. BAKER of Louisiana, and Mr. HERGER.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4

OFFERED BY: MR. ANDREWS

(Page and line numbers correspond to those of H.R. 1214)

AMENDMENT NO. 1, Strike section 301(h) of the bill and insert the following:

(h) PAYMENTS.—Section 658J of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858h) is amended—

(1) in subsection (a)—

(A) by striking "Subject" and inserting "(1) Except as provided in paragraph (2), subject", and

(B) by adding at the end the following:

"(2) Notwithstanding any other provision of law, the States that have applications approved by the Secretary under section

658E(d) for fiscal year 1996 shall be entitled collectively to receive an aggregate amount of payments equal to $1,943,000,000 for such fiscal year.", and

(2) in subsection (c)—

(A) by striking "expended" and inserting "obligated", and

(B) by striking "3 fiscal years" and inserting "fiscal year".

H.R. 4

Offered By: Mrs. Collins of Illinois

(Page and line numbers correspond to those of H.R. 1214)

Amendment No. 2: Page 37, after line 21, insert the following:

"(11) PROHIBITION AGAINST TERMINATION OF ASSISTANCE IF THE UNEMPLOYMENT RATE OF THE STATE EXCEEDS 10 PERCENT.—A State to which a grant is made under section 403 may not terminate the provision of assistance under the State program funded under this part if the unemployment rate of the State for the fiscal year (for the most recent period for which such information is available) exceeds 10 percent.

H.R. 4

Offered By: Mr. Reed

(Page and line numbers correspond to those of H.R. 1214)

AMENDMENT NO. 3: Page 107, line 2, strike "The Secretary" and insert "(a) IN GENERAL.—The Secretary".

Page 110, after line 25, insert the following:

"(b) SUPPLEMENTARY ALLOTMENT.—

"(1) IN GENERAL.—In addition to the amount allotted to a State under each quarterly payment under a grant under subsection (a) for a fiscal year, the Secretary, shall provide a State with a supplementary allotment under such quarterly payment in an amount equal to one percent of the total amount of the allotment of the grant for the State under subsection (a) for such fiscal year for each two-tenths of one percent increase in the average rate of total unemployment in such State (seasonally adjusted) for the preceding 3-month period.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $1,180,000,000 for each of the fiscal years 1996 through 2000.

Page 118, line 20, insert ", except for section 3(b)," after "to carry out this Act".

Page 121, line 13, strike "section 3" and insert "section 3(a)".

Page 122, beginning on line 19, strike "section 3" and insert "section 3(a)".

Page 123, line 23, strike "The Secretary" and insert "(a) IN GENERAL.—The Secretary".

Page 127, after line 20, insert the following:

"(b) SUPPLEMENTARY ALLOTMENT.—

"(1) ENTITLEMENT.—In addition to the amount allotted to a State under each quarterly payment under a grant under subsection (a) for a fiscal year, a State shall be entitled to receive from the Secretary a supplementary allotment under such quarterly payment in an amount equal to one percent of the total amount of the allotment of the grant for the State under subsection (a) for such fiscal year for each two-tenths of one percent increase in the average rate of total unemployment in such State (seasonally adjusted) for the preceding 3-month period. The Secretary shall provide supplementary allotments under this paragraph from the supplementary allotment amount for the fiscal year.

"(2) SUPPLEMENTARY ALLOTMENT AMOUNT.—For purposes of this subsection, the term 'supplementary allotment amount' means $250,000,000 for each of the fiscal years 1996 through 2000.

H.R. 4

Offered By: Mr. Salmon

(Page and line numbers correspond to those of H.R. 1214)

AMENDMENT NO. 4: Page 387, after line 10, insert the following:

SEC. 768. LIENS.

Section 466(a)(4) (42 U.S.C. 666(a)(4)) is amended to read as follows:

"(4) Procedures under which—

"(A) liens arise by operation of law against real and personal property for amounts of overdue support owed by an absent parent who resides or owns property in the State; and

"(B) the State accords full faith and credit to liens described in subparagraph (A) arising in another State, without registration of the underlying order.".

Amend the table of contents accordingly.

H.R. 4

Offered By: Mr. Stokes

(Page and line numbers correspond to those of H.R. 1214)

AMENDMENT NO. 5: In section 554(a) of the bill, strike the close quotation marks and the period at the end, and insert the following:

"(E) To assist individuals to obtain employment that satisfies the requirements of this subsection, the State shall—

"(i) collect employment market demand projection data regarding the available supply of jobs and the minimal skills required to perform those jobs provided by relevant local employers; and

"(ii) include in education and training programs made available by the State education and training in the skills required to perform those jobs.".

H.R. 4

Offered By: Mr. Traficant

(Page and line numbers correspond to those of H.R. 1214)

AMENDMENT NO. 6: In section 7(i)(1)(B) of the Food Stamp Act of 1977 (7 U.S.C. 2016(i), as added by section 556 of the bill, insert ", except that each electronic benefit transfer card shall bear a photograph of the members of the household to which such card is issued" before the period.

H.R. 4

Offered By: Mr. Traficant

(Page and line numbers correspond to those of H.R. 1214)

AMENDMENT NO. 7: Page 9, after line 14, insert the following:

"(4) CERTIFICATION THAT THE STATE WILL NOTIFY APPLICANTS OF BENEFITS AND SERVICES.—A certification by the Governor of the State that the State will notify applicants for benefits or services under the State program funded under this part of all such benefits or services for which they are eligible.

H.R. 1158

Offered By: Mr. Rush

AMENDMENT NO. 82: Page 27, strike lines 2 through 6.

H.R. 1158

Offered By: Mr. Rush

AMENDMENT NO. 83: Page 23, line 10, strike "$1,603,094,000" and insert "$546,766,000".

Page 23, strike lines 23 through 25.

H.R. 1158

Offered By: Mr. Rush

AMENDMENT NO. 84: Page 49, line 15, strike "$690,100,000" and all that follows through the semicolon on line 20 (and conform the aggregate amount set forth on page 49, line 14, accordingly).

Page 50, strike lines 22 through 26.

EXTENSIONS OF REMARKS

A NEW REPRESSIVE POLICE APPARATUS IN RUSSIA?

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. SMITH of New Jersey. Mr. Speaker, since the demise of the Soviet Union, and the dissolution of its repressive police state, Russian society now faces the challenge of balancing law and order with protection of individual liberties. We are all aware that Russia is experiencing a dramatic rise in crime and a high rate of violence. Unfortunately, the cure envisioned by the Russian Government for this dilemma may be worse than the disease.

According to recent reports, the lower house of the Russian Parliament—the Duma—has voted overwhelmingly in favor of a bill proposed by President Yeltsin that would dramatically expand the powers of the domestic intelligence agency of the Russian Federation, known as the Federal Counterintelligence Service, or FSK. FSK agents would be able to enter homes, government offices and businesses without a search warrant from a court or the prosecutors office, as had been the case previously. The FSK would manage its own jails, and could employ undercover personnel working in other government agencies.

Bear in mind where the FSK stands philosophically these days. I would call attention to a FSK report published on January 10 of this year in the Moscow newspaper Nezavisimaya Gazeta. In this report, the FSK accuses various foreign policy research centers, nongovernmental organizations, and foundations such as the Soros Foundation and Ford Foundation, of being used by United States secret services to conduct intelligence-gathering and subversive activities on the Russian territory. For instance, the FSK alleges that American specialists have set up a "network of contacts for information on legal sources" in Russia that would become a foundation for clandestine sources should United States-Russian relations worsen. Of course, this analysis came from the folks who reportedly did the planning for the Chechnya operation.

The Russian population is plagued by crime and corruption and, therefore, I can understand how this bill could be widely popular. The bill was approved in the Duma through the democratic process. But, Mr. Speaker, we all know that even democratically passed laws, especially those passed in the heat of the moment, can be seriously flawed. The key principle is protection of the civil liberties of minorities while carrying out the will of the majority. A Russian journalist quoted in the February 28, 1995, Washington Post said, "In this country, people don't understand [about civil liberties] until the moment the FSK people come to their flats and knock on their door."

Mr. Speaker, as I noted, crime and corruption are an overwhelming problem in Russia today, and our colleagues in the Russian parliament are faced with the serious task of developing the proper legislation to combat it. But, as chairman of the Commission on Security and Cooperation in Europe, an organization vitally concerned with the principle of rule of law in the OSCE signatory states, I would urge the Federal Assembly and President Yeltsin to deliberate very carefully before giving the domestic security service such expansive powers. In legal terms, these proposed powers may even violate the Russian Constitution. In operational terms, there may soon be little to distinguish the FSK from the KGB of the cold-war era.

TRIBUTE TO EARL THOMAS HUCKLE

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. CAMP. Mr. Speaker, Earl Thomas Huckle lived his life by a code of "community first." While best known as the former editor and publisher of the Cadillac Evening News, the impact of his service to the entire area will be felt for generations.

Earl found and promoted the local chapter of the Kiwanis Club; he served for many years on the chamber of commerce; was a member of the Mercy Hospital Advisory Board and later, chairman; he served as chairman of the Retail Merchant's Association; was on the board of directors of Cadillac's first Community Chest; and was a noted historian with a northern Michigan flavor.

In addition, Earl saw the hope and promise in the children of his community. He worked tirelessly on their behalf. Whether encouraging safe skiing techniques, sponsoring competitions or spending time with his 3 children or 6 grandchildren, Earl Thomas Huckle knew that children are the key to the future.

His work with the Cadillac Evening News is legendary. He worked hard with his father to make that newspaper not only the leading source of news in the community, but one of the most productive and responsible newspapers in the State. As its publisher, he revolutionized the printing operation by introducing computer typesetting and offset printing; as its editor, he provided consistent and thoughtful commentary on local and world events.

The citizens of the greater Cadillac area will surely miss the presence of Earl Thomas Huckle. His joy in his family and his contributions to that community will live forever.

CHILD NUTRITION PROGRAMS

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. HILLIARD. Mr. Speaker, the Republican forces of Speaker GINGRICH are attempting to justify the block granting of child nutrition program funding by arguing that it actually increases the child nutrition funding nationwide by 4.5 percent.

It seems as though the Republicans will say almost anything to hide that they have cut children's food programs to fund tax breaks for the rich.

The fact is, that Federal funding for our child nutrition and WIC programs, will be slashed by GINGRICH's Republicans by over $2 billion over 5 years.

While the Republicans slash and cut our children's food programs, they are taking care of their wealthy friends.

In fact, the Ways and Means Committee yesterday reported on the Republican tax break plan for the rich. More than 76 percent of the benefits for the break go to people earning over $100,000 a year.

Speaker GINGRICH, why is your Republican Party sacrificing our children to make the rich, richer?

TRIBUTE TO CLARION AREA JAYCEES

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. CLINGER. Mr. Speaker, I rise today to honor a group that has proudly been serving the Clarion community for an outstanding number of years. I am pleased to recognize the Clarion Area Jaycees on this their 30th year of continued service.

In 1965, this organization was founded for the sole purpose of improving the community around them. I am sure these young people were not aware of all the great things they would eventually, and continue to, accomplish. It is no small task for a group to work together closely and be productive for such a long period of time. As one generation of volunteers contributes to the Clarion area, the next generation readies itself for future challenges. Their dedication throughout the 30 years is apparent in every project they take on.

The Jaycees' enormous contributions are not felt by just a few individuals, but by the entire population. The work they do touches every member of the community. The creed of the Jaycees is, "service to humanity is the best work of life." It is obvious to all of us that these are not just words, but a conviction for

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

this group of men and women. As a member of the community that is touched by the Clarion Area Jaycees, I want to thank them for all of their hard work. The mission of the Jaycees is fulfilled with every person they help. So in keeping with that tradition, I have the utmost confidence this organization will continue to render valuable services.

Today marks the Jaycees' celebration of 30 years of service. This event is made even more special by the fact the entire community can join in this special occasion; this accomplishment has certainly benefited us all.

Mr. Speaker, it is my distinct pleasure to recognize the Clarion Area Jaycees on this milestone. Once again, I want to thank them for all of their devoted service and my best wishes for continued success.

REPUBLICANS SHOULD SUPPORT THE COMMUNITY SERVICE BLOCK GRANT

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. FRANK of Massachusetts. Mr. Speaker, I think it useful for me to share with my colleagues a brief but very pointed letter from Mark Sullivan, who is the head of the community action agency in the city of Fall River, Citizens, Inc. Mr. Sullivan is one of the outstanding leaders in the fight to improve the quality of life for people in the lower economic brackets, and he has been doing it long enough to have considerable perspective. Thus, he points out that the arguments in favor of the creation of the community action agency, and their subsequent inclusion in a community service block grant, grew from concern that we bypass bureaucracy and provide help directly to the people most in need. Citizens for Citizens is one of the organizations that exemplifies the success of this approach. And because the point Mr. Sullivan makes about the relevance of that experience to much of the rhetoric we are now hearing from my Republican colleagues, I ask that this letter be printed here.

CITIZENS FOR CITIZENS, INC.,
Fall River, MA, January 31, 1995.

DEAR BARNEY: I just finished watching a 30 year history of the War on Poverty on PBS and the irony of history repeating itself became crystal clear.

The basic concept of all the programs in the War on Poverty was the empowerment of local citizens to make decisions and help design economic programs that affect their lives.

Thirty years later, the new majority in Congress headed by Speaker of the House Gingrich, is talking about designing government so that citizens will be empowered to make economic decisions on the local level for policies that affect their lives.

It seems to be redundant to reinvent the wheel when there is a Community Service Block Grant which serves all of the purposes and meets all of the criteria as established by the new leadership; albeit, it deals with low-income people who need the economic empowerment the most.

I believe that Speaker Gingrich, with his background as a historian has a knowledge and appreciation of these programs for economic empowerment.

I welcome him as a spokesman for the need to extend and expand the Community Action Agency through increased funding for the Community Services Block Grant, and wish you would thank him for his generous forthcoming support.

COMMITTEE FUNDING RESOLUTION

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. PACKARD. Mr. Speaker, I want to commend Chairman THOMAS for his hard work and diligence in bringing the committee funding resolution to the floor today. This bill represents the new Republican Congress commitment to downsizing and accountability.

On the very first day of the 104th Congress Republicans voted to cut our own committee staffs by one-third. We proved to the American people that we are serious about keeping our commitment to giving them the smaller, more effective Government they voted for.

This bill before us today shows the American people that we are keeping our promise. Chairman THOMAS has introduced a funding request that reflects the change we voted for just a few short months ago. It represents the largest decrease in committee funding ever.

Spending the taxpayers' money wisely is important. Chairman THOMAS' bill not only downsizes Congress but introduces a new level of accountability. Changing the way committees pay for staff and supplies forces them to justify every penny they spend.

Congress must now publicly authorize all committee spending every 2 years and fund all staff salaries out of a single account. For the first time, committees will have to account for all of their operating expenses. Congress will no longer hide long distance phone call charges or paper costs in extraneous accounts. The American people will see just how we spend their money.

Mr. Speaker, as chairman of the Legislative Branch Subcommittee of Appropriations I am responsible for funding congressional operations. Mr. THOMAS' bill offers guidelines to my subcommittee—guidelines which I am proud to accept.

He and I both share a commitment to the American people who work hard for the tax dollars they have to send to Washington. The least we can do is spend those dollars wisely.

TERM LIMITS

HON. JAY DICKEY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. DICKEY. Mr. Speaker, I have been a supporter of term limits since my initial election to the House in 1992, and I continue to support term limits today. Due to provisions added to House Joint Resolution 2 during the February 28, 1995, House Judiciary Committee markup, I can no longer support this bill.

In its current form, House Joint Resolution 2 preempts State term limit laws, like amendment No. 73, passed by the voters of my home State of Arkansas. The amended bill also removes the lifetime cap for service in the House. Specifically, it would allow a Member to serve six terms, sit out one term, then serve six terms more. That is not real term limits.

LEGAL REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, March 15, 1995, into the CONGRESSIONAL RECORD.

LEGAL REFORM

The House last week approved three bills that would effect wide-ranging legal reforms in civil lawsuits. The measures respond to a public perception that the legal system has become burdened with excessive costs and long delays and that the growing number of lawsuits, particularly frivolous suits, are swamping the courts. These bills seek to curb lawsuit abuse which weakens the economy, eliminates jobs, and injures our global competitiveness.

I supported two of the three bills, albeit with some reservations. The civil justice system needs reform—and these bills are a first step in the reform process—but the bills considered in the House were poorly drafted and hastily considered and they overreach. My greatest concern is that their impact would be to tilt the courts in favor of large companies at the expense of individual plaintiffs. My expectation is these problems will be addressed during Senate consideration.

PRODUCT LIABILITY REFORM

This measure, which I supported, would for the first time create a uniform product liability law (covering state and federal actions) in three areas: punitive damages; joint and several liability; and fault-based liability for product sellers. First, the bill caps non-economic and punitive damages for all civil lawsuits. Punitive damages are awarded to punish negligence, rather than to compensate a victim, and non-economic damages are for things such as pain and suffering. Non-economic damages would be capped at $250,000, and punitive damages would be capped at three times the claimant's award for monetary losses (such as lost wages and medical bills) or $250,000—whichever is greater. Second, the bill restricts "joint and several liability" by allowing non-economic damages only up to the level of a defendant's responsibility. In other words, someone who is only 20% responsible would pay only 20% of the non-economic damages. Third, the bill prohibits product liability suits for injuries caused by products that are more than 15 years old, unless the product is expressly guaranteed for a longer period, or if the product causes a chronic illness that does not appear for more than 15 years (such as asbestos).

It is probably necessary to narrow the risk of manufacturers' and sellers' liability in certain cases involving defective products. Juries are sometimes confused and sometimes come in with awards that are neither reasonable nor justified by the evidence. In many cases, judges routinely reduce those jury awards drastically, but perhaps not in all cases. The restrictions on joint and several liability also make sense. The important link is between behavior and responsibility, and the bill limits a defendant's liability to the share of damages caused by his own actions.

Capping punitive damages, however, has to be approached with great care. This bill represents a federal encroachment on well established state authority and responsibility. Furthermore, high punitive damages serve to keep a manufacturer on his toes.

SECURITIES LITIGATION REFORM

This bill, which I supported, would limit so-called "strike" lawsuits—class action lawsuits filed by stockholders against companies or stockbrokers for having misrepresented the company's economic position when the class of stockholders decided to buy the stock. Further, the bill limits security fraud suits by individual stockholders for similar claims of misrepresentation.

The problem of frivolous class action lawsuits against a company as soon as its stock drops is a real one. Because their stock prices are so volatile, high technology companies are especially vulnerable. Even so, we do not want to weaken the deterrent to financial fraud. To this end, the House, with my support, approved amendments to promote public disclosure of stock information; narrow exceptions to defendant liability; and define the responsibilities of accountants in reporting cases of fraud to federal regulators.

CIVIL LITIGATION REFORM

This bill, would make several significant changes in the federal civil justice system. First, it would require losing parties in federal civil cases to pay the attorneys' fees of the winning party under certain circumstances. Second, the bill would restrict the admission of scientific evidence in federal court. Third, the measure would make sanctions against lawyers who file frivolous lawsuits mandatory, rather than leaving the decision to the judge.

I opposed the bill primarily because of its "loser pays" provisions. A key principle of the American system is accessible justice and I do not want to pass laws which prohibit or deter an individual from a meritorious vet risky lawsuit for fear that the penalty would be financial ruin. Everybody wants to curb frivolous lawsuits—and I supported an amendment that would give a defendant the opportunity to seek dismissal of a frivolous suit.

The bill, in contrast, would place average Americans at a disadvantage in disputes with large corporations, for whom the risk of paying opposing attorneys is simply the cost of doing business. A middle-income plaintiff could be forced to accept a small settlement unless he or she is willing to assume the risk of being financially ruined by the payment of the fees of the other side's attorneys, who may be expensive corporate lawyers.

CONCLUSION

In general, I think the entire legal reform package deserves a searching examination in the Senate. I have been impressed throughout the debate that the House has focused on a tide of anecdotes purporting to show the American legal system as out of control, swamped with frivolous product liability and personal damage suits. I am less sure that the evidence supports the lesson of those anecdotes.

The balance that must be struck is to protect the people's right to sue while at the same time reducing frivolous and expensive lawsuits. That is not an easy balance to strike and the details reaching that balance become very complicated. My hope is that the Senate will improve upon the House-passed bills. I am inclined to think that they are simply too raw to be enacted in their present form.

IN HONOR OF THE GIRL FRIENDS, INC.

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. CLYBURN. Mr. Speaker, I would like to take this opportunity to bring to the attention of my distinguished colleagues the fine record of one of the oldest civic/social organizations of African-American women in these United States—The Girl Friends, Inc. Founded in 1927, its primary focus was to promote friendship and to foster goodwill. Under the legal guidance of the Honorable Thurgood Marshall, the organization was incorporated in 1938.

The Girl Friends, Inc. is a national organization comprised of 1,250 socially and professionally prominent women, including national political figures, Federal judges, medical doctors, college presidents, accountants, lawyers, and teachers.

Presently, there are 40 chapters located in major American cities, representing leaders and spheres of influence with an ongoing commitment to contribute to civic activities that enhance the quality of community life.

The organization has given major financial assistance to community organizations, including the United Negro College Fund, the NAACP Legal Defense Fund, the Children's Defense Fund, and the NAACP.

Through its local chapters, it gives annually to local groups such as the Heart Fund, the Sickle Cell Fund, the Cancer Research Foundation, the Boys and Girls Club of America, and local theatre groups for children.

I would like to congratulate the national president of The Girl Friends, Inc., Mrs. Virginia Scott Speller of Houston, TX, for giving leadership during these days of extending a helping hand to those in our communities who are in need, especially students who want to complete a college education and senior citizens who need care and attention.

I also salute the more than 1,200 members who take time from their professional duties to give of themselves to help make our country a responsive and caring Nation.

Mr. Speaker, I commend the national officers and all of the 40 chapters of The Girl Friends, Inc. for their 68 years of service to these United States.

TRIBUTE TO THE MEMORY OF BOBBY CAPÓ

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. SERRANO. Mr. Speaker, tomorrow, March 16, the New York Office of the Puerto Rico Federal Affairs Administration will unveil a pictorial stamp cancellation to honor a giant of romantic music and borinquen patriotism, Bobby Capó. I rise to pay tribute to the memory of this extraordinary and beloved individual.

Felix Manuel Rodríguez "Bobby" Capó was born in Coamo, Puerto Rico in 1922. Having moved to New York as a young man in the 1930s, Bobby Capó encountered for the first time a land of cold winters and often chilly race relations. He set about very early in life to overcome these features with the warmth of his music and personality.

In the course of his 68 years Bobby Capó composed over 2,000 songs and released more than 50 record albums. But these figures do not do justice to the influence of this superb artist. Possessing a lyrical tenor, perfect pitch and supreme grace, Bobby Capó was a dynamic showman whose tours and television appearances in New York, Puerto Rico and the rest of the United States and Latin America were vital to the popularization of the romantic style. His great ballads "Piel Canela," "Juguete" and "Sin Fe," sung by hundreds of artists around the world, are timeless classics that will forever convey the mystery of romantic love.

Mr. Speaker, as the first Puerto Rican to direct his own television shows and appear in Mexican films, Bobby Capó was a theatrical phenomenon as well. But he was much more than an entertainer. A man for all seasons, in his later years he became increasingly involved in public affairs. He served as Director of the New York Office of the Puerto Rico Federal Affairs Administration, he founded and was the first president of the Puerto Rico Guild of Artists, and in numerous capacities promoted a better understanding of Puerto Rican and Hispanic culture. Moreover, in many personal acts of advocacy and political action he proved himself a dedicated and energetic defender of the less fortunate in our society.

Mr. Speaker, I was extremely privileged to have known Bobby Capó, to have had him as an inspiration and a mentor. His romanticism, his devotion to the island of his birth, and his sheer love of life are elements of his spirit which have struck a deep chord with me and with many thousands of others. I remain a devoted fan of his enduring music and memory, both of which will live on forever in the hearts of his admirers. I ask my colleagues to join me in appreciation of the life and legacy of this wonderful man.

LED ASTRAY BY THE POVERTY "EXPERTS"

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. CRANE. Mr. Speaker, Mr. Walter Williams, a professor of economics at George Mason University, has formulated a decorous and forthright theory which reveals the malignant problems caused by American dependence on the welfare state.

Since the 1960's, Federal welfare policies have only resulted in a debilitating reliance by

American citizens on a Federal Government not created to function in this area. Unfortunately, this institution—the welfare state—has become a permanent and detrimental fixture in our society.

I commend to the attention of my colleagues the following article written by Mr. Williams entitled, "Led astray by the poverty 'experts'." May we all learn from his insights and wisdom as the 104th Congress embarks on the reformation of the outdated welfare policies plaguing our Nation.

LED ASTRAY BY THE POVERTY 'EXPERTS'

(By Walter Williams)

Much of what's wrong in our country is the result of heeding the words of "experts" and "intellectuals," whose advice defies every notion of common sense.

Take skyrocketing black illegitimacy. But first, let's put it into perspective. In 1940, black illegitimacy was 19 percent. Today, it's 68 percent and estimated to be 75 percent by the year 2000. As early as the 1870s, up to 80 percent of black kids lived in two-parent families. Between 1905 and 1925, 85 percent of Harlem youngsters lived in two-parent families. Today, fewer than 40 percent of black kids live in two-parent families. The black family could survive slavery and Jim Crowism but not the welfare state.

During the '60s, now-Sen. Daniel Patrick Moynihan wrote a report concluding, "At the heart of the deterioration of the fabric of Negro family," At that time, black illegitimacy was 30 percent. Liberals attacked the report. Civil rights leader Bayard Rustin said, "What may be a disease to the white middle class may be a healthy adaptation of the Negro lower class." Floyd McKissick, director of COPE, echoed that sentiment, saying, "Just because Moynihan believes in middle-class values doesn't mean they are the best for everyone in America."

Those sentiments were supported by many, including supposed intellectuals. Andrew Cherlin, a Johns Hopkins professor and sociologist, argued it had yet to be shown that the "absence of a father was directly responsible for any of the supposed deficiencies of broken homes." Mr. cherlin concluded that the real issue "is not the lack of male presence but the lack of male income." In other words, fathers can be replaced by a monthly welfare check. That's a stupid idea, but we bought it.

When Mr. Moynihan completed his report, according to Rowland Evans and Robert Novak, attempts were made to repress its release. Professors Lee Rainwater and Williams Yancey suggested "it would have been well to reduce the discussion of illegitimacy because of the inflammatory nature of the issue with its inevitable overtones of immorality."

According to William Bennett, writing in the American Enterprise (January-February 1995), "More than 70 percent of black children will have been supported by Aid to Families with Dependent Children payments at one point or another during childhood." He adds, "The most serious problems afflicting our society today are manifestly moral, behavioral and spiritual, and therefore remarkably resistant to government cures." That recognition is thankfully slowly dawning upon us after years of listening to experts and their destructive nonsense.

But the experts are doing their level best to keep us befuddled. They continue to preach nonsense like the proposition that crime and other forms of antisocial behavior are caused by poverty. The truth of the matter is the causal direction may be the other way around: Poverty is caused by crime and antisocial behavior. After all, poverty is the likely result when a person does not respect the rights and property of others and ignores the values of hard work, sacrifice and deferment of gratification.

Congress has put welfare reform high on its agenda. In seeking advice on what to do, they should summarily disqualify all the experts whose advice we've listened to in the past that has resulted in today's calamity. If I had it my way, there'd be a blanket exclusion of anyone from any government agency dealing with poverty and anyone who has received a government grant to do research on poverty.

DEMOLAY MONTH

HON. STEVE LARGENT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. LARGENT. Mr. Speaker, March is DeMolay Month, when the Order of DeMolay—an international Masonic-related, fraternal, civic service organization for young men 13 to 21—celebrates its 76th anniversary. DeMolay is a youth development organization based on seven virtues needed in today's society—filial love; reverence for sacred things, such as God; courtesy; comradeship; fidelity; moral and physical cleanness; and patriotism. DeMolay promotes scholarship and provides a full package of leadership, athletic, social, and civic service activities to interest today's young men.

This year Delta Chapter, located in Jenks, OK and 1 of 4 DeMolay chapters in my congressional district, celebrates its 60th anniversary. For the first time in its history, Delta Chapter was recently named 1994 Oklahoma DeMolay Association Chapter of the Year. Last year, the chapter sponsored two recycling drives and a severe weather seminar for the Jenks community and held civic service and charitable projects for the Tulsa and Jenks Community Food Banks, Scottish Rite Childhood Language Clinics, Tulsa Area Book Bank, Big Brothers and Big Sisters of Green County, and the Oklahoma Masonic Home for the Aged.

Several prominent scientists, educators, business leaders, astronaunts—and several former or current members of Congress—were active DeMolays in their youth. Distinguished political commentator and Tulsa-native Paul Harvey is a former member of Delta Chapter.

At a time when teenage drug use and gangs command the attention of the media, and teenage violence has reached near-epidemic levels, it is refreshing to recognize the leadership and good citizenship demonstrated by members of the Order of DeMolay.

THE ECONOMIC IMPACT OF COMMUNICATIONS DEREGULATION

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. DELAY. Mr. Speaker, Government regulations impose a tremendous burden on our Nation's economy. Excessive regulations result in higher prices for American consumers and fewer jobs for American workers. One of the primary goals of the Contract With America is to reduce onerous Government regulations and break down unnecessary barriers to competition. In that regard, I was especially interested to learn of a new study released by the independent Wharton Econometrics Forecasting Associates [WEFA] Group. Their study documents the positive impact that would result from greater competition in the U.S. communications industry. They conclude that full, immediate, and simultaneous competition in all communications markets would result in more jobs, lower prices, and a stronger economy. I urge my colleagues to carefully consider the results of the WEFA study as we continue to more forward with our efforts to deregulate our Nation's economy.

ECONOMIC IMPACT OF DEREGULATING THE U.S. COMMUNICATIONS INDUSTRIES—HIGHLIGHTS OF FINDINGS

OVERVIEW

The 104th Congress is in the process of reforming the nation's outdated communications laws. A fundamental concern in this process involves when and to what extent cable TV, long distance and local telecommunications markets should be opened to competition. Opinions range from opening all markets immediately to creating lengthy approval processes for competitive entry.

A study released by renowned independent economic forecasting firm, The WEFA Group, quantifies the impact that various policy options will have on diverse economic indicators, including job-creation, economic growth, technological innovation, consumer savings and the balance of trade. Specifically, the WEFA study compares three approaches:

Immediate, full competition—removal of legal and regulatory barriers to market entry; change from traditional rate-of-return regulation to price-cap regulation for any noncompetitive service; complete deregulation of competitive services; and, all markets open simultaneously on January 1, 1996.

Competition phased in over two to three years—local competition occurs a year ahead of long distance competition, with full competition by 1998.

Competition phased in over four to five years—local competition occurs a year ahead of long distance competition, with full competition by 2000.

FINDINGS AND ANALYSIS

I. Immediate competition means new jobs, economic growth, consumer savings

Full, immediate and simultaneous competition in all communications markets will result in more jobs, lower prices and a stronger economy than any other option. The study finds that immediate and full competition in the telecommunications industry will achieve:

New jobs

3.4 million additional U.S. jobs would be created over the next ten years as a result of full, immediate competition in all communications markets. These jobs would be spread across all states and all major industry groups, including: 498,000 new jobs in manufacturing; 423,000 new construction jobs; 923,000 new jobs in wholesale and retail trade; 1.4 million new jobs in the service sector.

Economic growth

Once competition is brought fully and immediately to the communications industry, the benefits of lower prices, enhanced services and newer technology will boost economic activity throughout the economy. Specifically, within ten years, America would experience: $298 billion increase in annual Real Gross Domestic Product; $162 billion increase in annual Real Personal Consumption; $14 billion improvement in annual balance of trade; $140 billion improvement in the annual national budget deficit; an average increase of $850 in the per year disposable income of each U.S. household.

Consumer savings

American consumers would receive substantial benefits from immediate competition in all communications markets. The study concluded that competition, which will bring greater network efficiencies, including bandwidth expansion and increased use of digital services, will result in a 23% decrease in telecommunications prices over the next ten years. A large portion of this is due to a 35% decline in long-distance toll rates over the first five years of deregulation. Specifically, immediate competition would:

Save consumers nearly $550 billion over the next ten years from lower telecommunications rates, including: $333 billion in consumer savings from lower long distance rates; $107 billion in consumer savings from lower cellular rates; $78 billion in consumer savings from lower cable TV rates; $32 billion in consumer savings from lower local rates.

II. Delayed competition means fewer jobs, slower economy, higher rates

In addition to the immediate competition model, the study forecasts the economic effect of two other models, assuming that it takes three and five years, respectively, to achieve full competition—including removal of entry barriers, change from rate-of-return regulation to price-cap regulation from rate-of-return regulation for noncompetitive services, and deregulation of competitive services.

A three-year delay in full competition would result in the creation of 1.5 million fewer jobs than would immediate deregulation over the next five years. A five-year delay would mean 1.9 million fewer jobs over the next five years.

A three-year delay in deregulation would result in $137 billion less in real GDP, and a five year delay would mean $171 billion less in real GDP over the next ten years.

III. The long-distance market is currently not competitive

Contrary to industry arguments, there is no real competition in the long distance industry today. The long distance companies have not lowered their rates, despite steep declines in local access charges, the most significant cost of providing service. In fact, the big three long distance companies have raised rates in an oligopolistic fashion six times in the past three years (see chart 1). In a truly competitive industry prices do not go up when costs go down.

This lack of real competition in the long distance industry may be the biggest barrier to entry facing competitors in the local market.

(1) State regulators fear that opening local and short-haul long distance would result in drastic losses in the access charge subsidies that help pay for universal service in residential and rural areas.

(2) Full and immediate competition, which includes lifting the long-distance restriction, would mitigate the losses of these access charges. As a result of full competition, local rates would decrease 1% per year over the next ten years.

IV. Regulatory reform is necessary

The study concludes that telecommunications companies must be free of pricing regulations that discourage investment in new network services if the full benefits of competition are to be realized. Specifically, the study finds:

Rate-of-return regulation, designed to constrain earnings under the "natural monopolies" of the past, only slows the rate of network investment and the introduction of new technologies in today's environment of competition and technological convergence.

Price regulation allows incumbent carriers to re-price existing services and to introduce new services in response to competition, while still holding prices below that which might occur in the absence of regulation. In competitive markets, competition and not artificial regulatory distinctions should determine pricing.

V. Delayed competition inhibits new services, creates "economic welfare loss"

A significant benefit of the Immediate Regulatory Relief model is that lower rates, better service and increased investment all would accelerate the affordable delivery of advanced services like health care, education, telecommuting and more.

On the other hand, the study finds that delaying competition in communications will also delay the deployment of new, advanced services. Each delay in the deployment of these new services, results in a significant cost to American's economy and society as a whole—a cost quantified as "economic welfare loss."

The economic welfare loss of new services delayed as a result of current barriers to competition amounts to more than $110 billion per year of delay. This economic welfare loss includes, among other items: $40 billion per year in residential medical and education services; $20.4 billion per year in residential advanced information services; $28.8 billion per year in residential and business video conferencing; $10.3 billion per year in expanded residential entertainment programming.

Full competition in communications markets would result in a gain of between $750 and $1,000 in consumer welfare per year, per U.S. household, as a result of new services deployed.

Methodology

Through years of research, The WEFA Group has developed a set of forecasting models that provide the framework for developing consistent and accurate views of the impact of various market and policy developments on specific industries and the U.S. economy. In July 1993, the WEFA Group completed a study titled The Economic Impact of Eliminating the Line-of-Business Restrictions on the Bell Companies. That study showed that full competition would result in millions of new jobs, significant benefits for the American economy, accelerated innovation and infrastructure investment lower telecommunications rates and encourage the development of enhanced information services. The result would be substantial consumers savings and the creation of millions of new jobs.

This study uses an updated methodology to examine the costs already incurred by delaying regulatory reform and evaluate the costs of further delays in deregulation.

It takes a well-defined set of assumptions and adjustments gained from research and analysis of the telecommunications industry and imposes them on the WEFA models. It forecasts the effects not only on the telecommunications industry but on the industries that buy from and supply to the telecommunications industry, and reviews how the supply and demand on both sides impacts industry prices.

Each study model assumes the eventual onset of full competition, including: (1) the removal of Federal and state regulatory barriers to competition; (2) the replacement of "cost plus" rate-of-return regulation with a streamlined form of price regulation for noncompetitive services; and (3) complete deregulation of competitive service offerings.

The models differ in two significant respects: one, the timing of full competition; and, two, the sequencing—while the Immediate Regulatory Relief scenario represents simultaneous entry into all markets, the three and five year delay scenarios open the local market to competition before the long-distance market.

THE PRESSLER AMENDMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. HAMILTON. Mr. Speaker, next month Pakistani Prime Minister Benazir Bhutto comes to Washington and will be conferring with Members in several meetings on the Hill.

Bilateral relations between the United States and Pakistan since 1990 have been dominated by the Pressler amendment, which stipulates that no United States assistance shall be furnished to Pakistan, and no military equipment or technology shall be sold or transferred to Pakistan, until the President on an annual basis certifies that Pakistan does not possess a nuclear explosive device.

In an effort to inform Members prior to Prime Minister Bhutto's visit to the Hill about this legislation and its impact on United States-Pakistani relations, I ask permission to include in the RECORD testimony I submitted a few days ago to the Senate Committee on Foreign Relations.

THE PRESSLER AMENDMENT STATEMENT BY REPRESENTATIVE LEE H. HAMILTON, SUBMITTED TO THE SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS, SENATE COMMITTEE ON FOREIGN RELATIONS

First of all, Mr. Chairman, I wish to congratulate you for calling this hearing on a most timely subject. Four weeks from today, Pakistani Prime Minister Benazir Bhutto will be visiting Capitol Hill. Holding this hearing today on what has become the defining element in the bilateral U.S.-Pakistani relationship serves an important purpose by forcing us to examine the current status of, and prospects for, that relationship.

Let me add that I deeply appreciate the courtesy you have afforded me by inviting me to submit testimony as part of the official record of this hearing.

I also wish to take a moment to pay tribute to the two American diplomats who were killed yesterday in Karachi. The tragic deaths of Mr. Durell and Ms. Vanlandingham, as well as the wounding of Mr. McCloy, should serve to remind us that courageous American men and women place their lives on the line daily on behalf of the United States. I am sure that you join me in saluting their dedication and sacrifice, and calling upon the Pakistani government to spare no effort to bring their killers to justice.

Mr. Chairman, you have called this hearing to discuss our nonproliferation policies in South Asia. There are few issues of greater importance to U.S. security. The previous director of the Central Intelligence Agency identified the Indian Subcontinent as the most likely place in the world for the outbreak of a nuclear conflict—a catastrophe that would affect the United States as well as more than one billion people in South Asia.

Moreover, a failure to stop the spread of nuclear weapons in South Asia will also limit our ability to keep such weapons out of the hands of Iran, Iraq, North Korea, and other would-be nuclear powers. A world with fifteen or twenty nuclear weapons states is a world we don't wish to contemplate. So the importance of your hearing today—coming as it does only weeks before the international community is to convene in New York to determine the fate of the Nuclear Nonproliferation Treaty—cannot be overestimated.

Mr. Chairman, my argument today can be summarized in a few brief propositions: Pakistan is a country the United States cannot and should not ignore. The Pressler amendment has undermined our bilateral relations with Pakistan. As a nonproliferation tool, the Pressler amendment has outlived its usefulness, and is now counterproductive. It is time to modify this amendment, or even to lift it altogether.

Allow me to amplify each of these propositions in turn.

I. PAKISTAN IS A COUNTRY THE UNITED STATES CANNOT AND SHOULD NOT IGNORE

U.S. National Interests: Why is it in the national interest of the United States to maintain decent relations with Pakistan?

There is, first of all, the matter of sheer numbers. Pakistan is the 7th largest nation in the world. It is the world's second largest Moslem nation. Size alone compels the United States to pay attention to Pakistan.

Second, considerations of global and regional security make cooperation with Islamabad important for the United States. Pakistan occupies a strategic location on the map. It is situated near major countries—China, Russia, Iran, India—and neighbors the Middle East, the Persian Gulf, and central Asia. Its army is the world's eighth largest. Even in a post-cold war world, the United States should not ignore these geopolitical and geostrategic considerations.

In addition, the United States has an important interest in working to prevent the outbreak of a South Asian war that could spiral into a nuclear conflict. We can best promote regional peace and stability if we have good relations with Pakistan as well as India.

Third, Pakistan has been an active supporter of United Nations peacekeeping activities. Its 7,000 troops in Somalia comprised the largest international component in that difficult operation. Islamabad contributed more than one thousand troops to the U.N. operation in Cambodia. It currently has 3,000 soldiers in Bosnia. In fact, Pakistan has provided more troops for U.N. peacekeeping efforts around the world than any other country—including our own.

Fourth, this and previous administrations have identified missile and nuclear nonproliferation as a primary component of U.S. security. As one of the world's few nuclear weapons-capable states not a party to the Nuclear Nonproliferation Treaty [NPT], Pakistan is crucial to the success of our global nonproliferation efforts. Similarly, it is in our national interest to prevent the deployment of the ballistic missiles both India and Pakistan are developing.

The fifth reason we should not ignore Pakistan relates to our desire to combat international terrorism and drug trafficking. Yesterday's tragic events in Karachi have once more brought home to us the grave threat posed by terrorism. The value of Pakistani cooperation in the fight against terrorism was vividly demonstrated last month when Prime Minister Bhutto, in the face of certain domestic opposition, moved swiftly to extradite to the United States the individual alleged to be the mastermind behind the 1993 bombing of the World Trade Center.

On the narcotics front, Pakistan is a conduit for opium and heroin grown in Afghanistan, the second largest opium producer in the world. If the deadly flow of Afghan drugs is to be stanched, we must have Pakistani cooperation. And while we have not been fully satisfied with the steps Pakistan has taken in the counter-narcotics area in recent years, just last week President Clinton stated that the government of Pakistan has laid the foundation for significant progress during the current year in the fight against illicit drugs.

Sixth, the United States has a clear-cut interest in encouraging democracy, pluralism, secularism, and a respect for human rights in Pakistan. Pakistan can be a model of a democratic, secular Islamic state, a partner in the effort to combat the spread of religious and ideological extremism. The administration believes that Pakistan has used its moderating influence with other Islamic countries. We should seek to buttress that influence.

Finally, economic and trade considerations call for friendly relations with Pakistan. Admittedly these U.S. interests are not as important in a statistical sense as in some other countries. Nonetheless, we have an interest in promoting continued economic reform, deregulation, and trade liberalization in Pakistan.

U.S.-Pakistani differences: Let me hasten to add, Mr. Chairman, that none of this suggests that we see eye to eye with Pakistan on all important issues. We don't. We would like to see Islamabad join the NPT, but it refuses to do so. We wish Pakistan would cease all military support for the Kashmiri insurgents. We want more vigorous law enforcement against the druglords. We are concerned about the uneven respect given human rights in Pakistan. We are sometimes dismayed by what passes for democratic politics in Pakistan.

But most fundamentally, we believe that Pakistan, by choosing to embark upon a nuclear weapons program, has broken its pledge to us in a way that directly challenges U.S. national interests.

The substantial levels of U.S. assistance provided to Pakistan throughout the 1980s were part of an explicit bargain: we would furnish Pakistan with financial and military aid, in return for which Islamabad would forgo the nuclear weapons option. Pakistan violated that bargain. The subsequent deterioration in our bilateral relations flows directly from that action. Until Pakistan redresses that breach of faith, ties between our two countries will never recapture the warmth and sense of common purpose they possessed a decade ago.

In the sense, it is neither prudent nor possible to "let bygones be bygones." But at the same time, insofar as it advances American purposes, we should try to build on the shared interests I have set forth above in order to promote U.S. foreign policy and national security objectives.

II. THE PRESSLER AMENDMENT HAS UNDERMINED OUR BILATERAL RELATIONS WITH PAKISTAN

After a close and productive relationship throughout the 1980s, bilateral ties between Washington and Islamabad plummeted after President Bush proved unable in 1990 to certify, under the Pressler amendment, that Pakistan does not possess a nuclear explosive device.

In the four-and-a-half years since then, the Pressler amendment has been by far the most important element shaping the bilateral relationship. By banning aid and most military sales and transfers, the amendment has sharply limited the possibility of a U.S.-Pakistani collaborative relationship.

In some respects, it is surprising that U.S.-Pakistani relations have remained as good as they have since 1990. Islamabad continues to attach great importance to its relationship with Washington. There exists in Pakistan, especially at the official level, a deep reservoir of good will toward the United States.

Nonetheless, there is no denying that the Pressler amendment has had a corrosive impact on bilateral ties. Moreover, so long as Pressler remains the law of the land, relations are unlikely to improve. Secretary Perry's trip to Pakistan in January, for all the warm sentiments it evoked, did not break the fundamental impasse between Washington and Islamabad.

The F-16 Problem: During Prime Minister Bhutto's visit to Washington next month, the single most important item on her agenda will be the F-16s Pakistan bought, but which have not been directed because of Pressler amendment restrictions. If Ms. Bhutto fails to persuade the United States to release the F-16s, she will at a minimum ask for the return of the $658 million Pakistan has paid for these warplanes.

I am worried about the creation of excessive expectations for the prime minister's visit. Pakistan is unlikely to get the F-16s. More than that, serious problems stand in the way of returning the full $658 million. This money has already been paid to the manufacturer. The U.S. government does not have the ability to give the money back, even if it were so inclined.

We face the distinct possibility, therefore, that someone who has been a good friend to the United States, the head of government of an important country with longstanding ties to the United States, is about to come to Washington for what many of her countrymen may see as a diplomatic fiasco.

And all this, ironically, because of legislation that, when adopted in 1985, was designed as a Pakistan-friendly amendment. The members of this subcommittee will recall that when Sen. Pressler first offered his amendment, he envisioned it as a means of heading off far more punitive legislation.

III. THE PRESSLER AMENDMENT HAS OUTLIVED ITS USEFULNESS

Speaking to a New York audience recently, Secretary Perry called the Pressler amendment "a blunt instrument" that has undercut our influence in Pakistan and hindered our efforts to avert a nuclear arms race in South Asia.

I concur. It has reduced our voice in a large, militarily-significant, moderate Islamic country. It has led to an increase in Chinese, and possibly Iranian, influence in Pakistan. It has hampered our ability to achieve other important U.S. objectives in the region, such as strengthening democracy and human rights, fighting illicit narcotics, and promoting economic development.

Even in the area of nonproliferation, the Pressler amendment has become counterproductive. It has given India no incentive to engage in meaningful negotiations on nonproliferation, since New Delhi prefers a status quo that punishes only Pakistan. It has, by reducing Pakistan's conventional strength, given arguments to those in Pakistan who wish to pursue the nuclear option more vigorously. It even threatens to drive Pakistan into an unholy nuclear partnership with Iran, Iraq, or other would-be proliferations—though to date, fortunately, there is no evidence that Pakistan has succumbed to this temptation.

Let me remind this subcommittee that the Pressler amendment was never intended to be triggered. Its proponents hoped that by drawing a clear line, they would give Pakistan an incentive to avoid crossing that line. Once those hopes were dashed and the amendment was invoked, it lost its usefulness. In the four-plus years since then, our once flourishing partnership with Pakistan has deteriorated, while nuclear tensions on the Subcontinent, and the possibility of a nuclear catastrophe, remain unabated.

IV. IT'S TIME TO MODIFY THE PRESSLER AMENDMENT

I suppose it is no surprise that my own preferences would be to repeal this legislation altogether. But, Mr. Chairman, I can count votes, and I understand that this does not appear to be the position held by a majority of my colleagues.

As the next best thing, then, I think your Committee should ask the administration to take another look at what the Pressler amendment requires—to see if there are opportunities for useful modification.

This is not a radical suggestion. Indeed, both this and the previous administration have already begun to do this. So has the Congress. For instance:

In each of the past three years, the foreign operations bill has contained a provision allowing the U.S. government to spend monies for assistance programs in Pakistan operated by non-governmental organizations. Last year, for the first time, USAID provided nearly $10 million for child survival and female literacy programs in Pakistan.

Under the terms of the Pressler amendment, Pakistan is not permitted to receive International Military Education and Training [IMET]. But in January, Secretary Perry agreed in principle that Islamabad could purchase professional military education [PME] courses, so long as the transfer of technology was not involved.

What I am proposing now is that the administration, in close consultation with the Congress, push this process forward. Certain desirable steps will require legislative action, but there are also steps the administration, after consultation with Congress, should take on its own. For instance:

(1) Pakistan should be made eligible for Overseas Private Investment Corporation [OPIC] insurance programs. OPIC is not an aid donating agency. Its purpose is to promote U.S. business interests in overseas markets. By withholding OPIC eligibility, we only penalize our own business community. OPIC, moreover, has the added virtue of being self-financing.

(2) The Administration should waive the storage fees charged to Pakistan for holding its F–16s—fees that amount to $50,000 per plane per year. We are refusing to release the airplanes, as the Pressler amendment requires, and then we insist that Pakistan pay us for holding them. This doesn't pass the common sense test.

(3) The Administration should move forward with Secretary Perry's suggestion that Pakistan be allowed to purchase PME courses. In this way, we will strengthen military-to-military ties, at a time when the Pakistani military, which for much of the country's history had been a threat to democracy, may now be the ultimate guarantor of Pakistani democracy. (The army's role during the year-long political crisis of 1993, for instance, has been viewed by many observers as positive.)

(4) We should provide visa enforcement training for Pakistani customs employees. Here again, this is a common sense move. Slowing down illegal immigration to the United States is in our interest.

(5) We should be offering flight safety training to Pakistani air controllers. Since this would be of direct value to U.S. travelers, it is difficult to see why anyone should object.

(6) I would like to see the provisions contained in recent foreign operations bills maintained or even expanded, in order to permit limited economic assistance for social programs—population planning, for instance, or primary education, or rural clinics. While any assistance made available in this fashion would be modest in amount, it would send the message that the United States has not turned its back on a friend.

(7) Finally, I believe that fairness and good policy require that we return some of the military items that the Pakistani military sent here for repair or other work prior to the invocation of the Pressler amendment, and which we have kept because of the Pressler legislation.

Conclusion: None of these steps in and of themselves will turn the U.S.-Pakistani relationship around. But they would have a symbolic importance out of all proportion to their actual significance. They would say to the Pakistanis that we still value their friendship, that we care about this relationship. And they would help contribute to the success of Prime Minister Bhutto's visit.

I would urge the Administration to consult closely with the Congress before taking any of these steps. I am pleased to note that considerable consultation already has taken place. I would now encourage the Executive to come forward with specific recommendations, and I would encourage my colleagues in the Legislative branch to give such recommendations serious consideration.

From the standpoint of advancing U.S. policy objectives in South Asia, as well as promoting our global nonproliferation goals, we should accept the fact that the Pressler amendment, however well intended, has outlived its usefulness. The administration and the Congress should acknowledge this reality, and move to place our South Asia policy on a sounder footing.

The first step should be to life some of the restrictions imposed by the Pressler amendment. I urge the members of this distinguished subcommittee to take the lead in this enterprise.

BLACK PRESS WEEK

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mrs. KENNELLY. Mr. Speaker, I rise to recognize the invaluable contributions of the African-American press. From the founding of the Freedom's Journal, to the pioneering work of Ebony founder John Johnson, to the contributions of the National Newspaper Publishers Association [NNPA], the African-American press has been in the forefront of news coverage and a force for social change. It is fitting that we honor these and other leaders during National Black Press Week.

This year, Ebony magazine is celebrating its 50th anniversary. Its founder and publisher, Mr. John Johnson, was recently awarded the prestigious Communication Award from the Center for Communication for this pioneering efforts on behalf of African-Americans. His work and values are embodied in Ebony, a premier American magazine known for its excellence.

Mr. Johnson's work has helped pave the way for many African Americans in journalism. Within my own congressional district, there are newspapermen of great distinction: Mr. William Hales, editor and publisher of the Hartford Inquirer; Mr. Edgar Johnson, editor of the West Indian American; and Mr. John Allen, editor-in-chief of the North End Agent. Each one has distinguished himself and his paper by informing the community about relevant issues and pressing for social change. They have increased public awareness on issues of importance to the African-American and West Indian-American community.

My district is richer for the contributions of these men and their papers. Today, their work is made possible in part by the legacy of the Nation's first African-American newspaper, the Freedom's Journal. Mr. John Brown Russwurm and Mr. Samuel E. Cornish founded this paper to honor the ideals of the rights and liberties guaranteed in the Constitution, and out of their appreciation for the rich diversity of African-American culture. Their first steps helped pave the way for the many men and women who followed in their footsteps. And they enriched the lives of all of us.

Mr. Speaker, I would like to congratulate the NNPA on its 168th anniversary and also to thank all the journalists who carry on the traditions that make Black Press Week a distinguished celebration.

IN MEMORIAM: CADET MARK C. DOSTAL

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. DELLUMS. Mr. Speaker, it brings me great sadness to pay final tribute to Cadet 2nd Class Mark C. Dostal who was killed on Wednesday, February 22, 1995, near Ramah, CO while on a flight training mission. The young Cadet, who I was honored to nominate in 1992 for the U.S. Air Force Academy in Colorado Springs, was in his junior year and had recently begun the flight screening program.

Mr. Dostal graduated from Miramonte High School in Orinda, CA in 1992, and in June of that year started pursuing his love of flying when he began at the Academy. His mother, Mrs. Shirley Dostal, confirms that from an early age his dream was to fly.

At the Academy, Cadet Dostal majored in behavioral sciences and was honored twice on the Superintendent's, Dean's and athletics lists. He was expected to graduate in May 1996.

Mr. Speaker, in honor of his memory, I invite my colleagues to join me as I offer condolences to his loving parents, Shirley and Don Dostal, his sister, Kristin Dostal, and to his countless friends and relatives. Though he will be greatly missed, his memory will live on as a source of great inspiration for generations to come.

A "ROAST" IN HONOR OF ROY EPPS

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. PALLONE. Mr. Speaker, on Friday, March 17, 1995, Mr. C. Roy Epps of New Brunswick, NJ, will be honored for his 25 years of community service. The occasion will be a "roast" in honor of Mr. Epps at the Hyatt Regency. The idea of having a celebrity roast is obviously intended to avoid too much sentimentality about the honoree. But behind the jokes and the kidding, there is a deep reservoir of affection, appreciation, and gratitude for Mr. Epps for all the exceptional work he has done for the people of New Brunswick, the State of New Jersey, and the United States.

Mr. Speaker, first, a few basic facts about the life and career of Roy Epps. He was born in 1941 and attended public schools in New York City. He received a B.A. from Wilberforce University in Ohio in 1963, majoring in biology. After pursuing a career in research with Johnson & Johnson, the U.S. Army, and Colgate-Palmolive, Mr. Epps concluded that his real interest was social planning and the fulfillment of social needs. He acquired an M.S. degree in urban and regional planning in 1970 from Rutgers University, and later completed a fellowship in urban and regional planning from the Massachusetts Institute of Technology. In the spring of 1994, he was awarded an honorary Doctor of Law degree from Upsala College in East Orange, NJ.

Mr. Epps began to truly make his mark in community issues in 1967 as assistant executive director of the Urban League of Greater New Brunswick, becoming the league's executive director in 1970. He would go on to serve as president of the New Jersey Council of Urban Leagues, the league's Eastern Regional Council of Executive Directors, and the National Urban League's Executive Directors' Council. IN 1983, his organization disaffiliated from the National Urban League and became the Civil League of Greater New Brunswick, with Mr. Epps as its president. Mr. Epps also serves as vice chairman of the Board of New Brunswick Tomorrow, the planning corporation for revitalization of the city, a member of the board of the New Brunswick Development Corporation, and was formerly a member and past president of the New Brunswick Board of Education. Among the many other boards and committees on which he serves are the Greater Raritan Private Industry Council, United Jersey Bank's Community Reinvestment Advisory Board, and the Eric B. Chandler Community Health Center.

Among its many services to the disadvantaged in the community, with a focus on the needs of black youth, the Civil League has directed much of its effort into the promotion of low-income housing. Mr. Epps helped to establish and became president of the league's nonprofit housing affiliate, the Community Investment Corporation—COINCO—in 1974. This organization had built, rehabilitated, and managed over 40 housing units in the neighborhood of the Civic League's facility.

Among the many projects that have benefited from Mr. Epps' leadership is the Civil League's Project 2000 Program, which has been operating for the past 4 years as a partnership between male volunteers from the corporate sector and the New Brunswick school system. Sixty-three men from diverse backgrounds serve as teacher-assistants a half-day per week in the primary grades at three elementary schools. The program, which reaches some 700 youngsters, represents an attempt to prevent the development of negative attitudes toward the school environment and academic achievement among inner-city boys, as well as girls, early in their school experience through interaction with positive adult role models. The New Brunswick Project 2000 is currently the only corporate model in the United States, but is being assessed for use in other small urban school districts.

Another excellent initiative under Mr. Epps' leadership is the Middle School Development Program, also a partnership between the corporate community and the public education system in New Brunswick. Selected volunteers—men and women—from area companies are placed in local schools to mentor in the fifth and sixth grade classrooms in a variety of areas which not always sufficiently addressed during the school day, but which are extremely important to the personal, intellectual, and professional growth of the students.

Mr. Speaker, it is a great honor to pay tribute to Roy Epps, a community leader who has made a real difference. His many friends and colleagues will have fun roasting Roy Epps on Friday evening, and I'm sure Roy will enjoy it as well. But we all recognize in a very serious and profound way the lasting contribution Mr. Epps has made and continues to make to the growth and development of the great human potential in our community.

HONORING LITTLE UNION BAPTIST CHURCH

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. DAVIS. Mr. Speaker, it gives me great pleasure to rise today to honor the Little Union Baptist Church in Dumfries, VA, and its members. The Little Union Baptist Church is located in the 11th Congressional District in Prince William County, VA. In order to relate the development of the Little Union Baptist Church, one must delve into the history of the surrounding community and the life of its outstanding citizens. Batestown Road derived its name from a remarkable African-American woman to whom many generations of in Prince William County trace their roots, Mary Bates.

Shortly before the Emancipation Proclamation, Mary Bates, who was born a slave in Northern Virginia, was permitted to marry a young slave from an adjoining plantation, John (Jack) Thomas. The Thomases became stalwart members of the community and operated a local general store. Mary was a letter writer for many illiterates of both races. She administered strange medications that proved remarkably effective; and as midwife, she delivered a major percentage of the babies born during this era, especially those whose parents could not afford the services of a doctor.

It was the vision of Mary and John Thomas that gave birth to the establishment of the Little Union Baptist Church. During the last quarter of the 19th century, two churches were erected in the area, one in the Neabsco District of Prince William County and one barely across the line in Stafford County. Because inhabitants of Cabin Branch—later referred to as Batestown—had to travel many miles primarily by foot or by horse and wagon, Mary convinced John that they should donate the needed land for a church in the area. Records on file at the courthouse in Manassas, Virginia show a deed dated September 9, 1901, from John Thomas and Mary Thomas, his wife, to Daniel Reid, Buck Griffin, and Tazwell Bates, trustees. Within the deed, the statement is made that the property was given for the exclusive use of the New School Baptist Church. When the building was completed in 1903, it was given its present name, Little Union Baptist Church.

Early pastors of the church were mostly missionaries who came frequently to deliver impassioned messages on the good life and the wages of sin. Membership in the church for many years embraced only two or three large families. These devout Christians supported the pastor and contributed their talents and limited funds toward the maintenance of the small sanctuary which was a source of pride and comfort to them. Pastors were called to the church in this order: Rev. Horace Crutcher, Rev. Henry Jackson, Rev. Anthony Lane, Rev. William Stokes, Rev. Carter, Rev. Booker, Rev. W. Ervin Green, and Rev. Leonary Lacey. Records do not reflect the tenure of the first four pastors, however, Rev. Carter served from December 1937 until his death in February 1954. Rev. Booker succeeded Rev. Carter and served until May 1960, when he accepted the pastorship of the Beulah Baptist Church in Markham, VA. Reverend Green, who filled the resulting vacancy in December 1960 served until his death in January 1992. Reverend Lacy was elected to the pulpit of Little Union Baptist Church on February 1, 1993, as its eighth pastor.

The church has grown by leaps and bounds and is bursting at the seams. Reverend Lacy is a dynamic spiritual teacher and leader and under his direction the church has expanded its Bible study, teacher training, men's seminar, children's church and vacation Bible school. The congregation continues to contribute to the well being of the surrounding community.

Mr. Speaker, I know my colleagues join me in honoring this very historic church and its membership past, present and future for their many accomplishments and continued contributions.

REGULATORY REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, March 8, 1995 into the CONGRESSIONAL RECORD:

The House approved five bills over the last 2 weeks that aim to remove regulatory burdens on businesses and lower the cost of regulation to the U.S. economy. Regulations have performed an important function in protecting public health and the environment, but the general consensus today is that regulation has run amok. My impression is that many regulations are difficult to justify on the basis of actual risk. For example, we spend hundreds of millions of dollars a year to eliminate minute concentrations of benzene in the outdoor air, but there is little if any evidence that benzene at those concentrations is a threat to anybody.

There is no magic bullet for what ails regulation, but we have to decide what is worth regulating and how to do it better. The bills considered in the House, by and large, seek to base future regulations on better science. They would require risk assessments and cost-benefit analyses supported by science before new regulations above certain cost thresholds can be issued. I think all of that is a good idea. I am concerned that some of the bills we are sending to the Senate overreach and are excessive. My hope is that the Senate will tone down the excesses and we will in the end produce good legislation.

The Paperwork Reduction Act of 1995, which I supported, is intended to minimize the paperwork burden for the public and private sectors in complying with Federal regulations. It sets an annual Government-wide goal of reducing Federal information collection by at least 10 percent. The measure will enable the Government to do its job more efficiently.

The Regulatory Transition Act, which I supported, would impose a moratorium on regulations that would take effect during the period November 20, 1994 through December 31, 1995. The purpose of the moratorium is to provide a breathing space while permanent reforms are enacted into law. The moratorium does exclude regulations necessary to address imminent threats to public health, safety and welfare. If an agency tries to put a regulation into effect not exempted from the moratorium, an affected party can challenge the action in court. I voted for an amendment that would exempt from the moratorium, regulations that permit food inspections and testing to ensure safe drinking water.

The Risk Assessment and Cost-Benefit Act, which I supported, would require Federal agencies to conduct risk assessment, based on scientific evidence, and cost-benefit analysis of Federal regulations affecting health, safety, and the environment that have an economic impact of $25 million or more. It permits the review and invalidation of existing regulations, and makes it much easier to challenge these Federal regulations in court. The bill specifies a single set of new principles that agencies will use for writing regulations. Agencies must also establish "peer review panels" consisting of experts who would render independent advice on data and methods used for assessments and decision-making.

The Regulatory Reform and Relief Act, which I supported, would permit small businesses to sue Federal agencies to force them to assess the effect of a proposed rule on small business for any regulation with an economic impact of $50 million or more, and to consider less costly alternatives. Parties can challenge regulations in court within one year of their effective date. The bill also requires the Small Business Administration to review the impact of regulations on small business, recommend changes to ease burdens on small business, and appear in court when small businesses challenge the regulations.

The Private Property Protection Act would require the Federal Government to compensate owners of private property when a Federal agency action limits the use of their property so as to reduce its value by 20 percent or more. This bill expands the definition of "regulatory taking" of property, that is a taking through restrictions on use, rather than a taking of actual title to the property. Compensation claims would be limited primarily to cases arising from regulations under the Clean Water Act wetlands program, the Endangered Species Act and resource conservation programs of the 1985 Farm Act. A property owner could seek compensation either by submitting a request with the appropriate Federal agency, or by filing a lawsuit in federal court.

I supported this bill despite concerns about it reach. It marks a significant departure from long-settled judicial doctrines on takings, and creates a statutory interpretation of the fifth amendment of the Constitution, which prohibits the seizing of property without compensation. It could impose substantial and incalculable costs on the federal government to pay for compensation claims. I supported a substitute amendment, which failed, that would require federal agencies to assess the impact of a federal action on private property rights, and make its analysis available to the public.

Conclusion: We need a regulatory system that works for the American people, not against them. The system should protect their health, safety, and well-being and improve the performance of the economy without imposing unacceptable or unreasonable costs on them. Regulations should recognize that the private sector is the best engine for economic growth, respect the role of State and local governments, and be effective, sensible and understandable.

Federal agencies have focused too much on threats that pose only tiny risks to the public, such as alar, the chemical used to preserve apples. We would benefit tremendously from clear thinking about costs and risks. It is true that the science of risk assessment and cost-benefit analysis focuses on the costs, rather than the benefits of regulation—and it is easier to quantify how a regulation will hurt a business than to measure its benefit to public health and safety. Even so, risk assessment and cost-benefit analysis have powerful appeal in a time of regulatory excesses.

These bills, overall, move us in the right direction, but my concern is that, as drafted, they overreach. My hope is that they can be improved during the legislative process.

TRIBUTE TO L. KEITH BULEN

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. BURTON of Indiana. Mr. Speaker, one of the great political leaders in the history of the City of Indianapolis and the State of Indiana is a gentleman named L. Keith Bulen. Keith was my mentor, and in addition to having a tremendous impact on my life, was in a large part responsible for me making it to the Congress of the United States.

On January 27 of this year, there was a dinner in Indianapolis honoring Keith for his many contributions to the State of Indiana and the Nation. Unfortunately, due to our schedule here in Washington, I was unable to attend; however, I was able to read some of the remarks made by my friend and mentor, L. Keith Bulen, which I found very enlightening and thought-provoking. Following are a few of the comments Keith made which I feel my Republican colleagues would be well advised to read:

> At this point in life, reminiscing our past political activities over our many years together brings me great enjoyment. And I'm genuinely appreciative for the opportunity of so doing. However, the greatest joy is when I contemplate the opportunities and potential that the immediate future affords our party to contribute to making our community, State, Nation and world a better place for our children and their children.
>
> This contemporary popular political phenomenon we are experiencing as a result of November 8, and the apparent rediscovery of the tenth amendment of our Bill of Rights, is indeed promising. However, the implementation of reclaiming all reserved powers for the States and the people is going to be one enormous challenge, after 60 years in the opposite direction.
>
> The accumulated vested special interests created, enlarged and entrenched during three score years are awesome! Accomplishing such a feat is only possible by retention of the inordinate cooperation and oneness of purpose shared by republicans in the last election.
>
> Our failure to seize upon and well perform during this brief unique opportunity will only serve to further diminish the confidence in the two party system that so fragilely underpins this great Nation and its perceived destiny. Elections are only vital as pre-requisites to providing good government.

In closing I would like to say that I believe the city of Indianapolis, the State of Indiana and our Nation owe L. Keith Bulen a debt of gratitude for this years of unselfish service. The country would do well to have a thousand people like Keith Bulen active in the political process.

STORMWATER MANAGEMENT IMPROVEMENT ACT OF 1995

HON. BLANCHE LAMBERT LINCOLN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mrs. LINCOLN. Mr. Speaker, I rise today to introduce the Stormwater Management Improvement Act of 1995, legislation to assist small cities and small businesses in their compliance requirements under the Clean Water Act.

Under the Clean Water Act, cities and industries must obtain permits for stormwater discharges. This act has required cities serving a population of 100,000 individuals or more to comply with the permit requirement. However, as of October 1994, smaller cities are also technically required to comply with this section of the law even though the Environmental Protection Agency [EPA] has not issued regulations for the cities with populations less than 100,000.

While the smaller cities have received assurances from the EPA that it will not enforce the stormwater requirements, many cities fear that citizens will file suits against them for not complying with the act.

The objective of the Stormwater Management Program is to ensure that runoff from city streets and parking lots into stormwater drainage pipes and ditches meets the water quality standards set out in the act. Under a stormwater discharge permit, cities must adopt programs to reduce the amount of pollution entering our waterways. These programs include street cleaning, household hazardous waste pickup, leaf pickup, cracking down on illicit discharges of raw sewage and other pollutants and public education. These management plans are worthwhile, but very expensive to implement.

According to the National League of Cities, the average cost of obtaining a permit is $625,000. In Little Rock, AR, it cost $525,000 over three years to get the permit and it is estimated to cost an additional $125,000 per year to run the program. These costs for a small community would be disastrous. In a rural area, where financial resources are scarce because of the limited tax base, these requirements would detract from other essential programs, such as sewage treatment and safe drinking water requirements. With scarce resources, these small communities need to focus on the bare necessities to preserve the health and safety of their residents.

The Stormwater Management Improvement Act of 1995 would provide the needed relief from this permit requirement for cities with population less than 50,000 individuals by exempting them from the permit requirements. The bill would also delay permit requirements for cities with population between 50,000 and 100,000 until October 1, 2001, and instruct the EPA to promulgate regulations for these cities. Nonurbanzied areas are completely exempt from the permit requirements.

In addition, industries must also comply with the stormwater permit requirements. However, we run into the same situation where the requirements apply equally to both the large industrial polluters and the small businessmen. Again, one size does not fit all. In my own congressional district, a small businessman who runs a portable sawmill was required to obtain a stormwater permit. He travels from tree stand to tree stand to harvest the timber. In the process, he leaves some sawdust behind. This man is not a point source nor do his activities contribute to the degradation of the quality of the surrounding waterways. However, he is forced to obtain an expensive permit that results in very little water quality control and is treated in the same way as the large lumber mills.

My bill would exempt the small business or industry that employs no more than 25 people from the permit requirements unless the EPA or delegated state agency determines that the facility contributes to a violation of a water quality standard or is a significant contributor of pollutants to waters of the United States.

I am not an advocate of promoting dirty industry over the health of our environment, nor do I want to see polluted waterways. However, I do want to ensure that we get the biggest bang for our buck by focusing on the big problems. I urge my colleagues to support this bill to ease the Federal mandates imposed on our smaller cities and businesses.

FEDERAL DIRECT STUDENT LOAN PROGRAM

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. WILLIAMS. Mr. Speaker, there's been an awful lot of talk recently abut the new Federal Direct Student Loan Program. As you recall, we enacted this program last Congress. It's currently being phased-in, and we're beginning to get some results from this phase-in. This school year 104 colleges and universities are direct lenders. Their students are able to get all of their student aid needs addressed at one location, the college financial aid office. From what people in my home State of Montana tell me, the program is good for students and parents, and it's bringing some simplicity to a student aid system that is often too complex. The only complaint I hear in Montana is that not enough schools are direct lenders. Starting this coming July, another 1,400 schools will become direct lenders. This is a big jump in participation rates, but from the preliminary reports we're getting I don't think it's an impossible hurdle to overcome. Recently the Association of Community College Trustees surveyed community colleges who already are direct lenders. The results from this survey are impressive: Direct loans appear to serve students better; schools benefit more from this program; and the Department of Education appears to be running the program quite well. I'm enclosing a copy of this report for my colleagues review. I urge you all to read it.

COMMUNITY COLLEGES AND DIRECT LENDING

(By Melanie Jackson, Director of Federal Regulations, Association of Community College Trustees, February 1995)

BACKGROUND—HISTORY

Community colleges have supported the concept of a direct loan program as an additional choice or option (with institutional participation voluntary) for the distribution of federal guaranteed student loan funds since the proposal for a small, pilot program was launched by the Bush Administration in 1991. The 1992 Amendments to the Higher Education Act, signed on July 23, 1992, included the Bush proposal for a pilot program. However, before it could be implemented, the new Clinton Administration took office and pushed for legislation to change to a full-blown system of direct lending, with the federal government making loans to students through their colleges. The Clinton proposal eliminated banks, secondary markets, and guaranty agencies, and claimed the federal government would save billions in costs by this move. Although the 103rd Congress was eager to apply the billions in savings toward deficit reduction, concerns were raised about possible disruption in the financial markets and the ability of the U.S. Department of Education to effectively and efficiently manage a full-blown program.

Congress and the Administration compromised, and the 1993 Budget Reconciliation bill yielded a dual program. The current bank-based system was continued, but federal subsidies to lenders and guaranty agencies were reduced. Expanded authority was given to the Department of Education to implement a direct government loan program for students, but a five-year phase-in was required and caps were set on the amount of loan volume allowed to be handled by the government for each year. The program was to start small in the 1994–1995 academic year, with a first-year cap at 5 percent of the loan volume, rising to 40 percent the second year (plus institutional demand), and a fifth-year cap set at 60 percent (plus institutional demand). One hundred and four schools, nine of which are community colleges, were selected by the Department of Education to participate in the program's initial year.

THE CURRENT POLICY CLIMATE—CONFLICTING PROPOSALS

Just as the second semester of the first year of direct lending got underway (January 1995), winds of change for the program appeared to be blowing again from Washington. The Administration is pushing for a complete switch to direct lending. Included in the President's Fiscal Year 1996 budget is a proposal calling for participation in the direct loan program to be expanded to include 80 percent of loan volume in academic year 1996–97, with full implementation of the program (100 percent) in academic year 1997–98. The budget projects that a move to full implementation of direct lending (and the elimination of the bank-based program) would save the government an additional $6.8 billion (on top of previous savings already achieved—more than $4 billion) by the year 2000. However, the 104th Congress appears to be heading in a different direction. Some in the Republican-controlled Congress are suggesting that the federal government's involvement in this program is inappropriate and therefore the program should be ended altogether. Others in Congress want to insure that the dual program continues; they are proposing to lower the maximum participation cap to a ceiling of 40 percent of loan volume (the authorized level for the 1995–96 academic year).

Meanwhile, as these conflicting proposals are being tossed about in Washington, more than 125 community colleges that volunteered (and were approved by the Department) to become participants in the program for the 1995–96 academic year are planning, training, and gearing up to become loan originators.

THE ACCT COMMUNITY COLLEGE DIRECT LENDING SURVEY

To enable trustees (and ACCT staff) to respond effectively to Congressional office and press inquires about how community colleges view the direct lending program, and how community college students might be affected if the program were reduced or eliminated, the Association of Community

College Trustees conducted a survey of the nine schools currently participating in the program: Cloud County Community College, KS; Cuyahoga Community College, OH; Delaware Technical and Community College, DE; Gaston College, NC; Hudson Valley Community College, NY; Lehigh Carbon Community College, PA; New Mexico Junior College, NM; Red River Technical College, AR; and Tarrant County Junior College, TX.

The ACCT Direct Lending Survey instrument consisted of six simple questions: how many loans were originated (and corresponding enrollment numbers compared to the prior year), how the direct lending program better serves students (if it does), how direct lending benefits institutions, the perception of the quality of service rendered by the Department of Education (and its ability to manage the program), advice that could be offered to institutions who are considering participation in direct lending in future years, and finally, what message the participating institution would send to the 104th Congress that evaluates or describes their experience with the program.

The ACCT survey questionnaire was distributed by fax to the financial aid administrators at the nine colleges, after they had been notified by telephone of its purpose. Eight to the nine community colleges completed the survey (Delaware Technical and Community College was the only non-respondent).

THE COMMUNITY COLLEGE SURVEY RESULTS

Overall, the survey responses demonstrated that community college aid administrators like the new direct loan program. All responses to the questions asked about the program's benefits to students and institutions were favorable. Similarly, all responses were positive to the question about the Department's management of the program and quality of service rendered. The general advice that was repeatedly offered by survey respondents for colleges that might be considering participation in direct lending in the future: plan early, get top-of-the-line computer hardware and software, and attend all training sessions offered! The message current program participants would send to the 104th Congress: the program works, it is simple, we like it, and the students like it.

The following is a compilation of the survey questions and responses ACCT received. The comments listed (to all but the first question regarding number of loans and enrollment) are direct quotes from community college aid administrators. Their responses are presented in random order for each question, to retain anonymity.

NUMBERS OF LOANS AND INSTITUTION SIZE—A CAUTIONARY NOTE

The community colleges participating in this first year of direct lending range in size from very small (less than 1,000 headcount enrollment to very large (over 26,000 headcount enrollment), but four (half of the respondents), fell in the 3,000–4,000 enrollment range. The number of direct loans originated by each institution did not correlate to the size of enrollment at the institution. (For example, the number of loans originated at the smallest institution was more than 200, while the smallest total number of direct loans originated by a community college this first year was 60, from a college with 4,000 headcount enrollment.) The total number of direct loans originated by the eight respondent colleges was just over 8,500. The colleges reported a previous year's total of students with loans (from the bank-based program) of approximately 6,400. This represents a 25 percent, one-year increase in the number of community college student borrowers (from these eight institutions). Although this percentage increase is based on a small sample, it does seem to illustrate a continuing trend of upward growth in borrowing by community college students to meet their educational expenses. (In 1993–94 the number of community college borrowers increased by 31 percent over the 1992–93 academic year.)

SURVEY RESPONSES ABOUT HOW DIRECT LENDING SERVES STUDENTS

"Students (and the parents of dependent students) are very pleasantly surprised by the ease and efficiency associated with the Direct Loan Program. There are times when a student can walk in to the Financial Aid Office and walk out with a Direct Loan. Borrowers know when disbursement will occur, since the school is drawing down the funds versus waiting for a lender to disburse a check or wire-transfer funds. It is simple, quick, and less confusing."

The application process is simplified. The repayment options are greater than those in the Stafford Loan Program. The loan is held by the Department of Education and will not be sold to a secondary market. We have been able to spend more time with students exploring other financial aid options and debt management issues since we have implemented the Direct Loan Program.

Faster delivery of loan dollars to students.

Direct lending currently offers the income contingent repayment option not available under Stafford. Also, direct loans eliminate the need for a student to deal with a middleman, the bank. Everything is handled through the school. They deal with one service.

One lender is very beneficial. Students are able to keep track of their loan responsibilities. In the past, valuable time was spent locating information. Consolidation is very available to students. Repayment options are extended.

One stop for all student financial aid. Less time required from time student comes in until he/she receives loan.

We are our students personal contact from the initial loan application until disbursement. Our disbursements to our students are much sooner. Adjustments are completed and processed in a more timely manner.

The process is simpler and more direct for the student. We can control the disbursement process so we can be sure that the students receive their funds on a timely basis.

SURVEY RESPONSES ABOUT DIRECT LENDING'S BENEFITS TO INSTITUTIONS

Direct Loan has enabled us to offer aid to more students more quickly than processing FFELP loans, therefore allowing more needy students to enroll. Despite a decline in enrollment at the college, financial aid has awarded more money to more students. Direct loan has also improved cash flow to the college and the student. Is it easier to administer? No! It's different, but no easier this first year—maybe next year. We need to tie our business office into our computer network to facilitate cash flow and reconciliation.

Saves time. Does NOT necessarily save on institutional costs.

Electronic transfers, crediting student accounts in a timely fashion, provides good tracking and records for auditing purposes. It saves time. Disbursement rosters allow the Business Office to date loan checks on a schedule. Students appreciate the personal service and exact date concerning disbursements. The students are informed of disbursement dates and come that day to get their loan checks rather than call and come by numerous times checking to see if checks are in.

Again, it eliminates the middleman; less room for error, fewer contact persons. Currently it does not save time operationally because I have no interface from PC to VAX. Cost factor minimal.

We have more control over the program. Administering the program is more efficient. Our cost is less and we have satisfied students.

Easier to deliver. More efficient. Can do more loans with less human resources.

We have found that direct lending saves costs. However, it does not take additional staff or resources to implement the program. We have been able to shift staff time to other areas such as debt management. Students receive the greatest benefit in the direct lending program. That is, the application, disbursement, and repayment process is greatly simplified.

The software provided by the Department enables us to do electronically what would be time consuming and expensive manually. Simple tasks that needed three copies sent various places now just demand one notification.

COMMENTS FROM AID ADMINISTRATORS ABOUT PROGRAM MANAGEMENT AND INSTITUTIONAL SERVICE RENDERED BY THE U.S. DEPARTMENT OF EDUCATION

Nothing short of excellent.

With direct lending the U.S. Department of Education has shifted their emphasis from prescriptive methods to regulating outcomes. Our experience has been that the Department can provide the necessary service to this program. We have received the training and support needed to implement this program from the Department of Education.

Our school relations group has provided excellent service to us. Our calls were returned and personnel were very patient, courteous, helpful and supportive.

Seems to be running relatively smoothly. Of course being a year-one school has meant our share of bugs to work out.

It appears to have gone well in the first year. Both the Department and the services have been very supportive.

The Department service has been good and timely. Our services have been very supportive, helpful, and extremely courteous and polite.

"Department has been very responsive. They have listened to our suggestions and modified the software when needed. The draw down of cash has been simple."

"Very good service! Everyone has been helpful and responds quickly. We have been very pleased. This was one area I had a concern about, but Direct Loan Task Force, NCS, and the Direct Loan Servicer have been responsive and very professional."

TIPS OFFERED FOR COLLEGES PLANNING TO BECOME FUTURE PARTICIPANTS IN DIRECT LENDING

"Plan ahead! Test your plan! Take advantage of training opportunities. Make sure you involve the financial aid office, business officers, and computer technology staff from the beginning!"

"Take the time to plan. Call those of us involved now. Get top-of-the-line computer for software."

"We honestly feel this program is successful and should be continued in 100% participation. This program provides students with funds for education in an efficient, responsible, and cost-efficient system."

"Start early planning. Buy the biggest/fastest hardware you can afford."

"Attend all training sessions. Conduct on-site visits to first-year schools comparable to yours."

"The process is more efficient and timely. Our students receive disbursement in a more timely manner. Out staff enjoy working with the program because it is computerized."

"Yes, we recommend this program. Our advice is to plan for several months prior to implementation. That is, set up institutional task force (financial aid, business office, computer support, etc.) and review current operating procedures. How will these change? How will the tasks be split among the various offices? Contact like institutions already in the program."

THE MESSAGE COMMUNITY COLLEGE AID ADMINISTRATORS WOULD SEND TO CONGRESS

"Do not cap this program. Interest groups are lobbying for a cap on the direct lending program. Who would benefit from a limit on this program? Ask current participants to evaluate the program. Let the FFELP and William D. Ford Direct Loan program exist together and schools will choose the program that best meets the needs of their students."

"Direct lending should be encouraged at the legislative level. It is refreshing to think that a program like this is more efficient, cost effective, and a valuable service to the student. Many programs never reach the students as rapidly as this has. Be bipartisan and keep the best interest of the students up front."

"This is the first time in my experience that a program was started where institutions could select how they participated and really had institutional flexibility and control. This program works and works well for students. It does not depend upon outside agencies as to whether institutions participate, drop from the program, merge with others, farm out originations, or sell to various other agencies. It is easy for the student to grasp the concept that they owe the federal government. I truly believe that this simplification will go a long way toward helping with 'paper' defaults."

"This has been the freshest breath of air in a long time. Finally, a program that the financial aid office controls. We like that and the students like it."

"I have been very pleased with the program. I enjoy the fact that there is no third party."

"Finally, financial aid offices have a program that works with us and not against us. Also, this loan program is student friendly."

"My school's experience with Direct Loan has been a positive one. We are pleased with the benefits this program offers the students and the school. We experience far fewer difficulties than we did with FFELP, i.e., many problems with lenders, slow or a lack of response from guarantors, big problems with servicers that provide students with little or no service, and enormous paperwork."

TRIBUTE TO LEON DAY

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. MFUME. Mr. Speaker, it is rare that you find an individual with talent, ambition and humility. But those are just some of the defining and wonderful qualities of Leon Day, one of Baltimore's true heroes.

Baseball legend Leon Day died this week, he was 78. It was only five days earlier that Leon had his day and was elected into the Baseball Hall of Fame. his sister said it was "what he was waiting for." He was the 12th Negro league star elected to the Baseball Hall of Fame and the first since 1987. His election into the Hall of Fame was a fitting end to a life of quiet achievement, pride and skillful performance.

For persons such as myself, who grew up in the little leagues and went on to coach inner city youngsters, Mr. Day was the personification of athletic excellence and someone who made us especially proud.

Leon Day moved to Baltimore in 1917 when he was 6 months old. His father worked in the segregated community of Westport and the family lived in Mount Winanas, a poor neighborhood in Southwest Baltimore. Although his house on Pierpont Street had no electricity or running water it was overflowing with both pride and purpose.

When Day was 12 or 13 he began playing baseball at a local athletic club. After two years at Frederick Douglass High School he left to play semi-pro ball with the Silver Moons. At 17 he joined the Baltimore Black Sox and was promised $60 a month (in reality he was lucky to get paid $2 or $3 a week). The team soon disbanded and young Leon was off to play for the Brooklyn Eagles.

In 1963, the eagles moved to Newark and Mr. Day began getting paid regularly and was able to help his family financially. When he returned home to play against the Baltimore Elite Giants he was nothing short of a hero. He struck out 18 batters in one game and set the Negro National League record. The hometown fans went wild.

He defeated the legendary pitcher Satchel Paige in three of their four recorded meetings. And, he put his heart into every game. He was a players' player. Although Leon Day was known for his blazing fastball he was said to have a curve ball that dropped off the table. He had a unique talent of pitching the ball without winding up, which often made batters look bad, fooled and intimidated.

After the 1943 season, Mr. Day went to Europe to fight in World War II. After participating in the Normandy invasion, Mr. Day played in an integrated game at Nuremberg Stadium against white major leagues. He pitched a four-hitter and bet the major leagues 2–1.

After the war, Day returned to the United States and the Eagles. Although the war had taken its toll on his strength, he was able to pitch a no-hitter on opening day against the Philadelphia Stars. After his victory, his teammates carried him off the field on the shoulders in triumphant recognition of an achievement few have ever realized.

In an era of social segregation he was a part of the athletic avant guard, who had rejected the mediocrity of second class citizenship. In doing so, he helped re-define the American past time as we know it, proving once and for all that only the ball was white.

When Mr. Day received word of his election into the Hall of Fame, tears of joy rolled his cheeks. To say he was elated, would be to overstate the obvious. "I never thought it would come," he said. "This has been in the back of my mind for a long time."

It did come and not a moment too soon. Mr. Day is and always will be one of baseball's quiet heroes. A man who strived to be his best, despite his humble beginnings. A man who showed excellence on the baseball field and unmatched modesty when off it. Mr. Day is a man all of Baltimore can be proud of.

On July 30th of this year in Cooperstown, NY, Leon Day will be officially inducted into the Baseball Hall of Fame. Although he will not be among the throngs of well wishers who will travel from across the nation to be there, let us resist the urge to mourn him.

Instead, on that hot July day, know that not far away still sits a field of dreams. A place where the men of winter become the boys of summer. Where for nine innings, the problems of the world go away. And, where Ruth, Cobb, Paige and Gehrig all rush to the mound to welcome their newest team-mate, Leon Day, the gentle giant from Baltimore.

THEATRICAL MOTION PICTURE AUTHORSHIP ACT OF 1995

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. BRYANT of Texas. Mr. Speaker, today I am pleased to introduce legislation, Theatrical Motion Picture Authorship Act of 1995, to amend the Copyright Act to add to the definition of author of motion pictures the director, screenwriter, and cinematographer—for non-economic purposes.

I am introducing this bill to stimulate discussion on an issue that remains contentious between film artists and film financiers; also between the United States and our advanced trading partners.

This is one of those hot button issues that invariably emerges at international copyright meetings as we try to achieve a higher degree of copyright harmony internationally.

This is also an issue which must be addressed as we move into the digital age of the information superhighway.

I am introducing this proposal because it is the right thing to do. Because of the work-for-hire doctrine under which our creative artists work, U.S. law regards corporations as the legal author of a film.

We then end up with situations which are absurd. Is the Sony Corporation the author of "The Bridge on the River Kwai"? Is the Turner Corporation the author of "Citizen Kane"? Is Universal Studios the author of "E.T."?

My legislation does not overturn the work-for-hire doctrine or in any way disturb the economics of moviemaking or the export of any film product.

The measure does seek to give directors, screenwriters, and cinematographers the legal tools necessary to defend the integrity of their work, if there is an egregious effort to alter it for other distribution purposes after its theatrical release.

I regard filmmaking as an art form—and filmmakers are artists. Those who finance films rhetorically agree with this statement, but their real interest is in making as much money from a film product as possible.

If this desire to maximize profits requires a radical alteration in the film, the financial owner may make that alteration with no consideration of the resulting creative mayhem.

I understand that there will be substantial opposition to this measure from the financial interests, but the discussion and debate that its introduction will inspire will be healthy and valuable.

I trust this legislation will lead to a negotiated resolution of the legal role of the creative artists in the film industry. However, we ought to at least examine the issue of giving non-economic rights to filmmakers. These are the men and women who care most passionately about their work as a part of our country's culture.

Let the artists be the guardians of their art.

I will ask Chairman MOORHEAD for a hearing on this issue in the near future so that all parties may fully address the rights of creative artists. I hope Senator HATCH will do the same in the Senate.

I invite my colleagues to join me in supporting this bill and thereby preserve the integrity of our creative artists in our wonderful film industry.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Theatrical Motion Picture Authorship Act of 1995".

SEC. 2. THEATRICAL MOTION PICTURE DEFINED.

Section 101 of title 17, United States Code, is amended by inserting after the paragraph defining "State" the following:

"A 'theatrical motion picture' is a motion picture of 60 minutes duration or greater intended for public exhibition, public performance, public sale, or lease, and includes made for television motion pictures, but does not include episodic television programs of less than 60 minutes duration (exclusive of commercials), motion pictures prepared for private commercial or industrial purposes, or program-length commercials.".

SEC. 3. NONECONOMIC INTERESTS OF THEATRICAL MOTION PICTURE ARTISTS.

(a) IN GENERAL.—Chapter 1 of title 17, United States Code, is amended by inserting after section 106A the following:

§ 106B. Noneconomic interests of certain theatrical motion picture artists

"(a) NONECONOMIC INTERESTS.—Subject to section 107 and independent of the exclusive rights provided in section 106, the principal director, screenwriter, and cinematographer of a theatrical motion picture have the noneconomic interests in that motion picture. The non-economic interests in a theatrical motion picture that are referred to in the preceding sentence are of the principal director, screenwriter, or cinematographer—

"(1) the right of the principal director, screenwriter, or cinematographer (as the case may be) of that motion picture to claim that he or she was the principal director, screenwriter, or cinematographer (as the case may be) of that motion picture;

"(2) the right of the principal director, screenwriter, or cinematographer (as the case may be) of that motion picture to prevent the use of his or her name as the principal director, screenwriter, or cinematographer (as the case may be) of a theatrical motion picture of which he or she was not the principal director, screenwriter, or cinematographer (as the case may be); and

"(3) the right of the principal director, screenwriter, or cinematographer (as the case may be) of that motion picture to prevent any intentional distortion, mutilation, or other modification of that motion picture which would be prejudicial to his or her honor or reputation.

"(b) SCOPE AND EXERCISE OF RIGHTS.—Only a physical person may exercise the rights conferred by subsection (a) in a theatrical motion picture, but such rights may be exercised whether or not that person is the copyright owner.

"(c) DURATION OF RIGHTS.—The duration of the noneconomic interests in a theatrical motion picture shall be coextensive with, and shall expire at the same time as, the rights conferred by section 106 in that motion picture.

"(d) TRANSFER AND WAIVER.—The noneconomic interests in a theatrical motion picture may not be transferred, but they may be exercised by the heir of the principal director, screenwriter, or cinematographer, as the case may be. Those rights may be waived if the principal director, screenwriter, or cinematographer, as the case may be, expressly agrees to such waiver in a written instrument signed by such person, except that—

"(1) such written instrument may not be executed before the first public performance of the motion picture (after previews and trial runs); and

"(2) no consideration in excess of one dollar may be given for the grant of the waiver. Such instrument shall specifically identify the theatrical motion picture and the uses of that motion picture to which the waiver supplies, and the waiver shall apply only to the motion picture and uses so identified.

"(e) DEFINITION.—As used in this section, the term 'heir' means the person to whom the noneconomic interests conferred by this section are bequeathed by will or pass by the applicable laws of interstate succession.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 1 of title 17, United States Code, is amended by inserting after the item relating to section 106A the following:

"106B. Noneconomic interests of certain theatrical motion picture artists".

SEC. 4. CLARIFICATION OF AUTHORSHIP.

Section 201(b) of title 17, United States Code, is amended—

(1) by striking "In the case of a work made for hire," and inserting "In the case of a work made for hire, except in the case of theatrical motion pictures with respect to the noneconomic interests in the work,"; and

(2) by adding at the end the following:

"(2) In the case of theatrical motion pictures with respect to ownership of noneconomic interests in the work, the author shall be the principal director, principal screenwriter, and principal cinematographer.".

SEC. 5. INFRINGEMENT ACTIONS.

Section 501(a) of title 17, United States Code, is amended in the first sentence by inserting "or in section 106B(a)" after "of the author as provided in section 106A(a)".

SHOWCASE MORGAN HILL AWARDS

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Ms. LOFGREN. Mr. Speaker, I rise today in congratulating the eight winners of the Second Annual Morgan Hill Awards. These awards are presented by the Morgan Hill Chamber of Commerce.

The female volunteer of the year is Mrs. Elena Moreno, a longtime educator and resident of Morgan Hill, who has served the community for 60 years. She has been and is currently on numerous boards ranging from the American Association of University Women to Head Start to the California Retired Teacher's Association. Mrs. Moreno was instrumental in instituting the wildflower program in Morgan Hill area schools. She has also served as a docent for school groups at the Morgan hill Historical Museum. As part of a dance troupe called the Fabulous Flappers, she performs tap, jazz, rock, and Latin dances for retirees functions, convalescent homes, benefits and many other events in the area.

The male volunteer of the year is Mr. Curtis Wright, another longtime resident of the Morgan Hill area. Mr. Wright is a past mayor of the city of Morgan Hill, former city councilman for Morgan Hill, past president of the Morgan hill chapter of the American Heart Association and past president of the Pet Assisted Therapy. He has also been instrumental in encouraging businesses to relocate in Morgan hill by forming the Economic Development Council. As president of an advertising agency in San Jose, he has used his promotional abilities and advertising expertise to help launch successful events in the Morgan Hill area.

Mr. James Yinger has been selected to receive the Educator of the Year Award. Mr. Yinger is currently the principal of the Nordstrom School, currently a regional nominee for the California School Recognition Program. This school, under Mr. Yinger's tenure, has been recognized for its outstanding integrated GATE, Gifted and Talented Education, program. As an education leader, he takes the initiative to make changes that will have a positive effect in the school system from organizing a safety patrol program to extending daycare for disadvantaged students.

The Bridge Counseling Center, which is a private non-profit community-based mental health agency, has been awarded the Non-Profit of the Year Award. This center has become one of the largest and most extensive mental health agencies in the South County region part of Santa Clara County. Recently, the United Way of Santa Clara County presented the distinguished VIDA award to this counseling center. This counseling center has a plethora of services including prevention programs, intervention and treatment. Recently, The Bridge Counseling Center has been involved in the formation of the Morgan Hill Family Center and bringing experts into the Gang Awareness Task Force.

The winner in the Civic Category is Mr. Al Alciati, city of Morgan Hill's chief building official. His expertise and knowledge in the building inspection field is recognized statewide.

He has served on the California building officials board of directors and was past president of the Peninsula Chapter for the International Council of Building Officials. Mr. Alciati has also given his time and talents to youth in the community by officiating at football and baseball games, and he has been a longtime member of the Live Oak Boosters Century Club.

The Guglielmo Winery has been selected as the Small Business of the Year. The winery will be celebrating its 70th year in business in Morgan Hill. The Guglielmo Winery has made many contributions to the Morgan Hill community through support of the American Heart Association, the American Red Cross, the local Girl and Boy Scouts, and many of the Chamber of Commerce's event through the year. it has been involved with the Santa Clara Valley Winegrowers by serving on the board of directors. The Guglielmo family members consistently donate their time and talents for many community functions and fundraisers.

The Partner in Education Award is presented to the Live Oak Foundation, founded in 1981. The sole purpose of this foundation is to raise funds for the district schools. These funds are used to provide scholarships to graduating students and contribute extra funds for academic programs to all the schools in the area. The foundation operates entirely through volunteers who organize fundraising projects and administer the grants to schools.

The Nob Hill Foods Co. is the recipient of the Chamber's Large Business Award. The Nob Hill Foods Co. was founded by and still run by the Bonfante family of Morgan Hill and Gilroy. The company has 25 stores serving more than 200,000 local customers a week, and employs over 2,200 employees. This company has built its solid reputation from the outstanding customer service they provide. The Bonfante family are recognized as very strong supporters of the schools and non-profit organizations in our community.

Mr. Speaker, I applaud and command these people whose commitment and dedication to the community has greatly enriched the Morgan Hill area.

BRONX DISTRICT ATTORNEY ROBERT JOHNSON'S BRAVE STAND AGAINST THE DEATH PENALTY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. SERRANO. Mr. Speaker, when New York State reinstated capital punishment on March 7 of this year, the highest ranking law enforcement official in my community, the Bronx, issued the following statement, which I commend to my colleagues' attention.

STATEMENT OF BRONX DISTRICT ATTORNEY

While the law enacted today reinstates the death penalty in New York, far more significant is its feature that permits a sentence of life without parole for the first time in our state's history. Since this law confers upon me the discretion to seek either sentence, I wish to make my policy clear regarding the exercise of that discretion.

I was raised by loving parents who instilled in me an intense respect for the value and sanctity of human life. As a result, I have devoted my life to the criminal justice system. During more than 20 years in that system, I have seen the devastation inflicted by those guilty of horrible crimes. I have felt the rage and thirst for vengeance which all but consumed the victims and their families. I understand the desire of many of them to "throw the switch" themselves. But I have also personally witnessed the devastation of those wrongfully accused. As an assistant district attorney, I convicted a defendant of intentional murder. He was released after his brother later plead guilty to committing the crime. Would even a brother come forward to save an innocent man if the consequence was death? and if he didn't, who would have been able to "throw the switch" back?

Those familiar with the criminal justice system know that the surest deterrents to crime are the probability of conviction and the certainty of punishment. However, under our system of justice the death penalty neither can nor should be mandatory. Consequently, it is highly uncertain that the penalty actually will be imposed by a jury in a given case, that its application will be fair, that the sentence will be upheld on appeal, that the defendant will be executed and that others will be deterred. Moreover, the price of this uncertainty is enormous given the cost in time and resources of trials and appeals in death penalty cases. Clearly, this money could be better spent on providing more judges and courtrooms so that more defendants could be brought to trail more quickly. The money could also be better spent on valuable and broadly-based crime-fighting and crime prevention programs, including reducing the flow of illegal guns, incarcerating more violent criminals and providing more assistance for crime victims. While these programs may not provide the visceral gratification of the death penalty, they will do a lot more to improve the quality of our lives.

For all of these reasons, while I will exercise my discretion to aggressively pursue life without parole in every appropriate case, it is my present intention not to utilize the death penalty provisions of the statute.

TRIBUTE TO DR. ROBERT H. McCABE: THE EDUCATOR WHO TOOK THE "JUNIOR" OUT OF "JUNIOR COLLEGE"

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mrs. MEEK of Florida. Mr. Speaker, on Tuesday Dr. Robert H. McCabe, an outstanding educator and administrator who led Miami-Dade Community College for the past 15 years, announced his retirement.

Throughout his 32 years at Miami-Dade Community College, Dr. McCabe built a tiny institution into the nation's largest and most respected two-year college. Recognized nationally as an innovator in the community college field, Dr. McCabe kept his focus squarely on the students who came to the Miami-Dade Community College to prepare for jobs and a brighter future.

Dr. McCabe believed in quality and results. He instituted changes that reward professors for success in the classroom instead of for research, higher academic degrees or publishing. He tightened up curriculums and evaluation standards that made more demands on students and revolutionized what courses they took, when they took them and what happened if they didn't succeed. But succeed they did, in extraordinary numbers.

Robert McCabe built bridges to local employers and created business centers to insure that Miami-Dade students would get training in skills that employers need so that graduates could get good jobs. Under his guidance Miami-Dade, through its neighborhood and outreach programs, became the integral part of our community that it is today.

In recognition of the extraordinary impact he has had on education in this country, Dr. McCabe won one of the prestigious MacArthur Foundation "genius grants" that provided him with $365,000 to spend however he wished. However, the true measure of his distinguished career can best be measured in the achievements and contributions of the tens of thousands of students whose lives he so profoundly touched.

For his tireless and dedicated efforts, I join with our entire community in extending to Dr. Robert McCabe our profound thanks.

Mr. Speaker, I wish to share with my colleagues an editorial on Dr. McCabe that appeared in the Miami Herald:

HE GAVE THOUSANDS A CHANCE

In serving Miami-Dade Community College for 32 years—15 as its president—Bob McCabe has left an enduring mark on the South Florida landscape. Now Dr. McCabe, 65, has announced that he'll retire on June 30 to go to work for a group promoting community college innovations nationwide.

The true measure of Dr. McCabe's leadership won't be found in bricks and mortar—although the expansion of this multicampus school's facilities has been phenomenal. Nor will it be found in Miami-Dade's unique endowment—although that, too, is a singular achievement.

Not even Miami-Dade's undisputed reputation as one of the nation's best community colleges captures the full impact of Dr. McCabe's leadership.

No, for that one must look at the thousands of success stories starring ordinary individuals whose extraordinary lives, like Dr. McCabe's, took a detour before they got serious about their education. Their lives and others' are more fulfilled today because MDCC gave them a chance—often when no other institution would—to expand their knowledge, develop their talents, and hone their skills. This community is infinitely richer for their contributions.

How do you top an act like that? You don't. Martin Fine, chairman of Miami-Dade's Board of Trustees, articulated the thoughts of many on Dr. McCabe's retirement and the board's new challenge: "I believe that you can never replace a great leader like Bob McCabe when he retires; you can only attempt to find a worthy successor."

SUSSMAN'S SUCCESS IN SCIENCE

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. PORTER. Mr. Speaker, I rise today to congratulate Ms. Beverly Sussman of Buffalo

Grove, IL, who has been selected to be a recipient of the Presidential Award for Excellence in Science and Mathematics teaching. I am pleased to have this opportunity to recognize her outstanding service to her community and the children whose lives she has touched.

This award represents the Nation's highest honor for teachers of mathematics and science in grades K–12. It was established by President Ronald Reagan and the Congress in 1983. Recipients are chosen on the basis of the excellence of their teaching performance. Only two teachers from each State are chosen each year.

Ms. Sussman has taught sixth grade science at Ivy Hall Middle School in Buffalo Grove for the last 17 years. It is her dedication to her students that first led to her nomination for this award. It is my understanding that it is this dedication that has made her the first sixth grade science teacher ever to receive this honor.

I need not remind my colleagues of the importance of educating our children. It is with them that the future of our country lies. We must constantly demand excellence from those charged with the responsibility of educating our children and honor those who have dedicated their lives to this cause. The Presidential Award for Excellence in Science and Mathematics honors those who do excel. Ms. Sussman is no exception.

Mr. Speaker, it is my distinct pleasure to recognize Beverly Sussman for receiving this prestigious award. Once again, I congratulate her and offer her my best wishes for continued success.

TRIBUTE TO LEON DAY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. PAYNE of New Jersey. Mr. Speaker, I am deeply saddened today to inform my colleagues of the passing of Leon Day. Mr. Day, a veteran baseball player, died on Monday, March 13, at the age of 78.

Mr. Speaker, Leon Day was a man of great poise and dignity. Over the years he patiently waited for his election into the Baseball Hall of Fame. On March 7, 1995, he was elected to that place.

Leon Day played in the Negro Leagues in the 1930's and 1940's. I am proud to let my colleagues know that Mr. Day played for the Newark Eagles, a team from my hometown, for 9 years between 1936 and 1949. He was one of the most dedicated and versatile players known to the game of baseball. Considered one of the league's best pitchers, known for his no-windup delivery, he also played outfield and second base. During one game, he was starting pitcher, relieved the regular center fielder and replaced an injured in-fielder.

During his years with the Negro League he appeared in a record seven all-star games and once struck out 18 batters in a single game. In the 1950's, Mr. Day played in the Latin American Leagues and the Canadian Leagues.

Physically, he won't be with us in October during the 1995 Baseball Hall of Fame induction ceremonies but I am sure his spirit will be front and center. Leon Day's immense contribution to baseball history will live forever. His enthusiasm for the game and his appreciation of life have left an indelible mark on all of his fans.

Mr. Speaker, I am sure my colleagues will join me in celebrating the memory of this remarkable sportsman.

HONORING RAYMOND AND FRANCES ROJEK

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Ms. KAPTUR. Mr. Speaker, I rise today to recognize the longtime contributions the Rojek family has made in my district. Fran and Ray Rojek founded Rojek's Catering over 40 years ago in North Toledo. My family and I, along with many generations, have enjoyed Rojek's famous coffee cakes and other Polish specialties. It is a tradition that will be greatly missed as they close their doors.

When the Rojeks began their business in the mid 1950s, the catering business involved lugging heavy trays and dishes of food into homes and facilities that didn't have kitchens to accommodate serving large groups of guests. Currently, most catering businesses own their own halls, and serve to groups at these halls. The Rojeks' energy and spirit have been an inspiration to those who utilized their quality service for their special events. With a staff of 7 full-time employees and another 25 on-call employees, it was not uncommon to cater a complete wedding dinner for 500 guests.

I know my colleagues join me in saluting one of America's most industrious families, as they cater to themselves by taking time to enjoy their golden years. I am honored to have this opportunity to recognize the Rojek family's efforts as they move on to retirement.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 16, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 17

9:30 a.m.

Environment and Public Works

To hold hearings on the Department of the Interior and the Department of Defense consultations concerning conservation of endangered species at Ft. Bragg, North Carolina.

SD–406

10:00 a.m.

Judiciary

To hold hearings on proposed legislation to reform the Federal regulatory process.

SD–226

MARCH 20

2:00 p.m.

Foreign Relations

Business meeting, to consider S. Con. Res. 6, to express the sense of the Senate concerning compliance by the Government of Mexico regarding certain loans, S. 384, to require a report on U.S. support for Mexico during its debt crisis, S. Con. Res. 3, relating to Taiwan and the United States, S. Con. Res. 4, expressing the sense of Congress with respect to the North-South Korea Agreed Framework, S. Con. Res. 9, expressing the sense of the Congress regarding a private visit by President Lee Teng-hui of the Republic of China on Taiwan to the U.S., Treaty Doc. 103–25, with respect to restrictions on the use of certain conventional weapons, and pending nominations.

SD–419

Indian Affairs

To hold oversight hearings on the impact in Indian Country of proposed rescissions of fiscal year 1995 Indian program funds and of proposals to consolidate or block grant Federal programs funds to the several states.

SR–485

MARCH 21

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on the nomination of Daniel Robert Glickman, of Kansas, to be Secretary of Agriculture.

SD–G50

Commerce, Science, and Transportation

To hold hearings on telecommunications policy reform issues, focusing on cable rates, broadcast, and foreign ownership.

SR–253

Environment and Public Works

To hold hearings to examine the impact of regulatory reform proposals on environmental and other laws within the jurisdiction of the committee.

SD–406

Special on Aging

To hold hearings to examine the scope of health care fraud.

SH–216

10:00 a.m.

Energy and Natural Resources

Energy Production and Regulation Subcommittee

To hold hearings on S. 92, to provide for the reconstitution of outstanding repayment obligations of the Administrator of the Bonneville Power Administration for the appropriated capital

investments in the Federal Columbia River Power System.
SD–366

Foreign Relations
To hold hearings on S. 5, to clarify the war powers of Congress and the President in the post-Cold War period, and H.R. 7, to revitalize the national security of the United States.
SD–419

Governmental Affairs
Business meeting, to mark up proposed legislation to reform the Federal regulatory process.
SD–342

Labor and Human Resources
Aging Subcommittee
To hold oversight hearings on the implementation of the Older Americans Act, focusing on Title III.
SD–430

2:00 p.m.
Foreign Relations
To continue hearings on S. 5, to clarify the war powers of Congress and the President in the post-Cold War period, and H.R. 7, to revitalize the national security of the United States.
SD–419

MARCH 22

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the United States Fish and Wildlife Service, Department of the Interior.
SD–192

Energy and Natural Resources
To hold oversight hearings to review a report prepared for the committee on the clean-up of Hanford Nuclear Reservation.
SD–366

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Natural Resources Conservation Service, Department of Agriculture.
SD–138

Judiciary
To hold hearings on an analysis of Federal assistance to State and local law enforcement agencies.
SD–226

2:30 p.m.
Indian Affairs
To hold hearings on S. 441, to authorize funds for certain programs under the Indian Child Protection and Family Violence Prevention Act.
SR–485

MARCH 23

9:00 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR–253

9:30 a.m.
Labor and Human Resources
Education, Arts and Humanities Subcommittee
To hold oversight hearings on direct lending practices.
SD–430

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Railroad Administration, Department of Transportation, and the National Passenger Railroad Corporation (Amtrak).
SD–192

2:00 p.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Bureau of Alcohol, Tobacco and Firearms and the United States Customs Service, Department of the Treasury.
SD–192

Armed Services
Personnel Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense and the future years defense program, focusing on the Department of Defense medical program and related health care issues.
SR–222

Environment and Public Works
Transportation and Infrastructure Subcommittee
To hold hearings on proposed legislation to approve the National Highway System and transportation issues related to clean air conformity requirements.
SD–406

3:00 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Institutes of Health, Department of Health and Human Services.
SD–138

MARCH 24

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Housing and Urban Development.
SD–138

MARCH 27

2:00 p.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Executive Office of the President, and the General Services Administration.
SD–138

MARCH 28

9:30 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on Army programs.
SD–138

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Bureau of Land Management, Department of the Interior.
SD–116

Governmental Affairs
Oversight of Government Management and The District of Columbia Subcommittee
To hold oversight hearings to examine initiatives to reduce the cost of Pentagon travel processing.
SD–342

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for foreign assistance programs, focusing on African humanitarian and refugee issues.
SD–192

MARCH 29

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

Special on Aging
To hold hearings to examine ways that individuals and families can better plan and pay for their long term care needs.
SD–628

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Food Safety and Inspection Service, Animal and Plant Health Inspection Service, Agricultural Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, all of the Department of Agriculture.
SD–138

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Judiciary, Administrative Office of the Courts, and the Judicial Conference.
S–146, Capitol

10:30 a.m.
Indian Affairs
Business meeting, to consider pending calendar business.
SR–485

MARCH 30

9:30 a.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 506, to reform Federal mining laws.
SD–366

Rules and Administration
To hold hearings to examine the future of the Smithsonian Institution.
SR–301

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of AMVETS, American Ex-Prisoners of War, Vietnam Veterans of America, Blinded Veterans Association, and the Military Order of the Purple Heart.
345 Cannon Building

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Aviation Administration, Department of Transportation.
SD-192

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold oversight hearings on the implementation of the science programs of the National Science Foundation and activities of the Office of Science and Technology Policy (Executive Office of the President).
SR-253

Environment and Public Works
Transportation and Infrastructure Subcommittee
To resume hearings on proposed legislation to approve the National Highway System and other related transportation requirements.
SD-406

MARCH 31

9:30 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation to strengthen and improve United States agricultural programs, focusing on agricultural credit.
SR-332

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Veterans Affairs, the Court of Veteran's Appeals, and Veterans Affairs Service Organizations.
SD-138

APRIL 3

2:00 p.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Internal Revenue Service, Department of the Treasury, and the Office of Personnel Management.
SD-138

APRIL 4

9:30 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation to strengthen and improve United States agricultural programs, focusing on market effects of Federal farm policy.
SR-332

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Park Service, Department of the Interior.
SD-138

APRIL 5

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Aeronautics and Space Administration.
SD-192

Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the U.S. Forest Service land management planning process.
SD-366

Rules and Administration
To resume hearings to examine the future of the Smithsonian Institution.
SR-301

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Agricultural Research Service, Cooperative State Research, Education, and Extension Service, Economic Research Service, and the National Agricultural Statistics Service, all of the Department of Agriculture.
SD-138

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Immigration and Naturalization Service, and the Bureau of Prisons, both of the Department of Justice.
S-146, Capitol

2:30 p.m.
Indian Affairs
To hold oversight hearings on welfare reform in Indian Country.
SR-485

APRIL 6

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Emergency Management Agency.
SD-138

10:00 a.m.
Environment and Public Works
Transportation and Infrastructure Subcommittee
To hold hearings on proposed legislation to approve the National Highway System, issues related to the Woodrow Wilson Bridge, and the innovative financing of transportation facilities.
SD-406

2:00 p.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of the Treasury and the Office of Management and Budget.
SD-116

APRIL 26

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for energy conservation.
SD-116

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Food and Consumer Service, Department of Agriculture.
SD-138

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Legal Services Corporation.
S-146, Capitol

11:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for fossil energy, clean coal technology, Strategic Petroleum Reserve, and the Naval Petroleum Reserve.
SD-116

APRIL 27

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Transit Administration, Department of Transportation.
SD-192

MAY 2

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Forest Service of the Department of Agriculture.
SD-138

MAY 3

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Environmental Protection Agency, the Council on Environmental Quality, and the Agency for Toxic Substances and Disease Registry.
SD-192

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Agriculture.
SD-138

MAY 4

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the United States Coast Guard, Department of Transportation.
SD-192

MAY 5

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for Environmental Protection Agency science programs.

SD–138

MAY 11

10:00 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Bureau of Indian Affairs, Department of the Interior.

SD–116

1:00 p.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Indian Health Service, Department of Health and Human Services.

SD–116

MAY 17

9:30 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of the Interior.

SD–192

HOUSE OF REPRESENTATIVES—*Thursday, March 16, 1995*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. LINDER].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 16, 1995.

I hereby designate the Honorable JOHN LINDER to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, for those blessings that make life meaningful and cause us to be the people You would have us be. Especially do we offer our thanksgivings for faith and hope and love which are Your gifts to us and without which we do not reflect Your grace or Your divine image. For faith—to see more clearly Your purposes for us; for hope—to rise above the concerns of the day with trust in Your providence; for love—to be reconciled with others in respect and with the knowledge that we are all Your people blessed by Your spirit and encouraged by Your presence. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore (Mr. LINDER). The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Colorado [Mr. HEFLEY] come forward and lead the House in the Pledge of Allegiance.

Mr. HEFLEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will state that according to a previous agreement, there will be five 1-minutes on each side.

REPUBLICAN CONTRACT WITH AMERICA

(Mr. JONES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES. Mr. Speaker, our Contract With America states the following: on the first day of Congress, a Republican House will require Congress to live under the same laws as everyone else; cut committee staffs by one-third; and cut the Congressional budget.

We kept our promise.

It continues that in the first 100 days, we will vote on the following items: A balanced budget amendment—we kept our promise; unfunded mandates legislation—we kept our promise; line-item veto—we kept our promise; a new crime package to stop violent criminals—we kept our promise; national security restoration to protect our freedoms—we kept our promise; Government regulatory reform—we kept our promise; commonsense legal reform to end frivolous lawsuits—we kept our promise; welfare reform to encourage work, not dependence; family reinforcement to crack down on deadbeat dads and protect our children; tax cuts for middle-income families; Senior Citizens' Equity Act to allow our seniors to work without Government penalty, and Congressional term limits to make Congress a citizen legislature.

This is our Contract With America.

POTOMAC PORK PALACE

(Mr. BROWDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWDER. Mr. Speaker, here is the latest beltway boondoggle. U.S. Army bosses are shortchanging the American soldier in order to build a Potomac pork palace in Washington, DC.

The Army is asking $17 million to buy private land—land assessed for taxes at only $10 million—for construction of a museum overlooking the Potomac River and Washington's monuments. Here is the kicker. The Army already has 48 museums throughout the country.

I am shocked that the Army Secretary and Chief of Staff would ask for such an expenditure when we are having to cut everything—personnel, training, bases—in our military.

This is extravagance. The taxpayers money should be spent on something more critical for the national defense.

Mr. Speaker, I am going to try to redirect this $17 million to something our fighting men and women really need.

I encourage other Members of this body to contact me if they are interested in killing "Fort Pork-on-the-Potomac."

RECOGNIZE FREE CHINA NOW

(Mr. FUNDERBURK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUNDERBURK. Mr. Speaker, the State Department has launched another of its vendettas against the free people of the Republic of China. Not content to ostracize Taiwan from the world community, the Clinton administration has imposed humiliating sanctions on Free China while it curries favor with the brutal communist gerontocracy in Communist China.

Despite an outpouring of goodwill from the American people and the Congress, this administration continues its "One China" policy with a regime which represses its own people and floods America with cheap goods made by slave labor. Incredibly, the White House refused to permit the President of Taiwan to leave his plane while it stopped in Hawaii. President Lee was scheduled to receive the distinguished alumnus award from his alma mater, Cornell University, in June. But, the Foggy Bottom bureaucrats will not let him in the country. Yet the same bureaucrats let Castro and Arafat come to New York and they host fancy receptions for Assad and Ortega.

We have aided and abetted the Communist plan to isolate Taiwan. Once a permanent member of the U.N. Security Council, only 29 countries now recognize Taiwan.

Mr. Speaker, Taiwan has been a loyal ally for 50 years. It is the world's 19th largest economy. In the name of justice we must fully recognize Taiwan, return her to the United Nations, and turn our moral and economic force against the real villains—the mainland Communists. Mr. Clinton, recognize Taiwan now.

DEMOCRATS WILL WORK NEXT WEEK TO BRING ABOUT REAL WELFARE REFORM

(Mr. LEVIN asked and was given permission to address the House for 1

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

minute and to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, the House Republican extremist express is headed into overdrive next week. The Republican welfare reform proposal is soft on linking welfare to work, which must be the linchpin of welfare reform, and it is hard on punishing children, when the aim of welfare reform should be to help children break out of the cycle of dependency and poverty.

The Republican plan would allow States to meet participation rates if not a single person on welfare in the State were moved from welfare to work, and it would punish kids if their mother is under 18, if they are a second child in a family, or handicapped, or in foster care.

Republicans are saying "Live by the book, by the words of the Contract," regardless of the consequences. Welfare reform is vitally needed, real welfare reform. Democrats will work next week to bring that about, not to recklessly ride over the cliff with the Republican proposal.

LIBERAL DEMOCRATS SHOULD EITHER PUT UP OR SHUT UP

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, I have some graphs here to illustrate the differences in the way Republicans approach leadership and the way liberal Democrats approach leadership. The first graph I have here shows how Republicans will increase funding and grow children, not government, through WIC and school lunch programs.

The next chart shows how Republicans plan to change welfare for the better. The next chart shows how American families will benefit from meaningful tax relief we sponsor. This final graph shows the Republican plan to balance the budget by the year 2002.

Now, look closely. Here is the liberal Democrat plan to cut spending. Here is the liberal Democrat plan to provide tax relief to American families. Here is the liberal Democrat plan to change welfare. Finally, Mr. Speaker, here is their plan in detail, I might add, to balance the budget.

Mr. Speaker, liberal Democrats offer no vision. Here is our plan. Friends on the other side, it is time to put up or shut up.

TERM LIMITS

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTIERREZ. Mr. Speaker, I hear plenty of Republicans talk tough about those who are living off of the taxpayers' money.

I hear Republicans say "it was never meant to become a way of life."

I hear them say that "these people need to get real jobs" and that "we have to cut additional benefits right away."

Instead of cracking down on mothers and children who need some help, they should apply these same tough standards to the career politicians who have spent decades on the public payroll.

Now, you will hear plenty of Republicans—including those who have spent their entire adult lives inside Washington—say that they support term limits.

But, if they really mean it, then I expect them to support an amendment to make term limits immediate.

If you really support a 12-year limit, and if you have been here 12 years, it is time to pack up.

They talk about tough love for those receiving government assistance.

Well then, I can certainly offer that same tough love to Members of this House who say that they support term limits, but are having a little trouble kicking the congressional habit.

CHEAP TALK, EXPENSIVE FISH

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, the Republican rescission package that we have been considering over the last couple of days includes emergency funding for earthquake disaster relief. To pay for this relief, the bill includes $17.2 billion in rescissions across the Federal Government.

In light of the Democratic opposition to the bill, go with me for a moment to those thrilling days of yesteryear about 2 years ago. Bill Clinton was the newly elected President. He asked Congress to pass another emergency funding package. This time, however, the package was bigger. It was $16 billion in new spending. There were no offsets. The $16 billion went directly to the deficit.

What national emergency was Bill Clinton confronting? He said we needed a national fish atlas, and to assess electronic fish habitat technology, and study the sickle fish chub populations. Mr. Speaker, Bill Clinton began his Federal diet by offering Uncle Sam $16 billion in pork. Today the new Republican majority is making real decisions and real cuts.

THE PERSONAL RESPONSIBILITY ACT

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, next week when we consider H.R. 4, the Personal Responsibility Act of 1995, I hope we will have a fair rule. I hope we will have an open rule. I have filed two amendments that I would present if the rules allow. My first amendment would eliminate the language creating a block grant that will restore fair food assistance program.

My second amendment will provide that those who are required to work as a condition of their assistance at least be paid the minimum wage.

Mr. Speaker, both of these amendments deserve consideration. They deserve debate. They deserve a vote by the House. Converting nutritional programs to block grants is a major change. Forced labor at less than minimum wage is a significant policy decision.

It will be most unfortunate, Mr. Speaker, if Americans are denied an opportunity to or are closed out of this debate and discussion. Let us have an open rule. Let us have a vigorous debate. Let America understand where we stand on these very important issues.

REPUBLICANS' TAX RELIEF BILL WILL PROVIDE TAX RELIEF WHILE CUTTING FEDERAL GOVERNMENT WASTE AND FAT

(Mr. HOKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOKE. Mr. Speaker, the liberals who ran Congress for 40 years could never seem to get enough of the taxpayers' money. Every year they would come here and moan and complain that they just did not have enough money to do all those wonderful things that government does.

Since the Reagan tax cuts of 1981, there have been six major tax increases in this country: 1982, 1983, 1987, 1988, 1990, and 1993. With the passage of each of these, we were assured by the liberals that this was the tax hike that would put us on the road to fiscal recovery. Meanwhile, spending continued to spiral out of control and the debt continued to mount. No nation has ever taxed itself to prosperity.

Mr. Speaker, the American people have had enough. The Committee on Ways and Means just reported a bill that will shift the balance away from the Government and back to the people. The bill provides tax relief for families, small businesses, and Social Security recipients targeted by the Clinton tax hikes.

To pay for these cuts, we cut the waste and the fat out of a bloated Federal bureaucracy and government that has completely lost touch with the American people. we are taking the power out of Washington and putting it back where it belongs, with the people.

□ 1015

PROVIDING FOR ADJOURNMENT OF HOUSE FROM TODAY UNTIL TUESDAY NEXT

Mr. LIVINGSTON. Mr. Speaker, I send to the desk a privileged concurrent resolution (H. Con. Res. 41) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 41

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, March 16, 1995, it stand adjourned until 12:30 p.m. on Tuesday, March 21, 1995.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate disagrees to the amendment of the House to the bill (S. 244) "An Act to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes," agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ROTH, Mr. COHEN, Mr. COCHRAN, Mr. GLENN, and Mr. NUNN to be the conferees on the part of the Senate.

The message also announced that pursuant to Senate Resolution 105, adopted April 13, 1989, as amended by Senate Resolution 280, adopted October 8, 1994, the Chair, on behalf of the majority leader, announces the appointment of Mr. CHAFEE, Mr. WARNER, Mr. COCHRAN, Mr. NICKLES, Mr. SMITH, Ms. SNOWE, and Mr. KYL as members of the Senate Arms Control Observer Group.

The message also announced that pursuant to Public Law 102-138, the Chair on behalf of the President pro tempore, and upon the recommendation of the minority leader, appoints Mr. HEFLIN as vice chairman of the Senate delegation to the British-American Interparliamentary Group during the 104th Congress.

The message also announced that pursuant to Public Law 102-166, the Chair, on behalf of the majority and minority leaders, appoints Ms. SNOWE as a member of the Glass Ceiling Commission, vice Mr. COVERDELL, resigned.

The message also announced that pursuant to Public Law 95-521, the Chair, on behalf of the President pro tempore, appoints Thomas B. Griffith as Deputy Senate Legal Counsel, effective March 13, 1995.

The message also announced that pursuant to Public Law 96-114, as amended, the Chair announces, on behalf of the majority leader, the appointment of Mr. CRAIG to the Congressional Award Board.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE AND RESCISSIONS FOR FISCAL YEAR 1995

The SPEAKER pro tempore (Mr. LINDER). Pursuant to House Resolution 115 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1158.

□ 1015

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes, with Mr. BEREUTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, March 15, 1995, amendment No. 66, offered by the gentleman from California [Mr. ROHRABACHER], had been disposed of and the bill was open for amendment at any point.

Two hours and 3 minutes remain for consideration of amendments under the 5-minute rule.

Are there further amendments to the bill?

PREFERENTIAL MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. OBEY moves that the Committee rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] will be recognized on his preferential motion. Five minutes will be allowed on each side. The gentleman from Louisiana [Mr. LIVINGSTON] will control the other 5 minutes.

Is the gentleman from Louisiana opposed to the motion?

Mr. LIVINGSTON. I am, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, let me simply say that I am moving to strike the enacting clause to give the House an opportunity to reconsider what it is about to do on this legislation today.

Everyone recognizes in this House that we need to save money. Let me stipulate again as I have throughout the process, I fully support cutting every dollar in the macro amount, in the total amount in this bill.

The only dispute that we have on the Democratic side of the aisle with those on the Republican side of the aisle is where you cut the dollars in this bill and where you do not. We think you ought to change the targets. We think you ought to cut more congressional pork, for instance. We think you ought to reconsider your decision to prevent the Coleman amendment from coming to the floor which would have allowed us to cut $400 million in Members' highway pork. We think you ought to reconsider your decision to prevent us from offering an amendment which delays for 5 years the construction and purchase of the F-22 aircraft. The F-22 aircraft is meant to replace the F-15. The F-15 is the best fighter in the world. Nobody can come close to that fighter. For us to move to replace the F-15 with the F-22 when the F-15 clearly has a military life extending out to the year 2014, for us to decide we are going to buy the replacement plane at $150 million a copy is budgetary nonsense.

We think that we ought to delay the construction of the F-15 for 5 years so that you can save $7 billion so that you do not have to cut school lunches by $7 billion. We think that is a better tradeoff.

We think you ought to cut less in the programs that you have targeted that hit kids. We think we should not cut public broadcasting to the extent that you have cut it. We are willing to take a small cut. We think you should not cut Healthy Start. We think you should not eliminate summer jobs for 610,000 kids around the country. We think you should not do what you are doing on the school lunch program. We think you should not cut 100,000 scholarships for kids who need it.

Our concern is that this bill mirrors what you are trying to do with the tax bill.

On the tax bill, you have a capital gains provision which provides 75 percent of the benefits to people who make more than $100,000 a year. It is elitist. We think you should not in your tax bill have the provision which eliminates the requirement which we have had for years that requires Fortune 500 corporations to pay taxes. We do not think we ought to go back to the days when you had companies like AT&T, Du Pont, General Dynamics, Pepsico, Texaco, Greyhound, Panhandle East, W.R. Grace, et cetera, et cetera, who paid no taxes. We think this bill mirrors that mistake that you make in your tax package.

What I would simply say to you is this: We believe that this bill is warped and we believe there is no underlying sense of decency in the way the cuts are focused in this bill.

I would ask, in the words of Joseph Welch, the great counsel to the Army during the Army-McCarthy hearings, I would ask with respect to the targets you have selected in this bill, "Have you no sense of decency?"

Why on earth attack children? Why on earth say to 2 million senior citizens, "We are going to make you choose between paying your prescription drug bills and paying your home heating bills"? Why on earth do you do that?

Some of you say, well, seniors will still get their heating paid because the ulilities will be required to provide that heat. The fact is an awful lot of seniors get their heat from fuels that are not publicly regulated. So there is no guarantee that they do not get shut off in 30-below-zero weather.

Why on earth would you say to 2 million seniors who make less than $10,000 a year that you are not going to help them meet the cost of their heating bills so that they have to choose between food, prescription drugs, and heat. This is a merciless bill and you ought to go back to the committee and start over.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Missouri.

Mr. VOLKMER. I would just like to commend the gentleman both for the motion and for his statement, and I would like to point out to the gentleman and the Members of this body that on the home heating issue, I live in northeast Missouri. We have a lot of senior citizens all over northeast Missouri that are going to be impacted by this bill.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana [Mr. LIVINGSTON] for 5 minutes.

Mr. LIVINGSTON. Mr. Chairman, I oppose the gentleman's motion, and I urge this House to adopt this bill. Postponing the will of Congress, delaying this effort for another 10 minutes, half an hour or whatever is not going to have any effect. The American people have waited long and hard for some common sense and wisdom in congressional handling of their hard-earned money. For far too long, we have reached deeply into their pockets, and we have seized the cash they have worked so hard for, and we have consistently told them how it should be spent and why they should be happy that we are spending it that way.

Mr. Chairman, the American people have waited too long for fiscal sanity, and while this is only the first step, only the beginning, the fact is that this bill, the largest rescission bill in the history of this country, the largest rollback in previously appropriated funds by a liberal spendthrift Congress, is the first step toward fiscal sanity and a balanced budget and it must be taken. I urge that this motion be rejected, that we go forward, and that we adopt this bill.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Wisconsin [Mr. OBEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This will be a 17-minute vote.

The vote was taken by electronic device, and there were—ayes 187, noes 228, not voting 19, as follows:

[Roll No. 247]

AYES—187

Abercrombie
Ackerman
Andrews
Baesler
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
Deal
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Laughlin
Levin
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—228

Allard
Archer
Armey
Bachus
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cunningham
Davis
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Sensenbrenner
Shadegg
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zimmer

NOT VOTING—19

Baker (CA)
Baldacci
Becerra
Clinger
Collins (IL)
Collins (MI)
Cubin
DeFazio
Dooley
Dornan
Johnson, E.B.
Lewis (GA)
Mfume
Moran
Murtha
Nadler
Seastrand
Shaw
Zeliff

□ 1044

Messrs. KENNEDY of Massachusetts, EDWARDS, FOGLIETTA, and MEEHAN changed their vote from "no" to "aye."

Mr. CRAPO changed his vote from "aye" to "no."

So the preferential motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BALDACCI. Mr. Chairman, I was at a meeting with a delegation and missed rollcall No. 247. Had I been here, I would have voted in the negative.

PERSONAL EXPLANATION

Mr. BECERRA. Mr. Chairman, I was unavoidably detained this morning and was not on the floor when rollcall vote 247 was taken. This was the motion offered by Mr. OBEY to strike the enacting clause. Had I been here, I would have voted "aye."

AMENDMENT OFFERED BY MR. SHAYS

Mr. SHAYS. Mr. Chairman, I offer an amendment listed in the March 13 CONGRESSIONAL RECORD as amendment No. 70.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SHAYS: Page 50, beginning on line 6, strike "$186,000,000 shall be from amounts earmarked for housing opportunities for persons with AIDS;".

Conform the aggregate amount set forth on page 49, line 14, accordingly.

Page 54, line 18, strike "$38,000,000" and insert "$224,000,000".

Mr. OBEY. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] reserves a point of order.

Is the gentleman opposed to the amendment as well?

Mr. OBEY. Mr. Chairman, I reserve a point of order on the amendment, Mr. Chairman, and I claim the time in opposition.

The CHAIRMAN. The gentleman from Connecticut [Mr. SHAYS] will be recognized for 15 minutes, and the gentleman from Wisconsin [Mr. OBEY] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Connecticut [Mr. SHAYS].

Mr. DELAY. Mr. Chairman, I also reserve a point of order on this amendment.

The CHAIRMAN. The distinguished majority whip, the gentleman from Texas [Mr. DELAY] reserves a point of order on the amendment.

Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume to speak in support of an amendment to restore $186 million for people with AIDS, housing for people with AIDS.

Mr. Chairman, the purpose of this amendment is to restore a cut that was made in the Committee on Appropriations that basically eliminated all 1995 appropriations for HOPWA. This is the funding that enables people throughout the country who are providing those with AIDS with housing.

We have Ryan White funds, and that provides services for people with AIDS, but HOPWA provides the housing for people with AIDS, Mr. Chairman.

Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. FLANAGAN].

Mr. FLANAGAN. Mr. Chairman, I rise in support of the Shays amendment and commend my colleague, Congressman CHRISTOPHER SHAYS, for his leadership on this issue.

Mr. Chairman, I have volunteered as a counselor for PWA's at the Howard Brown Memorial Center in Chicago. I have seen those suffering from this devastating disease die. I have seen those unfortunate enough to have contracted AIDS ostracized and abandoned by family and friends alike. I know the cruelty of AIDS and how that cruelty extends beyond the horrific parameters of the disease itself.

For many PWA's there is no place to turn, no place to go, no place to think of as home during their precious waning moments of time on Earth. Like victims of the Black Death in the 14th century, and those sent to leper colonies in the 19th and early 20th centuries, PWA's often are brutally ostracized by family and community alike.

The AIDS patients I have known and counseled did not want to be a burden to society. That was never their intent. But, many have been economically destroyed, and have seen the last of their financial resources, because of this crippling disease. AIDS patients are ravaged not just physically and economically, but mentally, socially, and politically as well. These are people truly in need.

When all else fails, and personal resources are exhausted, the Government has a proper role to play in assisting those in need, those who can no longer help themselves. It is for this reason that I truly believe it necessary to restore the $186 million in funding for housing opportunities for PWA's. These are people who desperately need our help. They have nowhere else to turn.

A decade and a half ago AIDS was unknown. Now, we have just recently seen the latest statistics that show that today, AIDS is the No. 1 killer for all Americans aged 25 to 44. Among our younger population, it ranks as the sixth leading killer for those between ages 15 to 24. Among women, AIDS is the fourth leading killer, but it is expected to rise some time in the next few years to the No. 2 position. Overall, AIDS has leapt up to become the eighth leading cause of death in America.

At the end of last year, the death toll from AIDS for the United States was 270,870. Although there is nothing that can be done for those who have already passed on, there is something that can be done for those who are still with us. We can help provide them with housing opportunities. We can support the Shays amendment.

PWA's suffer a lonely existence. Their inability to be institutionalized assures it. While it is difficult to know exactly what the total cost of institutionalization would be on a yearly basis, I am certain that moneys spent for housing opportunities for PWA's would be far less.

In fact, the statistics I have seen show that the average daily cost of an AIDS acute care bed is $1,085. Providing housing and services to AIDS patients in a residential setting, however, costs between one-tenth to one-twentieth less than acute care. According to the Human Rights Campaign Fund, by using a residential setting, the use of emergency health care services is thereby cut by $47,000 per person per year.

It is tragic to me that there are studies that show that about 30 percent of the people with HIV disease are in acute-care hospitals due to the fact that no community based housing alternative is available for them. Without restoration of the $186 million for housing opportunities for people with AIDS, 50,000 more people could either wind up on the streets or also in costly acute care beds.

Homelessness and costly beds are not acceptable solutions to the housing problem for PWA's. The Shays amendment is.

To those who say there is not public support for helping people with AIDS, I suggest they look at the latest bipartisan poll, taken in late February 1995, by the highly respected Republican polling firm the Tarrance Group and the well regarded Democrat polling firm Lake Research. The results of their polling shows that an overwhelming 77 percent of the people want to maintain or increase Federal funding for the care of PWA's.

As a Republican, I was intrigued to find out that of the people polled, 66 percent of Republican men and over 70 percent of Republican women support Federal AIDS funding at the current levels or above. Rest assured, however, my interest in helping PWA's does not come as a consequence of any poll. My long record on this issue surely speaks for itself. By citing the Terrance-Lake poll I only wish to make the point that there is support for Federal assistance for PWA's among members of my party.

Based on my own experience in counseling AIDS patients, I firmly believe that restoring the $168 million for housing opportunities for PWA's is a necessity. It saves money for the American taxpayer. Equally as important, it saves dignity for those suffering from the cruel consequences of AIDS by giving them a home during their dwindling moments with us.

Mr. Chairman, I support the Shays amendment without hesitation or reservation. I urge my colleagues to do the same.

Mrs. LOWEY. Mr. Chairman, I rise in support of this amendment. The cuts in this bill to the HOPWA Program, which this amendment restores, will be devastating to thousands of individuals with AIDS and their families.

In New York City alone, almost 1,000 people living with AIDS would be in danger of being put out onto the streets if these funds are rescinded. And make no mistake, Mr. Chairman, the costs to society of throwing 1,000 persons with AIDS out onto the streets are far greater than the cost of providing them with housing. Hospitals are, by law, prohibited from denying emergency medical care, and it should come as no surprise that these individuals without housing will turn to hospitals. The average cost of hospital care for people with AIDS is 10 times the cost of home care.

AIDS is a public health emergency, and we should treat it as such. The HOPWA Program is cost-effective and humane, and its elimination will result in greater costs to our entire social network. It will tax our already overcrowded hospital system, and will leave members of one or our Nation's most vulnerable populations homeless.

It is estimated that while someone can live for 10 years with AIDS, the life expectancy for a person with AIDS who is homeless is 6 months. Mr. Chairman, eliminating this program would be cruel and unusual punishment to AIDS patients and their families who are already suffering immensely. The HOPWA Program will save money and keep families together. Support the Shays amendment.

Mrs. KENNELLY. Mr. Chairman, I rise in strong support of the Shays amendment to restore vital assistance to one of our Nation's most vulnerable groups—people living with AIDS. In the absence of a cure or an effective treatment, the HOPWA Program provides what AIDS patients need most—a home, a place to restore their strength and hope.

In my own State of Connecticut, perhaps 25,000 people are HIV-positive; of these, close to 5,000 have AIDS. Yet decent affordable housing is in drastically short supply. In 1993, for example, there were 309 requests for housing in Hartford; yet only 21 individuals and 4 families with children were accommodated. Statewide, in the same year, only 141 of 1,000 requests for housing could be filled.

Mr. Chairman, I could argue against cutting HOPWA because the amount of money involved in vanishingly small in the vast sea of the budget deficit. I could argue against it on the grounds that it actually saves money, making it possible for people to leave hospitals and go to much less expensive housing. But the most telling argument, I believe, is that penalizing the most vulnerable in our society is simply wrong. We are a better country than that. We can do better than that. And I urge my colleagues to do so. Support this amendment.

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. OBEY] wish to press or withdraw his reservation of a point of order?

Mr. OBEY. Mr. Chairman, I withdraw my reservation. I would also withdraw my request to manage time against the amendment. I thought the gentleman was offering a different amendment, and I do not have an objection to this amendment.

The CHAIRMAN. Does any other Member insist on a point of order at this time?

Mr. LIVINGSTON. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Louisiana [Mr. LIVINGSTON] is recognized on his point of order.

Mr. LIVINGSTON. Mr. Chairman, I will not make a point of order, but I would like to address a colloquy to the gentleman from Connecticut.

The CHAIRMAN. Is the gentleman from Louisiana requesting time in opposition to the amendment?

Mr. LIVINGSTON. I am asking for the time, Mr. Chairman.

The CHAIRMAN. The gentleman from Louisiana [Mr. LIVINGSTON] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I shall not use the 15 minutes. I would just like to extend my congratulations to the gentleman from Connecticut. I know he cares deeply about this subject, and he has struggled long and hard in an attempt to get this matter heard.

I know he has great reservations about the mark in subcommittee and full committee on this particular program. I have spoken with the subcommittee chair, and I know that he likewise feels strongly about his position.

I have to tell the gentleman that, in terms of research, aside from housing, but in terms of research, I looked at the figures recently on AIDS. I found that this country spends $1,000 per afflicted patient on AIDS recipients, about $500 per afflicted patient on cancer recipients, as little as $25 per afflicted patient for those with Parkinson's disease, and a little bit more than that for those afflicted with Alzheimer's. So there is an imbalance on research.

I dare say that on housing and the like, AIDS patients get more than their share of money when compared to other afflicted patients.

Now, that does not intend to minimize the suffering that people undergo if they are afflicted with AIDS. It does not diminish the intensity of the concern that the gentleman from Connecticut and all those who support his bill feel for people who are truly in suffering.

I would suggest or I would ask the gentleman, if I might have the gentleman's attention, I would ask the gentleman to consider withdrawing this amendment at this time and I will assure the gentleman that he will get full representation and a full opportunity to discuss the matter with those of us in conference. While I cannot concede any position to the gentleman on the part of the conferees, I would just like to ask the gentleman to withdraw his amendment, and I would simply assure the gentleman that I would be happy to discuss with the gentleman his points in favor of this provision, and I personally would be happy to bring it up at the conference.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. LIVINGSTON. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate my colleague yielding.

I want the Members to understand very clearly that this rescission did not reflect in any way, shape, or form a lack of concern for this problem. This Member takes no back seat to any Member regarding this issue.

I introduced the first resolution regarding evaluating strategies to deal with this problem in 1980 before most people knew what the problem was. I supported the first funding regarding research in this subject area years ago. The reality is that between 1992, in this program, and 1994, we accumulated $306 million in this program. As of this moment, 86 percent of that money has not been spent.

It is a program in disarray because of a lack of effective management. Even with the rescission, money to meet fiscal year 1995 needs will remain available.

Mr. LIVINGSTON. Reclaiming my time, and I think I control the time, I would like to yield to the gentleman, could the gentleman elaborate on that? Has the gentleman inquired why they have not adequately spent the money? Is the program not being administered properly?

Mr. LEWIS of California. If the gentleman will yield further, it is suggested that HOPWA has complexities that cause time delays in the effective delivery of the money. The reality is that a whole array of programs for the disabled are mismanaged. There is duplication of management and an abundance of bureaucratic maneuvering.

We are simply in this amendment moving forward the President's proposal to eventually consolidate those efforts, and in turn recognizing that there is $267 million in the pipeline that will not be spent in 1995. So it is a very appropriate time for us to force reexamination, and that truly is what this amendment is about.

Mr. LIVINGSTON. Reclaiming my time, I would only want to congratulate the gentleman from California for his statement. I know he has the utmost sensitivity. I know all of the members of the subcommittee and the full committee have tremendous sensitivity for the subject at hand.

□ 1100

But we are in difficult times, and we have to understand that lots of people are suffering. There is much suffering in the world. We are doing the best we can to spread the resources that we have around to those who are afflicted. We would like to do it with an even hand.

Mr. Chairman, I would like to reserve the balance of my time and tender back the opportunity to the gentleman from Connecticut [Mr. SHAYS] to control his time.

The CHAIRMAN. Does any Member insist on a point of order?

Mr. DELAY. Mr. Chairman, I would like to reserve my point of order.

The CHAIRMAN. The Chair would ask the gentlemen to insist upon or withdraw their points of order at this time in order to conserve debate time.

Mr. LIVINGSTON. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The gentleman from Louisiana [Mr. LIVINGSTON] withdraws his point of order.

Mr. SHAYS. Mr. Chairman, I have a question to ask of the Chair, a parliamentary inquiry.

The CHAIRMAN. The Chair would recognize the gentleman from Connecticut [Mr. SHAYS]. Does the gentleman ask unanimous consent to withdraw his amendment?

Mr. SHAYS. No, I do not ask that. I have a parliamentary inquiry before I make that decision.

PARLIAMENTARY INQUIRY

Mr. SHAYS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SHAYS. Mr. Chairman, I want to be up front with every Member on both sides, even if I do not happen to agree with them.

I want the opportunity to use my 15 minutes to state the case on this issue. If the gentleman withdraws his point of order, is he allowed to bring it up in the future?

The CHAIRMAN. The Chair will not insist upon the gentleman from Texas [Mr. DELAY] insisting upon or withdrawing his point of order at this time. He may continue his reservation if he wishes.

With that ruling, the Chair recognizes the gentleman from Connecticut [Mr. SHAYS] on the remainder of his 15 minutes.

Mr. SHAYS. I thank the Chair.

My understanding is that I have 9 minutes remaining. Is that correct?

The CHAIRMAN. The gentleman from Connecticut [Mr. SHAYS] has 9 minutes remaining on his time.

Mr. SHAYS. Mr. Chairman, before yielding to my colleague, the gentleman from Wisconsin [Mr. GUNDERSON], and then to the gentleman from New York [Mr. SCHUMER], I would like to just point out that we are really talking about three issues. We are talking about AIDS research. My colleague is right in saying that we have spent a great deal of money on AIDS research, without the kind of payback we would like. We then talk about AIDS services and the Ryan White funds, to respond to that in a very sincere and serious way. Where we have a deficiency is housing for people with AIDS. We are housing people in hospitals at $1,000 a day instead of $100 or less for people with AIDS in housing for people with AIDS. This is what this amendment is attempting to address. I want to say to my colleague, the gentleman from California [Mr. LEWIS], I do not know of any greater champion on this issue. He has taken a hit he does not deserve.

The purpose of this amendment brought forth by many people is in no way to embarrass Mr. LEWIS, because, frankly, he is not deserving of some of the criticism he has received.

Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. I thank the gentleman for yielding this time to me.

Mr. Chairman, I want to make three or four quick points that people need to understand. The difference between AIDS and every other disease that has been mentioned is AIDS is the only infectious disease of all of these that was mentioned by the distinguished chairman of the committee.

But, second, I think we need to understand what HOPWA is all about.

Ladies and gentlemen, this is emergency housing for people, in most cases, in the final stages of AIDS who finally have been disowned by their parents, they have no place to go because of their sexual orientation. If you want to put these kinds of individuals on the street or in hospitals under Medicaid, it costs much greater. You need to understand what you are doing.

What we are pleading with the committee for is a commitment that we will not zero out fiscal year 1995 HOPWA funds. We can deal with the issue of emergency housing and Ryan White reauthorization for 1996 later on this year, but you cannot in good conscience zero out the fiscal year 1995 funds.

The gentleman from California said, "Well, there is some money in the pipeline." This is just exactly like the money that is in the pipeline in the Pentagon because this housing requires that the money be there, you then make the grant application, do the permits, you get the approval, you do the construction. So if we are going to say if you do not spend it all in 1 year you are not going to get it, we are going to have to—we have to totally revise the Pentagon budget. There is no difference systematically.

I plead with our colleagues, we have got to get a commitment we will not zero out the fiscal year 1995 HOPWA funds.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. I thank the gentleman for yielding this time to me.

I thank the gentleman not only for yielding the time but for his leadership on this issue.

HOPWA is an extremely important program, offered by the gentlewoman from California [Ms. PELOSI] and myself several years ago. It has been remarkably successful.

As the gentleman from Wisconsin pointed out, not only is it humane, these are people who are dying and who will be on the streets, but it is also cheaper. It is a lot cheaper to have someone in one of these HOPWA facilities than in a hospital where it costs far more, $500, $600, $700, $800 a day, to keep them. They are not treated in a way that is as humane, and it is more expensive.

As for the gentleman from California [Mr. LEWIS]—and I greatly respect his leadership on this issue—I would say to him that the reason the moneys are not expended is that 97 percent of the 1994 dollars have been authorized and appropriated. The reason they are not spent is because the groups have 3 years to do it, to build the housing and get the facility ready. It is like defense, any program with a long buildout. The money will be spent over the next few years. The 1995 moneys have not been allocated, because the Department of housing just put together a State-by-State analysis.

So I would appeal to him and others on his side to allow this amendment to go forward. It is a compassionate amendment. It saves dollars. This is not an issue of politics. This is a simple issue of compassion and decency, and I hope we could allow the vote to go forward.

Mr. Chairman, I yield to my colleague, the gentleman from New York [Mr. NADLER].

The CHAIRMAN. The gentleman from Connecticut [Mr. SHAYS] controls the time.

Mr. SCHUMER. Mr. Chairman, I was yielding the remainder of my 2 minutes to the gentleman from New York [Mr. NADLER].

The CHAIRMAN. The gentleman must remain standing.

Mr. NADLER. I thank the gentleman for yielding to me.

Mr. Chairman, this is a vital amendment. The HOPWA Program providing funds for housing for people with AIDS, for people who are dying, not only will save money, does save money, as my colleague from New York says, it provides money for housing for people who are dying who would otherwise be on the streets.

In my district, which is probably the epicenter of the AIDS epidemic, it is absolutely vital, and I urge its adoption.

Mr. SHAYS. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. LAZIO].

Mr. LAZIO of New York. Mr. Chairman, I want to thank the gentleman, my friend, the gentleman from Connecticut, and I rise in support of this amendment. I understand the difficult job that my colleagues on the Committee on Appropriations are laboring under in their effort to move toward a balanced budget, one that I share.

But I have to say this is one area we should not be cutting. In terms of HUD, there are 204 programs in HUD. And with the zeroing out of this program, there will be no other place for these people to receive funding. As my colleagues have said, there is a long spendout between authorization and construction to get these projects on line; they are completely correct.

At the same time, we are making dramatic reductions in the tenant-based section 8 program. So those people do not go on the waiting list and get a section 8 portable voucher to try to relieve their housing problem.

So my friends are right. Some of these people—families—are going to end up on the streets, they are going to die on the streets, and the other alternative is to have them in far more expensive institutional settings such as hospitals.

So I rise in strong support of this amendment.

Mr. SHAYS. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. I thank the gentleman for yielding this time to me. I thank the gentleman from Connecticut [Mr. SHAYS] also for his leadership on this issue.

I would like to address my remarks to the Chair, noting that I am pleased the chairman of the full committee is here, because what the purpose of what we are doing in the rescission bill is to reduce the deficit. I contend and maintain that to cut these funds will increase the deficit.

Our colleagues have pointed out that the reason we found this situation, Mr. SCHUMER, Mr. MCDERMOTT, and I, in the authorization was a number of years ago was to enable the private sector, the nonprofit sector, to minister to the needs of those with HIV and AIDS to prevent them from becoming homeless. Stress on the immune system is the worst possible thing you can do. Homelessness increases stress.

So this enables the continuum of services to be provided to people with HIV and AIDS; it keeps them out of hospitals, it eliminates the necessity for them to have other kinds of assistance, including income support.

I think if our goal is to reduce the deficit, we can do so by restoring these funds.

Mr. Chairman, it is also a compassionate thing to do.

The CHAIRMAN. The gentleman from Connecticut [Mr. SHAYS] has 2½ minutes remaining, and the gentleman from Louisiana [Mr. LIVINGSTON] has 10 minutes remaining.

Mr. SHAYS. I thank the Chair. I appreciate the graciousness of the chairman of the Committee on Appropriations for letting us proceed, and also the majority whip.

Mr. Chairman, I yield 30 seconds to my colleague, the gentleman from Kentucky [Mr. WARD], a former Peace Corps volunteer.

Mr. WARD. I thank the gentleman for yielding this time to me.

Mr. Chairman, we need to support this. We need always to remember that we are not talking about some people whom we will never meet. These are our sons, our daughters, our uncles, our aunts, our uncles, sisters, our brothers.

It will cost more to do it without making the changes this amendment purposes.

I rise in support of the amendment.

Mr. SHAYS. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, I want to conclude by making a few very basic points.

I arrived in this House in 1987 at the death of Stewart McKinney. Stewart McKinney died of AIDS. There is a real hero in this country named Lucie McKinney.

Lucie McKinney has devoted her life to people with AIDS.

She was not a public person while her husband was a congressman. She became a very public person. She works tirelessly night and day on this issue of, not AIDS research, not AIDS services, but providing homes for people with AIDS.

This has not been an easy task for her, because we have so many people who are on our streets, without homes, dying of AIDS. Occasionally and quite often they find themselves spending their last days in a hospital, at $1,000 a day.

Lucie McKinney provides this housing for them for one-tenth of that cost, with the help of the State, with the help of the Federal Government, and with the help of so many volunteers and people who contribute.

Mr. Chairman, this cause matters to me. It matters to many people in this Chamber. I sincerely believe cutting out the 1995 funds is a mistake, and it is a misunderstanding that this issue is continually being reviewed.

It is also my understanding that I could have had a Member, any Member here, raise a point of order at any time, and they had the graciousness to allow us to continue.

At this time I would just like to ask the Chairman of the Committee on Appropriations to clarify with me his request that I withdraw this amendment.

The CHAIRMAN. The time of the gentleman from Connecticut [Mr. SHAYS] has expired.

The gentleman from Louisiana [Mr. LIVINGSTON] maintains time.

The Chair recognizes the gentleman from Louisiana. [Mr. LIVINGSTON].

Mr. LIVINGSTON. I thank the chairman.

I would say to the gentleman from Connecticut [Mr. SHAYS] that if it is his intention to withdraw this amendment and if in fact he withdraws his amendment, that I would be happy to work with the gentleman and all of the people who have risen today to address this matter in conference.

Obviously, we cannot go forward today because I am confident that a point of order will be raised if in fact the gentleman persists in his motion. But should he withdraw it, I will work with him and work with the other body, and we will attempt to resolve the issue at least partially, if not in whole, to his satisfaction.

Mr. SCHUMER. Mr. Chairman, will the gentleman from Louisiana [Mr. LIVINGSTON] yield?

Mr. LIVINGSTON. I yield to the gentleman from New York.

Mr. SCHUMER. I thank the gentleman for yielding to me.

Mr. Chairman, I understand that the gentleman from Louisiana had said before that he would not object, and I understand there may be other objectors on his side. But this is such an important issue, it is a program that has worked with so little waste. I would ask others on the other side not to object and to allow this amendment to go forward. It seems to me there was a real mistake here made when they zeroed out the entire program. I would hope that we could moves this amendment forward in a bipartisan air of compassion and understanding as to what this is all about.

Mr. LIVINGSTON. Reclaiming my time, I have to tell the gentleman I have made my position clear. I cannot speak for all of the Members in the House. Any single Member has the right to make a point of order.

Therefore, I must again relay my offer to the gentleman. If he will withdraw, I will work with him. If he does not withdraw, then I cannot make the same offer.

Mr. Chairman, I would be delighted to yield, but think we have to move this because we have two or three other amendments that we must address before time runs out.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does the gentleman from Texas [Mr. DELAY] desire to press or withdraw his point of order?

□ 1115

Mr. SHAYS. Mr. Chairman, based on the dialog that has taken place in this instance with the chairman, and based on the courtesy of this House for allowing me to proceed on an amendment that could have been declared out of order, I ask unanimous consent to withdraw this amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

Mr. STUDDS. Mr. Chairman, reserving the right to object, I rise for two reasons: First of all, to commend the gentleman from Connecticut [Mr. SHAYS] who is carrying a very heavy burden in a very difficult place, and simply to remind Members that this is not a request for a proportionate share of bearing the burden of reductions amongst all our programs, that this is not a 2-percent, or a 5-percent, or a 10-percent cut. We are talking about people who are fatally ill and who have no home, and we are not asking them to share 2 percent or 5 percent of the pain we all have to share; we are asking them to go away and to die in the streets, and we are asking for zero funding.

Mr. Chairman, in Boston this means 244 people sick and homeless. That is unacceptable, and I object.

The CHAIRMAN. Objection is heard.

POINT OF ORDER

Mr. DeLAY. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DeLAY. Mr. Chairman, the gentleman's amendment seeks to amend a paragraph previously amended, and the procedures in the U.S. House of Representatives, chapter 27, section 27.1, states the following:

> It is fundamental that it is not in order to amend an amendment previously agreed to. Thus the text of a bill perfected by amendment cannot thereafter be amended.

Mr. Chairman, this amendment seeks to amend text previously amended, and is, therefore, not in order. I respectfully ask the Chair to sustain my point of order.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. SCHUMER. Mr. Chairman, I would submit that this is not out of order.

Mr. Chairman, what we have done here is in submission with the rule. We have taken money from an existing program. It is a program that was cut before. It is within the same walls, the VA-HUD appropriation. This is a narrowly restricted rule.

Mr. Chairman, the gentleman from Connecticut [Mr. SHAYS] and I worked long and hard, and we checked over and over again with the Parliamentarian to make this amendment, even within the confines of that terribly restrictive rule, to be in order because of the urgency of this program, and I would say that if an amendment like this which, A, cuts the same amount of money as it adds; B, cuts it from a program within the VA-HUD authorization/appropriation; and, C, cuts it from a program that has already been cut, is not in order, then in God's name what is, in this body, on this bill?

Ms. PELOSI. Mr. Chairman, I wish to be heard on the point of order. I wish to state that if the point of order of the gentleman from Texas [Mr. DeLAY] is in order, that just points to the ultrarestrictiveness of the rule under which this bill was brought to the floor because we did abide by——

Mr. DeLAY. Regular order, Mr. Chairman.

The CHAIRMAN. The gentlewoman from California will state her objection.

Ms. PELOSI. My objection is, as the gentleman from New York [Mr. SCHUMER] pointed out, that the amendment is in keeping with those criteria that were set out by the Committee on Rules that funds come from the same title and the same subcommittee allocation. The amendment does do that, and it would seem to me that it would be out of order to call a point of order against it on that score. If, in fact, it is so, it just again points to the restrictiveness of the rule when we are used to open rules on appropriations bills.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mrs. LOWEY. Mr. Chairman, I wish to be heard on the gentleman's point of order.

The CHAIRMAN. The gentlewoman will state her point.

Mrs. LOWEY. This to me just seems so unreasonable. This was taken out of the budget, it was taken out of the appropriate account. Not to be allowed to take a vote on this issue, considering the devastating impact of this on cities, on people——

Mr. DeLAY. Regular order, Mr. Chairman.

The CHAIRMAN (Mr. BEREUTER). The Chair is prepared to rule.

Under the precedents recorded in section 31 in chapter 27 of Deschler's procedure, the point of order of the gentleman from Texas [Mr. DeLAY] is sustained. It is consistent with the Chair's ruling yesterday on the amendment offered by the gentlewoman from Connecticut [Ms. DeLAURO].

PARLIAMENTARY INQUIRY

Mr. OBEY. Mr. Chairman, I would ask the Chair:

If I am not mistaken, the last three amendments that have been offered to this bill have come from the majority side of the aisle. Would it be possible for me to call up an amendment at this time?

The CHAIRMAN. Yes, the members of the committee have precedence, and it would be the minority's turn for recognition.

The Chair recognizes the gentleman from Wisconsin [Mr. OBEY] to offer an amendment.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment offered by Mr. OBEY: Page 25, line 12, strike "$82,775,000" and insert "$72,775,000".
>
> Page 26, line 4, strike "$50,000,000" and insert "$60,000,000".

Mr. LIVINGSTON. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Louisiana [Mr. LIVINGSTON] reserves a point of order on the amendment.

Mr. OBEY. Mr. Chairman, let me indicate that I am offering this amendment on behalf of the gentleman from Pennsylvania [Mr. FOGLIETTA] who is the real author of the amendment.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] is recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

Mr. LIVINGSTON. Mr. Chairman, I ask at the appropriate time to be recognized.

The CHAIRMAN. The gentleman from Louisiana [Mr. LIVINGSTON] will be recognized for 15 minutes.

Does the gentleman from Louisiana insist on his point of order at this time?

Mr. LIVINGSTON. Not at this time. I reserve my point of order, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I rise today to offer an amendment to restore funding for the Healthy Start Program. This small, Federal program is a proven success story in saving the lives of our Nation's infants. Healthy Start provides critical funds to cut down on high infant death rates in urban and rural communities across the country, from Philadelphia to Pee Dee, SC, from Milwaukee to the Mississippi Delta. Healthy Start provides education, prenatal care, clinical services and home health visits to pregnant mothers and their new babies.

My colleagues, the important part about this program is that it works. In my district, infant mortality rates are as high as Mexico or Panama. Before Healthy Start began, 14.2 Philadelphia babies died for every 1,000. After just 1 year, the rate has fallen to 11.7, when the national average is 8.9.

The rescissions package takes away $10 million of fiscal year 1995 funds for this life-saving program. Yet, every dollar makes the difference between life and death for babies in these communities. Not one baby's life should be scarified for the sake of paying for a tax cut package. We cannot let this happen.

I am proposing to restore funds for Healthy Start by taking an additional $10 million from the Buildings and Facilities account of the National Institutes of Health. I am told that the funds in this account will not be used as intended. The rescissions package takes back $50 million from this account. I am simply proposing to take an additional $10 million to fully fund this Health Start Program. I emphasize that none of the lifesaving activities of the NIH will be hindered by this additional rescission.

In cities like New Orleans and Oakland, in places like Northern Plains, SD and the Mississippi Delta, Healthy Start has just started to do the job. Let us finish the job of saving infants' lives by restoring this program of full funding.

I urge my colleagues to accept this amendment.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. FOGLIETTA. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, the gentleman is telling the Members of the House that this program, which to me in a very mean-spirited way is being cut by the majority, is actually to the benefit of infants and children.

Mr. FOGLIETTA. The gentleman is correct.

Mr. VOLKMER. And, no question, by cutting it they are saying that it is all right to do this to the infants and children of people here in the United States; is that correct?

Mr. FOGLIETTA. I would not speak for the majority, but I assume that is what the bottom line is.

Mr. VOLKMER. That is what happens; is it not?

Mr. FOGLIETTA. The gentleman is correct.

Mr. VOLKMER. And there is no question in the gentleman's mind and my mind that somewhere along the line this very same committee is going to fund programs that are going to take care of infants and children in other parts of the world?

Mr. FOGLIETTA. The gentleman is correct.

Mr. VOLKMER. So it is all right to take care of them someplace else, but we cannot do it for our own people. We have got to cut them out. Our people have to make all these sacrifices, and no one else does. We are going to take care of the rest of them, but we are not going to take care of our own.

Is that correct?

Mr. FOGLIETTA. Mr. Chairman, I believe we should be taking care of our own; that is correct.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. FOGLIETTA] has expired.

The Chair would inquire of the gentleman from Louisiana [Mr. LIVINGSTON] if he intends to press or withdraw his point of order.

Mr. LIVINGSTON. Mr. Chairman, if the gentleman has completed his time, I do intend to insist on my point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. LIVINGSTON. Mr. Chairman, I make a point of order against the amendment offered by the gentleman from Wisconsin [Mr. OBEY] because it seeks to amend the paragraphs previously amended. In the procedures in the U.S. House of Representatives, chapter 27, section 27.1, states——

Mr. VOLKMER. Mr. Chairman, would the gentleman yield for just a second?

Mr. FOGLIETTA. Mr. Chairman, will the gentleman suspend his point of order so I can yield to the gentleman from Missouri?

Mr. LIVINGSTON. Mr. Chairman, with the Chair's consent I suspend my point of order.

Mr. Chairman, I continue to reserve my point of order.

The CHAIRMAN. The gentleman may yield then for an inquiry.

PARLIAMENTARY INQUIRIES

Mr. LIVINGSTON. Mr. Chairman, as I understand it, the time of the gentleman from Pennsylvania had expired.

The CHAIRMAN. The gentleman from Louisiana controls the time.

Mr. LIVINGSTON. I have a further parliamentary inquiry, Mr. Chairman.

Are there any other allocations of time asked for on the floor at the moment?

The CHAIRMAN. Only the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Wisconsin [Mr. OBEY] control time.

Mr. LIVINGSTON. Then at this point, Mr. Chairman, I reserve my point of order.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FATTAH. Mr. Chairman, will the gentleman yield?

Mr. FOGLIETTA. I yield to the gentleman from Pennsylvania.

Mr. FATTAH. Mr. Chairman, I rise to support the amendment offered by the gentleman from Pennsylvania [Mr. FOGLIETTA]. The program, the Healthy Start Program, has literally saved lives. There are children who are alive today who otherwise would not be alive. It is something that people on both sides of the choice question support. It is an effort to intervene in meaningful ways to provide care and information and education to would-be parents, particularly women who are about to conceive children. It is a program that has worked in Philadelphia.

Mr. Chairman, I know that the point of this exercise is to show how much we can cut out of this budget. It is interesting that we could not find any dollars from the military to cut even though we spend more than the rest of the world combined on our Armed Forces. We could not find in any of the billions in corporate welfare any room to cut, but somehow we have zeroed in on children, we have zeroed in on Healthy Start, on college scholarships, on summer job programs. Somehow we have made an aggressive effort to retard much of the progress being made in terms of intervening in the lives of young people, to make their lives more meaningful and more purposeful.

□ 1130

Yes, it costs to care, and education is indeed expensive. I would argue that lack of caring and ignorance is more expensive, and that we should, in this case, support the Foglietta amendment and hopefully restore this cut to Healthy Start. Failing to do that, as I have indicated yesterday, we should vote against the entire rescissions package.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Chairman, I thank the distinguished ranking member of the Committee on Appropriations for yielding.

Mr. Chairman, this is a program that we really ought to support and I thank the gentleman from Pennsylvania [Mr. FOGLIETTA] who has offered this amendment. Under this rescission funding for Healthy Start has been cut $10 million. This program provides resources and assistance to rural and urban communities with high infant mortality rates.

A few days ago over on that same subcommittee we had six Nobel laureates who sat before us and talked about the state of health in America today. One of the things that they talked about to us was the high infant mortality rates in this country today. While infant mortality rates is a matter of being able to rate a nation in terms of its total health care, our Nation ranks about 17th in the world. Here we are, the top country in the world, yet we rank about 17th in the world in terms of infant mortality rates.

Under these cuts, what is going to happen is that about 2,200 pregnant women would not receive primary care, 33,000 prenatal visits would be eliminated, 3,000 pediatric appointments would be eliminated, 5,800 clients would not receive child care, 3,267 clients would not receive skill in job training.

This is an area in which many of our local and rural communities have been able to deal with one of the most pressing problems confronting their communities. I would hope that we would restore these funds and support the gentleman from Pennsylvania in this very important amendment.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I just want to emphasize, in the city of Philadelphia, before this program started, the infant mortality rate was 14.2 per thousand. After 1 year, 1 year of this program, it dropped from 14.2 per thousand to 11.7 per thousand.

On behalf of the children whose lives will be saved in the future with this program, I implore you to withdraw your point of order and let us pass this amendment.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I rise to support the restoration of Healthy Start funding. The fact that the Republicans cut this program is cruel and shortsighted. This is, by far, the lowest, mean-spirited assault on the most vulnerable of our citizens—newborn babies and infants.

It is absolutely intolerable that the United States has one of the highest infant mortality rates in the entire world.

In fact, the United States ranks 21st out of 23 industrialized countries or infant mortality. The mortality rate for minority children in our inner cities ranks behind many third-world nations.

To combat this alarming rate of death among newborns, we developed the Healthy Start Program. The Healthy Start Program provides the only link to the health care system for countless pregnant women.

The severity of the Nation's infant mortality problem is evident in the city of Boston. African-American women experience infant mortality rates more than twice that of white women.

Fortunately, these Healthy Start programs work. We have already begun to see the results. In Boston, this program helped deliver over a 12 percent decrease in infant mortality from 1992 to 1993.

Boston's goal is to build on this progress and reduce the infant deaths by 50 percent by 1996.

We should not take away vital funds from cities that are saving lives.

Just last week, I visited a Healthy Start Program in my hometown of Boston. At Boston Children's Hospital, the Advocacy for Women and Kids in Emergencies—or the AWAKE Program—responds to the need for services for battered women who come to Children's Hospital to get care for their abused kids.

It is the only program of its kind nationwide providing a full range of advocacy and outreach services to battered women and their kids in a hospital setting.

Mr. Chairman, to see family violence through the eyes of a child is heartbreaking.

Every day, at least three children die because of abuse or neglect, often at the hands of a family member.

In 1993, nearly 3 million child abuse and neglect cases were reported.

It makes absolutely no sense to cut 10 percent of Healthy Start funding—funding that supports so many innovative programs like AWAKE that help save the lives of newborn babies and infants.

I urge support of this amendment.

Mr. MOAKLEY. Mr. Chairman, I rise today in strong support of this amendment offered by my good friend, the gentleman from Philadelphia [Mr. FOGLIETTA], which would restore $10 million in funding for the Healthy Start Program. The Healthy Start Program is essential to combat the disturbingly high rate of infant mortality in this country. In Boston, where I represent, infant mortality is a significant health problem despite the presence of the world's best hospitals, medical schools, and academic health centers. This is a travesty that a rich, industrialized nation like the United States has an infant mortality rate that is equal or higher than some third-world countries.

If you are a young, black, pregnant woman in Boston, the odds of your baby being born prematurely or with low birth weight nearly doubles. The Boston Healthy Start initiative has been working in conjunction with community health centers throughout the city to reduce this alarming infant mortality rate. This program is crucial in that it provides pre- and post-natal care to pregnant women that are at risk. Healthy Start educates young mothers about proper nutrition for both them and their newborns. Healthy start also teaches mothers about appropriate health care. But, most important, Mr. Chairman, Healthy Start empowers women, families, and communities. This program is a modest investment from the Federal Government to building a healthier climate for all people in urban areas and the best way to build that climate is to give our children a healthy start.

I find it ironic that my good friends from the other side of the aisle claim they want to cut waste and cut programs that don't work, but they never seem to bat an eye at throwing $41 billion at some comic book weapons fantasy like star wars. I implore my Republican friends to have a little forethought, for once, and invest in our kids. I realize they don't vote or take you out for dinner or contribute to your campaigns, but children are the future of this country. Remember that, and vote in favor of the Foglietta amendment.

The CHAIRMAN. Does the gentleman from Louisiana [Mr. LIVINGSTON] insist on his point of order?

Mr. LIVINGSTON. I do, Mr. Chairman.

The CHAIRMAN. The gentleman will state his point of order.

POINT OF ORDER

Mr. LIVINGSTON. Mr. Chairman, the gentleman makes an eloquent case, which will be addressed in conference, but at this time I reluctantly make a point of order against the gentleman's amendment because it seeks to amend a paragraph previously amended. In the procedures in the U.S. House of Representatives, chapter 27, section 27.1, it states as follows: It is fundamental that it is not in order to amend an amendment previously agreed to. Thus the text of a bill perfected by amendment cannot thereafter be amended.

Mr. Chairman, this amendment seeks to amend text previously amended and is therefore not in order. I respectfully ask the Chair to sustain my point of order.

The CHAIRMAN (Mr. BEREUTER). The Chair is prepared to rule, because it is exactly similar to the previous ruling. The gentleman's language attempts to amend further a figure changed by the amendment offered by the gentleman from Illinois [Mr. PORTER], yesterday. Under the precedents recorded at section 31 in chapter 27 of Deschler's Procedure, the point of order of the gentleman from Louisiana [Mr. LIVINGSTON] is sustained. It is consistent with the Chair's ruling on the DeLauro and Shays amendments.

Mr. ABERCROMBIE. Mr. Chairman, I appeal the ruling of the Chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the Committee.

PARLIAMENTARY INQUIRY

Mr. OBEY. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. OBEY. Will I be able under these circumstances to ask the gentleman from Hawaii to withdraw his motion?

The CHAIRMAN. The Chair will allow the gentleman from Wisconsin to make an inquiry of the gentleman from Hawaii.

Mr. OBEY. Mr. Chairman, let me state I fully share the gentleman's outrage that this amendment is not in order, but I do not think that there is any useful purpose to be served by taking out on the Chair the fact that we have a stupid rule. I think all the Chair is doing is enforcing an extremely stupid, ill-advised, vicious, and cruel rule. So I will recognize the justice in what the gentleman from Hawaii is trying to do, but I think it is good if we have the right target, which is the Republican leadership, and not the Member in the Chair.

I would urge the gentleman respectfully to withdraw the motion.

The CHAIRMAN. Does the gentleman from Hawaii [Mr. ABERCROMBIE] insist on his appeal?

Mr. ABERCROMBIE. Mr. Chairman, I do insist on my appeal. Respectfully, I am not targeting the Chair. The people of this country are being targeted.

Mr. STEARNS. Mr. Chairman, I move to table the motion.

The CHAIRMAN. A motion to table is not in order in the Committee of the Whole.

The question is "Shall the decision of the Chair stand as the judgment of the Committee?"

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. ABERCROMBIE. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently, a quorum is not present.

Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 248]

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Camp
Canady
Cardin
Castle
Chabot

Chambliss
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

☐ 1157

The CHAIRMAN. Four hundred twenty-four Members have answered to their names, a quorum is present, and the Committee will resume its business.

The pending business is the demand of the gentleman from Hawaii [Mr. ABERCROMBIE] for a recorded vote on his appeal from the ruling of the Chair.

Does the gentleman from Hawaii [Mr. ABERCROMBIE] insist upon his demand for a recorded vote?

Mr. ABERCROMBIE. I do not, Mr. Chairman.

The CHAIRMAN. If not, the decision of the Chair stands sustained on the prior voice vote of the Committee of the Whole.

AMENDMENT OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment, amendment No. 23.

The Clerk read as follows:

Amendment offered by Mr. STEARNS: Page 22, line 13, strike "$5,000,000" and insert "$15,000,000".

The CHAIRMAN. The Chair will announce that there will be 20 minutes of debate, 10 minutes on each side.

The gentleman from Florida [Mr. STEARNS] will be recognized for 10 minutes to control the time on his amendment.

Does any Member stand in opposition to the amendment?

Mr. OBEY. Mr. Chairman, I will indicate opposition to the amendment.

I ask unanimous consent that the 10 minutes in opposition be divided evenly between the gentleman from Illinois [Mr. YATES] and the gentleman from Ohio [Mr. REGULA].

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

☐ 1200

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume. I appreciate the opportunity to have this amendment finally. We have been waiting quite some time for it. I want to recognize the gentleman from Illinois [Mr. CRANE] for all the hard work he has done on this amendment and the gentleman from Georgia [Mr. BARR] who has also been instrumental in getting this amendment on the floor. I also want to recognize the gentleman from Illinois [Mr. YATES] who is the ranking member of the Interior Subcommittee. He and I have talked about this. He and I are good friends. We approach this particular amendment from different perspectives.

Mr. Chairman, many members have heard this discussion on the NEA ad infinitum. We could talk about it for hours. I know the gentleman from Illinois [Mr. YATES] has plenty of people on his side as I do on my side who feel strongly about this subject. But I can summarize this debate very quickly for all of us, because we do not have much time.

First the NEA is about $167 million in expenditure. We have cut within the rescission bill $5 million. This amendment simply asks for an additional $10 million. That means a total of $15 million would be cut from the NEA budget, less than 10 percent, approximately only 9 percent total.

My colleagues, remember, this has to go to the conference committee. Traditionally, historically, when it goes to the conference committee, they cut it even further down. So I say to my friends here in the House, let's make at least a modicum of a cut, 9 percent total, so if it goes to conference and it comes back, we will not be left like we did last year with a 2.5 percent reduction after we labored for hours on the House floor to get just a mere 5 percent.

At this point, I say to Members, this can be summarized, this is simply a 9-percent cut on a $167 million project that under anybody's opinion we can cut that much if we intend to reduce the deficit.

I know the people on that side feel very strongly about this, and I respect that, but I am approaching this from a fiscal responsibility stand point and I urge the people on that side not to use hyperbole on this debate. We have heard this time and time again. This is simply a 9-percent cut.

Mr. Chairman, I reserve the balance of my time.

Mr. YATES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, here we go again. All we have to do is mention NEA and my friends, the gentleman from Illinois [Mr. CRANE] and the gentleman from Florida [Mr. STEARNS], go into orbit. They are determined to immortalize Maplethorpe and Serrano, to make them as famous as Michelangelo in order to kill the NEA, which I think essentially is what they want to do.

The gentleman from Florida [Mr. STEARNS] says his amendment is a 9-

percent cut. On the contrary, for remainder of this year, with the time remaining and the amount of funds that are remaining, it amounts to a 17-percent cut, but really when they talk about Maplethorpe and Serrano, which is the fundamental stain that bases their amendments.

How many people saw the Maplethorpe and Serrano exhibit under NEA grants? Not many. Serrano was shown at one gallery, a South Carolina gallery. Maplethorpe at two galleries, three museums. How many people got to see these exhibits? And yet, because of Maplethorpe and Serrano, the sponsors of this amendment want to take NEA funds from hundreds of museums throughout the country serving millions of people from scores of symphony orchestras and theaters and schools where children learn about art and about artists.

Let me read to the gentleman from Florida [Mr. STEARNS] and the gentleman from Illinois [Mr. CRANE] an article from The Washington Post which occurred on February 12. It is about the executive director of the Shenandoah Shakespeare Express, a Shakespeare troupe that tours two-thirds of the United States.

Last year, the NEA gave the Shenandoah Shakespeare Express $5,000 and the money helped take a fellow, "The Taming of the Shrew," "Much Ado About Nothing," to more than 100 high schools and colleges in more than 30 States.

It is true, most Americans do not associate the NEA with kids learning to love Shakespeare and that is because one Senator and others have created the compelling fiction that all the agency does is to fund kookie and depraved artists.

Well,

> But here is the real story. Our little Shakespeare company, says the executive director, got $5,000, not much, but 33 times more than the human Etch-A-Sketch and our grant, not his, is typical of the NEA. By far the majority of NEA money goes to local theater groups to, community orchestras, to regional museums, what you might call the traditional art. Conservatives often complain about the evils of popular culture, the sex in movies, the violence in rap, the profanity in rock lyrics, but they have targeted the NEA and that is the organization that most assures the continuation of the classical theater, the classical dance and the music in this MTV world. You have to wonder.

Mr. Chairman, there is no doubt in my mind that NEA is part of the fabric of the people of this country, worn by the people of this country, and I think the people of this country are firm in the desire that NEA continue. I hope this amendment will be defeated.

Mr. Chairman, I reserve the balance of my time

Mr. STEARNS. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. CRANE].

Mr. CRANE. I thank my colleague the gentleman for yielding me the time.

Mr. Chairman, I rise is support of the amendment. We just heard the eloquent plea for the arts from my distinguished colleague from my home State of Illinois. Yet it misses the point altogether. The fact of the matter is we have an arts bureaucracy in this government entity called the National Endowment for the Arts. That government bureaucracy only awards one recipient out of every four that makes an application.

If we look at where those applications or those grantees are, I can understand why a colleague from the State of New York might be for preservation of the NEA in perpetuity. I can understand why somebody from California might take the same position, and I understand why somebody from Washington, DC, especially, would want to see it preserved.

The fact of the matter is, I say to my colleague from Illinois, Washington, DC is, you probably do not realize this, a hub of artistic talent, and they get twice the grants that our whole State of Illinois gets. Yet they have fewer people in Washington, DC, than in your congressional district or my congressional district. In fact, Washington, DC, gets more in grants than Arkansas, Idaho, Kansas, Mississippi, Nevada, North Dakota, Oklahoma, South Carolina, South Dakota, and Wyoming combined. That goes to Washington, DC.

That is what goes to Washington, DC thanks to this arts bureaucracy and how they are manipulating public moneys and misallocating public moneys.

Keep in mind another thing, too. That last year the private sector anted up $9.3 billion to fund the arts, in contrast to a $167 million input at taxpayer expense through this wheeling and dealing operation I touched upon.

A single art auction up in New York, for example, brought in $269.5 million. For all I know, some of my artistic colleagues from New York may have participated. In addition to that, a single painting alone last year managed to get $82.5 million.

I submit to Members that this is an issue that needs to be addressed. I hope it will be addressed more fully when we get to the question of total funding. That is later in the year. But right now this is a very modest cut when we are asked to reallocate scarce resources and we have heard eloquent appeals as to where money should be going other than the way the committee has determined. I compliment the gentleman on his amendment and urge everyone to support it.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair announces that under the rule, we must rise at 12:18. We have 11½ minutes of allocated time. I advise the Members there will be insufficient time to have the entire quota.

Mr. DICKS. Mr. Chairman, I ask unanimous consent that we have 3 additional minutes to make the time.

The CHAIRMAN. That request is not in order in the Committee of the Whole.

Mr. STEARNS. Mr. Chairman, could we have the allocation of the time based upon the Chair's stipulation at this point?

The CHAIRMAN. The Chair suggests and, without objection, will reduce the amount from the two sides equally, 1½ minutes from the gentleman from Florida and 1½ minutes from the two gentleman combined.

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Chairman, I yield myself 1 minute and 50 seconds.

I just want to advise Members of the situation. In the subcommittee, we took out $5 million from NEA, remembering last year we cut it 2 percent on the floor and sustained that in the conference. That $5 million comes out of individual grants. There will be no money left in the NEA for individual grants which have been the problem. None. Zero.

If this amendment is passed, this will have to come out of the grants all over the United States to small communities with symphonies, ballet, and museums. It will mean the concert on the mall on the Fourth of July and Memorial Day, I hope many Members have seen it on C-SPAN, it is a great thing. Basically, if you vote for this amendment, you are voting against those small amounts that reach out across the United States for educational programs, for the small groups within the communities, for the grants to the State arts commissions. You are not voting against individual grants. We have already eliminated all the money for the individual grants in the subcommittee which was ratified by the full Committee on Appropriations.

The Committee on Educational and Economic Opportunities will have to hear the question of reauthorizing the NEA, so that is the place to deal with the problem. If we do not want NEA, we do not have to reauthorize it for fiscal year 1996 and prospectively. But let us not cut out that little bit of money that is being spread across the United States to many of the things that you cherish in each of your respective communities.

Mr. STEARNS. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. BARR] who has worked on this amendment.

Mr. BARR. Mr. Chairman, I thank my distinguished colleague from the State of Florida for yielding me time.

With regard to an earlier amendment last evening, my distinguished colleague, the gentleman from Pennsylvania [Mr. WALKER], said really what we are about here today is making choices on priorities. In the greater scheme of things, I think there are very few, at least I would hope there are very few in this Chamber that would disagree with the proposition that in the larger scheme of things, when we are looking at food and when we are looking at national defense and when we are looking at the whole range of priorities that are reflected in this rescission bill, funds for the NEA do not rank as high as the other provisions.

That is one reason, one of many reasons why I rise in support of this amendment which I have coauthored. I would also point out to my distinguished colleague from the State of Illinois that the NEA does fund works of so-called art that have titles that cannot even be repeated on the floor of this Chamber. We do not need that. The citizens of this country and my district do not need that. They do not want that.

□ 1215

That is why I think it is very appropriate in the larger scheme of things and based on the merits of this rescission that this amendment be adopted.

I thank the gentleman for yielding time to me.

The CHAIRMAN. The Chair will announce that he is going to allocate the time based upon the time reduction, a slight deduction equally shared, one-half minute for the gentleman from Illinois [Mr. YATES], 1 minute for the gentleman from Florida [Mr. STEARNS], and three-quarters of a minute for the gentleman from Ohio [Mr. REGULA].

Mr. YATES. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I rise in opposition to this amendment. As David McCullough said, it is like getting rid of the Navy because of the Tailhook scandal.

Mr. Chairman, I rise in strong opposition to the amendment. I find it tragically ironic that in this era of fiscal belt-tightening some are trying to slash one of the wisest and cost-effective investments the Federal Government makes in its citizens.

Eliminating funding for the NEA is a classic case of being pennywise and pound-foolish. The total budget for the NEA costs each citizen only 65 cents a year, and yet it leverages more than $1 billion every year from private donors.

The activity generated by the NEA produces a huge economic and cultural impact on our society. In fact, a study by the Port Authority of New York and New Jersey found that the total impact of the arts in the New York metropolitan region was more than $10 billion a year.

All over America, artists, musicians, orchestras, dance companies, theaters, and public schools rely on the National Endowment for the Arts for essential support. Their work has enriched our communities and our quality of life. This amendment will undermine many of these organizations and do damage to our cultural heritage. It will take funds of out of our schools and away from our children.

I urge my colleagues to heed the words of two witnesses at a recent hearing before the Interior Appropriation Subcommittee: Ken Burns, producer of the highly acclaimed "Civil War" and "Baseball series" on PBS, and David McCullough, Pulitzer Prize winning author of the biography on Harry Truman.

Ken Burns declared emphatically that his Civil War series would not have been possible without the Endowment's support. And David McCullough pointed out that abolishing the NEA just because of a few ill-conceived or offensive programs would be like abolishing the U.S. Navy because of the Tailhook scandal. I couldn't have said it better myself.

Mr. Chairman, this amendment will harm our Nation's schools and damage our cultural heritage. It must be defeated.

Mr. YATES. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Chairman, I rise in strong opposition to this amendment.

Mr. Chairman, I rise in strong opposition to the Stearns amendment to slash funding for the National Endowment for the Arts.

In many ways the Contract on America is a declaration of war. A war on children, a war on consumers, a war on the environment, a war on senior citizens. In their budget-cutting zeal, the new majority has proposed $17 billion in rescissions for 1995, almost entirely from programs that make the lives of ordinary Americans a little safer, a little brighter.

The Republicans have structured this rescission bill to eliminate any chance that we could even debate cuts to the bloated Defense budget. The Pentagon, of course, has returned to its exalted status as a sacred cow.

While they have taken defense off the cutting board, they're making mincemeat out of the arts. The new leadership invests in that which destroys, but destroys that which creates. The contract may sound good on the surface, but its cost cutting rhetoric masks policies that are heartless and mean-spirited.

And the contract's war on the arts is nothing short of primitive.

The NEA budget for this year is $167 million. Cultural funding is a mere two ten-thousandths of 1 percent of the Federal Government's $1.5 trillion budget. Arts funding costs approximately 64 cents per capita, or the same amount as two postage stamps.

According to a recent Lou Harris poll, 60 percent of the American people believe that "the Federal Government should provide financial assistance to arts organizations." According to the same poll, more than half the American people would support paying up to $15 a year to support Federal arts funding.

Speaker GINGRICH has attacked the NEA as providing patronage for an elite group. In fact, the NEA increases access to arts and culture for all citizens. In the 30 years since the endowments were created, the number of theater, dance, and opera companies across America has increased from 120 to 925.

NEA grants work as seed money. They make it easier for recipients to raise money from other sources.

Speaker GINGRICH and Majority Leader DICK ARMEY have both stated that the Federal Government has no business making grants to artists and artistic organizations.

They say this at a time when violence continues to increase and, in our inner cities, human lives are cheaper by the dozen. I cannot imagine a worse time to cut programs that exalt the human experience, when all around us we see it degraded. Arts advocates who visited my office this week described NEA grants they had received which were used to create arts programs for inner city children.

We should be celebrating the contributions of the arts endowments to our country today, rather than trying to destroy them. We should be congratulating the endowments for encouraging creative ideas that help poor children rise above their cruel circumstances.

As Christopher Reeve said Tuesday in his speech at the Arts Advocacy Breakfast:

> There is no leading nation in the world that does not support the arts, usually two, three, ten times as much as we do. Why should we be different? Public arts funding is a concept that stands beside public education as an obligation a government has to its people and to history.

Mr. YATES. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Florida which would rescind $15 million, in addition to the $5 million rescission already in the bill, from the National Endowment for the Arts' meager but important fiscal year 1995 budget. We should increase or maintain current levels of Federal support for the arts and humanities, not pull the foundation out from under cultural projects in most communities throughout the Nation, which benefit virtually every American.

I introduced an amendment to restore the $5 million to the NEA and $5 billion to the NEH which would be rescinded by this bill. With an unreasonably restrictive rule and a mere 10 hours of debate on a bill covering every Federal expenditure, my colleagues will not have the opportunity to discuss the merits of maintaining the NEA and NEH budgets. Some may say that during a time of drastic Federal cutbacks, we should expect and accept reduced funding for the arts and humanities. Drastic reductions in fiscal year 1995 appropriations to the valuable programs funded through the NEA have already been made. It is now time to look for somewhere else to cut.

The NEA exemplifies successful public-private cooperation, impressive returns on a Federal investment, and an efficient and productive Federal agency on a skeleton budget. With a budget totaling only a fraction of 1 percent of the entire Federal budget each year since 1965, when the NEA was established, the Endowment has made a substantial contribution to promoting art and culture in America. Since the NEA was established, the number of symphony orchestras has grown from 110 to 220, dance companies have shot up from 37 to over 250, opera companies have increased from 56 to 420, and state arts agencies are up from 5 to 565.

Congress should continue its important role of supporting arts, culture and the humanities in America. I urge my colleagues to oppose this amendment and any other attempts to undermine Federal commitment to the arts.

Mr. YATES. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. DIXON].

Mr. DIXON. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, I rise in opposition to H.R. 1158, the emergency supplemental appropriations and rescissions bill. While I wholeheartedly support the emergency supplemental to provide the Federal Emergency Management Agency with additional funds necessary to fulfill its mission—much of it for rebuilding in the aftermath of the Northridge earthquake—I cannot support the massive reductions in domestic Federal spending contained in this legislation.

A little over a year has passed since Congress recognized the dire need for the Federal Government to intervene in the wake of the Northridge earthquake. Less than a month following the quake, emergency supplemental appropriations cleared both houses and was signed by the President. Congress recognized the need to treat this funding as it had in the past—as a national emergency, off-budget, and in bipartisan fashion. What a difference a year makes.

The majority has now drastically altered the treatment of emergency appropriations, requiring offsets in funding—even when those offsets, as they do in this bill—cynically pit the general well-being of one group of Americans against the well-being of another. While the majority recognizes that further emergency expenditures are necessary to rebuild Los Angeles' public infrastructure and respond to other emergencies across the Nation, they now direct that this should be done by undercutting programs which also serve those communities.

We are establishing a system under which a national disaster will have devastating impacts on two distinct groups of Americans—the one suffering the disaster and the one asked to pay for the disaster. It is a perverse system.

Is there a need to reform the way in which we respond to natural disasters in this country? Certainly, there is. The Bipartisan Task Force on Disasters acknowledged as much in proposals to expand the availability of disaster insurance, create a reinsurance fund, and initiate a public-private partnership to finance disaster relief. Those are the issues we should be debating, not funding disaster relief on the backs of poor and low-income Americans.

The bulk of the rescissions in this bill do not go to covering the needs of FEMA. They will now go to deficit reduction. While this is preferable to their original intention to pay for tax cuts, it is unconscionable that the majority in this House has sought to ask the least able to make the greatest sacrifice.

The committee cuts $1.7 billion from the summer youth employment program over the next 2 years—eliminating the program. While the majority says that Americans should move off welfare and into the workplace, that same majority contradicts itself by decimating programs which encourage work experience.

The committee report states that "this program is a lower-priority Federal activity that we can no longer afford." What we cannot afford is to defund a program which gives 600,000 kids per year their first exposure to the workplace and a work ethic. It would seem to me that the first step in achieving jobs-based welfare reform is exposing underprivileged youth to their first job.

The Republican mayor of Los Angeles recognizes the importance of this program. According to Mayor Riordan, "the elimination of the Summer Youth Employment and Training Program would have devastating consequences for the children and youth of Los Angeles." Those consequences include eliminating employment opportunities for more than 30,000 low-income youth in our city. To quote from the mayor's letter to Chairman LIVINGSTON, "the elimination of $22 million in fiscal year 1995 and fiscal year 1996 is cost ineffective, poses significant challenges to our public safety goals and will ripple through our city in a grim fashion."

Forty-three percent of the cuts contained in this legislation fall on programs within the Department of Housing and Urban Development. Public housing funding is cut by $3 billion—nationally, 40 percent of these units are occupied by the elderly. A $2.7 billion rescission in rental assistance translates to a reduction of 70,000 rental vouchers and certificates and 12,000 of those certificates had been reserved for homeless women with children.

In its fiscal year 1996 budget submission, HUD has clearly indicated its intention to dramatically reinvent the agency. Indeed that reinvention is based on moving primarily to "tenant-based" rather than "project-based" assistance. Yet over $1 billion in public housing modernization funds are cut—funds critical to improving the condition of units to enable HUD to implement its reforms.

In their zeal to cut, the majority bypasses the opportunity to have a meaningful debate on the future of Federally assisted housing in this country, including access to affordable housing, and housing for the homeless.

Throughout this legislation there are reductions in funding and elimination of programs in education, job training, veterans benefits, and low-income fuel assistance which will cause severe hardship to great numbers of Americans. Is there duplication and overlap in Federal programs? Is there need for reform? Is there waste and inefficiency in government bureaucracy? There may well be, but millions of Americans have come to rely on those programs—some for the basic necessities of life, others for their first shot at opportunity in this society.

In a reasonable and rationale atmosphere the American people would be well-served by debating true consolidation and true reform. Reducing and defunding these programs in this haphazard manner will only serve to exacerbate the situation of low-income Americans, increase tensions in our communities, and in the end, serve nothing but a political agenda based on the devolution of the Federal Government. I urge defeat of this legislation.

Mr. YATES. Mr. Chairman, I yield the remaining 30 seconds to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. My colleagues, I ask you to oppose this amendment. The National Endowment for the Arts not only nurtures America's cultural inheritance, but it also expands on our Nation's cultural activities.

Let me give examples. Before the National Endowment for the Arts, there were 37 dance companies in America, now there are more than 400. Before the NEA, there were 27 opera companies, now there are 120. The list goes on. The NEA works. Resist these cuts.

The CHAIRMAN. The gentleman from Florida [Mr. STEARNS] is recognized for the final 1 minute.

Mr. STEARNS. Mr. Chairman, I yield 45 seconds to the gentlewoman from Washington [Mrs. SMITH].

Mrs. SMITH of Washington. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, we know what we are about today is the rescission package. A rescission package is what do we take out of the budget because it is extra. But it is beyond that today. What we really need to talk about is the fact that we cannot charge this.

You see, we spend $200 billion extra a year and we are charging this to my grandchildren. Let us take the high moral ground and say no to extra spending for the nice things, but they are not necessary.

It is time to say yes to this amendment and get about what the people told us to do, and that is get rid of the deficit.

The CHAIRMAN. The gentleman from Ohio [Mr. REGULA] is recognized for the final 25 seconds.

Mr. STEARNS. Mr. Chairman, a point of information: Do I have the opportunity to close the debate?

The CHAIRMAN. The gentleman from Ohio [Mr. REGULA] is defending the committee position, and he will have the opportunity to close. The gentleman from Florida [Mr. STEARNS] may proceed for 25 seconds.

Mr. STEARNS. Mr. Chairman, for this amendment to pass, it is going to require conservative Democrats to help out with the Members on this side of the aisle. The question is can we cut a Federal Government program by 9 percent, realizing that within $167 million, $26 million is for Federal administration.

Surely we can cut the money within this program when it only adds up to 9 percent. So the Members on both sides of the aisle, I appeal to their fiscal responsibility and sanity, let us cut this bill.

The CHAIRMAN. The gentleman from Ohio [Mr. REGULA] is recognized for the final 1 minute.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield briefly to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I just want to make a correction of the gentleman's statement, and that is that the real effect of this is a 26-percent cut.

Mr. REGULA. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Ohio has 45 seconds remaining.

Mr. REGULA. Mr. Chairman, I yield the balance of my time to the gentleman from New York [Mr. HOUGHTON].

Mr. HOUGHTON. Mr. Chairman, I would just like to say this: that I have been in business for 40 years, and business is a cost-cutting process. I have cut and I have cut, but the one thing you do not cut is those things that are quintessential to the very essence of the community in which you live. Everything tends to drag us down to the lowest common denominator.

Please do not cut the National Endowment.

Mr. RICHARDSON. Mr. Chairman, this amendment cripples the National Endowment for the Arts.

Before my colleagues think about cutting funding for the NEA I want to remind you that Federal arts funding benefits every district in the country. The national endowment benefits every region in the United States through State grants, arts education, and anticrime programming.

Thirty-five percent of NEA funding goes to each State's art agency in the form of a block grant. This amendment automatically reduces the size of each States grant.

Of this 35 percent each State must spend 7.5 percent of these dollars on projects that serve rural, urban, and underserved communities.

In New Mexico—for the last 7 years State grant moneys have funded the churches project. Over 100 communities have restored their historic churches because of the cultural and artistic symbolism they represent.

Voting in favor of this amendment means no arts education for our children.

Last year a $22,000 grant to the chamber music residencies pilot project which placed chamber music ensembles in rural communities for a school year. The chamber ensembles taught children in public schools in Tifton, GA; Jesup, IA, and Dodge City, KS, who would not have otherwise had any music education.

Voting in favor of this amendment means reduced funding for crime control programs. A youngster with a paint brush or learning lines for a play is a lot less dangerous than one with a gun.

NEA anticrime funds provide for programs like Arizona's APPLE Corps which uses arts programs with antidrug messages as afterschool alternatives. Other anticrime projects the endowment funds include: Voices of Youth throughout Vermont, First Step Dance Co. in Lawrence, KS, Boise Family Center project in Boise, ID, Arts in Atlanta project, Alternatives in L.A. Program, and the Family Arts Agenda in Salem, OR.

Instead of targeting programs that are wasteful and bloated, this amendment targets programs that improve the quality of life for every American.

And it cuts these dollars not to go for deficit reduction but—to a windfall for the richest 10 percent of our Nation.

What voting for this amendment ensures is that the richest 10 percent of our country will be the only ones that can ever be able to afford to see an opera, a Shakespeare play, to hear an orchestra.

Ms. SLAUGHTER. Mr. Chairman, today I rise in strong opposition to the Crane amendment. As chair of the arts caucus, I have watched in amazement year after year, as the pittance that the National Endowment for the Arts receives from the Federal budget is consistently denigrated, incorrectly characterized, and almost always cut. And all this from an agency whose entire budget is below what is allocated for military bands.

While Federal funding for the arts, and art agencies like the National Endowment for the Arts, make up a mere 0.02 percent of the national budget, for each $1 the NEA spends, $11 of activity results. The nonprofit arts industry alone contributes $36.8 billion to the U.S. economy and provides over 1.3 million jobs to Americans nationwide. Business, tourism, restaurants, and hotels strive on the arts. The annual audience for nonprofit theaters serve an audience that has grown from 5 million in 1965 to over 20 million in 1992. More Americans attend art events annually than they attend professional sports events. A 1992 poll sponsored by the American Council on the Arts showed 60 percent of the American people favored Federal support of the arts. Further reductions in funding for the NEA would have adverse implications on both constituents and the cultural agencies in our districts. The author of this amendment must be aware of the ramifications his amendment would have on his own district. The $181,000 received by the Illinois Art Council in past years to support artists residing in Mr. CRANE's district would be eliminated. This money made it possible for writing, crafts, theater, dance, and visual arts projects to exist in Palatine and Elk Grove Village, IL—both of which are represented by Congressman CRANE. In my district of Rochester, NY, the National Association of Local Arts Agencies found that nonprofit arts organizations spent approximately $124 million annually and supported more than 4,000 full-time jobs.

Discussion about our national priorities begin and end with children—they are our future, our legacy, and our greatest resource. What the arts can do in the lives of our Nations children cannot be underestimated. The arts have the power to change a child's life. Children that create do not destroy. Access to art assists in keeping kids in school and off the streets. Art has a positive impact on a child, it enriches their lives and empowers them with a strong sense of self-worth. The NEA stresses that arts education may be the only way to reach at-risk children, deter them from violence, and increase their ability in every academic area giving them a sense of identity and discipline. Children who have art in education are better students with stronger analytical skills and higher esteem. The NEA's Arts in Education Program places 14,500 artists in schools in every State to work with children. Arts education is integral to school curriculum as it affects virtually all areas of learning. Children who learn through the arts improve in every academic area, have better attendance, and have increased motivation to learn. In 1993 the college entrance examination reported that students who studied the arts more than 4 years scored 53 points higher on the verbal portion of the exam and 37 points higher on the math portion of the exam than students with no course work or experience in the arts. This makes it essential for the NEA to be able to continue to provide support to our Nations children.

The NEA provides equal access and opportunity to the people of our Nation, many of whom would otherwise be deprived from experiencing the arts in American society. The arts serve as a medium of documentation, the essence of the American experience is recorded through art. Art remains a living record of civilization and society. Every civilization judges the civilization before it by the art it has left behind. Are we going to leave anything behind?

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Florida [Mr. STEARNS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 168, noes 260, not voting 6, as follows:

[Roll No. 249]

AYES—168

Allard
Archer
Armey
Bachus
Baker (CA)
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bilirakis
Bliley
Boehner
Bono
Browder
Brownback
Bryant (TN)
Bunning
Burton
Buyer
Callahan
Calvert
Canady
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Fields (TX)
Foley
Forbes
Fowler
Frisa
Funderburk
Gallegly
Gekas
Geren
Gillmor
Goodlatte
Goss
Graham
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hoekstra
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kim
King
Kingston
Largent
Latham
Laughlin
Lewis (KY)
Lightfoot
Linder
Manzullo
McCollum
McHugh
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Orton
Packard
Parker
Paxon
Petri
Pombo
Portman
Pryce
Quillen
Radanovich
Riggs
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shays
Shuster
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)

Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Thornberry
Tiahrt
Vucanovich
Waldholtz
Walker
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Young (FL)
Zeliff
Zimmer

NOES—260

Abercrombie
Ackerman
Andrews
Baesler
Baker (LA)
Baldacci
Ballenger
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bishop
Blute
Boehlert
Bonilla
Bonior
Borski
Boucher
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Camp
Cardin
Castle
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Danner
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Furse
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goodling
Gordon
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Hobson
Hoke
Holden
Horn
Houghton
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lincoln
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCrery
McDade
McDermott
McHale
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Porter
Poshard
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Rivers
Roemer
Rogers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Sisisky
Skaggs
Skeen
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Taylor (NC)
Tejeda
Thomas
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Walsh
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOT VOTING—6

Burr
Cubin
Ford
Frost
Johnson, E. B.
Lewis (GA)

☐ 1237

The Clerk announced the following pair:

On this vote:

Mrs. Cabin for, with Mr. Frost against.

Mr. MARTINEZ changed his vote from "aye" to "no."

Messrs. SMITH of Michigan, SMITH of Texas, BASS, WHITFIELD, CRAMER, POMBO, and KINGSTON changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment in the nature of a substitute, as modified, as amended.

The amendment in the nature of a substitute, as modified, as amended, was agreed to.

Ms. ESHOO. Mr. Chairman, I rise in support of the Corporation for Public Broadcasting [CPB] and urge Members to oppose rescissions which would pull the plug on this valuable service.

Millions of Americans—including countless members of the bay area community in California—have come to rely on public broadcasting for quality programming on a wide range of issues.

Yet some have argued that Federal funds for public broadcasting must be eliminated in order to help balance the budget, and others claim that CPB should be abolished because it is a bastion of liberal propaganda.

While I certainly favor serious steps to reduce the deficit, and have voted accordingly in Congress, the truth is each dollar of Federal support for public broadcasting attracts $5 in support from private sector sources. CPB is a good investment.

Furthermore, the assertion that CPB propagates liberal political ideals is unfounded. The last time I checked, "Sesame Street," "Mr. Roger's Neighborhood," and "Barney" were not overtly political shows. And when did William Buckley's "Firing Line" become a hotbed for liberalism?

Mr. Chairman, as a mother who raised two children, I relied on public broadcasting and learned the value of noncommercial television. I never worried about leaving the room while my kids were watching Ernie and Bert or Fred Rogers because I knew they were in safe hands.

These are shows which emphasize the values of respect, honesty, and good citizenship. I'm certain my children, who have gone on to achieve superb educations, got a head start in their academic careers from the lessons they learned on public broadcasting. And as young adults, they still tune in.

I strongly urge Members to consider the economic and educational benefits of CPB when casting their votes today. This is not a political vote. It's a vote for our children. It's a commonsense investment in our future.

Mr. POMEROY. Mr. Chairman, I rise today in opposition to the bill, H.R. 1158, emergency supplemental appropriations and rescissions.

I am extremely disappointed with the rule under which H.R. 1158 has been brought to the floor. It is unfortunate that my colleagues and I have been denied the opportunity to offer alternative cuts to restore funding for programs we support.

Cutting programs like the Low Income Home Energy Program [LIHEAP] is not the way to get our fiscal house in order. We should not totally eliminate the funding for a critical program which targets the very poor and helps them stay off other forms of welfare. In a time when we were trying to get individuals off welfare, we are eliminating a program which really goes to the heart of the problem and offers preventive measures.

In North Dakota, one-third of all LIHEAP recipients receive no other government assistance. LIHEAP makes the difference between families becoming homeless or dependent on more costly welfare programs.

For many senior citizens, the winter months force the heartbreaking decision of eat or heat. The high cost of heating their home forces some seniors to enter a nursing home, spend down their resources, and then become dependent on Medicaid.

In the view of these concerns and the fact that eliminating Federal funding for heating assistance places yet another financial burden on the States, I cannot support this rescission measure.

Ms. KAPTUR. Mr. Chairman, I rise today in opposition to this bill, and in support of Citizens like Annie Coleman of my district who will turn 73 on April 30. This bill pulls the rug out from under her. Let me tell you her story.

Annie lives on Oakwood Avenue in Toledo, OH, and worked all her life for Superior Laundry. She saved to own her own home and raised four children. She took care of a dying mother and husband after her retirement.

She now survives by picking up odd jobs, at age 72, because her Social Security checks of $640 a month are simply not enough to make ends meet. She pays nearly $200 a month for health insurance and prescriptions. Her heating bills are $180 a month and she receives $117 a month in winter heating assistance and emergency heating assistance in the winter. Even with this helping hand, she is left with $90 a week on which to live. Without it, she must make a choice between food and heat. No one who has lived through below zero Midwestern winters should be forced to make that choice.

The bill before us will eliminate the winter heating assistance [LIHEAP] Program. It will hurt Annie and 25,000 other citizens in northwest Ohio; it will hurt over 2 million elderly citizens across America. I cannot support a bill which puts the most vulnerable people in our society at risk.

Over the past 2 days we have engaged in a major debate on the worthy goal of balancing our budget by cutting $17.3 billion. Reducing the deficit and balancing the budget is a must and I have worked hard and continue to work hard to achieve that. But this is not the way to do it.

As we try to plug the red ink dike, the holes in the dike of our increasing debt, this $17.3 billion exercise is fruitless because at the same time there are billions of dollars flowing out the other side of the dike that are not under consideration and we are told are completely off the table.

Why not get rid of tax breaks for corporate welfare? We hear a lot about welfare for ordinary citizens. What about corporate welfare? Why not eliminate the tax breaks that give $5 billion for pharmaceutical companies to leave the United States and manufacture offshore; why not eliminate $30 billion worth of transfer pricing that rewards all these foreign corporations operating in the United States that do not pay a dime of taxes; why not auction off the rights to manufacture the space station and exact continuing royalties that will result in $40 billion in savings?

This rescission bill before us today makes none of these cuts. The bill before us today is irresponsible fiscal policy. No one should swallow the line that this bill will really result in deficit reduction. While it hurts our seniors and cuts out the summer jobs for our teenage sons and daughters, it also bankrolls the money for a future tax cut for America's wealthiest citizens. Thus, not only is the money being cut from our children and seniors, but it then is shifted to pay for capital gains and other tax cuts for the wealthiest among us as well as disaster relief largely for one State, California, which has the resources to pay for its own costs. In fact, the Governor of California has announced he wants to cut taxes in his State by $7 billion while asking the Federal Government to pick up $5 billion in disaster assistance.

The cuts in this bill will severely impact my community. I am especially worried about the impact of these cuts on the elderly and children.

SUMMER YOUTH JOBS

Over my strong objections, the summer jobs for teenagers will be eliminated by this bill, which will eliminate nearly 2,000 jobs over 2 years in my district. In fact, 20 percent of the entire savings in this bill—$33 billion in all—comes from cuts in the various programs to move teenagers into the world of work. The rescission package completely eliminates summer jobs which employs about 600,000 young people nationwide. Youth, job training, Job Corps, and school-to-work accounted for $500 million in cuts.

In my district, 1,683 youth enrolled in the program and participated in jobs that were not make work jobs last summer. They worked at community centers and nonprofits throughout the community. The cut jeopardizes several innovative programs. The city of Toledo used summer youths to remove graffiti. The Arts Commission of Greater Toledo provided them with the opportunity to prepare public artwork, and learn skills at the same time. The Community Development Center—Spencer Township—uses summer youth to run a nutrition program to make up for school lunches that disadvantaged children do not get in the summer. The Red Cross and Catholic Club run recreation/day camp programs so that younger children have some place constructive to go during the summer months.

In addition, hundreds of other youth work at area nonprofit communities performing vital maintenance, upkeep and support functions that would go undone if not for summer youth workers.

WINTER HEATING ASSISTANCE [LIHEAP]

This bill will eliminate heating assistance to help pay for gas and utility bills for over 13,700 seniors and a total of 25,000 low income families in my district. This includes 12,531 seniors in Lucas County, 521 seniors in Wood County, 383 seniors in Ottawa County, and 266 seniors in Fulton County. Nationwide, 2 million elderly households are helped each year through LIHEAP. The rescission package would completely eliminate the program. This cut will force low-income elderly to choose between heat and medicine or heat and food. No one in our Nation should be forced to make this choice.

PUBLIC BROADCASTING

Quality educational programming at our public television stations WBGU and WGTE will also be affected by cuts of over 30 percent in funding that will accelerate over the next 3 years. With the increase of violence and degrading television programs, CPB continues to fund marvelous children's educational and entertaining programs such as "Sesame Street," "Reading Rainbow," and "Square One TV." Educating children, especially preschoolers is one of the most important goals of public television and where public television performs best.

MEDIGAP INSURANCE SCAMS

The rescission package cuts in half Federal assistance to help senior citizens in all income groups being victimized by so-called Medigap insurance scams. Literally billions are spent by seniors each year on health insurance and while much of it is needed, it is estimated that a major portion of the total is either duplicative or coverage that seniors already have or is written in a way as to provide most seniors with very little added coverage.

During committee consideration, we attempted to meet deficit targets using cuts in programs that did not adversely affect children and the elderly. We tried to convert disaster assistance to California from grants to loan guarantees in order to minimize the budget impact and reprogram dollars to people's needs.

We must not put the most vulnerable people in our society at risk, to provide disaster assistance to States who can afford to pay for their own problems or to provide a tax cut for the wealthiest in our Nation. This bill is wrongheaded and deserves rejection.

Mr. FAZIO of California. Mr. Chairman, the GOP rescissions bill we are debating today is wrong headed. Worse, it sets a dangerous precedent, by laying waste to education and nutrition programs in order to finance a taxbailout for America's wealthiest individuals and corporations.

Although the bill we are debating would extend necessary aid to communities in California damaged in the Northridge earthquake, the bill targets programs that help many of our most vulnerable citizens—schoolchildren, the elderly, and working Americans trying to adapt to a changing economy.

The American people have begun to express their profound unease with elements of the Contract With America. Recent polls in the Wall Street Journal and the New York Times indicate a growing sense of discontent and ambivalence toward many of the major proposals put forth by the Republican leadership.

The American people are not misinformed. They don't need another lecture from a talk-radio host. They don't need to read a campaign manifesto that bills itself as "A Job Creation and Wage Enhancement Act." They don't need to pay for a series of lecture tapes.

Sadly, they are all too familiar with a governing philosophy that puts the wealthiest few ahead of the working family.

The American people want their representatives to speak honestly. The GOP promised much of the same just a few years ago. Tax breaks for the wealthy. Savings down the road. The result was deficit spending at a record rate and a trillion dollar debt for our children.

The Republican's have, so far, failed to present a budget to the American people that spells out their commitment to hard-working families, children, the elderly, and the disadvantaged. What they have presented, in detailed fashion, is a bill to slash care for expectant mothers and newborn children; a bill to strip schools of the resources they need to provide a safe, drug-free environment for learning; a bill to deny young people the opportunity to work this summer and next summer.

Instead, they had the temerity to announce a new round of tax relief that does little for middle-class working Americans.

By eliminating the alternative minimum tax, the Republicans have given large corporations the opportunity to shirk their tax obligation.

50 percent of the total benefits of the GOP tax plan would benefit those earning $100,000 or more. The capital gains provision would also disproportionately benefit upper-income taxpayers—76 percent of the benefits would go to the same group of upper-income Americans.

Ninety-two dollars. That's what the capital gains tax cut would mean for families that take home less than $30,000 a year.

A $92 break—at the expense of a safe, drug-free classroom, or a balanced diet for a newborn infant, or a summer job for a young father. That sounds more like a con-job than a contract.

The Republicans offer little relief to the vast segment of our work force that has seen real incomes decline. Between 1979 and 1993, 60 percent of Americans experienced no real income growth.

Despite the explosive growth of overall household income in the same period, most benefits were concentrated among upper-income families.

Restoring opportunity and providing the foundation for income growth for every working American—that is my commitment.

It is with regret that I cannot support final passage of the disaster assistance. However, as immediate needs can be met through existing funds in FEMA, Congress still has the opportunity to make responsible choices in offsetting this spending. It is unfortunate that the Republicans have chosen to go forward with vital disaster aid as part of a controversial package of spending cuts.

Not only have the Republicans suddenly decided to set a precedent and offset disaster assistance retroactively, they make three times as many cuts as necessary. In order to solve a disaster, they create another disaster for many of the very people in need.

They target those cuts to people who have paid the price in the past and who are the most vulnerable, seniors and children, while exempting other programs that should be considered and cannot be touched under the rule. If the Republicans wanted to deal seriously with the budget, they would not have jeopardized disaster assistance or resisted initial efforts to link the offset to deficit reduction.

This bill is dishonest and should not be supported. Disaster assistance should be considered on its own merits and not as part of some back-room deal to provide a tax cut to upper-income people and America's largest corporations, the very folks who really don't need it. Even if these cuts are put toward deficit reduction, the pending tax cuts will still have to be paid for in the future. It is evident what the Republican Members are saying—no matter what it is we are paying for, it is those at the lower end of the income scale who will pay for it.

Mr. QUINN. Mr. Chairman, I rise today in opposition to the proposed elimination of the Summer Youth Program. I fully support the program and will fight to restore its funding when the rescissions bill is sent to the conference committee later this year.

At the same time, I encourage private sector businesses to contribute to the Summer Youth Program so they may make a contribution to the communities in which they do business. In these times of tight budgetary constraints, it is my hope that local businesses can assist in ways that the Government can no longer afford.

Although I support the Summer Youth Program, I also saw the need for reducing the deficit. If we continue to spend money we don't have, we will be passing the financial burden on to our children.

Mr. Chairman, I urge all of my colleagues, especially the members of the Appropriations Committee, to work to restore the funds necessary to continue the Summer Youth Program.

Mr. BORSKI. Mr. Chairman, I rise today in opposition to the rescissions of appropriations for public broadcasting included in H.R. 1158. These shortsighted cuts will have a serious impact on the broadcasting of high-quality educational and cultural broadcasting.

As you know, Mr. Chairman, H.R. 1158 would rescind a total of $141 million from advance appropriations for the Corporation for Public Broadcasting. These rescissions amount to a 15-percent cut in the fiscal year 1996 appropriation, and a 30-percent cut in the fiscal year 1997 appropriation.

Like many of the rescissions included in this bill, the CPB rescission would unfairly hurt middle-income working Americans the most—all to pay for the coming Republican tax-cut bill that will mostly benefit wealthy Americans.

Opponents of public broadcasting have often commented that Federal funding for the CPB benefits primarily the cultural elite. A close study of those who view or listen to public broadcasting shatter this myth. Of the more than 15 million people who listen to public radio, 41 percent earn less than $30,000 annually. More than half the over-18 million regular viewers of PBS stations are from household incomes of less than $40,000.

Mr. Chairman, 99 percent of the country receives at least one public broadcast signal—for free. This broad reach is especially important for our cities. Public broadcasting is more than a broadcast service for these areas. Public TV provides instructional services to 30 million students and 2 million teachers in three-quarters of the Nation's schools. It provides approximately 1,600 hours of free, noncommercial programming each year for off-air taping and classroom use.

Public broadcasting also offers Americans flexible opportunities for lifelong learning. About 88,000 adults, each year, use public television to study for the high school equivalency examination.

In short, Mr. Chairman, public broadcasting serves every segment of our society. We should not cut its Federal funds to provide tax breaks for wealthy Americans. I will oppose these short-sighted cuts and urge my colleagues to do the same.

Mr. LAZIO of New York. Mr. Chairman, I rise today to speak about a portion of the rescission package currently before the House, one that has more to do with policy than with cutting funds.

Included in the rescission package is wording that concerns one of public housing's greatest difficulties—one-for-one replacement requirements. These requirements make it almost impossible for a public housing authority to tear down old, expensive, often totally abandoned buildings because of misguided laws and regulations.

The distinguished member from California and chairman of the HUD/VA Appropriations Subcommittee, Mr. LEWIS, correctly focuses on this issue as one of many impediments to rebuilding our Nation's neighborhoods.

Clearly, as chairman of the authorizing subcommittee on this matter, it is my responsibility to set the course on important policy matters. Mr. LEWIS' repeal of section 18(b)(3) of the Housing Act is a temporary measure for fiscal year 1995 aimed at alleviating immediate pressures on local PHA's who want to get rid of these boarded-up eyesores. It falls on the authorizing subcommittee to enact the serious policy changes that can make this happen.

Even before this rescission bill came up, the distinguished Member from Louisiana, RICHARD BAKER, and I were working to draft legislation that will address the full range of issues surrounding this requirement. Mr. BAKER championed this issue in last year's housing bill.

I am glad to see this issue addressed and I assure this body that the permanent authorizing language addressing the entire range of problems relating to the demolition of vacant public housing is forthcoming.

Mr. Chairman, I have the greatest respect and admiration for the Appropriations VA/HUD Subcommittee chairman and his actions to send a message to HUD—this is not business as usual. I look forward to continuing this process in the months ahead.

Mr. MARKEY. Mr. Chairman, I rise today in strong opposition to the bill before us, which attacks many of the programs that assist our Nation's neediest citizens. I am particularly disturbed by the fact that this bill deals a devastating blow to the millions of American households that depend upon fuel assistance provided by the Low Income Home Energy Assistance Program to get through each winter by eliminating all funding for this program.

LIHEAP recipients are some of the poorest among us—in fact, 70 percent of those people who receive LIHEAP funds have annual incomes of less than $8,000. They include working families with young children, the disabled, and the many senior citizens who live on limited, fixed incomes.

This program is especially critical for people in New England, who must wage a battle on two fronts, for survival during winters that can be bitterly cold, and for economic stability in a recovering, but by no means robust, economy.

Many of my colleagues on the other side of the aisle spent considerable time and energy earlier this year professing their commitment to protecting our Nation's elderly from financial insecurity. When we debated the balanced budget amendment, the Republicans told us that they would not raid the Social Security Program to bring down the deficit. They were unwilling to write this guarantee into their amendment, to enshrine this protection in the Constitution, and yet they asked us to take their word for it that they would protect Social Security.

And now, a few short weeks later, the Republican leadership of this House has brought before us a bill that completely eliminates funding for LIHEAP. Of the 144,000 people from Massachusetts who receive assistance from LIHEAP, 40,000 of them are over the age of 60. What kind of financial security is the House GOP providing to those 40,000 low-income seniors by taking their heating assistance away? A study conducted by the University of Massachusetts has shown that our senior citizens must sometimes sacrifice food in order to pay for fuel to heat their homes in winter. Making it even harder for these people to afford home heating energy will only make our seniors less financially secure in what is meant to be their golden years.

Mr. QUINN. Mr. Chairman, I rise today to speak to an issue of utmost importance to my district in western New York.

Mr. Speaker, I applaud congressional efforts to trim Federal spending and reduce our deficit. We are making some bold and difficult decisions. The rescissions bill before this body makes many steps in the right direction.

It is an injustice, however, to eliminate programs—which unlike the Small Business Administration's tree planting program—people depend upon to meet their basic needs.

I am referring to the Low Income Home Energy Assistance Program or LIHEAP. I know this might not be a big concern to citizens in Florida or Arizona—but to those who live in areas like Buffalo, NY, it can be a matter of life or death.

LIHEAP provides fuel assistance to disabled, working poor, and low-income senior citizens who can not meet their own total energy needs. Fifty-five percent of households receiving assistance have at least one child under age 18 and 43 percent include senior citizens.

Some argue that LIHEAP was conceived in a time of energy crisis and that is no longer needed. We must remember, however, that energy is still not affordable to everyone.

LIHEAP recipients have an average income of $8,257 per year—without some assistance their heat could be cut off. Eighteen percent of their incomes are spent on energy needs.

LIHEAP is a vital program which is certainly not pork or luxurious Federal spending.

I am very worried about the families and seniors from my district and districts across the Nation who may be unable to properly heat their homes next winter. I hope that the good and bad aspects of eliminating the LIHEAP program will be more properly addressed during the appropriations process.

Mr. LUTHER. Mr. Chairman, I believe deficit reduction is critical to our Nation's future. I supported the balanced budget amendment and the line-item veto. I will support efforts across the board to cut unnecessary spending.

But I am particularly troubled by the provision in the pending rescissions bill that completely eliminates the summer youth jobs program for both 1995 and 1996. Mr. Chairman, this is not just a cut, it's not just holding the line at current levels, it kills the initiative entirely.

I agree that we must reform and consolidate job training programs, but this is the worst means to achieve that end.

The Summer Youth Jobs Program is not pork or welfare. It's work and common sense.

When told of these cuts, Janet Ames, Summer Youth Jobs Program coordinator in Washington County in my congressional district said:

> Elimination of the Summer Youth Jobs Program is a terrible mistake. By denying opportunity to our young people, we will send a signal that work doesn't matter. That is the worst message we can send them. These funds must be restored.

The people I represent are deeply concerned about rising crime in our suburban areas.

As Ron Nicholas, the chief of police of Blaine, MI, stated when told of these cuts: "The Summer Youth Jobs Program is the best tool local law enforcement has seen that reduces youth-related crime. It doesn't make any sense to eliminate it."

If the proposed cuts go into effect, 1,200 young people in my congressional district in Anoka, Washington, and Dakota Counties of Minnesota will have less hope, less opportunity, and less chance for a positive work experience to shape tneir lives this summer.

Let's be honest with ourselves—many at-risk young people simply don't have what most of us had in our own lives—a requirement to get up in the morning, a person to show them how to work, or someone to appreciate their accomplishments and build their self-confidence and self-esteem.

Let's rise above politics today and give our young people an alternative to despair and hopelessness—because there is no denying that as predictable as the sun rises every morning, despair and hopelessness will result in young lives with unlimited potential being forever lost to the tragedy of criminal behavior. We cannot afford to let that happen.

Mr. SAWYER. Mr. Chairman, I rise in strong opposition to H.R. 1158, the omnibus rescissions and disaster supplemental appropriations bill.

I don't argue with the need to make the tough choices that will lead to a balanced Federal budget. That's why I'm sponsoring a balanced budget bill with Congressman Bob Wise.

But I am deeply troubled by what this bill says about our priorities as a nation.

We aren't making tough choices here. We're taking shots at the most vulnerable among us: our children and senior citizens.

We're cutting deeply into the greatest investments we can make in our country's future prosperity: education and job training.

Where is our commitment to investing in the future potential of our young people and American workers?

Let me point out one example.

This bill eliminates 5 programs that help 60 million American adults who are functionally illiterate become productive and self-sufficient citizens.

Literacy programs aren't a drain on Federal and State treasuries. Illiteracy is.

According to the Ohio Literacy Resource Center, low literacy levels cost $224 billion a year in lost productivity, welfare payments, and crime-related costs.

The proponents of this bill have said that we are eliminating programs that don't work. I submit unequivocally that these literacy programs do work.

This bill eliminates all funding for State Literacy Resource Centers.

These centers provide "one-stop shopping" for State and Federal literacy services needing assistance with research and curriculum development. They eliminate the need for overlapping functions at the State level. They promote public/private partnerships by linking educational institutions with information about improved literacy techniques developed by private organizations and researchers.

This bill eliminates all funding for the National Institute for Literacy.

The Institute coordinates efforts to reach the sixth national education goal: that all Americans will be literate by the year 2000. It also provides technical assistance to literacy providers.

The Institute is in its 2nd year of operation. It has launched important new initiatives to promote adult literacy across the country. This is a service that works. It's not broke. It doesn't need to be fixed. So for goodness' sake, let's not break it!

I had hoped to offer an amendment to restore the funding for literacy programs.

But under the current rule, the only way to do that would be to take more money from: educationally disadvantaged children; or from programs that help teachers improve their skills; or from job training programs for young people.

That's not a rational choice at all.

That's not just robbing Peter to pay Paul. It's robbing our Nation of its future.

Perhaps we should heed the words of a prominent and much-admired American: "Parents with literacy problems are more likely to raise children who will have problems themselves."

Ladies and gentlemen, Barbara Bush is right. The greatest predictor of a child's future academic success is the literacy level of the child's mother.

Mr. Chairman, I want to conclude with a disturbing observation.

The Republican leadership is trying to amend the Constitution of the United States for the 2nd time in 100 days.

Experts say that it takes an 11th grade education to read and understand the Constitution. Yet, 60 million American adults can't read or write beyond the eighth grade level.

I am appalled that we would try to amend the fundamental document of our system of governance, yet deny all funding to programs that help millions of Americans fulfill the promise of that democracy.

I urge my colleagues to defeat this bill.

Mr. WISE. Mr. Chairman, the action proposed by the House Appropriations Committee would completely eliminate funding for: library literacy grants—$8 million; the National Institute for Literacy—$4.9 million; State literacy resource centers—$7.8 million; workplace literacy partnership grants—$18.7 million; literacy training for homeless adults)—$9.5 million; and literacy programs for prisoners—$5.1 million. A total of $54 million in cuts. Of that amount, $35 million is direct services to students.

Current funding levels—prerescission fiscal year 1995—provide $4 per eligible person per year. The proposed cuts would mean 600,000 individuals will be cut from individual instruction and classes.

While it is true the President's fiscal year 1996 budget also proposes to eliminate all these programs as line items in the budget, his plan shifts current spending for them to basic State grants and to National Programs in the case of the National Institute for Literacy.

Savings from this rescission may help pay for a middle class tax cut. Estimates suggest that the tax cut being considered would add approximately $4 a week to the paycheck of an individual earning $40,000. Is such a tax cut really cost effective when compared against corresponding cuts in adult education which helps those who are most educationally disadvantaged to get jobs, pay taxes and get off public assistance.

The Republican Contract With America claims to be about personal responsibility. These programs are the very vehicles by which many Americans are attempting to take personal responsibility for their lives and for their families.

An individual attempting to improve their life and increase the opportunities for their family who doesn't have basic reading skills is up against insurmountable odds. He/she can't read the want ads. They can't fill out a job application. They can't pass a basic skills test required by potential employers. They can't, for that matter, help their children with their homework, read them a bedtime story, or even interpret the instructions on a bottle of medicine. How does cutting off educational opportunities to these people increase their ability to assume personal responsibility?

Mr. EVANS. Mr. Chairman, this rescissions package is more of the same old story. Let's steal from the poor to give to the rich.

These cuts will hit some of the most vulnerable people in our society—our children, seniors, veterans, and the poor—to pay for their contract on America which is nothing more than a contract for big business and the wealthy in this country.

We are all in agreement that we must cut wasteful and unnecessary spending. However, this bill takes a meat ax to some of this country's most successful programs including the Low-Income Home Energy Assistance Program, veterans assistance, summer jobs, WIC, and a host of others that benefit the needy.

The total elimination of LIHEAP is a particularly unfair hit on Illinois and entire Northeast/Midwest regions of our country where winters are particularly severe. Just last year, President Clinton was faced with declaring a natural disaster in these regions due to the dangerously low temperatures. LIHEAP was able to rescue millions of families from last year's unbearable harsh weather.

This rescission package also says to our country's veterans that we don't appreciate their years of dedicated service. This package rescinds $206 million from the already beleaguered veterans budget. It axes out funds intended for much-needed medical equipment, and ambulatory care facilities.

Finally, the majority continues with its unjust assault on our children by slashing moneys for Women, Infants, and Children Program, education programs for disadvantaged youth, drug-free school zones, and children and family services programs.

Mr. Chairman, we have a responsibility to assist the helpless and the needy in our society. Let's not abandon them to provide unjustifiable tax cuts for wealthy individuals and corporations in this country.

Mr. MARTINEZ. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas [Mr. DELAY].

This House has been filed with misstatements, insupportable allegations, and outright fabrications about OSHA and the worker safety laws which have saved millions of workers lives and billions of dollars for employers throughout the United States.

Now we find proposals that are designed to defeat rules and regulations that major industry groups, including the poultry, health care, and auto industries, among others, are looking forward to.

It is said that OSHA does not know how much this new rule will cost industry, or whether those costs will outweigh the benefits that might accrue from this rule.

One thing that we all know is that muscle and skeletal injuries resulting in loss work, workmen's compensation, increased health care costs, and so forth. Are the most significant and fastest growing work-related problems industry and commerce currently face, totaling perhaps 60 percent of the new occupational illness reported.

Studies also show that, very frequently, the specific causes of those injuries, once isolated, can be cured by very inexpensive changes in the work site.

For instance, in some food processing plants, merely increasing the height of the table on which the product was prepared resulted in a dramatic lessening of incidence of worker complaint, and savings—direct savings—to the employer of more than enough money to refit the entire processing line.

As the saying goes: You can pay me now or pay me later.

Employers can continue to ignore the pleas of their workers, continue to see their workmen's compensation and health care costs rise, continue to see their taxes rise to pay unemployment and disability benefits or they can work within the OSHA ergonomic rules and make the adjustments to the work station or other changes, make the investment and reap the rewards of a more productive and healthier work force.

To deny the businesses in the United States the guidance that these regulations will provide may make the Republicans feel good, but, in the long run they will simply continue the increasing costs our businesses are now faced with.

Do the right thing for American business.

Do the right thing for American workers.

Defeat the DeLay amendment.

Mr. POSHARD. Mr. Chairman, I rise in opposition to the bill.

Over the last 7 weeks, in fact over the last 7 years, I have traveled thousands of miles across my district explaining, as best I can, why we need to stop deficit spending and why we need to balance the budget. Let me state again for the record; deficit spending is the biggest threat to our veterans' health care, education loans, child care, transportation improvements, or any other public need which we must attempt to meet.

If we do not slow the growth in spending and operate on a pay-as-you-go basis, we will soon have no money for anything but paying interest on the debt and perhaps some basic entitlement programs.

I have a strong record on voting to control spending. I have twice made the Concorn Coalition Honor Roll, and have been cited by groups such as the Citizens Against Government Waste and National Taxpayers Union for my willingness to make the tough choices on spending. I have voted for the Penny-Kasich amendment to cut over $90 billion in Federal spending, and have supported the balanced budget amendment to the Constitution.

Having said all of that, I will vote against this bill. It is seriously flawed in a number of specific instances.

This rescission bill is attempting to cut Federal spending in a very unfair, unbalanced way. These cuts are in fiscal year 1995 appropriations. These are moneys that have already been guaranteed to veterans, children, the elderly, and other people who are the most vulnerable in our society. Not one big ticket item in the budget, including defense, is cut at all. I will vote at any time to restrict the growth of Federal spending as long as all programs are subject to the same considerations, not just subjecting some programs to deep cuts and leaving others entirely alone or even increasing them, because the opposition party doesn't agree philosophically with the program.

Only at the 11th hour have we been told the cuts contained within this package will go to deficit reduction. That is something which I have supported and which I encouraged the committee to adopt. But I am not convinced that the $12 billion or so in this package will in fact be put against the deficit.

There are major tax cut proposals being advanced in this Congress which may do more harm than good to our efforts to balance the budget. Proponents of tax cuts will have to find a way to pay for those cuts, and even as we debate this bill, we are told that the really big cuts are still to come.

Supporters of the bill we consider today were originally considering using these savings as a downpayment on those tax cuts. Now we are told it will be put in a deficit-reduction lock box. Even if they siphon off $12 billion in spending and supposedly put it toward deficit reduction, it will still be necessary to find nearly $200 billion to finance those tax cuts.

What we should be doing is making the tough choices on spending and putting all of it toward deficit reduction. Anything less, and I will be obligated to vote "no."

Deficit reduction is not going to be easy. I am prepared to make the tough choices. But I am not going to cut today simply to make it easier for others to borrow tomorrow.

Let me also indicate another strong objection to this bill. I represent Decatur, IL, the Pride of the Prairie, a good town with good people. Right now, Decatur is weathering a tremendous storm of labor-management conflict. At three major industries we have disputes which have thousands of people off the production lines. More to the point of this debate, at the Bridgestone-Firestone plant, members of the United Rubber Workers union are being permanently replaced.

This bill includes a ban on the President's executive order to deny Federal contracts to companies hiring permanent replacements for striking employees. I support the President and oppose the ban. I do not take sides in any of the three labor situations. I urge everyone to use the collective-bargaining process to reach agreements which put people back to work. But I do support the right of workers to strike without being permanently replaced.

For these reasons I cannot support the bill and urge a "no" vote.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I stand before the American people and this body in absolute shock at this bill. The attack on the poor, the old, our children, our cities, and working families continues and intensifies today.

It is hard to exaggerate just how serious this is.

Let us start with housing. This bill is an attack on homeless children; 12,000 children living on America's streets or in its shelters would have gotten real housing this year. They are being cut.

In Massachusetts, funding for the homeless is so tight that the State is going to start sheltering the homeless in mental hospitals. Yet, the Republicans stand ready to add to the homeless population.

Five thousand drug addicted or mentally disturbed residents of supposedly senior-only public housing could have been moved out so that our seniors could once again feel safe in their elevators and hallways, and secure in their apartments.

This bill kills that funding.

Fourteen thousand elderly households would have been able to stay in the apartments they have lived in for years through the Affordable Housing Preservation Program.

This bill will put them on the streets because their landlords will turn these buildings into luxury condos, and the Republicans are cutting every new dollar for assistance to help them find affordable alternatives.

Two thousand young people would have been able to earn their high school degrees while apprenticing in the building trades—these are innercity kids who could have straightened out their lives and become working, productive members of our society through an innovative program called Youthbuild.

This bill closes the door to the economic mainstream for these young men and women.

Six hundred thirty thousand children and 530,000 seniors will be forced to live in public housing that is substandard, unsafe, and falling apart because of this bill.

The Republicans roll out Nancy Reagan to complain about the fight the Democrats are waging against drugs. But it is the Republicans that are cutting $32 million from drug elimination grants that could prevent innocent children from being gunned down in their homes or on their playgrounds.

Republicans talk about economic opportunity, yet they decimate the summer jobs program.

They want to cut Healthy Start, a successful program that reduces infant mortality in our innercities, where a higher percentage of babies die than in many Third World nations.

The Republicans are eliminating the entire Energy Assistance Program. This will force our senior citizens to choose between buying the prescription drugs they need and heating their homes. It will mean tens of thousands of children around the country will suffer from malnutrition because their parents cannot both buy enough food and keep their homes warm.

Finally, Mr. Chairman, the Republicans are sentencing 3,000 homeless people with AIDS to an early death by denying them the housing aid they would have otherwise qualified for. With stable homes, many AIDS victims could expect to live 10 more years. But on the streets, they are more likely to die within 6 months. Another 50,000 people with AIDS will never be assured of housing because this bill completely eliminates the housing for people with AIDS funding.

By any measure of good policy, by any measure of decency, this bill is a bad bill. We must balance our budget, and we can balance our budget, but we must not and need not balance it on the backs of children and old people.

Mr. KNOLLENBERG. Mr. Chairman, I rise to express my strong support for the rescissions bill before us today.

There is nothing like a rescission bill to get the Washington special interest lobbying machine cranking.

I have a stack of letters and faxes in my office from people who are opposed to this bill. They all say something like this: "I know we have to cut spending, but please save this or that program because it costs so little and helps so many people."

I also have a pile of very serious-looking analyses from the Clinton administration which say that children will starve—senior citizens will be thrown out on the streets—and businesses will cease to be competitive if we cut this or that program.

But you know what? I have yet to receive a letter from someone who says, "I don't have any ties to these programs. I do not receive my salary from them. I do not receive other monetary benefit from them, but I think you should continue to fund them anyway."—not a single one.

Folks, the American people are not buying into the ratings of Washington's spendoholics.

They know that a nation's compassion is not measured by the amount of money it spends.

They know that the effectiveness of government programs cannot be judged solely by the goodness of their names or their intentions.

Above all, they know that the most compassionate thing this Congress can do is lift the heavy burden of government debt off the back of their kids and grandkids.

So Mr. Chairman, I would say to my colleagues: Listen closely to the arguments against this bill. You will find the pleadings for compassion have the hollow ring of self-interest.

Then, remember the silent majority. Remember the Americans who pay the bills and their children and grandchildren who will pay them for decades to come.

And cast your votes for them.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. LINDER] having assumed the chair, Mr. BEREUTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes, pursuant to House Resolution 115, reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. OBEY. I certainly am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY moves to recommit the bill, H.R. 1158, to the Committee on Appropriations with instructions to report back the same to the House forthwith with the following amendments:

1. Disaster Assistance: On page 2 line 15, strike "$5,360,000,000" and insert "$536,000,000".

2. WIC, Women, Infants and Children: On page 6, strike lines 17 through 22.

3. Training & Employment Services: On page 23 line 10, strike "$1,601,850,000" and insert "$939,350,000". On page 23 lines 13 & 14, strike "$12,500,000 for the School-to-Work Opportunities Act,". On page 23, strike lines 23 through 25.

4. Community Services Employment for Older Americans: On page 24 strike lines 1 through 9.

5. Health Resources and Services: On page 25 line 12, strike "$53,925,000" and insert "$43,925,000".

6. Low Income Energy Assistance: On page 27, strike lines 2 through 6.

7. Education Reform: On page 28 line 14, strike "$186,030,000" and insert "$103,530,000". On page 28 line 15, strike "$142,000,000" and insert "$83,000,000". On page 28 line 16, strike "$21,530,000" and insert "$10,530,000". On page 28 line 19 after the word "Act" strike all through the word "partnerships" on line 23.

8. Education for the Disadvantaged: On page 29 line 4 strike all after "103-333," through line 7 and insert "$8,270,000 from part E, section 1501 are rescinded."

9. School Improvement: On page 29 line 16, strike "$747,021,000" and insert "$327,021,000". On page 29 line 18, strike "$100,000,000" and insert "$80,000,000". On page 29 line 18, strike "$471,962,000" and insert "$71,962,000".

10. Student Financial Assistance: On page 31 line 6, strike "$187,475,000" and insert "$124,100,000". On page 31 line 7 & 8, strike "part A-4 and".

11. Corporation for Public Broadcasting: On page 33 line 20, strike "$47,000,000" and insert "$31,000,000". On page 33 line 22, strike "$94,000,000" and insert "$34,000,000".

12. Assisted Housing: On page 49 line 14, strike "$5,733,400,000" and insert "$5,018,400,000". On page 49 line 17, strike "$1,157,000,000" and insert "$467,000,000". On page 50 line 4, strike "$90,000,000" and insert "$65,000,000". On page 50, strike lines 22 through 26.

Mr. OBEY (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. OBEY] is recognized for 5 minutes in support of his motion to recommit.

Mr. OBEY. Mr. Speaker, I yield to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Speaker, this bill unfairly and without precedent ties disaster assistance for California's flood and earthquake victims to cuts in programs for low-income seniors and children. Because of that—in spite of how the Northridge Earthquake pounded my congressional district—I must oppose this bill.

But I also oppose the motion to recommit.

FEMA needs this money to repair earthquake damage to over 200 public schools, to libraries and hospitals, to police stations, museums, and homeless shelters.

More victims applied for Federal assistance from the Northridge Earthquake than from Hurricanes Hugo and Andrew, and the floods in the Midwest, Georgia, and Texas combined.

After the fact, it is wrong to shift funding from grants to loan guarantees, and shift the entire responsibility onto California's back without regard to its ability to pay. This is the mother of all unfunded mandates.

Do not take out—on my constituents and those of Representatives MCKEON, BEILENSON, FARR, WOOLSEY, RIGGS, and others—your anger at Pete Wilson's failure to do what he should have done for disaster victims—and your anger at watching the Governor try to launch his Presidential campaign by blasting Washington while shirking his own responsibility to the victims of earthquakes and floods. Being victimized by Mother Nature is bad enough. We should not be victimized anew by Congress.

That is why I oppose the motion to recommit.

Mr. OBEY. Mr. Speaker, this motion to recommit is simple. This House can choose to provide 100 percent of the aid to disaster victims contained in this bill and still at the same time reduce by about one-third the hit that most State and local governments will take as a result of the rescissions proposed in this bill. We can do that and at the same time increase the total savings contained in the bill.

You ask how. You simply ask California and other States receiving disaster aid to assume the paper in the transaction instead of the Federal Government. Somebody has to borrow money to pay the victims of disasters. The committee is proposing that the Federal Government do it. We are proposing that the State governments do it.

As those on the other side of the aisle are fond of saying, we are in a new era. The old system of disaster aid is no longer viable. We cannot provide the aid outside of the budget targets, and we cannot have Uncle Sam picking up 98 percent of the tab.

What this motion would mean is that a lot of victims of other things in this society, namely, a lot of children and old people who live at the margins throughout the United States, will not have to pay for the California disaster.

This recommittal motion means big bucks for kids and seniors. It means big bucks for your Governor, your mayor, your local schools. We can restore Healthy Start and WIC, PBS for preschoolers, half a billion to help protect quality in elementary and secondary schools, we can restore drug-free schools, we can restore job training and school-to-work and the summer jobs programs. For the elderly we can restore fuel assistance, housing programs, and older-worker programs.

This motion will mean $400 million to the State of New York, $80 million for Wisconsin, $85 million for North Carolina, it means $200 million for Ohio, $240 million for Pennsylvania, $87 million for Tennessee, $130 million for Texas, $180 million for Illinois, about $80 million for Indiana, et cetera, et cetera. This can happen. You can make it happen. You can take this money and put it back in your home States.

It is up to you. All it takes is a decision on your part to put your State ahead of national politics, a decision to put your standing with your constituents ahead of your standing with the Republican caucus, I would say to my friends on this side of the aisle. In fact, this amendment saves $200 million more than the committee bill.

You can take that money and totally eliminate the cut made in the next fiscal year by the Human Resources Committee in the school lunch program and still have the same amount of money left to pay down the deficit. It is up to you.

□ 1245

It is up to you. I would ask you to make war on the status quo rather than making war on kids and old folks. This simply sets up a loan guarantee system under which States will finance disaster programs. It fully assures that every victim of disasters will get the full amount due to them, but it shares that burden much more equitably. It is an idea whose time has come.

The gentleman from Georgia [Mr. GINGRICH] himself, as the Speaker, indicates there will have to be offsets in the future. This creates a way to provide those offsets in a much more humane way than the bill. It helps you to help your own States.

I understand some Members from California may be opposed to it. But if you are from any other State, you are cutting off your own State's interest if you vote against the motion to recommit.

Mr. Speaker, I yield back the balance of my time.

Mr. LIVINGSTON. Mr. Speaker, I rise to respond to the gentleman.

The SPEAKER pro tempore (Mr. LINDER). Is the gentleman opposed to the motion to recommit?

Mr. LIVINGSTON. I am, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes in opposition to the motion to recommit.

Mr. LIVINGSTON. Mr. Speaker, I yield to the gentleman from California [Mr. LEWIS], the distinguished chairman of the Subcommittee on VA, HUD, and Independent Agencies Appropriations.

Mr. LEWIS of California. I thank the gentleman from Louisiana for yielding to me.

Mr. Speaker, I rise simply to say that FEMA comes under our responsibility in my subcommittee. We look closely at all of those agencies in the committee process. Halfway through the process, there came forward a request from FEMA for a supplemental to meet the disasters across the country in which some 40 States are effected, California indeed being among them.

The request was originally for $6.7 billion. We examined it and trimmed it back 20 percent. Indeed, having done that, I now see my State, essentially, under water one more time and I wonder about the rescission we made.

The fact is, however, that this country, for years, has reflected the best of the work of the House by standing together in support of the regions of the country which have faced disaster. This is such a time, and we urge the House to stand together one more time.

Mr. LIVINGSTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the motion to recommit. It is similar to, but different from, that offered by the gentleman from Illinois [Mr. DURBIN] in committee, which lost 20 to 35 in the committee. It eliminates $4.8 billion of emergency funding which we have paid for in this bill, the first time an emergency supplemental has ever been paid for in history.

This amendment redistributes $4.6 billion back into programs which we decided were low priority, duplicative, unnecessary from excessive growth in 1995 and 1994, and which were flushed in the pipeline from unobligated balances. It is based on the assumption that the authorizing committees will create a loan guarantee trust fund for disasters.

What happens if they do not? The fact is we will have redistributed $4.6 billion in emergency funds, the money will be gone, the FEMA money will not get to California and the other 40 States that need money now. This is a gutting amendment. It upsets the balance that is carefully crafted in this whole bill. It denies money promised to those people most in distress, as exemplified by the floods in California this year. And finally, I would only say to my friends that this shortens the first major step toward our reformation and reliance on common sense.

I urge all of the body, for the future of America's children and their prosperity, vote "no" to the motion to recommit. Vote "aye" on this first significant step to a balanced budget on the largest rescission in history. Vote "aye" on the bill and final passage.

We have heard a lot of wailing and gnashing of teeth and seen much beating of breasts by drug store liberals who never saw a program they did not like, or a victim they did not wish to champion.

For 63 years, since the inception of the New Deal, they have bombasted their way through history, bleating for the poor, the hungry, the infirm, the elderly, the afflicted, the impaired, and the disadvantaged, as well as the obnoxious, the loud, the boisterous, the most obtrusive, and the most squaking of wheels.

In the beginning, they had a strong case that life had overwhelmed the ability of the truly deserving to help themselves, but as time passed their case became weaker, less convincing, and more disingenuous.

Government became larger, more encompassing, more costly, less efficient, more demanding and intrusive, and yes, even less compassionate.

Redundancy of programs, waste, inefficiency, abusiveness, and even symptoms of totalitarian intolerance became the order of the day as we woke to the news of an energy shortage which was fabricated, endangered species which were not really endangered, environmental and tax cases which bankrupted good hard-working families for failure of technical fulfillment, and atrocities like the Weaver case and Waco.

Under the so called liberal Democrat domination of the House of Representatives, we saw Government move from the role of servant of the people, to become a master, which often dictates without recourse or recompense.

Those liberal Members of Congress, who so badly ran their own affairs, witnessed by the restaurant, post office and bank scandals, became arrogant and insensitive in 63 years of almost unfettered domination of the political scene, and they lost sight of the real victims of today's society.

The poor, average, working stiff, the 9 to 5'er who often has to moonlight to supplement his or her income; whose spouse so often has to work one or two jobs as well to help raise their kids, to pay tuition, and medical bills; who support their parents, or their church, their Scout troop, or their favorite charity.

Where is the liberal bleating for the honest, hard working, law abiding, uncomplaining, struggling average person, in whose pockets, wallets, and purses dig the liberal who wears his compassion on his sleeve as long as he can take someone else's money to buy a few extra votes to remain in power? Where is the compassion for that most deserving of people who asks for nothing but to be left to raise his family without a Government handout, subsidy, or enticement?

When will we in Congress have the guts to admit to the American citizens that "We have 'helped' you enough and now it is time for us to help you help yourselves?"

We should stop increasing Governments' role, raising taxes, increasing regulations, and reducing freedom and liberty, and start doing that which at the very least we should have done in all common sense long ago. We should rein in our uncontrolled spending, reduce our deficit, balance our budget, stop borrowing against the future of our children and grandchildren, and bring an end to the modern tyranny of the do-gooders.

We can indeed help those who are truly in need by maintaining a slimmer, more efficient, less redundant, more effective safety net. We can have a Government which is leaner, not meaner, but we must do so in a smarter, more thoughtful fashion than merely throwing taxpayers dollars at every cause.

Compassion has become a weapon in the hands of the obtuse and uninformed, and its victims are the people whom we should most wish to help—the average American working citizen and his or her family.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage.

This is a 15-minute vote on the motion to recommit.

The vote was taken by electronic device, and there were—yeas 185, nays 242, not voting 7, as follows:

[Roll No. 250]

YEAS—185

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Bevill
Bishop
Bonior
Borski
Boucher
Browder
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Fattah
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Laughlin
Levin
Lincoln
Lipinski
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Williams
Wilson
Wise
Wyden
Wynn
Yates

NAYS—242

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Beilenson
Bereuter
Berman
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brown (CA)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cunningham
Davis
DeLay
Diaz-Balart
Dickey
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Farr
Fawell
Fazio
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Lofgren
Longley
Lucas
Manzullo
Martini
Matsui
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Mineta
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Woolsey
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—7

Collins (IL)
Cubin
Franks (CT)
Johnson (CT)
Johnson, E.B.
Lewis (GA)
Tucker

☐ 1312

The Clerk announced the following pair:

On this vote:

Mrs. Collins of Illinois for, with Mrs. Cubin against.

Mr. ENGLISH of Pennsylvania, Mr. MINETA, Ms. WOOLSEY, and Mr. LANTOS changed their vote from "yea" to "nay."

Mr. TORRICELLI and Mr. WILSON changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Mr. OBEY. Mr. Speaker, I ask unanimous consent to speak out of order for 1 minute.

The SPEAKER pro tempore. Without objection, the chair recognizes the gentleman from Wisconsin [Mr. OBEY] for 1 minute.

There was no objection.

Mr. OBEY. Mr. Speaker, I think the Members of the House ought to know before the vote that we have just been informed that the gentleman from Ohio [Mr. KASICH], the chairman of the Committee on the Budget, has indicated that, despite the passage of the Brewster amendment yesterday, that he intends to use the savings in this bill in his assumptions for the tax cut that he has presented to the Committee on the Budget. It seems to me Members ought to know that before they vote.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The Chair reminds Members that this is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 227, nays 200, not voting 7, as follows:

[Roll No. 251]

YEAS—227

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cunningham
Davis
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myrick
Nethercutt
Neumann
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—200

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Boehlert
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Franks (CT)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
LaHood
Lantos
Levin
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—7

Bryant (TX)
Collins (IL)
Cubin
Johnson, E.B.
Lewis (GA)
Lincoln
Myers

☐ 1323

The Clerk announced the following pair:

On this vote:

Mrs. Cubin for, with Mrs. Collins of Illinois against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to recommit was laid on the table.

PERSONAL EXPLANATION

Mrs. LINCOLN. Mr. Speaker, during rollcall vote 251 on H.R. 1158, the rescission bill, I was unavoidably detained during that 5-minute vote. Had I been present, I would have voted "no" on the rescission package.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LINDER). Without objection, the RECORD will be corrected to indicate that the vote on final passage was automatically and a yea and nay vote under the new rule XV, clause 7.

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1158, EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE AND RESCISSIONS FOR FISCAL YEAR 1995

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that in the engrossment of H.R. 1158 the Clerk be authorized to correct section numbers, punctuation, cross references, and to make other conforming changes as may be necessary to reflect the actions of the House today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4, PERSONAL RESPONSIBILITY ACT OF 1995

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–83) on the resolution (H. Res. 117) providing for the consideration of the bill (H.R. 4) to restore the American family, reduce illegitimacy, control welfare spending, and reduce welfare dependence, which was referred to the House Calendar and ordered to be printed.

CONFERENCE REPORT ON S. 1, UNFUNDED MANDATES REFORM ACT OF 1995

Mr. CLINGER. Mr. Speaker, I call up the conference report on the Senate bill (S. 1) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local, and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been reading.

(For conference report and statement, see proceedings of the House of Monday, March 13, 1995, at page H3053.)

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 30 minutes and the gentleman from New York [Mr. TOWNS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Speaker, I yield myself such time as I may consume.

State and local governments can sleep safer tonight because we are about to put the menace of unfunded mandates behind lock and key. Congress has recognized, on a bipartisan basis, that its penchant for passing the costs of programs on to States and localities is a threat to our system of government. It has mustered the courage to say: Please, stop us before we mandate again.

It is an enormous relief to know that we are in the final stage of House consideration of S. 1, the Unfunded Mandates Reform Act of 1995. The conference committee that negotiated the differences between the House and the Senate was the first conference committee of the 104th Congress to complete action.

I believe it set an excellent precedent for bipartisan, thoughtful negotiation in the interest of producing the best conference report possible.

Mr. Speaker, no blood was shed; no voices were raised. It was a model of civility and comity as we deliberated on these matters that are going to mean so much to States and local governments throughout this country.

The Unfunded Mandates Reform Act is a better and stronger piece of legislation as a result of the conference committee. It makes historic changes in the way the Federal Government does business with its State and local partners. It ensures Congress and Federal agencies have——

Mr. DREIER. Mr. Speaker, point of order. The House is not in order. There are conferences taking place. This is the first conference in 40 years from a Republican House of Representatives. The chairman of the committee deserves to be heard.

The SPEAKER pro tempore. The House will be in order.

Mr. CLINGER. It is a historic moment; the first conference report from a Republican-controlled Congress in 40 years. And I agree with the gentleman from California [Mr. DREIER], it is significant.

This bill will ensure that Congress and Federal agencies have more information than ever before on the impact of Federal actions on the private sectors and it holds Members of Congress accountable for any decision to impose a mandate without paying for it.

The conference report provides that Congress must have Congressional Budget Office estimates for the costs of the mandates it imposes on State and local governments and the private sector.

The public sector mandates that will cost over $50 million must be funded through new budget or new entitlement authority or through the appropriations process, and legislation that does not meet those requirements will be subject to a point of order on the House and Senate floor or a majority of Members must vote to waive the point of order before Congress can impose a mandate without paying its costs.

□ 1330

It makes us accountable, Mr. Speaker. If a mandate is funded through appropriations and in any year appropriations are insufficient to cover the mandate's costs, the responsible Federal agency must notify Congress within 30 days after the start of the fiscal year. The agency shall either re-estimate the cost of the mandate and certify that the funds appropriated are indeed sufficient or submit recommendations to Congress for making the mandate less costly or making it ineffective for the fiscal year.

Congress then would have 60 calendar days to act or the mandate becomes ineffective for that entire fiscal year. This is a change, a change from the House passed bill, H.R. 5, and it has improved, in my opinion, it has improved our final product. The language makes it clear that the final disposition of underfunded mandates is decided by Congress, not by the Federal agencies.

Mr. Speaker, title II of the bill requires Federal agencies to analyze the effects of their rules on State and local governments and the private sector and to prepare written statements detailing the costs and benefits of rules expected to cost over $100 million. The agencies must consult with State and local elected officials who are given a limited exemption from FACA, the Federal Advisory Committee Act. This recognizes that in the implementation of intergovernmental programs, States and localities are our partners, not just another regulated entity.

This title also requires agencies to select the least costly or most cost-effective rule where possible. The Office of Management and Budget must report annually to Congress on the compliance of Federal agencies with these requirements.

Mr. Speaker, title III provides for a look back at existing mandates, something that I think is a very important piece of this legislation, requires the Advisory Commission on Intergovernmental Relations to reevaluate existing mandates and to make recommendations to Congress and the President within 1 year as to whether some or all should be changed to ensure that they still make any sense at all.

I will submit now that my suspicion is that a lot of them do not make any sense. These recommendations will not sit on a shelf collecting dust. We have the assurance of the House leadership that they will act on them expeditiously and will bring them to the floor for consideration. So I am very pleased that the conference committee agreed to most of the amendments that were passed during House consideration of the companion piece, H.R. 5, most notably, most notably and most importantly judicial review in a modified form. I am sensitive to the concerns of some of my House and Senate colleagues on judicial review. Yet the majority of Members in the House, many of them Democrats, believe that judicial review is absolutely essential to ensure that agencies perform the analyses and the estimates and the statements that are required by title II.

The compromise on judicial review worked out in conference is by no means a lawyers' employment act. That was one of the charges that was made about it. It allows courts to compel agencies to prepare analyses, statements and estimates required under title II but without judging their content or adequacy. It precludes the requirements of title II from being the grounds on which a court can stay, enjoin or otherwise affect an agency rule.

However, Mr. Speaker, in most cases the contents of these analyses, statements and estimates can be reviewed by the court as part of the whole rulemaking record in judicial review under the underlying statute.

In my view, this is a fair deal, balancing one side's concern that this bill not become a nightmare of litigation with the other side's conviction that judicial review is essential to force agencies to obey the law.

I want to thank a number of people for their great contributions to this process over the past few months.

First, I want to commend the Speaker for making this legislation part of the Contract With America and a priority for the 104th Congress. And I want to express my deep appreciation to my fellow sponsors of this legislation, the gentleman from Ohio [Mr. PORTMAN], the gentleman from California [Mr. DREIER], the gentleman from Virginia [Mr. DAVIS], and the gentleman from California [Mr. CONDIT], for their absolutely outstanding commitment to mandate relief and the hours that they put in to bring us to this point.

They have been all outstanding leaders on the issue and I appreciate their efforts. I note I omitted the gentleman from Virginia [Mr. MORAN], who was also a very stalwart soldier in this effort.

I want to acknowledge the minority House conferees, the gentlewoman from Illinois [Mrs. COLLINS], the gentleman from New York [Mr. TOWNS], and the gentleman from Massachusetts [Mr. MOAKLEY], for their valuable contribution to the conference.

I thank also Senators ROTH, DOMENICI, GLENN, EXON, and especially Senator DIRK KEMPTHORNE for the outstanding job they have done in guiding this bill through the Senate.

Of course, I would be remiss if I did not thank our partners in the public and private sector who endorsed this bill: the National Association of Counties, National Association of Towns and Townships, National Governors Association, League of Cities, and on and on. They have worked so hard over many, many months toward passage.

Finally let me commend the staff of both bodies for their efforts in drafting, to draft a strong measure and broad support, working sometimes, 15, 16 hours a day, Christine Simmons on my staff, George Bridgeland with Mr. PORTMAN, Steve Jones with Mr. CONDIT, Vince Randazzo with Mr. DREIER, and on, Chip Nottingham and others. There have been just a number of heroes in this overall effort. They have all done enormously good work.

This is a good day for Congress, Mr. Speaker, a good day for the country and certainly a most welcome day for State and local elected officials throughout this Nation. I can almost hear the cheers and the applause across the Nation with the enactment of this conference report.

I urge all my colleagues to vote for this conference report so that we may forward the unfunded mandates relief reform bill to the President for his signature, which I am confident we shall have.

Mr. Speaker, I reserve the balance of my time.

Mr. TOWNS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the conference report on S. 1, the Unfunded Mandates Reform Act of 1995, and I would note that the ranking member of the committee, Mrs. COLLINS, also supports the conference report.

Mr. Speaker, as one of the authors of the bipartisan mandates legislation that passed the Government Operations Committee last year with broad bipartisan support, it was with great reluctance that I opposed the House bill this year.

Unfortunately, the majority members of the Government Reform Committee rushed through a bill that was drafted in secret, and gave the minority almost no opportunity to review it. As a result, the bill was filled with procedural and regulatory excesses. It simply went too far.

The Conference Committee spent 7 weeks rewriting the bill, and the result is an agreement that I believe we all can support:

Under the agreement on judicial review, special interests cannot tie up regulations.

Congress retains the final say over whether agencies can end mandates depending on the level of appropriations.

Other provisions were clarified and tightened.

Let me state that as a result, the Conference Report is not too different from last year's bill.

Mr. Speaker, let me say that this bill addresses the major concerns of the State and local elected officials with whom we have been working with over the past several years. It guarantees that Congress has a full and open debate on the costs to State and local governments before it passes legislation mandating any new and costly requirements.

Before I reserve the balance of my time, I would like to thank the chairman of the full committee, the gentleman from Pennsylvania [Mr. CLINGER], for the outstanding job that he did. I also would like to thank my colleague, the gentleman from Ohio [Mr. PORTMAN], who worked very hard to make this day a reality. I also would like to thank the ranking member of the full committee, the gentlewoman from Illinois [Mrs. COLLINS], for her work and leadership in this area as well, who worked very hard to strengthen the bill to make it better.

I also would like to thank my colleague, the gentleman from Virginia [Mr. MORAN], who kept this alive over the past few years, and the gentleman from California [Mr. CONDIT], who also worked very, very hard to bring us to where we are today. I also would like to thank the staff of both committees and, of course, who worked and put a lot of time and energy in to help us to strengthen this bill. So I would like to thank them, too.

Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. MORAN], a member who kept this issue alive during the 103d Congress and came into the 104th Congress fighting to strengthen it because he felt that unfunded mandates was very, very important.

Mr. MORAN. Mr. Speaker, I thank the distinguished ranking minority member of the subcommittee, and I want to thank the chairman of the full committee for carrying this bill through to its conclusion, the gentleman from Ohio [Mr. PORTMAN], the gentleman from Virginia [Mr. DAVIS], and the gentleman from California [Mr. CONDIT].

This has been a cooperative, bipartisan, constructive effort to address a very serious problem within this country and particularly experienced by State and local governments and the private sector.

I am going to support this bill. It is a necessary bill. It should have been passed years ago.

I do want to raise some issues, however, because I do have some concerns with what will happen once this bill is signed. The principal concern is with regard to appropriations. The last bill we passed included three programs that suffered very substantial reductions: lead abatement, let me make sure I have all of them, asbestos removal, safe drinking water. We had rescissions in all three programs, just passed them, $1.3 billion in reductions.

But, my colleagues, there was no reduction in the mandates that States and localities must carry out to implement those programs. I think it is kind of ironic that we just imposed a more severe burden on States and localities by taking away over $1 billion that they needed to carry out Federal mandates and now, within the same hour, we are going to pass a conference report which says that they have to fully implement them.

I wish that we had the provision in this as well that says that the executive agency has to seek out from the States and localities and the private industrial sectors affected the least burdensome option for carrying out the intent of the legislation.

□ 1345

It does not include that as being subject to judicial review. That could be a serious problem if the executive branch is not in full accord with the intent of this legislation. I wish that were included.

Mr. Speaker, I do think that this is going to improve the relationship between States and localities and the Federal Government. Most importantly, it is going to improve the relationship between the American people and their Government. It is a good bill.

I congratulate all those who worked so hard to get to this day. I am confident the President will pass it, and I appreciate having been given the time to address these issues. I thank the chairman, the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to recognize the contributions of the gentleman from New York [Mr. TOWNS]. He was chairman of the subcommittee of jurisdiction last year that held field hearings, and he took a deep interest in the question of the burden that unfunded mandates were imposing on State and local governments, and deserves a great deal of credit for this exercise.

Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Ohio [Mr. PORTMAN], one of the prime movers and key people in this overall effort, and one who has worked endlessly and constructively and creatively to fashion the compromise that this conference report represents.

(Mr. PORTMAN asked and was given permission to revise and extend his remarks.)

Mr. PORTMAN. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. CLINGER], the chairman of the full committee, for yielding time to me.

Mr. Speaker, in a few minutes this Chamber is going to pass the Unfunded Mandates Relief Act of 1995, landmark legislation that is part of the Contract With America. After a long and sometimes difficult process, it is good to see history being made.

With Senate passage of the legislation yesterday by a strong vote of 91 to 9, and with every indication from the White House that the President will sign this bill, I think within a few days we are likely to see a bill become law that not too long ago was a radically new concept, unfunded mandate reform.

The bill is historic because it redefines the relationship between the Federal Government and our State and local partners. It is historic because it ensures for the first time that Congress will have cost information on mandates as they go through the committee process; a guaranteed informed debate on the floor of the House on unfunded mandates, which we have never had before, and yes, accountability, a vote, up or down, in front of the public, the press, our local partners, on the issue as to whether to impose unfunded Federal mandates.

As the chairman, the gentleman from Pennsylvania [Mr. CLINGER], noted earlier in this debate, Mr. Speaker, we are pleased to report that the conference report on S. 1 has given us an even stronger bill than passed either the House or the Senate.

I am going to submit much more extensive comments in the RECORD on some of the key issues we worked out in conference, but I want to spend a minute expanding on Chairman CLINGER's good description of the judicial review provision, because I think it is critical to understanding why this is strong, meaningful legislation.

To address the concerns that many of us had, we wanted to ensure that Federal agencies complied with the key requirements of title II of the bill, especially the cost-benefit analysis. We insisted that agency action be subject to judicial review. The sad history of compliance with the Regulatory Flexibility Act made that absolutely essential.

The conference report provides that courts may compel agencies to perform cost-benefit analyses and to comply with other provisions of title II. It is simple. This review ensures that the agencies meet the requirements that Congress says are necessary in the context of rulemaking regarding mandates.

At the same time, we reflected the case law that once an agency acts, the courts are not to substitute the court's judgment for the judgment of the agencies, not to second guess the adequacy of the analysis prepared by the agencies.

We also addressed the concern that judicial review would become a haven for lawyers and paralyze the regulatory process altogether, by making it very clear that the requirements of title II alone could not be used as a basis for staying, enjoining, or invalidating a rule.

Let me emphasize, however, that if the underlying statute, and all of the requirements of S. 1 would arise in the context of the underlying statute, does not preclude the type of analysis contemplated in S. 1, a court may review the analysis, the statements, the estimates and the descriptions required by S. 1 as part of the whole rulemaking record to determine whether that rule should be stayed or should be struck down as arbitrary and capricious.

This is crucial. As many will recall, judicial review was in our House-passed bill and was not in the Senate-passed bill. Thus, retaining judicial review was a victory for the House. However, much more important, it is a victory for our State and local partners and for all of our constituents and, yes, for the private sector.

Let me sum up, Mr. Speaker, by mentioning just a few of the many people who have contributed to this effort. I will tell the Members, having been intimately involved with this bill for the last year or so as it has moved through the process, this is one of those situations where, but for the efforts of any one of these individuals, we might not be here today. It took all of us, working together, pulling together, to get it done. It is hard to get things done in Washington, and we could not have done it without pulling, all of us pulling together.

First, as the gentleman from Pennsylvania, BILL CLINGER, said, we have to thank our Speaker. He allowed us to put this language in the Contract With America. He prioritized the issue. He also worked very closely with State and local officials through this whole process.

Second, I want to mention one of my colleagues in this effort, the gentleman from California, GARY CONDIT, the man I call our spiritual leader, the heart and soul of this effort. He was the sponsor of H.R. 5 and one of the conferees selected by the Republicans, and we were happy to have him as part of the team. He was out there talking about this issue, unfunded Federal mandates, long before it was well understood and popular in the House and throughout this country.

Next, the person I call our Senate partner, DIRK KEMPTHORNE. He was the original proponent of this legislation. He was the driving force in the Senate, and he worked cooperatively with us in an extraordinary show of bicameralism over the last 8 or 9 months to pull together this legislation.

I thank the gentleman from Pennsylvania, BILL CLINGER, the chairman, for his partnership with all of us in this great debate, particularly for giving me an incredible opportunity here on the floor.

I would also like to thank Senator JOHN GLENN, my colleague from Ohio, who showed a commitment to this issue early on in the Senate when few of his colleagues on this side of the aisle were supporting it; the gentleman from California, DAVID DREIER, for his excellent work in sorting out the difficult House procedural issues that came up in the context of the conference, particularly with the Byrd amendment; the gentleman from Virginia, TOM DAVIS, a freshman member of the conference and an original sponsor of this legislation, who not 4 or 5 months ago was lobbying us on behalf of the National Association of Counties, because he lived under these crippling mandates not long ago.

There are lots of other critical players in the House: The gentleman from Virginia [Mr. MORAN]; the gentleman from Pennsylvania [Mr. GOODLING]; the gentleman from Kansas [Mr. ROBERTS]; the gentleman from Texas [Mr. GEREN]; the gentleman from New York [Mr. SOLOMON]; the gentleman from New York [Mr. TOWNS]; the gentleman from Ohio [Mr. KASICH], and the list goes on.

From my home State of Ohio, Gov. George Voinovich, he led the Governors on this, and helped us to get focused on mandate relief legislation. I am going to mention some key staffers. They do a lot of heavy lifting around here, and do not get enough credit; Kristine Simmons with the chairman, the gentleman from Pennsylvania, Mr. CLINGER; Steve Jones with the gentleman from California, GARY CONDIT; Vince Randazzo, with the gentleman from California, DAVID DREIER, and my chief of staff, John Bridgeland.

On the Senate side, there is Buzz Fawcett with Senator KEMPTHORNE, Sebastian O'Kelly with Senator GLENN, and Austin Smythe with Senator DOMENICI. We would not be here without them.

Finally, thanks to our State, local, and county officials. Without them, we would not be here. It is on their behalf we are acting today to help them to govern this great country.

Mr. TOWNS. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. CONDIT], a member of the committee.

Mr. CONDIT. Mr. Speaker, I am excited and delighted to be here today. This is a long time coming. What this really does, I think, across the country is give us a ray of hope, because a couple of years ago when we started with the unfunded mandate issue, we were told by experts inside the beltway that "This cannot be achieved; you will never get an unfunded mandate bill through the House, through the Senate, and get the President to sign it. It cannot be done."

Let me say, we are going to do it today. In the next couple of weeks, the President will sign this piece of legislation. He has already indicated his support in the past, and has indicated his support to this conference committee report. This is a ray of hope to the American people and to local elected officials across this country that we can come to grips with problems facing this country here in Congress; that we Republicans and Democrats can come together and find a solution. We have found a solution, and this is a bipartisan solution.

I cannot say enough about my colleagues on the other side of the aisle for their cooperation: The gentleman from Pennsylvania [Mr. CLINGER] who has been a total gentleman, and has involved us in every phase of this issue. I want him to know that I truly appreciate that. That is the kind of attitude we ought to take in solving problems facing this country.

I want to thank the gentleman from Illinois [Mr. PORTMAN], who a couple of days after the election was on the phone to me, talking to me about what we should include in an unfunded mandate bill. I truly appreciate his efforts.

I thank the gentleman from New York [Mr. TOWNS] and the gentleman from Virginia [Mr. MORAN] and a variety of other people; the gentleman from Kansas [Mr. ROBERTS] who was a trooper with the unfunded mandate caucus and forced the issue; the gentleman from Virginia [Mr. DAVIS] who has come abroad and been active in this issue.

It is truly a bipartisan effort. That is why there is a ray of hope here today, Mr. Speaker, because this is an example of what we can do on other issues. This is an example of how we can solve the problems facing this country, that we can come together and we can tell the experts they are wrong, we can find solutions to the problems facing this country, because we just found one. It may not be perfect, but this is a huge, huge step in battling unfunded mandates.

Local governments across this country, as the gentleman from Pennsylvania [Mr. CLINGER] said, ought to rejoice today, because we are on the verge of freeing them; giving them some discretionary authority so they can have control over their own destiny. I want to commend and congratulate all my colleagues, and Senator KEMPTHORNE, who has worked very hard, I want to mention him; and the Senate and the people who have been involved over there, I want to thank and congratulate them as well.

I am delighted and honored that I was able to serve on the conference committee. I thank the Speaker of the House for that opportunity. I am truly honored that I had that opportunity.

Mr. Speaker, as a Member who has sought relief from unfunded Federal mandates for State and local governments since 1991, I am truly proud to be standing before you today. We are at the culmination of a long journey which will conclude today with the passage of the conference report on the Unfunded Mandates Reform Act. The action which we will take today will do more for State and local governments than anything we have done in the last 20 years or are likely to do in the next 20.

There is not a Member of this body who has not heard from their local or State governments about the damage that unfunded mandates do to their local budgets. Not only do unfunded Federal mandates displace local priorities, but they compel State and local jurisdictions to either increase taxes or curtail services. This is the real injustice with unfunded mandates; they allow us in Congress to get all the credit for approving new programs, but they require State and local governments to scramble to come up with the funds needed to implement them.

As many of my colleagues know, there is not an issue in which I feel more passionately about than the abolition of unfunded mandates on State and local governments. I came to this body in 1989 after spending 17 years in either city, county, or State government. So I came here with a full knowledge of what unfunded mandates do to a local official's budget, and I came committed to putting an end to the practice.

In January 1993, I introduced legislation that effectively said that if a mandate on a State or local government was not fully funded, then its application was voluntary. The bill could be summed up with the simple phrase, "No money, no mandate." Much to my surprise, this legislation struck a chord with State and local officials nationwide and they actively lobbied their representatives to support the bill. In fact, this legislation was cosponsored by a majority of Members during the last session of Congress. Nevertheless, the no money, no mandate legislation was controversial and engendered a significant amount of opposition from those who wanted to preserve the status quo. Despite the enormous bipartisan support for the no money, no mandate legislation, it was never even considered by the last Congress. However, I knew that this was an issue whose day would eventually come.

The Speaker of the House obviously knew it was a good public policy initiative because he included unfunded mandate reform legislation in the Contract With America. While the contract is obviously a Republican endeavor, I would be remiss if I did not state that my Republican colleagues fully included me in this effort to enact unfunded mandate relief. I sincerely appreciate their willingness to work with me.

The day after the November elections, Representatives CLINGER, PORTMAN, DAVIS, and myself immediately began drafting the House version of the Unfunded Mandates Reform Act. Very similar to the Senate bill S. 1, our bill, H.R. 5, set up an elaborate system of rules and procedures that Congress would have to follow when considering legislation imposing mandates on State and local governments and the private sector. As my colleagues will recall, H.R. 5 was approved by this body, on February 1, by a vote of 370 to 86.

After 6 weeks of sometimes tortuous negotiations with our Senate counterparts, the conference finally agreed on a final product. The conference report is a good bill. Is it a perfect bill? Of course not. Is it everything that this Member would have preferred? No. But, is it a landmark bill that will begin to rein in our penchant for passing the costs of Federal programs onto State and local governments? It is that. And it deserves the support of all Members who profess to believe in putting an end to unfunded Federal mandates.

The conference report on the Unfunded Mandates Reform Act truly reforms the way that we do business. Under the conference report, Congress must identify the costs of new mandates imposed on State and local governments by either increasing spending, increasing receipts, or through appropriations. If a mandate is to be paid for with appropriations, then the authorizing bill creating the mandate must condition its effectiveness on subsequent appropriations. If subsequent appropriations are insufficient to pay for a mandate, the mandate will cease to be effective unless Congress provides otherwise by law within 90 days of the beginning of the fiscal year.

This process is enforced by a point of order. Legislation that does not satisfy the aforementioned requirements can be ruled out of order, thereby blocking further consideration of the bill by either the House or the Senate. A majority vote can waive the point of order.

Title I of the conference report, which I have just described, applies only to future mandates. It is not retroactive. Existing mandates on State and local governments will be examined by the Advisory Commission on Intergovernmental Relations [ACIR]. ACIR is charged to study these mandates and make recommendations to Congress, within a year, on mandates that can be consolidated, modified, or repealed.

Finally, title II of the conference report requires Federal agencies, when issuing new rules that will cost State and local governments or the private sector $100 million, to perform a detailed cost-benefit analysis before promulgating the final rule.

Now let me describe the significant changes that resulted from the conference committee. Although S. 1 and H.R. 5 were very similar, there were several differences between the two bills. The main differences between the two bills were as follows: Judicial review, the CBO threshold for estimates of private sector mandates, congressional reconsideration of mandates that fail to receive adequate funding, and applying the point of order provision to appropriation bills.

S. 1 contained no judicial review of title II requirements dealing with the cost-benefit analyses that Federal agencies are to perform before issuing new regulations containing significant mandates on State and local governments and the private sector. H.R. 5 allowed judicial review of these actions. The conference report contains judicial review, but it only allows petitioners to compel agencies to perform the required analysis. Furthermore, courts are not allowed to judge the adequacy of the agency's estimates or question their methodology. The judicial review provision in the conference report also does not allow petitioners to say, enjoin, invalidate, or otherwise affect the rule. I believe that this should allay the fears that many Members in this body had about this legislation spawning an endless stream of litigation. On the other hand, I want my colleagues to realize that regulated entities will still have full judicial review that is granted under the underlying statute that authorizes that rulemaking. So I believe that this judicial review provision suits the needs and concerns of both sides of this issue.

S. 1 contained a $200 million threshold for CBO cost estimates of mandates affecting the private sector. H.R. 5 contained a $50 million threshold. After much debate, we decided to split the difference. The conference report contains a $100 million threshold of CBO estimates for mandates affecting the private sector.

S. 1 contained a provision, inserted by Senator ROBERT BYRD, that provides for congressional reconsideration of underfunded mandates. H.R. 5 contained no such provision. The conference report contains the Byrd amendment. Under this proposal, a Federal agency, within 30 days of the beginning of fiscal year, must inform Congress that it has sufficient funds to implement a mandate or provide legislation recommendations to scale back an underfunded mandate in order to meet a partial level of funding. Both of these determinations must be ratified by Congress within 60 days of its submission by the Federal agency. If the Congress fails to act within this 60-day time period, then the mandate shall be ineffective for that fiscal year. Under section 425(a)(2)(B)(iii)(III) of the conference report, if Congress does not act within 60 calendar days when an agency submits either a statement that the amount appropriated is sufficient to carry out the mandate, or legislative recommendations for implementing a less costly mandate, the mandate will cease to be effective. It is the intent of the managers on the part of the House that, in the House of Representatives, the 60-calendar-day period be a continuous period that would not be disrupted by a sine die adjournment. While this provision was not a part of the original House bill, it was my opinion that this provision makes the bill stronger, and I advocated for its inclusion in the conference report.

Finally, S. 1 contained a provision that would allow Members to strike mandates contained in appropriation bills. H.R. 5 contained no such provision. While House rules already prohibit legislating on an appropriations bill, it was the sense of the House conferees that this provision made sense and should be adopted. The conference report contains a provision whereby Members in either the House or Senate may strike mandates contained in appropriations bills.

These were the main differences between S. 1 and H.R. 5. I would also like to report that the final conference report contains several amendments that were adopted by the House. The conference report contains a version of an amendment added by the gentleman from Pennsylvania [Mr. KANJORSKI] that excludes title II of the Social Security Act from the bill. The conference report contains the amendment added by the gentleman from Virginia [Mr. MORAN] that requires agencies, when considering options in their rulemaking proceedings, to adopt the least costly, most cost-effective, or least burdensome option or explain why it did not. Finally, the conference report contains the amendment added by the gentlelady from Ohio [Ms. PRYCE] that requires OMB to report on compliance with title II provisions to the House Committee on Government Reform and Oversight and the Senate Committee on Government Affairs.

Finally, Mr. Speaker, I would like to thank several people who had a hand in getting us to the point where we are today. I would like to thank Chairman CLINGER, who has been a leader on this issue; Representative ROB PORTMAN, who has done much of the nuts and bolts work on this issue; Representative TOM DAVIS, whose insights into the workings of local government have been invaluable; my cochairman in the unfunded mandates caucus, Representative PAT ROBERTS; Representative JIM MORAN, a longtime champion of this issue; Representative PETE GEREN, who has worked with my office extensively; and the speaker, majority leader, majority whip, and Rules Committee chairman who allowed me to participate in this conference. I would also like to thank the Senate conferees: Senators GLENN, EXON, ROTH, DOMENICI, and KEMPTHORNE. I know I am probably forgetting a few people who certainly deserve the recognition.

In closing Mr. Speaker, let us ring in a new and meaningful relationship with our State and local government brethren. Let us pass the conference report on the Unfunded Mandates Reform Act.

Mr. CLINGER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from California [Mr. DREIER], another stalwart soldier in this effort.

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to extend congratulations to the gentleman from Pennsylvania [Mr. CLINGER] and all of our colleagues who played a role in bringing about this very, very important success.

Mr. Speaker, I want to say specifically that the gentleman from Pennsylvania, BILL CLINGER, the gentleman from Ohio, ROB PORTMAN, and the gentleman from Virginia, TOM DAVIS, and all of the people who have been involved in a bipartisan way in addressing this issue are to be congratulated.

Rather than going through the litany of the people who have been involved in this issue here, I would like to talk about a couple of people who specifically raised issues of concern to me at the local level.

I, just about 15 minutes ago, got off the phone with the mayor of the city of Los Angeles, Richard Riordan. He is absolutely ecstatic. He is ecstatic at the passage of this for several reasons. When one looks at what he describes, and sometimes we do not always agree with this, as well-intentioned Federal mandates, the cost for the city of Los Angeles for the Clean Water Act is over $3 billion over a 5-year period. The cost of the Resource Conservation and Recovery Act is $112.7 million over a 5-year period; the ADA, it is $1.2 billion over a 5-year period. The Fair Labor Standards Act is $80.3 million over a 5-year period.

These are the kinds of constraints that we are imposing on local elected officials, and I am happy to say that based on what this conference has done, we are finally turning the corner on that. In fact, what we are doing here today, Mr. Speaker, is really history in that it is the first time in 40 years that a Republican majority is actually bringing down a conference report. It could not happen on a better piece of legislation.

Adoption of the Unfunded Mandates Reform Act marks the beginning of an entirely new era of the relationship between State and local governments and the Federal Government. State and local officials now will have a seat at the table every time we here in the Congress write a law, or an agency writes a rule or regulation that imposes new burdens on them.

Since the historic first election of President Ronald Reagan in 1980, those of us on this side of the aisle, as well as many of my colleagues on the other side of the aisle, have been working to restore the balance of power to take back, bring back to States and local communities, the power as it was envisioned in the Constitution, and of course, specifically, the 10th amendment.

In fact, I will never forget here on the West Front of the Capitol when Ronald Reagan in his first inaugural address said "The Federal Government did not create the States, the States created the Federal Government."

Unfortunately, Mr. Speaker, this piece of constitutional history has often been lost with the proliferation of unfunded mandates. Since 1980, Congress, Federal agencies, and even the courts have imposed hundreds of unfunded Federal mandates on State and local governments. Compliance with just 10 of those mandates will cost cities alone $54 billion between 1994 and 1998.

The result has been fewer resources at the local level to deal with local problems, such as fighting crime, paving roads, maintaining parks, and recreational facilities, and cleaning up the local environmental problems.

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The Unfunded Mandates Reform Act will finally put the brakes on Washington's runaway power grab and regulatory excesses. It makes it harder for Congress to pass feel-good legislation while passing the buck to State and local governments. No longer will Congress be playing the role of drunken sailors having a good time while recklessly running up a tab at State and local taxpayer expenses.

At this point, Mr. Speaker, I would like to explain one aspect of the conference agreement that initially was a concern to the Rules Committee.

Under H.R. 5 as passed by the House, if Congress did not fully fund a mandate, it either ceased to become effective or an agency would have some discretion to implement a less costly mandate. S. 1, as passed by the Senate, contained an amendment by Senator BYRD that lays out the following procedures if Congress appropriates a mandate below the CBO cost estimate:

Not later than 30 days after the beginning of the fiscal year, based on an agency's re-estimate of the costs of a mandate, the agency shall submit to Congress either: (1) a statement that the amount appropirted is sufficient to carry out the mandate, or (2) legislative recommendations for implementing a less costly mandate.

If Congress does not act on either the statement or the legislative recommendations within 60 days, the mandate will cease to be effective.

an unfunded mandate bill must also provide for an expedited procedure in the House and Senate for the consideration of the agency's statement or legislative recommendations referred to above. Otherwise, the legislation would be subject to a point of order.

This language was an improvement over H.R 5 because Congress does not want to give the agencies the authority to alter statutes without congressional approval. However, the Rules Committee had concerns about the expedited procedure.

The question that bogged down the conferees was: What did Senator BYRD mean by "expedited procedures?"

After consultations with House and Senate parliamentarians, it was determined that the definition of "expedited procedure" and Senator BYRD's intent were sufficiently vague that it does not necessarily require an expedited vote. So the House Rules Committee could satisfy the expedited procedure requirement by requiring the appropriate authorizing committee to simply hold a hearing on agency statements and recommendations. Based on this interpretation, the Byrd amendment was acceptable to the House.

I would also note that under this section of the conference agreement, if Congress does not act within 60 calendar days when an agency submits either a statement or legislative recommendations, the mandate will cease to be effective. It is my understanding that, in the House of Representatives, the 60 calendar day period shall be a continuous period that would not be disrupted by a sine die adjournment.

Mr. Speaker, S. 1 is a stronger bill than the one that we passed here in the House. It is going to go a long way towards bringing about the level of accountability that we need. I congratulate all my colleagues that have been involved in this process.

Mr. TOWNS. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. I want to thank my dear friend the gentleman from New York for yielding time to me.

I want to congratulate all who have played a role in bringing this conference committee forward. When we announced the formation of our little band of conservative Democrats called the Coalition, we promised America two things. We promised America that we would stand to do the right thing regardless of party or partisanship. We also promised we would try to deliver big bipartisan support for issues of importance to the American public. We delivered on this promise. This bill is hugely supprted—360 Members of this House voted for it, 91 Members of the Senate voted for the conference report. Why? Because it is good and right for the country. While we are not worried about who gets particular credit for it, it is important today to remember that it was one of our members, in fact one of our officers in the coalition, the gentleman from California [Mr. CONDIT] who first created this notion that Congress ought to speak very clearly, that unfunded mandates are wrong, and that we ought to avoid them in the future if we are to have the right kind of relationship between Federal, State, and local governments.

It was the gentleman from California [Mr. CONDIT] who put together the caucus in this House of Democrats and Republicans who brought this issue to the point where it has come today, where the President of the United States has announced publicly he is ready to sign this bill into law. To the gentleman from California [Mr. CONDIT] and to all of the members of that caucus, Democrat and Republican, to all who have joined in this House to make this a huge bipartisan victory for the American public, I think this is a day of celebration and cheer.

I again want to congratulate our friend, the gentleman from California [Mr. CONDIT], for having the courage years ago before anyone was ready to rally behind this cause to make this his No. 1 cause in the Congress and to bring us to this point of victory in the House, in the Senate and eventually as I said with the Presidential signature for the American people.

Mr. CLINGER. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia [Mr. DAVIS], a freshman Member of our leadership team on unfunded mandates and one who shares the victory we celebrate today.

Mr. DAVIS. Mr. Speaker, I thank the chairman of our committee for yielding to me and I appreciate all the work he has done in this, finessing it through the committee and through the conference, and I agree with him, I think we have a better report and a better bill now at the end of this process than when we started out, and that is with the help of a lot of people.

This is the successor to the Kempthorne-Condit bill that was up last time before the House and Senate and got watered down. We appreciate the strong leadership of the gentleman from California [Mr. CONDIT] during the last session and continuing in this session to help bring this about, and to my colleague, the gentleman from Ohio [Mr. PORTMAN], he was really the intellectual leader of this as we moved through some of the fine-tuning of this legislation in explaining it and working out some of the fine points in the conference, to Christine Simmons from the committee staff. She did an outstanding job of coordinating and putting this together. Our thanks to her, as well as John Bridgeland from Representative PORTMAN's staff, Steve Jones from Representative CONDIT's staff, Vince Randazzo from Representative DREIER's staff, and Chip Nottingham from my staff.

Mr. Speaker, let me begin by stating clearly, this is not, as far as I am concerned, a debate about the merits of any Federal mandate. This is strictly a question of who pays, what are the benefits relative to cost, what is the impact on local priorities, and what is our flexibility in carrying out mandates in the most efficient way.

As the Congress knows, the ability of the Federal Government, even with its vast resources, is limited, and the Congress each day faces difficult decisions about ordering priorities and determining what services can be funded.

This is exactly the same problem faced by local governments and State governments with one difference. No one can superimpose on Congress spending priorities or costs beyond those which the Congress is willing or able to support. But that has not been the case at the local level, because their priorities and needs are often being pushed further to the side by the increasing burden of funding mandates laid down on them by both Federal, and in many cases, their own State governments.

Mr. Speaker, during the past decade, unfunded Federal mandates have literally grown out of control, and today counties are spending more of their locally raised revenues to comply with these mandates than they receive in Federal aid.

A recent study of the Advisory Council on Intergovernmental Relations found that in the decade between 1981 to 1991, Congress enacted 27 laws imposing one or more new unfunded mandates. This compares with 36 such laws enacted during the previous 50 years, and Congress enacted an additional 13 new mandates in 1993 alone.

Mr. Speaker, Mandate Watch, a bimonthly publication of the National Conference of State Legislatures, confirms there is no end in sight to these mandates, and just this past Congress, 156 new mandates were introduced. Localities are becoming totally consumed by Federal mandates, and essential local services, as a result, suffer tremendously, and locally elected leaders will be reduced to the role of back-door tax collectors if this is not stopped.

I want to say this has never been a partisan bill outside of the Beltway. I think with the closure we have had in this conference report, working together in a bipartisan fashion, as the gentleman from California noted, there is no end to what we can accomplish in this Congress.

The good news here is today that when we work with the administration and work in a bipartisan way across party lines, the seemingly insurmountable becomes conquerable and that is where we are with this legislation today.

I just want to note in the end that this bill is about accountability, making Members of Congress stand up and cast a recorded vote on all substantial mandates with the full knowledge of their costs. This is a very, very important precedent for our future. I think taxpayers are tired of routinely paying for unintended consequences that should be easily foreseeable by Federal lawmakers.

This legislation, I think, will bring that into focus. My thanks to all members involved in this process. This is a great day for State and local officials as they take a look at their plates over the next few years as we reduce the burdens we put on them, and a great day for the American taxpayer.

Mr. TOWNS. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I want to commend the chairman, the ranking member, the gentleman from Ohio [Mr. PORTMAN], the gentleman from California [Mr. CONDIT], the gentleman from Louisiana [Mr. TAUZIN], the gentleman from Virginia [Mr. MORAN], and everybody who had something to do with this bill.

Federal mandates and regulations had much to do with injuring and almost destroying the steel industry. Right now the coal industry is banging around trying to find an opportunity, and I think Congress has showed some eminent good sense in addressing this bill.

I am pleased that my one amendment had stayed in the bill that basically deals with the issue that on the advisory commission, they say that they shall review the role of Federal mandates and their impact on a competitive balance between State, local, and tribal governments and the private sector and consider the views of, and the impact on, working men and working women in these same matters.

Let me say this, that, Congress, this is a long time overdue. Every piece of legislation we pass should be directed at what is the status of jobs as it is in direct relationship to the legislation that is being passed. In the past, Congress had the greatest of intentions but with those great intentions there have been accompanying loss of jobs and it made little sense to me. I thank those for supporting it.

But my second amendment dealt specifically with section 202(a)4 that basically talked about the effect on the national economy, the effect on productivity, economic growth, and productive jobs, and my amendment said also the effect on benefits and pensions. There was some concern about germaneness and a broad-ranging view of this but I would like now to ask the chairman of the committee, is it not a fact under section 202(a)4 that those particular areas can be addressed in these matters once the review of such mandates are in fact applied?

Mr. CLINGER. Mr. Speaker, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. Let me say I commend the gentleman for the contribution he made to this bill because he did, took a great interest and had a very helpful contribution. We were unfortunately unable to sustain all of his amendments in the conference report.

But in answer to the gentleman, yes, they would certainly not be precluded. That would certainly be within the ambit of the things they could consider.

Mr. TRAFICANT. I thank the gentleman, I appreciate his support, and I encourage support of the conference report.

Mr. CLINGER. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN], chairman of the Committee on International Relations and a valued Member of Congress.

Mr. GILMAN. I thank the gentleman for yielding me the time.

Mr. Speaker, I am pleased to rise in support of the conference report on the Unfunded Mandate Reform Act of 1995. I commend the sponsors of the legislation, the gentleman from Ohio [Mr. PORTMAN], the gentleman from California [Mr. CONDIT], the gentleman from Virginia [Mr. DAVIS], the gentleman from New York [Mr. TOWNS], and the gentleman from Pennsylvania [Mr. CLINGER], who serves as the distinguished chairman of our Committee on Government Reform and Oversight, for their efforts in bringing this important measure to the floor at this time.

I support S. 1 because it effectively addresses congressional accountability. The Congress, by this bill, will be far more accountable than ever before. This body will no longer be able to casually approve legislation in Washington and then send the burdensome bills to our home districts in the form of future increases in State and local taxes. This legislation will enable Members to more fully analyze the possible future consequences of new mandates by requiring the Congressional Budget Office to prepare cost estimates of proposed mandates in pending legislation. By approving this bill we are demonstrating to our Governors, our mayors, and city officials that we will duly consider the budgetary burdens they face when they struggle to alter their budgets to respond to the cost of any additional Federal mandates.

Accordingly, Mr. Speaker, I urge our colleagues to forge a fairer partnership with our State and local governments by supporting this important measure.

Mr. TOWNS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Arkansas [Mrs. LINCOLN].

[Mrs. LINCOLN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

Mr. TOWNS. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. I thank my friend the gentleman from New York for yielding me the time.

I am wondering if I could ask the gentleman from Pennsylvania to answer a few questions.

I think that the conference report from my vantage point is a much better bill than the original bill but I still have some fears and some questions, particularly with regard to ecological concerns, clean water, clean air. For instance, in the rescissions bill that was just passed, we took away $1.3 billion from the States from the safe drinking water revolving fund. If we are going to continue to do things like that and take money away from the States that we gave them to pay for things, my big fear is that we then say, well, we are not funding this and therefore it can't happen and therefore all the progress we have made in terms of clean water, clean air will never be able to be funded. Therefore, the Federal Government stepping in and forcing these things will just be rendered impotent and we will not have them. I wonder if the gentleman could allay my fears about that.

Mr. CLINGER. To this extent, if the gentleman will yield, the gentleman understands that this is only prospective in its application. In other words, we are not, in effect, looking back at all of the cornerstones of environmental legislation, clean air, clean water, safe drinking water that are in place.

We do also provide that a point of order would lie against an authorization within an appropriations bill. The other provision is that if in fact there is a mandate that is imposed but there is not sufficient funds to deal with it, the agency imposing the mandate or the regulation would make recommendations as to how they would deal with that if there are not sufficient funds. Congress would then have an opportunity to weigh in on that and must approve whatever downsizing or change that might be imposed by the agency.

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Mr. ENGEL. Mr. Speaker, I would say to the gentleman that given the present mood and the budget cutting freezes we have in this Congress, my fear is that the things we are used to seeing in terms of progress on clean water and clean air will just dissipate and we will not be able to do those things in the future.

I want to also ask the gentleman, he said it was prospective, how do we handle reauthorizations in this bill?

Mr. CLINGER. Reauthorization, if there are no additional new mandates imposed as a result of a reauthorization of an existing program, it would have no effect at all. It is only where there would be an additional or added mandate that would exceed the threshold limit that this thing would kick in. So in terms of existing regulations and existing mandates within the Clean Water Act, for example, which is one we would be considering presumably this year, it would have no effect.

Mr. ENGEL. I thank the gentleman.

Mr. TOWNS. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I thank the gentleman from New York for yielding time to me. It is because of him that I rise to speak here today.

The former chairman of the subcommittee, the gentleman from New York [Mr. TOWNS], brought his then committee to Harrisburg about 2 years ago to the capital city of Pennsylvania for a hearing, at which time local legislators and local representatives of other municipal subdivisions of the Commonwealth of Pennsylvania gave us a torrent of laments and complaints about the very subject matter which we discuss here today.

We did an odd thing then, the gentleman from New York [Mr. TOWNS] did and the rest of us who attended that hearing. We promised these State legislators and the municipal subdivision officers and officials that we were going to return to Washington and do something about unfunded mandates.

I cannot believe it. We are here reporting to them through our deliberations on the floor that we actually fulfilled the promise that we made that day. And it was not just a wild political type of atmosphere in which we made promises as politicians. These were reserved and concerned public officials in Pennsylvania who one after another sought our help.

Today we are delivering that package of assistance to the local township officials, local officials all over, not just Pennsylvania, all over the Nation, and it is a happy day for us.

I want to thank the gentleman from New York for allowing me to join that meeting in Harrisburg, and I now thank the gentleman from Pennsylvania for being from Pennsylvania and assisting us to come to the floor today with this finality of splendor in bringing about change that the local public officials so wanted.

Mr. TOWNS. Mr. Speaker, I do not have any further requests for time.

I would like to encourage all of my colleagues to vote for this bill because I think it is a much better bill after conference than it was when it left here.

Mr. Speaker, I yield back the balance of my time.

Mr. CLINGER. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. MARTINI], a valued member of the committee.

Mr. MARTINI. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise today, Mr. Speaker, as a former elected county official. I rise today in strong support of the conference report on unfunded mandates. As a result of an annual deficit of $200 billion and a $4.5 trillion national debt, Congress too often in the past shifted the burden of unfunded Federal mandates on States and municipalities. With today's passage of this bill I am proud to say that we are now shifting accountability back to where it belongs, here in Congress.

By passing this legislation we are restoring the faith and trust in Congress by our State and local governments. Too often the Federal Government has frustrated State and local officials in their efforts to deal with their local problems. Too often the Federal Government has mandated inflexible solutions, which has made the situation worse, and too often we have neglected the needs and concerns of our localities.

Yes, Mr. Speaker, we are keeping our word and changing the way government does business. We are putting the people back in charge, and that is the way it should be. The American people have demanded change and we are standing firm and delivering. Unfunded mandates reform is the first building block in establishing a better future for America.

I urge support of this bill.

Mr. CLINGER. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Pennsylvania [Mr. FOX] another freshman member of the committee and very helpful member.

Mr. FOX of Pennsylvania. Mr. Speaker, first I want to thank Chairman CLINGER for his outstanding leadership on this legislation. This passage of unfunded mandate reforms shows we are committed to making Government smaller, less costly, and more efficient.

The bill will block consideration of any unfunded mandates, which I know as a former county commissioner has crippled budgets in the past and will now be a new reality of change.

The bill requires the Federal agencies to develop proceeds to minimize unfunded mandates and to publish cost-benefit analyses.

It provides relief to taxpayers. At present State and local governments and ultimately taxpayers pay the price for heavy-handed mandates dictated by Congress and Washington bureaucrats. Ten unfunded mandates alone already on the books will cost cities an estimated $54 billion from 1994 to 1998. Taxpayers cannot afford them.

They also impose heavy burdens on the private sector. These additional costs are passed on to consumers in higher prices.

The cost of complying with all Federal regulations is conservatively estimated at $600 billion per year, most of which falls on the private sector with this reform.

And we will finally say we will decrease the cost of doing business which will help to save jobs in the private sector and help Americans. This is particularly true of small business which creates most of the jobs we have in the country.

I ask all of my colleagues to vote unanimously.

Mr. CLINGER. Mr. Speaker, in conclusion, I yield myself such time as I may consume just to say I think this is a historic piece of legislation. It is going to be the first step in reordering the relationship between Federal and State and local governments. It is going to substantially restructure that relationship and, I think, restructure it in a way that is for the best.

Mr. Speaker, I strongly urge all of my colleagues to vote in favor of this conference report.

Mr. COLEMAN. Mr. Speaker, I reluctantly voted in favor of the House version of the Unfunded Mandates Reform Act—H.R. 5. With less reluctance, but with continuing reservations, I rise today in support of the House-Senate conference agreement, House Report 104–76.

I have already expressed my dissatisfaction with several of the provisions of the bill. I have enumerated the specific ways in which the people of my district stand to be hurt by provisions of this legislation. And I know that not all of my concerns have been fully addressed. For instance, the bill as drafted by the conference committee will create a discrepancy in the playing field between the private and public sector.

But in many ways, the conference report has addressed some of my deepest misgivings about the bill. The limitations placed upon judiciary review are fair and balanced. The provisions on judiciary review that were agreed to in conference will not cause a backlog of litigation. It will allow regulatory agencies to perform their proper functions efficiently. Furthermore, because the conference report was the product of a much greater deliberative effort that was the original House version of HR 5, the new bill is much more clear in describing the terms under which a point of order may be raised against new regulation.

Finally, I am pleased to see that the language of the conference report pays specific attention to the needs of border communities like the district I represent. Control of our borders is a Federal responsibility, and this bill pays much needed consideration to that fact. This new provision creates hope that border communities may no longer be saddled with the disproportionate burdens of federal regulations.

The process of relieving States, localities, tribal governments, and private corporations of their increasingly heavy federal regulatory burden deserves our attention and commitment. The Unfunded Mandates Reform Act will be a useful instrument in achieving this purpose. Unfortunately, good tools in the wrong hands have the potential to create undesirable results. Therefore, I wish to make it clear that I will fight any efforts to use this legislation as a tool against the regulations that help to ensure public health and safety. I will express my opposition to any use of this legislation against the safety of workers. Furthermore, I will oppose the efforts of those Members who will try to use this legislation as a defense for their indefensible efforts to gut important environmental regulations. This law creates a powerful new legislative tool, and I would like to help to ensure that it is used wisely in the hands of this body.

Mrs. MALONEY. Mr. Speaker, I rise in support of the conference report on S. 1. I voted against H.R. 5, the original House-passed version of this bill, and would like to explain to the House why I support this bill.

The basic purpose of unfunded mandate relief legislation is sound and important. Almost everyone agrees that something must be done to address the increasing burdens that the Federal Government places on State and local governments. I was proud to support unfunded mandate legislation in the 103d Congress and I voted for the Moran substitute to H.R. 5. And now, I support this bill, because it has been stripped of the excesses of the original House version.

One of the major problems that I had with H.R. 5 was the abuse of the legislative process which brought the bill to the floor. We didn't have 1 minute of hearings in the Government Reform and Oversight Committee, which had primary jurisdiction over the bill and on which I serve. It is largely because of this abuse that the conference committee took 7 weeks to come to agreement. On a noncontroversial bill such as this, the conference usually takes days, not weeks, and I am pleased that the conference process was a deliberative one.

Mr. Speaker, several major changes were made by the conference committee which have made S. 1 truly bipartisan legislation and much closer in content to the bill reported out of the Government Operations Committee last year. First and foremost, the conference severely limited the right of judicial review applicable to regulations falling under this act. This is a vital difference. Under the House version of this bill, special interests and industries would have been able to tie up those regulations and rules for years. Executive agencies would thus have been unable to carry out the Clean Air Act, the Safe Drinking Water Act, and other laws that protect public health and welfare.

Another major change is the acceptance by the conference of the so-called Byrd amendment, which gives Congress a role when annual appropriations do not fully cover State and local costs in complying with a mandate. Under the report, agency determinations as to how to rachet-down the mandate are now subject to congressional approval, preserving an important power of the legislative branch.

The conference committee on S. 1 is to be commended for its diligence and bipartisanship. The Unfunded Mandate Reform Act has been cleansed of many of its more extreme provisions and I urge its adoption.

Mr. PORTMAN. Mr. Speaker, today this House will pass the conference report on S. 1, the Unfunded Mandate Reform Act of 1995. We addressed some complicated and important issues in the House-Senate conference. I, therefore, wanted to take a moment to discuss in some detail two of the more significant issues.

First, judicial review. The House-passed version of the bill had almost full judicial review of agency compliance with all title II requirements. The Senate-passed version precluded judicial review entirely. Going into the conference, then, we had diametrically opposed positions on this issue and much work to do if an agreement was going to be reached.

Many of the House conferees, and some in the Senate, were very concerned that agencies would not comply with the requirements of title II if there was no enforcement mechanism. The history of the Regulatory Flexibility Act, which specifically precluded court review of agency action, in part prompted our concern that, without judicial review, factors that Congress made relevant to the rulemaking process would be totally ignored by agencies. And, in fact, that is what has happened under regulatory flexibility.

To address this concern, I insisted, together with other House conferees, that the conference agreement had to maintain some court review of agency action to ensure compliance with the requirements of title II. We began to explore areas of mutual agreement on judicial review.

House and Senate conferees agreed that title I, which addresses internal procedures of the House and Senate, should clearly not be subject to court review. We also agreed that the provisions regarding the review of existing mandates outlined in title III should not be subject to court review. We also came to a threshold agreement that certain key requirements in title II should be subject to such review to ensure that agencies were acting in accordance with congressional intent.

Our first effort to reach agreement focused on clarifying the requirements of title II and identifying those that involved relatively objective analysis. We also identified those provisions that were central to the rulemaking process with respect to mandates. In the end, we reached agreement that the requirements of sections 202 and 203(a) (1) and (2) would be subject to court review.

S. 1 permits a court, pursuant to section 706(1) of the Administrative Procedures Act, to compel an agency to prepare, as a threshold matter, the cost/benefit analyses and other estimates, descriptions, statements, and plans contemplated by sections 202 and 203(a) (1) and (2) of title II. Any aggrieved party will have up to 180 days after the final rule is promulgated, or the shorter time period, if any, specified in the underlying statute to which the S. 1 requirements relate, to bring an action under 706(1). I believe that this right will give agencies an incentive to meet these requirements before the final rule is promulgated. The threat of litigation should be enough of a hammer.

In order to address the concern that S. 1 not unreasonably spawn litigation or result in an unjustified delay of the implementation of Federal policy, S. 1 does not permit the courts to stay, enjoin or invalidate the agency's rule for a failure to meet, or for doing an inadequate job meeting, the specified requirements of S. 1. The conference report also makes it clear, consistent with current caselaw, that once the agency performs the analysis, a court is not to substitute its judgment for that of the agency's—not to second guess the data used, the methodologies involved or the manner in which the analysis was performed.

S. 1 does not permit a court, when acting pursuant to the review permitted under the underlying statute, to consider any information generated by an agency in accordance with the requirements of S. 1—the cost/benefit analysis for example—as part of the entire record in determining whether the agency rulemaking record supports the rule under the "arbitrary and capricious" or "substantial evidence" standard—whichever is applicable. A court can not use a failure to meet these requirements adequately or at all as the sole basis for staying, enjoining or invalidating the rule, but a court could consider these factors as part of the mix when considering the entire rulemaking record. Thus, a court could review under section 706(2) of the Administrative Procedures Act the entire rulemaking record that includes information by the agency generated because of the requirements of S. 1.

If the underlying statute specifically precludes an agency from examining costs and benefits in connection with the promulgation of the rule, then the requirements of S. 1 do not have to be met. If the underlying statute is silent or contemplates some analysis, however, an agency would have to meet the requirements of S. 1, or fail to do so at its own hazard, when promulgating a rule. The requirements of S. 1 are additional factors that Congress has made relevant to the rulemaking process for significant mandates. These factors should be considered by agencies and the analysis contemplated should be performed. A court can review agency action with respect to these requirements in connection with the review permitted under the underlying statute.

I believe this is sensible judicial review that strikes the right balance. S. 1 does not change the landscape of review under the underlying statute—we can not do that in this law. S. 1 also should not result in a delay of the implementation of Federal policy. The judicial review provided under S. 1 ensures, however, that agencies will meet the specified requirements of title II so that agencies consider these critical factors before promulgating rules implementing significant mandates.

It is also important to note that in addition to judicial review, the conference agreement includes congressional oversight, both on the least burdensome option requirements and each of the requirements in title II. Under section 205(c), the Director of the Office of Management and Budget shall no later than 1 year after enactment certify to Congress, with a written explanation, Agency compliance with the least burdensome option requirements. Section 208 also provides that the Director of OMB shall annually submit to Congress a written report detailing compliance with the requirements of title II.

Second, the Byrd amendment. I believe this provision will be helpful to State and local governments. Essentially, it requires an agency reestimate of the actual costs of mandates, after consultations with State and local governments, whenever appropriations in a fiscal year are less than the CBO estimated costs of such mandates. Agencies can submit a statement to Congress saying that such mandate can be implemented for the amount provided—perhaps as a result of decreased costs resulting from new technology—or can submit legislative recommendations. In any case, the mandate is ineffective for such fiscal year unless Congress acts within 60 calendar days after the statement or recommendations are submitted to Congress.

What was sometimes a long and difficult conference has come to an end now. The Founders intentionally designed one of the most inefficient machines for legislating and for good reason. Having taken the time to craft careful legislation based on sound policy, I think the final product is an improvement over the respective House and Senate-passed bills.

This is a truly historic day. By enacting the Unfunded Mandate Reform Act of 1995, we launch yet another chapter in the new federalism, where State and counties and cities and towns are recognized as our partners in governing and are given the freedom to meet the needs of the citizens they serve. Thomas Jefferson, a staunch advocate of State rights, was right when he said, "I believe the States can best govern our home concerns." This bill will help them do just that. I was honored to be a part of that effort.

Mrs. THURMAN. Mr. Speaker, I rise in support of the conference report to the Unfunded Mandate Reform Act. I am particularly grateful that the conferees accepted an amendment from the other body's version of the legislation, authored by my colleague from Florida, Senator BOB GRAHAM.

This amendment further defined an unfunded Federal mandate as any action that reduces or eliminates money authorized for controlling U.S. borders or reduces or eliminates reimbursement for costs associated with the severe problem of illegal immigrations.

Florida, like other States, is burdened by the costs of illegal immigration. The drain on our State's resources has been devastating; affecting every aspect of State and local services. By including this provision in the conference report, we are saying emphatically that the Federal Government must take responsibility for its laws.

In closing Mr. Speaker, I would like to recognize and praise the efforts of my colleague Senator BOB GRAHAM. His commitment to this issue led to its final inclusion in the conference report. I would like to thank my colleague from California, Mr. CONDIT, who served as one of the conferees. Mr. CONDIT and I have worked together on the issue of illegal immigration over the past 2 years and because of his efforts, this provision was included in the final report. Once again, I urge support of the conference report.

Mr. CLINGER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. EMERSON). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CLINGER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 394, nays 28, not voting 12, as follows:

[Roll No. 252]

YEAS—394

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cunningham
Danner
Davis
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Flake
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Moorhead
Moran
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Vento
Volkmer
Vucanovich
Waldholtz
Walker
Walsh

Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—28

Becerra
Beilenson
Collins (MI)
Conyers
Dellums
Dingell
Fattah
Filner
Foglietta
Gibbons
Gutierrez
Levin
Lewis (GA)
Martinez
McDermott
McKinney
Mollohan
Nadler
Owens
Payne (NJ)
Rangel
Skaggs
Stark
Stokes
Velazquez
Visclosky
Waters
Yates

NOT VOTING—12

Brown (CA)
Collins (IL)
Coyne
Cubin
de la Garza
Fields (TX)
Johnson, E.B.
Johnston
Miller (CA)
Montgomery
Myers
Quillen

□ 1441

The Clerk announced the following pair:

On this vote:

Mrs. Cubin for, with Mr. Johnston against.

Messrs. FATTAH, FOGLIETTA, and VISCLOSKY changed their vote from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION OFFERED BY MR. CLINGER

Mr. CLINGER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CLINGER moves that the House recede from its amendment to the title.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. CLINGER].

The motion was agreed to.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I ask for this time in order that I might yield to my good friend, the chairman of the Committee on Rules, the gentleman from New York [Mr. SOLOMON], for the purposes of enlightening us on the coming schedule.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from New York.

Mr. SOLOMON. On behalf of the majority leader, I will be happy to try to enlighten you, my good friend.

The House will not be in session on Monday, March 20.

On Tuesday, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will take up the rule and general debate on H.R. 4, the Personal Responsibility Act.

Members are advised we expect no votes to be held before 5 p.m. on Tuesday.

On Wednesday the House will meet at 11 a.m. to continue consideration of the welfare reform bill.

On Thursday and Friday of next week the House will meet at 10 a.m. to complete consideration of H.R. 4. We expect to complete this legislation on Friday, and it is our hope to have Members on their way home to their districts and their families by at least 3 p.m. on that Friday.

Mr. HOYER. I thank the gentleman for his enlightening us on next week's schedule.

I take it then the week will be concerned with the consideration of the rule and the bill on welfare reform?

Mr. SOLOMON. We would at this time not expect any other business. As the gentleman knows, that is a very, very important piece of legislation. After consulting with the minority leader, the gentleman from Missouri [Mr. GEPHARDT] and others, we want to make sure that ample time is given to that issue, and we would expect to devote the whole week to it.

Mr. HOYER. I thank the gentleman for that clarification.

I would like to ask the gentleman from New York, on Tuesday, it is my understanding that the only vote we expect is the vote on the rule. Am I correct on that?

Mr. SOLOMON. Yes. And it is the expectation right now that there would not be a vote on that rule, if we have an agreement with the minority. The rule passed by unanimous vote in the Committee on Rules. It is simply providing for 5 hours of general debate at which time, if the rule does pass, then we would go into that 5 hours of general debate, and there would be no vote that day at all.

□ 1445

But we cannot make that promise, as the gentleman knows. We do not expect a vote and we do not expect the gentleman's side to ask for a vote either.

Mr. HOYER. Mr. Speaker, it was our understanding—and I was just checking to make sure with our minority leader's staff to make sure—we do not expect any Member to ask for and we do not plan to ask for a vote on the rule, as the gentleman suggests.

In light of that, I ask the gentleman, is it possible, therefore, for us to notify Members that pursuant to an agreement between the majority and the minority that there would be no votes on Tuesday, so that Members, if they need to, could return either late Tuesday or Wednesday morning?

Mr. SOLOMON. Let me just say it is very important, because we will have completed the rule in the Committee on Rules on the welfare reform bill. We would want the opportunity to explain that rule to our Members who will be returning Tuesday night and therefore we would want them early Wednesday morning. We do not intend to ask for a vote at this time and we do not expect to on Tuesday.

Mr. HOYER. So that the gentleman feels relatively confident that Members, if they were here early Wednesday morning, they would not miss any votes?

Mr. SOLOMON. We would want to discuss that further with the gentleman, but, yes, we feel very comfortable with that.

Mr. HOYER. I thank the gentleman for his information and look forward to next week.

Mr. Speaker, I yield back.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore (Mr. EMERSON). Is there objection to the request of the gentleman from New York?

There was no objection.

AUTHORIZING THE SPEAKER AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS, NOTWITHSTANDING ADJOURNMENT

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Tuesday, March 21, 1995, the Speaker and the minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

CUTS IN ENERGY ASSISTANCE DEVASTATING TO RHODE ISLAND'S SENIORS, WORKING POOR

(Mr. KENNEDY of Rhode Island asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and include extraneous matter.)

Mr. KENNEDY of Rhode Island. Mr. Speaker, we hear all the time from Republicans about how they want less Government. Now we know what they are talking about. They are talking about less Government assistance to our senior citizens during the winter. That is right. The Republicans have cut heating assistance for low-income families in my State of Rhode Island.

When the average heating bill in Providence, Rhode Island, is $1,200 a winter, a grant of $414 can make a world of difference. Sixty percent of the households in my State who receive energy assistance are either elderly or on fixed incomes, or working poor. Most have household incomes between $6,000 and $8,000.

Mr. Speaker, talking about tax cuts, a capital gains tax cut is not going to be any comfort to my senior citizens in my State next winter.

Mr. Speaker, we have heard time and time again that the opposition is determined to provide less Government and lower taxes, but for who?

Well, now we have the answer. The cuts before us clearly show that the intention is to provide less help to those who most need it, and lower taxes for those who have the most.

For those who fear the onset of winter, and the long and cold nights that it brings, these cuts will force a choice between heating and eating. My State of Rhode Island was supposed to receive $8.8 million in energy assistance next winter. No more.

This bill turns its back on the 26,000 households, more than 59,000 individuals in Rhode Island, who rely on the little bit of help they get for energy assistance.

When the average heating bill in Providence is $1,200 a winter, a grant of $414 can make a world of difference.

To quote a couple from my State, writing about the assistance they received: "Thank you so very much from our hearts to yours. By your compassion we're touched. May God bless you * * *. Not one day did we live cold * * *."

Sixty percent of the households in Rhode Island who receive energy assistance are either elderly, on fixed-incomes, or working poor. Most have household incomes between $6,000 and $8,000. A capital gains tax cut will provide little comfort to these people in the dead of winter next year.

This cut is indefensible, and I suspect that is why the majority would not even allow an amendment restoring this money to make it to the floor.

They will be able to avoid the pain of a vote today, but our seniors will be forced to feel the pain of their cuts tomorrow.

The cuts to housing again hit at those most in need. Forty percent of the housing cuts will strike senior citizens, threatening the very viability and quality of their housing by slashing operating subsidies and modernization funds—maintenance, necessary improvements, and security will be cut back.

In Pawtucket, RI the cut in modernization funds could mean that a planned central security station will have to be eliminated. What protection will the seniors living in Burns Manor derive from the big business loop holes in the tax package?

Is this the right way to begin cutting the budget? I do not think so.

When it comes to cutting the budget, let us start with the programs that are the weakest and not the programs for the weakest.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, and a previous order of the House, the following Members are recognized for 5 minutes each.

A TRIBUTE TO JIM "BOW TIE" PHELAN AND THE MOUNTAINEERS OF MOUNT ST. MARY'S COLLEGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. BARTLETT] is recognized for 5 minutes.

Mr. BARTLETT of Maryland. Mr. Speaker, I rise today to congratulate the Mountaineers of Mount St. Mary's College on their first ever trip to the NCAA division 1 basketball tournament.

The Mountaineers are led by their coach Jim "Bow Tie" Phelan, the second most active winning coach in the country, and in his honor I wear this bow tie today.

The Mountaineers got to the big show by defeating Rider College in the championship game of the North East Conference tournament. Coach Phelan's hard work ethic and determination drove the Mount to overcome an early 23–9 deficit to defeat Rider in the final minutes of the game. The Mountaineers are a young group of energized players that play with the pride inspired by Coach Phelan. I am gratified that such a spirited team of young men is representing western Maryland in our national tournament.

The Mountaineers face a tough challenge when they play the No. 1 seeded Kentucky Wildcats in the first round of the tournament. I am sure the Mountaineers will play to their very best and the lessons they will learn will make them better players and a better team in the future.

I wish the Mountaineers and Coach Phelan all the best of luck in this competition.

CRITICISMS OF THE RESCISSIONS PACKAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HORN] is recognized for 5 minutes.

Mr. HORN. Mr. Speaker, we will no doubt hear a great deal of criticism of this rescissions package as cutting too much, too fast, or that vital programs are being cut unfairly. I can understand that feeling. All of us have had to have a little bit trimmed on various programs that are pet projects or pet laws that we thought were working very effectively. Obviously, because of the size and scope of the bill which we passed this morning—and I think justly—this rescissions package offers ample opportunity for objection on the part of those who are opposed to spending cuts. Likewise, amendments were proposed and might have been proposed by those who would rather see alternative cuts to those contained in the bill. I attempted to offer an amendment to rescue the summer youth program which is vital to most urban cities in this country and was eliminated in the stealth of night, 1:30 a.m., over the chairman's objection. And we were not able to offer it because of the time situation on the floor and the fact that we had to preside over a committee that could only be held this morning when the House was in session.

We hope that will be worked out in conference and I am confident that between the other body and the House conferees, it will be worked out in conference.

The point I want to make is in some ways the bill does not go far enough. For instance, the rescission bill that came before us does not make a single cut or rescission in the military construction program. That budget category has been totally spared from the budget knife. While this Congress does not want to cut needed funding for military housing and for facilities critical to the national defense, to argue that every single dollar in the military construction program is of a critical nature is nonsense. We should be as rigorous in our efforts to cut wasteful spending in military programs as we are in social programs.

Let me give one example of such waste. The Navy is preparing to spend hundreds of millions of dollars to homeport up to 3 nuclear aircraft carriers in San Diego. The fiscal year 1995 military construction budget contains $18.3 million for dredging San Diego Bay to accommodate those carriers and directs that the Navy spend another $5.1 million for the design of facilities necessary to homeport these carriers. This represents a costly down payment on what may be a three-quarters of a billion dollars boondoggle duplicating existing facilities the Navy is proposing to eliminate in the base closure process.

Engineering reports suggested that the Navy could homeport these same carriers in Long Beach for $25 million or less. At the same time, the Los Angeles Times has reported in a March 3 story that the Navy's plan to dispose of the spoils of this dredging may very well be illegal. Thus, the project may not even be allowed to go forward. Yet the Navy is proposing that we spend in excess of $100 million in next year's military construction budget with more to come in future budgets.

All told we may be wasting as much as $750 million for this project.

I have asked the General Accounting Office to look into this matter and to detail the costs involved. This is exactly the type of rescission we should have made. The Navy does not even know if it can spend this money. Certainly it cannot spend this money in this fiscal year. Meanwhile, far less expensive alternatives are available that build on existing infrastructure instead of needlessly duplicating what we already have.

At the same time that vital readiness programs are underfunded, when we are grounding aircraft and cutting training, when some military families are having to use food stamps, when Army divisions are not combat prepared, this Congress should be going over each and every program to determine if it is really necessary or it could be done at less cost.

Unfortunately, I am not given the opportunity to offer an amendment to rescind the funding in that bill because while we had to, I think quite correctly, find the funding in the chapter where we were either trying to add or subtract money, I would hope next time we have a rescission bill that we could go anywhere in that bill to find the funding and anywhere in the appropriations for a given year to find the funding.

While I supported the bill, I would like to see that type of flexibility provided in a rule from the Committee on Rules because last night it was impossible to amend portions of the bill once an amendment had already been made and that makes no sense.

ELEMENTS OF WELFARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. CLEMENT] is recognized for 5 minutes.

Mr. CLEMENT. Mr. Speaker, this next week we are going to be voting on a major piece of legislation and we are going to have several options when it comes to welfare reform, ending welfare as we know it today. And surely the time has come when we must do this for America.

I have had the opportunity like other Members of Congress to meet with welfare recipients who feel trapped, who do not think they have a future. Many of them do not have the education and training, many of them are mothers with small children. They want a better way of life but they feel very dependent today and want government to offer some incentives rather than being trapped in a life of welfare. They are not proud of themselves. They know they are not mentors or role models for their families.

We have got third and fourth generations that are in a life of welfare. Yet we know the world of work offers self-esteem and self-worth and a future not only for those welfare recipients, but for those dependents as well.

Congressman DEAL, myself, and four other Members of the House of Representatives have been meeting during the last Congress and in this Congress to come up with some legislation that we are very proud of, that we are going to be introducing next week. This legislation, welfare reform which we have introduced, offers three principles, those of work, individual responsibility and State flexibility.

Mr. Speaker, our proposal places an emphasis of moving recipients into the private sector as soon as possible, includes real work requirements, requires recipients to sign a binding contract, applies significant sanctions to those who fail to comply with the terms of the contract, fulfills the pledge that recipients must be working after two years, requires recipients to participate in work or work-related activity in order to receive benefits.

Recipients who refuse a job would be denied benefits; makes every effort possible to provide the funding and tools necessary to move recipients to self-sufficiency, establishes a minimum number of hours a recipient must spend in work, job search, or work-related activity which leads to private sector employment in order to receive benefits.

□ 1500

We remove all incentives which make welfare more attractive than work and remove the biggest barriers to work, child care and health care.

Mr. Speaker, our proposal contains a visible, or a viable, work program with real work requirements. We maintain the guarantee of benefits for all eligible recipients who comply with the specific requirements. We maintain the current food and nutrition programs such as school lunch, WIC, and Meals on Wheels. We eliminate SSI benefits to alcoholics and drug addicts. We reform and revise SSI for children in a fair and equitable manner which eliminates the fraud and abuse, and controls the growth and ensures due process for each and every child currently on the rolls, ensuring that no qualifying child loses benefits.

Mr. Speaker, ours is a responsible, workable approach which maintains the Federal responsibility without simply shifting the burden to the States. In short, our bill will end welfare as we know it today. Recipients will be required to work for benefits, but there is an absolute time limit for receipt of these benefits. Our plan provides the best opportunity for welfare recipients to become productive members of the work force. We provide States with the resources necessary to provide this opportunity without incurring an additional fiscal burden. We have a real opportunity in America to give people hope and give them a future once again.

Mr. Speaker, I have had horror story after horror story from people at home in Tennessee, as well as throughout the United States, about welfare, and I encourage those that are listening to write and let us know in Washington, DC, that they are behind welfare reform and support the Deal legislation next week.

SHOULD THE FEDERAL GOVERNMENT BE MANAGING THE FOOD STAMP PROGRAM?

The SPEAKER pro tempore (Mr. KIM). Under the Speaker's announced policy of January 4, 1995, the gentleman from Indiana [Mr. HOSTETTLER] is recognized for 60 minutes as the designee of the majority leader.

Mr. HOSTETTLER. Mr. Speaker, should the Federal Government be managing the Food Stamp Program?

Mr. Speaker, my colleagues and I rise today because the Food Stamp Program provides clear evidence that the Founding Fathers were correct when they advocated a limited role for the Federal Government.

I'm talking about a system that has increased in cost to the taxpayers by 300 percent. I'm talking about a system that wastes $3 billion yearly in fraud and errors alone. I'm talking about a system that does nothing to address the root causes of recipients' needs. I'm talking about the Federal Food Stamp Program—a monument to Great Society pseudocompassion.

In Marvin Olasky's "The Tragedy of American Compassion" we see an exceptional portrayal of how American society can and will take better care of its needy without the interference of the Federal Government. Olasky tells how, in 1890:

> a successful war on poverty was waged by tens of thousands of local charitable agencies and religious groups around the country. The platoons of the greatest charity army in American history often were small, and made up of volunteers led by poorly paid professional managers. Women volunteers by day and men by night often worked out of cramped offices and church basements.

What Olasky is describing is an America that reaches out to its fellow man. Private charities and churches are still capable of doing that and they can do it much better than the Government has.

Mr. Speaker, people may be listening tonight and thinking—that's what the Republican welfare reform bill is supposed to do. They would be correct, if not for one exception. That exception is the Federal Food Stamp Program. A decision has been made to exempt what is by far the largest Federal food assistance program from the block grant concept. We're block granting AFDC, we're block granting WIC, we're block granting school nutrition programs, but we're going to keep the Federal Food Stamp Program at the Federal level.

Olasky compares the attempts to do this with an anecdote from mythology. "Year after year," he writes, "proposals to tinker with the bureacracy and reduce the marginal tax wall caused mild stirs in Washington, but even the best proposals mirrored Hercules's early attempts to kill the nine-headed monster Hydra; each time he hacked off one head, he found two growing in its place."

Block granting the Food Stamp Program by itself is not slaying the monster, but I reject the notion of some great Federal responsibility to administer the program. The taxpayers providing the funding are residents of the

States. It is taxpayer money, not money belonging to the Agriculture Committee, the Congress, or the Federal Government. We should take the administration of this program closer to the people.

This chart provides a perfect illustration of why we should take the administration of this program closer to the people. As you can see from this chart, about 25 percent of the costs of the current Food Stamp Program are not used for the potential purchase of food. In fact, right off the top of the Federal funds for food stamps. $1.1 billion is issued for a special block grant to Puerto Rico. Next, the Federal Government must reimburse the States for about half of the administrative costs that the States incur for issuing these coupons. This does not take into account an additional $250 million in other administrative-type costs that decrease the benefits. And even after all these bills have been paid, we still have to consider that there is 1.9 billion dollars' worth of coupons that are issued erroneously. This includes caseworker mistakes, unintentional mistakes made by recipients, and about $500 million in intentional deceit on the part of recipients. Last, but certainly not least, we have heard estimates from the Secret Service that there is an additional $1 billion lost to illegal food stamp trafficking. After all these costs are factored into the equation, we are left with 75 cents for every taxpayer dollar that might go to the purchase of food for the needy. And may I remind you, this doesn't consider the fact that the States also spend approximately $1.5 billion in administrative costs as well.

Why does it cost so very much to provide food services to those who are in need? It costs so much because the Federal Government is attempting to provide the services. My amendment would change all of that. Instead of layer upon layer of administrative guidelines, regulations, and rules at every level of government, this amendment would simply repeal the administrative nightmares and give the States the flexibility needed to provide true and meaningful welfare reform. As you can see from the chart, my amendment, which almost mirrors the contract language, would limit 5 percent of the block grants for administrative expenses. It requires that 95 percent of the funds from the block grant be used for food assistance for the economically disadvantaged. It is simple, clear, and I believe quite compelling. How can we argue against sending the funds to those who are closely and acutely aware of the problems and eliminating the red tape that has prohibited success in the Food Stamp Program. If we take the Federal bureaucracy out of the equation, what remains is a lot more money for food assistance.

Mr. Speaker, I yield to the gentleman from North Carolina [Mr. FUNDERBURK], my colleague.

Mr. FUNDERBURK. Mr. Speaker, I am happy to associate myself with the remarks of the gentleman from Indiana [Mr. HOSTETTLER].

Mr. Speaker, when Bill Clinton campaigned for President as a new Democrat he promised to end welfare as we know it. What happened? The Democrats first so-called reform actually expanded welfare spending by $110 billion and it destroyed what was left of workfare. It was business as usual; more government, more taxes, more bureaucrats.

But you know what Mr. Speaker, the American people weren't fooled. Last November, they said to the liberals, "enough is enough." They understood that in no area is the intellectual and spiritual bankruptcy of the American left more apparent than in welfare reform. The liberal left's notion of reform is to spend more of other peoples' money. Their notion is to have the poverty industry and the professionally indignant churn out more of the perverse regulations and programs which have turned so many of our people into a mass of favor seekers.

This is the liberal Democrats' version of welfare reform: Have a child out of wedlock, don't have a job, and don't live with a man who is working. If you do these things the taxpayers will take care of you. Uncle Sam will give you a check each month, with free medical care, free food, and under Mr. Clinton's plan, 2 years in a Federal job program and free child care. You see the liberals can't breakout of their Washington-knows-best mentality. They want to undo the damage of 30 years of failed Federal programs by creating more Federal programs. Mr. Speaker, since 1965, we have spent over $5 trillion on welfare and all we have to show for it is disintegrating families, children having children, burned out cities, and a 30-percent illegitimacy rate. We won't make a dent in the problem by trotting out the same tired old liberal ideas.

We can make a good start today by endorsing the food stamp block grant amendment. This amendment returns us to the original welfare reform formula in the Contract With America. It freezes funding at the 1995 spending level and provides almost $19 billion in savings over 5 years. But, more importantly, it says people getting food stamps under the age of 60 must work.

Mr. Speaker, we were sent to Washington to put people to work and to get the Government's hands out of the peoples' pockets. Let me tell you where we will be if we don't get a handle on the runaway welfare train. This year food stamps will cost the American people $26 billion. If left alone food stamps will cost us $32 billion by the year 2000. Today Federal welfare spending stands at $387 billion, by 2000 we will spend $537 billion on welfare entitlements. Simply put, the madness has to stop.

The food stamp block grant eliminates the Federal middleman and cuts the heart out of the Washington bureaucracy. It says the real innovators are in the States and the counties. These are the people who are closest to the problem. They know peoples' needs. They are on the front line in the fight against poverty. They understand its causes and they can provide the moral and spiritual leadership so many of our citizens so desperately need.

Mr. Speaker, the goal of welfare reform is to get people off the Federal payroll. The best welfare program is a job. By cutting government, taxes, regulations, and bureaucrats we can create a new era of opportunity that will make it easier for poor Americans to get back on their feet.

I want to close with remarks from the Governor of Michigan, John Engler, who is leading the fight to take government back from the bureaucrats and the social planners. Governor Engler tells us:

> Ultimately, the debate over welfare reform is a debate about our basic principles and values as Americans—about the value of work, responsibility, freedom, and self-reliance. It's a debate we cannot afford to lose. It's a debate we can win—if we act in time.

Mr. Clinton is right about one thing, it really is past time to end welfare as we know it. Let's start with food stamp reform.

Mr. HOSTETTLER. Mr. Speaker, I thank the gentleman from North Carolina [Mr. FUNDERBURK].

Mr. Speaker, when we talk about block granting food stamps to the States, opponents of the idea express doubts about the ability of State government to reform the program. Forgetting momentarily that the Federal Government has not shown any ability to operate the program under its own auspices, let us look at what the States have done with welfare reform.

First of all, Wisconsin Governor, Tommy Thompson, introduced a number of innovative programs that reduced welfare rolls in his State by 25 percent, saving State taxpayers $16 million per month. In 1988, he began Learnfare which discourages truancy and promotes education. In 1990, he started Children First, a program to increase child support collections. In 1992, his Parental and Family Responsibility Initiative removed disincentives to marriage and discouraged children from having children. This year, he launched Work Not Welfare requiring able-bodied recipients to work for cash benefits.

Michigan Governor, John Engler, who we heard about prior, offered welfare clients incentives to work and required them to sign a social contract agreeing to work, receive job training, or volunteer at least 20 hours per week.

In just 2 years, the plan has helped nearly 55,000 welfare achieve independence, and welfare caseloads have fallen to their lowest level in 7 years, saving taxpayers $100 million.

Massachusetts Governor, William Weld, signed legislation last year to strengthen child support collection which is expected to save $102 million in AFDC and Medicaid expenses and enable an estimated 7,000 families to discontinue the AFDC Program.

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This year, he introduced welfare reform requiring able-bodied welfare recipients to take a job or community placement within 60 days in exchange for child care and health care benefits.

In addition, Governor Thompson recently identified four principles around which any welfare system should be built. These include: First, to end indefinite cash assistance; require work of able-bodied adults as a condition of receiving temporary assistance; include provisions to reduce illegitimacy; fund States, not individuals, by ending individual entitlements.

Michigan Governor John Engler stated matters well on February 9 at an Agriculture Subcommittee hearing on food stamps. The Governor said, and I quote, "Let me be absolutely clear on this from the start: America's governors understand the importance of good nutrition, especially for children, pregnant women, and other vulnerable individuals. None of us would adopt policies that would take food from the mouths of people in need. On the contrary, we want the freedom of a block grant to be able to help more people with better, more efficient community-based programs that better meet local needs," end quote.

Governor Engler also said, and I quote, "With the freedom of block grants, I trust my human service department directors and their colleagues at the county, city, and neighborhood level to get the job done. And I trust local charities, civic groups, churches, synagogues and mosques to make sure that the children and mothers to be in their respective communities get the proper nutrition."

Mr. Speaker, I know some people feel that the Federal Government is inherently better at providing food assistance. I believe the track record shows otherwise. The closer the administration is to the people who need the food, the better that administration will be.

How effective are churches and private charities in dealing with hunger? As early as the pilgrims establishing a community in Massachusetts, Americans have shown compassion for one another free of government interference. Marvin Olasky, in The Tragedy of American Compassion, quotes Pilgrim leader William Bradford describing the benevolent activities of those Pilgrims who remained healthy. Bradford's account describes able-bodied men and women cooking food, washing clothes, and providing medicinal aid to those less fortunate.

Olasky writes that the need to offer personal help and hospitality became a frequent subject of sermons, which in colonial days were more powerful in shaping cultural values, meanings, and a sense of corporate purpose.

Congregationalist and Presbyterian sermons noted that faith without works of compassion was dead. Anglicans also argued that those blessed materially by God should have compassion for the poor by descending into misery when necessary in order to help them up: This in one order of life is right and good; nothing more harmonious.

And when Methodism spread in the 18th century, American followers propagated John Wesley's advice to, quote, "Put yourself in the place of every poor man and deal with him as you would hope that God would deal with you."

I do not need to document the work of organizations like Catholic Social Services, Lutheran Social Services, and the United Jewish Appeal. I even have some firsthand experience at church-directed charities. I ran the food pantry at 12th Avenue General Baptist Church in Evansville, IN. We met people's needs, we took an interest in people's lives. That is the America I know. That is the America that used to be and can be again if we can get away from this idea that the Federal Government is our nanny.

At this time I would like to offer time to the gentleman from Texas, Mr. SAM JOHNSON.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I think that if the gentleman from Indiana [Mr. HOSTETTLER] wants to conduct a colloquy, I will be happy to talk with the gentleman about it. But it seems to me that the Committee on Agriculture varied the Contract With America and from the change that the people in America have been asking for, and that is a smaller Federal Government and local control. And that is what we were sent here to accomplish.

We are not eliminating food stamps. We are not eliminating food assistance. We are in favor of kids growing up good and strong. And good, healthy fat ones is what we want, right?

Mr. HOSTETTLER. Yes, sir.

Mr. SAM JOHNSON of Texas. So, I think that it is important that people understand in the world that the Education Committee designed three block grants for child care, for family nutrition, and for school-based nutrition. And all of those programs provide more money for all of the programs.

And not only do they provide more money, but they allow the States to be their own judge of how to spend that money and move a little bit of it around to wherever the priority projects are in each State, based on each State's needs, each kid's needs, each school's needs. Would you agree with that?

Mr. HOSTETTLER. Yes, sir.

Mr. SAM JOHNSON of Texas. I think the Committee on Ways and Means designed block grants for child protection and family assistance, so the two committees together have formed block grants that protect children, protect the school system, protect the pregnant women, infants, and childrens programs, and make America safer and better. And, in addition, ask only in return that they please work for whatever benefits that they receive. Do you think that is too much to ask for Americans to do?

Mr. HOSTETTLER. I do not, sir.

Mr. SAM JOHNSON of Texas. Would you not think that most Americans want to work anyway?

Mr. HOSTETTLER. Yes, sir, they sure do.

Mr. SAM JOHNSON of Texas. And we are going to give them that opportunity, along with greater and better benefits based on their own local input and needs.

And I think there seems to be resistance in this town to doing things that would protect our children at home. Most people here would say that the resistance here wants to keep the massive Federal bureaucracy in operation, the massive Federal control over every individual's life, including the kids.

And we are teaching the kids, I think, would you not agree, that we are teaching the kids that the Federal Government knows best? And I defy anybody to say, whether you or I, or anybody else in this House of Representatives or Senate, knows what is best for the children in their own hometown, in an individual school district, in an individual home.

Would you agree?

Mr. HOSTETTLER. I would most assuredly agree with you.

Mr. SAM JOHNSON of Texas. And I like your chart by the way. I did not get a chance to tell you that. But I think all the people that vote for the remainder of the welfare bill under block grants, but refuse to make this needed change should rethink their vote, because we think we need to be consistent; consistent with the Contract With America, consistent with the wishes of the American people, and consistent with the ideas and principles of the conservative party, the Republican party. Given America back to Americans. Thank you for letting me talk with you.

Mr. HOSTETTLER. Thank you very much, sir.

Mrs. SCHROEDER. Will the gentleman yield?

Mr. HOSTETTLER. The Rules Committee is graciously allowing me to do my special order, and I would like to continue and conclude at this time. But there will be an opportunity later.

Mrs. SCHROEDER. The gentleman will not yield.

Mr. HOSTETTLER. Mr. Speaker, I thank the gentleman from Texas for putting it so well. The local, State, and county governments know best. That is where our tax dollars come from, and we need to return the idea that they know what is best. Theirs is the resource of the money. Let them do things in their locales that they think is best.

There is a quote that says, "Welfare is a narcotic. A subtile destroyer of the human spirit." Who said this Mr. Speaker? Was it, A, Charles Murray; B, Ronald Reagan; or C, William F. Buckley? The answer, Mr. Speaker, is none of the above. The quote is from Franklin Delano Roosevelt.

Who would you say, Mr. Speaker, has been least effective in meeting the needs of the poor? A, Mother Teresa; B, the United Way; C, the Salvation Army; or D, the Federal Government? If you formulated your answer based on dollars spent, you would probably choose one of the top three. But in answering the question, Who has been least effective in meeting the needs of the poor, the answer is clear. The Federal Government has failed.

Why, then, would we think of a federally run food stamp program as the ultimate social safety net as some are calling it? Marvin Olasky, in "The Tragedy of American Compassion," writes how charity workers deal with applicants for assistance. They start with the goal of answering one question: Who is bound to help in this case? Charity workers then called in relatives, neighbors or former coworkers or coworshipers.

Relief given without reference to friends and neighbors is accompanied by moral loss. Mary Richmond of the Baltimore Charity Organization Society noted, and I quote, "Poor neighborhoods are doomed to grow poorer and more sordid whenever the natural ties of neighborliness are weakened by our well-meant but unintelligent interference."

Another minister said, quote: "Raising the money required specially on each case, though very troublesome, has immense advantages. It enforces family ties and neighborly or other duties instead of relaxing them."

The Federal Government does not do any of these things. The proposed plan for food stamps, while less of a budget strain than the current system, continues on with the Federal tradition of throwing money at the problem.

Mr. Speaker, in conclusion, I would ask that Members consider the idea of block granting food stamps and the idea that the Federal Government does not always know best and that State and local governments can best meet the needs, along with private and religious charities, to meet the needs of our neighbors. And I give back the balance of my time.

SAVE THE CHILDREN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 60 minutes as the designee of the minority leader.

Mrs. SCHROEDER. Mr. Speaker, thank you very much for yielding. And I am sorry the prior gentleman would not yield to me, because I had several things that I thought would have been a very interesting discussion.

I heard what he said about State and local government and that is where the money is raised, but he is asking us to raise it at the Federal level and then give it back to them to spend however they want with no strings attached.

And so I think I am the one standing here as the real conservative. I figure if they want to spend money with no strings attached, they ought to raise the money. Why in the world are we going through this system and then going up and down the elevator?

I think if we are raising the money here and we are giving it to localities to spend, we should be saying there should be nutritional guidelines. We should be saying to farmers who get subsidies from us that they ought to have a buy crop insurance rather than wait and if there is a disaster, the Federal Government bails them out.

If the State and local government want total say in how they spend money, then they have the right to go raise that money and they are on their own. So I found that really amazing.

I also wanted to point out to him, he was citing Governor Engler of Michigan. And on the wire service at this moment there is a story about Governor Engler saying that conservative micromanagement is just as bad as liberal mircomanagement. And he is pointing out that between the prison bill and the Republican welfare bill and many other things, they are micromanaging, but only they are micromanaging in their way. So let us clear the air of some of this politics.

Mr. Speaker, I wanted to rise and say a few things. No. 1, I have on this Save the Children scarf. A lot of us are going to be wearing these next week. We never thought we were going to have to wear them for saving American children, but that is what we are doing. We are going to have to wear them to save American children because all of the sudden we are watching all sorts of programs that were their safety net being totally dismantled in the name of all sorts of political smoke and rhetoric that is blowing everywhere. And I think that is very unfair.

An awful lot of the cuts we pass today, and the things we will be doing next week, are going to go—and I am a Democrat, so I do not have as fancy a chart as he does—they are going to go for tax cuts. They are going to go for tax cuts, and these are supposed to be great things for America's families.

Yes, they are great if you make over $100,000. If you make over $100,000, this tax cut is going to mean $1,223.23, on an average, per person. That is great.

However, if you make less than $100,000, guess what? It is going to mean $26.05. So for most Americans, I think this is a real distortion of what is happening.

I think too, when you look at where this comes from, again, what you see is 63 percent of the cuts that we are talking about are coming from only 12 percent of the programs. This is not across the board.

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They are not cutting DOD. They are not cutting the space program. In fact, there are programs in the space program that went up as much as 400 percent. They are not cutting those programs. No, no, no. You are cutting children. Obviously children caused this debt. I do not remember that. I do not think children had anything to do with this debt. And I think to jeopardize their future is positively outrageous.

When you look at low income programs, you again see that when you break it down to discretionary low income programs, they got 15 percent of the cuts; other discretionary programs only got 1 percent of the cuts. Now, tell me how that spells fair? I do not think it spells fair at all.

I had a few other things to say on this 72d day of the contract. I know the gentleman from California wants to talk too. I will be yielding to him very shortly. But here we are on day 72 of the contract. We are seeing all sorts of ethics violations piling up in front of the Committee on Ethics. We are seeing all sorts of legislation that has not really been thought out, coming down a conveyor belt like a bunch of cream pies hitting us in the face. They look like they were written by interns. They are admitted to have been put together by pollsters. No one knows how it is going to happen. It is stalled over on the Senate. They are busy ironing their togas and seeing if they can get around to dealing with this stuff, and everybody is hoping on them bailing us out.

This very day from my congressional district I am very sad to say that by the vote we passed today, we cut out all summer jobs for kids. Now, if we are going to go around and tell kids what to say no to, we better have something to say yes to. Last year we had 4,200 kids in the summer job program, and we had the safest summer we have seen in Colorado in a long time. Well, byebye. It is gone. And it is now March. Kids are going to get out of school in 2 months. I think that is outrageous.

We also lost training programs for 2,300 adults and another 1,500 youth programs that went all year-round.

The Denver public schools tell me what we did today, the Goals 2000 cuts are unbelievable. They will affect 35,000 elementary schoolchildren in Denver alone. And what will they affect? They are going to take away the science-related teaching. Oh, that is great. We are going to live in the 21st century without science-related teaching? That is terrific. Well, today we did it to 35,000 kids in my district in elementary school. If I sound mad, I am mad.

Let me tell you what else they did. In the Eisenhower Grant cuts they cut the math and science training for 2,000 teachers in my districts. I think if anything we need more math and science teachers in K through 12. We know if America is going to be competitive, that is one of the areas we are very weak in. So what do we do? We cut it.

I cannot understand this war on kids. I absolutely do not understand this war on kids, except they do not have political action committees to donate money to people running. They do not even vote, so I guess we figure they are the most vulnerable. But when you look at America's kitchen tables, they do everything they can to hold children economically harmless as long as possible. Here we put them in harm's way, rather than touch ourselves or touch some program that we are trying to preserve.

Now, many people will say oh, she is a liberal, she wants to vote for spending, and on and on and on. I will put the spending I voted against up against anybody else's spending, any day. One of the things I voted against over and over again was a thing called the super collider. Well, guess what? We were told we will never find the eighth quark, you are part of the flat Earth caucus. This is absolutely terrible. We got to have a super collider.

Well, you know what? They found the eighth quark and we defunded the super collider. We found it without that massive program. Meanwhile, we are going to cut science teachers for our kids so we will not even have scientists to look for that type of thing in the future if we keep going down this path.

We have heard all sorts of nostalgic talk about what is happening and where we are going. This session was begun with the Speaker throwing out the first orphan. Today we see him talking about how we are returning to Victorian values.

I remind people that those are beautiful pictures of Queen Victoria in her castle. But unless you were part of Queen Victoria and her family, the Victorian era was not such a good time. When you look at Dickens in his Tale of Two Cities, he talks about it was the best of time, but it was the worst of time; it was an age of wisdom, but it was also an age of foolishness; it was an age of light, and it was an age of darkness. I think we all remember that great novel, that reminded us that there was a Victorian underworld; that belief in the family was also accompanied by a high incidence of prostitution and all sorts of other things.

So what really happens is in the good old days we tend to only remember the good old part and we forget some of the bad old part. I do not think the Speaker or anyone in this body wants to go back to those kind of days. We have made a lot of progress in this country. We have said that our young children have the right to be safe, to be fed, and a right to dignity and a right to an education, and that should depend upon their citizenship, and not who their parents were. If our new message is to the kids, too bad, you should have picked richer parents, then we are in real trouble.

I know the gentleman from California wants to speak, and I am just about ready to yield to him, but I just want to remind everybody that the basic difference between what America was about and what other countries were about is we always said that in America you were what your children became, and in other countries you had no choice. You were what your parents were. So there was no option for you to grow out of that class or grow out of that rut that you were born into.

Here, the great American dream was the dream of your children becoming, your children doing bigger and better things than you were ever able to dream about. But they cannot do that if they are not well fed.

I want to tell you if I vote for money for nutrition programs, I want them to be nutritional. I do not want to give them to 50 States and say spend them any way you want, have a nice day. We collect it and send it to you.

I think most States do a good job, but some would rip it off. That is true with every other thing. If we have the responsibility of raising it, we have the responsibility of seeing that it is spent sensibly and correctly. And whenever there is any fraud, waste, or abuse, we ought to attack it.

The gentleman from California has some fancier charts than I do. He got his made, so let me yield to him at this time, and I thank him for waiting patiently.

Mr. TUCKER. I thank the gentlewoman from Colorado for yielding. I would submit to her that no matter how fancy my charts are, they could not in any way overcome what she has already said to this body, because you have been so accurate in your depiction about what is going on here. I would like to just take a few moments to really just dovetail on what you have said.

There is an attack on our children. If I have to wear one of those scarves, I guess I will too, certainly to make the point that there is a very insidious attack on our children right now.

So many talk about the Contract With America. But obviously there must be a contract out on our young people. That is why I want to talk this afternoon and this day about some of these attacks, and particularly in the wake of what we are going to be dealing with next week as it relates to what some call welfare reform, or as it is related in one of the plans of the Contract on America, the so-called Personal Responsibility Act.

I rise in strong opposition to this so-called Personal Responsibility Act. For many years now, Mr. Speaker, Democrats and Republicans alike have talked about the fact that there are welfare recipients and Americans on opposite ends of the political spectrum and have all agreed on two things: No. 1, the welfare system is broken. We understand that. But No. 2, Mr. Speaker, and most importantly, we as Americans must change welfare as we know it and we must change it fairly.

The bill, as I read it, Mr. Speaker, fails in several ways to address the real problem. First, the bill erroneously assumes that the problem with welfare is that the people on welfare, the welfare recipients, just do not want to work. They are a bunch of lazy, shiftless, no good people who just do not want to work. That is what they want America to believe.

The reality, the reality is, Mr. Speaker, that 70 percent of those on welfare who receive welfare benefits, oh no, they are not welfare shyster fraudulent mothers. They are not crooks. They are not ripoff artists. They are children. They are our Nation's children. Seventy percent of them, I am going to say it again, because it is worth repeating, 70 percent of all welfare benefit recipients are children.

I have one of these charts just to illuminate this point. You can see there that the lion's share, and I think that is a good term since the kids like the Lion's King, I will throw that in, that the lion's share of welfare recipients are our children. Seventy percent. And that is significant. It is more than significant, because as we started talking about the facts, we need to dismantle this notion that it is just a lot of adults bilking the system. Somebody has to stand up in this House and in this well to protect America's children.

My colleague, the gentlewoman from Colorado, has said it so aptly and so appropriately, that it is a battle to protect our children.

Mrs. SCHROEDER. We still have child labor laws as I remember, right? So the gentleman's point would be if we wanted everybody on welfare to work, we better quickly repeal the child labor laws.

Mr. TUCKER. I appreciate the gentlewoman's point. The remaining 30 percent are the mothers of these children and disabled persons. Second and most importantly to this body, and this body, as it has done in the past, is attempting to base new policy on the same false premise, and that premise is that if we cut these people off of welfare that will encourage them to work. We give them more pain, we give them more punishment; that will encourage them to work.

The reality, Mr. Speaker, is that the problem with welfare is this body's total abdication of its responsibility to deal openly and forthrightly with the cause of welfare. Once again, we run around here so often talking about the problems of America and what we have to do to solve them, but very infrequently do we get down to the real root causes of the problem. We put Band-aid solutions on things and we try to in some way shift the burden and say that now it is the States' problem, not our problem, but we never get to the root cause of the problem.

Well, what are we talking about? The problem is that these people, the recipients of welfare, need a job, need a livable wage, and that is something that is not in the Contract With America. That is something that we are not addressing ourselves to.

If we did address this problem openly, Mr. Speaker, we would find that what most welfare recipients want to do is they want an opportunity to work. They do not want a welfare check. They want to work. There is dignity in work. There is self-sufficiency in work. There is no shame in work. They just want an opportunity to work.

Now, this bill, Mr. Speaker, that is coming up next week does nothing to offer that. It does nothing to empower people. But it does everything to cut them off. It does everything to turn their backs, our backs on them. It does nothing to address those very important secondary impediments to welfare, mothers going to work. That is the need for day-care for their children, so they can go to work.

This past weekend I was home in my district, and I was talking to a young woman who had had a serious struggle with crack addiction, cocaine addiction. And one of the things that she said in one of these encounter groups, and she was recovering and realized that years of her life had been taken away, she had three kids and through some programs out there, very needy programs, programs that are in jeopardy because of the kind of rescissions we made this week on the House floor, through these programs she had an opportunity to pick herself up, she had an opportunity to finally have some straps to pull her boots up by, and she said that it was very important that she had child care. Because without child care, she could not realize her dream of one day becoming a nurse. She thought her dreams had all turned to nightmares, but she needed some support.

Child care is not in this Personal Responsibility Act; it is not in that bill. So without child care, once again, we are not getting to the root causes of the problem. We are merely sweeping the dust under the rug.

There is another thing that is not in this bill, and that is health care. We need health care for these welfare recipients, if we are going to make people whole. Yes, we had a debate last year about health care and some people said we were doing too much, some people said the Government was too involved in it. But one thing nobody could deny was that at least 37 million Americans did not have health care, and millions more were under-insured.

There are a lot of Americans out there. Some of them might be your relatives, your cousins, your friends, your family. They do not have health care. It is very difficult to survive. It is very difficult when something, God forbid, should happen to you or your loved one, and there is a choice between actually working, living, and being able to get some type of treatment.

□ 1545

Further, Mr. Speaker, the bill fails to invest the resources in job training and education necessary, vital to equip welfare mothers to compete for the jobs that are available.

So what we are saying is, in essence, this; that if we are going to have a serious, comprehensive, effective and a real and a valid Personal Responsibility Act, then let's give people something that they can be responsible with. Either we are going to provide them with jobs or we are going to provide them with the job training that will help them get the jobs that are already out on the job market. It has got to be one or the other, because you can't just cut people off and not provide them with something that they can get onto.

It reminds me so much of the debate that goes on about drugs and this whole notion of how we are going to get our young people to get off drugs and get away from crime, which we know that so many of our crimes are drug related, and that is, it is not just a question of what we are telling our young people to say no to. It is a matter of what we are telling them to say yes to.

The same people who take this House floor telling our young people, say no to drugs, drugs are bad, say no to them, but yet they are the same people who will cut AmeriCorps, who will stand on this floor, punch that machine and cut a program that will allow our young people to go out and to move into higher levels of education by being able to collateralize that with giving back to their community with community services, teaching and working in community centers. It is double minded and it is double tongued.

We cannot have it both ways. Either we are going to invest in America and invest in Americans or we might as well just be honest and say that we are not our brother's keeper and we do not care about our fellow man anymore.

We have got to provide this means of jobs or this means of job training. In fact, Mr. Speaker, the only thing that the Personal Responsibility Act as a bill guarantees to our children is that once their parents have used their allotted benefits, that is it, it is over, no mas. There is no other safety net for these families or their children and my colleague spoke about that so readily.

This is what we are talking about. Someone has to stand up and be responsible. If we are talking about the Personal Responsibility Act, doggone it, the U.S. Congress has got to take some responsibility first and we have got to lead by example. We have to take responsibility for our Nation's children.

So no matter what happens to the Nation's economy or the economy of any particular State, no matter what happens with your personal circumstances, regardless of your efforts to secure employment, it doesn't matter. That is it, no more benefits. When you are cut off, your are cut off that is no kind of way to have a responsible government.

Mr. Speaker, this bill would abolish the entitlement status of those essential programs that protect our children from hunger and from homelessness. We talk all the time about wishing that we had less homeless people, but the reality is that with every action, there is a reaction. With every act, there is a consequence, and Mr. Speaker, if we pass this Personal Responsibility Act without child care, without health care, without jobs and without job training, without some type of entitlement status and guarantee for these people who, for whatever reason, on a temporary basis can't do better, then what we are doing is, we are just turning our backs on them and we are advocating and promoting homelessness.

Now, we all do not see it right now, but the streets will be flooded with people without a job, without a home, languishing and laying in the streets, and where does the responsibility for that Responsibility Act lie? It lies right here on the floor of the House of Representatives.

What this means, Mr. Speaker, is that no longer are poor children guaranteed that they will grow up with a roof over their head and food in their mouths. Oh, yes, America, land of the free and home of the brave. We are going to take care of our little ones, take care of our elderly, and yet with this Personal Responsibility Act, with one fell swoop, we send these young children without a roof over their head, without clothes on their back, and without food on the table.

Somewhere I remember some great man once said, "suffer the little children and forbid them not." What we will do if we pass this act, we will push those little ones aside. We will push them out. We will turn our backs on them. In fact, what our children are guaranteed, Mr. Speaker, in this bill is that their basic health care and nutrition needs will now be subject to individual State priorities at each new Congress' view about their mothers and their willingness to work. No guarantee.

What we will do in this bill, Mr. Speaker, is decide that welfare and single mothers and their children are the root of all evil in society, and if we are to ever balance the budget, we must get these pariahs off the road. No guarantee.

Mrs. SCHROEDER. I want to thank the gentleman for his very, very, wonderful statement, and I thought his point about child care was excellent.

When I was one of the cochairs of the Congressional Caucus on Women's Issues, back when we were allowed to have those, back when we were freer, I guess, we asked the Government Accounting Office to look at what happened in programs that gave women, the mothers you are talking about, the 30 percent, a 100 percent voucher for child care reimbursement, did it affect their work. Guess what—158 percent of them on their work. You don't have to be a rocket scientist to figure this out, but the gentleman is absolutely right.

Those mothers, most of them would like to go to work, but you can't leave your children at home, and if you would give them a child care voucher, then they can. But your point is, they are not, so you beat on them for staying home, and yet, they let the children home alone, you beat on them for doing that. There is nothing they can do that is right, and I thank you for pointing this out. You are doing a great job.

Mr. TUCKER. I thank the gentlewoman for pointing that statistic out because certainly this Congress, though it might be cutting conscious, though it might be conscious of making the budget leaner, it should not make Government meaner.

We have a responsibility to Americans and we have a responsibility particularly to our children. When the gentlewoman was talking earlier about the assault on America, the assault on our children, the assault on lower- and middle-income programs and people, and she was mentioning with quite a bit of dexterity the cuts that came down on this floor, I would like to, in one of these charts, show another example of some of the cuts that happened.

The same people who talk about the Responsibility Act, the same people who talk about that word responsibility, this is what is being done to America. It is not a Contract With America. It is a contract on America. It is Robin Hood in reverse. It is taking from the poor and giving to the rich. We all know what it is all about. Yes, I would like to have a tax cut. Everybody would like to have a tax cut, but not on the backs of the needy and the poor people in this country who can ill afford, who can least afford to be burdened any further.

Look at the kind of cuts that we are talking about. We are talking about programs like the Low Income Home Energy Assistance Program, a program whose function was pure in its concept. It was to help low-income people who could not afford to pay their energy bill, who could not afford to pay that heating bill in the cold months of the year, these people on fixed incomes who just need a little help. Not welfare. They just need some support. A $1.3 billion cut. And what is the consequence of that? Low-income elderly people freezing in the wintertime. America, land of the free, home of the brave.

What about this cut? Job training programs, oh, yes, there is another wasteful welfare program. Let's not train our people to work. Let's not train our people to be prepared for the 21st century, as the gentlewoman from Colorado pointed out. We talk about the supercollider, but yet we do not want to teach our young kids basic science. Look at this cut, $2.3 billion cut, and the consequence of that cut, what is the consequence? Almost 800,000 youth, once again, an attack and an assault on our young people, almost 800,000 youth, adults, will be displaced, and displaced workers will not get job training and summer jobs.

Do not blame the Democratic Party when you see all these young people out there in the streets and you want to know why somebody is stealing the hubcaps off your cars, why somebody is burglarizing your house, why somebody is putting graffiti all over across town and your property values are going down. Do not blame us because your young people in your community do not have anything to do this summer, do not have any training and cannot get a job, because of the $2.3 billion cut that just cuts job training programs and disallows these young people or displaced workers, and you might be some of those displaced workers. I had a lot of them out in California from the aerospace industry trying to find a job, trying to redirect their careers.

Third one, look at this one, a $1.6 billion cut of the safe and drug-free schools, Goals 2000 and School-to-Work Programs, all laudable, well worthwhile programs, meritorious programs, what happens? A $1.6 billion cut. The consequence? More drugs in our schools and fewer dollars to fight crime and drugs.

Nobody likes to see the deficit balloon. Nobody likes to see the debt go up, but at some point we have got to take responsibility about the things that are important for this Nation. These programs are not throwaway programs. These programs are programs that say, if you don't pay me now, you are going to have to pay me later. It is just that simple, and I don't know where anybody gets off thinking for one moment that just because you cut, that this problem goes away. The problems go away; they come back compounded. You are going to pay 10, 20, 30 times more trying to clean up the mess.

Mr. Speaker, the reality of welfare is not only that 70 percent of all welfare recipients are our Nation's children, but the reality of welfare is that 70 percent of all welfare recipients are off of welfare in 2 years and only 12 percent of all welfare recipients stay on welfare for more than 5 years, and I happen to have a chart to elucidate this.

As you can see, 50 percent of all the recipients leave welfare in 1 year. Of all welfare recipients, 70 percent get off of welfare in 2 years, and 88 percent, far above the majority, leave welfare within 5 years. What are we saying? These declarations, these representations that say that all these people, it is just a lifelong thing, they are bilking the system, it is a career, these people are career rip-off artists, this is a program that not only deals with our young people, but it also deals with people who have hit some hard times, and I believe that everybody out there is just one step away from hitting some hard times, or at least most Americans are.

Most Americans live from paycheck to paycheck. At some point in time, those who are lower and middle income have some hard times. Yes, they may need 1 year; yes, they may need 2 years; yes, they may need a few years, 5 years, but the reality is that welfare is a transitional program.

Mrs. SCHROEDER. I am so glad to see the gentleman's chart, because I think every one of us who have been trying to discuss this issue gets so frustrated by the misinformation and the disinformation floating around, and it reminds me of last week when we were all trying to deal with the product liability bill and people kept talking about the Girl Scouts, the Girl Scouts, how the Girl Scouts wanted this, and if you remember, the Girl Scouts were in the Wall Street Journal day after day saying, no, no, no, no, no; that is all being made up.

We need like a truth squad on this floor. So I am glad that the gentleman from California is being a truth squad and pointing it out. That is not to say there are not some people who abuse it, but it is a very, very small percentage. It is not like a huge largess spraying out there.

□ 1600

Most people are embarrassed to be on welfare, cannot wait to get off welfare, and want to do everything they can to improve themselves.

Mr. TUCKER. I thank the gentlewoman for her contribution. Certainly, she is correct, that we have to set the record straight. There has been so much. If there is an abuse here, it has been the abuse of information, it has been the abuse of the truth to the American public; people telling others welfare is just the biggest ripoff there is.

The reality is that, yes, there are those in our society, in segments of our society, who are in need and who need transitional help. This shows us just how temporary the transition is.

Mr. Speaker, why would this body base welfare policy on the 12 percent of people who go over 5 years? If 88 percent of the people are off by 5 years, there are only 12 percent of the people who stay on welfare over 5 years. Why this body would base welfare policy on that 12 percent of the people is beyond me.

Mr. Speaker, this bill, the Personal Responsibility Act, would require, or, as we like to say in Washington, it would mandate that States deny AFDC permanently to families where the children were born after this bill's passage to unmarried mothers younger than age 18. States would also have the option to deny assistance to children born to unmarried mothers younger than 21. What that means is that the States would have an option to punish the children, to punish the children, just because a mother had them under age.

Once again, Mr. Speaker, as my colleague indicated, the children do not have a right to pick when they come into this world. They do not have a right to pick who their parents are. However, because of the distorted and perverse notion of responsibility that my colleagues on the other side of the aisle are proffering, the children, once again, will end up having to pay for the pregnancy of their parents.

Mr. Speaker, this bill would allow States to eliminate all cash benefits to families who have received aid for 2 years, and would permanently bar such families from any future aid if the parent had participated in the work program for at least 1 year, so they can dance around this. They can give them a work program for 1 year, and after that they can forever and ever bar them from any future participation or future benefits in the program. It is just a loophole to getting them off the basis of support.

Such families would definitely suffer. After 5 years, States would be required or mandated to terminate permanently the family from cash assistance. The State, even if it wanted to continue cash payments, would be directed by Washington to deny the benefits.

In both of these cases, the contract on Americans would allow children and families to be left without any cash help or a public service job, even when the parent was willing to work but unable to find work in the private sector.

There is an interesting situation and an interesting scenario. Here is a scenario where someone is willing to work, cannot find work, but they are still going to be cut off and still going to be punished by this new wonderful Responsibility Act.

An even more ominous provision in this assault on America's children would take the savings generated by denying assistance to the unmarried teens and their children and use those same funds to build orphanages for those children, or group homes for those children and their teen parents rendered destitute by this bill.

So many people talk about what is going on in Washington: the 100 days, we are moving forward, we are moving fast. Yes; we are moving fast. We are moving nowhere fast. As my colleague said, it was the best of times.

Mrs. SCHROEDER. Maybe we are moving backward fast, back to the Victorian age.

Mr. TUCKER. That is right, we are moving backward fast, because backward is nowhere, it is a place called nowhere. We are moving so fast that we do not realize that we are moving backward, and backward is nowhere to be. It is nowhere we want to be, because it is where we have already been, and that is why we left it.

Mr. Speaker, we know what happened in the days of orphanages. We have these people who take the floor and somehow try to glamourize Dickens, somehow try to glamourize Boy's Town, somehow try to glamourize the concept of an orphanage. That is like trying to glamourize a whorehouse; it is nice, it is a place of comfort and refuge.

No matter what words you put on it, no matter what semantics you use, no matter what window dressing you use, an orphanage is still an orphanage. Why can we not, as a country, wake up to our responsibility, to our children in this country, and realize, yes, we have to cut the deficit.

The argument that our colleagues use for cutting the deficit, do you know what the argument they use is? It is always our children, "We don't want to mortgage this debt on our children. We don't want to have the ignoble responsibility of going down in history as that generation that left a multibillion dollar deficit and multitrillion dollar debt to our children. We are mortgaging our children's future."

That is what we hear on the floor of Congress every day. Therefore, if they are so concerned about our children, why don't they show it?

Mrs. SCHROEDER. Mr. Speaker, I think the gentleman is going right to the core of it. What we are doing in the name of the children, we are also doing it to the children. You have a financial deficit, and to deal with that, we are going to create a human deficit.

We are into this very mean thing where the adults are saying, "We are not going to give up anything we have, thank you very much, take it out on the children." Hey, where is that fair? These kids did not create that deficit.

There is no one in this country, I think, that feels we can compete in the 21st century without more education and without kids that are healthy and well fed. We know if they are healthy and well fed they do better in school. We can go on and on and on.

Yet, what are we doing? They are the first out of the budget, the first out of the budget. Again, that is why we are wearing "Save the Children" scarves. I know we have a tie for the gentleman from California [Mr. TUCKER], so we will tie one on you and get you enlisted on this.

Mr. TUCKER. Thank you. I will wear it. I think the gentlewoman expressed the point so aptly, that our children do not have the big lobbying firms. They are not this powerful special interest that can come up here and fight. That is why we have to be a voice for the voiceless; that is why we have to talk about this, because it is our Nation's children that are being exploited.

Mr. Speaker, is it not interesting that when we talk about that kind of deficit, what we are talking about is the fact that we cannot only be concerned about being economically bankrupt as a government, but we also have to be concerned about being morally bankrupt. If we turn our backs on our Nation's children, this Nation, this great Nation, will not progress and will not fare well.

In closing, Mr. Speaker, as we talk about the fact that it is open season on the poor and on our children, and in fact those who sent many of us here to Washington to protect them, we must understand that this welfare is not about long-term bilking the system, it is not about people who do not want to work.

In fact, another important point, setting the record straight about welfare, and as is the case so often with our colleagues on the other side of the aisle, they have a tendency to bring up and to proffer these race-baiting wedge issues. Welfare is not a black issue. It is not just a woman's issue. It is not a black issue. It is not just a white issue. It is an issue that relates to Americans in need.

Let us set the record straight on this. The racial composition of AFDC recipients: 18 percent are Hispanic, 37 percent are African-American, and 39 percent are non-Hispanic white Americans. It is interesting, though, that every time you see the images and you see the "stereotypical welfare recipient," it is somebody black, it is somebody brown.

Therefore, this issue is not a black issue. This issue is not a welfare fraud mother issue. This issue is 70 percent, once again, the recipients are children, the recipients are poor, the recipients are needy. The recipients are not lazy. The recipients are people who want to work.

Unless we are going to take the kind of responsibility that we should take as leaders of this country, to be honest with the American people, to be truthful with the American people, and then to be responsible for America's children, then we should not be serving here in the House of Representatives.

Mr. Speaker, I appreciate this time to give America what I feel is an honest assessment and an honest appraisal of what the welfare system is and what kind of reform we need in this system. I thank my colleague, the gentlewoman from Colorado, for joining me, because certainly I will wear that tie and I will wear it proudly.

I hope that before it is all over, we can tie some responsibility, some real responsibility onto Republicans who stand on this floor and tell us that the best way to solve our problems in this country is to punish and to cut off. No, the best way to solve our problems in this country is to reach out.

Mr. Speaker, it is not so much that these people need a handout. What they need is a hand, and not just in money. They need us to reach out to them and to let them know that this America is for them, too. That is why they need health care, that is why they need child care, that is why they need job training, and that is why they need jobs, so they can realize their dreams, just like everybody else in America wants to realize theirs. Then we will not have to worry about wasting so much time talking about who is ripping off the system.

It is interesting how my colleagues always talk about eradicating or bringing down the deficit or the national debt. Maybe if we did more to empower some of our welfare recipients, they would become working, empowered American citizens who would be putting more into the government till, and thereby raising our revenues and bringing down the deficit and bringing down the national debt.

Mrs. SCHROEDER. Mr. Speaker, I want to say what a privilege it is to yield to the gentleman from California, because there is some good news today. I think we are going to have to keep doing these kinds of things. The good news is that I think we had a meltdown on meanness. When we voted on the rescissions, although we did not win, we had 200 votes. We got six Republican votes with us.

Often I wondered if they had an MRI and could not have a heart bigger than a swollen pea, but apparently they do not have an MRI machine. Apparently that is not part of the membership. I think people are waking up and finding out what these issues are that are coming at us very fast. I think that is part of the strategy, send them so fast they cannot find out.

The gentleman staying here late in the afternoon to talk about this I think is very important, and I think by having gotten 200 votes more than we have gotten all this time on day 72 says that people are beginning to wake up and say "Not our children. Hands off our children," and we will wear these scarves, even though we thought they were for other countries, but we now find out they are for ours. Maybe we can make a change.

Mr. TUCKER. If the gentlewoman will yield, I want to applaud her for her consistent and long-standing fight, not only to protect our children, but to protect the interests of those who are in need. Certainly, your point is well taken, that when America wakes up to the reality of what these rescissions have done, the people will start to understand that it is not just your neighbor that was cut, it is not just your friend or it is not just the person in the other State that had a devastating impact from these cuts, but that indeed, these cuts are across the board.

When we look at things like the School Lunch Program, this goes all over the Nation. It is across the board. When we look at things like welfare, they are people that you know that will be affected. When you look at the job training programs, people you know will be affected.

When America wakes up from its wild night partying and having a good time, it will find out that the hangover was not worth it.

Mrs. SCHROEDER. I thank the gentleman from California [Mr. TUCKER].

Mr. Speaker, NEWT GINGRICH wants to move America back, back to the fifties—back to the 1850's.

Earlier this week, the Speaker announced that America needs to be more like Victorian England, whose heyday was in the mid-1800's.

I have a difficult time believing that the Speaker wants to take us back to another age, much less another country—the one we waged our revolution against.

But it is more difficult for me to believe that the Speaker, who prides himself on being a futurist, who claims to be a surfer of the third wave of information, who by his own admission was a free thinker of the sixties, and continues to use the tactics and language of the sixties, actually prefers to reinvent Victorian England here in America.

As Dickens spoke of that age in his opening paragraph of "A Tale of Two Cities" in 1859:

> It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the epoch of belief, it was the epic of incredulity, it was the season of Light, it was the season of Darkness, it was the spring of hope, it was the winter of despair, we had everything before us, we had nothing before us. * * *

The Victorian Age was great for the privileged few and awful for just as many. According to the Encyclopedia Britannica, "There was always a Victorian underworld." Belief in the family was accompanied by a high incidence of prostitution, and in every large city there were districts where every Victorian virtue was ignored or flouted.

But I do not think Speaker GINGRICH literally wants to go back to Victorian England. He just wants to get back to the good old days of America.

The good old days. What were the good old days of the late 1800's like in America?

Otto Bettman in his book, "The Good Old Days," points out:

> The good old days were good, but for the privileged few. For the farmer, the laborer, the average breadwinner, life was an unremitting hardship. This segment of the populace was exploited or lived in the shadow of total neglect, and youth had no voice.

And that is why I took this time today, to remind people that we don't want to go back to the days of orphanages, chronic diseases, polluted air, unsafe food, and unremitting hardships.

The 1990's more than any other decade of our history has to be one of hope, opportunity for all, and prosperity.

But as soon as Speaker GINGRICH began this new means season of politics by throwing out the first orphan when he floated his idea of Federal orphanages for children of the poor, I know that this was going to be rocky years for those of us who have put into place in America an infrastructure for America's kids.

Over the past 20 years, our Federal Government has made a commitment to our young children that they have a right to be safe, a right to be fed, and a right to dignity.

We have been able to put teeth into those promises. We put into place a school lunch program. We made child abuse treatment and prevention a national priority and committed resources to that end. We put in money and standards for children in childcare programs whose mother must work.

We made great strides for kids. And still, the amount of Federal dollars and resources we dedicate to them is paltry. In the 1980's budget commitments for kids were dwarfed by our investments in defense, highways, you name it.

But now the Republican rescissions threaten these modest gains as well as other progress our country has made for kids.

The majority of these rescissions are aimed at children and the elderly. The Republicans slash the women, infants, and children program that provides basic food and nutrition to pregnant women and children—even though this program saves more than three times its cost by eliminating the need for crisis health and prenatal care.

This move becomes even more unfair when you compare it to the risk-assessment legislation Republicans have passed so that their wealthy supporters can get out from regulations they don't want. If the principle of cost-effectiveness is good enough for their rich friends, why isn't it good enough for America's children?

The Republicans also cut programs to increase safety and reduce drug abuse in our schools. The Republicans eliminate more than 100,000 college scholarships and more than 600,000 summer jobs for young people.

The cuts against the elderly are just as bizarre, to use the Speaker's terminology. They cut housing for the elderly. They totally eliminate a heat assistance program for the elderly.

But batten down the hatches, folks. Just wait to you see next week's grotesquery. Under the Republican Welfare Reform Act, we are going to block grant our kid's lives away. We are folding programs that help battered, beaten, and neglected children into one grant, cutting that money, and shipping it off to the States. America is telling our kids: you are not our problem. Our Federal guarantee to you is null and void, superseded by the Republicans' Contract for America.

If the Welfare Reform and Consolidation Act is enacted, funding will be cut by an estimated $2.5 billion over 5 years. At that rate, in the year 2000, families of over 350,000 children will be without Federal child care assistance.

The Republican welfare bill is tough on kids and poor on work.

The Democrat proposal is great on kids and tough on work. It's a program where people work and one that honors children.

Welfare reform cannot happen without parents' ability to work. The Congressional Caucus for Women's Issues, which I cochaired last year and this Republican Congress has since killed, released a GAO study last year that demonstrates the importance of child care subsidies in determining whether or not low-income mothers will participate in the labor force.

The GAO found that given a 100-percent child care allowance, low-income mothers' work participation could increase by 158 percent. These results show that if we expect mothers to successfully leave welfare, we must be prepared to guarantee adequate child care subsidies. The best catalyst for getting women off welfare is good child care.

But this Republican bill goes the direct opposite way. It decimates child care. It removes requirements for minimum health and safety standards for child care assistance. This at a time when all the research and polls show that safe child care is a top priority for American working parents.

Not only are they hurting children's safety by doing away with such standards, but as a taxpayer, I don't want to spend precious Federal dollars on unsafe child care.

In addition, there are no funds for States to use to improve quality and no funds for school age child care.

The bill ends the guarantee that children in child care centers, family child care homes, Head Start, and before and after school programs will receive nutritious meals. The new Family Base Nutrition Block Grant cuts funds by close to $5 billion over the next 5 years.

The result will be: More children suffering from poor nutrition; costs for parents and providers will soar; and less incentives for family child care providers to become licensed or registered.

So now, Mr. Speaker, I am beginning to understand why you would like to go back to Victorian England where shame ruled the day. Because under your Contract With America, shame will rule the day. But the shame will be Congresses.

Mr. Speaker, I yield to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I wanted to say that I found the comments by the gentleman from California also very interesting. I think an important part of this debate as we move toward welfare reform, I certainly learned a lot just from listening to him the last few minutes.

Mr. Speaker, the Clean Water Act, which I would like to discuss at this point, has brought us very far since its inception in 1972. It is particularly important in my district, because many of the municipalities that I represent are on the ocean or on the rivers or on the bay, in my case, the Raritan Bay.

Yet if we look at the Clean Water Act and we look at an overall report card about its effectiveness, we would still have to say that it is incomplete; that it would achieve a grade of incomplete, over the course of its inception in 1972. We still have a long way to go.

Today I have introduced the Clean Water Enforcement and Compliance Improvement Act Amendments of 1995. This is an act or a bill that I am reintroducing from the last session. It targets what I call bad actors, those corporations or municipal authorities that have consistently violated their water quality permits. The bill rights the Clean Water Act enforcement wrong in the States that allows permit violators and the States that overlook these violations to reap economic benefits through their misbehavior.

Basically, we are trying to send a message with this bill that it does not pay to pollute. The problem is that too often, because of noncompliance or because of insufficient penalties, it is easier to pollute and to violate your water quality permits and pay the fines, rather than try to achieve compliance with the Clean Water Act.

□ 1615

The key to the penalty structure that is introduced in my bill is that civil penalties will be required to recover, at a minimum, the economic benefits of Clean Water Act violations. Regulations for calculating this economic benefit would be established by the EPA. It should be noted that both the Government Accounting Office and the EPA Inspector General have reported that current penalties do not reflect or recover the economic benefits of Clean Water Act noncompliance. My bill will correct this crucial flaw in present enforcement procedures.

I should also point out that we have introduced and passed in New Jersey an enforcement act that was very similar on a State level to what I am trying to do with the Clean Water Act on the Federal level, and those enforcement amendments have been very effective in upgrading water quality and bringing about better compliance in the State of New Jersey.

The bill sets up a mandatory penalty for serious violators that exceeds pollution effluent limitations by a specific percentage. If the frequency of these violations increases, the penalty also increases.

Finally, penalties collected are placed in a clean water trust fund to be established within the U.S. Treasury. These moneys would be available for use by the EPA Administrator for better inspection and enforcement.

We have found that inspection also is something that we need to do a better job of. My bill deters Clean Water Act noncompliance not only by penalizing violators but by helping to stop violations before they occur through more rigorous inspection and reporting procedures. Frequent self-monitoring and reporting have been shown to help facilities achieve and maintain compliance with the Clean Water Act.

Again, if we look at the State of New Jersey we can see that the increased enforcement and inspection have had an effect on compliance and has increased this goal within my home State. As the bill provides, the worst violators are the ones subject to the most stringent inspection. Minimum inspection standards to be established by EPA and random inspections would be required.

Finally, the bill promotes more rigorous enforcement by empowering citizens to enforce the Clean Water Act. Many of my colleagues I am sure know that much of the enforcement of the Clean Water Act is done by private citizens, or grassroots citizen organizations. Since 1988 citizens have recovered for the U.S. Treasury over $1 million in penalties and interest from environmental law violations. This bill gives citizens access to permanent compliance information. It also establishes posting provisions which increase citizens' awareness of water quality standard noncompliance as well as the resulting environmental and health effects and any fishing or shellfishing bans, advisories, or consumption restrictions.

Most importantly, the bill expands citizens' abilities to bring actions for violations, including past violations.

As a result of the bill I am introducing today, Clean Water Act violations would no longer be allowed to sabotage our efforts to achieve water quality goals, especially not at the expense of those States and facilities that act responsibly. We cannot continue to turn a blind eye to bad actors. To do so is to essentially turn our backs on years of effort and hundreds of billions of dollars spent to improve the quality of the Nation's water resources.

Again, we have made great strides with the Clean Water Act but there is no question we need better enforcement and better inspections.

The bill ensures efficacy in enforcement and equality in compliance. Moreover, it would bring us that much closer to achieving our water quality goals.

I know in this Congress there have been a lot of efforts to make some changes in our environmental laws. Some of the legislation we have passed in the first 100 days in my opinion has actually sent us far back, if it is ultimately enacted into law, in terms of dealing with environmental quality and environmental enforcement. We hope that in the next 100 days of the Congress that we would seek to turn that around and achieve better enforcement not only with the Clean Water Act but with many of our other environmental laws, and I think this bill will go far toward improving water quality and improving the Clean Water Act.

I again thank the gentlewoman for yielding.

Mrs. SCHROEDER. I must say as I wind down this hour that I think on day 72 we have had a very interesting discussion here about some of the things that happened in those first 72 days. The gentleman's attempt to try and get things back on course as we attain clean water, and the attempt that we have been talking about here to try and get things back on course in our commitment to children I think is very, very critical.

This is going to be a very exciting weekend. I think that going home on day 72 with the fact that we finally got up to 200 votes because enough Members said no, those rescissions went much too far, you should not take from the poorest to give tax cuts to the richest; that is wrong, it gets us in a much better frame of mind to work on all of the issues that will be in front of this Congress next week when we will be dealing with very tough issues on welfare and nutrition issues that we have been discussing.

I think more and more people around the country are talking about it. As I said, this Sunday there will be many Members serving a lunch here on Capitol Hill, thousands of children are coming in, we are going to try to encircle the Capitol, we are going to be talking about these are our future, these children are our future, and if we do not care about them we are in real trouble. We often talk about natural resources being timber and coal and oil; well, yes, they are, but there is no natural resource as important to the sustenance of this country and the future as our children. They are our greatest natural resource.

So there will be that great event going on here this Sunday. And as I say, the Members serving will be wearing these and wearing ties and we are hoping to also go back to our districts, as I will be. We will be talking to the local people there and we hope to only keep building that number. If we can get it from 200 to 219 we can say stop, stop this war on children, let us go back and let us look at where we ought to be cutting.

Yes, we should have cut the super collider a long time ago. We put a lot of money in that hole in the ground and they found the quark without it.

Yes, we can cut an awful lot of programs in America's space program. We put a 400-percent increase in some of the things. Nobody in the world can spend a 400-percent increase efficiently.

Come on; get a clue. No, we do not need to do star wars and some of the other commitments that people have made, not when the Berlin Wall has come down and we are living in an entirely different generation.

The issues in defense are what is the threat out there, and if we are spending more than almost the whole rest of the world combined is on defense and we cannot find a way to defend ourselves spending that much money we are in real trouble.

Those are the kind of debates we should have rather than this meanness and this attitude of picking on those who are least able to fight back.

I think there is a lot of anxiety in this society right now, anxiety about where they are going to go in the future, what kind of job are they going to have, will their lives be better. I understand that and I think every single American has some degree of that anxiety.

But being mean to kids is certainly not going to lessen America's anxiety. We ought to be looking at what we can do here to make people's lives better.

I introduced a bill I think would help, and that is to allow Americans to be able to bid off the same health care program we have. Why should they not be able to bid off of that same menu that every Member of Congress, every Federal employee, Federal retiree, the President, every one else bids off of? That says to them you can have our choices. It allows them to stop.

We have been reading this week about Members putting folks on their payroll for 1 month out of the year for $100 so that person gets the option to bid off our health care benefits. Well hey, we cannot do that for everybody in America, we cannot put them all on our payroll. That does not make sense. This ought to be available.

Think of what creative energy that would free up for Americans and some of the tensions it would take off Americans who feel locked in their job because if they quit their job they are afraid they will lose their health care insurance, or locked in their job because they have health care now but if they went somewhere else they would have what is now called a preexisting condition, or someone who cannot quit and become self-employed because they know that if they are self-employed they will not have health care.

Think of that harness that absolutely stymies the creative energy in this country. It does not allow people to go where they think they could make the best contribution to society or make the most money for their family. Health care is a real anchor around their necks.

We did not deal with it last year. This is a way we could deal with it. It would alleviate only some of the anxiety families have. But it is that kind of anxiety we ought to be analyzing and trying to address, because when we allow it to build and build and build, then what we end up doing as a society is becoming Bosnia, where we are looking around trying to find who we can blame, who we can yell at, who we can throw radio epithets at over talk show hosts, how we can energize people to go hate. And I tell you, if we keep doing that this society comes apart.

But those who attack a child are shameless. Attacking a child and attacking a child who has no way to fight back is absolutely wrong.

When you look at every other part of the Western world, they do so much more for their children, it is embarrassing. I only hope we begin to look at that, we look at the mirror, we talk about what we are doing, and we also take our mind off our ingrown toenail and start looking at the horizon ahead of us and saying what are these programs to do as we march this country toward the future.

So I thank all of you for tolerating us in this interesting discussion we have had about children, the future, where we are going. I also must say I do end on a more positive note than I thought I would because I think the votes came out a lot better, and it says educating and talking is beginning to work.

Let us only do more of it.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 41. Concurrent resolution providing for an adjournment of the House from Thursday, March 16, 1995, to Tuesday, March 21, 1995.

APPOINTMENT OF EMPLOYEES TO REVIEW PANEL FOR THE OFFICE OF FAIR EMPLOYMENT PRACTICES

The Speaker pro tempore (Mr. KIM) laid before the House the following communication from the Honorable RICHARD A. GEPHARDT:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, March 15, 1995.
Hon. NEWT GINGRICH,
House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: In accordance with House Rule LI, Clause 7(a) (2), in my capacity as Democratic Leader, I appoint the following House employees to the review panel for the Office of Fair Employment Practices: Karen Nelson, Office of Congressman Waxman, and Marda Robillard, Office of Congressman Dingell.

Yours very truly,
RICHARD A. GEPHARDT.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. GEPHARDT) for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WATT of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. VOLKMER, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mr. GEPHARDT, for 5 minutes, today.

(The following Members (at the request of Mr. HOSTETTLER) to revise and extend their remarks and include extraneous material:)

Mr. BARTLETT of Maryland, for 5 minutes, today.

Mr. MCCOLLUM, for 5 minutes each day, on March 21 and 23.

Mr. HORN, for 5 minutes each day, on today and March 21.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. CLEMENT, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WATT of North Carolina) and to include extraneous matter:)

Ms. DELAURO.
Mr. KILDEE.
Mr. TAUZIN.
Mr. BECERRA.
Mr. CLAY.
Mr. FRANK of Massachusetts.
Mr. EVANS.
Ms. SLAUGHTER.
Mr. JACOBS.
Mr. GEJDENSON in two instances.
Mr. MARKEY.
Mr. DICKS.
Mr. VENTO.
Mr. GEPHARDT.
Mr. MOAKLEY.
Mrs. THURMAN.

(The following Members (at the request of Mr. HOSTETTLER) and to include extraneous matter:)

Mr. LATOURETTE.
Mr. ENSIGN.
Mr. MCHUGH.
Mr. LAHOOD.
Mr. GILLMOR in three instances.
Mr. ROTH.
Mr. PACKARD.
Mr. CRANE.
Mr. SAM JOHNSON of Texas.
Mr. OXLEY.

ADJOURNMENT TO TUESDAY, MARCH 21, 1995

Mrs. SCHROEDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 41 of the 104th Congress, the House stands adjourned until 12:30 p.m., Tuesday, March 21, 1995 for morning hour debates.

Thereupon (at 4 o'clock and 29 minutes p.m), pursuant to the provisions of House Concurrent Resolution 41, the House adjourned until Tuesday, March 21, 1995, at 12:30 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

549. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a draft of proposed legislation to authorize appropriations for the Nuclear Regulatory Commission for fiscal years 1996 and 1997 and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Commerce.

550. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement with Australia (Transmittal No. DTC-4-95), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

551. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for the production of major military equipment with Korea (Transmittal No. DTC-2-95), pursuant to 22 U.S.C. 2776 (c) and (d); to the Committee on International Relations.

552. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment and services sold commercially to Russia/Kazakhstan (Transmittal No. DTC-37-94), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

553. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed technical assistance agreement for an export license of defense services sold commercially to Saudi Arabia (Transmittal No. MC-6-95), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

554. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Japan (Transmittal No. DTC-38-94), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

555. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed technical assistance agreement for an export license of major defense services sold commercially to Kuwait (Transmittal No. MC-5-95), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

556. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed technical assistance agreement for major defense services sold commercially to Saudi Arabia (Transmittal No. MC-7-95), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

557. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on chemical and biological weapons proliferation control efforts for the period of February 1, 1994, to January 31, 1995, pursuant to Public Law 102-182, section 308(a) (105 Stat. 1257); to the Committee on International Relations.

558. A letter from the Chairman, the Appraisal Subcommittee, Federal Financial Institutions Examination Council, transmitting the 1994 annual report, pursuant to Public Law 102-73, section 1103(a)(4) (103 Stat. 512); to the Committee on Government Reform and Oversight.

559. A letter from the Chairman, U.S. Commission on Civil Rights, transmitting a draft of proposed legislation to authorize appropriations for fiscal year 1996 for the U.S. Commission on Civil Rights, pursuant to 31 U.S.C. 1110; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SOLOMON: Committee on Rules. House Resolution 117. Resolution providing for the consideration of the bill (H.R. 4) to restore the American family, reduce illegitimacy, control welfare spending, and reduce welfare dependence (Rept. 104-83). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DICKS:

H.R. 1257. A bill to amend the Solid Waste Disposal Act, and for other purposes; to the Committee on Commerce.

By Mr. FLAKE:

H.R. 1258. A bill to amend the Small Business Act to increase the guarantee fee charged by the Small Business Administration on general business loans, and for other purposes; to the Committee on Small Business.

By Mr. JEFFERSON:

H.R. 1259. A bill to amend title 10, United States Code, to give a priority to the States for the transfer of nonlethal excess supplies of the Department of Defense; to the Committee on National Security.

By Mr. JOHNSON of South Dakota (for himself, Mr. WILLIAMS, and Mr. POMEROY):

H.R. 1260. A bill to ensure equity in, and increased recreation and maximum economic benefits from, the control of the water in the Missouri River system, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MOAKLEY (for himself, Mr. RANGEL, Mrs. KENNELLY, Mrs. MEYERS of Kansas, Ms. PRYCE, and Mr. NEAL of Massachusetts):

H.R. 1261. A bill to provide for duty free treatment for entries and withdrawals of tamoxifen citrate after December 31, 1993, and before January 1, 1995; to the Committee on Ways and Means.

By Mr. PALLONE (for himself, Mr. SHAYS, Mr. GILCHREST, Mr. DeFAZIO, Mr. TOWNS, Ms. ROYBAL-ALLARD, Mr. STARK, Mrs. LOWEY, Mr. JACOBS, Mr. ROMERO-BARCELO, and Mr. JOHNSTON of Florida):

H.R. 1262. A bill to amend the Federal Water Pollution Control Act to improve the enforcement and compliance programs; to the Committee on Transportation and Infrastructure.

By Mr. PAYNE of New Jersey:

H.R. 1263. A bill to establish a program that would assist abandoned and medically fragile infants; to the Committee on Economic and Educational Opportunities.

By Mr. RANGEL:

H.R. 1264. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act to eliminate certain mandatory minimum penalties relating to crack cocaine offenses: to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROHRABACHER (for himself, Mr. DORNAN, and Mr. ROYCE):

H.R. 1265. A bill to amend the base closure laws to require Federal agencies that desire to acquire excess or surplus property resulting from the closure or realignment of military installations to agree to retain possession of, and to use, such property for agency purposes; to the Committee on National Security.

By Mr. YOUNG of Alaska (for himself and Mr. MILLER of California):

H.R. 1266. A bill to provide for the exchange of lands within Admiralty Islands National Monument, and for other purposes; to the Committee on Resources.

By Mr. LIVINGSTON:

H. Con. Res. 41. Concurrent resolution providing for the adjournment of the House on Thursday, March 16, 1995, to stand adjourned until 12:30 p.m. on Tuesday, March 21, 1995.

By Mr. ENGEL (for himself, Mr. PORTER, Mr. TORRICELLI, Mr. SMITH of New Jersey, Mr. ACKERMAN, Ms. ROS-LEHTINEN, Mr. ANDREWS, Mr. BILIRAKIS, Mr. MENENDEZ, Mr. GEKAS, Mrs. MALONEY, Mr. ZIMMER, Mr. PALLONE, and Mr. FORBES):

H. Con. Res. 42. Concurrent resolution supporting a resolution to the long-standing dispute regarding Cyprus; to the Committee on International Relations.

By Mrs. MALONEY (for herself, Mr. MANTON, Mr. NADLER, Mr. ABERCROMBIE, Mr. McDERMOTT, Mr. OWENS, Mr. SCHUMER, Mr. HINCHEY, Mr. BLUTE, Mr. FRANK of Massachusetts, Mr. COYNE, Mr. BORSKI, Ms. VELÁZQUEZ, Mr. ACKERMAN, Mrs. LOWEY, Ms. McCARTHY, Mr. ENGEL, Mr. PALLONE, Mr. LaFALCE, and Mr. FORBES):

H. Con. Res. 43. Concurrent resolution endorsing the Irish-American agenda for the White House Conference on Trade and Investment in Ireland to be held in May 1995; to the Committee on International Relations.

By Mr. MENENDEZ (for himself, Mr. MANTON, Mr. KING, Mr. ENGEL, Mr. MEEHAN, and Mr. BLUTE):

H. Con. Res. 44. Concurrent resolution expressing the sense of the Congress with respect to the conflict in the northeast of the island of Ireland; to the Committee on International Relations

By Mr. WYDEN (for himself and Mr. PORTER):

H. Res. 118. Resolution expressing the sense of the House of Representatives with respect to restricting medical professionals from providing to women full and accurate medical information on reproductive health options; to the Committee on Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 38: Mr. FAZIO of California, Mr. FOLEY, Mr. TAYLOR of North Carolina, Mr. LINDER, Mr. REGULA, Mr. ROTH, Mr. TORRES, Mr. SAXTON, Mr. BAKER of California, Mr. BOEHLERT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. STUMP, Mr. STUPAK, Mr. GALLEGLY, Ms. RIVERS, Mr. MURTHA, Mr. BARTLETT of Maryland, Mr. CLYBURN, Mr. WILLIAMS, Mr. McKEON, Mr. WARD, Mr. KIM, Mr. BORSKI, Mr. MOORHEAD, Mr. CRAMER, Mr. THORNBERRY, Mr. HAYES, Mr. QUILLEN, Mr. HINCHEY, Mr. BENTSEN, Mr. RIGGS, Mr. KINGSTON, Mr. WATTS of Oklahoma, Mr. ENGLISH of Pennsylvania, Mr. SAM JOHNSON of Texas, Mr. LEWIS of Kentucky, Mr. HUTCHINSON, and Mr. FAWELL.

H.R. 65: Mr. DURBIN, Mr. WISE, and Mr. CANADY.

H.R. 103: Mr. CHAPMAN, Mr. VOLKMER, Ms. VELAZQUEZ, Mr. CALVERT, and Mr. SMITH of New Jersey.

H.R. 104: Mr. REYNOLDS.

H.R. 221: Mr. CLYBURN and Mr. LEWIS of Georgia.

H.R. 244: Mr. LANTOS, Mr. MORAN, and Mr. HOLDEN.

H.R. 303: Mr. WISE and Mr. OBERSTAR.

H.R. 310: Mr. SOUDER.

H.R. 311: Mr. REED and Mr. BROWN of Ohio.

H.R. 313: Mr. SOUDER.

H.R. 328: Mr. HOUGHTON and Mr. BAKER of California.

H.R. 366: Mr. COLEMAN, Mr. BROWN of California, Mr. FRAZER, Mr. ROMERO-BARCELO, Mr. FOX, Mr. GENE GREEN of Texas, Mr. THOMPSON, and Mr. FARR.

H.R. 371: Mr. HAYWORTH.

H.R. 372: Mr. WILSON and Ms. DANNER.

H.R. 375: Mr. BAKER of Louisiana.

H.R. 467: Mr. BARTLETT of Maryland and Mr. LIPINSKI.

H.R. 470: Mr. McNULTY, Mr. KANJORSKI, Mr. LANTOS, Mr. MORAN, and Mr. PAYNE of New Jersey.

H.R. 481: Mr. SHAW, Mr. YOUNG of Florida, Mr. CANADY, Mr. McCOLLUM, Mr. BILIRAKIS, Mr. GIBBONS, Ms. ROS-LEHTINEN, Mr. SCARBOROUGH, Ms. BROWN of Florida, Mr. HASTINGS of Florida, and Mr. DIAZ-BALART.

H.R. 502: Mrs. SEASTRAND.

H.R. 607: Mr. HEFLEY and Mr. BOEHNER.

H.R. 739: Mr. EHRLICH.

H.R. 752: Mr. McDERMOTT, Mr. LEWIS of Georgia, Mr. WELLER, Mr. STUMP, and Mr. BARTON of Texas.

H.R. 759: Mr. ROYCE.

H.R. 783: Mr. ROBERTS, Mr. ROSE, and Mr. HILLIARD.

H.R. 888: Mr. SANDERS.

H.R. 903: Mr. BORSKI, Mr. TRAFICANT, Mr. SERRANO, Mr. MARTINEZ, and Mr. KILDEE.

H.R. 942: Mr. BILIRAKIS, Mr. FOLEY, Mr. VISCLOSKY, Mr. BROWN of Ohio, Mr. FRELINGHUYSEN, Mr. ABERCROMBIE, Ms. SLAUGHTER, Mr. MENENDEZ, and Mr. MORAN.

H.R. 945: Mr. CUNNINGHAM, Mr. STEARNS, Mrs. KELLY, Mr. BLUTE, Mr. GREENWOOD, Mr. PALLONE, and Mr. McNULTY.

H.R. 1023: Mr. KENNEDY of Rhode Island and Mr. McDERMOTT.

H.R. 1044: Mr. BARCIA of Michigan and Mr. BEREUTER.

H.R. 1066: Mr. BARRETT of Wisconsin.

H.R. 1073: Mr. JACOBS, Mr. PETERSON of Minnesota, Mr. SANDERS, Mr. TALENT, Mr. RAHALL, Mr. BACHUS, Mr. FRANK of Massachusetts, Mr. SERRANO, Mr. FORD, Mr. McDERMOTT, Mr. UNDERWOOD, Mr. THOMPSON, Mr. NEY, Mrs. MINK of Hawaii, Mr. VENTO, Mr. OLVER, Mr. WILSON, Mr. CALVERT, Mr. COLEMAN, and Ms. McCARTHY.

H.R. 1074: Mr. JACOBS, Mr. SANDERS, Mr. RAHALL, Mr. SERRANO, Mr. FORD, Mr. McDERMOTT, Mr. UNDERWOOD, Mr. THOMPSON, Mr. NEY, Mrs. MINK of Hawaii, Mr. VENTO, Mr. OLVER, Mr. CALVERT, and Mr. COLEMAN.

H.R. 1090: Mr. FRANK of Massachusetts, Mr. BLUTE, and Mr. UNDERWOOD.

H.R. 1114: Mr. LEWIS of California, Mr. McKEON, Mr. BOEHNER, Mr. BISHOP, Mrs. FOWLER, Mr. ANDREWS, Mr. BRYANT of Tennessee, Mr. BREWSTER, Mr. HOSTETTLER, Mr. HEFLEY, Mr. LINDER, Mr. BACHUS, and Mr. CALVERT.

H.R. 1126: Mr. VENTO.

H.R. 1137: Mr. ALLARD.

H.R. 1143: Mr. ACKERMAN and Mr. BRYANT of Texas.

H.R. 1144: Mr. ACKERMAN and Mr. BRYANT of Texas.

H.R. 1145: Mr. ACKERMAN, Mr. BRYANT of Texas, and Mr. PAXON.

H.R. 1162: Mr. PORTMAN, Mr. McHALE, Mr. FOLEY, Mr. WELDON of Florida, Mr. MILLER of Florida, and Mr. WYNN.

H.R. 1203: Mr. EMERSON.

H.R. 1233: Mr. CLINGER and Mr. SAWYER.

H.J. Res. 76: Mr. FIELDS of Texas.

H. Con. Res. 25: Mr. CALVERT.

H. Con. Res. 31: Ms. SLAUGHTER, Mrs. LOWEY, Ms. RIVERS, and Mr. SHAYS.

H. Con. Res. 32: Mr. LIPINSKI, Mr. McNULTY, Mr. CONDIT, Mr. BURTON of Indiana, Mr. WILSON, Mr. ROHRABACHER, Mr. JEFFERSON, Mr. FIELDS of Texas, Mr. TOWNS, Mr. PETERSON of Minnesota, Mr. CRANE, Mr. DIAZ-BALART, Mr. BARTLETT of Maryland, Mr. CUNNINGHAM, Ms. ROS-LEHTINEN, Mr. HERGER, Mr. POMBO, Mr. KLUG, Mr. DOOLITTLE, and Mr. HOUGHTON.

H. Res. 30: Mr. GEJDENSON, Mr. McKEON, Ms. KAPTUR, Mr. BENTSEN, Ms. McCARTHY, and Mr. LUTHER.

H. Res. 97: Mr. HERGER, Mr. GUTKNECHT, Mr. WELLER, Mr. FORBES, Mr. INGLIS of South Carolina, and Mr. SOUDER.

DISCHARGE PETITIONS

Under clause 3 of rule XXVII, the following discharge petition was filed:

Petition 1, March 15, 1995, by Mr. CHAPMAN on H.R. 125, was signed by the following Members: Jim Chapman, Bill K. Brewster, Glen Browder, W.J. (Billy) Tauzin, James A. Hayes, Harold L. Volkmer, Charles Wilson, G.V. (Sonny) Montgomery, Ralph M. Hall, Nathan Deal, Robert E. (Bud) Cramer, and Tom Bevill.

SENATE—*Thursday, March 16, 1995*

The Senate met at 9 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Lloyd John Ogilvie, D.D., offered the following prayer:

Let us pray:

O Lord, our Lord, how excellent is Your name in all the Earth. What is man that You are mindful of him and the Son of Man that You visit him? You have created him a little lower than the angels and crowned him with glory and honor. You have given him dominion over the work of Your hands.

Gracious God, ultimate Sovereign of this Nation and Lord of our lives, we are stunned again by Your majesty and the magnitude of the delegated dominion You have entrusted to us. We respond with awe and wonder and begin this day with renewed commitment to be servant leaders. In a culture that often denies Your sovereignty and worships at the throne of the perpendicular pronoun, help us to exemplify the greatness of servanthood. You have given us a life full of opportunities to serve, freed us from self-serving aggrandizement, and enabled us to live at full potential for Your glory. We humble ourselves before You and acknowledge that we could not breathe a breath, think a thought, make sound decisions, or press on to excellence without Your power. By Your appointment we are where we, doing the work You have given us to do, called to lead this great Nation. You alone are the one we seek to please. We have been blessed to be a blessing. And so we greet this day with, "Life's a privilege!" intentionality and "How may I serve?" incisiveness. Grant us grace and courage to give ourselves away to You and to others with whom we work this day. In Your Holy Name Yahweh, in Jesus Christ our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

RESERVATION OF LEADER TIME

Mr. CRAIG. Mr. President, this morning, the leader time has been reserved.

SCHEDULE

Mr. CRAIG. Mr. President, the majority leader has indicated that the Senate will resume consideration of H.R. 889, the supplemental appropriations bill, if an agreement can be reached with respect to a limited number of amendments. Senators should, therefore, be aware that rollcall votes are expected throughout today's session.

MORNING BUSINESS

Mr. CRAIG. Mr. President, there will now be a period for morning business for not to extend beyond the hour of 10 a.m.

RECOGNITION OF SENATOR CRAIG

The PRESIDENT pro tempore. Under the previous order, the Senator from Idaho [Mr. CRAIG] is recognized to speak for up to 35 minutes.

TAX CUTS

Mr. CRAIG. Mr. President, I have asked for, and received, this time today so a good many Members of the Senate can talk about one of the most important issues that the Senate will consider this year; that is, the issue of tax cuts. And certainly promises made are promises to be kept.

Those of us in the Republican Party are absolutely committed to providing a budget package that will produce a respectable tax cut to the American people, and especially to American families—families and family groups—who for some years have not received the benefit of the kind of consideration under our current tax law that we think they ought to. Certainly no policy of the Federal Government, no Federal law, should conflict or make it difficult for the family unit of our society to exist, and we believe the current tax structure does just that.

This special order this morning will be conducted by two Senators who have led the issue of family tax cuts and family consideration, Senator COATS and a freshman Senator who was one of the leaders in the House in the past few years on this key issue, Senator GRAMS.

So at this time, I yield to Senator COATS to allocate the time accordingly.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Indiana.

Mr. COATS. I thank the Chair.

Mr. President, I thank my colleague from Idaho for his introductory statements, for his support for this effort, and for yielding the time to Senator GRAMS and me.

(The remarks of Mr. COATS, Mr. GRAMS, Mr. KYL, and Mrs. HUTCHISON pertaining to the introduction of S. 572 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. COATS. Mr. President, could I inquire how much time is remaining?

The PRESIDING OFFICER. The Chair advises the Senator from Indiana, there is no time remaining. However, no one else is seeking the floor.

Mr. COATS. Mr. President, I ask unanimous consent to proceed in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

LINE-ITEM VETO

Mr. COATS. Mr. President, we hope later today to be bringing to the floor the line-item veto. Senator MCCAIN and I are leading that effort. We are in final stages of negotiation as to the final form of the legislation. It is something that has been discussed at length over the past several years. Senator MCCAIN and I have offered it alternately and jointly several times. We have not been able to secure the necessary 60 votes to break a filibuster on the line-item veto or to secure a budget waiver.

This is the year we believe that it is time for the Senate and time for the Congress to fulfill its commitment to the American people on an item that an overwhelming majority of the American people support. Poll after poll show the support for line-item veto in the 70- to 80-percent range; 43 Governors enjoy the line-item veto and have for many, many years and have effectively demonstrated that it works in their State.

Line-item veto is simply a measure by which the President can provide a check and balance against the gaming that Congress has engaged in on appropriations bills, in particular, and also on tax bills, I would say, in terms of attaching an item that has not been exposed to the light of debate on that item and a separate vote on that item, but has been attached to an otherwise necessary appropriations bill or tax bill that is being sent to the President.

Under the current law, the President has only one of two options: Either accept the entire bill as it is written—sometimes it covers thousands of items—either accept that or reject the entire bill. So the President, in a sense, is being held in a position that some will describe as blackmail but others will say is at least extraordinarily difficult because it allows Members of Congress, when they see a popular bill moving through the Congress, to attach an item that could at best be described as pork barrel, an item that does not benefit the national interest,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

but an item that goes to the benefit of a very selected parochial interest.

We are annually embarrassed by the disclosure in the popular news media of some of the items that have been attached to these bills. Constituents say, "How in the world could you pass that? How in the world could you allow a grant that studies the well-being of America's lawyers? How could you pass something that would allow the study of the bathing habits of South American bullfrogs? How in the world could it be made a priority the expenditure of money to refurbish the Lawrence Welk Museum," and on and on and on it goes, schools in France, special bridges, special buildings—items that go toward, I suppose, pleasing a selected constituency in someone's congressional district or someone's State, but certainly would not fall within the list of priorities and receive, I believe, a majority vote if that specific item was debated on the floor of the Senate and voted on.

But Members know, if a bill is rolling through here that provides necessary funds for the Department of Defense, as this supplemental appropriations bill we have been dealing with this week does, or a measure provides earthquake relief or hurricane relief for either California or Florida or other parts of our country, or if a measure goes to fund something popular or needed or necessary health care measures, veterans' benefits, whatever, they know that the President is going to find it very, very hard to veto that entire bill to get rid of the extra pork that is attached to that bill.

And so the President's only choice is to veto the whole thing and sometimes, as a consequence of that, shut down the entire Government or accept the bill, and more likely than not, he has to accept the bill.

Line-item veto gives the President the opportunity to say, "I'll take that bill, but I won't take this special interest provision that is on line 16 of page 273, and I'm going to line-item veto that particular item."

This is a check and balance on what I would say are the egregious habits of Congress to accomplish in the dark of night without the light of debate, without the risk of a yea-or-nay vote on a particular item, to accomplish something that could never be accomplished in full debate and with a vote. It is designed to check that practice.

Congress, if it thinks that the President has not followed its wishes, can bring that item up, because under the Constitution, if the President vetoes an item, we can override that item. Yes, it takes a two-thirds vote. It ought to be harder to spend the taxpayers' dollars, particularly on those items that the executive branch does not think are appropriate and have not had the normal process of authorization and debate and vote so that their constituents, our constituents, know where we stand on these particular items. That is the whole concept and purpose behind line-item veto.

The President of the United States has supported line-item veto. Some people have said, "Why would Republicans want to give a Democratic President the line-item veto?" We think the Presidency deserves that authority to check the excessive and unnecessary, unwarranted spending habits of Congress that do not follow the normal procedures in devising these spending items.

So we will be debating that. I expect the debate to be fairly fierce. We probably will get a filibuster on our efforts. This is the year, though, that if we are going to fulfill our commitment to the American people to make substantive changes in the way we do business, this is the year to do it.

We will hear all kinds of excuses about delegation of power and will this really work and how much will this save. I guarantee you, it will save more than if we do nothing. This is a debate between the status quo, let us keep doing things the way we are doing them; oh, we will promise to change, we will promise to do it differently, we will summon the will, we will do what is necessary—no, we will not, because we have not. Year after year, decade after decade, promises—just rhetoric—no reality, no fulfillment of the promise.

This is the time. I am deeply and bitterly disappointed that we could not pass a constitutional amendment to balance the budget. That would have provided the mechanisms by which we can eliminate this debt which would force us to own up to our responsibilities, which we have not done over the past several decades. But at the very least let us enact line-item veto so that we can get at some of this problem and so that we can restore credibility with the American people that we are responsible in handling their money and we can eliminate this practice of providing pork-barrel spending that never gets the debate it deserves and is never subjected to a vote.

Mr. President, we will be talking a lot about that later. I think my 5 minutes has about expired. Given the fact no one was available to speak, I thought it might be more interesting than a quorum call.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota [Mr. DORGAN] is recognized to speak for up to 10 minutes.

TAX CUT PROPOSALS

Mr. DORGAN. Mr. President, I was intending to come to the floor today to speak briefly about the work that is going on in the other body in which the majority party is proposing a tax cut of nearly $200 billion over the coming 5 years. So I listened with some interest to the discussion on the floor of the Senate about the formation of something called a 500 Club, apparently a group of Senators who feel that the Senate also should move quickly on a tax cut.

I was especially interested in a couple of things. I was interested in the fact that at least a couple of the speakers this morning were the same speakers who were on North Dakota radio programs in recent weeks talking about the need for a constitutional amendment to balance the budget. They talked about their desire to balance the Federal budget, the fact that they were the willing warriors, willing to stand up and fight and do the right things and have the courage to cut spending to balance the Federal budget.

All this is very curious to me. There must be some arithmetic book somewhere in America that tells us that if you are in a very big financial hole, what you ought to do is just keep digging. It seems to me, if you are in a very big hole, you stop digging and start trying to figure a way out of it. And you do not, it seems to me, whether you run a business, whether you are operating your own family financial situation, or whether you are trying to manage the fiscal affairs of the Federal Government, decide that the way to address a serious deficit problem is to cut revenue.

I guess if the question is should we reduce taxes, should we try and figure out what is popular and then stand up and proclaim ourselves for that, I would say sign up most of the Members of the Senate; they sure want to do the popular thing. It is the easy thing to do. But I guess the question these days is not so much what is popular but what is right.

I also noted this morning that in this Chamber there rested on an easel several charts that showed the popularity of the proposed tax cuts. Obviously, people have done polling, and it shows if the American people are asked the question, "Would you like a $500 tax credit per child," the answer is overwhelmingly "Yes." "Would you like an expanded IRA program?" The answer is, "Oh, yes."

Well, I happen to think that some of those things are worthy goals. I would likely support some of those initiatives in the future. But is it believable that those who proclaim most loudly in this Chamber that they are for a balanced Federal budget are the first ones to come to this floor with their charts showing what their polls have shown—that tax cuts are popular? So now they say, "Now we are forming a club for tax cuts." What happened to balancing the budget?

Is 2 weeks a lifetime in the memory of those who proclaim that we need to balance the budget? I happen to think we ought to balance the budget. I happen to think we also ought to be serious about it. I think it is more than just posturing. I think it is performing. I think it is heavy lifting. And the fact is those who now say our next step in balancing the Federal budget is to cut Federal revenue I think just missed the basic arithmetic class.

Now, I understand that they say, well, this is a families first plan. I refer to the Joint Committee on Taxation. The Joint Committee on Taxation did an analysis that was disclosed on Monday, and it said that three times as much of the proposed tax breaks will go to those earning over $100,000 a year as will go to those earning under $100,000 a year. So this is for families, apparently wealthy families, or at least it is weighted in a way to give most of them to those who already have substantial income and substantial wealth. It's an unusual way of defining families.

I guess there is nothing wrong with that, if that is what one believes, but it seems to me, if we were in a situation where a tax cut would be the first step to balance the budget—and I cannot conceive of that being the case, but if we were in that position, it seems to me, if one were interested in families, one would construct an approach which says the bulk of this benefit will go to working families in this country, not that the bulk of the benefit will go to the wealthy families.

Every time you stumble through the forest and come across a stream, it seems to run in a predictable direction, and that is what happens in this Chamber. It is hard to break bad habits.

I came here in 1981, serving in the House of Representatives, and I recall the discussion about the tax cut proposal then. The tax cut proposal was going to balance the Federal budget. An economist named Laffer told us so, and of course it turned out to be a laugher. He is still an economist, but trillions of dollars of debt have piled up as a result of faulty economic strategy. And so we had a very large tax cut and a very significant Federal deficit, and the American people will end up paying for that.

The question now is, at a time when our country suffers from a very substantial deficit and a massive accumulated debt, what do we do to deal with it? Some say, "Well, let us change the U.S. Constitution and that will deal with it." Of course, it will not. You can change the Constitution 2 minutes from now and 4 minutes from now the debt and deficit will be exactly the same as it was when you started.

Cutting the deficit will require individual actions by Members of the Senate and the House. Those individual actions must be, it seems to me, a combination of several approaches. You either need less spending or more revenue or a combination of both. But it seems to me incredible that the first step out of the box, for those who spent the last month talking about how desperately they wanted to change the American Constitution and how fervently they wanted to balance the Federal budget, is to say we are going to do that now by reducing the Federal Government's revenue.

I know they will stand up and say, "Well, you are heartless. Gee, don't you think that tax cuts matter to families?"

Yes, they do. I understand the genesis of all this. This is about polls and popularity. This is about doing the easy thing and also, incidentally, doing the wrong thing. I do not think the President ought to propose tax cuts, and I do not think the majority party of the House or Senate ought to propose them. And I do not think anybody on this side of the aisle ought to propose them either. Our job at this point is to deal responsibly with the Federal budget deficit. We ought to cut spending and use the money to cut the deficit. When we have done that job and only then should we start talking about cutting revenue.

Let me say that again because I think it is important. I know the easiest thing is to sort of waltz over to the floor and talk about our new plan to cut taxes. Well, gee, that is popular, but it is wrong. Our first responsibility is to decide to cut Federal spending, and all of us ought to be involved in that. And I would say to my friends on the majority side of the aisle that many of them have a willingness to do that. I applaud them for it. And I think many on our side of the aisle have a similar willingness to cut Federal spending. Cut Federal spending and use the savings to cut the Federal deficit. When we have finished that job, and only when we have finished that job, should we then decide that it is time to cut some taxes.

I think a number of the proposals to cut taxes are good proposals and have merit, and I would support them under the right circumstances at the right time. But I have to say that to hear again today and to hear for the last several weeks those who were boasting the loudest about their determination to cut the Federal deficit and to change the Constitution to do so, to hear this I think misses a few steps along the way in our desire in this country, in our understanding that we must in this country reduce the Federal deficit. They then come to the floor a week or two later and say, now, our next step is not to push for a constitutional amendment; our next step is to push for a tax cut, and then they come to the floor and put charts all over the back of this room to tell us how enormously popular these tax cuts are.

Well, spend some more money for those polls and tell us something we know next time. We know that. Tax cuts are enormously popular. So poll again. Spend a little more money and put up another chart. Tax cuts are popular.

The popular thing is not always the right thing. The right thing at this point is to understand the bull's-eye of this target. The bull's-eye is to deal with the Federal budget deficit. And most people back home in Montana, Oklahoma, North Dakota, and elsewhere, in my judgment, believe the responsible approach would be to aggressively cut spending, use the money to aggressively cut the deficit and then turn to the next item on the agenda which would be to find ways to change this Tax Code that give some benefit to families, that preserve an incentive for savings.

Understand that I am not someone who objects to the goal. But I am someone who believes that this is the wrong time. This is the wrong time for this kind of policy to be proposed to this Congress. I would also say when we talk about things like the capital gains tax cut and we say this is just for families out there, I am going to give them a chance at some point to show if it is for families. We will find out if it is for families. I am going to offer an amendment.

If we really have, at this point, some discussion about capital gains, I am going to offer an amendment and say: OK, let us have capital gains; you have the votes to have capital gains. I will give you an amendment that says you can take up to $1 million in capital gains during your lifetime, but no more than $1 million. Of course, $1 million does not mean very much to the people in this country who are going to benefit from the suggestions we are seeing, but I want to see who supports families that have less than $1 million and who supports families that have more. Because if we are going to construct tax cuts that help families, let us target them, let us help American families who are out there working and struggling and trying to make ends meet.

Again I say, at the risk of being overly repetitive this morning, I hope all of those who spent the last couple of months talking about the dangers of the Federal deficit would stay in harness and be part of the team, keep marching and keep pulling when it comes to dealing with the deficit. We must not be diverted by polls and charts and by the attractiveness of deciding now is the time, with the kind of deficit we have, to propose nearly $200 billion in tax cuts during the coming 5 years.

I read my children children's books from time to time. They love the Berenstain Bears. The one I read them most often, perhaps, is the "The Berenstain Bears Get the Gimmies," and in that book the parents can simply never seem able to control the habit of the Berenstain cubs saying "Gimmie this, gimmie that, gimmie this." It is the way I feel about the tax cut proposals in the House and Senate by people who talk about the need to deal with the deficit and come to the floor saying: Gimmie this tax cut, gimmie that tax cut because it will gain favor with the American people.

That is not what this is all about, it seems to me. Our responsibility is to do the right thing. And I hope it will be agreed by everyone in this Chamber that the right thing is to aggressively work to cut Federal spending and then to decide to use that savings to cut the Federal budget deficit, and then, when we finish that job, to decide that we will turn our attention to dealing with the tax issues as they affect families—yes, all American families, and, yes, families that work and struggle and spend most of their day trying to make ends meet. That, it seems to me, represents the priorities all of us have an obligation to pursue here in this Chamber.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent to proceed for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FAMILIES FIRST BILL AND THE LINE-ITEM VETO

Mr. INHOFE. Mr. President, I have a couple of comments I wanted to make, a couple in response to the distinguished Senator from North Dakota and also one concerning line-item veto.

We heard from the Senator from Indiana many of the good things that would come in terms of accountability with the adoption of a responsible line-item veto for our procedure here in this Chamber. I suggest he may have overlooked one thing.

It is true the President of the United States, whether he is a Republican or a Democrat, whether he is a liberal or a conservative, would be held accountable for those things in which he really believed. If you look at a spending bill that goes to the desk of the President of the United States that has 100 unrelated spending matters in it, there is pork for all the favorites, yet there may be something in there for veterans benefits. So he will stand up and say, "I am against all this pork but I have to sign it because I am for the benefits for veterans. They are well deserved." If we had line-item veto, he can support those things he proclaims to support and reject those that he proclaims to reject.

But the one thing that was not articulated by the Senator from Indiana is it also makes us more accountable, in that once you veto one item and that item is sent back to the Senate and to the House, it forces those Members to get on record so they can no longer answer their mail saying I was really against all those pork projects but I had to do it for the veterans.

So I think the name of the line-item veto is really accountability for the President as well as for the Members of the House and the Members of the Senate.

As far as the families first bill, I would only like to suggest, if one heard the complete presentation on this bill, he would see this could be accomplished and we could balance the budget by the year 2002, have the tax relief for the families, and at the same time have a slight growth in Government—not cut any Government programs.

I think it was well articulated by the Senator from Minnesota that, if we had a 2-percent growth cap, this would accomplish what we are trying to accomplish. But when you look at some of the tax cuts that are going to be suggested in the families first bill, you have to go beyond the economics of it and look at the social aspects. It is a fact today that a family of four making $25,000, living together happily—if that family, the man and wife, should get a divorce and continue to cohabit out of wedlock, and each become the head of a household, they can increase their take-home pay by 13 percent. That is the issue we are trying to get to.

The unfairness of the earnings test for our senior citizens in America—I have had people come to me in town hall meetings and say, "For the first time in my life I have been forced to be dishonest because I am not reporting income that I am making, because I do not think it is right for the Government to come along and say I cannot have the Social Security I was entitled to because I want to remain productive after age 65."

So I hope when people are considering the families first bill and the various tax cuts on the American family—all ages of that family—that they consider there are aspects other than economic aspects to be considered.

Since the 1960's we have gotten ourselves into a position where families are no longer important, no longer relevant, no longer significant. This is what the revolution of November 8 was all about. We are going to reverse that.

I yield my time.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I am going to take some leader time. We are, hopefully, about to come to some agreement on the business of the day, but until that happens I have a statement I wish to make on another matter.

MISSOURI RIVER MASTER MANUAL

Mr. DASCHLE. Mr. President, last week, Senator BAUCUS introduced the Missouri River Water Control Equity Act. I have cosponsored that bill because all the analysis of the current master manual guidelines for managing the dams along the Missouri River that I have seen confirms that change in the corp's management of the river is long overdue.

The assumptions about economic uses that drive the management of the river have not been seriously reexamined or revised in 50 years. In those 50 years, times and conditions have changed dramatically. But the management of the river has not kept pace.

In 1992, the General Accounting Office noted that the master manual for operating the dams is outdated. GAO concluded that the corps has been managing the river based on "assumptions about the amount of water needed for navigation and irrigation made in 1944 that are no longer valid."

According to GAO, "the plan does not reflect the current economic conditions in the Missouri River Basin."

The Corps of Engineers, caught between the competing self-interest of the upstream and downstream States, has recommended only modest revisions in the master manual. In May 1994, the corps selected a "preferred alternative," which calls for shortening the navigation season by 1 month and a higher spring flow rate.

Given the conditions that now exist along the Missouri River, these changes are clearly insufficient to equitably distribute the economic benefits of the river. For example, shortening the navigation season by only 1 month means that the concerns of the navigation industry—which accounts for less than 1½ percent of the economic benefits of the river—will continue to drive management of the river for the foreseeable future.

A recent review of the master manual revision by the Environmental Protection Agency found that more emphasis should be placed on recreation and less on navigation. EPA concluded that, "The preferred alternative identified in the draft environmental impact statement is likely to result in little, if any, improvement to the Missouri River ecosystem."

Navigation is a declining $15 million industry. Recreation in the upstream States is a growing industry worth more than $50 million today. Continuing to give clear precedence to navigation cannot be justified.

And while I am intrigued by the corps' proposal to increase the spring rise to more closely mimic natural flow conditions, I am concerned about possible impacts on bank erosion. The Missouri River has for years been plagued by bank erosion and siltation, which slowly but inexorably takes productive land from the shores and deposits it in the river, smothering fisheries and reducing the hydroelectric generating potential of the dams. It is critical that the corps develops and implements a systematic plan to reduce erosion along the river.

Under current management conditions, the four upstream States, Montana, Wyoming, South Dakota, and North Dakota—States that sacrificed prime river bottom land for the construction of dams—receive 32 percent of the benefits from the river. The four downstream States receive 68 percent of the economic benefits. To illustrate how minor are the corps' proposed changes to the master manual, under the referred alternative, downstream States continue to receive 68 percent of the economic benefits.

Times have changed. Management must change with them. In the business world, management that fails to adjust to changing conditions does not survive. The corps should strive to better reconcile the management of the river with the economic conditions that exist today.

Given the results of the GAO report, the corps' own evaluation, and the EPA review of that analysis, the proposed revisions in the master manual should have gone much farther. Greater consideration should have been given to increasing the permanent pool from its current level of 18 million acre-feet. It is clear that there are significantly greater recreation and wildlife habitat benefits at higher permanent pool levels. Given the immense and growing economic value of recreation in the upstream States, the management priorities for the river need to change.

I intend to do everything possible to encourage the corps to recognize the changes and trends in the use of the river and to develop more defensible management guidelines. The bill introduced last week is a first step. It focused a beam of light on this process and reveals the long-overdue changes that should be made.

This process will be long and arduous. To succeed in achieving meaningful change, a great deal more education and discussion will be required. I hope that my colleagues will approach this issue with an open mind and allow their judgment to be guided by objective analysis of the conditions today, rather than by memories of what they were 50 years ago.

In the end, management policy for the river should be driven by facts and reason and a desire for equity. I am confident that if those are the criteria employed, more serious and defensible change will certainly result.

Mr. President, I yield the floor.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask that I may speak as in morning business for such time as I may consume.

The PRESIDING OFFICER. The Senator is recognized.

DRUG TRAFFICKING IN THE UNITED STATES

Mrs. FEINSTEIN. Mr. President, 3 weeks ago, the Senate Judiciary Committee, of which I am a member, held a very interesting hearing on drug trafficking and the increase of drug use in the United States. I would like to say a few words on the subject.

California has now replaced Florida as the major point of importation of cocaine in the United States. The California Bureau of Narcotics Enforcement reports that 80 percent of the clandestine methamphetamine manufacturing labs seized and dismantled in the United States are in California. More illegal drugs are coming into this Nation today than ever before. And Federal efforts at stopping the flow of drugs into this Nation are simply inadequate.

Last week, I met with the head of the Drug Enforcement Administration, Thomas Constantine, who told me that the DEA knows of at least forty 727-sized planes controlled by the Cali drug cartel in Colombia being used to smuggle cocaine into this country—forty 727-sized planes. Most of these planes are offloaded in northern Mexico, and drugs are moved across the California border and other Southwest borders.

Mr. Constantine also indicated to me that the Cali drug cartel's net profit last year was $7 billion, that the cartel controls the air traffic control system of Colombia, that they control the phone company, which allows them to backtrack and tape all phone calls, and that they are first-rate practitioners of intimidation and violence.

Consider just some of the following, Mr. President. Cocaine smuggled across the California line accounts for at least 70 percent of the drugs sent over the entire Southwest border by rings based in Mexico, making the State the prime staging area for the shipment of cocaine from cartels in Colombia and other South American countries.

Last year, the amount of cocaine seized coming across the United States-Mexican border plummeted, and not a single pound of cocaine was confiscated from the more than two million trucks that passed through three of the busiest entry points along the Southwest border—Laredo and El Paso in Texas, and Nogales in Arizona.

According to the Los Angeles Times, only 3.7 percent of laden trucks are comprehensively inspected at three San Diego-area ports of entry. The average rate along the entire Southwest border is 11.4 percent. However, last year, laden trucks crossing the border increased 51 percent, and empty trucks increased 38 percent.

Let me say clearly, I believe current Federal efforts to stop the entry of illegal drugs are not working.

THE LINE RELEASE PROGRAM

Let me describe one example of the failure of the Federal Government to stop drug smuggling. It's called the line release program. I believe this program should be discontinued immediately pending an evaluation of its effectiveness. Three weeks ago, I wrote to Secretary Robert Rubin making that recommendation.

The line release program was created in 1986 to expedite commerce entering the United States from Canada. In recent years, the program was expanded to the Mexican border as well.

Under the line release program, so-called low-risk United States companies are permitted to ship goods from Mexican manufacturers without inspection. But the line release program has had a major unintended effect. In the single-minded pursuit of increased commerce, more trucks and commercial vehicles are being waved through border checkpoints without being inspected. The result: The amount of illegal drugs coming across the border is higher than ever before.

According to a Los Angeles Times story from February 13, 1995, since the line release program was implemented, shipments of goods have increased dramatically at four critical points of entry along the United States-Mexico border—Laredo and El Paso in Texas, Nogales in Arizona, and San Diego in California. Yet, even as the number of shipments increased, the rate of inspections and drug seizures decreased dramatically.

I ask unanimous consent that this Los Angeles Times story be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mrs. FEINSTEIN. The same Los Angeles Times story states that not 1 single pound of cocaine was seized at three of the major points of entry into the United States in 1994. Not 1 pound.

One local official reportedly said:

> Obviously, we're in an area of international trade. We're not in a situation where we can just stop traffic for the sake of narcotics risk. . . We examined three percent of all the laden trucks that crossed. That is a lot of trucks.

Right? Wrong.

My view is quite different. Increased commerce does not justify increased drug smuggling. It is time to close down our border to illegal immigrants and to illegal drug smuggling. It is unacceptable to have a Federal program in place that comprehensively checks just 3 percent of the trucks coming across the border where we know the highest level of drug smuggling occurs.

Let me give you an idea of one incident in California. This past November, 5 tons of cocaine was headed to a home in Rialto in San Bernardino County. I am not talking about bags of cocaine. I am not talking about pounds of cocaine. I am not talking about kilograms of cocaine. I am talking about tons—5 tons in 1 shipment going to one house in Rialto, California. That is the level on which drug smuggling is now taking place.

On February 27, 1995, I sent a letter to Treasury Secretary Rubin asking the administration to discontinue the line release program in California pending an immediate evaluation of its capability to seek out and confiscate drugs coming across the border.

I ask unanimous consent that a copy of this letter be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mrs. FEINSTEIN. Recently, I asked the Customs Service, particularly the Director of Customs, for a complete list of the more than 10,000 individuals and companies that have been approved to participate in this so-called line release program. I have yet to be provided with that list.

In addition, this past Friday, I wrote to Secretary Rubin regarding a March 10 story in the Associated Press.

I ask unanimous consent that this letter and the Associated Press story be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mrs. FEINSTEIN. Mr. President, the Associated Press story to which I refer cited two particularly alarming items.

First, the owner of a harbor warehouse in Los Angeles who continues to this day to profit from a Customs Service inspection station located on his property, even though he is currently under federal indictment on charges of bribing an immigration agent $10,000 for false documents for himself and employees.

Second, the Treasury Department inspector general's office has failed to secure a single indictment of a Federal official in the western region in the last 5 years, despite numerous allegations of wrongdoing.

The inspector general's office, which is responsible for investigating criminal offenses at the Customs Service and other agencies within the Treasury Department, has been successful in other regions of the country, having obtained 14 felony convictions in the Northeast region, 8 in the Southern region, and 1 in the Central Division—but none in the Western region where the problem is the most serious.

These allegations are very disturbing, and I believe they deserve the full and immediate attention of the Justice Department.

OPERATION HARD LINE

The Clinton administration recently announced a new Federal initiative to address the problem of cocaine smuggling across the southwest border. This effort, termed "Operation Hard Line," will transfer between 40 and 80 Customs agents to the southwest border, direct new funds toward needed resources and technology, and focus with greater intensity on intelligence-gathering and assessment.

It is too early to say if Operation Hard Line will have an impact. But I am very skeptical. The problems at the border are simply too great for Band-Aid solutions.

Enforcing the border is a Federal responsibility and the fact is that the job is not being adequately performed.

The Federal Government must take strong action and make a long-term commitment to go after drug traffickers. The administration must demand that Mexico assist the United States in this effort in every way, as this Nation is assisting Mexico in so many other areas.

Forty 727-size planes constantly land in northern Mexico, offload tons of cocaine, and move them through our borders. How this happens and how we are going to stop it is something we must address. We cannot tolerate corruption at high levels in the Government of Mexico as is now being written up on the front pages of our newspapers, where a Mexican official responsible for stopping narcotics has a bank account of several million dollars. Where do we believe that money came from?

As a member of both the Judiciary and the Foreign Relations Committees, I intend to take an aggressive oversight role of Federal efforts to stop drug smuggling across this Nation's borders and will report regularly to my colleagues in the Senate on the progress.

I will also begin to explore legislation to deny United States foreign aid to countries such as Colombia, who do not take appropriate steps to control the flow of contraband out of their own countries.

This administration has just sent $20 billion in loan guarantees to Mexico, of which $6 billion has already been drawn down. I think the United States deserves cooperation from the highest levels of the Mexican Government in what is a major scourge on the relationship between our two countries, the trafficking of large amounts of cocaine.

Shortly, I hope to see for myself the Customs Service's surveillance efforts at the border. Recently, it was described in a television report on NBC's "Dateline." What the story showed was a former Customs agent pointing out a truck, a huge container truck, going right through a Customs' checkpoint, and saying, "This truck is a known drug smuggler. Watch what happens." And the truck went right through under the "line release" program.

I find it hard to accept that the Federal Government is so desperate to increase commerce that it will allow drugs to freely enter the United States.

Mr. President, I thank you for providing me with this opportunity to update my colleagues. I will report further on developments.

Mr. President, I yield the floor.

EXHIBIT 1

[From the Los Angeles Times, Feb. 12, 1995]

BORDER INSPECTIONS EASED AND DRUG SEIZURES PLUNGE

(By H.G. Reza)

CUSTOMS: CORRUPTION PROBES FOCUS ON U.S. POLICY TO PROMOTE MEXICO TRADE. FEW TRUCKS ARE EXAMINED.

SAN DIEGO.—The amount of cocaine seized from Mexican trucks and cargo at the border plummeted last year, as U.S. Customs Service officials pressed on with a program to promote trade by letting most commercial cargo pass into this country without inspection.

Not a single pound of cocaine was confiscated from more than 2 million trucks that passed through three of the busiest entry points along the Southwest border where federal officials say most of the drug enters the country.

Of the 62,000 pounds of cocaine that Customs seized from commercial cargo nationwide, less than a ton was taken from shipments along the border with Mexico.

One reason for the sharp decline in seizures is that Customs officials appear to be doing a poor job of identifying and inspecting those trucks and cargo containers being used for drug smuggling, according to an internal report obtained by The Times.

"The target selection methods are * * * critical and apparently in more need of improvements given the huge number of examinations without success," said the Dec. 13 report by a Customs analyst.

Officials say liberalized importing procedures have dramatically increased the number of trucks crossing the border from Mexico, producing trade benefits for both countries. And now the Customs Service is considering new measures to speed up the entry of air and auto travelers into the United States.

But, according to records and interviews, the facilitation policy also has become the focal point of wide-ranging corruption probes at a number of Southwest border crossings and inspection facilities.

Since last summer, federal authorities have been looking into allegations that corrupt Customs officials and inspectors are tipping smugglers that certain shipments and vehicles have been targeted for narcotics inspections.

Sources said investigators also are examining allegations that:

Some inspectors and officials in San Diego were bribed by Mexican drug rings to remove intelligence information from Customs computers.

Investigators also are focusing on allegations that smugglers are transporting drugs in the uninspected trucks that bring cargo from Mexico.

A principal target, sources said, is an inspector who in 1990 attempted to release a propane tanker although drug-sniffing dogs had sounded the alarm. The tanker later was found to be carrying four tons of cocaine.

Inspectors and officials in the Long Beach area were bribed to allow trucks from Mexico and contraband, including AK-47 rifles and ammunition from China, to be smuggled into the ports of Long Beach and Los Angeles in ship containers.

The investigation is concentrating on private warehouses in the Long Beach area where cargo containers are examined by Customs inspectors for contraband, drugs and compliance with importation laws. The warehouses are customarily paid a fee for use of their facilities and assisting in the inspections.

But sources said importers allegedly were charged up to $425 per container for hundreds of examinations that were never done. Investigators have been told that two Customs officials received kickbacks.

In interviews, Justice Department officials declined to confirm or deny the existence of the investigations. "If anyone has information regarding corruption within the Customs Service, we would certainly be interested in receiving that information," said Assistant U.S. Atty. Michael Flanagan in Los Angeles, who is overseeing some of the investigations.

Customs officials declined to comment on the investigations. They also defended their low seizure rates and the "facilitation program" that since the late 1980s has allowed increasing numbers of trucks and cargo containers to go uninspected at the border.

Lou Samenfink, Customs cargo control branch chief in Washington, said he does not know why seizures have fallen off and pointed out that the Customs Service instituted a new and improved random system in October for identifying shipments to be inspected.

"It could just as easily be that [drugs are] not there," he said. "It could certainly mean that our targeting policy is wrong, or that it's so effective that the smugglers aren't using commercial cargo to bring drugs in."

The Drug Enforcement Administration reports that 244,626 pounds of cocaine were seized nationwide by federal law enforcement agencies in 1993, the most recent year for which statistics are available. And officials estimate that only about 10% of the cocaine smuggled into the country is seized.

Joaquin Legarreta, spokesman for the DEA intelligence center in El Paso, said most cocaine enters the United States across the Mexican border, and most comes through regular ports of entry in commercial trucks and passenger vehicles.

In 1986, Customs began a "facilitation" policy to speed up the shipment of cargo from Canada, and the program was expanded to the Mexican border in recent years.

As part of this policy, "low-risk" U.S. importers are allowed to ship commodities from a Mexican manufacturer virtually without inspection, after passing a rigorous background check. Under the so-called "line release" program, some importers go months without having their shipments inspected.

Former Customs Commissioner William Von Raab, who helped establish the program on the Canadian border, said he was shocked when it later was used on the Mexico border.

"It's terrible. [This] was developed to be used at a border with the highest level of integrity and lowest level of risk," Von Raab said. "I certainly would never have deployed it at the Mexican border."

The San Diego district has the lowest inspection rate for commercial trucks, records show. Only 3.7% of the laden trucks are inspected at Otay Mesa, Calexico and Tecate in California and Andrade in Arizona, compared to an average rate of 11.4% along the entire U.S.-Mexico border.

"Obviously, we're in an area of international trade," said Rex Applegate, port director of the San Diego district. "We're not in a situation where we can just stop traffic for the sake of narcotics risk. . . . We examined 3% of all the laden trucks that crossed. That is a lot of trucks. That is a lot of intrusion."

Sources said inspections are conducted randomly, once every 500 to 2,500 entries, and certain shipments are targeted based on intelligence information.

The facilitation program has resulted in increased truck traffic all along the border, especially last year when records show that laden trucks increased 51% and empty trucks increased 38%. In anticipation of the North American Free Trade Agreement a year ago, U.S. and foreign investors opened new manufacturing plants on the Mexican side of the border, triggering an increase in cargo shipments to this country.

Numerous inspectors and agents have told The Times they believe that the facilitation policy has provided narcotics smugglers with an easy way of bringing tons of cocaine into the U.S.

"The smugglers know our system as well or better than us," said Jay Erdmahn, an inspector for 25 years who is retiring next month. "Why should they smuggle the dope through the desert when they can use line release?"

San Diego port director Applegate said the importing and drug targeting procedures are "very sophisticated."

"Quite frankly, the line inspector is not aware of this," Applegate said. "These guys are like platoon sergeants questioning the war strategy."

But he also said inspectors have a responsibility to target vehicles, based on behavioral analysis of the drivers.

"This risk assessment * * * depends a lot on the inspector's own knowledge," Applegate said.

A Dec. 13 document entitled "1994 Port Tracking Report" said Customs concentrates its drug enforcement efforts on shipments from 16 "high-risk" countries in South and Central America and the Caribbean.

The report said that, although most "high-risk containers pass through the Mexican border, "substantially less" cocaine was seized there last year than the previous year.

Nationwide, customs inspectors and agents seized 62,850 pounds of cocaine from commercial land, air and sea haulers last year—only 2,000 pounds less than in 1993.

But along the Southwest border, 1,765 pounds was confiscated in 1994—all at Calexico—compared to 7,708 pounds in 1993 and 234 pounds in 1992 when truck traffic was lighter. Customs statistics show there was a similar decline in marijuana seizures, from 17,736 pounds in 1993 to 9,459 pounds last year.

Officials were unable to provide statistics for cocaine seizures in previous years along the entire border.

At the Otay Mesa commercial port—third largest on the border and located seven miles east of San Diego—there were no cocaine seizures in the past three years. There also were no seizures during the period at El Paso, the second largest commercial border crossing.

Laredo, Tex., the biggest commercial port, had no cocaine seizures last year. Inspectors there found 5,027 pounds of drug in 1993 and none in 1992.

Meanwhile, Customs officials have two new proposals to make it easier for airplane and auto travelers, not just trucks, to enter the United States, The Times has learned.

One plan under study, called Airport 2000, would require airline employees to input the names of passport holders into Customs computers.

Customs inspectors would then check the names for criminal records or ties to drug smuggling. If the name used by the traveler does not arouse suspicion, he would be allowed to leave the airport without having to go through Customs inspection.

"Airport 2000 is a concept developed here and is passenger oriented," said Dennis Shimkoski, a Customs Service spokesman in Washington.

A plan being studied in San Diego would make optional the now-mandatory license plate check of every vehicle entering this country from Mexico. Like Airport 2000, the plan was conceived to cut costs and ease entry into the United States.

Computer checks of license plates have led to the seizure of hundreds of stolen vehicles and thousands of pounds of drugs. The computer checks also tell an inspector if the vehicle is suspected of being used in smuggling and if the driver has a criminal record.

Applegate dismissed complaints from inspectors and Customs agents that the plan signals a retreat from the drug war and invites corruption in the ranks of inspectors.

"The issue is very simple. Our land border traffic is increasing, and our budget is not," Applegate said. "There would be a certain number of inspectors who would view this as the grossest sellout in customs history. [But] how much is it costing the Customs Service to input all this data and what are we getting for it?"

Von Raab, the former Customs commissioner, said he believes that the proposals will weaken enforcement efforts. "I have always seen Customs as a regulatory agency to guard borders and collect tariffs," he said.

Customs inspectors and agents have complained for years about what they call a loophole in the facilitation program. They alleged in interviews that drug rings are paying unscrupulous truck drivers and trucking companies to smuggle cocaine and other drugs—but Customs officials do not subject drivers and trucking companies to the same background checks as importers and manufacturers.

A veteran investigator who has worked on several high-profile drug cases in San Diego said that "you can have the biggest drug dealer in Mexico drive a truck through the compound * * * and the [line-release program's] computer would never tell you who he was, even if he used his real name."

"That's correct," said Barry Fleming, who supervises the line release program in San Diego. "Right now, I have to agree with the inspectors. [The problem is] the carriers. How do we operate in the unknown where we don't know the risk of the driver, the tractor [truck] or the trucking company?"

When asked why there were no cocaine seizures at the Otay mesa commercial port between 1992 and 1994, Fleming said: "Is it [because of faulty] targeting? Probably it is. We don't have enough intelligence."

Carolyn Goding, president of the San Diego Brokers Assn., agreed that there is "nothing to stop an unscrupulous driver from throwing some cocaine underneath the seat." However, she said the program "is working well for the honest importer by helping facilitate the movement of cargo."

EXHIBIT 2

U.S. SENATE,
Washington, DC, February 27, 1995.

Hon. ROBERT RUBIN,
Secretary, Department of the Treasury,
Washington, DC.

DEAR SECRETARY RUBIN: In an earlier letter, dated February 17, 1995, I requested an investigation and reevaluation of federal efforts to seize illicit narcotics coming across this nation's borders. Since then, I've learned a great deal more and today I am writing to express my strong belief that the Customs Service's "line release" program (as we know it today) should be discontinued in California pending an evaluation of its ability to seek out and confiscate illicit contraband entering this country.

I understand approximately 10,000 companies now participate in a broad effort to move large trucks across the border with Mexico, often without inspection of cargo. I have asked the Customs Service for a full list of the companies approved to take part in the "line release" program but have yet to receive this information. I would like to re-state my request for this information.

My strong belief that the "line release" program should be discounted pending further review is based on a number of factors:

(1) It is known that the Cali Cartel in Columbia is shipping tons of illegal drugs on planes as large as 727's to Mexico, and then transporting drugs across the border and into the continental United States in trucks. Recent press reports have documented increased incidents of illegal smuggling since the "line release" program began, and a dramatic decrease of inspection and drug seizures. In fact, in 1994 not a single pound of cocaine was confiscated from more than two million trucks that passed through three of the busiest entry points along the southwest border—Laredo and El Paso in Texas, and Nogales in Arizona.

(2) Hearings of the Senate Judiciary Committee have demonstrated that drug smuggling is on the rise and California has become the major point of cocaine importation in the United States.

(3) An internal Treasury document recently brought to my attention, and subsequently printed in a news report this past Friday, suggests that serious deficiencies in the "line release" program may actually facilitate the flow of illegal drugs into California.

These developments have served only to increase my skepticism as to whether the "line release" program ever made sense at all. In 1993, before NAFTA, Customs officials seized almost four tons of cocaine off trucks crossing the border; in 1994 it was down to less than a ton. Attached is a story from yesterday's New York Times which very accurately reflects the way I feel. I have also attached recent stories printed in the Los Angeles Times which raise alarming questions about illegal drug smuggling across this nation's 2,000 mile border with Mexico.

In my opinion, the "line release" program only encourages the continued and increased flow of drug smuggling. California simply cannot be the testing ground for programs that are ineffective and which only invite increased drug smuggling.

I would appreciate a response as soon as possible regarding this matter. I would also like your views as to whether you believe Operation Hard Line, the new initiative by the Customs Service to tackle the problem of cocaine smuggling into California, adequately addresses the problems raised about the "line release" program.

Thank you, in advance, for your personal attention to this matter. I look forward to hearing your thoughts.

Sincerely,

DIANNE FEINSTEIN,
U.S. Senator.

EXHIBIT 3

U.S. SENATE,
Washington, DC, March 10, 1995.

Hon. ROBERT RUBIN,
Secretary, Department of the Treasury,
Washington, DC.

DEAR SECRETARY RUBIN: Two weeks ago, I wrote to you regarding my strong belief that the "line release" program currently being administered by the Customs Service should be discontinued in California pending an evaluation of its effectiveness to seek out and confiscate illicit contraband entering the United States. I have not yet received a response.

I believe strongly that this is a urgent matter which merits your priority attention. To this end, I am also enclosing a copy of an Associated Press story from yesterday which raises additional questions about the situation at the border, including an alleged 1993 incident in which the then-District Director of the Customs Service, who was later promoted, may have prevented investigators from conducting a surprise inspection of the "line release" program at the southwest border. This investigation was aimed at determining whether unauthorized trucks, potentially carrying drugs, were allowed to cross the border without inspection.

As I stated in my February 27 letter, I believe the "line release" program only encourages the continued and increased flow of drug smuggling across the southwest border.

Again, I urge your priority attention to this matter and look forward to a response to my original letter as soon as possible.

Sincerely,

DIANNE FEINSTEIN,
U.S. Senator.

[From the Associated Press, Mar. 10, 1995]

CUSTOMS FAILS TO ACT ON SUSPENSION FOR INDICTED WAREHOUSE OPERATOR

(By Michael White)

LOS ANGELES.—Eight months after a harbor warehouse owner was indicted on bribery charges, he's still profiting from a Customs Service inspection station on his property although investigators urged that it be shut down.

That illustrates a lack of clout that frustrates the U.S. Treasury Department's Office of the Inspector General in its role as watchdog over some of the government's biggest moneymakers, including Customs and the Internal Revenue Service, according to interviews and government records.

The problem is particularly acute in the agency's Western region where, unlike the rest of the country, inspector general's investigators have failed to obtain a single indictment of a federal official in five years.

"I think that was one of the reasons I was hired two years ago, was to change the direction, and that doesn't happen over night," said James Cottos, assistant inspector general for investigations in Washington.

In the case of the harbor warehouse, the inspector general's auditors recommended last October that National Distribution Services be suspended from doing business. Its owner, Steve Moallem, had been indicted on charges he paid an immigration agent $10,000 for false documents for himself and employees, records show.

Being picked as the site for an examination station can mean big profits for a warehouse operator, who charges importers for storing and unloading cargo to be inspected.

Neither Customs nor the Treasury Department itself has acted on the recommendation to suspend the company.

"We can't force the (Customs) agency to do anything," said Rick Dory, a Treasury Department attorney.

Customs spokeman Mike Flemming said the case is up to Treasury officials in Washington.

The Inspector General's Office is charged with investigating criminal offenses by management level employees at Customs, the IRS, the Secret Service and a variety of other Treasury agencies.

During Cottos' tenure, Treasury's Northeast Region has logged 14 felony convictions. The Southern Region has had eight and the Central Division one. Statistics for the office's performance before his tenure were not available because good records were not kept, Cottos said.

In the West, however, things are different.

The inspector general's office was absent last year when the Justice Department launched a corruption investigation among Customs officials in Los Angeles and San Diego, said a source familiar with the investigation.

The unusual move was made at the insistence of witnesses who doubted the effectiveness of the inspector general's office, said the source, who spoke only on the condition of anonymity.

The concern stemmed in part from a 1993 incident in which the inspector general's office tried to investigate allegations that cocaine-laden trucks were crossing the border unimpeded under a Customs program intended to speed the flow of cargo from Mexico.

In that case, inspector general investigators, accompanied by Customs narcotics agents trying to make unannounced inspections of vehicles and records at the Otay Mesa port of entry near San Diego, were denied entrance by Customs officials.

Under orders of Custom's San Diego District Director Rudy Camacho, the investigation team was told to leave, according to several sources who witnessed the incident.

They returned the next week in a visit arranged with Camacho's office, but by then word of the operation had leaked to truckers and import brokers they were targeting, according to a January 1994 memo by the investigators.

"Rudy Camacho ran them out of San Diego," said one veteran inspector familiar with the incident.

Camacho, later promoted to commissioner of Customs' Western region, said he told the investigators to leave because they had, without his authorization, brought Customs inspectors along. He said he had sole authority over Customs inspectors' activities and scheduling.

His office later cooperated fully with the investigators, he said.

Cottos said Treasury agencies often resist his office's attempts to investigate internal wrongdoing.

"People don't want anybody else to come in and do an investigation of them," he said.

Mrs. FEINSTEIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—H.R. 889

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate now resume consideration of H.R. 889 and the remaining committee amendments to be agreed to en bloc be treated as original text for the purpose of further amendments; that the following amendments be the only remaining amendments in order in the first degree and they be subject to relevant second-degree amendments following a failed motion to table and limited to time agreements where appropriate, with the same time limit applying to any second-degree amendment and that no rule XVI point of order lie against Senator BUMPERS' NASA wind tunnel amendment. Mr. President, this includes the following amendments: The Hutchison endangered species amendment; the Brown Mexico amendment; the Coverdell Georgia flood amendment; Stevens manager's amendment; the Hatfield manager's amendment; the McConnell assistance to Jordan debt amendment; the Specter SOS Korean nuclear agreement amendment; the Roth-Glenn SOS nonproliferation amendment; and the McCain military construction amendment.

Mr. President, in addition, my understanding is the following Democratic amendments are included in this amendment: The Baucus amendment on South Korea trade; the Boxer amendment on military personnel; the Byrd amendment that may be relevant to the subject; a Daschle relevant amendment; a Feinstein environmental cleanup amendment; the Graham Cuba amendment; the Inouye manager's amendment; the Leahy Jones Act amendment; the Nunn amendment to relevant topics; the Wellstone amendment to relative topics; and also the Bumpers amendments in his own name, which we reserved a spot for covering Iran and NASA wind tunnels for his own name as well. That, obviously, is in addition to the one previously reserved, which is a joint Democratic-Republican amendment.

I further ask that following disposition of the above-listed amendments, the bill be advanced to third reading and final passage occur on H.R. 889, as amended, without intervening action or debate.

The PRESIDING OFFICER. Is there objection to this agreement? Without objection, it is so ordered.

Mr. BROWN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senator from Arkansas [Mr. BUMPERS] offers his amendment in reference to wind tunnels, that there be 45 minutes for debate prior to a motion to table, to be limited in the following fashion: 30 minutes under the control of Senator BUMPERS and 15 minutes under the control of Senator STEVENS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

The PRESIDING OFFICER. The clerk will report the pending business.

The bill clerk read as follows:

A bill (H.R. 889) making emergency supplemental appropriations and rescissions to preserve and enhance military readiness for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Bumpers amendment No. 330, to restrict the obligation or expenditure of funds on the NASA/Russian Cooperative MIR Program.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, is there an amendment pending?

The PRESIDING OFFICER. The pending amendment is amendment No. 330 offered by the Senator from Arkansas.

Mr. BUMPERS. Mr. President, I am prepared to go forward with that amendment. We have worked out a second-degree amendment that was going to be offered either by the Senator from California [Mrs. FEINSTEIN] or the Senator from Missouri [Mr. BOND]. But neither of them is present right now, so I would like to just temporarily lay that amendment aside and, if there is something else we could get to, I would be willing to do it.

Let me ask unanimous consent that the amendment be temporarily laid aside and allow the floor managers to go forward with any other amendments that are pending. And in that request, Mr. President, I am going to state specifically that I am not necessarily asking that this be the pending business after the next amendment is adopted. I will be around here, and I will call the amendment up at some point.

Mr. BURNS. Will the Senator yield?

Mr. BUMPERS. I am happy to yield.

Mr. BURNS. Mr. President, will the Senator from Arkansas want to go to his wind tunnel amendment at this time?

Mr. BUMPERS. Yes, I am prepared to do that.

Let me remind the Senator that Senator MIKULSKI obviously wants to be in the Chamber when that is debated, and I would suggest that we try to contact her to see if she is available. She may be attending a committee hearing or something else and cannot make it right now. But I am prepared to go forward with that amendment.

Mr. BURNS. I think the Senator makes a good point and maybe we should contact those Senators to get them involved. I think they want to be a part of this debate, and we would do that right away. And then maybe the Senator could offer his wind tunnel amendment.

Is there any other amendment that is pending?

Mr. BUMPERS. It is my understanding, Mr. President, that virtually all of these amendments except the wind tunnel amendment have been agreed to. Is that correct?

Mr. BURNS. That is the information I have.

The PRESIDING OFFICER. It is the Presiding Officer's understanding there are some that have not been agreed to.

Mr. BUMPERS. I am sorry, Mr. President; I did not understand the Chair.

The PRESIDING OFFICER. It is the Chair's understanding that not all amendments have been agreed to.

There is pending the Senator's request to lay aside the current amendment. Does the Senator wish to pursue that?

Without objection, it is so ordered.

The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I thank the Chair for recognizing me.

Mr. President, I ask unanimous consent that I may speak not to exceed 12 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. PRYOR pertaining to the introduction of S. 573 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, what is the pending business?

The PRESIDING OFFICER. The bill is before the Senate. It is open for debate.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 330

Mr. BUMPERS. Mr. President, I call up amendment No. 330 and ask for its immediate consideration.

Mr. President, I think a substitute amendment to my amendment has been agreed to by both sides.

Briefly, it says that a pending agreement between the United States and Russia that would allow Russia to buy American nuclear reactors and technology, known as a "Section 123 Agreement," be canceled unless the President certifies to Congress that the Russian nuclear agency will not sell nuclear reactors to Iran.

Mrs. FEINSTEIN. Mr. President, I rise today in strong opposition to the Bumpers amendment to rescind funding for the national wind tunnel complex [NWTC]. I believe this project to be a sound investment in the future of the competitiveness of the U.S. commercial aviation industry.

NASA is pursuing the development of two new wind tunnels as a part of the NWTC strategy to provide facilities for aircraft testing with technology not currently available in the United States. These facilities would allow the commercial aviation industry to continue to compete on an international level for the next generation of widebody commercial transportation aircraft.

The United States has built only one major wind tunnel in the past 30 years and while the existing wind tunnels have been upgraded over the years, none has been able to keep pace with the state-of-the-art capability, productivity, and technology of new, modern—and largely foreign-owned—wind tunnels. The United States has recently seen its share of the international commercial transport aircraft market fall from 100 percent to an estimated 65 percent. While we still enjoy a commanding presence in this vital industry, we must now prepare ourselves to be competitive in the future.

Contrast our actions with those of our European competitors who have invested in six new Government-financed wind tunnels over the last 15 years. These investments pay dividends in the commercial aircraft market as can be witnessed by the increasing marketshare of European companies such as Airbus.

The fiscal year 1995 VA–HUD bill provided $400 million as a down payment to begin construction of these two facilities. This investment follows funding in fiscal year 1994 to study the feasibility of wind tunnels. NASA estimates the final cost of the wind tunnel complexes to be $2.5 billion and has plans for the facilities to be up and running by 2002. I agree with those who are calling for the greater industry involvement in this project and look forward to working with my colleagues and industry officials to help make cost-sharing a reality. I have spoken personally with the CEO's of major commercial aviation manufacturers who all agree with NWTC is needed to ensure their continued competitiveness. Now is not the time to waver in our support for the domestic aircraft industry.

In anticipation of the Administration's continued support of the National Wind Tunnel Complex Program, an industry teaming agreement was signed among Boeing, McDonnel Douglas, Lockheed, Northrup-Grumman, Pratt & Whitney, and General Electric to support the development of the facilities. NASA has been in the process of evaluating feasible sites, including the NASA Ames Research Center located in the San Francisco Bay area. The Ames Research Center, which is currently home to several operational wind tunnels, meets most of the technical criterion NASA is looking for and can be a model of government and private industry working together toward mutual interests.

While the administration has not met the condition set forth in the fiscal year 1995 VA–HUD bill, they have, in fact, requested that the funds be carried over to allow for a more complete site selection process. I ask my colleagues to agree with the Senate Appropriations Committee's recommendation to grant the administration time to move ahead with this important investment in the future of domestic aviation technology. I oppose the Bumpers amendment to rescind funding for the national wind tunnel complex and urge my colleagues to do the same.

Mr. ROCKEFELLER. Mr. President, I rise to explain why I believe the Senate should reject the amendment offered by the distinguished Senator from Arkansas to cancel funding for wind tunnels.

Before getting into the arguments for proceeding with this program, I want to remind my colleagues of some essential facts about the bill before us. This bill, labeled the Defense supplemental and rescissions appropriations, will cut the Federal deficit.

Its first goal is to replenish critical parts of the Defense Department's budget, and it does that by transferring funds from other areas. That means we are not asking the American taxpayers to borrow.

And because this is an opportunity to shave the Federal budget, this bill also contains $1.5 billion of cuts in Government spending for the sole purpose of reducing the deficit. Here is more proof that one does not need to amend the Constitution to shrink the deficit.

But the Federal budget is always an exercise in setting priorities. Certain needs, from the country's military security to our social fabric, have to guide how we make choices about Government spending. And I would argue that we need to keep planning for the future, especially to invest in opportunities to sustain the country's economic strength and jobs.

That is why I question and oppose the amendment by my friend from Arkansas. Yes, it is tempting to give up on the effort involved in NASA's plan for exploring the potential for building wind tunnels in the United States. But it is the wrong thing to do at the wrong time. It would be a retreat from the future, and another blow to this country's ability to maintain a prosperous commercial aircraft industry.

Since 1915, the National Aeronautics and Space Administration [NASA] and its predecessor agency have worked closely with the country's aircraft industry, providing one another with technical support. And, in turn, that technical support and the entrepreneurship of our airplane manufacturers have made the aircraft industry one of America's great economic successes. America is the world's leader, and the industry generates not only billions of dollars in export sales but also supports tens of thousands of jobs across our country. NASA's aeronautics research program is a proven investment in jobs—good jobs for Americans. And it is particularly important at time when foreign competitors, particularly Airbus, receive major help from their governments.

The subject before us, wind tunnels, are a key part of the NASA Aeronautics Program, and may be a vital tool for keeping our aircraft industry the world's leader. These tunnels are the facilities in which companies test and refine their new designs. New designs can be largely analyzed through computer simulations but in the final analysis companies must test physical models in advanced wind tunnels.

Wind tunnels are also precisely the kind of investment in which a government role is both appropriate and necessary—valuable national facilities that help a range of companies but which are so expensive that no one company or even group of companies can readily fund by themselves.

I want to note that our Government has operated wind tunnels for decades, serving both commercial and defense needs. But there's a very big catch. The tunnels in the United States are mostly 40 years old. In stark contrast, Europe has wind tunnels that are much more modern. Our companies can test its designs on the other side of the ocean, in foreign countries therefore.

That leads to an extremely serious dilemma for American aircraft manufactures—either test their new aircraft designs in less sophisticated facilities here in the United States, or test in Europe where data on the best new American designs would undoubtedly end up in the hands of foreign competitors.

I want to emphasize one important point here: NASA wind tunnels directly support a major U.S. industry—an industry which in turn generates sales, jobs, and I hasten to add, considerable tax revenue. And West Virginia is one of the States with the right conditions to build the wind tunnels. We have the most inexpensive and abundant supply of electricity in the Nation. And along with our natural and other infrastructure resources, we are a State brimming with talented people ready to forge ahead building and operating this leading edge technology. Pulling the rug out from this initiative, aimed directly at improving this country's economic situation, seems reckless.

The amendment from the Senator of Arkansas would cancel a decision made by Congress last year to devote $400 million to planning just how to overcome this serious gap between America's wind tunnels and those in foreign countries. Because of the high economic stakes involved for our Nation, Congress appropriated the money to begin developing a new pair of state-of-the-art American wind tunnels.

Congress also conditioned that funding on an expectation that the administration would lay out a clearer plan on how to proceed with this effort and how to obtain the necessary commitments from the private sector. NASA is now finishing its assessment of future wind tunnel needs and how much industry is willing to share the costs of new facilities. The administration is asking this body to preserve the money until that study is completed and a full assessment can be made. Again, in light of the stakes—involving jobs and the future of a critical industry—I really think it's more than reasonable to reserve these funds if we are fully convinced they'll be a worthwhile investment.

The Senate should await the results of that assessment before we take rash action today that would bring an end to this initiative and its potential for the country. We should wait for the full facts, and not take precipitous action that risks jeopardizing a vital export industry. For these reasons, I urge my colleagues to oppose this amendment.

Mr. HELMS. Mr. President, I strongly support Senator BUMPERS' amendment because it is reasonable to link further United States funding for technical cooperation with the Russians on the space station with Russia's arrogant sale of nuclear reactors to Iran.

The Bumpers amendment makes the choice for the Russian Government quite simple. On the one hand, the Russians can continue to develop economic relations with the United States and move onward into the 21st century on the cutting edge of space-based technology. Or the Russians can pursue a dangerous nuclear relationship with Iran, one of the world's most reprehensible governments. But Russia cannot have it both ways.

The two greatest threats facing the security of the United States and its allies are Islamic fundamentalism and nuclear proliferation. The proposed Russian sale of nuclear reactors to Iran is an intersection of these threats. Even the Russians must realize the danger this poses to their own nation. I am truly surprised that no reasonable figure of authority in Russia is willing to confront that obvious reality. Despite all the rhetoric that one hears from Moscow about the threat of Islamic fundamentalism to the south of Russia, it appears that short-term profit is the most important interest for the Russian Government.

Recently the head of the Russian Ministry of Nuclear Power compared the profit he could turn from nuclear sales to Iran with the level of assistance that the United States gives to Russia. In essence he said that the funds the United States provides to Russia could easily be replaced by unrestricted worldwide sales of reactors and uranium. This reckless and insulting view of our Nation's efforts to develop a stronger relationship with Russia may have escaped comment by President Clinton, but it will not pass muster in the Senate.

The United States will not join in a bidding war with terrorist countries like Iran for the fickle friendship of the current Russian Government. Our appeal to Russia is broadly based upon reason and principle. While economic assistance has been a feature of the United States' effort to build closer ties with Russia, far exceeding any aid has been our willingness to build closer relations. We have extended an open hand in order to help Russia recover from the wounds of 70 years of totalitarian, Communist government. If bean counting bureaucrats in the Russian Nuclear Power Ministry see more profit by tying Russia's future to Iran—then let them have at it. But they can't—and won't—have it both ways.

Mr. GLENN. Mr. President, I rise in opposition to the amendment offered by my friend from Arkansas, Senator BUMPERS. While we share many similar interests and beliefs, it seems that we are usually on opposite sides of the issue when it comes to debating NASA and aerospace issues. In this case, I believe my friend's amendment is misguided and would bring a premature end to what promises to be a valuable national facility.

I would also like to congratulate the chairman of the HUD/VA Appropriation Subcommittee, Senator BOND, as well as Senator MIKULSKI for laying out the very convincing arguments for proceeding with this program.

Mr. President, no one can doubt the vital role which wind tunnels play in the design of aircraft and engines. In fact in my earlier career, I had first-hand experience with what can be learned with these type of facilities. I would like to begin my remarks with a short description of how these facilities are actually used.

Wind tunnels are used in two major ways for airplane design. First, they are used to develop and confirm aerodynamically the geometric shape of the airplane and its wings. Improvements in airplane aerodynamics lead to reduced fuel consumption and improved economics. While computer testing, called computational fluid dynamics, is playing an increasingly important role in aircraft design, it has in no way replaced wind tunnel development and testing.

The second major way wind tunnels are used in airplane design is to help predict handling qualities, controllability, aerodynamic loads, fuel consumption, inlet/nozzle/nacelle and such important characteristics as takeoff and landing speeds. Wind tunnel testing provides the most accurate method for predicting crucial airplane characteristics. Wind tunnel test data are used in preflight prediction of drag, weight, and propulsive efficiency.

Mr. President, during the debate on wind tunnels we will hear mentioned two particular parameters used to describe the capability of wind tunnels. The first term is "Mach number" and the second is "Reynolds number." Mach number is the more familiar term and is defined as a ratio of vehicle speed to the speed of sound. Determination of Mach number is critical for high-speed flight.

The Reynolds number is defined as the ratio of the inertia forces to the viscous forces that a fluid exerts on a surface as it flows past. The Reynolds number is also related to Mach number.

The National Academy of Sciences has found that "high productivity, high Reynolds-number subsonic and transonic development wind tunnels * * * [will lead to improved aircraft] cruise and takeoff/landing performance by at least 10 percent each." Mr. President, a 10-percent improvement in airplane performance benefits our economy and our environment.

I ask unanimous consent to have printed in the RECORD the executive summary from the aforementioned National Academy study, Aeronautical Facilities: Assessing the National Plan for Aeronautical Ground Test Facilities.

The value of such scientific advances in helping to keep the American aircraft industry in the forefront of international sales is obvious. In fact, had it not been for the outstanding work done over many, many years by our aerodynamicists using the world's most advanced wind tunnels, our leadership in both military and commercial aircraft would never have taken place. Commercial sales of U.S. aircraft would not comprise our largest single factor in balance of payments outside of agriculture. Now we see foreign nations with more modern tunnels than we have, along with an expanding group of scientists and aerodynamicists. This does not bode well for America's future lead in designing and building the finest aircraft in the world. That is important for both our military and commercial aircraft.

Existing U.S. wind tunnels have served us well; and have helped make the U.S. aircraft industry the world leader. In fact much of what has been learned from wind tunnels has occurred in my home State of Ohio, at NASA's Lewis Research Center. Unfortunately the upgrades and improvements to the existing inventory of wind tunnels have been already been made. Existing U.S. wind tunnels have the following problems: Inadequate capability in Reynolds number; low productivity, with emphasis on research; average of facilities is between 30–40 years, with the associated problems of old technology and high maintenance costs.

In fact, all but two of the U.S. wind tunnels have been operating for more than 30 years, and the two exceptions are low Reynolds number, special purpose facilities used only for light commercial and military airplane development.

Mr. President, most existing U.S. wind tunnels were funded by the Federal Government. And as my colleagues have discussed, the newer facilities in Europe have been built with substantial Government support. While I believe that Senator BUMPERS is correct in pointing out the apparent disparity in the industry's contribution to this facility, I would argue that a final deal has not yet been signed. I would encourage the administration to continue to pursue the best possible sharing of cost.

Mr. President, I will conclude by asking our colleagues to look to the future. In 10–20 years I hope that environmentally acceptable, supersonic commercial airliners and transports will be a practical, economic reality, and will be manufactured in the United States of America.

Mr. President, I encourage my colleagues to vote against the Bumpers amendment.

I ask unanimous consent that the aforementioned summary of the National Academy study be printed in the RECORD.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

[From the National Academy Press, 1994]

ASSESSING THE NATIONAL PLAN FOR AERONAUTICAL GROUND TEST FACILITIES

EXECUTIVE SUMMARY

At the request of the National Aeronautics and Space Administration and Department of Defense, the Aeronautics and Space Engineering Board (ASEB) of the National Research Council independently reviewed the findings of the interagency National Facilities Study (NFS). In order to make the ASEB report available shortly after the NFS report, the NFS Task Group on Aeronautical R&D Facilities briefed the ASEB periodically during its study. After release of the NFS report, the ASEB held a far-ranging workshop to critique the NFS results. The workshop involved 49 experts in aeronautical technology development; ground test facilities; and, especially, the use and operation of wind tunnels. The purpose of this report is to document and explain the ASEB's assessment of the NFS report, including recommendations for future action.

The conclusions and recommendations of the NFS seem to be supported by factual material wherever it was available, although in some cases they are based on the best judgment of the study participants. The following nine items summarize the ASEB's findings and recommendations. The first five items reinforce key thrusts of the National Facilities Study. The ASEB concurs with each of these items. The last four are recommendations for additional action that go beyond the recommendations of the National Facilities Study.

Recommendations reinforcing the key thrusts of the national facilities study

1. The ASEB agrees with the NFS report that significant aerodynamic performance improvements are achievable, and the nation that excels in the development of these improvements has the opportunity to lead in the global market for commercial and military aircraft.[1] The highest priority facilities for achieving these performance improvements are new high-productivity, high-Reynolds-number subsonic and transonic development wind tunnels.[2] The NFS report estimates that cruise and takeoff/landing performance could be improved by at least 10 percent each. Performance improvements are essential for the U.S. aeronautics industry to maintain or increase market share. Based on the information available to it, the ASEB considers these projected increases in performance to be potentially attainable and believes that the proposed facilities could substantially facilitate such improvements.

These forecast advantages do not include the probable operating and development cost reductions that would accrue to future U.S. military aircraft programs. In addition to direct cost reductions, access to improved ground test facilities would make advanced military aircraft more competitive in the world market, thereby further reducing the defense burden carried by U.S. taxpayers. Foreign sales of U.S. military aircraft result in lower unit costs for U.S. government and foreign purchasers.

2. The ASEB agrees with the NFS report that new high Reynolds number ground test facilities are needed for development testing in both the low speed and transonic regimes to assure the competitiveness of future commercial and military aircraft produced in the United States. The NFS report documents that Reynolds and Mach number performance of the best subsonic and transonic development wind tunnels in the United States and Europe are close to parity.[3] However, the average age of major U.S. tunnels is about 38 years, and many of the older U.S. wind tunnels are subject to costly maintenance and breakdown. Furthermore, there are no adequate domestic alternatives for many older U.S. facilities. For example, during the past several years U.S. manufacturers have conducted a large amount of their low speed testing in European facilities during refurbishment of the Ames Research Center 12-foot subsonic wind tunnel, which is 48 years old.

TABLE ES–1—PROPOSED CAPABILITIES OF NEW LOW SPEED AND TRANSONIC WIND TUNNELS

Tunnel parameter	Low speed tunnel	Transonic tunnel
Reynolds Number	20 million at Mach 0.3 (full span model) 35 million at Mach 0.3 (semi-span model).	28.2 million at Mach 1 (full span model).
Mach Number	0.05–0.6	0.05–1.5.
Productivity	5 polars per occupancy hour *.	8 polars per occupancy hour.
Operating cost	<$1,000/polar	<$2,000/polar.
Operating pressure	5 atmospheres	5 atmospheres.
Total temperature	110°F	110°F at Mach 1.
Maximum power	45 MW	300 MW.
Test Section Size	20 ft 24 ft	11 ft 15.5 ft.
Flow quality	Low turbulence	Low turbulence.
Acoustic test capability	Acoustic test chamber.	Not applicable.

*A polar is a single test run consisting of 25 data points (see Appendix D).

Source: NFS, 1994.

In contrast, European industry has a new government-funded trasonic facility coming on-line during 1994 that is expected to significantly outperform any transonic development facilities in the United States in terms of Reynolds number capability.[4] The NFS report examines this situation in detail with regard to the development of new commercial air transports, which has very high flight Reynolds numbers.

More-capable wind tunnels will facilitate improvements in aircraft performance and producibility. However, as documented by the NFS, no wind tunnel in the world meets or can be affordably modified to meet the goals defined by the NFS for development of future transport and military aircraft (see Table ES–1).[5]

The ASEB agrees with the NFS that building the two tunnels as proposed is likely to enable subscale development testing for more than half of the new commercial transport aircraft projected for the next twenty years or so at flight Reynolds and Mach numbers. However, the flight Reynolds numbers of (1) very large commercial transports, (2) high speed civil transports, (3) high performance military aircraft, and (4) some revolutionary design concepts that might emerge in the future would exceed the capabilities of the proposed tunnels. Thus, the test results for these aircraft would have to be extrapolated to analyze their performance at flight Reynolds number. Nonetheless, this process would generally be more accurate than extrapolations based on data obtained from the less capable tunnels now available. In particular, the new wind tunnels would allow testing models of existing aircraft such as the B–737 and MD–90 at flight Reynolds number. Comparison of wind tunnel and flight data for these aircraft is likely to significantly improve the correlation of wind tunnel and flight data for future designs of conventional aircraft that have flight Reynolds numbers beyond the test limit of the proposed tunnels.

The NFS report recommends taking immediate action to reduce the projected cost ($2.55 billion) and schedule (eight years) of acquiring the proposed low speed and transonic wind tunnels.[6] The ASEB agrees that reducing cost and schedule is an important goal, but it cautions against using management-directed cost and schedule estimates to provide the illusion of achieving this goal.

3. Along with the procurement of new facilities, the ASEB agrees with the NFS that

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[1] Footnotes to appear at end of article.

selected upgrades to existing facilities are also essential to adequately support future research and development programs. These upgraded facilities will be important during the interim before new tunnels are operational and, afterwards, to round out the United State's test capabilities matrix. However, facility upgrades cannot alone satisfy future ground test requirements.

In particular, the ASEB endorses the NFS's proposed upgrade to the common 16S/16T drive system at Arnold Engineering Development Center and urges further consideration of additional activities to improve the reliability of the drive-system motors and compressor. In case of failure, major motor repairs could take from four months (to rewind a motor stator) to over three years (for complete motor replacement). Although Arnold Engineering Development Center estimates that motor problems requiring complete replacement are very unlikely, credible accidents such as an electrical arc-over with severe internal motor damage could reduce the operational capability of 16S (and 16T) for up to a year.[7] This would have a severe impact if it occurred at a critical point in an aircraft development program. Additional improvements to the drive system should be carefully considered to reduce the probability of such an occurrence.

4. The ASEB agrees with the NFS that the United States should acquire premier development wind tunnels rather than rely on continued use of European facilities. Over the past 25 years, as European aeronautics technology has risen to equal U.S. technology, the United States' market share in transport aircraft has declined 30 percent. Although market share is a function of many factors, if other nations achieve a higher level of aeronautical technology, erosion of the U.S. market share may accelerate, with accompanying reductions in balance of trade and jobs.[8] Continued advances in aerodynamic technology are necessary to avoid this situation. The proposed facilities represent an investment that is only a small fraction of the potential future gain and will provide an opportunity to enhance U.S. technology development. Acquisition of advanced high-productivity wind tunnels in the United States—where U.S. designers can efficiently coordinate their wind tunnel testing, model building, and computational activities—will improve the effectiveness and efficiency of the aircraft design and development process.

When aircraft designers introduce a new product, they must determine how far to push available technology before selecting the final design. The nation with the most efficient design-test-redesign process can achieve either (1) a given level of performance sooner or (2) better performance within a given period of time. Inferior, inefficient design or test processes, on the other hand, allow the competition to produce an equal or better product sooner. Slow design and test methodologies also extend the period that manufacturers must fund product development, increasing the costs of bringing new products to market.

Although U.S. designers have access to European facilities, the ASEB believes that the scheduling constraints faced by U.S. users and the inefficiency of conducting transatlantic design and development efforts inevitably delay the introduction of new products. Conversely, European competitors have greater access to better test facilities and, potentially, to the data generated when U.S. aircraft manufacturers use their wind tunnels. In combination with other improvements that industry is making in its design and manufacturing process, the ASEB believes that the construction of advanced development wind tunnels will be an important contribution to the productivity of the U.S. aeronautics industry.

Because of national security concerns, foreign facilities are especially inappropriate for development of military aircraft. The U.S. defense industry is generally limited to U.S. facilities, even if more-capable facilities are available elsewhere.

The NFS report identifies three options for funding the construction of the proposed subsonic and transonic wind tunnels: industry only; a government/industry consortium; and government only. After assessing these options, the NFS "envisioned that the facilities will be constructed primarily with government funding," and it concluded that "funding by industry alone is not a viable source of capitalization." However, it also determined that the possibility of obtaining funding jointly from government and industry "could not be ruled out" and it recommended conducting "further studies to look at innovative funding approaches and government/industry consortia arrangements." The ASEB understands that these studies are underway.

5. The ASEB agrees with the NFS that additional action is necessary to address future requirements for supersonic, hypersonic, and aeropropulsion test facilities. It is not appropriate to immediately proceed with the construction of new supersonic, hypersonic, or aeropropulsion development facilities. Each of these areas, however, will be important to the aeronautics industry of the future. Thus, appropriate action should be taken to ensure that required facilities will be available when necessary.

Supersonic Facilities. The Department of Defense will have continuing needs for supersonic ground testing of new upgraded military flight vehicles and systems, and NASA's High Speed Civil Transport Program will create additional demands for access to supersonic wind tunnels.

Incorporating supersonic laminar flow characteristics into military and commercial aircraft would significantly reduce drag and surface heating and increase fuel efficiency. However, designing a cost-effective supersonic laminar flow facility to conduct development testing is beyond the current state of the art. Solution of the complex problems involved will require a continued program of theoretical and experimental investigation.

In order to partially address shortfalls in U.S. supersonic facilities regarding productivity, reliability, maintainability, and laminar flow test capabilities, the 16S facility at Arnold Engineering Development Center, which would be used to support development of a first-generation high speed civil transport, should be upgraded. In addition, research should continue on supersonic laminar flow technology and facility concepts.

Hypersonic Facilities. More-capable hypersonic ground test facilities are needed to provide the option for future development of hypersonic vehicles. State-of-the-art technology, however, is not adequate to build major new hypersonic facilities that will have the needed capabilities in areas such as model size, run time, pressure, temperature, and velocity. Therefore, near-term efforts should focus on a program of research to select, develop, and demonstrate the most promising hypersonic test facility concepts. Long-term efforts to build hypersonic development facilities will be contingent upon successful completion of the near-term facility research effort and concurrent efforts to validate future requirements for hypersonic vehicles.

Aeropropulsion Facilities. Aeropropulsion test facilities within the United States have the capability to test current air breathing engines under the operating conditions experienced during takeoff, climb, cruise at flight speeds up to Mach 3.8, approach, and landing. Looking to the future over the next 10 to 30 years, air breathing engine test facility requirements will be determined by engine size, type, configuration, and air flow requirements.

The Aeropropulsion System Test Facility at Arnold Engineering Development Center, as currently configured, is adequate for altitude testing of the newest generation of high-bypass engines. However, a 40 percent increase in flow capacity might be required to handle the next generation of ultra-high-bypass, gear-driven propulsor engines such as the PW4000 Advanced Ducted Propulsor. These engines could be certified after the year 2000—if the aircraft manufacturers develop new, larger aircraft requiring such engines. Implementation of facility upgrades for these larger subsonic engines would take four to eight years, so there is time to "wait and see" before deciding how to proceed.

Recommendations going beyond those of the national facilities study

As previously indicated, the remaining four items go beyond the recommendations of the National Facilities Study report. These recommendations of the National Facilities Study report. These recommendations will (1) reduce risk associated with carrying out the actions recommended by the NFS and (2) facilitate long-term efforts to provide U.S. users with improved aeronautical ground test facilities.

6. The Wind Tunnel Program Office should conduct trade studies to evaluate design options associated with the proposed new low speed and transonic wind tunnels.[9] Facility configuration trade-off studies conducted by the NFS on Reynolds number, productivity, and life cycle cost appear to be sound. However, additional configuration studies should be conducted during the design phase of the wind tunnel program. These assessments should take into account the differences in tunnel and model parameters between subsonic and transonic wind tunnel testing. They should evaluate the merits of the following design options:

a. Using a single tunnel to test both the low speed and transonic speed regimes. While a single tunnel would be unlikely to offer the same capabilities as two separate tunnels, the extent to which performance and operational costs would be compromised should be evaluated in terms of savings in acquisition costs. This assessment should verify the accuracy of projected utilization rates to determine if a single facility could meet the expected demand for test hours.

b. Making incremental changes to the tunnel operating pressures (e.g., from 5 to 5.5 atmospheres). Increasing wind tunnel operating pressure would allow facility size and cost reductions without sacrificing Reynolds number capability. The extent to which higher pressures could be used without unduly jeopardizing the cost, efficiency, and effectiveness of the overall ground test process is unclear, and the interaction between tunnel pressure and model design should be investigated further for both the transonic and subsonic tunnels. This investigation should take into account the considerable differences that exist between these two flight regimes. In particular, use of higher pressures is likely to be more feasible for subsonic wind tunnels than for transonic wind tunnels because of the differences in dynamic pressures.

c. Including within the baseline design the ability to provide future growth in Reynolds number capability through use of higher operating pressures (up to 8 atmospheres), reduced temperatures (down to about -20 °F), and/or a heavy test gas (such as SF_6). Incorporating these capabilities into the new facilities would add significant cost. There are also technical concerns regarding wind tunnel tests using high pressure or gases such as SF_6. However, it would add only a few percent to the cost of the new facilities to plan ahead for future upgrades that would use one of these capabilities. For example, initially designing the Low Speed Wind Tunnel pressure shell to withstand 8 atmospheres would facilitate subsequent facility upgrades to higher operating pressures. Experience with existing facilities shows that test requirements often evolve beyond the expectations of the original designers. Failure to initially build in growth capability would make future facility upgrades highly unlikely and limit the ability of future facility operators and users to enhance tunnel capabilities. (Appendix D provides more information on how pressure, temperature, and test gas impact wind tunnel performance capabilities.)

d. Improving the robustness of the tunnel designs. Designing selected subsystems and components of the new wind tunnels with margin for growth relative to pressure and operating power could improve system reliability, increase facility lifetime, and reduce the costs of future upgrades.

In addition, the Wind Tunnel Program Office should ensure that the new transonic and low speed facilities will be able to adequately support development of supersonic aircraft. The importance of low speed and transonic wind tunnels extends beyond their application to subsonic and transonic aircraft. They will also be of special importance to supersonic aircraft such as high speed civil transports that must also operate in lower speed regimes during take-off, acceleration, transonic flight over land, and landing. The design of the proposed new wind tunnels should be compatible with the test requirements of higher speed aircraft to the extent that this additional capability is affordable and does not unacceptably degrade the tunnels' ability to execute the primary mission. The detailed design phase of the new wind tunnels should also ensure that features necessary to adequately accommodate development testing of military aircraft, including stores separation testing, are incorporated into the design of the new wind tunnels as appropriate. Ongoing efforts by the U.S. Air Force to more closely define military requirements for future development wind tunnels will assist in this effort.

7. NASA and the Department of Defense should continue support for facility research in the subsonic and transonic regimes. The highest priority need in the area of low speed and transonic facilities is for new development facilities. Related research, which includes both vehicle- and facility-oriented efforts, is also important to long-term competitiveness. For example, the ability to construct practical development test facilities that use heavy gas (such as SF_6) and/or very high operating pressures (15 atmospheres or more) would (1) greatly reduce facility size and cost and (2) increase Reynolds number test capability. Continued funding of appropriate research is an essential precursor to the development of future generations of ground test facilities and future upgrades of existing and planned facilities.

8. NASA and the Department of Defense should expand coordinated efforts that involve aerodynamic test facilities, computational methods, and flight test capabilities. Computational methods such as computational fluid dynamics are used during the aircraft design process to analyze and predict aerodynamic characteristics in all speed regimes. However, they must be validated by experimental ground and flight tests before they can be relied upon for design or evaluation in any phase of development. Improved aerodynamic wind tunnel testing will provide a better understanding of aircraft fluid dynamics, including Reynolds number and boundary layer effects. This understanding will permit more-accurate scaling of ground test data to in-flight performance. Nonetheless, for the foreseeable future, computational methods will not eliminate the need for highly capable wind tunnels to support development of advanced aircraft. Continued work to improve computational methods and continued flight exploration (e.g., X-planes) are required adjuncts to the acquisition of new and improved wind tunnels. Better scaling methodologies are needed as soon as possible. They will be useful during the interim before new tunnels are available, and, in the long run, they will extend the utility of new tunnels for the design of very large and usually configured future aircraft.

9. NASA and the Department of Defense should develop a continuing mechanism for long-term planning of aeronautical test and evaluation facilities. Assigning the responsibility to study future requirements and conduct long-range planning to a permanently established body would provide greater continuity than the current process of relying on intermittent, ad hoc committees. Experience with current facilities indicates that the service life of major new facilities could easily extend to the middle of the next century. The long-term utility of major new facilities will be greatly enhanced if their designs are based on a broad view of future test requirements.

An overall assessment of Volume II of the NFS report and a complete list of the ASEB's findings and recommendations appear in Chapter 7.

FOOTNOTES

[1] The National Research Council report "Aeronautical Technologies for the 21st Century" (NRC, 1992) documents historical trends and projects future gains in aircraft performance as a result of technological advances.

[2] Overall priorities are discussed in more detail in Chapter 6 starting on page 44.

[3] Mach and Reynolds numbers are defined in Appendix D.

[4] The U.S. National Transonic Facility has a Reynolds number capability of 119 million, but its productivity is an order of magnitude less than other large transonic facilities. Thus, even though it has a limited (design-verification) role to play in the development of new aircraft, it is not a "development" wind tunnel. Its primary role is as a research facility.

[5] The NFS initially established a Reynolds number test capability of approximately 30 million as a goal for both the low speed and transonic wind tunnels. After assessing the impact of performance goals on facility design and cost, the NFS recommended accomplishing this goal in the low speed regime using semi-span models. Semi-span models include only the left or right half of an airplane. This increases the Reynolds number capability of a given facility relative to tests using full-span models.

[6] The National Facilities Study included a very detailed costing effort, which is documented in Volume II–A of its final report.

[7] Laster, M.L. June 17, 1994. National Aeronautical Test Facilities Study Information Memorandum. Directorate for Plans and Requirements, Arnold Engineering Development Center. Arnold Air Force Base. Tennessee.

[8] For a more thorough discussion of the factors affecting the eroding U.S. position in aeronautics, the necessary but insufficient role that advances in technology play, and specific technology advances that are possible and desirable, see "Aeronautical Technologies for the Twenty-First Century" (NRC, 1992), pages 26–34 and the discussions of current industry status, market forecast, and barriers for each of the major speed regimes.

[9] NASA has established a Wind Tunnel Program Office at Lewis Research Center. This office, which reports to the NASA Administrator, is now working with industry to develop an acquisition strategy and conduct design trade studies for two new low speed and transonic wind tunnels, as recommended by the National Facilities Study. Participants in this effort include veteran wind tunnel designers, operators, and users from government and industry. If federal responsibility for development of these facilities is reassigned, then the designated successor should assume responsibility for actions assigned in this report to the Wind Tunnel Program Office.

Mr. BUMPERS. The Senator from Missouri, I think, now wants to offer his amendment, which I have agreed to, as a second-degree amendment.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 332 TO AMENDMENT NO. 330

(Purpose: To provide a limitation on the use of funds for entry with Russia into an agreement on exchange of equipment, technology, and materials)

Mr. BOND. Mr. President, I send an amendment to the desk in the nature of a substitute on behalf of myself, Mrs. FEINSTEIN, Ms. MIKULSKI, and Mrs. HUTCHISON, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself, Mrs. FEINSTEIN, Ms. MIKULSKI, and Mrs. HUTCHISON, proposes an amendment numbered 332 to amendment No. 330.

Mr. BOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the matter proposed to be added, add the following:

SEC. . (a) Notwithstanding any other provision of law, no funds appropriated by this Act, or otherwise appropriated or made available by any other Act, may be utilized for purposes of entering into the agreement described in subsection (b) until the President certifies to Congress that—

(1) Russia has agreed not to sell nuclear reactor components to Iran; or

(2) the issue of the sale by Russia of such components to Iran has been resolved in a manner that is consistent with—

(A) the national security objectives of the United States; and

(B) the concerns of the United States with respect to nonproliferation in the Middle East.

(b) The agreement referred to in subsection (a) is an agreement known as the Agreement on the Exchange of Equipment, Technology, and Materials between the United States Government and the Government of the Russian Federation, or any department or agency of that government (including the Russian Ministry of Atomic Energy), that the

United States Government proposes to enter into under section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153).

Mr. BOND. Mr. President, I thank my colleague from Arkansas for working out what would have been a very troubling first-degree amendment that would have held hostage a very important cooperative scientific and space technology venture to address a foreign policy issue which, though widely important, was unrelated to the space station.

The shuttle-MIR rendezvous program was a cooperative effort between NASA and Russia which has important benefits for both nations, and is being paid for by both nations. It is not a paid grant for assistance to Russia. The United States has contracted with the Russian Space Agency for a number of services and activities, excluding the launch and support of an American astronaut to their MIR space station.

As we heard on the news today, the American astronaut has in fact come aboard the Russian space station. Our astronaut will utilize this Russian facility to conduct scientific experiments and will return to Earth aboard the space shuttle when it docks with the MIR space station in June. This mission will provide important experience and understanding of such docking procedures which are critical to the deployment of the international space station.

In addition, the experiments conducted by the astronaut aboard the Russian MIR space station will provide the United States our first opportunity to obtain long-term microgravity scientific data.

The amendment, as originally proposed, therefore attempted to threaten the Russians by saying that unless you do it as we say, we will shoot ourselves in the foot, which did not make a great deal of sense because we made the mistake when Russia invaded Afghanistan. We punished our own farmers by cutting off grain sales to the Soviet Union. In that case, Russia was free to purchase cheaper foreign grain on the foreign market. Only U.S. producers were hurt. This amendment avoids the temptation to shoot ourselves in the foot again by denying our scientists and engineers the opportunity to utilize the investment made by Russia in the MIR space station.

I am very pleased to say that with the efforts of Senator HUTCHISON, Senator MIKULSKI, and Senator FEINSTEIN, we have worked out a compromise with our colleague from Arkansas. We all share concerns over the potential sale by the Russians of nuclear reactors to Iran. We believe that adequate safeguards against the proliferation of nuclear technology must be secured. The revised amendment, however, targets the Russian Ministry of Atomic Energy for loss of United States assistance should any sale be carried out without adequate nonproliferation guarantees. This, in fact, targets our efforts on the agency which is causing us great concern.

With this modification, the amendment is strengthened, and focuses on the parties in Russia responsible for this sale of the reactor technology. I commend the Senator from Arkansas for calling our attention to this very troubling development.

But I believe the substitute amendment is a good amendment, and I urge its adoption.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I do not want to delay this, because we have agreed to it. But I want to say this is not the sort of amendment that I would normally offer. I very much want the United States and Russia to develop a new cooperative attitude toward each other. I have voted for some funding for Russia, which is not very politically popular in this country. But I want Russian democracy to succeed. But I also want the Russians to show some appreciation for the assistance we have been giving them.

The cooperative space effort which was the subject of my original amendment. I remain very much opposed to it, and I will try to kill it later on this year. But I support giving Russia aid to build housing for their military so they can dismantle their military forces faster, and giving them money so they can dismantle their bombers, nuclear warheads, and launchers. That is all very much in our interest. It is not just to accommodate them; it is in our interest. But then there is this gigantic space cooperation program; which is a jobs program in America, but which does not do anything else for us.

But I want to say that when the Russians cavalierly say we are going to sell nuclear reactors to the biggest renegade nation on this planet, namely, Iran, I belong to the "Wait-Just-a-Minute Club." There is not any question about the fact that more terrorism comes out of Iran than any other country on Earth. So I take very strong exception to the Russians irresponsibly cutting a deal to sell nuclear reactors to Iran, which has more oil than they could possibly put in all the generators they could build through the millennium. Iran can only want nuclear reactors for one thing. That is for a nuclear weapons program.

Mr. President, this amendment is not terribly tough. My first amendment said we will stop all space cooperation for the Russians until the President certifies that the Russians have assured him they will not sell these reactors to Iran. That caused about 10 heart attacks around here in people who are interested in the space station. And, quite frankly, I like to cooperate with the President, who is very much opposed to my amendment.

Finally, I yielded to this particular amendment, which is not totally toothless, because the Russians want our nuclear technology.

They want it very badly. And the head of MINATOM, I think, will get the message. Perhaps the Russians will finally call off this deal to sell reactors to Iran. So now we are saying in this amendment to the Russians and to the President: Mr. President, you need to put all the pressure you can on President Yeltsin and the MINATOM agency, which is very independent, and you need to get a commitment from them. If this is not strong enough medicine, I promise you stronger medicine will follow because here we are spending about $1.5 billion a year trying to help the Russians. And that aid is not popular around this country.

I know what is popular in this country as well as anybody does. I am saying that if we do not get some results out of this amendment, stronger medicine will follow. There is only one thing more irresponsible than the Russians selling nuclear reactors to Iran, and that is for us to sit by and do nothing.

I thank Senators FEINSTEIN, BOND, MIKULSKI, HUTCHISON, and others who worked with me in crafting this amendment, which is quite different from the one I originally offered. I am prepared to now vote on the amendment.

Mrs. FEINSTEIN. Mr. President, I rise in support of the substitute amendment being offered by the senior Senator from Missouri [Mr. BOND], to the Bumpers amendment. I was pleased to work with my colleagues and the administration in helping draft this important amendment.

I support Senator BUMPERS' efforts to block the export of Russian nuclear reactors to Iran. However, the amendment misses the target. It threatens to jeopardize a program of great importance to the United States and other Western countries—the international space station—and it penalizes the Russian Space Agency as opposed to the bad actors in Russia: the Ministry of Atomic Energy, or MINATOM.

The Bumpers amendment would withhold funding for the first stage of the international space station program—the space shuttle-MIR cooperative effort—until the President certifies to Congress that Russia has agreed not to sell nuclear reactor components to Iran.

As many of my colleagues know, the space shuttle-MIR Cooperative effort is a prelude to implementation of the space station program. It consists of seven shuttle flights to the Russian MIR space station that will reduce technical and scientific risks to the assembly and operation of the international space station. In addition, it consists of U.S. participation in the MIR program. Earlier this month, United States astronaut Norm Thagard was launched on a Russian spacecraft to the MIR space station to perform science investigations. Thagard will be aboard MIR for more than 90 days.

The Bumpers amendment, if enacted into law, would put an end to the shuttle-MIR cooperative effort and essentially kill the international space station, a program that, according to NASA, is proceeding smoothly and meeting all cost, technical, and schedule milestones. This amendment would also impact our other international partners in the space station program—Europe, Japan, and Canada—who have already contributed over $8.5 billion to the program.

While I cannot support Senator BUMPERS's amendment because of its impact on the space station program, I, too, am concerned about the Russian export of nuclear reactors to Iran. That is why I am supporting the substitute amendment being offered by Senator BOND, myself, and others. Instead of punishing the Russian Space Agency—who, by the way, has been cooperating with our efforts to halt the proliferation of missile technology around the world—the substitute amendment would target the bad actors in Russia, MINATOM, the organization that signed the nuclear deal and will actually export the reactors to Iran.

While protecting important programs that the United States has with MINATOM—such as the material protection control and counting program, as well as the high enriched uranium contract—the substitute amendment would block any agreement under section 123 of the Atomic Energy Act. A 123 agreement is of great interest to MINATOM because it would give Russia's atomic energy agency broad access to United States nuclear technology and equipment, such as reactors, nuclear fuel, and major components for reactors. A 123 agreement would permit MINATOM to modernize its nuclear reactor program, thus making it more competitive internationally.

This substitute amendment hits the Russian atomic energy agency where it hurts. MINATOM wants a 123 agreement. In fact, it recently submitted a detailed proposal for such an agreement to the U.S. Department of Energy, where it is currently pending.

I also believe that by targeting MINATOM instead of the Russian Space Agency, this substitute amendment will have greater influence over Russia's proposed sale of nuclear reactors to Iran. As the Congressional Research Service points out, MINATOM has a:

> * * * tendency to pursue policies independent of President Yeltsin's stated positions. Many officials suspect that MINATOM is more concerned about making money than about controlling nuclear materials * * *. Many view MINATOM as a largely independent, self-interested bureaucracy.

By targeting MINATOM directly, the United States will have greater leverage in trying to block the Russian export. The lack of a 123 agreement could force MINATOM to reconsider the Iranian nuclear reactor deal.

Senator BUMPERS is right that we must do everything practical to stop Iran from becoming a nuclear-capable nation.

Iran is a supporter of state-sponsored terrorism and funnels money to Islamic fundamentalist terrorist groups such as Hezbolah;

Secretary of State Warren Christopher said that Iran is on a crash program to acquire nuclear weapons; and

Though the International Atomic Energy Agency [IAEA] has found no evidence of a nuclear weapons program in Iran, our intelligence agencies believe that Iran is actively pursuing such a program and, according to press reports, is 6 to 8 years away from having a bomb.

A nuclear-capable Iran is a very real threat to the United States and the entire world. Even though the proposed Russian export of nuclear reactors to Iran is allowed within the context of the Nuclear Non-Proliferation Treaty [NPT], and even though the reactors are light-water reactors, I believe that Iran is a reckless country that cannot be trusted with any type of nuclear technology.

The Bond-Feinstein substitute amendment targets the bad actors in Russia that are proceeding with the export of nuclear reactors to Iran. I believe that this amendment will have a much greater influence on the Russians and will do more to encourage MINATOM not to export the nuclear reactors to Iran. In addition, this substitute amendment will not jeopardize a program that is important to California and the entire Nation—the international space station.

I urge my colleagues to support the substitute amendment.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I rise in support of the Bond-Hutchison-Feinstein-Mikulski substitute to the Bumpers amendment. I want to thank the Senator from Arkansas for his cooperation in resolving this issue. Know that I support the policy questions that his original amendment raised, and am appreciative of the fact that when resolving one policy issue related to possible nuclear proliferation, we were not creating damage and havoc in America's space program.

I urge the adoption of the substitute. I thank the Senator from Arkansas for his cooperation.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the substitute amendment of the Senator from Missouri.

The amendment (No. 332) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. Procedurally, Mr. President, do we need to adopt the underlying amendment to which the substitute has just been adopted?

The PRESIDING OFFICER. Yes, that is appropriate at some point. Is there further debate?

Mr. BOND. No.

The PRESIDING OFFICER. We will move to the adoption of the Bumpers amendment, as amended.

The question is on agreeing to the amendment.

The amendment (No. 330), as amended, was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 333

(Purpose: To rescind funds made available for the construction of wind tunnels)

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 333.

Mr. BUMPERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> At the appropriate place in CHAPTER VII of TITLE II of the bill add the following:
>
> "INDEPENDENT AGENCIES
>
> NATIONAL AERONAUTICS AND SPACE ADMINISTRATION NATIONAL AERONAUTICAL FACILITIES
>
> (RESCISSION)
>
> Of the funds made available under this heading in Public Law 103–327, for construction of wind tunnels, $400,000,000 are rescinded."

Mr. BUMPERS. Mr. President, today, the House of Representatives is voting on a very important piece of legislation called rescissions. They are proposing to cut $17 billion out of this year's budget. A good portion of that will be used to pay for California disaster aid. The net reductions in the House rescission is over $11 billion.

As a Democrat, I want to say there are things in that rescission bill with which I disagree. But I applaud the people in the House who are indeed finding some spending cuts that we can make without discommoding this Nation and an awful lot of people. I might say, by way of digression, that I agree with 70 percent of the people in this country who say that every dime of that ought to go on deficit reduction, not for tax cuts.

Further digressing, I am not voting for any tax cuts. I am going to vote for everything that will reduce the deficit of this country and keep faith with the American people. You cannot do that by saying here is a new $200 billion tax cut, and now we are going to start balancing the budget. Not only does that not make sense, it is not even popular. The poor person working on an assembly line will get enough to buy a 13-inch pizza each Friday night out of the tax cuts. Based on the inflation figures coming out, there is a chance he is going to pay more interest on his house and car and on everything he buys on time if we inflate this economy with $200 billion in additional tax cuts.

What in the name of all that is good and holy are we talking about? Tax cuts to generate economic activity? The inflation rate is up this morning to a level that is alarming to everybody, and Alan Greenspan raised interest rates in the last 14 months seven times to dampen economic activity. You have Greenspan on the one hand saying, "I am raising interest rates to slow economic growth," and you have the Republicans in the House saying, "We are going to give all this tax money to you to stimulate economic growth." You cannot have it both ways. You should not. We ought to put this money where everybody in America wants it—on the deficit.

I am going to help the Republicans balance this budget by the year 2002, if they will let me.

That is why I am standing here today. Last year, Mr. President, with no authorization from anybody, the HUD–VA Appropriations Committees in the House and Senate went to conference, and approved $400 million for wind tunnels that was included in the Senate bill. Mr. President, $400 million ain't beanbags.

The Presiding Officer is smiling because he and I have gone after a lot of these boondoggles, from the super collider to the space station, and you name it. And the President, thank goodness, had the good sense to kill the advance neutron source. That is another $3 billion we were getting ready to spend. And now we have wind tunnels.

That is not the best of it. Not only did we go to conference with the House, which had nothing in its budget for wind tunnels, and approve this $400 million for wind tunnels to accommodate the aircraft industry even though it had not been authorized in either House, but here is what they said—and I want every one of my colleagues watching or listening to this in their offices and those on the floor, if they do not hear another word I say, I want them to hear this. Here is the text of the appropriations bill that came out of the conference committee:

> For construction of new national wind tunnel facilities, including final design modification of existing facilities, et cetera, the National Aeronautics and Space Administration, $400 million is to remain available to NASA until March 31, 1997, provided—

Listen to this proviso.

> that the funds made available under this heading—

Namely this $400 million.

> shall be rescinded on July 15, 1995, unless the President, in his budget for 1996, requests the National Aeronautics and Space Administration for continuation of this wind tunnel initiative.

This is what the conference report came back with. This will be rescinded unless the President asks for the money.

Well, the President did not ask for the money in his fiscal year 1996 budget. Now what is the argument? "Did we ever fool you." Is that the argument? "Boy, did you bite into this one."

You will never find anything easier to cut than this $400 million.

Let me say to my Republican brethren who want to privatize everything: How can you go around talking about privatizing everything and then say to the aircraft industry, already is getting $60 million to study wind tunnels, how can you say to them, "We know you would like to have these wind tunnels and we know you don't want to spend your money to do it, so we will spend old Uncle Sucker's money to build these wind tunnels for you."

You will hear people talking about, "Oh, this deals with aircraft safety. This deals with aerodynamics. If we don't do it, the European Airbus consortium is going to eat our lunch."

That is kind of like the superconducting super collider. There is one in Geneva that was going to cost about $1 billion or maybe $2 billion, so we had to build one in Texas about five times as costly.

Somebody is building wind tunnels over there, so we are getting ready to embark, Mr. President, not on a $400 million venture, but somewhere between $2.5 and $3.2 billion. And the project has not been authorized—$3 billion; $400 million of which the conference committee said will be rescinded unless the President asks for it. Now the President is not a piker about asking for money. He surely had some reason not to ask for it.

And so, here we are cutting food stamps, cutting aid to children and homeless mothers—most of which is hardly applauded by the American people—cutting $1.7 billion to give the poorest children a job during the summer months. That is a cut that says, "You kids hang around the pool hall this summer. We are cutting this program totally, because we have to start this wind tunnel."

I do not know, technically, how valid the arguments are about the need for these wind tunnels. All I know is we have a pretty healthy aircraft industry in this country and they ought to be doing it.

Do you want to privatize something? Privatize the wind tunnels. It is corporate welfare at its worst.

Mr. President, I do not think we have a time agreement on this.

Is there a time agreement, Mr. President?

The PRESIDING OFFICER. There is an agreement that limits time prior to a motion to table. Under that agreement, it is 45 minutes. The Chair believes that is divided, with 30 minutes reserved to the Senator from Arkansas.

Mr. BUMPERS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. There are 20 minutes remaining to the Senator from Arkansas.

Mr. BUMPERS. Mr. President, to some of the people around here who profess to be deficit hawks, along with me, let me implore you: Do not vote for this because it is going to be built in somebody's State. Do not vote for it because you want to help the Boeing Corp.

One other point, Mr. President. The private sector is expected to put up 20 percent of the money. Think about this. Mr. President, here is the $64 question. I will let you guess. How much do you think they have committed so far? Oh, I can tell by the look on your face you already know. Zip. Not one penny.

So I plead with my colleagues to be able to go home and say, yes, we took out $400 million, headed for $3 billion, because we believe in the private enterprise system in this country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Does the Senator note the absence of a quorum?

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum with the time to be charged equally to both sides.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, I will just make one quick point, a very important point that I overlooked. And that is this rescission is in the House version of the defense supplemental we have before us today. So the House has already taken the $400 million out. And in order to avoid any conflicts, any conflicts in the conference with the House we should do the same thing here.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I yield myself such time as I may need.

Mr. President, our committee has recommended substituting $400 million in public housing new construction funds for rescission rather than the wind tunnel appropriation.

Very simply, this is an effort to get us back on track for transforming the out-of-control Housing and Urban Development policies. We need to stop spending in areas where we cannot spend money wisely, but we also need to save manufacturing jobs. New science and real manufacturing jobs are the things that depend upon this wind tunnel.

My colleague from Arkansas has said, "Well, we do not want to be in disagreement with the House." Mr. President, if we were not in disagreement with the House, life might be a lot simpler around here, but I do not think that we would be earning the trust that the citizens of our States have put in us, because I happen to think that the House, if, in fact, they have rescinded the wind tunnel authorization, has made a major mistake.

The commercial airplane market in the United States is a $40-billion-a-year enterprise which the United States dominated until foreign competition, specifically Airbus, with strong governmental support, weighed in with aggressively priced technically advanced aircraft. Airbus has captured about 30 percent of the market and now increasing competition is expected from Russia, China, Japan, and others.

Critical to the continued U.S. competitive position in this growing market is the development of new technically advanced aircraft. Access to wind tunnels, such as the ones currently under study, are necessary for such development and such facilities do not currently exist in the United States.

Airbus, by contrast, has several facilities available to it in European countries, including a new transonic facility in Germany. The development of these wind tunnels will be a joint venture between the Government and industry, with significant industry financial contributions. NASA and industry participants have underway an extensive study of design configuration of this wind tunnel complex, along with an assessment of financial and legal arrangements for a Government-industry consortium to build and operate the national wind tunnel facility.

These studies began last year and will not be completed until fiscal year 1997. The appropriation of $400 million for the wind tunnel facility was made last year before the schedule of the ongoing study was determined. The contingency included for this appropriation—which call for further funding in fiscal year 1996—therefore, did not adequately reflect the time necessary to conduct the study.

Only after the analysis is completed will we be in a position to make recommendations on industry participation and further funding the complex. As I noted before, these decisions will be made in fiscal year 1997, and the administration has requested supplemental language to change the previously enacted limitation to extend availabilities of this funding to that fiscal year.

It is the committee's intention to recommend enactment of the administration's requested supplemental language. This item was not appropriate for inclusion in this defense supplemental and rescission bill. It will be considered in connection with the next supplemental appropriation bill.

Mr. President, how much time remains on this side?

The PRESIDING OFFICER. Eleven and one-half minutes remain.

Mr. BOND. Mr. President, I would like to yield 5 minutes to my ranking member of the Appropriations Subcommitee, the Senator from Maryland, Senator MIKULSKI.

After that, I would like to give 2 minutes to the Senator from California [Mrs. BOXER].

Ms. MIKULSKI. Mr. President, I rise in opposition to the proposed amendment and in support of the committee's recommendation regarding funding for the national wind tunnel complex.

The reason I oppose the amendment is that I believe that in our quest for quick fixes to help ease the budget deficit, that we do not make the kind of shortsighted cuts which will cost us jobs and productivity in the long run.

Wind tunnels are the 21st century test tubes for America's aeronautics industry. No industry defines our country's economy more than commercial aeronautics.

The European aeronautics consortium, Airbus, started just 25 years ago. But since that time, they've gained a 35-percent market share in commercial aviation. The European Airbus consortium now make and sell more commercial planes than McDonnell-Douglas, second only to Boeing. They are gaining ground on us, year by year, and threaten the long-term dominance of the United States in this centerpiece of our manufacturing base.

Mr. President, the commercial market for aircraft is forecast to be in excess of $800 billion in the next 20 years of which almost two-thirds will be sales to foreign airlines. Russia, China, and Japan are weighing entry into this market.

A vital factor in obtaining market share in the next century will be the ability of the U.S. manufacturers to introduce new aircraft that are capable of advanced performance through improved technologies.

The new low-speed transonic wind tunnels will enable U.S. manufacturers to more effectively simulate flight conditions and reduce cycle times in the development of new aircraft and derivatives.

It should come as no surprise that European governments have invested in six major wind tunnels in the last 15 years, which has provided Airbus with a distinct aerodynamic advantage.

Mr. President, U.S. aircraft testing facilities are so far behind the times that American airplane makers must go to Europe to do much of their testing and face the threat of having their most promising technology compromised in the backyard of their biggest competitor.

Commercial aviation is one of the few areas where U.S. preeminence in manufacturing now exists. We export far more than we import. This is one area of our manufacturing base where we still provide high-skilled, high-quality jobs for American workers.

But unless we act to make this industry fit for duty, we run the risk that U.S. commercial aviation may go the way of the VCR, the automobile, the textile industry, or the TV.

Mr. President, the $400 million that was appropriated in the fiscal year 1995 VA-HUD bill was provided to allow the Federal Government to join with the private sector in a cost-shared accelerated effort to develop these wind tunnel facilities. This is a Federal investment in precompetitive research and development. It is not our intention to have the Federal Government pick winners and losers. We don't subsidize the production of commercial products. With this investment, we are simply making sure that U.S. companies who are up against other countries in this field have the kind of test facilities they need to retain their edge.

Mr. President, if we are not willing to fight for aeronautics, what kind of manufacturing strategy do we have?

It was an attempt to answer that question that persuaded Senator BOND and me to make the recommendation that we did. Rather than sacrifice future productivity and jobs, we elected to reduce funding available for public housing and new construction at HUD. We decided to defer some new starts and, given the administration's proposal to reinvent HUD which the VA-HUD Subcommittee will be addressing in the fiscal year 1996 bill, it makes little sense to add to the existing public housing inventory.

Mr. President, we need this wind tunnel initiative to go forward now. As we noted in the statement of managers that accompanied the fiscal year 1995 VA-HUD appropriations bill, the $400 million appropriated is needed to leverage reliable and resilient cost-sharing from the private sector and State and local governments that will bidding on potential sites for the wind tunnel complex.

The total cost of the national wind tunnel complex is estimated to be between $1.8 and $2.3 billion. This is more than either the Federal Government or private industry can fund alone. What is required is a partnership between the public and private sectors to share costs and technical know-how.

NASA has already established an industry team led by Boeing that includes McDonnell Douglas, Lockheed, Northrop Grumman, Pratt & Whitney, and General Electric. Working with NASA this industry team is developing engineering, performance, cost, financing and site evaluation options needed to lay the groundwork for a comprehensive plan and strategy for the development of the wind tunnels.

Although the administration has not requested additional funding for the national wind tunnel complex in its fiscal year 1996 budget request, the President is proposing that the $400 million appropriated in fiscal year 1995 remain available until fiscal year 1997 to allow for the completion of the comprehensive study. Guided by this study, construction of the wind tunnels can begin in fiscal year 1996, provided that funding provided in fiscal year 1995 is available.

There might be those in America who say, why does the U.S. Senate want to advocate more wind tunnels? The whole Senate is a wind tunnel.

Well, Mr. President, I know how they feel. Very often more gets said than gets done. What we did when we advocated the building of a national wind tunnel complex—this is the new infrastructure that enables the United States of America to be competitive in terms of developing the new aviation technologies that we need to have in order to have the new aeronautic aviation designs for the new planes of the 21st century.

The reason I oppose this amendment is that I do not believe in our quest for quick fixes. Those kind of one-liners we can put out on talk rodeo or radio are so shortsighted that we think if we knock something out like this, we can grab onto how we cut out $400 million and saved a little muffin at the school lunch program, then we have been doing something.

Mr. President, we need to have a future. We need to have jobs in manufacturing. The most important source of jobs in manufacturing right now are in our aviation industry, and yet we are being beaten to death in the new world market.

Our competitors abroad have government-financed wind tunnels that are helping them develop the new technologies of the 21st century. That is what these wind tunnels are. They are test tubes for America's aviation industry.

My colleague has spoken to the aeronautics consortium, Airbus, that started 25 years ago. With all the big bucks subsidies they get they have now gained a 35-percent market share in commercial aviation. The commercial market for aircraft is forecast to be over $800 billion in the next 20 years. Russia, China, and Japan are talking about getting into this market.

Mr. President, keep in mind that the European Airbus consortium began in 1972 and by 1980 had a 20-percent share of the commercial market. By 1990, Airbus controlled 30-percent market of the commercial market. Airbus is now targeting a 40-percent share by the year 2005.

So we will have competition from fortress Europe and we will have competition from the juggernauts on the Pacific rim. This is why we need to develop this technology, so that we can continue to make sure we are not on a glidepath and heading into a crash when it comes to our aviation industry.

This is a partnership with the private sector. We are not picking winners and losers. We are paying for the previous competitive infrastructure with cooperation from the private sector. The private sector will pay to use wind tunnels.

We cannot afford further delay. We cannot continue to allow U.S. market share in aviation to erode. Make no mistake. The issues here are jobs today and jobs tomorrow. Jobs in manufacturing that employ everyone from high-technology engineers to highly skilled people in manufacturing.

I believe the best social program is a job. I want America to continue to be ahead in aviation. This investment is what will help the United States be able to stay there and develop the products necessary. I urge my colleagues to vote to table the Bumpers amendment and to support the committee recommendation.

The PRESIDING OFFICER. As of the previous request of the Senator from Missouri, the gentle Senator from California is recognized.

Mrs. BOXER. Thank you, Mr. President, for calling me a gentle Senator. I will, in fact, try to be one.

While I agree with my friend from Arkansas on so many things, I think that this amendment is shortsighted for the economic future of our Nation.

I think people listening to this debate would wonder, what is a wind tunnel, anyway? A wind tunnel is a place where we can test an aircraft, a new aircraft design, before it is fully built. We can simulate the impact of flying that newly designed aircraft. It is very important to the aerospace industry. We are talking here about civil aviation.

As a matter of fact, a prominent NASA official has said, "Wind tunnels and computers are the two most important tools in the research and development of new aircraft." Everyone would say immediately, of course, computers are critical. So are wind tunnels. I hope we will not lose that point.

The U.S. aircraft manufacturing industry is critical to our economy, as the Senator from Maryland has said, and to our balance of trade. I certainly know that, representing the great State of California. It is also important to our country's technological leadership.

Now, it is true that the industry is facing many challenges, and I want to point out why I think this amendment is off the mark. When my friend from Arkansas says that the companies can do this on their own, I would point out that is not so. Currently, our competitors in Europe are getting enormous subsidies from their host countries. Already, because they are building more state-of-the-art wind tunnels, we are losing market share to them.

Mr. President, I do not think I need to go into too many details. The time is short. I ask unanimous consent that a letter that I wrote to Dan Goldin, the Administrator of NASA, back in September 1993, be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
HART SENATE OFFICE BUILDING,
Washington, DC, September 29, 1993.

DANIEL S. GOLDIN,
Administrator, National Aeronautics and Space Administration, Washington, DC.

DEAR DAN: The purpose of this letter is to underscore yet again the importance of the NASA National Wind Tunnel Facility to the State of California. I understand that NASA is preparing its long-range budget request for submission on Friday to the Office of Management and Budget, and I urge you to include in that request funds for new wind tunnel construction.

It is no secret that California is experiencing economic hard times. Our aerospace industry, with its preeminent technological base, highly-skilled workforce, and historic ties to defense production, has been particularly hard hit, with 128,000 jobs lost in the last several years alone. The latest round of base closures portends even more job loss and hardship throughout the state of California.

The wind tunnel project is essential to continued U.S. leadership in aviation technology. As you know, the complexity of modern aircraft and the pressure of international competition have created a critical need for increased domestic productivity and improved simulation requirements—and no current wind tunnel satisfies these requirements. However, such improvements are possible through construction of the new NASA wind tunnels.

It is my understanding that the new wind tunnels would support primarily civilian/commercial aircraft research and development. I understand further that commercial aircraft manufacturers would pay NASA for use of the wind tunnels, offsetting over time some initial construction costs and ongoing operating expenses.

Sincerely,

BARBARA BOXER,
U.S. Senator.

Mrs. BOXER. Mr. President, I would say to my friend from Missouri, thank you for leading this debate. I think this would be very foolish in the long run. Yes, in the short run we could save some dollars, but in the long run if we fall behind here it means the loss of jobs. Our economy cannot afford that kind of hit. I yield the floor.

Mr. BUMPERS. Mr. President, I yield the Senator from Nebraska 5 minutes.

Mr. EXON. Mr. President, I thank my friend and colleague from Arkansas for yielding.

Mr. President, first, I am pleased to learn that even distantly we are reaching a point when we will move ahead and dispose of the remaining amendments and hopefully, pass the defense supplemental defense bill today.

It is critical that we get moving on this. I am glad to see that the Senate has finally arrived at the position where they recognize we have to move on this bill.

As I understand it, we will have a vote on this today. I have been listening with great interest, Mr. President, to the remarks of my two colleagues who have spoken before me. They made some very excellent points that I think the U.S. Senate should take a very close and very hard look at.

In another time, in another day, I would be persuaded by the arguments made by the Senator from Maryland and the Senator from California. But the facts of the matter are this is a new day, this is a different day.

We are going to be deluged, I say, Mr. President, all of us on all sides of various issues that are going to be upcoming with trying to do something about the United States of America continuing to spend more money than it takes in, however worthy.

I will simply say that regardless of the excellent points that have been made by the two previous speakers, I must support wholeheartedly the effort to reduce these types of expenditures regardless of how worthy, given the situation that confronts us today.

Mr. President, all of these things are good. The question is, can we afford them? If we are talking about programs like this, then that is just one more deep bite of the knife or the machete—call it what you will—into programs for the elderly, the poor, the School Lunch Program, Women, Infants and Children, and all of these other things that we think are tremendously important.

I simply say that if we cannot make savings in programs like this that have already been zeroed out by the House of Representatives, then I suspect that we are going to have even more and more difficulty than we thought we had with regard to doing something constructively and thoughtfully about the deficit of the United States of America and the ever-skyrocketing national debt that is eating our economy alive.

Therefore, I say notwithstanding the good, valuable, articulate, and well-thought-out recommendations by those who are opposing the Bumpers amendment, I simply say that I must at this time not only vote for the Bumpers amendment, but I hope that the Senate on this occasion will rise to the occasion and do what I think we must under the circumstances that confront us, and that is to approve the Bumpers amendment.

I yield back the remainder of my time to my colleague from Arkansas, and I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER (Mr. DeWine). The Senator from Arkansas.

Mr. BUMPERS. Mr. President, how much time is remaining on each side?

The PRESIDING OFFICER. The Senator has 13½ minutes. The Senator from Missouri has 2 minutes 41 seconds.

Mr. BOND. How much?

The PRESIDING OFFICER. Two minutes forty-one seconds.

Mr. BUMPERS. Mr. President, I want to reiterate that I voted for an appropriations bill last year that had language in it saying that this money was going to be rescinded, and the House kept their word and they rescinded it. We are reneging on something we voted to do last year.

I just, frankly, cringe when I see us putting $400 million into a program like this. The Senator from Maryland a moment ago listed the people this is designed to help. Can you believe this? Listen: Lockheed, General Electric, Boeing, McDonnell Douglas, Martin Marietta, Northrup, and Pratt & Whitney.

The kids who hang around the pool hall this summer, because we killed summer jobs, can fend for themselves, but we have to put $400 million in this year headed, listen to this, Mr. President, headed from somewhere between $2.5 billion and $3.2 billion for wind tunnels to assist seven of the biggest corporations in America.

You know, Bob Reich hit a tender spot with me when he started talking about corporate welfare. How in the name of all that is good and holy can the U.S. Senate even consider going down this path toward a $3 billion expenditure because Airbus—because Airbus—is building a good airplane?

I heard the same arguments in the early seventies, in the late seventies that I just heard from my good friend and colleague from Maryland when the Japanese were eating the American automobile industry's lunch. The American automobile industry said, "Well, people are not going to like those little old minicars, they are going to quit buying them." They did not quit buying them, and shortly, the American automobile industry was on its haunches, losing money hand over fist. We did not give them $3 billion, and they are at this moment the most viable industry in America because they sucked it up, pulled up their pants and did whatever they knew they had to do: Build a better automobile.

But now we are saying to these seven corporate giants who have at this moment not committed one penny—they say, "We'll put up 20 percent of the money." You have not heard anybody say they have done it or offered to do it.

So I am simply saying, you will never get a chance to save $400 million easier, and if we are going to go through this laborious process this year of cutting virtually everything in sight, for God's sake, let us cut this.

I yield the floor, Mr. President.

Ms. MIKULSKI. Will the Senator yield for just a question?

Mr. BUMPERS. Yes.

Ms. MIKULSKI. Is the Senator aware that the administration strongly supports the retention of the $400 million request?

Mr. BUMPERS. Mr. President, I am not familiar with the fact they strongly support it, and I am familiar with the fact they have asked for the study to be completed before they ask for any more funds for this project. But they are not committed and they are not proposing to be committed until the present study is completed and you will have plenty of time after that to decide and the Senate will, too. But for the time being, I am saying we ought to torpedo this misguided appropriation.

Ms. MIKULSKI. I am surprised the way the Senator characterizes this.

Mr. BUMPERS. Well, I will change it in the Record.

Ms. MIKULSKI. I know they do it in the House all the time. I would hope we would not get into that in the Senate.

If you yield the floor then, I would just like to bring to the attention of the Senator from Missouri that the administration has submitted a letter in support of the wind tunnel. I ask unanimous consent that it be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The White House,
Washington, DC, March 16, 1995.

Hon. Barbara Mikulski,
U.S. Senate,
Washington, DC.

Dear Senator Mikulski: The Administration strongly supports the retention of the $400 million appropriated in FY 1995 to build the National Wind Tunnel Complex and reiterates its request that the funds remain available until a decision whether to proceed can be made during the FY 1997 budget process.

NASA, its government partners, and an industry team need to continue to study and refine the wind tunnel concept and financing options to support a well-informed decision on proceeding with the project. At the completion of the current contract, preliminary design will be complete and government/industry shares of cost and risk will be negotiated. Until the study data can be carefully evaluated, it would be premature to either rescind or augment the current funding.

The Administration remains very concerned with the significant erosion of the

United States' share of the global commercial aircraft market over the last 25 years. Several recent studies, including the NASA Federal Laboratory Review, have recommended construction of these highly productive and capable wind tunnels to maintain the world-class capability of the Nation's aeronautics industry. The Administration believes that the timing of this critical decision requires retention of the $400 million appropriation and we would appreciate your support in this matter.

Sincerely,

John H. Gibbons,
Assistant to the President for Science and Technology.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank the Senator from Maryland. I was going to ask that this letter dated March 16 from the science adviser to the President, which says "The administration strongly supports the retention of the $400 million appropriated in FY 1995 to build the National Wind Tunnel Complex and reiterates its request that the funds remain available until a decision whether to proceed can be made during the FY 1997 budget process," be printed in the Record. If this is the same letter dated March 16, if it is already printed, I will not need to ask for its printing.

Mr. President, might I ask the distinguished Senator from Arkansas if he would be so be kind as to yield us 5 minutes of the time he has remaining. His wonderful oratory has brought forth far more speakers than we had envisioned. If the Senator could allocate us some of his time.

Mr. BUMPERS. How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator has 7 minutes 48 seconds.

Mr. BUMPERS. Mr. President, I ask unanimous consent I be permitted to yield 4 minutes to the distinguished Senator from Missouri for such allocation as he chooses.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. I thank the Senator. Let me first begin by allocating 1 minute to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I rise in opposition to the amendment of the Senator from Arkansas which rescinds funds for the construction of new national wind tunnel facilities.

This next generation of research facilities is absolutely essential for the maintenance of the competitive advantage of the United States that it currently enjoys in the field of commercial aviation. This will be a national and an international resource. The development of these facilities is absolutely critical to maintaining this position.

I commend Senator Bond and Senator Mikulski for recognizing the importance of the U.S. aircraft manufacturing facility as spelled out in this wind tunnel and restoring these important funds.

I thank the Chair.

Mr. BOND. Mr. President, I allocate 1 minute of time to the Senator from Texas [Mrs. Hutchison].

The PRESIDING OFFICER. The Senator from Texas is recognized for 1 minute.

Mrs. HUTCHISON. Mr. President, I wish to add my remarks to those of the Senator from Missouri and those of the Senator from Tennessee and the great Senator from the State of Maryland.

This is exactly what responsible budgeting is. We have made a decision in the committee that as a priority we should be looking at the science projects that are going to create the new technologies that keep the new jobs in America.

Mr. President, HUD is in a state of flux. We have been spending $86,000 per housing unit to construct housing under HUD. Once constructed, it costs $4,000 to $5,000 per year to maintain. There are great questions if that is the best use of taxpayer dollars. I think it is most responsible to take money from housing construction when we think we are going to go into vouchers, which are going to work better, and we put that money into big science which creates jobs for the future.

Mr. President, that is what we are doing. We should table the Bumpers amendment and do what is responsible for the future of our country.

I thank the Chair.

Mr. BOND. Mr. President, I yield the time remaining with the exception of 30 seconds, which I reserve to offer a tabling motion, to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized for 2 minutes.

Mr. BURNS. Mr. President, I wish to first thank the ranking member and the manager of this bill for this time, and I especially wish to thank my friend from Arkansas for allowing me just a couple extra minutes. I appreciate that very much. He feels very strongly about this, as a lot of us on the other side of the issue feel very strongly about it. But one has to look at what it is all about, because in 1994 we appropriated $74 million for this program, and then in 1995 we appropriated another $400 million for the testing and related costs to move this program forward.

Now, that move forward had a certain number of conditions to it. Now, if those conditions are not met, then by July 1 this $400 million will be automatically rescinded. That was the condition of the appropriation. But if they are met, then this money carries over into the 1996 appropriations and to further on develop the wind tunnels.

We have to remember that as far as industrial wind tunnels in this country, we are not in very good shape. And once we go into the supersonic aircraft—and that is going to be the next generation of commercial aircraft for civil aeronautics—we are going to need the facility. Right now, 25 percent of the cost of your airplanes in this country goes to Europe for the use of their wind tunnels.

I do not know how long it takes before we finally work out this whole problem, but basically let us be very up front about this because if the conditions are not met by July 1, this $400 million is automatically rescinded. There were conditions put on this appropriation. I am chairman of the authorizing committee.

So what we are doing, we are allowing the administration and NASA to work out the details of how much private money is going to go into this program. It is going to be a mix.

The PRESIDING OFFICER. The Chair would advise the Senator his time has expired.

Mr. BURNS. I appreciate that. I have nothing to submit for the Record, but I would say this is going to be a commingled fund. I appreciate the time.

I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I am prepared to close the debate and get a vote on this amendment.

Let me reiterate that this is corporate welfare, pure and simple. You heard the list of seven of the biggest corporations in America. They said they would put up 20 percent of the money for this. They have not committed one nickel—not a dime. If we cannot cut this $400 million, I shudder to think what is going to happen in this body the rest of this year.

The American people have a right to demand that those people who said, "I will be as careful with your money as I would if it were my own," will do just that. They have a legitimate nonnegotiable demand that you fulfill that promise. You cannot get it all out of welfare programs. You cannot get it out of food stamps. You can get some of it from those places. But now we are going to start on a $3 billion program to accommodate GE and Lockheed and Boeing and McDonnell Douglas, Pratt & Whitney, and Northrop. We are starting down the road with a $3 billion expenditure because they do not want to do it. The automobile industry did it. The aircraft industry could do it, too. If we start down that road of corporate welfare, I shudder to think where we are going to wind up with the deficit this year and next.

So I plead with my colleagues, keep your commitment. Vote to cut spending.

I yield the floor and yield back such time as I may have remaining.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. I thank my colleagues from Montana, from Texas, and from Tennessee for their very strong arguments in favor of the wind tunnel. It is extremely important for the commercial development of aeronautics. It is vitally important that we keep this technology and our developments on our shores. Because of the military applications, the distinguished ranking member and chairman of the subcommittee on defense also support the wind tunnels. Our future and our children's future in this area of science and technology depends on that.

I now move to table and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. BOND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The PRESIDING OFFICER. The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, have the yeas and nays been ordered on the motion to table?

The PRESIDING OFFICER. That is correct.

PROGRAM

Mr. DOLE. Mr. President, I just wanted to announce before the vote started that at 12:30, we will be honored by the presence of King Hassan II of the Kingdom of Morocco. The King has been a loyal friend and ally of the United States, and I urge all of my colleagues to greet His Majesty and welcome him to the floor of the U.S. Senate.

At this very moment, he is in a meeting in S-207 which will conclude at about 12:30. So if you can stay for a few moments after voting, I know he will appreciate very much meeting you.

I thank the Chair.

VOTE ON MOTION TO TABLE AMENDMENT NO. 333

The PRESIDING OFFICER. The question occurs on the motion to table the amendment offered by the Senator from Arkansas, amendment No. 333.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 64, nays 35, as follows:

[Rollcall Vote No. 105 Leg.]

YEAS—64

Abraham
Akaka
Ashcroft
Bennett
Bingaman
Bond
Boxer
Breaux
Burns
Campbell
Chafee
Cochran
Cohen
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Faircloth
Feinstein
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Johnston
Kassebaum
Kempthorne
Kerrey
Kyl
Leahy
Lieberman
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murkowski
Murray
Pressler
Rockefeller
Santorum
Sarbanes
Shelby
Simpson
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—35

Baucus
Biden
Brown
Bryan
Bumpers
Byrd
Coats
Conrad
Domenici
Dorgan
Exon
Feingold
Ford
Harkin
Jeffords
Kennedy
Kerry
Kohl
Lautenberg
Levin
McCain
Moseley-Braun
Nickles
Nunn
Packwood
Pell
Pryor
Reid
Robb
Roth
Simon
Smith
Snowe
Specter
Wellstone

NOT VOTING—1

Bradley

So the moton to lay on the table the amendment (No. 333) was agreed to.

Mr. INOUYE. Mr. President, I move to reconsider the vote.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

AMENDMENT NO. 334

(Purpose: To express the sense of the Senate that a member of the Armed Forces sentenced by a court-martial to confinement and a punitive discharge or dismissal should not receive pay and allowances)

Mrs. BOXER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 334.

Mrs. BOXER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 25, between lines 4 and 5, insert the following:

SEC. 110. It is the sense of the Senate that—

(1) Congress should enact legislation that terminates the entitlement to pay and allowances for each member of the Armed Forces who is sentenced by a court-martial to confinement and either a dishonorable discharge, bad-conduct discharge, or dismissal;

(2) the legislation should provide for restoration of the entitlement if the sentence to confinement and punitive discharge or dismissal, as the case may be, is disapproved or set aside; and

(3) the legislation should include authority for the establishment of a program that provides transitional benefits for spouses and other dependents of a member of the Armed Forces receiving such a sentence.

Mrs. BOXER. Mr. President, I have an amendment that we will take a very short time on. It has been agreed to on both sides. We are expressing the sense of the Senate that a member of the armed services sentenced by a court martial to confinement and a punitive discharge or dismissal should not receive full pay and allowances.

Mr. President, I will take but a moment to explain why this is such an important amendment and to express my gratitude to both sides of the aisle for agreeing to it.

We know that, in the month of June 1994 alone, the Department of Defense spent more than $1 million on the salaries of 680 convicts. I want to point out that among those were 58 rapists, 164 child molesters, and 7 murderers, among others. I know that every single man and woman in this Chamber wants to put an end to that kind of a practice. I have legislation, and many Members on both sides of the aisle are cosponsors of that legislation that would put an end to paying these convicted felons with taxpayer dollars.

That statute that I have authored is being considered in the Armed Services Committee today. I am very hopeful that it will move forward and become law. In the meantime, I think it is important on this bill that the Senate go on record as saying we oppose the military giving full pay to these convicted felons.

In closing, I want to give you just one example. In California, a marine, a lance corporal, who beat his 13-month-old daughter to death almost 2 years ago still receives $1,000 each month, or about $20,000 since his conviction. He spends his days in the brig at Camp Pendleton and does not pay a dime of child support and has managed to pack away this $25,000. I spoke with the murdered child's grandmother. She was totally shocked. She has not received a penny of support for the other living child that he still has. I know we all want to put an end to this.

At this point, I will yield the floor and thank my colleagues on both sides for including this sense of the Senate.

I ask unanimous consent that Senator BRADLEY be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY PAY FOR MILITARY PRISONERS FACING PUNITIVE DISCHARGES

Mr. NUNN. Mr. President, I want to commend Senator BOXER for her sense-of-the-Senate amendment concerning the anomalous situation in which some military prisoners facing punitive discharges continue to receive substantial amounts of military pay while in confinement.

The amendment would express the sense of the Senate that:

First, Congress should enact legislation that terminates the entitlement to pay and allowances for each member of the Armed Forces who is sentenced to a punitive discharge.

Second, that the legislation should provide for restoration of pay in the event that the punitive discharge is set aside.

Third, that the legislation should include authority for the establishment of a program that provides transitional benefits for spouses and other dependents of a member of the Armed Forces whose pay is terminated in such legislation.

Mr. President, I would briefly like to outline the background of this issue.

Under the Uniform Code of Military Justice, a court-martial has great discretion over the sentence. Depending on the maximum punishment authorized for an offense, a sentence can include a punitive discharge—bad-conduct of dishonorable—or dismissal of an officer, confinement, a reduction in rank, and forfeiture of pay. Although many individuals sentenced to a punitive discharge and confinement also are sentenced to total forfeiture of pay, there are exceptions.

Recent new stories have highlighted the fact that some persons with substantial confinement and punitive discharges continue to receive military pay. On January 11, Senator BOXER introduced S. 205 with the goal of ending pay for such individuals.

I support the purposes of the Boxer bill, and I congratulate her for initiating legislation to close this loophole. There are a number of technical questions which must be addressed by the Armed Services Committee with respect to the drafting of this legislation. These include:

First, should the restriction on pay also apply to prisoners sentenced to substantial periods of confinement even though the sentence does not include a punitive discharge?

Second, should the restriction apply at the time the sentence is announced by a military judge or at the time the sentence is approved by the commander who convened the court-martial?

Third, what should be the impact of a commander's decision to suspend the effect of a punitive discharge?

Fourth, how do we address the problem of prisoners who are currently receiving pay without violating the ex post facto clause of the Constitution (Art. I, sec. 9, cl. 3)?

Fifth, how do we address the transitional issues that face innocent spouses and children of such prisoners who are stationed overseas or far from their home of record without creating an expensive entitlement?

I have discussed these matters with Senator BOXER and have specifically addressed the questions to the Under Secretary of Defense for Personnel and Readiness, Edwin Dorn. Secretary Dorn has advised me that the Department of Defense is very close to completing a legislative proposal that would address my questions.

Mr. President, I am confident that we can close this loophole. I look forward to working with Senator BOXER, and with Senator COATS and Senator BYRD, the chairman and ranking member of the Subcommittee on Personnel of the Armed Services Committee, in addressing this issue.

Mr. HATFIELD. Mr. President, the amendment offered by the Senator from California has been cleared at our Appropriations Subcommittee on Defense and by the authorizers.

Mr. INOUYE. Mr. President, I am pleased to advise the Senate that the Senate Armed Services Committee is in favor of this amendment, and there is no objection on our side.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to amendment No. 334 offered by the Senator from California.

The amendment (No. 334) was agreed to.

Mrs. BOXER. Mr. President, I move to reconsider the vote.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 335

(Purpose: To rescind funds for military construction projects at installations recommended for closure or realignment by the Secretary of Defense in the 1995 round of the base closure process)

Mr. MCCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself and Mr. BRADLEY, proposes an amendment numbered 335.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 25, between lines 4 and 5, insert the following:

SEC. 110. RESCISSION OF FUNDS FOR CERTAIN MILITARY CONSTRUCTION PROJECTS.

(a) CONDITIONAL RESCISSION OF FUNDS FOR CERTAIN PROJECTS.—(1)(A) Notwithstanding any other provision of law and subject to paragraphs (2) and (3), of the funds provided in the Military Construction Appropriations Act, 1995 (Public Law 103–307; 108 Stat. 1659), the following funds are hereby rescinded from the following accounts in the specified amounts:

Military Construction, Army, $11,544,000.

Military Construction, Air Force, $6,500,000.

Military Construction, Army National Guard, $1,800,000.

(B) Rescissions under this paragraph are for projects at military installations that were recommended for closure by the Secretary of Defense in the recommendations submitted by the Secretary to the Defense Base Closure and Realignment Commission on March 1, 1995, under the base closure Act.

(2) A rescission of funds under paragraph (1) shall not occur with respect to a project covered by that paragraph if the Secretary certifies to Congress that—

(A) the military installation at which the project is proposed will not be subject to closure or realignment as a result of the 1995 round of the base closure process; or

(B) if the installation will be subject to realignment under that round of the process, the project is for a function or activity that will not be transferred from the installation as a result of the realignment.

(3) A certification under paragraph (2) shall be effective only if—

(A) the Secretary submits the certification together with the approval and recommendations transmitted to Congress by the President in 1995 under paragraph (2) or (4) section 2903(e) of the base closure Act; or

(B) the base closure process in 1995 is terminated pursuant to paragraph (5) of that section.

(b) ADDITIONAL RESCISSIONS RELATING TO BASE CLOSURE PROCESS.—Notwithstanding any other provision of law, funds provided in the Military Construction Appropriations Act, 1995 for a military construction project are hereby rescinded if—

(1) the project is located at an installation that the President recommends for closure in 1995 under section 2903(e) of the base closure Act; or

(2) the project is located at an installation that the President recommends for realignment in 1995 under such section and the function or activity with which the project is associated will be transferred from the installation as a result of the realignment.

(c) DEFINITION.—In the section, the term "base closure Act" means the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

Mr. HATFIELD. Will the Senator yield for a question?

Mr. MCCAIN. Yes.

Mr. HATFIELD. Can the Senator agree to a time?

Mr. MCCAIN. I will not take more than 10 minutes. I would be glad to have a 20- or 30-minute time agreement.

Mr. HATFIELD. I would like to propound that request.

Mr. MCCAIN. I yield to the Senator for that purpose.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the time on the McCain amendment be limited to 30 minutes, to be equally divided in the usual form.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, the purpose of this amendment is to rescind $19.9 million of the fiscal year 1995 military construction funds for projects located on installations that have been recommended for closure by the Secretary of Defense. It provides for an automatic rescission of military construction funds for additional bases that would be recommended for closure or realigned by the BRAC commission. It also delays the effect of the rescissions until the President submits the final BRAC recommendations by July 15, 1995. And it would permit retention of these funds if the bases are removed from the list by the BRAC.

Mr. President, let me say at the outset that all I am seeking here is that we not spend military construction money on bases that are on the closure list. I am befuddled, frankly, why there would be some opposition to this. I am not saying that we should do what I recommended some time ago, and that is, to have rescinded $6 billion worth of unneeded military spending. This is narrowly targeted to only those bases that are on the closure list.

The net effect of this amendment would be to save hundreds of millions of dollars by eliminating unnecessary constructions at military bases that are being closed, not those that are being opened. I want to restate that. This is nothing to do with bases that are not either scheduled to be closed or will be scheduled to be closed as a result of the BRAC commission or the BRAC process.

Spending scarce defense dollars on a project that stands a strong chance of becoming unnecessary due to the BRAC's action, in my view, is a senseless waste of money.

Last December, I asked the President to defer spending on nearly $8 billion in wasteful and unnecessary defense spending in the fiscal year 1995 appropriations bill until shortfalls and readiness and other high priority military requirements were reviewed and addressed. I included nearly $1 billion that was in the military construction appropriations bill that were unrequested by the military and were on that list. Then, in January, I wrote to Secretary Perry asking that he defer obligation of funding for all military construction projects at least until the base closure recommendations were released on March 1. That letter was ignored.

On its own, the Navy recognized the illogic of staring construction at bases that might be closed, and voluntarily deferred obligating its military construction funds. To my knowledge, though, the other Services did not take similar action.

Finally, when the Secretary of Defense base closure list was released, I again wrote to him, suggesting that he defer spending on military construction projects slated to occur at closing bases or bases undergoing realignment. I listed about $150 million in projects at the bases included on the Secretary's recommendations. Of these projects, over $100 million was unrequested in the fiscal year 1995 budget.

And finally, I wrote to the chairman of the Appropriations Committee, asking that he include in this bill rescissions of congressional add-ons for military construction.

I also suggested that the committee rescind over $6 billion in wasteful spending in the fiscal year 1995 defense budget, and reallocate the funds to higher priority defense needs.

Mr. President, I ask unanimous consent that the text of those letters that I mentioned be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, January 23, 1995.

Hon. WILLIAM PERRY,
Secretary of Defense,
The Pentagon,
Washington, DC.

DEAR MR. SECRETARY: As you know, I wrote to President Clinton on December 5, 1994, asking that he defer obligation of nearly $8 billion in defense spending for programs which contribute little, if anything, to national defense. While that request is still pending at the White House, I am writing to you today to ask your assistance in a related effort.

By March 1, you will release the final Department of Defense recommendation for base closures and realignments. In view of the expected magnitude of the changes, it is inevitable that construction projects will be under way on at least some of the bases recommended for closure in this round. This is an egregious waste of millions, or even billions, of taxpayer dollars.

In my view, a fiscally responsible approach would be to defer the obligation of funding for all military construction projects approved for Fiscal Year 1995 until the results of the Commission's deliberations are known. I urge you to contact the President and request formal deferral of all military construction projects until July 1 of this year. In this way, we will avoid spending scarce defense dollars for unnecessary construction at closing military facilities.

I look forward to hearing from you at your earliest opportunity.

Sincerely,

JOHN MCCAIN,
U.S. Senator.

U.S. SENATE,
Washington, DC, February 28, 1995.

Hon. WILLIAM PERRY,
Secretary of Defense,
The Pentagon,
Washington, DC.

DEAR MR. SECRETARY: With the release this morning of your recommendations for base closures and realignments, I believe it is imperative to act immediately to forestall the initiation of any military construction projects at bases slated for closure, as well as at facilities scheduled to be realigned to other locations.

As you may recall, I wrote to you on January 23, 1995, to ask that you seek deferral of all military construction projects until your base closure recommendations were publicly released. While I am not aware that you or the President formally undertook such action, I understand that the Navy may have voluntarily undertaken to defer obligation of military construction funds because of the uncertainty of the base closure process. I hope other Services recognized the fiscal responsibility of waiting to initiate construction projects until the base closure list was available.

For your information, I have included a listing of military construction projects, funded in the FY 1995 Military Construction Appropriations Act, at bases which are recommended for closure or realignment. This list totals $150 million in FY 1995 appropriations. At a minimum, I urge you to ensure that none of the projects which would be affected by your base closure or realignment recommendations are undertaken until the BRAC Commission has completed its review and submitted a final list to the President.

As always, I appreciate your consideration of my views. I look forward to hearing from you.

Sincerely,

JOHN MCCAIN,
U.S. Senator.

FISCAL YEAR 1995 MILITARY CONSTRUCTION APPROPRIATIONS

[For projects at bases recommended for closure or realignment by the Secretary of Defense, March 1 1995]

MILCON projects at bases recommended for closure:	
Texas: Brooks AFB, for directed energy facility	6,500,000
Pennsylvania: Fort Indiantown Gap:	
Replace underground storage tanks	1,800,000
Electrical targeting system upgrade	770,000
Flight simulator and aeromedical complex	4,584,000
Total MILCON at bases recommended for closure	13,654,000
MILCON projects at bases recommended for realignment:	
California: Defense contract management office west	5,100,000
Florida:	
Eglin AFB:	
Climatic test chamber	20,000,000
Aquatic training facility	2,900,000
HC–130 parking apron	7,500,000
MC–130 nose dock/AMU	5,000,000
Airman dining facility	2,650,000
Homestead AFB:	
Hydrant and hot pit refueling system	2,000,000
Mobility processing facility	1,150,000
Renovate barracks	2,550,000
Repair physical fitness center	1,400,000
Georgia: Warner-Robbins (realign):	
Weapon system support center	4,700,000
J–STARS add to integrated support facility	3,100,000
J–STARS dormitory	5,525,000
J–STARS expanded flight kitchen	1,850,000
J–STARS utilities/miscellaneous support	3,825,000
Upgrade drainage system	2,200,000

Montana: Malstrom AFB:	
Underground fuel storage tanks	1,500,000
Underground fuel storage tanks minuteman FACS	4,000,000
New Mexico: Kirtland AFB:	
Underground fuel storage tanks	3,200,000
Child care center	3,500,000
Base support center	3,500,000
Repair water distribution center	8,800,000
Upgrade electrical distribution system	3,000,000
Replace underground fuel storage tanks	900,000
Oklahoma:	
Corrosion control facility [DBOF]	8,400,000
Extend and upgrade alternate runway	10,800,000
Storm drainage system	1,243,000
Virginia: Fort Lee:	
Repair electrical distribution	11,000,000
Soldiers "One Stop Center"	4,600,000
Total MILCON appropriated for realigned bases	135,893,000

U.S. SENATE,
Washington, DC, March 1, 1995.

Hon. MARK HATFIELD,
Senate Committee on Appropriations,
Washington, DC.

DEAR MR. CHAIRMAN: I understand that the Senate Appropriations Committee will soon consider legislation to provide supplemental appropriations for FY 1995 and to offset additional spending with certain rescissions.

I wanted to raise with you my concerns and suggestions regarding a dangerous shortfall in defense funding. As you know, the defense budget has been declining since 1985, with a cumulative real reduction of nearly 45 percent by 1999.

This severe reduction has made it imperative that we work together to ensure that scarce defense dollars are spent only for the highest priority military requirements, namely, readiness, quality of life, and modernization. Therefore, I strongly believe that supplemental appropriations should be provided to restore the $2.55 billion diverted to peacekeeping purposes as well as to redress, as best we can, shortfalls in the FY 1995 appropriated level for military readiness.

I also believe that we have a fiscal obligation to offset these supplemental appropriations with spending rescissions in order to avoid any increase in the deficit. To this end, as you review the FY 1995 supplemental appropriations and rescission legislation, I urge you to consider for rescission unobligated funds for programs included on the attached list (Tab A).

This list represents nearly $6.3 billion in defense budget authority, and my rough estimate is that the outlay savings in FY 1995 achievable by rescinding these funds would be approximately $2.5 billion.

The programs I have listed do not, in my view, contribute directly to the readiness and capability of our Armed Forces. They represent wasteful, earmarked, non-defense, or otherwise low-priority programs which should not be funded at the expense of readiness within the constraints of the declining defense budget.

I should note an important caveat to my rescission recommendations. The list in Tab A is comprised primarily of programs which were added by Congress in an attempt to circumvent the funding priorities and procedures established by the military Services. Some of these programs could possibly represent military requirements which were only identified by the Services after the Administration's budget request was submitted to Congress. Such items could still be funded in competition with other priorities within the Pentagon's existing budget, but should not remain as earmarked add-ons.

The rescission of low-priority funding I've recommended should be used to offset the Administration's request for supplemental appropriations. As I said, however, even if the cost of these unbudgeted operations is fully restored to the appropriate accounts, readiness would remain seriously underfunded in FY 1995. Therefore, I urge you to support efforts to increase the amount of supplemental appropriations made available to the Department of Defense to fully redress the deleterious impact of declining defense budgets on military readiness. Accordingly, programs not essential to defense should be further reviewed to determine whether additional rescissions could be made and the funds redirected for high-priority military requirements.

I submit that a number of the defense programs suggested for rescission, such as most of the medical and university research activities, more appropriately belong in domestic, not defense appropriations bills, and should compete for funding with those accounts. I have provided a list (Tab B) of FY 1995 appropriations in the non-defense bills which could be rescinded in order to make funding available for any high-priority activities which were mistakenly funded in the defense budget last year.

In addition, I wish to express my support for the President's $2.4 billion in FY 1995 rescissions. I believe the Committee and the Senate should approve these rescissions, and that the monies should be dedicated to deficit reduction.

Of course, I know that the Committee may have its own rescissions in mind, and I understand that the House will soon pass a rescission bill offering additional opportunities which should be considered by the committee to fund readiness, higher spending priorities and deficit reduction.

I know you have a very difficult task and I appreciate your consideration of my views and request.

Sincerely,

JOHN MCCAIN,
U.S. Senator.

DEFENSE APPROPRIATIONS TO BE CONSIDERED FOR RESCISSION AND REALLOCATION TO HIGH PRIORITY DEFENSE PROGRAMS

Fiscal Year 1995	Amount
Major programs:	
B–2 bomber industrial base set-aside	$125M
Industrial base set-asides, including $35 million for tank engines and $1 million for nuclear submarine main steam condensers	36M
Unrequested military construction Congressional add-ons	987M
Unrequested Congressional add-ons for excess Guard and Reserve equipment, including $505 million for C–130 transport aircraft	800M
C–21/C–XX aircraft	11M
Terminate Technology Reinvestment Program	550M
Former Soviet Union threat reduction	80M
National security education trust fund	14M
DOD support for Olympics and other celebrations	15.4M
Dual-use and conversion programs, including manufacturing technology, advanced simulation, etc.	1.5B
Medical and university research	1.5B
Personnel:	
Homeporting of 2 LST ships at Pearl Harbor to transfer Navy reservists from Oahu to Hawaii	10.0M
Manning of additional C–130 units (see O&M)	3.6M
O&M:	
National Center for Toxicological Research in Jefferson, AR (bill)	5.8M
Schofield barracks, Hawaii easement (bill)	9.5
National Guard Outreach Program in Los Angeles school district (bill—changed in conference to eliminate authorization requirement)	10.0M
Additional C–130 operational support for units in California, Kentucky, West Virginia, Louisiana, Tennessee, South Carolina, and Ohio (bill and report)	31.6
For Pacific Missile Range Facility, Hawaii, from O&M funds (bill)	45.9
Directed allocation of child development funds to Pacific region	15.0
National Training Center, George AFB	2.0
Wild horse roundup, White Sands Missile Range, New Mexico	1.5
OSCAR project at Letterkenny Army depot	1.9
Presidio of San Francisco, CA, infrastructure improvements	10.0
New Orleans NAS RPM backlog	6.0
Charleston naval complex	6.0
Establish Chester W. Nimitz Center	3.0
Establish Joint Warfare Analysis Program at Naval Post Graduate School	1.5
Transport LCU ship to American Samoa	.85
MacDill AFB operations	5.5
Electrical service upgrades at McClellan AFB, CA	1.65
Modification of Air Force Plan No. 3, Tulsa, OK	10.0
Natural gas study and infrastructure planning	2.2
Anchorage, AK fuel center	.5
Establish land management training center	2.5
Washington Square, Philadelphia, PA renovation	2.6
Cannon AFB dormitory and runway repairs	2.2
Improvement of navigational charts for Lower Mississippi River	1.0
To return excess medical supplies and equipment from Europe to the U.S. for "use by Native Americans, local governments, and other deserving groups"	5.0
RPM for reserve centers in Cambria and Indiana Counties, PA	.3
Navy LST's in Pearl Harbor	7.0
C–130 operational support, Youngstown, OH	10.0
WC–130 weather reconnaissance activities	2.0
Los Angeles School District Youth Program	10.0
Calumet, MI, armory repairs	.12
Valparaiso, Gary, and Hammond, IN armory repairs	.4
California armory repairs	1.2
Distance learning regional training network in West Virginia, Pennsylvania, Virginia, Maryland, and District of Columbia	7.5
Establish continuity of operations center for Navy	13.0
New Orleans F. Edward Hebert complex	5.0
Procurement:	
Pacific Missile Range Facility, HI, from procurement funds (bill)	23.9
Natural gas utilization	2.5
Switch expansion at Schofield Barracks, HI	.5
Procurement of industrial process and information systems equipment for industrial operations facility at Tobyhanna Army Depot	12.0
Joint training analysis and simulation center	10.5
Laser articulating and robotic system, Philadelphia Naval Shipyard, PA	6.9
Natural gas vehicles	10.0
Electric vehicles	10.0
R&D:	
Research on ocean acoustics at National Center for Physical Acoustics, provided as a grant to the Mississippi Resource Development Corp. including $250,000 for purchase of unspecified "special equipment as may be required for particular projects" (bill)	1.0M
For seismic research at Incorporated Research Institutions for Seismology (bill)	12.0
National Center for Manufacturing Sciences (bill)	20.0
Establish an image information processing center supporting the Air Force Maui space surveillance site (bill)	13.0
Transfer to Department of Energy for "Center for Bioenvironmental Research" (bill)	15.0
Experimental Program to Stimulate Competitive Research (EPSCOR) (bill)	20.0
Los Alamos Meson facility	20.0
Naval Surface Warfare Center, Crane Division	.167
Jefferson Proving Ground, unexploded ordnance	5.0
Joint Agriculture/DOD project	4.5
Hawaii Small Business Development Center	5.4
Saltsburg Remediation Technology	1.0
Longhorn Army ammunition plant, TX	8.0
For first phase of $28.5 million project to establish shallow water range capability at Barking Sands, HI	11.0
C–130J development	5.0
Maui supercomputer	13.0
Maritime Technology Office	12.0
Electric vehicles	15.0
Maui High Performance Computing Center	7.0
Institute for Advanced Flexible Manufacturing Systems	4.0
Kauai, HI test facility	4.0
Increase in defense research funds set aside for historically black colleges and minority institutions, including minority women's institutions specializing in science, math, and engineering, and tribal colleges	10.0
Prototype disaster preparedness center in Hawaii	5.0
Other DOD programs:	
For nursing research (bill)	5.0M
Requiring continued operation of Plattsburgh AFB hospital in New York (bill)	3.0

DEFENSE APPROPRIATIONS TO BE CONSIDERED FOR RESCISSION AND REALLOCATION TO HIGH PRIORITY DEFENSE PROGRAMS—Continued

Fiscal Year 1995	Amount
Transfer to Navy Mil Con for ROTHR in Puerto Rico (bill)	10.0
Police Research Institute (not in either bill)	1.0
Southwestern Oregon Narcotics Task Force (not in either bill)	1.0
General provisions:	
Incentive payments to subcontractors under Indian Financing Act (bill Sec. 8025A)	8.0M
Mental health care dmonstration project at Fort Bragg, NC, with open-ended price and program growth clause (bill Sec. 8037)	18.5
Protection of 53d Weather Reconnaissance Squadron of Air Force Reserve (bill Sec. 8047)	.651
For independent cost effectiveness study of Air Force bomber programs (bill Sec. 8101)	4.5
For nuclear testing damage to Rongelap Atoll, for transfer to resettlement trust fund managed by Department of Interior (bill Sec. 8112)	5.0
Requirement to contract within 60 days of enactment for procurement of AN/USH–42 mission recorders on S–3B aircraft (bill Sec. 8133)	39.8
Utility reconfiguration project at Philadelphia Naval Shipyard (bill Sec. 8150)	14.2
Direction to award contract to sole U.S. supplier of nuclear steam generator tubing for aircraft carriers (bill Sec. 8151)	17.5
Fiscal Year 1994	
Technology Reinvestment Program	77M

DOMESTIC RESCISSION PROPOSALS

WASTEWATER EARMARKS

Over $1.2 billion was earmarked for wastewater treatment grants in the FY95 HUD/VA Appropriation bill. Very few if any of these projects were authorized. A number of these were not properly studied before the funding levels were set and that some of the projects may have been funded above the 50% cost share required under the Clean Water Act. With this mind you I propose that we rescind funding for these projects which were not authorized, and/or have not been properly scoped and cost-shared. We have asked the Environmental Protection Agency to provide a list of the projects that meet this criteria and the dollar amount eligible for rescission.

HIGHWAY DEMONSTRATION PROJECTS

$352 million was appropriated for earmarked surface transportation projects which do not necessarily represent either federal, state or local priorities. We should rescind any unobligated monies. Projects not yet commenced should compete for selection among other priorities by state transportation authorities through the applicable process. The Department of Transportation is providing a list of the project eligible for rescission.

SPECIAL PURPOSE GRANTS

The VA/HUD Appropriation bill for Fiscal Year 1995 included $290 million in special purpose grants. According to estimates, only $7 million of this funding has been properly authorized. Examples of projects funded in the bill include:

$450,000 for the construction of the Center for Political Participation at the University of Maryland College Park;

$750,000 for the Scitrek Science Museum to create a mezzanine level in its building to increase exhibit space in downtown Atlanta;

$1.45 million to the College of Notre Dame in Baltimore, MD for capitol costs including equipping and outfitting activities, connected to the renovation of the Knott Science Center; and $2 million for Depaul University's library to provide direct services and partnerships with community organizations, schools, and individuals in North Carolina.

All of the unauthorized earmarks for which money has not been obligation should be rescinded. HUD is preparing a list of the projects which meet this criteria.

ELLIS ISLAND

The Department of Transportation's Fiscal Year 1992 Appropriation bill provided $15 million for the construction of a bridge to Ellis Island. The Park Services opposes the bridge. In a 1991 study on the construction of the bridge they wrote "The permanent establishment of a bridge to the island represents an adverse effect to the cultural resources of the park, a National Register and World Heritage resource." The funding for this project has not been obligated and should also be rescinded.

Mr. McCAIN. Mr. President, the bill reported by the Senate Appropriations Committee that we are now considering does rescind some of the programs I recommended, including a small cut in TRP and the other research and defense conversion programs. On the domestic side, the bill includes rescissions in highway trust fund demonstration projects.

But the committee-reported bill does not touch the many earmarks for special interest projects added by Congress. It does not rescind industrial base set-asides. It does not cut funding for DOD support to the Olympics and other international sporting events. It does not touch congressional add-ons for excess Guard and Reserve equipment. And it leaves intact several billion dollars for dual-use, defense conversion, and medical and university research programs that were earmarked.

Further, the bill does not rescind any military construction funds. It does not rescind any of the nearly $1 billion in congressionally added military construction projects, much less funding for projects on bases slated for closure in this BRAC round.

The projects which would be affected by this amendment should not be built anyway. No responsible DOD official would continue a construction project at any base which has been ordered to be closed.

I think it is time to send a signal to the American people that we will not do this kind of thing anymore.

Mr. President, I believe that the opposition's argument against this proposition will be that it is in reaction to an action triggered by the executive branch in the form of the recommendations of base closing.

Mr. President, as we know, the BRAC is a nonpartisan commission that was confirmed by Congress and the President must accept all of their recommendations or none. If this money is going to be rescinded anyway, then this amendment is redundant. The argument will be the rescission should be applied to all other accounts. Perhaps so.

But, Mr. President, I hope that this amendment would be accepted. I see no reason, frankly, for it to be opposed. I would be glad to work with the committee in order to see that it is acceptable. I cannot imagine—I cannot imagine—any Member of this body seeking to continue a military construction project on a base that is going to be closed. It is beyond me.

So I certainly look forward to the response of the managers of the bill. And, Mr. President, very reluctantly, very reluctantly, I may have to ask for the yeas and nays because of the clarity of this issue.

Mr. President, I reserve the remainder of my time.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that time be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Without objection, it is so ordered.

AMENDMENT NO. 335, AS MODIFIED

Mr. McCAIN. Mr. President, I ask unanimous consent to modify my amendment by striking lines 5 and 6 on page 2 of my amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 335), as modified, is as follows:

On page 25, between lines 4 and 5, insert the following:

SEC. 110. RESCISSION OF FUNDS FOR CERTAIN MILITARY CONSTRUCTION PROJECTS.

(a) CONDITIONAL RESCISSION OF FUNDS FOR CERTAIN PROJECTS.—(1)(A) Notwithstanding any other provision of law and subject to paragraphs (2) and (3), of the funds provided in the Military Construction Appropriations Act, 1995 (Public Law 103–307; 108 Stat. 1659), the following funds are hereby rescinded from the following accounts in the specified amounts:

Military Construction, Army, $11,554,000.

Military Construction, Air Force, $6,500,000.

(B) Rescissions under this paragraph are for projects at military installations that were recommended for closure by the Secretary of Defense in the recommendations submitted by the Secretary to the Defense Base Closure and Realignment Commission on March 1, 1995, under the base closure Act.

(2) A rescission of funds under paragraph (1) shall not occur with respect to a project covered by that paragraph if the Secretary certifies to Congress that—

(A) the military installation at which the project is proposed will not be subject to closure or realignment as a result of the 1995 round of the base closure process; or

(B) if the installation will be subject to realignment under that round of the process, the project is for a function or activity that will not be transferred from the installation as a result of the realignment.

(3) A certification under paragraph (2) shall be effective only if—

(A) the Secretary submits the certification together with the approval and recommendations transmitted to Congress by the President in 1995 under paragraph (2) or (4), section 2903(e) of the base closure Act; or

(B) the base closure process in 1995 is terminated pursuant to paragraph (5) of that section.

(b) ADDITIONAL RESCISSIONS RELATING TO BASE CLOSURE PROCESS.—Notwithstanding any other provisions of law, funds provided in the Military Construction Appropriations Act, 1995 for a military construction project are hereby rescinded if—

(1) the project is located at an installation that the President recommends for closure in 1995 under section 2903(e) of the base closure Act; or

(2) the project is located at an installation that the President recommends for realignment in 1995 under such section and the function or activity with which the project is associated will be transferred from the installation as a result of the realignment.

(c) DEFINITION.—In the section, the term "base closure Act" means the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

Mr. MCCAIN. Mr. President, that would eliminate the placement money which was necessary for underground storage tanks at Fort Indiantown Gap and that would make this amendment more closely defined in that it only targets new construction—new construction—at this base which is earmarked for closure.

I reserve the balance of my time.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum, with the time equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have sought recognition for a moment just to be sure that I understand the thrust of the amendment of the distinguished Senator from Arizona. If I might have the attention of my colleague, Senator MCCAIN, for just a moment. He and I were just talking briefly, and I wanted to be sure——

The PRESIDING OFFICER. I advise the Senator from Pennsylvania that the time of the Senator from Arizona has expired. The Senator from Oregon has 5 minutes remaining.

Mr. INOUYE. I ask unanimous consent that the Senator from Arizona be granted 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Pennsylvania may proceed.

Mr. SPECTER. I thank the Chair, and I thank my colleague from Arizona.

As I understand the thrust of the amendment, the provisions which would strike $1,800,000 to replace underground storage tanks has been deleted from the amendment because that change or that work may be necessary in any event; is that correct?

Mr. MCCAIN. The Senator is correct.

Mr. SPECTER. And the items on electrical targeting systems upgrade, $770,000, and flight simulator and air medical complex, $4,584,000, and barracks, $6,200,000, will be reinstated in the event Fort Indiantown Gap remains open by proceedings under the Base Closing Commission.

Mr. MCCAIN. The Senator is correct.

Mr. SPECTER. Of course, I make these inquiries because of the concern which I have, and I know that my colleague from Pennsylvania, Senator SANTORUM, shares these concerns. We believe Fort Indiantown Gap is an important installation militarily, and we intend to fight the matter before the Base Closing Commission. So the net effect of this amendment, which I understand the managers are prepared to accept without a vote, would leave Fort Indiantown Gap unharmed in the event that it remains open.

Mr. MCCAIN. The Senator is correct.

Mr. SPECTER. I thank my colleague from Arizona.

Mr. MCCAIN. Mr. President, I want to thank the Senator from Pennsylvania. I am aware how sensitive and difficult the issue of base closures are. I think it is well known to all of us that no one fought harder or continues to fight harder on behalf of the Philadelphia Naval Shipyard than my colleague from Pennsylvania. He understandably is committed to preserving jobs and the military presence in his State, and I thank the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my colleague from Arizona for those generous remarks. I have not made a comment about the Philadelphia Navy Yard for a long time on the Senate floor. I said enough in the past that there really is not a need to say very much more.

I would just make a couple of comments. That battle was lost in the Supreme Court of the United States on a very complex legal argument. Interestingly, the Harvard Law Review published an extensive review of that case, Dalton versus Arlen Specter, and came to the conclusion that the Court was wrong on its analysis of separation of powers. It is a very complicated constitutional issue as to how Congress may delegate to the President or executive agency authority to take action without sufficient standards.

The thrust of my argument had been that the Navy actually concealed evidence from certain admirals that the yard should be kept open. But there were many other complex legal issues, and it was at least some satisfaction to win the case in the Harvard Law Review if not in the Supreme Court.

We got one interesting comment before the decision was reached. NBC television said that it was the ultimate in constituent service. We all say, "I'm going to take that case to the Supreme Court of the United States." Well, we did.

I thank my colleague for mentioning it and giving me an opportunity for that brief rejoinder.

Mr. MCCAIN. Mr. President, when I heard that the Senator from Pennsylvania was going to the U.S. Supreme Court in this case, I never had a doubt that he was correct. It is, however, heartening to know that the Harvard Law Review corroborates that conclusion that all of his colleagues reached.

But seriously, it is the ultimate in constituent service and, I think, is an indication of the dedication that the Senator from Pennsylvania had to preserving the very livelihood of many of the residents of his State in the Philadelphia area. I know that he has their eternal gratitude for his herculean efforts.

Mr. SPECTER. I thank again my colleague, and I yield the floor.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Oregon has 5 minutes. The Senator from Arizona has 30 seconds.

Mr. HATFIELD. Does the Senator from Montana wish any further time?

Mr. BURNS. Just about 1 minute.

Mr. HATFIELD. I yield 1 minute to the Senator from Montana.

Mr. BURNS. Mr. President, I thank my chairman, and I thank the Chair.

I am going to oppose and ask that this amendment be tabled. I think what we have here when we start looking at the BRAC, the Base Realignment and Closure Commission, we are all at once starting to send wrong messages before the process is even complete on those that are now being considered. I think probably the construction will not go on, especially new construction, on bases that are being considered now. I do not think that is going to happen.

So I know where my friend from Arizona is coming from and what he wants to try to do. But I think as chairman of that committee, I would like to see the funds at least stay there, have a possibility of letting that Commission complete its duty, and then rescind that money. I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. How much time do I have?

The PRESIDING OFFICER. The Senator has 30 seconds remaining.

Mr. MCCAIN. I ask unanimous consent for an additional minute.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I am confused by the comments of the Senator from Montana. He says the money is not going to be spent, that it would be restored if the base was off the list, and that is exactly what the amendment says.

In all due respect to the Senator from Montana, I am confused by the fact that he would oppose an amendment that says that the money would not be spent, but if the base is off the rescission list, then it will be spent.

I can only surmise that this is some kind of turf problem, but, Mr. President, as the chairman of the Military Readiness and Defense Infrastructure Subcommittee, I do not look kindly on spending money for military construction projects which are on a base closing list and should not be spent, with a provision that the money would be spent if the base was off the list.

So, Mr. President, I will expend no more time and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS. I yield back the remainder of my time. I just think it sends the wrong message at this particular time in the process of BRAC. But I have no further comment.

Mr. REID. Mr. President, I oppose the amendment from the Senator from Arizona because it is premature and unnecessary. Moreover, it can have unintended effects, which might result in forcing later expenditures that would wipe out any savings he might anticipate if the amendment were to be passed.

First, Mr. President, the cuts he has anticipated in his amendment are premature and could affect the final decisions of the Base Closure Commission, prejudice the living conditions and rights of the people serving on those bases now and the communities which are associated with them. That would be unfair.

Second, the amendment assumes that the committees charged with authorizing and appropriating funds for military construction projects have not anticipated or are adequately providing for savings resulting from the BRAC process. That is just not the case. Mr. President, if you look at last year's conference report on military construction appropriations you will find a reduction in the President's request of some $135 million, split evenly among the services, and some taken from defense-wide programs. This was in anticipation of the fiscal year 1996 BRAC decisions, and we took a large sum because we anticipated a larger BRAC round, more closures, than actually have been recommended by the services and DOD than has in fact been recommended.

Third, it is unclear why the Senator feels it unnecessary to amend this appropriations measure. The Appropriations Committee has followed the guidance of the authorizing committee and only funded those projects which have been authorized. Why not wait until the authorization bill is crafted and the result of the BRAC Commission are known, rather than guess now, send confusing signals to the communities which have been identified for possible action by the Commission.

Does the Senator just want to penalize military communities further, in the name of spending cuts in this area?

Fourth, DOD is not asleep at the switch on this matter. The Department is not going to allow spending for fiscal year 1995 military construction projects that are recommended for closure.

So, Mr. President, I believe that both the Department of Defense, the authorization and appropriations committees are well aware of the need to reduce unnecessary construction programs resulting from the BRAC process, and have proven that they will take the action needed, in the framework of the BRAC decisionmaking process set up. No one wants to spend construction funds unnecessarily, and so I feel the amendment just jumps the gun, is not helpful, and prejudices the process that has worked well.

The PRESIDING OFFICER. The question occurs on agreeing to amendment No. 335 offered by the Senator from Arizona.

Mr. SPECTER. Mr. President, will the Chair desist on that matter for another matter which has just been called to my attention by my colleague, Senator Santorum? And that is an issue—if we may clarify, if we can have just a minute to do that—an issue which arises in the event that Fort Indiantown Gap is realigned instead of closed, that whatever the consequence is, I just want to understand the intent of the Senator from Arizona that these funds will be reinstated if the function of Fort Indiantown Gap continues, even if it is called a realignment.

Mr. McCAIN. Mr. President, if I may respond, if there is a realignment which keeps that base open, then this rescission would not apply.

Mr. SANTORUM. If I can, if the base remains open as a Guard unit, which is what will happen, but is designated as closed by the BRAC because all active units will be pulled out, does that still maintain these programs?

Mr. McCAIN. They do not. If it is a Guard installation, then we go through the regular functions, provisions for Guard units.

The PRESIDING OFFICER. I would remind Senators all time has expired and all time was yielded back.

The question occurs on agreeing to amendment No. 335 offered by the Senator from Arizona.

The amendment (No. 335) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

AMENDMENT NO. 336

(Purpose: To rescind fiscal year 1995 funding for listing of species as threatened or endangered and for designation of critical habitat under the Endangered Species Act of 1973)

Mrs. HUTCHISON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 336.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 28, between lines 14 and 15, insert the following:

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCES MANAGEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–332—

(1) $1,500,000 are rescinded from the amounts available for making determinations whether a species is a threatened or endangered species and whether habitat is critical habitat under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(2) none of the remaining funds appropriated under that heading may be made available for making a final determination that a species is threatened or endangered or that habitat constitutes critical habitat (except a final determination that a species previously determined to be endangered is no longer endangered but continues to be threatened).

To the extent that the Endangered Species Act of 1973 has been interpreted or applied in any court order (including an order approving a settlement between the parties to a civil action) to require the making of a determination respecting any number of species or habitats by a date certain, that Act shall not be applied to require that the determination be made by that date if the making of the determination is made impracticable by the rescission made by the preceding sentences.

Mr. HATFIELD. Mr. President, will the Senator yield——

Mrs. HUTCHISON. I will be happy to yield, Mr. President.

Mr. HATFIELD. On an understanding to the amendment.

I now ask unanimous consent that the Hutchison amendment be limited to 40 minutes to be equally divided in the usual form.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Texas is recognized.

Mrs. HUTCHISON. I thank the Chair.

The amendment rescinds $1.5 million in funds for new listings of endangered or threatened species or designation of critical habitat through the end of the fiscal year, which is a little more than 6 months from now. It provides that remaining funds may not be used for final listings of endangered or threatened species or final designation of critical habitat.

The amendment does permit downlistings, changing a species from endangered status to threatened status. In H.R. 4350, the House regulatory moratorium bill, the House passed a moratorium on new listings or designations until the earlier reauthorization of the Endangered Species Act or December 31, 1996. Rescinding funds for a more limited time period will provide a time out from new listings controversies and will provide the momentum necessary for reauthorization of the Endangered Species Act.

Mr. President, as many of us in this body know, we have a critical situation with the Endangered Species Act implementation. I do not think one Member of this body does not support the concept of protecting endangered species.

What has happened is, I think, the regulators have really gone far beyond congressional intent, and we have found ourselves in many States across our country having endangered species declarations for baitfish. In the Panhandle of Texas, we have baitfish now being looked at to be put on the endangered species list.

Now, I would not mind baitfish being on the list if it did not encroach on private property rights and the use of water. Water is very important for the farmers and ranchers in the panhandle. It is very important to the people of Amarillo. They rely on the water sources. So when you start saying to the people of this country we are going to take away water rights from people who are farming and ranching and making their living off the land, when you say we are going to take water rights from cities that need the drinking water supply, then you set up a choice. Then you say, OK, what is more important than water rights and private property rights of individuals?

Well, I do not think it is a baitfish. I think we might have some instances in which it would be worth saving some sort of specie that was in imminent danger of being extinct with some economic damage, but, Mr. President, that is not what is happening.

Let me take another example in my State of Texas. The jaguar is to be put on the endangered or threatened list. Now, the last time someone saw a jaguar in south Texas was sometime in the 1940's. There are no jaguars in Texas. Maybe one wandered up from Mexico during the Second World War, but when you are talking about taking private property rights because a jaguar appeared 30 years ago and has not been seen since, we once again have a crucial decision: What is right and best for the private property owners, for the taxpayers of our country, and for the endangered species and the preservation of nature.

I just want common sense to come into the equation, and that is the issue here. My amendment will say time out. The time has come for us to look at the policies. And we are going to take up the reauthorization of the Endangered Species Act. When we do that, we are going to be able to look at scientific bases. How are we going to determine what is really endangered? The fact that the Tipton kangaroo rat has feet 1 millimeter longer than the Herman rat, does that make the Tipton kangaroo rat take precedence over a farmer in California who was arrested and is now looking at a $300,000 fine and a year in prison because he might have run over a Tipton kangaroo rat, when the Herman rat, which is the same except the feet are one millimeter shorter, is not on the endangered species list?

So we are going to be able to take that up in the Endangered Species Act reauthorization. We are going to be able to take up cost-benefit analysis. We are going to be able to look at the people who might lose jobs like the logging industry in the northwest part of our country, where people were put out of jobs that had been in families for generations to save a spotted owl.

We are going to look at alternative habitats. We are going to look at the possibility that we could have taken spotted owls and put them in nearby public lands without any cost to the taxpayers and without the breaking down of the logging industry in the northwest part of our country, and most certainly without causing these people such disruption in their lives by losing their livelihood and their jobs. These people are being retrained. It is costing the taxpayers of America $250 million as the result of a bill we passed in 1993 to retrain workers who did not want to leave their jobs to save a spotted owl. So these are some of the things we are going to be able to take up in the Endangered Species Act reauthorization.

Mr. President, you and I have talked about the importance of having full hearings on the Endangered Species Act, to hear from everyone, from the Fish and Wildlife Department, from people who are involved in saving the environment, from people who are involved in saving animals, and from private property owners and people who believe that the Constitution, the fifth amendment for private property rights, is in fact a part of the Constitution and is intact.

So we know that it is going to take time to do that. But I wish to make sure, Mr. President, that we do not do something between now and the time of reauthorization or in this case until the end of the fiscal year that would put the rights of a baitfish above the farmers and ranchers in the Panhandle of Texas. We want to make sure that between now and the end of the fiscal year we do not have a jaguar that would take away the leasing rights to many counties in south Texas. We want to make sure that things that go beyond the realm of reason do not happen in this country while we wait and do the Endangered Species Act reauthorization in the right way. That is what I wish to make sure, Mr. President, we are able to do.

So I appreciate the opportunity. I wish to reserve the remainder of my time in case someone would speak against this amendment. I realize it would be hard to speak against this wonderful amendment, but nevertheless if someone decides to do it, I would like to be able to reserve the remainder of my time to respond.

The PRESIDING OFFICER. Who yields time?

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I yield whatever time we may have up to 5 minutes to my colleague from the State of Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, the amendment proposed by the Senator from Texas is, I think, constructive and vitally important to people in many parts of the United States. With each passing month we learn more about the distortions in the lives of our people caused by the application of the present Endangered Species Act. A mere finding of threatened or endangered status for any species subject to listing automatically results in restrictions on the use of property, restrictions in economic activity, and in cultural, social, and community disruptions. This amendment will give both the country and the Congress breathing space for a period of approximately 6 months during which the Endangered Species Act itself can be examined, as it will be, by a subcommittee headed by the present Presiding Officer presiding over this body.

I know he and I and the Senator from Texas all believe the Endangered Species Act should be continued, as it represents a real value held by all Americans, but that it must be changed so factors and values other than the species itself must be considered. Human values, people's jobs, their communities, their society, their culture must be weighed as we come up with balanced solutions to Endangered Species Act findings. That is not possible today under the act. The breathing space which will be imposed by the amendment of the Senator from Texas will allow that careful consideration to take place in this body. It will restore a degree of balance which is presently lost.

This is not and has not been asserted by the Senator from Texas to be a long-term or full solution to the necessity of balancing human and other interests in our environment. It is a step to allow that process to take place in a more careful and rational and thoughtful manner. As such, to protect our people and our communities for a 6-month period while we discuss the Endangered Species Act, the amendment proposed by the Senator from Texas is valuable, I may say vital, and I hope it will be adopted by this body.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I appreciate the Senator from Washington working with me on this amendment. He and I had been discussing the impact of these regulatory excesses on the economies of our respective States and he has been a valuable resource to me in putting this amendment forward. We are going to do everything we can to move in a positive direction to make sure we do what is right for this country, protecting private property rights and the abilities of our farmers and ranchers, while at the same time taking the time to reauthorize the protection of endangered species in a judicious and timely manner.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Texas has 12 seconds remaining. The Senator from Hawaii has 15 minutes and 3 seconds.

Mr. INOUYE. Mr. President, I am pleased to yield whatever time the gracious lady from California requires.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I am pleased to be here to stand up in opposition to this amendment. The Senator from Texas had put forward a moratorium on the Endangered Species Act as a separate bill, and appeared before a committee on which I served, the Environment and Public Works Committee, and, Mr. President, you are an able member of that committee and chaired the particular subcommittee before which the Senator from Texas appeared.

We had a very long, complicated, and involved hearing on the wisdom of putting forward a moratorium on the Endangered Species Act. I have to say to you, Mr. President—and it is my very strong view—that in this U.S. Senate, with all the experience we bring to these issues, with all the expertise we bring to these issues, it seems to me to essentially stop the Endangered Species Act in its tracks, which is really what this amendment would do, is not the proper way to legislate. It is an abdication of our responsibility.

I am very pleased that the ranking member of our committee has come to join this debate. I say to him that I will be finished with my comments in about 3 or 4 minutes. I am very pleased that he is here to lead this fight because it is quite appropriate that he do so.

I do not know anyone in the U.S. Senate who is perfectly satisfied with the Endangered Species Act, who feels that it is perfect, who feels that it does not need to be fixed, who feels that we cannot improve it. And we are all quite dedicated to improving it. The chairman of the Environment and Public Works Committee, Senator CHAFEE, is a really great leader in this U.S. Senate. He, working along with our ranking member, last year proposed a new reauthorization of the Endangered Species Act. And together, in a bipartisan fashion, I have great confidence that they will lead this fight.

I think to come on this floor in the U.S. Senate and to add an amendment to a defense emergency supplemental bill that deals with a very important and sensitive environmental issue is simply not the right way to legislate.

Mr. President, 77 percent of Americans support maintaining or strengthening the Endangered Species Act, according to a May 1994 Times-Mirror survey. Interestingly, even 72 percent of Texans support maintaining or strengthening the act.

I have to say again that to torpedo the Endangered Species Act because there may be a problem in Texas is not the right way to legislate. I have been in Congress for awhile. I was 10 years in the House of Representatives, where I served very proudly, and 2 years here, where I am trying to do the best I can. When I have a problem that is local in nature, I do not bring it to the floor of the U.S. Senate and expect my colleagues to overturn an act that is supported by the American people. I will call in the various bureaucrats. I will sit them down around the table, and I will work with them.

I know that my friend from Texas is an excellent Senator and works very hard and knows what she needs to do for her people. I strongly advise that she withdraw this amendment and handle her problems in Texas, because I frankly do not want to see us gamble with this.

Let me explain what I mean. During the hearing that we held on the Senator's amendment, I asked her if she had ever heard of a Pacific yew tree. She said yes, she had heard of it, but she was not exactly sure what it had to do. I explained to her that the drug Taxal, which is in fact the one and only hope for curing ovarian cancer that we have at this time, and hopefully for preventing breast cancer, came from the Pacific yew tree. By the way, the Pacific yew tree was being used for its bark and was in danger of disappearing, and no one knew its value.

Why do I raise this issue for my colleagues to hear? It is because, on average, endangered plant species have fewer than 120 individual plants by the time they are listed. The fact of the matter is, when we get down to a point because of this moratorium that we lose that last plant that could hold the secret for the cure of Alzheimer's, or the secret of a cure for prostate cancer, what is the good of that type of legislation? I say it is very harmful.

So in closing, Mr. President, I hope that we will all vote against this amendment. I do not think it has a place on a defense supplemental appropriations bill. If anything, we not only endanger species in this bill, we endanger ourselves if we vote for this amendment because we could, unwittingly, voting for this amendment, wipe out the last plant that holds the cure for some disease. We could wipe out the last animal. I know what I am talking about because we do not have grizzly bears anymore in California. The California grizzly is off the face of the Earth because we did not act in time.

I think that the Environment and Public Works Committee, under the able leadership of Senator CHAFEE and Senator BAUCUS as ranking member, and you, Mr. President, as the very important chair of the subcommittee that will deal with it—I have my faith in you. And I hope we will defeat this amendment and get on with our job of reauthorizing the Endangered Species Act in due course, in due time, and with due diligence.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, parliamentary inquiry: How much time is remaining?

The PRESIDING OFFICER. The Senator from Hawaii controls 8 minutes and 44 seconds; the Senator from Texas controls approximately 7 minutes.

Mr. INOUYE. Mr. President, I am pleased to yield all of my time to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. BAUCUS. I thank my good friend, Senator INOUYE from Hawaii.

Mr. President, as ranking Democrat on the Environment and Public Works Committee, I must oppose the Hutchison amendment. The reason is really very simple. It is because the Endangered Species Act needs to be improved. That is the reason, so that farmers, ranchers, homeowners, and others have an easier time coping with the requirements of the act. But this is no way to fix it.

At best, the Hutchison amendment is a makeshift stopgap measure that does not really solve the underlying problem. Let me repeat that: It does not solve the underlying problem. Once it expires, we are still faced with the problem. And worse, the amendment actually undermines our ability to make the act work while the situation deteriorates, deteriorates into false hope and false promises that things are going to be OK. Let me remind Senators of where things stand.

In the last Congress, we held a series of hearings, an extensive series of hearings on the Endangered Species Act. We heard from a wide variety of people that were having problems from the act. We heard representatives of the national interest groups, all the way to individuals, individual landowners and homeowners, who had to cope with the designation of their property as critical habitat.

I remember a hearing we held in Ronan, MT. Ronan is in the middle of grizzly habitat—the grizzly, an endangered species. Several hundred people packed the school gymnasium. The hearing lasted all day—a long, hot day, let me tell you, hot because of the physical temperature, not because of the emotion of people in the room.

We made a lot of progress. We identified reforms that can significantly improve the act while continuing to protect against the extinction of the species. Reforms, like peer review of listing species, an outside panel of peer reviews of scientists, outside peer review panels that can give us outside advice, and a larger role for States.

I think States, particularly State fish and game departments, who have to manage fish and wildlife in their State, should have a greater role, a greater reliance on incentives that have punishments, incentives for landowners, and particularly incentives for private landowners.

I must say that the bill I introduced had the support of both the western Governors and the environmental community. There were significant major changes in that legislation, and had we been able to finish our work last year, I think a lot of the problems we are now talking about here today would have been solved. We would not be talking about them at all.

This Congress, and the chairman of the Environment and Public Works Committee, Senator CHAFEE, and the chairman of the relevant subcommittee, Senator KEMPTHORNE, the Presiding Officer, have indicated that they intend to reauthorize the act. We are going to reauthorize the act.

Senator REID and other Democrats on this subcommittee have made it crystal clear that they are prepared to cooperate and work to pass a reauthorization bill this year. They want to pass a bill this year. The opposition to the moratorium is not opposition to reform. It is for reform.

The fundamental point I want to make here is if we are going to serve our people, let us reform the act. Let us not mislead them by passing a moratorium which does not address the underlying problems of the act. That, in my mind, is the best way to proceed.

Otherwise, we all know what will happen. A floor amendment here, an appropriations rider there, a waiver, a moratorium, an exemption, a carveout—what is the result? We wind up responding to the crisis of the moment. We do too much of that around here and we never get around to the basic issues that must be resolved if we are really going to improve the act.

So, I believe, Mr. President, that the Hutchison amendment is a diversion. It is also more than that. The amendment cuts out money for species that are on the brink of extinction. That will make a bad situation worse. Some other species may be lost; others will survive, but, in the meantime, the population will have declined. As a result, our options will be more limited. Recovery will be more expensive. It will be more burdensome, not less.

I am reminded, Mr. President, of the problem with the owl. The main reason the Pacific Northwest faced a critical problem with the spotted owl in old growth forests is because neither the State of Oregon nor the State of Washington nor the U.S. Congress, nor Presidents heeded warning signals to do something about the potential extinction of the spotted owl. Ten, 15 years ago, agencies concerned with this issue sent us warning signals. What did we do? We all ignored them. We swept them under the rug and did not address the issue. I say that is going to be the consequence here—isolated individual problems. As I said, the more we delay, the more our options are limited and the greater the problem becomes and the more expensive the solutions.

Instead of shutting down the process, I believe we should be promoting efforts to go ahead, to conserve species before they are on the brink of extinction when greater flexibility exists to accommodate the legitimate needs of private landowners. This amendment would only affect the Fish and Wildlife Service's ability to list additional species. It does little or nothing to address the needs of private landowners who are affected by species already on the list. It does nothing about that. As a result, it is not only a shortsighted solution, but an incomplete one. It does not do what it purports to do.

Mr. President, there are legitimate problems with the act. I believe we should sit down, work together, find ways to minimize the burden the act imposes on all landowners, and we should not adopt this amendment.

At the appropriate time I will move to table this amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. How much time is remaining on both sides?

The PRESIDING OFFICER. The Senator from Texas controls 7 minutes 6 seconds. The Senator from Hawaii controls 1 minute 52 seconds.

Mrs. HUTCHISON. Mr. President, I would like to yield up to 3 minutes to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, let me thank the Senator from Texas for offering this amendment and bringing to the floor of this Senate for the first time in this session what I think will be part of a very critical debate that I hope we will resolve.

Let me say that there is nothing wrong with this amendment and it ought to be enacted. We ought to vote to support a moratorium on further listings until the Senator from Montana, the Senators from Oregon and Idaho, and the Senator from Texas, have a chance to resolve a very bad law that needs dramatic fixing at this moment.

We have heard rhetoric on this floor for the last 5 years that the Endangered Species Act is not working. It is costing hundreds of millions of dollars of lost economy and lost jobs, and we have done nothing about it. And now on the doorstep of an opportunity to change it, what is wrong with just stopping for a moment, stepping back from this administration's rush to judgment and in a panic throe list thousands of species simply because they think the Senate and the House are now going to change a law that has needed to be changed?

So I applaud the Senator from Texas for offering this amendment. We have heard arguments on the floor to say, well, that is a local issue, that the Senator from Texas does not understand she has a local problem, so why does she not deal with it locally? It is not legal in Idaho, Washington, Oregon, and Montana, for this very act at this moment is dislocating people, economies, farmers, ranchers and business people with the cavalier attitude on the part of the implementing agencies that "so be it." It is all in the name of the species, and to heck with people.

I think it is time that this Congress resolve the issue, and do it quickly, first of all, with a moratorium and, secondly, with the responsible authorizing committees' handling of a reauthorization of the act. The chairman of the Appropriations Committee, yesterday, hosted a hearing on the very viability of a regional power system that is now being directly threatened by the impact of a decision and a proposed management plan by a Federal agency on the Endangered Species Act. That regional power organization has spent over $1.5 billion trying to save a variety of species of fish in the Columbian Snake River system. The process has been driven more by politics than by the good science that ought to make the decisions. If it is politics that is listing species instead of science, what is wrong with the amendment of the Senator from Texas?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CRAIG. Let us support the amendment and bring about a moratorium and stop this rush to judgment.

Mr. INOUYE. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Hawaii has 1 minute 52 seconds remaining. The Senator from Texas has 3 minutes 56 seconds.

Mr. INOUYE. I ask unanimous consent that 8 additional minutes be allocated to the Senator from Montana.

The PRESIDING OFFICER. Is there objection?

Mrs. HUTCHISON. Reserving the right to object. You are asking for 8 minutes in addition to the 2 minutes? Are you asking for 10 minutes?

Mr. INOUYE. Yes, Mr. President. This is to accommodate the Senator from Nevada and the Senator from New Jersey. Would you like to have an additional 8 minutes?

Mr. CRAIG. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I would want an additional amount of time that would equalize it. I think we have set a time agreement here and perhaps we could accommodate to some degree, but perhaps not for 10 more minutes.

Mr. INOUYE. Five?

Mrs. HUTCHISON. I think that would be fine.

Mr. INOUYE. I ask unanimous consent that 10 additional minutes be allocated for this debate, 5 minutes under the control of the Senator from Texas and 5 minutes to the Senator from Montana.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BAUCUS. I yield 4 minutes to the Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank my friend and colleague from Montana for allowing me just a few minutes to make some remarks, because I must say, because I come from New Jersey, the most densely populated State in the country, it does not mean that we have less of an interest about species that are in jeopardy, be they animal or flora fauna, than do they in the more remote parts of the country. And this debate, I think, ought to be taking place at a different pace and a different time. We just went through a hearing and a markup on Tuesday in the EPW Committee. It was carried and was going to be presented on the floor. Instead, I have to say that I am surprised that the Senator from Texas, after having won an agreement from the subcommittee to pass the amendment along, suddenly now it is attached to a rescission bill.

What is the urgency, Mr. President, of moving this so quickly? Are we willing to say today that we do not want to continue preserving those species that may save lives, that may interest our children and our grandchildren in a particular type of fish, or a particular type of bird, or particular type of animal? I am on the Environment Committee, as is the Senator from Texas. One of the things that I did when we had the oil spill up in Alaska a few years ago was to get up there very quickly and talk to the people in the communities.

They were heartbroken because of the threat to the abundant species that existed there, including bald eagles, including sea otters, including seals; grief stricken, Mr. President, grief stricken because it may be the end of a salmon run or a herring run or another bit of marine life around which whole cultures and whole communities were built.

So the madness, the urge to get this done so quickly, is something, frankly, I do not understand. And to come along, after we have had a full discussion—and if not full enough, we can continue it—but to rush at this moment into a moratorium that says we cannot do anything, tie the hands behind your back—we had a $2 million rescission; no, let us increase it by another $1 million.

I do not know exactly what the Senator from Texas has in mind, but I cannot believe that she or the proponents of this amendment would want to diminish the opportunity to protect a species that might, as we heard from the distinguished Senator from California, aid in fighting breast cancer or another type of disease.

I know that there are trees that produce a bark that is used medicinally and very effectively.

Mr. President, I rise today to express my dismay and unhappiness with the amendment offered by Senator HUTCHISON to increase the rescission of Fish and Wildlife funding and to restrict any remaining appropriated funds for making any final determinations that a species is endangered or that its habitat is critical.

The $2 million rescission already included in the bill will severely jeopardize the Fish and Wildlife Service's activities to administer the Endangered Species Act. It will diminish their ability to protect and recover species, to increase public involvement and to comply with existing court orders.

But this amendment, Mr. President, would effectively paralyze them.

I must say when I saw this amendment come to the floor, I was very surprised.

Just 2 days ago, our subcommittee held an expedited hearing on S. 191, Senator HUTCHISON's bill, which would put a hold on administration of the Endangered Species Act until it is reauthorized.

We expedited that hearing and agreed on holding a markup in good faith, even though some of us on the committee are philosophically opposed to this proposed legislation.

Now it appears that the Senator has decided to bypass the committee, despite our willingness to work with her, and bring her proposal straight to the floor.

I know that this act is not perfect. It has not been administered in the most effective manner. And we want to fix those problems.

But Senator HUTCHISON's efforts to freeze the Agency in its tracks is no solution.

The solution is to do what we began in committee on Tuesday: to seriously review what's right with the act, what's wrong, and what we can do to make it better.

Mr. President, the American people support this act. A recent poll found that 77 percent of Americans want to maintain the ESA or even strengthen it. The American people understand that the ESA enables us to take proactive steps before the decline of a vulnerable species is irreversible.

They want to save endangered species before key components of our ecosystem are relegated to the walls of natural history museums. we have a moral responsibility to make sure that does not happen.

The listing of an imperiled species is necessary to ensure that it receives the protections of the ESA. Each time a species is listed, it sends out a warning signal that the ecosystem is in decline.

There are currently 118 species that have been proposed for ESA listing. Senator HUTCHISON's amendment would render us powerless to protect the future of these 118 threatened species.

And for those who might not care about that, I would point out that it also would effectively prevent the Fish and Wildlife Service from meeting with landowners and resolving their concerns about the way current policies affect their lives.

Mr. President, this amendment accomplishes nothing. Our endangered species will continue to be endangered. The costs of recovery will continue to mount. And the Fish and Wildlife Service will find itself paralyzed to effect any improvements in the administration of this act.

Those of us who serve on the subcommittee want to work together in a bipartisan manner to implement real reforms in the Endangered Species Act.

Every Member who spoke at our committee's recent hearing on the Endangered Species Act, including the Senator from Texas, said as much. The general consensus following that hearing was that we would try to accomplish that goal—in the spirit of good faith and cooperation.

Mr. President, this amendment coming between the subcommittee's positive action on the Senator's bill and the full committee markup expected next Thursday, would make it very difficult—if not impossible—to operate in that spirit.

I urge my colleagues to table this amendment, and to support the Environment Committee's efforts to craft a more effective endangered species program.

Mr. President, I would have to say I am amused by good friends and colleagues who stand on the floor talking about rhetoric. As the decibels increase and the pace increases, we are talking about perhaps major changes in the ecology of our society. I would not treat this quite this lightly. I hope that we are able to defeat this amendment.

The PRESIDING OFFICER. Who yields time?

Mrs. HUTCHISON. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Montana has 3 minutes and 12 seconds remaining; and the Senator from Texas, 9 minutes.

Mr. BURNS. Mr. President, I rise to support the amendment offered by Senator HUTCHISON of Texas. It is about time this Congress begin to put a little bit of common sense back into the Endangered Species Act.

Currently, there are about 60 listed or candidate species in Montana. And, there always seems to be a new species that some group wants listed or placed on the candidate list. The recent efforts by a group based out of Colorado who want the black-tailed prairie dog placed on the candidates list is an example of this.

This amendment would rescind $1.5 million for the Endangered Species Act for the new listings and habitat. That's a good place to start this debate. Let's put this moratorium in place, and then let us reauthorize the Endangered Species Act to include common sense and protect species and habitat.

The State of Montana needs this amendment, and I urge its adoption.

Mr. DOMENICI. Mr. President, I rise to state my cosponsorship of and support for the amendment offered by the Senator from Texas to rescind $1.5 million in fiscal year 1995 funding for certain new actions under the Endangered Species Act. I support this amendment for two reasons. First, it is generally acknowledged that the Endangered Species Act in its present form simply is not working as it should. Second, there is every indication the act will be thoroughly revised by this Congress. Consequently, this amendment will put a halt to spending more money on certain aspects of a program that all agree is broken and that will soon be fixed.

There is little question that the Endangered Species Act is broken. The act was passed in 1973 with the noble goal of saving threatened and endangered species from extinction, and having fought long and hard over the years to protect my State's precious natural resources, I fully support the ideals underlying the act. Twenty years of experience, however, have revealed that the act is fundamentally flawed in its practical application. Specifically, the act allows those who administer it to create social and economic chaos among communities unfortunate enough to be located anywhere near a listed species.

Let me give you an example of the chaos created by the act in my home State. The San Juan River runs through the northwestern part of New Mexico. Along the San Juan there is a dam, Navajo Dam, which has quite literally provided life to the residents of that part of the State. The dam ensures that the citizens in the surrounding cities and towns—cities like Farmington, Aztec, and Bloomfield, towns like Turley and Blanco—have adequate supplies of water for domestic use all year round. The dam powers a 30,000 kilowatt hydroelectric plant which provides electric power to all of the area's homes and businesses. The dam supplies water to the many rural irrigation ditches in the area, thus allowing agriculture to flourish. The dam has created one of the most beautiful recreational lakes in the State, Lake Navajo. And the dam provides water for, what I am proud to say, is some of the best trout fishing in the United States; as a consequence it provides jobs for no less than 20 world-class fishing guide services as well as jobs for the accompanying tourist industry. So this one dam does it all; it provides food, water, electricity, jobs, and recreation for all of the citizens of that region.

Living in the Colorado and San Juan Rivers, however, is a minnow known as the Colorado squawfish. This minnow has been listed under the act as an endangered species. Unfortunately for the people of northwestern New Mexico, a very small population of this minnow, a population which has never been recorded at more than 30 fish, is found in the area around Navajo Dam. As a result of this listing under the act, a committee was established to study how the squawfish might increase its numbers. As a part of this study, the committee would like to see what effects, if any, the historic, pre-dam flow of the San Juan River would have on the squawfish. To emulate this natural flow, the releases from Navajo Dam would have to be lowered to half of their current output for 4 months at the end of this year, and the committee has proposed that the Bureau of Reclamation do exactly that. Mr. President, this sounds to me as if we are using the people of the area as guinea pigs to study the squawfish.

Needless to day, this proposal has both terrified and infuriated the residents of the Navajo Dam area. They are terrified because, if adopted, the proposal will leave them with completely inadequate water supplies, will greatly increase the cost of electricity, and will wipe out many of the fishing and tourist jobs upon which they depend. They are infuriated because this possible social and economic upheaval will occur solely for the academic exercise of determining whether or not a historic flow on the San Juan River will benefit the squawfish. Although I commend the Bureau of Reclamation for conducting town meetings to determine what effects the proposal will have on the people of the area, I believe that the fact that the proposal is being seriously considered at all indicates just how out of control the Endangered Species Act has become.

Unfortunately, this is just one example of how economically and socially destructive the act can be and has been on the people of my State. I could speak at great length about how listings have decimated the timber industries in small towns such as Reserve, NM. I suspect that most of the Members of this Chamber have been confronted with similar stories.

These situations, however, have generated widespread recognition that the act has failed miserably to protect citizens from the social and economic burdens it creates. Just recently, in fact, even Interior Secretary Babbitt, long a defender of the act, recognized that the current listing process can produce "unnecessary social and economic impacts upon private property and the regulated public."

Therefore, as I said at the outset, the Endangered Species Act is, in fact, broken. Fortunately, this new Congress, and Senators CHAFEE and KEMPTHORNE in particular, have made revision of the act a top priority, and I am sure that they will do an outstanding job in this regard. It is for this reason that I am cosponsoring this amendment. Rather than allowing the continuation of a process that fails in practical effect to protect communities from social and economic devastation, this amendment will prevent moneys from being spent on new listings of threatened or endangered species and on new designations of critical habitat for the rest of fiscal year 1995. As I believe it only makes sense that we stop spending money on something that is broken and that will soon be fixed, I fully support this amendment, and I urge my colleagues to do the same.

Mr. BAUCUS. Mr. President, might I ask the Senator from Texas, in terms of proceeding here, if she might want to speak now so we can even out the remaining time?

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I will be happy to do that, if the Senator from Montana will agree to let me finish on my own amendment.

Mr. BAUCUS. Yes.

Mrs. HUTCHISON. Will the Chair please notify me, then, when the time is equal?

The PRESIDING OFFICER. The Senator from Texas will have 6 minutes, approximately, but she will be notified.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that Senator GRAMM be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mrs. HUTCHISON. Mr. President, I want to respond to some of the things that have been said, because I think we have to put this in perspective.

The Endangered Species Act expired in September 1992. It has not been reauthorized, although we have appropriated money for its implementation. So, essentially, today what we are doing is saying, no longer are we going to fully fund the implementation of this act that expired 2 years ago.

We are not wiping out the implementation. I want to put this in perspective. We are taking out $1.5 million out of approximately $4.9 million in the act. So there will be $3.4 million for the biologists and the workers at the agencies to continue doing their job.

But what we are trying to do is say the time has come for us to put parameters around the implementation of this act because it has gone so far beyond reason.

Senator BOXER and Senator BAUCUS have both agreed that no one is completely satisfied with the Endangered Species Act implementation. That is absolutely true, which is why we should stop doing it now, so that we can reauthorize it and tell the people who have gone so far beyond congressional intent exactly what Congress intended; that we intended to protect species, but that we most certainly intend to have common sense in the equation; that we are not going to put baitfish ahead of the water rights of farmers and ranchers; that we are not going to put the jaguar over the leasing rights of the ranchers in south Texas when nobody has seen a jaguar in Texas; that the golden-cheeked warbler is not going to take precedence over the farmers and ranchers and people in the area of Austin, TX. That is what we are trying to do.

The Senator from California indicated that this might be sort of a local bill, and why do we not just take care of Texas and let everyone else fend for themselves.

Well, I would just mention that California now has 74 potential listings, any one of which could possibly go on the endangered or threatened endangered species list—74. I do not think this is local.

In fact, I met with the leaders of the Los Angeles business community a few weeks ago when I was out in Los Angeles, and they told me of their two top issues, one is the overzealous regulation in the Endangered Species Act. I hear that from Arizona, I hear it from Idaho, I hear it from Montana, I hear it from New Mexico. This is not a local issue. Everyone agrees we have to do something.

What I want to do is reauthorize it in a timely and judicious manner, and I want to have the time to do that.

The Senator from New Jersey says, "Why the rush? Why the rush?"

The rush is not there. I introduced the bill to put a moratorium on the Endangered Species Act on January 7 of this year. It was March 7 before we had a hearing in the subcommittee. The markup is scheduled for March 23. So will this bill be able to be acted on before the April recess? I do not know. I hope so, because we still need the moratorium bill because we need to stop the overzealous regulation of this act by every possible means until we can reauthorize the act with all of the players at the table.

So this is not rushing. This is trying to keep a disaster from happening. It is trying to keep people from losing their jobs while we are taking this bill up in due course.

It was mentioned that the Pacific yew tree is being used to be a part of a medicine that helps cure breast cancer. And I certainly am supportive of that. As the Senator from California knows, she and I agree on the need for more research for breast cancer.

But, in fact, I think we have to understand that the Pacific yew tree is now being harvested by Bristol-Myers. That is one of the good things that can happen. When we do discover that there is a plant that can be used to help cure disease or keep us from having more disease, then we have the ability to harvest that tree, and that is exactly what is happening.

The PRESIDING OFFICER. The Senator is notified that she now has an equal amount of time as the Senator from Montana.

Mrs. HUTCHISON. I reserve the remainder of my time.

Mr. BAUCUS. I yield 2 minutes to the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 2 minutes.

Mr. REID. Mr. President, I serve as the ranking member of one of the subcommittees of the Environment and Public Works Committee, over which there is jurisdiction of the bill introduced by the Senator from Texas.

I, in good faith, dealt with the chairman of the full committee and the chairman the subcommittee to work out a procedure to have hearings on her legislation. I was afraid something like this would happen, and it appears it has.

If this is how we are going to do business, I am going to be real upset in the future in entering into any agreements on the Environment Committee of which I have any dealings. I am going to be as mischievous as I can on this floor.

I dealt with the full committee chairman and the subcommittee chairman so that we could expedite a hearing on the bill of the Senator from Texas, have a full committee markup, and report this to the floor.

Now if we, probably because of the procedure set up here, do not have the votes to table this, I personally am going to get as many of my colleagues as I can, if this amendment is adopted to this bill, as important as it is, I am going to do everything within my power to get the President to veto this bill so that we can come back here and do things the right way.

I have stated numerous times that I believe the Endangered Species Act needs some work done on it. The State of Nevada is affected as much as any other State. We are fourth in line as to endangered species listings.

But this is not the way to treat a very important matter. I am very upset. I am going to do everything that I can to make sure that the President—if, in fact, this bill passes—will veto it so we can start conducting business as ladies and gentleman.

Mr. BAUCUS. Mr. President, I yield the rest of our time to the Senator from Florida, Senator GRAHAM.

The PRESIDING OFFICER. The remaining time is 1 minute 20 seconds.

Mr. GRAHAM. Mr. President, the distinguished Presiding Officer and I, in the last Congress, were ranking member and chair of the subcommittee which had jurisdiction over the Endangered Species Act.

As the Presiding Officer knows, we were preparing to hold a series of hearings on this act with the goal of reauthorization in 1995. That is a goal which I hope we will continue to meet. I think it is important that we reauthorize this legislation.

During the course of my chairmanship of that subcommittee, I learned some important things about the Endangered Species Act, and I would just briefly in my remaining seconds like to enumerate some of the things I learned.

First, that the focus should not be so much on individual species as it should be on the habitat of those species. In many ways, the endangerment of a species is a signal of more fundamental problems in the habitat, problems which can have serious ramifications to the humans who occupy that habitat.

Second, in many cases the charges made against the Endangered Species Act were actually the responsibility of some other Federal, State, or local action for which the endangered species became the scapegoat.

Finally, Mr. President, I believe that we need to consider the reauthorization of this act. It certainly is in need of reform, but not the kind of amputation that is being proposed by this amendment.

The PRESIDING OFFICER. The Senator from Texas has 3 minutes remaining.

Mrs. HUTCHISON. Mr. President, I certainly understand when people have legitimate disagreements over the rights of private property owners versus the rights of animals and the concern that we have for protecting habitat.

I do object to the characterization that this is somehow an inappropriate amendment. I do not think we can say that. We have had expedited procedures on the bill that would put the moratorium in place—a bill that was introduced in January, that had 29 signatures on the request for a hearing in late January, that was very much worked on and compromised to accommodate the concerns of people who were legitimately interested in this bill—until we finally got a hearing on March 7.

We have not had a markup in committee. I think we can see from some of the concerns that have been raised that we may not be able to get this bill on the floor before April. I really do not think it is a fair thing to say that we have had expedited treatment of this bill.

I think what is important is that we put some common sense into the implementation of the Endangered Species Act. Congress passed the bill. It has expired. In fact, we have not been able to reauthorize it because the concerns are so great and the disagreements are so large.

So, we are going to take our time and we are going to reauthorize the bills, I hope, in a judicious way. The main thing we are going to have to do is put common sense into the equation.

What I am trying to prevent today is the use of the next 6 months while we are taking this up in a rational way so that everyone can have their side aired and their view aired. I am trying to say, "time out," so that silly things will not happen, so that bait fish and golden cheeked warblers and jaguars and salmon that are running the wrong way in a stream will not take precedence over the rights of farmers and ranchers who have toiled on their land and who are working for a living and providing the food for citizens to eat in this country.

So I am very concerned that we act immediately. I think this is a great first step. I think it is a reasonable first step. I did not wipe out the whole agency. I just took $1.5 million out of $4.9 million. There is $3.5 million left. We are not going to lay people off. People will still be able to work. I think it is quite reasonable, and I did compromise with the chairman of the committee.

I want to thank Senator CHAFEE for working with me on this amendment and for working with me in a fair way to try to get this bill heard. Thank you.

The PRESIDING OFFICER. All time has expired.

Mr. BAUCUS. Mr. President, I move to table the Hutchison amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Hutchison amendment.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] and the Senator from Maryland [Ms. MIKULSKI] are necessarily absent.

The result was announced—yeas 38, nays 60, as follows:

[Rollcall Vote No. 106 Leg.]

YEAS—38

Akaka
Baucus
Biden
Bingaman
Boxer
Bryan
Bumpers
Byrd
Daschle
Dodd
Feingold
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone

NAYS—60

Abraham
Ashcroft
Bennett
Bond
Breaux
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Dorgan
Exon
Faircloth
Feinstein
Ford
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NOT VOTING—2

Bradley
Mikulski

So the motion to lay on the table the amendment (No. 336) was rejected.

Mr. REID addressed the Chair.

The PRESIDING OFFICER (Mr. Gregg). The Senator from Nevada.

Mr. REID. Mr. President, I make a point of order that the amendment violates rule XVI of the Standing Rules of the Senate and is legislation on an appropriation bill.

The PRESIDING OFFICER. The point of order is well taken. The Chair sustains the point of order.

Mrs. HUTCHISON. Mr. President, I appeal the ruling of the Chair.

The PRESIDING OFFICER. The Senator from Texas appeals the ruling of the Chair.

The question now before the Senate is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON THE DECISION OF THE CHAIR

The PRESIDING OFFICER. The question now before the Senate is, Shall the decision of the Chair stand as the judgment of the Senate?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 42, nays 57, as follows:

[Rollcall Vote No. 107 Leg.]

YEAS—42

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Daschle
Dodd
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone

NAYS—57

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Dorgan
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hollings
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NOT VOTING—1

Bradley

So, the ruling of the Chair was rejected as the judgment of the Senate.

Mrs. HUTCHISON. I ask unanimous consent that the yeas and nays be vitiated on the Hutchison amendment and that Senators GORTON and DOMENICI be added as original cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 336) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. HATFIELD. Mr. President, I ask unanimous consent to substitute the word "item" for the word "time" in amendment No. 329 agreed to on Wednesday, March 8. It corrects a typographical error. This has been cleared on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I would like to indicate that in the next sequence of amendments, we will have the Leahy-Jeffords amendment, which will take perhaps a minute, and that will then be followed by a Roth-Glenn amendment which, again, will not call for a rollcall, according to the authors of the bill.

We are now down to about two amendments left. We understand agreements have been worked out on the Republican side and we have about the same number—three amendments—on the Democratic side. I understand that those have been worked out.

So we should be at a point where we will be wrapping up the long list of amendments and moving toward final passage. I just want to indicate that any Member who has an amendment to be handled in any form here on the floor, please contact us. We have about five or six that have been cleared on both sides. At an appropriate moment, we will use as a wrap-up those agreed to.

Mr. INOUYE. Mr. President, will the chairman yield?

Mr. HATFIELD. Yes.

Mr. INOUYE. Are we now prepared to have a time certain for final passage?

Mr. HATFIELD. I am unable to say that, based upon the fact that on two amendments 20 minutes to half an hour has been requested for discussion—the Brown amendment and the SPECTER amendment. I am sure they will not require a great length of time. But I hope that perhaps in the next hour we will be able to reach final passage. I would be hesitant to set a time certain.

Mr. INOUYE. I yield the floor.

AMENDMENT NO. 337

(Purpose: To authorize the Secretary of Transportation to issue a Certificate of documentation for the vessel *L.R. Beattie*)

Mr. LEAHY. Mr. President, I send an amendment to the desk on behalf of myself and Senator JEFFORDS and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself and Mr. JEFFORDS, proposes an amendment numbered 337.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new title:

TITLE —MISCELLANEOUS

SEC. 01.—Notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation for the vessel L. R. BEATTIE, United States official number 904161.

Mr. LEAHY. Mr. President, I strongly support the amendment introduced today with my friend from Vermont, Senator JEFFORDS. This amendment would authorize the Secretary of Transportation to issue a certificate of documentation to grant coasting rights to the vessel *L.R. Beattie*. This certificate is commonly known as a Jones Act waiver.

The *L.R. Beattie*, a 500 passenger, triple deck cruise boat, was originally built and flagged in the United States. The ship was later brought by a Canadian company, although it was never flagged in Canada. It has since been sold to a U.S. company and was bought last year by Lake Champlain Shorelines Cruises of Burlington, VT.

Lake Champlain Shorelines Cruises bought the *L.R. Beattie* to operate tours on Lake Champlain and plans to rename it the *Spirit of Ethan Allen II*. This boat will be the showcase of a flourishing cruise industry on Lake Champlain. This boat will support over 30 Vermonters working on these cruises. But before this boat may begin carrying passengers on Lake Champlain, Congress must pass a Jones Act waiver for the *L.R. Beattie* because of its brief history under Canadian ownership.

A Jones Act waiver is a routine and noncontroversial bill. It does not cost U.S. taxpayers a penny. It simply authorizes the Secretary of Transportation to issue a certificate of documentation to allow a vessel to operate on U.S. waters.

But a Jones Act waiver for the *L.R. Beattie* has languished in Congress for more than a year. The Oceans Act of 1994, H.R. 4852, which reauthorized Coast Guard operations, contained a Jones Act waiver for the *L.R. Beattie*. The House of Representatives easily passed this bill. Unfortunately, it died in the Senate at the end of last year's session.

This year, Senator JEFFORDS and I introduced legislation, S. 172, to allow the *L.R. Beattie* to receive a Jones Act waiver. The Senate Commerce Committee will soon consider this bill with other Jones Act waivers. The time table for final passage of these Jones Act waivers, however, may be too late for Lake Champlain Shoreline Cruises because of the fast-approaching cruise season. Without this simple, noncontroversial Jones Act waiver, this small business in Vermont could go out of business, throwing over 30 Vermonters out of work.

Senator JEFFORDS and I have authored this amendment to respond to the special circumstances surrounding a Jones Act waiver for the *L.R. Beattie*.

I want to thank Senator HOLLINGS, the ranking member of the Senate Commerce Committee, and Senator PRESSLER, the chairman of the Senate Commerce Committee, for their invaluable cooperation on this amendment.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. I join my senior Senator in this amendment, which will help make Vermont summers on Lake Champlain a little bit better.

Mr. President, I wish to thank the managers of this legislation for accepting this important amendment. I would especially like to thank the chairman of the Commerce Committee, Senator PRESSLER, and the ranking member, Senator HOLLINGS, for their assistance with this measure.

Mr. President, included in the Merchant Marine Act of 1920, Jones Act waivers allow for vessels transporting cargo within U.S. waters which are not U.S. built, owned, and manned be given the right to do so. With the passage of this amendment, the *Spirit of Ethan Ellan II*, which was built in the United States and operated under Canadian ownership for a short time, will be able to resume operations as a United States vessel on Lake Champlain in time for the summer tourist season. The *Spirit of Ethan Allen II* will provide an invaluable service to Vermonters and tourists who come to appreciate Vermont's beautiful setting. I can think of no better way to view this beautiful and historic lake.

This vessel will be the only one of its kind in Vermont, offering scenic cruises, wedding and prom receptions, and dinner parties. In addition, the *Spirit of Ethan Allen II* will be active in charity fundraisers and a program called Education on the Lake, informing young people of the geological and historical character of the Lake Champlain area.

In addition, the *Spirit of Ethan Allen II* will host events for visiting conferences and conventions in the Burlington area, enhancing the experience of those who stay in the area's hotels and inns. Lake Champlain Shoreline Cruises will employ over 25 people to operate the vessel, making a significant contribution to the continuing development of the Burlington waterfront area.

I am pleased that this legislation will ensure that the *Spirit of Ethan Allen II* begins operating in time for the summer tourist season.

I yield the floor.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 337) was agreed to.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 338

(Purpose: To state the sense of the Senate that indefinite and unconditional extension of the Nuclear Non-Proliferation Treaty is essential for furthering the security interests of the United States and all the countries of the world)

Mr. ROTH. Mr. President, I send an amendment to the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Delaware [Mr. ROTH], for himself, Mr. GLENN, Mr. HELMS, Mr. LEVIN, Mr. MCCAIN, Mr. NUNN, and Mr. PELL, proposes an amendment numbered 338.

Mr. ROTH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the appropriate point, insert the following:

The Senate finds that the Treaty on the Non-Proliferation of Nuclear Weapons, herein after referred to as the NPT, is the cornerstone of the global nuclear non-proliferation regime;

That, with more than 170 parties, the NPT enjoys the widest adherence of any arms control agreement in history;

That the NPT sets the fundamental legal and political framework for prohibiting all forms of nuclear nonproliferation;

That the NPT provides the fundamental legal and political foundation for the efforts through which the nuclear arms race as brought to an end and the world's nuclear arsenals are being reduced as quickly, safely and securely as possible;

That the NPT spells out only three extension options: indefinite extension, extension for a fixed period, or extension for fixed periods;

That any temporary or conditional extension of the NPT would require a dangerously slow and unpredictable process of re-ratification that would cripple the NPT;

That it is the policy of the President of the United States to seek indefinite and unconditional extension of the NPT.

Now, therefore, it is the sense of the Senate that:

(1) indefinite and unconditional extension of the NPT would strengthen the global nuclear non-proliferation regime;

(2) indefinite and unconditional extension of the NPT is in the interest of the United States because it would enhance international peace and security;

(3) the President of the United States has the full support of the Senate in seeking the indefinite and unconditional extension of the NPT.

(4) all parties to the NPT should vote to extend the NPT unconditionally and indefinitely; and

(5) parties opposing indefinite and unconditional extension of the NPT are acting against their own interest, the interest of the United States and the interest of all the peoples of the world by placing the nuclear non-proliferation regime and global security at risk.

Mr. ROTH. Mr. President, I rise today to propose an amendment on behalf of myself and Senators GLENN, HELMS, LEVIN, MCCAIN, and NUNN, which calls for the indefinite and unconditional extension of the Nuclear Non-Proliferation Treaty.

In only 4 weeks, the parties to the NPT will gather in New York to decide the future of this critical agreement. This resolution sends an unequivocal message to all the countries of the world that this body regards making the NPT permanent as absolutely essential. It also sends a clear signal to any country opposing indefinite and unconditional extension of the treaty that that nation is acting against not only against its own interest, but also against the interest of the United States and indeed of the people of the entire world, because their position places the nuclear non-proliferation regime and global security at risk.

March 5 marked the 25th anniversary of the entry into force of the NPT. That treaty is universally regarded as the single most important component of the international effort to prevent the spread of nuclear weapons. Indeed, it is the very foundation upon which the entire global nuclear non-proliferation regime was constructed.

When the five declared nuclear weapons states ratified the NPT, they pledged to end the nuclear arms race, to undertake measures toward nuclear disarmament and not in any way to assist nonnuclear weapon states in gaining nuclear weapons.

For their part, the nonnuclear parties to the treaty pledged not to acquire nuclear weapons and to accept a system of safeguards to verify their compliance. Thus, in joining the NPT, these countries transformed the acquisition of nuclear weapons from an act of national pride to a violation of international law.

Those who negotiated the NPT never expected that the treaty alone would end the global nuclear proliferation threat. Yet, I think even they could be surprised by its successes toward that end. Today, there remain only 5 declared nuclear weapons states—not the 20 or 30, many experts had once projected. There are also only three so-called "threshold" states.

The NPT has provided the overarching structure to end the nuclear arms race. With the ratification of START I, and the ongoing work of my able and distinguished colleagues in the Foreign Relations Committee on START II, the race now is to bring down the number of nuclear weapons as quickly, safely and securely as possible.

Another indicator of treaty's success has been the steady increase of its membership. Today, with more than 170 parties, the NPT has the widest adherence of any arms control agreement in history. When backed by strong nonproliferation policies and verification measures including international safeguards, the NPT curbs inclinations countries may have in believing they need the bomb for safety. Thus, it advances the security of all the world's nations.

Unfortunately, the NPT was established with a limited life-span. The treaty provides that 25 years after its entrance into force, a conference of the parties will be convened to decide whether the NPT will remain in force indefinitely, for one fixed period of time or for a series of fixed periods. The treaty further provides that the decision on extension will be made by majority of parties to the treaty. The result will be legally binding for all parties, whatever vote they cast.

I believe it is beyond question that indefinite extension is essential. The NPT must be made permanent if we are to contain the terrible threat posed to all nations by the proliferation of nuclear weapons.

Anything short of indefinite extension would deal a major blow to the global nuclear nonproliferation regime because at the end of any specified extension period, the treaty could be undermined. The global norm prohibiting the further acquisition of nuclear weapons would thus be destroyed.

We must never allow such an outcome that would jeopardize the entire nuclear nonproliferation regime—so painstakingly crafted over the past quarter century.

In the aftermath of the cold war, the decisions we make today about global security will dramatically affect the lives of generations to come. No decision is more important than the one the world faces next month on the future of the NPT.

Despite the critical need for making the NPT permanent, a number of countries are actively opposing indefinite extension. Most troubling to me are the strongly negative positions taken by Mexico and Egypt—two nations which have received so much support from the United States over the years.

Some of the countries opposing the U.S. position say that indefinite and unconditional extension of the NPT should be made contingent on the ratification of a comprehensive test ban treaty or an agreement to cap the amount of material available for nuclear explosives. Others seek universal membership in the NPT or a timetable for complete nuclear disarmament.

By holding the NPT's future hostage to such goals, these countries undermine the likelihood of the treaty's indefinite extension. What they do not seem to realize, ironically, is that in doing so they also jeopardize the very framework critical to the achievement of their own goals.

Indefinite extension of the NPT does not preclude adjustments to the nuclear nonproliferation regime. In fact, it would make permanent the climate of trust conducive to more restrictive controls over weapons-grade nuclear materials and related technologies and activities.

Given the narrow focus of the NPT conference next month, the only question treaty parties should ask is whether the world is a safer place with the treaty in force. I believe that the answer to that question is unambiguously "yes". Indefinite and unconditional extension is thus the only choice that makes sense.

I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I ask unanimous consent to include my name as a cosponsor of the amendment offered by my colleague and friend from Delaware, the chairman of the Governmental Affairs Committee, Senator ROTH, expressing the sense of the Senate on the future of the Treaty on the Non-Proliferation of Nuclear Weapons, better known as NPT, which entered into force on March 5, 1970.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, next month, representatives of the 173 members of the NPT will gather in New York to determine how long the treaty shall remain in force.

I support this amendment because I believe that the NPT, despite some shortcomings—and it has been far from perfect—still continues to advance U.S. national security interests and a peaceful world order.

Accordingly, I urge all my colleagues to join in a sense of the Senate in favor of an indefinite and unconditional extension of the NPT. The NPT has come under attack over the years for not having fully halted the global spread of nuclear weapons, particularly in the case of certain NPT parties, with Iraq, Iran, and North Korea being the most celebrated examples.

Some critics say the NPT gives too much emphasis on promoting peaceful uses of nuclear technology and not enough on its safeguards system. This argument has been directed specifically at the enforcement of the primary goal of safeguards; namely, the timely detection—timely detection—of the diversion of a significant quantity of special nuclear material for nuclear explosive uses. Simply put, the more countries come to engage in large-scale commercial uses of bomb-usable materials, the more likely it will be that some such materials will wind up in the hands of black marketeers or terrorists or nations bent on proliferation and getting their own nuclear weapons capability.

Other criticisms, particularly coming from certain developing countries, have alleged that the NPT focuses too much on preventing the global spread of nuclear weapons and not enough on promoting nuclear disarmament. Anti-NPT propagandists have condemned the treaty's alleged system of atomic apartheid and its hidden purpose of, as they say, disarming the unarmed.

Other critics have found fault with the treaty's easy exit clause, permitting a State to leave the treaty on 90 days' notice. The treaty does not define certain key terms like nuclear explosive device and manufacture. Nor does it prohibit exports of sensitive nuclear weapons-related technology.

Mr. President, I ask unanimous consent to insert in the RECORD at the end of my remarks an analysis prepared by Dr. Leonard Weiss, the staff director for the minority of the Committee on Governmental Affairs, which describes and assesses these and several additional criticisms of the NPT.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GLENN. Mr. President, why should the United States press for an indefinite extension of such an imperfect treaty?

Rather than rebut all of the allegations made by the treaty's critics, or recount all of the many arguments used on behalf of the treaty by its proponents, I would like to summarize briefly my own views on why the NPT should be extended indefinitely.

First, to the ends. The world community needs a formal legal instrument to give form and substance to the international effort to reduce and eliminate nuclear weapons. Given its near-universal support in the world community, the NPT helps to delegitimize the further proliferation—and, ultimately, the possession—of nuclear weapons. It contributes to a global nonproliferation ethic that is invaluable to international security. Any short-term extension or extensions would only weaken the incentives of the nuclear-weapon states to expedite their nuclear disarmament activities. Such short-term extension options amount, in my opinion, to NPT confidence-reduction measures.

Now, as to the means. The NPT was never intended as a silver bullet, as something magic. Nobody expects the NPT to act as a panacea to the global nuclear weapons proliferation threat. The NPT works best when it is supported by complementary national policies of its parties. For example, the United States, the United Kingdom, France, Russia, and China have undertaken binding legal obligations that they will not in any way assist the proliferation of nuclear weapons. Each of these nuclear-weapon states must promulgate domestic laws and regulations to ensure this commitment is being upheld. At a time when each of these countries—including most particularly our own country—is experiencing great pressure to relax export controls under the false flag of economic competitiveness, now is not the time to abandon or weaken an obligation that serves to preserve responsible national systems of sanctions and export controls. Without the NPT, the world nuclear market would become a free-for-all—the new motto of the so-called post-cold war world order would soon become, "Sell what you can while you can. At the same time prepare for the worst."

As to fairness, the NPT involves reciprocal duties on the parts of the nuclear-weapon states and the non-nuclear-weapon states. The former have no choice. They must not assist other countries to get the bomb, they must negotiate in good faith to curb the nuclear arms race, pursue nuclear disarmament, and work toward a treaty on general and complete disarmament. The latter also have no choice: they must not acquire the bomb, they must agree to safeguards over the full scope of their activities involving nuclear material, and also pursue global disarmament objectives. Though these are very different types of obligations, it is not correct to condemn the treaty as simply discriminatory. I doubt that this treaty would have 173 parties, 173 nations all signed up, if those nations truly believed that this treaty was discriminatory. If the treaty—backed by strong national nonproliferation policies—helps to prevent the spread of nuclear weapons, all nations stand to gain the freedom from fear of regional or global nuclear wars.

Now what are our next steps? The NPT is not a quick fix. It must be supplemented by strong national leadership and international cooperation. Here are just a few suggestions of some specific initiatives that are needed to complement the NPT regime.

No. 1. Increased efforts by all countries to integrate fundamental NPT obligations into domestic laws and regulations of all states party to the treaty. I have proposed legislation in our own country here and sent a bill, S. 102, that seeks to bring U.S. controls over exports of nuclear dual-use goods into line with U.S. obligations under the NPT and nuclear supplier guidelines. Now, I urge my colleagues to support this effort and to examine very closely the various pending proposals to reauthorize the Export Administration Act to ensure that these bills will advance rather than undercut our international nonproliferation commitments.

For those who may think my use of the term "undercut" is a bit harsh, I would encourage them to read a report prepared last year by the General Accounting Office at my request. The report is entitled "Export Licensing Procedures for Dual-Use Items Need to be Strengthened."

No. 2. Pursuit of an international moratorium, preferably a ban, on the commercial sale, production, or use of separated plutonium or highly enriched uranium. In other words, bomb-rich material. A partial ban on the production of such materials for weapons or outside of safeguards is—assuming for now that it would not amount to a license to produce such materials under safeguards—a useful first step but is by no means a substitute for this more important goal. We cannot for long sustain an international arrangement that smiles upon large-scale commercial uses of such materials in certain privileged states while frowning upon such activities elsewhere. In other words, we need consistency of our policy.

No. 3. Reaffirmation by the nuclear weapon states of their intention to live up to their obligation under article 6 of the NPT. In particular, we need rapid progress both on START II and on further reciprocal and verifiable cuts of strategic nuclear arsenals around the world, including those of France, the United Kingdom, and China. The nuclear-weapon states must devote less effort to attacking the basic goal of nuclear disarmament and more effort to exploring the means by which this objective can be achieved.

No. 4. Negotiation at the earliest possible date of a verifiable—underline verifiable—permanent comprehensive ban on the testing of nuclear explosive devices, with emphasis on those words "verifiable," "permanent," "comprehensive," and "ban."

No. 5. Increased transparency both of the size and disposition of existing nuclear arsenals around the world, along with the size and disposition of existing stockpiles of weapons-usable nuclear material, including so-called civilian material. The ability of the United States to monitor the ultimate disposition of its own nuclear materials in international commerce is badly in need of improvement, as the GAO recently concluded in its report "U.S. International Materials Tracking Capabilities are Limited." That report was prepared at my request, also. The longer such shortcomings are permitted to exist, the sooner the NPT will find itself in the position of the emperor with no clothes.

No. 6. Strengthen both the capabilities and finances of safeguards implemented under the NPT. The Nuclear Proliferation Prevention Act, enacted last year as title 8 of the foreign Relations Authorization Act for fiscal years 1994 and 1995, Public Law 103-236, contains a sense of the Congress urging 24 specific improvements in these safeguards. As the author of those provisions, I intend to monitor closely U.S. efforts to advance these much-needed reforms in the months ahead.

No. 7. Reaffirmation of the prevention, not management, of proliferation as the foremost goal of U.S. nonproliferation policy.

I see a great deal of attention being directed to implementing military responses to proliferation. The more I see of these efforts, however, the more convinced I become that the best defense against such weapons is to redouble our efforts to prevent their proliferation in the first place. One single attack using a biological or nuclear weapon could destroy virtually any city anywhere, regardless of the best of defenses. Stopping proliferation is somewhat analogous to fighting cancer: A few ounces of prevention will yield many kilograms of cure.

Mr. President, in conclusion, even if these and other proposals were to be implemented today and even if the NPT is finally extended indefinitely, we will still have to live with a global nuclear weapons proliferation threat. I would prefer to address this threat, however, having a permanent NPT and these supplementary measures in my diplomatic tool kit rather than not having them.

Accordingly, I hope that all my colleagues will join me in supporting the amendment of my distinguished colleague from Delaware on behalf of an indefinite extension of the NPT. Let us just get on with the business of nonproliferation.

Mr. President, one additional remark. If we did not have the NPT, I think we would have to invent it. This is a group of 173 nations that gradually, over a series of 5 years, since back in the early 1970's, has come together to say that they forswear the development of nuclear weapons in return for our cooperation in the peaceful uses of nuclear energy. We have supported that. We have been actively pursuing that.

I do not believe that we need any more of these 5-year period reviews. I would like to see this extended indefinitely, and that is what the U.S. policy is trying to do as the 173 nations meet at the U.N. in New York next month, and I hope that they pass this as an indefinite extension of the NPT to show we are truly serious about this matter.

Mr. President, I yield back the remainder of my time and yield the floor.

EXHIBIT 1

THE NUCLEAR NON-PROLIFERATION TREATY: STRENGTHS AND GAPS

(By Leonard Weiss)

I. INTRODUCTION

The evolution of a strong nonproliferation ethic in the world is, ultimately, the best stable long-term tool to prevent the spread of nuclear weapons. Such an ethic can stimulate, and is, in turn, stimulated by the creation of international institutions incorporating the notion of nonproliferation at their core. The Nuclear Non-Proliferation Treaty[1] (NPT), despite the confused philosophy of its provenance, has become such an institution and has demonstrated its value especially during the past few years. It remains, however, a flawed institution that requires considerable tending to, including constant efforts to obtain a consensus of its parties concerning evolving interpretations of its provisions in order to maintain its effectiveness as a nonproliferation tool, if not its survival altogether.

It should not come as a surprise that the Treaty is an imperfect nonproliferation instrument. It was created in response to nonproliferation concerns arising from burgeoning nuclear trade accelerated by a misguided atoms-for-peace policy, trade promoted aggressively by nuclear policymakers, technocrats, and diplomats whose visions of nuclear technology-generated prosperity obscured the very real national and international security problems being created. Those problems, when they emerged, seem to have been viewed as much in terms of the threat to future nuclear commerce as they were in terms of the threat of life. Accordingly, the Treaty was designed to endorse and encourage the spread of nuclear technology for peaceful purposes at the time it was to constrain, indeed prevent, the development and manufacture of nuclear weapons.

The incompatibility of these aims became apparent after the Treaty went into effect in 1970 as some nuclear suppliers, particularly Germany and France (one an NPT party and the other pledged at the time to act as an NPT party) prepared to export technology and equipment for production of fissionable material, albeit under safeguards administered by the International Atomic Energy Agency (IAEA), to countries that either were not NPT parties and were embarked on secret military programs to develop nuclear weapons (Pakistan and Brazil) or were NPT parties whose nonproliferation credentials were suspect at the time (South Korea).

What followed over the next few years, and is continuing today, was the development of other institutions outside NPT designed to patch the omissions, ambiguities, ill-conceived constraints and other flaws in the Treaty. Thus, we now have nuclear supplier agreements, bilateral agreements, national and multinational export controls, national technical means of surveillance and international intelligence links, and positive and negative security assurances to assist us in keeping genie in the bottle. These tools, along with the NPT and the associated IAEA safeguards system, are referred to, collectively, as the nuclear nonproliferation regime, a regime that is still evolving in the direction of greater effectiveness, but is not yet at the point where any of the nuclear weapon states would be prepared to put their nuclear arsenals aside with confidence.

Why is this so, and why has it been necessary to create all these auxiliary tools to combat proliferation? What have we learned over the past 25 years that, had we known it in the 1960s, would have enabled us to construct a better NPT and a better safeguards system? And, in the end, does it matter, i.e., would a stronger NPT enable us to rely for our security on this institution?

Footnotes at end of article.

II. A REVIEW OF THE MAJOR ELEMENTS OF THE TREATY

A. Articles I and II

Article I mandates that each nuclear-weapon-State Party to the Treaty may not transfer to any recipient nuclear weapons explosive devices or control over such weapons or explosive devices directly or indirectly; and may not in any way assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or to obtain control over such weapons or explosive devices. Article II prohibits non-nuclear-weapon-States from receiving those things which weapon-States are prohibited in Article I from giving, and are specifically prohibited from manufacturing or otherwise acquiring nuclear explosive devices.

The first problem with Articles I and II is that it is unclear what constitutes "assistance", "encouragement", or "inducement" to a non-nuclear-weapon-State; the second problem is that it is unclear what constitutes "manufacture" of a device; the third problem is that it is unclear what constitutes a nuclear device because there is no consensus on the definition of a nuclear explosion; and the fourth problem is that there is no prohibition on a non-weapon-State assisting another non-nuclear-weapon-State to acquire nuclear weapons.

George Bunn and Roland Timerbaev, who were among the negotiators of the text of the NPT, have written on the question of what constitutes "manufacture"[2], and quote the testimony of the Chief of the American delegation, William C. Foster, before the Senate Foreign Relations Committee. Foster said that "the construction of an experimental or prototype nuclear explosive device would not be covered by the term 'manufacture' as would be the production of components which could only have relevance to a nuclear explosive device". He also made reference to "activities" by a non-weapon-State that would "tend" to put the Party in noncompliance of Article II if the purpose of those activities was the acquisition of a nuclear explosive device.[3]

In order to allay concerns about how one would determine the purpose of certain fuel cycle activities that could be peaceful or weapons-related, Foster added that: "Neither Uranium enrichment nor the stockpiling of fissionable material in connection with a peaceful program would violate Article II so long as those activities were safeguarded." The reference to safeguards in his statement is immaterial, because if a program is, indeed, peaceful, then there is no violation of Article II even if the activity is unsafeguarded. (In that case, the Party would be in noncompliance with Article III, but that is another matter). This points up a problem that runs throughout the NPT—lack of definitive interpretation. Bunn/Timmerbaev write that the Foster criteria for manufacture have generally been accepted as authoritative interpretations by historians of the NPT negotiations, but whether all current Parties to the NPT would agree with those interpretations is unclear. It is important to note that until the Iraq situation arose, there was no indication that many of the Parties to the NPT viewed the International Atomic Energy Agency as an appropriate verification instrument to ensure that non-nuclear weaponization activities weren't being carried out. Indeed, there were debates in the past as to whether IAEA inspectors were obligated to report any untoward activities they observed (e.g., noting the presence of bomb components such as machined hemispherical metal shells somewhere on the premises) that were unrelated to the negotiated safeguards agreement.

However, the Iraq situation and the South African decision to abandon its nuclear weapons program has allowed the IAEA to put its toe in the water on non-nuclear weaponization activities. In the case of Iraq, the agency has been provided information by the U.N. Special Commission (UNSCOM) regarding the Iraqi program and in the case of South Africa, the IAEA was invited to examine with full transparency the scope, nature, and facilities of the weapon program after dismantlement. This included some non-nuclear weapon components. This coupled with the acceptance by the NPT members of the IAEA's ability to do "special inspections" in the wake of the Gulf War is a start toward significant reform.

By contrast, one may also note that the U.S./North Korea Framework Agreement makes no mention of any non nuclear weaponization activities or the disposition of any weapon components that North Korea may have manufactured, and the IAEA considers North Korea not in compliance with its safeguards obligations because of its failure to allow inspection of two nuclear waste sites. Ostensibly, if North Korea were to allow these inspections and the result were to show that all the plutonium in North Korea can be accounted for, North Korea would then be considered by the IAEA an NPT Party in good standing since there are no other allegations officially pending regarding its NPT commitments.

Since the existence of a North Korean nuclear weapons program in an assumption shared by most observers of the scene, it is hard to believe that some weapon components have not been manufactured by North Korea. However, it appears that the IAEA will ignore this possible violation of the NPT, at least for the time being, until it can account for all the nuclear material in North Korea.

Another issue concerning manufacture is that of R & D, particularly design information. Japan, in 1975, submitted a paper to the Geneva Disarmament Conference arguing that the NPT does not explicitly prohibit weapons-oriented R & D short of actual production of nuclear explosive devices.[4] In rebuttal, much has been made of a statement made by the drafters during the NPT negotiations that receipt by a non-weapon-State of "information on design" of nuclear explosives is barred by virtue of the prohibition on assistance in the "manufacture" of such explosives[5]; however, it is unclear whether this can be extended to prohibit a non-weapon-State from doing its own design without external assistance.

It is a stretch to argue that the Foster criteria barred such activity based on an assumption that the only purpose of design is to acquire a nuclear explosive device. Some years ago, Los Alamos asked some recently hired young physicists with no weapons background to design a weapon based on the open literature to see if it could be done and thereby to gauge the possible extent of proliferation by this route. The purpose of the activity was not to manufacture nuclear weapons. The Treaty's vague language on "manufacture", unless appropriately interpreted, would appear to allow anyone to design weapons using the Los Alamos experiment and rationale without violating the Treaty.

Once again, however, even if the Treaty were to be air tight on this issue, verification of compliance would be virtually impossible.

It is evident the Foster criteria do not settle the question of what constitutes "manufacturing". The criteria also don't settle some other important questions that arise from consideration of the safeguards regime. Such consideration will also reflect on the question of what constitutes direct or indirect assistance or encouragement to manufacture or otherwise acquire nuclear weapons which are discussed in a later section.

B. Article III

Article III has four parts. Article III.1 begins by requiring Non-weapon-State Parties to accept safeguards, "as set forth in an agreement to be negotiated and concluded" with the IAEA in accordance with the IAEA's statute and safeguards system, "for the exclusive purpose of verification of the Parties' NPT obligations with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons".

The remainder of Article III.1 states that safeguards procedures shall be followed with respect to all source or special fissionable material in all peaceful nuclear activities within the territory of the State, under its jurisdiction, or carried out under its control anywhere.

Note that while there is nothing in this language explicitly referring to the effectiveness of safeguards, effectiveness is to be inferred from the context. That is because the Treaty cannot be an effective non-proliferation instrument if it allows equipment, material, and technology that could be used for nuclear explosive purposes to be transferred with ineffective safeguards attached. Unfortunately, this point was not explicitly addressed by the drafters, and the question of the relationship of trade to effectiveness of safeguards (as opposed to the mere attachment of safeguards) has accordingly become a contentious issue.

In their deconstruction of the language of Article III.1, Bunn/Timerbaev argued that Article III.1 authorizes the IAEA to verify that non-nuclear components for nuclear weapons are not being manufactured.[6] It would not be a difficult case to make if the Article did not contain so much emphasis in connecting safeguards to nuclear materials rather than equipment (either nuclear or non-nuclear). As a result, Bunn and Timerbaev lean part of their argument on an interpretation of the phrase stating the purpose of safeguards as "verification of the fulfillment of (the State's) obligations assumed under this Treaty with a view to preventing diversion of nuclear energy * * *" Bunn and Timerbaev connect the clause "with a view to preventing diversion * * *" to the State's obligations under the Treaty not to manufacture weapons, but an equally if not more plausible interpretation is that the antecedent of this clause is safeguards, and that the clause has been added to provide focus as to how safeguards relate in a practical way to the State's NPT obligations. (Indeed, under the Bunn/Timerbaev interpretation, Article III.1 would put States under an NPT obligation to establish effective physical security over nuclear materials. That it does not was recognized and remedied by the voluntary (!) Physical Security Convention developed by the IAEA and adopted by many (NPT and non-NPT) countries with nuclear programs).

This is not to say that a case can't be made for safeguards applying to non-nuclear weaponization activities, and Bunn/Timerbaev have made the best case possible. It is just that the emphasis in Article III on material safeguards along with the history of safeguard negotiations and agreements provide no confidence that a majority of members of the IAEA that are State Parties to the NPT share this broad view of safeguards. Taking the broadest view of the stated purpose of safeguards as "verification of the fulfillment of a (Non-weapon-State's) obligations" under the NPT could arguably subject to inspection the agreements and arrangements by which non-weapon-States allow weapon-States to place nuclear weapons on their territory (Inspections of the agreements could ensure that there were no protocols under which transfer of authority or control over the weapons could take place). Whether the weapon-States would agree to have the IAEA inspectors examine these arrangements is, one suspects, more than problematical.

Article III.2

This Article provides that suppliers Party to the Treaty shall not provide nuclear materials or equipment for processing, use or production of such materials to a non-weapon-State unless safeguards are attached. Over a period of years, it became apparent that a more detailed and finer screen for nuclear transfers than this had to be devised in order to ensure uniformity of compliance by suppliers. The result was the so-called "Zangger" list of nuclear items to which safeguards must be attached, and, more recently, a list of dual-use items requiring safeguards as well. In addition, the Nuclear Suppliers Group (NSG) has identified nuclear export items requiring consideration of "restraint" and "consultation" before the item is sent.[7]

Article III.3

This Article is designed to ensure that safeguards arrangements will not intrude on the ability of non-weapon-States to obtain assistance for or otherwise develop their nuclear energy activities. It references Article IV which has been the basis for many complaints over the years regarding the policies of the suppliers, particularly the U.S. Article III.3 reflects the mindset of the nuclear establishments and the non-weapon-States at the time of the drafting of the Treaty, which was that the Treaty was also to be an instrument for facilitating international nuclear commerce. This mindset resulted in a safeguards system that was designed more for its nonintrusiveness than for its effectiveness. This is still a problem despite the improvements in the wake of the Gulf War.

Article III.4

Provides for a timetable by which States Party to the Treaty must enter into appropriate safeguards arrangements. This timetable has not been met many times in the past, but the most egregious example was that of North Korea, which took six years to enter into a safeguards agreement with the IAEA. No sanction was imposed on North Korea or other violators of this provision.

The Safeguards System of the IAEA

The IAEA was established in 1957 in the wake of the U.S. Atoms-for-Peace initiative and began operating an inspection program in the early 60's designed to detect diversions of significant quantities of nuclear material. The NPT expanded the scope of the agency's work significantly, and in response, the IAEA developed a model safeguards agreement for NPT Parties contained in the document INFCIRC/153.

In this document, the IAEA states that the goal of safeguards is the prevention of proliferation by "the timely detection of diversion of significant quantities of nuclear material from peaceful nuclear activities to the manufacture of nuclear weapons or of other explosive devices or for purposes unknown, and the deterrence of such diversion by the risk of detection".

This was adopted in 1970 at a meeting of the so-called Committee of the Whole which deliberated for 11 months before the text of INFCIRC/153 was approved. Mr. Rudolph Rometsch was the head of the IAEA's Department of Safeguards at the time, and he was recently quoted in an interview saying that the 1970 Committee meeting led to "a sort of dogma for field work—if not to a taboo. It was a question whether inspection should be designed also to detect undeclared facilities. The conclusion was clear at the time: looking for clandestine activities was out of the question and the inspection system was designed accordingly"[8].

Thus, inspectors paid attention only to activities or structures within defined strategic points, and were discouraged from asking questions about anything else lest they become persona-non-grata with the State (which had the right to refuse an inspector) and perhaps ultimately at IAEA headquarters.

INFCIRC/153, in addition to laying out the obligation on the part of the State to have safeguards apply to all its peaceful nuclear activities (so-called "full scope safeguards"), also stresses the importance of protecting industrial and commercial secrets, not interfering in peaceful nuclear activities, and not hampering economic and technological development in the safeguarded state. This is in keeping with the Agency's dual role. Its charter makes it a promoter of nuclear energy at the same time it is to verify that no diversions have taken place.

As a result, much negotiation follows the signing of the main Safeguards Agreement between the IAEA and the State to be inspected. The main agreement is followed (ostensibly within 90 days) by Subsidiary Arrangements that specify what the Agency and the State have to do in order for safeguards to be applied. Nuclear installations must be listed, and requirements for reporting to the Agency are specified in negotiated detail. These subsidiary arrangements are not published.

The most specific safeguards documents are the facility attachments to the Subsidiary Arrangements. These state exactly what will be done at each facility containing nuclear material, and lay out the "Material Balance Areas" the Agency will establish for accounting purposes. The flow of nuclear material across these areas must be reported to the Agency. The facility attachments also specify the points at which measurements can be taken or samples withdrawn, the installation of cameras, the access to be afforded to inspectors, the records to be kept, and the anticipated frequency of inspections. These negotiated arrangements are also not published.[9]

Some years ago, the Agency developed internally a set of technical objectives that provide a guideline for determining the level of inspection and reporting that would ensure that, at least for declared facilities in an NPT State, the goal of timely detection by any diversion of a significant quantity of nuclear materials would be met. Concern by inspected States about intrusiveness has resulted in negotiated safeguards agreements that do not come close to meeting these technical objectives, and therefore cannot be said to be producing effective safeguards by any objective criterion. Inspected States have also leaned on the Agency to not even exercise its full rights under the Agreements. In some cases, the Agency itself refrains from exercising its full rights in order to conserve resources.

This is a basic problem in that the IAEA's safeguards agreements do not provide for the agency to inspect any location—declared or undeclared—at any time (outside of regularly scheduled routine inspections) without some evidence that the site should be subject to inspection. Nor do the agreements provide for IAEA inspectors to verify use of any material formally exempted from safeguards. Thus, when inspectors doing a routine inspection in Iraq before the war were asked about buildings adjacent to an Iraqi reactor, they were told it was used for nonnuclear research. Since they were undeclared sites and IAEA had no evidence of suspect activity, the agency had no basis to inspect the building, which, as it turned out, contained a radiochemical laboratory used for research on plutonium separation.

Furthermore, the safeguards agreements ensure that there is no such thing as a surprise inspection, even though, in principle, IAEA has the right to make "unannounced" or short-notice inspections. Routine inspections must provide the state with at least 24 hours notice, and IAEA must advise the State periodically of its general program of announced and unannounced inspections, specifying the general period when inspections are foreseen. Hence, States generally know when and where inspections will occur, and in any case, have control over the timing of admission of inspectors to the country and to the facility.

The Gulf War has produced a situation where the IAEA has successfully used its authority to conduct special inspections in Iraq backed up by U.N. authority, and has received voluntary offers from a number of states to allow such inspections of declared or undeclared facilities. One of those states was North Korea, which afterward withdrew its offer after the agency demanded to inspect two sites the North Koreans didn't want inspected. Those sites will be inspected at some time in the future (at least 5 years) under the U.S./North Korea framework agreement, which has the unfortunate effect of leaving the agency holding the bag despite its claims of access.

The IAEA has also not resolved the problem that it cannot verify the peaceful use of nuclear materials exempted by the agency from inspection. Such materials may involve (1) special fissionable material in gram quantities used for instrumentation; (2) nuclear material for production of alloys or ceramics in non-nuclear applications; (3) plutonium (Pu) of a certain isotope concentration (e.g., high in Pu-238); or (4) limited quantities ranging from 1kgm of Pu to 20 tons of depleted uranium. Iraq used an exemption for a spent fuel assembly to conduct research on separating plutonium without informing the agency. The agency had no authority to routinely verify what Iraq said it was doing with the spent fuel assembly.

It should be emphasized that the IAEA's problems are not only with the Iraqs of the world. It has problems with many states who are not suspected of weapons development. As Lawrence Scheinman has pointed out; "Over the past twenty years, the Agency has experienced restraints on its right of access, on the intensity and frequency of inspection efforts, and even on the extent to which it could exercise its discretionary judgment in planning, scheduling, and conducting inspection"[10].

To this should be added that the Agency's technical objectives are themselves unrealistic because they are based on "significant quantities" of fissionable material that are at least twice as large as the amounts that a non-weapon-State might need to construct its first nuclear explosive device.

Why doesn't the IAEA lower the amount it considers a "significant quantity"? Because inspections would then have to be more frequent and more intrusive, and the agency currently has neither the financial nor the political support to make this move.

Raising the financial question exposes the agency's "dirty little secret". Because safeguards are supposed to be applied nondiscriminatively, much of the Agency's safeguards budget goes to safeguards in Germany, Japan, and Canada, while the largest current proliferation concerns are elsewhere. The agency, which has been on a zero-growth budget for the better part of a decade, attempts to address its budget problems by slacking off on some inspections of facilities it considers not of proliferation concern. But in so doing it converts its nondiscriminatory character to the status of myth and risks internal political turmoil. It cannot help this because the cost of safeguarding bulk-handling nuclear facilities such as enrichment, reprocessing, or fuel fabrication plants is enormous, requiring, in most cases, on-site location of inspectors and much better instrumentation and measurements. While the IAEA has only been required to safeguard small reprocessing plants thus far, the ability of the agency to safeguard effectively (leaving aside the expense) a commercial scale reprocessing plant, such as the one being built at Rokkasho in Japan, has been called into question by many people over the years. A very interesting analysis done by Marvin Miller[11] for the Nuclear Control Institute shows that, for a reprocessing plant with an 800 tonne/yr. capacity and an average plutonium content of 0.9%, with a (±1)% uncertainty in the input measurement of plutonium (and assuming this dominates the error in measuring MUF); and with a material balance calculation done once a year, the absolute value of the MUF variance (i.e., the error in measuring MUF) will be 72 kgm/yr. In that case, the minimum amount of diverted plutonium that could be distinguished form this measurement "noise" with detection and false alarm probabilities of 95% and 5% respectively is 246 kgm or more than 30 significant quantities.

No other conclusion is admissible than that "timely detection" of plutonium diversion from a reprocessing plant is an oxymoron. This problem was recognized during consideration of the Nuclear Non-Proliferation Act (NNPA) of 1978 where the concept of "timely detection" of a diversion was translated into the concept of "timely warning" of weapons development or construction. The intent of the authors was that, from a technical point of view, timely warning was unavailable in the case of plutonium diversion if it is assumed that the non-nuclear elements of the bomb have been constructed or assembled a priori. The NNPA provided that the President could still allow U.S.-origin spent fuel to be reprocessed in a foreign country if political factors make the risk of proliferation sufficiently low even though "timely warning" of weapons construction would not be available to the United States. Not wanting to admit that reprocessing, especially commercial scale reprocessing, was a dangerous, not effectively safeguardable, activity, Reagan Administration officials boldly and falsely interpreted the NNPA language as incorporating political factors into the definition of timely warning, thereby depriving the concept of any objective meaning. (See [12] for a full discussion of the history of the "timely warning" criterion in the NNPA).

In like manner, the IAEA insists that bulk-handling facilities can be effectively safeguarded, but Miller's analysis shows that this is not the case, and if the definition of a "significant quantity" of plutonium were to be changed (i.e., the amount lowered), the inability to do "timely detection" would become still worse.

The response to these practical problems from within the agency has been dismaying. Some have advocated lowering the technical objectives, i.e., moving the goalposts so that effectiveness of safeguards couldn't be so easily challenged.

To be sure, the agency has been chastened by its Iraq experience, and is currently crafting a new safeguard approach that aims to detect tiny amounts of fissile material through environmental monitoring techniques such as wall swabs and water samples. This will undoubtedly raise the cost of safeguards and it remains to be seen how well these proposals will be received by the members of the IAEA and the signatories of the NPT.

Back in 1981, when the Reagan Administration was formulating its non-proliferation policy, the Department of Defense, in an interagency memo, expressed concern about the IAEA's "susceptibility to Third World * * * politics, its lack of an intelligence capability and the limits of its scope and jurisdiction". While some of this complaint is being addressed in the wake of the Gulf War (the IAEA is considering how to use intelligence information brought to it by member States), the Pentagon's 1981 warning "against undue reliance on the IAEA by those responsible for national security" within the U.S. government has as much resonance today as in 1981 and will continue especially for as long as production of fissile materials continues.

C. Article IV

This article incorporates, in paragraph 2, one aspect of "the NPT bargain" in which non-weapon-States Party to the Treaty, in return for their adherence, "have the right to participate in the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful use of nuclear energy". The same paragraph also calls on parties of the Treaty to cooperate in contributing "to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States Party to the Treaty, with due consideration for the needs of the developing areas of the world".

In past years, the major complaints about the NPT by non-weapon-States have centered on this Article. these complaints range from a generic one that the technologically advanced States have not provided technical assistance or have not sufficiently shared their nuclear know-how with others, to specific complaints that the Nuclear Suppliers Group, and especially the United States, in seeking to control nuclear and dual-use exports or to exercise consent rights in nuclear agreements, are engaged in willful and systematic violation of Article IV.

There are a number of things to say about this. First, Article IV does not modify the requirements of Articles I and II not to assist or receive assistance respectively in the manufacture of nuclear explosive devices. Second, as indicated earlier, verification of NPT obligations under Article III "with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons", cannot be effectively carried out at this time for enrichment and reprocessing facilities under the safeguards system that is the instrument for the implementation of Article III.

Accordingly, the transfer of facilities, equipment, or technology to a non-weapon-State for the production of highly enriched uranium or plutonium should be interpreted as not in keeping with Article III's implicit qualification that effective safeguards must be applied to all peaceful nuclear activities. Otherwise, nuclear-weapon-States making such transfers could find themselves in violation of Article I, and the NPT would become an instrument for proliferation.

Indeed, it is apparent that some States—Iraq, Libya among them—signed the NPT because they saw Article IV as a possible route to obtaining nuclear weapons-related technology and equipment.

To date, there has been no formal resolution of the argument over Article IV, but one can interpret the Nuclear Suppliers Agreement to exercise restraint in nuclear trade involving export of reprocessing or enrichment technology as recognition that Article IV should not be interpreted as liberally as it appears to read. Unfortunately, the potential recipients of such trade do not accept this tightened interpretation, and were it not for the fact that the economics of the back end of the fuel cycle have become so egregious, the argument might well be as loud today as it was in 1977 when the Carter Administration began moving away from the earlier policy of relatively unrestricted nuclear trade.

It is ironic that the Carter Administration and the U.S. Congress were roundly denounced in 1978 for requiring, in the NNPA, that Full Scope Safeguards be a nuclear export criterion. With few exceptions, the nuclear suppliers refused to go along despite the inferral that their opposition meant they put export profits above support for the NPT. Eventually all came around and adopted the criterion themselves, but it took the Gulf War to do it.

Finally, it is unfortunate, if understandable, that Article IV is so fixated on nuclear technology cooperation. Assuming the need for tangible incentives to produce NPT signatories in the first place a much better NPT would have resulted if Article IV had made cooperation in every development (not just nuclear) the quid pro quo for an NPT signature. That way, the fight over Article IV might have been avoided, and it would have made the phrase "with due consideration for the *needs* (emphasis added) of the developing" world more trenchant.

D. Article VI

Article VI expresses the second part of the "NPT bargain" (Article IV expresses the first part). In this Article, "each of the Parties to the Treaty (especially including the weapon-States)" undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament under strict and effective international control".

Let us begin by noting that, at least in quantitative terms, the nuclear arms race, as usually defined, that included the U.S., the Former Soviet Union, Great Britain, and France is over. None of these countries is increasing their stockpile of nuclear arms (that may also be true of China, but evidence is not forthcoming). If one defines the nuclear arms race as including weapons modernization, even if the numbers aren't going up, then the race may not yet be over. It is to this issue that a Comprehensive Test Ban Treaty (CTBT) is most relevant, not to mention the fact that a CTBT is referenced in the Preamble to the NPT. Without testing, radical new designs of nuclear weapons are problematical, although simulation codes are now very highly advanced. Therefore, the insistence by some non-weapon-State Parties of the NPT that a CTBT be a short-term goal of the NPT weapon states to fulfill part of their Article VI responsibilities is not unreasonable. A CTBT would have other non-proliferation benefits in that it would raise the political barriers to overt testing by nuclear states not Party to the NPT. Thus, the NPT is playing a useful role by providing a forum and a rationale for those countries interested in having a CTBT to push the weapon-States, particularly the U.S., into a serious negotiation to formalize the current moratorium. Some members of the Treaty are taking the position that they will refuse to vote for indefinite extension unless and until further progress is made toward nuclear disarmament. Despite this threat, it is hard to escape the conclusion that if the Cold War hadn't ended, the prospect of a CTBT being completed in the near future, let alone substantial progress toward nuclear disarmament, would be poor despite the pressure on the weapon-States stemming from their desire for an indefinite extension of the NPT when the decision comes up at the 25-year Review Conference in April, 1995.

But the Cold War is over, and the U.S. now finds itself in the ironic position of possibly being outvoted on the extension issue by a group of countries who want progress in nuclear disarmament, perhaps don't mind at the same time discomfiting the weapon-States, and perhaps also enjoy the fact that many of them were asked by the U.S. to sign the NPT during the 80s despite their having no nuclear energy program or prospects whatsoever.

Could the NPT unravel over this issue? Hardly. There is no serious current prospect of any NPT Party leaving the Treaty or organizing a movement to terminate the Treaty. A majority vote to recess the Review Conference for one or more years while a CTBT is negotiated is possible. A limited extension of the Treaty is also a possibility, in accordance with the language of Article X (discussed in the next section). This limited extension (which could be for a very long time) could be divided into shorter periods with votes scheduled at the end of each such period to determine whether the Treaty should be extended into the succeeding period. It is conceivable that the start of each such period of extension could be made contingent on some requirement for a certain degree of disarmament by the weapon-States.[13]

The linkage of the extension vote to specific progress toward nuclear disarmament is believed by some to be a risky strategy. The latter is based on the threat of lowering political barriers to proliferation if the weapon-States don't take their obligations under Article VI more seriously, and there is no doubt that the weapon-States do not wish to see those barriers lowered. However, it can be argued that an indefinite extension provides confidence that allows the weapon-States to continue reducing their weapons stockpile, while a limited extension designed to push the weapons-States into faster progress could, if other political factors make accelerated progress impossible, have the perverse effect of putting a ceiling on progress precisely because of the fear that the Treaty might end and new nuclear powers might then emerge.

As of this writing (November, 1994), the U.S. does not have the votes to prevail on extending the Treaty indefinitely. It appears likely that, in the absence of some new factor in the debate, the Review Conference will either be recessed pending completion of CTBT negotiations or will vote for a long-term, but not indefinite, extension with periodic reviews of progress toward disarmament.

E. Article VIII

This Article lays out the procedures for amending the Treaty. For a proposed amendment to be adopted, the text must first be submitted to the Depositary Governments (U.S., U.K., Russia) for circulation to all Parties to the Treaty. Then, if requested by at least one third of the Parties to the Treaty, a conference is convened to consider the amendment. Adoption occurs only if the amendment is approved by:

1. A majority of the Parties to the Treaty.
2. All nuclear weapon-States Party to the Treaty.
3. All Parties who, on the date of circulation of the proposed amendment, are members of the Board of Governors of the IAEA.

The amendment then goes into force for those Parties that have ratified it when a majority of the Parties to the Treaty have filed their instrument of ratification. Thus, approved amendments to the Treaty apply only to those Parties who wish to have them apply and have so indicated via ratification.

The remainder of this Article provides for the five-year Review Conferences that have taken place since 1970.

F. Article X

This next-to-last Article of the NPT provides that after giving three months notice and an explanation, each Party has the "right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of the Treaty, have jeopardized the supreme interests of its country".

The Article also provides for the 25th year Review Conference to decide, by majority vote, whether the Treaty shall be extended indefinitely or for an additional fixed period or periods. As pointed out in a recent paper by Bunn, Van Doren, and Fischer[14], this language would allow for the NPT to be extended for an indefinite number of fixed periods unless a majority vote taken at the end of some fixed period were to terminate the Treaty.

It was the first paragraph of Article X that Saddam Hussein would have employed to leave the NPT after putting into place the infrastructure to build nuclear weapons. Since there is no presumption in the Article of sanctions for leaving the Treaty, the only real protection against the use of the treaty to gain technology, equipment, and materials that could be useful for weapons is to impose a set of multilateral (and unilateral) export controls on appropriate items with sanctions for violations of those controls. This, of course, flies in the face of the philosophy of laissez-faire technology transfer embodied in Article IV, but is necessary if the nonproliferation regime is to be worthy of its name.

III. CONCLUSIONS AND RECOMMENDATIONS

A. Strengthening the safeguards system

We have already discussed the deficiencies of the system in conjunction with the discussion of Article III. To remedy those deficiencies would require the following (non-exhaustive) changes to the system:

1. The IAEA must require more transparency in the nuclear activities of its members. Among other things this should include a complete list of sensitive or dual-use items requiring export controls, and registry of trade in such items. This list should contain the union of those items brought to the table by IAEA members and not the intersection; and should cover all sensitive technologies, whether obsolete, current, or advanced.
2. The IAEA must have access to intelligence information obtained through national technical means concerning sites that may require inspection, and must have an unequivocal right to inspect such sites at short notice.
3. Safeguards should apply to nuclear plants and equipment as well as materials. INFCIRC/153 safeguards which apply to the entire fuel cycle of a non-weapon-State Party to the NPT, should be combined with the INFCIRC/66 safeguards, which address plants and equipment as well as material for non-NPT Parties. Any nuclear facility, whether it contains material or not should be subject to inspection on short notice.
4. Safeguards should also apply to uranium concentrates such as U_3O_8, not just to UO_2, and to nuclear wastes containing fissionable material.
5. A definition of effective safeguards should be adopted based on agreed measures of performance embodying appropriate technical objectives. That is the agency must be able to say that with a specified (high) degree of probability and a specified (low) false alarm rate, the diversion of a significant quantity of specified nuclear material will be detected withing a specified amount of time (depending on the material) which is well in advance of the time needed by the diverter to convert the material into a nuclear explosive device, assuming that all non-nuclear weapon-related activities have been carried out.
6. The amount of nuclear material in a "significant quantity" should be reduced by at least a factor of 2 in the case of both uranium and plutonium.
7. All States with safeguarded nuclear activities should be required to post a bond with the IAEA based on that State's GDP and the size and sensitivity of its nuclear program. Safeguards violations and other violations of IAEA regulations and NPT commitments, as well as a decision to leave the NPT should result in forfeiture of part or all of the bond.
8. Safeguards should be imposed on non-nuclear materials useful in manufacturing weapons such as Tritium, Lithium-6, and Beryllium.
9. Safeguards should be established over nuclear research and development activities and facilities.
10. The annual Safeguards Implementation Report of the Agency should be a public docment.

B. Interpreting the NPT to strengthen the regime

The NPT, being a document negotiated among many people from different nations and with different political objectives and constraints, is inevitably a document of compromises, laced with imprecise language, nuanced meaning, and cognitively dissonant passages. Depending on how the Treaty is interpreted, it is either, as claimed, the core of the world's non-proliferation regime, or it is a tool for proliferants to hide their ambitions and legitimize their activities.

There are at least two main areas where the non-proliferation regime can be strengthened via an interpretation of the language of the NPT. The first involves the language of Article I requiring that each weapon-State NPT Party not in any way to assist a non-nuclear weapon-State to manufacture nuclear explosive devices.

As Eldon Greenberg[15] has pointed out, the negotiating history of the NPT does not permit one to conclude that simply because safeguards are applied to a nuclear transfer, then the transfer is legitimate. (Transfer of the components of an explosive device is prohibited even if safeguards are attached.) Moreover, the very real possibility that an NPT Party may be a proliferator in disguise makes it incumbent upon suppliers to make judgments about the ultimate use of exported technology and equipment. Such judgments could take into account the economic and technical need for the exported items.

Accordingly, it is at least arguable that the transfer of reprocessing equipment or technology to a non-weapon-State, because such technology cannot be effectively safeguarded and exhibits no compelling economic need anywhere in the world, constitutes prohibited assistance under Article I.

Article I's language prohibiting indirect assistance by a weapon-State may also be interpreted as prohibiting nuclear assistance of any kind by weapon-States to non-weapon-States not party to the NPT, on the grounds that such assistance releases resources by those States that may be used in unsafeguarded nuclear programs—perhaps devoted in part to weapons development.

C. Some flaws in the treaty that ought to be fixed

1. The NPT does not forbid a non-weapon-State from possessing nuclear weapons. (It forbids the acquisition, but in theory a country with weapons could sign the NPT as a non-weapon-State and not give up weapons already made).

2. There is nothing in the Treaty that prohibits a non-weapon-State Party to the Treaty from assisting another non-weapon-State to manufacture or otherwise acquire the bomb.

3. The treaty should be clarified to ensure no challenge to the notion that safeguards includes the ability to search for non-nuclear activities relevant to bomb-making, including R&D. To ensure that this doesn't convert the IAEA into a university on weapons design, only inspectors from current or former weapon-States should be involved in this activity.

4. The Treaty does not require the IAEA to verify the obligation of a non-weapon-State not to receive assistance in the manufacture or acquisition of nuclear weapons.

5. The Treaty does not require the IAEA to verify that exports of nuclear hardware by NPT suppliers to non-weapon-States are carrying safeguards.

6. The Treaty does not define the point at which one can say that construction of a nuclear explosive device has begun. The Foster criterion relating "manufacture" to construction of a component having relevance only to a nuclear explosive device could constitute such a definition. In that case, activities involving machines capable of creating such components could become subject to special inspections.

7. The Treaty does not prohibit a non-weapon-State from using nuclear energy for military purposes but is unclear as to permitted "military uses" that are exempt from safeguards. In his recent book, David Fischer[16] posed questions as to whether a non-weapon-State could build a reactor, claim it is the prototype of a naval reactor and thereby exempt its fuel from safeguards. Likewise a State could withhold material from safeguards upon becoming an NPT Party by claiming (to itself—it has no obligation to inform the IAEA) that the material is for a permitted military purpose. Finally, the Treaty appears to allow a "military" enrichment plant whose output is only for naval reactors to be unsafeguarded, and the Treaty appears to allow unsafeguarded nuclear exports for permitted military use.

8. The Treaty's language in Article III.3 has been used to support arguments against making safeguards more intrusive. The Treaty should state as a principle that whenever a conflict occurs between effective safeguards application and compliance with Article IV, resolution in favor of effective safeguards shall govern.

9. The Treaty does not embargo transfers of sensitive equipment, materials or technology—but it should whenever effective safeguards do not apply.

10. The Treaty does not provide for sanctions for violators or for withdrawal from the Treaty.

11. The Treaty is difficult to amend, but worse than that, only those parties ratifying the amendment are subject to it.

12. The Treaty does not preclude possession and stockpiling of plutonium or highly enriched uranium by a non-weapon-State, regardless of economic or technical justification or the effectiveness of safeguards.

13. The Treaty does not preclude nuclear trade with States not Party to the NPT.

14. The Treaty's provision on withdrawal does not provide for any disposition of nuclear assets or payment for nuclear assistance received by the withdrawing State by virtue of its NPT membership.

D. What should be our level of reliance on the NPT as a security measure?

As stated at the outset, there is no question that the NPT has been a valuable institution. It has helped create a non-proliferation ethic that has raised the political barriers, at least in democratic States, to overt proliferation. It has played a useful role as an anchor or central element in all the discussions about security with the Newly Independent States and other States in Eastern Europe. It provided an outlet for U.S./Soviet cooperation during the days of the Cold War that made it more difficult for each side to demonize the other and thereby lowered the risk of war. It has provided an outlet for countries desiring to play a role on the world stage in disarmament to do so without becoming weapon-States themselves. It provided a way for South Africa to give up its weapons program with a minimum of lingering doubt and suspicion because of IAEA verification, and it provided a basis for dealing with the North Korean weapons program.

On the other hand, the NPT has also has been a convenient political cover for countries known to be interested in acquiring nuclear weapons, played no essential role in turning around the past South Korean and Taiwanese clandestine weapons programs, did not produce an appropriate response to Iraq's weapons program until after Saddam Hussein invaded Kuwait and was militarily defeated, and provides no restraint on the stockpiling of weapons materials by any State as long as they are under safeguards.

Since many of its adherents joined because of the promise of technical assistance and technology transfer, the Treaty does not incorporate any nuclear trade restrictions, leaving it to the suppliers alone to decide what should or should not be transferred.

And in the end, the ability to leave the Treaty with 90 days notice means that there is no essential barrier to a country, with the technological known-how to build weapons, and that sees nuclear weapons as its best option for enhancing its security, from proceeding to build them.

Even if the Treaty and the safeguards system had been originally constructed with the needed reforms discussed in this paper, its implementation would still ultimately depend on the resolve of the international community acting through the Board of Governors of the IAEA (which occasionally has a proliferator as Chair) and the UN Security Council.

Nonetheless, the warts exhibited by the Treaty and its still evolving safeguards system do not vitiate the political value of the nonproliferation norm that has been nurtured by the Treaty and the rest of the nonproliferation regime—the nuclear weapons free zones, the Tlatelolco and Rarotonga Treaties, the export control laws and agreements (both multilateral and unilateral), and other instruments.

In sum then, the Treaty cannot be a substitute for measures one might otherwise take in protecting one's security. And without reform it does not provide a good model for dealing with proliferation threats other than nuclear, such as chemical, biological, or missile, but it is an important adjunct whose absence would raise current anxiety levels about the spread of weapons of mass destruction.

FOOTNOTES

[1] Treaty on the Non-Proliferation of Nuclear Weapons, opened for signature July 1, 1968, 21 U.S.T. 483, 729 U.N.T.S. 161.

[2] George Bunn and Roland M. Timerbaev, "Nuclear Verification Under the NPT", PPNN Study Five, Mountbatten Centre for International Studies, University of Southampton, England, 1994.

[3] Remarks Submitted by William C. Foster, Hearings before the Senate Committee on Foreign Relations, July 10, 1968.

[4] Working Paper submitted to Geneva disarmament conference by Japan: Arms Control Implications of Peaceful Nuclear Explosions, CCD/454, July 7, 1975, ACDA Documents on Disarmament, 1975.

[5] Bunn and Timerbaev, Op. Cit.

[6] Bunn and Timerbaev, Op. Cit.

[7] Nuclear Export Guidelines adopted by 15 Governments, January 11, 1978, IAEA Doc. INFIRC/254, February, 1978.

[8] Interview with Rudolph Rometsch, IAEA Bulletin, Vol. 36, No. 3, p. 14, 1994.

[9] U.S. General Accounting Office Report GAO/NSIAD/RCED-93-284, "Nuclear Nonproliferation and Safety: Challenges Facing the International Atomic Energy Agency", September, 1993.

[10] Lawrence Scheinman, "Assuring the Nuclear Non-Proliferation Safeguards System", Atlantic Council, Washington, D.C., October, 1992.

[11] Marvin Miller, "Are IAEA Safeguards on Plutonium Bulk-Handling Facilities Effective?", Nuclear Control Institute, Washington, D.C., August 1990.

[12] Leonard Weiss, "The Concept of Timely Warning in the Nuclear Nonproliferation Act of 1978", Report (dated April 1, 1985), Congressional Record, pp. S2639 and S2646, March 21, 1988; also appendix to testimony delivered by Senator John Glenn to Senate Foreign Relations Committee, December 15, 1987; to appear in Nuclear Nonproliferation Factbook, prepared by Congressional Research Service of the Library of Congress for the Senate Committee on Governmental Affairs, 1995.

[13] Eldon Greenberg, "Opportunities for Improvement of the NPT Regime", Nuclear Control Institute, Washington, D.C., August, 1990.

[14] George Bunn, Charles Van Doren, and David Fischer, "Options and Opportunities: The NPT Extension Conference of 1995", PPNN Study No. 2, Mountbatten Centre for International Studies, University of Southampton, England, 1991.

[15] Eldon Greenberg, "The NPT and Plutonium", Nuclear Control Institute, Washington, D.C., May, 1993.

[16] David Fischer, "Towards 1995: The Prospects for Ending the Proliferation of Nuclear Weapons," Dartmouth Publishing Co., Vermont, U.S.A., 1993.

Mr. NUNN. Mr. President, I am pleased to join my two distinguished colleagues, Senators ROTH and GLENN, and the other original cosponsors in urging the adoption of the sense-of-the Senate language on the unlimited and unconditional extension of the Nuclear Non-Proliferation Treaty at the upcoming renewal session beginning next month. The importance of the treaty to U.S. nonproliferation efforts can hardly be exaggerated. The Committee on Governmental Affairs held a hearing on Tuesday of this week, with a panel of distinguished witnesses, which served to highlight the strong bipartisan support for extension of the treaty. I urge my colleagues to support this important resolution of endorsement of the unlimited and unconditional extension of the NPT.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I say to the distinguished manager, we are ready for a voice vote on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 338) was agreed to.

Mr. ROTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 339

(Purpose: To state the sense of the Senate on South Korean trade barriers to United States beef and pork)

Mr. BAUCUS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for himself, Mr. BYRD, Mr. MCCONNELL, Mr. LEAHY, Mr. GRASSLEY, Mr. KERREY, Mr. PRESSLER, Mr. BURNS, Mr. HARKIN, Mr. SANTORUM, Mr. SIMPSON, Mr. LUGAR, Mr. PRYOR, and Mr. CONRAD, proposes an amendment numbered 339.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 25, between lines 4 and 5, insert the following:

SEC. 110. SENSE OF SENATE ON SOUTH KOREA TRADE BARRIERS TO UNITED STATES BEEF AND PORK.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States has approximately 37,000 military personnel stationed in South Korea and spent over $2,000,000,000 last year to preserve peace on the Korean peninsula.

(2) The United States Trade Representative has initiated a section 301 investigation against South Korea for its nontariff trade barriers on United States beef and pork.

(3) The barriers cited in the section 301 petition include government-mandated shelf-life requirements, lengthy inspection and customs procedures, and arbitrary testing requirements that effectively close the South Korean market to such beef and pork.

(4) United States trade and agriculture officials are in the process of negotiating with South Korea to open South Korea's market to United States beef and pork.

(5) The United States meat industry estimates that South Korea's nontariff trade barriers on United States beef and pork cost United States businesses more than $240,000,000 in lost revenue last year and could account for more than $1,000,000,000 in lost revenue to such business by 1999 if South Korea's trade practices on such beef and pork are left unchanged.

(6) The United States beef and pork industries are a vital part of the United States economy, with operations in each of the 50 States.

(7) Per capita consumption of beef and pork in South Korea is currently twice that of such consumption in Japan. Given that the Japanese are currently the leading importers of United States beef and pork, South Korea holds the potential of becoming an unparalleled market for United States beef and pork.

(b) It is the sense of the Senate that—

(1) the security relationship between the United States and South Korea is essential to the security of the United States, South Korea, the Asia-Pacific region and the rest of the world;

(2) the efforts of the United States Trade Representative to open South Korea's market to United States beef and pork deserve support and commendation; and

(3) The United States Trade Representative should continue to insist upon the removal of South Korea's nontariff barriers to United States beef and pork.

Mr. BAUCUS. Mr. President, this is a sense-of-the-Senate resolution urging the United States Government to remain firm in its effort to open the Korean market to American beef and pork exports. The United States has initiated a section 301 case on the issue, and this amendment will put the Senate on record in support of the USTR and our stockgrowers.

We have been a good friend to South Korea over the years. And South Korea has abundant evidence of our friendship.

Fifty-seven thousand Americans gave their lives in the Korean war. Today, nearly 40,000 American men and women are on the line of what is still one of the world's most dangerous regions. We are right to be there because our presence helps keep the peace in a critically important region.

We are also a critically important market for Korea. We Americans buy Korean cars, kim chee, semiconductors and more. In total $17 billion in imports from Korea in 1993, and more than that, almost $20 billion last year.

So we are good friends to Korea, but friendship works both ways. The least Korea can do is to be as open to our products as we are to theirs.

Beef is a perfect example. Today, American meat exports to Korea are blocked by a web of nontariff barriers.

Unscientific shelf-life requirements require chilled beef in Korea to be sold in very unrealistically short periods of time, combined with the Customs regulations that deliberately delay beef shipments at the ports, which creates a catch-22 situation, making it almost impossible to sell red meat in Korea.

If Korea would remove these barriers, the meat industry estimates that the return could be as much as $240 million this year alone and by the turn of the century, our meat exports would rise to $1 billion a year.

So the issue is simple: Ambassador Kantor is asking Korea to live by the standards that most trading nations already live by and that they have, as Koreans, accepted by their entry into the World Trade Organization.

Up to now, they have not done so. One barrier has been abolished simply to be replaced by others. We have been patient for years, and the time has now come to be firm.

We have, therefore, as Americans initiated a section 301 case on the issue, and history shows that when we have a good case—and we do—and we show that we are serious—and we are—section 301 cases get results.

This sense-of-the-Senate amendment will put us on record in support of that case and strengthen Ambassador Kantor and his negotiators in their effort. I hope our stockgrowers can count on the support of the Senate. I ask for support of this amendment.

Mr. BYRD. Mr. President, I am pleased to cosponsor this sense-of-the-Senate resolution on the question of Korean trade practices offered by the distinguished Senator from Montana [Mr. BAUCUS]. It encourages the United States Trade Representative to insist on South Korea's removal of unfair nontariff trade barriers to United States beef and pork products. The issue is, unfortunately, a familiar one in our trading relations with the Pacific—nontariff barriers to our trade, amounting to effective closure of their markets to our goods, regardless of tariff schedules, despite agreements to the contrary, flying in the face of our conception of free trade. The question of nontariff barriers, of closed market practices has bedeviled trade with Japan, and now is bedeviling our trading relations with Korea, as well as China.

The specific issue is the Korean market for United States chilled beef and pork products, a potentially lucrative market worth as much as $240 million in exports this year, and growing to the $1 billion annual range by the end of the century. The issue has festered since at least 1988 when American meat producers filed a petition concerning

Korean discriminatory practices under section 301 of the 1974 Trade Act. American producers succeeded in getting proceedings in a GATT panel, and this resulted in three bilateral trade agreements, in 1989, 1990, and 1993. Then in 1994 the USTR did accept the section 301 petition brought by American meat and pork producers, alleging unjustifiable regulatory restrictions that effectively block their export products from the Korean market.

Now, Mr. President, what is the current result of nearly a decade of complaining, initiation of a 301 case, action under the GATT, extended negotiations, and the signing of several additional agreements? The director of the USTR's Asian division has informed my staff that as of today the total of United States imports into Korea of chilled pork is zero and red meat is minimal. The results are zero and minimal. This is America's fourth largest agricultural market, yet we cannot get meat into it, despite the signing of numerous agreements and constant negotiations. This dismal situation is not for lack of trying: USTR engaged the Koreans in consultation in mid-January, and resumed negotiations just this month. The negotiations just concluded have apparently failed to get market access. What we are seeking is a specific timetable from the Koreans to eliminate what is obvious to both them and us as burdensome regulatory practices designed for the sole purpose of keeping United States meat products out of Korea.

It is time for the Koreans to settle this issue. We have asked for the Koreans to reform their current antiquated regulatory requirements, establish an interim system to go into effect immediately, letting United States products into their market, and to permanently revise their regulations according to a specific timetable. While the Koreans announced last September that they intend to reform their system, they have stalled on doing so. The Koreans, in the latest round of negotiations this month would not agree to the establishment of such an interim system that would allow trade to take place. The Trade Representative has recently announced that the United States is now prepared to take the case to the newly-formed World Trade Organization [WTO] for "consultations" on the scientific basis for Korean meat exclusions, opening up a second track of discussions and dispute settlement, if it comes to that. I strongly encourage this route, exposing the Korean practices widely in a multilateral forum, raising the visibility of the problem. It would serve as an excellent test case of the WTO dispute settlement procedures. What is the WTO for, I ask my colleagues, if not for this type of situation? Of course, at any time the Koreans can avoid that by providing us with an interim regime of market access.

Similar problems are being experienced with the Koreans in telecommunications equipment, with the Koreans refusing to certify an updated AT&T switch already operating in the Korean market in order for AT&T to compete in a new round of Korean procurement. Here again the discriminatory behavior is in violation of a United States-Korean bilateral agreement. The Koreans have had 2 years to investigate and certify the switch, but recently announced they would need another 70 weeks to test it. Seventy weeks. This is just plain delay, calculated to give a Korean-made switch more time to compete.

Similar situations have occurred in regard to other products, such as medical devices, bottled water, raisins, and candy. Let's take a recent example of chocolate. The Korean Minister of Health is refusing entry of five containers of Mars chocolate claiming insufficient label information, with new requirements never before announced. Several of the containers have been held since last December. The alleged missing information was not notified to either the United States or the World Trade Organization, and the resulting obstruction of trade is a violation of Korea's obligation under the WTO agreement to publish regulations affecting trade and administer them in a "uniform, impartial and reasonable manner." We are getting nowhere fast with the Koreans on this matter either, which is resulting in substantial financial damage to an American company. Last week the Korean Government stiffed the United States Trade Representative's negotiators on the matter.

Korean behavior on United States trade is clearly reaching a level of concern which can affect our overall bilateral relationship. It is affecting, in my view, the strength, fairness, and durability of our relationship with South Korea. American national security, the health of our defense budget, and our ability to continue to honor our commitment to defend South Korea depends on our overall long-term economic health. Our economic health is dependent, to a significant degree, on good trading balances, and such balances have been consistently negative with North Asian countries, Japan, China, and to a lesser extent, Korea. Korea needs to understand that trade and mutual defense are a two-way street. First, on trade the United States is vital to Korean exports of automobiles, semiconductors, and other items, now approaching $20 billion in annual revenues to Korean manufacturers. Second, the Koreans expect us to come to their defense on a moment's notice, because we have made a commitment to do so. I expect the Koreans to be forthcoming, to lean over backward to accommodate our trade, to honor the agreements we have reached with them in the spirit with which they were intended—that is, to give United States products reciprocal access to the Korean market. In addition, obfuscation, stonewalling, and erecting baloney barriers to such access violates the spirit of our overall relationship, and by that I mean our overall security relationship. Economic health is fundamental to America national security, and fundamental to the continuation of a strong United States-Korean defense relationship.

I suggest that the officials with whom we have had such an excellent relationship with in the Korean defense establishment get in touch with the foot-draggers in the agencies stalling on United States trade and turn the lights on. The time is overdue for reciprocity on the part of Korea. I am going to watch closely for Korean agreement to set a specific timetable for allowing United States meat and pork into Korea, for allowing AT&T to compete in the 1995 Korean procurement cycle, for release of confectioneries from Korean ports to Korean store shelves, and in general for a change in attitude toward its most reliable defender. The United States is stationing nearly 40,000 of the 100,000 personnel we have deployed to the Pacific for the defense of Korea, we shed the blood of tens of thousands more against invasion from the north during the Korean war. Korea is considered one of the two so-called "major regional conflicts" around which we are basing the force structure and budget parameters of our defense budget. From what I am reading, the product with the best chance of gaining ready access to the Korean Peninsula is American troops, gladly accepted for the defense of Seoul. It is time for Korea to understand the critical importance of a healthy trading relationship, and it is time for Korea to treat the United States as an economic ally as well as a military ally.

I commend the Senator from Montana for bringing this matter to the Senate's attention. The Trade Representative is doing the best he can to cope with Korean behavior, and if he eventually needs the benefit of congressional pressure on nontrade matters, I am sure it will be available.

I also commend the Trade Representative on his recent success in regard to the progress he has made with the third of our north Asian trading partners, China. Late last month the USTR successfully negotiated an agreement with China to provide protection of intellectual property rights for United States companies and provide market access for such products. Just last week, he was able to conclude another agreement with the Chinese to gain Chinese compliance with a 1992 agreement for better access for nearly 3,000 different United States products over a period of several years. The Chinese did not fully comply with that accord, and now we have an agreement, apparently, to abide by the earlier agreement.

Mr. President, the Chinese also need to understand that it is not enough to sign agreements, but that they must be abided by in a spirit of cooperation, in an effort to make them work, and not dance around them. The Chinese want to be a member of the World Trade Organization, and so they threatened to forego implementing existing agreements until we agree to give them another carrot in terms of support for membership in this organization. But, Mr. President, the proof of the pudding is in the eating, on these agreements. They must be energetically implemented. I believe that it would be very useful if the Senate conducted frequent reviews of the record of our trading partners in implementing the agreements they have signed with us. Implementation is the key, for instance to the extensive agreements we signed with Beijing on intellectual property. And it is certainly key to the various bilateral agreements we have signed with the Koreans. Compliance with the provisions of the WTO should also be insisted upon for Korea, and China if she is admitted.

I hope that the Trade Representative will ensure that his Korean, as well as Chinese, counterparts are made aware of this Senate resolution and accompanying statements, and that they will understand the importance of these various trade matters to the Senate and the United States.

Mr. STEVENS. Mr. President, I want to state that I am informed that this has been cleared by the Members on this side on the subcommittee involved. So I am prepared to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 339) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak as in morning business for just 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MIKE MANSFIELD—EXTRAORDINARY MAN

Mr. BAUCUS. Mr. President, on March 16, 1903, Teddy Roosevelt was President. Civil War veterans still held annual reunions. The Wright brothers were testing their first aircraft, and baseball was preparing for the very first World Series that fall. And Mike Mansfield was born in Brooklyn, NY.

Today Mike turns 92. And I ask the Senate's indulgence while I pay tribute to this extraordinary man.

Mike's family moved to Great Falls, MT, when he was just 3 years old. When America joined the First World War in 1917, Mike—at the ripe old age of 14—fibbed about his age and enlisted in the Navy.

He is one of the very few Americans to serve in the Army, the Navy, and the Marines. My guess is that if America had had an Air Force back then, he would have made all four. And at the age of 92, he is still the youngest World War I veteran in America.

After leaving the military, Mike returned to his home in Montana—to Butte and then to Missoula. While working as a miner in Butte, he met and married Maureen Hayes.

Maureen, then a Butte schoolteacher, persuaded Mike to leave the mines and get on with his education. And not only Montana, but our whole country should be grateful to her for that.

Although Mike did not have a high school degree, he passed an entrance exam and was admitted to the University of Montana. And he never looked back. He obtained a bachelors and masters degree in international affairs and then became a professor of East Asian and Latin American history at the university.

Then, in 1942, Mike Mansfield was elected to the U.S. House of Representatives. In his very first term, he was recognized as one of America's leading experts on East Asia.

President Roosevelt personally selected him as a special envoy to China in 1944, and the report Mike filed on his return is still a model of depth, clarity, foresight, and sound advice on foreign policy.

After a decade in the House Mike was elected U.S. Senator. He served in the Senate for 24 years. For 17 of those years, longer than anyone in history, he served as the Senate majority leader. And while most people now think first of his national and international leadership, he was always a great Montana Senator.

As Mike Malone, the dean of Montana historians, puts it:

> Mansfield's protection of the state's interests in Washington was legendary. He became so much a part of the state's political landscape that the names Montana and Mansfield seemed nearly inseparable.

Norman Maclean recounts an example of this in his last book, "Young Man and Fire", when he talks about Congressman Mansfield in action after the Mann Gulch fire of August 1949:

> The act had been almost as swift as the thought. . . . By October 14, little more than two months later, Mike Mansfield had rushed through Congress his amendment to the Federal Employees' Compensation Act doubling the amount allowed to nondependent parents of children injured or killed while working for the Federal Government—from a pitiful two hundred to four hundred dollars. A rider attached to this amendment made it retroactive to include the Mann Gulch dead.
>
> In our State of Montana, we would vote for him for anything (in ascending order) from dogcatcher to President of the United States to queen of the Helena Rodeo.

What was true for 14 Mann Gulch families was true for the whole country. Mike Mansfield knew what was right and he knew how to get it done. Whether it was labor relations, the Vietnam war, environmental protection, extending the right to vote to young people, or any of the other great issues of the 1950's, 1960's, and 1970's, Mike Mansfield was there and he was right.

When Mike retired from the Senate—having served longer than anyone in history as majority leader—it was only to begin a new career. President Carter appointed Mike as Ambassador to Japan. And his performance was so exceptional that although Mike always has been and always will be a Montana Democrat, President Reagan asked him to stay on in Tokyo for another 8 years.

Today, at age 92, Mike is on his third career as an East Asian adviser for Goldman Sachs. Although admittedly, he is taking it easy. He has slowed down to a mere 5 days of work a week.

And of course, he is still the smartest, best-informed, wisest statesman Montana and America have. Like I told the people at the Governor's Conference on Aging at the Copper King in Butte last summer, when I really get stumped and I need the best advice there is, I go to Mike Mansfield.

Mr. President, Mike Mansfield has lived the American Dream.

From Teddy Roosevelt to Bill Clinton.

From the copper mines of Butte to private meetings with Presidents and kings.

Sailor, veteran, miner, professor, Congressman, Presidential envoy, Senator, majority leader, Ambassador Extraordinary and Plenipotentiary, banker, wise man.

But to Montanans, always just plain "Mike."

I hope you and all of our colleagues will join me in saying "thank you," to Mike, and wishing this great and good man a happy birthday and many more to come.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 340

(Purpose: To require monthly reports on United States support for Mexico during its debt crisis, and for other purposes)

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, I rise to send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows.

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 340.

Mr. BROWN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new title:

TITLE ___—MEXICAN DEBT DISCLOSURE ACT OF 1995

SEC. ___01. SHORT TITLE.

This title may be cited as the "Mexican Debt Disclosure Act of 1995".

SEC. ___02. FINDINGS.

The Congress finds that—

(1) Mexico is an important neighbor and trading partner of the United States;

(2) on January 31, 1995, the President approved a program of assistance to Mexico, in the form of swap facilities and securities guarantees in the amount of $20,000,000,000, using the Exchange Stabilization Fund;

(3) the program of assistance involves the participation of the Federal Reserve System, the International Monetary Fund, the Bank of International Settlements, the World Bank, the Inter-American Development Bank, the Bank of Canada, and several Latin American countries;

(4) the involvement of the Exchange Stabilization Fund and the Federal Reserve System means that United States taxpayer funds will be used in the assistance effort to Mexico;

(5) assistance provided by the International Monetary Fund, the World Bank, and the Inter-American Development Bank may require additional United States contributions of taxpayer funds to those entities;

(6) the immediate use of taxpayer funds and the potential requirement for additional future United States contributions of taxpayer funds necessitates Congressional oversight of the disbursement of funds; and

(7) the efficacy of the assistance to Mexico is contingent on the pursuit of sound economic policy by the Government of Mexico.

SEC. ___03. REPORTS REQUIRED.

(a) REPORTS.—Not later than April 1, 1995, and every month thereafter, the President shall transmit a report to the appropriate congressional committees concerning all United States Government loans, credits, and guarantees to, and short-term and long-term currency swaps with, Mexico.

(b) CONTENTS OF REPORTS.—The report described in subsection (a) shall include the following:

(1) A description of the current condition of the Mexican economy.

(2) Information regarding the implementation and the extent of wage, price, and credit controls in the Mexican economy.

(3) A complete documentation of Mexican taxation policy and any proposed changes to such policy.

(4) A description of specific actions taken by the Government of Mexico during the preceding month to further privatize the economy of Mexico.

(5) A list of planned or pending Mexican Government regulations affecting the Mexican private sector.

(6) A summary of consultations held between the Government of Mexico and the Department of the Treasury, the International Monetary Fund, or the Bank of International Settlements.

(7) A full description of the activities of the Mexican Central Bank, including the reserve positions of the Mexican Central Bank and data relating to the functioning of Mexican monetary policy.

(8) The amount of any funds disbursed from the Exchange Stabilization Fund pursuant to the approval of the President issued on January 31, 1995.

(9) A full disclosure of all financial transactions, both inside and outside of Mexico, made during the preceding month involving funds disbursed from the Exchange Stabilization Fund and the International Monetary Fund, including transactions between—

(A) individuals;

(B) partnerships;

(C) joint ventures; and

(D) corporations.

(10) An accounting of all outstanding United States Government loans, credits, and guarantees provided to the Government of Mexico, set forth by category of financing.

(11) A detailed list of all Federal Reserve currency swaps designed to support indebtedness of the Government of Mexico, and the cost or benefit to the United States Treasury from each such transaction.

(12) A description of any payments made during the preceding month by creditors of Mexican petroleum companies into the petroleum finance facility established to ensure repayment of United States loans or guarantees.

(13) A description of any disbursement during the preceding month by the United States Government from the petroleum finance facility.

(14) Once payments have been diverted from PEMEX to the United States Treasury through the petroleum finance facility, a description of the status of petroleum deliveries to those customers whose payments were diverted.

(15) A description of the current risk factors used in calculations concerning Mexican repayment of indebtedness.

(16) A statement of the progress the Government of Mexico has made in reforming its currency and establishing an independent central bank or currency board.

SEC. ___04. PRESIDENTIAL CERTIFICATION.

Notwithstanding any other provision of law, before extending any loan, credit, guarantee, or arrangement for a swap of currencies to Mexico through any United States Government monetary facility, the President shall certify to the appropriate congressional committees that—

(1) there is no projected cost to the United States from the proposed loan, credit, guarantee, or currency swap;

(2) all loans, credits, guarantees, and currency swaps are adequately collateralized to ensure that United States funds will be repaid;

(3) the Government of Mexico has undertaken effective efforts to establish an independent central bank or an independent currency control mechanism; and

(4) Mexico has in effect a significant economic reform effort.

SEC. ___05. DEFINITION.

As used in this title, the term "appropriate congressional committees" means the Committees on Banking and Financial Services and International Relations of the House of Representatives and the Committees on Foreign Relations, and Banking, Housing and Urban Affairs of the Senate.

Mr. BROWN. Mr. President, I rise to offer this amendment because of the urgency of time and the need to ensure that a full report of the activity of the Mexican bailout be available to the Congress.

The facts are these. The first article of our Constitution deals with Congress and the preeminent power it conveys on Congress, and I might say responsibility, of appropriating money.

It was the abiding belief of the Founding Fathers, and I believe the abiding belief of this country's citizens, that expenditures of money be made by elected officials. Taxation without representation is tyranny. The reality is this country and our Constitution and our system demand that someone be accountable for funds that are expended and that those people be elected by the voters of this country. The Constitution could not be clearer on the subject.

Years ago, in the 1930's, a small Exchange Stabilization Fund was started with a modest amount of money at the time. I think it is fair to say, and most Members would agree, that has grown to a horrendous amount. The reports are that the amount in that fund is somewhere between $25 and $30 billion, probably a little closer to the higher number.

Most Americans were astounded earlier this year when on January 31 the President of the United States announced that he would take $20 billion of that money without the benefit of appropriation, without deliberation of Congress—as a matter of fact, bypassing Congress—and use that in a program of assistance to Mexico, and specifically the $20 billion would be put at risk through swaps and security guarantees involving $20 billion from the Exchange Stabilization Fund.

Mr. President, it is very clear the kind of impact that has on this Nation. One need only look at what has happened to the value of the dollar versus the yen and the mark since that announcement was made.

Now, Mr. President, the Exchange Stabilization Fund is American taxpayers' money that is meant to stabilize the currency of the United States. When our currency falls out of bed and our money has been diverted to bailing out the Mexican currency, who is it that is going to defend the United States dollar? Where will the money come from to stabilize the United States dollar?

If there is a purpose for the Exchange Stabilization Fund, it surely must be to defend the United States dollar.

Now, what this amendment calls for is a simple, straightforward report to Congress on a monthly basis. It involves things like changes in policy of Mexico, disbursements from the Exchange Stabilization Fund, accounting for United States credits, guarantees and loans to Mexico.

What it asks for, Mr. President, are the simple facts. There is some indication that the administration may be reluctant to disclose these facts to the Congress, but I believe this is the minimum that we ought to do. If we are going to take our responsibilities as appropriators seriously, we ought to at least demand the information on how the money, this huge amount of money, is being used. That is what this amendment does.

Mr. President, there are two other aspects of this measure that I would like to call to the Members' attention. One is the very sincere interest Americans had in helping the Mexicans and the Mexican economy. I sincerely believe the President wanted to help the Mexicans when he diverted this huge amount of money to the support of the peso. But it is also my belief that far from building stronger, better, closer relationships with Mexicans, this has done the opposite. I wish to draw the Members' attention to an article that appeared in the El Norte newspaper on January 30 of this year.

> Seventy-four percent of the population of Mexico City wants the Mexican Government to turn down the $40 billion worth of guarantees the United States is offering.

Obviously, the reference is there not only to the Exchange Stabilization Fund money but the other funds that have been involved.

> In Mexico City, 78 percent of the respondents and in Monterrey 64 percent distrust President Zedillo's pledge not to accept any conditions that would undermine national sovereignty.

Mr. President, the reality is this. While the Mexican President had taken a strong oath not to accept any conditions that jeopardize their sovereignty—and it implied that much of the money could come condition free—the administration in the United States was saying none of this money would go to Mexico unless there were strong changes in policy, and they did accede to that.

Now, that is part of why this report is so important. What we have is one side saying there is going to be real guarantees and real changes in policy so the guarantee would get repaid, and the people who are getting the money are saying loudly and clearly, no, we have not accepted conditions; we are not going to accept conditions.

Now, the reality is there apparently have been some conditions set and some conditions accepted on the part of the Mexicans.

The question for this body is do we insist on knowing what they are. I believe we should. That is what this amendment is all about. It is a simple, straightforward request for a monthly report on exactly what is happening, on exactly what U.S. taxpayers' money is being used and how it is being used, and what changes of policy are.

We have been in touch with the Treasury Department over this amendment for more than a week, almost a week and a half. In that time, they have expressed concerns about having to detail this information. One of the concerns they have mentioned that I think is a legitimate concern is a concern that any sensitive information they would convey to Congress would be kept confidential.

Mr. President, they have not sent me language on that, but I wish to assure the body that I am sensitive to that, that if, indeed, there is information that should be kept confidential, I believe strongly that that request by the administration ought to be honored. And I wish to commit publicly in the Chamber that we will work with them to urge the conferees to include in the measure that may come back from conference such information as appropriate to ensure confidentiality.

Mr. MACK. Mr. President, I thank my colleague from Colorado for offering this amendment, and I am pleased to be a cosponsor.

This amendment is essentially the same as legislation I introduced earlier this year to require monthly reports by the United States Treasury on the Mexican economy. It is critical that this information be conveyed to Congress on a timely basis so that we, who are responsible for the protection of United States tax dollars, are fully informed as to the risk of Mexico's failure to repay those dollars.

The reason for this risk is that while we stand here, the Mexican economy is deteriorating. Inflation has reached 40 or 50 percent, production is falling rapidly and the Mexican peso continues to drop like a rock. Mexican citizens are suffering from the massive reduction in the purchasing power of their pesos.

Many economists suggest that Mexico's economic problems could have been avoided if the right economic policies were followed. However, they were not. Now that United States taxpayer money is at risk, it is more important than ever that the Congress be informed about economic developments in Mexico.

In order for Congress to gauge this risk, information is key. This amendment will guarantee that the Congress is kept fully informed about developments in Mexico so that taxpayer dollars can be protected.

Mr. BROWN. Mr. President, at this point I ask unanimous consent to add the names of Senators D'AMATO, MACK, and NICKLES as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I commend my colleague, Senator BROWN, for his legislation. Indeed, he has warned the Congress, the American people, and the administration the danger of having a situation whereby we become the banker and where the people of Mexico as a result of the harsh conditions imposed look to the United States as the culprits as opposed to being the saviors, as opposed to being the helpers.

Here we are, extending we do not know how much. That gets to the heart of the amendment of the Senator. I have had legislation in hearings in the Banking Committee where we considered whether we should put a cessation of dollars after a certain amount is expended in 1 year. We were thinking that after $5 billion was expended to any one country, that there should be a requirement to come to Congress to get the appropriate authority, authorization, and appropriations. After all, that is what the Constitution says. We are the body charged with the responsibility of appropriating these funds.

Whether or not legally the administration could maintain the position that by use of the stabilization funds this is not an appropriation or would not require an appropriation of this Congress is something that reasonable people might debate. Indeed, in the Treasury report by the general counsel of the Treasury to the Secretary of the Treasury on page 6, that report indicates that the use of the stabilization funds is appropriate provided that—and I am paraphrasing—it does not become a loan.

I suggest if this is not a loan, we are stretching the legal language to the point that it becomes pretty difficult to differentiate. It really did not say loan, it said "foreign aid." If this $20-billion-plus package is not foreign aid, I do not know what we would call it. Some of these dollars, it has been testified before the Banking Committee, will be used by the Mexican Government to repurchase or to meet its, the Government's, obligations; not as it relates to currency, the Government's obligations, Government debt.

I suggest that crosses the line, notwithstanding what the legislation of the Senator does, and I am proud to support it and cosponsor it. It says: Tell us what you are doing with the money. Tell us what you are doing. We have a right to know. The American people have a right to know and Congress should not abdicate this most basic responsibility.

Let me tell you how shrouded this whole situation becomes. We do not know whether or not we have committed—the administration has committed us—to loaning $20, $30, $40 billion, and some people have suggested it may be, indeed, even closer to $50 billion that the United States of America, the people, the taxpayers of this country will be responsible for.

We know we have heard $20 billion from the exchange fund. Is it true? Do we not have a right to know whether or not the United States has pledged $10 billion through IMF funds, which we know our allies were not happy with, some of our European allies? But on a promise, a supposed promise that we, the United States of America, would make available $10 billion to this fund? That is $20 billion plus $10 billion over and above. That puts us in for $30 billion.

Question: World Bank? How much money is going to come from the World Bank and how much money have we put into the World Bank? So now we are over $30 billion and growing, as it relates to our commitments. Certainly, we have a right to know. That is what this legislation does.

AMENDMENT NO. 341 TO AMENDMENT NO. 340

Mr. D'AMATO. Mr. President, I send an amendment to the pending amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO] proposes an amendment numbered 341 to amendment No. 340.

Mr. D'AMATO. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Add at the end of the proposed amendment the following new section:

SEC. . REPORT ON ILLEGAL DRUG TRAFFICKING IN MEXICO.

The President shall transmit to the appropriate congressional committees no later than June 1, 1995 detailing the illegal drug trafficking to the United States from Mexico:

(1) A description of drug trafficking activities directed toward the United States;

(2) A description of allegations of corruption involving current or former officials of the Mexican government or ruling party, including the relatives and close associates of such officials; and

(3) The participation of United States financial institutions on foreign financial institutions operating in the United States in the movement of narcotics-related funds from Mexico.

Mr. D'AMATO. Mr. President, I understand my amendment may not be in order. Therefore, I ask unanimous consent that I be permitted to withdraw the amendment, because I understand there was an agreement I was not aware of. I certainly would not look to violate that agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 341) was withdrawn.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. D'AMATO. Mr. President, I do not believe I have yielded the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, it is my intent, if not on this amendment—and I thought it would be appropriate to attempt to further enhance the amendment, let me tell you, by way of a reporting requirement. I have become aware—it has become painfully obvious to this Senator, and during the hearings we had a number of witnesses who testified to the absolute corruption of many of the officials in the Mexican Government at many levels—Governors, military police, whole sections of the Government that are dedicated to one thing—their own enrichment. It should become painfully obvious to the administration, and they know—they know, proof positive—that Mexico has become the leading transshipment country as it relates to illegal drugs and narcotics, particularly cocaine, into the United States of America.

It has become so widespread, it has become so commonplace, that we can, indeed, even identify the planes that come in regularly from Colombia to the United States, carrying drugs and bringing back money. If you have a drug cartel operating from Colombia into Mexico with regular transshipment of drugs for money and then the drugs coming into the United States, it is rather obvious that we are choosing to look the other way. It is obvious the Mexican Government at most levels is looking the other way. If we are serious in terms of our fight against crime, let me suggest that close to 60 percent of violent crime comes directly as a result of drugs—60 percent.

Take a look at your inner core cities. You see the problem there. You talk about all the social problems, but just keep pouring the drugs in and look the other way as our neighbors to the south, to whom we are making available up to $40 billion, do little, if anything. Indeed, many of their highest officials and people at various important levels in Government are involved in drug trafficking.

This Senator will be seeking a report by June 1, 1995, by this administration, by the President, detailing and calling for him to make available to the people of the United States that information which our Government has as it relates to that drug dealing. Here we are sending $40-plus billion to Mexico. I think it is about time that we said, "If we are going to help you with your currency, we want to know exactly what is taking place." And this administration and every administration has an obligation to do something about it.

Let me be very clear and precise. I do not think the previous administration did much, if anything, except do everything they could to push through our agreements—such a wonderful thing, our trade, we have Salinas, he is a wonderful guy, the people on top are wonderful, great business opportunity, et cetera. The corruption, the deprivation of human rights, the sham of the democracy, all of that put to the side. The fact is that people in high places and high officials in high places are making billions of dollars, dealing in billions of dollars in illegal narcotics. We look the other way. "Don't rock the boat. This is so important. They have made great strides. They have privatized." Who has made the money? The oligarchy. A handful of billionaires have become richer. When those dollars plunged, who do you think sold out at the high and who got stuck at the low when the peso fell? Do you think the billionaires who controlled the profits in Mexico were down here on this chart? I will tell you where they were. They were up here, up here—billions.

We have American taxpayer dollars going down there. I have to tell you that at the least we should know what is taking place with that money. At least we should have the reports on a monthly basis so that we can report to the citizens so that they know how their tax dollars are being spent. I have never heard of a bailout program or a program designed to help one's country when the people do not have a right to know. People have a right to know how we spend their money here. Why should they not have the right to know how their money is being spent south of the border? I would like to know why they should not have a right to know. Do you mean to tell me that the Mexican track record in government is one that is so magnificent that we would be insulting them, we would be insulting their national sovereignty to ascertain exactly what this money is being used for? If that is the case, then we should suspend sending money down. I am tired of hearing that they are a sovereign nation.

By the way, I think we are going to be mighty shocked when we get into just how we are backing up collateral for this loan. How much oil does the Mexican Government really have that they can make available to back up these loans? We have been told that the loan is going to be fully collateralized. On the other hand, I have gotten information that indicates to me that indeed there may be a significant shortfall between the amount of moneys the Mexican Government is drawing down and the collateral value of the oil and the oil reserves that they have. The two may not come close to matching.

So, Mr. President, for all of these reasons I want to commend the Senator from Colorado for proposing this amendment. At the appropriate time I intend to ask that additional legislation be required or be considered which would require the reporting on the illegal drug activities as it relates to Mexico and this country.

Mr. President, I yield the floor.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER (Mrs. HUTCHISON). The Chair recognizes the Senator from Colorado.

Mr. BROWN. Madam President, I know that in our course of discussion we would go to the distinguished Senator from Rhode Island next. I do not mean to delay that process. But I understand it has been cleared on both sides.

PROVIDING FOR AN ADJOURNMENT OF THE HOUSE FROM THURSDAY, MARCH 16, 1995, TO TUESDAY, MARCH 21, 1995

Mr. BROWN. Madam President, I hereby ask unanimous consent that the Senate now turn to the consideration of House Concurrent Resolution 41, the House adjournment resolution; that the resolution be agreed to, and that the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

So the concurrent resolution (H. Con. Res. 41) was considered and agreed to.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

The Senate continued with the consideration of the bill.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Madam President, I do not believe that this is the appropriate vehicle for offering this amendment today.

I am supportive, as I know we all are, of making sure that the Senate is kept appropriately informed on the administration's efforts to stabilize the Mexican peso. But I do not believe that the amendment as currently drafted properly balances the Senate's right to information with the administration's requirements to carry out its responsibilities to implement this program with another sovereign government.

Madam President, I would also call to the attention of my colleagues that this amendment in the form of a resolution is to be the subject of a Foreign Relations Committee business meeting next week. I believe that the committee markup is the more appropriate forum to work on some of the difficulties posed by this amendment.

I know that the Department of Treasury has some difficulties with the amendment as it is currently drafted and has requested to meet with Senator BROWN's staff and other interested staff to discuss changes in the amendment. In fact, both sides have already agreed to meet tomorrow to try to work some of this out.

I would urge the Senator to consider withdrawing this amendment and sitting down with Treasury representatives to work out language that meets the Senator's needs but also addresses some very legitimate concerns of the Department.

Let me repeat, this is identical to legislation that has been scheduled for markup this coming Monday in the Foreign Relations Committee, on which the Senator from Colorado sits, and contributes a great deal.

While I understand the Senator's desire to have this legislation acted on quickly, I think it would be a very unfortunate precedent to preempt the Committee markup in this way.

We also have the point that this is, after all, authorizing legislation being attached to an appropriations bill. So I hope that this could be withdrawn with the understanding that it would be taken up again next week or the week after.

Mr. BROWN. Madam President, I appreciate the very thoughtful comments of the Senator from Rhode Island. He, as always, makes such a valuable contribution in the Senate's deliberations. I think he makes a very valid point with regard to the deliberations of the committee and certainly that would be the normal process that I would want to follow. Indeed, my observation is correct that it is scheduled for markup in committee.

There are several factors that make me want to move ahead with the process right now. That is, first of all, the urgency of getting this information while billions of dollars of American taxpayers' money is being committed. My sense is it is very important in terms of timing to get this enacted as quickly as possible. But I want to pledge to the Senator that any adjustments that are made in markup, I will—along with, I know, others and I hope many will be active in—be urging the conferees to adopt so that, first, the deliberations of the committee are not overlooked but are incorporated in this by the conferees; and second, that we move along quickly.

The second aspect I might note here is that we have been working with the Treasury people. I want to pledge myself to work with them in terms of fine-tuning reporting requirements.

But most of all, I want to know also another factor. This obviously involves more than simply the Foreign Relations Committee. The bulk of the bill is really the work of Senator D'AMATO and his Banking Committee. He has been a guiding light in the effort to get the facts out in this area.

So it is my sense that it is appropriate to move ahead with the legislation at this time simply because it is so urgent to be getting accurate answers and accounting while literally billions of dollars are flowing out of U.S. coffers.

Madam President, I ask unanimous consent that Senator GREGG be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

VISIT TO THE SENATE BY PRIME MINISTER JOHN BRUTON OF THE REPUBLIC OF IRELAND

Mr. BROWN. Madam President, at this point I would like to yield to the distinguished Senator from North Carolina [Mr. HELMS].

Mr. HELMS. Madam President, I thank the distinguished Senator from Colorado.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. I ask unanimous consent that the Senate stand in recess for 5 minutes so that Senators may pay their respects and extend their welcome to the distinguished Prime Minister from Ireland.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

The PRESIDING OFFICER. The Chair welcomes the Prime Minister.

RECESS

Thereupon, the Senate, at 4:09 p.m. recessed until 4:13 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mrs. HUTCHISON).

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 340

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I think the arguments have been pretty well outlined here. I am prepared to vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 340) was agreed to.

Mr. BROWN. Mr. President, I move to reconsider the vote.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. D'AMATO. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AGREED FRAMEWORK WITH NORTH KOREA

Mr. SPECTER. Madam President, during the first hearing of the Senate Intelligence Committee, which I chair, back on January 10 of this year, I expressed a concern about what was happening with the arrangements between the United States and North Korea on the deal where North Korea would have a 5-year window without inspection of used fuel rods, which is the best way on an inspection line of determining what is happening with respect to the potential for North Korea to build a nuclear weapon.

During the course of the next several weeks, and in discussions with a number of my colleagues, it seemed to me preferable to have that so-called agreement, the United States-North Korea agreed framework for resolving the nuclear issue, submitted to the United States Senate for ratification, because it really was, in effect, a treaty even though the administration had denominated it as an agreed framework, not even, according to the administration, rising to the level of an executive agreement which would activate certain congressional review.

On February 24, I prepared a letter, which was submitted under the signatures of Senator HELMS, in his capacity as chairman of the Foreign Relations Committee; Senator MURKOWSKI, in his capacity as the chairman of the Energy and Natural Resources Committee; and myself, as chairman of the Senate Select Committee on Intelligence, to Senator DOLE setting forth our request that the Senate handle as a treaty under the constitutional ratification process the United States-Democratic Peoples Republic of Korea Agreed Framework for Resolving the Nuclear Issue.

The letter set forth that the Clinton administration was seeking to proceed under this so-called agreed framework without submitting it as a treaty, which it really was, for Senate ratification.

We submitted at that time to Senator DOLE a legal memorandum prepared by the Congressional Research Service, the Library of Congress, dated February 8, 1995, which set forth the criteria for considering whether an arrangement was a treaty.

In our letter, we noted that, while the memorandum specifies that "there are no 'hard and fast rules,' we believe the underlying rationale suggests that the agreement should be handled as a treaty because it is a matter of great importance (involving North Korea's potential for developing nuclear weapons)," that the document "constitutes a substantial commitment of funds extending beyond a fiscal year and is of substantial political significance," all of which were criteria for an evaluation as to whether the arrangement was in fact a treaty.

We concluded our letter to Senator DOLE noting that "The formal treaty ratification process will enable us"—that is, the Senate—"to undertake a detailed factual analysis to determine whether this agreement is in the national interest."

Madam President, it is my view that, on both substantive grounds and constitutional grounds, this matter ought to be handled as a treaty.

The Constitution of the United States provides for ratification by the Senate on treaties. There are a whole series of criteria, some of which I have just referred to, which indicate, suggest, provide evidence for the conclusion that this agreed framework is in fact a treaty.

If you take a look at some of the items which we have handled as treaties in the Senate through the treaty ratification process, you will note the great difference between the importance of this United States-North Korean arrangement, contrasted with other matters which have been submitted to the full Senate ratification process. For example, Treaty 102–7, which is a Convention for the Prohibition of Fishing with Long Drift Nets in the South Pacific; or Treaty Document Exhibit EE 96–1, an International Convention on Standards of Training Certification and Watch Keeping for Seafarers; or Treaty Document 100–7, Agreement for Medium Frequency Broadcasting Service in Region Number II; or Treaty Document No. 101–15, Amendments to the 1928 Convention Concerning International Expositions, as Amended.

On some occasions, as is well known, in the Senate, we handle as many as six treaties at one time in a single vote, with notification being given to Senators that if they miss that one vote, it will be counted as a half dozen absences, because the treaties do not rise to the level of any individual identification or individual voting, but are very, very much pro forma.

So that it is indeed surprising, when a matter comes before the international forum and is the subject of a document between North Korea and the United States, that it is denominated only as an agreed framework for resolving the nuclear issues.

Following receipt of our letter, Senator DOLE, by letter dated March 10, wrote to Secretary of State Christopher asking a series of specific questions which set out the criteria for determining whether or not such a matter is or is not a treaty.

It had been my intention to offer a sense-of-the-Senate resolution early on as soon as a legislative vehicle arose. I had notified the managers of this legislation that I would be offering that sense-of-the-Senate resolution at this time. But I have decided to defer doing that because Senator DOLE's letter, dated March 10, 1995, is now outstanding and, as of this date, March 16, there has not been an adequate opportunity for the Secretary of State to respond to the majority leader's letter.

I make the statement at this time to put the administration on notice that it is my intention—and there are a number of cosponsors who are prepared to join with me on this important matter, including the distinguished Senator from Texas who is the Presiding Officer, was asked a series of questions in closed session before the Intelligence Committee on this matter. I state for the RECORD because the camera may have been on me rather than her, and might have missed her acquiescing nods.

There are a number of colleagues who agree with the seriousness of this matter. In dealing with North Korea, while it is my hope that they will abide by the international commitments, there is good reason for concern as to whether they will abide by their commitments.

Nobody said it better than President Reagan when he made the comment about trust but verify. There is a chronology on North Korea's activities which raises very, very, considerable grounds for concern as to whether North Korea will, in fact, comply with their commitments under this statement of agreed principles.

Madam President, at this time I ask unanimous consent that the text of the United States-North Korea Agreed Framework for Resolving the Nuclear Issue be printed in the RECORD except as to a confidential part which cannot be disclosed publicly at this time; that a copy of the legal memorandum from the Congressional Research Service, dated February 8, 1995, be printed in the RECORD; that a copy of the joint letter submitted by Senators HELMS, MURKOWSKI, and myself, be printed in the RECORD; as well as an unclassified document prepared by the State Department on the North Korea nuclear timeline, showing many actions by the North Koreans which raise real issue as to whether there has been compliance by North Korea, and raising real issues as to what might be expected in the future.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S.-DPRK AGREED FRAMEWORK FOR RESOLVING THE NUCLEAR ISSUE

The attached package includes: (1) the Agreed Framework between the U.S. and the DPRK, signed October 21, 1994, in Geneva; (2) a Confidential Minute, signed the same day, which should be treated as confidential for classification purposes; and (3) a letter of assurance from President Clinton to the DPRK's Supreme Leader, Kim Jong-Il, which was delivered in Geneva in connection with the signing. These documents create a framework of political decisions and practical actions to be taken by each side in order to resolve the nuclear issue in North Korea.

AGREED FRAMEWORK BETWEEN THE UNITED STATES OF AMERICA AND THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA, GENEVA, OCTOBER 21, 1995

Delegations of the Governments of the United States of America (U.S.) and the

Democratic People's Republic of Korea (DPRK) held talks in Geneva from September 23 to October 21, 1994, to negotiate an overall resolution of the nuclear issue on the Korean Peninsula.

Both sides reaffirmed the importance of attaining the objectives contained in the August 12, 1994 Agreed Statement between the U.S. and the DPRK and upholding the principles of the June 11, 1993 Joint Statement of the U.S. and the DPRK to achieve peace and security on a nuclear-free Korean peninsula. The U.S. and the DPRK decided to take the following actions for the resolution of the nuclear issue:

I. Both sides will cooperate to replace the DPRK's graphite-moderated reactors and related facilities with light-water reactor (LWR) power plants.

(1) In accordance with the October 20, 1994 letter of assurance from the U.S. President, the U.S. will undertake to make arrangements for the provision to the DPRK of a LWR project with a total generating capacity of approximately 2,000 MW(e) by a target date of 2003.

The U.S. will organize under its leadership an international consortium to finance and supply the LWR project to be provided to the DPRK. The U.S., representing the international consortium, will serve as the principal point of contact with the DPRK for the LWR project.

The U.S., representing the consortium, will make best efforts to secure the conclusion of a supply contract with the DPRK within six months of the date of this Document for the provision of the LWR project. Contract talks will begin as soon as possible after the date of this Document.

As necessary, the U.S. and the DPRK will conclude a bilateral agreement for cooperation in the field of peaceful uses of nuclear energy.

(2) In accordance with the October 20, 1994 letter of assurance from the U.S. President, the U.S., representing the consortium, will make arrangements to offset the energy foregone due to the freeze of the DPRK's graphite-moderated reactors and related facilities, pending completion of the first LWR unit.

Alternative energy will be provided in the form of heavy oil for heating and electricity production.

Deliveries of heavy oil will begin within three months of the date of this Document and will reach a rate of 500,000 tons annually, in accordance with an agreed schedule of deliveries.

(3) Upon receipt of U.S. assurances for the provision of LWR's and for arrangements for interim energy alternatives, the DPRK will freeze its graphite-moderated reactors and related facilities and will eventually dismantle these reactors and related facilities.

The freeze on the DPRK's graphite-moderated reactors and related facilities will be fully implemented within one month of the date of this Document. During this one-month period, and throughout the freeze, the International Atomic Energy Agency (IAEA) will be allowed to monitor this freeze, and the DPRK will provide full cooperation to the IAEA for this purpose.

Dismantlement of the DPRK's graphite-moderated reactors and related facilities will be completed when the LWR project is completed.

The U.S. and the DPRK will cooperate in finding a method to store safely the spend fuel from the 5 MW(e) experimental reactor during the construction of the LWR project, and to dispose of the fuel in a safe manner that does not involve reprocessing in the DPRK.

(4) As soon as possible after the date of this document U.S. and DPRK experts will hold two sets of experts talks.

At one set of talks, experts will discuss issues related to alternative energy and the replacement of the graphite-moderated reactor program with the LWR project.

At the other set of talks, experts will discuss specific arrangements for spent fuel storage and ultimate disposition.

II. The two sides will move toward full normalization of political and economic relations.

(1) Within three months of the date of this Document, both sides will reduce barriers to trade and investment, including restrictions on telecommunications services and financial transactions.

(2) Each side will open a liaison office in the other's capital following resolution of consular and other technical issues through expert level discussions.

(3) As progress is made on issues of concern to each side, the U.S. and the DPRK will upgrade bilateral relations to the Ambassadorial level.

III. Both sides will work together for peace and security on a nuclear-free Korean peninsula.

(1) The U.S. will provide formal assurances to the DPRK, against the threat or use of nuclear weapons by the U.S.

(2) The DPRK will consistently take steps to implement the North-South Joint Declaration on the Denuclearization of the Korean Peninsula.

(3) The DPRK will engage in North-South dialogue, as this Agreed Framework will help create an atmosphere that promotes such dialogue.

IV. Both sides will work together to strengthen the international nuclear non-proliferation regime.

(1) The DPRK will remain a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and will allow implementation of its safeguards agreement under the Treaty.

(2) Upon conclusion of the supply contract for the provision of the LWR project, ad hoc and routine inspections will resume under the DPRK's safeguards agreement with the IAEA with respect to the facilities not subject to the freeze. Pending conclusion of the supply contract, inspections required by the IAEA for the continuity of safeguards will continue at the facilities not subject to the freeze.

(3) When a significant portion of the LWR project is completed, but before delivery of key nuclear components, the DPRK will come into full compliance with its safeguards agreement with the IAEA (INFCIRC/403), including taking all steps that may be deemed necessary by the IAEA, following consultations with the Agency with regard to verifying the accuracy and completeness of the DPRK's initial report on all nuclear material in the DPRK.

ROBERT L. GALLUCCI,
Head of the Delegation of the United States of America, Ambassador at Large of the United States of America.

KANG SOK JU,
Head of the Delegation of the Democratic People's Republic of Korea, First Vice-Minister of Foreign Affairs of the Democratic People's Republic of Korea.

THE WHITE HOUSE,
Washington, October 20, 1994.

His Excellency KIM JONG IL,
Supreme Leader of the Democratic People's Republic of Korea, Pyongyang.

EXCELLENCY: I wish to confirm to you that I will use the full powers of my office to facilitate arrangements for the financing and construction of a light-water nuclear power reactor project within the DPRK, and the funding and implementation of interim energy alternatives for the Democratic People's Republic of Korea pending completion of the first reactor unit of the light-water reactor project. In addition, in the event that this reactor project is not completed for reasons beyond the control of the DPRK, I will use the full powers of my office to provide, to the extent necessary, such a project from the United States, subject to approval of the U.S. Congress. Similarly, in the event that the interim energy alternatives are not provided for reasons beyond the control of the DPRK, I will use the full powers of my office to provide, to the extent necessary, such interim energy alternatives from the United States, subject to the approval of the U.S. Congress.

I will follow this course of action so long as the DPRK continues to implement the policies described in the Agreed Framework Between the United States of America and the Democratic People's Republic of Korea.

Sincerely,

BILL CLINTON.

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, February 8, 1995.

To: Charles Battaglia, staff director, Senate Select Committee on Intelligence.

From: Louis Fisher, Senior Specialist in Separation of Powers.

Subject: Agreed Framework with North Korea.

This memorandum responds to your request for an analysis of certain issues that have surfaced in the U.S.-DPRK Agreed Framework for Resolving the Nuclear Issue. Among the issues: (1) this agreement was entered into as a "political agreement" rather than an "executive agreement," which would have to be reported to Congress under the Case Act; what are the precedents for this type of political agreement?; (2) should this agreement have been entered into as a treaty rather than as a political agreement?; (3) what is the legally binding effect of the economic commitments in this agreement?; (4) does the current funding of this commitment, especially through the reprogramming process, encroach upon congressional prerogatives over the purse?; (5) what are possible legislative responses by Congress to this agreement?

EXECUTIVE REPORTS TO CONGRESS UNDER THE CASE ACT

Hearings by the Symington Subcommittee (of the Senate Foreign Relations Committee) in 1969 and 1970 uncovered a number of secret executive agreements that administrations had made with South Korea, Thailand, Laos, Ethiopia, and Spain, among others. In response, Congress passed legislation in 1972 to keep itself informed about such agreements. The statute, known as the Case Act, requires the Secretary of State to transmit to Congress within sixty days the text of "any international agreement, other than a treaty," to which the United States is a party. If the President decides that publication of an agreement would be prejudicial to national security, he may transmit it to the Senate Foreign Relations Committee and the House

International Relations Committee under an injunction of secrecy removable only by the President. 86 Stat. 619 (1972), 1 U.S.C. 112b (1988). Although the Case Act was broadly written to capture all international agreements, State Department regulations and subsequent administration practices have created a number of exceptions to the general requirement to report executive agreements to Congress.

EXCEPTIONS TO THE CASE ACT

During consideration of the Case Act, executive officials in the Nixon administration suggested that "certain kinds of agreements" might not be transmitted under the Act. Senator Clifford Case sought a written statement from the State Department as to whether there were any categories of agreements that might not be covered by the statute. The State Department's Acting Legal Adviser, Charles N. Brower, prepared a memo stating that the Case Act is intended to include "every international agreement, other than a treaty, brought into force with respect to the United States after August 22, 1972 [enactment date for Case Act], regardless of its form, name or designation, or subject matter."[1]

In subsequent years, however, certain types of international agreements were not submitted to Congress under the Case Act. In 1976, the Legal Adviser to the State Department wrote to Senator John Sparkman, chairman of the Foreign Relations Committee, recommending that only the international agreements entered into by the Agency for International Development at a level of at least $1 million would be submitted under the Case Act. AID agreements less than $1 million would be reported under the Case Act if they were "significant for reasons other than level of funding." The dollar threshold was later raised to $25 million.[2]

Moreover, agreements concluded in a "nonbinding" form and determined by the executive branch to be legally non-binding on the United States are not referred to Congress under the Case Act, although the executive branch may voluntarily provide information about them to Congress. Non-binding international agreements are viewed as involving political or moral obligations but not legal obligations. One example is the 1975 Final Act of the Conference on Security and Cooperation in Europe (CSCE), known as the Helsinki Agreement.[3]

Regulations issued by the State Department to implement the Case Act identify political agreements as outside the reporting requirements of the statute. Parties to an international agreement "must intend their undertaking to be legally binding, and not merely of political or personal effect. Documents intended to have political or moral weight, but not intended to be legally binding, are not international agreements." 22 CFR § 181.2 (1994). However, these regulations also state that examples of arrangements that "may constitute international agreements" are agreements that:

(i) Are of political significance;

(ii) involve substantial grants of funds or loans by the United States or credits payable to the United States;

(iii) constitute a substantial commitment of funds that extends beyond a fiscal year or would be a basis for requesting new appropriations;

(iv) involve continuing and/or substantial cooperation in the conduct of a particular program or activity, such as scientific, technical, or other cooperation, including the exchange or receipt of information and its treatment, or the pooling of data. 22 CFR § 181.2(2).

Another group of international agreements not reported under the Case Act are those that the State Department views as contracts—usually commercial in nature and involving sales or loans. As a result of the State Department's interpretation of a provision in the Food, Agriculture, Conservation, and Trade Act of 1990, international agreements entered into by the Secretary of Agriculture for financing the sale and exportation of agricultural commodities are not reported under the Case Act either.[4]

SHOULD THIS AGREEMENT HAVE BEEN SUBMITTED AS TREATY?

Although the State Department provides guidelines on what should be transmitted to Congress as an executive agreement, a bill, or a treaty, there are no hard and fast rules. This issue arose last year with the GATT bill.[5] Constitutional scholars offered different views on whether that should have been submitted as a bill or a treaty. On October 18, 1994, hearings were held by the Senate Committee on Commerce, Science, and Transportation, with Professor Bruce Ackerman testifying in favor of Congress acting on the bill through the regular legislative process, and Professor Laurence Tribe testifying in favor of the Senate acting through the treaty process. Professor Tribe later wrote that he could not say "with certainty that my prior conclusions should necessarily be adopted by others or are ones to which I will adhere in the end after giving the matter the further thought that it deserves."

No clear guidelines are available from parliamentary practice or federal court decisions on the issue of whether to submit international matters in bill form or as a treaty. The enclosed CRS report, "GATT and Other Trade Agreements: Congressional Action by Statute or by Treaty?, by Louis Fisher, November 17, 1994, summarizes the basic issues. Also included in this report are criteria offered by the State Department to distinguish between what should be submitted as a bill or as a treaty. The decision to submit a matter in treaty form depends on the President's judgment. Congress can apply political pressure and retaliate in other ways, but the basic call remains presidential.

In his statement on December 1, 1994, to the Senate Foreign Relations Committee, Ambassador Robert L. Gallucci said that the administration did not submit the Agreed Framework as a treaty because "we would not have been able to bind ourselves legally to the delivery of that $4 billion project [for light water reactors]." That is not a full answer. If an administration decides that it cannot make a unilateral commitment and must depend on Congress, there is no reason why it cannot submit a treaty that makes clear that the extent of the assistance promised depends on Congress through its authorization and appropriation processes. That understanding has been incorporated in previous treaties.

ECONOMIC COMMITMENTS IN THE AGREED FRAMEWORK

The Agreed Framework, signed October 21, 1994, offers assistance in replacing the DPRK's graphite-moderated reactors and related facilities with light-water reactor (LWR) power plants. The United States will organize an international consortium to finance and supply the LWR project and provide alternative energy in the form of heavy oil for heating and electricity production. Delivery of heavy oil is scheduled to begin within three months of the date of the document and reach a rate of 500,000 tons annually. Upon receipt of "*U.S.* assurances" (emphasis supplied) for the provision of LWR's and for arrangement for interim energy alternatives, the DPRK will freeze its graphite-moderated reactors and related facilities and will eventually dismantle these reactors and related facilities. The Framework also provides that the United States and the DPRK will cooperate in finding a method to store safely the spent fuel from the graphite-moderated reactors. Although some of the financial commitments depend on organizing an international consortium and securing financial support from other governments, several of the key commitments—including U.S. assurances to provide for LWR's and for arranging interim energy alternatives, as well as disposing of spent fuel—fall exclusively on the United States. The United States expects to fully bear the cost of storing and disposing of spent fuel.

In his letter of October 20, 1994, to DPRK President Kim Jong Il, President Clinton confirmed that he would use "the full powers of my office" to facilitate arrangements for the financing and construction of a light-water nuclear power reactor project within the DPRK and the funding and implementation of interim energy alternatives pending completion of the first reactor unit of the light-water reactor project. In addition, if the reactor project was not completed for reasons beyond the control of the DPRK, President Clinton would use "the full powers of my office" to provide, to the extent necessary, such a project from the United States, "subject to approval of the U.S. Congress. Furthermore, in the event the interim energy alternatives are not provided, for reasons beyond the control of the DPRK, President Clinton promised to use "the full powers of my office" to provide, to the extent necessary, such interim energy alternatives from the United States, "subject to the approval of the U.S. Congress."

As explained in President Clinton's message, the effect of the Agreed Framework is to make political and moral, not legal, commitments. In his statement to the Senate Foreign Relations Committee, Ambassador Gallucci explained that the administration decided to call the agreement an "Agreed Framework" because it "did not want to take on the obligation of providing a light water reactor or two light water reactors, to be precise." To the extent that completion of the light-water nuclear reactor project or supplying interim energy alternatives depend on congressional action, Congress must provide approval through its authorization and appropriation processes. Absent statutory authority, President Clinton has no independent constitutional power to provide that assistance, although his political and moral commitment puts pressure on Congress to act in a supportive manner through the statutory process.

DOES THE FRAMEWORK ENCROACH UPON CONGRESSIONAL PREROGATIVES?

According to the statement by Ambassador Gallucci to the Senate Foreign Relations Committee, initial implementation of the Agreed Framework resulted in the United States in the first three months providing 50,000 tons of heavy oil at a cost of between $5 million and $6 million, and there "will be heavy oil shipments, up to 100,000 tons, by the end of October 21, 1995." Ambassador Gallucci testified that the Defense Department can provide the initial assistance of $5 million to $6 million "under existing authorities." We do not have the specific legal authorities referred to by Ambassador Gallucci, but legislation governing DOD activities and funding expenditures does not include restrictions regarding North Korea. Section 127 of Title 10, however, authorizes the Secretary of Defense, secretaries of a military department, and the DOD Inspector General, to "provide for any emergency or extraordinary expense which cannot be anticipated or classified." The amounts available for expenditure are subject to limitations in appropriations acts and must be reported to Congress quarterly. The Defense Department Appropriation, 1995 (P.L. 103-335), includes the following amounts out of operation and maintenance accounts for such emergencies: Secretary of Defense, $23.768 million Army, $14.437 million; Navy/Marines, $4.301 million; and Air Force, $8.762 million.

With regard to the need to clarify the water in which spent fuel is placed, Ambassador Gallucci testified that the Department of Energy estimates the cost to be a "couple of hundred thousand dollars [and] is something they can do before the end of this year and really ought to for safety reasons." Again, we have no information regarding the legal authorities available to the Energy Department to perform this work. Ambassador Gallucci discussed other activities by the Energy Department, including the recontainment or recanning of the fuel, which "could take some millions of dollars, less than $10 million, maybe more than $5 million—in that range. This would involve a reprogramming and they would follow the normal practice of coming to the Congress for confirmation of reprogramming authority. This would happen after January 1."

It is unclear from this statement whether the administration would simply be notifying designated committees about the reprogramming or seeking their prior approval. Nor is it clear whether the administration's initial funding commitments are authorized by law. At this point we have no citations to examine that issue. There are other questions about the statutory authorities that might be invoked to fulfill the initial funding commitment. If the administration tapped a general contingency fund to provide this initial assistance to North Korea, there may be adequate authority in allocating emergency funds to do so. But if it is a case of Congress appropriating funds with the expectation that they will be used for a specific purpose, as justified in agency budget requests, there is a substantial issue of the administration reallocating those funds to a purpose never justified to Congress. Ambassador Gallucci testified that the administration expects "the $4 billion burden [for light water reactors] to be borne centrally by South Korea, and this we understand."

LEGISLATIVE RESPONSES TO THE AGREED FRAMEWORK

The Senate could respond to the Agreed Framework by insisting, either through political pressure or a Senate resolution, that it be submitted as a treaty and made subject to full legislative debate. Whether Senators want to be in a position of having to approve, reject, or amend the administration's agreement is a question they need to decide individually. Some Senators may decide that it is better for the President to make nonbinding promises, with the understanding by all nations that under our constitutional system it is Congress, not the President, that has the power of the purse. To the extent that the President has acted unilaterally and finds himself politically isolated, that presently is the administration's problem, not Congress's. In any case, the decision to submit the matter by treaty is in the hands of the President.

Because of the funding implications and the need to obtain appropriations from both chambers, if legislative action is required it may be more appropriate to act by bill or joint resolution. If Congress decides that it does not want to act at this time by treaty or by bill, it could adopt non-binding simple or concurrent resolutions to enunciate the policy and constitutional concerns at stake for Congress as an institution, many of which have been identified above.

I trust that this memorandum is helpful to you. If I can be of any further assistance, please contact me at 7-8676.

FOOTNOTES

[1] *Treaties and Other International Agreements. The Role of the United States Senate*, a Study Prepared for the Senate Committee on Foreign Relations by the Congressional Research Service, S. Prt. 103-53, 103d Cong., 1st Sess. 178 (November 1993)

[2] Id. at 181.

[3] Id. at 190.

[4] Id. at 192.

[5] The GATT bill differs from the dispute over the Agreed Framework. In the case of GATT, Congress had authorized the use of the regular legislative process (action by both Houses on a bill) and had extended this authority for completion of the Uruguay Round.

U.S. SENATE,
Washington, DC, February 24, 1995.

Hon. ROBERT DOLE,
Majority Leader,
U.S. Senate,
Washington, DC.

DEAR BOB: We request that the Senate handle as a treaty under the constitutional ratification process the U.S.-Democratic Peoples Republic of Korea Agreed Framework for Resolving the Nuclear Issue.

The Clinton Administration is seeking to proceed on this agreement without submitting it for Senate ratification.

For your review, we enclose a memorandum from the Congressional Research Service, The Library of Congress, dated February 8, 1995.

While the memorandum notes that there are "no hard and fast rules," we believe the underlying rationale suggests that the agreement should be handled as a treaty because it is a matter of great importance (involving North Korea's potential for developing nuclear weapons), constitutes a substantial commitment of funds extending beyond a fiscal year and is of substantial political significance.

The formal treaty ratification process will enable us to undertake a detailed factual analysis to determine whether this agreement is in the national interest.

Sincerely,

ARLEN SPECTER,
Chairman,
Select Committee On Intelligence.
FRANK H. MURKOWSKI,
Chairman,
Energy and Natural Resources Committee.
JESSE HELMS,
Chairman,
Foreign Relations Committee.

Enclosure

NORTH KOREA NUCLEAR TIMELINE

EARLY 1980'S

North Korea begins construction of 5 MW reactor in Yongbyon.

1985

Dec.—North Korea signs the NPT.

1986

Jan.—5 MW reactor begins operations.

1988

Dec.—First U.S.-DPRK official contacts in Beijing.

1989

Spring—Extended outage of 5 MW reactor.

1991

May—North Korea joins the United Nations.

Sept.—U.S. announces intention to redeploy tactical nuclear weapons worldwide.

Dec.—North-South finalize non-aggression agreement and North-South Denuclearization Declaration.

1992

Jan.—ROK announces suspension of Team Spirit '92.

North Korea signs IAEA fullscope safeguards agreement.

U.S.-DPRK high-level talks (U/S Kanter in New York).

Mar.—North-South set up Joint Nuclear Control Committee for implementing the Denuclearization Declaration.

Apr. 10—North Korea Supreme People's Assembly ratifies IAEA safeguards agreement.

May 4—DPRK submits initial inventory of nuclear material.

First IAEA ad hoc inspection.

July—Second IAEA ad hoc inspection; first evidence of "inconsistencies."

Sept.—Third IAEA ad hoc inspection.

Oct.—U.S. and ROK announce Team Spirit.

Nov.—Fourth IAEA ad hoc inspection.

High-level IAEA-DPRK consultations in Vienna on discrepancies; IAEA requests "visits to two suspect waste sites."

Dec.—Fifth IAEA ad hoc inspection.

1993

Jan.—IAEA team travels to Pyongyang to discuss discrepancies in DPRK declaration.

Sixth IAEA ad hoc inspection.

Feb. 9—IAEA requests special inspection of the two suspect sites.

Feb. 20—Further DPRK-IAEA consultations, DPRK rejects special inspections.

Feb. 25—IAEA Board of Governors passes resolution calling for the DPRK to accept special inspections within one month.

Mar. 12—North Korea announces its intention to withdraw from the NPT.

Mar. 18—Special Board meeting passes a second resolution calling on the DPRK to accept special inspections by March 31.

Apr. 1—IAEA Board of Governors adopts resolution finding the DPRK in non-compliance with its safeguards obligations; reports to UNSC.

May 11—United Nations Security Council passes Resolution 825. It calls upon the DPRK to comply with its safeguards agreement as specified in the February 25 IAEA resolution, requests the Director General to continue to consult with the DPRK, and urges Member States to encourage a resolution.

May—IAEA inspectors allowed into Yongbyon to perform the necessary work relating to safeguards monitoring equipment.

June 11—U.S.-DPRK high-level talks in New York; in a joint statement, the DPRK agrees to suspend its withdrawal from the NPT and agrees to the principle of "impartial application" of IAEA safeguards. We told the DPRK that if our dialogue was to continue they must accept IAEA inspections to ensure the continuity of safeguards, forego reprocessing, and allow IAEA presence when refueling the 5MW reactor.

July—U.S.-DPRK high-level talks in Geneva; DPRK agrees to resume discussion with the ROK and the IAEA on the nuclear issue, U.S. agrees to in principle to support DPRK conversion to Light Water Reactors.

Aug.—IAEA inspectors allowed into Yongbyon to service safeguards monitoring equipment but; incomplete access to reprocessing plant.

U.S.-DPRK working-level talks in NY begin.

Sept. 1–3—IAEA consultations with DPRK in North Korea on impartial application of safeguards.

Oct. 1—IAEA Geneva Conference meeting adopts resolution urging the DPRK to fully implement safeguards.

Nov. 1—United Nations General Assembly adopts a resolution expressing grave concern that the DPRK has failed to discharge its safeguards obligations and has widened the area of non-compliance. It also urges the DPRK to cooperate immediately with the IAEA in the full implementation of its safeguards agreement.

Nov. 14—DPRK withdrawal suspends North-South talks.

Dec.—U.S. Commander in Chief, U.S. forces Korea, General Luck, requests Patriot Missile Battalion to counter North Korean Scud threat.

Dec. 5—IAEA Board of Governors Meeting. Blix states that he can not give meaningful assurances about continuity of safeguards, and that the possibility that nuclear material has been diverted cannot be excluded.

Dec. 29—U.S.-DPRK agree in NY talks on an arrangement for a third round. The North agreed to accept IAEA inspections needed to maintain continuity of safeguards at seven declared sites, and to resume North-South working-level talks in Panmunjon. In exchange, U.S. agrees to concur in a ROK announcement to suspend Team Spirit '94 and set a date for a third round of U.S.-DPRK talks, which would be held only after DPRK steps are completed.

1994

Jan.—North Korea begins talks with the IAEA in Vienna to discuss the scope of inspections necessary to provide continuity of safeguards.

Jan. 26—White House announces plans to send Patriot Missile Battalion to South Korea.

Jan. 31—DPRK Foreign Ministry Statement accuses the U.S. of overturning the December 29 understanding; threatens to "unfreeze" its nuclear program.

Feb. 15—IAEA–DPRK reach an understanding on a comprehensive list of safeguards measures which are to be performed to verify that no diversion of nuclear material has occurred in the seven declared nuclear installations since earlier inspections.

Feb. 21—IAEA Board of Governors meeting.

Feb. 25—U.S.-DPRK Joint statement outlining terms of December agreement.

Feb. 26—DPRK authorities issue two week visas to the IAEA inspection team.

Mar. 1—IAEA inspectors arrive in DPRK.

Mar. 3—Official "Super Tuesday" announcement—IAEA inspections begin, N–S talks begin, suspension of TS '94, and set date for a third round of U.S.-DPRK talks.

Mar. 9—2nd North-South meeting.

Mar. 12—3rd North-South meeting; DPRK and ROK reach an agreement in principle on an exchange of envoys.

Mar. 15—IAEA inspection team leaves Pyongyang having proceeded with inspections without difficulty at all facilities except the Radiochemical Lab.

Mar. 16—IAEA DG Blix calls a special session of the Board of Governors to informally report on the March 3–14 safeguards inspections in the DPRK. Blix announces that the IAEA inspection team was unable to implement the DPRK–IAEA Feb. 15 agreement, and as a result the Agency is unable to draw conclusions as to whether there has been diversion of nuclear material or reprocessing since earlier inspections.

4th North-South meeting.

Mar. 19—5th North-South meeting; DPRK walks out of meeting, threatens to turn Seoul into a sea of fire; Team Spirit '94 back on.

Mar. 21—IAEA Board of Governors pass a DPRK resolution finding the DPRK in further non-compliance and referring the issue to the UNSC with 25 approvals, 1 rejection, and 5 abstentions, including China.

Mar. 21—Administration announces Patriot Missile Battalion will be sent to ROK.

Mar. 31—UNSC unanimous Presidential Statement calling on the DPRK to allow the IAEA to complete inspection activities per the Feb. 15 agreement, and inviting IAEA DG Blix to report back to the Council within six weeks.

Apr. 4—President Clinton directs the establishment of a Senior Policy Steering Group (SSK) on Korea with responsibility for coordinating all aspects of U.S. policy dealing with the current nuclear issue on the Korean Peninsula. A/S Gallucci is asked to Chair the group.

ROK announces Team Spirit '94 will be held during the November time frame.

ROK drops North-South special envoys as a precondition to the Third Round.

Apr. 18—Patriot Missile Battalion arrives in ROK.

Apr. 28—DPRK claims the 1953 Armistice Agreement is invalid and announces its intent to withdraw from the MAC.

May 4—DPRK begins reactor discharge campaign.

May 18–23—IAEA inspectors complete March inspections and maintenance activities for the continuity of safeguards knowledge.

May 20—IAEA reports to the UNSC that the DPRK decision to discharge fuel from the 5 MW reactor without prior IAEA agreement for future measurement "constitutes a serious safeguards violation."

May 25–27—IAEA-DPRK consultations in Pyongyang re: fuel monitoring.

May 27—IAEA Director General Blix sends a letter to UNSC Syg Boutros-Ghali stating the IAEA-DPRK talks have failed, DPRK fuel discharge is proceeding at a faster rate, and the IAEA's opportunity to measure the spent fuel in the future will be lost within days if the fuel discharge continues at this rate.

May 30—UNSC issues a Presidential Statement "strongly urging the DPRK only to proceed with the discharge operations at the 5 MW reactor in a manner which preserves the technical possibility of fuel measurements, in accordance with the IAEA's requirements in this regard."

June 3—IAEA Director General Blix reports to the UNSC on failed IAEA efforts to preserve the technical possibility of measuring discharged fuel from the DPRK 5 MW reactor.

June 9—IAEA BOG resolution is passed calling for immediate DPRK cooperation by providing access to all safeguards-related information and locations and suspends non-medical IAEA assistance to the DPRK. 28 for, 1 opposed (Libya), 2 absent (Saudia Arabia, Cuba) and 4 abstentions (China, India, Lebanon, Syria.)

June 13—North Korea officially withdraws from the IAEA.

June 15–18—Former President Carter visits North Korea and receives assurances that the DPRK is willing to freeze the major elements of the nuclear program (no reprocessing, no refueling, and no construction) in order to continue dialogue with the U.S.

June 20–22—The DPRK's intention to reestablish the basis for dialogue by freezing the major elements of its nuclear program was confirmed in an exchange of letters between FM Kang and A/S Gallucci.

June 27—Agreement reached to hold the third round starting July 8.

June 28—North-South Korean summit between DPRK President Kim Il-Sung and ROK President Kim Young-Sam announced for July 25–27.

July 8—Third Round of U.S.–DPRK talks in Geneva begins in a businesslike atmosphere and confirms the DPRK's desire to convert to light water reactor technology.

July 9—President Kim Il-Sung's death was announced and accordingly, the third round was postponed until after the mourning period and the planned July 25–27 North-South summit was postponed indefinitely.

July 21—U.S.-DPRK agree on the resumption of the third round on August 5.

July 19–28—A/S Gallucci-led delegation visits capitals (Seoul, Tokyo, Beijing, Moscow) to discuss the provision of and solicit support for the conversion of DPRK's graphite-moderated reactors to light water reactors (LWR) that are more proliferation resistant.

Aug. 5–12—Resumed third round in Geneva and signed an agreement between the U.S. and the DPRK showing substantial progress towards an overall settlement. As part of the final resolution of the nuclear issue: the U.S. will provide LWRs to the DPRK, make arrangements for interim energy alternatives, and provide an assurance against the threat or use of nuclear weapons;

the DPRK will remain a party to the NPT, allow implementation of its safeguards agreement, and implement the Joint North-South Declaration on the Denuclearization of the Korean Peninsula; the U.S. and DPRK will begin to establish diplomatic representation, hold expert-level on the technical issues in the coming weeks, and recess the talks with resumption scheduled for Sept. to resolve the remaining differences.

Sept. 23—Third round, Session two begins in Geneva

Oct. 21—U.S. and DPRK sign an Agreed Framework (a final settlement to the North Korean Nuclear issue) based on the Aug. 12 agreement.

U.S. hands over Presidential Letter of Assurance and U.S. and DPRK sign a Confidential Minute to the Agreed Framework.

Nov. 14–18—U.S. team of experts visits North Korea to discuss safe storage and disposition of spent fuel.

Nov. 23–28—IAEA team of experts visits North Korea to discuss details related to the monitoring and verification of the freeze on DPRK nuclear facilities.

Nov. 30—Experts from the U.S. and DPRK meet in Beijing for preliminary discussions on the LWR project.

Dec. 6–10—DPRK team of experts visits Washington, D.C. to discuss technical and consular issues related to the planned exchange of liaison offices.

Jan. 9—DPRK announces lifting of restrictions on imports of U.S. products into the DPRK and restrictions on portcalls by U.S. vessels into DPRK ports.

Jan. 17–24—U.S.–DPRK spent fuel talks in Pyongyang—Second Session.

Jan. 19—First shipment of 50,000 metric tons of heavy fuel oil is delivered to the DPRK.

Jan. 20—U.S. announces sanctions easing measures against the DPRK in four areas: telecommunications and information, financial transactions, imports of DPRK magnesite, transactions related to the future opening of liaison offices and other energy related projects.

Jan. 23-28—IAEA-DPRK discussion continue in Pyongyang on implementation and verification of the freeze on DPRK nuclear facilities.

Jan. 28—U.S.-DPRK LWR Supply Agreement Talks in Beijing—Second Session.

Jan. 29—U.S. experts arrive in Pyongyang to survey property sites for the future opening of a U.S. liaison office.

Feb. 15—Australia publicly announces its contribution of $5 million USD to KEDO.

Feb. 28—New Zealand publicly announces its contribution of $300,000 USD to KEDO.

March 7-9—DPRK Preparatory Conference in New York.

Mar. 8—KEDO is formally established as an international organization under international law—Canada, New Zealand, Australia join.

Mar. 27-29—U.S.-DPRK LWR Supply Agreement Discussions in Berlin continue—Third Session.

Apr. 4-8—DPRK experts arrive in Washington, DC, to survey property for the future opening of a DPRK liaison office.

Mr. SPECTER. Finally, Madam President, I would like to ask unanimous consent to print in the RECORD the proposed amendment that I had intended to offer with a number of cosponsors, as I say, including the distinguishing Senator from Texas who is presiding, so that all of that will be part of the RECORD and available for review in anticipation of the response by Secretary of State Christopher, to Senator DOLE's leadership.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

At the appropriate place in the bill, insert the following new section:

SEC. —. TREATMENT OF AGREED FRAMEWORK WITH NORTH KOREA AS TREATY.

(a) FINDINGS.—The Senate makes the following findings:

(1) Article II, Section 2, Clause 2, of the Constitution requires that treaties may only be made by the President, by and with the advice and consent of the Senate.

(2) The Case Act (1 U.S.C. 112b) requires that the text of international agreements other than treaties shall be transmitted to Congress.

(3) The President does not consider the Agreed Framework Between the United States of America and the Democratic People's Republic of Korea to be a treaty, for purposes of seeking the advice and consent of the Senate to ratification, or even to be any other type of international agreement, for purposes of compliance with the Case Act (1 U.S.C. 112b).

(4) The Agreed Framework involves reciprocal binding commitments by both the United States and North Korea on resolution of the nuclear issue on the Korean Peninsula and is an international agreement.

(5) The commitments made by the United States under the Agreed Framework, including undertakings that will involve appropriations, are as substantial and ongoing as commitments that customarily have been made by the United States through treaties.

(6) Such commitments should be subject to Senate review and approval.

(b) SENSE OF SENATE.—It is the sense of the Senate that the President should have submitted, and should now submit, the Agreed Framework as a treaty to the Senate for its advice and consent to ratification pursuant to Article II, Section 2, Clause 2 of the Constitution of the United States.

(c) DEFINITION.—As used in this section, the term "Agreed Framework" means the document entitled "Agreed Framework Between the United States of America and the Democratic People's Republic of Korea", signed October 21, 1994, at Geneva, and the attached Confidential Minute.

Mr. SPECTER. Madam President, this is an issue of really enormous importance, as we have reviewed the work of the Intelligence Committee.

It has been my conclusion that the problems of international terrorism and the problems of weapons of mass destruction are problems of overwhelming importance, posing a security threat to the United States.

When we have a document which has as much practical importance as this so-called agreed framework does, it is simply inappropriate to not have it subjected to Senate scrutiny. It may well be that this Senate will ratify this treaty, the document that I consider to be a treaty.

It is certainly necessary, in my judgment, that matters of this sort be elevated to a level where there is very, very, considerable public scrutiny and scrutiny by the Senate under the constitutional doctrine of checks and balances.

So awaiting the reply by Secretary of State Christopher, it is my intention at the appropriate time to bring this matter to the Senate for ratification because of its importance on the merits and on the substance, and because of its importance in compliance with the U.S. Constitution. I thank the Chair.

I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

AMENDMENTS NOS. 342 THROUGH 346, EN BLOC

Mr. INOUYE. Madam President, I am about to send to the desk several amendments on behalf of several Senators on both sides of the aisle. I am pleased to advise you, Madam President, that these amendments have been reviewed and cleared by the managers of the measure before us and all of the appropriate Senators from committees of jurisdiction.

I send the amendments to the desk.

The PRESIDING OFFICER. The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] proposes amendments numbered 342 through 346.

Mr. INOUYE. Madam President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 342

Mr. INOUYE offered amendment No. 342 for Mr. MCCONNELL, for himself, Mr. LEAHY, Mr. DOLE, Mr. DASCHLE, Mr. SPECTER, Mr. INOUYE, Mr. JEFFORDS, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mrs. MURRAY, and Mrs. FEINSTEIN.

The amendment is as follows:

On page 16, between lines 18 and 19 insert the following:

CHAPTER I

On page 25, between lines 4 and 5, insert the following:

CHAPTER II

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

DEBT RESTRUCTURING

DEBT RELIEF FOR JORDAN

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans to Jordan issued by the Export-Import Bank or by the Agency for International Development or by the Department of Defense, or for the cost of modifying: (1) concessional loans authorized under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, and (2) credits owed by Jordan to the Commodity Credit Corporation, as a result of the Corporation's status as a guarantor of credits in connection with export sales to Jordan; as authorized under subsection (a) under the heading, "Debt Relief for Jordan", in Title VI of Public Law 103-306, $275,000,000, to remain available until September 30, 1996: *Provided*, That not more than $50,000,000 of the funds appropriated by this paragraph may be obligated prior to October 1, 1995.

Mr. McCONNELL. Madam President, last July, Israel's Prime Minister Rabin and Jordan's King Hussein appeared before a joint session of Congress to declare the end of a 46-year state of war.

Their remarks were inspiring, particularly Prime Minister Rabin's reminder that he served 27 years as a soldier, and in his words, "sent regiments into fire and soldiers to their death * * * and today we are embarking on battle which has no dead and wounded, no blood no anguish. This is the only battle which is a pleasure to wage, the battle for peace."

In turn, King Hussein declared Jordan "ready to open a new era in relations with Israel" calling upon each of us for help and cooperation in security a final peace settlement for the Middle East.

Later in the day at the White House the President affirmed the American commitment to continue our role in securing a comprehensive peace. The next important step in that process followed in October with a peace treaty between the two nations.

This agreement was not an easy decision for Jordan. Given the radical opponents to peace in the area, particularly terrorist groups threatening retaliation against any country or leaders moving forward in normalizing relations with Israel, the King demonstrated remarkable courage.

In direct response to this significant breakthrough, President Clinton pledged our support in relieving Jordan of its crippling debt burden. In the foreign operations appropriations bill last year we provided the first installment of that debt relief. Several weeks ago, the President submitted a supplemental request and asked us to finish the job.

That is the amendment before the Senate. At the President's request, we are providing the balance of that debt relief. The funds will be drawn from the foreign operations subcommittee allocation scheduled to be released over fiscal year 1995 and fiscal year 1996 from existing foreign operations resources.

But not exceeding our subcommittee allocation, should not suggest this bill is free of costs. There are very painful tradeoffs that we will be forced to make in the upcoming foreign operations appropriations bill. By providing this relief for Jordan other programs will have to be reduced. But, that is a choice that I am willing to make and that is the clear choice of the Clinton administration.

Let me quote from the letter the President sent regarding this request. Dated March 8, he says failure to provide the debt relief "would threaten our ability to continue our leadership in the Middle East Peace process. It undercuts those who are willing to take risks for peace and it directly threatens the security of Israel and the Israel-Jordan peace treaty."

Those are the stakes. President Clinton's assessment is echoed by every leader in the region committed to stability, security and peace. In fact, the only critics of debt relief in the region seem to be those few cynical opponents still consumed by the drive to destroy Israel.

Syria's President Assad already is challenging American credibility and our national commitment to our friends in the region. His purposes would be served if he could point out that the Congress failed to live up to an American commitment to Jordan and other prospective the risk takers.

It will be nothing less than a victory for Saddam Hussein if we renege on the President's promise, if we abandon an obligation assumed by Secretary Christopher and the administration.

Madam President, it has not been an easy process to bring this legislation to the floor. Even with Secretary Christopher and his negotiating team in the region attempting to inch the process forward, there has been some reluctance by Members on both sides of the aisles to support this legislation. I know my colleague Senator LEAHY has some reservations about the outlay consequences of providing this support, but there have also been concerns raised about the administration's management of this request.

Last year, during conference on the fiscal year 1995 Foreign Operations bill, we received a late night request to add the first tranche of aid to our conference report. We did so with the clear understanding that the balance would be requested and provided in two additional installments over the next fiscal years. Instead, once again, we were presented with an emergency, last minute request.

The fact that Jordan and Israel signed a peace treaty factored into the decision to consolidate the second and third installments and I believe was the reason why most of my colleagues have been prepared to respond to the President's request, but I should point out that the administration has not made it easy to vote for this commitment. In fact, there have been several points when administration officials have actually jeopardized prospects for providing the assistance.

When the House Appropriations Committee decided to provide part of the funding while making the commitment to appropriate the balance in the next fiscal year, the White House spokesman accused members of contributing to the renewal of war between Israel and Jordan. Insult was added to injury when other administration officials suggested Republican isolationism would compromise our national commitment.

I think these charges are irresponsible, inaccurate and introduced a mean spirited, unnecessary partisan element to an otherwise serious, important deliberation. Frankly, the remarks were costly in building support for this undertaking.

Nonetheless, many of us believe this is a commitment worth making and keeping. My colleagues who joined in introducing this amendment share the view that the cause of peace is at a critical point. Our partners in this process must know we will not retreat.

I ask unanimous consent that the letter I referenced from President Clinton be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, March 8, 1995.

Hon. MITCH MCCONNELL,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL: A comprehensive and lasting peace in the Middle East that ensures the security of Israel has been a bipartisan goal which every administration and Congress has endorsed and pursued for nearly fifty years. This goal was significantly advanced through the bold leadership and courage displayed by King Hussein of Jordan and Israeli Prime Minister Rabin, which made possible the signing last October of a treaty of peace between their countries. The United States played a critical role in making this possible, through our diplomacy and our commitment to stand by those who worked for peace.

I told Prime Minister Rabin and King Hussein last July, as they met at the White House and set out their vision for a future of peace and cooperation, that the United States would support Jordan—as we support Israel—to minimize the risks it was taking for peace. The Congress expressed its own support for the King's leadership in the peace process in the extraordinary reception accorded the King and Prime Minister when they appeared together before a Joint Session. This expression of U.S. support was essential to King Hussein's ability to move forward to conclude and implement a peace with Israel which could serve as a model for regional cooperation.

Accordingly, last year I proposed to Congress that we forgive all of Jordan's official direct debt to the United States. This was authorized by the Congress last August and $99 million was appropriated as an initial tranche. I proposed in the FY 1995 supplemental an appropriation of $275 million to complete debt forgiveness. I want to encourage Congress to take immediate action to fulfill this commitment.

Failure to do so would threaten our ability to continue our leadership in the Middle East peace process. It undercuts those who are willing to take risks for peace and it directly threatens the security of Israel and the Israel-Jordan peace treaty. Prime Minister Rabin called me to express personally his grave concern regarding the negative consequences for both Israel and Jordan, as well as the broader peace process, of failure to fully implement the proposed debt forgiveness.

The cause of peace in the Middle East is at a critical point. We must not withdraw the support we have pledged to those who face very real threats from terror and violence. The people of Jordan must see that the United States stands by its commitments. Israel must know that our leadership in the Middle East remains a constant of bipartisan policy. And those in the region who have not yet made peace must recognize that we will not retreat from engagement in the quest for an enduring settlement.

The price the United States and our friends in the Middle East will pay for failure is high. I need your support to ensure that our commitment is fulfilled and the full $275 million of debt forgiveness for Jordan is provided.

Sincerely,

BILL CLINTON.

Mr. PELL. Madam President, this is an extraordinarily delicate moment in the Middle East peace process. Israel's agreement with the Palestinians is hanging precariously in the balance between success and failure, and one more act of terrorism against Israel could cause the agreement to unravel completely. At the same time, Israel's negotiations with Syria are moving slowly, and could be eclipsed by the pending Israeli electoral cycle.

While Secretary of State Christopher's recent trip to the Middle East appeared to yield some progress on the Palestinian and Syrian tracks, the truth is that we cannot be assured of the establishment of a comprehensive peace in the coming year. One element of the peace process, however, that has been an unqualified success is Jordan's peace treaty with Israel. By all accounts, the pace and scope of the agreement's implementation have exceeded expectations, and the accord shows real promise of bringing about a peaceful, normal relationship between Israel and Jordan. The Israeli-Jordanian peace treaty is a true milestone in U.S. diplomatic efforts in the Middle East.

We cannot lose sight of how well the peace treaty serves our national security and foreign policy concerns. Much like the Egypt-Israel peace treaty that arose from the Camp David agreements, the Israel-Jordan treaty resolves a major component of one of the most intractable conflicts in history. As a result, it should make a significant contribution to advancing our interests in the Middle East, namely, ensuring the safety and security of Israel, promoting regional stability, and preserving our access to—and the free flow of—oil.

That being the case, it is completely reasonable to provide full debt relief to Jordan as compensation for implementing its peace treaty with Israel. To me, a $275 million appropriation—when viewed in the context of this historic peace treaty—is a fair price to pay in support of peace. Moreover, if the United States leads by example in forgiving its debt, then we might be able to use that as leverage over other donor countries to enter into similar debt relief arrangements.

Madam President, I can think of many occasions in the past 30-some years when I have stood in this very spot to commend King Hussein for promoting peace in the Middle East. Now that the King has taken the final step in signing and implementing a treaty—with, I might add, no small amount of prodding from the Congress and successive U.S. administrations—I believe we should send a signal of our appreciation. That is why I support full debt forgiveness for Jordan.

Mr. LEAHY. Madam President, I am pleased to join Chairman McCONNELL in sponsoring the Jordan debt relief amendment. This amendment concludes an effort that he and I began last summer when I was still chairman of the Foreign Operations Subcommittee and he was the ranking member. My colleagues will recall the excitement that enveloped this body at that time: Israeli Prime Minister Rabin and Jordanian King Hussein paid a joint visit to Capitol Hill and confirmed that they were making peace. I will never forget the shivers that ran down my spine as I listened to them speak and realized that the day that we had so long wished for had finally arrived. It was with enormous pride that I worked late at night with Senator McCONNELL and Congressman OBEY in a last-minute drive to incorporate in our fiscal year 1995 appropriations bill a downpayment on debt relief for Jordan as a token of United States support for this wonderful, historic development.

That was just the beginning, however. In the space of just 2 months, far more quickly than anyone had predicted, the governments of Jordan and Israel completed negotiation of the formal peace agreement between their two countries. Come the end of October, I found myself with President Clinton witnessing the signing of that agreement on the Jordan-Israel border north of the Gulf of Aqaba. Once again, I found myself moved beyond words.

With the memories of that trip to the Middle East still fresh in my mind, I was pleased last month to see included in the administration's fiscal year 1996 budget request a proposal for a supplemental fiscal year 1995 appropriation to fund the remainder of the Jordan debt restructuring program that Congress authorized last summer. I was further pleased 10 days ago to receive a call from Secretary of State Christopher requesting my support for including $275 million for this effort in the defense supplemental appropriations bill now before the Senate. With the peace agreement signed and implementation proceeding vigorously, it is imperative that the United States move quickly to fulfill its promise and appropriate the funds required to complete the debt relief effort. I told Secretary Christopher that I would support this proposal enthusiastically.

Later that day, however, I received the details of the proposal and realized that there was one serious drawback to it: it would require that the bulk of the money—$225 million—for this effort come out of the funds that will be available in fiscal year 1996 for our other foreign assistance activities. In other words, in order to pay for our aid to Jordan, we would have to cut back significantly our aid to other countries and organizations. Mr. President, I worked all last week trying to find a way to appropriate in full the $275 million for Jordan debt relief that is essential at this critical stage in the Middle East peace process, and at the same time avoid threatening serious harm to the rest of our foreign assistance programs. Unfortunately, the State Department advised me that any modification of the proposal would be interpreted in the Middle East as a retreat by the United States from its commitment to Jordan and its support for the peace process.

They also told me, however, that the administration will work hard in the coming months to find ways to mitigate the prospective harm to other programs. Given these assurances, and my strong commitment to supporting the Middle East peace process, I am cosponsoring this amendment with Chairman McCONNELL. Chairman McCONNELL has worked hard on this amendment, and I have appreciated the chance to work with him on it.

With this action, we make an important contribution to advancing the peace process and we demonstrate to King Hussein the appreciation of the United States for the heroic steps he has taken in support of the peace process.

As we proceed through the fiscal year 1996 appropriations cycle, I will work hard with the administration, Chairman McCONNELL, and my other fellow Senators to minimize cuts to other essential foreign assistance programs.

Mr. LAUTENBERG. Madam President, I am joining with other members of the Senate Foreign Operations Subcommittee in sponsoring the pending amendment to relieve the remainder of Jordan's debt to the United States. I do so because this initiative is integral to the ongoing peace process in the Middle East.

This action will make good on the promise President Clinton and the American people made to King Hussein—that the United States would support Jordan as it took risks for peace.

In line with this commitment, last summer, President Clinton told King Hussein that he would ask the Congress to relieve Jordan's debt to the United States if Jordan took a bold step toward peace.

As the first step on the road to peace, Jordan and Israel signed the Washington Declaration and King Hussein and Prime Minister Rabin appeared for the first time together in public last July.

It was a historic moment. Many of us sat in the Capitol and marveled as King Hussein and Prime Minister Rabin—two former enemies—stood together before the Congress and spoke publicly about strengthening ties between their nations, about moving toward a comprehensive peace treaty.

We were inspired by their courage. We were moved that the two leaders were taking concrete steps to bring their nations together. That they were committing themselves publicly to waging a battle for peace.

In response, and consistent with the President's commitment, the Congress forgave a portion—$220 million—of Jordan's debt to the United States. to relieve all of the debt at that time would have been premature. It was, after all, important to measure progress and to give the King an additional incentive to sign a formal peace treaty with Israel.

Now, Mr. President, Jordan has signed a formal peace agreement with Israel. Jordan did not wait for other countries in the region to reach an agreement with Israel. It boldly moved forward and signed a comprehensive peace agreement with Israel on its own.

Now that Jordan has done its part, the United States needs to make good on the President's commitment to relieve the remainder of its debt to our country. The Jordanian Government has exposed itself to those who would choose war rather than peace with Israel.

The Government and the people of Jordan need to believe that they are being supported by the United States. They need to see that the fruits of peace are tangible.

Madam President, the administration supports this amendment. Secretary of State Christopher believes it is important to build the confidence of promoters of peace in Jordan and throughout the Middle East.

Last week, I spoke to Dennis Ross, the State Department's Middle East negotiator, who was in the Middle East with Secretary Christopher. He conveyed to me his strong belief that approving the remainder of Jordan's debt relief at this time was necessary to build momentum in the peace process and continue to strengthen American credibility in the region.

Admittedly, this is a less than ideal solution. Approving this amendment will put additional pressure on our foreign aid spending bill. However, as we review spending cuts, we have to keep in mind long-term American foreign policy and security interests, and reflect on expenses that might be incurred, and lives that might be lost, if the peace process does not move forward in the Middle East.

I hope this new commitment will be reflected in the Foreign Operations Appropriations Subcommittee allocation for fiscal year 1996.

Relieving Jordan's debt is important for the peace process. A successful conclusion to the peace process after decades of strife is important to U.S. security interests and, hopefully, will avoid the need for large defense expenditures or military involvement down the road. I urge my colleagues to support this amendment.

AMENDMENT NO 343

Mr. INOUYE offered amendment No. 343 for Mr. MCCONNELL.

The amendment is as follows:

On page 26, at the end of line 23 add the following:

Of the funds appropriated in Public Law 103-316, $3,000,000 is hereby authorized for appropriation to the Corps of Engineers to initiate and complete remedial measures to prevent slope instability at Hickman Bluff, Kentucky.

Mr. MCCONNELL. Madam President, I have proposed an amendment that is essential to the continued survival of Hickman, KY. This town sits on an eroding bluff on the bank of the Mississippi River. If the erosion of the bluff is not halted the city of Hickman risks losing two 500,000-gallon water tanks, the police, fire, and ambulance stations, the county health department, and the community library buildings. As recently as 2 weeks ago the Fulton County School Board was evacuated after engineers indicated that bluff erosion had made the building unsafe.

Over the last several years, I have worked to find a solution to this problem. In 1992, I obtained funds to direct the Corps of Engineers to study the bluff's instability and determine the least costly alternative to address the erosion problem. Last year I was able to get additional funds included in the Energy and Water Development Appropriations, subject to authorization. Unfortunately, the Water Resources Development Act never passed the Senate, leaving the Corps of Engineers without the authorization to initiate their plan to stabilize the bluff. This amendment merely authorizes the expenditure of already appropriated funds.

This year I am concerned that time may run out on the residents of Hickman. Since the erosion does not conveniently conform to the Senate's schedule, I simply can not stand by and wait to see if the Water Resources Development Act will be passed this year. The city of Hickman is counting on this funding to prevent any further loss of their community.

AMENDMENT NO. 344

(Purpose: To restore local rail freight assistance funds)

Mr. INOUYE offered amendment No. 344 for Mr. PRESSLER, for himself, Mr. HARKIN, Mr. CONRAD, and Mr. DASCHLE.

The amendment is as follows:

On page 30, line 8, strike the dollar figure "$120,000,000" and insert in lieu thereof the dollar figure "$126,608,000".

On page 30, strike line 14 through line 18.

AMENDMENT NO. 345

(Purpose: Sense of the Senate concerning the National Test Facility)

Mr. INOUYE offered amendment No. 345 for Mr. BROWN.

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

"SEC. . NATIONAL TEST FACILITY.

It is the sense of the Senate that the National Test Facility provides important support to strategic and theater missile defense in the following areas: (a) United States-United Kingdom defense planning; (b) the PATRIOT and THAAD programs; (c) computer support for the Advanced Research Center; and (d) technical assistance to theater missile defense, and fiscal year 1995 funding should be maintained to ensure retention of these priority functions.

AMENDMENT NO. 346

(Purpose: To provide that the rescission from the environmental restoration defense account shall not affect expenditures for environmental restoration at installations proposed for closure or realignment in the 1995 round of the base closure process)

Mr. INOUYE offered amendment No. 346 for Mrs. FEINSTEIN.

The amendment is as follows:

On page 25, between lines 4 and 5, insert the following new section:

SEC. 110. (a) In determining the amount of funds available for obligation from the Environmental Restoration, Defense, account in fiscal year 1995 for environmental restoration at the military installations described in subsection (b), the Secretary of Defense shall not take into account the rescission from the account set forth in section 106.

(b) Subsection (a) applies to military installations that the Secretary recommends for closure or realignment in 1995 under section 2903(c) of the Defense Base Closure and Realignment Act of 1990 (subtitle A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

AMENDMENT TO PROTECT MILITARY BASES

Mrs. FEINSTEIN. Madam President, I rise today to offer an amendment that would protect military bases recommended for closure or realignment in 1995 from the proposed rescission in the Defense Environmental Restoration Account [DERA]. I urge my colleagues to support this important amendment.

As many of my colleagues know, DERA funds are used to clean up environmental contamination at open military bases. Because, the military is subject to Federal and State environmental laws and regulations just like private parties, the Department of Defense has an obligation to clean up its military bases, whether the bases will remain open or will close due to the base realignment and closure process.

I strongly support DERA efforts and am concerned about the proposed $300 million rescission in this appropriation bill. But, I understand that the supplemental funding is extremely important to ensure the readiness of our Armed Forces and protect U.S. national security. Because the Appropriations Committee has decided to fully offset the increase in funding with spending cuts, difficult decisions need to be made. I remain hopeful, however, that the severe cut in DERA funds can be mitigated in conference.

I am particularly concerned about the impact of the DERA rescission on bases that have been recommended for closure or realignment in the current base closure round. Normally, cleanup at closing military bases is funded out of the base realignment and closure [BRAC] account. However, in the first year of a closure—before BRAC cleanup funds are available—environmental cleanup at closing military bases is funded from DERA.

Military bases slated for closure must be closed within 6 years of the closure decision, therefore, it is important that environmental cleanup not be delayed to ensure the timely and effective reuse of bases. Environmental cleanup is vital to assisting impacted communities with economic redevelopment efforts.

This amendment would protect bases recommended for closure or realignment in 1995 from any funding cuts in DERA. The rescission would still take place, but at least for the first year until BRAC funding kicks in, closing bases would not be impacted. This amendment would simply ensure that the timetable for cleaning up and closing a military base is not adversely impacted.

I urge my colleagues to support this amendment.

Mr. INOUYE. Madam President, I ask unanimous consent that the amendments be considered and agreed to, en bloc; that the motions to reconsider be laid upon the table, en bloc; and that statements relative to the amendments be printed in the RECORD as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the amendments (Nos. 342 through 346) were agreed to.

DOD MAIL ORDER PHARMACY PROGRAM

Mr. DOMENICI. Madam President, I would like to bring to Senator STEVENS' attention an issue regarding improved options for access to DOD health services.

Mr. STEVENS. I welcome my friend and colleague's input.

Mr. DOMENICI. The fiscal year 1993 Defense Authorization and Appropriations Acts required the DOD to conduct mail service pharmacy demonstration projects. The fiscal year 1994 Appropriations Act included language requiring DOD to expand the mail service benefit to include all base realignment and closure sites not supported by an at-risk managed care support contract.

DOD has moved forward to implement at-risk managed care support contracts; however, residents within the BRAC sites are still adversely affected because the managed care contracts will not be fully implemented in some areas for up to 27 months. This denies these individuals the access and convenience they previously had in going to medical treatment facility pharmacies.

By acting to extend the mail service pharmacy program now rather than waiting for full implementation of the managed care at-risk contracts, the Government can achieve the following objectives.

First, during the interim period, eligible residents will have access and convenience to a benefit that is comparable to what they had before by being able to go to the pharmacy at the medical treatment facility before it closed.

Second, the existing mail service pharmacy benefit uses government acquired pharmaceuticals, where as currently, beneficiaries are reimbursed based on what they pay for medications on the commercial market, which are considerably higher.

Third, expansion of this benefit now is consistent with previous congressional mandates to provide access and interim coverage to individuals affected by BRAC.

For these and other reasons, it is my hope that you will lend your support to try to address this gap in coverage during the conference.

Mr. STEVENS. The Senator from New Mexico has my support for trying to assist him in addressing this issue during the conference.

Mr. DOMENICI. I thank the Senator. I very much appreciate his support.

AIR FORCE SPACE PROGRAM FUNDING

Mr. STEVENS. Madam President, in discussions with the Air Force early this month, the Defense Subcommittee learned about a potentially serious problem with the financing mechanisms governing Air Force support of the Cassini mission to Saturn sponsored by the National Aeronautics and Space Administration [NASA].

In addition, potential problems have been identified with the funding of on-orbit incentives for several Air Force satellite programs.

The Cassini-related issue centers on the question of how much of the funds reimbursed to the service by NASA, can the Air Force use to finance the Titan IV/Centaur heavy-lift expendable launch vehicle programs. There is no problem with the amount of reimbursement, or with NASA's willingness to pay these funds. The problem apparently arises due to legal interpretation of the statute governing interagency exchanges of goods and services.

The subcommittee has been informed that resolution of this problem should occur early this year to avoid significant impacts on the Titan IV/Centaur space programs.

Similarly, early resolution may be needed for the on-orbit incentives dilemma the Air Force faces. In this case, a change in guidelines for budgeting for on-orbit incentives may have caused financial shortfalls for important satellite programs. The Air Force states that these financing changes may cause serious problems for the Defense Support Program for early warning satellites, the Global Positioning System navigation satellites, the Defense Meteorological Satellite Program, and the Defense Satellite Communications System.

The subcommittee understands that possible solutions to the Cassini and on-orbit incentives problems raise several legislative issues which must be addressed. Because of these issues, I have asked the Secretary of the Air Force to provide the subcommittee with her views on these matters, as well as the views of other organizations within the Department of Defense and NASA which may have an interest in solving these problems expeditiously.

I ask unanimous consent to print in the RECORD my letter to Air Force Secretary Sheila E. Widnall on these matters at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STEVENS. It is my objective to be able to address these problems during our joint conference with our House counterparts. I am hopeful that the additional information we are seeking will assist us during this conference.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, March 16, 1995.

Hon. SHEILA E. WIDNALL,
Secretary of the Air Force, The Pentagon, Washington, DC.

DEAR MADAM SECRETARY: In discussions with the Air Force, the Defense Subcommittee has learned about a potentially serious problem with the financing mechanisms governing Air Force support for the Cassini mission to Saturn sponsored by the National Aeronautics and Space Administration (NASA). In addition, problems have been identified with the funding of on-orbit incentives for several Air Force satellite programs. The Subcommittee has been informed that resolution of these problems would occur early this year to avoid significant impacts on Air Force space programs.

The Subcommittee understands that possible solutions to these problems raise several legislative issues which must be addressed. Because of these issues, I would appreciate it greatly if you would share with us your personal views on these matters, as well as the views of other organizations within the Department of Defense and NASA which may have an interest in solving these problems expeditiously.

As I know you recognize, the Subcommittee stands ready to assist the Air Force in meeting its national security missions.

With best wishes,

Cordially,

TED STEVENS,
Chairman.

Mr. DOMENICI. Madam President, I would like to review with the distinguished chairman of the Defense Subcommittee the status of an Air Force program to investigate new air defense surveillance technologies. This program, called HAVE GAZE, has been managed for many years by the Air Force's Phillips Laboratory in New Mexico. Last year, Congress appropriated $8 million for fiscal year 1995 efforts. The same amount was appropriated for fiscal year 1994.

Phillips Laboratory has developed this promising new radar technology to the point where actual field experiments are necessary. These experiments are designed to gather the hard data needed to determine HAVE GAZE's operational potential and to determine whether the next development steps are justified.

Unfortunately, the Office of the Secretary of Defense [OSD] has released only about $2.5 million of the fiscal year 1994 funds and has withheld approval to spend the remaining $5.5 million for fiscal year 1994 and all of the fiscal year 1995 funds. Despite Congress' support for the program, OSD initially tried to terminate HAVE GAZE and now proposes more delays and more study before the Air Force can obligate funds.

I would like to ask the distinguished Defense Subcommittee chairman whether he shares my concerns about the Defense Department's latest actions regarding HAVE GAZE.

Mr. STEVENS. I say to my colleague from New Mexico that I do, indeed, share his concerns about HAVE GAZE. I am sorry to say the Department has not acted expeditiously as we intended when we appropriated funds in fiscal years 1994 and 1995. It is important that these previously appropriated funds be released so that the technical data needed to fully evaluate HAVE GAZE's potential is available to the Pentagon and to the Congress.

Mr. DOMENICI. Is the chairman aware of the support from the military for obtaining this HAVE GAZE data through the field experiments?

Mr. STEVENS. I am well aware of the fact that these HAVE GAZE experiments are supported by both the U.S. Space Command and the Air Force.

Mr. DOMENICI. I believe there is still an opportunity for the appropriate and timely resolution of this difficulty. Does the distinguished chairman agree?

Mr. STEVENS. I agree that there is need for the quick resolution of the situation.

Mr. DOMENICI. Will the chairman be willing to continue to work with me during the joint conference with our House counterparts to encourage the Defense Department to release the HAVE GAZE funds without further delay?

Mr. STEVENS. Let me assure my colleague on the Defense Subcommittee that, should these delays continue, we will need to consider this topic in our deliberations during conference with the House on this bill. I will work closely with him on this important matter.

Mr. DOMENICI. I thank the Senator. I greatly appreciate the support of the distinguished chairman of the Defense Subcommittee in obtaining an expeditious resolution of this HAVE GAZE issue.

MILITARY SCHOOL MAINTENANCE

Mrs. MURRAY. Madam President, I rise to engage the chairman of the Senate Appropriations Defense Subcommittee in a colloquy on the issue of military school maintenance.

As the chairman may know, local education agencies [LEA's] which serve the dependents on active military personnel have a unique and very difficult challenge in meeting the needs of these students. Not the least of these challenges is maintaining a safe and productive learning environment in those educational facilities which are owned by the Federal Government and located on military installations.

This situation is particularly acute in several LEA's which were identified in the joint Department of Defense/Department of Education report, the Dole Commission report mandated by Public Law 99–661, as having the most severe problems while serving at least two major military installations. In fact, some of these facilities would not even meet local fire and safety regulations were they not located on Federal property.

Congress has addressed this problem several times in the past. In fiscal year 1994 Congress appropriated $10 million to initiate repair problems at the above mentioned installations. This allowed the Department to begin correcting the most severe building deficiencies in advance of ownership transfer to the involved LEA's. In fiscal year 1995 Congress appropriated an additional $20 million to continue and hopefully complete this work and transfer ownership.

Though the funds for fiscal year 1995 military school maintenance programs were appropriated almost 6 months ago, I am advised that the Department of Defense has yet to disburse these funds to the appropriate schools.

Mr. STEVENS. I share the Senator's concern about DOD failing to promptly disburse these funds. As the Senator from Washington knows, the Department was directed—in the Senate report accompanying last year's Defense appropriations bill—to allocate these funds to school districts identified in the joint DOD/DOEd study as having the most severe problems. As such, school districts in our two States are in line for receiving some of these funds. One of the reasons for the Department's delay, I am told, is that statutory language approved in the 1995 Defense Appropriations Act does not allow funds for repairing federally owned schools to be used to replace facilities. I believe this problem faces both the Alaska and Washington schools. Is that the Senator's understanding as well?

Mrs. MURRAY. I believe that to be the case. It is my hope that a remedy to this situation will be considered in the conference on this supplemental appropriations bill.

Mr. STEVENS. I look forward to working with the Senator from Washington on this issue and will ask my staff to work closely with your office to craft an appropriate remedy. I can assure the Senator that this issue will be dealt with promptly.

APACHE HELICOPTERS

Mr. BOND. Madam President, there is one issue I would like to bring to the attention of the chairman of our Defense Subcommittee—the proposed rescission of $77.6 million from the Apache A procurement program. Although this funding is no longer needed to prevent a gap in the Apache production line, the Army claims that it is needed to prevent a delay in the Apache Longbow modernization program, which is one of the U.S. Army's priority programs.

I have been informed that the Army currently faces a significant funding shortfall for long lead procurement items and for research and development in the Longbow program. These funding shortfalls may cause significant downsizing and delay in both efforts. A delay in exercising the long lead contract options and in providing the RDT&E funding, may result in key suppliers ceasing work and may cause delays in production planning, tooling acquisition, and component production. Technical publications may be placed at risk, and total program costs may increase.

I ask the chairman whether he would be willing to address this issue in conference and to work with me to find some kind of accommodation to avoid shortfalls in this critical program.

Mr. STEVENS. I recognize the concerns of the Senator from Missouri in this matter, and I can assure him that I will be happy to work with him within the fiscal limitations which constrain all of our decisions during this time of austerity.

I want to extend to my colleague and fellow member of the Defense Subcommittee my personal commitment to support the Apache Longbow program as a centerpiece of the Army's aviation modernization plan. I also recognize the significance of continuity in the Apache Longbow procurement and development efforts to the consideration of Apache helicopters for purchase by our NATO allies.

Let me add, for the benefit of my colleague, that I have directed the Defense Subcommittee staff to begin discussions immediately with the Army to determine the supplemental funding requirements for fiscal year 1995. The subcommittee is seeking this additional information so that it can assure that adequate resources are available for the program and that fiscal year 1995 funds support the efficient execution of the fiscal year 1996 budget request for Apache Longbow.

Mr. CONRAD. Mr. President, will the Senator from Hawaii be willing to engage in a short colloquy with the Senators from North Dakota?

Mr. INOUYE. I will be glad to engage in a colloquy with the Senators from North Dakota.

Mr. CONRAD. According to my understanding, Congress appropriated $10 million in fiscal year 1994 and $10 million in fiscal year 1995 for the U.S. Army to upgrade and procure the M149A2 water trailer.

Would the Senator from Hawaii tell me if my understanding is correct?

Mr. INOUYE. The Senator is correct. The Senator from North Dakota is aware that, as Chairman of the Defense Appropriations Subcommittee, I strongly supported procurement of the M149A2 because it provided the Army with a modern water trailer which it sorely needed.

Mr. CONRAD. I recognize the key role the Senator has played in procurement of the water trailer, and I am grateful for his support. As the Senator from Hawaii is aware, the M149A2 is manufactured by the Turtle Mountain

Manufacturing Co., located on the Turtle Mountain Indian Reservation in North Dakota.

Turtle Mountain Manufacturing Co. began manufacturing the water trailer when the company was part of the Small Disadvantaged Business 8(a) set-aside program, and the company continued manufacturing the trailer after it graduated from the 8(a) program. Procurement of the M149A2 provided the Army with a vital piece of equipment. The procurement also brought job opportunities to the Turtle Mountain Indian Reservation.

However, I have recently learned that the Army has procured enough of the water trailers to meet its new inventory objective. Due to planned force structure changes, the Army does not need as many water trailers as it previously anticipated.

Would the Senator tell me if I am correct?

Mr. INOUYE. The Senator is correct. The Army reports that it has 9,926 M149A2 water trailers on hand, and no longer needs more of the water trailers. As the Senator has indicated, the Army still has $15 million of the funds Congress appropriated for the water trailers in fiscal year 1994 and fiscal year 1995.

The Army does, however, need another trailer, the M105A3 cargo trailer. The average age of the M105 cargo trailer is 16 years, while the trailer's economic life is 20 years. Nearly one-quarter of the Army's fleet of M105 cargo trailers is older than twenty years, and many of these overage trailers are assigned to fight units. The overage trailers can impair unit mobility and readiness.

Mr. CONRAD. As I understand it then, the Army has $15 million remaining from procurement of the M149A2 water trailer. Although the Army does not need additional water trailers, it does need the M105A3 cargo trailer.

Would the Senator support the Army's using this remaining $15 million to procure the M105A3 cargo trailer?

Mr. INOUYE. I indeed support such action by the Army. The funds were appropriated for trailer procurement, and the Army needs the M105A3. I urge the Army to use the funds to procure the M105A3.

Mr. DORGAN. I echo the sentiments expressed by my colleague from North Dakota. I thank the Senator from Hawaii for his support of funding for the M149A2 water trailer. The Senator's support has been vital to its inclusion in the defense appropriations bill.

Regarding the purchase of the M105A3 cargo trailer, I appreciate the Senator's confirmation that the Army needs the trailer. Since procurement of the M105A3 would essentially replace procurement of the M149A2, which was originally procured under the small disadvantaged 8(a) program, would the Senator from Hawaii indicate whether he thinks the M105A3 should be procured under a set-aside program?

Specifically, does the Senator from Hawaii think it would be appropriate for the M105A3 contract to be set aside for small disadvantaged businesses?

Mr. INOUYE. I do think it would be appropriate for the Army to set aside the M105A3 contract for small disadvantaged businesses, and I urge the Army to do so.

Senator STEVENS, the chairman of the subcommittee, is on the floor. Would the chairman of the subcommittee be willing to share his views on this subject?

Mr. STEVENS. I am pleased to tell the Senator from Hawaii that I share his opinion. The Army needs the M105A3 and, since the Army has funds which were appropriated for trailer procurement, the Army should use the $15 million in unused funds from procurement of the M149A2 to procure the M105A3 cargo trailer.

Mr. CONRAD. I thank the Senator from Hawaii and the Senator from Alaska.

FUNDING FOR ENTERPRISE DEVELOPMENT IN THE NIS

Mr. STEVENS. Madam President, I would like to express to the Senator from Kentucky, the chairman of the Foreign Operations Subcommittee, my concern as to whether the rescission in this bill to the Agency for International Development [AID] budget might affect the fiscal year 1995 funding level for the Enterprise Development Program. The projects funded in this program are some of the most successful in the former Soviet Union. I have personal experience with the American Russian Center [ARC] in Alaska, which receives its funding through this program. As you may be aware, during its exit briefing for their assessment of AID's programs in the Newly Independent States [NIS] the General Accounting Office [GAO] stated that the ARC was one of the two best programs in Russia. Mr. Tom Dine, the AID assistant administrator for Eastern Europe and Russia, is quoted as saying "I use it [ARC] as an example to other Universities of how to get involved in the whole economic transition effort taking place in the former Soviet Union." ARC is the only AID privatization program in the Russian Far East Region, and in its first year provided training and technical assistance to over 1,000 Russians. Does the committee support the privatization programs, such as the ARC, in the NIS?

Mr. MCCONNELL. Yes, it does.

Mr. STEVENS. The Enterprise Development Program in AID is funding the development of private enterprises in Russia, not the Russian Government. This is consistent with the goal of strengthening the developing entrepreneur class in Russia. This entrepreneur class will be the backbone of democracy in that country. Because of the outstanding performance of the ARC and other programs like it, and their critical mission of supporting privatization in Russia, I believe this program merits continued full funding. Is it the intention of the chairman of the Foreign Operations Subcommittee that no reduction be applied to the highly rated projects in the Enterprise Development Program such as the ARC?

Mr. MCCONNELL. Yes, that is correct. AID should maintain full funding for these programs.

Mr. STEVENS. Does the distinguished Senator support the original fiscal year 1995 funding level for the Enterprise Development Program.

Mr. MCCONNELL. Yes.

Mr. STEVENS. Madam President, I want to thank my colleague for clarifying that point.

Mr. DOMENICI. Madam President, I rise in my capacity as chairman of the Budget Committee, to comment on H.R. 889, the defense supplemental appropriations and rescission bill for the fiscal year ending September 30, 1995, as reported by the Senate Appropriations Committee.

The bill provides for a net decrease in fiscal year 1995 budget authority and outlays of $1.3 billion and $91 million, respectively. These are real cuts to the deficit.

I ask unanimous consent that tables showing the relationship of the pending bill to the Appropriations Committee 602 allocations and to the overall spending ceilings under the fiscal year 1995 budget resolution be printed in the RECORD.

There being no objection, and material was ordered to be printed in the RECORD, as follows:

STATUS OF H.R. 889 DEFENSE EMERGENCY SUPPLEMENTAL AND RESCISSIONS—SENATE-REPORTED

[Fiscal year 1995, in millions of dollars, CBO scoring]

Subcommittee	Current status[1]	H.R. 889	Subcmte total	Senate 602(b) allocation	Total comp to allocation
Agriculture-RD:					
Budget authority	58,117	—	58,117	58,118	−1
Outlays	50,330	—	50,330	50,330	−0

STATUS OF H.R. 889 DEFENSE EMERGENCY SUPPLEMENTAL AND RESCISSIONS—SENATE-REPORTED—Continued

[Fiscal year 1995, in millions of dollars, CBO scoring]

Subcommittee	Current status[1]	H.R. 889	Subcmte total	Senate 602(b) allocation	Total comp to allocation
Commerce-Justice:					
Budget authority	26,873	−177	26,696	26,903	−207
Outlays	25,429	−20	25,409	25,429	−20
Defense:					
Budget authority	243,628	−0	243,628	243,630	−2
Outlays	250,661	−0	250,661	250,713	−52
District of Columbia:					
Budget authority	712	—	712	720	−8
Outlays	714	—	714	722	−8
Energy-Water:					
Budget authority	20,493	−100	20,393	20,493	−100
Outlays	20,884	−50	20,834	20,888	−54
Foreign Operations:					
Budget authority	13,679	−172	13,507	13,830	−323
Outlays	13,780	−6	13,775	13,780	−5
Interior:					
Budget authority	13,578	—	13,578	13,582	−4
Outlays	13,970	—	13,970	13,970	−0
Labor-HHS:[2]					
Budget authority	266,170	−300	265,870	266,170	−300
Outlays	265,730	−4	265,726	265,731	−5
Legislative Branch:					
Budget authority	2,459	—	2,459	2,460	−1
Outlays	2,472	—	2,472	2,472	−0
Military Construction:					
Budget authority	8,836	—	8,836	8,837	−1
Outlays	8,525	—	8,525	8,554	−29
Transportation:					
Budget authority	14,265	−187	14,078	14,275	−197
Outlays	37,087	−11	37,075	37,087	−12
Treasury-Postal:[3]					
Budget authority	23,589	—	23,589	23,757	−168
Outlays	24,221	—	24,221	24,261	−40
VA-HUD:					
Budget authority	90,256	−400	89,856	90,257	−401
Outlays	92,438	—	92,438	92,439	−1
Reserve:					
Budget authority	—	—	—	2,311	−2,311
Outlays	—	—	—	1	−1
Total Appropriations:[4]					
Budget authority	782,655	−1,336	781,319	785,343	−4,024
Outlays	806,241	−91	806,150	806,377	−227

[1] In accordance with the Budget Enforcement Act, these totals do not include $1,394 million in budget authority and $6,466 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and $877 million in budget authority and $935 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount as an emergency requirement.

[2] Of the amounts remaining under the Labor-HHS Subcommittee's 602(b) allocation, $1.3 million in outlays is available only for appropriations from the Violent Crime Reduction Trust Fund.

[3] Of the amounts remaining under the Treasury-Postal Subcommittee's 602(b) allocation, $1.3 million in budget authority and $0.1 million in outlays is available only for appropriations for the Violent Crime Reduction Trust Fund.

[4] Of the amounts remaining under the Appropriations Committee's 602(a) allocation, $1.3 million in budget authority and $1.4 million in outlays is available only for appropriations from the Violent Crime Reduction Trust Fund.

Note.—Details may not add to totals due to rounding.

Source: Prepared by SBC majority staff, March 7, 1995.

FISCAL YEAR 1995 CURRENT LEVEL—H.R. 889, DEFENSE SUPPLEMENTAL AND RESCISSIONS BILL

[In billions of dollars]

	Budget authority	Outlays
Current level (as of February 25, 1995)[1]	1,236.5	1,217.2
H.R. 889, Defense Supplemental and Rescissions, as reported by the Senate	−1.3	−0.1
Total current level	1,235.2	1,217.1
Revised on-budget aggregates[2]	1,238.7	1,217.6
Amount over (+) / under (−) budget aggregates	−3.6	−0.5

[1] In accordance with the Budget Enforcement Act, the total does not include $1,394 million in budget authority and $6,466 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and $877 million in budget authority and $935 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount requested as an emergency requirement.

[2] Reflects revised allocation under section 9(g) of H. Con. Res. 64 for the Deficit-Neutral reserve fund.

Note: Details may not add to total due to rounding.

Source: Prepared by SBC majority staff, March 7, 1995.

NORTH KOREA—AMENDMENT NO. 328

Mr. HATFIELD. Madam President, I wonder is my friend from Alaska will allow me to respond to his final point about the necessity of having this same language included in the rest of the 1996 appropriation bills.

Mr. MURKOWSKI. I welcome the chairman's comment on this point.

Mr. HATFIELD. I appreciate Senator MURKOWSKI's willingness to modify the language of the amendment to delete the reference to "any other act." As the Senator knows, it is my policy as chairman to pass appropriation bills that do not contain amendments that attempt to apply to other appropriation bills that have not yet come before us.

However, I want to give my assurances to the Senator from Alaska and to the majority leader that I support the intent of this amendment and will work with you in your efforts to include it in the remainder of the 1996 appropriation bills.

The Murkowski/Dole amendment brings much needed discipline to the administration's tactics for diverting money to the projects associated with the United States DPRK agreed framework. As the Senator mentioned in his remarks, in fiscal year 1995 the administration relied exclusively on emergency and reprogrammed funds for this purpose. As the chairman of the Appropriation Committee, I strongly support the Murkowski/Dole amendment for requiring the administration to take an upfront approach from here on out. The administration must specifically request that funds be set aside for use in implementing the agreed framework. This will bring greater accountability to the process, and perhaps decrease the necessity for emergency supplementals such as the one we have before us today.

Mr. MURKOWSKI. I thank the chairman for his remarks, and also thank the Senior Senator from Alaska for his support of this amendment. I will look forward to working with you to see that the Murkowski/Dole language is adopted in subsequent appropriation bills.

Mr. COVERDELL. Madam President, I had planned to offer an amendment today but I will withhold in order to explain an agreement I have reached with the Chairman and manager of this bill, Senator HATFIELD. My amendment would have prohibited the Department of Housing and Urban Development [HUD] from expending further Community Development Block Grant [CDBG] nonemergency monies until funds appropriated last August for Tropical Storm Alberto were fully released.

Madam President, the State of Georgia this summer endured the worst disaster in its history, Tropical Storm Alberto. Alberto has left in its wake flooding unparalleled in the Southeast and damage estimates nearing $1 billion. In the aftermath of this disaster, Georgia embarked on a unified effort to build back its communities. This effort was appropriately called "Operation Buildback." During these efforts, State officials with the assistance of their Federal representatives, catalogued the damages and recommended priority projects for the Federal agencies for whom emergency appropriations were made during our appropriations process.

During the 1995 budget cycle, $180 million were made available for this flood through the Housing and Urban Development [HUD] CDBG program. Let me remind my colleagues that this process took place last August. It has been a full 8 months since and HUD has not released over one-third of the disaster aid. In addition, my three inquiries to Office of Management and Budget [OMB] and HUD as to when the remaining funds would be released were ignored until it was learned that I would offer this amendment. There is $57 million outstanding and I would like to know why. Eight months is entirely enough time to get these funds released. The State of Georgia has done their part in submitting project requests in December that were well in excess of the $180 million that was appropriated for the entire disaster. It is high time for the Federal Government to do their part.

I submit that this is not way to treat disaster victims and their communities. We have a responsibility to get that money back to those who need it most instead of on a bureaucrat's desk in Washington. I will not offer my amendment with the assurances of Committee Chairman HATFIELD that he will support my efforts to add such an amendment to the second supplemental appropriations bill we consider if the administration has not rectified this situation.

Mr. HATFIELD. The Senator from Georgia is correct in regard to our agreement. If this situation has not been resolved by the time the Senate considers the next supplemental appropriations bill, I will support the amendment of the Senator of Georgia.

Mr. COVERDELL. I commend the chairman for his willingness to assist me in this endeavor. It is of utmost importance to my State. I look forward to working with him in the coming weeks to rectify this matter and thank him for his leadership in this regard.

Mr. HATFIELD. I thank the Senator from Georgia.

Mr. DOLE. Madam President, before we vote on the supplemental appropriation bill before us, I want to thank Chairman HATFIELD, Senator BYRD, Chairman STEVENS, and Senator INOUYE for their hard work in hammering out a bill which will restore $1.9 billion needed for training and readiness of our Armed Forces.

I am pleased that this bill is fully offset in both budget authority and outlays. Additionally, in my view, the committee has done a good job in identifying the defense programs which should fund this supplemental appropriation. However, I am concerned by the fact that the operations and maintenance accounts of our Armed Forces are continually being raided to fund unbudgeted contingencies that have little if anything to do with our national security. The administration requested this supplemental because it diverted 4th quarter O&M funding to pay for operations in Somalia, Haiti, Rwanda, Kuwait, Korea, and Bosnia. Now, let me be clear, I am not saying that all of these operations do not relate to U.S. interests. Certainly some, such as the deployment to Kuwait and the increased operations in and around the Korean peninsula, were in line with our national security interests. That is the way it is supposed to be. The deployment of U.S. troops should only be considered when the vital interests of the United States are at stake. We simply cannot continue to raid our O&M accounts to pay for every peace-keeping or peace-making operation dreamed up by the United Nations.

Even as the drawdown continues, our fighting men and women are asked to take on more missions in hostile environments. They face greater dangers with fewer numbers and less resources. In fact, since the collapse of the Berlin Wall, the Army has seen operational deployments increase by 300 percent. Last year, the Army twice set a new record for soldiers operationally deployed to other countries—with U.S. troops in more than 91 countries around the world. Despite all of the administration's rhetoric, they have provided neither an adequate force structure nor an adequate defense budget for the challenges that face us in this new era.

Now, we in the Congress find ourselves in the position of voting on a measure which essentially funds peacekeeping operations on which this Chamber has not expressed its position. Certainly, the President should have the flexibility to act in defense of our Nation and its interests. But we have been put in a position where we are asked to reimburse the Department of Defense for these operations, and if we do not, the readiness of our forces will be irreversibly harmed. Earlier, my colleague, Senator STEVENS, laid out for us what it would mean to not provide these funds. No doubt about it, the readiness of our forces would be downgraded from their current level, which in my view is precarious at best.

So, let me be clear, because I am concerned about the readiness of our forces and because I support the men and women who put their lives on the line whenever this Government asks them to, I will vote for this bill. But that should not be interpreted as a stamp of approval of all of the operations which made this supplemental necessary.

Mr. NUNN. Madam President, I want to start by commending the Senator from Alaska and the Senator from Hawaii for their hard work on this bill. I know there are no two members of the Senate more concerned about our national security than Senator STEVENS and Senator INOUYE. They have been given the difficult task of balancing our national security needs with the need for deficit reduction, and I can certainly appreciate the pressures they are under.

The Appropriations Committee has moved quickly on this supplemental, which the administration says must be enacted by the end of this month. I think the Senate has improved on the House bill in some respects. I particularly want to commend the managers for rejecting the reduction proposed by the House to the Cooperative Threat Reduction Program. That is a program the Secretary of Defense feels very strongly about, as do I.

I also think the managers were wise to reject the addition of $670 million in unrequested funds contained in the House bill. Some of those additional funds do address must-pay bills, which I will come back to in a moment, but they are not programs that belong in an emergency supplemental.

Madam President, the Defense Department needs a supplemental, and I think the leadership of the Defense Department is doing what they feel they need to do to get a supplemental enacted in a timely fashion to avoid a repeat of the disruptions in training that caused readiness problems in fiscal year 1994. However, I have several concerns with the approach the Senate is being asked to take in this legislation. I question whether this supplemental is a good deal for the Defense Department on balance.

First, it does not provide the net increase in defense spending for readiness that was requested by the administration, despite the concerns many of my colleagues have expressed about readiness. The costs of the contingencies are covered, but only by making cuts elsewhere in the defense budget. Unlike the administration request and the House-passed bill, there is no net increase in funding for the Department of Defense in this supplemental.

Because this bill is not designated as an emergency, it requires all increases to be fully offset in both budget authority and outlays—otherwise enactment of a supplemental could cause a sequester. As this bill demonstrates, it is necessary to cut more budget authority than you add in order to achieve that goal when the supplemental requirements fall in the faster spending accounts, which is usually the case. In the future, I fear that we will find that attempting to offset fast-spending operation and maintenance outlays on a one-for-one basis will be extremely difficult and overly restrictive.

DOD is willing to make some of the cuts in this bill, such as termination of the TSSAM Program, which was anticipated in the budget, but they had planned to use these cuts to offset the cost of other must-pay bills later on this year. I might add that I regret that the TSSAM Program was not able to overcome its problems, because it is a technology we very much need, in my view. I am not quarreling with the administration's decision to terminate the program, although I am concerned that the amount of money rescinded in this bill will not allow sufficient funds to pay the Government's termination costs. I appreciate the comments of the Senator from Alaska that he is aware of that issue and plans to review it in conference.

According to Deputy Secretary Deutch, DOD already has $800 million in must-pay bills unrelated to these specific contingencies which will require reprogrammings, which is a process by which funds are transferred from one defense program to another during a fiscal year. By taking the easier cuts for this bill, we are just making it harder to deal with those other must-pay bills later.

Yet this bill also reduces DOD's 1995 reprogramming authority, thereby reducing their flexibility later in the year if more problems come up. There are other cuts in this bill that the Department of Defense does not agree with, such as the reductions to the Technology Reinvestment Program.

In addition to the concerns I have regarding specific programs in this supplemental, I am troubled by the impact on the defense budget and on defense management that the approach this bill takes of making DOD absorb the full cost of these contingencies could have if it is viewed as a precedent for funding future contingencies, which I hope it will not be. It largely defeats the purpose of having a supplemental.

I am not sure we have really thought through the impact of what we may be doing to the military with this 100 percent offset approach. Last week, Gen. Gordon Sullivan, the Chief of Staff of the Army, told the Armed Services Committee that if the Congress adopts a policy of forcing the military to completely offset the costs of any contingency operation:

> . . . it is just going to destroy our training programs, our quality of life programs, and it is going to be difficult to manage the readiness of the force . . . It is going to come out of reducing real property maintenance. We may have to furlough civilians, terminate temporary employees, curtail supply requests, park vehicles, reduce environmental compliance. It is going to have a major impact.

General Sullivan said that in the event the military is told to assist a large-scale evacuation of U.N. personnel from Croatia:

> I just have to stop training, and I will have to move money around from elsewhere to keep that operation going since obviously what you expect me to do is to fight and win your wars. So, I will have to get the money from people who are not doing that to support it.

Now that may sound like an exaggeration to some, but if you understand the laws that govern the defense budget, you will see why General Sullivan's comments are right on target. The cost of an operation, such as paying for the airlift to get there, the fuel, spare parts, and so on, must come out of the operating budget. The military does not have the authority to divert funds from the procurement of weapons, or from research or military construction or military personnel accounts, even if they wanted to.

And even within the operating budget, there are further constraints. A large portion of the operating account is civilian pay, so you cannot save money there without firing civilians. And you cannot cut really cut the money to operate the bases—you have to pay the light bill. So the areas General Sullivan is talking about—training, maintenance and repair of the buildings on our military bases—are the only areas where the military has the flexibility to change its plans halfway through the year. And in fact that is exactly what happened last year—money had to be diverted from training.

In the past we have paid for contingencies and natural disasters such as the Midwest floods, the Los Angeles riots, the California earthquake, and the cost of the Somalia and Rwanda operations last year, as emergencies under the agreement reached in 1990 as part of the Budget Enforcement Act that set up discretionary caps. What we have done, at least in defense, was make a good faith effort to offset these supplementals as best we could. About 70 percent of the cost of the 1994 Somalia supplemental was offset by defense rescissions, for example, while all of the costs of the Rwanda mission, which was about $125 million, were emergency funds. So in the past we have been consistent about calling an emergency an emergency, but sometimes we have fully or partially tried to offset those costs and sometimes we have not.

That is basically the approach the House is taking. They provided emergency supplemental appropriations for the Department of Defense and then tried to offset those appropriations, in budget authority but not in outlays, using savings from both defense and domestic programs. It is my hope that the House position would prevail on this fundamental point, that is, the question of whether we are going to treat the costs of contingency operations that cannot be anticipated in advance as emergencies for budget purposes.

If we start dropping the emergency designation, we could end up tieing our hands in responding to future emergencies while we wait to find 100 percent offsets. Strong consideration must be given to budgeting for unanticipated contingencies in advance in the DOD budget, but this inevitably runs into the issue of implicit congressional approval for military operations and war powers considerations.

In addition to my concerns about the financial impact on the Defense Department if this bill is viewed as a precedent, I also share the concerns expressed by the Senator from Hawaii about the long term policy implications of telling the military any future contingency they are involved in is going to come out of their budget dollar for dollar. This is going to have an impact on their ability and their willingness to respond to situations like Haiti or Cuba, or especially a much more expensive operation like peace enforcement in Bosnia, in the future. It could have the effect of dictating our policy on the use of force through the appropriations process.

I hope the policy of making the Defense Department absorb the costs of these operations is viewed as a one-shot proposition, not as a precedent for future supplementals, because if we are telling the Department of Defense that any time there is an emergency that comes up and they come over and request supplemental funds that they are going to have to provide a 100-percent offset, then we are going to change the nature of the responsiveness of the Department of Defense itself to the missions that may, indeed, be crucial to our Nation's security.

If the Department of Defense is told that any unanticipated operation they undertake, either unilaterally or with NATO or the United Nations, is going to have to be completely offset within the defense budget, which means they are going to have to basically kill or substantially alter crucial defense programs in order to absorb those costs, then the result is going to be a very strong signal that the United States is not going to be as involved as we have been in world affairs, including commitments to our allies and commitments that we have voted for at the U.N. Security Council.

This complete offset policy sounds good in speeches but it has very serious implications for the Department of Defense. Make no mistake about it, this complete offset policy means the long-term capability of the Department of Defense is going to go down. It does not mean that the immediate readiness is going down because that can be protected.

But future readiness, future capability, requires modernization and it requires research and development, and those are the programs being cut by this complete offset policy. So 5 or 10 years from now, people will have a very serious problem with readiness if we continue to declare there is no emergency even when our forces are responding to the unanticipated events that we all know will take place somewhere in the world from time to time.

Madam President, I also want to note that this bill contains domestic rescissions of about $1.5 billion. I understand that the defense portion of this supplemental is outlay neutral in 1995 without the domestic rescissions, but that over the 5-year period the domestic rescissions are necessary to make the whole bill outlay neutral over the long run.

Many of my colleagues do not support the idea of using domestic rescissions to offset the cost of a defense supplemental. My view is either we have firewalls or we do not. The Congress has cut defense to pay for domestic supplementals in the past, so I do not see any reason why we should not look to domestic programs to offset the cost of defense supplementals, especially if we are going to start adopting the policy of offsetting both the budget authority and outlays of supplementals.

I hope we decide to reinstate defense firewalls, Madam President. But until we do, I believe domestic programs should be on the table to fund defense supplementals, just as defense programs have been put on the table to fund domestic supplementals.

In 1990, for example, $2 billion in defense funds were rescinded to substantially offset the cost of a supplemental providing economic aid to the new democratic governments of Panama and Nicaragua as well as funds for food stamps, fighting forest fires, veterans programs, and many other programs.

That same fiscal year, discretionary spending was reduced across the board to fund antidrug programs. So once again there was a net transfer of funds from the defense budget to the non-defense discretionary part of the budget.

I should also point out that previously the defense budget has been held to a higher standard than the domestic budget. As I have already pointed out, 70 percent of the defense funds provided in last year's emergency supplemental for Somalia were offset by defense rescissions. But only about 25 percent of the non-defense funds provided in that supplemental were offset by rescissions. If the Congress is contemplating setting out a new policy for offsetting supplementals, or not offsetting supplementals, I think that policy has to be fair in its treatment of defense and domestic emergencies.

HAITI REPORTING REQUIREMENT

Madam President, I am also concerned that the requirement for a Presidential report on the cost and source of funds for military activities in Haiti is linked to a cutoff of funds for those activities if the report is not submitted within 60 days after enactment of this act.

I generally oppose linking a cutoff of funds for any military operation to anything other than the accomplishment of the mission. If the Senate opposes a military activity or operation, it should vote to cut off the funding. In the case of the Haiti operation, however, the Senate voted several times in the last session not to prohibit the President from ordering the deployment of United States forces to Haiti. I do not think that the Senate would be prepared to vote to terminate the funding for the Haiti mission now that it has been carried out with such professionalism by United States forces and is in the process of being turned over to a U.N. operation that will be commanded by a United States general officer.

In this case, moreover, virtually all of the information that the President would have to provide in his report to Congress was mandated last session by Public Law 103-423, a joint resolution regarding United States policy toward Haiti, that was signed into law by the President on October 25, 1994. President Clinton has now submitted four reports pursuant to sections 2 and 3 of that legislation that call for monthly reports until the mission is over. Those reports were submitted to Congress on November 1, December 6, and December 31, 1994, and on February 8, 1995.

If the President had refused to submit those reports, then perhaps it would make sense to condition the continued availability of funding on the submission of such reports in the future. But the President has been submitting those reports and there are no indications that he plans to stop submitting them.

I do not plan to offer an amendment to this bill to delete the cutoff of funding provision. I base my decision on the urgent need of the Department of Defense for this supplemental funding and my realization that there will be a difficult conference with the House on this bill. I therefore want to avoid any action that could delay this legislation. The fact that President Clinton will be able to submit the report required by this bill has minimized my concern over the funding cutoff provision. But I did want to note my concern over this provision and to signal my determination that this provision not serve as a precedent for this type of action.

EF-111 SYSTEM IMPROVEMENT PROGRAM [SIP]

Mr. D'AMATO. Madam President, I would like to commend my good friends, the distinguished chairman and ranking minority member of the Defense Subcommittee, for not including EF-111A System Improvement Program [SIP] funds in the defense rescission package of the supplemental funding measure now before the Senate.

I believe the House Committee on Appropriations acted prematurely by including EF-111A SIP funds in its version of the supplemental. As my colleagues know, the EF-111A SIP has been under siege since fiscal year 1993 when some in Congress suggested that the program duplicated the Navy's EA-6B Advanced Capability [ADVCAP] Program.

At the time, the Pentagon sharply challenged the notion that the EF-111 and EA-6B were duplicative. Then-Air Force Secretary Don Rice was quoted as saying: "The F-111 does escort jamming as well as local area jamming; it has the capability to keep up with the F-15E's and F-111F's and F-16's when they're doing interdiction missions. The EA-6B does not." The Pentagon appeal to the fiscal year 1993 Defense Appropriations Conference was even more detailed:

> The elimination of the EF-111 would significantly compromise the U.S. ability to provide standoff jamming in support of tactical air operations for two reasons. First, the EF-111 and the EA-6B each have capabilities not possessed by the other. Although the two jamming systems will be roughly comparable following modernization, the EF-111 is, and will continue to be, more capable than the EA-6B in supporting deep strike missions. This is due to the EF-111's significant advantage over the EA-6B in speed, range, and time on station.
>
> Second, even if the two platforms were comparable in all respects, there is an insufficient number of EA-6B's in the Navy inventory to support the mission requirements of both Services. To procure additional EA-6B's to compensate for the loss of the EF-111's would be much more expensive than to retain and modernize the existing EF-111 inventory.

In the end, the Department of Defense was successful in reversing the proposed elimination of EF-111A funding. Soon thereafter, in February 1993, the Chairman of the Joint Chiefs of Staff report on the roles, missions, and functions of the Armed Forces of the United States endorsed the retention and modernization of both the EA-6B and the EF-111A.

In retrospect, the roles and missions report was the high water mark of Pentagon support for the EF-111A. As my distinguished colleagues know, the fiscal year 1996 defense budget request calls for the termination of the EF-111A SIP program in fiscal year 1996 and retirement of the EF-111A fleet in fiscal year 1997. Navy EA-6B's, according to the Air Force, will fill the gap left by the retirement of the EF-111A fleet.

This plan is fatally flawed. The EA-6B ADVCAP program was canceled in February, 1994, and the future of Navy electronic warfare has been in turmoil ever since. In the wake of this cancellation, the Pentagon commissioned the Joint Tactical Air Electronic Warfare Study to examine the relationship between the EA-6B and EF-111A and to review overall electronic combat requirements.

I would like to ask the distinguished Defense Subcommittee chairman whether the results of the joint tactical air electronic warfare study have been delivered to the Congress.

Mr. STEVENS. I will answer my colleague by saying that the results of this study are long overdue and may not be available until June, 1995.

Mr. D'AMATO. Will the distinguished chairman also agree that, until the Congress has had a full opportunity to evaluate the results of this study, any proposal to eliminate EF-111 SIP funds and to retire the entire EF-111 fleet is extremely premature?

Mr. STEVENS. I certainly agree with my colleague from New York.

Mr. D'AMATO. In my opinion, the bottom line is that we are being asked by the House to lay waste to the Air Force's support jammer capability without sufficient analysis or debate. We know the Navy option is woefully inadequate.

We should ask ourselves several critical questions before we even decide what to do about Air Force and Navy support jamming requirements. First, what are the alternatives to the EF-111A SIP? Second, if there are none, how will the termination of the SIP, and the retirement of the EF-111A's, affect the efficiency and survivability of our strike forces?

Does the distinguished Defense Subcommittee chairman agree that, until we can answer these questions, any suggestion of rescinding EF-111A SIP funds is fraught with too many risks for our national security.

Mr. STEVENS. I agree with my colleague that terminating the EF-111 SIP program and planning for the retirement of the EF-111 fleet at this time would be an unwise and risky course of action.

Mr. D'AMATO. Is my colleague willing to work with me and do what he can to prevail over the House in the upcoming joint conference on the supplemental?

Mr. STEVENS. Recognizing that we have a difficult conference before us, and that funds are desperately short, let me assure the Senator from New York that we will do what we can in joint conference to hold the Senate position and to protect his interests to the greatest extent possible.

Mr. GLENN. Madam President, I would like to raise my concerns related to the pending supplemental appropriations bill.

I certainly understand the difficulty under which the Appropriations Committee must work, particularly when the budget deficit looms as large as it does.

But, I am concerned, Madam President, about the precedent set in this bill by requiring that emergency supplemental spending be fully offset.

In the past, Congress and the administration have agreed to allow for emergency spending without requiring offsets, but taking offsets in a more benign manner, usually in cases where programs have been canceled or where contract funds were available because they could not be obligated during the fiscal year for which they were provided.

The supplemental before us takes a much different approach that bears dramatic consequences.

By requiring complete offsets from prior year funding, we really are not cutting lower priority programs as a result of tight fiscal constraints. We are victimizing programs basically because they are in slower spending accounts and their funds are still available to raid. I know a number of my colleagues have expressed similar concerns and I am hopeful that we can craft a new method of funding future emergency spending.

I also note, Madam President, that this approach may be more easily accomplished in the earlier quarters of a fiscal year, but what happens later in the year after we have exhausted the resources of these slower spending accounts?

Will we bring our normal planned operations, maintenance, and training to a screeching halt? Will we stop paying our troops? This is what will happen when we require the cost of contingency operations to be paid from the current operating budget for operations in places like Iraq, Rwanda, the former Yugoslavia, and Haiti. Shortfalls in training and maintenance are the very kinds of actions for which the administration has been criticized and which the President's supplemental request is intended to avoid.

I appreciate the committee's desire and attempt to impose fiscal responsibility and I appreciate the committee's efforts to keep the technology reinvestment project, the so-called TRP, alive, but I don't believe we should fool ourselves that requiring complete offsets does not have important implications for the overall readiness of our Armed Forces.

The effect of this bill, Madam President, is to reduce current defense spending by $1.9 billion. This is particularly curious, Madam President, at a time when the majority, in its Contract With America, calls for additional spending to ensure readiness.

Today's supplemental eats our seed corn in a number of important areas. This bill will cut over $500 million from defense research and development programs. To me, research and development ensures the Nation's future readiness. Make no mistake, yesterday's investment in R&D is what is winning today's battles. It is short sighted, in my view, to downplay or overlook the critical research and development plays in our overall readiness.

I would like to take a moment, to direct my comments to two programs that have been embroiled in the debate over how to fund this supplemental request. They are the TRP Program and the Department of Commerce's Advanced Technology Program. I am very much relieved that the committee did not take the same kind of draconian cuts the House made and I urge the committee to maintain its position on these programs in conference with the House.

I, like virtually every other Member of this body, have been a strong supporter of the technology reinvestment project [TRP]. When Congress first crafted this program in 1992, incorporating the recommendations of both the Democratic and the Republican task forces on defense conversion, the program received virtually universal support.

Several Members on both sides of the aisle came to the floor to express their support for the program and the amendment providing funding for the program was adopted by a vote of 91 to 2. To suggest now that TRP funding is not a high priority is to forget the level of support this program has enjoyed.

It is not surprising either because the TRP is an innovative, and I might add a more cost effective, way for the Department of Defense to meet its research and development requirements. The Defense Department has always spent a portion of its R&D funds on dual-use technologies, notwithstanding recent claims that funding for dual-use technologies is some sort of a handout.

The truth of the matter is that DOD will continue to be involved in developing dual-use technologies, because one of the uses in any given dual-use technology is its military use.

The operative question becomes how do we go about developing this dual-use technology that the military needs. The military can pay the full freight and develop it on its own as it has in the past. Or, the military can try to get the private sector to pay for half of it, since the dual-use technology also will have a commercial application.

It seems simple to me. Do we want to pay full price or half price? I prefer to take advantage of the discount. TRP is not a subsidy or grant program for contractors. If anything, it is like a reverse subsidy for DOD, Mr. President.

Just one example bears this out. The uncooled infrared rifle sight technology under development through TRP funding will help soldiers locate and engage the enemy in bad weather. In the private sector, it can be used by industry to detect energy losses in houses and buildings.

Under a TRP funded, dual use approach the military's goal is to reduce the unit price from about $100,000 to less than $10,000 per unit, by tapping into the potential commercial market which is 10 times larger than the military requirement. Without TRP, the military could pay 10 times more for the same technology.

TRP funding is a small investment, accounting for less than two-tenths of 1 percent of this year's Defense budget request. Yet, it leverages those defense dollars through industry cost-sharing and it could yield significant benefits to long-term military readiness. To kill the technology reinvestment project, as the House bill would do, would be like killing the goose that lays the golden eggs. It just does not make sense.

Madam President, my concern about efforts to erode government-industry joint efforts to develop next-generation technology extends to the House-passed $107 million rescission of funds for the Advanced Technology Program [ATP].

ATP is cost-shared, industry-led, competitively awarded R&D which pursues cutting edge technologies with strong potential for later commercial success but technology that presently is too risky or too long term to be pursued by industry alone.

Like TRP, ATP was developed with strong bipartisan support in the Congress. ATP is intended to capitalize on America's strength in research and development to create jobs and economic growth, and increase our competitiveness in the global economy. While I believe any cut in these critical technology programs is extraordinarily short-sighted, at least the Senate has reduced the amount of the rescission to $32 million; I urge my colleagues on the Appropriations Committee to do everything they can to maintain the Senate position in conference.

Finally, Madam President, I cannot yield the floor without expressing my concern over the cuts taken in both the Defense Environmental Restoration Account and the Department of Energy's Environmental Management Program. A number of my colleagues have identified environmental cleanup as lower priority spending that could be used for other programs. This is terribly wrong headed Mr. President. I hope that the cuts taken in this supplemental do not signal the beginning of a full scale assault on these important programs in the future.

Both DOD and DOE have legal obligations to clean up their facilities. We already know that failure to meet cleanup milestones will result in fines and penalties. In addition, for DOE, the cost to cleanup will increase substantially simply by virtue of the delay. I intend to address this issue at greater length in a separate statement. Like the mechanic in the transmission commercial, you can either pay me now or you can pay me later. But, it will cost more later.

I yield the floor.

Mr. ROCKEFELLER. Madam President, I want to comment on an important aspect of the debates that took place to develop the legislation approved today, and which I believe is directly related to the kind of military security, growing economy, and strong job base that Americans should be able to count on.

I am referring to the work of the programs within the Department of Commerce, the Department of Defense, and other parts of the Federal Government that serve as partners with industry to spur advances in technology. My belief in these programs is very basic. Knowing what the investment in technology that our foreign competitors are making and the role that technology plays in expanding industries and high-wage jobs in our own country, I view these programs as an essential key to the economic security that West Virginians and the rest of the American people should expect Congress to work toward.

For awhile, it appeared that this appropriations package would be used to cripple some of the most important technology programs in our public arsenal. But thanks to the efforts of many of my colleagues, and I am privileged to work closely with a group of them, we were fairly successful in reminding the Senate that a retreat from technology investments is a dangerous course in military and economic terms.

In fact, I was pleased to see the Senate approve the Sense of the Senate resolution, offered by Senators BINGAMAN and NUNN and which I cosponsored, that expresses a continued commitment to the development of dual-use technologies to be used by both the military and the private sector.

These kinds of private-public partnerships, including the Technology Reinvestment Project [TRP] and the Advanced Technology Program [ATP], chart the course we should be taking for a strong military and economic future. This concept is at the heart of the President's technology policy, and is the most cost effective way to employ the ever-shrinking Federal dollar in a way that maximizes our Federal dollars to the benefit of both the public and the private sector.

To understand these kinds of partnerships, and the value of the TRP and the ATP, we need to look first at the Advanced Research Projects Agency [ARPA], which was set up nearly 40 years ago by President Eisenhower. I think we can all agree that ARPA is one of the big success stories to come out of the military-industrial complex over the years. Aside from technologies it helped develop that our armed services rely on today, things like stealth, the Global Positioning System and smart weapons, it is also one of the parents to some of the technologies that the people of America take for granted in their daily lives, things as varied as a desktop computer is from the laser in a CD player.

I want to also remind my colleagues that the Internet, which is at the heart of the information super highway America is discovering, was originally known as ARPAnet. All of these technological breakthroughs were developed for the military, but have now been spun off into our daily lives. That is what the TRP, and the ATP, are about.

It is about something even greater. We do not spend taxpayers' hard-earned dollars on the TRP just because of what it does for the economy. It is housed in the Department of Defense because of its direct role in military readiness and the strength of our defense. Increasingly, cutting edge technology is not being developed in the military industrial complex, it is coming out of the private sector. The TRP program, and other public-private partnership give the Federal Government, and in the case of the TRP, the Department of Defense, access to the brain power and resources of our best civilian technologists. It is becoming less an issue of spin-offs and more an issue of spin-ons.

We all know that great advances in computing came as spin-offs from DOD programs, but today the leading minds, the human and material resources, are in the private sector. Programs like the TRP give the military the chance to work with those minds and develop software and applications in conjunction with the private sector, where most of the innovation is happening. Then we can spin those technologies invented in partnership with the private sector on to military applications.

And let me be clear, this is not about industrial policy; picking winners and losers. The private sector, in conjunction with the Department of Defense, are picking the winners. Where a program only has defense applications, such as a submarine, the private sector will not be interested in participating in a joint R&D project with the DOD. But when we are developing something that will have commercial and military applications, then the TRP can and should play a part.

It is a ridiculous waste of our country's private and public capital to duplicate our investments in research and development where the military needs something that the private sector may be developing on their own. Frankly, we cannot afford it on either end. If last month's balanced budget debate illuminated anything for the American people, it is that we are going to have to squeeze every last dollar we can out of the Federal budget. I support the deficit reduction portion of this bill. I do not like every line-item in the rescissions package, but overall, it is something we simply have to do. Likewise, the government cannot afford to do all the research and development on leading edge technologies that they will need to maintain the kind of fighting force we all envision. But if we pool our Federal resources with the private sector's, then we all benefit.

I want to point out just one example that demonstrates the usefulness of the TRP to both the armed services and America's consumers. Right now, DOD, in conjunction with private industry is developing something called multi-chip module [MCM] technology. This will allow electronic systems to work faster and more reliably while using less power. DOD needs MCM's for things like precision-guidance of advanced weapons and real-time signaling for intelligence activities. Likewise, the private sector is itching to put MCM's to use in a variety of consumer products, from cars to digital signals in audio and video telecommunications. Certainly we can fund this out of our defense budget, but when there is a clear private sector interest in doing this jointly, why go it alone?

And this should not be a political issue. Many of my colleagues on the other side of the aisle have supported technology programs such as this in the past. As has been noted by others, the basis of this sense-of-the-Senate amendment is former Senator Rudman's task force report of 1992, which was endorsed by many of my current distinguished colleagues, Senators STEVENS, MCCAIN, WARNER, and THURMOND among them.

I should note, that the defense supplemental portion of this package is breaking new ground here. This bill was submitted to the Congress for emergency consideration. That is because the costs that we are trying to cover were unforseen. They were unplanned activities that were undertaken in our national interest.

Madam President, we must be fiscally responsible. But we should resist the fool's game of trying to outfox or out-cut one another. We were elected to set priorities, to deal with current national needs and plan for the future. Because of the size of the Federal deficit, that must include an intense effort to get our books in order. But it should not be a political contest or done blindly. If we abandon the programs and investments designed to maintain a military and economic foundation for all Americans, we will see the pain from a crumbling manufacturing base and defenses after it is too late.

We cannot compromise our future, be it in technology, education, or child nutrition, for the sake of today's political brinkmanship. We must fight for what we know must be national priorities, and I will fight for West Virginia's. The winners will be our soldiers in the field, our children and their ability to learn, the workforce needed to keep this country strong. And in the case of the technology programs discussed in this statement, we want to make sure the winners include our indusries—and our workers—who are on the frontline of the global economic battlefield.

Mrs. BOXER. Madam President, after much thought and analysis, I have decided to oppose this bill. I have made this decision for one simple reason: on balance, I believe this bill is bad for California and bad for the Nation.

I support the supplemental appropriations contained in this bill, which cover the costs of unbudgeted contingencies in Somalia, Bosnia, and Haiti. However, I believe that these unplanned operations should have been treated by the committee as emergency requirements, as requested by the Department of Defense.

Having elected to recommend supplemental funding without the emergency designation, the committee was obligated to find offsetting rescissions. Regrettably, the committee has recommended for rescission in this bill programs that are vital to the defense of our country and to the economic security of the State of California. The cuts made in environmental cleanup programs and in research and development programs like the Technology Reinvestment Project, or TRP, are wrong for this country and wrong for California. I cannot support these reckless cuts, Madam President, and I will not.

This bill contains a $300 million rescission for DERA, the Defense Environmental Restoration Account—twice the cut passed by the House.

What would this rescission mean for the State of California?

At the Marine Corps Logistics Base in Barstow, efforts to clean contaminated groundwater could be delayed. Soil contaminated with heavy metals, petroleum hydrocarbons, pesticides, and herbicides may not be removed.

At the Concord Naval Weapons Station in the bay area, cutting DERA means delaying cleanup on polluted tidal and inland areas. If this rescission is enacted, contaminated water and soil may sit idle so we can say we did the responsible thing by ensuring that every dollar in this bill was offset by a rescission somewhere else in the Pentagon budget. But that's not really the responsible thing. The responsible thing to do is not create an environmental hazard in the first place, but if you do, you clean it up, and you clean it up fast.

I want to make a final point on this DERA rescission. Earlier this month, the Department of Defense announced which military bases it wants to close in the 1995 BRAC round. California was hit again. One major base was recommended for closure and several other installations face realignment. I will fight hard for those bases and get their positive stories out. But if those installations stay on the list, I want the contaminated sites at those bases cleaned up as fast as possible so the communities can do something productive with that land.

In the 1995 base closure round, unlike previous rounds, environmental cleanup will be funded by the DERA account. That is the very same account that this bill proposes cutting by $300 million.

So I would say to all Senators, if you have a base in your State that may be scheduled for closure this year, think long and hard about cutting $300 million from the Department's primary environmental cleanup account. Believe me, you do not want to find yourself in a situation where the military is moving out, but the community cannot move in because of environmental contamination. California has been in that situation too often, and it is very, very unpleasant.

The Senate considered an amendment last week offered by Senator MCCAIN to reduce the rescission in this bill for environmental cleanup funding by increasing the cut for the Technology Reinvestment Project, or TRP. I opposed that amendment not because of the DERA increase—which I support—but because of the draconian TRP cut. That amendment presented the Senate with an impossible choice: allow deep rescissions in DERA or kill the Technology Reinvestment Project outright.

However, even without the McCain amendment, this bill rescinds $200 million from the Technology Reinvestment Project. To be sure, this is better than the House rescission of $500 million, which would kill the program, but the Senate rescission will badly damage this critically needed program.

Research and development is the key to maintaining our military advantage in the future. But the Department of Defense can no longer afford to maintain its own private research industrial base. We must gain access to the commercial technology sector, which in many ways out performs the defense technology base. We must gain access to this commercial technology in the most cost effective way possible—ensuring the public the greatest value for its tax dollar.

The TRP achieves these goals. Let me cite just one example. The TRP has funded a proposal led by the San Francisco Bay Area Rapid Transit District to develop an advanced automated train control system. Like all TRP projects, this grant is matched at least 50–50 by the private sector. For every dollar the government spends, the consortium led by BART spends at least one dollar.

This technology currently being developed by the BART will allow system operators to know exactly where there trains are—even underground in tunnels. This allows trains to operate more safely and in closer proximity. Reducing separation distance between trains allows the BART to have more cars in service at the same time, which doubles passenger carrying capacity.

Critics of the TRP complain vociferously about projects like the BART train control system. "What has that got to do with national security?", they say.

The BART train control system has everything to do with national security. This project is based on the Army's Enhanced Position Location Reporting System, which is designed to enable commanders on the battlefield to collect vital information about the location of troops in real time. The National Economic Council estimates that the technology developed by the BART's TRP project may improve the Enhanced Position Locator and at the same time, reduce its cost by up to 40 percent.

So what does this TRP project do for our country? For private industry, it provides a chance to break into a market dominated by foreign companies, perhaps creating thousands of American jobs and strengthening our economy. For the Department of Defense, it offers a better and cheaper way to collect battlefield information in real time—information that may save soldiers' lives. And for the people of San Francisco, this project provides safer, faster, and more efficient public transportation. This TRP grant creates a win-win-win situation—one that is being duplicated with similar projects around the country.

The TRP is a model dual-use program. It should be expanded and emulated, not cut to the point that its very existence is jeopardized.

To offset the supplemental appropriations made in this bill, the committee has recommended rescinding environmental cleanup, the TRP and other high priority projects. I find it difficult to believe that less important offsets could not be found in the $260 billion Pentagon budget. Consider this: the Congressional Budget Office estimates that at the end of fiscal year 1995, more than $19 billion will remain unobligated in the Pentagon's procurement accounts.

Surely, that $19 billion fund is large enough to offset the funds this bill would cut from environmental cleanup and the TRP. Simply cutting unobligated procurement funds by 3 percent would generate more than enough savings to offset the TRP and environmental cleanup rescission contained in this bill.

I hope that when this bill is considered in conference committee, the Senate managers will take a very close look at these unobligated accounts and try to find a way to minimize the damage done to the very important TRP and DERA accounts.

I also want to serve notice, Madam President, to those who would eliminate all defense reinvestment and environmental cleanup in the Pentagon budget. That must not happen.

Defense reinvestment must remain a national priority for the security of our country and our communities. Environmental cleanup is the moral, ethical, and in many cases, legal responsibility of the Department of Defense, and its must continue.

When the Senate debates the budget in the spring and when it debates the annual defense bills later in the year, these issues will certainly be revisited. Rest assured that I and other concerned Senators will continue to voice their strong support for these vitally needed programs.

Finally Madam President, I must express my profound disappointment that the Senate accepted an amendment offered by Senator HUTCHISON to rescind funding needed to protect endangered species.

This amendment is an irresponsible approach to some very real problems. It is clearly a first step in a piecemeal dismantling of the Endangered Species Act.

It is important to note that this amendment was offered while the Committee on Environment and Public Works was diligently working on a bill offered by the Senator from Texas that was substantially similar to her amendment. I believe that the wiser course would have been to work cooperatively with the committee, under the able leadership of Senator CHAFEE, to find a mutually satisfactory solution to this important problem.

The rescission of $1.5 million from the Fish and Wildlife Service listing budget for 1995, combined with the restriction on remaining funds, effectively kills the Endangered Species Act listing process for 1995. This could cause some species to become extinct and surely will delay solving the very real problems that need attention. This is a irresponsible action, which I strongly oppose.

For all these reasons, I must oppose this bill.

PROJECT ELF

Mr. FEINGOLD. Madam President, this bill marks a milestone for Wisconsin by rescinding funds for Project ELF, a Navy communications system located in Clam Lake, WI, and Republic, MI. This is one cut that the local congressional delegation will not oppose. In fact, I think most of us welcome it.

In the last two Congresses. I have introduced legislation to terminate Project ELF. Senator KOHL has joined me in those efforts, as well as in letters to the Defense Base Closure and Realignment Commission, the Secretary of the Navy, the Secretary of Defense, and the relevant congressional committees urging ELF's termination. Congressman DAVID OBEY has been a consistent opponent of Project ELF throughout his congressional tenure, and indeed is responsible for keeping down the initial size of the program. Representatives from nearby areas have also been helpful in our quest. I am pleased that the Senate will take the first step, the first real action, toward finally terminating this outdated and effective program.

The concept of extremely low frequency communications emerged when submarines started going so far beneath the surface ordinary radios could not reach them. In 1968, the Pentagon proposed the first version of ELF communications in Project Sanguine. It was to be 6,200 miles of cable buried underground, along with 100 ELF transmitter towers spread out over 40 percent of northern Wisconsin. It had to be built in Wisconsin because of unique granite bedrock which would not interfere with ELF signals. Project Sanguine was supposed to communicate with Trident submarines, and was designed to survive a nuclear attack. When residents became aware of it, the project was scuttled.

In 1975, Project Sanguine came back as Project Seafarer. Seafarer was not supposed to have nuclear survivability, but would have above-ground transmitters with underground cables. As Project Seafarer, though, ELF communications lost their wartime efficacy. In fact, an ad hoc ELF review group of the Secretary of Defense advised that a small ELF system would be of marginal utility and was not credible as an ultimate ELF system. However, it recommended that building a small ELF was better than building no ELF at all because the modified version would provide a basis for future system growth if ELF requirements later increased. This was a typical bureaucratic foot in the door program.

Again, due to public concern and budget pressures, President Carter terminated Seafarer in 1978 and directed further studies on how to proceed with ELF. Congressman OBEY was successful in fencing off funds in fiscal year 1979 until the President certified that ELF was in the national interest and that it had found a place to be built.

There was yet another scaled-down ELF system called Austere ELF that had been proposed in 1977. It would have been a single transmitter located at K.I. Sawyer Air Force Base in Michigan. Once it began development, Austere ELF was again in trouble with resident resistance and budget constraints. After a few years of misguided attempts and false starts, the Secretary of the Navy, John Lehman, recommended to the Secretary of Defense, Caspar Weinberger, that the ELF communication system be shelved.

Secretary Lehman was overruled, though, and the Reagan administration ordered the development of a scaled down system called Project ELF in 1981. In its present scaled down version, ELF consists of 28 miles of cable at Clam Lake and 56 miles of cable at Republic. ELF was initially ordered operational in 1985, and was fully functional by 1987.

Scaled down Project ELF was supposed to cost $230 million for development and construction. However, in an October 1993 letter to Senator NUNN, the Pentagon said it had invested nearly $600 million in ELF. In a January 1994 report on ELF, the Navy said that ELF costs approximately $15 to $16 million a year in operating costs.

If ELF served a strategic purpose, this would not be a significant investment. But Project ELF is ineffective and at best obsolete. For that reason, it is millions of dollars which can find a better use. Throughout its history, ELF has never found a mission fit for its times.

The Navy officially states that ELF is simply a communications system which tells a Trident to come to surface in order to receive a message; in effect, ELF is a bell ringer. If this was ever the true purpose, ELF is a faulty mechanism for that.

First, the bell ringer is supposed to protect the Tridents from detection by permitting them to surface on the call of a signal that they had a longer message awaiting them. Yet if they have to rise to the surface to receive their message, then they are at risk of detection before executing any order ELF would tell them to retrieve. ELF itself cannot execute an order.

Second, ELF has no reliable second strike or counterforce communication capability in any instance. It also cannot be counted on to communicate with a submarine during a crisis since its large size makes it extremely susceptible to conventional or nuclear attack. Thus, it is not dependable retaliatory action.

Further, if ELF were to be destroyed during attack, then subs would be required to use their antennae at or near the surface, and receive their messages through LF/VLF. But in the case of a crisis, submarines should be brought closer to the surface anyway, not only for better communications, but also because missiles cannot be launched from such depths as ELF reaches.

Finally, ELF is one-way communications system, so submarines cannot send messages back.

Thus, Project ELF's utility appears only to be in a pre-war disposition, and only for one purpose: to serve only as a triggering signal for a first-strike launch. This is a capability we are dismantling. So, ELF's mere presence is far more provocative than its utility warrants.

I should also mention that ELF's environmental impact may be quite damaging. Though no studies have conclusively found that ELF radiowaves are dangerous to residents in outlying areas, the research that has been done does little to comfort those living near Project ELF. A 1992 Swedish study found that children living near relatively weak magnetic waves such as those emanating from ELF are four times more likely to develop leukemia. I certainly understand any fears Wisconsin residents must have. In fact, in 1984, a U.S. District court, ruling on State of Wisconsin versus Weinberger, order Project ELF to be shut down because the Navy paid inadequate attention to ELF's possible health effects and violated the National Environmental Policy Act. An appeals court, though, threw out the ruling arguing that the national security threat from the Soviets at the time was more important. Clearly, the premise of that ruling is no longer valid given the collapse of the U.S.S.R.

For all these reasons, I am pleased that after trying to justify ELF's mission in the post-cold war world, the Navy is finally letting it go. Project ELF never made U.S. submarines invulnerable, and it doesn't make them invulnerable today. ELF is not worth any money because it doesn't have a purpose.

If it is a first-strike weapon, then it is destabilizing and threatening, which hardly increases our security. If it is merely a communication system, it is inadequate. A weapon or communications device designed to keep deeply submerged submarines submerged is no longer necessary. ELF was built for war, not peace. It is not guarding against any capable enemy now, but is sucking up money that could be.

I am pleased that the committee has recognized this, and recommended its termination in this rescission bill. I hope we will hold the cut in conference, and that, finally, this weapon, which has long been in search of a mission, is terminated.

AMENDMENT NO. 336

Mr. BRADLEY. Madam President, I regret that I was unable to be recorded on the vote on Senator HUTCHISON'S amendment concerning the Endangered Species Act. I would like to declare for the RECORD that, had I been present, I would have opposed—strongly opposed—the Hutchison amendment.

This amendment amounts to major legislation. This is not some little adjustment. There is little subtlety here. And, there is little doubt that this amendment has nothing to do with the task at hand, which is to provide supplemental appropriations to the Department of Defense and to cut Government spending.

I understand the call for reform of the Endangered Species Act. I have heard many allegations of abuse and bureaucratic overreach. But the Hutchison amendment is not reform. It solves no problems. It does not belong on this bill and it does not reflect well on the Senate or the majority to legislate in such a cavalier fashion.

Mr. INOUYE. Madam President, I have been told that we are now ready for final passage.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

Mr. INOUYE. Madam President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 3, as follows:

[Rollcall Vote No. 108 Leg.]

YEAS—97

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NAYS—3

Boxer
Hollings
Pryor

So the bill (H.R. 889), as amended, was passed as follows:

Resolved, That the bill from the House of Representatives (H.R. 889) entitled "An Act making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes", do pass with the following amendments:

(1)Page 1, strike out all after line 2 over to and including line 12 on page 16 and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes, namely:

TITLE I

CHAPTER 1

SUPPLEMENTAL APPROPRIATIONS

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $35,400,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $49,500,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $10,400,000.

Military Personnel, Air Force

For an additional amount for "Military Personnel, Air Force", $37,400,000.

Reserve Personnel, Navy

For an additional amount for "Reserve Personnel, Navy", $4,600,000.

OPERATION AND MAINTENANCE

Operation and Maintenance, Army

For an additional amount for "Operation and Maintenance, Army", $636,900,000.

Operation and Maintenance, Navy

For an additional amount for "Operation and Maintenance, Navy", $284,100,000.

Operation and Maintenance, Marine Corps

For an additional amount for "Operation and Maintenance, Marine Corps", $27,700,000.

Operation and Maintenance, Air Force

For an additional amount for "Operation and Maintenance, Air Force", $785,800,000.

Operation and Maintenance, Defense-Wide

For an additional amount for "Operation and Maintenance, Defense-Wide", $43,200,000.

Operation and Maintenance, Navy Reserve

For an additional amount for "Operation and Maintenance, Navy Reserve", $6,400,000.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

Defense Health Program

For an additional amount for "Defense Health Program", $14,000,000.

GENERAL PROVISIONS

SEC. 101. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 102. During the current fiscal year, appropriations available to the Department of Defense for the pay of civilian personnel may be used, without regard to the time limitations specified in section 5523(a) of title 5, United States Code, for payments under the provisions of section 5523 of title 5, United States Code, in the case of employees, or an employee's dependents or immediate family, evacuated from Guantanamo Bay, Cuba, pursuant to the August 26, 1994 order of the Secretary of Defense.

(INCLUDING TRANSFER OF FUNDS)

SEC. 103. In addition to amounts appropriated or otherwise made available by this Act, $28,297,000 is hereby appropriated to the Department of Defense and shall be available only for transfer to the United States Coast Guard to cover the incremental operating costs associated with Operations Able Manner, Able Vigil, Restore Democracy, and Support Democracy: Provided, That such amount shall remain available for obligation until September 30, 1996.

SEC. 104. (a) Section 8106A of the Department of Defense Appropriations Act, 1995 (Public Law 103–335), is amended by striking out the last proviso and inserting in lieu thereof the following: ": Provided further, That if, after September 30, 1994, a member of the Armed Forces (other than the Coast Guard) is approved for release from active duty or full-time National Guard duty and that person subsequently becomes employed in a position of civilian employment in the Department of Defense within 180 days after the release from active duty or full-time National Guard duty, then that person is not eligible for payments under a Special Separation Benefits program (under section 1174a of title 10, United States Code) or a Voluntary Separation Incentive program (under section 1175 of title 10, United States Code) by reason of the release from active duty or full-time National Guard duty, and the person shall reimburse the United States the total amount, if any, paid such person under the program before the employment begins".

(b) Appropriations available to the Department of Defense for fiscal year 1995 may be obligated for making payments under sections 1174a and 1175 of title 10, United States Code.

(c) The amendment made by subsection (a) shall be effective as of September 30, 1994.

SEC. 105. Subsection 8054(g) of the Department of Defense Appropriations Act, 1995 (Public Law 103–335), is amended to read as follows: "Notwithstanding any other provision of law, of the amounts available to the Department of Defense during fiscal year 1995, not more than $1,252,650,000 may be obligated for financing activities of defense FFRDCs: Provided, That, in addition to any other reductions required by this section, the total amount appropriated in title IV of this Act is hereby reduced by $200,000,000 to reflect the funding ceiling contained in this subsection and to reflect further reductions in amounts available to the Department of Defense to finance activities carried out by defense FFRDCs and other entities providing consulting services, studies and analyses, systems engineering and technical assistance, and technical, engineering and management support.".

(RESCISSIONS)

SEC. 106. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts in the specified amounts:

Operation and Maintenance, Navy, $16,300,000;

Operation and Maintenance, Air Force, $2,000,000;

Operation and Maintenance, Defense-Wide, $90,000,000;

Environmental Restoration, Defense, $300,000,000;

Aircraft Procurement, Army, 1995/1997, $77,611,000;

Procurement of Ammunition, Army, 1993/1995, $85,000,000;

Procurement of Ammunition, Army, 1995/1997, $89,320,000;

Other Procurement, Army, 1995/1997, $46,900,000;

Shipbuilding and Conversion, Navy, 1995/1999, $26,600,000;

Missile Procurement, Air Force, 1993/1995, $33,000,000;

Missile Procurement, Air Force, 1994/1996, $86,184,000;

Other Procurement, Air Force, 1995/1997, $6,100,000;

Procurement, Defense-Wide, 1995/1997, $81,000,000;

Defense Production Act, $100,000,000;

Research, Development, Test and Evaluation, Army, 1995/1996, $38,300,000;

Research, Development, Test and Evaluation, Navy, 1995/1996, $59,600,000;

Research, Development, Test and Evaluation, Air Force, 1994/1995, $81,100,000;

Research, Development, Test and Evaluation, Air Force, 1995/1996, $226,900,000;

Research, Development, Test and Evaluation, Defense-Wide, 1994/1995, $77,000,000;

Research, Development, Test and Evaluation, Defense-Wide, 1995/1996, $351,000,000.

(TRANSFER OF FUNDS)

SEC. 107. Section 8005 of the Department of Defense Appropriations Act, 1995 (Public Law 103–335; 108 Stat. 2617), is amended by striking out "$2,000,000,000" and inserting in lieu thereof "$1,750,000,000".

SEC. 108. REPORT ON COST AND SOURCE OF FUNDS FOR MILITARY ACTIVITIES IN HAITI.

(a) REQUIREMENT.—None of the funds appropriated by this Act or otherwise made available to the Department of Defense may be expended for operations or activities of the Armed Forces in and around Haiti sixty days after enactment of this Act, unless the President submits to Congress the report described in subsection (b).

(b) REPORT ELEMENTS.—The report referred to in subsection (a) shall include the following:

(1) A detailed description of the estimated cumulative incremental cost of all United States activities subsequent to September 30, 1993, in and around Haiti, including but not limited to—

(A) the cost of all deployments of United States Armed Forces and Coast Guard personnel, training, exercises, mobilization, and preparation activities, including the preparation of police and military units of the other nations of the multinational force involved in enforcement of sanctions, limits on migration, establishment and maintenance of migrant facilities at Guantanamo Bay and elsewhere, and all other activities relating to operations in and around Haiti; and

(B) the costs of all other activities relating to United States policy toward Haiti, including humanitarian and development assistance, reconstruction, balance of payments and economic support, assistance provided to reduce or eliminate all arrearages owed to International Financial Institutions, all rescheduling or forgiveness of United States bilateral and multilateral debt, aid and other financial assistance, all in-kind contributions, and all other costs to the United States Government.

(2) A detailed accounting of the source of funds obligated or expended to meet the costs described in paragraph (1), including—

(A) in the case of funds expended from the Department of Defense budget, a breakdown by military service or defense agency, line item, and program; and

(B) in the case of funds expended from the budgets of departments and agencies other than the Department of Defense, by department or agency and program.

SEC. 109. It is the sense of the Senate that (1) cost-shared partnerships between the Department of Defense and the private sector to develop dual-use technologies (technologies that have applications both for defense and for commercial markets, such as computers, electronics, advanced materials, communications, and sensors) are increasingly important to ensure efficient use of defense procurement resources, and (2) such partnerships, including Sematech and the Technology Reinvestment Project, need to become the norm for conducting such applied research by the Department of Defense.

SEC. 110. None of the funds appropriated or otherwise made available by this Act may be obligated or expended for assistance to or programs in the Democratic People's Republic of Korea, or for implementation of the October 21, 1994, Agreed Framework between the United States and the Democratic People's Republic of Korea, unless specifically appropriated for that purpose.

(2)Page 16 after line 12 insert:

SEC. 111. LIMITATION ON EMERGENCY AND EXTRAORDINARY EXPENSES.

(a) IN GENERAL.—Funds appropriated or otherwise made available to the Department of Defense may not be obligated under section 127 of title 10, United States Code, for the provision of assistance, including the donation, sale, or financing for sale, of any item, to a foreign country that is ineligible under the Foreign Assistance Act of 1961 or the Arms Export Control Act to receive any category of assistance.

(b) EFFECTIVE DATE.—The limitations in subsection (a) shall apply to obligations made on or after the date of enactment of this Act.

(3)Page 16, after line 12, insert:

SEC. 112. (a) Notwithstanding any other provision of law, no funds appropriated by this Act, or otherwise appropriated or made available by any other Act, may be utilized for purposes of entering into the agreement described in subsection (b) until the President certifies to Congress that—

(1) Russia has agreed not to sell nuclear reactor components to Iran; or

(2) the issue of the sale by Russia of such components to Iran has been resolved in a manner that is consistent with—

(A) the national security objectives of the United States; and

(B) the concerns of the United States with respect to nonproliferation in the Middle East.

(b) The agreement referred to in subsection (a) is an agreement known as the Agreement on the Exchange of Equipment, Technology, and Materials between the United States Government and the Government of the Russian Federation, or any department or agency of that government (including the Russian Ministry of Atomic Energy), that the United States Government proposes to enter into under section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153).

(4)Page 16 after line 12 insert:

SEC. 113. It is the sense of the Senate that—

(1) Congress should enact legislation that terminates the entitlement to pay and allowances for each member of the Armed Forces who is sentenced by a court-martial to confinement and either a dishonorable discharge, bad-conduct discharge, or dismissal;

(2) the legislation should provide for restoration of the entitlement if the sentence to confinement and punitive discharge or dismissal, as the case may be, is disapproved or set aside; and

(3) the legislation should include authority for the establishment of a program that provides transitional benefits for spouses and other dependents of a member of the Armed Forces receiving such a sentence.

(5)Page 16 after line 12 insert:

SEC. 114. RESCISSION OF FUNDS FOR CERTAIN MILITARY CONSTRUCTION PROJECTS.

(a) CONDITIONAL RESCISSION OF FUNDS FOR CERTAIN PROJECTS.—(1)(A) Notwithstanding any other provision of law and subject to paragraphs (2) and (3), of the funds provided in the Military Construction Appropriations Act, 1995 (Public Law 103–307; 108 Stat. 1659), the following funds are hereby rescinded from the following accounts in the specified amounts:

Military Construction, Army, $11,554,000.

Military Construction, Air Force, $6,500,000.

(B) Rescissions under this paragraph are for projects at military installations that were recommended for closure by the Secretary of Defense in the recommendations submitted by the Secretary to the Defense Base Closure and Realignment Commission on March 1, 1995, under the base closure Act.

(2) A rescission of funds under paragraph (1) shall not occur with respect to a project covered by that paragraph if the Secretary certifies to Congress that—

(A) the military installation at which the project is proposed will not be subject to closure or realignment as a result of the 1995 round of the base closure process; or

(B) if the installation will be subject to realignment under that round of the process, the project is for a function or activity that will not be transferred from the installation as a result of the realignment.

(3) A certification under paragraph (2) shall be effective only if—

(A) the Secretary submits the certification together with the approval and recommendations transmitted to Congress by the President in 1995 under paragraph (2) or (4) section 2903(e) of the base closure Act; or

(B) the base closure process in 1995 is terminated pursuant to paragraph (5) of that section.

(b) ADDITIONAL RESCISSIONS RELATING TO BASE CLOSURE PROCESS.—Notwithstanding any other provision of law, funds provided in the Military Construction Appropriations Act, 1995 for a military construction project are hereby rescinded if—

(1) the project is located at an installation that the President recommends for closure in 1995 under section 2903(e) of the base closure Act; or

(2) the project is located at an installation that the President recommends for realignment in 1995 under such section and the function or activity with which the project is associated will be transferred from the installation as a result of the realignment.

(c) DEFINITION.—In the section, the term "base closure Act" means the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(6)Page 16 after line 12 insert:

SEC. 115. SENSE OF SENATE ON SOUTH KOREA TRADE BARRIERS TO UNITED STATES BEEF AND PORK.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States has approximately 37,000 military personnel stationed in South Korea and spent over $2,000,000,000 last year to preserve peace on the Korean peninsula.

(2) The United States Trade Representative has initiated a section 301 investigation against South Korea for its nontariff trade barriers on United States beef and pork.

(3) The barriers cited in the section 301 petition include government-mandated shelf-life requirements, lengthy inspection and customs procedures, and arbitrary testing requirements that effectively close the South Korean market to such beef and pork.

(4) United States trade and agriculture officials are in the process of negotiating with South Korea to open South Korea's market to United States beef and pork.

(5) The United States meat industry estimates that South Korea's nontariff trade barriers on United States beef and pork cost United States businesses more than $240,000,000 in lost revenue last year and could account for more than $1,000,000,000 in lost revenue to such business by 1999 if South Korea's trade practices on such beef and pork are left unchanged.

(6) The United States beef and pork industries are a vital part of the United States economy, with operations in each of the 50 States.

(7) Per capita consumption of beef and pork in South Korea is currently twice that of such consumption in Japan. Given that the Japanese are currently the leading importers of United States beef and pork, South Korea holds the potential of becoming an unparalleled market for United States beef and pork.

(b) It is the sense of the Senate that—

(1) the security relationship between the United States and South Korea is essential to the security of the United States, South Korea, the Asia-Pacific region and the rest of the world;

(2) the efforts of the United States Trade Representative to open South Korea's market to United States beef and pork deserve support and commendation; and

(3) The United States Trade Representative should continue to insist upon the removal of South Korea's nontariff barriers to United States beef and pork.

(7)Page 16 after line 12 insert:

SEC. 116. (a)(1) The Senate finds that the Treaty on the Non-Proliferation of Nuclear Weapons, hereinafter referred to as the NPT, is the cornerstone of the global nuclear nonproliferation regime;

(2) That, with more than 170 parties, the NPT enjoys the widest adherence of any arms control agreement in history;

(3) That the NPT sets the fundamental legal and political framework for prohibiting all forms of nuclear nonproliferation;

(4) That the NPT provides the fundamental legal and political foundation for the efforts through which the nuclear arms race was brought to an end and the world's nuclear arsenals are being reduced as quickly, safely and securely as possible;

(5) That the NPT spells out only three extension options: indefinite extension, extension for a fixed period, or extension for fixed periods;

(6) That any temporary or conditional extension of the NPT would require a dangerously slow and unpredictable process of re-ratification that would cripple the NPT;

(7) That it is the policy of the President of the United States to seek indefinite and unconditional extension of the NPT: Now, therefore;

(b) It is the sense of the Senate that—

(1) indefinite and unconditional extension of the NPT would strengthen the global nuclear nonproliferation regime;

(2) indefinite and unconditional extension of the NPT is in the interest of the United States because it would enhance international peace and security;

(3) the President of the United States has the full support of the Senate in seeking the indefinite and unconditional extension of the NPT;

(4) all parties to the NPT should vote to extend the NPT unconditionally and indefinitely; and

(5) parties opposing indefinite and unconditional extension of the NPT are acting against their own interest, the interest of the United States and the interest of all the peoples of the world by placing the nuclear nonproliferation regime and global security at risk.

(8)Page 16 after line 12 insert:

SEC. 117. NATIONAL TEST FACILITY.—It is the sense of the Senate that the National Test Facility provides important support to strategic and theater missile defense in the following areas—

(a) United States-United Kingdom defense planning;

(b) the PATRIOT and THAAD programs;

(c) computer support for the Advanced Research Center; and

(d) technical assistance to theater missile defense;

and fiscal year 1995 funding should be maintained to ensure retention of these priority functions.

(9)Page 16 after line 12 insert:

SEC. 118. (a) In determining the amount of funds available for obligation from the Environmental Restoration, Defense, account in fiscal year 1995 for environmental restoration at the military installations described in subsection (b), the Secretary of Defense shall not take into account the rescission from the account set forth in section 106.

(b) Subsection (a) applies to military installations that the Secretary recommends for closure or realignment in 1995 under section 2903(c) of the Defense Base Closure and Realignment Act of 1990 (subtitle A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(10)Page 16 after line 12 insert:

CHAPTER II

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

DEBT RESTRUCTURING

DEBT RELIEF FOR JORDAN

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans to Jordan issued by the Export-Import Bank or by the Agency for International Development or by the Department of Defense, or for the cost of modifying: (1) concessional loans authorized under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, and (2) credits owed by Jordan to the Commodity Credit Corporation, as a result of the Corporation's status as a guarantor *of credits in connection with export sales to Jordan; as authorized under subsection (a) under the heading, "Debt Relief for Jordan", in title VI of Public Law 103–306, $275,000,000, to remain available until September 30, 1996: Provided, That not more than $50,000,000 of the funds appropriated by this paragraph may be obligated prior to October 1, 1995.*

(11) Page 16 strike out line 13 and insert:

TITLE II

(12) Page 16, strike out all after line 20 over to and including line 7 on page 17 and insert:

DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

IMMIGRATION EMERGENCY FUND

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–317, $10,000,000 are rescinded.

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–317 for the Advanced Technology Program, $32,000,000 are rescinded.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $2,500,000 are rescinded.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

INFORMATION INFRASTRUCTURE GRANTS

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–317, $34,000,000 are rescinded.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–317, $40,000,000 are rescinded.

RELATED AGENCIES

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317 for tree-planting grants pursuant to section 24 of the Small Business Act, as amended, $15,000,000 are rescinded.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317 for payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $15,000,000 are rescinded.

DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

(ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD)

(RESCISSION)

Of unobligated balances available under this heading, $28,500,000 are rescinded.

(13) Page 17, after line 18, insert:

Of the funds appropriated in Public Law 103–316, $3,000,000 is hereby authorized for appropriation to the Corps of Engineers to initiate and complete remedial measures to prevent slope instability at Hickman Bluff, Kentucky.

(14) Page 18, after line 6 insert:

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–306, $70,000,000 are rescinded.

(15) Page 18, strike lines 14 to 20 and insert:

DEVELOPMENT ASSISTANCE FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–87 and Public Law 103–306, $13,000,000 are rescinded.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–87 and Public Law 103–306, $9,000,000 are rescinded.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–87 and Public Law 103–306, $18,000,000 are rescinded, of which not less than $12,000,000 shall be derived from funds allocated for Russia.

(16) Page 19, after line 14, insert:

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–332—

(1) $1,500,000 are rescinded from the amounts available for making determinations whether a species is a threatened or endangered species and whether habitat is critical habitat under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(2) none of the remaining funds appropriated under that heading may be made available for making a final determination that a species is threatened or endangered or that habitat constitutes critical habitat (except a final determination that a species previously determined to be endangered is no longer endangered but continues to be threatened).

To the extent that the Endangered Species Act of 1973 has been interpreted or applied in any court order (including an order approving a settlement between the parties to a civil action) to require the making of a determination respecting any number of species or habitats by a date certain, that Act shall not be applied to require that the determination be made by that date if the making of the determination is made impracticable by the rescission made by the preceding sentence.

(17) Page 20, strike out lines 2 to 6 and insert:

STUDENT FINANCIAL ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–112, $100,000,000 made available for title IV, part A, subpart 1 of the Higher Education Act are rescinded.

(18) Page 20, after line 10 insert:

FEDERAL AVIATION ADMINISTRATION

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading that remain unobligated for the "advanced automation system", $35,000,000 are rescinded.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the available contract authority balances under this heading in Public Law 97–424, $13,340,000 are rescinded; and of the available balances under this heading in Public Law 100–17, $126,608,000 are rescinded.

MISCELLANEOUS HIGHWAY DEMONSTRATION PROJECTS

(RESCISSION)

Of the available appropriated balances provided in Public Law 93–87; Public Law 98–8; Public Law 98–473; and Public Law 100–71, $12,004,450 are rescinded.

(19) Page 20, strike out lines 11 to 15

(20) Page 20, strike out lines 16 to 19

(21) Page 21, strike out lines 5 to 11

(22) Page 21, after line 11 insert:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under this heading in prior years, $400,000,000 are rescinded from amounts available for the development or acquisition costs of public housing.

(23) Page 21, after line 11, insert:

TITLE III—MISCELLANEOUS

SEC. 301.—Notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation for the vessel L. R. BEATTIE, United States official number 904161.

(24) Page 21, after line 11, insert:

TITLE IV—MEXICAN DEBT DISCLOSURE ACT OF 1995

SEC. 401. SHORT TITLE.

This title may be cited as the "Mexican Debt Disclosure Act of 1995".

SEC. 402. FINDINGS.

The Congress finds that—

(1) Mexico is an important neighbor and trading partner of the United States;

(2) on January 31, 1995, the President approved a program of assistance to Mexico, in the form of swap facilities and securities guarantees in the amount of $20,000,000,000, using the Exchange Stabilization Fund;

(3) the program of assistance involves the participation of the Federal Reserve System, the International Monetary Fund, the Bank of International Settlements, the World Bank, the Inter-American Development Bank, the Bank of Canada, and several Latin American countries;

(4) the involvement of the Exchange Stabilization Fund and the Federal Reserve System means that United States taxpayer funds will be used in the assistance effort to Mexico;

(5) assistance provided by the International Monetary Fund, the World Bank, and the Inter-American Development Bank may require additional United States contributions of taxpayer funds to those entities;

(6) the immediate use of taxpayer funds and the potential requirement for additional future United States contributions of taxpayer funds necessitates Congressional oversight of the disbursement of funds; and

(7) the efficacy of the assistance to Mexico is contingent on the pursuit of sound economic policy by the Government of Mexico.

SEC. 403. REPORTS REQUIRED.

(a) REPORTS.—Not later than April 1, 1995, and every month thereafter, the President shall

transmit a report to the appropriate congressional committees concerning all United States Government loans, credits, and guarantees to, and short-term and long-term currency swaps with, Mexico.

(b) CONTENTS OF REPORTS.—The report described in subsection (a) shall include the following:

(1) A description of the current condition of the Mexican economy.

(2) Information regarding the implementation and the extent of wage, price, and credit controls in the Mexican economy.

(3) A complete documentation of Mexican taxation policy and any proposed changes to such policy.

(4) A description of specific actions taken by the Government of Mexico during the preceding month to further privatize the economy of Mexico.

(5) A list of planned or pending Mexican Government regulations affecting the Mexican private sector.

(6) A summary of consultations held between the Government of Mexico and the Department of the Treasury, the International Monetary Fund, or the Bank of International Settlements.

(7) A full description of the activities of the Mexican Central Bank, including the reserve positions of the Mexican Central Bank and data relating to the functioning of Mexican monetary policy.

(8) The amount of any funds disbursed from the Exchange Stabilization Fund pursuant to the approval of the President issued on January 31, 1995.

(9) A full disclosure of all financial transactions, both inside and outside of Mexico, made during the preceding month involving funds disbursed from the Exchange Stabilization Fund and the International Monetary Fund, including transactions between—

(A) individuals;

(B) partnerships;

(C) joint ventures; and

(D) corporations.

(10) An accounting of all outstanding United States Government loans, credits, and guarantees provided to the Government of Mexico, set forth by category of financing.

(11) A detailed list of all Federal Reserve currency swaps designed to support indebtedness of the Government of Mexico, and the cost or benefit to the United States Treasury from each such transaction.

(12) A description of any payments made during the preceding month by creditors of Mexican petroleum companies into the petroleum finance facility established to ensure repayment of United States loans or guarantees.

(13) A description of any disbursement during the preceding month by the United States Government from the petroleum finance facility.

(14) Once payments have been diverted from PEMEX to the United States Treasury through the petroleum finance facility, a description of the status of petroleum deliveries to those customers whose payments were diverted.

(15) A description of the current risk factors used in calculations concerning Mexican repayment of indebtedness.

(16) A statement of the progress the Government of Mexico has made in reforming its currency and establishing an independent central bank or currency board.

SEC. 404. PRESIDENTIAL CERTIFICATION.

Notwithstanding any other provision of law, before extending any loan, credit, guarantee, or arrangement for a swap of currencies to Mexico through any United States Government monetary facility, the President shall certify to the appropriate congressional committees that—

(1) there is no projected cost to the United States from the proposed loan, credit, guarantee, or currency swap;

(2) all loans, credits, guarantees, and currency swaps are adequately collateralized to ensure that United States funds will be repaid;

(3) the Government of Mexico has undertaken effective efforts to establish an independent central bank or an independent currency control mechanism; and

(4) Mexico has in effect a significant economic reform effort.

SEC. 405. DEFINITION.

As used in this title, the term "appropriate congressional committees" means the Committees on Banking and Financial Services and International Relations of the House of Representatives and the Committees on Foreign Relations and Banking, Housing, and Urban Affairs of the Senate.

(25)Page 21, strike out lines 12 to 15 and insert:

This Act may be cited as the "Supplemental Appropriations and Rescissions Act, 1995".

The PRESIDING OFFICER. The title amendment is agreed to.

The title was amended so as to read:

Making supplemental appropriations and rescissions for the fiscal year ending September 30, 1995, and for other purposes.

Mr. HATFIELD. Mr. President, I move to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I move the Senate insist on its amendments and request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. GORTON) appointed Mr. HATFIELD, Mr. STEVENS, Mr. COCHRAN, Mr. GRAMM, Mr. DOMENICI, Mr. MCCONNELL, Mr. GORTON, Mr. SPECTER, Mr. BOND, Mr. BURNS, Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. JOHNSTON, Mr. LEAHY, Mr. HARKIN, Mr. LAUTENBERG, Ms. MIKULSKI and Mr. REID conferees on the part of the Senate.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. DOLE. Mr. President, I ask unanimous consent that at 5 p.m. on Monday, March 20, the Senate proceed to Calendar No. 26, S. 4.

I further ask unanimous consent that the general debate on the line-item veto occur from 10 a.m. to 3 p.m. on Friday, and 10 a.m. to 5 p.m. on Monday, with the time to equally divided as designated by the leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DOLE. I thank my colleagues. It is my understanding that the Senator from Arizona would like to discuss, generally, the line-item veto this evening, and somebody on the other side may wish to discuss it this evening.

There will be no votes this evening and no votes tomorrow. I do not anticipate a vote on Monday. But there will be discussion. Once the bill is laid down Monday, there will be discussion into the evening on the bill itself. On Tuesday, I hope we might start voting.

MORNING BUSINESS

Mr. DOLE. Mr. President, I ask that there be a period for morning business with Members permitted to speak therein for an indefinite time, unless there is some agreement on equal time. I think Senator MCCAIN wants to speak for a couple of hours.

Mr. President, was leader time reserved?

The PRESIDING OFFICER. It was.

Mr. DOLE. I ask unanimous consent that I may use part of my leader's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENT CLINTON'S ANNOUNCEMENT ON FEDERAL REGULATIONS

Mr. DOLE. Mr. President, today President Clinton announced his proposal for reinventing environmental, food and drug regulations. I certainly want to welcome President Clinton to the regulatory reform debate. Easing the burdens of compliance is a welcome first step, but misses the point that real reform means getting rid of unnecessary and overburdensome regulations.

President Clinton is trying to have it both ways. On the one hand, his limited proposals are consistent with legislation I have introduced on regulatory reform. On the other, he sent his administrator of EPA to Capitol Hill last week to denounce our common sense reform bill as rolling back 20 years of environmental protection and to reel off wild horror stories that are an obvious misreading of what we are trying to do.

On February 21, President Clinton specifically instructed the Federal regulators "to go over every single regulation and cut those regulations which are obsolete." President Clinton's proposal does not meet that test—his proposal is no substitute for eliminating unnecessary regulations that stifle productivity, innovation and individual initiative. That is exactly the kind of reform the American people are looking for, and the kind of reform our comprehensive regulatory reform act will provide.

What I am looking for is real common sense when regulations are needed. Commonsense regulations that will not require fines for not checking the right box, regulations that do not define all farm ponds as wetlands and regulations that will not create significant burdens for small businesses and communities.

Americans are demanding that we get government off their backs by eliminating unnecessary regulations and applying some common sense before enacting regulations that are necessary. President Clinton's proposal today, while welcome, does not address this fundamental problem. I invite him to work with us to pass meaningful regulatory reform.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

THE LINE-ITEM VETO

Mr. McCAIN. Mr. President, as we begin discussion and debate on the line-item veto, I would like to express my appreciation to the majority leader for his assistance in gathering together people who have very different views on this very volatile issue. The majority leader and his staff assistant, Sheila Burke, have worked night and day to get a consensus amongst Republicans. I believe that we on this side of the aisle look forward to a unanimous vote—at least on cloture. I do not think that, at least some time ago, that many observers believed that was possible. I believe it is probable now.

Mr. President, I would also like to express my appreciation to Senator DOMENICI, who has a very longstanding involvement in this issue. He has some very strongly held views. But most importantly, Senator DOMENICI has been very important in shaping a compromise. Most of all, I would like to thank my friend from Indiana, Senator COATS, who has been my partner for many, many years on this issue. He has worked very hard. He has done, I think, a magnificent job, and I am very proud that he and I have been able to engage in this kind of partnership, which I believe will fundamentally change the way the Government does business and will fundamentally bring about changes and a restoration, frankly, of confidence on the part of the American people as to how their tax dollars are spent.

Mr. President, there are many ways to interpret the election of November 8. There is no doubt in my mind, and in most observers' minds, that an overwhelming message was sent that the American people do not have confidence in their Government in Washington, and part and parcel of that lack of confidence is the way that we spend their tax dollars. Fodder for talk shows across America today is the indiscriminate pork barrel, wasteful spending practice that has become a way of life and indeed a disease which has consumed both bodies of Congress.

Everyone has their favorite anecdote as to how we spend millions or billions or tens of billions of dollars on frivolous or unnecessary projects, frivolous or unnecessary items, that have no bearing on the purpose for which they are stated—but perhaps more importantly, would never, ever be authorized and appropriated under the normal procedures that the Senate should adhere to. What I mean by that is a hearing authorization and subsequent appropriation.

I do not know how this vote is going to turn out at the end of a week or so. I am grateful that the leader has said that we intend to move to cloture at a fairly early point. We do not intend to drag this issue out. This issue is well known to every Member of this body. It certainly should be. On seven different occasions in the last 8 years, either Senator COATS or I have brought up this measure, although we have always been stymied in the past because a budget point of order has lain against the amendment. The reason for that is obvious. I was in the minority party.

Now that we are in the majority, we are able to bring this measure to the attention of this body.

And it is possible that we will not achieve 60 votes in order to cut off debate in order to move to amending and serious final consideration of the bill. I believe that we will reach 60 votes. But if we do not, I want to assure my colleagues again that I will continue to pursue this effort until I either succeed or leave this body.

I want to point out an added dimension to this issue, Mr. President, and that is the role of the President of the United States.

The President of the United States, in his booklet that he put out when he ran for President in 1992, "Putting People First," said a line-item veto is a necessary item. Let me quote, Mr. President, from "Putting People First," Governor Bill Clinton on the line-item veto:

> I strongly support the line-item veto because I think it is one of the most powerful weapons we could use in our fight against out-of-control deficit spending.

"In our fight against out-of-control deficit spending."

Mr. President, shortly after President Clinton took office, I had a meeting with him. He said, "I look forward to working with you on the line item veto." And, I must say, in the succeeding 2 years, I was disappointed that the White House refused to take a position in support of the line-item veto.

I have heard public statements since the November election on the part of the President of the United States. I strongly urge his involvement in this issue if he believes in it, as he said he does, and I do believe that he is committed to it. I look forward to his active participation in this issue because it is clear that there will have to be 6 votes from that side of the aisle in order to reach the number of 60, which is what is required in order to invoke cloture.

Mr. President, we have a $4 trillion debt, approaching $5 trillion. We have a growing budget deficit. We have misplaced priorities and, as I mentioned, we have a loss of public confidence and cynicism.

Mr. President, we are going to hear a lot of history during this debate. We are going to hear about the days of the Greeks, the Roman Empire, Great Britain, our earliest days. But I want to talk about something that happened a little over 20 years ago.

In 1974, the Congress of the United States enacted the Budget and Impoundment Act. The Budget and Impoundment Act basically prevented the President of the United States from impounding funds which were authorized and appropriated by the Congress of the United States.

I understand why that happened at that time. We had a weakened Presidency and that President had also abused that impoundment authority to the point where billions of dollars, which Congress had appropriately authorized and appropriated, were being impounded and not spent.

President Nixon was not the first President to do this. The first President to do this, from the record that I can find, was President Thomas Jefferson, who impounded $50,000 that the Congress had appropriated for the purchase of gunboats and he impounded that money.

From the earliest times in our history, when impoundment was practiced by the President of the United States, until 1974, the President of the United States, for all intents and purposes, had a line-item veto power. In other words, he had the authority to not spend moneys and use so-called impoundment authority. In 1974, Mr. President, the Budget Impoundment Act was enacted.

Mr. President, it is not a coincidence—it is not a coincidence—if we look at this chart, that beginning around 1974–75, the deficit began to rise. There obviously are a couple of valleys in it, but the overall trend is not only significant but it is clearly alarming.

What happened, Mr. President? I think it is clear the real restraint on the appropriations process and the appropriations of funds, which really had no real fiscal governing on it, took place, and we went from fundamentally a rather small deficit and accumulated debt to one which, as we know now, is approaching $5 trillion.

And the bad news is, as we know, Mr. President, that as a result of actions taken in the last few years by Congress, there will be a temporary decline in the annual deficits, but never a decline to zero. And, tragically, because of a variety of reasons, the deficit will start on a very steep upward climb, and there is no end in sight of deficits. And this year, Mr. President, we are going to spend more money to pay interest on the national debt than we are on national defense.

Now, if someone had said in 1974, when a much larger proportion of the budget was devoted for national defense than it is today, that 20-some years later we would be paying more in interest on the national debt than we are on national defense, they would have thought that we were actually inhaling wrong and incorrect substances. The fact is that it has happened. The fact is it is approaching $5 trillion, and we are beginning to hear the confidence in the American economy translated in the stock market, but, most of all, translated in the strength of the American dollar which is being eroded because of the burgeoning debt that has been accumulated. And, again, as I said, there is no end in sight.

Mr. President, later next week, probably on Tuesday, the majority leader will be offering a substitute which will contain a couple of additional items to supplement S. 4, which is the result of the consensus amongst those people who are interested in the bill. Let me briefly explain the details of the measure that will be proposed by the majority leader.

It will direct the enrolling clerk to enroll each item where money is allocated to be spent in an appropriations bill as a separate and distinct bill. This would allow the President to sign or veto each item.

Number two, it would also mandate that any language in a report to accompany an appropriations bill that specifies how money be spent must be included in the bill itself. Further, if the report contains direction on how Federal funds are to be spent and the legislation itself does not, a point of order would lie against the bill.

Mr. President, this legislation would enable the President to veto pork-barrel spending and other nonpriority spending without sacrificing appropriations for important and necessary functions of the Government.

This bill would allow the President to use his constitutional right to veto legislation in order to prevent wasteful, unnecessary spending. It is a simple, but very necessary approach to help solve the problem of wasteful spending in this era of crippling Federal budget deficits.

Mr. President, pork-barrel politics is certainly not a new phenomenon in our Republic. However, given the systemic damage inflected on our economy by Federal deficit spending, it is unacceptable that Congress should still expect the taxpayer to continue underwriting our addiction to pork. The political appeal of pork-barrel spending has clearly lost its luster as the people have come to recognize the gravity of our fiscal dilemma. The failure of a Speaker of the House and the chairmen of powerful committees to be returned to office is stark testimony to the people's determination that the cost of pork-barrel spending to the Nation greatly exceeds its value to them individually.

As usual, Mr. President, the people have grasped the essence of this Faustian bargain well in advance of Congress' common understanding of the conflict between immediate political gratification and the progress of our civilization. Parents sacrifice for the future well-being of their children. Certainly, parents are willing to dispense with temporal pleasures if payment for those pleasures would require their children to live in greatly diminished circumstances from those into which they were born. That is, of course, the Faustian bargain that wasteful Federal spending represents. Why is it, Mr. President, that we expect American parents to prove more selfish with regard to the squandering of their children's national inheritance than they are when husbanding the family's wealth?

I know that Senators opposed to this bill will declaim eloquently on the indispensable contribution that public works projects have made to America's development as a great nation. I will not argue the fact. But neither will I accept that all public works projects have been necessary or even defensible expenditures of public resources. Today, the near insolvency of the Federal Government requires that all Federal spending meet much stricter standards of need than have governed congressional appropriations in the past.

Mr. President, let us review the facts regarding our Nation's fiscal health.

The Federal debt is approaching $5 trillion.

The cost of interest on that debt is now almost $200 billion a year. That is more money than the Federal Government will spend on education, science, law enforcement, transportation, food stamps, and welfare combined.

The Federal budget deficit set a record of $290 billion in 1992.

By 2003, the deficit is expected to leap to a staggering $653 billion and will have reached its largest fraction of gross domestic product in more than 50 years.

Mr. President, it is impossible to exaggerate the urgency with which we must restrain the further, reckless descent of this Nation into bankruptcy. Nor can we take much comfort from our past attempts at restraining spending. The simple and unavoidable fact is that following each of the last major budget deals, the deficit increased, spending increased, and taxes increased.

No remedy to our escalating debt proposed by Congress or the Executive has been adequate to the task. Neither, Mr. President, will the line-item veto—even if exercised vigorously by the President—be sufficient means to secure the end of deficit spending. But of this I am confident: without the discipline imposed on Congress by a Presidential line-item-veto authority, we will forever spend more money than the Treasury receives in revenues. Opponents of this measure will resent that charge, but the examples of Congress' inability to live within the Nation's means—even in the midst of fiscal crisis—are simply too numerous for me to conclude that Congress will meet its responsibilities without some measured restoration of the balance of power between the Congress and the executive branch.

Mr. President, I might point out that for the last 10 years, as I have been a supporter of the line-item veto, some who are perhaps a bit cynical have said, "You would probably not support the line-item veto if it was a member of the other party who was President of the United States." I am here on this floor today to State unequivocally, I am as fervently in support of a line-item veto under this President or any other President no matter what that President's party affiliation might be.

Mr. President, it will be very hard to measure the exact effects of a line-item veto, because when a line-item veto is threatened we will find a dramatic reduction in the kinds of anecdotal appropriations which have plagued this body's reputation with the American people.

No longer, Mr. President, will we see $2.5 million appropriated to study the effect on the ozone layer of flatulence in cows. No longer will we see billions of dollars appropriated out of the defense account on items that have nothing to do with national defense.

The reason for that is because before that is tucked into an appropriations bill, Mr. President, there is the great fear that that piece of pork will be exposed to the light of day by the President of the United States and there will be time for something to be done about it. One of the great tragedies and dilemmas I faced over the years is that I always seem to find out most of the egregious aspects—most, not all, most—of the egregious aspects of pork in appropriations bills after they are passed.

That has to do with the system in which we do business, and perhaps, with the lack of efficiency on my part. Time after time after time, I have seen appropriations bills, and much to my astonishment, seen items in there which are egregious.

If it is believed that there is a strong likelihood that the President of the United States would highlight that particular item, send it to the Congress of the United States with all the attendant publicity and veto it, and then ask the Congress of the United States to examine it in the light of day and debate it, I do not think we will see those kinds of examples, Mr. President.

I do not think we will see that. Time after time, we have seen the amendment that is accepted on both sides—not read, then accepted on both sides—and then placed in as a line in an appropriations bill. I believe that, and I am convinced that nowhere will we be able to total up how much of those will be prevented from appearing in an appropriations bill.

Ending deficit spending is, of course, a monumental undertaking that will involve asking all, including many powerful coalitions, to sacrifice immediate and parochial rewards for the greater good of the Nation. The line-item veto—whether it is derived from enhanced rescission or separate enrollment—is a small, but indispensable part of real budgetary reform.

Mr. President, if we are to take control of the budget process we must change the process. We must restore what has come to be an imbalance in the checks and balances between the executive and legislative branches, and we must balance the power between the congressional authorizing committees and the Appropriations Committee.

Now is the time to rise above jurisdictional rivalries and political turf wars. We must avoid letting institutional pride deprive the Nation of an effective response to the critical problems clouding our future. And most importantly, we must stop the microscopic focus on local wants and desires to the exclusion of national needs. Now, Mr. President, is the time for statesmen who—for the sake of the Nation which our children will inherit—are prepared to relinquish some of the personal power they have accrued through their service to the Nation.

We must reinstitute budgetary restraint and take firm action to control spending. This will involve implementing specific strategies and standing behind a commitment to decrease spending—no matter what the political climate. This will involve accepting one set of budgetary goals and not allowing them to float or be adjusted.

Mr. President, one glaring example of our failure to resolutely adhere to spending discipline is the alteration-beyond-all-recognition of the Gramm-Rudman-Hollings deficit targets. The Congress had sought when it passed the Gramm-Rudman-Hollings Act to impose mandatory spending caps on the Congress. During recent years, however, these fixed budget targets have become relaxed and are now meaningless.

Mr. President, when push came to shove, the Congress allowed these ceilings to be altered. Due to the pressure of Gramm-Rudman-Hollings on the Congress to curtail its deficit spending, the Congress curtailed Gramm-Rudman-Hollings. As a result, the 1990 Budget Act was passed and new higher targets were established.

Now, 4 years into that agreement, deficits and domestic spending are being allowed to increase without penalty, despite the massive cuts in defense and huge tax increases. The problem of ending the deficit, although mentioned frequently and solemnly in our political discourse as the Nation's first priority, has yet to be addressed seriously by this or any previous Congress.

The only solution to our budgetary problems and our profligate spending habits is substantial process reform. One key aspect of that process reform is the line-item veto. Mr. President, I implore those who say there is no need for the line-item veto to listen to the arguments in support of that authority made by Americans of varied experiences and political persuasions who are united only in their concern for the fiscal health of the nation.

> Ross Perot on Good Morning America stated: "There's every reason to believe that if you give the Congress more money, it's like giving a friend who's trying to stop drinking a liquor store. The point is they will spend it. They will not use it to pay down the debt. If you don't get a balanced budget amendment, if you don't get a line-item veto for the President, we might as well take this money out to the edge of town and burn it, because it'll be thrown away."

Then-Governor Clinton on Larry King Live: "We ought to have a line-item veto."

Candidate Bill Clinton on Putting People First: "Line-Item Veto. To eliminate pork-barrel projects and cut government waste, I will ask Congress to give me the line-item veto."

President Bill Clinton in his Inaugural Address:

> Americans deserve better * * * so that power and privilege no longer shut down the voice of the people. Let us put aside personal advantage so that we can feel the pain and see the promise of America. Let us give this Capitol back to the people to whom it belongs.

According to the CATO Institute, December 9, 1992, Policy Analysis:

> Ninety-two percent of the governors believe that a line-item veto for the President would help restrain federal spending. Eighty-eight percent of the Democratic respondents believe the line-item veto would be useful.
>
> America's governors and former governors have a unique perspective on budget reform issues. Most of them have had practical experience with the line-item veto and balanced budget requirement in their states. The fact that most governors have found those budget tools useful in restraining deficits and unnecessary government spending suggests that they may be worth instituting on the federal level.

Additionally from the CATO Institute Study:

> Keith Miller (R), former Governor, AK: "The line-item veto is a useful tool that a governor can use on occasion to eliminate blatantly "pork barrel" expenditures that can strain a budget. At the same time he must answer to the voters if he or she uses the veto irresponsibly. It is a certain restraint on the legislative branch."
>
> Michael Dukakis (D), former Governor, MA: "The line-item veto is helpful in stopping efforts to add riders and other extraneous amendments to the budget bill."
>
> L. Douglas Wilder (D), Governor, VA: "To the detriment of the federal process, the President is not held accountable for a balanced budget. Congress takes control over budget development with its budget resolution, after which, the President may only approve or veto 13 appropriations bills. Without the line-item veto the President has minimal flexibility to manage the Federal budget after it is passed."
>
> S. Ernest Vandiver (D), former Governor, GA: "Tremendous tool for saving money."
>
> Ronald Reagan (R): "When I was governor in California, the governor had the line-item veto, and so you could veto parts of a bill. The President can't do that. I think, frankly—of course, I'm prejudiced—government would be far better off if the President had the right of line-item veto."

THE GREATER THREAT OF INACTION

Mr. President, many have characterized this legislation as a dangerous ploy to centralize political power in the hands of the Executive. Since the President has no authority to appropriate money for projects he believes are important, he will always have abundant incentive to compromise with Congress. Such compromises will always be necessary for the President to govern at all and will, of course, prevent the unlikely danger of a tyranny emerging at the other end of Pennsylvania Avenue. Congress will still dispose of whatever the President proposes and thus the checks and balances which distinguish our Republic will remain secure.

What the opponents of this measure often ignore is the greater danger presented by our out-of-control budget process.

For instance, as my colleagues know, I believe one of the most dangerous consequences of pork-barrel spending is its weakening of the national security of the United States. I do not make that charge lightly. As thousands of men and women who volunteered to serve their country have to leave military service involuntarily because of declining defense budgets, money is still found in defense bills to underwrite billions of dollars worth of nondefense spending in the defense bill. At a time when we need to restructure our forces and manpower to meet our post-cold war military needs, we have squandered billions to build projects on bases that are slated to be closed.

Mr. President, every Member of Congress has pursued projects for his or her district or State which may lack obvious merit. It is an institutional problem. There are no saints here of my acquaintance. Certainly, I am not one. I have been guilty in the past of pursuing projects in my State. But the supporters of this measure are trying to change this system that has so clearly failed the country. We are trying to make a difference. I am not here to cast aspersions on other Senators who secured projects for their States. I am not here to start a partisan fight.

But it serves no one—not the Members of this institution nor the people we represent—to ignore or attempt to obscure our individual and collective responsibility for the piling up of $3.7 trillion in debt. We have done this. And while we have often done this in the name of the people we serve, those very people believe we have done it to sustain ourselves in power. And those people, Mr. President, are not buying it any longer.

Anyone who feels that the system does not need reform need only examine the trend in the level of our public debt. As I have stated in my analysis of the most recent budget plans, the deficit has continued to grow and spending continues to increase. In 1960, the Federal debt held by the public was $236.8 billion. In 1970, it was $283.2 billion. In 1980, it was $709.3 billion. In 1990, it was $3.2 trillion, and it is expected to near $5 trillion this year.

With line-item veto authority, the President could play a more active role in helping to prevent the further waste of taxpayers' resources for purposes that do not really serve our national security needs, our infrastructure needs, and other important purposes that merit public support.

According to a recent General Accounting Office [GAO] study, $70 billion could have been saved between 1984 and 1989, if the President had a line-item veto—$70 billion.

The line-item veto will, indeed, change the way Washington operates. I know that very admission will provide grounds for some Members to oppose this measure. As I previously noted, I am completely confident that the constitutional distortions which some opponents fear the line-item veto will cause will not occur. But there will be change. Unnecessary parochial spending will decline. Thus, this change that we should all welcome.

RETURN TO THE VIEWS OF THE FOUNDING FATHERS AND THE CONSTITUTION

Mr. President, let me remind my colleagues that a President empowered with a veto was not considered a threat to our Republican form of Government by the Framers of the Constitution.

This bill in no way alters or violates any of the principles of the Constitution. It preserves wholly the right of the Congress to control our Nation's purse strings—a trust the Congress has sometimes abused. On the contrary, this legislation helps sustain the sound checks and balances which provide enduring protection from tyranny.

The veto was designed by the Founding Fathers to ensure that the President retains the authority to govern should Congress exceed the bounds of responsible stewardship of the Nation's wealth.

According to Alexander Hamilton in Federalist No. 73 the views of the Founding Fathers on Executive veto power are as follows:

> It [the veto] not only serves as a shield to the executive, but it furnishes an additional security against the inaction of improper laws. It establishes a salutary check upon the legislative body, calculated to guard the community against the effect of faction, precipitancy, or any impulse unfriendly to the public good, which may happen to influence a majority of that body.

Given Congress' predilection for unauthorized and/or pork-barrel spending, omnibus spending bills, and continuing resolutions, it would seem only prudent and constitutional to provide the President with functional veto power.

The President must have more than the option of vetoing a spending cut bill and shutting down Government or simply submitting to congressional coercion.

The authority provided him by this strictly defined and limited line-item veto will not fundamentally upset the balance of power between the executive and legislative branches. It is consistent with the values expressed in our Federal Constitution.

The President is given very limited power by this bill. It is limited to appropriation bills and it can only be exercised for a limited time after the passage of an appropriations bill. Congress is guaranteed—by the Constitution—the opportunity to quickly overturn the President's veto. Opponents speak of their alarm over the prospect of Presidential coercion. But does any Member truly believe that Members—irrespective of their political affiliation—would not unite in opposition to a President who was attempting to abuse his powers. When has any Congress failed to do so in the past? Did not a majority of Congress—including many members of the President's party, oppose President Roosevelt's attempt to pack the Supreme Court? Did not a majority of Congress, including most members of the President's party, join in opposition to President Nixon's abuse of his office? I have no doubt, whatsoever, that Congress would not submit to extortion from a President with line-item veto authority. They would expose the President's coercion, and overturn any offensive rescission.

Charges that the President would abuse this power are also misleading and unfounded.

Again, I will rely upon Alexander Hamilton, who posed this question to his contemporaries in Federalist No. 73:

> If a magistrate so powerful and so well fortified as a British monarch would have scruples about the exercise of the power under consideration, how much greater caution may be reasonably expected in a President of the United States, clothed for the short period of four years with the executive authority of government wholly and purely republican?

Mr. President, the Constitution gives each House the power to set and establish its own rules. Additionally, the Constitution does not define the term "bill." Therefore, what constitutes a bill, or a matter to become law that is presented to the President, may be defined by the Congress in any way that it sees fit. The Constitution did make clear that any type of measure passed by both Houses must be presented to the President.

For example, if a bill were named an ordinance, it would still have to be presented to the President. As reinforced in the Chadha versus INS case, anything with legal standing adopted by Congress must be presented to the President. The form of the presentment is up to the discretion of the Congress as a function of its internal rulemaking ability. Therefore, Mr. President, it is clear that division of a bill into separate parts is an internal rule change, and not a presentment issue.

Some will claim incorrectly that this bill violates the delegation clause of the Constitution. The delegation clause is not applicable here since the Congress is not delegating any power. It is merely adopting rules to change the manner in which it sends certain legislation to the President.

Others will claim that the Presentment Clause mandates that legislation be passed by both Houses in the same form before it is sent to the President, and that Separate Enrollment by a clerk after the passage of the legislation therefore changes the form of the legislation and violates the Presentment Clause.

This charge is also untrue. Changes made to a bill strictly of a technical nature due to the mechanics of the process of enrolling a measure have never been considered a change to a bill. Further, such technical changes would never merit subsequent action by either House. Lastly, let me point out that the Senate on the first day of session traditionally, authorizes the Enrolling Clerk—as an employee of the body—to make technical corrections as necessary to bills sent to the Clerk.

Additionally—and very importantly—the precedence for separate enrollment has already been established by the House of Representatives. The House has rules that "deem" a measure or matter as passed. The Gephardt rule states that when the House passes the concurrent budget resolution, the debt limit increase is deemed to have been passed by the entire body. The rule authorizes the Clerk to incorporate language into the concurrent resolution regarding the debt limit. Note that the budget concurrent resolution is not even a bill, yet the House enrolling clerk enrolls in it the entirety of another, never considered measure.

Another argument against this bill is that we cannot delegate legislative powers to the Enrolling Clerk and separate enrollment would do precisely that.

Once again the critics of this bill are incorrect. Separate enrollment gives no additional power or authority to the enrolling clerk. The Congress, within its ability to establish its own rules and instruct its employees on their duties, is prescribing certain limited activities to the clerk, not transferring any power to an unelected official.

To summarize, Mr. President, this legislation is constitutional and should be allowed to move forward.

PRESIDENTIAL POWER USED TO IMPLEMENT BUDGETARY REFORM

Congress' infidelity to sound fiscal policy was aggravated in 1974 by the Budget Control and Impoundment Act. If opponents of the line-item veto are seeking an example of a dangerous transfer of political power, they can end their search with that power grab by Congress. Specifically, the Budget Control and Impoundment Act of 1974 weakened executive power by allowing the Congress the legal option of ignoring the spending cuts recommended by the President through simple inaction.

Since 1974, the Congress' attitude toward presidential rescission has been one of increasing neglect.

President Ford proposed 150 rescissions, and Congress ignored 97. President Carter proposed 132 rescissions, and Congress ignored 38. President Reagan proposed 601 rescissions, and Congress ignored 134. President Bush proposed 47 rescissions, and Congress ignored 45.

If the Congress had accepted the 564 Presidential rescissions that it has ignored since 1974, $40.4 billion would have been saved. This is not a trivial sum to the taxpayer, even if it is to Washington veterans.

The practice of ignoring Presidential rescissions is in contrast to the practice prior to the 1974 act. Presidents Truman, Eisenhower, Kennedy, Johnson, and Nixon all impounded funds that Congress had appropriated for line item projects.

These modern Presidents were not alone in their exercise of rescission power. In 1801, President Jefferson refused to spend $50,000 on gunboats as appropriated by Congress. He, of course, had good reason. When the gunboats were appropriated, a war with Spain was considered imminent. The war never materialized, and the threat posed by Spain ended. As these circumstances changed, Jefferson thought it was within his power to eliminate what had become unnecessary spending.

The money for gunboats was not spent, and money was not appropriated in 1802 for the gunboats.

Clearly, the Union did not fall because the President refused to waste the taxpayers' money.

Until 1974, our Presidents had the power to decide whether appropriated moneys should be spent or not. It is indeed true that President Nixon abused the power of impoundment. But the abuses of one man do not require us to permanently deny all Presidents the authority to restrict spending.

Again, let me quote Alexander Hamilton in Federalist No. 73 on the role of executive veto power in our system of checks and balances:

> When men, engaged in unjustifiable pursuits, are aware that obstruction may come from a quarter which they cannot control, they will often be restrained by the apprehension of opposition from doing what they would with eagerness rush into if no such external impediments were to be feared.

Those opposed to this legislation should consider that sound observation when contemplating the importance of some of the "unjustifiable pursuits" that find their way—irresistibly—into every appropriations bill passed by Congress.

Let me return to the broader picture of process reform. Many opponents claim that a President with line-item veto authority would not have any real ability to balance the budget or even significantly reduce the deficit. I will make no claims that this bill is the answer to all our budgetary problems.

As I earlier stated, the line-item veto is only one of many needed tools in our efforts to restore the Nation's financial health. With roughly $1 trillion of entitlement spending in a budget of $1.5 trillion, it is clear that a line-item veto will not solve all of our fiscal difficulties. Only a Congress with a political will not characteristic of recent Congress' will be able to balance the budget.

A President dedicated to restraining Federal spending could use line-item veto power as an effective tool to reduce Government spending and move closer to a balanced budget than we are today.

The GAO study makes my point. A President with line-item veto authority could have saved the American taxpayer $70 billion since 1974.

A determined President may not be able to balance the budget—only the voters can ultimately control Congress—but a determined President could make substantial progress toward real spending reduction.

As we continue to confront enormous budget deficits and annually search for ways to reduce spending, it is obvious that there our efforts will require the service of a President whose line-item veto authority has been restored. With our public debt expected to approach $3.9 trillion this year and a gross domestic product of roughly $5.7 trillion, it seems quite probable that our debt may soon surpass our output. Unless we decide to simply wait for the moment when this growing crisis begets a movement for stronger measures that really will threaten constitutional principles, we ought not decry those reasonable and constitutionally sound measures that will help us control the greatest threat facing our Republic.

With that in mind, I hope the Senate would consider the following quote by a figure in the Scottish Enlightenment, Alexander Tytler. He stated:

> A democracy cannot exist as a permanent form of government. It can exist only until a majority of voters discover that they can vote themselves largesse out of the public treasury. From that moment on, the majority always votes for the candidate who promises them the most benefit from the public treasury, with the result being that democracy always collapses over a loose fiscal policy.

It is to prove Mr. Tytler wrong that I ask my colleagues to support this bill. If our debt surpasses our output, I fear Mr. Tytler will be proved correct, and the recognition of his powers of prophecy will mean that the noblest political experiment in human history will have ended in failure.

This bill is only a small step toward preventing the arrival of such a dismal calamity for this country and mankind. But it is a necessary step. I urge my colleagues to support this measure.

Mr. President, we are going to have a lot of detailed debate on this issue. Some may appear to observers to be esoteric and somewhat minute. There are significant questions about the constitutionality and the other aspects of this bill as far as its applicability ranging from how much money it would save to whether it directly violates the Constitution of the United States.

Mr. President, I do not claim to be a Constitutional expert. I do claim to have been involved in this issue now for 10 years. I do claim to have read and discussed with eminent Constitutional scholars this entire issue, and I am convinced that any argument on Constitutional grounds can be easily rebutted.

The question, however, will be, is the Congress of the United States prepared to transfer significant power from the legislative branch of Government to the executive branch of Government for the sake of the future of our children? Is the Congress of the United States, especially those Members who are in more powerful positions than others, prepared to do what is necessary?

We cannot live with that deficit. Our children and our children's children will be called upon someday to pay that bill. And if we do not start now to reduce that deficit, an exercise in fiscal sanity, we will not only threaten our children's futures but we will continue to increase the cynicism that exists in America today about the profligate way we spend the taxpayers' dollars. There is no confidence in America today that the Congress of the United States spends that money in a wise fashion.

Mr. President, that is not my personal opinion. Poll after poll after poll concerning this issue confirms that statement. When people lose confidence in their government, then very bad things can happen because then, over time, they search for other means of governing or they search for other people or parties that they think can govern better.

On this side of the aisle, as the Presiding Officer well knows since he is a newly arrived Member of this body, having come from the other body, I believe we made a promise to the American people. We made several promises. Those promises were embodied in the Contract With America. The crown jewels of the Contract With America in my opinion—others may differ—were a balanced budget amendment and a line-item veto. Unfortunately, recently the Senate failed to enact a balanced budget amendment. The reasons for it have been well discussed and dissected in every periodical in America so I do not intend to go into the reasons why. But the fact remains the American people, in overwhelming majorities, are deeply disappointed that we did not have the courage, we could not muster 67 or two-thirds of the votes in this body to make that happen and send that measure to the States for their ratification.

Now we are confronted with a second duel and that is the line-item veto. It is going to be a close call. It is going to be very, very close, as to whether we can obtain the 60 votes to get cloture or not. I do not know if we will be able to achieve that.

I know I am willing, and those of us who are supporters are willing to negotiate with our colleagues on the other side of the aisle and try to satisfy concerns they have. Obviously, we will not negotiate the principle of two-thirds majority override but we certainly would be willing to talk about ways in which we can protect Social Security, for example, and make sure we do not do damage to those who are least fortunate in our society.

At the same time, when all this concern is voiced about those who are unfortunate in our society and cannot defend themselves—the elderly, the children, the poor, the homeless, those who are ill—the fact is if we do not do something about that, we cannot help any of them. If we do not stop this deficit spending there is no way we can help the people who need help in our society, because we will be spending all our money on paying off a debt or we will debase the currency through inflation, reduce the national debt but at the same time destroy middle-income America. We will be faced with those two choices.

Again I want to say, the line-item veto will not balance the budget. But I hasten to add the budget will not be balanced without a line-item veto. That graph over there is a compelling argument to validate my argument, my statement. Between the years of this Nation's birth, which are not on that chart, up until 1974, roughly, our deficit was either a slight one or nonexistent. Beginning in 1974 and 1975 it skyrocketed off the charts.

For 10 years, Senator COATS and I have been working on this issue. For 10 years we have brought up this issue before this body, unable to do anything but ventilate the argument, ventilate the issue, talk about it and debate it, knowing full well that the Senator from West Virginia or the Senator from Oregon were going to pose a budget point of order and we would not succeed in that effort and we would be doomed to try again another day or another year.

I believe this is the defining moment for this issue. I believe we should engage in extended and in-depth debate in a manner and environment of respect for one another's views. At the same time, I believe if we lose this battle we are sending a message that we are willing to do away with our children's futures and any opportunity for fiscal sanity.

Before I yield the floor I again would express my appreciation to my dear, dear friend, Senator COATS, who has been, many times, the one who has helped restore my spirits after we have suffered defeat after defeat and encouraged me and himself. I hope I have encouraged him from time to time to stay at this very critical battle even at the risk of bruising friendships and relationships we might have with others in this body, and even at risk of appearing somewhat foolish from time to time as we jousted with a windmill in the form of a majority on the other side in full recognition we could not succeed.

But I say to my friend from Indiana, I do not know if we would be here today if we had not done all the things we did for the past 10 years. Without his help and friendship I do not believe we would be here.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Indiana.

Mr. COATS. Mr. President, my understanding is that under the unanimous consent agreement time is managed by the Senator from Arizona. The Senator from Alaska has asked for 5 minutes of time in which—or more if he wishes—to introduce some legislation. I think if the Senator from Arizona will yield that time I think it would be appropriate at this time.

Mr. McCAIN. Mr. President, I yield to the Senator from Alaska whatever time he needs to consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I am grateful to the Senator from Indiana and the Senator from Arizona. I find myself in an a position this year of applauding the leadership they are giving to this subject of the line-item veto. I will be making a statement on that tomorrow.

(The remarks of Mr. STEVENS pertaining to the introduction of S. 575 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

THE NATIONAL DEBT

Mr. COATS. Mr. President, Calvin Coolidge may have been a man of few words, but the thoughts he expressed when he chose to speak were very precise. On the subject of government spending he once very accurately observed that, "Nothing is easier in the world than spending public money. It does not appear to belong to anyone."

How true those words were because we have seen a Congress spend the public's money in a way that has significantly reduced the respect and credibility of this institution in a way that has taxpayers across America not only scratching their heads in wonder but shaking their fists in rage, disturbed over the fact that while they are getting up in the morning and fighting traffic and getting to work and putting in an honest day's work for what they thought was an honest day's pay, they receive their paycheck at the end of the week and bimonthly and note the ever-increasing deduction for funds being sent to Washington to pay for programs and to pay for expenditures that they do not deem in the national interest.

They are becoming outraged, and they are frustrated. They expressed that outrage and frustration this past November. They wanted a change in the way that this Congress does business. They have been calling for it for years, even decades. Politicians have been going back home and promising change. "Elect me and we will do it differently." People ask, "Well, what can you do about it?"

Many of us were proposing two basic structural changes in the way that the Congress does business. One was the balanced budget amendment. Despite all of the fine rhetoric, all of the wonderful promises, all of the budget bills, the budget deals, the budget reduction packages that were debated, voted on, and promised by the Congress, despite all of that, Americans continued to see an ever-escalating debt, hundreds of billions of dollars annually of deficit spending, and a frightening explosion in the national debt.

In 1980, when I was elected to Congress, one of the very first pieces of legislation that we had to vote on was whether or not we would raise the national debt ceiling—that is, that level over which we could not borrow money—to raise that to $1 trillion. Many of us were deeply concerned that we not break the trillion dollar threshold. We had campaigned that year in 1980 on fiscal responsibility. We campaigned on balancing the budget. We knew that, if we were going to balance the budget, we had to stop the flow of red ink. That was our first priority. We knew, if we were going to reduce that debt, that we could not have any more years of deficit spending.

So we were concerned about raising that debt limit. Yet, for a whole variety of reasons—some of them valid and many of them invalid, but all because of a lack of discipline—we not only did not balance the budget but we saw the national debt explode; explode from the $1 trillion level to nearly $5 trillion today, a 500-percent increase. It almost is beyond our ability to comprehend how we as a Nation could have gone from a $1 trillion debt level to nearly a $5 trillion debt level.

Automatic spending as a way of meeting entitlement obligations clearly has played an enormous role in all of this, some necessary defense increases, some less than projected revenue estimates, but primarily a lack of will on the part of the Congress to curb its spending habits and its appetite for spending. I said then and I said in the debate a few weeks ago and I still believe that until we enact into the Constitution of the United States a requirement that this body balance its budget each and every year, we will not solve our debt problem. We will not begin to solve our debt problem.

My greatest disappointment in my years in Congress has been our failure by one vote to join the House of Representatives and pass on to the States for their consideration and, hopefully, their ratification a balanced budget amendment—one vote. We came that close. I think the American people instinctively know that, unless the Constitution forces us to balance the budget, we will always find an excuse not to. As Calvin Coolidge said, how easy it is to spend what appears to be someone else's money because it does not appear to belong anywhere.

We have seen year after year after year Congress saying, "Well, maybe next year, too many pressing priorities this year, too big a problem to address all at once, we will do it another time." Or, we have seen Congress say "Here is the legislation that will put us on the path to a balanced budget, that will bring finally fiscal discipline to this body." Of course, we have seen every one of those efforts fail.

Now we are looking at the second tool to try to curb congressional spending, this appetite for spending, spending, spending, and paying for it not by asking the taxpayer to ante up, although we have done that, and it has I think had a negative effect on our ability to grow and provide opportunities for our young people and job opportunities for Americans. But we found a convenient way to pass on the debt to a different generation to a time when we are no longer here serving; pass it on by floating debt, by incurring debt which future generations will have to pay. We are paying it now. We are paying $200-and-some billion a year just in interest. It is rapidly approaching $300 billion a year—$300 billion which could be used either to impose a lesser tax burden on Americans, to provide a child tax credit which would give American families with children an opportunity to meet some of their financial obligations, to put aside money for college or savings, pay the rent, pay the mortgage, buy the clothes, or meet their monthly obligations. Or it could be used for more appropriate needs that exist in our society. But, no, it goes simply to pay interest on the debt, and it mounts every year. It is the second largest expenditure in our budget. In a few years, it will exceed the entire spending for national security, for all our military men in uniform, for all that we provide for national defense. Interest. Just paying obligations so that we can spend now and somebody can pay for it later.

So we come to the second tool. The Senate has rejected, unfortunately, by one vote, the right of the people, the right of the States to determine whether or not they want this fiscal discipline imposed constitutionally on the Congress of the United States. We now come to the second institutional change, the line-item veto. As my colleague, Senator MCCAIN, said, make no mistake about it, this will not balance the budget. This is not enough of a tool to do the job. But it is an institutional change. It is a structural change in the way that we do business, and it can make a difference and it can make a substantial difference.

Senator MCCAIN and I, as he recently has said, have been fighting this battle for a number of years. We have alternately introduced it. JOHN MCCAIN manages it one time, and I manage it another time—alternately introducing the line-item veto under different forms—enhanced rescission we called it. It is a statutory measure designed to secure passage with 51 votes instead of two-thirds. It is not a constitutional amendment. But we have been offering it in Congress after Congress, year after year, always falling short of the necessary number of votes to break a filibuster, because those who oppose line-item veto, those who believe Congress can exercise the will for fiscal discipline, those who feel that the power of making those decisions should not rest anywhere except in this body have been able to block our efforts.

Senator MCCAIN has been, as is his great talent, a man of extraordinary perseverance, extraordinary commitment, extraordinary dedication to this issue and many others that he has been involved with. He paid me a nice compliment by saying I shored him up at times when he was discouraged and we were not making more progress. He has picked me up equally as much, and maybe more. Sometime we think, what is the use, we are never going to get there, we are never going to break the power and the hold on the spending process that currently exists with those who see spending, or the control of the process, as advantageous, for whatever reason.

But I want to compliment him for continuing to persevere. He is a man of great perseverance. I want to compliment him for pushing through and insisting that we go forward. Together we are doing that. And we know we have the support of many colleagues and we have the support of a vast majority of the American people because they have lost confidence in Congress' promises, in Congress' ability to discipline itself. They know that we need system changes. They know that we need structural changes if we are going to get this accomplished.

It has become so easy to spend in this body that, every year, about 10 billion dollars' worth of appropriations are tacked onto an already loaded Federal budget for spending that meets no emergency request, is not formally authorized by Congress, and that means it has not been discussed and debated and examined by the authorizing committees and voted on and put forward to our colleagues to examine. Nor has it been requested by the President. On the contrary, it is $10 billion that serves only to appease or satisfy a particularly parochial special interest. As a result, Congress has become so addicted to spending other peoples' money, that the last time the Federal budget was balanced on a regular basis, Calvin Coolidge was still alive. Political scientist James Payne calls this a culture of spending. "Members of Congress," says Payne, "act as if Government money is somehow free." They distribute it like philanthropists helping worthy supplicants—except that they are usually lobbyists or special interests, and the money goes to a very narrow, very parochial use. In a recent tabulation of witnesses who testified at congressional hearings, Mr. Payne found that fully 95.7 percent of them came to urge more Government spending. Only 0.7 percent spoke against it. I do not know what happened to the other 3 or 4 percent. They probably just came to see the monuments and watch Congress in session.

This year, the President sent to Congress a budget that directs the Government to spend $1.6 trillion. Every month of that year, the Government will spend $134 billion; every week, $31 billion; every day, $4.4 billion; every hour, $184 million; $3 million a minute; every second of every day, the Federal Government will spend another $50,000 of someone else's money.

By the end of 1996, the Federal deficit will have increased by $200 billion, a figure that will be repeated in 1997, 1998, 1999, and the year 2000, after which it will rise even greater. That is a projection on which we almost always come in under what the actual figure is. But the sad fact is that even if the President could manage to send a balanced budget proposal to Congress, it probably would not make any difference. Congress would still choose to pad the bill with billions of extra dollars of parochial pork.

In some cases, these projects are tacked on—usually at the last minute—to legislation that is too important or too politically risky for the President to veto, like Federal disaster assistance when California is devastated by floods, when hurricanes devastate south Florida, or when the military needs a pay raise, or emergency spending is needed to cover deployments or costs that it has incurred, or benefits for veterans. These huge bills pass often, literally, in the dark of the night. But almost always we find tucked away in the very dark recesses of complicated bills, sometimes weeks and months later, we find items of appropriations that go for special interests, that go for special spending, which causes all of us to ask, how in the world did that become part of this bill? How in the world did the Congress ever pass something like that? In honesty, many of us say we did not even know we passed it. Well, it was part of the HUD-Independent Agencies appropriations bill. Well, that was a 1,300-page bill, and while we searched through it, we must have found tucked away in there—sometimes in very obscure language—spending that goes for something that the taxpayer finds is absolutely outrageous.

And every year, this type of spending adds up to billions of dollars worth of unnecessary spending that would wilt in a white-hot minute if it were forced to weather the glare of public scrutiny. If that item was brought to the floor of the Senate and debated solely on that item, and if Members were forced to vote yea or nay on that item, it would never pass; it would never stand the scrutiny of the light of public debate. Members would never risk a vote for an item that brings outrage to the American public when they hear about it.

The list goes on and on, and Senator McCain and I will have the opportunity to detail some of that list. It is not our purpose tonight to castigate other Members. In one sense, we are all guilty. There is probably not a Member of Congress that has not gone to the Appropriations Committee and said, "Do you think there is a way we can get this particular appropriated item in the bill? It is important to my constituents and it is something that I think is important. Can we get it tucked on there? Has it been authorized?" "No. You know it is going to be tough to get that through the authorization process, and my colleagues might not understand. But could we just add it to this bill? This bill is going through."

There is probably not one of us that does not bear some responsibility, some blame, for this.

What we are saying here is that the system is bad, and the system needs to be changed. Some people make a career out of doing this. Others do it on occasion. But whether it is a standard operating procedure or whether it is just an occasional request, the system allows it to happen and it is not right and it ought to stop.

If you happen to occupy an important position here, a position where you are influential in terms of appropriating certain funds, it is quite easy to add some items. Every year in appropriations bills, we find certain Members seem to do quite well, thank you. They happen to occupy positions that allow them that opportunity.

But we are not going to list the items. Americans read about them regularly in the newspapers, in the magazines. They hear about them on the national news. In fact, one network outlined on a regular nightly basis for several weeks—and perhaps it is still going on—how your money is spent. And each time they do that, our phones light up the next morning, the mail pours in, people stop you back at home and say, "How in the world can you take my hard earned dollars and spend it on that item?"

Mr. President, we have a budget process that encourages delay, rewards subterfuge, and works to the detriment of the American people. But any spending that must be attached or hidden is spending that cannot be justified on its merits.

It is time for us to change the system. It is time for us to shine a light in the deep, dark corners of deficit spending. It is time to give the President and to give the American people the line-item veto.

Just as a yellow highlight earmarks and highlights a text, the line-item veto will give the President the power to highlight Government pork by drawing bright lines through the billions of dollars of added on Federal waste. No longer will unnecessary expenditures be able to hide in the dark details of necessary bills. The line-item veto will spotlight their existence and force legislators to defend their merits in open debate.

More importantly, the line-item veto means that pork finally stops at somebody's desk. Even if the Congress persists in passing wasteful spending measures, the people can still demand that the President line out parochial pork barrel projects that increase their tax burden and threatens their children's future. The line-item veto is a giant step forward in fiscal responsibility.

Mr. President, today objections raised by the Congress against the line-item veto seem to boil down to some fundamental questions. One of the questions is: Is the line-item veto the best solution to the problem?

As I said earlier, the best solution would have been a balanced budget amendment. Congress failed by one vote in that effort.

But the next best structural change that can take place would be the line-item veto, in this Senator's opinion, because it is clear the Congress cannot muster the will to, on a regular basis or even on an occasional basis, balance the budget.

As I said, Calvin Coolidge was still alive the last time we did balance the budget. Our record is pretty sorry, despite our promises, despite our best efforts.

The other objection raised is: Is this constitutional? Let me address the first one: Is it the best solution?

Obviously, the best solution would be for the Congress to put the interest of the country before its own parochial interests, to follow the basic principle, which we attempted to teach our children around the kitchen table or sitting in the family room, that every corporation in America has to follow, that every home owner has to follow: If you keep spending more money than you take in, you are going to get yourself in deep trouble.

How many times have I told my children, how many times have any of us told our children, "Look, you can't spend more than you have. Sure you can get a plastic credit card, but the bill comes 30 days later and there is interest attached. And the interest is not cheap. It keeps adding up. And if you keep mounting that up, you are going to get yourself in a real hole."

And there are a lot of Americans that have done that.

Well, we each are given a credit card when we come here. It is called our ID. In the House, they actually use it to put it in a machine and that records their vote. Here, we vote by voice vote. But this is the most expensive credit card in America. It says "United States Senator." It allows us to walk in this Chamber and, because we can carry this card, we have license to the taxpayers' dollar.

What we are suggesting here is that that license has been abused. We have racked up the points. We have reached the limit and it is time to call each of us on that. And it is time to change the system, time to put some restrictions on the use of this card. Maybe I should say the abuse of this card.

We have demonstrated an institutional inability to restrain ourselves from unnecessary pork barrel spending. And perhaps the line-item veto is the only tool we have left.

Each year, Congress sends the White House massive bills, at most 13 appropriations bills. All of our spending is pretty much compressed into 13 bills.

Sometimes we send the President one continuing resolution. That combines all the bills that we have not passed separately into one bill and we have one vote, yes or no. We send this massive bill to the President—sometimes it is the entire spending for the entire Federal Government—and we say, "Well, Mr. President, the fiscal year runs out on September 30 at midnight. We are going to send you a bill up about 10 p.m., September 30. That is going to allow you to continue Government running until we get around to passing the separate appropriations bills."

Sometimes we never do. We just operate. In other words, we give him authority to continue spending the money that he had last year.

Send it up there about 10 o'clock and say, "Mr. President, you have about 2 hours—I know the bill is several thousands of pages long—a couple hours to look at it. Now you can veto it. You might find some things in there you do not like. You can veto it. But, of course, the Government will shut down. Nobody will get paid. Everything stops. All the checks stop."

And the President is held almost in a position of blackmail because his only choice is to either accept the whole bill or veto the whole bill.

So the ground rules offered by Congress are very clear. Tie the President's hands by leaving him with a take-it-or-leave-it decision and obscure in the process all the uncounted billions of dollars of unnecessary pork-barrel spending.

Now this maneuver is very commonplace in the Congress. Because it seems that our facility for outrage has been dulled by the repetition of the times that we have done this. But I would suggest it is also contemptible, for when we hide those excesses behind the shield of vital legislation, we do it precisely to avoid making hard choices, to mask our actions and to confuse the American taxpayer.

In other words, we avoid public ridicule by consciously attempting to keep citizens from knowing how their money is spent. We hope they do not find out.

We criticize the press sometimes, but sometimes we have to give them credit. Sometimes those people sit down and pore through those bills and say, "Wait until you, American taxpayer, hear about this one." And we pick up the USA Today the next morning and there is the list of spending that just defies rationality, particularly at a time of burgeoning deficits.

In his 1985 State of the Union Address, President Reagan very effectively demonstrated this point; that is, the point of Congress dumping massive legislation on his desk in a take-it-or-leave-it proposition. The President slammed down 43 pounds and 3,296 pages of Congress' latest omnibus spending bill. He slammed it down on the desk of Tip O'Neill. It was the bill that represented $1 trillion worth of spending—one bill. Not one penny of which he had the power to veto unless he rejected the entire bill.

As my colleague, Senator MCCAIN, has pointed out, Congress' addiction to pork barrel politics has reached the point where it is threatening even our national security and consuming resources that could be better spent on returning it to the taxpayers in the form of tax cuts, on deficit reduction, or any one of a legitimate number of worthwhile programs that would benefit all Americans—not just the few who happen to live in one particular State or one particular district.

The seriousness of this problem demands a serious response. I suggest, as Senator MCCAIN suggested, the line-item veto is a serious response because it will force this Congress to get serious about spending and end business as usual because "business as usual" is something that this country can no longer afford.

Mr. President, before the Budget Impoundment and Control Act of 1974, Presidents could eliminate or impound political pork by simply refusing to spend the appropriated funds. Using this tactic, President Johnson in 1967 eliminated 6.7 percent of total Federal spending, which in today's terms would amount to about $99 billion.

A few years later, President Nixon provoked Congress' wrath by impounding the money for more than 100 different programs. Typically, Congress was outraged. In 1974, it retaliated. Grab the power of unlimited political pork by passing legislation that would "ensure congressional budget control."

Now, I do not know if that is an oxymoron or not. I guess an oxymoron is just 2 years. Maybe this is an oxy-oxymoron. "Congressional budget control," it is like airline food and the Postal Service—they just do not seem to ring quite right. Congressional budget control. Dare we use the term "ensure" congressional budget control when we have seen the national debt increase from $1 to $5 trillion in less than 15 years?

Under the new law passed in 1974, the President can still propose cuts. The Congress said, "Well, listen, we will not take this power away from you completely. You can still propose cuts, but those cuts will not take effect," Congress said, "unless both the House and the Senate vote to approve those cuts in 45 days."

Well, as we can guess, this proved just a little too convenient for Congress. In order to kill a Presidential cut, Congress quickly learned it does not have to do anything, a skill at which we are very adept at, as history will testify.

So in the years that followed, only 7 percent of the proposed cuts that President Ford sent to the Congress were approved. From 1983 to 1989 we only approved 2 percent of President Reagan's proposed cuts. President Bush proposed 47 rescissions. We approved one of them. Congress got its way.

But the result was not only more congressional control but more congressional spending. From 1969 to 1974, President Nixon kept domestic discretionary spending to an annual growth rate of 7.3 percent. In 1975, the first year the new recision provision went into place, that is, if Congress does nothing, the President cannot stop the spending, Federal spending, and nondefense discretionary programs grew by an unprecedented 26.4 percent. Let me make that point again: When he had the power to check congressional spending, congressional spending only grew, discretionary spending only grew at 7.3 percent a year.

The year after Congress took it away, took the President's power away to do this, it jumped to 26.4 percent. The wild growth in Federal spending can often be traced to a number of causes. One of the reasons is crystal clear: The President has had limited authority left to prioritize how funds are spent. Congress can no longer be checked by the prospects of Presidential impoundment.

Today what we have is a President with no reliable means to check the excesses of Congress, because by simple inaction Congress can perpetuate projects that we can no longer afford. Inertia is rewarded with scarce funds. Pet projects are shielded by our indecision. Predictably, the effect on the deficit has been dramatic.

Mr. President, I expect that the majority leader will introduce a substitute to the bill that Senator MCCAIN and I are introducing. We have been working very, very closely with the majority leader in crafting a measure which we believe is even more effective than the one which we proposed and which, hopefully, can secure additional support.

I want to commend the majority leader for his efforts in moving forward, in designating line-item veto as a top five priority for this Congress. Mr. President, S. 4 is the bill that was introduced by the majority leader. The one that Senator MCCAIN and I have been working on for a number of years, trying to refine the differences, pick up additional support.

We have been working now with the majority leader, the Chairman of the Budget Committee, and others in this Congress to write an even stronger bill, write an even better bill. We expect that the majority leader will be introducing that in a relatively short time—not tonight—but early next week.

Under that legislation, each item in an appropriations bill will be enrolled separately. That means it will be defined separately as a bill and presented to the President for his signature. In this way, the President will be able to pick and choose among funding, supporting those he considers worthy, and vetoing others.

Under this process, Congress will no longer be able to protect its excesses by simply wrapping egregious spending in one omnibus bill or tacking it in, hoping to hide it from public scrutiny. On the contrary, Congress will be forced to put itself on the record, and any conflict between the Congress and the President will be publicly aired before the American people.

The reform embodied in this amendment is not radical. It would simply restore a balance between the executive and legislative branches to what was regular practice for 185 years of American history.

As I said, since 1989 Senator McCAIN and I have fought for the line-item veto as a tool to rein in out-of-control spending. I believe there is no surer sign of our commitment to real change than our willingness to have this Republican Congress, in one of its first defining acts, to give this tool to a Democrat President.

If President Clinton had the line-item veto, the savings would not be miraculous, but they could be substantial. For years, Senator McCAIN and I heard the charges from the opposition. "Well, you would not do this if it were a Democrat sitting in the White House. You would not give up that power." We said, "yes, we would." We are not giving it to a particular person. We are giving it to the office, to the office of the Presidency, because we so firmly believe that Congress has abused its privilege of deciding and solely determining the power of the purse that we believe that the President needs a check, a balance, that the President had prior to 1974.

It is not like we are giving him something new. We are restoring something that he already had. We want to give him that authority. Whether it is a Republican President or a Democrat President, there needs to be a check on the excessive spending habits of Congress.

Senator McCAIN has mentioned that the GAO report that says that in the mid-1980's we could have saved $70 billion if the President had line-item veto. Some will dispute that amount. No one can dispute—no one can dispute—that we would have saved money. No one can dispute that we would have prevented a great deal of excess wasteful pork-barrel spending, whatever the amount.

If it were $70 billion, think what that could have done. We could have doubled the personal exemption for families struggling to raise their children, to pay the bills. We could have paid for the entire student loan program for 5 years. We could have cut the national debt, and could have substantially reduced our interest obligations.

If the President gets this line-item veto authority, we will never know the full extent of the savings because what it will do is it will send a message to every Member of Congress that the days of pork-barrel spending are over.

The slick little habit that is exercised time and time again of attaching an item of spending that everybody knows deep down in their heart would never, never withstand the glare of public scrutiny, would never withstand the openness of public debate, would never achieve a majority of Senators voting for their particular item, that will never even get attached to a bill. But they know that the President has line-item veto authority and their spending item, their special interest parochial spending item is lined out and sent back to the Congress and that the only way it can be restored is to bring it to the floor and override the President's veto. We will never know how much money we will save in this process. We will never know how many projects, how much special interest parochial spending would have been attached and hidden in the appropriations bills or a tax bill if the process is changed.

Mr. President, as I said, one of the other objections to this are the constitutional concerns. The majority leader's substitute will restore a healthy tension between the legislative and executive branches necessary for fiscal discipline. President Truman wrote:

> One important lack in the Presidential veto power, I believe, is authority to veto individual items in appropriations bills. The President must approve the bill in its entirety or refuse to approve it. . . it is a form of legislative blackmail.

Some will argue that the veto is too high a standard; that it is difficult to muster the numbers to override it. To those, I would say, that the greater challenge today is to reduce our Nation's debt and balance our Nation's books. In this day, it should be a formidable challenge to continue to spend our children's and grandchildren's money. It is time for a higher standard.

Others will say that the separate enrollment is inconvenient; the President will be forced to examine and sign hundreds of bills instead of one; how is the House going to process all this?

I find it interesting that every President since Ulysses Grant, with a couple of exceptions, has asked for a line-item veto. Not one of them has complained about the inconvenience of a line-item veto.

I also will say to my colleagues that modern technology, the information age, is upon us, the computer age is here. What used to be a tedious task, what used to be a complex process, what used to be a question as to the decisionmaking power of an enrollment clerk—that is someone who writes up the bills and presents them for final approval to the executive branch—what used to be a complex process is now a very simple process. Software has been written for computers that can process this in a matter of moments. And so to separately line item and enroll a large appropriations bill is no longer a difficult process. So the objection to the nightmare of the mechanical difficulty has been met through the miracle of modern technology.

As I said, some question the constitutional standard. Article I, section 5, says that each House of Congress has unilateral authority to make and amend rules governing its procedures. Separate enrollment speaks to the question of what constitutes a bill, it does nothing to erode the prerogatives of the President as that bill is presented. The Constitution grants the Congress sole authority for defining our rules. Our procedures for defining and enrolling a bill are ours to determine alone.

There is precedent provided in House rule XLIX, the Gephardt rule. Under this rule, the House Clerk is instructed to prepare a joint resolution raising the debt ceiling when Congress adopts a concurrent budget resolution which exceeds the statutory debt limit. The House is deemed to have voted on and passed the resolution on the debt ceiling when the vote occurs on the concurrent resolution. Despite the fact that a vote is never taken, the House is deemed to have passed it.

The American Law Division of the Congressional Research Service has analyzed separate enrollment legislation and found it constitutional. Let me quote from Johnny Killián of the CRS:

> Evident it would appear to be that simply to authorize the President to pick and choose among provisions of the same bill would be to contravene this procedure. In [separate enrollment], however, a different tack is chosen. Separate bills drawn out of a single original bill are forwarded to the President. In this fashion, he may pick and choose. The formal provisions of the presentation clause would seem to be observed by this device.

Prof. Laurence Tribe, a constitutional scholar, has also observed that the measure is constitutional. He recently wrote, and I quote:

> The most promising line-item veto idea by far is . . . that Congress itself begin to treat each appropriation and each tax measure as an individual "bill" to be presented separately to the President for his signature or veto. Such a change could be effected simply, and with no real constitutional difficulty, by a temporary alteration in congressional rules regarding the enrolling and presentment of bills.

He goes on to say:

> Courts construing the rules clause of article I, section 5, have interpreted it in expansive terms, and I have little doubt that the

> sort of individual presentment envisioned by such a rules change would fall within Congress' broad authority.

The distinguished Senator from Delaware, Senator BIDEN, during his tenure as chairman of the Senate Judiciary Committee, wrote extensive additional views in a committee report on the constitutional line-item veto. He wrote about a separate enrollment substitute he offered, and I quote:

> Each House of Congress has the power to make and amend the rules governing its internal procedures. And, of course, Congress has complete control over the content of the legislation it passes. Thus, the decisions to initiate the process of separate enrollment, to terminate the process through passage of a subsequent statute, to pass a given appropriations bill, and to establish the sections and paragraphs of that bill, are all fully within Congress' discretion and control.

He goes on to say:

> A requirement that Congress again pass each separately enrolled item would be only a formal refinement—not a substantive one. It would not prevent power from being shifted from Congress to the President, because under the statutory line-item veto, Congress will retain the full extent of its legislative power. Nor would it serve to shield Congress from the process of separate enrollment, because Congress will retain the discretion to terminate that process.

Mr. President, the line-item veto will discourage budget waste because it will encourage the kind of openness and conflict that enforces restraint. The goal is not to hand the Executive dominance in the budget process. It is not a return to impoundment. It is a gentle and necessary nudge toward an equilibrium of budgetary influence, a strengthening of vital checks on the excesses of this Congress.

The President's veto or "revisionary" power, as the Constitution defines it, was intended to serve two functions: To protect the Presidency from the encroachment of the legislative branch, and to prevent the enactment of harmful laws.

Certainly, any attempt by a President today to line out unnecessary spending would meet the second of the Framers' objectives, that of preventing the enactment of harmful laws.

In 1916, a Texas Congressman, who shall go unnamed but will be quoted, had this to say:

> There are a half a dozen places in my district where Federal buildings are being erected or have recently been constructed at a cost to the Federal Government far in excess of the actual needs of the communities where they are located. This is mighty bad business for Uncle Sam, and I'll admit it; but the other fellows in Congress have been doing it for a long time and I can't make them quit.
>
> Now we Democrats are in charge of the House and I'll tell you right now, every time one of those Yankees gets a ham, I'm going to get myself a hog.

Mr. President, that was colorful language. We do not use that kind of language too much around here in 1995. But the principle is the same. Everybody else is getting it for their district, so I better get it for mine. If that fellow over there can get a ham, I am going to see that I get a hog.

That is not spending in the national interest. That is not appropriate spending even if our budget is balanced, but I guarantee you it is not appropriate spending when you have an unbalanced budget, when needs are being unmet, when the taxpayer is paying a higher burden than he should, when the debt is running out of control, when we are saddling future generations with a debt obligation which will bury them and bury their opportunity to enjoy the same standard of living available to each one of us.

The line-item veto is a measure whose time has come. The American people voted for it. The House has passed it. The President wants it. And now only the Senate, only the Senate, stands in the way of the line-item veto. Let us make sure that the Senate is viewed as the world's greatest deliberative body and not the world's greatest deliberative obstacle to the line-item veto.

Mr. President, I contend it is time to pass the line-item veto.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, the Citizens Against Government Waste have sent a letter that says:

> COUNCIL FOR CITIZENS
> AGAINST GOVERNMENT WASTE,
> *Washington, DC, March 14, 1995.*
>
> DEAR SENATOR: The 600,000 members of the Council for Citizens Against Government Waste (CCAGW) strongly endorse S. 4, the enhanced rescissions bill. S. 4 was introduced by Senator Majority Leader Robert Dole (R-KS) and Senators John McCain (R-AZ) and Dan Coats (R-IN). This line-item veto truly provides the president with a veto of congressional spending, by requiring a ⅔ vote to override.
>
> The House of Representatives heeded the President's call for fiscal soundness and overwhelmingly supported enhanced rescission legislation over "expedited rescissions." Most Americans agree with the House and President Clinton on this issue—give the president the authority to weed out wasteful spending. In addition, CCAGW calls on the Senate to further strengthen S. 4 by extending the line-item veto power over tax and contract authority legislation, also havens for pork.
>
> The inside-the-beltway crowd says the line-item veto will die in the Senate. It's time to prove them wrong. The defeat of the Balanced Budget Amendment made it painfully obvious that some members of Congress are not ready to give up their "pork perk." However, their victory should be short-lived. Passing S. 4 will strike a blow against wasteful spending and begin the long journey back to sound fiscal policy.
>
> Sincerely,
>
> TOM SCHATZ,
> *President.*

I would like to respond to my friends from Citizens Against Government Waste. We do intend in the Dole substitute, which will be brought up sometime early next week, to provide some power over taxing, in the respect that we are attempting to craft language that would eliminate the targeted tax benefits in the so-called transition rules which have really been egregious violations of the intentions of the law. They, like pork-barrel spending, are very anecdotal. An example is the person who owned a house on the ninth tee of the Augusta Golf Course in Augusta during the Masters tournament who rented it out for a week and got some huge tax writeoff.

The so-called transition rules that are hidden in tax bills, which give enormous tax breaks which the American taxpayer really never is aware of—certainly not sufficiently aware of—we are going to try to address that, I say to my friends at Citizens Against Government Waste. We have yet to figure out a way to address the contract authority situation, but I suggest, if we had the line-item veto that prevented the expansion of entitlements, that took care of targeted tax incentives, that took care of the appropriations aspect, we would go a very, very long way.

The National Taxpayers Union writes:

> NATIONAL TAXPAYERS UNION,
> *Washington, DC, March 16, 1995.*
>
> Hon. JOHN McCAIN,
> *U.S. Senate, Russell Senate Office Building, Washington, DC.*
>
> DEAR SENATOR McCAIN: On behalf of our 300,000 members, National Taxpayers Union (NTU) strongly endorses S. 4, the "Legislative Line-Item Veto Act," which is clearly the best line-item veto bill before the Congress.
>
> The need for a line-item veto has become more pressing in recent years as Congress has tended to aggregate legislation into mammoth continuing resolutions and omnibus bills. Such a practice greatly reduces the likelihood that the president will use his veto power because of his objections to a relatively small provision in the legislation.
>
> The all-too-common congressional tactic is to attach parochial, pork-barrel appropriations to must-pass legislation that the president has little choice but to sign. Since many of these provisions are neither the subject of debate nor a separate vote, many Members of Congress do not realize they exist. The legislative line-item veto would allow the president to draw attention to pork-barrel provisions and force their proponents to justify them. Meritorious provisions would be repassed by Congress, while the rest would be eliminated.
>
> Additionally, the line-item veto would make the president more accountable on the issue of wasteful spending. Many presidents have repeatedly criticized Congress on spending. With line-item-veto authority, the president could no longer blame Congress for loading up spending bills with non-essential spending and would have to work actively,

rather than rhetorically, to trim wasteful spending.

Some people warn that the line-item veto will affect the balance of power between the Executive Branch and the Legislative Branch. Our much greater concern, and I believe that of most Americans, is the risk inherent in a record amount of peace-time debt, which endangers our country's financial future. It is far beyond the point where we ought to quibble about whether this is going to slightly enhance the power of the president or Congress. We should recognize, as most people have, that the process has broken down and that our general interest as a nation lies in bringing our financial house to order.

The president is the only official elected by the nation who exerts direct control over legislation. It is entirely appropriate that the president be given an opportunity to veto items of spending that are not in the national interest. Again, National Taxpayers Union strongly endorses S. 4 and urges your colleagues to support it on the floor of the Senate.

Sincerely,

DAVID KEATING,
Executive Vice President.

Mr. President, these two organizations, the Citizens Against Government Waste and the National Taxpayers Union, along with the Citizens for a Sound Economy, who also strongly support this legislation, are three organizations on whom I have relied over the years to educate the American people. They have performed a signal service. These three organizations have fought against Government waste and pork barreling in a dedicated and effective fashion. I believe without their help we would not be here today on the floor of the Senate, considering this legislation.

I am grateful for their participation. I am grateful for their support. Occasionally it is a bit amusing when we go to the annual publication of the "Pig Book," which is published by the Citizens Against Government Waste. There are these cute little pigs there, and every year they issue a Citizens Against Government Waste—this is the "Congressional Pig Book," and a State-by-State breakdown of projects.

It is partially entertaining but sometimes it is also very saddening. It is entertaining to see the uses and creativity of some Members and their staffs in appropriating funds to certain projects. Again I will relate my all time favorite of a couple of years ago, the $2.5 million which was spent on studying the effect on the ozone layer of flatulence in cows. But there are many others. At the same time, when we view tens of millions and sometimes billions of dollars that are wasted in such a profligate fashion, then it is no longer amusing. It is very, very disturbing.

I want to emphasize what Mr. Keating said in his letter from the National Taxpayers Union, that there will be dire warnings, the tocsin will be sounded: You are transferring all this power over to the executive branch. You cannot do it. If you do it we are upsetting the balance of powers and our Founding Fathers will be spinning in their graves, et cetera, et cetera.

First of all, I do not believe it is true. Second, I have quoted extensively from the Federalist Papers as to the intent of our Founding Fathers. I think it is appropriate to mention that Thomas Jefferson said, in retrospect, long after the Constitution was written, that if he had it to do over again he would put in some mechanism that would force the Congress and the Nation to balance revenues with expenditures.

There is no doubt whatsoever that the President in most respects had the authority from the time that Thomas Jefferson refused to spend $50,000 in 1801 to build some gunships, to 1974 when the President, President Nixon, unfortunately in my view, in a weakened Presidency, used the impoundment powers in such an abusive fashion that the Congress rose up and passed the 1974 Budget Impoundment Act.

From that point on—not since 1787, not since 1802, not since 1905—since 1974 has been when the deficit has sprung out of control and the debt has accumulated at a rate never seen before in the history of this country.

So, as the debate wears on, I ask my colleagues to keep in mind that all of the talk about the Greek civilization, the Roman Empire, the precedents set in the British parliament, are all very interesting if not entertaining expositions of history. But I must say, Mr. President, what we are really talking about is what has happened with the Federal deficit since 1974.

Mr. President, I had a chart up here earlier that showed for most of this century how both the expenditures and revenues had basically matched each other with certain changes. With the exception of wartime, basically it had been a priority of this Nation to keep our financial house in order as every family in America is required to do. Something happened. Maybe in the view of some there was just some huge change in attitude. Maybe in the view of some it was a coincidence that the Budget and Impoundment Act was passed in 1974. I do not believe it was a coincidence. I know it is not a coincidence. I know what happened—that expenditures began to exceed revenues at an alarming rate.

This habit of tucking projects into appropriations bills became more and more rampant. The situation grew out of control because fundamentally the executive branch had no choice but to do two things: One, veto a bill which would then for all intents and purposes shut down the Government, or certain branches of Government, and deprive our citizens of much needed benefits and services provided by the Government and sort of have a showdown with the Congress. The other choice was to send forth a package of rescissions and hope that the Congress would act. Two things have happened since the Congress was not required to act. One is that Congress has simply not acted. That has been more and more the case since President Ford's administration, and the other is to take a rescission request on the part of the President and then change it all around so that it bears no recognition to the original rescission request made by the President.

So what we have really done is removed a check and balance that was fundamentally in place for nearly 200 years. Now what we are seeking to do is restore that balance and restore that check so that some fiscal sanity is restored.

Mr. President, I can thumb through this book and find most anything in here. Some of them I say are amusing. Electric vehicles—$15 million for electric vehicles. That is out of the Defense appropriations bill; $15 million. That was last year. I know that electric vehicles are probably something of the future. I hope that we will be able to develop them. I believe that they are probably important. But I am not sure where they fit into our defense requirements when we have 20,000 men and women in the military on food stamps, when we have not enough steaming hours or flying hours or training hours or pay raises for our military. But we want to spend $15 million on electric car development out of the Defense appropriations bill.

I can pick out from any page of that several hundred pages of these projects. My point is that for many of these projects, if the sponsors of these particular lines knew that a President of the United States would say, "Here is the electric car. I do not know if they are needed or not, but we sure don't need to take it out of defense because we are having to cancel every modernization program and weapons system that we have and we do not have enough money to maintain readiness. We are having trouble recruiting, and we need to have more money for that. And electric cars just is not my priority. So I am line-item vetoing it," I would suggest to you that the person who put that particular appropriation in with the best of intentions would certainly think twice before putting it in, especially if it was not deemed a priority by the Department of Defense.

Let me also point out that there are other projects which are worthy projects.

By the way, one just jumps out at me: The shrimp aquaculture, $3.54 million for shrimp aquaculture. And I am astounded to see that one of the States that is getting part of this $3 million is my home State of Arizona. We have a lot of wonderful things in Arizona but water is not in abundance. I am intensely curious—and I will find out, and put a statement for the RECORD—where the shrimp aquaculture project is in my State and how much money we have gotten for it. By the way, this shrimp aquaculture $3 million is divided up amongst five different States.

Again, shrimp aquaculture might be a very vital project for my State's economy. I would be surprised to know that. But there are a lot of things that I do not know about my State. But if shrimp aquaculture is an important part of my State's economy, at least I think I would have known about it or been told about it before I had to read it in the congressional "Pig Book." So this is the kind of thing that in my view would never be inserted in an appropriations bill because it would be open to ridicule.

Frankly, Mr. President, being on the floor of the Senate and if somebody said, "You know. We are spending $3 million or part of $3 million in your State for shrimp aquaculture, what do you think about that?"—I would have to say in all candor I think it may be nice but I have not known in my 12 years of representing the State of Arizona, 4 years in the House and 8 years in U.S. Senate that it was an important item. In fact, in all seriousness I would have a great deal of difficulty defending it on the floor of the Senate if it were line-item vetoed by the President.

As I say, these items are sometimes amusing. But the reality is I do not think those items would creep in. So when we say how much money would be saved if we had the line-item veto, frankly we will never know. We will never know that. But when I see people like the former Governor, now our colleague, John Ashcroft, who was a very well-respected and regarded Governor of his State, say that he does not believe that there would have been fiscal sanity in his State during his two terms as Governor had he not had the ability to exercise the line-item veto, then I think we should notice that.

Mr. President, before this debate is over, we will have letters from nearly every one of those 43 out of 50 Governors in America that have a line-item veto telling us how important a tool it is for them.

Let me just quote from several we have received already.

> Besides providing greater authority to veto . . . the threat of a veto allows great flexibility in negotiating with the legislature or Congress. The key to a good budget is negotiations between both sides. This device is a mechanism for negotiation.

That is from a Utah Republican, Governor of the State of Utah.

> I support the line-item veto because it is an executive function to identify budget plans and successful items.

That is from Hugh Carey, a New York Democratic Governor from 1975 to 1983.

> Congress' practice of passing enormous spending bills means funding for everything from a Lawrence Welk museum to a study of bovine flatulence.

I am glad Governor Wilson also found that would be one of his favorite slips through Congress.

> The President may be unable to veto a major bill that includes such spending abuses because the majority of the bill is desperately needed. A line-item veto would let the President control the irresponsible spending that Congress cannot. A line-item veto already works at the State level. It not only allows a Governor to veto wasteful spending but it works as a deterrent to wasteful-spending legislators who know it will be vetoed.

Pete Wilson, Governor of California.

I find Pete Wilson's statements most interesting because Pete Wilson, as opposed to most, has gone from being a Senator to Governor, rather, as many in our body, have been former Governors.

But I think it is also important to point out, whether I happen to like it or not, the State of California is by far the largest State in America with a population of some 30 million people. If we were looking from purely a gross national product standpoint, it would be the fifth-largest nation in the world—from a gross national product standpoint. And the Governor of that State is unequivocally committed to a line-item veto.

So I suggest that this Governor of California, Pete Wilson, has also had to struggle with a severe recession in his State and has had to make some very difficult budgetary decisions. I know for a fact because he told me that a line-item veto was a critical arrow in his quiver in his ability to be able to bring his State out of a terrible, terrible financial recession.

"Legislators love to be loved, so they love to spend money. Line-item veto is essential to enable the executive to hold down spending." That was William F. Weld, Governor of Massachusetts.

Mr. President, I happen to remember the days in the late 1980's when the Massachusetts miracle, as they called it, crumbled. I remember when the State of Massachusetts was in terrible shape, and I also know that Governor Weld has gotten well-deserved credit for bringing the State of Massachusetts into a situation where, again, it has a very healthy economy.

I think his description is probably a little more blunt than some use around here. "Legislators love to be loved, so they love to spend money." But, at the same time, I am not going to argue with that language, even if I might not use it myself.

Of course, my favorite of all, obviously, is that of Ronald Reagan who said:

> When I was Governor in California, the Governor had the line-item veto, so you could veto parts of a bill, or even part of the spending in a bill. The President can't do that. I think, frankly—of course, I am prejudice—Government would be far better off if the President had the right of line-item veto.

Speaking of the President, in December 1992, after President Clinton was elected, an article appeared in the Wall Street Journal and it was titled, "Where We Agree: Clinton and I on Line-Item Veto," by Ronald Reagan.

> When Bill Clinton called on me the other day, it didn't take us long to find several things we agreed about, such as the line-item veto and trimming the size of Government in some areas. We also agreed on the importance of public-private sector dialog and cooperation in the planning of many Government programs.
>
> Soon after the election, President Bush and President-elect Clinton named the leaders of their transition teams, the teams were formed and the process is moving forward in an orderly and completely civil manner.
>
> * * * In the course of our meeting, Governor Clinton spoke of his plan to trim the Federal work force through attrition. He wants to begin by downsizing the administrative staff at the White House. And he has invited Congress to do the same with its staff.
>
> * * * Both Mr. Clinton and I have had experience with the line-item veto as Governors. Our States, along with 41 others, allow their Governors to delete individual spending items from the annual budget without having to veto the entire thing. At the Federal level, it could become an important part of the system of checks and balances, as well as a significant tool in the deficit reduction process.
>
> As President, Bill Clinton may have only a short time in which to get Congress to do his bidding before the new Members are overwhelmed by the impulse to spend more and to dish out pork to please the special interest groups. He should use the "honeymoon" period to get the line-item veto from Congress first.

Mr. President, I am disappointed that President Clinton did not take President Reagan's advice. I am doubly disappointed because I remember, with great clarity, when President Clinton came to have lunch with the Republican Senators shortly after his inauguration, which is the custom for incoming Presidents—to go to lunch with both Republican and Democrat Senators at their respective luncheons. I remember with great clarity, as President Clinton was speaking—and I still remember what a fine job he did that day—he said, "I am looking forward to working with Senator MCCAIN on the line-item veto." I must say that I was buoyed by that remark of President Clinton's.

Unfortunately, there never was any followup. Unfortunately, when Senator COATS and I took up the line-item veto again some 8 or 9 months later and sought to propose it as an amendment, since we were in a minority and unable to bring it up as a freestanding bill as we are now, I wrote a letter to the President asking for his support for Senator COATS' and my effort. The response I got back was disingenuous at best. It said that the President would support a line-item veto only when it came up as a free-standing bill. He could not provide his support if it were proposed as an amendment. Obviously, at that time, that was a catch-22 answer because the leadership on that side of the aisle, which was the majority, was not about to let the line-item veto be brought up. So we were stymied and did not receive the commitment I thought I had from the President that day at lunch.

Now, Mr. President, we are in a different situation. I do not want to confuse my remarks to "Mr. President," who is presiding in the Chamber—who perhaps should be President some day—with the President of the United States. Mr. President, I am speaking of the President of the United States when I say now is the opportunity of the President of the United States to do what he said in "putting people first"; but he said "putting people first," which was his campaign commitment to the American people, which was sent around to every library in America. It stated:

> I strongly support the line-item veto because I think it is one of the most powerful weapons we can use in our fight against out of control deficit spending.

What the President said to me and what the President has said publicly and stated on several occasions after the 1994 elections, has usually been in the context that "I want to work with the Congress on some issues," and he almost invariably states the line-item veto.

Mr. President, we know what the reality is around here. We know we will probably have 54 Republican votes for cloture. The question is, Will we have six Democrats? I believe that, at last count, after the last crossover, there are now 46 Members on the opposite side of the aisle. I am asking the President of the United States to persuade 6 of them—not 46, but 6; not 26, not 36, not even 16, but 6.

So the responsibility, to a large degree, will rest on the President of the United States. Governor Clinton, on "Larry King Live," said, "we ought to have a line-item veto." Candidate Clinton emphasized "putting people first" and line-item veto to eliminate pork barrel projects and cut Government waste. He said, "I will ask Congress to give me the line-item veto."

Mr. President, I hope that the President of the United States will weigh in on this issue not only because of the fact that it would make his job a lot easier, because I am convinced that it would, but because we must show some sanity and return ourselves to fiscal sanity. And there is no way of doing that, in my view, without a line-item veto.

Let me repeat, Mr. President—and I will say this on many occasions in the next few days—we will not balance the budget of the United States with a line-item veto alone. You cannot believe that. But the budget of the United States cannot be balanced without a line-item veto. The Chamber of Commerce sent me a letter, Mr. President, which said:

> Dear Senator MCCAIN:
>
> In the next few days, the Senate will consider legislation granting line-item veto authority to the President. The U.S. Chamber of Commerce—the world's largest business federation, representing 215,000 businesses, 3,000 State and local Chambers of Commerce, 1,200 trade and professional associations, and 72 American Chambers of Commerce abroad—strongly urges you to vote YES on S. 4, the legislative line-item veto.
>
> The American business community believes that meaningful long-term deficit reduction can come about only through spending restraint. While a primary weapon in the fight against the deficit is a balanced budget amendment, our arsenal must also include a line-item veto or enhanced rescission authority. Such authority would provide the surgical strike capability necessary to take out specific spending targets.
>
> S. 4, true enhanced rescission or legislative line-item veto, would provide the President with the ability to reduce or eliminate specific spending proposals. These cuts would become law unless Congress votes to disapprove the rescissions within a limited period. The President may then veto the disapproval, which Congress can subsequently override with a two-thirds majority vote. With such a framework, S. 4 appropriately restores the impoundment prerogative of every President from Jefferson to Nixon.
>
> The American people have placed fiscal responsibility high on the agenda for the 104th Congress. We now urge you to act accordingly by voting YES on S. 4.
>
> Sincerely,
>
> R. BRUCE JOSTEN.

Mr. President, while my colleague from Indiana was talking on the floor, I must confess that I did not remain on the floor for all of his remarks, which I knew were illuminating and important. I did go in the Cloakroom, because previously today, a talk show in my State had asked to talk to me about the line-item veto. And the talk show host had advertised that I was coming on the show. In the Cloakroom, I spoke on the talk show back in the State of Arizona on KFYI. The talk show host—an individual I have gotten to know very well—named Bob Mohan, informed me that all of the lines had been full since he had mentioned the line-item veto, and that his listeners were overwhelmingly in support of the line-item veto.

Mr. President, he also said something else that I thought was interesting and should be interesting to at least the Members on my side of the aisle.

He said, "You know, I am getting a lot of calls and they are saying that the Senate is dragging their feet and they are not really doing anything, and that Republicans are not staying together and that Republicans are really not committed to the Contract With America. Can you allay some of those fears and concerns that we are hearing more and more of in our calls from our listeners?"

I said to Mr. Mohan, "Well, I can allay most of those fears. I would remind you that it was only one on this side of the aisle, one person that voted against the balanced budget amendment. And we decided in our Republican caucus that a vote of conscience on the part of any Senator was something that we not only would allow but we would respect."

But I did agree with him, to the extent that we are perhaps not pushing our agenda as hard as we could and as far as we could. At the same time, I attempted to explain that the rules of the Senate are far different than from that of the other body.

I guess what I am saying, Mr. President, is that we have a lot at stake here, not just those of us who reside on this side of the aisle, but I think that Congress has a lot at stake as far as our credibility with the American people.

I believe that most Americans believed, after the November 8 elections, starting and beginning on November 9, that the Congress of the United States would really fulfill the Contract With America. It is the first time in this century that I know of where a campaign was run on a national basis where there was commitments to do certain things. It was called a contract.

The American people's definition of a contract is an agreement between two parties which is binding. And some American citizens today are wondering if they, as a result of their votes, fulfilled their end of the contract and whether we are fulfilling our end of it.

Now, I believe we are making great efforts to do so on this side. But I would suggest that, after the defeat of the balanced budget amendment, it would be very, very important for all of us to recognize how serious the line-item veto is. I believe we will revisit the balanced budget amendment, Mr. President. I believe we will revisit it and I believe we will pass it because I have to believe that, when the overwhelming majority of American public opinion favors such a thing, a representative body—even one that plays the role of the saucer where the coffee is cooled—is going to, sooner or later, respond to the popular will.

Now, the balanced budget amendment is not some mania that swept across the country and everyone said, "Oh, gee, we need a balanced budget amendment," woke up in the morning and decided that.

Mr. President, the balanced budget amendment and the line-item veto, which I consider the crown jewels of the Contract With America, have long-standing, deeply-held support on the part of the American people. And as they hear more and more and more excerpts from the "Pig Book," they hear more and more times on April 15 that their taxes have gone up and up and up, they are now sending more and more of their money to the Federal Government in Washington and, in their view, getting less and less in return.

Mr. President, in 1950, a family of four of median income sent $1 out of every $20 they earned to Washington, DC, in the form of Federal taxes. This April 15, that same median-income family of four will send $1 out of every $4 that they earn to the Federal Government in Washington. And if nothing changes, if nothing changes and we do not enact a single new entitlement program, we do not enact a single increase in expenditure, by the turn of the century, that will be $1 out of every $3 that they are sending to Washington in the form of taxes.

Mr. President, that is an enormous burden on median-income families. Then when you add in the State and local taxes, depending on which State they reside in, this jumps up to somewhere around 40 to 43 percent of their earnings go in the form of taxes. And then, bearing that heavy burden, they turn around and see their money spent on things which really do not bear the scrutiny of anyone. They see that and they rebel and they lose confidence in their elected representatives as a body.

And, strangely enough, they even lose confidence and faith in their elected representatives as individuals. We saw a strange phenomena in 1994. It used to always be, how do you feel about Congress? It was very low approval ratings, 10, 30 percent, whatever it was. But we saw a very great phenomena. Even the approval rating of their own elected representatives, Congressmen and Senators, also dropped dramatically.

And again I want to return though this situation of confidence in Government.

It is fascinating because every nation in the world that has emerged from oppression and repression, especially those that emerged from behind the Iron Curtain since the Berlin Wall came down and the Soviet Union collapsed, look to the United States as a model for how government should be run and how people should be represented and what really liberty and freedom are all about.

The students at Tiananmen Square erected a statue of liberty as their symbol of resistance to Communist oppression.

One of the most interesting experiences of my life was traveling to Albania and seeing the empty pedestals that once held the statues of their dictator Hoxha, who was one of the most incredible dictators in history in Albania, and the words "Long live Bush" on the pedestals. "Long live Bush."

Everywhere I travel in the world, it is the United States that is the role model—freedom, democracy, all of the things that have to do with the rights of men and women. And yet, here in the United States in 1994, the place that they all admire, there was a dramatic upheaval. And that upheaval was largely bred by dissatisfaction with Government; not satisfaction, dissatisfaction and outright anger.

Now, Mr. President, a lot of that anger was understandably focused on the fact that their money was not being well spent. And not only not being well spent, it was wasted.

American families, many of them, over the last 10 to 15 years, experienced a real decrease in income. And that has been the case with many middle-American families. They have received increases in salary, but it has not kept up with inflation, it has not kept up with the taxes, it has not kept up with other things, and they find themselves running in place. And when that happens to American families, two bad things happen. One is, they lose confidence in their children's futures and they lose confidence in their Government.

The most astounding and alarming exit polling data of the 1994 election was this: for the first time since we have been taking polls, a majority of the American people believe that their children will not be better off than they are.

Mr. President, the essence of the American dream was that someone comes here from someplace else, they may come to Ellis Island, live in a ghetto in New York or Chicago, or some other place, and live under the most terrible conditions. But they work and save and they improve themselves and their own lives and most importantly provide an opportunity for their children. That is what America is all about. Story after story after story of poor people who come here penniless and they work and sacrifice and their dreams are fulfilled in their children. And now, most Americans believe that their children are not going to be as well off as they are.

How does all of this diatribe come back to the line-item veto? It means that unless we restore confidence in the American people in their Government, we are not going to restore the American dream.

Is a line-item veto all of that? No, clearly. But if we continue to fail to make the reforms that are necessary that will restore that confidence, then there will not be a restoration of the American dream.

Mr. President, I mean it. I mean it. I run into my fellow Arizonans every weekend when I am home, and they say, "Why are you doing this? I didn't send you there to do that." Maybe I, individually, had not done that, but we as a Congress have.

Maybe it is only a few million here. Maybe it is only $15 million for the electric car; maybe only $3 million for the aquaculture shrimp center, whatever it is; maybe it is only a small amount of money when we are talking about a $1.5 trillion budget.

To the average citizen, $3 million is a lot of money. To the average citizen, $15 million for electric cars is a lot of money. One of the things that I find most jading about our experiences here is how we throw around big numbers, $100 million here, $1 billion there, $2 billion there, this for that program. After a while, it kind of loses its meaning. It is sort of like being at a crap table in a casino and playing only with chips, until you lose all the chips and then figure out that it was real money. I must say I have done that, too, Mr. President.

The fact is that the American people expect Congress to exercise fiscal sanity. There is a lot at stake here in this debate. There is a lot at stake—not because Senator COATS and I have worked for 10 years on this issue and obviously we feel very strongly and subjective about this issue—but it is important and critical, this issue is, because it is important and critical to the American people.

I hope that we can continue to conduct this debate, when the debate begins, on a very high plane. We can go a couple ways in this debate. I am not going to impugn anybody's integrity. I am not going to impugn anyone's motives. But I will make it perfectly clear what we have done since 1974. And what we have done is not a great service to the American people. In fact, it is a great disservice.

I hope that working with the people of the United States, working with some like-minded individuals such as Senator FEINSTEIN from California who is a cosponsor of this bill, and working together, we can persuade a sufficient number of our colleagues to cut off debate, in the form of invocation of cloture, and move forward with passage of the bill.

Now, Mr. President, I have talked with the majority leader, who obviously controls our activities here on the floor. The majority leader does not intend, and I agree with him, to drag out this debate for weeks as we did the balanced budget amendment.

This issue is very well known, Mr. President. It is not really a very complex issue. It is not nearly as complex as a number of issues that we address in a much shorter period of time on the floor of the Senate. The majority leader wants Members to put in long hours and put in a very few number of days and get this issue passed and behind us, because we do have a very large agenda. We do have a lot of issues that the American people expect the Senate to address.

I hope that we will maintain a high level of debate. I hope that we will put in long evenings, if it is necessary to do so. I hope in a very relatively short period of time we will be able to resolve this issue.

If we cannot resolve this issue favorably and enact a line-item veto, then, obviously, Senator COATS and I will not give up our quest for this very, very, very crucial measure. At the same time, it would be rather pleasant for both Senator COATS and I to move on to other issues which also would command our attention.

I would like to say I appreciate the patience of the President in the chair. I know the hour is late. I want to thank him for that.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

A CHECKLIST APPROACH TO TELECOMMUNICATIONS

Mr. PRESSLER. Mr. President, I wish to print in the RECORD a possible proposal for a checklist approach to the telecommunications bill. I invite comments for improving it from my colleagues. There have been many suggestions, and I hope my colleagues will consider these suggestions.

I ask unanimous consent that the checklist approach be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Discussion Draft]

March 16, 1995

"SEC. 255. INTEREXCHANGE TELECOMMUNICATIONS SERVICES.

"(a) IN GENERAL.—Notwithstanding any restriction or obligation imposed before the date of enactment of the Telecommunications Act of 1995 under section II(D) of the Modification of Final Judgment, a Bell operating company, or any subsidiary or affiliate of a Bell operating company, that meets the requirements of this section may provide—

"(1) interLATA telecommunications services originating in any region in which it is the dominant provider of wireline telephone exchange or exchange access services after the Commission determines that it has fully implemented the competitive checklist found in subsection (b)(3) in the area in which it seeks to provide interLATA telecommunications services;

"(2) interLATA telecommunications services originating in any area where that company is not the dominant provider of wireline telephone exchange or exchange access service in accordance with the provisions of subsection (d); and

"(3) interLATA services that are incidental services in accordance with the provisions of subsection (e).

"(b) DUTY TO PROVIDE INTERCONNECTION.—

"(1) IN GENERAL.—A Bell operating company that provides telephone exchange or exchange access service has a duty under this Act upon request to provide, at rates that are just, reasonable, and nondiscriminatory—

"(A) for the exchange of telecommunications between its end users and the end users of another telecommunications carrier; and

"(B) interconnection that meets the requirements of paragraph (3) with the facilities and equipment of any other telecommunications carrier for the purpose of permitting the other carrier to provide telephone exchange or exchange access services.

"(2) INTERCONNECTION AGREEMENT PROCESS.—The provisions of section 251 (c), (d), (e), (f), and (g) apply to the negotiation of a binding interconnection agreements under this section.

"(3) COMPETITIVE CHECKLIST.—Interconnection provided by a Bell operating company to other telecommunications carriers under this section shall include:

"(A) Nondiscriminatory access that is at least equal in type, quality, and price to the access the local exchange carrier affords to itself or to any other entity.

"(B) The capability to exchange telecommunications between customers of the local exchange carrier and the telecommunications carrier seeking interconnection.

"(C) Nondiscriminatory access to the poles, ducts, conduits, and rights-of-way owned or controlled by the local exchange carrier where it has the legal authority to permit such access.

"(D) Local loop transmission from the central office to the customer's premises, unbundled from local switching or other services.

"(E) Local transport from the trunk side of a wireline local exchange carrier switch unbundled from switching or other services.

"(F) Local switching unbundled from transport, local loop transmission, or other services.

"(G) Nondiscriminatory access to—

"(i) 911 and E911 services;

"(ii) directory assistance services to allow the other carrier's customers to obtain telephone numbers; and

"(iii) operator call completion services.

"(H) White pages directory listings for customers of the other carrier's telephone exchange service.

"(I) Before the date by which neutral telephone number administration arrangements must be established, nondiscriminatory access to telephone numbers for assignment to the other carrier's telephone exchange service customers. After that date, compliance with the neutral telephone number administration arrangements.

"(J) Nondiscriminatory access to databases and associated signaling, including signaling links, signaling service control points, and signaling service transfer points, necessary for call routing and completion.

"(K) Before the date by which the Commission determines that telephone number portability is technically feasible and must be made available, telecommunications number portability through remote call forwarding, direct inward dialing trunks, or other comparable arrangements, with as little impairment of functioning, quality, reliability, and convenience as possible. After that date, full compliance with full number portability.

"(L) Nondiscriminatory access to whatever services or information may be necessary to allow the requesting carrier to implement local dialing parity in a manner that permits consumers to be able to dial the same number of digits when using any telecommunications carrier providing telephone exchange service or exchange access service.

"(M) Reciprocal compensation arrangements for the origination and termination of telecommunications.

"(N) Telecommunications services and network functions provided on an unbundled basis without any conditions or restrictions on the resale or sharing of those services or functions, including both origination and termination of telecommunications services, other than reasonable conditions required by the Commission or a State. For purposes of this subparagraph, it is not an unreasonable condition for the Commission or a State to limit the resale—

"(i) of services included in the definition of universal service to a telecommunications carrier who intends to resell that service to a category of customers different from the category of customers being offered that universal service by such carrier if the Commission or State orders a carrier to provide the same service to different categories of customers at different prices necessary to promote universal service; or

"(ii) of subsidized universal service in a manner that allows companies to charge another carrier rates which reflect the actual cost of such services, exclusive of any universal service support received for providing such services.

[Note in margin indicates that the following is to be placed in section 251: "The cost of establishing neutral number administration arrangements and number portability shall be borne by all providers on a competitively neutral basis."]

"(3) COMPENSATION.—Amounts charged by a local exchange carrier for interconnection under this section shall meet the requirements of section 251(x)(x).

"(4) RELATIONSHIP TO SECTION 251 MINIMUM STANDARDS.—For the purpose of determining whether a Bell operating company may provide interLATA services under subsection (c), the provisions of this subsection shall be applied in lieu of any requirement under section 251(b).

"(5) COMMISSION MAY NOT EXPAND COMPETITIVE CHECKLIST.—The Commission shall adopt rules to implement the competitive checklist found in subsection (b)(3), but may not, however, by rule or otherwise, limit or extend the terms used in the competitive checklist.

"(c) IN-REGION SERVICES.—

"(1) APPLICATION.—Upon the enactment of the Telecommunications Act of 1995, a Bell operating company or its subsidiary or affiliate may apply to the Commission for authorization notwithstanding the Modification of Final Judgment to provide interLATA telecommunications service originating in any area where such Bell operating company is the dominant provider of wireline telephone exchange or exchange access service. The application shall describe with particularity the nature and scope of the activity and of each product market or service market, and each geographic market for which authorization is sought.

"(2) DETERMINATION BY COMMISSION.—

"(A) DETERMINATION.—Not later than 90 days after receiving an application under paragraph (1), the Commission shall issue a written determination, on the record after a hearing and opportunity for comment. Before making any determination under this subparagraph, the Commission shall consult with the Attorney General regarding the application.

"(B) APPROVAL.—The Commission may only approve the authorization requested in any application submitted under paragraph (1) if it finds that—

"(i) the requested authorization is consistent with the public interest, convenience and necessity;

"(ii) the petitioning Bell operating company has fully implemented the competitive checklist found in subsection (b)(3); and

"(iii) the requested authority will be carried out in accordance with the requirements of section 252.

"(3) PUBLICATION.—Not later than 10 days after issuing a determination under paragraph (2), the Commission shall publish in the Federal Register a brief description of the determination.

"(4) JUDICIAL REVIEW.—

"(A) COMMENCEMENT OF ACTION.—Not later than 45 days after a determination by the Commission is published under paragraph (3), the Bell operating company or its subsidiary or affiliate that applied to the Commission under paragraph (1), or any person who would be threatened with loss or damage as a result of the determination regarding such company's engaging in the activity described in such company's application, may commence an action in any United States Court of Appeals against the Commission for judicial review of the determination regarding the application.

"(B) JUDGMENT.—

"(i) The Court shall enter a judgment after reviewing the determination in accordance with section 706 of title 5 of the United States Code.

"(ii) A judgment.—

"(I) affirming any part of the determination that approves granting all or part of the requested authorization, or

"(II) reversing part of the determination that denies all or part of the requested authorization,

shall describe with particularity the nature and scope of the activity, and of each product market or service market, and each geographic market, to which the affirmance or reversal applies.

"(5) REQUIREMENTS RELATING TO SEPARATE SUBSIDIARY; SAFEGUARDS; AND INTRALATA TOLL DIALING PARITY.—

"(A) SEPARATE SUBSIDIARY; SAFEGUARDS.—Other than interLATA services authorized by an order entered by the United States District Court for the District of Columbia pursuant to the Modification of Final Judgment before the date of enactment of the Telecommunications Act of 1995, a Bell operating company, or any subsidiary or affiliate of such a company, providing interLATA services in that market only in accordance with the requirements of section 252.

"(B) INTERLATA TOLL DIALING PARITY.—

"(i) A Bell operating company granted authority to provide interLATA services under this subsection shall provide intraLATA toll dialing parity throughout that market coincident with its exercise of that authority. If the Commission finds that such a Bell operating company has provided interLATA service authorized under this clause before its implementation of intraLATA toll dialing parity throughout that market, or fails to maintain intraLATA toll dialing parity throughout that market, the Commission, except in cases of inadvertent interruptions or other events beyond the control of the Bell operating company, shall suspend the authority to provide interLATA service for that market until the Commission determines that interLATA toll dialing parity is implemented or reinstated.

"(ii) A State may not order the implementation of toll dialing parity in intraLATA area before a Bell operating company has been granted authority under this subsection to provide interLATA services in that area.

"(d) OUT-OF-REGION SERVICES.—A Bell operating company or its subsidiary or affiliate may provide interLATA telecommunications services originating in any area where such company is not the dominant provider of wireline telephone exchange or exchange access service upon the enactment of the Telecommunications Act of 1995.

"(e) INCIDENTAL SERVICES.—

"(1) IN GENERAL.—A Bell operating company may provide interLATA services that are incidental to the purposes of—

"(A)(i) providing audio programming, video programming, or other programming services to subscribers of such company,

"(ii) providing the capability for interaction by such subscribers to select or respond to such audio programming, video programming, or other programming services, to order, or control transmission of the programming, polling or balloting, and ordering other goods or services, or

"(iii) providing to distributors audio programming or video programming that such company owns, controls, or is licensed by the copyright owner of such programming, or by an assignee of such owner, to distribute,

"(B) providing a telecommunications service, using the transmission facilities of a cable system that is an affiliate of such company, between LATAs within a cable system franchise area in which such company is not, on the date of the enactment of the Telecommunications Act of 1995, a provider of wireline telephone exchange service,

"(C) providing a commercial mobile service except where such service is a replacement for land line telephone exchange service for a substantial portion of the telephone land line exchange service in a State in accordance with section 332(c) of this Act and with the regulations prescribed by the Commission,

"(D) providing a service that permits a customer that is located in one LATA to retrieve stored information from, or file information for storage in, information storage facilities of such company that are located in another LATA area, so long as the customer acts affirmatively to initiate the storage or retrieval of information, except that—

"(i) such service shall not cover any service that establishes a direct connection between end users or any real-time voice and data transmission,

"(ii) such service shall not include voice, data, or facsimile distribution services in which the Bell operating company or affiliate forwards customer-supplied information to customer- or carrier-selected recipients;

"(iii) such service shall not include any service in which the Bell operating company or affiliate searches for and connects with the intended recipient of information, or any service in which the Bell operating company or affiliate automatically forwards stored voicemail or other information to the intended recipient; and

"(iv) customers of such service shall not be billed a separate charge for the interLATA telecommunications furnished in conjunction with the provision of such service;

"(E) providing signaling information used in connection with the provision of exchange or exchange access services to a local exchange carrier that, together with any affilated local exchange carriers, has aggregate annual revenues of less than $100,000,000; or

"(F) providing network control signaling information to, and receiving such signaling information from, interexchange carriers at any location within the area in which such company provides exchange services or exchange access.

"(2) LIMITATIONS.—The provisions of paragraph (1) are intended to be narrowly construed. The transmission facilities used by a Bell operating company or affiliate thereof to provide interLATA telecommunications under subparagraphs (C) and (D) of paragraph (1) shall be leased by that company from unaffiliated entities on terms and conditions (including price) no more favorable than those available to the competitors of that company unless the Commission or a State approves different terms and conditions. The interLATA services provided under paragraph (1)(A) are limited to those interLATA transmission incidental to the provision by a Bell operating company or its affiliate of video, audio, and other programming services that the company or its affiliate is engaged in providing to the public and, except as provided in paragraph (1)(A)(iii), does not include the interLATA transmission of audio, video, or other programming services provided by others.

"(3) REGULATIONS.—

"(A) The Commission shall prescribe regulations for the provision by a Bell operating company or any of its affiliates of the interLATA services authorized under this subsection. The regulations shall ensure that the provision of such service by a Bell operating company or its affiliate does not—

"(i) permit that company to provide telecommunications services not described in paragraph (1) without receiving the approvals required by subsection (c), or

"(ii) adversely affect telephone exchange ratepayers or competition in any telecommunications services market.

"(B) Nothing in this paragraph shall delay the ability of a Bell operating company to provide the interLATA services described in paragraph (1) immediately upon enactment of the Telecommunications Act of 1995.

"(f) DEFINITIONS.—As used in this section—

"(1) LATA.—THE TERM 'LATA' MEANS A LOCAL ACCESS AND TRANSPORT AREA AS DEFINED IN UNITED STATES V. WESTERN ELECTRIC CO., 569 F. SUPP. 990 (UNITED STATES DISTRICT COURT, DISTRICT OF COLUMBIA) AND SUBSEQUENT JUDICIAL ORDERS RELATING THERETO.

"(2) AUDIO PROGRAMMING SERVICES.—The term 'audio programming services' means programming provided by, or generally considered to be comparable to programming provided by, a radio broadcast station.

"(3) VIDEO PROGRAMMING SERVICES; OTHER PROGRAMMING SERVICES.—The terms 'video programming service' and 'other programming services' have the same meanings as such terms have under section 602 of this Act.

"(g) CURRENTLY AUTHORIZED ACTIVITIES.—Subsection (a) does not prohibit a Bell operating company, or its subsidiary or affiliate, from engaging, at any time after the date of enactment of the Telecommunications Act of 1995, in any activity authorized by an order entered by the United States District Court for the District of Columbia pursuant to the Modification of Final Judgement if such order was entered on or before such date of enactment.".

RECOGNITION OF JOSEPH E. SEAGRAMS & SONS

Mr. MACK. Mr. President, in 1988 Joseph E. Seagrams & Sons, Inc., founded Meals-on-Wheels America to help communities across the Nation feed their homebound elderly. Mr. President, I rise to speak today to recognize Joseph E. Seagrams & Sons, Inc. for their $5,000 grant to the North Miami Foundation for Senior Citizens' Services, Inc., who in conjunction with Meals-on-Wheels America, will expand their services and increase the number of recipients of this important program.

In addition, I commend the volunteers from the Seagram family and Senior Citizens Services, Inc., for their tireless efforts in distributing and serving the meals. Through their hard work and dedication, they have improved the quality of life for the homebound elderly. As our elderly population continues to grow, our country will become increasingly dependent on the altruistic efforts of groups like Joseph E. Seagrams & Sons and the North Miami Foundation for Senior Citizens' Services, Inc.

TRIBUTE TO JOHN BYRNE, IBEW LOCAL UNION NO. 401

Mr. REID. Mr. President, on occasion, like other Members of this body, I am pleased to take the opportunity to recognize residents of my home State who have made significant contributions to their community. These comment are then included in the CONGRESSIONAL RECORD where they become a permanent part of our Nation's history.

Today, I am proud to recognize a native Nevadan, and a good friend, John Byrne, on the occasion of his retirement. Throughout his career as an electrician and labor official, John has exemplified the traits of excellence and leadership.

John grew up in the historic mining town of Virginia City, NV, graduating from Storey County High School in 1943. After completing his electrical apprenticeship in Medford, OR, he returned to Reno where he was employed by Landa Electric as general foreman. In 1951, he transferred his union membership to IBEW Local 401 in Reno.

During the next 6 years, John earned the respect and admiration of his fellow electrical workers and, in 1957, as elected financial secretary and business manager of the local. He held this position until 1966 when he accepted the appointment as secretary and business representative of the Northern Nevada Building Trades Council, a position he held until 1971. Following an interim appointment as secretary/business representative of the Honolulu Building Trades Council, he returned to Reno and was reelected financial secretary and business manager of IBEW Local 401.

In addition to these professional achievements, John has also been active in civic and community affairs. He has served on the Washoe County Building Code Appeal Board, the Reno Electrical Board of Examiners, the Nevada Employment Security Board of Review, the Nevada State Apprenticeship Council, as chairman of the Nevada OSHA Review Board, and as president of the California State Electrical Association.

As a member of the Governor's Committee for the Restoration of Virginia City, he played an active role in the preservation of the historic Fourth Ward School and other projects that preserved our State's early history. He has also served as a member of the Virginia City Volunteer Fire Department and has been named to the Virginia High School Hall of Fame for outstanding achievement.

John Byrne's reputation in the State is reflected in an award bestowed upon him by the Associated General Contractors for Skill, Integrity, and Responsibility. John is the only labor representative in Nevada history to be recognized with the S.I.R. award.

On March 30, 1995, John will be honored by his friends and coworkers at a luncheon in Reno, NV. It is a privilege for me to recognize his achievements, and his dedication and commitment to the State and his profession. On behalf of all Nevadans, I wish him the best for his future goals.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES

Mr. HELMS. Mr. President, before contemplating today's bad news about the Federal debt, let's do that little pop quiz again: How many million dollars are in $1 trillion? When you decide upon an answer, no matter what it is, bear in mind that it was Congress that ran up a debt now exceeding $4.8 trillion.

To be exact, as of the close of business yesterday, Wednesday, March 15, the total Federal debt—down to the penny—stood at $4,847,771,555,727.54—meaning that every man, woman, and child in America now owes $18,402.22 computed on a per capita basis.

Mr. President, again to answer the pop quiz question, How many million in a trillion? There are a million million in a trillion; and you can thank the U.S. Congress for the existing Federal debt exceeding $4.8 trillion and headed shortly for $5 trillion and higher.

A TRIBUTE TO MAX HAWK

Mr. PRESSLER. Mr. President, I rise today to recognize one of South Dakota's dedicated educators, Max Hawk of Yankton. For the past 38 years, Hawk has been a teacher and a coach, serving in Scotland for 8 years and Yankton for the remaining 30. While admired and respected as a committed teacher, he is best known in South Dakota for his exemplary skill as a football coach. Hawk earned 284 career gridiron victories, making him second on South Dakota's all-time list. His teams have earned eight State titles, including the Class 11AA title this past fall, and 20 conference titles. In all those years, his teams only had one losing season.

Hawk is not only respected by his students and players, but also by his peers nationwide. He has been awarded many honors, including being inducted into the South Dakota High School Coaches Association Hall of Fame in 1979 and being named National High School Football Coach of the Year in 1986.

When Max Hawk retires this spring, South Dakota will be losing a great asset. However, his legacy of excellence will live on for years to come. I join with the citizens and students of Yankton and South Dakota who honor Max Hawk for his devotion to his profession, his community, and his State.

Mr. President, I ask unanimous consent to place an article about Mr. Hawk from the Sioux Falls Argus Leader in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Argus Leader, Oct. 26, 1994]

HAWK'S FINAL FLIGHT

(By Brian Kollars)

The final bell at Yankton High School has sounded. Class is out, and Max Hawk is putting on his game face.

It's time for football practice, and the Bucks' legendary coach is suddenly rejuvenated. Hawk is 61, but he briskly exits his office and leaves behind the walls covered with portraits of past YHS stars.

His first stop: the locker room.

"Come on Bucks," he snaps. "You guys are getting slower every day."

Hawk, with longtime assistant Jim Miner flanking him, breezes past the sign that reads "Your Mother Doesn't Work Here, Clean Up After Yourself," and finds the stairway that takes him out of the basement classroom into the soothing sunlight.

Time for some philosophy.

"You can always tell a freshman or sophomore—they'll have their shirt out and they'll be walking to practice," Hawk laments, "Varsity guys run."

So do coaches, so Hawk and Miner are off. They dodge cars in the student parking lot and quickly reach the place where they are most at ease: the football field.

Max Hawk is in his 38th and final season as a high school football coach. His two-syllable name says a lot about him: no nonsense and to the point. It's also synonymous with football in Yankton, a town that has responded favorably to its coach's stern style.

"The kids here all want to play football," Hawk said. "The town and school expect them to play, and they expect a winner."

The Bucks, who host Lincoln Thursday in a Class IIAA playoff opener, have won 228 games during Hawk's 30-year run. Add five mythical state championships and two playoff titles and you have a resume as powerful as Yankton's running game.

Hawk's 271 career victories put him second on South Dakota's all-time list. Only Howard Wood, whose career at Washington High began in 1908 and ended in '47, has more wins (286).

The Bucks' boss says he hasn't lost his enthusiasm for the game, but will make a clean break when the playoffs conclude.

"I'm tired of the long days and the routine of teaching and coaching," he said. "A lot of people get burned out and bitter. I don't want to do that."

What Hawk does yearn for is a return trip to the DakotaDome and a shot at his eighth state title. He'll try to get there using the same old plays and formations.

"I'm still winning games with the same stuff I used 35 years ago," Hawk said. "If that's old-fashioned, yeah, I'm old-fashioned."

The same playbook?

"We try to convince people of that, so when we put in a new play they're not ready for it," Miner says.

Hawk quickly points to the continuity of his coaching staff when talking about Yankton's success. There's Milner, his defensive coordinator for 29 years. Sophomore/freshman coach Ray Kooistra, who also is retiring, has been with Hawk 28 years.

Longtime assistant Gary Satter died of cancer last winter. It was one reason Hawk announced his retirement before this season started.

"When Gary Satter died, we had to replace him," Hawk said. "If everyone knew I would stay for just one year, we'd get good applicants."

The new man on the staff is Arlin Likness, who guided Hamlin to three Class 11B titles before joining the Bucks.

CLOSE TO HOME

Hawk, who grew up in Wessington Springs and was a standout center and linebacker at Northern State, began his career at Scotland in 1957.

He wasn't your normal raw recruit. In addition to a football background, Hawk had military experience, logging two years with a helicopter crew during the Korean War.

"My claim to fame was we took part in the atomic and nuclear tests," Hawk said. "I got to witness three atomic bombs go off."

Scotland got to witness Hawk in his formative coaching years.

Joe Foss was residing in the governor's mansion, Dwight D. Eisenhower was dealing with integration problems in Little Rock and Hawk was winning 13 of his first 15 games.

Hawk turned down more money from Faith to coach in Scotland because he wanted to mold an 11-man program. He also had an offer to coach in Lovell, Wyo., but opted to stay in South Dakota.

"You know, one time me and my wife drove out there to see what we missed and it was beautiful, right by Yellowstone Park," Hawk said of Lovell, located in northwest Wyoming.

The view wasn't as spectacular in the South Eastern South Dakota Conference, but Hawk was too busy to notice. When it wasn't football season, Hawk was helping his mentor, Pete Baker, coach basketball. The two split track and field duties down the middle.

Hawk and his wife, Jane, also began a family, and had all three of their children by the time Yankton came calling in 1965.

BUCK POWER

Hawk lost seven games in his first two seasons at Yankton, but in 1970 the Bucks went 9–0 and were mythical state champions. Hawk's reputation had solidified. He was tough, but fair. His teams were fundamentally sound, and big.

That combination has worked wonders in Yankton, which has come to expect victories at Crane-Youngworth Field like water running down the Missouri River. Hawk dishes out the discipline—freshmen are "dumb freshmen," no matter how brilliant they were in middle school—and his teams grind out the wins.

Yankton enjoyed back-to-back 9–0 seasons in 1975–76. In seven autumns from '79 to '85, the Bucks went 67–8. Yankton won state playoff titles in '82 and '84.

Hawk, the national coach of the year in 1986, can be a very intimidating hurdle for a wide-eyed 14-year-old who has heard all the stories about the high school drill sergeant, but he stands by his successful philosophy.

"I know this," he said, "I expect more out of kids than they expect out of themselves."

Hawk is at his best when motivating. He said he got physical with a student in anger just once, at Scotland.

"I had a kid one time and I tore his shirt off," Hawk said. "I didn't mean to, and he and I had some fierce words. I thought I might've made an enemy for life."

That football player went on to serve in Vietnam and was wounded, Hawk said. When he got home, his first order of business was to seek out his ex-coach. He came in peace.

"He said things he learned in football might have saved his life," Hawk said.

HALFTIME TALKS

When any of Hawk's players get together and talk about the glory days, it doesn't take long for them to focus on that brief break between the second and third quarters.

If Yankton is behind at halftime, get ready for the volcano to erupt.

"I always measure his halftime talks on a 1-to-10 basis," said Duane Reaney, who signed on as Yankton's team doctor in 1980. "When he has a 10, the roof almost comes off.

"I've seen sophomores and juniors wide-eyed at halftime, while the seniors may be twiddling their thumbs because they've heard it before."

Miner, one of Hawk's possible successors, says the Bucks don't mind the turned-up volume.

"Our kids like to have Max give his halftime talks when he gets fired up," Miner said.

Mike Kujak, an All-State fullback in '82, always seemed to be in Hawk's line of fire and heard more than a few "that's terrible" lines.

"He coached everybody different," Kujak said. "Some people he'd yell at, like me. Other guys he'd pat on the back. He made you want to work harder.

"Everybody took a piece of Max Hawk with them."

Says Hawk: "They say I'm tough on kids. I bite 'em in the butt, but 30 seconds later I'm on to something else.

"Kids know if they screw up they might as well come and talk to me, because I'll find them on the sidelines."

Hawk has been known to haul off and kick anything in sight during his speeches. Twenty-five years ago in Watertown, he met his match when he picked out a bench that was bolted to the floor. Hawk kicked, and broke a toe.

"He kicked it and it never moved," said Doug Nelson, a 1970 All-State halfback and father of current Bucks star Jason Nelson. "He never said anything and walked out. We made a big comeback and won, and on the way home nobody said anything."

The road trip is still vivid in Hawk's memory.

"The damn bench was attached," he said. "I remember how much it hurt, but I didn't flinch."

Hawk can do more than talk a good game. He's been known to give his players first-hand demonstrations on the practice field.

"If there's a certain play I want done, I'll run the quarterback on the scout team," he said. "I've got a terrible arm, but I can run the option play."

He can also punt. Well, sort of.

Pat Lynch, an All-State defensive end, recalled one rainy day in '72 when Hawk took matters into his own hands.

"He was trying to find someone who could punt the football 35 yards," Lynch said. "He said 'Hell, hike me the ball.' He kicked it and it went sailing. His feet went out from under him and he landed on his butt in the mud.

"Everybody wanted to laugh, but you could've heard a pin drop. He got up and kicked it again, about 45 yards, and said 'That's how you do it.'"

There weren't a whole lot of laughs that year. Yankton went 4–5, Hawk's only losing season. Lynch, who lives in Sioux Falls, got an earful.

"I got hell at halftime several times," he said. "He pointed right at me, looking for a little leadership."

The Lynch family provided plenty of help for Hawk. Pat was one of four Lynch brothers who were All-State performers. Dan, who played at Nebraska, was a high school All-American.

GRANDPA MAX

By all accounts, Hawk has mellowed somewhat. But he can still get his point across with that trademark glare, complemented by the craggy nose and gray hair.

Yes, gray hair. Hawk, you see, is a grandpa. His daughter, Jenny Heirigs, has two sons: Colter, 3, and Stetson, 1 month. Two years ago at a game in Brookings, Hawk stunned those close to him with a tender act.

"In the middle of the fourth quarter, in the middle of the game, he turned around and found his grandson and waved," recalls Hawk's daughter, Lynne Tramp. "Everybody's mouth dropped."

Hawk adores his grandsons, who have been regulars at Buck games.

"In his first three weeks, (Stetson) has been to two Bucks football games, which, as a grandmother I thought was a little insane," Jane said last week.

Lynne, who teaches at Whittier Middle School, knows all about her father's tough reputation.

"I dated different guys, but I'm sure a lot of guys were scared to death to talk to me," she said. "And God forbid they call the house."

"She seemed to have enough dates," Hawk said.

Hawk's days as Yankton's coach are numbered, and everyone is asking what retirement holds for a guy who's so emotionally tied to teaching football.

The old coach isn't too concerned.

"Everybody's worried about what I'm going to do except me," Hawk chuckles. "I can become a full-time sports fan and get along just fine."

But first, there's one last playoff run. And the weather makes no difference to Hawk.

"One thing that amazes me is (Hawk's) enthusiasm under adversity, those nights it's snowing and sleeting out," Miner said. "Max goes up to another level and has a good time, and the kids have a good time.

"He keeps hoping for ugly weather in the playoffs. He thinks the Bucks get tougher then."

MILESTONES

Some out-of-season highlights in Max Hawk's professional career:

1968: Named executive secretary of the South Dakota High School Coaches Association. Currently serves as executive director.

1979: Inducted into SDHSCA Hall of Fame.

1980: President, National High School Athletic coaches Association.

1984: SDHSCA presents first Max Hawk Award. Hawk's wife, Jane, won the award in '88.

1988: National High School Football Coach of the Year.

1987: Coached South to 19–12 win in first state high school All-Star Game in Aberdeen.

1993: Presented with Gatorade Coaches Care award.

One of eight South Dakota coaches in SDHSCA Hall of Excellence.

Lifetime member, board of directors, NHSACA.

HEALTH PROFESSIONS CONSOLIDATION AND REAUTHORIZATION BILL—S. 555

Mr. KENNEDY. Mr. President, access to quality health care for all should be a central goal of the American health care system. But for too often, we fail to achieve it. Lack of access is an especially serious problem for people in underserved rural and urban areas.

Health insurance coverage for all is an essential part of making good health care widely available, but it is only a part of the solution. The success of health reform also depends heavily on our ability to train an adequate number of more health professionals. No health care system can function effectively without an adequate supply of well-trained and capable physicians and other providers.

The past two decades have seen impressive increases in the total number of health care professionals. The quality of training in American medicine is generally superb. Despite these successes, however, some types of health professionals—particularly those in primary care—remain in short supply, and the distribution of health manpower leaves many parts of the country underserved, or barely served at all. The task of maintaining an adequate supply of professionals from disadvantaged backgrounds, who typically have a strong interest in serving underserved communities, remains a major challenge. Millions of Americans, especially the very young and the elderly in underserved communities, have little or no access to primary and clinical preventive health care services.

The dual purpose of our current health professions programs is to train more health professionals in occupations where the supply is too low, and to encourage them to locate and remain in underserved areas.

An important subsidiary goal is to assist disadvantaged students and institutions training these students, in order to expand the opportunities of those from disadvantaged backgrounds to enter the health professionals and to help meet the needs of underserved areas. These are programs that work. As studies have shown again and again, health providers from disadvantaged backgrounds are far more likely to practice their professions in underserved communities. That needed result is enhanced by community-based training, which also encourages health professionals to stay on in underserved and shortage areas.

Training programs under titles VII and VIII of the Public Health Service Act are the key mechanisms by which the Federal Government provides assistance to medical students and encourages the training of health professionals to meet national priorities. These programs are overdue for consolidation and better targeting, and I commend Senator KASSEBAUM on the constructive role she has played in analyzing these programs and proposing meaningful, practical reforms. I look forward to continuing to work with Senator KASSEBAUM and with the Clinton administration to achieve these goals responsibly and maintain adequate levels of resources. We must advance, rather than undercut, the central goal of these two titles of the Public Health Service Act—to train a health work force that can meet the needs of the American people.

This important legislation will enhance the quality of the Nation's health professions work force and, by doing so, it will drastically improve the health and well-being of our people. I look forward to its enactment.

MESSAGES FROM THE HOUSE

At 11:56 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 41. Concurrent resolution providing for an adjournment of the House from Thursday, March 16, 1995, to Tuesday, March 21, 1995.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

S. 377. An Act to amend a provision of part A of title IX of the Elementary and Secondary Education Act of 1965, relating to Indian education, to provide a technical amendment, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore of the Senate (Mr. THURMOND).

At 4:00 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on March 16, 1995 she had presented to the President of the United States, the following enrolled bill:

S. 377. An act to amend a provision of part A of title IX of the Elementary and Secondary Education Act of 1965, relating to Indian education, to provide a technical amendment, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-534. A communication from the Administrator of the Panama Canal Commission, transmitting, a draft of proposed legislation entitled "Panama Canal Amendments Act of 1995"; to the Committee on Armed Services.

EC-535. A communication from the Secretary of Defense, transmitting, pursuant to law, the report of the Reserve Forces Policy Board for fiscal year 1994; to the Committee on Armed Services.

EC-536. A communication from the Executive Director of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, the report on savings associations for calendar year 1994; to the Committee on Banking, Housing, and Urban Affairs.

EC-537. A communication from the General Counsel of the Department of the Treasury, transmitting, a draft of proposed legislation entitled "The U.S. Mint Managerial Staffing Act of 1995"; to the Committee on Banking, Housing, and Urban Affairs.

EC-538. A communication from the Secretary of Housing and Urban Development's Designee to the Federal Housing Finance Board, transmitting, pursuant to law, the report of salary rates for calendar year 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC-539. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation entitled "Maritime Security Act of 1995"; to the Committee on Commerce, Science, and Transportation.

EC-540. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation to amend the guarantee fee provisions of the Federal Ship Mortgage Insurance program in the Merchant Marine Act, 1936, as amended; to the Committee on Commerce, Science, and Transportation.

EC-541. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation entitled "The Maritime Administration Authorization Act for fiscal year 1996"; to the Committee on Commerce, Science, and Transportation.

EC-542. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report entitled "Tanker Safety and Liability"; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 219. A bill to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes (Rept. No. 104–15).

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 464. A bill to make the reporting deadlines for studies conducted in Federal court demonstration districts consistent with the deadlines for pilot districts, and for other purposes.

S. 532. A bill to clarify the rules governing venue, and for other purposes.

S. 533. A bill to clarify the rules governing removal of cases to Federal court, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

J. Don Foster, of Alabama, to be United States Attorney for the Southern District of Alabama for the term of 4 years.

Martin James Burke, of New York, to be United States Marshal for the Southern District of New York for the term of 4 years.

Charles B. Kornmann, of South Dakota, to be United States District Judge for the District of South Dakota.

Karen Nelson Moore, of Ohio, to be United States Circuit Judge for the Sixth Circuit.

Janet Bond Arterton, of Connecticut, to be United States District Judge for the District of Connecticut.

Willis B. Hunt, Jr., of Georgia, to be United States District Judge for the Northern District of Georgia.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. COATS (for himself, Mr. GRAMS, Mr. CRAIG, Mr. LOTT, Mr. BROWN, Mr. MCCAIN, Mr. KYL, Mr. INHOFE, Mrs. HUTCHISON, and Mr. GRAMM):

S. 568. A bill to provide a tax credit for families, to provide certain tax incentives to encourage investment and increase savings, and to place limitations on the growth of spending; to the Committee on Finance.

By Mr. HARKIN:

S. 569. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to combat waste, fraud, and abuse in the medicare program, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have 30 days to report or be discharged.

By Mr. GORTON:

S. 570. A bill to authorize the Secretary of Energy to enter into privatization arrangements for activities carried out in connection with defense nuclear facilities, and for other purposes; to the Committee on Armed Services.

By Mrs. BOXER (for herself, Mr. PRYOR, Mr. GRASSLEY, Mr. KOHL, Mr. BRADLEY, Mr. DORGAN, Mr. AKAKA, Mr. HOLLINGS, Mr. ROTH, Mr. HARKIN, Mr. REID, Mr. LIEBERMAN, Mr. BAUCUS, Mr. ABRAHAM, Mr. SIMON, and Mr. ROBB):

S. 571. A bill to amend title 10, United States Code, to terminate entitlement of pay and allowances for members of the Armed Forces who are sentenced to confinement and a punitive discharge or dismissal, and for other purposes; to the Committee on Armed Services.

By Mr. COATS:

S. 572. A bill to expand the authority for the export of devices, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. PRYOR:

S. 573. A bill to reduce spending in fiscal year 1996, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions, that if one Committee reports the other Committee have thirty days to report or be discharged.

By Mr. MOYNIHAN (for himself, Mr. COCHRAN, and Mr. SIMPSON):

S. 574. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 150th anniversary of the founding of the Smithsonian Institution; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. STEVENS (for himself, Mr. MURKOWSKI, Mr. JOHNSTON, and Mr. BREAUX):

S. 575. A bill to provide Outer Continental Shelf Impact Assistance to State and local governments, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FEINGOLD:

S. 576. A bill to prohibit the provision of certain trade assistance to United States subsidiaries of foreign corporations that lack effective prohibitions on bribery; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAUCUS (for himself, Mr. BURNS, Mr. DOLE, and Mr. DASCHLE):

S. Res. 88. A resolution honoring the 92d birthday of Mike Mansfield, and for other purposes; considered and agreed to.

By Mr. FEINGOLD:

S. Res. 89. A resolution regarding bribery in international business transactions and the discrimination against United States exports that results from such bribery; to the Committee on Foreign Relations.

By Mr. DOLE (for himself and Mr. DASCHLE):

S. Res. 90. A resolution to authorize testimony by a Senate employee; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COATS (for himself, Mr. GRAMS, Mr. CRAIG, Mr. LOTT, Mr. BROWN, Mr. MCCAIN, Mr. KYL, Mr. INHOFE, Mr. GRAMM, and Mrs. HUTCHISON):

S. 568. A bill to provide a tax credit for families, to provide certain tax incentives to encourage investment and increase savings, and to place limitations on the growth of spending; to the Committee on Finance.

THE FAMILY INVESTMENT RETIREMENT SAVINGS AND TAX FAIRNESS ACT

Mr. COATS. Mr. President, this morning we rise to introduce legislation to put the American family first. Mr. President, I send to the desk legislation which will do just that and will explain its content.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. COATS. Thank you, Mr. President.

Our colleagues on the other side of the Capitol already have begun to take action on many of the reforms that I have laid out in this legislation. But now it is time for the Senate to deliver on a promise and give family tax relief to hard-working, overtaxed middle Americans.

Over that past few years Americans have heard a lot of talk about tax relief but they have yet to see Washington act on their promises. Today, Mr. President, we signal our intent to not just talk about, but to act upon tax relief for our citizens, especially our families.

This legislation is a blueprint that shows that deficit reduction and tax relief can go hand-in-hand. These goals are not mutually exclusive if Congress is willing to make the hard choices necessary to put our fiscal house in order. We clearly need to restore fiscal integrity and economic soundness to the budget process. We need the kind of change that will force Congress to act differently by rewriting the ground rules of the game. For too long we have chosen to take the easy road by putting off or ignoring the frugal spending path that over and over we have laid out but failed to adhere to.

This legislation we introduce today includes a real sequester provision so that if Congress once again cannot make the hard spending choices they will be made anyway. The Family, Investment, Retirement, Savings and Tax Fairness Act—families first—charts a different course and reorders our spending priorities.

Last year's election proves that the American people are fed up with the status quo—they want action. Action taken to eliminate the deficit and the ever growing debt that we are burdening our children with and action to relieve them of the taxes that are stifling their quality of life and leaving them with less and less in every pay check.

Families first recognizes three central principles.

First, American families are overtaxed. High taxes rob families of the resources needed to care for children.

Second, the private sector, not government creates jobs. We must reduce the cost of capital and encourage productive investment by reducing the tax on growth. We will find new jobs in a growing economy, not in a growing government.

Third, the American people want deficit reduction upfront—obviously the President did not hear that message. His fiscal year 1996 budget just keeps reinventing the same spending cuts that will take place some time in the future. Is this any kind of leadership when the Nation's debt now stands at over $4.7 trillion? That is over $18,500 for every man, woman, and child in this Nation. This is a carefully planned, meticulously documented theft from our children.

Specifically, the families first bill does the following:

First, it provides relief to American families with children through a tax credit of $500 per child;

Second, it provides incentives for businesses to create jobs, including a reduced capital gains tax rate, a neutral cost recovery plan for capital investments, and expanded IRA's;

Third, it repeals the retirement earnings test on older Americans;

Fourth, it places a 2 percent cap on the growth of Federal spending;

Fifth, it creates a commission, modeled after the Base Closure Commission, to identify the legislative changes needed to meet the cap. If Congress fails to approve the commission's plan by a date certain, the cap would be enforced by sequester, holding Social Security harmless.

The bill is not only entirely paid for by the spending cap—our plan cuts the deficit by half in 5-years, eliminating it altogether in less than 10 years.

I would like to take a moment to discuss the family tax credit component of this plan which addresses an inequity that has been developing for decades.

Families are finding it more and more difficult to bear the financial costs of raising children. According to Family Economics Review, the average American family it faces costs of between $4,000 and $5,000 per year, per child.

This is because, over the last several decades, tax burdens have been radically redistributed, not from poor to rich or rich to poor, but directly on families with children.

The facts are these. Adjusting for inflation, single people and married couples with no children pay about the same percentage of their income in taxes as they did at the end of World War II. In 1948, the typical family of four paid just 3 percent of its income to the Federal Government in direct taxes. In 1992, the equivalent family paid nearly 24.5 percent of its income to the Federal Government. This is an increase of over 717 percent. It is time to restore fairness in the Tax Code.

The reason is simple. The personal exemption—the way the Tax Code adjusts for family size—has been eroded by inflation and neglect. The exemption that once protected families with children has fallen significantly in the last six decades. Currently, the personal exemption is $2,450 if this had kept pace with inflation the personal exemption would be over $7,000.

Many households now have two working parents who spend greater amounts of time away from their children out of simple necessity. Rising healthcare and education costs in particular place the family under great financial pressure.

This tax burden translates into less time that families can spend together. Families have 40 percent less time to spend together today than they did 25 years ago. Families are clearly working harder, longer, for less.

A $500-per-child tax credit would give a family of four over $80 a month extra for groceries, school clothes for the kids, or savings for education, et cetera. Our bill will reduce the tax burden, allowing families to keep more of their hard earned dollars. It will empower families to make their own choices and rely less on government; 50 million children are eligible for this credit. In my own State of Indiana, 1.1 million children are eligible, enabling Hoosier families to keep $555 million of their hard earned money each year.

Advocating family tax relief, President Clinton said, "$400, people say it's not very much money. I think it is a lot of money. It is enough for a mortgage payment. It is enough for clothes for the kids, and enough to have a big, short-term impact on the economy."

No change is more urgent for average families than tax reform. Increased taxation on families with children is a tool of the bully, picking on the weak. For larger families it has meant a recession in both good times and bad, a recession that never seems to end. But for decades families have suffered quietly.

There are many programs like the earned income tax credit designed specifically to help impoverished families—as there should be. This commitment is constant and important. But we must not forget that it is middle income families who have not only been forgotten, but given extra financial burdens. It is time to target this group for relief—as we have done in the past for others. Over 85 percent of the family tax relief provided by this credit goes to Americans with family incomes of less than $75,000. This relief is not a handout. It is a matter of simple justice. It is a return to tax fairness.

This plan tackles the two great threats to the American family—the budget deficit and the ever growing tax burden. In addition, it recognizes that only a growing economy will provide jobs. It recognizes that high taxes bleed an economy of its productive power. They strip individuals of incentive and devalue their work.

For too long we have dismissed their needs to answer the calls of other interests. I hope my colleagues will join us in this fight for the American family. We must give them the tax relief they deserve.

KEY FACTS ON TAX CREDIT

Fifty million children eligible for the credit.

It eliminates the total tax burden for families making less than $23,000.

Some 4.7 million families would have their tax liability eliminated.

Mr. President, over the past few years Americans have heard a lot of campaign promises and a lot of talk about tax relief, but they have yet to see Washington act on these promises.

Today, Mr. President, in sending this legislation to the desk for consideration, we signal our intent to not just talk about tax relief but to act upon it for our citizens, and especially for our families.

I am pleased that this morning my new Senate colleague, Senator Grams from Minnesota, who joined with me in the last Congress as a Member of the House of Representatives in sponsoring this legislation, has joined us and will be joining me in advancing this legislation before this body.

Already our colleagues on the other side of the Capitol have begun to take action on many of the reforms that are laid out in this legislation. Now it is time for the Senate to deliver on a promise made by so many to give family tax relief to the hard-working, overtaxed, middle-income Americans.

This legislation is a blueprint that shows that deficit reduction, which surely we must engage in, and tax relief can go hand in hand. These goals are not mutually exclusive, if we are willing to make the hard choices necessary to put our fiscal house in order but in doing so recognizing the impact on the average American family today and their need for substantive relief and deal with the burdens and expenses of raising children in today's society.

Our efforts are incorporated in legislation with the acronym FIRST. FIRST stands for family, investment, retirement savings, and tax fairness. It combines efforts to address a glaring deficiency in our Tax Code, a deficiency that robs middle-income Americans of hard-earned dollars to spend as they see fit and as they see the need to raise their children, to pay the mortgage, to rent the apartment, to make the car payments, to buy the clothes, to save for the education, to meet the needs, the ever-growing needs, of their ever-growing children.

It combines that relief with real, meaningful incentives for the business enterprises of America, to expand, to accumulate capital and to create the jobs which those children will be seeking as soon as they finish their education. And it adds to that relief for our senior citizens who are able and want to keep working beyond retirement age but whose income is severely eroded by the offsets that are required under the current law. We lift the earnings requirement so that those seniors that are willing and are able to continue working beyond retirement can do so without penalty.

There are incentives for contributions to an IRA, an IRA designed to help with those burdens and those expenses of providing for education and providing for the purchase of a home and other needs.

It does so with the recognition that we have to pay real attention to the ever-growing debt burden which is saddling this generation, and particularly future generations, with a debt and an interest cost that they may be unable to pay and that will surely limit their opportunities in the future.

Deficit reduction is a serious effort that must be undertaken by this Congress and not future Congresses. So we are trying to reconcile two very important goals, and we think we have done that in this first legislation, because combined with these incentives for family relief and for business growth and for help for our seniors, combined with this is an effort to rein in the costs—excessive costs—of the spending of this Congress and of this Government, by placing a cap on the overall rate of growth.

I want to stress that phrase "rate of growth." Those who say that we need to drastically slash this and that, and take money away from this program or that program, are not recognizing the reality that if we simply limit the rate of growth of Government spending, we can free up money to provide significant deficit reduction, put us on a path to a balanced budget and, at the same time, reorder our priorities and direct funds into areas where they are needed the most.

Our job as elected representatives is to wisely, efficiently, and effectively spend the taxpayers' hard-earned dollars and make sure that those dollars spent at the Federal level are spent in a way that gives us the best results. We have been pointing to a whole number of programs that are marginal at best and, clearly, as we look at limiting the rate of growth of the Federal Government, we will need to look at our priorities.

There are some programs that probably are not performing the service that was intended and they ought to be flat out eliminated. They no longer are needed or are not doing the job. Other programs have marginal benefit but do not rank high in the priority list. I suggest that those programs need to be reduced in the amount of expenditures and amount of budget they are given each year. Some may be 1 or 2 years, some may be 5, 10, some 30—who knows. We need to look at the effectiveness of those programs and reduce that spending. Others ought to be frozen. They are providing an effective service, but we cannot afford to continue increasing them at the past rate, so let us freeze at the current level.

Yes, Mr. President, there are probably some programs that ought to be increased because they are meeting necessary needs for Americans. They go to important programs and they deserve an increase. With the first bill, we are saying let us put an overall cap on the rate of growth at about 2 percent, and in doing so let us back it up with a spending commission that will recommend cuts and provide the mechanism, as we have done in base closing, to ensure that Congress lives up to its promise. If we do that, as I said, we can balance the budget over a number of outyears—roughly 8 years—we can balance the budget. We can also reprioritize our spending in the areas that I have talked about—family relief, investment in new jobs, help for our seniors, and some other important programs.

The core of this program is the family relief. Families today are struggling to meet ever-rising tax demands. American families are overtaxed, and they rob our families of the resources needed to care for children.

In 1948, a typical family of four paid just 3 percent of its income to the Federal Government in direct taxes. In 1992, the equivalent family paid nearly 24½ percent of its income to the Federal Government—an increase of over 717 percent. At times, special-interest deductions have been granted to all types of special interests in our country under our Tax Code. But the most special of all special interests—the family—has been shorted. These other deductions have been at the families' expense. They are struggling to keep up.

Personal exemption has not kept pace. Today, it is $2,450 per dependent. If it had kept pace with inflation, it would be well over $7,000. Today, families have 40 percent less time to spend with their children, partly because they are out working trying to make ends meet. They are clearly working harder, longer, for less.

The $500 per child tax credit for children under 18 will provide real relief for families struggling to meet the needs of their family and to pay the bills. It is the central part of the package that we are introducing. Over 85 percent of this family tax relief provided by this credit will go to American families with incomes of less than $75,000. The relief is not a handout. It is a matter of simple fairness and simple justice. It is a return to tax fairness under the code.

Surely, Mr. President, as we look at how we spend the taxpayers' dollars, as we look at how we reprioritize our spending—and that is the exercise we are going through here in this Congress—surely there will be room, or there should be room, for families. Surely, we can find a way to direct our expenditure of Federal dollars to help struggling families. And we are not giving them the money back. We are saying we are going to allow you to keep more of your hard-earned dollars; you are going to be able to send less of your paycheck to Washington, and you are going to be able to make the decisions which are in the best interests of your children and your family. Surely, in all of our debate as to where we spend the taxpayers' dollars and how we spend the taxpayers' dollars, we can make room for the family.

Mr. President, I am pleased that Senator GRAMS and I are joined by a number of our colleagues as original cosponsors. I ask unanimous consent that Senators GRAMS, CRAIG, LOTT, BROWN, McCAIN, KYL, and INHOFE be added as original cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COATS. I also note, Mr. President, that last year, as part of the Republican alternative budget, every Republican Senator voted for that Republican alternative budget which, unfortunately, failed. We did not have enough votes to gain a majority. But the core of that alternative Republican budget was this first bill and the family tax relief, which is the heart of that.

So I anticipate that most of our colleagues, if not all, will join Senator GRAMS and I. I am so pleased to have him join us in the U.S. Senate. He will be carrying the ball with all of us, advancing what I think is an extraordinarily important concept and idea.

We have terrific support in the House of Representatives. Just 2 days ago, the Ways and Means Committee reported out a bill with many of these features, the central part of that bill. So it is now time for the Senate, Mr. President, to act on its promises, to fulfill its commitment, and to put families at the centerpiece of the actions that we take this year.

With that, Mr. President, I yield my time and yield whatever time the Senator from Minnesota wishes to consume.

How much time remains?

The PRESIDING OFFICER. We have 20 minutes remaining.

Mr. COATS. I yield to the Senator from Minnesota.

Mr. GRAMS. Mr. President, I am pleased to join the distinguished Senators from Indiana and Idaho this morning, and a number of the other Senators who will be joining us later this morning, to talk about this very important issue—tax cuts—and to help continue the leadership on this most important issue.

I am proud to be a coauthor of this very important legislation, families first.

Mr. President, today we begin a debate that has been too long in coming. The American people are in desperate need of relief from their own Government, a Government that thinks it can spend our money better than we can spend our money. It has spent the last four decades just trying to prove that point.

In 1947, Americans paid just 22 percent of their personal income in the form of taxes—all taxes—to Federal, State, and local governments, including property taxes and the like.

Today, 40 years and hundreds of tax increases later, nearly 50 cents of every dollar earned by middle-class Americans goes to the Government to feed Government priorities. "We will solve all of our problems," says Washington, "if you will just send us more of your money." So we do, year after year. We have reached the point now where most families pay more tax dollars to the Federal Government than they spend for food, clothing, transportation, insurance, and recreation combined.

The 1993 Clinton tax bill did not help, either. As the largest tax increase in American history, it hit middle-class Americans right where it hurts the most—in their wallets.

Mr. President, the bottom line is taxes are just too high. The tax burden falls too heavily on the middle class. And, Mr. President, the result is that more and more Americans are being forced out of the working class and being forced into the welfare class.

But with their ballots last November, Americans called for tax relief. With the change in leadership in Washington, Congress is now finally in a position to deliver on that request.

Mr. President, we are taking the first step today with the introduction of the families first act—legislation calling for a $500 per child tax credit.

The $500 per child tax credit is relief for middle-class America.

And I would just like to show one of the few charts that we have out here this morning and talk about what this means.

In my home State of Minnesota, families first, if enacted, would provide nearly $500 million every year in tax relief to families across the State of Minnesota—$500 million into the pockets of families and individuals who will decide best on how to spend on those important needs such as food, clothing, shelter, education, or health care. They will make those decisions rather than some bureaucrat 1,100 miles away from Minnesota in Washington.

If you look at the home State of Senator DAN COATS in Indiana and what this would mean, it would mean for Indiana residents over $550 million a year in tax relief—$550 million every year. You add this total, and for all States it would be a $25 billion-a-year tax cut that would go into the pockets of families to decide how to spend. It would take that decisionmaking process out of Washington and put it down where it really belongs, and that is with the individuals who know best how to handle the problems that their families are facing.

As this chart clearly shows, our plan would return, as I said, $25 billion every year to families nationwide. And that includes from $418 million in Alabama every year to $61 million for the State of Wyoming residents. Again, $500 million a year would be dedicated to families in my home State of Minnesota.

Fully more than 90 percent of the tax relief would go to working Americans making annual salaries of $60,000 or less. So this is a plan that is targeted. More than 90 percent of the tax relief goes right to the individuals that have felt the burden the most over the last 30 years, and that is families making $60,000 or less.

Most importantly, our $500 per child tax credit would let 53 million working families keep more of their own hard-earned tax dollars. And $500 per child adds up to a lot more than just some pocket change.

I think, if you pick up the phone and ask many of the constituents in your districts if $500 or $1,000 for two children or $1,500 for three children would not make a big difference in their finances every year, for middle-income taxpayers, it may mean health insurance for their families where there was not any before, or maybe a better education for their children when before there were no other options. To lower income Americans, it may mean not having to pay any taxes at all.

Mr. President, there is widespread support also for the $500 per child tax credit among Americans in every income range, in every age bracket, among those with children and those without. These are the people who feel the pain every April 15 when they pay their taxes and who think it is time for the Government to feel a little bit of that pain instead.

But how can a government grappling with a $4.8 trillion national debt afford tax relief of any kind?

Well, the families first bill, which became the centerpiece of the budget plans offered last year by both Senate and House Republicans, pays for the tax credit by cutting Government spending. Every single dollar in tax relief is offset by another dollar in spending cuts.

I just want to refer again to the charts for the support that we have nationwide for a tax cut proposal. If you look at this one chart and you look at the different age groups, 18 to 25, 76 percent would approve of a tax cut. In the age group 26 to 40, 77 percent said, yes, let us have a tax cut. From 41 to 55, over 56 percent, and so on; 62 percent for 55 to 65; and, 65 and older, 58 percent said, yes, they would favor tax relief.

And if you look at income levels, people below $20,000, said, yes, they would like to have some more tax relief. And in all income groups it is either in the 60 or 70 percent range that say yes. So this is overwhelming support nationwide by every age group, every income group that really believes we are being taxed too much.

And by putting the Federal Government on a strict diet by capping the growth of Federal spending at 2 percent, we can balance the budget by the year 2002, including the tax cuts. Our bill proves that we can afford tax relief at the same time that we begin to restore some fiscal sanity to Washington.

During the debate ahead, we will hear calls to water down the $500 per child tax credit. We will be asked to means test it or to even lower the dollar amount. Some will want to limit the ages of the children eligible, or duck out on real relief by substituting an increase in the personal deduction. Some may oppose tax relief completely.

But that is not what the Americans were promised last year, or what the voters mandated in November. If we backtrack now, we will have to face an American public that is tired of being led on by politicians who promise one thing and then never deliver.

We have to hold firm on behalf of every American taxpayer and deliver the tax relief that we promised.

I want to commend our colleagues on the House Ways and Means Committee, who this week kept the covenant they made with the voters in the Contract With America and passed the $500 per-child tax credit. This was a victory for the taxpayers and a clear signal to the American people that they have not been forgotten by this Congress.

Mr. President, I am proud that Senator COATS and our Senate colleagues—what we call the 500 club—will be following up on the House's good work and fighting for the promises made in November: the promises of lower taxes, smaller government, stronger families.

Those are the principles embodied by the $500 tax credit—the principles that will once again put families first.

I would like to now yield some time to my good friend and colleague from Arizona.

Mr. KYL. I thank the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I am pleased to be an original cosponsor of the families first legislation that our colleague, Senator ROD GRAMS, is introducing today. This important legislation would provide badly needed tax relief for American families. It would repeal the Social Security earnings limitation. It would cut capital gains taxes and provide other pro-growth economic incentives, while still putting the budget on track to balance by the year 2002. It does so by cutting spending.

Balancing the budget does not mean that taxes have to be increased. Nor does it preclude consideration of tax cuts. The problem is not that the Federal Government is collecting too little in tax revenue. The Government is simply spending too much.

As a result of the tax increase Congress approved in 1990, Americans paid over $20 billion in new taxes. They paid another $35 billion as a result of President Clinton's tax increase in 1993. Taxes increased, but so did Federal spending. It climbed from $1.2 trillion in 1990 to about $1.5 trillion this year, and it will rise to $1.6 trillion next year. That is a 33 percent increase in spending in just 6 years. Taxes—which are already too high—will never be high enough to satisfy Congress' appetite for spending.

Since 1948, the average American family with children has seen its Federal tax bill rise from about 3 percent of income to about 24.5 percent today. Combined with State and local taxes, that burden rises to a staggering 37.6 percent.

Senior citizens have been hit hard by tax increases as well. The earnings limitation is bad enough, but combined with the 1993 Clinton tax increase on Social Security benefits, the marginal rate now experienced by some seniors amounts to 88 percent, twice the rate paid by millionaires. That is not taxation. It is confiscation.

Mr. President, the American people know what it means to balance a budget—to struggle to make ends meet—and they know better than the Government how to provide for themselves and their children. Parents just want a chance to keep more of what they earn to put food on the table, a roof over their heads, and their kids through school. The $500 per child tax credit in the families first bill is no panacea, but it is an important step in the right direction.

In fact, about 35 million families across the nation would be eligible for the bill's $500 per child tax credit. Among those who would benefit the most are 4.7 million low-income families who would see their entire Federal tax burden eliminated—4.7 million families.

As pointed out in a Heritage Foundation report last year, "a $500 per child tax credit would give a family of four earning $18,000 per year a 33-percent tax cut, and a family earning $40,000 per year a 10-percent tax cut, while giving a family earning $200,000 per year a cut of only 1.5 percent."

So the families first credit is fair. It targets relief to those who need it most—low- and middle-income families across the Nation. The bill also repeals the Social Security earnings limitation which is inherently unfair to people who need and deserve their full Social Security benefits and who also want to work. Not only should the earnings test be repealed, the Clinton tax increase on Social Security should be repealed as well.

I know there are those who will say that deficit reduction is more important than tax relief, and they may oppose the bill. I disagree. I have never understood how taking more money out of the pockets of the American people can make them better off. Taxing people too much makes them worse off, and it slows down the economy. If the goal is to maximize tax revenues, as opposed to tax rates, then tax relief is not inconsistent with the goal of deficit reduction. It is integral to the goal of reducing the deficit.

As my colleagues have heard me point out on a number of occasions, revenues to the Treasury have fluctuated around a relatively narrow band of 18 to 20 percent of gross national product for the last 40 years. That is despite tax increases and tax cuts, recessions and expansions, and economic policies pursued by Presidents of both parties.

Since revenue as a share of the gross domestic product is virtually constant, the only way to raise revenue is to enact policies that foster economic growth and opportunity. In other words, 18 to 20 percent of a larger GDP represents more revenue to the Treasury than 18 to 20 percent of a smaller GDP.

That is the basis for these Federal spending limits that I proposed in other legislation. It is the reason the tax cuts in the families first bill make good economic sense. Empower American families and they can do more for themselves and depend less on Government. Cut taxes and stimulate the economy and more people can go to work. There will actually be more economic activity to tax, more revenue to the Treasury, despite the lower tax rates.

Last fall, the American people sent a loud and clear message to Congress: It is time to end business as usual. They want less Government, not more. They want tax relief and lower Government spending. Let Congress help President Clinton keep the promise he made in putting people first, to grant additional tax relief to families and children. Let Congress pass the families first bill.

Mr. COATS. Mr. President, may I inquire how much time remains?

The PRESIDING OFFICER. There are 6 minutes remaining.

Mr. COATS. I yield 5 minutes to the Senator from Texas and reserve the last minute for the Senator from Minnesota.

Mrs. HUTCHISON. Thank you, Mr. President. I want to thank my colleague, Senator COATS, who sponsored this bill last year. I was a willing and hopefully helpful cosponsor. Now we have Senator GRAMS, a new freshman, who did sponsor it on the House side last year and has come in to cosponsor it this year.

This is a very important step that we must take. In 1930, we saw the beginning of the change in course in our country, the beginning of more Government, bigger Government, more spending, which also brought more encroachment on everyone's lives.

I think in 1994, the people of America said, "No, stop. Stop the big Government growth. Stop the encroachment on our lives. Stop the arrogance in Washington, DC. Enough is enough." They said, "We want to go back to self-help and self-reliance. We want to go back to the basics, and we want the American family to be the strength that it has been, the fabric of society that it has been, that has brought us to this strong and great America that we have."

We have dissipated so much of the strength of our family through the dependence of Government. I remember the story of a woman who was in the grocery store line who said, "I saw someone using food stamps, buying items of food that I had passed up because I was trying to save to buy something for my children, that I had to do as a little bit of an extra."

It was that frustration that I think people felt when they went to the polls in 1994 and said, "We do not think that's right." The people who are pulling the wagon, the people who are saying, "We are saving our money to raise our families, and we are having a hard time doing it," wanted a change.

The families first legislation will bring about that change, and I have to say that I do admire the Ways and Means Committee and the chairman, BILL ARCHER, who did report a bill out that has many of the things in the families first bill that we are introducing today. Perhaps they will pass those in the House first.

I will be proud, then, to come in and take some of those items from our families first legislation that we are reintroducing today. The $500 per child tax credit is something that will help those families make ends meet, the ones who are having a hard time. After all, it is their money. It is their money that they have worked so hard to earn. Why should they not be able to keep it? Why should they not decide what is best for them, rather than having someone from Big Brother Government deciding what is best for them.

I think if the American people believe that they can manage their own resources better than the Federal Government, that we should humor them and let them keep their money. That is what the families first legislation will do.

I have been a proponent of increasing IRA's, because I think if we help people retire with security that that will be good for our country. It is self-help. It is allowing people to have that security in their old-age years by encouraging savings, which encourages investments, which encourages new jobs in this country, too.

I have introduced a bill to give homemakers IRA's, and if we can get this families first bill to the floor, I know that Senator COATS and Senator GRAMS are going to support my amendment to have homemakers added to IRA's because that is a very important issue. It is important to say that the work done inside the home is every bit as important, if not more important, than the work done outside the home, because that is what keeps this country strong—the families, where the families are together. If the homemaker is staying home and raising children, I think we should reward her efforts, just as much as anyone who is working outside the home.

I have seen my colleague, Senator COVERDELL, come in, and I want to make sure everyone has a chance to weigh in on this legislation. I will just say, Mr. President, that this is families first.

It is time to go back to basics, to appreciate how important the family unit is, that balancing the budget is for the future of our children and grandchildren. That is a commitment that I have, and all who are cosponsoring this legislation will work to try to make sure that we give to our children and grandchildren the same kind of strong America that we were able to grow up in and love. Thank you.

Mr. COATS. Mr. President, I ask unanimous consent to add Senator HUTCHISON as an original cosponsor of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COATS. Mr. President, I yield the remaining time to Senator GRAMS.

Mr. GRAMS. Mr. President, I ask unanimous consent to have printed in the RECORD copies of the tables we have presented here.

There being no objection, the tables were ordered to be printed in the RECORD.

[Chart 1]

$500 PER-CHILD TAX CREDIT RETURNS MONEY TO THE TAXPAYER

State	Number of children eligible	Amount State could receive annually
Alabama	836,486	$418,243,000
Alaska	134,962	67,481,000
Arizona	744,524	372,262,000
Arkansas	524,241	262,120,500
California	6,625,012	3,312,506,000
Colorado	737,544	368,772,000
Connecticut	723,674	361,837,000
Delaware	172,017	86,008,500
District of Columbia	81,195	40,597,500
Florida	2,233,271	1,116,635,000
Georgia	1,226,073	613,036,500
Hawaii	295,346	147,673,000
Idaho	263,945	131,972,500
Illinois	2,501,462	1,250,731,000
Indiana	1,110,887	555,443,500
Iowa	641,094	320,547,000
Kansas	651,174	325,587,000
Kentucky	648,121	324,060,500
Louisiana	868,702	434,351,000
Maine	223,255	111,627,500
Maryland	1,038,365	519,182,500
Massachusetts	1,110,453	555,226,500
Michigan	1,866,891	933,445,500
Minnesota	946,639	473,319,500
Mississippi	540,359	270,179,500
Missouri	981,008	490,504,000
Montana	197,938	98,969,000
Nebraska	427,724	213,862,000
Nevada	247,958	123,979,000
New Hampshire	246,361	123,180,500
New Jersey	1,522,756	761,378,000
New Mexico	321,854	160,927,000
New York	3,575,251	1,787,625,500
North Carolina	1,359,138	679,569,000
North Dakota	146,786	73,393,000
Ohio	2,392,172	1,196,086,000
Oklahoma	644,733	322,366,500
Oregon	607,615	303,807,500
Pennsylvania	2,507,260	1,253,630,000
Rhode Island	159,461	79,730,500
South Carolina	777,909	388,954,500
South Dakota	158,309	79,154,500
Tennessee	829,778	414,889,000
Texas	3,628,180	1,814,090,000
Utah	473,448	236,724,000
Vermont	116,058	58,029,000
Virginia	1,286,275	643,137,500
Washington	1,141,341	570,670,500
West Virginia	346,642	173,321,000
Wisconsin	1,175,695	587,847,500
Wyoming	122,668	61,334,000

DOLLARS RETURNED TO EACH STATE BY A $500 PER-CHILD TAX CREDIT

[Source: US Census, 1992 Current Population Survey]

State	Number of families in each State	Number of families with children in each State	Number of children eligible for a $500 tax credit	Amount each State could receive annually from $500 per-child tax credit
Alabama	984,846	607,775	836,486	$418,243,000
Alaska	131,801	83,770	134,962	67,481,000
Arizona	901,059	472,805	744,524	372,262,000
Arkansas	572,309	366,520	524,241	262,120,500
California	6,864,996	4,444,459	6,625,012	3,312,506,000
Colorado	832,055	493,148	737,544	368,772,000
Connecticut	835,801	466,951	723,674	361,837,000
Delaware	181,252	105,034	172,017	86,008,500
District of Columbia	101,346	63,940	81,195	40,597,500
Florida	3,410,974	1,698,710	2,233,271	1,116,635,500
Georgia	1,555,254	909,966	1,226,073	613,036,500
Hawaii	293,296	167,417	295,346	147,673,000
Idaho	251,430	151,431	263,945	131,972,500
Illinois	2,873,440	1,622,908	2,501,462	1,250,731,000
Indiana	1,454,936	851,840	1,110,887	555,443,500
Iowa	683,268	383,031	641,094	320,547,000
Kansas	637,247	393,479	651,174	325,587,000
Kentucky	901,634	536,468	648,121	324,060,500
Louisiana	996,911	646,684	868,702	434,351,000
Maine	298,512	156,799	223,255	111,627,500
Maryland	1,194,734	675,067	1,038,365	519,182,500
Massachusetts	1,437,080	750,685	1,110,453	555,226,500
Michigan	2,254,735	1,273,610	1,866,891	933,445,500
Minnesota	1,043,603	570,424	946,639	473,319,500
Mississippi	572,963	425,312	540,359	270,179,500
Missouri	1,256,963	697,847	981,008	490,504,000
Montana	205,770	124,551	197,938	98,969,000
Nebraska	414,899	237,460	427,724	213,862,000
Nevada	313,332	168,220	247,958	123,979,000
New Hampshire	307,359	158,319	246,361	123,180,500
New Jersey	1,893,615	1,006,496	1,522,756	761,378,000
New Mexico	365,776	239,867	321,854	160,927,000
New York	4,138,706	2,494,133	3,575,251	1,787,625,500
North Carolina	1,663,710	940,231	1,359,138	679,569,000
North Dakota	146,146	87,390	146,786	73,393,000
Ohio	2,650,194	1,577,405	2,392,172	1,196,086,000
Oklahoma	782,007	456,751	644,733	322,366,500
Oregon	745,406	422,519	607,615	303,807,500
Pennsylvania	3,057,172	1,568,632	2,507,260	1,253,630,000
Rhode Island	240,767	111,470	159,461	79,730,500
South Carolina	891,157	569,749	777,909	388,954,500
South Dakota	173,385	96,221	158,309	79,154,500
Tennessee	1,242,636	637,780	829,778	414,889,000
Texas	3,964,267	2,582,258	3,626,180	1,814,090,000
Utah	390,211	249,945	473,448	236,724,000
Vermont	142,093	81,163	116,058	58,029,000
Virginia	1,528,524	859,620	1,286,275	643,137,500
Washington	1,252,277	737,136	1,141,341	570,670,500
West Virginia	452,953	266,844	346,642	173,321,000
Wisconsin	1,252,892	722,639	1,175,695	587,847,500
Wyoming	117,117	69,514	122,668	61,334,000

Mr. GRAMS. Mr. President, these charts show strong support from every age and income group across the country, their support for a tax cut, and also for some information, how much it would mean to each.

I say to the good Senator from Texas who just spoke, for families in Texas alone, it would be over $1.8 billion a year in tax relief.

Mr. President, I am pleased to join the distinguished Senators from Indiana and Idaho, who I thank for their early and continued leadership on this most important issue.

I thank my distinguished colleague from Indiana, and I am proud to be a coauthor of this important legislation to put families first.

Mr. President, today we begin a debate that has been too long in coming.

The American people are in desperate need of relief from their own Government—a Government that thinks it can spend our money better than we can, and has spent the last four decades trying to prove it.

In 1947, Americans paid just 22 percent of their personal income in the form of taxes.

Today, 40 years and hundreds of tax increases later, nearly 50 cents of every dollar earned by middle-class Americans goes to the Government, to feed the Government's priorities.

"We'll solve all your problems," says Washington, "if you'll just send us more money."

So we do; year after year.

We've now reached the point where most families pay more tax dollars to the Federal Government than they spend for food, clothing, transportation, insurance, and recreation combined.

The 1993 Clinton tax bill didn't help, either. As the largest tax increase in American history, it hit middle-class Americans right where it hurt the most—their wallets.

Mr. President, taxes are too high.

The tax burden falls too heavily on the middle class.

And, Mr. President, the result is that more and more Americans are being forced out of the working class and into the welfare class.

But with their ballots in November, Americans called for tax relief. With the change in leadership in Washington, Congress is finally in a position to deliver.

Mr. President, we are taking the first step today with the introduction of the families first act—legislation calling for a $500 per-child tax credit.

The $500 per-child tax credit is relief for middle-class America.

As this chart clearly shows, our plan would return $25 billion every year to families nationwide, from $418 million in Alabama to $61 million in Wyoming.

$500 million would be dedicated to families in my home State of Minnesota.

Fully 90 percent of the tax relief goes to working Americans making annual salaries of $60,000 or less.

Most importantly, our $500 per-child tax credit would let 53 million working families keep more of their own hard-earned tax dollars. And $500 per child adds up to a lot more than just pocket change.

For middle-income taxpayers, it may mean health insurance for their families, where there wasn't any before, or a better education for their children, when before there were no options.

For lower income Americans, it may mean not having to pay any taxes at all.

Mr. President, there is widespread support for the $500 per-child tax credit among Americans in every income range and every age bracket—among those with children and those without.

These are the people who feel the pain every April 15 when they pay their taxes and who think it's time for the government to feel a little of the pain instead.

But how can a government grappling with a $4.8 trillion national debt afford tax relief of any kind?

The families first bill, which became the centerpiece of the budget plans offered last year by both Senate and House Republicans, pays for the tax credit by cutting government spending.

Every single dollar in tax relief is offset by another dollar in spending cuts.

And by putting the Federal Government on a strict diet by capping the growth of Federal spending at 2 percent, we'll balance the budget by the year 2002.

Our bill proves that we can afford tax relief at the same time we're restoring fiscal sanity in Washington.

During the debate ahead, we'll hear calls to water down the $500 per-child tax credit.

We'll be asked to means test it or lower the dollar amount.

Some will want to limit the ages of the children eligible or duck out on real relief by substituting an increase in the personal deduction.

Some may oppose tax relief completely.

That's not what Americans were promised last year, or what the voters mandated in November.

If we backtrack now, we'll have to face an American public that is tired of being led on by politicians who promise one thing and never deliver.

We have to hold firm on behalf of every American taxpayer and deliver the tax relief we promised.

I want to commend our colleagues on the House Ways and Means Committee, who this week kept the covenant they made with the voters in the Contract With America and passed the $500 per-child tax credit.

This was a victory for the taxpayers and a clear signal to the American people that they have not been forgotten by this Congress.

Mr. President, I'm proud that Senator COATS and our Senate colleagues—what we call the 500 Club—will be following up on the House's good work and fighting for the promises made in November: the promises of lower taxes, smaller government, stronger families.

Those are the principles embodied by the $500 tax credit, the principles that will once again put families first.

I would like to close by saying how important I feel about tax cuts for Americans, and American families specifically. We promised, we campaigned, we talked about tax relief for American families across the country during the 1994 elections, and the Americans spoke loud and clear at the polls in November that they agreed, because they know how hard it hits them in the wallet every year.

My good friend from Wisconsin, the Senator from Wisconsin, is among those leading the charge on the Senate floor every day, talking about how we do not need tax cuts, how Government in Washington should continue to expect to receive these tax dollars, and that these Chambers can better make the decision on how to spend your money than you can spend it yourself.

In Wisconsin, that means about $590 million a year in tax relief, something the Senator from Wisconsin does not think is important to the residents of Wisconsin. I ask him to call some of his residents to see how important they feel any form of tax relief would be in 1995 for them.

I just wanted to wrap up again by thanking the Senator from Indiana and the other Senators who have spoken this morning on behalf of American taxpayers. I hope that we can rely on their support and the public support in making their calls and rallying behind this very, very, important issue of tax cuts and tax relief.

We are to a point now where we assume that every dollar that Americans make belongs to Government in some form and that we will decide through tax cuts or tax credits or tax breaks how much they are going to keep and how much Washington is going to get. I think, as the Senator from Indiana pointed out very succinctly, it is their money and this will allow them to keep more of their hard-earned tax money in their pockets.

So I wanted to thank the other Senators for helping this morning. I yield back my time.

By Mr. HARKIN:

S. 569. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to combat waste, fraud, and abuse in the Medicare Program, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee have 30 days to report or be discharged.

THE MEDICARE PROTECTION ACT OF 1995

• Mr. HARKIN. Mr. President, today I am introducing legislation, the Medicare Protection Act of 1995, which would save taxpayers and senior citizens over $16 billion by the end of the decade by curbing waste, fraud, and abuse in the Medicare Program. I hope that the Senate will consider this important legislation as we work to reduce the Federal budget deficit and to improve Medicare.

For 6 years, as chairman and now ranking Democrat of the Appropriations Subcommittee on Labor, Health and Human Services and Education, I have targeted fraud, waste, and abuse in the programs under our jurisdiction. I have given particular attention to exposing and eliminating waste and abuse in Medicare. In hearing after hearing, our subcommittee has uncovered examples of lost Medicare funds due to fraud and poor program oversight. While some of the problems we have uncovered are due to weaknesses in Medicare law, billions of dollars are lost every year due to inadequate audits and other program safeguard activities. At least $2 billion of unallowable and sometimes fraudulent medical charges will be improperly paid by Medicare this year alone.

The General Accounting Office [GAO], Office of Inspector General of the Department of Health and Human Services [HHSIG], and the Health Care Financing Administration [HCFA] have each documented the savings to the Medicare Program achieved through investments in program safeguard activities. They have testified that for every dollar spent on program safeguards, $13 to $16 are saved by stopping inappropriate Medicare payments. This is not some pie-in-the-sky-hoped-for return on investment, it is documented, and proven that this saves us significant sums. For the coming fiscal year, the administration estimates that the projected program safeguard investment will result in $6.16 billion in Medicare savings, a return on investment of 16 to 1.

Yet funding for these cost saving activities is inadequate. While Medicare is an uncapped entitlement program, the funds to effectively administer Medicare are funded through discretionary outlays. They must compete with other important programs like Head Start, job training, childhood immunizations, and college loans. Because we have a cap on overall discretionary spending, at a time when the number and size of Medicare claims is growing steadily, funding for audits and claims review have not kept up. This despite the fact that we know that for every dollar invested, Medicare saves from $13 to $16.

For several years now I have been working to correct this shortsighted budget policy. Based on recommendations by the GAO, I have pushed legislation like that I am introducing today. The Medicare Protection Act would allow us to adequately fund critical Medicare antifraud and abuse activities without cutting other critical programs. This legislation allows for a 10-percent increase in support for these activities annually through fiscal year 2000 without violating the discretionary spending ceilings. The 10-percent increase is pegged to the rate of growth in Medicare claims in recent years.

Mr. President, even assuming the most conservative estimates of savings—a 13-to-1 return on investment—the Medicare Protection Act would save taxpayers and Medicare beneficiaries $2 billion this year and over $16 billion through the end of the decade. At a time when some in Congress are proposing major reductions in Medicare that could directly impact senior citizens and critical health providers, this legislation is just common sense. I am certain that my colleagues would agree that we need to cut the fat before the bone. Let's make war on waste, not our senior citizens.

Mr. President, I will work with my colleagues on both sides of the aisle to try to gain approval of this common sense deficit reducing proposal. It is one change that we should be able—for which we should be able to achieve strong bipartisan support. So I commend this bill to my colleagues and urge that it be included in any package we consider to further reduce the Federal deficit.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 569

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Protection Act of 1995".

SEC. 2. ADJUSTMENTS TO DISCRETIONARY SPENDING LIMITS.

(a) ADJUSTMENTS.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(2) by inserting after subparagraph (D) the following new subparagraph:

"(E) MEDICARE ADMINISTRATIVE COSTS.—To the extent that appropriations are enacted that provide additional new budget authority (as compared with a base level of $1,609,671,000 for new budget authority) for the administration of the medicare program by sections 1816 and 1842(a) of title XVIII of the Social Security Act, the adjustment for that year shall be that amount, but shall not exceed—

"(i) for fiscal year 1995, $161,000,000 in new budget authority and $161,000,000 in outlays;

"(ii) for fiscal year 1996, $177,000,000 in new budget authority and $177,000,000 in outlays;

"(iii) for fiscal year 1997, $195,000,000 in new budget authority and $195,000,000 in outlays;

"(iv) for fiscal year 1998, $214,000,000 in new budget authority and $214,000,000 in outlays;

"(v) for fiscal year 1999, $236,000,000 in new budget authority and $236,000,000 in outlays;

"(vi) for fiscal year 2000, $259,000,000 in new budget authority and $259,000,000 in outlays; and

the prior-year outlays resulting from these appropriations of budget authority and additional adjustments equal to the sum of the maximum adjustments that could have been made in preceding fiscal years under this subparagraph.".

(b) CONFORMING AMENDMENTS.—

(1) Section 603(a) of the Congressional Budget Act of 1974 (2 U.S.C. 655b(a)) is amended by striking "section 251(b)(2)(E)(i)" and inserting "section 251(b)(2)(F)(i)".

(2) Section 606(d) of the Congressional Budget Act of 1974 (2 U.S.C. 665e(d)) is amended—

(A) in paragraph (1)(A) by striking "section 251(b)(2)(E)(i)" and inserting "section 251(b)(2)(F)(i)"; and

(B) in paragraph (2), by inserting "251(b)(2)(E)," after "251(b)(2)(D),".•

By Mr. GORTON:

S. 570. A bill to authorize the Secretary of Energy to enter into privatization arrangements for activities carried out in connection with defense nuclear facilities, and for other purposes; to the Committee on Armed Services.

THE DEPARTMENT OF ENERGY PRIVATIZATION ACT OF 1995

• Mr. GORTON. Mr. President, today I am introducing a bill that dramatically changes how we clean nuclear waste sites across the Nation. Clearly we have a window to address these profound national problems. My bill does just that.

Mr. President, this legislation is designed to change how DOE manages the cleanup of its defense nuclear sites. This bill applies to all DOE nuclear defense sites, because the cleanup problems we are addressing are national concerns—not parochial.

The bill's strengths rest in addressing how DOE compensates performance. Today we are cornered into agreements based on cost plus scenarios. The taxpayer reimburses the contractor for all costs related to overhead, salaries and other out-of-pocket expenses. On top of that sum comes a bonus which is a percentage of those direct costs. That means that higher overheads mean bigger bonuses. My bill dictates the opposite: You don't do the job, you don't get paid. Period.

Mr. President, this bill makes good sense. I know that the American people are anxious for cleanup to happen at our nuclear defense sites. The people of Washington State are anxious too. This bill takes the DOE out of the managerial role and puts it into the role of client and consumer. It puts the burden of capital risk on investors eager to join the cleanup process, yet does not hold them responsible for a mess that is not theirs.

Under this bill, the Secretary of Energy will have the authority to enter into long-term contracting arrangements—30 years plus two 10-year renewals—for the treatment, management and disposition of nuclear waste and nuclear waste by-products.

The contractor's facility must be within a 25-mile radius of the DOE site. Community development and site-worker preference are key to this bill. The Secretary is instructed to give preference to those contractors who intend to reinvest in the communities where their work is conducted. The Secretary must also give preference to contractors whose bids include employment for local workers, or workers with previous site experience.

Indemnification and other legal protection is included to inoculate contractors from preexisting conditions that were not caused by the contractor. This bill places strict limits on contractor liability during cleanup, except in cases of negligence. This ensures that a contractor is not responsible for waste not created on their watch.

Through commercialization, the bill will encourage innovation in cleanup. By permitting the contractor to use technologies developed at the site for commercial use and resale even while cleanup is taking place, the legislation rewards success instead of stifling it. In the past, DOE has frowned on similar allowances, primarily because of the Government's desire to keep new technology "in house." Instead, the bill grants contractors immediate patent rights to new technologies developed in the cleanup process.

Another important provision protects the contractor from subsequent rule changes by the Department of Energy or Congress that directly affect cleanup efforts. Language states that if the Department of Energy mandates new environmental regulations or laws which will adversely affect the cleanup schedule and performance, the contractor is entitled to renegotiate the contract without penalty. Likewise, if regulations are eased, the contractor is given the option of abiding by the rules in place, or opening discussions again to adjust for the less stringent requirements.

This legislation also allows the Secretary to lease federally owned land to contractors at a negotiable rate. By leasing the land, the Government permits the contractor to undertake non-

DOE site related activities. For example, a contractor may retain a non-DOE client who wants to vitrify waste at the DOE site. With this legislation the contractor could open its facility to such an endeavor.

I urge that all of my colleagues, particularly those with similar interests in their States, support this bill and join as cosponsors.

Mr.President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 570

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PRIVATIZATION OF WASTE CLEANUP AND MODERNIZATION ACTIVITIES OF DEFENSE NUCLEAR FACILITIES.

(a) CONTRACT AUTHORITY.—Notwithstanding any other law, the Secretary of Energy may enter into 1 or more long-term contracts for the procurement, from a facility located within 25 miles of a current or former Department of Energy defense nuclear facility, of products and services that are determined by the Secretary to be necessary to support waste cleanup and modernization activities at such facilities, including the following services and related products:

(1) Waste remediation and environmental restoration, including treatment, storage, and disposal.

(2) Technical services.

(3) Energy production.

(4) Utility services.

(5) Effluent treatment.

(6) General storage.

(7) Fabrication and maintenance.

(8) Research and testing.

(b) CONTRACT PROVISIONS.—A contract under subsection (a)—

(1) shall be for a term of not more than 30 years;

(2) shall include options for 2 10-year extensions of the contract;

(3) when nuclear or hazardous material is involved, shall include an agreement to—

(A) provide indemnification pursuant to section 170d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d));

(B) indemnify, protect, and hold harmless the contractor from and against all liability, including liability for legal costs, relating to any preexisting conditions at any part of the defense nuclear facility managed under the contract;

(C) indemnify, protect, and hold harmless the contractor from and against all liability to third parties, including liability for legal costs, relating to claims for personal injury, illness, property damage, and consequential damages; and

(D) provide for indemnification of subcontractors as described in subparagraphs (A), (B), and (C);

(4) shall permit the contractor (in accordance with Federal law) to obtain a patent for and use for commercial purposes a technology developed by the contractor in the performance of the contract;

(5) shall not provide for payment to the contractor of cost plus a percentage of cost or cost plus a fixed fee; and

(6) shall include such other terms and conditions as the Secretary of Energy considers appropriate to protect the interests of the United States.

(c) PREFERENCE FOR LOCAL RESIDENTS.—In entering into contracts under subsection (a), the Secretary of Energy shall give preference, consistent with Federal, State, and local law, to entities that plan to hire, to the maximum extent practicable, residents of the vicinity of the Department of Energy defense nuclear facility concerned and to persons who have previously been employed by the Department of Energy or its private contractor at the facility.

(d) SUBSEQUENTLY ENACTED REQUIREMENTS.—

(1) DEFINITION.—In this subsection, the term "applicable requirement" means a requirement in an Act of Congress or regulation that applies specifically to activities described in subsection (a).

(2) INCREASED COSTS.—

(A) IN GENERAL.—A contractor under a contract under subsection (a) shall be exempt from an applicable requirement that would increase the cost of performing the contract that is—

(i) imposed by regulation by a Federal, State, or local governmental agency after the date on which the contract is entered into unless the regulation is issued under an Act of Congress described in the exception stated in clause (ii); or

(ii) imposed by an Act of Congress enacted after the date of enactment of this Act, except an Act of Congress that refers to this paragraph and explicitly states that it is the intent of Congress to subject such a contractor to the requirement.

(B) AMENDMENT OF CONTRACT.—In the case of enactment of an Act of Congress described in the exception stated in subparagraph (A)(ii), the Secretary of Energy and the contractor shall negotiate an amendment to a contract under subsection (a) providing full compensation to the contractor for the increased cost incurred in order to comply with any additional requirement of law.

(3) REDUCED COSTS.—

(A) IN GENERAL.—A contractor under a contract under subsection (a) may elect to be governed by a change in a requirement that would reduce the cost of performing the contract that is—

(i) adopted by regulation by a Federal, State, or local governmental agency after the date on which the contract is entered into, unless the change is made pursuant to an Act of Congress that refers to this paragraph and explicitly states that it is the intent of Congress to continue to subject such a contractor to that requirement, as in effect prior to the date of enactment of that Act of Congress; or

(ii) enacted by an Act of Congress enacted after the date of enactment of this Act, except an Act of Congress that refers to this paragraph and explicitly states that it is the intent of Congress to continue to subject such a contractor to that requirement, as in effect prior to the date of enactment of that Act of Congress.

(B) AMENDMENT OF CONTRACT.—In the case of a change in a requirement that is to be applied to a contractor that will reduce the cost of performing the contract, the Secretary of Energy and the contractor shall negotiate an amendment to a contract under subsection (a) providing for a reduction in the amount of compensation to be paid to the contractor commensurate with the amount of any reduction in costs resulting from the change.

(e) PAYMENT OF BALANCE OF UNAMORTIZED COSTS.—

(1) DEFINITION.—In this subsection, the term "special facility" means land, a depreciable building, structure, or utility, or depreciable machinery, equipment, or material that is not supplied to a contractor by the Department of Energy.

(2) CONTRACT TERM.—A contract under subsection (a) may provide that if the contract is terminated for the convenience of the Government, the Secretary of Energy shall pay the unamortized balance of the cost of any special facility acquired or constructed by the contractor for performance of the contract.

(3) SOURCE OF FUNDS.—The Secretary of Energy may make a payment under a contract term described in paragraph (2) and pay any other costs assumed by the Secretary as a result of the termination out of any appropriations that are available to the Department of Energy for operating expenses for the fiscal year in which the termination occurs or for any subsequent fiscal year.

(f) LEASE OF FEDERALLY OWNED LAND.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Energy may lease federally owned land at a current or former Department of Energy defense nuclear facility to a contractor in order to provide for or to facilitate the construction of a facility in connection with a contract under subsection (a).

(2) TERM.—The term of a lease under this paragraph shall be the lesser of—

(A) the expected useful life of the facility to be constructed; or

(B) the term of the contract.

(3) TERMS AND CONDITIONS.—A lease under paragraph (1) shall—

(A) require the contractor to pay rent in amounts that the Secretary of Energy considers to be appropriate; and

(B) include such other terms and conditions as the Secretary of Energy considers to be appropriate.

(g) NUCLEAR STANDARDS.—The Secretary of Energy shall, whenever practicable, consider applying commercial nuclear standards to a facility used in the performance of a contract under subsection (a).

(h) LIMITATION ON LIABILITY.—

(1) DEFINITIONS.—In this subsection, the terms "hazardous substance", "pollutant or contaminant", "release", and "response" have the meanings stated in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(2) IN GENERAL.—A contractor under a contract under subsection (a) or a subcontractor of the contractor shall not be liable under Federal, State, or local law for any injury, cost, damage, expense, or other relief on a claim by any person for death, personal injury, illness, loss of or damage to property, or economic loss caused by a release or threatened release of a hazardous substance or pollutant or contaminant during performance of the contract unless the release or threatened release is caused by conduct of the contractor or subcontractor that is negligent or that constitutes intentional misconduct.

(3) REPOSE.—No action (including an action for contribution or indemnity) to recover for damage to real or personal property, economic loss, personal injury, illness, death, or other expense or cost arising out of the performance under this section of a response action under a contract under subsection (a) may be brought against the contractor (or subcontractor of the contractor) under Federal, State, or local law after the date that is 6 years after the date of substantial completion of the response action.

SEC. 2. PREFERENCE AND ECONOMIC DIVERSIFICATION FOR COMMUNITIES AND LOCAL RESIDENTS.

(a) DEFINITION.—In this section, the term "qualifying Department of Energy site" means a site that contains at least 1 current or former Department of Energy defense nuclear facility for which the Secretary of Energy is required by section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 7274h) to develop a plan for restructuring the work force.

(b) PREFERENCE.—In entering into a contract with a private entity for products to be acquired or services to be performed at a qualifying Department of Energy site, the Secretary of Energy and contractors under the Secretary's supervision shall, to the maximum extent practicable, give preference to an entity that is otherwise qualified and within the competitive range (as determined under section 15.609 of title 48, Code of Federal Regulations, or a successor regulation, as in effect on the date of the determination) that plans to—

(1) provide products and services originating from communities within 25 miles of the site;

(2) hire residents living in the vicinity of the site, especially dislocated site workers, to perform the contract; and

(3) invest in value-added activities in the vicinity of the site to mitigate adverse economic development impacts resulting from closure or restructuring of the site.

(c) APPLICABILITY.—Preference shall be given under subsection (b) only with respect to a contract for an environmental management and restoration activity that is entered into after the date of enactment of this Act.

(d) TERMINATION.—This section shall expire on September 30, 1999.•

By Mrs. BOXER (for herself, Mr. PRYOR, Mr. GRASSLEY, Mr. KOHL, Mr. BRADLEY, Mr. DORGAN, Mr. AKAKA, Mr. HOLLINGS, Mr. ROTH, Mr. HARKIN, Mr. REID, Mr. LIEBERMAN, Mr. BAUCUS, Mr. ABRAHAM, Mr. SIMON, and Mr. ROBB):

S. 571. A bill to amend title 10, United States Code, to terminate entitlement of pay and allowances for members of the Armed Forces who are sentenced to confinement and a punitive discharge or dismissal, and for other purposes; to the Committee on Armed Services.

VIOLENT CRIMINALS LEGISLATION

Mrs. BOXER. Mr. President, today I am introducing legislation that will put an end to an outrageous waste of tax dollars and immediately stop a taxpayer-funded cash reward for violent criminals.

Believe it or not, each month, the Pentagon pays the salaries of military personnel convicted of the most heinous crimes while their cases are appealed through the military court system—a process than often takes years. During that time, these violent criminals sit back in prison, read the Wall Street Journal, invest the money they get from the military, and watch their taxpayer-funded nest eggs grow.

According to data provided by the Defense Finance Accounting Service and first published in the Dayton Daily News, the Department of Defense spent more than $1 million on the salaries of 680 convicts in the month of June 1994, alone. In that month, the Pentagon paid the salaries of 58 rapists, 164 child molesters, and 7 murderers, among others.

Just this morning, the Pentagon confirmed to me that at least 633 military convicts remained on the payroll in December 1994, costing the Government more than $900,000.

I can't think of a more reprehensible way to spend taxpayer dollars. No explanation could ever make me understand how the military could reward rapists, murderers, and child molesters—the lowest of the low—with the hard earned tax dollars of law-abiding citizens. This policy thumbs its nose at taxpayers, slaps the faces of crime victims, and is one of the worst examples of Government waste I have seen in my 20 years of public service.

Congress must act now to end this practice.

The individual stories of military criminals receiving full pay are shocking. In California, a marine lance corporal who beat his 13-month-old daughter to death almost 2 years ago still receives $1,105 each month—about $25,000 since his conviction. He spends his days in the brig at Camp Pendleton and does not pay a dime of child support. This criminal has been paid $25,000 since his conviction.

I spoke with the murdered child's grandmother who now has custody of a surviving 4-year-old grandson. She is a resident of northern California. She was outraged to learn that the murderer of her grandchild still receives full pay. She was understandably outraged to learn that the murderer of her daughter still receives a Government paycheck.

Another Air Force sergeant who tried to kill his wife with a kitchen knife continues to receive full pay while serving time at Fort Leavenworth. He told the Dayton Daily News, "I follow the stock market * * * I buy Double E bonds."

And believe it or not, Francisco Duran, who was arrested last October after firing 27 shots at the White House was paid by the military while in prison. According to DOD records, Duran was paid $17,537 after his conviction for deliberately driving his car into a crowd of people outside a Hawaii bowling alley in 1990. Some of that money may well have paid for the weapon he used to shoot at the White House.

Since I began working on this issue, I have received letters of support from concerned citizens around the country. Recently, a woman from North Carolina wrote me. This woman's sister was murdered by her husband, a Navy chief stationed in South Carolina. He is now serving a 24-year sentence at Fort Leavenworth. He receives full pay.

This courageous woman is now raising her sister's three children. The children's father, who murdered this woman's sister, agreed to send back his paychecks for child support, but he kept threatening to stop. Desperate, she asked the staff at Fort Leavenworth how she could ensure that his paychecks would continue to be sent to her. Finally, when she asked the staff of the Fort Leavenworth military prison for guidance, she was told that the only way she could receive guaranteed child support payments was to "kiss his butt" and hope for the best.

Imagine that. The only way to ensure that she will have the means to support her murdered sister's children is to "kiss the butt" of her murderer.

This policy is crazy, and it has got to stop.

In January, I introduced legislation, S. 205, which would terminate pay to members of the Armed Forces under confinement pending dishonorable discharge. This bill generated significant bipartisan support and was cosponsored by 10 Senators.

Following the introduction of S. 205, several Senators, the DOD's Office of Legal Counsel, and the Under Secretary for Personnel and Readiness, offered suggestions for improvements. Many of these suggestions have been incorporated into the bill I am introducing today.

I am very proud that this bill has 15 cosponsors. It has the support of Democrats and Republicans, liberals and conservatives. This is truly an issue that transcends political and ideological boundaries.

In summary, this bill would terminate pay to any member of the Armed Forces sentenced by a court-martial to confinement and dishonorable discharge, bad conduct discharge, or dismissal. Pay would terminate immediately upon sentencing. If at any point in the appeals process the conviction were reversed or the sentence were otherwise set aside, full backpay would be awarded.

This bill also authorizes the Secretary of Defense to establish a program to pay transitional compensation to the spouses and dependents of military personnel who lose their pay as a result of this pay termination. This compensation could be paid for a maximum of 1 year at a level not to exceed the amount that the member of the Armed Forces would have received had he been in pay status.

The Department of Defense strongly supports changing the current policy. Shortly after I first wrote Secretary Perry about this issue late last year, a working group was established to study the issue and report to the Secretary no later than February 28. That date has passed, but we have still received no word from the Department.

It has now been nearly 3 months since I first brought this issue to light. I believe strongly that we must act immediately to fix this problem. Each month that goes by, about $1 million is wasted. That money could be used to improve the quality of life for our military personnel. It could be used to enhance the readiness of our forces. It could even be used to reduce the budget deficit. But instead, the Pentagon is paying $1 million each month to vile, violent criminals.

We do not have a moment to waste. Let us pass this important legislation quickly.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 571

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PAY AND ALLOWANCES OF MEMBERS SENTENCED BY A COURT-MARTIAL TO CONFINEMENT AND PUNITIVE DISCHARGE OR DISMISSAL.

(a) TERMINATION OF ENTITLEMENT.—(1) Chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by adding at the end of subchapter VIII the following new section:

"§858b. Art. 58b. Sentences to confinement and punitive discharge or dismissal: termination of pay and allowances

"(a) TERMINATION OF ENTITLEMENT.—A member of the armed forces sentenced by a court-martial to confinement and to a punishment named in subsection (c) is not entitled to pay and allowances for any period after the sentence is adjudged by the court-martial.

"(b) RESTORATION OF ENTITLEMENT.—If, in the case of a member sentenced as described in subsection (a), none of the punishments named in subsection (c) are included in the sentence as finally approved, or the sentence to such a punishment is set aside or disapproved, then, effective upon such final approval or upon the setting aside or disapproval of such punishment, as the case may be, the termination of entitlement of the member to pay and allowances under subsection (a) by reason of the sentence adjudged in such case ceases to apply to the member and the member is entitled to the pay and allowances that, under subsection (a), were not paid to the member by reason of that termination of entitlement.

"(c) COVERED PUNISHMENTS.—The punishments referred to in subsections (a) and (b) are as follows:

"(A) Dishonorable discharge.

"(B) Bad-conduct discharge.

"(C) Dismissal.".

(2) The table of sections at the beginning of subchapter VIII of chapter 47 of such title is amended by inserting after the item relating to section 858a (article 58a) the following:

"858b. 58b. Sentences to confinement and punitive discharge or dismissal: termination of pay and allowances.".

(b) CONFORMING AMENDMENTS.—(1) Section 857 of title 10, United States Code (article 57 of the Uniform Code of Military Justice), is amended by striking out "(a) No" and inserting in lieu thereof "(a) Except as provided in section 858b of this title (article 58b), no".

(2)(A) Section 804 of title 37, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 15 of such title is amended by striking out the item relating to section 804.

SEC. 2. TRANSITIONAL COMPENSATION FOR SPOUSES, DEPENDENT CHILDREN, AND FORMER SPOUSES OF MEMBERS SENTENCED TO CONFINEMENT AND PUNITIVE DISCHARGE OR DISMISSAL.

(a) AUTHORITY TO PAY COMPENSATION.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1059 the following new section:

"§1059a. Members sentenced to confinement and punitive discharge or dismissal: transitional compensation for spouses, dependent children, and former spouses

"(a) AUTHORITY TO PAY COMPENSATION.—The Secretary of the executive department concerned may establish a program to pay transitional compensation in accordance with this section to any spouse, dependent child, or former spouse of a member of the armed forces during any period in which the member's entitlement to pay and allowances is terminated under section 858b of this title (article 58b of the Uniform Code of Military Justice).

"(b) NEED REQUIRED.—(1) A person may be paid transitional compensation under this section only if the person demonstrates a need to receive such compensation, as determined under regulations prescribed pursuant to subsection (f).

"(2) Section 1059(g)(1) of this title shall apply to eligibility for transitional compensation under this section.

"(c) AMOUNT OF COMPENSATION.—(1) The amount of the transitional compensation payable to a person under a program established pursuant to this section shall be determined under regulations prescribed pursuant to subsection (f).

"(2) The total amount of the transitional compensation paid under this section in the case of a member may not exceed the total amount of the pay and allowances which, except for section 858b of this title (article 58b of the Uniform Code of Military Justice), such member would be entitled to receive during the one-year period beginning on the date of the termination of such member's entitlement to pay and allowances under such section.

"(d) RECIPIENTS OF PAYMENTS.—Transitional compensation payable to a person under this section shall be paid directly to that person or to the legal guardian of the person, if any.

"(e) COORDINATION OF BENEFITS.—Transitional compensation in the case of a member of the armed forces may not be paid under this section to a person who is entitled to transitional compensation under section 1059 or 1408(h) of this title by reason of being a spouse, dependent child, or former spouse of such member.

"(f) EMERGENCY TRANSITIONAL ASSISTANCE.—Under a program established pursuant to this section, the Secretary of the executive department concerned may pay emergency transitional assistance to a person referred to in subsection (a) for not more than 45 days while the person's application for transitional assistance under the program is pending approval. Subsections (b) and (d) do not apply to payment of emergency transitional assistance.

"(g) REGULATIONS.—The Secretary of the executive department concerned shall prescribe regulations for carrying out any program established by the Secretary under this section.

"(h) DEFINITIONS.—In this section:

"(1) The term 'Secretary of the executive department concerned' means—

"(A) the Secretary of Defense, with respect to the armed forces, other than the Coast Guard when it is not operating as a service in the Navy; and

"(B) the Secretary of Transportation, with respect to the Coast Guard when it is not operating as a service in the Navy.

"(2) The term 'dependent child' has the meaning given that term in section 1059(l) of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of title 10, United States Code, is amended by inserting after the item relating to section 1059 the following:

"1059a. Members sentenced to confinement and punitive discharge or dismissal: transitional compensation for spouses, dependent children, and former spouses.".

SEC. 3. EFFECTIVE DATE AND APPLICABILITY.

(a) PROSPECTIVE APPLICABILITY.—Subject to subsection (b), the amendments made by this Act shall take effect on the date of the enactment of this Act and shall apply with respect to pay and allowances for periods after such date.

(b) SAVINGS PROVISION.—(1) If it is held unconstitutional to apply section 858b of title 10, United States Code (article 58b of the Uniform Code of Military Justice), as added by section 1(a), with respect to an act punishable under the Uniform Code of Military Justice that was committed before the date of the enactment of this Act, then—

(A) with respect to acts punishable under the Uniform Code of Military Justice that were committed before that date, the amendments made by this Act shall be deemed not to have been made; and

(B) the amendments made by this Act shall apply with respect to acts punishable under the Uniform Code of Military Justice that are committed on or after the date of the enactment of this Act.

(2) For purposes of paragraph (1), the term "Uniform Code of Military Justice" means the provisions of chapter 47 of title 10, United States Code.

• Mr. BRADLEY. Mr. President, I am pleased to be an original cosponsor of this bill to take violent criminals off the Pentagon's payroll. I was an original cosponsor of S. 205, the first bill to address this problem. I congratulate Senator BOXER on introducing this improved version that introduces an element of compassion for the families of those taken off the payroll.

I was shocked to learn that our Government spends more than $1 million per month on salaries and benefits for military personnel who have been convicted of violent crimes. This is morally wrong. This is an insult to the brave men and women of our Armed Forces. And this is bad fiscal policy.

Mr. President, it is morally wrong to pay salaries to murderers, rapists, child molesters, and other violent criminals. Imagine, the families of victims and, indeed, even victims themselves pay tax dollars that end up in the pockets and savings accounts of the very people who victimized them. In some cases, these violent criminals even continue to receive pay after they are released from prison.

This situation is also an insult to the brave men and women who serve in our Armed Forces. They work hard and make many sacrifices to give us the best military in the world. Their efforts are degraded when we pay the same salaries to convicted felons that we pay to them.

Finally, it is bad fiscal policy to waste taxpayer money in this way. How can we justify paying $1 million a month to convicted criminals when we are at the same time cutting back on payments to needy children? We just spent 5 weeks trying to one-up each other on our commitment to balance the Federal budget. How can we ever hope to do so if we squander millions of dollars not on incarcerating criminals, but rewarding them?

As the Dallas Morning News stated in a February 5, 1995, editorial, "this change is a no-brainer. Congress should act quickly to end this travesty." I could not agree more.•

By Mr. COATS:

S. 572. A bill to expand the authority for the export of devices, and for other purposes; to the Committee on Labor and Human Resources.

THE MEDICAL DEVICE EXPORTATION ACT OF 1995

• Mr. COATS. Mr. President, today I am introducing the Medical Device Exportation Act of 1995. This bill will allow American companies to export approved medical devices without forcing those companies to endure costly and unnecessary delays in the FDA approval process.

Under current law, a company that seeks to export its drug overseas to Japan or Europe, where that drug is already approved for marketing, must get the approval of the FDA before it may be exported. Approval is granted only after the FDA determines that exportation would not jeopardize public health and safety and that the country has approved the drug.

Unfortunately, the FDA takes several weeks or even months to approve the exportation of devices that Japan or other advanced nations in Europe have already approved for marketing.

This delay in approving the exportation of a device that is already approved for marketing by some of the most sophisticated device-approval systems in the world can cost Americans millions in lost revenue and thousands of jobs. A recent survey of device company CEO's confirms the cost of this unnecessary delay. Forty percent of CEO's said that their companies had reduced the size of their work force as a result of regulatory delays. Twenty-two percent had already moved jobs offshore due to the delays.

This bill is narrowly targeted to the problem. It simply eliminates one bureaucratic step that serves no public health function in light of other extensive controls. This bill changes the current law that requires the FDA to make an independent determination of safety and approval and simply directs that the FDA rely on approval by the sophisticated device approval systems in Japan or the European Community.

Of course, any device that is banned in the United States would remain prohibited for export. And any country that would prohibit importation of the device retains that sovereign right.

I am confident that this legislation is not controversial. In the House, Congressman KIM has introduced a virtually identical measure, H.R. 485, with 17 cosponsors. Moreover, the Department of Commerce has proposed a similar administrative fix.

I urge all my colleagues to cosponsor this important legislation that will help keep America competitive, retain American jobs and revenues, and serve the public health needs of nations worldwide.•

By Mr. PRYOR:

S. 573. A bill to reduce spending in fiscal year 1996, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions, that if one Committee reports the other Committee have 30 days to report or be discharged.

THE SPENDING REDUCTIONS ACT OF 1995

MR. PRYOR. Mr. President, I wish to address the Senate on the question of where to cut Government spending and to offer some suggestions, if I might, on where we might cut spending due to the very intensive debate we have had over the last several weeks in this body.

This issue has risen again and again during the debate over the balanced budget amendment. As we argue now over how to reach the desired goal of reducing the deficit to zero, I thought it might be a good time to come forward with a specific list, not major, but a specific list of spending cuts that I hope all of my colleagues will support and consider. In fact, if the speeches that have been made in the Chamber of the Senate are any indication or to be believed, then I think these proposals should receive widespread support. These spending reductions are contained in the Spending Reductions Act of 1995. This bill which I am introducing at this time will contain five sections that consist of areas I think can either be reduced or eliminated to provide the taxpayers with some long overdue relief. Mr. President, $5.6 billion in total savings would result from this bill for 1 year alone. If we continued basically down this track, we could save approximately $30 billion over the next 5 years.

The first section of my bill involves a very modest reduction in Government spending for private contractors who do the work for the Federal Government. We have seen since 1980 alone the cost of Government contractors rise from $47.6 billion to 1994's high of $105 billion.

Today, I am not proposing to address all of the problems involved in the Federal Government's extensive reliance on outside workers. I simply want to address the concern expressed by the taxpayers and the voters in both the 1992 and 1994 elections giving us the mandate to shrink the size of Government.

Congress has already partially responded to this mandate by voting to cut the number of civil servants by nearly 12 percent. However, the Congress has failed to order a corresponding reduction in the Federal Government's exploding contractor work force. If we cut civil servants and do nothing about the tremendous rise in the cost of outside contractors that the Government then employs, we are going to see basically no savings whatsoever.

Mr. President, my proposal is so simple I am almost embarrassed to introduce it. It would reduce by $5 billion the 1996 budget the amount spent to hire Federal contractors. It is simple, it is clean, it is $5 billion in savings.

This modest reduction will still permit agencies to get their work done, but it will also reduce some of the waste that results when too much money is spent without adequate oversight.

At my request, the Inspector General at the Pentagon has been looking at some of these contracts awarded by the Star Wars program. Listen to the problems that the IG said existed.

First, cost overruns on the contracts totaled several million dollars.

Second, the contractor awarded prohibited subcontracts worth several million dollars. These are contracts awarded to subcontractors in violation of Federal regulations but still cost millions of dollars of taxpayers' money. The contractor charged the Government for 588 hours of work that it actually did not perform. Again, this is from the report of the Inspector General at DOD to me.

I hope a reduction in the spending on service contracts will force agencies to spend their money more wisely, and to eliminate some of the waste which has resulted.

The second section of my bill will reduce the spending on federally funded research and development centers. These are called FFRDC's at the Department of Defense. That is pretty bureaucratic sounding. But these FFRDC's like Mitre, Rand, the Center for Naval Analysis, are actually private contractors who work solely for the Federal Government. They receive all of their contracts on a sole-source basis. There is no bidding procedure. The contractor simply states what they will charge to perform a particular service and then they find themselves being written a check. There is no competition whatsoever.

These entities may provide a valuable service to the Federal Government, but again, in this time of concern over reducing the budget deficit, I think it is appropriate to question every item of spending. Since I am proposing a reduction in spending on outside workers, I say that we should also cut back a reasonable amount on these in-house consulting companies which have no competition for the taxpayers' dollars.

Our taxpayers should not continue being billed at the very high salaries and overhead being charged by these Government-run consulting firms. For example, the head of Aerospace Corp., a FFRDC, or federally funded research and development center—was paid in 1991 $230,000 in salaries and who knows what else in expenses. We paid him, in 1992, $265,000 as a salary and no one knows how much for expenses. And, in both of these years this person, who is president of the Aerospace Corp., funded by the American taxpayer, made more money than the President of the United States.

My proposal would reduce the spending on FFRDC's by $250 million in 1996. This would leave over $10 billion to be spent on these organizations and I think that would be more than sufficient.

The third item where I would cut spending is an issue I have worked on for a number of years with many of my colleagues. This is the exporting of arms to countries all over the world. I am not very proud of the fact that the United States is the leading exporter of arms in the world today. However, this proposal is not targeted, once again, at reforming this arms trade. That is a battle for another day. My proposal is simply aimed at reducing the budget deficit. We are spending, today, $3.2 billion on financing arms sales to foreign governments. I think, as we contemplate reduction in Medicare and school lunches, we should also look at this area as well. I propose we reduce this spending by $200 million in 1996. It is a modest cut. It is a cut that makes common sense.

I have a fourth proposal. That fourth proposal to cut spending would cut the United States funding to the International Development Association and the International Finance Corporation, two of the institutions which make up the World Bank Group, by approximately 15 percent in cuts. This would save the American taxpayer some $200 million. As my colleagues know, the World Bank has come under serious Congressional scrutiny in the past few years, due to administrative waste and flawed development policies.

For example, salaries at the World Bank average today $123,000 — all tax free. In recent years the Bank has spent approximately $30 million on first-class travel for its executives. As for the operational record of the World Bank, internal audits have estimated that nearly 40 percent of the bank's loans and projects are failures.

Unfortunately, although the World Bank admits to these problems, reform has been slow or nonexistent. In 1993 I called for the establishment of an inspector general function at the World Bank. Despite receiving support from both the Clinton administration and our colleagues in the Senate, the World Bank has, today, failed to establish an adequate internal oversight function.

It is time once again for the Senate to address the issue of World Bank mismanagement. The funding cut which I propose is, once again, modest. But I think it will send a signal to the executives of the World Bank while at the same time saving taxpayers' dollars from further misuse.

The final cut I am proposing, while it may be the smallest, in many ways provides the clearest example of our overall spending problem. In 1995 we gave the Department of Defense $65 million for humanitarian assistance programs. That sounds reasonable enough until one stops to question the rationale of the Department of Defense's having a humanitarian assistance budget in the first place.

Humanitarian programs are not the primary part of DOD's mission. The United States already has an agency solely dedicated to humanitarian and development programs, the Agency for International Development. In addition, we appropriate millions of dollars to multilateral institutions for humanitarian purposes.

I believe the Department of Defense neither wants nor needs a growing humanitarian mission. I base this statement on the careless way in which humanitarian programs are run by the Department of Defense. In 1993, the General Accounting Office took a close look at DOD's humanitarian and civic assistance projects, and GAO concluded that these projects—and I quote from the GAO report—". . . were not designed to contribute to U.S. foreign policy objectives, did not appear to enhance U.S. military training, and either lacked the support of the host country or were not being used."

Let me highlight one example provided by the General Accounting Office on this program. A few years ago, some very well-meaning U.S. National Guard soldiers were asked to build a school in Honduras. Unfortunately, once completed this three-building complex was never used. That is because the Honduran Government had already built and was operating a school of this nature only a few hundred yards away.

Unfortunately, it is probable that poorly coordinated projects like the Honduran school are continuing today. In a recent meeting with our staff, GAO analysts reported that the Department of Defense had done little or nothing to address the defects in its humanitarian programs. By cutting this program by 50 percent, saving $25 million in 1996, the Congress will force the agency to define its mission and concentrate where the military can play a useful role in overseas humanitarian programs.

Mr. President, in conclusion, I hope my colleagues will join me in supporting these very reasonable, very modest cuts that will save us $5.6 billion this year. Each spending reduction is designed to promote economy and efficiency in the operation of the Federal Government, and will save an enormous amount in dollars.

I believe that this is what the American people certainly want, and that my constituents and our constituents are not as concerned with the Contract With America as they are concerned with our priorities. With or without a balanced budget amendment, Senators on both sides of the aisle were sent here with the mandate to make tough decisions. It is with that mandate in mind that I bring this legislation before the Senate today.

Mr. President, I yield the floor.

By Mr. MOYNIHAN (for himself, Mr. COCHRAN, and Mr. SIMPSON):

S. 574. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 150th anniversary of the founding of the Smithsonian Institution; to the Committee on Banking, Housing, and Urban Affairs.

THE SMITHSONIAN INSTITUTION COMMEMORATIVE COIN ACT

• Mr. MOYNIHAN. Mr. President, I introduce the Smithsonian Institution Commemorative Coin Act of 1996. I introduce this legislation on behalf of my distinguished colleagues, Senators COCHRAN and SIMPSON, with whom I have the privilege to serve on the Smithsonian Institution's Board of Regents.

August 10, 1996, will mark the 150th anniversary of the founding of the Smithsonian Institution, one of the Nation's finest examples of successful public-private partnership. This legislation provides for the minting of coins to commemorate this momentous occasion.

Created as a Federal trusteeship by Congress in 1846, the Smithsonian Institution is today the largest research and museum complex on Earth. Its various museums were visited more than 26 million times last year, and unlike so many other museums, the Smithsonian remains free of charge to the public. In addition, thousands of Americans and foreign scholars have used the Institution's vast repository of knowledge and artifacts to assist in a variety of research activities.

The Smithsonian's sesquicentennial commemoration provides us the opportunity to celebrate both the Institution's great accomplishments and its future role and mission. The central goal of the commemoration, however, will be to increase the sense of ownership of, and participation in, the Smithsonian by the American people.

Throughout its 150th year, the Smithsonian will undertake a series of programs and stage a number of events to commemorate its founding and to explore new ways in which it can serve the public. These activities, while extensions of the existing framework of Smithsonian programs, will require significant financial resources.

In light of the existing budget constraints under which the Federal Government must operate, the Smithsonian's Board of Regents concluded it would not seek any additional appropriated funds to support sesquicentennial programming. Rather, the Smithsonian will concentrate its efforts to raise support for the anniversary programming from non-Federal sources. The commemorative coins would be one such effort.

The coins would be issued on August 10, 1996, exactly 150 years from the actual date of the act of Congress which established the Smithsonian Institution. The issuance of Smithsonian sesquicentennial commemorative coins will provide an opportunity for the American public to obtain a valued memento and support the Institution's mandate to preserve our Nation's cultural and historical heritage. In addition, the fund derived from the sale of these commemorative coins will not only enable the Smithsonian to showcase its 150-year service to the Nation, but will also transfer the financial responsibility for the sesquicentennial activities from the American taxpayer to voluntary contributions.

Further, the legislation provides that 15 percent of the total proceeds remitted to the Institution would be designated to support the numismatic collection at the National Museum of American History. This component of the legislation is strongly supported by the numismatic community and in a very tangible way demonstrates our appreciation for their support of all congressionally authorized commemorative coin programs.

Without exception, every Senator has constituents who visit, communicate with, and otherwise benefit from the Smithsonian. From eager first-graders to learned scholars and researchers, the public is consistently served by the vast resources and expertise of the Smithsonian and its staff. Enactment of this legislation will give the American people the opportunity to celebrate the Smithsonian's unique contributions to American culture and learning over the last 150 years.

Mr. President, I urge all my colleagues to join me in sponsoring this bill to celebrate and honor the 150th anniversary of the Smithsonian Institution.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 574

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Smithsonian Institution Sesquicentennial Commemorative Coin Act".

SEC. 2. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue the following coins:

(1) $5 GOLD COINS.—Not more than 100,000 $5 coins, which shall—

(A) weigh 8.359 grams;

(B) have a diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) $1 SILVER COINS.—Not more than 800,000 $1 coins, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 3. SOURCES OF BULLION.

(a) GOLD.—The Secretary shall obtain gold for minting coins under this Act pursuant to the authority of the Secretary under other provisions of law.

(b) SILVER.—The Secretary shall obtain silver for minting coins under this Act only from stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the scientific, educational, and cultural significance and importance of the Smithsonian Institution and shall include the following words from the original bequest of James Smithson: "for the increase and diffusion of knowledge".

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "1996"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Smithsonian Institution and the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular combination of denomination and quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the period beginning on August 10, 1996, and ending on August 9, 1997.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in subsection (d) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(d) SURCHARGES.—All sales shall include a surcharge of—

(1) $35 per coin for the $5 coin; and

(2) $10 per coin for the $1 coin.

SEC. 7. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this Act.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

SEC. 8. DISTRIBUTION OF SURCHARGES.

(a) IN GENERAL.—Except as provided in subsection (b), all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Smithsonian Institution for the purpose of supporting programming related to the 150th anniversary and general activities of the Smithsonian Institution.

(b) NATIONAL NUMISMATIC COLLECTION.—Not less than 15 percent of the total amount paid to the Smithsonian Institution under subsection (a) shall be dedicated to supporting the operation and activities of the National Numismatic Collection at the National Museum of American History.

(c) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the Smithsonian Institution as may be related to the expenditures of amounts paid under subsection (a).

SEC. 9. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this Act will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this Act unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.•

By Mr. STEVENS (for himself, Mr. MURKOWSKI, Mr. JOHNSTON, and Mr. BREAUX):

S. 575. A bill to provide Outer Continental Shelf Impact Assistance to State and local governments, and for other purposes; to the Committee on Energy and Natural Resources.

OCS IMPACT ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

Mr. STEVENS. Mr. President, Senator MURKOWSKI and I are introducing a bill today which we believe to be of importance to the Nation's domestic energy supply and our precious coastal resources. We are pleased to have Senators JOHNSTON and BREAUX as cosponsors.

The Outer Continental Shelf [OCS] impact assistance legislation is similar to legislation we introduced in the 102d Congress and have worked on for the past two decades. It is intended to stimulate oil and gas exploration on the Outer Continental Shelf and provide funds from revenues generated by oil and gas production on the OCS to coastal States and communities which share the burdens of exploration and production off their coastlines.

OCS impact assistance is an avenue for States and communities to be in full partnership with the Federal Government in the development of OCS energy by investing a small portion of new OCS revenue back into the coastal States.

This legislation establishes a fund for impact assistance from leased tracts for distribution to coastal States within 200 miles of such tracts. The funds will benefit States and local governments directly and indirectly impacted by OCS leasing activities. The bill would allocate 27 percent of new revenues generated from oil and natural gas development into the trust. These funds would be shared on a 50-50 basis among States and the eligible counties and coastal jurisdictions.

The impact assistance provided under this legislation will be distributed to counties, and in Alaska, borough governments, located no more than 60 miles from a State's coastline. The premise of sharing revenues derived from the development of resources in a specific locale with those that are primarily affected is a wise objective.

The funds would be used to assist coastal regions in projects and activities that OCS activities may impact, such as air and water quality, fish and wildlife, wetlands, or other coastal resources. In addition, the receiving governments could use their funds for much-needed public health and safety services, infrastructure construction, cultural activities, and other government services.

The Commerce Department recently reported that our national security is at risk because we now import more than 50 percent of our domestic petroleum requirements. OCS development has played an important role in offsetting even greater dependence on foreign energy. The OCS accounts for 23 percent of our Nation's natural gas production and 14 percent of its oil production. We need to ensure that the OCS plays an important role in meeting our future domestic energy needs.

The States and communities that bear the responsibilities should now share the benefits of the program.

The Senate in the past has passed my legislation to provide OCS impact assistance but we have not been successful in getting this enacted into law. I hope the administration will support this bill, which shows a State and Federal cooperation and partnership consistent with some past programs that exist in mineral, grazing, and forest resource revenue sharing. I look forward to working with my colleagues to provide our coastal States and communities the funds they need and deserve.

I want to thank Mike Poling and Greg Renkes of the Energy and Natural Resources Committee, who were invaluable in drafting this legislation. And I am also grateful to my assistant, Anne McInerney, for her work on this legislation.

I state again that the revenue sharing will be only from new production under this bill.

I also want to express my gratitude to my colleague from Alaska, Senator MURKOWSKI, for his leadership as chairman of the Energy and Natural Resources Committee and for his personal efforts on this legislation.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 575

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled,

SECTION 1. DEFINITIONS.

For purposes of this Act only, the term—

(1) "coastline" has the same meaning that it has in the Submerged Lands Act (43 U.S.C. 1301 et seq.);

(2) "county" means a unit of general government constituting the local jurisdiction immediately below the level of State government. This term includes, but is not limited to, counties, parishes, villages and tribal governments which function in lieu of and are not within a county, and in Alaska, borough governments. If State law recognizes an entity of general government that functions in lieu of and is not within a county, the Secretary may recognize such other entities of general government as counties;

(3) "coastal State" means any State of the United States bordering on the Atlantic Ocean, the Pacific Ocean, the Arctic Ocean, the Bering Sea or the Gulf of Mexico;

(4) "distance" means minimum great circle distance, measured in statute miles;

(5) "leased tract" means a tract, leased under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) for the purpose of drilling for, developing and producing oil or natural gas resources, which is a unit consisting of either a block, a portion of a block, a combination of blocks and/or portions of blocks, as specified in the lease, and as depicted in an Outer Continental Shelf Official Protraction Diagram;

(6) "new revenues" means monies received by the United States as royalties (including payments for royalty taken in kind and sold pursuant to section 27 of the Outer Continental Shelf Lands Act (43 U.S.C. 1353)), net profit share payments, and related late-payment interest from natural gas and oil leases issued pursuant to the Outer Continental Shelf Lands Act, but only from leased tracts from which such revenues are first received by the United States after the date of enactment of this Act;

(7) "Outer Continental Shelf" means all submerged lands lying seaward and outside of an area of "lands beneath navigable waters" as defined in section 2(a) of the Submerged Lands Act (43 U.S.C. 1301(a)), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control; and

(8) "Secretary means the Secretary of the Interior or the Secretary's designee.

SEC. 2. IMPACT ASSISTANCE FORMULA AND PAYMENTS.

(a) There is established a fund in the Treasury of the United States, which shall be known as the "Outer Continental Shelf Impact Assistance Fund" (hereinafter referred to in this Act as "the Fund"). Allocable new revenues determined under subsection (c) shall be deposited in the Fund.

(b) The Secretary of the Treasury shall invest excess monies in the Fund, at the written request of the Secretary, in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

(c) Notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338), amounts in the Fund, together with interest earned from investment thereof, shall be paid at the direction of the Secretary as follows:

(1) The Secretary shall determine the new revenues from any leased tract or portion of a leased tract lying seaward of the zone defined and governed by section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)), or lying within such zone but to which section 8(g) does not apply, the geographic center of which lies within a distance of 200 miles from any part of the coastline of any coastal State (hereinafter referred to as an "eligible coastal State").

(2) The Secretary shall determine the allocable share of new revenues determined under paragraph (1) by multiplying such revenues by 27 percent.

(3) The Secretary shall determine the portion of the allocable share of new revenues attributable to each eligible coastal State (hereinafter referred to as the "eligible coastal State's attributable share") based on a fraction which is inversely proportional to the distance between the nearest point on the coastline of the eligible coastal State and the geographic center of the leased tract or portion of the leased tract (to the nearest whole mile). Further, the ratio of an eligible State's attributable share to any other eligible State's attributable share shall be equal to the inverse of the ratio of the distances between the geographic center of the leased tract or portion of the leased tract and the coastlines of the respective eligible coastal States. The sum of the eligible coastal States' attributable shares shall be equal to the allocable share of new revenues determined under paragraph (2).

(4) The Secretary shall pay from the Fund 50 percent of each eligible coastal State's attributable share, together with the portion of interest earned from investment of the

funds which corresponds to that amount, to that State.

(5) Within 60 days of enactment of this Act, the governor of each eligible coastal State shall provide the Secretary with a list of all counties, as defined herein, that are to be considered for eligibility to receive impact assistance payments. This list must include all counties with borders along the State's coastline and may also include counties which are at the closest point no more than 60 miles from the State's coastline and which are certified by the Governor to have significant impacts from Outer Continental Shelf-related activities. For any such county that does not have a border along the coastline, the Governor shall designate the coastline of the nearest county that does have a border along the coastline to serve as the former county's coastline for the purposes of this section. The governor of any eligible coastal State may modify this list whenever significant changes in Outer Continental Shelf activities require a change, but no more frequently than once each year.

(6) The Secretary shall determine, for each county within the eligible coastal State identified by the Governor according to paragraph (5) for which any part of the county's coastline lies within a distance of 200 miles of the geographic center of the leased tract or portion of the leased tract (hereinafter referred to as in "eligible county") 50 percent of the eligible coastal State's attributable share which is attributable to such county (hereinafter referred to as the "eligible county's attributable share") based on a fraction which is inversely proportional to the distance between the nearest point on the coastline of the eligible county and the geographic center of the leased tract or portion of the leased tract (to the nearest whole mile). Further, the ratio of any eligible county's attributable share to any other eligible county's attributable share shall be equal to the inverse of the ratio of the distance between the geographic center of the leased tract or portion of the leased tract and the coastlines of the respective eligible counties. The sum of the eligible counties' attributable shares for all eligible counties within each State shall be equal to 50 percent of the eligible coastal State's attributable share determined under paragraph (3).

(7) The Secretary shall pay from the Fund the eligible county's attributable share, together with the portion of interest earned from investment of the Fund which corresponds to that amount, to that county.

(8) Payments to eligible coastal States and eligible counties under this section shall be made not later than December 31 of each year from new revenues received and interest earned thereon during the immediately preceding fiscal year, but not earlier than one year following the date of enactment of this Act.

(9) The remainder of new revenues and interest earned in the Fund not paid to an eligible State or an eligible county under this section shall be disposed of according to the law otherwise applicable to receipts from leases on the Outer Continental Shelf.

SEC. 3. USES OF FUNDS.

Funds receive pursuant to this Act shall be used by the eligible coastal States and eligible counties for—

(a) projects and activities related to all impacts of Outer Continental Shelf-related activities including but not limited to—

(1) air quality, water quality, fish and wildlife, wetlands, or other coastal resources;

(2) other activities of such State or county, authorized by the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), the provisions of subtitle B of title IV of the Oil Pollution Act of 1990 (104 Stat. 523), or the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(3) administrative costs of complying with the provisions of this subtitle.

SEC. 4. OBLIGATIONS OF ELIGIBLE COUNTIES AND STATES.

(a) PROJECT SUBMISSION.—Prior to the receipt of funds pursuant to this Act for any fiscal year, an eligible county must submit to the Governor of the State in which it is located a plan setting forth the projects and activities for which the eligible county proposes to expend such funds. Such plan shall state the amounts proposed to be expended for each project or activity during the upcoming fiscal year.

(b) PROJECT APPROVAL.—Prior to the payment of funds pursuant to this Act to any eligible county for any fiscal year, the Governor must approve the plan submitted by the eligible county pursuant to subsection (a) and notify the Secretary of such approval. State approval of any such plan shall be consistent with all applicable State and federal law. In the event the Governor disapproves any such plan, the funds that would otherwise be paid to the eligible county shall be placed in escrow by the Secretary pending modification and approval of such plan, at which time such funds together with interest thereon shall be paid to the eligible county.

(c) CERTIFICATION.—No later than 60 days after the end of the fiscal year, any eligible county receiving funds under this Act must certify to the Governor: (1) the amount of such funds expended by the county during the previous fiscal year; (2) the amounts expended on each project or activity; and (3) the status of each project or activity.

SEC. 5. ANNUAL REPORT, REFUNDS.

(a) On June 15 of each fiscal year, the Governor of each State receiving monies from the Fund shall account for all monies so received for the previous fiscal year in a written report to Congress.

(b) In those instances where through judicial decision, administrative review, arbitration or other means there are royalty refunds owed to entities generating new revenues under this Act, repayment of such refunds in the same proportion as monies were received under section 2 shall be the responsibility of the governmental entities receiving distributions under the Fund.

Mr. MURKOWSKI. Mr. President, I rise today to co-sponsor legislation to provide Outer Continental Shelf [OCS] impact assistance to State and local governments. I am pleased to be joining my colleague from Alaska, Senator STEVENS, the ranking minority member of the Energy and Natural Resources Committee, Senator JOHNSTON, and Senator BREAUX in the introduction of this important legislation.

Mr. President, there are two important aspects of the legislation we offer today. First, it is intended to stimulate oil and gas exploration and production on the Outer Continental Shelf, create jobs, protect our national energy security, and reduce our trade deficit. Second, it is intended to provide funds from revenues generated by oil and gas production on the OCS to States and eligible counties who shoulder the responsibility for energy development activity off their coastlines.

A recent report by the Commerce Department suggests that our national security is at risk because we now import more than 50 percent of our domestic petroleum requirements. The Clinton administration's response to that report seems to be to not respond. I am aware of no specific proposals offered by the Clinton Administration to increase domestic production and reduce foreign imports of crude oil. As chairman of the Committee on Energy and Natural Resources and a member of the Finance Committee, I intend to hold hearings on this legislation and other measures to stimulate oil and gas production, create jobs in the energy and support industries, and generate badly needed revenues. Over the last 10 years there have been 500,000 jobs lost in the oil and gas industry, and billions of dollars in investment capital are fleeing the country because domestic energy companies are not being given access to public lands to drill for new oil and gas reserves, are being frustrated by government rules and regulations, and are being hounded by activists who do not want the public lands utilized for natural resource development.

I don't think that is right, and I intend to do something about it. The bill we are introducing today is a small step, but a step in the right direction. Over the coming months I will hold hearings and introduce legislation to provide additional stimulus to our energy industry and our economy.

On the matter of impact assistance, Mr. President, our bill recognizes that there are burdens associated with offshore oil and gas activities—from environmental planning and analysis, to public safety and health considerations, to new infrastructure requirements. This legislation would, for the first time, share the benefits of economic revenues generated by OCS oil and gas activities with those governmental entities who assume those burdens.

Under this legislation, Mr. President, counties, parishes and boroughs—the local governmental entities most directly affected—and State governments will share in revenues derived from OCS oil and gas production. A total of 27 percent of all new revenues resulting from production royalties from leases lying seaward of the so-called 8(g) zone, the area 3 to 6 miles offshore and extending out to 200 miles, would be shared on a 50-50 basis by States and counties. In other words, States would get half of the 27 percent share and the coastal counties would get the other half.

The impact assistance provided under this legislation would be distributed to counties located no more than 60 miles from a State's coastline, based on a fraction that is inversely proportional to the distance between the nearest point on the eligible county's coastline and the geographic center of a leased tract. The legislation provides a formula for sharing with affected States as well.

Recognizing that local governmental entities differ from State to State, the legislation defines county as including parishes, villages, and, in Alaska, borough governments.

Impact assistance payments must be used for mitigation of effects relating to OCS-related activities, such as air and water quality, fish and wildlife, wetlands, or other coastal resources. In addition, such funds could be used for public safety and health activities, zoning, infrastructure construction, or other similar measures. To ensure that impact assistance monies are properly used, the bill requires counties to submit a description of the purposes for which such funds will be disbursed, and governors to submit an annual report accounting for the use of impact monies during the prior year.

To ensure that the funds are used for the purposes intended by this legislation, coastal counties are required to submit a list of proposed projects for approval of the Governor of the State in which the county is located. Counties must certify each year the amount of funds spent on particular projects or activities and the status of each. The bill also requires the Governor of each State receiving funds to account for monies received each year in a report to Congress.

Finally, Mr. President, the legislation allows for refunds where, because of litigation, an arbitration award, or administrative review, there has been an overpayment. In such cases, the responsible State and county governments would be required to refund monies overpaid in direct proportion to the amount that they shared such funds.

Mr. President, this legislation is long overdue. It has been passed twice on previous occasions only to be opposed by the Executive Branch. This legislation is needed to ensure that State and local governments have the funds necessary to address onshore activities and effects relating to production occurring off their shorelines, activities which generate jobs and taxes, as well as the very funds from which OCS impact assistance will be paid.

Historically, oil and gas leasing on the Outer Continental Shelf has generated more than $100 billion in Federal revenues. The OCS accounts for 23 percent of our Nation's natural gas and 14 percent of the country's oil production. We need to assure that the OCS continues to play an important role in contributing to our domestic energy needs, and to take steps to facilitate exploration and production activities on the OCS. It also is time to spread the benefits of the program among those who share the burdens. I urge my colleagues to move swiftly in enacting this legislation.

By Mr. FEINGOLD:

S. 576. A bill to prohibit the provision of certain trade assistance to United States subsidiaries of foreign corporations that lack effective prohibitions on bribery.

ANTIBRIBERY LEGISLATION

• Mr. FEINGOLD. Mr. President, as we in Congress continue to define our role in helping promote United States exports in this fiercely competitive international environment, I rise today to introduce two measures dealing with a more surreptitious aspect of foreign trade which is hurting U.S. companies: bribery and corruption by our foreign competitors.

This is a subject I became interested in last session when I learned of a rather outrageous practice in the world of offsets which involved a kickback from one U.S. company to another to facilitate the purchase of foreign goods. In that case, a U.S. defense corporation offered an American civilian contractor a sizable amount of money if that company would choose a foreign bidder over an American bidder so that the defense contractor could earn credit against its offset agreement for a weapons sale a few years earlier. After researching the law on this, I learned that cash payments between domestic concerns—or what many called outright bribes—were not outlawed in offset deals. I authored legislation, which was enacted in Public Law 103-236, to close the loophole in the law, and to outlaw kickback payments in the conduct of offsets.

My legislation today picks up on the same theme. As we seek to expand and develop markets for U.S. exports; as we work to protect every opportunity for fair competition for our companies; as we try to strengthen our small and medium-sized companies, we must address the rampant, global problem of corruption and bribery—both as a good governance issue in our development strategies, and as a competitive issue with industrialized nations who permit bribery of foreign officials.

As a member of the Senate Foreign Relations Committee, I expect to work on this problem as we look at foreign aid reform and our trade export promotion programs. As ranking member of the Subcommittee on African Affairs, I want to work with our African partners to begin to clean up corruption, and remove this barrier to sound development. In the State of Wisconsin, I have already raised the issue with a State trade promotion commission, the Lucey Commission, as a barrier to free and fair trade for our companies. The commission released its report in January 1995. Indeed, this is an unfair trading practice that must be addressed as U.S. companies gear up for more fervent international export activity.

Bribery and corruption in the international arena are subjects which we have not focused on recently, but they have seriously skewed international markets and destabilized the trading environment throughout the world. It is a multifaceted problem, found at many layers of government, throughout the international corporate hierarchy, and in many components of an international business transaction. It infects and distorts the global business environment by inflating costs which must factor in payoffs, and offers prices which, in reflecting the bribe, are in excess of value. It also undermines structural development in transitioning countries, and when it comes to foreign assistance, it can diminish the amount of actual aid delivered as bribes are siphoned off from aid packages.

Bribery allows the dishonest to prosper, while the honest pay the price. What's more, it only feeds on itself because a bribed person never stays bribed; he or she will always sell themself to the highest bidder. Most importantly, though, it is an inappropriate way to do business—not only because it is unethical and morally unacceptable, but also because it is inefficient.

This was in large part why Congress passed the Foreign Corrupt Practices Act of 1977, which, I am proud to say, was sponsored by one of Wisconsin's most respected elected officials, Senator William Proxmire. The FCPA was introduced when policymakers became concerned by discoveries that some American businesses maintained secret slush funds for making questionable or illegal payments to foreign government officials for enhanced business opportunities that would adversely affect U.S. foreign policy, harm the image of American democracy abroad, and undermine public confidence in the integrity of U.S. businesses.

By establishing extensive bookkeeping requirements to ensure transparency, and by criminalizing the bribery of foreign officials to obtain or retain business, the FCPA has succeeded at curbing corporate bribery by U.S. firms. These two very important principles do not simply define an American sense of morality in business. They also strengthen America's trade policy, foster faith in American democracy, and protect our interests in requiring an open environment for U.S. investment.

Certainly, these are principles and guidelines in everyone's best interest, and as such, are worth promoting worldwide.

Though at the time of passage, there was some criticism of the FCPA, it is generally welcomed by the business community today for exactly those reasons. The biggest objection to it is that in some instances it does disadvantage our businesses. Our trade competitors, the other industrialized countries, are allowed—and are usually willing—to pay bribes, and thus have been able to gain an unfair and harmful edge over U.S. businesses. In some countries, like Germany, a bribe in a foreign country is even eligible for a tax write-off. As the international trade market continues to expand, it is time to get this problem under control.

Although some talk of amending or repealing the FCPA to help American business in their competitive race, it makes far better business sense to raise the international standards against bribery, and work for universal acceptance of the principles of the FCPA. This would help level the playing field for U.S. businesses and exports, and it is a sound economic move.

One of the most effective ways to do that is to work with other governments to implement the same strict regulations and penalties against bribery in international business by which U.S. entities have to live.

The Clinton administration has done a laudable job in advancing this agenda as part of its aggressive export strategy. They have consistently raised this issue with other governments, both in public and private. They have pursued it in places such as the Organization on Economic Cooperation and Development, and President Clinton raised it at the Summit of the Americas in Miami last year. I know the Ambassador to India, Ambassador Frank Wisner, has identified it as a major issue, and, as India develops its codes for international investment, he has pledged to help ensure a level playing field for United States companies. The administration has also dedicated itself to promoting anticorruption as a basic principle of "good governance" within our assistance programs.

We took a good first step when the Organization on Economic Cooperation and Development passed a strong resolution in May 1994 recommending that member countries, which includes most of Europe, Australia, Canada, Japan, and New Zealand, "take effective measures to deter, prevent, and combat bribery of foreign public officials." This was a very helpful measure in that all the OECD countries recognized bribery as a destabilizing factor in international trade, and pledged to cooperate on revisions of domestic laws and creation of international agreements. This recommendation has served as a launching pad for international efforts against bribery, and has inspired some other successes in the first year since it was passed.

For example, in Ecuador, where the Government has tendered a contract for a $170 million refinery project, bidders are required to sign a no-bribery pledge, and agreed that all third-party commissions would be disclosed in the final contract. In Ukraine, top officials in the Ministry of International Economic Affairs are going to trial for accepting bribes from foreign and Ukranian corporations in exchange for assistance in export licenses.

Domestically, several Governments have been rocked by corruption scandals in recent months that have put the issue of bribery on the front pages in France, Italy, and the United Kingdom. NATO is investigating its Secretary General for possibly accepting a kickback payment on a helicopter sale when he was Belgium's Economics Minister. In Taiwan, there is an elaborate investigation into a murder of a military officer who may have known of payoff in an arms deal. Even China recently passed a law to restrict undue influence on judges, prosecutors, and police.

Bribery and corruption are finally emerging as a topic for public discussion, and, I believe, that as more sunshine is cast on such practices, governments will be under domestic pressure to pass anti-corruption legislation and reform. I am also confident that these movements will lead to scrutiny of how business is conducted overseas. In the meantime, we need to do all we can to ensure that American companies are playing on a level field.

Today many small and medium-sized companies depend upon the assistance of our trade promotion agencies. These agencies offer different kinds of financing, but all serve to promote American products for export, and balance out government subsidized programs offered by our trade competitors for their companies.

The legislation I am introducing today would guarantee that U.S. export financing would benefit only those companies which do not have the unfair advantage of bribery by prohibiting the Trade and Development Agency, Overseas Private Investment Corporation, Export-Import Bank, and the Agency for International Development from providing support for U.S. subsidiaries of foreign corporations which have not adopted and enforced an antibribery code.

While U.S. subsidiaries are subject to the FCPA, their foreign parent companies are not, which may offer them an unfair advantage over wholly U.S.-owned firms. I do not think that U.S. taxpayer funds should be used to support further a corporation which may have the benefit of bribery—particularly if it hurts a wholly-owned American company. My legislation is also intended to give a further incentive to foreign corporations to adopt, on their own, restrictions against bribery. My bill is intended to support the work of both U.S. exporters and U.S. trade promotion agencies in combating this terrible inequity.

I am also introducing a resolution that would express the sense of the Senate that bribery is indeed a morally unacceptable business practice, and has destabilizing consequences for the international trade environment. It commends the Clinton administration for their solid efforts; encourages the administration to work toward universal acceptance of the principles set forth in the FCPA; and says the U.S. Government should enter into negotiations in order to establish regulations for international financial institutions and international organizations that prohibit bribery of foreign public officials and impose sanctions for such bribery.

By no means can we resolve this issue in 1 year, or simply with a couple of laws. Rather, we need to promote meaningful change in the business culture worldwide, and we need to do that on a multilateral, if not global, basis. Large companies can afford to wait as the problem begins to improve, but our small and medium-sized businesses—the backbone of the U.S. economy—are, in some cases, being fatally wounded now by competitors' bribery.

Bribery is nobody's preferred way to do business, yet it is standard play in many parts of the world. We need to begin to address it seriously as a global problem. As recent events have shown, citizens of many other countries—in both the industrialized and developing worlds—feel the same way. I hope my proposals will contribute to the debate.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 576

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. PROHIBITION ON TRADE ASSISTANCE.

(a) PROHIBITION.—Notwithstanding any other provision of law, an agency referred to in subsection (b) may not provide economic support (including export assistance, subsidization, financing, financial assistance, or trade advocacy) to or for any foreign corporation or any United States subsidiary of a foreign corporation unless the head of such agency certifies to Congress that the foreign corporation has adopted and enforces a corporate-wide policy that prohibits the bribery of foreign public officials in connection with international business transactions of the corporations and its subsidiaries.

(b) COVERED AGENCIES.—Subsection (a) applies to assistance provided by the following agencies:

(1) The Trade and Development Agency.

(2) The Overseas Private Investment Corporation.

(3) The Export-Import Bank.

(4) The Agency for International Development.

(c) DEFINITIONS.—In this section:

(1) The term "bribery", in the case of a corporation, means the direct or indirect offer or provision by the corporation of any undue pecuniary or other advantage to or for an individual in order to procure business and business contracts for the corporation or its subsidiaries.

(2) The term "foreign corporation" means any corporation created or organized under the laws of a foreign country.

(3) The term "United States subsidiary" means any subsidiary of a foreign corporation which subsidiary has its principal place of business in the United States or which is organized under the laws of a State.●

ADDITIONAL COSPONSORS

S. 131

At the request of Mr. LIEBERMAN, the names of the Senator from New Hampshire [Mr. SMITH] and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 131, a bill to specifically exclude certain programs from provisions of the Electronic Funds Transfer Act.

S. 277

At the request of Mr. D'AMATO, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 277, a bill to impose comprehensive economic sanctions against Iran.

S. 285

At the request of Mr. MCCAIN, the names of the Senator from Montana [Mr. BAUCUS] and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of S. 285, a bill to grant authority to provide social services block grants directly to Indian tribes, and for other purposes.

S. 295

At the request of Mrs. KASSEBAUM, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor of S. 295, a bill to permit labor management cooperative efforts that improve America's economic competitiveness to continue to thrive, and for other purposes.

S. 323

At the request of Mrs. KASSEBAUM, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 323, a bill to amend the Goals 2000: Educate America Act to eliminate the National Education Standards and Improvement Council, and for other purposes.

S. 343

At the request of Mr. DOLE, the names of the Senator from Alaska [Mr. STEVENS] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 343, a bill to reform the regulatory process, and for other purposes.

S. 388

At the request of Ms. SNOWE, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 388, a bill to amend title 23, United States Code, to eliminate the penalties for noncompliance by States with a program requiring the use of motorcycle helmets, and for other purposes.

S. 397

At the request of Mr. MCCAIN, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 397, a bill to benefit crime victims by improving enforcement of sentences, imposing fines and special assessments, and for other purposes.

S. 447

At the request of Mr. INHOFE, the names of the Senator from Texas [Mrs. HUTCHISON] and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 447, a bill to provide tax incentives to encourage production of oil and gas within the United States, and for other purposes.

S. 508

At the request of Mr. MURKOWSKI, the names of the Senator from Oregon [Mr. HATFIELD] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 508, a bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities.

SENATE JOINT RESOLUTION 19

At the request of Mr. BROWN, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of Senate Joint Resolution 19, a joint resolution proposing an amendment to the Constitution of the United States relative to limiting congressional terms.

SENATE RESOLUTION 79

At the request of Mr. SPECTER, the names of the Senator from Nevada [Mr. BRYAN], the Senator from West Virginia [Mr. BYRD], the Senator from Ohio [Mr. GLENN], the Senator from Michigan [Mr. LEVIN], and the Senator from Florida [Mr. MACK] were added as cosponsors of Senate Resolution 79, a resolution designating March 25, 1995, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

SENATE RESOLUTION 88—HONORING THE 92D BIRTHDAY OF MIKE MANSFIELD

Mr. BAUCUS (for himself, Mr. BURNS, Mr. DOLE, and DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 88

Whereas Mike Mansfield brought honor to the State of Montana as a professor, Congressman, and Senator during a period that spanned more than 40 years;

Whereas Mike Mansfield claims the distinction of being the youngest World War I veteran in the United States, and of having served as an enlisted man in the Navy, Army, and Marines, all before the age of 20;

Whereas Mike Mansfield served as Senate Majority Leader for a record 16 years;

Whereas Mike Mansfield was instrumental in passing the 26th Amendment to the Constitution, giving people age 18 to 20 the right to vote;

Whereas as a freshman Congressman, Mike Mansfield served as an East Asian adviser to President Franklin Delano Roosevelt during World War II, and later served as the United States Ambassador to Japan for over 11 years;

Whereas Mike Mansfield performed all of the above tasks to the highest possible standards, and is a shining example of integrity and public service to Montana and the United States; and

Whereas Mike Mansfield will celebrate his 92d birthday on Thursday, March 16, 1995: Now, therefore, be it

Resolved, That the Senate congratulates and sends the warmest birthday wishes to Mike Mansfield, a beloved former colleague of the United States Senate, on the grand occasion of his 92d birthday on Thursday, March 16, 1995.

SENATE RESOLUTION 89—RELATIVE TO BRIBERY

Mr. FEINGOLD submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 89

Whereas a stable and predictable international business environment is necessary to advance economic development worldwide;

Whereas corrupt practices such as bribery and illicit payments distort the international business environment and sabotage fairness and competitiveness in international export markets, particularly for small- and medium-sized businesses;

Whereas corrupt practices weaken foreign assistance programs and other transactions for the benefit of the general population by increasing the risk of the improper use of funds from such assistance and increasing the cost of providing such assistance;

Whereas bribery in international business, investment, and trade is ethically and politically unacceptable;

Whereas United States nationals and companies, and their foreign subsidiaries, are prohibited from bribing foreign officials under the Foreign Corrupt Practices Act of 1977 (Public Law 95-213);

Whereas United States trade competitors and nationals of other industrialized countries are not prohibited by law from utilizing bribes in retaining or obtaining foreign procurement contracts;

Whereas some countries permit a deduction for income tax purposes for bribes paid to secure foreign business;

Whereas ineffective enforcement or absence of anti-bribery laws in many countries serves to discriminate against United States nationals and businesses in competition for procurement contracts abroad since the payment of bribes by foreign companies is often the decisive factor in the award of such contracts;

Whereas nations that engage in international trade have the responsibility of combating bribery and corruption, even if their own citizens may be subject to penalties therefor;

Whereas the failure of any nation to punish bribery undermines efforts in the international market to combat corrupt practices;

Whereas effective anticorruption statutes include criminal, commercial, civil, and administrative laws prohibiting bribery of foreign public officials, tax laws which make bribery unprofitable, transparent business accounting requirements that ensure proper recording of relevant payments and appropriate inspection of such records, prohibitions on licenses, government procurement contracts, and public subsidies, and substantial monetary fines for bribery;

Whereas an improvement in international activities to combat bribery would result from cooperation between countries in investigations into bribery, including the sharing of information, the expediting of requests for extradition, and the entry into mutual agreements and arrangements to combat bribery;

Whereas the implementation of regulations to combat bribery and corruption by international organizations and international financial institutions would enhance efforts to combat bribery;

Whereas the United Nations Commission of Transnational Corporations concluded in 1991 that international action is needed to combat the problem of bribes and other illicit payments in international business transactions;

Whereas the Organization for Economic Cooperation and Development passed a resolution on May 27, 1994, recommending that OECD Member states "deter, prevent, and combat the bribery of foreign public officials in connection with international business transactions";

Whereas the Clinton administration has actively pursued antibribery initiatives in the interest of free and fair international trade; and

Whereas these initiatives will help strengthen vibrant international trade and export markets and ensure fair competitive conditions for United States exporters: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Clinton administration is commended for its efforts in encouraging integrity in international business transactions among our trading partners and competitors, and the United States Trade Representative, the Secretary of Commerce, and the Secretary of State should continue to raise the need for such integrity with other industrialized nations at every possible venue;

(2) the United States should strongly urge universal adoption of the principles set forth in the Foreign Corrupt Practices Act of 1977 (Public Law 95-213) in order that adopting countries implement effective means, in accordance with the legal and jurisdictional principles of such countries, of combating bribery of foreign public officials, including the imposition administrative, civil, and criminal sanctions for such bribery; and

(3) the United States Government should enter into negotiations in order to establish regulations for international financial institutions and international organizations that prohibit bribery of foreign public officials and impose sanctions for such bribery.

SENATE RESOLUTION 90—AUTHORIZING THE TESTIMONY OF A SENATE EMPLOYEE

Mr. DOLE (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 90

Whereas, in the case of *United States v. Francisco M. Duran*, Cr. No. 94-447, pending in the United States District Court for the District of Columbia, a subpoena for testimony has been issued to Laura DiBiase, an employee of the Senate on the Staff of Senator Campbell;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promoce the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved That Laura DiBiase is authorized to produce records and to testify in the case of *United States v. Francisco M. Duran*, Cr. No. 94-447 (D.D.C.), except concerning matters for which a privilege should be asserted.

AMENDMENTS SUBMITTED

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS FOR THE DEPARTMENT OF DEFENSE TO PRESERVE AND ENHANCE MILITARY READINESS ACT OF 1995

BOND (AND OTHERS) AMENDMENT NO. 332

Mr. BOND (for himself, Mrs. FEINSTEIN, Ms. MIKULSKI, and Mrs. HUTCHISON) proposed an amendment to amendment No. 330 proposed by Mr. BUMPERS to the bill (H.R. 889) making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes; as follows:

In lieu of the matter proposed to be added, add the following:

SEC. . (a) Notwithstanding any other provision of law, no funds appropriated by this Act, or otherwise appropriated or made available by any other Act, may be utilized for purposes of entering into the agreement described in subsection (b) until the President certifies to Congress that—

(1) Russia has agreed not to sell nuclear reactor components to Iran; or

(2) the issue of the sale by Russia of such components to Iran has been resolved in a manner that is consistent with—

(A) the national security objectives of the United States; and

(B) the concerns of the United States with respect to nonproliferation in the Middle East.

(b) The agreement referred to in subsection (a) is an agreement known as the Agreement on the Exchange of Equipment, Technology, and Materials between the United States Government and the Government of the Russian Federation, or any department or agency of that government (including the Russian Ministry of Atomic Energy), that the United States Government proposes to enter into under section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153).

BUMPERS AMENDMENT NO. 333

Mr. BUMPERS proposed an amendment to the bill H.R. 889 supra; as follows:

At the appropriate place in Chapter VII of Title II of the bill add the following:

"INDEPENDENT AGENCIES

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION NATIONAL AERONAUTICAL FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103-327, for construction of wind tunnels, $400,000,000 are rescinded."

BOXER (AND OTHERS) AMENDMENT NO. 334

Mrs. BOXER (for herself, Mr. DODD, Mr. BRADLEY, and Mr. DORGAN), proposed an amendment to the bill H.R. 889, supra; as follows:

On page 25, between lines 4 and 5, insert the following:

SEC. 110. It is the sense of the Senate that—

(1) Congress should enact legislation that terminates the entitlement to pay and allowances for each member of the Armed Forces who is sentenced by a court-martial to confinement and either a dishonorable discharge, bad-conduct discharge, or dismissal;

(2) the legislation should provide for restoration of the entitlement if the sentence to confinement and punitive discharge or dismissal, as the case may be, is disapproved or set aside; and

(3) the legislation should include authority for the establishment of a program that provides transitional benefits for spouses and other dependents of a member of the Armed Forces receiving such a sentence.

McCAIN (AND BRADLEY) AMENDMENT NO. 335

Mr. McCAIN (for himself and Mr. BRADLEY) proposed an amendment to the bill H.R. 889, supra; as follows:

On page 25, between lines 4 and 5, insert the following:

SEC. 110. RESCISSION OF FUNDS FOR CERTAIN MILITARY CONSTRUCTION PROJECTS.

(a) CONDITIONAL RESCISSION OF FUNDS FOR CERTAIN MILITARY PROJECTS.—(1)(A) Notwithstanding any other provision of law and subject to paragraphs (2) and (3), of the funds provided in the Military Construction Appropriations Act, 1995 (Public Law 103-307; 108 Stat. 1659), the following funds are hereby rescinded from the following accounts in the specified amounts:

Military Construction, Army	$11,554,000.
Military Construction, Air Force	$6,500,000.
Military Construction, Army National Guard	$1,800,000.

(B) Rescissions under this paragraph are for projects at military installations that were recommended for closure by the Secretary of Defense in the recommendations submitted by the Secretary to the Defense Base Closure and Realignment Commission on March 1, 1995, under the base closure Act.

(2) A rescission of funds under paragraph (1) shall not occur with respect to a project covered by that paragraph if the Secretary certifies to Congress that—

(A) the military installation at which the project is proposed will not be subject to closure or realignment as a result of the 1995 round of the base closure process; or

(B) if the installation will be subject to realignment under that round of the process, the project is for a function or activity that will not be transferred from the installation as a result of the realignment.

(3) A certification under paragraph (2) shall be effective only if—

(A) the Secretary submits the certification together with the approval and recommendations transmitted to Congress by the President in 1995 under paragraph (2) or (4) section 2903(e) of the base closure Act; or

(B) the base closure process in 1995 is terminated pursuant to paragraph (5) of that section.

(b) ADDITIONAL RESCISSIONS RELATING TO BASE CLOSURE PROCESS.—Notwithstanding any other provision of law, funds provided in the Military Construction Appropriations Act, 1995 for a military construction project are hereby rescinded if—

(1) the project is located at an installation that the President recommends for closure in 1995 under section 2903(e) of the base closure Act; or

(2) the project is located at an installation that the President recommends for realignment in 1995 under such section and the function or activity with which the project is associated will be transferred from the installation as a result of the realignment.

(c) DEFINITION.—In the section, the term "base closure Act" means the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

HUTCHISON (AND OTHERS) AMENDMENT NO. 336

Mrs. HUTCHISON (for herself, Mr. GORTON, Mr. DOMENICI, Mr. GRAMM, and Mr. PRESSLER) proposed an amendment to the bill H.R. 889, supra; as follows:

On page 28, between lines 14 and 15, insert the following:

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103-332—

(1) $1,500,000 are rescinded from the amounts available for making determinations whether a species is a threatened or endangered species and whether habitat is critical habitat under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(2) none of the remaining funds appropriated under that heading may be made available for making a final determination that a species is threatened or endangered or that habitat constitutes critical habitat (except a final determination that a species previously determined to be endangered is no longer endangered but continues to be threatened).

To the extent that the Endangered Species Act of 1973 has been interpreted or applied in any court order (including an order approving a settlement between the parties to a civil action) to require the making of a determination respecting any number of species or habitats by a date certain, that Act shall not be applied to require that the determination be made by that date if the making of the determination is made impracticable by the rescission made by the preceding sentence.

LEAHY (AND JEFFORDS) AMENDMENT NO. 337

Mr. LEAHY (for himself and Mr. JEFFORDS) proposed an amendment to the bill H.R. 889, supra; as follows:

At the appropriate place, insert the following new title:

TITLE —MISCELLANEOUS

SEC. 01.—Notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation for the vessel L.R. BEATTIE, United States official number 904161.

ROTH (AND OTHERS) AMENDMENT NO. 338

Mr. ROTH (for himself, Mr. GLENN, Mr. HELMS, Mr. LEVIN, Mr. MCCAIN, Mr. NUNN, Mr. DORGAN, and Mr. PELL) proposed an amendment to the bill, H.R. 889, supra; as follows:

At the appropriate point, insert the following:

The Senate finds that the Treaty on the Non-Proliferation of Nuclear Weapons, hereinafter referred to as the NPT, is the cornerstone of the global nuclear non-proliferation regime;

That, with more than 170 parties, the NPT enjoys the widest adherence of any arms control agreement in history;

That the NPT sets the fundamental legal and political framework for prohibiting all forms of nuclear nonproliferation;

That the NPT provides the fundamental legal and political foundation for the efforts through which the nuclear arms race was brought to an end and the world's nuclear arsenals are being reduced as quickly, safely and securely as possible.

That the NPT spells out only three extension options: indefinite extension, extension for a fixed period, or extension for fixed periods;

That any temporary or conditional extension of the NPT would require a dangerously slow and unpredictable process of re-ratification that would cripple the NPT.

That it is the policy of the President of the United States to seek indefinite and unconditional extension of the NPT;

Now, therefore, it is the sense of the Senate that:

(1) indefinite and unconditional extension of the NPT would strengthen the global nuclear non-proliferation regime;

(2) indefinite and unconditional extension of the NPT is in the interest of the United States because it would enhance international peace and security;

(3) the President of the United States has the full support of the Senate in seeking the indefinite and unconditional extension of the NPT;

(4) all parties to the NPT should vote to extend the NPT unconditionally and indefinitely; and

(5) parties opposing indefinite and unconditional extension of the NPT are acting against their own interest, the interest of the United States and the interest of all the peoples of the world by placing the nuclear non-proliferation regime and global security at risk.

BAUCUS (AND OTHERS) AMENDMENT NO. 339

Mr. BAUCUS (for himself, Mr. BYRD, Mr. MCCONNELL, Mr. LEAHY, Mr. GRASSLEY, Mr. KERREY, Mr. PRESSLER, Mr. BURNS, Mr. HARKIN, Mr. SANTORUM, Mr. SIMPSON, Mr. LUGAR, Mr. PRYOR, and Mr. CONRAD) proposed an amendment to the bill H.R. 889, supra; as follows:

On page 25, between lines 4 and 5, insert the following:

SEC. 110. SENSE OF SENATE ON SOUTH KOREA TRADE BARRIERS TO UNITED STATES BEEF AND PORK.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States has approximately 37,000 military personnel stationed in South Korea and spent over $2,000,000,000 last year to preserve peace on the Korean peninsula.

(2) The United States Trade Representative has initiated a section 301 investigation against South Korea for its nontariff trade barriers on United States beef and pork.

(3) The barriers cited in the section 301 petition include government-mandated shelf-life requirements, lengthy inspection and customs procedures, and arbitrary testing requirements that effectively close the South Korean market to such beef and pork.

(4) United States trade and agriculture officials are in the process of negotiating with South Korea to open South Korea's market to United States beef and pork.

(5) The United States meat industry estimates that South Korea's nontariff trade barriers on United States beef and pork cost United States businesses more than $240,000,000 in lost revenue last year and could account for more than $1,000,000,000 in lost revenue to such business by 1999 if South Korea's trade practices on such beef and pork are left unchanged.

(6) The United States beef and pork industries are a vital part of the United States economy, with operations in each of the 50 States.

(7) Per capita consumption of beef and pork in South Korea is currently twice that of such consumption in Japan. Given that the Japanese are currently the leading importers of United States beef and pork, South Korea holds the potential of becoming an unparalleled market for United States beef and pork.

(b) It is the sense of the Senate that—

(1) the security relationship between the United States and South Korea is essential to the security of the United States, South Korea, the Asia-Pacific region and the rest of the world;

(2) the efforts of the United States Trade Representative to open South Korea's market to United States beef and pork deserve support and commendation; and

(3) the United States Trade Representative should continue to insist upon the removal of South Korea's nontariff barriers to United States beef and pork.

BROWN (AND OTHERS) AMENDMENT NO. 340

Mr. BROWN (for himself, Mr. D'AMATO, Mr. MACK, and Mr. NICKLES) proposed an amendment to the bill, H.R. 889, supra; as follows:

At the end of the bill, add the following new title:

TITLE ___—MEXICAN DEBT DISCLOSURE ACT OF 1995

SEC. ___01. SHORT TITLE.

This title may be cited as the "Mexican Debt Disclosure Act of 1995".

SEC. ___02. FINDINGS.

The Congress finds that—

(1) Mexico is an important neighbor and trading partner of the United States;

(2) on January 31, 1995, the President approved a program of assistance to Mexico, in the form of swap facilities and securities guarantees in the amount of $20,000,000,000, using the Exchange Stabilization Fund;

(3) the program of assistance involves the participation of the Federal Reserve System,

the International Monetary Fund, the Bank of International Settlements, the World Bank, the Inter-American Development Bank, the Bank of Canada, and several Latin American countries;

(4) the involvement of the Exchange Stabilization Fund and the Federal Reserve System means that United States taxpayer funds will be used in the assistance effort to Mexico;

(5) assistance provided by the International Monetary Fund, the World Bank, and the Inter-American Development Bank may require additional United States contributions of taxpayer funds to those entities;

(6) the immediate use of taxpayer funds and the potential requirement for additional future United States contributions of taxpayer funds necessitates congressional oversight of the disbursement of funds; and

(7) the efficacy of the assistance to Mexico is contingent on the pursuit of sound economic policy by the Government of Mexico.

SEC. ___03. REPORTS REQUIRED.

(a) REPORTS.—Not later than April 1, 1995, and every month thereafter, the President shall transmit a report to the appropriate congressional committees concerning all United States Government loans, credits, and guarantees to, and short-term and long-term currency swaps with, Mexico.

(b) CONTENTS OF REPORTS.—The report described in subsection (a) shall include the following:

(1) A description of the current condition of the Mexican economy.

(2) Information regarding the implementation and the extent of wage, price, and credit controls in the Mexican economy.

(3) A complete documentation of Mexican taxation policy and any proposed changes to such policy.

(4) A description of specific actions taken by the Government of Mexico during the preceding month to further privatize the economy of Mexico.

(5) A list of planned or pending Mexican Government regulations affecting the Mexican private sector.

(6) A summary of consultations held between the Government of Mexico and the Department of the Treasury, the International Monetary Fund, or the Bank of International Settlements.

(7) A full description of the activities of the Mexican Central Bank, including the reserve positions of the Mexican Central Bank and data relating to the functioning of Mexican monetary policy.

(8) The amount of any funds disbursed from the Exchange Stabilization Fund pursuant to the approval of the President issued on January 31, 1995.

(9) A full disclosure of all financial transactions, both inside and outside of Mexico, made during the preceding month involving funds disbursed from the Exchange Stabilization Fund and the International Monetary Fund, including transactions between—

(A) individuals;

(B) partnerships;

(C) joint ventures; and

(D) corporations.

(10) An accounting of all outstanding United States Government loans, credits, and guarantees provided to the Government of Mexico, set forth by category of financing.

(11) A detailed list of all Federal Reserve currency swaps designed to support indebtedness of the Government of Mexico, and the cost or benefit to the United States Treasury from each such transaction.

(12) A description of any payments made during the preceding month by creditors of Mexican petroleum companies into the petroleum finance facility established to ensure repayment of United States loans or guarantees.

(13) A description of any disbursement during the preceding month by the United States Government from the petroleum finance facility.

(14) Once payments have been diverted from PEMEX to the United States Treasury through the petroleum finance facility, a description of the status of petroleum deliveries to those customers whose payments were diverted.

(15) A description of the current risk factors used in calculations concerning Mexican repayment of indebtedness.

(16) A statement of the progress the Government of Mexico has made in reforming its currency and establishing an independent central bank or currency board.

SEC. ___04. PRESIDENTIAL CERTIFICATION.

Notwithstanding any other provision of law, before extending any loan, credit, guarantee, or arrangement for a swap of currencies to Mexico through any United States Government monetary facility, the President shall certify to the appropriate congressional committees that—

(1) there is no projected cost to the United States from the proposed loan, credit, guarantee, or currency swap;

(2) all loans, credits, guarantees, and currency swaps are adequately collateralized to ensure that United States funds will be repaid;

(3) the Government of Mexico has undertaken effective efforts to establish an independent central bank or an independent currency control mechanism; and

(4) Mexico has in effect a significant economic reform effort.

SEC. ___05. DEFINITION.

As used in this title, the term "appropriate congressional committees" means the Committees on Banking and Financial Services and International Relations of the House of Representatives and the Committees on Foreign Relations, and Banking, Housing, and Urban Affairs of the Senate.

D'AMATO AMENDMENT NO. 341

Mr. D'AMATO proposed an amendment to amendment No. 340 proposed by Mr. BROWN to the bill H.R. 889, supra; as follows:

Add at the end of the proposed amendment the following new section:

SEC. . REPORT ON ILLEGAL DRUG TRAFFICKING IN MEXICO.

The President shall transmit to the appropriate congressional committees no later than June 1, 1995 detailing the illegal drug trafficking to the United States from Mexico:

(1) A description of drug trafficking activities directed toward the United States;

(2) a description of allegations of corruption involving current or former officials of the Mexican government or ruling party, including the relatives and close associates of such officials; and

(3) the participation of United States financial institutions or foreign financial institutions operating in the United States in the movement of narcotics-related funds from Mexico.

MCCONNELL AMENDMENT NO. 342

Mr. INOUYE (for Mr. MCCONNELL, for himself, Mr. LEAHY, Mr. DOLE, Mr. DASCHLE, Mr. SPECTER, Mr. INOUYE, Mr. JEFFORDS, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mrs. MURRAY, and Mrs. FEINSTEIN) proposed an amendment to the bill, H.R. 889, supra; as follows:

On page 16, between lines 18 and 19, insert the following:

CHAPTER I

On page 25, between lines 4 and 5, insert the following:

CHAPTER II

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

DEBT RESTRUCTURING

DEBT RELIEF FOR JORDAN

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans to Jordan issued by the Export-Import Bank or by the Agency for International Development or by the Department of Defense, or for the cost of modifying: (1) concessional loans authorized under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, and (2) credits owed by Jordan to the Commodity Credit Corporation, as a result of the Corporation's status as a guarantor of credits in connection with export sales to Jordan; as authorized under subsection (a) under the heading, "Debt Relief for Jordan", in title VI of Public Law 103-306, $275,000,000, to remain available until September 30, 1996: *Provided*, That not more than $50,000,000 of the funds appropriated by this paragraph may be obligated prior to October 1, 1995.

MCCONNELL AMENDMENT NO. 343

Mr. INOUYE (for Mr. MCCONNELL) proposed an amendment to the bill, H.R. 889, supra; as follows:

On page 26, at the end of line 23, add the following:

Of the funds appropriated in Public Law 103-316, $3,000,000 is hereby authorized for appropriation to the Corps of Engineers to initiate and complete remedial measures to prevent slope instability at Hickman Bluff, Kentucky.

PRESSLER (AND OTHERS) AMENDMENT NO. 344

Mr. INOUYE (for Mr. PRESSLER for himself, Mr. HARKIN, Mr. CONRAD, and Mr. DASCHLE) proposed an amendment to the bill, H.R. 889, supra; as follows:

On page 30, line 8, strike the dollar figure "$120,000,000"and insert in lieu thereof the dollar figure "$126,608,000".

On page 30, strike line 14 through line 18.

BROWN AMENDMENT NO. 345

Mr. INOUYE (for Mr. BROWN) proposed an amendment to the bill, H.R. 889, supra; as follows:

At the appropriate place in the bill, add the following new section—

"SEC. . NATIONAL TEST FACILITY.

It is the sense of the Senate that the National Test Facility provides important support to strategic and theater missile defense in the following areas:

(a) United States-United Kingdom defense planning;

(b) the PATRIOT and THAAD programs;

(c) computer support for the Advanced Research Center; and

(d) technical assistance to theater missile defense;

and fiscal year 1995 funding should be maintained to ensure retention of these priority functions.

FEINSTEIN AMENDMENT NO. 346

Mr. INOUYE (for Mrs. FEINSTEIN) proposed an amendment to the bill, H.R. 889, supra; as follows:

On page 25, between lines 4 and 5, insert the following new section:

SEC. 110. (a) In determining the amount of funds available for obligation from the Environmental Restoration, Defense, account in fiscal year 1995 for environmental restoration at the military installations described in subsection (b), the Secretary of Defense shall not take into account the rescission from the account set forth in section 106.

(b) Subsection (a) applies to military installations that the Secretary recommends for closure or realignment in 1995 under section 29023(c) of the Defense Base Closure and Realignment Act of 1990 (subtitle A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Thursday, March 16, at 9:30 a.m., in SR–332, to discuss taxpayers' stake in Federal farm policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, March 16, 1995, to conduct a hearing on the Iran Sanctions Act, S. 277.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet for a classified briefing during the session of the Senate on Thursday, March 16, 1995, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session on Thursday, March 16, 1995, at 9:30 a.m., to hold an oversight hearing on the Architect of the Capitol.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. BURNS. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the Courts of the Committee of the Judiciary, be authorized to hold a business meeting during the session of the Senate on Thursday, March 16, 1995, at 10 a.m., to consider S. 343, regulatory reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. BURNS. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet at 2 p.m. on Thursday, March 16, 1995, in open session, to receive testimony regarding the Department of Defense Manpower, Personnel, and Compensation Programs in review of the defense authorization request for fiscal year 1996 and the Future Years Defense Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

IRAN

• Mr. D'AMATO. Mr. President, I rise today to discuss a topic of great concern to this country, as well as the world: Iran.

In January, I introduced a bill, entitled "The Comprehensive Iran Sanctions Act of 1995." The recent press regarding the aborted Conoco deal with the national Iranian oil company, has further brought the problem of the purchase of Iranian oil by overseas subsidiaries of American companies to light. These purchases help Iran fund their terrorism and keep their economy afloat. We can no longer subsidize Iran's violence and terrorism.

For this reason, it is of paramount important that this bill becomes law. In regard to this, I ask that the following answers to a series of questions on Iran's economic status that I posed to Manouchehr Ganji, Secretary General of the Organization for Human Rights and Fundamental Freedoms for Iran, who is based in Paris, be printed in the RECORD. His answers are enlightening and provide the view of someone who knows with intimate detail, the threat that Iran poses to the world.

The material follows:

ORGANIZATION FOR HUMAN RIGHTS
AND FUNDAMENTAL FREEDOMS FOR
IRAN,
Paris, France, March 14, 1995.

Senator Alfonse D'Amato,
Chairman, U.S. Senate, Committee on Banking, Housing and Urban Affairs.

DEAR SENATOR D'AMATO, In response to your letter of March 9, 1995, I herewith enclose my reflections to the questions posed. As you will note I have added a sixth question and provided my responses to it as well. I will be available for any further questions or clarifications.

Please accept Sir, the assurances of my highest considerations.

Sincerely,

MANOUCHEHR GANJI,
Secretary-General.

INTRODUCTION

Under today's deteriorating economic, social and political conditions in Iran, a total U.S. trade embargo on Iran is the single most important policy initiative that needs to be taken if the overwhelming majority of Iranians, inside and outside the country, are to be given the incentive to play their full part in bringing about a change of government—to allow power to be transferred to civilized, progressive and democratic forces; an outcome which would, among other things, remove the threat to the region and the world that the present regime in Iran represents. It is my considered opinion that a total U.S. trade embargo will ultimately be effective, if (a) it is part of a coordinated strategy which enjoys the actual as well as the declared support of other governments and their agencies; and if (b) U.S. and other policy-makers and their agencies are fully coordinated with those civilized, progressive and democratic Iranian forces on the ground, inside and outside Iran, which will take the lead in bringing about a change of power. However, if such a policy is not coordinated and well organized, it will not necessarily bring about the desired results, and could even be counter-productive. It is also my view that your list of five questions should be extended to include one more. I am therefore responding hereunder to six questions.

Question 1. We are aware of the severe problems that the Iranian economy is facing. The government cannot serve all of its short and long term debts, and basically is teetering on total collapse. What benefits does Iran derive from its trade with the United States, and how much importance does Iran place on this trade?

Answer. The deterioration of the economic and financial situation of Iran has been accelerating during the past several months at an unprecedented rate. The situation can be summarized as follows:

(1) The incapability of the country to service its short and long term debts. This is in spite of the regime's efforts to reschedule its debts of around $37 billion dollars, which does not even include the debts to former communist countries. Presently, the debt service and foreign exchange policies are out of control and the regime is incapable of taking concrete steps to redress the situation.[1]

(2) From 1979 to 1995, the value of the Rial to the Dollar had lost 30 times its value in the free market, whereas during the last two months the value of the Rial has fallen by an additional 50%,[2] and no end is seen to the collapse of the Rial. Most banks in the world are presently refusing letters of credit from Iran.

(3) The shortage of foreign exchange has limited the import of even essential goods such as pharmaceutical products, raw materials, and spare parts. Domestic production is falling rapidly—industrial production is running at 17%–20% of its capacity.[3] Agricultural production is also in trouble due to the shortage of seeds, fertilizers and pesticides.

(4) To a large extent, Iran has also become "a Dollar economy", in the sense that local prices are related to the Dollar exchange rate. Consequently, the fall in the value of

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Footnotes at end of report.

the Rial, and the decreasing supply of goods (due to shrinking imports and falling production) have been causing price increases during the last two months of between 50% and 100%. This inflation is taking place in a country that is not used to—contrary to some other countries—the psychology of inflation, and lacks the experience and the mechanisms to adapt to daily price increases.

It is in such exceptional context that we have to evaluate the importance of trade between the United States and Iran. Since the 1979 revolution, more than anytime before, oil revenues play the central role in Iran's economy. In 1994 Iran's oil revenues amounted to $11.9 billion.[4] In 1994, oil purchases of U.S. oil companies from Iran amounted to $2.567 billion, or 25% of total oil revenues.[5] The direct U.S. exports to Iran were around $800 million in 1994. Not only are these imports essential and substantial for the regime, but, in addition, they allow it to cover certain technological needs as well as other goods that Iran must purchase from the U.S. due to its close economic and industrial ties prior to the 1979 revolution.

Consequently, an embargo by the U.S. under the present circumstances would substantially affect a crucial factor for the regime which is its foreign exchange earnings from oil. Even if one argues that the regime will find other buyers and suppliers, this substitution shall take some time, whereas the various effects of the embargo would be felt much quicker. More importantly, the psychological impact of such an embargo by the U.S. would be greater than the effect on the actual flow of revenues and goods.

Question 2. Owing to its severe economic condition, what effect (socially, politically and perhaps even psychologically) would a total U.S. trade embargo have on Iran?

Answer. Generally speaking, the ruling mullahs have been talking about the U.S. trade embargo on Iran since the seizure of the U.S. Embassy in 1979, and they have told so many lies and boasted on their ability to survive the embargo that the term "embargo" does not carry much weight unless the U.S. clearly indicates that it means business and that the "embargo" is much more than mere political rhetoric. Thus, the embargo must be effective and must be seen as effective; which means it must affect the regime's finances, deprive the regime from buying the goods it needs— including instruments needed for its security forces—and finally, financially pressure the regime to scale down its budget, especially the allocation to its radical constituency and forces of repression.

The most important effect of a total U.S. trade embargo would actually be the psychological one—from two quite different points of view. In so far as the present regime can be said to have any confidence in its ability to survive, that confidence is based on its ability to demonstrate that it is continuing to enjoy at least a measure of U.S. support. A critical factor in this light is the fact that U.S. companies, oil companies in particular, are being allowed to continue to purchase large amounts of oil from Iran. The present regime is thus able to say to itself "Powerful U.S. vested interests need us as much as we need them. We're okay. We can ride this storm out." In effect, the U.S. oil companies, in order to protect their own short-term vested interests as they see them, are sending the signal that gives the present regime its hope for survival. A total U.S. trade embargo would therefore undermine and probably destroy whatever remaining confidence the present regime has of its survival chance.

On the other hand, the psychological impact on the overwhelming majority of the Iranian people—who will pay any price necessary to rid themselves of the present regime, provided only they believe that further hardship, suffering and sacrifice will lead to the removal of the present regime—will be in my opinion enormous and positive. For most of the past sixteen years the main cause of despair in the hearts of the largely silent, frightened and anti-regime majority in Iran has been the perception that, to one degree or another, the U.S. and other major powers were supportive of the regime. The peoples of nations are no fools? They have learned that when the U.S. in particular, and other major powers in general, are supporting repressive regimes, there is little or no point in those being repressed risking everything in an effort to remove the source of repression.

Orinary Iranians do not believe that the ruling mullahs have stayed in power simply on the strength of their own resources and wits. They truly believe that the mullahs have the hidden support of the big powers, including the oil companies and international financial institutions, and that is why they have survived despite their obvious inefficiency and ignorance of the ways of the modern world.

The psychology of the Iranian society, which for historical reasons at times overestimates the role and influence of foreign powers, particularly the United States, would view a total U.S. trade embargo as a clear signal that the United States has finally taken a definitive position against the ruling mullahs. At the same time, the regime's supporters will also lose confidence and morale for the same reason. Furthermore taking into account the general state of dissatisfaction and opposition to the regime which prevails in Iran today[6], the positive interpretation of a total U.S. trade embargo would be manifold greater than the immediate adverse financial effects of it. It can be assumed that large economic interests mainly in the bazaar and close to the regime would then be more inclined to distance themselves from the regime, and establish contacts with the dissatisfied middle classes and lower income classes whose living standard have been completely disrupted by inflation and unemployment.

A total U.S. trade embargo would therefore be the signal for which the overwhelming majority of Iranians have been waiting for. Meaning that the U.S. does no longer support, in any shape or form, the present regime and that the commitment to the final struggle to remove it is for Iranians to make. In effect, the positive psychological impact on the overwhelming majority of Iranians will lead, by definition, to a positive political impact. One may ask, what of the social impact? It can be said that the hardship and suffering of most Iranians could hardly be worse than it already is. But as indicated above, most Iranians are willing to make the further sacrifices required of them provided they feel that it could result in the collapse of the present regime and the opening of the door to a worthwhile and democratic future. This indirect support of the opposition forces at this crucial stage when a power struggle within the regime is also taking new dimensions would be well received inside and outside of Iran.

Therefore, an embargo in the case of the Islamic Republic is not only a trade issue and should not be looked upon only as a balance sheet of what U.S. companies will be losing and what will be the financial loss to the regime. Such a policy will be suffocating to the ruling mullahs and will be taken as a signal of support for those struggling for the freedom of Iran. It will also act as a very strong signal to other countries that the time for "the party to which terrorists are invited" is over!

However, the sine qua non for the success of the administration's policy to isolate the Islamic Republic of Iran internationally is for the U.S. to do as it preaches and to effectively take the lead in this regard thus making itself a model by strictly adhering to such a policy. How can the U.S. persuade other countries to restrain from relations with the Islamic Republic when the U.S. is in fact itself a major trading partner of that renegade regime? There is no doubt that a total U.S. trade embargo would strengthen the U.S. position in its efforts to isolate the Tehran regime. Terrorism and extremism are like drugs, they have to be fought internationally. Oil money in the hand of the Tehran mullahs—the symbol of state terrorism and dark ages in today's world—is like cleaned drug money in the hands of drug smugglers. It is oil money combined with foreign aid and assistance that has prolonged the life of the extremist regime in Iran, enabling it to continue to disregard all rights and freedoms of the Iranian people to carry out acts of terrorism abroad, and to destabilize the moderate pro-western Moslem countries.

Question 3. In its present form, does the Clinton Administration's policy of "dual containment" of Iran and Iraq work?

Answer. An evaluation of this policy has to be made separately with regard to each country.

Iraq: After Iraq's invasion of Kuwait a radical change of U.S. policy towards Iraq took place. The former policy of support for Iraq against the regime in Tehran turned into a policy of isolation. Destruction of Iraq's war power and of its chemical and nuclear facilities became paramount. Since the war between Iran and Iraq had ended, there was no longer the need for military support of Iraq against the Islamic Republic of Iran. Although Saddam Hussein is still in power in Baghdad and continues his repressive policies. Iraq's aggressive designs have been checked and neutralized. The integrity of Iraq has been preserved, which is most important, taking into account the possibility of a fundamentalist Shiite state in the south and the possibility of the Kurdish secession in the north. Although some volume of trade has been going on between Iran and Iraq, taking into account the historical issues and quarrels between the two countries, no united front against the U.S. has been formed. One can safely say that on the whole the policy of containment has been successful concerning Iraq.

Iran: Taking into account the nature of the Islamic Republic, the implication of this policy must be viewed separately. Today, the Islamic Republic is the center of support for the extremist fundamentalist movements such as the Hamas, Jihad and Hizballah in their efforts to fight and derail the Middle East peace process. The ruling mullahs in Iran believe that if these extremist movements success in destroying the peace process, they would also succeed in destabilizing the moderate pro-western countries in the region with Tehran's help and leadership. In spite of the dual containment policy declaration and the U.S. government's efforts to isolate the Islamic Republic, trade relations between the two countries have remained the same or have even risen. Oil purchases by U.S. oil companies and direct or indirect trade between the two countries have continued at even a higher level than before. The Tehran regime still continues to pursue arms and weapons of mass destruction, support international terrorism, subvert the Arab-Israeli peace process, abuse human rights at home, assassinate political opponents abroad and promote militant Islamic fundamentalist movements in other Muslim countries in the Middle East and in North Africa.

Under these circumstances, the regime in Tehran has concluded that the United States is not serious and has no real policy against it. In fact, they may be right as they compare the U.S. policy towards themselves with the U.S. policy toward Iraq, both of which are within the context of the dual containment policy. Therefore, the dual containment policy would be more successful if tougher criteria would also be applied vis-a-vis the regime in Tehran. The embargo is certainly a first and a right step in that direction. It is imperative however, that the stated target and aim of the sanctions be the regime and not the people of Iran.

Question 4. What response would you have to the charge by U.S. companies (oil companies in particular) that an embargo only hurts U.S. companies and will not hurt Iran?

Answer. By definition a total U.S. embargo will result in short term losses for U.S. companies, oil companies in particular. In their position I would insist that my government does everything in its power to see that the embargo is global. In their position I would also have good cause for grievance if other governments allowed their companies to make short term gains at my expense. In other words, there is a case for saying that a total U.S. trade embargo could hurt U.S. companies more than it would hurt the regime in Iran if the U.S. was unable to persuade all other major powers to make common cause with it.

But there is another more important argument which U.S. companies (oil companies in particular) would be well advised to consider even if other governments did allow their companies to go on trading with the Islamic Republic of the Iran. If U.S. companies continue to be seen by a growing number of Iranians as the agencies which are doing most to prop up the present discredited and despised regime in Iran, there will come a time when the present regime is replaced, when U.S. companies will have much and perhaps everything to lose. What U.S. companies would be well advised to weigh carefully is what they might gain in the short term against what they could lose in the longer term. If they give the matter the consideration it deserves, U.S. companies should not have that much difficulty in concluding that it is in their best longer term interest to support a total embargo, particularly under the current intense economic and political conditions in Iran.

If other governments did then allow their companies to make short term gains at the expense of their American counterparts, U.S. companies would end up being the longer term beneficiaries—because they would be seen by the overwhelming majority of Iranians in a new Iran to have played a part in bringing an end to the present discredited and despised regime.

Question 5. If the United States were to impose an embargo cited in Senator D'Amato's bill, in your opinion, would the industrialized countries follow?

Answer. Since the Iranian regime is a real threat to international peace and stability, and in view of the fact that its declared policy is to harm U.S. interests, it seems that the United States has a perfect moral and legal case in seeking to internationalize its embargo in the same way it mobilized the international community against the Iraqi regime.

The argument that isolating the Iranian regime would only make it more intransigent is wrong. So is the argument that by bringing the mullahs into the international fold one can tame them. Today, this argument is presumably put forward by the Germans and the Japanese more than others. The fact is that the Iranian mullahs, being extremely cynical, receive the wrong signal from appeasement and accommodation. They interpret such overtures as a sign of weakness which indicates that the West is not serious about their unruly behavior and lacks resolve and political will to confront them. However, experience has shown that the ruling mullahs, being bullies, lose their morale quickly as soon as they are convinced that their adversary is strong, determined and means business.

My guess is that some major powers would be mightily tempted to seek to make short term gain at America's expense—it least until it is clear that the present regime in Iran is close to being toppled. Then they would try to change horses. I am therefore of the opinion that U.S. policy-makers would be well advised to every effort to bring other major power on board. Much could depend on the extent to which other major powers are consulted by the U.S. before any announcement, (if there is to be one) of a total trade embargo. If the British, French, Germans and others are able to say, "we were not consulted", they consider that they have enough scope to play games. If the United States clearly indicates that it means business and that the embargo is more than more political rhetoric, other industrialized nations will think twice about doing business with the present regime in Iran under the prevailing economic and political conditions.

Question 6. If the United States were to impose an embargo cited in Senator D'Amato's bill, what in your opinion would be the likelihood of the present regime in Iran, or elements within it, deciding to mount a terror campaign against U.S. interests for the purpose of weakening American resolve and, by intimidation, driving a wedge between the U.S. and other major powers, the Europeans especially? And if you think the present regime in Iran (or elements within it) might consider such a strategy, how do you assess the ability to perform?

Answer. The clerical regime has been in power in Iran for sixteen years and it still claims it does not condone, much less support, terrorism. By now, however, so much evidence to the contrary has accumulated in so many countries that Tehran clerics professions of innocence are seen as little more than self-serving lies. There are no signs that the clerical regime has any intention to mending its way. Reports from throughout the Middle East and North Africa reflect the Tehran regime's determination to use terrorist violence to achieve its expansionist aims. One of the regime's latest weapons in its war on the world is Hamas, a radical fundamentalist Palestinian group on which the Islamic Republic has lavished millions of dollars as well as weapons and guerrilla training.

As I know to my cost, the present regime has the ability to carry out single-hit assassinations in virtually any place of its choice. But the evidence of Lockerbie would seem to suggest that for more complex terror operations the Tehran regime requires (or prefers) the organizational assistance of international extremist forces such as the Hizballah, Jihad and Hamas. If the need to contain the possibility of terror strikes by the present regime in Iran arises due to the imposition of trade sanctions, history dictates that the proper course of action is the policy of combating terrorism at its source, and making it clear to the proponents of terrorism that they have much to lose as a consequence of their actions.

CONCLUSION

A relatively effective trade embargo on Iran will place noticeable constraints on the regime's finances. This will deprive the regime from access to funds which it can use to finance oppressive operations at home and mischievous activities abroad. However, in order to maximize the effects of a total trade embargo, there must be a coordinated and well organized political action to further isolate the Tehran regime at home and abroad. Such a political action should embody measures to deny the regime the prestige and respectability associated with a government in charge of a State on the one hand, while it strengthens popular opposition to the regime both at home and abroad on the other hand. Most importantly, it is imperative that the stated target and aim of the sanctions be the regime in Tehran as opposed to the Iranian people. This distinction is extremely crucial.

Action by the United States alone in imposing a total trade embargo on the Islamic Republic will be effective economically, politically and psychologically. However, there is no reason why the U.S. should not seek to enlarge the embargo by trying to internationalize it, particularly since a coordinated strategy which enjoys the declared support of other governments would unquestionably yield a much greater success in isolating the Tehran regime. The policies of the present regime in Iran are no less repulsive than those of the apartheid regime in South Africa. It would be worth reviewing the type of actions which were undertaken against the apartheid regime of South Africa in the 1970's and 1980's which were ultimately successful in promoting freedom and democracy.

The United States Senate can initiate a campaign of moral opposition to the regime in Iran by giving international dimensions to its opposition to the clerical regime's renegade behavior and inhuman policies. Unlike the ambiguous policies of the past, a total U.S. trade embargo as proposed by Senator D'Amato would not only send the right signal to the ruling mullahs, but it would also solidify the leadership position of the U.S. and enable it to successfully convince its allies to comply and adhere to such a policy, and thereby enhance the probability of success.

FOOTNOTES

[1] In the Fiscal Year April 1994–1995, $56 billion have been rescheduled up to now and will ultimately need to be repaid. This amount would represent about 60% of expected oil revenues for that Fiscal Year.

[2] In 1979, 1 Dollar was equivalent to 78 Rials; in January 1995, 1 Dollar was equivalent to 2000–2200 Rials, and in March 1995, 1 Dollar was equivalent to 4000–4500 Rials.

[3] Imports of $2.5 billion are required if the industry works at 25% of its capacity. Another $4.5 billion are needed for projected subsidies.

[4] An additional $800 million non-oil exports revenues sold to the Central Bank (out of total non-oil exports of $3.8 billion) has to be added to this figure.

[5] To show the importance of this figure, it should be noted that in Fiscal Year 1995–1996 the Islamic Republic has allocated $3 billion (arms purchases excluded) in foreign exchange as current expenditures for military and security matters.

[6] See interview with the late Prime Minister Mehdi Bazargan in Frankfurter Rundschau of 12 December

1994. Mr. Bazargan was the first prime minister of the Islamic Republic in 1979.•

AMBASSADOR MADELEINE K. ALBRIGHT'S ELOQUENT REMARKS

• Mr. DODD. Mr. President, I rise today to share with my colleagues an eloquent speech given by United Nations Ambassador Madeleine K. Albright at the annual dinner of the National Democratic Institute for International Affairs [NDI] on March 1.

At this dinner, Ambassador Albright and South African First Deputy President Thabo Mbeki received W. Averell Harriman Democracy Awards for their work promoting democracy and freedom.

Ambassador Albright spoke persuasively about the need for the United States to remain engaged in world affairs. She warned against again listening to the "siren song of isolationism," which fooled us during the 1920's and 1930's into believing that we could retreat from the world around us. As World War II demonstrated, a doctrine that promised to put "America First" in reality did great damage to our national interests.

I hope my colleagues will find Ambassador Albright's words as insightful as I did, and I ask that they be printed in the RECORD.

The speech follows:

Thank you, Senator Dodd. And thank you, Mr. Vice-President, Mr. Deputy President, members of the diplomatic corps, friends and supporters of NDI. This is a great honor, coming as it does from an institution whose birth I witnessed and of which I am very, very proud.

As Vice Chair of the board in years past, I helped to choose candidates, select recipients and recruit presenters for this award. Last year, I presented it, myself. So I've seen this event from every side, and I can tell you: it may be more blessed to give; but it is definitely more fun to receive.

The accomplishments of NDI continue to expand. Wherever I have traveled the last two years, it has seemed that NDI either had been there, was there, or was due on the next plane. I have seen its representatives at work in Europe, Africa and Latin America. They have a well-earned reputation for competence, honesty and pragmatism.

Thanks should go to the leadership and staff here in Washington, from Ken Wollack and Jean Dunn on down, and to the presence of people in the field who are flat out terrific at what they do.

I am grateful to all of you, and I am doubly pleased to share this night with Deputy President Mbeki. Last year, he became the first representative of a democratic South Africa to address the Security Council. After he spoke, I sat there, as Ambassadors are wont to do, applauding silently.

What I would like to have done is stand on my chair and shout "Hallelujah". For decades at the UN, the very name "South Africa" had summoned forth only sanctions and shame. Mr. Mbeki's statement marked its transformation into a symbol of inspiration and hope.

The new South Africa gives freedom fighters everywhere cause to persist; it reminds all of us that international solidarity does matter: and it provides fresh evidence that human beings, when imbued with courage and sustained by faith, can achieve almost anything.

We know from history, however, that few victories are permanent. The last day of one struggle is the first day of the next.

That is true for those from Central America to Central Asia who are trying to make new democracies succeed.

And it is true for those who believe, as do I, that although the Cold War has ended, America's commitment to freedom around the world must live on.

Unfortunately, as after other great struggles in our nation's history, some feel that our security has been assured, and urge that we move now from the center stage of international life to a seat somwehere in the mezzanine.

The new isolationists find their echo in the narrow-visioned naysayers of the 1920's and 30's, who rejected the League of Nations, embraced protectionism, downplayed the rise of Hitler, opposed help to the victims of aggression and ultimately endangered our own security—claiming all the while that all they were doing was "putting America first."

Today their battle cry is "Retreat." Their bumper sticker is "Kill the UN." And their philosophy is—"Let the people of the Balkans and other troubled lands slaughter each other, for their anguish is God's problem, not our own."

The isolationists were wrong in the 1930's; they are wrong now. They prevailed then; they must fail now. Their view of our national interest is too narrow; their view of history too short; and their sense of public opinion just plain wrong.

Most Americans understand that what happens in the world affects almost every aspect of our lives. We live in a nation that is democratic, trade-oriented, respectful of the law and possessed of a powerful military whose men and women are precious to us. We will do better and feel safer in an environment where our values are widely shared, markets are open, military clashes are constrained and those who run roughshod over the rights of others are brought to heel.

Isolationism will do nothing to create such an environment; helping new and emerging democracies will.

There is no question that the National Endowment for Democracy was one of Ronald Reagan's better ideas. But it was conceived primarily to counter a single virulent ideology. Today, that is no longer sufficient. We build now, not out of fear, but on hope. It is our responsibility, and our opportunity, to lock in the gains yielded by past sacrifice.

As NDI recognizes, building democracy requires more than distributing copies of the Constitution, or even the entire reading list of the Speaker of the House. Elections are but one vote in the democratic symphony. Democracy requires legal structures that works; political parties that offer a choice; markets that are free; police that serve the people, instead of terrorizing them; and—the O.J. Simpson trial notwithstanding—a press makes its own choices about what is news.

The leaders of new democracies face challenges that dictators often do not. First, they are accountable; they must respond to public expectations. They must transform economies distorted by decades of centralized planning or graft. They must practice austerity in a setting where long-suppressed hopes have been unleashed. They may face overwhelming social, environmental and criminal challenges.

And they must teach factions that have for years killed each year the satisfaction of out-thinking, out-debating and out-polling each other.

NDI is part of a global network that is working to help these new leaders succeed. I know from my own experience that this can be exhilarating, but humbling work. For on every continent, there are individuals who know better than most of us the price of repression; those who have risked not job titles and office space by standing up for what they believe, but prison sentences, brutal beatings, torture and death.

NDI's efforts in support of democracy are reinforced by those of other NGO's, human rights monitors, church groups, regional organizations and increasingly, I am pleased to say, by the United Nations.

But America belongs at the head of this movement. For freedom is perhaps the clearest expression of national purpose and policy ever adopted—and it is our purpose. Like other profound human aspirations, it can never fully be achieved. It is not a possession; it is a pursuit. It is the star by which America has navigated since before we were a country, and still an idea.

So, I am proud that this Administration had the guts, the wisdom and the conviction to restore to the people of Haiti the democracy that had been stolen from them; and I am waiting for the day when those who nitpicked and bellyached about that decision will admit they were wrong and the President was right.

I am proud, also, of our steadfast support for reform and reformers in Central Europe and the former Soviet Union. There, the success or failure of the democratic experiment will do much to determine the kind of world in which our children will live.

I am committed, as I think all who believe in democracy should be, to the survival in Bosnia of a viable, multi-ethnic state.

And I want the War Crimes Tribunals for Rwanda and former Yugoslavia to establish the truth before the perpetrators of genocide obscure it. These tribunals serve the cause not only of justice, but of peace. For true reconciliation will not be possible in these societies until the perception of collective guilt has been erased, and individual culpability assigned.

Democratic principles are the best answer there is to the ethnic clashes that have arisen so often and so tragically in recent years.

As our own history attests, and as the presence of Representative John Lewis here tonight reminds us, a government that allocates the privileges of citizenship according to ethnicity or race invites weakness and risks civil war.

Nationhood alone is no grounds for pride; nations must be instruments of law, justice, liberty and tolerance. They must be inclusionary, not exclusionary. That is what democracy is: and that is the difference between a true nation, such as South Africa today; and the pariah South Africa of decades past.

This is a year of anniversaries. The era in which most of us have lived most of our lives began 50 years ago. In recent months, we have been reminded of how much we owe the "guys named Joe" who landed on the beaches of Normandy, won the Battle of the Bulge and raised the flag at Iwo Jima.

Let us never forget the lesson behind those memories. Let us never forget why that war began, how that war was won or what that war was about.

Aggressors must be resisted. Fascism must never again arise. Intolerance can never again be allowed to hide behind the mask of nationalist pride. And the siren song of isolationism must never again distract us from the responsibilities of leadership.

History did not end when the Nazis surrendered, or when the Berlin Wall fell or when Boris Yeltsin climbed onto that tank or when Arafat and Rabin shook hands or when Nelson Mandela took the oath of office.

Each generation is tested. Each must choose: engagement or indifference; tolerance or intolerance; the rule of law or no law at all.

We have a responsibility in our time, as others have had in theirs, not to be prisoners of history, but to shape it; to build a world not *without* conflict, but in which conflict is effectively contained; a world, not *without* repression, but in which the sway of freedom is enlarged; a world not *without* lawless behavior, but in which the law-abiding are progressively more secure.

That is our shared task in this new era.

Thank you very much.•

TRIBUTE TO THE MEXICO BULLDOGS

• Mr. BOND. Mr. President, I rise today to pay tribute to Missouri's 3A State High School basketball champions, the Mexico Bulldogs.

The team members, Aaron Angel, Chris Azdell, Cookie Belcher, Jason Brookins, Joey Dubbert, Jay Frazer, Kyle Henage, Doug Hoer, Tony Miller, Lance Parker, Scott Pitts, Matt Qualls, Jerrod Thompson, Dimos Tzavaris, and Brennen VanMatre; Head Coach Keith Miller and Assistant Coach Todd Berck; the student body; and the community of Mexico are all to be commended on their teamwork and commitment to do their best. Last year, the Mexico ball club finished second; this year they were determined to go all the way. That determination paid off, as they displayed teamwork and commitment in reaching their goal—that had never before been reached in the school's history.

Teamwork in basketball is essential; individual effort is also essential. The Mexico Bulldogs were lead by team members such as Cookie Belcher, who hit a jump shot to tie the score at 68–68 with only 4 minutes left in the game; Jerrod Thompson who matched Belcher's 30-point contribution; reserve player Brennan Van Matre who hit the rebound basket that put the Bulldog team ahead to stay; Jason Brookins who delivered the final points with a fantastic alley-oop dunk with only 86 seconds left to play. Individual contributions by all the team members helped to make the game one for the history books.

Individual and team efforts on behalf of the Mexico fans also played an important part in the Bulldogs' win. Mexico has long been a community dedicated to improving its way of life. Families, business owners, and employees strive to enhance opportunities for all and are to be commended on their efforts. This dedication truly came to light when the Bulldogs were fighting their way to the top to achieve their goal.

The Mexico Bulldogs, Missouri's State 3A Basketball Champs deserve to be recognized for their work, and I am proud to be a fellow Mexicoan.•

RULES OF THE COMMITTEE ON INDIAN AFFAIRS

• Mr. McCAIN. Mr. President, Senate Standing Rule XXVI requires each committee to adopt rules to govern the procedures of the committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On January 11, 1995, the Committee on Indian Affairs held a business meeting during which the members of the committee unanimously adopted rules to govern the procedures of the committee. Consistent with Standing Rule XXVI, those rules were printed in the CONGRESSIONAL RECORD on January 20, 1995. It was recently brought to my attention that rule 6(a) relating to quorums contains an error. As printed, the rule states that six members of the committee will constitute a quorum. The correct number should be nine members. On advice of the Senate Legal Counsel, today I am submitting for printing in the CONGRESSIONAL RECORD a corrected rule 6, as follows:

QUORUMS

Rule 6(a). Except as provided in subsections (b) and (c) nine (9) members shall constitute a quorum for the conduct of business of the committee. Consistent with Senate rules, a quorum is presumed to be present, unless the absence of a quorum is noted.

(b). A measure may be ordered reported from the Committee unless an objection is made by a member, in which case a recorded vote of the members shall be required.

(c). One member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure before the committee.•

THE 92D BIRTHDAY OF MIKE MANSFIELD

Mr. McCAIN. Mr. President, the following has been cleared by the other side, and I would like to ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 88, a resolution to congratulate Mike Mansfield on his 92d birthday, submitted earlier today by Senators BAUCUS and BURNS; that the resolution and preamble be agreed to en bloc; and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 88) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 88

Whereas Mike Mansfield brought honor to the State of Montana as a professor, Congressman, and Senator during a period that spanned more than 40 years;

Whereas Mike Mansfield claims the distinction of being the youngest World War I veteran in the United States, and of having served as an enlisted man in the Navy, Army, and Marines, all before the age of 20;

Whereas Mike Mansfield served as Senate Majority Leader for a record 16 years;

Whereas Mike Mansfield was instrumental in passing the 26th Amendment to the Constitution, giving people age 18 to 20 the right to vote;

Whereas as a freshman Congressman, Mike Mansfield served as an East Asian adviser to President Franklin Delano Roosevelt during World War II, and later served as the United States Ambassador to Japan for over 11 years;

Whereas Mike Mansfield performed all of the above tasks to the highest possible standards, and is a shining example of integrity and public service to Montana and the United States; and

Whereas Mike Mansfield will celebrate his 92d birthday on Thursday, March 16, 1995: Now, therefore, be it

Resolved, That the Senate congratulates and sends the warmest birthday wishes to Mike Mansfield, a beloved former colleague of the United States Senate, on the grand occasion of his 92d birthday on Thursday, March 16, 1995.

AUTHORIZING TESTIMONY BY SENATE EMPLOYEE

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Senate Resolution 90, submitted earlier today regarding legal counsel; that the resolution be agreed to; that the preamble be agreed to; and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 90) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 90

Whereas, in the case of *United States* v. *Francisco M. Duran*, Cr. No. 94-447, pending in the United States District Court for the District of Columbia, a subpoena for testimony has been issued to Laura DiBiase, an employee of the Senate on the staff of Senator Campbell;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Laura DiBiase is authorized to produce records and to testify in the case of *United States* v. *Francisco M. Duran*, Cr. No. 94-447 (D.D.C.), except concerning matters for which a privilege should be asserted.

ORDERS FOR FRIDAY, MARCH 17, 1995

Mr. McCAIN. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 10 a.m. on Friday, March 17, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day; there then be controlled general debate on the line-item veto legislation, to be equally divided in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCAIN. Mr. President, for the information of all Senators, on Friday the Senate will be in controlled general debate on the line-item veto until approximately 3 p.m.; the Senate will also have controlled debate on the line-item veto on Monday until 5 p.m, at which time the Senate will begin consideration of the bill. Also, there will be no rollcall votes during Friday's and Monday's sessions of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10 A.M. TOMORROW

Mr. McCAIN. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 8:08 p.m., recessed until Friday, March 17, 1995, at 10 a.m.

EXTENSIONS OF REMARKS

INTRODUCTION OF THE GREENS CREEK LAND EXCHANGE AMENDMENT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Mr. YOUNG of Alaska. Mr. Speaker, today I introduce legislation which will ratify a land exchange agreement in Alaska between the U.S. Forest Service and the Kennecott Greens Creek Mining Co. [KGCMC]. This land exchange is a novel and public-spirited agreement which will provide jobs in Alaska for my constituents, promote sound economic and environmentally responsible resource development, and further the interests of land consolidation on conservation system units in the Tongass National Forest without any cost to the Federal Government. This land exchange is a true partnership between the private sector, KGCMC, and the Federal Government. In fact, the Secretary of Agriculture approved the land exchange agreement on October 26, 1994. I look forward to working with all interested parties toward the successful enactment of this legislation.

The Greens Creek Mine is located on Admiralty Island near Juneau, Alaska's capital. The mine was located under the general mining law while the area was within multiple-use lands in the Tongass National Forest. Subsequently, the area became part of the Admiralty Island National Monument through the enactment of the Alaska National Interest Lands Conservation Act [ANILCA] in 1980. Because this mine had world class potential, Congress included a special provision in ANILCA to ensure that the mine could go forward. It provided a special management regime and specific provisions to permit perfection of the mine's claims. Under this special regime, the managers of the claims were able to perfect and patent 17 claims in the Greens Creek Mine which began operation in 1989.

I remember the pride of all Alaskans when the Greens Creek Mine was opened. Unfortunately, low metal prices caused the temporary closure of the mine a year and a half ago. Since then, KGCMC has been working diligently to revise its mining development plan so that the mine can reopen in the near future. I hope that this reopening will occur soon.

The land exchange agreement is the product of a nearly 10 year effort by KGCMC to deal with one of the problems created by the special management regime in ANILCA. Although that regime permitted the perfection and patenting of 17 claims, it did not provide an adequate time for exploration of all the area with mineral potential surrounding the Greens Creeks Mine. KGCMC estimates that approximately 8,000 acres surrounding the existing mining claims are of interest geologically. This area is now closed to mineral exploration and development because it is located in the National Monument. Under normal circumstances, in an operating mining district on general Forest Service or public domain lands, KGCMC would be able to explore any such areas.

Since this area of interest has been off-limits to mineral exploration under ANILCA, KGCMC has been searching for a way to explore these areas. It has engaged in a multiyear negotiation with the Forest Service to develop a land exchange which would permit access to the area in a manner which is compatible with the monument designation provided by Congress.

The management regime provided for in ANILCA permitted the development of the Greens Creek Mine under special circumstances. The mine is an underground mine and its footprint on the surface is quite small. There is a development area with a series of buildings and surface facilities such as tailings ponds, but generally the mine is located in a manner to minimize its effect on the area. For example, there is no permanent camp or town at the mine. All workers commute by boat daily from Juneau. The terms of the land exchange require KGCMC to utilize its existing facilities to the maximum extent possible to ensure minimal change to the existing footprint. Additionally, mining in any new areas would be under the same management regime by which KGCMC developed the existing Greens Creek Mine.

Future exploration and development at Greens Creek will have minimal impact on the surface area and the mine will remain an underground operation. No open pit mining is permitted under the terms of the agreement, and the Forest Service will continue to administer the surface area just as it does now.

This land exchange also provides other major benefits to the Government, the community and the environment:

First, upon completion of mining, KGCMC's existing patented claims and any other claims which it holds on Admiralty Island will revert to the Federal Government. Although these claims cover a small area, the Forest Service considers this reversion very important to its overall general management plan within the monument.

Second, KGCMC will also fund the acquisition of 1 million dollars' worth of landholdings within the Admiralty Island National Monument and on other conservation system units in Alaska. This land acquisition process will take the form of either an exchange or the formation of a special land acquisition escrow account which would permit the Forest Service to make the acquisitions. In any case, none of these lands can be acquired except on a willing seller/ willing buyer basis.

Third, the lands to which KGCMC will acquire subsurface title also reverts to the Federal Government when mining ceases.

Fourth, finally, and most important to me, the exchange will improve chances that 250 jobs created by the mine will continue for a longer period of time once the mine reopens. While there is never any certainty in mining, KGCMC is hopeful that new ore will be discovered and mined. This would lengthen the life of the Greens Creek Mine and keep jobs generated by the mine in Juneau longer.

Mr. Speaker, the legislation I introduce today simply ratifies the land exchange agreement. It cannot be implemented without this legislation because the parties agreed that this matter should be approved by Congress. I believe that this land exchange is good for all parties involved. It helps the environment; it promotes mining in Alaska; and it encourages a good corporate citizen to continue to work toward full development of the mining area in which its claims were located under very strict and rigorous environmental requirements. I look forward to pursuing this matter in the Resources Committee and reporting this bill to the House for consideration. This is an issue which should be quickly agreed upon by all parties.

DUTY-FREE TREATMENT FOR TAMOXIFEN CITRATE

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Mr. MOAKLEY. Mr. Speaker, I rise today to bring legislation I introduced to your attention. The legislation would provide for duty free treatment for tamoxifen citrate for the year of 1994. Tamoxifen is one of the most effective drugs to treat women with breast cancer and to prevent its reoccurrence.

Breast cancer is the leading cause of cancer death in women. Each year thousands of women are diagnosed with breast cancer, and too often the results are fatal. While the incidence of many deadly cancers has decreased dramatically over the years, the incidence for breast cancer has increased. In 1960, 1 in 20 women were diagnosed with breast cancer, and currently it is 1 in 8. Despite an increase in early detection and advances in medical care, the death rate for women with breast cancer has remained the same. We need to learn much more about the causes and cures for breast cancer.

Tamoxifen citrate is the first successful anticancer drug to treat and prevent breast cancer. The drug has been marketed in the United States since 1978, and is proven to significantly delay the reoccurrence of breast cancer in women in its early stages. Legislative efforts are essential to ensure that thousands of breast cancer patients can continue to receive this product.

The company that produces this drug has a long history of helping breast cancer patients. They provide this product free of charge to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

women who cannot afford the treatment. Since, 1978, the company has given more than $35 million worth of tamoxifen citrate to over 32,000 poor women.

That company also provides education programs for the early detection of cancer. Early detection is to best chance of increasing an individual's chances of survival. The survival rate for cancer that is detected in the earliest stages is 90 percent. Programs that promote early detection are invaluable to making progress in curing cancer.

This same company is also committed to research in the area of breast cancer. It provides considerable funding for clinical and basic research through its patients assistance program. Additionally, the company has provided millions of tablets, free of charge, for a clinical study conducted by the National Cancer Institute.

Furthermore, there is no other comparable drug marketed in the United States. The company that produces this drug does not compete in manufacturing this product with any other U.S. company. Thus, this bill does not create an unfair playing field.

I strongly support extending duty-free status in 1994 for citrate. Thousands of women will benefit from this legislation.

HONORING VFW DISTRICT COMMANDER DALE PEASE

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Mr. GILLMOR. Mr. Speaker, I rise today to pay tribute to an outstanding citizen of Ohio, Dale Pease. Dale is currently serving a 1-year term as district one commander of the Veterans of Foreign Wars, Department of Ohio.

This district includes eight counties in northwest Ohio, with a membership of over 9,000 members. Dale was elected to this position in June 1994, having previously served district one as chaplain, junior vice-commander and senior vice-commander, as well as three terms as membership chairman.

Dale joined the U.S. Army in July 1962 and earned his eligibility to the Veterans of Foreign Wars through his service with Company B 86th Engineers Battalion in Vietnam from February 1969 to January 1970. He joined the Veterans of Foreign Wars in 1966, transferring to Grover Hill Post 2873 in 1980. Since that time Dale has been an extremely active member, serving two terms as post commander and earning All-State Commander award in 1989–90.

Dale has also been an active member of the Defiance County Council, serving through the office chairs and being elected council commander for the 1992–93 year, at which time he was named an All-State and All-American County Council Commander. He also received the first John Buck Memorial Award for his promotion of VFW membership that year.

Mr. Speaker, Dale Pease is without question an American patriot willing to make a difference. I ask my colleagues to join me in paying a special tribute to his record of personal accomplishments and wishing him all the best in the future.

TRIBUTE TO ALAN SHAWN FEINSTEIN

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Mr. REED. Mr. Speaker, It gives me great pleasure to rise today to pay tribute to a man who has dedicated his life to the battle against hunger. Mr. Alan Shawn Feinstein is a businessman, philanthropist, and humanitarian. Mr. Feinstein is the founder of World Hunger Program at Brown University, the first university center for research and education addressing the issue of world hunger. He also found 10 community food banks throughout Providence and is a contributor to 30 other food banks across Rhode Island.

However, his efforts go far beyond simply providing contributions and food to battle hunger. Mr. Feinstein has been instrumental in elevating the plight to end hunger to statewide and national attention. His belief that on one should go hungry has been his motivation to get other people involved, in particular our Nation's youth. In 1990, he established the Youth Hunger Brigade in Rhode Island—a statewide initiative to involve eighth-grade students in the study of the causes and effects of hunger and the development of programs. The Congressional Hunger Center, of which Mr. Feinstein is the honorary chairman, is now working to establish this program in schools nationwide.

As a former public school teacher, Mr. Feinstein has always recognized that our children are one of our most important assets, and he has continually worked to improve the lives of many Rhode Island students by establishing community service projects, scholarships, and grants for self-developed programs. He has committed over $1 million to high schools throughout Rhode Island in order to start public service programs and to give students the chance to put their ideas to work. His support has enabled students to design, develop, and implement their own programs to fight hunger. Mr. Feinstein has also committed $1 million to teach community service and its rewards to children in elementary schools across Rhode Island.

Author of one of the most widely circulated financial newsletters with over 350,000 subscribers world-wide, Mr. Feinstein has also authored several best-selling financial guides, a novel, and several children's books. He has been the recipient of numerous awards and citations for his dedication to the cause of world hunger. With all of these achievements under his belt, Mr. Feinstein continues to strive to bring people together to learn about world hunger and empower them to take action. His financial contributions have been great, but it is his compassion and sense of humanity which has been the force behind his actions.

Mr. Speaker, it gives me great pleasure to commend this individual today, and I would ask my colleagues to join me in saluting Mr. Feinstein.

RESCISSION BILL

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Mr. GEJDENSON. Mr. Speaker, yesterday I submitted a statement expressing my strong opposition to the rescission package before us because of the detrimental effect this bill would have on my constituents. At this time, I would like to add one point which I neglected to discuss in my earlier remarks—the rescission of $7.7 million for the Northeast Corridor improvement project [NEICP].

The funding to be rescinded was appropriated in 1977, 1979, and 1980 and was to be used to improve or close at-grade crossings along the Northeast Corridor route. When the Federal Railroad Administration [FRA] originally submitted options for improving these crossings in southeastern Connecticut, the plan was met with opposition from the local communities. Since then, all of the parties concerned have been working to come to a consensus on these crossings.

While there are still 13 crossings left—all in southeastern Connecticut—in two areas, Chapman's crossing in Old Lyme and Miner's Lane crossing in Waterford, there is consensus within the community and construction work can begin as early as summer 1996. However, if this money is rescinded today, funding for these two projects will be unavailable.

The construction of alternatives at Chapman's crossing and Miner's Lane crossing is critical to ensuring the safety of the residents who live near the rail line. In the case of Chapman's crossing, young children regularly cross the tracks en route from their homes on one side to the beach on the other. I fear that with the current situation a serious accident in the near future is inevitable. With the increased traffic likely to occur with electrification, this problem will only become more dangerous.

I am discouraged that the House will vote today to cut funding for safety improvements in order to provide a tax break for wealthy Americans and corporations. I will vote against this bill and I encourage my colleagues to do the same.

STOP THE BAIT AND SWITCH HYPOCRISY!

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Mr. FILNER. Mr. Speaker and colleagues, I rise today to voice my outrage about the hypocrisy that now governs this rescissions process.

Yesterday I stood on the floor and tried to offer what I believe was a reasonable alternative to the horrendous choices we were being asked to make.

I spoke out against the new game being employed in Washington—bait and switch.

The rules are simple: propose massive and irresponsible budget cuts one day. Then, turn around when cameras and reporters are watching, and claim you are fighting to restore the very cuts that grabbed the headlines just days before.

Games are fine, Mr. Speaker, but not here. Not when we are looking at billion-dollar cuts that will hurt children and older Americans, our veterans and those in this country who can't afford a powerful lobbyist.

I want to use one example of how playing these kinds of games will hurt the good people of San Diego. People are waiting to hear what we will do with funding for summer jobs for youth.

San Diego County has enjoyed a great deal of success for the past 13 years with the Hire-A-Youth Program. Hire-A-Youth gives more than 6,000 young people their first shot at real employment.

Let us be very clear about this. The kids who get these jobs are from families at or below the poverty level. More than half of them come from families on welfare.

They need these summer jobs to survive. They are not in this for running-around money. These jobs help them to help put food on their families' tables and clothes on their backs. They help pay the rent.

Hire-A-Youth has been doing exactly what many of my colleagues in this Congress have said we want to do about welfare: break the cycle of dependency by putting people to work.

We are providing these children an opportunity to learn the value of the work ethic.

What kind of message are we sending to America's youth by cutting the one resource they have to become productive, contributing members of our community?

I have heard from parents, teachers, business people, community leaders—you name it—imploring us to save summer jobs for kids. But the most poignant pleas are coming from the kids themselves.

Angela writes that sometimes students have the tendency to feel as if no one cares, but this program has given her the motivation to get a job.

Omar says that no one else would hire a 14-year-old, and through this program he learned valuable social and money management skills.

Isn't that what we want? Let's keep what works for our kids. Stop the bait and switch games. We must protect what works for our communities.

SECRETARY OF DEFENSE AND CHAIRMAN OF JOINT CHIEFS GREET TROOPS RETURNING FROM HAITI AT FORT DRUM, NY

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Mr. McHUGH. Mr. Speaker, I rise to recognize the men and women of the 10th Mountain Division—Light Infantry—at Forth Drum, NY. On February 16, I joined Defense Secretary William Perry and the Chairman of the joint Chiefs of Staff, Gen. John Shalikashvili at Fort Drum in a ceremony honoring members of the 10th for their accomplishments during Operation "Uphold Democracy" in Haiti.

Mr. Speaker, on the same day the troops were honored at Fort Drum, the House of Representative took an important step in restoring U.S. defenses to the levels expected by the American people with passage of the National Security Revitalization Act.

The commanders of that mission, Lt. Gen. Henry Shelton, who commands the 18th Airborne Corps and Maj. Gen. David Meade, who commands the 10th, are here in the Capitol today to provide our colleagues with briefings on that mission.

Despite recent reductions and shortfalls in defense funding, we have deployed U.S. forces on more peacetime and humanitarian missions than ever before. The adaptability, motivation and high level of readiness have made the 10th Mountain Division a key player in many of these missions. It is appropriate that we salute them today as their commanders are here to provide us with the benefit of their experiences in assisting the restoration of democracy in Haiti.

TRIBUTE TO DANA WHITNEY BERRY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to Dana Whitney Berry, as she retires from her position as executive director of the Union City Day Care Program. Dana Berry is an exceptional human being who has dedicated her life to caring for our Nation's children. She is a pioneer in her field and has made a great many contributions to the field of social work.

Dana Berry earned her masters degree in social work from Rutgers University in 1982. She was an outstanding student who graduated with advanced standing. In 1983, she established the Union City Day Care Program, which combines education with a unique social service system. This innovative program has brought together the young and old and the poor and more affluent to build a better community.

The daycare center which Dana Berry established services 285 children ranging from 6 months to 6 years old. The Even Start Program offers parents literacy training, G.E.D. certification, and parenting/life skills. In addition, the program helps to break the poverty cycle by training elderly workers and welfare parents in the area of child development.

Through the years, Dana Berry has been an avid supporter of services for children and the elderly. She has found an innovative way to bring the two together in order to achieve positive results. Her program is a model for others around the world. She has fought hard to secure funding for the program. In fact, she increased the center's annual budget from $100,000 to $1.2 million in 3 years. She has also expanded the staff from 3 to 72 professionals and paraprofessionals. She has built the center from the ground up and has shaped it into a high-quality program.

In addition to her outstanding work with children, Dana Berry has served New Jersey and our Nation in a wide variety of roles. She has served as commissioner of the Employment and Training Commission for New Jersey, and she was nominated National Mentor by the National Academy for the Education of Young Children. For her hard work, she has received many awards and honors, including the National Award for Excellence in 1987, and the National Award for Livability from the U.S. Conference of Mayors in 1991. She has also been featured on many networks, CNN news, and Life magazine.

Dana Berry is truly an outstanding citizen, and I am very proud to have had her working in my district. Her contributions will not be forgotten, and even though she is leaving the Union City Day Care Program, she will remain a shining example to all social service providers. Even though she is retiring from the Union City daycare center, I know she will remain active. She cares too deeply about our children to stop her advocacy. Please join me in wishing Dana Berry a happy retirement, although, hopefully, it will not be a quiet retirement.

IN HONOR OF THE SEABEES

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Mr. JACOBS. Mr. Speaker, one of my earliest memories about World War II was the extraordinary valor of the Seabees.

Like Army medics and Navy corpsman, the Seabees had more than one job to do in combat situations.

One of the jobs essentially was fighting the enemy when the enemy attacked. Simultaneously, the other job was to build; build runways for airplanes in all matter of fortifications and other necessary facilities under extremely adverse circumstances which contributed to the success of the Allies in World War II.

Surely all Members of Congress will reflect in prayerful thanks on the indispensable contribution made by the Seabees in World War II.

THE ANNIVERSARY OF THE HUNGARIAN REVOLUTION

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Mr. CRANE. Mr. Speaker, as a professor of history, I hope my colleagues will remember that today is the 147th anniversary of the Hungarian uprising against the Hapsburg Empire. While the uprising was relatively short-lived, a study of history shown that even unsuccessful revolutions can serve as important precursors to future reforms.

It is important that we not forget or ignore the sacrifices of those who established the tradition of freedom and democracy in Hungary. Especially on this anniversary day, we should recognize those early revolutionaries and their descendants who sought liberty unsuccessfully in 1956 and who eventually won their freedom in 1989.

I hope that my colleagues and all those who find freedom dear would read the following commemoration of this anniversary and remember those who made it possible.

COMMEMORATION OF THE 1848-49 REVOLUTION AND WAR OF INDEPENDENCE IN HUNGARY

March 15 marks the anniversary of Hungary's Revolution and War of Independence for freedom, liberty and self-determination.

On this day 147 years ago, the people of Hungary, led by reformers and young intellectuals, rose to demand freedom of press, freedom of association, freedom of religion, enforcement of human rights, and, first of all, independence from the Hapsburg empire. The quest by the people of Hungary and the War of Independence that followed, was, as so often before and after in Hungarian history, subdued by foreign intervention in August, 1849.

The glorious Revolution that placed Hungary in the vanguard of the revolutionary movement for political and economic modernization which swept through Europe at that time, and the fallen War of Independence set an example for the entire world by a small nation. Hungary's effort proclaimed to mankind the inherent and indefeasible right of every nation to elect its own leaders and to establish its own laws. March 15, 1848 has never ceased to signify the torch of freedom, independence and democratic endeavors for the people of Hungary. The ideals and spirit of this historic effort have been the guiding spirit of the eternal adherence by the people of Hungary to independence and democracy throughout the years of foreign occupation and communist dominance ever since.

The symbol and significance of Hungary's revolt for freedom and liberty are eloquently emphasized by the fact that Lajos Kossuth, one of history's most revered political leaders and champion of liberty and justice, is one of the few foreign political figures who is honored by a bust in the Capitol of the United States. Kossuth and the noble aspirations of the people of Hungary for freedom and independence gained attention and sympathy from the American public. The liberal and democratic principles so clearly proclaimed by the people of Hungary during the Revolution and War of Independence of 1848-49 are shared by the community of democratic nations.

Therefore it is only fitting to pay tribute to the endeavors and sacrifice, to the bravery and love for independence by the people of Hungary.

Almost a century had to pass before the dreams and aspirations of the Hungarian patriots of the 19th century led the people of Hungary to the streets during the heroic Revolution of 1956 in their desperate effort to gain freedom from foreign occupation and independence. Hungary and its freedom-loving people also deserve the admiration of the entire world for their crucial contribution to bringing down the Berlin Wall in 1989 by offering the gift of freedom for East Germans. Freedom for Hungary and freedom for all, "with malice toward none, with charity for all"—this is what Hungary has stood for, this is what Hungary is representing even today.

The people of Hungary face new challenges at present. These challenges emerge from their newly gained political and economic freedom the answers of which are sought by Hungary under firmly established democratic political order and policies aiming at the creation of a market economy and at the prevalence of human rights.

The United States of America has always been a devoted supporter of the cause of Hungarian independence and freedom. This compels the United States to remain committed and engaged in ensuring the fulfillment of the ideals of Hungary's Revolution and War of Independence which started on March 15, 1848 under the new international political environment as their ideals, a democratic and free Hungary and a Europe which is free, united and at peace, are also shared by us all.

SMALLER, MORE EFFICIENT GOVERNMENT

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Mr. PACKARD. Mr. Speaker, Americans voted last November to get big government out of their lives and off of their backs. Republicans know this and are committed to heeding the people's mandate for a smaller, more efficient, less costly government. Our House Republican rescission package represents a crucial first step toward achieving this goal.

The taxpayers want an economically sound government that lives within its means. The American family exercises fiscal responsibility and accountability. The Federal Government should do the same.

The American people work hard for the tax dollars they have to send to Washington. The least we can do is spend those dollars wisely. These bills take a first step in that direction. They aim the cutting knife at programs that do not work, and consolidates duplicative government functions.

Furthermore, our rescission bills trim funding for programs that received large increases in fiscal year 1995, cuts unspent funds that were piling up from one year to the next and eliminates funding for unauthorized programs.

Mr. Speaker, the $17.3 billion worth of specific cutbacks in our rescission bills, H.R. 1158 and H.R. 1159, put this Nation back on the path toward fiscal responsibility. These bills reassure Americans that their dollars will go to the programs they need most while eliminating useless ones.

TRIBUTE TO FRED J. MISHOW

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Mr. GEPHARDT. Mr. Speaker, I rise before my colleagues today to pay tribute to Fred J. Mishow on his 75th birthday.

Fred fled his native Germany to escape Nazi tyranny in 1937. He began a distinguished career in the military during the years 1942–46, which earned him three Battle Stars and the Philippine Presidential Citation. Fred's tour in the South Pacific theater of war instilled in him the qualities of leadership that have served him well in civilian life.

Fred has been active in democratic politics on the city, county, and State levels. He served as precinct captain in Hadley Township for 35 years. He also served as Sergeant-at-Arms at the 1968, 1972, and 1992 Missouri State democratic conventions. In addition to these achievements, Fred earned the Thomas F. Eagleton Grass Roots Man of the Year Award in 1990.

Fred has unselfishly given his time and talents to our community. In addition to his political activities he has worked hard in various religious and civic organizations. I am proud to call Fred Mishow my friend, and I commend the service he has given to the St. Louis area, the State of Missouri, and the United States of America.

DELAURO HONORS WILLIAM T. O'BRIEN

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Ms. DELAURO. Mr. Speaker, on Friday, March 17, 1995, the Branford Elks, Lodge 1939 will honor William "Bill" O'Brien as Irishman of the Year. Bill's commitment to voluntarism and the people of his community have had a tremendous impact on Greater New Haven. I am pleased to pay tribute to this extraordinary man.

Bill O'Brien truly symbolizes the spirit of Connecticut's Irish-Americans. Devoted to his community, profession, and family, Bill has always given freely of this time and talents. For decades, he has been a great source of strength and inspiration.

Many local organizations have benefited from Bill's leadership and talent for putting ideas into action. From his work as President of the Walter Camp Foundation to his service for the United Fund Campaign, Bill O'Brien is making a real difference for people. In particular, as past president and chairman of the Branford Festival, Bill helped to make this annual event a tremendous success, bringing together many families and friends while building the festival's financial prosperity.

A devoted family man and successful banker, Bill O'Brien has earned the respect and friendship of an entire community. I know that this wife, Maureen, and two sons, Michael and Gregory, take great pride in Bill's remarkable accomplishments. I am delighted that the Branford Elks are recognizing his outstanding achievements and I congratulate Bill on this well-deserved honor.

CONGRATULATIONS TO THE UNIVERSITY OF WISCONSIN-GREEN BAY

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Mr. ROTH. Mr. Speaker, I rise today to congratulate the Fightin' Phoenix, the University of Wisconsin-Green Bay men's basketball team.

The Fightin' Phoenix were invited for the third time in 5 years to compete in the National Collegiate Athletic Association men's basketball tournament. As such, their team has been recognized as one of the elite basketball programs in the Nation.

Just as remarkable, after posting a 22–7 season, the University of Wisconsin-Green Bay won the Midwest Collegiate league championship this year. Led by their exceptional coach, Dick Bennett, and star forward Jeff Nordgaard, the Fightin' Phoenix posted another great season for all their fans in northeast Wisconsin.

As the team's strongest supporter in the Nation's capital, I want to wish the best of luck to the University of Wisconsin-Green Bay as they begin their quest for greater basketball glory. I know all of northeast Wisconsin joins me in congratulating the Fightin' Phoenix for their stellar season and wishing them all the best in the NCAA tournament.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Mr. BECERRA. Mr. Speaker, I would like to take this opportunity to explain my absence from the House on Monday, March 5, and Tuesday, March 14, 1995.

As I have stated previously, my wife and I are faced with a trying family medical situation which has required my presence at home in Los Angeles as often as possible and, unfortunately, at times when the House is in session. We are expecting our second child this May, and under doctor's orders, my wife has been limited to bed rest until she has completed her pregnancy.

Regretfully, I missed a number of recorded floor votes on March 5 and 14. For the record, I would like to indicate my position on each vote:

Goodlatte amendment to H.R. 988, the Attorney Accountability Act (rollcall 200)—"No."

Berman amendment to McHale amendment to H.R. 988 (rollcall 201)—"Aye."

McHale amendment to H.R. 988 (rollcall 202)—"No."

Hoke amendment to H.R. 988 (rollcall 203)—"No."

On final passage of H.R. 531, Great Western Scenic Trail Designation (rollcall 230)—"Aye."

On final passage of H.R. 694, Minor Boundary Adjustments and Miscellaneous Park Amendments Act (rollcall 231)—"Aye."

On final passage of H.R. 562, Walnut Canyon National Monument Modification Act (rollcall 232)—"Aye."

On final passage of H.R. 536, Delaware Water Gap Recreation Area Vehicle Operation Fees (rollcall 233)—"Aye."

On final passage of H.R. 517, Chacoan Outliers Protection Act (rollcall 234)—"Aye."

KEEP THE SUMMER JOBS PROGRAM

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Ms. SLAUGHTER. Mr. Speaker, today the House approved over $17 billion dollars in rescissions, the largest package that has ever come to the floor which unfairly targets senior citizens, low-income families and our children. Many of my colleagues have risen today to argue against the bill and the arbitrary, across-the-board cuts it makes to some of our most vital programs. I would like to draw our attention specifically to the Labor Department's Summer Youth Program, because under the package, Summer Youth would be totally eliminated. Mr. Speaker, many of us on both sides of the aisle would have fought against the rescission affecting our Nation's youth, but we never had the chance during consideration of amendments. Make no mistake—enactment of H.R. 1158 would mean the elimination of summer jobs for over 500,000 youths and fewer job opportunities in the future as our children enter the job market.

Many mayors and local officials throughout the country have voiced their strong support for maintaining the Summer Youth Program. Mayor William Johnson of Rochester, New York, the heart of my Congressional district, offered an eloquent defense of the Summer Youth Program in a recent testimony before the Economic and Educational Subcommittee on Post-Secondary Education, Training and Life-Long Learning. At this point, I would like to insert Mayor Johnson's statement into the RECORD. I invite my colleagues to read it carefully to see what a wise investment we once made for young Americans across the country.

STATEMENT OF MAYOR WILLIAM A. JOHNSON, JR., MAYOR, CITY OF ROCHESTER, NEW YORK

Chairman McKeon and other members of the subcommittee, on behalf of the U.S. Conference of Mayors and my counterparts from hundreds of cities across the country, I want to express my sincere appreciation for the opportunity to testify at these subcommittee hearings on youth training programs.

This is a subject that I feel especially competent to address, given my long years of professional involvement in this area. Before being elected Mayor of Rochester, I spent 21 years as the CEO of a large human services organization that provided job training programs to youths and adults.

I understand that the primary purpose of the hearings is to review which programs are most effective and determine whether these programs can and should be consolidated.

If you will permit me, I will address the latter question first. I fully support the consolidation of the various grant programs, to reduce the administrative costs of local governments and to provide them with the flexibility to design local programs based not upon what type of funds are available from Washington but upon what types of needs exist in the community.

As a group, the Conference of Mayors also supports consolidation. Indeed, for the past three years, it has formally adopted a policy statement endorsing it.

However, if consolidation takes the form of block grants to states, to permit the benefits of efficiency and flexibility to be achieved, there must be some mechanism to ensure that the funds are directed towards local governments. There must be a mandate within the legislation for the funds to be passed through the states to municipalities, the actual providers of training services.

Municipalities have convincingly demonstrated their ability to prudently utilize block grants. The success of the Community Development Block Grant program, with its extensive level of citizen participation, and the Job Training Partnership Act program with its committees of business, labor and educational representatives, illustrate the responsiveness of municipalities to community needs.

The future form of the grant programs should not be the foremost concern, though. The continue existence of the these programs should be our primary objective.

In a period in which Americans are confronted with increasing economic competition from other nations, it would seem shortsighted to reduce, through major decreases in job training programs, the ability of American workers to successfully meet this competition. In a period in which Americans are being asked to become less dependent on government, it would seem counterproductive to reduce their ability to become independent.

To be effective an efficient job training must begin at an early age. Youth must be exposed to the opportunities, expectations and realities of the job marketplace.

For most youth, their initial training and experience begins with summer jobs. While, at one time, businesses may have been able to provide an adequate number of such jobs, in more recent times, the private sector has been unable to meet the increasing demand and need.

This is most particularly due to the restructuring and transformation that many businesses have experienced in the past decade. Job opportunities that many private sector employees reserved for youth during after-school and summer periods have been "downsized" out of existence.

For example, in Rochester, over the last four years nearly 4,000 youths had to rely upon the summer jobs provided through federally funded programs, as each summer the number of non-federal jobs dramatically declined. This year, an additional 900 youth are—hopefully—expected to participate in such programs.

I say hopefully, because I urge you and the other members of the House to reject the the appropriation recision for the summer youth program that was recently approved by the Appropriations Subcommittee. Nationwide, this recision would result in the elimination of summer job opportunities for 615,000 youth, a move that was totally unexpected.

As Seattle Mayor Norm Rice recently said, "these cuts are reversals of commitments the federal government has already made to communities across the country. It is difficult enough to adapt to future cuts, and absolutely devastating to absorb retroactive ones."

The reduction would mean that 615,000 youth will be not be given a chance to contribute constructively to their communities this summer. The reduction would mean that 615,000 youth will be less prepared to successfully enter the job market in the future.

For New York State youth, the proposed reduction in federal funding comes at a particularly inopportune time. Governor George Pataki has proposed a similar reduction in state funding for youth training programs.

The need to maintain government funding for summer jobs is readily recognized by the private sector, which realizes that the need for such jobs continues to exist and that businesses, by themselves, will continue to be unable to adequately address this need. Both the Greater Rochester Metro Chamber of Commerce and the Industrial Management Council, as association of large manufacturing and serve companies, have expressed their serious concern over the proposed elimination of federal funding.

They realistically know that the private sector will be unable to fill the "job gap" that would ensue if funding is not maintained. They realistically know that there will be a "tax switch" if this gap has to be filled through funding by local governments. In cities across this country, our financial base—largely derived form the property tax—will not support the level of demand that is being pushed down upon us by federal, state and county governments.

It is imperative that the summer youth job program be preserved. At the annual convention of the Conference of Mayors in Portland, Oregon last year, the program received overwhelming support.

The assumption was that funding for the program would be maintained at least at the current level of appropriations. The hope was that funding would be increased.

Because of the obvious need for the program and because of its demonstrated effectiveness, no one expected that there soon would be a proposal to totally eliminate funding for the program. Certainly, I personally did not anticipate the need to testify today before you to oppose such elimination.

All Americans understand the need to reduce the federal budget deficit. They understand the need to limit the burden that we impose upon future generations.

They support your efforts to reduce the deficit, to eliminate waste and inefficiencies and to eradicate fraud. These goals can be achieved in my opinion, without crippling or destroying programs that lead to skills training and self-sufficiency.

However, the concern over the future of our youth must be balanced by a concern over this present needs. Unless we address these needs today, unless we prepare youth for meaningful employment tomorrow in an increasingly demanding marketplace, our youth will have no future at all. And with a poorly trained workforce—and an increasing underclass population—our country will have no future at all.

REPUBLICAN CUTS DEVASTATE HOUSING

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Mr. FRANK of Massachusetts. Mr. Speaker, the rescissions voted by the Appropriations Committee last week threatens serious harm to the social fabric of our Nation. By increasing military spending, and focusing overwhelmingly for reductions on programs which seek to provide assistance for those most in need in our society, you and your fellow Republicans have seriously erred. Increasingly, it is becoming clear to many people that the priorities of the House Republicans threaten seriously to exacerbate some of the gravest social and economic problems we face. I will from time to time be sharing with our colleagues information I receive about the devastating effect these cuts will have as they become available to me from people in my district and elsewhere who are grappling with these issues.

For example, on March 3, the New Bedford Standard Times printed an article in which the executive director of the New Bedford Housing Authority Joseph Finnerty, clearly outlines the terrible effects which will result from the devastating cuts voted in housing programs by the Appropriations Committee last week. Interestingly, Mr. Speaker, some in your party have sought to justify these cuts by pointing to defects in the way HUD has been administered.

It is true that HUD has suffered from maladministration in recent times—most grievously during the 8 years of Ronald Reagan, when Samuel Pierce presided over a department which was corrupt, inefficient, and overall a disaster. Victimizing lower income people today who are in continuing need of housing because of the outrageous record of Secretary Pierce under President Reagan is terribly unfair. But that is what the Appropriations Committee has chosen to do.

Mr. Speaker, in the hopes of persuading my colleagues not to go forward along this path, I ask that the New Bedford Standard Times article featuring Mr. Finnerty's discussion of housing programs be printed here.

[From the New Bedford Standard Times, Mar. 3, 1995]

REDUCTION WOULD CAUSE CHAOS, FINNERTY SAYS

(By Bill Ibelle)

The massive federal funding cuts that are racing through Congress will have a devastating effect on public housing tenants in New Bedford, according to Executive Director Joseph Finnerty.

The cuts, which would slash the maintenance budget and the five-year modernization program by 30 percent each, would create "chaos" in the city's public housing, Mr. Finnerty said Thursday during the Housing Authority's monthly meeting.

"This is not a false alarm," he said. "The new Republican majority in Congress has the votes for these cuts. Now, just when we are on the verge of major improvements in our neighborhoods, we have this ax hanging over our head."

The maintenance cuts, which would amount to $625,000 a year, would cause a steady deterioration in public housing, Mr. Finnerty said.

"This is not something that is going to be felt immediately, but it will have a devastating long-term effect," he said, "These cuts are unprecedented, massive and eroding to public housing."

The federal cuts also would kill or seriously delay major modernization projects like the one scheduled for the aging Bay Village complex later this year. That project includes lead paint and asbestos removal as well as installing new windows and doors. Similar modernization projects have already taken place at the Westlawn and Brickenwood projects and are about to begin at Presidential Heights.

"The improvements we're making now are not just for public housing tenants but for all residents of the surrounding neighborhoods," said Mr. Finnerty. "By modernizing these units, we're making these neighborhoods into a better investment."

Mr. Finnerty also unveiled exterior drawings for the 43 units of new public housing to be built throughout the city this year. The units will replace units lost with the demolition of Evergreen Park.

The duplex units are designed to blend in with the single family homes common to the city's neighborhoods:

Three of the sites will have two duplexes each (the corner of Shawmut Avenue and Coggeshall Street, the corner of Cottage and Campbell streets and a plot that runs between Sylvia and Howard streets).

One site will have four duplexes (North Street behind the City Hall annex parking lot).

One site will have two row houses with a total of seven units (South First and Rivet streets).

The largest site will have eight duplexes (New Plainville Road just north of the tank).

Mr. Finnerty said the Housing Authority completed buying all six sites Feb. 24. Construction is slated to begin in June and last 12 to 14 months.

In other business the board:

Approved payment of an additional $10,864 to the Boston Architectural firm, Hicks & Krockmalnic, for rebidding of the Presidential Heights modernization project. Due to a legal challenge by two of the unsuccessful bidders, the Housing Authority had to cancel the original contract and put the project out to bid a second time.

The $4.5 million project which includes removing lead paint and asbestos, installing exterior siding, windows, doors and building new porches and fixing the roofs, is slated to begin this summer.

Approved payment of an additional $3,875 to Enviroscience for drawing up new bid speculations for lead and asbestos removal at Presidential Heights.

Approved a $15,980 contract to Coro Construction of East Greenwich, R.I., for re-roofing eight duplexes on Chaffee Street. Coro was the lowest of eight bidders.

Approved the payment of $5,255 to Seaview Construction of Providence for installing railings at Harwich Manor.

Approved a $23,763 contract with Electronic Sales and Service of New Bedford for installing a communications system that includes 43 portable radios. The system will be used by the authority's maintenance staff.

Approved a 2.3 percent increase in the income limits for the Massachusetts Rental Voucher Program, which serves 182 families in the city.

Approved a 1.2 percent increase in the income limits for the federal Assisted Housing Program.

Voted to support efforts by John G. "Buddy" Andrade to increase membership in the Boy Scouts and Cub Scouts among public housing tenants. Mr. Andrade requested the authority's support in drumming up interest for a Scouting show scheduled April 2 at the Greater New Bedford Regional Vocational Technical High School on Ashley Boulevard.

Fielded a request from the Caroline Street Tenants' Association for several maintenance improvements. The residents asked the authority to cut down an apple tree, complaining that youths throw the apples through windows, the apple blossoms attract bees and the fallen apples are hazardous to senior citizens using walkers and canes. The association also requested the removal of tree roots that have caused sidewalks to buckle and the installation of outdoor lighting around the apartments.

Observed a moment of silence at the beginning of the meeting in honor of commissioner Umberto "Battle" Cruz, who died unexpectedly last month.

CELEBRATING 100 YEARS OF THE CHIROPRACTIC PROFESSION

HON. JOHN E. ENSIGN

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Mr. ENSIGN. Mr. Speaker, I rise today to recognize the chiropractic industry's tremendous contribution to improving the health of Americans for the past 100 years.

The year 1995 marks the chiropractic profession's centennial. In 1895, Daniel David Palmer founded the chiropractic profession and opened the first chiropractic school in Davenport, Iowa, in 1897. The profession has come a long way since 1895. Today, more than 50,000 chiropractors serve 15 to 20 million patients. The improved standards of education and quality of practice has given rise to the tremendous growth in this field.

While early chiropractors had difficulty gaining acceptance in the health care field, they now enjoy broad support from the public and their fellow health care professionals. Chiropractic care is now widely recognized as one of the most effective and efficient treatments for back ailments, especially for sufferers of severe or chronic back pain. An increasing number of Nevadans rely on the choice and freedom in health care options that chiropractic care offers them. Recognizing this trend, Congress provides for chiropractic care in Medicare and authorizes chiropractors to be commissioned as officers in the Armed Forces.

Mr. Speaker, as a Doctor of Veterinary Medicine, I admire the dedication of my fellow health care professionals and their contribution to the enhancement of the quality of life for so many Americans. As members of the chiropractic profession gather in Nevada's First Congressional District on March 18, I would like to extend a warm welcome to these doctors. I join my colleagues in the House of Representatives and my fellow Nevadans in congratulating them and their profession's many achievements over the last century.

CONGRATULATIONS TO NICHOLLS STATE UNIVERSITY

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Mr. TAUZIN. Mr. Speaker, today I rise to congratulate a college basketball program in my district that, for the first time ever, has been invited to the NCAA tournament. Nicholls State University with a record of 24–5 drew a No. 13 seed and will play Virginia today.

After winning 17 of 18 conference games, the Colonels swept the Southland Conference Tournament beating Northeast Louisiana in the final game 98 to 87. Senior Reggie Jackson was named tournament most valuable player, and Coach Ricky Broussard was named conference coach of the year.

Of the Colonels 5 losses throughout the season, 3 were to teams also invited to the NCAA tournament. This shows just how much they deserved a bid. This opportunity will do wonders not only for this outstanding basketball program, but also the great university they represent.

I want to congratulate Coach Broussard and all his coaching and support staff on a magnificent season. And to all the young men on that team, congratulations.

Now it's on to the tournament to face the Cavalier. I and my staff wish the Colonels all the very best. Good luck—go Colonels.

CENTENNIAL CELEBRATION OF SPRINGFIELD CHAPTER OF THE DAR

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Mr. LAHOOD. Mr. Speaker, on August 8, 1890, in Washington, DC, a national organization of women descended from patriots of the American Revolution organized the National Society of Daughters of the American Revolution. Four years later, on June 14, 1894, a chapter was formed in Springfield, IL, in what is now my congressional district. Throughout this past year, the Springfield chapter of the DAR has celebrated this centennial year of service to the community, culminating with a luncheon in February. The contributions made by this chapter to the community of Springfield, the State of Illinois, and the Nation as a whole have been tremendous, and I wanted to take this time today to salute their membership and to congratulate them on 100 years of dedicated service.

PROMOTING NEW AMERICAN ENVIRONMENTAL TECHNOLOGIES

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Mr. DICKS. Mr. Speaker, today I am introducing the Landfill Technical Improvement Act of 1995. This is the same legislation that my former colleague Al Swift and I introduced late in the last session of Congress.

I am introducing the legislation again this year because the ill-advised and outmoded regulation which prompted this bill still exists at the expense of small domestic companies who seek to compete in the growing national and international environmental technology markets.

Of course, Congress did not intend this result when we passed the Hazardous and Solid Waste Amendments in 1984—over one decade ago. This act required the Environmental Protection Agency [EPA] to issue regulations restricting the disposal of organic sorbents in hazardous waste landfills.

Since that time, natural absorbents made from reclaimed/recycled materials have been developed which actually outperform traditional sorbents produced from fossil fuels and chemicals. As well, normal landfill conditions are anaerobic, and studies show that no biodegradation occurs in this anaerobic environment of RCRA landfills.

A small company in my State is among those companies who produce this type of material. They take a local paper mill's sludge, garbage, and produce useful, organic sorbents. This disposition issue, however, continues to threaten the existence of these American companies and the new technologies they have developed. As it now stands, this regulation effectively shuts out these new technologies from landfill disposition.

The administration has repeatedly stated its support for American manufacturers of new environmental technologies as they attempt to compete in the world marketplace. This regulation, however, is highly detrimental to these stated goals. This bill would reverse this injustice by allowing this new technology to be utilized to its fullest extent, thus providing American jobs while advancing our national environmental goals.

TRIBUTE HONORING KATHY COLE

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Mr. GILLMOR. Mr. Speaker, I rise today to pay tribute to an outstanding citizen and patriot, Kathy Cole. Kathy is the Ladies Auxiliary district president of the Veterans of Foreign Wars Post 2873 in Grover Hill, OH.

America is blessed by the number of her citizens who choose to devote their time to the service of others. Through the years, Kathy has worked tirelessly on behalf of veterans and their families. She joined the Ladies Auxiliary to the Veterans of Foreign Wars as a member of Wauseon Auxiliary 7424 in 1981 under the sponsorship of her brother, Franklin Rardin, who served his country during World War II.

On the district level, Kathy was elected as district guard in 1985 and progressed through the district chairs to serve her first term as district president in 1989–90. Kathy is presently serving her second term as district president, having been elected in June 1994. With her positive attitude, she said, "The second time around will allow me to do a more perfect job."

From the beginning of her career with the V.F.W., Kathy Cole has set high standards for herself. Her record of service is characterized by self-motivation and mission accomplishment. She has served the Department of Ohio Auxiliary as National Home chairman and counts the auxiliary's work through the youth of the organization as some of her favorite.

Mr. Speaker, this is a volunteer organization and sometimes the only compensation you get for the time and efforts put into the programs for the veterans and your communities is the thanks and appreciation you receive from community leaders. I ask my colleagues to join me in extending a special thanks to Kathy Cole and the example she has set for others.

CONGRESSMAN KILDEE HONORS UAW LOCAL 599 REUTHER AWARD RECIPIENTS

HON. DALE E. KILDEE
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 16, 1995

Mr. KILDEE. Mr. Speaker, it is my great pleasure to pay tribute to 14 members of UAW Local 599, who will be recipients of the Walter P. Reuther Distinguished Service Award. On Sunday, March 19, 1995, these individuals will be honored at the Walter and May Reuther Twenty Year Award Banquet.

Local 599 has always had a special place in my heart because my father was one of its original members. Over the years, Local 599 has developed a strong and proud tradition of supporting the rights of working people in our community, and improving the quality of life for its membership.

Mr. Speaker, it is indeed an honor to recognize these special individuals who, for 20 years, have diligently served their union and community. During this time, each one of these UAW members have held various elected positions in the union. And there is no question they have represented their brothers and sisters well.

It is very fitting that these 14 people be recipients of the Walter P. Reuther Distinguished Service Award. Walter Reuther was a man who believed in helping working people, and he believed in human dignity and social justice for all Americans. The recipients of this award have committed themselves to the ideals and principles of Walter Reuther. They are outstanding men and women who come from every part of our community, and they share the common bond of unwavering commitment and service.

Mr. Speaker, I would ask the members of the U.S. House of Representatives to join me in honoring Robert A. Johnson, Charles Whitten, Kenneth Knauff, Bob Wright, Timothy M. Bank, Earl D. Oram, Daniel C. Neeley, Bryce Stanton, Ron Dodge, Mary Shumpert Coleman, Joseph D. Niedzwiecki, Dan Kiefer, Butch O.L. Robinson, and Kenneth Kagen. I want to congratulate these fine people for all of the work they have done to make our community a better place to live.

JIM JOHNSON AND FANNIE MAE ARE SHOWING AMERICA A NEW WAY HOME

HON. BRUCE F. VENTO
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 16, 1995

Mr. VENTO. Mr. Speaker, yesterday marked the 1 year anniversary of Fannie Mae's showing America a new way home initiative. One year ago Fannie Mae Chairman and CEO Jim Johnson launched Fannie Mae on a bold journey to help transform the American housing finance system. On March 15, 1994, Fannie Mae pledged to provide $1 trillion in targeted housing finance by the end of the decade to help 10 million families achieve the American dream of home ownership. Fannie Mae has set an aggressive target and is steadily moving to meet its goal by the year 2000.

This initiative is already making a major impact on the lives of people throughout the nation. In Minnesota, Fannie Mae has sponsored a home buying fair, opened a partnership office, provided several grants to housing and home ownership counseling organizations and formed a community lending roundtable to help identify and remove barriers to home ownership. By working with local partners, Fannie Mae is opening the door to home ownership to many people who thought owning a home of their own was merely a dream.

I commend Fannie Mae and Jim Johnson for their vision and ability to get the job done.

I would like to include in the RECORD an article from the Minnesota media that outlines just one of the many examples of how Fannie Mae is reaching out to communities across the Nation:

[From the St. Paul Pioneer Press, February 18, 1995]

HMONG GET HELP, MAKE PROGRESS IN BUYING HOMES

(By Ann Baker)

The 30,000-strong Hmong community is making strides into home ownership, although the majority have been in the Twin Cities no more than six years.

An agency that started just one year ago to help Hmong families and other Southeast Asians navigate the mortgage market reported Friday that it already has helped 31 families cross the threshold from tenants to homeowners. Another 13 are awaiting mortgage approval.

A handful of the new homeowners are Cambodian, Vietnamese or Laotian, said Lengchy Lor, executive director of the People's Network of Minnesota Inc. But most, he said, are Hmong.

And a survey of nearly 400 Hmong families shows that 30 percent want to become home buyers.

"Home ownership brings stability," Rep. Bruce Vento told a gathering of Hmong people and supporters Friday at a gathering that announced the survey as well as a $12,000 grant from the Fannie Mae Foundation for People's Network to hire Cambodian and Vietnamese housing counselors.

This marks a departure from most immigrant groups, who have waited a generation or two before buying homes, according to Rich Thompson, lead housing inspector in St. Paul's city license and permits division.

"This group is becoming owners as quick as they can," he said. "It's a grass-roots movement, and it has triggered a spurt of redevelopment activity by other groups."

One reason may be Hmong family size—too big to squeeze into an average apartment. In a survey of 390 Hmong families, the People's Network reported that the median family size is six. Many families have eight or nine members, and a few have as many as 14.

Another reason many parents gave was wanting to live in a neighborhood where their children would not be exposed to gangs. Many favored neighborhoods on the East Side.

Thirty percent want to buy their own home, and most want a house with four bedrooms, as well as a basement for special events and a back yard for a garden as well as special events.

More than 90 percent also eagerly embrace the idea of forming a Hmong Village, something like San Francisco's Chinatown, as a place for strengthening Hmong culture, business opportunities and community leadership. One task for the village would be to address crime issues in the community.

Ninety percent in the survey also want to develop a Hmong soccer field for youth to develop professional athletic skills.

Most of the 390 families now live in public housing or large private complexes such as Maywood East and Omega Court.

But the survey stressed that it takes a lot of effort—and sometimes a lot of help—for Hmong people to move into home ownership, coming from a culture where banking, loans and check-writing—not to mention credit—were completely foreign.

"In the Hmong community, 'good credit history' means 'cash rather than financing as much as possible,'" states the report. "In the Western country, 'good credit history' means 'paid all bills off and on time.'"

WHY U.S. INDUSTRY BOUNCED BACK

HON. MICHAEL G. OXLEY
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 16, 1995

Mr. OXLEY. Mr. Speaker, I recommend to my colleagues the following column by Robert J. Samuelson from the opinion page of yesterday's Washington Post. The subject is the comeback of American manufacturing. Members would do well to consider the conclusions drawn by the author.

[From the Washington Post, Mar. 15, 1995]

WHY U.S. INDUSTRY BOUNCED BACK

(By Robert J. Samuelson)

Dial back your time machine about a decade. You'll find plenty of newspaper and TV stories warning of "deindustrialization." American manufacturers (it was said) were being pulverized. The Japanese were overwhelming our automakers, repeating their triumph in steel. Computer chip makers were rapidly losing ground. Americans had forgotten how to make things. It was only a matter of time before U.S. manufacturing sank into oblivion and we became a nation of "hamburger flippers."

None of these dire predictions came true; indeed, most were always silly (and this reporter at least said so). Yet the story of the comeback of U.S. manufacturing is still under-told and ill-appreciated, as economists Jerry Jasinowski and Robert Hamrin argue in a new book. In 1994 the United States produced more cars than Japan for the first time since 1979. U.S. companies account for half of global shipments of fiber optic cable. The stunning manufacturing revival needs to be better understood. It is important in its own right and also teaches broader lessons.

Consider first some basic facts:

Between 1980 and 1994, U.S. manufacturing output rose more than 50 percent. In the past three years, it has increased 15 percent. It is now twice as high as in 1970 and five times as high as in 1950. Many things that didn't exist four decades ago (many drugs, most computers, commercial jets, much medical equipment, most anti-pollution devices) are produced in huge quantities, along with such traditional items as furniture and food. There has been no "deindustrialization."

In 1991 the United States regained its position as the world's largest exporter. In 1993 the U.S. share of global exports was 12.8 percent, compared with Germany's 10.5 percent and Japan's 9.9 percent. The American computer chip industry is again the world's leader. General Motors and Ford are still the first and second largest auto companies. American companies still dominate in aerospace, computer software and entertainment; they are strong in paper, chemicals and pharmaceuticals, among others.

Industrial productivity (efficiency) has increased at its fastest rate in decades. Since 1985, manufacturing productivity—output per worker hour—has risen about 3 percent a year. Since 1980 the man-hours to produce a ton of steel fell from about 10 to four. Quality is also increasing. In one survey, two-thirds of respondents felt product quality had improved in the past five years; only 14 percent felt it had worsened.

Obituaries for U.S. industry were inevitably wrong for two reasons. The first is that they mistook manufacturing's stagnant job base for stagnation. In 1970 about 19 million Americans worked in manufacturing; last year, the number was about 18 million. So? Rising production and falling employment merely signify higher productivity. Fewer people produce more; other people provide other things, from health care to software. This is the time-proven path to higher, not lower, living standards.

The second error was presuming that setbacks, once started, were irreversible. Companies couldn't defend themselves; economic conditions wouldn't change. In their book ("Making It in America"), Jasinowski—president of the National Association of Manufacturers—and Hamrin show that companies did fight back. Costs were cut, processes streamlined. Xerox reduced the time to bring a new product to market by 60 percent. AMP, a maker of electrical components, raised ontime deliveries from 65 to 95 percent. Cannondale, a manufacturer of mountain bikes, increased foreign sales from 5 percent to 40 percent.

What also changed were exchange rates. The dollar's steep rise in the early 1980s (up 63 percent between 1980 and 1985) was a basic cause of industrial distress. It made imports cheaper and U.S. exports more expensive. But the dollar had to drop, because trade deficits were unsustainably large. When foreigners had more dollars than they wanted, the dollar would decline. It did. In 1985, a dollar was worth 238 yen; now, it's worth 91. American exports more than doubled between 1985 and 1993.

American industry doesn't enjoy—and never will—preeminence in all areas. Japan still dominates consumer electronics and some computer chips. Japanese auto companies still make swell cars. In 1993 we imported 77 percent of our toys, 43 percent of our ceramic tiles, 56 percent of our TV tubes and 96 percent of our watches. Global markets mean just that; other countries will achieve comparative advantage in some products and technologies. But "globalization" is not pulverizing U.S. industry.

The first lesson of its revival is simple: Keep markets open. What forced U.S. companies to improve was competition, whether from imports, new technologies or deregulation. Some industries received modest government help, mostly as import restraints; but generally, companies created their own comebacks. No one likes to change, and economic change is often cruel and ugly. Bankruptcies, "downsizing" and "restructuring" all disguise the human toll. The alternative, though, is stagnation.

A second lesson: Keep foreign "success" in perspective. In the 1980s, the Japanese were celebrated. Their economic policies were wise; ours were foolish. They invested; we consumed. Now Japan doesn't look so good. In the late 1980s, its economic policies fostered a speculative real estate and stock market boom whose ill effects still linger. Protectionist policies have aggravated the yen's rise, which has hurt exports. Underconsumption also harms industry. Only 10 percent of Japan's households have personal computers, compared with 37 percent in the United States. Japan's computer industry suffers.

The largest lesson is the contrast between economic and political change. Economic change proceeds, often roughly. In politics, people argue over winners and losers. Change occurs slowly, if at all. Sometimes that is preferable, but often it isn't. Paralysis can mean that everyone loses. If government had decided to revive manufacturing in the mid-1980s, we'd still be arguing over who should be helped and why. In this case, the best policy was to insist that companies and workers help themselves.

GREATER ACCOUNTABILITY FOR RECORD VOTES

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Mr. MOAKLEY. Mr. Speaker, on January 4, 1995, the House adopted a new rule, Clause 2(l)(2)(B) of rule XI, which requires that committee reports on any bill or other matter include the names of those voting for and against on rollcall votes taken on any amendment and on the motion to report. During consideration of the rule on the first day of the 104th Congress, an explanation included in the Congressional Record by Chairman Solomon states:

> It is the intent of this rule to provide for greater accountability for record votes in committees and to make such votes easily available to the public in committee reports. At present, under clause 2(e)(1) of rule XI, the public can only inspect rollcall votes on matters in the offices of the committee. It is anticipated that with the availability of committee reports to the public through electronic form the listing of votes in reports will be more bill-specific than earlier proposals to publish all votes in the Congressional Record twice a year.

Upon examining the Rules Committee report to accompany H. Resolution 115, the rule for H.R. 1158—Making Emergency Supplemental Appropriations and Rescissions, I found it lacking in the type of information which I believe is vital for public understanding of what the Members of the Committee were actually voting on. The report under the heading of "summary of motion" gives so limited account as to be almost meaningless. While the rule does not explicitly require the report to contain a description of the motion and amendment being offered, the intent of better informing the public seems to have been lost. The lack of information will force the public to search in other publications for information vital to understanding what the issue is for which the votes are being cast. There is no way that the public, unless present at the Rules Committee markup, could understand what, for example, "Make in order amendments making new rescissions pre-printed in Record" means without going to the Rules Committee transcript. How else would anyone know what amendments are being offered here? There is no listing or description of the amendments that would have been allowed if this motion were adopted. Also, the public would never know which issue of the Congressional Record contains the text of the amendments. The public would be better served if adequate information were included in the committee report.

With that in mind, I am, for the benefit of the public and the membership of this body, including the following summary of the rollcall votes which were taken in the Rules Committee on March 14, 1995:

Committee Votes

RULES COMMITTEE ROLLCALL NO. 83

Date: March 14, 1995.

Measure: Rule for H.R. 1158, Making Emergency Supplemental Appropriations and Rescissions.

Motion By: Mr. Moakley.

Summary of Motion: Make in order amendments to H.R. 1158 printed in the Congressional Record of March 10 or March 13, 1995 which make new rescissions. Those amendments are as follows:

(1) Volkmer #4—restores funds for veterans' medical care and ambulatory facility construction with new offsets.

(2) Andrews #8—substitute including new RTC rescissions and transportation and construction projects cuts.

(3) Barr #9—restores funds for Community Planning and Development grants, rescinds an additional amount from Water Infrastructure/State revolving fund, and rescinds prior year funding.

(4) Brown #15—protects certain veterans' construction projects.

(5) DeLay #28—rescinds $25 million from Public Health Service Act.

(6) Foglietta #34—restores summer jobs with offsetting cuts in defense.

(7) Furse #36—cuts an additional $8 billion from defense.

(8) Furse #37—cuts $1 from defense procurement.

(9) Gutierrez #41—cuts all unobligated balances from the Market Promotion program of the Commodity Credit Corporation.

(10) Kennedy/Moakley #43—restores low income home energy assistance (LIHEAP) funding and offsets with cuts in the F-22 fighter program.

(11) McIntosh #47, #48 and #49—makes additional cuts in fish and wildlife programs, including endangered species conservation fund.

(12) Nadler #57—restores housing funds with offsets from defense.

(13) Roemer #63—restores National Service funds with offset from space station program.

(14) Roemer #64—includes new title VI rescissions.

(15) Roemer #65—restores National Service funds with offsets from defense funds.

(16) Stearns #73—rescinds all unobligated balances for the Exchange Stabilization Fund (Mexican peso stabilization).

(17) Coleman #20—cuts $400 million in highway demonstration projects.

(18) Thurman #76—increases the rescission for energy, federal courthouse construction, and the Appalachian Regional Commission.

Results: Rejected 1 to 11.

Vote by Member	Yea	Nay
Quillen		X

Vote by Member	Yea	Nay
Dreier		X
Goss		X
Linder		X
Pryce		X
Diaz-Balart		X
McInnis		X
Waldholtz		X
Moakley	X	
Beilenson		X
Frost		X
Hall		
Solomon		X

RULES COMMITTEE ROLLCALL NO. 84

Date: March 14, 1995.

Measure: Rule for H.R. 1158, Making Emergency Supplemental Appropriations and Rescissions.

Motion By: Mr. Frost.

Summary of Motion: Strike the 10-hour time cap on consideration of amendments.

Results: Rejected, 3 to 9.

Vote by Member	Yea	Nay
Quillen		X
Dreier		X
Goss		X
Linder		X
Pryce		X
Diaz-Balart		X
McInnis		X
Waldholtz		X
Moakley	X	
Beilenson	X	
Frost	X	
Hall		
Solomon		X

RULES COMMITTEE ROLLCALL NO. 85

Date: March 14, 1995.

Measure: Rule for H.R. 1158, Making Emergency Supplemental Appropriations and Rescissions.

Motion By: Mr. Moakley.

Summary of Motion: Make in order the following amendments which were printed in the Congressional Record of March 13, 1995:

(1) Murtha #54 to H.R. 1158—ensures that net savings are used to reduce the deficit and not to pay for tax cuts.

(2) Obey/Durbin #58 to H.R. 1158—changes the direct grant program for into a loan guarantee program.

(3) Stokes #74 to H.R. 1158—restores funds for VA medical care, for assisted housing and low-income housing programs and other items.

(4) Coleman #20 to H.R. 1158—cancels $400 million in highway demonstration projects.

(5) Obey #9 to H.R. 1159—defers production of the F-22 in order to restore funds for school lunch and family nutrition programs.

Results: Rejected, 2 to 10.

Vote by Member	Yea	Nay
Quillen		X
Dreier		X
Goss		X
Linder		X
Pryce		X
Diaz-Balart		X
McInnis		X
Waldholtz		X
Moakley	X	
Beilenson	X	
Frost		X
Hall		
Solomon		X

RULES COMMITTEE ROLLCALL NO. 86

Date: March 14, 1995.

Measure: Rule for H.R. 1158, Making Emergency Supplemental Appropriations and Rescissions.

Motion By: Mr. Moakley.

Summary of Motion: Make in order the Kennedy/Moakley amendment #43 to H.R. 1158 printed in the Congressional Record of March 13, 1995 which restores $1,319,204,000 for low income home energy assistance (LIHEAP) and makes offsets by cutting the F-22 aircraft program by the same amount.

Results: Rejected, 2 to 10.

Vote by Member	Yea	Nay
Quillen		X
Dreier		X
Goss		X
Linder		X
Pryce		X
Diaz-Balart		X
McInnis		X
Waldholtz		X
Moakley	X	
Beilenson	X	
Frost		X
Hall		
Solomon		X

RULES COMMITTEE ROLLCALL NO. 87

Date: March 14, 1995.

Measure: Rule for H.R. 1158, Making Emergency Supplemental Appropriations and Rescissions.

Motion By: Mr. Moakley.

Summary of Motion: Make in order the Porter amendments #59 and #60 to H.R. 1158 printed in the Congressional Record of March 13, 1995 which make adjustments in Labor, HHS, and education spending.

Results: Rejected, 3 to 9.

Vote by Member	Yea	Nay
Quillen		X
Dreier		X
Goss		X
Linder		X
Pryce		X
Diaz-Balart		X
McInnis		X
Waldholtz		X
Moakley	X	
Beilenson	X	
Frost	X	
Hall		
Solomon		X

RULES COMMITTEE ROLLCALL NO. 88

Date: March 14, 1995.

Measure: Rule for H.R. 1158, Making Emergency Supplemental Appropriations and Rescissions.

Motion by: Mr. Beilenson.

Summary of Motion: Remove the protection from points of order for the legislative language in H.R. 1159 relating to salvage timber sales.

Results: Rejected, 3 to 9.

Vote by Member	Yea	Nay
Quillen		X
Dreier		X
Goss		X
Linder		X
Pryce		X
Diaz-Balart		X
McInnis		X
Waldholtz		X
Moakley	X	
Beilenson	X	
Frost	X	
Hall		
Solomon		X

RULES COMMITTEE ROLLCALL NO. 89

Date: March 14, 1995.

Measure: Rule for H.R. 1158, Making Emergency Supplemental Appropriations and Rescissions.

Motion by: Mr. Beilenson.

Summary of Motion: Remove the protection from points of order for the legislative language in H.R. 1158 relating to the Federal Highway Administration and the Federal Transit Administration.

Results: Rejected, 3 to 9.

Vote by Member	Yea	Nay
Quillen		X
Dreier		X
Goss		X
Linder		X
Pryce		X
Diaz-Balart		X
McInnis		X
Waldholtz		X
Moakley	X	
Beilenson	X	
Frost	X	
Hall		
Solomon		X

RULES COMMITTEE ROLLCALL NO. 90

Date: March 14, 1995.

Measure: Rule for H.R. 1158, Making Emergency Supplemental Appropriations and Rescissions.

Motion by: Mr. Frost.

Summary of Motion: Remove the protection from points of order for the legislative language in H.R. 1158 relating to the striker replacement Executive order.

Results: Rejected, 4 to 8.

Vote by Member	Yea	Nay
Quillen		X
Dreier		X
Goss		X
Linder		X
Pryce		X
Diaz-Balart	X	
McInnis		X
Waldholtz		X
Moakley	X	
Beilenson	X	
Frost	X	
Hall		
Solomon		X

RULES COMMITTEE ROLLCALL NO. 91

Date: March 14, 1995.

Measure: Rule for H.R. 1158, Making Emergency Supplemental Appropriations and Rescissions.

Motion By: Mr. Frost.

Summary of Motion: Make in order the Montgomery amendment #51 to H.R. 1158 printed in the Congressional Record of March 13, 1995 which restores $206,110,000 for veterans' medical care and ambulatory facility construction.

Results: Rejected, 3 to 9.

Vote by Member	Yea	Nay
Quillen		X
Dreier		X
Goss		X
Linder		X
Pryce		X
Diaz-Balart		X
McInnis		X
Waldholtz		X
Moakley	X	
Beilenson	X	
Frost	X	
Hall		
Solomon		X

RULES COMMITTEE ROLLCALL NO. 92

Date: March 14, 1995.

Measure: Rule for H.R. 1158, Making Emergency Supplemental Appropriations and Rescissions.

Motion By: Mr. Frost.

Summary of Motion: Make in order the Gunderson amendment #38 to H.R. 1158 printed in the Congressional Record of March 13, 1995 which restores $600 million to FEMA, restores $500 million to the section 8 Housing certificate program, and restores $100 million for housing opportunities for persons with AIDS.

Results: Rejected, 3 to 9.

Vote by Member	Yea	Nay
Quillen		X
Dreier		X
Goss		X
Linder		X
Pryce		X
Diaz-Balart		X
McInnis		X

Vote by Member	Yea	Nay
Waldholtz		X
Moakley	X	
Beilenson	X	
Frost	X	
Hall		
Solomon		X

RULES COMMITTEE ROLLCALL NO. 93

Date: March 14, 1995.

Measure: Rule for H.R. 1158, Making Emergency Supplemental Appropriations and Rescissions.

Motion By: Mr. Moakley.

Summary of Motion: Make in order the amendments printed in the Congressional Record of March 13, 1995 that stay within the committee's 602 budget allocation while restoring funding for accounts within the bill. The amendments are as follows:

(1) Brown (FL) #14 to H.R. 1158—restores funds for veterans' medical care and ambulatory facility construction.

(2) Clay #18 to H.R. 1158—restores funds for training and employment services, summer youth employment, and the displaced worker program.

(3) Clay #19 to H.R. 1158—restores funds for school improvement programs.

(4) Fields #31 to H.R. 1158—restores funds for higher education programs.

(5) Fields #32 to H.R. 1158—restores funds for school improvement programs.

(6) Fields #33 to H.R. 1158—restores funds for training and employment services.

(7) Gutierrez #39 to H.R. 1158—restores funds for low income home energy assistance (LIHEAP).

(8) Gutierrez #40 to H.R. 1158—restores funds for housing opportunities for persons with AIDS.

(9) Montgomery #51 to H.R. 1158—restores funds for veterans' medical care and ambulatory facility construction.

(10) Waters #77 to H.R. 1158—restores funds for Fair Chance Youth Program.

(11) Waters #78 to H.R. 1158—restores funds for homeless veterans job training.

Results: Rejected, 3 to 9.

Vote by Member	Yea	Nay
Quillen		X
Dreier		X
Goss		X
Linder		X
Pryce		X
Diaz-Balart		X
McInnis		X
Waldholtz		X
Moakley	X	
Beilenson	X	
Frost	X	
Hall		
Solomon		X

RULES COMMITTEE ROLLCALL NO. 94

Date: March 14, 1995.

Measure: Rule for H.R. 1158, Making Emergency Supplemental Appropriations and Rescissions.

Motion By: Moakley.

Summary of Motion: Restore the legislative language (Sec. 306) in the bill that would allow States not to fund abortions except in the case of the life of the mother. The draft rule removed the abortion section from the base text of the bill. Also, the motion would have protected this section from points of order.

Results: Rejected, 2 to 10.

Vote by Member	Yea	Nay
Quillen		X
Dreier		X
Goss		X
Linder		X
Pryce		X
Diaz-Balart		X
McInnis		X
Waldholtz	X	
Moakley	X	
Beilenson		X
Frost		X
Hall		
Solomon		X

RULES COMMITTEE ROLLCALL NO. 95

Date: March 14, 1995.

Measure: Rule for H.R. 1158, Making Emergency Supplemental Appropriations and Rescissions.

Motion By: Quillen.

Summary of Motion: Report the rule favorably to the House.

Results: Rejected, 9 to 3.

Vote by Member	Yea	Nay
Quillen	X	
Dreier	X	
Goss	X	
Linder	X	
Pryce	X	
Diaz-Balart	X	
McInnis	X	
Waldholtz	X	
Moakley		X
Beilenson		X
Frost		X
Hall		
Solomon	X	

SENATE—*Friday, March 17, 1995*

(Legislative day of Thursday, March 16, 1995)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Lloyd John Ogilvie, D.D., offered the following prayer:

Let us pray:

Almightly God, You have promised strength for the work of this day, power to handle the pressures, light for the way, patience in problems, help from above, unfading courage, and undying love. In the stresses and strains of leadership, often we sense our wells have run dry. Life has a way of depowering us, depleting our resiliency, and draining our patience. People can get us down and perplexities stir us up.

Lord, I pray for Your supernatural strength for the women and men of this Senate, their families and their staffs. Bless them with a fresh flow of Your strength—strength to think clearly, serve creatively, and endure consistently; strength to fill up diminished human resources; silent strength that flows from Your limitless source, quietly filling them with artesian power. You never ask us to do more than You will provide the strength to accomplish. So make us river beds for the flow of Your creative spirit. Fill this day with the serendipities, unexpected surprises of Your grace. Be Lord of every conversation, the unseen quest at every meeting, and the guide of every decision.

Gracious Lord, on this Saint Patrick's Day, we remember the words with which Patrick began his days. "I arise today, through God's might to uphold me, God's wisdom to guide me, God's eye to look before me, God's ear to hear me, God's hand to guard me, God's way to lie before me and God's shield to protect me." In Your holy name. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

LINE-ITEM VETO

The PRESIDENT pro tempore. Under the previous order, there will now be a period for debate on the line-item veto legislation, S. 4, until the hour of 3 p.m., equally divided and controlled by the majority and minority leaders, or their designees.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. McCAIN. Mr. President, for the information of my colleagues, today's session will be dedicated to general debate on the subject of the line-item veto legislation. The time between 10 a.m. and 3 p.m. today will be equally divided.

Last evening, the majority leader announced there will be no rollcall votes today, nor will there be rollcall votes during Monday's session of the Senate.

On Monday, March 20, the hours between 10 a.m. and 5 p.m. will be equally divided for debate only on the subject of the line-item veto bill, S. 4. Under a previous order of the Senate, the Senate will proceed to consideration of S. 4 at 5 p.m. on Monday. However, as mentioned before, there will be no rollcall votes on Monday.

UNANIMOUS-CONSENT AGREEMENT

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senator from South Carolina be granted such time as he may use as in morning business, and following that we proceed to discussion of the line-item veto.

I yield to my colleague from North Dakota, if he has a request or a comment.

Mr. CONRAD. Mr. President, I say to the floor manager, I would like, if possible, 5 minutes at the end of the remarks of the distinguished Senator from South Carolina.

Mr. McCAIN. Mr. President, I ask unanimous consent that following the remarks of the Senator from South Carolina, the President pro tempore of the Senate, that the Senator from North Dakota be recognized for up to 10 minutes for any remarks that he may make.

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered.

RESUMPTION OF HOSTILITIES IN BOSNIA AND CROATIA

Mr. THURMOND. Mr. President, I wish to thank the able Senator from Arizona.

Earlier this week, the administration announced that Croatia has agreed to allow U.N. peacekeeping troops to remain beyond the expiration of the U.N. mandate on March 31. If the United Nations had been forced to leave, fighting would probably have broken out between the Croatian Government and the Croation Serbs who control the Krajina region of Croatia. This would have reignited the conflict in Croatia, and it no doubt would have spread to Bosnia and the rest of the region.

I have often been critical of the Clinton administration's inept diplomacy that has produced one foreign policy debacle after another. But in this case the administration deserves credit for persistence in a very difficult situation. I agree with Vice President GORE that the concession by Croatia's President Tudjman is "* * * a major step away from war and toward peace."

We have narrowly averted disaster—for the moment. But let us not congratulate ourselves too warmly or prematurely. If we are not careful, this limited and temporary success may breed a high degree of complacency, and blind us to the larger, impending crisis in the Balkans. As always, we seem to be reacting only to the crisis immediately at hand, instead of thinking ahead. While we still have a few weeks or at most 2 months, we had better start preparing for what may happen in Bosnia. Failure to anticipate and prepare now could lead to disaster later on.

We are facing two deadlines. The most urgent deadline of course is the expiration of the U.N. mandate in Croatia on March 31. For the moment the situation in Croatia appears under control, even though the underlying problem that led President Tudjman to request the United Nations departure in the first place has not been solved. That problem is a de facto division of the country. The Krajina region, nearly one-third of the country, is under Serb control. Understandably the Croatian Government does not want to accept a partition that could harden into permanence. Although the continued U.N. presence in Croatia gives us some breathing space, it will not end Serbian domination of the Krajina or guarantee the end of conflict between Croatian forces and the Krajina Serbs. After all, there are plenty of U.N. troops in Bosnia, and they have not prevented fighting between the Bosnian Government and Bosnian Serbs.

The second looming deadline is May 1, the end of the temporary truce and current contact group negotiations in Bosnia. The present negotiations may be the last chance for a peaceful settlement. I hope and pray they are successful, but I fear this contact group effort

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

may prove as fruitless as all the others. Furthermore, May marks the arrival of warm weather and the traditional resumption of military campaigns. If the people of this troubled region once again choose war over peace, we, in the Congress and the administration, are going to be faced with some very difficult choices. We had better start thinking dispassionately about those choices now, and not wait until we are overwhelmed by the passions of the conflict and terrible images of violence.

If a general conflict erupts again across the region, the U.N. peacekeeping mission—UNPROFOR—could find itself in extreme danger. The administration has agreed to provide military assistance, including U.S. combat troops, to help cover the withdrawal of UNPROFOR if it should prove necessary. I have always opposed a general intervention in Bosnia with United States ground forces. But an UNPROFOR withdrawal is an entirely different situation. With the deepest reluctance I will support U.S. participation in a NATO mission to cover the withdrawal of UNPROFOR.

The United States cannot stand idly by if U.N. troops from allied nations find themselves in mortal danger. The damage to U.S. leadership, honor, prestige, and credibility would be beyond calculation. Some will say that honor, prestige, and credibility are only words, empty words; that they are not worth the lives of young Americans who will have to go into the Balkans. It is true that leaders often misuse these words to manipulate public opinion on behalf of questionable causes. But they do have meaning, as "justice" and "liberty" are words that have deep meaning, and are words that we live by. Credibility, prestige, and national honor are still essential components of national security, as they have always been. They are especially important if we are to exercise the moral leadership expected of the world's only superpower.

If we want to remain secure in today's violent and chaotic world, we must never permit any doubts in the minds of friends or enemies that our word is good, or that we can be relied upon to stand with our allies, or that we will keep our commitments. The credibility that comes from demonstrated steadfastness of purpose is a key aspect of deterrence. It is an essential though intangible element of global power and of the necessary relations between states. A great nation cannot remain great very long without it.

Therefore, I will support the participation of U.S. troops in such an operation, but only under certain conditions.

First, it must be a NATO operation, totally under NATO command. Once our troops are committed on the ground and to potential combat, we cannot tolerate the so-called dual-key arrangement between the United Nations and NATO. This violates the most basic principle of sound military operations—unity of command. Unless the dual-key relationship is completely scrapped and replaced with clear lines of command and control under NATO, I will vigorously oppose U.S. participation in the withdrawal.

This unified command authority must be established in advance. All governments with forces involved, and all UNPROFOR officers and NATO commanders at every level, must understand before the operation begins that NATO will be in charge, even in zones where the withdrawal proves peaceful.

Second, the rules of engagement must not place any limitations on the use of force to protect the withdrawal. It must be clear to all parties to the conflict that we will not tolerate any attacks on NATO or on UNPROFOR. Any attack must be met with massive, overwhelming force; and not merely on the attacking forces, but on the offending party's military and logistical capabilities wherever they may be hit.

We must also remember that while the Serbs are the primary aggressors and have committed the most atrocities, none of the parties in this conflict have clean hands. NATO and U.S. ground commanders must be alert to provocations from all sides. They must anticipate and respond appropriately to attacks from one party intended to blame another, and be careful not to retaliate against the wrong party.

Third, the scope and duration of the withdrawal must be limited. I do not advocate a date certain for ending it. It must end promptly when all UNPROFOR and NATO troops are safely out. We must be especially careful not to allow the withdrawal mission to be transformed at some point into peace enforcement or a broadened combat mission that results in a general, prolonged engagement with Serbs, Croats, or Bosnians—as we learned to our great cost in Somalia.

Fourth, we need to make it abundantly clear that a U.S./NATO rescue mission is not a blank check to the United Nations for the future. I believe the United Nations and our allies have been too eager to commit to dubious peace operations. The Bosnian dilemma is a result of such ill-conceived policies. The United States cannot rush to the rescue every time our allies find themselves in a tight corner because they did not consider the consequences of a misguided peace operation in advance, or took our help for granted. Our diplomacy and statecraft must make sure we are not faced with such a terrible choice ever again.

The diplomatic success in Croatia has bought us some time. Let us use it wisely, and make sure the Congress and the administration are working together to face whatever crisis may come in the Balkans. Above all, let us use it to prepare the American people for the possibility that our soldiers may have to go into combat to rescue our allies; and that may not be without risk.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Pursuant to the unanimous-consent agreement, the Senator from North Dakota is recognized for 5 minutes.

Mr. CONRAD. I thank the Chair. I think there was actually 10 minutes provided for me under the order.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 10 minutes.

SOCIAL SECURITY TRUST FUNDS

Mr. CONRAD. Mr. President, on March 10, the columnist Charles Krauthammer had a column in the Washington Post entitled "Social Security Trust Fund Whopper." The gist of his column, which really was an attack on Senator DORGAN and myself for our role in the balanced budget amendment debate, was to suggest that it does not really matter whether you take Social Security trust fund moneys or not.

His argument was, in the first case, that Social Security is a pay-as-you-go system.

Mr. President, Mr. Krauthammer is just flat wrong. Social Security is not a pay-as-you-go system. He must have missed completely the 1983 act, because in that legislation Social Security was taken off a pay-as-you-go system. It was taken off the pay-as-you-go system because there was a general recognition that we had the baby boomer generation coming along, and that if we stayed on pay-as-you-go—and for those who perhaps are not familiar with the language that we use around here with respect to pay-as-you-go, that simply means you raise the amount of money necessary in any one year to fund the benefits in any one year.

In 1983, that was all changed. We took Social Security off pay-as-you-go. We did it for the purpose I earlier described, the purpose of getting ready for the baby boom generation, the time when the number of Social Security eligible people will double in this country. And so in 1983 we set a course of running surpluses in Social Security. The idea was to save that money in preparation for the time when the baby boom generation retires. And for that reason, in the most recent year, we have run a $69 billion surplus in Social Security.

Obviously, if we were pay-as-you-go, there would be no surplus, but there is a surplus and there are continuing surpluses. If those funds are used to balance the operating budget of the Federal Government, then obviously they will not be available when it comes time to pay out benefits to those who have made payments on the promise that they would get benefits when they retire.

Mr. President, the second major error in Mr. Krauthammer's column is he suggests it does not really matter from where you borrow.

It makes a great deal of difference. It makes a difference because Social Security is financed by a dedicated tax, a tax that is levied on employers and employees in this country to fund Social Security. That is a regressive tax. It is a payroll tax. Mr. President, 73 percent of American taxpayers pay more in Social Security taxes than they pay in income taxes. It matters a good deal whether or not one takes those funds and uses them for other Government expenses rather than saving them for the purposes for which they were intended.

The difference it makes, I think, can be most easily explained with a simple example, one perhaps closer to home to Mr. Krauthammer himself. Let us say he works for the Washington Post, gets paid by them, puts part of his money into a retirement account, and the Washington Post falls on hard times. It runs into a situation in which they are losing money. Instead of moving to honestly balance their budget, they go raid the trust funds, the retirement funds of their employees, including Mr. Krauthammer. As we say in our answer yesterday in the Washington Post to his column, then ". . . even [Mr.] Krauthammer might understand the fallacy of looting trust funds to pay [the] operating expenses [of a company.]" Because then he would be directly affected.

Mr. President, I ask unanimous consent to have printed in the RECORD a column Senator DORGAN and I wrote in answer to Mr. Krauthammer, that appeared in the Washington Post of yesterday.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 16, 1995]

UNFAIR LOOTING

(By Byron L. Dorgan and Kent Conrad)

Charles Krauthammer's uninformed defense of an indefensible practice ["Social Security Trust Fund Whopper," op-ed, March 10] demonstrates that is is possible to be a celebrated pundit yet know nothing of the subject about which one is writing.

In attacking us for our position on the balanced-budget amendment, Krauthammer misses the mark by a country mile on two very important points. First, he insists incorrectly that "Social Security is a pay-as-you-go system" that "produces a cash surplus" because "so many boomers are working today." Second, he ignores the fact that Social Security revenues were never meant to pay for expenses incurred in the federal operating budget. Missing both fundamental points undermines the credibility of Krauthammer's conclusions.

Here are the facts:

First, Social Security is not a pay-as-you-go system. If it were, Social Security benefits would exactly equal taxes, and there would be no surpluses. But there are. This year alone Social Security is running a $69 billion surplus.

Apparently, Krauthammer completely missed the 1983 Social Security Reform Act, which removed the system from a pay-as-you-go basis. In 1983 Congress recognized that in order to prepare for the future retirement needs of the baby boom generation, we should raise more money from payroll taxes now than is needed for current Social Security benefits. We did that because when the baby boomers retire, there will not be enough working Americans to cover Social Security benefits on a pay-as-you-go basis. We will need accumulated surpluses to pay these benefits.

Second, Social Security revenue is collected from the paychecks of working men and women in the form of a dedicated Social Security tax, deposited in a trust fund and invested in government securities. This regressive, burdensome tax (almost 73 percent of Americans who pay taxes pay more in social insurance taxes than in income taxes) isn't like other taxes. It has a specific use—retirement—as part of the contract this nation made 60 years ago with working Americans.

Because this tax is dedicated solely for working Americans' future retirement, it shouldn't be used either for balancing the operating budget or masking the size of the budget deficit. Krauthammer not only irresponsibly condones the use of the Social Security surpluses to do these things, he thinks we should enshrine this procedure in our Constitution.

He apparently does so because he doesn't understand the difference between balancing an operating budget and using dishonest accounting gimmicks to hide operating losses. To illustrate the difference and how it works to loot the Social Security trust funds, let's use an example a little closer to home for Krauthammer.

Assume that Krauthammer is paid a lucrative salary by The Washington Post, which puts part of that salary into a company retirement plan. Then let's assume The Washington Post comes upon hard times and starts losing money each year.

Here's where honesty matters. The Post has two choices. It could face up to its problems and move to balance its budget. Or it could follow Krauthammer's prescription and disguise its shortfall by raiding the employees' retirement fund to make it appear that the operating budget is balanced. Of course, the retirement fund would have nothing but IOUs in it when it comes time for Krauthammer to retire. At that point, even Krauthammer might recognize the fallacy of looting trust funds to pay operating expenses.

Absurd? Sure. But the flawed Republican balanced-budget amendment plan would in the same way keep on looting Social Security trust funds to balance the federal operating budget. instead, we should take the honest course and begin the work now to bring our federal operating budget into balance without raiding the Social Security trust funds.

Contrary to Krauthammer's assertion, the only fraudulent point about this issue was his uninformed column.

Mr. CONRAD. I thank the Chair and I thank my colleague from Arizona as well for this time. I appreciate his giving me this time this morning.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I say to my friend from North Dakota, who is still on the floor, I think we have a significant difference of opinion here between himself, his other colleague from North Dakota, and Mr. Krauthammer. I suggest we set up some kind of debate scenario—one of the talk shows or one of the Sunday programs. I think it would be very valuable to the American people to hear both sides. I am sure Mr. Krauthammer would agree to such a scenario and I would be glad to help set it up. Because it is a very important, fundamental issue we are discussing.

I know the Senator from North Dakota and his colleague from North Dakota have very strongly held views on this issue. I think, because the balanced budget amendment will come up again, that it is very important we continue this debate. I yield to the Senator from North Dakota if he would wish to respond.

Mr. CONRAD. Mr. President, I thank the Senator from Arizona. I like that idea. In fact, I think we ought to have a debate about this all over the country. I think it would provide a real education to the American people as how the finances of Government actually work. I think if people understood that we were talking about putting into the Constitution of the United States a policy that would take retirement trust fund moneys and use them to balance the operating budget that they would say that is not a good principle, not a good policy to put in the Constitution.

Senator DORGAN and I both come from financial backgrounds, as the Senator from Arizona knows. It is perhaps for that reason that we are most sensitive to this notion of using trust fund moneys for the operating expenses of the Government or the operating expenses of any institution. If we were in the private sector and anybody stood up and suggested, "I have a plan to balance the budget of this company. I know we have been running deficits. The answer I have come up with is to take the retirement funds and throw them into the pot," that person would be on their way to a Federal facility and it would not be the Congress of the United States. They would be on their way to jail because that is fraud.

I feel very strongly about this question. I think as the American people have a chance to learn more about this question they will conclude that is not the way we want to conduct our business. But that does not take away for one moment from the need to balance the budget. We have an urgent need to do it, whether or not we have a balanced budget amendment. Frankly, I think a balanced budget amendment would help if it was properly crafted. But if we do not have one we still have to get about the business of balancing this budget.

I know that is something the Senator from Arizona believes. I recognize the Senator from Illinois, who is here, who is the moving sponsor of the balanced budget amendment. Nobody is more dedicated, more sincere, or more serious about addressing this problem because he recognizes, as I think the Senator from Arizona does, and as I do, that if we do not do it, if we do not balance the budget, we are going to be in deep trouble in the years ahead. We are heading for a circumstance, according to the Entitlements Commission, where in the year 2012, every nickel of Federal revenue goes for entitlements and the interest on the debt. Obviously we cannot do that.

I yield.

Mr. SIMON. Will my colleague yield?

Mr. MCCAIN. I will be glad to in just one second, as soon as I respond to the Senator from North Dakota, if I might say to my friend from Illinois.

I certainly hope the Senator from North Dakota realizes that we cannot balance the budget even if we had a balanced budget amendment, which I believe we eventually will, without a line-item veto for the President of the United States. I look forward to working with him on this issue.

Since the distinguished Democratic leader is here on the floor, I would like to say to him I saw his remarks on C-SPAN this morning. I appreciate his spirit of willingness to work together. We want to work together with the minority leader. I think the minority leader's statement, the statement of the Senator from South Dakota, that we are in agreement that a line-item veto is necessary, is a very important and helpful statement.

I apologize to him if he feels there has not been enough consultation with his side of the aisle. I intend to engage in that consultation as we shape the so-called substitute which will really be the subject of debate next week. I hope he understands that there were some significant differences on this side of the aisle. My friend from Alaska will articulate those in his usual forceful and persuasive fashion. So I hope he understands we first had to get a significant consensus on this side.

I look forward to working with him as we work toward the goal which he so eloquently stated this morning is important for America and the balanced budget.

Before the distinguished minority leader speaks, I think the Senator from Illinois wanted to make remarks?

Mr. SIMON. Yes, Mr. President, I thank my colleague for yielding.

If I may, this will sound like a politician talking when I say I think Senator CONRAD and Charles Krauthammer each has a very valid point. The point that Senator CONRAD makes that we should be balancing the budget without using the Social Security trust fund to do so I think is a very valid point, and it is a point that he and his colleague, Senator DORGAN, have made very forcefully.

The point Mr. Krauthammer makes is that the great threat to Social Security is debt, because we are headed toward monetizing our debt and devaluing our dollar. We are headed down the Mexican route right now. The only way I see of stopping that is the balanced budget amendment.

So, what I favor is passing that balanced budget amendment. I hope, somehow, we can get some statutory modifications that can satisfy some who, like Senator CONRAD, are very genuinely sincerely concerned about the Social Security trust funds and protecting them. His point is valid. The Krauthammer point, that the real threat to Social Security is debt, is also a very valid point.

I thank my colleague from Arizona for yielding.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is controlling timing.

Mr. MCCAIN. Mr. President, I congratulate the Senator from Illinois for his usual excellent standard of understanding both points of view. That is one of the reasons he has been so helpful in many an issue around here.

I would say to the Senator from North Dakota, if I may, we are on the line-item veto. I know the minority leader is here and the Senator from Alaska has been waiting to speak.

Mr. CONRAD. Mr. President, I just ask for 30 seconds to make an observation?

Mr. MCCAIN. Sure. I yield to the Senator from North Dakota.

Mr. CONRAD. Mr. President, I just wanted to say in response to the Senator from Illinois, I believe Krauthammer is partially right. Debt is a significant threat to Social Security. But there is a second threat. The second threat is raiding the trust funds to cover operating expenses.

Just as a financial principle, I do not think we want to put in the Constitution that taking trust fund money to pay for operating expenses is the right way to go.

I agree completely with the Senator from Illinois on the debt being a significant threat to Social Security as it is to the economic future of our country. That is the underlying problem that fundamentally we must address and I think we have an obligation, especially when we talk about the Constitution of the United States, to do it in an honest way.

Mr. SIMON. Will my colleague yield for 1 minute?

Mr. MCCAIN. If my friend from Illinois will promise me that will be the end of this debate on the balanced budget amendment, I will yield.

Mr. SIMON. I promise.

Mr. President, let me say to my friend from North Dakota that the balanced budget amendment does not get into all kinds of details. The balanced budget amendment does not change one iota from the way we handle the trust funds right now. It does not change our present practice. I favor statutorily changing it. I agree with Mr. Krauthammer that the great threat to Social Security is debt. I think any real analysis has to come to that conclusion. But I favor statutory protection along the lines that Senator CONRAD suggested.

Mr. MCCAIN. Mr. President, what is the parliamentary situation as far as the division of time remaining is concerned?

The PRESIDING OFFICER. The Chair advises the Senator from Arizona that he has 2 hours and 2 minutes under his control and the Senator from South Dakota has 2 hours and 28 minutes under his control.

Mr. MCCAIN. Mr. President, the distinguished Democratic leader has kindly consented to allow Senator STEVENS, who has been on the floor, to speak before him. I would like to yield such time as he may consume to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the Senator from Arizona. I reiterate to my good friend, the minority leader, that I would be pleased to recognize his right to the floor if he wishes to take it. I will be happy to defer to the leader, if he wants to proceed. Very well. Thank you very much. I also thank, Mr. President, my friend from Arizona.

Mr. President, next week the Senate will proceed to legislation to give the President a line-item veto over any item that is in an appropriations measure. I think the Senator from Arizona and the Senator from Indiana, as I said last night, deserve a great deal of credit for pressing forward on this matter.

In the last Congress I voted twice for a sense-of-the-Senate resolution that would support the concept of a line-item veto. If a cloture vote is needed to proceed to this bill, I intend to vote for cloture on the motion so that the bill may be considered on the floor. It is my hope—I have been expressing that hope rather forcefully, as the Senator from Arizona has indicated, in conferences we have had on the bill—that the bill will be amended to include the other major forms of spending of our taxpayers' money: first, entitlements, and, second, targeted tax benefits. Those two forms of spending, as well as appropriations, I think lead at times to items that could be, and should be, eliminated by the President with a line-item veto.

I intend to vote for cloture on the bill and for the bill itself if it is amended so that it covers the full realm of

Federal spending. I think we have to be serious about giving the President new tools to cut the deficit. As a matter of fact, during this very critical period of our history, I think the President should have a series of tools so that he cannot put the blame on Congress for an increase in the deficit as we have seen in the past.

By expanding this bill to allow the President to veto provisions in authorizing bills that create new entitlements and to delete revenue measures that might give a tax break to individuals or special groups, I think we will give the President the ability to stop some of the red ink that has poured money out of the Treasury through otherwise hidden provisions.

According to the President's budget request for 1996, discretionary defense, international, and domestic spending will account for 34 percent of the budget. Direct spending through entitlements like Medicare, food stamps, Social Security, other mandatory spending programs, will account for 50 percent of the budget. Interest on the debt will be about 16 percent of the budget. If this bill is not expanded to allow the President to veto new entitlement programs or additions to existing direct spending programs, the new tools would be limited, and about 50 percent of the total spending would be put off limits. I have in the past tried to bring about changes so that these line-item veto bills would include all areas of spending. I am hopeful that we are coming close to that now.

If you look at the income tax area, both personal and corporate, that accounts for about 49 percent of the projected revenue base for the next year, 1996. Excise taxes account for 7 percent. Social Security income and the borrowing account for the remainder of the Federal revenue stream. But each time Congress provides a special break for some individual or corporation through a transition rule or target tax provision, it effectively reduces revenue and, therefore, increases the deficit.

I believe the President ought to be able to veto special tax breaks just like the so-called pork that may be included in the appropriations bills.

I would like to point out for the record, however, Mr. President, that the Appropriations Committees of the House and Senate have not once in the last 10 years increased spending through what we call reprioritization or what some Members and the press call pork. As an appropriator now for over 25 years, I believe what appropriators have done in most instances is reorder the spending priorities of the President. The President sends up his budget, and we have changed it in many ways. That is what I think our constituents elected us to Congress to do—to represent their view in what priorities should be for Federal spending.

When Congress decides to spend money for theater missile defense to protect the United States against terrorist attack rather than spend the same money for peacekeeping in Somalia or Bosnia, or to spend money to provide access to parks or increase cancer research instead of spending money for housing for Park Service employees or to research different types of infections, some call it pork. Again, I call it reprioritization. When we reprioritize these budget items, that does not increase Federal spending. But they may be the subject of concern for some people.

I agree that some of the reprioritizations are a concern. If we are going to give the President a line-item veto, the President should have a line-item veto over such changes. All I have asked is that the President also have authority over the full spectrum of how the Congress spends taxpayers' money.

Congress has historically given the President less money to spend than he has asked for. We are talking now about annual appropriations bills. Those of us who are on those committees are accused of pork barrel politics when we reorder the priorities of the President. If a person would look at article I, section 8 of the Constitution, I think it is plain that is what Congress was supposed to do. That is our job. The Constitution gave Congress the power to pay the debts and provide for the common defense and the general welfare of the United States. I believe that says Congress should set the priorities of where we put the taxpayers' money. And in the final analysis, the President can agree or disagree by vetoing the whole bill.

If we need to strengthen the President's ability to selectively disagree, through a line-item veto, so be it. But I think it should be across the board.

We in Congress also set priorities through tax breaks and direct spending. One only needs to look at the highway bill to see what direct spending can do. In one bill alone, over $6 billion was earmarked for demonstration projects throughout the country. Those projects could not be changed by the President. He had only the opportunity to agree or disagree with the overall highway bill. To be fair, I think we ought to give the President the power to really do something about that bill also, and I hope that the bill we finally vote on will include all forms of congressional spending: appropriations, entitlements, and other mandatory spending, and targeted tax breaks.

Congress has under the Constitution a balance with the President. We write the policy. The President carries it out. But to keep the President from being a simple servant of the Congress, to really give him independence, the Constitution gave the President the power to veto congressional legislation. Now, I agree that in many ways that power has been limited because there are times when Congress wraps up in a bill things a President might delete if he had the same power as the Governors normally have in our States, the power of the line-item veto.

It does seem to me that what we need to do is recognize there has been a change, not only in terms of passage of time but in terms of the size of the problems we face, for both the Congress and the President. Given the current deficit, it is clear that the balance established by the Constitution has not worked as well as it was intended. Extraordinary measures, extraordinary tools, are needed to control Federal spending.

For that reason, I am willing to support a trial period of giving the President additional veto authority. I only ask that authority apply to all forms of Federal spending. And I ask the Senate: What good would it do to give the President the power to veto individual items in appropriations bills alone when they affect only 34 percent of Federal spending? And I believe the record will show Congress only changes about 10 percent of the items the President sends up in any given year.

The President, in my opinion, could veto all discretionary spending, defense included, and still not balance the budget. Giving the President the power, therefore, to have a line-item veto over that 34 percent will not really contribute in the long run very much to controlling the deficit.

But, Mr. President, I really speak for fairness. I represent a very large State with a very small population. There are only three of us here representing Alaska in the Congress. California has 54 people, I believe, to represent the large population there in California. And those people not only say more when the President is elected, but they say more in terms of the votes in the House.

I think the Constitution recognized that difficulty and, through the establishment of the Senate, gave small population States a real voice in the outcome of the deliberations of the Congress. The Constitution also imposed checks and balances between the President and the Congress to prevent the abuse of authority.

If you want to look at the difference between the proposed bill and the amendment I hope to see included, I believe tax breaks and entitlements are very important to large States, much more so than small States. We are very rarely, really, impacted by targeted tax expenditures or by entitlement legislation. Small States such as mine depend upon the priorities Congress sets on the use of discretionary spending through the appropriations process.

Look at the Coast Guard; look at the FAA; look at the Department of the Interior accounts; look at the Housing and Urban Development wastewater treatment accounts. We are very much affected by those controllable expenditures. All we ask is for a right to help determine what the priorities should be on the amount that Congress and the President agree to spend in those areas.

I cannot remember increasing an account to reprioritize funds for Alaska. Congress, if it gives the President a line-item veto on only the 34 percent that is discretionary spending, would end up by affecting the people in small States that rely upon that discretionary spending. Entitlement accounts, such as the highway account with its demonstration programs, as I just mentioned, affect very large population States. I do not remember a congressionally created highway demonstration project in my State. But I do recall a great many reprioritized discretionary spending accounts that have affected my State.

I remember—and I have a memo on this—there was a period of years where the Park Service had requested additional money for housing for their people in Alaska. In 1993, the National Park Service requested $4.65 million and we fully funded that request. In 1994, the Park Service requested another $6.377 million for housing for its personnel in Alaska. We fully funded that request. In 1995, the Park Service requested $7.023 million for 1995 for additional housing in Alaska. For the third year in a row the Park Service was seeking a multimillion-dollar account.

At my request, Congress reduced that account in the third year to $800,000 and shifted $6.2 million to other programs in Alaska run by agencies within the Department of the Interior. In most instances, they were moneys that the agencies had requested but had been stripped out by the Office of Management and Budget in the budgeting process.

At my request the Congress agreed to reprioritize that money to increase funding for the cadastral survey program. With the largest amount of Federal lands in the country, we are surveying out the lands that have been ordered by Congress to be given to the Alaska Natives in our State, or to our State itself, and that account is falling way behind. It will be 2050 before our land is surveyed at the spending current rate.

I believe the Appropriations Committees have a right to recommend that Congress reprioritize some of these accounts, and to ask others to join us in doing so. We do not do that alone. Any Member can come to the floor and oppose any of those reprioritizations and I think they should if they disagree.

I do believe that there are many who share my views that the bill should be expanded. I am not going to name them here, because I think that would be unfair. I think they should speak for themselves.

I am not talking about expanding anything other than the scope of the line-item veto and, in my mind, moving it to a consensus where there will include all appropriations bills, all new entitlements or direct spending, and all targeted tax benefits and targeted tax rates. When that consensus comes along, I think you will see the same group of people who voted overwhelmingly for the Cohen sense-of-the-Senate resolution last year, and likewise the same group of people who voted for the Bradley-Hollings sense-of-the-Senate resolution last year, also.

I think it is time to give the President more power to help us control Federal spending. If we amend this bill to allow the veto on any form of Federal spending, then I intend to support the bill and fight for its enactment. As I said, at this time, I intend to vote for cloture on the motion to proceed, if such a vote is needed, to give us the chance to do that.

And I really do hope and pray I will be able to vote for the final bill. I think we all need new tools to reduce this deficit.

Mr. President, in closing—and I think I have taken more time than I should—I am hopeful that all Members of Congress will look to the tremendous task that faces us this fall when we may be forced to increase the debt ceiling. We already have a debt ceiling of $4.9 trillion. It is my information that the national debt is bouncing up toward that limit now. I do not believe the people of this Nation will accept lifting that debt ceiling to $5 trillion or above unless they are convinced that we are doing everything we can to create the new tools and the new attitudes that are necessary to reduce the deficit and ultimately, hopefully, reduce the debt.

I am the father of six children and I now have seven grandchildren. I hope to have many more. And I hope to be able, while I am still in the Senate, to help take action to reduce this debt and reduce the burdens that will be on our children and grandchildren if we do not.

Mr. President, again, in closing, I want to thank my friend from Arizona. He is right about one thing. I think he is as much of a fighter for what he believes in as I am for what I believe in.

You know, gladiators sometimes contact and almost, apparently, wound one another, and yet can walk off the floor and be good friends. I hope my friend realizes that.

I intend to keep fighting for what I believe and I am sure he will, too.

Thank you very much, Mr. President.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, first of all, I wish to thank the Senator from Alaska for not only the friendship that he has displayed to me in his efforts on behalf of the people of Alaska, but also the people of my State.

I know of no one who has fought harder for his State, and I know of no one who has served as long and as honorably in this body as the Senator from Alaska has. I am especially gratified to note that the Senator from Alaska is willing and has shown an extreme willingness during some very difficult debate on this issue to compromise, to see the other viewpoint and, frankly, to make some changes that are difficult for him, given his strictly held beliefs and his unique position as representative of the largest State in America geographically, but one of the smallest as far as population is concerned. He has a special obligation due to lack of representation in the other body.

I believe that he has contributed enormously as ranking member and chairman of the Defense Subcommittee to this Nation's national security, a debt that future generations will owe him. I appreciate the spirit of comity with which we are addressing this issue. I know there will be issues in the future in which the Senator from Alaska and I will seriously disagree, but we will do so in a spirit of respect.

I thank the Senator from Alaska for his statement this morning on this issue. I know he will be involved as we take up the substance of the bill in the future.

Mr. COATS. Mr. President, will the Senator from Arizona yield?

Mr. McCAIN. Mr. President, I yield.

Mr. COATS. I would like to gather the attention of the Senator from Alaska for just a moment, if I could. I want to second the comments of my colleague from Arizona relative to the Senator from Alaska.

One of the tests I used to judge the character of individuals that I serve with is what I call the foxhole test. If I am in a foxhole surrounded by the enemy and the situation is desperate, who would I want there back by my side?

I know of no individuals that are as tenacious, and who I would rather have by my side in a desperate situation, than the Senator from Arizona and the Senator from Alaska. I respect them both, even when they differ. I respect their tenacity. I respect the strength of their convictions.

I just want to say to the Senator from Alaska that he has made an enormous contribution to this effort which we are undertaking. It was the Senator from Alaska's perseverance on the issue of the standard, the reach of the line-item veto to include not only discretionary domestic spending, which the Senator has labored mightily to restrain and to be responsible, but to extend that reach to other accounts.

It is solely on the basis of that Senator's persistence that we opened up the discussion again. We are now in the process, and I think very, very close, to crafting an even better and more effective bill.

I very much appreciate the efforts of the Senator from Alaska, his spirit in which he pursued the issue and then his spirit in working with Members to define the issue. I think we will have a stronger proposal shortly before the Senate, and a great deal of credit goes to the Senator from Alaska. I thank him.

Mr. McCAIN. Mr. President, may I also add it has enlivened some otherwise dull and dreary meetings the Senator and I have been attending.

I know that the distinguished minority leader is coming to the floor for his statement, unless the Senator from Illinois wishes to speak.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I yield myself such time as I will consume.

Mr. President, I sympathize a great deal with the remarks of Senator STEVENS. I want to have a line-item veto that I can vote for.

I also agree with Senator STEVENS that we ought to be looking not only at appropriations, we ought to be looking at tax breaks. I personally would like to give the President, in theory what I would like to do is maintain a good balance of power. But there are constitutional problems with doing that.

I, in theory, would like to give the President authority to have a line-item veto or to reduce an appropriation, and that it would take a specific vote of a majority of the House and a majority of the Senate to override that. That forces a vote on our part. That way we cannot have some of these abuses that we hear about.

But I think probably more significantly, the ability to reduce an appropriation would save more dollars, frankly, than just the ability to line-item veto something. Senator STEVENS is correct. The majority of years Presidents request more money than we appropriate. The American public would be surprised to learn that. Six of the eight Reagan years, for example, the President requested more money than we appropriated. So Congress has been responsible in this area. The President ought to be able to force a vote on some of these things.

A very practical problem we faced in Illinois, the State library made a technical error and Illinois libraries were going to lose $11 million in Federal funds. I looked around for a bill I knew the President would sign, and I tacked that on.

Now, what I favor is a system where if the President did not approve that, he could force Members to vote. Frankly, if I cannot get 51 Members of the Senate or a majority in the House to support it, it should not pass. I think that is the direction that we ought to go.

The difficulty with that is, apparently to do that statutorily, we run into a constitutional impediment. That is why my former colleague from Illinois, Senator Dixon, and I, had a constitutional amendment which would have made that possible. I still favor that idea. The difficulty with the proposal by my colleagues, Senator BRADLEY and Senator HOLLINGS, of having separate bills for every item is, first, it will be a lot of paperwork; second, it does not deal with the problem of reductions in appropriations; third, Congress is going to be very creative and we will lump sum a lot of things together so we do not have as many lines in all that. I hope we can get something worked out.

Senator STEVENS is correct, also, in saying the total amount saved is not going to be large. My guess is if we get something that is worked out, we will be fortunate if we save $5 or $6 billion a year. That is no small amount, but with a $200 billion deficit, that is nowhere near the kind of money that we need. That is why we need the balanced budget amendment so we look more comprehensively.

I hope again, Mr. President, we can work something out. I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I am pleased to have this opportunity to speak on behalf of the line-item veto.

Most Members—as a matter of fact, 66 of the Members of this body—were willing to express a strong preference for a balanced budget amendment just a few weeks ago. Someday, we will get the 67th Member and have a balanced budget amendment. It is because the American people overwhelmingly endorse the concept of a balanced budget that I rise today to discuss extending the line-item veto authority to the President.

The truth is that a balanced budget amendment is a statement of an aspiration or a goal. It is an objective. The line-item veto, however, is something different. It is one of the ways that we can achieve the aforementioned goal. It is the mechanism by which we achieve that end.

The line-item veto then is a tool which will allow us to achieve a goal, and the goal is fiscal integrity. Fiscal integrity is very important. As a matter of fact, the dramatic events that followed our vote on the balanced budget amendment, as it related to the value of the dollar, demonstrate that the world understands the importance of fiscal integrity. When the U.S. Senate failed to pass the balanced budget amendment, the value of the dollar on international markets plummeted. We need to put our fiscal house in order. One important way to do that is to put the line-item veto in the hands of the President of the United States.

The line-item veto, then, is a tool. It gives the President the authority to do what needs to be done to knock those items out of the budget that we simply do not have the resources to afford. Of course, along with any authority goes responsibility. If we give this authority to the President of the United States, we should call upon him to exercise that authority and if, in fact, he does not exercise that authority, then the people can hold him accountable.

Too much of our problem in the budgetary universe right now is finger pointing. The President points to the Congress and says, "They appropriated it, and I couldn't veto part of it. I had to take all or none of it, so I took it all." So the President does not accept responsibility. Then, the Congress says to the President, "Well, you signed the budget; it's your fault."

We need to endow the President of the United States with both the authority and the responsibility to knock things out of the budget which we simply cannot afford understanding our present resources.

Mr. President, one of the reasons I speak with so much confidence about the line-item veto is that I spent 8 years as Governor of the State of Missouri. There, we had both the goal and the aspiration of a balanced budget because our State constitution requires it. These, then, were the tools that made it possible for the Governor to implement and achieve his goal.

Having this authority meant that it was my responsibility to look at our budget and to eliminate those things which we could not afford, to defer those things which we could not afford. I guess I want you to know that I believe that frequently legislators and governmental officials have aspirations and eyes that are bigger than their resources. When I was a boy, my mom used to say to me, "Your eyes are bigger than your stomach. You are loading up your plate and you are not going to be able to finish the meal." The truth of the matter is, when we load up our plate with more spending than we have resources to pay for them, somebody ought to be able to take that back off our plate or else we are placing ourselves, or by extension the Nation, in serious jeopardy. Not only as a military power, but as a financial power; not only as intellectual leaders, but as leaders in terms of fiscal integrity.

Mr. President, our eyes have been bigger than our pocketbooks, and we need to give the President the right to take some of the stuff off our congressional plate. During my 8 years as Governor, we did just that. We had to knock things off the plate. I remember having to veto special services to prisoners, not because the services to the prisoners were particularly bad. I had to veto those items because we could not afford them. I remember when the general assembly wanted to increase funding for the State fair to elevate our capacity to showcase the wonderful hand crafts and industrial and agricultural products of our State. But I had to say, "Well, that would be a great thing to do and I understand how much you considered that and how important that was, but I had to draw a line through that item because we couldn't afford it."

One of Missouri's biggest industries is tourism, especially with the advent of Branson, the new country music capital of the world. We wanted to promote tourism in the State. We wanted to welcome people aggressively when they came to Missouri.

I remember being a part of a number of those programs. I remember going to a tourist information center and washing cars for tourists one day to show them how important we thought they were in coming to the State of Missouri. But when a couple of tourist information centers showed up on the budget that we did not have the money for, I regrettably had to draw the line through those things. It was not a matter of saying those things were not good. It was not a matter of saying the legislature did not have the right motivation. It was a matter of exercising the fiscal discipline necessary to balance the budget.

It was not popular when I looked at the budget one year, and we were not having a good year—the legislature passed a substantial increase in the salaries of State employees. They worked hard and I respected them. I said, "We simply can't make those increased salaries due to insuffiсent funds. I have to exercise the line-item veto." The point is that there are times when you simply want things, but you have inadequate resources with which to pay for them.

Mr. President, these efforts on behalf of the American taxpayer are not unique to me. Forty-three States give their Governor the authority and responsibility of the line-item veto. Forty-three different Governors do it. It is something that is expected. It is done successfully.

Mr. President, every kitchen table in America has a line-item veto. I have a chart which illustrates what happens with ordinary families. They sit down and figure out what they would like to have, and then calculate whether or not they have the money and resources to do. The things you can afford to do, you do; and the things you cannot afford to do, you eliminate. In short, you set priorities.

You know you are going to pay your rent. But if things are not going too well, the trip to Disney World is probably a candidate for the line-item veto. When you say you cannot afford the trip to Disney World, that is not necessarily indicating that it is bad to go to Disney World. You are simply indicating that financial considerations may find you at an out-state park, instead of Orlando.

Mr. President, you are also going to have to pay the taxes. You would like to have the retirement fund, but you might not commit as many funds. The new car probably gets cut. Cable television may lose the premium channels. Boy, it would be hard to cut off ESPN's analysis of "March Madness."

In the end, you have to set priorities. The average kitchen table in America does it; 43 Governors do it; why shouldn't the U.S. Congress give the President the authority to do it?

Now, Mr. President, there are some things that are far less worthy than the things I just listed. Some of the things that wind up in the Federal budget are nothing more, nor less, than people simply allocating resources to favored interests in their own State. That is what people outside the beltway call pork; and that is what the President of the United States should have the authority to eliminate.

One of the reasons this out-of-control spending must stop is that we have a $4.5 trillion debt; $4.5 trillion is a lot of money, but it is somewhat hard to comprehend. But simply put, it is almost $18,000 of debt for every man, woman, and child in America. Consequently, for a family of four—if my mathematics are correct—their share of the Federal debt amounts to $72,000.

Of course, the average family would probably have a real problem considering any new spending if they were forced to labor under an extra $72,000 of debt that had to be paid off. One of the problems with this amount of debt is that it adds yet another big expense that is not listed on this table—and that is interest.

Now, Mr. President, if your household's interest payments get to be quite large, they impair you from being able to do the things you would otherwise want to do. In the United States, our $4.5 trillion Federal debt is requiring the Government to spend money on interest instead of the other essential services and programs the American people have indicated they want. Things which are as essential to Government as braces would be for a child, or maintenance and repairs would be to a house, or a retirement fund would be to a person's future.

Mr. President, there has been a great deal of talk about Social Security on the floor of the Senate. However, the biggest single threat to Social Security is the national debt which is consuming our ability to pay for the things we really need. And if the national debt continues to increase, our corporate retirement fund in America—Social Security—is going to be impaired. Not because we do not have some language in a law, but because we have spent our—and the next generation's resources—recklessly.

It is with that in mind that I rise to support the concept of the line-item veto. It is a needed tool in the hands of those that the American people call upon to manage our Government responsibly. We must again establish fiscal integrity in the public sector. We must show this Nation and others that our Government can be responsible.

I thank the Chair.

Mr. McCAIN. Will the Senator yield for a question?

Mr. ASHCROFT. Yes.

Mr. McCAIN. I wish to thank the Senator. He brings credibility to this debate, having served as Governor of a large and very important State.

One of the arguments that is used and will be used in the Chamber against the line-item veto is that the President of the United States will somehow use the line-item veto to coerce and blackmail individual Members of the Legislature into doing things that they otherwise would not do, in fact even alleged in violation of their principles. I do not want the Senator to take too long because there are many questions, but that is one of the most often used arguments against using the line-item veto. I wonder if the Senator from Missouri would give an answer on that particular aspect of the line-item veto.

Mr. ASHCROFT. I thank the Senator from Arizona for posing the question.

Let me just go to the bank of experience—which is the best teacher. We have 43 States with the line-item veto, and if the kind of abuse the Senator describes were really available to a person wielding the power of a line-item veto, I would expect to know of at least one State where someone was seeking to repeal the line-item veto. If it were subject of great abuse—and was subject to such tremendous arbitrary and capricious misuse, or even political retribution or punishment—you would think there would be an outcry across the country among the States that have it now.

But, it is because the way the line-item veto is working in the States that have it now which is in turn making the Nation want it. Citizens across the country see how it works well in their home State. So the Governors, I do not think, have been labeled as having abused their power under the line-item veto.

Let me point out why I think it is true that the Governors do not abuse the power, Mr. President. It is because no State Governor—and no President of the United States—can put a single dollar into the Government's budget. Most State constitutions—and that of the United States of America—require that revenue measures commence in the House of Representatives or its equivalent in the legislative branch.

The President or a Governor will have projects that he knows are important to him and that he will want to be included in the budget. But the President knows if he operates arbitrarily and capriciously with the legislative branch, then he cannot rely on the legislative branch to include his projects and priorities. When there is that kind of mutuality of reliance to get good projects done, neither of the parties in the process can afford to be capricious, arbitrary, or unreasonable in the way they handle their responsibilities.

I emphasize that Presidents have legislative packages they think need to be undertaken. They cannot pass them or enact them themselves. They require individuals in the legislative branch to do that for them. If Presidents were to abuse the legislative branch by arbitrarily or capriciously wielding the line-item veto, there would be more recourse than they would want to endure emanating from the legislative branch.

So let me note two things, Mr. President. In theory, there is really no sound basis for the argument that there would be abuse of the line-item veto by the President. But second, we do not have to rely on theory alone. We can look to the real life example of about 43 States where the line-item veto is successfully used by the executive over and over again, and where there is real negotiation between parties of fragmented political power—meaning the legislature and the executive branches of Government. Neither have power to do everything themselves—they must negotiate between them—and those negotiations result in government being carried on.

The key difference between the States, where you have the line-item veto, and the Federal Government, where you do not have the line-item veto—and there is one key difference, Mr. President—is that we now have balanced budgets in the States. We do not have a balanced budget in the Federal Government.

So I do not fear an inappropriate use of the line-item veto by the President. If he were to use it inappropriately, I think the legislative branch would say to him "you are not going to have our cooperation when you need it because you have acted inappropriately."

Of course, there is an ultimate arbiter of the conduct of the President of the United States: That is the American people. If they saw the President of the United States abusing his power in such a manner, he would not be President for long.

Mr. MCCAIN. Mr. President, I thank my friend from Missouri for an eloquent statement, not only on that particular aspect of the issue but on the entire line-item veto.

I do not know of anyone who brings more credibility to this debate than a person who has had his most recent experience as Governor of a State that is doing very well and, I might add, to state the obvious, has its budget balanced and, I might add, was running surpluses for the 10 years under the Governor, which Senator ASHCROFT was.

May I ask the time remaining on both sides?

The PRESIDING OFFICER. The Senator from Arizona controls 1 hour and 15 minutes.

Mr. MCCAIN. And the other side?

The PRESIDING OFFICER. The Democratic side controls 2 hours and 24 minutes.

Mr. MCCAIN. Mr. President, we do not want to end up in a situation this afternoon where all time on this side has been used and none of the other side. I do have speakers who wish to speak, but at this time, until we get more balance in the time remaining, I suggest the absence of a quorum, understanding the time will be taken from both sides during the quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I understand we are under a time agreement. I ask unanimous consent to be recognized for whatever time I may consume.

The PRESIDING OFFICER. The Senator has that right.

Mr. DORGAN. Mr. President, I noticed some snickers at the chart I brought to the floor today, which is surprising to me because the chart is a color chart and I think you will find it an interesting chart.

I have been listening this morning to the discussion on the floor of the Senate about a column that was written by Mr. Krauthammer in the Washington Post. My colleague from North Dakota, Senator CONRAD, came in discussed it a bit today and discussed the response that appeared in the Washington Post yesterday to that column. I have also heard some discussion this morning about the line-item veto. I wanted to try to discuss both of them, and do so in a manner that relates to the two of them.

One of the things that I think is important, as we addressed what we know to be the critical issues facing our country, is that we do so in a straightforward way and honest way, and when we talk about fiscal policy and budgeting, and Federal spending deficits. It seems to me that there seems to be a lot of discussion that is not quite square or right on the mark. Carpenters call it a half bubble off plumb. When you hear some of the things that are discussed around here, you kind of wonder how all that adds up.

I thought maybe I would bring a chart to describe the discussion I have heard on the floor the last several weeks and in the Krauthammer column in the Washington Post to describe how it does not add up.

Let me just recreate the circumstances of the discussion with respect to balancing the Federal budget, and with respect to the protection of the sanctity of the Social Security trust funds. We had on the floor of the Senate a proposal to change the Constitution of the United States to require a balanced budget. Of course, everyone understands that will not have changed the Federal deficits. If we amended the Constitution 1 minute from now requiring a balanced budget, we would still have the same budget deficit then as we have now because the only way to reduce the Federal budget deficit is to make individual decisions about taxing and spending. That is the only way the budget can be brought into balance.

There is, I think, no disagreement among Members of the Senate about the value of balancing the budget. There are certain virtues it seems to me in life that are timeless truths, and one of them is you cannot continue to spend more than you have. Our Federal Government is at a fiscal policy that spends more than it has. The result is it charges in the form of Federal deficits these deficits and debts to its kids and grandkids.

A proposition was brought to the floor of the Senate to amend the Constitution, as I said. The way the proposition was written, it was that all expenditures and all receipts are counted for the purpose of whether the budget was brought into balance. Senator CONRAD, I, and some others raised some questions about that because we felt that was in conflict with another legislative goal that we had established beginning in 1983, over 10 years ago. We wanted to save in the Social Security trust fund by accumulating surpluses so that we would have money in surplus after the turn of the century when the baby boomers retired.

The result was, for example, in this year by a determined policy as a result of something we had previously decided, we would have a surplus of $69 billion in this year alone in the Social Security account. Why? Because when the America's biggest baby crop retires, when the war babies retire, after the turn of the century—we are going to have some problems in the Social Security account. We decided to save for that time. We decided to raise more revenue from Social Security, more dedicated taxes than we need now, put it in a trust fund, and save it. Therefore, this year, $69 billion more than is necessary to expend Social Security will be raised, and that will be put in a trust fund.

It is raised as a dedicated tax from paychecks of American workers and the businesses who employ them. That dedicated tax goes from the paychecks into a trust fund. It is not a tax that is collected from workers in this country to pay for defense, to pay for foreign aid, to pay for roads, to pay for schools. It is not a tax for that. It is a dedicated tax to be used only for one purpose: To put in a Social Security trust fund because we are going to need that money.

Those who defended a constitutional amendment to balance the budget said we have no intention of taking the money out of the Social Security trust funds. They announced that they had no intention of using those Social Security trust funds or raiding or looting the Social Security trust funds.

They repeated that time after time on the floor of the Senate. And then of course, we got into some discussion off the floor of the Senate and the same people who said we have no intention of using those Social Security trust funds to balance the budget said to us, "Look, fellas, let's all be honest about this. We can't balance the Federal budget without using the Social Security trust funds."

And in the room behind me about 10 feet away, we were presented with a sheet of paper, handwritten by the proponents of the constitutional amendment, something that said we will stop using the Social Security trust funds to balance the budget in the year 2012. A subsequent proposal was, we will stop using the Social Security trust funds in the year 2010. And, finally, we will stop in the year 2008. Thirteen years from now, we will stop doing something we proclaim we had no intention of doing.

Well, I figured that, because it is hard to explain, maybe I could take just the year 2002, which was the year in which the budget is to be in balance either by the constitutional requirement that would have been imposed had that amendment passed or by statute if we pass a statute. In the year 2002, the budget is to be in balance.

In that year, alone, just for that year, we have decided that we would accrue a surplus or accumulate a surplus in Social Security, and it is estimated that the surplus will be $111 billion, because we are going to need that money later. So we put some savings away in Social Security and we are going to use it later. That is the year 2002.

With the constitutional amendment to balance the budget, all expenditures and all receipts would be included, which means that $111 billion in the year 2002 would then be included in the receipts. So what you had was a Hobson's choice in the year 2002. Look at this chart. Either you say you had a balanced Federal budget, which would be this—we have in the year 2002, under this seesaw accounting approach, we have a zero balance. In other words, we have eliminated the Federal deficit.

But, of course, what you have done is, rather than have the $111 billion surplus in the Social Security account, you have taken that $111 billion and used it here to get to zero. Or, if you say no, we have no intention of using that—our position, incidentally, is that cannot be used and should not be used.

If you do not use that money in the year 2002 what happens? You do not have a zero budget balance. It is a fraud to say you have balanced the budget. You have a $111 billion deficit. Yes, you do have the $111 billion surplus in Social Security. That is the surplus that you promised people who paid the tax in would exist. But you now have a $111 billion operating budget deficit.

The constitutional amendment which would have required this kind of accounting would have done one of two things. It would have either used this, the Social Security surplus, to balance the operating budget deficit, which means that the surplus effectively does not exist, so you have broken a promise to workers and to retired people; or, you would have retained the promise of the surplus and not balanced the budget. You cannot do it both ways.

You know, Mr. Krauthammer and others might have gone to a different school than we did, but double-entry accounting does not mean you can use the same money twice. In some cases, there are criminal sanctions for that. That is not what double-entry accounting means. You cannot say, yes, we have savings and, yes, we are using that over here to show a balanced budget. That is not honest accounting. That is dishonest budgeting and everybody knows it.

And that is the point that the Senator from North Dakota, Senator CONRAD, was making and it is a point I wanted to make. And I think is a point probably best made using a seesaw accounting illustration here to demonstrate that you cannot have it both ways. You cannot use a tenth of $1 trillion in two different accounts at the same time.

LINE-ITEM VETO

Mr. President, I also wanted to talk about the next debate we will have, which will be on the line-item veto. The line-item veto is an important issue and I believe the Senate will pass the line-item veto and I will support line-item veto legislation.

I listen to the discussion on the floor of the Senate about the line-item veto. Once again, its proponents are overselling it. There is some notion that if there were a line-item veto in place today, we would not have a problem with the budget deficit.

I happen to think we ought to have a line-item veto, because I think it is good public policy. But frankly, I do not think it will make much of a difference at all with respect to the budget deficit. The line item veto in S.4 would apply to appropriations. But the fact is that we have capped appropriations, by law, and they are therefore not growing very much. This budget deficit is driven by increases in entitlement spending, especially health care price increases, that are not voted on. They are entitlements whose costs ratchet up every single year in dramatic ways.

I heard a previous speaker say, you know, the Congress comes here and spends all this extra money. Well, what happens is, the health care accounts in Medicaid and Medicare are exploding on us, skyrocketing. There is not even a vote on those increases. Those are entitlements. The increases are automatic. We simply pay the bill for Medicare for those that are entitled.

When doctors charge more, hospitals charge more, when technology increases and you have breathtaking new capabilities of saving lives and when, in some months, 200,000 new Americans become eligible for Medicare, you can see what is happening to those accounts in the Federal budget. They are rising substantially, and nobody casts a vote on whether to do it or not.

Until and unless we get a handle on the skyrocketing health care costs, we are not going to be able to solve this gripping Federal deficit problem. So we must do both. We must solve the deficit problem and we must do it, in part, by getting a handle on skyrocketing health care costs.

So I just want to say, I do not think that people ought to believe those who would oversell the line-item veto. It will not control the budget deficit.

Will it, in some cases, soak some of the wasteful projects out of some of the appropriations bills? I think that possibility exists. I think that it would be a useful instrument to have. Most Governors have it. Frankly, I think the President should have it.

The debate we are going to have in the coming weeks will be: What kind of a line-item veto shall this Congress and this Senate adopt?

I believe the appropriate line-item veto is one that we will introduce next Tuesday. It is similar to S. 14, which has been previously introduced in the Senate. It provides that the President shall be able to rescind, or send back for review, any single line in an appropriations bill and send it back to the Congress and, by a majority vote of the House and Senate, both of which are required to vote, the House and Senate will make a determination upon the President's rescission or veto.

Second, I think that we would make a mistake if we pass a line-item veto and deal only with expenditures. Most of us understand that there are a couple of ways that Congress deals with spending and taxing and deficits. One is to determine the amount of money spent and the second is to determine what kind of a tax system is imposed to collect the revenues.

I believe very strongly that we also ought to include tax provisions in the line-item veto. The fact is, some come to the floor and propose tax expenditures, some propose direct expenditures, others propose tax concessions that result in effectively reducing the tax base and spending tax revenues we otherwise would have had. I think that also ought to be subject to a line-item veto.

A line-item veto bill that includes only spending but does not include tax concessions is, I think, a weak bill, one that says, let us do something, but let us not do enough; let us move part of the way, but let us not move all the way to exhibit some control and some responsibility.

So I really think that it will be a mistake if this Senate turns next to the line-item veto and decides the only vetoes by Presidents of lines in legislation that we are going to respond to will be appropriations and not tax provisions. I believe that line-item veto legislation should allow Presidents to single out individual lines in appropriations bills and individual provisions in tax legislation and force the Congress to own up to those expenditures and those tax concessions.

When we do that, if we do that, if we provide, in combination, in a line-item veto bill that covers both expenditures and tax expenditures, I think we will have served a useful purpose for the American people. I think we will have contributed to more responsible legislation, both in expenditures and also in our Tax Code.

Some would say, "Well, we would like a line-item veto that deals only with spending in appropriations bills and would require a two-thirds vote in both the House and the Senate to essentially overcome the Presidential veto."

I think, frankly, a majority vote in the House or the Senate is more appropriate. But I think it is even more important to pass legislation that includes, as I said, tax concessions or tax expenditures along with regular expenditures in the appropriations bill, as well.

We will have that debate, I think, at the end of the day. The American people will find that the Congress, both the House and the Senate, will support a line-item veto. I expect a line-item veto bill to go to the President for signature this year, and I think it will advance the national interest by leading to more responsible legislation.

I do not think it will do very much about the Federal deficit. I wish it would. I wish I could oversell it like some do. But it will not. The only way we will get a handle on the Federal deficit, and we must, is if all Members, in a serious, honest way, decide to embark on the same journey together.

I was on the floor of the Senate yesterday expressing some surprise that those in the Senate who were the loudest about wanting to amend the Constitution to require a balanced budget were back, and they came back with their charts showing what the pollsters had recently told them.

The pollsters said—no surprise to me—that tax cuts are now popular. Poll the American people and say, "Would you like a tax cut?" They say, "Oh, yes; I would like a tax cut." That elicits a pretty predictable answer. We had charts all over the back of the Chamber showing the results of the latest polls. The American people support tax cuts.

Well, that is not a revelation to me. But it is interesting to me that those same people who said that we have a responsibility to balance the budget, and they wanted to change the Constitution to require it be done, are now saying that the next step they want to take is to cut the Federal Government's revenue.

I think our next step is an obvious one to everybody, conservatives and liberals alike: We must cut Federal spending, and we must use the money to cut the Federal deficit. When we have done that job, and only then, when we have completed that work, then we can talk about tax cuts.

But to suggest when we have the kind of Federal deficit we have and an accumulated $4.7 trillion Federal debt, that our next step is to do the popular thing, to be human weather vanes, to find out what people think and rush off to start cutting taxes might be popular, but frankly it is not right.

Everybody here in this Chamber who is serious about reducing this crippling budget deficit and putting this country back on the right course toward expansion, economic hope, and opportunity once again ought to join hands and say, "Our job now is to cut spending, use the savings to cut the deficit, and resolve this crippling deficit and debt issue for this country. When we have completed that job, then our task, in unison, in a bipartisan way, is to find out how we can relieve the tax burden on middle-income families." But let Members not put the cart before the horse, even if it may be popular to do so.

Mr. President, having spoken a bit about the constitutional amendment to balance the budget and the line-item veto and some thoughts about the most recent popular proposals in tax cuts, I do want to say that what we have had, I think, is a troubling series of years in American politics recently in which we have fractured the spirit of cooperation. When I say "we," I think everybody in this country has been involved in that in one way or the other.

The fact is, our country is involved in tough-spirited international economic competition, the winners of which will see economies with expansion and opportunities, and the losers of which will suffer the British disease for a century—low economic growth, less opportunities, less expansion.

I think the American people expect of Members, and I think will demand of all Members of all political persuasions, that we understand that we play on the same team; we represent the same interests and ought to fight for the same goals.

No one in this Chamber can believe that our current fiscal policy helps this country. Our current fiscal policy of spending more money than we have, consistently, is one that weakens our country. We must join together, whether it be through a line-item veto approach or through budget initiatives that should come by the middle of the next month, to begin correcting this country's fiscal policy problems in a serious and honest way.

I pledge, as one Member of this side of the aisle, to be as constructive as I can in marching toward those solutions, hopefully, in a bipartisan way.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ASHCROFT). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be allowed to speak as if in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ABOLISHING THE DEPARTMENT OF EDUCATION

Mr. BINGAMAN. Mr. President, in recent days three of the announced candidates for President on the Republican side have announced their intention and commitment to eliminate the Federal Department of Education if they are elected. In my view, Mr. President, that is a sad commentary on the priorities that some of those in leadership positions have in this country today.

I remember when President Reagan ran in 1980, part of his platform was to eliminate the Federal Department of Education. I thought the suggestion was misguided at that time. I strongly believe that it is even more misguided here in 1995. This is the last decade of the 20th century, the information age, and yet there are those who are falling over themselves trying to take education off the national agenda.

This retreat from leadership in perhaps the most critical area of our national interest—education—is clearly wrongheaded. Overwhelmingly, Americans tell pollsters that education is one of their major concerns. Over 80 percent of Americans say they support a

Federal Department of Education. And it is not surprising that they do. Americans recognize that education is central to the strength of our Nation, especially as information becomes the most valuable currency in the world.

When "A Nation At Risk," the report issued by former Secretary of Education under President Reagan, Terrel Bell, appeared in 1983 it commented on the poor state of American education by observing, "If an unfriendly foreign power had imposed our schools upon us, we would have regarded it as an act of war."

The analogy to national security was appropriate then, and I believe it is still appropriate. Our security, whether you define it in economic terms or in military terms, is absolutely dependent upon the quality of the education that we provide to our children and to our citizens.

How can we have a national interest in agriculture but not in our children? How can we talk about our industrial strength and not talk about the education of our work force? We do not question the Department of Defense, but what about the know-how that our people need to staff that Department?

Still, as we approach this new century, there are those who say that education is purely a State and local matter; let us get the Federal Government out of it; let us eliminate the Secretary of Education, get that person out of the President's Cabinet.

Mr. President, I have seen in the last few years the proposed elevation of the EPA to Cabinet status, which I have supported. The Department of Veterans Affairs we now have in the Cabinet; clearly, I support that. That is an important priority for the country.

I now read in the paper that we are going to have the CIA in the President's Cabinet. That also may be an appropriate thing to do. But to suggest that we should have each of those individuals in the Cabinet next to our President to set national policy but not have a Secretary of Education there to speak up for the future of our children is, I think, misguided.

Clearly, there is a priority here which we should not dissipate among various and sundry departments and agencies around the Federal Government. We need a central focus for leadership in education in this country. The Secretary of Education fulfills that role.

What is that role? Ask the 7 million students who attend colleges and universities thanks to loans and grants provided through Department of Education programs. The Department supplies 75 percent of all post-secondary student aid, continuing a national commitment dating back to the GI bill.

Or ask the 6 million disadvantaged students who each year receive help through Federal programs to meet higher academic standards. Ask their parents. Ask their teachers. Scores on the National Assessment of Educational Progress, the national test administered by the States and the Department of Education, show that the gap between the achievement scores of white and black students has decreased by about 40 percent since 1975. The narrowing of that gap coincides with the very significant Federal investment in K-12 education for the disadvantaged.

The combination of the Federal investment in these students plus leadership from the department which has sought for several years, from Secretary Bell through our current Secretary, Secretary Riley, to encourage high standards for all students in our schools—that combination is bringing about more equality of educational results and improved results for all of our students.

Ask the teachers and the administrators in the States about the value of Department of Education's work. Its research and dissemination of the results of that research are immensely helpful to local schools and districts. Now that schools are coming on line and becoming technologically more sophisticated, teachers can access information about the newest techniques, materials, and research, straight from their own desks or their own faculty rooms and obtain that information to a large extent through the Department of Education.

Ask American business whether they want national leadership to improve education in this country. I have heard business leaders in my State say over and over again that there is an unbreakable link between our Nation's economic competitiveness and the quality of our educational system. Our global competitors are doing a better job in many cases of preparing their young people for this new technologically rich and information-laden future than we are. We obviously need national leadership to help States provide their students with what it takes to compete in this new world.

As we go into the next century we face numerous challenges. We will have a growing population of young people as we hit the echo from the baby boom. We will continue to have many young immigrants. Many of the children I am speaking about will be born into poverty. They will speak languages other than English. Technology will continue to change the way that people work and the way people learn. The increased demands of a global economy will make it imperative that we provide high standards to our children and assessments to measure their progress toward meeting those standards.

States want and deserve Federal help and Federal leadership to meet these challenges.

I am especially aware of the need for strong Federal leadership in the area of technology for education. Only through leadership at the national level can we have a coordinated effort to bring the benefits of telecommunication and the computer revolution to all our schools and all our students.

States are struggling with these issues. They welcome the help and expertise the Department of Education has been able to bring.

I just went through a campaign this fall. I traveled all over my State of New Mexico. I talked to many thousands of people. I heard lots of complaints about the Congress, complaints about the Federal Government, and about State government, and about local government, and many other things people found objectionable. But I did not hear the voters saying they wanted less attention to education, less funding for education, less of a Federal role or less priority given to that important area. I heard quite the opposite. The American public sees education as having been neglected at all levels of government.

As I have traveled around New Mexico during the last several years—not just in the last campaign—I have asked folks at town hall meetings to express their opinions as to how much of our Federal budget they believe is committed to improving education. Usually people in the audience guess somewhere in the 10 to 15 percent range. Mr. President, they would guess that 10 to 15 percent of our Federal budget is probably committed to education. When I tell them that less than 2 percent of our Federal resources each year goes to support education at the national level, it is something of a surprise and a disappointment to a lot of the people in my State.

If some want to walk away from the Federal responsibility for education they certainly have that option, but I believe taking education off our national agenda and taking the Secretary of Education out of the President's Cabinet, will be sending exactly the wrong signal not only to the people of this country but throughout the world. That is the wrong message.

Our future lies with our young people. I know that is a cliche but it is the truth. A Federal Department of Education can help us prepare our young people for that future. It is the right priority for this country as we approach this new century. I hope very much we will retain the Department of Education for a very long time.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

THE LINE-ITEM VETO

Mr. MCCAIN. Mr. President, I want to make a couple of brief comments about the line-item veto, and what the real, fundamental principle is. The fundamental principle about the line-item veto is requiring of a two-thirds majority of both Houses to override a President's veto. Anything less than that is a sham and meaningless.

It is my understanding there is serious consideration being given on the other side of the aisle to a proposal which would require a majority vote in one House in order to override the President's veto. The American people will not be fooled by that facade. The American people will not be cajoled or deluded to believe that a majority vote in one House would be sufficient to override a Presidential veto. It only took a majority vote in one House to put the pork in to start with. What we are seeing here is a reluctance to take the issue head on, but to water it down so it is meaningless.

In the course of negotiations with my friends on this side and on that side, I accepted the separate enrollment. We looked at the expansion to entitlements. We looked at targeted tax benefits. And all of that is negotiable. It is not negotiable to the American people to dilute the two-thirds majority aspect of the line-item veto. Without that this is meaningless.

I understand there are various proposals being considered for an alternative suggested by the Democrats. I strongly recommend that whatever they propose does not drop the two-thirds majority. It is clear on this side of the aisle, because of the internal debate we went through, the overwhelming majority on this side of the aisle will stick to and adhere to a two-thirds majority in order for the President's veto to be overridden. That is the meaning of the word veto. That is what it all is about in the 43 States in America, where Governors have the line-item veto. We will accept nothing less.

If people on the other side of the aisle or anywhere support such a weakening of the line-item veto, I warn them: The American people will not be fooled.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WASHINGTON POST STORY

Mr. DOLE. Mr. President, an article appeared in today's Washington Post with the catchy, but entirely misleading, headline "Dole Takes 180-Degree Turn on Affirmative Action."

I would like to take a few moments now to set the record straight.

If affirmative action means remedying proven past discrimination against individuals, then I am all for it.

If affirmative action means recruitment of qualified minorities and women to give them an opportunity to compete, without guaranteeing the results of the competition, then I am for that too.

But if affirmative action means quotas, set-asides, and other preferences that favor individuals simply because they happen to belong to certain groups, then that is where I draw the line.

Of course, those who discriminate ought to be punished, and those individuals who are the victims of discrimination ought to be made whole. But you do not fix one problem by creating another. You don't cure discrimination with more discrimination. As I said when the Senate unanimously adopted the amendment that created the glass ceiling commission: "There is no right or correct number * * * and my opposition to quotas could not be stronger or more deeply felt."

That was during the debate which apparently the reporter did not check into.

Mr. President, I am proud of my civil rights record and I have never shied away from it. I supported the Civil Rights Act of 1964. The Voting Rights Act of 1965. The Americans With Disabilities Act. The compromise leading to the enactment of the Civil Rights Act of 1991.

However, my past record on civil rights does not, and should not, disqualify me from raising legitimate questions about the continuing effectiveness and fairness of affirmative action, particularly when the affirmative action label is used to describe quotas, set-asides and other preferences. In fact, it was precisely because of these questions that I asked the Congressional Research Service last December to prepare a list of all Federal preference laws and regulations.

And, after all, even President Clinton and the chairman of the Democratic Leadership Council are raising these same questions.

They understand, as I do, that no Federal program is writ in stone. And no Federal policy should be immune from congressional scrutiny.

This has been my position in the past. It is my position now. And it will be my position in the future.

If we cannot go back and look at some Executive order or some law that has been passed 5, 10, 15, or 25 years ago without some liberal reporter suggesting that somehow that is a change in position, then I think we are never going to accomplish anything. Things have changed. The programs have failed in some cases. In some cases, maybe they have worked properly. But we have a continuing obligation in the Congress of the United States, regardless of our part, to go back and take a look at programs or Executive orders, whatever it may be on the horizon, regulations that have been in place for a long time and maybe have served no useful purpose.

That is precisely what we intend to do. That is precisely what we will do. Hearings will be held on a couple of these provisions, one by the distinguished Senator from Missouri, Senator BOND, and one of my other colleagues, the Senator from Kansas, Senator KASSEBAUM, relating to two programs that we think should be examined.

LINE-ITEM VETO

Mr. DOLE. Mr. President, on Monday we are going to move to the line-item veto. I want to congratulate Senators McCAIN, COATS, DOMENICI, LOTT, STEVENS, and members of my staff and others who have been working trying to bring us together on the Republican side. I think now that we are in fair agreement on this side.

I want to congratulate my colleagues, particularly Senators McCAIN and COATS, who have been at this year after year after year, for their efforts. They have not given up and they have stuck to it and have hung in there. Now we may be able to pass this legislation.

Just as we had the debate on the balanced budget amendment which lost because six of my colleagues on the other side, who voted for a balanced budget amendment 1 year, voted against the identical—or almost identical—bill the next year.

This line-item veto has the overwhelming support of the American people. It will receive the overwhelming support of Republicans on this side of the aisle. I know that this legislation is opposed by some and by many of my colleagues on the other side of the aisle. I know that they will do what they can within the rules to block passage.

But let me say that the line-item veto, in my view, is a little different than the constitutional amendment for a balanced budget. In the House, it passed by a vote 294 to 134. Strong bipartisan support. It has also been voted on a number of times in the Senate over the past years. We have had support from Republicans and Democrats, including Senator BIDEN, Senator EXON, Senator HEFLIN, Senator HOLLINGS, Senator KENNEDY, Senator LEAHY, Senator NUNN, and Senator PELL.

The bottom line is that here in the Senate a vote will be taken, and the American people will know where we stand. That is how this process works.

But will they know where President Clinton stands? That is the big question. Where does President Clinton stand?

For a long time, it was hard to tell where he stood on the balanced budget amendment. It was not until the final weeks of the debate that he finally did what he could to defeat the amendment, although he continued to say he understood why Americans so strongly supported it. About 80 percent supported it.

As a Governor and a candidate for President, he said on countless occasions that he supported the line-item veto. But lately, the President seems intent on opposing anything that comes out of the Republican Congress.

It is a right he has. It is a right he has, but I am not certain how he explains it to the American people or how he can say in one breath he supports the line-item veto and maybe in another breath say, "Oh, I have doubts about it."

So I guess if given the choice between passing something he has always supported, or denying Republicans a legislative victory, then the line-item veto will probably be sacrificed on the altar of politics.

If that happens, there is not much we can do about it on this side. As long as we furnish the votes to shut off debate—and I think we will have every vote on this side of the aisle, so we only need 6 out of 46.

So I think if the President truly supports the line-item veto, he should not wait any longer and let the American people know. I know he is struggling to be relevant in the process of things. But he can be relevant in this process. He does not have to stand in a schoolyard door or to some school lunch meeting to show how compassionate and how sensitive he is; or how he has, in effect, given up any effort to provide us any leadership in deficit reduction.

I hope the President would let our colleagues on both sides of the aisle know that he feels strongly about the line-item veto, just as strongly as he did when he was running for President and when he was Governor. If he does that, we will have a big, big bipartisan victory. And the President can certainly claim all the credit, he and my colleagues on the other side, and we will be happy to join with them in a celebration for the American people.

We debated this issue time after time after time. We have had hearings time after time after time.

So this is not going to be one of these 20-day procedures in the Senate. This is going to happen, if we can make it happen, next week. We have had plenty of debate on this issue. We do not need 300 amendments from the other side. We are going to do our best to shut off debate. We believe the American people expect us to shut off debate. They are frustrated, our colleagues are frustrated, and I know maybe even it is time the leader gets a little frustrated. Maybe the Democratic leader gets frustrated, too.

But I would just challenge the President. I would say:

Mr. President, you can do this today. You can make this so easy. This bill will disappear next week. It will pass with a big margin, if you really believe what you have been telling the American people you believe for the last 2 years. If you do not believe it, well, tell us that, too. But if you do believe it, Mr. President, now is the time to speak up. Do not wait until the last minute. Do not wait until next Friday or next Thursday or next Wednesday. Do it this weekend. Make the American people feel good this weekend for a change. Let the American people know that you support what 75 to 80 percent of them support, to give you, Mr. President, not us, but to give you, the authority and the power, Mr. President, that if BOB DOLE or somebody sticks something in a bill that does not belong there, you could take it out.

We are giving the power to a Democratic President, a Republican Congress. Some say we ought to have our heads examined. But we are prepared to do that because we believe it is good policy. It is good policy.

If the Democrats do not trust their President, I cannot help that. If they do not trust a Democratic President, that is their problem.

We are prepared to trust President Clinton with this authority. And if we are defeated by Democrats in the Senate with a Democrat in the White House, that is going to be hard to explain. Now, some liberal media will figure out a way to do it, but not many. That is a hard one. I do not know how I would explain that. I would have to think about it a lot.

So, Mr. President, we are Republicans. We are prepared to give you this authority, but we are afraid, without your strong support, it is not going to happen.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

LINE-ITEM VETO

Mr. DASCHLE. Mr. President, I had the opportunity to listen to the remarks made by the distinguished majority leader.

Let me say, I have just come from a meeting with the President —not about this issue, but another issue—and I do not think there is any question that the President is prepared today, tomorrow, or at any time to reiterate what he said all along. He supports the line-item veto. It is that simple. There is no question about it. We do not have to make this a political issue. We do not have to try to put words in his mouth. He does not need that. He can do that for himself. The fact is, President Clinton supports the line-item veto. Period.

The fact is, so do most Democrats. I have supported a line-item veto since coming to the Congress. I did 15 years ago and I do today. I always have. I believe that it is an important aspect of good legislating.

I recognize that 43 States have already done what we would like to do here. Forty-three States have already acknowledged that Governors ought to have an opportunity to review and send back for further review items in legislation. Regardless of how many times it takes, if a Governor, or a President for that matter, thinks that a line item ought to be reviewed, he ought to have the right to send it back. That is the issue.

Line-item rescission, as it really is properly called in this case, is something an overwhelming majority of Democrats and Republicans support. The trouble is defining what it is we are referring to when we say line-item veto or line-item rescission. That is the issue.

I do not think there is any doubt that Democrats and Republicans could come together this afternoon and agree upon an approach, if you take our past positions and acknowledge that on the Republican as well as the Democratic side there is a consensus about the need for a line-item veto.

Unfortunately, what has happened over the course of the last several days, in spite of the fact that two bills were reported out of committee, in spite of the fact that there has been, as the distinguished majority leader said, a great deal of consideration given to the line-item veto in the past, there has been a backroom deal cut. In the closet somewhere, in the Cloakrooms or in the back rooms, some of our Republican colleagues have decided that whatever versions have been considered in the committees are not good enough; that they wanted to come up with a bill that we have not seen.

I remember so well the complaints raised last year by many of our colleagues on the other side about not having been consulted, about wanting our cooperation, but not having the opportunity to even see a draft of a health bill and, as a result, they said, they vehemently opposed many of the provisions in health bills that were offered time and again on the Senate floor. "We were not consulted," they said. "That is not a good legislative process," they said. "We ought to take the committee process and make it work," they said.

Well, they were making some arguments that, frankly, I shared. In fact, I thought we had consulted, but certainly not to their satisfaction in some cases.

But the point was made over and over that we simply had not reached out adequately to them and for that reason they were unwilling to cooperate with us.

Well, now I hear the majority leader and others say that they hope they can get Democrats to cooperate on this issue; that they can find a way to ensure that we get a number of Democrats to support this version of line-item veto that nobody has seen. It is a line-item veto proposal that, to the best of our knowledge, takes a good idea to the extreme, and, frankly, from a constitutional and a practical point of view, is much in need of consideration and review as we go through the next several days.

Mr. President, I think that just about every Democrat would like to support the bill that was offered originally by the chairman of the Budget Committee and the ranking member, Senator DOMENICI and Senator EXON. That a bill that has received a good deal of consideration and, as I understand it, has support on both sides of the aisle.

We would like to take that bill and say, "Let Members begin with this." This is a piece of legislation that obviously has merit. It is a piece of legislation that is broad in scope. As introduced, it would include not only appropriations but taxes. It would give Members an opportunity to review more than just the appropriations process. It is a bill, as I understand it, that Majority Leader DOLE has cosponsored, I have cosponsored, a number of other legislators have cosponsored in the past that contains all the needed protections against an imbalance of power between the President and the Congress, something that we want, if we are going to do this right, to ensure that the balance between the executive and the legislative branch is maintained. It offers an approach that we all can support, something that we all recognize is needed. That balance is critical on a whole range of issues, not just appropriations.

Most importantly, we want to protect Social Security. We want to take that off the table. Obviously, there is legislation pending that would insist that we take Social Security off the table when it comes to balancing the Federal budget over a period of time.

We also want a piece of legislation that will not permit a minority in Congress to hold a majority hostage, that does not overturn the central principle of democratic government: majority rule.

It is amazing to me how many times we find both sides of the aisle lamenting how we are captive of the minority, how we cannot do the people's work in part because a small group of people is holding hostage a certain piece of legislation. Holding the majority hostage, and keeping us from doing the kind of things that we know we should be doing.

In essence, we want legislation, Mr. President, that allows Members to do that, that protects majority rule, that protects the principles enshrined in the Constitution, proven by 200 years of practice in legislating, and providing the balance that we have all wanted between the executive and the legislative branches.

The Domenici-Exon approach creates a fast-track procedure to make sure Congress does not ignore the President's desire to review a certain provision not to finance a particular project. That is another concern. We want to be sure that when a President comes up with his list of rescission items, that it is not ignored as it is today. Under the bill, Congress would have the opportunity to review in a very careful way each and every one of these items, with the understanding that they will be reviewed within a specified, delineated period of time. This would force the Congress to act, and ensure an open and public debate and vote on particular projects within a designated period.

Spending would then be dependent on the merits of that particular proposal. Supporters will be held accountable. That is what I think all advocates of line-item veto have argued is the central principle here. That when we isolate out a given item, not buried in the paragraphs and pages of thick bills in the future, that supporters will have to come forth and say, "I believe that it is in the best interests of the country to support this particular item, and we are willing to have a vote on it. We are willing to put it under the light of day."

We should have an all-out debate on whether it merits majority support. If it does, then obviously it ought to be enacted into law. I think that is what the American people want: Accountable, open Government, but Government that allows Congress in a more meaningful way to specify with great authority those things we want from those things we do not.

The line-item authority the President has under current law is too weak. Everyone appreciates that because Congress can ignore the President's proposal to cancel spending. There is nothing right now that requires the Congress to act when a President rescinds something.

We are really in a situation that is untenable, frankly. The President knows there are things within a bill that he is unwilling to support, and yet he is faced with the dilemma of either supporting it or vetoing the entire piece of legislation. He can rescind items, be ignored by Congress, and nothing ultimately is accomplished, adding to the public cynicism, and adding to the extraordinary difficulties we have in making things work better, legislating with an understanding that there has to be a better way. Spending goes forward, no money is saved, cynicism goes up, and ultimately the system breaks down.

Since 1974, Presidents have proposed to cancel $72.8 billion in spending. Congress has canceled only $22.9 billion of those requests. In addition, Congress cut $70 billion out on its own.

That is an interesting point and I think people have to understand that issue. The fact is that the Congress has cut more in the aggregate from its appropriations than what the Presidents over the last 20 years has proposed. We actually have a better budgetary record when it comes to overall spending than what the Presidents have proposed in their rescissions. The problem is we cannot agree on which line items ought to be reduced or eliminated. Because we cannot agree, nothing is done. We cut, the President proposes cuts, but those Presidential proposals more times than not are ignored entirely.

The Domenici-Exon bill corrects the weakness in current law. First of all it forces the Congress to vote. The President has 20 days to notify Congress; 2 days later a bill with the President's proposals has to be introduced; 10 days later the Congress must vote. That is what it says. The President proposes within a 20-day timeframe what specific rescission items he believes the Congress must review and act upon. Two days later, a bill with all of those Presidential proposals is introduced, and within the next 10 days the Congress is forced to vote on each and every one of these items.

That, to me, is what the American people have said they want. That is exactly what I think Democrats and Republicans probably could agree upon, a process by which there would be a certain review, a certain vote, and a reaction to the President's specific requests at a time that I think most people would consider to be fair.

Second, it prevents filibusters of rescission proposals entirely. As I said, this is a fast-track approach. The Senate gets 10 hours to debate. And an equivalent time limit is imposed on the House. There is no way to drag this out. We would have the certainty, the confidence in knowing that when the President sends down his rescission message, the Congress must act, and act within a certain period of time. When that comes to the floor, there is 10 hours of debate, and it is over. We have made our decisions.

We have enforced the deal and defended each and every one of these items. Most importantly, it is done with the confidence in knowing that everyone will have their opportunities either to defend or oppose these rescission items in a time certain.

Third, it puts all the savings into deficit reduction. That is another thing I think the American people say they want. Let Members not take spending from one side of the ledger and put it into something else. Let Senators recognize that, indeed, if we are going to do what we said over 5 weeks we are going to do when we had our debate on a balanced budget amendment, everyone said they would recognize the need for a glidepath, and are unwilling, of course, to put in writing a blueprint, at least to date. That is, our Republican colleagues have been unwilling to show just how they will do it.

I think I have heard a number of our colleagues advocate certainly if we are going to save money, it ought to be dedicated to deficit reduction. Unfortunately, I hear my colleagues on the House side argue just the opposite, that, indeed, we ought to have a $600-plus billion tax cut and find ways to offset that tax cut with cuts in spending. That has been the debate ongoing for several weeks over on the House side.

The combinations of time certain, with the realization that everything we do would be dedicated to deficit reduction, prohibiting Congress to cancel spending on some unnecessary project and turning it around and using it for tax cuts or some other purpose, is exactly what I think this Congress and what the American people would like to see done.

The combination of these provisions make present law into a real line-item veto power for this President and for all future Presidents. Congress has to defend all of its questionable spending openly. Current law gives Presidents only the opportunity to propose canceled spending, but nothing to make Congress respond. That is the problem we have today. The President proposes, and the Congress ignores. The Congress ignores and ultimately nothing gets done.

(Mr. SMITH assumed the chair.)

Mr. DASCHLE. Mr. President, this bill is going to change business as usual. There will be less ability to sneak things in, less opportunity for people late at night to put little provisions in the bill that we only understand later to have consequential effects both budgetarily and otherwise.

It gives the President the chance to highlight questionable spending and force the authors to defend it publicly, discourages questionable projects if authors know they may be forced to defend them in public.

So there is no doubt the legislation that many of us support, the original Domenici-Exon bill is strong, it will work. Unfortunately, it ought to be the bill that we are debating today, but we are not. We are not because, for some reason, the Republicans have chosen to come up with a new concoction, some other provision that does not have the provisions that I just described, despite the broad bipartisan support for a bill that throughout the process has shown to have the kind of bipartisan support necessary to move this legislation along.

Mr. President, I wonder what the real motivation may be. Is the motivation the desire to pass meaningful line-item veto legislation or the motivation to try to embarrass the President or the Democratic Members of the Senate? I do not know. I hope it is, as the majority leader has indicated, a true desire to resolve this issue, to move this ahead, to bring to the Senate, and ultimately to the President, a bill that he can support, a bill that would do the kind of things that I have outlined are necessary if, indeed, we are going to have a practical, constitutionally sound piece of legislation that enjoys broad bipartisan support.

The Republicans have arrived at a consensus to promote what I understand is a completely different line-item veto than anything we have seen so far called separate enrollment. As I have indicated, to my knowledge, no Democratic Senator was invited into the Republican discussions on this approach, even though some prominent Democratic Senators have been strong supporters of this version of the line-item veto.

The approach that I am told the Republicans are going to offer has not been considered in any committee of this Congress, no hearings have been held, no committee has voted on it. Both S. 14 and S. 4, by contrast, were voted out of the Budget Committee and the Governmental Affairs Committee. Hearings were held earlier this year. Democrats, in the course of those hearings, have offered to work with our Republican colleagues. Unfortunately, in response to that offer, the unilateral compromise made on the other side apparently has been achieved without any participation by Democrats.

As I understand it—and again we will have to wait until it is proposed in order to know for sure just what the Republicans have in mind, and we will have that opportunity next week—but as I understand how separate enrollment would actually work, the approach requires that each individual item of any appropriations bill passed in Congress be broken up by the enrolling clerk into separate bills to present to the President. The President would be able to veto any of the bills.

Take a bill, any one of the appropriations bills that we have had in the past. This one is a good example. It is Public Law 103-316 passed in the 103d Congress, the Energy and Water Development Appropriation Act fiscal year 1995. This bill has approximately 20 pages with hundreds and hundreds of line items. Line items that are listed here include emergency funds for purposes of transportation; uranium supply and enrichment activities; flood control and coastal emergencies; line items for the Tucson diversion channel, $2.5 million; the Jefferson-Jacksonville, IN, line item. It does not say what in particular that line item is for.

The Wallisville Lake, TX, plant, $1 million. Line item by line item, it has hundreds of specific line items listed one by one in this bill. But as I understand, the Republicans are suggesting that we take each one of these line items, separately enroll it, and send it on to the President.

So what this bill did when we passed it in 1994—the Congress passed the legislation, it went to the enrolling clerk, one bill with all of these line items in it. The enrolling clerk then sent it to the President. The President has the ability to take this bill, veto it, send it back to Congress, or sign it into law, if he so chooses.

If he vetoes it and sends it back to Congress, the Congress could override it and it could become public law. If the Congress failed to override it, of course, it fails to pass and it is put in the trash can, and we start all over. That is how a bill becomes a law. It is pretty simple. It has five steps; that is it. That is all it is. Enrolling, signing, vetoing, or overriding and the enactment into public law. That is a pretty simple process and one that, as advocates of paperwork reduction, we could all support. Keeping it simple is what we all want.

This is what the Republicans are proposing. This is the separate enrollment version of this bill. Each one of these line items, every single one of the line items listed here—Red River emergency bank protection; Red River below Dennison Dam levee; West Sacramento, CA; Sacramento River flood control project; Savannah Harbor deepening in Georgia; Casino Beach, IL; Lake Pontchartrain; Lake Saint Geneva, MO; Hackensack Meadowlands, NJ; Salem River, NJ—every one of these would be separately enrolled. The Congress would pass it. It goes to the President. The President would sign each one of these line items into law; he would veto some of the others. Congress, in every single case, would either have to accept this as public law or consider each one of these line items as a veto and repeat the process over and over and over and over again, hundreds and hundreds and thousands and thousands of times over the course of several weeks, I am sure, in order just to pass this appropriations bill. That is what we are talking about.

This chart really does not depict it all. Here is what it would take. I did not think we would want to spend all the money on the charts required for that one appropriations bill, but it will take this piece of paper with another chart on it, this one, this one, this one, and we can just go right on down the list, Mr. President, page after page after page. It would take 85 of these charts to detail what would happen to one energy and water appropriations bill. I can probably find something here for South Dakota, if I looked hard enough.

For the life of me, I cannot understand how somebody who would advocate paperwork reduction would want all of us to go through this every single time we pass an appropriations bill, and we are not even getting to another issue that I wanted to bring up, and that is a tax bill.

So, Mr. President, I know that sometimes back-room coordination and compromise produces some interesting product, but I have to say, this shows a real sense of imagination.

I am really excited to see how over the course of the next several days our Republican colleagues will give us an opportunity to understand how this works.

We are turning this process upside down. We are turning it upside down and inside out, and taking what is a very simple, streamlined process that has worked for 200 years and turning it into an absolute nightmare, a paperwork jungle, the likes of which is going to take more forests than we can count to produce one appropriations bill.

I hope we are into recycling because you could take one appropriations bill and print several Bibles the next year. I mean, it is going to take a long time for us to consider the enrollment potential here for each and every one of these items to go on to the President. The one thing it will do is keep the President in the White House. You will not see him going out making many speeches because he is going to have to do a lot of signing here, and with each signature, we have an opportunity to come back and have a free-for-all when it comes to considering each one of these items, one by one, as separately enrolled bills.

Mr. President, I am concerned about that, obviously, and I will not belabor the point today, but we will get into this again later on.

I am also concerned about another provision of this approach. We are not just dealing with the impracticality here. What troubles me is that we would be putting the power in the hands of the minority, requiring one-third of one House of the Congress to sustain a veto over any one of these provisions. This Congress is run by majority rule. This Congress has worked well under majority rule for a long time. We have for purposes of closer examination the right to filibuster, and both sides of the aisle have defended their right to extend debate on many occasions. Democrats have used it most recently, but we have all had that opportunity.

Do we really want to go even further than that and lock into law for all perpetuity the right of even a smaller minority to hold hostage every one of these public laws, every one of these specific line items? Do we really want one-third of the Senate to keep us from doing our work in a meaningful way? Why would we want to do that? Why would we want to require that supermajority on something with this kind of complexity?

Mr. President, I hope that as we consider the propriety of all this, we also understand how important it is we not just limit ourselves to appropriations here.

I could be accused of making the other side of the argument here, but I am going to do it anyway because I think that what is fair is fair. If we are going to do this, what I do not understand—and I guess the only thing that the Republicans may be able to give as an answer to why we are limiting this to appropriations is at least we would save a couple of forests if we did not get into other scope questions like taxes. We would not have to cut down all the trees of South Dakota to produce a tax bill. But I believe a tax bill ought to be subject to the same review. I believe a tax bill ought to have the same opportunity to be considered—but certainly not like this.

Certainly if our Republican colleagues argue that review is good, I do not understand why they say review of tax provisions is not good. That just defies my ability to respond. I understand why we would want to review appropriations. I am not sure what the position of our colleagues on the other side would be on entitlements. I personally would have no objection to that. But I do believe that if we are going to look at all spending, we certainly ought to look at tax expenditures as well. We ought to be looking at tax breaks just like we are looking at those unique little deals that we put in appropriations bills.

As I understand it, our Republican colleagues, if they are willing to do anything, are willing to only put in tax breaks affecting fewer than 100 people. Do you know how many tax breaks that actually includes? What they want to do is exclude most every consideration of tax legislation for reasons that are not entirely clear.

As the majority leader has said, this is not the first time we have debated this issue. This separate enrollment proposal came up in 1985. It was 10 years ago. I do not know if it had any more consideration in 1985 than it has had in the committees in 1995, but I do know that it was the subject of a great deal of debate. In fact, a successful filibuster was led at the time by the chairman of the Appropriations Committee, Senator HATFIELD, who, coincidentally, is chairman again.

At that time, Senator HATFIELD described it as "one of the most dangerous proposals that has come before this Senate in my 19 years." He called it "a mad piece of legislation," which he took great pride in having stopped. Senator HATFIELD eloquently described what would result.

> General appropriations measures might be converted into literally hundreds of separate bills.

True to his conservative nature, he was not as literal as I was. I think it is thousands.

> The President would be swamped with paper and would have difficulty keeping track of things. . . We should be equally concerned that legislative intent may be completely overridden when items intentionally linked and sequenced together are enrolled.

That was Senator HATFIELD. That was the chairman of the Appropriations Committee in 1985. Senator HATFIELD, as he always is, was eloquent, perceptive, and, thank goodness, successful in bringing this Senate to its senses in dealing with this exact proposal 10 years ago. Sometimes, it takes more than once to kill a bad idea. But this is a bad idea. I thought it was killed 10 years ago, but it has reared its ugly head apparently, and we are going to have to deal with it again. But I hope the same vision and the same commitment and the same appreciation of the magnitude, the enormity of the problem, will be just as evident as we debate the issue this time.

During that same debate, my friend and colleague, Senator HATCH, now the chairman of the Judiciary Committee, stated that the separate enrollment approach "is not good constitutional policy." Even the Clinton administration has expressed concern, and obviously the President, as I said earlier, has been very supportive of the line-item veto. But if I were the President of the United States, wondering how I am going to spend my time most productively, I would have to ask: Is this how I wish to do it?

I do not know how strong his hand is, but I have to say he had better have a very strong hand if he is prepared to sign into law 1,700 or 1,800 individually enrolled items each and every time we send an appropriations bill to the President.

Walter Dellinger, the assistant Attorney General, has written,

> We have not been convinced of the constitutionality of this approach in the past. . . and we continue to question its validity.

Questions arise because the Constitution is very clear on how the veto process works. Article I, section 7, reads in part:

> Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated . . .

That is what the Constitution says, that the President of the United States, if he approves it, he will sign it, but if not he will return it, with his objections to that House in which it shall have originated.

How do you return a bill when it has been broken into 1,800 pieces? How can we constitutionally ensure we are living up to the letter of the law when we are now going to require the President to put a jigsaw puzzle together when it comes to signature, to figure out which pieces he signs and which he does not as separate enrolled items? It does not say he shall sign those parts he approves. He must approve it all or nothing.

So this proposal seeks to bypass that very clear requirement by the subterfuge of allowing the Clerk of the House to take apart every appropriations bill and re-enroll it into separate bills to present to the President. The Constitution grants no such power to Congress. It clearly says, "Every bill which shall have passed the House of Representatives and the Senate . . . ." Little bits of legislation enrolled separately are not what have passed the House and the Senate.

So, the other side is proposing changing the current process—rather than sending a single bill down as the Constitution requires. It is a very simple process that our forefathers understood, that frankly works in 43 States—no other State has ever tried this, by the way.

Mr. President, 43 States have tried this. This works. This is something that Governors understand. Line-item rescissions work.

States do not try this. This does not work. It is impractical. In fact, I would go beyond that, it is really a crazy notion that somehow we could take one bill with every individual line item and page after page after page, and enroll those separate things and put them on the President's desk stacked this high every time we send an appropriations bill to the President.

We will have a lot more time to talk about this next week, but I hope those who may be listening to this debate can appreciate the enormity of what our colleagues are suggesting here, the impracticality of what our colleagues are suggesting, the problems it has, not only for appropriations bills, but for any bill we may want to send to the President.

I hope they understand, too, that what the Republicans are saying is they are unwilling to subject, to this or anything else, most tax provisions. They do not want to do that. Then, on top of it all, they want to say we are going to give the power to a minority in a minority to respond directly to the President's specific line-item vetoes. We are going to hold ourselves hostage to a very small minority within the Senate.

We cannot do that. That is what this debate is all about. It is not a debate about a line-item veto. It is not a debate about whether we ought to review things and give a second look to those items the President holds out to be of dubious nature. It ought not be a debate about whether we limit this to appropriations or to taxes. Everything ought to be on the table.

I hope it is going to be a good debate about whether we ought to have majority rule or not. I hope it is going to be a good debate about what ought to be the most practical way we can have a line-item veto. That is what we ought to have the debate about—not separate enrollment. Not something that is as amazing to me in its complexity as anything that I have had to deal with in 16 years.

We will have a good debate about this, but I hope everyone understands it would not be necessary—I think the vast majority of our colleagues could come to an agreement this afternoon—if there was a true, bipartisan spirit on how we take up line-item veto, how we address these issues in a meaningful way.

If we are accused of holding anything up I will stand ready to be accused of trying to do what we can to bring people to their senses before we do something as crazy as this.

I hope we can pass meaningful line-item veto legislation. If we do something like that, then I am convinced we are going to get a broad consensus and not much debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I appreciate the remarks of the minority leader. I would like to take this opportunity to respond to those remarks.

First of all, let me say it is very welcome news to those of us who have been advocating the line-item veto and attempting to get it passed for the last decade—it is very welcome news that the minority leader comes to the floor and says he supports a line-item veto, the concept, anyway. It is very welcome news he announces on behalf of the Democrats that, as he said, most Democrats, including himself, support line-item veto. That is welcome news because that has not been the case in the past.

The minority leader stated that the overwhelming majority of the Democrat members of the Budget Committee, the committees that considered the line-item veto, supported the line-item veto efforts. That is not true either.

S. 4, the bill we are debating now, offered by Senator McCAIN and myself, received the support of only one Democrat on that committee and that was to report the bill out without recommendation. It was not an endorsement of the bill. It simply said we do not feel so strongly about it that we want to endorse the bill, but neither do we want to hold it up, so it was reported to the Senate floor without recommendation, either for or against it. It is the only way Republicans could get the bill out of committee. So we had to provide Republican support in order to get that accomplished because only one Democrat supported that.

On S. 14, that is also news to us. It has just been recent news that the Democrats now support that, because only two members of the committee voted to report that bill out without recommendation.

It is also ironic that for the past several years, as this Senator and Senator McCAIN have time and time and time again offered the line-item veto to the Senate—and we had to offer it as amendments to other legislation because the then-Democrat majority leader refused to bring it up, and the then Democrat-controlled committees refused to report it out—we, time and time and time again offered it as an amendment for consideration by this Senate. And of course it failed time and time and time again because we were unable to secure the necessary votes—not from Republicans but from Democrats. In 1993, on March 10, on Senate vote No. 27, the McCain amendment which Senator McCAIN and I offered, only five members of the Democrat Party voted with us. And we lost that vote by a vote of 45 for and 52 against. Senator FEINSTEIN, Senator GRAHAM of Florida, Senator KOHL, and Senator ROBB voted with Republicans. Senator SHELBY voted with Republicans. He was then a Democrat. We have since welcomed him to the Republican Party.

So, to make the assertion that the Democrats have always been for this and surely we can get together and come up with something just flies in the face of the facts, not only with regard to past history but also with regard to this current attempt to achieve a line-item veto.

It is only just in the last couple of days that we have seen a renewed interest in the line-item veto on the part of our friends across the aisle. We welcome that, and we trust and we hope that it will lead to the passage of a line-item veto that truly changes the way that this Senate and this Congress do business.

As the majority leader said just a few moments ago, the House of Representatives, in bipartisan fashion, overwhelmingly passed the version that Senator McCAIN and I have offered with modest modifications. Overwhelmingly they passed it, achieving 290 votes for and only 135 against, and that obviously included a significant number of Democrats that supported that effort. So all we are really asking our Senate colleagues, the Democrats, to do, is to join their colleagues in the House of Representatives in giving us the necessary votes to achieve line-item veto.

I think equally telling here is the fact that some of the most vocal opponents of line-item veto have been absent from this debate.

We were promised a vigorous filibuster. It has not occurred yet. We hope it does not. We hope we have a genuine debate on this issue. I think the Senate deserves that. But there really has been very little, and so far only token, opposition to the attempts by this Senator and by Senator McCAIN and others to debate this issue. There has been very little opposition to that effort. We hope that this is a positive signal that we are truly forming a consensus in support of the line-item veto.

Mr. President, the minority leader also said that he hears that Republicans are trying to put together some new concoction. Having expressed his concerns about our current proposal, things he does not like about it, he says now they are trying to put something new together. He called it a "new concoction." It makes me ask the question. What does the minority leader want? He does not like our old concoction, the one that has been before this body and debated. He listed his reasons why he does not like it. So while we are attempting to put together a new proposal, he says now suddenly behind closed doors the Republicans are trying to put together a new proposal. My question is, Where does he want us to go? Does he want us to stay with the old one, or does he want us to go to the new one?

Let me tell you why we are proposing a new one. Because some of our Members have suggested, I think rightly so, that we take the basic heart and core of the McCain-Coats proposal and we expand it so that its coverage includes more areas of spending and more areas of past congressional abuse of the spending process and puts more elements of the budget under the scrutiny and under the authority given to the President under this line-item veto proposal. That is good. The more we can bring in and the more we can highlight the abuses of the process, whether it is appropriations or whether it is tax expenditures, the better off we are.

In almost the same paragraph, the minority leader says that the enrollment process—which is taking the appropriations bills and separately turning each line-item, so to speak, into a separate bill, is something that should not be followed. Yet some very prominent Members of his own party are the ones who have proposed this, and there is a historical record for that. The Senator from South Carolina, Senator HOLLINGS, has been a proponent of this new concoction. He has been so for more than a decade. Senator BRADLEY in the last Congress offered the separate enrollment procedure. It was supported by Republicans, and by a number of Democrats under Senator BRADLEY's leadership. Senator BIDEN, chairman of the Judiciary Committee, has offered it.

So this new concoction is not a new concoction. It is a method used to try to attempt to give the President line-item veto authority to curb the excessive spending of Congress that has been proposed by some of the most prominent members of the minority leader's own party. It has been talked about and discussed since 1985. So there really is not a whole lot new about it.

The minority leader's suggestion that the substitute that we are looking at does little to restore the President's authority to withhold spending, which he enjoyed prior to 1974, needs to be discussed. At that time, Congress decisively grabbed the absolute power of the purse. They were reacting to then-President Nixon's impoundment power. They said under the Budget Act the President no longer could impound funds. He now may only propose rescissions.

That is exactly where the minority leader wants to take us back to. The so-called Democrat alternative that the minority leader says the Democrats will introduce, and that ought to be the bill we put on the President's desk, has very little teeth and cannot be in the same breath called a line-item veto because it is not a line-item veto. A veto is two-thirds. A veto requires more than normal to override the President's decision. It requires a two-thirds vote to override the President's decision.

We want to make it tougher to spend the taxpayer dollars, not easier. We do not want to just keep the same level of requirement necessary to pass legislation. But what the minority leader proposes is that we simply endorse—require the same number of votes to continue the spending habits of Congress as the spending measure received in the first place. How does that make spending any tougher? Under the current process that is used by this Congress, we have a dismal record. The President sends up his rescissions, but they are never enacted, or very few are enacted.

In 1976, 86 percent of the President's suggestions to rescind moneys that Congress appropriated but he did not think was necessary to spend—86 percent—was rejected. In 1983, 100 percent of President Reagan's suggestions about unnecessary spending were rejected by the Congress. In 1986 and 1987, 95 percent and 97 percent respectively.

So the minority leader's suggestion that we are somehow going to eliminate pork barrel spending, that we are somehow going to dramatically change the way the Congress now does business—a process that so upsets the American taxpayer—that will not happen under the minority leader's bill. The truth is that that proposal is endorsed by those who basically want to continue the status quo. It has very little change in it. As history shows, very little will change under that procedure. If we want to get at the egregious abuse of the spending power that Congress now currently has, we need to make it harder to spend. We need to give the President some authority to highlight and to spotlight the abuses of Congress. We need to do something that will give us fiscal discipline.

It was Harry Truman, a Democrat President, who wrote that, "One important fact in the Presidential veto power, I believe, is the authority to veto individual items in appropriations bills. The President must approve the bill in its entirety or refuse to approve it. It is a form of legislative blackmail."

That is exactly the issue we are dealing with here on the line-item veto. The legislature which has the power of the purse blackmails the President. It blackmails the President because it sends to him massive appropriations bills, massive pieces of legislation in the form of continuing resolutions, which contain important have-to-pass items in order to continue the functions of government, in order to provide flood relief, as in the case of California, or hurricane relief for Florida, or to provide needed defense spending to cover contingency operations, or to provide for the efforts such as those we undertook in Desert Storm and Desert Shield, things that Congress knows the President has to sign. Those are the bills which receive all the little goodies, all the stuff that appears later in Reader's Digest and on the nightly news. And the taxpayers not only scratch their heads in bewilderment saying, "How in the world do you think that is an appropriate expenditure of my hard-earned dollars?" But they shake their fist in rage at this institution, and thankfully went to the polls on November 8, 1994, and said, "Enough. We are tired of the rhetoric. We are tired of the promises. We are tired of the same old 'same old'. We want a change in the way you do business. We want something that has teeth in it. We want something that will make a difference. We do not want some fine little tuning of the way you have been doing business for the past few decades that we know will not result in any dramatic difference. We want action. We want bold action. We want dramatic action." And that is the line-item veto. That is why we are proposing the line-item veto.

The minority leader also talked about the complexity of the enrollment process. He put up the fancy charts. This is the age of the fancy charts. The Republicans have used them also. That was a concern of ours, frankly; take a piece of legislation, and you say, "Now you will have to break this down into separate pieces of legislation for each item that the bill itself specifies for an expenditure."

How is that process going to work? Is not that going to just complicate the process beyond imagination? Is it not going to just require hundreds of hours of the work of dozens of clerks to begin to keep up with the process? We were concerned about that.

So I called up the enrolling clerk of the Senate and asked if I could go down and speak with him about it. I asked if he could show me what was involved. The minority leader, I believe this morning in his news conference, said we are going to have to drive Mack trucks up to the White House in order to carry the paperwork created by the complexity of the enrollment process. So I went down and talked to the attending enrolling clerk and asked him about it. He smiled and said, "That is what it would have been in the past."

He said, "Because we would have had to probably detail some people over from the Government Printing Office and we would have to sort of set up a back room operation." It was a mechanical process. But he said, "You know, this is not the age in which we have to do things by hand any more."

All the Senators have these quill pens at their desks. It is a kind of anachronism. Nobody ever uses them. But it is a reminder of the way the Senate used to do business.

We have an inkwell here and a little powder to dry the ink. It is just one of those holdovers from the past.

But, lo and behold, the computer age has also reached the U.S. Senate and the U.S. Congress.

So the enrolling clerk pointed to a machine about 18 inches high and about 24 inches wide, a computer sitting at his desk. It was a Microcomp printer. Then he pulled out a little disk called the Xywrite software package.

He said, "This is especially designed for the enrollment process. All I do is take this disk and put it in the computer." He said, "What used to take days and days and days and days and dozens and dozens of people now is done in a matter of minutes or a matter of hours."

That is something that some of our generation have a hard time understanding. Our kids understand it. They start learning that in elementary school. My kids are as familiar with the computer and as unintimidated by the computer as I am by the telephone or sitting down and writing a letter. It is just second nature to them.

And so the Senate is caught up with the information age and the Senate enrolling clerk and the House enrolling clerk, which also has the same system. It has a Pentium hard drive, by the way. We did not buy the defective Pentium chips. Ours work beautifully.

And, as the enrolling clerk told me, "It is at least 1,000 times faster than the old system. It is state of the art. They can now do in an hour or 2 what used to take days."

"In fact," he said, "it will be easier and faster to separately enroll an appropriations bill with today's technology than it was to enroll a single appropriations bill 5 years ago."

Then I asked him to do a trial run. "Yes," I said, "OK, good. Mechanically we can do that. But isn't it just going to pour out reams and reams and reams of paper? Aren't we going to have to back a truck up to the Senate in order to cart it down to the White House? Isn't the President just going to be overwhelmed with what we dump on his doorstep?"

So I said, "Would you take the largest bill that we passed in the last Congress"—which was the Commerce, Justice, State, and judiciary, and related agencies appropriations. Here it is. It is about maybe an inch thick. This is the most comprehensive bill that we passed.

I said, "If we had to take this and separately enroll it"—now, if you look at the minority leader's chart, you would come away with the conclusion that this was going to be an absolute nightmare, and it would, as he said this morning, take a Mack truck to cart it down to the White House.

So here is what it ended up being if it is separate enrollments. It is a pile of paper. But it would fit in my grandson's Mack truck. He has a little Mack truck, a little miniature Mack truck, and it would easily fit in the back of that.

So visions of massive 18-wheelers backing up to the enrolling clerk's office and detailees from the Government Printing Office shoveling bushel baskets full of paper on the back and dumping them on the front lawn of the White House are slightly exaggerated.

This is what we are going to send the President instead of this.

But, in doing so, guess what is going to happen? All the little pork-barrel stuff, all the stuff we discover months later—half a million dollars for the Lawrence Welk boyhood home restoration, money for the grant that went to study the well-being of America's middle-class lawyers.

Boy, that one went over well with my constituents. They were really interested in the well-being of America's lawyers. They thought that was a terrific expenditure of their tax dollars. All the studies for the reproduction of the South American bullfrogs, the money that went to fund a school in France—all the little stuff that adds up to billions and billions of dollars, sometimes tens of billions of dollars, all the stuff we hear about months later that are tucked into these bills, they are each going to have their own separate page.

The President is going to be able to say: "That looks like something someone slipped in in the dark of the night, thinking that I have to pass this bill and so I will sign it and it will slip through. I think I will just take this red veto stamp"— "veto"—"and send it back."

And here is another one, a funding memorial or a tribute for maybe a former Member of Congress or somebody that needs a special favor back home. "I think I will veto that one."

What is going to happen is that the light of exposure is going to be shined on the darkroom, the backroom, late-at-night practices of the Congress, which slips this stuff through in all these bills that they know the President has to sign.

Then it is going to be sent back to the Congress. And when it is sent back to the Congress, if the Member that slipped that in there wants it for his district, he is going to have to bring it to the floor and he is going to have to stand up and talk about it. He is going to have to convince two-thirds of the Congress that the President made a mistake or that the President was wrong in vetoing his particular item. The press is going to be able to write about it. Each Member who votes on it is going to have their vote recorded on that item.

No longer will we be able to go home and say, "Well, that was for funding of the judiciary and for the Commerce Department and for the State Department. As you know, there is a crisis in 'Xcelania' right now and, by gosh, if we cut off their funds, we might not be able to solve that problem." Or, "I had to vote for that. I did not realize that one of my colleagues slipped something in there. I certainly would not have done that had I known that." Or, "Even though I knew there might be some stuff in this, it was so important that we get that funding for this emergency"—as we just passed the emergency supplemental. That was another one of those trains. That was funds for our military expenditures in Haiti, Rwanda, and Somalia. A lot of us here did not necessarily support those decisions of the President, but once our troops were there, the money was spent, and we had to pay for it somehow. So that was an emergency.

And so Members go home and say, "Well, I could not jeopardize that funding. I could not shut down functions of the military." And that is what you have to accept if that is what you are going to do.

That practice ends because the emergency funding can go forward, the essential funding can go forward. The funding for needed functions of Government can go forward, but the little line-item stuff that adds up to billions of dollars gets kicked out, and the President does not have to accept or reject the entire bill.

That will do two things: One, it will give the President a check and balance against the abuses of spending by this Congress. It is a practice everybody here worth their salt knows how to do. We are probably all guilty of it. It is time it stopped. We ought to do this to save ourselves, if nothing else. It is time to stop. Now is the time to stop, and to stop real legislation, not with the same number of votes it took to pass it in the first place, but a veto, a real veto, that has teeth in it, a veto that will make a difference.

So, we are going to save billions of dollars because the President will be able to veto that stuff out. But the other thing is, what we will save is an amount of money nobody can calculate because it will change the spending habits of Congress. Members are no longer going to say, "I will carry this list around and when I see a popular bill go through I will slip it in and get something for the special interest folks," or do a favor for a friend, or do a favor for a lobbyist, or do a favor for a special interest. We will never know the amount of money we save for items that will not be put in these new bills for fear of exposure. Because the President has the line-item veto, it will change the way we put the bills together in the first place. Members will say, "I will not slip that one in because I do not want to suffer the potential embarrassment of the President vetoing that particular item."

Mr. President, we have a lot to debate today and Monday and next week. The minority leader says, "Why do we want to put the power in the hands of the minority—one third?" I think it is the other way around. I think it is the other way around. I think we want to put some power in the hands of the two-thirds that will require two-thirds to overturn a check and balance against the spending abuses of this Congress.

In answer to why, why do we need to do this? A $4.8 trillion deficit—that is why; a Congress that refuses to make structural changes in how it does business. We rejected, to my great dismay, the balanced budget amendment, which I think was a change in the status quo and a change in the way we do business. It was absolutely essential to our ability to get control of spending.

This is the second tool. Will this balance the budget? No. There is not one Member who supports the line-item veto who contends that it will balance the budget. We keep hearing that argument. People still think it balances the budget. No. It is a poor second to the constitutional amendment, but at least it is a second. It is a second way, a second tool.

I cannot imagine why Members would want to first defeat a balanced budget amendment, then second say, well, we are not going to do anything else except we will summon up the will. We have not summoned up the will in 40 years for this budget. And we have seen all kinds of promises and commitments to do that. It just did not happen. The debt mounts and the interest mounts and now we are at $4.8 trillion and growing.

We will show how the enrollment bill that we will present is constitutional. Presidents throughout time have asked for the line-item veto. They were not afraid of our having to bring a bigger bill down. Recent Presidents have all asked for it, and this President has asked for it. We are tired of having to pass bills that hold the President hostage. It is not Congress that is held hostage to the minority, it is the President that is held hostage to the Congress, as Harry Truman said, blackmailing him, take it all or nothing.

It is clear that under article I, section 5, each House of Congress has unilateral authority to make and amend rules governing its procedures. Separate enrollment speaks to the question of what constitutes a bill. It does not erode the prerogatives of the President as the bill is presented. Under the rulemaking clause, our procedures in defining and enrolling a bill are ours to determine alone.

Mr. President, I know others are waiting to speak. I will save some of my arguments relative to the constitutionality of this for a time when there is a break in the process. I note that the Senator from Wyoming is on the floor. I am happy to suspend at this point. If we have additional time, I will pick up from there. The Senator from Alabama is waiting to speak.

Mr. President, let me first ask the clerk how much time remains on each side?

The PRESIDING OFFICER. Nineteen minutes for the Senator from Indiana and 46 minutes on the other side.

Mr. COATS. Mr. President, I yield 5 minutes to the Senator from Wyoming.

Mr. THOMAS. Thank you, Mr. President.

I want to address these issues. When we are in prolonged debate, one could say everything has been said. We go on because everyone has not yet said it. Nevertheless, this is an issue that is very important, and we do need to have a process in which the issue will be brought fairly to the Senate for the Senate to act upon.

Let me talk just a little bit in more general terms. The gentleman from Indiana has spelled out very eloquently and very completely the detail of a line-item veto. It is not a new issue. It has been talked about for years.

It was talked about, as a matter of fact, in developing the Constitution. Many constitutional scholars from time to time have argued that there is no need for a line-item veto; that, in fact, the language of the Constitution provides that. Unfortunately, the Court has never agreed to that idea even though it clearly does give the President the opportunity to return bills to the Congress.

So it is not a new issue. Neither is it a new issue in terms of having been tried. It is done in many States. It is done in my State of Wyoming, and done very successfully, I might add. From time to time, the legislature overrides the Governor's veto. More often, I suppose, they do not. I suspect that that is an indication that that element of the bill should not have prevailed.

We are really here to talk about change: change in procedure and change in structure, structure in the operation of Congress, that will result in changes in the product of Congress.

I think the most compelling truism is that if we as citizens have not been happy with the performance of Congress over time we cannot expect any different results if we continue to do the same thing.

If there was one clear message that came, certainly, from this past election, it was that people wanted change, wanted structural change, wanted procedural change. Now we have an opportunity in this Congress for the first time in a very long time, an opportunity to rethink some things, an opportunity to look at new ideas, an opportunity to actually do some of the things that have been talked about for a very long time.

There is reason to do that. We have had a history in recent years of continuing to simply do the same thing, and the Congress would appropriate more money to show that, if we had more money, we could cause it to happen. The fact is, that many of the programs have failed, are failing. Welfare—welfare is not doing the thing that it is designed to do. Welfare is designed to provide help for the needy, to help them get back into the marketplace. It is not doing that.

How many years have we had a war on poverty? And the fact is that poverty is more prominent now than it was when we started the war.

These programs are failing. Financial responsibility—certainly one cannot look at the size of Government, one cannot look at the deficit and suggest that the effort for financial responsibility has been successful. It has not. Pork barrel? Of course, we have pork barrel.

So we need structural changes, and this is one of them. There were several and they are talked about often because I think they are very important and should, indeed, be talked about: Balanced budget amendment, the proper thing to do. And really, there are a lot of details one can go through but you really start with the basic question. In that instance, the question is, Is it morally right, is it fiscally right to balance the budget, to not spend more in outlays than you take in, in revenues? And the answer is almost unanimously yes, of course, it is right.

Then you deal with the issue of how do you accomplish it, how do you get there. Unfunded mandates—something that has been needed for a very long time—has finally been accomplished, not as thoroughly as some would like, but, nevertheless, accomplished, and very important. If we are to begin to downsize Government and to begin to shift some of the responsibilities to States, there needs to be the protection against unfunded mandates.

Accountability, it is almost unbelievable that the Congress had a bill saying Congress has to live under the same laws as everybody else. I cannot believe that has not always been true, but it has not.

Line-item veto is a structural change that needs to take place. It is not going to balance the budget, of course, but what it is going to do is to change the way we look at budgeting. It is going to give the President—by the way, he is really the only political person that has a broad enough base to reach into bills and veto things that should not be there.

I guess my greatest example is in the House, when we had a highway bill, a highway bill that everybody wanted to pass, of course, everybody wanted it so we could go forward with the highway program, and in it was the Lawrence Welk Museum, half a million dollars for the Lawrence Welk Museum. Never would it have passed on its own merits. Had it been an individual bill, it never would have passed, but we had no way to reach in and get it.

I told that story, by the way, in a speech I made in North Dakota. That was the wrong place to do it. They were sort of excited about having that. In any event, we should have a way to deal with those, and that is what this is all about.

So, Mr. President, there will be a great deal of discussion, and there should be. There will be a great deal of talk about details and alternatives, and there should be. There can be alternatives, but the fact is there is a principle involved here, and the principle is to change the structure so that we can have a line-item veto to help balance the approach to financing and to budgets.

I rise in strong support for passage of a line-item veto. I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COATS. Mr. President, I thank the Senator from Wyoming for his statement and his support and contributions as a new Member of the Senate. He certainly brings a perspective from the grassroots, having just spent a great deal of time in the cafes, marching in the parades, and talking with the people where they live and work. He brings that perspective, and we certainly appreciate his support.

Mr. President, I inquire how much time is remaining.

The PRESIDING OFFICER (Mr. THOMAS). The Senator has about 11 minutes under his control.

Mr. COATS. Mr. President, I yield 7 of those 11 minutes—I believe we have one other speaker coming to the floor—to the Senator from New Hampshire, and I believe the minority side on this issue has agreed to allow him an additional 10 minutes of their time.

The PRESIDING OFFICER. The Senator from New Hampshire has 7 minutes.

Mr. SMITH. Mr. President, I ask unanimous consent that I may speak for an additional 10 minutes from the minority side. This has been agreed to by the minority side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH. Thank you, Mr. President. I thank my colleagues on the minority side, as well.

Mr. President, this has been a very interesting debate, as we have heard from the other side. The same arguments that had been used by our colleagues on the balanced budget amendment are now being used against the line-item veto.

This debate is really the same. The players are the same. The issues are essentially the same. No one expects that we are going to balance the Federal budget with a line-item veto. But if we are going to ask people on Medicaid or Medicare, or some other program, to take a hit to help us balance this budget, surely we can start with some of these ridiculous projects that we find tucked away in these appropriations bills. I am going to talk a little bit about that.

First, I want to commend Senator McCAIN and Senator COATS for their leadership. They have been tenacious in the pursuit of this legislation for a number of years. I am pleased to be an original cosponsor of S. 4, the Legislative Line-Item Veto Act of 1995. I hope that we will pass it. We fell short on the balanced budget amendment, but I hope that at least we can pass the second-best effort, which is the line-item veto.

I am not surprised really that many of the same forces that lined up against the balanced budget amendment are also now seeking to kill this, because they are defenders of the status quo. They want to see things remain the same. They want to keep on spending, providing more pork for their States. Their addiction to wasteful spending has created a budget deficit crisis that makes these countermeasures so necessary.

But in seeking to defend the status quo, the opponents of the line-item veto legislation often cite the checks and balances in the Constitution that give the authority to Congress to appropriate the money, the power that is checked by the authority of the President to veto appropriations bills.

They say they want to preserve this balance of power between the legislative and the executive branches. Of course, that is an excuse. The Founding Fathers never imagined—never even imagined in their wildest dreams—these massive spending bills, often containing core unnecessary spending that is then larded with layers of pork. They never expected that.

This is a process that has been built up over the years by the legislators and the legislatures, especially in recent history, to help them pass things that would not pass if that Congressman or Senator had to stand out on the floor and advocate that kind of a ridiculous expense. They could not face their constituents to do it. They could not face the voters across the country to do it. So they tuck it away in these appropriations bills.

That is why we need the line-item veto. The President can make that choice between shutting that program down or signing it. He is the President of all the people. It is easier for him to do it than some Congressman or Senator who may not have the courage to do it.

So, basically, the President is, in effect, without the line-item veto, faced with an all-or-nothing ultimatum. So we get an emergency earthquake relief bill, and it is amazing the number of things you find tucked away in the emergency earthquake relief bill. There are things in there for sewers in Chicago. And we also see dire emergency for natural disasters. There was a $1.3 million add-on to train attorneys at Drake University in that. The district of then House Chairman Neal Smith in Iowa had some interesting things. So it is crafty wording. It is slick, it is easy; it is done in a back room somewhere and nobody ever finds out about it. And that is the bottom line.

As Senator COATS has said, they go back home and they say, "Gee, I voted for emergency earthquake. I didn't know that was in there." Of course, they knew it was in there. Of course, they did. That is the whole issue.

Let me give you an example. Sometimes, after looking at the minority leader's charts—he showed these very, very complicated charts, as if to say this somehow is going to be so much work for the President, he was not going to have time to get out of the White House. He was not going to have time to do anything except sit at his desk and deal with all of these measures that are coming down.

Well, first of all, if we pass the line-item veto, there is going to be a lot less of the stuff put in the bill in the first place. That is for sure.

Second, if the President and the Congress have to spend a little more time on these things, on the appropriations of the taxpayers' hard-earned dollars, so be it. That is the way it ought to be. If the President has to take a little less time running around the country somewhere and a little more time saving the taxpayers' dollars, so be it. If the Senators and Congressmen have to spend a little more time taking care of the taxpayers' dollars instead of running around the country somewhere, so be it. That is the way it ought to be. That is what we are here for.

Now, this was very complicated. I was in the chair at the time watching the charts that the minority leader had up there, but let me make it simple for those of you out there who are wondering just what this is all about and why we are trying to pass this thing called a line-item veto.

There are many things in a bill. Sometimes we call it an omnibus bill. These are huge, and they are loaded with items, and most of us do not read it. It would take us forever to read them all. But the problem is things get tucked in there that do not belong.

Here is a very simple example to make you understand. We have all been to the supermarket. We go to the supermarket. We take the kids along. They are traveling along behind us, and we are pushing the cart. We decide that we are going to get the essentials today. We are going to get a loaf of bread; we are going to get some milk, maybe meat and potatoes, the essentials, whatever we are going to have for dinner that night or that week. They are the basics. We know what the budget is and what we are going to do.

What are the kids doing? They are trailing along, and while we are picking up the loaf of bread, they are over there picking up the Reeses candy or the box of Cheerios and tossing them into the cart while we are pushing it along, and we are taking them out and putting them back because we do not want these things. We do not want our kids to have them; these are the goodies, these are the add-ons.

That is exactly what these bills are. We push through the bill, and all these Congressmen and Senators are loading it up, hoping that Mom and Dad are not going to take those things out, and when they get home they will have the cookies and candy, or whatever else they want.

That is exactly what is happening. That is the best way I know to explain exactly what is going on.

Now, when we look at some of these examples, in 1995, this year, there is a study called the "Congressional Pig Book," and I suppose a good analogy would be to say there are a lot of things piggybacked on these bills.

Now, it is interesting, in these 88 projects that are highlighted in this pig book, what are the criteria to decide whether this is pork or not on these fiscal bills? Well, if it is only requested by one chamber of commerce, if it is not authorized specifically, if it is not competitively awarded, if it is not requested by the President, and it exceeds the President's budget request or previous year's funding, and it has not been the subject of hearings, I say it is pork. I do not care how good or bad the project is.

There are many, many good projects that get put in here. That is not the issue. Should they be in there, in this particular bill? Should a sewer in Chicago be on an emergency earthquake relief bill in San Francisco? I do not think so. I do not think that is honest. I think that is dishonest.

Now, when we look somebody on Medicaid in the eye and we say, you know, we are all going to have to bite the bullet; we have a $5 trillion debt; it is going to be $6.5 trillion under the President's budget in the next 5 years, and it is going up—not down, up—we look those people in the eye and we say everybody has to pitch in, well, when I do that, Mr. President—and we are all going to have to do it if we are going to bite the bullet here and balance the budget—I do not want to have to say to that elderly woman or gentleman who is desperately in need of something that we may have to reduce a little bit, well, you know what, I am going to cut you, but we are not, Congress is not going to take these kinds of things out: $93,000 added in conference for the National Potato Trade and Tariff Association; or $294,000 for regionalized implications of farm programs; or $119,000 for swine research at the University of Minnesota; or $8,783,000 for miscellaneous projects in the State of Arkansas, including a rice germplasm center in Stuttgart, AR; or $1,184,000 for an alternative pest control center at the University of Arkansas; or $946,000 for alternative pest control in general; or $624,000 for increased staffing at Fayetteville, Stuttgart, Bonneville, and Pine Bluff for forestry.

I do not want to have to look those people in the eye and say we are funding that, and that this Congress does not have the courage to take those items out. Not this Senator. I do not want to have to do that. I wish to say, yes, we are going to have to take these hits because it is our children who are going to lose, not us. You will get your benefits. It is our children who are going to lose. And I do not want this stuff funded. If you are going to fund it, if you want to come in here and say you want $950,000 for the Appalachian Soil and Water Conservation Laboratory, then come down on the floor of the Senate and fight for it after the President vetoes it. Tell the American people you want it, and it is in your State, and why you need it. And if you get the votes, you can have it. But come down here and talk about it, fight for it, if you think that is important, if you think that is more important than Medicaid or Medicare or national defense or cleaning up a Superfund site. If that is more important, come down here.

If you think $200,000 for Appalachian fruit research is more important than national defense or cleaning up a Superfund, come down here and fight for it. Come down here and say, Mr. President, I am sorry you took that out. You should not have vetoed that, Mr. President. I want that $200,000 for fruit research. That is important. By golly, that is more important than anything else you have out there, and I want it.

Go ahead. Come down here and fight for it.

How about $11 million for an Estuarine Habitats Research Laboratory in Lafayette, LA? How about this one: $1 million added in conference last year for construction of Mystic Seaport Maritime Education Center in Mystic, CT. Is that more important than Medicaid? Is that more important than Medicare? Is that more important than giving our troops who are defending us all over the world a 2-percent pay raise? If you think so, come down on the floor and fight for it.

That is what the line-item veto does. That is why it is being fought over here, and that is why we are running up a debt of over $5 trillion. That is why we are going to keep on running it up, because they would not pass the balanced budget amendment, and now they are not going to pass this either, because not only do they not want to take the big numbers out, they will not even take the little numbers out, the little projects, because they are all so important to them.

That is why we have this debt, and that is why our children and our grandchildren are going to pay for it and suffer for it. That is what is wrong with this place. That is what the American people voted for on November 8, to change it. But what do we do in the Senate? The "McLaughlin Report" calls the Senate the "killing field"; we kill all the good legislation that passes the House. It comes over here and we kill it.

Well, my colleagues and American people, take a look at who is doing the killing. Watch the votes. Watch the votes.

Now, $750,000 for Hawaiian fisheries development; $15 million for the construction of a footbridge from New Jersey to Ellis Island. Do you know where that was? That was on an Interior appropriations bill. That thing comes rolling in here and everybody says, "We can't cut the Interior appropriations bill. We have to pass it. It is an appropriations bill. We will shut down the Government. The Interior Department will not be able to function."

That is exactly why the $15 million for the footbridge is in there, folks, because they know you are not going to cut it; you are not going to stop it. They know you are going to pass it, and they know the President is going to sign it.

If you have the line-item veto, he can sign the bill and he can take that out, and that is why they are showing you the charts over here. This is why they are complicating the process. What is so complicated about that? The President takes a look at the bill, and he says $15 million for a footbridge? No. He takes the veto pen out.

There is nothing complicated about that. If it is complicated, good. So be it. It is worth it. That is $15 million saved for the taxpayers and $15 million less for the debt.

The national debt is growing at $7,500 per second—not minute, not hour, per second. Add it up, if you are listening to this debate, at the time I finish speaking from the time I started, and see how much the debt was added to, how much more we added to it.

That is what is wrong with this place. That is why we voted for change. And the status quo is still over here fighting it every inch of the way.

The line-item veto; $10,912,000 for foreign language assistance. I do not know what that is, foreign language assistance. I could see learning to speak it. What is foreign language assistance? You have to dig in here and find it out. The Senator who put it in here is going to have to come down on the floor and he is going to say, "Boy, that $10,912,000 for foreign language assistance is critical for our country. The taxpayers have to spend this money, by golly. And if they do not spend it, I cannot imagine what will happen."

And that, again, is what we are faced with. That was on the Labor, HHS, Education appropriations bill. If somebody says we want to cut the Department of Housing or HHS, they will say, "My goodness, I will lose my $10,912,000 for foreign language assistance."

How about $936,000 for the Palmer Chiropractic School? Lord knows what that is.

I have nothing against chiropractors. I have used them. But do the taxpayers of America have to fund this?

Last, but not least, from the "Pig Book," the infamous "Pig Book." I encourage my colleagues to take a copy of the "Pig Book" and read it. It is really insulting to pigs, frankly. They are very intelligent creatures, and I think it insults them to use the term "pig" and associate it with this. But there is $400,000—listen to this one—$400,000 for Maui algal bloom crisis. Not for Maui algal blooms; there is a crisis out there somewhere in Maui on this algae. So cut the Medicaid, cut the Medicare, cut defense, cut the environment, cut this—and fund that.

You say, "Come on, you are oversimplifying it, Senator."

If I am oversimplifying it, why are we spending the money? There is nothing complicated about it. Contrary to the chart, there is nothing complicated about it. The fact is, if the President had the line-item veto, he could veto it.

I thank my colleagues for listening and thank certainly my colleagues, Senator MCCAIN and Senator COATS, for their strong leadership. I hope the Senate, finally, will conclude that at least second best is better than nothing at all and pass the line-item veto.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I was going to inquire if there were any other speakers waiting to speak. I see the Senator from Pennsylvania has arrived. I might inform the Senator from Pennsylvania there are only 4 minutes left under the time controlled by the proponents of the line-item veto.

The minority has consented to allow 10 minutes of speaking time to Senator SMITH. Since they do not have a speaker on the floor, they may do so for the Senator from Pennsylvania under a unanimous-consent request. Other than that, because we are under a unanimous-consent agreement to quit at 3 p.m., in accordance with the majority and minority leaders' wishes, I regret that is the only time I have available for the Senator.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my colleague from Indiana.

In the absence of any other speaker on the floor, I ask unanimous consent that I might be permitted to speak for up to 15 minutes. I may use less than that.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. SPECTER. Mr. President, I support the line-item veto and have done so consistently in my 14 years-plus in the U.S. Senate. As I have observed the appropriations and expenditures practices of the Congress as we have run up enormous deficits year after year and have a national debt which is now approximating $5 trillion, it has been obvious to me that we needed restraints, we needed institutional change in the form of the balanced budget amendment, and that we need the line-item veto to enable the President of the United States to take a look at the budget and to act in the national interest to strike an item, item by item, without vetoing the entire bill.

It has been my legal judgment that the President of the United States currently has the constitutional authority to exercise the line-item veto. I draw that conclusion from learned studies which have been made on this subject. One very prominent one is by Prof. Forrest McDonald, who traces the history of the relevant constitutional provision and notes that it was based on a provision from the Massachusetts constitution of 1733, where the Governor of Massachusetts has exercised the line-item veto. That constitutional provision has been incorporated into the constitutions of many other States: Georgia, Pennsylvania—my own State—where the chief executive officers, the Governors, have exercised the line-item veto.

In the early days of the Republic, the President of the United States took action which was in effect the exercise of the line-item veto. A review of the history of the Constitution and the comments of the Founding Fathers supports the conclusion that the President of the United States was intended to have line-item veto under clause 3, article I, section 7, of the U.S. Constitution.

I have endeavored to persuade the last two Presidents—President Bush and President Clinton—that they should exercise the line-item veto. I have had occasion to talk to former President Bush about it on a number of occasions. One of the interesting aspects of being a U.S. Senator, and one from Pennsylvania, is to have traveled with President Bush on a number of occasions to Pennsylvania. When we travel on the plane together there is time for a variety of subjects, not quite as hectic and hurried as it is in the regular schedule. On a number of occasions I had a chance to talk in a leisurely way to President Bush about the line-item veto. He was always interested in the issue but always told me the same thing, and that was that his lawyer told him he could not do it.

My response to President Bush was that he ought to change lawyers.

I immediately followed that suggestion with the request that he not tell anybody I had said that, because that might be frowned upon by the bar association and who knows, I may be practicing law again one day, sooner rather than later.

But in a very serious vein, President Bush did not take the bold approach and exercise the line-item veto, which I think he could have done under the constitutional authority and which he should have done.

In President Clinton's first year in office, I had occasion to travel with him to Ambridge, PA. Again, another plane ride gave us an opportunity to talk at leisure about a number of subjects. I made the suggestion to President Clinton that he should exercise the line-item veto and gave him a brief statement of what I considered to be his constitutional authority.

President Clinton said, "Send me a memorandum of law."

I did so. He wrote me back a short time later, saying he did not want to tangle with congressional leaders on this subject. And I can understand that, because the congressional appropriation power is zealously guarded. And I am one of the appropriators. I sit on the Appropriations Committee, which has the authority to allocate the spending of $1.6 trillion a year. Notwithstanding that position on what many call the most powerful committee in the Congress, the Appropriations Committee, it has long seemed to me that the line-item veto would very well serve the interests of the country at large.

We had a very dramatic commentary on massive appropriations bills, where the President did not have the opportunity to even veto one of the 13 appropriations bills side by side when we passed a continuing resolution during the administration of President Reagan.

A continuing appropriations bill, for those who may be watching on C-SPAN 2, if anybody is, is a document which comes at the end of the fiscal year shortly before September 30 to authorize continued spending and continuing operations of the Federal Government after midnight on September 30 into the new fiscal year which begins on October 1. There had been a period of time where we had not passed all the appropriations bills and, in fact, had not passed many of them. We sent to President Reagan an enormous continuing resolution which was about 2 feet thick. President Reagan, in one of his speeches to a joint session of Congress, objected to the continuing resolution which denied him the power of not only, as he saw it, to exercise the line item veto but he could not even veto a bill on a major department; for example, the Interior bill or the District of Columbia appropriations bill. But they were massive—as many, I think, on some occasions as all 13 of the appropriations bills.

For illustrative effect, President Reagan brought into the House Chamber where we had the joint session of Congress the continuing resolution which, as I say, was about 2 feet thick.

Senator COATS was elected in 1988. Senator COATS was in the House. Of course, he remembers it. President Reagan had it on the edge of the podium. I was sitting closer than I am to the Chair. I became immediately apprehensive that this continuing resolution so bulky was in peril of falling over the podium. As the President continued to speak, the situation was more tenuous with each moment.

Then, finally I figured out that President Reagan knew exactly what he was doing. He was not only keeping me in suspense but keeping the television viewers in suspense that this enormous document might fall. It was, I think, President Reagan's way of dramatizing the effect on this ponderous overwhelming bill which had come to him but could not even be managed very well on the podium, let alone managed in terms of perusal to see what was in the national interest. He was being denied the opportunity as President to at least veto a single appropriations bill.

He made it through the speech. It did not fall. But I have remembered that occasion. Further underscoring the interest and the necessity in allowing the President to have the power to veto at least an individual appropriations bill, and the Congress has done better on that in modern times—sending the appropriations bills over, really on the need to have the President with the authority to strike individual items.

This is an especially timely matter today in the wake of the Senate's failure to pass the balanced budget amendment. I have supported the balanced budget amendment and the line-item veto during my entire tenure in the U.S. Senate. It may be that the balanced budget amendment will return to the Senate agenda and by virtue of the motion pending for reconsideration that there may be a change of a single vote, and the matter may come back and we may yet pass the balanced budget amendment to provide the discipline to have a balanced budget in the Congress just as States have constitutional provisions mandating a balanced budget, just as cities do, as counties do, and as individuals we do because, if we do not live within our own means, we will wind up in a bankruptcy court.

Recently I had the great pleasure of becoming a grandfather. My son had a baby daughter, Silvi Specter, who will be 14 months old on Sunday. I had always thought about and talked about the impropriety of having a credit card which attached obligations to our children and to our children's children and to succeeding generations. But I came into sharp focus as I saw this infant and held her in my hands when she was less than a day old back on January 20, 1994, and seeing her grow up, and seeing what is really happening every day as we burden her generation and future generations on a credit card where we would not consider even remotely charging something to her account. But that is in effect what we are doing as a Nation.

During the course of the debate on this line-item veto there will be many statements about how the interest rate is mounting. Senator SMITH pointed out in dramatic fashion the increase on a moment-by-moment basis. That is just unfair to the next generation and the generations which follow.

That is why we are working currently on a rescissions bill sent over by the House of Representatives just yesterday. The appropriators met yesterday afternoon to take a look, to do our job in cutting expenses on the Federal budget.

In my capacity as chairman of the appropriations subcommittee of Labor, Health and Human Services and Education, the cut was especially onerous, some $5 billion. But I am committed to balancing the budget by the year 2002 which is the target set by the Congress, whether or not we have a balanced budget amendment. I think we have to move on a path to reach the balanced budget by that year. I have some differences of judgment with what the House sent over. But I am reasonably confident that the Senate will meet that target of the $17 billion rescission.

I have concerns, Mr. President, as to cuts which will affect summer jobs where I think in America today there has been a reliance for the young people to have activities for the summer where they cannot find jobs in the private sector, a matter which keeps the lids on our big cities and our smaller communities. I have some concerns about cuts in the education line where there will be moneys taken away from drug-free schools. But this is a matter of establishing our priorities.

I believe that a much, much better job can be done on establishing the priorities for America's spending. If we are not prepared to tax for it, we ought not be prepared to spend for it. If there is one thing that will not pass in the U.S. Senate or the U.S. House of Representatives today, it would be a tax increase.

It is my hope, Mr. President, that we will soon one day take up Senate bill 488, which I introduced 2 weeks ago yesterday, which would simplify the tax system in America, which would enable taxpayers to fill out their tax returns on a simple postcard.

If I may show what could be done under my proposal for a national tax, it would be a 20-percent national tax which has been worked out very carefully by Professors Hall and Rabushka of Stanford University. It will allow only two deductions for charitable contributions and for interest on home mortgages, and it would be simplicity personified. Who knows?

There may be someone in America today watching C-SPAN 2 who is filling out his or her tax return. I know that individual would love the opportunity to fill it out on a single postcard as I would myself. There is an amazing amount of some 5 billion hours spent by Americans on their tax returns and some $200 billion on the cost of filing returns. But tax simplification is somewhat off the subject. But I mention a national tax just in passing.

I compliment my colleague in the House of Representatives, Majority Leader DICK ARMEY, who has proposed a similar measure. It is my hope that we will take up the issue of a national tax and tax reform. But I believe it would be unthinkable to have a tax increase given the mood of the American people where the mandate of the last election was very direct and very blunt; that is for smaller Government, for lesser spending, and for less taxes.

Certainly, the minimum is to have the balanced budget and the line-item veto, which would be a very, very important and significant step on an institutional change which would provide the mechanism to cut spending, which has not really been a priority item, and would help lead us on the bath—it might lead us on a "bath," too, which is a Freudian slip—on the path to cut expenditures. But the pending line-item veto would certainly give the President the clear-cut authority and the confidence to exercise the line-item veto.

In the unlikely event that this measure does not pass, I hope that President Clinton will again review the constitutional authority for the President to exercise the line-item veto under the current legal constitutional provisions.

I thank the Chair. I yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Chair announces that all the remaining time is under the control of the minority.

ORDER OF PROCEDURE

Mr. D'AMATO. Mr. President, I ask unanimous consent that I might proceed for 5 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. D'AMATO. Thank you, Mr. President

SAM DONALDSON, GIVE THE MONEY BACK

Mr. D'AMATO. Mr. President, I read a rather interesting article—a rather shocking article—in the Wall Street Journal yesterday about affluent urban farmers getting crop subsidies.

Lo and behold, I was absolutely shocked, as I think most Americans will be when they learn, and those that did learn, about Sam. Now I am talking about Sam Donaldson. Let me say right now, Sam, wherever you are, come out of hiding. Sam, come out of hiding and give the money back.

Mr. President, I ask unanimous consent that this Wall Street Journal article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 16, 1995]

AS CONGRESS CONSIDERS SLASHING CROP SUBSIDIES, AFFLUENT URBAN FARMERS COME UNDER SCRUTINY

(By Bruce Ingersoll)

WINNETKA, IL.—The neighbors on Woodley Road know next to nil about Helen Pinnell, but they assume she is loaded. How else could she afford a multimillion-dollar home here in one of suburban Chicago's most exclusive enclaves?

Her neighbor next door, Marlo Brown, is stunned to hear that an heir to the fabled King Ranch in Texas left his $10-million share of the vast cattle-and-oil empire to Mrs. Pinnell more than 20 years ago. "Isn't that wonderful luck," exclaims the elderly Mrs. Brown.

Mrs. Pinnell, it turns out, is doubly lucky. As if oil royalties and agricultural revenues from her 87,000-acre spread on the Texas Gulf Coast weren't enough, she collects farm subsidy payments each year from the Agriculture Department. Since 1985, the total payout to her and three Pinnell family trusts comes to nearly $1.5 million, according to USDA payment data.

Throughout the country, there are thousands of other absentee landlords in Mrs. Pinnell's city-slicker shoes, including ranch-owner Sam Donaldson of ABC–TV fame, a New York merchant banker, two scions of an antebellum cotton planter, even an unidentified $400,000-subsidy recipient with a distinctly nonrural zip code—90210—in Beverly Hills, Calif.

ANTISUBSIDY BACKLASH

How long they can count on government checks coming in the mail depends on how much money Congress whacks out of the crop-subsidy programs this year. With the 1995 farm bill debate in full cry, lawmakers already are trying to rescind funds from this fiscal year's Agriculture Department budget. Whipping up an anti-subsidy backlash are environmentalists and conservative Republicans, who contend that the Depression-era farm programs are badly out of date and out of control. While continuing to provide a safety net for struggling farmers, the critics say, the subsidy programs increasingly pad the cushion under already comfortable off-the-farm farmers. For the first time, the Environmental Working Group has documented the extent to which suburban and city dwellers benefit from farm subsidies.

"We have no beef with people investing in farms, but why are taxpayers covering the risks of an absentee North Dakota farm owner living in Manhattan?" wonders Kenneth Cook, president of the Washington-based watchdog group.

Using computerized USDA data, the group has traced the flow of hundreds of millions of tax dollars to off-the-farm farmers—including corporations and partnerships—in the 50 largest U.S. cities since 1985. Chicago's farm owners, for example, collected $24 million over the last decade. But if you add in Mrs. Pinnell's hometown, Winnetka, and other Chicago suburbs, the total swells to $55 million.

Mrs. Pinnell was once secretary for a plumbing company. She owes her wealth to a grandson of 19th century cattle baron Richard King, Edwin Atwood, whom she befriended in his old age. In the early 1970s, she took over Mr. Atwood's King Ranch holdings and bought out another heir and a Chicago policeman who had been bequeathed part of the ranch by yet a third heir.

In Texas, Mrs. Pinnell has her own cattle brand, a big ranch house, plenty of cattle, a small field of oil wells pumping away and about 30,000 acres rented to cotton and sorghum farmers. Her land is bordered by the late Nelson Rockefeller's 6,000-acre spread, now owned by his two sons.

"TAKE-CHARGE" LANDLORD

"She hardly shows up down here," says ranch manager Jerry Taylor. But when she does, she takes charge. Says Max Dreyer, a retired farmer in nearby San Perlita, Texas: "When they're rounding up cattle, she won't even let the helicopter pilots fly over the house."

Here in Winnetka, Mrs. Pinnell and her husband, Curtis, a retired railroad freight agent, stay behind the double doors and two-story Doric columns of their immense brick house. Members of the Women's Garden Club of Woodley Road see them only in passing on the road. In her red Mercedes, Mrs. Pinnell scoots over to an office she keeps in the nearby suburb of Northbrook, sometimes to confer with her attorney, Richard Williams. While his client won't comment, Mr. Williams plays down the amount of the subsidies she gets, which include disaster assistance and conservation payments. "There are lots of people with smaller farm operations that get more subsidies," he says.

In New Mexico, Sam Donaldson passes for a big-time rancher, absentee or not. He is the third-largest recipient of wool and mohair payments in Lincoln County, where he runs flocks of sheep and Angora goats on his sprawling spread near Hondo, N.M., according to Allen (Bill) Trammell, the county executive director for the Combined Farm Services Agency. Over the last two years, $97,000 in subsidy checks have gone to Mr. Donaldson's address in the Virginia suburbs of Washington. What's more, under an agricultural conservation cost-sharing program, Mr. Donaldson got $3,500 earlier to defray the cost of watering facilities for his livestock.

An assistant to Mr. Donaldson says he isn't available for comment.

FIFTH AVENUE FARMER

New Yorker Roslyn Ziff, a retired actress and opera singer, adores her 67-year-old friend Henry Warren. "He's the only man I know who farms on Fifth Avenue," she says. For years, Mr. Warren has seen his psychotherapy patients, lived on the seventh floor of 27-story building at 1 Fifth Avenue and managed a Nebraska farm from afar. Told he was the biggest recipient of farm subsidies on Manhattan—$558,000 since 1985—his reply was: "Good for me!" But he adds that "it's good for consumers" because farm programs help ensure a stable food supply at relatively low prices.

This year, the retired Mr. Warren is leasing his land in Holt County for cash, which means he will no longer get subsidy payments. But that doesn't mean he will have to go cold turkey. The Agriculture Department, because of a big corn surplus, is paying farmers to hold their corn off the market. Mr. Warren figures to collect about $6,000 in storage fees this year, just as he got $81,000 in the late 1980s.

"That's outrageous," Democratic Rep. Carolyn Maloney says of her New York constituent's diet of subsidies. "It points to the hypocrisy of cutting Food Stamps and nutrition programs."

Another Nebraska farm-owning New Yorker is Daniel Lamprecht, an agribusiness dealmaker for ING Capital Holdings Corp.'s merchant banking arm. Living in midtown Manhattan, he has collected $158,000 in payments over the last decade, mostly for keeping his hilly—and highly erodible—cropland in the Conservation Reserve Program. All along, he admits, he has dreaded being found out.

"I'm the fourth generation to own this property," he says. "I'm loath to give it up. It isn't a hobby. It's an economic enterprise." It would be unfair, he argues, for Congress to deprive his 1,060-acre farm of subsidies, either because of his off-farm income or his upscale New York address.

Far to the south, Jack Northington Shwab and his sister Clara Jane Lovell own 4,000 acres of farm land in Egypt, Texas, where their ancestor, Captain W.J.E. Heard, settled in the late 1840s and built a great plantation. Today, busloads of tourists and history buffs tour the old place and the museum in the rear. Meanwhile, three farmers till the land and share with the landlords rice and corn receipts as well as the subsidy payments. Over the last 10 years, Mr. Shwab and Mrs. Lovell have each collected $344,000, he on Hilton Head Island, S.C., and she on Nantucket Island off Massachusetts, according to USDA payment data.

While calling himself "a retired investor," Mr. Shwab still looks after a portfolio of stocks and bonds as well as his Texas land holdings and natural gas wells. He, for one, is becoming alarmed about the antisubsidy rumblings on Capitol Hill. "I do intend to write my congressman," he says. But first he must figure out which one—his representative from South Carolina or his representative from Texas.

Mr. D'AMATO. Mr. President, I was shocked to learn that Sam Donaldson, who happens to be one of the most highly paid journalists in the United States, earning millions of dollars, is collecting welfare—$100,000 in welfare payments—from the U.S. Government. That is right. It is called the Wool and Mohair Subsidy Program. It is supposed to help farmers.

Sam Donaldson has received almost $100,000 for a ranch in New Mexico while he lives right outside the Capitol here in suburban Washington, in Virginia. I think it is an outrage. It is wrong. It is wrong and it must be stopped.

Does anyone really believe that Sam Donaldson is a real sheep farmer? Really? I see him on TV all the time.

Sam, do the right thing. You know what that is. Give the money back.

Now, there are plenty of other examples of absentee landlords receiving these farm subsidies, but it is particularly glaring that millionaire Sam Donaldson is getting this taxpayers' money.

Sam Donaldson, give that money back.

It is my understanding that Mr. Donaldson is the third largest recipient of wool and mohair payments in Lincoln County, NM—not Virginia, New Mexico. According to the Wall Street Journal, Mr. Donaldson received $97,000 in subsidy checks over the last 2 years. And under another Government agricultural program—this time for conservation sharing—Mr. Donaldson got $3,500 to defray the costs of watering facilities for his livestock.

And here we have Sam Donaldson, the self-appointed conscience of America, who was said to be unavailable for comment. Can you imagine, Mr. President, if you were unavailable for comment?

I can imagine why.

Sam Donaldson, come out of hiding and give back to the American people—the taxpayers—that $97,000.

There is one other question I would like to pose. This program is going to be phased out over the next 2 years. I want to know whether Mr. Donaldson is going to continue to receive those subsidies, or is he going to stop it? Americans have a right to know.

I hope, Sam, you give that money back.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. COATS. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COATS. Mr. President, I might first announce that we believe there is just one additional speaker. Senator HEFLIN will be coming to the floor to speak. I will go forward here, as if in morning business, until he arrives, and then I will be happy to turn the floor over to him. Then it is my understanding the Senate will stand in recess for the weekend.

RESIGNATION OF WILLIAM A. GALSTON

Mr. COATS. Mr. President, I noticed today a small item that appeared in the Washington Post, the news that the President's Deputy Assistant to the President for Domestic Policy, Mr. William Galston, had submitted his resignation, effective in May.

Mr. Galston is a Democrat. I am a Republican, but I have been an admirer of some of the work that he has done in the past. He played a prominent role—I believe he was executive director—in the Progressive Policy Institute, the arm of the Democratic Party that was looking for new and innovative ways to address, in particular, some of the social concerns, of the Democratic Party.

Mr. Galston said he is resigning because of his desire to strike a different balance between family and career. And I do not doubt that at all.

Mr. Galston has written eloquently, has done a great deal of research, and, I think, made a real effort in the administration to point out the importance of the family and American life in our society. He is going to return to teaching at the School of Public Affairs at the University of Maryland, where he is a senior research scholar at the university's Institute for Philosophy and Public Policy. He has been a prolific writer, author of five books and numerous articles on political philosophy, American politics, and public policy.

He served in the Marine Corps, is a graduate of Cornell, with a Ph.D. from the University of Chicago, and taught at the University of Texas for 10 years before coming to Washington in 1989.

Mr. Galston, along with Elaine Ciulla Kamarck, co-authored a policy paper criticizing liberal fundamentalism in the Democratic Party. Mr. Galston urged the Democratic Party to identify more with "middle-class values—individual responsibility, hard work, equal opportunity—rather than the language of compensation."

Those are phrases and words that, obviously, Republicans have been using for some time. We were encouraged when someone from the other party, who occupied an important position in the Clinton administration, used those terms and identified himself with that particular philosophy.

Mr. Galston has been, and I am very sure he will continue to be, an advocate of the importance of the family in the development of our children, an advocate of teaching individual responsibility and personal achievement as the means of success and as the real solution to the problems facing our society today.

We are at a crossroads, Mr. President. We are at a critical juncture. Our problems are great. Our society is laboring under the burden of a disintegrating moral and cultural fabric. To turn this tide, we will need voices of moderation, of reason. Voices such as William Galston.

I hope that Mr. Galston's resignation does not signal that voices of moderation, voices of reason, advocates for individual responsibility and moral courage are no longer welcome in the Clinton White House. This would be an ominous signal. I trust that is not the case.

But I want to wish Mr. Galston the very best and thank him for his contributions and his efforts to try to point out the importance of family, individual responsibility, the decline of the moral climate in this country, and the need to reestablish and restore the fundamental, basic institutions of our country—family, church, education, community service—that have been so important in transmitting moral values to our children and to the next generation.

Mr. President, I yield the floor.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

SAINT PATRICK'S DAY

Mr. HEFLIN. Mr. President, it is interesting to note that St. Patrick's Day is a special holiday which is only observed in Ireland and the United States. On this day, the color green is traditionally worn in both countries, by people from many different nationalities and backgrounds.

Ireland and the United States share many other strong bonds in addition to their unique celebrations of this day. There is a deep love for individual freedom and liberty today and throughout the history of both countries.

In America's early days, another bond which existed between the two lands was a common enemy—the English crown. Americans and Irishmen experienced the tyranny of the English king and the oppression of British troops. Our forefathers removed the yoke of British rule through the Revolutionary War and eliminated the continuing harassment by British through the War of 1812.

In 1798, in Ireland, there was a similar revolt. A group of men formed a resistance known as the "united Irishmen." To demonstrate allegiance to their cause and to each other, they wore the color green. While this band of Irishmen fought valiantly, they were defeated by the mighty army commanded by Gen. Charles Cornwallis.

After Cornwallis' victory over the united Irishmen, the British tried to break the Irish spirit by declaring the wearing of green against the law. Many songs and poems were written to protest this tyranny. I recall parts of a poem entitled "The Wearin' O' the Green":

O Paddy dear, an' did ye hear the news that's goin' round?
The shamrock is by law forbid to grow on Irish ground!
No more St. Patrick's Day we'll keep, his colour can't be seen
For there's a cruel law again the wearin' o' the green.

It is hard to fathom that just as our forefathers were embarking on the greatest experiment in democratic government known to man, and enjoying the rights and liberties for which they had fought, men and women in Ireland were being imprisoned and even executed for wearing green. Wearing of the green was symbolic of their resistance. Many were forced to flee their beloved homeland to escape death, imprisonment, oppression, and tyranny. They sought freedom in the United States, where our freedoms of speech, religion, expression, and assembly were secured by the Constitution, and where one of the purposes of government was the protection of the individual against government tyranny.

The final stanza of the poem I quoted from earlier, as paraphrased, reflects the fleeing Irishmen's dreams:

But if at last our colour should be torn from Ireland's heart,
Her sons with shame and sorrow from the dear old isle will part;
I've heard a whisper of a country that lies beyond the sea,
Where rich and poor stand equal in the light of freedom's day.
O Erin, must we leave you, driven by a tyrant's hand?
Must we ask a mother's blessing from a strange and distant land?
Where the cruel cross of tyranny shall nevermore be seen
And where, please God, we'll live and die still wearin' O' the green.

Although this is an Irish poem, it underscores the love of liberty that characterizes America. Because of the bravery, determination, and the sacrifice of or forefathers, the United States stands today as a citadel of freedom and liberty in a world in which a large part of the population is still burdened by totalitarianism and oppression. The green we wear today is also to remember them, wherever they might be.

The Irish have contributed so much to the history of our Nation. They have fought in our wars, they have served our communities. They have added to our enjoyment through their stories and funloving spirit, often giving light to the darkest days. They have become great Americans who still cherish and revere their Irish roots and heritage. The spiritual descendants of St. Patrick have reminded us of the true importance and value of individual rights and liberties, and have always been in the forefront of defending the rights and liberties that define this Nation.

So, on this St. Patrick's Day, a day when true peace for the Emerald Isle seems to be finally in its grasp, let us remember the Irish heritage and those who struggle in the old country for freedom and liberty. Let us wear the green and remain forever mindful of all that it represents. And let us never forget that above all else, we are Americans—Americans strong and free.

I yield the floor.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES!

Mr. HELMS. Mr. President, as of the close of business yesterday, Thursday, March 16, the Federal debt stood at $4,840,322,581,646.83. On a per capita basis, every man, woman, and child in America owes $18,373.95 as his or her share of that dabt.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–543. A communication from the Board Members of the Railroad Retirement Board, transmitting, pursuant to law, the report of the ability to pay benefits; to the Committee on Labor and Human Resources.

EC–544. A communication from the Board Members of the Railroad Retirement Board, transmitting, pursuant to law, the annual report for calendar year 1994; to the Committee on Labor and Human Resources.

EC–545. A communication from the Board Members of the Railroad Retirement Board, transmitting, pursuant to law, the report of justification of budget estimates for fiscal year 1996; to the Committee on Labor and Human Resources.

EC–546. A communication from the Director of the National Science Foundation, transmitting a draft of proposed legislation to authorize the Foundation for fiscal years 1996 and 1997; to the Committee on Labor and Human Resources.

EC–547. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report entitled "Tobacco Control Activities in the United States"; to the Committee on Labor and Human Resources.

EC–548. A communication from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the report on the operations of the Office of General Counsel for fiscal year 1993; to the Committee on Labor and Human Resources.

EC–549. A communication from the Assistant Secretary for Civil Rights, Department of Education, transmitting, pursuant to law, the report of enforcement activities; to the Committee on Labor and Human Resources.

EC–550. A communication from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the report on the employment of minorities, women and people with disabilities in the Federal Government for fiscal year 1992; to the Committee on Labor and Human Resources.

EC–551. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report relative to the Prescription Drug User Fee Act; to the Committee on Labor and Human Resources.

EC–552. A communication from the Administrator of the Small Business Administration, transmitting a draft of proposed legislation entitled "The Small Business Amendments Act of 1995"; to the Committee on Small Business.

EC–553. A communication from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, and other statutes, to extend VA's authority to operate various programs, collect copayments associated with provision of medical benefits, and obtain reimbursement from insurance companies for care furnished; to the Committee on Veterans' Affairs.

EC–554. A communication from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to increase, effective as of December 1, 1995, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans, and for other purposes; to the Committee on Veterans' Affairs.

EC–555. A communication from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to provide for cost-savings in the housing program for veterans, to limit cost-of-living increases for Montgomery GI Bill benefits, and for other purposes; to the Committee on Veterans' Affairs.

EC–556. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the annual report of the Secretary of Veterans Affairs for fiscal year 1994; to the Committee on Veterans' Affairs.

EC–557. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 92-77; to the Committee on Appropriations.

EC–558. A communication from the Marshal of the Court of the Supreme Court of the United States, transmitting, pursuant to law, the annual report of the Marshal of the Court regarding administrative costs; to the Committee on the Judiciary.

EC–559. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the Administration's report for 1994 under the Freedom of Information Act; to the Committee on Judiciary.

EC–560. A communication from the Chairman of the Administrative Conference of the United States, transmitting, pursuant to law, the annual report of the Conference under the Equal Access to Justice Act; to the Committee on the Judiciary.

EC–561. A communication from the Navy Wives Clubs of America, transmitting, pursuant to law, the Club's annual report for the 1993-1994 tax year; to the Committee on the Judiciary.

EC–562. A communication from the Secretary of the Resolution Trust Corporation, transmitting, pursuant to law, the annual report of the Corporation under the Freedom of Information Act; to the Committee on the Judiciary.

EC–563. A communication from the Principal Deputy Assistant to the Secretary of Defense for Public Affairs, transmitting, pursuant to law, the 1994 report of the Department under the Freedom of Information Act; to the Committee on the Judiciary.

EC–564. A communication from The Special Counsel, transmitting, pursuant to law, the Office's 1994 report under the Freedom of Information Act; to the Committee on the Judiciary.

EC–565. A communication from the Chairman of the International Trade Commission, transmitting, pursuant to law, the Commission's 1994 report under the Freedom of Information Act; to the Committee on the Judiciary.

EC–566. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the

Commission's 1994 report under the Freedom of Information Act; to the Committee on the Judiciary.

EC-567. A communication from the Executive Director of the Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the Committee's 1994 report under the Freedom of Information Act; to the Committee on the Judiciary.

EC-568. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the Corps' 1994 report under the Freedom of Information Act; to the Committee on the Judiciary.

EC-569. A communication from the Executive Secretary of the National Security Council, transmitting, a report consistent with the Freedom of Information Act for calendar year 1994; to the Committee on the Judiciary.

EC-570. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1994; to the Committee on the Judiciary.

EC-571. A communication from the Director of Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1994; to the Committee on the Judiciary.

EC-572. A communication from the Executive Director of the Occupational Safety and Health Review Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1994; to the Committee on the Judiciary.

EC-573. A communication from the Freedom of Information/Privacy Officer of the Interstate Commerce Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1994; to the Committee on the Judiciary.

EC-574. A communication from the Chair of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1994; to the Committee on the Judiciary.

EC-575. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1994; to the Committee on the Judiciary.

EC-576. A communication from the Executive Director of the Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the Board's 1994 annual report under the Freedom of Information Act; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LUGAR:

S. 577. A bill to establish the negotiating objectives and fast track procedures for future trade agreements; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR:

S. 577. A bill to establish the negotiating objectives and fast-track procedures for future trade agreements; to the Committee on Finance.

THE TRADE AGREEMENT IMPLEMENTATION REFORM ACT

• Mr. LUGAR. Mr. President, as the United States enters the 21st century, we must expand our economic opportunities. It is with this goal in mind that I introduce the Trade Agreement Implementation Reform Act.

During the recent Uruguay round debate, I pointed out the shortcomings of existing fast-track procedures. These flaws unnecessarily fed public suspicion and mistrust of trade agreements. These agreements should not be burdened by unrelated legislative provisions.

The Senate adopted the fast-track procedure in 1974. This important tool has allowed us to enter free-trade agreements with Canada, Israel, and Mexico. It has also been used to reduce trade barriers worldwide in the Uruguay round; as well as the earlier Tokyo round. Nations must be assured that once they reach an agreement with the United States, it will not be undermined by amendments that violate its provisions.

I believe that the basic arguments for a fast-track process are solid. Hence, my bill does not drastically change it except for two major provisions.

First, legislation submitted under fast track should contain only provisions absolutely necessary to implement an agreement. Prior law allowed provisions "necessary and appropriate" and encouraged deals with special interests in exchange for support. I believe that the integrity of the fast-track process during the Uruguay round was called into question by amendments not relevant to the agreement itself.

Second, although past fast-track legislation has not been amendable, we should make one exception for future trade legislation. Senators should be able to amend or delete provisions which merely serve to offset revenue losses from tariff changes. Such provisions in the recent Uruguay round legislation included the controversial pioneer preference and pension reform titles. Under the pay/go rules, Congress must find offsets for revenue losses. Since these measures are not related to the agreement itself, we should be able to amend them, subject to overall time limits.

My State of Indiana is more dependent on exports, on a per-capita basis, than all but two other States. As Indiana exports increase, so do job opportunities. Indeed, incomes and job security of all Americans depend on maintaining and expanding U.S. exports. With our first-rate labor force and business climate, the United States can meet global economic competition head-on and create jobs.

The bottom line is that increased exports create jobs. Studies have shown that every $1 billion in exports supports 20,000 jobs. Our farmers, manufacturers, and service companies can compete in countries from which they would otherwise have been shut out. Therefore, we must continue to reduce trade barriers that have kept the United States from realizing its full potential and insist that other countries open their markets to our products.

Mr. President, I believe that the changes I am proposing to existing law are modest but essential to our cooperation with the administration on trade agreements. That cooperation, which aims to strengthen America's economic performance, has been a good example of bipartisan leadership in Congress. It is in that spirit that I propose the Trade Agreement Implementation Reform Act.•

ADDITIONAL COSPONSORS

S. 105

At the request of Mr. DASCHLE, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 105, a bill to amend the Internal Revenue Code of 1986 to provide that certain cash rentals of farmland will not cause recapture of special estate tax valuation.

S. 258

At the request of Mr. PRYOR, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 258, a bill to amend the Internal Revenue Code of 1986 to provide additional safeguards to protect taxpayer rights.

S. 465

At the request of Mr. BAUCUS, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 465, a bill to amend the Solid Waste Disposal Act to provide congressional authorization for restrictions on receipt of out-of-State municipal solid waste and for State control over transportation of municipal solid waste, and for other purposes.

S. 568

At the request of Mr. COATS, the names of the Senator from Montana [Mr. BURNS] and the Senator from Florida [Mr. MACK] were added as cosponsors of S. 568, a bill to provide a tax credit for families, to provide certain tax incentives to encourage investment and increase savings, and to place limitations on the growth of spending.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Thursday, March 23, 1995, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider S. 575, a bill to provide Outer Continental Shelf [OCS] impact assistance to State and local governments, and S. 158, a bill to encourage production of domestic oil and gas resources in deep water on the OCS.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mike Poling at (202) 224–8276 or Jo Meuse, (202) 224–6730.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DOLE. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to meet Friday, March 17, 1995, at 9:30 a.m., to conduct a hearing on Department of the Interior and Department of Defense consultations concerning conservation of endangered species at Fort Bragg, NC, and on legislation regarding public uses of the Back Bay National Wildlife Refuge in Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ARMENIA AND TURKEY MOVE TOWARDS RECONCILIATION

• Mr. SIMON. Mr. President, occasionally, there is good news. We tend to concentrate on the negative news.

I am on the mailing list for the Armenian Information Service publication, New Watch, and in their March 8, 1995 edition the lead article is an Associated Press story of March 1, 1995 with that title, "Armenia and Turkey Move Towards Conciliation."

I hope that turns out to be reality.

That is my hope for the sake of both Armenia and Turkey and stability in the region.

Everyone ends up a winner if this turns out to be true.

I commend the leaders of Armenia and Turkey for moving toward reconciliation.

And I ask that the item be printed in the RECORD.

The article follows:

[From the Armenian Information Service, Mar. 8, 1995]

ARMENIA AND TURKEY MOVE TOWARDS CONCILIATION

Turkey and Armenia seem on the verge of opening a new era in their relations. Turkey and Armenia appear willing to normalize ties, basically for mutual economic benefits, despite a history of diplomatic and historical conflict. "Turkey is ready to contribute to regional peace with confidence-building measures," Ferhat Ataman, the foreign ministry spokesman, said in regard to Armenia. He did not elaborate. But a government official, speaking on the condition of anonymity, said Turkey might consider opening its air space to Armenia "especially after Armenia's recent gestures to please Turkey." The official was referring to Armenian President Levon Ter-Petrossian's decision to close down a major opposition party, the Dashnaks, which demands an apology from Turkey for an alleged genocide and claims territory in eastern Turkey. "An Armenian envoy told us that Ter-Petrossian and the Armenian people were willing to normalize ties with Turkey," Ataman said. Jirair Libaridian, Ter-Petrossian's chief advisor, was in Ankara last week on the invitation of the Foreign Policy Institute, which works closely with the foreign ministry. "Normalization of ties will be the most natural move," Libaridian said then.

The roots of Turkish-Armenian conflict go back 100 years. Armenians accuse the Turks of killing 1.5 million of their people during World War I. Turks say about 300,000 Armenians perished during their deportation as a result of killings, famine or disease. Although Armenia has suffered more from Turkey closing its borders and airspace, Turkey also feels the pinch. "My city is suffering a total economic collapse. If we were allowed to have at least limited border trade with Armenia it would provide some sort of relief," said Mayor Tuncay Mutluer from the eastern border city of Kars. Ankara has bigger financial concerns at stake. When Washington threw its support behind a pipeline project from Central Asia through Turkey, it pointed to Armenia as a possible route. Glen Rase, director for international energy policy at the U.S. State Department, told a conference in London this week that "a route through Armenia might well prove to be the most attractive from a foreign policy standpoint if it had the effect of moving Armenia and Azerbaijan closer to peace."

Turkey's close historical and cultural ties with Azerbaijan remain an obstacle in the process of improving ties with Armenia. Azerbaijan already feels uneasy about a Turkish-Armenian rapprochement. "It will be a betrayal of Baku," said Vefa Gulizade, Azerbaijan's presidential advisor, during a visit to Ankara last week. "It is necessary to see the realities rather than being emotional," Ataman responded. Turkey rules out diplomatic relations with Armenia unless Azerbaijan's territory is set free. But Ankara apparently feels the pressure from Washington for better relations with Armenia. "On Turkey-Armenian relations, which are so frayed with history, emotion, misunderstanding and conflicting views of history, our view is very simple Your two countries must work together, must find ways to move on to the future," Richard Holbrook, Assistant U.S. Secretary of State, said last month.•

TRIBUTE TO THE GIRL SCOUTS OF AMERICA

• Mrs. BOXER. Mr. President, I rise today to pay tribute to an organization that is truly an American institution—the Girl Scouts of America.

This week we celebrate National Girl Scout Week, in recognition of the founding of the Girl Scout organization on March 12, 1912. Throughout the country, Girl Scouts are observing this special week by participating in numerous community service activities.

In my home State of California, where there are 20 Girl Scout councils, young women participated in the first ever Be Your Best Day on March 14. All over the State, Girl Scouts contributed their talents, energy, and time to make an impact on their communities. For example, the Girl Scouts in Anaheim, CA, collected over 300 dolls, reconditioned them, and distributed them to various local agencies.

In Placentia, CA, Girl Scouts assisted the staff of the Van Buren Elementary School by cleaning the school, decorating bulletin boards, and pulling weeds. And, in the bay area, the Girl Scouts collected and distributed 750 bags of clothing and other items for Goodwill. These are just a few examples of the impressive work that the Girl Scouts do every day.

When the Girl Scouts of America was formed in 1912, their mission was simple: To promote character, good conduct, patriotism and service. As they have advanced over the last 83 years, the Girl Scouts have successfully changed to meet the needs of our society while maintaining the original spirit and conviction in which the organization was founded.

I am proud of the Girl Scouts for their ongoing commitment to serving their communities and our Nation. I am pleased to offer my sincere congratulations to them for their 83 years of distinguished service.•

DOWN GOES THE DOLLAR

• Mr. SIMON. Mr. President, I appreciate the column of James Glassman, which has appeared on the financial pages of the Washington Post twice a week and, I was pleased to see, on the editorial page the other day.

In a column titled, "Down Goes the Dollar," he suggests that we ought to be looking at our deficit if we really want to do something about the dollar.

Unfortunately, the lesson of recent history is that we will pay attention to the deficit for a short time, then other things will preoccupy us, and our interest in reducing the deficit will diminish. That is why we need a constitutional amendment.

In his excellent column he quotes Alan Greenspan in response to a question by Representative JOHN KASICH about what would happen if we actually moved to balancing a budget. The Chairman of the Federal Reserve Board, Alan Greenspan, replied "There would be some strain." Then, he says, as borrowing fell, so would interest rates, and "the effects would be rather startling." Real incomes would rise, and we'd be ensured that our kids would live better than we have, he said.

Alan Greenspan's remarks coincide completely with what Data Resources, Inc., the Congressional Budget Office, and the General Accounting Office [GAO] have told us. The GAO report to us in June 1992 said that two decades after we balanced the budget, the average American would have an increased income of 36 percent. That is a startling figure. And they suggest, if we simply stumble along as we are doing now, that's what we will do in terms of our standard of living, with a possible slight increase or slight decline; or, as appears more likely, the deficit gradually grows, their prediction is for economic chaos.

No one should have any illusions. Our failure to address our fiscal problems discourages financial markets in this country and around the world.

I urge my colleagues to read the James Glassman column, and I ask that it be printed in the Record.

The column follows:

[From the Washington Post, Mar. 14, 1995]

Down Goes the Dollar

(By James K. Glassman)

Dinner for two at Aubergine in Munich now costs more than 400 American dollars (including a half-decent wine), and a room at the Imperial Hotel in Tokyo runs $600 a night. But if you aren't planning a trip to Germany or Japan, the recent decline in the dollar won't affect you much. At least not yet.

Benign neglect can sometimes solve currency problems, but the dollar is so weak right now that the only way to preserve its status as the world's reserve currency may be a sharp increase in interest rates. "We fear that the ending of this will not be pretty," wrote Ray Dalio, an astute financial analyst, in a fax to his clients last week.

Exchange rates are a complicated and emotional subject. No one really knows why they go up and down, but there's certainly a glut of explanations for the latest crash in the dollar:

"The Mexican crisis is almost certainly the single biggest factor," said economist John Mueller of Lehrman Bell Mueller Cannon in testimony before a Senate committee.

"It comes down to a lack of confidence" in the ability of new Treasury Secretary Robert Rubin, wrote Hobart Rowen of The Post on Sunday.

Charles Ramond, whom runs the currency consulting firm Predex in New York, says that the dollar will keep falling simply because it's too popular, especially in emerging countries—"the best U.S. brand since Coca-Cola." And with so many greenbacks floating around the world, the dollar has been cheapened as a "store of value."

But there's another explanation that's easier to understand: Our twin deficits—in trade and in the federal budget—are forcing us to borrow too much. Through the early 1980s, the United States was the world's biggest creditor; now we're the world's biggest debtor.

When foreigners lend to us, they have to trade their own currencies for ours. Now, the Japanese, for example, are saying that they'll only part with about 90 yen to buy a dollar, in 1985, they parted with 263 yen.

If the dollar keeps falling fast, these lenders my become reluctant to make dollar investments at almost any price (that's what happened with peso investments in Mexico). The only way to lure them will be with higher interest rates.

Dalio believes that if the Federal Reserve moves quickly (it meets March 28), then the rate hike may only have to be one percentage point, or two or three. That would probably mean a recession, but if the Fed waits longer, "the eventual rate hikes and economic damage will have to be more severe."

The truth is that the Fed has shown little appetite for raising interest rates to attract foreigners to the dollar. But the dollar's weakness may force the Fed's hand for a different reason—something economists call "imported inflation."

To make up for a falling dollar, foreign manufacturers have to raise the prices they charge for goods they import to the United States. Thus, it's likely that Japanese cars, for example, will cost more here. If that happens, U.S. automakers will raise their prices, too, slipping under the Japanese umbrella.

In his testimony before the House Budget Committee last Wednesday, Alan Greenspan, the Fed's chairman, admitted that imported inflation could be a problem and that "it is important to contain such pressures"—which the Fed does by raising interest rates to dampen economic activity.

Of course, there's a better way to strengthen the dollar: The government could stop borrowing $200 billion a year by balancing the budget.

In fact, the defeat in the Senate of a constitutional amendment to do just that—and the subsequent beatification in the press of Saint Mark Hatfield, the only Republican dissenter—may even have ignited the dollar selloff.

If so, then Congress will soon get a chance to show the international markets that it's serious. Tomorrow, the House Appropriations chairman, Rep. Bob Livingston (R-La.), is bringing a bill to the floor that will cut spending by $11 billion immediately. That may not sound like much, but it's actually revolutionary. In the past, Congress has used floods and earthquakes as excuses to raise spending in the middle of the year through "dire emergency" supplemental bills.

Also tomorrow, Rep. John Kasich (R-Ohio), the budget chairman, will produce a list of reductions totaling nearly $200 billion. Those cuts would merely pay for the tax reductions in the "Contract With America," but again, they should encourage the markets. Then, in May, Kasich will present what he calls "The Big One"—the spending cuts to bring the budget into balance by 2002.

Even if the tax reductions are trimmed by the Senate—and many House Republicans privately hope they will be—balancing the budget won't be easy. That's why Kasich asked Greenspan for some spine-stiffening words for rubbery members of Congress.

"What would you tell the American people the reasons would be for making some tough choices up front?" Kasich asked last Wednesday.

In the short run, Greenspan replied, "There would be some strain." Then, as borrowing fell, so would interest rates, and "the effects would be rather startling." Real incomes would rise, and we'd be ensured that our kids would live better than we have.

"That's an awesome statement, Mr. Chairman!" said Kasich, practically bouncing out of his seat.•

EXECUTIVE CALENDAR

Mr. COATS. Mr. President, as in executive session, I ask unanimous consent that the Senate proceed to the immediate consideration of the following nominations on the Executive Calendar, en bloc: Calendar Nos. 18, 19, 20, 21, 22, 35, and 36; further, that the nominations be confirmed en bloc; the motions to reconsider be laid on the table en bloc; that any statements relating to the nominations appear at the appropriate place in the Record; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed, en bloc, as follows:

The Judiciary

Lacy H. Thornburg, of North Carolina, to be United States District Judge for the Western District of North Carolina.

Sidney H. Stein, of New York, to be United States District Judge for the Southern District of New York.

Thadd Heartfield, of Texas, to be United States District Judge for the Eastern District of Texas.

David Folsom, of Texas, to be United States District Judge for the Eastern District of Texas.

Sandra L. Lynch, of Massachusetts, to be United States Circuit Judge for the First Circuit.

United States Tax Court

Maurice B. Foley, of California, to be a Judge of the United States Tax Court for a term expiring 15 years after he takes office.

Juan F. Vasquez, of Texas, to be a Judge of the United States Tax Court for a term expiring 15 years after he takes office.

ORDERS FOR MONDAY, MARCH 20, 1995

Mr. COATS. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 10 a.m. on Monday, March 20, 1995; that following the prayer, the Journal of proceedings be deemed approved to date; the time for the two leaders be reserved for their use later in the day; and that the Senate then begin controlled general debate on the line-item veto bill until 5 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. COATS. Mr. President, for the information of all Senators, at 5 p.m. Monday, the Senate will begin consideration of S. 4, the line-item veto bill. Amendments could be offered at that time. However, no votes will occur on that day.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10 A.M., MONDAY, MARCH 20, 1995

Mr. COATS. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 2:57 p.m., recessed until Monday, March 20, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 17, 1995:

U.S. TAX COURT

MAURICE B. FOLEY, OF CALIFORNIA, TO BE A JUDGE OF THE U.S. TAX COURT FOR A TERM EXPIRING 15 YEARS AFTER HE TAKES OFFICE.

JUAN F. VASQUEZ, OF TEXAS, TO BE A JUDGE OF THE U.S. TAX COURT FOR A TERM EXPIRING 15 YEARS AFTER HE TAKES OFFICE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

LACY H. THORNBURG, OF NORTH CAROLINA, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NORTH CAROLINA.

SIDNEY H. STEIN, OF NEW YORK, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK.

THADD HEARTFIELD, OF TEXAS, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TEXAS.

DAVID FOLSOM, OF TEXAS, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TEXAS.

SANDRA L. LYNCH, OF MASSACHUSETTS, TO BE U.S. CIRCUIT JUDGE FOR THE FIRST CIRCUIT.

SENATE—*Monday, March 20, 1995*

(Legislative day of Thursday, March 16, 1995)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Lloyd John Ogilvie, D.D., offered the following prayer:

Let us pray:

The Word of the Lord sounds a clarion call in our souls as we begin this new week:

"Let not the wise man glory in his wisdom, let not the mighty man glory in his might, let not the rich man glory in his riches; but let him who glories, glory in this, that he understands and knows me, that I am the Lord, exercising lovingkindness, judgment, and righteousness in the earth. For in these I delight," says the Lord.—Jeremiah 9:23–24.

Lord, thank You for this decisive declaration of Your priorities for us as individuals and as a nation. Forgive us when we try to grasp the glory for ourselves, our party, our position, our past. We live with the ever-present question, "Who will get the glory?" So often we take false pride in our accomplishments, and the accumulation in our self-made kingdoms of thingdom. Often we miss the real purpose of life: to know You and emulate Your love, justice, and righteousness. We turn from all our lesser goals of aggrandizement and focus our lives on this ultimate calling.

We commit this day to seek what delights You. We want to give You the glory for all we have and are, for the opportunities to serve You by being servants of others, and for the awesome responsibilities of leadership You have entrusted to us.

And so we grasp the challenge of this day with an attitude of gratitude. To God be the glory. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. DOLE. Mr. President, leaders' time has been reserved, and the Senate will immediately begin controlled general debate of S. 4, the line-item veto bill, until the hour of 5 p.m. today.

At 5 p.m. today the Senate will begin consideration of S. 4. Therefore, amendments may be offered beginning at 5 p.m.—may be offered. However, I have stated there will be no rollcall votes during today's session.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The distinguished Senator from Arizona is recognized.

LINE-ITEM VETO

Mr. MCCAIN. I thank the Chair for his recognition.

Mr. President, I would like to begin by addressing some of the remarks that were made on Friday by the distinguished Democratic leader. I think it is pretty clear now what the strategy of the opponents of S. 4 will be.

Very frankly, Mr. President, it will be to attempt to foist off on the American people the idea that a majority vote in one House constitutes a veto. It will be the idea that the traditional belief that a two-thirds majority is required to override a veto is now replaced by a simple majority in one House.

Mr. President, as a result of the 1994 elections, the American people sent a message and a clear and unequivocal one that they want the pork-barrel spending stopped. They want it stopped. They figured out that the money that they sent to Washington, DC, does not all come back. In fact, it comes back to different States and congressional districts in different amounts, but some of it always stays here in Washington, DC.

In Senator DASCHLE's remarks on Friday, he said:

> The President is prepared today or tomorrow or any time to reiterate what he said all along.

He said he just came from a meeting with the President of the United States.

> He supports the line-item veto. It is that simple. There is no question about it.

Mr. President, if that is true, and I do not question the distinguished minority leader's remarks, I would like to hear from the President. We on this side of the aisle would like to hear from the President. The American people would like to hear from the President of the United States. I would like to see a strong letter from the President of the United States to every Member of this body before we take up the debate on S. 4 this afternoon and amending it that he supports the line-item veto, and the line-item veto means two-thirds vote by both Houses in order to override.

If there is no question about it and if the President of the United States is committed, as he was in the quote from "Putting People First" where he said he needed a line-item veto, where he personally told me 2 years ago that he was in support of the line-item veto, and just recently in a number of public occasions the President of the United States has said that he is in favor of the line-item veto, it is time for the President to weigh in and support it and support it strongly. Otherwise, what is going to happen is that those who know they no longer can take the line-item veto head on and defeat it on a procedural motion or just defeat it on a straight up-or-down vote will make every attempt to succeed by us being unable to get 60 votes to cut off debate because they will support a watered-down, meaningless charade that they call a line-item veto which allows an override of the President's veto by the majority of one House of Congress.

Mr. President, it took a majority vote of two Houses of Congress in order to put the pork in. So let us not kid ourselves about what the issue is here.

I have to go back, though. The distinguished minority leader said—the fact is so for most Democrats:

> I have supported a line-item veto since coming to the Congress. I did 15 years ago and I do today. I always have. I believe that it is an important aspect of good legislating.

I wish that that had been displayed on the numerous occasions in the last 8 years that Senator COATS and I tried to get the line-item veto up for a vote. We were blocked from doing so, Mr. President, on each occasion on the votes, on a procedural matter which prevented us from getting an up-or-down vote.

In 1989, Senator DASCHLE voted "no" as far as allowing the line-item veto to be brought up, as the vote was on a budget point of order. A budget point of order was raised against our efforts to bring up the line-item veto as an amendment. In November 1989, Senator DASCHLE voted "no." In 1990, Senator DASCHLE voted "yes." In 1992, Senator DASCHLE voted "yes." And on a motion to table in 1993, Senator DASCHLE voted to table.

So I must say that the position of my friend from South Dakota on this issue has been somewhat mixed.

In 1993 on a motion to waive the Budget Act, the vote was 45 to 52. Senator DASCHLE voted "no" to waive the Budget Act as late as 1993, so that we could bring the line-item veto up for consideration.

But I will accept Senator DASCHLE at his word. I will accept the minority leader at his word that "everybody

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

wants a line-item veto." But if they really do support the line-item veto, Mr. President, they will support the meaning of the word "veto."

The word "veto," according to the Constitution of the United States, calls for a two-thirds majority in order for the veto to be overridden. Section 7 of the Constitution of the United States:

> Every Bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a Law, be presented to the President of the United States; if he approves he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two-thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a Law.

Mr. President, the Constitution of the United States describes what a veto is and what is required in order to override that veto.

Mr. President, the Senator from South Dakota goes on to say:

> I recognize that 43 States have already done what we would like to do here. Forty-three States have already acknowledged that Governors ought to have an opportunity to review and send back for further review items in legislation.

Mr. President, he does not mention that it requires a two-thirds vote to override a Governor's veto. In the 43 States out of 50 that have line-item vetoes that Senator DASCHLE obviously approves of, there obviously clearly is a two-thirds vote required in order to override.

Mr. President, may I ask how much time is divided between the two sides?

The PRESIDING OFFICER. Under the order there are 209 minutes for each side. The Senator from Arizona has used 8 minutes.

Mr. McCAIN. I thank the Chair.

Mr. President, last Friday, the Democratic leader, as I mentioned, took the floor of the Senate to lay out his views regarding the line-item veto, which I assume are in league with many others on the other side of the aisle. I must say I found the statements confusing and contradictory. The Senator from South Dakota vowed his support for the line-item veto, then in the course of remarks expressed his opposition to the pending bill and the expected substitute, both of which provide true line-item veto authority.

Mr. President, he alleged that the separate enrollment substitute was something the Senate has never seen before. The facts are quite to the contrary. The Senate voted on this measure in 1985. It has been introduced in every Congress since that time. In fact, two separate enrollment bills have been introduced in this session, cosponsored by Senators on the other side of the aisle and cosponsored by a number of our Democratic colleagues.

But most confusing of all, the Senator from South Dakota went on to pledge his support for a measure that is not a line-item veto at all, a process known as the expedited rescission which would allow a simple majority in either House to block a Presidential veto of wasteful or unnecessary spending. I am disturbed by the contradiction, and it begs the application of the tried and true admonition: "Watch what we do, not what we say."

I just quoted from the Constitution of the United States, but I wish to emphasize again that this issue of the line-item veto will come down to whether we enact a true veto, which is a two-thirds majority in both Houses in order to override a President's veto and eliminate the unnecessary spending and wasteful spending that has become epidemic to the point where we now have nearly a $5 trillion national debt, or whether we will enact some kind of sham or charade or false line-item veto which will allow the President's veto to be overridden by a simple majority of one House.

Mr. President, that is simply not acceptable. It is also, frankly, a terrible fraud that we would perpetrate on the American people.

Each year the Library of Congress distributes an information packet on legislative procedures which House and Senate Members send to their constituents, many of whom are students educating themselves on how Congress works. This packet describes the veto override process as follows:

> Overriding a veto requires a two-thirds vote of those present who must number a quorum and vote by rollcall.

That is what we tell students, and it is perfectly correct. But in this Chamber in classic Orwellian fashion we seem to be redefining the process and, contrary to the facts, call expedited rescission a veto. Why? Because it is politically convenient. It sounds tougher.

Mr. President, the American people have not had enough reform. They have had enough rhetorical bait and switch. Substance is what counts, substance is what the American people deserve, and substance is what we are duty bound to legislate.

Let me also point out, Mr. President, that by a vote of 294 to 130, the other body adopted the line-item veto that we are considering today and will be taking up formally this afternoon. The same proposal of a simple majority in one House was also voted in the other body, and that vote was overwhelmingly in rejection of it. I have talked to the leadership of the other body, and the fact is clear that they will not accept anything less than a true line-item veto.

I must say I was somewhat surprised, if not a little amused, by the remarks of the Senator from South Dakota in which he criticized separate enrollment as too cumbersome and time consuming. The President of the United States, the Speaker of the House, and the President pro tempore will have to sign more paperwork.

I know they are busy people, and I am sorry for the extra burden but, Mr. President, if eliminating wasting of the taxpayers' dollars and reducing the deficit spending on this and future generations is not important, please tell me what is. If our political leadership is not here to ensure that the fruits of our constituents' labors are not squandered and that Government functions in a lean and efficient manner, then what are we here for? Is it about the debated trappings of the Founders' oak desks, gilded ceilings, and marble halls, no matter how it is exercised?

No, I do not believe it. I categorically reject that any extra paperwork resulting from the line-item veto is a waste of time. Given the tens of billions of dollars that will be saved, it may be the best cost beneficial expenditure of time in the Federal service.

As Senators, we take an oath to uphold and defend the Constitution of the United States. There is not one amongst us who does not regard that pledge, that responsibility with the highest sense of duty and obligation.

When we debate the issue of public expenditures, there is always intense discussion regarding the intention of our Founding Fathers. Mr. President, the Framers vested the President with veto authority as part of that miraculous system of checks and balances that distinguishes our national character from any other in the history of mankind. They knew that the veto was an essential check on the legislative branch. They had no idea how wise they were.

Mr. President, I will show you the first spending bill approved by Congress. It was one page. And I can tell you that what the Congress in its early years enacted were single-page bills that were addressing one item and were sent to the President's desk.

It was not until sometime around the Civil War that the so-called riders began to be added to appropriations bills and other bills, and one of the first to really complain vociferously about it was President Grant. And, of course, as we know, that has proliferated and proliferated to the point where I remember in 1984 when President Reagan, speaking in the State of the Union Message had displayed a 1,300-some page—I believe it was 2½ pounds—continuing resolution.

Now, Mr. President, which would the American people prefer, a 1,300-page continuing resolution, most of which had never been seen or read by the majority of the Members of both bodies, much less the President of the United States, or would they prefer a single bill that they know is going to contain much-needed and vital funds, their taxpayers' dollars for much-needed projects or efforts? I think the answer is obvious. I think it is long ago time for us to look seriously at single enrollment.

Another thing about single enrollment is that maybe we will reduce some of the rampant numbers of riders and additional appropriations and items that are tucked into appropriations bills which most of us never see until long after the bill is passed and has reached the President's desk.

I urge my colleagues to look at the way we used to do business in the early days, and when we are debating this issue of the intentions of the Founding Fathers I do not believe that there was a single Founding Father who believed that we would be considering bills of thousands of pages in length with tens of thousands of line items associated with them. I think we could avoid many items—for example, fruit and vegetable market analysis, Russian wheat aphid, wood utilization research, et cetera, et cetera—that we find highlighted on an annual basis unfortunately after the fact.

Let us take a look and see what 200 years has done to the legislative process. I want to show the continuing resolution, as I mentioned, in 1984. It is thousands of pages of every kind of spending. We told the President either to swallow the whole thing or to shut down the Government. Is this what James Madison and Thomas Jefferson had in mind? I do not think so.

In the coming days, some will question whether we have the constitutional authority to separately enroll bills for presentation to the President, even though article I section 5 of the Constitution leaves to Congress the determination of its rules and what shall constitute a bill. I wonder where those who handwring about the constitutionality of separate enrollment were in 1984? I did not hear any outcries of indignation of the constitutionality of thousands of pages of continuing resolution passed in the form of a single bill.

In 1985, when the Senate debated separate enrollment, the argument was made that the President never sees the details of appropriations bills and that the line-item veto would simply empower bureaucrats at the Office of Management and Budget. They used the ignorance argument to oppose separate enrollment.

Mr. President, the allegation of Presidential ignorance cries out for separate enrollment. Perhaps it is high time the Chief Executive sees where taxes are going specifically. Maybe when he is asked to affix his consentual signature to a sentence saying that millions of dollars will be appropriated for a research participation center at a specific university or for military construction at a base to be closed by the Pentagon, the bells will ring, the lights will flash, and line-item veto of our expenditures will give rise to line-item responsibility by those both in the legislative and executive who have been invested with stewardship in the public purse. Allowing the President to remain ignorant of what it is he signs is a very poor and uncompelling argument against the line-item veto.

The assertion will also be made that line-item veto will give the President the opportunity to extort Members of Congress; the President would get a leg up in the executive-legislative contest, or tit for tat. The President would say, either I get your vote for this bill that I want, Congressperson, or I will kill your project.

There are two fundamental flaws in this argument. First, despite being an extremely cynical assessment of the President, it completely ignores the court of public opinion, before which the President and every other elected official must be called to account and the judgments of which vote-seekers are extremely sensitive to. Legislative extortion, if it were to occur, would be a gold mine for the fourth estate which is always eager to shed sunlight on such mischief. No doubt practitioners in the public arena would feel the swift rebuke of public disapproval.

The second is the argument never takes into account the current and more supportive practice of log rolling, "I'll support your pork if you support mine," which leaves its mark on practically every appropriations bill and which has given Congress approval ratings somewhere between Stalin and peptic indigestion. The "go along to get along" is far more dangerous than the prospects of legislative extortion which, if it does occur, would only manifest itself if Members willingly give in to such pressure. Surely we think better of ourselves and our colleagues than that.

The debate that will take place over the next several days is sure to be spirited and the debate we are certain to hear much more about is the balance of power. The allegation that line-item veto distorts the balance of power will become, I suspect, the mantra. The statement will be made, and it is correct, that Congress retains the power of the purse. How have we exercised that power? What is the fruit of that virtually unchecked authority? Yearly deficits of nearly $250 billion, an amount that will triple in 10 years if we stay the present course; a $4.6 trillion millstone of debt we have hung around the neck of future generations; a yearly budget one-fifth of which must be dedicated to pay the interest on our debt.

Mr. President, I point out again, from the earliest days, from the earliest Congresses of the United States, expenditures and revenues were roughly equal. I have a chart that indicates that was so throughout this Nation's history.

Also throughout this Nation's history, beginning with Thomas Jefferson, Presidents exercise the right to impound funds. Thomas Jefferson impounded $50,000 which the Congress of the United States had appropriated to procure gunboats. The threat no longer existed, the President of the United States, President Jefferson, did not spend that money, and from then on every President of the United States, to a greater or lesser degree continued that practice of impoundment of funds.

In 1974, the Congress of the United States passed the present Budget and Impoundment Act which deprived the President of the United States of that ability and put the rescission process basically into the hands of the legislative branch. In other words, if the President of the United States proposes a rescission and if the Congress does not act, then that rescission is not enacted. So, by merely passively reacting to a Presidential rescission, the Congress of the United States virtually stymies any President's efforts to reduce wasteful and pork-barrel spending.

In 1974, that is when expenditures and revenues began to diverge in a dramatic fashion. We have not, throughout this Nation's history, had this burgeoning debt that I just described, or anything like it, except in times of war. And the Congress and the people of the United States, when those times of war were over, have quickly acted to bring us out of deficit by their practice of appropriating so the debt was removed, because for nearly 200 years Congress and the people of the country realized that a burgeoning debt, laid on future generations of Americans, is nearly an unconscionable act—it is, in fact, an unconscionable act.

But in 1974, because of the shift in power, the shift in power that will be debated right here on this floor, the ability of the executive branch of the United States to exercise fiscal responsibility and fiscal restraint on the Congress of the United States disappeared and the deficits began to grow and the debt began to accumulate.

I will have a pie chart at some time during this debate that shows how much of the Federal budget in 1974 was spent on paying interest on the national debt. It was a very small amount, somewhere around 1 or 2 percent.

Now, this year, we will spend more on paying interest on the national debt than we will on national defense. I do not know how you pay off a $4.6 trillion debt. I do know this, that there are many experts who are saying that the recent decline in the dollar was directly related to the Congress' failure to enact a balanced budget amendment to the Constitution of the United States because our debt is so large and requires such a huge influx of foreign dollars that we are very vulnerable to the vagaries of the investment policies of foreign investors and foreign nations.

All that aside, I do not know, as the Senator from Missouri stated so eloquently on Friday in his presentation, how in the world you can expect any family, any business, any government to operate on a continuously deficit basis and not sooner or later have a crisis of enormous proportions. And the longer we wait and the larger this debt gets, the greater will be the cataclysm when we finally face up.

I was fascinated, again on Friday, when we strayed back into the issue of Social Security and raiding the Social Security trust funds and the terrible impact that a balanced budget amendment to the Constitution would have on the Social Security trust funds. I not so proudly point out I was one of two Republicans who voted for the amendment that would protect Social Security. But the fact is, we cannot protect Social Security, we cannot protect Medicare, we cannot protect anything—there is nothing we can protect—if this country goes bankrupt; if we do not stop amassing this huge debt that is a millstone around the neck of future generations of Americans.

So, to argue that Social Security must be protected I think is a legitimate argument. But to ignore the consequences of a failure to balance our budget on Social Security or any other program—because either the country goes bankrupt or we debase the currency through inflation thereby reducing the national debt in real terms. And what happens, though, when you debase the currency? When you debase the currency, as we have found time after time in other nations throughout the world, and nearly so in this Nation a couple of times, you destroy the middle class and the middle class is the fundamental pillar of democracy as we know it.

So let us not kid ourselves about balance of power. The balance of power has resided basically in a very fundamentally balanced fashion for nearly 200 years. In 1974 that balance of power was skewed dramatically on the side of the legislative branch.

Let me also mention another thing that seems to come up quite often. During the many years that passed, 8 years that I have been a Member of this body, when I would bring up the line-item veto, one of the first responses would be, "Well, you would not support that if it was a Member of the other party who was President." I have always stoutly denied that to be the case, and indeed I am now proving that is not the case. But the fact is, too, that this President of the United States will probably, if when given this power—and I believe he will sooner or later be given this authority—will veto an item that I think is wrong. Because he and I are of different philosophy and different party, he will take some executive actions that I do not agree with. It may be harmful in the short term, especially in the area of national security. Clearly, I am in strong disagreement with the administration on how much funds should be spent on national defense and this President of the United States may choose to veto some items especially brought up on the floor, such as the ballistic missile defense capability. I am willing to take that risk because, if we bankrupt the country, we are not going to have any ballistic missile defense capability at all.

So I would like to state again, it matters not who is the President of the United States or what persuasion or what party. What matters is that are we going to be able to stop the terrible things that have gone on for so long which have caused us to find ourselves in a deplorable situation where paying off the national debt is rapidly becoming one of the largest portions of our national budget.

Mr. President, in the case of the separate enrollment being constitutional, I think it is important for us to consult with various leaders who are experts on the Constitution. I think it is important that we understand that the Congress has the right to present a bill to the President of the United States. As I mentioned article 1, section 5, each House of Congress has unilateral authority to make and amend rules governing its procedures. A separate enrollment speaks to the question of what constitutes a bill. It does nothing to erode the prerogative of the President as that bill is presented. Under the rulemaking clause, our procedures for defining and enrolling a bill are for ourselves to determine alone.

There is precedent provided in the House rule, the so-called Gephardt rule. Under this rule the House clerk is instructed to prepare a joint resolution raising the debt ceiling when Congress adopts a concurrent budget resolution which exceeds the statutory debt limit. The House is deemed to have voted on and passed a resolution on the debt ceiling when the vote occurs on the concurrent resolution. Despite the fact that a vote is never taken, the House is deemed to have passed it.

The American law division of the Congressional Research Service has analyzed separate enrollment legislation and found it constitutional.

Johnny Killian wrote:

> Evidently, it would appear to be that simply to authorize the President to pick and choose among provisions of the same bill would be to contravene this procedure. For a separate enrollment, however, a different tack is chosen. Separate bills drawn out of a single bill are forwarded to the President. In this fashion, he may pick and choose. The formal provisions of the presentation clause would seem to be observed by this device.

Laurence Tribe also has observed that the measure is constitutional. He recently wrote,

> The most promising line item veto idea by far is .*.*.* that congress itself begin to treat each appropriation and each tax measure as an individual "bill" to be presented separately to the President for his signature or veto. Such a change could be effected simply, and with no real constitutional difficulty, by a temporary alteration in congressional rules regarding the enrolling and presentment of bills.
>
> Courts construing the Rules Clause of Article I, Sec 5 have interpreted it in expansive terms, and I have little doubt that the sort of individual presentment envisioned by such a rules change would fall within Congress' broad authority.

The distinguished Senator from Delaware, Senator BIDEN, during his tenure as chairman of the Senate Judiciary Committee wrote extensive additional views in a committee report on a constitutional line-item veto. He wrote about a separate enrollment substitute he offered:

> Under the separate enrollment process instituted by the statutory line-item veto, the items of appropriation presented to the President would not be passed according to routine lawmaking procedures. Congress would vote on the original appropriations bill, but would not vote again on the separately enrolled bills presented to the President. The absence of a second vote on the individual items of appropriation has raised questions of constitutionality. For the following reasons, such concerns are unfounded.
>
> 1. No change in congressional authority:
>
> Each House of Congress has the power to make and amend the rules governing its internal procedures. And, of course, Congress has complete control over the content of the legislation it passes. Thus, the decisions to initiate the process of separate enrollment, to terminate the process through passage of a subsequent statute, to pass a given appropriations bill, and to establish the sections and paragraphs of that bill, are all fully within Congress' discretion and control.
>
> A requirement that Congress again pass each separately enrolled item would be only a formal refinement—not a substantive one. It would not prevent power from being shifted from Congress to the President, because under the statutory line-item veto Congress will retain the full extent of its legislative power. Nor would it serve to shield Congress from the process of separate enrollment, because Congress will retain the discretion to terminate that process.
>
> 2. House Rule XLIX: Statutory Limit on Public Debt.
>
> Rule XLIX of the House of Representatives empowers the enrolling clerk of the House to prepare a joint resolution raising the debt ceiling when Congress adopts a concurrent resolution on the budget exceeding the statutory limit on the public debt.
>
> This procedure, which has been in existence since 1979, provides a clear precedent for the separate enrollment of items of appropriation. The House never votes on the joint resolution. Nonetheless, the House is "deemed" to have voted on the resolution because of its vote on the concurrent resolution. House Rule XLIX states, in part:
>
> The vote by which the conference report on the concurrent resolution in the budget was agreed to in the House * * * shall be deemed to have been a vote in favor of such joint resolution upon final passage in the House of Representatives.

The committee report continues:

> House Rule XLIX has not been found unconstitutional because of its modification of

> routine lawmaking procedures. The joint resolution engrossed by the clerk is transmittal to the Senate for further action, and then presented to the President for his signature. This process has been in effect for a decade. Despite the absence of a separate vote by the House on the joint resolution, there have been no constitutional challenges.

Mr. President, I would like to quote from an editorial written in the Los Angeles Times on July 23, 1985.

> Growing support for the line-item veto in the Senate and the House is a reflection of the Pogo principle in contemporary politics, "we have met the enemy, and they is us." The budget process is in shambles, the deficit is out of control * * *

Mind you, Mr. President, this was written in 1985.

> The budget process is in shambles, the deficit is out of control, and Congress is the problem. Our systems of checks and balances which functions adequately, even brilliantly in most areas, is out of kilter in the area of the budget. Congress has too much power over the purse and the President has too little. The line-item veto is, while neither the miracle cure that the proponents promised nor the disaster that the opponents feared, is one of the few available tools to redress imbalance. The fundamental issue is fiscal responsibility, and it has little to do with partisan politics or the current budget wars that pit a Republican President against a Democratic House, and even against his own Republican Senate. A larger principle and a longer perspective are at stake. When 100 Senators and 435 Representatives have primary responsibility for the budget, no one is adequately responsible. The traditional veto power of the President, which worked well until the 1970's, is still sufficient to keep most other legislation in check. But it is too unwieldy to impose significant discipline on the appropriations process. In 1983, and 1984, the 98th Congress produced 623 bills that were sent to the White House and signed into law. Only 27 were appropriations bills. But they made up in size and scope for what they lacked in number, dispensing hundreds of billions across the entire range of a myriad of Federal programs.
>
> Very occasionally, Presidents have been bold enough to veto one or another of these behemoth appropriations bills because they have objected to particular provisions. More often, the massive nature of the modern appropriations process has overwhelmed the executive veto power, and the President acquiesces in bills that by any standards are badly flawed. By giving the President a stronger role, the line-item veto would instill a new and needed measure of Presidential accountability and Federal spending, and reduce the excesses of a congressional process that too readily focuses on individual districts and separate interests, not the national interest. In any event, the line-item veto is hardly a riverboat gamble. Forty-three States have already given a similar power to their Governors who universally regard it as an indispensable tool of budget control, at least until they become U.S. Senators.
>
> Presidents since Grant have sought the line-item veto, but until now Congress has refused to cede the power, and with considerable justification because earlier Congresses seldom brought in budgets that were unbalanced. The Congress has only itself to blame for the irresistible pressure to yield some of its power to the President. We gave that to the Treasury with massive tax cuts and huge increases in military spending in the past 4 years and the country will continue to sink into an irreversible morass of deficits unless corrective action is taken. Everybody talks about balancing the budget, but nobody is currently doing much about it. Congress claims it is the President's fault for failing to use the veto: "Stop us before we spend again." The President pleads, in turn, that he fervently detests deficits but does not have the power to fight them fully. So let us give it to him and help him live up to his own rhetoric, and let us see to it that Congress will be looking over its shoulders as it packages and passes future appropriations bills.

Mr. President, that is from a column, written in the Wall Street Journal on July 23, 1985, by Senator EDWARD M. KENNEDY. I agree with everything Senator KENNEDY says. If he was worried about the debt and deficit being out of control in 1985, it has increased by trillions of dollars since then. I look forward to working with him and other Members on the other side of the aisle who, back in 1985, supported a motion to invoke cloture on the then separate enrollment bill that was brought up at that time.

Mr. President, I am also going to address the issue of the separate enrollment and how many extra items that would require for the President's signature. Mr. President, this is the Commerce, State, and Justice appropriations bill. It was the longest appropriations bill that was passed last year. As you can see, it is about an inch thick, and it is in fairly small print. Of all of the 13 appropriations bills, this is the longest. Using modern computers which, I am happy to say, our enrolling clerks in the Senate and the House have access to, it took approximately 4 hours to take this bill, which was the longest of the appropriations bills, and convert it into this, which is 500 different bills.

Mr. President, there is a difference between these two. But the fact is that the statements that are made about a Mack truck that will be required to take it down to the White House, et cetera, et cetera, do not work.

I also suggest, when you are looking at this, Mr. President, that there is probably good opportunity that about this much of it would probably never appear, never have to be enrolled if the line-item veto were a threat because there are probably about this many appropriations that were added that were unnecessary, wasteful, and, in some cases, outrageous. So when we are talking about the huge difference that it would make, as far as enrolled items are concerned, as opposed to a regular appropriations bill, yes, there is a difference.

If there is a difference between these two and taking the time for the President of the United States to sign 500 bills, I would ask how much would we save in tens of billions of dollars of wasteful and unnecessary spending, and would it be worth that additional time? I think the American people would argue that if it takes a little extra time to have a bill signed separately and it would save billions of dollars, they would opt for the latter.

Mr. President, finally, I say—and I do not want to take too much time because the time is equally divided on both sides—this afternoon we will be in formal debate on S. 4. I expect the majority leader to come forward with a substitute to S. 4, which is a compromise that we have agreed to, and there are certain aspects of it that I think improve the bill. There are also aspects of it which I think are negotiable.

We know where the crisis will lie. Sometime on Wednesday or Thursday, a motion to invoke cloture will be voted on, which, as we all know, requires 60 votes. I do not know how that will turn out. I am confident that, of the 54 Members on this side of the aisle, they will all vote in favor to cut off debate, even if one or two of them may oppose the bill in its present form. I look forward to negotiating with them and working with them. But the fact is, to not even have this issue come to a final vote before the Senate would be a very serious mistake.

I also want to point out that the construction of the issue, again, lies not on whether it is separate enrollment, not whether some new entitlement programs are covered and which ones, not whether targeted tax benefits is covered or not; it will boil down to one single issue, have no doubt about it, and that is whether we would have a two-thirds vote on the part of both bodies in order to override the President's veto—that is what 43 Governors have and that is what the constitutional meaning of veto is—or whether we will have a majority vote of one House, sufficient to override the President's veto, which will then make the very meaning and intent of trying to impose some kind of fiscal discipline on the entire U.S. Government a sham and a charade.

I know that my partner, the Senator from Indiana [Mr. COATS], feels as I do, that we would be willing to negotiate any other aspect of this legislation, because there is no legislation which cannot be improved. But there is one nonnegotiable issue. It is nonnegotiable with the other body, which voted overwhelmingly in favor of this legislation and against a watered-down version of it, and that is the two-thirds version.

For the record, by a vote of 294 to 134, with 70 members of the Democratic Party voting "yes," this version of the bill was passed, with a two-thirds majority required. There was a Stenholm expedited rescission substitute that was defeated by 266 to 156.

I believe that is the will of the American people. They are fed up. They are tired of pork, tired of wasteful and outrageous expenditures of their tax dollars. I believe that this issue is a defining issue if we are ever going to achieve that goal.

Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally divided on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRASSLEY). Without objection, it is so ordered.

Mr. REID. Mr. President, we are here before the U.S. Senate and the American public today to talk about a line-item veto. Mr. President, we have talked recently about a lot of issues that some people believe are gimmicks. We know, for example, that we, the Congress of the United States, have the power to more evenly match the money that we receive, the money that we spend, in effect, to do a better job of balancing the budget.

Another one of the gimmicks that is floating around is term limits. That is to arbitrarily have a cutoff date as to how many years a person can serve in the House or the Senate. Mr. President, we know that the most important and effective term limit is the ballot box.

On November 8, we had a remarkable term limit go into effect. I was speaking to one of my friends in the House of Representatives just the other day. This man is beginning his third term, and out of 435 Members of Congress, I think he is number 180. He is way below half. I have served 8 years in the Senate. I am 56th, I believe, in seniority. So I am almost in the top half, having been here only 8 years. There is a hue and cry to do things with what we call quick fixes; to do things that sound good, to divert attention from our solving problems in the way that our Founding Fathers established in the Constitution as to how they should be handled.

Let us talk, Mr. President, about the line-item veto. The Articles of Confederation, which was an original document for a very short period of time that directed this country, had a form of line-item veto in it. The man who drew up the Constitution of the United States determined that was something that was not good and should not be in the Constitution.

The effort to have a line-item veto is not something that was first devised by President Reagan, who was the first to bring it up in recent memory. No, that is not the case. The fact is, the line-item veto comes up about every 20 years and has since this country was formed.

Why has it not passed up to this point? It has not passed because it is a bad idea. It is a bad idea, especially bad for States that are sparsely populated.

Mr. President, if, in fact, the President wanted to line-item veto something, it would make good sense, and I am sure his advisers would indicate, that the President likely should not go after the State of California, the States of New York, Texas, or Florida, but rather should go after South Dakota, Wyoming, Nevada, Idaho, States with small congressional delegations who do not have the ability to fight back with strength, with numbers.

The line-item veto is not opposed by liberals. The line-item veto, Mr. President, is opposed by some of the most outstanding conservatives in the country. For example, James Kilpatrick, who is certainly a bona fide conservative, has written on numerous occasions about the line-item veto, and has said, among other things:

> There is, indeed, something ridiculous, perhaps hypocritical is a better word, in the current fit of hand-wringing over the deficit. All the old demands for a quick fix are surfacing once more. The line-item veto, in its pure or impossible form, would not work at the Federal level. At least it would not work as effectively as its advocates suppose. There are no line items for Social Security benefits, food stamps, crop subsidies, interest on the national debt, and other untouchable programs.

Mr. President, we not only have James Kilpatrick, but two qualified conservatives who wrote an article together—they have written many articles, but I am going to refer to one—Bruce Fein and William Bradford Reynolds. Bruce Fein is certainly, by all accounts, one of the leading constitutional scholars in America today. People may not agree with his results all the time, but liberals, moderates, and conservatives agree that he is a fine constitutional scholar. And William Bradford Reynolds, of course, is a partner in a large D.C. law firm and he worked for President Reagan as an assistant attorney general. He was the Assistant Attorney General for Civil Rights during the Reagan administration.

What these two men have said is, "The short answer is that the line-item veto is unconstitutional." These gentleman go on at some length, Mr. President, to point out the historical arguments behind the line-item veto. And if you read anything about the line-item veto, you realize that the Founding Fathers consciously kept out of the Constitution any ability of the President to interfere with the ability of the Congress, especially the House of Representatives, to do anything with the purse.

The historical argument is concluded by another professor that they talk about, largely by negative inference, that the veto authority in these settings did not entirely foreclose the exercise of the line-item veto. They debunked that. They say that certainly is not the case.

Then, Mr. President, they go on to outline why the Founding Fathers did not want anything to do with the line-item veto. And it goes back to the battles that were held in England over the centuries dealing with the power of the King and the power of the Parliament. As you know, during those battles, wars were fought. And what the Founding Fathers did not want to have happen is that, after the Congress set a standard as to spending, as to money, they did not want the President to be able to go in and willy-nilly nitpick those moneys.

In fact, when the Colonies were here, the Founding Fathers knew what King George and other kings had done to the Colonies. The King of England had the power, after the Colonies passed a law, to repeal it. The Founding Fathers wanted no part of that.

So, the Founding Fathers reacted, according to Reynolds and Bruce Fein, reacted strongly to make sure that there was nothing to allow the President to overrule the actions of the Congress.

And after the constitutional fathers met and deliberated for long periods of time, what emerged was a veto power. They were very restrictive in what power the President of the United States should have.

Mr. President, that was based, I repeat, on centuries of dealing with Parliament and the King and decade after decade of dealing with the Colonies and the King of England. And what emerged is set forth in article I, section 7, clause 2 of the Constitution.

A look at the genesis of this, Mr. President, is that during the course of the debates in the Constitutional Convention, it clearly shows and, in fact, disabuses any notion that it was intended as a line-item veto authority to the President's power under clause 2. The veto power in explicit terms applied to "any enrolled bill," and the President's constitutional authority was solely to approve it or not. The Constitution does not suggest that the President may approve part of a bill or indicate any Presidential prerogative to alter or revise the bill presented.

In fact, to put it another way, the Congress acts as the author of the legislation, the bill, and the President as the publisher. Absent, as indicated by Fein and Reynolds, an extraordinary consensus in Congress, the President retains the ultimate authority to decide, in effect, whether to publish the law. He does not have to. That is the key.

That is what I said when I first came on this floor today. We now have in our constitutional framework the ability of the President to veto a bill if he does not like it. We have had Presidents who have been courageous and have done that.

The most successful in exercising the veto, according to Fein and Reynolds, was Rutherford B. Hayes. He did not like these unrelated riders. We do it now. But he did not like it. He wanted legislation to be germane. As an effort to prove his point, he kept vetoing appropriations bills, and it paid off. It paid off for him, Mr. President, because Congress usually is unwilling to take the heat of being responsible for having something that is ridiculous in an appropriations bill. So Rutherford B. Hayes was extremely good in what he did, in chastening Congress.

But also take a more recent example. President Bush. I am a member of the Appropriations Committee. We passed appropriations bills. There was one where President Bush said, if you put—this is very controversial. Whether you are pro-life pro-choice, it is very controversial.

Whether we agree or disagree with President Bush, he said, "You put abortion language in that appropriations bill, and I will veto it." He dared Congress to do that. Congress did it. He accepted their dare, and he vetoed. It was late in the session. People said he would never do that. Well, he did it.

Who prevailed? The President of the United States prevailed. That was taken out by the Congress and sent to him in a form he wanted. The President today has the right to veto appropriations bills. We have 13 appropriations bills. If there is something in them that he does not like, he can veto the whole bill.

I believe if there is as much bad in those appropriations bills, that is what he should do and not violate the Constitution. I believe that, as with President Bush, such a response, according to Fein and Reynolds, is far more likely to produce the desired legislation stripped of objectionable riders than would be the unconstitutional and wholly irresponsible exercise of a line-item veto, which would most certainly not be upheld in a court.

So we have talked about conservatives. Certainly Kilpatrick is a conservative. Certainly Fein is a conservative. Certainly Reynolds is a conservative. I do not think anyone would dispute that George Will is a conservative.

George Will, Mr. President, is also opposed to the line-item veto. He has written about it on a number of occasions, but most recently February of this year. George Will, as we all know, has a great way of putting things on paper. Certainly, his ability to put things on paper to him is much better than his spoken word.

This article he wrote is outstanding because what he indicates is that the State of North Carolina refused to ratify the Constitution until we had the Bill of Rights. Their State constitution has never given the Governor any veto power. He goes on to say that we should follow that example. They should carry the threshold question—the Congress—of whether the line-item veto merely serves conservative values. He goes on to say that it does not. I am not going to belabor the point, Mr. President, other than to say that I think it is clear that conservative scholars, conservative pundits, conservative writers, believe the line-item veto—I should not say all of them, but a significant number, and certainly the respected scholars I have mentioned. I could have gotten more of the writers that I have mentioned. I could have gotten more, but I think certainly it is enough.

Will ends by saying the intended consequence of a line-item veto is to deter spending, but lacks a national rationale. However, the unintended consequence might be to make Congress even more conscienceless than it is about voting such spending. Indeed, the line-item veto might result in increased spending if Presidents agreed not to exercise it on legislative projects in exchange for legislative support on other matters. The Nation should not be overeager to do what liberty-loving North Carolina has been so reluctant to do.

My point as far as this phase of my presentation, Mr. President, is that the line-item veto is not being opposed by a bunch of Northeastern liberals, as is referred to so often by some of my friends in Nevada, but rather some of the more thoughtful opposition to the line-item veto comes from conservatives throughout this country, not the least of which are George Will, James Kilpatrick, Bruce Fein, and William Bradford Reynolds.

It is not just opposition from the conservatives. There are many others who oppose the line-item veto. For example, Mr. President, there is an excellent column that was written, again in February of this year, by Cokie and Stephen Roberts in the Baltimore Sun. I think it does a good job of talking about why the line-item veto is an ineffective way to achieve what we need to achieve, and that is to do a better job of matching our income with our outgo.

It is pretty clear that, according to Roberts, the Founders left no doubt that Congress, particularly the House of Representatives, elected every 2 years, should control the purse. I do not think there are many who would dispute that. They go on to say:

> We think it is pretty clear that the line-item veto would shift power down Pennsylvania Avenue from Capitol Hill to the White House. That is why Executives—Presidents and Governors of both parties like it. Taking some of the purse string out of the body closest to the people might not be so bad if it resulted in a real ratio of red ink. It won't. A swipe at a highway here, a dam here, even a space station or super collider won't make a significant dent in the deficit.

That is debatable.

They go on to say that a President could line-item the entire space operation, the entire highway program, all agriculture subsidies, all education subsidies, eliminate every item in what is called the discretionary budget, including the entire U.S. Congress and its staff, all the Federal courts and prisons, wipe out everything the Government pays for except defense, Social Security, Medicare and Medicaid, and interest on the national deficit, and there would still be a budget deficit.

But, Mr. President, in the legislation that is before the Congress, or certainly will be—the amendment that I have seen I understood will be offered—the President will be unable to line-item anything in these four or five big programs. This is why, representing a small State, I am opposed to the line-item veto.

They go on to say: And think of the political mischief. The President wants to punish a State that did not support him in the last election. Easy. Just line out programs of benefit to Kansas, for example. A President, eager to please his friends and punish his enemies, could happily lose the veto and never lose anything.

As it stands now, Presidents often swallow something they do not like in order to get something else they like in legislation, and that means they have to share power, that they cannot control spending singlehandedly. That is just fine with us, and I submit, Mr. President, that is just fine with the Founding Fathers, because that is what they intended.

Carrying forward with my point that the opposition to the line-item veto does not come from the conservatives or the moderates, but also from the liberals, the Las Vegas Review Journal, a paper in Las Vegas, had an article which ran over the weekend by Joe Sobran—who writes a column from Washington, DC—and he says, among other things:

> The drive to amend the Constitution is really a way of passing the buck. Like a man who blames his wife for his own infidelity, the Republicans are saying in effect that the fault for their own inability lies in the Constitution.

That is not the way it is, Mr. President. I believe that the line-item veto, as it is presented here, is a ploy, a dodge, a gimmick. And I believe the case is extremely overstated. We know that 46 percent of every dollar we spend is entitlements. We know that about 14 or 15 percent of what we spend is interest on the debt. That is 60 percent. We know that 20 percent, approximately, is for defense. And usually those defense numbers come to Congress from the President—not usually, they do come to Congress from the President—so the President is not likely to hack away at his own budget that he has presented. Twenty percent of the budget is domestic discretionary spending.

My fellow Senators should understand, as should the American public, that the amount of discretionary domestic spending has dropped significantly and it is dropping every time we appropriate moneys. What is discretionary domestic spending? It deals with the National Institutes of Health. It deals with construction of highways, bridges, and dams. It deals with our parks—Lake Mead recreation area, Yellowstone, and Yosemite. It deals with education. That is what discretionary domestic spending is. The only area the President can line-item veto is discretionary domestic spending.

Now, what we have before us is a moving target. We at first were told we will go with S. 4. Then we were told we are going to go with the McCain balanced budget procedure. Then we were told a compromise had been worked out with Senators EXON and DOMENICI. When there was general acceptance of that proposal on this side of the aisle, it was determined—because we supported it—it must not be good and, therefore, it went back to the drawing board. I think we do not want to solve these problems as much as talk about them.

I think the legislation suggested by Senators DOMENICI and EXON, the chairman of the Budget Committee, and the ranking member of the Budget Committee—two men who have had a great deal of experience dealing with money matters relating to this Government—I think it was a good compromise. It did not give away constitutional prerogatives to 1600 Pennsylvania Avenue. It was a good compromise, something I could support.

But now we have something different. Now we have a process where, when an appropriations bill passes, it would be broken up into hundreds of line items. This is absolutely unconstitutional. It just will not sail. We know that.

There have been a number of different things written on this. For example, I see the Presiding Officer here, the senior Senator from the State of Iowa. The Iowa Law Review says:

> Arguably, the bicameral process is violated if the enrolling clerk presents proposed legislation to the President in a form not approved of by the House and the Senate. The presentment clauses, therefore, may require that a bill is presented to the President, for approval or veto, be in the form in which the bill passed through both Houses. Otherwise, such a bill is unconstitutional.

So, in effect, if we pass a bill and we send it to the enrollment clerk and the enrollment clerk breaks this up into different sections, it is unconstitutional. We cannot send something to the President and have somebody else chop it up for us. If we want 400 separate appropriations bills, then we have to present them to the President. We cannot have an enrolling clerk do that. It is clearly unconstitutional, and many scholars have written about this, but the most recent, I think, and one of the most erudite is that from the Iowa Law Review.

It goes on to say:

> Put differently, Congress cannot delegate to an enrolling officer in either House the legislative function of deciding how many appropriations bills shall be presented to the President, or the form those bills shall take.

The only thing that can go to the President is what we pass in the form that we pass it. Otherwise, you can imagine the mischief that could take place.

So now this moving target has a bill that is going to break up the 13 appropriations bills into thousands of different bills—not hundreds, but thousands of different bills. I think that that is certainly unwise and something that we should not do.

Reading from a Harvard Law Review article:

> Item veto advocates may be overstating their case * * * much of the budget is uncontrollable.

About 60 to 80 percent—if we include defense, it is 80 percent. If we do not include defense, it is 60 percent.

> * * * of the budget is "nondiscretionary," and, as such, is not even addressed by the appropriations process. Of the remaining 40 percent that is considered discretionary spending, nearly half is appropriated for defense expenditures.

As I outlined earlier.

> The congressional "pork barrel" spending so commonly criticized thus only constitutes approximately 20 percent of the budget. Yet, it would be difficult to cut a substantial portion of this spending because much of this money funds worthwhile projects, such as highway repair or cancer research. These figures demonstrate that even a President armed with the line-item veto could hardly spare the country from outrageous debt overnight * * * A determined President using the line-item veto might be able to cut * * * 1 percent * * * of the total annual budget.

And that is a worthwhile goal, if it does not violate the constitutional prerogatives established by our Founding Fathers.

Mr. President, we had published last week "The Senate of the Roman Republic." You will recall over the last Congress, the senior Senator from West Virginia gave a number of speeches dealing with the line-item veto and the loss of power of the Roman Empire indicating that when you give away power that the legislative branch has to the Executive, as they ultimately did with the great Caesar, it destroys a country. And that is what he wrote about. His opening statement, I think, is worth reading, paragraph 2:

> In search of antidotes for this fast-spreading fiscal melanoma of suffocating deficits and debts, the budget medicine men have once again begun their annual pilgrimage to the shrine of Saint Line-Item Veto, to worship at the altar of fool's gold, quake remedies—such as enhanced rescission, line-item veto, and other graven images—which, if adopted, would give rise to unwarranted expectations and possibly raise serious constitutional questions involving separation of powers, checks and balances, and control of the national purse * * *.
>
> On the other hand, Mr. President, some of these people inside Congress, and outside Congress, who constantly press for the line-item veto, enhanced rescissions or other quack nostrums know, or ought to know, that these are nothing more than placebos, spurious magic incantations, witch's brew, and various brands of snake oil remedies.

Skipping a paragraph or two:

> Mr. President, the deficit problem is not caused by congressional appropriations. Since 1945, and through last year, beginning with Truman, and following with Eisenhower, Kennedy, Johnson, Nixon, Ford, Carter, Reagan and Bush, the total appropriations—supplementals, regular, and deficiencies—have amounted to about $200,848,154,902 less than the totality of all the budget requests that these nine Presidents have submitted during all those years.

So, in short, Mr. President, the Congress has the terrible reputation of being spendthrifts, spending all this money we do not have. Every year we have come in with less money through Democratic Presidents and Republican Presidents than they have submitted to us. I think that says a lot.

Just like the battle that took place with the balanced budget amendment, that was an effort to balance the budget using Social Security moneys. We need not change the Constitution to balance the budget. We have the authority to do that. The President today has the authority to veto appropriations bills. If there is spending that is out of line in those bills, he has the right and, I believe, the obligation if it is something that is not in the best interest of the people of this country to veto it. If it is something that is as outrageous as some people would lead us to believe, his veto will be upheld and we would send him back an appropriations bill that did not have that information in it, did not have that request in it.

For example, there was a lot of public outcry because in an agriculture appropriations bill there was a provision in it a few years ago that appropriated $500,000 to the State of North Dakota to commemorate, to redo—I do not know what they were going to do with the money—the home of Lawrence Welk. The American people thought it was outrageous. The President had the right if he wanted to veto that agriculture appropriations bill.

Had that bill come back here, that would have been taken out in a split second. The fact of the matter is, it was taken out in the next year in a rescission and the money was never spent, as outrageous as it was. But the President has the power today to veto outrageous expenditures in appropriations bills. We do not need to pass a new law to change the balance of power, to mess with the Constitution, to have the President veto bills. We have 13 appropriations bills.

If every one of them has pork or something he does not like, he can vote to veto either one of them and go to the American public and say the reason I did that was because there was an appropriation here for Lawrence Welk's home in North Dakota, or whatever else is outlandish in that appropriations bill, and 99 times out of 100, his veto would be upheld.

Now, for us to say, well, he is not going to do it because it is a big appropriations bill and it would just cause friction between the two branches, I would rather have a little more friction between the two branches than to give up our power to the executive branch.

Remember, our Founding Fathers, in setting up the separate but equal branches of Government—the legislative, executive, and judicial—set them up so there would be friction between the branches; we would have to fight for power. That is what they wanted. They wanted us to fight for prerogative, with the legislative, executive, and judicial branches of Government. We do not need a new bill passed. We do not need to amend the Constitution for a line-item veto. The President can veto any one of the appropriations bills, if he wants, or all 13 of them. Had we had a little more courage in the past by Presidents, there would be a lot less bad stuff in those bills. I again use the example of President Bush. You may not agree with what he did, but on the abortion issue he said, "You put that in there, I am going to veto it." He vetoed it, and he won. The Executive usually always wins because it is hard to override a Presidential veto.

Some have described the line-item veto as a panacea for congressional misspending. We know that is not the case. Others have described it as resulting from a profound shift in the balance of powers as we know it.

I say the Senate had an opportunity—I hope we still do—to take up and consider a line-item veto that would allow us to impose greater checks on our spending process without upsetting the balance of power between the executive and legislative branches of Government. That is why I like the Domenici-Exon approach. It did not hack away from the power of the executive branch but yet it gave the President more ability than he now has to look at matters that are wrong in our spending. I think that is what we should have done. I hope we can still do it. And while we are talking about having this line-item veto, I hope, Mr. President, that we do not lose sight of the fact we should take a look at taxes.

We have heard described lots of times, with the 13 appropriations bills, the bad parts of those appropriations bills, and the people who complain have something to complain about. There were things in those appropriations bills such that I believe the President should have vetoed the whole bill. If he did that more often, we would have better appropriations bills.

However, the one thing we have not talked about is what about the bills that come from the Finance Committee? What about these bills that have little tax shelters, tax dodges, and tax gimmicks for corporations? We have bills that are reported out of the Finance Committee where they take care of one corporation, they take care of one individual, one sector of our economy at the expense of another. If we are going to start having all of these line-item vetoes, I believe we should have a line-item veto for tax bills.

A bill comes out of the Finance Committee every year, a big bill, and in it usually are mischievous things, in this Senator's opinion, that are put in by members of the Finance Committee, put in because of pressure by special-interest groups, pressure by lobbyists, pressure from people at home, industries at home that are at the sacrifice of other parts of our economy. I think we should be able to line item that. I support that.

Take the Domenici-Exon approach and put in there the additional ability that the President would have to take out various items of that tax bill. I think that would be good.

I hope we are still going to have the opportunity to consider such legislation. The minority leader has indicated he is going to prepare a substitute. I am told and I believe it will be comparable to the Domenici-Exon approach except it will have in it more ability of the President to look at line items in bills that come from the Finance Committee. I hope that is the case.

It is my understanding that we have moved away from consideration of either of the line-item bills that were reported out of committee. Therefore, I hope the minority leader will move forward with an enhanced version of the Exon and Domenici legislation.

What we are going to take up, in my opinion, is an enormous bureaucratic nightmare as indicated by the Iowa Law Review article and other things that I have now in the RECORD. It would certainly be unconstitutional, in addition to being unworkable. The so-called line-item veto bill supported by some now I believe ought to be called the Paperwork Enhancement Act. This is directly 2 weeks following our passage of the Paperwork Reduction Act. Now we will just turn right around and increase paperwork because that is what this would do.

It is most disappointing that we are passing up an opportunity today of acting on a bill that would assure widespread support on both sides of the aisle. The Domenici version of the legislation we could have passed last Friday. We would be out of here. But some people do not want results. They want issues to talk about, gimmicks. I think that is too bad.

As I have indicated, the most popular of the two earlier measures was the legislation put together by two qualified deficit hawks, DOMENICI and EXON. DOMENICI and EXON have earned the reputation, as I said, of being two of the most outspoken, toughest deficit hawks in the Senate. The measure that they have drafted and reported out of committee made great strides toward eliminating some of the less than meritorious gains. It provided a procedure that would have allowed us to eliminate wasteful spending without undermining the constitutional duties imposed on the legislative and executive branches of Government.

It was a commonsense proposal that would have eliminated spurious tax spending of taxpayers' dollars. In effect, what it did, within 10 days of the enactment of the appropriations bill or revenue bill, the President could propose a reduction or repeal of new appropriations, and as I have indicated, I hope that will be built upon. With the Daschle proposal, the President could also repeal targeted tax benefits.

Under the Domenici-Exon legislation, the rescission bill, which is limited to the President's proposal, would be introduced in Congress. Within 10 days, Congress would have to vote on that bill. The floor rules are very simple. No amendments are allowed in the President's rescission bill. Motions to strike would be allowed. If Congress passes the bill and the President signs it into law, you would in effect have a lockbox, providing any savings, any of these savings would be devoted to the deficit by lowering the discretionary caps on spending.

The significance of this measure is that it provides for greater rescission authority without placing unbridled authority on the President, which the Founding Fathers and others have guarded against since the days of the Constitution.

The New York Times, in a recent editorial, made the case as to why we ought to consider the Domenici legislation. Its editorial about a week ago said:

> One version of the McCain-Coats legislation would dangerously increase the President's already formidable power. The other, sponsored by Senator Pete Domenici, would give the President more power than he has now, counterbalanced by reasonable congressional checks. The Senate should go on with Mr. Domenici.

Unfortunately, we are not doing that. Unfortunately, the matter we are dealing with will shatter the separation of powers doctrine, so carefully crafted by our Founding Fathers and so tightly guarded these past 200-plus years. Even if we were to accept this as a necessity to achieve the greater good, the line-item veto is rendered almost meaningless by the economic reality of our current budget.

As I have indicated before, we need to get spending under control. Mr. President, 46 percent of every dollar we spend is for entitlements; 14 to 15 percent is for interest on debt, that is 60 percent; another 20 percent is for defense.

The threshold question in consideration of any line-item veto is the extent the constitutional doctrine of separation of powers will be disturbed. We know the Founding Fathers went to a great deal of effort to make sure that was set forth very clearly in article I of the U.S. Constitution. I believe we all want the President to have more authority to get rid of matters that should not be in appropriations bills. Most of us agree that he, the President, should have the authority of a line-item veto for taxing matters also that are harmful to the country, but we need to do that within the confines of the Constitution. The legislation that either has or will be offered setting forth the enrollment procedures will not do that.

We should always realize the fallback position that we have is one that is in the Constitution and that is the President now has the authority to veto matters dealing with appropriations that are bad for the country. He cannot veto a little piece of the bill, he has to veto the whole bill. Why should he not be able to do that? Why should he not do that? It has been done in the past, and I use the example of President Rutherford B. Hayes. It was difficult. It caused the country some concern. But he prevailed.

So I respectfully submit that no matter how well-intentioned those are who are seeking to pass this legislation, recognizing the sincerity of the chief sponsor of the bill, the senior Senator from Arizona, and how diligently he has worked on spending matters during the time he has been in the House and Senate, I again respectfully submit this is the wrong way to go. I believe we should adopt the Domenici approach and do what we can to make sure this well-intentioned legislation, offered by my friend from Arizona, is defeated.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I note with interest that the Senator from Nevada, who voted against the balanced budget amendment, now opposes a meaningful line-item veto, so I was interested in hearing him talk about how spending is out of control. I would be interested in hearing any of his proposals for bringing spending under control.

I also remind him, if he could not find anything that the Founding Fathers said concerning expenditures and revenues, I would refer him to a letter from Thomas Jefferson to John Tyler, November 26, 1798. Thomas Jefferson said:

> I wish it were possible to obtain a single amendment to our Constitution. I would be willing to depend on that alone for the reduction of the administration of our Government to the genuine principles of its Constitution. I mean an article taking from the Federal Government the power of borrowing.

That was Thomas Jefferson's view.

I say to my friend from Nevada—he is my friend—in all due respect, if he thinks the status quo is acceptable to the people of Arizona or Nevada or anybody else in this country, I think he is wrong. If he thinks one single majority vote in either House is really the meaning of veto, then I do not believe he is in consonance with the 43 States in this country out of 50 where it takes a two-thirds majority.

The meaning of the word "veto" is clearly defined in the Constitution as requiring a two-thirds majority. But I say to my friend from Nevada, in all due respect, where is it that the Senator from Nevada wants to turn to get some fiscal discipline in this country? I would like to hear his proposal. I reject his proposal that it would be a single majority vote in either House, since it took a majority vote in two Houses to put the pork in. The only way you are going to get it out is through a two-thirds vote of both Houses, in my view; the threat of that.

As far as his argument goes that the President of the United States should veto 1 of the 13 major appropriations bills, the Senator from Nevada and I were both in the other body when we were doing continuing resolutions, when everything was thrown into one appropriations bill—every single one was thrown into one massive appropriations bill. Did the Senator from Nevada expect him to veto that? Of the 13 appropriations bills the Senator from Nevada knows there are billions of dollars in each one and if the President vetoes an entire bill he shuts down the Government; he deprives the people of this country of vitally needed programs. There is not a single appropriations bill that comes to the President's desk that has billions of dollars in spending in it that, if the President vetoes it, will not deprive the people of this country of much-needed Government services.

The only way the President of the United States can effectively do what 43 Governors in this country do is selectively veto appropriations that are not needed and are unwanted and are wasteful.

At this point of the debate I am not going to tell the Senator from Nevada about the outrageous spending going on in this country because I will refrain from doing so for some time, but it is well known to the American people. If the Senator from Nevada believes that is acceptable, that is fine with me. But when 83 percent of the American people support a line-item veto, when the overwhelming majority of the American people are sick and tired—sick and tired—of running a $4.6 trillion debt, then it is time to act. If there is any living proof that the Congress is unable to discipline itself it is the fact that we do have a $4.6 trillion debt. In 1974 that debt was in hundreds of billions; now it is in trillions with no end in sight.

If we do not do something—the Senator from Nevada rejects the balanced budget amendment. "That is not constitutional." He rejects my line-item veto. "That is not constitutional." I ask my friend from Nevada, what does he want to do? What is it that needs to be done to bring this undisciplined, outrageous fiscal behavior under control? I would be very interested in hearing that.

I know of no expert who believes that a single majority vote by one House is going to do the job.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I believe there are a number of things we need to do. The first thing we need to do is approach the problems head on. As I indicated during the debate on the balanced budget amendment, why do we not balance the budget the hard way, the honest way, and that is do it without using the surplus for Social Security? As has been indicated and was indicated in here last week by one of the Senators from North Dakota, the fact of the matter is you cannot use the surplus to retire the debt and also use it for Social Security. It can only be used for one. It cannot be used for both places because you cannot spend money twice, and that is what we try to do around here.

I believe we should have a balanced budget, but we should do it the hard way.

My friend from Arizona said, "What needs to be done?" There are a lot of things that need to be done. First of all, with the line-item veto, I believe—and this has not been responded to, of course—as I read from the articles, with a line-item veto we may be able to save 1 percent of the money—1 percent. Mr. President, 99 percent we could not, 1 percent we could. When you have a budget of $1.5 trillion that is a worthy goal. There is no reason you should not try to save 1 percent.

But I think we should do that with a procedure that allows the Congress not to give its power to the executive branch of Government. And I do not think the American public is concerned about two-thirds or a simple majority, but rather that we do it. I am willing to support a veto that the President has, as long as it does not give up our constitutional prerogative.

I also think that one of the things that needs to be done is deal with the high cost of health care. We have done nothing about that problem. We have done nothing. I recognize—certainly accept—that the legislation that was attempted last year was too broad, we tried to do too much. We should have narrowed our scope and hopefully brought down to Earth some of the health costs that were going up every year. This year, health care costs will go up over $100 billion. The No. 1 item that is driving State, local, and Federal deficits is health care costs. It is really hurting us. We have to do something to get that under control. I do not see anything on the agenda this year to do anything about that.

What else needs to be done? I am watching very closely what is going on in the House this week. They are going to come up with welfare reform. I think that is important. We need to do something on welfare reform. I believe we can save huge amounts of money with meaningful welfare reform.

One of the areas we need to look at is immigration reform. We can save lots of money.

The costs to the States of California, Nevada, even though we are not a border State, suffer significantly because of the illegal immigration, and Arizona and New Mexico. There are lots of places we can go to save huge amounts of money. We have to make those tough, hard decisions.

My friend from Arizona said, "What do you want? A continuing resolution?" I do not want a continuing resolution. We have in recent years passed 13 separate appropriations bills. The President should veto those, and, if we send him a CR, a continuing resolution, which he does not like, veto that too. Because, if he is doing it based upon the fact that Lawrence Welk's home is in there or some kind of other appropriation that cries out for some type of relief, that we are going to accede to the President's wishes.

I say to my friend from Arizona, outrageous spending is not acceptable. Outrageous spending is not acceptable. We are spending too much money based upon our income, and we have to stop that. In addition to that, we are spending money in areas that we should not be spending money on. I am willing to work on those. I hope this year. We are awaiting the Senator from New Mexico, the chairman of the Budget Committee to come forward with a budget that is going to be a glidepath that will get us to a balanced budget in the year 2002 or some period thereafter. I look forward to working with my friends from the other side of the aisle to see that we can do that. But let us not do it with gimmicks, with things that sound good but really are not going to allow us to accomplish anything.

I am for a balanced budget amendment. But I want to exclude Social Security. I am for a line-item veto. But I do not want to accede authority to the President of the United States. Presidents can be extremely mischievous, especially with a small State, having the ability to say OK, Senator REID, I see that you have here something in Nevada that is very important in Nevada—maybe a new highway, maybe a new bridge, maybe a dam that is important to the people of the State of Nevada. He could say, "If you vote with me on this item, I am not going to line-item veto that." Well, I would hope that I would be able to do the right thing in that instance. I hope I could. I hope the right thing would be to do what was best for the people of the State of Nevada.

But let us not give the President that authority. He has not had it in over 200 years. He does not need it now. Veto is in the Constitution. It requires a two-thirds vote. That is why the President should use that veto if he thinks there is outrageous spending in any one of these 13 bills.

I would also be interested to hear during the debate today from those on the other side of the aisle to see if they are willing to put tax measures also in this form of rescission that we are giving to the President.

So I would hope that we could accomplish something through reasonable men and women working together to recognize that there are provisions in the appropriations bills that are bad, that are wrong, and that the President should have the ability to send back to us something to take out more than he now has without giving up our constitutional authority to a President. I do not know who the President is going to be the next time or the next time. But I want to leave this body recognizing that I kept intact the intent of the Founding Fathers.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, as the saying goes, everybody is entitled to their opinion, but not everybody is entitled to the facts.

I wonder if the Senator from Nevada thinks that it is coincidence, that it is just sheer coincidence, that from 1787 until 1974 the accumulated debt and deficit and yearly deficit was very low, except in times of war when that spiked up and then the Congress and the American people would take action to reduce that debt again.

I do not know if the Senator from Nevada can see this chart. But in 1974, we were running an annual deficit somewhere around $25 to $30 billion. The Budget Impoundment Act was enacted in 1974 which prevented the President of the United States from doing basically what the line-item veto does; that is, the President of the United States, Thomas Jefferson did it first with a $50,000 impoundment of money to purchase gunboats. It has been exercised by every President of the United States. They will not spend the money thereby effectively exercising a line-item veto.

So basically, what we are talking about, what happened in the history of this country up until 1974 is that we exercised fiscal sanity. We had elected men and women to the Congress of the United States and elected men to the Presidency of the United States who insisted that we not lay a crushing burden of debt on future generations of Americans.

So in 1974, we passed the Budget Inpoundment Act. What happened to the deficit? Did it happen by accident? Did all of a sudden we lose all sense of fiscal control? All of sudden, the United States just went on a spending spree? Yes. Yes. Yes. We did. Why did we do it? Because there was no restraint, either Republican or Democratic Presidents alike.

It is laudable that we have now reduced the annual deficit some, but all estimates are that the debt and the deficit after a couple of more years will go up again and skyrocket. We have now accumulated a $4.6 trillion debt, about $4 trillion more than we had in 1974.

So facts are facts. From the first Congress of the United States until 1974 we basically had a balanced budget. We for all intents and purposes did not spend more money than we took in. Thomas Jefferson in 1789 clearly stated, as I just quoted:

> I wish it were possible to obtain a single amendment to our Constitution. I would be willing to depend on that alone for the reduction of the administration of our Government to the genuine principles of its Constitution. I mean an article taking from the Federal Government the power of borrowing.

What we did, Mr. President, in 1974 with the passage of the Budget Impoundment Act was we gave the Federal Government the power of borrowing with no restraint. Now we borrow and borrow and borrow to a $4.6 trillion debt.

I agree with everything that my friend from Nevada said. We should enact health care reform. We should take care of the skyrocketing health care costs to Americans. We should do a lot of things. But what have we done? Nothing, nothing to reduce the debt that is now $4.6 trillion. Our forefathers must be rolling over in their graves when they see what we have done, when they look at the mountains of Federal budget that is being spent to pay interest on the debt that we have not stopped accumulating.

So I say to my friend from Nevada, I agree with everything he says. I appreciate his advice and counsel as far as what we can do to stop the spending. But I would suggest to you that every President has said they need the line-item veto as a tool whether it be as President Ford or President Carter or President Bush or President Reagan saw it, and now as President Clinton sees it.

I wonder how the Senator from Nevada reconciles his views with that of the President of the United States? The fact is that a veto is a veto is a veto, which means two-thirds majority, a majority vote in one House is less than an overriding veto because it took a majority vote in both Houses in order to put the unnecessary wasteful spending in.

So, I say to my friend from Nevada. I appreciate his input as far as the macro issues that we have to resolve. I would also suggest to him that the abuses that he describes would so naturally accrue to any President of the United States threatening Senators or Members of Congress who were doing certain actions, line-item projects in their State. I could hardly wait for a President of the United States to do that to me. I could hardly wait. There are the media, the people of my State. It is the last time that a President of the United States or his party would ever carry my State in a Presidential election if he tried to blackmail me or any representative of my State. In 43 States of America, including a former Governor of Missouri who spoke on Friday—and I do not believe the Senator from Nevada was ever Governor—the Governor never threatened to blackmail anybody. He said he could not balance the budget in his State without having the line-item veto, which he and 42 other Governors have.

Again, I do not think we can reconcile the facts. There are opinions as to what happened and as to what we need to do. But there are facts that indicate that the Federal debt and deficit are out of control and almost every expert in America, including 83 percent of the American people, say, "Give the President of the United States the line-item veto." When they say veto, they mean veto, and they do not mean overriding by one House of Congress.

I say again to my friend from Nevada, with 70 Democrat votes, the line-item veto that is being proposed here was passed by the House of Representatives, and I believe their will is perhaps more in tune with American public opinion today than is true over here in this body.

I yield the floor.

Mr. REID. Mr. President, I am going to vacate the floor shortly. But I want to make sure the record is very clear that there is no way I think spending is now under control, even though we have made significant progress. This is the third year in a row where we have a declining deficit—the first time in 15 years. Federal payroll is about $150 million less; economic growth is the highest since the days of President Kennedy. Good things are happening, but we have much more to do. What we have to do—and more important than anything else, as indicated by the Senator from Arizona—is to do something about the deficit that is already here and the deficits that come about every year. We must do something about that. I served a year on the entitlement commission. We have a lot of work to do and we have a lot of programs that need to be looked at, because 46 percent of every dollar we spend is for entitlement programs.

The Impoundment Act, there has been a lot written about that. But it was an effort to go after President Nixon—the so-called imperial presidency that people talked about. I think a lot of things done as a result of Watergate were not good Government. It was a reaction to a man rather than a form of Government. That is why I am so concerned about what we do here.

The record should be very clear. The deficits have accumulated. But the big jump, of course, as indicated on the chart my friend just showed the Senate and the American public, occurred during the Reagan years, when in fact we cut back on our income and increased spending considerably. We cut back on the revenues, reduced taxes, and increased defense spending and other spending, and as a result of that, trillions of dollars in debt accumulated. We have to do a better job of taking care of those problems than we did. The problem with the debt going up is not as a result of passing a law to do away with the Impoundment Act. It is as a result of simple mathematics. When you spend more than you take in, you accumulate a debt. That is what happened beginning in the Reagan years, and that is what is happening now. We need to get that under control.

I am not here to argue that every matter and every appropriations bill is good. I think there are things in appropriations bills that should not be in there, that are the result of compromises of committee members, and as a result of back-room politics, for lack of better words. The President should have an easier way of getting to those items, and I am willing to give him that. If we are unable to arrive at that, I hope President Clinton, and other Presidents that follow him, would be more demanding in what they ask in their appropriations bills. I am confident and hopeful that we can arrive at a reasonable compromise in the next few days in this body.

It is my understanding that there is going to be no effort to stop this motion from proceeding. We are going to go ahead to the bill. There is no attempt to delay it. But I think it is a question of how to approach a problem. I believe that the approach of my friend from Arizona—as well-intentioned and as desperate as he is to get spending under control—is not the right way to go. I hope he and other sponsors of the legislation will step back and look at what we have in the Domenici proposal and see if the proposal that is going to be offered in the form of a substitute is not something that would better serve this country. We need to get spending under control, and we need to work on some of the things I have talked about and some of the outrageous things that the Senator from Arizona has talked about over the years that have taken place in appropriations spending bills.

Mr. McCAIN. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be deducted equally from both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ASHCROFT). Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as if in morning business for 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTEGRITY OF THE DEPARTMENT OF DEFENSE BUDGET

Mr. GRASSLEY. Mr. President, over the next few days, I intend to give a series of speeches on the integrity of the Department of Defense budget.

Before I get started, and for the benefit of all new Senators, I want to give some background on how I got involved with these defense issues.

I want to share a small piece of history with my colleagues. I think we can learn from this history and hopefully we can avoid past mistakes. But we cannot learn from our mistakes if the history remains buried in old issues of the CONGRESSIONAL RECORD. So I want to share my experiences with, particularly, my new colleagues, because over half of the Members in the Senate today were not Members of this body 10 years ago when President Reagan's massive military buildup was fiercely debated right here in this Chamber. I think that was a defining experience for me.

We made a major decision when we stopped the Reagan defense buildup that, at that point, had been going on for 3 or 4 years. This process helped to shape my thinking, as I said. Even though it took place more than 10 years ago, I think it still is having some ripple effect today. Its mark on current defense policy is unmistakable. So it is important to understand the dynamics of that debate, at least from my perspective.

I was convinced—almost from day one—that the Pentagon, through its actions, was bent on launching a wasteful budget buildup. I was convinced that we were about to throw huge sums of money at a problem better solved by structural reform and honest management.

Let me say that by the time we finally made a decision to stop the Reagan defense buildup and freeze the defense budget, we had, in fact, wasted a lot of money.

So, seeing this, I did—and there were several others that did, as well—what I could to stop this waste of money. I offered an amendment to freeze the defense budget. That was on the fiscal year 1986 budget resolution. My amendment was adopted on May 2, 1985, by a one-vote margin of 50 to 49. That act alone threw a monkey wrench into the Reagan administration's plan to continue their ramp-up of the defense budget.

But, more than anything else, it was the spare parts horror stories in the early 1980's that changed my thinking on this issue. You know, the $750 pair of pliers or the $7,000 coffee pot. The spare parts horror stories were a turning point. They convinced me that the plan for this massive ramp-up of defense expenditures was a colossal taxpayer ripoff. These spare parts horror stories undermined the credibility of the Reagan defense buildup. The spare parts horror stories turned me into a defense reformer. They drove me to watchdogging and to digging into fraud, waste, and abuse at the Pentagon.

That was early in my Senate career.

I began watchdogging from my vantage point as a member of the Budget Committee and as chairman of the General Oversight Subcommittee of the Judiciary Committee.

I am not, nor ever have been, a member of the Armed Services Committee, and only served 4 short years on the Appropriations Committee.

So, as a conservative Republican, it is not easy for me to take on these issues, not being on the appropriate committees. But if common sense tells me something is not right, I speak out and I dig. I am still digging today, and I hope a lot of my colleagues are digging as well.

As a consequence of my position on defense, I took a lot of heat from Republicans during the 12 years of the Reagan-Bush administrations. Most of my colleagues on this side of the aisle think that defense is some kind of sacred cow. They think it has been inoculated and should be immune from criticism. They take a dim view of my position on defense.

The Democrats, by comparison, gave me no heat at all. In fact, on defense issues, I got a lot more support from Democrats than I did from Republicans.

In the 1980's, Democrats—plus a handful of Republicans like Senator ROTH, for example—helped me ferret out waste and abuse at the Pentagon.

I had the privilege of working closely with a number of Democrats, some in the House, some in the Senate—Senators like Senator PRYOR, Senator LEVIN, Senator BOXER, and others—to bring about some defense reform. We worked together to freeze the Department of Defense budget. We worked together to beef up independent testing of a new weapons system. We crafted the false claims bill, which brought $1 billion of fraudulent wasted money back into the Treasury, and we passed the whistleblower protection legislation. And we worked together to cut out wasteful spending.

That is my point, Mr. President.

When we had a Republican President and a Democratic Congress, it was very unpopular for a Republican Senator to take on a Republican President on defense. But I was not afraid to do it.

Then in 1993, as you know, we got a Democratic President with a Democratic Congress. I kept right on doing what I had been doing—digging into fraud, waste, and abuse at the Pentagon—even though some of my Democratic allies at that point seemed to disappear into the weeds because they did not want to be criticizing a Pentagon run by a political appointee of their party.

Now we have a Republican Congress, Mr. President, but we still have a Democratic President. And it happens that this Democratic President is considered weak on defense.

Once again, it is very unpopular to tangle with the Pentagon. But I intend to keep right on doing it as we move into this budget season once again.

Because the same old problems persist. So we need to keep right on digging. We need to keep right on watchdogging just like before, because really, Mr. President, nothing has changed.

I only hope that the Members on the other side of the aisle will be there when I and the American people need them. I say that because they are the President's party. I hope a few of my Republican allies will help me bring some fiscal discipline to the Pentagon budget.

I hope all the new Members of the Senate who were not here the last time we debated this issue will study it very closely. I hope that the new Republican Members who ran on a campaign of no longer business as usual, they ran on a campaign to make a difference, everything I have seen from the new Members of this body—who are all Republicans—they are showing, every Member, that they have not changed one iota since November 8, the night of their election.

They are equally committed to showing the people of this country it is no longer business as usual. They are equally committed to making sure that things change. They have made an impact on the other Members of this body who are not new, both Republican and Democrat. They are keeping the focus where it ought to be.

I am saying, especially to those new Republican Members of this body, that I hope they will take as tough a look at how money is being spent in the Defense Department and that they will not buy the argument that you can throw money at the Defense Department and automatically get more defense, any more than I know these new Members will accept the argument from the other side of the aisle on social welfare, education, and a lot of other domestic programs, that all we have to do somehow is spend more money and we automatically get more and better programs.

The fact of the matter is, it does not matter whether it is Republicans or Democrats, Republican spending on defense or Democrat spending on social programs, we only get for our money what we make sure we get for our money. It is not how much money we appropriate. It is how that money is spent that we ought to be concerned about. And it will determine whether or not we have a strong national security program, or whether we have a strong education program, or a strong welfare program.

I hope that my allies—and I hope we have some new allies, as well—will fight just as hard with me for a good, sound, defense policy now that the Republicans are the majority party in this Congress. I hope they will help me make sure that the taxpayers' money is spent wisely and, most importantly, according to law. I will have four or five speeches later on in the next few days on how some of this money is not being spent according to law.

I hope they will help me make sure that the citizens get a full and accurate accounting of how their money was spent by the Pentagon. And I hope that my speeches will help set the stage for a better understanding of the problem and more sound decisions on defense. I hope they will help the new Senators understand that just throwing more money at the Defense Department will not automatically give Americans greater and better defense.

Tomorrow I plan to talk about the accuracy of the Department of Defense budget and accounting data. As I go along, I hope to draw on my experiences with the defense issues of the 1980's. I want to use those experiences as a way of trying to bring today's defense debate into sharper focus. I yield the floor.

LINE-ITEM VETO

Mr. COATS. Mr. President, while we have several speakers lined up today to speak on the line-item veto, none is here at this time. I think what I will do is take the occasion to delve into a little bit of the history of line-item veto so we could at least make that part of the record.

On Friday, I spoke at length in response to the minority leader's presentation before the Senate, of his concerns and objections about the line-item veto and the direction he thought he should go. I do not know that I need to repeat those at this particular point.

Let me reflect back a little bit on how we got to this particular point and why line-item veto was considered necessary by a number of our former Presidents and a number of Governors, and in attempting to put it in the historical context, perhaps we can better understand the case for it today.

HISTORY OF THE LINE-ITEM VETO

Reflecting upon the experience of the U.S. Government, Confederate rebels met to draw up a new constitution.

An individual by the name of Robert Smith—not the same ROBERT SMITH who so ably represents the State of New Hampshire in the Senate today—but Robert A. Smith, in addressing the people of Alabama, had this to say: "We have followed with almost literal fidelity, the Constitution of the United States," reflecting on his drafting of a constitution for when they anticipated a new Confederate Government.

> We have followed with almost literal fidelity the Constitution of the United States, and departed from its text only so far as experience had clearly proved that additional checks were required for the preservation of the Nation's interest. Of this character is the power given the President to arrest corrupt or illegitimate expenditures, and at the same time approving other parts of the bill. There is hardly a more flagrant abuse of its power, by the Congress of the United States than the habitual practice of loading bills, which are necessary for governmental operations with reprehensible, not to say venal dispositions of the public money, and which only obtain favor by a system of combinations among Members interested in similar abuses upon the Treasury.

That speech could have been given yesterday. That speech can be given today. Yet here we have Robert Smith more than 100 years ago in writing with his colleagues a new constitution, basing it upon the experience that this Nation had at that point with its then Constitution, the experience of granting to the legislative body a power that was not checked by the checks and balances of those powers given to the executive branch.

As Robert Smith said, "We basically are writing our new Constitution on the basis of the existing U.S. Constitution because that Constitution is a sound model for what any new Constitution ought to be made of." "Yet," he said, "based on our experience, that has clearly proven that there are some changes that need to be made, some additional checks," as he said, "were required for the preservation of the Nation's interest, checks necessary to arrest corrupt or illegitimate expenditures on the part of the legislative branch."

I go on to quote Robert Smith:

> Bills necessary for the support of the Government are loaded with items of the most exceptional character, and are thrown upon the President at the close of the session, for his sanction, as the only alternative for keeping the Government in motion. Even, however, under this salutary check, the evil might be but mitigated, not cured, in the case of a weak or highly partisan President, who would feel that the responsibility of such legislation rested but lightly on him, so long as the unrestrained power and duty of originating appropriations depended upon a corrupt or pliant Congress—hence the conventions of confederate States wisely determined that the Executive was the proper department to know and call for the moneys necessary for the support of Government, and that here the responsibility should rest.

In closing, he said:

> * * * By giving the President the power to veto objectionable items in appropriation bills, we have, I trust, greatly purified our Government.

America fought a painful and bloody war to save the Union. We are standing here today because that war was won. Millions of our fellow Americans won their freedom and put an end to one of the most disgraceful chapters in American history. And yet a germ of an idea was born in the Confederacy that took root across our country. The idea was enhanced accountability for the taxpayers money through the line-item veto.

After the Civil War, line-item veto authority spread like wildfire in the States. Today, 43 Governors enjoy the same power we are fighting to give the President of the United States—the authority to veto wasteful spending items.

Line-item veto became a reality in the U.S. possessions as well. Congress, though it failed to give the President line-item veto authority, gave this power to the Governors General of the possessions. The line-item veto was granted to the Governor General of the Philippines in 1916, and the Governors of the territories of Hawaii in 1900, Alaska in 1912, Puerto Rico in 1917, and the Virgin Islands in 1954. Thus Congresses recognized the need for and virtue of this authority which it has never given to the President of the United States and to the American people.

States have been successfully using the line-item veto, many for over 100 years. Today, almost uniformly, the Governors endorse giving the President of the United States the same tool for controlling spending.

A Cato Institute survey of 118 U.S. Governors and former Governors—including Jimmy Carter, Ronald Reagan, Michael Dukakis, and Bill Clinton reveals a strong consensus that a line-item veto for the President would be an effective method of reducing the massive Federal deficit: 67 of respondents were Republicans, 50 Democrat; 19 were serving Governors when they responded; 92 percent of the Governors believe that a line-item veto for the President would help restrain Federal spending; 88 percent of the Democratic respondents supported the line-item veto; 55 percent of the Governors believe Congress has too much authority over the Federal budget, versus only 2 percent who think the President has too much authority.

When asked "Was the line-item veto a useful tool to you as Governor in balancing the State budget?" 69 percent said the line-item veto was a very useful tool, 23 percent said it was a somewhat useful tool, 7 percent said it was not useful, 91 percent of Democratic Governors said the line-item veto was very useful or somewhat useful.

The survey also asked, "Do you think that a line-item veto for the President would help restrain Federal spending?"

Ninety-two percent of the respondents replied yes.

Eighty-eight of Democrats agreed.

Since the Budget Reform and Impoundment Act of 1974, every President has complained that Congress has usurped the executive branch's traditional powers over the budget process. The Governors agree.

"In your opinion, does Congress or the President have too much authority over the Federal budget today?" The survey asked. The majority responded, "Congress has too much power."

Nine of ten Governors—regardless of party—support a line-item veto for the President as a way to restrain spending. A majority of Governors think that Congress has too much authority over the budget process.

Here is what some Governors have actually said:

> The line-item veto is a useful tool that a Governor can use on occasion to eliminate blatantly 'Pork Barrel' expenditures that can strain the budget. At the same time he must answer to the voters if he (or she) uses the veto irresponsibly. It is a certain restraint on the legislative branch.—Keith H. Miller, Alaska, Republican (1969–70).
>
> I support the line-item veto because it is an executive function to identify budget plan excesses and wasteful items. It is an antidote for pork—Hugh L. Carey, New York, Democrat (1975–83).
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> Congress's practice of passing enormous spending bills means that funding for everything from a Lawrence Welk museum to a study of bovine flatulence slips through Congress. The President may be unable to veto a major bill that includes such spending abuses because the majority of the bill is desperately needed. A line-item veto would let the President control the irresponsible spending that Congress can't. A line-item veto already works at the State level. It not only allows a Governor to veto wasteful spending, it works as a deterrent to wasteful spending legislators know will be vetoed—Pete Wilson, California, Republican, (1991–?).
>
> Legislators love to be loved, so they love to spend money. Line-item veto is essential to enable Executive to hold down spending—William F. Weld, Massachusetts, Republican (1991–?).
>
> When I was Governor in California, the Governor had the line-item veto, and so you could veto parts of a bill or even part of the spending in a bill. The President can't do that. I think—frankly of course, I'm prejudiced—Government would be far better off if the President had the right of the Line-item veto.—Ronald Reagan, California, Republican (1967–75).
>
> I believe it provides a check and balance which is helpful even if only because it requires legislators to consider the potential

> for veto and may thereby make them more accountable—Mike Sullivan, Democrat, Wyoming (1991–94).
>
> It can be a surgical tool to highlight foolishness, and thus help the Executive make his case.—Pete Du Pont, Delaware, Republican (1977–85).
>
> To the detriment of the Federal process, the President is not held accountable for a balanced budget. Congress takes control over budget development with its budget resolution, after which, the President may only approve or veto 13 appropriation bills. Without the line-item veto the President has minimal flexibility to manage the Federal Budget after it is passed—L. Douglas Wilder, Virginia, Democrat (1990–94).

Almost every President since Ulysses S. Grant has made the same case as the Governors. Only one President in the 20th century has not requested the line-item veto.

In a message to Congress on August 14, 1876, President Grant claimed "discretionary authority" over the items of appropriations bills. In signing the river and harbor bill he said:

> If it was obligatory upon the Executive to expend all the money appropriated by Congress, I should return the river and harbor bill with my objections * * * without enumerating, many appropriations are made for the works of purely private or local interest, in no sense national. I cannot give my sanction to these, and will take care that during my term of office no public money shall be expended upon them * * * under no circumstances will I allow expenditure upon works not clearly national.

No objection was made to President Grant's interpretation.

After deprecating the practice of combining appropriations for a great diversity of objects, widely separated in their nature and locality, in one river and harbor bill, President Arthur, in his second annual message to Congress, dated December 4, 1882, suggested two suggestions to this problem:

First, enactment of separate appropriation bills for each internal improvement, or, alternately.

A second, a constitutional amendment empowering the Executive to veto items in appropriations bills. He then listed 14 States whose constitutions gave the item or specific veto authority to their Governors and declared:

> I commend to your careful consideration and the question whether an amendment of the Federal Constitution in the particular indicated would not afford the best remedy for what is often a grave embarrassment both to Members of Congress and the Executive, and is sometimes a serious public mischief.

President Arthur repeated this recommendation in his third annual message, dated December 4, 1883, and in his fourth annual message, dated December 1, 1884.

PRESIDENT FRANKLIN ROOSEVELT

In his budget message for fiscal year 1939, President Roosevelt, after calling attention to the use of the item veto "in the majority of our States" and remarking that "the system meets with general approval in the many States which have adopted it," said:

> A respectable difference of opinion exists as to whether a similar item veto power could be given to the President by legislation or whether a constitutional amendment would be necessary. I strongly recommend that the present Congress adopt whichever course it may deem to be the correct one.

PRESIDENT TRUMAN

In the second volume of his memoirs, Harry S. Truman wrote:

> One important lack in the Presidential veto power, I believe, is authority to veto individual items in appropriation bills. The President must approve the bill in its entirety, or refuse to approve it, or let it become law without his approval * * * As a senator I tried to discourage the practice of adding riders deliberately contrived to neutralize otherwise positive legislation, because it is a form of legislative blackmail.

PRESIDENT EISENHOWER

In reply to a House request for recommendations on possible budget cuts, President Eisenhower addressed a letter to Speaker Rayburn, dated April 18, 1957, containing 10 recommendations including the following one:

> And, tenth, to help assure continuing economy on the part of the Congress as well as the executive branch, take action that will grant the President the power held by many State Governors to veto specific items in appropriation bills.

The plea for a line-item veto was illustrated dramatically by President Reagan when he slammed down a 43 pound, 3,296 page spending bill. It was a bill that represented 1 trillion dollars' worth of spending—not one penny of which he had the power to veto, unless he rejected it all.

Most recently, President Clinton has asked that this Congress send him the strongest line-item veto measure possible. He has called the line-item veto "one of the most powerful weapons we could use in our fight against out-of-control deficit spending."

He also said:

> I am strongly in favor of a line-item veto. I have it. I've used a bunch as Governor. And, interestingly enough, in my last legislative session, I didn't have to use it one time because I had it. See? . . . I keep telling my friends in Congress, they would be better off. They think they have got to pass some piece of pork barrel for the folks back home. Let me take the heat.

Interestingly, many Presidents argued for the line-item veto while they still had considerable leverage over spending. Until the Budget and Impoundment Act of 1974, Presidents exercised their authority to rescind money, and thus control spending they felt was wasteful. This was a practice that had its origins with our first President.

In his article, "The Line-Item Veto: Provided in the Constitution and Traditionally Applied," Stephen Glazier wrote:

> At the beginning of our Government under the Constitution, during the administrations of Washington and Adams, Congress passed very general appropriations bills that permitted the President not to spend appropriated funds . . . . In Washington's day the practice was called "impoundment.

Perhaps the most significant early impoundment was during Jefferson's Presidency, when he refused to spend $50,000 appropriated by Congress for gunboats. He also refused to spend money on two new fortifications.

This instance and other early instances were mostly attributed to the fact that, unlike today, appropriations bills were

> Quite general in their terms and by obvious . . . intent, left to the President . . . the power for . . . determining in what particular manner the funds were spent (1971 hearings, testimony of Assistant Attorney General Rehnquist).

Under the Grant administration, we saw more significant withholding of funds. Upon signing a measure which appropriated funds for harbor and river improvements, Grant sent a message to Congress saying that he did not plan to spend the total amount because some appropriations were for "works of purely private or local interest, in no sense national." Grant asserted that no expenditures might be made except for "works already done and paid for" (CONGRESSIONAL RECORD 5628 1876).

Grant's Secretary of War also refused to spend $2.7 million of the $5 million which had been appropriated by Congress. The House asked the President to respond with legal authority for impounding of funds. The Secretary of War replied that this act was in no way mandatory and that it was not fiscally practical or legally appropriate for the President's discretion to be limited than by the interests of the public service. Most of Congress agreed with the President.

President Roosevelt impounded funds in the 1930's to cope with the emergencies of economic depression and war. In the 1940's Budget Director Smith ordered impoundment of amounts ranging from $1.6 to $95 million which had been appropriated for the Civilian Conservation Corps' surplus labor force, civilian pilot training projects, surplus marketing corporation among others, because the projects did not have priority ratings to obtain the scarce resources.

The Truman Presidency impounded funds appropriated for a 70-group Air Force and giant aircraft carriers.

Eisenhower impounded funds appropriated for various defense projects, most notably funds for strategic airlift aircraft, $140 million, and procurement of Nike-Zeus—$135 million—hardware; in 1956, $46.4 million to increase Marine Corps personnel strength was impounded. In 1959, $48 million for hound dog missiles, $90 million for Minuteman Program funds, $55.6 million for KC–135 tankers. In 1960, $35 million for nuclear-powered carriers.

Kennedy's administration was responsible for a controversial impoundment of funds for the RS–70 long range bomber. Congress appropriated nearly two times the amount that Kennedy had requested. Secretary of Defense McNamara refused to release the excess funds. Later, Congress voted to direct a lesser amount for the RS–70.

President Johnson felt impoundments for domestic programs were legally sanctioned. Attorney General Clark said that the impoundment of highway trust funds was lawful. The Budget Director said that it was the general power of the President to operate for the welfare of the economy and the Nation in terms of combating inflationary pressures.

The most controversial of Presidential impoundments were during the Nixon Presidency. Each year since first assuming office, President Nixon had impounded 17 to 20 percent of controllable funds appropriated by Congress. Nearly $12 billion appropriated for the building of highways—funds impounded of a cross-Florida barge canal, on which $50 million had been spent and which was already one-third completed—and pollution control projects had been withheld. Hundreds of millions of dollars appropriated for medical research, higher education—$18 million of the Indian Education Act, rural electrification, rural environmental assistance, public housing—over $70 million of HUD's 312 housing rehabilitation, loan programs, urban renewal and myriad other programs were impounded. In 1973, the U.S. Court of Appeals for the Eighth Circuit became the highest court to ever decide a case dealing with Executive impoundments. In Missouri Highway Commission versus Volpe, the issue of whether the Secretary of Transportation could refuse to obligate highway funds which had been apportioned to Missouri, because of the status of the economy and the control of inflation. The court ruled that the highway funds could not be lawfully impounded for the reasons asserted. This case did not, however, settle the constitutional question pending before the White House and Congress.

Because of the sweeping nature of the Nixon impoundments, Congress responded. On October 27, 1972, Congress passed the Federal Impoundment and Information Act, which requires the President to submit reports to the Congress and Comptroller General detailing certain information concerning funds which are appropriated and partially or completely impounded.

The act essentially forbade the President from impounding funds, unless Congress acted to approve that impoundment. But, the act did not force Congress' hand. By simple inaction, the funds would automatically be released.

Under current law, the President sends up his recommended cuts, and if Congress does not act to approve them, they become meaningless. The cuts simply die on the vine as Congress spends more and more and accuses everyone but themselves of fearing tough spending choices.

Over the years, the congressional attitude toward Presidential rescissions has become one of nearly total neglect. In 1991 President Bush proposed 47 rescissions for a possible savings of $5.55 billion. Only one rescission was approved by Congress. We saved $2.1 million—a drop in the bucket.

Since 1974, Congress has approved a mere 30 percent of the President's rescissions. We have chosen to ignore more than $41 billion which the President identified as unnecessary spending.

In 1974, Congress ignored all the President's rescissions, a 100 percent failure rate. In 1975, 56 percent were ignored. In 1976, we failed to enact 86 percent. More recently, in 1983, 100 percent of the President's rescissions were ignored. In 1984, we failed to enact 67 percent and in 1985 we failed to enact 60 percent. By 1986 and 1987, we failed to enact 95 percent and 97 percent of those rescissions. Since 1974, we have acted on only 31 percent of the President's rescissions. In the meantime, our debt has more than quadrupled. Clearly, Congress has found the new impoundment procedures a bit too convenient.

When I first came to the Senate in 1989, Senator MCCAIN and I worked together to craft a legislative line-item veto to reverse these trends and restore some equilibrium between the Congress and the President. We have offered that bill every Congress, and we have forced the Senate to vote on it. But our bill has always been subject to a filibuster or to a budget point of order.

In November 1989, I first offered my legislation as an amendment to another bill because the Senate would not even consider it on its own merits. That effort failed by a vote of 40 to 51. In June 1990, Senator MCCAIN and I tried again. This time we went down by a vote of 43 to 50. Progress, though not much.

But each time I'd brought the line-item veto to the floor I was subject to a chorus of advice. Address pork spending, I was told, while an appropriations bill is actually on the floor. Do not worry so much about giving the President line-item veto authority. Just offer an amendment to strike wasteful spending. So I tried it.

Right after Desert Storm, the Congress was called on to pass a dire emergency supplemental to defray the costs of the war. It was legislation which came after noble sacrifice and unprecedented victory. And yet even this bill was a target of wasteful spending.

It contained $1 million for the Maine Department of Agriculture to study potato virus. It included $609,000 for poultry inspection; $351,000 for new furnishings for the Library of Congress; $100,000 for the United States-Canada Salmon Commission. All this in a dire emergency supplemental to pay for the war costs of Desert Storm.

But perhaps most disturbing, the bill required that the Navy overhaul and upgrade the U.S.S. *Kennedy* at the Philadelphia Navy Shipyard, giving it a Service Life Extension Program [SLEP]. This was a classic case where special interests went far beyond what was actually needed or requested. The Navy strongly opposed the work for two compelling reasons.

First was cost. While the SLEP at Philadelphia would cost the taxpayer $1 billion, the Navy felt that a simple overhaul—at half the price—was all the work that was required. In addition, the Navy had downsized its fleet, so extensive service to older carriers was not needed. The Navy could simply deactivate the older carriers.

So the issue was $1 billion of spending that the Department of Defense said was unnecessary. I decided that this would be a good candidate for an amendment on the floor. I would take the advice of those who said that Congress can provide its own form of line-item veto by simply amending bills. That experience taught me a lot about the business-as-usual pork practices that are now so common in this distinguished body.

When I offered my reasons for opposing this spending, a good number of my colleagues agreed. My amendment passed with a healthy majority of 56 votes. Yet when the doors closed on the conference committee, the funding was quietly restored to the bill without debate. What was won on the Senate floor after a lengthy floor debate, was quietly easily restored behind closed doors.

Since that time, Senator MCCAIN has gone to heroic lengths to scrutinize appropriations bills and help save the taxpayer money. He and his staff have been on the floor during debate on most appropriations bills to ensure that last minute deals funding unauthorized projects are not cut to slip spending into bills.

But those efforts alone are not enough. We have learned that they simply do not work. We need true reform. We need the line-item veto. So we have pursued our efforts in each Congress.

But we have not been the first in Congress to try. The line-item veto was first introduced on January 18, 1876, by Congressman Charles Faulkner of West Virginia. It was referred to the Committee on the Judiciary where it died. About 200 line-item veto bills have since been introduced. In nearly every succeeding Congress the proposal has been reoffered in varying forms.

The proposed amendment has for the most part been buried in the Judiciary Committees. Very few have been reported, and those which have, were reported adversely.

In 1883 on a motion to suspend the rules so that the House Judiciary Committee might be discharged and House Resolution 267 passed, the motion was defeated: This has been one of the few occasions in which the item-veto principle has been subjected to a vote in either House.

On April 21, 1884, for the first time, the Senate Judiciary Committee favorably reported a Resolution—S. Res. 18 by Mr. Lapham of New York—proposing to amend the Constitution so as to confer on the President the power to veto items in appropriation bills. By unanimous consent on December 9, 1884, Senate Joint Resolution 18 was made special order of business for December 17. But on that date and again in February the resolution was passed over in the Senate indefinitely.

In this century, the line-item veto continued to be actively considered.

In 1938, the line-item veto passed the House of Representatives, but failed to be considered in the Senate.

In 1957, Congressman Stewart Udall had this to say:

> The tendency in the Congress naturally is that the local interest is predominant. Each of us have projects, we have Federal programs we feel are vital to our districts. In our system of checks and balances, it seems to me a good argument can be made that it is good and it is wise to have someone outside the legislative, namely the executive, also weigh and particular proposal against the national interest, and I think that is essentially what the item veto would do.

Congressman Charles Bennett added:

> As far as I can ascertain, our Constitution and practices in the early days of our country contemplate that the President would find the means readily available to him to veto an appropriation. This is no longer possible for a President in 1957, not because of any change in the Constitution, but because of the practice of Congress in bringing in very large bills from the standpoint of money and from the standpoint of number of items and diversity of items covered. The evil is not so great in authorizations, because in authorizations there is no emergency generally involved. There is an emergency in having adequate funds to carry on the Government, and when you have a large sum of money in an appropriations bill involving many employees and may facets of Government, there is an emergency in passing such a bill; so that the President has an almost impossible situation confronting him if he desires to see any economies made in these bills that are so multiplicitous in material and detail and in dollars.

In 1957, the Nation ran a budget surplus of $3.4 billion, and our country's debt was $272 billion. In other words, the total debt our Nation accumulated in the first 181 years of our history was approximately equal to our annual operating deficits today. And in 1957, our Nation's books showed no red ink. Yet Members of Congress were arguing for a significant change in the name of the national interest and in the name of good government. They were arguing for the line-item veto.

Today, the situation has changed radically. The Nation's total Federal debt has increased 1,665 percent to $4.8 trillion. We will borrow more in 4 days this year than we borrowed in the entire year of 1958.

The arguments of 1957 still stand. Line-item veto helps to balance the parochial interest with the national interest; it enables a President to rationally deal with omnibus spending bills. Nothing has changed but the urgency of our circumstances.

According to CBO:

> Failure to reverse [current] trends in fiscal policy and the composition of Federal spending will doom future generations to a stagnating standard of living, damage U.S. competitiveness and influence in the world, and hamper our ability to address pressing national trends.

And when we proceed to S. 4 on Monday, it will be the first time in the history of the U.S. Senate that the legislative line-item veto will be actually considered as a free standing bill in its own right.

Last November, anger against Congress burnt white hot. With their votes, the American people decisively demonstrated their deep frustration with the status quo. Last week, the U.S. Senate fueled that anger and betrayed their trust. By failing to pass a balanced budget amendment, we clearly demonstrated that we as an institution are more concerned with preserving our power than with protecting our Nation's posterity.

Let us show the American people that we are serious about radically changing the way Congress does business. Let's show them that we intend to present appropriations bills without embarrassment. Let's send the message to taxpayers that, under our guidance, their dollars will not be wasted. Let us act to boldly eliminate the dual deficits of public funds and of public trust. Let us resist the urge to continue business as usual.

Let us finally pass the line-item veto. The time has come.

As I said, this is a speech that could be given today, a time-honored—''honored'' is the wrong word—a time-abused practice of the legislative branch of submitting to the executive, to the President a bill which, as Smith says, is necessary for the support of Government but loaded with illegitimate expenditures, knowing that the President's only choice is to accept the entire bill or reject the entire bill, because he does not have the power to line-item veto, or to reject a part of that bill that is not necessary to the future of this country or not deemed a wise expenditure.

That is what we are all about. Nothing has changed. Nothing has changed in over 130 years. Nothing has changed since the formation of this country and the adoption of this Constitution because, as Smith says, we are doing this based on our experience, what the legislature has accomplished and what the country has experienced in terms of the inability to check, check, as he said, an illegitimate or corrupt expenditure, the flagrant abuse of the power by the Congress through its habitual practice of loading bills necessary for governmental appropriations.

Subsequent to that, America fought a painful and bloody war to preserve the Union, to keep us one Nation, united. Millions of our fellow Americans won their freedom and put an end to one of the most, if not the most, tragic chapters in American history. Yet, at the time, the germ of an idea was born in the Union that took root across the country. The idea has enhanced accountability for the taxpayers' money through the line-item veto.

After the Civil War, line-item veto authority spread like wildfire throughout the States. Today, 43 Governors enjoy the same power that we are fighting to give the President of the United States: The authority to veto wasteful spending items.

Line-item veto became a reality in the United States possessions as well, not just the States but the possessions. Congress, though it failed to give the President line-item veto authority, gave this power to the Governors General of the possessions. The line-item veto was granted to the Governor General of the Philippines in 1916 and the Governors of the territories of Hawaii in 1900, Alaska in 1912, Puerto Rico in 1917, and the Virgin Islands in 1954. Thus, Congress recognized the need for and the virtue of this authority which it had never given to the President of the United States and to the American people.

States have been successfully using line-item veto since, many for over 100 years. Today, almost uniformly the Governors endorse giving the President of the United States the same tool for controlling spending that they enjoy. As someone on this floor—it may have been the Senator from Missouri who is presiding in the chair—said on Friday, we are not aware of any rush in any State legislatures across the country in these 43 States to take away their Governor's authority under line-item veto. If that is happening in any of the legislatures across this land, we are not aware of it.

It seems to have worked very well, this check and balance system, the power to appropriate, the power to say, ''Yes, but not 100 percent of what you have sent we think is in the national interest, we in the executive branch think is in the national interest. We will take 97 percent of it, but this 3 percent just does not go to expenditures in the national interest,'' and then to turn that back to the Congress, and the Congress, if it wants, can override that decision, but it takes a two-thirds vote to do so.

A Cato Institute survey of 118 former Governors and current Governors, including Jimmy Carter, Ronald Reagan, Michael Dukakis, and Bill Clinton, reveals a strong consensus that a line-item veto for the President would be an effective method of reducing the massive Federal deficit. One hundred eighteen former or current U.S. Governors, bipartisan—Jimmy Carter, Michael Dukakis, Bill Clinton, Ronald Reagan—reveals a consensus and a support for a line-item veto.

That survey showed that 67 of the respondents were Republicans, 50 were Democrats, 19 were serving Governors when they responded.

Ninety-two percent of the Governors—92 percent—believe that a line-item veto for the President would help restrain Federal spending; 88 percent of the Democratic respondents supported the line-item veto; 55 percent of the Governors believe Congress has too much authority over the Federal budget, and only 2 percent think the President has too much authority.

Let me repeat that: 55 percent of the Governors believe that Congress has too much authority over the Federal budget, and only 2 percent think the President has too much authority.

When they were asked, "Was the line-item veto a useful tool to you as Governor in balancing the State budget," 69 percent said the line-item veto was a very useful tool, and 23 percent said it was a somewhat useful tool. Only 7 percent said it was not useful. Ninety-one percent of the Democratic Governors said that the line-item veto was a very useful or somewhat useful tool.

The survey also asked, "Do you think that a line-item veto for the President would help restrain Federal spending?" Ninety-two percent said yes; 88 percent of the Democrats agreed.

Since the Budget Reform and Impoundment Act of 1974, every President has complained that Congress has usurped the executive branch's traditional powers over the budget process. The Governors agree.

"In your opinion," the survey went on to ask, "does Congress or the President have too much authority over the Federal budget today?" The survey said and the majority responded, Congress has too much power.

Let me quote from what some of the Governors have actually said:

> Line-item veto is a useful tool that a Governor can use on occasion to eliminate blatantly pork-barrel expenditures that can strain the budget. At the same time, he must answer to the voters if he or she uses the veto irresponsibly. It is a certain restraint on the legislative branch.

Gov. Keith Miller, of Alaska, Republican Governor, 1969.

> I support the line-item veto because it is an executive function to identify budget plan excesses and wasteful items. It is an antidote for pork.

Gov. Hugh Carey, of New York, a Democrat, who served from 1975 to 1983.

> Congress' practice of passing enormous spending bills means that funding the Lawrence Welk Museum to the study of bovine flatulence slips through Congress. The President may be unable to veto a major bill that includes such spending abuses because the majority of the bill is desperately needed. The line-item veto would let the President control the irresponsible spending that Congress can't. The line-item veto already works at the State level. It not only allows the Governor to veto wasteful spending, it works as a deterrent to wasteful spending because legislators know it will be vetoed. That is a statement by current Gov. Pete Wilson, of California, Republican.
>
> I believe it provides the checks and balance, even if it requires legislators to consider the potential for veto and thereby makes them more accountable. Gov. Mike Sullivan, a Democrat from Wyoming.
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> Legislators love to be loved, so they love to spend money. Line-item veto is essential to enable the executive to hold down spending.

That was spoken by William Weld, the current Governor of Massachusetts.

> When I was Governor of California, the Governor had the line-item veto, so you could veto parts of a bill or even part of the spending in a bill. The President can't do that. I think, frankly—of course, I'm prejudiced—Government would be far better off if the President had the right of the line-item veto. Ronald Reagan, former California Governor.
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> It can be a surgical tool to highlight foolishness and thus help the executive make his case. So said Pete DuPont, Republican Governor of Delaware from 1977 to 1985.
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> To the detriment of the Federal process, the President is not held accountable for a balanced budget. Congress takes control over budget development within its budget resolution after which the President may only approve or veto 13 appropriation bills. Without the line-item veto, the President has minimal flexibility to manage the Federal budget after it is passed.

So said Douglas Wilder, Democrat Governor of Virginia from 1990 to 1994.

Republicans, Democrats, liberals, conservatives, moderates, current, past, historical, virtually all have said the line-item veto works in their States. It worked for them. It worked in their relations with their legislators. It ought to apply to the Congress.

Senator ASHCROFT, now presiding in the chair, eloquently spoke on Friday of the line-item veto and what it meant to him when he was Governor of Missouri and how the interaction between the executive and the legislature worked to eliminate unnecessary, unneeded spending of hard-earned, scarce taxpayers' dollars. And he had a terrific chart illustrating that it not only works when you are Governor of the State of Missouri, but it works when you are head of household or father of a household and you sit down around the kitchen table with the family and say, "Let's plan out next month's or next year's budget, the things we have to do, the things that we would like to do. Let's check our revenues and see what funds might be available, everybody submit their request and let's go down the line and see what works."

There might be an item that you have to line out and in many cases substitute something for that. Instead of the trip to Disney World that everybody would like to take every year and stay at the hotel right on the grounds and not have to worry about being down the road or across the street and driving in and parking but just get on the tram in the lobby of the hotel and go to the next exhibit, which we would all like to do but which most of us cannot afford to do once in a lifetime, let alone once every year, you might have to adjust. You might have to go to Sea World instead or you might have to, as Senator ASHCROFT said, go to the State park for a vacation.

You line out some items. You substitute some others. You reduce it. You negotiate. That is the process that takes place under line-item veto, and that is the process that would take place if the President would have that line-item veto.

Almost every President since Ulysses Grant has made the same case as the Governors made. Only one President in the 20th century has not requested the line-item veto, only one. In his message to Congress on August 14, 1876, President Grant claimed discretionary authority of the items of appropriations bills. In signing the river and harbor bill he said, and I quote:

> If it was obligatory upon the executive to expend all the money appropriated by Congress, I would return the river and harbor bill with my objections. Without enumerating, many appropriations are made for the works of purely private or local interests and in no sense national. I cannot give my sanction to these and will take care that during my term of office no public money shall be expended upon them. Under no circumstances will I allow expenditure upon works not clearly national.

No objection was made to President Grant's interpretation of that. Congress knew that it had been caught with its hand in the cookie jar. Does that mean expenditures on rivers and harbors are not necessary? Of course not. Some of those are very necessary. But in some years you cannot do as much as you would like to do in other years. And at other times there are higher priorities. Of course, the natural thing to do for Congress is to want to spend that money because, as Governor Weld said, "Legislators love to be loved and so they love to spend money."

Nothing brings a smile to the face of your constituents or special interest group more than the word "yes." "Yes, we will fund your request." "Yes, we will give you everything you ask for." Boy, does that make life easy as a legislator. It is fun to go home and say, "You know that request you asked me about 6 months ago? Done. I slipped it in the—such and such—appropriations bill. The President signed it just the other day." You are a hero. They hold a dinner in your honor. They give you a little plaque and you put it on the wall, "Legislator of the year." Of course, we love to be loved. Of course, we love to go home and say "yes" to people.

However, under the process that we have operating today at the Federal level, we have a very convenient excuse to say "yes," that allows us to say "yes" that is not available to most legislators. Most legislators are operating under either a balanced budget constitutional prohibition, a constitutional mandate to require a balanced budget or they are operating under line-item veto or both.

Do you know what that means? One of two things. It means that when those interest groups come and say, "Can you get this money for us?" you have to look them back in the eye and say, "That may be a worthy project and in fact I even support it, but here's my dilemma. Right now we are running really close on the amount of revenues coming in and the amount of expenditures going out. And there's only one of two ways that I can really address your request this year. The first is to look at some other program and cut that out and substitute your program, take the money from that and use it to pay for yours."

Of course, that is not the preferred method today because nobody wants to go over to the other group and say, "By the way, we are going to eliminate your program, cut your program so we can give it to the new program over here," because everybody wants to please everybody.

The second option available to them is to raise taxes, to go to the public and say, "We've got a new idea, a new program we would like to increase funding for. We are not willing to take the heat to cut out any existing program and so we are going to have to raise your taxes to generate more money." Not too many legislators like to do that, like to run home and tell people they are going to raise their taxes.

Now, the Federal legislators have a third option. Here is the problem. The third option is to say "yes" to everybody and then borrow the money to cover the expenditure, float some more debt so you do not have to go to the constituents and say, "We are going to raise your taxes to pay for this." You do not have to go to some other program and say, "We are going to have to cut your expenditures to pay for this." You say "yes" to everybody. And you produce an unbalanced budget—deficit spending—borrowing the money to pay for it, and we will let some future Congressman worry about the implications of that.

Well, the future is now. The future is here. That time-honored practice has now led us to a nearly $5 trillion debt. Line-item veto is one of the tools which we will use, if it is passed, to adjust significantly the way that Congress spends the taxpayers' dollars. I deeply regret we did not pass a balanced budget amendment—it failed by one vote—because it is a much more significant change in the way we would do business. That would force us, year after year after year after year, in support of the Constitution of the United States, to not spend more money than we take in. That would make honest legislators out of all of us. That would bring integrity back to the halls of the Congress, in terms of the way we address the people's interests and the people's wishes and the way in which we handle the people's money.

That having failed, the only other real game in town that will bring change in the way we make decisions about how to spend money is line-item veto. Will it balance the budget? Absolutely not. I wish it would, but it will not. But will it fundamentally change the way in which we look at how we spend taxpayers' dollars? Yes, it will. And it will help. It will add up to some real significant savings. It will change the way we do our business.

I contend, with all the promises, all the rhetoric, all the wonderful, "Oh, we just need to summon up the will we need to get this job done," it just has not happened. Year after year, one decade after another, for one reason or another, Congress has not summoned up the will to get the job done. There is the human temptation of saying we will do it after the next election—and then comes the next election, and then the next election, and before you know it, it is the next decade, and before you know it we have a $5 trillion debt and, "Yes, it is terrible, it is horrible, it impacts the next generation, but not yet; we are not quite there yet. See, we have these problems, those problems, et cetera."

So we are talking about fundamental structural change in the way Congress does it business. Line-item veto is the second best way I can think of to do it. A balanced budget amendment is first. That failed. Line-item veto is a distant second, but frankly it is the only other game in town. It is the only game we are talking about. If somebody has a better structural way to change things around here, I am all for it.

Listen to the words of President Franklin Roosevelt. In his budget message for fiscal year 1939, President Roosevelt, after calling attention to the use of the line-item veto in the majority of our States and remarking that the system meets with general approval in the many States which have adopted it, said:

> A respectable difference of opinion exists as to whether a similar line-item veto could be given the President by legislation or whether a constitutional amendment would be necessary. I strongly recommend that the present Congress adopt whichever course it may deem to be the correct one.

The bottom line is, even though some of us would like to amend the Constitution and give the President the constitutional line-item veto authority, we do not have the votes to do that. We came one vote short on balanced budget, and we do not have the votes to accomplish that on line-item veto. But we do have the votes to do it legislatively.

As Franklin Roosevelt said, "* * * whichever course Congress may deem to be the correct one." I do not know if it is the correct one, but it is the doable one. We have a doable one. We have one that can pass, and can be enacted into law. And, frankly—frankly—the way it is structured, if it does not work, Congress can repeal it. I would regret that. That is the problem with a statutory fix. But we can do it this Congress; we can do it this week.

President Truman said—and I think this is the most telling statement of all—in the second volume of his memoirs, Harry S. Truman wrote the following:

> One important lack in the Presidential veto power, I believe, is the authority to veto individual items in appropriation bills. The President must approve the bill in its entirety or refuse to approve it or let it become law without his approval.
>
> As a Senator, I tried to discourage the practice of adding riders deliberately contrived to neutralize otherwise positive legislation [Truman said] because it is a form of legislative blackmail.

I quoted that last week. Legislative blackmail, that is what it is. I do not care what sugar-coating we put on it. I do not care what justification we raise. A lot of this pork-barrel stuff is legislative blackmail.

We may have a defense emergency bill to pay for operations in Haiti, Rwanda, or Somalia that have already taken place, and the Defense Department accounts are drained. Or we may have a hurricane in Florida and we need emergency money to be appropriated to deal with those who are homeless and those who need health care and those who need emergency rations. Or we may have floods and earthquakes in California or floods in the Midwest, we have pressing national needs, and we construct a bill to take care of those needs. And at that point legislators say, "Aha, there is one the President has to sign. I mean, this is an emergency. We have to get this money out in a hurry. That is going to have to go through the Congress. That is the one I will attach this little item I have been carrying for the folks back home. That is the one where I can get my, not national interest item, but parochial interest item attached to. We will just attach that in committee, and we will put it on the floor and we will send it to the President of the United States."

It will be buried in there and the President will say, as every President in this century except one has said, "If I only had the line-item veto, I could do what I have to do to accept that appropriations bill, but I could take out that unnecessary piece of spending that I know was attached on there just because they saw this train rolling through and this was a great vehicle to attach it to."

Of course, let us understand if Congress wants to overturn that decision of the President, it can do so. It has to come down here and debate the item. Members have to cast their yea or nay on it so the folks back home understand what they voted for and have the right to say, "What in the world? I did not send you to Washington, DC, to vote for that item. What are you doing that for?"

Right now they do not have that because legislators have a very convenient excuse. "Oh, I don't support that either. But, you see, we had this emergency, this bill came through, and Senator so-and-so from such-and-such a place snuck that devil in here and, boy, my dilemma was either deny the health payments to veterans or emergency funds for homeless victims or money to take care of the farmers in the flooded Midwest, or reject all that in order to take care of Senator such-and-such's little item."

The voters scratch their heads and say, "Is there not a solution to that?" The solution is line-item veto.

Mr. President, I am going to skip some items here. My colleague from Mississippi is on the floor. I am going to try to get to a point where I can wrap up.

But, there is a great history of abuses of the spending power by the Congress. It is a natural human tendency. I am not here pointing fingers at any of my colleagues. The only right I have is to point a finger at myself. I am a legislator. As the Scriptures say, we have all seen it and come short of—I am paraphrasing the Scriptures here—come short of what our obligations are.

We are all guilty. We all know this is an abuse of power by the legislative branch, by the spenders. So what we are saying here is let us institute a structural reform that really liberates all of us from this insidious practice of adding pork-barrel spending to otherwise needed appropriations bills. Let us make a structural change so we, as a legislature, can restore some credibility and integrity to our work here.

It is easy to read down the lists, Senator so-and-so did such-and-such. Look at this item. Look at that item. But I am not going to do that. I am not going to do that because we are all guilty. We all need the liberation of doing what I think in our hearts we know is right.

Mr. President, as has been stated often, this adds up to some pretty big money. Senator MCCAIN and I have been offering this alternately over the past many years. We have not been able to break through the filibuster or we have not been able to break through the budget points of order to get the 60 votes necessary to get to a vote on the bill. We trust there will not be a filibuster attempt on this issue. I guess we will find out this evening at 5 o'clock when we go to the bill. We are appreciative of the fact that the Senator from West Virginia has consented to allow us to not have a filibuster on the motion to proceed so we are going to go to the bill at 5 o'clock today. We will find out soon whether or not the Congress is willing to go forward with this in serious debate and serious study.

There is going to be an alternative version, apparently, presented to the version now on the floor. It will be, we believe, substituted for a version that Senator MCCAIN and I and others, Senator DOMENICI and others have worked with Senator DOLE on which we think is a stronger version. We expand the scope of line-item vetoes to not only include appropriations but also target tax expenditures and new entitlements—not existing entitlements but new entitlements. But there is going to be a mild alternative presented, apparently, according to the minority leader—a mild alternative. We considered that, but we rejected it because it is not line-item veto. The same 51 votes that were collected to pass the appropriation in the first place can be used to thwart the President's efforts to stop that spending.

Veto means veto. Veto means two-thirds. Technically, the Constitution does not use the word "veto." But it does call for a two-thirds override by the Congress for bills not accepted by the President, or returned to the Congress by the President. We are applying that same principle, that same rule, to the practice that the President is granted that authority of taking out by line-item pieces of those bills rather than rejecting the whole. So, if there is going to be a measure which fundamentally alters the way in which this Congress operates, it has to be a two-thirds vote. Anything short of that is a mild version that will have little, if any, significant effect on the way we do business.

I think that has been pretty well decided among at least Republicans. And I think it is supported by a number of Democrats who have supported line-item veto authority before, some of them former Governors, others who believe that we could need some structural changes in the way that this Congress operates. And we welcome and appreciate their support.

Members have been told, "Just offer these amendments. If you do not like something in a bill, offer an amendment." Senator MCCAIN in particular has gone to heroic lengths to scrutinize appropriations bills. But they always run up against budget points of order. They always run up against reasons why it really cannot happen. Then the aggregate, in the end, very little change is made and somehow these things keep slipping through. Everybody scratches their head, and, says, "I don't know how that got in there. It is kind of embarrassing. But I do not know how that got in there."

For more than 100 years Members have been trying to strike unnecessary pork-barrel spending from appropriations, and the results are not all that good. In 1957 Congressman Stewart Udall said:

> The tendency in Congress naturally is that the local interest is predominant. Each of us have projects. We have Federal programs we feel vital to our districts. In our system of checks and balances, it seems to me a good argument can be made that it is good and it is wise to have someone outside the legislature, namely, the executive, also weigh any particular proposal against the national interest, and I think that is essentially what the line-item veto would do.

Mr. President, in 1957 this Nation ran a budget surplus of $3.4 billion, and our country's debt at the time was $272 billion. The total debt of our Nation accumulated in the first 181 years of our history was approximately equal to this year's current operating deficit; 181 years of effort, of spending the people's money by this legislature is equal today to 1 year of deficit spending.

In 1957 our Nation's books showed no red ink. Yet, even then Members of Congress were arguing for a change in the name of the national interest and in the name of good government. Even when we did not have a significant deficit, even when we were, the last time we operated at a balanced budget on a current year, Members were arguing for a line-item veto because they knew that it would stop a practice of, as Harry Truman said, "blackmailing the President."

Today however, the situation as we know has changed radically. The Nation's total Federal debt has increased 1,665 percent; 1,665 percent to $4.8 trillion. Let us go back over that. One-hundred and eighty years it took to get to $272 billion. That was in 1957. And since then it has increased. The debt has increased from $272 billion to $4.8 trillion, a number I cannot begin to comprehend—1,665 percent increase. Maybe this puts it in better perspective. We will borrow more in 4 days in 1995 than we borrowed in the entire year of 1958. We will borrow more in 4 days of this year, 1995, than we borrowed in the entire year of 1958. That is how far we have gone. The arguments of 1957 still stand. Line-item veto helps balance the parochial interest with the national interest. It enables the President to rationally deal with omnibus spending bills. Nothing has changed but the urgency.

According to the CBO, failure to reverse current trends in fiscal policy in the composition of the Federal spending will doom future generations—doom future generations. Every one of us knows that in our heart we will be dooming the future generations by what we are doing here with the taxpayer dollars, and creating a debt which we will not be able to pay as a Nation, which our children and grandchildren will not be able to pay. They will not be able to buy a house at a reasonable interest rate. They will not be able to finance an education for their children. We are dooming future generations.

That is the Congressional Budget Office conclusion. We will doom them to a stagnating standard of living, they said. We will damage U.S. competitiveness and influence in the world, and we will hamper our ability to address pressing national trends. If there is time to do something, it is now, not next Congress, and not next century; now.

So when we proceed on this bill today at 5 o'clock, it will be the first time in the history of the U.S. Senate that the legislative line-item veto will actually be considered as the freestanding bill in its own right.

Last November anger against this Congress burned white hot. With their votes the American people decisively demonstrated their deep frustration with the status quo. Last week the U.S. Senate fueled that anger, and betrayed their trust 2 weeks ago by failing to pass a balanced budget amendment. We demonstrated that we as an institution are more concerned with preserving our power than with protecting our Nation's prosperity.

Let us show the American people that we are serious about changing the way this Congress does business. Let us show them that we intend to present appropriations bills without embarrassment. Let us send the message to taxpayers that under our guidance their dollars will not be wasted, and let us act to boldly eliminate the dual deficits of public funds and of public trust. Let us resist the urge to continue business as usual. Let us finally pass the line-item veto.

Mr. President, the time is now.

Mr. President, I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I wish to be heard on the line-item veto. But just for a moment, I would like to observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MACK). Without objection, it is so ordered.

Mr. LOTT. Mr. President, first, I want to thank several Senators for their tireless effort to put together a process whereby this line-item veto legislation could be considered by the Senate. Without the tenacity and the dedicated work and support of Senator COATS from Indiana, who has just been speaking, and Senator MCCAIN of Arizona, the moment for this consideration would never have occurred. I think they deserve a lot of credit for pushing it through the years, many times as amendments to other bills. They have seen their efforts meet with defeat. But they continued to push for it because they know it is the right thing to do.

Also, I take note of the fact that they have worked with a number of other Senators to come up with a compromise that will be the basis for our consideration as the week goes forward. The majority leader, Senator DOLE, has put a high priority on this legislation. He committed early on that this would be on the Senate agenda early in the session. I think it is probably the fifth bill we have considered this year, and I think he certainly deserves credit for moving line-item veto to the top of our priorities. Senators DOMENICI and STEVENS have played decisive roles in bringing us to the point where this legislation could be laid down, so we could move forward on this important issue.

The quest for a line-item veto has been a 10-year quest. An idea so simple has had a very complicated history; an idea so needed has been needlessly blocked, in my opinion, by politics or by institutional concerns which I do not think are well founded.

We hear from the opponents that there is a plan, perhaps, for a filibuster against the compromise proposal that will be offered later today, sometime around 5 o'clock or later. We also hear from the other side that this may be opposed on a partisan basis, or that it is really not needed by the people. I hope none of that will happen. We have had too much of that already this year. We have already had filibuster after filibuster or slowdowns. We have had to go to cloture votes. This is an important substantive issue which should be debated fully, no question about that. But I hope we will not go to a filibuster. I hope we will not get to accusations about the motives of Senators on both sides of this issue. It is an issue that the American people are familiar with. Basically, I think they understand it and support it. I think we ought to go ahead and debate the merits and have a straight vote on the substance and not get into another protracted filibuster.

The line-item veto, as a matter of fact, has a history of bipartisan support. As my friend from Indiana, Senator COATS, pointed out, Senators HOLLINGS, BRADLEY, and BIDEN have, in the past, offered bills similar to the compromise line-item veto proposal that we shall offer later today. In fact, Senator HOLLINGS has been very much involved in this legislation in the past. Senator BRADLEY has, also.

In the past, Senators EXON, GRAHAM of Florida, KOHL, HEFLIN, SIMON, and ROBB have all voted for a version of the line-item veto. The distinguished minority leader, Senator DASCHLE, of South Dakota, has voted for the line-item veto in the past. I assume he will vote for one in the next few days. He says he supports one version of the line-item veto. But it is a very, very, very weak approach, one that even President Clinton has said he could not support, because it would be very difficult for the President—this President or future Presidents—to actually have their veto sustained, because in fact the Senate, by a simple 51 vote or majority vote, could override that veto. At least, that is as I understand the proposal that will be offered by the minority leader. So we will have to take a close look at that.

The line-item veto has not been just a Republican proposal. Senators of both parties, Presidents of both parties, who believe that we must restore a constitutional balance and fiscal sanity, believe in giving the President this line-item veto authority. That is why I hope we will move quickly on this bill, with the least possible partisan bickering. We need to allow the President —even a Democratic one—the ability to veto waste and pork or line items that have not been properly considered or sufficiently justified. We need to begin to get our debt, which now runs up to something like $13,000 for every man, woman, and child in this country, under control. And it will continue to grow. As has been stated today already, we are looking at a national debt of almost $5 trillion. Where will it end?

I have been for this line-item veto as far back as the late 1970's, when President Carter was in office. I wanted to give him that authority. I was for it during the Reagan-Bush years. I wanted them to have that authority, and I am still for it. President Clinton has supported it and wants to be involved in trying to get this legislation passed by the Senate. So it is bipartisan. It should be nonpartisan.

There have been differences of opinion, and different approaches have been offered in the past. But I think we have come to the point where we have to quit arguing over the approaches and decide to go with one line-item veto or another, but it must be a real one, one that requires a two-thirds vote for the Congress to override the President's action.

So we have before us one that will be offered this afternoon, a solid bill, one that has unity of purpose, to give this authority to the President. It points a way to a future of more controlled spending on the Government's part. It will help us to begin to reduce the size of Government. It will not solve the deficit problem, but it can help. In fact, in discussing this matter with President Clinton, he said when he had the legislative veto as the Governor of Arkansas, it was not that he had to use it so much, it was just the mere presence, the mere existence of that opportunity that provided a chilling effect on excessive or wasteful spending.

Since we are talking about the future versus the past, let me say that those who oppose the line-item veto, on the whole, in my opinion, really are clinging to the past—the way it has been done over the years here in the Congress. As a matter of fact, if you go back and look at the history, Presidents all the way back to Thomas Jefferson had ways, and, in fact, used different ways, to try to control Government spending. The tool used most often was impoundment.

So the Presidents had impoundment from Thomas Jefferson's days all the way up to the 1970's when, during the Nixon administration, the Congress passed the Budget Impoundment Act of 1974. I voted for that act and sometimes I think maybe it was a mistake. When I first came to Washington as a young Congressman in 1973, I was amazed—having served as a staff member and then a Congressman—that really there was no process whereby the Congress looked at the budget. There was never any process where we racked up the revenues coming in and expenditures going out and added them up and admitted what the situation was, admitted how much of a deficit we were creating each year and how much that was adding to the national debt. There was no process to do that. I thought there should be a budget process in the Congress. So I accepted the Budget Impoundment Act of 1974, even though I was opposed to taking away the authority of Presidents to impound funds. I thought Presidents should have the authority to say, no, we should not spend that, it is not the right way, or the times have changed, whatever; but that authority was taken away. In its place we were giving to the President the ability to send up rescissions. But the truth of the matter is that the Presidents' rescissions have not gotten much consideration from the Congress. I will talk more about that in a moment.

So, over the years, we have taken away the ability of the Presidents to really get involved in trying to control and limit or stop spending. So if there has been a shift in power in this area, it has been to the Congress, away from the President. I tell people in my State of Mississippi that Presidents do not even have the authority, are not required to, and do not sign budget resolutions, that they are out of the budget process other than to send up a budget, and then the Congress sometimes considers it, sometimes throws it out in the street and ignores it, and Congress passes its budget resolution without the President being involved in having to sign a joint resolution on the budget. I think the President should have that authority.

The President does have the authority to sign or veto appropriations bills en bloc. But he must sign it all, whole hog. He cannot say, "We shouldn't spend in this area," or "There is a problem in this area." He has to sign it all or veto it all.

So Presidents over the years have lost a lot of their authority over how the people's money is spent.

Now, I acknowledge under the Constitution the appropriations process rests in the Congress. We should originate the appropriations bills in the House and vote on them in the Senate and we should have a very key role. But I think it is important also that the President have a role.

Now, as a Member of Congress for the past 22 years, I have watched the Congress on occasion try to control itself, control spending. But it never really has happened. Oh, occasionally we will rise up and cut spending a little bit. We did that in the 1980's. We saved a little in the early 1980's. But then the temptation is too great to keep spending, more programs for everybody, more programs for everything, very little consideration really being given to the taxpayers of America.

And for those Americans that are preparing their income tax returns right now, I imagine they are pretty agitated, pretty angry, pretty disgusted with the complicated forms, and taxes seem to be going up every year to pay for a lot of wasteful spending and bureaucracy and regulations and waste and fraud.

We have to find a way to get a grip on it.

And there are those who will stand up, I am sure, in the next few days or next couple of weeks and say, "All Congress has to do is to do it. We do not need a balanced budget amendment to the Constitution. We don't need a line-item veto. All we need to do is do it."

I agree. Let us do it. But for 22 years, I have watched the Congress not do it. Congress cannot or has not controlled its insatiable appetite for spending the people's money. It is too easy to spend money. It is hard to control spending.

When we go home as Senators, we sometimes have conflicting messages given to us. Sometimes we want to please everybody. This applies to all of us; I do not exempt any of us; we all get involved in it. When we go home, our constituents say to us, "Control spending. You need to get the deficit under control. What about the debt?"

And then, as we start out the door, they say, "Oh, but don't cut Big Bird. Don't cut the Corporation for Public Broadcasting." Or, "Don't cut the farm subsidy." Or, "Can you get us some more money for highway construction, bridge construction, waterway projects, and Farmers Home Administration projects?"

And, by the time you get out the door, you have 17 requests sticking in your pockets for programs not to cut or places they want more money spent.

Now, you cannot have it both ways. We either are going to control Government spending or not.

Do the people really want the deficit brought under control or not? Are the people really worried about here and now, the present, their wants and desires, what they would like to have from the Federal Government, or does anybody worry about the debt that we are dumping off on our children and our grandchildren? When does fiscal responsibility set in? It should set in now.

What we are talking about is change—changing the status quo. Are we going to continue the way Congress has done business for 40 years, or are we going to begin to get a grip on the size of the Federal Government, the waste in the Federal Government, controlling our spending appetite and, yes, allowing the President to be involved in that process, also?

That is why we need this line-item veto. It will be one more mechanism, one more tool that can be used by Presidents to try to control spending, not only in the appropriations area.

And I think the Appropriations Committee members are right. They are not causing the major increases in spending and in the deficit every year. So much of it is in the entitlement areas. So when it was suggested by some of the Senators, in the compromise bill we are going to have offered later on today, that targeted entitlements ought to be included, I also said, "I agree. Include everything. Anything that is spending."

Any program that is targeted to a special interest or a small group of people or even one person or one corporation, give us, or the American people, that one last avenue where it can be reviewed. Give the President the line-item veto authority.

I trust the Presidents. At least, we know that it is that person who is the restraint of last resort. In the case of the Congress, quite often the people that are advocating programs are one of 535 people in the House and the Senate. You cannot even get a grip on who really did it.

Somebody said, let us not shift this authority away from the Congress to the President. Well, as a matter of fact, it is not really the Congress. Out of 435 House Members, there might be 10 Congressmen that really, really, know what is going in these appropriations bills or these entitlement bills. In the Senate, maybe there is a half-dozen that really knows what is in this appropriations bill or that appropriations bill, or what is in an entitlements package. So you are really talking about giving the President of the United States one last opportunity to control the maneuvers of 18 or so Members of Congress. That is what you are really talking about.

So I think the line-item veto, used to target wasteful spending, is the wise thing to do. I am even willing to support a line-item veto power for an area that I refer to as the tax area.

Now, in Washington—and only in Washington—when the people get to keep their money, their own money, the money they worked hard and earned, in Washington, that is called a tax expenditure. That is the Government spending money by letting the taxpayers keep their money. How ridiculous can you get?

The man and woman out there working every day, 8, 10, 12 hours a day, two jobs, if they get to keep their money, in Washington, that is a tax expenditure. Only in Washington can that happen.

But, a so-called tax expenditure or a tax cut can also be a special deal. I have watched in wonderment in the past after we passed major tax bills, when I was in the House, the Ways and Means Committee would have transition rules. I never quite figured out what that meant. But sooner or later, I figured out what it means is a lot of special deals for a lot of Members of the House and particularly of the Ways and Means Committee.

Every member of the Ways and Means Committee would get a little deal, a little line item, a little insignificant thing, just a few hundred million here or maybe a billion there. And then it would come over to the Senate. We would pass another tax bill. And then you would have the transition rules and this member of the Finance Committee or that member of the Finance Committee would get a special deal.

Maybe I am just mad because I never got one of those. But it puts a burden on me as a Senator looking out for my State. If I do not get some of these special deals, my constituency maybe is left out and some other constituency in some other State gets a special deal.

But that is ridiculous. We should stop that kind of stuff. That is what leads to waste of the people's money, waste of the taxpayers' dollars.

And so if we can develop language that says, yes, in a narrow way, in a targeted way, where there is a special deal for a limited number of people or limited number of corporations, I am willing to look at that. Let the President look at that.

I mean he is not a czar. He is not some person off in some foreign country. We are talking about the President of our United States.

I call the line-item veto accountability—accountability. Let us at least put the monkey on the President's back. Let him have the authority. And if he does not use it, then we know who to blame.

Now, you can hardly even find out who sponsored these transition rules. You cannot even dig around in a report and find out why this new Federal building is being built or who for. Let the President have this line-item veto authority. I think that it will begin to turn things around.

For the future, if we do not change our ways, it will be very bleak. Higher and higher deficits, less and less savings, bigger and bigger Government spending—these are what we have to look forward to without change now.

And that is what the American people voted for in 1992 and in 1994. They want change. Are they going to get it? Not unless there is a change of attitude in this body.

We lost the balanced budget amendment by one vote. If any one of 34 Senators would have changed their vote, we would have added that to the Constitution or given the people a chance to vote on it to put it in the Constitution through the ratification process.

And now the line-item veto. This would be a major step forward.

We have not let small differences of opinion block us from securing a better future. We should not let politics stand in the way of a better fiscal discipline in the future.

The forces of the past that are fighting with their last breath in this city say that we are giving the President too much power if we pass the line-item veto.

I just think that is wrong. The bill does not expand the power of the President. It allows the President to use the veto authority he already has to pare out waste, pork, and abuse. Congress still has the power to overturn the President. If the President is truly wrong, the Congress will overturn him.

Also, why be afraid of allowing this current President to use his power? We, on this side of the aisle—the Republicans—are ready to give this authority to President Clinton so he can have the opportunity to pare spending. We believe the line-item veto wielded by any President is a way to limit Government.

People might say, well, maybe President Clinton just wants this special deal. Other Presidents might not have felt that way. Let me just read what some of the former Presidents have said, going all the way back—I mentioned Thomas Jefferson—but let me go back to Ulysses S. Grant. He urged the Congress to give him the line-item veto. He said, "I will not complain about the extra workload."

President Chester B. Arthur, after deprecating the practice of combining appropriations for a great diversity of objects widely separated in nature and locality in one river and harbor bill, President Arthur, in his second inaugural message to Congress on December 4, 1882, suggested that the Congress enact separate appropriations bills for each interim improvement, exactly what we are talking about doing right here. He wanted that authority to line out some of these projects that really were not justified.

President Franklin Roosevelt, in his budget message for fiscal year 1939, pointed out the advantages of the line-item veto in the majority of our States and remarked that the system meets with great general approval in the many States which have adopted it. Forty-three State Governors have this authority. Most of them have not abused it. And a lot of them do not use it very much.

Franklin Roosevelt supported this initiative. President Truman said, "One important lack in the Presidential veto power, I believe, is authority to veto individual items in appropriations bills. The President must approve the bill in its entirety, or refuse to approve it, or let it become law without his approval." That is exactly what we are talking about doing in the compromise legislation we will be considering later today.

President Eisenhower backed a line-item veto. And the list goes on. The Presidents have all recognized the great need for this authority. There have been many complaints in recent history, back in the 1960's, 1970's, about the Imperial Presidency, but not enough about the spendthrift Congress.

If Congress alone could control our spending habits and cut out pork, we would not have the deficit we have today. But we have it.

The line-item veto puts Congress on notice that every Government program and policy will be under scrutiny. Spending and tax policy will no longer be done in the dark. I could talk for a long time about how that happens in some of our conferences that occur between the House and the Senate. The forces of the past say line-item veto will not solve the deficit. I say the line-item veto is a step in the right direction.

As the saying goes, it might just save $100 million there, or a few million there, or maybe $100 million there. Sooner or later, it adds up to real money. But it is a start, and it will help put such a chill on a lot of useless spending that the President would never even have to use the line-item veto.

Surely, a nation cannot spend without bounds forever. Surely, a country cannot rob from its children always. Surely, a government can change its ways. The line-item veto is part of a comprehensive strategy, including the balanced budget amendment, to limit the growth of Government. That is what we are talking about doing here today with this legislation.

Mr. President, as the debate goes forward, I am going to talk more about the specifics of how we will have separate enrollment in the legislation we will be considering. I will talk more about the constitutional questions that have been raised about this legislation. I think that will be a very important discussion.

I am satisfied that what we have proposed today, what will be laid down this afternoon, is constitutional and we will debate that at great length.

Just one final point before I yield, because I see there is at least one other Senator waiting to speak. It has been maintained over the years that the President has the rescission authority, but it is just that they have not used it that much, or maybe the Congress just has a little different idea of how it ought to be used.

As a matter of fact, I remember when I was in the House one time, the President sent up—I guess this was during the Bush administration—sent up a couple billion dollars in rescissions. The distinguished Republican leader in the House at the time, Bob Michel, called in his appropriators, the college of cardinals, who sat around the table and said: We have a couple of billion of rescissions from the President. Can we go forward with those? Can we have these savings? The college of cardinals went away and they came back and said, "Well, we think maybe we could get about $69 million out of $2 billion."

What happened in 1990, 1991, 1992, 1993, and 1994? Congress enacted rescissions, but also replied to new spending. So it is the same old deal. Even if the President tries to save a little money, Congress says, "Voila, a little more money. We can spend that."

Mr. President, I am glad we have come to this point. I hope my colleagues will really look seriously at this line-item veto. Let Members make it bipartisan. Let Members have it supported by the Congress and by the President. The House of Representatives has already done its job. The President, a Democrat, agrees with the Republican House. Now it is in the hands of the Senate.

We will make the decision on the line-item veto. I maintain that this decision is a lot bigger than just this one item of the line-item veto. The bigger issue is whether or not we really have any desire to control spending. If we do, we will adopt this legislation.

I yield the floor.

Mr. COATS. Mr. President, under the unanimous-consent agreement, it is my understanding that time is to be allocated between the two managers of the bill. I would like to ask the Chair what the current time situation is.

The PRESIDING OFFICER. The Republicans control an hour and the Democrats control approximately 2 hours and 30 minutes.

Mr. COATS. Mr. President, I might just note to my colleagues that we are getting kind a time imbalance situation here. It is our thought the time would be allocated back and forth, and we would be roughly equal when we moved to the hour of 5 o'clock. That is not happening.

I had a number of speakers for the proponents of line-item veto that wished to speak. I am concerned about the allocation of time and not having an opportunity to speak. I would just state to my colleagues that those who are interested in speaking today, if they could notify me, we will try to ensure that they have the opportunity to speak. Those who are speaking in opposition to this, this is a good time to come to the floor in order to state their opposition.

Otherwise, we may be in a situation where we have a lot more speakers for a line-item veto than against a line-item veto, and run out of time for those who are for, unless the minority is willing to yield some of their time, which they generously did on Friday. I just give that notice to my fellow Senators.

I would now like to yield whatever time he may consume to the Senator from Missouri.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, it is my pleasure to have an opportunity to speak today on behalf of the line-item veto. As I have said many times over the course of the last several months, a balanced budget is an aspiration or a goal. It is like saying that we intend to live within our means. The question then becomes how do we move from an aspiration to the actual achievement of our goal? One of the ways is to have the right tools. The line-item veto is just that.

I was very interested in the comments offered by the Senator from Indiana, Senator COATS, earlier in the day. He was talking about special interests and their impact on the appropriations process. Often, a number of special projects are inserted to benefit specific districts or States. Then, when either the Senate or the President acts on the bill, there is no real opportunity to knock these things out because they are voted on as a group. As a result, we end up spending a lot of money that we would not spend if each of these items were to be held up individually to the light of day.

I think this is a critically important point. We should understand that there is a difference between the national interest and the special interest; for example, it could be in the interest of an individual State to get several transportation projects from the Federal Government. However, this allocation of funds, while in the interest of the State, might not to be in the best interest of the Nation.

All too frequently, Members who are elected to represent the State interest or the interest of a specific district are willing to participate in putting these projects into legislation. Consequently, it is important to look at one person alone who is endowed with the ability to protect the national interest, the President of the United States. He is the only individual who is elected by citizens from every State and territory in the Republic.

So it is appropriate, then, that the President be given the tool with which to protect the national interest. I think the President needs that tool. Every President this century, with the exception of one, has asked for it. They have asked for it even in times when we were not facing the overwhelming deficits we are facing now.

If it is not good for America, in the long run, it cannot be good for our States. I think people all across America have finally decided they do not want any more special favors for their locality if it means that the United States as a whole will suffer. It is kind of like racing home to a different room in a big house and putting more and more rich goods and furniture into the room and not attending to the maintenance of the entire house.

I think we have come to the conclusion that if we do not protect the structural integrity of our house, it will not matter how many benefits we drag home to our room. For if the house falls down, those things which we think we are enjoying will be of little value.

Incidentally, the figures on the debt continue to rise. The end of the debate over the balanced budget did not end the increase in the debt of the United States. Every 4 days we increase the debt as much as we did in the entire year of 1958. That is how headlong we are racing into debt—$4,815,827,000,000 of debt, and we are moving, according to the President's projected budgets over the next couple years, to a $6-trillion-dollar-plus debt by the year 2000.

One of the things that was of interest to me in the last several weeks was the way in which the world markets responded to our failure to pass the balanced budget amendment. There was a crisis in confidence about the value of the dollar, and no matter to whom you talked, no matter which economist you interviewed, they all indicated there was a substantial impact of a loss of confidence that flowed from the failure of the U.S. Senate to pass the balanced budget amendment. One of the ways the world markets reflect disenchantment is to devalue our currency. They just will not pay as much for a dollar as they once did. Another way is that those who finance U.S. debt will be less likely to hold it.

What happens if the interest rate on our debt goes up? If interest rates go up by one-one hundredth of 1 percent—this is known as a basis point in the financial industry—that is $350 million a year. If interest rates go up by 1 percent it will cost the United States of America $35 billion in additional interest.

So what we do here does make a difference. It makes a substantial difference. It is time for us to enact the line-item veto so that we can put a tool in the hand of the President of the United States to help him manage, in the national interest, the expenditure of the resources that the people of this great country provide as a basis for our conduct of government.

Some people try to estimate how much the President would be able to cut out of the budget. I believe almost all of the estimates about how much the President would cut underestimate the real impact of the line-item veto. Because many of the projects which have been tucked away in appropriations bills are so embarrassing and self-serving, I do not believe any Senator would ever want to add them in the first place if they thought they would come back for individual inspection. So, as a result, I believe there would be a tremendous chilling effect on spending.

President Truman, who hailed from my home State of Missouri—and, of course, I hailed from his home State—said that there was a great deal of legislative blackmail that went on in bills that needed to be signed. That is part of this culture of spending which is, in my judgment, a detriment to this country. It is not good for America. It is not good for our individual jurisdictions, and we must reject it.

I have said in the past, and I would like to say again, that the people of this country all operate with the line-item veto. Every kitchen table in America has one. You sit down at the kitchen table, and you put your budget together. You talk with the family about what you can afford and what you cannot afford.

The average family that sits down at the kitchen table engages in what I call kitchen table budgeting, and they do so in a way which provides balance, as well as a set of spending priorities. I preformed this same function not only as the head of my household, but also as Governor of the State of Missouri. I can remember in every year having to knock out some expenditures, one year for staff expenses at the public defender's office. We wanted to have the defense that was appropriate in our public defender's operations, but we had to cut a couple hundred thousand dollars there. We simply had to draw the line through the increase.

I remember one year when some folks who were powerful politically wanted to have $15,000—just $15,000—to restore and repair a cemetery. It was not a public cemetery. It was not a State cemetery. It was not on State land. They thought they just might be able to talk their way through the legislature with it, and, sure enough, they did. But as a Governor I had the opportunity to draw a line through it and to send it back.

There were other worthy things that had to be eliminated or reduced. The lawyers of the State were building a new law school when I was Governor, and I had a rule that I expected the institutions to come up with 20 percent of the funds for capital projects. I thought, if we were helping people with their education, some of these well-to-do lawyers could chip in and help build the new law school.

They got through the general assembly a full appropriation so that they would not, these lawyers, these poor lawyers who were strapped for funds, have to provide 20 percent of the funding. But I had to draw a line through those extra funds and knock it back to 80 percent. In the end, they came up with the resources, and we have a great new facility at one of the finest law schools in the country. The reason we did, though, is that we have the kind of financial integrity that would protect us in the long run. The Governor of the State has the responsibility to keep spending in line. Mr. President, 43 Governors do. I did not do anything special as Governor of the State of Missouri. It is common for Governors to do that. And just as Governors do it, we do it around our kitchen tables.

I have put together a chart here representing a budget for a normal family of four, a family that earns about $35,000 a year, monthly income of $2,900.

The first thing you have to pay is your Federal income taxes. And if you take this $670 and you subtract it from the $2,990, you get down to $2,320 for the month. You move down to food, subtract it, and you have $1,870. Then, you need to make your car payment. You subtract the $300 from the $1,870, and you come to $1,570.

You have a Super Nintendo that the kids are screaming for. That is another $100. That would take you to $1,470. And clothing of 200 bucks to get the kids ready for summer. That takes you from $1,470 to $1,270.

Utilities are a must. That is $150 from $1,270 to $1,120. And then Freddy needs braces, and that is $150 a month, which takes you from $1,120 to $970; eliminating the trip to Disney World takes you to $820. And rent—you do not want to fail to pay the rent—$210. Car and property insurance, another $110. Wait a second. I see I have run out of money before I have reached the end of my list.

When you run out of money before you get to the end of your list, what you have to do is start to set priorities. You have to have a line-item veto or you go into debt. What are we going to do? Are we going to pay the interest on the credit card? We better. Are we going to continue to have a telephone? Well, that is probably a necessity in today's society.

How do you handle it, when you come down here and you are only a third or two-thirds of the way through the list and you run out of money? Simply put, you make some adjustments in what you spend. You implement what I call the line-item veto.

This is the way we handle it at our house. You know, we are $320 short here at the end of the chart. We are going to have to make that up. If we knock out cable TV at $40 that will move us closer to our goal. Unfortunately, we're not quite there. Perhaps you could knock out this trip to Disney World; that would save you $150 a month over the twelve months in which you would save for the trip. Suddenly, we are $190. We still, however, need $130 more.

Wait a second, Super Nintendo, you could remove that from the list of expenditures. Now you are at $290. You still need another $30. You could eliminate the swimming lessons at $30. That would get you to $0. Or, alternatively, you could reduce your general entertainment funding from $100 down to $70, score the swimming lessons as a form of entertainment, and still get to $0. Mr. President, this is the way the average family does it. You simply sit down, total up your resources, and then ensure that you don't subtract more from your resources than you actually have.

This is what proponents of the line-item veto want for the President. I want to put this big, black Magic Marker in the hands of the President. I trust him enough to say, "President Clinton, you take the line-item veto and mark off the things that we can't afford. You mark out the provincial, you mark out the parochial, you mark out the targeted spending that does nothing to help America. Then, you send it back here and force two-thirds of the Senate to vote to restore the individual appropriations.

Mr. President, I believe it can work, and it is critically important that it does work. Because the debt of this country is being displaced on to the next generation. It is one of the truly tragic and unreported tragedy of our times. We need someone with the authority and the responsibility to draw a line through the Super Nintendos, through the things we do not fundamentally need and save this country for the next generation.

We are $4.8 trillion in debt and the yet-unearned wages of the next generation are calling out for management, calling out for fiscal restraint, calling out for fiscal responsibility. We cannot allow ourselves to continually be the subject of the legislative blackmail of which Harry Truman spoke. We should give the President the authority to do in the Oval Office what every family does at the kitchen table.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DeWine). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, on the subject of a line-item veto, let me say that I want to join with those who believe that we should fix responsibility. Specifically, we have been trying over many years to do just that. Back in 1990, we reported out of the Budget Committee, by a bipartisan vote of 13 to 6, S. 3181, my separate enrollment line-item veto bill. Unfortunately, we were never able to see it enacted. I joined later with the distinguished Senator from New Jersey, Senator Bradley in extending this mechanism to wasteful tax expenditures as well as appropriations. We had a 53 Senators support us in 1993, but budget rules at the time would have required 60 votes.

I say fix the responsibility in the sense of fixing it to a single Member of not only 100 here, but 435 on the other side of the Capitol; one in 535. I can put an amendment to any particular measure and, if I get a majority vote, it passes. I think the President of the United States ought to be able to put up an amendment, so to speak, with respect to the denial of a particular item and get a vote; namely, two-thirds to override what he may have disapproved of.

So often, the President will come, as President Reagan did during his 8 years in office, with a big stack of books and papers. He would say, "Now look. Congress has given this to me at 12 o'clock last night, and I had to either sign it immediately or close down the Government the next day."

If my memory serves correctly, President Reagan vetoed only one spending measure at the very beginning of his first term. Thereafter, there was almost a working agreement between the Congress and the President of what was veto bait and what would be approved by the President. In conference, the conferees would say, "We will have to leave these things off." As a result, there was a sort of comity between the White House and the Congress that those vetoes were not necessary.

I suspect the case was much the same with President Bush. However, I should note that in his 4-year period, our past President never vetoed one red cent of spending. He never vetoed a spending bill.

So it was not really a thing that was causing so much a culture of costliness, as my distinguished friend from Missouri was previously referring to, but in the public's mind, there was a cynical game being played in which neither the President nor the Congress was willing to accept responsibility for spending money on certain programs.

Mr. President, I used the line-item veto 35 years ago as Governor of South Carolina. It was very, very helpful to this particular Governor, at that time receiving a AAA credit rating, which I am sorry to observe at this particular time has been lost. But this Governor was the first southern Governor from Texas up through Maryland to get a AAA credit rating. I was proud of that. I could talk to my colleagues. I had the vetoes and used them to help balance the budget.

But without a line-item veto, we are treated to spectacles similar to the flap over Lawrence Welk's home that occurred a few years ago. If I remember correctly, the distinguished former Senator from North Dakota, Senator Burdick, did not even realize that someone had stuck in money for Lawrence Welk's home. That was an embarrassment to both Houses of Congress, all the Congressmen and all the Senators.

A line-item veto not only fixes responsibility but, more than anything else, saves the body from the embarrassment and the charge that we are willy-nilly passing pork-barrel projects.

Now, with respect to the relinquishment of power, as the old saying goes down in my backyard, "I studied my humility under the mental rules." You do not have to worry about the power of the Senator. In this day and age we have Senators who not only hold up the President but who hold up the whole Congress as well. You are not lacking power. If a Senator wants to put in Lawrence Welk's home, and he does not like the idea that the home has been vetoed by the President, he has plenty of opportunity to speak extensively if he pleases. But in the light of our fiscal dilemma, the present gamesmanship has to stop. I think it is unforgivable that we engage really in the procedures in the process rather than the substance.

I remember my distinguished friend, the chairman of the House Budget Committee, said on December 18 on "Meet the Press" that he was coming in January with all of the spending cuts before they came with the tax cuts, and that he had three budgets and did not have to wait on the President's budget. He said that we would start moving immediately in January. Of course, the House passed the tax cuts, and are yet to pass specific spending cuts.

It is now getting toward the end of March and the Budget Committee has yet to meet to start marking up a budget. They tell us it will be sometime in May before we even begin. Mr. President, I hope the Record will reflect that at least this Senator thinks we ought to be getting to the substance.

If I could digress for a moment back to the debate on the balanced budget amendment, I would like to refer one more time to section 13301 of the Budget Enforcement Act, wherein a line says: Thou shalt not use the Social Security trust funds in any calculation of budget deficits.

I ask unanimous consent at this particular point to have printed in the Record the vote at that time, on October 18, 1990, where we got a vote of 98 to 2 in favor of section 13301.

There being no objection, the vote was ordered to be printed in the Record, as follows:

[Rollcall No. 283]

YEAS (98)

Democrats (55 or 100%)

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Boren
Bradley
Breaux
Bryan
Bumpers
Burdick
Byrd
Conrad
Cranston
Daschle
DeConcini
Dixon
Dodd
Exon
Ford
Fowler
Glenn
Gore
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Simon
Wirth

Republicans (43 or 96%)

Bond
Boschwitz
Burns
Chafee
Coats
Cochran
Cohen
D'Amato
Danforth
Dole
Domenici
Durenberger
Garn
Gorton
Gramm
Grassley
Hatch
Hatfield
Heinz
Helms
Humphrey
Jeffords
Kassebaum
Kasten
Lott
Lugar
Mack
McCain
McClure
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Rudman
Simpson
Specter
Stevens
Symms
Thurmond
Warner
Wilson

NAYS (2)

Democrats (0 or 0%)

Republicans (2 or 4%)

Armstrong
Wallop

Mr. HOLLINGS. Mr. President, I also ask unanimous consent that an article entitled "Impact: Stop Playing Games

With Social Security" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the State, Columbia, SC, Mar. 12, 1995]

IMPACT: STOP PLAYING GAMES WITH SOCIAL SECURITY

(By Senator Fritz Hollings)

"Nobody, Republican, Democrat, conservative, liberal, moderate, is even thinking about using Social Security to balance the budget."—Sen. Trent Lott, R-Miss., "Face the Nation," Feb. 2

In the recent weeks of floor debate and television interviews, many senators repeatedly pledged not to use Social Security funds to balance the budget.

They even passed an amendment by Senate Majority Leader Bob Dole to instruct the Budget Committee to develop a budget that didn't use Social Security funds but would conform with the constitutional balanced-budget amendment.

In the meantime, while Dole was struggling to pick up one vote to pass the amendment, five Democrats vowed they were ready, willing and able to vote for Social Security. In fact, the night before the vote, the five sent Dole a letter of commitment to vote for the amendment if Social Security were protected.

On March 2, the constitutional amendment failed by one vote. And over that weekend on "Face the Nation," Dole again reaffirmed his intent on Social Security when he said "We are going to protect Social Security."

If he remains that committed, why did he refuse to put his word on the line in black and white on March 2 and pass a constitutional amendment by at least 70 votes? Because he knew that accepting the five Democratic votes would have cost him an equal number of votes of Republicans determined to spend Social Security surpluses on the deficit.

Dole didn't want to expose his Republican troops or expose the truth. While Republican rhetoric pledged to protect Social Security, Sen. Pete Domenici, chairman of the Budget Committee, and other Republicans were telling Dole that the budget could not be balanced without using Social Security surplus funds.

All of this word-batting—of saying one thing in public and trying to work around it in private—has led Americans to believe that there is a free lunch, that all we have to do to eliminate the deficit is to cut spending. The vote on Social Security exposes this myth.

Republican senators have no real intent on eliminating the deficit; they just want to move it from the federal government to Social Security.

Currently, Section 13.301 of the Budget Enforcement Act prohibits the use of Social Security funds for the deficit. But part of the balanced-budget amendment would repeal current law.

Even with all the promises tendered to correct Social Security with future legislation, any civics student knows you can't amend the Constitution with legislation. That's why the five Democrats—me included—insisted on including Social Security protection in the wording of the constitutional amendment.

Dole's stonewalling against our five votes on the constitutional amendment reveals another harsh truth: $18 trillion in spending cuts is necessary to balance the budget in seven years. But many senators reveal their intent to use Social Security surpluses when they state that only $1.2 trillion is necessary. Let face realities:

There won't be enough cuts in entitlements. A jobs program for welfare reform will cost. Savings here are questionable.

You can and should save some on health reform, but slowing the growth of health costs from 10 percent to 5 percent still means increased costs. Social Security won't be cut, and any savings by increasing the age of retirement would be allocated to the trust fund, not the deficit.

Both the GOP's "Contract with America" and President Clinton have called for increases in defense spending. Result: No savings.

Therefore, savings must come from spending freezes and cuts in the domestic discretionary budget.

Coupling these cuts and freezes with a closing of tax loopholes still isn't enough to meet the target of a balanced budget in seven years. That's why Domenici has determined that Social Security funds will have to be used.

But using Social Security won't eliminate the deficit. It simply would increase the amount we owe Social Security. Already we owe $470 billion to the trust fund. If we keep raiding it, the government will owe Social Security more than $1 trillion by 2002. Harsh realities. But there's a fifth and even harsher reality. All of the spending cuts in the world aren't politically attainable now. Domenici knows it's hard to get votes for enough cuts. To his credit, he tried in 1986 with a long list of cuts by President Reagan and the Grace Commission. But he got only 14 votes in the Senate.

Rep. Gerald Solomon, a New York Republican, also tried a list of $1 trillion in cuts just a year ago in the House. He got only 73 votes of 435.

In addition, the problem of balancing the budget with spending reductions is exacerbated by the "Contract with America's" call for a $500 billion tax cut.

The reality today is that a combination of cuts, freezes, loophole closings and tax increases must be cobbled together to put us on a glide path to balancing the budget. Now is the time to stop the finger-pointing, the blaming of the other guy. Now is the time to stop dancing around the fire of changes in the process.

It's a pure sham to think that constitutional balanced-budget amendment will give Congress discipline.

It you put a gun to the head of Congress, it will get more creative. The proof is in the pudding that's being cooked all over town.

Some tout abolishing departments like Commerce and Education. But their functions would continue somewhere. Others say send everything back to the states. But that way, the states would pick up deficits instead of the federal government.

Of course we know some want to use $636 billion in Social Security funds. And there's talk of picking up $150 billion by recomputing the Consumer Price Index and another $150 billion by re-estimating the growth of Medicare and Medicaid.

There are even those who want one-time savings, like selling the electric power grid or switching to the capital budget system.

In other words, there are people throughout town who are figuring out ways to make the federal budget appear balanced with hardly any cuts. With a balanced-budget amendment, they would be able to play this game for seven years.

Time out!

The gamesmanship, the charade, must stop. If this nonsense goes on for seven years, the United States will be down the tubes.

For all the talk about eliminating the deficit, the debt snowballs. Why? Because we add $1 billion a day to the debt by borrowing to pay interest.

In January and throughout February, I offered 110 spending cuts or eliminations from domestic discretionary spending. This was worth $37 billion in the first year and put deficit reduction on the glide path toward a balanced budget by 2002.

But even if these politically impossible cuts were agreed upon, the interest cost on the debt is growing at more than $40 billion a year.

The United States is in a downward budget spiral and we are meeting ourselves coming around the corner. Like the Queen in "Alice in Wonderland" told Alice: "It takes all the running you can do, to keep in the same place. If you want to get somewhere else, you must run at least twice as fast as that!"

Let's get past all the shenanigans. Let's include Social Security protection in the balanced-budget amendment. Then we could pass the amendment and get down to the hard work of balancing the budget.

Mr. **HOLLINGS**. Mr. President, the point of this particular article, of course, is in responding to the statement of the distinguished majority leader that we will call up the balanced budget amendment later this year. What the article plainly outlines it that we can call up the balanced budget amendment this afternoon and immediately pick up five votes if they only put in black and white what they say verbally. They say time and time again that "We are not going to use Social Security funds." In fact, after the particular vote, the distinguished majority leader, on "Face the Nation," said, "We are not going to use Social Security funds." All we are asking for is to put that rhetoric into constitutional language.

When Members on the other side of the aisle get into these demeaning antics of holding up signs depicting Senators as "Wanted," like a rogue's gallery for flip-flopping, that, of course, is a double-edged sword. Maybe we should go out in front of the Capitol and get the pictures of the leaders on the other side who voted for the Hollings-Heinz amendment in 1990 and who now have flip-flopped.

Mr. President, let me conclude this afternoon with a comment about a particular article. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the State, July 1991]

LINE-ITEM VETO CAN CUT THE NONSENSE

(By Ernest F. Hollings)

Taxpayers are fed up with spending bills that are chock-full of baubles for the folks back home.

In one widely publicized line-item caper, the 1991 agriculture (agricultural) appropriations bill earmarked $500,000 to spruce up Lawrence Welk's birthplace in Strasburg, N.D. Now we all know that, in Washington terms $500,000 isn't "real money," but thousands and thousands of these little line-item outrages add up to real money indeed. Budget Director Dick Darman now says that the 1991 federal deficit will top $280 billion—a new record—with next year's deficit skyrocketing to $348 billion. These mega-deficits—and the nearly $380 billion in interest we pay annually on the national debt—constitute the worst case of waste, fraud and abuse in government today.

Right now, the burden of budget cutting is almost exclusively in the hands of Congress, and—no surprise—this one-sided arrangement just isn't working. Telling Congress to cut out the pork is like telling Liz Taylor she can't have any more husbands.

The line-item veto would give the President a cleaver and oblige him to join the fray as a more active player in the fight against waste. If he's politically courageous and puts his veto where his mouth is, then those annual deficit totals will start heading south instead of north.

Certainly, the line-item veto has worked superbly in South Carolina, as well as in the other 42 states that have it. During my term as Governor, I repeatedly used the line-item veto to eliminate millions of dollars in unnecessary spending. In the process, I was able to balance four state budgets and win the first AAA credit rating of any Southern state.

In contrast, the Washington budget process relegates the executive to the sidelines. After the President submits his budget proposal in January, he—along with members of his party in Congress—can effectively wash his hands of the messy business of actually writing a budget. He doesn't have to cooperate in the drafting of bills, and the President can even disclaim responsibility for the bills he signs into law.

Accordingly, we are subjected to the showmanship made famous by President Reagan: With TV cameras rolling, the President holds up the massive text of an appropriations bill, feigns disgust at all the wasteful spending larded into its thousands of line items, then signs the bill under mock protest, claiming that the devil—i.e., Congress—made him do it.

And who can blame him? As it now stands, the President has only two options: He can sign an appropriations bill, or, if he objects to one or more specific line item provisions, he can veto the bill in its entirety. My line-item veto bill would give the President a vital third option; to veto wasteful specifics in an appropriations bill while signing into law the overall measure.

Opponents of my bill invoke high-falutin constitutional arguments; they claim that a Presidential line-item veto will skew power toward the executive branch. But these critics simply miss the point. The point of the line-item veto is to eliminate waste and get a handle on the deficits. Given the magnitude of our budget crisis, it is grossly self-indulgent to make a fetish out of legislative prerogatives. The issue here is not the separation of powers; the issue is Congress and the White House sharing co-responsibility and co-accountability for paying the bills.

The line-item veto has another purpose, too: To restore the credibility of our government in Washington. Congress' reputation as an institution suffers the death of a thousand blows as these line-item excesses are made public on the evening news.

My line-item veto bill has passed in the Budget Committee with a 13-6 majority. But, realistically—with so many senators of both parties jealous to protect their personal and institutional prerogatives—it will be an uphill fight on the Senate floor.

This opposition is misguided. With the budget ox in the ditch, it is silly to squabble over whether Congress or the White House will hoist him out. Clearly, it's a job we must do together—urgently.

Mr. HOLLINGS. This article is entitled "Line-Item Veto Can Cut the Nonsense." We put this article in our own hometown newspapers back in July 1991. We have been working many years now to get a line-item veto. I have used it, and 43 Governors use it today.

I commend the leadership on the other side of the aisle for bringing this matter to the attention of our colleagues. As I understand it, when the Republican leadership presents their so-called compromise at 5 p.m. today, they will put before the body legislation that includes the separate enrollment mechanism that I have long championed. You should not be misled by this political rhubarb about 2,000 items and 2,000 vetoes. That has not been the experience of any Governor, and it is not going to be the experience of the National Government.

The fact of the matter is that Prof. Laurence Tribe of Harvard gave to our good colleague, Senator BRADLEY from New Jersey, a letter supporting the constitutionality of the separate enrollment mechanism.

I know the chairman of our Budget Committee, Senator DOMENICI of New Mexico, has been trying hard to get a line-item veto of some ilk or character into the hands of the House and to pass the U.S. Senate. If the compromise is based on the separate enrollment approach, then bless them all, because that is exactly what we voted out of the Budget Committee, Republicans and Democrats, 5 years ago. That is what 53 Senators including Senator BRADLEY and myself voted for on the floor of the U.S. Senate. That is what stands constitutional muster. It allows the President to use his existing constitutional authority to approve or disapprove; and upon disapproval by veto, a two-thirds vote is required of both Houses to override.

I thank the Chair and yield the floor.

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, as we all know, a couple weeks ago, we lost the balanced budget amendment by one vote. We turned back the tide of change that was pushed forward by the people of this country in the last election. That vote truly prevented us from changing the economic course of this entire Nation. Fortunately, and hopefully, we will have another vote on that issue at some point in the future. But, until that time, we have a moral obligation and, I believe, an economic responsibility, to continue the fight against increased deficits and a ballooning national debt.

We in the Senate must take up that fight because it is obvious that the President and his administration have abdicated all fiscal responsibility and interest in ending the economic status quo. We just have to look at the latest budget proposal offered by the administration for fiscal year 1996. We still have $200 billion in annual deficits. We cannot allow them to be acceptable commodities for the future. We have a $4.8 trillion debt and we can expect, with the administration's projected budget for the next few years, that the budgets will add another $1.3 or $1.5 trillion in addition to the national debt. We have $200 billion currently in interest payments each year. That certainly is something that needs to be addressed.

If you look at the President's budget estimates and what has been reestimated by the Congressional Budget Office, it is interesting, in the March 8 CBO report, they reestimated the administration's deficits, because they were underestimated, over the next 5 years, by between $14 to $82 billion, for a total of $209 billion. In 1996, they underestimate the deficit by $14 billion; in 1997, by $18 billion; in 1998, $34.6 billion; in 1999, $58.6 billion; in 2000, $81.6 billion.

That is what we are addressing over the next few years. So while we have lost the balanced budget amendment—at least for the time being—I hope then that we can consider and pass the line-item veto.

The line-item veto is an idea whose time has come. In reality, the line-item veto is an idea whose time came, went, and now has come back. In 1974, the Congress passed the Impoundment Control Act which, among other things, stripped the President of the power to impound specific and often wasteful spending programs from the Federal budget. It was a right our Chief Executive had been afforded already for almost 200 years.

Perhaps not coincidentally, 1974 marked the year that truly ushered in the era of perpetually unbalanced Federal budgets and established one of Congress' worst fiscal losing streaks: 26 straight years of unbalanced budgets and mounting national debt. While the retention of Presidential impoundment powers in 1974 may not have prevented a $4.8 trillion debt, it may have helped decrease part of the more than $4 trillion that has been added to our debt since that period of time.

The line-item veto is another critical tool to help us reach our goals and to put us on the path toward fiscal responsibility, and America needs it now more than ever before.

I would like to first commend the sponsors of this bill for their tireless work and for their ongoing commitment to eradicating waste and unnecessary spending from the Federal budget. The Senator from Arizona [Mr.

McCAIN] has argued the merits of a line-item veto for the past 7 years, since his election to the Senate. He has been ably joined by the Senator from Indiana [Mr. COATS], whose record on fiscal responsibility is one of the best in this Chamber.

I think the majority leader deserves credit for his role in bringing this legislation to the floor.

I am a cosponsor of the legislation, the original draft of S. 4, that provides for a line-item veto.

I must admit in this debate that, unlike my colleagues from Kansas, Arizona, and Indiana, I am a newer convert to the merits of the line-item veto, so I understand the concerns and feelings of those who may be reluctant and reticent to support a Presidential line-item veto. But I have come to the conclusion that it is necessary, over the last few years, to support this legislation because we have been unable to enforce the kind of discipline necessary to control Federal spending.

I do not believe that any of us think that the decisions will be easy, but they never have been for any American generation pushing for positive change in our country.

As one poet said, "Change is not made without inconvenience, even from worse to better."

Despite these inconveniences, we must make a clean and swift break from the failed policies of the past—especially in our budgeting process. In the words of Thomas Schatz, president of Citizens Against Government Waste, "The first step is to reverse old assumptions. Congress has often viewed programs as perpetual, without taking enough time to evaluate their effectiveness." The premise has been: How much was spent last year, and how much are we supposed to spend this year. As Schatz says, our question should be "whether the money is spent well or should be spent at all."

I believe that we have no other choice than to use all the tools available to us to control Federal spending. The American people would have a hard time believing in some of the things that we do provide funds for—$1.1 million for a plant stress lab. I suppose pork just would not be pork if Congress did not spend $1.5 million for a national pig research facility. All these projects were identified by the Citizens Against Government Waste as examples in their annual analysis of the Federal budget, appropriately called the "Pig Book."

They also identified $213 million in pork projects in the 1994 Interior appropriations bill and an astounding $367 million in the 1993 Interior appropriations bill. While to many in Congress these numbers may seem like a drop in the proverbial bucket, it is not insignificant to the American people. They want to know that their hard-earned tax dollars are being used wisely and efficiently.

Now, wasteful spending—pork—may be funny to comedians. It may provide fodder for the cannons of American's radio talk show hosts, and it may be the perennial target of deficit and waste watchdog groups, but, ultimately, it is not a laughing matter for the American taxpayer. And it has become Congress' worst oversight.

In these days of perpetual deficits and growing debt, the litany of Federal excesses gives new impetus for the waste-cutting power of a line-item veto. It will allow us to look at Government differently. It will allow us to examine the Federal budget process differently. It will allow us to change the power structure of an appropriations process that has bequeathed our Nation and future generations a legacy of deficits and debts. And it will allow us to finally put an end to the fiscal status quo.

We hear time and time again that opponents of a line-item veto have said that the result of giving the President line-item veto authority is almost insubstantial, and insignificant considering the size and scope of the Federal budget. In fact, wasteful Government spending has cumulatively constituted a growing portion of our deficits and debt over the years. In fact, President Johnson used this authority to eliminate 6.7 percent of Government outlays in 1967. An equivalent percentage of today's budget would amount to over $100 billion—nearly half of our fiscal year 1996 deficit.

A more striking example of the significance and impact of wasteful spending can be shown not between total dollars in wasteful spending and the total Federal budget, but between waste and the average family budget.

As Citizens Against Government Waste showed in 1994, a median-income, two-earner family paid $5,581 in Federal income taxes. This means that $10 billion in pork wastes the combined taxes of approximately 1.8 million median-income families. Eliminating $1 billion in wasteful spending could actually provide $1,000 in tax relief to 1 million American families.

The biggest cost of wasteful spending cannot and should not be measured in terms of dollars and cents. Even more important is the effect of wasteful Government spending in terms of moral imperative. Congress' fiscal irresponsibility demonstrates a clear lack of principle in our Nation's governing institutions, and it is a continuing debasement of our democratic process which results in an erosion of confidence.

Opponents of a line-item veto have also failed to address how they would curtail Congress' ongoing practice of funding hundreds of projects and programs each year without the benefit of hearings, proper legal authorization, and frequently in violation of the rules against earmarking. We cannot continue to survive as a supposedly open, democratic, and free Government under late-night deals and last minute insertions of wasteful programs in joint House-Senate conference committees. It is a practice that completely disregards the due process of lawmaking as enshrined by our Founding Fathers.

Since the power of Presidential impoundment was taken away in 1974, Presidents have been required to submit spending cut requests—rescissions—for congressional approval, but only one-third of these have been granted. Under this current system, Congress can kill these requests through inaction, leaving no one to be held responsible for the wasteful spending often targeted by rescission requests.

Some opponents of this measure might suggest that, since the 1974 change in law, Congress has actually rescinded $20 billion more than Presidents have requested. However, Congress has ignored 564 rescission proposals offered by Republican Presidents alone, and accepted only 37 percent of all rescissions proposals presented to it. And of the 1,084 rescissions proposed by Presidents from Ford to Clinton, Congress has ignored all but 399. Just imagine how much more deficit reduction could have been attained if both Congress' and the President's rescission proposals had been adopted.

Now, there is nothing wrong with the fact that Congress found about $93 billion in rescissions savings since 1974—and that $70 billion of this amount was derived from original proposals independent of the President.

I am sure we will hear a lot about this later. But the very fact is, we could have had a much greater reduction in our deficit if we had accepted both the Congress' and the President's rescission proposals. We could have had a total of $143 billion in that time period, which would have represented a 54-percent increase in total deficit reduction above the amount actually rescinded.

Now, if Congress disagrees with the President with respect to his rescission proposals, most certainly Congress could come up with alternatives to respond to the President's bottom-line figures in terms of eliminating additional spending.

There was a very convincing study that was conducted by the General Accounting Office in 1992, which found that a Presidential line-item veto could, in fact, have saved $70.7 billion in unnecessary spending between fiscal years 1984 and 1989. As this figure indicates, even paring only the most egregious wasteful spending through the line-item veto will reduce the deficit. For those of us who are serious about deficit reduction and responsible spending, $70 billion in deficit reduction over 5 years builds a very strong case for a strong line-item veto.

But while opponents will continue to persist about whether we should give the line-item veto authority to the President, clearly it will make a difference in terms of what we can do to the overall budget.

Rather than tilting the power of the purse in favor of the President, it would restore some of the balance that has been eroded by Congress' misguided budget rules that favor excessive spending and eleventh-hour reconciliation bills—bills that have become a sanctuary for pork projects.

I think we should point to the fact that more than 43 Governors in this country are required to have a line-item veto of some kind, and more than 49 State Governors have a balanced budget. So that the line-item veto may be much less necessary at the State level, where most of the Governors, with the exception of one, are required to balance their budgets. But in the national level, we do not have a requirement for a balanced budget amendment.

Without that requirement, without that self-imposed discipline, we continue to watch the rising tide of red ink and the continual rising tide of debts. This line-item veto could help provide substantial cuts in the deficit and Federal spending overall.

It will force each and every Member of the House and the Senate to justify the appropriations and the line items in each of the 13 appropriations bills. That they will have to rise and fall on their own merit. That is what it is all about.

If there is anything I have heard from my constituents in the State of Maine over and over again is the fact that people are concerned about the way in which our money is being spent. They want to know that it is being spent effectively and efficiently. They want to know that there are merits and there are justifications for the way in which we appropriate their hard-earned taxpayers' dollars. That is the bottom line.

In the final analysis, if we do anything else with the line-item veto in addition to cutting spending, we may restore the public's confidence in the way in which we expend their money. Every time they hear example upon example of egregious spending and frivolous spending, it erodes the public's confidence in the budget process, and more than anything else, erodes the public's confidence in this institution and its elected officials.

That is why I feel so strongly about this line-item veto. It is one that should be supported by Members of both parties. In fact, President Clinton, during the course of his campaign in 1992, advocated a line-item veto. He had some form of a line-item veto when he was Governor of Arkansas. In fact, he promised during his campaign that he could ax $10 billion in pork-barrel projects over 4 years if he was President of the United States. Since 1993, he has proposed $3.5 billion in rescissions and Congress has only accepted $1.4 billion. Now, the President has called on Congress to give him the line-item veto. It will be interesting to see how many Members of the President's own party will rally to his side and support this measure.

I believe the burden of proof is on those who have opposed the balanced budget amendment and those who oppose a line-item veto to suggest ways in which we are going to cut Federal spending. More than that is how we will reach a balanced budget over the next 7 years. This is an approach that makes sense.

People have asked me why Congress has not passed a line-item veto. That is a very difficult answer to give. As I said earlier on, I had reservations about this legislation some years ago about wielding and giving too much power to the President. And I have seen the mounting debts and deficits, and the fact that since the last time the Senate passed a balanced budget amendment, but unfortunately Congress did not; in 1982 we have seen the debt grow by 309 percent, $3.5 trillion.

I think that Congress needs all the help we can get. It certainly needs all the tools that it can use to reduce the size of this deficit, and ultimately and hopefully balance the budget.

Mr. President, in conclusion, it is my hope that we will be able to reach an agreement on a compromise that will give Members the necessary tools to address this most serious of economic problems facing our country. It is not only for the President but it is also the future generations. I encourage all my colleagues on both sides of the aisle to support this measure. I yield the floor.

Mr. MCCAIN. Mr. President, I thank the Senator from Maine who has had long experience on this issue, especially in the State of Maine in both bodies. I thank her for her very important statement on this issue. I hope and know she will return to this debate as it continues in the coming days.

Very briefly, this morning I was talking about what had happened since 1974, because that was the year in which the Budget Impoundment Act was passed. I now have those specific numbers. In 1974, the deficit was $6.1 billion; the total debt was $483 billion. Repeating that, the deficit was $6.1 billion; it is estimated in 1994 to be $203 billion. And as I mentioned, the debt was $483 billion in 1974. In 1994 it was $4.6 trillion—trillion dollars.

We are now carrying an annual deficit that is about half of what the national debt was, the entire national debt. We have now gone from $483 billion in 1974 to $5.2 trillion estimated in 1996.

This is my argument, Mr. President, that for most of our history revenues and expenditures stayed basically the same, and it was not until 1974 with the passage of the Budget and Impoundment Act that we really saw the deficits and debt explode. That is because of a lack of discipline imposed on the spending habits of Congress.

Mr. President, I just had given to me by staff a listing of the National Taxpayers Union ratings for Congress, and I note with pleasure that my colleague from Oklahoma [Mr. NICKLES], is the eighth most fiscally responsible Member of this body.

I am sure he considers himself the first, but by an objective view he is rated the eighth. I think that is admirable and gives him a certain degree of moral authority on this issue, since he has been one of the most fiscally responsible Members of this body since 1981 when he came here, although he does not look like he has been here that long.

I yield the Senator from Oklahoma such time as he may consume.

Mr. NICKLES. Mr. President, I thank my friend and colleague, Senator MCCAIN, from Arizona, and I wish to join him in complimenting our friend and colleague, the Senator from Maine [Ms. SNOWE] for an outstanding speech. I agree with everything she said. It was not only a well-researched speech, but one that had great impact. I hope my colleagues will listen to it, and I hope the American people will listen to it.

I also would like to compliment my good friend and colleague from Arizona, Senator MCCAIN, for his courage in continuing to bring this issue to the floor of the Senate. He is doing it at some risk, politically. Certainly some risk to appropriation requests in his State. But he has not waivered. He has shown great conviction and courage in bringing this issue up because he believes in it. I respect him for that. I also happen to think he is right.

I also wish to compliment Senator COATS from Indiana for his courage, as well. This issue is not easy. These two Senators have been bringing this issue to the forefront when it was most aggressively opposed by the former chairman of the Appropriations Committee, Senator BYRD. I remember various times when other Senators would oppose an amendment by these two Senators just because of the line-item veto. They might even agree with them on the underlying amendment, but they would oppose it because of their position on line-item veto. I just wish to compliment Senator MCCAIN and Senator COATS. I hope that this year that their efforts will finally bear fruit, and we will pass a line-item veto.

I think it is vitally important that we pass this legislation. It will save money, and I think we need to save money. We are spending too much. Our budget process does not work very well. A line-item veto is not a panacea. It will not solve all the problems, and it will not balance the budget. But it will help.

I think the first and most important reform would be passing a constitutional amendment to balance the budget. We tried. We fought that issue for a month. Unfortunately, we lost. It takes 67 votes. We had 66 votes. We had 98 percent of the Republicans vote with us on a balanced budget amendment. Unfortunately, six of our Democrat colleagues changed position from last year, and so we lost. Maybe we will win later this year. Maybe we will win next year. Maybe we will win 2 years from now. I expect that we will. No later than 2 years from now, I think we will pass a constitutional amendment to balance the budget.

What we can we do in the meantime? What are some other much-needed budget reforms? I think the budget scholars say, first and foremost, pass a line-item veto. I think it is vitally important to do so.

I might note that most people on the Appropriations Committee say they do not agree with it. I have served on the Appropriations Committee. That committee used to have 29 members, but I believe it was reduced to 27. They probably work as hard as any committee in the Senate, and they are responsible for spending a little over $500 billion, about a third of what the Government spends right now. The members on that committee work long and hard hours.

By and large, they do a pretty good job, and we usually pass about 15 or 16 appropriations bills, including supplementals. Some of these bills are small, in the couple billion-dollar range, and some are quite large, in the $200 or $300 billion range.

But I will tell you from my experience, every single appropriations bill has had items in it that we need, and every single appropriations bill has had items we do not need and we cannot afford. If we give the President the line-item veto, we will allow him to be able to knock out or kill or strike those items that we cannot afford. We may or may not agree with him. If we disagree with him, we can try to override his veto. That is a process called checks and balances.

Right now, we do not have checks and balances. Congress is writing all the checks, and there are very few balances. A whole lot of those checks are hot, or are paid for by borrowed money, and the President is given two options. We send the President 15 or 16 appropriations bills in the course of a year and he is given two options: One, he signs the entire package or, two, he vetoes the entire package.

Some of these appropriations bills are thick; hundreds of pages, and some have thousands of lines in them. The President is not able to kill a program if he does not like it. He has to sign the entire bill or veto the entire bill. There are no checks and balances.

He submits a budget and it is often ignored. Congress passes appropriations bills. Congress knows and the President knows, we have to pay the Secret Service, we have to pay the armed services, we have to pay for many vital Government functions, so he is reluctant to use the veto pen.

This will allow the President to use the veto pen. Every President has asked for it. Every Republican President I can think of has said, "Give me the line-item veto, I will use it to save billions of dollars." Now we have President Clinton saying, "Give me the line-item veto, I will save billions of dollars." And we have Republicans leading the effort saying, "Give it to him, because we think the President should have it, whether Democrat or Republican." Most Republicans say every President should have it, even a strong line-item veto, one that takes two-thirds to override. That means he may be able to kill a pet program of ours, something we feel very strongly about.

I will give one example. I happen to feel strongly that we should have defenses against incoming theater-based missiles, intercontinental ballistic missiles. I think we should have defenses to be able to stop those before they hit our country. We do not right now. We should develop those systems. I am afraid this President does not share that belief. If Republicans put in money in an appropriations bill for the strategic defense initiative, the President may disagree with us. He may veto us. We may not have the votes to override. I think it would be unfortunate, but I think the pluses outweigh the minuses, and we should give him line-item veto.

The President should receive overwhelming support on this side of the aisle. It may not be unanimous. The question is can he give a few votes? We know there is going to be a filibuster. We know we have to have 60 votes. I hope all Republicans will vote in favor of cloture, but we are going to need at least six from the Democratic side to get to cloture to have a final vote.

The President stated repeatedly he is in favor of the line-item veto. He needs to deliver 6 or 8 or 10 Democrats to make that happen. If he cannot deliver one-fifth of the number of Democrats, then we probably will not have the line-item veto. Some will say, "The Senate was not able to deliver." I will say, "It was President Clinton who was not able to deliver."

Maybe this is something we can work on in a bipartisan fashion. I would like to see that happen. Some people say Congress is too partisan. This is an issue on which most people agree with Clinton. We want to give him a line-item veto. We want his successor to have a line-item veto. We think we can save billions of dollars. Can we balance the budget with it? No. Can we take giant steps to eliminate wasteful spending? The answer is yes.

Mr. President, again, I compliment my colleagues, particularly Senator McCAIN and Senator COATS, for their leadership. They have taken this issue on year after year, many times at considerable economic and political pain. I compliment them for their courage. I hope that this year they will be successful. I hope that this year we will make at least one really significant budget reform, and that is to give the President a line-item veto.

Mr. President, I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I thank the Senator from Oklahoma for his very good remarks on this issue, and I appreciate his continued involvement and his leadership in our party.

Mr. President, I ask unanimous consent that there be an additional 30 minutes allocated to the managers on this side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I suggest the absence of a quorum, with the time being taken equally from both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I ask unanimous consent that the time between now and 5 p.m. today be equally divided. This has been cleared with the Democratic leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I suggest the absence of a quorum, and I ask that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I yield the Senator from Tennessee such time as he may consume.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I rise today in support of the line-item veto legislation that the Senate will consider. No single measure will do more to curb wasteful Government spending than the line-item veto. I wish to commend Senator McCAIN, Senator COATS, and Senator DOMENICI for their leadership on this issue.

Last November, the American people spoke loudly; they spoke clearly when they demanded a smaller, more accountable Government. They demanded a radical departure from business as usual in Washington. They demanded an end to wasteful, unnecessary Government spending. The line-item veto will give the President the power to eliminate unnecessary and wasteful spending items that are often hidden and tucked away in important pieces of legislation.

As a heart surgeon, I have seen many cases where a new heart was the only hope for saving a patient's life. However, I would not prescribe a new heart, a heart transplantation, when a more specific operation would do. Why remove an otherwise healthy heart if the problems could be more easily corrected with a less drastic procedure?

As the health of our Federal economy worsens, our President must be given the tools that he needs to make precise corrections in appropriations legislation. We must give him the power to strike discrete budget items when it is clear that those items do not serve the national interest. For too long, our system has allowed needless spending to go unchecked.

Mr. President, according to the General Accounting Office, if a Presidential line-item veto had been in place between 1984 and 1989, we would have eliminated an estimated $70.7 billion in wasteful Government spending—$70.7 billion. Instead, our Nation is faced with exorbitant interest payments today on our $4.7 trillion debt, the result of excessive Federal spending on programs we could not afford.

Not only is this a debate about cutting spending, it is a debate about the fundamental relationship between the Congress and the President. The 1974 Budget Act limited the discretion of the executive branch with respect to Federal spending. When the Budget Act was passed, the President was granted the power to request rescissions from the budget. In order for the rescissions to take effect, however, Congress must enact the recommended spending cuts within 45 days. Congress is not even required to vote on the recommendations. Needless to say, most Presidential rescission requests have been ignored.

Since 1974, Presidents have sent Congress 1,084 rescission requests. These requests would have cut $72.8 billion. Congress has enacted only 399 of these requests, for a total savings of $22.9 billion, ignoring nearly $50 billion in Presidential rescission requests.

It is important to point out, Mr. President, that the beginning of our chronic, exploding deficits coincides with this shift in spending power to Congress in 1974. The spending deficit for 1974 was $6.1 billion. The very next year the deficit exploded to roughly nine times that, or $54 billion. Though, indeed, there have been peaks and valleys since that time, the deficit has continued to climb to the alarming levels we are experiencing today.

It is clear to me that Congress shifted too much power to itself in 1974. Congress clearly bit off more than it could chew. The unfortunate result has been 20 years of increasingly unchecked, unnecessary pork-barrel spending with virtually no restraint from the executive branch. Future budget deficits will be even greater if this Congress fails to enact fundamental reform of the budget process, not to mention reform of programs themselves.

Mr. President, a line-item veto would restore the President's appropriate role in the budget process. As it is, all discretionary spending is governed by the passage of 13 major appropriations bills. When an appropriations bill lands on the President's desk, he has but two choices: sign it into law, or veto the bill altogether.

That is like telling me as a heart surgeon that I have but one choice with any heart patients, totally transplant the heart or nothing at all.

Under the current system, Presidents must choose between retaining pork in spending bills or disrupting major programs and shutting down entire departments. Enacting line-item veto legislation will restore accountability. Members of Congress will know at the outset, up front, that spending bills will face greater scrutiny and exposure. They will be forced to look more critically at spending proposals at the beginning of the process. And, perhaps, some of the more egregious spending requests will never be made.

No longer will a Member of Congress be able to insert, late at night in the back of a bill, hidden, where no one will see it, a piece of pork, recognizing at that time that nobody is likely to look. Perhaps constituents will then be told that the Government simply cannot afford certain projects any longer, and Members of Congress will then become better stewards of the American taxpayer dollars.

Mr. President, I am so convinced that this is the right thing to do that I am willing to give this power to a President of the other political party. President Clinton, like his predecessors, President Reagan and Bush, knows he can save taxpayers' money—if only we give him the power to do so. As Governor of Arkansas, Clinton used the State's line-item veto 11 times. In fact, 43 of the Nation's Governors have some form of line-item veto. Governor William Weld of Massachusetts testified before Congress earlier this year that he has used the line-item veto in his State more than 1,000 times—mostly to cut pork-barrel spending put into legislation to win someone's vote. Representative MIKE CASTLE, former Governor of Delaware, wielded the line-item veto to stop the Delaware Legislature from increasing certain budget items fivefold.

Most States are required to balance their budgets. Yet 43 of our Nation's Governors have found it necessary to use the line-item veto to cut wasteful spending. Mr. President, Members of Congress are not constrained by a balanced budget amendment—all the more reason why it is essential that we empower the President with a line-item veto provision.

Mr. President, a review of past years' appropriations bills reveals page after page of extravagant spending items. Citizens Against Government Waste, a taxpayer watchdog group, estimates that more than $10 billion in pork is tucked away in last year's appropriations bills alone. This group defines pork as any project that: was requested by only one Chamber of Congress; was not specifically authorized; was not competitively awarded; was not requested by the President; greatly exceeds the President's budget request or the previous year's funding; was not the subject of congressional hearings; or serves only a local or special interest.

Let me name just a few examples from recent years' appropriations bills: $58 million to bail out New York Yankee owner George Steinbrenner's American Ship Building Co.; $300,000 in the District of Columbia for the bicycle improvement project; $110 million for construction of corridor H in West Virginia; $19 million for the International Fund for Ireland. In the past, this program has used American taxpayer dollars for a golf video and pony trekking centers; and $34.7 million for screwworm research, even though the screwworm has been eradicated in the United States.

These examples represent only a small fraction of hundreds of such pork-barrel projects approved by Congress each year. I strongly urge this Congress to show the American people that we can turn our Government away from this crash course of out-of-control Federal spending.

This legislation is sure to be opposed by members of the Senate's old guard Democrats. But the 11 freshmen were elected to bring the message of the American people to the Senate. We must change, or America may be irreparably harmed. The nation is suffocating under debt, and this Congress must take every step it can to stop the flow of red ink. Mr. President, the line-item veto is a tool that will help do that, and I urge the Senate to enact this important legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Arizona.

Mr. McCAIN. I yield to the Senator from Minnesota as much time as he may consume.

Mr. GRAMS. Mr. President, I rise today in support of legislation that will create a fundamental change in the way we do business in Washington. I want to lend my voice to the McCain line-item veto legislation.

It is legislation Republicans are calling for. It is legislation Democrats are calling for. It is legislation that Americans called for—loudly—when they voted at the polls in November.

The Framers of the Constitution could never have imagined the need for a line-item veto, but neither could they have imagined the garbage bills coming out of Congress that have made the line-item veto a Presidential necessity.

The garbage bill is Washington's version of packsack stew—a place to dump leftover bills that could never have been swallowed by themselves, but become more palatable when they are stirred safely inside a massive spending bill.

Too often, these extra morsels are million-dollar pieces of pork, dumped into the stew pot by a Member of Congress eager to please a special interest group back home.

But that favor for a few comes at the expense of everyone else.

Last year's package of disaster assistance following the California earthquake quickly became a garbage bill of the very worst kind.

By the time the legislation passed, it included not only $10 billion in actual emergency relief, but an extra $10 million to design a new Amtrak station in New York City, $20 million to hire employees for the FBI's fingerprint laboratory in West Virginia, $1.4 million to fight a potato fungus in Maine, and $1 million for sugar cane growers in Hawaii.

As stand-alone legislation, particularly when compared against the rest of the monstrous Federal budget, individual pork projects may not appear so ominous.

Collectively, however, they account for billions of dollars in Federal spending every year.

And by putting the legislative priorities of a few ahead of the fiscal priorities of an entire Nation, they set a dangerous precedent.

Passage of the line-item veto would help stop the fiscal recklessness that has dragged this country $4.8 trillion into debt.

Wielding a line-item veto, and without having to reject the entire bill, the President could comb through spending legislation line by line and eliminate the wasteful, pork-barrel projects when Congress does not have the courage.

When Congress just can not say no, the line-item veto would let the President do it for them.

It would also have a powerful impact on keeping wasteful spending out of appropriations bills in the first place.

My colleagues might think twice about sponsoring some pork for back home, knowing they could be forced to argue its merits individually on the floor of the Senate if it were vetoed by the President.

The American people have asked Congress to pass the line-item veto—64 percent of them, in fact, consider it a high or top priority.

The House overwhelmingly passed its line-item veto legislation on February 6 as a birthday tribute to Ronald Reagan, the President known as the bill's greatest champion.

Governors in 43 States have line-item veto authority, and why should they not? It works.

In my home State of Minnesota, Gov. Arne Carlson used the line-item veto 29 times during his first term to cut the fat out of State legislation—saving Minnesota taxpayers $164 million in wasteful government spending.

In neighboring Wisconsin, Gov. Tommy Thompson has put his line-item veto to work 1,500 times during his 8 years in office.

If the line-item veto existed on the Federal level, the Government Accounting Office says the President could have cut more than $70 billion in Federal spending between 1984 and 1989.

Last year, President Clinton could have saved the taxpayers millions by blue-penciling frivolous pork projects such as screwworm research, $35 million; honeybee research, $5 million; and chiropractic demonstrations in Iowa, $1 million.

But unlike his counterparts on the State level, the President does not have the power of the line-item veto, or the power to rein in Federal spending that comes with it.

Like every modern Chief Executive, however, President Clinton has supported Congress' efforts to grant him that tool of the line-item veto. "For years, Congress concealed in the budget scores of pet spending projects," said President Clinton in his most recent State of the Union Address.

> Last year was no different. There was a million dollars to study stress in plants and $12 million for a tick removal program that didn't work. If you'll give me the line-item veto, I'll remove some of that unnecessary spending.

This year, Congress appears ready to deliver, and I, along with others, encourage President Clinton to demonstrate his commitment to this legislation by being an aggressive supporter.

This is no time to sit on the sidelines.

Even with the backing of President Clinton, however, the bill may face trouble here in the Senate. Opponents say it gives too much authority to the President; that is shifts the constitutional balance of powers.

Others claim it could lead to influence trading, with Presidents trying to sway legislators by threatening to veto their pet projects.

But those colleagues of mine who are the most outspoken opponents of the line-item veto are perhaps the most conspicuous example of why we need it.

Congress itself has not been able to stop the big spenders. But a line-item veto could.

If the Senate can pass the line-item veto, Democrat Bill Clinton will be the first President to use it, and it will be thanks to a Republican Congress.

But this effort is not about politics, and the line-item veto is certainly not Republican legislation. It is simply the right thing to do.

We need a line-item veto.

If it can work in Minnesota, if it can work in Wisconsin where it has repeatedly protected taxpayer dollars, it can work here in Washington for the benefit of all taxpayers as well.

Again, Mr. President, I lend my voice today in strong support of legislation for a line-item veto.

I yield the floor. Thank you.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I yield to the Senator from Wyoming such time as he may consume.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I have risen over the past week several times to voice my support for a line-item veto. It seems to me it is one of the things that we need to change procedurally. We need a change procedurally to make a change in this country.

This morning, however, I listened with great interest to one of our friends on the other side of the aisle who said these things that we are dealing with in the Senate over the last 2 months have been quick fixes, that we have been dealing with items that are simply short-term gimmicks. I simply cannot let that go by without some response.

It seems to me that very clearly over the past number of years the product from this Government, the product from this Congress, the product from this Senate, has not been what almost anyone would want. And in November the voters said we want some change. If you are going to have change in the outcome, if you are going to have change in the product, you have to change the way you do things. That is what these past several months have been about. That is what the election was about, it seems to me, in November. It was about things like a balanced budget amendment and putting some discipline into the process so that the Congress could, in fact, balance income with outgo.

It was about term limits, so that there could be some end to the amount of services that are carried on from one particular district when no one else in any other district can do anything about that. It was about a line-item veto where we seek to get some of the unnecessary pork-barrel kinds of things out of the huge budget that are presented to the President. These are not gimmicks. These are changes in process. These are changes that cause things to happen that cause a different result. The line-item veto is simply a reasonable response, it seems to me, to the idea that bills become so voluminous, so broad and so changed that there needs to be some way to reach into them and take out those things that are not relevant, that are not appropriate, that would not stand at all on their own merit. And there are a great many of those, particularly here in the Senate where the rules allow for amendments that are not necessarily consistent with the bill. In the House there are rules that are stricter, but here they are not. I understand that. I respect that. But it allows for things to be hidden in the highway bill that have nothing to do with highways, that would not stand for 5 minutes on their own merit.

So we need a process to change that. That is what the line-item veto is all about. It is not a gimmick. It is not a short-term fix. In fact, it is a proven way of doing it. It is done in more than 40 States, and has been done for years, and successfully, in my State of Wyoming.

Is the balanced budget amendment a short-term gimmick? Give me a break. It is not a short-term gimmick at all. What it is is a response to 25 years without a balanced budget; 50 years with something like five balanced budgets. It is a response to performance. It is a response to the question of, Do you think it is financially and morally responsible to balance the budget, to not spend more than you take in? That is a pretty reasonable question. The answer is almost invariably yes, that is immoral; yes, that is irresponsible; yes, we do need to change it. We have not changed it. There is no sign of changing it unless there is some discipline. Some discipline applies to the process. That is what the balanced budget is about.

Are term limits short-term gimmicks? I do not think so. This place is built on seniority. It is built on how long you have been here. That is fine. The problem is, people say, "Well, you have an election every 2 years. You have an election every 4 years. You can change that." People in Wyoming cannot do anything about it, nor in Colorado or Massachusetts or somewhere else.

So you have an extraordinary amount of authority lying in someone who happens to be there for 40 years and is not going to be exchanged by his people at home because of that authority. Term limits make some sense. These are not short-term gimmicks. Unfortunately, we have seen over the last month the sort of rapid response team of those who are opposed to change. Every time there is an idea that we ought to change something, suddenly there is this great aroused response that, no, we cannot do that because it is a short-term gimmick.

Mr. President, the real test, it seems to me, of responsive government, the real test of good government, is if there is indeed a response in Government from the requests and demands of voters. That is not a new concept contrary to something that should happen in democracy. It is something that has happened in this country for years. In the 1800's, even up to the 1930's, in every generation, there was a response from voters and a change in government—as there should be.

In the beginning, however, in the 1930's when Government became larger and a greater part of our lives, the change becomes more difficult. As I remember the numbers of President Roosevelt in the 1930's, there was something like 75,000 people who worked for the Federal Government. Now there is something like 3 million. So there is great resistance to change in the bureaucracy. There is probably even a higher percentage of resistance to change by the number of lawyers in Washington. That is great resistance to change.

In addition, of course, as Government gets larger, it develops a sort of a dependency on Government and voters become more resistant to really take a look at the notion of what the Federal Government ought to be. What should we expect from the Federal Government? The message, I believe, was clearly we have too much Government and it costs too much. It is not easy to change that. It is a painful experience to change that. It is much easier to continue to do what we have been doing. Lots of good people come to Washington who are uneasy about the future, who really do not have strong feelings about change, but it is easier to go forward the way it is. Change is not easy. But that is what we are asked to do. That is what is necessary to do.

The White House liaison people were by this morning, and I was delighted to meet with them. I asked them if the White House was for a line-item veto. "Yes, sir. The President is very much for line-item veto. He has made that clear." That ought to have some impact. I hope that is communicated wholly to our friends on the other side of the aisle.

So, clearly, we need to change the way we do things if we are going to expect the change in the results.

Things we have been doing—the procedural things—are not nearly as much Republicans versus Democrats as those who are willing to make some changes and those who are for the status quo. We simply cannot continue to do that.

This is a time when we need change. And for those who resist it, I say, come on, get over it; we have to make changes, do some things right. We have to balance the budget, we have to have line-item veto to do something about pork barrel. We can do it. We simply have to come to the post and get after it. Now is the time.

Thank you.

Mr. MCCAIN. Mr. President, I have just received a statement by the President of the United States that has been released today, March 20, 1995. I would like to quote that statement by the President of the United States for the RECORD. I am very encouraged by it and also very appreciative.

It says:

> The Senate is now debating the line-item veto legislation which passed last month in the House. I urge the Senate to pass the strongest possible line-item veto, and to make it effective immediately. If the Members of Congress from both parties are serious about cutting the deficit, give me this line-item veto, and I will get started right away. This is one area where both parties can, and should, come together.
>
> I have advocated the line-item veto for a very long time. When I was a governor, I had a line-item veto and I balanced 12 budgets in a row. I advocated the line-item veto when I ran for President, and I have pushed for it since becoming President because it is a very effective tool for cutting wasteful government spending and bringing down the deficit.
>
> We have made great headway in cutting wasteful spending. We have already cut the federal bureaucracy by 102,000 positions, on the way to cutting a quarter million. We are bringing the deficit down by more than $600 billion. My new budget calls for another $81 billion in deficit reduction.
>
> But there is still too much waste in the Federal budget. This year I have proposed eliminating 131 programs altogether and consolidating 270 others. I proposed many of these spending cuts last year and the year before, only to have Congress tell me I couldn't cut their pet projects.
>
> I tried to cut $16 million for the Small Business Administration's tree planting program. But Congress put it back in the budget.
>
> Congress even spent $12 million for a Cattle Tick Eradication Project.
>
> Well, this year, if the Congress gives me the line-item veto, I will cut each one of these programs, and a whole lot more. I also think the line-item veto should be applied to the revenue as well as the spending sides of the budget, so I can curb wasteful tax and spending provisions.
>
> This is really about closing the door on business as usual in Washington. If Congress is serious about changing the way Washington works and getting a handle on wasteful spending, they will put politics aside, stand up to the special interests, and pass this bill.
>
> The President, no matter what party, needs the line-item veto to bring discipline to the budget process. I urge the Senate to pass it, and make it effective right now.

Mr. President, I applaud the statement of the President of the United States. I appreciate it. I hope that now he can start some personal lobbying on that side of the aisle.

As I have said before, the crux of this issue will lie in whether we obtain 60 votes to cut off debate. We have 54 votes on this side of the aisle. Now we need 6 votes on that side of the aisle—6 out of 46. I hope that the President of the United States can prevail upon six Members on that side of the aisle to achieve that. As he says, "I urge the Senate to pass the strongest possible line-item veto." There can be no mistake about what that means, Mr. President. It means a two-thirds majority to override a President's veto in both Houses, not the sham and fraud and deception being perpetrated by calling a veto a simple majority vote in one House in order to override a President's veto. That is what this debate will be all about. It will be all about the fact that, finally, after 8 years of being prevented from bringing up the line-item veto, we are now about to move to the bill for the first time. It has been blocked every time on a parliamentary procedure, a budget point of order. Now we are about to reach it. Now the President of the United States says he wants the strongest possible line-item veto enacted. Fifty-four Members on this side will at least vote for cloture. That is what this debate is about. I hope we can get six votes on the other side.

I want to comment on the President's statement about, "I think the line-item veto should be applied to the revenue as well as the spending sides of the budget so I can curb wasteful tax and spending provisions."

I agree with him there, also. Too many times, mammoth tax bills have been passed with so-called transition rules and little tax breaks for individuals or groups tucked into massive tax bills. I am all for it, but I am concerned about the language, Mr. President. We have to make sure the language does what it says. I am not interested in giving the President of the United States—either Republican or Democrat—the right to veto a capital gains tax cut. I am not interested in having that kind of management of the tax reform or tax bills impacted by a veto. But I am interested and committed—and I believe we can shape the proper language that specifically targets individual or special tax benefits so that we can do away with those abuses, as well.

In addition, I say to the President of the United States, not only that, sir, but we are willing to give you the authority to veto new entitlements or expansion of entitlement programs. Often we will hear in this debate that the real budget problems—and they are right—exist as far as expansive growth of entitlement programs are concerned, and new entitlement programs, which seem to come down quite often. We are willing to shape a compromise that gives the President of the United States the authority not to veto existing entitlement programs—Social Security will not be touched—but the authority to veto expanded or new entitlement programs.

I want to say again, Mr. President, that I have urged the President of the United States to get involved in this issue. I am glad he is engaged. I appreciate this very strong and, I think, important statement where he even cites examples of the problems that any chief executive has with trying to balance the budget. He mentions, "I tried to cut $16 million for the Small Business Administration's tree planting program, but Congress put it back in the budget. Congress even spent $12 million for a cattle tick eradication project."

Mr. President, I have a list that would stretch from here out to the steps of the Capitol of programs like that which have been put into the appropriations bills over the past 10 or 15 years—actually, since 1974. The problem is epidemic in proportion, and I am very encouraged by the President's statement. I look forward to working with him and the White House personnel as we try to corral enough votes in order to get this done, get it behind us, and move on to the other important issues of the day, such as, for example, the rescission package which will be pending before this body.

Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, I ask unanimous consent that I be given up to 5 minutes to speak on the measure before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, I rise in support of the adoption of the line-item veto, and I would like to share with the Senate a perspective that comes from having spent 19 years in the State legislature of Georgia as a member of the Senate.

Georgia, like 49 other States, had a line-item veto. While I debated back and forth various budgets and the fiscal condition of the State of Georgia, I think it is safe to say that it is in a much better state than the United States Government.

The line-item veto, along with a balanced budget amendment, are among the reasons for that healthier condition. The fact that so many of our State executives have the authority to line item and, therefore, be another force, if you would, to intervene and bring about fiscal discipline is a very healthy thing.

I think the American people know it, if the people in Washington do not, that we need many new rules of the road in order to bring fiscal order to the affairs of the United States. This is but one of many. We should have passed the balanced budget amendment.

We should probably have a spending reduction commission. We need a line-item veto. We need to redesign the process by which we manage our fiscal affairs, and we need but look at the $5 trillion of debt that we have.

The United States has spent every dime it has and $5 trillion it does not have, and it stays on a spending spree. Look at the President's budget—$200 billion in deficits as far as the eye can see. It is obvious we have to do things like the line-item veto.

Some people on the other side of the aisle allege that the line-item veto destabilizes the balance between the executive and legislative branches, but so many States have it. They are great laboratories to review. I do not believe anybody in our country remembers waking up and reading about any State of the Union becoming unglued or destabilized or taken to the brink of ruin over the contest between an executive and legislative branch over the authority to have a line-item veto.

This is a very sensible process that will help establish fiscal order.

I remember years ago when I was running for the U.S. Senate, in fact on other occasions, people said, "Well, you only want the line-item veto because over the recent generations, the Presidents have been Republican." I said at the time, "I am going to support the line-item veto no matter who the Chief Executive is because it is sensible and reasonable."

I find a certain irony that I would be in this capital city watching a new Republican majority fighting the Democrat minority to give a Democrat President the line-item veto. What an irony. I would think both sides of the aisle would be embracing this idea. It is their President. He is a Democrat, and I am just absolutely baffled that we find the other side of the aisle throwing barriers and tacks in the road as we try to put in place this very sensible rule that President Clinton campaigned on and said he was going to fight for.

I think I just heard Senator MCCAIN read a letter from the President indicating his support for the strongest version. You would think, Mr. President, we could end this debate in about a day given the fact that a majority of the Congress supports it and the President supports it and the American people support it 70 to 80 percent. But not in this city. No, sir, not in this city. In this city, the disconnect is so great, and in the light of the new majority going forth, the President of the United States asking for it, and the American people wanting it, we still have to fight our way through, just as we did on the balanced budget amendment, to try to bring this to fruition.

The Presiding Officer just came from the elections. I was there just 24 months ago. I think the Presiding Officer, like myself, recognizes that we are in the midst of a revolution, and the American people want to see some change in the capital city. They are tired of business being run as usual. Mr. President, they expect change to begin to happen here, and one of the cornerstones of this change is the line-item veto.

I hope that the other side of the aisle can somehow make a connection with what is going on in the country and it will register on them that our President, the titular head of their party, the majority, and the American people have said now is the time for there to be a line-item veto.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator be making the request that the time of the quorum call be equally divided between the two sides?

Mr. COVERDELL. I so request.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senate stand in recess until 5 p.m. this evening.

There being no objection, at 3:58 p.m., the Senate recessed until 5 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GRAMS).

LEGISLATIVE LINE-ITEM VETO ACT

The PRESIDING OFFICER. Under the previous order, the hour of 5 p.m. having arrived, the Senate will now proceed to the consideration of S. 4, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 4) to grant the power to the President to reduce budget authority.

The Senate proceeded to consider the bill, which had been reported from the Committee on the Budget and the Committee on Governmental Affairs, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 4

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Legislative Line Item Veto Act of 1995".

SEC. 2. ENHANCEMENT OF SPENDING CONTROL BY THE PRESIDENT.

The Impoundment Control Act of 1974 is amended by adding at the end thereof the following new title:

"TITLE XI—LEGISLATIVE LINE ITEM VETO RESCISSION AUTHORITY

"PART A—LEGISLATIVE LINE ITEM VETO RESCISSION AUTHORITY

"GRANT OF AUTHORITY AND CONDITIONS

"SEC. 1101. (a) IN GENERAL.—Notwithstanding the provisions of part B of title X and subject to the provisions of part B of this title, the President may rescind all or part of any budget authority, if the President—

"(1) determines that—

"(A) such rescission would help balance the Federal budget, reduce the Federal budget deficit, or reduce the public debt;

"(B) such rescission will not impair any essential Government functions; and

"(C) such rescission will not harm the national interest; and

"(2)(A) notifies the Congress of such rescission by a special message not later than twenty calendar days (not including Saturdays, Sundays, or holidays) after the date of enactment of a regular or supplemental appropriations Act or a joint resolution making continuing appropriations providing such budget authority; or

"(B) notifies the Congress of such rescission by special message accompanying the submission of the President's budget to Congress and such rescissions have not been proposed previously for that fiscal year.

The President shall submit a separate rescission message for each appropriations bill under paragraph (2)(A).

"(b) RESCISSION EFFECTIVE UNLESS DISAPPROVED.—(1)(A) Any amount of budget authority rescinded under this title as set forth in a special message by the President shall be deemed canceled unless during the period described in subparagraph (B), a rescission disapproval bill making available all of the amount rescinded is enacted into law.

"(B) The period referred to in subparagraph (A) is—

"(i) a congressional review period of twenty calendar days of session under part B, during which Congress must complete action on the rescission disapproval bill and present such bill to the President for approval or disapproval;

"(ii) after the period provided in clause (i), an additional ten days (not including Sundays) during which the President may exercise his authority to sign or veto the rescission disapproval bill; and

"(iii) if the President vetoes the rescission disapproval bill during the period provided in clause (ii), an additional five calendar days of session after the date of the veto.

"(2) If a special message is transmitted by the President under this section during any Congress and the last session of such Congress adjourns sine die before the expiration of the period described in paragraph (1)(B), the rescission shall not take effect. The message shall be deemed to have been retransmitted on the first day of the succeeding Congress and the review period referred to in paragraph (1)(B) (with respect to such message) shall run beginning after such first day.

"DEFINITIONS

"SEC. 1102. For purposes of this title the term 'rescission disapproval bill' means a bill or joint resolution which only disapproves a rescission of budget authority, in whole, rescinded in a special message transmitted by the President under section 1101.

"DEFICIT REDUCTION

"SEC. 1103. (a) If Congress fails to disapprove a rescission of discretionary spending under this part within the period of review provided under this part, the President shall, on the day after the period has expired, reduce the discretionary spending limits under section 601 of the Congressional Budget Act of 1974 for the budget year and any outyear affected by the rescissions to reflect the amount of the rescission.

"(b) If Congress fails to disapprove a rescission of discretionary spending under this part within the period of review provided under this part, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall, on the day after the period has expired, revise levels under section 311(a) and adjust the committee allocations under section 602(a) to reflect the amount of the rescission.

"(c) If Congress fails to disapprove a rescission of direct spending under this part within the period of review provided under this part, the President shall, on the day after the period has expired, adjust the balances for the budget year and each outyear under section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 to reflect the amount of the rescission.

"PART B—CONGRESSIONAL CONSIDERATION OF LEGISLATIVE LINE ITEM VETO RESCISSIONS

"PRESIDENTIAL SPECIAL MESSAGE

"SEC. 1111. Whenever the President rescinds any budget authority as provided in section 1101, the President shall transmit to both Houses of Congress a special message specifying—

"(1) the amount of budget authority rescinded;

"(2) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved;

"(3) the reasons and justifications for the determination to rescind budget authority pursuant to section 1101(a)(1);

"(4) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the rescission; and

"(5) all facts, circumstances, and considerations relating to or bearing upon the rescission and the decision to effect the rescission, and to the maximum extent practicable, the estimated effect of the rescission upon the objects, purposes, and programs for which the budget authority is provided.

"TRANSMISSION OF MESSAGES; PUBLICATION

"SEC. 1112. (a) DELIVERY TO HOUSE AND SENATE.—Each special message transmitted under sections 1101 and 1111 shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. Each special message so transmitted shall be referred to the appropriate committees of the House of Representatives and the Senate. Each such message shall be printed as a document of each House.

"(b) PRINTING IN FEDERAL REGISTER.—Any special message transmitted under sections 1101 and 1111 shall be printed in the first issue of the Federal Register published after such transmittal.

"PROCEDURE IN SENATE

"SEC. 1113. (a) REFERRAL.—(1) Any rescission disapproval bill introduced with respect to a special message shall be referred to the appropriate committees of the House of Representatives or the Senate, as the case may be.

"(2) Any rescission disapproval bill received in the Senate from the House shall be considered in the Senate pursuant to the provisions of this section.

"(b) FLOOR CONSIDERATION IN THE SENATE.—

"(1) Debate in the Senate on any rescission disapproval bill and debatable motions and appeals in connection therewith, shall be limited to not more than ten hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(2) Debate in the Senate on any debatable motion or appeal in connection with such a bill shall be limited to one hour, to be equally divided between, and controlled by, the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from the time under their control on the passage of the bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(3) A motion to further limit debate is not debatable. A motion to recommit (except a motion to recommit with instructions to report back within a specified number of days, not to exceed one, not counting any day on which the Senate is not in session) is not in order.

"(c) POINT OF ORDER.—(1) It shall not be in order in the Senate or the House of Representatives to consider any rescission disapproval bill that relates to any matter other than the rescission of budget authority transmitted by the President under section 1101.

"(2) It shall not be in order in the Senate or the House of Representatives to consider any amendment to a rescission disapproval bill.

"(3) Paragraphs (1) and (2) may be waived or suspended in the Senate only by a vote of three-fifths of the members duly chosen and [sworn.".] sworn.

"SEC. 1114. This title shall cease to be effective on September 30, 2002.".

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, it is my understanding that the Budget Committee reported out two perfecting amendments when it reported S. 4. As chairman of the Budget Committee, I have been authorized by a majority of the committee members to withdraw those committee amendments. Therefore, I do withdraw the two Budget Committee-reported amendments.

The PRESIDING OFFICER. The Senator has that right.

So the amendments were withdrawn.

Mr. DOMENICI. I thank the Chair, and I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 347

(Purpose: To provide for the separate enrollment for presentation to the President of each item of any appropriation bill and each item in any authorization bill or resolution providing direct spending or targeted tax benefits, and for other purposes)

Mr. DOLE. Mr. President, I send a substitute amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for himself, Mr. MCCAIN, Mr. DOMENICI, Mr. COATS, Mr. STEVENS, Mr. THOMPSON, Mr. INHOFE, Mr. ASHCROFT, Mr. BENNETT, Mr. BOND, Mr. BROWN, Mr. BURNS, Mr. CHAFEE, Mr. COCHRAN, Mr. COHEN, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. FAIRCLOTH, Mr. FRIST, Mr. GORTON, Mr. GRAMM, Mr. GRAMS, Mr. GREGG, Mr. HATCH, Mr. HELMS, Mrs. HUTCHISON, Mrs. KASSEBAUM, Mr. KEMPTHORNE, Mr. KYL, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. MCCONNELL, Mr. MURKOWSKI, Mr. NICKLES, Mr. PACKWOOD, Mr. PRESSLER, Mr. ROTH, Mr. SANTORUM, Mr. SHELBY, Mr. SIMPSON, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Mr. THOMAS, Mr. THURMOND, and Mr. WARNER, proposes an amendment numbered 347.

Mr. DOLE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "The Separate Enrollment and Line Item Veto Act of 1995".

SEC. 2. STRUCTURE OF LEGISLATION.

(a) APPROPRIATIONS LEGISLATION.—

(1) The Committee on Appropriations of either the House or the Senate shall not report an appropriation measure that fails to contain such level of detail on the allocation of an item of appropriation proposed by the House as is set forth in the committee report accompanying such bill.

(2) If an appropriation measure is reported to the House or Senate that fails to contain the level of detail on the allocation of an item of Appropriation as required in paragraph (1), it shall not be in order in that House to consider such measure. If a point of order under this paragraph is sustained, the measure shall be recommitted to the Committee on Appropriations of that House.

(b) AUTHORIZATION LEGISLATION.—

(1) A committee of either the House or the Senate shall not report an authorization measure that contains new direct spending or new targeted tax benefits unless such measure presents each new direct spending or new targeted tax benefit as a separate item and the accompanying committee report for that measure shall contain such level of detail as is necessary to clearly identify the allocation of new direct spending or new targeted tax benefits.

(2) If an authorization measure is reported to the House or Senate that fails to comply with paragraph (1), it shall not be in order in that House to consider such measure. If a point of order under this paragraph is sustained, the measure shall be recommitted to the committee of jurisdiction of that House.

(c) CONFERENCE REPORTS.—

(1) A committee of conference to which is committed an appropriations measure shall not file a conference report in either House that fails to contain the level of detail on the allocation of an item of appropriation as is set forth in the statement of managers accompanying that report.

(2) A committee of conference to which is committed an authorization measure shall not file a conference report in either House unless such measure presents each direct spending or targeted tax benefit as a separate item and the statement of managers accompanying that report clearly identifies each such item.

(3) If a conference report is presented to the House or Senate that fails to company with either paragraph (1), or (2), it shall not be in order in that House to consider such conference report. If a point of order under this paragraph is sustained in the House to first consider the conference report, the measure shall be deemed recommitted to the committee of conference.

SEC. 3. WAIVERS AND APPEALS.

Any provision of section 2 may be waived or suspended in the House or Senate only by an affirmative vote of three-fifths of the Members of that House duly chosen and sworn. An affirmative vote of three-fifths of the Members duly chosen and sworn shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under that section.

SEC. 4. SEPARATE ENROLLMENT.

(a)(1) Notwithstanding any other provision of law, when any appropriation or authorization measure passes both Houses of Congress in the same form, the Secretary of the Senate (in the case of a measure originating in the Senate) or the Clerk of the House of Representatives (in the case of a measure originating in the House of Representatives) shall cause the enrolling clerk of such House to enroll each item of such appropriation or authorization measure separately.

(2) A measure that is required to be enrolled pursuant to subsection (a)—

(A) shall be enrolled without substantive revision,

(B) shall conform in style and form to the applicable provisions of chapter 2 of title 1, United States Code (as such provisions are in effect on the date of the enactment of this Act), and

(C) shall bear the designation of the measure of which it was an item prior to such enrollment, together with such other designation as may be necessary to distinguish such measure from other measures enrolled pursuant to paragraph (1) with respect to the same measure.

(b) A measure enrolled pursuant to paragraph (1) of subsection (a) with respect to an item shall be deemed to be a bill under Clauses 2 and 3 of Section 7 of Article 1 of the Constitution of the United States and shall be signed by the Speaker of the House and the President of the Senate, or their designees, and presented to the President for approval or disapproval (and otherwise treated for all purposes) in the manner provided for bills and joint resolutions generally.

SEC. 5. DEFINITIONS.

For purposes of this Act:

(1) The term "appropriation measure" means any general or special appropriation bill or any bill or joint resolution making

supplemental, deficiency, or continuing appropriations.

(2) The term "authorization measure" means any measure other than an appropriations measure that contains a provision providing direct spending or targeted tax benefits.

(3) The term "direct spending" shall have the same meaning given to such term in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) The term "item" means—

(A) with respect to an appropriations measure—

(i) any numbered section,

(ii) any unnumbered paragraph, or

(iii) any allocation or suballocation of an appropriation, made in compliance with section 2(a), contained in a numbered section or an unnumbered paragraph; and

(B) with respect to an authorization measure—

(i) any numbered section, or,

(ii) any unnumbered paragraph,

that contains new direct spending or a new targeted tax benefit presented and identified in conformance with section 2(b).

(5) The term "targeted tax benefit" means any provision:

(A) estimated by the Joint Committee on Taxation as losing revenue within the periods specified in the most recently adopted concurrent resolution on the budget pursuant to section 301 of the Congressional Budget and Impoundment Control Act of 1974; and

(B) having the practical effect of providing more favorable tax treatment to a particular taxpayer or limited group of taxpayers when compared with other similarly situated taxpayers.

SEC. 6. EFFECTIVE DATE.

The provisions of this Act shall apply to measures passed by the Congress beginning with the date of the enactment of this Act and ending on September 30, 2000.

Mr. DOLE. Mr. President, I ask unanimous consent that the side-by-side comparison of this amendment and the Hollings-Mattingly amendment, which was brought up, I think, in 1986, and the Bradley proposal be printed in the RECORD.

There being no objection, the comparison was ordered to be printed in the RECORD, as follows:

	Dole	Hollings/Mattingly	Bradley
Scope	Any general, special appropriations bill or joint resolution making supplemental, deficiency or continuing appropriations; new direct spending; new target tax benefits.	Any general, special appropriations bill or joint resolution making supplemental, deficiency or continuing approps.	Any general or special appropriation bill or any bill or joint resolution making supplemental, deficiency, or continuing approps or any revenue bill containing a tax expenditure.
Presentation of bills	Requires that appropriations bills reported to the House and Senate contain the same level of detail on the allocation of funds as the accompanying report.	No similar provision	No similar provision
	Requires authorizing and Finance Committees to present new direct spending and new target tax benefits as a separate item; reports must detail those items.		
	A point of order lies against a bill or conference report failing to detail items.		
	A point of order may be waived by a 3/5 vote		
Instructions on enrollment	Bills shall be enrolled without substantive revision, conform to provisions of 2, title 1, USC, bear a distinguishing designation and be deemed a bill under Article I, sec. 7, clause 2 and 3.	Same	Same.
Definitions	"Items" means any numbered section or any unnumbered paragraph, or any allocation or suballocation of funds contained in a numbered or unnumbered paragraph.	"Items" means any numbered section or any unnumbered paragraph.	"Items" means any numbered section or any unnumbered paragraph.
	With respect to authorizations, item means numbered section or unnumbered paragraph that contains new direct spending or a new targeted tax benefit.		
	"Targeted tax benefit" means any provision estimated by JCT as losing revenue within period specified by budget con. res. and having the practical effect of providing more tolerable tax treatment to a particular or limited group of taxpayers when compared to other similarly situated taxpayers.	No similar provision	"Tax expenditure" means a division of a bill that is scored by JCT as losing revenue over 5 years.
	"Direct spending" as defined in section 250(c) 8 of Balanced Budget and Emergency Deficit Control Act.	No similar provision	No similar provision.

Mr. DOLE. Mr. President, I think we ought to start with some facts. The line-item veto is not about partisan politics, as the minority leader said on Friday, as I said on Friday, and as the President said today in a release. He said he wanted as strong as possible a bill and make it effective immediately.

So it is not about politics. It is about our economic future. And it is not about pitting appropriations versus entitlements. It is about subjecting all expenditures to the same scrutiny.

According to the Congressional Research Service, at least 10 Presidents since the Civil War have stated support for the line-item veto. President Clinton will be the 11th. Governors of 43 States have some form of line-item veto authority. It has the overwhelming support of the American people. It is time we came to closure on this issue here in Washington, DC.

And make no mistake about it, there have been differences of opinion about how to best design this authority. Some have backed a constitutional amendment, some enhanced rescission authority, and some separate enrollment legislation. And the substitute that I have offered today tries to build on the efforts of those on both sides of the aisle to reach a consensus after all these years of arguing.

I understand it has been suggested—I hope not—we are surprising everyone. I do not think there are many surprises left in this debate. I was reminded by the Senator from Arizona in a Republican conference just a few moments ago we have considered different forms of the line-item veto seven times in the past 8 years. And so it is a matter that most of us have a lot of familiarity with, some more than others who have worked on it, such as the Senator from Arizona and the Senator from Indiana, the Senator from New Mexico, and others on the other side of the aisle.

I hope that we could respond quickly here and get this done this week. There is no reason not to do it this week. It is only five pages long. There is one sentence on the sixth page.

We do not have every vote on this side, I do not believe, for the amendment itself, although I must say we have improved it a lot and we have picked up a lot of support on this side. I do think we have every vote for cloture on this side of the aisle. So it seems to me that with bipartisan support, which I expect will come, particularly with the President's strong statement today, there is no reason why we cannot complete action on this, go to conference with the House and get a really good bill.

As I have indicated, since 1985 there have been no fewer than seven efforts to enact measures to provide for the separate enrollment of bills. That is separate enrollment of bills. And in the past there have been legitimate issues raised as to whether or not appropriations measures should be the only bills subject to this new procedure.

In the view of Senators STEVENS, BRADLEY, and others, all spending should be subject to review, whether it be the expansion of an entitlement or creation of a new entitlement or creation of a new tax break. This substitute covers all three. It is going to cover everything.

Some have suggested we could never define the term "item" when you talk about line item. Our substitute tries to ensure that sufficient detail is provided in each bill so these determinations can be fairly and clearly made.

Is this substitute perfect? Probably not. There may be some good ideas on change, maybe here, maybe in the conference. But it moves us in the right direction. And in my view it does not change the balance between the legislative branch and the executive branch.

Both sides have the opportunity to lay out their priorities and subject them to the review of the other branch. The President retains his authority to veto, and we retain our authority to override such a veto.

Will it put additional pressure on us to review and defend those special projects and new programs? You bet it will. That is what this debate is all about. That is what the American people expect. And, again, the American people are not Democrats and Republicans or Independents. The American people support this measure. That is what it should do, and that is what it should be about.

There has been strong bipartisan support for the line-item veto. It passed the House 294 to 134. It has been voted on in various forms in the Senate in the past and received the support of many of my colleagues on the other side of the aisle, including my colleague from Delaware, Senator BIDEN, Senator EXON from Nebraska, Senator HEFLIN from Alabama, Senator HOLLINGS from South Carolina, Senator KENNEDY from Massachusetts, Senator LEAHY from Vermont, Senator NUNN from Georgia, Senator PELL from Rhode Island, and others. In fact, I have noted—I think the Senator from New Mexico will touch on it—a vote in the Budget Committee where they had separate enrollments where I think at least five or six Democrats on the Budget Committee supported that approach.

So I just hope that we are not going to get into any political debate, that this will be a debate on the line-item veto. Certainly there are probably questions that should be raised. We have gone through one political debate in the balanced budget amendment. In my view, we do not need another one right now. There should be a vote on this measure, and it should be soon.

I think whatever way the vote comes out, the people are going to know where we stand. We know where they stand. They think they know where we stand. They believe that on this measure there will be strong bipartisan support. I happen to believe they are right, unless there is something I have not factored into this entire equation.

It is an issue we are familiar with. We have debated it. We have discussed it. We have had hearings and hearings and hearings. It seems to me now it is time to act.

I would just speak for my colleagues on this side of the aisle. I think it is safe to say 10 days ago we were sort of all over the lot. Different people had different views, and they were strongly held views. But again, by sitting down and working together—and we give credit to our staff for their help and their ideas—we have been able to come together. As I said, I think every Republican is now prepared to vote for cloture if cloture is necessary. And nearly every Republican, I think, is prepared to vote for the bill—not every Republican but nearly every one. So we have made a great deal of progress, and we believe that, as I said, now is the time to act.

I would just conclude by again specially thanking the following Senators. Certainly Senator MCCAIN has been out on this floor year after year after year after year, and when you see him coming you know it is probably about the line-item veto because he feels that strongly about it, and he is going to keep on coming. We hope this is his last trip so he can go on to something else like Social Security. This time he is going to succeed, in my view.

Senator COATS has been right there with him. They have stuck together, and they have worked and they have worked. They have had a little different view than some other of my colleagues like Senator DOMENICI from New Mexico and Senator STEVENS from Alaska, but as I have indicated, because of their dedication, because of all their efforts and the outstanding assistance we have had from the chairman of the Budget Committee, Senator DOMENICI, and Senator STEVENS, who had a lot of reservations about this, worried about having it apply to a certain amount of the appropriations —about what, 16 percent of the budget? He did not think that was going to be very effective, and he convinced a number of our colleagues—in fact, all of our colleagues—it was not very effective so we have made appropriate changes.

We believe it is a good proposal, and I hope that we would have as strong a vote on this as we had on congressional coverage. It was 98 to 1. Or if not that strong, maybe as strong as the unfunded mandates bill that passed the Senate 86 to 10. This should be another one of those measures where we come together and we vote and the American people are the beneficiaries.

Mr. DASCHLE. Mr. President, I have listened to the words of our majority leader. The first thought that comes to mind is what a difference a year makes. I do not recall how many times over the course of the last couple of years our Republican colleagues would come to the floor and criticize, sometimes bitterly, the majority leader at the time for laying a bill down that nobody on the other side had seen, a bill that in their view did not have hearings, or a bill that was not the subject of any negotiations between Republicans and Democrats.

I can recall on health care being held for weeks and months, simply because there was a very complicated piece of legislation that they said ought to be examined, needed to be looked through, and needed to be thoughtfully considered.

The times have changed and the situation is different than it was a year ago. This is a different piece of legislation, but the issue is the same. There ought to be overwhelming bipartisan support for a line-item veto. I do not think there is any serious debate about that. Democrats and Republicans want a line-item veto. I think there is broad, bipartisan support for the concept of a line-item veto.

The majority leader says that he hopes we can get bipartisan support for this proposal. But I guess I have to ask how badly they want bipartisan support when we have not been involved in these negotiations; we have not had any opportunity to see this provision until it has now been laid down. There have been no discussions with Democrats with regard to this particular proposal. So if, indeed, there is a true desire for bipartisan cooperation, that is an unfortunate way to make that fact known.

The majority leader also made the comment that this proposal will submit all expenditures to line-item veto—all expenditures. I hope that is accurate. As I understand it, there is a question about "all" expenditures. That is one reason I think it will be very helpful for us to have the opportunity to talk through, think through, and work through this legislation pertaining to an "item." As I understand it, some of the tax provisions that may be on the list of priorities for our colleagues on the Republican side include capital gains, but I am told capital gains and a number of other tax provisions that will clearly be defined as expenditures—in this case, tax expenditures—would not be included in this particular provision of the bill. So we will have to take a good look at whether everything is on the table or not.

What we do know is this: Two pieces of legislation passed through the Budget Committee and the Governmental Affairs Committee. They were the subject of hearings. They were the subject of a markup. We had a good debate, and they were presented to the floor in a way that is the accepted practice here in the Senate. And we now know those bills and all the work the committees have done apparently is for naught. That is not going to be considered here. What is going to be considered is some compromise—that has generated a good deal of support on the other side—that we have not seen. There have been no hearings. There was no markup. There was no opportunity for committees to even consider this particular piece of legislation, at least this year.

The majority leader indicates that this has been a proposal that has been around since 1985. Nearly half of the current membership of the Senate was not here in 1985 and have not had the opportunity to consider a proposal which would involve the individual enrollment of every single line item before it is sent to the President.

That, too, reminds me of the comments made last year about the paperwork involved with the 1,300-page health bill. They felt we ought to be able to reduce all that paperwork and send something simple to the President. Now we have some colleagues who are saying we do not want to send something simple, we want to send something complicated. We do not want to send something short, we want to send something that may involve 2,000 or 3,000 pages.

We will have a good debate about all of this, but I do urge all of my colleagues to take great care before they make any decisions about whether this legislation is what the Senate wants to sign into law; before we make any conclusions as to whether everything is on the table; whether this is the most practical; whether, indeed, there is opportunity for bipartisan support for this particular version.

What I hope will not happen is that we will be told to accept this version or no version at all; that we either take this or we are not going to have a line-item veto. I hope that does not happen because, as I said, I think there is very strong support for the concept of a line-item veto. Simply to say it is this one or nothing certainly does not reflect what I hope will be the opportunities we have to work together on a whole range of issues. We should not be told that it is this or nothing, that there is no other version that is acceptable when so many Members on both sides of the aisle have supported other versions, have supported other approaches, and might have ways in which to improve even this particular piece of legislation.

So I know that all of my colleagues on this side of the aisle will look with great interest at the provisions of this bill and will have more to say as the days this week unfold. Certainly it will be my hope as well that we could finish this week. There is no reason why, given the broad amount of support, that we could not finish. But part of whether or not we finish depends on the degree to which there is genuine cooperation, genuine interest in bipartisanship, and whether we have an ability to better understand what some of these concepts actually include.

With that, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, let me say the distribution of time and the management of the bill on this side will be by the Senator from Arizona, Senator MCCAIN, or his designee.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, before the majority leader leaves the floor I want to thank him for his leadership on this bill, without which we could not have come together with the differing views that were strongly held by very respected members of the Republican conference. I would like to thank him, in his leadership, for making the 54 Members on this side committed to voting for cloture, and I think making what was a very difficult situation just a few days ago, the enactment of line-item veto, very possible.

Also, I might add that the chief of staff of the majority leader, Sheila Burke, did an enormous amount of work, many hours of meetings and writing specific language. I would like to thank her for all she did in this effort. I would also like to thank Senator DOMENICI. I would also like to thank Senator STEVENS. I would also like to thank my partner, Senator COATS, who has labored with me for so long on this issue.

Mr. President, I will not talk a long time because I know Senator COATS would like to make some remarks and also Senator DOMENICI, who really knows the details of many of these issues. I know Senator DOMENICI will spend a little bit of time talking about the specific tax provisions, since he has many years of experience on that aspect of the bill.

I would just like to say in response to the minority leader—and I appreciate his remarks, and I appreciate his willingness to look at this legislation. I hope he and other Members on the other side of the aisle will heed the President's message that he wants and he wants soon a very strong line-item veto bill; the strongest, in the words of the President of the United States.

There will be a question about constitutionality. We will have opinions of respected constitutional scholars about the constitutionality of an enrolled item and an enrolled bill. We will be able to, I think, satisfy the concerns of the Members of this body about that.

I think there will be questions raised about the degree that the targeted tax benefits—how much that encompasses. I think we will be able to respond to that.

I look forward to a debate on the merits of this issue. I look forward to a debate that clearly will clear the way for expressing the will of the people. Some 83 percent of the American people, in the last poll that I saw, support giving the President the line-item veto.

I want to return to one fundamental fact before I turn to the Senator from Indiana for a few remarks. Mr. President, in 1974, the deficit was minuscule, the debt was very small. In 1974, the Budget Impoundment Act was passed, which deprived the President of the United States of the authority to impound funds. At that time, from that time on, the deficit and the debt, the annual deficit and the debt, exploded.

In 1974, our deficit was $6.135 billion. In 1994, it was $203 billion. In 1974, the accumulated debt of nearly 200 years of American history was $483 billion. It is now projected in 1996 to be $5.2 trillion. That did not happen by accident. It is because we shifted the balance of power away from the executive branch to the legislative branch. Mr. President, none of us can in good conscience lay a $5.2 trillion debt on our children and grandchildren. We cannot do it. It is time we brought it to a halt.

I want to finally say that we cannot balance the budget with a line-item veto alone. I have no doubt or question about that. But we also cannot balance the budget without a line-item veto authority in the hands of the President of the United States.

We will have a lot more to say in the next few days. I want to thank again the majority leader. My friend from New Mexico, who has a great deal of expertise, perhaps more than anyone in this body on these issues, I appreciate his assistance in bringing about this final conclusion.

Mr. President, I yield whatever time he may consume to the Senator from Indiana and then yield whatever time he may consume to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, it is probably a little premature to be offering congratulations since we are just taking up the bill. But let me say that there has been an extraordinary amount of hard work, effort, and negotiation that has gone into this product that the majority leader, Senator DOLE, just proposed.

Individuals have held strong feelings and strong convictions about what line-item veto means and how it ought to be defined. It is the product of many, many years of involvement of the various individuals in attempting to find ways to deal with a budget that almost seems intractable, to deal with a structural change in the way that the Congress does business, and in attempting to come up with a piece of legislation which is bringing divergent interests—by the way all of those interests trying to reach the same goal but just by different means. To bring them together on one piece of legislation has not been easy. But because the individuals involved are committed to the final goal, because they are committed to the principle that we have to be stewards of the taxpayer dollars, wise stewards, and that we have to make every possible effort on behalf of the constituents we represent and the taxpayers who get up every Monday morning, who haul off to work and put in an honest day's work for an honest day's pay, because we have a commitment to make sure that they do not have to send $1 more than is necessary to Washington to perform the functions of the Federal Government as defined by the Constitution, as defined by what we determine are our vital national interests, we set aside some of our reservations and some of our concerns, and said, despite our ideas about which path we should take, let us make sure we get to the goal line on this.

There are a lot of people that deserve a lot of credit, starting with the majority leader, who has pulled us together on a number of occasions, keeps us in the same room around the same table, refuses to give up, and keeps providing leadership that we need to function as a party to bring legislation forward that has the support of our party.

Credit goes to Senator MCCAIN who has been tireless. Anybody who knows Senator MCCAIN knows that word "tireless" as defined in the dictionary has a new meaning. He has a dogged persistence, has had a dogged persistence and has one now, to pursue this effort, who will not take no for an answer. He has been a great support and great help and inspiration to me as I have engaged in this process as I have been in the Senate. It has been a pleasure to be a partner with him.

As I said, I believe, on Friday, sometimes you define character, and I use the foxhole test. If I am surrounded by the enemy and need somebody with me in the foxhole, Senator MCCAIN is someone I would like to go shoulder to shoulder with. So I appreciate his efforts.

Senator DOMENICI has been tireless in his efforts to work with us and to try to achieve a final solution to this question of whether or not we can put a bill together that can enjoy broad Republican support. He has done that. He has made available his expert staff, Bill Hoagland, and others. I hate to start giving staff too much credit because their work is just starting and there is a long road to go. But Senator MCCAIN's staff and my staff, Senator STEVENS', Senator DOMENICI's, and Senator DOLE's staffs, and others who have worked on this have just put an extraordinary amount of time and effort into it.

Senator DOMENICI has worked with us in defining some of the ways in which this would impact the way we spend money, the way we apply taxes, new programs, how new direct spending and entitlement spending takes place. He has provided an expertise to us. It has been invaluable.

Senator STEVENS was a catalyst for expanding this legislation to make sure that the line-item veto did not just apply to the narrow little slice of the budget, but applied to a broader part of the budget. It is fairer to do it that way, but it also accomplishes more of our purpose and our goal. We are able to apply the principle of the line-item veto to how we make decisions about spending the taxpayer dollars and what the checks and balances will be as we move through the process. We will apply that principle to a much broader range of spending, whether they be tax expenditures or whether they be appropriations.

The Dole substitute adopts a structure for line-item veto which has bipartisan support. It requires that each item of spending and each targeted tax be separately enrolled. The President may approve or veto these items. But it utilizes two important principles:

First, the key principle, for which Senator MCCAIN and I have fought so long, that is a real veto requiring two-thirds of the Congress to override, to make it tough to pork-barrel spend, whether it is tax pork or spending pork, appropriations pork;

Second, it embodies principles which have been advocated by key leaders on the Democrat side of the aisle, individuals like Senator HOLLINGS, Senator BRADLEY, and Senator BIDEN, who have championed the very idea and principle embodied in the concept and content of the bill we are offering.

So we are not dropping something new, as the minority leader intimated. We are taking something that has been debated and discussed for a considerable amount of time by key Democrat leaders, and we are embodying in that the principle of the bill we introduced. I think that is important because it provides for key bipartisanship and, hopefully, support.

This Dole substitute has the enthusiastic support of Republicans. There are already 50 cosponsors of the bill, and we had a chance to talk to the other four Republicans to have them look at the bill. But already 50 of the 54 Republicans have signed up as cosponsors of this legislation. We hope we will get even more support from the Republicans, and we trust that we will get solid support from our friends and colleagues across the aisle.

I am enthusiastic about the opportunity that we have to bring real fiscal discipline to the budget process. We are going to be able to go after tax pork. We are going to be able to go after spending pork. We will be able to go after and define those programs.

We are bringing accountability to the work that we do. We are going to have to come down here and do what the taxpayer expects us to do, state right up front what we are doing, what it is going to cost, where the money is going to be so we can make a judgment in terms of where we stand and in terms of spending dollars.

This will be the case until this is adopted. But previous to this, it has been easy to hide items in the massive bills. I am not pointing fingers at anybody. We are all guilty. We all know we need to change the way we do business.

So, Mr. President, I am pleased to join in this effort, to be a part of this effort. I look forward to debating this effort. Hopefully, before too long, we will be able to send a piece of legislation to the President after more than 130-some years which the Presidents have been calling for, Members have been striving for, and something that I think whose time has come. It is only five pages and one line long. As the majority leader indicated, it is not going to take a whole lot of time to read and understand this bill. It is not like a 1,500-page health bill that the President dropped and then changed on a number of occasions. It is only five pages and one line long. It embodies the principles and ideas that have been debated on this floor over and over and over. They have been offered by Republicans and by Democrats. Truly, it is now supported by the President of the United States, who is calling for the toughest possible measure. I think, on that basis, we can go forward and adopt something truly meaningful and make a real structural change that will make a difference in the way this Congress does business.

I yield the floor.

Mr. DOMENICI. Mr. President, I rise in support of the Republican compromise on the line-item veto. The distinguished majority leader, Senator DOLE, has put together an amendment that finds a middle ground on this issue. I anticipate that we will need cloture to get this measure passed and I hope there is sufficient support from the other side of the aisle to bring this bill to a vote.

There are many variants of the so-called line-item veto. I think it is unfortunate that many have focused on the differences between the two approaches that Senator MCCAIN and I have offered. Both the distinguished Senator from Arizona and I want to find a procedure to expand the President's ability to extract low-priority spending from legislation.

I want to spend just a moment and talk about Senator MCCAIN'S bill. I have consistently voted in favor of procedural motions to give Senator MCCAIN a vote on his enhanced rescission proposal. I made line-item veto legislation a priority for my committee and moved quickly to hold hearings and report Senator MCCAIN'S bill, S. 4. Had the Budget Committee not reported this bill, it would be subject to a point of order under the Budget Act. It would have taken 60 votes to waive this point of order. By the Budget Committee's action, this point of order does not lie against this legislation. That has not been the case in the past when Senator MCCAIN brought this legislation to the floor in the form of an amendment to another piece of legislation.

Mr. President, I support the objectives of Senator MCCAIN'S bill, but I felt the McCain bill shifted too much power over the budget to the President and focused too much attention on just the appropriated accounts, which—excluding defense—represents less than 20 percent of total spending.

There will be a lot of discussion about the Dole amendment on this bill, but I want to focus on just three major advantages of this amendment over the McCain enhanced rescission bill.

THE DOLE AMENDMENT PROVIDES A LESS CUMBERSOME PROCESS TO OVERTURN PRESIDENTIAL RESCISSIONS

The Dole amendment requires each spending item in legislation to be enrolled as a separate bill. If the President chose to veto one of these items, each of these vetoes would be returned to Congress separately for an override.

The McCain bill provided a much more cumbersome process for Congress to override a Presidential rescission. In order to overturn Presidential rescissions under the McCain bill, the Congress would have had to overcome two hurdles.

First, each House of Congress would have had to pass a bill disapproving all of the President's rescissions for an Appropriations Act within 20 days. Since the McCain bill prohibits amendments, the Congress would be stuck with an all-or-nothing proposition. Either vote to overturn all the President's rescissions for an Appropriations Act or let every one of the President's rescissions stand. More importantly, the McCain bill's procedure did not guarantee a vote on the disapproved bill.

Even if the Congress managed to pass the disapproval bill within the narrow timeframe established by the bill, the President would veto this disapproval resolution and Congress would have to overcome the second hurdle. Each House of Congress would have to override his veto with a two-thirds vote.

Under the McCain bill, this entire process, the passage of the disapproval bill and the override of the President's veto, had to be completed in 30 days. I doubt Congress could complete all of this action within these timeframes. The result would be that Congress would never even get a chance to vote on an override of a Presidential rescission. I believe this approach implicitly and in practical terms delegated too much power to the President.

The distinguished minority leader has raised some legitimate concerns about the enrolling process envisioned in the Dole amendment. Let me say there need not be more trees cut down than are already cut down for existing appropriations bills. The Dole amendment creates the same amount of paper as now. It just is handed to the President in smaller stacks.

THE DOLE AMENDMENT APPLIES TO ALL SPENDING

The Dole amendment applies to all new spending in legislation, not just appropriations legislation. In addition, it applies to any new, very narrow, targeted tax benefits in legislation.

A line-item veto on its own cannot balance the budget. None of the line-item veto bills apply to existing entitlement law, which is the clear culprit behind the deficit. Over the next 5 years, discretionary spending, that spending which is subject to the annual appropriations process, remains essentially unchanged. Entitlement spending explodes, growing by $334 billion, or 44 percent, over the next 5 years.

From a spending control perspective, the only portion of the budget that is under control is discretionary spending—spending that is subject to the annual appropriations process. A discretionary dollar cannot be spent unless it is approved by Congress. The Appropriations Committee must comply with caps that are enforced by 60 vote Budget Act points of order and MOB sequesters. Senator MCCAIN's bill only applied to appropriations bills and did not apply to new entitlement spending.

Entitlement spending under existing law, on the other hand, is on automatic pilot. There is no annual review required, no caps, and no enforcement mechanism to require a reduction in existing entitlement programs. We do have a pay-as-you-go enforcement scheme that requires any new entitlement legislation to be paid for. The Dole amendment builds on that scheme by giving the President the opportunity to veto new entitlement spending in legislation.

Congress has enacted major expansions in entitlement spending in recent years. For example, President Clinton's 1993 reconciliation bill included $25.4 billion in new entitlement spending on everything from food stamps to foreign language proficiency programs for customs officers. Under the Dole bill, this type of new entitlement spending would be enrolled separately and could be vetoed.

Mr. President, I have had trouble with the application of line-item vetoes to tax benefits. This concern stems primarily from how one defines the term "targeted tax benefits." On the other hand, I am very much aware that sometimes these items referred to as pork-barrel spending in an appropriations bill can similarly be found as pork-barrel tax benefits in a large tax bill.

The Dole amendment applies the separate enrollment discipline to those cases in which special interest provisions are tucked away in a tax bill. Under the Dole amendment, only very narrow targeted tax benefits, those provisions that benefit a defined group of taxpayers, would be subject to the separate enrollment procedures.

If a Senator does not believe that new entitlement spending or targeted tax benefits have been fully identified in a reported tax bill, the Dole amendment provides a means by which a Senator can challenge the bill. If the Senator's point of order is sustained, the relevant committee would have to fully flush out these provisions for separate enrollment before the bill would be in order.

THE DOLE AMENDMENT PROVIDES FOR CONGRESSIONAL REVIEW

The Dole amendment sunsets this authority in 2000. We do not know how these procedures will operate in practice. With this sunset date, after 4 years of experience, Congress will have the opportunity to review this new authority and its extension. If the President abuses the new powers we give him in this bill, Congress can address these abuses when the bill comes up for reauthorization in 2000.

Mr. President, I think we should strengthen the President's ability to extract low-priority funding from legislation, but I think we need to be careful not to unduly disrupt the balance of powers among the branches.

There is no greater power of a legislative body than the power over the purse. We should be careful how much authority over the budget we delegate to the President. James Madison said it best when he wrote in Federalist Paper No. 58:

> This power over the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people, for obtaining a redress of every grievance, and for carrying into effect every just and salutary measure.

I congratulate Senator DOLE. He has found an approach that significantly expands the President's authority over spending without unduly disrupting this delicate balance of power.

Mr. President, I believe when the Members of the U.S. Senate from the Democratic side of the aisle have thoroughly examined this amendment, they will be very hard pressed to oppose it. The minority leader suggests this evening that this is some kind of a surprise because it is a full substitute for the previously reported bill or bills. That may be the case technically, Mr. President and fellow Democrats. But the truth of the matter is that every provision in this has either been voted on by the U.S. Senate or discussed thoroughly in committee.

Let me just, as I tell you what is in the bill, make sure that everybody understands what happened with reference to those provisions heretofore.

First, this bill is built around conventional, ordinary vetoes that Presidents have had the authority to do forever. It is in the Constitution. They have authority to veto bills. All we are going to do herewith reference to appropriated accounts is say that we are going to offer appropriation bills in far more detail, with far more line items, so that the President can look at a very large bill, hundreds of pages, and find all of the items listed in the enrollment process and decide if he wants to veto some, none, or many. Just like he would veto any bill that comes before him that he does not like.

Those vetoes would come to us and in an expedited manner, we would vote "yes" or "no."

From that side of the aisle, Senators HOLLINGS, EXON, SIMON, CONRAD and ROBB—that I am certain of—have voted for this approach to line-item veto as members of the Budget Committee. When this approach came to the floor in the 1985 cycle, 58 Senators voted for it, which means at that point in the history of this Senate, there were more Democrats than Republicans, so I am certain to get to 58, a number of Democrats voted for it—the so-called Mattingly line-item veto.

Mr. President, there have been discussions from some Members on the other side who did not like the original versions of either the McCain bill or the Domenici bill, because essentially the President would package his entire rescission list and send the whole thing up here and say take it all or leave it all. Some Members on the other side of the aisle, and some on our side, had said that is unfair. We should be given an up-or-down vote on our item. Is it not interesting that that is precisely what we have come up with.

For those who believe that an item that they were for, that gets vetoed by the President in this ordinary veto manner, deserved the attention of the Senate on that item alone, because some Senators figured they might win it one item at a time, we have compromised and said, let us do it that way.

So for those Senators who think they may have some rather significant power for their project or their line item, they are going to get that presented freestanding. On the other hand, I might say, as a matter of process, that it is entirely possible that as we begin to work with this, we might ourselves, in a voluntary manner, package some of these so we would eliminate a lot of votes. But that would be strictly up to the U.S. Senate and the U.S. House.

Mr. President, that is one provision. I believe it is not new. I believe it has been thoroughly debated and voted on here, that it should come as no surprise and should not cause Members on the other side of the aisle who have regularly said they are for line-item or item veto; I do not think it should cause them too much difficulty in terms of comprehending it and making a decision rather quickly whether they are for or against it.

Second, the idea that we were limiting the scope of what could be vetoed to just the appropriated accounts, which is less than 20 percent, perhaps as low as 16 percent of the expenditures of our Government, that idea and what follows naturally from it, that you should try to expand it beyond that, is not new either. As a matter of fact, in the Budget Committee this year, the bill which I presented there had both new entitlements or mandatory expenditures and expanded ones, subject to a line-item veto. It did not pass there, but it was thoroughly debated and because there was not bipartisan support, it got left out of the bill. But it was discussed and it is clearly understood. Any Senator that wants to broaden the scope of how we might control unneeded expenditures will have no difficulty understanding it.

It has nothing to do with existing entitlements. Nobody should fear that. It will do nothing to existing programs that are mandatory in nature. But it says during the existence of this new line-item veto legislation, if you are going to put in new entitlements or expand existing ones, the committee of jurisdiction must do it separately and put it in a separate part of the bill, enumerate it as such, and then we are making it subject to a Presidential veto as a separate piece of legislation.

I do not believe anybody ought to be worried about that. It is not easy today under the rules of the Senate and budget rules to pass new entitlements anyway. But if you choose to, they will get caught up in a thorough debate of being isolated from the rest of a big bill and looked at separately and subject to veto separately. I might add, Mr. President, the way this bill is drafted, when a major piece of legislation comes to the floor on entitlements, if the committee of jurisdiction does not separate out into separate paragraphs new ones or expanded ones, it is subject to a point of order here. A Senator can raise the issue and say let us send it back to the committee until they isolate it so it may be looked at under the fine microscope of a potential line-item veto. I do not see anything wrong with that.

I believe if we are really worried about deficits and unnecessary spending, we ought to do that. Mr. President, there will be some on the other side of the aisle and perhaps some on this side who would say we are not for including entitlements unless you include tax breaks that are targeted and of special interest. I am not now speaking about tax law changes of general application. I am not speaking of capital gains, of a rate decrease for everyone. I am not speaking of those that apply to a large group of people.

What we are talking about is tax breaks for a small group of people where they are being treated differently than the rest of the class that they belong to. So that if you separated out a business, but did not cover all businesses, or you separated out a company, but not companies, those kind of tax breaks are going to be subject to the exact same rules that I just defined for entitlements.

A tax bill will have to separate them out, put them in separate paragraphs, so they can also be looked at with a microscope, with the prospect of, are they really needed in the national interest or, if they are special interests, are they of such significant special interest that the President should not veto them? I believe that offers the right kind of balance.

And I might suggest for those on the other side wondering what kind of bill have we wrought here tonight, we have voted on the floor of the Senate for tax expenditure inclusion within a line-item veto. In fact, Senator BRADLEY offered it. I do not know its scope, but it is not new. I do not remember precisely its scope, but my recollection is it passed. We voted on it.

And, yes, Mr. President, the Budget Committee deliberated and discussed it. Why do I know that? Because it, too, was in the alternative approach to the line-item veto that I had. So it is not new either.

If there are some who want to discuss the language and how we interpret it and can we make it more precise, obviously that is what the Senate floor and the amendment process is all about. And that provision is subject to some discussion. But I might say, for everyone that wants to broaden the scope of that, there are some who want to make it more narrow. For there are some on this side of the aisle and some on the other who do not think raising taxes is really the solution to fiscal responsibility and budget soundness.

So, this, too, is a compromise, trying to make it targeted, special interest tax breaks. And when you add that together, you have a much more powerful, much more powerful, approach to the effectiveness of a President's pen in vetoing, in an item manner, all of the things that affect the budget and the budget deficit that are of special interest or expansive in terms of increasing our deficit.

And then, last but not least, there have been some who question whether this will all work out. Are we giving Presidents, whether it is this version or other versions, too much power? We have something that ought to be taken into consideration by that kind of Senator with that kind of concern also. Because there are many of us who are not sure precisely how an item veto is going to work, even the one we have offered here on the floor. So what we have done is we have provided that this law will sunset in the year 2000. That means we will try it. We will look at it. We will observe it. And come the year 2000—that is not too many years away—we will see whether it has worked. Has it been abused? Are there loopholes in it? Is it too inclusive?

And we can pass a new one or deny Presidents in the future this authority based upon the fact that it has not worked, it has taken away too much, or it has given the President too much bargaining power, whatever the case may be.

Now some may say, "Why do you need to do that?" Remember, if we do not have that in here, then if we want to change it in the future, we have to change it in accordance with the President's desire, because, obviously, he would veto changes that he did not want and we would be stuck with two-thirds to pass changes because we would have to override a veto.

So we have solved that problem. We will try it for a long enough period of time to make sure that it has really been given an opportunity to work and then we will trust the legislators and Presidents to decide precisely what they want to do about it after that period from now until the year 2000.

So, essentially, I say to those on the other side of the aisle, and I say this with all sincerity, I hope they will look carefully at this before they decide to try to defeat it by filibuster. Obviously, it is subject to amendment. And nobody on our side that has worked diligently to get this bill to this stage thinks that there is nothing that ought to be changed and there is nothing to talk about.

But I believe this is as close as we will ever get to a fair line-item veto that has a chance of working and that is broader than we originally conceived but fair in that respect. It is fair and will be used fairly, we hope.

So the ball is in the Democrats' court and in the President's court. Clearly, I do not think the President's support today was as specific as I hoped. But maybe by tomorrow he will support this bill.

But I will suggest that if there are some who think that the old bill which I had introduced should be revisited and perhaps the President supports it, let me set that one aside. At the National League of Cities, the President answered very different than his staff did in our Budget Committee where he said he would take either one. The President answered before the mayors and councilmen of America that he wanted the McCain amendment. So it seems to me that he wants a real veto. And that is what we have here.

While not the McCain amendment in its original form, all the changes I have described to bring many Senators on board and make it fairer and the 2000 sunset which makes it more palatable to others, but the basic philosophy seems to me to be what the President said he wanted.

So I only hope that within the next 48 hours or 72 hours, we will get a real answer. Are they for it or not? Do they want the line-item veto or not? Does the President want it or not? And I do not think it is going to take a long time for everybody to find out whether they do or do not.

I wish to thank the Republicans on our side who helped put this together. I think it is a very good piece of legislative work and it deserves to be passed. Let us hope in a few days we will give the American people the benefit of this, go to the House and give the President a line-item veto as prescribed here. I think we will all be the better for it, and the people will get what the overwhelming majority think we really ought to do as far as fiscal responsibility and not passing things that are truly not needed by the people of this country.

I thank the Senator for yielding and I yield the floor

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank again the Senator from New Mexico whose invaluable assistance made this possible. I look forward as he fights the battle of the budget, as he brings forth within a month or two a budget that will really implement many of the savings that are absolutely necessary if we are able to achieve fiscal responsibility.

Mr. President, I intend to be relatively brief. I appreciate the remarks of the distinguished Democratic leader. I would say that this is not a new issue. This bill was introduced in the 99th Congress. Hearings were held in the committee and, as we know, the motion to proceed was filibustered. Fifty-three Members of the Senate who are here today, a majority of them were here then. This same legislation, as far as enrolled items is concerned, has been reintroduced every Congress since then. In 1990, on July 25, when the Senate was controlled by the other side, the Budget Committee favorably reported this bill. And, finally, during the 103d Congress, the Senate voted on a sense-of-the-Senate regarding this issue. So, it is not exactly a new issue.

On the subject of not being able to be consulted on bills that come up, I might remind my colleagues that this legislation—health care legislation—was introduced without hearing and without consultation with this side of the aisle just last year during the health care debate. It was known as Mitchell 3, not to be confused with Mitchell 1 and Mitchell 2, which was somewhat smaller.

Mr. President, I would suggest that an argument could be made—this being Mitchell 3 and this being the bill considered before us, five pages and one additional line—that there is a significant difference between Members trying to understand Mitchell 3, which I believe was 1,400-some pages, versus this legislation, which is five pages and one sentence in its entirety.

So I hope that my colleagues will have plenty of time to read and digest this particular five-page legislation. I hope we will be able to have a spirited but relatively brief debate so we can move on to other issues.

Finally, Mr. President, I would like to point out one fact that is true, that is absolutely true: This is a shift in power. This is a fundamental change in the way that our Government does business.

Have no doubt as to the seriousness of this issue. This will allow the President of the United States, fundamentally, to veto not only an appropriations bill but also a tax bill, increase entitlement or new entitlement. It does shift that power.

I believe that there is every opportunity for this power to be misused from time to time. I also believe, Mr. President, that a $5.2 trillion deficit debt which is projected for next year is something that is unacceptable. We need to give back to the executive branch enough power so that we can exercise fiscal discipline, which we have been unable to do in the last 21 years since the Budget Impoundment Act was passed in 1974.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I just want to speak in favor of this bill. I am very pleased that all of the parties have come together. I want to compliment the Senator from Arizona who is on the floor now, along with the Senator from Indiana, Senator COATS, and Senator DOLE, the majority leader, for bringing everyone together and talking about this very important issue.

We failed to pass the balanced budget amendment a few weeks ago. It was a great disappointment to many of us because we felt that the balanced budget amendment would force Congress not only now but future Congresses that will meet to make sure they never spend our children's money and our grandchildren's money.

We did not pass that, but I do think there is a firm resolve among a majority of Members that we should balance the budget. One of the key tools to balancing a budget, to bringing spending under control is the line-item veto. This is a bill that will affect Democrats and Republicans alike. It is something that we ought to all come together to do, and that is to say that the President should have the right to look in a bill and determine what the priorities might be. I think the President should have a right to veto a bill without shutting down three agencies of Government, which is what the President would have to do now.

If Congress disagrees with the President's judgment, we have the ability to overturn the President, as we would overturn any veto. I think that is the right approach. I think the Senators have done a superior job to give us the tools we need to balance this budget. Even though we do not have a balanced budget amendment, we can balance the budget if we have resolve. The way to do that is to pass the line-item veto.

So I hope that all of us will put our party aside and say, "If we are going to be serious about balancing the budget of our country and doing what is right, we have to have all the tools available in the parliamentary process to do that.'' One of the most important is the line-item veto.

So I commend my colleagues who have worked on this. Senator MCCAIN has worked on this for years, years and years. He has been very patient. He is not necessarily known for his patience but, in fact, his patience in this is going to prevail, I think, and we are going to back him up. We are going to back up the majority leader. We are going to make sure that nothing keeps the Senate from doing what is right.

They have come up with a bill that is the right approach, and I commend them for it. I will be here supporting them in every way that I can.

Thank you, Mr. President. I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I want to thank the Senator from Texas, an old and dear friend who I had the privilege of campaigning with across the State of Texas on several occasions.

The Senator from Texas promised the people of Texas that she would do everything in her power to get our financial house in order in Washington. She has been dedicated to that proposition. Her entire career in public service has been dedicated to that proposition. I am very appreciative that she should lend her support or advice and counsel on this very important issue.

So I want to extend my appreciation to the Senator from Texas, and also I know she will be very active in the next few days as we debate this issue. I thank the Senator.

CLOTURE MOTION

Mr. MCCAIN. Mr. President, I send to the desk a motion to invoke cloture.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators in accordance with the provisions of rule XXII of the Standing Rules of the Senate do hereby move to bring to a close debate on the Dole substitute amendment to S. 4, a bill to grant the power to the President to reduce budget authority:

Bob Dole, Trent Lott, Dan Coats, Slade Gorton, R.F. Bennett, John McCain, Ted Stevens, James Inhofe, Mike DeWine, John Ashcroft, Craig Thomas, Bob Smith, Alfonse D'Amato, Mitch McConnell, Larry Pressler, Don Nickles, Pete V. Domenici.

MORNING BUSINESS

Mr. MCCAIN. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE UNITED STATES-RUSSIAN SUMMIT MEETING

Mr. HELMS. Mr. President, President Clinton's decision to attend a summit meeting in Moscow in May is the latest in a series of ill-advised foreign policy actions that have been set-backs for U.S. leadership in world affairs. This one will be perceived as an implicit show of support for the policies of the Russian Government. It will be interpreted as an endorsement of: First, Russian aggression in Chechnya; second, nuclear sales to Iran; and third, meddling by Russian agents in the affairs of former Soviet Republics.

Two months ago, I had the privilege of meeting with Elena Bonner, a longtime acquaintance and courageous fighter against the tyranny of the Soviet Union during the darkest days of the cold war. Mrs. Bonner paid a much higher price than most in battling the Soviet Government. As the wife and partner of the late Andrei Sakharov she was severely harassed for years, and exiled under house arrest in a provincial Russian city. This brave lady bore the grief of watching the stress and turmoil of Soviet oppression that inflicted an early end to the life of her husband before what would have been his crowning moment—the collapse of the Soviet Union.

So why, Mr. President, was Mrs. Bonner in Washington? She came on short notice because decency demanded it. She was here to criticize the policy of the United States which has virtually ignored a degree of repression and violation of human rights in Russia that is without precedent since the time of Josef Stalin. As Mrs. Bonner recounted for me the violence and devastation in Chechnya I came to the conclusion that not only are the internal policies of the Russian Government out of control, but that United States policy toward Russia has completely lost its bearings.

Recently President Yeltsin shook the Clinton administration with his threat to renew the cold war under the guise of a cold peace. Any astute observer would have already heard this message in the many negative actions of the Russian Government before and since that threat.

Two weeks ago a spokesman for the Russian Government publicly warned President Clinton of the dire results if the President canceled the Moscow summit. The summit meeting is set to coincide with the 50th anniversary of the Russian victory over Germany in World War II. If the President canceled his visit—so goes the logic of the Russian Government—the Russians would be reminded that American forces refused to open a second front against Germany early in World War II.

Mr. President, this revisionist history comes directly from the Stalin era. According to Stalin, the United States let Russia bear the brunt of the German assault in World War II while dallying elsewhere. This lie, perpetuated by Stalin to cover his own complicity for devastating Russian casualties in World War II, and to deny his profane agreement with Adolf Hitler to conquer and divide Europe, has been refuted by every post-war United States administration until now. Unbelievably, the Clinton administration has not only failed to condemn this historical lie, they have agreed to commemorate it in Moscow.

If President Clinton wished to truly celebrate the 50th anniversary of victory over Germany perhaps he should go to Warsaw, where the Red Army patiently waited to press its offensive until Nazi forces exterminated the Polish anti-Communist resistance fighters. The President could visit the Baltic Nations to remember the 50-year Soviet occupation put in place by the Molotov-Ribbentrop Pact.

A Russian politician recently visiting the Foreign Relations Committee reminisced about the talent of past American Presidents in conveying a sense of warmth to the Russian people while simultaneously maintaining a principled stand against the nondemocratic Soviet Government. Through diplomacy, communications such as Radio Free Europe, and public condemnation when necessary, the United States maintained a constant pressure on the Soviet Government to respond to the interests of its own people. This message was clearly understood by the Russian people, and it won the United States the deserved reputation as a defender of their liberty. By agreeing to go to Moscow while the war rages on in Chechnya President Clinton has done great damage to that hard earned reputation.

The muted response from the United States Government to the disaster in Chechnya is in direct conflict to numerous Russian politicians with unimpeachable and consistent pro-reform credentials who oppose President Yeltsin's policy. We have failed to support the reformers in Russia. I would even argue that we have failed to support the good people of Russia—who stand 4 to 1 against this terrible civil war. Ultimately, however, we have failed ourselves. How has the U.S. Government strayed so far the principles of its people?

Mr. President, President Clinton's decision to attend hold this summit is a mistake. I regret that the President and his advisors declined to reconsider it when some of us pleaded that he not go.

HAPPY BIRTHDAY TO MOYA OLSEN LEAR

Mr. REID. Mr. President, I take this opportunity to recognize the 80th birthday of a truly remarkable Nevadan, Moya Olsen Lear. She is a bright, determined, outgoing woman, for whom I have great admiration and respect. I wish her a very happy birthday.

Moya Lear is an inspiration to all who know her. She has taught those around her that perseverance and hard work are the most effective avenues to success. After the death of her husband Bill, Moya took over as chairman of the LearAvia Corp. and led the company to outstanding prosperity.

One of her best known business accomplishments was the completion of the Lear Fan aircraft, a longtime dream and project of her husband. She vowed to get the Lear Fan flying before 1981. Moya overcame significant funding difficulties, and on December 3, 1980 she fulfilled her promise and christened the first flight of the Lear Fan aircraft.

Her energetic, honest approach to business is coveted by universities and corporations throughout the United States. Moya maintains a busy schedule speaking to future business people across the country.

Some of my fondest memories are the hours I spent with Bill at his Stead office and with Bill and Moya at their beautiful home on the Truckee River. Moya has always been, of course, a most generous host. Her ability to make people comfortable and happy needs to be saluted.

Again, I wish Moya a very happy birthday.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES!

Mr. HELMS. Mr. President, for about 3 years I have been making daily reports to the Senate regarding the exact Federal debt as of the previous day.

We must pray that this year, Federal spending will finally begin to be reduced. Indeed, if we care about America's future, Congress simply must face up to its responsibility to balance the Federal budget.

As of the close of business Friday, March 17, the Federal debt stood—down to the penny—at $4,841,551,787,157.03, meaning that on a per capita basis, every man woman, and child in America owes $18,378.61 as his or her share of the Federal debt.

It's important to note, Mr. President, that the United States had an opportunity to begin controlling the Federal debt by implementing a balanced budget amendment to the Constitution. Unfortunately, the Senate did not seize their first opportunity to control this debt—but rest assured they will have another chance during the 104th Congress.

If the Senate does not concentrate on getting a handle on this enormous debt, their constituents are not likely to overlook it 2 years hence.

REPORT OF THE DESIGNATION OF THE WEST BANK AND GAZA STRIP AS A BENEFICIARY OF THE GENERALIZED SYSTEM OF PREFERENCES—MESSAGES FROM THE PRESIDENT RECEIVED DURING THE RECESS—PM 34

Under the authority of the order of January 4, 1995, the Secretary of the Senate, on March 17, 1995, during the recess of the Senate, received the following message from the President of the United States, together with accompanying papers; which were referred to the Committee on Finance:

To the Congress of the United States:

I am writing to inform you of my intent to designate the West Bank and Gaza Strip as a beneficiary of the Generalized System of Preferences (GSP). The GSP program, which offers duty-free access to the U.S. market, was originally authorized by the Trade Act of 1974.

I have carefully considered the criteria identified in sections 501 and 502 of the Trade Act of 1974. In light of these criteria, I have determined that it is appropriate to extend GSP benefits to the West Bank and Gaza Strip.

This notice is submitted in accordance with section 502(a)(1) of the Trade Act of 1974.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 17, 1995.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-577. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1994; to the Committee on the Judiciary.

EC-578. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1994; to the Committee on the Judiciary.

EC-579. A communication from the Acting Director (Office of Legislative and Public Affairs), National Science Foundation, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1994; to the Committee on the Judiciary.

EC-580. A communication from the Vice President and General Counsel of the Overseas Private Investment Corporation, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1994; to the Committee on the Judiciary.

EC-581. A communication from the Chairman of the National Endowment For the Humanities, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1994; to the Committee on the Judiciary.

EC-582. A communication from the Director of the Office of Government Ethics, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1994; to the Committee on the Judiciary.

EC-583. A communication from the Director of Operations, Department of the Interior, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1994; to the Committee on the Judiciary.

EC-584. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1994; to the Committee on the Judiciary.

EC-585. A communication from the National Endowment for Democracy, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1994; to the Committee on the Judiciary.

EC-586. A communication from the Executive Director of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1994; to the Committee on the Judiciary.

EC-587. A communication from the Freedom of Information Act Officer, International Boundary and Water Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1994; to the Committee on the Judiciary.

EC-588. A communication from the Director (Government Relations), Girl Scouts of the U.S.A., transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1994; to the Committee on the Judiciary.

EC-589. A communication from the General Counsel of the Legal Services Corporation, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1994; to the Committee on the Judiciary.

EC-590. A communication from the Chairman of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1994; to the Committee on the Judiciary.

EC-591. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1994; to the Committee on the Judiciary.

EC-592. A communication from the Chairman of the U.S. Sentencing Commission, transmitting, pursuant to law, the report on sentencing issues; to the Committee on the Judiciary.

EC-593. A communication from the Chairperson of the Appraisal Subcommittee, Federal Financial Institutions Examination Council, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1994; to the Committee on the Judiciary.

EC-594. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1994; to the Committee on the Judiciary.

EC-595. A communication from the Special Assistant to the President for Management and Administration and Director of the Office of Administration, Executive Office of the President, transmitting, pursuant to law, the Office's 1994 report under the Freedom of Information Act; to the Committee on the Judiciary.

EC–596. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the Commission's 1994 annual report under the Freedom of Information Act; to the Committee on the Judiciary.

EC–597. A communication from the Director of the U.S. Trade and Development Agency, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1994; to the Committee on the Judiciary.

EC–598. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1994; to the Committee on the Judiciary.

EC–599. A communication from the Director of the Office of Science and Technology Policy, Executive Office of the President, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1994; to the Committee on the Judiciary.

EC–600. A communication from the Executive Director of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1994; to the Committee on the Judiciary.

EC–601. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1994; to the Committee on the Judiciary.

EC–602. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1994; to the Committee on the Judiciary.

EC–603. A communication from the Chairman of the Federal Deposit Insurance Corporation, transmitting, pursuant to law, the 1994 annual report of the Corporation under the Freedom of Information Act; to the Committee on the Judiciary.

EC–604. A communication from the Assistant Secretary of State for Legislative Affairs, transmitting, pursuant to law, a report relative to international narcotics control; to the Committee on the Judiciary.

EC–605. A communication from the Chairman of the National Endowment for the Arts, transmitting, pursuant to law, the 1994 report of the Endowment under the Freedom of Information Act; to the Committee on the Judiciary.

EC–606. A communication from the Director of the U.S. Information Agency, transmitting, pursuant to law, the Agency's 1994 annual report under the Freedom of Information Act; to the Committee on the Judiciary.

EC–607. A communication from the Members of the Railroad Retirement Board, transmitting, pursuant to law, the Board's 1994 annual report under the Freedom of Information Act; to the Committee on the Judiciary.

EC–608. A communication from the Assistant Secretary of the Treasury (Management), transmitting, pursuant to law, the 1994 annual report of the Department under the Freedom of Information Act; to the Committee on the Judiciary.

EC–609. A communication from the Director of the Office of Communications of the Department of Agriculture, transmitting, pursuant to law, the 1994 annual report of the Department under the Freedom of Information Act; to the Committee on the Judiciary.

EC–610. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, the 1994 annual report of the Bank under the Freedom of Information Act; to the Committee on the Judiciary.

EC–611. A communication from the Chairman of the U.S. Sentencing Commission, transmitting, pursuant to law, a report relative to cocaine and Federal sentencing policy; to the Committee on Judiciary.

EC–612. A communication from the Chair of the Federal Labor Relations Authority, transmitting, pursuant to law, the 1994 annual report under the Freedom of Information Act; to the Committee on the Judiciary.

EC–613. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report on rescissions and deferrals dated February 1, 1995; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Finance, and to the Committee on Foreign Relations.

EC–614. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals for fiscal year 1995; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Banking, Housing, and Urban Affairs, to the Committee on Commerce, Science, and Transportation, to the Committee on Environment and Public Works, to the Committee on Finance, to the Committee on Foreign Relations, to the Committee on Labor and Human Resources, and to the Committee on Small Business.

EC–615. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's annual report relative to railroad financial assistance; to the Committee on Commerce, Science and Transportation.

EC–616. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report on foreign direct investment; to the Committee on Commerce, Science and Transportation.

EC–617. A communication from the Administrator of the National Aeronautics and Space Adiministration, transmitting, pursuant to law, a report relative to all actions taken during calendar year 1994 which involve actual or potential cost in excess of $50,000; to the Committee on Commerce, Science and Transportation.

EC–618. A communication from the Comptroller of the Currency, transmitting, pursuant to law, the 1994 annual report of consumer complaints filed against national banks; to the Committee on Commerce, Science and Transportation.

EC–619. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation to authorize appropriations for pipeline safety for fiscal years 1996, 1997, 1998, and 1999, and for other purposes; to the Committee on Commerce, Science and Transportation.

EC–620. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's annual report relative to pipleine safety for fiscal year 1992; to the Committee on Commerce, Science and Transportation.

EC–621. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on the state energy conservation program for fiscal year 1993; to the Committee on Energy and Natural Resources.

EC–622. A communication from the Secretary of Energy, transmitting, pursuant to law, the Department's annual report on the automotive technology development program; to the Committee on Energy and Natural Resources.

EC–623. A communication from the Deputy Associate Director for Compliance, Department of the Interior, transmitting, pursuant to law, a report relative to refunds of offshore lease revenues where a refund or recoupment is necessary; to the Committee on Energy and Natural Resources.

EC–624. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to coal research; to the Committee on Energy and Natural Resources.

EC–625. A communication from the President and Chief Executive Officer of the U.S. Enrichment Corporation, transmitting, pursuant to law, the Corporation's annual report for fiscal year 1994; to the Committee on Energy and Natural Resources.

EC–626. A communication from the Commissioner, Bureau of Reclamation, Department of the Interior, transmitting a draft of proposed legislation to amend the Trinity River Basin Fish and Wildlife Management Act of 1984, and for other purposes; to the Committee on Environment and Public Works.

EC–627. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting a draft of proposed legislation to authorize appropriations for the Nuclear Regulatory Commission for fiscal years 1996 and 1997 and for other purposes; to the Committee on Environment and Public Works.

EC–628. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a report relative to three U.S. courthouses; to the Committee on Environment and Public Works.

EC–629. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to reduce costs and make improvements in the Medicare program, and for other purposes; to the Committee on Finance.

EC–630. A communication from the Chairman of the Board for International Broadcasting, transmitting, pursuant to law, the Board's annual report on its activities for fiscal year 1994; to the Committee on Foreign Relations.

EC–631. A communication from the Assistant Secretary of State for Legislative Affairs, transmitting, pursuant to law, a report relative to the Nonproliferation Disarmament Fund; to the Committee on Foreign Relations.

EC–632. A communication from the Director of the U.S. Arms Control and Disarmament Agency, transmitting a draft of proposed legislation to amend the Arms Control and Disarmament Act to authorize appropriations for fiscal years 1996 and 1997; to the Committee on Foreign Relations.

EC–633. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the text of international agreements other than treaties entered into by the United States in the sixty day period prior to March 9, 1995; to the Committee on Foreign Relations.

EC–634. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting a draft of proposed legislation to provide for the adjudication of certain claims against the Government of Iraq; to the Committee on Foreign Relations.

EC–635. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the Commission's annual report under the Government in the Sunshine Act for calendar year 1994; to the Committee on Governmental Affairs.

EC–636. A communication from the Inspector General of the General Services Administration, transmitting, pursuant to law, an audit of the Thomas Jefferson Commission; to the Committee on Governmental Affairs.

EC–637. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a copy of D.C. Act 11–26 enacted by the Council on February 7, 1995; to the Committee on Governmental Affairs.

EC–638. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a copy of D.C. Act 11–27 enacted by the Council on February 7, 1995; to the Committee on Governmental Affairs.

EC–639. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a copy of D.C. Act 11–28 enacted by the Council on February 7, 1995; to the Committee on Governmental Affairs.

EC–640. A communication from the Executive Director of the National Capital Planning Commission, transmitting, pursuant to law, the annual report of the Inspector General; to the Committee on Governmental Affairs.

EC–641. A communication from the President of Inter-American Foundation, transmitting, pursuant to law, the annual report of the Inspector General for fiscal year 1994; to the Committee on Governmental Affairs.

EC–642. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the fiscal year 1993 report required under the Indian Civil Service Retirement Act 1993; to the Committee on Governmental Affairs.

EC–643. A communication from the Director, Office of Financial Management, General Accounting Office, transmitting, pursuant to law, the 1994 annual report of the Comptrollers General Retirement System; to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. D'AMATO (for himself and Mr. PRESSLER):

S. 578. A bill to limit assistance for Turkey under the Foreign Assistance Act of 1961 and the Arms Export Control Act until that country complies with certain human rights standards; to the Committee on Foreign Relations.

By Mr. BREAUX (for himself and Mr. BROWN):

S. 579. A bill to amend the JOBS program in title IV of the Social Security Act to provide for a job placement voucher program, and for other purposes; to the Committee on Finance.

By Mr. MURKOWSKI (for himself, Mr. ROBB, Mr. HELMS, Mr. SIMON, and Mr. THOMAS):

S.J. Res. 29. A joint resolution expressing the sense of Congress with respect to North-South dialogue on the Korean Peninsula and the United States-North Korea Agreed Framework; to the Committee on Foreign Relations.

By Mr. MOYNIHAN (for himself, Mr. COCHRAN, and Mr. SIMPSON):

S.J. Res. 30. A joint resolution providing for the reappointment of Homer Alfred Neal as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. D'AMATO (for himself and Mr. PRESSLER):

S. 578. A bill to limit assistance for Turkey under the Foreign Assistance Act of 1961 and the Arms Export Control Act until that country complies with certain human rights standards; to the Committee on Foreign Relations.

TURKISH HUMAN RIGHTS COMPLIANCE ACT

Mr. D'AMATO. Mr. President, I rise today to introduce legislation which will help restore credibility to our foreign assistance program by ensuring that one of the largest recipients of United States aid, the Republic of Turkey, adheres to internationally accepted standards for human rights and humanitarian practices.

The time has come, after years of fruitless quiet diplomacy, for the Congress to take the lead in addressing a broad range of issues dealing with Turkey, including its worsening human rights record, its continued blockade of humanitarian supplies to Armenia, its refusal to work toward a lasting and equitable settlement in Cyprus, its denial of basic rights to its Kurdish minority, and its continued persecution of Christian communities in Turkey. The hundreds of millions of dollars that the United States sends to Turkey each year provides us with the necessary leverage to bring about positive change in each of these five areas.

In each of these areas, Turkey has consistently violated international treaties and agreements to which it is a signatory. Among these are the U.N. Universal Declaration of Human Rights, the final act of the Conference on Security and Cooperation in Europe, and the European Convention on Human Rights.

The Congress, in the fiscal year 1995 foreign aid bill, withheld 10 percent of the principal amount of direct loans for Turkey based on its human rights record and the situation in Cyprus. The Turkish Government has spoken clearly on this issue—they will reject any United States aid tied to its human rights record. While the de-linking of United States assistance and human rights may be in the interests of the Turkish Government, it is surely not in the interest of the United States or the international community. It is clear, given the Turkish Government's response, that we must move beyond symbolism and fundamentally reassess our relationship with Turkey.

On the question of human rights, we need only to look at the State Department's recently released 1995 country reports on human rights, to see that years and even decades of behind the scenes efforts by the State Department have not produced any improvement in the human rights situation in Turkey. This report concludes, in fact, that "the human rights situation in Turkey worsened significantly in 1994."

Mr. President, the full spectrum of human rights monitoring organizations have condemned Turkey for its systematic and widespread abuse of human rights, including the use of torture. Amnesty International, Human Rights Watch, the U.N. Committee Against Torture, the European Parliament, the International Human Rights Law Group, the Lawyers Committee for Human Rights, Physicians Without Frontiers, Freedom House, the humanitarian law project, the Turkish Human Rights Association, and other organizations have documented the deteriorating human rights situation in Turkey.

My legislation would link the level of United States assistance to Turkey's willingness to allow free and unfettered monitoring of the human rights environment within its territory by domestic and international human rights monitoring organizations. Among the groups which have been denied full access in the past are the Turkish Human Rights Association, the Conference on Security and Cooperation in Europe, Amnesty International, and Human Rights Watch.

I would like to address Kurdish rights, or lack thereof. Nowhere is the case for cutting aid to Turkey more compelling than on the question of the Kurds. To this day, Turkey continues to deny the very existence of its 15 million Kurdish citizens. The Turkish military has systematically emptied over 2,000 Kurdish villages and uprooted over a million Kurdish citizens from their homes. The Turkish Government's systematic and deliberate eradication of the Kurdish identity within its borders is, in many ways, a high-technology version of the massacres and deportations of the Armenian genocide earlier this century.

If Turkey is to continue benefiting from the generosity of the American taxpayer, it must take demonstrable steps toward the full recognition of the civil, cultural, and human rights of its Kurdish civilians and demonstrate that it will resolve the Kurdish question peacefully.

Important too is the question of Cyprus which remains unresolved more than 20 years after Turkey's illegal 1974 invasion of the island nation. Despite countless U.N. resolutions and international agreements, Turkey continues its illegal military occupation and has obstructed efforts toward a peaceful settlement. The division of the island and the massive uprooting of Greek Cypriots caused by the 1974 invasion remain a constant reminder of the failure of the international community to enforce a lasting and equitable resolution to the conflict.

The Turkish Government must take demonstrable steps toward the total withdrawal of its military forces from Cyprus. In addition, Turkey must demonstrate its support for a settlement recognizing the sovereignty and territorial integrity of Cyprus with a constitutional democracy based on majority rule, the rule of law and the protection of minority rights.

Mr. President, I must state that the failure of quiet diplomacy on the part of the State Department is nowhere more apparent than in its failure to lift the Turkish blockade of humanitarian aid to Armenia. In violation of international law and in defiance of the United Nations, Turkey continues to blockade its border with Armenia. For close to 2 years, the Turkish Government has refused to allow desperately needed United States and other international assistance reach the people of Armenia. Unable to cross Turkish territory or transit its airspace, relief supplies have been re-rerouted through Georgia, where due to widespread instability, large portions of the aid has been either lost or stolen.

The United States simply can not tolerate the obstruction of its humanitarian relief efforts by another recipient of its foreign aid. Until the blockade is lifted, the provisions in this bill cutting the level of United States assistance to Turkey would be in force.

The Turkish Government continues to place prohibitive restrictions on the Christian communities within Turkey. Among the communities which have suffered from official persecution are the Armenians, Greeks, Syrian Orthodox, and the Assyrians. The religious leaderships of these communities, in particular, have been subject to official restrictions which significantly limit their ability to serve their people. In addition, the Turkish Government has failed to adequately protect them from acts of violence and vandalism.

The United States must ensure that Turkey lifts any official restrictions on Christian churches and schools and offers sufficient protection against acts of violence and harassment against the clergy and vandalism against church and school property.

The Turkish Government must understand that the United States will not continue to subsidize its illegal and irresponsible conduct. By withholding $500,000 a day in our assistance until they have taken steps toward resolving each of the five issues I have just addressed, we will send the Turkish leadership a clear signal that our foreign assistance programs will not extend aid to those nations which regularly violate human rights and international law.

Mr. President, I ask unanimous consent that the text of the bill and an article be printed in the RECORD.

There being no objections, the material was ordered to be printed in the RECORD, as follows:

S. 578

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Turkish Human Rights Compliance Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The Department of State, in its 1995 report entitled "Country Reports on Human Rights", documented a systematic and widespread pattern of human rights abuses by the Government of Turkey. According to the portion of the report relating to Turkey, "the human rights situation in Turkey worsened significantly in 1994".

(2) Amnesty International, Human Rights Watch, the United Nations Committee Against Torture, the European Parliament, the International Human Rights Law Group, the Lawyers Committee for Human Rights, Physicians Without Frontiers, Freedom House, the Humanitarian Law Project, the Turkish Human Rights Associations, and other human rights monitoring organizations have documented extensive and continuing human rights abuses by the Government of Turkey, including the widespread use of torture.

(3) The actions of the Government of Turkey are in violation of several international human rights agreements to which Turkey is a party, including the United Nations Universal Declaration of Human Rights, the Final Act of the Conference on Security and Cooperation in Europe, and the European Convention on Human Rights.

(4) The Government of Turkey continues to deny the existence of its 15,000,000 Kurdish citizens and has used military force to deny them an identity, destroying more than 2,000 Kurdish villages and uprooting more than 2,000,000 Kurds.

(5) Turkey continues its illegal military occupation of Cyprus and has obstructed efforts to reach a just and lasting resolution to the division of Cyprus and the massive uprooting of Greek Cypriots caused by the 1974 invasion by Turkey of Cyprus.

(6) The Government of Turkey continues to blockade Armenia, obstructing the delivery of American and international humanitarian relief supplies.

(7) Turkey continues to place prohibitive restrictions on the religious leadership of Christian communities within Turkey and has failed to protect these communities adequately from acts of violence and vandalism.

(8) The Congress, in the fiscal year 1995 budget for foreign assistance, withheld 10 percent of the principal amount of direct loans to Turkey because of that country's human rights record and the situation in Cyprus. The Government of Turkey has stated that it would reject any United States assistance tied to its human rights record, which, according to independent human rights monitoring organizations, has continued to deteriorate.

SEC. 3. RESTRICTIONS ON ASSISTANCE FOR TURKEY.

(a) RESTRICTIONS.—Of the funds made available for fiscal year 1996 for assistance for Turkey under the Foreign Assistance Act of 1961 and the Arms Export Control Act, the President shall withhold, first from grant assistance, if any, and then from loan assistance, $500,000 for each day that Turkey does not meet the conditions of section 4.

(b) WAIVER.—The President may waive the application of subsection (a) if the President determines that it is in the national security interest of the United States to do so.

SEC. 4. CONDITIONS.

The conditions of this section are met when the President certifies to Congress that the Government of Turkey—

(1) allows free and unfettered monitoring of the human rights situation within its territory by domestic and international human rights monitoring organizations, including but not limited to, the Turkish Human Rights Association, the Conference on Security and Cooperation in Europe, Amnesty International, and Human Rights Watch;

(2) recognizes the civil, cultural, and human rights of its Kurdish citizens, ceases its military operations against Kurdish civilians, and takes demonstrable steps toward a peaceful resolution of the Kurdish issue;

(3) takes demonstrable steps toward the total withdrawal of its military forces from Cyprus and demonstrates its support for a settlement recognizing the sovereignty, independence, and territorial integrity of Cyprus, with a constitutional democracy based on majority rule, the rule of law, and the protection of minority rights;

(4) completely removes its blockade of United States and international assistance to Armenia; and

(5) removes official restrictions on Christian churches and schools and offers sufficient protection against acts of violence and harassment directed at members of the clergy, and offers sufficient protection against acts of vandalism directed at church and school property.

[From the New York Times, Mar. 6, 1995]

RIGHTS VIOLATIONS IN TURKEY SAID TO RISE

(By John Darnton)

ANKARA, TURKEY.—To the concern of Western allies and international human rights organizations, reports of rights violations in Turkey have increased markedly in recent months, along with attempts by the Government to crush the Kurdish separatist insurrection in the southeast.

The number of people who have been disappearing while in the custody of the policy and security forces, the reports of torture, killings by unknown assailants that appear to be political and arrests and convictions of writers, intellectuals and politicians under a law against separatist propaganda are all on the rise, Turkish human rights groups say.

"The main reason is the war in the southeast," said Yavuz Onen, a 56-year-old architect who is president of the Human Rights Foundation, a Turkish group that was set up in 1989 to aid victims and document abuses.

"The state uses the argument that they are in a struggle with terrorists and that they are defending the indivisibility of the territory," he said. "Of course the state can defend its borders. But most of the violations are against civilians.

"Torture is now widespread and systematic, not only for political crime but for common crime as well."

Prime Minister Tansu Ciller, in an interview, denied that there had been widespread violations.

Allegations of torture are not new in Turkey. The foundation cited the cases of Yasar Kanbur, 35, an engineer, and Yusuf Yukdirim, 35, a health union worker. The two men said they had been picked up as leftist students after the military takeover of 1980 and were held nine and a half years in prison. During that time, they said, they were suspended by their chained arms, kept without food and sleep, beaten repeatedly and subjected to electric shock.

They scoffed at the idea that torture would ever be eliminated from Turkey. "Not by this regime," Mr. Kanbur said. "Torture is universal here."

The war against the Kurds, who constitute about one-fifth of Turkey's 60-million people, has been going on for a decade. The Kurds were originally concentrated in the southeast, but many are now scattered all over the country. The fighting has claimed an estimated 14,000 lives.

The Kurdish Workers' Party, or P.K.K. has used terrorism in its fight for an independent homeland. It does not shrink from killing teachers who instruct in Turkish and so-called "village guards," who defend hamlets of Government supporters, and their families. The party is believed to have killed over 200 civilians in 1993, and it took responsibility for at least 167 deaths in the first 10 months of 1994.

But attempts to eradicate the P.K.K., whose leader, Abdullah Ocalan, is based in Syria, have taken even more civilian lives. Western diplomats stationed here say security forces have been granted a free hand by the Mrs. Ciller's Government to deal with the insurrection.

The security forces have turned to brutal methods, especially in the 10 southeastern provinces that have been under a state of emergency since 1987 because of the insurrection. The emergency grants quasimartial law powers to a regional governor and suspends the few modest constitutional safeguards in effect elsewhere. A suspect, for instance, can be held for 30 days without access to relatives or a lawyer.

Army and paramilitary groups sweep through whole areas of the southeast, destroying villages that they suspect of aiding the P.K.K. and burning many of them to the ground. The province of Tunceli has been a battleground this winter, where some 40,000 Turkish troops are pursuing guerrillas who may number up to 3,000, by estimates of Western diplomats.

More than 60 villages there have been wiped out. The estimates of the number of villages destroyed over the last decade vary among the human rights groups, but usually run between 1,500 and 2,500.

Reports by the United States Department, Amnesty International, the United Nations Committee Against torture and the European Committee for the Prevention of Torture have all condemned Turkey for human rights violations.

A report by Amnesty International, "A Policy of Denial," said at least 50 "disappearances" in custody were reported in the first 10 months of 1994, nearly double the number in 1993. It said the number of people shot down in the street by unknown assassins had soared from more than 20 in 1991 to 362 in 1992, more than 400 in 1993 and 380 for the first 10 months of 1994.

Visitors to the southeastern region say four or five people a day are now being killed on the streets. They include journalists investigating human rights violations and members of trade unions and political parties, including the People's Democracy Party, which has a largely Kurdish membership and is anathema to the Government.

Leaders of human rights organizations rebut the Government's argument that the Kurdish insurrection is in any way a valid reason for curtailing civil liberties. "The continuation of the armed struggle by someone else cannot be accepted as the reason for delaying democracy," said Husnu Ondul, secretary general of the Human Rights Association.

In 1991 and 1992, the number of what Amnesty calls "prisoners of conscience"—people jailed for expressing nonviolent beliefs—fell to close to zero. But that number has mounted again. Now 118 are in jail, according to the Human Rights Association, a grass-roots organization, with 2,139 convicted but appealing their sentences and 5,600 more awaiting trial.

In a four-month trial that ended in December, eight Kurdish members of Parliament were tried on capital charges of treason. They were stripped of their parliamentary immunity so charges could be filed, and their party was banned. While they were convicted, the charges were changed at the last minute to such things as assisting the P.K.K. and spreading separatist propaganda, and they got sentences ranging from 3 years and 6 months to 15 years.

"It wasn't a real trial," said Sirri Sakik, one of the two of the eight who is out pending appeal. He said that the prosecutor had built a case around various speeches he had made and that some of his relatives had been tortured to try to force them to give testimony against him. "In court they recanted, and now they are going on trial for murders they didn't commit," he said.

Seven journalists from a Kurdish pro-separatist newspaper, Ozgur Ulke, or Free Land, have been shot dead by unknown assailants. In December the newspaper's offices in Istanbul and Ankara were damaged by explosions. On Feb. 3 the paper was closed by order of the Istanbul State Security Court.

The human rights organizations are especially concerned that many human rights monitors themselves are now bearing the brunt of prosecutions. "We used to have 14 bureaus and an additional seven representatives in the southeast and now none of them can function," said Akin Birdal, president of the Human Rights Association. "Some are in jail, and the others are on the run."

Maryam Elahi, an Amnesty official who went to Diyarbakir this week to attend a trial of four human rights workers, said the persecution of the rights workers "closes off the last avenue."

"It's a definite pattern" she said. "Before, the Government was instigating cases against people they thought were P.K.K. or at least political in some way. Now the human rights people themselves are getting it. Even health professionals who treat victims are disappearing."

Mrs. Ciller defended her Government's action and asserted in the interview that the P.K.K. itself destroyed the villages. "A lot of it is theater, in the sense that we have found—and I've seen official documentation—of the terrorists wearing the clothes of the soldiers, attacking the villages and burning them," she said.

"This is not to say that there has been nothing wrong on the side of this fight against terrorism," she added. "It's very hard sometimes to discriminate. There is a lot of bombing or fire coming out of the houses and villages and for the military approaching it's very hard to tell who the terrorist is and who the villager is."

By Mr. BREAUX (for himself and Mr. BROWN):

S. 579. A bill to amend the JOBS program in title IV of the Social Security Act to provide for a job placement voucher program, and for other purposes; to the Committee on Finance.

JOB PLACEMENT ACT

• Mr. BREAUX. Mr. President, in the last several months, the debate over welfare reform has lost its focus. We should be talking about how to move recipients from dependence on public assistance into work in private sector jobs.

Instead, we are talking about a number of other issues—teenage pregnancy, drug and alcohol abuse, breakup of the family, whether to block grant welfare programs to the States, entitlement spending versus discretionary spending, and so on. These are all important issues, but they miss the mark. They are distractions from what should be the primary focus of the welfare reform debate—work and personal responsibility. Ultimately, Mr. President, the best social program we could ever come up with is a good job.

What the American people want is fundamental change in the welfare system. We won't get this fundamental change if Congress shucks accountability to the States.

Everyone certainly agrees that States should be given more flexibility to design their programs in a way that meets their unique economic and social circumstances. But the Federal Government must be accountable for making sure that the tax money we raise is well spent and produces the results the American people are demanding—that is, self-sufficiency through work.

While few people would argue that welfare reform should be about work, a vital piece of the puzzle has been missing from the beginning. That is, how do we actually move people from welfare into an appropriate job. Last year's proposal from the Clinton administration supplied an incentive for welfare recipients to work by placing a time limit on cash assistance, but it maintained and even expanded an ineffective education and training system that recipients have to pass through before they are sent to look for work. Past Republican proposals such as the one contained in the Contract With America also imposed a time limit and insisted on immediate work, but provided no mechanism for linking recipients with private jobs, implying that they would rely on a vast public jobs program. The latest Republican proposals completely evade this and many other questions by boxing up the problem and sending it back to the States.

The legislation that Senator BROWN and I are introducing today would provide a direct mechanism for moving individual welfare recipients into suitable jobs. Our proposal is to enable and encourage States to use vouchers for job placement services.

It would firmly commit the Federal Government to the principle that work experience is the best training for private employment. It would also transfer power from governments to individuals by putting control in the hands of individual welfare recipients in a competitive job placement market, while giving each State flexibility to tailor the new system to its particular economic and social circumstances.

Mr. President, vouchers take the welfare debate beyond the arguments that are being made over block grants. Instead of ending the Federal welfare bureaucracy, only to replace it with a State bureaucracy, vouchers would do away with bureaucracy and put the power to choose in the hands of individual welfare recipients.

Existing funds would be used to pay for the vouchers, and State and Federal Government costs might actually be reduced as bureaucratic solutions are replaced with private sector solutions.

States would develop a list of approved service providers—placement agencies, private employers, employment-based JOBS programs, and so forth—available to welfare recipients once they have applied for public assistance and started their job search. Recipients would use the lists to make their service choices. Instead of being assigned to a job by a caseworker, the recipients would consult with their caseworkers, review all the options that are available, and choose the program most suited to their needs.

Payment to public and private placement agencies, employers, and other approved employment programs would be based on performance only. Vouchers would be redeemed in full only after an organization had successfully placed the recipient in a full-time unsubsidized job for a set period of time.

Mr. President, this is not meant to be the whole solution to the welfare problem. But I am convinced that it is a necessary part of any realistic attempt to get welfare recipients into jobs in the private sector. I am also glad to be joined in offering this bill by my friend and colleague from Colorado, HANK BROWN. This is just about the only bipartisan welfare reform legislation that has been introduced in this Congress and I am proud to have Senator BROWN as a cosponsor.

I hope that more of our colleagues will join us in support of this legislation. I ask unanimous consent that a copy of the bill appear in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 579

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Job Placement Act of 1995".

SEC. 2. JOB PLACEMENT VOUCHER PROGRAM.

(a) ADDITION OF PROGRAM.—Section 482 of the Social Security Act (42 U.S.C. 682) is amended—

(1) in subsection (d)(1)(A)(ii)—

(A) in subclause (III), by striking "and" at the end;

(B) in subclause (IV), by striking the period and inserting "; and"; and

(C) by adding at the end the following new subclause:

"(V) a job placement voucher program as described in subsection (h).";

(2) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(3) by inserting after subsection (g), the following subsection:

"(h) JOB PLACEMENT VOUCHER PROGRAM.—(1) The State agency may establish and operate a job placement voucher program for individuals participating in the program under this part.

"(2) A State that elects to operate a job placement voucher program under this subsection—

"(i) shall establish eligibility requirements for participation in the job placement voucher program; and

"(ii) may establish other requirements for such voucher program as the State deems appropriate.

"(3) A job placement voucher program operated by a State under this subsection shall include the following requirements:

"(A) The State shall identify, maintain, and make available to an individual applying for or receiving assistance under part A a list of State-approved job placement organizations that offer services in the area where the individual resides and a description of the job placement and support services each such organization provides. Such organizations may be publicly or privately owned and operated.

"(B)(i) An individual determined to be eligible for assistance under part A shall, at the time the individual becomes eligible for such assistance—

"(I) receive the list and description described in subparagraph (A);

"(II) agree, in exchange for job placement and support services, to—

"(aa) execute, within a period of time permitted by the State, a contract with a State-approved job placement organization which provides that the organization shall attempt to find employment for the individual; and

"(bb) comply with the terms of the contract; and

"(III) receive a job placement voucher (in an amount to be determined by the State) for payment to a State-approved job placement organization.

"(ii) The State shall impose the sanctions provided for in section 402(a)(19)(G) on any individual who does not fulfill the terms of a contract executed with a State-approved job placement organization.

"(C) At the time an individual executes a contract with a State-approved job placement organization, the individual shall provide the organization with the job placement voucher that the individual received pursuant to subparagraph (B).

"(D)(i) A State-approved job placement organization may redeem for payment from the State not more than 25 percent of the value of a job placement voucher upon the initial receipt of the voucher for payment of costs incurred in finding and placing an individual in an employment position. The remaining value of such voucher shall not be redeemed for payment from the State until the State-approved job placement organization—

"(I) finds an employment position (as determined by the State) for the individual who provided the voucher; and

"(II) certifies to the State that the individual remains employed with the employer that the organization originally placed the individual with for the greater of—

"(aa) 6 continuous months; or

"(bb) a period determined by the State.

"(ii) A State may modify, on a case-by-case basis, the requirement of clause (i)(II) under such terms and conditions as the State deems appropriate.

"(E)(i) The State shall establish performance-based standards to evaluate the success of the State job placement voucher program operated under this subsection in achieving employment for individuals participating in such voucher program. Such standards shall take into account the economic conditions of the State in determining the rate of success.

"(ii) The State shall, not less than once a fiscal year, evaluate the job placement voucher program operated under this subsection in accordance with the performance-based standards established under clause (i).

"(iii) The State shall submit a report containing the results of an evaluation conducted under clause (ii) to the Secretary and a description of the performance-based standards used to conduct the evaluation in such form and under such conditions as the Secretary shall require. The Secretary shall review each report submitted under this clause and may require the State to revise the performance-based standards if the Secretary determines that the State is not achieving an adequate rate of success for such State.".

(b) CONFORMING AMENDMENTS.—Title IV of the Social Security Act (42 U.S.C. 601 et seq.) is amended—

(1) in section 403(*l*)(1)(A) (42 U.S.C. 603(*l*)(1)(A)),

(A) in clause (ii)(II)—

(II) by striking the period and inserting "; and"; and

(B) by adding at the end the following new clause:

"(iii) with respect to expenditures made for a job placement voucher program under section 482(h) in a fiscal year, the greater of—

"(I) 70 percent; or

"(II) the percentage paid to the State under clause (ii)(II) plus 10 percent."; and

(2) in section 431(a)(6) (42 U.S.C. 629a(a)(6))—

(A) by striking "482(i)(5)" and inserting "482(j)(5)"; and

(B) by striking "482(i)(7)(A)" and inserting "482(j)(7)(A)".

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall be effective with respect to calendar quarters beginning with the second calendar quarter beginning after the date of the enactment of this Act.●

By Mr. MOYNIHAN (for himself, Mr. COCHRAN, and Mr. SIMPSON):

S.J. Res. 30. A joint resolution providing for the reappointment of Homer Alfred Neal as a citizen regent of the

Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

REAPPOINTMENT OF DR. HOMER A. NEAL

• Mr. MOYNIHAN. Mr. President, I rise to introduce a joint resolution to reappoint Dr. Homer A. Neal to a second term as a citizen regent of the Smithsonian Institution. I introduce this resolution on behalf of my distinguished colleagues, Senators COCHRAN and SIMPSON, with whom I have the privilege to serve on the Smithsonian's Board of Regents.

Dr. Neal is a scientist of great distinction. A former provost of the State University of New York at Stony Brook, he is now vice president for research and professor of physics at the University of Michigan, where he earned his Ph.D in 1966. An eminent physicist specializing in high-energy physics, particle detection, and digital electronics, Dr. Neal conducted pioneering experimental studies of spin effects in proton-proton collisions at high energy.

Dr. Neal is a leader in both the scientific and academic communities and has long demonstrated his commitment to improving American education in the fields of science, mathematics, and engineering. He is ideally suited to serve on the Board of Regents of the Smithsonian, where he is currently a member of the Institution's executive committee and the National Council of the National Museum of Natural History.

The Smithsonian has greatly benefited from Dr. Neal's contributions as a member of the Board of Regents, and we eagerly look forward to his reappointment. I urge my colleagues to support this resolution and ask unanimous consent that the full text of the resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 30

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Homer Alfred Neal of Michigan on December 6, 1995, is filled by the reappointment of the incumbent for a term of six years, effective December 7, 1995.•

• Mr. COCHRAN. Mr. President, I am pleased to join Senators MOYNIHAN and SIMPSON in supporting the reappointment of Dr. Homer A. Neal as a Citizen Regent of the Smithsonian Institution.

Dr. Neal, a distinguished physicist, is vice president for research at the University of Michigan, having held previous positions at the University of New York at Stony Brook, and at Indiana University. He has been scientist-in-residence at the Neils Bohr Institute in Copenhagen and at the European Organization for Nuclear Research in Geneva.

He is a member of the Oak Ridge National Laboratory Advisory Board and the board of trustees of the Center for Strategic and International Studies. A fellow of the American Physical Society, he has been a trustee of the Argonne National Laboratory and a member of the National Science Board, the oversight body for the National Science Foundation. Senators MOYNIHAN, SIMPSON, and I are privileged to serve with Dr. Neal on the Smithsonian Board of Regents.

I urge Senators to support the resolution of reappointment for this outstanding American.•

ADDITIONAL COSPONSORS

S. 141

At the request of Mrs. KASSEBAUM, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 141, a bill to repeal the Davis-Bacon Act of 1931 to provide new job opportunities, effect significant cost savings on Federal construction contracts, promote small business participation in Federal contracting, reduce unnecessary paperwork and reporting requirements, and for other purposes.

S. 241

At the request of Mr. D'AMATO, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 241, a bill to increase the penalties for sexual exploitation of children, and for other purposes.

S. 258

At the request of Mr. PRYOR, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 258, a bill to amend the Internal Revenue Code of 1986 to provide additional safeguards to protect taxpayer rights.

S. 381

At the request of Mr. HELMS, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 381, a bill to strengthen international sanctions against the Castro government in Cuba, to develop a plan to support a transition government leading to a democratically elected government in Cuba, and for other purposes.

S. 386

At the request of Mr. MCCONNELL, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 386, a bill to amend the Internal Revenue Code of 1986 to provide for the tax-free treatment of education savings accounts established through certain State programs, and for other purposes.

S. 391

At the request of Mr. CRAIG, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 391, a bill to authorize and direct the Secretaries of the Interior and Agriculture to undertake activities to halt and reverse the decline in forest health on Federal lands, and for other purposes.

S. 447

At the request of Mr. INHOFE, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 447, a bill to provide tax incentives to encourage production of oil and gas within the United States, and for other purposes.

S. 494

At the request of Mr. KYL, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 494, a bill to balance the Federal budget by fiscal year 2002 through the establishment of Federal spending limits.

S. 495

At the request of Mrs. KASSEBAUM, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 495, a bill to amend the Higher Education Act of 1965 to stabilize the student loan programs, improve congressional oversight, and for other purposes.

S. 525

At the request of Mr. BURNS, his name was added as a cosponsor of S. 525, a bill to ensure equity in, and increased recreation and maximum economic benefits from, the control of the water in the Missouri River system, and for other purposes.

SENATE CONCURRENT RESOLUTION 3

At the request of Mr. SIMON, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of Senate Concurrent Resolution 3, a concurrent resolution relative to Taiwan and the United Nations.

SENATE CONCURRENT RESOLUTION 9

At the request of Mr. MURKOWSKI, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of Senate Concurrent Resolution 9, a concurrent resolution expressing the sense of the Congress regarding a private visit by President Li Teng-hui of the Republic of China on Taiwan to the United States.

SENATE RESOLUTION 79

At the request of Mr. SPECTER, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of Senate Resolution 79, a resolution designating March 25, 1995, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

AMENDMENTS SUBMITTED

LEGISLATIVE LINE-ITEM VETO ACT

DOLE (AND OTHERS) AMENDMENT NO. 347

Mr. DOLE (for himself, Mr. MCCAIN, Mr. DOMENICI, Mr. COATS, Mr. STEVENS, Mr. THOMPSON, Mr. INHOFE, Mr. ASHCROFT, Mr. BENNETT, Mr. BOND, Mr. BROWN, Mr. BURNS, Mr. CHAFEE, Mr. COCHRAN, Mr. COHEN, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. FAIRCLOTH, Mr. FRIST, Mr. GORTON, Mr. GRAMM, Mr. GRAMS, Mr. GREGG, Mr. HATCH, Mr. HELMS, Mrs. HUTCHISON, Mrs. KASSEBAUM, Mr. KEMPTHORNE, Mr. KYL, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. MCCONNELL, Mr. MURKOWSKI, Mr. NICKLES, Mr. PACKWOOD, Mr. PRESSLER, Mr. ROTH, Mr. SANTORUM, Mr. SHELBY, Mr. SIMPSON, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Mr. THOMAS, Mr. THURMOND, and Mr. WARNER) proposed an amendment to the bill (S. 4) to grant the power to the President to reduce budget authority; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "The Separate Enrollment and Line Item Veto Act of 1995".

SEC. 2. STRUCTURE OF LEGISLATION.

(a) APPROPRIATIONS LEGISLATION.—

(1) The Committee on Appropriations of either the House or the Senate shall not report an appropriation measure that fails to contain such level of detail on the allocation of an item of appropriation proposed by that House as is set forth in the committee report accompanying such bill.

(2) If an appropriation measure is reported to the House or Senate that fails to contain the level of detail on the allocation of an item of appropriation as required in paragraph (1), it shall not be in order in that House to consider such measure. If a point of order under this paragraph is sustained, the measure shall be recommitted to the Committee on Appropriations of that House.

(b) AUTHORIZATION LEGISLATION.—

(1) A committee of either the House or the Senate shall not report an authorization measure that contains new direct spending or new targeted tax benefits unless such measure presents each new direct spending or new targeted tax benefit as a separate item and the accompanying committee report for that measure shall contain such level of detail as is necessary to clearly identify the allocation of new direct spending or new targeted tax benefits.

(2) If an authorization measure is reported to the House or Senate that fails to comply with paragraph (1), it shall not be in order in that House to consider such measure. If a point of order under this paragraph is sustained, the measure shall be recommitted to the committee of jurisdiction of that House.

(c) CONFERENCE REPORTS.—

(1) A committee of conference to which is committed an appropriations measure shall not file a conference report in either House that fails to contain the level of detail on the allocation of an item of appropriation as is set forth in the statement of managers accompanying that report.

(2) A committee of conference to which is committed an authorization measure shall not file a conference report in either House unless such measure presents each direct spending or targeted tax benefit as a separate item and the statement of managers accompanying that report clearly identifies each such item.

(3) If a conference report is presented to the House or Senate that fails to comply with either paragraph (1) or (2), it shall not be in order in that House to consider such conference report. If a point of order under this paragraph is sustained in the House to first consider the conference report, the measure shall be deemed recommitted to the committee of conference.

SEC. 3. WAIVERS AND APPEALS.

Any provision of section 2 may be waived or suspended in the House or Senate only by an affirmative vote of three-fifths of the Members of that House duly chosen and sworn. An affirmative vote of three-fifths of the Members duly chosen and sworn shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under that section.

SEC. 4. SEPARATE ENROLLMENT.

(a)(1) Notwithstanding any other provision of law, when any appropriation or authorization measure passes both Houses of Congress in the same form, the Secretary of the Senate (in the case of a measure originating in the Senate) or the Clerk of the House of Representatives (in the case of a measure originating in the House of Representatives), shall cause the enrolling clerk of such House to enroll each item of such appropriation or authorization measure separately.

(2) A measure that is required to be enrolled pursuant to subsection (a)—

(A) shall be enrolled without substantive revision,

(B) shall conform in style and form to the applicable provisions of chapter 2 of title 1, United States Code (as such provisions are in effect on the date of the enactment of this Act), and

(C) shall bear the designation of the measure of which it was an item prior to such enrollment, together with such other designations as may be necessary to distinguish such measure from other measures enrolled pursuant to paragraph (1) with respect to the same measure.

(b) A measure enrolled pursuant to paragraph (1) of subsection (a) with respect to an item shall be deemed to be a bill under Clauses 2 and 3 of Section 7 of Article 1 of the Constitution of the United States and shall be signed by the Speaker of the House and the President of the Senate, or their designees, and presented to the President for approval or disapproval (and otherwise treated for all purposes) in the manner provided for bills and joint resolutions generally.

SEC. 5. DEFINITIONS.

For purposes of this Act:

(1) The term "appropriation measure" means any general or special appropriation bill or any bill or joint resolution making supplemental, deficiency, or continuing appropriations.

(2) The term "authorization measure" means any measure other than an appropriations measure that contains a provision providing direct spending or targeted tax benefits.

(3) The term "direct spending" shall have the same meaning given to such term in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) The term "item" means—

(A) with respect to an appropriations measure—

(i) any numbered section,

(ii) any unnumbered paragraph, or

(iii) any allocation or suballocation of an appropriation, made in compliance with section 2(a), contained in a numbered section or an unnumbered paragraph; and,

(B) with respect to an authorization measure—

(i) any numbered section, or,

(ii) any unnumbered paragraph,

that contains new direct spending or a new targeted tax benefit presented and identified in conformance with section 2(b).

(5) The term "targeted tax benefit" means any provision:

(A) estimated by the Joint Committee on Taxation as losing revenue within the periods specified in the most recently adopted concurrent resolution on the budget pursuant to section 301 of the Congressional Budget and Impoundment Control Act of 1974; and

(B) having the practical effect of providing more favorable tax treatment to a particular taxpayer or limited group of taxpayers when compared with other similarly situated taxpayers.

SEC. 6. EFFECTIVE DATE.

The provisions of this Act shall apply to measures passed by the Congress beginning with the date of the enactment of this Act and ending on September 30, 2000.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. McCAIN. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will be holding a hearing on Wednesday, March 22, 1995, beginning at 2:30 p.m., in room 485 of the Russell Senate Office Building on S. 441, a bill to reauthorize Public Law 101–630, the Indian Child Protection and Family Violence Prevention Act, and S. 510, a bill to extend the reauthorization for certain programs under the Native American Programs Act of 1974, and for other purposes.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet Monday, March 20, 1995, beginning at 10 a.m. in room SD–215, to conduct a hearing on welfare to work programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Monday, March 20, 1995, beginning at 2 p.m., in room 485 of the Russell Senate Office Building on the impact in Indian country of proposed rescissions of fiscal year 1995 Indian program funds and of proposals to consolidate or block grant Federal programs funds to the several States.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

REVISIONISM IN JAPAN

• Mr. THOMAS. Mr. President, as the chairman of the Subcommittee on East

Asian and Pacific Affairs, I rise today to address a disturbing article in last Thursday's Washington Post. According to the Post, last Wednesday the mayor of Nagasaki, Motoshima Hitoshi, likened the two 1945 bombings of Hiroshima and Nagasaki to the Holocaust. He said, and I quote, "I think that the atomic bombings were one of the two greatest crimes against humanity in the 20th century, along with the Holocaust." He was joined in these sentiments by Hiraoka Takashi, the mayor of Hiroshima.

Mr. President, I am incensed by this comparison, and by what appears to me to be a growing revisionist tendency among some circles in Japan aimed at sanitizing its role as the aggressor and transforming it into the innocent victim of the atomic bomb. History is replete with instances which provide ample justification for the course the United States took to end years of war. For the benefit of these two gentlemen, let me note some of those facts.

On December 7, 1941, without notice or declaration of war, the Japanese attacked Pearl Harbor, HI. I do not need to describe for my colleagues the carnage and death that followed. From that point, Japan engaged us in a protracted and costly war that ranged over the Pacific rim for more than 4 years and cost thousands and thousands of lives.

Treatment of Allied prisoners of war was unconscionable. For Americans fighting in the Pacific theater, the likehood of dying in combat was about 5 percent. For American POW's in German prison camps, it was 4 percent. But for those in Japanese prison camps the number ran to 33 percent. Executions, tortures, the Bataan Death March, the record is replete with atrocities for which the victims have yet—50 years later—to receive an apology. It is somewhat ironic that also in the same edition of the Post is a lengthy article entitled, "Still Waiting for an Apology: Historian Gavan Daws, Calling on Japan on War Crimes." I would commend it to Messrs. Hiraoka and Motoshima; they might learn a thing or two from it.

A special unit of the Imperial Army, called Unit 731, conducted research in germ warfare with an aim at introducing plague, anthrax, and other fatal diseases into the United States. As the theater of war moved closer to the home islands, the United States and its Allies were reduced to fighting their way toward Japan on an island-by-island basis. The battles were costly—both in lives, time, and materiel. Just this week we remembered the 50th anniversary of the taking of Iwo Jima. In that battle, some 20,000 Japanese fought to the death—many committing seppuku rather than surrender.

All the signs available to us at the time indicated that this would be the course of the remainder of the war. Several Allied surrender ultimatums were rejected offhand by the Japanese. Thus, as the war drew to a close in Europe, we were clearly faced with a choice in Asia; do something to bring a quick end to our losses and suffering, or continue a painfully long, drawn-out, costly conflict. President Truman chose the only alternative a nation's leader would, and the bombs fell.

Yet, some in Japan can overlook all that came before the bombs. Some can reduce Japan from the vigorous aggressor to the passive victim. Mr. Hiraoka seems to be of that ilk. For example, he emphasized that several early multinational conventions prohibited deliberate attacks on civilians, then proceeded to list those nations which did not live up to that ideal during the war era: German attacks on London, the United States firebombing of Tokyo, the British-led firebombing of Dresden.

Yet, conspicuously absent from his list is the country behind the first such indiscriminate bombing: Japan. On December 1, 1937, the Imperial Army Headquarters in Tokyo ordered an attack on Nanjing, China. The planes came and laid waste to the city and its population; estimates of the civilian losses range from 100,000 to 200,000. The attack lives on in the minds of many Chinese as one of the most infamous events of the 20th century.

Mr. President, the present strong relationship between the United States and Japan is of the utmost importance to us. I personally enjoy my nascent relationship with Kuriyama Takakazu, Japan's Ambassador here in Washington. But statements like those made by these two mayors cannot go unanswered; for to fail to rebut such revisionism is simply to lend credence to it.•

TRIBUTE TO CAROLYN SQUIRES

• Mr. BAUCUS. Mr. President, during the welfare reform debate that we are bound to have in the months ahead of us, I would like the Senate to keep in mind the story of Carolyn Squires, representative of the State of Montana's House District 68. Her example should be a reminder to all of us that public assistance programs can work.

Although she is a successful member of the Montana House of Representatives, I would like to tell you about a time when Carolyn was not so lucky. She was once divorced, a single mother, and on welfare. But like a majority of welfare mothers, she never gave up a little over a year later she found a career.

For the past 27 years, Carolyn has worked at Missoula's community medical center as a licensed practical nurse. She is active in the Missoula labor movement. Still a member of the licensed practical nurses union, Carolyn is president of the Central Labor Council in Missoula.

Although she was initially appointed to the Montana State House, Carolyn has worked hard for her constituents. And they have rewarded her with their votes. It is because she has a way with people. I remember hearing of a time during her recent campaign when she decided to go door-to-door. After about three or four blocks, several people started following her. They liked what she had to say. And although Carolyn did not get far on her walk, she was always connected with her constituents.

Carolyn has exemplified this again and again. One of her constituents, a single mom receiving AFDC, called for Carolyn's help. The mother did not receive her check for 2 straight weeks. As many of you know, this can be a crisis. But Carolyn did not waste any time. She called the Montana Social Rehabilitation Service directly and demanded to talk to the cabinet director.

"The Director is in a meeting," she was told.

Then Carolyn got really mad. And, while Carolyn has a heart of gold, anybody who knows her also knows it is best to stay on her good side. Clearly, the folks in the department did not know Carolyn Squires very well. Yet they finally pulled the director out of the meeting. Carolyn demanded that the check arrive tomorrow morning, and that she herself would be there to receive it. Needless to say, the check arrived bright and early the next day.

Carolyn Squires has a lot to be proud of. She knows that politics is about people, and she makes a difference. She is a shining example, one of many, whose life was improved because of our welfare system. Her husband Harold, her sons Paul and Keith, her grandchildren and those Montanans in house district 68 are lucky to have someone so dedicated taking care of them. They should all be proud of her legacy of service to the city of Missoula and the State of Montana. I am proud to honor her today before the Senate.•

TRIBUTE TO REAR ADM. RICHARD G. KIRKLAND

• Mr. WARNER. Mr. President, I rise to recognize the dedication, public service, and patriotism of Rear Adm. Richard G. Kirkland, U.S. Navy, on the occasion of his retirement after 26 years of faithful service to our Nation. Admiral Kirkland's strong commitment to excellence will leave a lasting impact on the vitality of our modern warfighters, commanding admiration and respect from his military colleagues and Members of Congress.

Rear Admiral Kirkland was born August 17, 1947, in Coronado, CA. He graduated from the U.S. Naval Academy in 1969 with a bachelor of science degree and earned a master of science in aeronautical systems engineering from the University of West Florida.

Rear Admiral Kirkland's first duty assignment was Patrol Squadron 56

(VP–56) from June 1971 through May 1974. He then was attached to Air Test and Evaluation Squadron 1 (VX–1) as operations test director, Harpoon weapons system from June 1974 through May 1977. In August 1977, he reported to U.S.S. *Constellation* (CV–64) for duty as assistant navigator. During this tour, the ship deployed twice to the Western Pacific and was the first carrier to deploy into the Indian Ocean. While on board, he qualified and was designated as surface warfare officer. He then went to the Naval Military Personnel Command [NMPC] as VP sea duty detailer and sea duty coordinator from May 1979 to January 1981. His next assignment was with the Pelicans of Patrol Squadron 45 (VP–45) as operations officer from June 1981 until April 1983. He was then assigned to Patrol Wing 11 as operations officer between April 1983 and April 1984. He was selected to serve with the Mad Foxes of VP–5 as executive officer from May 1984 until June 1985. Subsequently, he took command of Patrol Squadron 5 (VP–5) from July 1985 through September 1986. He returned to serve a second tour at NMPC as the assistant aviation commander detailer from September 1986 until March 1988. He then was assigned command of Patrol Squadron 30 (VP–30) from April 1988 through July 1989. After completion of this command tour, he was selected as a CNO Fellow and served as a member of the Strategic Studies Group IX from August 1989 to July 1990 which marked his third tour outside the VP community. Upon completion of this tour, he was assigned as Commander, Patrol Wing 11 from July 1990 until April 1992. He served as director, Navy/Marine Corps Senate liaison office from April 1992 to December 1993 before assuming his present position.

Rear Admiral Kirkland's awards include the Legion of Merit, Meritorious Service Medal with three gold stars, and numerous other unit awards and personal decorations.

Our Nation, the U.S. Navy, his children Keith, Heather, and Ryan, can truly be proud of the Admiral's many accomplishments. A man of his extraordinary talent and integrity is rare indeed. While his honorable service will be genuinely missed in the Department of Defense, it gives me great pleasure to recognize Rear Admiral Kirkland before my colleagues and wish him all of our best wishes in his new and exciting career.•

SALUTE TO ROSIE THE RIVETER

• Ms. MIKULSKI. Mr. President, on March 15, 1995, Dundalk Community College in Dundalk, MD, in honor of Women's History Month, hosted "A Salute to Rosie the Riveter," honoring the women who worked in America's wartime factories to do their part in America's war effort.

Between 1942 and 1945, the ranks of American working women swelled from 12 to 18 million. Responding to the call that "We can do it," thousands of women entered the wartime work force to build the ships, planes, and tanks for our men and women overseas.

Joining the celebration on March 15 were 236 "Rosies." These women worked in the industrial hub of Baltimore's wartime economy—they melted the ore, welded the ships, and riveted the wings. Fifty years later their employers—Bethlehem Steel, Lockheed-Martin—formerly Glen L. Martin Aircraft—and General Motors—Eastern Aircraft—thanked the 236 Rosies present at the celebration and the thousands of Rosies these women represented.

In recognition of the efforts of Dundalk Community College and in honor of the lives of all of the "Rosies" who built the arsenal of democracy and helped to save the Western World, today we extend to them our gratitude. They have earned an honored place in our memory and respected place in our history.•

THE LEGACY OF STANLEY O. IKENBERRY

• Mr. SIMON. Mr. President, Stanley O. Ikenberry, a giant on the national stage of higher education policy, will retire this year after an exceptional tenure of 16 years as president of the University of Illinois.

President Ikenberry announced his decision last year to give the university's board of trustees ample time to carefully select a successor, and the board now has chosen James J. Stukel, chancellor of the University of Illinois at Chicago, to become the 15th president of the university.

Few posts are as stressful and delicate—and as public and influential—as the presidency of a major university. Stan and Judy Ikenberry have handled the pressures superbly, with grace and warmth and character.

Stan Ikenberry has kept a firm hand on the tiller and a clear eye on the horizon in charting the university's progress during his stewardship. The Ikenberry era has been an intense period of growth and vigor that has seen improvements across the breadth of the university's activities and has solidified the campus' stature as a world-class university and center of research. During his tenure institutions such as the university's National Center for Supercomputing Applications have been established, and the university activities in Chicago have been strengthened with the chartering of the University of Illinois at Chicago.

Under Stan Ikenberry's leadership, the University of Illinois last fall became one of the first campuses in the Nation to offer the new direct student loan program to its students. Stan Ikenberry and the University of Illinois are helping to prove the merits of this bold new program that is benefiting not only students but also taxpayers and schools.

I well recall that when another major university in our State became indecisive about the chance to establish and offer a permanent home to an annual Paul Douglas Ethics In Government Award, Stan Ikenberry seized the opportunity, and the award program is now underway, based in Urbana-Champaign.

Stan Ikenberry is a statesman who has enriched American higher education. Governors, lawmakers of both political parties in the State legislature and in Congress, and his colleagues in the higher education community all have relied heavily on Stan Ikenberry's insight, wisdom, and leadership skills. I have had the pleasure and the opportunity of working with Stan Ikenberry on a wide range of issues of importance to the university and to national education policy. Among many, many others who have worked in this field, I am grateful for Stan Ikenberry's wisdom, for his constancy, and for his leadership.

President Ikenberry has much more to contribute to the Nation when he moves later this year into other pursuits. To his great credit, he plans on resuming college-level teaching in the field of higher education administration.

We extend to Stan and Judy Ikenberry our deep appreciation and our very best wishes for their future endeavors.•

AUTHORITY FOR COMMITTEE TO REPORT

Mr. McCAIN. Mr. President, I ask unanimous consent that the Finance Committee have until 8 p.m. this evening to file a report to accompany H.R. 831.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, MARCH 21, 1995

Mr. McCAIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:30 a.m. on Tuesday, March 21, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day; that there then be a period for the transaction of morning business, not to extend beyond the hour of 10 a.m., with the following Senators recognized to speak for up to 10 minutes each: Senator GRASSLEY, 10 minutes; Senator HEFLIN, 10 minutes; Senator FEINSTEIN, 10 minutes.

I further ask that at the hour of 10 a.m., the Senate resume consideration of S. 4, the line-item veto bill, and that the Senate stand in recess between the hours of 12:30 p.m. and 2:15 p.m. for the weekly party luncheons to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCAIN. Mr. President, for the information of my colleagues, a cloture motion was filed on the pending substitute amendment to the line-item veto bill. Therefore, a cloture vote will occur on the amendment on Wednesday.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. McCAIN. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 6:15 p.m., recessed until Tuesday, March 21, 1995, at 9:30 a.m.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 21, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 22

9:30 a.m.

Agriculture, Nutrition, and Forestry

To continue hearings on the nomination of Daniel Robert Glickman, of Kansas, to be Secretary of Agriculture.

SR–332

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the United States Fish and Wildlife Service, Department of the Interior.

SD–192

Energy and Natural Resources

To hold oversight hearings to review a report prepared for the committee on the clean-up of Hanford Nuclear Reservation.

SD–366

Environment and Public Works

To hold hearings to examine the impact of regulatory reform proposals on environmental and other laws within the jurisdiction of the committee.

SD–406

10:00 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Natural Resources Conservation Service, Department of Agriculture.

SD–138

Banking, Housing, and Urban Affairs

Securities Subcommittee

To hold hearings to examine securities litigation reform proposals.

SD–538

Finance

Social Security and Family Policy Subcommittee

To hold hearings to examine the rising costs of the Supplemental Security Income and Social Security disability Insurance programs.

SD–215

Foreign Relations

Business meeting, to consider S. Con. Res. 6, to express the sense of the Senate concerning compliance by the Government of Mexico regarding certain loans, S. 384, to require a report on U.S. support for Mexico during its debt crisis, S. Con. Res. 3, relating to Taiwan and the United States, S. Con. Res. 4, expressing the sense of Congress with respect to the North-South Korea Agreed Framework, S. Con. Res. 9, expressing the sense of the Congress regarding a private visit by President Lee Teng-hui of the Republic of China on Taiwan to the U.S., Treaty Doc. 103–25, with respect to restrictions on the use of certain conventional weapons, and pending nominations.

SD–419

2:30 p.m.

Indian Affairs

To hold hearings on S. 441, to authorize funds for certain programs under the Indian Child Protection and Family Violence Prevention Act, and S. 510, to extend the authorization for certain programs under the Native American Programs Act of 1974.

SR–485

MARCH 23

9:00 a.m.

Commerce, Science, and Transportation

Business meeting, to consider pending calendar business.

SR–253

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 575, to provide Outer Continental Shelf Impact Assistance to State and local governments, and S. 158, to provide for the energy security of the Nation through encouraging the production of domestic oil and gas resources in deep water on the Outer Continental Shelf in the Gulf of Mexico.

SD–366

Environment and Public Works

Business meeting, to mark up S. 503, to impose a moratorium on the listing of species as endangered or threatened and the designation of critical habitat in order to ensure that constitutionally protected private property rights are not infringed, S. 534, to amend the Solid Waste Disposal Act to provide authority for States to limit the interstate transportation of municipal solid waste, and other pending calendar business.

SD–406

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Railroad Administration, Department of Transportation, and the National Passenger Railroad Corporation (Amtrak).

SD–192

Foreign Relations

To hold hearings on the reorganization and revitalization of America's foreign affairs institutions.

SD–419

Governmental Affairs

Business meeting, to mark up S. 291, to reform the regulatory process, to make government more efficient and effective, and S. 343, to reform the regulatory process.

SD–342

2:00 p.m.

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Bureau of Alcohol, Tobacco and Firearms and the United States Customs Service, Department of the Treasury.

SD–192

Armed Services

Personnel Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense and the future years defense program, focusing on the Department of Defense medical program and related health care issues.

SR–222

Environment and Public Works

Transportation and Infrastructure Subcommittee

To hold hearings on proposed legislation to approve the National Highway System and transportation issues related to clean air conformity requirements.

SD–406

MARCH 24

9:00 a.m.

Judiciary

Constitution, Federalism, and Property Rights Subcommittee

To hold hearings on the 10th Amendment and the Conference of the States.

SD–226

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Housing and Urban Development.

SD–138

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

MARCH 27

2:00 p.m.

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Executive Office of the President, and the General Services Administration.

SD–138

2:00 p.m.Foreign Relations

To hold hearings to review United States dependence on foreign oil.

SD–419

MARCH 28

9:30 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on Army programs.

SD–138

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Bureau of Land Management, Department of the Interior.

SD–116

Governmental Affairs

Oversight of Government Management and The District of Columbia Subcommittee

To hold oversight hearings to examine initiatives to reduce the cost of Pentagon travel processing.

SD–342

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for foreign assistance programs, focusing on Africa humanitarian and refugee issues.

SD–192

Judiciary

To hold hearings to examine proposals to reform habeas corpus procedures, focusing on eliminating prisoners' abuse of the judicial process.

SD–226

2:00 p.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings to examine issues relating to access to health care clinics.

SD–192

Judiciary

To hold hearings on pending nominations.

SD–226

MARCH 29

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD–366

10:00 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Food Safety and Inspection Service, Animal and Plant Health Inspection Service, Agricultural Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, all of the Department of Agriculture.

SD–138

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Judiciary, Administrative Office of the Courts, and the Judicial Conference.

S–146, Capitol

10:30 a.m.

Indian Affairs

Business meeting, to consider pending calendar business.

SR–485

MARCH 30

9:30 a.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S. 506, to reform Federal mining laws.

SD–366

Rules and Administration

To hold hearings to examine the future of the Smithsonian Institution.

SR–301

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of AMVETS, American Ex-Prisoners of War, Vietnam Veterans of America, Blinded Veterans Association, and the Military Order of the Purple Heart.

345 Cannon Building

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Aviation Administration, Department of Transportation.

SD–192

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold oversight hearings on the implementation of the science programs of the National Science Foundation and activities of the Office of Science and Technology Policy (Executive Office of the President).

SR–253

Environment and Public Works

Transportation and Infrastructure Subcommittee

To resume hearings on proposed legislation to approve the National Highway System and other related transportation requirements.

SD–406

Judiciary

Business meeting, to consider pending calendar business.

SD–226

MARCH 31

9:30 a.m.

Agriculture, Nutrition, and Forestry

To resume hearings on proposed legislation to strengthen and improve United States agricultural programs, focusing on agricultural credit.

SR–332

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Veterans Affairs, the Court of Veteran's Appeals, and Veterans Affairs Service Organizations.

SD–138

APRIL 3

2:00 p.m.

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Internal Revenue Service, Department of the Treasury, and the Office of Personnel Management.

SD–138

APRIL 4

9:30 a.m.

Agriculture, Nutrition, and Forestry

To resume hearings on proposed legislation to strengthen and improve United States agricultural programs, focusing on market effects of Federal farm policy.

SR–332

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the National Park Service, Department of the Interior.

SD–138

APRIL 5

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the National Aeronautics and Space Administration.

SD–192

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold oversight hearings on the U.S. Forest Service land management planning process.

SD–366

Rules and Administration

To resume hearings to examine the future of the Smithsonian Institution.

SR–301

10:00 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Agricultural Research Service, Cooperative State Research, Education, and Extension Service, Economic Research Service, and the National Agricultural Statistics Service, all of the Department of Agriculture.

SD–138

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Immigration and Naturalization Service, and the Bureau of Prisons, both of the Department of Justice.

S–146, Capitol

2:30 p.m.

Indian Affairs

To hold oversight hearings on welfare reform in Indian Country.

SR–485

APRIL 6

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Emergency Management Agency.
SD–138

10:00 a.m.
Environment and Public Works
Transportation and Infrastructure Subcommittee
To hold hearings on proposed legislation to approve the National Highway System, issues related to the Woodrow Wilson Bridge, and the innovative financing of transportation facilities.
SD–406

2:00 p.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of the Treasury and the Office of Management and Budget.
SD–116

APRIL 26

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for energy conservation.
SD–116

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Food and Consumer Service, Department of Agriculture.
SD–138

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Legal Services Corporation.
S–146, Capitol

11:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for fossil energy, clean coal technology, Strategic Petroleum Reserve, and the Naval Petroleum Reserve.
SD–116

APRIL 27

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Transit Administration, Department of Transportation.
SD–192

MAY 2

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Forest Service of the Department of Agriculture.
SD–138

MAY 3

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Environmental Protection Agency, the Council on Environmental Quality, and the Agency for Toxic Substances and Disease Registry.
SD–192

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Agriculture.
SD–138

MAY 4

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the United States Coast Guard, Department of Transportation.
SD–192

MAY 5

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for Environmental Protection Agency science programs.
SD–138

MAY 11

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Bureau of Indian Affairs, Department of the Interior.
SD–116

1:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Indian Health Service, Department of Health and Human Services.
SD–116

MAY 17

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of the Interior.
SD–192

CANCELLATIONS

MARCH 21

10:00 a.m.
Governmental Affairs
Business meeting, to mark up S. 291, to reform the regulatory process, to make government more efficient and effective, and S. 343, to reform the regulatory process.
SD–342

MARCH 22

10:00 a.m.
Judiciary
To hold hearings on an analysis of Federal assistance to State and local law enforcement agencies.
SD–226

2:30 p.m.
Armed Services
Airland Forces Subcommittee
To hold hearings on the implications of military operations in the former Yugoslavia.
SR–222

MARCH 23

9:30 a.m.
Labor and Human Resources
Education, Arts and Humanities Subcommittee
To hold oversight hearings on direct lending practices.
SD–430

3:00 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Institutes of Health, Department of Health and Human Services.
SD–138

POSTPONEMENTS

MARCH 29

9:30 a.m.
Special on Aging
To hold hearings to examine ways that individuals and families can better plan and pay for their long term care needs.
SD–628

SENATE—*Tuesday, March 21, 1995*

(Legislative day of Thursday, March 16, 1995)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Lloyd John Ogilvie, D.D., offered the following prayer:

Let us pray:

Almighty God, Sovereign of this Nation and Lord of our lives, we begin this day by remembering Benjamin Franklin's words to George Washington at the Constitutional Convention:

"I have lived, sir, a long time, and the longer I live the more convincing proofs I see of this truth: that God governs in the affairs of men. If a sparrow cannot fall to the ground without His notice, is it possible that an empire can rise without His aid? I believe that without His concurring aid, we shall succeed no better than the builders of Babel. We shall be divided by our partial local interests; our projects will be confounded * * *."

Gracious Lord, we join our voices with our Founding Forefathers in confessing our total dependence upon You. We believe that You are the author of the glorious vision that gave birth to our beloved Nation. What You began You will continue to develop to full fruition and today the women and men of this Senate will grapple with the issues of moving this Nation forward in keeping with Your vision. It is awesome to realize that You use us to accomplish Your goals. So keep us mindful of the eight words of God-centered leadership: Without You we can't; without us You won't. Think Your thoughts through us; speak Your truth through our words; enable Your best for America by what You lead us to decide. In Your holy name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished acting majority leader is recognized.

Mr. GRASSLEY. I thank the Chair.

SCHEDULE

Mr. GRASSLEY. This morning the time for the two leaders has been reserved, and there will now be a period for morning business not to extend beyond the hour of 10 a.m. At the hour of 10 a.m., the Senate will resume consideration of S. 4, the line-item veto bill. Pending to the line-item veto bill is a substitute amendment on which a cloture motion was filed yesterday. Therefore, a rollcall vote will occur on that cloture motion tomorrow. However, rollcall votes are possible during today's session of the Senate.

FILING OF AMENDMENTS UNTIL 1 P.M.

Mr. GRASSLEY. Mr. President, I now ask unanimous consent that notwithstanding the recess of the Senate today, Members have until 1 p.m.—and that is today—to file amendments to the substitute amendment to S. 4.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

Mr. GRASSLEY. Mr. President, are we in morning business?

The PRESIDENT pro tempore. The Senate will now go into morning business.

Mr. GRASSLEY. Mr. President, am I on the order for morning business?

The PRESIDENT pro tempore. Under the previous order, the Senator from Iowa [Mr. GRASSLEY] is recognized to speak for up to 10 minutes.

Mr. GRASSLEY. I thank the Chair.

INTEGRITY OF THE DEPARTMENT OF DEFENSE BUDGET

Mr. GRASSLEY. Mr. President, you are chairman of the Senate Armed Services Committee. I do not often have an opportunity to speak when the distinguished Senator from South Carolina, also the chairman of the Armed Services Committee, is in the chair. I am in the middle of a series of speeches on the defense budget, and I know that the Senator from South Carolina is very much for a strong national defense. I am also for a strong national defense. But I have some questions about the amount of money we ought to spend and whether or not it has been used in the most well-managed way. And so I am addressing that issue.

So today I wish to resume my presentation on the integrity of the Department of Defense budget.

(Mr. DEWINE assumed the chair.)

Mr. GRASSLEY. Mr. President, yesterday I provided some background information on how I got involved in defense issues in the early 1980's and have been involved with them since. I talked about how the spare parts horror stories convinced me that President Reagan's defense buildup would lead to waste on a massive scale. I talked about how the spare parts horror stories drove me to the job of watchdogging the Pentagon.

Today I wish to begin discussing the accuracy of the Department of Defense budget and accounting data. Each year, Congress debates the Department of Defense budget for days. I do not expect this year to be much different. In fact, the debate may intensify. It may intensify because some of my Republican colleagues are bent on pumping up the defense budget again by billions of dollars. I am flat baffled by their proposal. I do not understand it. They want to start back up the slippery slope toward higher defense budgets when there is no reason for doing it. The Soviet threat is gone. The cold war is over. The defense budget should be leveling off, not going up. But I do not intend to debate that issue today. That is better debated when we are working on the appropriations and authorization bills for the Department. My purpose today is to suggest that we cannot make meaningful decisions on the defense budget until we get more reliable information.

I wish to talk about the soundness then of the Department of Defense information base. I wish to talk about the integrity of Secretary Perry's budget. The Department's financial records are the foundation for this budget. Like a house or building, if it is going to stand the test of time and if the building is going to serve its intended useful purpose, then a budget's foundation must likewise be built upon very solid rock.

Secretary Perry's accounting and budget numbers should be accurate and complete. Sadly, however, every shred of evidence I have tells me that Mr. Perry's budget structure is built on sand.

Do they understand that? I believe they do. I believe that there are some people over there intent upon changing this, who right this very minute are working toward doing that. But the point is that job is a long way from being done, because it is in such a sad state of affairs. We are going to be called upon in the next couple months to make a decision whether to spend $50 billion more than what the President proposed on defense. I do not see how we can make that decision with the information on which the budget structure is formed if this is all built on a foundation of sand. I will document the basis for that assertion in a moment.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Mr. Perry's financial records, the Department's budget books and accounting books are in a shambles. Mr. Perry has no way of knowing which numbers are true and which are false.

Inaccurate and misleading budget numbers erode our process of checks and balances, and they undermine accountability.

Bad information leads to bad decisions and hence bad Government.

The accounting books should provide a full and accurate record of how the money was spent, what was purchased, and how much each item cost.

The accounting books should provide a historical record of past expenditures.

The budget, by comparison, is supposed to tell us what is needed in the coming year in the way of money and material.

The future years defense program, or FYDP, in turn, projects the future consequences of our budget decisions. All these books—the future year's defense program, the budget, as well as accounting book—should hang together.

The books should be bound together by a common thread—accurate, consistent data.

The budget should be hooked up to the accounting books, and the future year's defense program should be hooked up to the budget.

The books need to hang together for one very simple reason:

Much of what will be bought and done in the years ahead were bought and done last year and the year before.

If we do not know what we bought last year and how much it cost, it will be impossible to figure out what we need next year. You cannot craft a good budget with bad numbers. It is as simple as that.

There is no way to escape from this commonsense principle. If we do not know what last year's defense program cost, then how in the world can Mr. Perry figure out what he needs down the road—in the outyears?

That is it in a nutshell.

In the simplest terms, if we do not know where we have been and where we are, we cannot possibly figure out where we are going. We may be lost.

Mr. President, all the DOD budget chains are broken. The essential links between the accounting records and the budget, and the budget and the future year's defense program, are busted. We have mismatches within mismatches within mismatches.

Now, this is a very complicated subject, and my conclusions could be controversial. They could be challenged.

So it is important that I document my sources.

But I would like to warn my colleagues, these issues are not laid out in one single source. I have drawn on many different sources.

I will cite the main ones. There are others but the main ones are as follows:

First, U.S. General Accounting Office, "Financial Management: Status of Defense Efforts To Correct Disbursement Problems." (AIMD-95-7. October 1994.)

This work is continuing at the request of myself and Senators ROTH and GLENN. I have used some updated data on disbursements and unreconciled contracts that does not yet appear in published reports.

Second, DOD inspector general, "Fund Control Over Contract Payments at the Defense Finance and Accounting Service—Columbus Center." (Report No. 94-054. March 15, 1994.)

Third, U.S. Senate, Committee on Governmental Affairs. (Hearing on DOD Financial Management. April 12, 1994.)

Testimony by Comptroller General Bowsher and Senator GLENN provided most of my information on overpayments to contractors.

Fourth, DOD inspector general, "Consolidated Statement of Financial Position of the Defense Business Operations Fund for Fiscal Year 1993." (Report No. 94-161. June 30, 1994.)

Fifth, U.S. General Accounting Office, "Defense Business Operations Fund: Management Issues Challenge Fund Implementation." (AIMD-95-79. March 1995.)

Sixth, U.S. General Accounting Office, "Future Years Defense Program: Optimistic Estimates Lead to Billions in Overprogramming." (NSIAD-94-210. July 1994.)

The GAO's evaluation of the FYDP is continuing at the request of Senator ROTH and myself. The ongoing work has two objectives:

Evaluate the data and methodology presented in Mr. Chuck Spinney's latest study, "Anatomy of Decline" and the role of DOD's Office of Program Analysis and Evaluation [PA&E]; and

Review the fiscal year 1996 FYDP.

Seventh, this is also by Chuck Spinney: "Anatomy of Decline." Office of Program Analysis and Evaluation, Department of Defense. February 1995.

In order to save time, I will not make a detailed reference every time I draw data from one of these sources.

Instead, I will try to identify the source in a more general way as I go along.

Mr. President, that concludes my statement for today.

I will continue with more evidence tomorrow and Thursday and Friday.

I yield the floor.

The PRESIDING OFFICER. Under the previous order the Senator from Alabama [Mr. HEFLIN] is recognized to speak for up to 10 minutes.

The Senator from Alabama.

Mr. HEFLIN. Mr. President, Senator FEINSTEIN wishes to make some remarks. In the event her remarks are not begun or finished when the hour of 10 arrives, I ask unanimous consent that time for morning business be extended to allow her to complete her remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama is recognized.

Mr. HEFLIN. I thank the Chair.

(The remarks of Mr. HEFLIN pertaining to the introduction of S.J. Res. 31 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. Under the previous order the Senator from California [Mrs. FEINSTEIN] is recognized to speak for up to 10 minutes.

Mrs. FEINSTEIN. I thank the Chair.

(The remarks of Mrs. FEINSTEIN pertaining to the introduction of S. 580 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

MEMORIALIZING JAMES LARRY BROWN OF PINE LEVEL, NC

Mr. FAIRCLOTH. Mr. President, I rise to pay tribute to James Larry Brown who died suddenly 2 weeks ago at the young age of 40.

Larry, as he was known by friends and family, was born and raised in Johnston County, NC, and spent his entire life in that tight-knit community. The hundreds of people who mourned his untimely death offer testimony to his character and the value of his life that ended without warning.

As a young boy he sang in the choir at Carter's Chapel Baptist Church at Sunday services and for the sad occasion of a fellow parishioner's funeral. In 1970, when he was 16 years old, he sang at the funeral of Tammy Denise Woodruff, a 3-year-old child whose life was cut short. Each time he visited the grave site of that little girl who was buried next to his mother, Lyda Mae, he wept for her. Tammy's gravestone read "Picking Flowers in Heaven." Larry now rests next to her. The compassion he felt for a little girl he didn't even know is the finest example of the compassion Larry Brown felt toward all human beings.

Larry wasn't a renowned scientist, an outspoken community activist, or a political leader. Larry was an ordinary man who lived and worked in his community for his entire life. He was the type of man that you would want as a brother, as a father, as a neighbor and as a friend. Whether he knew you for 20 years or for 20 minutes, he would be there offering a shoulder to cry on, a helping hand, or a $20 loan he never expected to be repaid.

Some of his neighbors knew him as Vicki's father, Mr. Larry, the one who was always there working for the North Johnston High School Band Boosters to help them raise money and organize activities so the high school could continue developing young minds and souls through music. Other Pine

Level residents knew him as Megan's daddy, a devoted softball fan who never missed a single game his daughter played. Parents and friends at the softball game always turned to Larry to find out the score at any given point in time. He always knew the answer because he kept the score in the soil beneath his lawn chair which he would put in place at the start of the day's first game and not remove until all the games were over. He was every child's playmate and every parent's confidant. Most everyone knew him as a friend.

He married Colleen Kenney in 1975 after they met on a blind date when her family moved from Wisconsin to North Carolina. They would have celebrated their 20th wedding anniversary this October and both Larry and Colleen were looking forward to spending the rest of their lives together. Colleen, Pine Level's Girl Scout troop leader, relied on Larry to help her with the tremendous task of helping these girls grow and learn about life, responsibility and the importance of community service. It was a task he did well and with great dedication.

Almost as much as Larry loved his family, his friends and his community, he loved the University of North Carolina Tar Heels. He was known throughout Pine Level, Smithfield and Selma as one of the most devoted Heels' fans in the State, never missing a game on television and invariably purchasing his cars and clothing in the Carolina Blue colors of the Tar Heels. He engaged in good hearted rivalry with his neighbors who were fans of the NC State Wolfpack, gaining a reputation as not only a practical joker but also as a good sport. Larry loved to laugh and loved to make others laugh—one of his extraordinary talents.

While family and friends were his first priority, Larry gained a reputation as a sympathetic, understanding and effective manager at Data General and at Channel Master in Selma were he was working when he died. Those that he worked with in the present and well over a decade ago were struck by his death and came to pay him tribute. While working to support his family over the past 20 years, he was also able to complete his bachelors degree at the Atlantic Christian College. His graduation day, just a few years ago, was a proud day for his family. It was supposed to be just the beginning.

James Larry Brown will be missed by all who knew and loved him. However, we are comforted in our loss by the knowledge that his was a life worthwhile, filled with compassion and kindness. We can only hope that his life and sudden death will make us better people.

CELEBRATING THE 19TH AMENDMENT

Mr. D'AMATO. Mr. President, I rise today to recognize the 75th anniversary of the passage of our Nation's 19th amendment. As my colleagues know, this important amendment placed in law the right for women in the United States to vote and is now a cause to celebrate the contributions and achievements of women.

The right to vote is indeed a precious right that we as Americans sometimes do not appreciate. Until 75 years ago, our forefathers did not recognize that this right also applied to women. Women fought hard to secure this right. The 19th amendment has since become a turning point symbolizing the remarkable contributions of women to our Nation's past, present, and future.

It is not an understatement that this amendment was the impetus for women to actively participate in politics, science, education, and commerce. Once opportunities were presented, women have, through hard work, excelled in their chosen professions.

This anniversary, therefore, marks the rise of women into positions of leadership. Women's History Month recognizes the achievements and the contributions of these prominent members of our past such as Susan B. Anthony and Elizabeth Cady Stanton. This becomes especially important as we look to our future.

Mr. President, it is in New York that Women's History Month has special meaning given that the formal beginning of the suffrage movement began with a convention in Seneca Falls, NY. Today, Seneca Falls is the home of the Women's Rights National Historical Park and its history serves as an inspiration to all. I am pleased to lend my voice to celebrate this anniversary.

THE REGULATORY MORATORIUM BILL

Mr. STEVENS. Mr. President, I wish to take a moment to describe the effect of the amendment I authored and which is now part of the committee substitute for S. 219, the regulatory moratorium legislation.

My amendment modifies the definition of "significant regulatory action" to include "any action that withdraws or restricts recreational, subsistence, or commercial use of any land under the control of a Federal agency, except for those actions described under paragraph 4 (D) and (E)." The effect of this amendment is to impose the moratorium contained in the bill on any action by a Federal agency to withdraw or restrict commercial, recreational, or subsistence use of Federal lands.

The actions described in paragraph 4 (D) and (E) are "any agency action that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity relating to hunting, fishing, or camping" and "the granting of * * * a license, * * * exemption, * * * variance or petition for relief * * * or other action relieving a restriction * * *." In other words, a Federal agency may continue to manage these activities, even if the management action involved would restrict the public's use of Federal lands. This means that a Federal agency may close wildlife refuges to duck hunting, limit the number of people permitted in the National Parks to the number of campsites available, or prohibit trawling in certain areas to protect crab and halibut.

In addition, my amendment defines "public property" to mean "all property under the control of a Federal agency, other than land." This definition is necessary because the bill provides that the moratorium shall not apply if the President finds that "the action is * * * principally related to public property * * *." Without this definition, the President could circumvent the purpose of my amendment by simply finding that the closing of Federal lands to grazing or of a National Forest to timber harvests is "principally related to public property" because the principal "public property" under the control of the Forest Service are National Forests. By limiting the definition of "public property" to "all property * * * other than land" my amendment would allow the President to exclude from the moratorium any action related to managing public property like motor pools, warehouses, and other buildings—including public toilets—in short, any action other than to restrict land use.

Some have said this amendment goes too far. I think it does not. The President has plenty of exceptions that allow him to escape the impact of my amendment. There are exceptions for national security, law enforcement, health and safety, and international trade, among other things. And in the final analysis, it is the President who makes the final call as to what regulations are impacted by this law. The intent of my amendment is clear—I want to put a halt to agency actions that needlessly restrict the use of public lands.

Mr. President, I commend my colleague from Delaware, Senator ROTH, and his committee staff, particularly Frank Polk, Paul Noe, and Mickey Prosser for their efforts in reporting this regulatory moratorium legislation.

PRESIDENT CLINTON IMPLEMENTS THE VIOLENCE AGAINST WOMEN ACT

Mr. KENNEDY. Mr. President, earlier today, President Clinton took a major step toward effective implementation of the new Violence Against Women Act, which was enacted as part of the omnibus crime control law last year.

President Clinton established a new Violence Against Women Office at the Department of Justice, and appointed former Iowa Attorney General Bonnie Campbell as Director of the Office. Ms. Campbell was the first woman to hold the office of attorney general in Iowa, and in that capacity, authored one of the Nation's first antistalking laws.

President Clinton also announced $26 million in State grants and a toll-free domestic violence hotline. I was proud to be a strong supporter of the act and to be the Senate sponsor of the hotline.

I commend the President for taking this important step in the fight to end violent crimes against women. The rates of violent crimes committed against women continue to rise. Nationwide a woman is beaten every 15 seconds. Three to four million women a year are victims of family violence. In Massachusetts last year, a woman was murdered every 16 days, and in this year alone, 17 women have been murdered as a result of domestic violence.

It is clear that far more needs to be done to stop this violence. One of the most effective measures is to improve our methods of law enforcement and do more to prosecute and convict the perpetrators of these crimes.

The Violence Against Women Act provides $1.6 billion over the next 6 years to combat such violence. Included in those funds are grants to States to train and hire more police and prosecutors for domestic violence or sexual assault units, open new crisis centers for victims, hire advocates and crisis counselors, and improve lighting for unsafe streets and parks.

These grants are a critical part of a comprehensive new effort to combat violence against women. Police need better training, so that they will make arrests when the situation warrants. Prosecutors need better training in how to work with victims, using victims' advocates when possible. Judges need to understand that domestic violence and other attacks against women are serious crimes. Often, when women are abused or beaten, the police, prosecutors, and judges fail to take the crimes seriously enough. As a result, many women are reluctant to call the police or seek help in other ways. These grants will help States address these problems.

This new law is the first comprehensive Federal effort to deal with violence against women. It protects the rights of victims. It makes it a Federal offense to cross State lines to abuse a fleeing spouse or partner. It gives victims of violent crime or sexual abuse the right to speak at the sentencing hearings of their assailants. It prohibits those facing a restraining order on domestic abuse from possessing a firearm.

I am particularly gratified by the restoration of the national, toll-free domestic violence hotline, which will be administered by the Department of Health and Human Services. Before the hotline was shut down for lack of funds in 1992, it averaged over 180 calls a day, or 65,000 calls a year, during the 5 years it was in operation. The hotline is a lifeline for women in danger. The nationwide system will enable any woman in trouble to call an 800 number and be advised by a trained counselor on what to do immediately and where to go for help in her area.

I commend President Clinton for his leadership in implementing this law, and I look forward to working with the administration to continue to fight to end the tragedy of violence against women.

IS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES

Mr. HELMS. Mr. President, the impression simply will not go away; the enormous Federal debt greatly resembles that well-known energizer bunny we see, and see, and see on television. The Federal debt keeps going and going and going—always at the expense, of course, of the American taxpayers.

A lot of politicians talk a good game—when they go home to campaign—about bringing Federal deficits and the Federal debt under control. But so many of these same politicians regularly voted for one bloated spending bill after another during the 103d Congress—which could have been a primary factor in the new configuration of U.S. Senators as a result of last November's elections.

In any event, Mr. President, as of yesterday, Monday, March 20, at the close of business, the total Federal debt stood—down to the penny—at exactly $4,842,719,633,258.54 or $18,383.05 per person.

The lawyers have a Latin expression which they use frequently—"res ipsa loquistur"—"the thing speaks for itself." Indeed it does.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. KYL). Morning business is closed.

LEGISLATIVE LINE-ITEM VETO ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 4, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 4) to grant the power to the President to reduce budget authority.

The Senate resumed consideration of the bill.

Pending:

Dole amendment No. 347, to provide for the separate enrollment for presentation to the President of each item of any appropriation bill and each item in any authorization bill or resolution providing direct spending or targeted tax benefits.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 5 minutes as if in morning business off the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

TELECOMMUNICATIONS DEREGULATION AND COMPETITION: ITS IMPACT ON RURAL AMERICA

Mr. DORGAN. Mr. President, when Congress passed the Communications Act in 1934, telephones were a novelty. Sixty years later, most Americans have affordable telephone service, thanks largely through a universal service system of support mechanisms. This is a success story.

Universal service has been a success because policymakers had the foresight to understand that market forces, left to their own devices, would not serve every American. Support mechanisms are necessary to ensure that every American could have access to phone service and electricity. This was true in building a nationwide phone network and it will be true in the future to deploy an advanced telecommunications network.

Today we stand at the advent of a telecommunications revolution that promises to bring an explosion of economic activity and growth in rural America that will rival the delivery of electricity to farms in the early part of the century. The information age promises to bring opportunity to previously disadvantaged areas. Until now, geography has been, a disadvantage for rural America. Much of the business growth and development in America happens to occur in major urban centers out of geographic necessity, leaving rural America at a significant disadvantage. The telecommunications revolution is quickly changing all that, making a rural community in North Dakota as close to Manhattan as the Hudson River.

Satellites, fiber optic cable, digital switching devises and other technological developments make it possible for voice, video, and data transmission to occur effectively and immediately between two locations thousands of miles apart. This means jobs, economic development, and opportunity unprecedented in rural areas that have historically been struggling to build a promising future.

On the eve of our consideration of new major national telecommunications policy, I am concerned that issues essential to rural America may be overshadowing by the battles between the industry titans, like the regional Bell operating companies, long distance carriers and national cable networks. We cannot forget to do what is right for all, and not just a few, Americans.

There is an obsession and worship of competition and deregulation these days. After all, a free market driven by competition comprises the economic fabric on which our Nation was built. At the same time, however, the country has always understood that these principles are not always in everyone's best in interest. This dichotomy is of significant note as we chart the development of our Nation's telecommunications policy and its impact on rural America.

The structure and the economics of the telecommunications industry is as complicated as scholastic philosophy. Our Nation already possesses a quality integrated telephone network that most Americans can access and enjoy the benefits of coast-to-coast communications. However, few understand and the complex interaction and coordination that is required to connect the hundreds of local phone companies and long distance carriers. Although most Americans know the difference between local and long distance phone calls, few understand and appreciate the complexities of how long distance and local phone companies interconnect.

For example, I would guess many Americans are not aware that the seven regional Bell operating companies [RBOC's] are not the Nation's only local exchange carriers [LEC's]. Many Americans are surprised to learn that there are hundreds of LEC's throughout the Nation. In fact, there are approximately 1,400 small cooperative and commercial systems serving people and communities throughout rural America. These small and rural LEC's originated to bring service to areas considered unprofitable and undesirable by the industry's early leaders.

Together, these small and rural LEC's provide telecommunications service to approximately 6.6 million rural Americans. Their combined service areas cover some 1.7 million square miles and represent approximately 1 million route miles of infrastructure. While they serve about 5 percent of the U.S. population, their service areas encompass 40 percent of the Nation's land area. On average, their investment totals approximately $2,500 for each subscriber. And, for the most part, the services they provide are equal or superior to those offered by the industry giants.

With these facts in mind, it should come as no surprise that these low-density, high-cost areas are not natural candidates for competition and need support to deliver affordable service. They are neither magnets for capital nor market-stimulating sources of revenues and profits. Yet, despite the challenges these small and rural LEC's face, they consistently provide universal service to their constituency. This is possible only through sound public policy that has historically recognized rural is different.

That's what we really need to focus on today. Rural areas are different. This does not suggest that competition should be rejected for rural areas. Rather, we need to understand that competition in rural and high cost markets needs to be structured differently in rural areas. Universal service support is critical and the introduction of competition must be addressed with carefully constructed policy—not blind obedience to competition and deregulation.

There are two cardinal rules I want to impress upon my colleagues today. The first rule is that telecommunications reform must protect and preserve universal service support. Without such support, the future of rural telecommunications is a guaranteed disaster rather than a promise for opportunity. The second cardinal rule is that competition in rural areas needs to be structured appropriately and it is imperative that safeguards be in place to ensure an orderly transition to a competitive marketplace.

PROTECTING AND PRESERVING UNIVERSAL SERVICE

A recent study entitled "Keeping Rural America Connected: Costs and Rates in the Competitive ERA" reveals how the rural telecommunications marketplace could be devastated without universal service support. Specifically, it shows that rates would skyrocket to the point that many rural Americans would be forced to simply decline service.

For example, the study demonstrates that without universal service support, local monthly rates would increase by $12.84 on average. Monthly toll rates would climb by $18.43. The combined monthly increase would average an astounding 72.3 percent. And these are study-wide averages; the effects in some States are even worse.

Maintaining universal telecommunications service must remain our highest priority. Any emerging national policy must embrace the concept of an ongoing and evolving universal service mandate. Moreover, such policy must ensure that universal service initiatives are financially sustained by all market providers.

Some have argued in favor of reducing, and in some cases, eliminating, the level of universal service support. This is flagrantly inconsistent with this Nation's 60-plus year commitment to universal service for all Americans. Congress and the administration alike have set many ambitious goals for the Nation's telecommunications industry—goals that can be met only if we are willing to make a renewed commitment to support, not abandon, the policy of universal service.

The objective of introducing competition in local phone service is to drive prices toward cost. In contrast, current practice reflects the long-established national policy goal of setting rates at levels that maximize subscription and use. That policy has proved very effective, enabling all of us to reap what economists call the "external benefits" of broad access to the Nation's public switched network.

The largest LEC's want to base their rates on cost in order to confront their onrushing competitors more effectively. That is certainly understandable. They are large enough to make such pricing work for both themselves and their subscribers. Nevertheless, it does not necessarily make economic sense to force similar arrangements on small, rural LEC's. Cost-based pricing by rural LEC's would lead to dramatic rate increases for rural consumers. The value of a phone in Regent, ND is the same as the value of a phone in New York City. The only way to prevent rate increases is to offset them through universal service cost recovery mechanisms. This clearly points out the importance of establishing strong universal service support mechanisms prior to permitting the modification of the industry's rate structure scheme.

Rural areas must have access to telecommunications capabilities and services comparable to those in urban areas. To ensure this, Congress, the FCC, and the telecommunications industry have established a number of support mechanisms, including geographic toll rate averaging, lifeline and linkup programs, local rate averaging, and the rural utilities service's, formerly REA, telephone loan program. These programs and policies have made state-of-the-art telecommunications technologies available to rural Americans. In return for these supports, LEC's agree to serve every resident in their service area who wants to be served. In many cases, it would have been impossible for LEC's to serve the entirety of sparsely populated service areas without support.

COMPETITION IN RURAL MARKETS

The second cardinal rule is that blind allegiance to competition will hurt rural telecommunications delivery. The fact is that competition—without conditions—does not serve rural markets. Airline deregulation is but one example. In a deregulated environment, airlines have chosen not to serve many rural areas. Why? Because the economics of competitive industry do not drive service into rural areas.

The fundamental premise in the telecommunications reform legislation we considered last year—and that is emerging this year—is that competition will lead to lower rates and encourage investment. In most cases, this is the correct approach. Competition should be introduced into all aspects of telecommunications. When the old Ma Bell was divested of its local monopolies, separating long distance and manufacturing services into competitive markets, competition lead to lower long-distance prices and a flood of new equipment into the marketplace. Nobody can question that consumers have benefited from the emergence of hundreds of long distance companies and the thousands of new products that were borne from a competitive equipment manufacturing industry. Consumers have benefited from allowing competition in long distance and manufacturing industries and I am confident that consumers will also benefit under competitive local exchange service. Introducing competition into local telephone service can produce the same positive result—but only if it is done right and a one-size-fits-all approach is not taken.

If unstructured competition is permitted in rural markets and competitors are allowed to cherry pick only the high revenue customers, serious destruction of the incumbent carrier, who is obligated to serve all customers, including the high cost residents, will occur. A local telephone exchange is like a tent and if a competitor is permitted to take out the center pole, the whole tent collapses. Larger markets may be able to sustain some cherry picking, but in smaller rural markets, the results could be higher residential rates.

The fact is that competition can be destructive in markets that cannot sustain multiple competitors. A blind allegiance to competition could result in higher costs and diminished services for rural Americans. The question is not whether or not competition should occur in rural areas. Rather the question is how can the rules of competition be structured to ensure that rural consumers continued to relieve quality, affordable service. Without caution, we could be setting the stage for competition to jeopardize the national public switched network—and universal service—that almost all Americans enjoy today.

Unstructured competition could lead to geographic winners and losers. We must not agree to any policy that creates a system of information-age haves and have-nots. I cannot and will not support public policy that leaves rural Americans reeling in its wake. An unrestricted competitive and deregulatory telecommunications policy will not work in rural America. Such policy in fact threatens higher, not lower, consumer prices. Such policy in fact threatens less, not more, consumer choice. And such policy in fact will cost taxpayers more, not less, when it forces existing LEC's out of business.

Telecommunications reform should not adopt a one-size-fits-all policy of competition and deregulation for the entire Nation. Competition and deregulation cannot work as a national policy without rural safeguards.

I am not interested in giving telephone companies a competitive advantage over other telecommunications carriers. But I am interested in ensuring an affordable, high-quality telecommunications network in rural America. The cable industry and electric utilities want to compete in the local exchange market and phone companies want to compete in cable. I support breaking down the barriers that prohibit these industries from competing in each other's businesses. However, we must adopt safeguards that are in the interest of rural consumers who must be our first concern. Only with safeguards are all rural Americans guaranteed to receive the high-quality, affordable telecommunications service they deserve. That's the bottom line. New telecommunications policy must be about rural consumers.

In exchange for universal service support mechanisms, telephone companies serving rural and high-cost areas have undertaken the obligation to serve areas that market forces would leave behind. The only reason why thousands of Americans living in rural areas have phone service is because our existing policies require certain carriers to provide that service. In addition, necessary support mechanisms to ensure that service are available so that service can be provided at an affordable rate. It seems to me that if competition is going to enter into rural and high-cost areas, competitors ought to be required to undertake the same responsibilities. Let's not close the door to competition—but let's require competitors and incumbents alike to carry the same burdens. This is the only way we can have fair competition in rural areas.

The fact is that U.S. telecommunications policy has always recognized local exchange service as essential to the well-being of all Americans. The same cannot be said of cable TV or other related services. The key point here is that we must not adopt any policy that would jeopardize the provision of essential local exchange service. And we must certainly not adopt any policy that would alter current policy so dramatically that the interests of rural consumers would suffer.

CONCLUSION

In summary, preserving universal service is sound public policy. Universal service benefits the entire Nation, not just rural areas. As we pursue new telecommunications policy, we must also ensure that real, effective mechanisms remain in place to preserve and advance universal service. It is equally important to provide rural safeguards to ensure that competition results in positive benefits for rural consumers. The conventional wisdom of free-market economics generally does not apply to the different conditions in rural America where low population density and vast service areas translate to less demand and higher costs.

Telecommunications reform legislation is one of the most comprehensive and significant pieces of legislation that many of us will work on in our congressional careers. Not only does billions of dollars hang in the balance between some of the largest corporations in the world, but more importantly, the affordability and effectiveness of a central element of economic and social life of Americans is at stake—an advanced telecommunications network. I urge my colleagues to address this legislation with an understanding and appreciation for the complexities involved and not to resort to easy ideological solutions. There is too much at stake. Not only do all Senators have a common national goal to promote the development of an advanced telecommunications network, but we share the same responsibility to ensure that all Americans have access to that network—regardless of their geographic residence.

LEGISLATIVE LINE-ITEM VETO ACT

The Senate continued with the consideration of the bill.

Mr. McCAIN. Mr. President, I now move to S. 4, debate on the line-item veto.

The PRESIDING OFFICER. The bill is pending.

CLOTURE MOTION

Mr. McCAIN. Mr. President, I send a cloture motion to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Dole Amendment No. 347 to the bill S. 4, the line-item veto bill:

Bob Dole, Trent Lott, Dan Coats, Slade Gorton, Robert Bennett, John McCain, Ted Stevens, James Inhofe, Mike DeWine, John Ashcroft, Craig Thomas, Bob Smith, Alfonse D'Amato, Mitch McConnell, Larry Pressler, Don Nickles, Pete Domenici.

Mr. McCAIN. Mr. President, as my colleagues are aware, that is the second cloture motion that has been filed at the desk.

Mr. President, after discussion with the majority leader, I think it would be well to inform my colleagues that we anticipate a cloture vote on Wednesday, tomorrow, at some point, at the discretion of the majority leader, and then again on Thursday and, if necessary, another one on Friday.

I remind my colleagues that the bill is under consideration. It is open for amendments. We welcome amendments at this time. I remind Members that first-degree amendments must be filed by 1 p.m. today in the event of a cloture motion.

Mr. President, in discussions with the majority leader, he has informed me that, if necessary, we would stay, in order to complete consideration of this bill in a timely fashion, that we would plan on staying in late both tonight, tomorrow night, and Thursday night, if necessary. Hopefully, that is not necessary. Hopefully, we can pass a cloture motion and close off debate in 30 hours, of course, with relevant amendments that are germane to be considered at that time.

I also point out that, in the event there are amendments that are not ruled specifically germane to the bill, the Members should file those by 1 p.m. today.

Mr. President, it is clear the intentions on this side of the aisle, and with the majority leader's help, that we do not intend to drag this debate out for weeks. We intend to dispose of the issue. It has been brought up on numerous occasions, dating back to 1985. As short a time ago as last year, a sense-of-the-Senate resolution basically encompassing most of the provisions of the DOLE substitute was voted on, and the issue is clear and will not require extended debate in the view of the majority leader and those on this side of the aisle.

Let me just point out, in the 99th Congress, a hearing was held in committee and the motion to proceed was filibustered. There are 53 current Members of the Senate who were here then. It has been reintroduced every Congress since then. Additionally, in 1990, on July 25, the Senate, the Budget Committee, favorably reported this bill, and finally during the 103d Congress, the Senate voted on a sense of the Senate regarding this issue.

I also remind my colleagues that the bill is very short. It is five pages and one sentence long. It does not require a great deal of time and effort to digest it. It is, I think, rather simple, rather brief, especially compared with bills that we dispose of that are of much greater length on a routine basis around here.

Obviously, Mr. President, there will be questions about this bill. There will be amendments, hopefully, that will help define this legislation. We do not view it as perfect. But the fundamentals associated with it are, in my view, important and unchangeable.

Those are based around the following assumptions:

First, that it would require a two-thirds majority in both Houses in order to override the President's veto. In my view, that is the fundamental principle behind the line-item veto and one that is not negotiable.

Second, the separate enrollment aspect which allows the President to eliminate pork using his constitutional authority by a simple veto as each piece of legislation is divided up into separate bills. Now, there will be a lot of discussion about that, Mr. President. There was the last time, in 1985, when it was brought up.

I point out that I went to see the enrolling clerk to be briefed on the mechanics of separate enrollment. We did a little experiment where we took the Commerce, Science, and Justice bill, which is the largest appropriations bill that was passed last year, just as a trial run, and we broke it up into some 500 pieces of separate enrolled legislation.

I think to ask the President to sign a bill 500 times is a chore. I also believe that to allow tens of billions of dollars of wasteful and unwanted spending to be included, tucked into various appropriations bills, is a far more serious and grievous error.

In another provision of the bill is the sunset provision, which would sunset this line-item veto authority after 5 years. I was not particularly happy about that provision, Mr. President, but there are those on both sides of the aisle that view this for what it is—a significant shift in authority from the legislative to the executive branch.

There are concerns about abuse of this power. So they want an opportunity to review the results of the enactment of this legislation after a 5-year period.

Frankly, I think that that is appropriate. That is another aspect of it.

The final aspect of it, Mr. President, that is going to be debated and be significantly involved is the targeted tax benefits. The targeted tax benefits allows the President to eliminate specific targeted tax benefits. These are rightful shots for transition benefits that help but a few that are not applicable to the general population.

The bill states clearly, and I quote from the legislation:

> (5) The term "targeted tax benefit" means any provision:
>
> (A) estimated by the Joint Committee on Taxation as losing revenue within the period specified in the most recently adopted concurrent resolution on the budget . . .
>
> (B) having the practical effect of providing more favorable tax treatment to a particular taxpayer or limited group of taxpayers when compared with other similarly situated taxpayers.

What that means, Mr. President, is that we are trying to avoid the so-called transition rules in which tax breaks are included for favored individuals or companies. We are trying to avoid things like what happened—and I quote from a New York Times article of May 20, 1994:

> A case in point is a provision that would allow some homeowners who rent their homes for a brief period to continue to escape taxes on their rental income. . . .
>
> Since 1976, income from homes and apartments rented for 15 days a year or less has been tax free. No one now in Congress knows for sure, but the word in tax circles for years is this was put into the law for the benefit of people who live in and around Augusta, GA, and who rent their homes for thousands of dollars each April for the Masters golf tournament. At the time that the measure went into the Tax Code, Herman E. Talmadge, Democrat of Georgia, was the second-ranking Senator on the Finance Committee.
>
> This year, to raise money to offset various tax cuts, the House decided to abolish the 15-day rule. But one narrow exception was provided. The rent would still not be taxable if the home was in an area where there was not enough hotel or motel space to accommodate visitors at a particular event. . . .
>
> The folks in Atlanta who are planning housing for the 1996 Olympics this summer are quite pleased with the outcome.

Mr. President, we cannot do that anymore. There is going to be an argument to expand this provision to basically any tax provision in the tax law, in tax bills that are passed.

I think that would be very dangerous. I believe that if we did that, then that would give the President of the United States the ability to veto things like home mortgage deductions, medical expenses deductions, child care tax credit, exclusion from income of employer-provided health care benefits, earned income tax credit, personal exemption, special exemption for the blind, special exemption for the elderly, et cetera, including charitable contribution deductions and State and local tax deductions.

The bill is intentionally narrowly focused on targeted tax benefits to prevent the same kind of abuses that have become rampant in the appropriations process.

I want to point out again and again and again, Mr. President, two-thirds versus a simple majority is the crux of this bill.

We asked for an opinion by the Congressional Research Service on the constitutionality of separate enrollment. There is a Congressional Research Service memorandum to the Honorable DAN COATS from Mr. Johnny H. Killian, who is a senior specialist in American consultant law. The subject is separate enrollment bill and the Constitution.

It is a little long, but I think it is important enough to ask unanimous consent that it be printed in the RECORD, and I ask unanimous consent to print it in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, March 20, 1995.

To: Hon. Dan Coats. Attention: Megan Gilley.

From: American Law Division.

Subject: Separate enrollment bill and the Constitution.

This memorandum is in response to your request for a constititional analysis of the draft substitute for the various item veto-rescission proposals now pending in the Senate. Briefly, your substitute would direct that the appropriations committees, the authorization committees in designated cases, and conference committees in designated cases to include within their bills reported to the House of Representatives or the Senate a level of detail on the allocation of an item of appropriation (or other authority) as is proposed by that House such as is set forth in the committee report accompanying such bill. The substitute then provides for separate enrollment of the designated bills, once passed by both Houses in identical language, as is detailed below.

Discussion here is of particular problems relating to passage of the separated bills, insofar as constitutional issues are raised. We do not deal in this memorandum with the larger issues of separate enrollment and the item veto.[1] In a considerable amount of published material since the preparation of the two memoranda, cited in n. 1, separate enrollment has not been dealt with, the controversy exciting much of the writing being the dispute over the assertion that the President already has the power of item veto if he would but use it.[2] Discussion of that subject we also pretermit. It is to the constitutionality of the mechanics of the proposal's implementation that we turn.

Under the proposal, once an appropriations bill and any authorization bill or resolution providing direct spending or targeted tax benefits has passed both Houses of Congress in the same form, the Secretary of the Senate (if the bill or joint resolution originated in the Senate) or the Clerk of the House of Representatives (if the bill or joint resolution originated in the House of Representatives) would cause the enrolling clerk of such House to enroll each item of appropriation or covered authorization as a separate bill or joint resolution. The separately enrolled measure is to be enrolled without substantive revision, is to conform in style and form to the applicable provisions of chapter 2 of title 1 of the United States Code, and is to bear the designation of the measure of which it was previously a part plus such other designation as to distinguish it from the other items separately enrolled from the same bill. The critical provision then is the following excerpted section.

"A measure enrolled pursuant to [this act] with respect to an item shall be deemed to be a bill under clauses 2 and 3 of section 7 of article I of the Constitution of the United States and shall be signed by the Speaker of the House and the President of the Senate, or their designees, and presented to the President for approval or disapproval (and otherwise treated for all purposes) in the manner provided for bills and joint resolutions generally."

Constitutional difficulty for the separate-enrollment proposal may be raised by the effectuation of this section. At present, when both Houses have passed a bill in the same form, it is presented by the last House acting on it to a specially appointed clerk for enrolling. Bills and joint resolutions are enrolled, and the enrolling clerk is to make no change, however unimportant, in the text of a bill or joint resolution, although the two Houses may, by concurrent resolution, authorize the correction of errors when enrollment is made. Following enrollment, the Speaker of the House of Representatives and the President of the Senate sign the bill, and it is then presented to the President.[3]

How is it, then, it may be asked, that separate bills, which in their subsequent form have not passed both Houses, may be deemed bills that have passed both Houses and are then properly presented to the President? It is not possible to make a definitive answer to this question. Sound precedent is lacking. However, one may, on the basis of existing precedents and general principles derived from the rule-making powers of both Houses, develop two possible resolutions to the quandary that will be suitable in form for each House to make its own constitutional determination.

Each House of Congress is empowered to "determine the Rules of its Proceedings," Art. I, §5, cl. 2. The authority is quite broad and leaves much to the discretion of each House, but it is not limitless. *United States* v. *Ballin*, 144 U.S. 1 (1892). In that case, the House of Representatives had adopted a rule to break the obstruction of some Members who would deny the existence of a quorum to do business by, though present, refusing to vote or otherwise indicating their presence for purposes of determining a quorum. The rule authorized the Speaker to have the names of nonvoting Members recorded and the Members counted and announced in determining the presence of a quorum. When the rule was challenged, by those asserting that a bill was not passed with a sufficient quorum present, the Court rejected the attack.

"The Constitution empowers each house to determine its rules of proceedings. It may not by its rules ignore constitutional constraints or violate fundamental rights, and there should be a reasonable relation between the mode or method of proceeding established by the rule and the result which is sought to be attained. But within these limitations all matters of method are open to the determination of the house, and it is no impeachment of the rule to say that some other way would be better, more accurate or even more just. It is no objection to the validity of a rule that a different one has been prescribed and in force for a length of time. The power to make rules is not one which once exercised is exhausted. It is a continuous power, always subject to be exercised by the house, and within the limitations suggested, absolute and beyond the challenge of any other body or tribunal." Id., 5.

Inasmuch as the Constitution required a quorum to do business but prescribed no method of making the determination of the existence of a quorum, "it is therefore within the competency of the house to prescribe any method which shall be reasonably certain to ascertain the fact." Id., 6. The Court then listed several methods the House might have used. "Any one of these methods, it must be conceded, is reasonably certain of ascertaining the fact, and as there is no constitutional method prescribed, and no constitutional inhibition of any of those, and no violation of fundamental rights in any, it follows that the house may adopt either or all, or it may provide for a combination of any two of the methods." Ibid. *Ballin*, thus, stands for the proposition that the power of the Senate and the House of Representatives is quite broad and that the Court will defer in large measure; but by its phrasing, the Court clearly said that it has power to review rules and their application, if there are constitutional inhibitions in existence or if private rights are alleged to be abridged.

That judicial review of congressional rules may be an expansive power is illustrated by *United States* v. *Smith*, 286 U.S. 6 (1932), an opinion by Justice Brandeis. *Smith* concerned the meaning of a disputed rule of the Senate. The Senate has confirmed an appointee to the FPC, the President had been notified, the commission was signed, and Smith took office. The Senate then requested that the nomination be returned for reconsideration; upon the President's refusal, the Senate nonetheless voted again and refused confirmation. The Senate relied upon a role that it construed to authorize such reconsideration.

"The question primarily at issue," the Court said, "relates to the *construction* of the applicable rules, *not to their constitutionality*," Id., 33 (emphasis supplied). The supposed *Ballin* limits were passed. "As the construction to be given to the rules affects persons other than members of the Senate, the question presented is of necessity a judicial one." Ibid. While the Court purported to give great deference to the Senate's construction of its rules, it read the text of the rules, the history and precedents, and the mischief attendant on the Senate's construction to interpret the rules as precluding reconsideration of the appointment. Id., 35–49.[4]

Other cases to be noticed are *Christoffel* v. *United States*, 338 U.S. 84 (1948), and *Yellin* v. *United States*, 374 U.S. 109 (1963), both relating to the practice of investigating committees in following House rules, *Christoffel* involved the question whether the fact that a quorum existed at the beginning of a hearing created the presumption that a quorum continued throughout, including when perjured statements were made, as the house contended. The Court held that it must be shown that a quorum was actually present when the perjury was committed. In *Yellin*, the Court set aside a contempt-of-Congress conviction, because it found the committee had failed to follow its rules, rejecting the argument that under the congressional interpretation of the rules the rules were followed.

The Court of Appeals for the District of Columbia Circuit has long emphasized that the rulemaking clause "creates a 'specific constitutional base' which requires [the courts] to 'take special care to avoid intruding into a constitutionally delineated prerogative of the Legislative Branch." *Vander Jagt* v. *O'Neill*, 699 F.2d 1166, 1173 (D.C.Cir. 1982) (quoting *Harrington* v. *Bush*, 553 F.2d 190, 214 (D.C. 1977)), *cert. den.*, 464 U.S. 823 (1983); *Metzenbaum* v. *FERC*, 675 F.2d 1282, 1287 (D.C.Cir. 1982). Nevertheless, the *Vander Jagt* court dismissed the action, brought by minority-party Members of Congress to contest the party distribution of committee seats, only because it felt the Members had alternative routes to political relief. In *Gregg* v. *Barrett*, 771 F.2d 539 (D.C.Cir. 1985), after dismissing Members as plaintiffs in a suit challenging the accuracy of the Congressional Record, the Court reached the merits of the suit on behalf of private plaintiffs, although it decided against them. And, quite recently, in *Michel* v. *Anderson*, 14 F.3d 623 (D.C.Cir. 1994), the court reviewed on the merits (finding constitutional) the changes in House rules permitting delegates from the territories and the District of Columbia to vote in the Committee of the Whole, subject to revoting in certain instances.[5]

Thus far, we have established that the rule-making power of each House is broad and is entitled to judicial deference, although if there is a constitutional barrier to a particular rule or impairment of a private right there may well be a judicial remedy. We must, therefore, turn to the exercise of the rule-making power of each House in the specific context of the enactment of the separately-enrolled bills.

Beginning that consideration leads us to *Marshall Field & Co.* v. *Clark*, 143 U.S. 649 (1892), decided the same Term as *Ballin*. In *Clark*, certain parties challenged the validity of a tariff law, authenticated by the Speaker of the House and the President of the Senate

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Footnotes at end of article.

as having passed Congress, signed into law by the President, and furnished to the Public Printer by the Secretary of State as a correct copy of the law. It was contended that the bill had not been passed because congressional documents showed that a section of the bill, as it finally passed, was not in the bill authenticated by the signatures of the two officers and approved by the President. The holding of the Court was that the judiciary may not look behind the authenticating signatures of the Speaker of the House and the President of the Senate. Its reasoning requires lengthy quoting.

"The argument . . . is, that a bill, signed by the Speaker of the House of Representatives and by the President of the Senate, presented to and approved by the President of the United States, and delivered by the letter to the Secretary of State, as an act passed by Congress, does not become a law of the United States if it had not in fact been passed by Congress. In view of the express requirements of the Constitution the correctness of this general principle cannot be doubted. There is no authority in the presiding officers of the House of Representatives and the Senate to attest by their signatures, nor in the President to approve, nor in the Secretary of State to receive and cause to be published, as a legislative act, any bill not passed by Congress.

"But this concession of the correctness of the general principle for which the appellants contend does not determine the precise question before the court; for it remains to inquire as to the nature of the evidence upon which a court may act when the issue is made as to whether a bill, originating in the House of Representatives or the Senate, and asserted to have become a law, was or was not passed by Congress. Id., 669–670."

The challengers asserted that courts should recur to the journal required to be kept by the Constitution. Art I, §5, cl. 3. But the Court denied that the journal was the best, if not conclusive, evidence upon the issue of whether a bill, in the same form, was, in fact, passed by the two Houses of Congress. The purpose of the requirement was not related to this function, and there was no express requirement in the Constitution relating to this question and others pertaining to bills and joint resolution for inclusion in the journal. These and other matters were left to the discretion of Congress. To what should the courts look?

"The signing by the Speaker of the House of Representatives and by the president of the Senate, in open session, of an enrolled bill, is an official attestation by the two houses of such bill as one that has passed Congress. It is a declaration by the two houses, through their presiding officers, to the president, that a bill, thus attested, has received, in due form, the sanction of the legislative branch of the government, and that it is delivered to him in obedience to the constitutional requirement that all bills which pass Congress shall be presented to him. And when a bill, thus attested, receives his approval, and is deposited in the public archives, its authentication as a bill that has passed Congress should be deemed complete and unimpeachable. As the President has no authority to approve a bill not passed by Congress, an enrolled act in the custody of the Secretary of State, and having the official attestations of the Speaker of the House of Representatives, of the President of the Senate, and of the President of the United States, carries, on its face, a solemn assurance by the legislative and executive departments of the government, charged, respectively, with the duty of enacting and executing the laws, that it was passed by Congress. The respect due to coequal and independent departments requires the judicial department to act upon that assurance, and to accept, as having passed Congress, all bills authenticated in the manner stated; leaving the courts to determine, when the question properly arises, whether the act, so authenticated, is in conformity with the Constitution." Id., 672.

Upon the correct interpretation of *Clark* and the convergence of *Clark* and *Ballin*, we suggest, may be found the solution to the issue of the validity of the passage of a series of bills after the passage of the one bill from which the many bills are extracted. The difficulty is that it is not clear what the correct interpretation of *Clark* is; below, we set out three possibilities and evaluate them.

First, *Clark* may be read as simply holding that the "best evidence" of whether a bill had passed both Houses may be found in the signatures of the Speaker of the House and the President of the Senate. The Court would not allow challengers to use the Journal or other legislative evidence to counter the attesting signatures. In a very recent decision, the Court, in part, casually adopted this reading of *Clark*, but it did so in a footnote that also ambiguously appears to go beyond that simple explanation. *United States* v. *Munoz-Flores*, 495 U.S. 385, 391 n. 4 (1990).[6] Inasmuch as that footnote is relevant here and will be relevant in a subsequent portion of this memorandum, we here quote the entire pertinent parts of the footnote.

"[*Clark*] concerned "the nature of the evidence" the Court would consider in determining whether a bill had actually passed Congress. Id. [143 U.S.], at 670. Appellants had argued that the constitutional Clause providing that "[e]ach House shall keep a Journal of its Proceedings" implied that whether a bill had passed must be determined by an examination of the journals. . . . The Court rejected that interpretation of the Journal Clause, holding that the Constitution left it to Congress to determine how a bill is to be authenticated as having passed. Id., at 670–671. In the absence of any constitutional requirement binding Congress, we stated that "[t]he respect due to coequal and independent departments" demands that the courts accept as passed all bills authenticated in the manner provided by Congress. Id., at 672. Where, as here, a constitutional provision is implicated, *Field* does not apply."

Should *Clark* be taken to be simply about what is the "best evidence" that a bill passed both Houses, then in practically all instances the attesting signatures will be decisive. However, respecting the proposals for a separate enrollment following adoption of a single bill and its division into many bills, with these multiple bills being "deemed" to have passed both Houses, it is possible that the courts would adopt a different view. Because both Houses have adopted rules that expressly provide for a separate enrollment, deeming, and the attestation signatures, the courts could exercise judicial review to consider on the merits the rules and their comportment with the Constitution, viewing the signatures of the two officers as essentially irrelevant in the context of this particular situation.

Adoption of this reading of *Clark*, with an exception, would not void the rules thus adopted. It would simply mean that the courts would review the rules on the merits.

Second, *Clark* may be read much more broadly than merely as a best evidence rule. The paragraph quoted in full above from *Clark* does not read as if it is a decision placing a burden of persuasion on some person or at some point. Rather, the passage has the flavor of a "political question" approach to a constitutional issue. "The respect due to coequal and independent departments requires the judicial department to act upon that assurance, and to accept, as having passed Congress, all bills authenticated in the manner stated. . . ." *Clark*, supra, 143 U.S., 672, See *baker* v. *Carr*, 369 U.S. 186, 217 (1962) (Identifying the features that identify political questions, including "the impossibility of a court's undertaking independent resolution [of an issue] without expressing lack of respect due coordinate branches of government"). See also *INS* v. *Chadha*, 462 U.S. 919, 941 (1983) (quoting *Baker*); *Nixon v. United States*, 113 S.Ct. 732, 735 (1993) (quoting two of the other standards of *Baker*). Indeed, in *Baker*, itself, the Court viewed *Clark* as a political question case.[7] The political-question doctrine is "essentially a function of the separation of powers." *Baker* v. *Carr*, supra, 217.

Baker, of course, is qualified in a number of respects. "Our system of government requires that federal courts on occasion interpret the Constitution in a manner at variance with the construction given the document by another branch. The alleged conflict that such an adjudication may cause cannot justify the courts' avoiding their constitutional responsibility." *Powell v. McCormack*, 395 U.S. 486, 549 (1969). In that case, the action of the House of Representatives in excluding a Member-elect from office was reviewed and overturned, because the Court determined that there was a constitutional provision governing resolution of the matter, a clause establishing exclusive qualifications that the House had violated. See also *United States v. Munoz-Flores* supra, 495 U.S., 389–396 (refusing to find a political question bar to judicial resolution to whether a revenue-raising measure did not originate in the House of Representatives, as required by the origination clause).

Nonetheless, the political-question doctrine remains alive if restrained in the courts. For example, in *Nixon* v. *United States*, supra, 113 S. Ct., 735–740, the Court refused to review, using the political-question doctrine, a claim by an impeached federal judge that the Senate had used invalid procedures in trying him. Under the impeachment clause, Art. I, §3, cl. 6, "[t]he Senate shall have the sole Power to try all Impeachments." Under a rule of the Senate, a special committee of Senators is appointed to "receive and report evidence." After hearings, the committee submits a transcript and summary of its proceedings to the Full Senate, which then conducts a trial. Nixon argued that the special-committee procedure denied him a trial before the full Senate. Applying two standards from the *Baker* list, the Court found that the word "sole" in the clause was a textual commitment of authority to the Senate to act *alone* without court review; further, the Court found the word "try" in the clause was sufficiently indefinite to cabin the Senate's discretion, thus using the lack of judicially-manageable standards factor of *Baker*. See also id., 738–739 (referring to other *Baker* factors).

Superficially, the application of the political-question doctrine in this context is contrary to *INS* v. *Chadha*, supra, 462 U.S., 940–943. That decision denied that a challenge to the legislative veto presented a political question, and on the merits the Court went on to hold that for a congressional measure to have legal effect outside Congress it must be acted on bicamerally and when passed in identical terms by both Houses must be presented to the President. The Court provided a truncated version of the quotation from *Clark*, which we quoted above, to reject the argument that the issue presented a politcal question. It did not consider the issue of the effect of attesting signatures by the two congressional officers, and it could not have done so because only bills and joint resolutions are enrolled, signed, and presented to the President. The simple resolution before the Court in *Chadha* was not enrolled, signed, and presented to the President, and neither was the concurrent resolution in question in two-House legislative vetoes.[8]

Chadha, thus, was a case in which by statute congressional actions having legal impact outside Congress were provided for in which, in some instances two-House actions were authorized, in others one-House actions, and none of the resolutions or concurrent resolutions was presented to the President. *Chadha* is, therefore, of no precedential value in this context, although it must be considered below.

If, under the political-question doctrine, courts will not look behind the attestation signatures of the Speaker and the President of the Senate, then Congress may provide for "deeming" the passage of the separated bills without fear of judicial review. This situation does not mean that Congress is free of constitutional constraints. Members of Congress take an oath, identical to the one taken by judges, to support the Constitution, Art. VI, cl. 3, and Members of Congress must determine for themselves that a measure upon which they are voting is constitutional, *United States* v. *Munoz-Flores*, supra, 495 U.S., 390–391, just as the President must before he signs a bill. But it does mean that Congress' constitutional determination is not susceptible to judicial invalidation.

When Congress studies the constitutionality of a proposal, it performs essentially the same analysis as a court does, and we now turn to the issue of the merits.

Third, assuming the inapplicability of the political-question doctrine, when either a court or Congress evaluates the validity of the deeming mechanism, what should the decision be?

Beyond question is the proposition that a measure must be passed in the same form by both Houses before it is presented to the President for his action; no bill not meeting this qualification can become law. *Clark*, supra, 143 U.S. 669–670, *INS* v. *Chadha*, supra, 462 U.S., 943, 944–946, 948–951, 956–959. And that is precisely the question presented by this proposal. A bill has passed both Houses in identical terms, and it is then subdivided into a series of bills excerpted out of the larger bill by an enrolling clerk acting pursuant to the rules of the two bodies. If the separately-enrolled bills are not again presented to both Houses for a vote, perhaps an en bloc consideration, has the bicameralism requirement been met.

That each House has the power to make the rules for its own proceedings is a substantial authority, as *Ballin* certainly demonstrates. There, the Constitution required a quorum to do business, but the Constitution was silent with respect to how a quorum was to be determined. Members present declined to answer to a call of the roll to permit a determination that a quorum was present, and the House of Representatives simply provided that they would nonetheless be counted.

When the House of Representatives or the Senate determines its rules of proceeding, the *Ballin* Court instructed us, "[i]t may not by its rules ignore constitutional restraints or violate fundamental rights, and there should be a reasonable relation between the mode or method of proceeding established by the rule and the result which is sought to be attained." *Ballin*, supra, 144 U.S., 5. Within this capacious concept, what provision of the Constitution would the "deeming" provision violate? We certainly cannot point to any fundamental right that is abridged. The constitutional constraint that is applicable is the first section of Article I, which sets a bicameral requirement for the exercise of lawmaking. But Congress in the proposal does not disregard the bicameralism mandate. A bill in identical form has passed both Houses. Then, a functionary, the enrolling clerk, follows instructions embodied in the rules and separates out of this bill a series of sections identical to the sections contained in the larger bill and enrolls these sections into separate bills; these bills are signed by the Speaker of the House and the President of the Senate, and these bills are then presented to the President for his signatures or his vetoes.

One can readily see that the question is much more narrow than the mere issue whether Congress can pass a law that has not cleared both Houses in identical versions. A bill has passed both Houses in an identical version. The separately enrolled bills, *taken together*, are identical to that initial bill. If Congress should conclude that this two-step process comports with the constitutional requirement of bicameral passage of a legislative measure, in what way has a constitutional restraint been breached?

If the "deeming" procedure is invalid, the validity of the deeming feature of Rule XLIX of the House of Representatives is highly suspect. Under that Rule, adoption by the House of Representatives of the conference report on the concurrent resolution on the budget, or on the concurrent resolution itself if there is no conference report, is deemed to be a vote in favor of a joint resolution setting a statutory limit on the public debt, different than the limit then in effect, and the joint resolution is engrossed and transmitted to the Senate. There is no precise equivalency between the Rule and the proposal; yet, there is sufficient identify to present the same constitutional question.

In some respects, as we briefly touch on below, the appropriations committees, and perhaps some legislative committees, may have to alter how they report bills that are to be subject to this process, inasmuch as to continue the present mode of bill drafting would require the enrolling clerk[s] to exercise too much judgment, too much discretion,in breaking down the bills, with the result that to make sense of some sections designated as separate bills, these bills would not be identical to the bill previously passed. This reservation is meant only to suggest that some separate enrollments might present an as-applied constitutional challenge. We are here concerned with the facial constitutional questions.

Issues of validity could also be influenced in determination by two other factors. That is, first, Congress is not seeking to aggrandize itself or to infringe on the powers of another branch. Instead, the procedure would be, in effect, and act of self-abnegation, a giving-up of some degree of congressional power and influence in order to enlarge the power and influence of the President and to lodge in him the burden of deficit reduction. Second, to forestall the argument that Congress might have invalidly given up too much power, might have over-balanced presidential power, it must be observed that these rules are entirely an internal matter, subject to alternation by simple resolution at any time in either House. There is no irrevocable conveying away.

Finally, as we suggested above, it may be necessary for the appropriations committees to revamp the mode of reporting bills. In addition to the necessity to achieve identify between the original bill and the separated bills, to leave to the enrolling clerk[s] too much discretion might violate the principle, found in some cases, that Congress may not delegate its legislative power to its Members or its officers and employees. The legislative power is a collective one to be exercised by Congress itself and not by delegates. *Metroplitan Washington Airports Auth.* v. *Citizens* for the Abagtement of Aircraft Noise, 501 U.S. 252, 271–277 (1991). The details of this revamping remain open for consideration.

In conclusion, we have argued that the deeming procedure may present a political question unsuited for judicial review and thus that Congress would not be subject to judicial review. We have considered, on the other hand, that the courts may find they are not precluded from exercising authority to review this proposal. If the proposal is reviewed by the courts, and even if it is not, we have presented an argument leading to sustaining the deeming procedure as not in violation of the principle that a bill, in order to become law, must be passed in identical versions by the House of Representatives and the Senate. Because of the lack of available precedent, we cannot argue that any of the three versions of the argument is indisputably correct; indeed, there are questions about all three. In the end, Congress must exercise a constitutional judgment when deciding on passage of the proposal.

JOHNNY H. KILLIAN,
Senior Specialist,
American Constitutional Law.

FOOTNOTES

[1] In an older memorandum Killian, *Constitutionality of Empowering Item Veto by Legislation*, CRS, Jan 4, 1984, and as shorter follow-up memorandum, Killian, *Constitutional Questions Raised by S. 43 in Establishing Item Veto*, Jan, 15, 1985, reprinted in *Line Item Veto*, Hearings before the Senate Committee on Rules and Administration, 95th Cong., 1st Sess. (1985), 10–20, we discussed at some length the question of the line-item veto and whether it could be conferred on the President by statute, concluding that only through a separate-enrollment device would such a conferral be valid constitutionally. In those memoranda, we raised and discussed but were unable to decide the questions now being treated. The longer memorandum also appears, in essentially the same form, in *Item Veto: State Experience and Its Application to the Federal Situation, House* Committee on Rules, 99th Cong., 2d Sess. (Comm. Pr. 1986), 164.

[2] E.g., Rappaport, *The President's Veto and the Constitution*, 87 Nw., U. L. Rev. 735 (1983), which also cites a considerable number of articles on both sides of the issue.

[3] Constitution, Jefferson's Manual and Rules of the House of Representatives, H. Doc. No. 102–105, 102d Cong., 2d sess. (1993), §§573–574; 7 L. Deschler's Precedents of the United States House of Representatives, H. Doc. No. 94–661, 94th Cong., 2d Sess. (1977), ch. 24, §14.

[4] Compare *Missouri Pac. Ry. Co.* v. *Kansas*, 248 U.S. 276 (1919), in which, although it found justiciable an issue regarding a congressional rule, the Court deferred much more to the legislative construction than it did in *Smith*.

[5] See *United States ex rel. Joseph* v. *Cannon*, 642 F.2d 1373 (D.C.Cir. 1981) (dismissing suit under False Claims Act based on use of senatorial employees in political campaigns on the ground that Senate had developed no standards by which court could determine whether Act had been violated, reserving question whether it could enforce Senate rules even if consensus had been reached), *cert. den.* 455 U.S. 999 (1982); *Ray* v. *Proxmire*, 581 F.2d 998, 1001 (D.C.Cir.)

(finding a Senate rule created no private cause of action and reserving whether a Senate rule ever could), *cert. den* 439 U.S. 933 (1978).

[6] The Court was responding to a concurrence by Justice Scalia that adopted a broad reading of *Clark*, in which he would have declined to reach the merits of an origination clause challenge to a law and would have instead accepted the attesting signatures of the Speaker of the House and the President of the Senate as showing that the bill, bearing a House of Representatives designation, had in fact originated in the House. Id., 408. The origination clause is Art. I, §7, cl. 1.

[7] "In *Coleman* v. *Miller*, [307 U.S. 433 (1939)], this Court held that the questions of how long a proposed amendment to the Federal Constitution remained open to ratification, and what effect a prior rejection had on a subsequent ratification, were committed to congressional resolution and involved criteria of decision that necessarily escaped the judicial grasp. Similar considerations apply to the enacting process: "The respect due to coequal and independent departments," and the need for finality and certainty about the status of a statute contribute to judicial reluctance to inquire whether, as passed, it complied with all requisite formalities. [Citing *Clark*, supra, 143 U.S., 672, 676–677; and also *Leser* v. *Garnett*, 258 U.S. 130, 137 [1922] (applying *Clark* to refuse to look behind certifications by two States that they had ratified a constitutional amendment; official notice "is conclusive upon the courts)].

[8] See *Consumers Union* v. *FTC*, 691 U.S. 575 (D.C.Cir. 1982), *affd. sub nom. Process Gas Consumers Group* v. *Consumer Energy Council*, 463 U.S. 1216 (1983).

Mr. McCAIN. Mr. President, I will read the concluding paragraph and urge my colleagues to read the entire opinion. Mr. Killian obviously is a well-known and well-respected specialist on American constitutional law. He states in the final paragraph:

> In conclusion, we have argued that the deeming procedure may present a political question unsuited for judicial review and thus that Congress would not be subject to judicial review. We have considered, on the other hand, that the courts may find they are not precluded from exercising authority to review this proposal. If the proposal is reviewed by the courts, and even if it is not, we have presented an argument leading to sustaining the deeming procedure as not in violation of the principle that a bill, in order to become law, must be passed in identical versions by the House of Representatives and the Senate. Because of the lack of available precedent, we cannot argue that any of the three versions of the argument is indisputably correct; indeed, there are questions about all three. In the end, Congress must exercise a constitutional judgment when deciding on passage of the proposal.

I want to repeat, again:

> In the end, Congress must exercise a constitutional judgment when deciding on passage of the proposal.

There will be views expressed by my colleagues that, indeed, there is a question about constitutionality, and they may argue that that is a reason for opposing this legislation. I will respect their views. I, however, will not agree.

Mr. President, in this morning's Washington Times, there is an article by Mr. Stephen Moore, who is the director of fiscal policy studies at the Cato Institute. As we all know, the Cato Institute is a well-regarded organization and one that is dedicated to many causes, including fiscal responsibility.

Mr. President, I will read some parts of this article because I think it is important, and I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Mar. 21, 1995]

SHARPENING THE BUDGET SCISSORS

(By Stephen Moore)

This week the Senate begins debate on the line-item veto for the president, Taxpayers have been demanding this act of fiscal sanity for at least 15 years.

Now, there they go again, Just when it appeared that the line-item veto would become a reality, several moderate Senate Republicans are lining up with liberal Democrats to submarine the effort by insisting upon a line-item veto with a dull blade. Yet the experience of the states—where 43 governors have line-item veto authority—indicates that weakened versions of this budget cutting instrument are almost the equivalent of no-item veto at all. The GOP needs to band together to block this fraudulent alternative and rally behind the toughest measure possible—the Coats-McCain bill.

Once during the last year of the Reagan administration I was asked to testify on the line-item veto before the House Judiciary Committee. It was a miserable experience. One Democrat after another savaged the idea as nothing more than a blatant partisan power-grab. There message was unmistakable: Reaganites are trying to pull an end run around the Democrat-controlled Congress because they can't win at the polls.

In hindsight, it is understandable why House Democrats thought that way. Republicans seemed to have a permanent electoral padlock on the White House, while the notion of a GOP Congress seemed as improbable as the Speaker of the House and the chairman of the Ways and Means Committee being ejected from office in the same year. How ironic that the first president to snip spending with the new veto scissors may well be Democrat Bill Clinton, and he will be empowered to do so by a Republican-controlled Congress. So much for the partisan power-grab argument.

Now opponents have shifted gears. Today, we hear two new objections to the line-item veto—both of which are also wrong. The first argument is that the line-item veto would involve a huge and unprecedented power shift in the direction of the White House. Powerful Senate appropriators Robert Byrd and Mark Hatfield are endlessly preaching that message.

But history disproves it. The line-item veto is only a partial restoration of the rightful budgetary powers of the president, which were stripped from the executive branch by the 1974 Budget Act. That act took away the president's right to impound funds—a power that was exercised routinely by every president from Thomas Jefferson through Richard Nixon. Jefferson first employed the power to refuse to spend appropriated funds in 1801 when he impounded $50,000 for Navy gunboats.

The Founders believed that the president, as the head of the executive branch and therefore responsible for executing the laws and spending taxpayer funds judiciously, had unilateral authority not to spend money appropriated by Congress if that spending was unnecessary.

Impoundment was an extremely powerful White House authority that was exercised often for nearly 200 years. Presidents Roosevelt, Kennedy, Johnson and Nixon used the impoundment power routinely—and in some years used it to cut federal appropriations by more than 5 percent. In one year, Richard Nixon impounded more than 7 percent of domestic appropriations.

In 1974 Congress stripped the president of his lawful impoundment powers and instead gave him two very weak substitutes: the deferral and rescission authorities. But rescissions require Congress affirmatively to approve a presidential request not to spend money. Most rescissions are simply ignored by Congress and never even voted on. Thus through congressional in action, they are killed. Twenty-six billion dollars of Ronald Reagan's rescissions were slain in that fashion.

The second criticism of the line-item veto is that it won't affect the level of spending or the debt. To test that supposition, the Cato Institute recently surveyed 118 governors and former governors about what budget process measures Washington should adopt to help balance the budget. Sixty-seven of the respondents were Republicans, 50 were Democrats, and one was an independent. Since 43 states have the line-item veto, governors are in the best position to assess its value. Some governors, such as Tommy Thompson of Wisconsin, have relied heavily on the line-item veto to cut expenditures and balance the budget.

The major findings of our survey were as follows:

Sixty-nine percent of the governors described the line-item veto as "a very useful tool" in helping balance the state budget.

Ninety-two percent of the governors believe that "a line-item veto for the president would help restrain federal spending."

Eighty-eight percent of the Democratic governors believed the line-item veto would be useful.

Then we asked the governors why they supported or opposed the line-item veto. Here are some of the more interesting responses we received:

Hugh L. Carey, the former Democratic governor of New York, said, "I support the line-item veto because it is an executive branch function to identify budget excesses and wasteful items. It is an antidote for pork."

Massachusetts governor William Weld wrote, "Legislators love to be loved, so they love to spend money. Line-item veto is essential to enable the executive to hold down spending."

Ronald Reagan said, "When I was governor of California, the governor had the line-item veto, and so you could veto parts of the spending in a bill. The president can't do that. I think, frankly—of course, I'm prejudiced—government would be far better off if the president had the right of line-item veto."

Mike O'Callaghan, the former governor of Nevada, and a Democrat, was the most concise: "The line-item veto is a tremendous tool for saving money."

Critics are right when they complain that the line-item veto won't balance the budget. But a useful way to determine potential budget savings from the line-item veto is to look at rescissions that have been ignored by Congress in recent years. If those had been approved, savings would have been $5 billion to $10 billion a year in less shark research, lower sugar subsidies, and fewer grants for obscene art.

And for those who still doubt the virtue of the line-item veto, perhaps the most compelling case for this surgical tool is made by Messrs. Byrd and Hatfield. Their violent opposition should provoke a deep appreciation for the value of these new fiscal scissors.

Mr. McCAIN. Mr. President, Mr. Moore's article begins:

> This week the Senate begins debate on the line-item veto for the President. Taxpayers have been demanding this act of fiscal sanity for at least 15 years.
>
> Now, there they go again. Just when it appeared that the line-item veto would become a reality, several moderate Senate Republicans are lining up with liberal Democrats to submarine the effort by insisting upon a line-item veto with a dull blade.

Mr. Moore wrote this article before we, all 54 Republicans, agreed to vote for cloture to cut off debate on this issue.

> Yet the experience of the States—where 43 Governors have line-item veto authority—indicates that weakened versions of this budget-cutting instrument are almost the equivalent of no-item veto at all. The GOP needs to band together to block this fraudulent alternative and rally behind the toughest measure possible—the Coats-McCain bill.

He goes on to say:

> Now opponents have shifted gears. Today, we hear two new objections to the line-item veto—both of which are also wrong. The first argument is that the line-item veto would involve a huge and unprecedented power shift in the direction of the White House. Powerful Senate appropriators . . . are endlessly preaching that message.
>
> But history disproves it. The line-item veto is only a partial restoration of the rightful budgetary powers of the President, which were stripped from the executive branch by the 1974 Budget Act. That act took away the President's right to impound funds—a power that was exercised routinely by every President from Thomas Jefferson through Richard Nixon. Jefferson first employed the power to refuse to spend appropriated funds in 1801 when he impounded $50,000 for Navy gunboats.

Mr. President, time after time on this floor, and I am sure during the course of this debate I will point out again, it is not a coincidence that up until 1974, revenues and expenditures on the part of the Federal Government basically were in sync. There were times of war when we ran up huge deficits, but after those emergencies subsided, we again brought the budget into balance. It was in 1974 when the two began to diverge to an incredible degree.

I want to point out again, and it is not coincidental, in 1974, the entire annual deficit for that year was $6 billion. The entire national debt was $483 billion. Now in 1994, the annual deficit is $203 billion, about half of what the overall accumulated debt was, and the estimate of the total debt between 1974 and 1996 has risen from $483 billion to $5.299 trillion.

There is a direct correlation between the passage of the Budget Impoundment Act of 1974 and the exploding deficit and annual deficit and debt.

> The Founders believed that the President, as the head of the executive branch and therefore responsible for executing laws and spending taxpayer funds judiciously, had unilateral authority not to spend money appropriated by Congress if that spending was unnecessary. Impoundment was an extremely powerful White House authority that was exercised often for nearly 200 years. Presidents Roosevelt, Kennedy, Johnson, and Nixon used the impoundment power routinely—and in some cases used it to cut Federal appropriations by more than 5 percent. In 1 year, Richard Nixon impounded more than 7 percent of domestic appropriations.
>
> In 1974, Congress stripped the President of his lawful impoundment powers and instead gave him two very weak substitutes: the deferral and rescission authorities. But rescissions require Congress affirmatively to approve a Presidential request not to spend money. Most rescissions are simply ignored by Congress and never even voted on. Thus through congressional inaction, they are killed. Twenty-six billion dollars of Ronald Reagan's rescissions were slain in that fashion.
>
> The second criticism of the line-item veto is that it won't affect the level of spending or the debt. To test that supposition, the Cato Institute recently surveyed 118 Governors and former Governors about what budget process measures Washington should adopt to help balance the budget: 27 of the respondents were Republicans, 50 were Democrats, and 1 was an Independent. Since 43 States have the line-item veto, Governors are in the best position to assess its value. Some Governors, such as Tommy Thompson of Wisconsin, have relied heavily on the line-item veto to cut expenditures and balance the budget.
>
> The major findings of our survey were as follows:
>
> Sixty-nine percent of the Governors described the line-item veto as "a very useful tool" in helping balance the State budget.
>
> Ninety-two percent of the Governors believed that "a line-item veto for the President would help restrain Federal spending."
>
> Eighty-eight percent of the Democratic Governors believed the line-item veto would be useful.
>
> Then we asked the Governors why they supported or opposed the line-item veto.

And some of the responses were very interesting.

I will not go through all of those answers, Mr. President except to say the article concludes by saying:

> Critics are right when they complain that the line-item veto won't balance the budget. But a useful way to determine potential budget savings from the line-item veto is to look at rescissions that have been ignored by Congress in recent years. If those had been approved, savings would have been $5 billion to $10 billion a year in less shark research, lower sugar subsidies, and fewer grants for obscene art.
>
> And for those who still doubt the virtue of the line-item veto, perhaps the most compelling case for this surgical tool is made by [others]. Their violent opposition should provoke a deep appreciation of the value of these new fiscal scissors.

Mr. President, I wish to address for a moment the issue of the constitutionality of several issues that are raised here, and there are a number of them. I will save some of them, but I wish to talk about the aspect of the constitutional objection, the objection that it is unconstitutional because it would change the Constitution, specifically the veto power, by act of Congress. The response is as follows:

> Article I, Section 5 of the Constitution permits this procedure. Nothing in article I, section 7 is violated by this procedure. Under this proposal, all bills must be presented to the President. He may sign or veto all bills. He must return vetoed bills with his objections. Congress may override any veto with a two-thirds majority of each House.
>
> Under article I, section 5, Congress possesses this power to define a bill. Congress certainly believes that it possesses this power since it and it alone has been doing so since the first bill was presented to the first President in the first Congress. If this construction of article I, section 5 is correct, the definition of a bill is a political question and not justiciable. "Prominent on the surface of any case held to involve a political question is found a textually demonstrable Constitutional commitment of the issue to a coordinated political depart." Baker v. Carr, 369 U.S. 186 (1962). "A textually demonstrable constitutional commitment" of the issue to the legislature is found in "Each house may determine the Rules of its Proceedings." If Congress may define as a bill a package of distinct programs and unrelated items, it can define distinct programs and unrelated items to be separate bills. Either Congress has the right to define a bill or it does not. Either this proposal is constitutional or the recent practice of Congress in forming omnibus bills containing unrelated programs and nongermane items is constitutionally challengeable. If the latter, the President would be well advised to bring such suit against the next omnibus bill.

Mr. President, there have been about 3 days of debate now. We are going into our 4th day. I have talked a great deal. The other side of the aisle has not chosen to talk too much about it. I urge my colleagues to take note of the fact that we are now open for amendments. If there are amendments, I urge my colleagues on both sides of the aisle to bring forth those amendments so they can be debated and voted on. And as I said, again, it is the intention on this side of the aisle expressed by the majority leader to dispose of this issue this week by means of cloture votes. At the same time, as to any substantive amendments and proposals, I believe there is sufficient time for them to be considered and voted on.

I note the presence of the Senator from Nebraska in the Chamber.

Mr. President, I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I yield to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, first of all I want to thank the Senator from Arizona, along with the Senator from

Indiana, who has shown such leadership in this area for so many years. I welcome the opportunity to assist in the effort.

Mr. President, the debate is now joined on the line-item veto and we are hearing the arguments for and against. It has been joined before. It has been discussed many times in this body. Hopefully, this time it will pass. I think the time has come. The American people demand it and the country needs it.

It has been said that the line-item veto or enhanced rescissions will not in and of itself balance the budget. And that is certainly true. It will require a President who is willing to use the tool that is given to him, and use it firmly. And, I might add, it will also require a President who will not use it simply to reprioritize his own programs over those programs of the Congress.

But while we are debating the likely effectiveness of this issue, I think it is important that we remember why we are engaging in this debate at all, why the line-item veto is brought up again year after year in this body, the reason for its overwhelming popularity among the American people and even the reason that for many people in this country it has now become a virtual battle cry.

Mr. President, the short answer is that it is because we as a people are struggling mightily in this country, some might even say desperately, for ways to restrain Congress from irresponsible spending, for ways to stop Congress from continuing down the road of fiscal irresponsibility and the eventual bankruptcy of the United States of America.

Congress, in times past, has shown that it cannot restrain itself. We continue to look at $200 billion deficits every year as far as the eye can see. We have debated in this body, over a period of 60 years or more, the need for a balanced budget. We have reached almost unanimous consensus, even in the debate over the balanced budget amendment, that, yes, indeed, we must move toward a balanced budget, we must exercise some fiscal restraint. Year after year over that period of time, we have passed resolutions calling for a balanced budget. We have required the President to submit budgets to Congress that were in balance. We even passed a law in 1979 making it the law of this land that the budget be balanced by 1981. And, of course, when 1981 rolled around, another substantial deficit. Even our own laws were ignored by us.

In 1981, Congress was concerned, the entire Nation was concerned, as the debate turned toward the fact that we were approaching a $1 trillion debt in this country. Those were dire circumstances.

Now we are approaching a $5 trillion debt. Not only have we failed legislatively, Mr. President, but we have proven that we cannot restrain ourselves by means of a constitutional amendment. The balanced budget amendment failed in this body, even though it enjoyed the overwhelming support of the American people.

Appeals to self-interest and fear and shortsightedness carried the day once again in this body. Social Security, the last refuge of those in Congress who panic at the very thought of putting the lid on the pork barrel, was trotted out once again, even though we all know that the greatest threat and the only threat to Social Security is to continue down the road of deficit spending, is to do nothing and maintain the pattern that we have maintained in this Congress for so many years, because we all know within a few years, it is going into the red and we must have the farsightedness to address that now.

This is part of what we are about today, Mr. President. Now, having failed legislatively, having failed to adopt a constitutional amendment, the American people are saying that we should at least give the President of the United States the opportunity to have the most egregious, the most unnecessary, and the most wasteful spending measures made a little bit more difficult—not to make them impossible—to make them a little bit more difficult by requiring Congress to come up with a two-thirds majority vote if they want to pass it. I suggest to you that this is, indeed, a modest proposal in light of the dire economic circumstances that we find ourselves in as a nation.

And so for the second time in less than a month, we come together on the floor of the Senate to debate whether or not we have the courage to take the first step toward economic responsibility and recovery or whether, once again, we are going to fail ourselves, fail our constituents and fail the next generation. We simply must do better.

For 33 of the last 34 years, the Federal Government has run deficits and our elected officials have not had the will to change that course. Our Federal Government has run a deficit every year for the past 25 years—an entire generation—and we have not taken steps to break this insidious, this persistent pattern. It took our Nation more than 205 years to reach a $1 trillion national debt, but it only took another 11 years to quadruple it. And still we lack the will.

Now, for the next 5 years at least, the President has proposed annual budgets in excess of $200 billion a year. This means for the next 5 years, the Nation will accumulate another trillion dollars of debt, debt that is stifling investment, cutting into productivity, debt that has changed us from a creditor nation to a debtor nation.

Our economic growth has been anemic and one day surely, as night follows day, if we continue this course of action, America will decline as a great power. The first warning shot of that decline perhaps has already been fired.

I am sure that we have all noted with concern the precipitous drop in the dollar against the German mark and the Japanese yen since the failure of Congress to pass the balanced budget amendment. I submit to you that this is no accident. For decades, the U.S. dollar has been the standard against which the value of all other currencies in this world are measured. For many nations, it has served as a reserve currency. As such, the dollar is used as a storehouse of value in exchange for goods and services the world over. Investors buy the dollar because the U.S. economy has had a long reputation for reliability and for stability. Important commodities, such as oil, are priced in dollars. Any country that wishes to import oil must pay in dollars. We have been fortunate in this respect because of the high value placed upon the dollar in making it attractive as an investment vehicle and, thus, giving us our ability to, in large part, finance our national debt with foreign dollars.

When our debt was a small percentage of the gross national product, we could afford deficit spending and the inflation that it produced, but now our mounting deficits scare away capital and the value of the dollar. My distinguished colleague from Colorado, Senator BROWN, demonstrated recently in stark relief before the Senate Banking Committee the fall of the value of the dollar against the yen and the mark when the President announced the Mexican bailout. But more importantly, he showed the clear and unmistakable drop in the dollar's value when the balanced budget amendment was defeated in the Senate of the United States. That drop occurred for only one reason—one reason and one reason only—and that is that the world's investors lost faith in the political leadership of this country to act as wise stewards of America's Treasury.

That loss of confidence, manifested by the recent drop in the dollar, will have an inflationary impact on our economy. Goods will become more expensive as the price of imported components rise. Americans traveling abroad will find it to be increasingly expensive. Finally, the drop in the dollar's value will likely cause interest rates to rise and further exacerbate our budget deficit.

We are deluding ourselves if we think that simply because of our great wealth and natural resources that we are immune from economic loss and that our reputation for economic stability and growth will make us immune. We cannot continue to draw on this much foreign investment to finance our deficit indefinitely, and we only have to look to our neighbors to the south to give us some indication of what can happen.

Mr. President, we are all aware that we have a system of checks and balances in this country, a system of separation of powers, and that there is a constant pulling and tugging between the executive and the legislative branches of Government for power and authority, and sometimes in our history, even ascendancy. This is right and proper because this was one of the most fundamental parts of the framework that our Founding Fathers put together in the operation of our Government.

Some say that the line-item veto would give too much authority to the President and take that system out of balance in favor of the President. However, I think that in viewing history that we must conclude on the contrary that the current legislation before this body would bring things more into balance.

In fact, the 1989 report of the National Economic Commission has suggested that "the balance of power on budget issues has swung too far from the executive toward the legislative branch."

Virtually all Presidents have impounded funds as a routine matter of their executive discretion to accomplish what they believe is efficiency of management and Government. In the 1950's and 1960's, disputes arose over the impoundment authority—in fact, disputes have gone back much further than that—but during that particular period of time in our history, which resulted from the refusal of several Presidents to fund certain weapons systems, for example, to the full extent authorized by Congress. President Johnson made broad use of impoundment authority during his administration by deferring billions of dollars on spending in an effort to restrain inflationary pressures on the economy during that period of time.

Conflict over the use of impoundment has greatly increased, of course, during the Nixon administration. A moratorium was placed on many things that are currently on the table again and being debated and discussed. Ironically enough, subsidized housing programs, community development activities, certain farm programs—all were either suspended or eliminated altogether during that period of time by President Nixon.

However, by 1974, the Congress of the United States found not only a weakened President Nixon because of Watergate but, because of that same scandal, a weakened Presidency, and employing a vacuum, Congress moved in and asserted itself and responded by passing the 1974 Budget Control and Impoundment Act, which greatly diminished the President's authority to impound funds.

So while this may be only one of many reasons—and it certainly is—I think it not inappropriate to point out that since that time, we have not had a balanced budget in this country. Since the President's rescission now does not go through unless Congress actually votes within 45 days to support him, few rescissions actually occur anymore.

According to the General Accounting Office, in the past 20 years since this Budget Act was passed, there have been 1,084 Presidential rescissions reflecting a total of $72.8 billion. Congress has agreed with only 399, or about 23 billion dollars' worth.

That is why we are here today to consider this legislation, to finally put some teeth into the rescission process. After 20 years in which we have managed to cut only about $1 billion a year, time for amending the 1974 act, I submit, is long overdue. We must finally provide some recourse for the Nation's Chief Executive to reduce spending that is actually sinking America $200 billion more in debt. This legislation obviously is not a cure-all or a panacea, not for everything that ails us. In reality, it is perhaps little more than a few sandbags in the dike. But it is a beginning. It is a movement by Congress in the right direction for a change. It is a step forward.

Mr. President, the current legislation is a result of many years of hard work by many people. I have already recognized Senator McCAIN, Senator COATS, Senator DOMENICI, and others who have worked on this so hard—Senator STEVENS on our side and several from the other side of the aisle.

I think what we now have is a true bipartisan piece of legislation. It represents already much compromise and much accommodation to the legitimate concerns that have been expressed by Members on both sides of the aisle. Now I think it represents a real opportunity to finally inject some discipline into the budgetary process. It has been needed for a long time. It does some things, from my understanding and review of the history, which have not been done before, which have not been submitted at this stage of the process before. For instance, it covers any increase in any budget item. There has been criticism in times past that proposals have only covered discretionary spending. And as we all know, discretionary spending is becoming a smaller part of the overall budget—I think now down to around 16 percent. This proposal would also cover mandatory spending. As far as the future is concerned, it also reaches targeted tax benefits that have the practical effect of giving tax breaks to limited groups of taxpayers.

Now, this is an opportunity that we cannot afford to miss. Following on the heels of the agonizing and divisive defeat of the balanced budget amendment, the 104th Congress needs to recover and go on down the road, Mr. President. There is much that this Congress can accomplish if it does not dissolve into shortsightedness and partisan bickering. This is a time and a place and a legislative proposal where we can come together and put that to an end. If it is true that every journey starts with one step, then let this measure before us serve as that first step toward real budgetary reform.

I yield the floor.

Mr. COATS. Mr. President, I thank the Senator from Tennessee for his statement in support of the line-item veto. He has only been here a few months, but already he has been a powerful voice for change in this institution. It is change which I believe the taxpayers and constituents that we represent called for in the November elections. They want a change in the way we do business. They want a change in the way Congress represents them, a change in the mechanics. They are tired of hearing promises delivered from this floor over and over and over again that, yes, give us another chance; we will do better next time.

What we are seeking to do with this line-item veto proposal is change fundamentally the way we make decisions and the way that we spend taxpayers' dollars. The effort that Senator McCAIN and I and others have been working on for so long appears to be reaching a point where we will be making a final decision as to whether or not we will bring that fundamental change to this body.

The substitute which Senator DOLE offered last evening on this floor was the result of days and weeks of some very tough negotiations involving Members who have had a history of involvement with the appropriations process, with the tax writing process, with the entitlements process, with the spending process of this Congress.

We took an idea, a concept that has been discussed, as I indicated on this floor yesterday, for nearly a century, that is enjoyed by 43 Governors, that has been called for, asked for, requested by, with one exception, every President of this entire century.

The request is simply to allow the President a check and balance against a practice that Congress has been engaging in which allows Members of the legislative branch to attach to major pieces of legislation, most of which they are pretty confident the President has little or no choice of signing, specifically targeted items, specifically designated items that go to provide a benefit for a particular class of individuals, small group of individuals, which cannot be defined in any sense in the national interest.

It may have been something that was generally accepted and overlooked in the past as we were running budgets which were roughly in balance. It was seen as a way of, I guess, making the process work here: You support this for me; I will support that for you, or I need to take this back home to let the constituents know that I am looking out specifically for them.

At a time when our annual deficits are running $200 billion or more, at a time when our national debt is reaching staggering proportions, nearly $5 trillion, we can no longer afford to practice business as usual. The vote which will eventually occur on this item is a vote for one of two courses. One course is business as usual. The other is for a change in the way business is done, for a discarding of the status quo.

For my colleagues who are in the process now of studying the final proposal that was put forth and is the result of several weeks of negotiations, let me just explain that it is not all that complicated. It is only five pages and one line of language which essentially takes the line-item veto concept—that is, the two-thirds vote that is necessary to override a decision of the President of the United States which will be granted to him, the authority of which will be granted to him to line-item out specific spending requests or items that increase spending, send them back to the Congress, and if the Congress wants to reinstate those, it will require a two-thirds vote.

That is the core concept of line-item veto—veto, the process of overriding a decision, that process which involves a two-thirds vote, and it is embodied in the Constitution of the United States. We are incorporating that into this process. We are then applying that principle of two-thirds to the various functions of spending that take place as we write legislation.

Originally, the McCain-Coats proposal only addressed appropriated items, items that came out of the Appropriations Committee that affected discretionary spending. As Senator STEVENS has correctly pointed out, we were targeting then the line-item veto procedure to too narrow a slice of spending. We were applying it to an area under the control of the Appropriations Committee, which admittedly carried what most would describe as pork-barrel, pork-spending items, but which only went to a portion of our entire budget. Senator STEVENS suggested that that ought to be expanded, and we looked for ways to do that. Interestingly enough, we reached back into a process that has been debated at length on this Senate floor. It goes back a decade or more.

We reached back to a process which has been suggested by prominent members of the Democrat Party, led by committee chairmen who have eloquently debated the rationale behind the need for the process called separate enrollment but which also can be described as line-item veto, and we used that as the basis for putting together this new legislation that was introduced yesterday evening by the majority leader, Senator DOLE. We took that process and we applied it to a broader range of spending, so now not only will appropriations bills be subjected to line-item veto, but we will also subject other portions of the budget to line-item veto. We have included direct expenditures, expenditures of dollars, that occur outside the appropriations bills, including the appropriations bill process but also go to authorizations which provide for new spending.

We have expanded it to new entitlements. We are not changing the law in terms of benefits that are currently available under the law to new enrollees or to current enrollees within the entitlement programs, but we are saying, if there is an attempt to expand that program as it currently exists into new spending, then it will be subjected to the President's new authority, should this bill pass, new authority to line-item veto that.

Again, Congress could come back and with a two-thirds vote override the President's decision, but obviously it will be much harder for Congress to enact new spending. And we have expanded this to include what we call targeted tax benefits. There is tax pork as well as spending pork. Often what is described as the pork barrel involves not just appropriated items but tax breaks targeted for specific groups of people, specific individuals, a specific business entity within a broader group, so it is directed to help a particular targeted group, not the group as a whole.

This would not allow the President to veto a broad tax deduction on the books, or a broad tax provision such as mortgage interest deductions, such as real estate tax deduction, such as some of the deductions that Americans now enjoy under the Tax Code. But it would go to those specifically targeted items that often are added somewhere along the line in the tax-writing process and go, not to benefit a large group, but go to benefit a very specific targeted interest.

So the bill has been expanded considerably. It has a much broader scope than it had before. It applies a discipline to the process that is currently not available. It has a provision under the tax provision and has a provision available to Senators that, if they do not agree with the way in which a bill is brought forward and enrolled and think there is something that has been excluded, they can raise a point of order on this floor. Under that point of order they can subject that particular item to the separate enrollment procedures which would allow it then to be subject to the line-item veto of the President.

So, if a Senator does not believe that new entitlement spending or targeted tax benefits have been fully identified in a reported tax bill or an appropriations bill, the Dole amendment provides a means by which those Senators can challenge the bill. If the Senator's point of order is sustained, the relevant committee would then have to flush out or pull out that particular provision and enroll it separately before the bill could be in order on the floor.

So we have addressed that question that has been raised about: What if the bill slips something in but does not separately enroll it and a Senator believes it should be separately enrolled? We provided a process for that.

Finally, let me state, because the questions have been raised: We are not exactly sure how all this will work and we are a little bit nervous about the authority we are giving to the President; should we not test the idea? I suggest the idea has been tested. It has been tested for a century by our Governors in working with our legislatures. But in order to accommodate that concern, we have put a sunset in this bill so Congress can revisit this new authority, can examine it on the basis of how it applies, and if it wants can modify it or, of course, even repeal it. So it does contain a sunset. It will provide a test period to see how well it works.

Madam President, I suggest we will never know how fully effective the line-item veto power to the President will be, in terms of accomplishing real spending cuts, because it will fundamentally change the way we think and behave. That fundamental change will mean that items which would have been attached to appropriations bills or would have been incorporated in the tax bills will not be, because of the fear that they will be exposed to public scrutiny before it finally becomes law.

It is shining the light of public scrutiny on our debate, on how we write our legislation, and it is requiring a separate vote by Members in support of or in opposition to a particularly targeted item that does not benefit the national interest or the group as a whole but only goes to benefit a particular individual or a particular entity. It is that process which will, I believe, prevent most of what has taken place in the past that we find so egregious. So we will never be able to total up the amount of money that we have saved for our constituents and for the taxpayer because the line-item veto will have accomplished its purpose—its purpose being to prevent this kind of activity from taking place in the first place; to prevent the kind of embarrassment that we go through on an annual basis when we discover the items that have been slipped into the appropriations bills, slipped into legislation, slipped into tax bills at the last minute in conference, behind closed doors, late at night, and then presented in a massive bill with a limited time period for debate in the House of Representatives and an urgency because of the end of the session or whatever might occur—

the urgency to get the legislation on the President's desk and signed.

The President then looks at this massive bill and says: Ninety or ninety-five percent of what is in here is what is beneficial to this country, what I want to support. But you are forcing me—as President Truman said, "blackmailing me"—into either accepting the whole bill with the egregious provisions or rejecting the whole bill. And the emergency we are under, the timeframe we are under, requires that I have little choice except to not reject the whole bill.

That is what we are offering here today. I trust my colleagues will look at it carefully. I hope we can gain their support. It has the support of the sponsors of the bill and the vast majority of Republicans. It has support, I believe, of Democrats who have been prominent in helping us advance this concept. And we look forward to advancing it, hopefully, this week, and putting it on the President's desk soon—something we should have done a long, long time ago.

Madam President, with that I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Madam President, I offer my congratulations to the distinguished Senator from Indiana on the bill that has come before the Senate, the new line-item veto bill. Many of the provisions in the line-item veto bill that is before the Senate are provisions that were embodied in the original bill that I introduced and the distinguished Senator from Indiana cosponsored. The Dole bill does include a sunset provision, as I understand it. After 5 years we will be able to see whether this bill actually does tip the balance between the executive and the legislative branches of Government. It, as I understand it, also includes separate enrollment, which is the way the bill deals with the constitutional question in addition to the sunset.

The bill, as I understand it, also includes tax expenditures and does so in a way that is broader than the original House bill. As I understand it, it essentially says that the President can veto tax expenditures that have the practical effect of benefiting a particular taxpayer or limited class of taxpayers when compared with other similarly situated taxpayers. While there is some ambiguity, I take this provision to have a broad interpretation.

I might offer an amendment during the course of the debate to clarify that this provision should be interpreted broadly, or I might through the course of the debate, in hearing what other Senators say about it and my own interpretation of the amendment, decide not to offer such an amendment. But I do think that it is a step far in the right direction. This is really an opportunity to bring tax expenditures into the line-item veto in a significant way, and allow the President of the United States not only to veto those pork projects that are in the appropriations process but also to look at every tax bill that often is dotted with special interest provisions or attempts to expand special interest provisions that are already in the Code and strike those lines with a line-item veto.

So, Madam President, when we have the cloture vote on Wednesday, I intend to vote for cloture. And I hope that we will be able to dispense with this bill by the end of this week and move on to other matters. I think this is an important measure.

I look forward to working with the distinguished Senator from Indiana who has been a good colleague throughout this process. I compliment him on the bill that has come before the Senate.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Madam President, I want to thank the Senator from New Jersey for his remarks and commend him for his longstanding efforts on behalf of the line-item veto concept.

The Senator from New Jersey has talked to me on numerous occasions about expanding the original concept of the bill that Senator McCAIN and I have proposed to include—not just appropriated items but also tax expenditures. He, as a member of the Finance Committee, detailed for me the process of what most would consider tax pork that occurs as tax bills are written. It is not just the appropriations process.

I am pleased that we could address this issue in this bill as an amendment introduced last evening by the majority leader. I say to the Senator from New Jersey our goal, I believe, is the same—to address the same items that he attempts to address. I hope that as we debate through this and work through this we can clarify that so that Members know exactly what we are after. It is hard to get the exact words in place so that we understand just exactly how this applies to tax items. But I believe that the targeted tax expenditures which are targeted in the Dole amendment very closely parallel what the Senator from New Jersey has tried for so long to accomplish.

So we look forward to working with him. I thank him for his support.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call roll.

Mr. EXON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:32 p.m., the Senate recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. ABRAHAM].

LEGISLATIVE LINE-ITEM VETO ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER (Mr. ABRAHAM). The pending question is amendment No. 347 offered by the majority leader to the bill S. 4.

LEAVE OF ABSENCE

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I have to attend a meeting in Delta Junction, AK, pertaining to Fort Greeley on Friday, March 24. I ask unanimous consent that I be excused from attendance in the Senate from 3:45 on Thursday, March 23, until the Senate convenes on March 27.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Idaho.

Mr. CRAIG. Mr. President, this afternoon I rise in support of S. 4, the Legislative Line-Item Veto Act.

What is now ongoing is, in my opinion, the long overdue and what I hope is a historic debate toward resolution of this very important issue.

Let me recognize both Senator COATS and Senator McCAIN, as well as Chairman PETE DOMENICI and Majority Leader DOLE, for their willingness to work together to bring us to a point of compromise that I think has produced a line-item veto product in S. 4 that can pass the Senate, work through the conference with the House, and ultimately be placed on the President's desk with the degree of confidence I think we now have that he will sign it.

This is one of those items that an overwhelming majority of the citizens of our country say they agree with. It is certainly something that most Senators have agreed with in principle, and now that we have been able to refine it, we have a product that I think the majority can support.

The issues, of course, were the two-thirds override: What kind of authority would the President have in the ability to veto and in our ability to react to that veto? I think it has to be a tough vote, a supermajority vote. The idea of a simple majority, while I supported a concept like that a year ago, now clearly, if we can get the tougher version, we ought to do so.

The idea of separate enrollment or rescission is an issue that has been discussed. To extend the line-item veto authority in new, direct entitlement spending as well as appropriations is another issue that we had to work our way through. And, of course, to extend the targeted tax benefits, again, is another one of those issues that I am extremely pleased to see that we have been able to deal with.

Let me first talk about the majority versus the two-thirds override which is really at the heart of all of this. It is the heart of the division of authority and responsibility and the power associated with that authority. As I have mentioned, I have supported both approaches in the past, but I have always argued in doing so it was extremely important that the Congress of the United States pass the strongest possible line-item veto. In fact, as Senator MCCAIN read earlier yesterday, that is exactly what the President has now said publicly he wants—the strongest possible product that the Senate of the United States or the Congress collectively can yield.

Last year's House passed a majority override. This year, an overwhelmingly bipartisan House, by a majority of 294 to 134, passed the two-thirds override, an important signal from that new Republican House.

Now that Senators know we are firing with what all of us know are real bullet votes, it is an opportunity to get our two-thirds. That is the product at hand now. That is why I am extremely pleased that we can deal with it.

The second issue I mentioned, the idea of separate enrollment versus rescission—as I say, I have sponsored both and cosponsored both because, whether I was in the majority or whether I was in the minority, I have always argued that we had to get to the President's desk and into his power some form of line-item veto. The stronger versions were always greatly appreciated by this Senator, but at the same time I felt it was critically important that we move the issue. Now my preferences lie clearly with a strengthened rescission approach. It is simpler. In enrollment, transmission to the President, and at signing of a law, it could be used as a scalpel instead of the idea of a butcher knife, because rescissions can reduce as well as zero out an item. I think that is the way we want to handle this.

But I will vote for a separate enrollment—or I would have, if that had been the case. We think that is not going to be.

It should not sacrifice the good at the altar of the perfect. We have worked out what can be called near perfect on this issue, and I am pleased that all of the Senators came together to strive to build the compromise. The only line-item veto that will become law is the one that we can send to a conference with the House and work out our differences on. From what I am hearing from some of my former colleagues in the House, we can get that done now with the work product that we are debating here at this time.

Separate enrollment was a second-best approach. That still makes it definitely preferable to the status quo. Senator BRADLEY and Senator HOLLINGS have introduced a version of that concept. The Senate Budget Committee reported one out several years ago. The Senate considered a separate approach in 1985. It is not mysterious, last-minute kind of work. It is simply the kind of product that had to be looked at as we worked our way through the differences with this kind of legislation.

Opponents can have it both ways, I guess, in their arguments. Some of those who criticized us for defending a balanced budget amendment as reported from the committee now are complaining that the committee-reported bill may be changed on the floor. We now have built a majority consensus so that kind of issue will not have to be worried about or dealt with as we work our will in the final debate, moving through cloture, I hope, to final passage.

At a policy lunch today the leader, Leader DOLE, mentioned it was possible we could get to a unanimous-consent agreement that would not take us through cloture. I hope that will be the case. This ought not be a contentious debate, or protracted. When an overwhelming majority of the American people want their Government to perform in a certain way, then we ought to make every effort to get that done. And certainly both Senators MCCAIN and COATS, working with the other Senators mentioned, I believe have tried to accomplish that. And S. 4, I think, clearly embodies that kind of effort on the part of the Senate.

Extend it to targeted tax benefits, the other issue I have mentioned. It is important to remember that taxing and spending are fundamentally different kinds of things. When Congress reduces someone's tax burden we are not giving out something that is the Government's, although there are some here who would like to argue, when we talk about this kind of thing, that somehow it is taking money away from the Government. I strongly argue taxpayers' money is theirs in the first instance. It is a majority issue of Government, when Government decides to ask the citizens of this country to give a certain amount of their hard-earned effort in behalf of Government. But the idea that we are giving something back, to me has always been an astounding attitude on the part of many in Congress. I simply have argued the opposite and always will continue to do so.

I believe in a free society it is the citizens who govern and not the government. In this instance, I think we are caught in a debate of that kind of argument when we deal with the differences.

It is why I support the concept of a flat tax and always have. The line-item veto should extend to the tax side of the budget, and that is what we are trying to do now. If it is limited to a veto over narrowly targeted tax benefits—in other words, tax pork—then we ought to look at that. That is what this ought to do and that is exactly what we will be attempting to accomplish. Generally applicable tax relief, like rate reduction, indexing, or deductions or exclusions that apply to all taxpayers who are similarly situated, should not be the subject in some instances of a line-item veto. It should apply only in cases where similarly situated taxpayers within a group are targeted directly and are arbitrarily dealt with in tax legislation.

Let us debate substance in this instance and quit playing the politics of this. Let us pass a bill and send to the conference and to the President a document that truly works with the kind of issues we deal with and gives the President substantive participation in the processes of budgeting. I hoped what happened on the balanced budget amendment is not going to happen here. It now appears we have been able to strike a compromise that will allow it. But there is also something else important to remember. Balanced budget amendments require two-thirds votes. This will require a majority of the Senate voting in favor of this.

If we had been able to solve the problem of cloture, if we have been able to pass through that now with a unanimous-consent agreement—and I hope we can get there in the next few hours—let me tell you, it is going to be awfully important in resolving this issue and showing the American people the Congress of the United States and the Senate can be responsive to the issues at hand.

Promoting fiscal responsibility—that really is the issue underlying all that we do with the line-item veto. In 1974, from then until October 1994, the President requested 1,084 rescissions totaling $72.8 billion. Of the 1,084 rescissions, Congress approved 399, or about 37 percent. That amounted to $22.9 billion or 31 percent of dollar volumes requested.

Alone, a line-item veto process is not going to be enough to balance the budget. But it is widely estimated it can save at least an additional $10 billion a year in the current budgeting scenario. To paraphrase Senator Everett Dirksen: $10 billion here and $10 billion there, and pretty soon we are talking about real money.

Interestingly enough, while we might forget that, thank goodness, the taxpayers and the American public have not forgotten it. That is why the line-item veto constantly over the years has increased in popularity as a concept and an important device for the executive branch of Government to have.

Does it yield exclusive power to the President or to the executive branch?

Absolutely not. But what it does, whether it is a Republican President or Democrat President, it gives that President the opportunity to single out some of the budgeting and expenditure activities that have gone on here on this Hill far too long. The special project of the special Senator, knowing full well that project alone could not come to the floor and sustain itself with a majority vote of the Senate itself, but because it has been tucked away in an appropriations bill, because it was give a little here and get a little from another Senator—that game has been played for years. And literally hundreds of billions of dollars have been spent for very questionable projects in individual States that should never have been allowed. That is the goal of a line-item veto. That alone would save us billions of dollars a year, but that is not the only goal of a line-item veto. The other goal is for the President himself or herself to participate directly, to deal with broader issues, if they will, to cause the targeting of the debate when it comes to the expenditure of tax dollars in ways that simply have not been targeted.

I have served in State government where Governors had line-item vetoes. I have had to go against a veto, take it to the floor of the State Senate in Idaho, and argue why we ought not to sustain the Governor's veto in many instances.

Let me tell you. It really works to refine your thinking. It forces you to do your homework. It forces that issue to the floor in a laser kind of direction of the conference or in this instance the Senate's attention on a given legislative issue, a given appropriation issue. All of us who have served here for any length of time know very clearly that when many of these appropriation bills come to the floor they are very large in nature, and the balance on them that has been created is oftentimes very precarious.

So the question of legislative accountability, as I have been talking about, has to be one of the other most important issues in bringing about a line-item veto. As I have said, many of these appropriations bills involve hundreds of pages of detail, and it is virtually impossible for every Senator and for all staff to read every bill, every page, every area of fine print.

Certainly, if it has happened to me once, it has happened to me many times over the course of my years in serving Idaho both in the House and in the Senate to go home and to hold a town meeting and to have someone come and say, "Senator, did you know that in that bill you just passed there was that provision in it?" In all fairness I have to say, "You know, I did not know that. If I had known it, it might have changed my vote or it might have changed the attitude in which I dealt with a given issue." That is the responsibility that comes about as a result of giving the President the kind of authority that is now offered in S. 4, this very critical piece of legislation.

Very simply, that is why the American people by an overwhelming majority have supported this concept.

So as we have worked out our differences in dealing with the style of vote, and the way we handle different items that target the President's attention and his authority under the line-item veto, in all fairness, Mr. President, I am extremely proud of the work that we have been able to do and what I think will show on the final vote to be a very bipartisan issue.

One of my voters in Idaho said the other day, "Well, Senator, do you really think this is the time to give the President a line-item veto? I mean he is a Democrat, you know." I laughed and said, "There is no good time, and there is no bad time. I have always supported this idea, and if it is good enough for Ronald Reagan and George Bush, it is good enough for Bill Clinton, and all of the other Presidents who will serve after them." Why? Because it is good public policy. It is the right thing to give the executive branch of Government because it fine tunes, it brings about accountability, and it causes the Congress of the United States and the Senate to do its homework in the kind of detail that we have not been producing in the past.

In the final analysis, when I mentioned that 1,084 rescissions that Presidents have asked for and the 300-plus that we have been able to agree on, and the tens of billions of dollars that have been saved, and the more that will be saved by the kind of effort that we are involved in today, that is the bottom line. That is the bottom line we all strive for. That is why this line-item veto embodied in S. 4 is good public policy.

I hope that we can work out the necessary unanimous consent so that we do not have to march down the road of a cloture vote and that we can then bring ourselves to the finality of the debate and final passage. But in the end, if we cannot, then I will certainly support cloture. It is time we bring this issue finally to the floor for debate or for a vote, and I hope we can accomplish that.

I yield the remainder of my time.

Mr. COATS. Mr. President, I thank the Senator from Idaho for his comments, for his support, and for this effort. I appreciate the contributions that he has made over the past several years in attempting to deal with this.

Mr. President, I note the Senator from West Virginia is on the floor. I certainly have no immediate requests for time at this point. I would be happy to yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from West Virginia [Mr. BYRD] is recognized.

Mr. BYRD. Mr. President, I suppose one of the evils that was included in Pandora's box was the evil of the common cold, and I seem to have been stricken with that virus for the present.

At last, we have seen unveiled the amendment which is the product of the frenetic efforts of our Republican friends to come up with something of a line-item veto nature behind which they could rally a majority of their Members. Even a cursory examination of the amendment will compel one to say, with, Macduff, "Confusion now hath made his masterpiece."

I think it is prudent to reflect with some care and detail on this far-reaching measure. I find the transfer of power from Congress to the President, which would occur if this amendment were adopted and implemented, a disturbing proposition. Mr. President, I fully realize that when a Senator starts to talk about the shifting of power from the legislative branch to the executive branch, his words, in great measure, fall upon deaf ears insofar as his colleagues are concerned. One may talk until he is blue in the face, though he may have lungs of brass and a voice that will never tire, he simply cannot get within the eardrums of a good many of the Members of this body if he happens to be talking about separation of powers and checks and balances. They pay little or no heed to what is being said. Consequently, I daresay that what I have to say today will probably be treated in the norm. That is, it will not be listened to by many Senators. Those who may happen to pass by a TV screen and may hear it will nevertheless pay little attention to it. Even if they were to sit in front of me here in a chair and listen raptly, it would have no impact upon them.

I am sorry to say that we have come to such a state in the U.S. Senate that we are not disturbed when measures come before this body the effect of which would be to transfer power from the elected representatives of the American people, in the legislative branch, to the Chief Executive. But that is one thing this is all about.

This is not a line-item veto measure. It may be called that, as a duck may be called a goose or a guinea pig or a chicken. But the duck is still a duck, and all may call this a line-item veto who wish to call it that. But it is not a line-item veto. Nevertheless, if it is enacted, the shift of power will have taken place. The only good thing I can say about the amendment that has been offered by the distinguished Republican leader is that it does have a sunset date.

Consequently, there will come a time when the Senate, if it has learned anything in the meantime, will perhaps make a determination not to go down that fateful path again and renew the life of this measure. I do not denigrate those who support this measure. I know that the distinguished Senator from Indiana [Mr. COATS] and the distinguished Senator from Arizona [Mr. MCCAIN] have long labored in this vineyard, and undoubtedly they believe in what they are doing. They believe it is the right thing to do for the country and the right thing to do in the effort to get some kind of control over our massive deficits. So I do not in any way cast aspersions on them. We differ. We differ in our philosophy, I suppose. We probably differ in our concept of the Senate and the part that it is to play in the universe of institutions created by the Constitution.

I think it is prudent to reflect with some care, as I say, on the details of this far-reaching measure. I do find it a disturbing proposition to contemplate the transfer of power from Congress to the Executive. The power we are talking about here is the control over the purse. I will not belabor the Senate with the long history of the people of the British Isles, the long history of the English people, who fought for centuries to bring about the logic of that power over the purse in the hands of the elected representatives of the people of England, the reposing of that power over the purse in Parliament. I have not sought to belabor that point at this time. I think that that, like almost anything else one may say on this subject, would probably go unheard, even though there may be those with ears who might otherwise listen. The fact that our Framers drew upon the experience of the colonists and the States, which in turn had drawn upon the experience of Englishmen for centuries, really means nothing in the waiting ears of most of today's Members of this body.

Few people attach any, or certainly not very much, significance to the checks and balances and separation of powers which our Framers constructed. Few people attach any significance to the purpose of that separation of powers. Few understand that that mechanism grew out of the experiences of centuries of time in the motherland of most of our forebears.

So it might be a waste of time to attempt to dwell upon those things, except if one wishes that the record, which will last a thousand years, will still be read by some, at least, who do work in the research field and may find it of interest accordingly. But to most of us here today, most of us who serve in this body, we do not pay much attention to history. History is bunk, as Henry Ford was supposed to have said. And I gather that most of my colleagues look at history in about the same fashion.

But the time will come when there will be those of posterity who will look back and see the record. They will know where the parting took place and where the delinkage occurred.

The power of the purse, which has been lodged in the legislative branch for over 200 years, would, in considerable measure, be shifted to the executive branch, and specifically to the Office of Management and Budget.

That is where the power is going to go, to the Office of Management and Budget.

One needs only to recall the words of David Stockman a decade ago when asked, at the American Enterprise Institute Conference on the Congressional Budget and Empowerment Control Act, what the line-item vetoes effect on the Federal deficit would be. In a burst of candor, David Stockman replied: "Marginal, if at all." Mr. Stockman amplified his answer by saying: "Line-item veto is about political power and political control. It can be used for lots of things. It would be great for the director of OMB." David Stockman's words could not be more true, and when applied to this amendment, they hit the nail right on the head—right on the head.

There are those who say, "Well, the States have the line-item veto. Why not give the President the line-item veto?"

There are those who, as former Governors, say, "I had the line-item veto when I was Governor. Why not let the President have the line-item veto?"

Mr. Reagan said when he was Governor of California, "I had the line-item veto. Now give me the line-item veto as President of the United States."

Well, I think the problem with that is that being Governor of a State is one thing; being President of the United States is an entirely different thing.

I have in my hand what we know of as the "West Virginia Blue Book"—the "West Virginia Blue Book." Well, in this "West Virginia Blue Book," there are many items of interest, but the thing I shall point to today is the Constitution of the United States of America. It is printed in the "West Virginia Blue Book." And in the "West Virginia Blue Book," it covers all of 15 pages. That is it. That is the Constitution of the United States of America—15 pages in length. Right here.

It is 60 pages in length—60 pages for the constitution of West Virginia; 15 pages for the Constitution of the United States.

The constitution of the State of West Virginia goes into much detail about numerous and sundry items that are of interest to the State of West Virginia, of interest to a State.

And I daresay that there being 50 States, I would assume there are 50 constitutions of 50 States in this country. And I would also assume that not one of those other constitutions, not one of the other 49 constitutions, is the same, precisely, as the constitution of my State of West Virginia. They are all different.

Any high school student who is worthy of graduating from high school understands that the State government and Federal Government are two different things. Each operate in a separate sphere. The State is supreme in its sphere. The Federal Government is supreme in its sphere. Two far different entities, and one is not to be confused with the other.

The Constitution of the United States provides certain powers for the Congress: "To borrow money on the credit of the United States." That is a power of the Congress.

Let me read just a few of the section 8 powers, section 8 of article I of the Constitution of the United States.

> The Congress shall have Power To Lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States.

Now not one of the 50 States' constitutions have that proviso in it. Not one.

"The Congress shall have Power . . . To borrow money on the credit of the United States."

"The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

Not one of the 50 States, not one, provides that power upon the government of the State.

"The Congress shall have Power . . . To establish a uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States; To coin money"—no State in this country may coin money. Prior to the creation of this Republic, States could coin money in America. Under the Articles of Confederation, the States could coin money. But no longer. Only the Federal Government.

"The Congress shall have power . . . To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures."

I know it is old fashioned to read the Constitution any more around here. Before it is finally relegated to the rare book section of the Library of Congress, I would advise my friends to come to me and get a copy of this Constitution. I carry it in my pocket. This is the Constitution of the United States. It cost me 15 cents. It is a little worn now. I think it costs $1 now, but this one only cost me 15 cents. I have several copies of these which I will give to any Member of the Senate who supports this line-item veto. I will be especially happy to give it to them. Come and get a copy of the Constitution and read it. See the difference in the State governments vis-a-vis the Federal Government.

> To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

> To establish Post Offices and post Roads.

And so on and so on.

> To declare War . . .
> To raise and support Armies . . .
> To provide and maintain a Navy.

These people argue about Governors having the line-item veto, give it to the Governors; why not give it to the President of the United States?

> To provide and maintain a Navy . . .
> To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or officer thereof.

And so the Framers deliberately created this system of separation of powers and checks and balances.

Now, at the State level, the system is not so clearly and delicately delineated, as it is at the Federal level. There is a system of separation of powers at the Federal level. There is a system of checks and balances at the Federal level. One can stand and talk until he is blue, until his gills turn blue and we will still have Senators saying, "Well, the Governors have line-item veto; this is just process." Well, it may be just process, but it is part of the constitutional system of checks and balances and separation of powers and it is worth fighting over.

I cannot conceive of a reelection for the U.S. Senate being so close that I would be defeated because I voted against the line-item veto. I cannot conceive of that, and if it is, then so be it. I believe, having taken an oath to support this Constitution 13 times in going on 49 years now, I believe in that oath. I believe in supporting and defending this Constitution, and that entails the defense of the separation of powers and checks and balances. We cannot do that with a wink and a nod. We cannot just brush it aside and say, "Oh, that's process. The Governors have it, we ought to let the President have it."

I know that there are a lot of Governors who believe that that is a sufficient argument to make and that it is defensible. But I say read the Constitution of the United States. Read the Federalist Papers. There are 85 of them. About two-thirds were written by Hamilton; about a third by Madison. Some of them are in dispute as to who is the author, Madison or Hamilton. Five were written by John Jay. No. 2, 3, 4, 5 and I believe No. 64 were written by John Jay. Read them.

One cannot really fully understand this system which was created by the Framers, among whom were Hamilton and Madison, without reading the 85 Federalist papers. It is the most marvelous exposition of this system of Government that one may find anywhere under the Sun. And we are about to lightly toss away this power over the purse, which is the critical balance wheel in the system of checks and balances.

The novel approach of this amendment—and this is a novel amendment, a novel approach—the novel approach of this amendment would empower the enrolling clerk of the body in which an appropriations measure originated to dissect the bill or joint resolution item by item, paragraph by paragraph, section by section and then create bills and joint resolutions—so-called bills and joint resolutions—for each of those items, add to them fictitious enacting clauses—fictitious enacting clauses—and send the composite products to the President as though these items were legislative measures passed by both the House and the Senate in the format in which they are presented.

For those who have the patience to listen and who may really care—and I do not expect all my colleagues to be in that category, and perhaps I cannot blame them. Because I feel so strongly and so deeply about this, a common cold will not keep me from speaking. Oh, that my voice would carry to the hills or the mountains, and though I had to be brought into this Chamber on a stretcher, I would still fight for this Constitution and its system. It is not a process. Process. This is the Constitution we are talking of here. This is the constitutional system that we are about to imperil.

This amendment that has been brought in by the distinguished majority leader—and he is a distinguished majority leader, a very distinguished majority leader—this amendment provides, in essence that a bill—this is a bill. This bill is H.R. 4506. It is a bill that passed the Congress in the 103d Congress, the second session. It is an act making appropriations for energy and water development for the fiscal year ending September 30, 1995, and for other purposes. We would refer to this as the energy water bill. It is not a very lengthy bill.

This bill that is 43 pages—43 pages—includes the Senate amendments. This bill came over from the House. H.R. 4506 came to the Senate from the House, and the Senate acted to amend the bill in certain places. There is the bill as passed by the Senate and the House.

Now, the bill went to conference so that the differences between the two Houses could be resolved. When the bill came back from conference, this is what it looked like. This is the conference report to accompany H.R. 4506, making appropriations for energy and water development for the fiscal year ending 1995, and for other purposes. And so I hold in my hand this conference report. This means conferees from both Houses sat down in conference, spent several hours, perhaps days, in resolving the differences between the two Houses in connection with this bill, H.R. 4506.

This conference report lays out in minute detail the items of appropriation, setting forth the budget estimate on each item and the conference agreement on each item. There they are, hundreds of them.

Now, when this conference report was agreed on by both Houses, then the act went down to the President for his signature. This conference report did not go to the President for his signature. He could not look into the conference report and veto items in that conference report because the conference report does not go to the President.

He looks at the bill. Here is the final public law, Public Law 103-316, August 26, 1994, and it is composed of—I have not counted the number of pages in it—17 pages. That is the final product. If someone wants to see the final act making appropriations for the Department of Defense, Department of the Army, Corps of Engineers, and so on, they would ask for Public Law 103-316, 103d Congress. There it is. That is the product of months of work, starting with this bill which is sent over from the House, amended in the Senate, going to the conference, with the conferees bringing back to each House this conference report, and it went down to the President. He signed it. This is the final product. That is public law.

Now, at the State level, under the State constitutions, the State laws, most of the bills making appropriations at the State level are set forth by items in the bill that is to go to the Governor's office, and the Governor can line item this out, strike through it with his pencil, put his initial there; go down to this item, strike it out, and put his initial there; go down to the next item, strike it out, and put his initial there. He has line-item vetoed several of the provisions in that bill.

Well, I have already shown why the President cannot line-item veto here. In the first place, he does not have the constitutional authority to line-item veto, never had it, does not have it today. But the items are not set forth in such minute detail, even if he had it. Most of the items are set forth in large sums of moneys. To find out what is in each sum, one goes to the conference report to find out the details.

Now comes this amendment which says that any appropriation bill, once the amendment is agreed to, that hereafter becomes law, any appropriation bill that comes to either body that does not have each of these items set forth in the bill may be sent back to the committee unless there is a waiver by three-fifths of the persons elected and sworn. So every bill will now have each of these items, each item in the bill. When it goes to conference and comes back, the conference report, if the conference report which heretofore I have had in my hand as representing the conference report on H.R. 4506 comes back at a future time, the bill to which it relates will have to have every item, every item enumerated therein.

And then what would happen? Well, now, this is sleight of hand. If I ever saw sleight of hand, this is it in its rawest form. This bill will be sent back to the clerk, the enrolling clerk of the body in which the bill originated. Appropriations bills by custom, not by the Constitution but by custom, originate in the other body. They originate in the House of Representatives.

Consequently, the bill, once the conference report is agreed to in both bodies, will be sent back to the enrolling clerk of the House of Representatives where the bill originated, and that enrolling clerk in the House of Representatives will break out each item, each unnumbered paragraph, each section, and enroll each item, each section, each paragraph as a bill. It will be kind of a cut-and-paste operation. In order to speed up the process, I assume that the clerk will have a lot of preprinted forms, and those preprinted forms will have on them, "Be it enacted by the Senate and House of Representatives of the United States of America and Congress assembled." That will all be already printed on the form. And then the clerk must in the wee hours of midnight—he will undoubtedly have others help him—there in the subterranean caverns of this massive Capitol, the enrolling clerk with his helpers will break that bill down into those hundreds of little pieces and each will be deemed to have been a bill passed by both Houses. And each of those so-called bills or joint resolutions will then be signed by the Speaker of the House and by the President pro tempore of the Senate, or their designees, and sent to the President, to the White House.

Now, let me just show you what this would have meant in the case of this one bill, H.R. 4506. Remember, this is the bill that came to the Senate. This is the final product, the conference report. There it is, the conference report, setting forth all the paragraphs, sections, 116 pages. Now, that bill was enrolled and sent down to the President. Here it is. That is the public act, 16 pages.

But now for the enrolling clerk to have broken down that bill into each item, here is what it would have looked like. This is it. Ipso facto, the enrolling clerk waves the magic wand, the enrolling clerk of the House of Representatives waves a magic wand over that bill, and here is what we have: more than 17 pounds of so-called bills—there are over 2,000 of them—that go to the President for his signature.

Here is one of the bills. Here is another one. These are all to be sent down to the President after having been enrolled by the clerk of the originating House—which, as I say, in this instance it will be the other body. Each of those will go to the President.

Does anyone in this Chamber believe that the President is going to sit down and look at those and decide which he will sign and which he will not? No. Those will be handed over to the Office of Management and Budget and those fine, unelected, unidentified, nameless, anonymous bureaucrats—and they are all good people—will take a look at those and they will determine which of these, or somebody will determine and give to the President—determine those that ought to be signed, those that ought to be vetoed.

Let us see what the Constitution says. Let us see what the Constitution says about bills. This is article I, section 7, clause 2. This is the Constitution. This is not the so-called Contract With America. This is the Constitution of the United States. This is the way it has appeared for 206 years. There has been no change in this language in 206 years. That is the same language that was there when Washington became President; when Adams became President; when Jefferson and Madison and Monroe became President; when John Quincy Adams became President, the same language; and Andrew Jackson, William Henry Harrison—no, Van Buren, Van Buren—he found it written just like that. Then Harrison, then Tyler, Polk, Taylor, Fillmore, Pierce, Buchanan, Lincoln, Andrew Johnson, and Grant. They found the same language. Never a change.

Johnson, Grant, Rutherford B. Hayes, Garfield, Chester A. Arthur, Cleveland, Benjamin Harrison, Cleveland again, McKinley, Roosevelt, William Howard Taft, Wilson.

I was born in the administration of Woodrow Wilson. He had the same language—it has not been changed. It was not changed. That is the same language that has been there all the time.

Wilson, Harding, Coolidge, Hoover, Roosevelt found it—not a blemish, not a stain. Just like it was when George Washington said when he had to sign a bill he had to sign it all. There was not any line-item veto in it.

It has not been changed since Roosevelt. Truman did not change it, Eisenhower, Kennedy, Johnson, Nixon, Ford, Carter. Reagan wanted a line-item veto. But that is it. It withstood the trials of time.

The War of 1812; the war with Mexico, 1848; the Civil War, Spanish-American War; World War I, World War II, Korean war, Vietnam war, the Persian Gulf war. All of the panics and depressions, the panic of 1837, 1857, 1873, 1893, 1907, 1929, and 1930. This language has served throughout all of American history.

And what does it say? It says:

> Every Bill, which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States . . .

Let us read that again.

> Every Bill, which shall have passed the House of Representatives and the Senate . . .

That indicates to me that when something reaches the President's desk that is called a bill, it is something that shall have passed the House of Representatives and the Senate. It cannot possibly mean something that was enrolled by the enrolling clerk of the House of Representatives. Can any Member truthfully say that if this legislation had been adopted prior—this amendment by Mr. DOLE—had been adopted prior to the passage of this energy water bill, can any one of us say that we voted for this bill? Can we say we voted for that bill? Can we say we voted for this bill? No. I never saw it. That bill did not pass both Houses. That bill did not even pass one House.

Each of these little billettes will have to carry a designation on it that will distinguish it from each of the other 2,000 little billettes. So I suppose this would be H.R. 4506 (1). The next one will be H.R. 4506 (2). The next will be H.R. 4506 dash, or parenthesis, 3.

Finally we would get to H.R. 4506–1909, H.R. 4506–2001.

Then, to make believe that each of these passed the House of Representatives and the Senate is like looking at the noonday Sun and saying it is midnight, without a star in the sky.

This is tomfoolery. I cannot believe that we Senators in our generation are going to fall for this kind of sleight of hand.

This is public law here, H.R. 4506. Where are we going to find the public law on H.R. 4506 when it is broken down into over 2,000 little make-believe bills that have been enrolled by an enrolling clerk who is not answerable to the voters and sent down to the President? Where is the public law? Show me the public law.

> Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States; if he approves, he shall sign it . . .

What is the antecedent of "it"? The antecedent is "bill." If it is 2,000 little "it's," how is he going to sign "it"?

> but if not he shall return it, with his objections to that House in which it shall have originated . . .

Obviously, one item, one bill, is being contemplated by the Framers. They are saying you cannot past two bills with the same number at the same time.

> If after such reconsideration two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law.

We are going to have over 2,000 laws in one bill, and some bills will contemplate more laws than that. Some not as many, but some more. We just cannot be in control of our mental faculties if we are going to look at this monstrosity and vote for it. We surely cannot be kidding anybody but ourselves.

Have we read the Constitution lately? From the very beginning, S. 1 in

1789 was the Judiciary Act. It was a Senate bill. It started out in the Senate. Its number was S. 1. That created the judiciary. And ever since bills have been denominated S. 1 or H.R. 1. Resolutions are S. or S. Res. 1 or S. Con. Res. 1 or S.J. Res. 1, depending on whether they are simple resolutions or concurrent resolutions or joint resolutions. This has been the style from time immemorial going back into the colonial legislatures, going back into the British Parliament. It has been ever thus.

The passage of a single appropriation bill by both Houses would be followed by a cut-and-paste operation in the office of the enrolling clerk of the originating body, and out of the wee hours of the night, the fructifying wet pen, the scissors and paste and the whiz of the computer of the enrolling clerk and his staff, would pour out a vast litter of mini-bills, or "billettes," not a single one of which had been passed by either body of Congress.

Each of these is going to have a fictitious enacting clause on it.

The genuine bill, adopted by both Houses, will have been kidnaped, and subjected to the prostitution and mutilation of a cut-and-paste operation which may rightly be termed "a getter of more bastard children than war's a destroyer of men." Hundreds of little orphan bills—nobody is going to claim these little orphan bills by the enrolling clerk. "And where did you come from?" "I came out of the enrolling clerk's office." Who enacted this bill? Who will lay claim to have enacted this bill? What Senator will lay claim to have voted on this bill? Not I. Not one of these bills will have passed the House and the Senate or the House or the Senate, not one.

Hundreds of little orphan bills will then make their way to the Speaker's desk and to the desk of the Senate President pro tempore to be laboriously signed and sent in a seemingly endless stream to the Oval Office, there to be signed or vetoed by the President.

I tell you, I am glad this was not the practice when I was President pro tempore of the Senate. Signing all of those bills will be a never-ending job in itself. It will keep the President pro tempore busy just to sign those bills.

Whatever else one may call it, this amendment will certainly prove to have been a prolific one, and the period of incubation or gestation which it will have created will put to shame that of the guinea pig or rabbit or a mouse. This multiple mutation of the legislative process will boggle the mind.

We surely cannot be in our senses. We are about to take leave of our senses to vote for this piece of junk. This is not a line-item veto. Why do we not bring on the line-item veto? Let us vote for a constitutional amendment to give the line-item veto. Let the people decide to give the line-item veto to the President.

As compared with the line-item veto, in the raw sense, this amendment is a thing of unnatural deformity—"nothing but mutation, ay, and that, from one bad thing to worse."

It is a proposal which represents a significant abdication of power by the legislative branch in favor of the executive branch.

It is an indication of power. We are becoming not only fools but lazy fools. Just turn it all over to the President. Abdicate our power. Give it to the man downtown. Bow down to power. Bow down to power. Remember what David Stockman said. This is a "power play."

It is a pale substitute for really doing something substantial about the alarming budget deficits.

The amendment would also strengthen the House of Representatives at the expense of the Senate.

Do we want to do that to the Senate?

Consequently, the House of Representatives would determine the format of the measure that is sent here and would determine how these measures would be broken apart into items or paragraphs or sections. Great power to the President. More power to the Speaker. Great power to the Director of the Office of Management and Budget. And all resulting in diminished authority of the U.S. Senate. Senators all know that when appropriations bills come to the Senate, the Senate has a right to amend them. The two features about the Senate which, more than all others, make the Senate the premier upper body in the world are the ability to amend and the ability to speak at length. Now when appropriation bills come to the Senate, the format will have been laid out by the other body. When all of these little "billettes," these little illegitimates that cannot really point to any parent—they cannot point to a parent bill because the bill that passed both Houses no longer exists. Where does it go? What does the enrolling clerk do with it? Does he keep it? Does it go to the Archives? Does it go to the Department of State? What happens to that bill? All of these little illegitimates—I could call them bastards, but I will not do that; I will call them illegitimates. All of these flow down to the President in a stream. Let us say the President vetoes 75 of these 2,000. He vetoes 75 and they all come back. Where do they go when they come? Do they go back to the Senate? How many would say they go back to the Senate? They go back to the body in which they originated. Of course, these did not originate anywhere. They originated in the enrolling clerk's office. But they would go back to the House of Representatives. The House would determine whether or not it will vote to override the veto. If the House does not vote to override the veto, then the Senate does not get a crack at it at all.

We all know that the Senate does add to the bills that come from the House by way of amendments. Some of the little "billettes" that the President would amend, some of these little illegitimate offspring that the President would decide to veto, would have originated in the Senate because the Senate has a right to amend. Do you think the Senate is going to get a second crack at that? Why, no. The House undoubtedly will not attempt to override a veto that the President has attached to one of these "bills," which originated in the Senate.

This is an amendment by ROBERT C. BYRD that originated in the Senate. That is supposed to be called a bill under this amendment. It originated here. But it is not going to be sent back to the Senate. It is going to go to the House because it will have a House number on it—H.R. 4506, in this case. This number will be H.R. 4506–219, which originated in the Senate. It was an amendment added by the Senator from Nebraska [Mr. EXON]. But it will not come back to the Senate. The House will decide whether or not there will be an attempt to override that veto, and if the House decides not to attempt to override it, the Senate does not get a second crack at it.

I do not know about other Senators, but I am not in favor of subordinating the Senate to the other body. The Framers meant for the two bodies to be equal, each to play its own role. There were checks and balances between the two Houses. There will not be any checks and balances here in this situation. The Senate will not be a player.

So let us take a look at this marvel of legislative fecundity.

This is an amendment on which there is no committee report and in connection with which there are no printed hearings. That is the amendment that was offered yesterday by Mr. DOLE and immediately a cloture motion was thrown in, to bring it to a vote. That is what we have come to now in this body. We bring in an amendment which is a brand new bill, which the Members of the minority had nothing to do with insofar as helping to shape it. It is offered and a cloture motion is offered on that amendment, and that means we have to vote up or down, one way or the other, on the cloture motion the following day but one, meaning tomorrow in this case.

No printed hearings. No committee report. The amendment comes before us much like Minerva, who sprang from the brain of Jove, or Aphrodite, who sprang from the ocean foam. It is the product of a collective fertile mind, and from it will flow fertile confrontations, fertile vetoes and, in all likelihood, it will undoubtedly prove to be a fertile field for exploitation by the lawyers of the country.

It requires each item of any general or special appropriation bill or any joint resolution making supplemental, deficiency, or continuing appropriations that is agreed to by both Houses of Congress to be separately enrolled as separate bills or joint resolutions for presentation to the President. Any appropriations measure that passes both Houses of the Congress will be turned over to the enrolling clerk of the House in which the appropriations measure originated, to be then enrolled as a separate measure for each item in the appropriations bill. Each of these little orphan bills—Little Orphan Annie is going to feel put upon when she sees all these multitude of orphan bills running down to the White House—each of these little orphan bills shall bear the designation of the parent measure of which it was a ward prior to such enrollment, together with such other designations as may be necessary to distinguish each little baby bill from the other hundreds of measures enrolled pursuant to the provisions of the amendment. Each appropriations "billette" will contain one item in the original bill and each of these little offspring will be deemed to be a bill under clauses 2 and 3 of section 7 of article I of the Constitution of the United States. Each shall be signed by the Speaker of the House and the President of the Senate, or their designees, and presented to the President for approval or disapproval in the manner provided by the Constitution for bills and joint resolutions generally.

We will take a look at the phraseology of the Constitution on the chart to my left again.

Article I of section 7 of the Constitution provides that, "Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States"; note that the Constitution refers to "every bill which shall have passed" both Houses of Congress shall be presented to the President for his approval or rejection. But this amendment now reads, in part, on page 4 of the amendment:

> A measure enrolled pursuant to paragraph 1 of subsection (a) with respect to an item shall be deemed to be a bill under clauses 2 and 3 of section 7 of article I of the Constitution of the United States—"shall be deemed to be a bill."

Well, the Constitution does not say that every bill which may be deemed or which shall be deemed to "have passed" the two Houses. It clearly states that every bill which shall have passed. We do not deem it to have passed. We do not consider it to have been passed. We do not think of it as something that has passed. We do not look upon it as something which otherwise may have passed. It is something that passed. Every bill which shall have passed the House of Representatives and the Senate shall be presented to the President for his signature.

Under this rogue amendment, not a single one of the bogus bills enrolled by the clerk of the originating House of Congress will have "passed" either the House or the Senate, to say nothing of both Houses. Not a single Senator nor a single House Member will have voted on the cut-and-paste so-called bill which goes to the President. Hundreds of mini-bills will flow from a single appropriation bill or joint resolution, and not one of these "fictions" will have "passed" the House and Senate in accordance with the requirements of the Constitution. Not one will be a "bill" in the traditional sense of the word; each will be "deemed to be a bill."

Each will be "deemed" to be a bill; each will be pretended to be a bill. Not one will be a bill in the traditional sense.

It will be claimed that this odd construction is in keeping with section 5 of article I of the Constitution which provides that each House may determine the rules of its proceedings.

So there will be those who will say, "Well, in view of the fact that under the Constitution each House may determine the rules of its proceedings, it is within the power and authority of each House to determine what is a bill. And if the House and Senate want to deem something to have passed, well, that is within the rules of the body."

But certainly, the Framers could not have intended that any interim rules of the two Houses could invalidate the clear instructions of the Constitution with respect to the passage of a bill.

So if, within our internal rules, we may decide to "deem" a certain piece of paper as being a bill, surely the internal rules of the two Houses can never supersede or override the clear language of the Constitution itself which says, "Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States."

So the Framers could not have intended that any internal rules of the two Houses could invalidate the clear instructions of the Constitution with respect to the passage of a bill.

Now if a bill may be "deemed" to have passed both Houses, then might not the first clause of section 7, article I, be also "deemed" in its thrust?

Let us read the first clause of section 7, article I.

> All Bills for raising Revenue shall originate in the House of Representatives.

Now, if Congress may deem this to have been a bill passed by both Houses, why could not Congress deem this to be a revenue bill that was deemed to have originated in the House of Representatives? If Congress may deem a piece of paper enrolled by the clerk of either body, which no Member of the Senate or the House has ever seen, if that may be deemed a bill and be deemed to have passed both Houses, then why not deem this tax revenue measure which originated in the Senate, why not deem it to have originated in the House? That would be as much a use of the internal rules of the Senate as would be the case in the former instance.

There are those who say that, what Congress gives Congress can take away. True. But when Congress seeks to take back this giveaway of its powers, it must be prepared to produce a two-thirds vote in both Houses to override a Presidential veto. This is a lose-lose proposition, as far as Congress is concerned. Appropriations for national defense and for the national welfare would be determined by unelected, unidentified bureaucrats in the Office of Management and Budget, who would determine, for the President, which of the orphan measures may be considered worthy of his signature and which should be the victims of his wet veto pen. No matter what pretty face one may attempt to put on this hydra-headed monster, practically speaking, it will result in a massive shift of power over the purse from the legislative branch to the executive branch.

I know that means little or nothing to some of the Members of this body who have sworn to uphold and support and defend the Constitution of the United States. I realize that means nothing. But, nevertheless, it is there.

The Constitution should not be demeaned and debased by this kind of slight-of-hand work that would result from this amendment.

It is nothing less than legislative sleight-of-hand, and no self-respecting Member of the Congress should allow himself or herself to participate in this emasculation of the Constitution to which we have all sworn an oath to support and defend.

The great name of Thomas Jefferson has been frequently used in this Chamber over the past several weeks during the debate on the balanced budget amendment to the Constitution. Let us see what Thomas Jefferson has to say with respect to the passage, the enrollment, and presentation of a bill to the President.

Mr. President, I do not have in my hand a copy of the manual of parliamentary practice by Thomas Jefferson, but I have one downstairs in my office. The title of it is "A Manual of Parliamentary Practice for the use of the Senate of the United States." It is by Thomas Jefferson, first edition, 1801.

On page 73 of Jefferson's manual, it is stated, "After the bill is passed, there can be no further alteration of it in any point."

Now those who have been invoking the great name of Thomas Jefferson throughout the debate on the balanced budget amendment to the Constitution, let them hear. Jefferson, in his manual, states, "After the bill is passed, there can be no further alteration of it in any point." And for his authority, Jefferson cites William Hakewill, who prepared a manual entitled "The Manner and Method How

Laws are there Enacted by Passing of bills, collected out of the Journal of the House of Commons," 1671. Thus, a bill, as contemplated by this amendment, stripped out of the parent measure and enrolled by the enrolling clerk, presumably on a predetermined form, with a fictitious enacting clause, flies in the face of tradition, custom, and parliamentary practice coming down to us from time immemorial, from the British Parliament, the Colonial Legislatures, the American States that existed before the Constitution, and the practices of 206 years of legislative history under the Constitution. This is nothing less than legislative heresy, and "With new opinions, divers and dangerous, which are heresies, and, not reform'd, may prove pernicious." It is a pernicious amendment, and it is bound to have pernicious effects, if it is written into law.

Let us now take a look at rule XIV of the Standing Rules of the Senate and determine whether or not each of the so-called bills and joint resolutions will have complied with the provisions of rule XIV.

Rule XIV, paragraph 2, reads as follows:

> Every bill and joint resolution shall receive three readings previous to its passage, which readings on demand of any Senator shall be on three different legislative days . . . and the Presiding Officer shall give notice at each reading whether it be the first, second, or third.

Now, are we to pretend, Mr. President, that each of these little illegitimate "billettes" which are going to be sent down to the President for his signature, does anyone here have the gall to say that each of these will have been read three times? Well, that is what rule XIV says with regard to bills and joint resolutions. It says:

> Every bill and joint resolution shall receive three readings previous to its passage, which readings on demand of any Senator shall be on three different legislative days.

Paragraph 3, rule XIV, Standing Rules of the Senate:

> No bill or joint resolution shall be committed or amended until it shall have been twice read, after which it may be referred to a committee.

Mr. President, not one of these 2,000 little "billettes" will have been referred to a committee. Not one will have been twice read. Not one will have been once read. Not one will have been three times read. Not one will have seen the inside of a committee room, and it will be sure they will see the inside of the enrolling clerk's committee room. He might be able to take them home at night, over the weekend, do his work at home, get a pair of scissors, scotch tape, or old-fashioned library glue and take home some of these pre-prepared forms and enroll the bills. Do it at home.

> No bill or joint resolution shall be committed or amended until it shall have been twice read, after which it may be referred to a committee.

Paragraph 4:

> Every bill and joint resolution reported from a committee, not having previously been read, shall be read once . . .

Not one of these little orphans will have been reported from a committee. And so rule XIV will not be complied with.

> Every bill and joint resolution reported from a committee, not having previously been read, shall be read once, and twice, if not objected to, on the same day, and placed on the Calendar in the order in which the same may be reported.

Not one of these will ever see the calendar. Not one will ever be on that calendar, and we can thank heavens for that, because if all these appeared on the calendar, the calendar itself would weigh, with 13 appropriations bills if they all land on there at the same time toward the close of the fiscal year, the Calendar of Business would be thicker than this stack of bills. That would be an illegitimate calendar made up of illegitimate little bills.

Paragraph 5:

> All bills, amendments, and joint resolutions shall be examined under the supervision of the Secretary of the Senate before they go out of the possession of the Senate . . .

Not according to this amendment. They are not going to be examined under the supervision of the Secretary of the Senate. They are going to be examined under the supervision of the clerk of the other body. The Senate will turn over everything to the other body. Let the enrolling clerk of the other body, because that is where the bills are going to originate, let the enrolling clerk in the other body do the enrolling; let him do the cutting and pasting, gluing together. The Secretary of the Senate can take a walk. He will not have anything to do with it.

It says:

> . . . All bills and joint resolutions which shall have passed both Houses shall be examined under the supervision of the Secretary of the Senate, to see that the same are correctly enrolled . . .

The Secretary of the Senate is not going to do that under this amendment. Under this amendment, the clerk of the other body will see that they are correctly enrolled.

> . . . and, when signed by the Speaker of the House and the President of the Senate, the Secretary of the Senate shall forthwith present the same, when they shall have originated in the Senate, to the President of the United States.

Well, most of these will not have originated in the Senate.

Reading from paragraph 7:

> When a bill or joint resolution shall have been ordered to be read a third time, it shall not be in order to propose amendments, unless by unanimous consent, but it shall be in order at any time before the passage of any bill or resolution to move its commitment; and when the bill or resolution shall again be reported from the committee it shall be placed on the Calendar.
>
> When a bill or resolution is accompanied by a preamble, the question shall first be put on the bill or resolution and then on the preamble . . .

So, Mr. President, if there is a preamble on each of these bills—the preamble on the parent bill, I presume, would have to be on each of the little mini-bills, and the question would have been first on the bill and then on the preamble.

No Senator can, of course, say with a modicum of truth and honesty any vote occurred on that bill or preamble.

So much for the Standing Rules of the Senate.

Perhaps that can bear further study on a later date.

The hundreds of little counterfeit bills and joint resolutions will not have received three readings prior to their passage, nor will they have been examined under the supervision of the Secretary of the Senate to see that they have been correctly enrolled.

Simply put, what this amendment does is to require the enrolling clerk of the House, or the Senate, to take appropriation bills as well as direct spending bills and those containing certain targeted tax benefits and break those bills down into numerous parts after they have been passed by both Houses. How many parts would depend on how many numbered sections and unnumbered paragraphs the enrolling clerk found in the complete bills.

To make matters worse, however, section 2 of the amendment requires that any appropriation measures reported by the Committees on Appropriations of the House and the Senate must contain the "level of detail on the allocation of an item of appropriation as is proposed by that House such as is set forth in the committee report accompanying such bill." The same requirement would be placed on conference reports, as well. These requirements could be waived or suspended in the House or Senate only by an affirmative vote of three-fifths of the Members of that House duly sworn or chosen. Similar requirements would apply to tax expenditure and direct spending bills.

What this means, Mr. President, is that the Appropriations Committees would be required to place into each bill all of the literally hundreds and in some cases thousands of items that are now contained in the committee reports and the conference report, whereupon each of these items would then be separately enrolled and become a separate law.

This process fails to recognize that unlike those of States, which are highly itemized, Federal appropriation bills generally contain a number of large appropriations, with the details of how the funds are to be spent set forth in the accompanying reports. This practice has worked well and is favored by the executive branch because it enables agencies to respond to budgetary changes during a fiscal year by moving funds from one area to a more pressing area. This process of reprogramming funds is conducted pursuant to well-established procedures which ensure that the Federal Government can carry out its responsibilities within the general purpose specified in each account.

For example, the Energy and Water Development Appropriations Act for fiscal year 1995 contains a lump-sum of $983,668,000 to cover general construction for the Corps of Engineers. The statute identifies 34 specific projects, totaling $120,126,500. Most of the detail, however, is contained in the conference report, which I have shown, instructing the Corps of Engineers how to spend the nearly $1 billion. Because the instructions are in a nonstatutory source and not a public law, the agency can shift funds within the lump sum in response to their needs—often requiring approval from review committees.

Yet, under the pending proposal, reprogrammings will no longer be possible. Rather, every item listed in appropriations conference reports would be considered an "item" and, as such, would be separately enrolled. If that were done, then all of these items would be frozen in their own separate laws and it would be illegal to shift funds from one area to another without a change in statute. This would mean a large increase in congressional workload. For every mid-course correction needed by every agency of Government, the President would have to seek legislation and we would have to enact every shift in funds. Imagine how inefficient and cumbersome this would be.

I asked our Appropriations Committee staff to count up the number of "items" there are in each of the fiscal year 1995 appropriations acts and conference reports which would have to be separately enrolled under the pending amendment. Senators will recall that, under section 2(c)(1) of the amendment, it will not be in order to report an appropriation conference report that fails to contain the level of detail of an item of appropriation such as is set forth in the statement of managers accompanying that report. This means that every appropriation now named in these statements of managers will have to be placed in the conference report and, subsequently be separately enrolled and sent to the President as a separate minibill which, if the President signs it, will become a separate law.

One of the 1995 appropriation acts with the largest number of items is the Energy and Water Development Appropriation Act.

And as I have already demonstrated, the law is 17 pages in length and the statement for which every item has been provided is 116 pages in length.

These two documents—the Public Law and the conference report containing the statement of managers—are the culmination of months of hearings, of subcommittee and full committee markups, of passage by the House and Senate, and of a conference to settle the differences between the two Houses. After all that work, and after adoption of the conference report and the amendments in disagreement, this appropriation bill finally became a public law and it is being carried out pursuant to this conference report and statement of the managers.

Mr. President, as I have already shown, this stack of paper has been prepared for the Energy and Water Development Appropriation Act for 1995 in conformance with Mr. DOLE's proposal. And just in case there may be some Members or staffs or people out there in TV land, this is the energy and water—I cannot say bill. These are the 2,000 odd bills that would be enrolled by the clerk of the other body and sent down to the President and which in fact constituted the one bill, which had only 16 pages, which is referred to as Public Law 103-316 that is the energy and water appropriation bill. That is it, 17 pounds—17 pounds.

Each of those would have to be signed by the President pro tempore and the Speaker of the House, and each would have to be signed by the President, unless he decided to veto them or not sign them and let them go into law without his signature. He might ease his workload by following that course of action.

Each of the items contained in that public law, which I hold in my hand—right here—itemized in the tables of the conference report have been enrolled separately pursuant to section 4 of the amendment that has been offered by the distinguished majority leader. Each item of appropriation will have to be separately signed by the Speaker of the House and by the President of the Senate, and so instead of that one public law and that one conference report we will have over 2,000 public laws for just one appropriation act.

Mr. President, is this not sheer madness? Sheer madness. All 12 of the other appropriation acts will face similar requirements. The estimates are that if the amendment offered by Mr. DOLE had been in effect for fiscal year 1995, the Agriculture Appropriation Act would have been broken down into 757 separate acts; the Commerce, Justice, State, and Judiciary Appropriation Act would have been broken down into 924 acts; the District of Columbia Appropriation Act would have been broken down into 165 little enrolled bills which later became acts, public laws; the Energy and Water Development Appropriation Act as I already have said would have been broken down into 2,000 acts; the Interior Appropriation Act would have been broken down into 1,000 separate acts; the Labor, Health and Human Services, Education Appropriation Act would have been broken down into 200 acts; the Transportation Appropriation Act would have been broken down into 750 acts; the Treasury, Postal Service Appropriation Act would have been broken down into 479 acts; the Defense Appropriation Act would have been broken down into 2,000 acts; the Military Construction Appropriation Act would have been broken down into 225 acts; the Foreign Operations Appropriation Act would have been broken down into 225 acts; the VA/HUD Appropriation Act would have been broken down into 800 acts; and the Legislative Branch Appropriation Act would have been broken down into 100 acts.

Perhaps we should call them actlettes, 100 actlettes.

That comes to a total of 9,625 minibills, or billettes or actlettes, or public lawlettes—public lawlettes, 9,625 that would have been necessary in 1995 rather than the 13 annual appropriation acts under which we are currently operating.

So, here we will have passed 9,625 public laws and I would have gotten credit for only voting on 13 of them—13; 13 rollcall votes. I answered every one of them, yet there would have been 9,625 separate legislative acts, not one of which passed the House or the Senate, to say nothing of both Houses.

Since most of the annual appropriation bills are not finalized until the last few days before the beginning of the fiscal year to which they apply, one can see that this proposal, if enacted, would succeed in bringing the appropriation process to a virtual standstill. It would also be next to impossible for the President to approve these thousands of bills before the beginning of the fiscal year, because there would be no practical way to process that many bills, get them signed by the Speaker and the President of the Senate, sent to the White House, and signed by the President in such a short time.

Therefore, what we would be setting up is a more complicated process under which a President and a Congress, through no fault of their own, would not be able to complete its work in a timely fashion. We would be virtually guaranteeing a return to government by continuing resolution.

But, on the other hand, think of the increased media attention it will bring to bill-signing ceremonies.

I have been down at White House on a few occasions, a few occasions. I have attended bill-signing ceremonies. The distinguished Senator from Nebraska has been there on bill-signing ceremonies. We stand there behind the President. We might even get up against him so we can say to our grandchildren, this coat—this coat touched the President's coat. See? This coat touched the hem of his garment. And the President signs the bill, just a little bit at a time, and hands back the pen; signs another little portion and hands back the pen.

I take that pen home and have it framed and I am able to tell my grandchildren that there is a pen that the President used in signing such and such a bill. Yes, the pen, he gave it to me. I never would have thought it, this boy from the hill country—I never thought I would be in the White House, never would have thought I would have been in the Oval Office. And here, just to think of it, here is a pen that the President signed the bill with and gave it to me.

"Aren't you proud of your grandpa? Aren't you proud of your grandfather?"

My, what I have been missing, though. I have only had a few of those pens.

Now think of the increased media attention that would be given to one of those bill-signing affairs. For just the Energy and Water Development Appropriation Act the President would have to sign all these 2,000 little minibills. That would become an all day affair; let us go down there for a whole day, the whole day. You would have to go down to the White House early in the morning with the subcommittee chairman, in this case it would be Mr. DOMENICI, and Mr. JOHNSTON.

We would go down with the subcommittee chairman and ranking member, leading the honored guests along with their House counterparts. The President and appropriate members of the Cabinet would greet the congressional delegation out on the White House lawn—would you say? Out at the Rose Garden. They would be all lined up out there in the Rose Garden. Up would drive one of these 16-wheelers, a big truck. It would back its way up to the gate and they would start unloading all those pens to sign those bills.

After a photo-op, the President would take out his first of many pens and begin to sign this stack of 2,000 or so bills into law. He would hand out pens to the gathered congressmen. There might be 24 separate laws for New Mexico projects, so Senator DOMENICI would get 24 pens. Perhaps Louisiana would have 32 projects and, therefore, 32 laws. So, Senator JOHNSTON would get 32 pens, and so on.

This process of signing over 2,000 minilaws would take quite some time. There would probably have to be a lunch break, followed by more signings in the afternoon. The President would say "You boys"—he would call us boys. I would not think anything of it, he calling me boy. My mom used to call me boy. She would say, "ROBERT, you be a good boy. I'll always pray for you." He would say, "You boys come back this afternoon after lunch and we will finish signing these bills." Of course we would be back because we would not want to miss out on our pens.

I expect he would draw a good deal of attention. It would become a very popular ritual for Congress and the President alike.

Now, let us look at what happens when a President decides he does not——

Mr. EXON. Will the Senator yield for a brief question?

Mr. BYRD. Yes.

Mr. EXON. I have been listening with great interest. The Senator left out whether or not he has made any calculation as to what the cost to the taxpayers would be, for all of those pens? Do you have any estimation of what that would be, in dollars, at the present time? Or is that just a minor matter?

Mr. BYRD. It is not a minor matter. We put it on the computer and the computer blew up. We tried to get that information out of the computer and the computer blew up.

Mr. EXON. Gone.

Mr. BYRD. Gone.

Mr. EXON. More expenses to the taxpayer. I thank my friend from West Virginia.

Mr. BYRD. I thank the Senator from Nebraska. I am sorry he has decided to retire, after this term. We will miss him and he will miss receiving all those pens. He will miss traveling down to the Rose Garden, having the President hand him all those pens, for items that are in the bill for Nebraska.

Seriously, I do say I shall miss him. He is a stalwart Member and one who is forthright always with what he says. He has a backbone, the courage of his convictions.

Now let us look at what happens when a President decides he does not care to sign a number of these many thousands of appropriation bills. In this case, those unsigned bills must be returned to the House of Congress which originated them. In the case of appropriation bills, the overwhelming majority will have originated in the House of Representatives. Therefore, any of these thousands of annual appropriation bills which the President returns unsigned will go to the House of Representatives. Under article I, section 7, clause 2 of the Constitution, the House of Representatives will then have total control of whether, and if so, when to schedule a veto override vote. Let us say, for example, that a President decides that he will not sign 5 percent of these thousands of appropriation bills. The other 95 percent are fine—they get the blessing of the President's unelected advisers. But these same advisers recommend, and the President agrees, that 5 percent of them should not be signed. That is not an unlikely scenario. The President's OMB personnel will have scoured every one of these thousands of bills and they are likely to find reasons to send a number of them back to the House of Representatives; in this example 5 percent, or several hundred of the bills are returned. What happens next? Under the Constitution, that will be left entirely up to the House of Representatives. If the House decides not to schedule a veto override vote on any or on all of these returned bills, that is the end of it. The Senate will have no say in the matter. Are Senators prepared for that state of affairs? Are you prepared, Senators, to have to beg the House to take up a vetoed bill?

I say to the Senator from Michigan, the able Senator from Michigan [Mr. LEVIN], are you prepared to go over to the other body and beg the House to take up that vetoed bill so that you at least get a vote in the other body on the item that is of importance to your State?

Mr. President, this amendment, in the opinion of various scholars, would be, in all likelihood, unconstitutional. For example, in recent testimony before the Senate Judiciary Committee, Mr. Walter Dellinger, Assistant Attorney General of the U.S. Department of Justice, made the following statement:

> As much as I regret saying so . . . [the] proposal for separate enrollment also raises significant constitutional issues, you know, that would atomize or dismember one of these large appropriations bills into its individual items which the President could then sign. I think it is either invalid under the clause, in my view, or, at a minimum, it raises such complicated questions under the Presentment Clause that it is a foolhardy way to proceed because if we and all of our predecessors are right, I think that which has to be presented to the President is the thing that passed the House and the Senate, and that which passed the House and the Senate is the bill they voted on on final passage, not some little piece of it or a series of little pieces of it. So I have doubts about it.

That was Mr. Walter Dellinger, constitutional scholar, speaking.

Mr. President, although the bill before us today is being touted by its sponsors as a line-item veto bill, that description is not correct. This bill would not give the President line-item veto authority. The only way for Congress to confer such power is through an amendment to the Constitution. It cannot be done by mere statute. Therefore, a fundamental thing that needs to be said about this bill is that it is not, in any way, shape, or form, a line-item veto measure.

We could not give the President a line-item veto. Congress could not pass that power on to the President. Only the people could do that by way of constitutional amendment. But we could be just as effective in shifting the power of legislative branch over the purse to the President by way of a statute. That is what is about to occur.

Indeed, I question why, if not for partisan political reasons, anyone would tell the American people the Senate is considering a line-item veto bill, when, in fact, we are not?

In fact, we are not. That kind of misinformation does nothing but confuse, mislead, and further alienate an already cynical public. So Senators can disabuse themselves of that notion right from the start. No one is going to be able to go home, and, in all honesty, claim political favor by telling the voters they were for or against the line-item veto.

Instead, what we have before us is a separate enrollment bill, an enormously different creature. In short, what we have here is a slice-and-dice approach to legislating.

I have been in the legislative branch for 49 years. I have never seen anything like that.

Semantics aside, though, what the proponents of this measure have presented to the Senate is a piece of legislation that would set up a logistical nightmare, that would create an unworkable process, and that is obviously not well thought out. This is the product of a desperate political compromise aimed at getting anything through Congress which can be mislabeled line-item veto.

Logistics are not, however, the only problem. In fact, they are not even the most serious. What is fatal to this measure, as it would be with any type of separate enrollment procedure, is that the entire scheme is unconstitutional—unconstitutional. My colleagues and I have been in this business for years. This is my seventh term. I am in my seventh term. Seven times I have asked the people of West Virginia to return me to the U.S. Senate, and three times in the other body prior to my coming to the Senate, two times in the State House and once in the State Senate. In all of those years, not once have I ever met a creature like this, a bill that is not a bill, but call it a bill; and we deem that it is passed in the House and the Senate.

What is fatal is that this bill is not constitutional, in my judgment.

Anyone who reads the plain language contained in the first and seventh sections of article I of the Constitution will see this to be true. For those who I suggest are attending a matinee and who arrived late on the scene, let me read again. Read the words, those two sections and one will see why this measure violates the supreme law of the land.

Article I, section 1, states:

> All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

So there are 25 words that state where legislative power under the Constitution will vest. It will vest in a Congress of the United States which shall consist of a Senate and a House of Representatives. All legislative power will repose in this branch, this legislative branch.

With those 25 words, the very first sentence of the Constitution, the Founding Fathers established the doctrine of separation of powers.

We find in section after section, article after article, paragraph after paragraph, following on that first section of the first article the doctrine of separation of powers laid out in great detail.

They explicitly placed all legislative powers in a Congress. The power to fashion the laws that guide this Nation, the power to repeal those laws as we see fit, and the power to amend a bill as it makes its way through the two Houses of Congress, those powers reside here in the Congress. The Constitution does not confer those powers upon any other individual, or upon any other branch of government.

The President is not licensed by those powers, by those words, to legislate.

All legislative powers herein granted shall be vested in a Congress of the United States which shall consist of a House and a Senate and a House of Representatives.

The Constitution does not confer those powers upon any other individual, upon the President, upon any enrolling clerk, or upon any other branch of government. The President is not licensed by those powers to legislate. He alone cannot pass a bill. The President alone cannot repeal a bill. The President alone cannot amend a bill. Only the Congress has such power.

May I say to the distinguished Senator from Nebraska, and the able Senator from Michigan, that under this bill things will have changed.

Under this amendment, the President would be given legislative power. Do you believe that? He will have been given legislative power. Now, if I hope to get an amendment added to the bill, I send to the desk an amendment, the clerk reads the amendment, and the question is then on the amendment by the Senator from West Virginia. If the Members of the Senate, or the majority thereof, support my amendment, it is added to the bill. That is not enough. That amendment has to be agreed to in the other body. So I cannot amend a bill; I can only be an instrument in the amending of it. I alone cannot amend a bill. It requires a majority of both Houses to support the instrument which I send to the desk in the form of an amendment.

But under this amendment which Mr. DOLE has introduced, and which is cosponsored by several Republican Senators, the President alone can—by his hand alone—repeal a bill. Here is a section of the bill that is sent to the President by the enrolling clerk. Here is another section of the bill. Here is another item of the bill sent down by the enrolling clerk. The President may, by his wet veto pen, strike that one. He has amended that bill by his veto pen. He may strike that one. That is a whole section. He amended that bill—one man alone. And if two-thirds of both Houses do not override him, then he has altered that bill; he has amended it just as surely as I would have amended the bill by sending a piece of paper to the desk, having a number on it and striking from the bill that particular section. One man will have the power that only a majority of both Houses on the hill here could have in amending a bill.

So he will have been given the power, unilaterally and selectively, to change what had previously been passed by the legislative branch. Through a separate enrollment procedure, the President becomes the legislative equal with the House and Senate, because he would have the power to amend. No longer would the Congress be the sole legislative body in our tripartite system. That is why this bill implicitly vitiates the separation of powers, because it hands to the executive branch one of the most important characteristics of legislative power.

The ability to amend legislation, and the right of extended debate, are the two most important features that set the U.S. Senate apart from every other legislative body in the world. This is the only upper Chamber that has essentially unlimited amendment and debating powers. With very few exceptions, which we ourselves have instituted, the Senate can take any bill passed by the House of Representatives and change that bill any way the Members think necessary and proper. But under the process contained in this bill—I will call it a bill; it is a substitute bill introduced by the majority leader—under the process contained in this bill, the President would share that power. If he were to veto even one of the thousands of bills created as a result of separate enrollment, he would have altered the original bill agreed to by the House and Senate. And that original bill, may I say to the Senator from Nebraska, that original bill, may I say to the Senator from Michigan—if the amendment stricken by the President had been stricken by the Senate or by the House, the bill may never have passed, because it would have been altered. Yet, the President can do that if the substitute bill is agreed to. He would not have vetoed the entire bill; he will have altered the bill. He would have vetoed only a portion of it, thereby amending the underlying bill.

How does that situation square with the words in article I, section 1 of the Constitution, that "all legislative powers" herein granted "shall be vested in the Congress of the United States." The ability to amend is a legislative power, and all legislative powers are to be vested in the Congress of the United States. How, then, can anyone stand here and say they see no infraction of the clear mandate contained in the Constitution? How can it be claimed that a President who can amend has not been given legislative power?

The U.S. Supreme Court, in its landmark ruling in the 1952 case of Youngstown Sheet and Tube Company versus

Sawyer, the steel seizure case, spoke to the argument perfectly. The Court said:

> In the framework of our Constitution, the President's power to see that the laws are faithfully executed refutes the idea that he is to be a lawmaker. The Constitution limits his functions in the lawmaking process to the recommending of laws he thinks wise and the vetoing of laws he thinks bad. And the Constitution is neither silent nor equivocal about who shall make laws which the President is to execute.

Mr. President, recommending laws and vetoing laws are the only two lawmaking functions that constitutionally confer to the President, according to the Supreme Court. They did not include the power to amend. They did not say the President is authorized to selectively amend what has previously been passed by the Congress. All the Constitution allows, as interpreted by the Court, is the vetoing of laws.

In addition, this question of procedure, as it pertains to the separation of powers, is hardly academic. It goes to the very heart of our constitutional form of government. Again, I refer my colleagues to the words of the Supreme Court. In its 1982 ruling in INS versus Chadha, the Court noted that:

> Explicit and unambiguous provisions of the Constitution prescribe and define the respective functions of the Congress and of the Executive in the legislative process.

Those provisions, the Court said, ". . . are integral parts of the constitutional design for the separation of powers." Thus,

> It emerges clearly that the prescription for legislative action in Article I, sections 1,7, represents the Framers' decision that the legislative power of the Federal Government be exercised in accord with a single, finely wrought and exhaustively considered, procedure.

But in no way would this new process coincide with the "single, finely wrought and exhaustively considered, procedure" contained in article I.

Separated powers, and the system of checks and balances that maintain the separation, were not an abstract or fleeting concept to the men who framed our Constitution in Philadelphia. The doctrine is writ large throughout the entire document. It is fused into every article, every section, and nearly every clause of that great charter. One need only read the Constitution to understand how fervently our Founding Fathers embraced separated powers. But with this measure, we say those ideals are not really important, that they do not matter. I am not prepared, as others may be, to declare myself so wise as to be willing to undo what was so finely done more than 200 years ago.

As such, all Senators effectively lose the power of their vote. We would be creating a glut of little "its"—note that in the Constitution it refers to "it," "it," "it"—the pronoun with the antecedent "bill." "It." There is not going to be any "it" with an appropriation bill that passes if this amendment by Mr. DOLE is ever adopted. There will be hundreds and hundreds of little "its." Read the bill. Read it and see how each of us gives up the right to vote on any of the new bills.

We will not have voted on a single one of them. Not one of the bills that goes to the President will have been voted on by Mr. LEVIN. Not one. This amendment by Mr. DOLE does not say where the original bill will be kept. Nobody knows what happens to it.

The enrolling clerk in the House presumably can just throw it in the wastebasket.

Read the bill. Read it and see how each and every one of us gives up the right to vote on any of the new bills.

Mr. President, what this charade amounts to is a colossal non sequitur. It simply does not make sense. On the one hand, we are being told that a bill is a bill, which means the President can veto it. On the other hand, though, the sponsors turn right around and claim that a bill is not necessarily a bill—it can be "deemed" to be a bill—so it does not need to be passed by the House and Senate. Which is it? When does a bill become a bill? How can the sponsors of this legislation tell us that any of those new bills are not really a bill? How can they claim that the process created under separate enrollment is a constitutional process? They cannot.

Even the authors of this legislative sorcery agree that, on its own, the separate enrollment process cannot meet the test of constitutionality. Again, I implore Senators to read this measure which is now pending before the Senate. Read section 4(b), starting on page 4, line 8. It says, and I quote:

> A measure enrolled pursuant to paragraph (1) of subsection (a) with respect to an item shall be deemed to be a bill under Clauses 2 and 3 of Section 7 of Article 1 of the Constitution of the United States and shall be signed by the Speaker of the House and the President of the Senate, or their designees, and presented to the President for approval or disapproval (and otherwise treated for all purposes) in the manner provided for bills and joint resolutions generally.

So here, Mr. President, we have a clear acknowledgement, an absolute declaration from the very people who wrote this bill that the process that they want to codify is unconstitutional. They are not talking about bills. They are talking about counterfeit measures that are deemed to be bills.

So this is an absolute declaration from the very people who wrote the bill that the process they want to codify is unconstitutional, that it does not meet the standard set up under article I of the Constitution.

The authors say, right there in that passage, that "a measure enrolled pursuant to paragraph (1)," which means taken out and separately enrolled, "shall be deemed to be a bill."

Now, what does the dictionary say that "deem" means? Deem means to consider—considered to be a bill; to be considered. We will just pretend that it is a bill, may be thought of as a bill, but when you strip all that language away, it is not a bill. If it were a bill, it would not say it may be "deemed" to be a bill.

The authors say right there that "a measure enrolled pursuant to paragraph (1)," which means taken out and separately enrolled, "shall be deemed to be a bill" for purposes of the Constitution.

So how can any of my constituents hold me responsible for the enactment of any one of these little billettes, these little illegitimate offspring of unknown parents? How can anyone hold me responsible for having voted for them, those thousands of new little "its" that were created through the separate enrollment process, that are going to be "deemed" to be bills? What the sponsors are admitting in that language is that those new bills are not, in fact, really bills. They readily concede, right there in their own legislation, and in their own words, that all those new little "its" are not bills.

If a piece of legislation that comes about as a result of being separately enrolled is an actual bill, then why is it necessary to have it "deemed" to be a bill. The answer is that the deeming is required because none of those minibills are, in reality, legal, constitutionally enacted bills. And the authors of this measure know that fact.

I can assure my colleagues that none of this is some misguided conclusion arrived at as a result of applying a radical new interpretation to the Constitution. This is not judicial logic gone awry. Quite the opposite. It is the considered judgement of renowned scholars that a separate enrollment procedure is unconstitutional on the grounds that it violates the presentment clause as written in Article I, section 7, clause 2.

The truly sad fact in all of this, is that we do not need to proceed along these lines. We do not need to trample on the Constitution to accomplish what is intended. We have an alternative option, which everyone agrees is constitutional. The bill originally introduced by Senators DOMENICI and EXON, S. 14, would accomplish the goal of guaranteeing the President a vote on his rescission proposals. And, most importantly, it would do it through a process which does not sacrifice to the alter of political expediency the sacred tenets contained in the United States Constitution.

S. 14 would have allowed the President to go through any appropriations bill and any tax bill containing targeted tax expenditures and excise those items he felt were unwarranted. The Congress would then have been forced to vote on each of those proposals. It would not have created an unworkable process. It would have maintained the separation of powers. It would have been constitutional. But for some reason, the authors of the bill before us do not want that. They are not satisfied with the procedure in S. 14. In short, they are apparently not happy unless we ravage the most important constitution ever laid down in writing.

The procedure which is set forth in this amendment is not, in my opinion, in agreement with the words of the Constitution which govern the passage of a bill. It is not in agreement with those words. The Constitution, in article I, section 7, clause 2, says that a bill shall have passed both Houses before it is presented to the President. It is interesting to note that those who wrote the Constitution in clause 2 referred to a bill, whereas in clause 3 of section 7 of article I, they wrote of resolutions, orders, and votes. In other words, they covered the entire legislative landscape. They knew exactly what they were doing.

Whatever the particular vehicle—whether it be a resolution, or vote, or an order. Of course, orders do not go to the President for his signature; votes do not go to the President for his signature; resolutions do not go to the President. So whatever the particular vehicle, it had to travel the same legislative course outlined in clause 2 for a bill. In other words, whatever it is, it has to be passed by both Houses and presented to the President. He may then sign it, veto it, or let it become law without his signature, or he may give it a pocket veto, depending on the circumstances.

Furthermore, nothing in the pending amendment would deal at all with the more than $400 billion of lost revenue each year that results from existing tax expenditures. I know Senators have heard the proponents of this proposal say that it is very broad. They say it will cover everything—appropriation bills, direct spending bills, and bills containing tax preference items. But is that true? The answer is no.

All any Senator has to do is read the language of the amendment. It reads as follows, as it related to entitlements and targeted tax benefits in section 2(b)(1) on page 2 of the amendment:

> A committee of either the House or the Senate shall not report an authorization measure that contains new direct spending or new targeted tax benefits unless such measure presents each new direct spending or new targeted tax benefit as a separate item and the accompanying committee report for that measure shall contain such level of detail including, if appropriate, detail related to the allocation of new direct spending or new targeted tax benefits.

So, there you have it. This proposal will not touch one dollar—not one thin dime—of any existing direct spending program or any of the 124 existing tax expenditures. Not one dollar. Not one dime. Not one copper penny. The problem is, you see, that once these tax breaks are written into law, they rarely get reviewed again. And, nothing in the amendment that is before the Senate will require that these existing tax breaks should be looked at and made subject to veto by the President, just like annual appropriation bills.

These are the tax dollars that are lost to the Federal treasury due to special provisions contained in the Federal Tax Code. These various provisions allow deductions, exemptions, credits, or deferrals of taxes and, in effect, reduce the amount of tax paid by those who qualify for such items. The word "expenditure" is used to highlight the fact that these tax preference items are, in many respects, no different than if the government would write a check to the different individuals or businesses who qualify for them.

The plain truth is that tax expenditures are nothing more than another form of government spending. Unfortunately, they receive little, if any, scrutiny because they are not subject to the annual authorization or appropriation processes that other programs are subjected to. Rather, once they are enacted into law, tax expenditures rarely ever again come under congressional scrutiny.76 In fact, in a June 1994 report on this issue, the General Accounting Office found that almost 85 percent of 1993 revenue losses from tax expenditures were traceable to provisions enacted before 1950, while almost 50 percent of those losses stem from tax expenditures enacted before 1920.

Because these tax breaks have largely escaped congressional review, many have simply outlived their economic usefulness. But until they come under the same scrutiny as other Federal spending, we will not know for sure which ones should be modified or eliminated and which ones should be kept.

We do know that, like entitlement spending, tax expenditures are projected to grow dramatically over the next several years. In a committee print issued in December 1994 by the Senate Budget Committee entitled, "Tax Expenditures, Compendium of Background Material of Individual Provisions," the aggregate cost of these provisions will equal $453 billion for fiscal year 1995 and will rise each year thereafter to a total of $568.5 billion in fiscal year 1999.

The cumulative increase for those 4 years will equal $283.9 billion. That level of increase dwarfs the total amount that is spent each year on our entire domestic discretionary budget which amounts to only $225.5 billion for fiscal year 1995 and is not projected to grow at all over the next four years. In fact, to the contrary, it appears that domestic discretionary spending will be called upon to suffer even further cuts below a hard freeze than are already contemplated under OBRA 1993.

When one considers that this area of the budget alone, namely, tax expenditures, escapes the deficit-cutting axe that is being faced by discretionary spending and hopefully to the area of entitlement spending as well, it is little wonder that special interest groups find these tax breaks to be very appealing.

I am not saying that all tax expenditures are bad. In fact, many serve a worthwhile public purpose. The earned income tax credit has benefited many hard-working Americans by lifting them out of poverty and has enabled them to be able to support their families. A number of others—such as those for charitable contributions, home mortgage interest deduction, as well as a number of others—clearly serve a useful purpose and are in the national interest. But I am convinced that a number, perhaps a large number, of the more than 120 separate tax expenditures in current law could be either modified or eliminated altogether.

In its June 1994 report on this subject, the General Accounting Office recommended that tax expenditures should be further integrated into the budget in order to highlight the vast resources lost to the Federal Government by these tax breaks. Moreover, these expenditures should have to undergo periodic program reviews within the congressional tax-writing committees. One way to ensure such scrutiny would be to sunset most tax expenditures, thus requiring the reenactment of those that are still worthwhile at regular intervals. But, as I have shown, this amendment fails to do that.

And I am fully prepared to work with my colleagues in attempting to enact legislation that would improve the existing rescission process and would guarantee that a President's rescission proposals get considered and voted upon—just as the proposal that was authored by Mr. DOMENICI and Mr. EXON would have done—and, further, that any savings resulting therefrom be applied only to deficit reduction. What I am unwilling to do is to support any legislation that does not adequately guard the constitutionally granted congressional power of the purse.

I believe that the separate enrollment measure is constitutionally flawed and would so encumber the existing appropriations and rescission processes as to make it impossible for Congress and the President to meet their responsibilities of enacting the annual appropriation bills by the beginning of each fiscal year.

Finally, and critically important, Mr. President, this amendment will not result in any deficit reduction whatsoever. None. Zilch. The reason that is the case is because nothing in the amendment reduces Federal spending. Under this amendment, any savings that might result from vetoes of items in appropriation bills, or from vetoes of new direct spending or new tax breaks, will not go toward deficit reduction.

Instead, those savings can simply be spent on something else. That is the case because, unlike S. 14 or the Democratic alternative, which Mr. DASCHLE will present, nothing in the Dole proposal reduces the allocations of committees by the amount of the savings that will result from the vetoes. Incredible as it may seem, the substitute does not apply any of these spending cuts toward reducing the deficit. The authors of the proposal, therefore, have chosen to allow all spending reductions under their "Separate Enrollment and Item Veto Act of 1995" to be respent, rather than be applied to deficit reduction.

So, Mr. President, I urge my colleagues to defeat this proposal and to vote for the Democratic alternative that will be presented by the distinguished minority leader, which many of us will cosponsor, and which will apply all of its savings from budget cuts to deficit reduction.

I thank Senators who have patiently waited, and I yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from Indiana is recognized.

Mr. COATS. Mr. President, I appreciated the comments of the Senator from West Virginia. I have been anticipating his arrival on the floor to debate this issue. It is an important issue. It deserves full discussion and debate.

We began this latest discussion, of course, on Thursday evening of last week. Senator MCCAIN and I discussed our proposal at length and then, of course, we debated on Friday and all day Monday, and now it is Tuesday.

Last evening, the majority leader offered an amendment to the original proposal, offered by Senator MCCAIN and myself, which, in this Senator's opinion, substantially strengthens the effort which we are undertaking by expanding the scope of the line-item veto to include not just appropriations, but targeted tax expenditures, any new direct spending and new spending in entitlements that change the law which currently exists. It does not mean that new enrollees are not subject to the benefits of entitlements as they currently exist on the books. But it means that if attempts are made to expand those categories and to provide new spending, they are also incorporated.

These were suggestions offered by Members of the Congress, in particular Senator STEVENS of Alaska, Senator DOMENICI of New Mexico. We negotiated these changes. Many of these ideas originated in years past, some of them offered by Senators from the other party.

I do not intend to take a great deal of time in responding to the comments of the Senator from West Virginia. However, there are several points I wish to make.

The Senator from West Virginia began his presentation by citing—and I believe I am correctly quoting him—the "frenetic efforts of Republicans" to bring a measure to the floor. Yes, there was considerable negotiation, but it is negotiation upon a core and a base of discussion around a concept which has been very much a part of the history of this body.

Recent history, of course, in the last decade or so has shown that a number of attempts have been made to bring line-item veto to a vote in this body. All of them have been unsuccessful. There have been a number of votes, all falling short of the necessary votes to either waive provisions of the Budget Act or to break an attempted filibuster of the effort.

So we have not been able to achieve 60 votes to bring the matter to full debate and vote. But the concept of separate enrollment has been discussed before on this floor at length and voted on, at least in a procedural way. The underlying concepts of either enhanced rescission or a process described as line-item veto or a discussion of line-item veto, all of this has been very much a part of the debate and discussion that has been present on this floor during the past decade. But the concept of line-item veto goes back historically much further than that.

In fact, it was in 1876 that then Representative Charles Faulkner of West Virginia introduced for the first time the line-item veto concept. It was referred to the Committee on the Judiciary where it there died, and since that time about 200 line-item veto bills have been introduced. In fact, in nearly every succeeding Congress a proposal has been offered in varying forms but all centered around the same basic premise, and that is will this legislative body cede to the President some semblance of authority to provide a check and balance against the spending power exercised by this body.

Now, as the Senator from West Virginia has enumerated, we are all well aware of the provisions of the Constitution article I, section 7, which outlines the procedures by which the legislature passes legislation and by which the President approves it. And of course, article I, section 7 clearly grants to the President the power to reject what the Congress has proffered to him, or perhaps return is a better word. It says that "If any bill shall not be returned by the President within 10 days after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it."

But it also says that the President may ask this body to reconsider what it has done and send back to us bills that we have forwarded to him and it will require two-thirds vote of each body, both the House and the Senate, in order to overturn what the President has done.

So the constitutional authority for the President to veto or reject or return, however you want to phrase it, what this legislature has presented is obviously well established as a part of the Constitution. But the separate question is do we want to go one step further in allowing the President the right within the legislation sent to him to line item items back to this legislature, to look at the legislation that we send to him and give the President the opportunity to say I will accept this portion but not that portion. I will accept most of what you sent but I want you to reconsider that separate portion.

That really is the question before us. As I said, there have been nearly 200 attempts to do that. Most of those have died in committee. Very few have been reported, and those that have were mostly reported with adverse recommendations.

Our Founding Fathers discussed this issue. They were concerned about the balance of power between the respective branches. That is why I believe they wrote the veto power in the Constitution to the President. But they were concerned about the unchecked power, the unbalanced power of the legislative branch over the executive branch. In the Federalist Paper No. 73, it was Hamilton who had this to say about the executive veto.

> The first thing that offers itself to our observation is the qualified negative of the President upon the acts or resolutions of the two houses of the legislature; or, in other words, his power of returning all bills with objections to have the effect of preventing their becoming laws, unless they should afterwards be ratified by the two thirds of each of the component members of the legislative body.

Mr. BYRD. Will the Senator yield? Will the Senator yield for a question?

Mr. COATS. I would like to be able to give my statement and then I will be happy at the end of that to yield. I know the Senator would have many questions. I do not want to spend an excessive amount of time because there are other Senators waiting to speak. If I could go through my statement and then address the question, I would prefer to do that.

Mr. BYRD. Very well.

Mr. COATS. Presidents throughout our history have asked for the line-item veto. It goes all the way back to Ulysses Grant. It was President Truman who said:

> One important lack in the Presidential veto power, I believe, is the authority to veto individual items in appropriations bills. The President must approve the bill in its entirety or refuse to approve it or let it become law without his approval.

He later went on to say that it was a form of "legislative blackmail"—those are his words, legislative blackmail—when the legislature sends to him a bill it otherwise knows needs to be approved by the President or else the

Government will cease to function or else important appropriations for the provision of our national defense or for the meeting of national emergency will have to be vetoed by the President or accepted in whole even though it contains items which the executive feels are not in the national interest and bear no relationship to the legislation that is sent to him.

It is that practice that brings us to this point. It is the practice of a Congress which has discovered that under the powers granted to it by the Constitution rests and resides what I would term as an abusive power, a power that does not go toward meeting the needs embodied in the original appropriation or the original bill that is sent to the President but which goes toward placating or pleasing an individual parochial interest and is attached even though it is totally irrelevant to the purpose for the original appropriation, attached because, as President Truman said, we can hold this over the President's head knowing that he needs this particular expenditure in order to meet a pressing national need and his choice is limited to accepting the whole or rejecting the whole.

It was in 1974 that this Congress stripped the President of his executive power that was being exercised to impound funds, the power that was exercised routinely from every President from Thomas Jefferson to Richard Nixon. In fact, it was Jefferson who first employed the power to refuse to spend appropriated funds in 1801 when he impounded $50,000 that was appropriated for Navy gunboats. And it is the particularly egregious practice, in this Senator's opinion, of loading up otherwise necessary appropriations with items that are deemed unnecessary, that necessitates, through line-item veto power, a check and balance for the President, a restoration of the check and balance power that allows someone—in this case the Executive—to put a question mark on what we have done and to say, "If you really believe that is a necessary item, you have the constitutional power to override my objection by a two-thirds vote."

What that does is it sheds the light of public exposure, public debate, and individual vote—an individual yea or nay on a particular item—so our constituents, those we represent, have the ability to examine how we have handled their tax dollars so that they can hold us accountable, either favorably or unfavorably, for our actions, not on a massive bill as a whole but on an individual item.

No longer will we be allowed the excuse of saying, "Yes, I voted for that particular measure, not because it contained the items you object to, but because it had such a pressing national interest that it overrode the specific objections."

Our constituents say, "But why did you not protest that particular item?" Frequently we find that particular item was buried deep within a bill that was rushed to the floor to meet some national emergency or was added in conference and brought back in a way that, under our rules, is not amendable.

So what we are attempting to do with this process, with this concept of separate enrollment, what we are attempting to do is to provide the President with presentations from the legislature which are specified, item by item by item, which the President with his able staff and with the resources at their disposal can easily examine. They can look at these items which do not comport with the thrust of the legislation presented and send them back here for our review and, if we so choose, our overriding that particular veto.

As opposed to the statement that the Senator from West Virginia made about his fight to save the constitutional system, I would argue that line-item veto is a fight to save the constitutional system, it is a fight that honors what the Framers of our Constitution and what our Founding Fathers attempted to achieve: a system of checks and balances. It is difficult for this Senator to believe that the Founding Fathers of this country, the Framers of the Constitution, intended that we would present the Executive with a continuing resolution embodying every penny of spending for this entire Federal Government and place it on the desk of the President at the end of a session—sometimes it is after we have adjourned that it arrives at his desk, although we are still here in pro forma to finalize the formal adjournment—and say, "Mr. President, take it or leave it. The entire budget of the United States of America sits on your desk in one piece and your choice is to take it all or reject it all."

I would claim that is an abuse of the spending power, an abuse of the power of the purse, an abuse of the Constitution, an abuse of what the Founding Fathers intended as the way that body should act—act responsibly.

The Senator from West Virginia has said that when all is finally said and done, when we take Public Law 103-316, Making Appropriations for Energy and Water Development for the Fiscal Year Ending September 30, 1995, and for other purposes—that all we send to the President is this nice, neat little several-page piece of legislation. And that is a much neater process than sending to the President the stack of separately enrolled bills. In one sense it is, because it is much easier to read through this small, little booklet than it is to peruse through that stack of bills.

But what we have here and what we present to the President is something that is so general that it is very difficult to itemize out all that it accomplishes. It is a very neat way for Members to say, "I did not know what was in the final product."

Under title I of this particular act that I am reading, it appropriates, in one section here, "$181,199,000 to remain available until expended, of which funds are provided for the following projects," in the amounts specified. And then it lists about 10 projects. But that $181 million actually goes to fund an additional 326 projects. So, when the President looks at this, it is extremely difficult to determine which items are going to receive the specific expenditures and which ones are not. Of course, it is impossible for him to examine the legislation and come to the conclusion that there are portions of this that should not be spent because he is forced to accept the entirety or reject the entirety. He has no power, no authority, granted to him to send back items that he does not deem necessary.

The Senator from West Virginia talked about the process as a cut-and-paste operation, conducted in the wee hours of the night with clerks assigned from perhaps the Government Printing Office helping enroll the separate bills. That is the way it used to be done. That is the way, I would say to the Senator from West Virginia, that enrollment of legislation used to be conducted.

It would be a mechanical problem—not an insurmountable one but a mechanical problem—as we used to do it. But we do not do it that way anymore. Modern computer technology has arrived in the Senate and arrived at the House.

I spent some time with the enrolling clerk asking him how he now goes about this process. He said, "Well, it is very easy." He showed me a computer sitting on his desk about this wide and about that high. He showed me a software package which is called XyWrite, and he said, "We now do in a matter of minutes what used to take us hours, and we now do in a matter of a few hours what used to take days." He said, "While I have authority to bring over people from the Government Printing Office, I never have to call them anymore because the miracle of modern technology allows us to separately enroll items literally with a push of a few buttons. What used to take dozens if not hundreds of hours now can be done literally in minutes."

So it is not a mechanical problem. It is something that is easily processed and easily handled by the enrollment clerk. The House clerk has the same technology as the Senate.

The question of do we cede power to the enrolling clerk I do not believe is valid any longer either because, as the enrolling clerk explained to me, he does not have the authority. It is not vested in him to make a determination as to what should be enrolled or what should not be enrolled. It is the purview of the appropriators or those who write the bill to define the items of expenditures in those bills. And the power of the enrolling clerk only goes to enrolling that particular separate item. To the extent that we are sloppy in our efforts, that would raise a question as to what ought to be enrolled. But I am confident that, if we understand that each item in a particular appropriation or a tax bill or other item of legislation is going to be separately enrolled, we will make sure it is separately enumerated in the legislation that we send down to the enrolling clerk. Any ambiguity relative to a question mark on enrollment can easily be resolved by our own efforts.

As Senators know, the expansion of this legislation incorporates targeted tax expenditures. The Senator from West Virginia is absolutely right when he cites that the problem and the dimension of the problem that we face does not fall solely on the shoulders of the appropriations process to the discretionary account. In fact, I believe it is less than 20 percent of the budget. In recognition of that, part of the process in negotiating the amendment that was offered by the majority leader was to expand the scope of the veto power of the President, individual item veto power of the President, to incorporate new spending, new spending in the entitlement functions, targeted tax spending where specific tax—what I call tax pork—is incorporated in tax legislation which goes not to serve a broad interest or a broad classification like charitable deductions, like mortgage interest deductions, items that the Senator from West Virginia mentioned, but go to please or to satisfy a particular narrow interest, an individual interest or a specific interest within a class rather than to the class itself. That is defined in this bill. That will now be brought into this bill.

That is an idea that was brought forward by the distinguished Senator from New Jersey, Senator BRADLEY, who offered that last year on this floor. So we have incorporated that idea. It is a good idea. It immeasurably improves and expands the scope of the line-item veto. And we have added expenditures which would be added under the category of new expenditures to entitlement programs. It does not change the law relative to entitlement programs—as to who is eligible and what benefits they are eligible for. But, if this Congress changes the benefits provided under the entitlement and expands those and that results in increased expenditure, that too would be subject to the President's veto. So we have expanded it far beyond the original provisions of just applying it to the appropriations process.

I would like to conclude by making some points on the constitutional question because that is a valid question and one which I believe Members need to address.

Under article I, section 5, each House of Congress has unilateral authority to make and amend rules governing its procedures. Separate enrollment speaks to the question of what constitutes a bill. It does nothing to erode the prerogatives of the President as that bill is presented. Under the rulemaking clause, our procedures for defining and enrolling a bill is ours to determine alone.

There is precedent provided in House rule 49, the Gephardt rule. Under this rule the House clerk is instructed to prepare a joint resolution raising the debt ceiling when Congress adopts a concurrent budget resolution which exceeds the statutory debt limit. The House is deemed to have voted on and passed a resolution on the debt ceiling when the vote occurs on the concurrent resolution. Despite the fact that a vote is never taken, the House is deemed to have passed it.

The American Law Division of the Congressional Research Service analyzed separate enrollment legislation and indicated the following:

> Evident, it would appear to be, that simply to authorize the President to pick and choose among provisions of the same bill would be to contravene this procedure. In separate enrollment, however, a different tack was chosen. Separate bills drawn out of a single original bill are forwarded to the President. In this fashion, he may pick and choose. Formal provisions of the presentation clause would seem to be observed by this device.

Laurence Tribe, who is a distinguished constitutional professor of law, who is frequently quoted on the Senate floor more often by Democrats than Republicans, but nevertheless is a respected constitutional scholar, has also observed that this measure is constitutional. He recently wrote, and I quote:

> The most promising line-item veto idea by far is that Congress itself begin to treat each appropriation and each tax measure as an individual bill to be presented separately to the President for his signature or veto. Such a change could be effected simply and with no real constitutional difficulty by a temporary alteration in the congressional rules regarding the enrolling and presentment of bills.

He went on to say:

> Courts construing the rules clause of article I, section 5, have interpreted it in expansive terms, and I have little doubt that the sort of individual presentment envisioned by such a rules change would fall within Congress' broad authority.

The distinguished Senator from Delaware, Senator BIDEN, during his tenure as chairman of the Senate Judiciary Committee, wrote extensive additional views in a committee report on a constitutional line-item veto. He wrote about a separate enrollment substitute which he offered. And I quote from Senator BIDEN.

> Under the separate enrollment process instituted by the statutory line-item veto, the items of appropriation presented to the President would not be passed according to routine lawmaking procedures. Congress would vote on the original appropriations bill but would not vote again on the separately enrolled bills presented to the President. And the absence of a second vote on the individual items of appropriation has raised questions of constitutionality. For the following reasons, such concerns are unfounded:
>
> One, this does not change congressional authority. Each House of Congress has the power to make and amend the rules governing its internal procedures. And, of course, Congress has complete control over the content of the legislation that passes. Thus, the decisions to initiate the process of separate enrollment to terminate the process through passage of a subsequent statute, to pass a given appropriations bill and to establish the sections and paragraphs of that bill, are all fully within Congress' discretion and control.

That is exactly the process which is presented in Senator DOLE's amendment. We, the Congress, have complete control over the content of the legislation we pass. Thus, the decisions to initiate the process of separate enrollment, or to terminate that process through passage of a subsequent statute, or by a sunset provision, which this DOLE amendment contains, and to establish the sections and paragraphs of the bill, which we have the authority and the power to do, all are fully within our control and discretion.

Quoting again from Senator BIDEN:

> A requirement that Congress again pass each separately enrolled item would only be a formal refinement, not a substantive one. It would not prevent power from being shifted from Congress to the President, because under the statutory line-item veto, Congress will retain the full extent of the legislative power. Nor would it serve to shield Congress from the process of separate enrollment, because Congress will retain the discretion to terminate the process.

If we pass the whole, surely we pass the parts. How can we argue that having passed an appropriation bill that covers spending for certain functions of Government—let us say the Commerce Department—it does not incorporate the separate items of spending listed within that bill? To argue otherwise is to say that Congress, in passing the whole, does not pass the separate items. And it seems to me that a more legitimate process—if you are concerned with that question—is to separately enroll the items. Then there is no doubt that we have passed those separate items. So passing the whole incorporates the parts.

Senator BIDEN said:

> The second reason why he believes the constitutional concerns are unfounded relates to House rule 49, the statutory limit on public debt.

I will refer to that later.

> Rule 49 of the House of Representatives empowers the enrolling clerk of the House to prepare a joint resolution raising the debt ceiling, when Congress adopts a concurrent resolution on the budget, exceeding the statutory limit on the public debt. This procedure, which has been in existence since 1979,

> provides a clear precedent for the separate enrollment of items of appropriation. The House never votes on the joint resolution. Nonetheless, the House is deemed to have voted on the resolution because of its vote on the concurrent resolution. House rule 49 states, in part:
>
> The vote by which the conference report and the concurrent resolution on the budget was agreed to in the House shall be deemed to have been a vote in favor of such joint resolution upon final passage in the House of Representatives. The committee report continued to elaborate on that by saying House rule 49 has not been found unconstitutional because of its modification of routine rulemaking procedures. It is transmitted to the Senate for further action and presented to the President for signature.

This process has been in effect for a decade. Despite the absence of a separate vote by the House on the joint resolution, there have been no constitutional challenges.

The American law division has supplied me with a number of cases which further elaborate these points. In United States versus Balan, decided in 1892, the Court articulated the power of the Congress to determine its rules of proceeding. It said:

> The Constitution empowers each House to determine its rules of proceedings.

That is the Court speaking.

> It may not by its rules ignore the constitutional constraints or violate fundamental rights, and there should be a reasonable relation between the mode or method of proceeding established by the rule and the result which is sought to be attained. But within these limitations, all manners of method are open to the determination of the House, and it is no impeachment of the rule to say that some other way would be better, more accurate, or even more just. It is no objection to the validity of a rule that a different one has been prescribed and enforced for a length of time. The power to make rules is not one which, once exercised, is exhausted. It is a continuous power, always subject to be exercised by the House and within the limitations suggested, absolute and beyond the challenge of any other body or tribunal.

So is that not what we are doing? Are we not exercising that continuous power articulated by the Court to make our rules? Once exercised, that power is not exhausted, as the Court said. It is always subject to be exercised. In this case, the Court was referring to an action by the House. Obviously, it could apply to the Senate equally.

So it is not impeachment of the rule to say that some other way would be better, more accurate, or even more just. Who is to say that this method is not more accurate? I believe it is more accurate. It is certainly more accurate than the 10- or 12-page bill presented to the President for his signature, which does not begin to enumerate the actions of this body. You can pore through this and not begin to understand how the taxpayer' dollars are going to be spent. But if we separately enroll, every Member of this Congress will have at his or her disposal, immediately, exactly how dollars are spent, exactly how projects are funded and which projects they are. They will be able to pull pieces of paper out and say, "I do not think this is the way we ought to deal with the taxpayer's expenditures." And the light of day will be shed on our actions. I think that is a more accurate and a more just way of being held accountable to the very people that send us here to deal with the allocation of their hard-earned dollars.

Killian asks:

> Within this capacious concept, what provision of the Constitution would the "deeming" provision violate? We certainly cannot point to any fundamental right that is abridged. The constitutional constraint that is applicable is the first section of article I, which sets a bicameral requirement for the exercise of lawmaking. But Congress in the proposal does not disregard the bicameralism mandate. A bill in identical form has passed both Houses. Then, a functionary, the enrolling clerk, follows instructions embodied in the rules and separates out of this bill a series of sections identical to the sections contained in the larger bill and enrolls these sections into separate bills; these bills are signed by the Speaker of the House and the President of the Senate, and these bills are then presented to the President for his signatures or his vetoes.
>
> One can readily see that the question is much more narrow than the mere issue whether Congress can pass a law that has not cleared both Houses in an identical version. The separately enrolled bills, taken together, are identical to that initial bill. If Congress should conclude that this two-step process comports with the constitutional requirement of bicameral passage of a legislative measure, in what way has a constitutional restraint been breached?
>
> The issue of validity could also be influenced in determination by two other factors. That is, first, Congress is not seeking to aggrandize itself or to infringe on the powers of another branch . . . second . . . it must be observed that these rules are entirely an internal matter, subject to alteration by simple resolution at any time in either House. There is no irrevocable conveying away.
>
> 2. There is some question about whether the judiciary will review this case at all. There is some precedent to indicate that the judiciary may construe separate enrollment as a political question unsuited for judicial review.
>
> *Marshall Field* v. *Clark* (143 US 649 (1892):
>
> The signing by the Speaker of the House of Representatives and by the President of the Senate, in open session, of an enrolled bill, is an official attestation by the two House of such bill as one that has passed Congress. It is a declaration by the two Houses, through their presiding officers, to be President, that a bill, thus attested, has received, in due form, the sanction of the legislative branch of the Government, and that it is delivered to him in obedience to the constitutional requirement that all bills which pass Congress shall be presented to him. And when a bill, thus attested, receives his approval, and is deposited in the public archives, its authentication as a bill that has passed Congress should be deemed complete and unimpeachable. . . . The respect due to coequal and independent departments requires the judicial department to act upon that assurance, and to accept, as having passed Congress, all bills authenticated in the manner stated leaving the courts to determine, when the question properly arises, whether the act, so authenticated, is in conformity with the Constitution.

Judith Best, a distinguished political scientist summed up these arguments well. She said:

> Under article I, section 5, Congress possesses the power to define a bill. Congress certainly believes that it possesses this power since it and it alone has been doing so since the first bill was presented to the first President in the first Congress. . . . The definition of a bill is a political question and not justiciable. "Prominent on the surface of any case held to involve a political question is found a textually demonstrable constitutional commitment of the issue to a coordinate political department. (*Baker* v. *Carr*, 369 US 186 (1962)) A "textually demonstrable constitutional commitment" of the issue to the legislature is found in Each House determine the Rules of its Proceedings. If Congress may define as a bill a package of distinct programs and unrelated items, it can define distinct programs and unrelated items to be separate bills. Either Congress has the right to define a bill or it does not. Either this proposal is constitutional or the recent practice of Congress in forming omnibus bills containing unrelated programs and ungermane items is constitutionally challengeable.

Mr. President, despite the best efforts of those who oppose line-item veto in any form to characterize this bill as unconstitutional, I am confident that separate enrollment clearly passes the constitutional hurdle. Both conservative and liberal constitutional scholars agree; the American Law Division of CRS and the former chairman of the Senate Judiciary Committee have spoken clearly to its constitutionality.

If I thought that we would win the votes of those who are committed to kill the statutory line-item veto by passing a constitutional amendment, I would offer that amendment. However, I strongly suspect that the very same Senators who are raising constitutional concerns would fight just as hard against granting the President line-item veto authority through a constitutional amendment. The real issue at hand is not constitutionality, but Congress' willingness to change.

Mr. President, let me state that the real reason we are here is that this body, this Congress, this legislature, has been unable to responsibly exercise the authority and power given to them on behalf of the people of the United States, or a reasonable exercise of expending the money, which we require them to send to the Federal Government.

In 1994 we spent an average of $811.7 million a day on interest payments. That is $33.8 million an hour, $564,000 a minute. Those interest payments are due because this Congress did not have the courage or the will to go before the taxpayer and demand payment up front at the time of expenditure for items which it passed. And we have, over the past 20 years, and I point the finger of blame at every Member of this body, including myself—we have seen the national debt increase in the last 15 years from under a trillion dollars to nearly $5 trillion, a more than 500 percent increase.

Because we have not had the courage to go to the public and say, "If we are going to pass this program, which is pleasing to many, we are going to have to ask you to pay for it as the money is expended." And we have, in the process, passed on to future generations a staggering debt burden which, as the Congressional Budget Office has enumerated, adds a crushing debt load which will provide a stagnant standard of living for future generations, which will place a burden on them that we have not had placed on our own shoulders.

I believe what we have done borders on or, if not, is outright immoral. I am not the first person to say that. Distinguished Americans have said that. They have warned about that, and now they have observed us doing it. It is grossly unfair for us to enjoy the fruits and the blessings of this country without having to pay for them. A lesson that each of us tries to teach our children has been ignored by this Congress, and that is that debt will ultimately crush you. It will ultimately destroy your hopes and your dreams.

Those items that we have deemed part of the American dream, at least that are part of the vision and dreams for most of us—owning our own home in which to raise our family, having the wherewithal to educate our children, providing for their needs, their necessities, whether it be transportation, clothing or food—those dreams and visions are going be infinitely harder for future generations because we have failed to act responsibly, because we have failed to honestly face the taxpayer and honestly exercise the responsibilities they have given to us, because we have had a very convenient excuse, and that is we can postpone the day of reckoning, we can postpone the day of payment to a future Congress, to a future generation.

To those who say that all we need do is stiffen our backbones and exercise will, I say it has not been done. It has not been done in 55 out of the last 63 years and for 25 straight years it has not been done. For one reason or another, there is always an excuse to postpone it, usually past the next election. It is a natural human tendency which we all fall prey to and that is a tendency to avoid a very fundamental, basic principle of not having more than you can afford, of being able to pay for it up front. But because the Federal Government is allowed to float debt, because the Federal Government, unlike other institutions, has a convenient out, we are able to tell our constituents that they can have it all now and somebody else will pay for it later. That is why we are here.

Now, in my opinion, we failed to enact the structural reform necessary to change the way we behave, and that was the balanced budget amendment. I regret that that failed by one vote. The line-item veto is another structural reform that changes the way we behave. It is almost as if we are trying to save ourselves from ourselves.

That is why I felt the balanced budget amendment was necessary because, despite all the promises—and I have been here through the budget deals and through the tax deals and through the promises—that we are going to get it right the next time, despite all that, we fail. We fail because it is so much easier to say yes than it is to say no, because of that natural human tendency of wanting to go home and say yes to the group that will vote in the subsequent November election on whether or not they want us to stay here, who will be pleased if we say yes and will be very unhappy if we say no.

And so that natural human tendency overcomes all of our best intentions. And each year, then, we fail to step up to the responsibilities of making the hard choices. Oh, we make some hard choices, but they are just trimming at the margins.

So I have believed for a long time that the only way we are going to accomplish what all of us, I believe, deep down in our hearts know we need to accomplish is to put in place structural changes which will either force us to accomplish that or make it much more difficult to continue past practices.

The balanced budget amendment would have forced us to accomplish that. We would have had to put our left hand on the Bible and our right hand in the air and each time swear to uphold that Constitution. And that Constitution would have required us to balance the budget. It would have liberated us. It would have liberated us from the pressures of constituencies, from special interests, from lobby groups. We could have looked them in the eye and said, "Yes, that is a worthy idea, but you are going to have to sell it to the taxpayer, because I am constitutionally bound to not spend more than we take in. You are either going to have to suggest a reduction in an offsetting program or you are going to have to suggest a tax increase that will pay for it. But, by the end of the session, we have to balance the books."

What a liberation that would be. We ought to self-liberate. That is what I hope we will do now that we have not passed the balanced budget amendment.

I hope we will realize and understand the gravity of the impact of this debt. As Thomas Jefferson said:

> The question whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves.

I hope that we will take that to heart and that we will summon the will to accomplish that end.

The line-item veto is a pale shadow in comparison to the balanced budget, but it is the only other game in town—the only other game in town other than what we have been doing for 25 straight years, and that is running deficits; despite our promises, despite our rhetoric, despite our best intentions, the only other game in town that changes the way in which this body operates, that provides a check on the way we do things, a balance on the way we do things that makes it more difficult for us to continue this practice of saddling future posterity and generations with unnecessary debt as a result of spending that goes to the narrow interests rather than national interests.

And so what is before us now is the second attempt in a month or so to fundamentally change the way we do business.

Some will argue for the status quo, saying that we are constitutionally bound. I do not accept that argument. Neither do other respected constitutional experts.

Some will say that we are tradition bound. What a tradition. Who can defend the tradition of a $5 trillion debt? Who can possibly defend the way that we have done business when faced with such staggering debt?

So the line-item veto, as I said, is just a shadow of what might have been accomplished under a balanced budget amendment, but, nevertheless, an important tool, an important tool to end the practice or at least to make the practice substantially more difficult than the practice that has been the traditional course of action here for perhaps the history of this body, but certainly since 1974 when we took away the President's right of impoundment.

It is a tool we need. It is a tool we need because it forces us to be honest legislators, to own up to the individual item that somebody has proposed and to defend it. And if it is defensible, if it is meritorious, then it will pass. It will gain the votes and the support of the Members of this body.

If it is not, it will fail. My guess is that many will not see the light of day because those items are items that we know cannot generate a majority of support, otherwise they would be brought as individual items to this floor.

We will never know the full impact of line-item veto because most of the items that would have been vetoed will never be put on the bills in the first place. We will not risk the embarrassment of the appropriation or the special tax break that will be labeled "spending pork" or "tax pork." Most will not risk that embarrassment of having the President call out that separate bill and stamp "veto" on it and send it back here and bring it up for debate and for a vote. We know in our hearts it would never achieve a majority, let alone a two-thirds vote.

So line-item veto will not be measured in the amount of money that it saves in the future. Only we know in our hearts and in our minds what items we might have attached if we had not had line-item veto. Those are the broader reasons, Mr. President. We can argue the technicalities. We can argue as we always do that, yes, I support the concept but not this bill, not this definition.

Well, we have been going through and saying this now for more than a decade. I do not know what perfect piece of legislation lies out there. All I know is it is not offered. We have wrestled and wrestled with this. We want something that is real, something that has teeth, something that makes it harder for Congress to spend. Not 51 votes. We want two-thirds, something that allows the President to know exactly what it is we have done.

We do not want a 14-page bill sent to him that incorporates in its first paragraph, 326 separate items. We would like those items defined, in detail. A little extra work, yes. But we are not quill and pen any more. We are computerized. We have the technology to do this, to do this easily, to do this accurately, to do this fairly, to do this justly.

Mr. President, I would hope our colleagues would conclude that the time is now, the time to make a structural change, to make a difference, is now. If we postpone this, if we continue to postpone it, we simply will have a much more difficult task in the future.

So, let Members at least, having failed a balanced budget amendment, let Members at least pass line-item veto so that we can say, "We did something different. We made some change in the way we do business." So that we do not have to go home and say "Despite the mandate of them, despite the burden of the debt, despite the speeches that each Member has given about the insidiousness of the debt and uncontrollability of this debt we did nothing structurally different. We did nothing to change the way we did business."

Does any Member want to go home and say that? This is our chance. This is our time. I urge support for the amendment by the Senator from Kansas, the majority leader, Senator DOLE.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. BROWN). The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I asked the Senator from Indiana to yield. He did not wish to yield.

He had two opportunities to vote for deficit reduction packages—and I will be very brief—in 1990 and again in 1993.

Did he vote for either of those deficit reduction packages? The opportunity was there to cut the deficits by a total of around $900 billion in both bills, 1990 and 1993. Did the Senator vote for either of them?

Mr. COATS. Mr. President, if the Senator from West Virginia will yield, first of all I apologize to the Senator for not yielding. I guess I got carried away with my own rhetoric and conclusion. I forget I promised the Senator from West Virginia that I would yield for a question. I trust he will accept my apology for that.

The question the Senator from West Virginia has propounded to me is: Did I vote for the 1990 or the 1993 budget resolution? The answer to that is no.

I would like to explain why I did not. Because this Senator believes that my constituents from Indiana have been taxed enough. And both of those resolutions contained substantial increases in taxes, as well as spending cuts. It was the philosophy of some who offered those resolutions that our deficit ought to be attacked by a combination of tax increases and spending cuts.

It is this Senator's opinion that we have taxed the taxpayers enough, and that we ought to attack the deficit on the basis of spending cuts—this Government has grown too large—and that our first priority ought to be to reduce the scope and size of Government and to reduce expenditures. Only then consider the possibility of an increase, if it is needed, to address the balanced budget amendment.

So, if the vote was on a measure as we have had a number of votes, to just reduce spending, this Senator is more than happy to vote for it. But not if it includes raising taxes.

Mr. BYRD. Mr. President, the Senator has answered my question. The answer is, he did not vote for either of those packages, which together saved upward of $900 billion, would reduce the deficits by almost $1 trillion over 5-year periods. He did not choose to vote for either of them and he says, "Because they contained tax increases."

Well, tax increases are one of the tools that has to be on the table, in my judgment, if we are going to consider reducing the deficits. Nobody likes to vote for tax increases. I do not like to. I have voted for tax increases, I have voted for tax cuts. I would much rather vote for tax cuts.

But tax increases is one of the options that we may have to use if we relieve the burden of debt that is going to be placed upon our children and grandchildren by virtue of our using the national credit card for the last dozen to 15 years. We may have to use that option to increase taxes.

Now, the distinguished Senator refers to the Gephardt rule. The Gephardt rule has never been adjudicated by the courts. We do not know how the courts would hold on the Gephardt rule.

Furthermore, I might suggest that if we can deem, in the words of the amendment that has been offered by Mr. DOLE, if we can deem, and I read the language therefrom, "a measure enrolled pursuant to paragraph one of subsection (A) with respect to an item shall be deemed to be a bill under clauses 2 and 3 of section 7 of article I."

Mr. President, the distinguished Senator from Indiana says that we "may deem" such measure to be a bill under clause 2 and 3, and he says that we may do that based on article I, section 5, which leaves to the two Houses the judgment of determining their own rules, but I would hope that the Senator would not argue that the Senate or the House under the cloak of article V, the determining of the rules that the House and Senate could supervene a clear clause in the Constitution of the United States.

Neither House can create a rule that would in itself, violate the Constitution of the United States, or supervene it, or take precedence over it. All rules of the House and Senate—even though the House and Senate are given the power and authority under article I, section 5, to determine the rules of—all Senate and House rules must fall if inconsistent with the Constitution of the United States.

Now, if a bill enrolled pursuant to paragraph 1 of subsection (A) with respect to this item shall be deemed to be a bill, if one of these little "billettes" may be deemed to be a bill, if the Constitution said "Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States"; if we can deem that and thereby avoid the requirements of the Constitution, I wonder if we might not just deem an appropriation bill that passes the House of Representatives, just deem that it has passed the Senate?

Any appropriation bill that passes the House, why not just deem it to have passed the Senate and go home? It would seem to me to be just as appropriate to deem an appropriations bill that has passed the House, deem it as having passed the Senate, as to deem the section or a paragraph or an item in the appropriations bill, deem that to be a bill.

There is one final suggestion I have. The distinguished Senator spoke of the qualified negative which the constitutional Framers gave to the President, and they did reject the idea of giving the President an absolute negative, an absolute veto. They gave him a qualified veto. But in practice, it would seem to me that if the pending amendment becomes law, it could, in effect, be the same as giving the President an absolute veto for this reason:

Let us say that the several States in the Northeast—Maine, New Hampshire, Vermont, Rhode Island, Connecticut, and so on—let us say that those States were able to get something into an appropriations bill that was very vital to the Northeast region. Suppose the President vetoed that item or those items from the bill and sent those bills back to the House of Representatives where they originated. Well, obviously, the votes of all the States in the Northeast, when added together, in the House of Representatives would fall far short of being sufficient to override a Presidential veto. The small States would be hard put to corral the votes necessary to override a Presidential veto of items that affected the small States.

West Virginia has three votes in the House and, in effect, then, it would seem to me that the President, in exercising his veto under the amendment that has been offered by Mr. DOLE, would, in practice, as far as practicality is concerned, be exercising an absolute veto. Small States should look at this amendment with great concern. Perhaps the States of California, Texas, Florida, Michigan, New York, Indiana, and Illinois could come together and marshal enough votes among themselves to at least uphold a Presidential veto, sustain it.

But the President could take that bill and knock out items that were of importance to the smaller States, and it would be very, very difficult, if not impossible, for the small States to garner the support in the House of Representatives to override that veto. They would not be able to produce the two-thirds vote. So, in essence, it gives to the President an absolute veto, which the Framers discussed but rejected.

Mr. President, I have had more than my share of time here this afternoon. I apologize to those other Senators who have been waiting. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. I believe the next Senator is the Senator from California. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, this is a very short statement. I do appreciate the opportunity to make it. I rise today in support of the substitute amendment to S. 4.

For more than 100 years now, arguments both pro and con have been made revolving around whether a President should or should not have a line-item veto. As a matter of fact, since 1876, more than 200 resolutions have been introduced on this subject. Presidents, Democratic and Republican, have asked for this special blue pencil. This President has asked for the strongest possible bill, and I believe that there are several Democratic Senators prepared to vote for this legislation.

Basically, the arguments on a line-item veto are either philosophical or constitutional. But regardless, the trend on many levels has clearly been toward a stronger chief executive in both State and local jurisdictions.

Today, 43 States have a line-item veto, and mayors of cities, big and small, as well as county executives, are being granted this authority.

In California, the latest city to grant a line-item veto to a newly strengthened mayor is Fresno, a major city with a population of 667,000 people in California's Central Valley breadbasket. The Fresno mayor will have this authority beginning in 1997.

In Maryland, the State legislature is this year considering granting this authority to the county executive.

In California, the line-item veto has been used 254 times in the last 4 years. The Governor has had this authority since 1908, and a recent survey found that 92 percent of all current and former State Governors believe that the line-item veto would help curb spending.

Before New Jersey Gov. Christine Todd Whitman signed a $15 billion supplemental budget into law this past year, she used the blue pencil to cut $3.17 million from the bill.

The most powerful line-item veto is probably that provided in Wisconsin, where the Governor cannot only veto lines but also individual words. Governor Thompson has used it over 1,500 times since 1987, sometimes to change actual policy. It is my understanding that this is not the case in the legislation being considered today.

Virtually all businesses' and corporations' CEO's or CFO's have this authority. But the President of the United States, who runs the largest combination of major governmental enterprises in the world, does not have this authority.

Today, the President has little recourse to fine tune a budget passed by the Congress, except to shut down entire segments of the Government by vetoing an entire appropriations bill.

In 1992, the General Accounting Office estimated that a line-item veto could have pared $70.7 billion in pork-barrel spending between 1984 and 1989. That is just 5 years. If in the next 5 years a similar amount could be cut, then the line-item veto will have done its job.

Enacting a line-item veto will, of course, give the Executive more authority, and I recognize that that is a problem for some. And even though a President may not use that power frequently, the threat of such action may be the impetus needed to force Congress to be more responsible in the formulation of the budget.

I believe the line-item veto will increase positive relations between the executive and legislative branches because Members will no longer have the ability to insert special projects that have little overall merit in appropriation bills without the concurrence of the Chief Executive. The line-item veto can force executive-legislative cooperation and agreement before the bill reaches the White House for signature or veto.

It also encourages caution on the part of the Chief Executive who would use it sparingly in order to prevent his veto from being overridden. Really, what a line-item veto is all about is deterrence, and that deterrence is aimed at the pork barrel. I sincerely believe that a line-item veto will work.

In our caucus today, some papers were passed around which showed a paragraph from a bill involving the Patent and Trademark Office, and there were several subsets attached—items which were certainly not reflected in the paragraph of the bill. One of these stated:

> * * * of which not to exceed $11 million shall remain available until expended for furniture and furnishings related to new space alteration and construction projects.

Now, if I were President, I would say to my staff—take a look at this. Does the Patent and Copyright Office really need $11 million in furnishings? I think it is worth a look.

Mr. LEVIN. Will the Senator yield on that?

Mrs. FEINSTEIN. I certainly will.

Mr. LEVIN. I was the one who circulated this paper. This has nothing to do with the Patent Office. This had to do with the Federal courts, which shows the problem with the pending substitute before us, which is there is no way of telling from the bill that will be submitted to the President what it relates to. It is just language pulled out of bills and you do not even know what it relates to. The Senator is saying that this was from the Patent Office.

Mrs. FEINSTEIN. Let me respond to that. The fact is, I do not care what department it is; any $11 million item for furniture should certainly be looked at a second time, whether it is courts or agricultural offices or Interior or anything else.

Mr. LEVIN. If the Senator from California will yield further, this language was language which the computer produced, and the Senator from Indiana handed the computer to State, Commerce and Justice appropriations. And the Senator from Indiana said, gee, that computer does it simply, fairly, accurately, and the Senator from California said that this related to the Patent Office. And in fact it has nothing to do with the Patent Office.

Mrs. FEINSTEIN. Let me apologize. The papers were passed out together at our caucus, and I made perhaps the mistaken and inadvertent, but not surprising, conclusion that since they were passed out together they related to one another.

Now, if I might finish my statement——

The PRESIDING OFFICER. The Senator from California has the floor.

Mrs. FEINSTEIN. I believe that what a line-item veto essentially does is encourage caution on the part of both the Chief Executive and the legislative body. I think the time has come for fiscal discipline. As I said, I sincerely believe the line-item veto can help us achieve that goal.

Let me give an example. When I was mayor of San Francisco, the budget did not correspond with the size of the Federal budget, but there were 52 departments, and the budget was over $1 billion. Yet, it was very difficult to get down to the actual line items. There was one line for salaries. As a chief executive, I really had no opportunity to go through every salary to make judgments about how many people should be continued and how many people should not.

A line-item veto gives the chief executive this opportunity, and I think the blue pencil is a necessary tool of government for a Chief Executive in a modern day.

I also believe that tax breaks and appropriations should be treated similarly. They may be two different items, but the results are very much the same: they benefit a small segment of the population at the expense of the greater good of all the people. Regardless of the item, they both reduce the amount of money in the U.S. Treasury.

Currently, debates are raging at every level of government about the institution of a line-item veto. Maryland, as I said, is now debating it. Fresno, CA, has just granted it. I believe that the people of this country understand the benefits of a line-item veto and are expanding the use of it. I believe we ought to give this power to our President.

So I am very pleased to be able to support the legislation before this body.

I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, I just want to make an announcement to my colleagues on both sides to know what the program is for the remainder of the evening.

The distinguished Democratic leader has given me a list of potential amendments which numbers 33 on that side, 4 on this side, for a total of 37, and I am not in a position to say that is an agreement that we would want to agree to. So I would just suggest tonight, if somebody wants to debate the bill, it is all right to have the debate, but we are not going to take up any amendments tonight. And then I will meet with our leadership tomorrow morning on this proposal.

I do not see how we are going to complete 37 amendments between now and Friday morning. Many will probably be the same amendment we have had time after time after time in an effort to delay and delay and delay action on a bill that ought to be passed around here in 2 or 3 days. It is something we debated 7 times in the past 8 years. But I know Members have a right in the Senate to offer all the amendments they want. And if we cannot get cloture, why, I assume they can offer all the amendments they want. But I do not think it would be in the interest of anybody to start off and suggest we are going to finish by Friday when we have 37 amendments with no time agreement on a single amendment. It is the same thing we have done all year long—throw in all the amendments you can think of, clean out the garbage can, whatever, and then put them on a list and say take it or leave it. My view at this time is to leave it. If anybody wants to make speeches on the bill or on any amendment tonight, there will be no disposition of any amendment tonight.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I am sorry to hear what the leader has just said. We were prepared to offer an amendment. There have been those of us in the Chamber today who have not had a chance to talk. Some people do not follow the usual order around here, but I was prepared to yield to my colleague from Illinois for the purpose of offering an amendment.

Do I understand that the leader is saying he does not want any amendments offered as of now?

Mr. DOLE. I do not object to an amendment being offered; there just will not be any vote tonight if the Senator from Illinois would like to offer an amendment, if somebody else would like to offer another amendment.

Mr. EXON. I have listened to the statement made by the leader, and I would simply say that we are prepared to move ahead on these things as quickly as possible. This is a very important piece of legislation, and I have listened to a lot of talk today that some people misconstrue what most of us on this side want to do, and that is pass some acceptable version of the line-item veto or enhanced rescission proposal.

So we are not being dilatory. I do not think anybody is filibustering. There has been no threat of a filibuster. I hope, for the purpose of moving ahead now, to show we want to get things done—as soon as the Chair thinks it appropriate, I would appreciate him recognizing the Senator from Illinois for the purpose of offering an amendment to get on with what we think the request of the majority leader is. Let us get going on offering the amendments.

Mr. DOLE. I will just take 1 additional minute. Again, everybody has the right to offer amendments. We certainly learned that this year. We have voted on the same amendments time after time after time. I bet half of them are right on here again. Everybody out trying to make points: Social Security, children, or somebody else—offering these amendments.

That is a right we have on both sides of the aisle, but we do not have to take a week just because Friday is coming. We do not have to say we cannot finish this bill before Friday. We have a lot of work to do if we are going to have any Easter recess around here.

We have a list of "must do" legislation. There comes a point when you must get it done. I think if we can finish this bill on Thursday, start on either the supplemental appropriation, the second supplemental or the modified bipartisan measure on regulatory reform—not the moratorium but the 45-day review period, which I think Senator REID and Senator NICKLES are working on—then after that, we have the self-employed tax deduction, which is going to be very important to our constituents. Tax time is coming. We need to pass that early next week. Then we have the second supplemental with billions of dollars in there for FEMA, among other things. Then we have a couple of conference reports on the first supplemental; and then on paper simplification.

My view is, if we do not push on this one we are—and if we do a couple of amendments tonight, that would only leave 35.

My view is, certainly if the Senator from Illinois wants to offer an amendment, he can do that tonight. But I suggest we then have the vote on that amendment tomorrow, and we will just start and see how far we can go until we have a cloture vote tomorrow sometime.

Mr. SIMON. Will the majority leader yield?

Mr. DOLE. I will be happy to yield.

Mr. SIMON. Let me just explain, the amendment I hope to offer simply calls for expedited judicial review. It is identical to an amendment that was accepted on the House side.

I think, whether you are for or against this bill, it makes sense. I believe it would be acceptable to both sides but I at least want to lay it down tonight and then, if there is not agreement tonight, then we can agree on it tomorrow.

Mr. DOLE. Is the Senator going to send the amendment to the desk?

Mr. DASCHLE. If the Senator will yield?

Mr. SIMON. If the Senator will yield for that purpose.

The PRESIDING OFFICER. Does the Senator from Kansas yield?

Mr. DOLE. I yield the floor.

Several Senators addressed the Chair.

Mr. DASCHLE. Mr. President, I did not hear all the words of the distinguished majority leader, but I did hear the end of his comments.

Let me say again, as I have said to him personally: it is not our desire to hold up this piece of legislation. Our desire all along has been to work in good faith with the Republican majority. We have consulted with a number of our colleagues, all of whom have indicated their amendments are relevant.

I am somewhat surprised myself, frankly, with the list of amendments. I had indicated publicly I did not think the list was going to be as long as the list is. But I have given the assurance to the majority leader that we desire to finish this bill this week. We have also indicated that our message to all Members would be that they would have to offer their amendments prior to 10 o'clock on Thursday. That is an excellent guarantee.

We have also indicated that the amendments that we intend to offer would be relevant. These have not necessarily been offered in the past, and I hope we could find some way to accommodate all Senators here. If we have to go to a cloture vote, we will go to a cloture vote. But the issue, if we go to a cloture vote, will be whether we, as a minority, have the opportunity to be heard on a very important issue, and to offer all relevant amendments.

We only received this amendment yesterday evening. It is a substitute that was laid down yesterday. We have not been given an opportunity today to even offer an amendment. There will be no votes on amendments tonight.

So I hope that everyone shows some accommodation, and some willingness to cooperate. We are doing our best. We may be able to get that list down even some more. But I hope we can continue to work in good faith. And let me emphasize to the majority leader and to others, I think if we do work in good faith, we can accommodate all Senators in a responsible way.

But to lay down this substitute, then to file cloture, then to tell us that we cannot even offer amendments—most of which or all of which should be relevant—in my view is just unacceptable. I hope in the end we can deal with this in a reasonable way. I am sure that we can.

With that, I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, we may have an opportunity overnight to go back and shorten the list some. I cannot believe there are 37—34 amendments on that side of the aisle. First there were 40; then they reduced it to 34. I cannot believe all those amendments. I think there may be some legitimate amendments. There are probably a half dozen, but I do not think there are 34.

Maybe we can come back and take another look. We now have three amendments or four amendments on this side of the aisle. The important thing is, it is not just this legislation. We took 4 or 5 weeks on the balanced budget amendment. We listened to—everybody got to offer their Social Security amendment on the other side. They tried to make that the issue. Many people who voted for the balanced budget amendment last year, the identical measure, stood right here and voted no this year. There were a couple of minor changes.

We do not want to go through that process again. You are either for or you are against a line-item veto, and we ought to find out. Those who are for it on both sides—not everybody is for it on this side. But those who are for it on both sides, I think, would want us to move ahead and get on to the next piece of legislation if, in fact, we are going to have a recess, which would come when, if it happens? April 7.

But there are some things we need to do. I understand today there is some treaty the administration wants us to do that may take some time.

So we are trying to accommodate the administration. In fact, the line-item veto is something the President says he is for. He said today at the White House they did not mind these separate enrollments. They have a lot of pens at the White House. They make good souvenirs. If there are a lot of enrollments, they could have a lot of signing ceremonies. That is what, in effect, Mr. McCurry said, the President's press spokesman, I think, on that line-item veto.

So we would be happy to work with the leader overnight. But I say to the Senator from Illinois, if he wants to offer the amendment, he certainly has every right. If somebody else wants to offer an amendment, Senator McCAIN said he would stay here until 8, 9, 10 o'clock, so we could stack some of those votes if they are not subject to second-degree amendments and have those votes tomorrow morning.

We do not want to keep anybody from offering amendments. I just do not want to try to do this this evening.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, let me emphasize to Senators on our side of the aisle that I hope we could offer some amendments tonight. Now, I understand the majority leader to say if we have the ability to vote on them, let us do that. Let us move ahead.

But there are really two issues here. The first issue is whether or not the Democratic minority will have the right to offer amendments to be heard on any one of a number of bills that may come before us. I do not think the Republicans in the past have been any more willing to accept the majority laying down a bill, cutting off debate, and not allowing amendments, especially those that may be germane or relevant, from being considered and debated upon and ultimately voted on.

That is not how we should do business here. What I thought we did was to try to work out arrangements whereby both the majority and the minority would have the opportunity to offer amendments in a reasonable way, and to have votes on those amendments and ultimately work through the legislative process. If we are precluded from doing that, then in my view we have no choice but to vote against cloture and to drag this process out as long as we must. Nobody wants to do that. But I think I can say for many members of the Democratic caucus that we will do that if that is our only recourse.

Second, let me just say this is not just a question of a line-item veto. Obviously, there are legitimate differences of opinion with regard to what is the most appropriate form of a line-item veto. There are differences on both sides of the aisle. Our hope is that we can work through those differences and come up with a meaningful piece of legislation that will enjoy broad bipartisan support. But whether we have broad bipartisan support depends upon whether or not there is bipartisan cooperation. It is not just a vote on a line-item veto. It is a vote on various concepts involving line-item veto or line-item rescission and I am fairly optimistic that ultimately as we work through these amendments, and as we work through the course of the week, that we can come to some ultimate closure on this issue in a way that would allow everyone here to feel good about our progress.

So I hope cooler heads can prevail, and that we can truly accomplish all that both the majority leader and I and others have expressed a desire to do this week.

Mr. McCAIN. Will the Democratic leader yield? I would like to say that the distinguished Democratic leader that I am prepared to stay here. We are prepared to consider amendments. I hope all of our colleagues on both sides of the aisle understand that.

It is my understanding that the majority leader would like to stack those votes tomorrow, which I hope is acceptable to the Democratic leader. I hope we can move forward, and hopefully by tomorrow perhaps we can find, as we usually do, that some of those amendments that are on that list are not necessary so we can achieve the goal that both of us seek.

I fully understand and appreciate the desire and commitment of the distinguished Democratic leader to protect his and the rights on that side of the aisle.

Mr. DASCHLE. Mr. President, I will not belabor this point. Let me state one last reminder to my colleagues. If we have an agreement, that agreement will entail, at least as it stands now, an understanding that all Senators would have to file their amendments no later than Thursday morning. That leaves tonight and tomorrow and Thursday morning up to a time certain to offer amendments. So if Senators are serious about offering these amendments, I hope they will come to the floor tonight as late as it takes. This is an opportunity to present your amendments. Come to the floor tomorrow. But take advantage of what I think is an effort on both sides of the aisle to accommodate Senators with serious suggestions and proposals as to how to improve this piece of legislation. If we do that, I am sure the distinguished Senator from Arizona is correct. We can reach some agreement tomorrow as to how to dispose of this bill in a way that will accommodate all Senators.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I want to briefly thank the distinguished Democratic leader for his patience. I want to thank the Senator from California for a very important statement, and frankly one that I think has gotten a lot of very important messages associated with it. I appreciate her support of the line-item veto. I appreciate also the patience of the Senator from Michigan and the Senator from Illinois.

I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. I assure my colleagues I will just take a few minutes.

AMENDMENT NO. 393

(Purpose: To provide for expedited judicial review)

Mr. SIMON. Mr. President, I send an amendment to the desk in behalf of myself and Senator LEVIN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON], for himself and Mr. LEVIN, proposes an amendment numbered 293.

Mr. SIMON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the pending amendment, insert the following:

SEC. . JUDICIAL REVIEW.

(a) EXPEDITED REVIEW.—

(1) Any Member of Congress may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that any provision of this Act violates the Constitution.

(2) A copy of any complaint in an action brought under paragraph (1) shall be promptly delivered to the Secretary of the Senate and the Clerk of the House of Representatives, and each House of Congress shall have the right to intervene in such action.

(3) Any action brought under paragraph (1) shall be heard and determined by a three-judge court in accordance with section 2284 of title 28, United States Code.

Nothing in this section or in any other law shall infringe upon the right of the House of Representatives or the Senate to intervene in an action brought under paragraph (1) without the necessity of adopting a resolution to authorize such intervention.

(b) APPEAL TO SUPREME COURT.—

Notwithstanding any other provisions of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under paragraph (1) of subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after such order is entered; and the jurisdictional statement shall be filed within 30 days after such order is entered. No stay of an order issued pursuant to an action brought under paragraph (1) of subsection (a) shall be issued by a single Justice of the Supreme Court.

(c) EXPEDITED CONSIDERATION.—

It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

Mr. SIMON. Mr. President, I believe this is an amendment that will be acceptable to both sides. But my colleagues will have overnight to look at it and make a determination. It is identical to the language that is in the House. It says that any Member of Congress may bring the question of constitutionality before the Federal court, and a panel of three judges will make a determination of its constitutionality and then it can be appealed directly to the U.S. Supreme Court.

What we do not want is to live in limbo. We have people like John Killian of CRS and Prof. Larry Tribe of Harvard who believe it is constitutional. You have others like Louis Fisher of CRS and Walter Dellinger, who believe it is not constitutional. I do not know who is right. The courts have to make that determination. But we ought to know as quickly as possible whether it is constitutional. My sense is it will pass, and it is clearly going to be signed by the President. Let us find out whether it meets constitutional test.

That is what we are asking. And that very simply is what the amendment does.

I thank the President. I thank my colleagues for yielding, and particularly Senator LEVIN who was here on the floor before I was.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I rise in support of the amendment offered by the Senator from Illinois. It is a very good one, and a very timely one. This amendment is simply good and prudent planning.

The distinguished Senator from West Virginia has detailed our real concerns with the separate enrollment concept advanced by the Republican substitute. Legal scholars can debate whether the separate enrollment violates the clause of the Constitution. That would be affected regardless of where the Senate comes out on this issue of separate enrollment. It is a constitutional question.

I hope that all can agree that we do not want a constitutional cloud hanging over what I think we will eventually pass in the form of whatever kind of line-item veto or enhanced rescission we come up with here in our debate on a final vote. We do not want that cloud hanging over forever.

The pending amendment simply allows a speedy resolution of this constitutional issue. It does not allow a legal challenge to hang over all the bills for years upon years. Let us provide an expedited judicial review, which the Senator from Illinois suggested. As I understand it, it is identical to what was passed in the House of Representatives.

Possibly this is something that can be passed by a voice vote, since I know of no objection to it on this side of the aisle.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I appreciate the intentions of the Senator from Illinois. I am in agreement, except with one caveat; that is, that the opening paragraph of the amendment says any Member of Congress may bring an action in U.S. District Court for the District of Columbia for declaratory judgment and injunctive relief on the ground that any provision of this act violates the Constitution.

I have not seen the House language, I say to my friend from Illinois. But I am concerned about any provision of the act which is unconstitutional, and whether the entire act would be unconstitutional, if that was the intent of the amendment. If it was the intent of the amendment, would a severability clause added to the amendment be acceptable to the Senator from Illinois?

Mr. SIMON. Mr. President, if my colleague will yield, Mr. President, I am sure we can work that out. If the Senator's staff will work with my staff overnight, I think we are reaching a point of agreement.

Mr. LEVIN. Will the Senator from Arizona yield briefly?

My understanding is that language tracks the Gramm-Rudman judicial review language as well. That may be helpful as a precedent as you review this overnight.

Mr. McCAIN. I thank the Senators from Illinois and Michigan.

I would like to ensure—and I think the Senator from Illinois is in agreement with me. If one minor provision of the act is declared unconstitutional, I would not want the entire act to be declared unconstitutional. I know what the opponents of this legislation are trying to get at. It is primarily separate enrollment. I understand that. If it were declared unconstitutional, then obviously, the entire act would be out. If it is a minor aspect of it, I would like to not see the entire legislation knocked out.

So I look forward to working with the staff of the Senator from Illinois overnight, and obviously with the good counsel of the Senator from Michigan. I hope we can work that out during the course of the evening.

I thank the Senator.

Mr. SIMON. I thank my colleague from Arizona.

Mr. McCAIN. Mr. President, we will not accept the amendment at this time until we get the language worked out and also in keeping with the wishes of the majority leader that we not do any amendments this evening. But I also would like to assure the Senator from Illinois that I think it is entirely fair and justified to see an expedited review of this legislation.

I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER (Ms. SNOWE). Without objection, it is so ordered.

Mr. EXON. Madam President, I have been listening all afternoon to the excellent presentation by Senator BYRD from West Virginia and learned a great deal. I think we would all agree that the Senator from West Virginia is a very talented and experienced constitutional lawyer. I thought he brought up some excellent points today, and I simply say that I think it is very important that the Congress listen to somebody with the experience of Senator BYRD and not get ourselves into a situation where we, once again, try, and maybe this time pass, some version of a line-item veto and then have it promptly set aside by the courts. None of us want that. There have been a lot of arguments back and forth, and I will submit for the RECORD at this juncture a statement by Walter Dellinger in front of the Judiciary Committee in January of this year which disagrees with the holding of Senator BIDEN of the Judiciary Committee, the former chairman, with regard to this concept of enrollment.

I ask unanimous consent that that be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPT OF MR. DELLINGER'S TESTIMONY BEFORE THE SUBCOMMITTEE ON THE CONSTITUTION, JANUARY 1995

As much as I regret saying so, I think that Senator Biden's proposal for separate enrollment also raises significant constitutional issues, you know, that would atomize or dismember one of these large appropriations bills into its individual items which the President could then sign. I think it is either invalid under the clause, in my view, or, at a minimum, it raises such complicated questions under the Presentment Clause that it is a foolhardy way to proceed because if we and all of our predecessors are right, I think that which has to be presented to the President is the thing that passed the House and the Senate, and that which passed the House and the Senate is the bill they voted on on final passage, not some little piece of it or a series of little pieces of it. So I have doubts about it.

Mr. EXON. Mr. President, during the extensive debate that has gone on now since 2:15 this afternoon, a lot of things have been talked about. I simply emphasize once again that, as far as this Senator is concerned, I am working very hard and have been for many years to try to come up with something that we can generally agree on, get it passed, hoping it is constitutional. I go way back to 1986 when the then Indiana Senator, Dan Quayle—the predecessor to Senator COATS, who was in the chair most of the afternoon—and I combined at that time on what was called the pork-buster bill. That launched one of the first recent initiatives trying to do something about putting some brakes on some of the pork that goes into the bills.

So, therefore, I wanted to march shoulder to shoulder, as I did with the chairman of the Budget Committee, Senator DOMENICI, this year in introducing S. 4. And then came, of course, S. 14, which came after S. 4. It was introduced by Senator McCAIN and others. We held a very interesting hearing on that. It now seems that many of the things embodied in S. 4 have changed to the new concept offered by the majority leader last night. I think some significant changes were made that brings the proposal that is now before the body much, much closer to S. 14, which Senator DOMENICI and myself introduced under the number S. 14.

So I think we are making progress. I think we are going to pass something now. But I certainly hope that we recognize and realize that nothing is perfect, and the substitute offered last night, which I understand has been agreed to by most of the Senators on that side of the aisle in the majority, is something that we are looking at. I think some changes would be in order, and I certainly hope that we will not dismiss out of hand the detailed presentation made by Senator BYRD today. The points he made, I thought, were tremendously important, and we should take a look at that.

I am not sure where and when it came after the introduction of S. 4 and S. 14, which were the two principal bills in this area, that had nothing about actions of an enrollment clerk. I am not sure yet how that has become such a centerpiece. I hope that those on that side of the aisle will at least listen to those of us here who would like to suggest and have a vote on what we may think would be a better way that would keep us, hopefully, away from the courts intervening and saying that we have done something unconstitutional.

I simply say that I believe there are some concerns with regard to an enrollment clerk. I listened to the Senator from Indiana this afternoon talk about how computers could be used to expedite this process and it would not be as laborious as indicated in the presentation by Senator BYRD. I wonder if we recognize that the Constitution probably does not allow computers to sign bills or "billettes," as they were called today by Senator BYRD in his rather extensive debate.

When you start talking about this enrollment proposition, I do not believe that the Framers of the Constitution ever envisioned that an enrollment clerk would be involved in such an intricate way. If the enrollment clerk would be required to enroll all of these bills separately, given that, we also have to recognize that the Speaker of the House of Representatives, the President pro tempore of the Senate, and the President of the United States all have to sign these. I suspect and would hope that we would not have changed the system so much that we do not require the signature of those key officers, as established in the Constitution, and that they can sign through a computer. It might well be that we have advanced to the point where the computer can sign the name of the President of the United States. But I suspect that that might be somewhat suspect from a constitutional standpoint.

I simply say, Mr. President, that all we are trying to do here is to move ahead aggressively. Let us have an open debate. Let us not try to shut off debate, because this is a very important matter. Certainly, when you are talking about matters like this, matters that we debate at some length regarding the constitutional amendment to balance the budget—an item, by the way, on which this Senator sided with those on the majority side of the aisle. I still think constructive debate, dialog and discussion is part of the Senate process, and we should not try to move as quickly on everything as does the House of Representatives.

I remind all that the U.S. Senate is not the House of Representatives. If there is one thing that was made clear by the Framers of the Constitution, they felt that the U.S. Senate should be the more deliberative body. That does not mean we should be so deliberative that we get nothing done. Nor does it mean that we have to race down the track like they do in the House of Representatives to meet some magic 100 days that I think means little, if anything, if we are going to properly discharge our duties in the manner in which we have traditionally done it in the U.S. Senate.

I was extremely disappointed by the vote on the balanced budget amendment. However, we cannot spend the rest of the session licking our wounds and assigning blame. The world did not come to a screeching halt because the balanced budget amendment failed to carry the day. We continue to run deficits and we continue to pile up debt. It is time to move forward on a bipartisan basis. It is time to balance the budget with or without a balanced budget amendment.

Oftentimes, during the balanced budget amendment, I found people talking by each other, as I thought we did to some extent this afternoon. I was here all afternoon. I listened very carefully to the Senator from Indiana. I thought the Senator from Indiana was setting up a straw man and knocking the straw man down, because I have not seen anybody on this side of the aisle or that side of the aisle who has been up talking against the concept, at least, of enacting some kind of enhanced rescission line-item veto. Call it what you will.

So I hope that we are not going to be talking a great deal during this debate assuming that there are people on this side of the aisle that are trying to stop this. I assure you, Mr. President, and I assure all Members on both sides of the aisle that I see no determination on either side of the aisle of a filibuster.

But I do see a desire to thoroughly think things through and then move ahead.

But back to the situation at hand. A long time ago, I hitched my wagon to fiscal discipline and responsibility. I certainly do not plan to switch horses because of one setback in the form of the constitutional amendment to balance the budget.

Nebraskans care more about what we leave than what we take. I do not choose to leave other's children or my grandchildren trillions of dollars in debt.

I will not leave them a Nation where we spend 17 cents of every tax dollar for interest on the debt. I will not rob them of thousands of dollars that they will have to pay to service the debt even before we begin to start reducing the principal. That is what the debate on the balanced budget amendment and it is what the debate here is all about—how do we best do these things in a fashion that gets them done?

I will not cheat them, my children or grandchildren, out of the legacy they so richly deserve. We must do everything in our power to blot out the red ink.

I am a realist, though, Madam President. The legislation before the Senate today will not break the back of the deficit, and we should all understand that. It will not cause the mountain of debt to vanish into thin air. But it will rein in pork-barrel spending, and that is an enormous step in the right direction.

Madam President, there is a common thread between this legislation and the balanced budget amendment. When we debate either measure, this Chamber sounds like a revival tent of sinners repenting. Senators vow to refrain from wasteful spending.

I say, "All evidence to the contrary." We have been out of control and spending abounds. The only thing in short supply is self-restraint.

Revenue acts are chocked full of special interest tax credits and expenditures. Appropriations bills are larded with pet projects that cost the taxpayer billions of dollars. There are groaning with pork that is carefully tucked away—so carefully placed that the President cannot extract it without bringing down the entire bill.

Our colleagues have become quite skillful in slipping in these projects. The President has a tough choice to make. Will the President veto an appropriations or revenue bill just to get rid of the pork?

My colleagues know the drill and how it works. The President brings out the scales and weighs the good against the bad. More often than not, the President holds his nose and signs the bill.

The obvious solution is to grant the President the line-item veto, more properly called, I suspect, an "expedited" or "enhanced" rescission authority. That is what we are about and I think that we are going to accomplish it this time.

Suffice it to say, there are few in this body and even fewer in the House who have firsthand experience with or have ever experienced a line-item veto. It is my hope that the limited few, with firsthand experience, will be listened to.

Today, 43 of the 50 State Governors have some form of veto authority. As Governor of the State of Nebraska, I was privileged to have that line-item veto. It was an invaluable weapon in my arsenal to control spending by my State legislature.

I think the President of the United States, President Clinton and all the Presidents that come after him, should have a line-item veto authority so that they can take similar action, as I think the President of the United States can and should do if we can do it in a fashion—and I emphasize, Madam President, if we can do it in a fashion—that is not on its face constitutionally suspect.

I have long believed that the President should have this power. All but two Presidents in the 20th century have advocated some type of line-item veto authority. President Clinton strongly supports it.

On the first day of the 104th Congress, I joined in introducing the legislative line-item veto proposal, known as S. 14. This bipartisan compromise was cosponsored by the distinguished Republican and Democratic leaders, the chairman of the Budget Committee, Senator DOMENICI, and Senators BRADLEY, CRAIG and COHEN. The original S. 14 stood in stark contrast to some of the other line-item veto proposals.

I am not saying that ours was perfect and I do not think others were.

S. 14, though, would have forced Congress to vote on the cancellation of a budget item proposed by the President. However, it needed only a simple majority of both Houses of Congress to override the President's veto. This proposition was a viable alternative if it was still a fact, as I suggest it was and maybe still is, that S. 4 as introduced would fall to a filibuster. I do not think any of us wanted that.

S. 4, as originally introduced, would be the legislative equivalent of shooting oneself in the foot, in my view. If we are serious about reducing the deficit, tax expenditures should be included in any line-item veto legislation. Anything else would be a half measure. The significantly revised S. 4 that has been introduced by the Republican leader as of yesterday has come a considerable distance towards addressing the concerns that this Senator had with that portion of S. 4. But S. 4 also had a lot of good things in it.

Mr. President, a little history, I think, is in order. On February 3, 1993, the Budget Committee held a hearing on the impact of tax expenditures on the Federal budget. What we found was rather startling. At that time, tax expenditures were projected to cost more than $400 billion and were slated to increase to $525 billion by the year 1997. Today, tax expenditures are $450 billion and are projected to rise to $565 billion in 1999.

Like entitlement programs, tax expenditures cost the treasury billions of dollars each year. And like entitlements, they receive little scrutiny once they are enacted into law. Even though they increase the deficit like mandatory programs, tax expenditures escape any sort of fiscal oversight. Indeed, by masquerading as tax expenditures, a program or activity that might not otherwise pass congressional muster could be indirectly funded. Certainly I would say that we have to take a look at these things and a close look.

Office of Management and Budget Director Alice Rivlin correctly summed up the situation, and I quote:.

> Tax expenditures add to the Federal deficit in the same way that direct spending programs do.

If we are willing to subject annual appropriations to the President's veto pen, then that same oversight should be granted to the President on tax expenditures. Pork is pork. We should be willing to say "no" to both spending pork and tax pork. The revised S. 4 finally recognizes some of its earlier shortcomings, in the view of this Senator.

For too long, many of our colleagues have clung to the thin reed that we can solve the deficit by cutting only appropriated spending. Unfortunately, the reed has given way and we are sinking in an ocean of red ink.

In spite of the pay-as-you-go provisions of the 1990 Budget Enforcement Act, entitlement spending is the largest and fastest growing part of the Federal budget. The terrible truth is that entitlement or mandatory spending is projected to grow from about 55 percent of the Federal spending in the current fiscal year to 62 percent in the year 2005.

The surge occurs in Federal health care programs. They are the only programs that will grow at a rate significantly faster than the economy, increasing from 3.8 percent of the gross domestic product in fiscal year 1995 to 6 percent of GDP in 2005.

On the other hand, discretionary spending, which currently makes up only about one-third of all of the Federal budget, has been significantly curbed. It is expected to decline as a percent of the economy over the same time period.

However, we cannot take much comfort in this success story. As much as we cut away at the fat and well into the bone in appropriated spending, we get to a point of diminishing returns. We will not be able to balance the budget if we rely essentially only on appropriated spending, as anyone who understands the budget process knows. Sooner or later we must look the deficit squarely in the eye and make some tough and painful choices. Entitlement spending and tax expenditures are two that we can no longer avoid.

The new found Republican realism about a sunset provision in the amended S. 4 is helpful in improving chances to pass the legislative line-item veto. This is a brandnew legislation that is untried and untested. The sunset provisions will allow Congress to look at any glitches and problems that may arise. If for some reason the line-item veto does not perform to our expectation, we can trade it in and start anew.

I also have been stressing that the only way to bring down the deficit is on a bipartisan basis. I support the line-item veto legislation, but some of my colleagues have doubts. A sunset provision will ease some of those concerns because this bill will not be carved in stone. We will be able to revisit the bill at a day certain and make some changes if necessary.

During markup, I offered several sunset provisions that failed on party line votes. I am pleased that the majority has reconsidered.

The legislative line-item veto does not exist in a vacuum. We must revisit the entire Budget Act in 1998. That is when the caps and other major provisions, including the one that creates a 60-vote point of order and the system of sequesters, expires. What better time to reexamine the legislative line-item veto?

Madam President, I have finally had an opportunity to review the majority party substitute version of the line-item veto legislation. I must say at the outset that I am extremely disappointed by the manner in which this bill was brought to the floor and how the majority party apparently hopes to force this bill through very quickly.

As the majority leader knows and as the chairman of the Senate Budget Committee knows, there are many on this side of the aisle who would like to see a line-item veto bill pass this Senate. I think it will. We have been working on a bipartisan basis to do so. As evidence of the bipartisan effort, I note that the majority leader and the minority leader were cosponsors of S. 14 as introduced by Chairman DOMENICI and myself. As a long-time supporter of the line-item veto legislation, I am very encouraged that this topic is finally being debated on the floor of the Senate.

I hope and trust that the majority leader will back off of some of the tactics and the "hurry up" actions that have been so far demonstrated.

I am reminded of what the great historian Barbara Tuchman wrote about the 14th-century knights of war:

> They were concerned with action, not the goal—which was why the goal was so rarely attained.

If we can have a free and open debate, absent hardball politics, and if we can keep our focus on the attainable goal and not just partisan reactions, we can prevail.

Madam President, I have some concerns regarding the substitute that is before the Congress, although I think it is a vast improvement over what we have considered previously. Although I understand the need for changes and compromises, this bill raises some questions that I think need to be fully explored.

For example, the majority party has chosen to vest in the enrolling clerk the power to divide up appropriations bills into many, perhaps hundreds, of pieces. How might such a procedure actually work in practice? Is such a procedure realistic? Legislative drafters already are coming up with ways to get around this bizarre mechanism.

There are many other troubling questions regarding the substitute, but I think they can be corrected if we can work together, at least corrected to satisfy this Senator and most on this side of the aisle.

For example, what is to prevent the Congress from enacting provisions that do not take effect until other specified provisions take effect? Or, what about a provision that spends $80 million if, and only if, a second provision spends $20 million, but suspends $100 million if the second provision is not enacted? What about a provision that funds every item specified in a separate piece of legislation?

The majority substitute does not allow the President to veto these provisions effectively. The legislative process may end up the victim much more so than all would like to see.

The measure before Members raises constitutional questions as well, as Senator BYRD so eloquently pointed out earlier today. It would be very unfortunate if after all of these years the Congress was finally successful in passing a line-item veto, only to have it declared unconstitutional by the U.S. Supreme Court. Other proposals such as S. 14 do not have that potential Achilles heel.

There are also issues which the substitute does not address that I think it should. I believe that most Members would agree as they look at the measure objectively. For example, the President cannot—I emphasize cannot—reduce any amount. The President can only sign or kill it. He cannot scale it back to a more reasonable amount. Under S. 4, the President had that option of reducing the amount.

In closing, let me say, Madam President, what about the goal of reducing the deficit? S. 14 wisely includes a lockbox to ensure that any money saved in rescission goes to reduce the deficit. The Republican substitute includes no deficit reduction lockbox. I think it should. And I think when my friends on that side of the aisle take a look at that, they will agree.

In conclusion, then, I believe the substitute needs further consideration, although I am disappointed by the process used by the majority leader to force a cloture vote immediately—supposedly tomorrow—to cut off debate on this important matter. I am encouraged that the substitute bill has moved in the right direction by including tax expenditures, which previous versions of that did not. Yet it is far from a perfect bill and could be improved by addressing some of the concerns that I have mentioned and others that will be addressed by Senator LEVIN and other of my colleagues.

Mr. President, in the hours and days ahead, I hope we can put aside overheated rhetoric and partisanship on the legislative line-item veto. No Senator has a monopoly on all of the issues. No Senator is all right or all wrong. No Senator has all the answers.

I hope that we can accommodate as many views as possible during the upcoming debate. If we stay on this track, Madam President, we will pass a legislative line-item veto—or call it what you will—that is as good as a promise that I think we can do in keeping faith with the American people. I thank the Chair.

I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. MCCAIN. I will be very brief. I have a lot of responses to the statement from Senator EXON, but I think for the record, it might be interesting to point out that I count 22 of the 34 amendments from that side come from Senator EXON.

One, sunset in 1997; sunset in 1998. When I see the amendments, I understand the frustration of the majority leader. I can assure the Senator from Nebraska there may be changes made to this bill. One thing I can assure the Senator from Nebraska. We will not change the two-thirds majority required to override the President's veto.

If there is anything that is clearly unconstitutional, it is to call a veto a majority vote by one House. I would be more than happy to respond to the other remarks of the Senator from Nebraska after the Senator from Michigan and then the Senator from Wisconsin finish their statements.

I also finally state unequivocally, the Senator from Indiana on the floor here was not setting up any straw men. The Senator from Indiana has been involved in this issue with me for 8 years. The Senator from Indiana does not set up straw men.

I have watched the debate, and the Senator from Indiana has conducted, I thought, a very illuminating and important debate between himself and Senator BYRD. Senator BYRD, as always, does an outstanding job, and I am proud of the outstanding job defending his point of view and his perspective that the Senator from Indiana conducted himself in such fashion. I am proud. I reject any allegation that he sets up any straw men.

I yield the floor.

Mr. EXON. Madam President, if I could correct just one impression that the Senator from Arizona said about the filing of amendments.

As a manager of the bill, I filed a whole series of amendments before 1 o'clock today, which I had to do to protect this side from a whole series of important matters that we thought were necessary on this side.

I simply advise my colleague from Arizona that as of the breakdown, the Senator from Nebraska has only four amendments, and I think we will dismiss two of those, which gives the manager of the bill only two amendments. And I think, by any measure, that is reasonable.

I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, first let me comment on a couple of the points the Senator from Nebraska made in which I concur. He indicated most, if not all of us, support some form of line-item veto, and I think he is right. I think that just about every Member of this body wants to give the President greater control over individual items in appropriations bills. I am one of those. I happen to support S. 14. I think it is constitutional, which is very important to me, and I think it gives the President additional power without running into the clear provisions of the Constitution relative to the presentment clause.

I also agree with the Senator from Nebraska when he says not to rely too much on line-item veto to cure our budget problems and our deficit problems. It has proven historically not to be a significant cure in States when it comes to the amount of money which has been vetoed by Governors. It is a deterrent. That is worth something, clearly.

We, at one point, submitted a budget, I believe, to President Reagan and said, "If you had line-item veto, what would you veto?" And I think his total vetoes came to be about 1 or 2 percent of the deficit that year, a very small percentage of the deficit. So it is not a major cure for willpower.

It may or may not do some good, depending on how the President uses it. It actually can do some harm if he uses it wrong. Nonetheless, the Senator from Nebraska is correct that it is not going to significantly reduce the deficit. It may help somewhat slightly, but do not rely on it too heavily.

Further evidence of that is the fact that the President controls every line of the budget that he submits to the Congress. Each line in those budgets is a line which has been approved by the President or the President's staff.

During the 12 years of the two Reagan administrations and the Bush administration, six times out of the 12 years, the appropriations in Congress exceeded those requests. Six times Congress reduced appropriations below the level requested by those two Presidents.

If you look at the average appropriations level that the Congress appropriated compared to the appropriations requested by the President, again, where the President has control over every line, in the Reagan years, the average appropriation by Congress was $1.7 billion less than requested by President Reagan, and the appropriations during the Bush years were $3.7 billion less than the appropriations requested by the President.

So we cannot just say Congress has been the source of the deficit problem. It has been a joint problem. Presidents, as well as Congress, have contributed to it at least equally—at least equally. And if you look at averages, slightly more by the executive branch than by the legislative branch. So when we talk about those add-ons, those back-home projects, that does not explain the deficits that we have run up during the 1980's. It is much deeper than that. It is much more complicated than that, and if we think line-item veto is going to cure it, we are making a mistake, because it will not. Will it help? I think it could.

In my book, it has to be constitutional or I cannot vote for it. S. 14 is constitutional and I am able to support that and vote for it as a substitute to the substitute when we get to it. But the Dole substitute before us, I believe, is unconstitutional and is unworkable.

Before the Dole substitute was presented to us, we had two line-item veto bills reported out of the Budget and Governmental Affairs Committees, two different line item vetoes. One was an enhanced rescission and one was expedited rescission. One clearly constitutional, one of debatable constitutionality.

But now we have a third one, a very different bill than was reported by either the Budget or the Governmental Affairs Committee.

The top constitutional experts of the Clinton administration and the Bush administration do not probably agree on a whole lot, but they do agree on one thing. As much as they want to see the enactment of a line-item veto, because both President Bush and President Clinton want line-item veto, both their top constitutional experts have serious constitutional problems with this separate enrollment approach which is now before us. I think it is fair to say that both—and I am going to read their words —believe that this approach is unconstitutional.

The Constitution, as Senator BYRD has gone through this afternoon, establishes the method by which laws are enacted and by which they are repealed. It specifies a bill becomes a law when it is passed by both Houses of Congress, signed by the President, or if the bill is vetoed by the President, when that veto is overridden by a two-thirds vote in each House.

The substitute before us purports to create a third way by which a law can be made, by giving the Clerk of the House of Representatives and the Secretary of the Senate the power to enroll and to send to the President for his signature bills that have never passed either House of the Congress.

Madam President, I do not believe that we can or should seek to override constitutionally mandated procedures by statute. We cannot do it if we wanted to, but we should not do it and should not try to do it.

Article I, section 7 of the Constitution says that each "bill which shall have passed the House of Representatives and the Senate shall be presented to the President for signature."

The Constitution does not say that pieces and parts of bills passed by the Congress may be presented to the President for signature. It does not say that line items or paragraphs or subparagraphs of bills passed by the Congress shall be presented. It says that bills passed by the Congress shall be presented to the President for signature.

Lewis Fisher of the Congressional Research Service explained the problem several years ago when he testified relative to an early version of this separate enrollment approach, and this is what Dr. Fisher said.

He said under that bill:

> The enrolling clerk would take a numbered section or unnumbered paragraph and add to it an enacting or resolving clause, provide the appropriate title and presumably affix a new Senate or House bill number. Such a bill, in the form as fashioned by the enrolling clerk, and submitted to the President would not appear to have passed the House of Representatives and the Senate.

In other words, the bill that is presented, or the bills, the wheelbarrow full of bills that is presented to the President, has not passed the Senate and the House. It is different from the bill that we passed. It is bits and pieces of a bill that we passed, and that is the problem with the Dole substitute before us. It purports to give to the Clerk of the House of Representatives or to the Secretary of the Senate the power to attest and to send to the President for his signature bills which have not been passed by the House or the Senate.

Under the Constitution, a bill cannot become law unless that bill has passed both Houses of Congress.

Madam President, I have no doubt that the Congress could, after passing an appropriations bill, take that bill up again, divide it into 100, 200, even 1,000 separate pieces and pass those pieces again as freestanding measures. Those separate bills then would have been approved by the Congress and could be sent to the President for signature. I even suppose that we could adopt some form of streamlined procedures for consideration of these separate parts, these separate pieces of legislation.

While that approach would result in the President spending hours and hours signing various pieces of a single appropriation bill, it at least would be constitutional. We would have adopted the same bills that the President is signing. But the bill before us contains no requirement for any consideration of the separate measures by the Senate and the House. Rather, it directs the enrolling clerks to create such separate bills and to send them to the President as if—as if—passed by the Congress.

The Supreme Court held in the Chadha case that the legislative steps outlined in article I of the Constitution cannot be amended by legislation. We cannot amend article I of the Constitution by legislation. We may want to do it. We may have a good motive in doing it. Our goal may be important and great. But we cannot amend the Constitution by legislation. And this is what the Chadha Court said:

> The explicit prescription for legislative action contained in article I cannot be amended by legislation. The legislative steps outlined in article I are not empty formalities. They were designed to assure that both Houses of Congress and the President participate in the exercise of lawmaking authority.
>
> The bicameral requirements—the presentment clauses, the President's veto, and the Congress' power to override a veto—were intended to erect enduring checks on each branch and to protect the people from the improvident exercise of power by mandating certain prescribed steps. To preserve those checks and to maintain the separation of powers, the carefully defined limits on the power of each branch must not be eroded.
>
> With all the obvious flaws of delay, untidiness, and potential for abuse, we have not yet found a better way to preserve freedom than by making the exercise of power subject to the carefully crafted restraints spelled out in the Constitution.

Madam President, President Clinton favors a line-item veto. His top aide, the top official of the administration on matters of constitutional law, Assistant Attorney General Walter Dellinger, testified earlier this year that the enhanced rescission bill introduced by the Senator from Arizona would probably be found to be constitutional, a conclusion with which I happen to disagree but nonetheless the top constitutional lawyer in this administration found that the approach of Senator MCCAIN would likely be found to be constitutional.

However, even Mr. Dellinger could not find a way to get around the constitutional problems with the Dole substitute now before us. The separate enrollment approach, Mr. Dellinger testified, runs into the plain language of the presentment clause in article I. This is what Mr. Dellinger said:

> As much as I regret saying so, I think that the proposal for separate enrollment also raises significant constitutional issues. I think it is either invalid under the presentment clause or at a minimum it raises such complicated questions under the presentment clause that it is a foolhardy way to proceed.

This is the sentence that I now want to emphasize of Assistant Attorney General Dellinger.

> If we and all our predecessors are right—we and all of our predecessors in that office are right—
>
> that which has to be presented to the President is the thing that passed the House and the Senate and that which passed the House and the Senate is the bill they voted on final passage, not some little piece of it or a series of little pieces of it.

Now, on March 16, just a week ago, in a memorandum to Judge Mikva, White House Counsel, Dr. Dellinger, reiterated the constitutional problems with the amendment now before us, with the Dole substitute, and this is what he said.

> On what seems to us to be the best reading of the presentment clause, what must be presented to the President is the bill in exactly the form in which it was voted on and passed by both the House of Representatives and the Senate rather than a measure or a series of measures that subsequently has been abstracted from that bill by the clerk of the relevant House.

That is the top constitutional official in the administration, in this administration that wants line-item veto. That is what they have concluded. The best reading of the presentment clause says that the bill going to the President has to be the same bill in the same form that we passed.

He went on to state—but, of course, this constitutional question is open to debate like all constitutional questions, I presume. He also said that it would have a better chance to be ruled constitutional if it made some provision, in this approach, for Congress to take up the separate bills and to pass them en bloc.

The substitute before us, Madam President, contains no such provision to address the constitutional infirmity that Mr. Dellinger pointed out.

Now, President Bush has also been a strong advocate of line-item veto, but the top constitutional law expert of his administration also has taken the position that separate enrollment is unconstitutional. Former Assistant Attorney General Timothy Flanagan testified before the Judiciary Committee as follows:

> One type of line-item veto statute would attempt to avoid the problem of the Constitution's all-or-nothing approach to Presidential action on bills by providing that after a bill had passed the House and Senate, individual titles or items of the bill would be enrolled and presented to the President as separate bills.
>
> Such an approach suffers from a number of constitutional defects. First and foremost, the Constitution plainly implies that the same bill upon which the Congress voted is to be submitted to the President. If the Constitution's text is to be read otherwise to permit the presentment requirement to be met by dividing a bill up into individual pieces after Congress has passed it and before presentment, then there is no logical reason why the opposite process could not be permitted. Congress could require individual appropriation bills as well as others to be aggregated into a giant omnibus bill before presentment to the President as a single opus.

And again this is what President Bush's top constitutional lawyer in the Justice Department is telling us. He concluded:

> In my view, the Constitution permits neither result but requires that the bill be presented to the President as passed by Congress.

As passed by Congress.

So the top constitutional experts, Madam President, of both this administration and the prior administration agree that the separate enrollment approach taken by this substitute has great constitutional problems.

Now, the amendment before us attempts to address the constitutional problems with the separate enrollment approach by stating that each, each of the separate bills enrolled and sent to the President "shall be deemed to be a bill under clauses 2 and 3 of section 7 of article I of the Constitution."

Now we are going to amend the Constitution by a statutory deeming process, and how convenient.

I suppose we could pass other laws, under this theory, which contravene the Constitution, and deem those provisions to be constitutional as well. We do not have that power. We did not have it before Chadha, when the Supreme Court wrote that we cannot amend the Constitution by legislation. And we do not have it after Chadha.

It does not do any good to deem separate measures as bills. The question is not whether they are bills in an abstract sense, the question is whether they are bills "which shall have passed" both Houses of Congress as required by the Constitution.

These bits and pieces, the product of disassembling a bill, these parts have not passed either House in that form and may never have passed either House in that form. No amount of deeming, as convenient as it is, can change that.

The Constitution does not say that pieces and parts of bills passed by the Congress may be presented to the President. It does not say that line-item vetoes or paragraphs or subparagraphs of bills passed by Congress shall be presented to the President. It says that the actual bills passed by Congress shall be presented to the President for signature.

This may all sound like process and a technicality, but it is the essence of what we do around here. A vote for a bill is not the same thing as a separate vote on each of its provisions. The bill is a whole and we finally vote on it as a whole. We all vote for bills. I think every one of us has said on the floor of this Senate or on the floor of the House or in a speech somewhere: I do not agree with every provision in this bill but I am going to vote for it because on balance there are more good provisions than bad provisions.

When we, as Members of the Senate, vote for final passage of a particular bill, we are not voting on each provision as though standing alone. We are voting for the whole. And the reality is—our real world is—that if we chop up a bill into its component parts for the President to sign we would be creating very different bills from the one bill that actually passed the Congress.

Let me just take the supplemental appropriations bill that we just passed. This was a defense supplemental appropriations bill that was adopted last week. By my count, there are approximately 78 separate items in this bill and that does not include suballocations, which would make it a much larger number of items. But just not including suballocations, I think there are 78 separate items in this bill. Each of these would be enrolled under the Dole substitute before us. That includes 12 paragraphs of appropriations for military personnel, 20 paragraphs of rescissions—20 paragraphs of rescissions of DOD appropriations—and 18 paragraphs of rescissions of non-DOD funds. There are also 20 general and miscellaneous provisions in here, in this bill we just passed, which would have to be enrolled separately under the amendment before us.

I voted for this supplemental bill. I did not vote for each of those 78 items separately and I would not have voted for a lot of those separately. Under the approach that is before us now, the President would be voting—each separate 78, the President would be deciding on whether to sign 78 separate bills, whereas we did not vote separately on 78 separate bills, and a whole bunch of those may not have passed as 78 separate bills. And the whole bill may not have passed had some of those 78 separate items not been included in the bill.

If we had a separate vote on each of the separate items in the defense appropriations bill, some might have passed, some might not have passed. But we did not do that. We voted on the package. If we had voted again on each of these items separately, the final outcome might have been very different. Some may have voted for the final bill, this full bill, specifically because of the inclusion of specific items in the package. That may have actually won the vote of some of us. We do that all the time. "Unless these provisions, 1, 10, 30, and 38, are in this bill, I cannot vote for it." If those items were in separate bills, some of us may have chosen not to vote for this single supplemental appropriations bill.

Let me just give a couple of examples. Section 108 of the defense appropriations bill contains a requirement for a report on the cost and the source of funds for military activities in Haiti. This is a separate section of the bill, section 108. Under the substitute before us, it would be separately enrolled and the President could veto it. But some of us may have voted for the funds provided in this bill for operations in Haiti only because there was another provision in this bill requiring a very important report. Would the appropriation have passed without the reporting requirement? We do not know. We did not vote on it.

Section 106 of this bill contains defense rescissions. Those rescissions are intended to pay for the appropriations that are made in the bill. We are rescinding some previous appropriations in order to pay for some current appropriations. Under the amendment before us, each of the rescissions would be separately enrolled and sent to the President for signature. The President could veto any or all of the rescissions. But how many of us would have voted for the appropriations if they were not paid for by the rescissions? Would the appropriations have passed without the rescissions? That is a very basic point. That was a matter of real contention, as to whether or not we should be appropriating money in this supplemental unless we were defunding, unappropriating, rescinding previous appropriations. Would that bill have passed without those rescissions? We do not know. We did not vote on that.

Under the substitute before us, the President will decide whether to sign separately the rescissions and the appropriations. That is very different from what we voted on, one package with both.

The supplemental appropriations bill that we passed last week was actually a rather simple bill as appropriations measures go. We routinely pass appropriations bills that contain hundreds, even thousands of items. Here is a quick listing of last year's appropriations bills, how many items they had, not including what are now called suballocations. I will get to that issue in a moment. But without getting even to pulling apart paragraphs, just looking at paragraphs themselves, numbered or unnumbered, without subdividing paragraphs into suballocations, last year's appropriations bills had the following number of items: Commerce, Justice, and State had 214; Defense, 262; Transportation, 150; foreign ops, 150; Agriculture, 160; Treasury-Postal, 252.

I will stop there, and I ask unanimous consent the list be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Commerce, Justice and State Appropriations—214
Defense Appropriations—262
Transportation Appropriations—150
Foreign Operations Appropriations—151
Agriculture Appropriations—162
Defense Construction Appropriations—45
Veterans Affairs, HUD, and Indep. Agencies—174
Treasury, Postal Service Appropriations—252
Legislative Branch Appropriations—114
District of Columbia Appropriations—86

Mr. LEVIN. Madam President, I am told one of the omnibus appropriations bills that passed the Congress in the mid-1980's had over 2,000 line items. Again, I think that is without those suballocations, so we could multiply that significantly.

Some of the items, by the way, some of the items in appropriations bills increase spending levels. We know that. That is what is usually thought of when we increase spending.

But other items in appropriations bills decrease spending levels or they set conditions on spending or they prohibit spending for certain purposes. We have provisions in appropriations that reduce or limit spending. Those are rescissions. There are also conditions placed on expenditures, and prohibitions, again, for spending for particular purposes.

If those provisions are placed in separate sections, as they frequently have been in the past, they could be vetoed under the substitute before us. The President could use the line-item veto to actually repeal, to stop, the prohibitions on spending that we put in the appropriations bills. That would increase spending. They are not uncommon. Limitations on appropriations or on rescissions are not uncommon. We have plenty of them just voted on. Yet, a line-item veto could be used. When used against rescissions or prohibitions on limitations, it could end up increasing spending and not cutting spending.

The bottom line is that Members who vote for an appropriations bill usually do not support every item in it. We do not vote on each of those items separately. We would not know what the result would be if we cast such votes on each item separately. We finally vote on an entire packet. That is the bill that we pass, and that is the bill that must be sent to the President under the Constitution. I believe that in an appropriations bill of any size, each of us likes some of the provisions and dislikes others. That balancing is the essence of the legislative process. It is what enables us to legislate. In many cases, it is what enables us to cut appropriations.

For instance, I may be willing to accept a significant cut in a program that affects my State because I know that a sacrifice will be shared, because I know that in the bill it causes a cut in a program that is good for my State where other programs that benefit other States are being cut in the same bill. That does not mean that I would have voted for the cut on the one appropriation involving my State as a freestanding measure. It is because the pain is distributed as part of a package so that we are often able to support an overall measure.

The Constitution says one thing that is so critical to this substitute. Only those bills which shall have passed the Senate and the House of Representatives are to be sent to the President for signature. The substitute before us says something quite different; that the President would get pieces of bills that we have passed instead of the bills themselves. That approach is plainly at odds with the requirements of the Constitution, and we should reject it.

Madam President, I do not know if there are others who are waiting to speak. I have some additional points that I want to make on the practical problems with the enrollment process that relate to an amendment that I will be offering tomorrow. I am wondering if I might ask my friend from Wisconsin about how long he expects to be, if I may ask unanimous consent to make that inquiry.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, I think roughly half an hour.

Mr. LEVIN. Madam President, I will try to conclude in about 10 minutes and then give my friend some time.

The PRESIDING OFFICER. The Senator may proceed.

Mr. LEVIN. Madam President, the majority leader said yesterday that the Senate would have an easy time adopting this substitute. One of the reasons was that most of its provisions have been considered by the Senate and passed. There is a lot of new language in the substitute. It is worth taking some time to analyze that new language. For example, the first half of the substitute is devoted to points of order against any appropriations bill that fails to include in the bill language detail that is in the committee report. I do not think that has been proposed before.

We tried to check the separate enrollment approach. I do not believe that has ever been part of the bill before. I do not think it has been considered by the Senate. If I am wrong, I will stand corrected. But it is going to have a significant impact on the appropriations process. It is going to be much more rigid. We are going to have much lengthier, cumbersome appropriations bills. But, nonetheless, whether it is good or bad, it is different from what we have had before.

But I want to focus on a different provision. That is the definition of the term "item." This provision is the key to the entire bill because an "item" is what must be separately enrolled. That is the test of whether or not the enrollment must be made separate by the clerk. There is some very significant new language in this substitute which again, to the best of our ability, does not appear in previous legislation that we have considered.

The term "item" means (a) with respect to an appropriations measure; No. 1, any numbered section; No. 2, any unnumbered paragraph, or, No. 3, any allocation or suballocation of an appropriation made in compliance with section (2)(a) contained in a numbered section or an unnumbered paragraph.

It is those words "allocation or suballocation" which are the new material. The earlier bills referred to items as being either numbered sections of a bill or unnumbered paragraphs of a bill. So the enrolling clerk could take any numbered section or any unnumbered paragraph and separate it out and enroll it. That is what has been considered in these bills today relative to separate enrollment. But now in the substitute before us we have an additional thing that has to be subdivided out. That is something called an allocation or a suballocation of an appropriation that is contained in either a numbered section or an unnumbered paragraph.

How do we break the allocation or suballocation out of a bill and enroll it as a separate bill? We do not have to wonder totally about that because the Senator from Indiana has already asked the enrolling clerk to put together a sample appropriations bill for us based on last year's Commerce-State-Justice appropriations bill and has asked the enrolling clerk to take that actual bill and to subdivide it according to this substitute. That is what the Senator from Indiana called a trial run. He is a very, very thorough and a very thoughtful Senator and took the time to go to the enrolling clerk and say, "Here, take last year's State-Justice-Commerce appropriations bill and apply the approach that is used in the substitute to that bill."

He explained on the floor the other day—and he explained again this afternoon—that we have all kinds of new technology. We can use computers. We can punch buttons, and we can subdivide bills in pieces. We do not have to have the enrolling clerks in green eyeshades who are trying to figure out what is going on and type things out in longhand. We have computers. "Modern technology" is what the Senator referred to; "miracle of modern technology." It is no longer a difficult process. He used the words "easy, accurate and fair." I believe those are his words. I hope I am quoting him correctly. He quoted the enrolling clerk last week. He said it is at least 1,000 times faster than the old system with today's technology. Then he said he asked the enrolling clerk to do a trial run. He took the largest bill that we passed, State-Justice-Commerce and Judiciary, and asked him to separately enroll it.

Well, the stack of paper which we got from the enrolling clerk was pretty thick. Here is a copy of the way it came out. This is what we sent to the President last year. This is what goes to the President this year. The pamphlet was about 50 pages long. There are 582 bills in here, or items. This is just one appropriation bill. This is a 3-inch-thick stack. Mind you, this is not a 3-inch bill. This is 582 bills here that go to the President—each separate, signed by the Speaker, signed by the President of the Senate, sent to the President for signature. But that is only the writer's cramp part of it. That is interesting, but that is just hours and days of the President's time.

Another interesting question is what is in these pieces of paper, this trial run, this bill, that was said to be so successful by our friend from Indiana. What is the product when you punch the computer and come out with 582 pages, when you suballocate a paragraph, you rip out a paragraph, and you get a bill that can stand on its own, with four corners? We tried looking at that. Here is one of the bills. The Chair has good eyes, but I am afraid this is far away. I will read it. It has all the formal headings, and it sure looks like a bill. If you took a quick glance at that, you would say it is a bill. It has fancy writing at the top; it is italicized. All good bills are italicized. "103d Congress, second session, in Washington," and then it says, "An act making appropriations for the Department of Commerce, Justice, and State, related agencies * * * be it enacted * * * the following sums are appropriated out of the Treasury"—and then you get to the text of the bill. What looks like a bill is incomprehensible. This is the text of that bill. It says, "of which $200,000 shall be available pursuant to subtitle (b) of title I of said act."

That is the bill the President is supposed to sign in this test run. What act? This act? No, not this act. If you go back to the bill which no longer exists, which has been cut up like a salami into all these slices, then you can figure out that they are not relating to this act. It is some other act. It is the crime bill of last year. The computer generated this in a successful trial run. Hundreds of pages are just like this.

(Mr. SANTORUM assumed the chair.)

Mr. MCCAIN. If the Senator will yield, has the Senator ever examined the appropriations bills that are normally passed through here and tried to ascertain which funds went where, under what circumstances, and maybe he can explain why it takes days, weeks, sometimes months, to figure out who got what money under what circumstances? I suggest—and I ask the Senator from Michigan if that is more complicated than that is, since I have spent a lot of years trying to figure out where the pork goes in appropriations bills and it has taken weeks and months for experts to figure it out. I think it might be easier to figure it out that way. All they have to do is pick up the phone and ask, "What is that $200,000 or $300,000 for?" And then they can respond.

Mr. LEVIN. Where do you look to find out?

Mr. MCCAIN. You call up the people who wrote the bill.

Mr. LEVIN. The bill——

Mr. MCCAIN. It is far better, in my view, to have a single line there than the pork that is hidden away and tucked into little areas of the appropriations bills which sometimes people never ever find.

Mr. LEVIN. I tell my friend that at least you can find them if you look. In this bill you cannot find them. That is the bill.

Mr. MCCAIN. That is the bill. That applies to a certain section, which all you have to do is ask, "What does it apply to?" If the President asks that and it applies to a piece of pork, he can say, "Fine, I will veto that."

Mr. LEVIN. That is the whole bill. It says, "$200,000 shall be available pursuant to subtitle (b) of title"——

Mr. MCCAIN. Yes, and they might say, "Well, it is a special project in Michigan." And the President might say, "Fine, thanks. Now I know that, and I will veto it."

Mr. LEVIN. There is no way of knowing if it is a special project. This is the entire bill.

Mr. MCCAIN. All they have to do is ask.

Mr. LEVIN. If I can say to my friend from Arizona, when the computer split up this appropriations bill into these pieces, this is the bill which the President signed. He can ask day and night for all the information he wants. That is what the bill says. In an appropriations bill now, sure it may take you some time to figure out what the crosswalks are, but you can find out from that bill and the conference report for that bill exactly what it is. In this, 571 bills that are going to the President, each one a separate bill, and it is gibberish, you cannot figure out what that is.

Mr. MCCAIN. If I can respond to my colleague, and I know we are skirting the rules of the Senate. All I have to do is ask, "What section is that under; what part of the entire bill was enrolled by the enrolling clerk?" There was a bill that was enrolled, and what does that apply to? I think that is pretty easy. I thank my colleague for his patience.

Mr. LEVIN. My understanding is that the whole bill is not enrolled by the clerk. I am wondering whether the Senator is saying the bill, before it was disintegrated, was enrolled.

Mr. MCCAIN. It was passed by both Houses. So all I had to do was pick up the bill and say, "See what was in it." That is not really difficult.

Mr. LEVIN. My question of my friend was, Was the bill that was passed ever enrolled?

Mr. MCCAIN. Portions were enrolled that have appropriations associated with them, obviously. But the bill as passed is available for reference to be looked at to find out where that applies to. In my view, that is far better than looking through bills. And I have spent hours in fine print, and we find out we are spending $2.5 million to study the effect on the ozone layer of flatulence in cows, and nobody knew it was in there until long after it was spent. That is what we are trying to stop here by having a single bill there that says exactly what that is being spent for. All you have to do is go back to the original legislation that was passed and you will know—the President will know whether or not to veto it.

Mr. LEVIN. My question is, When the Senator says the legislation that was passed, the legislation no longer exists, and would my friend agree that what he called "the bill, as passed" was never enrolled? Would he agree?

Mr. MCCAIN. I would agree that the relevant portions of the bill that were going to be signed into law were enrolled.

Mr. LEVIN. Would the Senator agree that the bill as passed—passed as one bill—was never enrolled as a bill?

Mr. MCCAIN. No. I agree that the relevant portions that are important to the taxpayers of America were enrolled in each separate bill. Again, I thank my friend from Michigan.

Mr. LEVIN. Mr. President, let us go back to what goes to the President. That goes to the President. It is without meaning. Nobody can look at this bill. This is now a bill. This is no longer a part of a bill. This is the bill. Nobody looking at that is going to be able to say what it means. One is going to have to go back to a bill, which no longer exists, and was never enrolled, to try to figure out what that means. Let me go into some more detail as to what the complications are when one does that.

This is another line that comes out of the bits and pieces of Commerce, State, Justice. This goes to the President. This is the bill. This is it. It is one of 572 bills that go to the President. It reads, after the italic and all of the other stuff—this is the total text:

> . . . of which $6 million is available only for the acquisition of high performance computing capability.

If he signs that, that is the law of the land. That is a law. The $6 million is available only for this. That is a limitation on something. It is a limitation on the expenditure of funds.

What is it or what was it a part of?

Let us go back and look at what that was a part of. That was part of the Patent and Trademark Office appropriations, State, Commerce, Justice, which said the following, "For necessary expenses of the Patent and Trademark Office provided by law, including defense of suits . . . $83 million to remain available until expended."

That is another bill, by the way. That goes to the President just that way.

Now, if the President signs the $83 million, he then, if you look back at the bill that was passed but never enrolled, gets to this section: "Of which $6 million is available only for the acquisition of high performance computing capability."

That is a restriction on the money. That is a restriction on the $83 million. It is a limit. If this is vetoed, then he has greater use of the $83 million, not less.

This is an example where an appropriations bill's limitation, restriction, limits the use of money, does not enlarge it.

And so, now what? Now we have an appropriation of $83 million and if the President signs that, if he does not want to be limited in that way, he now has $83 million to spend without any limit. That is supposed to be an elimination of pork, to give the President $83 million unlimited instead of $83 million with a restriction on it?

And then the one that I discussed with the Senator from California. This is a bill that goes to the President. The total bill, total text: "Of which not to exceed $11 million shall remain available until expended for furniture and furnishings related to new space alteration and construction projects; and".

That is the text of a bill that goes to the President of the United States. The Senator from California said, "Well, gee, the President should probably veto that. We do not need new furniture and furnishings."

This says no more than $11 million, not to exceed $11 million. This is a restriction on how much money will be spent on furniture. This does not say that $11 million must be spent. It says not to exceed. It is exactly the opposite of how the Senator from California interpreted this. And that is the problem of giving this kind of gibberish to the President. There is no context.

In trying to give the President more power, we are creating an approach here which is going to be so cumbersome, so empty, such a void, so much of an unrecognizable mishmash, hundreds and hundreds and hundreds of bills to the President like this.

By the way, a lot of Governors have the line-item veto. A lot of States have the line-item veto. I do not think there is one State in the United States which has a separate enrollment approach. If there is, I would like to know about it.

This makes it impossible to know what you are signing. The bill that passed the legislature, in this case the Congress, no longer exists. It was not enrolled as a bill. It was split up, sliced like a salami, sliced into bits and pieces, and the bits and pieces go to the President. And somehow or other, the President is going to figure out the context.

Well, I think we can do a lot better than that as a legislative process. That is not what this process is all about.

Again, this is not my summary here. This is not my test case. This is a real test case of the Senator from Indiana, who gave a real bill to an enrolling clerk and said, "Apply the Dole approach, the separate enrollment approach, with these suballocations"—I emphasize the word "suballocations," because that is what these are —"and apply it to a real bill." That is a test case, said to be successful. "Punch a computer button, folks. It will solve our problems for us." It is going to create a lot more problems than we solve.

I have no doubt that we could craft 582 separate bills that actually put together the right allocations and suballocations and the right conditions so that it all made sense and the bills could then really be signed or vetoed independent of each other. They really could be bills. They would not just be like pieces of a puzzle thrown up into the air and then coming down in 582 pieces. We could do that. We could actually craft 582 bills. It would be a lot of work, but it is doable. But it is not doable this way.

It would probably take a lot of effort of the Appropriations staff working around the clock for weeks to do it. We would then all have to review it carefully to make sure that they really did it right. Are the right conditions attached to the right appropriations?

There is a name for that process. It is called legislation. That is what the name of that process is: legislation. It is something that we do as Members of Congress. It cannot be done by an enrolling clerk and it cannot be done by a computer.

So I say to my colleagues, wherever you are on this subject, whether you are sure you are for the substitute or not, get a copy of this separately enrolled document which the Senator from Indiana got produced from the enrolling clerk. Get a copy of it before you vote on the substitute before us, because whichever way you are voting on it, this is what we are going to be producing for ourselves if it passes. And we ought to be very careful.

It is worth taking the time to analyze this process and to make sure, in trying to give the President additional power, we are not creating total uncertainty, total confusion, total chaos and, I think, at the end of the game, probably, instead of reducing expenditures, perhaps increasing expenditures.

I yield the floor.

I took much more than the 10 minutes I said I would take at the end.

I thank my friend from Wisconsin for his patience.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I thank my friend from Michigan for a very intelligent and persuasive argument.

I am sure, as the Senator from Michigan mentioned, he knows that the legislation will be written differently. The process will change. In fact, this whole line-item veto is a change in the process.

The Senator from Michigan knows very well that in envisioning the separate enrollments taking place that there will be legislation written in a different fashion so that they will be clear. Even if they are not totally clear, the President of the United States can ask what it applies to before he signs or vetoes a bill.

Finally, I found it interesting that the President of the United States, in his comments today, did not find it a difficult task. In fact, he said, I believe, that he looked forward to having lots of signing pens and does not view with such alarm the process or obstacles that he may face as outlined by the Senator from Michigan.

I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the Chair, and I thank the managers.

I ask unanimous consent that the Simon amendment be temporarily set aside so I can offer two amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 356

(Purpose: To amend the Congressional Budget and Impoundment Control Act of 1974 to limit consideration of nonemergency matters in emergency legislation)

Mr. FEINGOLD. Thank you, Mr. President. I send amendment numbered 356 to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 356.

Mr. FEINGOLD. Mr. President, I ask unanimous consent further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the pending amendment #374, add the following:

SEC. . TREATMENT OF EMERGENCY SPENDING.

(a) EMERGENCTY APPROPRIATIONS.—Section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following new sentence: "However, OMB shall not adjust any discretionary spending limit under this clause for any statute that designates appropriations as emergency requirements if that statute contains an appropriation for any other matter, event, or occurrence, but that statute may contain rescissions of budget authority.".

(b) EMERGENCY LEGISLATION.—Section 252(e) of the Balanced Budget and Emergency Deficit Act of 1985 is amended by adding at the end the following new sentence: "However, OMB shall not designate any such amounts of new budget authority, outlays, or receipts as emergency requirements in the report required under subsection (d) if that statute contains any other provisions that are not so designated, but that statute may contain provisions that reduce direct spending.".

(c) NEW POINT OF ORDER.—Title IV of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

"POINT OF ORDER REGARDING EMERGENCIES

"SEC. 408. It shall not be in order in the House of Representatives or the Senate to consider any bill or joint resolution, or amendment thereto or conference report thereon, containing an emergency designation for purposes of section 251(b)(2)(D) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 if it also provides an appropriation or direct spending for any other item or contains any other matter, but that bill or joint resolution, amendment, or conference report may contain rescissions of budget authority or reductions of direct spending, or that amendment may reduce amounts for that emergency.".

(d) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 407 the following new item:

"SEC. 408. Point of order regarding emergencies.".

Mr. FEINGOLD. Thank you, Mr. President.

This amendment is based upon legislation, S. 289, the Emergency Spending Control Act of 1995, which I introduced on January 26 with the Senator from Arizona [Mr. McCAIN], the manager of the bill before the Congress, as well as the Senator from Kansas [Mrs. KASSEBAUM], the Senator from California [Mrs. FEINSTEIN], and the Senator from Colorado [Mr. CAMPBELL].

This is a measure which had passed the other body in the 103d Congress by an overwhelming vote, and was designed to limit consideration of nonemergency matters in emergency legislation.

The Washington Post, in an editorial dated August 22, 1994, called this legislation "a good idea." And it is a good idea.

The line-item veto legislation before Congress is intended to allow the President to remove pork-barrel spending from appropriations bills. This amendment is designed to prevent some of that pork from getting into appropriations bills in the first place.

Anyone who has watched the congressional appropriations process at any length knows exactly what we are talking about. An emergency appropriations bill begins moving through the legislative process and it is almost as if a red alert is sounded that a fast-moving appropriations vehicle is on the launch pad.

What happens, Mr. President, is staff begin drafting legislative language to insert some project that did not get funded in the regular appropriations bill or got left out in the conference committee cutting floor, to insert into this bill.

In some cases, the proponents simply do not want to wait for a regular appropriations bill to present their arguments on behalf of an item. They just see this opportunity of an emergency bill to shortcut the whole process.

Mr. President, that is the way things have operated in Congress for many years. That is the way the Federal dollars have poured into special projects that might not otherwise be able to compete for limited Federal funds. That is the way that public confidence in our ability to achieve fiscal discipline has been eroded over the years.

Mr. President, it is time that we stop this abuse of the legislative process. Emergency spending bills should be limited to what they are supposed to be for—emergency spending. They should not become vehicles for an odd assortment of spending projects.

As the Washington Post said in its editorial last year, there should be no "hitchhikers in an ambulance." Specifically, Mr. President, my amendment limits emergency spending bills solely to emergencies by establishing a new point of order against nonemergency matters other than rescissions of budget authority or reductions in direct spending, spending in any bill that contains an emergency bill or an amendment to an emergency measure or a conference report that contains an emergency measure.

Mr. President, as an additional enforcement mechanism this amendment adds further protection by prohibiting the Office of Management and Budget from adjusting the caps on discretionary spending or from adjusting the sequester process for direct spending and receipt measures for any emergency appropriations bill if the bill includes extraneous items other than rescissions of budget authority or reductions in direct spending.

Mr. President, though this proposal, like the underlying line-item veto measure, can help in the fight to reduce the deficit, I want to stress that process rules themselves do not solve the deficit problem. No rule can—whether it is a procedural rule of the Senate, a statute, or even a constitutional amendment.

The only way we can lower the deficit is through specific policy action. Still, Mr. President, the budget rules can help Members maintain the kind of discipline that is necessary to achieve our goals of deficit reduction.

Mr. President, I am delighted that the main coauthor of this amendment, or the bill that led to this amendment, is the manager on the majority side, Senator McCAIN, who called me after the election and said, "Aren't there some reforms items we can work on together?" And this is one of the first we chose to work together on.

In general, Mr. President, the rules require that new spending—whether through direct spending, tax expenditures, or discretionary programs—be offset with spending cuts or revenue increases.

However, the rules provide for exceptions in the event of an emergency, and I think, rightly so. The deliberate review through the Federal budget process, weighing one priority against another, in some cases may not permit a timely response to an international crisis, a national disaster, or some other emergency.

In other words, Mr. President, we do not ask that earthquake victims find a funding source before we send them aid. Mr. President, the emergency exception to our budget rules designed to expedite a response to an urgent need has become something very different. It has become a loophole, abused by those trying to circumvent the scrutiny of the budget process.

These abuses have taken essentially two different forms: First, declaring some expenditure to be an emergency that is truly not an urgent or unexpected matter. A second approach is adding nonemergency matters to emergency legislation that is receiving the special accelerated consideration that appropriate emergency measures are supposed to get.

Mr. President, this amendment does not prevent every abuse of the emergency spending exceptions to our budget rule. In fact, it is only aimed at the second problem I just identified. That is, adding those nonemergency matters to emergency legislation. This proposal will not stop Congress and the President from declaring a matter to be an emergency thus funding it by adding it to the deficit when it is not truly urgent or unexpected.

I am not saying we should not do that. I am saying that is something we must address in the future.

In fact, we saw this recently as last year when the Department of Defense's continuing peacekeeping operation in Somalia, Bosnia, Iraq, and Haiti were declared emergencies, suddenly with the costs added to our Federal budget deficit.

In most cases, those operations had been ongoing for significant periods of time. They were not sudden, urgent, or unforeseen costs which would have justified circumventing budget rules.

I offered an amendment last year during floor consideration of H.R. 3759 to strike these questionable provisions. Although there were only a handful of votes for this amendment, a number of Members expressed concern about whether such spending was appropriately tied to the California earthquake emergency. The basic problem is that when these spending items are packaged together on a fast track, it is difficult to separate questionable items for fear of jeopardizing the entire measure which is supposed to respond to some very immediate human needs in places such as California after the earthquake.

Although this amendment does not address this particular problem, it is aimed at limiting the abuses surrounding emergency measures by helping to keep those measures clean of extraneous matters on which there is not even an amendment to make an actual emergency designation.

When the appropriations bill to provide relief for the Los Angeles earthquake was introduced last session it officially did four things: Provided $7.8 billion for the Los Angeles quake, $1.2 billion for the Department of Defense peacekeeping operations that I mentioned, $436 million for Midwest flood relief, and $315 million more for the 1989 California earthquake.

Mr. President, it went a lot further than that. By the time the Los Angeles earthquake bill became law it also provided $1.4 million to fight potato fungus, $2.3 million for FDA pay raises,

$14.4 million for the National Park Service, $12.4 million for the Bureau of Indian Affairs, $10 million for a new Amtrak station in New York. I guess we got on the wrong side of the country on that one.

Mr. McCAIN. Will the Senator respond to a question?

Mr. FEINGOLD. I am happy to respond.

Mr. McCAIN. Is the Senator from Wisconsin saying the San Andreas fault extended all the way to New York City?

Mr. FEINGOLD. Apparently, under a new geographical approach used by the Senate on this bill. We are hoping to change that.

Mr. McCAIN. I thank the Senator.

Mr. FEINGOLD. To continue the litany, including the Amtrak station in New York, we not only had a geographical amazement with regard to our continent, we had $40 million for the space shuttle in the California earthquake bill, $20 million for a fingerprints lab, $500,000 for the U.S. Trade Representative travel office, and $5.2 million for the Bureau of Public Debt.

Mr. McCAIN. Does the Senator say $20 million for a fingerprints lab?

Mr. FEINGOLD. That is what I understand.

Mr. McCAIN. Where is the location of that fingerprints lab?

Mr. FEINGOLD. I guess more the eastern side of the United States than the west.

Mr. McCAIN. I thank the Senator.

Mr. FEINGOLD. Although nonemergency matters attached to emergency bills are still subject to spending caps established in the current budget resolution as long as total spending remains under those caps, as the Senator well knows, these unrelated spending matters are not required to be offset with spending cuts.

In the case of the Los Angeles earthquake bill because the caps have been reached, the new spending was offset by rescission, but in my view those rescissions might otherwise have been used for deficit reduction. We lost an opportunity for deficit reduction of those offsets because they had to be used to offset the items I have just listed that did not belong in the California earthquake bill.

Moreover, by using emergency appropriations bills as a vehicle these extraneous proposals avoid the examination through which legislative proposals must usually go to justify Federal spending.

If there is truly a need to shift funds to these programs, an alternative vehicle—a regular supplemental appropriations bill, not an emergency spending bill—is what should be used.

Mr. President, the amendment I am offering today will end that kind of misuse of the emergency appropriations process. It is a reasonable first step toward cleaning up our emergency appropriations process.

Adding nonemergency extraneous matters to emergency appropriations not only is an attempt to avoid legitimate scrutiny of our normal budget process, it can also jeopardize our ability to actually provide relief to those who are really suffering from a disaster to which we are trying to respond.

Just as importantly, adding superfluous material to emergency appropriations bills degrades those very budget rules on which we rely to impose fiscal discipline. Mr. President, I think that only encourages further erosion of our efforts to reduce the deficit.

This amendment that I am offering today to the line-item veto proposal passed the other body in the last Congress with overwhelming bipartisan support, first as a substitute amendment on a vote of 322 to 99, and then as amended by a vote of 406 to 6.

So I urge my colleagues to support this effort to end this abusive practice. As I indicated in my opening remarks, this amendment is both consistent with and complementary to the underlying bill. It is an attempt to impose a prior restraint on Congress so that this kind of spending is not added in the first place to an emergency spending bill.

This amendment is an attempt to make a fundamental change in the way Congress has done business in the past. Slipping pork projects into appropriations bills may at one time have been the hallmark of a successful legislator, but I hope in this new era of fiscal constraint it is time that this practice ended. I hope that this amendment will receive the broad bipartisan support that it surely deserves.

I wish to conclude this part of my remarks by again thanking the Senator from Arizona for his work with me on this and for his rather effective questioning during my presentation.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I congratulate the Senator from Wisconsin on this amendment. I think it is a very important one. I say with some modesty, Mr. President, I believe that I have come over the years to have a degree of expertise on pork-barrel spending. I have found over the years that perhaps one of the most egregious abuses of the legislative process is the issue which the amendment of the Senator from Wisconsin addresses. That is, when we have a genuine emergency which requires near immediate action because it is clear that there are American citizens who need help, and it is our responsibility as a Congress to cooperate with the executive branch and provide that much-needed emergency relief—in the case that the Senator from Wisconsin was describing, the terrible and tragic earthquakes in California—all too often we discover it is used as a vehicle for pet projects, appropriations which have no relation to the emergency, bear no relation to the emergency, and in fact are an egregious abuse and misuse of the taxpayers' dollars.

I would suggest, if the Senator from Wisconsin took the time, he and I could go back through virtually every emergency appropriations bill over the past 10 or 15 years and would find similar abuses, some of them a bit amusing.

As I mentioned, San Andreas fault stretched all the way to New York City in one case and, of course, fingerprint labs would probably not have been appropriated in that fashion, at least without some discussion and debate.

But the point is that rather than look back and criticize, as I know neither the Senator from Wisconsin nor I wish to do, it is time to look forward, and that is to enact the amendment of the Senator from Wisconsin to prevent it in the future, so there will not be any temptation involved.

I thank the Senator from Wisconsin not only on this bill but a variety of other issues where he has worked on legislation which would restore, to some degree anyway, the image that the American people want to have of this body, one that is responsible with their tax dollars, behaves responsibly, and is not going to act in a fashion that makes them lose their confidence in their ability to trust our Government.

Mr. President, I suggest to the Senator from Wisconsin that on this amendment it is possible it may be accepted. I have obviously some objections to a voice vote at this time. But I know that the Senator from Wisconsin may want the yeas and yeas, and that is perfectly acceptable. But I might suggest that he wait until tomorrow to ask for the yeas and nays in case it happens to be acceptable. It may save time of this body.

So I assure the Senator from Wisconsin, if it is objected to, I would also make sure that the yeas and nays are ordered and it not be disposed of on a voice vote without his permission.

Mr. President, I yield the floor.

Mr. FEINGOLD. Mr. President, I thank the Senator from Arizona. That sounds like a very reasonable approach to this amendment. I hope it can be accepted.

I wish to again thank him for his willingness and effort to work on a bipartisan basis, and also for his personal efforts and the efforts of his staff over the years to identify those pork projects. I think it is one of the reasons that these kinds of amendments have a chance of prevailing in this environment.

Mr. President, I ask unanimous consent to set aside my first amendment so that I can call up my second amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 362 TO AMENDMENT NO. 347

(Purpose: To express the sense of the Senate regarding deficit reduction and tax cuts)

Mr. FEINGOLD. Mr. President, I have a second amendment No. 362 pending at the desk that I call up and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself and Mr. SIMON, proposes an amendment numbered 362 to amendment No. 347.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the pending amendment No. 347, add the following:

SEC. . SENSE OF THE SENATE REGARDING DEFICIT REDUCTION AND TAX CUTS.

The Senate finds that—

(1) the Federal budget according to the most recent estimates of the Congressional Budget Office continues to be in deficit in excess of $190 billion;

(2) continuing annual Federal budget deficits add to the Federal debt which soon is projected to exceed $5 trillion;

(3) continuing Federal budget deficits and growing Federal debt reduce savings and capital formation;

(4) continuing Federal budget deficits contribute to a higher level of interest rates than would otherwise occur, raising capital costs and curtailing total investment;

(5) continuing Federal budget deficits also contribute to significant trade deficits and dependence on foreign capital;

(6) the Federal debt that results from persistent Federal deficits transfers a potentially crushing burden to future generations, making their living standards lower than they otherwise would have been;

(7) efforts to reduce the Federal deficit should be among the highest economic priorities of the 104th Congress;

(8) enacting across-the-board or so-called middle class tax cut measures could impede efforts during the 104th Congress to significantly reduce the Federal deficit, and;

(9) it is the Sense of the Senate that reducing the Federal deficit should be one of the Nation's highest priorities, that enacting an across-the-board or so-called middle class tax cut during the 104th Congress would hinder efforts to reduce the Federal deficit.

Mr. FEINGOLD. I thank the Chair. I also ask unanimous consent that Senator SIMON of Illinois be added as a cosponsor to this sense-of-the-Senate amendment having to do with tax cuts.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. I thank the Chair.

I rise now to urge my colleagues to support the amendment that I have offered with the Senator from Arkansas [Mr. BUMPERS] and the Senator from Illinois [Mr. SIMON], expressing the sense of the Senate that reducing the Federal deficit should be one of the Nation's highest priorities, and that enacting an across-the-board, so-called middle-class tax cut during the 104th Congress would actually hinder efforts to reduce the Federal deficit.

I have argued against broad tax cuts on a number of occasions, and I am especially pleased to be joined by the Senator from Arkansas and the Senator from Illinois in this effort. And I might note that the manager of the bill on the minority side, Senator EXON, was one of the first people to identify the absurdity in the rush to tax cuts. He has been a very key leader on this issue, both in his own right and as the ranking member of the Budget Committee.

All of these Senators are passionate advocates for deficit reduction. I am also pleased to see that many others share our concern that broad tax cuts will impede our efforts to reduce the deficit.

Today's Washington Post featured a story that included a number of statements from colleagues in which they expressed their concerns about broad tax cuts at this time. The ranking member of the Finance Committee, Mr. MOYNIHAN, of New York, was quoted as saying that deficit reduction was the issue and that tax cuts were out of order. With his usual eloquence, the senior Senator from New York has nicely summarized the matter in two short statements. Mr. President, deficit reduction is the issue and tax cuts are out of order.

Mr. President, the underlying measure before us proposes to enhance the ability of the President to pare down spending by exercising something like a line-item veto authority. In great part, this measure is before us because of those continued budget deficits. Although we certainly will not balance the budget simply by granting the President some form of a line-item veto authority, many of us do feel that such authority can in a small way help alleviate some of the pressure on the deficit.

Mr. President, the amount of pork that the President can trim from our budget pales in comparison to the effect a broad middle-class tax cut will have on our deficit or that our resistance to such a tax cut could have on reducing the deficit.

The President's budget proposes $63 billion in tax cuts. If the only change we made to that budget was to eliminate those tax cuts, we would save not only that $63 billion but another $9 billion in interest costs for a total savings of $72 billion in additional deficit reduction. In fiscal year 2000 alone, we could lower the deficit by $24 billion more than is projected, achieving nearly $4 billion in deficit reduction just from interest savings.

Mr. President, forgoing the tax cuts imposed by the Contract With America produces even more telling results. If we just could resist the tax cuts called for in the Contract With America, we would save this country over $200 billion and about $20 billion in interest costs alone.

Assuming those tax cuts were offset with spending cuts, doing nothing more to the budget than forgoing those proposed tax cuts could reduce the deficit by $80 billion in fiscal year 2000 and we would be approaching an annual deficit of $114 billion.

Mr. President, at this point I am delighted to ask unanimous consent that the senior Senator from Nebraska, Senator EXON, also be added as an original cosponsor of the sense-of-the-Senate resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I want to compliment my friend and colleague from the State of Wisconsin. Let me just make a brief statement in support of the amendment he is offering. The numbers speak for themselves, I suggest. The Joint Committee on Taxation has estimated that the tax cuts in the so-called Contract With America will worsen the deficit by over $700 billion over the next 10 years. Added to that the Congressional Budget Office has estimated that we will need to cut spending by $1.2 trillion to balance the budget over the next 7 years. What this means is that if we want to cut taxes as proposed in the Contract With America, we will have to make some pretty dramatic additional cuts in spending.

My position is that I am all for tax cuts but we have to cut the deficit first, then consider what we can do, if anything, about tax cuts.

I thank my friend from Wisconsin. I think it is a good amendment.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I thank the Senator from Nebraska. He is the perfect person to be describing the specifics of what this does about reducing our Federal deficit. Nobody knows the issue better. I can only say my only regret is that the Senator has chosen not to seek reelection. I think his being here in the next 6 years would be one of the keys to eliminating this Federal deficit, but we will certainly be delighted to have the benefit of his great skills in the area of deficit reduction over the next several months.

Does the Senator have a question?

Mr. MCCAIN. I thought the Senator was finished. I am sorry.

Mr. FEINGOLD. I will continue just a brief time longer.

Mr. President, let me take a couple of other points on this matter of the sense-of-the-Senate resolution.

Some proponents of these tax cuts argue that they have to be a high priority because the American people are insisting on them. The Senator from

Louisiana [Mr. BREAUX] a distinguished member of our tax-writing committee, had a very good response to this contention.

In today's Washington Post he was quoted as saying, "We do not have a lot of people marching on Washington asking for tax cuts."

The Senator from Louisiana hit the nail on the head. There is no great demand for tax cuts, but there is widespread support for us to cut spending and to use those savings to reduce the deficit.

I have been speaking out on this issue for several months now, basically since November 8 when I first saw the Republican contract and then after I saw the President's proposal on December 15. I took issue with the President's proposed tax cuts last December on the day he announced them, and I did so because I felt tax cuts were just not fiscally responsible right now.

I concede that I would be tempted to make this argument even without strong support from my constituents. Sometimes that is part of this job. The voters elect you to make some tough calls, not to constantly stick out your finger to test the political winds before every vote. On this issue, the people of Wisconsin have been overwhelmingly supportive. They realize what they would get back in lower taxes—a meaningful amount to many people—was simply not worth the devastation it would cause our Federal budget. In just the last few weeks, the phone calls and letters to my office have been running 7 to 1 in favor of reducing the deficit over cutting taxes. Here are just a few of the things they have been saying.

A gentleman from Janesville wrote:

> As popular as a "middle class tax cut" may be, this is not the time for such action. . . . I urge you to keep your eye on the prize. Concentrate your efforts on balancing the budget and then, begin to pay down our national debt. Please, do not make this process more difficult by returning a pittance to this over taxed citizen.

A woman from Prairie du Sac wrote:

> . . . any tax cut at this time would be pure folly. . . . Reducing the deficit must be the number one priority of this Congress now and for many years to come. Our country's economy is dependent on this. . . .

And a gentleman from Minong, just a few miles from the Minnesota border, wrote this to me:

> It's not that I don't believe the middle class deserve a tax cut. I just don't think we can afford to cut taxes when we can't cover our budget right now. . . . When we are out of debt, then the time has come to grant tax cuts. Not before.

My office has received hundreds of calls and letters that are similar to these.

And, though I do not presume to speak for the constituents of other Members, I think this view is widely shared outside Wisconsin as well.

A USA Today/CNN poll published on December 20 found that 70 percent of those polled said if Congress is able to cut spending, then reducing the deficit is a higher priority than tax cuts.

A Washington Post-ABC News poll from January 6 showed that people favored deficit reduction over tax cuts by a 3-to-2 margin.

And in a column in today's Washington Post, James Glassman notes that an NBC-Wall Street Journal poll found only 13 percent of respondents said taxes were the "most important economic issue facing the country" while nearly three times as many said it was the deficit.

Mr. President, while polling often can be one-dimensional measures of opinion, there was nothing one-dimensional about the response to the field hearings of the House Budget Committee on this matter.

The crowds that attended those hearings showed clear, vocal majorities supporting deficit reduction over tax cuts.

Mr. President, it is frustrating to hear constituents, who could certainly use the money, urge Congress to make deficit reduction a higher priority than tax cuts, and then watch the rush to see who can propose the bigger tax cut.

In his column, Mr. Glassman calls upon Republicans to immediately shelve their plans to cut taxes this year and instead devote all their energy to cutting spending.

I will add that I think both Democrats and Republicans should shelve plans to cut taxes.

Let us focus on the task of identifying spending that can be cut, and then use the savings we achieve from those cuts to reduce the deficit.

Mr. President, I ask unanimous consent that copies of the column by James Glassman, and the story headlined "Senate GOP Prepares to Invalidate Tax Provisions of House 'Contract,'" both from today's Washington Post, be included in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 21, 1995]

SHELVE THE TAX CUTS

(By James K. Glassman)

Republicans should immediately shelve their plans to cut taxes this year and instead devote all their energy to cutting spending.

Don't get me wrong. I think taxes are too high. They now consume a bigger share of the average family's expenses than housing, food, clothing and medical costs combined. High taxes are a drag on economic growth and a license for government to increase wasteful spending. And our current tax system bears much of the blame for the shamefully low U.S. savings rate.

For these reasons, tax reform is a necessity, and a flat tax or a consumption tax is almost certainly the best answer. But such changes can't possibly be approved in 1995—or even 1996. Americans need a full-scale debate, preferably during a presidential campaign.

Instead of building support for major reform later, the Republican strategy this year is to enact a typical Christmas-tree tax bill, festooned with baubles for businesses, investors, retirees and middle-class families. President Clinton introduced his own, smaller tax cut plan in February.

Tax relief is normally a crowd pleaser, but not today. On fiscal matters, Americans seem to have just one thought in mind: Balance the budget. Only 13 percent of respondents to an NBC-Wall Street Journal poll said taxes were the "most important economic issue facing the country" while nearly three times as many said it was the deficit.

"They aren't thinking taxes now," says Kellyanne Fitzpatrick of the Luntz Research Cos. of Arlington, the firm that helped House GOP leaders draw up the Contract With America. "People are vehement about having spending cuts first."

Politicians are at last starting to notice how the public is ordering its priorities. On Capitol Hill last week, I found no members who were truly enthusiastic about tax cuts. Economists aren't clamoring for them either. With gross domestic product rising nicely, the cuts aren't needed as a short-term economic stimulus; on the contrary, they'll probably boost inflation.

So the logical conclusion is to forget taxes entirely for this year. Unfortunately, the Contract has a mind of its own.

Last week, the tax-relief bill passed the Ways and Means Committee on a party-line vote. It includes a reduction in the capital-gains rate, a tax credit of $500 per child for families earning up to $200,000, a revival of IRAs, a modest credit to make up for the "marriage penalty" on two-earner couples and a few other goodies. Over the next five years, the changes in the bill will make the deficit a total of about $190 billion larger than current projections.

The bill is scheduled for a vote in the House next week, and already dozens of Republicans are asking House Speaker Newt Gingrich to scale it back. They know that, based on projections by the Congressional Budget Office, we can allow federal spending to rise another $350 billion between now and 2002 and still balance the budget—but only if we refrain from reducing tax revenue.

If the tax bill passes, it goes next to the Senate Finance Committee, whose chairman, Sen. Bob Packwood (R–Ore.), has indicated that his panel would give it a frosty reception. Packwood is a big thinker who almost certainly would prefer reforming the whole tax system—but only after spending is cut, a step he believes will lead to lower interest rates as the government's borrowing requirements fall.

Either a consumption tax or a flat tax would remedy two of the greatest problems of the current system—that it's too complicated and that it imposes marginal rates so high they discourage investing. The flat tax also has an amazing appeal that many politicians have overlooked: Americans at all income levels believe it's more fair than what we have now; they suspect that fat cats use loopholes to avoid their fair share.

Under the flat tax proposed by House Majority Leader Dick Armey (R–Tex.) earlier this year, a married couple making less than $26,200 would pay no federal income tax. Beyond that, the rate would be 17 percent on all income, with no deductions allowed.

A flat tax could easily be linked by law to a balanced-budget requirement: At the start of each year, Congress would have to set a single rate (whether it's 17, 18 or 22 percent) that would bring in enough revenues to cover federal expenses. That would be as powerful a deterrent to overtaxing and overspending as any constitutional amendment.

Fitzpatrick says that Luntz has conducted polling nationwide and focus groups in three cities, and the results are clear: "The flat tax is a big home run for everybody."

She added, however, that Americans are so intent on balancing the budget that "some people in the focus groups actually complained that they themselves would pay zero under a flat tax. They want to contribute something to balancing the budget."

Gingrich would be nuts to ignore that kind of sentiment. He should postpone the tax-relief vote indefinitely, concentrate on spending cuts and lay the groundwork for Republicans to run on a flat-tax platform next year—unless Clinton is cleaver enough to beat them to it.

[From the Washington Post, Mar. 21, 1995]

SENATE GOP PREPARES TO INVALIDATE TAX PROVISIONS OF HOUSE 'CONTRACT'

(By Eric Pianin and Dan Morgan)

Senate Republicans have begun moving on several tracks to rearrange key tax and spending provisions of the House GOP's "Contract With America."

Senate Finance Committee Republicans emerged from a weekend retreat with their Democratic colleagues resolved to block passage of the House GOP's $188 billion tax cut package and to put off action on tax reliefs proposals until Congress completes work on the major deficit reduction this summer.

Finance Committee Chairman Bob Packwood (R–Ore.) said yesterday that Congress would reduce the deficit by "an immense magnitudes beyond what people believe is possible," but that major tax reductions along the lines advocated by House Republicans were not in the cards.

"To the extent that we can both reduce the deficit to zero over seven years and have tax cuts, so much the better," Packwood said in a speech to the national Association of Manufacturers. "But I don't think we should put the priority of tax cuts first and then reducing spending later."

House Republican leaders plan to complete work on their tax package—including both a $500-per-child tax credit for families making up to $200,000 a year and a sharp reduction in the capital gains tax—before Congress leaves for the Easter recess. Nearly 100 Republicans plan to deliver a letter to the House GOP leadership today, urging that the credit be targeted to families making a maximum of $95,000 a year.

However, an aide to House Speaker Newt Gingrich (R–Ga.) said such a change is unlikely.

Sen. Daniel Patrick Moynihan (N.Y.), the ranking Democrat on the Finance Committee, who attended the weekend retreat, said Democrats and Republicans generally agreed that "deficit reduction was the issue" and that "tax cuts were out of order."

Sen. John Breaux (D–La.), another committee member at the retreat, said, "We do not have a lot of people marching on Washington asking for tax cuts."

But committee member Sen. Charles E. Grassley (R–Iowa) predicted that some "modest" tax relief would emerge from Congress later this year to satisfy the demands of Sen. Phil Gramm (Tex.), a Republican presidential candidate, and other conservatives sympathetic to the House tax proposals.

"They [the tax cuts] don't have to be as great as the House wants and they must be oriented toward the family," Grassley said.

The Senate also may put its imprint on a recision bill passed last week by the House that would pare $17.1 billion from spending that had been approved in the current budget. Cumulatively, the bill would reduce congressional ability to make spending commitments by $40 billion to $50 billion over five years.

The House legislation exempted defense and military construction accounts, but Sen. Mark O. Hatfield (R–Ore.), who chairs the Senate Appropriations Committee, said yesterday that he has directed that those accounts be screened for possible cuts as well.

Some Democrats and Republicans say deficit reduction should take precedence over everything, including tax cuts and increases in Pentagon spending, or the spending cuts could be branded as imprudent and unfair.

The liberal-leaning Center on Budget and Policy Priorities concluded that 63 percent of the House cuts are in programs for low-income families and individuals. Hatfield suggested yesterday in an interview that military spending could not be "disconnected" from the deficit problem any more than the tax cut issue could be.

"They're asking people to make sacrifices at the same time they're saying military spending must escalate," he said.

On Sunday, House Budget Committee Chairman John R. Kasich (R–Ohio) said House Republican leaders had agreed to freeze defense spending at the current $270 billion for at least the next five years, rather than increasing it.

Hatfield, who was attacked by senators within his own party for casting the lone Republican vote against the balanced budget amendment, indicated that the size of the Senate's spending recision package would be in the same "ballpark" as the House-passed version, but with different spending cuts.

In addition to possibly tapping defense and military contruction, Hatfield said the Appropriations transportation subcommittee that he chairs probably would make deeper cuts than the House did.

"We'll never balance the budget on the baseline of discretionary spending," Hatfield said, referring to the one-third of the total budget that does not cover interest on the debt or Social Security, Medicare and other such "entitlement" programs.

Speaking to reporters after his speech to the manufacturers association, Packwood said that he agreed with Republican budget committee leaders in the House and Senate that the budget could be balanced by 2002 merely by slowing the growth of spending by $1 trillion or more, but that "nothing is sacred," including Social Security and other entitlement programs.

"I have said all along Social Security should be on the table," he said, but "we haven't crossed that yet." Packwood said that while cuts in Social Security benefits have been ruled out by Republican leaders, his committee would consider trying to eliminate a bias in a formula that overstates cost-of-living adjustments in Social Security payments.

Mr. FEINGOLD. Mr. President, I understand the majority leader intends to stack votes on amendments offered tonight for some time to be determined and I ask unanimous consent, on the amendment I just proposed, it be in order to ask for the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. FEINGOLD. Mr. President, I will defer the request for the yeas and nays on the first amendment in response to the suggestion of the manager, the Senator from Arizona. I thank both the managers for their kindness and cooperation in my opportunity to offer these amendments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I ask for the regular order with regard to the Simon amendment No. 393.

Mr. MCCAIN. Mr. President, I object.

Mr. President, I had not finished with the debate on the amendment.

Mr. EXON. Mr. President, I withdraw the request.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I just want to briefly respond to the amendment of the Senator from Wisconsin. I know there will be objection on this side, as he knows. The so-called Contract With America was clear on the point that middle-income Americans—middle-class Americans—deserve a tax cut. I understand the Senator from Wisconsin's zeal to balance the budget. I appreciate it. I believe I share it.

I would like to point out that in 1950, a median-income family of four in America—that is a man, woman, and two children—sent $1 out of $50 of their income to Washington, DC, in 1950. In 1990 that same family of four, median-income American family, sends $1 out of every $4 to Washington, DC, in the form of taxes. Then, when you put on State and local taxes, they rapidly jump up into the 40 percent bracket. If we do not add another entitlement program between now and the turn of the century, if we do not add one penny to Federal spending, that number will be $1 out of every $3.

I say to my friend from Wisconsin, we cannot afford to lay this burden on middle-income Americans or we will see the disappearance of middle-class America. They are staggering under a crushing tax burden. I believe it makes it much more difficult to both reduce the deficit and enact tax cuts, but I, frankly—maybe the Senator from Louisiana has not heard of people marching on Washington, saying "cut taxes." Around April 15 there will be people marching on my office and calling my office when they file their income taxes again this year and find out that, again, their taxes have gone up and it will now require, I believe the date is May 15, to which they will work in order to pay their State and local and Federal taxes before they start earning a penny for themselves and their families.

I understand very well what this $4.8 trillion debt, now projected by 1996 to be a $5.2 trillion debt, can do to America. But I also know what a crushing tax burden means to the average American family which is bearing an enormous burden and that burden has contributed significantly to the most startling and, in my view, alarming polling number, polling statistic, that we got out of the 1994 elections. That is that the majority of Americans who voted in the 1994 election do not believe that their children will be better off than they are. They believe that for a variety of reasons, I say to my friend from Wisconsin. But one of the reasons they say that is that they do not believe they will have enough income to provide for their children's futures.

The essence of the American dream, as most of us know it, is that people came to this country, worked hard, put in sweat and blood and tears in order to ensure the future generations—their children—would have a better opportunity than they.

I say to my friend from Wisconsin, that is not the case anymore. One of the reasons for that is because they see so many of their hard-earned dollars going to Washington and to State and local taxes, so they do not believe they will be able to afford to pay for their medical bills, their children's education, and the other necessities that are required for people, not only for the rest of their lives but to ensure the future of their children.

But I do not disagree with the Senator from Wisconsin about the daunting task we face when we say we are both going to reduce the deficit and the debt and at the same time relieve the tax burden on middle-income Americans.

Mr. President, I apologize for interrupting the Senator from Nebraska. I just wanted to respond to the Senator from Wisconsin on this amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I will be very brief. I had an opportunity to speak, but this may be the only debate on this amendment the way this is structured.

Let me make two quick points. First of all, I am pleased to note this is a nonpartisan issue. Everyone watching should be aware things are not breaking down on a partisan basis. There is a disagreement on the Republican side and there is a disagreement on the Democrat side whether we can go with tax cuts. I think it is heartening for people to realize the Senate can function in this way and we can resolve the issue on other than a Democrat or Republican basis, and I hope that is the way this tax cut debate will continue.

The other point I would just make in response to the Senator from Arizona is that I am also willing to examine the impact that this issue of tax cuts and deficit reduction has on the bottom line for American families. I had a meeting yesterday in Wisconsin with a business advisory group, and the business men and women there were absolutely convinced that doing the tax cut, rather than using the money for deficit reduction, would mean that the actual budgetary picture of those individual families would be worse with the tax cut, for two reasons. One, they believed if we do not reduce the deficit as dramatically as we can right now, in other words not using the tax cuts, that the interest we have to pay on the Federal debt will inevitably cause them to have less money of their own because so much of our national economy will be going toward paying the horrible burden that the interest on the debt already causes.

The other point was very specific. Their belief was that the increase in interest rate that will occur because of the failure to deal with the deficit, and possibly because of the tax cuts, could generate an inflationary effect and would mean a greater increase in their costs monthly in the form of interest on car payments and home payments.

So I think the Senator's analysis is a fair approach, not just the macroeconomic one of what happens to the whole society and our deficit, but the macroeconomic issue of what happens to those individual families. I hope, as we go on this debate, that we will look at it from both points of view. Both are central to this issue.

I thank the Chair. I yield the floor.

Mr. EXON. Mr. President, what is the pending question?

The PRESIDING OFFICER. The pending question is amendment 393 offered by the Senator from Illinois.

AMENDMENT NO. 393, AS MODIFIED, TO AMENDMENT NO. 347

(Purpose: To provide for expedited judicial review)

Mr. EXON. Mr. President, the Senator from Illinois and the Senator from Arizona have been working on the language of the Senator's amendment on judicial review that was debated briefly an hour or so ago. Senator SIMON has given me language that he believes addresses the concerns of the Senator from Arizona regarding severability. Senator SIMON asked me to seek to modify his amendment to reflect the changes.

So, Mr. President, on behalf of the Senator from Illinois, I send a modification of his amendment numbered 393 to the desk, and I ask that it be so modified.

The PRESIDING OFFICER. Is there objection? The amendment is so modified.

The amendment (No. 393), as modified, to amendment No. 347, is as follows:

At the appropriate place in the bill, insert the following:

SEC. . JUDICIAL REVIEW.

(a) EXPEDITED REVIEW.—

(1) Any Member of Congress may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that a provision of this Act violates the Constitution.

(2) A copy of any complaint in an action brought under paragraph (1) shall be promptly delivered to the Secretary of the Senate and the Clerk of the House of Representatives, and each House of Congress shall have the right to intervene in such action.

(3) Any action brought under paragraph (1) shall be heard and determined by a three-judge court in accordance with section 2284 of title 28, United States Code.

Nothing in this section or in any other law shall infringe upon the right of the House of Representatives or the Senate to intervene in an action brought under paragraph (1) without the necessity of adopting a resolution to authorize such intervention.

(b) APPEAL TO SUPREME COURT.—

Notwithstanding any other provisions of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under paragraph (1) of subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after such order is entered; and the jurisdictional statement shall be filed within 30 days after such order is entered. No stay of an order issued pursuant to an action brought under paragraph (1) of subsection (a) shall be issued by a single Justice of the Supreme Court.

(c) EXPEDITED CONSIDERATION.—

It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

(d) SEVERABILITY.—

If any provision of this Act, or the application of such provision to any person or circumstance is held unconstitutional, the remainder of this Act and the application of the provisions of such Act to any person or circumstance shall not be affected thereby.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Illinois, as modified.

The amendment (No. 393), as modified, was agreed to.

Mr. EXON. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 402 TO AMENDMENT NO. 347

(Purpose: To provide a process to ensure that savings from rescission bills be used for deficit reduction)

Mr. EXON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nebraska [Mr. EXON] proposes an amendment numbered 402 to amendment No. 347.

Mr. EXON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the matters proposed to be inserted, insert the following:

SEC. .

(a) Not later than 45 days of continuous session after the President vetoes an appropriations measure or an authorization measure, the President shall—

(1) with respect to appropriations measures, reduce the discretionary spending limits under section 601 of the Congressional Budget Act of 1974 for the budget year and each out year by the amount by which the measure would have increased the deficit in each respective year;

(2) with respect to a repeal of direct spending, or a targeted tax benefit, reduce the balances for the budget year and each outyear under section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 by the amount by which the measure would have increased the deficit in each respective year;

(b) EXCEPTIONS.

(1) This section shall not apply if the vetoed appropriations measure or authorization measure becomes law, over the objections of the President, before the President orders the reduction required by subsections (a)(1) or (a)(2).

(2) If the vetoed appropriations measure or authorization measure becomes law, over the objections of the President after the President has ordered the reductions required by subsections (a)(1) or (a)(2), then the President shall restore the discretionary spending limits under section 601 of the Congressional Budget Act of 1974 or the balances under section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 to reflect the positions existing before the reduction ordered by the President in compliance with subsection (a).

Mr. EXON. Mr. President, let me just briefly address this because I had talked briefly about it earlier. This amendment would add to the bill what is called a lock box to insure that any and all savings achieved as a result of the line-item veto under the bill would go to deficit reduction. This is simply a truth-in-advertising amendment. All this amendment does is to ensure that, if you promise deficit reduction in a veto, you actually have to deliver deficit reduction at the end of the day.

I have nothing further on the amendment at the present time. I assume we will have, if it is not accepted, probably a vote on it on tomorrow.

Mr. MCCAIN. Mr. President, I am in support of the concept of this amendment. I think clearly any savings should go to reduce the deficit. There are objections on this side of the aisle at this time.

So I withhold approval. But hopefully some of those objections can be satisfied before being voted on tomorrow.

I agree with the Senator from Nebraska that any savings should go to deficit reduction rather than expenditures on other Government programs.

Mr. EXON. Mr. President, I thank my colleague from Arizona.

Mr. MCCAIN. Mr. President, it has been a long day for the Senator from Nebraska. I will try to be relatively brief. I do not believe there are any more amendments proposed for tonight.

I would just like to make some additional comments and then proceed to wrap up, since we will be beginning at the hour of 9:30 in the morning, it is my understanding.

Mr. President, I wanted to discuss this issue that has been heavily argued today as far as the constitutionality of separate enrollment. Earlier today, he included in the RECORD a statement from Mr. Johnny Killiam, who is the senior specialist on American constitutional law in the Congressional Research Service. The subject of this memorandum is the separate enrollment bill and the Constitution. I am not going to read the entire thing. I would like to again repeat the concluding paragraph of his 12-page dissertation on the constitutionality of separate enrollment.

He says:

> In conclusion, we have argued that the deeming procedure may present a political question unsuited for judicial review, and, thus, that Congress would not be subject to judicial review. We have considered, on the other hand, that the courts may find that they are not precluded from exercising authority to review this proposal. If the proposal is reviewed by the court, and even if it is not, we have presented an argument leading to sustaining the deeming procedure as not in violation of the principle that a bill in order to become law must be passed in identical versions by the House of Representatives and the Senate. Because of the lack of available precedent, we cannot argue that any of the three versions of the argument is indisputably correct. Indeed, there are questions about all three. In the end, Congress must exercise a constitutional judgment when deciding on passage of the proposal.

What Mr. Killiam has said—and it is a very in-depth and in some ways esoteric discussion—various cases have appeared before the Supreme Court, and he argues at the end of his dissertation that there are arguments that lead in favor of the constitutionality of separate enrollment, but it could be subject to judicial review.

And his last sentence, I think, is probably the most operative, where he said:

> In the end, Congress must exercise a constitutional judgment when deciding on passage of the proposal.

I also say to those who are concerned about the constitutionality of this issue, the Simon amendment—and a similar amendment was adopted by the House of Representatives—will call for expedited judicial review. We will find out. I am not using that as an argument for somebody who feels there is a clear constitutionality problem here and believes it is unconstitutional to therefore vote for this legislation just because it is going to receive judicial review. But I am saying to those who may have some doubts that this issue will be resolved and resolved in a very short period of time.

I also want to take a few minutes to quote from Judith Best, who has been a well-known expert on this particular issue. It is a very short quote. This part of her dissertation, entitled "The Constitutional Objection."

> The objection is that the proposal is unconstitutional—

Meaning separate enrollment is unconstitutional.

> because it would change the Constitution, specifically the veto power, by act of Congress alone. The response is as follows: Article I, section 5 of the Constitution permits this procedure. Nothing in Article I, section 7 is violated by this procedure. Under this proposal, all bills must be presented to the President. He may sign or veto all bills. He must return vetoed bills with his objections. Congress may override any veto with a two-thirds majority of each House. Under Article I, section 5, Congress possesses the power to define a bill. Congress certainly believes that it possesses this power, since it alone has been doing so since the first bill was presented to the first President in the first Congress. If this construction of Article I, section 5 is correct, the definition of a bill is a political question and not justiciable. Prominent on the surface of any case held to involve a political question is found a textually demonstrable constitutional commitment to issues to a coordinate political department. A textually demonstrable constitutional commitment of the issue to the legislature as found in each House may determine the rules of its proceedings. Congress may define as a bill a package of distinct programs and unrelated items to be separate bills. Either Congress has a right to define a bill or it does not. Either this proposal is constitutional or the recent practice of Congress informing omnibus bills containing unrelated programs and nongermane items is constitutionally challengeable. If the latter, the President would be well advised to bring such suit against the next omnibus bill.

I think, basically, Professor Best lays it out there. The Congress has a right to determine what a bill is. The Congress may define as a bill a package of distinct programs and unrelated items. And her argument, which I support, is that therefore the Congress of the United States can define a single enrollment which was part of a package as a bill as well.

But we will probably have much more debate on that in the couple of days ahead. I want to express again my admiration for Senator BYRD, the Senator from West Virginia, for his erudite and compelling and well-informed arguments. I watched a great deal of the debate today between the Senator from Indiana and the Senator from West Virginia. I think it was edifying, and I think many of my colleagues had the opportunity to observe them. I think most of the arguments concerning constitutionality, enrollment, and other aspects of the line-item veto were well described. I, again, express my admiration for the talent and enormous knowledge that the Senator from West Virginia possesses.

Again, I want to emphasize again that a lot of time has been taken, and more time will be taken on the floor on this issue. This is a fundamental and structural change in the way we do business. I believe it deserves thorough ventilation and debate. At the same time, I believe we can probably bring it to a close. I thank the Senator.

UNANIMOUS-CONSENT AGREEMENT

Mr. McCAIN. Mr. President, I ask unanimous consent that at 10:30 a.m. on Wednesday, Senator BRADLEY be recognized to offer an amendment on tax expenditures on which there be the following time limitation prior to a motion to table, with no second-degree amendments to be in order prior to the motion to table: 30 minutes under the control of Senator BRADLEY, 15 minutes under the control of Senator McCAIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. McCAIN. I ask unanimous consent that there be a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORT ON THE EXPORT ADMINISTRATION ACT—MESSAGE FROM THE PRESIDENT—PM 35

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

1. On August 19, 1994, in Executive Order No. 12924, I declared a national emergency under the International Emergency Economic Powers Act (IEEPA) (50 U.S.C. 1701 *et seq.*) to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 *et seq.*) and the system of controls maintained under that Act. In that order, I continued in effect, to the extent permitted by law, the provisions of the Export Administration Act of 1979, as amended, the Export Administration Regulations (15 C.F.R. 768 *et seq.*), and the delegations of authority set forth in Executive Order No. 12002 of July 7, 1977 (as amended by Executive Order No. 12755 of March 12, 1991), Executive Order No. 12214 of May 2, 1980, Executive Order No. 12735 of November 16, 1990 (subsequently revoked by Executive Order No. 12938 of November 14, 1994), and Executive Order No. 12851 of June 11, 1993.

2. I issued Executive Order No. 12924 pursuant to the authority vested in me as President by the Constitution and laws of the United States, including, but not limited to, IEEPA. At that time, I also submitted a report to the Congress pursuant to section 204(b) of IEEPA (50 U.S.C. 1703(b)). Section 204 of IEEPA requires follow-up reports, with respect to actions or changes, to be submitted every 6-months. Additionally, section 401(c) of the National Emergencies Act (NEA) (50 U.S.C. 1601 *et seq.*) requires that the President, within 90 days after the end of each 6-month period following a declaration of a national emergency, report to the Congress on the total expenditures directly attributable to that declaration. This report, covering the 6-month period from August 19, 1994, to February 19, 1995, is submitted in compliance with these requirements.

3. Since the issuance of Executive Order No. 12924, the Department of Commerce has continued to administer and enforce the system of export controls, including antiboycott provisions, contained in the Export Administration Regulations. In administering these controls, the Department has acted under a policy of conforming actions under Executive Order No. 12924 to those required under the Export Administration Act, insofar as appropriate.

4. Since my last report to the Congress, there have been several significant developments in the area of export controls:

BILATERAL COOPERATION/TECHNICAL ASSISTANCE

—As part of the Administration's continuing effort to encourage other countries to implement effective export controls to stem the proliferation of weapons of mass destruction, as well as certain sensitive technologies, the Department of Commerce and other agencies conducted a range of discussions with a number of foreign countries, including governments in the Baltics, Central, and Eastern Europe, the Newly Independent States (NIS) of the former Soviet Union, the Pacific Rim, and China. Licensing requirements were liberalized for exports to Argentina, South Korea, and Taiwan, responding in part to their adoption of improved export control procedures.

AUSTRALIA GROUP

—The Department of Commerce issued regulations to remove controls on certain chemical weapon stabilizers that are not controlled by the Australia Group, a multilateral regime dedicated to stemming the proliferation of chemical and biological weapons. This change became effective October 19, 1994. In that same regulatory action, the Department also published a regulatory revision that reflects an Australia Group decision to adopt a multi-tiered approach to control of certain mixtures containing chemical precursors. The new regulations extend General License G–DEST treatment to certain categories of such mixtures.

NUCLEAR SUPPLIERS GROUP (NSG)

—NSG members are examining the present dual-use nuclear control list to both remove controls no longer warranted and to rewrite control language to better reflect nuclear proliferation concerns. A major item for revision involves machine tools, as the current language was accepted on an interim basis until agreement on more specific language could be reached.

—The Department of Commerce has implemented license denials for NSG-controlled items as part of the "no-undercut" provision. Under this provision, denial notifications received from NSG member countries obligate other member nations not to approve similar transactions until they have consulted with the notifying party, thus reducing the possibilities for undercutting such denials.

MISSILE TECHNOLOGY CONTROL REGIME (MTCR)

—Effective September 30, 1994, the Department of Commerce revised the control language for MTCR items on the Commerce Control List, based on the results of the last MTCR plenary. The revisions reflect advances in technology and clarifications agreed to multilaterally.

—On October 4, 1994, negotiations to resolve the 1993 sanctions imposed on China for MTCR violations involving missile-related trade with Pakistan were successfully concluded. The United States lifted the Category II sanctions effective November 1, in exchange for a Chinese commitment not to export ground-to-ground Category I missiles to any destination.

—At the October 1994 Stockholm plenary, the MTCR made public the fact of its "no-undercut" policy on license denials. Under this multilateral arrangement, denials notifications received from MTCR members are honored by other members for similar export license applications. Such a coordinated approach enhances U.S. missile nonproliferation goals and precludes other member nations from approving similar transactions without prior consultation.

MODIFICATIONS IN CONTROLS ON EMBARGOED DESTINATIONS

—Effective August 30, 1994, the Department of Commerce restricted the types of commodities eligible for shipment to Cuba under the provisions of General License GIFT. Only food, medicine, clothing, and other human needs items are eligible for this general license.

—The embargo against Haiti was lifted on October 16, 1994. That embargo had been under the jurisdiction of the Department of the Treasury. Export license authority reverted to the Department of Commerce upon the termination of the embargo.

REGULATORY REFORM

—In February 1994, the Department of Commerce issued a *Federal Register* notice that invited public comment on ways to improve the Export Administration Regulations. The project's objective is "to make the rules and procedures for the control of exports simpler and easier to understand and apply." This project is not intended to be a vehicle to implement substantive change in the policies or procedures of export administration, but rather to make those policies and procedures simpler and clearer to the exporting community. Reformulating and simplifying the Export Administration Regulations is an important priority, and significant progress has been made over the last 6 months in working toward completion of this comprehensive undertaking.

EXPORT ENFORCEMENT

—Over the last 6-months, the Department of Commerce continued its vigorous enforcement of the Export Administration Act and the Export Administration Regulations through educational outreach, license application screening, spot checks, investigations, and enforcement actions. In the last 6-months, these efforts resulted in civil penalties, denials of export privileges, criminal fines, and imprisonment. Total fines amounted to over $12,289,000 in export control and antiboycott compliance cases, including criminal fines of nearly $9,500,000 while 11 parties were denied export privileges.

—Teledyne Fined $12.9 Million and a Teledyne Division Denied Export Privileges for Export Control Violations: On January 26 and January 27, Teledyne Industries, Inc. of Los Angeles, agreed to a settlement of criminal and administrative charges arising from illegal export activity in the mid-1980's by its Teledyne Wah Chang division, located in Albany, Oregon. The settlement levied criminal fines and civil penalties on the firm totaling $12.9 million and imposed a denial of export privileges on Teledyne Wah Chang.

The settlement is the result of a 4-year investigation by the Office of Export Enforcement and the U.S. Customs Service. United States Attorneys offices in Miami and Washington, D.C., coordinated the investigation. The investigation determined that during the mid-1980's, Teledyne illegally exported nearly 270 tons of zirconium that was used to manufacture cluster bombs for Iraq.

As part of the settlement, the Department restricted the export privileges of Teledyne's Wah Chang division; the division will have all export privileges denied for 3-months, with the remaining portion of the 3-year denial period suspended.

—Storm Kheem Pleads Guilty to Nonproliferation and Sanctions Violations: On January 27, Storm Kheem pled guilty in Brooklyn, New York, to charges that he violated export control regulations barring U.S. persons from contributing to Iraq's missile program. Kheem arranged for the shipment of foreign-source ammonium perchlorate, a highly explosive chemical used in manufacturing rocket fuel, from the People's Republic of China to Iraq via Amman, Jordan, without obtaining the required validated license from the Department of Commerce for arranging the shipment. Kheem's case represents the first conviction of a person for violating section 778.9 of the Export Administration Regulations, which restricts proliferation-related activities of "U.S. persons." Kheem also pled guilty to charges of violating the Iraqi Sanctions Regulations.

5. The expenses incurred by the Federal Government in the 6-month period from August 19, 1994, to February 19, 1995, that are directly attributable to the exercise of authorities conferred by the declaration of a national emergency with respect to export controls where largely centered in the Department of Commerce, Bureau of Export Administration. Expenditures by the Department of Commerce are anticipated to be $19,681,000 most of which represents program operating costs, wage and salary costs for Federal personal and overhead expenses.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 21, 1995.*
To the Congress of the United States:

REPORT OF THE NATIONAL SCIENCE FOUNDATION FOR FISCAL YEAR 1993—MESSAGE FROM THE PRESIDENT—PM 36

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources.

In accordance with section 3(f) of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1862(f)), I am pleased to transmit to you the Annual Report of the National Science Foundation for Fiscal Year 1993.

The Foundation supports research and education in every State of the Union. Its programs provide an international science and technology link to sustain cooperation and advance this Nation's leadership role.

This report shows how the Foundation puts science and technology to work for a sustainable future—for our economic, environmental, and national security.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 21, 1995.*

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 2:15 p.m., a message from the House of Representatives, delivered by Mr. Schaefer, one of its assistant legislative clerks, announced that the Speaker has signed the following enrolled bill:

S. 1. An act to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on March 21, 1995, she had presented to the President of the United States, the following enrolled bill:

S. 1. An act to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes.

REPORTS OF COMMITTEES SUBMITTED DURING RECESS

Pursuant to the order of the Senate of March 20, 1995, the following report was submitted on March 20, 1995, during the recess of the Senate:

By Mr. PACKWOOD, from the Committee on Finance, with an amendment in the nature of a substitute:

H.R. 831. A bill to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes (Rept. No. 104–16).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN:

S. 580. A bill to amend the Immigration and Nationality Act to control illegal immigration to the United States, reduce incentives for illegal immigration, reform asylum procedures, strengthen criminal penalties for the smuggling of aliens, and reform other procedures; to the Committee on the Judiciary.

By Mr. FAIRCLOTH:

S. 581. A bill to amend the National Labor Relations Act and the Railway Labor Act to repeal those provisions of Federal law that require employees to pay union dues or fees as a condition of employment, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HATFIELD (for himself and Mr. Brown):

S. 582. A bill to amend title 28, United States Code, to provide that certain voluntary disclosures of violations of Federal laws made pursuant to an environmental audit shall not be subject to discovery or admitted into evidence during a Federal judicial or administrative proceeding, and for other purposes; to the Committee on the Judiciary.

By Mr. STEVENS:

S. 583. A bill to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for two vessels; to the Committee on Commerce, Science, and Transportation.

By Mr. ROBB (for himself, Mr. Craig, Mr. Akaka, Mr. Harkin, Mr. Rockefeller, Mr. Lugar, Mr. DeWine, Mr. Stevens, Mr. Cochran, Mr. Wellstone, Mr. Ford, and Mr. Kerry):

S. 584. A bill to authorize the award of the Purple Heart to persons who were prisoners of war on or before April 25, 1962; to the Committee on Armed Services.

By Mr. SHELBY:

S. 585. A bill to protect the rights of small entities subject to investigative or enforcement action by agencies, and for other purposes; to the Committee on Governmental Affairs.

By Mr. LAUTENBERG:

S. 586. A bill to eliminate the Department of Agriculture and certain agricultural programs, to transfer other agricultural programs to an agribusiness block grant program and other Federal agencies, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATCH (for himself, Mr. Heflin, Mr. Dole, Mr. Thurmond, Mr. Grassley, Mr. Simpson, Mr. Kyl, Mr. Exon, Mr. Craig, Mr. Ford, Mr. Lott, Mr. Ashcroft, Mr. Baucus, Mr. Bond, Mr. Campbell, Mr. Coats, Mr. Cochran, Mr. Cohen, Mr. Coverdell, Mr. D'Amato, Mr. Faircloth, Mrs. Feinstein, Mr. Gramm, Mr. Grams, Mr. Gregg, Mr. Helms, Mr. Hollings, Mrs. Hutchison, Mr. Inhofe, Mrs. Kassebaum, Mr. Kempthorne, Mr. Lugar, Mr. Mack, Mr. McCain, Mr. Murkowski, Mr. Pressler, Mr. Rockefeller, Mr. Roth, Mr. Santorum, Mr. Shelby, Mr. Smith, Ms. Snowe, Mr. Stevens, Mr. Thomas, Mr. Thompson, Mr. Warner, and Mr. Breaux):

S.J. Res. 31. A joint resolution proposing an amendment to the Constitution of the United States to grant Congress and the States the power to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN:

S. 580. A bill to amend the Immigration and Nationality Act to control illegal immigration to the United States, reduce incentives for illegal immigration, reform asylum procedures, strengthen criminal penalties for the smuggling of aliens, and reform other procedures; to the Committee on the Judiciary.

THE ILLEGAL IMMIGRATION CONTROL AND ENFORCEMENT ACT OF 1995

Mrs. FEINSTEIN. Mr. President, I rise today to introduce, and now send to the desk, the Illegal Immigration Control and Enforcement Act of 1995. This bill incorporates many of the concepts in the immigration package that I introduced in the last session of Congress. New proposals have been added, however, after consultation with many, including California's law enforcement officials and others interested in curbing illegal immigration.

Mr. President, I offer this legislation not to compete with Senator Simpson's S. 269, which he introduced on January 24, but rather to complement it. Little in this bill is duplicative of Senator Simpson's legislation. I am convinced that, combined, these two bills could offer a strong, straightforward program to stop illegal immigration.

There simply is no time to lose. The crisis of illegal immigration continues in California and throughout the Nation.

Too many people are still able to illegally cross our borders, and too few States, most notably California, carry the burden of having to support, educate, and often incarcerate the hundreds of thousands who enter this country illegally each year.

There is no doubt in my mind that our border enforcement has improved in the last 2 years and I want to thank this administration for an unprecedented commitment to that end. I am equally convinced, however, that steps already taken have been insufficient to fully address the problem.

Despite its major flaws and probable unconstitutionality, proposition 187 in California was overwhelmingly approved by voters last November. The message was clear: Stop illegal immigration. If Congress does not heed this warning, I fear an even more serious backlash nationwide against all immigrants, including those who want to come to our country legally.

IMPACT ON CALIFORNIA

One reason proposition 187 passed by such a large margin is that Californians know the impact of immigration on our State. According to 1993 INS statistics, 45 percent of the Nation's illegal immigrants are now in California. That means between 1.6 and 2.3 million illegal immigrants now reside in our State; 15 percent of California's State prison population—or almost 20,000 inmates—is comprised of incarcerated illegal immigrants; 45 percent of all persons with pending asylum cases reside in California; 35 percent of the refugees to this country claimed residency in California in 1993; and almost 30 percent of the legal immigrants in this have country chosen to live in California.

According to the Governor of our State, illegal immigration in fiscal year 1995–96 will cost California an estimated $3.6 billion, including an $2.66 billion for the federally mandated costs of education, health care, and incarceration. By anyone's estimation, that is a staggering sum, and a tremendous burden on just one State.

THE NEED FOR IMMIGRATION REFORM

I believe our Federal response to the problem of illegal immigration must address four key goals: First, control illegal immigration at the border; second, reduce the economic incentives to come to the United States illegally; third, deal swiftly and severely with document forgers and alien smugglers; and fourth, remove criminal aliens from our Nation's prisons and jails, while assuring that their sentences are served in their countries of origin.

BORDER CONTROL

This legislation requires that at least 700, and up to 1,000, new Border Patrol agents be hired in each of the next 3 fiscal years. It differs from the crime bill in one critical respect. The crime bill authorized the hiring of up to 1,000 new agents in each of Fiscal Years 1996, 1997 and 1998. This bill further requires that a minimum of 700 agents per year be hired. It thus adds a floor to the crime bill which will assure that no fewer than 2,100 new agents, and up to 900 support personnel, will be on board by the end of Fiscal Year 1998 for a total of 7,082 Border Patrol agents.

It mandates the hiring of sufficient INS border inspectors to fully staff all legal crossing lanes at peak periods. The bill also provides for improved border infrastructure and Border Patrol training.

REDUCING INCENTIVES

Second, this legislation substantially expands existing employer sanctions and wage and hour law enforcement programs to reduce the biggest incentives for undocumented persons to come to this country, namely jobs.

Central to this effort is the creation of a counterfeit-proof work and benefits authorization verification system. Any employer—and any provider of federally funded benefits—ought to be 100 percent certain that a candidate is here legally. A counterfeit-proof verification system is the only way this can be achieved.

In addition, this bill dramatically increases the civil fines for anyone who knowingly hires, recruits, or refers illegal aliens for hiring. This is important because today the civil penalties for illegally hiring an illegal immigrant are very low. Fines range between just $250 and $2,000—per alien hired—for a first offense.

This bill would increase that range from $1,000 to $3,000 for the first offense.

Second offenses would carry per alien fines of between $3,000 and $7,000, and third or later offenses would cost $7,000 to $20,000 per alien—that is more than double the current $3,000 to $10,000 liability.

It dramatically increases the criminal penalties for a pattern or practice of hiring illegal immigrants. This bill doubles the maximum criminal fine, and triples the maximum jail sentence, for anyone who facilitates a fraudulent application for benefits by an unlawful alien by counterfeiting the seal or stamp of any Federal agency. If this bill is enacted, the new maximums will be $500,000, or 15 years in jail, or both.

It provides for additional INS and Department of Labor inspectors to enforce existing laws and provides for the hiring of additional assistant U.S. attorneys to more aggressively prosecute these crimes.

SMUGGLING AND DOCUMENT FRAUD

Shutting down false document mills, counterfeiters, smugglers, and smuggling organizations is the third priority at the core of this legislation.

Smugglers and forgers will find this to be a very tough bill indeed. This legislation broadens current Federal asset seizure authority to include those who smuggle or harbor illegal aliens, and those who produce false work and benefits documents.

It imposes tough minimum and maximum sentences on smugglers, and it imposes those penalties for each alien smuggled. At the moment, penalties are assessed per transaction, no matter how many illegal immigrants a smuggler takes across our borders.

This bill increases the penalty for smugglers in the event that an alien is injured, killed, or subject to blackmail threats by the smuggler.

It makes it easier to deport so-called weekend warriors—legal permanent residents, green card holders, who are in the United States, smuggle illegal immigrants for profit, and then try to use their immigration status to avoid being deported from the United States.

It dramatically increases penalties for document forgers or counterfeiters. First offenders will be sentenced to 2½ to 5 years, 5 to 10 years with any prior felony conviction, and 10 to 15 years with two or more prior felonies. Currently, document forgers can receive as little as 0 to 6 months for a first offense.

CRIMINAL ALIENS

This legislation is intended to once again signal that the President must have the authority, by treaty, to deport aliens convicted of crimes in this country for secure incarceration in such aliens' home countries.

Although we have prisoner transfer treaty agreements with many nations now, they are subject to the consent of the prisoner to be transferred. If the prisoner does not consent, he is not transferred.

This legislation eliminates that obstacle. It also would speed up the deportation process and make more criminal aliens deportable by broadening the definition of an aggravated felony for which aliens may already be deported to include document fraud crimes not now independent grounds for deportation; it classifies as aggravated felonies certain offenses punishable by 3 years, rather than for which an alien has actually been sentenced to 5 years or more. As a result, it would definitely increase the number of criminals who would qualify for deportation as having committed aggravated felony.

In addition, courts would have the authority to require that, in order to receive a sentence of probation rather than a prison term, an illegal alien convicted of a crime would be required to consent to being deported as a condition of probation. This would give prosecutors the option of ejecting from the country relatively low-level offenders after trial without going through an additional, and often lengthy, deportation hearing.

SPONSORS OF LEGAL IMMIGRANTS

Before concluding, let me note just one other feature of the bill which pertains to immigrants who have lawfully come to the United States on the basis of a citizen's—usually an immediate relative's—sponsorship. The legislation would require anyone who sponsors a legal immigrant for admission to the United States to make good on their promise of financial support should the legal alien require assistance before becoming a citizen.

In addition, past proposals to strengthen sponsorship agreements typically exempted sponsors from liability for medical costs.

This legislation would make sponsors responsible for the costs of medical care, requiring them to obtain health insurance for the immigrant they have sponsored. The insurance would be of a type and amount to be specified by the Secretary of Health and Human Services, and would be required to be purchased within 20 days of an immigrant's arrival in this country. A safety valve is built into the bill, however, for sponsors who die, or who become impoverished or bankrupt.

BORDER CROSSING FEE

This bill also provides a funding mechanism for this package with a border crossing fee of $1 per person, which could yield up to $400 million per year. The border control, the infrastructure, the training, the additional narcotics abatement efforts provided in this bill all could be underwritten by such a fee.

CONCLUSION

In conclusion, Mr. President, immigration is too much at the core of what America means to each of us individually, and to our society collectively, to politicize and polarize the coming debate. If we are to map common ground together, it is the spirit of compromise that must prevail. We owe America—America the Nation and America the idea—no less.

I look forward to continuing to work closely with the chairman of my subcommittee, Senator SIMPSON, with Senators KENNEDY and SIMON, and with all of my Republican colleagues on the subcommittee to present the full Judiciary Committee and the Senate with the best possible comprehensive illegal immigration legislation as quickly as possible.

By Mr. HATFIELD (for himself and Mr. BROWN):

S. 582. A bill to amend title 28, United States Code, to provide that certain voluntary disclosures of violations of Federal laws made pursuant to an environmental audit shall not be subject to discovery or admitted into evidence during a Federal judicial or administrative proceeding, and for other purposes; to the Committee on the Judiciary.

ENVIRONMENTAL AUDIT PRIVILEGE LEGISLATION

• Mr. HATFIELD. Mr. President, with the recent changes in Congress, we are presented with an important opportunity to take a fresh look at many aspects of our Federal legal and regulatory system. A return to federalism is underway including a movement to allow greater flexibility in administering Federal programs. I support a full review of the Federal regulatory straitjacket we have helped create and believe that greater flexibility should be extended to both the public and private sectors of this Nation.

As my colleagues know, it is difficult to have a conversation these days with a business leader or a local government official without the topic turning to the increasingly onerous burden of Federal regulations—particularly environmental regulations. It is now clear the many of our laws and regulations designed to ensure a safer environment are now having the unfortunate effect of discouraging sound environmental practices.

The legislation I will introduce today makes the point that the Federal Government should encourage responsible actions by businesses with incentives and flexibility, rather than through threats and penalties. Given the limited resources available for environmental enforcement and monitoring, it is vital that companies self-police and be willing partners in the implementation of the Nation's environmental programs. There is no other way to protect our people, our communities, and our environment.

In an effort to advance this idea, I am introducing the Environmental Audit Privilege Act. I am pleased to be joined in this effort by my friend from Colorado, Senator HANK BROWN.

This legislation will create new incentives for companies to police their own environmental actions by establishing a limited legal privilege for businesses that voluntarily audit their compliance with environmental laws and promptly proceed to correct any violations discovered.

In 1993, Oregon became the first State to codify a privilege for environmental audits. Under the Oregon law, an internal environmental audit, undertaken voluntarily, cannot be used against the company in a trial or administrative action, unless efforts to comply were not promptly initiated and pursued with reasonable diligence or the privilege was invoked for fraudulent purposes. The Oregon law garnered support not only from the business community, but also from the Oregon Department of Environmental Quality and the State attorney general. These supporters have told me of the positive effects this law has had in Oregon.

Six other States have created a similar privilege, including Colorado, Indiana, Kentucky, Arkansas, Illinois, and Wyoming. Nearly two dozen other States are considering bills to create an environmental audit privilege. Supporters of these State provisions argue that their efforts are undermined by the absence of a Federal counterpart. To avoid the State privilege, a litigant must simply file suit in Federal court, where it is possible the State privilege will not be recognized.

The legislation I put forward today is an extension of legislation I introduced in the 103d Congress which was based solely on the Oregon law. A new section has been added to this bill as a result of the very constructive efforts of Senator BROWN. This new section is based on a worthy idea pioneered by the State of Colorado.

The audit privilege portion of my bill strikes an equitable balance between protecting a company's right to self-police and ensuring that businesses comply with environmental regulations. There are clear limits on the privilege, however. The privilege would cease to exist if used for fraudulent activities or if waived by a company. Furthermore, the privilege is moot if the company does not promptly act to achieve compliance when a violation is discovered in an audit. This factor ensures a strong incentive for companies to immediately correct any potential or real problem in their activities.

Even if the company proceeds immediately to correct a violation, the privilege is not absolute. The privilege only extends to information in the audit report, not to the violation itself. It would not bar enforcement action for environmental violations; no environmental law is decriminalized nor are enforcement agencies barred from pursuing action. This protection does not prevent an agency or an injured party from pursuing legal action against a violator on the basis of independent evidence of the violation.

Oregon's law has expanded employee involvement, which has made audits more complete and accurate, and it has helped employees connect their daily jobs with environmental compliance. It has also created new incentives for companies to independently pursue compliance while encouraging businesses to adopt more systematic approaches to examining and correcting their environmental activities.

Last, but by no means least, lawyers are no longer needed in Oregon to shield audit documents under the attorney-client privilege. Companies can now feel secure in keeping records, and they have had much greater success in dealing with chronic problems. Removing lawyers from audits substantially reduces the cost of auditing and improves the frankness of information flowing within companies.

The legislation I am introducing today also includes a very important section which I will refer to as voluntary disclosure. This section provides protection for companies that wish to step forward and voluntarily disclose inadvertent violations of environmental laws that come to light through the conduct of a voluntary environmental audit. Again, these provisions are based on a law first passed in the State of Colorado. It has been a pleasure to have worked with Senator BROWN and his fine staff over the past several months to reach agreement on this important section of the bill.

Under this section, if an audit reveals a previously unknown environmental violation, the company will be immune from administrative, civil, or criminal penalties if it: First, promptly and voluntarily discloses the violation to the regulatory agency; second, takes prompt steps to correct the problem; and, third, fully cooperates with the regulatory agency. As with the privilege, this protection does not prevent an agency or an injured party from pursuing legal action against a violator on the basis of independent evidence of the violation.

While Oregon did not include such provisions in its law, I believe providing protections for voluntary disclosures is a meritorious idea, and one certainly worthy of the full consideration of the Senate. As one of my colleagues recently noted, sunlight is an excellent disinfectant. Thus, while the privilege portions of this bill allow an environmental audit to remain secret, the voluntary disclosure provisions would give the public access to this important information and would require any violations be addressed promptly.

Last week, President Clinton announced his plans to encourage environmental audits as part of a package of regulatory reform measures. I want to commend the President and those at EPA who have recognized the benefits of encouraging companies to engage in this type of self-analysis. I believe both business profitability and the environment will benefit from these efforts, and I look forward to working with the administration on the legislative side of this effort.

I am aware the administration has serious misgivings about codifying and audit privilege and has raised questions about the voluntary disclosure protection in this bill. I admit this is an issue that excludes great common sense appeal upon first glance, but which certainly grows more complex with each level of further analysis. While I am not a lawyer, my further analysis leads me to the conclusion that this idea is sound and that the Nation would benefit from the debate this legislative proposal will inevitably generate.

Self-enforcement by responsible companies is vital to the success of our environmental objectives. It is a fact that most companies want to police themselves. Not only is it morally correct, it is also consistent with a total quality management approach to business management, for companies to take a proactive approach to environmental safety. It makes business sense and is less costly for a company to find and rectify a violation than it is to face regulatory, civil, or criminal action. Incentives for self-enforcement will help free up the very limited resources of Federal and State environmental and enforcement agencies, allowing them to pursue the most severe, egregious, and dangerous violations of our environmental laws.

Federal policy must promote the delicate balance between protecting our environment and allowing business to flourish. The Environmental Audit Privilege Act will provide companies with greater flexibility and with incentives for compliance with environmental protection regulations. Such protections will signal an important step toward ensuring the success of our businesses and of our environmental programs.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Voluntary Environmental Audit Protection Act".

SEC. 2. VOLUNTARY SELF-EVALUATION PROTECTION.

(a) IN GENERAL.—Part VI of title 28, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 179—VOLUNTARY SELF-EVALUATION PROTECTION

"Sec.

"3801. Admissibility of environmental audit reports.

"3802. Testimony.

"3803. Disclosure to a Federal agency.

"3804. Definitions.

"§ 3801. Admissibility of environmental audit reports

"(a) GENERAL RULE.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), an environmental audit report prepared in good faith by a person or government entity related to, and essentially constituting a part of, an environmental audit shall not be subject to discovery and shall not be admitted into evidence in any civil or criminal action or administrative proceeding before a Federal court or agency or under Federal law.

"(2) EXCLUSIONS.—Paragraph (1) shall not apply to—

"(A) any document, communication, data, report, or other information required to be collected, developed, maintained, or reported to a regulatory agency pursuant to a covered Federal law;

"(B) information obtained by observation, sampling, or monitoring by any regulatory agency; or

"(C) information obtained from a source independent of the environmental audit.

"(3) INAPPLICABILITY.—Paragraph (1) shall not apply to an environmental audit report, if—

"(A) the owner or operator of the facility that initiated the environmental audit expressly waives the right of the person or government entity to exclude from the evidence or proceeding material subject to this section;

"(B) after an in camera hearing, the appropriate Federal court determines that—

"(i) the environmental audit report provides evidence of noncompliance with a covered Federal law; and

"(ii) appropriate efforts to achieve compliance were not promptly initiated and pursued with reasonable diligence; or

"(C) the person or government entity is asserting the applicability of the exclusion under this subsection for a fraudulent purpose.

"(b) DETERMINATION OF APPLICABILITY.—The appropriate Federal court shall conduct an in camera review of the report or portion of the report to determine the applicability of subsection (a) to an environmental audit report or portion of a report.

"(c) BURDENS OF PROOF.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a party invoking the protection of subsection (a)(1) shall have the burden of proving the applicability of such subsection including, if there is evidence of noncompliance with an applicable environmental law, the burden of proving a prima facie case that appropriate efforts to achieve compliance were promptly initiated and pursued with reasonable diligence.

"(2) WAIVER AND FRAUD.—A party seeking discovery under subparagraph (A) or (C) of subsection (b)(3) shall have the burden of proving the existence of a waiver, or that subsection (a)(1) has been invoked for a fraudulent purpose.

"(d) EFFECT ON OTHER RULES.—Nothing in this Act shall limit, waive, or abrogate the scope or nature of any statutory or common law rule regarding discovery or admissibility of evidence, including the attorney-client privilege and the work product doctrine.

"§ 3802. Testimony

"Notwithstanding any other provision of law, a person or government entity, including any officer or employee of the person or government entity, that performs an environmental audit may not be required to give testimony in a Federal court or an administrative proceeding of a Federal agency without the consent of the person or government entity concerning the environmental audit, including the environmental audit report with respect to which section 3801(a) applies.

"§ 3803. Disclosure to a Federal agency

"(a) IN GENERAL.—The disclosure of information relating to a covered Federal law to the appropriate official of a Federal agency or State agency responsible for administering a covered Federal law shall be considered to be a voluntary disclosure subject to the protections provided under section 3801, section 3802, and this section if—

"(1) the disclosure of the information arises out of an environmental audit;

"(2) the disclosure is made promptly after the person or government entity that initiates the audit receives knowledge of the information referred to in paragraph (1);

"(3) the person or government entity that initiates the audit initiates an action to address the issues identified in the disclosure—

"(A) within a reasonable period of time after receiving knowledge of the information; and

"(B) within a period of time that is adequate to achieve compliance with the requirements of the covered Federal law that is the subject of the action (including submitting an application for an applicable permit); and

"(4) the person or government entity that makes the disclosure provides any further relevant information requested, as a result of the disclosure, by the appropriate official of the Federal agency responsible for administering the covered Federal law.

"(b) INVOLUNTARY DISCLOSURES.—For the purposes of this chapter, a disclosure of information to an appropriate official of a Federal agency shall not be considered to be a voluntary disclosure described in subsection (a) if the person or government entity making the disclosure has been found by a Federal or State court to have committed repeated violations of Federal or State laws, or orders on consent, related to environmental quality, due to separate and distinct events giving rise to the violations, during the 3-year period prior to the date of the disclosure.

"(c) PRESUMPTION OF APPLICABILITY.—If a person or government entity makes a disclosure, other than a disclosure referred to in subsection (b), of a violation of a covered Federal law to an appropriate official of a Federal agency responsible for administering the covered Federal law—

"(1) there shall be a presumption that the disclosure is a voluntary disclosure described in subsection (a), if the person or government entity provides information supporting a claim that the information is such a voluntary disclosure at the time the person or government entity makes the disclosure; and

"(2) unless the presumption is rebutted, the person or government entity shall be immune from any administrative, civil, or criminal penalty for the violation.

"(d) REBUTTAL OF PRESUMPTION.—

"(1) IN GENERAL.—The head of a Federal agency described in subsection (c) shall have the burden of rebutting a presumption established under such subsection. If the head of the Federal agency fails to rebut the presumption—

"(A) the head of the Federal agency may not assess an administrative penalty against a person or government entity described in subsection (c) with respect to the violation of the person or government entity and may not issue a cease and desist order for the violation; and

"(B) a Federal court may not assess a civil or criminal fine against the person or government entity for the violation.

"(2) FINAL AGENCY ACTION.—A decision made by the head of the Federal agency under this subsection shall constitute a final agency action.

"(e) STATUTORY CONSTRUCTION.—Except as expressly provided in this section, nothing in this section is intended to affect the authority of a Federal agency responsible for administering a covered Federal law to carry out any requirement of the law associated with information disclosed in a voluntary disclosure described in subsection (a).

"§ 3804. Definitions

"As used in this chapter:

"(1) COVERED FEDERAL LAW.—The term 'covered Federal law'—

"(A) means—

"(i) the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.);

"(ii) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);

"(iii) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

"(iv) the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.);

"(v) title XIV of the Public Health Service Act (commonly known as the 'Safe Drinking Water Act') (42 U.S.C. 300f et seq.);

"(vi) the Noise Control Act of 1972 (42 U.S.C. 4901 et seq.);

"(vii) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

"(viii) the Clean Air Act (42 U.S.C. 7401 et seq.);

"(ix) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

"(x) the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001 et seq.); and

"(xi) the Pollution Prevention Act of 1990 (42 U.S.C. 13101 et seq.);

"(B) includes any regulation issued under a law listed in subparagraph (A); and

"(C) includes the terms and conditions of any permit issued under a law listed in subparagraph (A).

"(2) ENVIRONMENTAL AUDIT.—The term 'environmental audit' means a voluntary and internal assessment, evaluation, investigation or review of a facility that is—

"(A) initiated by a person or government entity;

"(B) carried out by the employees of the person or government entity, or a consultant employed by the person or government entity, for the express purpose of carrying out the assessment, evaluation, investigation, or review; and

"(C) carried out to determine whether the person or government entity is in compliance with a covered Federal law.

"(3) ENVIRONMENTAL AUDIT REPORT.—The term 'environmental audit report' means any reports, findings, opinions, field notes, records of observations, suggestions, conclusions, drafts, memoranda, drawings, computer generated or electronically recorded information, maps, charts, graphs, surveys, or other communications associated with an environmental audit.

"(4) FEDERAL AGENCY.—The term 'Federal agency' has the meaning provided the term 'agency' under section 551 of title 5.

"(5) GOVERNMENT ENTITY.—The term 'government entity' means a unit of State or local government.".

(b) TECHNICAL AMENDMENT.—The analysis for part VI of title 28, United States Code, is amended by adding at the end the following:

"179. Voluntary Self-Evaluation Protection .... 3801".

SEC. 3. APPLICABILITY.

This Act and the amendment made by this Act shall apply to each Federal civil or criminal action or administrative proceeding that is commenced after the date of enactment of this Act.

SUMMARY OF HATFIELD/BROWN VOLUNTARY ENVIRONMENTAL AUDIT PROTECTION ACT

The "Voluntary Environmental Audit Protection Act" amends Title 28 of the U.S. Code by adding Chapter 179 entitled "Voluntary Self-Evaluation Protection." The purpose is to protect environmental audits and provide qualified penalty immunity for voluntary disclosures made as a result of conducting environmental audits. The Act consists of the following four sections:

A. § 3801. ADMISSIBILITY OF ENVIRONMENTAL AUDIT REPORTS

Generally, environmental audit reports prepared in good faith are not subject to discovery and are not admissible in any federal administrative or judicial proceeding.

Exclusions: The protection against admissibility does not apply to documents or information: Required to be collected, maintained or reported under environmental laws; available due to the agency's own observation, sampling or monitoring; or available from an independent source.

Waiver: Waiver can only occur by an express waiver by the owner or operator of the facility that initiated audit.

Inapplicability: The protection is not applicable if: An environmental audit report shows non-compliance with an environmental law and the entity does not promptly initiate actions to achieve compliance and pursue those actions with reasonable diligence, or the protection is claimed for a fraudulent purpose.

Determination of Applicability: A federal court determines the applicability of the protection in an in camera review of an audit report or portion of an audit report.

Burden of Proof: The person or government entity invoking the protection has the burden of demonstrating its applicability and if there are instances of non-compliance, that appropriate efforts to achieve compliance have been initiated. The party seeking discovery of the audit report has the burden of proving that the protections were waived or that the privilege was invoked for a fraudulent purpose.

Other Statutes/Requirements: The Act does not affect any existing statutory or common law rules of evidence, discovery or privilege (such as attorney-client privilege and work-product doctrine).

B. § 3802. TESTIMONY

Any person that performs an environmental audit is not required to give testimony relating to the audit in an administrative or judicial proceeding. This applies to officers and employees of the person or government entity as well as the person or government entity itself.

C. § 3803. DISCLOSURE TO A FEDERAL AGENCY

The Act defines a disclosure as "voluntary" if: it arises out of an "environmental audit" (as defined); it is made promptly after learning of the information; actions are undertaken to achieve compliance; and the person or entity making the disclosure provides additional relevant information as requested by the appropriate agency.

Involuntary Disclosures: Otherwise voluntary disclosures will not be voluntary if the person or government entity has committed repeated violations of federal or state environmental laws or orders during the three years prior to the disclosure.

Presumption of Voluntariness: Disclosures are presumed to be voluntary, and unless rebutted, the person or government entity is immune from administrative, civil or criminal penalties for the violation(s) disclosed.

Rebuttal of Presumption: The federal agency has the burden of rebutting the presumption of voluntariness of the disclosure.

D. § 3804. DEFINITIONS

"Covered Federal Law" includes FIFRA, TSCA, the Clean Water Act, the Oil Pollution Act of 1990, the Safe Drinking Water Act, the Noise Control Act, RCRA, the Clean Air Act, CERCLA, EPCRA and the Pollution Prevention Act of 1990, and any regulations or permits issued thereunder.

"Environmental Audit" is a voluntary and internal review, assessment, evaluation or investigation that is initiated by the person or government entity, carried out by the person or government entity or its employees to determine compliance with any covered Federal law.

"Environmental Audit Report" generally includes any reports, findings, opinions, observations, and conclusions relating to an environmental audit.

"Government Entity" means any unit of state or local government.

OVERVIEW OF STATE ENVIRONMENTAL AUDIT PRIVILEGE LAWS

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Issues	AR[1]	CO[2]	IL[3]	IN[4]	KY[5]	OR[6]	WY[7]
Environmental Audit Report: Requires documents comprising environmental audit report to be prepared as a result of an environmental audit and labeled "Environmental Audit Report: Privileged Document.".	Yes	No	Yes	Yes	Yes	Yes	Yes
Voluntary Disclosure:							
Immunity or reduction in penalties for voluntary disclosure	No	Yes	No	No	No	No	Yes
Immunity from criminal charges for voluntary disclosure	No	Yes	No	No	No	No	No
Waiver of Privilege:							
Expressly	Yes	Yes	Yes	Yes	Yes	Yes	Yes
By implication	Yes	Not stated	Not stated	Yes	Yes	Yes	Yes
By failing to file a petition for in camera review or hearing (# of days to file petition after filing or request for the environmental audit report).	Yes (30 days)	Not stated	Yes (30 days)	Yes (30 days)	Yes (20 days)	Yes (30 days)	Yes (20 days)
By introduction of any part of the environmental audit report by party asserting the privilege	No	Not stated	Not stated	Not stated	Yes	Not stated	No
Privilege is lost if:							
Asserted for fraudulent purposes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Material is not subject to the privilege	Yes	Not stated	Yes	Yes	Yes	Yes	Yes
Material shows evidence of non-compliance and efforts to achieve compliance were not promptly initiated and pursued with reasonable diligence.	Yes	Yes	Yes	Yes	Yes	Yes	Yes
In a criminal proceeding, the legal official has a (need, substantial need, compelling need, or compelling circumstances) requiring the otherwise unavailable information.	Not stated	Yes	Not stated	Yes	Yes	Yes	Yes
Burden of Proof:							
Party asserting the privilege has burden of proving privilege and reasonable diligence toward compliance.	Yes	Yes[8]	No[9]	Yes	Yes	Yes	Yes
Party seeking disclosure has burden of proving fraudulent purpose	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Legal official or party seeking disclosure has burden of proving conditions for disclosure	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Provision for disclosure of only the portions of the environmental audit report relevant to the issues in the dispute.	Yes	Not stated	Yes	Yes	Yes	Yes	Yes

[1] Enacted February 17, 1995. Effective 90 days after the legislative session ends. Act No. 350 of the 1995 Session.

[2] Effective June 1, 1994. Colorado Revised Statutes Section 13–25–126.5.

[3] Effective January 24, 1995. Illinois Public Act 88–0690.

[4] Effective July 1, 1994. Indiana Code 13–10.

[5] Effective July 15, 1994. Title XVIII, Kentucky Statute § 224.01–040.

[6] Effective 1994. Or. Rev. Stat. § 468.963.

[7] Enacted February 18, 1995. Effective July 1, 1995.

[8] Party asserting privilege has burden of proving a prima facie case.

[9] Party asserting privilege has burden of proving privilege, but adverse party has burden of showing lack of reasonable diligence toward compliance.

SUMMARY OF 1995 STATE AND FEDERAL LEGISLATIVE INITIATIVES FOR THE ENVIRONMENTAL AUDIT PRIVILEGE

[1995 Coalition for Improved Environmental Audits—Revised Mar. 10, 1995]

State and legislative status	Reference No.	"Environmental Audit Report" label required on privileged document?	Immunity for voluntary disclosure?	Immunity includes criminal charges?
Arizona: Approved by Senate. Sent to House	S.B. 1290	NO	YES	YES
Arkansas: Signed into law on 2/17/95	Act No. 350 of 1995 Session	YES	NO	NO

SUMMARY OF 1995 STATE AND FEDERAL LEGISLATIVE INITIATIVES FOR THE ENVIRONMENTAL AUDIT PRIVILEGE—Continued

[1995 Coalition for Improved Environmental Audits—Revised Mar. 10, 1995]

State and legislative status	Reference No.	"Environmental Audit Report" label required on privileged document?	Immunity for voluntary disclosure?	Immunity includes criminal charges?
Georgia: Introduced in Senate	S.B. 244	NO	NO	NO
Hawaii:				
Introduced in House	H.B. 390	YES	NO	NO
Introduced in Senate	S.B. 1304	NO	YES	YES
Idaho: Approved by Senate. Sent to House	S. 1142	YES	YES	YES
Kansas: Approved by Senate. Sent to House	S.B. 76	YES	YES	YES
Massachusetts: Introduced in House	H. 3426	NO	NO	NO
Mississippi: Bill passed both Houses. Returned to Senate for concurrence 3/7/95	S.B. 3079	NO	YES[1]	YES
Missouri: Bills introduced in House and Senate	H.B. 338	NO	YES	YES
	S.B. 350	NO	YES	YES
	S.B. 363	YES	YES[1]	NO
Montana: Introduced in House	H.B. 412	YES	YES	YES
Nebraska: Introduced to Legislature	L.B. 731	NO	YES	YES
New Hampshire: Introduced in House	H.B. 275	NO	YES	YES
New Jersey: Bills introduced in Assembly and Senate	A.B. 2521	NO	YES	YES
	S.B. 1797	NO	YES	YES
North Carolina: To be introduced in larger regulatory reform proposal		NO	NO	NO
Ohio: A bill similar to S.B. 361 of 1994 to be introduced		NO	YES	YES
Oklahoma: Introduced in House	H.B. 1388	YES	YES	YES
South Carolina: Introduced in Senate	S.B. 15	NO	YES	YES
Tennessee: Introduced in Senate	S.B. 1135	YES	YES	YES
Texas:				
Introduced in House	H.B. 2473	YES	YES	YES
Senate bill to be introduced	S.B. ______	YES	YES	YES
Utah: Bill passed both Houses 3/1/95. Sent to Governor	S.B. 84	NO	NO	NO
Virginia: Bill passed both Houses 2/16/95. Sent to Governor	H.B. 1845	NO	YES	NO
West Virginia: Bills introduced in Senate and House	H.B. 2494	NO	NO	NO
	S.B. 362	NO	NO	NO
Wyoming: Signed into law on 2/18/95	Act No. 26 of 1995 Session	YES	YES[1]	NO
Federal: Introduced in the House on 2/24/95 with 6 co-sponsors	H.R. 1047	NO	YES	YES

[1] Voluntary disclosures warrant either de minimis or reduced penalties.

Note: Other States with proposals not yet introduced: Alabama, California, Florida, Michigan, and Minnesota.

ASSOCIATED OREGON INDUSTRIES,
Salem, OR, March 17, 1995.

Re legislation for a Federal environmental audit privilege.

Hon. MARK O. HATFIELD,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATOR HATFIELD: I understand you are favorably inclined to introducing legislation this Congress for a federal environmental audit privilege. Your bill would be modeled along the lines of the law Associated Oregon Industries pushed through the Oregon legislature in 1993. On behalf of Associated Oregon Industries' 2,400 primary members and 14,000 associate members, I applaud you efforts to actively pursue a federal law protecting environmental audit reports.

Oregon's environmental audit privilege was signed into law by Gov. Barbara Roberts on July 22, 1994. Oregon's law is the first of its kind in the nation. Since enactment, other states have adopted similar laws.

As a whole, Oregon industry works hard to comply with today's complex and voluminous environmental laws. Perfect compliance at all times, however, is a virtually unattainable objective for large facilities. Compliance is made all the more difficult when reports, generated during a company's voluntary environmental audit, are not confidential. Prior to Oregon's law, environmental agencies could obtain such audit reports and use them against a company in an enforcement action. By making environmental audit reports privileged, Oregon's law protects companies from "hanging themselves" as long as actions are taken to correct any violations found.

Though Oregon's regulated companies are reacting positively to the new state protections, Oregon's new law does not complete the protection circle. The Environmental Protection Agency is not bound by Oregon's environmental audit privilege and occasionally inspects Oregon companies. This is why a federal environmental audit privilege is needed.

Thank you for your efforts. I look forward to working with you.

Sincerely,

JAMES M. WHITTY,
Legislative Counsel.

PORT OF PORTLAND,
Portland, OR, March 20, 1995.

Hon. MARK O. HATFIELD,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR HATFIELD: On behalf of the Port of Portland, I want to express the Port's strong support for the environmental auditing privilege and voluntary disclosure bill that you are sponsoring.

The Port conducts periodic environmental audits at all of its facilities. The enactment of a federal environmental auditing privilege and voluntary disclosure provision will encourage many more businesses, especially medium- and small-sized businesses, to start environmental auditing. By limiting the fear that their voluntarily prepared environmental audit reports will be used against them in enforcement proceedings, your bill will spur this auditing activity.

In addition to the environmental audit report evidentiary privilege, I understand your legislation includes a voluntary disclosure component to protect persons who discover inadvertent environmental violations from criminal or civil penalties, if they report the violations to the proper authorities and remedy them promptly. We believe this voluntary disclosure provision is as important as the environmental auditing privilege. We are pleased to see that your bill includes both of these elements.

Your environmental audit privilege and voluntary disclosure legislation should result in more companies conducting environmental audits and in a substantial overall increase in compliance with environmental requirements. Thank you for your efforts. Please let me know if there are steps we can take to support passage of this measure.

Sincerely,

DAVID LOHMAN,
Director, Policy and Planning.

LITTON CORP.,
Arlington, VA, March 14, 1995.

Hon. MARK O. HATFIELD,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR HATFIELD: I am writing on behalf of Litton Industries, Inc. to express Litton's strong support for the environmental auditing privilege and voluntary disclosure bill that you are co-sponsoring with Sen. Brown, and that we understand you intend to introduce imminently.

Litton is a leader in worldwide technology markets for advanced electronic and defense systems, and a major designer and builder of large, multimission combat ships for the U.S. Navy and allied nations. Litton employs approximately 30,000 people at numerous facilities across the country, including approximately 200 people in our Grants Pass, Oregon facility.

Litton conducts periodic environmental audits at all of its U.S. facilities. The enactment of a federal environmental auditing privilege and voluntary disclosure provision will encourage many more businesses, especially medium- and small-sized businesses, to start environmental auditing programs, without fear that their voluntarily prepared environmental audit reports will be used against them in enforcement proceedings.

In addition to the environmental audit report evidentiary privilege, we understand that your legislation includes a voluntary disclosure component which protects persons who discover inadvertent environmental violations, report the violations to the proper authorities, and remedy them promptly from criminal or civil penalties. Litton views the voluntary disclosure provision to be as important as the environmental auditing privilege, and we are gratified that your bill will include both of these elements.

Litton believes that your environmental audit privilege and voluntary disclosure legislation will result in more companies conducting environmental audits, and in a substantial overall increase in compliance with environmental requirements. Litton commends and will support your environmental audit privilege and voluntary disclosure bill. We believe that it represents a superior approach to environmental compliance because it emphasizes improved environmental quality rather than increased environmental enforcement. Thank you for your efforts.

Sincerely,

MARK V. STANGA,
Environmental Affairs Counsel.

ONTARIO PRODUCE,
March 17, 1995.

Senator MARK O. HATFIELD,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATFIELD: I would like to give my support for your bill providing for a federal environmental audit privilege similar to the Oregon law. It would allow businesses to realistically correct problems without creating more problems for themselves.

Very truly yours,

ROBERT KOMOTO.

AT&T,
Washington, DC, March 15, 1995.

Hon. MARK HATFIELD,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATFIELD: We at AT&T were pleased to learn that you plan to introduce a bill establishing a privilege for environmental audits and a limited "safer harbor" for those who voluntarily correct and disclose environmental infractions.

AT&T has a strong record of environmental compliance, has performed environmental self-audits for many years, and is continuously improving its environmental compliance management systems. AT&T has played a strong role in protecting our environment through voluntary reductions in materials usage and recycling.

Environmentally responsible companies such as AT&T, which perform voluntary self-assessments, are presently placed in the uncomfortable position of creating documents in the course of their voluntary compliance efforts which government agencies and special interest groups will try to use against them in penalty actions and citizen's suits.

Similarly, enforcement agencies often assess large penalties as a consequence of a responsible company's voluntarily disclosure of an environmental infraction discovered through voluntary audits and self-assessment processes and voluntarily corrected. Absent these voluntary audit and self-assessment procedures, such violations would likely continue uncorrected, undisclosed, and unpenalized. Thus, current enforcement policy works as a disincentive to voluntary compliance, and thus works against the environment.

AT&T salutes your efforts to legislatively remedy this problem. AT&T would fully support a bill that would, under appropriate conditions, protect environmental audits from disclosure and create a safe harbor for companies that have voluntarily discovered, corrected, and disclosed environmental violations to the government.

We look forward to working with you, your staff, and other interested parties toward the enactment of such legislation. Such legislation would add a measure of fairness to the enforcement process and would remove disincentives to engage in voluntary audits, compliance management, and disclosure activities.

By eliminating some of the inequities and disincentives in the current enforcement scheme, we believe Congress will cause a higher level of voluntary compliance by American business with concomitant benefit to our environment.

Very truly yours,

NORM SMITH.

GEORGIA-PACIFIC CORP.,
Washington, DC, March 15, 1995.

Hon. MARK HATFIELD,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR HATFIELD: Georgia-Pacific Corporation is very supportive of the need for the Congress to enact an environmental audit protection bill. The State of Oregon has passed legislation to afford legal protection to the environmental audits we perform in our manufacturing facilities to help us in compliance with a host of environmental permits (air, water, solid waste, hazardous materials).

The corporation is moving aggressively to increase the audit program at every location to accomplish not only basic compliance, but more importantly to elevate the importance of environmental performance in the daily operation of our mills and plants. We are ranking environmental performance on an equal status of employee safety.

The potential misuse of this information in third party litigation is a major problem. We have experienced such misuse in Mississippi in connection with our water discharge permit at paper mill. If public policy demands proper compliance and monitoring, it should encourage—not discourage—more auditing by companies. We have been disappointed by EPA's own policy on environmental audits that discourages auditing.

A number of States have enacted or are considering legislation this year. However, this public policy should be uniform nationwide. Thus, G–P's strong support for audit protection legislation. G–P management in Oregon has advised us of your interest in leading such legislation. Because of your knowledge of our company in the State and your responsible record on environmental issues, we strongly urge you to take a leadership role on environmental audits.

I can assure you that should you introduce legislation to afford appropriate protection to environmental audits, G–P will not only be appreciative of this effort, but we will work very hard in support of your effort with other Senators.

Sincerely,

JOHN M. TURNER,
Vice President.

THE GEON CO.,
Cleveland, OH, March 15, 1995.

Hon. MARK HATFIELD,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR HATFIELD: The Geon Co. strongly supports the Voluntary Environmental Audit Protection Act, which we understand will be introduced tomorrow. This Act will benefit not only responsible members of the regulated community, but the public as well, by encouraging companies to implement strong and effective environmental auditing and oversight programs.

It has been our experience that most potential compliance problems are discovered and corrected through voluntary self-audits. The fear of discouraging past compliance problems, especially when they may give rise to huge potential civil penalties, is a very real disincentive to proactive compliance programs that rely on internal and external self-audits.

Although the U.S. EPA has claimed that voluntary self-disclosure issues can be addressed as a part of its enforcement policies and that legislation is unnecessary, we have, unfortunately, first-hand current experience that the EPA has been woefully remiss in adopting or even pursuing any enforcement policies that affect the purpose to which your bill is addressed, and those policies the EPA has recently proposed would fall far short of their state objectives.

We believe that current EPA enforcement policies often single out for punishment environmentally responsible proactive companies, which are thereby placed at a competitive disadvantage with their less proactive competitors.

Sincerely,

WILLIAM F. PATIENT,
Chairman of the Board,
President and Chief Executive Officer.

POLAROID CORP.
Cambridge, MA, March 15, 1995.

Re support for environmental audit privilege and voluntary disclosure legislation; The Voluntary Environmental Audit Protection Act.

Hon. MARK HATFIELD,
US Senate, Hart Senate Office Building, Washington, DC.

HON. SENATOR HATFIELD: Polaroid Corporation wishes to express its support for legislation that you and Senator Brown intend to introduce which will allow for a Federal Environmental Audit Privilege and for Voluntary Disclosure Protection. Polaroid is a worldwide manufacturer of various Imaging Products, and the majority of its manufacturing facilities are located in the Commonwealth of Massachusetts.

Polaroid believes that the fundamental policy justifications underlying the proposed "Voluntary Environmental Audit Protection Act" are consistent with this nation's laudable goals of encouraging higher levels of responsible environmental protection rather than simply continuing the promotion of "command and control" style environmental regulations. The substantial and measurable levels of environmental improvement that have been achieved in the United States over the past twenty-five years are, in large part, the result of the combined actions of the US Congress, the administrative agencies of the Executive, and American Industry. But new, more positive and cost effective incentives than those needed in the 1970's and 80's are required to enhance environmental protection and improve environmental performance in the 1990's. Polaroid supports this legislation and your actions involved in introducing and overseeing its passage.

Sincerely,

HARRY FATKIN,
Division Vice President,
Health, Safety & Environmental Affairs.

ENVIRONMENTAL AUDITING ROUNDTABLE,
North Ridgeville, OH, March 16, 1995.

Hon. MARK HATFIELD,
US Senate, Hart Senate Office Building, Washington, DC.

DEAR CHAIRMAN HATFIELD: Following are the views of the Environmental Audit Roundtable on the "Voluntary Environmental Audit Protection Act" that you and Senator Brown are introducing. The intent of the bill is to encourage environmental auditing for compliance and effective management systems to ensure compliance and continual improvement.

The EAR, representing over 800 members, is the largest body of professional Environmental Health and Safety Auditors in the world.

As a general rule, our organization should be silent on activity that are external to the auditing process unless those activities promotes improvement in audit quality. We believe the concept of improving disclosure through a privilige mechanism will improve the quality of the audit process in the followng ways:

1. Removing the fear of penalty when non compliance is inadvertent will promote disclosure between the auditors and the audited entity.

2. The concept will encourage implementation of Environmental Audits.

3. The concept will facilitate the flow of information from the regulated community to the agency with regard to understanding and implementing environmental regulation. For small and medium size enterprises that do not have large EH&S staffs it is essential that an open dialogue with state and federal agencies be promoted to assist in understanding and implementing regulations. In addition, this exchange of information will provide valuable feedback on ways in which to make the regulation more understandable and efficient. Under our current regime of command and control there is little or no information flow from the regulated community to the agencies because the consequences are unpredictable.

4. The International Standards Organization (ISO) will be issuing a series of standards in early 1996 that could revolutionize the approach for managing and improving environment performance. Linkage between our national regulatory scheme and this international effort will depend on the agencies ability to communicate with its regulated customers. The concept of disclosure will elevate the level of communication.

In conclusion EAR believes that the legislation will promote environmental dialogue at all levels and improve the quality of the audit process. We believe the current regulatory mechanism of police and fine should be replaced with a cooperative program of disclose and correct. Legislation that promotes information exchange between state and federal agencies and their regulated customers creates fertile fields for innovative solutions and continual improvement.

Regards,

RONALD F. BLACK.

PHILIPS ELECTRONICS CORP.,
Washington, DC, March 15, 1995.

Hon. MARK HATFIELD,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATFIELD: Philips Electronics is pleased to support your legislation known as the Voluntary Environmental Audit Protection Act. This legislation makes eminent sense in that it removes the threat of unreasonable penalty for an action of good faith to correct certain situations arising from noncompliance with environmental law. Philips Electronics and the vast majority of U.S. manufacturers strive to be good corporate citizens with respect to environmental and other laws. Your legislation will create an enforcement atmosphere that will encourage such good corporate citizenry. We thank you for your leadership.

Philips Electronics North America Corporation employs nearly 30,000 Americans engaged in the manufacture and sale of consumer and industrial electronics products and electronic components under the brand names of Philips, Magnavox and Norelco. Annual sales of more than $6 billion rank Philips among the top 100 U.S. manufacturers.

Sincerely,

RANDY MOORHEAD.

COLLIER, SHANNON, RILL & SCOTT,
Washington, DC, March 15, 1995.

Re Senator Hatfield's and Senator Brown's audit and disclosure protection legislation.

Hon. MARK HATFIELD,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR HATFIELD: On behalf of the Coalition for Improved Environmental Audits ("CIEA"), we write in support of your proposed legislation for environmental audit and voluntary disclosure protection. We applaud your efforts in conjunction with Senator Brown to introduce this legislation into the Senate. CIEA was formed to support legislative initiatives for the protection of environmental audits and voluntary disclosures; therefore, we wholly support your efforts to establish a qualified self-examination privilege that helps encourage companies to conduct comprehensive audits by reducing the risk that the audits will be used against them in enforcement proceedings. CIEA membership includes corporations and trade associations committed to establishing useful and effective environmental auditing programs. CIEA member companies own and operate facilities throughout the United States and welcome your proposed legislation to encourage and protect comprehensive environmental audits at their facilities.

CIEA supports your efforts to introduce legislation that establishes a federal environmental audit privilege and immunity for voluntary disclosures. The privilege will encourage corporations to establish useful and effective environmental auditing programs. The conditional immunity described in Section 3803 of the proposed legislation will encourage corporations to conduct candid assessments and timely remediation of any noncompliance with environmental laws. Recognition of a qualified environmental audit privilege and immunity provision will enhance compliance with environmental regulations without harming the ability of enforcement officials to prosecute significant wrongdoers.

U.S. industry can rely on a commitment made through legislation. Therefore, your federal legislation for the environmental audit privilege and voluntary disclosure protection allows U.S. industry to conduct environmental audits without the fear that the audit will end up being used against them. Now that federal legislation for the environmental audit privilege is moving forward (and seven States have enacted similar statutes) EPA should establish policy that reinforces this legislation.

The CIEA membership appreciates the opportunity to support your forthcoming legislation for the environmental audit privilege and voluntary disclosure immunity. We believe a reasoned discussion of the issues of environmental audit privileges will result in the passage of your bill, which will encourage and improve corporate environmental compliance.

Sincerely,

JOHN L. WITTENBORN,
STEPHANIE SIEGEL,
Counsel to the Coalition for Improved Environmental Audits.

THE BFGOODRICH CO.,
Akron, OH, March 15, 1995.

Hon. MARK HATFIELD,
U.S. Senate,
Washington, DC.

DEAR CHAIRMAN HATFIELD: The BFGoodrich Company wishes to express its support for legislation that you and Senator Brown are introducing—"The Voluntary Environmental Audit Protection Act."

The BFGoodrich Company provides aircraft systems, components and services and manufactures a wide range of specialty chemicals. BFGoodrich manufactures in seven countries and operates an international network of sales offices and aircraft service centers with our Corporate headquarters in Akron, Ohio.

Because of the Company's international presence, we are exposed to a wide variety of environment, health and safety requirements. In order to ensure compliance with these requirements, our Company conducts environment, health and safety audits worldwide.

Only in the United States do we have a system where responsibly managed organizations suffer severe punishment for maintaining a review process to ensure compliance. Our current system is subject to the whim of U.S. EPA interpretations in the different regions of our nation. This does not allow for certainty in interpretation or fairness in enforcement.

Your proposed legislation, along with the legislation already enacted in those states that have chosen a new approach for the regulated community, will establish a mechanism where those who are sincere in trying to improve the environment will benefit—while those who continue to disregard good practices will be subject to the full enforcement of the law.

Your legislation is forward-looking and compatible with international programs. It will encourage our government agencies to focus their efforts on those who truly require oversight while encouraging greater disclosure of information and communications from the regulated community. Moreover, it will provide regulatory agencies with information to improve programs and better measure performance.

BFGoodrich supports your proposed legislation and actions aimed at introducing and overseeing its passage.

Sincerely,

JON V. HEIDER,
Executive Vice President and General Counsel.

CORPORATE ENVIRONMENTAL
ENFORCEMENT COUNCIL,
Alexandria, VA, March 15, 1995.

Hon. MARK HATFIELD,
U.S. Senate,
Washington, DC.

DEAR CHAIRMAN HATFIELD: On behalf of the members of the Corporate Environmental Enforcement Council (CEEC), I want to express to you support for legislation that you and Senator Hank Brown are introducing, "The Voluntary Environmental Audit Protection Act."

CEEC is an organization of 18 member companies comprised of corporate counsel and management from a wide range of industrial sectors that focuses exclusively on civil and criminal environmental enforcement public policy issues. CEEC's membership includes: AT&T, The BFGoodrich Company, Caterpillar, Inc., Coors Brewing Company, DuPont, Eli Lilly and Company, Hoechst Celanese Corporation, ITT Corporation, Elf Atochem, North America, Inc. Kaiser Aluminum & Chemical Corporation, Kohler Company, 3M, Owens Corning, Pfizer, Inc., Polaroid Corporation, Procter and Gamble, Textron and Weyerhaeuser Company.

We commend you and Senator Brown for this legislation because it is constructive environmental legislation. You have recognized that environmental audits are valuable management tools for improving environmental compliance, that they are good for the environment, and that they will enhance all of our collective efforts to improve environmental performance.

Mr. Chairman, we thank you and Senator Brown, and your staffs, for developing this important legislation and stand ready to work with you to see it become law.

Sincerely,

CARL A. MATTIA,
Chairman of the Board; Vice President, Environment, Health and Safety, The BFGoodrich Co.

COORS BREWING CO.,
Washington, DC, March 15, 1995.
Hon. MARK HATFIELD,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATFIELD: We are pleased to support you and Senator Brown in your efforts to enact the Environmental Audit Disclosure Protection Act.

Environmental audits are proven management tools. They provide the opportunity for companies and public facility operators to take a close critical look at their operations, determine compliance with the thousands of complicated, often confusing and overlapping environmental regulations and statutes now on the books and fix any problem discovered. In Colorado with the passage of a bill in 1994 that is very similar to yours, we are creating a climate of some certainty, wherein a company or facility operator knows what kind of enforcement treatment to expect before investing in expensive and time consuming environmental audits and then disclosing results to state regulatory authorities. We strongly believe this certainty, albeit limited, goes a long way toward promoting self-initiated audits.

However, that same certainty must be applied at the Federal level to allow the Colorado statute, and others like it, to be fully effective and widely utilized. That is why your bill is so important. The debate over proper Federal legal controls over the extent, form and utilization of voluntary self audits and the use of the information obtained has been a matter of controversy among regulators in Washington who hold unchallenged power and control under the current command and control system.

Stanley Legro, EPA's Chief Enforcement official from 1975–77, wrote an interesting article entitled "Self Audits and EPA Enforcement" in the Environmental Forum, December 1994. The article follows this letter. To paraphrase Mr. Legro, he says in order to reach the next plateau to improving the quality of the environment there must be a shift from the current enforcement mentality to providing incentives to increase compliance. In moving to that next plateau Mr. Legro says he "favors maximizing incentives for voluntary self audits."

We believe that your bill as drafted embraces Mr. Legro's thoughts by striking an appropriate and constructive balance between many of the relevant competing interests involved. The bill provides protection for responsible entities against being punished for doing the right thing without impending enforcement against those who flaunt environmental laws. It is truly refreshing without impeding enforcement against those who flaunt environmental laws. It is truly refreshing to see legislation that benefits the environment, benefits responsible industry, protects against abuses, imposes no costly mandates and doesn't spend a dime of taxpayers' money. Indeed, it may even reduce the need for, and expense of, certain enforcement resources.

Coors looks forward to assisting you and Senator Brown to secure early enactment of this legislation.

Respectfully yours,

ALAN R. TIMOTHY,
Director,
Federal Government Affairs.

[From the Environmental Forum, December 1994]

SELF AUDITS AND EPA ENFORCEMENT

(By Stanley W. Legro)

The high degree of interest in the public meeting held by EPA on auditing last summer is strong evidence of the continuing importance of this vital subject. Indeed, it may be fair to say that the subject of auditing necessarily raises the most fundamental issue affecting the EPA: What is the role of enforcement in achieving the agency's primary purpose for being?

The debate about voluntary self-audits and the use of the information obtained has been ongoing since the earliest days of the EPA. It was a hotly debated subject during my tenure as the agency's chief enforcement official from 1975–77. It continues to be a hotly debated issue today. Its long tenure and the agency's inability to come to closure on a decision are to a large extent attributable to the difficult policy choices involved.

The fundamental issue is whether the EPA's primary purpose to improve the quality of the environment is best achieved by providing positive incentives for voluntary compliance and remediation or by punishing, for past actions or omissions, those who have failed to meet their responsibilities to preserve and maintain the quality of the environment. These are not easily separable.

During the nascent stages of the agency, strong enforcement actions and substantial punishments for violators were necessary to convince both the public and those in regulated industries that environmental laws were to be taken seriously and that failure to comply could have serious consequences. During my tenure, there was still a substantial questioning among many in the regulated communities as to whether these environmental requirements were a passing fad that might be repealed by the next Congress and whether the EPA really meant business. An emphasis on vigorous enforcement was vital to send an unequivocal answer to those questions.

With the hindsight of time, I am convinced that the decision made then was the right one, emphasis on vigorous enforcement to send the clear message that our country had made a decision to improve the quality of the environment, and that those who tried to thwart the effort would face severe consequences. While our country still has much left to do, the progress to date is proof of the wisdom of choosing robust enforcement.

Today, we are faced with a somewhat different situation which, I believe, calls for a different emphasis. One should not gainsay the vital continuing role of vigorous enforcement. We must begin by leaving no doubt whatsoever that anyone who intentionally or recklessly harms or endangers the quality of our environment, no matter how long after the fact the transgression is discovered, should—indeed must—be subject to the full force of the law.

Nevertheless, now there is a high degree of awareness of the existence of environmental laws and regulations in general, as well as the specific requirements for compliance, among the regulated communities as well as among the public. There is relatively little incidence of knowing or intentional actions or omissions which harm or degrade the environment. From my present perspective, a much bigger barrier to continuing substantial progress is awareness of environmental problems on the ground so that appropriate remedial actions can be promptly commenced and effectively accomplished in a timely manner.

This brings us to environmental audits. What is the best balance between the carrot and the stick to achieve the best overall results? I recommend that today, while the stick should always remain within easy reach, the emphasis must be shifted to providing incentives for broad scale voluntary compliance. In my opinion, the emphasis today should be on those measures that will encourage environmental audits and the benefits which they can produce in the real world.

Accordingly, I suggest that the results of environmental audits should not be used by the EPA (or state or local) enforcement authorities to seek penalties for any past acts or omissions unless it is shown that such acts or omissions were intentional with knowledge that they would or were likely to result in serious harm to the environment or were reckless.

At the same time, I recommend that the results of environmental audits be provided to the agency, and that they serve as a benchmark for future remediation and correction of practices, processes, and existing pollution which they have revealed. In other words, prospectively the results of environmental audits will be used to set a high standard, but one that is fair because it offers an opportunity to take those actions which would avoid or alleviate the environmental harm.

If the EPA discovers a violation by its own inspection or as a result of information received from a third party, I believe that it should pursue vigorously all remedies available. However, if the discovery is a result of a voluntary audit and is timely reported first to the EPA by the source, policy considerations weigh in favor of encouraging voluntary self audits and prompt follow-up corrective actions.

We also need to consider the nature and extent of privilege, the right to confidentiality for the results of environmental audits. Some jurisdictions have adopted this approach. I have researched and considered the issue at length. It is my conclusion that the use of a privilege approach by the EPA is an unsatisfactory solution which does not protect the environment nor provide maximum incentive to initiate self audits. (However, it is vital to have a privilege from disclosure to private parties and to any state or local officials who refuse to join in the recommended EPA approach.)

From the perspective of the EPA, the purpose of this, as any other policy, is to improve the environment. The agency seeks to provide incentives for self audits to discover and to commence prompt and effective remedial measures. The self audit is merely a means; without assuring that the audit results are put to use, the policy fails. The remedial measures are the end. A privilege approach gives no assurance that problems discovered will result in remedial actions taken. Indeed, the privilege approach may actually discourage prompt remedial measures in many cases.

From the perspective of the corporate executive, the privilege approach is also unsatisfactory for at least two reasons. First, some information resulting from the audit is likely to be subject to mandatory disclosure under certain environmental laws and securities laws. Such partial disclosure will often lead to investigations or audits that independently uncover most, if not all, of the information for which the privilege is claimed. Second, and even more important from the point of view of a corporate official deciding whether to undertake a voluntary self audit, a privilege does nothing to eliminate liability for past violations; a self audit increases the availability of evidence to authorities to prove those violations. For these reasons, a privilege approach would not be the best policy for the EPA.

In sum, in order to maximize the incentives to conduct self audits and to apply the information obtained to realize the greatest environmental improvement, I recommend the following commitment by the agency's enforcement authorities:

The EPA will continue to apply the full penalties for past violations discovered by EPA inspections or by a means other than as a result of a voluntary self audit and timely reporting by the source. Penalties will not be assessed for past violations discovered by a voluntary self audit and voluntarily reported to EPA, unless the past violation was intentional or resulted from reckless conduct. Last, once a violation has been discovered and reported, the source will be required promptly to take prospective actions necessary to prevent a continuance or recurrence of the problem and to commence appropriate remedial measures to protect and restore the quality of the environment.

All policy choices must be measured against the standard of achieving the greatest amount of improvement in our environmental quality. Today, I believe the balance should favor maximizing the incentives for voluntary self audits. Voluntary environmental self audits, reporting past violations and pollution which requires remedial actions discovered by those audits to the EPA, and undertaking prompt and effective remedial measures offer the best opportunity to achieve our national policy objectives in the shortest period of time. This is the right policy choice for the EPA today.

AMERICAN FOREST &
PAPER ASSOCIATION,
Washington, DC, March 20, 1995.

Hon. MARK HATFIELD,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR HATFIELD: I want to express the support of the American Forest & Paper Association (AF&PA) for the efforts you and Senator Brown have undertaken with regard to granting a limited privilege to internal, voluntary environmental audits.

AF&PA is the major trade association representing the forest products industry in this country. We account for 7 percent of all U.S. manufacturing output and directly employ 1.6 million workers in the manufacture of forest and paper products and the recovery and recycling of paper. We contribute $49 billion in direct payrolls to local economies and rank among the top ten employers in 46 of the 50 states.

AF&PA member companies are regulated under a wide range of environmental programs, including the Federal Water Pollution Control Act, the Clean Air Act, and the Resource Conservation and Recovery Act. The Association strongly supports public policies that will serve to increase compliance with environmental laws by granting a limited protection for information developed by companies through voluntary, internal environmental audit programs. Some states, including Oregon and Colorado, have already enacted statutes providing such protections, and we believe the positive experience gained in these instances bolsters the case for a similar statute at the Federal level.

Accordingly, AF&PA strongly supports the leadership you and Senator Brown have shown in this field. Although we have not had the opportunity to analyze your draft legislation in detail, we believe that it will help to lay the foundation for a necessary Federal debate. As a matter of policy, such audits help to increase compliance with environmental safeguards, and should be encouraged. When our analysis of your proposal is completed, AF&PA will share that review with you and your staff. We look forward to working with you to expedite consideration of this important issue.

Sincerely,

B. ROLAND MCELROY,
Vice President,
Government Affairs.

ELF ATOCHEM NORTH AMERICA, INC.,
Arlington, VA, March 21, 1995.

Hon. MARK HATFIELD,
U.S. Senate,
Washington, DC.

Subject: "Voluntary Environmental Audit Protection Act" to amend Title 28 of the United States Code.

DEAR SENATOR HATFIELD: On behalf of Elf Atochem North America, Incorporated, I am writing to express our strong support for the proposed "Voluntary Environmental Audit Protection Act" introduced by both you and Senator Hank Brown. Our company has developed a strong audit program which will be further strengthened with passage of this proposed legislation. The ability to move rapidly to fix problems and share concerns throughout the company, without the legal concerns that presently overshadow any audit program, will be greatly enhanced.

We are aware of the U.S. Environmental Protection Agency's (EPA) effort to amend its current audit policy. However, in our view EPA still takes the position that "no good deed goes unpunished," by providing for penalties when a company voluntarily discloses violations that would not have been found but for the use of good environmental management through auditing.

For some time, our management has been actively involved in the conceptual issues concerning auditing and environmental management. Frank Friedman, Elf Atochem N.A. Senior Vice-President for Health, Environment and Safety, is author of the leading book on environmental management, "A Practical Guide to Environmental Management" (Fifth Edition 1995) published by the Environmental Law Institute. At EPA's request, Mr. Friedman was the lead-off speaker at the Agency's review of its audit policy in July 1994. In his testimony, Mr. Friedman counseled, as did many others, on the need "for EPA to develop other indicators of enforcement success rather than just on the basis of the number of cases brought".

There is no question that EPA should retain a strong enforcement program, but it is equally important that enforcement be put in context, namely, as a vehicle for assuring environmental compliance. If compliance is achieved voluntarily; if problems are disclosed and dealt with more rapidly, and more companies develop in-depth audit programs, then EPA's enforcement goals are readily achieved.

We also have, at this time, one important comment on the proposed legislation. Proposed Section 3803(b) limits voluntary disclosure if a company has "committed repeated violations". We assume this language applies to companies operating a single "facility". If not, such a provision disadvantages companies operating multiple facilities with respect to the audit disclosure protections provided in the proposed bill. In such cases, if a violation has occurred at one facility and a company wants to make certain that this will not occur elsewhere it will be penalized. We are sure this is not the intent of the bill and it should be clarified.

Again, we wish to commend you and your staff for the careful and thoughtful way in which this proposed legislation was crafted. The proposed bill recognizes that if companies have strong, voluntary auditing programs in place, compliance will follow. Because this legislation represents sound public policy that will advance protection of human health and the environment, Elf Atochem (as will, we are certain, other members of the regulated community) is committed to supporting passage of this legislation.

Sincerely,

CHARLES A. KITCHEN,
Director, Government Relations.

ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, March 1, 1995.

Hon. JOEL HEFLEY,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN HEFLEY: I am writing to express EPA's opposition to the environmental audit privilege/penalty immunity provisions currently contained in H.R. 1047. Our concerns include the following:

1. Environmental damage or even disasters caused by recklessness or gross negligence would go unpunished under certain provisions. Specifically, regardless of the harm inflicted on people or the environment, H.R. 1047 would eliminate all punishment for certain criminal and other violations if they are "voluntarily" disclosed. As we read H.R. 1047, a "voluntary disclosure," for which total immunity from civil and criminal penalties is granted, includes information that is required to be reported—including notification of emergencies as well as routine reports, such as Discharge Monitoring Reports under the Clean Water Act. Truly "voluntary" disclosures should be encouraged, but not by granting blanket immunity for criminal and other harmful acts.

2. The bill encourages litigation that will further burden our already taxed judicial system. Specifically, the bill uses many vague terms for lawyers to argue over. For example, H.R. 1047 would allow violators to argue that many routine business activities are "compliance evaluations" simply to evade disclosure. This kind of litigation will drain both private and government resources and in some cases prevent quick action to address environmental emergencies—despite the exceptions in the bill.

3. The evidentiary privilege in this bill appears to go far beyond the attorney-client and work product privileges by potentially shielding from the government and the public virtually all factual information about environmental noncompliance—including facts underlying a self-evaluation that might be crucial in holding violators accountable for their actions. It appears that the privilege would apply to much more than just audit reports and over documents related to self-evaluations.

4. It makes sense to give substantial penalty reductions to those who come forward, disclose their violations, and promptly correct them. The penalty immunity provision

in the bill, however, gives violators an unfair economic advantage over their law-abiding competitors because it does not allow federal and state governments to recover from the violator even the economic benefit they gained from their noncompliance.

As you may know, Administrator Browner asked the Office of Enforcement and Compliance Assurance last May to reassess EPA's environmental auditing policy to see if we needed new incentives to encourage voluntary disclosures and prompt correction of violations uncovered in environmental audits. Our review has been open and inclusive. In July 1994, and again in January 1995, we held public meetings, and an Agency auditing workgroup has met and continues to work with key stakeholders. We have involved industry, trade groups, state environmental commissions and attorneys general's offices, district attorneys' offices, and environmental groups. We have identified approaches that seem to have broad support among these groups.

Consistent with prior correspondence between several House members and Administrator Browner, we expect to announce the results of our reassessment process shortly. The issues surrounding environmental auditing, voluntary self-evaluations and voluntary disclosure are complex, and we are eager to share what we have learned with the Congress in hearings. We think it is crucial that the House take the time to hold appropriate hearings on the full range of views on these issues, and to consider alternative approaches that would have the support of a wide range of stakeholders. Unfortunately, H.R. 1047 falls far short of that mark.

I look forward to working with you and other members on these very important and complex issues.

Sincerely,

STEVEN A. HERMAN,
Assistant Administrator.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 20, 1995.

Mr. STEVEN A. HERMAN,
Assistant Administrator, U.S. Environmental Protection Agency, Washington, DC.

DEAR MR. HERMAN: I am writing in response to your letter of March 1, 1995. While I appreciate the Office of Enforcement and Compliance Assurance taking the time to comment on H.R. 1047, I am disappointed that your letter merely recasts the unsubstantiated objections that the Environmental Protection Agency routinely has made for many years.

Let me respond to each of your specific concerns and take the opportunity to explain why protections for legitimate environmental audits and voluntary disclosures are critical for the public health and the environment.

1. You argue that the voluntary disclosure provisions would grant blanket immunity from criminal penalties and would include information that is required to be reported under environmental laws, such as Discharge Monitoring Reports, etc.

H.R. 1047 does not grant blanket immunity from prosecution. In fact, there is no immunity from prosecution, but simply immunity from administrative, civil and criminal penalties. Further, the immunity is not a "blanket" immunity; there are two important limitations. First, the presumption against imposition of penalties is a rebuttable presumption. If the presumption can be rebutted by the EPA (i.e., notice was not given promptly, the information was not learned as a result of an environmental audit or the problem is not corrected) then penalties can be assessed. Second, if a regulated entity has demonstrated a pattern of disregard for environmental laws, they are not eligible for penalty immunity for voluntary disclosures. In addition, information that is voluntarily disclosed that may be required to be reported under an environmental law would only be subject to the immunity if it was learned as a result of performing the environmental audit. This is a significant limitation.

2. Your letter states that the legislation will encourage litigation because it is vague and would allow violators to argue that many routine business activities are compliance evaluations to evade disclosure. You do not believe that the exceptions in the bill will prevent such evasion and, consequently, such litigation.

H.R. 1047 does not privilege any reports or data that are already required to be compiled or reported. Nor does it restrict EPA's ability to request additional data. The definition of a voluntary environmental self-evaluation is clear in the bill. To qualify, the evaluation must be initiated and carried out by the person for the purpose of determining compliance with environmental laws. The EPA itself has defined environmental auditing in its 1986 policy statement in broader terms. Thus, in this legislation, there are no vague terms behind which persons can hide to evade disclosure of anything that is already required to be reported. It is disingenuous for the EPA to suggest increased litigation as a reason to oppose this bill, when many EPA programs have just that effect.

3. You argue that the evidentiary privilege goes beyond the common law attorney-client and work product privileges.

While H.R. 1047 does provide a more expanded privilege than the attorney-client privilege, it does not protect the facts that are required to be provided to the EPA. The EPA still has complete access to the date and reports as it had before. Moreover, the EPA can still obtain additional information through investigations, information requests, sampling and monitoring, etc. Facts available to the EPA in documents required to be maintained by entities, reports that must be provided to the EPA and information obtained from independent sources are all still available to the EPA under H.R. 1047. Presumably, these are the facts the EPA believes are necessary to ensure compliance with environmental laws.

4. Finally, you argue that the penalty immunity in the legislation gives violators an unfair economic advantage over their law-abiding competitors because it does not allow federal and state regulators to recover the economic benefit gained from noncompliance. Your concern that a violator will derive an economic benefit is misplaced.

Under H.R. 1047, as soon as a person voluntarily discloses a violation, that person must promptly achieve compliance in order to receive penalty immunity. These steps include installing whatever equipment may be required. In cases where there are environmentally irresponsible companies that have avoided installing the requisite equipment, any economic benefit that they may have derived will surely be cancelled out—and then some—by having to quickly retrofit their plants to come into compliance. It will likely cost them significantly more to come into compliance at a later date than it did for their competitors who designed compliant systems from the outset. Further, how would the EPA propose to determine any such economic benefit while assuring the certainty required for companies to utilize the voluntary disclosure provisions? I believe this would be terribly difficult to predict with certainty.

In addition to the specific responses above, several other points must be considered regarding H.R. 1047. Administrator Browner has emphasized that "enforcement is not an end in itself." She has noted that the EPA must change its ways; that the agency must do everything it can to focus on compliance, and that obstacles to compliance must be eliminated. H.R. 1047 does just that.

As the EPA recognizes, an environmental enforcement policy should not discourage compliance. Unfortunately, current EPA and Department of Justice policies do precisely that. Under the current enforcement scheme, responsible entities that work to achieve environmental goals find themselves exposed to greater liability than those in the regulated community who do less or do nothing at all.

The result of all this is that responsible members of the regulated community are discouraged from conducting self-evaluations and from voluntarily disclosing violations because of the tremendous risk of civil and criminal enforcement. This negatively impacts compliance which, in turn, negatively impacts public health and the environment. In the end, the environment is the loser.

Since the EPA's goal is compliance, not punishment, as stated by the president last Thursday in announcing his regulatory reform package, then surely it makes sense to encourage compliance. This view is not without precedent at the federal level. Other federal agencies have recognized the need to encourage compliance, and have done so by implementing protections similar to those in H.R. 1047. The Federal Aviation Administration's policy serves as a perfect example that compliance should come first.

The FAA policy is designed to provide incentives for deficiencies to be identified and corrected by the companies themselves, rather than risk air safety by awaiting the results of an FAA inspection. In implementing the FAA policy, agency officials emphasized that "aviation safety is best preserved by incentives . . . to identify and correct their own instances of noncompliance and invest more resources in efforts to preclude recurrence, rather than paying penalties". Surely, environmental protection is at least as important as aviation safety and, therefore, deserves the same incentives to enhance compliance.

H.R. 1047 is critical because it provides incentives to maximize environmental compliance and allocates resources to compliance, not enforcement. I reiterate that intentional violators cannot benefit from the legislation. And while responsible members of the regulated community will indeed benefit in terms of receiving much needed protections and certainty, the real beneficiary of H.R. 1047 is the environment.

I look forward to your participation in this debate as the legislative process moves forward.

Sincerely,

JOEL HEFLEY,
Member of Congress.•

By Mr. STEVENS:

S. 583. A bill to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for two vessels; to the Committee on Commerce, Science, and Transportation.

VESSEL DOCUMENTATION LEGISLATION

• Mr. STEVENS. Mr. President, today I am introducing a bill to provide certificates of documentation for the vessels *Resolution* and *Perserverance.*

The hovercraft *Resolution,* Serial Number 77NS8701, and *Perserverance,* Serial Number 77NS8901, were built in 1983 and 1985, respectively, by British Hovercraft Corp. Limited in East Cowes, Isle of Wight, England.

They are 70 feet in length, and have a maximum operating weight of 32 tons.

The craft were sold to Hovertravel, a United Kingdom company, which operated the craft in a passenger ferry operation from the Isle of Wight, England.

The two hovercraft were sold by Hovertravel to the U.S. Navy in 1986 *Resolution,* and 1989 *Perserverance.*

They were modified by Textron in Panama City, FL to be used as training craft for U.S. Navy personnel to learn to operate hovercraft.

After being declared surplus by the U.S. Navy, ownership of the vessels now resides with Champion Constructors, Inc., a subsidiary of Cook Inlet Region, Inc. of Anchorage, AK.

Because the vessels were built in England, they are undocumented, and require a waiver of the Jones Act to be operated in the U.S. coastwise trade.

Champion Constructors, Inc. intends for the vessels to be used between points in Alaska transporting cargo and passengers.

It is my understanding that no other hovercraft of this type and size exist.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 583

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with a coastwise endorsement for each of the vessels RESOLUTION (Serial Number 77NS8701) and PERSERVERANCE (Serial Number 77NS8901).•

By Mr. ROBB (for himself, Mr. CRAIG, Mr. AKAKA, Mr. HARKIN, Mr. ROCKEFELLER, Mr. LUGAR, Mr. DEWINE, Mr. STEVENS, Mr. COCHRAN, Mr. WELLSTONE, Mr. FORD, and Mr. KERRY):

S. 584. A bill to authorize the award of the Purple Heart to persons who were prisoners of war on or before April 25, 1962; to the Committee on Armed Services.

PURPLE HEART LEGISLATION

• Mr. ROBB. Madame President, I introduce legislation which will correct an inequity that unfairly denies due recognition to some of America's worthiest veterans.

Specifically, this bill would entitle prisoners of war from World War I, World War II, and Korea to receive the Purple Heart Medal for wounds which were sustained while being captured or while in captivity. Currently, only those veterans who suffer wounds while being captured or in captivity after April 25, 1962, are eligible for the Purple Heart Medal.

While we might debate how best to recognize their sacrifice and hardship, one thing is abundantly clear; we should not differentiate between prisoners of war based solely on the date of the war in which they were captured.

Madam President, as a Vietnam veteran who has had the privilege of leading marines in combat, and as a member of the Senate's Select Committee on POW/MIA Affairs, I am acutely aware of the hardships endured by service personnel who have been captured by hostile military forces. All of these servicemen have suffered mental and physical abuse, and many were tortured, beaten and starved while in confinement.

Our prisoners of war from World War I, World War II, and Korea suffered various wounds and innumerable atrocities at the hands of their captors. Many continue to suffer from physical difficulties associated with their capture and confinement. The Purple Heart Medal would serve to put their service and sacrifice on par with the veterans of other wars, and will remind Americans of their sacrifices. It seems a fitting and overdue recognition.

Madam President, I ask unanimous consent that the text of the bill, the supporting resolutions of the Military Order of the Purple Heart and the Disabled American Veterans, and the letters of support from the DAV, American Legion, AMVETS, and the Jewish War Veterans of the United States, be printed in the RECORD. I would also like to thank my colleagues, Senators AKAKA, COCHRAN, CRAIG, DEWINE, FORD, HARKIN, KERRY, LUGAR, ROCKEFELLER, STEVENS, and WELLSTONE for joining me as original cosponsors of this bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 584

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO AWARD PURPLE HEART.

(a) AUTHORITY TO MAKE AWARD.—(1) Subject to paragraph (2), the President may award the Purple Heart to a person described in subsection (b) who was taken prisoner and held captive before April 25, 1962.

(2)(A) Except as provided in subparagraph (B), an award of the Purple Heart under paragraph (1) may be made only in accordance with the standards in effect on the date of the enactment of this Act for the award of the Purple Heart to a person described in subsection (b) who has been taken prisoner and held captive on or after April 25, 1962.

(B) An award of a Purple Heart may not be made under paragraph (1) to any person convicted by a court of competent jurisdiction of rendering assistance to any enemy of the United States.

(b) ELIGIBLE PERSONS.—(1) A person referred to in subsection (a) is an individual—

(A) who is a member of the Armed Forces of the United States; and

(B) who is wounded while being taken prisoner or held captive—

(i) in an action against an enemy of the United States;

(ii) in military operations involving conflict with an opposing foreign force;

(iii) during service with friendly forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party;

(iv) as the result of an action of any such enemy or opposing armed force; or

(v) as the result of an act of any foreign hostile force.

(2) Any wound of a person referred to in paragraph (1)(A) that is determined by the Secretary of Veterans Affairs to be a service-connected injury arising from being taken prisoner or held captive under a circumstance referred to in paragraph (1)(B) shall also meet the requirement set forth in paragraph (1)(B).

(c) RELATIONSHIP TO OTHER AUTHORITY TO AWARD THE PURPLE HEART.—The authority under this Act is in addition to any other authority of the President to award the Purple Heart.

THE MILITARY ORDER
OF THE PURPLE HEART,
Springfield, VA, February 14, 1995.

JAMES CONNELL,
Department State Director,
Richmond, VA.

DEAR MR. CONNELL: I received a call from the Senator's office requesting a copy of the Resolution "to authorize the award of the Purple Heart Medal."

Enclosed is a copy of Resolution No. 94-038, passed by the Convention Body at the National Convention of the Military Order of the Purple Heart, in Des Moines, Iowa.

If I can be of further assistance, contact this office.

Sincerely,

EDMUND E. JANISZEWSKI,
National Legislative Director.

RESOLUTION NO. 94-038

Re to authorize the award of the Purple Heart to persons who were prisoners of war on or before April 25, 1962.

Committee: Legislative/Service.

Committee Action: Approve.

Whereas: Current law provides for the award of the Purple Heart Medal to POWs under certain circumstances, who were captured on or after April 25, 1962; and

Whereas: Senator Robb of Virginia has proposed a bill to award the Purple Heart Medal to POWs captured prior to April 25, 1962; and

Whereas: Presidents Kennedy and Reagan have issued Executive Orders allowing for the award of the Purple Heart Medal to civilians wounded under certain circumstances to include terrorists attacks; now, therefore be it

Resolved: That the Military Order of the Purple Heart support legislation proposed by Senator Robb, which is attached to this resolution; and be it further

Resolved: That the Military Order of the Purple Heart of the United States of America seek legislation, to negate the award of the Purple Heart Medal to any civilian under any circumstances; and finally be it

Resolved: That copies of this resolution be forwarded to the 62nd National Convention of the Military Order of the Purple Heart of the United States of America, for adoption by the delegates in assembly at Des Moines, Iowa, August 8th thru August 13th, 1994.

Submitted by Edmund F. Janiszewski, National Legislative Director, July 14, 1994.

Convention Action: Approved by Convention Body August 11, 1994.

DISABLED AMERICAN VETERANS,
Washington, DC, September 6, 1994.

Hon. CHARLES S. ROBB,
State Office of Senator Charles S. Robb, Richmond, VA.

DEAR SENATOR ROBB: Thank you for providing us with a copy of your draft bill to authorize the award of the Purple Heart to persons who were prisoners of war on or before April 25, 1962.

This measure has the support of the Disabled American Veterans. The delegates to our 1994 annual National Convention adopted a resolution (copy enclosed) supporting legislation for this purpose, and your draft bill is consistent with that resolution.

We appreciate the changes you made to address our concerns, and we appreciate your efforts on behalf of this deserving group of veterans.

Sincerely,
RICHARD F. SCHULTZ,
National Legislative Director.

NATIONAL INTERIM LEGISLATIVE COMMITTEE RESOLUTION

AUTHORIZE THE PURPLE HEART MEDAL TO FORMER POWS OF WORLD WAR I, WORLD WAR II, AND THE KOREAN WAR FOR INJURIES RECEIVED DURING CAPTIVITY

Whereas, Title 32, U.S. Code, effective April 25, 1962, authorizes the award of the Purple Heart to prisoners of war for wounds or injuries sustained as a result of beatings and other forms of physical torture while in captivity; and

Whereas, prior to April 25, 1962, the Purple Heart Medal for former prisoners of war was only awarded to those who were wounded or injured in action prior to or at the time of capture or in an attempted or successful escape; and

Whereas, former prisoners of war of World War I, World War II and the Korean War were physically abused, beaten, tortured and placed on forced work details, without concern for their health by enemy guards and hostile civilians; and

Whereas, many of these servicemen, while in captivity, suffered from physical abuse, malnutrition and exhaustion, as well as received wounds and injuries as a result of direct and indirect action at the hands of their captors; NOW

Therefore, be it Resolved that the Disabled American Veterans in Nation Convention assembled in Chicago, Illinois, August 20–25, 1994, supports the enactment of legislation to provide the same consideration to the award of the Purple Heart Medal to former prisoners of war held captive prior to April 25, 1962, as afforded those captured after that date.

THE AMERICAN LEGION,
Washington, DC, August 29, 1994.

Mr. JIM CONNELL,
Deputy State Director, State Office of Senator Charles S. Robb, Richmond, VA.

DEAR MR. CONNELL: Members of the staff of the American Legion have reviewed Senator Robb's proposed bill authorizing award of the Purple Heart medal. You have satisfied the concerns we outlined in our March 31, 1994 letter and we have no objection to the proposed bill as it now reads. The Legion, however, still has no resolution recognized by the membership on this subject and therefore, cannot specifically and formally endorse the bill at this time.

In most cases dealing with presentation of military awards and decorations, we defer to the Department of Defense and their appropriate directives. If your proposed bill complements a service regulation you should encounter few objections.

Sincerely,
GERALD M. MAY,
Assistant Director,
National Legislative Commission.

AMVETS,
Lanham, MD, August 25, 1994.

Hon. CHARLES S. ROBB,
U.S. Senate,
Washington, DC.

DEAR SENATOR ROBB: I am writing to express AMVETS' support for your bill to award the Purple Heart to certain military personnel who were taken prisoner before April 25, 1962.

We are pleased that your bill will recognize the sacrifices made by those who suffered at the hands of the enemy, whatever the period of conflict.

I would also like to express AMVETS' opposition to awarding the Purple Heart to civilians who suffer injuries because of terrorist action. While we in no way minimize anyone's suffering, there is a fundamental difference between the responsibilities incumbent upon each service member and their civilian counterparts. That alone justifies the limitation on the eligibility for the award.

Thank you again for working for America's veterans, and we look forward to working with you in the future.

Sincerely,
DONALD M. HEARON,
National Commander.•

By Mr. LAUTENBERG:

S. 586. A bill to eliminate the Department of Agriculture and certain agricultural programs, to transfer other agricultural programs to an agribusiness block grant program and other Federal agencies, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE AGRICULTURE MODERNIZATION ACT

• Mr. LAUTENBERG. Mr. President, I rise to introduce the Agriculture Modernization Act. It would eliminate the Department of Agriculture, spinning off some programs to other parts of the Federal Government, and sell the two USDA buildings on the Mall.

This legislation acknowledges what we all know: the Great Depression ended 50 years ago and it's 1995. Many USDA activities should go the way of the WPA and other programs which, like the USDA's commodity price programs, were set up to deal with the devastation caused by the Depression. With recovery, they were disbanded.

House Budget Committee Chairman JOHN KASICH and Senate Majority Leader BOB DOLE have proposed eliminating four departments of government as part of their deficit reduction plan: Commerce, Education, Energy, and Housing and Urban Development.

If we want to scale back government, and eliminate wasteful bureaucracies, the USDA is an excellent place to start. It is the most obsolete and bloated of all Cabinet departments. The USDA tops the list for personnel, budget, and subsidies to those who need them least.

In scaling back Government, let's start with a department that provides pork for agribusinesses that don't need it before we eliminate one that helps our children get an education and start on life.

In evaluating the Kasich-Dole proposal, it is important to understand that the USDA has 109,000 employees, more than the other four departments combined. Furthermore, USDA's $62 billion budget dwarfs the budgets of Commerce, Energy, Education and HUD. Indeed, it is almost as large as these four departments combined.

The Agriculture Modernization Act will eliminate wasteful programs in USDA. It will transfer important programs to agencies better suited to administer them, like HHS taking over the Food Stamp Program.

And it will put all the money spent on commodity programs into a block grant which will be phased out completely over 5 years. This will permit the States to help recipients of agricultural entitlement programs adjust to a scaling back, and then loss, of benefits.

This bill will reduce the deficit by approximately $25 billion over 5 years. The Republican leaders have laid out ambitious deficit reduction goals to slice $500 billion off the Federal budget in the next 5 years. They propose to accomplish this without touching Social Security.

That's going to mean very deep cuts. I'd like to see us start on subsidies to agribusiness and waste at USDA before we cut the safety net out from under our Nation's families and children.

The Department of Agriculture's time has come and gone. It began under President Abraham Lincoln. In the 1860's, 60 percent of Americans were farmers and the USDA had 9 employees. Now only 2 percent of Americans are farmers and USDA has 109,000 employees worldwide.

That's one bureaucrat for every five farmers.

The commodity programs began in the Great Depression, when we did not know if America could feed itself. When we didn't know if grocery stores would have food on their shelves.

But American agriculture is much different today. Our stores are stocked with inexpensive foods. And our most competitive commodities are fruits, vegetables, meats, and poultry that don't receive any price subsidies.

It's time to extend free market principles to agriculture.

There are 75,000 farmers with incomes over $250,000 per year who get an average of $26,000 in agricultural subsidies. My small businesspeople in New Jersey making a lot less don't get subsidies. And, the Republicans want to reduce the school lunch program, nutrition programs, take away summer jobs from kids, cut assistance to seniors and others for heating bills, and cut housing aid to AIDS patients, among others.

I say we should start with USDA. No more aid for dependent agribusinesses.

I support entitlement programs for kids and other groups in need. I think we should have a social safety net. But, agribusiness is not on my list of deserving beneficiaries.

This bill sets priorities for deficit reduction. We should start by cutting obsolete programs and programs that benefit those who don't need Government assistance.

Mr. President, I ask unanimous consent that an accompanying factsheet be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE AGRICULTURE MODERNIZATION ACT OF 1995

This bill will eliminate the USDA in 1996. This will be accomplished by eliminating some programs, phasing out the commodity programs over five years and by transferring some agencies and functions to other departments.

PROGRAMS TO BE ELIMINATED

Market Promotion Program.
Export Enhancement Program.
Rural Telephone Program.
Rural Electricity Program.
Animal Damage Control Program.
Commodity Credit Corporation.

BLOCK GRANT—ADMINISTERED BY THE DEPARTMENT OF COMMERCE (PHASED OUT OVER FIVE YEARS)

All commodity programs including: Feed grains, wheat, rice, cotton, tobacco, dairy, soybeans, peanuts, sugar, honey, and wool.

DEFICIT REDUCTION

This legislation will save approximately $25 billion over five years, not including administrative savings resulting from transferring duplicative functions to other departments and agencies. See attachment for details.

PROGRAMS TO BE TRANSFERRED

Health and Human Services:
Food Stamps, School Lunch, WIC and other nutrition programs. Nutrition programs that are entitlements will remain so.
Food Safety and Inspection Service.
Food and Consumer Service.
Parts of the Animal and Plant Health Inspection Service.
Commerce:
Economic research and statistical programs.
Agriculture research programs.
Regulatory programs.
Economic development programs.
Parts of Animal and Plant Health Inspection Service.
Interior: Forest Service, Natural resource, conservation and environmental programs.
Treasury: Credit and loan programs.
FEMA: Crop insurance.
EPA: Rural Utilities Service Water and Sewer Programs.•

By Mr. HATCH (for himself, Mr. HEFLIN, Mr. DOLE, Mr. THURMOND, Mr. GRASSLEY, Mr. SIMPSON, Mr. KYL, Mr. EXON, Mr. CRAIG, Mr. FORD, Mr. LOTT, Mr. ASHCROFT, Mr. BAUCUS, Mr. BOND, Mr. BREAUX, Mr. CAMPBELL, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. COVERDELL, Mr. D'AMATO, Mr. FAIRCLOTH, Mrs. FEINSTEIN, Mr. GRAMM, Mr. GRAMS, Mr. GREGG, Mr. HELMS, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mrs. KASSEBAUM, Mr. KEMPTHORNE, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MURKOWSKI, Mr. PRESSLER, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, and Mr. WARNER):

S.J. Res. 31. A joint resolution proposing an amendment to the Constitution of the United States to grant Congress and the States the power to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

FLAG DESECRATION CONSTITUTIONAL AMENDMENT

Mr. HATCH. Mr. President, throughout our history, the American people have revered the flag of the United States as the symbol of our Nation. The American flag represents in a way nothing else can, the common bond shared by a very diverse people. Yet whatever our differences of party, politics, philosophy, race, religion, ethnic background, economic status, social status, or geographic region, we are united as Americans. That unity is symbolized by a unique emblem, the American flag.

As Supreme Court Justice, John Paul Stevens said in his dissent in the 1989 Texas flag-burning case:

> A country's flag is a symbol of more than nationhood and national unity. It also signifies the ideas that characterize the society that has chosen that emblem as well as the special history that has animated the growth and power of those ideas. . . . So it is with the American flag. It is more than a proud symbol of the courage, the determination, and the gifts of a nation that transformed 13 fledgling colonies into a world power. It is a symbol of freedom, of equal opportunity, of religious tolerance, and of goodwill for other peoples who share our aspirations.

For over 200 years, this proud banner has symbolized hope, opportunity, justice and, most of all, freedom, not just to the people of this Nation, but to people all over the world. I believe that the American flag is equally worthy of protection as the ideals for which it stands.

This February 23 marked the 50th anniversary of one of the most dramatic moments in our Nation's history; the raising of the American flag on the Island of Iwo Jima by U.S. marines during World War II. That heroic image instantly came to symbolize the determination and courage of all of the brave Americans fighting in that great struggle for the very survival of America as a free nation. Fifty years later, it remains one of our Nation's most powerful images, reminding us that throughout our history, through the generations, from the Battle of Bunker Hill to Operation Desert Storm, on every continent and ocean, in every corner of the world, Americans have fought, and in many cases given their lives, fighting under this flag and for the Nation and the ideals it represents. By protecting that flag against acts of physical desecration, we honor their memory and their sacrifice.

I am proud to rise today to introduce a constitutional amendment that would restore to Congress and to the 50 States the right to protect our unique national symbol, the American flag, from acts of physical desecration.

Restoring legal protection to the American flag is not a partisan issue. Forty-three Senators, both Republicans and Democrats, have joined with Senator HEFLIN and myself as original cosponsors of this amendment.

Restoring legal protection to the American flag would not overturn the first amendment. Rather, it would overturn an interpretation of that amendment by the Supreme Court, in which the Court, by the narrowest of margins, five to four, held that flag burning was a form of protected free speech. Distinguished jurists regarded as great champions of the first amendment agreed that physical desecration of the American flag does not fall within the ambit of the first amendment. In the case of Street versus New York, then Chief Justice Earl Warren wrote: "I believe that the States and the Federal Government have the power to protect the flag from acts of physical desecration and disgrace." Justice Abe Fortas wrote: "The States and the Federal Government have the power to protect the flag from acts of desecration committed in public." Justice Hugo Black, generally regarded as a first amendment absolutist, stated: "It passes my belief that anything in the Federal Constitution bars a State from making the deliberate burning of the American flag an offense." I believe the Court majority in the Texas versus Johnson case had it wrong; burning the flag is conduct and may be prohibited. This amendment would correct that error and restore to Congress and the State the power they historically had to protect the American flag from acts of physical desecration.

Restoring legal protection to the American flag would not place us on a slippery slope precisely because the flag is so unique as our national symbol. There is no other symbol, no other object, which represents our Nation as does the flag. Accordingly, there is absolutely no basis for concern that the protection we seek for the American flag could be extended to cover any other object of form of political expression.

Restoring legal protection to the American flag would not infringe on free speech. Freedom of speech is not and has never been absolute. We have laws against libel, against slander, and against obscenity. As a society, we can and do place limitations on both speech and conduct. The classic example is, of course, the prohibition against shouting fire in a crowded theater. You can't hold a demonstration in a courtroom. You can't make speeches using a bullhorn at 2 a.m. in a residential neighborhood. You can't destroy Government property or buildings as a means of protest. Right here in the U.S. Senate, we prohibit speeches or demonstrations of any kind, even the silent display of signs or banners, in the public galleries. I believe flag burning is in the same category as obscenity—conduct which is beyond the pale of acceptability even in a free society.

For many years, our flag was protected, by Federal law and laws in 48 States, from acts of physical desecration. No one can seriously argue that freedom of speech or freedom of expression was diminished or curtailed during that period. Restoring the protection of law to our flag would not prevent the expression, in numerous ways safeguarded under the Constitution, of a single idea or thought. It merely prevents conduct with respect to one unique, symbolic object, our Nation's flag.

The effort to restore legal protection to our national symbol is a movement of the American people. It has been initiated by grassroots Americans; 91 civic, veterans, and patriotic organizations, led by the American Legion, joined together in the Citizens Flag Alliance, working to build support across this Nation for a constitutional amendment to restore the historical protection of our flag. Forty-six States have passed resolutions urging Congress to send a flag protection amendment to the States for ratification.

Let this be clear: the Citizens Flag Alliance came to me, Senator HEFLIN, and other Members of Congress, before last November. We did not come to them. This effort is not generated from Capitol Hill. The Citizens Flag Alliance presented us with a report on their effort. They asked us for our support for their cause. We were pleased to agree. It is now up to Congress to heed the voice of the American people and pass this amendment.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 31

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"The Congress and the States shall have power to prohibit the physical desecration of the flag of the United States.".

Mr. HEFLIN. Mr. President, I rise today in support of a constitutional amendment to prevent the desecration of the American flag. As an original cosponsor along with Senator HATCH and 42 of our colleagues, I urge our colleagues to join in protecting the sanctity of this symbol of our great Nation. As I have said before on the Senate floor, I feel that the Supreme Court's decision in Texas versus Johnson, incorrectly places flag burning under the protection of the first amendment. In my judgement, it is our responsibility to change that decision and return the flag to the position of respect it deserves.

Few people would disagree with the argument that the American flag stands as one of the most powerful and meaningful symbols of freedom ever created. In the dissent in Texas versus Johnson, Chief Justice Rehnquist states in his opening paragraph:

> For more than 200 years, the American flag has occupied a unique position as the symbol of our Nation, a uniqueness that justifies a governmental prohibition against flag burning in the way * * * Johnson did here.

Justice Stevens calls the flag a national asset much like the Lincoln Memorial. He states that:

> Though the asset at stake in this case is intangible, given its unique value, the same interest supports a prohibition on the desecration of the American flag.

I must agree with Chief Justice Rehnquist and Justice Stevens in their belief that the flag should be protected from such desecration. However, I believe that the flag also has a tangible value. I feel that the court could have expressed an opinion that would have allowed protection to both values, for in that case, the flag was stolen.

The flag holds a mighty grip over many people in this country. Its mystical appeal is as unique to every person as a fingerprint. Thousands of Americans have followed the flag into battle and thousands of these Americans have left these battles in coffins draped proudly by the American flag. Nothing quite approaches the power of the flag as it drapes those who died for it, or the power of the flag as it is handed to the widow of that fallen soldier. The meaning behind these flags goes far beyond the cloth used to make the flag or the dyes used to color Old Glory red, white, and blue. The flag reaches to the very heart of what it means to be an American. It would be a tragedy for us to allow the power of the flag to be undermined through the legal desecration of the flag. Allowing the legal burning of that flag creates a mockery of the great respect so many patriotic Americans have for the flag.

JUDICIALLY WRONG

As I have stated before, I feel on many different levels that the Supreme Court's decision was wrong. I feel it was wrong for me personally, it was wrong for patriotism, it was wrong for this country, but perhaps most importantly, this decision was judicially wrong.

I want to emphasize that although I am a strong believer in first amendment rights, I recognize that first amendment rights are not absolute and unlimited. There have been numerous decisions of the Supreme Court that limit freedom of expression.

Some of history's great protectors of the freedom of speech have agreed that the first amendment is not absolute. Many of these protectors have agreed that the flag is a symbol of such profound importance that protecting it is permissible. Later in this speech I will be quoting from some of the protectors of both the flag and the first amendment such as Supreme Court Chief Justice Earl Warren, Justice Hugo Black, Justice John Paul Stevens, and Justice Oliver Wendell Holmes.

In a landmark case reflecting the Supreme Courts long held belief that the freedom of expression is not absolute, the court in *Shenk* v. *United States*, 249 U.S. 47 (1919) stated that:

> The most stringent protection of free speech would not protect a man in falsely shouting fire in a theater and causing a panic.

Justice Oliver Wendell Holmes stated that:

> The question in every case is whether the words [actions] used are used in such clear circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that the Congress has a right to prevent.

Clearly the indignation caused by the Johnson decision and the fisticuffs which have broken out in flag burning attempts show that flag burning should not be protected by the first amendment. What if the flag burning had occurred in wartime? Certainly, a clear and present danger would be present.

Justice Stevens wrote in *Los Angeles City Council* v. *Taxpayers for Vincent* 466 U.S. 789 (1984) that:

> The first amendment does not guarantee the right to imply every conceivable method of communication at all times and in all places.

Arguments have been made that limitations on the freedom of expression refer only to bodily harm, however, the Supreme Court has recognized the need for individuals to protect their honor, integrity, and reputation when injured by libel or slander. See: *New York Times* v. *Sullivan*, 376 U.S. 254 (1964) (providing standards regarding the libel of public figures); *Time* v. *Hill*, 385 U.S. 374 (1967) (providing standards regarding libel of private individuals).

These holdings protect an individual's honor from defamation. I see no reason why the honor of our flag should not be protected.

Arguments have also been made that limitations on free speech involve only civil suits. However, the Court has continually upheld criminal statutes involving obscene language and pornography. There is: *New York* v. *Ferber*, 458 U.S. 747 (1982) (upholding a New York statute regarding child pornography); *Miller* v. *California*, 413 U.S. 15 (1973) (this case provides much of the current legal framework for the regulation of obscenity).

The U.S. Supreme Court has even upheld criminal statutes involving draft card burning. In *United States* v. *O'Brian*, 391 U.S. 367 (1968), the Court upheld the Federal statute which prohibited the destruction or mutilation of a draft card. In reaching this decision the Court expressly stated:

> [W]e cannot accept the view that an apparently limitless variety of conduct can be labeled "speech" whenever the person engaging in the conduct intends thereby to express an idea.

Certainly the people of America have a right to expect that the honor, integrity, and reputation of this Nation's flag should be protected. If draft card burning can be prohibited, surely burning the American flag can also be prohibited. Does a draft card have more honor than the American flag? Certainly not.

In an earlier decision involving the desecration of the flag, Chief Justice Earl Warren wrote in dissent in *Street* v. *New York*, 394 U.S. 577 (1969):

> I believe that the States and the Federal Government do have the power to protect the flag from acts of desecration and disgrace * * * however, it is difficult for me to imagine that, had the Court faced this issue, it would have concluded otherwise.

In this same case, Justice Hugo Black dissented stating:

> It passes my belief that anything in the Federal Constitution bars a State from making the deliberate burning of the American flag an offense.

I do not think that anyone can question that Hugo Black and Earl Warren were champions of the first amendment, but they recognized that the flag was something different, something special. The Supreme Court substantiated this view in *Smith* v. *Coguen*, 415 U.S. 566 (1974), when the majority of the Court noted that:

> [C]ertainly nothing prevents a legislature from defining the substantial specificity what constitutes forbidden treatment of the United States flags.

Finally I would like to quote from Justice Stevens in *Texas* v. *Johnson*, when he says about the flag:

> It is a symbol of freedom, of equal opportunity, of religious tolerance, and of good will for other people who share our aspirations. The symbol carries its message to dissidents both home and abroad who may have no interest at all in our national unity and survival.

I am a strong believer that the rights under the first amendment should be fully protected and do not feel that an amendment changing these rights should be adopted except in very rare instances. The Founding Fathers, in drafting article V of the Constitution, intended that if it would be extremely difficult to amend the Constitution, requiring a two-thirds vote of both Houses of Congress and a difficult ratification process requiring the vote of three-fourths of the States. The history of this country shows that only 27 amendments to the Constitution have been adopted and only 17 after the Bill of Rights—containing the first 10 amendments—were ratified.

Some may ask why have a constitutional amendment; why not try legislation? To those I would say the Senate has passed statutes concerning flag desecration. As a body we have tried to oppose the protection of flag desecration, but statutory law has not worked. We have a number of groups that have joined together to form the Citizen's Flag Alliance. There are about 90 organizations in this wide-ranging coalition. In addition, 46 States' legislatures have passed memorializing resolutions calling for the flag to be protected by the Congress.

In my judgment, we should heed this call and act decisively to ensure that the American flag remains protected and continues to hold the high place we have afforded it in both our hearts and history. The flag is indeed an important national asset which we must always support as we would support the country herself. In closing, I want to share with you the eloquent words of Henry Ward Beecher's work, "The American Flag," which expresses this sentiment:

> A thoughtful mind, when it sees a national's flag, sees not the flag only, but the Nation itself; and whatever may be its symbols, its insignia, he reads chiefly in the flag the government, the principles, the truths, the history which belongs to the Nation that sets it forth.

Mrs. FEINSTEIN. Mr. President, I compliment my colleague on the Judiciary Committee and the Senator from Alabama for his very thoughtful statement and constitutional amendment. I would very much appreciate being listed as a cosponsor of that amendment.

I thank the Senator for his words because I think they were cogent. I also believe they reflect the views of the American people.

Mr. HEFLIN. I thank the Senator.

Mr. MACK. Mr. President, this past election demonstrated the desire of American citizens everywhere for change. People are frustrated with the direction in which this country has been heading and the skewing of priorities and values. One example of how standards and basic values are slipping was the 1989 Supreme Court ruling which permitted the desecration of our Nation's flag.

The American flag has always been a symbol of freedom and democracy throughout the world. It has guided thousands upon thousands of American service men and women as they have fought and died in defense of our basic freedoms.

The Court's decision struck at the heart of everything we hold dear in America. The flag is our most cherished symbol of liberty and is recognized throughout the world as an emblem of hope for those struggling for freedom. We should not condone its willful destruction.

Mr. President, I support the proposal for a constitutional amendment to protect the sanctity of the American flag. With this amendment, the first amendment can be upheld while we clearly declare our reverence for and dedication to our most cherished symbol of freedom—the American flag.

Mr. CRAIG. Mr. President, I am pleased to join my distinguished colleagues in proposing a constitutional amendment to protect the flag of the United States.

We Americans are not one race, nor are we one creed. We are an amalgam of the world's people come together to form a nation. And to symbolize that union, we have chosen a fabric that weaves together our many races, customs, and beliefs: the American flag.

No other emblem, token, or artifact of our Nation has been defended to the death by legions of patriots. No other has drawn multitudes from abroad with the promise of freedom. No other has inspired generations with the belief that life, liberty, and the pursuit of happiness are the birthright of every human being.

Old Glory holds a unique place in the hearts of Americans, and that is why they have requested—indeed, demanded—unique protection for it.

Several years ago, Congress attempted to fashion legislation for this purpose, but it just did not work.

Some people probably thought that was the end of the story. They were wrong. The American people did not give up; they continued to debate and discuss this matter. And they succeeded in passing memorials in 43 States urging Congress to take action to protect the flag from physical desecration. Some of my colleagues may recall last year, on Flag Day, I placed those memorials in the CONGRESSIONAL RECORD for all to see.

Mr. President, the legislatures submitting those memorials represent nearly 229 million people—more than 90 percent of our country's population. They did not pass these memorials easily or swiftly. In legislature after legislature, the record shows these memorials were given serious and thorough consideration.

Now it is time for the U.S. Congress to match that resolve. Today, in response to the demand of the American people, we are offering this amendment. Mr. President, I urge all my colleagues to join us in supporting this necessary and appropriate measure to safeguard the flag of our Nation.

Mr. KEMPTHORNE. Mr. President, I rise today in strong support of efforts to protect the flag of the United States. I am pleased to join my colleagues in introducing a resolution proposing a constitutional amendment to prohibit the desecration of the flag.

Mr. President, the support for this amendment is, quite simply, overwhelming; 46 State legislatures have already passed memorializing resolutions requesting the Congress to pass an amendment to protect the flag. I am pleased to note my home State, Idaho, passed just such a resolution 2 years ago. In asking the Congress to present an antiflag desecration amendment to the States for ratification, the Idaho Legislature stated,

> . . . the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and a nation which remains the destination of millions of immigrants attracted by the universal power of the American ideal . . . .

Should not the symbol of this ideal be protected? Since 1777, when the Second Continental Congress passed a resolution describing what the flag of the fledgling Nation should be, the Stars and Stripes has stood for all that we hold dear. While great leaders of this Nation have come and gone, the flag has been an American constant. Through the Civil War, two World Wars, the Depression, and times of domestic crisis, Old Glory has flown proudly, serving as a symbol to all the world that freedom, justice, and liberty remain alive in the United States.

As a member of the Senate Armed Services Committee, I have had the opportunity to meet the men and women of our Armed Forces around the world. These individuals put their lives on the line regularly, so that we may live in peace and safety. And while they are serving us, the American public, they do so under the Stars and Stripes. For those who are stationed overseas, the flag represents the rights and freedoms which they stand prepared to defend, even while on foreign ground. It also stands for their home, the Nation which proudly awaits their return when their duties are done. For those who have finished their service to their country, the flag is a constant reminder that the ideals for which they fought still live, and that their sacrifices were not in vain.

In 1867, Senator Charles Sumner expressed his sentiments about the flag. His words, I think, are most appropriate to be repeated at this time. He said:

> There is the national flag. He must be cold, indeed, who can look upon its folds rippling in the breeze without pride of country. If in a foreign land, the flag is companionship, and country itself with all its endearments . . . White is for purity; red for valor; blue, for justice. And altogether, bunting, stripes, stars, and colors, blazing in the sky, make the flag of our country, to be cherished by all our hearts, to be upheld by all our hands.

Mr. President, how can we continue to uphold the flag to the honor it deserves if we allow it, the symbol for all for which this Nation stands, to be willfully desecrated and defiled? The courts have said we can not protect the flag by statute; our only remedy is to amend the Constitution. So, I stand here today to express my wholehearted support for the resolution which will be introduced today to propose just such an amendment. I hope my colleagues will join me in acting to protect our flag and all that it represents of our past, our present, and our future.

Mr. PRESSLER. Mr. President, I rise to announce my cosponsorship of a joint resolution to amend the U.S. Constitution to allow Congress and the States to prohibit the desecration of the American flag.

Having served two tours in the Vietnam war as a second lieutenant in the Army, our flag has a deep personal meaning for me. I experience a feeling of pride when I see the Stars and Stripes flying in front of a military base, on top of the U.S. Capitol Building here in Washington, or in a small town parade in South Dakota. I feel sick to my stomach when I think of its desecration by my fellow Americans.

The American flag is a dramatic living symbol of the principles for which this great country stands—liberty, due process, justice for all. Our flag is an emblem of the ideals which set our Nation apart from all others.

When someone willfully desecrates the flag, he or she is committing a malicious act of violence that incites those Americans who have dedicated their lives to uphold the values we cherish. It tramples the honor of millions of soldiers—men and women—who served, fought, and died to preserve the values which the flag represents. It strikes at the honor of the untold number of civilians who have worked in industries behind the lines to support our military forces.

Mr. President, in Johnson versus Texas (1989), the Supreme Court ruled that desecrating the flag is free speech protected by the first amendment. In response, Congress overwhelmingly passed the Flag Protection Act of 1989. However, the following year, in United States versus Eichmann (1990), the Court struck down this statute as an impermissible infringement on the first amendment.

I disagree with the Supreme Court's rulings. I believe it is entirely appropriate for Congress to enact legislation to protect from desecration the primary symbol of our great Nation. However, unless the Johnson and Eichmann decisions are overturned by a subsequent Court, it is clear that only a constitutional amendment will ensure the validity of any State or Federal statute banning flag desecration.

Opponents of our effort to protect the flag argue that free speech is among the most sacred rights enjoyed by Americans. They believe that this amendment limits their right to freedom of speech. I certainly agree with the need to vigilantly guard the first amendment. No other society on this planet is more tolerant of different viewpoints and opinions than America. But flag desecration is more than just speech. It is among those acts of public behavior so offensive and harmful that they fall outside of the protections of the first amendment.

For example, one of the famous limits of free speech is that one cannot shout "fire!" in a crowded movie theater. Malicious and defamatory speech, such as slander and libel, also are not protected by the first amendment. Obscenity does not enjoy the protection of the first amendment. We do not permit people to freely deface a synagogue or church buildings in the name of free speech. Likewise, physical desecration of the flag through burning, trampling, or any other method is not free speech protected by our Constitution. It is offensive conduct that does not deserve protection by the first amendment.

I am therefore proud to join with my colleagues in supporting a constitutional amendment to protect the American flag. Since the Johnson ruling, 43 States have passed resolutions calling on Congress to pass a flag desecration amendment for consideration by the States. Mr. President, I urge my colleagues to carry out the clear will of the American people by supporting this resolution.

Mr. D'AMATO. Mr. President, generations of immigrants have surmounted incredible obstacles to reach our shores and experience true American freedom. Our Nation's flag has welcomed these weary travelers for hundreds of years. For these people, the U.S. flag is more than just a simple patchwork of cloth, it is the patchwork of our values, our beliefs, and our freedoms. It is our history .

During this history, many brave Americans sacrificed their lives for the flag. At Malmedy, Khe Sanh, Inchon, Iwo Jima, Kuwait City, and in numerous other places, Americans fought and died for democracy, freedom, and justice. Indeed, our flag represents these virtues. It would be an insult to their memory if we allowed the continued desecration of our flag. This practice must end, and end now.

Ms. SNOWE. Mr. President, I am proud to join Senators HATCH, HEFLIN, and others in cosponsoring the proposed constitutional amendment to grant to States and Congress the power to prohibit the physical desecration of the flag of the United States. Our flag occupies a truly unique place in the hearts of millions of citizens as a cherished symbol of freedom and democracy. As a national emblem of the world's greatest democracy, the American flag should be treated with respect and care. Our free speech rights do not entitle us to simply consider the flag as personal property, which can be treated any way we see fit including physically desecrating it as a legitimate form of political protest.

The flag is not just simply a visual symbol to us—it is a symbol whose pattern and colors tell a story that rings true for each and every American. The 50 stars and 13 stripes on the flag are a reminder that our Nation is built on the unity and harmony of 50 States. And the colors of our flag were not chosen randomly: red was selected because it represents courage, bravery, and the willingness of the American people to give their life for their country and its principles of freedom and democracy; white was selected because it represents integrity and purity; and blue because it represents vigilance, perseverance, and justice. Thus, this flag has become a source of inspiration to every American wherever it is displayed.

For these reasons and many others, a great majority of Americans believe—as I strongly do—that the American flag should be treated with dignity, respect, and care—and nothing less.

Unfortunately, not everyone shares this view. In June 1990, the Supreme Court ruled that the Flag Protection Act of 1989, legislation adopted by the Congress in 1989 generally prohibiting physical defilement or desecration of the flag, was unconstitutional. This decision, a 5-to-4 ruling in U.S. versus Eichman, held that burning the flag as a political protest was constitutionally protected free speech. The Flag Protection Act had originally been adopted by the 101st Congress after the Supreme Court ruled in its Texas versus Johnson case that existing Federal and State laws prohibiting flag burning were unconstitutional because they violated the first amendment's provisions regarding free speech.

I profoundly disagreed with both rulings the Supreme Court made on this issue. In our modern society, there are still many different forums in our mass media, television, newspapers and radio and the like, through which citizens can freely and fully exercise their legitimate, constitutional right to free speech, even if what they have to say is overwhelmingly unpopular with a majority of American citizens.

The constitutional amendment being introduced today has been carefully drafted to simply allow the Congress and individual State legislatures to enact laws prohibiting the physical desecration of the flag, if they so choose. It certainly does not stipulate or require that such laws be enacted. When considering the issue, it is helpful to remember that prior to the Supreme Court's 1989 Texas versus Johnson ruling, 48 States, including my own State of Maine, and the Federal Government had anti-flag-burning laws on their books for years.

Whether our flag is flying over a ball park, a military base, a school, or on a flag pole on Main Street, our national standard has always represented the ideals and values that are the foundation this great nation was built on. And our flag has come not only to represent the glories of our Nation's past, but it has also come to stand as a symbol for hope for our Nation's future. Mr. President, I urge my colleagues to support this important amendment.

Mr. FORD. Mr. President, there are many reasons for protecting the unique symbol of the American flag, from the basic liberties it represents to the promise of a better future. But some of the greatest reasons for protecting the flag occurred thousands of miles away from our own shores.

For example, 50 years ago, just days after American troops had claimed victory at Iwo Jima, six soldiers helped raise the American flag on the highest point of the island. You can see a soldier on the far left with both arms reaching skyward. It's unclear whether he's just released the flag pole, or if he's trying to touch the flag he fought so hard for, one last time.

And perhaps it was the last time he touched the American flag, for 26 days later, he died on the island he had helped claim.

The soldier was Pvt. Franklin Sousley of Kentucky, and his image in this famous photograph not only has frozen in time his historic efforts, but tied them inextricably to the symbolism of the American flag.

The flag that flew at Iwo Jima serves as a reminder of how war changes the course of a life, of a nation, of a world, so that even individuals who were never there, recognize that those hours of destruction and suffering have altered the future irrevocably.

But Private Sousley's outstretched arms also mirror the actions of the millions who've reached out for all that our flag symbolizes, from the basic liberties written into our Constitution to the dreams of a better future for their families.

That is why I believe so strongly that the physical integrity of the American flag must be protected. Back in 1989, the U.S. Supreme Court declared unconstitutional a Texas flag desecration statute, ruling that flag desecration was free speech protected under the first amendment.

In response to that decision, the Senate overwhelmingly passed the Flag Protection Act, which was also declared unconstitutional. The Supreme Court's action made it clear that a constitutional amendment is necessary for enactment of any binding protection of the flag.

Up to this point, neither House of Congress has been able to garner the two-thirds supermajority necessary for passage of a constitutional amendment. But because grassroots support for this amendment continues to grow, I have joined with Members on both sides of the aisle to again try passing this amendment. I am hopeful that this time we'll get the necessary votes.

Clearly no legitimate act of political protest should be suppressed. Nor should we ever discourage debate and discussion about the Federal Government. The narrowly written amendment gives Congress and the States the "power to prohibit the physical desecration of the flag of the United States," without jeopardizing those rights of free speech.

Fifty years ago, the American flag flying over Iwo Jima literally meant life for the flyers of crippled B-29's who would have died at sea if they had not had the island to land on.

Today, the flag that hangs in schoolrooms, over courthouses, in sports stadiums, and off front porches all across America, has a bit of the battle of Iwo Jima woven into its fabric.

Mr. President, I would say that's something worth protecting.

Mr. THURMOND. Mr. President, I rise today as an original cosponsor of a proposed constitutional amendment authorizing the Congress and the States to prohibit the physical desecration of the American flag.

In June of 1989, the Supreme Court issued a ruling in Texas versus Johnson which allows the contemptuous burning of the American flag. Immediately after that ruling, I drafted and introduced a proposed constitutional amendment to overturn that unfortunate decision.

After bipartisan discussions with Members of the Senate and President Bush, the Senate voted on a similar proposal which I cosponsored. During this time, the Supreme Court ruled in U.S. versus Eichman that a Federal statute designed to protect the flag from physical desecration was unconstitutional. The Texas decision had involved a State statute designed to protect the flag.

On June 26, 1990, the Senate voted 58–42 for the proposed constitutional amendment, 9 votes short of the two-thirds needed for congressional approval.

Opponents of this proposed amendment claimed it was an infringement on the free speech clause of the first amendment. However, the first amendment has never been construed as protecting any and all means of expressive conduct. Just as we are not allowed to falsely shout "fire" in a crowded theater or obscenities on a street corner as a means of expression, I firmly believe that physically desecrating the American flag is highly offensive conduct and should not be allowed.

The opponents of our proposal to protect the American flag have misinterpreted its application to the right of free speech. Former Chief Justice Warren, Justices Black and Fortas are known for their tenacious defense of first amendment principles. Yet, they all unequivocally stated that the first amendment did not protect the physical desecration of the American flag. In Street versus New York, Chief Justice Warren stated, "I believe that the States and the Federal Government do have the power to protect the flag from acts of desecration and disgrace."

In this same case, Justice Black, who described himself as a first amendment "absolutist" stated, "It passes my belief that anything in the Constitution bars a State from making the deliberate burning of the American flag an offense."

Mr. President, the American people treasure the free speech protections afforded under the first amendment and are very tolerant of differing opinions and expressions. Yet, there are certain acts of public behavior which are so offensive that they fall outside the protection of the first amendment. I firmly believe that flag burning falls in this category and should not be protected as a form of speech. The American people should be allowed to prohibit this objectionable and offensive conduct.

It is our intention with this proposed constitutional amendment to establish a national policy to protect the American flag from contemptuous desecration. The American people look upon the flag as our most recognizable and revered symbol of democracy which has endured throughout our history.

Mr. President, I urge my colleagues to join the sponsors and cosponsors of this proposed constitutional amendment to protect our most cherished symbol of democracy.

Mr. GRASSLEY. Mr. President, I am pleased to join the chairman of the Senate Judiciary Committee, Senator HATCH, and my other distinguished colleagues in cosponsoring this resolution to amend the Constitution of the United States to grant Congress and the States the power to prohibit the physical desecration of the flag of the United States.

Let me state from the outset, as I have stated before, this amendment will merely restore the power to Congress and the States to prohibit flag desecration—a power that we believe they have always had.

Unfortunately, the Supreme Court incorrectly interpreted the Constitution's first amendment. The Court failed to discern the difference between protected speech, and an act—a type of hate crime of physical desecration of the flag.

Therefore, our amendment does not tamper or tinker with the Constitution's Bill of Rights that protects speech.

But, Mr. President, for argument's sake, assume this amendment does tamper with the speech clause.

Let us ask ourselves a question. If we had to choose, should we amend the speech clause to: protect the American flag from acts of desecration; or protect our reelection to office by restricting the right of voters to hear words of opposition and opponents to speak against us—the incumbents?

I regret, Mr. President, that too many Senators have sided with incumbent protection instead of flag protection.

Remember, the Senate in 1990 fell 9 votes short of the 67 needed to pass a flag protection amendment to the Constitution because, by and large, it was argued that there is something very special, and untouchable about the speech clause.

Mr. President, you may be astonished to learn that 28 of the 42 Senators who voted against amending the speech clause to protect the American flag, had either sponsored, cosponsored, or voted to facilitate the passage of a constitutional amendment pegged the "incumbent protection bill."

This speech clause amendment was aimed at overturning the Supreme Court's Buckley versus Valeo decision. The Court said the first amendment speech clause is violated by restrictions on money used on political communication during campaigns.

So while these Senators supported incumbent protection, they strongly opposed flag protection.

Had only 9 of these 28 Senators had their priorities straight, the Senate would have passed the flag protection amendment 5 years ago.

And let us keep in mind, during the 200 years following 1789, over 10,000 constitutional amendments were introduced to the various Congresses.

In fact, in 1990, 525 out of 535 U.S. Representatives and Senators had sponsored or cosponsored amendments to the Constitution for everything under the Sun—from ERA to D.C. statehood.

So, the fact is, a vast majority of Congressmen and Senators do support amending the Constitution.

And more to the point at hand, many of those 28 Senators—who were happy to amend the speech clause to protect their incumbency, but joined in killing an amendment to protect the American flag—are still serving in the 104th Congress.

Mr. President, in fact, enough are still serving, that if they would change their priorities and their votes, this time our efforts to pass an amendment to protect the American flag will succeed.

ADDITIONAL COSPONSORS

S. 39

At the request of Mr. STEVENS, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 39, a bill to amend the Magnuson Fishery Conservation and Management Act to authorize appropriations, to provide for sustainable fisheries, and for other purposes.

S. 125

At the request of Mr. MOYNIHAN, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 125, a bill to authorize the minting of coins to commemorate the 50th anniversary of the founding of the United Nations in New York City, New York.

S. 216

At the request of Mr. HATCH, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 216, a bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment.

S. 243

At the request of Mr. ROTH, his name was added as a cosponsor of S. 243, a bill to provide greater access to civil justice by reducing costs and delay, and for other purposes.

S. 262

At the request of Mr. GRASSLEY, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 262, a bill to amend the Internal Revenue Code of 1986 to increase and make permanent the deduction for health insurance costs of self-employed individuals.

S. 295

At the request of Mrs. KASSEBAUM, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 295, a bill to permit labor management cooperative efforts that improve America's economic competitiveness to continue to thrive, and for other purposes.

S. 304

At the request of Mr. SANTORUM, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 304, a bill to amend the Internal Revenue Code of 1986 to repeal the transportation fuels tax applicable to commercial aviation.

S. 332

At the request of Mr. CONRAD, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 332, a bill to provide means of limiting the exposure of children to violent programming on television, and for other purposes.

S. 351

At the request of Mr. HATCH, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 351, a bill to amend the Internal Revenue Code of 1986 to make permanent the credit for increasing research activities.

S. 397

At the request of Mr. MCCAIN, the names of the Senator from Alaska [Mr. STEVENS], the Senator from Colorado [Mr. CAMPBELL], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 397, a bill to benefit crime victims by improving enforcement of sentences imposing fines and special assessments, and for other purposes.

S. 412

At the request of Ms. SNOWE, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 412, a bill to amend the Federal Food, Drug, and Cosmetic Act to modify the bottled drinking water standards provisions, and for other purposes.

S. 434

At the request of Mr. KOHL, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 434, a bill to amend the Internal Revenue Code of 1986 to increase the deductibility of business meal expenses for individuals who are subject to Federal limitations on hours of service.

S. 440

At the request of Mr. WARNER, the names of the Senator from Louisiana [Mr. JOHNSTON] and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 440, a bill to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

S. 448

At the request of Mr. GRASSLEY, the names of the Senator from New York [Mr. D'AMATO] and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of S. 448, a bill to amend section 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from rules for determining contributions in aid of construction, and for other purposes.

S. 495

At the request of Mrs. KASSEBAUM, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 495, a bill to amend the Higher Education Act of 1965 to stabilize the student loan programs, improve congressional oversight, and for other purposes.

S. 508

At the request of Mr. MURKOWSKI, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 508, a bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities.

S. 511

At the request of Mr. DOMENICI, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Oklahoma [Mr. INHOFE] were added as cosponsors of S. 511, a bill to require the periodic review and automatic termination of Federal regulations.

S. 530

At the request of Mr. GREGG, the names of the Senator from New Hampshire [Mr. SMITH] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 530, a bill to amend the Fair Labor Standards Act of 1938 to permit State and local government workers to perform volunteer services for their employer without requiring the employer to pay overtime compensation, and for other purposes.

S. 571

At the request of Mrs. BOXER, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 571, a bill to amend title 10, United States Code, to terminate entitlement of pay and allowances for members of the Armed Forces who are sentenced to confinement and a punitive discharge or dismissal, and for other purposes.

SENATE RESOLUTION 85

At the request of Mr. CHAFEE, the names of the Senator from Nevada [Mr. REID], the Senator from New Mexico [Mr. BINGAMAN], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Resolution 85, a resolution to express the sense of the Senate that obstetrician-gynecologists should be included in Federal laws relating to the provision of health care.

AMENDMENTS SUBMITTED

THE LEGISLATIVE LINE ITEM VETO ACT

DASCHLE (AND OTHERS) AMENDMENT NO. 348

(Ordered to lie on the table.)

Mr. DASCHLE (for himself, Mr. EXON, and Mr. GLENN) submitted an amendment intended to be proposed by them to amendment No. 347 proposed by Mr. DOLE the bill (S. 4) to grant the power to the President to reduce budget authority; as follows:

In lieu of the language proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Legislative Line Item Veto Act".

SEC. 2. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED CANCELLATIONS OF BUDGET ITEMS.

(a) IN GENERAL.—Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) is amended by adding after section 1012 the following new section:

"EXPEDITED CONSIDERATION OF CERTAIN PROPOSED CANCELLATIONS OF BUDGET ITEMS

"SEC. 1012A. (a) PROPOSED CANCELLATION OF BUDGET ITEM.—The President may propose, at the time and in the manner provided in subsection (b), the cancellation of any budget item provided in any Act. An item proposed for cancellation under this section may not be proposed for cancellation again under this title.

"(b) TRANSMITTAL OF SPECIAL MESSAGE.—

"(1) SPECIAL MESSAGE.—

"(A) IN GENERAL.—Subject to the time limitations provided in subparagraph (B), the President may transmit to Congress a special message proposing to cancel budget items contained in an Act. A separate special message shall be transmitted for each Act that contains budget items the President proposes to cancel.

"(B) TIME LIMITATIONS.—A special message may be transmitted under this section—

"(i) during the 20-calendar-day period (excluding Saturdays, Sundays, and legal holidays) commencing on the day after the date of enactment of the provision proposed to be rescinded or repealed; or

"(ii) at the same time as the President's budget for any provision enacted after the date the President submitted the preceding budget.

"(2) DRAFT BILL.—The President shall include in each special message transmitted under paragraph (1) a draft bill that, if enacted, would cancel those budget items as provided in this section. The draft bill shall clearly identify each budget item that is proposed to be canceled including, where applicable, each program, project, or activity to which the budget item relates.

"(3) CONTENTS OF SPECIAL MESSAGE.—Each special message shall specify, with respect to the budget item proposed to be canceled—

"(A) the amount that the President proposes be canceled;

"(B) any account, department, or establishment of the Government to which such budget item is available for obligation, and the specific project or governmental functions involved;

"(C) the reasons why the budget item should be canceled;

"(D) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed cancellation; and

"(E) all facts, circumstances, and considerations relating to or bearing upon the proposed cancellation and the decision to effect the proposed cancellation, and to the maximum extent practicable, the estimated effect of the proposed cancellation upon the objects, purposes, and programs for which the budget item is provided.

"(4) DEFICIT REDUCTION.—

"(A) DISCRETIONARY SPENDING LIMITS AND ADJUSTMENT OF COMMITTEE ALLOCATIONS.—Not later than 5 days after the date of enactment of a bill containing the cancellation of budget items as provided under this section, the President shall—

"(i) with respect to a rescission of budget authority provided in an appropriations Act, reduce the discretionary spending limits under section 601 of the Congressional Budget Act of 1974 for the budget year and any outyear affected by the rescission, to reflect such amount; and

"(ii) with respect to a repeal of a targeted tax benefit, adjust the balances for the budget year and each outyear under section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 to reflect such amount.

"(B) ADJUSTMENT OF COMMITTEE ALLOCATIONS.—Not later than 5 days after the date of enactment of a bill containing the cancellation of budget items as provided under this section, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise levels under section 311(a) and adjust the committee allocations under section 602(a) to reflect such amount.

"(c) PROCEDURES FOR EXPEDITED CONSIDERATION.—

"(1) IN GENERAL.—

"(A) INTRODUCTION.—Before the close of the second day of session of the Senate and the House of Representatives, respectively, after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of each House shall introduce (by request) the draft bill accompanying that special message. If the bill is not introduced as provided in the preceding sentence in either House, then, on the third day of session of that House after the date of receipt of that special message, any Member of that House may introduce the bill.

"(B) REFERRAL AND REPORTING.—The bill shall be referred to the appropriate committee or (in the House of Representatives) committees. The committee shall report the bill without substantive revision and with or without recommendation. The committee shall report the bill not later than the seventh day of session of that House after the date of receipt of that special message. If the committee fails to report the bill within that period, the committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

"(C) FINAL PASSAGE.—A vote on final passage of the bill shall be taken in the Senate and the House of Representatives on or before the close of the 10th day of session of that House after the date of the introduction of the bill in that House. If the bill is passed, the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, shall cause the bill to be engrossed, certified, and transmitted to the other House within one calendar day of the day on which the bill is passed.

"(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

"(A) MOTION TO PROCEED TO CONSIDERATION.—A motion in the House of Representatives to proceed to the consideration of a bill under this subsection shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) MOTION TO STRIKE.—During consideration under this subsection in the House of Representatives, any Member of the House of Representatives may move to strike any proposed cancellation of a budget item if supported by 49 other Members.

"(C) LIMITS ON DEBATE.—Debate in the House of Representatives on a bill under this subsection shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill under this subsection or to move to reconsider the vote by which the bill is agreed to or disagreed to.

"(D) APPEALS.—Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this section shall be decided without debate.

"(E) APPLICATION OF HOUSE RULES.—Except to the extent specifically provided in this section, consideration of a bill under this section shall be governed by the Rules of the House of Representatives. It shall not be in order in the House of Representatives to consider any bill introduced pursuant to the provisions of this section under a suspension of the rules or under a special rule.

"(3) CONSIDERATION IN THE SENATE.—

"(A) MOTION TO PROCEED TO CONSIDERATION.—A motion to proceed to the consideration of a bill under this subsection in the Senate shall be nondebatable. It shall not be in order to move to reconsider the vote by which the motion to proceed is agreed to or disagreed to.

"(B) MOTION TO STRIKE.—During consideration of a bill under this subsection in the Senate, any Member of the Senate may move to strike any proposed cancellation of a budget item if supported by 11 other Members.

"(C) LIMITS ON DEBATE.—Debate in the Senate on a bill under this subsection, amendments thereto, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (D)), shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(D) APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(E) MOTION TO LIMIT DEBATE.—A motion in the Senate to further limit debate on a bill under this subsection is not debatable.

"(F) MOTION TO RECOMMIT.—A motion to recommit a bill under this subsection is not in order.

"(G) PLACED ON CALENDAR.—Upon receipt in the Senate of the companion bill for a bill that has been introduced in the Senate, that companion bill shall be placed on the calendar.

"(H) CONSIDERATION OF HOUSE COMPANION BILL.—

"(i) IN GENERAL.—Following the vote on the Senate bill required under paragraph (1)(C), when the Senate proceeds to consider the companion bill received from the House of Representatives, the Senate shall—

"(I) if the language of the companion bill is identical to the Senate bill, as passed, proceed to the immediate consideration of the companion bill and, without intervening action, vote on the companion bill; or

"(II) if the language of the companion bill is not identical to the Senate bill, as passed, proceed to the immediate consideration of the companion bill.

"(ii) AMENDMENTS.—During consideration of the companion bill under clause (i)(II), any Senator may move to strike all after the enacting clause and insert in lieu thereof the text of the Senate bill, as passed. Debate in the Senate on such companion bill, any amendment proposed under this subparagraph, and all debatable motions and appeals in connection therewith, shall not exceed 10 hours less such time as the Senate consumed or yielded back during consideration of the Senate bill.

"(4) CONFERENCE.—

"(A) CONSIDERATION OF CONFERENCE REPORTS.—Debate in the House of Representatives or the Senate on the conference report and any amendments in disagreement on any bill considered under this section shall be limited to not more than 2 hours, which shall be divided equally between the majority leader and the minority leader. A motion further to limit debate is not debatable. A motion to recommit the conference report is not in order, and it is not in order to move to reconsider the vote by which the conference report is agreed to or disagreed to.

"(B) FAILURE OF CONFERENCE TO ACT.—If the committee on conference on a bill considered under this section fails to submit a conference report within 10 calendar days after the conferees have been appointed by each House, any Member of either House may introduce a bill containing only the text of the draft bill of the President on the next day of session thereafter and the bill shall be considered as provided in this section except that the bill shall not be subject to any amendment.

"(d) AMENDMENTS AND DIVISIONS PROHIBITED.—Except as otherwise provided by this section, no amendment to a bill considered under this section shall be in order in either the Senate or the House of Representatives. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole). No motion to suspend the application of this subsection shall be in order in the House of Representatives, nor shall it be in order in the House of Representatives to suspend the application of this subsection by unanimous consent.

"(e) TEMPORARY PRESIDENTIAL AUTHORITY TO CANCEL.—At the same time as the President transmits to Congress a special message under subsection (b)(1)(B)(i) proposing to cancel budget items, the President may direct that any budget item or items proposed to be canceled in that special message shall not be made available for obligation or take effect for a period not to exceed 45 calendar days from the date the President transmits the special message to Congress. The President may make any budget item or items canceled pursuant to the preceding sentence available at a time earlier than the time specified by the President if the President determines that continuation of the cancellation would not further the purposes of this Act.

"(f) DEFINITIONS.—For purposes of this section—

"(1) The term 'appropriation Act' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations.

"(2) The term 'budget item' means—

"(A) an amount, in whole or in part, of budget authority provided in an appropriation Act except to fund direct spending programs and the administrative expenses social security; or

"(B) a targeted tax benefit.

"(3) The term 'cancellation of a budget item' means—

"(A) the rescission of any budget authority provided in an appropriation Act; or

"(B) the repeal of any targeted tax benefit.

"(4) The term 'companion bill' means, for any bill introduced in either House pursuant to subsection (c)(1)(A), the bill introduced in the other House as a result of the same special message.

"(5) The term 'targeted tax benefit' means any provision which has the practical effect of providing a benefit in the form of a different treatment to a particular taxpayer or a limited class of taxpayers, whether or not such provision is limited by its terms to a particular taxpayer or a class of taxpayers. Such term does not include any benefit provided to a class of taxpayers distinguished on the basis of general demographic conditions such as income, number of dependents, or marital status.".

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking "and 1017" and inserting "1012A, and 1017"; and

(2) in subsection (d), by striking "section 1017" and inserting "sections 1012A and 1017".

(c) CLERICAL AMENDMENTS.—The table of sections for subpart B of title X of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 1012 the following:

"Sec. 1012A. Expedited consideration of certain proposed cancellations of budget items.".

(d) EFFECTIVE PERIOD.—The amendments made by this Act shall—

(1) take effect on the date of enactment of this Act;

(2) apply only to budget items provided in Acts enacted on or after the date of enactment of this Act; and

(3) cease to be effective on September 30, 1998.

DASCHLE (AND OTHERS) AMENDMENT NO. 349

(Ordered to lie on the table.)

Mr. DASCHLE (for himself, Mr. EXON, Mr. FORD, Mr. CONRAD, Mr. DORGAN, Mr. KOHL, Mrs. FEINSTEIN, Mr. BUMPERS, Mr. ROBB, Mr. KERRY, Mr. FEINGOLD, Mr. HARKIN, Mr. REID, Mr. HOLLINGS, Mrs. BOXER, and Mr. LEVIN) submitted an amendment intended to be proposed by them to amendment No. 347 proposed by Mr. DOLE to the bill S. 4, supra; as follows:

At the appropriate place, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Balanced Budget Act of 1995".

SEC. 2. ENFORCEMENT OF A BALANCED BUDGET

(a) PURPOSE.—The Congress declares it essential that the Congress—

(1) require that the Government balance the Federal budget without counting the surpluses of the Social Security trust funds;

(2) set forth with specificity in the first session of the 104th Congress the policies that achieving such a balanced budget would require; and

(3) enforce through the congressional budget process the requirement to achieve a balanced Federal budget.

(b) POINT OF ORDER AGAINST BUDGET RESOLUTIONS THAT FAIL TO SET FORTH A GLIDE PATH TO A BALANCED BUDGET.—Section 301 of the Congressional Budget Act of 1974 is amended by inserting at the end thereof the following new subsection:

"(j) CONGRESSIONAL ENFORCEMENT OF A BALANCED BUDGET.—

"(1) POINT OR ORDER.—It shall not be in order to consider any concurrent resolution on the budget (or amendment, motion, or conference report thereon) unless that resolution—

"(A) sets forth a fiscal year (by 2002 or the earliest possible fiscal year) in which, for the budget as defined by section 13301 of the Budget Enforcement Act of 1990 (excluding the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund), the level of outlays for that fiscal year or any subsequent fiscal year does not exceed the level of revenues for that fiscal year;

"(B) sets forth appropriate levels for all items described in subsection (a)(1) through (7) for all fiscal years through and including the fiscal year described in paragraph (A);

"(C) includes specific reconciliation instructions under section 310 to carry out any assumption of either—

"(i) reductions in direct spending, or

"(ii) increases in revenues.

"(3) NO AMENDMENT WITHOUT THREE-FIFTHS VOTE IN THE SENATE.—It shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, motion, or conference report that would amend or otherwise supersede this section.".

(c) REQUIREMENT FOR 60 VOTERS TO WAIVE OR APPEAL IN THE SENATE.—Section 904 of the Congressional Budget Act of 1974 is amended by inserting "301(j)," after "301(i)," in both places that it appears.

(d) SUSPENSION IN THE EVENT OF WAR OR CONGRESSIONALLY-DECLARED LOW GROWTH.—Section 258(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting "301(j)," after "sections".

BYRD AMENDMENTS NOS. 350–354

(Ordered to lie on the table.)

Mr. BYRD submitted five amendments intended to be proposed by him to the bill, S.4, supra, as follows:

AMENDMENT NO. 350

At the appropriate place insert the following:

SEC. . USE OF THE REDUCTIONS IN DISCRETIONARY SPENDING CAPS.

(a) CONGRESSIONAL BUDGET ACT.—

(1) BUDGET RESOLUTIONS AND LEGISLATION.—Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

"(j) USE OF REDUCTIONS IN DISCRETIONARY SPENDING CAPS.—It shall not be in order in the Senate or House of Representatives to consider any concurrent resolution on the budget, bill, joint resolution, amendment, motion, or conference report that decreases the discretionary spending limits unless the concurrent resolution on the budget, bill, joint resolution, amendment, motion, or conference report provides that such decrease may only be used for deficit reduction and may not be used to offset all or part of an increase in direct spending or decrease in receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1974.".

(2) SIXTY VOTE POINT OF ORDER.—Subsections (c) and (d) of section 904 of the Congressional Budget Act of 1974 are amended by inserting "301(j)," after "301(i),".

(b) GRAMM-RUDMAN.—Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following:

"(f) USE OF REDUCTIONS IN DISCRETIONARY SPENDING CAPS.—A decrease in the discretionary spending limits may only be used for deficit reduction and may not be used to offset all or part of an increase in direct spending or decrease in receipts under this section.".

AMENDMENT NO. 351

At the appropriate place insert the following:

SEC. . USE OF THE REDUCTIONS IN DISCRETIONARY SPENDING CAPS.

(a) CONGRESSIONAL BUDGET ACT.—

(1) BUDGET RESOLUTIONS AND LEGISLATION.—Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

"(j) USE OF REDUCTIONS IN DISCRETIONARY SPENDING CAPS.—It shall not be in order in the Senate or House of Representatives to consider any concurrent resolution on the budget, bill, joint resolution, amendment, motion, or conference report that decreases the discretionary spending limits unless the concurrent resolution on the budget, bill, joint resolution, amendment, motion, or conference report provides that such decrease may only be used for deficit reduction and may not be used to offset all or part of an increase in direct spending or decrease in receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1974.".

(2) SIXTY VOTE POINT OF ORDER.—Subsections (c) and (d) of section 904 of the Congressional Budget Act of 1974 are amended by inserting "301(j)," after "301(i),".

(b) GRAMM-RUDMAN.—Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end of the following:

"(f) USE OF REDUCTIONS IN DISCRETIONARY SPENDING CAPS.—A decrease in the discretionary spending limits may only be used for deficit reduction and may not be used to offset all or part of an increase in direct spending or decrease in receipts under this section.".

AMENDMENT NO. 352

At the appropriate place insert the following:

SEC. . USE OF THE REDUCTIONS IN DISCRETIONARY SPENDING CAPS.

(a) CONGRESSIONAL BUDGET ACT.—

(1) BUDGET RESOLUTIONS AND LEGISLATION.—Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

"(j) USE OF REDUCTIONS IN DISCRETIONARY SPENDING CAPS.—It shall not be in order in the Senate or House of Representatives to consider any concurrent resolution on the budget, bill, joint resolution, amendment, motion, or conference report that decreases the discretionary spending limits unless the concurrent resolution on the budget, bill, joint resolution, amendment, motion, or conference report provides that such decrease may only be used for deficit reduction and may not be used to offset all or part of an increase in direct spending or decrease in receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1974.".

(2) SIXTY VOTE POINT OF ORDER.—Subsections (c) and (d) of section 904 of the Congressional Budget Act of 1974 are amended by inserting "301(j)," after "301(i),".

(b) GRAMM-RUDMAN.—Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following:

"(f) USE OF REDUCTIONS IN DISCRETIONARY SPENDING CAPS.—A decrease in the discretionary spending limits may only be used for deficit reduction and may not be used to offset all or part of an increase in direct spending or decrease in receipts under this section.".

AMENDMENT NO. 353

At the appropriate place insert the following:

SEC. . USE OF THE REDUCTIONS IN DISCRETIONARY SPENDING CAPS.

(a) CONGRESSIONAL BUDGET ACT.—

(1) BUDGET RESOLUTIONS AND LEGISLATION.—Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

"(j) USE OF REDUCTIONS IN DISCRETIONARY SPENDING CAPS.—It shall not be in order in the Senate or House of Representatives to consider any concurrent resolution on the budget, bill, joint resolution, amendment, motion, or conference report that decreases the discretionary spending limits unless the concurrent resolution on the budget, bill, joint resolution, amendment, motion, or conference report provides that such decrease may only be used for deficit reduction and may not be used to offset all or part of an increase in direct spending or decrease in receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1974.".

(2) SIXTY VOTE POINT OF ORDER.—Subsections (c) and (d) of section 904 of the Congressional Budget Act of 1974 are amended by inserting "301(j)," after "301(i),".

(b) GRAMM-RUDMAN.—Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following:

"(f) USE OF REDUCTIONS IN DISCRETIONARY SPENDING CAPS.—A decrease in the discretionary spending limits may only be used for deficit reduction and may not be used to offset all or part of an increase in direct spending or decrease in receipts under this section.".

AMENDMENT NO. 354

At the appropriate place insert the following:

SEC. . USE OF THE REDUCTIONS IN DISCRETIONARY SPENDING CAPS.

(a) CONGRESSIONAL BUDGET ACT.—

(1) BUDGET RESOLUTIONS AND LEGISLATION.—Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

"(j) USE OF REDUCTIONS IN DISCRETIONARY SPENDING CAPS.—It shall not be in order in the Senate or House of Representatives to consider any concurrent resolution on the budget, bill, joint resolution, amendment, motion, or conference report that decreases the discretionary spending limits unless the concurrent resolution on the budget, bill, joint resolution, amendment, motion, or conference report provides that such decrease may only be used for deficit reduction and may not be used to offset all or part of an increase in direct spending or decrease in receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1974.".

(2) SIXTY VOTE POINT OF ORDER.—Subsections (c) and (d) of section 904 of the Congressional Budget Act of 1974 are amended by inserting "301(j)," after "301(i),".

(b) GRAMM-RUDMAN.—Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following:

"(f) USE OF REDUCTIONS IN DISCRETIONARY SPENDING CAPS.—A decrease in the discretionary spending limits may only be used for deficit reduction and may not be used to offset all or part of an increase in direct spending or decrease in receipts under this section.".

HATCH (AND OTHERS) AMENDMENT NO. 355

(Ordered to lie on the table.)

Mr. HATCH (for himself, Mr. ROTH, and Mr. HEFLIN) submitted an amendment to amendment No. 347 proposed by Mr. DOLE to the bill S. 4, supra; as follows:

On page 3, line 21, after "separately" insert ", except for items of appropriation provided for the judicial branch, which shall be enrolled together in a single measure. For purposes of this paragraph, the term 'items of appropriation provided for the judicial branch' means only those functions and expenditures that are currently included in the appropriations accounts of the judiciary, as those accounts are listed and described in the Department of Commerce, Justice and State, the Judiciary, and Related Agencies Appropriations Act, 1995 (Public Law 104–317)".

FEINGOLD AMENDMENT NO. 356

Mr. FEINGOLD proposed an amendment to amendment No. 347 proposed by Mr. DOLE to the bill S. 4, supra; as follows:

At the end of the pending amendment No. 347 add the following:

SEC. . TREATMENT OF EMERGENCY SPENDING.

(a) EMERGENCY APPROPRIATIONS.—Section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following new sentence: "However, OMB shall not adjust any discretionary spending limit under this clause for any statute that designates appropriations as emergency requirements if that statute contains an appropriation for any other matter, event, or occurrence, but that statute may contain rescissions of budget authority.".

(b) EMERGENCY LEGISLATION.—Section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following new sentence; "However, OMB shall not designate any such amounts of new budget authority, outlays or receipts as emergency requirements in the report required under subsection (d) if that statute contains any other provisions that are not so designated, but that statute may contain provisions that reduce direct spending.".

(c) NEW POINT OF ORDER.—Title IV of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

"POINT OF ORDER REGARDING EMERGENCIES

"SEC. 408. It shall not be in order in the House of Representatives or the Senate to consider any bill or joint resolution, or amendment thereto or conference report thereon, containing an emergency designation for purposes of section 251(b)(2)(D) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 if it also provides an appropriation or direct spending for any other item or contains any other matter, but that bill or joint resolution, amendment, or conference report may contain rescissions of budget authority or reductions of direct spending, or that amendment may reduce amounts for that emergency.".

(d) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 407 the following new item:

"Sec. 408. Point of order regarding emergencies.".

BUMPERS AMENDMENT NO. 357

(Ordered to lie on the table.)

Mr. BUMPERS submitted an amendment intended to be proposed by him to the bill S. 4, supra; as follows:

At the appropriate place insert the following:

The Senate finds that, according to the Congressional Budget Office, the federal budget deficit will be $177 billion for fiscal year 1995;

That estimates from both the Congressional Budget Office and the Office of Management and Budget indicate that, without substantial reductions in federal spending and/or increases in federal revenues; annual federal budget deficits will remain at unacceptable levels;

That the congressional budget process, as embodied by legislation and Senate rules, requires that legislation which would reduce federal revenues be offset by legislation that either reduces mandatory spending or increases an alternative source of federal revenue by an equivalent amount;

That certain members of both political parties have proposed amending the congressional budget process to permit reductions in the discretionary spending caps contained in the annual budget resolutions to offset reduced revenue resulting from tax cuts;

That changing the congressional budget process to permit discretionary spending cap cuts to be used as an offset for tax cuts could actually cause the federal budget deficit to rise;

That reductions in federal spending should be used to reduce the federal budget deficit.

Now, therefore, it is the sense of the Senate that: the congressional budget process should not be amended to permit the use of "savings" associated with reductions in discretionary spending to offset lost revenues resulting from tax cuts.

HOLLINGS AMENDMENT NO. 358

(Ordered to lie on the table.)

Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 4, supra; as follows:

At the appropriate place insert the following:

SEC. .—CONGRESS SHALL NOT LEGISLATE AD HOC CHANGES IN ECONOMIC INDICATORS.

(a) PURPOSE.—The Congress declares it essential that the Congress shall not arbitrarily change economic indicators. Therefore:

(1) Economic indicators shall be devised by statistical agencies using the best scientific practice within the constraints of their budgets; and

(2) Congress shall not coerce Federal statistical agencies into making changes in economic indicators that are counter to the best scientific practice.

DASCHLE AMENDMENTS NOS. 359–360

(Ordered to lie on the table.)

Mr. DASCHLE submitted two amendments intended to be proposed by him to amendment No. 347. by Mr. DOLE to the bill, S. 4, supra; as follows:

AMENDMENT NO. 359

On page 5 of the amendment strike all after 'taxpayers' on line 19 through 'taxpayers' on line 20.

AMENDMENT NO. 360

On page 5 of the amendment strike all after 'revenue' in line 14 through line 20 and insert the following: "over the following 10 fiscal years.".

BINGAMAN AMENDMENT NO. 361

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to amendment No. 347 proposed by Mr. DOLE to the bill S. 4, supra; as follows:

On page 5, between lines 3 and 4, add the following: "any prohibition or restriction against expenditure, or".

FEINGOLD AND OTHERS AMENDMENT NO. 362

Mr. FEINGOLD (for himself, Mr. SIMON, and Mr. EXON) proposed an amendment to amendment No. 347 proposed by Mr. DOLE to the bill S. 4, supra; as follows:

At the end of the pending amendment No. 347, add the following:

SEC. . SENSE OF THE SENATE REGARDING DEFICIT REDUCTION AND TAX CUTS.

The Senate finds that—

(1) the Federal budget according to the most recent estimates of the Congressional Budget Office continues to be in deficit in excess of $190 billion;

(2) continuing annual Federal budget deficits add to the Federal debt which soon is projected to exceed $5 trillion;

(3) continuing Federal budget deficits and growing Federal debt reduce savings and capital formation;

(4) continuing Federal budget deficits contribute to a higher level of interest rates than would otherwise occur, raising capital costs and curtailing total investment;

(5) continuing Federal budget deficits also contribute to significant trade deficits and dependence on foreign capital;

(6) the Federal debt that results from persistent Federal deficits transfers a potentially crushing burden to future generations, making their living standards lower than they otherwise would have been;

(7) efforts to reduce the Federal deficit should be among the highest economic priorities of the 104th Congress;

(8) enacting across-the-board or so-called middle class tax cut measures could impede efforts during the 104th Congress to significantly reduce the Federal deficit, and;

(9) it is the Sense of the Senate that reducing the Federal deficit should be one of the nation's highest priorities, that enacting an across-the-board or so-called middle class tax cut during the 104th Congress would hinder efforts to reduce the Federal deficit.

HOLLINGS AMENDMENT NO. 363

(Ordered to lie on the table.)

Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 4, supra; as follows:

At the appropriate place, insert the following:

"SEC. . PAY-AS-YOU-GO.

"At the end of title III of the Congressional Budget Act of 1974, insert the following new section:

"'ENFORCING PAY-AS-YOU-GO.

"'SEC. 314. (a) PURPOSE.—The Senate declares that it is essential to—

"'(1) ensure continued compliance with the deficit reduction embodied in the Omnibus Budget Reconciliation Act of 1993; and

"'(2) continue the pay-as-you-go enforcement system.

"'(b) POINT OF ORDER.—

"'(1) IN GENERAL.—It shall not be in order in the Senate to consider any direct-spending or receipts legislation (as defined in paragraph (3)) that would increase the deficit for any one of the three applicable time periods (as defined in paragraph (2)) as measured pursuant to paragraphs (4) and (5).

"'(2) APPLICABLE TIME PERIODS.—For purposes of this subsection, the term "applicable time period" means any one of the three following periods—

"'(A) the first fiscal year covered by the most recently adopted concurrent resolution on the budget;

"'(B) the period of the 5 fiscal years covered by the most recently adopted concurrent resolution on the budget; or

"'(C) the period of the 5 fiscal years following the first 5 years covered by the most recently adopted concurrent resolution on the budget.

"'(3) DIRECT-SPENDING OR RECEIPTS LEGISLATION.—For purposes of this subsection, the term "direct-spending or receipts legislation" shall—

"'(A) include any bill, resolution, amendment, motion, or conference report to which this subsection otherwise applies;

"'(B) include concurrent resolutions on the budget;

"'(C) exclude full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990;

"'(D) exclude emergency provisions so designated under section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985;

"'(E) include tne estimated amount of savings in direct-spending programs applicable to that fiscal year resulting from the prior year's sequestration under the Balanced Budget and Emergency Deficit Control Act of 1985, if any (except for any amounts sequestered as a result of a net deficit increase in the fiscal year immediately preceding the prior fiscal year); and

"'(F) except as otherwise provided in this subsection, include all direct-spending legislation as that term is interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

"'(4) BASELINE.—Estimates prepared pursuant to this section shall use the most recent Congressional Budget Office baseline, and for years beyond those covered by that Office, shall abide by the requirements of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985, except that references to "outyears" in that section shall be deemed to apply to any year (other than the budget year) covered by any one of the time periods defined in paragraph (2) of this subsection.

"'(5) PRIOR SURPLUS AVAILABLE.—If direct-spending or receipts legislation increases the deficit when taken individually (as a bill, joint resolution, amendment, motion, or conference report, as the case may be), then it must also increase the deficit when taken together with all direct-spending and receipts legislation enacted after the date of enactment of the Omnibus Budget Reconciliation Act of 1993, in order to violate the prohibition of this subsection.

"'(c) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

"'(d) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

"'(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and receipts for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

"'(f) SUNSET.—Subsections (a) through (e) of this section shall expire September 30, 1998.'"

BRADLEY AMENDMENT NO. 364

(Ordered to lie on the table.)

Mr. BRADLEY submitted an amendment intended to be proposed by him to amendment No. 347 proposed by Mr. DOLE to the bill S. 4, supra; as follows:

On page 5, strike lines 13 through 20 and insert the following:

"(5) the term 'targeted tax benefit' means any provision which has the practical effect of providing a benefit in the form of a different treatment to a particular taxpayer or a limited class of taxpayers, whether or not such provision is limited by its terms to a particular taxpayer or a class of taxpayers but such term does not include any benefit provided to a class of taxpayers distinguished on the basis of general demographic conditions such as income, number of dependents, or marital status.

EXON (AND OTHERS) AMENDMENTS NOS. 365-366

(Ordered to lie on the table.)

Mr. EXON (for himself Mr. DASCHLE, Mr. FORD, Mr. CONRAD, Mr. DORGAN, Mr. KOHL, Mrs. FEINSTEIN, Mr. BUMPERS, Mr. ROBB, Mr. KERRY, Mr. FEINGOLD, Mr. HARKIN, Mr. REID, and Mr. HOLLINGS) submitted two amendments intended to be proposed by them to amendment No. 347 by Mr. DOLE to the bill, S. 4, supra; as follows:

AMENDMENT NO. 365

At the end of the bill, insert the following new title:

TITLE II—BALANCED BUDGET

SEC. 201. SHORT TITLE.

This title may be cited as the "Balanced Budget Act of 1995".

SEC. 202. ENFORCEMENT OF A BALANCED BUDGET.

(a) PURPOSE.—The Congress declares it essential that the Congress—

(1) require that the Government balance the Federal budget without counting the surpluses of the Social Security trust funds;

(2) set forth with specificity in the first session of the 104th Congress the policies that achieving such a balanced budget would require; and

(3) enforce through the congressional budget process the requirement to achieve a balanced Federal budget.

(b) POINT OF ORDER AGAINST BUDGET RESOLUTIONS THAT FAIL TO SET FORTH A GLIDE PATH TO A BALANCED BUDGET.—Section 301 of the Congressional Budget Act of 1974 is amended by inserting at the end thereof the following new subsection:

''(j) Congressional Enforcement of a Balanced Budget.—

''(1) Point of order.—It shall not be in order to consider any concurrent resolution on the budget (or amendment, motion, or conference report thereon) unless that resolution—

''(A) sets forth a fiscal year (by 2002 or the earliest possible fiscal year) in which, for the budget as defined by section 13301 of the Budget Enforcement Act of 1990 (excluding the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund), the level of outlays for that fiscal year or any subsequent fiscal year does not exceed the level of revenues for that fiscal year;

''(B) sets forth appropriate levels for all items described in subsection (a)91) through (7) for all fiscal years through and including the fiscal year described in paragraph (A);

''(C) includes specific reconciliation instructions under section 310 to carry out any assumption of either—

''(i) reductions in direct spending, or

''(ii) increases in revenues.

''(3) No amendment without three fifths vote in the senate.—It shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, motion, or conference report that would amend or otherwise supersede this section.''.

(c) Requirement for 60 Votes To Waive or Appeal in the Senate.—Section 904 of the Congressional Budget Act of 1974 is amended by inserting ''301(j),'' after ''301(i),'' in both places that it appears.

(d) Suspension in the Event of War or Congressionally Declared Low Growth.—Section 258(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting ''301(j),'' after ''sections''.

Amendment No. 366

At the end of the bill, insert the following new title:

TITLE II—BALANCED BUDGET

SECTION 201. SHORT TITLE.

This title may be cited as the ''Balanced Budget Act of 1995''.

SEC. 202. ENFORCEMENT OF A BALANCED BUDGET

(a) Purpose.—The Congress declares it essential that the Congress—

(1) require that the Government balance the Federal budget without counting the surpluses of the Social Security trust funds;

(2) set forth with specificity in the first session of the 104th Congress the policies that achieving such a balanced budget would require; and

(3) enforce through the congressional budget process the requirement to achieve a balanced Federal budget.

(b) Point of Order Against Budget Resolutions that Fail To Set Forth a Glide Path to a Balanced Budget.—Section 301 of the Congressional Budget Act of 1974 is amended by inserting at the end thereof the following new subsection:

''(j) Congressional Enforcement of a Balanced Budget.—

''(1) Point of order.—It shall not be in order to consider any concurrent resolution on the budget (or amendment, motion, or conference report thereon) unless that resolution—

''(A) sets forth a fiscal year (by 2002 or the earliest possible fiscal year) in which, for the budget as defined by section 13301 of the Budget Enforcement Act of 1990 (excluding the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund), the level of outlays for that fiscal year or any subsequent fiscal year does not exceed the level of revenues for that fiscal year;

''(B) sets forth amounts for the deficit that for any fiscal year are equal to or less than the amounts set forth for the deficit for that fiscal year in the most recently adopted concurrent resolution on the budget;

''(C) sets forth appropriate levels for all items described in subsection (a)(1) through (7) for all fiscal years through and including the fiscal year described in paragraph (A);

''(D) includes specific reconciliation instructions under section 310 to carry out any assumption of either—

''(i) reductions in direct spending, or

''(ii) increases in revenues.

''(3) No amendment without three-fifths vote in the senate.—It shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, motion, or conference report that would amend or otherwise supersede this section.''.

(c) Requirement for 60 Votes to Waiver or Appeal in the Senate.—Section 904 of the Congressional Budget Act of 1974 is amended by inserting ''301(j),'' after ''301(i),'' in both places that it appears.

(d) Suspension in the Event of War or Congressionally Declared Low Growth.—Section 258(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting ''301(j),'' after ''sections''.

EXON AMENDMENTS NOS. 367–372

(Ordered to lie on the table.)

Mr. EXON submitted six amendments intended to be proposed by him to amendment No. 347 by Mr. Dole to the bill, S. 4, supra; as follows:

Amendment No. 367

At the appropriate place in the bill, insert the following:

SEC. .—CONGRESSIONAL ENFORCEMENT OF A BALANCED BUDGET

(a) Purpose.—The Congress declares it essential that the Congress—

(1) set forth with specificity in the first session of the 104th Congress the policies that achieving such a balanced Federal budget would require; and

(2) enforce through the congressional budget process the requirement to achieve a balanced Federal budget.

(b) Point of Order Against Budget Resolutions That Fail To Set Forth a Glide Path to a Balanced Budget.—Section 301 of the Congressional Budget Act of 1974 is amended by inserting at the end thereof the following new subsection:

''(j) Congressional Enforcement of a Balanced Budget.—It shall not be in order to consider any concurrent resolution on the budget (or amendment, motion, or conference report thereon) that—

''(A) fails to set forth appropriate levels for all items described in subsection (a) (1) through (7) for all fiscal years through 2002;

''(B) for the unified Federal budget, sets forth a level of outlays for fiscal year 2002 or any subsequent fiscal year the exceeds the level of revenues for that fiscal year; or

''(C) relies on the assumption of either—

''(i) reductions in direct spending, or

''(ii) increases in revenues, without including specific reconciliation instructions under section 310 to carry out those assumptions.''.

(c) Requirement for 60 Votes To Waive or Appeal in the Senate.—Section 904 of the Congressional Budget Act of 1974 is amended by inserting ''301(j),'' after ''301(i),'' in both places that it appears.

(d) Suspension in the Event of War or Congressionally-Declared Low Growth.—Section 258(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting ''301(j),'' after ''sections''.

Amendment No. 368

At the end of the bill, insert the following new section:

SEC. . SAVINGS ACHIEVED FROM LOWERING DISCRETIONARY SPENDING LIMITS MUST GO TO DEFICIT REDUCTION.

It is the sense of the Congress that any savings achieved from lowering or extending the discretionary spending limits set forth in section 601 of the Congressional Budget Act of 1974 must be devoted exclusively to reducing the deficit.

Amendment No. 369

At the appropriate place in the bill, insert the following:

SEC. .

It is the Sense of the Senate that discretionary spending cap reductions, under section 601 of the Congressional Budget Act of 1974, shall not be used to offset direct spending or revenue legislation.

Amendment No. 370

In the language proposed to be inserted, strike section 5(5) and insert ''(5) The term 'targeted tax benefit' shall have the same meaning as the term 'tax expenditure' as defined in section 3(3) of the Congressional Budget Act of 1974.''.

Amendment No. 371

In the language proposed to be inserted, strike section 5(5) and insert ''(5) The term 'targeted tax benefit' means a provision in any bill that provides special treatment to a particular taxpayer or limited class of taxpayers.''.

Amendment No. 372

In section 5(5)(B) of the language proposed to be inserted, strike ''when compared with other similarly situated taxpayers''.

EXON (AND DASCHLE) AMENDMENTS NOS. 373–374

(Ordered to lie on the table.)

Mr. EXON (for himself and Mr. Daschle) submitted two amendments intended to be proposed by them to amendment No. 347 by Mr. Dole to the bill, S. 4, supra; as follows:

Amendment No. 373

Strike section 5(5)(A) of the language proposed to be inserted and insert ''(A) estimated by the Joint Committee on Taxation as losing revenue for any one of the three following periods—

''(1) the first fiscal year covered by the most recently adopted concurrent resolution on the budget;

''(2) the period of the 5 fiscal years covered by the most recently adopted concurrent resolution on the budget; or

''(3) the period of the 5 fiscal years following the first 5 years covered by the most recently adopted concurrent resolution on the budget; and''.

AMENDMENT NO. 374

In section 5(5)(A) of the language proposed to be inserted, strike "within the periods specified in the most recently adopted concurrent resolution on the budget pursuant to section 301 of the Congressional Budget and Impoundment Control Act of 1974".

EXON AMENDMENTS NOS. 375–386

(Ordered to lie on the table.)

Mr. EXON submitted 12 amendments intended to be proposed by him to amendment No. 347 by Mr. DOLE to the bill, S. 4, supra; as follows:

AMENDMENT NO. 375

At the appropriate place in the matter proposed to be inserted, insert the following:

SEC. .

(a) Not later than 45 days of continuous session after the President vetoes an appropriations measure or an authorization measure, the President shall—

(1) reduce the discretionary spending limits under section 601 of the Congressional Budget Act of 1974 for the budget year and each out year to reflect the amount contained in vetoed items.

(ii) with respect to a repeal of direct spending, adjust the balanced for the budget year and each outyear under section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 to reflect the amount contained in vetoed items.

(B) Exception: This provision shall not take effect if the vetoed appropriations measure or authorization measure becomes law.

AMENDMENT NO. 376

At the end of the matter proposed to be inserted, insert the following new section:

SEC. . LOCK BOX SENSE OF THE CONGRESS.

It is the sense of the Congress that any savings achieved through the veto of any items under this Act shall be devoted exclusively to deficit reduction.

AMENDMENT NO. 377

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Legislative Line Item Veto Act".

SEC. 2. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED CANCELLATIONS OF BUDGET ITEMS.

(a) IN GENERAL.—Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) is amended by adding after section 1012 the following new section:

"EXPEDITED CONSIDERATION OF CERTAIN PROPOSED CANCELLATIONS OF BUDGET ITEMS

"SEC. 1012A. (a) PROPOSED CANCELLATION OF BUDGET ITEM.—The President may propose, at the time and in the manner provided in subsection (b), the cancellation of any budget item provided in any Act. An item proposed for cancellation under this section may not be proposed for cancellation again under this title.

"(b) TRANSMITTAL OF SPECIAL MESSAGE.—

"(1) SPECIAL MESSAGE.—

"(A) IN GENERAL.—Subject to the time limitations provided in subparagraph (B), the President may transmit to Congress a special message proposing to cancel budget items contained in an Act. A separate special message shall be transmitted for each Act that contains budget items the President proposes to cancel.

"(B) TIME LIMITATIONS.—A special message may be transmitted under this section—

"(i) during the 20-calendar-day period (excluding Saturdays, Sundays, and legal holidays) commencing on the day after the date of enactment of the provision proposed to be rescinded or repealed; or

"(ii) at the same time as the President's budget for any provision enacted after the date the President submitted the preceding budget.

"(2) DRAFT BILL.—The President shall include in each special message transmitted under paragraph (1) a draft bill that, if enacted, would cancel those budget items as provided in this section. The draft bill shall—

"(A) clearly identify each budget item that is proposed to be canceled including, where applicable, each program, project, or activity to which the budget item relates; and

"(B) if the special message proposes to cancel direct spending, include a means to reduce the legal obligation of the United states to beneficiaries under the direct spending program sufficient to achieve the proposed reduction in direct spending.

"(3) CONTENTS OF SPECIAL MESSAGE.—Each special message shall specify, with respect to the budget item proposed to be canceled—

"(A) the amount that the President proposes be canceled;

"(B) any account, department, or establishment of the Government to which such budget item is available for obligation, and the specific project or governmental functions involved;

"(C) the reasons why the budget item should be canceled;

"(D) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed cancellation;

"(E) if the President proposes to cancel direct spending, a proposal for a means to reduce the legal obligation of the United States to beneficiaries under the direct spending program sufficient to achieve the proposed reduction in direct spending; and

"(F) all facts, circumstances, and considerations relating to or bearing upon the proposed cancellation and the decision to effect the proposed cancellation, and to the maximum extent practicable, the estimated effect of the proposed cancellation upon the objects, purposes, and programs for which the budget item is provided.

"(4) DEFICIT REDUCTION.—

"(A) DISCRETIONARY SPENDING LIMITS AND DIRECT SPENDING BALANCES.—Not later than 5 days after the date of enactment of a bill containing the cancellation of budget items as provided under this section, the President shall—

"(i) with respect to a rescission of budget authority provided in an appropriations Act, reduce the discretionary spending limits under section 601 of the Congressional Budget Act of 1974 for the budget year and any outyear affected by the rescission, to reflect such amount; and

"(ii) with respect to a repeal of a targeted tax benefit or direct spending, adjust the balances for the budget year and each outyear under section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 to reflect such amount.

"(B) ADJUSTMENT OF COMMITTEE ALLOCATIONS.—Not later than 5 days after the date of enactment of a bill containing the cancellation of budget items as provided under this section, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise levels under section 311(a) and adjust the committee allocations under section 602(a) to reflect such amount.

"(5) EXCEPTION.—The President shall not propose to cancel budget authority provided in an appropriations Act that is required to fund an existing legal obligation of the United States, unless the legal obligation was established in that appropriations Act.

"(c) PROCEDURES FOR EXPEDITED CONSIDERATION.—

"(1) IN GENERAL.—

"(A) INTRODUCTION.—Before the close of the second day of session of the Senate and the House of Representatives, respectively, after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of each House shall introduce (by request) the draft bill accompanying that special message. If the bill is not introduced as provided in the preceding sentence in either House, then, on the third day of session of that House after the date of receipt of that special message, any Member of that House may introduce the bill.

"(B) REFERRAL AND REPORTING.—The bill shall be referred to the appropriate committee or (in the House of Representatives) committees. The committee shall report the bill without substantive revision and with or without recommendation. The committee shall report the bill not later than the seventh day of session of that House after the date of receipt of that special message. If the committee fails to report the bill within that period, the committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

"(C) FINAL PASSAGE.—A vote on final passage of the bill shall be taken in the Senate and the House of Representatives on or before the close of the 10th day of session of that House after the date of the introduction of the bill in that House. If the bill is passed, the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, shall cause the bill to be engrossed, certified, and transmitted to the other House within one calendar day of the day on which the bill is passed.

"(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

"(A) MOTION TO PROCEED TO CONSIDERATION.—A motion in the House of Representatives to proceed to the consideration of a bill under this subsection shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) MOTION TO STRIKE.—During consideration under this subsection in the House of Representatives, any Member of the House of Representatives may move to strike any proposed cancellation of a budget item if supported by 49 other Members.

"(C) LIMITS ON DEBATE.—Debate in the House of Representatives on a bill under this subsection shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill under this subsection or to move to reconsider the vote by which the bill is agreed to or disagreed to.

"(D) APPEALS.—Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this section shall be decided without debate.

"(E) APPLICATION OF HOUSE RULES.—Except to the extent specifically provided in this section, consideration of a bill under this section shall be governed by the Rules of the House of Representatives. It shall not be in order in the House of Representatives to consider any bill introduced pursuant to the provisions of this section under a suspension of the rules or under a special rule.

"(3) CONSIDERATION IN THE SENATE.—

"(A) MOTION TO PROCEED TO CONSIDERATION.—A motion to proceed to the consideration of a bill under this subsection in the Senate shall be nondebatable. It shall not be in order to move to reconsider the vote by which the motion to proceed is agreed to or disagreed to.

"(B) MOTION TO STRIKE.—During consideration of a bill under this subsection in the Senate, any Member of the Senate may move to strike any proposed cancellation of a budget item if supported by 11 other Members.

"(C) LIMITS ON DEBATE.—Debate in the Senate on a bill under this subsection, amendments thereto, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (D)), shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(D) APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(E) MOTION TO LIMIT DEBATE.—A motion in the Senate to further limit debate on a bill under this subsection is not debatable.

"(F) MOTION TO RECOMMIT.—A motion to recommit a bill under this subsection is not in order.

"(G) PLACED ON CALENDAR.—Upon receipt in the Senate of the companion bill for a bill that has been introduced in the Senate, that companion bill shall be placed on the calendar.

"(H) CONSIDERATION OF HOUSE COMPANION BILL.—

"(i) IN GENERAL.—Following the vote on the Senate bill required under paragraph (1)(C), when the Senate proceeds to consider the companion bill received from the House of Representatives, the Senate shall—

"(I) if the language of the companion bill is identical to the Senate bill, as passed, proceed to the immediate consideration of the companion bill and, without intervening action, vote on the companion bill; or

"(II) if the language of the companion bill is not identical to the Senate bill, as passed, proceed to the immediate consideration of the companion bill.

"(ii) AMENDMENTS.—During consideration of the companion bill under clause (i)(II), any Senator may move to strike all after the enacting clause and insert in lieu thereof the text of the Senate bill, as passed. Debate in the Senate on such companion bill, any amendment proposed under this subparagraph, and all debatable motions and appeals in connection therewith, shall not exceed 10 hours less such time as the Senate consumed or yielded back during consideration of the Senate bill.

"(4) CONFERENCE.—

"(A) CONSIDERATION OF CONFERENCE REPORTS.—Debate in the House of Representatives or the Senate on the conference report and any amendments in disagreement on any bill considered under this section shall be limited to not more than 2 hours, which shall be divided equally between the majority leader and the minority leader. A motion further to limit debate is not debatable. A motion to recommit the conference report is not in order, and it is not in order to move to reconsider the vote by which the conference report is agreed to or disagreed to.

"(B) FAILURE OF CONFERENCE TO ACT.—If the committee on conference on a bill considered under this section fails to submit a conference report within 10 calendar days after the conferees have been appointed by each House, any Member of either House may introduce a bill containing only the text of the draft bill of the President on the next day of session thereafter and the bill shall be considered as provided in this section except that the bill shall not be subject to any amendment.

"(d) AMENDMENTS AND DIVISIONS PROHIBITED.—Except as otherwise provided by this section, no amendment to a bill considered under this section shall be in order in either the Senate or the House of Representatives. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole). No motion to suspend the application of this subsection shall be in order in the House of Representatives, nor shall it be in order in the House of Representatives to suspend the application of this subsection by unanimous consent.

"(e) TEMPORARY PRESIDENTIAL AUTHORITY TO CANCEL.—At the same time as the President transmits to Congress a special message under subsection (b)(1)(B)(i) proposing to cancel budget items, the President may direct that any budget item or items proposed to be canceled in that special message shall not be made available for obligation or take effect for a period not to exceed 45 calendar days from the date the President transmits the special message to Congress. The President may make any budget item or items canceled pursuant to the preceding sentence available at a time earlier than the time specified by the President if the President determines that continuation of the cancellation would not further the purposes of this Act.

"(f) DEFINITIONS.—For purposes of this section—

"(1) the term 'appropriation Act' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations but such term does not include any appropriations for social security;

"(2) the term 'direct spending' shall have the same meaning given such term in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985 but such term shall not include spending for social security;

"(3) the term 'budget item' means—

"(A) an amount, in whole or in part, of budget authority provided in an appropriation Act;

"(B) an amount of direct spending; or

"(C) a targeted tax benefit;

"(4) the term 'cancellation of a budget item' means—

"(A) the rescission of any budget authority provided in an appropriation Act;

"(B) the repeal of any amount of direct spending; or

"(C) the repeal of any targeted tax benefit;

"(5) the term "companion bill" means, for any bill introduced in either House pursuant to subsection (c)(1)(A), the bill introduced in the other House as a result of the same special message; and

"(6) the term 'targeted tax benefit' means any provision which has the practical effect of providing a benefit in the form of a different treatment to a particular taxpayer or a limited class of taxpayers, whether or not such provision is limited by its terms to a particular taxpayer or a class of taxpayers. Such term does not include any benefit provided to a class of taxpayers distinguished on the basis of general demographic conditions such as income, number of dependents, or marital status.".

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking "and 1017" and inserting "1012A, and 1017"; and

(2) in subsection (d), by striking "section 1017" and inserting "sections 1012A and 1017".

(c) CLERICAL AMENDMENTS.—The table of sections for subpart B of title X of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 1012 the following:

"Sec. 1012A. Expedited consideration of certain proposed cancellations of budget items.".

(d) EFFECTIVE PERIOD.—The amendments made by this Act shall—

(1) take effect on the date of enactment of this Act;

(2) apply only to budget items provided in Acts enacted on or after the date of enactment of this Act; and

(3) cease to be effective on September 30, 1998.

AMENDMENT NO. 378

In section 6 of the language proposed to be inserted, strike "on September 30, 2000" and insert "at noon on January 20, 1997".

AMENDMENT NO. 379

In section 6 of the language proposed to be inserted, strike "2000" and insert "1998".

AMENDMENT NO. 380

At the appropriate place in the matter proposed to be inserted insert the following:

SEC. . JUDICIAL REVIEW.

(a) EXPEDITED REVIEW.—

(1) Any Member of Congress may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that any provision of this Act violates the Constitution.

(2) A copy of any complaint in an action brought under paragraph (1) shall be promptly delivered to the Secretary of the Senate and the Clerk of the House of Representatives, and each House of Congress shall have the right to intervene in such action.

(3) Any action brought under paragraph (1) shall be heard and determined by a three-judge court in accordance with section 2284 of title 28, United States Code.

Nothing in this section or in any other law shall infringe upon the right of the House of Representatives or the Senate to intervene in an action brought under paragraph (1) without the necessity of adopting a resolution to authorize such intervention.

(b) APPEAL TO SUPREME COURT.—

Notwithstanding any other provisions of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under paragraph (1) of subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after such order is entered; and the jurisdictional statement shall be filed within 30 days after such order is entered. No stay of an order issued pursuant to an action brought under paragraph (1) of subsection (a) shall be issued by a single Justice of the Supreme Court.

(c) EXPEDITED CONSIDERATION.—

It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

AMENDMENT NO. 381

At the appropriate place in the bill, insert the following:

SEC. .—TO PROVIDE FOR 10 YEAR BUDGET RESOLUTIONS

(a) PURPOSE.—The Congress declares it essential that the Congress—

(1) set forth with specifity the policies that achieving such a balanced Federal budget would require; and

(2) enforce through the congressional budget process the requirement to achieve a balanced Federal budget by 2002 as well as the years thereafter.

(b) BUDGET RESOLUTIONS SHALL PROVIDE FOR 10 FISCAL YEARS.—

Strike the following provisions from section 301(a) of the Congressional Budget Act of 1974,:

"Content of Concurrent Resolutions on the Budget.—On or before April 15 of each year, the Congress shall complete action on a concurrent resolution on the budget for the fiscal year beginning on October 1st of such year. The concurrent resolution shall set forth appropriate levels for the fiscal year beginning on October 1st of such year, and planning levels for each of the four ensuing fiscal years, for the following—"

and insert:

"SEC. 301. (a) Content of Concurrent Resolutions on the Budget.—On or before April 15 of each year, the Congress shall complete action on a concurrent resolution on the budget for the fiscal year beginning on October 1st of such year. The concurrent resolution shall set forth appropriate levels for the fiscal year beginning on October 1st of such year, and planning levels for each of the nine ensuing fiscal years, for the following—"

Strike the following provision from section 302 of the Congressional Budget Act of 1974,:

"(2) For the Senate, the joint explanatory statement accompanying a conference report on a concurrent resolution on the budget shall include an estimated allocation, based upon such concurrent resolution as recommended in such conference report, of the appropriate levels of social security outlays for the fiscal year of the resolution and for each of the 4 succeeding fiscal years, total budget outlays and total new budget authority among each committee of the Senate which has jurisdiction over bills and resolutions providing such new budget authority."

and insert the following:

"(2) For the Senate, the joint explanatory statement accompanying a conference report on a concurrent resolution on the budget shall include an estimated allocation, based upon such concurrent resolution as recommended in such conference report, of the appropriate levels of social security outlays for the fiscal year of the resolution and for each of the 9 succeeding fiscal years, total budget outlays and total new budget authority among each committee of the Senate which has jurisdiction over bills and resolutions providing such new budget authority."

Strike the following provision from section 302 of the Congressional Budget Act of 1974,:

"(2) In the Senate—At any time after the Congress has completed action on the concurrent resolution on the budget required to be reported under section 301(a) for a fiscal year, it shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report, that provides for budget outlays, new budget authority, or new spending authority (as defined in section 401(c)(2)) in excess of

(A) the appropriate allocation of such outlays or authority reported under subsection (a) or

(B) the appropriate allocation (if any) of such outlays or authority reported under subsection (b) in connection with the most recently agreed to concurrent resolution on the budget for such fiscal year or provides for social security outlays in excess of the appropriate allocation of social security outlays under subsection (a) for the fiscal year of the resolution or for the total of that year and the four succeeding years."

and insert the following:

"(2) In the Senate—At any time after the Congress has completed action on the concurrent resolution on the budget required to be reported under section 301(a) for a fiscal year, it shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report, that provides for budget outlays, new budget authority, or new spending authority (as defined in section 401(c)(2)) in excess of

"(A) the appropriate allocation of such outlays or authority reported under subsection (a) or

"(B) the appropriate allocation (if any) of such outlays or authority reported under subsection (b) in connection with the most recently agreed to concurrent resolution on the budget for such fiscal year or provides for social security outlays in excess of the appropriate allocation of social security outlays under subsection (a) for the fiscal year of the resolution or for the total of that year and the nine succeeding years."

AMENDMENT NO. 382

At the end of the matter proposed to be inserted, insert the following:

"It is the sense of the Congress that all concurrent resolutions on the budget should cover the upcoming 10 fiscal years."

AMENDMENT NO. 383

At the appropriate place in the bill, insert the following:

SEC. . CONGRESS SHALL NOT LEGISLATE AD HOC CHANGES IN ECONOMIC INDICATORS.

(a) PURPOSE.—The Congress declares it essential that the Congress shall not arbitrarily change economic indicators.

(b) SENSE OF THE CONGRESS—It is the sense of the Congress that—

(1) economic indicators shall be devised by statistical agencies using the best scientific practice within the constraints of their budgets; and

(2) Congress shall not coerce Federal statistical agencies into making changes in economic indicators that are counter to the best scientific practice.

AMENDMENT NO. 384

At the end of the matter proposed to be inserted, insert the following new section:

SEC. . BALANCED FEDERAL BUDGET.

It is the sense of the Congress that beginning with the concurrent resolution on the budget for fiscal year 1996 all concurrent resolutions on the budget should set forth levels and amounts for all fiscal years through and including a fiscal year in which outlays do not exceed receipts, without counting the surpluses of the Social Security Trust Funds.

AMENDMENT NO. 385

At the end of the matter proposed to be inserted, insert the following new section:

SEC. . CBO BASELINE.

It is the sense of the Senate that the Senate Committee on the Budget, during deliberations on the Fiscal Year 1996 Budget Resolution and for the purpose of preparing the Committee report, use the current-law, capped baseline of the Congressional Budget Office for all revenue, spending, and deficit comparisons.

AMENDMENT NO. 386

At the end of the matter proposed to be inserted, insert the following new section:

SEC. . SENSE OF THE SENATE ON USE OF THE CBO BASELINE.

It is the sense of the Senate that the concurrent resolution on the budget for fiscal year 1996 should use the baseline used by the Congressional Budget Office in its evaluation of the President's budget.

MURKOWSKI AMENDMENT NO. 387

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted an amendment intended to be proposed by him to amendment No. 347 by Mr. DOLE to the bill, S. 4, supra; as follows:

On page 5, between lines 12 and 13, insert the following:

"Any condition on an item of appropriation not involving a positive allocation of funds and explicitly prohibiting the use of any funds shall be enrolled with the item of appropriation.".

MURRAY AMENDMENT NO. 388

(Ordered to lie on the table.)

Mrs. MURRAY submitted an amendment intended to be proposed by her to amendment No. 347 by Mr. DOLE to the bill, S. 4, supra; as follows:

On page 5, line 7, after "and" insert the following: "shall not mean appropriations authorized in a previously passed authorization bill; and,".

PRYOR AMENDMENT NO. 389

(Ordered to lie on the table.)

Mr. PRYOR submitted an amendment intended to be proposed by him to amendment No. 347 by Mr. DOLE to the bill, S. 4, supra; as follows:

At the appropriate place insert the following:

"The President may not rescind any budget authority provided for social security.".

WELLSTONE AMENDMENT NO. 390

(Ordered to lie on the table.)

Mr. WELLSTONE submitted an amendment intended to be proposed by him to amendment No. 347 by Mr. DOLE to the bill, S. 4, supra; as follows:

On page 5, delete lines 13 thru 20 and insert in lieu thereof the following:

(5) The term 'targeted tax benefit' means any provision which has the practical effect of providing a benefit in the form of a different treatment to a particular taxpayer or a limited class of taxpayers, whether or not such provision is limited by its terms to a particular taxpayer or a class of taxpayers but such term does not include any benefit provided to a class of taxpayers distinguished on the basis of general demographic conditions such as income, number of dependents, or marital status.

SIMON AMENDMENTS NOS. 391–392

(Ordered to lie on the table.)

Mr. SIMON submitted two amendments intended to be proposed by him to amendment No. 347 by Mr. DOLE to the bill, S. 4, supra; as follows:

AMENDMENT NO. 391

In the language proposed to be inserted, strike section 5(5) and insert "(5) The term 'targeted tax benefit' shall have the same meaning as the term 'tax expenditure' as defined in section 3(3) of the Congressional Budget Act of 1974.".

AMENDMENT NO. 392

Strike section 5 of the language proposed to be inserted and insert (5) The term "targeted tax benefit" means any provision "(A) estimated by the Joint Committee on Taxation as losing revenue for any one of the three following periods—

"(1) the first fiscal year covered by the most recently adopted concurrent resolution on the budget;

"(2) the period of the 5 fiscal years covered by the most recently adopted concurrent resolution on the budget; or

"(3) the period of the 5 fiscal years following the first 5 years covered by the most recently adopted concurrent resolution on the budget; and.

"(B) having the practical effect of providing more favorable tax treatment to a particular taxpayer on limited group of taxpayers."

SIMON (AND LEVIN) AMENDMENT NO. 393

Mr. SIMON (for himself and Mr. LEVIN) proposed an amendment to amendment No. 347 proposed by Mr. DOLE to the bill S. 4, supra; as follows:

At the appropriate place in the pending amendment, insert the following:

SEC. . JUDICIAL REVIEW.

(a) EXPEDITED REVIEW.—

(1) Any Member of Congress may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that any provision of this Act violates the Constitution.

(2) A copy of any complaint in an action brought under paragraph (1) shall be promptly delivered to the Secretary of the Senate and the Clerk of the House of Representatives, and each House of Congress shall have the right to intervene in such action.

(3) Any action brought under paragraph (1) shall be heard and determined by a three-judge court in accordance with section 2284 of title 28, United States Code.

Nothing in this section or in any other law shall infringe upon the right of the House of Representatives or the Senate to intervene in an action brought under paragraph (1) without the necessity of adopting a resolution to authorize such intervention.

(b) APPEAL TO SUPREME COURT.—

Notwithstanding any other provisions of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under paragraph (1) of subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after such order is entered, and the jurisdictional statement shall be filed within 30 days after such order is entered. No stay of an order issued pursuant to an action brought under paragraph (1) of subsection (a) shall be issued by a single Justice of the Supreme Court.

(c) EXPEDITED CONSIDERATION.—

It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

GLENN AMENDMENTS NOS. 394–398

(Ordered to lie on the table.)

Mr. SIMON submitted five amendments intended to be proposed by him to amendment No. 347 by Mr. DOLE to the bill, S. 4, supra; as follows:

AMENDMENT NO. 394

At the appropriate place insert the following:

SEC. . EVALUATION AND SUNSET OF TAX EXPENDITURES.

(a) LEGISLATION FOR SUNSETTING TAX EXPENDITURES.—The President shall submit legislation for the periodic review, authorization, and sunset of tax expenditures with his fiscal year 1997 budget.

(b) BUDGET CONTENTS AND SUBMISSION TO CONGRESS.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following paragraph:

"(30) beginning with fiscal year 1999, a Federal Government performance plan for measuring the overall effectiveness of tax expenditures, including a schedule for periodically assessing the effects of specific tax expenditures in achieving performance goals.".

(c) PILOT PROJECTS.—Section 1118(c) of title 31, United States Code, is amended by—

(1) striking "and" after the semicolon in paragraph (2);

(2) redesignating paragraph (3) as paragraph (4); and

(3) adding after paragraph (2) the following:

"(3) describe the framework to be utilized by the Director of the Office of Management and Budget, after consultation with the Secretary of the Treasury, the Comptroller General of the United States, and the Joint Committee on Taxation, for undertaking periodic analyses of the effects of tax expenditures in achieving performance goals and the relationship between tax expenditures and spending programs; and".

(d) CONGRESSIONAL BUDGET ACT.—Title IV of the Congressional Budget Act of 1974 is amended by adding at the end thereof the following:

"TAX EXPENDITURES

"SEC. 408. It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report that contains a tax expenditure unless the bill, joint resolution, amendment, motion, or conference report provides that the tax expenditure will terminate not later than 10 years after the date of enactment of the tax expenditure.".

AMENDMENT NO. 395

At the appropriate place insert the following:

SEC. . EVALUATION AND SUNSET OF EXISTING TAX EXPENDITURES.

(a) SUNSET OF EXISTING TAX EXPENDITURES.—All tax expenditures in existence at the time of enactment of this Act shall expire if not specifically reauthorized by the Congress before January 1, 2005. Any tax expenditure reauthorized under this Act at the same level of cost as the revenue baseline of the existing tax expenditure shall not be subject to the pay as you go requirements under Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) BUDGET CONTENTS AND SUBMISSION TO CONGRESS.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following paragraph:

"(30) beginning with fiscal year 1999, a Federal Government performance plan for measuring the overall effectiveness of tax expenditures, including a schedule for periodically assessing the effects of specific tax expenditures in achieving performance goals.".

(c) PILOT PROJECTS.—Section 1118(c) of title 31, United States Code, is amended by—

(1) striking "and" after the semicolon in paragraph (2);

(2) redesignating paragraph (3) as paragraph (4); and

(3) adding after paragraph (2) the following:

"(3) describe the framework to be utilized by the Director of the Office of Management and Budget, after consultation with the Secretary of the Treasury, the Comptroller General of the United States, and the Joint Committee on Taxation, for undertaking periodic analyses of the effects of tax expenditures in achieving performance goals and the relationship between tax expenditures and spending programs; and".

AMENDMENT NO. 396

On page 4, line 22 strike the period following "1985" and insert the following:

", except that it shall not include provisions estimated by the Joint Committee on Taxation as producing aggregate cost savings during the periods specified in the most recently adopted concurrent resolution on the budget pursuant to section 301 of the Congressional Budget and Impoundment Control Act of 1974."

AMENDMENT NO. 397

On page 5, strike lines 13 through 20 and insert the following:

"(5) The term "targeted tax benefit" means any provision that has the practical effect of providing a benefit in the form of a different tax treatment to a particular taxpayer or a limited class of taxpayers, whether or not such provision is limited by its terms to a particular taxpayer of a class of taxpayers. Such provision does not include:

"(A) any benefit provided to a class of taxpayers distinguished on the basis of general demographic conditions such as income, number of dependents, or marital status; or

"(B) any provision affecting the deductibility of mortgage interest on ownership of occupied residences."

AMENDMENT NO. 398

At the appropriate place insert the following:

SEC. . ANNUAL PERFORMANCE PLANS AND REPORTS AND PILOT PROJECTS.

(a) BUDGET CONTENTS AND SUBMISSION TO CONGRESS.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following paragraph:

"(30) beginning with fiscal year 1999, a Federal Government performance plan for measuring the overall effectiveness of tax expenditures, including a schedule for periodically assessing the effects of specific tax expenditures in achieving performance goals.".

(d) PILOT PROJECTS.—Section 1118(c) of title 31, United States Code, is amended by—

(1) striking "and" after the semicolon in paragraph (2);

(2) redesignating paragraph (3) as paragraph (4); and

(3) adding after paragraph (2) the following:

"(3) describe the framework to be utilized by the Director of the Office of Management and Budget, after consultation with the Secretary of the Treasury, the Comptroller General of the United States, and the Joint Committee on Taxation, for undertaking periodic analyses of the effects of tax expenditures in achieving performance goals and the relationship between tax expenditures and spending programs; and".

BRADLEY AMENDMENTS NOS. 399–400

(Ordered to lie on the table.)

Mr. BRADLEY submitted two amendments intended to be proposed by him to amendment No. 347 by Mr. DOLE to the bill, S. 4, supra; as follows:

AMENDMENT NO. 399

In the pending amendment strike all after the first word and insert:

term "targeted tax benefit" means any provision which has the practical effect of providing a benefit in the form of a different treatment to a particular taxpayer or a limited class of taxpayers, whether or not such provision is limited by its terms to a particular taxpayer or a class of taxpayers but such term does not include any benefit provided to a class of taxpayers distinguished on the basis of general demographic conditions such as income, number of dependents, or marital status.

AMENDMENT NO. 400

At the appropriate place, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Spending Reduction and Budget Control Act of 1995".

SEC. 2. JOINT RESOLUTION ALLOCATING APPROPRIATED SPENDING.

(a) COMMITTEE ON APPROPRIATIONS RESOLUTION.—Section 302(b) of the Congressional Budget Act of 1974 is amended to read as follows:

"(b) COMMITTEE SUBALLOCATIONS.—

"(1) COMMITTEES ON APPROPRIATIONS.—(A) As soon as practical after a concurrent resolution on the budget is agreed to, the Committee on Appropriations of each House shall, after consulting with Committee on Appropriations of the other House, report to its House an original joint resolution on appropriations allocations (referred to in the paragraph as the 'joint resolution') that contains the following:

"(i) A subdivision among its subcommittees of the allocation of budget outlays and new budget authority allocated to it in the joint explanatory statement accompanying the conference report on such concurrent resolution.

"(ii) A subdivision of the amount with respect to each such subcommittee between controllable amounts and all other amounts. The joint resolution shall be placed on the calendar pending disposition of such joint resolution in accordance with this subsection.

"(B)(i) Except as provided in clause (ii), the provisions of section 305 for the consideration in the Senate of concurrent resolutions on the budget and conference reports thereon shall also apply to the consideration in the Senate of joint resolutions reported under this paragraph and conference reports thereon.

"(ii)(I) Debate in the Senate on any joint resolution reported under this paragraph, and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than 20 hours.

"(II) The Committee on Appropriations shall manage the joint resolution.

"(C) The allocations of the Committees on Appropriations shall not take effect until the joint resolution is enacted into law.

"(2) OTHER COMMITTEES.—As soon as practicable after a concurrent resolution on the budget is agreed to, every committee of the House and Senate (other than the Committees on Appropriations) to which an allocation was made in such joint explanatory statement shall, after consulting with the committee or committees of the other House to which all or part of its allocation was made—

"(A) subdivide such allocation among its subcommittees or among programs over which it has jurisdiction; and

"(B) further subdivide the amount with respect to each subcommittee or program between controllable amounts and all other amounts.

Each such committee shall promptly report to its House the subdivisions made by it pursuant to this paragraph.".

(b) POINT OF ORDER.—Section 302(c) of the Congressional Budget Act of 1974 is amended by striking "such committee makes the allocation or subdivisions required by" and inserting "such committee makes the allocation or subdivisions in accordance with".

(c) ALTERATION OF ALLOCATIONS.—Section 302(e) of the Congressional Budget Act of 1974 is amended to read as follows:

"(e) ALTERATION OF ALLOCATIONS.—

"(1) Any alteration of allocations made under paragraph (1) of subsection (b) proposed by the Committee on Appropriations of either House shall be subject to approval as required by such paragraph.

"(2) At any time after a committee reports the allocations required to be made under subsection (b)(2), such committee may report to its House an alteration of such allocations. Any alteration of such allocations must be consistent with any actions already taken by its House on legislation within the committee's jurisdiction.".

SEC. 3. AMENDMENTS TO APPROPRIATIONS BILL.

Section 302 of the Congressional Budget Act of 1974 is amended by—

(1) redesignating subsection (g) as subsection (h); and

(2) inserting after subsection (f) the following:

"(g) AMENDMENTS TO APPROPRIATIONS ACT REDUCING ALLOCATIONS.—

"(1) FLOOR AMENDMENTS.—Notwithstanding any other provision of this Act, an amendment to an appropriations bill shall be in order if—

"(A) such amendment reduces an amount of budget authority provided in the bill and reduces the relevant subcommittee allocation made pursuant to subsection (b)(1) and the discretionary spending limits under section 601(a)(2) for the fiscal year covered by the bill; or

"(B) such amendment reduces an amount of budget authority provided in the bill and reduces the relevant subcommittee allocation made pursuant to subsection (b)(1) and the discretionary spending limits under section 601(a)(2) for the fiscal year covered by the bill and the 4 succeeding fiscal years.

"(2) CONFERENCE REPORTS.—(A) It shall not be in order to consider a conference report on an appropriations bill that contains a provision reducing subcommittee allocations and discretionary spending included in both the bill as passed by the Senate and the House of Representatives if such provision provides reductions in such allocations and spending that are less than those provided in the bill as passed by the Senate or the House of Representatives.

"(B) It shall not be in order in the Senate or the House of Representatives to consider a conference report on an appropriations bill that does not include a reduction in subcommittee allocations and discretionary spending in compliance with subparagraph (A) contained in the bill as passed by the Senate and the House of Representatives.".

SEC. 4. SECTION 602(b) ALLOCATIONS.

Section 602(b)(1) of the Congressional Budget Act of 1974 is amended to read as follows:

"(1) SUBALLOCATIONS BY APPROPRIATIONS COMMITTEES.—The Committee on Appropriations of each House shall make allocations under subsection (a)(1)(A) or (a)(2) in accordance with section 302(b)(1).".

ABRAHAM AMENDMENT NO. 401

(Ordered to lie on the table.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to amendment No. 347 by Mr. DOLE to the bill, S. 4, supra; as follows:

On page 3, line 17, strike everything after the word "measure" through the word "generally" on page 4, line 14, and insert the following in its place:

"first passes both Houses of Congress in the same form, the Secretary of the Senate (in the case of a measure originating in the Senate) or the Clerk of the House of Representatives (in the case of a measure originating in the House of Representatives) shall disaggregate the bill into items and assign each item a new bill number. Henceforth each item shall be treated as a separate bill to be considered under the following subsections.

"(2) A bill that is required to be disaggregated into separate bills pursuant to subsection (a)—

"(A) shall be disaggregated without substantive revision,

and

"(B) shall bear the designation of the measure of which it was an item prior to such disaggregation, together with such other designation as may be necessary to distinguish such measure from other measures disaggregated pursuant to paragraph (1) with respect to the same measure.

"(b) The new bills resulting from the disaggregation described in paragraph 1 of subsection (a) shall be immediately placed on the calendar of both Houses. They shall be the next order of business in each House and they shall be considered and voted on en bloc and shall not be subject to amendment. A motion to proceed to the bills shall be nondebatable. Debate in the House of Representatives or the Senate on the bills shall be limited to not more than 1 hour, which shall be divided equally between the majority leader and the minority leader. A motion further to limit debate is not debatable. A motion to recommit the bills is not in order, and it is not in order to move to reconsider the vote by which the bills are agreed to or disagreed to."

EXON AMENDMENT NO. 402

Mr. EXON proposed an amendment to amendment No. 347 proposed by Mr. DOLE to the bill, S. 4, supra; as follows:

At the end of the matter proposed to be inserted, insert the following:

SEC. .

(a) Not later than 45 days of continuous session after the President vetoes an appropriations measure or an authorization measure, the President shall—

(1) with respect to appropriations measures, reduce the discretionary spending limits under section 601 of the Congressional Budget Act of 1974 for the budget year and each out year by the amount by which the measure would have increased the deficit in each respective year;

(2) with respect to a repeal of direct spending, or a targeted tax benefit, reduce the balances for the budget year and each outyear under section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 by the amount by which the measure would have increased the deficit in each respective year.

(b) Exceptions:

(1) This section shall not-apply if the vetoed appropriations measure or authorization measure becomes law, over the objections of the President, before the President orders the reduction required by subsections (a)(1) or (a)(2).

(2) If the vetoed appropriations measure or authorization measure becomes law, over the objections of the President, after the President has ordered the reductions required by subsections (a)(1) or (a)(2), then the President shall restore the discretionary spending limits under section 601 of the Congressional Budget Act of 1974 or the balances under section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 to reflect the positions existing before the reduction ordered by the President in compliance with subsection (a).

NOTICES OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the full Committee on Energy and Natural Resources to consider the nomination of Daniel R. Glickman to be Secretary of Agriculture.

The hearing will take place Tuesday, March 28, 1995, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington DC 20510. For further information, please call Mark Rey at (202) 224–2878 or Camille Heninger at (202) 224–5070.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT AND THE DISTRICT OF COLUMBIA

Mr. COHEN. Mr. President, I wish to announce that the Subcommittee on Oversight of Government Management and the District of Columbia, Committee on Governmental Affairs, will hold a hearing on Tuesday, March 28, 1995, on reducing the cost of Pentagon travel processing. The hearing will be at 9:30 a.m., in room 342 of the Dirksen Senate Office Building.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, March 21, at 9:30 a.m., in SDG–50, to discuss the confirmation of agriculture Secretary-designee Daniel Robert Glickman.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. COATS. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on March 21, 1995, at 9:30 a.m., on telecommunications policy reform/cable rates, broadcast and foreign ownership.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 21, 1995, at 10 a.m., to hold a hearing on S. 5 and H.R. 7.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 21, 1995, at 2 p.m., to hold a hearing on S. 5 and H.R. 7.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. COATS. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Tuesday, March 21, 1995, at 9:30 a.m., to hold a hearing on the topic of health care fraud.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGING

Mr. COATS. Mr. President, I ask unanimous consent that the Subcommittee on Aging of the Committee on Labor and Human Resources be authorized to meet for a hearing on bringing title III into the 21st century, during the session of the Senate on Tuesday, March 21, 1995 at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY PRODUCTION AND REGULATION

Mr. COATS. Mr. President, I ask unanimous consent that the Subcommittee on Energy Production and Regulation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, March 21, 1995, for purposes of conducting a subcommittee hearing which is scheduled to begin at 10 a.m. The purpose of the hearing is to receive testimony on S. 92, a bill to provide for the reconstitution of outstanding repayment obligations of the Administrator of the Bonneville Power Administration for the appropriated capital investments in the Federal Colombia River Power System.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL FINANCE

Mr. COATS. Mr. President, I ask unanimous consent that the Subcommittee on International Finance of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, March 21, 1995, to conduct a hearing on U.S. and Foreign Commercial Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS

Mr. COATS. Mr. President, I ask unanimous consent that the Subcommittee on Readiness of the Committee on Armed Services be authorized to meet at 2:30 p.m., on Tuesday, March 21, 1995, in open session, to receive a report on military capabilities and readiness.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TAXATION AND IRS OVERSIGHT

Mr. COATS. Mr. President, I ask unanimous consent that the Subcommittee on Taxation and IRS Oversight of the Finance Committee be permitted to meet Tuesday, March 21, 1995, beginning at 10:30 a.m., in room SD–215, to conduct a hearing on the administration's proposal to impose capital gains tax on individuals who renounce their U.S. citizenship.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

HOMICIDES BY GUNSHOT IN NEW YORK CITY

• Mr. MOYNIHAN. Mr. President, I rise today, as I have done each week of the 104th Congress, to announce to the Senate that during the past week, 10 people were murdered by gunshot in New York City, bringing this year's total to 130.

Three weeks ago, I shared with the Senate a letter from Sarah Brady, chairman of Handgun Control, Inc., and wife of James Brady, the former White House Press Secretary who was critically wounded in the assassination attempt against President Reagan. The letter contained the results of a joint study by the International Association of Chiefs of Police and Handgun Control, Inc., providing convincing evidence that the Brady law, which went into effect just over 1 year ago, is doing exactly what its proponents had anticipated: keeping guns out of the hands of criminals.

Today I would like to add to this the results of two other studies which further attest to the effectiveness of the Brady law. These studies, one conducted by the Federal Bureau of Alcohol, Tobacco and Firearms, and the other by CBS News, found that background checks mandated by the law have prevented as many as 45,000 people from illegally purchasing firearms.

This is no mean achievement. And it is only one of the benefits the Brady law has brought us. By substantially raising the fee for a Federal Firearms License, the law has also caused a significant decline in the number of licensed firearms dealers, which by 1993 had reached an astounding 284,000. Few are aware that prior to the Brady law, one could obtain a 3-year Federal Firearms License for just $30. Thanks to the Brady law, which raised that fee to $200, the number of federally licensed dealers has decreased by some 60,000 in just 1 year.

Mr. President, the Brady law will not in itself cure the problem of gun violence. But it is an important step in the right direction and it proves that we can make a difference in this fight.•

BETHEL COLLEGE WINS NATIONAL BASKETBALL CHAMPIONSHIP

• Mr. COATS. Mr. President, while the U.S. Senate discusses the most important issues facing our Nation, I rise today to talk about another issue that is near and dear to the hearts of the people in my State of Indiana. The Hoosier love for basketball has been captured on film and in folklore, and another chapter has been added to this rich Hoosier basketball history.

Bethel College, located in Mishawaka, IN, captured the NAIA Division II Men's Basketball National Championship. And this was no ordinary title game. The Pilots truly have added another thrilling page to the State of Indiana's basketball tradition.

The Bethel College Pilots played the championship game on the home court of their worthy opponent, Northwest Nazarene College. Just when it looked like the game was lost, Bethel senior Mark Galloway drilled a 3-point shot at the buzzer, sending the contest into overtime. Bethel then controlled the overtime, winning the national championship by a score of 103–95.

Along with his exciting game-saving shot, Mark Galloway finished as Bethel College's all-time leading scorer with 2,622 points.

Mr. President, the Bethel College Pilots, coached by Mike Lightfoot, finished the season with a 16-game winning streak and a record of 38–2, the best in school history. I know I speak for all basketball fans in Indiana when I salute the Pilots, and congratulate Bethel College for their exciting championship season.•

GREEK INDEPENDENCE DAY

Mr. McCAIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Resolution 79, a resolution introduced by Senators SPECTER and LAUTENBERG regarding Greek Independence Day; further, that the Senate proceed to its immediate consideration, that the resolution and preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 79) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 79

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was invested in the people;

Whereas the Founding Fathers of the United States of America drew heavily upon the political experience and philosophy of ancient Greece in forming our representative democracy;

Whereas these and other ideals have forged a close bond between our two nations and their peoples;

Whereas March 25, 1995, marks the 174th anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire; and

Whereas it is proper and desirable to celebrate with the Greek people, and to reaffirm the democratic principles from which our two great nations were born: Now, therefore, be it

Resolved, That March 25, 1995, is designated as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy". The President is requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

ORDERS FOR WEDNESDAY, MARCH 22, 1995

Mr. McCAIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:30 a.m. on Wednesday, March 22, 1995; that following the prayer, the Journal of the proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day; that the Senate then immediately resume consideration of S. 4, the line-item veto bill, and further, that at that time Senator THOMAS be recognized to speak and manage up to 60 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. McCAIN. Mr. President, I now ask unanimous consent that notwithstanding the provisions of rule XXII, the cloture vote on the Dole substitute amendment to S. 4 occur at the hour of 6 p.m. with the mandatory live quorum being waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. McCAIN. For the information of my colleagues, although the cloture vote on the majority leader's substitute amendment will occur at 6 p.m. tomorrow, other amendments will be offered throughout the day. Therefore, rollcall votes can be expected. The Senate has reached an agreement with respect to the Bradley amendment for a total of 45 minutes beginning at 10:30 a.m.; therefore, a vote can be expected prior to 12 noon.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. McCAIN. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 9:08 p.m., recessed until, Wednesday, March 22, 1995, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, March 21, 1995*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. BONILLA]

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 21, 1995.

I hereby designate the Honorable HENRY BONILLA to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER. Pursuant to the order of the House of January 4, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leaders limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Guam [Mr. UNDERWOOD] for 5 minutes.

RESOLUTION BARRING ELIMINATION OR CUT OF COMMISSARY AND EXCHANGE SERVICES

Mr. UNDERWOOD. Mr. Speaker, next month the Contract With America will reach its 100-day conclusion. At a time when Congress is acting on this contract, I rise to discuss another more enduring and longstanding contract with our active and retired members of the Armed Forces. Under this contract, the Government has agreed to provide commissary and exchange services to active and retired uniformed men and women as a form of indirect pay for their service and sacrifice. This contract has lasted more than 100 days. In fact, the commissary system dates back to 1825 when it was provided to service military personnel at remote posts where provisions were very expensive. Recent proposals to reduce or eliminate commissary and exchange services would jeopardize this contract.

Today I am introducing a concurrent resolution that will send a message that any elimination or cut in the commissary and exchange systems would be a breach of faith with our active and retired men and women in uniform and that if any reduction is enacted, then other forms of compensation should be paid to offset this loss.

The Department of Defense commissary and exchange system are proven parts of the military compensation package and contribute significantly to the morale and well-being of our men and women in uniform and their families. It is critical in retaining experienced members, it is valuable in recruiting new members, and reduces expenditures by the Federal Government for training and recruiting or for direct compensation which would have to be increased in order to maintain the same retention rate.

Commissaries and exchanges are critical in recruiting and retaining quality personnel and continue to be highlighted as a valuable aspect of military service. Among Armed Forces personnel, commissary privileges consistently rank among the top three benefits of military service, particularly among married personnel, and is one of the major factors in a service member's decision to remain in the armed services. The patron base includes 12 million individuals including active duty military, military retirees, selected and ready reserves, Medal of Honor recipients, 100-percent-disabled veterans, overseas civil service, and all their dependents.

For many of my constituents on Guam and for service men and women throughout the Nation, commissaries and exchanges translate into indirect pay for military families. A reduction would also translate into an erosion for many of quality-of-life facilities available to these individuals and their families. Profits from the exchange system are used to support many quality-of-life improvements such as the operation of youth centers, arts and crafts centers, recreational areas, and child development centers. Eliminating this exchange dividend would result in reductions in the quality-of-life facilities available to our armed services at a time when there have been many concerns raised about these issues.

The resolution that I am introducing today expresses the sense of Congress that first, if the commissary and exchange systems of the DOD are reduced or eliminated, the funds derived from the reduction or elimination should be used to increase other forms of compensation for current and retired members of the Armed Forces.

Second, the resolution states that if exchange stores are reduced or eliminated, funds should be provided by the Department of Defense to upgrade and avoid the erosion of morale, welfare and recreation activities, and other quality-of-life facilities provided to military personnel. The resolution ensures that the indirect pay on which service men and women rely will not be reduced and that the quality-of-life improvements on which the current system relies will not be eroded.

Most importantly, this resolution sends the message that a reduction in commissary and exchange systems would be a breach of faith in current and retired members who have earned this indirect pay through years of faithful service.

Let's make sure that we don't breach the more longstanding contract that all of us have with active and retired members of the Armed Forces. I invite and urge my colleagues to cosponsor this important resolution and to join me in support of our men and women in uniform.

Mr. VOLKMER. Will the gentleman yield?

Mr. UNDERWOOD. I yield to the gentleman from Missouri.

Mr. VOLKMER. I would be glad to join with the gentleman in his resolution. I know that probably one of the reasons that we see this type of resolution coming forward is concern with what is going on as far as budgetary cuts that are occurring here in the Congress at this time by the majority party; is that correct?

Mr. UNDERWOOD. That is correct.

Mr. VOLKMER. We have seen a proposal that we saw in the defense rescissions bill that will cut back severely on veterans who have served this country in the past, to cut back medical care facilities for veterans that was proposed by the majority party; correct?

Mr. UNDERWOOD. That was correct, in last week's rescission bill. I urge all Members to cosponsor this resolution.

AMENDMENT PROHIBITING DESECRATION OF OLD GLORY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from New York [Mr. SOLOMON] is recognized during morning business for 5 minutes.

Mr. SOLOMON. I would love to respond to the last statement, but I will wait.

Mr. Speaker, today I will be introducing a resolution calling for a constitutional amendment prohibiting the physical desecration of the American flag. I am happy to say that this effort

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

has received wide support from my friends and colleagues on both sides of the aisle in both Houses of Congress, including my good friend SONNY MONTGOMERY standing over here, Senator ORRIN HATCH over in the Senate, as well as Senator HOWELL HEFLIN on a bipartisan basis. In fact, over 240 Representatives and 40 Senators have already answered the call to protect this our greatest national symbol, Old Glory.

I would like to emphasize, Mr. Speaker, the surge of support to extend this needed protection for the flag comes not in response to changes which have occurred inside the beltway but in response to a massive grassroots movement from across this Nation, all as well it should have been. In fact, 46 State legislatures have already passed resolutions asking Congress to allow them the chance to ratify this amendment.

Mr. Speaker, at 3 o'clock this afternoon, I will drop that constitutional amendment in the hopper over here and there will be a press conference out in the grassy triangle on the Senate side of the Capitol, where those of us who support this badly needed constitutional amendment will answer questions from the press.

At this time, I would like to yield to a truly great American. He is a Democrat on that side of the aisle, but he stands up for America's veterans and for the armed services.

Mr. MONTGOMERY. I thank very much the gentleman yielding to me. I certainly support very much the American flag amendment that the gentleman from New York will drop in the hopper at 3 o'clock. As the chairman of the Committee on Rules mentioned, we have 242 members who have signed up on the House side to sponsor this. We need 48 more Members to get the 290 when we do get the opportunity to bring this constitutional amendment resolution up that it will have a chance to pass.

I would like to thank the gentleman from Texas, Mr. GENE GREEN, a Member of Congress, who has been getting Democrats on this side of the aisle to sign that resolution. As the gentleman from New York said, it is nonpartisan. It comes about that we did pass a simple law in the Congress and signed by President Bush that said you cannot hurt this great American flag. This was turned down by the U.S. Supreme Court who said Congress does not have that authority.

So it becomes now to protect the flag. We have all the veterans organizations totally supporting this amendment. I stand right with the gentleman, side by side. We need to get this constitutional amendment. We need to get more signees on this side of the Capitol to be darned sure. We lost some of them last time as the gentleman remembers. We had over 290 signatures on the House side. When we brought the amendment up, we lost some and we did not pass it. We do not want that to happen this time.

Mr. SOLOMON. The gentleman is so right. He always does stand up for America. It is a crime today to destroy this dollar bill, it is a crime today to desecrate the Washington Monument. It is not a crime to desecrate Old Glory. That is a crime in itself. We are going to change that. I thank the gentleman and urge everyone to sponsor this constitutional amendment. We will have 290 votes in the very near future and Members ought to be an original cosponsor of the legislation.

You can be so if you sign on before 3 o'clock this afternoon.

WELFARE REFORM IS ASSAULT ON POOR

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Massachusetts [Mr. FRANK] is recognized during morning business for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, I too hope that the Members today and this week will stand up for America, that they will stand up for an America that has a sense of responsibility and compassion and the wisdom not to panic.

We have got some economic problems brought about by the changing nature of work which puts people without technological skills at something of a disadvantage, exacerbated by the increasing integration of the international economy. Those are things that we ought to be addressing.

But what the public is being offered by the Republican Party is an alternative explanation for that. It is a form of scapegoating. Working Americans who have found their economic futures insecure are being told it is the fault of those poor people and those immigrants and those women who keep having children so they can make the few bucks you get on AFDC.

In pursuit of that, what we will have this week brought forward by the Republican Party is an assault on people who are poor, who lack education, who lack skills, and most of all we will have an assault on children.

What we get in American politics today is a very selective quoting of the Bible. The part that says you shall not visit the sins of the parents on the children apparently has been written out of the editions of many people, because we are being told that children who make the terrible mistake of being born in the wrong circumstance, children who make the bad judgment to have a mother who was not married, will pay for that. Those children will see basic sustenance denied to them. The answer of our Republican friends is, "Oh, no, no, we're not going to cut that," although in fact they are cutting it "What we are doing is returning it to the States."

Well, understand one very important point. When there is a program which is important to the Republican Party, they federalize it. When we are talking about issues that the Republican Party or its major constituencies in the corporate community feel strongly about, they bring them to the Federal level. Where we have an issue which is not one that they favor, it gets sent back to the States with less money and in circumstances that invite the States to reduce things further. There will be no safeguards, there will be no requirements.

Today if you are a child born in those kind of circumstances, your lot is not going to be a happy one. The young child born to a single mother is those kind of circumstances will live a life that no child in America ought to live. And what is the response of the people on the other side? Let's make it worse. Let's penalize that family in the hopes that there will not be so many families like that in the future.

That is why a very wide range of organizations, religious groups, advocacy groups of various sorts are so unhappy with this.

Let's again be clear. The Republican Party says "Oh, no, we're just returning it to the States." When it came to prisons and how to sentence criminals, matters that have been State law since the beginning of this Constitution, they took it away from the States and gave them orders. When it came to lawsuits of any kind, not just manufactured products but automobile accidents, people slipping and falling on the stairs, the Republican Party put through an amendment that makes those matters of national concern. We are going to be debating term limits. I said to a couple of the Republicans, well, are we going to have uniform national standards?

They said, "Of course," some of the Republicans have said, "We can't leave that up to the States. That's too important." The fate of poor children, that is not too important. And we know that the States are subjected to a competition among themselves for industry, industry which can decide whether it is from overseas or here where to move. They will tell a State, "We don't think your taxes are low enough. We think your benefits are too high." So what we have is a deliberate dismantling of this safety net, sketchy as it now is, sent back to the States, and the absolute predictable conclusion is that poor 2- and 3- and 4-year-olds will be poorer and worse off in the future.

The same is true with the school lunch program and with other programs. The military budget will go up. The space budget will be protected. The House gym will stay open. We will be OK, but poor children will be the victims of an assault unlike any we have seen in a long time.

I hope that the House will indeed stand up for America by saying that is not the kind of country we want to live in.

A DISTURBING DECISION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Florida [Mr. GOSS] is recognized during morning business for 5 minutes.

Mr. GOSS. Mr. Speaker, I am tempted to try and respond to the previous speaker, the gentleman from Massachusetts, and I will just simply say we will be debating welfare this week and if the gentleman represented a welfare program that was working, I do not think there would be the need for change and change is what we are trying to do to make it work better. I want to talk about a niche of the welfare problem.

In the 1980's, approximately one-half of the hemophilia community in the United States, that is between 8,000 and 10,000 people, became infected with the virus that causes AIDS through the use of contaminated blood clotting products, products which U.S. Government agencies have direct regulation and oversight over. More than 30 of my colleagues from both sides of the aisle have joined me already in offering H.R. 1023. It is a bill to establish a government compensation program for the victims of this tragedy. This bill is known as the Ricky Ray Hemophilia Relief Fund Act, named for the 15-year-old Florida boy who died of hemophilia-associated AIDS in 1992, that I knew.

Its premise is that the Federal Government which has taken on the unique obligation to safeguard the blood supply and regulate the sale of blood products failed to respond to clear warning signs in time to prevent the tragedy. Records indicate that there were serious red flags about the dangers of blood-borne diseases even in the early 1980's although our understanding of course of the implications of AIDS has evolved in the years somewhat after that.

Hemophilia sufferers are often described as the canaries in the coal mine because when something goes wrong with the blood supply they usually succumb first because they use a blood clotting factors known as Factor. A single dose of Factor is often manufactured from the pooled blood of thousands of people, placing hemophiliacs at an extraordinary risk for blood-borne diseases.

According to industry estimates from the early 1980's, the blood of one infected donor could end up contaminating between half a million to 5 million units of Factor, potentially infecting as many as 125 hemophiliacs in a given year. The risks for hemophiliacs were enormous during that crucial period of time and we are seeing the results today. Nearly 2,000 hemophiliacs died of AIDS between 1981 and 1993 from contaminated blood and many more including members of their families are now suffering from its debilitating effects. My view has been that the Federal Government must share their part of the responsibility for what happended with the industry that manufacturers blood products because we have responsibility for oversight.

The hemophilia community is currently seeking redress from four major pharmaceutical companies through the courts. They have always known that this would be an uphill fight. Manufacturers of blood products have special protection from liability under most State laws which grant them status as providers of services, not products, when they make blood products. As a result, seeking judicial redress for harm caused by these products is a very difficult undertaking. Still, hemophiliacs believed in their case and have pursued their legal options as is their right in a free society. However, over this weekend, something very disturbing happened. The Seventh U.S. Circuit Court of Appeals in Illinois issued an unsettling ruling in a pending negligence class action lawsuit.

Writing for the court in overturning an earlier ruling regarding certification of the class, Judge Richard Posner appears to have concluded that this group of victims may not constitute a class because doing so could "hurl the industry into bankruptcy."

The judge seemed highly concerned that despite the protections that already exist for blood product manufacturers under State law, a jury in a class action case could provide awards that would ruin the industry.

I am troubled by what appears to be a greater concern on the part of the judge for the solvency of a multibillion-dollar industry than the rights of victims to join together in seeking justice here in America.

As a member of this House, I have no intention of becoming involved in a pending matter before the judiciary obviously, especially since reports suggest that the claimants will appeal the ruling. Still as we seek to do our part in meeting Government's obligation to victims of hemophilia-associated AIDS, we have got to recognize that the judicial option may be closing for these victims, perhaps providing even greater impetus for relief coming from the U.S. Congress.

Therefore, I urge my colleagues to look closely at H.R. 1023, the Ricky Ray Hemophilia Relief Fund Act. It is the right thing to do and may be the only way out for these folks. It is the right thing to do now, this week especially, because this is the week we are discussing meaningful ways to deliver relief to truly needy Americans. Believe me, these 8,000 to 10,000 victims are people who are in desperate need.

WELFARE REFORM OR CUTS?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Missouri [Mr. VOLKMER] is recognized during morning business for 5 minutes.

Mr. VOLKMER. Mr. Speaker, I would like to take a little of my time at first to talk about what I call the very mean-spirited, very radical welfare reform proposal that is being proposed by the majority Republican Party that would take money away from school lunches, from school breakfast programs, and take it away from needy kids.

I have spent some time in the last couple of weeks visiting with some of those programs. It is not just me saying this, but the State of Missouri, the Department of Elementary and Secondary Education, has analyzed their proposal and points out that there will be about 10 percent reduction in some of the programs for our school lunch kids. Then I look at the part that has to do with the food stamps and AFDC and I see further just cuts, not reform.

I thought we were here for welfare reform. This is not reform, these are just cuts. How do I say that? Not just me again, but again the State of Missouri saying the same thing, not HAROLD VOLKMER saying that. We know that they are cutting a total of well over 30, $40 billion from these programs, just cuts, to take things away, along with, just like last Thursday, we did the cuts from the elderly for the heating assistance in the winter, we cut back on the Job Training Partnership Act funds, and I will talk about those a little more and show how important they are, they cut that back.

Why did they do all of that? Why did they make all these big cuts? Well, here is why. They want to give later on, not next week, not this week, a big tax cut. Who gets the big tax cut? Well, if you make over $100,000, and members of Congress do that, folks, and they are doing it maybe a little bit for themselves, if you make over $100,000, you are going to get 51½ percent of the total cuts. People making that money get over half of it.

How did the people on the low end of the scale, say, zero to $30,000? They get 4.8 percent of the cuts. I guess they do not need anything. It is the wealthy that needs the money. How about people between the wages of $30,000 to $50,000? I have got a lot of those in my district. They are middle income. They should get some money. Well, they get 11.6 percent of the cut.

People with wages of $50,000 to $75,000, they get 16.4 percent of the cuts. And $75,000 to $100,000, now we are getting in the upper brackets again, 15.2 percent of the cuts. So we know what they are doing. They are taking the money from the poor, the needy, and kids, and they are going to give it to the wealthy.

The other thing I would like to talk about are three young ladies, and I met with these three young ladies this last weekend, Ms. Keneetha Jackson, Ms. Shauntel Freelon, and Ms. Reba Brown. Who are they? They have not made national news or anything, but who are they? They are three young ladies who have children who used to be on welfare. They are no longer on welfare. Nor do they ever want to be on welfare again. They have been through the welfare cycle. They are no longer on the welfare cycle because they used some training programs, including principally the Job Training Partnership Act which the Republicans just cut last Thursday in the rescission bill, just last week cut it. Yet that program was primarily responsible so these people did not have to continue to stay on welfare.

They did not want to be on welfare. They did not like being on welfare. But one of them specifically pointed out to me in going through their life's history, each one of them did, that she had no alternative, she tried working after she had her first baby, she tried working at McDonald's and fast food places and she could not make it, she could not provide for her children and do it. So she found out about training programs. She entered into it.

All three of these are very proud of the fact that they are no longer on welfare. We have a lot more people out there that same way that want to get off welfare. Under the Deal bill, which will be a substitute for the Republican proposal, they will have a lot better chance of getting off welfare, of being able to be trained to get off welfare.

I agree we need to get and help people off welfare. We do not need to just give people a handout which we have done in the past. But we need to give them a hand up. We need to help them get up out of there. It can be done.

Here are three success cases. I am going to ask all of you, I know there are a few people out there who know the answer to this but there are not very many. Which one of these 3 that I mentioned this coming May will get a bachelor's degree in business administration from my alma mater, the University of Missouri in Columbia. That is right, folks. They are all determined to continue on this road to success, out of welfare.

I can tell you, it is Ms. Keneetha Jackson. She will be proud to be up there in May getting her degree. Then she tells you, that is not the end. She wants to go further and she wants her children to go further.

I dare say that none of these former welfare mothers' children will ever be on welfare because they too know what their mother has done.

DISTORTION OF TRUTH AND PARTISAN BICKERING IN WELFARE REFORM DEBATE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Illinois [Mr. EWING] is recognized during morning business for 5 minutes.

Mr. EWING. Mr. Speaker, we have heard here this morning quite a bit of comment and suggestion about the debate that is going to take place on this House floor later today about welfare reform. Unfortunately, I would have to characterize it as partisan bickering. It is distortion of the truth and partisan bickering.

I really believe this Nation deserves better than partisan rhetoric, half truths, mistruths and bickering. We have a serious problem because of our welfare system. Yet the other side of the aisle, who controlled this body for so many years, did nothing to reform that system. Now that we have a reform plan before us, we have partisan rhetoric, bickering, and half truths.

Ladies and gentlemen, it is time to put America first. Cut out the rhetoric, the partisan bickering, the half truths.

If you have a better proposal, we will be glad to hear it. But it is time that we address that system. It is time that we put partisan bickering behind us. The American people want and should expect a welfare system that works.

We have a system now that does not ever encourage you to get off. We just keep paying. And, yes, some of the reforms are difficult. But why were those reforms not brought forth before? The majority of the experts on this in this country will tell you it is going to take tough reforms to change our welfare system.

What are we going to be debating here today? Yes, we have to talk about what is wrong with our system. Why we have so many people who get on AFDC and stay there for years. Why we have families that are on that program for generations and do not get off.

I think if anybody would look at the way the program is set up and would see how we dole out the money, they would realize psychologically it is a trap for people. It is not something that gives you the helping hand up and out.

That is what we will be debating here today. How do we get the people that are on AFDC into paying jobs? How do we give them the self-respect so that they can raise themselves and their families up in our society?

Funding for welfare programs is out of control. It fits right in with the need to balance the budget. Of course on the other side, all we get when we propose a cut is rhetoric and partisan bickering. They do not bring forward cuts to balance the budget. Goodness no, only give the Republicans a hard time because they are trying to balance the budget.

But the welfare costs are going to increase from $325 billion to almost $500 billion by 1998. How do we ever balance the budget with runaway welfare programs like that?

We have spent $5 trillion on welfare. The system has not worked. We still have people mired in this system. There are some very important provisions to the bill that we are going to talk about in the next few days, things that are supported by the great number of working American taxpayers. When we hear the partisan bickering and the rhetoric from the other side, we need to focus on the working American taxpayers who are not being represented in that type of debate.

We want to make a tough work requirement in our welfare system. We want to eliminate awards for having children out of wedlock to get more welfare. We will have many important elements to debate, those are just a few, in the days ahead. But what we do here today is for our children, for the next generation, for the long term, for the survival of our country.

DSG SPECIAL REPORT ON REPUBLICAN CONTRACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Colorado [Mr. SKAGGS] is recognized during morning business for 5 minutes.

Mr. SKAGGS. Mr. Speaker, I wanted to advise Members of the publication today of the first special report being issued by the newly reorganized Democratic Study Group. It is a special report entitled "Cheating Children: The Real Meaning of the Republican Contract." It really is a catalog of the contract's attacks on the kids of America. It goes through in a very systematic fashion the various bills that we have already acted upon, particularly the welfare bill that will be in front of the House this week, and lays out exactly what each of them will do to the children of America.

First off, taking food from children. The welfare bill that we will have before us later this week when all is said and done with the various block grants on nutrition programs will mean a loss over the next 5 years of $6.5 billion compared to what would have been provided to hungry and needy kids. Where all does this take place? Well, in the very, very successful program for women, infants and children, early childhood care, we will have a cut that will deprive over 400,000 needy families that were otherwise entitled to help under the WIC Program.

School Lunch and School Breakfast Programs under the new block grant, even if fully funded at the authorized level, will be almost $2.5 billion below what would otherwise have been required under existing law, a really penny-wise and pound-foolish strategy given all of the data we have about how effective these school feeding programs have been in improving learning in this country.

Food stamps will be cut by over $14 billion over the next 5 years under the welfare bill that will be coming up under Republican sponsorship, changes that would take food stamps away from over 2 million Americans over the next 5 years and reduce the level of support to the participants that remain.

At the level estimated by the Congressional Budget Office to be necessary to carry out the revised program if unemployment remains low, we would have those kinds of deficits in coverage, but just think what happens if the economy slows down and more families with children become eligible for assistance? And also keep in mind, and it is a sad statistic but one that puts this in perspective. One in five children in America today depends upon food on the table from the food stamp program.

Passing on from nutrition, which is certainly a central issue, to day care. Under the welfare bill that will be coming up from the Republican side, we will be cutting funding for child care programs by almost $2.5 billion over the next 5 years, or a 20-percent drop compared to where we would be under current law. Sadly, for all the talk about how important it is to move welfare families on to work, to free them from dependency, unlike the current law, the bill that the majority party would bring to the House will have no requirement that in States that have work requirements for welfare, no requirement that these families also get child care. Again parents bill be put to the Hobson's choice of no good child care but requirements for work in order to remain eligible for any kind of assistance to their children.

This bill will also greatly unravel the general safety net for kids in this country that is represented by aid to dependent children. Again, even if fully funded at authorized levels, which is a big question given the resort to annual appropriations rather than entitlement status, nearly $12 billion is to be cut compared with levels projected under current law. As the gentleman from Massachusetts commented a few minutes ago, it is truly a sad commentary that this bill will require that we deprive kids who happen to be born into the wrong kinds of family of any prospect for assistance when they are in need. The changes in the AFDC Program are estimated to leave something like 1.3 million needy children without assistance by the end of the century.

It is even worse when we look at disabled kids now entitled to some help under the Supplemental Security Income, where changes proposed in this legislation would cut nearly $11 billion over the next 5 years. Within 6 months, over a quarter of the 900,000 kids that now depend on SSI would lose assistance.

This is not good for America. It represents a perverse desire that in order to relax the capital gains tax formula for people over $100,000 a year, we are going to water down the baby formula for poor kids on WIC. Instead of putting money into the lock box for deficit reduction, we are going to have a tax cut that puts it into the safety deposit boxes of the wealthy.

PERSONAL RESPONSIBILITY ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Georgia [Mr. NORWOOD] is recognized during morning business for 5 minutes.

Mr. NORWOOD. Mr. Speaker, I rise today in support of the Personal Responsibility Act. With this act, we will make tremendous strides in changing the incentive structure to make people more responsible for their actions. We will bring an end to the failed welfare system that has done so much more harm than good over the past 30 years. And we will do so over the objections of those who refuse to see the disaster that the system has become.

Mr. Speaker, can anyone seriously argue that the welfare system has been a success? The welfare system was supposed to be a safety net. Instead it has become quicksand that few people ever return from. Of familiar now on AFDC, 65 percent will remain on welfare for at least 8 years. The average length of stay for people on the rolls at any given time is 13 years, 13 years. And what do we as a nation expect in return for supporting people for years and years? Nothing. We have no real work requirement, job-training requirement, or education requirement for people receiving welfare.

Mr. Speaker, the welfare system has caused the disintegration of the family. Fathers have become irrelevant, replaced by a welfare check as the family provider. In 1965, 7 percent of children in this Nation were born out of wedlock. In 1990, 32 percent of children in this Nation were born out of wedlock. Could welfare have possibly been more destructive to the family? Mr. Speaker, as we study the welfare system, I am absolutely certain of one thing—we could do nothing worse than to preserve the current welfare system.

Mr. Speaker, the Personal Responsibility Act is about changing incentives. It is about forcing people to take responsibility for their actions. Unlike the current system, after 2 years on welfare, you will go to work. Unlike the current system, if you are under 18, you will not automatically receive a check for having a child. Unlike the current system, if you are on welfare, having an additional child will not automatically mean another check. Unlike the current system, if you father a child, we will find you, and you will take financial responsibility for your child.

The Personal Responsibility Act will give the States the ability to deal with these issues, and it will remove power from the hands of Federal bureaucrats. Contrary to the Democratic myth, in the area of child nutrition, we are increasing funding by eliminating the costly ransom taken by Federal bureaucrats. We will give the States the opportunity to make real change, as in Wisconsin where welfare payments were reduced for those who left school, and high school drop-outs returned to school to finish their degrees. We will give the States opportunity to get tough as in Michigan, where a serious work requirement for welfare recipients met with harsh criticism from liberals, and now the welfare rolls have fallen to their lowest level in 7 years.

Mr. Speaker, I challenge the other side to join us in an honest debate about the failed welfare system. I ask you to join the debate about changing incentives and forcing people to take responsibility for their actions. But I realize some of you cannot accept my challenge; I know that some of you are too dependent on the protecting the role of Government; to you I say this: If you can do nothing more than defend this morally bankrupt system, if you can do nothing more than obscure the facts in a desperate attempt to protect the status quo, well then I would have to say I feel sorry for you. Because the American people are calling out for change, and they expect more than weak and spurious defenses of a failed welfare system.

Mr. Speaker, I urge my colleagues to support this bill, to defeat the forces of the failed status quo, to confront those who will distort the truth, and to do what is right and long overdue for America.

CHEMICAL AND BIOLOGICAL WEAPONS POSE THREAT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Alabama [Mr. BROWDER] is recognized during morning business for 5 minutes.

Mr. BROWDER. Mr. Speaker, I was not surprised by yesterday's nerve agent incident in Tokyo. Now I am concerned about what might happen here in the United States.

Let me read, Mr. Speaker, from a special inquiry which I chaired in 1993 dealing with the growing threat of chemical and biological weapons. One of our conclusions was,

> The prospects for chemical and biological terrorism have probably increased as terrorists and sponsors of terrorism acquire chemical and biological warfare agents and weapons. As a consequence, the possibility of terrorist use of such agents against the United

States or one of its allies cannot be discounted and should not be ignored. The United States should strengthen emergency planning to respond to a potential terrorist use of chemical or biological weapons.

Well-trained and equipped military personnel can survive and fight a chemical war, but civilians cannot deal with chemical attack. Chemical weapons have been called the poor man's atom bomb because they are cheap and easy to make and because civilians are thoroughly panicked by chemical weapons.

Look at today's headlines.

The Washington Post, "Nations Unready To Thwart Mass Poisoning."

The Washington Times, "Subway Gassing Called a Preview of Terrorist Future."

USA Today, "Transit System Alert Urged. Officials Fear Copycat of Japanese Gas Attack."

The New York Daily News says, "New York's Subway Riders' Nightmare. We Have No Plan."

Mr. Speaker, it is only a matter of time before terrorists, extortionists or deranged individuals and groups targeted Americans. That is why I am asking American defense intelligence and emergency preparedness officials to tell me and the American people just what our Government is doing to prepare for chemical and biological terrorism here in the United States.

TAX RELIEF AND REDUCED SPENDING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Texas, Mr. SAM JOHNSON, is recognized during morning business for 5 minutes.

Mr. SAM JOHNSON of Texas. Mr. Speaker, the gentleman that just spoke is quite right, and I think looking at old George Washington over there, he would have agreed that defending the country is primary in our interest. I think old George would also have agreed that we don't need welfare, and we don't need high taxes. In his day, there wasn't any income tax.

I stand here to tell you that a promise we made to the seniors that we would give them tax relief by eliminating the 85-percent tax on Social Security is in jeopardy. A promise we made to married couples that they would get relief from the marriage penalty is in jeopardy. A promise we made to give the people the option of using their IRA's to buy their first home, send their kids to college or help pay their medical bills is in jeopardy. And a promise to families to provide them with a $500 per child tax credit is in jeopardy.

Why? Because some of your Congressmen on both sides of the aisle want to lower the income level from $200,000 down to $95,000. It disappoints me that we have to have an income gap, but it irritates me that some Members want to lower it. Every single American deserves tax relief and it is preposterous that even the Members who signed the Contract With America are now reneging on the promise they made to the American people.

Believe me, I have heard the arguments. "Tax cuts are for the rich. They will increase the Federal deficit." Those are false statements. They really are. Those arguments are shortsighted and they have no concern for our current tax burden that is placed on every American taxpayer.

Did you know that in 1950, the typical American family with two children sent $1 out of every $50 it earned to Washington, DC? Last year, just 25 years later, that same family sent $1 out of every 4$ it earned to Washington, DC.

A family with five children making $200,000 a year is not rich. Besides, whose money is it, anyway? We are not taking it back from the Federal Government. We are giving it back to the people who earned it, you the voters, the constituency, the people of America.

The Government did not work to earn the money but I will bet you for sure the Government sure knows how to waste it.

Mr. Speaker, I would like to pose these questions to the American people. Are you taxed too heavily? Do you deserve tax relief? Do you believe the Government spends too much? Finally, do you believe that Republicans should keep our promises?

I urge each of you to call your representatives and let me know you support this bill. Pick up the phone right now and make your Congressman accountable. Tax relief combined with spending reductions will revive America's strength.

WELFARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Texas, Mr. GENE GREEN, is recognized during morning business for 5 minutes.

Mr. GENE GREEN of Texas. Mr. Speaker, we had a member from the majority side a few minutes ago talking about joining the debate on welfare reform. I would be more than happy to join the debate with him, talking about the fallacies of both the original H.R. 4 that was introduced but also the H.R. 1214 that we are considering today and this week and which reminds me, since last year I heard from so many talk show folks about, I wonder how many of those people have read H.R. 1214 who are now talking about it as the greatest thing since sliced bread?

It is not as big as some of the bills we have considered but it is almost 400 pages and I hope that some of the proponents who talk about how great it is have had a chance to read it, like some of us have who were on the committees who dealt with it.

The school nutrition program will be hurt if we pass the, what is now H.R. 1214. The Republicans' shell game continues with our children hanging in the balance. As this flier states, "When It's Budget Cutting Time, You Always Shoot at the Easiest Target." You can see how the impact of that will be when you talk about the WIC program, or you talk about the children's nutrition program.

Your argument should be that we do need to reform welfare, and I agree with my colleagues on the other side of the aisle, but this bill that came out of both the Committee on Ways and Means and out of the committee I serve on was not a debate, it was just, "We have a plan and we are going to run over you as Democrats. We're not going to agree with you that we need to address children's nutrition through the School Lunch Program. We're just going to block-grant it. We're going to do what we want to do."

So there was not a debate. It was the majority saying we are going to do it the way that we want instead of really making it a bipartisan effort.

When I came to Congress in January, I thought that welfare reform would be a bipartisan effort, but I do not think we are going to see it today or this week because it has not been.

I agree we need to reform welfare. We need to take away the incentive of someone or the tragedy of a person being on welfare. But we do not need to cut the programs that provide the most effective safety net that we have for our children. We should require people to work. We should require a time limit about how long they are on there. We should require them to go to job training. We should require them to do all sorts of things. But when you take the school nutrition program and you say we are going to increase the authorization, whereas now a child shows up in school, they have a guarantee of that lunch if they are qualified and say we are going to authorize 4 percent more but next year in the Committee on Appropriations it may be cut and then we are going to let the State take 20 percent and spend it on something else because of the block granting. That is why this poster is so relevant: "When it's budget cutting time, the easiest target is a child."

Last week a colleague of mine from Texas talked about some of the highway demonstration projects in the rescission bill that were untouched. Yet we cut AmeriCorps, we cut job training, and most of these projects were not even requested by our local highway departments or transportation department.

How is it equitable that we cut school lunches but not highway projects? The chief financial officer for the State of Texas has estimated that if this welfare bill passed today, this H.R. 1214 passes, it will cost the State of Texas over $1 billion in our next biennial, 1996-97. The Department of Human Services estimates that if this bill passes, it would cost the State of Texas $5.2 billion. The CBO has said that with growth in population and inflation, this reduction would be $2.3 billion.

I know I am throwing out lots of numbers and some of them may disagree, but no matter how you cut it, the people who are going to pass this bill this week really do not know what it is going to do because all they are doing is running that train and saying we are going to pass a welfare reform bill, even if it does cut WIC or school nutrition, or it cuts a lot of other programs that are really important and have a great deal of support.

If any of these are reduced fundings, particularly the one from the Congressional Budget Office estimates for savings and administrative costs, we are talking about stopping children from having a hot lunch. Yesterday I was in my district at J.P. Henderson Elementary School in Houston trying to show that the claim of the welfare reform is missing the point. Those children are eating that hot lunch and that is at a school that has easily 80 percent of the children have a reduced and free lunch.

We should not continue to be playing games with our children's future. We need to do welfare reform. We can take school nutrition programs out of the welfare reform just like the majority took the senior citizens nutrition out of welfare reform 3 weeks ago. It is just that again it is too often popular to hit the easiest target and not the senior citizens.

We do not consider buying text books, computers, or desks as welfare. We should not consider school nutrition welfare.

PICK ON SOMEONE YOUR OWN SIZE: KID'S VOICES HEARD AT CAPITOL RALLY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from California [Ms. PELOSI] is recognized during morning business for 2 minutes.

Ms. PELOSI. Mr. Speaker, Sunday was a beautiful day at the Capitol because 2,000 children from all over this area from West Virginia to Pennsylvania came to oppose cuts in the school lunch programs proposed by the Republican majority. It was reported as the children's crusade against Republican budget cuts. Despite bus rides for as long as 5 hours, the children were very eloquent indeed.

A 10-year-old with the distinguished name of Touissant L'Ouvertuo Tingling-Clemmons said, "Children have to say no to a lot of things. Food should not be one of them."

Chastity Crites from West Virginia, a daughter of a construction worker, said she does not eat if he, her father, does not work except for school lunches.

A sixth grader from southeast Washington said, Marche was her name, "The food tastes so good and sometimes when we get to school we are hungry. Why would they cut school lunches?"

Why would they indeed? The issue of hunger in our country has never been a debatable one and indeed feeding the hungry has always enjoyed bipartisan support. In 1946 President Truman signed the Federal School Lunch Program into law. President Richard Nixon later said a child ill-fed is dulled in curiosity, lower in stamina and distracted in learning.

Why then is the Republican majority putting on the House table a proposal which will take food off the cafeteria table for America's children?

The extreme Republican proposal will cut, I repeat, it will cut the number of poor children who benefit from the program. It will cut the School Lunch Program benefits because it says that States must spend only 80 percent of the Federal school lunch funds on school lunches because it removes nutritional standards and removes eligibility requirements.

Mr. Speaker, this proposal will hurt our children, weaken our future and dim the prospects for our future. I urge our colleagues to think again about the Republican proposal to cut the School Lunch Program.

RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12, rule I, the House will stand in recess until 2 p.m.

Accordingly (at 1 o'clock and 29 minutes p.m.) the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, O gracious God, that the words we use will foster truth and be delivered with understanding. May our expressions promote knowledge and our statements advance a clearer realization of our concerns. Help us, O God, to keep our vision on the ideals of equity and justice so that all we do, in thought, word and deed, be reflections of Your will for us and our desire to be faithful to that to which we have been called. Bless us this day and every day, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentlewoman from Connecticut [Ms. DELAURO] will lead the House in the Pledge of Allegiance.

Ms. DELAURO led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Edwin Thomas, one of his secretaries.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. DOOLITTLE) laid before the House the following communication from the Clerk of the House of Representatives.

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 16, 1995.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Under Clause 4 of Rule III of the Rules of the U.S. House of Representatives, in addition to Ms. Linda Nave, Deputy Clerk, I herewith designate Mr. Jeffrey Trandahl, Assistant Clerk, to sign any and all papers and do all other acts for me under the name of the Clerk of the House which he would be authorized to do by virtue of this designation, except such as are provided by statute, in case of my temporary absence or disability.

This designation shall remain in effect for the 104th Congress or until modified by me.

With great respect, I am

Sincerely yours,

ROBIN H. CARLE,
Clerk.

FAIRWELL TO MARIAN VAN DEN BERG

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I want to say that today the official reporters of debates, the reporters who chronicle all the proceedings on this floor, say farewell, farewell to a valued member of their staff, and of ours.

For the past 17 years, Marian Van Den Berg has been a transcriber with the official reporters. As we all know, working with the official reporters is not a 9-to-5 job. It often entails long hours, demands devotion far beyond that called for with ordinary jobs, and requires a high degree of competence. Marian has met all these criteria and more. She has been an outstanding, hard-working, always cheerful, always devoted member of our staff.

She is now leaving to pursue a new career.

Marian is a native of Annapolis, MD, I tell my friend, Mr. GILCHREST, one of his constituents. The daughter of champion swimmers, her mother was a swimmer of Olympic caliber. Marian herself lives near the bay in Annapolis and has had a lifelong love of the water and water activities.

She attended the University of Maryland, and then Strayer Business College and Strayer School of Court Reporting. While living in California, she worked at IBM. At home in Annapolis, she worked at the Naval Academy.

In addition to her work with the reporters, Marian worked 2 years with Representative Clark Thompson of Texas.

Her children are Susan and Rick, son-in-law, Tom, and she is the loving and proud grandmother of young Patrick—whose picture she shows at every opportunity.

Marian loves music of all kinds, is a jazz aficionado, is especially devoted to rock and roll, and plays a mean piano, I am told.

This exemplary employee of the House of Representatives will be greatly missed by her colleagues and by each and every Member of the House of Representatives and the American public whom she serves. Marian has touched the hearts of everyone who has had the good fortune to meet her and to work with her.

Marian, there are just a few of us on the floor, but if you would please rise we would like to give you a hand and thank you so much for all you have done for all of us.

Marian, God bless you and Godspeed.

REPUBLICAN CONTRACT WITH AMERICA

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, our Contract With America states the following: On the first day of Congress, a Republican House will require Congress to live under the same laws as everyone else; cut committee staffs by one-third; and cut the congressional budget. We kept out promise.

The contract continues and in the first 100 days, we promised to vote on the following items: A balanced budget amendment—we kept out promise; unfunded mandates legislation—we kept our promise; line-item veto—we kept our promise; a new crime package to stop violent criminals—we kept our promise; national security restoration to protect our freedoms—we kept our promise; government regulatory reform—we kept our promise; commonsense legal reform to end frivolous lawsuits—we kept our promise; welfare reform to encourage work, not dependence—we're starting this today; family reinforcement to crack down on deadbeat dads and protect our children; tax cuts for middle-income families; Senior Citizens' Equity Act to allow our seniors to work without Government penalty; and congressional term limits to make Congress a citizen legislature.

This is our Contract With America.

WELFARE REFORM

(Mr. DINGELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, today we take up the welfare reform bill sponsored by our Republican colleagues. This would end cash assistance for mothers, children, and legal immigrants.

Last week my own cardinal for the archdiocese of Detroit said this: "The measure of any such reforms will be whether or not they enhance the lives and dignity of poor children and their families."

The truth is that these welfare reform proposals fail the cardinal's test and they fail the test which was set forth by the Catholic archbishops and bishops last week. Almost $70 billion will be removed from welfare programs; $2.2 million legal immigrants will lose eligibility; 6 million needy children will lose their cash support; 65,000 children in my own State will lose their lunch money.

The Republicans cut money but they do nothing to improve the way the welfare reform programs operate. That is not reform. It is wrong. It is mean-spirited.

These programs have flaws. They should be corrected. Protect the children. Be fair. Respect the dignity of human beings.

ANNOUNCEMENT OF SUPPORT FOR TERM LIMITS

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, I rise today to announce to all of my colleagues that I intend to support our term limits section of our Contract With America. This is a decision that did not come easily nor have I taken it lightly.

Many of my colleagues know I have long believed that term limits were not necessary, that the voters of our districts every 2 years could make that decision about whether they should send us back here or not.

But the fact is that some 22 States now have enacted term limits, not by polls, not by letters, but by actually going to the ballot box and casting their votes in favor of it. In 1992 my district voted overwhelmingly by 70 percent to support term limits. I believe that I have to respect the judgment of those in my district.

But when all of this became crystal clear to me was watching the Senate debate over the balanced budget amendment and watching the arrogance of six Democrat Senators who have voted for a balanced budget amendment 1 year ago, the identical language, thumb their nose at the American people.

We, ladies and gentlemen, do not have the right to thumb our nose at our constituents. We have a responsibility to respect their opinions, and I am proud to stand here as a new supporter of the term limit movement in this country.

WELFARE WEEK

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, this is welfare week. For me it started not in the abstractions of bill language. It started on Sunday when I picked up my mentee, a 13-year-old who lives in a D.C. housing project, to bring to Sunday's school lunch rally at the Capitol. She gets her breakfast and lunch at school.

Welfare week continued for me at noon today when I went to the elementary school I attended as a child. Then we brought our lunch or went home to eat it. Today 95 percent of the children in my elementary school each lunch at school.

You can talk until you are red, white, and blue in the face about only cutting the growth in school meals. The truth is the School Nutrition Programs will lost $2.3 billion over 5 years under the contract. A cut in kids' lunches is a foul. Let us stop playing kids' games. Pick on somebody your own size.

REPUBLICANS CLEANING UP OUT-OF-CONTROL WELFARE SYSTEM

(Mr. JONES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES. Mr. Speaker, the Liberals continue to exploit the hard work and innovative ideas of the Republican Party. The latest assault is our welfare proposal. They claim it is unfair to children, mothers, and other recipients. Wrong. What we are doing, is cleaning up a system, which has spun out-of-control for years. Spending for this bureaucratic-laden system has reached $325 billion; if this continues, it will cost the country approximately $500 billion in 1998.

Instead, our proposal moves in the opposite direction. It saves the taxpayer approximately $60 billion over 5 years. Under the plan, people who honestly need a helping hand will be given job training and education to rejoin the work force.

The current welfare state has been the families downfall. Our plan will remedy this, we will offer incentives adding up to 10 percent to States which successfully reduce illegitimacy rates.

Let us work together, to create a system, which restores pride and opportunity for the American people.

STOP THE WAR ON KIDS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous material.)

Ms. DELAURO. Mr. Speaker, on Sunday, thousands of children and their parents staged a "Lunch-In" on the steps of the Capitol to protest Republican plans to cut the School Lunch Program. The message that these families sent to the Republican majority is simple: Stop the war on kids.

We all agree that there is waste in Government and that there are programs that do not work and should be eliminated, but the School Lunch Program is not one of them. The School Lunch Program works. It works to help our kids stay healthy, alert, and ready to learn each day.

If we are going to cut spending and reform Government, why not start by cutting corporate welfare. We could save $5 billion if we eliminate the tax breaks given to pharmaceutical companies to manufacture offshore. Why not start there, instead of starting by cutting programs for our children. It is time to reform corporate welfare. Instead of cutting Aid for Families with Dependent Children, we should be cutting aid for dependent corporations. Let us stop the war on kids.

□ 1415

IT IS TIME TO OVERHAUL THE WELFARE SYSTEM

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, we begin today to discuss the debate the Republican welfare reform plan.

Now, our Democrat colleagues have tried to put their own negative spin on our plan. However, they still have not got it quite right.

Let me explain the entire bill in a few simple words: Work, family, personal responsibility, and hope for the future. Now, how hard is that to understand?

Republicans are going to replace a failed system of despair with a more compassionate solution that will work to get people off the public dole. Through the dignity of work and the strength of families, we will offer hope for the future of millions of Americans.

Mr. Speaker, the time has come finally to completely overhaul the welfare system.

FEDERAL FOOD ASSISTANCE

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, we begin the debate today on a proposal that would transform welfare eligibility, affect Federal spending, and shift social services responsibility from the Federal Government to the States.

This is major reform, without a doubt, welfare reform, they say. I support welfare reform.

Proponents of the Personal Responsibility Act say that the bill will result in saving over $60 billion. We say the bill cuts almost $70 billion from women, infants, children, and the elderly. Proponents say the bill will streamline bureaucracy. We say the bill creates 50 other bureaucracies. They say the bill will reduce deficits. We say the bill fuels the deficit by adding to health costs. It is penny wise and pound foolish. They say the bill puts people to work We ask where and how will they work?

It has been said that one person's profanity is another person's lyrics. This debate is not whether we are cursing. This debate is about whether we are cursing or cheering America.

The people will decide who we are benefiting and who we are hurting. This bill should be helping America and not dividing us.

THE ONE-PENNY BUDGET CUT

(Mr. MARTINI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARTINI. Mr. Speaker, last week I sent every Member of the House one penny.

One penny that is what we were talking about in the budget rescission passed last week.

The rescissions package the House passed represents approximately one one-hundredth of the Federal budget for fiscal year 1995.

If we cannot cut that from the budget, what are we doing here in Congress?

Mr. Speaker, my home State of New Jersey went through this same process years before Congress did.

Then, as now, the doomsayers said the difference of a penny would ruin the Garden State.

Well, the doomsayers were wrong then and they are wrong now.

We will show the American people that cutting one penny on the dollar off the budget will not ruin our Nation. Rather as Congress decides to make the difficult decisions to turn our fiscal situation around, our Nation will only get stronger, not weaker.

Mr. Speaker, for 40 years, the other party has shown that they do not have the resolve to cut even one penny. For America's sake, we do, and we did last week.

WASHINGTON POST POLL SHOWS MORE PEOPLE TRUST REPUBLICANS IN CONGRESS

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, the Washington Post poll that my colleague just cited had other interesting numbers in it that he failed to mention:

More people trust Republicans in Congress to cut taxes rather than President Clinton.

More people trust Republicans in Congress to reform the welfare system than President Clinton.

More people trust Republicans in Congress to reduce the deficit than President Clinton.

More people trust Republicans in Congress to reduce crime than President Clinton.

More people trust Republicans in Congress to handle the Nation's economy than President Clinton.

And finally, more people trust Republicans in Congress to handle the main problems facing our Nation today, more so than the liberals and President Clinton. The poll is very clear, Mr. Speaker. They trust the Republicans. We are on track with welfare reform this week. We hope success will be here by the end of the week.

OSHA CUT WOULD DELAY PROTECTION FOR WORKERS

(Mr. OWENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS. Mr. Speaker, the action of the House last week in passing the DeLay amendment, which cut an additional $3.5 million from the current year budget for the Occupational Safety and Health Administration, was reckless, counterproductive, and just plain stupid. In the name of stopping the ergonomics standard, the House made cuts that cannot and will not stop work on the standard, but will hurt health and safety by cutting workplace inspections and consultation visits. Thousands of workers will be hurt, and some may die if these cuts are allowed to stop the effort to make our workplaces less dangerous.

Mr. DELAY says we have to send a signal to OSHA not to ignore the moratorium bill. But that bill is not law; we do not have a one-House veto. Mr. DELAY cannot singlehandedly delay progress. And the Senate probably is not going to pass the silly moratorium bill in any event.

OSHA is following the law and doing the right thing—precisely what we all tell them we want—working with the business community, checking out their ideas in the field, consulting with workers and managers. At this point there is no ergonomics proposal, just ideas in draft form for tackling the single biggest source of injuries to American workers. Why in the world would we tell the agency not to try to figure out a cost-effective way to protect workers from carpal tunnel syndrome and back injuries?

Mr. Speaker, the DeLay amendment to delay protection for workers was reckless, counterproductive, and just plain stupid.

THE IMPORTANCE OF BIODIVERSITY

(Mr. GILCHREST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILCHREST. Mr. Speaker, today I would like to bring to your attention two little known animals that are very important to the pharmaceutical industry in the United States. The existence of these animals brings new hope to high blood pressure sufferers and heart attack victims in this country.

First, high blood pressure sufferers look to the pit viper to provide an entirely new generation of extremely effective antihypertensives. Compounds found in the venom of these snakes have lead to greater understanding of the human mechanism for maintaining blood pressure. However, number of pit viper species are threatened with extinction.

Second, the Houston toad, on the brink of extinction due to habitat loss, produces alkaloids which scientists believe may prevent heart attacks. These alkaloids also appear to have analgesic properties more powerful than morphine. The Houston toad is native to the United States.

At least 500 species and subspecies of plants and animals in the United States have become extinct since the 1500's. Could one of those long-gone species have held the cure to AIDS, cancer, or the common cold?

Let us reauthorize a workable Endangered Species Act.

STOP PICKING ON KIDS

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, I come to deliver a message from our luncheon on Sunday: Stop picking on kids.

Little 10-year-old Touissant Clemmens probably said it best, "Children have to say no to a lot of things. Food should not be one of them."

Mr. Speaker, I cannot for the life of me understand why we are cutting $6 billion out of the School Lunch Program to provide tax breaks for the wealthy. I cannot understand why we are trying to replace a Federal bureaucracy with 50 State bureaucracies, and why that is a better idea. I cannot understand why we are eliminating national nutrition standards.

Does someone want to go back to calling catsup a vegetable?

I am concerned, because these cuts are going to finance tax breaks for the wealthy. Fifty percent of the tax breaks go to families making over $100,000, like Congressmen. I do not think we need a tax break.

Five hundred dollars per child for people making up to $200,000? I do not understand why. Twenty percent of the tax cuts go to the wealthiest 2 percent of the people in this country.

Mr. Speaker, you like to talk about the average American. Well, I will tell you, when the average American citizen figures out we are taking money out of the mouths of children to pay for tax breaks for the wealthy, I think they are going to resent it. I think they are going to resent it all the way to the 1996 elections.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DOOLITTLE). The Chair will remind all persons in the gallery that they are guests of the House and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

WELFARE REFORM BILL: NEW METHODS FOR COLLECTING FROM DEADBEAT PARENTS

(Ms. DUNN of Washington asked and was given permission to address the House for 1 minute.)

Ms. DUNN of Washington. Mr. Speaker, today we begin the process of overhauling a welfare system that traps millions of Americans, especially women and children, in an endless cycle of poverty and hopelessness.

One of the most crucial provisions of the Republican welfare reform bill provides new methods for collecting money from deadbeat dads and mothers. Right now these irresponsible parents in my home State of Washington owe over $423 million, and $34 billion is owed nationally to the children and the families.

This is money that, in many cases, could be used to keep children off welfare. These uncaring parents provide neither hope nor a bright future for their children. What these deadbeat parents do instead is three things: They evade their most basic responsibility by failing to support their own flesh-and-blood children, they force their own children into welfare, and they force you, the American taxpayer, to pick up the tab for their irresponsibility.

Mr. Speaker, they force the Government to become the parent.

Mr. Speaker, unfortunately the status quo welfare system provides little relief to the families trapped by delinquency of the deadbeat parents. The child-support provision of our bill, which I am pleased to say has great bipartisan support, will begin the process of ending welfare as we now know it and putting our children first by requiring both parents to support their own children.

Mr. Speaker, I urge every Member to support this bill and the children.

INCREASE, NOT REDUCE, THE FOOD PROGRAM

(Mrs. COLLINS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Speaker, I went to the Henry Suder School in my district on last Friday for the School Nutrition Program, and while I was there, they gave me these paper dolls. They have been coming into the office over the last month or so. They are from various children who are at the school.

One little girl says, and this is to CARDISS COLLINS from Pearl Haye. It says,

> Children need quality, nutritious foods to help them grow. If there is no balanced food, they won't be healthy. They will not become healthy citizens. I like to eat well, and I like to learn a lot of skills. Please, increase, not reduce, the food program so that all kids can benefit from it.

You know, it is really amazing to me when people talk about cutting $60 billion out of the mouths of children. To snatch food right out of children's mouths is absolutely not comprehensible at all to me.

You know, I went to the school, and for lunch they had a little tray with a few little chicken fingers, french fries, a few carrots, an orange, and a carton of milk.

Why take that away from little kids? It does not make sense to do so.

MAKING GOVERNMENT LESS COSTLY AND LESS INTRUSIVE

(Mr. LEWIS of Kentucky asked and was given permission to address the House for 1 minute.)

Mr. LEWIS of Kentucky. Mr. Speaker, straight from the Democratic Party propaganda room, I give you the Washington Post's latest poll that says the momentum of the Republican Contract With America is slowing down.

Mr. Speaker, it is polls like this and scare mongering by our opponents that has given America 40 years of one party rule, bloated budgets, arrogance, and a country on the verge of bankruptcy.

Are the Republicans cutting wasteful spending? Are we working toward a balanced budget? Have we begun to end the arrogance of Washington knows best? And are we working hard to keep our word to the American people? The answer is yes.

Our journey is a difficult one. Fighting the scare tactics of the "let's party on" crown has not and will not be easy. But the American people know better. They may have been fooled when they voted for change in the 1992 election and ended up with the "let's party on" crowd's higher taxes, more Government spending, and a proposal for Government run health care.

But the 1994 election was different. And despite the naysayers who will fight our efforts every day preserving the status quo, we will succeed in cutting the waste and making Government less costly and less intrusive.

□ 1430

LET US KEEP THE FREE LUNCH PROGRAM

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, yesterday morning I went to Hawthorne School in Seattle and talked to the whole student body, 650 squirming kids, all of whom had taken a paper dinner plate and written a note to me about the school lunch program. The kids actually know what is happening. In Seattle, 47 percent of the students take part in the reduced or free lunch program. There were almost 430,000 lunches served last year.

In the next school year, with the cuts in this bill we are going to deal with over the next couple of days, Seattle will lose $654,000. Now, that means the State legislature has got to pick up that amount. Some of my colleagues in my delegation pushed through an amendment that says it takes 60 percent to raise the taxes in the State of Washington. So how are you going to get that through?

But even more amazing, I picked up the Seattle paper, and one of my colleagues says we are going to save money by cutting regulations like that useless regulation that requires the schools to monitor the temperature of the milk. It is as though the Members on the other side never heard of the germ theory.

The reason you have cool milk being is to keep kids from getting sick.

Vote against this bill.

TITLE VII OF H.R. 4, CHILD SUPPORT ENFORCEMENT

(Mr. WELLER asked and was given permission to address the House for 1 minute.)

Mr. WELLER. Mr. Speaker, as one of the chief sponsors of the Family Reinforcement Act, I rise in strong support of the goals of the child support enforcement provisions in the Personal Responsibility Act.—Our welfare reform initiative.

The strength of America's families is of utmost importance to the future of this country. We must act quickly and decisively to restore, encourage and protect our most fundamental unit of American society.

I am here today to voice my support for the commonsense goals of H.R. 4: reducing welfare dependency by ensuring that parents support their children; strengthening and streamlining the State-based child support system; and giving the States the tools they need to get the job done.

Too many single-parent families have had no where else to turn but to resort to Government support programs—and too many children go to bed hungry or do without—all because their dead-beat parents outrun the current bureaucratic and time-consuming child support collection system. This has got to stop. Republicans are working to change our child support collection system.

I applaud the child support enforcement goals of H.R. 4, and support its efforts.

DOMESTIC VIOLENCE

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, one of the most disturbing problems facing our society today is domestic violence. Violence against women exists in big cities, and it also exists in small, rural communities, like those in my district in northern Michigan. For many years domestic violence was not discussed in public, because people thought it was a problem that should be dealt with from within the home.

Statistics show that crimes against women are rising at a faster rate than total crime. Even more disturbing is the fact that more than two-thirds of violent crimes against women are committed by husbands, boyfriends, or acquaintances. In fact, thirty-three percent of American women who are killed, are killed by a boy friend or husband.

Recently, we have had reason for hope, because President Clinton took on the fight against domestic violence. Because of his leadership and support, the Violence Against Women Act was passed into law.

President Clinton is the first President to attack this problem head-on. He has created a special Violence Against Women Office at the Department of Justice to spearhead the effort to fight violence against women. Today, the President announced approximately $26 million in STOP Grants to the States to fight violence against women.

I salute President Clinton's leadership in this fight, a fight which we all must join, to stop domestic violence.

TELL IT LIKE IT IS

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, I have asked groups of people back home if the news media have explained to them that the Republican School Lunch Program is increasing by over 4 percent per year for 5 years or that we are increasing funding for WIC, Women Infants, and Children's Program, by over $1 billion over 5 years? Their answer is they have not heard.

The Democrats started the lie about the cuts and the news media have compounded that lie. We are increasing funding for school lunch programs and also for WIC. I wish the other side would tell the truth, and likewise for the news media. It seems only Rush Limbaugh is telling the truth.

WELFARE REFORM IS NEEDED

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, welfare reform is needed. Let us have a real debate on welfare reform. We can require work. Let us set time limits on assistance for the nondisabled. Let us require job training. Let us do a better job on collecting child support. I think that needs to be done.

But this bill today is more than that. This bill is about cuts in assistance to children. And whether you call it cuts or, under the newspeak, we call it limitations on increases, the American people want welfare reform, but they do not want cuts in our school lunches.

Yesterday I had lunch at the J.P. Henderson Elementary School in Houston, TX. Those children enjoyed their lunch. We had a burrito, and I will have to admit it was harder for me to eat than it was for them to eat. But their lunch is important to them, as important as their school work, their room or their teachers, because a child who is hungry cannot learn. The American people understand that, and I hope people would understand in this Congress that they need to read their lips; they want welfare reform but they do not want cuts in school lunch programs, as this bill, H.R. 1214, will do.

WESTERN COMMERCIAL SPACE CENTER LEASE SIGNING

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SEASTRAND. Mr. Speaker, last Friday the 25-year lease agreement between the Department of the Air Force and the Western Commercial Space Center was finally signed. Although the agreement had been agreed upon in principle for months, it was nearly derailed by an overzealous civilian bureaucracy. In essence, what would have taken less than 30 days in the private sector took several months because of the arcane manner in which government tends to operate.

This lease agreement paves the way for construction to begin on the first polar orbit commercial spaceport in America. Moreover, this agreement will usher in a new era of commercial launches from Vandenberg Air Force Base in California and will be a catalyst for greater private industry investment in commercial space activity across America.

Mr. Speaker, many people deserve thanks and credit for going the extra mile to work out this lease agreement. As we have discovered once again, when the national interest is involved—in this case the U.S. commitment to commercial space—both sides of the aisle can come together to do what is best for America.

REPUBLICAN RADICAL APPROACH TO CUTTING SCHOOL LUNCHES

(Mr. VOLKMER asked and was given permission to address the House for 1 minute.)

Mr. VOLKMER. Mr. Speaker, Members of the House, as I traveled around my district over the weekend, I met with school administrators who are concerned about what is going to happen to the School Lunch Program under the Republican radical approach to cutting school lunches.

One of the biggest things that became apparent to me as I traveled around and talked to people, and I asked people what they knew about the Contract With America, I found very few that ever heard of it and about two or three of all the people I talked to even knew anything about it.

It seems all these speeches that are being given here every day about this contract are not soaking in back home.

One thing they did ask me about invariably, wherever I went, what has happened to the NEWT GINGRICH investigation? What happened to the book deal? What happened to the COPAC investigation? Why is not something being done about that?

That is what I hear about all over my district. That is what the people want to know: Why is not this House investigating the Speaker's actions and what he has done on the book deal and other things?

FEDERAL WATER POLLUTION CONTROL ACT

(Mr. ENGLISH of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGLISH of Pennsylvania. Mr. Speaker, today I am introducing wetlands legislation intended to replace section 404 of the Federal Water Pollution Control Act. Section 404 governs wetlands regulation and has long been in need of review and reform.

The new section would classify wetlands by their function and value, and balance the farmers' and landowners' property rights with the need to protect our Nation's functionally important wetlands.

I strongly disagree with the current wetlands regulation process. The present section 404 is a bureaucratic quagmire that fails economically, constitutionally, and environmentally: Local development is constrained to spare the destruction of marginal wetlands, private property rights are ignored as Government declares citizens' property unusable, and State programs offer little to no incentive for local land owners to preserve and enhance vital wetlands.

The new legislation surpasses the current 404 program in many ways. Most importantly, the legislation recognizes that not all wetlands are the same. Wetlands would be classified into three types with the most valuable class being more strictly regulated than under current law. The middle class would be treated similarly to current law, but benefiting from the injection of a new balancing approach to the system. The third class, which provides no wetland functions and values, would be virtually unregulated.

The legislation also makes important strides in recognizing the rights of private property owners. For farmers, prior converted cropland would not be included within the scope of the wetlands regulation. Furthermore, land owners, who have lost the right to use a portion of their land due to a Government taking, would have the option to seek compensation at fair market value and transfer that the title to the Government, or to retain the title to the property land abide by the prohibition established for type A wetlands.

In addition, the legislation also provides for the protection and growth of our Nation's most functionally important wetlands. First, States are required to develop mitigation programs to enhance wetlands growth. Second, this legislation expands the list of activity that require permits in type A wetlands.

For all of these important reasons, I am pleased to offer this bill to the House.

VIOLENCE AGAINST WOMEN ACT

(Ms. SLAUGHTER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, as one of the authors of the Violence Against Women Act, I was proud to join President Clinton at the White House earlier today to announce the appointment of former Iowa Attorney General Bonnie Campbell to direct the Violence Against Women Office at the Department of Justice.

The Violence Against Women Act, which passed with strong bipartisan support, is the first comprehensive Federal effort to fight violence against women. Long before Nicole Simpson was a household name, violence against women was one of America's most serious crime problems and most hidden secrets. Unfortunately, our local agencies were often inadequately trained, or hindered by scarce resources, and unable to tackle the problem.

Today, we say, "no more." Funding will begin to flow to the States to bolster their law enforcement, prosecution, and victim services that address violence against women. A national family violence hotline will be established. As a result of the rape victim shield law, which prevents abusive inquiries into one's past, victims will no longer be the ones put on trial. And individuals convicted of certain Federal sex abuse laws will be ordered to pay restitution to their victims.

Crimes against women are rising much faster than total crime.

Today we say, "no more."

REPAIRING A BROKEN WELFARE SYSTEM

(Mr. RIGGS asked and was given permission to address the House for 1 minute.)

Mr. RIGGS. Mr. Speaker, our welfare system is broken. It encourages dependency, destroys initiative, and robs the poor of hope. As Ronald Reagan said,

> You cannot create a desert, hand a person a cup of water, and call that compassion. And you cannot build up years of dependence on government and dare call that hope.

We need to break the cycle of dependency created by four decades and several trillion dollars of Federal payments. We need a welfare system that encourages personal responsibility, that requires work, and that gives States more flexibility to solve their own unique problems. This is not just a matter of fiscal responsibility, Mr. Speaker. For the sake of the people this Government has locked into a dehumanizing welfare system, we need to begin offering a hand up, not a handout. This is what the Republican welfare reform plan is all about—caring for the truly needy, while empowering people to help themselves. That is the American spirit, Mr. Speaker, and it is time we restore it to our welfare system.

WELFARE REFORM: REJECT THE REPUBLICAN PLAN

(Mr. WATT of North Carolina asked and was given permission to address the House for 1 minute.)

Mr. WATT of North Carolina. Mr. Speaker, the rich are getting richer, and the poor are getting poorer. Over the last 15 years the top 5 percent, the richest people in our country, have seen their income and assets grow tremendously. The bottom 20 percent, the poorest people, have seen their incomes drop. The middle has been frozen in the same place for that entire period of time.

What does that have to do with welfare reform which we are discussing today? The Republicans' block grant approach freezes welfare at the 1994 level for the next 5 years. At the same time, they propose a $190 billion tax cut, 70 percent of which will go to the rich. Well, their philosophy is take from the poor and give it to the rich. That is what they are proposing to do.

We should reject this welfare reform proposal and reject this reverse Robin Hood approach that the Republicans are advocating.

REPUBLICAN WELFARE REFORM ENCOURAGES RESPONSIBILITIES

(Mr. NORWOOD asked and was given permission to address the House for 1 minute.)

Mr. NORWOOD. Mr. Speaker, I rise today in support of the Personal Responsibility Act, because the current welfare system has been an utter and complete failure. The welfare system encourages people toward three extremely harmful actions. First: Don't get a job. Second: Don't get married. Third: Have children out of wedlock—repeatedly. The current system subsidizes each of these behaviors with a check from the Federal Government. Only the Federal Government could have designed such a destructive system.

Mr. Speaker, this bill will make real change in the system. It will change the incentives to encourage people to get a job, get married, and be responsible in having children. All the while, we will hear the cries from Democrats who are so wrapped up in defending the morally bankrupt welfare system that they fail to see its destructive nature.

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DEMOCRATS SEEK WELFARE REFORM THAT MOVES PEOPLE INTO THE WORKFORCE

(Mr. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORD. Mr. Speaker, I want to respond to my Republican colleagues by saying that there is nothing in this welfare reform package of a Personal Responsibility Act that says that we are going to send people to work. What the Democrats have said all along in our debate in the subcommittee and full committee is that we want to link welfare to work. We want people to be able to work, and we want to have a program that will assist them and move them into the workforce. I say to my colleagues, "You punish children, and you are just plain mean to children in this country, just for one purpose, and that is to say to the wealthiest of this Nation that we're going to pass you on a tax cut." It is wrong in the Personal Responsibility Act, for the Republicans to bring it to this floor, to be so cruel and to penalize children in this Nation at a time that we ought to be trying to protect our children because they will be the next generation that will carry this Nation forward.

REPUBLICAN WELFARE BILL PROMOTES FREEDOM AND REWARDS DETERMINATION

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, as my colleagues know, that is exactly what is wrong here, the Federal Government in control. They want to control our lives and every aspect of it. As my colleagues know, George Washington over there did not want welfare, he did not want taxes.

This week another historic debate is going to begin; another 40-year-old broken welfare program will end. Today the Republicans are going to bring forward a welfare bill that promotes freedom, rewards determination, and establishes self-esteem. Today mean-spirited Democrats, uncaring Democrats, will try to stop reform, cruel Democrats now defending a system that promoted dependency, rewarded complacency, and established self-defeat. They are the ones defending big government.

Mr. Speaker, that is why we believe in our Constitution. We believe that States, not the Federal Government, should be given the flexibility to design a program that will fix the problems that are unique to their communities.

Mr. Speaker, let us not just talk about ending welfare as we know it. Let us do it. Vote "yes" for America. Vote "yes" for welfare reform.

WELFARE SLOWLY DESTROYS THE WILL TO PERSEVERE

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, the welfare system has been called a waste, it has been called inefficient, it has been called a destroyer of families, and it has even been compared with slavery. I would argue that these criticisms are largely accurate.

To those who would defend the current welfare system, I challenge them to go outside the Capitol Building and walk around the streets of the District of Columbia or almost any major city in America. Here one can see the results of the welfare culture. Crime, corruption, teenage pregnancy, children without fathers, poverty, unemployment, and on and on it goes. In other words, an almost complete breakdown of community.

The problems that the District and other communities face are not because too little money is being spent on welfare. They exist because welfare creates a perverse set of incentives that suffocate the dignity of work and slowly destroy the will to persevere.

Mr. Speaker, Republicans have promised to not only reform welfare, but to replace welfare. We are committed to the belief that people are more important than government and that strong children are better than strong bureaucracies.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its Clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 889. An act making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 889) "An Act making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes," requests a conference with the House on the disagreeing votes to the two Houses thereon, and appoints Mr. HATFIELD, Mr. STEVENS, Mr. COCHRAN, Mr. GRAMM, Mr. DOMENICI, Mr. MCCONNELL, Mr. GORTON, Mr. SPECTER, Mr. BOND, Mr. BURNS, Mr. BYRD, Mr. INOUYE, Mr. JOHNSTON, Mr. LEAHY, Mr. HARKIN, Mr. LAUTENBERG, Ms. MIKULSKI, and Mr. REID to be the conferees on the part of the Senate.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. DOOLITTLE) laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, March 21, 1995.
Hon. NEWT GINGRICH,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelop received from the White House on Friday, March 17, 1995 at 4:35 p.m. and said to contain a message from the President whereby he notifies the Congress of his intention to designate the West Bank and Gaza Strip as a beneficiary for the purposes of the Generalized System of Preferences.

With great respect, I am
Sincerely yours,
ROBIN H. CARLE,
Clerk, U.S. House of Representatives.

EXTENSION OF GENERALIZED SYSTEM OF PREFERENCES' BENEFITS TO THE WEST BANK AND GAZA STRIP—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104-47)

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

I am writing to inform you of my intent to designate the West Bank and Gaza Strip as a beneficiary of the Generalized System of Preferences (GSP). The GSP program, which offers duty-free access to the U.S. market, was originally authorized by the Trade Act of 1974.

I have carefully considered the criteria identified in sections 501 and 502 of the Trade Act of 1974. In light of these criteria, I have determined that it is appropriate to extend GSP benefits to the West Bank and Gaza Strip.

This notice is submitted in accordance with section 502(a)(1) of the Trade Act of 1974.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *March 17, 1995.*

ANNUAL REPORT OF THE NATIONAL SCIENCE FOUNDATION FOR FISCAL YEAR 1993—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, without objection, referred to the Committee on Science:

To the Congress of the United States:

In accordance with section 3(f) of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1862(f)), I am pleased to transmit to you the Annual Report of the National Science Foundation for Fiscal Year 1993.

The Foundation supports research and education in every State of the Union. Its programs provide an international science and technology link to sustain cooperation and advance this Nation's leadership role.

This report shows how the Foundation puts science and technology to work for a sustainable future—for our economic, environmental, and national security.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *March 21, 1995.*

REPORT ON DEVELOPMENTS RELATING TO THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104-48)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

1. On August 19, 1994, in Executive Order No. 12924, I declared a national emergency under the International Emergency Economic Powers Act (IEEPA) (50 U.S.C. 1701 *et seq.*) to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 *et seq.*) and the system of controls maintained under that Act. In that order, I continued in effect, to the extent permitted by law, the provisions of the Export Administration Act of 1979, as amended, the Export Administration Regulations (15 C.F.R. 768 *et seq.*), and the delegations of authority set forth in Executive Order No. 12002 of July 7, 1977 (as amended by Executive Order No. 12755 of March 12, 1991), Executive Order No. 12214 of May 2, 1980, Executive Order No. 12735 of November 16, 1990 (subsequently revoked by Executive Order No. 12938 of November 14, 1994), and Executive Order No. 12851 of June 11, 1993.

2. I issued Executive Order No. 12924 pursuant to the authority vested in me as President by the Constitution and laws of the United States, including, but not limited to, IEEPA. At that time, I also submitted a report to the Congress pursuant to section 204(b) of IEEPA (50 U.S.C. 1703(b)). Section 204 of IEEPA requires follow-up reports, with respect to actions or changes, to be submitted every 6 months. Additionally, section 401(c) of the National Emergencies Act (NEA) (50 U.S.C. 1601 *et seq.*) requires that the President, within 90 days after the end of each 6-month period following a declaration of a national emergency, report to the Congress on the total expenditures directly attributable to that declaration. This report, covering the 6-month period from August 19, 1994, to February 19, 1995, is submitted in compliance with these requirements.

3. Since the issuance of Executive Order No. 12924, the Department of Commerce has continued to administer and enforce the system of export controls, including antiboycott provisions, contained in the Export Administration Regulations. In administering these controls, the Department has acted under a policy of conforming actions under Executive Order No. 12924 to those required under the Export Administration Act, insofar as appropriate.

4. Since my last report to the Congress, there have been several significant developments in the area of export controls:

BILATERAL COOPERATION/TECHNICAL ASSISTANCE

—As part of the Administration's continuing effort to encourage other countries to implement effective export controls to stem the proliferation of weapons of mass destruction, as well as certain sensitive technologies, the Department of Commerce and other agencies conducted a range of discussions with a number of foreign countries, including governments in the Baltics, Central and Eastern Europe, the Newly Independent States (NIS) of the former Soviet Union, the Pacific Rim, and China. Licensing requirements were liberalized for exports to Argentina, South Korea, and Taiwan, responding in part to their adoption of improved export control procedures.

AUSTRALIA GROUP

—The Department of Commerce issued regulations to remove controls on certain chemical weapon stabilizers that are not controlled by the Australia Group, a multilateral regime dedicated to stemming the proliferation of chemical and biological weapons. This change became effective October 19, 1994. In that same regulatory action, the

Department also published a regulatory revision that reflects an Australia Group decision to adopt a multi-tiered approach to control of certain mixtures containing chemical precursors. The new regulations extend General License G-DEST treatment to certain categories of such mixtures.

NUCLEAR SUPPLIERS GROUP (NSG)

—NSG members are examining the present dual-use nuclear control list to both remove controls no longer warranted and to rewrite control language to better reflect nuclear proliferation concerns. A major item for revision involves machine tools, as the current language was accepted on an interim basis until agreement on more specific language could be reached.

—The Department of Commerce has implemented license denials for NSG-controlled items as part of the "no-undercut" provision. Under this provision, denial notifications received from NSG member countries obligate other member nations not to approve similar transactions until they have consulted with the notifying party, thus reducing the possibilities for undercutting such denials.

MISSILE TECHNOLOGY CONTROL REGIME (MTCR)

—Effective September 30, 1994, the Department of Commerce revised the control language for MTCR items on the Commerce Control List, based on the results of the last MTCR plenary. The revisions reflect advances in technology and clarifications agreed to multilaterally.

—On October 4, 1994, negotiations to resolve the 1993 sanctions imposed on China for MTCR violations involving missile-related trade with Pakistan were successfully concluded. The United States lifted the Category II sanctions effective November 1, in exchange for a Chinese commitment not to export ground-to-ground Category I missiles to any destination.

—At the October 1994 Stockholm plenary, the MTCR made public the fact of its "no-undercut" policy on license denials. Under this multilateral arrangement, denial notifications received from MTCR members are honored by other members for similar export license applications. Such a coordinated approach enhances U.S. missile nonproliferation goals and precludes other member nations from approving similar transactions without prior consultation.

MODIFICATIONS IN CONTROLS ON EMBARGOED DESTINATIONS

—Effective August 30, 1994, the Department of Commerce restricted the types of commodities eligible for shipment to Cuba under the provisions of General License GIFT. Only food, medicine, clothing, and other human needs items are eligible for this general license.

—The embargo against Haiti was lifted on October 16, 1994. That embargo had been under the jurisdiction of the Department of the Treasury. Export license authority reverted to the Department of Commerce upon the termination of the embargo.

REGULATORY REFORM

—In February 1994, the Department of Commerce issued a Federal Register notice that invited public comment on ways to improve the Export Administration Regulations. The project's objective is "to make the rules and procedures for the control of exports simpler and easier to understand and apply." This project is not intended to be a vehicle to implement substantive change in the policies or procedures of export administration, but rather to make those policies and procedures simpler and clearer to the exporting community. Reformulating and simplifying the Export Administration Regulations is an important priority, and significant progress has been made over the last 6 months in working toward completion of this comprehensive undertaking.

EXPORT ENFORCEMENT

—Over the last 6 months, the Department of Commerce continued its vigorous enforcement of the Export Administration Act and the Export Administration Regulations through educational outreach, license application screening, spot checks, investigations, and enforcement actions. In the last 6 months, these efforts resulted in civil penalties, denials of export privileges, criminal fines, and imprisonment. Total fines amounted to over $12,289,000 in export control and antiboycott compliance cases, including criminal fines of nearly $9,500,000 while 11 parties were denied export privileges.

—Teledyne Fined $12.9 Million and a Teledyne Division Denied Export Privileges for Export Control Violations: On January 26 and January 27, Teledyne Industries, Inc. of Los Angeles, agreed to a settlement of criminal and administrative charges arising from illegal export activity in the mid-1980's by its Teledyne Wah Chang division, located in Albany, Oregon. The settlement levied criminal fines and civil penalties on the firm totaling $12.9 million and imposed a denial of export privileges on Teledyne Wah Chang.

The settlement is the result of a 4-year investigation by the Office of Export Enforcement and the U.S. Customs Service. United States Attorneys offices in Miami and Washington, D.C., coordinated the investigation. The investigation determined that during the mid-1980's, Teledyne illegally exported nearly 270 tons of zirconium that was used to manufacture cluster bombs for Iraq.

As part of the settlement, the Department restricted the export privileges of Teledyne's Wah Chang division; the division will have all export privileges denied for 3 months, with the remaining portion of the 3-year denial period suspended.

—Storm Kheem Pleads Guilty to Nonproliferation and Sanctions Violations: On January 27, Storm Kheem pled guilty in Brooklyn, New York, to charges that he violated export control regulations barring U.S. persons from contributing to Iraq's missile program. Kheem arranged for the shipment of foreign-source ammonium perchlorate, a highly explosive chemical used in manufacturing rocket fuel, from the People's Republic of China to Iraq via Amman, Jordan, without obtaining the required validated license from the Department of Commerce for arranging the shipment. Kheem's case represents the first conviction of a person for violating section 778.9 of the Export Administration Regulations, which restricts proliferation-related activities of "U.S. persons." Kheem also pled guilty to charges of violating the Iraqi Sanctions Regulations.

5. The expenses incurred by the Federal Government in the 6-month period from August 19, 1994, to February 19, 1995, that are directly attributable to the exercise of authorities conferred by the declaration of a national emergency with respect to export controls were largely centered in the Department of Commerce, Bureau of Export Administration. Expenditures by the Department of Commerce are anticipated to be $19,681,000 most of which represents program operating costs, wage and salary costs for Federal personnel and overhead expenses.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 21, 1995*.

APPOINTMENT AS MEMBERS OF REVIEW PANEL PURSUANT TO CLAUSE 7, RULE LI OF HOUSE RULES

The SPEAKER pro tempore laid before the House the following communication from the Honorable VIC FAZIO, ranking minority member of the Committee on House Oversight:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE OVERSIGHT,
Washington, DC, March 10, 1995.

Hon. NEWT GINGRICH,
Speaker, House of Representatives, Washington, DC

DEAR MR. SPEAKER: Pursuant to House rule 51, clause 7, I have appointed the Honorable William J. Jefferson, and the Honorable

Ed Pastor, to serve on the review panel established by the Rule for the 104th Congress.

Best Regards,

VIC FAZIO,
Ranking Minority Member,
Committee on House Oversight.

PROVIDING FOR CONSIDERATION OF H.R. 4, PERSONAL RESPONSIBILITY ACT OF 1995

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 117 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 117

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4) to restore the American family, reduce illegitimacy, control welfare spending and reduce welfare dependence. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and the text of the bill (H.R. 1214) to help children by reforming the Nation's welfare system to promote work, marriage, and personal responsibility, and shall not exceed five hours, with two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means and three hours equally divided among and controlled by the chairmen and ranking minority members of the Committee on Economic and Educational Opportunities and the Committee on Agriculture. After general debate the Committee of the Whole shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSON] pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 117 is a rule providing for general debate on H.R. 4, the Personal Responsibility Act of 1995.

The rule provides 5 hours of general debate, with 2 hours allocated to the Committee on Ways and Means and 1½ hours each to the Committee on Economic and Educational Opportunities and the Committee on Agriculture.

Debate must be confined to the bill and the text of H.R. 1214, which the Committee on Rules intends to make its order as original text for amendment purposes in a subsequent rule—which we will put out of the Committee on Rules at about 5 p.m. this afternoon. After general debate, the rule provides for the Committee of the Whole to rise without motion.

No further consideration of the bill shall be in order except by subsequent order of the House.

Mr. Speaker, the Personal Responsibility Act that the full House will begin debating today is an extremely complex and important piece of legislation.

The House has considered this bill to date in a detailed and thorough manner.

House Republicans promised a comprehensive reform of our Nation's abysmal welfare system, and we have delivered.

H.R. 4 was introduced on January 4, 1995, the opening day of this session.

Three House committees—Ways and Means, Economic and Educational Opportunities, and Agriculture—held extensive hearings on welfare reform. All three committees conducted gruelling marathon markups, often deliberating late into the night.

Chairmen ARCHER, GOODLING, and ROBERTS then merged their versions of the package into one new bill, H.R. 1214 before us now. The Committee on Rules intends to make this new bill in order as original text for amendment purposes on the floor.

The committee is scheduled to meet at 5 p.m. this evening to report a rule providing for the amendment process for the bill.

The Committee on Rules held a 7½-hour hearing on Thursday, March 16, and took testimony from no less than 60 witnesses.

Members on both sides of the aisle suggested constructive amendments and there was an excellent debate about the many issues the bill addresses head-on.

Mr. Speaker, to demonstrate the importance of this legislation to the American public, the Republican leadership has set aside an entire week on the House floor for consideration of this bill.

If anyone should claim that this welfare reform legislation has been hasty or ill-conceived, I would ask—"Where was the welfare reform legislation when the Democrats held both Houses of Congress and the White House?"

Mr. Speaker, we certainly do not have the time to recount the President's many broken campaign promises, but the Clinton administration's failure to make good on its pledge to reform the welfare system has been outrageous.

Mr. Speaker, H.R. 4 tackles some of the most difficult issues of our day directly and head-on.

The bill makes fiscal sense by consolidating numerous major programs into block grants directly to the States, and that's the way it should be. Layers of bureaucracy in Washington will be made unnecessary.

The savings will be phenomenal—and the States will maintain maximum flexibility to help the poor in their areas, and they know how best to do it, not us inside the beltway.

The bill requires welfare recipients to work within 2 years, and bars receipt of benefits for more than 5 years.

Reasonable restrictions are applied to recipients on AFDC to encourage self-sufficiency; in other words, to stop them from being second, and third and fourth generation beneficiaries of welfare.

Mr. Speaker, H.R. 4 makes badly needed reforms to the Federal food stamp program, to the Supplemental Security Income program and family nutrition and child nutrition programs.

Mr. Speaker, as the House debates welfare reform this week, the public should take note of which of these proposals honestly addresses the problems of poverty in the United States of America.

Mr. Speaker, the American people will be asking, and Members had better be asking ourselves, which alternative defends the status quo. That is the question right here tonight, which alternative defends the status quo that has failed so miserably, and which alternative wrestles with the issues of illegitimate births, welfare dependency, child support enforcement, and putting low-income people back to work.

Mr. Speaker, the Personal Responsibility Act will prevail when scrutinized in this manner. I ask my colleagues to do this. During the recent debate on cutting spending I asked this House what is compassionate about adding another trillion dollars to the debt on the backs of our children and our grandchildren. Is that compassionate? The answer was no then. I ask my colleagues today now what is compassionate about continuing failed welfare programs that encourage a second, and third and fourth generation of welfare dependency? I say to my colleagues, "You know, and I know, the answer is 'nothing.'"

Mr. Speaker, that is why we must not defend the status quo. We must make the changes that are so necessary today. We can do it by voting for this bill.

Mr. Speaker, this rule was voted unanimously out of the Committee on Rules on Thursday afternoon on a bipartisan basis. The House is eager to begin this debate. We should do it now and get on with it.

Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we support this first part of the rule providing for consideration of the Personal Responsibility Act. The 5 hours of general debate times it provides are essential for the thorough deliberation that is required for legislation as comprehensive and as drastic as this.

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As has been true of most of the elements of the Contract With America, this legislation was hastily drafted and has been sent to the House without the benefit of thorough and public discussion or debate. We hope these 5 hours of debate will help clarify the controversies surrounding this overhaul not only of AFDC, the program most of us think of when we talk about welfare, but also of the entire child welfare system, of disability benefits for children, and of all the major nutrition programs our Nation has provided for many years.

The Committee on Rules heard a full day of testimony from Members of the House, Democrats and Republicans alike, about the need for substantive changes in the legislation before us. There was bipartisan support for changes in several parts of the bill, including the paternity establishment section, which is so restrictive in nature that even if a mother fully cooperates, she and her child could be punished by the denial of cash aid, if a State dragged its feet on establishing paternity.

There was also bipartisan support for amendments to strengthen the child support enforcement section, and for amendments to provide more funding for child care for welfare recipients so the mother is able to work or to get job training.

Unfortunately, the Personal Responsibility Act fails to deliver what the American people want: A welfare system that expects parents to work to support their families, but that also protects vulnerable children.

We need to pass legislation that ensures parental responsibility while also protecting children, encourages State flexibility without totally abdicating Federal oversight, and protects taxpayer resources by applying fairness and common sense.

Not only is the Personal Responsibility Act weak on work requirements, but it contains no requirement for education, training, and support services. If we want poor parents to work, they will need these services. They will need child care and transportation, for example.

The goals of the bill include preventing teen pregnancy and out-of-wedlock births. Unfortunately and incredibly, family planning services, the key to reducing out-of-wedlock births, the vast majority of which are unintended, are not even mentioned in this bill, which does away with the 30-year-old requirement that States offer family planning services to all AFDC recipients.

Meanwhile, in just the past decade the percentage of all children born in the United States out of wedlock has doubled, more than doubled, to 32 percent. Thirty-two percent of all the babies born in this country are born out of wedlock, and there is nothing in this so-called reform bill that even tries to deal with this enormous problem.

Mr. Speaker, for these reasons and many others, the Personal Responsibility Act requires the lengthy debate that this rule provides. We support the rule and urge our colleagues to approve it so that we may proceed with consideration of this important and controversial legislation today.

Mr. McINNIS. Mr. Speaker, I yield such time as he may consume to the fine gentleman from Pennsylvania [Mr. GOODLING], the chairman of the committee.

Mr. GOODLING. Mr. Speaker, I thank the gentleman for yielding time to me.

This is probably the most important debate and perhaps the most important issue that we will face, perhaps during my lifetime, certainly the most important since I have been in the Congress of the United States.

What is at stake? Well, basically, what is at stake is this: What do we do to free millions of Americans from the shackles that the Federal Government has placed them in? All of the programs were well meaning. Over the years I sat behind several chairmen, one who used to say, "Bill, these programs just aren't working the way we had intended them." And that is true. So year after year, generation after generation, we have enslaved these people, so, unless we make a change, they will never have an opportunity to get part of that American dream. That is destructive to them. That is destructive to our society and to our country.

Making changes is very, very difficult. Change is something that people fear, and that is true in no place worse than in the Congress of the United States. But if we do not change, then, of course, we are going to continue to enslave the very people we have sent over $5 trillion to try to help. Year after year we will be doing this, and it is totally unfair to those people in our society.

So it would be my hope that we get away from the rhetoric and pay a little attention to the facts and see whether we can do better than we have done in the past. I think those people that we have tried to help are depending on us to make that change.

The first thing we have to do is admit that we failed. That should not be so difficult. It does not matter which side of the aisle we sit on. Just passing more programs and more programs and adding more money and more money has not worked. It has disadvantaged the disadvantaged. So it is time to make that change. An alcoholic has to admit that he has that problem before we can ever do anything to help him or for him to help himself to a recovery. It is true of any other drug addict. It is equally as true with the legislation we are dealing with today.

So I would call on my colleagues to listen carefully and participate intelligently. Let us not get up and give a lot of rhetoric that has nothing to do with the facts. We know the facts. We know the facts of how we failed, and we know the facts of what it is we are trying to do to see whether we can help the most vulnerable in this country receive a portion of the American dream that we on the Federal level have denied them from receiving all of these years.

Mr. BEILENSON. Mr. Speaker, for the purpose of debate only, I yield 4 minutes to the distinguished gentleman from Florida [Mr. GIBBONS], the ranking Democratic member of the Committee on Ways and Means.

Mr. GIBBONS. Mr. Speaker, I thank the gentleman from California [Mr. BEILENSON].

Mr. Speaker, the first thing we should do in starting the debate on as serious a subject as this is to puncture the myths that surround this debate. The first myth I would like to puncture is that the Democrats support the status quo. That is absolutely not true.

As recently as last year, I introduced and held hearings on a very substantial welfare reform program. Unfortunately, it ran into a hurricane of Republican filibuster, and it got nowhere. But it was not that we did not try.

Second, the myth is that the Democrats have held control of this since 1935 and we have done nothing except perpetuate poverty and the miseries of welfare.

That is not so. In the Johnson and Kennedy eras, we made substantial reforms in the welfare program, and we created such programs as Head Start and Upward Bound and the Follow Through Program and programs for aid to college-bound students and for those who should be bound for college but unfortunately could not go.

As recently as in the 1970's, a Republican President, President Nixon, sent us a comprehensive welfare reform bill that unfortunately we rejected. It came to us at a time when President Nixon was encumbered by the Watergate scandal, and the bill got polluted in that environment. At that time, it is important to note, the President suggested that we federalize welfare, that we not dump it on the States as our Republican colleagues would do today, and that we take the entire responsibility because he thought, and I think, that every child is a citizen of the United States and every child should have a government that cares for him in a humane way. That was the thought of President Nixon, and we unfortunately did not adopt it.

Well, as we all know, Reagan was elected in 1980, and so we did nothing for 8 years. We could not even get a squeak out of him about making any changes in that program. But during the Bush administration, in 1988 we made substantial reforms to the welfare program and crafted in it the requirement of work. But it was put in there in a workable manner so that if the woman needed a job and was able to work and had to have child care because she just could not leave her child or her infant at home unattended, she could get that, or if she needed training, she could get that. So the myth that we in the Congress have done nothing except perpetuate this is, I hope, punctured.

Let us look at the bill before us. This is a cruel piece of legislation. It punishes the children, the innocent children, because of the errors of their parent or parents. It punishes them not just at birth but it punishes some for a lifetime, and certainly it punishes others through all of their childhood era. It will deprive them of the basic necessities for food, of clothing, of housing, of education, of love. That is what this bill does.

There is a better way, a far better way, and we have put that forward. We will have alternatives for this program on the floor here, but they will receive scant notice. They will have perhaps an hour or so of debate time, and then it will all be over. But this bill will never become law. There is hope out there that something sensible will become law.

Mr. Speaker, let us get on with the debate.

Mr. McINNIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, of course, I take strong exception to the comments about the Republican filibuster in the last year. There is no filibuster in the House of Representatives. Rather, it is the Republicans who are taking the bull by the horns.

Furthermore, as to the bill, the punishment to our children is, if we do nothing, if we maintain the status quo, that is where the real punishment to our children comes from. Frankly, I think it is somewhat baloney when they say this bill takes away love from children and will leave children out there hungry, and so on, and so forth. I think that is political rhetoric, and we need to get beyond that to the meat of the bill.

In that regard, Mr. Speaker, I yield 3 minutes to my good friend, the gentleman from Florida, [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from Colorado [Mr. McINNIS], a new and hard-working member of the Committee on Rules, for yielding me this time.

Mr. Speaker, we are today indeed launching a very historic debate on welfare reform, as Chairman GOODLING has outlined. We are going to be struggling with some of the most vexing and challenging issues of our time that confront our country and, more importantly, confront the people of our country.

One thing is very, very clear: In this most important comprehensive reform on welfare programs that we have ever attempted in the House, there is no ultimate wisdom. There are going to be disagreements.

No one has all the answers, and it is likely that we will not get it exactly right on all fronts the first time we go through this, but we have got to start because we owe it to our children and others in need to make the best possible attempt to fix what is broken. And what is broken is the system that we have now. It is clearly broken, and it is failing. Doing nothing is not the right answer.

As the gentleman from Colorado [Mr. McINNIS] said and as many others are going to say, doing nothing only leads to more grief for more Americans, because we can see that we are running out of money and we can see that we are not succeeding in what we are trying to do.

This rule allows 5 hours of general debate to get the process started, and I look forward to a truly deliberative and productive process, bringing together the best judgments of every Member of this institution.

But first, let us review the facts. Mr. Speaker, in the early 1970's the United States declared war on poverty. That was the cry, and despite the best intentions and $5 trillion of taxpayer funds, we just about have to say that we lost the war, that it is time to surrender and do something different. Illegitimacy rates and welfare rolls continue to soar and as everybody knows, more people live in poverty today than when we started the war and before we spent the $5 trillion.

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Worse still, the current system hurt some of the very people it was intended to help. The Republican welfare reform bill focus on three important things. First, it consolidates programs to minimize bureaucracy, fraud, and hopefully gets rid of some of the waste we have got, in order to ensure that our finite resources, and they are increasingly finite, reach those who truly need the help. In other words, we are not going to deal with the marginal cases. We are going to deal with the needy.

Second, the Republican plan is legislation that allows States the flexibility to enact programs that are best suited to their individual needs while at the same time providing accountability at the local level. It is not exactly the same in New York City as it is in Alaska, Florida, or someplace in the Midwest. We need that flexibility.

Finally, the bill does away with many of the destructive disincentives that have helped to perpetuate generations of dependency, and we all know that.

Although this bill is estimated to save taxpayers tens of billions of dollars over the next 5 years, we have managed to increase spending for important programs like WIC and school lunches, despite the rhetoric to the contrary we keep hearing, and we have changed the carrots and sticks to move people off welfare roles and on to payrolls.

Mr. Speaker, I spent a good deal of time this weekend meeting with people in southwest Florida in my district who are right on the front lines, people working within the current system who know the issues, who have the expertise to redflag possible problems with this reform. And there are some serious and legitimate concerns, especially about the block grant approach and the potential for abuse and unfair distribution of funds within States.

We have to make sure we build this into the block grant approach, some kind of safeguard to make sure dollars flow to the areas where they are most needed. And I support that. That is just one area that we need to explore through this process.

But we have so many opportunities to make improvements and do things better. I sat at a Headstart luncheon yesterday with youngsters in the prekindergarten and kindergarten program. This is a program that works. We are keeping it. We make sure it is funded.

The things that work, we are trying to save. It is the things that do not work we are trying to excise and replace with something better. I think the authors of our proposal have done yeoman's work in bringing us to this point. Obviously, it is not a finished product, but it is a place worthy of beginning debate. Let the debate begin and support the rule.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the distinguished gentleman from Tennessee [Mr. FORD].

Mr. FORD. Mr. Speaker, I thank the ranking minority member of the Committee on Rules.

Mr. Speaker, I support the rule for the 5 hours of general debate on the Personal Responsibility Act of the welfare bill, but I must rise in strong opposition once again to the Personal Responsibility Act because when we see how cruel this particular bill would be to children in this country, and Republicans are saying that Democrats really do not want a welfare bill, that they have had all of these years in order to pass one. But I have chaired this subcommittee for many, many years, and we have tried to work with the Republicans in the past to structure a welfare reform system that would respond to the human needs of people in this country.

I think when we see the Family Support Act of 1988, which was brought on by the Democrats, or we have seen certain things put in place, and even under the Clinton administration, when he was elected President and he campaigned on the fact that we wanted to end welfare as we know it, and I think we tried to fashion legislation and we tried to get Republicans to come around.

But even if you think not, I would say to the Republicans that it is a time that what we all want to accomplish in this is to try to make sure that we move people off welfare into the private sector workplace, if possible. That is what we all want to accomplish in this welfare reform bill, and the Personal Responsibility Act, it does not address that.

The work requirements are such that people can just roll off of welfare, move into no jobs at all, and therefore, under your work requirements, that will be counted. We have not placed people in the workplace. We have not identified a link between welfare to work at all. I think Democrats have said all along that we want work first.

If Republicans, we could sit down with Chairman SHAW and others and do that. But just look at one thing. When we reported this bill, the formula has changed four times on the allocation of the $15.4 billion. We see now that under the changes that have been made from what we reported from the subcommittee, we see Speaker GINGRICH'S State of Georgia gained $45 million in the back rooms of the Committee on Rules. His State is picking up an additional $45 million. We see that those same private deals reduced California's block grant funding over a 5 year period by $670 million. In every public discussion on this subcommittee, it was very clear that California's share was higher.

Look at the other ways under the Committee on Rules, in the back room of the Committee on Rules, we see New York will take a hit of $275 million. But we see the gentleman from Texas [Mr. ARCHER] took care of himself. He added an additional $20 million in the back room of the Committee on Rules. Not the subcommittee, not the full committee, but in the back room of the Committee on Rules.

Mr. Speaker, I think it is very clear that we are in the protecting the children of this country. We see the first State allocation of allocation formula being changed, just in back room dealings by the Republicans. You too are ashamed of this bill you are bringing to the House floor today.

Mr. McINNIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, while I am a little baffled by the gentleman from Tennessee's allegations about the back room drafts on this, the rule has not even been reported. The Committee on Rules meets at 5 o'clock. I invite you to come up and see about the back room thing. There is going to be media there. There is no back room drafting.

Mr. Speaker, I yield 5 minutes to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Speaker, I thank the gentleman from Colorado for yielding.

Mr. Speaker, I would like to discuss this bill. I am in support of the rule which we have before us. I do disagree with those who would say that this bill is cruel, and I would hope that our debate through the general debate and through the amendment process which we are going to undertake will be one which is constructive. Because maybe this is not the final bill, and I think there are some very good ideas. Lord only knows there are a lot of people here who have worked in this particular area, and we need to work with them as well.

But welfare as we know it today has basically continued people in poverty. There has been a sense of hopelessness attached to it. No real opportunity to leave or really to improve your life unless you are so self-motivated you can do so. Frankly, it has been generational to some degree.

In Delaware, we put together a program in 1987 under a blueprint for change and it became one of the model States for the Family Support Act of 1988. We developed an employment and training program to target the needs of hard-to-employ long-term welfare client. We developed a case management approach to service delivery. We raised the case assistance standard of need to bring benefits in line with neighboring States or the national average, and we developed indigent medical care programs and other programs to help people off of welfare.

The statistics are interesting on that. Since 1986, over 5,600 clients have benefited, with 2,779, and that is about one-half, of course, working full-time and 2,075 leaving welfare all together. Additionally, child care for families and work education and training has been increased substantially. We dealt with the problem in the State of Delaware, and I was pleased to be able to be the Governor during that period of time, and I think we dealt with it successfully.

Now we look at this program and we look at what we have. We are going to have a lot of rhetoric about it. The truth of the matter is the President of the United States of America, a good proposal by the gentleman from Georgia [Mr. DEAL], which we are going to hear about, and this bill are not as different from each other as we are probably going to hear about.

They essentially call for an end of welfare at some period of time for all families. They all call for work after a couple of years so people would have to go to work. It is a big-bang solution to solving the problems of welfare.

The Republican bill does call for block grants and gives more State flexibility. But today the House does begin consideration of some very important changes in our Personal Responsibility Act and a dialogue with the American people and our welfare recipients on replacing that failed welfare system with one based on work, individual responsibility, family, hope, and opportunity.

This bill does represent fundamental and dramatic change. We are going to have to talk about it. In its best light this bill could provide opportunity for those who have none. Democrats and Republicans, all agree by removing welfare recipients into work we can help place welfare recipients on the road to self-sufficiency, opportunity, and hope for their future, where currently frankly there is none. And this is not mean-spirited Republican philosophy, but American values.

Mr. SHAW. Mr. Speaker, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from Florida.

Mr. SHAW. Mr. Speaker, I would like to mention to the gentleman, you have not only been a tremendous and a very valuable member of the team which has been working over the last year to craft the bill and to get us where we are today, but your model, the Delaware model, which is continuing now under the present Governor, but from the seeds that you planted in Delaware, you have set the pattern, as a few other Governors have in this country, in what welfare should be, and taking it from a program of dependence to a program promoting independence. I would just like to compliment the gentleman in the well for the great work he has done as a Governor and a Member of this House in reforming this very difficult task of reforming welfare as we know it today.

Mr. CASTLE. Mr. Speaker, I thank the distinguished chairman for his compliments, unsolicited, I might add. I might just say with respect to that, I think we as Republicans have a responsibility to make sure as we monitor this bill to make absolutely positive that the kinds of programs we want are being put into place in the States, with the child care, the training, the education which is necessary; that we make sure there is no hardship, and we are trying to do something about rainy day funds. But that we give people that opportunity.

I think that is what this is all about. I think there has been some misrepresentation, all the way from the food nutrition programs, which has been I think misrepresented as to its potential growth, through a lot of other things that are happening.

I would hope, Mr. Speaker, as this day wears on and as the next few days wear on, that that story comes out. If there are amendments we should adopt, so be it, we should adopt them. But when it is all said and done, I hope we will have a welfare system in place in this country that will allow people to look at it and know this is giving us hope, it is giving us sustenance, it is going to carry us through, we are going to be able to take care of our families, but at some point we are going to have the hope to be able to grow through it, to be able to be employed, if one is employable, and take care of those who are not employable, and be able to actually make progress for many people in America.

I look upon this in an optimistic sense, not in the pessimistic sense that this is a bill to suppress people. I realize there is a different point of view on that. But I hope we listen to each other and balance this and carry it out before the week has ended and we actually can adopt a piece of legislation that all of us can be very proud of.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the distinguished gentleman from Michigan [Mr. LEVIN].

Mr. FORD. Mr. Speaker, will the gentleman yield?

Mr. LEVIN. I yield to the gentleman from Tennessee.

Mr. FORD. Mr. Speaker, I would like to thank my colleague who is in the well now, one who has worked on the Subcommittee on Human Resources of the Committee on Ways and Means and one who has been in the forefront of the work component of the Democratic piece for welfare recipients in this country. I thank our colleague from Michigan, who has worked so hard with the full committee ranking member and the ranking member of the subcommittee. So I just wanted to first commend the gentleman.

I want to refer to my colleague from Colorado by saying what I am really afraid of in all of this is if the formula allocation was changed four times from the subcommittee, what bothers me is what the gentleman from Delaware [Mr. CASTLE] talked about earlier.

Surely, I want to say we Democrats want to work with the Republicans, talk this out, work it out, craft a welfare reform package that will put people to work and put work first. But what we do not want to do is to see when we go back to the Committee on Rules that we are going to continue to bring a bill to this floor that will constantly change in the allocation formula, and other things that will change in this bill, that we did not report out of the full Committee on Ways and Means. It was a bad bill that we reported out. It is tough on kids, it is cruel to kids in America, and I think we have to continue to discuss this. The Personal Responsibility Act is a bad bill for kids in America.

Mr. LEVIN. Mr. Speaker, let me just talk about welfare reform for a few minutes.

Look, the status quo is dead. The only issue is what is going to replace the present welfare system, and here is the quandary before the Committee on rules. We have only a partial rule, but they are faced with a bill that is extreme. It is extreme.

The school lunch program was just the tip of the iceberg. Then over the weekend we heard complaints about the provisions on mothers under 18, kids being punished if they are mothers under 18, or if they are the second kid in the family, forever. Well, now there seems to be kind of a retreat from that extreme provision.

Then we also heard over the weekend about day-care. The troops are a little restless over there on the Republican side with the extreme provision. We had urged in committee and subcommittee, make welfare reform work, have day-care. Now maybe you are beginning to get the message.

The trouble is that you have many other extreme provisions in your bill. For example, there is no linkage of welfare to work. States can meet the participation requirements simply by knocking people off the rolls. Period. There is not one more dollar, in fact there are dollars less, for work to give States the ability to link welfare with work.

SSI, there is a potential of knocking 700,000 kids off the SSI rolls. There is some abuse in the program, but do not punish truly handicapped children because of the abuse of some families.

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That is harsh. Foster care, we put a provision in the bill so you could not divert moneys from foster care to some other program and you delete that.

Legal immigrants, this bill takes billions and billions, about $15 billion under some estimates, in terms of benefits from legal immigrants. There needs to be reform, but there does not need to be a drastic, drastic kind of measure here.

The bill that was presented by the gentleman from Georgia [Mr. DEAL] and the gentleman from Texas [Mr. STENHOLM], unlike the GOP bill, in my judgment has attempted to face these issues fairly and squarely. When it was urged that they fell short, their sponsors had an open mind, rather than a deaf ear. The Republicans, in contrast, have it backwards. Weak on work and tough on kids.

The only hope for a bipartisan response now is to set aside this bill and see if we can put together one that will truly put into effect workable welfare reform. We owe it to our constituents to do that. The bill before us miserably fails.

We Democrats stand ready to work with you. The problem is, you have been totally unwilling to work with us.

Mr. McINNIS. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. MANZULLO].

Mr. MANZULLO. Mr. Speaker, I want to take this time to commend my colleagues for working so hard to develop a welfare reform proposal which takes great steps in reforming the welfare system. I support H.R. 4 for many reasons.

One of the main reasons is that H.R. 4 reforms the welfare system by providing incentives that move people off welfare into work. Many States have already developed welfare to work programs that have experienced high success rates, my State of Illinois included.

In the 16th district of Illinois, which I represent, Project Prosper is enjoying fantastic success and job training and placement of their welfare recipients, and Project Prosper uses no Federal funds. Why? Because the developers of that project work day to day with the welfare recipients and are able to concentrate on individual needs of particular circumstances.

I stand firm with my colleagues here in Washington, my constituents back home and many people across the nation in my conviction that the States are in a much better position to create and operate welfare programs that best suit their constituencies. These local programs provide the necessary incentives that move the welfare recipients in the direction of financial independence.

The welfare reform debate continues, and it is important to keep in mind that since 1965, when it first began, the Federal program has spent a total of $5 trillion. For cash welfare programs alone, the Federal Government has spent $1.3 trillion; for medical programs, $1.8 trillion; for food programs, $545 billion; and for housing assistance, nearly $½ trillion dollars. With all the money plowed into the programs, what do we have? The same poverty rate in 1966 as we do today, 14 percent.

We want to change the system, give children of this country an opportunity and incentive to enjoy the American dream, to get off the welfare system, to know what the free enterprise system is about. That is the purpose of H.R. 4, to imbue that sense of personal responsibility back into the welfare system.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the distinguished gentlewoman from Illinois [Mrs. COLLINS], the ranking minority member on the Committee on Government Reform and Oversight.

Mrs. COLLINS of Illinois. Mr. Speaker, I rise in support of the rule and 5 hours of general debate.

Mr. Speaker, if Attila the Hun were alive today and elected to Congress, he would be delighted with this bill that is before us today and proud to cast his vote for it. H.R. 4, the Personal Responsibility Act is the most callous, coldhearted, and mean-spirited attack on this country's children that I have ever seen in my life.

You know, I cannot help but wonder how that could be? How people could be so insensitive to the needs of kids.

Now, this bill is touted as welfare reform. It is intended to move Americans out of the welfare system. Well, if throwing children and low-income people in the streets is reforming the system, then I guess this bill succeeds at what it purports to do.

What the bill really succeeds in doing is something that is not discussed. It creates $69.4 billion in savings to pay for tax cuts for the rich folk of this country. That is what the Republicans are eager to do.

The first fundamental flaw of this bill is that H.R. 4 ignores the very basic reason that most Americans become welfare recipients and stay on welfare. They cannot find jobs. There are very few low-skill, entry-level jobs nowadays that pay a living wage, but instead of improving our job training program or increasing the minimum wage, or providing affordable child care or creating jobs or offering a possible alternative to poverty, this bill, which is a hatchet act, punishes Americans for being poor. This bill fails to create a single job and still creates a whole list of reasons to cut Americans and their kids off the welfare rolls.

This cut and slash bill guts our current system of a safety net for the needy by carrying a bad idea to the far extreme. It just wipes out the critical entitlement status of most of our current systems and replaces them with State block grants and Federal funds with no strings attached. Anybody in the State could do whatever they wanted to with these things. There are major problems with completely abolishing the Federal Government's most successful programs, such as the School Lunch Program, the Breakfast Program, the WIC Program and so forth, and putting them into State funds that are already inadequate or will be inadequate because they are already going to be cut and monitoring or establishing no kind of quality standards or no kind of monitoring standards by which the States can be held accountable.

Let us take the School Lunch Program. I mentioned earlier today that I had gone to the Henry Suder School in my district. In that school, 488 kids out of 501 are on the School Nutrition Program. I see some of my Members on the other side of the aisle laughing.

I ask this question, how many of them have ever been hungry? How many of them have ever known what it was not to have a meal? How many of them have ever known what it was not to have decent shoes, decent clothing, a nice place to live? I will bet most of them have had a nice room of their own, not shared with any brothers or sisters, maybe five or six, have always been able to get their shoes if they wanted, the clothing that they wanted, food that they needed, et cetera. They do not know about poverty.

So I challenge them to come to the Seventh Congressional District of Illinois, in my district, and walk in the path of these children that they are cutting off on welfare. Walk in the path of the truly needy people who live by welfare because they have no other means by which to live. Not everybody stays on welfare eternally. We all know that. Some people do get off. Occasionally people get off of welfare because they do find a job, because they are able to get a GED, because they are able to get their education. And it happens more than once. It happens time and time again.

There are some people, of course, who have been on welfare for a long period of time, but that is not the norm. And we all know it is not the norm, and why we stand here and say that it is does not make any sense at all to me.

Let me tell you, I have to wonder when I see young bright kids who have every opportunity to learn in this country but who are not able to do so because they live in hunger, because they live in poverty, because they have no real life, no real life, if you will, that we are accustomed to denied the opportunity to live to be full Americans because of their lifestyle, because of what they do not have, because of the things that are not given to them, because of the enrichment programs that we send our kids to but that they do not happen to have because they are poor and because they are on welfare. I dread to think of the time when a child of mine or yours, in fact, would be denied an opportunity to feed your grandchild or my grandchild or anybody else's because they have not been able to find a job, because they have been laid off from their job for a small period of time, a short time.

These are the things that we are talking about today. We are not talking about welfare forever. We are talking about welfare as a gap, a bridge, a bridge over troubled waters.

If you have never been there, do not knock it. You might drown.

Mr. McINNIS. Mr. Speaker, I yield myself 20 seconds.

Mr. Speaker, as to the gentlewoman's comments from the State of Florida, I take strong exception to her comments that there is laughter on this side of the aisle. While we may disagree with her point, her comments are taken with respect.

I rather suspect that her comment about laughter was probably written into her speech.

Mr. Speaker, I yield 4 minutes and 30 seconds to the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING of Kentucky. Mr. Speaker, I rise in strong support of the Republican welfare reform bill.

Our welfare system has failed us. Everybody agrees on that. Since President Johnson launched the War on Poverty in the 1960's, America has spend over $5 trillion on welfare programs.

But, over the last 30 years, the poverty level has actually increased, and America's poor are no better off now than they were then.

When you spend $5 trillion on anything, you are bound to get something back. And there have been some cases where people on welfare managed to climb out of poverty.

But, as a whole, the welfare system that we have now deserves nothing less than a complete overhaul. It traps recipients in poverty, it denies them opportunity and it has directly contributed to the moral breakdown of the family.

It is time to end welfare as we know it.

Recent Federal attempts to reform welfare have gone absolutely nowhere. So the Republican welfare bill takes the logical step of giving more authority to the States so that they can shape effective programs that really work.

Everyone acknowledges that the States have taken the lead in proposing bold changes to welfare. The real innovation in welfare has been going on in the State capitals, not in Washington.

The Republican bill acknowledges this by taking away power from Washington bureaucrats and giving it to local officials who actually have to make assistance programs work on a day-to-day basis.

This is a practical solution to a practical problem.

Mr. Speaker, President Clinton and the Democrats in Congress had their chance to reform welfare and did nothing. Talk about cruelty to children. In 1992, the President campaigned hard on a promise to end welfare as we know it. But it was not until last June that we finally saw his proposal, and then the Democratic Congress sat on it and every other welfare reform bill. It did nothing to change the status quo.

Now the Democrats are still talking a pretty good game, and in the next couple of days they are going to complain a lot about the Republican proposal.

But the fact is that it is the Republicans who are moving ahead and reforming welfare. If it was not for the Contract With America and the November 8th electoral earthquake, I am sure that we wouldn't be having this debate today.

The Members on the other side of the aisle had their chance on this issue and they dropped the ball. And now that they are behind the curve, they are resorting to distortions and false attacks like the bogus charge that the Republican welfare bill cuts funding to the Student Lunch Program.

By now, everyone on Capitol Hill should know that this bill *increases* funding for child nutrition programs by 4.5 percent per year for the next 5 years, and increases WIC spending by

3.8 percent per year over the same period.

But the cold, hard fact is that since Republicans have stepped up to the plate on welfare reform, the Democratic leadership's only response has been to respond with misleading, partisan attacks like the school lunch issue since they were unable to pass welfare reform when they had the chance.

Mr. Speaker, it is time to move past all of this and face the fact that the time for real welfare reform has come, and that the Republican welfare bill is going to pass.

I urge my colleagues to support H.R. 4 and to help end welfare as we know it.

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Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from Georgia [Mr. DEAL].

Mr. DEAL of Georgia. I thank the gentleman for yielding me the time.

First of all, I would like to thank the Committee on Rules on both sides of the aisle and their staff for allowing a substitute that I have proposed to be considered and hopefully we will have the opportunity to debate that and proceed with determining where we stand on this issue.

Mr. Speaker, I think it is somewhat ironic that we come here to discuss a system that we call well-fair. Recognizing that my comments are a play on the phonetic pronunciation of that word rather than its literal spelling, nevertheless I would suggest that it is a system which is neither well nor fair. It is not well in that it has placed actually a plague on our society that has condemned many generations to repeat and to fall into its prey. It is certainly not fair, in that it does not reward work. In many cases it does exactly the opposite. But I would concur with the comments of our colleague on the other side of the aisle, the gentleman from Pennsylvania [Mr. GOODLING], earlier today in which he said that we do not need to spend our time with rhetoric discussing the failures of the current system. I do not come here to justify the status quo. I come here to change it. Our efforts in this debate should be focused on how do we best change the current system to secure for ourselves and for our constituency the kind of system that is humane, the kind of system that rewards work, and a system that moves people out of this cycle of welfare.

I have offered as I indicated a substitute that is the work of many of my colleagues that has grown out over a 2-year period. We will propose this substitute and I would briefly like to address some of the areas that I think its strengths are embodied in it.

First of all is that we emphasize work. We think that work should pay. That the only true way to break welfare is to put people into work. But we recognize that for many mothers with dependent children that there are two critical ingredients that are presently disincentives that we need to change into incentives. First of all, they need child care. Second, they need to make sure that by going to work, most of which will be at low-paying jobs, that they do not lose health care coverage for their children. Our bill significantly addresses both of these.

First of all, CBO has estimated that if we truly wish to move people out of welfare and into work, that the cost for child care alone will be increased by approximately $6.2 billion. We provide the funding in our proposal for doing that. We also consolidate our child care programs into one particular and single program.

Second, we recognize that we need an additional year of transitional Medicaid so that these mothers will not lose all health care benefits for their children. We likewise recognize that if you are going to move into the work force, you must have training. We have a 2-year time period for a work first program. We make those programs truly tailored to the needs of citizens who are going to be trained to go into the work force. At the end of that 2-year period if an individual has not found a job in the private sector, States will have two options. One is a private voucher that can be taken to a private employer to be used if they hire a welfare recipient. Second is to place them in a community service program where they can likewise learn job skills and later move into the private sector market.

Another important distinction is that we think we can pay for a change of the welfare system within the welfare system itself and we do not need to reach outside into nutrition programs, and we do not.

We, also in the process of doing this, cut the programs by about $25 billion within the welfare system. We spend $15 billion of that making the changes for additional child care and additional training, with a net of approximately $10 billion which will be used for deficit reduction, and our proposal will be the only plan that will apply the savings to deficit reduction.

As I said, we do not tamper with the children and elderly and WIC food programs. We think that they are working and that they are working well and do not need to be brought into this net. We do strengthen child support enforcement provisions. Currently it is estimated there are about $48 billion in child support payments out there, only $14 billion of which are actually collected. We have a very tough provision for a registry for enforcing child support. We likewise recognize that teen pregnancy is a big problem. We devote much of our attention to that. We think it is an issue that we should not mandate but give States the flexibility.

Mr. McINNIS. Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. I thank the gentleman for yielding me the time.

Mr. Speaker, the American people are demanding dramatic change in their welfare system. They know it is broken and they are calling upon us in the House of Representatives now and later in the Senate to fix it. Unfortunately, I do not think we are doing it in exactly the right way. I do not think it is dramatic enough and I do not think there are enough changes in certain areas that we all know need changes.

The American people want people who are on welfare and can work to work. They want more responsibility for the individual. They definitely want to strengthen the family, and they want to protect children.

When I look at this bill that we are going to have in front of us by the majority, some of these things are being done, but some are very definitely not. I listened to the gentleman from Delaware [Mr. CASTLE] asking us to listen to each other. We have a rule in front of us today that is only partial. There was something like 130 amendments upstairs at the Committee on Rules. I am convinced we can make some good changes. The gentleman from Florida [Mr. SHAW], the chairman of the subcommittee that did welfare, accepted child support enforcement as part of welfare reform, and that was a very good move. So I would hope that before we finish we could accept amendments, that could make this a better bill. We need to improve the work section so that it helps people really go from welfare to work. We should accept amendments so we really protect children. To take away the minimum standards for safety, Federal standards for children is absolutely wrong. We know in our own States, every State, these systems are overburdened, we need this last safety net for abused children, Federal oversight. So I would hope that as we look at this bill now, as we talk about the rule, that as the day goes on, we have improvements we can all agree on.

When I say they are not dramatic, let me tell you block grants are not dramatic. What they do is take everything together, send it back to the States and say, "Now it's your problem." I think we can do better and I hope as the process goes on in the next couple of days we will.

Mr. McINNIS. Mr. Speaker, I yield 2 minutes to my good friend, the gentlewoman from Washington [Ms. DUNN].

Ms. DUNN of Washington. I thank the gentleman for yielding me the time.

Mr. Speaker, I am very tired of hearing the Democrats talk about cruelty to children. I think we have got to get squared away on just where this debate is going.

I will tell you, Mr. Speaker, that what I consider cruelty to children is that $34 billion owed to these children by deadbeat parents, who have not paid up and who have not been checked in recent years. In this Republican welfare approach, we have taken a long, hard look at deadbeat dads and moms and how to get those $34 billion back into the system because that is $34 billion that could be used to keep these children out of the welfare cycle, out of poverty.

Mr. Speaker, of that amount, $11 billion leaves the system as deadbeat parents leave the State to evade their responsibility. What they end up doing not only is not supporting their children but also with their irresponsibility requiring that these kids stay on welfare. Not only that, Mr. Speaker, but they also end up requiring that the Government take responsibility as the parent for these children.

I support this rule because I think we need to have open debate on this issue. Title VII is the child support enforcement part of this bill. The plan that we have put before the Congress and will be debating in the next few weeks requires a Federal parent locator service to be set up at the Federal level that will allow the States to access information and locate where those parents are to make them pay up. I think it is very responsible, Mr. Speaker. A lot of the information in this title VII has come from work between the parties. So this can be our bipartisan core of this bill that we all agree on to force these parents who have given up all responsibility for their supporting their flesh and blood children to get back in the system and keep these kids off welfare. That to me, the ultimate cruelty is something we can take care of in supporting this bill this week.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentlewoman from Arkansas [Mrs. LINCOLN].

Mrs. LINCOLN. Mr. Speaker, today we will prove to Arkansans and to all Americans that we have heard their frustrations and are finally prepared to take action on welfare reform. Since I came to Congress in 1993, I have talked almost daily with constituents who are tired of sending their tax dollars to Washington to give people something for nothing. I join the people of the First District of Arkansas today in enthusiastically saying, "It's about time for welfare reform."

It has all been said, just everyone has not said it, but I will say it again here today. Welfare was intended to be a safety net for widows and children, but it has become a hammock that has encouraged laziness and idleness. Less than 12 percent of the people who receive welfare benefits today are actually working and that is why we focus our intentions on work.

We have been paying the other 88 percent to sit at home and watch their mailboxes. The Federal Government has been making bigger promises than Publishers Clearinghouse. But after this debate ends and the votes are counted, I am confident that the House of Representatives will have sent a message to their home districts, "No more something for nothing."

Over the next few days, we will talk about several proposals for changing our welfare system. I challenge all of my colleagues to look beyond their party identification and listen closely to the merits of each plan, to check their party affiliations at the door and look to program reform that is both realistic and puts principles and values back into our families.

The Deal substitute, which I helped to write and cosponsor, puts more people to work than the current system, while making it possible for people to find a job and stay in it. We offer more job training and more child care than the status quo, and for the first time we set a lifetime limit of 2 years on welfare.

Your choices are simple, if you look beyond party lines. Put more people to work in less time, or put fewer people to work over more years. Put these options with another favorite theme, greater State flexibility, and you have an even easier choice.

The substitute that will be offered by the gentleman from Georgia [Mr. DEAL], myself, and other conservative Democrats allows States to tailor welfare to fit their needs. We give States the option of denying benefits to teenage mothers, we let the States decide whether to continue giving more money to mothers who have more children while on welfare. We also let States decide whether they want to keep people in welfare programs for a additional 2 years under community service. And we give them the option of recycling a few needy people back into the welfare rolls after their time limit has expired.

We are also the only plan that dedicates the moneys that we save to deficit reduction. You will hear more about our plan and the differences between the Deal substitute and the other welfare reform plans that are offered. I encourage you to think of your constituents before your party identification and to look at the reality of our plan and what it does for the future not only for us, for this country but for our children and our children's children.

Mr. McINNIS. Mr. Speaker, I yield the balance of the time remaining to the gentleman from Florida [Mr. SHAW].

The SPEAKER pro tempore. (Mr. DOOLITTLE). The gentleman from Florida is recognized for 2½ minutes.

Mr. SHAW. I thank the gentleman for yielding me the time.

Mr. Speaker, in listening to the debate from this side of the aisle, you would think that one of the words that really sticks in my head was one of the speakers, the gentlewoman from Illinois, for whom I have a great deal of respect, referred to our idea as something having to do with Attila the Hun. I hear the gentleman from Tennessee refer to us as mean. And I hear the other speakers refer to us as being tough on children and weak on work.

I would notice, however, a resounding silence in this Hall when it comes to anybody defending the system that we have today, defending the system that we were unable and unwilling to change while the Democrats controlled this body.

You look back at some of the good welfare proposals that have come down the pike, some that really helped. Take the earned income tax credit. That was a Republican proposal. Take the child care that has been put in place. And remember the great fight that we had with the committee, and we worked together on that particular bill. That was bipartisan in nature, and it was signed into law by a Republican President.

Now the time has come to change the balance of the program, to change, truly change welfare as we know it today. For the Republicans to carry forward, to fulfill the 1992 platform pledge of the Democrat Party.

□ 1600

This is the Republicans carrying through on the pledge of the Democrats because of the Democrats' failure to do this. We are going to, I hope and pray that we do pass a welfare bill, that we get rid of the cruelest system that has ever been known.

The cruelest system that is out here on the floor is existing law and we must change it, we must work together, we must move this process forward.

We have worked long and hard on the Republican side in order to change welfare. The bill of the gentleman from Georgia [Mr. DEAL], which will I understand be offered as a substitute sometime later this week, that bill itself comes a long way from where the Democrat party was just a few short months ago when we could not get a bill to the floor, when we could not reform welfare.

A few short months ago in the last years when the Democrats were in charge, we would have been glad to come forward and work on a bill such as that. But I tell all of my colleagues to read it carefully; come in with specifics. The Republican bill is weak on work? Read the Deal bill. The Republican bill is the bill that stands for work. It stands for real reform and it stands for the empowerment of people.

Let us break the chains of slavery that we have created with welfare in this country and let us work together for a better America.

Mr. McINNIS. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRY

Mr. McDERMOTT. I have a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore (Mr. DOOLITTLE). The gentleman will state it.

Mr. McDERMOTT. Mr. Speaker, does the rule we have just adopted make in order general debate on H.R. 4 or H.R. 1214?

The SPEAKER pro tempore. The rule makes in order debate on H.R. 4.

Mr. McDERMOTT. As I understand it, Mr. Speaker, the committees of jurisdiction reported out three other bills, none of which is before the House today. Am I correct that H.R. 4 has not been reported out by any committee of jurisdiction?

The SPEAKER pro tempore. The gentleman is correct.

Mr. McDERMOTT. Mr. Speaker, continuing that inquiry, is it true that the Budget Act points of order which are designed to assure that the budget rules we established for ourselves are adhered to apply only to measures that have been reported by the committee of jurisdiction?

The SPEAKER pro tempore. The Chair observes that sections 302, 303, 311, 401, and 402 of the Congressional Budget Act of 1974 all establish points of order against the consideration of bills or joint resolutions as reported. That is, in each case the point of order against consideration operates with respect to the bill or joint resolution in its reported state. Thus, in the case of an unreported bill or joint resolution, such a point of order against consideration is inoperative.

Mr. McDERMOTT. In other words, Mr. Speaker, if we had followed the regular order and reported either H.R. 4 or H.R. 1214 from the committees of jurisdiction, several points of order would have applied. To get around those rules, the majority has instead put before the House an unreported bill making it impossible for those of us who believe the House should be bound by the rules it sets for itself to exercise those rights.

Mr. McINNIS. Regular order.

The SPEAKER pro tempore. The House has just adopted House Resolution 117.

Mr. McDERMOTT. It is my understanding that we went around the rules because we did not follow the rules.

The SPEAKER pro tempore. The gentleman has not stated a parliamentary inquiry.

Mr. McINNIS. A point of order, Mr. Speaker, I thought it was a parliamentary inquiry, not a speech.

The SPEAKER pro tempore. The gentleman is correct.

HOUR OF MEETING ON TOMORROW

Mr. McINNIS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 10 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

GENERAL LEAVE

Mr. ARCHER. Mr. speaker, I ask unanimous consent all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4, the Personal Responsibility Act of 1995.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERSONAL RESPONSIBILITY ACT OF 1995

The SPEAKER pro tempore. Pursuant to House Resolution 117 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4.

□ 1604

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4) to restore the American family, reduce illegitimacy, control welfare spending, and reduce welfare dependence, with Mr. LINDER in the chair.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Texas [Mr. ARCHER] and the gentleman from Florida [Mr. GIBBONS] will each be recognized for 1 hour; the gentleman from Pennsylvania [Mr. GOODLING], the gentleman from Missouri [Mr. CLAY], the gentleman from Kansas [Mr. ROBERTS], and the gentleman from Texas [Mr. DE LA GARZA] will each be recognized for 45 minutes.

The Chair recognizes the gentleman from Texas [Mr. ARCHER].

Mr. ARCHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Republican welfare revolution is at hand. Today begins the demise of the failed welfare state that has entrapped the Nation's needy for too long. Today we begin to replace that disaster in social engineering with a reform plan that brings hope to the poor of this Nation and relief to the Nation's taxpayers. Working Americans who carry the load will get relief.

Government has spent $5.3 trillion on welfare since the war on poverty began, the most expensive war in the history of this country, and the Census Bureau tells us we have lost the war. The bill we bring to the floor today constitutes the broadest overhaul of welfare ever proposed. The status quo welfare state is unacceptable.

Today we have the chance to move beyond the rhetoric of previous years of endless campaign promises to end welfare as we know it. Today there must be no doubt. The rhetoric is stopping, the solution is beginning.

Our bill is constructed on three principles which strike at the very foundations of the Nation's failed welfare state. The three principles are personal responsibility, work, and returning power over welfare to our States and communities where the needy can be helped the most in the most efficient way.

The first and most fundamental principle captured by the title of our bill is personal responsibility, the character trait that build this country.

The current welfare system destroys families and undermines the work ethic. It traps people in a hopeless cycle of dependency. Our bill replaces this destructive welfare system with a new system based on work and strong families.

Virtually every section of the bill requires more personal responsibility. Recipients are required to work for their benefits. Drug addicts and alcoholics are no longer rewarded with cash payments that are often spent on their habit. Aliens who were allowed into the country because they promised to be self-supporting are held to their promise; fathers who do not live with their children are expected to pay child support or suffer severe consequences; and welfare can no longer be a way of life. After 5 years no more cash benefits will be provided.

This bill will reverse the decades-long Federal policy of rewarding unacceptable and self-destructive behavior. We will no longer reward for doing the wrong thing.

The second underlying principle of our bill flows naturally from the first. Able-bodied adults on welfare must work for their benefits. Here it appears that the Democrats have surrendered completely to Republican philosophy. On work we are all Republicans now, but it was not always so.

During the welfare debate of 1987 and 1988, Democrats perpetuated a system in which able-bodied adults could stay on welfare year after year after year without doing anything. Now the Clinton administration and Democrats in the House are finally claiming they want mandatory work too, but the substitutes they will offer later do not require serious work.

That is not surprising. Conflict among Democrats on the basic issue of work was one of the reasons they did nothing on welfare reform in the last Congress. Another was the fact that it took the President almost 2 years to write a welfare bill, which he then let die without so much as a minute of debate in the House or the Senate.

If the Democrats were serious about welfare reform, they would have taken action last year when they had the chance. To the Democrats, welfare reform is not a policy objective, it is a political platform. It is an empty promise, it is a campaign device that is put on hold once they get elected.

House Republicans signed a Contract With America that promised we would provide a vote on the House floor on true welfare reform, and we are now fulfilling that promise within less than 80 days. We are proud to move forward to change America's failed welfare system.

The third principle which forms the foundation of our bill is our commitment to shrink the Federal Government by returning power and flexibility to the States and communities where the needy can be helped the most. My own mayor in Houston, TX, a Democrat, talked to me several weeks ago and said you can cut the amount of Federal money coming to Houston by 25 percent, but give me the flexibility without the Federal regulations and I will do more with 25 percent less.

Some say, however, that only those in their ivory towers in Washington care enough to help the needy and aid the poor; the only caring people in all of government throughout the United States are only here right in Washington. That is what they say. They say you cannot trust the States. These people seem to think that the Governors are still standing in the schoolhouse doors not letting people in. But rather it is the Democrats in Washington who are standing in the doors of our Nation's ghettos and not letting people out.

The current regulatory morass is shown on the chart standing next to me. It shows that the welfare system Republicans inherited consists of at least 336 programs in 8 domains of welfare policy. The Federal Government expects to spend $125 billion on these programs this year. Here it is, proof of the ridiculous tangle of overlapping bureaucratic programs that have been thrust upon the Nation since the beginning of the war on poverty, and the worst part is that the American taxpayers, working Americans are paying the bill.

But these 336 programs are only the tip of the iceberg. Imagine how many regulations had to be written to implement these 336 programs. Just let me show you. These are the regulations from just 2 of the 336 programs. They are standing right next to me here on the desk. They weigh 62.4 pounds. I guess I could probably lift them, but it would be easier with a fork truck.

I can think of no more fitting symbol of the failed welfare state than these pounds of Federal regulations. It is time to remove the Federal middleman from the welfare system. We can cut these unnecessary regulations, eliminate Federal bureaucrats and give our States and communities the freedom they need to help their fellow citizens. Our bill will end 40 of the biggest and fastest growing programs and replace them with 5 block grants. By ending counterproductive overlapping and redundant programs, we will win half of the battle. We are proud, though, that we have hit upon a much better approach to helping the poor than this top-heavy Federal system.

Our new approach recognizes that the action on welfare reform today is in the States already. While Washington twiddled its thumbs for the last several years, States all over the country were engaging in actual welfare reform.

The laboratories of democracy are in the States, not Washington, DC. Block grants will bring the decisions closer to the people affected by them, they will give Governors more responsibility and resources to design and run their own programs.

□ 1615

And once we have given the State this flexibility and eliminated the need for them to beg Washington for permission to operate outside the stack of rules in that pile on the desk, the reforms they have implemented thus far will be dramatically expanded and spread to every State.

Mr. Chairman, welfare today has left a sad mark on the American success story. It has created a world in which children have no dreams for tomorrow and grownups have abandoned their hopes for today.

The time has come to replace this failed system with a new system that uplifts our Nation's poor, a new system that turns the social safety net from a trap into a trampoline, a new system that rewards work, personal responsibility in families, a new system that lifts a load off of working, tax-paying Americans. It represents a historic shift long overdue.

Mr. Chairman, I submit the following correspondence for the RECORD.

COMMITTEE ON WAYS AND MEANS,
Washington, DC, March 21, 1995.

Hon. WILLIAM F. GOODLING,
Chairman, Committee on Economic and Educational Opportunities, Rayburn House Office Building, House of Representatives, Washington, DC.

DEAR CHAIRMAN GOODLING: I am writing to congratulate you for your leadership in bringing H.R. 4, the Personal Responsibility Act, to the floor for a historic vote this week. This achievement could not have occurred without the close working relationships developed between the Members and staffs of our two committees. Thank you for the outstanding cooperation we have enjoyed in developing this landmark legislation.

I would also like to clarify certain jurisdictional issues surrounding this unprecedented effort, and to acknowledge your recent correspondence. On March 8, the Committee on Ways and Means favorably reported H.R. 1157 as its portion of welfare reform legislation. The Committee on Economic and Educational Opportunities favorably reported H.R. 999 on February 23. A leadership working group then combined these provisions, along with those of the Committee on Agriculture and others interested in welfare reform, into H.R. 1214. The text of H.R. 1214 will be considered as the base text for floor consideration of H.R. 4.

As you know, Republicans have been working diligently to combine social programs with similar or identical purposes into block grants. The procedure has been to identify all the programs with a similar purpose, end the spending authority for all but one of the programs with a similar purpose, and fund the resulting block grant at roughly the level of funding for all the constituent programs combined. Unfortunately, this common sense approach is not easily accomplished within the existing committee structure.

I want to thank you for agreeing to have the Committee on Ways and Means consolidate certain child protection provisions into a Child Protection Block Grant in Title II of H.R. 1157. In addition, H.R. 1157 contains provisions authorizing the transfer of funds from the temporary assistance block grant to food and nutrition programs and the child care block grant. It also contains a technical correction to ERISA Title I, concerning child support enforcement. Thank you for not objecting to the inclusion of this provision, and for bringing an additional technical correction to my attention. I understand that in order to expedite Floor consideration of this legislation, your Committee will not be marking up H.R. 1157.

Similarly, H.R. 999, as reported by the Committee on Economic and Educational Opportunities, contains provisions that fall within the jurisdiction of the Committee on Ways and Means. Specifically, H.R. 999 ends the at-risk child care and the AFDC and Transitional child care programs for consolidation into a Child Care Block Grant. H.R. 999 includes mandatory work requirements relating to the JOBS program. These provisions were later harmonized with similar provisions from H.R. 1157 in the leadership bill, H.R. 1214. H.R. 999 also includes provisions authorizing the transfer of child care and family and school nutrition block grant funds to the temporary assistance, child protection, and Title XX block grants.

Because of our prior consultations and to expedite consideration of this legislation on the Floor, the Committee on Ways and Means will not mark up H.R. 999. However, the forbearance in this case should not be considered as a permanent waiver of this Committee's jursidcition over these provisions, and it should not preclude the Committee from legislating in this area in the future should the need arise.

Thank you again for your leadership and cooperation on this landmark legislation. With warm regards,

Sincerely,

BILL ARCHER,
Chairman.

COMMITTEE ON ECONOMIC
AND EDUCATIONAL OPPORTUNITIES,
Washington, DC, March 17, 1995.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means, Longworth House Office Building, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is to alert you to a provision in H.R. 1214, the Personal Responsibility Act of 1995, as reported by the Committee on Ways and Means which is in need of correction and involves an amendment to Title I of ERISA.

As contained in section 711 of the bill, subtitle H—Medical Support, the provision in question amends section 609 of Title I of ERISA to add a judgement, decree, or order issued by an "administrative adjudication" to the criteria required for such an order to be considered a "qualified medical child support order."

The term "administrative adjudication" is not defined in the bill or under current law. However, the intent appears to be to expand the definition to encompass orders issued through an administrative process established under state law.

Although our committee has no objection at this time to the inclusion in H.R. 1214 of this amendment to ERISA Title I, over which the Committee on Economic and Educational Opportunities has exclusive jurisdiction, it is our opinion that the technical flaw should be corrected before the bill is considered in the House. In this regard, I have referred the following technical correction to the House Legislative Counsel for inclusion in the final bill—ERISA section 609 (a)(2)(B)(ii)(II), as added by section 771(q)(3) of H.R. 1214, should be amended to read "(II) is issued through an administrative process established under state law and has the force and effect of law under applicable state law."

This is also to inform you that the Committee on Economic and Educational Opportunities will request that its members be appointed as the exclusive conferees on section 771, inasmuch as there are other technical changes to ERISA section 609 that will be necessary to remove current ambiguities to this section of ERISA Title I over which our Committee's exclusive jurisdiction has never been disputed.

Sincerely,

BILL GOODLING,
Chairman.

COMMITTEE ON WAYS AND MEANS,
Washington, DC, March 21, 1995.

Hon. FLOYD D. SPENCE,
Chairman, Committee on National Security, Rayburn House Office Building, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN SPENCE: Thank you for writing me regarding committee consideration of H.R. 4, the Personal Responsibility Act. In response to your letter, I would like to clarify certain jurisdictional issues surrounding this unprecedented effort.

On March 8, the Committee on Ways and Means favorably reported H.R. 1157 as its portion of welfare reform legislation. The Committee on Economic and Educational Opportunities favorably reported H.R. 999 on February 23. A leadership working group then combined these provisions, along with those of the Committee on Agriculture and others interested in welfare reform, into H.R. 1214. The text of H.R. 1214 will be considered as the base text for floor consideration of H.R. 4.

As you noted, during its consideration of the child support enforcement title of H.R. 1157, the Committee on Ways and Means included a provision dealing with enforcement of the child support obligations of members of the Armed Forces falling within the jurisdiction of the Committee on National Security. I want to thank you for waiving your committee's jurisdictional prerogatives in this instance to expedite Floor consideration of this legislation, and I understand that you are reserving your Committee's jurisdictional prerogatives for future consideration of this provision.

Thank you again for your leadership and cooperation on this landmark legislation. With warm regards,

Sincerely,

BILL ARCHER,
Chairman.

COMMITTEE ON NATIONAL SECURITY,
Washington, DC, March 13, 1995.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means, Washington, DC.

DEAR MR. CHAIRMAN: The Committee on Ways and Means has recently ordered reported H.R. 4, a bill that would reform the welfare system. During markup of the legislation, the committee adopted a provision dealing with the enforcement of child support obligations of members of the armed forces. This provision falls within the legislative jurisdiction of the Committee on National Security pursuant to House Rule X(k).

In recognition of your committee's desire to bring this legislation expeditiously before the House of Representatives, and with the understanding that a clause in the above described provision to which this committee objects has been removed from the bill, the Committee on National Security will not seek a sequential referral of H.R. 4. This forbearance should not, of course, be construed as a waiver of this committee's jurisdiction over the provision in question. This committee will seek the appointment of conferees with respect to this provision during any House-Senate conference.

I would appreciate your including this letter as a part of the report on H.R. 4 and as part of the record during consideration of the bill by the House.

With warm personal regards, I am

Sincerely,

FLOYD D. SPENCE,
Chairman.

COMMITTEE ON WAYS AND MEANS,
Washington, DC, March 21, 1995.

Hon. THOMAS J. BLILEY, Jr.,
Chairman, Committee on Commerce, Rayburn House Office Building, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN BLILEY: Thank you for sharing with me your recent correspondence with the Speaker regarding committee consideration of H.R. 4, the Personal Responsibility Act. In response to your letter, I would like to clarify certain jurisdictional issues surrounding this unprecedented effort.

On March 8, the Committee on Ways and Means favorably reported H.R. 1157 as its portion of welfare reform legislation. The Committee on Economic and Educational Opportunities favorably reported H.R. 999 on February 23. A leadership working group then combined these provisions, along with those of the Committee on Agriculture and others interested in welfare reform, into H.R. 1214. The text of H.R. 1214 will be considered as the base text for floor consideration of H.R. 4.

As you noted, during its consideration of H.R. 1157, the Committee on Ways and Means included provisions dealing with the Medicaid program. I want to thank you for waiving your Committee's jurisdictional prerogatives in this instance to expedite Floor consideration of this legislation, and I understand you are reserving your Committee's jurisdictional prerogatives for future consideration of these provisions.

Thank you again for your leadership and cooperation on this landmark legislation. With warm regards,

Sincerely,

BILL ARCHER,
Chairman.

COMMITTEE ON COMMERCE,
Washington, DC, March 15, 1995.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, The Capitol, Washington, DC.

DEAR MR. SPEAKER: I am writing for two purposes: first, to indicate that, in order to expedite Floor consideration, the Committee on Commerce will waive its right to mark up both H.R. 4, the Personal Responsibility Act, and H.R. 1214, the Personal Responsibility Act; and second, to indicate the Committee's interest in preserving its jurisdictional prerogatives with respect to a House-Senate conference on either of these two bills and any Senate amendments thereto.

H.R. 4, the Personal Responsibility Act of 1995, was introduced on January 4, 1995, and referred, by title, to the Committee on Ways and Means, the Committee on Agriculture, and the Committee on Economic and Educational Opportunities, as well as to other Committees. The Committee on Commerce received an additional referral on two of the eight titles: Title IV, Restricting Welfare to Aliens, and Title VIII, Effective Date. Within the Committee, the bill was referred to the Subcommittee on Health and Environment and the Subcommittee on Energy and Power for those provisions which fell within their respective jurisdictions.

H.R. 1214 was introduced in the House on March 13, 1995, and represents a consensus bill developed by the three Committees with primary jurisdiction for consideration on the House Floor in lieu of H.R. 4. In addition to the three primary Committees, H.R. 1214 was also referred to the Committees on Commerce, the Judiciary, National Security, and Government Reform and Oversight, in each case for consideration of those provisions as fall within the jurisdiction of the Committee concerned.

Staff of the Commerce Committee has carefully reviewed both the text of H.R. 4 and H.R. 1214 and has worked with the staff of the Committee on Ways and Means in drafting language contained in H.R. 1214 as it relates to provisions within this Committee's jurisdiction. Specifically, the following provisions of H.R. 1214 have been identified as falling squarely within the Commerce Committee's jurisdiction:

TITLE I

Section 106: Continued Application of Current Standards under Medicaid Program

TITLE II

Section 203: Continued Application of Current Standards under Medicaid Program

TITLE IV

Section 401: Ineligibility of Illegal Aliens for Certain Public Benefits Programs

Section 401(a): In general: Notwithstanding any other provision of law, any alien who is not lawfully present in the U.S. shall not be eligible for any Federal means-tested public benefits program.

Section 401(b): Exception for Emergency Assistance

Section 402: Ineligibility of Nonimmigrants for Certain Public Benefits Programs

Section 402(a): Notwithstanding any other provision of law, any alien who is lawfully present in the United States as a nonimmigrant shall not be eligible for any Federal means-tested public benefits program.

Section 402(b): Emergency Assistance—emergency medical care

Section 403: Limited Eligibility of Immigrants of 5 Specified Federal Public Benefits Programs

Section 403(a)(4): Notwithstanding any other provision of law, any alien who is legally present in the U.S. shall not be eligible for Medicaid.

Section 403(b)(4): Exceptions (Emergency Assistance, including emergency medical care)

Section 403(b)(5): Transition for Current Beneficiaries

Section 431: Definitions

TITLE VI

Section 601(d): Funding of Certain Programs for Drug Addicts and Alcoholics

Section 602(b): Establishment of Program of Block Grants Regarding Children With Disabilities

Section 1645(b)(2): Medicaid Program: For purposes of title XIX, each qualifying child shall be considered to be a recipient of supplemental security income benefits under this title

Section 602(c): Provisions Relating to SSI Cash Benefits and SSI Service Benefits

"Treatment of Certain Assets and Trusts in Eligibility Determinations for Children"

Section 602(e): Temporary Eligibility For Cash Benefits For Poor Disabled Children Residing in States Applying Alternative Income Eligibility Standards Under Medicaid

TITLE VII

Section 701(a)(1): State Obligation to Provide Child Support Enforcement Services

Section 702(b): Definition of Federal Medical Assistance Percentage

H.R. 4 and H.R. 1214 are an essential component of the House Republican Contract with America. The Members of the Commerce Committee have no desire to delay the House's consideration of this important measure. Therefore, at this time, I am waiving this Committee's right to take up both H.R. 4 and H.R. 1214. I wish to make clear that by waiving its opportunity to mark up these bills, the Committee does not in any way prejudice the Commerce Committee's jurisdiction with respect to H.R. 4 or H.R. 1214 or to any of the legislative issues addressed therein in the future. In addition, the Committee respectfully requests that if H.R. 4 or H.R. 1214 or any amendments thereto should be the subject of a House-Senate conference, the Commerce Committee shall receive an equal number of conferees as those appointed for any other House Committee with respect to the provisions contained in H.R. 4 or H.R. 1214, and any Senate amendments thereto, which fall within this Committee's jurisdiction.

Sincerely,

THOMAS J. BLILEY, JR.,
Chairman.

COMMITTEE ON WAYS AND MEANS,
Washington, DC, March 21, 1995.

Hon. HENRY J. HYDE,
Chairman, Committee on the Judiciary, Rayburn House Office Building, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN HYDE: I am writing to congratulate you for your leadership in bringing H.R. 4, the Personal Responsibility Act, to the floor for a historic vote this week. I would also like to clarify certain jurisdictional issues surrounding this unprecedented effort.

On March 8, the Committee on Ways and Means favorably reported H.R. 1157 as its portion of welfare reform legislation. The Committee on Economic and Educational Opportunities favorably reported H.R. 999 on February 23. A leadership working group then combined these provisions, along with those of the Committee on Agriculture and others interested in welfare reform, into H.R. 1214. The text of H.R. 1214 will be considered as the base text for floor consideration of H.R. 4.

As you know, Republicans have been working diligently to combine social programs with similar or identical purposes into block grants. The procedure has been to identify all the programs with a similar purpose, end the spending authority for all but one of the programs, and fund the resulting block grant at roughly the level of funding for all the constituent programs combined. Unfortunately, this common sense approach is not easily accomplished within the existing committee structure.

I want to thank you for agreeing to have the Committee on Ways and Means to consolidate certain child protection programs under your Committee's jurisdiction into the Child Protection Block Grant in Title III of H.R. 1157. I understand that in order to expedite Floor consideration of this legislation, your Committee will not be marking up this legislation. Specifically, H.R. 1157 consolidates the missing and exploited children program, grants to improve the investigation and prosecution of child abuse cases, and the children's advocacy centers program. In addition, you requested that the Committee include in H.R. 1157 provisions concerning welfare and immigration, and the treatment of aliens.

Thank you again for your leadership and cooperation on this landmark legislation. With warm regards,

Sincerely,

BILL ARCHER,
Chairman.

COMMITTEE ON WAYS AND MEANS,
Washington, DC, March 21, 1995.

Hon. JAMES A. LEACH,
Chairman, Committee on Banking, Rayburn House Office Building, House of Representatives, Washington, DC.

DEAR CHAIRMAN LEACH: I am writing to congratulate you for your leadership in bringing H.R. 4, the Personal Responsibility Act, to the floor for a historic vote this week. I would also like to clarify certain jurisdictional issues surrounding this unprecedented effort.

On March 8, the Committee on Ways and Means favorably reported H.R. 1157 as its portion of welfare reform legislation. The Committee on Economic and Educational Opportunities favorably reported H.R. 999 on February 23. A leadership working group then combined these provisions, along with those of the Agriculture Committee and others interested in welfare reform, into H.R. 1214. The text of H.R. 1214 will be considered as the base text for floor consideration of H.R. 4.

As you know, Republicans have been working diligently to combine social programs with similar or identical purposes into block grants. The procedure has been to identify all the programs with a similar purpose, end the spending authority for all but one of the programs, and fund the resulting block grant at roughly the level of funding for all the constituent programs combined. Unfortunately, this common sense approach is not easily accomplished within the existing committee structure.

I want to thank you for agreeing to have the Committee on Ways and Means consolidate the Family Unification Program under your Committee's jurisdiction into the Child Protection Block Grant in Title II of H.R. 1157. I understand that in order to expedite Floor consideration of this legislation, your Committee will not be marking up this legislation.

Thank you again for your leadership and cooperation on this landmark legislation. With warm regards,

Sincerely,

BILL ARCHER,
Chairman.

COMMITTEE ON WAYS AND MEANS,
Washington, DC, March 21, 1995.

Hon. WILLIAM F. CLINGER, JR.,
Chairman, Committee on Government Reform and Oversight, Rayburn House Office Building, House of Representatives, Washington, DC.

DEAR CHAIRMAN CLINGER: I am writing to thank you for your assistance in bringing H.R. 4, the Personal Responsibility Act, to the floor for a historic vote this week. I would also like to clarify certain jurisdictional issues surrounding this unprecedented effort.

On March 8, the Committee on Ways and Means favorably reported H.R. 1157 as its portion of welfare reform legislation. The Committee on Economics and Educational Opportunities favorably reported H.R. 999 on February 23. A leadership working group then combined these provisions, along with those of the Committee on Agriculture and others interested in welfare reform, into H.R. 1214. The text of H.R. 1214 will be considered as the base text for floor consideration of H.R. 4.

During its consideration of the child support enforcement title of H.R. 1157, the Committee on Ways and Means included a provision dealing with enforcement of the child support obligations of members of federal employees falling within the jurisdiction of the Committee on Government Reform and Oversight. I understand that in order to expedite Floor consideration of this legislation, your Committee will not be marking up this legislation.

Thank you again for your leadership and cooperation on this landmark legislation. With warm regards,

Sincerely,

BILL ARCHER,
Chairman.

Mr. Chairman, I reserve the balance of my time.

Mr. GIBBONS. Mr. Chairman, I yield 6 minutes to the gentleman from Tennessee [Mr. FORD], the ranking Democrat on the Welfare Subcommittee of the Committee on Ways and Means.

Mr. FORD. Mr. Chairman, we have now brought the welfare reform bill to the House floor, which is the Personal Responsibility Act.

Mr. Chairman, as we go through this bill over the next 5 hours tonight and as we take amendments on this bill tomorrow and maybe Thursday, we, as Democrats want to point out to the American people that what the Republicans have brought to this House floor is a bill that is weak on work requirements. The Republican bill does not put work first, and the Democrats, we have said all along, if we are going to reform the welfare system in this Nation, is that we must make sure that those who are able to work should go to work and that the State and the Federal Government should participate in making sure that we link welfare to work.

When we look at the Republican bill, there is no requirement that any AFDC recipient actually go to work. States can fulfill there work requirements by cutting people off the welfare rolls. They can meet that 50-percent requirement by the year 2003, yes, you just roll them off, no work requirements for the first 2 years.

Democrats are saying what we want is a self-sufficiency plan. The day that you enter the welfare office is that you will have to sign up in a self-sufficiency plan which means that the States would have a responsibility. We would also fund the States to make sure that they would have the moneys necessary to do just that. For the first 2 years, as I have said, under the Republican bill recipients need not work. There is no work requirement that would say to the States, "You must place someone in the work force," and after 2 years under the Republican plan, the State only has to obtain 4-percent work participation; after the 2 years, only a 4-percent work participation.

The Democrats think that Republicans ought to come together and let us pass a bill that would say to the able-bodied men and women on welfare that, "You must work, and we are going to assist you in placing you in the work force."

And when you look at the Republicans, they have no commitment to move people from welfare to work. They only move you off of welfare, and they will place the problem and the burden on the cities and counties and neighborhoods throughout America. No resources are provided under the Republican plan to help States provide education, training, and there is no child care under this bill.

Democrats offered amendments in the subcommittee and the full committee to say to those mothers who want to go to work that we guarantee a minimum child care component in the welfare reform package. Democrats, once again, we put people first through a self-sufficiency plan that will place them in the work force.

The self-sufficiency plan would put people to work immediately, and those recipients would be able to go to work, and if they needed education, training, and child care, the Democrats wanted to provide that. Democrats put work first, because we do not use caseload reduction to fulfill the work requirement.

And like I said earlier, Democrats want to include the private sector, to make sure that the private sector can help us create some of the jobs that will be needed in order to put people to work.

And let us go on a little further than that. Child support enforcement, it was the Democrats who insisted upon the Republicans bringing this provision of this title to the bill to the House floor. We are proud of the fact that you did included 90 percent of what the Democrats wanted, but the other 10 percent is what the children of this Nation are in need of.

Why not put the drivers's license, attach them to make it possible to hold up those licenses or to make sure that when you get a ticket, in one State and you do not pay it, is that your license will be revoked until that ticket is paid? We are saying the professional license, why not, in the child support enforcement bill.

I commend you, I say to the gentleman from Florida [Mr. SHAW] and the gentleman from Texas [Mr. ARCHER], for bringing the title to this bill that will address child support enforcement, but, you know, and we know as Democrats, that you did not go far enough.

Or when we look at how you want to punish children. I mean, why take infant kids, why should we take innocent kids, infant kids to say that because of the behavior of your parents you will be penalized? Why would we say to kids who are born to welfare families in America that we are going to penalize kids?

The rhetoric that the Republicans have given us in saying that we need to change welfare, we would agree with that, but there is no need of us saying that we will not link welfare to work and make work first in priority in a welfare package. Democrats want a welfare reform bill, but we want a bill that will send people to work, hopefully in the private sector.

We want to make sure that the day you enter into the welfare office that you sign up with a plan, and that will be a self-sufficiency plan that will put you to work, keep you in the work force, and for you to provide for your children and not be mean to children, I mean, just plain mean to children, like this Personal Responsibility Act that is before this House today.

Mr. SHAW. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, today we begin taking the final steps to revolutionize welfare. We are keeping our pledge to the American people to replace the current failed system with one that encourages personal responsibility, family unity, and work.

Under our proposal dozens of programs are merged into block grants to provide States flexibility in meeting the cash welfare, child protection, child care, and nutrition needs of their residents. Overnight, States would have real incentives to get welfare recipients into work. States that are successful can save for recessions, expand child care, or invest in more job training. Individuals would have to work to keep cash welfare, food stamps and other benefits.

Working families will stop seeing Federal tax dollars subsidize behavior they know is destructive: Unmarried children will not receive welfare checks and an apartment if they have a baby; families already on welfare will not get added payments for having more children they cannot support; and aliens will no longer be eligible for several welfare benefits. Welfare will be transformed into temporary help, not a way of life.

Supplemental Security Income benefits are reformed to protect taxpayers and target help to the truly disabled. Drug addicts and alcoholics will no longer receive monthly disability checks because of their addiction. And by refocusing SSI children's benefits, we provide more help to severely disabled children while protecting taxpayers against fraud and abuse.

Child support enforcement is strengthened to achieve better coordination between States, surer tracking of delinquent parents, and more efficient collection of support. All agree that holding absent fathers accountable is critical to any real welfare reform, and our proposal does just that.

Under our proposal families on welfare are expected to work, just as taxpaying families must work to support themselves. So after a maximum of 2 years on welfare, and less if States choose, families must work or lose their welfare checks. After 5 years of cash welfare, families must become free of government dependence, period.

Despite these unprecedented changes, Democrats, who won the White House pledging to reform welfare and then did nothing for 2 years, are charging that Republicans are soft on work. This charge is simply incorrect, for numerous reasons.

Under the Democrat substitute offered by Congressman DEAL, States are required to provide 2 years of education and training, not work, for all recipients. So States like Massachusetts that want to get welfare recipients into work after 2 months, not 2 years, would be barred from doing so. As a result, the Deal substitute would prolong, not shorten, families time on welfare.

Further, under the Deal substitute, simply searching for a job satisfies the supposed requirement that people on welfare work first.

Finally, because the Deal substitute allows States to count everyone who leaves welfare as meeting the work requirement, the number of people required to work by the bill is actually lowered by 500,000 per month. Even if a

State somehow found a way to fail to meet this so-called requirement, no penalty would result.

Whether these and other flaws in the Deal substitute are due to drafting errors, oversights, or intentional omissions, the effect is the same: the Deal substitute offers too little, too late on requiring work for those on welfare. This debate will bring that into focus for many of my colleagues who I know want to support real welfare reforms. Unfortunately, especially on work, the Deal substitute is right on rhetoric but wrong on substance.

It's not hard to see which bill provides real welfare reform—the Personal Responsibility Act. Our plan is nothing short of a revolution in social policy that replaces the current failed welfare system with one that will better meet the needs of the poor and get millions into work and off welfare. That is the only way to solve the welfare mess, and we are here to deliver on our promise to do just that.

Mr. GIBBONS. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. LEVIN], a member of the welfare subcommittee, the Human Resources Subcommittee of the Committee on Ways and Means.

Mr. LEVIN. Mr. Chairman, you know, as I listened to the majority, this is, I think, very clear, Americans, the American people, want firmness. They do not want harshness. And you come across as harsh, harshly partisan, and also harsh on people and soft on work.

And let me explain why you are soft on work. It is very simple. The structure of this bill and other bills requires States to meet participation rights. It is a certain percent the first year, a certain percent the second year, et cetera into the next century.

Under the Republican bill, the States do not have to put a single person to work to meet participation requirements, not a single person. That is just the truth.

On page 22 of the bill it says that in plain English. And why does it say that? Because the majority bill does not provide any money to the States to help them put people on welfare to work. It was in your bill of a year ago. What happened to it?

You want to save money, I guess, for tax cuts for a privileged few instead of helping people get off of welfare into work. That is why you come across as soft on work, because you are, and that is why you come across as harsh, because you are. Firmness, yes; harshness, no.

And a rainy day fund? The Republican Governors themselves said $1 billion over 5 years is not enough to provide in cases of recession, in cases of inflation, and you just look the other way.

Now, why tough on kids? Look, we have done a lot of work on SSI. There is abuse in this program for kids. Some families are gaming the system, but most of these families are handicapped kids, parents struggling to provide a decent life for their handicapped children, and SSI says what you do to them; 21 percent would still qualify under the present program.

□ 1630

And the rest of them would be at the mercy of a State bureaucracy or off the rolls altogether. Those are the facts. You are going to eliminate from the rolls 700,000 kids by the year 2000.

Now, look, there is abuse, let us make that clear; but you are abusive in getting at abuse, you are harsh. You use a meat ax against handicapped children and their parents. And they say they do not want a bureaucracy, State or Federal, telling them what to do. They will account for the money, but they know best for their kids.

You turn your back on kids, you are soft on work, and that is why your bill is not worthy of passage.

Mr. SHAW. Mr. Chairman, I yield 2 minutes to a member of the committee, the gentleman from Michigan [Mr. CAMP].

Mr. CAMP. Mr. Chairman, I thank the gentleman from Florida for yielding this time to me.

Mr. Chairman, we stand here today at the threshold of righting a wrong. We have the opportunity to reverse an injustice that has plagued this country for decades. We can, and will, fix a broker welfare system that has literally trapped generations of Americans in a cycle of dependency from which there is little chance of escape.

We must not let this opportunity pass.

The Committee on Ways and Means took testimony from 170 witnesses. No one defended the status quo.

So we know the current system is broken, but what's wrong with it?

First, it discourages work. Second, it fosters out-of-wedlock births. Third, it is anti-family. And fourth, by the Federal Government deciding on a one size fits all welfare system for everyone from Los Angeles to Boston, it is anticommunity.

In our welfare reform package, we not only encourage work. We demand it from able-bodied people. Those who can work will work.

Unlike the Democrats whose answer to work is temporary subsidized employment we give people the dignity of work.

Our package fights illegitimacy by not giving cash benefits to children having children. And let me preempt those who try to paint us as cruel or mean: Noncash benefits such as Medicare, Food Stamps and child care will continue, to ensure the child is cared for. But giving 15-year-olds cash payments so they can move out of their parents' home and into Government apartments or trailers, is the cruelest thing you could do to that young parent and their baby.

By encouraging independence and concentrating on keeping families together, we provide recipients dignity, opportunity, and hope. Three characteristics missing from the current system.

The other side of the aisle hold tight to their belief that Federal bureaucrats based here in Washington are somehow more compassionate, and more capable of caring for the needy. To hear them tell it, our communities, local governments, and Governors will starve the children and give the money to the rich. Drop the heated and false rhetoric and let go of the status quo.

Let us bring Government closer to home. The welfare needs in the Fourth District of Michigan are different from those in Detroit. Just as the needs in New York are different from those in Dallas. Let us give these communities the freedom and flexibility to create innovative new programs based on their specific needs. By cutting out the Federal middle-man, we can save 10 to 15 percent of administrative costs right off the bat.

We're not cutting welfare benefits; and in some cases we are increasing them. What we are cutting is bureaucracy and that is driving the defenders of big Government and redtape crazy.

By giving hope and opportunity, we again make welfare a safety net and a helping hand, not a life sentence to poverty.

Mr. GIBBONS. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. MATSUI], a member of the Subcommittee on Human Resources of the Committee on Ways and Means.

Mr. MATSUI. I thank the ranking member for this time.

You know, it is very interesting. I heard during the debate on the rule the gentleman from Delaware [Mr. CASTLE] say there is really not much difference between the different bills we have before us. Second, he also said that this is just the first step of the legislative process so that any imperfections or flaws could be changed as we move along.

I might just have to make a couple of observations. First of all, there is a big difference between what the Democrats are proposing and what the Republicans are proposing.

For example, on the issue of work, the Republican proposal, all they do is provide the same amount of resources currently existing in the system, they block grant it, send it to the States with very few restrictions or very few standards.

Well, how are you going to get people to work? We all know that in order to create jobs, in order to create people in the work force, you have to provide job training, you have to provide education, you have to provide day care and even transportation, because most of these people on welfare do not have cars. So you have to provide them bus tokens.

The Republican bill does not provide any of that.

Nevertheless they expect within 7 years to get 50 percent of the American people on welfare off of welfare to jobs. We know that is not going to happen. In fact, the reason the Republicans are making that proposal without any additional resources is because in 2 or 3 weeks on the floor of the House of Representatives we are going to be debating a tax bill. That tax bill will cut taxes by $188 billion over 5 years, or $640 billion over 10 years.

Bear in mind this is not going to go to the middle class. In fact, the top 1 percent of the taxpayers in America will get 20 percent of that tax cut, and those that make over $100,000 a year will get 58 percent of that $640 billion tax cut.

So this is not a program to move people from dependency to independence, from welfare to work,; this is a program basically to give tax cuts to the very wealthy. We knew they were going to do that when they took power on November 8, and they are doing it now. The American public should begin to realize that.

I might just conclude by making one final observation. We have a safety net in America. When a child is in an abused family, we put him either in foster care or provide adoption services to him. The Republicans are going to eliminate that program and block grant it. Those standards to the States—and you know the reason we had to do this in the first place was, in 1980, 1980, the States were doing such a terrible job with these children that we had to take over and set forth national standards. In fact, standards—little things, what they would call additional paperwork, things like providing medical records for the child when the child moves from one foster care family to another, or maybe the child's educational records.

That is what we are really talking about here. That is why this bill is mean-spirited and that is why this bill should not pass.

Mr. SHAW. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. McCRERY], a member of the committee.

Mr. McCRERY. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the Personal Responsibility Act, H.R. 4, but I rise particularly, Mr. Chairman, to discuss the portion of the bill dealing with SSI disability for children.

This program has experienced explosive growth over the past few years. Since 1989, both the costs of the program and the number of children qualifying for the program have tripled. Why? Two things: First, this is the most sought after welfare program in America. The average monthly cash benefit of about $450 per child per month is the most generous cash payment in our welfare system. Second, a Supreme Court decision in 1989, the Zebley decision, radically liberalized the criteria under which children qualify for the program.

Besides the wasteful drain of taxpayer dollars, consider the harm this Federal program does to too many children. In testimony before a Federal commission studying this program, Dr. Bill Payne, a physician who oversees disability decisions in Arkansas, said, "There is no doubt in my mind that there are a lot of children that receive disability checks who are not really disabled at all."

Willie Lee Bell, principal of an elementary school in Lake Providence, LA, said students were refusing to perform academically so that they could qualify for disability checks. Mr. Bell told of a Lake Providence child who, prompted by a mother seeking SSI checks, fabricated a story of bizarre behavior so convincing that doctors committed him to a mental hospital, fearing that he was a threat to his family. A psychologist in another Louisiana Parish, Ray Owens, also said that parents were coaching children to do poorly, saying "The children are being doomed to failure."

Mr. Chairman, this is an abused program which begs for reform. Thankfully, some Democrats have also recognized the need for reform. I want to thank Mr. KLECZKA and Mrs. LINCOLN, particularly, for their assistance in researching the problems in this program and in helping to craft a thoughtful response to those problems.

The solution to the explosion in the growth of this program, Mr. Chairman, and to the harm it is doing to otherwise healthy children, is to overturn the Zebley decision, and to offer cash payments to only the most severely disabled children who, absent the cash assistance, would have to be institutionalized. For other, less severely disabled children, we will provide medical and nonmedical services designed to cope with the child's disability. These changes in SSI disability for children will restore integrity to this out of control Federal program, while providing even more helpful resources to the most severely disabled children in need.

Mr. GIBBONS. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland [Mr. CARDIN], a member of the Subcommittee on Human Resources of the Committee on Ways and Means.

Mr. CARDIN. I thank the ranking member for yielding this time to me.

Mr. Chairman, both Democrats and Republicans want to end the welfare system as we know it today. Both Democrats and Republicans understand the need to enact new legislation.

But there is a major difference on how the Democrats and Republicans want to proceed on ending our current welfare system. The Democrats want to require work, to get people off of welfare, to work. The Republicans reward States for doing nothing.

The requirements on the States under the Republican bill states that they are successful if they get a person off welfare even if that person does not become employed, even if that person becomes a ward of local government. The Republican bill rewards the States.

The Republican bill is weak on work. The Democrat bill is tough on work.

Both Democrats and Republicans establish national standards the States must meet in order to participate. Make no mistake about it. It may be a block grant, but the States still have requirements they must meet. The Republican bill micromanages the plans of the States by requiring the States to meet certain tests as they relate to teenage moms, how the States handle family caps.

The Democrats establish national standards on work. It requires the individual able-bodied person to work. It requires the States to have programs so that people can work.

The Republican bill does not provide the resources to the local governments. Even though H.R. 5 did, there was a change made. The Republicans all of a sudden needed some money for a tax cut. So they cut the program even though they know it is needed. The Democratic bill provides the resources so the States can provide the programs to get people back to work. That is, day care, health care benefits so that welfare people can work. The Republican bill dumps the problems on local governments.

We have a clear choice. The Republican bill gets people off of welfare, the Democratic bill gets people off of welfare. The Republican bill gets the people off welfare to nowhere; the Democratic bill gets people off welfare to work.

We are going to have a chance to come together, Democrats and Republicans, during this debate. It is called the Deal substitute, sponsored by the gentleman from Georgia [Mr. DEAL]. It is an opportunity for us all to come together on a bill that is tough on work, gets people off of welfare but gets them to work, rather than becoming a ward of our local governments. I urge my colleagues to support the bill that will be offered by the gentleman from Georgia, Congressman DEAL.

Mr. SHAW. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. ZIMMER], a member of the committee.

Mr. ZIMMER. I thank the gentleman for yielding this time to me.

Mr. Chairman, as we debate the Personal Responsibility Act, I hope we do not lose sight, in all of the rhetoric, of why we are here in the first place. We are not here because restructuring welfare will save Federal dollars, even though a bankrupt Nation cannot feed its children or protect its needy. We are here because welfare as we know it is an unmitigated failure and, if we do not uproot it, we will condemn literally millions of children to a life without hope and without access to the American dream.

□ 1645

The Personal Responsibility Act is not a perfect document. But it reflects the determination and courage of a new majority to address a critical problem that, until now, has simply not been a priority for Congress.

What it proposes is very straightforward:

It asks that people assume ownership of their own lives and not always expect others to pay for their mistakes.

It asks that parents be parents and that both mothers and fathers take responsibility for the children they have brought into the world.

And it asks that we, as a society, reestablish certain values that we agree must guide us—including both compassion and individual responsibility.

What the Personal Responsibility Act does not do is perpetuate three mistakes that have made the current system such a disaster: First, it does not assume that simply pumping more money into a failed system will make it work.

Second, it does not assume that patchwork efforts such as demonstration projects and pilot programs, which have taken the place of reform in the past, will add up to real reform. It proposes systemic reform instead.

Third, it does not assume that Washington knows what is best for everyone. Rather it restores to the States the power to make decisions about the needs of their own people.

No one can guarantee that welfare programs run by States will outperform those run by Federal bureaucrats, and that unknown is what has caused much of the apprehension about this bill, I think. But one thing I do know is that no State can mess up welfare as badly as the Federal Government has done. It is time to let innovation by the States take hold and give it a chance, and it has begun to succeed in many States, including my own State of New Jersey.

There are millions of men, women, and children now receiving welfare in our country. Among them are countless families who are now trapped in a system that was supposed to help free them and countless individuals who have been forced to trade self-reliance and self-respect for dependency as the price for receiving help.

Mr. Chairman, we can do better, a lot better. We must do better, and that is why the Personal Responsibility Act is before us today.

Mr. GIBBONS. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. LEWIS], a member of the Committee on Ways and Means.

Mr. LEWIS of Georgia. Mr. Chairman, I rise in strong opposition to this mean-spirited Republican bill. It is cruel. It is wrong. It is down right low down.

The Republican welfare proposal destroys the safety net that protects our Nation's children, elderly, and disabled. It is an angry proposal, a proposal devoid of compassion, and feeling.

Hubert Humphrey once said that "the moral test of government is how that government treats those who are in the dawn of life-the children; those who are in twilight of life—the elderly, and those who are in the shadow of life—the sick, the needy, and the handicapped."

Mr. Chairman, this welfare proposal attacks each and every one of these groups. It takes money out of the pockets of the disabled. It takes heat from the homes of the poor. It takes food out of the mouths of the children.

I am reminded of a quote by the great theologian, Martin Niemoller, during World War II:

> In Germany, they came first for the Communists, and I didn't speak up because I wasn't a Communist. Then they came for the Jews, and I didn't speak up because I wasn't a Jew. Then they came for the trade unionists, and I didn't speak up because I wasn't a trade unionist. Then they came for the Catholics, and I didn't speak up because I was a Protestant. Then they came for me, and by that time no one was left to speak up.

Mr. Chairman, this Republican proposal certainly isn't the Holocaust. But I am concerned, and I must speak up.

I urge my colleagues, open your eyes. Read the proposal. Read the small print. Read the Republican contract.

They are coming for the children. They are coming for the poor. They are coming for the sick, the elderly, and the disabled. This is the Contract With America.

I say to my colleagues—you have the ability, the capacity, the power—to stop this onslaught. Your voice is your vote. Vote against this mean-spirited proposal; raise your voice for the children, the poor, and the disabled.

A famous rabbi, Rabbi Hillel, once asked, "If I am not for myself, who will be for me? But if I am only for myself, what am I?"

What am I, Mr. Chairman?

I am for those in the dawn of life, the children. I am for those in the twilight of life, the elderly. I am for those in the shadow of life, the sick, the needy and the handicapped.

Yes, I am proud to be a liberal Democrat. I stand with the people and not for corporate interests.

Mr. SHAW. Mr. Chairman, I yield myself 20 seconds.

Mr. Chairman, I would like to say to the gentleman on the floor, the gentleman from Georgia [Mr. LEWIS]. There is no one in this House that I have had more respect for than you. But for you to come on this floor and compare the Republicans to the reign of the Nazis is an absolute outrage, and I'm surprised that anybody with your distinguished background would dare to do such a horrible thing.

Mr. Chairman, I reserve the balance of my time.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would tell the visitors in the gallery that, while we welcome you to enjoy these proceedings, you are not supposed to be involved in them, and, any more applause, and we will have to empty the galleries.

Mr. GIBBONS. Mr. Chairman, I yield myself 10 seconds.

Mr. Chairman, I can only repeat the old truth: "Sometimes the truth hurts."

Mr. Chairman, I yield 4 minutes to the gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. Mr. Chairman, I believe restoring American's trust in government is the single greatest challenge facing this Congress. The American people are perilously close to losing their faith in this institution and its Members' ability to effectively govern.

The American people feel we have been too consumed with preserving and promoting government rather than the will and liberties of the governed. Many have come to feel that the Washington Beltway which encircles this capital city has become a physical barrier to real change.

One need look no further than our welfare system to find an illustration of the disconnect between the people and their government. Reforming welfare is not a revolutionary idea. Reform has been kicked around for more than a decade.

I would say, Mr. Chairman, that one would be hard pressed to find anyone who does not support the idea of welfare reform. In fact, one could almost be so bold as to assert that there is unanimous support for welfare reform.

Thus, the need for welfare reform is not in dispute. The issue which this House must resolve over the next few days is which direction do we head, how far do we go, and which is the best way to get there.

Some look at welfare and see a system which penalizes marriage and robs individuals of their initiative, motivation, and self-esteem. They contend that recipients are not opposed to work and would love to work but the current system is too bureaucratic, too oppressive, and prevents recipients from working. They feel that welfare can be transformed and recipients can be given new life if the Federal, State, and local governments will only remove the obstacles to work, empower the people, and provide the means and tools by which recipients can become self-sufficient.

But, there are an equal number who feel that the current system is built on the notion of getting something for nothing, that the system is plagued with fraud and abuse, and leaves them wondering why their hard-earned dollars continue to support this bureaucratic nightmare. They support tough measures that require recipients to do something to get benefits. They feel that the solution lies in turning the welfare programs over to the States with little or no influence by the Federal Government.

The States, cities, localities, and counties which administer welfare programs argue that they are faced with the prospect of providing to a growing population while dealing with inflexible rules and regulations and a chronically insufficient supply of funds.

And what do I see?—I see all these things.

Government has failed! Something must be done.

I believe that neither argument is entirely right or wrong and that on the whole these arguments all have merit. That is why I joined five of my colleagues in drafting a bill of our own. We sought the middle ground, a truly centrist position, a compromise between these diverse schools of thought. I believe that we have achieved our goal.

We will bring a substitute, known as the Deal substitute, which will not simply reform the current system but replace it with a partnership of mutual responsibility.

Our proposal is based on three fundamental principles: Work, individual responsibility, and State flexibility.

The cornerstone of our plan is work. Our substitute places an emphasis on moving recipients into the private sector as soon as possible, includes real work requirements, and fulfills the pledge that recipients must be working. We require recipients to complete a minimum number of hours of work or work-related activity each week to receive benefits. We deny benefits to any recipient who refuses a job or refuses to look for a job. And in exchange, we remove all incentives which make welfare more attractive than work and remove the biggest barriers to work—health care and child care. In short, we guarantee recipients that if they will go to work we will provide the money and take all the necessary steps to ensure that recipients have a real opportunity to become self-sufficient.

Our second principle, individual responsbility, is based on the notion of tough love. I have two beautiful daughters. Elizabeth who is 13 and Rachel who is 11. My wife and I love our daughters dearly and have tried to instill good values in them. We have taught them the difference between right and wrong and trust they will make the right decisions. And we make every effort to nurture them and see that each receives the attention and encouragement they need. But, as every parent knows, no matter what you do, there comes a time when your children must be disciplined. Elizabeth and Rachel know that we have rules which must be followed, and that my wife and I have certain expectations of them. They also know that they will be held accountable if these guidelines are not adhered to.

Our bill takes this same approach. We make every effort possible to ensure that each recipient has a real opportunity to return to the work force permanently. In return, we ensure that they are aware that there are specific expectations of them and that they will be held accountable for their actions and disciplined when necessary.

Specifically, every recipient must sign an individualized contract designed to move them into the work force. Each recipient must complete 30 hours of work and 5 hours in job search during the Work First Program and 35 hours of work and 5 hours of job search during Workfare. Minor parents will be denied public housing and must live at home with a parent or responsible guardian. And, States would have the option of implementing a family cap. If recipients fail to meet any of these requirements, they will have violated the agreement and the partnership will be terminated. We don't just stop with recipients—we also include strong child support enforcement provision which will require noncustodial parents to live up to their responsibilities.

Our third principle reaffirms our belief that it is not the Federal Government but the frontline administrators of these programs which best know the needs in their respective States and localities. For this reason we give the program back to the States. But, unlike other proposals, we do not simply shift the burden to the States and run away. We believe that as it is a federally mandated program, the Federal Government has a responsibility to ensure that the States have someone to turn to for support and assistance. Our bill includes general criteria to guide the States in developing their work programs; however, beyond the broad criteria, States are given a tremendous amount of flexibility.

For example, under our substitute, States would have the flexibility to develop programs to move individuals into work, flexibility in funding, the freedom to pursue innovative approaches and we consolidate and coordinate programs to give States more latitude.

But we do not stop there. In addition to work, responsibility and State flexibility, we also eliminate the fraud and abuse in the Food Stamps Program, make work pay, consolidate and strengthen existing child care and health care, making these services available to more individuals. We streamline and reduce the bureaucracy by allowing States to circumvent the burdensome waiver process. We eliminate SSI for drug addicts and alcoholics. We reform and revise SSI for children in a fair and equitable manner which eliminates the fraud and abuse, controls growth, and ensures due process for each and every child currently on the rolls, ensuring that no qualifying child loses benefits.

We have a wonderful opportunity to make a real difference in the lives of thousands of individuals. The President, the Congress, and the person on the street all agree that the current system is not working.

Mr. Chairman, in short, our substitute is a responsible, workable approach which maintains the Federal responsibility without simply shifting the burden to the States. Recipients will be required to work for benefits, but there is an absolute time limit for receipt of these benfits. Our plan provides the best opportunity for welfare recipients to become productive members of the work force. We provide States with the resources necessary to provide this opportunity without incurring an additional fiscal burden.

I would remind my colleagues that the American people are watching. They are skeptical. Welfare reform provides a real opportunity to make meaningful changes and demonstrate to them that we can still govern effectively. We must not allow this golden opportunity to pass us by—to do so would be a tragedy.

I for one intend to support the only responsible welfare reform bill and urge my colleagues to do the same—support the Deal substitute.

Mr. GIBBONS. Mr. Chairman, I yield 3 minutes to the gentleman from Washington State [Mr. McDERMOTT], a member of the Committee on Ways and Means.

Mr. McDERMOTT. Mr. Chairman, three times in the Gospel the story is told about our Lord, the children being brought to him, and the story is, of course, that the parents are trying to bring the kids to Christ, and Christ said, "Suffer the little children to come unto me as long as your mother is over 18 and she's married."

Now, Mr. Chairman, my colleagues know that is not true, and this bill is the most cruel and shortsighted view in public policy I have seen in 25 years. The first 2 years of life are the years when children develop what they are going to be for the rest of their life. I say,

> If you don't take care of them with Medicaid, if you don't take care of them with health care and food supplements during that period of time, you doom them to a life of difficulties in this society.

Mr. Chairman, many of our Republican colleagues would like us to believe that most welfare recipients get on welfare because they do not want to work, and they stay on because welfare recipients are just being lazy. I think it is just the opposite. I think most people get on welfare due to unforeseen circumstances, and those that remain do so not because they are lazy, but because they are not smart enough to know—they are smart enough to know it is not the best option for them. Welfare recipients know their option. They know if they work, even with the earned income tax credit, that just does not make it.

Let me lay out the example:

A young woman with three kids goes out and gets a job at a gas station making the minimum wage, $4.25 an hour. She works all year. She makes $8,500. With the earned income tax credit on top of that, of $3,000, she makes about $11,500. The poverty line in this country established by the government and accepted by all for a family of four in 1995 is $15,000. Now that is $3,500 more than she makes. If she works the whole year, she will have 75 percent of the poverty line. She will not have health care benefits. She will not have day care.

Mr. Chairman, to say to her, "Leave your kids at home, lady; go on out, and get a job, and don't have a chance to take your kids to the doctor," simply is not a reasonable thing to expect of anybody.

Now this situation is not unusual. According to the Bureau of Labor Statistics, Mr. Chairman, 4.2 million people in this country, paid by the hour, earn at below the minimum wage. Furthermore, the percentage of working families that are poor has risen. In 1976 the percentage of families with children that had a parent working that was below the poverty line was 8 percent. In 1993, Mr. Chairman, it is up to 11 percent.

Now the Republican response in this bill? This bill is a bad bill as it sits here, responds to that situation to make welfare look so mean and so severe that makes working full time at 75 percent of poverty look like a good deal. I think that instead of making welfare tougher we should make welfare or work pay. That means we have to raise the minimum wage.

Mr. Chairman, I would oppose the bill as it stands.

□ 1700

Mr. SHAW. Mr. Chairman, I yield 3 minutes to the gentleman from Texas, Mr. SAM JOHNSON, a member of the committee.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I rise in support of H.R. 4 because I think after 30 years and $5 trillion, the taxpayers and welfare recipients deserve better. We need fundamental changes. We need a system that does not trap welfare recipients in an endless cycle of dependency.

I cannot believe that Members can come to this floor and say this bill is cruel or mean-spirited. It is those who protect the current system that are cruel. They believe that bureaucrats administering a one-size program that fits all know how to run a system better than State and local communities.

The bill is tough, but it is fair, and we ask those on welfare to work in return for benefits. We insist fathers live up to their responsibilities, and we quit giving cash to those who continue to have children while on welfare. We ask families and people to be more responsible, be responsible Americans. That is not cruel, that is true compassion.

I also want to set the record straight on funding. Under this bill we increase funding, we increase funding, I want to repeat, we increase funding. Look at this chart. CBO baseline spending goes up over the next 5 years. We are increasing spending, according to CBO estimates, $1.2 trillion over the next 5 years, helping people escape the welfare trap.

You know the difference in those two lines? Earlier estimates said we were going to raise spending 53 percent. You know what? We are doing what the American people wanted us to do, and that is reduce spending. We are cutting the increase to 42 percent. Goodness gracious. If you cannot stand a 42-percent increase in spending, if your own budget could stand that, I defy you to say there is something wrong with that. We are not taking money away from anybody. We are increasing as the need requires.

This bill targets money to the most needy, gives the States the ability to create their own solution. This bill is fair. It is real reform. Talk is cheap. The Democrats have proven that.

It is time to act. It is time to repeal and reform the welfare program. Vote against big government, and let us help Americans help themselves to have a better future.

Mr. GIBBONS. Mr. Chairman, I yield myself 20 seconds.

Mr. Chairman, please do not take the chart away. Let me point out what is wrong with it. It does not take into consideration inflation that is endemic in the American economic system. It does not take into consideration growth in population. That chart is just useless.

Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. COYNE], a member of the Committee on Ways and Means.

Mr. COYNE. Mr. Chairman, I rise in strong opposition to the welfare reform package brought to the floor today by the Republican majority.

This mean-spirited attack on children and poor families in America fails every test of true welfare reform.

The Republican bill is tough on children and weak on work. This plan will punish children who happen to be born into poverty. At the same time, this plan cuts child care funding and other programs that are essential if an adult on welfare is to get a job and leave the welfare rolls.

Instead of fixing welfare and moving Americans from welfare to work, the Republican bill is simply an exercise in cutting programs that serve children, the disabled, and families living in poverty.

What can possibly be the motive for launching such a cruel attack on the children of America? The answer is the Republican majority will cut programs for the poor to provide tax cuts for the wealthy. Cuts in child care, school lunches, and programs for the poor will be used to finance tax breaks like the capital gains tax cut. We are literally short-changing America's children to give tax breaks to individuals with incomes over $100,000 a year.

The Republican bill will punish over 15 million innocent American children. It would punish children who are born out-of-wedlock to a mother under the age of 18. It punishes any child who happens to be born to a family already on welfare. This bill does not guarantee that a child will have safe child care when their parents work. It cuts SSI benefits to over 680,000 disabled children. Under this bill, State accountability for the death of a child is limited simply to reporting the child's death. Finally, this bill adds to the injuries of abused and neglected children by cutting $2 billion from Federal programs to care for these children.

Americans must ask what will happen to these children? The result, without a question will be an increase in the number of children who go to bed hungry.

The Republican bill will increase the risk of a child in poverty suffering from abuse and neglect. And yes, the result will be that some mothers who want to give birth to a child will be pushed to consider ending their pregnancy.

The Republican bill is a cruel attack on America's children but it also fails to provide the essential tools needed by parents who want to move from welfare to work. A mother who takes a minimum wage job can only do so if she has access to safe child care. Unfortunately, this bill will cut Federal funds for child care by 25 percent in the year 2000. This means that over 400,000 fewer children will receive Federal child care assistance. Pennsylvania alone will lose $25.7 million in Federal child care assistance funding by the year 2000. That means that over 15,000 children in Pennsylvania will be denied Federal assistance for safe child care.

The legislation will result in America's poor children being left home alone. Mothers who are required by the State to work will no longer be guaranteed child care. States that seek to provide child-care assistance will have to make up for Federal child care cuts by raiding other State programs or increasing State taxes.

Again, the Republican bill is tough on children and weak on work. It allows States to push a person off the welfare rolls and then count that person toward meeting the Republican's so-called work requirement. There is no requirement for education, training, and support services for individuals who need help moving from welfare to a job. In fact, nearly $10 billion for job training programs have been cut from the first Republican welfare plan. Apparently these funds were needed more to pay for tax cuts for upper income Americans.

Mr. Chairman, the Republican plan is not welfare reform. It is a cruel attack on children that fails to solve the welfare mess. I urge that the House reject the Republican plan.

Mr. SHAW. Mr. Chairman, I yield 3½ minutes to the gentlewoman from Washington [Ms. DUNN], a member of the committee.

Ms. DUNN of Washington. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, today we have a great opportunity, an opportunity to overhaul a welfare system that is currently failing millions of Americans, an opportunity to restructure the welfare program to work effectively, and, I believe, with lots of thoughtfulness, to work compassionately.

Over the last few months, members of the Committee on Ways and Means have heard from hundreds of witnesses from President Clinton's Secretary of Health and Human Services to many of the mothers who live on welfare. Every witness, Republican, Democrat, liberal, conservative, every single one of them has told us that the current welfare system is an unmitigated disaster.

Yet during these days as we work hard to redesign this system, I continue to be disappointed by the tone of the opposition's rhetoric. Opponents of this bill assert that the reform-minded Republicans want to change the welfare bill only to save money, regardless of how it would affect the poor.

Make no mistake, Mr. Chairman, our changes save money, nearly $67 billion over 5 years. But to my friends who say that these savings will help the poor, I ask, how much good has the $5 trillion that we have spent in the last 30 years on the welfare program done to solve or even lessen America's poverty?

Could it be that it is not the amount of money that we are spending that is wrong, but rather the way in which we spend it? To the liberals in Congress, I salute your intentions. You, too, want to help the poor, those people who truly do need our help. But the welfare system you built is a failure.

The welfare mothers whom I met with last weekend in my district at a Head Start meeting told me that the welfare system, or AFDC, is a negative system that pulls people down and robs them of their self-esteem, and too often devalues them and their ability to be productive members of our community.

Today we begin the process of lifting the weight of the old welfare system from the backs of America's poor, the reevolvement of America's welfare systems. We are removing the perverse incentives that encourage people to go on welfare and, once they are on there, that capture them and keep them on an endless cycle of dependency of government.

The status quo fosters government dependency while our proposal fosters personal responsibility. And it provides the hope of work and the promise of self-respect. We want to give people self-respect. We want to restore their self-esteem through the dignity of holding a job. We want to provide them with day-care and medical benefits that can help them again become productive citizens of our society.

Mr. Chairman, we are a nation of great wealth and compassion, but we are neither compassionate nor wise when we spend $5 trillion over 30 years and still allow so many Americans to remain trapped in this endless and hopeless cycle of poverty. It is lunacy to continue with the liberal welfare system that promises only the likelihood of a life with more crime, less education, and lifelong government dependency.

Mr. Chairman, I have no doubt by the end of this week we will pass a bill that offers people a hand up and out. And to my colleagues on both sides of the aisle, this week we have the opportunity to truly end welfare as we know it.

Mr. GIBBONS. Mr. Chairman, I yield 3 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY] a member of the Subcommittee on Human Resources of the Committee on Ways and Means.

Mrs. KENNELLY. Mr. Chairman, whatever we do in welfare reform, there are some things we should not do. And one thing we should not do is dismantle the nutrition programs that are working so well around the country.

H.R. 4 would eliminate the School Lunch Program and other nutrition programs, replacing them with block grants. Proponents keep saying this will not make a difference.

But if they are right, then why do the child care and child nutrition block grants have a 5-year change that picks up $11.8 billion? Something has to change, and I am afraid that it will be the whole point of the program—its nutritional value.

The same goes for food stamps. This country has been blessed with abundant farm land. It has been said we could feed the world. With the suggested changes in welfare and other budget changes such as the elimination of more than $7 billion in fuel assistance program and more than $2 billion in low-income housing, food stamps become more important.

Yes, we should get rid of waste and fraud. Yes, we should prosecute those who traffic in food stamps. But do not take food stamps away from those who need them.

Changes such as eliminating benefits for children born out of wedlock and their mothers make food stamps more important for a healthy child. If people lose benefits and can't find a job, food stamps are important.

Let's not risk our children's health and education by enacting a cut-and-run nutritional block grant to replace a successful Federal nutritional program.

Also, let us not get rid of national standards. In the School Lunch Program, the elimination of standards put at risk the whole point of the program—providing nutritional meals.

And I am very worried about the elimination of minimal standards in child welfare programs, which will be even more underfunded and overburdened if these block grants happen and could mean increased numbers of abused children.

Minimal Federal standards have been adopted in the past because we believe there is a national interest in protecting children. Let us not forget that important point in the rush to pass welfare reform.

I strongly suspect H.R. 4 started off in the right direction when it was first conceived. I am sure that there were substantive conversations about the need for child care, training, and work.

But it is no surprise that those deliberations changed when it was realized that real welfare reform is very hard to do. It is certainly much easier just to send the entire problem back to the States and take the $64 billion in savings and use them off the top to pay for tax cuts.

I am also worried about taking children off disability. Yes, there has been abuse, particularly in Arkansas and Louisiana, but fix the abuse. When I read the bill, it takes 250,000 off the rolls. There were not 250,000 abusers. God help the family that has a truly disabled child.

Mr. SHAW. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. ENGLISH], a member of the committee.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I rise in support of H.R. 4, the Family Responsibility Act, and I urge my colleagues to support it. I urge them to vote in supporting it, to reduce dependency, to slash bureaucracy, to promote personal responsibility, and to strengthen families.

Our legislation maintains the safety net for the poor, but in reforming the welfare system, it will sound the death knell for the failed liberal welfare state.

Our bill is a mainstream approach, and I urge Members not to be deluded by the harsh, partisan, intemperate rhetoric they have heard here today. Our bill is tough on bureaucracy, not on kids. Our bill is cruel to the status quo, not the under class.

I heard my colleague from Michigan characterize this bill as extreme. Perhaps in Washington it is considered extreme to give power to the States instead of elevating the HHS bureaucracy. But this I believe is a mainstream proposal. It is also a compassionate proposal.

□ 1715

The current welfare system is not compassionate and we need to stop measuring compassion by how many checks we cut, by how many bureaucrats we employ, by the size of our appropriations. Instead, we need to start measuring compassion by how few people are on AFDC and on welfare and on food stamps and by the access every child has to hope, to independence, and to opportunity.

We have offered here, in my view, a tough love approach to welfare reform. It is a sound one. Our reform plan has a tough work requirement that will reintroduce many families to the dignity of work. Our bill stops subsidizing out-of-wedlock births. Our bill establishes real time limits to welfare, 2 years, and then up to 5 years, if someone stays in a work program. And talking to people in my district, they feel those time limits are fair.

Our bill cracks down on deadbeat dads with tough new child support enforcement. Our bill links welfare rights to community responsibilities and cuts bureaucracy, consolidating a Byzantine maze of Federal welfare programs into four flexible block grants.

Our legislation bars cash to unwed parents but it provides other services to those parents. And our bill guarantees funding to the States so that they will be able to provide those services.

Mr. GIBBONS. Mr. Chairman, I yield 10 seconds to the gentleman from Tennessee [Mr. FORD].

Mr. FORD. Mr. Chairman, the gentleman from Pennsylvania talked about the Republican bill, H.R. 4, having these tough work requirements. I just want to know, what page are these tough work requirements on in this bill? We need to see them.

Mr. GIBBONS. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. PAYNE], a member of the Committee on Ways and Means.

Mr. PAYNE of Virginia. Mr. Chairman, Republicans and Democrats alike agree that the current welfare system does not work. Instead of requiring work, it punishes those who go to work. And instead of instilling personal responsibility, it encourages dependence on the Government; instead of encouraging marriage and family stability, it penalizes two-parent families and rewards teenage pregnancies. We all agree that welfare must be drastically changed and that welfare should only offer transitional assistance leading to work and not a way of life.

That is why I wish to speak on behalf of the Deal substitute to the Republican bill, because we, the cosponsors of the Deal substitute, are committed to making major changes in our Nation's welfare system.

We support welfare reform that emphasizes work, personal responsibility, and family stability. The Deal substitute imposes tough work requirements while providing opportunities for education, training, child care, and health care to support working people.

It provides States with the resources necessary for welfare reform to succeed without shifting costs to local governments or requiring unfunded mandates. And it gives States the flexibility to design and administer the welfare programs they need without sacrificing accountability to the Nation's taxpayers.

Real welfare reform must be about replacing the welfare check with a paycheck. The Deal substitute's time-limited work first program is designed to get people into the work force as quickly as possible, requiring all recipients to enter into a self-sufficiency plan within 30 days of receiving benefits.

The Republican welfare reform bill allows recipients to receive cash benefits for up to 2 years before they are required to work or even to look for work.

The Deal substitute provides the necessary resources for welfare recipients to become self-sufficient, but it also requires recipients to be responsible for their own actions by setting clear time limits on benefits. And no benefit will be paid to anyone who refuses to work, who refuses to look for work, or who turns down a job.

In addition to making individuals responsible for their own welfare, we demand that both parents must be responsible for their children. The sponsors of the Deal substitute recognize that in order to reform welfare, States must have the flexibility to design and administer welfare programs tailored to their unique needs and their own circumstances.

We believe that the States should not have to go through a cumbersome Federal waiver process in order to implement innovative ideas in their welfare programs. So the Deal substitute establishes the Federal model for the work first program.

I believe the Deal substitute is the only welfare bill which gives the American people what they really want, and I urge my colleagues to support this bill.

Mr. SHAW. Mr. Chairman, I yield 3 minutes to the gentleman from Nevada [Mr. ENSIGN], a member of the committee.

Mr. ENSIGN. Mr. Chairman, one of the most difficult tasks to perform in the Federal Government is to propose fundamental change to a Federal program. The most difficult task is actually to go about making this change law. A Federal program is like a huge cargo ship. As long as the ship is slowly laboring ahead on a set course, it may operate relatively well. When the time comes to change course, however, the size and speed of the vessel create tremendous momentum making the change of course difficult.

Of course, the longer that change is delayed, the more off course the ship gets, requiring more significant and more difficult and painful changes.

The other night on CBS, there was a welfare documentary. Dan Rather, who is not exactly known for his conservative thoughts, was the host of that documentary. And I found it very interesting.

There was a single mom. She was in a wheelchair, making $15,000 a year. They interviewed her. And she questioned why someone should be receiving welfare when she worked. She was in a wheelchair. She worked making $15,000 a year. Her health care was not provided for her, and she resented her tax dollars going for somebody else to be on welfare.

The interviewed another young woman who had gotten off of welfare into work. And the pride that she now took of having her young children see her go every day into work.

I grew up with a single mom. There were three of us at home. My father provided no child support when I was young. And I watched my mom get up every day and go to work. That is what we need in this country is to have children watching their parents go to work on a daily basis.

This welfare reform bill will help ensure that people go to work.

During that same program that Dan Rather hosted, they had two welfare moms on that program. And they asked them, if you knew that your welfare payments were going to stop in a couple years, what would you do? The response was immediate, both of them said, well, I would go out and get a job.

We had testimony in front of the human resources subcommittee from a woman who counsels welfare recipients. She asks every one of her classes, what would you do if you knew that your welfare payments would end tomorrow? Every single one of them in her classes respond by saying, I would go get a job.

People say that the work requirements are not tough in this bill. Well, I am sorry, but I think that they are. If after 5 years you can no longer get any kind of welfare benefits, I think that that is a pretty tough work requirement, because work is a lot better than going hungry.

I rise in support and urge my colleagues to support H.R. 4.

Mr. GIBBONS. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. BREWSTER], who until this last election was a member of the Committee on Ways and Means but has to withdraw because of the ratio.

Mr. BREWSTER. Mr. Chairman, I rise in opposition to H.R. 4, the Personal Responsibility Act, and ask my colleagues on both sides of the aisle to support the Deal substitute.

I want to commend my colleagues for developing a comprehensive welfare reform proposal which I believe is the only real alternative for replacing the welfare check with a paycheck. I am a strong advocate for welfare reform. Unfortunately, our current system rewards beneficiaries for staying on welfare.

Welfare recipients are often penalized when they get a job because they often have less money than they had while on welfare.

The Deal substitute guarantees that those who can work will work. The substitute ensures that a welfare recipient is better off economically by taking a job than by remaining on welfare.

The substitute provides transitional assistance in health care and child care, and it also improves outreach efforts to ensure that both recipients and employers make use of the earned income tax credit.

I would urge my colleagues on both sides of the aisle to support the Deal substitute.

Mr. SHAW. Mr. Chairman, I yield 2 minutes to the gentlewoman from Kansas [Mrs. MEYERS], a most important and valuable member of the majority in putting together this bill and one of the first advocates for the block grant approach.

Mrs. MEYERS of Kansas. Mr. Chairman, I am so pleased to be able to support this welfare reforms bill, the Personal Responsibility Act. I believe that welfare reform is simply the most important issue facing our country today. Welfare reform must be done. We all know this. And I would like to talk today for just a minute about the incentive nature of the current program.

Within the next 5 years, if we do nothing and continue our growth rate as it has been, over 80 percent of minority children and 40 percent of all children in this country will be born out of wedlock. Unmarried women who bear children out of wedlock before finishing high school are far more likely to go on welfare and stay there for at least 8 years. That is why more than 2 years ago, I began pushing to end cash benefits to teenagers who have a child out of wedlock because what had started as a helping program had become an incentive.

For the past 30 years our welfare system has sent a message to young women that the Federal Government will make it okay. If you have a child out of wedlock, the Government will give you $500 a month AFDC, $300 a month food stamps, pay all your medical bills. In many cases, find you a place to live and pay for it. In many cases, send you to a job training program or even a college, pay for your child care and your transportation.

This bill is not cruel and mean spirited. What is really cruel is the current incentive that pulls young women into the system and holds them forever in this cruel trap. That is mean spirited. That is cruel to both young women and their children.

We should continue our commitment to the vulnerable and the needy, but it is high time our Federal welfare policies reflected that goal.

Mr. GIBBONS. Mr. Chairman, I yield 4 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, the current welfare system is at odds with the care values Americans share: work, opportunity, family, and responsibility.

Too many people who hate being on welfare are trying to escape it—with too little success.

It is time for a fundamental change. Instead of strengthening families and instilling personal responsibility, the system penalizes two parent families, and lets too many absent parents who owe child support off the hook.

Our society can not—and should not—afford a social welfare system without obligations.

It is long past time to "end welfare as we know it."

We need to move beyond political rhetoric, and offer a simple compact that provides people more opportunity in return for more responsibility.

I have a few commonsense criteria which any welfare plan must meet to get my vote.

It must require all able-bodied recipients to work for their benefits.

It must require teenage mothers to live at home or other supervised setting.

It must create a child support enforcement system with teeth so that deadbeat parents support their children.

It must establish a time limit so that welfare benefits are only a temporary means of support.

It must be tough on those who have defrauded the system—but not on innocent children.

And it must give States flexibility to shape their welfare system to their needs, while upholding the important national objectives I have just listed.

The Republican bill fails to meet these criteria.

The Republican bill is weak on work. It only requires 4 percent participation in fiscal year 1996, far below the current rate established under the 1988 Family Support Act.

It is outrageous that any new work requirement would fall below current law.

The Republican bill denies benefits to children of mothers under 18.

We must make parents—all parents—responsible for taking care of their own children.

But denying children support is not the best way to do that.

Instead, teenagers should be required to demonstrate responsibility by living at home and staying in school in order to receive assistance.

The Republican bill is tougher on children than it is on the deadbeat dads who leave them behind.

The Republicans waited until the last moment to put child support enforcement provisions in their bill—and then removed the teeth that can bring in more than $2.5 billion (over 10 years) for kids.

Instead of attacking deadbeats, the Republican bill attacks children.

It eliminates the guarantee that every child in this country has at least one good meal a day.

Despite rhetoric to the contrary, the Republican bill cuts spending for child nutrition programs $7 billion below the funding that would be provided by current law.

Instead, kids' food money will be used for tax cuts for the rich.

Funding for the Women, Infants and Children Program is also reduced—and provisions requiring competitive bidding on baby formula have been removed.

That decision alone will take $1 billion of food out of the mouths of children each year, and put the money in the pockets of big business.

This simply defies common sense.

No one in America could possibly argue that this is reform.

At a time when the need for foster care, group homes, and adoption is likely to rise dramatically, the Republican welfare plan would cut Federal support for foster care and adoption by $4 billion over 5 years.

We can do better.

We must do better.

This week, Democrats will offer NATHAN DEAL's bill as a substitute, which reinforces the family values all Americans share.

It gives people access to the skills they need, and expects work in return.

It does not wage war on America's children.

Most importantly, it is a commonsense approach, which gives back the dignity that comes with work, personal responsibility, and independence.

☐ 1730

Mr. SHAW. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri [Mr. TALENT], who has been very active in the preparation of H.R. 4.

Mr. TALENT. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, today we enter on an historic debate about a bill that will replace a failed welfare system with a system that is based on marriage, on family, on responsibility, and on work. I want to address in my remarks now, and I am sure it will come up later as well, the whole issue of work.

There have been past welfare reform bills which have purported to be workfare bills. The 1988 bill, which was a bipartisan bill, purported to be a workfare bill. Everybody was going to work under the bill. Six years later we have less than 1 percent of the case load working.

People need to understand what work has meant in the past to people who have really been defending the status quo. It has been an excuse for vast new expansions of the welfare state, constructing vast new bureaucracies, and nobody ends up working, but they will tell you that *x* percent of the case load is working.

What they do not tell you is that they exempt up front a huge percentage of the case loads from the workfare requirements, so if they say 50 percent of the people who are working, they have already exempted 80 percent or 90 percent of the people from the beginning.

The key to an honest workfare requirement, and our bill has that, is that it talks about percentages of the total case load. When we say 50 percent of the welfare case load is going to be working by the beginning of the next century, it means 50 percent of the people are going to be working by the beginning of the next century, and it means they are going to be working. They are not going to be looking for a job an hour a week, they are not going to be sitting in a class that somebody calls education, they are going to be working. That is the standard that we need to measure work everywhere throughout this debate.

Mr. Chairman, the substitute offered by the gentleman from Georgia [Mr. DEAL], and I appreciate his efforts in this regard, is flawed in several important respects. For one thing, he defines work as job search, so people can be classified as working under his bill, even though they are not working, they are searching for a job.

The States will presumably be given the authority to define that. That is part of the problem that we had in the past. He counts toward meeting the work participation requirements, people who normally move off of welfare anyway. In any given year there is like half a million people who will move off welfare, at least temporarily.

My understanding of the gentleman's substitute is that it permits those people to be counted by the States toward meeting the participation requirements. They would get off welfare anyway, at least temporarily. If you are going to do that, you need to count the net increase of people who are getting off welfare because of work.

We are going to go into this in a lot more detail in the days to come, Mr. Chairman. The point I want to make about work is that it has to be an honest work requirement, people working, people actually working, not looking for a job, not consuming an enormous amount of the taxpayers' money to be trained for some kind of vice president's job, but working.

There are a number of States that are already doing that. It is very effective in introducing the dignity of work into those families. It is effective in moving those people who are almost employable off of the welfare rolls and into work. That is how we ought to measure the success of the program.

Mr. GIBBONS. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. FORD].

Mr. FORD. Mr. Chairman, on page 26 of the Personal Responsibility Act, the work activities under the Republican bill, one of the things the gentleman has talked about, the Deal bill, the job search, is a part of that bill as well.

Members on the gentleman's side roll people off the welfare rolls but they go out with no job. There are absolutely no jobs at all. I need to just find out where it is in H.R. 4 that all these jobs will take place.

Mr. TALENT. Mr. Chairman, will the gentleman yield?

Mr. FORD. I yield to the gentleman from Missouri.

Mr. TALENT. Mr. Chairman, that is why our bill, and as the gentleman will recall, the gentleman from Arkansas [Mr. HUTCHINSON], and I wrote this language in the Committee on Economic and Educational Opportunities, that is why our bill focuses the work requirements on people on welfare who are closest to employability. Two-parent AFDC families, parents with school age children or above, those people can go to work.

Mr. FORD. Reclaiming my time, Mr. Chairman, the vast majority of people on welfare are single mothers on welfare. The two-parent family component is something that the gentleman addresses, but the participation level at 50 percent by the year 2002 will not send anyone into the work force.

Mr. GIBBONS. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. NEAL], a member of the Committee on Ways and Means.

Mr. NEAL. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I have served as chairman, co-chairman of a task force here in the House, on the Democratic side, in support of reforming the current welfare system. I think we can all agree today that the current system ill serves the taxpayer and ill serves the beneficiary.

My experience in coming to this House is different than most of the Members because I served as mayor of a major city. We have all concluded, as ELEANOR HOLMES NORTON has said, that the current welfare system is decadent. Senator MOYNIHAN warned us 30 years ago that the system had to be changed. President Clinton 2 years ago suggested that we should end welfare as we know it, and he ought to get some credit for that suggestion.

Mr. Chairman, 1 out of 3 children in America is currently born out of wedlock. One of my constituents, Barbara Defoe Whitehead, has done remarkable research in drafting those conclusions. In 1976, at the Democratic State convention in Massachusetts, I spoke in support of a workfare requirement. However, I want to say today in the well of this House, that it is that sage and principled conservative on the Republican side, the gentleman from Illinois, HENRY HYDE, who said "there is no such thing as illegitimate children. There may well be some illegitimate parents." We should acknowledge today on the Democratic side that we are the ones that pushed for a strong child support component.

The Republican alternative did not even speak to the issue of child support, and they called their bill the Personal Responsibility Act. What indicates more personal responsibility than supporting the children we bring into this world?

Mr. Chairman, I offered in committee a series of amendments that stated emphatically that those amendments had the support of Bill Weld and Bill Clinton. Not one of those amendments was passed at the Committee on Ways and Means level.

Mr. Chairman, I am astounded today that there is no work requirement in the Republican bill, but there is a work requirement in the Democratic bill. We suggest that you have to be enrolled in a program of self-sufficiency from day one. Work is the ultimate personal responsibility.

If we want to reverse the decadent system of welfare, we have an opportunity to offer a hand up and not a handout. That is what the Democratic proposals suggest.

Mr. Chairman, I want to say today that the Democratic legislation offered by the gentleman from Georgia [Mr. DEAL], is a piece of legislation that all of us in this House ought to be able to rally around. Just as importantly, it seems to me at the end of the day that if we really want to honor personal responsibility, that we do that through a strong and sound work requirement. That is what our bill has done.

Mr. SHAW. Mr. Chairman, I yield myself 10 seconds to tell the gentleman that was just in the well praising the Deal deal that the Deal substitute would wipe out the work requirements in the Massachusetts law. It is a law that the gentleman should be very proud of and that he should protect.

Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. MARTINI].

Mr. MARTINI. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, 30 years of ever-expanding and growing anti-poverty programs have not erased poverty from our midst. We have spent $5 trillion trying to address this problem, yet the percentage of children living in poverty is unchanged from what it was in 1965.

Worse, we have seen illegitimate births more than quadruple, and have subsidized the rise of the single-parent family in our country.

Today nearly 30 percent of all births in our Nation are illegitimate. In 1992, the Federal Government alone spent $305 billion on 79 overlapping means-tested social welfare programs, but our problems still persist.

Congress and the bureaucracy in Washington continue to insist that they know what the poor in our communities need. For years they have been beholden to the ill-conceived notion that we can only consider ourselves a compassionate Nation if Washington prescribes solutions to societal problems.

Mr. Chairman, this system has done worse than fail us. It has betrayed us. Something needs to change, but for years this body has been unwilling to address welfare reform. Finally, today, we are debating a genuine attempt at a significant overhaul of our societal safety net.

Go home and listen to your constituents; these reforms represent the will of the people. No longer will the Government reward children for having children. No longer will we reward families for having a second baby when they cannot afford the first. No longer will the taxpayers pay to support addiction. No longer will Washington impose top-down solutions to problems they do not understand.

We will put an end to the big Government attempt to address these problems and return to a sense of responsibility, a sense of right and wrong, to the American safety net.

Mr. Chairman, I congratulate the three chairmen in the three committees on the fine work they have done, and this body for finally bringing this issue before the American people, and urge support of this bill.

Mr. GIBBONS. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, welfare is the biggest hot button issue of the year. Let us reform welfare, not try to see who is the meanest or the toughest.

Welfare has not worked. The American people want us to move individuals from dependency to work, they want us to cut Federal bureaucracy, and they want us to fight fraud in the current system. The Republican plan does not accomplish any of these goals, because they do not have the same goals most Americans have. They have washed their hands on the real welfare problem, and moved on to finance for the tax cut, finance on the backs of legal immigrants who pay taxes, abide by the laws, and enrich our culture.

The Republican bill does not even try to solve the root problem of poverty, education, jobs, training, nutrition for kids. In fact, their plan does not contain strict work requirements and actually creates disinitiatives to work. It destroys temporary child care and transportation for people who want to work. The Democratic plan is strong on work, actually requiring proposals that enable recipients preparing for and engaging in work, providing resources for the assistance needed to become self-sufficient, such as education, training, child care, and transportation.

The Democratic plan supports children, maintaining the national commitment of providing a safety net for kids, while requiring their parents to become self-sufficient, guaranteeing child care to families while the parents are preparing for work or working, and maintain the national commitment to protecting children from abuse and abandonment.

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Mr. Chairman, this is a historic bill and a historic debate. We have a chance to be bipartisan on this issue. The Senate will move, also. The President wants welfare reform. Let us do it right instead of trying to be the toughest or the meanest.

Mr. Chairman, I include the following for the RECORD:

THE WHITE HOUSE,
Washington, DC, March 20, 1995.

DEAR MR. LEADER: This week, the historic national debate we have begun on welfare reform will move to the floor of the House of Representatives. Welfare reform is a top priority for my Administration and for Americans without regard to party. I look forward to working with Republicans and Democrats in both houses of Congress to enact real reform that promotes work and responsibility and makes welfare what it was meant to be: a second chance, not a way of life.

In the last two years, we have put the country on the road to ending welfare as we know it. In 1993, when Congress passed our economic plan, we cut taxes for 15 million working Americans and rewarded work over welfare. We collected a record level of child support in 1993—$9 billion—and last month I signed an executive order to crack down on federal employees who owe child support. In two years, we have granted waivers from federal rules to 25 states, so that half the country is now carrying out significant welfare reform experiments that promote work and responsibility instead of undermining it.

I have always sought to make welfare reform a bipartisan issue. I still believe it can and must be. Unfortunately, the House Republican bill in its current form does not appear to offer the kind of real welfare reform that Americans in both parties expect. It is too weak on moving people from welfare to work, not as tough as it should be on deadbeat parents, and too tough on innocent children.

Last year, I sent Congress the most sweeping welfare reform plan any administration has ever presented. It did not pass, but I believe the principles and values at its core will be the basis of what ultimately does pass:

First, the central goal of welfare reform must be moving people from welfare to work, where they will earn a paycheck, not a welfare check. I believe we should demand and reward work, not punish those who go to work. If people need child care or job skills in order to go to work, we should help them get it. But within two years, anyone who can work must go to work.

This is not a partisan issue: Last year, 162 of 175 House Republicans co-sponsored a bill, H.R. 3500, that promoted work in much the same way as our plan. But the current House Republican bill you will consider this week fails to promote work, and would actually make it harder for many recipients to make it in the workplace. It cuts child care for people trying to leave welfare and for working people trying to stay off welfare, removes any real responsibility for states to provide job placement and skills, and gives states a perverse incentive to cut people off whether or not they have moved into a job. When people just get cut off without going to work, that's not welfare reform. I urge you to pass a welfare reform bill that ends welfare as we know it by moving people from welfare to work.

Second, welfare reform must make responsibility a way of life. We should demand responsibility from parents who bring children into the world, not let them off the hook and expect taxpayers to pick up the tab for their neglect. Last year, my Administration proposed the toughest child support enforcement measures ever put forward. If we collected all the money that deadbeat parents should pay, we could move 800,000 women and children off welfare immediately.

I am grateful to members in both parties for already agreeing to include most of the tough child support measures from our welfare reform plan. This week, I hope you will go further, and require states to deny drivers and professional licenses to parents who refuse to pay child support. We have to send a clear signal: No parent in America has a right to walk away from the responsibility to raise their children.

Third, welfare reform should discourage teen pregnancy and promote responsible parenting. We must discourage irresponsible behavior that lands people on welfare in the first place, with a national campaign against teen pregnancy that lets young people know it is wrong to have a child outside marriage. Nobody should get pregnant or father a child who isn't prepared to raise the child, love the child, and take responsibility for the child's future.

I know members of Congress in both parties care about this issue. But many aspects of the current House plan would do more harm than good. Instead of refusing to help teen mothers and their children, we should require them to turn their lives around—to live at home with their parents, stay in school, and identify the child's father. We should demand responsible behavior from people on welfare, but it is wrong to make small children pay the price for their parents' mistakes.

Finally, welfare reform should give states more flexibility in return for more accountability. I believe we must give states far more flexibility so they can do the things they want to today without seeking waivers. But in its current form, the House Republican bill may impede rather than promote reform and flexibility. The proposal leaves states vulnerable to economic recession and demographic change, putting working families at risk. States will have less money for child care, training, and other efforts to move people from welfare to work. And there will not be any accountability at the federal level for reducing fraud or protecting children. We will not achieve real reform or state flexibility if Congress just gives the states more burdens and less money, and fails to make work and responsibility the law of the land.

While the current House plan is weak on work, it is very tough on children. Cutting school lunches and getting tough on disabled children and children in foster care is not my idea of welfare reform. We all have a national interest in promoting the well-being of our children and in putting government back in line with our national line.

I appreciate all the work that you have done on this issue, and I am pleased that the country is finally engaging in this important debate. In the end, I believe we can work it out together, as long as we remember the values this debate is really about. The dignity of work, the bond of family, and the virtue of responsibility are not Republican values or Democratic values. They are American values—and no child in America should ever have to grow up without them.

Sincerely,

BILL CLINTON.

Republican plan doesn't attack fraud—in fact it will dismantle many programs where fraud has been nonexistent—such as the Nutrition and School Lunch Programs.

These programs have undisputed health and education benefits, and nutritious meals are served to children, who may not get another meal each day, at a cost of only $1 per student.

In the last few days Republicans have been claiming they are not really cutting the School Lunch Program—apparently they realize how ludicrous their plan is and are running for cover—but this is a false claim: Their supposed spending "increases" don't take into account rising food costs, inflation, or increases in number of kids who need the program; in fact, many of the increases were written on committee worksheets, not in the proposed legislation.

New State allocation formulas are flawed—they are based on number of meals served in a State, without regard to whether meals are served free to poor children.

Also, States may divert 20 percent of its nutrition funding to other programs under the Republican proposal. Flexibility is a popular theme right now, but the Republican plan simply abandons any Federal safety net for innocent, hungry kids.

Can Republicans truly say they are not dismantling the school program? No, but they can say they've saved billions of dollars to help their wealthy friends at tax time.

For the food programs alone, 175,000 New Mexicans will become ineligible for assistance: State estimated to lose $5 million for School Lunch Program, $21 million for child and adult care food programs, and $45 million for food stamps.

New Mexico also slated to lose $21 million for assistance for needy families, $21 million for blind and disabled children, and $5 million for child care costs.

Can the Republicans truly say they have not devised a cold-hearted, ineffective program?

Can Republicans deny that they are creating a long list of unfunded mandates? States have asked for flexibility. But clearly they have not asked for the additional burdens the Republican welfare plan imposes.

Finally, lost in much of the debate over welfare reform is the fact that the Republican plan is financed almost entirely on the backs of legal immigrants.

That's right—not undocumented workers, but legal immigrants.

Their plan denies nearly all benefits to people who pay taxes, abide by the laws, enrich our culture and our economy.

Studies show that immigrants actually create a net benefit of $28 billion to the American economy.

But Republicans haven't studied the real facts to know what their cost and block grants will create—because that's never been their goal.

Don't be deceived—this entire plan is about tax relief for rich people, it has nothing to do with reason or ending welfare as we know it.

Democrats are strong on work: Democratic proposals actually require that recipients prepare for and engage in work; provide resources for the assistance needed to become self-sufficient, such as education, training, child care, and transportation.

Democrats support children: Democrats maintain the national commitment to providing a safety net for kids, while requiring their parents to become self-sufficient; guarantee child care to families while the parents are preparing for work or working; maintain the national commitment to protecting children from abuse and abandonment.

Mr. SHAW. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia [Mr. COLLINS], a member of the committee.

Mr. COLLINS of Georgia. I appreciate the gentleman yielding me the time.

Mr. Chairman, the President during his campaign ran on the platform of changing welfare. In fact he said, "We're going to end welfare as we know it today."

Well, to end it does not mean you reform it. It means you change it. Because to reform it only just changes the shape of it and leaves the same substance. Is change necessary? It is long overdue and the answer is yes, it is.

Why? It is because 26 percent of the families in this country are in some way, some shape, some form or fashion drawing some type of government benefit that comes under the entitlement of welfare. Twenty-six percent of the families.

What is the real problem with welfare, the real root of the problem? It is called cash. The old saying cash is the root of all evil. Cash has been the real problem and is the real problem in welfare.

What is the history of cash in welfare? It goes back to the mid 1930's. In fact it was called Aid to Dependent Children, later called AFDC. It was actually created in 1935 as a cash grant to enable States now, I want to repeat that, to enable States to aid needy children, children who did not have fathers at home.

Was the AFDC program intended to be an indefinite program? No, it was not to last forever. The priority of it was to help children whose fathers were either deceased or disabled or unable to work. The program was supposed to sunset after the Social Security laws were changed but they never were sunsetted. When AFDC was created, no one ever imagined that a father's desertion and out-of-wedlock births would replace the father's death or disability as the most prevalent reason for triggering the need for assistance. No one ever dreamed that fathers would abandon children as they have.

In order to facilitate the sunset of the AFDC program, in 1939 the Federal Government expanded Social Security benefits by adding survivors benefits. This was to help wives and children of workers who died at an early age.

In 1956 the Federal Government added disability benefits to Social Security to try to cover those children whose fathers were unable to work because of some severe disability. But rather than sunset AFDC, the program continued to grow and has ballooned in recent years, because the very nature of the program has encouraged illegitimacy and irresponsible behavior.

Let me give Members a few statistics. In 1940, 41 percent of children on AFDC, their father had died. The fathers had abandoned 30 percent of the children. The fathers were disabled to work for 27 percent. In 1992, listen to these figures: 1.6 percent of the children's fathers have died; 86 percent of children on AFDC, their fathers have abandoned them; and only 4.1 percent, the fathers are disabled to work.

Mr. Chairman, the AFDC system has created a problem, a real problem. It has encouraged irresponsible behavior by embracing a philosophy that says the government will take care of a child if a father won't. H.R. 4 stops this problem. It stops cash benefits in certain years, requires personal responsibility and it gives the States the flexibility, the very same thing that was supposed to happen in 1935 to handle the situation.

Mr. GIBBONS. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama [Mr. BROWDER].

Mr. BROWDER. I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in strong support of the Deal substitute to the Personal Responsibility Act.

This substitute bill reforms welfare by helping those who want to help themselves. It does not punish the poor. It will not cut school lunches. It will not force children off SSI without due process.

The goals of work and responsibility are achieved by combining work first with time limits and requirements that recipients follow an individual responsibility plan. In addition, the substitute's estimated $10 billion in savings will be earmarked for deficit reduction.

Mr. Chairman, I hope that after the last speech is given and the final vote is cast, that the Deal substitute will prevail. This plan will really help our fellow Americans move from welfare to work.

Mr. GIBBONS. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. HOLDEN].

Mr. HOLDEN. I thank the gentleman for yielding me the time.

Mr. Chairman, I rise today in strong support of the Deal substitute and its provisions for greater child support enforcement.

Members of this core group of moderates have worked hard to expand upon last year's mainstream forum proposal and build a consensus among those wishing to make meaningful and long-lasting changes to our current welfare system.

As the former sheriff of Schuylkill County in my home State of Pennsylvania, I have firsthand knowledge of how difficult it can be to collect unpaid child support.

Under the Deal substitute, all parents would be accountable to their children through:

First, increased paternity establishment;

Second, central registries of child support orders in each State;

Third, uniform interstate enforcement procedures; and

Fourth, punitive measures for deadbeat parents such as direct income withholding and State option to revoke occupation, professional, and driver's licenses

We owe it to our children to have the financial support of both parents and to the taxpayers who fund the irresponsible behavior of deadbeat parents.

I urge my colleagues to lend their support to the Deal substitute and real welfare reform.

Mr. GIBBONS. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FATTAH].

Mr. FATTAH. I thank the gentleman from Florida [Mr. GIBBONS] the distinguished ranking member for his gracious decision to allow me some time.

Mr. Chairman, we begin now a debate on one part of the process of reforming welfare in the United States of America. I would like to point to two reports, one by the Progressive Policy Institute, and the other by the Cato Institute which refer to corporate welfare in this country, and they talk about the direct subsidies of Federal taxpayer money, some $86 billion in direct subsidies to corporations, and another $100 billion or so in tax breaks to aid dependent corporations in our country.

I find it interesting that this Congress and the new majority would want to begin its assault on welfare by attacking children and families who are in the greatest need rather than attempting to address a more fair approach in terms of this issue that could have been followed if one would have taken the time to look at these reports. The $84 billion that would be affected by the actions relative to aid to families with dependent children and the child nutrition programs and school lunches, those savings could have easily occurred by scaling back some of the outrageous benefits that we provide as a Nation supposedly in fiscal crisis to corporations, multi-billion-dollar corporations each and every year.

I would just ask that as we begin this debate that the Members of this House be mindful of the contradictions of this process today.

Mr. SHAW. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. FOLEY].

Mr. FOLEY. I thank the gentleman from Florida [Mr. SHAW], the chairman, for his work on this very, very important issue.

When I go home and I read the papers over the weekend, I wonder what we are all doing up here because the reports are very draconian.

The Republicans are taking food out of the children's mouths. That we are really just throwing people out in the streets.

The President suggests deadbeat dads, we take their driver's license. They must be quaking in their boots that we are going to take their driver's license.

These are people who are not paying for their children's welfare and they are going to be frightened about losing their driver's license? Take their professional license. That is a good idea, too. Now they will not be able to work. That is another person on welfare.

Let's garnish their wages to the IRS. We will find ways to get after their money.

Food stamps—$1.8 billion wasted on food stamps through fraud and abuse and we are on this floor talking about we can't reform it, we can't fix it. We are going to fix it. We are going to reform it.

What is wrong with work? I can't believe what people are saying here. Not enough job training.

I worked as a dishwasher. I cleaned toilets. My grandmother came from Poland. She made 28 beds a day in a Travel Lodge Motel. She cleaned 28 toilets a day to be an American citizen. She learned to speak English. She was proud to be an American and proud to be in this country.

But today, no, jobs aren't good enough. Can't take that job. Don't have enough training.

I was a wrecker, an auto mechanic. I worked at a golf course. Now I am a proud Member of the United States Congress. No job is beneath me.

But we are talking like unless we have given them an appropriate level of training to seek the job that they have always dreamed of, then they are going to stay on welfare and we are going to spend billions and billions of our tax dollars on deadbeats, on people that don't want to work.

I have got to tell you, this Congress has got to be serious about reform, not about just throwing out threats, having lunches with children in schools in our district, saying that the Republicans are going to end feeding children at school lunches, the Republicans are going to starve children.

Don't believe it for a minute, America. We are not going to starve our children. A 4.5-percent increase per year in the Republican bill for school lunches increased. We are not going to starve people. We are going to take care of America. We are going to make it work again.

Mr. GIBBONS. Mr. Chairman, I yield 3 minutes and 40 seconds to the gentleman from Utah [Mr. ORTON].

Mr. ORTON. I thank the gentleman for yielding me the time.

Mr. Chairman, there are few things that more people agree upon than the fact that our welfare system is a failure. Today, our welfare system often provides people who choose not to work with a better deal than those who choose to take a job. I am pleased that Congress has committed to reform this failed system.

However, it is not enough to say we have reformed the welfare system. We must reform the system so that it works. By that, I mean we must create a system that meets what the American people consider the premise of welfare reform: a system based on work, that provides transitional assistance to those in need, and that does not harm innocent children.

Many of the things I am hearing about the Personal Responsibility Act today sound right on target. For instance, I support State flexibility and allowing programs to better meet the needs of unique communities.

In addition, I agree that we should discourage out-of-wedlock births and promote marriage. Finally, I wholeheartedly agree that we should end the cycle of dependency.

In fact, I think the majority of the Nation would join me in commending these laudable goals. The unfortunate thing about the Personal Responsibility Act is that it does not achieve these goals.

Instead of allowing State flexibility, the bill limits the people who can be served with block grant funding. These limitations directly contradict the stated purpose of enhancing State flexibility. I would like to illustrate the negative impact that restrictions in this bill will have on successful reform efforts currently being implemented at the State level.

In Utah, we have a demonstration program that is enjoying great success in assisting people into the labor market. The AFDC caseload in one area has decreased by 33 percent in just 2 years—the best part of this statistic is that it represents people who are working in private sector jobs.

The premise underlying the Utah program is universal participation: everyone works toward self-sufficiency. This program has enjoyed national and local support, and is exactly the kind of program you would expect welfare reform to be based upon. Certainly, you would expect that the Utah program would be allowed to continue down the same successful path under a reformed system.

Yet the Utah State Department of Human Services is concerned because restrictive work participation definitions in the Personal Responsibility Act pose a threat to the program. A restrictive definition of participation means that a person faithfully following a self-sufficiency plan specifically designed to best assist them in entering the labor market could be considered a nonparticipant by the Federal Government. The Federal Government should not be creating a definition that prevents States, who are dealing directly with individuals, from determining what would best assist a person getting a job.

Ironically, while the bill would not allow states to count many active participants toward meeting mandatory rates, people who have been forced to leave the system because of reaching a time limit could be counted toward meeting work participation rates even if they have never received any work-related services.

I find it astounding that a bill can simultaneously restrict successful state reform efforts and offer no protection to people on welfare who are willing to work—it is the worst of both worlds. The bill guarantees that people will get kicked off the system if they meet a certain time limit, but it ties the States' hands in designing a program that would avoid this outcome for people who are willing to work.

We are back to the old one-size-fits-all Federal solution, only this time we are prohibiting certain actions rather than mandating them. Congress is on one hand saying that it trusts States to make sensible fair choices about block grant monies and on the other than saying States must adhere to federal restrictions.

I am also concerned that there is no method provided under the Personal Responsibility Act that allows states to contest the restrictions defined by the block grant if they hinder the State's ability to meet the purposes outlined in section 401 of the bill.

The Utah program required 46 Federal Government waivers. I think it would be a tragedy if Utah had not had an opportunity to address some of the incredible perverse incentives in the current system. In the same light, I do not want to see a new Federal system created under which States like Utah have no means to address problems with Federal dictates. Conservative mandates are no better than liberal mandates.

One thing is clear about the bill before us: a successful program in my district would not be able to function in the same way. This bill would force a State like Utah to create a parallel State bureaucracy to serve people that do not meet Federal definitions.

Proponents of this bill claim that they trust states with more flexibility, but instead of creating a bill that allows States to operate varied versions of welfare reform, they have created a restrictive, uniform approach to welfare reform based on Federal assumptions. I cannot support such a restrictive and narrow view of reform.

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I want to say I am concerned that the bill that we are looking at will not in fact allow State flexibility. I have proposed an amendment which would grant flexibility to States. Unfortunately that amendment will not be allowed to this bill.

Mr. SHAW. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, did you hear what I heard here today? Members of the loyal opposition, the new minority one after another acknowledged that it is time to reform welfare. That is an astonishing acknowledgment on the part of the minority, the loyal opposition.

And then they proceed on top of that to attack the bold and fearless effort that is being made by the new majority to do something about it. And, in the words of many of the people on the new minority, they want to offer a substitute, some new refinement of welfare reform, which is another acknowledgment that indeed welfare systems in our country have to be changed.

They attack ours as saying why denationalize welfare and allow 50 new bureaucracies to crop up in the 50 States. The answer is a question: Has the national program worked? The answer is no. They acknowledge that it has not worked or else they would not be offering substitutes or calling for a bipartisan effort now after 40 years, after 40 years to try to reform the system.

The question is: Shall we do something about it now, move ahead boldly and fearlessly to try to change the system? The answer is yes, and it is agreed to by every American who thinks about the subject. And it is acknowledged, I repeat, by the new minority, the now new seekers of welfare reform whom we asked to join with us in passing meaningful new majority-type of welfare reform.

I thank the gentleman for yielding me this time.

Mr. GIBBONS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Pennsylvania is a clever debater, but his facts are wrong. I introduced a welfare reform bill last year, had hearings on it, ran into a filibuster of great magnitude and we could not make progress on it.

We reformed the welfare program in 1988. We reformed it in the 1960's. No one here, no one here I say to the gentleman from Pennsylvania [Mr. GEKAS] defends the current system. We have all been trying to change it.

Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Chairman, I have followed the debate over the withdrawal of Federal support of poverty programs which has passed for a debate on welfare reform over the past few weeks with considerable interest. It seems to me that we have been avoiding a broader discussion of the deep structural problems in our society which the growth of welfare expenditures represents. I do not want this debate to end without some discussion of the real scope of these problems.

The conservative Republicans seem to be proceeding from the assumption that the welfare system has created poverty in this country, and that the welfare system is the problem. If so, then it follows that by excluding people from the welfare system, the problem will be solved. Do any of us really believe this?

The ultimate absurdity in all of this is that we all seem to be under the impression that by cutting the expenditures on these programs, we will save taxpayer dollars. This is not at all obvious to me. We are offering our constituents a false choice: pay for poverty programs, or save money and use it more productively on something else. The other things most commonly acknowledged are: deficit reduction, tax cuts, and increases in defense spending.

The real choice that we face is not whether to pay or not pay to deal with the problems of poverty. It is whether we will pay for positive programs that will move people permanently off of welfare and out of poverty, or whether we will pay for programs that deal only with the negative consequences of poverty such as crime, homelessness, and poorly educated children, to name a few. We are about to choose the latter.

And Mr. Chairman, make no mistake, the programs to deal with the negative consequences of poverty already cost our taxpayers dearly and, I strongly believe, will cost our taxpayers even more under the Republican welfare reform plan. For example, if we simply throw people off of welfare and provide no job or safety net income, which is what the Republican plan would do after two years, then I think we can be assured that crime will rise. To deal with this we will need more police, more judges, more prisons, and more correctional officers.

We will also need increased expenditures on public health to control dangerous communicable diseases which are associated with poverty such as tuberculosis (which is already on the rise in some of our cities) and AIDS. Non-communicable diseases such as drug addiction, alcoholism, and malnutrition which already cost us too much, are all likely to increase. In short, Mr. Chairman if you think that the crime and public health problems are bad now in our country, wait until we see the full effects of the Republican welfare reform bill.

The current welfare system is not working, we all know that. It has not alleviated poverty in our country. Although there are people who are temporary recipients of this assistance, there are many who are permanently trapped below the poverty level, and who merely survive by making these programs a way of life. I do not know why we are expressing any sense of outrage over this. The old adage, "You get what you pay for" certainly applies here. We have not designed or been willing to pay for a suite of programs aimed at moving people from poverty to prosperity. We have essentially paid for maintenance, and that's what we have. The situation of inherited poverty that Michael Harrington and Robert Lampman warned of back in the early 1960s has been realized.

> The nation is therefore beginning the sixties with a most dangerous problem: an enormous concentration of young people who, if they do not receive immediate help, may well be the source of a kind of hereditary poverty new to American society. If this analysis is correct then the vicious circle of the culture of poverty is, if anything, becoming more intense, more crippling, and problematic because it is increasingly associating itself with the accident or birth. (Michael Harrington; p. 183: The Other America 1962)

We cannot hope to correct this situation by falsely diagnosing the problem. And we cannot diminish Federal, State, or local poverty-related expenditures until we make a commitment as a nation to have full employment as an economic goal and recognize its imperative as a social goal. It is our failure to deal with this problem that has resulted in the rapid growth of welfare expenditures that have occurred over the past decade.

The real problem is unemployment, and the culture of despondency and poverty that it creates. We seem to be proceeding under the assumption that there are enough jobs in our economy to accommodate those who are now on the welfare rolls, and that those now receiving benefits will be equipped to accept the jobs that do exist. I doubt it. I would draw your attention to an example of the type of portrait that we have been presented with by the media of the "True Faces of Welfare."

An article by this title appeared in this month's Readers Digest. We have all seen many like it recently. The people described in this article are not the type of people that engender sympathy among our hard-working, taxpaying constituents. In fact, I suspect that these descriptions of unmotivated individuals who are irresponsible parents and frequent participants in criminal activities make it easy for us to vote to cut the system that subsidizes their antisocial behavior. But I would like us to think carefully about these portraits from the perspective of an employer. We are being led to believe that by cutting them off, these people will enter the labor force. But would you hire such a person? Would this person, who we are judging to be an unacceptable recipient of public assistance, be a desirable job candidate? Absolutely not. Serious intervention would be required to convert these people from destructive to productive members of this society. It is far more likely that without intervention these people will turn to criminal means of survival rather than to jobs in the legitimate economy.

These articles are also doing a serious injustice to the many poor in our country who continue to struggle to be productive, responsible citizens in the face of insurmountable odds. There are many on public assistance who work hard every day for wages that are simply too low to allow them to rise above the poverty level. We should not forget these people or lump them together with the unsympathetic persons described above. They need our help, and they should get it.

Even if the current welfare recipients were ready and qualified to work are there enough jobs to accommodate them? Unfortunately, the Department of Labor does not collect data on the number of available jobs that exist. However, I decided to investigate the job availability in my region of California by examining as much data as are available. I believe that what I found for my region will mirror what exists throughout the country. In San Bernardino County, CA there are 64,000 AFDC welfare families, which means that at least one adult in that family is unemployed or employed at such a low income level that they still receive some AFDC benefits. Thus, if we want to fully employ at least one adult from each of these families, we need to have 64,000 vacant jobs.

Mr. Chairman, that is a lot of jobs. Now, how many vacant jobs are there in San Bernardino County? The two daily newspapers in the county listed a combined total of 1,363 jobs in recent Sunday classified ads. Clearly, not all jobs openings are listed in newspapers, but the classified ads listed enough jobs to accommodate only 2 percent of our region's welfare recipients. A more precise figure comes from the State of California employment office, which currently has listings for 1,056 jobs in San Bernardino County. A rule of thumb is that State employment offices have listings for about 20 percent of available jobs. That means that there might actually be 5,280 public and private sector jobs available in the County right now. And yet, we have a need for 64,000 jobs if we are going to employ at least one adult from each welfare family.

Obviously, if we are going to tell adults in welfare families to just go and get jobs, which is what the Republican welfare proposal would do, then we are setting up these families—and ourselves as public policy creators—for a real disappointment. The bottom line: without some kind of public commitment to create large numbers of entry-level jobs, we cannot have a solution to the problem of welfare dependency which we seek to solve.

If we consider the bigger picture, the macroeconomic trends are even less comforting. The current trend in both the public and private sector is downsizing, and economists spend a good deal of time monitoring labor productivity, hoping to see it increase. What does this mean in human terms? Downsizing means fewer people doing more work (or the same amount of work). What is an increase in labor productivity? More units of product output for fewer units of labor input. This is fine if overall output rises, but if it does not, this simply means that fewer people are doing more work. Our population is not downsizing. It continues to upsize and probably will for the foreseeable future. Therefore, we need more jobs, not fewer.

Mr. Chairman, I strongly believe a successful welfare reform package would have work as its central focus. It would cost more money in the short run, but save money as people move into permanent jobs. We should not be afraid to spend money to combat the compelling suite of social problems that stem from the existence of poverty. We took an oath to defend this nation against enemies foreign and domestic. At this time, I can think of no greater domestic enemy than the persistent poverty in our urban and rural areas.

If there are not enough jobs in the private sector then we should create them in the public sector. This is not as radical as many of my colleagues will suggest. We justify many Federal expenditures on the basis that they will create jobs. There is much work to be done in this society. If the private sector cannot or will not pay for it, it is the role of Government to do so. Through programs that are focused on creating jobs that pay a living wage and training people to fill them we can transform taxtakers into taxpayers, welfare recipients into workers, and slums into communities.

We must also stop pretending that the problem of illegitimate births is strictly a women's problem. We are going to have to stop trying to legislate morality and acknowledge that there are many female-headed households with children, and child care and health care are necessary support services to enable these women to work. What will we have accomplished if the standard of living for families actually declines when parents leave welfare and go back to work? Ironically, obtaining employment and losing public child care assistance and health benefits often forces many working poor families back onto the welfare rolls. If our goal is to achieve short term Federal savings, then we will have succeeded in our efforts through this legislation. But if we are sincere about lifting families out of poverty, then let's do something that will move parents to work and support parents in work through real reform.

We cannot have more people working without doing much more in the area of job training and education. Many of those who have become permanent welfare recipients are illiterate and lack the basic skills necessary to qualify for a decent paying job. Until they acquire these skills, they will remain permanently unemployed, especially since our economy has changed to require higher skill-levels of workers. If we are to finally recognize child-rearing as the important and complex job that it is then we can acknowledge its importance by paying women to do this job. However, many will require job training in this area as well, since many, as teenage mothers, have not acquired the necessary parenting skills that they need to raise children to be productive citizens.

If you want to end the Federal Welfare Program, and pass this national problem and all of its related social ills onto the States, vote for this legislation. But if we want to end poverty, empower all of our citizens, and diminish the expenditure of funds on welfare programs and social damage control, we had better start over again. Until we are ready to acknowledge the true dimension of this problem and have the political will to allocate the resources to solve it, we will be doing nothing more than passing this problem on to future generations.

Mr. SHAW. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Chairman, I thank the gentleman for yielding me this time.

I would like to take this opportunity to address and explain two provisions contained in the Republican welfare reform bill, a bill which I fully support because it fixes our broken welfare system.

As we are all aware, the Personal Responsibility Act rightfully prohibits illegal aliens from receiving aid under all federal and state means tested public benefits programs. The bill also bars legal nonimmigrants like students, tourists and businessmen from receiving the same benefits, with a few exceptions. One of these exceptions allows temporary agricultural workers to remain eligible for medical services provided through migrant health centers and a few other means tested programs. We are *not* explaining the eligibility of these workers for other benefit programs, merely allowing them to remain in the programs for which they are currently eligible. It is important to note that employers request these workers be brought into the United States, and the request is only granted after the employer demonstrates that all measures have been used to employ U.S. citizens for the vacant positions.

The alien workers enter the country legally and are paid the same rate as a U.S. citizen would be employed in the same position.

These workers are, again, legally here for a specific time and for a specific reason. It seems appropriate that these invited workers should be able to receive limited assistance like medical attention at a migrant health center.

Let me now address the school meal provisions included in the bill. Although liberals consider me something of a pinch-penny, even most severe critics had never accused me of scheming to take food from the mouths of impoverished children. At least, not until recently.

What inspired a harsh reassessment of my character, and the character of other House Republicans, is the proposed overhaul of food and nutrition programs that provide nourishment for the nation's needy school children.

As a Member of the Opportunities Committee, the committee which worked diligently to craft the school meal reforms contained in this welfare reform bill, I support efforts to simplify regulations, cut red tape and grant States greater flexibility in operating school food and nutrition programs.

Essentially, here is what these changes would mean:

Current separate State and Federal applications, rules on eligibility and regulations would be replaced with a single system.

States could allow school districts greater latitude in meeting their specific needs.

Funding would be made in block grants to the States, which would establish their own spending and program priorities.

The net results of these changes would be to increase—not reduce—funding for nutrition and food programs, and to simplify (not further complicate) their administration.

That, in a nutshell, is what all the fuss is about. Does that sound like cruel indifference?

I do not deny—or apologize for—being frugal with the taxpayer's money. At the same time, I do not begrudge even one of the billions of dollars spent on food for hungry children. Indeed, if we are to err in our estimate of how much should be spent on this vital program, I would prefer come down on the side of generosity.

However, much of the money we are now earmarking for nutrition is being consumed by a Federal supply and regulatory system that is needlessly complex and wasteful.

President Clinton, among other critics, has attempted to portray this proposal as Republican indifference disguised as reform. That is pure poppycock.

What we are attempting to do here is introduce administrative efficiency and fiscal sanity to a program that will nurture children rather than continue to feed an insatiable Federal bureaucracy. If that makes me a tightwad, so be it.

Mr. GIBBONS. As we come to the close of this debate, Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. FORD], the ranking minority member, the ranking Democrat on the Human Resources Committee and a member of the Ways and Means Committee.

Mr. FORD of Tennessee. Mr. Chairman, I thank my colleague for yielding me this time.

Mr. Chairman, I would like to say that the gentleman from Florida [Mr. SHAW] and the Republicans on the Committee on Ways and Means have talked about this welfare reform bill as being tough love. I would have the gentleman from Florida know today that this is tough luck for the children of this country. When you look at what this bill does, it punishes the child until the mother is 18 years old for being born out of wedlock. And we must do something about children being born out of wedlock, but this is not an answer.

This is what we are trying to do today to give to the wealthiest of this Nation, at the cost of those who cannot pay those lobbyists to represent them here in the halls of Congress.

You punish children. You are weak on work and you are mean to children in this country for the purpose of a $600 to $700 billion tax cut, with 80 percent of those revenues going to the rich and wealthy of this Nation.

I do not know how, the gentleman from Florida [Mr. SHAW] and the Republicans, would have the heart to come here to say that we are going to be weak on work, not offer a work program that we can put people who are on welfare to work to make an income to provide and take care of their children. But instead, it is like you roll them on a conveyor belt and they roll off after 5 years and that is the end of it. People are off of welfare, they are in our cities, they will be in our counties, they will be in our neighborhoods, and they will be on our doorsteps.

Do not be so cruel. We as Democrats want a bill. That is why we have embraced the Deal bill, and we think the Deal bill makes plenty of sense, and the Deal bill should pass this House, and we should reject the Republican bill that is before the House today.

Mr. SHAW. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT of Maryland. Mr. Chairman, there is an old saying that "if it ain't broke, don't fix it." Well, the American people know that our welfare system is broke, and they are demanding that we do something about it.

In the roughly 30 years since Lyndon Johnson declared war on poverty, we have spent nearly $5 trillion, that is trillion with a "T," on the war on poverty, a war we are clearly losing.

In 1965 we had a 7-percent illegitimacy rate. In 1990 it increased nearly fivefold to 32 percent and it is still climbing. Only 11 percent of families on AFDC spent any time on a monthly basis getting more education, or looking for work. And fully 65 percent of all of the families on AFDC will be on that program for 8 years or longer.

The people hurt worst with this debacle are not the taxpayers who are saddled with this unconscionable cost, it is the people trapped by the system, people who are denied the American dream of getting a better education, of owning a home, of having a job and the self respect and dignity that comes with having that job. The American people know that the present system is broken and they are demanding that we do something about it. This bill makes a good start. It deserves our support.

Mr. GIBBONS. Mr. Chairman, I yield myself such time as remains.

The CHAIRMAN. The gentleman from Florida [Mr. GIBBONS] is recognized for 2 minutes.

Mr. GIBBONS. Mr. Chairman, this is an important day and an important piece of legislation, but this is a cruel hoax. The Republican bill is weak on work. It will allow the States to take a block grant, put the money in their pocket and pass regulations that will just drop all of the potential welfare recipients from their rolls. And the money that they save here at the Federal level will be used for a tax cut. Not a tax cut for people who are in need. In fact the tax cut that they offer, the child credit, a person working full-time, with 4 children, will get no tax credit if that person has $20,000 worth of income, will not get a penny. But if the person has $200,000 worth of income, they will get $2,000 in tax credit.

This is a cruel, cruel hoax. It is not welfare reform, it is welfare perpetuation. It will pass the burden from those of us in Washington who are responsible for these things down to States who will slough off the responsibility to the local communities and nothing will get done.

There will be hungry children on the streets. There will be ignorant children on the streets. There will be homeless families on the streets. And all of this in the name of welfare reform.

Let us vote down the Republican bill, and let us adopt the Democratic substitute.

Mr. SHAW. Mr. Chairman, I yield my remaining time to myself.

The CHAIRMAN. The gentleman from Florida [Mr. SHAW] is recognized for 3 minutes.

Mr. SHAW. Mr. Chairman, we have heard now for over 2 hours many speakers from the minority side to come before this body in a desperate attempt to rewrite, not only rewrite history, but to rewrite the Republican bill. The gentleman from Florida [Mr. GIBBONS] said there was a filibuster last year. I do not know of anyplace you can have a filibuster in the House of Representatives. The gentleman from Florida [Mr. GIBBONS] filed the President's bill, that is true.

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In the subcommittee we had one or two hearings, that is true. The bill never came to a markup. It was never presented to the full committee. We never had a hearing in the full committee. This simply did not happen.

And where the filibuster occurred, I have no earthly idea. But I do know that the minority side has chosen not to introduce the President's bill this year, for some reason unknown to me. Now, the President does not have any bill that is before the House of Representatives, and I feel that the President should, because the President did advance this debate 2 years ago in his campaign. In fact, last summer in Florida the President asked me if I thought we could get welfare done last year, and I said, "Only if you tell the people on the Committee on Ways and Means that that is exactly what you want."

But instead, all we found was that the whole process was stonewalled. We never got a bill to the full committee. We never got a bill out of the subcommittee, and we never got a bill to the floor. Nothing happened. Nothing happened the year before, the year before, the year before, the year before. For the last 40 years, nothing has happened. The Democrats have blocked and blocked and blocked anything to be done to change welfare as we know it today, to genuinely reform welfare.

Now, we have heard speakers come down. One speaker compared the Republican bill to the Holocaust. Read the bill. You want to know where the work provision is? It starts on about 23 and goes on. You want to know where it is in the Deal bill? The Deal bill says if you are looking for a job, you have to get cash benefits. You know, there are some States that will require work in the first 2 years. You talk about State flexibility. The Deal bill will destroy that.

Massachusetts has a plan where they try to put people to work during the first 2 years. I think Michigan either does or is working on such a plan, and the States should have that flexibility. The Deal bill said, huh uh, huh uh, you cannot do that, you cannot require them as long as they are looking for a job. That is making out a resume, that you have to give them their benefits.

These are just some of the things that have been misstated.

Talk about mean to children, this bill has a 40-some-percent increase in the funding, a 40-percent-something increase in the funding, and the gentleman from Florida [Mr. GIBBONS] said something about well, what about inflation. Forty percent? My goodness, that is over 5 years. That is way above the level of inflation, the anticipation of inflation.

I would ask the committee, read the bills. Do not listen to just the rhetoric, because the rhetoric is just simply wrong. Support the Responsibility Act. Support the Republican bill.

The CHAIRMAN. All time which is dedicated to the Committee on Ways and Means has expired.

Under the rule, the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 45 minutes, and the gentleman from Missouri [Mr. CLAY] will be recognized for 45 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, today we begin debate over one of the most important issues that will face this Congress, the debate over the future of the welfare system—or what might better be called our country's "despair" system. For although the current welfare system was built, I believe, on compassionate intentions, it has in fact helped to create a system of despair for far too many people. It has become a system that fosters dependence on Government and rewards behaviors destructive to individuals, to families, and to our society. We must change if we are to move from a system of despair to one of hope. A former chairman on several occasions said "Bill, these programs are not working the way we intended." To change we must first make the admission they are not working.

A survey of the public conducted last year showed that 71 percent of the public believe that the current welfare system "does more harm than good." An overwhelming majority of the public believes the system could be improved or has some aspects that need to be fixed. The public understands, and with good reason, that a system for which it is paying billions of dollars each year actually does more harm than good. That is not a matter of "not getting your money's worth." That is paying for the wrong thing.

And when we are talking about the welfare system, then "paying for the wrong thing" is promoting tragedy for people. Those of us who talk about changing the system are accused of being uncaring, of lacking compassion. But what is caring, what is compassionate about a system that fails to demand personal responsibility? And how is it that a "caring" system is by definition one run by "one size fits all" regulations and programs issued by distant bureaucrats in Washington?

I said at the very first hearing which the Committee on Economic and Educational Opportunities held on welfare reform this year, I do not believe that there will be any quick fixes or easy answers, but neither can we nor should we continue down the same path of simply adding programs and spending more money. We need to change the direction. Today's welfare system destroys families and the work ethic and traps people in a cycle of Government dependency. We need to replace a failed system of despair with reforms based on the dignity of work and the strength of families, that move solutions closer to home and offer hope for the future.

During most of the past 30 years, the answer to every problem and the meaning of every reform provided by Congress had been to create another Federal program. Today we have literally hundreds of Federal programs intended to "help" people of limited incomes. Of course, each one requires separate regulations, separate applications, separate eligibility rules, separate reporting. Each one requires additional personnel—in Washington, at the State level, and by the people actually providing the services—to administer the program, to check the paperwork, to write and interpret the regulations. There are good intentions behind these programs, but much of the good intentions is lost in the maze of red tape and one-size-fits-all regulations. That is part of what we are trying to change in H.R. 4.

Mr. Chairman, title III of H.R. 4 contains most of the legislation reported by the Committee on Economic and Educational Opportunities. Title III consolidates programs in three areas: child care, school based nutrition programs and family nutrition programs.

With regard to child care, the bill consolidates the Federal Child Care Programs into the existing child care development block grant. The present system of separate entitlement programs based upon the parent is on AFDC, has just left AFDC, or is determined to be at-risk of going on AFDC, has resulted in an administrative nightmare for states and administrators, and a maze of child care programs and eligibility rules for parents and children. Among others, the National Governors Association has urged the Congress to consolidate the Child Care Programs into the child care development block grant, and we have done so in H.R. 4.

Under H.R. 4 the child care development block grant would be funded at the level that the four major child care programs received in fiscal year 1994. However, the bill increases by about $200 million the money available for actual child care services, by eliminating mandatory State planning set asides and limiting administrative costs.

The school based nutrition block grant will allow States to create a single school food program for their schools, and allow schools to operate food programs under a single contract with the State. The school based nutrition block grant would be increased by more than 4 percent per year, and the school lunch portion would be increased by exactly 4.5 percent per year.

We have heard a lot of false information from the other side over the past few weeks about the School Lunch Program, and I'm afraid we will hear some more during this debate. Let me simply say it as clearly as I can: H.R. 4 does not eliminate the School Lunch Program. H.R. 4 does not cut spending on the School Lunch Program. It increases spending by 4.5 percent per year.

Every State and every area receives more money in 1996 than they get in 1995. Every State but five receive more money under our program in 1996 than they do under the existing program.

Let me give you some indications here. California gets $5 million more. I just pick certain States, of course. Michigan gets $3 million more. Missouri gets $2 million more. Indiana gets $2 million more. Montana, sparsely populated, gets $650,000 more. New Jersey gets $2 million more. New York gets $5 million more. Ohio gets $2 million more. Rhode Island gets $250,000 Texas $2 million more, Illinois, $2.5 million more. That is more than they would receive if the existing program were in effect in 1996. So every State gets more than they got in 1995, but the States I am mentioning, in most of the States, receive more than they would under the existing program. It is also above, well above, President Clinton's budget. I want to take a moment to point that out on this chart. When the President makes a show of going out and having lunch with some school kids, and says that somebody is trying to cut the School Lunch Program, well maybe he needs to check his own budget. H.R. 4 funds the School Lunch Program above the President's own budget.

Mr. Chairman I reserve the balance of my time.

Mr. CLAY. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I rise in opposition to this bill.

We must reject the cynicism, the greed and the brutality that inspired it, that permeates it, that drives it.

No one would argue that the current welfare system does not need reform. However, in reforming the system, our actions must reflect our sense of fairness and our concern for those who, through no fault of their own, need Government assistance.

The process for consideration of this bill in committee was deeply flawed. After three hurriedly called hearings with limited participation by expert witnesses, the committee marked up its bill just one day after it was introduced. No subcommittee markup was ever held.

In their haste to carry out this part of the Contract With America within the first 100 days, the majority insults this great institution. In their haste to shred 60 years of social safety nets, the majority places millions of children and their mothers at risk.

This bill is not about welfare reform. It is a giant money laundering scheme designed to write blank checks to governors while imposing no standards or accountability. Block grants constitute a political conduit for transferring Federal dollars to curry favor with State executives.

The Republican welfare reform proposal promotes an extremist agenda that does little to ensure meaningful jobs at livable wages for those on welfare. An agenda that abdicates the Federal responsibility to protect poor children from the ravages of hunger and homelessness. An agenda that prescribes a reduced Federal role against abuse, neglect, and abandonment.

At a time when studies tell us that more and better child care is critically needed, this bill would cut resources for child care programs already seriously underfunded. It would allow governors to transfer already precious child care funds to other programs.

Mr. Chairman, there is no guarantee that the Appropriations Committee will fully fund the child care block grant. The appropriators are already decimating domestic programs to finance tax cuts for the rich.

Mr. Chairman, the nutrition provisions in this bill violate all sense of human decency. The Republican assault on the school lunch and breakfast programs, which successfully promote the health and educational performance of more than 25 million children, is frightening.

The Republican proposal to eliminate WIC and allow the State to develop WIC-type programs is an appalling gamble with the lives of the 7 million women, infants, and children served by the program.

The WIC Program is one of the most effective national social programs ever instituted. WIC has reduced the rate of very-low birth weight infants by almost 50 percent and has nearly eradicated iron-deficiency anemia among participants. WIC participation greatly decreases the incidence of premature births. WIC also saves money for the Federal Government.

Mr. Chairman, the Contract with America should have made it illegal to utter the words welfare and reform in the same sentence. In most cases, politicians who use the phrase neither believe in the fundamental concept of welfare nor the meaning of reform. What is happening in the name of welfare reform borders on criminality.

Welfare dependency can only be reduced by providing education, training, adequate child care services, and most importantly, by providing stable jobs that pay a living wage.

Mr. Chairman, today's minimum wage is not a living wage. Later in the proceedings, I will offer an amendment to increase the minimum wage to $5.15 an hour. My amendment will restore the purchasing power of millions of working families. If we really want to end welfare as we know it, we should keep working families out of poverty by paying an adequate wage.

Finally, Mr. Chairman, in recent days our Republican colleagues have admitted that they expect savings from this bill to finance tax cuts for the rich. The goal of welfare reform should be about one thing, and one thing only; and that is to have the most humane and effective welfare system possible. Let us begin today with an honest debate, not rhetoric. Let us show compassion, not vengeance. Let efficiency be our means, not our end.

This bill is a bad bill and should be defeated.

Mr. Chairman, I reserve the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield 2½ minutes to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Chairman, I thank the chairman for yielding time to me.

It is, to me, a tremendous opportunity to be able to be here to take part in what I think will prove to be a very historic event in the history of our Nation. For 40 years we have had more and more spending on these programs, and what we have been getting is more poverty, more illigitimacy, and more social problems in our Nation.

Bill Clinton ran on a lot of promises in 1992, and one of them was that he was going to end welfare as we know it, and he did not. It has just continued.

Indeed, in 1993, the Census Bureau reported that poverty in America had reached an all-time high under Bill Clinton. Indeed, at the end of the first year of the Clinton administration there were 39.9 million poor persons, the highest since 1962. The number had been going up ever since Ronald Reagan left office. Indeed, it was only during the Reagan years that those numbers came down.

And now, for the first time in 40 years, the Republican Party is in control of this Congress and implementing policies that will, indeed, attempt to end welfare as we know it.

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And the reason why we need to implement these changes, particularly the changes in this particular welfare bill, is because it is more compassionate. Indeed, the American people have been very compassionate and very patient, but they want change and they want real change that will end the cycle of poverty and despair.

The gentleman from Oklahoma [Mr. J.C. WATTS], a member of our class, was quoted as saying,

> We can no longer measure compassion by how many people are on welfare. We need to measure compassion by how many people are not on welfare, because we have helped them climb the ladder to success.

Today in this Congress we are beginning that change, and I thank the gentleman again.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Puerto Rico [Mr. ROMERO-BARCELO].

Mr. ROMERO-BARCELÓ. I thank the gentleman for yielding this time to me.

Mr. Chairman, today the majority in this House is ravaging a series of sensible programs that have served well the needs of the Nation. Programs that have assisted many in need, particularly disadvantaged children and mothers at risk, are under attack.

In an effort to score political points with the very popular notion of welfare reform, Republicans have refused to discuss sensible approaches to real reform. Of course we need to reform many areas of the existing welfare system; but there is no need to wage war against current programs that work well, such as school nutrition programs and the Special Supplemental Food Program for Women, Infants, and Children [WIC]. These two programs have a proven positive track record.

To compound the unnecessary assault on these programs, the majority has lashed out against two constituencies that have no political clout in Washington because they do not vote: that is, poor children and legal immigrants.

Republicans, touting the banner of savings, are slashing programs and directing large amounts of the so called savings not for deficit reduction, but for special tax breaks for wealthy individuals and corporations.

You want savings? You want to reduce the deficit? Then have some courage and take aim at the greatest of all welfare programs—corporate welfare.

Various Washington think tanks, both liberal and conservatives ones, as well as the media have identified billions and billions of dollars in tax giveaways and special provisions for rich corporations and special interests. Why has this Congress opted to protect these interests instead of investing in people, in education, in health, in affordable housing, in decent meals for low income students?

Why are the regular folks in America, our middle class, taking a back seat to the interests of a very select powerful group that defends corporate welfare at all cost?

In my own district, Congress condones giving over $3 billion per year in special tax breaks to multinationals while at the same time it deprives millions of U.S. citizens from participating in programs that can assist in improving their quality of life. I call this the Reverse Robin Hood policy, whereby the Federal Government takes away from the elderly, the children, the handicapped and the middle class, in order to give to the rich. There are plenty of Federal policies that illustrate this point. Take a look at section 936 of the Internal Revenue Code, look at some agricultural and mining subsidies.

In section 936 you will find a program that has cost taxpayers over $40 billion in 20 years, the primary beneficiary being foreign and American pharmaceutical firms with hundreds of millions of dollars in annual net profits while low wage working families are denied the earned income tax credit; while children, handicapped and other citizens in need are deprived of adequate medical and hospital care and needy children are denied a first class education.

The President genuinely wants to work with this Congress to end welfare as we know it. But Republicans insist in targeting just about every conceivable Federal program notwithstanding the merits that they may have. Take aim at corporate welfare and stop blaming the poor and legal immigrant communities for the fiscal mess. We need to balance the budget and everyone needs to share the burden, but with this bill, children, the elderly, the handicapped and middle income families are financing the special tax giveaways for the rich.

Start with corporate welfare, then bring all the other programs to the table, so that Congress can craft, in a bipartisan way, sensible restructuring moves which will prove to be true reforms that will benefit the Nation, not hurt it.

I urge our colleagues to defeat this bill. Put people first! Consider the substitute bill that our colleague from Hawaii [Mrs. MINK] has put forth.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska [Mr. BARRETT].

Mr. BARRETT of Nebraska. I thank the gentleman for yielding this time to me.

Mr. Chairman, Nearly 30 years ago, President Johnson initiated the war on poverty. Today, after decades of losing the war, we begin Operation Restore Trust—trust in our State and local leaders and communities to care for their own.

H.R. 4, the Personal Responsibility Act, would eliminate many Federal regulations and policies that have hamstrung States and local governments for decades. Under H.R. 4, Washington will not be telling State's what is best for their citizens. The States will get the credit, or the blame, for enacting policies and programs that will take people off welfare, into jobs, and out of dependency.

For the last few weeks we've seen many of the opponents of H.R. 4 go through all kinds of statistical contortions on what H.R. 4 will do to our children and families.

Case in point are the changes we seek to make to the School Lunch Program. Basically, we offer two changes while maintaining the Federal commitment to providing meals for needy children.

First, by maintaining a 4.5-percent annual increase, eliminating Federal paperwork, and better targeting of Federal dollars, H.R. 4 will allow States to feed more children.

Second, we given State and local communities, which know best the needs of their States and towns, the ability to tailor-make programs that can serve the nutritional needs of children.

H.R. 4 would also continue to provide support for the Food Stamp Program. This program, which has been racked with abuse, is significantly reformed while allowing for $131 billion in additional funding over the next 5 years.

By having the Food Stamp Program as a Federal safety net, people will be able to supply their families with food and keep their dignity in the process.

Mr. Chairman, I cannot say that H.R. 4 isn't risky. But the risk of maintaining the status quo, by far, greatly jeopardizes our children and our future. H.R. 4 begins the battle of Operation Restore Trust—trust in our States and communities to do what is best.

Mr. CLAY. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. KILDEE].

Mr. KILDEE. I thank the gentleman for yielding this time to me.

Mr. Chairman, for nearly 50 years Congress has shown a bipartisan commitment to alleviate the worst of human suffering in our Nation, especially hunger. Today we begin debating a proposal that would end this commitment.

The Nation's nutrition programs are cost-effective and target the truly needy.

Study after study shows that children who get a school meal perform better academically.

I am puzzled as to why we would want to fix a program that works so well.

The National School Lunch Program came into being for a strong national purpose in 1946. Many recruits failed physical examinations for the draft because they were found to have been malnourished during their formative years.

Republicans claim that they are increasing funding. But everyone recognizes that compared to current law there will be less money for each child who receives a school lunch. The bottom line is either less money for each child or fewer children eating.

Why are we putting this program into a block grant? To save money? To reduce the deficit? No; it appears that the savings will be used to pay for tax cuts for those who are not as needy as our children.

If the motive of this bill is to save money—why does it remove the requirement in the WIC Program for competitive bidding for infant formula?

Most States were not using competitive bidding before Congress required them to do so in 1989. When we enacted this law we found that it saved over $1 billion a year.

What can the savings be used for? That billion dollars can be used to serve 1½ million more women and children per month in the WIC Program.

It bewilders me, in this time of budget crunching, why we would want to give the three infant formula companies $1 billion if our purpose is to better serve women and children.

For the richest nation on Earth to deny food to its own children is a shortsighted betrayal of our values and our future. It is also unnecessary.

In the name of our Nation and its children, we call upon reason to prevail in Congress. The 104th Congress should not be remembered as the Congress that abandoned our Nation's most vulnerable—our children.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of H.R. 4, the Personal Responsibility Act of 1995.

Mr. Chairman, the American people are convinced that the welfare system is out of control. As one prominent citizen of New Jersey, a Democrat at that, said to me last week: "No other civilized nation in the world pays young girls to have babies. But that's what our welfare system does."

You know, he is not far from wrong. And that is the perception among many other good, generous, caring people who are deeply concerned about this country.

They worry that we are wasting billions upon billions in hard-earned taxpayer dollars to support a system that promotes unhealthy, unproductive, dysfunctional families that sentence children to a lifetime of economic, social, and emotional deprivation.

In a system like this, it is the children who are the first victims. But the taxpayers are not far behind.

We must act now. We need welfare reform based on the notion of individual responsibility. Reform must restore public assistance to its original purpose: a temporary safety net for those in need—not a permanent way of life for generations of families.

H.R. 4 makes a number of important changes.

First, this plan requires that 50 percent of welfare recipients must be working.

There is no good reason why able-bodied welfare recipients cannot, and should not, be required to work for their benefits.

Second, this bill allows States the flexibility to terminate a family's welfare benefits after 2 years, and it requires States to terminate a family's welfare benefits after 5 years.

It is clear. Some people take advantage of the current welfare program's lax bureaucracy and simply live off welfare—generation after generation—by skillfully gaming the system.

We all saw the article last month in the Boston Globe about four generations of one family—one mother, 17 children, 74 grandchildren, and an unknown number of great-grandchildren—living in Massachusetts on welfare of some kind or another.

Is it any wonder that the American taxpayers are enraged?

Also, H.R. 4 clearly denies welfare benefits to illegal aliens and legal immigrants, thereby limiting welfare eligibility to only citizens of the United States.

While the exclusion for legal aliens has received quite a bit of criticism, I want to make sure that everyone realizes an often-overlooked, but essential component of our immigration laws—for decades, our immigration laws have required immigrants to stipulate that they will be self-sufficient once they arrive in America, as a condition of their being allowed to immigrate in the first place. Consequently, receiving welfare has been grounds for deportation for these very same immigrants for generations.

H.R. 4 only makes explicit what has been implicit for so long. The United States of America welcomes immigrants of all kinds to our Nation. However, an important prerequisite has always been that immigrants will not become wards of the State, but rather self-supporting members of our society.

Mr. Chairman, I serve on the Economic and Educational Opportunities Committee and I support the committee-reported package of welfare reforms.

I am a strong believer in the block grant approach and feel that this is the most effective means for administering the array of services available to those who are eligible. Block granting nutrition program funds will give States the necessary flexibility to target programs which demand the greatest amount of services as a result of increased eligibility and participation.

However, I do have some concerns about certain aspects of this bill's impact on nutrition programs. Members of the committee have heard me say this before and I will say it again: Children will not go hungry and homeless. Not on my watch.

Our committee adopted my amendment prohibiting the States from transferring money from the nutrition block grants unless the State guarantees it has enough money to meet food needs.

But this is not enough.

However, I do have concerns about our responsibility to monitor maintenance of effort by the States and the need to maintain accountability standards. In these respects, I do have some concerns about certain aspects of this bill's impact on nutrition programs.

We must be certain that we are not just writing the States a blank check. We have a fiduciary responsibility to assure the taxpayers that the programs are being honestly administered.

During committee markup, concerns were raised over questions of establishing minimum nutrition standards and allowing for a 22 percent transfer provision. I believe that it is critical for this country to have uniform minimum nutrition standards because children across the country, whether they are participating in school lunch or WIC, should all be provided with foods comparable in nutritional content.

To me, this seems like a practical and straightforward approach—providing equally nutritious meals to all low-income children who are eligible. However, many oppose maintaining minimum nutrition standards established by the USDA because they believe that keeping such requirements would be a mandate on the States. I find this charge perplexing since there are numerous mandates in this bill already.

I would also argue that, if this is considered a mandate, then it is a necessary one. We all agreed that there should be some set of standards established by the Federal Government, no matter how broadly defined. What do we accomplish by allowing 50 States to devise 50 different sets of nutrition standards? Children participating in the various nutrition programs available should have access to meals that are equal in nutritional value because all children need the same essential nutrients to develop both physically and mentally during the critical years of early childhood.

The amendment I offered which passed and is included in the bill requires the National Academy of Sciences to establish voluntary model nutrition standards for the States to follow is a small step forward in reinstating minimum national nutrition standards. However, I would like to see H.R. 4 go much further and maintain the standards already in place. Indeed, I believe it will not be too far in the future when we will evolve back to updated standards based on the academy research.

The 20-percent transfer provision clause is a second area of concern that I feel needs to be addressed. My fear, both during committee markup and presently, is that, if up to 20 percent of block grant funds can be transferred to other titles in H.R. 4, then certain programs, particularly those under the school-based nutrition block grant and the family nutrition block grant, would not be able to carry out services to those low-income children participating. Moving funds from one program to another is not a solution. Instead, it only creates problems permitting political decisions to take precedence over the nutritional needs of children.

For this reason, I offered an amendment during markup which prohibits the transfer of funds from either of the food assistance block grants unless the appropriate State agency administering this money makes a determination that sufficient amounts will remain available to carry out the services under the two nutrition block grants. While this establishes an important safeguard against depriving children of free and low-cost meals, I believe that we must do more.

Therefore, I submitted to the Rules Committee an amendment to H.R. 4 that prohibits the transfer of funds outside of these nutrition block grants when States experience unemployment above 6 percent.

Those who support the 20-percent transfer provision claim that it gives States additional flexibility during times of recession to address increases/decreases in demand for different programs. However, I would argue that this does not happen. Instead, as I have already mentioned, a decision to transfer funds only shifts existing problems to new programs, creates entirely new problems, and makes no sense.

During economic downturns, participation in various nutrition programs, such as school lunch and WIC, increases. It is critical to ensure that during such periods, these vital nutrition services continue to be provided both to those who become eligible and to those who already qualify. The argument that not less than 80 percent of the family nutrition block grant funds must be use to carry out WIC services holds no water during times of recession. Therefore, we must make sure that all low-income people participating in the numerous nutrition programs receive healthy and nutritious meals despite fluctuations in the economy.

The second of three amendments I submitted to the Rules Committee also deals with unemployment as it affects changes—in particular, increases—in nutrition program participation. This amendment would establish a trigger to increase a States funding for both the school-based and family nutrition block grants when that State experiences an economic downturn. More specifically, it would allow up to a 1.5 percent increase in funding of both block grants for each fiscal year through fiscal year 2000 to address this problem.

Under the Opportunities Committee bill, now folded into H.R. 4, block grant money under the two aforementioned block grants is distributed quarterly. My amendment says that for every two-tenths of 1 percent that a State's quarterly unemployment level rises above 6 percent, that State will receive an additional 1 percent of the total block grant money that it received for that quarter. And, because of the funding difference between the two food assistance block grants, the additional money is authorized for the family nutrition block grant, and it is appropriated for the school-based nutrition block grant.

Many Governors, including Governor Whitman from New Jersey, have strongly endorsed a trigger-based safety net as a necessary mechanism for ensuring that States can meet participation increases.

Common sense and experience show that the needs for free and low-cost lunches, breakfasts, WIC and other nutrition services increase during times of unemployment. This additional money will help to make sure that States have the ability to administer current levels of service during such a time period while also being able to accommodate those who currently qualify. Moreover, this funding helps to prevent children from losing their eligibility to school meals and reduces the possible reduction in quality, portions, and frequency of meals being served.

Those who argue that we can always vote for supplemental appropriations are ignoring the needs of children and the added stress to State treasuries. States will end up tapping into their own treasuries and subsequently draining State resources during the many months that it takes Congress to draft, approve, and enact supplemental appropriations bills.

My last area of concern was also brought up during the Opportunities Committee markup, and it deals with the issue of cost containment.

Under current law, States are required to participate in competitive bidding for infant formula provided to WIC-like programs, or some other system of cost containment that yields equal to or greater savings than under competitive bidding. As a result, States achieve considerable savings, which is reliably estimated to be $1 billion annually, which in turn is used to provide additional services to WIC participants. However, under our block grant proposal, while States are encouraged to continue these systems, they are not required to.

Therefore, my third and final amendment under review by the Rules Committee would require that States implement cost-containment measures for infant formula included in food packages under the family nutrition block grant. In addition, it would require that a State use all savings achieved under this system for the purposes of carrying out services for all programs under this block grant. And, the amendment also has the State report annually on the system it is using as well as how current savings compare to that of the previous fiscal year.

Cost containment is a fair way for infant formula producers to compete for the WIC recipient market which accounts for roughly 40 percent of the entire infant formula market. The objective of this type of cost containment is to provide the maximum savings for the State so that it can in turn use this savings to provide additional WIC services for those who are eligible. Infant formula producers still have free access to 60 percent of the market. If we increase that to 100 percent, then we jeopardize the ability of a State to provide the necessary WIC nutrition services to those who qualify.

It is also important to point out that this amendment would allow a State's cost-containment savings to go toward providing services under the other programs within this block grant: Child & Adult Care Food, Summer Food, and

Homeless Children Nutrition. As a result, the State is given the flexibility to use savings where it sees the greatest need.

I support the Opportunities Committee block grant approach, but the program will be greatly enhanced with my amendments. They will make the States accountable for their administration and maintenance of effort. And, most importantly, we will maintain the safety net to assure that in this land of plenty—no children will go hungry.

And finally, I want to conclude my statement with some remarks about the Child Support Enforcement title of H.R. 4.

Let me make clear one unequivocal fact: effective child support enforcement reforms must be an essential component of any true welfare reform plan. In fact, nonsupport of children by their parents is one of the primary reasons so many families end up on the welfare rolls to begin with.

Research conducted by Columbia University and the U.S. Department of Health and Human Services has found that anywhere between 25 and 40 percent of mothers on public assistance would not be on welfare if they were receiving the child support they are legally and morally entitled to.

It's a national disgrace that our child support enforcement system continues to allow so many parents who can afford to pay for their children's support to shirk these obligations. The so-called enforcement gap—the difference between how much child support could be collected and how much child support is collected—has been estimated at $34 billion.

Remember, we are addressing the problems of deadbeats who are willfully avoiding their legal obligations under the divorce edicts of their individual States. They are avoiding both their legal and moral obligations.

Failure to pay court-ordered child support is not a victimless crime. The children going without these payments are the first victims. But, the taxpayers who have to pick up the tab for deadbeat parents evading their obligations are the ultimate victims.

Strong, effective child support enforcement is welfare prevention. The single best method to reduce welfare spending is to ensure that custodial parents with children get their child support payments on time, every month.

I've been a leading voice in this debate for 10 years now, having helped draft both the Child Support Enforcement Amendments of 1984 and the Family Support Act of 1988. In addition, I served as a member of the U.S. Commission on Interstate Child Support Enforcement, which issued a comprehensive report, and recommendations for change, of our interstate child support system in August 1992.

I am very pleased to see that the Ways and Means Committee included many of my legislation's provisions in its child support enforcement title. In 1993, I authored legislation, H.R. 1600, that sought to enact the Commission recommendations, and I reintroduced that bill as H.R. 195 on the first day of the 104th Congress earlier this year.

Perhaps the most salient fact we must keep in mind as we seek to improve our child support enforcement system is: Our interstate child support system is only as good as its weakest link. States that have made enforcing and collecting child support payments a priority are penalized by those States which have failed to reciprocate. In other words, the deadbeat under the existing loopholes can slip over the State line or just across the Delaware River and escape his legal obligations to his kids.

That is precisely what we need—comprehensive Federal reform of our child support system—to ensure that all States come up to the highest common denominator, not sink to the lowest common denominator as has happened all too frequently in the past.

There are, however, two important and effective get tough reforms which I have long endorsed and supported, which the Ways and Means Committee has chosen not to include in its bill. Consequently, I have asked the Rules Committee for permission to offer them as floor amendments to H.R. 4.

The first amendment, which has been cosponsored by Congresswoman CONNIE MORELLA of Maryland and Congressman MAC COLLINS of Georgia, requires that States adopt a program that revokes or restricts driver's licenses, professional/occupational licenses, and recreational licenses of deadbeat parents.

The second amendment would require that States enact criminal penalties, of their own design and choosing, for those parents who willfully fail to pay child support.

In both cases, I expect that once deadbeat parents realize exactly how serious we are about ensuring that they pay their child support, the overwhelming majority will do so, rather than lose a driver's license, a professional license, or face the prospect of a jail sentence.

It's funny how, when the sheriff knocks on their front door, how many delinquent parents who previously claimed they had no money, miraculously find some money and begin making child support payments.

Mr. Chairman, in conclusion, I believe that H.R. 4 contains the kind of reforms to our long-broken welfare system that the American people have been expecting. In general, this bill has earned my support, and I look forward to the amendment process where I believe that this important measure will only be improved upon, prior to House passage. I urge all of my colleagues to join me in supporting this bill.

Mr. CLAY. Mr. Chairman, I yield 3½ minutes to the gentleman from California [Mr. MARTINEZ].

Mr. MARTINEZ. I thank the gentleman for yielding to me.

Mr. Chairman, I rise in support of the Democratic substitute, what they will offer as reform, and in opposition to the bill before us now.

Mr. Chairman, there are none of us, I think this has been said before by several people, that we are all for welfare reform, and we are. But this bill is misnomered. I think it should be called the Lack of Responsibility by the Congress Act. Sure, there are a lot of welfare abuses, and we all know it. But this begins with a society that breeds several generations of welfare recipients. There are a lot of social problems that contribute to these factors. In no way is this bill addressing any of those problems.

To put people into productive employment I thought was the goal of this bill rather than destructive dependence. But I do not see it in this bill. I am afraid this bill under consideration presently does not achieve any of the things it should try to achieve to eliminate the abuse of welfare.

There are some States doing a tremendous job in this area. Maryland is a good example of cutting out the abuse from the sale of food stamps, et cetera, et cetera, by going to a system with a nonforgery identification card in terms of goods and supplies that families might need.

If you go back to the original reason why we created welfare, it was for the children, not the parents, not the abusive parents. It was to protect the children. It was at the time only for widows because we understood that widows of the men who had died would be terribly into poverty because the times were tough. That was back during the Depression. There are a lot of us here who are recipients of the programs that were established then, and we did not turn out so bad. But there are a lot of other factors in our society that exist today which did not exist then that we have to deal with. The fact is that right now conditions are very much like the Depression-type conditions with regard to the availability of work in many areas and neighborhoods. That is something that we have to realize if we are going to focus on making sure that we take care of the children.

This misnamed bill, as I have said, does not contain, as far as I am concerned, a job creation in it, which is terribly important if we are going to take these people off welfare and put them to work. It does not contain any provisions that make sure that the people we put here, especially in a single-parent home where the mother is the single parent and that parent needs child care for these children, where they can leave them at home, where they can be relatively sure these children are going to be safe.

You know, the bill as it is constructed, they do away with the child protections that are in the law now. They say they do this by a provision in the bill that says it will allow the States to certify.

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Let me tell my colleagues what is wrong with that. The States will only be certifying those that are licensed. Over 40 percent of the people that provide day care are not licensed, and so that leaves a whole group of people.

There are so many things that, as we get into the rest of the bill, we will debate, but I really want to tell my colleagues this, to those on the other side, those of my colleagues who have, I think, no less compassion than those of us on this side. I wish they really would rethink what they are doing here because together we can form a welfare reform package that deals with the abuses that are out there and make sure that we provide opportunities to succeed to people that are on welfare. That is what happened during the Depression, and that is why a lot of us that are of the Depression age are here today in this House, because there were programs that did in a bipartisan way address the societal problems that we have.

Mr. GOODLING. Mr. Chairman, I yield 2½ minutes to the gentleman from Pennsylvania [Mr. GREENWOOD].

Mr. GREENWOOD. Mr. Chairman, the American people widely support maintaining a strong social service system which provides for children, the handicapped, the elderly and those who truly cannot find employment. At the same time, Americans have come to believe that the system now in place, not only fails to foster self-reliance, but may actually promote out-of-wedlock births.

While we must maintain a compassionate social safety net, I am convinced that we can do a better job of instilling self-reliance and discouraging irresponsible behavior within our welfare system.

H.R. 4 offers the first comprehensive package of welfare reform measures in nearly half a century. Its fundamental tenets are: (1) those welfare recipients who are able-bodied must work in exchange for benefits; (2) programs must be designed to discourage—not facilitate out-of-wedlock births; and (3) the States, which already operate their own welfare programs, will receive blocks of Federal money to provide additional social services within Federal guidelines.

The media has done a less than complete job of informing the general public about the nutrition and child care portions of H.R. 4. It is time that they know all of the facts.

First, we are not reducing funds for school lunch. The truth is this measure increases funding for school lunch by $1.1 billion over 5 years.

Second, we are not reducing funds for women, infants, and children. The truth is the bill increases WIC funding by $776 million over 5 years.

Third, we are not reducing funds for child care. The truth is the bill makes $200 million more available for direct child care services.

I care about the future of our Nation's children. However, if the Federal Government continues to add hundreds of billions of dollars to the national debt each year, our children won't have a future. Establishing flexible, State-based programs that promote personal responsibility and self-reliance is a necessary step toward developing a sound fiscal policy.

As a former social worker and the father of four, I know the importance of ensuring the safety and health of all children. H.R. 4 offers compassionate, fiscally sound solutions which allow us to effectively help those in greatest need. As a former State Legislator, I am confident that the States and localities can effectively administer welfare programs without the Federal Government micro-managing their efforts.

Mr. CLAY. Mr. Chairman, I yield 2½ minutes to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, I thank my ranking member for yielding me this time.

As the only Member of Congress who has actually been a single, working mother on welfare, my ideas about welfare do not come from theory or books. I know it, I lived it.

Make no mistake, I know the welfare system is broken. It does not work for recipients or for taxpayers, and it needs fundamental change.

But I also know that H.R. 4 will gut the welfare system and shred the safety net that enabled my family to get back on our feet 27 years ago.

I will never forget what it was like to lie awake at night worried that one of my children would get sick, or trying to decide what was more important: new shoes for my children or next week's groceries.

Even though I was working the entire time I was on AFDC, I needed welfare in order to provide my family with health care, child care and the food we needed in order to survive. So my colleagues see I know about the importance of a safety net, and I also know about the importance of work.

That is why, as cochair of the House Democratic Task Force on Welfare Reform, I can tell my colleagues that the Democrats are committed to getting families off welfare and into work. We do this by helping them with education, with training, by providing the child care they need so that they can go to work.

Mr. Chairman, the choice comes down to this. We could punish poor families by voting for H.R. 4, or we can invest in our children and their families so they can lead strong, productive lives. I beg my colleagues to vote against H.R. 4 that would put people on the streets and vote for putting people to work.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. FUNDERBURK].

Mr. FUNDERBURK. Mr. Chairman, this is the most important week of the 104th Congress. It is more important to the future of America than all the weeks we will spend on term limits, the line item veto, and the balanced budget. This week we decide if we will continue down the morally bankrupt path the liberal/left has led millions of Americans or will we blaze a new path for hope, responsibility, and freedom.

This debate is also about two visions. The first is offered by the same people who created the welfare nightmare. Their view of the world begins and ends with big government. In their world, government regulates and dominates every walk of life, it replaces the family, the church and the neighborhood. They promise you happiness in exchange for a check and the loss of your liberty. The second view—our view—begins and ends with the individual. Our view of society is one in which people have the right and the opportunity to work, invest, and raise their children as they see fit. We have faith in the American spirit; the liberal Democrats have faith in Washington, DC.

I have had enough of the Democrats' big lie about welfare reform. Day after day they come to the floor and repeat the lie that Republicans are waging war on children. It is offensive because it comes from those who have trapped millions of American children in a never ending cycle of despair and dependence. Who are they to lecture to anyone about taking care of our children after they spent decades destroying the American dream for the poor.

Mr. Chairman, for the last thirty years we watched them create a national tragedy. Since 1965 we spent $5 trillion on welfare. What do we have to show for it; disintegrating families, children having children, burned out cities, a thirty percent illegitimacy rate, and three generations of Americans who do nothing but wait at home for the next government check.

Bill Clinton promised to "end welfare as we know it." What happened? His first "reform" expanded welfare spending by $110 billion and gutted what was left of workfare. It was business as usual; more government, more taxes, more bureaucrats. But, the American people said, "enough is enough." They understood that the liberal/left's "reform" is to spend more of other peoples' money. They know the left is happy with the "poverty" industry and those churning out more of the perverse regulations and programs which have turned so many of our people into a mass of "favor seekers."

Mr. Chairman, we came to Washington to put people to work and get government's hands out of the peoples' pockets. Let me tell you where we will be if we do not stop the runaway welfare train. Today federal welfare spending stands at $387 billion, by 2000 we will spend $537 billion on welfare entitlements. The madness has to stop.

Our bill eliminates the federal middleman and cuts the heart out of the Washington bureaucracy. It says the real innovators are in the states and the counties.

Mr. Chairman, the best welfare program is a job. By cutting government, taxes, regulations, and bureaucrats we can create a new era of opportunity that will make it easier for poor Americans to get back on their feet and share America's promise. Mr. Clinton is right about one thing, it really is past time to end welfare as we know it. We had better get on with it because time is running out.

Mr. CLAY. Mr. Chairman, I yield 2½ minutes to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Chairman, I listened carefully to the last speaker, and I have to agree that the debate this week over welfare reform does come down to one thing, the well-being of the American family. But I would just simply have to disagree that this is not about replacing the American family. We have known for a long time that parents who finished school and who work at real and meaningful jobs are more likely to have kids who do well in school themselves and who go on to become productive citizens and raise families that are strong in their own right.

Families that function well must have access to a network of affordable support services to help them balance the demands of work and parenting. That is probably truer of families and young people today than it has ever been before. For many parents, the lack of affordable, safe child care prevents them from pursuing additional education or taking a worthwhile job; that very pathway toward solving the problem, nurturing the family, is cut off.

Now, we hear that we want to cut federal funding for child care by 20% over 5 years, providing no provision for additional funding when demand increases during difficult economic times.

We know that too many children are receiving inadequate care while their parents work, and yet this bill eliminates current health and safety standards for child care. It eliminates the requirement that states use funds to improve the quality of child care.

Mr. Chairman, we cannot have it both ways.

If we want people to move from dependence on welfare to long-term, gainful employment, we have to provide the options that make that possible.

There is nothing more important than making sure that children are in safe and healthy settings while their parents work.

We would not want anything less for our own children. We should provide nothing less for all children.

So, I would urge my colleagues to keep this in mind as they vote against H.R. 4 in its current form.

Mr. GOODLING. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Chairman and Members, I think it is important we understand exactly what this debate has become all about.

This debate is about whether my colleagues want to defend the Washington bureaucracy or whether they want to be advocates of real reform and change. It used to be that we were all for a bipartisan commitment to children, but now our defense of the bureaucracy has taken precedence over that. I do not know of any area wherein child nutrition is part of the school lunch debate which has been more intentionally misrepresented and where children have been used as pawns for political purposes than they have in this particular area.

Let me give my colleagues some facts:

For all of those who say that the school lunch program is a wonderful program without any problems I would point out that according to the General Accounting Office in the last 4 years that they have kept records, over 302 schools have developed out of the Federal school lunch program, and their No. 1 reason for doing so was the rules, regulations and paperwork required by Washington. Second, I would point out that 46 percent of all non-poor or full-priced students voluntarily choose not to participate in America's school lunch programs today. Finally as a part of the administration's attempt last year to increase the regulations on the school lunch program through their nutrient standards, even Washington, even USDA in their budget request, say they will have to ask for at least 25 million plus to assist schools in meeting the computer requirement of this particular provision just in fiscal year 1996.

So, we have come forth with a proposal for change, a proposal that increases funding, that increases flexibility and that decreases Federal rules, regulations and paperwork. Our proposal recognizes that there is a need for increased funding. So we provide a 4.5-percent increase through fiscal year 2000.

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We cap State administrative expenses each year at 2 percent, so 98 percent of that money goes not to States to balance their State budgets, but right to that local school to provide school nutrition. And we eliminate the Federal bureaucracy at a projection of over $300 million in savings over the next 5 years.

In addition to that, second, we provide flexibility at the State and local levels, so they can take our resources and combine them with their own State innovation and create something new and different, a creative and interesting and appetizing and appealing school lunch program.

Third, we do establish minimum Federal safeguards. We establish voluntary national nutrition guidelines available for every State established by the National Academy of Science in concert with the school dieticians.

Second, as I said earlier, we require that 98 percent of that money go to the schools and 80 percent of that money go to the low-income students.

Now, there is something that has been missing in this discussion. I would like to challenge my Democratic friends, if they believe that in an era of deficit reduction we ought to continue providing the 11.3 million students, the sons and daughters of the bankers and rich people in this country, whether we ought to provide them with a school subsidy for every meal they take at a cost to the Federal Government of $556 million a year. There is not a Member in this Congress who believes that that $556 million would survive our efforts to balance the budget, and there is not a person who understands the school lunch program who knows that if you eliminate that $556 million, that you can continue the school nutrition programs or the school lunch program as it exists today.

So there has to be reform. We are the leaders in advocating that reform. But we are not cutting school lunch by $556 million. What we are doing is increasing it 4.5 percent for every year for the next 5 years.

Mr. CLAY. Mr. Chairman, I yield 4½ minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the legislation that we will be debating this week in the House that will be offered to us by our Republican colleagues is the most comprehensive and the most focused assault on poor children in this country that we have witnessed in the past 30 years. It is not that the press has got it wrong, it is that the press has started to explain it to the American people, and as the American people have started to understand it and started to see its components, they are starting to reject it. Because, while all of us agree about welfare reform, and every Member has said that on the floor and clearly the public agrees with welfare reform, the public is starting to ask what is it about welfare reform that requires you to take severely disabled children who suffer from cerebral palsy and other disabling diseases, what is it that requires you to take them off of the rolls so that their parents, many of whom are single parents, who are struggling to work and to keep their children at home and out of an institution, what is it about welfare reform that requires you to abandon these children?

What is it about welfare reform that requires you to repeal the child welfare protection for abused children, who need protective foster care so that they can be rescued from families that are dysfunctional and disabled in terms of their ability to take care, and many times lash out and injure these children and in some circumstances kill these children? What is it about welfare reform that required the Republicans to do that?

What is it about welfare reform that required the Republicans to rip away from working poor parents who have struggled to get off of welfare but now need child care to stay off of welfare so they can contribute to the well-being of their family, and with a little bit of assistance and child care and maybe some food stamps lighten the load on the Government and retain their dignity? What is it about welfare reform that told the Republicans to rip that away from those working parents?

What is it about welfare reform that asks them to rip away $7 billion from the child nutrition programs; in our child care programs; in our school lunch programs; in our women, infants and children's programs? I appreciate that they say that all of these programs are there, but none of them are mandated. None of them are provided to these children who need these programs, who are enabled to have these programs, because of circumstances beyond these children's control.

What is it about welfare reform that says that if a child happens to live in a State that suffers from an economic downturn, that they may not get their school lunch because there will be no entitlement for that child, a child who finds himself in a family that is now, because of an economic downturn, unemployed, and yet the family seeks to hold itself together?

What is it about welfare reform that demanded these kinds of harsh actions? What is it about welfare reform that no longer provides an entitlement to a pregnant woman at nutritional risk to protect her pregnancy for the healthy birth of her newborn infant and to care for that infant when they have been medically certified at nutritional risk and the likelihood of giving birth to a low-birth-weight baby, babies that have a 30 or 40 percent greater frequency of coming back and needing help later with special education, with remedial education, because of the brain development they suffered? What is it about welfare reform that demanded that?

You talk about people who spend generations on welfare, and yet you are creating the very children who are going to be candidates for welfare because of your inhumanity, because of your callous nature, and because of the war you wage on the poor children of this Nation.

What is it about welfare reform that requires you to treat the children, to punish the child of a young woman who has a child out of wedlock under the age of 18, to punish that child and to rip away the resources? Sixty percent of all of the pregnancies in this country, no matter what your class, your status, no matter what your financial well-being, 60 percent of all of the pregnancies in this country are unintended. Half of them are resolved by abortion. Half of them are resolved by abortion. So what do we do? We tell individuals if you have an unintended pregnancy, we are going to make your life more desperate, more complicated, more hostile to bringing that child into this world.

That is not welfare reform, that is a war on America's children, on the poorest of America's children.

Mr. GOODLING. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Chairman, that was a very impassioned speech that we heard, but one thing needs to be kept in mind when we hear these kinds of comments that all of the terrible problems that this gentleman spoke of have actually increased over the past 30 years with all of these programs that we have seen emanating from Washington. They have not decreased. What we are trying to do here with our welfare reform program, Mr. Chairman, is reinvigorate the family, reinvigorate personal responsibility, do something about the terrible problem of illegitimacy.

I as a physician worked in inner-city obstetrics clinics and I saw 15-year-olds coming into the clinic pregnant. I would ask them why they are doing this? And they would tell me they want to get out of their unit, they want to get out from under their mother, they want to get their own place in the project, and they want to get their own welfare check.

This system that has been created over the past 30 years is broken. We need to strengthen families. We need to deal with this problem of illegitimacy.

Mr. CLAY. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Chairman, there is almost 100 percent agreement that welfare as we know it should be reformed. We all want to reform welfare, make the necessary adjustments to allow it to accomplish what it is supposed to accomplish in terms of helping victims.

We help victims of earthquakes, we help victims of floods, we help victims of hurricanes. We should help victims of a mismanaged economy which produces a situation where there are no jobs for men and families as a result are forced to go on welfare.

All big government programs should be reviewed occasionally. We should certainly look at all programs and look at ways to reform them. We should try to reform programs like the farmers home loan mortgages, which were so badly repaid that the Department of Agriculture decided to just forgive $11.5 billion in loans over a 5-year period. We gave away $11.5 billion in loans for the farm welfare program.

We also have welfare for electric power users out in the West and Midwest, where they are using Federal power at within half the rate that we have to pay in the big cities. So that is a welfare giveaway we ought to take a look at and see if we can reform it. We have enormous amounts of welfare for the farmers, and we ought to take a look at that. We are spoiling America's farmers by smothering them with socialism, and we ought to take a look at rich farmers as well as poor farmers receiving welfare.

Aid for dependent children is a welfare program for poor children that costs $16 billion. Aid to rich farmers through the farm price subsidy program is not means tested. Rich farmers can get that as well as poor, and there are very few poor farmers left. Less than 2 percent of the American population lives on farms, so most of the $16 billion goes to the welfare program for farmers just as $16 billion goes to needy children.

That $16 billion that goes to farmers, we need to look at how to reform that. We need to be serious about that. We should not demonize poor children and poor families suffering as a result of economic dislocations that are perpetrated by people making decisions far beyond their control. Welfare for farmers is not means tested. Millionaires receive government checks.

Two recent articles, one in the Washington Post and one in the New York Times, said that city dwellers, they listed the names of people who are city dwellers who never set foot on a farm, who are receiving welfare farm checks. So I hope we are going to reform that as well, because in order to make the budget balance and in order to do things that need to be done, we need to reform that.

We need to go back and take a hard look at the savings and loans debacle and the unfortunate steps we took there which did not reform that system. Two hundred billion dollars of the taxpayers' money went down the drain as a result of our not paying attention to reform. Reform is very much needed.

The Republican welfare reform program, unfortunately, shows contempt for work. At every level, it refuses to deal with job training, it refuses to make some kind of pledge to provide work for people, it refuses to deal with minimum wages that are necessary in order for people to get off welfare, to make enough money to live on. They have a great contempt for work. It is a big lie that they are interested in having people get off welfare and go to work. They have abandoned the goal of work.

It is the Democrats who now carry the goal of work, as we did in 1988. This is not the first time we have tried to make adjustments to the welfare program. In 1988 we attempted to make an adjustment in terms of job training and jobs for people on welfare.

The Republican welfare program swindles poor children through the block grant mechanism. It swindles poor children in two ways. When you take away the entitlement for aid to dependent children, it means you are swindling them, because they do not have a right if they are poor, they do not have the Federal Government standing behind them. They do not have the power of the Federal Treasury, which guarantees that no matter how bad the economic conditions may be and how many people may be forced on welfare the money will be made available to meet their needs. They are swindling poor children through the school lunch program. You are taking away an entitlement, so as the numbers increase, we expect 20,000 more youngsters to enroll in New York City schools next year. Enrollment is skyrocketing. Just enrollment alone produces a greater need, so that the block grant will not take care of that increasing need by enrollment.

But when economic conditions get worse, the number of people goes up who are eligible. Block grants place the poor at the mercy of State and local governments, and the history of State and local governments is they have been very mean-spirited and very cruel and some of the worst and most corrupt government in the country has been at State and local government levels. We are not helping people by placing them at the mercy of State and local governments. School lunches were created in the first place because State and local governments refused their needs.

Mr. Chairman, now we are saying to the children of America, Children of America, there is a fiscal crunch; this great Nation now needs your lunch.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GREENWOOD].

Mr. GREENWOOD. Mr. Chairman, I rise to respond to some of the remarks made by my colleague, the gentleman from California [Mr. MILLER], who talked about the inhumane and callous nature of those of us on this side of the aisle. I have to tell you I take a little bit of umbrage at that.

I am a former child welfare worker. I have spent a number of years of my life in the homes of some of the most abused and neglected children in my community. I met my wife while she was a child protective worker there and she is still a social worker. I am the founder of the Pennsylvania Children's Coalition, a caucus that we formed in the Pennsylvania legislature, and I have been a child advocate for 20 years.

□ 1915

When I was a social worker trying to spend all of my time protecting children, I had to take away from my time at least a day and a half each week to fill out the Federal forms so the bean counters in the bureaucracy in Washington could account for my time. I was not able during that time to go out and protect the children in my community.

What we are doing is simply taking this program of child protective services, giving it to the States who have been operating it for years, increasing the funding from $4.4 billion to $5.6 billion over the next 5 years. And I will tell you from my personal experience, that is a smart and that is a compassionate thing to do.

The gentleman also made reference to the notion of punishing teenage girls who have babies. What punishes teenage girls who have babies who are 14 and 15 years of age is to say to them, you and your little baby live in a tenement somewhere. We will send you this meager allowance and pretend that you can survive, and we know that they do not survive and we know that they are the most likely young people to abuse their own children. And what we are simply trying to say is, you do not become an adult by having a baby. If you are 14 or you are 15 and you are 16 and you have a baby, you still need more than ever the care of responsible adults, and we want to make sure that those teenage girls and their babies are cared for in proper settings where there are rules and there are limits and there is safety and they can be taught to raise their children properly and help to become successful as adults.

Mr. CLAY. Mr. Chairman, I yield myself 10 seconds.

Mr. Chairman, I want to refute what was just said by the previous speaker. I think he ought to know, even though he worked in this kind of a position, that most of the teenage pregnancies under 15 years of age take place in the home where that kid comes from. It is a violation of that kid's personal self-esteem.

Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman from Missouri for yielding time to me.

I am not a member of a committee which has had under consideration this welfare reform bill so, when I got the bill finally on Friday of last week and it was finalized, I went rushing through that bill, looked and spent an awful lot of time reviewing the provisions of that bill. And two things jumped out at me.

No. 1, I had heard my Republican colleagues talk about how they were going to get people off the public dole and make sure they went to work. And I looked and I looked and I looked, and I did not find anything in this bill that would provide jobs for people who want to work at the end of their welfare stay or any time during their welfare stay. So that is the first bogus promise that I found.

No. 2, I went looking and I found that this bill punishes children for the conduct of their parents. If your parent is poor, the children get punished. If the parent has a child out of wedlock, the child gets punished. No Federal benefits for children or mothers under age 18, if they are unwed.

If the parent is on welfare, has another child, the child gets punished. No benefits for that child because he or she was born to a mother who was on welfare.

If the parent will not work, the child gets punished. After 2 years, whether they can find work or want work or will work, if they do not have a job, the child will be punished and the child will be off of welfare. If the parent cannot find a job, who, the child gets punished. Cut off the parent and the innocent child.

This is a mean, mean, mean bill. We should be nurturing, encouraging, supporting our children, not punishing them for their parents' shortcomings. We should be providing jobs for those who want to work, not calling a cutoff after 2 years welfare reform.

Mr. Chairman, this bill is a hoax. It does not provide any jobs. After we heard so much about jobs to get people off the public dole, no jobs. And it is mean spirited and mean to children.

They did not do anything to deserve this. Why would we punish children in the name of welfare reform?

Mr. GOODLING. Mr. Chairman, I yield myself 1 minute.

We have heard all this about whether there is workfare, whether there is not. H.R. 4 eliminates the Job Opportunities and Basic Skills Jobs Program. Why? Because it failed. Success in this program is an exception to the rule. Although it is billed as a welfare to work program, after 7 years in operation, Jobs boasts a mere 26,000 recipients in work. The GOP bill in the first year alone will ensure 180,000 welfare recipients will be in work. By 2003, 2.25 million welfare recipients will be working a minimum of 35 hours per week in exchange for the benefit; 90 percent of the American people support this.

The Clinton proposal would not have placed any recipients in work for the first 2 years. At its peak, it would have moved only 394,000 recipients into work.

So it is very, very clear that there are strong work requirements in the bill that will really make the difference.

Mr. CLAY. Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee [Mr. TANNER].

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. TANNER. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I just simply want to find out where in this bill those jobs are. It is not in this bill. You can protest all you want. There is nothing in this bill that provides any jobs. If you can tell me where that is, I would be happy to hear it.

Mr. TANNER. Mr. Chairman, in this general debate, I am going to remain general, but I know that over the next 2 days there will be a lot of specifics.

I have been in the Congress for 6 years. I have been aware and working on welfare reform for that time, particularly the last 3 years. And I want to thank the Members who have brought this bill to the floor because I think Republicans and Democrats can both agree that the time for welfare reform is now.

I come to speak tonight as one of the original cosponsors of the so-called Nathan Deal bill. I believe that we have the best approach, the Contract With America notwithstanding.

The Deal approach, and our approach, is for a stronger work requirement to bring the dignity of work to the American people. We also, unlike any other proposal, make sure that the value of a welfare dollar is no more than a dollar earned by the sweat of the brow. And our final bottom line in our approach is simply this, if you want something from the Government, then you must be willing to do something for yourself.

Let me talk just a minute generally about the Deal substitute to the Contract With America. All of us any many Members have said tonight and this afternoon that the present welfare system, Federal welfare system is broken. Its evolution has trapped many in broken families and generational dependence with little, if any, hope. That is wrong and we know that.

In the present system all too often the emphasis is on how to receive a welfare check rather than how to return to work. The present system has built in disincentives against two-parent families. It has a powerful incentive, actually, for young unwed motherhood. That is also wrong.

There is nothing in the present system really requiring personal responsibility for one's own future. This is our fault. This is the fault of the American people and the policymakers.

The Federal system is broken. We all know that. We must fix it, in my opinion, here, before we take the Republican approach and block grant it and dump it in the hands of the States and their Governors and their legislatures. That is not the way we need to fulfill our obligation as Federal legislators. We abdicate it by just saying we will block grant it and our hands are clean.

The Nathan Deal bill has a way, I think, to address this problem and give the States the flexibility they need to address the problem. In our bill, the Deal substitute, is work in exchange for assistance with a 2-year time limit. If you are offered a job and do not take it, benefits end. And if you find a job and refuse to accept it, the same is true.

We encourage families by ending the disincentives in the present system to favor marriage. We end the incentives that lead to unwed teenage motherhood by demanding liability from parents and requiring minor mothers to live with a parent or guardian and remain in school. Personal responsibility is demanded in our bill and, unlike any other proposal here, we make benefits from AFDC and food stamps subject to taxable income, ensuring, as I said at the outset, that a welfare dollar is not worth more than a dollar earned by work.

John Kennedy once said,

> Our privileges can be no greater than our obligations. The protection of our rights can endure no longer than the performance of our responsibilities.

Let us exercise our responsibilities as Federal legislators and fix the Federal system before we dump it on the States. I think that is the responsible thing to do. I think the Deal substitute will do that, and I would encourage all of my colleagues, as this debate continues, to give it great consideration, great weight and put aside partisan differences and consider voting for it.

Mr. GOODLING. Mr. Chairman, I yield 1 minute to the gentleman from Texas, [Mr. SAM JOHNSON].

Mr. SAM JOHNSON of Texas. Mr. Chairman, Democrats are scared of losing 40 years of tight-fisted control over the States. This scares them so much they have embarked on a big lie campaign to defeat a bill that gives the States and individuals the power to create solutions. They still believe Washington knows best.

This example is best illustrated by the Republican proposal to improve the school lunch program. This bill does not cut lunches. It does not cut funding. We increase funding for the program by 4.5 percent per year. Let me repeat, 4.5 percent every year. We are not taking away food from anyone.

Republicans believe in change, and this bill represents it. The Democrats continue to believe in the status quo. This was shown by their event last Sunday. And would you believe they used children as props to help their special interest friends raise money, big labor unions, welfare state bureaucrats and extremist organizations?

Mr. Chairman, I ask my colleagues to vote for the real change. Vote against big government. Vote for this bill.

Mr. CLAY. Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I rise tonight in strong support of Mr. DEAL's alternative welfare reform proposal. Like most Americans, I feel that the time has come to seriously evaluate the structure of our system and provide constructive solutions to problems within it. Our current system is broken. It must be fixed.

I come before you today in strong support of a plan that transforms our current system into the type of program that it should be—a temporary helping hand for those who need a chance to get back on their feet again. I think we all agree that the focus of welfare reform should be getting people off of the welfare rolls and into work. It has become very obvious, however, that while we may agree on the goal, it is not as easy to agree on how to get there. Having said that, I feel that the welfare reform proposal we have developed provides a centrist approach to intelligently reforming our welfare system, without hurting those who need a helping hand. We must not take the more limited view that welfare reform simply means cutting the cost of welfare. Welfare reform is not simply cutting services and denying benefits in order to find a budgetary fix. Welfare reform involves real people with real needs, which do not just disappear once the funds are cut. Their needs will continue, the same as before, unless we provide some of the necessary assistance to move them off of welfare into jobs.

The welfare reform proposal that we have developed addresses these basic problems by, first, emphasizing work over welfare. One of the basic tenets of the proposal is the establishment of the Work First Program, which fundamentally reforms the JOBS Program of our current welfare system. The new Work First Program requires participants to begin job activities as soon as they enter the program, providing individuals with the opportunity to immediately begin working their way toward self-sufficiency.

Second, we change the focus of welfare from a seemingly endless hand-out to a temporary hand up. The perception of our welfare system as a permanent way of life has evolved through years of providing benefits to recipients without a sensible plan for moving them off of the welfare system. Therefore, we propose a time limited assistance program that would empower individuals to move from welfare to work. As an incentive to work, the plan would provide transitional assistance to make work pay more than welfare. We extend the transitional medical assistance from 1 year to 2 years so that individuals do not have to fear losing health coverage if they take a job. We also provide child care assistance for moms so that they are able to take a job and begin working toward self-sufficiency. After 2 years in a work program, States also would be allowed to deny AFDC benefits to recipients who do not have jobs.

Third, we propose changing the perception that Government bears all of the responsibility for those in need. Individuals also must accept their share of responsibility in providing for their families. In order to do this, we require recipients to develop an individual plan for self-sufficiency, which would include the tools needed to get the individual off of welfare and into work. We also strengthen child support enforcement and hold the parents of minor mothers and fathers liable for financial support of their children. The proposal allows States to deny increases in AFDC funding to mothers who have additional children while receiving these benefits and requires minor mothers to live with a parent or a responsible adult.

Finally, we realize that a one-size-fits-all approach to welfare reform is impractical, if not impossible, because it does not take into account the wide range of needs and programs that exist. Therefore, we have provided States with the flexibility necessary to develop effective programs that meet their own specific needs. While the Federal Government has a role to play in setting broad guidelines in order to maintain a level playing field, State flexibility is the key to reforming our welfare system.

In addition, I believe it is very important to include local communities in the process, as well. To that end, we have provided Federal grant assistance to community-based organizations for coordination of services. The one-stop shop idea is already being explored in many communities and many others could streamline services with some additional assistance.

As a participant in the current welfare reform discussion, I have heard many times that we should get rid of fraud and abuse in our welfare system and I agree. As the former chairman of the Agriculture Subcommittee on Department Operations and Nutrition, I have worked tirelessly to correct deficiencies in the Food Stamp Program and I am well aware of the need for continued improvement. That is why I am pleased to say that we have incorporated a very tough food stamp fraud and abuse provision in our proposal. We have also made additional improvements to the current Food Stamp Program while maintaining the basic food safety net for people in need.

Finally, I strongly believe that we should not fund tax cuts with welfare reform, particularly considering the enormous deficit problem we are currently facing. Our substitute, therefore, specifically designates any additional savings from the welfare system for deficit reduction purposes. We are already threatening the future of our children with the unbelievable responsibility of financing our current spending behavior. I cannot justify adding additional responsibility to our children by requiring them to finance a tax cut before we control our deficit.

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Mr. GOODLING. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. CUNNINGHAM], one of the leaders in helping to put this bill together as far as our committee is concerned.

Mr. CUNNINGHAM. Mr. Chairman, I have a book for my colleagues on the other side. I have gone to town hall meetings. They understand the lie about whether we are adding or cutting nutrition programs. That book is called basic mathematics, or the DICK ARMEY syndrome that says "If you add more money the following year than you have this year, that is an add. If you have less, that is a cut."

I have also prepared a book in here and it is called "How to tell the truth." I think our colleagues need to take a look at both of those books.

The real reason for why are we doing welfare reform, Mr. Chairman, why would we tackle this after the other side of the aisle has the rhetoric that they want to reform the system, they want to reform it, and they have done nothing for 40 years but create the system that we are under today.

The current welfare system, Mr. Chairman, is not compassionate. Look at the problems that we have across the country. Nothing could be more cruel to welfare recipients and children than the system we have today. We as a policy have created that system. That is an effort to change that particular system.

Look at the children's nutrition program. Who are we trying to feed with those programs? We are trying to make sure that our poorest children are fed, but yet we continue the policies that would create those poverty children living in poverty.

Mr. Chairman, I have the utmost respect for my colleagues, and many of them on the other side in the Black Caucus; the gentleman from Georgia, JOHN LEWIS, who walked in Alabama. However, the Members are wrong in this.

When we look at the welfare systems in the communities with Federal housing that persist, with crime-ridden, with drug-ridden, with black children, two out of three, being single parents, and to perpetuate that system, when they talk about cruel and unusual punishment, to foster that kind of a program, Mr. Chairman, is more than comprehension.

The real reason why my colleagues on the other side of the aisle, the socialists, the Clinton liberals, we have added money in the nutrition programs, but the real reason they are fighting this, and I went to great efforts, and the one thing that we cut is the big Federal bureaucracies. They cannot stand it. That is what they are fighting, over and over and over again.

Mr. Chairman, the system traps recipients in an unending cycle. It hurts those, the children, and those that we are really trying to help. This brings deadbeat dads for responsibility, a system that encourages fathers that have run away from their responsibility to get back together with the family.

The gentleman says there is no creation of jobs. If I can bring a family together by not penalizing the father that comes with that welfare recipient mother and child, and have one of them work, that is better. That is compassionate. What is incompassionate is the current system, where we have disincentives to bring those families together. We have disincentives to break out of the Federal housing programs.

The personal responsibility, illegitimacy, we have to attack it, because it also ties in with child abuse and it ties in with the nutrition programs. We have increased the nutrition programs by 4.5 percent. President Clinton in his first budget increased it by 3.1 percent. In this budget just a few weeks ago, the President stood up here and only allowed for a 3.6-percent increase in the nutrition program. We increased it by 4.5 percent. Why?

There was a movement on our side to cut it, not to zero, but to cut it 5 percent, to actually go in and cut the program. I went to the gentleman from Pennsylvania [Mr. GOODLING] and said "If you do that, I will resign my chairmanship of the committee," because at that point we will hurt those nutrition programs.

Let me read what is really wrong with the system: "Cash benefits going for drugs, generations of dependency, children having children, killing children." Nothing could be more cruel to the kids that exists than the welfare systems that we have today.

I look in Chicago, and police found 19 children living in squalor in a cold, dark apartment. Two children in diapers were sharing a bone with the family dog. Why? Because the parents were living on cocaine and drugs.

Child abuse services need to be brought in, and yes, we need to provide services for those kids, but we also need to eliminate the systems in which those people are not held accountable.

Karen Henderson of Bakersfield, CA, was charged for murder after breastfeeding her baby while she was on crack cocaine.

In August 1994, a couple was sentenced to 6 years in prison for neglecting their 4-month-old son. He bled to death after being bitten 100 times by rats because they took the money and stuck it up their noses in cocaine. That was in a Federal housing project, which breeds that kind of contempt.

While an 8-year-old brother screamed in vain for help, 5-year-old Eric Morris was dropped to his death from a 14-story public housing project by two older boys, aged 10 and 11. That is what is cruel, Mr. Chairman.

Mr. Chairman, I ask my colleagues on the other side of the aisle, let us embrace personal responsibility. Let us embrace where we take deadbeat dads. I applaud the President for what he has done in following suit. I embrace you, to take care and make sure that we have the responsibility of parents, so that we can draw less and less for those programs, because we have less people that need it because their economics are better. We can do that by encouraging families and increasing the nutrition program for those children that need it. That is what we have done, Mr. Chairman.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. McKEON].

Mr. McKEON. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I want to express my support for the mandatory work requirements contained in H.R. 4. Consistent with 90 percent American voters, H.R. 4 requires that recipients of welfare work in exchange for their benefits.

Under H.R. 4, every welfare recipients is required to participate in some form of work activity within a minimum of 2 years. After 5 years, recipients face the ultimate work requirement, the end of all cash welfare, period.

In addition, we require States to have a minimum of 50 percent of adults in one-parent welfare families working by the year 2003 and require that 70 percent of two-parent families work by 1998.

Under this bill, with limited exceptions, all work participants must be in real private-sector jobs, paying real wages, and they must work for a minimum of 20 hours per week, rising to 35 hours per week by 2003.

Under the GOP proposal, 2.25 million welfare recipients will be participating in work by the year 2003. In the first year alone, 180,000 recipients will be working. How do other welfare-to-work proposals fare under these guidelines? The current program, the Job Opportunities and Basic Skills Act, while boasting a 20-percent participation rate, has a mere 26,000 recipients working. The Clinton proposal would have had zero recipients working in the first 2 years, and at its peak would have had just 394,000 participants in a real job. Mr. Chairman I beg the question, who's serious about work?

Mr. Chairman, in closing, I just want to add that work provides more than a wage, it provides a sense of being, increases self-esteem, and provides a role model for the societal value of self-sufficiency, reducing the pattern of dependence which currently is passed from one generation to another.

Mr. CLAY. Mr. Chairman, I yield 10 seconds to the gentleman from New York.

Mr. OWENS. Mr. Chairman, I just want ask the gentleman, at what wage rate would people get work under this bill? Would they be paid less than minimum wage? Would they go back to slavery?

Mr. CLAY. Mr. Chairman, I yield 1½ minutes to the gentleman from Louisiana [Mr. FIELDS].

Mr. FIELDS of Louisiana. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong opposition to this legislation, The issue is, first of all, distorted. The issue is not about the irresponsible mother in America. The issue is what is in the best interests of the child, what is in the best interests of our children in America.

We talk about in 2 years a mother will be off of welfare and will not receive the benefits. First of all, the benefits we send to these so-called mothers is not money for the mother. This money is for the child. The reason we send it to the mother is because the last time I checked, an infant cannot wake up in the morning, grab a check out of a mailbox, and go to the bank and cash it, so that is why we send the money to the mother. It is for the child. It is in the best interests of the child.

Mr. Chairman, we talk about "Two years and you are off." That sounds real good, but who is going to suffer? Children are going to suffer. In 2 years, children are going to be dying of malnutrition in this country, because they will not have milk to drink.

We say they have to work. If they do not work in 2 years, that parent is off. Why not mandate that the States provide job training? Mothers cannot get up and work in the morning if they do not have day care. If Members will take some time and think about this proposal, they will know that in order for a mother to go to work and learn a skill, she has to have somebody to take care of that baby. We have to talk about what is in the best interests of the children in this country.

Lastly, child nutrition. The gentleman from California said we did not cut money in child nutrition. That is absolutely incorrect. The proposal was 5.2 percent. This proposal is 4.5 percent. Anybody who is not even a mathematical wizard knows that is a cut.

Not only that, under this block grant proposal, 20 percent of the money could be used for other purposes and not child nutrition.

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Mr. GOODLING. Mr. Chairman, I yield myself 5 seconds, just to say that Louisiana gets $1.5 million more under our proposal.

Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. I thank the gentleman from Pennsylvania, the distinguished chairman, for yielding me the time.

I would like really to point out to my colleagues and fellow Americans that this is one of the most consequential debates not only of the first 100 days or even of this Congress but one of the most consequential debates that this House will hold in decades. Very few Americans would disagree that our welfare system no matter how well-intentioned at its inception is a complete failure today. However, there are many people in this town who have a vested interest in maintaining the status quo, and they will argue stridently as we have heard tonight and as we will continue to hear over the next few days, and often misleadingly against our efforts. So it is important that every Member of this Chamber understand the bill that we are bringing to the floor, why it is important, and why defenders of the status quo are wrong.

Toward that end, I want to talk about just some of the myths that have already been suggested regarding our welfare reform efforts and provide a little reality check for each one of those myths.

Myth 1. Your pro-family provisions are cruel to children. Reality. It is the current system that is hurting children by encouraging self-destructive behavior, dependency, and out-of-wedlock births. Our bill does not end assistance to children, only cash assistance. No responsible parent would reward an irresponsible child with cash payment for an apartment. No responsible employer would give workers a raise simply because they have additional children. Taxpayers should not do those things, either.

Another myth. Your bill is weak on work. Reality. Our work requirements are tough on work. We require that States make cash welfare recipients go to work after 2 years or less at the option of the States. After 5 years, recipients face the ultimate work requirement, the end of all cash welfare.

We require States to have 50 percent of adults in one-parent welfare families, which is about 2.5 million families today, working by the year 2003. We require States to have 90 percent of two-parent families working by the year 1998. And we define work as real private sector work for pay. States that do not meet these standards lose part of their block grant, and that is tough on work.

Mr. Chairman and my fellow Americans, we are embarked on a tremendous debate on historic significance. We are going to replace a failed system of despair with more compassionate solutions that encourage work and families and offer hope for the future.

Mr. CLAY. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas, Mr. GENE GREEN.

Mr. GENE GREEN of Texas. Mr. Chairman, I thank the gentleman, the ranking member of the committee, for yielding me the time.

Mr. Chairman, we are considering the Personal Responsibility Act and it is an easy bumper sticker name and people will hear for the next few days some of the easy names, that this bill was going to solve out-of-marriage births. I would hope that we have some reality checks on the other side of the aisle, also, because what this bill does, it is a transfer of power to the Governors of the country. This bill allows Governors to deny legal immigrants State-funded assistance. The bill allows governors to remove 20 percent in the 3 block grants for child care, family, and school nutrition. That is where we would see the cuts on the State level. The Governors could do that. Congress should provide a great deal of latitude for State governments, but we also need to make sure that the food actually gets to those children instead of saying, well, we're guaranteeing it to a Governor but we're not guaranteeing it to that child.

I wish to make it clear that that is what we are doing. We are guaranteeing funding to that Governor but not to that child. Welfare reform is requiring for work, requiring transitional assistance, requiring going to job training. We can reform food stamps. Those are all goals that we should have and I think we should have on this side of the aisle but I am on the committee that this bill was considered and we did not have a bipartisan bill. This was laid out and literally rolled over in two days' time. That is why a lot of us are opposing it, because it will cut children's nutrition, because the only guarantee it is to the Governors of the States and not to the children of our country.

The House of Representatives is debating the Personal Responsibility Act.

A bumper sticker name for a bill which will place sweeping powers in the hands of Governors to reform welfare.

What are some of powers that Governors will be given?

The bill before us will allow Governors to deny legal immigrants and State funded assistance based on economic needs.

The bill also allows Governors to move 20 percent of funds from the three block grants for child care, family and school nutrition programs.

Congress should provide a great deal of latitude to State governments to be innovative and imaginative, but Congress must also ensure Federal assistance is used by the people who most need that help.

This bill provides a guarantee to Governors for the funds included in the block grants.

I wish to be very clear on this point: A Governor is guaranteed funding but not a child.

Welfare reform is called for, requiring work requiring transitional assistance, reforming food stamps are all goals which must be obtained but not at the cost of school children, and nutrition.

The fatal flaw in the school breakfast and lunch block grant is it does not guarantee a child a meal but just as important it does not take into affect that foods costs increase along with school population.

Without increasing the funds as a result of food cost inflation and increased population, a local school district will be forced to increase local tax rates to make up the short-fall.

We will hear on one side that funding is increased and on the other side there are cuts.

The simple fact is we are all guessing because this bill has been rushed through the Congress like a runaway train.

Mistakes have been made. At one point 57,000 military children were left out.

We must be diligent in reforming welfare but when we are forced to take up legislation which has been run through with little discussion, mistakes are made.

Earlier, A fellow Texas colleague states that we should not take away someone's dream, and I agree but we should also not take away a helping hand.

Reform is needed, but informed reform is real reform.

Mr. CLAY. Mr. Chairman, I yield the balance of my time to the gentlewoman from Hawaii [Mrs. MINK].

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The gentlewoman from Hawaii [Mrs. MINK] is recognized for 4 minutes.

Mrs. MINK of Hawaii. Mr. Chairman, I thank the gentleman my ranking member for yielding me time.

I rise today to decry the punitive measures contained in the Republican bill which would desert the most impoverished and youngest citizens in our country during their time of great need.

The drastic changes proposed by the Republican bill would devastate communities in every State by eliminating vital programs as you have heard discussed this afternoon that these communities have relied on for many, many decades.

This shortsighted and intolerant legislation does not put forth the constructive agenda to reform. It is to punish people merely because they are poor.

Although most welfare mothers try hard to support their families and try to find a decent job that pays a living wage, the Republican bill makes no effort to help them. Instead, the Republican bill gives every recipient family a ticking time bomb by putting time limits on the amount of time that they can receive benefits and cutting them off even if they have tried hard and cannot find a job and they do not even provide child care while the woman goes out to hunt for work. This bill turns a cold shoulder also on legal immigrants that have been lawfully admitted into the country by denying them many of the programs, and they came to America in search of opportunity and they are being cut off arbitrarily, in my view unconstitutionally.

There are 9 million children in a total of 14 million people who are receiving welfare benefits today. The Republican bill would arbitrarily cut these children off from cash benefits because of what their parents did or would not do. If their parents are unable to find work, if their mother is teenaged, if they cannot locate their fathers, they would be cut off arbitrarily. It would destroy the frail chances these children would have to survive by relegating them and their families to the status of second-class citizens in this country just because they are poor, because their mothers were teenagers or because they were born out of wedlock.

Republicans say that the answer is that welfare parents must go to work. We agree. I believe that the working potential of welfare recipients is very high. I have studied this issue for years. The average recipient already has 4½ years of work experience when they come on to welfare. They want to work. Their problem is some personal problems have affected their ability to hold down a job. Perhaps someone is ill or they do not have adequate child care. 56 percent come into welfare with a high school diploma or more. Most of the recipients stay on only for 11 months. The problem with the current system is it has not offered a helping hand to the women. If they had the help they probably would have gone off welfare much sooner.

So the help that the Democratic substitutes provide is the help of finding a job, giving them adequate education, and providing the essential child care which cannot be left out of the program. This is what the Republicans do not seem to understand. You cannot simply block-grant money to the States without mandating the essentials, which is education, training and a good child care support program.

What the Republicans have done in their bill is to repeal the jobs program. Yet they say their bill is for work? How can you provide a work ethic or incentive if you do not have a jobs program which can do the training and education with the supportive child care?

The Republicans completely ignore the child care aspects of it. The current law today requires and guarantees that every welfare recipient who finds work must be provided with child care. That has been repealed.

The AFDC families are willing to work, want to work, need the help, and the Democratic substitute is the bill that must pass this Congress.

Mr. GOODLING. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. RIGGS]. Then I will close the debate.

Mr. RIGGS. I thank the gentleman again for yielding me the time.

I just wanted to respond since the question of immigrants came up and make clear again, reality check, we are not bashing immigrants, we are giving strength to the longstanding Federal policy that welfare should not be a magnet for immigrants, legal or illegal.

To accomplish this, we do 4 things: We prohibit legal aliens from the big 5 magnet programs, cash welfare, food stamps, Medicaid, title 20, and SSI which has been an especially egregious source of abuse by legal aliens. We make the alien sponsor's affidavit legally binding and enforceable. We apply the existing deeming rule to all Federal means-tested programs so that in these programs the income of an alien sponsor is deemed to be the alien's.

Lastly, we authorize Federal and State authorities for the first time to go after deadbeat sponsors. We are strengthening current immigration policy, not bashing anyone.

Mr. GOODLING. Mr. Chairman, I yield myself the balance of the time.

The CHAIRMAN pro tempore. The gentleman from Pennsylvania [Mr. GOODLING] is recognized for 5½ minutes.

Mr. GOODLING. Mr. Chairman, at least I am glad to hear as I have heard all evening that everyone now has a welfare reform program. I am also happy to hear that everyone now believes that the system is broken and needs fixing. We have come a long, long way. If nothing else, we have gotten that far.

It was interesting to hear a good friend of mine say, at least on two occasions on the other side this evening, he had this welfare program but they filibustered it to death. I did not know we had such an opportunity. I thought 5 minutes and you object and that is the end of anybody speaking, and I am sure he was talking about the House of Representatives.

What we are trying to do is take these people out of slavery, not put them into slavery. That is where they are at the present time, because we have denied them the opportunity to ever get a piece of the American dream. For 30 or 40 years, the situation keeps getting worse and worse, and we deny more and more an opportunity for a piece of that American dream. We have to admit the failure, which we are doing this evening on both sides of the aisle, and now do something to change it.

Let me talk just a few minutes about the provisions from our committee. I am sure everyone knows that the Personal Responsibility Act which was part of the contract included a proposal for a single food and nutrition block grant. To that I said, "No way, Jose," which is the same thing that I said in the early 1980's. The leadership then said, and I think using good judgment, "Okay, then you, as the majority members of the committee, come up with your program." And we did.

We have also heard many times this evening how wonderful the program is working when you talk about school lunch and child nutrition. No one has defended it more than I have. But there are problems, folks. It can be a much better program. If you only have .50 percent of the free and reduced-price people who are eligible participating, there is something wrong with the program. And you can look at the statistics and that is exactly what it tell you. If only 46 percent of the paying customers who are eligible are participating in the program, something is wrong with the program.

Secondly, the American school food service people have told us over and over again, the rules and the regulations and the red tape are killing them. They are taking money out of the children's mouths to do all of the paperwork that is required by the Federal Government. So we can change that.

And then there is some fraud, because we encourage some of it the way it is set up, because it is much more advantageous to count as many as you can possibly get away with as free, because the reimbursement is far greater if you do that.

So as I indicated, we are trying to set up programs that will meet the local areas' needs. What might work in Flint, Michigan may not work in Kansas, or in York, Pennsylvania. We have to allow some flexibility so that we can get more people participating in these programs. We know you cannot educate a hungry child. So what is happening to that 50 percent that are not participating? They are probably not doing too well in school. We get reports from parents who say, "We're not going to send that money to school, or sign up for them to participate if they are going to not participate or they're going to throw the food away."

Again, I say over and over again, we positively owe it to the millions that we have enslaved in this welfare system that has been created well-meaningly over a 40-year period, we owe it to those people to have an opportunity, like I have had and everyone in this Congress has had, to get a part of the American dream.

They are not getting it at the present time. We must make change and change I realize upsets everyone. But change is necessary. It is also inevitable.

I would hope when we come back and begin the amendment process, and there are a couple of amendments that will deal with a couple of issues that I heard mentioned tonight, which I have concerns about, and they will be taken care of in that process, but I hope when we finish, we will no longer go on saying, "Well, the system doesn't work and we ought to do something about it." We will take the bold step to make the necessary changes to free the millions who are now enslaved with the existing system.

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Mr. Chairman, I would encourage all to support those changes.

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

To control debate from the Committee on Agriculture, the gentleman from Kansas [Mr. ROBERTS] and the gentleman from Texas [Mr. DE LA GARZA] will each be recognized for 45 minutes.

The Chair recognizes the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 4, the Personal Responsibility Act of 1995. We all know the hour is late, but we also know that the debate in regards to welfare reform, if it is a late-burner topic, it is also a front-burner topic in this town, and all throughout the Nation.

Last November, the American public spoke very decisively on wanting change, and welfare reform was a central theme in the election, was a central theme 2 years ago in the President's election. The component in regards to food stamp reform that comes under the jurisdiction of the House Agriculture Committee is in reference to food stamps.

I would inform my colleagues that food stamp spending has increased almost every year since 1979. We are all familiar about the good work that the food stamp program has done in terms of workers who have been unemployed or of families that have had real tragedy.

The food stamp program provides that needed bridge during a time of hardship and when the economy slipped into recession. We must maintain that bridge, and H.R. 4 does just that. It provides a Federal safety net, but it eliminates food stamps as a way of life.

However, I would point out that during the last 15 years the economy has not always been in a recession, and we have had record growth in regards to the economy. But food stamp spending kept increasing.

Now common sense would suggest that food stamp spending should go down when the economy is strong, but that has not been the case. Why? Because our Congress kept expanding the benefits, and the American taxpayer, who really foots the bill for the program, has said enough, and that is why welfare reform strikes a chord with the American public.

The food stamp program provides benefits to an average of 27 million citizens in this country, upward of maybe 28 million each month at an annual cost of more than $25 billion on an annual basis. For the most part, these benefits really go to families in need of help and are used to buy food to feed these families, and there is no question in my mind that the food stamp program helps poor people and those who have temporarily fallen on hard times. However, there is also no question in my mind that it is in need of reform.

Recently, I reviewed a September 22, 1981, subcommittee hearing. Let me repeat that, 1981. And the hearing was on fraud in the food stamp program. I reviewed that 14-year-old record with some degree of concern and dismay.

In both hearings, and we just held a hearing in the Committee on Agriculture as of this year on February 1, and in both hearings the reports were almost identical, the one in 1995 and the one in regards to 1981. There were reference to food stamps as a second currency, food stamps being used to buy guns, drugs and cars. It is discouraging that these events have not changed.

On September 3, 1981, the TV investigators and the news reports talked about the great food stamp scandal. In January of 1995 and again in March of 1995 various news teams did similar stories and picked up on the film, the tape we have from the new Inspector General from the Department of Agriculture. As I said, it is very discouraging.

The good news is we have a very strong fraud provision, anti-fraud provision. It is bipartisan. It is backed by the administration and by the minority and the majority.

However, the situation is much worse today in 1995 than it was in 1981. Abuses in the food stamp program involve selling food stamps at discount grocery stores. They are not grocery stores. It is a sham. They are set up to launder food stamps, even abuse of the Electronic Benefit Transfer system.

Also, the Department of Agriculture reports that for the most recent year $1.8 billion in food stamps was issued in error, meaning that the eligible families receive too much in food stamps or people who are not eligible receive these benefits. That is $1.8 billion. That is a combination of errors, some on the part of States that administer the food stamp program, some on the part of the participants receiving food stamps and some, unfortunately, willful and intentional violations of the act. That is $1.8 billion of taxpayer money lost to fraud and error.

It is also lost to the recipients, the true recipients of the food stamp program. Unfortunately, the food stamp program does not always really deliver the benefits to eligible people, and those who are eligible do not always use their benefits for food, and so others really participate in this activity including grocery store personnel, middlemen and criminals involved in illicit behavior.

Let me quote from one report. "In September, 1994, the U.S. Justice Department indicted a couple on charges they used their restaurant supply business to illegally acquire and redeem $3.5 million in food stamps." $3.5 million, one couple. "Undercover agents say they watched family members carting shopping bags of cash to the banks in $2,000 bundles of $20 bills. Once deposited, the money was almost immediately transferred to accounts in Hong Kong," Mr. Chairman, "where it was withdrawn, usually by relatives within 24 hours."

Or another report, "a USDA undercover officer got a taste of how complacent the big-time traffickers can get when he investigated an Orange, NJ, family that used their little store to fence stolen goods and traffic in food stamps. And the undercover officer used the food stamps to buy cars, TV sets, children's toys, cocaine, microwave ovens, and a video camcorder from the family. Then he used the video camera, one to test it, then filmed the roomful of stolen goods and the agreeable family of crooks."

This bad reputation has undermined the public support for the Federal food stamp program and for welfare. It is unfortunate. It is wrong. Polls indicate that half of the American public support cuts in the food stamp program, and I believe this is due to the flagrant abuses that are seen on the street almost any day. We don't want this.

As I indicated before, the food stamp program is a bridge. It is a needed program. It has helped the poor. And so the commitment in regards to the antifraud provision is a good one, and it is bipartisan.

After careful deliberation, the Committee on Agriculture determined that the food stamp program for the present should remain a Federal program for the following reasons: First, States will be undergoing a transition to State-designed welfare programs. During this period, the food stamp program will remain the safety net program and able to provide food as a basic need while this transition is taking place. The food stamp program will be reformed, costs will be controlled, and we will ensure that every American in need will have access to food.

Now, given the hearing record, the lack of public support and the dollars involved, the committee could not continue the program without significant reforms. Our five hearings held between the 1st of February and February 14 of this year dictated the course of the changes needed in the food stamp program. The food stamp program is taken off automatic pilot, and control of spending for this program is returned to the Congress.

We are going to hear a lot of rhetoric, have heard a lot of rhetoric. It has been said in the press over and over again and by certain critics of reform that, for goodness sakes, there might be a problem with food stamps down the road because we only allow for a 2 percent increase. Used to be before we had it as an entitlement program and before 1990 when we had a spending cap that the Congress had that responsibility, we would come back every year and determine whether or not additional funds were needed. That is the responsibility of the Congress.

The food stamp deductions are kept at 1995 levels instead of being adjusted automatically. Again, it is off of the automatic pilot for increases in the Consumer Price Index. Food stamp benefits will increase, increase, not a cut, increase, increase up, not down, not a cut, at the rate of 2 percent per year to reflect increases in the cost of food. Food stamp spending will no longer grow out of control.

Oversight from the committee is essential so that reforms are needed or the committee will act. And, yes, if we would have a recession and, yes, if food prices would go up and, yes, if in fact it were needed I am sure the Congress would support a supplemental appropriation.

States are provided the option of harmonizing their new AFDC programs with the food stamp program for those people receiving assistance from both programs. Since 1981, the committee has authorized demonstration projects aimed at simplifying the rules and regs for those receiving assistance from AFDC and food stamps. States have complained, recipients have complained for years about the disparity between AFDC and food stamp rules.

We need one-stop shopping, one-stop service. This bill provides them the opportunity to reconcile these differences. It is now time to provide all States, all recipients with this option.

H.R. 4 contains a tough work program. We have heard a lot about that. Able-bodied persons between the age of 18 and 50, with no dependents, no dependents, will be able to receive food stamps for three months. Eligibility, however, would cease at the end of the 3-month period if they are not working at least 20 hours per week in a regular job.

This rule will not apply to those who are in employment or training programs, such as those approved by a governor of a State. A State may request a waiver of these rules.

Let me repeat that. A State, a governor, may request a waiver of the rules if the unemployment rates are high or if there are a lack of jobs in the area. We have that waiver. We just expect able-bodied people between 18 and 50 years who have no one relying upon them to work at least half time if they want to continue to receive the food stamps. It is essential to begin to restore integrity to the program.

Abuse of the program occurs in three ways: fraudulent receipt of benefits by recipients, street trafficking in food stamps by recipients and trafficking offenses made by retail and wholesale grocers.

H.R. 4 doubles the disqualification periods for food stamp participants who intentionally defraud the program. For the first offense the period is changed to 1 year. For the second offense the disqualification period is changed to 2 years. Food stamp recipients who are convicted of trafficking in food stamps with a value over $500, they are permanently, permanently disqualified.

Also, H.R. 4 requires States to use the Federal tax refund offset program to collect outstanding overpayments of food stamp benefits. The trafficking by unethical wholesale and retail food stores is a serious problem. Benefits we appropriate for needy families are going to others who are making money illegally from the program. That is wrong.

Therefore, H.R. 4 limits the authorization period for stores and provides the Secretary of Agriculture with other means to ensure that only those stores abiding by the rules are authorized to accept the food stamps.

Finally, H.R. 4 includes a provision that all property used to traffic in food stamps and the proceeds traceable to any property used to traffic in food stamps will be subject to criminal forfeiture. Big step in preventing fraud.

The Electronic Benefit Transfer systems have proven to be helpful in reducing the street trafficking in food stamps and to provide better administration of the program. They have provided law enforcement officers a trail through which they can find and really prosecute. The EBT systems do not end the fraudulent activity, but they are instrumental in curbing the problem.

Additionally, the EBT is a more efficient method to issue food benefits for participants, States, food stores and banks.

For all of these reasons, H.R. 4 has included changes in the law to encourage States to go forward with the EBT systems.

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Mr. Chairman, this bill and the contribution of the Committee on Agriculture to the bill, I think, represent a good policy decision. We have kept the Food Stamp Program as a safety net for families in need of food. We have taken the program off of automatic pilot and placed a ceiling on spending. We save approximately $20 billion over 5 years.

Congress is back in control of spending on food stamps on a periodic basis. If additional funding is needed, as I have said before, Congress will act to reform the program so that it operates within the amount of funding allowed, or it will provide the additional funding as necessary. States are provided with an option to really harmonize food stamps with the new welfare reform programs, the AFDC programs.

We take steps to restore integrity to the Food Stamp Program by giving law enforcement and the Department of Agriculture additional means to curtail fraud and abuse. We encourage and facilitate the EPT systems. We begin a tough work program so able-bodied people with dependents who are between the ages of 18 and 50 can receive food stamps for a limited amount of time without working.

I think this represents good food stamp policy. I urge my colleagues to support this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. DE LA GARZA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and my colleagues, I would like to first express to all of my colleagues the fact that I do not consider this entire legislation in any part welfare reform, although we have a strong section on fraud and abuse. Otherwise, it is merely a reduction in funding over $21 billion, and it will cause hungry people to no longer be able to attain a nutritionally adequate diet.

I know there is great controversy about the Food Stamp Program in the abuses, in the fraud, but the fact is that the average, or more than 40 percent of the recipient households have income below 50 percent of the poverty guideline and only 20 percent have significant earnings.

The program has always been responsive to the needs, and in this year of our lord, 1995, in the United States of America, the most powerful country in the world, we should not have to admit that there is hunger in the countryside, that there is hunger in the cities. I know that there is great policy debate and disagreement, but the fact that you cannot deny is that there are hungry people. There are children who go to bed hungry at night. That cannot be denied. That cannot be covered by policy. That cannot be covered by saying Democrat or Republican. That is a fact. That is a fact that cannot be denied.

And my concern here this evening is that we go solely on cutting. We should not have to do that, because this committee, and the distinguished chairman has worked on this effort, has reduced by over $65 billion in the past 12 years, more than our share of responsibility in the budget. Had every committee in this House done what the Committee on Agriculture has done, you would not have to worry about a deficit. You would not have to worry about deficit reduction if everyone had done what we have done.

So our concern here is that each year the size of a household food stamp allotment is adjusted to reflect any changes in the cost of food. This goes back to the old policies for 40 years. We have not had the Food Stamp Program for 40 years, but nonetheless, the old policies, the old policies took care to see that this was accommodated for.

Under the present bill, it cannot be. It cuts 2 percent annually of increase, but if the food prices go beyond that, then it does not cover. Then you will have a problem, and there are those who would say, well, you can always come back and ask for more.

Under the Budget Act and the atmosphere around here today, you cannot come back for more. What this bill does, it places a cap on annual food stamp expenditures, and that gets into some, and I have never seen it before, and I feel maybe that we may be yielding to outside factors, but the way that the dollar levels would be arranged in that will be the CBO projects low unemployment, assumes no recession in the next 5 years. But if that assumption is not correct, then we have a problem that we have here somehow that we will act according to what the CBO projects, and that figure, that CBO gives, will be the figure used, and I do not know how that works. That has never been tried before.

That does not mean that you do not do something that has never been tried before. That would not be right to say that. But in this case, we know how it has worked, and it would be virtually impossible under the Budget Act since to get an added expenditure you would have to have offsetting tax increase or offsetting cuts someplace.

So the fact is that you have to go take from the poor to help the poor. And those that would lose jobs during a recession will not have food benefits adequate for their families to have a healthy diet. We do not accept the majority's assumption that there are plenty of jobs available, and if hungry people are denied food benefits, they will get a job.

The fact is that there is little welfare reform in this bill. There are no job-training requirements in the bill. It only says that States will provide employment and training to food stamp families. That is deleted, and funding for this activity is eliminated, and so we have to look at what it is that we are doing, and if given adequate job training and employment counseling, I know people will work. I know that they will work.

There are those that say, "Well, they don't want to work. I can't find anyone to cut my lawn." There are people who would like to work even if it is cutting a lawn, but if you only have one of those in a month, what would you do? And in my area, I see a lot of people doing that with this help.

In other areas, also, AFDC, the WIC, school lunch, we are making radical reforms that, when coupled with changes in the food stamp provision in H.R. 7, greatly compromise our Federal food safety net. Reason argues for leaving one program as a backstop in case reforms in other programs falter or fail.

We have now learned that the CBO estimates that the reduction in food stamps, as I have said before, will equal over $21 billion over 5 years. If this savings was the result of people moving from welfare into jobs, this bill would have the support of every Member of this House, I am sure. However, 4 saves money simply by reducing benefits and kicking people off the program who cannot find jobs on their own.

And let me tell you, I can categorically state to you, because I hear this at home, I mean, these moneys that we use are hard-earned dollars paid to the U.S. Government in taxes, and we have a moral responsibility, we have a sacred responsibility to see that these funds are used adequately, and there is no way to reform a program that is designed to keep our children from going hungry.

How do you reform that? Make more people go hungry?

But we are responsible. We have been responsible. But you do not do your responsibility, as we have done, to the tune of $65 billion for 12 years, a little over 12 years. We have done it, but not by reducing benefits and kicking people off programs where they get food or in some other areas attention for their needs.

So the reduction in spending resulting from implementation of this bill, also, we insist if it is to be done, it should go for deficit reduction. That is what people are speaking on throughout the countryside, "Reduce the deficit." I just heard it before I boarded the plane this morning, "Reduce the deficit." This we must do, that the reduction be used to address the deficit.

And I urge my colleagues to commit themselves to true welfare reform. Welfare reform does not mean saying it. Welfare reform does not mean 30-second sound bites. Welfare reform does not mean saying there are no-account, lazy people out there. Welfare reform is what we have been doing, what we have done before there was a contract, before there were many of the new Members that are here. We have done that. We have been doing that. We did it in 1977, we did it in 1981, we did it in 1985.

We have addressed these issues, not necessarily only in the Food Stamp Program. But we have. We have had chairmen of the subcommittee that have worked diligently and throughout that process. The distinguished chairman, our colleague, the gentleman from Missouri [Mr. EMERSON], has been a part of this.

So no one can say that we did not address the issue. Not one can say that we were not responsible. No one can say that in any way we reduced simply for the sake of reduction. We reduced because it was the right thing to do. We went to areas where the program needed change. We have made those changes.

So what we do today is for other reasons besides welfare reform. It is for other reasons besides doing the right thing. It is for other reasons, and you, all of my friends, know what the other reasons are, and this is no way to legislate.

Mr. Chairman, the food stamp provisions of H.R. 4 cause me great concern. Although I am relieved that the Food Stamp Program, unlike the National School Lunch Program and other child nutrition programs, including the WIC program, will not be immediately turned into a block grant by this bill, the enormous reductions in funding, over $21 billion, will cause hungry people to no longer be able to attain a nutritionally adequate diet. As we strive to find the most effective ways to help poor parents achieve self-sufficiency, there is no excuse for limiting their ability to adequately feed their children.

The Food Stamp Program is the country's largest provider of food aid and one of its most extensive welfare programs. In fiscal year 1994, it helped feed more than 1 in 10 people in this country. Half of the beneficiaries are children, and over 15 percent are elderly or disabled. More than 40 percent of the recipient households have monthly income below 50 percent of the poverty guideline, and only 20 percent have significant earnings.

The program has always been very responsive to changes in the economy in two major ways. In the first instance, each year, the size of a household's food stamp allotment is adjusted to reflect any changes in the cost of food. Here is how that works: Maximum monthly food stamp allotments are tied to the cost of purchasing a nutritionally adequate low cost diet, as measured by the U.S. Department of Agriculture, plus 3 percent. Food stamp benefits are based on 103 percent of the Thrifty Food Plan to acknowledge the fact that food prices usually have increased between the time that the cost of the TFP is determined and the time that benefits are adjusted and distributed. (The cost of the TFP is determined in June, and benefits adjusted beginning the following October. Those adjusted benefits are not adjusted again until the next October, 15 months after the TFP adjustment.) This formula helps assure that families receive benefits reflective of the cost of food at the time they are purchasing the food. This diet is called the Thrifty Food Plan [TFP], and it is the cheapest of four food plans designed by USDA. USDA determines the cost of a market basket of low cost food items necessary to maintain a nutritious diet. The TFP is priced monthly, and food stamp allotments are adjusted, up or down, each October to reflect the cost of the TFP in the previous June. The October adjustment in 1995 is expected to be an increase of approximately 3.5%, reflecting the percent of increase in the cost of food. This mechanism assures that no family will get less than what it needs to maintain its ability to purchase a nutritionally adequate, albeit low cost, diet.

H.R. 4 will limit any increases in the food stamp allotments to 2 percent annually, even if food prices increase nationally more than 2 percent. While the majority can argue that nominal benefits will not be reduced under their bill, benefits will no longer keep pace with the cost of food. Given current estimates of what will happen to food prices in the future, it is expected that in 2 years food stamp families will no longer receive benefits adequate to purchase a nutritionally adequate diet. Allotments will have fallen below 100 percent of the Thrifty Food Plan. Each year thereafter, under the majority's bill, benefits will be further eroded. We cannot stress enough the importance of maintaining a nutritionally adequate diet. It is the linchpin upon which this program is based and upon which all changes to the program must be measured. This bill completely abandons the principle that poor and hungry families deserve, at minimum, a nutritionally adequate diet. I am submitting for the record a chart showing that in two years H.R. 4 will begin to deny hungry families the chance to purchase a healthy diet.

In the second instance, the bill becomes even more unresponsive to economic fluctuations by making it extremely difficult for the program to respond to increases in need during recessions. H.R. 4 places a cap on annual food stamp expenditures at the exact dollar levels that the Congressional Budget Office estimates the program will cost given implementation of the provisions in the bill. The CBO projects low unemployment and assumes no recession in the next five years. We hope that this assumption is correct, but if it is wrong and the Nation faces a recession, benefits to poor and hungry families will be reduced. There is no provision for an upward adjustment of the cap if the number of beneficiaries rises during a recession. Any effort under those circumstances to raise the cap, under the 1990 Budget Enforcement Act, would be virtually impossible, since it would require an offsetting tax increase, a cut in another entitlement, or an emergency designation. At exactly the time when poor people need help most, they will receive less food assistance. The working poor, those most likely to lose jobs during a recession, will not have food benefits adequate to feed their families a healthy diet.

Everyone can agree that we need additional budgetary controls on our federal budget. However, this is a most inhumane way to achieve such control. Hunger cannot be capped. We must allow the one program that provides a minimal safety net to keep hunger at bay to respond to recessionary times.

We must conclude that the majority's bill is a cost savings bill, nothing more. There is little welfare reform in this bill. For example, there are no job training requirements in this bill. The current requirement that states provide employment and training to food stamp families is deleted, and funding for these activities is eliminated. Instead, the same level of funding is provided to states that choose to operate a program requiring that families work in public service jobs in return for their food stamp benefits; but, only 6 states operate such programs, and none of them are statewide. We do not accept the majority's assumptions that there are plenty of jobs available, and if hungry people are denied food benefits they will get a job. People do not prefer poverty over self-sufficiency. If given adequate job training and employment counseling, and if jobs are available, people will work. This bill provides no such incentives.

This process has not produced true welfare reform. Merely cutting the Food Stamp Program at some arbitrary level is not reform and no one should mistake it as such. This bill simply goes too far in undermining our federal food assistance safety net and leaves our poor families vulnerable to hunger. In other areas, AFDC, WIC, school lunch, we are making radical reforms that when coupled with the changes in the food stamp provisions of H.R. 4 greatly compromise our federal food safety net. Reason argues for leaving one program as the backstop in case reforms in the other programs falter or fail.

For those who have worked on far-reaching and comprehensive legislation in the past, the process of reforming welfare in this Congress has been most disturbing. The frantic pace at which we are required to move has assured that very little thoughtful consideration and deliberation can take place. The Committee on Agriculture, over Democratic objections, marked-up this bill without a CBO estimate. It is impossible to know the full implication of the bill's benefit reductions on the poor and hungry of this country without the CBO estimate. The majority many times during mark-up stated that the bill they presented for approval was believed to save $16.5 billion over 5 years. We have now learned that CBO estimates that the reductions in food stamp benefits that will result from the food stamp title of H.R. 4 will equal over $21 billion over 5 years.

The concerns of the minority over $16.5 billion in benefit reductions are magnified several times when the reductions exceed $21 billion. If these savings were the result of people moving from welfare into jobs, this bill would have the support of every member of Congress. However, H.R. 4 saves money simply by reducing benefits and kicking people off the program who can't find jobs on their own. This is no way to reform a program that is designed to keep our children from going hungry.

Finally, the minority is pleased that the committee approved a Sense of the Committee provision that the reduction in spending resulting from implementation of this bill must go toward deficit reduction. This policy must now be adopted for H.R. 4. There should be only two reasons to seek reductions in the Food Stamp Program—(1) to reduce the deficit, and (2) to reallocate resources in such a manner that allows the participants to achieve self-sufficiency (such as employment and training). Any attempt to use the savings to finance tax cuts must be roundly denounced. We cannot stand by and allow an erosion of food benefits for the poor to provide tax breaks for those who are far better off.

I urge my colleagues to commit themselves to true welfare reform, not to this bill that does little more than deny and reduce benefits to hungry families in the name of welfare reform.

Mr. Chairman, I reserve the balance of my time.

Mr. ROBERTS. Mr. Chairman, there is one man in the Congress who probably knows more about food stamps and has contributed more of his time and effort to food stamp reform and the problem of hunger and malnutrition in America than any other, and that gentleman is the gentleman from Missouri [Mr. EMERSON]. The gentleman from Missouri [Mr. EMERSON] has served with distinction on the Select Committee on Hunger and has served with distinction on the House Committee on Agriculture. He is the distinguished gentleman who has been the leader in food stamp reform and is the chairman of the appropriate subcommittee.

Mr. Chairman, I yield 11 minutes to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, I rise in support of H.R. 1214, the Personal Responsibility Act. For the past decade this topic of reforming welfare has been an abiding interest of mine and I am guided and motivated by the words of Abraham Lincoln "The dogmas * * * of the * * * past are inadequate to the present. We must think anew and act anew."

The present welfare system cannot be defended. It is a disgrace. The people who receive the assistance do not like it; the people who run the system do not like it, and the taxpayers will not stand for continuation of the present welfare maintenance system.

There are welfare programs that provide public assistance directly to individual families through cash benefits for food coupons; programs providing work or training to get able-bodied people to work; programs that provide meals in schools and other institutional settings; programs that provide distribution of commodities to hungry people, and programs linking health and food. The actual number of programs available to needy families is in excess of 125, with 80 of these programs considered major programs with a cost in excess of $300 billion per year in Federal, State, and local tax dollars. There are more programs now for providing public assistance to poor families than any time in the past, serving more people and costing more money. There must be a better way to help low-income people become taxpayers. We currently have a welfare maintenance system, not one designed to provide temporary assistance and help people reclaim or gain a life.

Most needy families coming in to seek public assistance need help in at least three categories: cash and the accompanying medical assistance, food, and housing. The rules and regulations for these programs are different and in many cases conflicting. It does not make sense for the Federal Government to set up programs for poor families and then establish different rules for eligibility. We need one program that provides a basic level of assistance for poor families; sets conditions for receipt of that assistance, including work, and then limits the amount of time families can receive public assistance.

Over the past 12 years I have served either as ranking Republican on the Nutrition Subcommittee of the Agriculture Committee or the Select Committee on Hunger. I have looked at these welfare programs in depth; I have visited scores of welfare offices, soup kitchens, food banks; I have spoken to those administering the welfare programs and the people receiving the assistance.

I learned during my years serving on the Select Committee on Hunger that any one program does not comprehensively provide welfare for poor families; it takes two or more of the current programs to provide a basic level of help. When there are two or more programs with different rules and regulations people fall through the cracks in the system and also take advantage of the system. This must stop. How anyone could defend the present structure and system is a puzzle to me; unless it is persons who benefit illicitly from the fractured welfare mess we find ourselves in today, be they welfare recipients who take advantage of the system or advocates who thrive on the power derived from establishing new programs. Advocates of the humane system, a cost-effective System, an efficient system, a system that helps people up, off and out could find little solace in the current system.

Over the past years I have come to the conclusion that an effective welfare system is one that encompasses what I refer to as one-stop-shopping. We need a lot of integration, consolidation, and automation and none of these "tools" is much a part of the system at this time. This concept takes the multiple welfare programs now in place and tries to bring some cohesion to them.

States have sought or are seeking waivers from the Federal rules and regulations to establish some type of reform of the present welfare system. Governors in particular recognize that the system is broken and needs to be fixed. Thirty States have sought or are seeking waivers from the Federal Government to reform all or a part of their respective State welfare systems.

It is amazing to me that this many States have sought to change the welfare system, thereby recognizing the failure of the present system, without any action on the part of Congress to change the system as well. There has also been a recalcitrant bureaucracy, and there is a turf program in the bureaucracy that probably exceeds the turf problem in Congress. How many more States might try to institute reforms but for the maze of bureaucracy they must go through to achieve waivers? What we have now is not a welfare system aimed at moving families off of welfare and onto the taxpayers rolls, but a maintenance system that thwarts State initiative and diversity and poorly helps poor families, exasperates the front line administrators running the programs, and is a frustration and burden to the people paying for this disastrous system.

I want to help reform the system; I want to change the way we deliver this help to poor families, and, I want to do it in an efficient, compassionate, and cost-effective manner, and I believe that with this legislatiin we are on that path.

The subcommittee that I chair held four hearings last month on the issue of reforming the present welfare system. We heard from the General Accounting Office on the multitude of programs that are now operating. We heard from a Governor who operates a welfare system that is dependent upon Federal bureaucrats for waivers; a former Governor who had to devise a system to provide one-stop-shopping for participants, and State administrators who must deal with the day-to-day obstacles that are placed in their way by Federal rules and regulations. Witnesses traveled from all over the United States to tell the subcommittee of their experiences operating programs to help poor families. Two of the members of the welfare simplification and coordination advisory committee told us of the experiences deliberating the complexities of the present system. Others provided the subcommittee with their ideas on how to improve the system.

I believe the debate on reforming the welfare system has truly begun. In the past we were only dealing with reform at the margins. We have now started on the path to real reform.

This reform will not be accomplished in one sitting, with one bill. It is a process that will take from 3 to 5 years.

The Committee on Agriculture, with jurisdiction over the Food Stamp Program and Commodity Distribution Programs, is a part of that process. The committee, along with the Republican leadership, determined that the Food Stamp Program will remain a Federal program for the present time. It will serve as the safety net for needy people. Food is fundamental and we provide access to food for these families.

We consolidate four Food Distribution Programs into one and provide for a $100 million annual increase in authorizations for the new program. Remember, food is fundamental. The food distribution programs, such as the Temporary Emergency Food Assistance Program or TEFAP, which I might add, at this juncture the administration would like to zero out, are the front line of defense against hunger for needy individuals and families. Food banks, soup kitchens, churches and community organizations are always there with food when it is needed. The Federal Government provides a portion of the food that is distributed through these programs. But it is an essential part and acts as seed money for food contributions from the private sector. If we did not have food distribution programs we would have to invent them. The committee bill consolidates these programs and increases the money to buy food so that these worthwhile organizations, most of which are made up of volunteers, can continue the fine work they now do.

We do reform the Food Stamp Program and it is in need of a lot of reform. The states are provided with an option to reconcile the differences between their new AFDC Programs with the Food Stamp Program for those people receiving help from both programs. This has been one of my goals and I believe that we are on the road to a one-stop—shopping welfare system. Complete welfare reform will come. This is the first step in the long road to reform.

States are encouraged to go forward with an electronic benefit transfer system. EBT is the preferred way to issue food stamp benefits. This bill provides States with the ability to implement the EBT system they deem approrpriate and the problems with the notorious regulation E are eliminated. The committee views EBT as a means to effectively issue food stamp benefits and as a means to control and detect fraudulent activities in the program. I am especially gratified that EBT can become an integral part of the Food Stamp Program and other welfare programs.

The committee has taken steps to restore integrity to the Food Stamp Program by instituting criminal forfeiture authority so that criminals will pay a price for their illegal activities in food stamp trafficking. We double the penalties for recipient fraudulent activities and we give USDA the authority to better manage the food stores that are authorized to accept and redeem food stamps.

We include a tough work program. We say that if you are able-bodied and between 18 years and 50 years with no dependents, you can receive food stamps for 3 months. Following that you must be working in a regular job at least 20 hours a week—half-time work—or you will not receive food stamps. The American people cannot understand why people who can work do not do so. We say you will not receive food stamps forever if you do not work.

The committee determined that the unconstrained growth in the Food Stamp Program, due to the automatic increases built into the program and the changes made to the program over the past years, cannot continue. We restrain the growth in the program by limiting the indexing of food stamp income deductions and providing a 2-percent increase in food stamp benefits. We place a ceiling on the spending in the program. It will be up to Congress to determine whether increases above the limits placed on the program will take place. This is the appropriate way in which to manage this program. If a supplemental appropriation is needed, it will be Congress that decides whether to provide the additional money or institute reforms in the program to restrain the growth.

Mr. Chairman, this is a good bill, with sound policy decisions incorporated. Remember, we have not ended the process of reforming welfare with the action we take today. We are beginning the process of real reform. I urge my colleagues to support this bill and take this first step along with me. We cannot continue as we are today with a welfare system that is despised by all involved. The status quo is unacceptable. Let us think anew and act anew.

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Mr. ROBERTS. Mr. Chairman, I thank the gentleman from Missouri [Mr. EMERSON] and would point out to the Members and to all who are paying attention to this debate that the gentleman from Missouri has spent more time in regards to personally visiting feeding programs and soup kitchens. It is his amendment that consolidates many of the feeding programs and adds $100 million to that effort.

Mr. Chairman, I reserve the balance of my time.

Mr. DE LA GARZA. Mr. Chairman, I yield 3 minutes to the gentleman from Maine [Mr. BALDACCI].

Mr. BALDACCI. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise today in strong opposition to H.R. 4, the Personal Responsibility Act of 1995 from the Republican Contract With America.

Among the most troubling provisions of the bill are those dealing with food and nutrition, deep cuts in food stamps and block grants for the School Lunch Program, and Supplemental Nutrition Program for Women, Infants, and Children. To add insult to injury, the money saved will fund tax cuts, not address the debt or deficit.

While keeping the entitlement nature of food stamps, the majority have placed a cap on the program and cut spending by $23 billion over 5 years. The food purchasing power of millions of recipients will diminish over time, and fall below the amount needed to purchase the bare-bones minimum.

In my home State of Maine, history shows us that during down swings in the economy, the number of people turning to food stamps increases. The rigid cap on food stamp expenditures would allow for no adjustments for economic changes.

The majority would mandate that certain recipients work for their benefits, yet they provide no funds for the State to create jobs or to provide training.

All told, Maine would lose $88 million over the next 5 years, nearly 20 percent from the budget of a program that serves 160,000 people monthly.

I spent time talking to parents and students at a school in Bangor ME, yesterday. They could not believe that Congress was going to cut the School Lunch Program to pay for tax breaks. It rankled them to no end.

In Maine schools, more than 48,000 students a year gain a substantial share of their daily nutrition from free and reduced lunches. That is nearly a quarter of Maine's student population. In providing the School Lunch Program, Federal, State and local governments spent $44 million in Maine last year.

This is not a welfare program this is an education program, a nutrition program. How many times have each of you heard, "A hungry child can't learn?"

Then there is WIC, a program that ensures adequate nutrition for pregnant women and nursing mothers. More than 70 studies have proven its effectiveness at preventing low-birthweight babies and other complications. It saves money in the long run.

For $17 million a year 44,000 women, infants, and children in Maine reap the benefits of the sustaining food provided by WIC funds.

Despite the obvious benefits of both programs, the Personal Responsibility Act creates block grants, rolls back nutritional standards, and generally fails to give States enough money to do the job properly.

Titles 3 and 5 of the act, those covering WIC and school lunches, cap the block grants at less than the rate of inflation. Maine would lose $37 million over the next 5 years.

Food programs are the ultimate safety net. The changes contained in the Contract With America would leave the net threadbare and unable to break the fall of those who most need it. I urge my colleagues to oppose H.R. 4.

Mr. ROBERTS. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. GOODLATTE], who has authored many strengthening amendments to the antifraud provisions of the food stamp reform package.

Mr. GOODLATTE. I thank the chairman for yielding this time to me.

Mr. Chairman, I commend the gentleman from Kansas [Mr. ROBERTS] for what I think is a very fine bill, a very fair bill, and a bill that I think is going to lead us in the right direction here. You know, I am one who strongly supports the idea that this is something that eventually should be turned over to the States to run. I think government closer to the people is a government that runs a better program. We have set up a mechanism to accomplish that in this legislation by setting up a method by which States that go to the electronic benefit transfer system can eventually qualify to have the program administered through a block grant system. I think that is the right direction to take.

In the meantime, measures need to be taken to tighten up this program, and I think this bill does just that.

Before I address those, I would like to first respond to those on the other side who claim that this bill lacks compassion. I think that is utter nonsense. Compassion is not measured by the size and complexity of the bureaucratic program that has been established over the years. Compassion is not measured by the billions upon billions of dollars that we keep throwing at this program without results, but instead, making more and more people dependent upon the program.

Compassion is measured by taking people by the hand and helping them where they need to be helped, but also setting them on their own and asking them to go ahead and take some responsibility for their own lives. That is what is ultimately the thing that will build back into peoples lives the dignity that is needed.

□ 2045

Mr. Chairman, those who suggest that the work requirements here are unfair I think are completely off track. We have a situation here where anyone who is between the ages of 18 and 50 is required to work 20 hours a week, not 40 hours a week, as many people strive to do, merely 20 hours a week. If they have a dependent child at home, and they are the primary care giver, they are not required to comply with that. I think ultimately we are going to have to change that and require that.

Today most young American families, both members of the household work, and I think that ultimately we need to expect that everyone should contribute something for the benefits that they receive, and to suggest that we are the ones who are lacking in compassion when the President's plan would have gutted the ability of food programs, food banks all across this country, to assist people with basic needs, and this plan preserves that, again I think it is very misleading to suggest that somehow we are being lacking in our compassion.

The second problem we have with this program is that it has historically been beset by all manner of fraud. Food stamps are trafficked on the street, traded for drugs, used in a multitude of methods.

I point out that we have done that by requiring that State and local governments and the Department of Agriculture verify the existence of stores that are trading food stamps because we have had problems with them being traded through post office boxes and through the trunks of cars, and we have tightened up the requirements that, if somebody is found guilty of trafficking in food stamps, and it involves more than $500, they can be barred from receiving food stamps.

Mr. Chairman, I urge support of this bill.

Mr. ROBERTS. Mr. Chairman, I reserve the balance of my time.

Mr. DE LA GARZA. Mr. Chairman, I yield 1 minute to our distinguished colleague, the gentlewoman from Missouri [Ms. MCCARTHY].

Ms. MCCARTHY. Mr. Chairman, I thank the gentleman from Texas [Mr. DE LA GARZA] for yielding me time.

Mr. Chairman, the Republican welfare bill that we are debating has one clear result, save $69 billion over 5 years by creating block grants to the States with fixed, capped funding.

The proposed legislation does little to assist individuals to become self-sufficient by helping them find work. It has no guarantees that it will reform the welfare system. Instead, this is a package geared toward reducing the deficit and guaranteeing that the affluent receive a capital gains cut, by cutting benefits and resources to our children.

On February 23, the National Governors' Association sent a letter to the chairman of the House Ways and Means Committee signed by the Governor of my State, Mel Carnahan, and Republican Governors Tommy Thompson of Wisconsin and John Engler of Michigan. The letter states: "The Governors view any block grant proposal as an opportunity for Congress and the President to provide needed flexibility for States, not as a primary means to reduce the Federal budget deficit." They continue in this four-page letter to list other objections they have with the bill in its current form, including provisions that limit State flexibility or shift Federal costs to States. With that, Mr. Chairman, I ask that the full text of the letter appear in the RECORD after my remarks.

I understand the need to reform the welfare system. I do not understand, however, why we need to forge ahead with legislation that is so poorly thought out that it simply abdicates our legislative responsibility to the Senate, whom we hope will take the time necessary to craft a bill that truly reforms the welfare system. Those of us who have extensive understanding of State welfare programs feel we have not been given adequate opportunity to help shape the welfare debate going on today.

Because of the way this legislation has been rushed through this body and in light of the fact that the bill does not meet the fundamental principle of moving people from welfare to work, I cannot support H.R. 1214 in its current form.

The letter referred to is as follows:

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, February 23, 1995.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means,
U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: We are writing to express our views on the Personal Responsibility Act, as amended by the Subcommittee on Human Resources. The Governors appreciate the willingness of the subcommittee to grant states new flexibility in designing cash assistance and child welfare programs. We are concerned about a number of the bill's provisions, however, that limit state flexibility or shift federal costs to states.

The Governors believe Congress has at this moment an enormous opportunity to restructure the federal-state relationship. The Governors urge Congress to take advantage of this opportunity both to examine the allocation of responsibilities among the levels of government and to maximize state flexibility in areas of shared responsibility. We believe, however, that children must be protected throughout the structuring process. In addition, although federal budget cuts are needed, the Governors are concerned about the cumulative impact on the states of federal budgetary decisions. The Governors view any block grant proposal as an opportunity for Congress and the president to provide needed flexibility for states, not as a primary means to reduce the federal budget deficit.

The Governors have not yet reached consensus on whether cash and other entitlement assistance should remain available, as federal entitlements to needy families or whether it should be converted to state entitlement block grants. We do agree, however, that in either case states should have the flexibility to enact welfare reforms without having to request federal waivers.

FEDERAL STANDARDS FOR BLOCK GRANTS

If Congress chooses to pursue the block grant approach proposed by the Human Resources Subcommittee, the block grants should include a clear statement of purpose, including mutually agreed-upon goals for the block grant and the measures that will be used to judge the effectiveness of the block grant.

CASH ASSISTANCE BLOCK GRANT

The Governors believe that a cash assistance block grant for families must recognize the nation's interest in: Services to children; moving recipients from welfare to work; and reducing out-of-wedlock births.

Although the Governors recognize the legitimate interest of the federal government in setting broad program goals in cooperation with states and territories, they also believe that states should be free from prescriptive federal standards.

We appreciate the flexibility given to states in the bill to design programs, to carry forward program savings, and to transfer funding between block grants. We must oppose, however, Title I's prohibitions on transitional cash assistance to particular families now eligible for help and ask instead that states be given the authority to make these eligibility decisions themselves. Some states may want to be more restrictive than the bill—by conditioning aid on work, for example, sooner than two years—while other states may decide it is appropriate to be less restrictive.

The federal interest should be limited to ensuring the block grant is used to aid low-income children and families. in the past federal restrictions on eligibility have served to contain federal costs given the open-ended entitlement nature of the Aid to Families with Dependent Children program. Such restrictions have no place, however, in a capped entitlement block grant where the federal government's costs are fixed, regardless of the eligibility and benefit choices made by each state.

Similarly, while Governors agree that there is a national interest in refocusing the welfare system on the transition to work, we will object strongly to any efforts to prescribe narrow federal work standards for the block grant. The Governors believe that all Americans should be productive members of their community. There are various ways to achieve this goal. The preferred means is through private, unsubsidized work in the business or nonprofit sectors. If the federal government imposes rigid work standards on state programs, such standards could prove self-defeating by foreclosing some possibilities, such as volunteering in the community, that can be stepping stones to full-time, private sector jobs. A rigid federal work standard would also inevitably raise difficult issues about the cost and feasibility of creating a large number of public jobs, and the cost of providing child care for parents required to work a set number of hours a week in a particular type of job.

CHILD PROTECTION BLOCK GRANT

Governors view the child protection block grant as overly prescriptive and urge Congress to refocus it on achieving broad goals, such as preserving families, encouraging adoption and protecting health and safety of children. We also oppose the mandated creation of local citizen review panels. We believe that it is inapprorpiate for the federal government to dictate the mechanism by which Governors consult the citizens of their state on state policies.

BLOCK GRANT FUNDING

We appreciate the subcommittee's willingness to create block grants whose funding level is guaranteed over five years rather than being subject to annual appropriations. It is essential, however, that block grants include appropriate budget adjustments that recognize agreed-upon national priorities, inflation, and demand for services. The cash assistance block grant does not include any such adjustments for structural growth in the target populations. While some growth is built into funding for the child protection block grant, it is not clear whether it will be adequate especially given that states are likely to be required by the courts to honor existing adoption assistance contracts. Governors will continue to protect abused and neglected children by intervening on their behalf and we believe that federal funding must continue to be available for these services.

Governors also ask that any block grants include funding adjustments to provide for significant changes in the cyclical economy and for major natural disasters. An additional amount should be set aside each year for automatic and timely distribution to states that experience a major disaster, higher-than-average unemployment, or other indicators of distress. While the bill does include a federal rainy day loan fund, we are concerned that this loan fund will prove to be an inadequate means of addressing sudden changes in the need for assistance. States experiencing fiscal problems will not be able to risk taking out federal loans that they may not be able to repay. Furthermore, one billion dollars over five years may not be sufficient if many states experience economic downturns or natural disasters at the same time, as was the case with the last recession or with the midwestern floods. Finally, an unemployment rate in excess of 6.5% may not be a sufficient proxy for identifying increases in need and should not be the sole trigger for increased aid.

We also urge the committee to change the funding base year and formula for the two block grants. We believe that initial allotments to states for the cash assistance and child protection block grants should be the higher of a state's actual funding under the consolidated programs in fiscal 1994 or a state's average funding during fiscal years 1992 through 1994. This change would help protect states with recent caseload growth from receiving initial allotments far below actual need.

ACCOUNTABILITY IN BLOCK GRANT PROGRAMS

We believe that block grants should include a clear statement of purpose, including mutually agreed-upon goals for the block grant and the measures that will be used to judge the effectiveness of the block grant. We are concerned, however, that the reporting requirements in both the cash assistance and child protection block grant go far beyond what is necessary to monitor whether program goals are being achieved. We encourage the committee to restrict reporting requirements to outcome and performance data strictly related to the goals of the program, and hope that those reporting requirements can be mutually agreed upon by Congress, the administration, and ourselves.

We agree that states should be required to use the block grant funding to provide services for children and their families. We do have questions, though, about how broadly the bill's audit provisions would be applied. Would the audit process be used, for example, to determine whether the block grant goal of assisting needy children and families was being achieved? We would also suggest that rather than the federal government reclaiming audit exception funds, that these funds remain available to a state for allowable services to families and children.

IMPLEMENTATION

Governors also ask Congress to recognize that moving to a block grant structure raises many implementation issues. Almost every state is operating at least one welfare waiver project. We believe that states with waivers currently in effect should have express permission either to continue their waiver-based reforms, or to withdraw from the waivers, and be held harmless for any costs measured by waivers' cost neutrality provisions. Savings from individual state's waivers should be included in the state's base. Some states have negotiated a settlement to retain access, subject to state match, to an agreed upon dollar amount of waiver savings. Legislative language converting AFDC to a block grant should not terminate these agreements and thereby preclude states from drawing down the balance of these previously negotiated amounts.

Implementation of block grants would also pose enormous difficulties for state information systems, and we are concerned that there may not be sufficient funding or lead time to allow states to update these systems as necessary to implement the legislation. While states that are ready should be able to implement any new block grants as soon as possible, other states should be allowed at least one year after enactment to implement the new programs. We also believe that a consultative process between Governors, Congress and the administration would be necessary to ensure that the transition to a block grant system is made in an orderly way and that children's needs continue to be met during the transition.

FEDERAL AID TO LEGAL NONCITIZENS AND FEDERAL DISABILITY BENEFITS

The Governors oppose the bill's elimination of most federal services to legal noncitizens. The elimination of federal benefits does not change any state's legal responsibilities to make services available to all legal immigrants. Policy adopted by the Governors clearly states that since the federal government has exclusive jurisdiction over our nation's immigration policy, all costs resulting from immigration policy should be paid by the federal government. This bill would move the federal government in the opposite direction, and would shift substantial costs to states.

The Governors also oppose the bill's changes to the Supplemental Security Income (SSI) program. We recognize that the program is growing at an unacceptable rate, and that serious problems exist regarding the definition and diagnosis of disabilities. The changes in the bill go far beyond addressing those problems and represent a substantial and unacceptable cost shift to states. The Governors believe that Congress should wait for the report of the Commission on Childhood Disability before acting to change eligibility for disability to children. We also ask that Congress allow last year's amendments regarding the substance abuse population to be implemented before enacting new changes in that area. If changes in SSI are enacted that deny benefits to hundreds of thousands of families and children, the result may be a sharp increase in the need for aid from the new cash assistance block grant at a time when those funds would be capped.

Thank you for your consideration of our views on the first four titles of Chairman Shaw's bill. We are also reviewing the child support provisions and will be forwarding our comments on them to you separately.

Sincerely,

GOV. HOWARD DEAN,
Chair.
GOV. TOMMY G. THOMPSON,
Vice Chair.
GOV. TOM CARPER,
Co-Lead Governor on Welfare.
GOV. JOHN ENGLER,
Co-Lead Governor on Welfare.
GOV. MEL CARNAHAN,
Chair, Human Resources Committee.
GOV. ARNE H. CARLSON,
Vice Chair, Human Resources Committee.

There is one last point I would like to make. Last week my staff received an invitation to attend an all-expense-paid trip to visit Navy bases in the Pacific. Now Mr. Speaker, I do not know how many staffers are going to take this trip—I know mine isn't—and for all I know the Navy may need to have staff review their operations in the Pacific. However, my question is this: If budgets are so tight that we have to cut school lunch programs for children and energy assistance programs for the elderly, then why do we continue to allow funding for these types of trips, which strike me as completely unnecessary? If we are going to cut the deficit, why don't we look to end these types of trips that are paid for by U.S. taxpayers.

Mr. DE LA GARZA. Mr. Chairman, I yield 4 minutes to the distinguished gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, discussion about welfare reform is not new. This issue has been debated over the years. We have come a long way.

But, as we stand, prepared to vote on welfare reform legislation, I am struck by the feeling that, as far as we have come, we seem to be going a long way back.

A minister in my district tells the story of what school breakfast was like, before we had a Federal school program.

Scolded by her teacher, an embarrassed little girl discarded her breakfast. She had been eating it during class. The noise when the item landed in the wastebasket was revealing and disturbing. That little girl's school breakfast was a raw sweet potato. Without it, she would not eat.

That, Mr. Chairman, is where we have come from. I am worried, however, that we may be going back to that same place in time.

The majority has offered a welfare reform bill that cuts eligibility without work program funding, reduces spending and gives wide flexibility to the States.

My party will offer two substitute bills that offer less radical reform but provides for funding for work. I rise to encourage my colleagues to think America. This issue is not about party and politics. It is about people.

It is about sound bodies, strong minds and sturdy spirits. This issue is about moving forward in the future. It is not about wallowing backward to the past. We should shape a bill that is neither Republican nor Democrat, that hurts neither the rich nor the poor—a bill that joins us, not one that divides us.

We are not 50 States. We are the United States. We do not need fifty standards for nutrition in this Nation. We need one standard.

Regionalization and sectionalism hurts us. We fought a Civil War to bring this Nation together. The place of one's birth should not determine the quality of one's life. Every child in America should have a hearty breakfast and a healthy lunch. At the end of the first 100 days of this Congress, the current debate on welfare reform will be finished. But, where will America be on the 101st day?

Will there be more people with jobs? Will we show improvement in education? Will there be less crime in the streets?

More specifically, will there be more or fewer hungry children? Will infant mortality rates rise or fall? Will our seniors be better off at that time than they are now? What, if anything, will a young school girl have for breakfast?

Children are not driving the deficit. Senior citizens are not the cause of our economic problems. Programs for poor people do not amount to pork.

In fact, AFDC constitutes just 2 percent of all entitlement spending and 1 percent of all federal spending.

The average American taxpayer spends only about $26 on AFDC. Child nutrition programs represent only one-half of 1 percent of total federal outlays. And, the average food stamp benefit is 75 cents per person, per meal. Only 75 cents.

That is why I am deeply troubled by the proposed cuts. Cuts have occurred, and more are proposed in the WIC Program, for example. WIC works.

It is a program that services low-income and at-risk women, infants, and children.

Pregnant women, infants 12 months and younger, and children from 1 to 5 years old, are the beneficiaries of the WIC Program.

For every dollar this Nation spends on WIC prenatal care, we save up to $4.21 cents.

The budget cutting efforts we are experiencing are aimed at reducing the deficit. The deficit is being driven by rising health care costs. When we put money into WIC, we save money in Medicaid. The equation is simple.

Those who have a genuine interest in deficit reduction can help achieve that goal by investing in WIC and the other nutrition programs now targeted for cuts.

Mr. Chairman, the story is told of a rich man, while dining at his table of plenty, he noticed a ragged, poor, old woman, outside his window, begging for food. "Go", he said to his servant, "It saddens me to see that poor, old woman," he lamented. "Get her away from my window. Tell her to go away," he said.

As this debate goes on, many charts and numbers will be displayed. Republicans and Democrats will claim that theirs is the truth. Let's not forget the people.

When we conclude this week, we must each look in the mirror and ask ourselves, what have we told the poor, old women and men, and the pregnant women, and the infants and children, and the little school girls and little school boys?

Have we told them to get from our windows? Have we told them to go away? Or have we told them to come inside and join us at America's table of plenty?

The issues are clear. The choices are plain. I ask my colleagues. Where do you stand? The Personal Responsibility Act, as currently written, is mindless and senseless and should be rejected.

Mr. DE LA GARZA. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Georgia [Mr. BISHOP].

Mr. BISHOP. Mr. Chairman, I rise today with those who over the years have been, and continue to be, truly concerned about the citizens of America who need us the most.

Currently H.R. 4 will substitute block grant funding for Federal nutrition programs. This block grant procedure would probably eliminate federally sponsored nutrition programs such as; (WIC) and the School Lunch and Breakfast programs among others, and substitute a single Federal payment to the States.

Based on Congressional Budget Office data, funding for the school nutrition block grant would be $170 million less than the levels that would be provided under current law. The proposed block grants would end the entitlement status of the school lunch and breakfast programs. Thus, during recessions, States and school districts with rising unemployment could be forced to choose between denying free meals to newly poor children and raising taxes, or reducing other programs to secure more resources in the middle of a recession.

We need a bill that maintains nutrition programs for children and the elderly, including WIC and school lunch program. These programs have produced significant and measurable outcomes among children who participate in them. The block grant structure proposed by H.R. 4 can't respond when the economy changes and place children at risk by eliminating nutrition standards responsible for improved children's health.

We need a bill that has strong antifraud and abuse provisions for the Food Stamp program. We need a bill that has work requirements for able-bodied food stamp recipients, that also helps States provide work placement and job training for food stamp recipients. We need a simplified food stamp program, revising administrative rules and simplified determination of eligibility. We need a program that retains the annual inflation adjustments for the cost of food, a program that provides a basic benefit level. We do not need a bill, such as H.R. 4, that underfunds real welfare reform by cutting spending while giving States block grants which do not increase even if the State is in recession, or has a drastic increase in its poor population.

The Republican welfare reform bill talks about work but does little to achieve it. It does not have meaningful work requirements for moving people from welfare to work. It does not provide the necessary education and training to prepare people for work.

We need a bill that provides tough, meaningful work requirements for welfare recipients. Real welfare reform must be about replacing a welfare check with a paycheck. The Deal substitute provides work requirements for welfare recipients, requiring states to place 16% of recipients in work in the first year and 20% in the second year. HR 4 does not reach the same work participation rate.

I am interested in the positive health effects that these nutrition programs have on our poor children, needy elderly, and handicapped in our country. I have heard testimony which clearly outlined the negative impact of block granting to the states of commodity distribution programs in lieu of the current nutrition program funding mechanisms.

In addition, a discretionary block grant would eliminate the entitlement status of nutrition programs and subject each year's nutrition program funding to the Congressional appropriations process. There is talk that compromises were made in H.R. 4 which allowed the Food Stamp program to remain an entitlement program but at the same time placing a cap on benefits for the Program. The compromises also provided that all other nutrition programs could be block granted to the states. I want to commend the leadership of the Agriculture Committee for this effort, but I believe that the block granting with limited funding goes too far.

In the Mississippi delta, in the coal fields of Appalachia, in the red clay hills of Georgia, 25 years ago one could see large numbers of stunted, apathetic children with swollen stomachs and the dull eyes and poorly healing wounds characteristic of malnutrition. Such children are not to be seen in such numbers today.

The need for nutrition assistance has not diminished. We must not give up the accomplishments our nutrition programs achieved in the past decades. We must find ways to improve our programs. We must have flexibility at the State level, reducing excessive administrative requirements, and encourage innovation in the delivery of services to the needy. Mr. Chairman, I reject H.R. 4 and support the Deal substitute for commonsense welfare reform.

Mr. DE LA GARZA. Mr. Chairman, I yield 4 minutes to the distinguished gentlewoman from Florida [Mrs. THURMAN].

Mrs. THURMAN. Mr. Chairman, the American people want a welfare system which provides a hand up, not a hand out. The deal plan provides individuals with the assistance necessary to break the cycle of poverty and to ensure that welfare recipients are better off by working than by remaining on welfare.

But they also believe that no one in America should go hungry. That has been the American tradition, a bipartisan commitment to ensuring adequate nutrition for our citizens—especially our children and the elderly. The Republican welfare plan chops away at this tradition. Americans who care about their neighbors should be concerned.

Let me just explain what is at stake so we all understand the magnitude of what the Republicans are proposing and who will be sacrificed for the sake of lowering the capital gains tax rate.

The program always has been a safety net for the working poor who—despite working 40 hours or more a week, do not earn enough to feed their families. Food stamps help families who lose their jobs during economic bad times and the elderly who cannot stretch their fixed incomes to meet all their needs and wind up choosing between food and medicine. Finally, food stamps help the millions of innocent children who, through no fault of their own, are growing up in poverty.

Last year, food stamps helped feed more than 1 in 10 people in this country. Families with children receive 82 percent of food stamp benefits. Elderly and disabled households receive 13 percent of food stamp benefits. In 1992, more than half of households receiving food stamps—56 percent in fact—earned less than half of the government-established poverty level. For a family of three, this is $6,150.

The food stamp proposal in the Republicans bill would lead to sharp reductions in food purchasing power.

The U.S. Department of Agriculture estimates that 2.2 million food stamp participants would become ineligible under the bill.

The Congressional Budget Office says that the bill would reduce the food stamp program by $21.4 billion over the next 5 years. The savings do not come from reducing fraud or administrative costs, they come from taking food out of the mouths of children who desperately need it.

The Republican plan reduces basic food purchasing power. In a few years, food stamp benefits will fall below the amount needed to purchase the Thrifty Food Plan, the bare bones food plan that was developed under the Nixon and Ford administrations and has served as the basis for the food stamp program since 1975.

Instead of keeping pace with food prices, as food stamp benefits always have in the past, benefits could rise by only 2 percent a year. Even if food prices jumped 8 percent in a year, food stamp benefits would increase just 2 percent. Fact—food prices have risen about 3.4 percent a year, even in these periods of low inflation.

Under the Deal substitute, which I helped write, savings are made. However, we guarantee that benefits never drop below the cost of the thrifty food plan.

These savings in food stamp benefits, and several other provisions of the Deal substitute, were painful cuts to make. But we made them, in order to pay for education and training programs and deficit reduction. Republicans, in contrast, reduce benefits for the sole purpose of paying for tax breaks for people making more than $100,000 a year.

The Republican bill also ends benefits after 90 days to able-bodied persons without children, unless these individuals are working at least half-time or are in a workfare or other employment or training program regardless of whether jobs are available. More than one million people will be kicked off food stamps because of this provision.

This provision does not reflect the reality of downsizing and loss of work without warning. These realities are all too familiar in America.

What about Americans, who live in small towns all over the country, who are laid off from factory jobs. These people know it takes time to find a new job. If these individuals use most or all of what little cash income they can scrape together for food, some may not be able to afford to pay rent. Homelessness and hunger would be a likely consequence.

Many members of this group have strong attachments to the work force and turn to food stamps for temporary periods when they are out of work. Most leave the program within 6 months.

The Deal substitute addresses the fact that most of these people re-enter the job market within 6 months instead of denying benefits after just 90 days. Under the Deal substitute, to continue to receive benefits a recipient must work at least half-time, participate in a public service program, or participate in an employment and training program in order to qualify.

The strength of our nation depends on how we raise our children today. We must commit as a Nation to raising strong, healthy children who will grow up to realize their full potential. To do this, we cannot abandon our commitment to successful nutrition programs. We know they work.

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Mr. DE LA GARZA. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Minnesota [Mr. PETERSON].

Mr. PETERSON of Minnesota. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise tonight to support H.R. 938, the Individual Responsibility Act of 1995. I am proud to be a cosponsor and want to commend the coalition, the gentleman from Georgia [Mr. DEAL], the gentlewoman from Arkansas [Mrs. LINCOLN], the gentleman from Tennessee [Mr. TANNER], and others that worked so hard to put this legislation together.

We have a bill here that I think responsibly reforms the welfare system and, more importantly, coordinates the welfare system with food stamps and other aspects.

When it comes to welfare reform, I think we all agree that the system is broke and needs to be fixed. I think we all agree that in some respects we need to get tough. But we also need to reform the system with a package that makes sense. I think the Republican bill in some areas is too extreme and does not fix the problems. In fact, I think in some areas it actually probably causes some problems.

We have a bill that we have put together that makes work pay. The Deal substitute would ensure that welfare recipients will be better off economically by taking a job than by remaining on welfare. Our bill emphasizes work first. It has a definite end to benefits, time limits, and it gets tough on deadbeat dads and does a number of things that we have been asking for for years.

I think one of the things that we are proud of in the coalition is that we have done a considerable amount of work in the food stamp area, and we want to commend the gentleman from Missouri [Mr. EMERSON] and others for the work they have done in this area. But I think we have done some things that are going to make the bill somewhat better.

Mr. Chairman, I, along with the gentleman from California [Mr. CONDIT], the gentleman from Kentucky [Mr. BAESLER], the gentleman from Texas [Mr. STENHOLM], and the gentlewoman from Florida [Mrs. THURMAN], have done considerable work on this bill, trying to coordinate the food stamp program with the changes that we have made in the AFDC program in the Deal bill. In fact, this bill includes 19 specific provisions to bring the food stamps and the AFDC programs together on applications, deductions, eligibilities, income, resources, and certification.

I heard earlier the Honorable chairman talk about the fact that their bill is going to give the States the opportunity to coordinate in these areas. We have a bill here where we have done the work, we have already coordinated it, and I think it makes the Deal bill a stronger bill. In the end, I think the Deal substitute is going to be very close to what happens in this Congress.

Our bill in the food stamp area we believe is also tougher than the Republican bill on fraud and abuse. We think we have done a better job to get at those issues. We recognize that there is a lot of good provisions in the Republican bill as well.

Mr. Chairman, I again strongly support the Deal substitute, and look forward to having a vote on that in the near future.

Mr. ROBERTS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Florida [Mr. FOLEY], a valued member of the committee.

Mr. FOLEY. Mr. Chairman, I thank the gentleman for his leadership on this issue.

We continue to hear about the people of America that will suffer under Republican leadership. We have debated a food stamp bill for over 13 hours in committee, discussing what is right and what is wrong about it. The other side can vote against this bill. They can continue to support over $3 billion of waste in the Food Stamp Program. People buying crack cocaine, trading food stamps for prostitution, exchanging it for cash, buying liquor, cigarettes.

I felt so bad for the woman I followed in the store the other day who brought 100 dollars' worth of food stamps and bought microwave popcorn, ice cream, soda pop, pork rinds. I grew up in a home where my mother was working at an eye doctor's and my father was a high school coach. She used to get the powdered milk and mix it with a full gallon of milk and stretch it to 2 gallons. We did not buy sodas at home.

The Food Stamp Program needs reform. What we are doing in this Congress is providing reform for a very, very valuable program, but one that in 1979 spent $6.9 billion, this year $26.5 billion. Is that something to be proud of? Have times gotten that tough from 1979 to 1995, that the program should have grown by that amount of money?

They say what happens if there are no jobs in the State. Well, in our bill if the Governor or State certifies that unemployment exceeds 10 percent and there are not enough jobs, that 90-days-and-you-are-off provision is waived. There are provisions to protect in extreme unemployment times. There are safety nets. I keep hearing the "safety net" term. I have to call this program a trampoline. People are jumping on it and they do not want to get off. They do not want to change their behavior. They do not want to change their way. People do not want to work. I spoke about this earlier this evening, not enough job training in the programs.

The food stamp program is growing rapidly out of control. I have to suggest that when we talk about the real changes in this program and the real reforms, they are in fact in this bill. And they are tough. We are curbing trafficking in fraud with increased penalties. We are going after people that use these food stamps illicitly and illegally and profit by their use. We are promoting real jobs with new incentives. We want people to work. We want America to work. But we do not want people waking up and growing up and these children we talk about in the abstract who are sitting at home while their parents sit at home watching Opra Winfrey or Jenny Jones or some other talk show, when they could be out in fact working, and inspiring their children to participate in the American dream.

I appreciate the chairman's leadership on this vital issue, and I believe when the American public sees what is in this bill, they will urge people on both sides of the aisle to support it in its entirety.

Mr. DE LA GARZA. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Chairman, I strongly support welfare reform, but one thing we must not do is rush through changes that hurt children. It is not the kids who have the responsibility for the flaws in our present system; it must not be the kids that pay the most painful and lasting price for the welfare reforms we debate tonight. Unfortunately, it is the kids who bear the brunt of the impact of the Republican welfare reform proposals because of the deep, in fact devastating cuts, they direct at programs which provide for the nutritional needs of these children.

The reform bill does serious harm to child nutrition in two critical areas. First, the present programs are capable of dealing with future events that impact costs. These include increases in grocery costs, higher school enrollments, or an influx in the food stamp program brought about rescission, which like the last recession can thrown literally millions out of work and into a situation where they critically need food stamps for that family.

Capping programs and not sufficiently allowing for growth in enrollment and costs means that by the end of the decade, children will not have the nutrition available that they have had or that they have today. When it comes to feeding our children, under their plan we will be going backwards instead of forward.

Second, eliminating minimum nutrition standards for our states is terribly troubling. Now, I am all for State flexibility, State discretion. But for goodness sake, nutritional needs do not vary State by State. A kid in your State has the same nutritional requirements as a kid in my State. By eliminating national requirements and cutting available funds, we are setting in motion the inevitable deterioration of the nutritional values in our school lunch and breakfast programs. Goodbye milk and hello Koolaid for our kids in the years ahead.

The Republicans cry foul over these charges. They adamantly deny they are cutting anything. But the numbers speak the truth. A total of $26 billion is cut from WIC, child nutrition and food stamps over the next 5 years, more than a third of the cuts in the entire Republican welfare reform package.

You do not come up with $26 billion, Mr. Chairman, by reducing paperwork, eliminating waste, fraud and abuse. You get this much money only if you come directly at the meals our kids are presently receiving and reducing them dramatically in the future.

There seems to me something terribly hypocritical about this, because you can bet your bottom dollar as Members of Congress our diets will not suffer in the years ahead. If groceries go up, we will pay it, because we have the financial resources to do so.

But there are kids all over the country who depend on these programs for their basic nourishment, and they will not be able to keep up with rising costs in the future. Kids like the little Will boy I heard about in Grand Forks, ND, Friday. The person responsible for the School Lunch Program told me lots of kids depend on the school lunch and breakfast programs for their basic nourishment, and that in one little grade school in Grand Forks, the poorest section of town, you will find on any given Monday more than 100 kids in line waiting for the school breakfast, perhaps their first balanced meal since the Friday school lunch.

She heard a little boy one day jumping up and down saying, "That smells so good, that smells so good." The breakfast that morning was cold cereal and toast. Even toast to this little fellow smelled that good and caused that excitement. Now, this school district is going to have eliminate the School Breakfast Program if the cuts proposed by the Republican majority are enacted, and that little boy will not lose his breakfast; he will also lose his ability to listen and learn in class. Maybe even his edge in being able to fight off childhood illness. As a dietician told me this week, child nutrition is not welfare; it is health care.

Mr. Chairman, I owe it to that little fellow to vote against this harsh and unfair legislation, and I urge all of my colleagues to join me in rejecting these cuts for kids.

Mr. DE LA GARZA. Mr. Chairman, I yield three minutes to our distinguished colleague, the gentleman from Kentucky [Mr. BAESLER].

Mr. BAESLER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I support the Deal and the coalition bill, the alternative to the Republican bill, for several reasons. First is because it does, as does the Republican bill, simplify the administration of all the programs. Second, it acknowledges that we want people to go to work, but to require them to go to work we have to have child care and in some cases case transportation. I think the Deal bill provides that, whereas I do not think the Republican bill does.

The third reason I support the Deal bill and the coalition bill is because it does acknowledge sometimes people need transition from welfare to work, and in that transition they might need a 2-year period until able to retain their Medicaid card, which I think is important.

The fourth reason is it specifically encourages local communities to get involved to complete the cycle of self-sufficiency. We talk about work, we talk about child care, we talk about other things, but very seldom do we talk about self-sufficiency, and I think that is what we need to be talking about, and the Deal bill provides for that very succinctly.

Regarding food stamps, the Deal bill and the coalition bill, thanks to the work of the gentleman from Texas, Mr. STENHOLM, Mr. PETERSON, Mr. CONDIT, and others, provides very strict penalties for those who, much more strict than even the bill proposed by Mr. EMERSON and our honorable chairman, which was very good at the time I thought, but ours is much more strict, particularly on the recipients and also on the violators, much more strict even than the Republican proposal.

The final reason I support the Deal bill is we all know that two words that are sort of underlying this discussion are responsibility and accountability.

□ 2115

I think the Deal bill destroyed the responsibility and accountability, and it does so I think in keeping with the contract with our own conscience here in America and not just with the Contract With America.

Mr. ROBERTS. I yield 4 minutes to the distinguished gentleman from Michigan [Mr. SMITH], a valued member of the committee.

Mr. SMITH of Michigan. Mr. Chairman, I think the point needs to be made that welfare in this country is not working.

For 40 years, we have been trying to solve the problems of poverty. Politicians created many well-meaning programs designed to transfer wealth to the poor. Over this period the Government has borrowed $5 trillion and spent $5 trillion on welfare programs. And what has happened?

Illegitimate births have grown from 5 percent to 30 percent of births; single parent families have gone from 4 per cent of all families to 29 percent; teenage pregnancy has doubled; and violent crime has arisen fivefold. We have shown that simply transferring taxpayers' money to poor people doesn't work.

H.R. 4 will reform traditional welfare programs that have robbed people of self-respect by giving them something for nothing. These handouts too often breed a complacency that prevents people from helping themselves. They create a culture of irresponsibility by subsidizing bad behavior.

The current welfare system pays unwed mothers to have babies. It tells women that if they bear an illegitimate child, the government will pay them a monthly allowance and give them a place to live. The resulting explosion in illegitimacy and the breakdown of the family shouldn't surprise us.

Let me read a few excerpts from the February 27th U.S. News and World Report to emphasize the importance of two-parent families:

> More than virtually any other factor, a biological father's presence in the family will determine a child's success and happiness. Rich or poor, white or black, the children of divorce and those born outside marriage struggle through life at a measurable disadvantage. * * *
>
> The absence of fathers is linked to most social nightmares—from boys with guns to girls with babies. No welfare reform plan can cut poverty as thoroughly as a two-parent family. * * *

Raising marriage rates will do far more to fight crime than building prisons or putting more cops on the streets. Studies show that most state prison inmates grew up in single-family households. A missing father is a better predictor of criminal activity than race or poverty.

H.R. 4 helps promote families. Too often, welfare discourages traditional families. Benefit formulas have discouraged marriage and encouraged women to have illegitimate children. Government can't create two-parent families, but we can stop encouraging one-parent families. I hope Congress has the determination to make needed changes by: (1) ending payments to teenage mothers who decide to have a baby without a husband; (2) requiring all welfare mothers to identify the father; (3) making deadbeat parents live up to their child support obligations; and (4) in the next couple weeks, passing legislation to get rid of the marriage penalties in the tax code.

This bill H.R. 4 also makes needed changes in our food and nutrition programs. The food stamp program costs $26.5 billion; the school lunch and other child nutrition programs cost $7 billion; WIC costs about $3.5 billion. H.R. 4 block grants the WIC and child nutrition programs to the states. The food stamp program, which is the most abused and wasteful program, is tentatively being kept a the federal level. We are making long-overdue changes to improve the program. We also need to stop food stamps from being used for candy, chewing gum, soda pop, and other junk food. If hard-working Americans are going to pay taxes for this program, it should be for nutritious food for individuals who might otherwise go hungry.

States should have the flexibility to modify the eligibility criteria for food stamps. Right now, national standards make a couple with four children eligible for food stamps if they earn less than $26,692 a year. But $26,000 goes a lot further in different areas of the country. We need to give states the authority to vary these eligibility requirements, making limited funds better serve their citizens.

H.R. 4 ends many welfare abuses. For too long, we have allowed alcoholics, drug addicts, and those with dubious "functional disabilities" to collect for disability payments. We need to end these abuses and this bill will help to do that.

H.R. 4 is not a perfect bill, but it is a good bill that starts to replace a failed system of despair with more compassionate solutions that encourage work, strengthen families, and offer hope for a brighter future.

Mr. DE LA GARZA. Mr. Chairman, I yield 3 minutes to our distinguished colleague, the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I intend to vote for real welfare reform that puts people to work. The Deal substitute does that—it demands more responsibility of welfare recipients by requiring that they go to work after 2 years, and it provides more opportunity by making sure that work pays more than welfare. The Deal substitute is real welfare reform.

But the bill before us, the Personal Responsibility Act, is not welfare reform at all. This bill is more intent on punishing our children than in putting welfare recipients to work. This bill would destroy the School Lunch program and other federal nutrition programs in order to pay for a tax cut for the wealthiest Americans. That is wrong, and we must defeat this bill.

The School Lunch program works to provide many of our children with the one balanced meal they eat all day. But this bill would cut $2.3 billion from the School Lunch program over the next 5 years, according to the Congressional Budget Office. The Children's Defense Fund estimates that 2 million children will be thrown out of this program—20,000 in my home state of Connecticut alone.

That is only the beginning of the assault on children. Altogether, this bill cuts $7 billion from important federal child nutrition programs. And it immediately eliminates Social Security benefits for 250,000 low-income children who are severely disabled or blind.

Supporters of this bill have come up with all kinds of creative excuses to defend these cuts.

First, they claim they are cutting bureaucrats, not food for kids. But the entire administrative budget for all U.S. Department of Agriculture feeding programs is just $106 million per year—just 1.5 percent of these programs' total budget. The Republican plan would cut eight times that amount—$860 million—in child nutrition programs in 1996 alone. That's cutting kids, not bureaucrats.

Then supporters of this bill claim they are increasing funding for the School Lunch program by 4.5 percent annually. Even if that was true, this increase falls far short of keeping up with inflation, increased enrollment, or a downturn in the economy. This program grows 6.7 percent each year.

Therefore, we are 2 percent short, but the fact is, this promise of a 4.5-percent increase is just that—an empty promise. And the odds are, it is a promise that will never be kept. That is because this bill lumps the School Lunch program in a giant, underfunded block grant, with no guaranteed levels of funding for any specific program.

I intend to vote for real welfare reform that puts work first, but I cannot vote to punish children. I urge my colleagues to join me in opposing the Personal Responsibility Act. Our children are our future—let's not abandon them.

Mr. ROBERTS. Mr. Chairman, I yield 2 minutes to a very valued member of the committee, the gentleman from Illinois [Mr. LAHOOD].

Mr. LAHOOD. Mr. Chairman, I first want to congratulate the chairman of the sometimes powerful Agriculture Committee, the gentleman from Kansas [Mr. ROBERTS], who has done a magnificent job providing the leadership on this important bill and also to the gentleman from Missouri [Mr. EMERSON] for his leadership.

I have a very limited amount of time. I have not met one Democrat or one Republican in all of this House that wants to gut or cut the School Lunch Program. I do not know of anybody who wants to gut or cut the School Lunch Program. For anyone to stand here in the House and proclaim that is just simply not true.

Our proposal will reform the School Lunch Program, will feed hungry children, will provide the nutrition necessary for hungry young people, but it will not gut or cut the program. So I want that message to go out around the country. It is simply not true.

Our proposal will also reform the Food Stamp Program. Americans know that we have a lousy welfare system. It is fraught with abuse and fraud, and Americans want a change.

And we are going to carry out one of President Clinton's campaign promises. We are going to reform welfare as we know it, and we are going to do it by giving back to the people in local communities and States the responsibility and the financial resources to really deal with the problems. We are going to give back to them not only the responsibility but the resources to carry out these programs. Who knows better than people in local communities who the most needy are? Local people do. I ask support for this important legislation.

Mr. DE LA GARZA. I yield 1½ minutes to our distinguished colleague, the gentlewoman from New York [Mrs. MALONY].

Mrs. MALONEY. Mr. Chairman, the current welfare system has created a culture of dependency. It is not working and needs to be changed. The system offers several incentives for welfare clients to shun independence and stay on the dole.

You might ask what could possibly be worse. The answer is the Republican bill before us tonight. It is a harsh, heartless, extremist proposal. It would worsen poverty and hunger for innocent children by making deep cuts in benefits that provide food and shelter. It is weak on work and long on punishment of children. It would cut back the very child care funding that would allow welfare recipients to go to work.

Simply saying no more welfare is not welfare reform. It is a recipe for disaster. A real reform plan would get welfare recipients to go to work. A real reform plan would provide child care and skills, training to move people off the dole and on a payroll.

Reason and compassion demand a "no" vote on the extreme Republican plan. Let us pass a bill that rewards work and protects our children: the Democratic substitute, the Deal plan.

Mr. ROBERTS. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. LATHAM], a valued member of the committee.

Mr. LATHAM. Mr. Chairman, I thank the chairman of the Agriculture Committee for his leadership.

Mr. Chairman, I am holding in my hands a 700-page document just released by the Clinton administration that purports to contract Federal EBT services and equipment through a little-known procurement process called IEI or Invitation for Expression of Interest. It is my understanding that only financial institutions, large banks are able to apply. It totally eliminates current electronic transfer companies from bidding.

I am deeply concerned that this document would create a Federal EBT system that will inhibit the individual States from setting up their own EBT systems. As I understand it, 6 States have already set up EBT systems for themselves, and over 20 States are currently moving to do the same.

With all the efforts we have made to give more flexibility to the States, I am deeply concerned that the Clinton administration is moving to develop a new Federal bureaucracy to deliver benefits to recipients, and I wish to commend the chairman of the Committee on Agriculture, Subcommittee on Department Operations and Nutrition, for including in the welfare reform package language that will prohibit the Federal Government from doing anything that would stand in the way of States creating and implementing their own EBT systems.

□ 2130

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. LATHAM. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I agree with the gentleman that this IEI raises some very disturbing questions. With all the attention and action we have had this last few weeks in terms of sending block grants and returning responsibilities and accountability to the States, I am concerned that that document could well throw out the efforts that we have had in trying to return this and allow Federal bureaucrats to block and restrain individual States. I am concerned this will block our ability to allow States to develop programs for their own eligible citizens.

Mr. Chairman, my understanding of the intent contained in the legislation that we are talking about now is that the Federal Government is prohibited from doing anything that would stand in the way of States creating and implementing their own EBT systems. Section 556 of this bill states:

> (B) Subject to paragraph (2), a State is authorized to procure and implement an online electronic benefit transfer system under the terms, conditions, and design that the State deems appropriate.

Mr. LATHAM. Mr. Chairman, I yield to the gentleman from Missouri [Mr. EMERSON], the chairman of the subcommittee.

Mr. EMERSON. Mr. Chairman, I thank the gentleman from Iowa for yielding to me.

Mr. Chairman, the gentleman has been an extremely constructive member of the subcommittee throughout these deliberations. I want to thank him for his participation, and for raising the subject, as he has.

Let me say, Mr. Chairman, that the gentleman from Oklahoma is correct in his understanding of the language and intent of section 556.

Mr. DE LA GARZA. Mr. Chairman, I yield 2 minutes to our distinguished colleague, the gentleman from California [Mr. TUCKER].

Mr. TUCKER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, the bible says: "suffer the little children and forbid them not." The word "suffer" here is used to mean to bear, to support, maintain, abide and sustain. This passage does not imply that we cause suffering on children, but that we are supposed to support them. Somehow, some way, too many of my Republican colleagues have got the real contract all wrong.

Yes, the system needs fixing, but what system? If this House passes this distorted and destructive legislation, it is not welfare that needs reforming, but Congress, and those who currently regard themselves as its leaders. This bill is flagrantly flawed and poignantly punitive. It falsely assumes that welfare recipients are some lazy, rip-off artists who don't want to work. The reality of course is that 70 percent of all recipients are children, our Nation's children, and the 30 percent adult population is largely made up of those who want to work. And yet, this bill does not guarantee work. No, this is no reform. This bill guarantees nothing, except that after 5 years of benefits, recipients must be cut off regardless of a lack of jobs. This bill does not guarantee job training and education resources. This bill only guarantees that there will be no guarantees. No more entitlements for AFDC, for foster care, for school lunches for WIC.

Twenty-five million of our children are recipients of school lunches. This program ain't broke an we don't need to fix it. The result of the Republicans block granting to the States is either that nutrition standards will suffer, or less children will be fed in times of economic downturn. This bill causes suffering to children of mothers under age 18. This bill does nothing to solve the problem of out of wedlock pregnancies. It does nothing to make welfare dependents whole and productive. This is the most mean-spirited, irresponsible attack on the poor and the youth that our house has ever seen. No matter how my colleagues try to move their contract forward and pay for a tax break for the rich on the backs of the children, there still remains a contract, a law of higher authority for which they will be held responsible. Remember suffer the little children, and forbid them not. I urge my colleagues to join me in opposing the Personal Responsibility Act, and support the Deal substitute.

The CHAIRMAN. The gentleman from Texas [Mr. DE LA GARZA] has 2½ minutes remaining.

Mr. DE LA GARZA. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, we heard many of our colleagues on both sides of the aisle expressing their views and their concerns about this legislation. I share the same concerns about cutting fraud and cutting abuse, seeing that our monies are used efficiently for the purpose intended.

Beyond the rhetoric and beyond the policy and beyond the sound bites, beyond everything that we have heard here tonight, I would ask for Members to come with me to every home across America: a little shanty, a little ramshackle farmhouse. In my area, we have some cardboard and tin-roofed places where the poor live.

I can assure the Members, and I challenge anyone to deny, that in some of those houses Members will find a hungry child that had no supper tonight. Members will find an elderly person that had no supper tonight. I challenge anyone to deny that. They cannot, because that is the fact. That is the purpose for what we use the food stamps.

All the other areas we can address, and we have. It pains me to hear Members using the political "40 years, 40 years." For 28 of those years, those 40 years, we had a Republican President, that Republican President that tried to cut some of the programs. How ironic. I quote:

> I cannot lend my support to the concept of turning back to the States all responsibility for achieving child nutrition goals. In short, we have a continuing obligation to ensure that the nutrition needs of our truly needy youngsters, wherever they may reside, are adequately met. This is and must remain a national priority goal.

Quoting the Chairman, the gentleman from Pennsylvania [Mr. GOODLING], who chairs one of our committees at this time. That is a quote from the RECORD.

The CHAIRMAN. The gentleman from Kansas [Mr. ROBERTS] has 2¾ minutes remaining.

Mr. ROBERTS. Mr. Chairman, to end the colloquy that was previously discussed, I yield 17.5 seconds to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I just want to say that the gentleman from Oklahoma is correct in his understanding of the language and intent of section 556.

Further, my colleague raises extremely important points in relation to the approach being taken by the administration's EBT IEI proposal. I look forward to digging deeper into this issue during the oversight hearings which we are going to hold on the subject.

Mr. ROBERTS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, can we please end the class warfare argument or discussion or partisan exchange and get to food stamp reform? We have had a lot of discussion about school lunches, which is not even part of this debate, we are talking about food stamps. We have had a lot of talk about the food costs and how we cannot really match the food costs.

Only in Washington is a 2 percent increase considered a cut. If food prices go down, food stamps, benefits, will go up 2 percent. It happened in 1990. If the food costs go up, and nobody can predict that, other than the gentleman from Texas DICK ARMEY the self-declared Assistant Secretary of Agriculture in this body, but if food costs would go up we will appropriate the money with a supplemental, so that deals with the problem of food costs.

Quality control, it is out of control. It is over 8.5 percent. The Panetta plan reduces it back in terms of quality control to 6 percent. That is in part how we control these costs.

Somebody mentioned the WIC program. We are not discussing WIC here. There is $25 million sitting there in the account of WIC. It was cut $25 million. We had $50 million, it is down to $25 million. They have to advertise on the radio to get more participants. It is a good program, by the way.

Mr. Chairman, the gentleman from North Dakota said that some school child in North Dakota was going to go hungry because of school lunches. The Chairman of the Committee on Economic and Educational Opportunities has informed this Member $1 million more next year than last year. We will cut the paperwork and the administration and we will give the money to that very hungry child.

Let us really talk about food stamp reform. In 1985, 19.9 million people were on food stamps. It went up to 20 million in 1990, 22.6 in 1991, 25.4 in 1992, and in 1993, 27.3. When the economy goes down, the food stamps, that expenditure goes up. When the economy goes up, food stamp expenditures go up. We simply want to control the growth of the program. We will address the needs, if in fact they are needed.

The opportunity of the gentleman from Georgia [Mr. DEAL] is a deal but it is not the best deal. We should be supporting this bill.

Mr. STOKES. Mr. Chairman, I rise today to express my strong opposition to H.R. 4 the Personal Responsibility Act. I believe that this piece of legislation is fatally flawed, and, if enacted, would shatter the lives of millions of our Nation's poor.

I believe there is general consensus that the goal of welfare reform is to move individuals out of dependency and into self-sufficiency. However, in order to achieve this goal, it is vital that the enacted proposal be both cost effective and compassionate to the needs of our Nation's low-income individuals. In addition, the proposal must effectively address the issue of job training to get people off of welfare and into meaningful work. The Personal Responsibility Act thoroughly fails in these areas and is a cruel and callous attempt to eliminate the most basic income support for desperately needy children and their families.

There is no doubt that many of our Nation's poor will suffer under this proposal. Almost 70 percent of the individuals currently receiving benefits, or 9.7 million people, are children. According to the Department of Health and Human Services, it is estimated that more than 6 million children would lose their financial support under this proposal. It is both cowardly and unconscionable to hurt the most vulnerable people in our population. Yet this is the very consequence of this plan.

H.R. 4 jeopardizes the health and well-being of children by making devastating assaults on many of our Nation's existing food assistance programs. Programs such as WIC and the School Breakfast and Lunch Programs would be consolidated into a State block grant, dramatically decreasing the funding available to these programs. It is estimated that in only 5 years, in the year 2000, 2.2 million American children will lose the benefit of a school lunch. In the State of Ohio, an average of 856,514 children eat a school lunch each day. Under the Personal Responsibility Act, 85,600 of these children will be dropped from this program by the year 2000. In addition, this bill eliminates a national nutritional standard which could ultimately mean 50 different nutritional standards—a situation which would be chaotic.

As set forth in the Personal Responsibility Act, States would be allowed to cut off all AFDC benefits after 2 cumulative years of receiving AFDC if the parent had participated in a work program for 1 year. After 5 years, States would be required to terminate both financial assistance and the work program. It concerns me that this provision does not take into account those individuals who earnestly attempt, but are unable to find jobs. In addition, the plan makes very limited exemptions or waivers for the 20 percent of mothers on AFDC with a temporary disability, or the 8 percent who are caring for a disabled child.

In fact, this plan also slashes funding for child care services by $1.7 billion over the next 5 years. Therefore, a person working to stay off of welfare would find themselves in the unenviable position of leaving their children home alone or in inadequate settings. Without the ability to pay for child care, low-income working families may find themselves returning to welfare.

H.R. 4 unfairly punishes children and their families simply because they are poor. In my community, we have a 20-percent poverty rate in a county of 1.4 million people. More than 228,000 people are recipients of food stamps and more than 137,000 rely on aid to families with dependent children. The average household of three on public assistance receives $341 per month, or $4,021 per year from the Government. This punitive measure will undoubtedly endanger their health and well-being.

Mr. Chairman, the pledge to end welfare as we now know it is not a mandate to act irresponsibly and without compassion and destroy the lives of people, who, through no fault of their own, are in need of assistance. On behalf of America's children and the poor, I urge my colleagues to vote against H.R. 4.

Mr. HOYER. Mr. Chairman, the current welfare system is at odds with the core values Americans share: work, opportunity, family, and responsibility. And too many people who hate being on welfare are trying to escape it—with too little success. It is time for a fundamental change.

Instead of strengthening families and instilling personal responsibility, the system penalizes two-parent families, and lets too many absent parents who owe child support off the hook.

Instead of promoting self-sufficiency, the culture of welfare offices creates an expectation of dependence.

Our society cannot—and should not—afford a social welfare system without obligations. Individuals—not the taxpayers—should be providing for their own families. It is long past time to "end welfare as we know it."

We need to move beyond political rhetoric, and offer a simple compact that provides people more opportunity in return for more responsibility.

I have a few commonsense criteria which any welfare plan must meet to get my vote: It must require all able-bodied recipients to work for their benefits; it must require teenage mothers to live at home or other supervised setting; it must create a child support enforcement system with teeth so that deadbeat parents support their children; it must establish a time limit so that welfare benefits are only a temporary means of support; it must be tough on those who have defrauded the system—but not on innocent children; and it must give States flexibility to shape their welfare system to their needs, while upholding the important national objectives I have just listed.

The Republican bill fails to meet these criteria. The Republican bill is weak on work. It requires only 4 percent participation in fiscal year 1996, far below the current rate established under the 1988 Family Support Act. It is outrageous that any new work requirement would fall below current law.

Moreover, under the Republican bill, States can count any kind of caseload reduction toward their work participation rate, whether those people are actually working or not. In no way does this practice make recipients responsible, or contribute to a change in their behavior.

The Republican bill denies benefits to children of mothers under 18.

We must make parents—all parents—responsible for taking care of their own children. But denying children support is not the best way to do that. Instead, teenagers should be required to demonstrate responsibility by living at home and staying in school in order to receive assistance.

In order for welfare to be truly reformed, it must send a clear message to all Americans: you should not become a parent until you are able to provide and care for your child. Having a child is an immense lifelong responsibility. Only those capable of and committed to shouldering the responsibility of parenthood should have children.

The Republican bill is tougher on children than it is on the deadbeat dads who leave them behind. The Republicans waited until the last moment to put child support enforcement provisions in their bill—and then removed the teeth that can bring in more than $2.5 billion—over 10 years—for kids. The driver's and professional license revocation provision they deleted would save taxpayers $146 million—over 5 years—while creating a better life for children.

Instead of attacking deadbeats, the Republican bill attacks children. It eliminates the guarantee that every child in this country has at least one good meal a day. Despite rhetoric to the contrary, the Republican bill cuts spending for child nutrition programs $7 billion below the funding that would be provided by current law. The Democratic deficit-reduction amendment was ruled out of order in committee so that kids' food money could be used for tax cuts for the rich.

The Republican bill also changes the child nutrition funding formula to redistribute resources away from relatively poorer States to relatively wealthier ones. Funding for the Women, Infants and Children Program is also reduced compared to current law—and provisions requiring competitive bidding on baby formula have been removed. That decision alone will take $1 billion of food out of the mouths of children each year, and put the money in the pockets of big business.

This simply defies common sense. No one in America could possibly argue that this is reform.

Our foster care system, already overloaded, is also under siege. In committee, Mr. McCRERY stated that, "If a woman just can't find or keep a job, she will have the option to give her children up for adoption, place them in a group setting or foster care." Adoption and foster care services are failing our children. At a time when the need for foster care, group homes, and adoption is likely to rise dramatically, the Republican welfare plan would cut Federal support for foster care and adoption by $4 billion over 5 years.

We can do better. We must do better. This week, Democrats will offer NATHAN DEAL's bill as a substitute, which reinforces the family values all Americans share. It requires and rewards work over welfare. It makes the point that people should not have children until they are ready to support them. It gives people access to the skills they need, and expects work in return. It does not wage war on America's children. Most importantly, it is a commonsense approach, which gives back the dignity that comes with work, personal responsibility, and independence.

Mr. Chairman, I rise in opposition to H.R. 4, the Personal Responsibility Act.

Mr. Chairman, I strongly support honest and meaningful welfare reform that gives poor unemployed Americans a real opportunity to work and provide for themselves and their families. All welfare recipients should be given the opportunity to work; those who fail to seize that opportunity should not be rewarded with limitless governmental assistance.

Mr. Chairman, moving recipients off of the welfare rolls and onto a payroll means more than just handing them a copy of the help wanted pages from the local newspaper. Government, working with the private sector which has a real stake in expanding the pool of skilled labor, needs to provide education, job training and child care if we are to be successful in helping welfare recipients become productive gainfully employed citizens.

Mr. Chairman, I agree with President Clinton and many of my colleagues in the majority that argue we must end welfare as we know it. We must reform a welfare system that has trapped millions in a cruel cycle of dependency and despair.

However, ending welfare as we know it does not mean we should completely dismantle the safety net programs that protect our Nation's most vulnerable population: our children. Yet that is exactly what the majority's welfare reform plan would do. H.R. 4 would terminate current child welfare programs, including the child abuse prevention and treatment program, and the adoption assistance program, and replace them with a new State block grant at drastically reduced funding. The School Lunch Program would also be eliminated and replaced by a block grant. No longer would a hungry child be entitled to a nutritious school lunch, often the only decent meal they receive all day.

Unfortunately, under the Republican welfare plan, punishing our children for the unfortunate circumstances or unacceptable behavior of their parents goes much further than denying a child a hot meal or failing to protect them from abuse. H.R. 4 would deny benefits to children born out of wedlock to teenage mothers, and limit benefits to mothers who have additional children while receiving Federal assistance.

Illegitimacy is perhaps the most devastating social and moral dilemma confronting our Nation. Yet turning our backs on the real victims of this problem, the children, is a cruel and simplistic solution that seems to be based more on an effort to save money than to change behavior.

Mr. Chairman, we can require parents to act responsibly and become self-sufficient without abandoning our children. Sadly, H.R. 4 takes a radically different approach and will result in untold pain for our children while creating undesirable incentives for teenagers and mothers on welfare who become pregnant.

New York's Cardinal John O'Connor recently said the welfare plan proposed in the Republican Contract With America is immoral in its virtually inevitable consequences.

Mr. Chairman, children in poverty are not a burden on our society; they are the future of our Nation. We can end welfare as we know it, but we do not have to condemn poor children to do it. I urge my colleagues to defeat this legislation.

Mr. MOAKLEY. Mr. Chairman, I rise in opposition to the Republican's welfare reform legislation, entitled, the "Personal Responsibility Act of 1995."

I don't support the status quo. I fully believe that our welfare system needs to be changed. But, the Republican proposal is not strong enough in terms of work.

Under the Republican bill, individuals can receive welfare benefits for 2 years without meeting any work requirements. I don't know about my Republican colleagues, but my voters didn't send me to Washington to write a blank check to anybody. But this Republican proposal does just that. It gives billions of dollars to States without requiring that any of that money be used to put more people back to work.

Meaningful welfare reform can not be achieved unless we move more people from welfare to work. Democratic proposals encourage people to take care of themselves immediately—not 2 years later. From the day one, AFDC recipients would have to prepare for work and aggressively look for a job. Anyone who turns down a job would be denied benefits. The Democratic proposals are tough on work, but promote self-sufficiency, not dependency.

I am opposed to the Republican welfare proposal because it is weak on work and responsibility and tough on children. Children are the losers in this debate. Under the Republican proposal, 131,000 children in Massachusetts would lose Federal assistance. 400,000 children nationwide would lose child care assistance, and thousands more would no longer be guaranteed a nutritious meal. The Republican proposal punishes children and babies.

In order to make the transition from work to welfare a reality, we need to provide job training, affordable and safe child care, and most of all we need to create jobs. The Democratic alternatives give the American people what they want—an aggressive proposal that requires parents to work, but protects our Nation's children.

Mr. STARK. Mr. Chairman, the Personal Responsibility Act is a disheartening, empty charade. It does very little to foster personal economic independence and virtually nothing to reform a welfare system that is in serious need of repair. The Republican bill simply passes the buck to the States. We should call this legislation the Government Responsibility Abdication Act, because all this bill does is to drop the responsibilities of the Federal Government and to push poor people off a cliff. By drastically reducing some benefits and eliminating others, this legislation creates a gaping hole in the safety net we provide for our neediest citizens.

The Personal Responsibility Act misses the major point that any welfare reform should address—work. My Republican colleagues claim that they make people work under their bill. They claim that States are required to have 50 percent of one-parent welfare families and 90 percent of two-parent families in work programs by 1998. But what they do not tell us is that caseload reductions count toward this work requirement. So States can simply do nothing for 2 years, cut families off, and claim that they have put people to work. That is weak on work and tough on kids.

Perhaps the cruelest and most disappointing aspect of this legislation is that it actually punishes those children who, through no fault of their own, are born poor. The bill punishes a child—for his entire childhood—for the sin of being born to a family on welfare.

A child is also punished under this bill if he or she happens to be born to a young parent out-of-wedlock. Although I believe we should do everything reasonable to discourage teenagers from having out of wedlock children, this bill is not reasonable. It denies cash benefits to teenage mothers at a time when both the mother and child need support most. There is no evidence to suggest that teenagers get pregnant in order to collect welfare or that families on welfare have more children in order to collect more welfare benefits.

The most direct and sensible way to decrease out-of-wedlock pregnancies, and all unintended pregnancies, is to make sure that family planning services are available to all who want them. But the welfare bill does nothing to make voluntarily family planning more available or accessible.

Instead of offering our children a helping hand, this legislation introduces them to the harshest realities of life before they are able or prepared to cope. Reform of the welfare system should concentrate on healing families, not tearing them apart.

Without jobs, money, shelter or other assistance, dignity and hope is replaced with desperation and anger. This bill promotes a climate of social unrest and violence. The Personal Responsibility Act does what a responsible government should never do: it takes a difficult problem and makes it worse. There is no doubt that our current welfare system needs reform. But the Republican bill replaces a cruel system with a mean-spirited system. Welfare reform should not punish deserving residents and innocent children and must not take away the last vestiges of assistance that our Government provides.

Mr. EVANS. Mr. Chairman, in their zeal to balance the Federal budget, the new majority will be forcing working Americans to make sacrifices to cut the deficit. Sacrifices for a debt they did not create. Sacrifices that will cut their hard-earned benefits. And sacrifices that will threaten their future standard of living and that of their children.

While these cuts focus on supposed government waste, one thing has been ignored; Government giveaways or the $200 billion in corporate welfare we let big business and foreign multinationals pocket each year in the form of tax loopholes and shelters.

It strains belief that we can even start to talk about sacrifice to middle class Americans who have seen their earning power decrease, when industry is not doing its fair share towards reducing the deficit. We must do better.

Today, I am introducing the Corporate Welfare Reduction Act of 1995. The bill will close a number of loopholes that provide unfair tax breaks for multinationals and foreign corporations. For example, the bill would eliminate the following provisions that:

Allow multinationals to use excess foreign tax credits generated by foreign operations to offset U.S. income tax under the so-called "title passage rule".

Exempt foreign investors from paying U.S. tax on the interest they receive from U.S. borrowing.

Allow multinational oil and gas companies to claim foreign tax credits for some of the ordinary costs of doing business in foreign countries.

Enable multinationals to hide behind alleged restrictions in local law in order to avoid complying with transfer pricing rules.

Allow multinationals to profit from the exemption from U.S. tax of their employees' foreign earned income regardless of whether or not that income is subject to foreign tax.

Exempt foreign investors from paying capital gains tax from the sale of the stock in U.S. corporations.

The savings from these provisions will then be applied to reducing the deficit, with a small portion going to export promotion programs for small and medium-sized U.S. businesses.

I urge my colleagues to join me in sponsoring this legislation and put an end to handouts for big business and foreign corporations.

The CHAIRMAN. All time has expired.

Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. INGLIS of South Carolina) having assumed the chair, Mr. LINDER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4) to restore the American family, reduce illegitimacy, control welfare spending and reduce welfare dependence, had come to no resolution thereon.

LET US HOPE REPUBLICANS GET THE MESSAGE

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, the other side is crowing about the success of the Contract With America. Well, here is a poll that came out today. Headlines: "Public Growing Wary of GOP. More Now Trust Clinton To Help the Middle Class."

Here are some results of this poll: Most Americans think Republicans are going too far in cutting Federal programs that benefit children, the elderly, the poor, and the middle class. Fifty-nine percent of Americans think Republicans will go too far in aiding the wealthy. Fifty-two percent of Americans agree the more they hear about what Republicans do in Congress, the less they like it. Fifty-one percent of Americans think Republicans in Congress were trying to do too much in too short a time. Fifty-three percent of Americans trust the President more than Republicans in Congress in protecting Social Security. And 52 percent of Americans trust the President more than Republicans in Congress in helping the middle class.

Mr. Speaker, Americans are sending this message to the Republicans on the Contract With America: "Hold it. Be careful. Do not rush it. You are overdoing it. There are some essential programs, cutting the middle class, cutting children, that are going too far."

Mr. Speaker, I am including at this point in the RECORD that newspaper article, as follows:

[From the Washington Post, Feb. 21, 1995]

PUBLIC GROWING WARY OF GOP CUTS

(By Richard Morin)

Most Americans believe that Republican lawmakers are going too far in cutting federal social programs that benefit children, the elderly, the poor and the middle class, according to a new Washington Post-ABC News survey.

As a result, the survey suggests, President Clinton may be slowly winning back some of the political ground he surrendered to Republicans immediately after the GOP landslide in last November's congressional elections.

Clinton also appears to be getting a sustained second look from many middle-class voters who deserted the Democratic Party last year. In a critical reversal of attitudes, people now say they trust Clinton more than Republicans in Congress to help middle-class Americans, the survey found. Barely a month ago, Republicans enjoyed a clear advantage over Clinton.

Yet these doubts about congressional Republicans have not yet appreciably helped Clinton's overall public standing. His personal job approval rating stood at 52 percent in the latest survey, essentially unchanged from last month. And Republicans remain more trusted than Clinton to deal with the "main problems the nation faces."

A total of 1,524 randomly selected adults were interviewed by telephone March 16–19. Margin of sampling error for the overall results is plus or minus 3 percentage points.

The survey suggests that the honeymoon may be over for the House Republican "Contract With America." While a majority of those interviewed still give approval in concept to the contract, 52 percent also agreed with the statement "the more I hear about what Republicans do in Congress, the less I like it." Forty-four percent expressed the opposite view.

Among the public's biggest worries: the the Republican majority in Congress will cut too deeply and too quickly into social programs to finance tax cuts and other benefits to wealthy Americans.

Nearly six out of 10 persons—59 percent—agreed with the statement that Republicans "will go too far in helping the rich and cutting needed government services that benefit average Americans as well as the poor." That's a 14-point increase since January in public concern with Republican initiatives.

Pluralities specifically said Republicans in Congress were trying to make too many cuts in the nation's education programs and in the school lunch program. (Republican lawmakers argue that they would increase school lunch funding but slow its growth.)

The survey also found that many Americans are wondering if the GOP is moving too fast on other fronts to cut federal spending and programs. According to the survey, 51 percent said Republicans in Congress were trying to do too much in too short a time, while 18 percent said they were trying to do too little and 30 percent said they were doing "about the right amount."

In other ways, too, the survey results suggest people are questioning whether Republicans' zeal to cut federal spending and programs will end up hurting average Americans.

By 52 percent to 38 percent, those interviewed chose Clinton over Congress when asked who will do better in "helping the middle class." Barely two months ago, Republicans held a 49 percent to 41 percent advantage on this measure. And 55 percent said that Clinton understands the problems of "people like you," while an equally large majority said the Republicans in Congress do not.

Republicans retained their advantage over Clinton on such traditionally GOP issues as managing the economy. But even here, the president appears to be closing the gap. According to the poll, 47 percent of those interviewed trusted Republicans in Congress more to deal with the economy, down from 56 percent six weeks ago. At the same time, the proportion trusting Clinton more on economic matters increased from 34 percent to 43 percent.

The survey also suggests that congressional Democrats were successful in their efforts during the recent balanced budget amendment debate to raise doubts about the willingness of Republicans to spare Social Security entitlements from budget cuts.

By 53 percent to 34 percent, Clinton was trusted more than Republicans in Congress to protect Social Security. In early January, Republicans held a 7-point advantage over the president.

Overall, Clinton held the advantage over congressional Republicans when asked who would do the better job in helping the poor, protecting the environment and "protecting America's children," issues on which Democrats traditionally do well.

Republicans in Congress were trusted more than Clinton in reforming welfare, handling crime, cutting taxes and reducing the budget deficit, the survey found.

With the 1996 presidential election 20 months away, Senate Majority Leader Robert J. Dole (Kan.) emerged as the early frontrunner for the GOP nomination, volunteered as the choice of 32 percent of those self-described Republicans interviewed. Every other Republican was supported by less than 10 percent of those interviewed.

Clinton was the volunteered choice of 55 percent of those Democrats interviewed, with every other Democrat finishing in single digits.

When matched in a hypothetical presidential election, Clinton and Dole finished in a tie, with each receiving 46 percent of the projected vote.

CLINTON AND THE REPUBLICAN CONGRESS

[Washington Post-ABC News Poll—March 19]

Do you approve or disapprove of the way Bill Clinton is handling his job as president since taking office in January 1993?

Approve 52 percent; disapprove, 45 percent; no opinion, 3 percent.

Which of these two statements would you say represents the greatest danger for the country:

	Jan. 4 (percent)	March 19 (percent)
Republicans will go too far in helping the rich and cutting needed government services that benefit average Americans as well as the poor.	45	59
Democrats in Congress will go too far in keeping costly government services that are wasteful and out-of-date	43	34

For each specific issue I name, please tell me who you trust to do a better job handling that issue.

Areas where President Clinton received more trust:

	Clinton (percent)	Republicans in Congress (percent)
Helping the poor	61	27
Protecting the environment	54	36
Protecting Social Security	53	34
Helping the middle class	52	38
Protecting America's children	49	40
Areas where Republicans in Congress received more trust:		
Cutting taxes	36	52
Reforming the welfare system	38	51
Reducing the federal budget deficit	36	50
Handling the crime problem	41	48
Handling the nation's economy	43	47
Handling the main problems the nation faces	39	46
Areas where Clinton and Republicans are equally trusted:		
Upholding family values	44	45

NOTE: Figures may not add to 100% because "no opinion" is not included. The most recent figures are from a Washington Post-ABC News national telephone poll of a random sample of 1,524 adults March 16–19. Other data are from Washington Post-ABC News polls of approximately the same sample size. Margin of sampling error for all polls is plus or minus 3 percentage points overall. Sampling error is, however, only one of many potential sources of error in this or any public opinion poll. Interviewing was conducted by Chilton Research of Radnor, Pa.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONORING WILLIAM J. SHADE, A TRUE AMERICAN HERO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. HOLDEN] is recognized for 5 minutes.

Mr. HOLDEN. Mr. Speaker, I rise tonight to honor a member of a World War II, B–17 bomber crew for an act of heroism that, until now, has gone unrecognized. His name is William J. Shade, of Fleetwood, PA, and he was a technical sergeant in World War II. He has been awarded three Oak Leaf Clusters and one Air Medical.

William Shade was a radio operator and gunner with the 545th Bomber Squadron, based in England during the war. He entered the service in November of 1942. He received his preliminary training in California, and was later trained as a radio operator in South Dakota, and took gunnery training at Tyndall Field, FL. He was promoted to sergeant before going overseas in 1943, and while overseas was promoted to staff sergeant and later technical sergeant.

The accounts of William Shade's heroic act are taken from crew members who were saved by his bravery. These men would not have survived the mission were it not for Mr. Shade's actions.

On March 3, 1994, the 545th Bomb Squadron of the 384th Bomb Group based at Grafton-Underwood in England was dispatched on a mission over Berlin.

The crew had been briefed to expect less than perfect weather over the target. However, the briefing officer believed that the crew could fly above the weather somewhere between 20 or 25 thousand feet. As the mission progressed it became apparent that the bomber was not going to find weather good enough to maintain formation and bomb their target.

Approximately, two thirds of the way to Berlin, the mission was recalled and the B–17 was told to return to England.

Shortly after the bomber had completed its turn to proceed to their base in England, Sergeant "Chick" Metz, the ball turret gunner, requested permission to leave his battle station for a short time.

At this time, the plane was still flying at 25,000 feet. A few seconds later the oxygen control officer, Lieutenant Betalotti checked to see if Sergeant Metz had returned to his battle station, but he did not answer.

After a few more seconds he was again called and still did not answer. One of the waist gunners, Sergeant Alfter, went to check on him.

Sergeant Alfter reported that Sergeant Metz was apparently unconscious and would need some help. About the same time Sergeant Alfter lost consciousness because of lack of oxygen. A third person, gunner, Sergeant Gatzman, proceeded to the access door of the ball turret to give Sergeant Metz and Sergeant Alfter aid, but he too passed out.

Then Sergeant William Shade, looked through the door of the radio room, saw and recognized the seriousness of the situation for the three unconscious gunners, and began to take immediate action.

With no regard for his own personal safety, Sergeant Shade disconnected his own oxygen, and made it to the location of a walk-around oxygen bottle, which was very small and had only a few minutes of oxygen left. He was able to connect the ball turret gunners normal oxygen supply and then was able to connect Sergeant Alfter's and Sergeant Gatzman's supply. All three gunners regained consciousness within a few moments and suffered no permanent mental effects. If it had not been for the Sergeant William Shade's quick action under pressure, the three crew member's would not have survived.

When the B–17 returned to the base, one of the crew members mentioned to the debriefing officer that Sergeant William Shade should receive a medal for his actions. The debriefing officer, said the least that could be done was to give him a promotion. The officer promoted William Shade to staff sergeant then and there.

Following this extraordinary mission, William Shade and the crew flew 12 more times until their 25th mission when their B–17 was shot down over France on April 13, 1944. Mr. Shade was then arrested and sent to Frankfurt, Germany. He was finally transported by cattle-car to Stalag 17B in Austria were he was a prisoner of war from April 13, 1944 to May 2, 1945.

Mr. Speaker, Americans have always answered the call of duty to defend our freedom. The history of our Nation is full of actions of individual heroism.

William Shade may not have received the medal he deserved, but three men have him to thank for saving their lives and it is never too late to recognize the bravery of those who have defended our freedom.

It is with great pride that I honor William Shade and ask my colleagues to join me in recognizing this true American hero.

□ 2145

AN ALTERNATIVE TO WELFARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, today we have completed the first segment of the debate on the welfare reform legislation. This legislation is a key part of the Contract With America, or the Contract Against America. But I would like to place it in the context of the evolving budget development process. More important than the Contract With America or the Contract Against America, whatever you want to call it, is the budget process that is now under way which really establishes the priorities for both parties. It really indicates the vision of America and where

America should be going for both parties and for others within the parties.

I would like to speak this evening as the chairman of the Congressional Black Caucus alternative budget task force. We are preparing an alternative budget to show a vision of America which will encompass all Americans, a vision of America which will speak for the caring majority in America, not just the people in need, but the people who have the good sense to understand that they have to respond to the need of the most unfortunate among us. The caring majority budget sponsored by the Congressional Black Caucus would be an alternative to the budget that will be produced by the majority of the House of Representatives. That majority of the House of Representatives really represents the ideas and the interests of an elite minority. The elite oppressive minority has determined they want to prepare a revolutionary budget, a budget with far-reaching consequences, and they have begun that process already.

Stage 1 in that process occurred last week when we passed the rescissions for 1995. It is an ugly word, rescission. Rescission means that for a year that is already in progress, a year that has begun already, a budget that has already begun, a budget that is a result of long deliberations, a budget that is the result of bills and laws passed in the authorizing committees, a budget that is a result of the actions of the last year's Appropriation Committee, Appropriation Committee of the 103d Congress, we went through a long process and a lot of man-hours went into the hearings and the preparation. Finally we voted on the floor the appropriations which went into the budget that began October 1, 1994. That budget was the product of long deliberations in the House and then, of course, the Senate had an equally deliberative process. Then we had to come together, the Senate and the House, long negotiations, a lot of man-hours of very talented people that went into the preparation of that budget. But now the new Committee on Appropriations recklessly come along and they reach into that budget that is in process now and they pull out more than $17 billion in rescissions.

The pattern of the rescissions shows clearly where the budget process will be going when it begins for the next year's budget. The rescissions affect the budget that is in effect right now, the 1995 budget that started October 1 of 1994 and continues until September 30 of 1995. The new budget that will take effect October 1, 1995, this year, that budget process has just begun.

The way in which the rescissions budget was handled gives a key to what will happen in the budget development that will take place over the next 2 months for this budget year.

The snapshot of where the current majority in this House of Representatives wants to go, the preview of coming attractions that is indicated by the controlling party, the Republicans who now control the House, the people who represent the interests of the elite oppressive minority, their preview is not just startling, it is a devastating statement about where they intend to go. It is a dangerous course that they have laid out.

One cannot say that the oppressive elite minority that is in control, the people who are moving forward in the interest of a very small group of Americans, one cannot say that they are guilty of some kind of secret conspiracy. The conspiracy is not secret at all. It is right there in the open. You can see clearly where they are going. If you can see clearly, then the reaction for those of us who would be the victims has to be a more profound and a more energetic reaction in my opinion. I don't think we should sit still and throw figures and numbers around in a theoretical way.

What the rescissions budget did that was passed last week with the Republican votes—they have the majority and they voted the rescissions budget that they had the numbers to put in place. What that statement that it made with $7 billion in cuts in HUD, housing programs, most of it aimed at low-income housing, most of it aimed clearly at low-income housing, $7 billion, the largest hunk that came out of the existing budget was housing, housing for poor people. That is a clear message that was sent.

Did we have to, even if you wanted to reach a goal of $17 billion, you wanted to cut the budget by $17 billion, did you have to in such an overwhelming way take so much from one particular department or one particular function like housing? Did they have to do that?

And then there are cuts in education which amount to almost $2 billion, almost $2 billion from education, and most of the education programs that are cut are directed at the inner city poor, programs to help poor children.

Then you have cuts like the zeroing out, complete wiping out of the summer youth employment program. Zero. An indication that not only are we going to take the money out of this year's budget, but zero for next year.

Clearly the shotgun is aimed at the places where poor people live. Clearly there is a demonization and there is a targeting of poor people to begin with. Then there is a more specific targeting of poor people who live in urban areas, people in the big cities who are the basic beneficiaries of public housing. People in the big cities are the basic beneficiaries of title I, which was cut. They are the basic beneficiaries of some of the other education programs like the drug-free schools program that was cut. It is aimed at the inner city poor. The more specifically large numbers of the people who are the beneficiaries are minorities. Large numbers more specific than that are people of African decent, black people.

It is no conspiracy that is in secret. It is clear for any student who knows basic arithmetic, it is clear who the target is, it is clear who the victims are already and who the victims will be in the bigger budget. It is quite clear.

One is reminded of what Shakespeare put in the mouth of King Lear at a time when King Lear's two daughters, two of his three daughters had betrayed him, and King Lear states, "Fool me not to bare it tamely. Touch me with noble anger."

That is Shakespeare's complicated way of saying, "It's time to get mad." Anger is very much appropriate at this time. Anger is the order of the day. If you are a leader of people of African descent, if you are a leader of poor people, if you are a leader of people who live in the big cities, it is time to get angry, it is time to react, because what is happening is revolutionary. These are very large cuts.

Public housing evolved over many years but in a few years it will be wiped out if we allow a $7 billion cut to take place in the rescission process. Then there is talk of wiping the whole department out, and also at the same time, probably actions generated by some of the targeting of the elite oppressive minority has influenced the White House. The Secretary of HUD, Housing and Urban Development, made a statement yesterday in connection with his reorganization of HUD. They are getting on the bandwagon in too many ways. They are proposing to phase out public housing as we know it, not change it, not reform it, but phase it out. Eventually you will have a system at the end of their process where there will only be vouchers. People will be given vouchers to go out and look for your own housing.

□ 2200

The problem with the vouchers is every year you will probably have a cut in the amount of the vouchers. The problem with most of the programs being offered by the Republicans who are in control of the budget-making process is that everything they set forth and offer as a set amount of money available for a particular function is subject to being cut in the future by the same reckless Appropriations Committee. The same appropriations process will whittle down the vouchers just as it will whittle down the School Lunch Programs and all the other block grant programs.

So my point is, however, it is clear who is the target. It is clear that the 60 years of social programs that have benefited many different types of people but the programs that now benefit a great proportion of people of African-American decent, those programs are the ones they are targeting, starting with the welfare reform.

The welfare reform, of course, I agree with you. You must have welfare reform. We must make adjustments and try to make the welfare program work for the people who are poor, the people who are the intended beneficiaries of the program, try to make it work and try to make it work with the least possible cost.

I agree with the process of reform. Let us go forward with reform. There is not a single function of government or a single department of government or process of government that can't stand some reform. That is our business. We are here to provide oversight for all of the activities of the government. We are here to deal with reform. So welfare reform is very much an appropriate activity.

The problem is that welfare has been under scrutiny for a long time. Welfare, as we call it, when we say welfare it is short for welfare for mothers and children, what in technical terms is called Aid to Families with Dependent Children.

People refer to that as welfare, but it is really Aid to Families with Dependent Children, a part of the whole Social Security Act, a part of what started with Franklin Roosevelt. Aid to Families with Dependent Children is just that. It is money directed to children who have needs. And the mothers of those children are just the overseers of their welfare, and they are the recipients technically. So mothers and children are the recipients of what we call welfare.

It is altogether fitting and proper that we should reform welfare, try to make it better, just as it is fitting and proper that we reform any other aspect of government, any other function of government, any other welfare that the government provides.

The government also provides other forms of welfare. Nobody ever calls it welfare, but when it is money being given to either victims, poor people who are victims of the economy and can't find jobs or victims of family breakdowns, many times as a result of the facts that the male can't find jobs, the family does break down.

Poor people are victims. Victims of hurricanes are recipients, also victims of floods, victims of earthquakes. They are all recipients of government help because they are victims.

Then there are other people who are recipients of government help who are not victims. They are recipients of government help because a system has been developed which has made them dependent. You know, welfare for the farmers, for example. Farm welfare, welfare for rich farmers, is an atrocious mutilation of a program that started with the New Deal to help poor farmers.

Poor farmers were helped by the government in many ways. Agriculture is one of our most successful industries as a result of the government helping, but the whole thing has gotten out of hand, and for years now we have had welfare for the farmers which is as great as the legitimate welfare that goes to mothers and children.

I think the illegitimate swindle of welfare that goes to the farmers is what we should be also taking a close look at what we should be scrutinizing very carefully. But that has never happened. Welfare for the farmers is an untouchable in the budget.

You may be interested in knowing that welfare for the farmers in the form of the price supports, just that one form of subsidy is about the same amount of money that is spent for welfare for mothers and children, $16 billion—$16 billion goes to farmers not to grow grain. It goes to farmers, and many of those farmers are very well off. A large proportion of them are not farmers at all in the sense of individuals who are farming. They are people who are on corporate boards of corporations that are agribusinesses.

Most of our farming is done these days by agribusiness. In case you didn't know it, only 2 percent, 2 percent of the population now is involved with farming, only 2 percent. So the $16 billion that goes to the agribusinesses in the name of helping farmers is not going to help large numbers of individuals out there. It is going to help corporations. It is a check that they got. It is a socialist intervention into the farming industry. They are smothered with socialism.

The agricultural industry is probably the most successful industry in the history of America. As a result of government intervention years and years ago, it is successful. If it is so successful, why do we have to continue to provide a government welfare check to farmers or to agribusinesses? That $16 billion there in the budget could go for something else. But they have not targeted, my point is they have not targeted agriculture subsidies.

In the $17 billion rescission budget you won't see any large cuts of agricultural programs. They are not taking a heavy hit like housing or education for the poor or job programs for the poor, summer youth programs. You won't find anything zeroed out for agriculture in the rescission budget.

This is very important to take note of this. Why is it that an activity which involves only 2 percent of the population is an untouchable activity? How is it that the farm welfare system go on and on? Nobody is talking about ending farm welfare as we know it? How is it that this happens?

The American people ought to take a very close look at the power of the farm lobbyists. We talked a lot about lobbying. We talked about special interests. You should take a close look at how it is done, how 2 percent of the population can go on and on, as long as they want to go, control a whole system of subsidies.

And I have only mentioned $16 billion worth. The Washington Post told us last year that another aspect of the welfare program for farmers, called the Farmers Home Loan Mortgages, $11.8 billion, billion, in loans to farmers was forgiven over a 5-year period. We are not discussing reform in that area.

That appeared on the front page of the Washington Post. There was some scurrying around for a while. There was talk of a committee dealing with that. It didn't happen in any significant way.

Then we know, of course, we failed to reform the savings and loans system. Instead of reforming the savings and loan system, we deregulated it. So the savings and loans program, which said that the government stood behind all of the people who have deposited their money in the savings and loans banks up to $100,000, that collapsed completely, not completely, it collapsed overwhelmingly. And it is costing the American taxpayers as much as $200 billion.

But we are not laboring to reform a program that has cost you $200 billion. You can't even get a good report as to where it is right now. It is still going forward.

They are still trying to salvage the money that was lost via the savings and loan swindle. And there are still people running around who pocketed millions of dollars who have not been even called and interrogated, many others who have been interrogated who have never been prosecuted, and many others who have been prosecuted and they never paid a dime, many others who have spent some time, a few weeks in prison, but never paid a dime also. They come out and were millionaires still.

So if you want to reform a significant portion of the government, we should be looking at reform for the savings and loans program. We should be looking at reform for the agriculture welfare system.

That kind of reform is not on anybody's mind. They would prefer instead to target the programs that are serving the poorest people. And programs that are serving the poorest people, unfortunately, disproportionately large numbers of African-Americans are in those programs.

Now, if there is a 10th grader, a sophomore out there listening, the obvious question is why are so many African-Americans in these programs? Why are so many African-Americans poor? Why haven't African-Americans made it? Why are they vulnerable so that we can be targeted by people who are powerful and that we can become victims again?

African-Americans enjoyed prosperity for a very short period of time during the era of World War II and the 10 years following World War II, 20 years following World War II. There were jobs. Jobs were available in the big cities. That is why you have so many African-Americans in the big cities.

They weren't concentrated there before World War II. African-Americans were spread out all over the country, and most of them were in the South, not all of them, but most of them were in the South.

Why were they in the South? Because the South had the largest slave population. Why did they have the largest slave population? Because the South's primary commodity, its primary income crop, was cotton and a few other items that required a large amount of labor, cheap labor, and you had large concentrations of slaves in the South.

They left the South during World War II, and they came north. They found jobs. And if you look at history, examine the period when they had jobs, African-Americans in the big cities had jobs. You will find that there was a relatively small amount of family disintegration, of family destabilization. There were few families with only one parent. There was work available, and when work was available it was possible to maintain stabilized, good families, stable families, and go forward.

But that was only a brief period. The jobs that existed in Washington, DC, in New York, in Chicago, in all the big cities where African-Americans have accumulated, those jobs began to disappear as the economy was mismanaged more and more. And the people who were in charge of our economy gave away our economic base for manufacturing. They gave it away to Japan and to Germany and to Taiwan.

And you know the jobs that would be there for people normally, even without a war and without defense production, were all gone because the entrepreneurs and the investors and the people who own the plants found that they do make greater profits by using cheap labor somewhere else in the world. And that is a pattern that started then. It started 20 years after World War II. And it escalated, and now it is in full boom.

It is the way to go if you are going to produce a product. You don't invest in America and manufacture in America. You find the cheapest source of labor somewhere in the world, and you bring the product back to America. So for that reason the jobs are not there. You have large numbers of African-Americans along with other poor people in the big cities where they came because there were jobs, and they are trapped there.

And we have had an anticity policy. Part of the reason that the policy has been anticity is because there are large concentrations of African-Americans and Latinos, minorities who didn't have any political power, large numbers who could not fight for themselves because they didn't have political action committees. They didn't have big contributors.

For many reasons, the kind of power you need in America is not present in the inner city communities of our big cities. So, steadily, from the time of Ronald Reagan's first year to the present, steadily there has been an assault on the big cities. Steadily, the Federal Government has taken away programs that benefited the cities.

The savings and loan money that built the shopping malls and the condominiums and all of the failed projects in the Midwest and the West, most of that money came out of our big cities, by the way, because even in the big cities, with millions of depositors, they accumulated large amounts of money in our banks.

□ 2215

The poorest banks are rich in our big cities because the numbers of people who are depositing are so great. Their deposits were taken out and invested across the country in failed projects, and the savings and loan drain that benefited Texas and California, a large part of the dollars came from the big cities. You had war being made on our big cities, and that war has wrecked the black families, has wrecked teenagers' lives, lives of teenagers, and that war continues.

Instead of the present oppressive elite minority trying to rebuild our cities, as they do across the world, most countries are proud of their cities, and they want to rebuild them, a decision has been made by the oppressive elite minority that they want to destroy our cities, that they are going to build an America where big cities do not count; the populations of big cities can be thrown overboard. There is a triage process that we will follow. After all, so many of them are black, so many are African-American.

And in case we do not complete the process with the budget, they have introduced affirmative action, an attack on that, assault on affirmative action to send the message even more clearly that we are targeting African Americans.

The big cities have large accumulations of African Americans, and I would like to get back to the point I was making. Why are they there? I just told you. They went there seeking jobs. The jobs were there. The jobs have been taken away now. So they are there. They are vulnerable. They are poor.

Why do they have to go to the big cities? Because the economy of the South where they were was even poorer. The wretchedness of black families was greater in the rural South before World War II than it is in any big city now. Starvation and hunger, exploitation, a state which was not too far removed from slavery existed for hundreds of thousands of African Americans, because slavery, getting back to the topic that upsets so many people, slavery left a heritage.

Why are so many African-Americans poor? Because they are victims of a process that never had any mercy in it. They are victims of a process that never offered any real aid until the Great Society programs, the New Deal and the Great Society programs came along. There was no aid of any kind. You had millions of African-Americans who were set free by the 13th amendment to the Constitution. And the Emancipation Proclamation set some free before, and upon achieving that freedom, they were empty-handed. They had nothing.

If there are any sophomores still listening, remember that slavery existed for 200 years in America. Slavery existed for 400 years in this hemisphere. Slavery in South America and the Caribbean area started long before it started here. But slavery existed in American for 200 years, and some people who says slavery was an institution, slavery was an industry. Slavery was an industry, a vile industry, but an industry.

Slaves were recruited. Slaves were imported to make money. Slaves were brought and sold like property. They were bought and sold like machines for 200 years.

For 200 years slaves were handled in a way which reminded them at every point that they were property. In order to accomplish this, slaves had to be treated in ways which obliterated their humanity.

I used the word "obliterated"; an attempt was made. I take it back. They did not succeed fortunately. But an attempt was made to obliterate any sense of humanness in the slave in order to make him a more productive machine, a more productive beast of burden.

Their sense of humanity had to be wiped out. So slaves were bought and sold and deliberately families were not allowed to exist. You know, there might have been 1 or 2 percent of the slave owners who were kind enough to let families stay together or to respect the family unit, but basically, in the salve industry, it was counterproductive to have family attachments. So the slaves were for 200 years in a situation which discouraged any family. Any families which we have, any sense of family which we have, which is very strong in the black community, very strong in the African-Americans community, any sense of family is there despite all of the hardships. That sense of family is there because we the people of the African-Americans communities, the victims of slavery, held on to it, made it happen, and kept it happening. But for 200 years there was an attempt made to make us forget all about family ties, forget all about our humanity in every respect, religion, family, art, culture, everything.

If the sophomores are still listening, just try to imagine what it is like for a Mexican person who is very poor, owns very little, who comes across the border from Mexico to California as an immigrant; imagine an immigrant in a whole new world, does not speak the language, is poor, and was poor back home, and try to imagine what I am saying when I say that that immigrant, that poor immigrant coming across the border from Mexico to California, is a millionaire compared to a slave being dumped on a wharf somewhere in America and taken to the auction block. Because that poor Mexican has a village, a family, a culture, associates, people to go back to or to remember, reminisce about, to communicate with even after he arrives here.

That poor Mexican probably has some friends or some associates or a community of people who might not know him individually but will receive him in California if he comes across the border.

They are rich compared to what the slave had. The slaves were deliberately cut off from their culture, from their sense of family, from their societies that had been built up over hundreds of years. They were deliberately cut off, and right away they were put on board ships, and they were arranged in ways to separate slaves who came from the same places, even the same tribe or the same languages, and not allow them to be together, because there was fear of mutiny. They did not want them to have any sense of commonality.

So the obliteration process for slaves started on the ship. It continued at the wharf when they were unloaded and sold. They were sold regardless, irregardless of any attachments that they might have had. If a sister or brother happened to come together, then nobody would recognize that certainly on the wharf, and then it went on and on for 200 years.

The largest number of slaves that existed at any time in the history of slavery in this country, however, were not people who were brought across the sea. You know, millions were brought across the sea. But the largest number were born in this country. They were bred in this country. Slave-breeding was a basic part of the slave industry.

Why am I mentioning the ugly subject of slave-breeding? Why am I bothering to mention that? Because the history of the black family and the disintegration of the black family, the problems of the black family, are rooted in slavery.

An attempt was made to obliterate any sense of family, and when freedom came, no attempt was made to help in any way, economically, socially, culturally, no attempt was made. So when a sophomore asked the question, why so many black people are poor, why are they so vulnerable, why are they all gathered in the big cities? The answer is they are in the big cities because they came looking for jobs, and they found jobs, and they thrived for three or four decades.

But before that they were in the rural South where they were very poor and never had a chance, because nobody ever gave any help to the slaves after they were set free, and before that, of course, they were slaves, and instead of them being helped by anyone, an effort was made to obliterate, block out their humanity, destroy any sense of family, any sense of culture, any sense of religion.

You cannot suddenly, as a Nation or a group of civilized people, say that 200 years does not matter. You cannot obliterate and say it did not exist. That is what the Communists used to try to do in Russia, just wipe out segments of history. It did exist.

After we were set free, the 13th amendment and the 14th amendment, 15th amendment, there was another hundred years of oppression, lynchings, denial of all rights.

So we are talking about 300 years before we had a situation where people could get up and leave the South, come to the big cities. There was nothing to fall back on. Nobody has a parent who gave them anything. They did not inherent any land. They did not inherit any bank accounts.

You know, why are they so poor? Why are African-Americans in such large proportions in the big cities poor? Because their ancestors were slaves, their ancestors were victimized. There was nothing to fall back on to build any economic base.

The miracle is that so many, that there are so many middle-class black families, there are so many people who have overcome all of this. There are so many who prosper no matter what.

The cruelest activity that you could perpetuate would be to target this vulnerable bunch, this vulnerable group of people who are the descendants of slaves. We are the victims. We are the descendants of victims, and now we have been targeted again.

Probably many of the people who are targeting the victims are the descendants of the oppressors, the slave-owners and the slave industry, people who participated in the slave industry in many different ways.

It is time to get angry when you see the policies of the Government of the United States being shaped by people who would cut the budget in ways which seek to wipe out the victims of the descendants of slaves. In this budget process that we are about to embark upon, we are told that there is a desire to save $722 billion over a 7-year period. The call is for a balanced budget by the year 2002. They said the budget must be balanced, and that is a criteria that is set.

The Congressional Black Caucus budget would not be allowed on the floor. It will not have a chance of getting past the Committee on Rules unless we can show we can balance the budget by the year 2002. All other budgets, they say, must do the same thing. At least, you must show over a 5-year period that the budget that you are proposing is on a glide path to a $59 billion deficit in 5 years; $722 billion in savings must be realized over 7 years; $59 billion must be the deficit, no higher than $59 billion in 5 years, and in order to get there, the kinds of cuts that were made last week, $17 billion in the rescission process, will have to be magnified many times over.

They will have to make even more cuts in housing programs for poor people. They will make even more cuts in programs like the school lunch program, in programs like the summer youth employment program, in training programs for welfare mothers. The cuts will be humongous, monstrous, unless we turn aside from the revolution that is being promoted by the oppressive elite minority now in control of this Congress.

It is a very serious situation. Added to the cuts, as I said before, is the attack, the assault on affirmative action, which doubles the victimization.

We see a pattern in the welfare reform bill that will be repeated over and over in the welfare reform process.

In the bill that is being offered, the element of reform I support, as I said before. We all want to reform any Government program and make it work. The human animal is not an administering animal. We do not naturally know how to administer anything.

So any big activity, any complex activity needs to be reformed from time to time, needs to be revised, adjusted, and welfare is no exception. But we should also revise any other aspect of the Government in the same manner. We have no problem with the reform element.

Welfare is also, unfortunately, a vehicle for the demonization of African-Americans. Welfare is a vehicle for the demonization, first, of poor people. It is a vehicle for the demonization of pregnant teenagers, teenage mothers, and it is a vehicle for the demonization of African-Americans.

□ 2230

How does this happen? Because it has become a code word.

When people think of welfare, the media, the political leadership, have handled the problem and issue in ways which have led to an association of welfare with African-Americans, with black people. So it becomes a demonization.

If we want to really reform it, let us take out the demonization. Let us stop talking about welfare in terms that demonize people. Let us look at the problem. They are a set of victims like other victims the government helps, and let us go forward with reforming welfare in that spirit.

Let us talk about jobs and the need for jobs and job training without calling people lazy. "Lazy" is a ridiculous term to use with the victims of the descendants of slaves.

In slavery everybody had a job, and they had to do it. In slavery they worked people from dawn to dusk. In slavery they worked them every day, except a few kind slave owners who gave Sundays off. But if there is anybody who knows what work is all about, it is the people who are the descendants of the victims of slavery.

So let us stop the demonization. People are not on welfare who are able-bodied because they are lazy.

In my district certainly, if you have the jobs, for every job you produce there will be 10 or 20 people in line to get the job. There are no jobs, and we have been looking for jobs for decades now.

We have to produce jobs in the Congressional Black Caucus budget, in our vision of what America should be like. We are going to have a job creation program, as we always have had in previous budgets. We are going to have job training. We are going to have job educational programs.

You know, if you give a bright welfare mother a 2-year college education, she can become a part of the middle class, or a degree in nursing, or x-ray technician, or blood work technicians, a number of different jobs that are available for people who have training. But you have to have the money and the budget to provide for that 2 years of training in order to allow this person to bridge the gap and get into the middle class.

When you are demonizing people that are making the assumption that they are lazy, making the charge, then you do not put money in the budget for training and for job creation. There is no money in the welfare program that has been offered by the Republican majority in the House. There is no money, there is no program, for job training. There is no program for job creation.

We started out talking about get off welfare and go to work, and the Democratic alternatives to the welfare program of the Republicans, you are going to find an effort to provide job training. There is money in there for—in the Deal substitute and certainly the Patsy Mink substitute. There is money to provide for training to allow people to get off of welfare, but it is too good a demonization technique and a demonization weapon for the Republicans to seriously deal with jobs and job training and seriously try to reform welfare.

You can have a good election issue if you continue to demonize the people who are on welfare because they are black, because they are teenagers, because they are pregnant. All of a sudden teenage girls become a threat to the moral fiber of the country. As I said before, they are not a threat to the moral fiber of the country. I would like to have fewer teenagers pregnant. I would like to see fewer unwed mothers. The number who are increasing, who are not African American, is great, which means that there is a situation of helplessness and hopelessness that is driving this situation, and we need to correct it before this disease spreads beyond the vulnerable poor populations of our cities and engulfs other groups. We should reasonably examine it and determine that we are going to provide hope for teenagers regardless of their race or color.

We are going to provide hope, and one area you provide hope is through education, providing the best possible education. Next to the cuts in housing that were in the rescission budget last week, Mr. Speaker, the $7 billion in cuts in housing programs for low income people, the cuts in education were the second most vicious groups of cuts because they are targeted to eliminate hope for large numbers of young people. The specific cut of the summer youth employment program and the specific cut of the drug-free schools program, those specific cuts are aimed at programs for young people, and they become, as my colleagues know, the most vicious, among the most vicious of all.

If we are going to continue and repeat those kinds of cuts, then we are going to wipe out hope for more and more young people and end up with more and more being caught up in the web of teenage pregnancies and other social ills. Teenage pregnancies are a problem we are going to resolve. Let us reasonably try to get that kind of hope restored to teenagers so that they will not drift into that kind of situation which hurts both the mother and the child. Babies should not be raising babies. Teenagers should not be raising babies. We do not want it, and we should rationally do everything possible to end it.

But do not demonize pregnant teenagers. Do not demonize them and use the code that there is something wrong with black pregnant teenagers, there is something wrong with black families, there is something wrong with the black community. Do not demonize and gain some kind of political advantage by appealing to the gut racism in certain people. Do not let the welfare reform process drift into that.

Teenagers are not a threat to the moral fiber of America. Teenage pregnancies—there was a time when teenage pregnancy was a threat to the moral fiber of America, and I said it before on this floor, and I repeat it to remind my colleagues that teenage pregnancy was a threat to the moral fiber of America, black teenage pregnancy—during the days of slavery, 200 years of slavery when teenage pregnancy was promoted and teenage pregnancy was a profit-making enterprise. Breeding slaves produced more slaves in America than importing slaves from Africa—breeding. Every teenage slave girl was expected to get pregnant as soon as she was old enough to get pregnant, forced to get pregnant. Terrible things could happen to her if she did not get pregnant, and she did not choose the man who made her pregnant. Part of the breeding process was to select the men who did the impregnation. So, that was a threat, that kind of activity which went on for 200 years in America as a business, the slave business, the slave industry, that was a threat to the moral fiber of America. Like all other aspects of slavery, the moral fiber of America was challenged by the components of slavery.

Thank G-d for Abraham Lincoln. Thank G-d for all the people who lost their lives in the war to end slavery. America has had that burden taken off its shoulder, been able to go forward as a leader of the Free World as a result of that kind of moral threat being removed. So, when you see or hear people talk about teenage pregnancies, it is a serious matter of today, but is not a threat to the moral fiber of America. These people are not demons. The demons were the people who made an industry out of impregnating black teenagers in the slave system, and the breeding pens and the breeding farms. Those were the people who were the demons.

We have been targeted unfairly. I hope that the elite oppressive minority can hear some of these appeals. It is not too late to turn back and look at the process of delivering on the Contract With America, the process on demonstrating that you know how to run the government better than the Democrats. I hope the Republicans will turn aside the game plan that involves demonization and later on an appeal to make it racism.

Candidates who are announcing now for the presidential race in 1996 have placed great emphasis on the fact that they want to destroy affirmative action, affirmative action. When they add affirmative action and the assault on affirmative action to the game plan, as I said before, and my colleagues know that $722 billion is going to have to be saved over 7 years, you can understand that the days ahead, in terms of decisionmaking about the budget and the targeting of programs that hurt minorities and the targeting of programs that hurt poor people has just begun. Between now and 1996 every candidate running for President will be trying to demonstrate, every candidate running for President for the Republican Party will be trying to demonstrate, that they can go after African-Americans in a more overwhelming fashion and a more targeted and precise fashion, in a more damaging fashion, than anybody else. That is going to be the Willie Horton of 1996.

It is time to come to grips with it right now. It is time that we on the floor of this House understood that we do not intend to sit idly by and allow this kind of demonization and appeal to racism to go on. We do not intend to allow the budget to be twisted and distorted in order to accomplish that purpose.

We want to show a vision of America that, I think, the majority of Americans want, and that is a vision where we apply the tremendous wealth of this country with the richest nation that ever existed on the face of the earth. There has never been anything like America. The wealth is not something of the past. The wealth is escalating every day. Wall Street is not suffering. We are not on the verge of bankruptcy. people are getting rich faster and faster. Those who have money, the wealth of America is not absorbed by the fact that there is no frontier anymore. There is no frontier in terms of land.

But it seems we have a lot of wealth above us, the broadcast frequencies above us. The bands up there that are now being auctioned off have brought in close to $9 billion. The people on the air—and we should stop and think about that resource that belongs to us. There are all kinds of ways in which this country can be protected from bankruptcy. There are many ways in which the deficit can be solved once and for all, and you do not have to increase taxes on individuals. We need a whole system of taxation which does not focus on individual income and throw one group of people against another.

In the Congressional Black Caucus budget we shall propose a commission to creatively look at new kinds of tax options, and we should propose some of those tax options to go forward as soon as possible. Why not? As my colleagues know, look at the air waves in a different way, and derive some income through user fees, and let it be known right away. Why not even halt the auctioning process and do some other form of ownership of the frequency bands up there which are going to be very lucrative? And one industry that we know will be very lucrative in the future is the telecommunications industry. One industry that will derive a great deal of profit and revenue will be telecommunications. The industry that the Japanese, and the Germans, and the Taiwanese, nobody in a foreign country can take away from us, is the telecommunications industry.

So, let us look forward to making use of the potential that is in the air above us in ways that benefit all Americans.

Nobody should buy the argument that you have to cut programs for poor people because we are bankrupt. Nobody should buy the argument that we have to cut HUD in order to save money, that is the only place we can save money. Nobody should buy the argument that the summer youth program, which is a relatively small amount of money, has had to cut down to zero in order to balance the budget or in order to save money. We should not buy those arguments. There are many, many ways to cut the budget and adjust the budget. There are many ways to look for new revenue.

All the industries that are based in America that have foreign operations have been let off very lightly in terms of they have taken the jobs away from the workers. The people who own the plants and investors, they reap great profits. There should be some way to get a greater share of those profits and pile them back into the country of origin. There are many, many ways which we should look to new sources of revenue in order to sustain the richest nation that ever existed and to pay for the kind of services, and the programs and the projects that benefit all Americans.

□ 2245

The caring majority, which I think is the majority of Americans, will insist, I think, that everybody be given an opportunity for an education, eveybody be given decent housing, everybody be given an opportunity to eat well, that children will have free lunches.

I think the caring majority is made up of people out there who need government help. The caring majority is made up of a majority of people who are not people who need government help. They are just people who are wise enough to know that if this society is going to hold together, if you are going to go forward with the maximum civility, go forward and build a society which promotes the common welfare, the prosperity for all, then we are going to have to care about people who do not have housing.

People in the caring majority do not necessarily want to live next to homeless people, have them come to their homes and eat, but they want them to have a home and want them to have food. People in the caring majority may not want their kids to go to school with poor children, but they want every child to have an opportunity to go to school. The people in the caring majority care about health care for everybody, and they do not think we are so poor that we cannot have health care systems which provide decent health care for everybody.

In the days ahead, as the Committee on the Budget moves to realize its $722 billion in savings, we have to be on a glide path, they say, showing that the deficit is down to $59 billion in 5 years. The horrible kinds of devastating cuts that they will propose must be resisted. We must show that an F-22 fighter plane that nobody needs will cost us $12 billion over the next 5 years, and if we are really, truly worried about bankruptcy and becoming insolvent as a nation, why are we building an F-22 fighter plane, the most sophisticated fighter plane ever devised by the imagination of man. We have already a very sophisticated fighter plane. Put that on a list. Those Americans who think out there that somebody has to suffer, there has to be some cuts, that is the argument we hear, let us spread the pain.

We are not spreading the pain. Seven billion dollars comes out of HUD, housing for low-income people, and you are going to continue to build the F-22 at a cost of $12 billion over the next 5 years, and this is a scaled down version of what was proposed originally. If the whole plan was followed and we built all the F-22's that were originally conceived, it would cost us $72 billion. Seventy-two billion dollars. But just over the next 5 years we are looking at $12 billion, and nobody is scrutinizing that expenditure and saying we cannot afford it.

The CIA, $28 billion is the estimate of CIA's budget. If you have to cut something, cut the CIA 10 percent every year for the next 5 years. You will not lose very much. Eldridge Ames and his kind will be taken care of in a less lucrative fashion, but you will not lose any ground in terms of America being secure and competitive. They do not contribute that much at this point. They would still have half of $28 billion, which is $14 billion.

Let us spread the pain where it hurts the least. Let us spread the pain by not building another *Seawolf* submarine, $2.1 billion. If we must make cuts, if we are worried about the future, if you do not want to mortgage our children's future, then there are many ways and places that cuts can be made.

There are a whole list of corporate loopholes that we can start closing. The Committee on Ways and Means has produced a proposal for tax cuts, and one set of analysts has looked at it and spoken to me and told me there is $1 trillion worth of tax cuts, $1 trillion worth of giveaways, loopholes in that proposal. One trillion dollars.

Let us take a close look at that bill and those loopholes. Let us look at the tax expenditures as closely as we look at the other expenditures.

In other words, we are going to resist. The Congressional Black Caucus budget is just a tiny part of the resistance. We will not stand by and allow $722 billion to be saved on the backs of the poorest people in the Nation. We will not allow people who consider themselves revolutionaries to wreck the civility of the Nation, to destroy 60 years of activity and programs. We will not let people go hungry, remain jobless, have less educational opportunity, without putting up the most stringent possible fight.

I appeal to the majority in this House, the people who represent the oppressive elite minority, to turn aside from their effort to create a budget and a game plan, a scheme, that envisages America only for a handful of people, only for a small class of people. We are looking at America for everybody, and we do not seek to throw overboard the most vulnerable. We will not continue to try to throw overboard the poor people in America. We will not continue to try to throw overboard the poor people in the cities. We will not continue to throw overboard the African-Americans among the poor people in the cities. We will not look at the most vulnerable population and attempt to demonize them and use them as a way of guaranteeing the next election.

There is a vicious set of activities in motion, and it is time for us to get angry and call them for what they are. We will challenge the oppressive elite minority, and in representation of the caring majority, we will prevail. The caring majority will counterattack in 1996, and those who are vicious, unyielding, uncivil, who refuse to try to create an America that belongs to everybody, will find that this democracy cannot be hoodwinked, the people cannot be stampeded into voting against their own interest. The caring majority will stand behind the most vulnerable in our society.

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 4, PERSONAL RESPONSIBILITY ACT OF 1995

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–85) on the resolution (H. Res. 119) providing for further consideration of the bill (H.R. 4) to restore the American family, reduce illegitimacy, control welfare spending and reduce welfare dependence, which was referred to the House Calendar and ordered to be printed.

MEANINGFUL WELFARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Pennsylvania [Mr. FOX] is recognized for 60 minutes as the designee of the majority leader.

Mr. FOX of Pennsylvania. Mr. Chairman, tonight with me are the gentleman from Arizona [Mr. HAYWORTH] and the gentleman from California [Mr. RIGGS] in support of meaningful welfare reform that will help all of the people of the United States. We are here to speak out for a compassionate system which does not simply hand out cash and create a desperate cycle of dependence, but instead strengthens families, encourages work, and offers hope for the future.

As you can see from this diagram right here, the poverty paradox, the poverty rate and welfare spending. In the years of the Reagan administration, you will see we did not spend as much money on welfare, yet welfare went down. In the last 2 years, in the Clinton administration, more has been spent, and yet it has been a failed system of welfare.

We are offering an alternative here this week in the House of Representatives that we think is going to be meaningful for all families. We must bring an end to our current welfare system, which abuses its recipients. Nothing can be more cruel to children and families than the current failed policies.

Tonight my colleagues and I will discuss various sections of the Personal Responsibility Act which the House is considering this week. The bill addresses cash welfare, child protection, child care, family and school nutrition, alien eligibility, commodities and food stamps, SSI, and child support enforcement. Our bill, when it is passed, will allow millions of Americans to escape the cycle of poverty and learn the freedom, dignity, and responsibility that comes would work.

We need to evaluate the success of welfare, as the gentleman from Oklahoma, Mr. J.C. WATTS has said from our freshman class, not by how many people are on AFDC or on food stamps or in public housing, but how many people are no longer on AFDC, food stamps, and public housing.

In that spirit and with the help our good colleague from Arizona, the esteemed Member of the House of Representatives, J.D. HAYWORTH, I would like to yield to you to discuss the important cash welfare block grant program, of which you have been a leader.

Mr. HAYWORTH. I thank the gentleman from Pennsylvania, and really, Mr. Speaker, before we get into this discussion, I see our good friend uncharacteristically sitting to the left of me, the esteemed chairman of the Committee on Rules, the Honorable JERRY SOLOMON of upstate New York. You have something you would like to say now, at this juncture?

Mr. SOLOMON. I want to commend you for this special order, but I am still waiting for the papers to file on the rule that will take up exactly what you are talking about here tomorrow. I thank the gentleman.

Mr. HAYWORTH. I thank you very much. We all wait with interest to see what is hot off the presses in the Committee on Rules, and we thank the gentleman from upstate New York for his valuable service as the chairman of the Committee on Rules.

Mr. Speaker, it is good to see you in the chair tonight, as you represent so capably the good people of upstate South Carolina, and it is good to join my good friend from Pennsylvania standing in the well of the House, to address this topic.

It is not my intent to invoke any type of negativity in this debate tonight, Mr. Speaker, but I listened with great interest to the gentleman on the other side of the aisle who calls the State of New York his home, and listened to so much name calling, so much myth making, as we enter this great debate on welfare reform. And let there be no mistake, this will be a great debate.

But again, I would issue a challenge to our friends on the other side of the aisle to come forth with positive, positive welfare reform, because as my friend from Pennsylvania will attest, and indeed, since we are in our first term in the Congress, we have seen and certainly our friend who is the chairman of the Committee on Rules has been time and time again the phenomenon in this new 104th Congress of folks who I believe fairly could be referred to as the Yeah, buts. "Yeah, we need welfare reform, but, the positive plan for change being offered inflicts too much pain." Indeed, I listened with interest to my good friend the Democrat from New York just a moment ago talk about the civility of this society being threatened.

Mr. Speaker, not only is the civility of our society being threatened, but our very fiscal integrity and our entire society and the survival of that society is being threatened by a system which threatens to bankrupt this, the grandest of all republics, and which threatens to change the very core of our existence.

Some history is in order. Despite the comments of my good friend from New York earlier, the fact is that government at all levels has spent in excess of $5 trillion trying to eradicate poverty. And as the gentleman from Pennsylvania showed us, we have this poverty paradox, where the more we spend on poverty it seems, the numbers of the poor increase. It is an incredible paradox.

I see our friend the chairman of the Committee on Rules is prepared with a statement now. I would gladly yield time to the gentleman from upstate New York.

Mr. SOLOMON. I think the appropriateness would be for the gentleman in the well to yield time.

Mr. FOX of Pennsylvania. We both yield to you, our senior Committee on Rules chairman.

Mr. SOLOMON. Mr. Speaker, let me commend both the gentlemen for taking this special order this evening. It is so terribly, terribly important. I could not help but listening to my associate from New York City speak before, and he used the word compassion, and that we have to spend money on people to be compassionate.

Well, I would just go back and say what I said the other day when we had the rescission package on the floor. What is compassionate about piling

$4.5 trillion in debt on our children and grandchildren? What is compassionate about President Clinton's new proposals that offer the next 5 years to add another $1 trillion to that $4.5 trillion debt, thereby increasing the amount of interest that we have to pay to just support that accumulated debt? What is compassionate about that? And what is compassionate about a welfare program that we have been on now for 20 years which breeds second and third and fourth year welfare recipients? Those people want to get off welfare, and they need to do it with what we are planning here today. That is why I am so proud of you two for taking this special order this evening. I wish you well.

In the meantime, I have got the rule which will bring the most significant comprehensive welfare reform that has ever been brought to this House, we will bring on this floor tomorrow.

I thank you two gentlemen, and the best of luck to you. I salute you.

Mr. FOX of Pennsylvania. Chairman SOLOMON, we look forward to lively debate tomorrow, moving on to welfare reform with your leadership. We appreciate what you have done to work overtime on this proposal.

I would now like to yield back to let my colleague and good friend from Arizona [Mr. HAYWORTH] continue your discussion on the important reasons why welfare reform, meaningful welfare reform, is so important to the American people.

Mr. HAYWORTH. I thank the gentleman from Pennsylvania [Mr. FOX], and indeed I thank the esteemed chairman of the Rules Committee for again outlining the Rules of this House and indeed our Speaker pro tempore tonight for enforcing those Rules.

It is important to remember that we are a society of laws in this body. We are a society that follows rules. And it is worth noting that the Rules of this House in this new majority are far more open than anything offered during the previous 40 years of one party rule by the new minority.

I mentioned earlier the tale of the numbers. Would that it were only a fairy tale. Would that these numbers were not reflected in cold, hard facts. But it is time for straight talk with the American people.

I refer to the fact that in the last 30 years we have spent at all levels of government in excess of $5 trillion to try and eradicate poverty. We have failed miserably, and it is fair to ask the question why. Why have these programs, perhaps so noble in their intent, failed so abysmally?

No. In stark contrast to what the preceding gentleman from New York [Mr. OWENS] said, it is not a vendetta. It is not some demonization of one group of Americans. It is not our intent to set one group of Americans against another group of Americans. The gentleman himself said welfare reform is needed.

Well, as my friend, the gentleman from Pennsylvania [Mr. FOX], will attest, Mr. Speaker, the debate in coming days the rest of this week will articulate how we are prepared to make changes.

Marvin Olasky has offered a new book, entitled "The Tragedy of American Compassion." And the Rules chairman referred to it just a moment ago when he talked about the true meaning of compassion.

What is compassionate about a system that leaves to our children and to generations yet unborn a debt of untold trillions that they will have to service, that they will have to pay off?

In the past, it was in grand American fashion, no matter if you hailed from the inner city or from rural America, that you would pay off the mortgage and leave a home for the children or leave a farm for the next generation. We have reversed the process under the guardians of the old order. We have basically enjoyed the fruits of the farm and the fruits of the homes and left the mortgage for our children to pay.

So your new majority in Congress, Mr. Speaker, has advanced some significant reforms. Let me delineate them for you right now.

Part of the problem has been that we continue to allow Federal programs to grow like topsy. We have programs that are duplicative, that are redundant and that, quite frankly, are not a good way to spend the hard-earned money of the American taxpayers.

So what the GOP welfare bill does is, first, consolidate for cash welfare programs, including AFDC and the JOBS Program, into one block grant. The idea again being that people on the frontlines, in the city, States, and towns know best how to spend that money, know best how to attack those problems, lets in the redundancy and allows these great laboratories of democracy to do what they do best.

Indeed, we have seen pilot programs in Wisconsin and in Michigan and we see other States like my home State of Arizona and the great State of North Carolina working to enact workfare programs working on these problems on the frontline. That is where we are talking about. Consolidate these programs into one block grant and allow this battle to be fought more effectively at the State and local level.

Our new majority welfare bill also requires recipients to work with 2 years and leave the cash welfare rolls after 5 years. Again, it is this notion, Mr. Speaker, what is reasonable? Is it reasonable to expect in a free economy where we look day after day at classified advertisements in a variety of publications touting the facts that jobs are available, is it fair or reasonable to allow someone to become a prisoner of this failed system?

No, we need to offer a way out, and indeed we need to offer incentive to leave the welfare rolls and get involved in work. And that is what our plan does by requiring recipients to work within 2 years and to leave the cash welfare rolls after 5 years.

Our plan requires 50 percent of single adult welfare recipients to work no less than 35 hours by the year 2003, a gradual program, not draconian but establishing clear guidelines in a period of time, altogether modest to allow these reforms to take place.

It requires 90 percent of two-parent families to have one adult work no less than 35 hours a week by 1998. In a 3-year period, a chance to get that done.

And we define work as real, private-sector jobs with concurrent education and training permitted. In other words, it is not the role of our society or our government to provide make-work. We want to grow this economy and allow people to find work in the private sector.

Now, in jobless areas it is worth noting, areas plagued by chronic unemployment, indeed many of the areas that our friend from the other side of the aisle mentioned and championed, we allow work to be defined as subsidized work, community work or on-the-job training. So we do provide for those areas where there is chronic unemployment. We do provide every American with the opportunity, the dignity and responsibility of work.

We bar Federal cash to unwed parents. Let me repeat this: We bar Federal cash to unwed parents under 18. Now, let us emphasize what will transpire here. Because lost in the debate, with so many members of the liberal media failing to articulate and emphasize this point, while we bar Federal cash payments to unwed parents under the age of 18, this plan will still allow for noncash benefits.

Indeed, I refer to Marvin Olasky's book, "The Tragedy of American Compassion," where he chronicles where our society has changed from a caring society to a caretaking society.

And I think it is so important to emphasize that, again, we do not seek to demonize or starve or deprive anyone who is truly needy. But what we believe, as we have taken a look at the failed system, that we ought to be able to provide in-kind benefits to those who deserve them, noncash benefits in the forms of staples and those materials vital for life itself to those, but we do cut out cash payments to youngsters. In other words, we don't have the Federal Government giving money to children who continue to have more children.

We would bar additional Federal cash for additional children born while the mother is on cash welfare. Why is that important? Again, because under this failed system what we have done in our society by any fair and objective measure is that we have subsidized illegitimacy to the point that one out of every three children is born out of wedlock.

My constituents of the Sixth District of Arizona and others I have talked to throughout this country point to illegitimacy as one of the factors, if not the key factor, that can totally undermine our society. So we move to change a failed policy that gives improper incentives to the increase in illegitimacy.

We would bar cash to unwed mothers who refuse to cooperate in establishing a child's paternity. Because we understand in our society that we have rights and we have responsibilities, and it is time for the fathers of this country to, if they are willing to father a child, to go through that biological action, to indeed take responsibility for the paternity of that child.

□ 2310

We offer a funding bonus of up to 10 percent for States that reduce out-of-wedlock births. We provide level funding of $15.4 billion a year for 5 years. We create a $1 billion Federal rainy day borrowing fund for recessions or emergencies. In other words, we are not so dogmatic as to believe there will not be emergencies, we are not so dogmatic as to believe there will not be rolling readjustments in our economy, part of a free society from time to time, people encounter tough times, and we are willing to understand and deal with that.

We allow States to set up their own rainy day funds and pocket any savings over 120 percent of their annual grant amount. We set aside $100 million a year in a fund to ease pressures on States with rapid population growth. Indeed, the great State of Arizona and my own Sixth District is experiencing rapid population growth. This plan again accommodates those changes in our society. We will save untold billions of dollars over 5 years as opposed to the current system.

Mr. FOX of Pennsylvania. There are questions the press has asked and I just thought there is a myth out there that possibly the gentleman could explain and frankly let people know it is incorrect.

There is a myth that your pro-family provisions that we have in our welfare reform proposal will be cruel to children. How do you answer that?

Mr. HAYWORTH. As the gentleman from Pennsylvania knows and as I am glad to articulate here on the floor of the U.S. House tonight, I think by any objective standard, even the standards set by our friends on the other side of the aisle, the yeah-buts, the people who say, "Yeah, we need welfare reform but," it is important to remember this. It is the current system that hurts children, because the current system encourages self-destructive behavior, it encourages dependency, it encourages out-of-wedlock births. Our bill does not end assistance to children. Let me repeat that for the mythmakers on the other side of the aisle who would try to gain unfair partisan advantage by wielding a campaign of fear unparalleled in our society, our bill does not, does not end assistance to children. It only terminates cash assistance.

No responsible parent would reward an irresponsible child with cash payments and an apartment. No responsible employer would give workers a raise simply because they have additional children. If people in the private sector, who care about the quality of work being done, who care about the future of their children, who seek to instill responsibility and responsible actions, if private businesses will not do those things, the taxpayers of this country who work from January 1 on through now almost 6 months of the year paying off their burdensome taxes, those taxpayers who work hard for their money should not be asked to do those things, either.

Mr. FOX of Pennsylvania. What about this further myth that has been propagated about the fact that this bill is not strong enough on work requirements? What do you say to that?

Mr. HAYWORTH. I think the record will show as the debate continues, our work requirements are very, very tough on work. We require States to make cash welfare recipients go to work after 2 years. Some States will choose a more stringent requirement. I know the great Commonwealth of Virginia has taken an action to actually offer less time. But that is the option of the State and indeed is that not truly federalism in action?

After 5 years, recipients would face the ultimate work requirement and that would be the end of all cash welfare. We require States to have 50 percent of adults in one-parent welfare families, that is about 2.5 million families, working by the year 2003. We require States to have 90 percent of two-parent families working by 1998. We define real work with only a few limited exceptions as real private sector work for pay. States that do not meet these standards would lose part of their block grant. That is truly being tough on work. That is truly workfare and not welfare.

Mr. RIGGS. Would the gentleman from Pennsylvania yield?

Mr. FOX of Pennsylvania. I yield to the gentleman from California.

Mr. RIGGS. I thank the gentleman for his leadership in organizing this very important special order tonight as we prepare to enter day two of what I think is probably the single most important debate that will take place on the floor of this House in the 104th session of Congress. But before we leave the subject of children, I simply want to point out that since it seems like really the ammunition from our opponents is primarily focused on what our plan might do to children, so let me point out that cash benefits going for drugs, generation after generation of dependency, children having children and children killing children, nothing could be more cruel to our kids than the current failed welfare system. Some statistics to back up what I am saying here, 70 percent of juvenile delinquents in State reform institutions lived in single-parent homes or with someone other than their natural parents before being incarcerated. Here is the really staggering statistic. Children born out of wedlock are 3 times more likely to end up on welfare themselves when they grow up than children born to married parents.

Clearly the system that we have in place today has been a monumental failure and a very cruel, cruel, almost inhumane system in terms of how it treats the children entrapped in welfare dependency and entrapped in the poverty that welfare dependency and entrapped in the poverty that welfare dependency generates.

Mr. FOX of Pennsylvania. The gentleman from California [Mr. RIGGS] is absolutely right. Your point it well-taken and your leadership is appreciated in trying to move what is truly pro-people welfare reform in this House forward.

I would like to ask if I may another question back to the gentleman from Arizona [Mr. HAYWORTH].

Repealing the entitlement to individuals has been said by those on the other side of the aisle will cause misery and a recession. How do you respond to that?

Mr. HAYWORTH. Again the current system, and this is the irony. As the gentleman from California mentioned and as indeed our good friend the gentleman from Oklahoma [Mr. WATTS] mentions, the current system rewards States for having additional people on cash welfare. In other words, under this not only bankrupt system financially but I would call it a morally bankrupt system, we gauge its success by the numbers of people we can add to the rolls.

Now think about this. Under a block grant, States will have a built-in incentive to move people off the cash welfare rolls and into jobs. And block-granting will give them the flexibility to do so.

If you doubt it, I would commend, Mr. Speaker, our friends on the other side and indeed all the American people to look to States like Wisconsin and Michigan where they are working hard to implement real change in the welfare system. So what we need is to unleash the creative power of States and localities to deal with this problem.

Additionally the bill creates, and this is worth noting for our friends who choose to deionize or mischaracterize our plans, let us repeat this. The bill creates a $1 billion Federal rainy day borrowing fund for recessions or emergencies, and it allows States to set up their own rainy day funds and pocket any savings over 120 percent of their annual grant amount. That is a powerful incentive for those respective States to save up voluntarily for a rainy day, or given the current level of government spending if we do not curtail it, the inevitable recession that will result.

Mr. FOX of Pennsylvania. Let me ask this further question. Your State is growing and many other States are as well.

How would you make sure the block grants will adjust for shifts in population, because the ladies and gentlemen on the other side of the aisle would have the public believe a misconception that in fact the block grants that we are proposing will allow for such shifts? S0634

Mr. HAYWORTH. I think it is worth noting that our legislation creates a $400 million fund to help ease pressures in States with high population growth. It permits States to save unlimited amounts of cash from their block grant in the State rainy day fund for recessions and emergencies, amounts in the rainy day fund in excess of 120 percent of the State's annual block grant amount can be shifted into that Stat's general fund. That is another incentive to move welfare recipients into jobs. Then again the bill also lets States borrow from a billion-dollar Federal rainy day fund which they would have to repay with interest.

But finally the bill lets the States shift 30 percent of other block grants, and this is something the other side has chosen to demonize, when in fact it really goes to help children and it really goes to help families who are looking for a hand up and a helping hand instead of a handout, it offers 20 percent of the nutrition block grant into the block grant and vice versa. It really is the ultimate in flexibility.

Indeed, and that is the other side of the nutrition issue, if I could digress for a second, when the other side talks about block grants being inherently evil and how 20 percent of those grants could be moved to other areas, that 20 percent provision is custom-made for this opportunity, not to starve children but ensure that their families who may be encountering tough times have the economic wherewithal to survive those times.

□ 2320

We offer the ultimate in flexibility, and I might add nothing in any act we have proposed restricts States from offering more of their resources gained either through income tax in some States or other revenue-accruing mechanisms in those States from offering even more money for nutrition programs or for helping the truly needy in those respective States.

Mr. FOX. I want to underscore what the gentleman from Arizona [Mr. HAYWORTH] just said and what Congressman RIGGS has pointed out on the floor many times, and the fact is under our compassionate welfare reform we are actually going to serve more people with less administrative costs and more money for direct services, and I think that is the bottom line.

I would like to yield, if I could at this time, to Congressman RIGGS to discuss not only with the American people, with us in a colloquy, about the alien welfare eligibility program, the food stamp reform, the child care block grants, and the SSI reform.

I know that you have done a great deal of work on this area, and I know your constituents from California appreciate the fact that you have sensibly provided the leadership necessary to move this debate forward so we can help everybody.

Mr. RIGGS. Well, I thank the gentleman from Pennsylvania for yielding.

And, obviously, the whole issue of alien welfare is very important to Californians, particularly those who voted last November for proposition 187, which would have imposed a flat prohibition on the providing of social welfare services to illegal immigrants. And, unfortunately, the statewide ballot initiative is now tied up in the Federal courts pending some sort of adjudication.

But it is very clear, just talking to voters and looking at the election results in California, that California voters are saying we need to put our own citizens first.

It is equally clear that as we look at a streamlined welfare system, a welfare system that allows us to achieve real reform, a welfare system that allows us to help move people from welfare to work, a welfare system that, yes, through dramatic reform and overhaul will contribute to our overall goal of reducing the deficit and ultimately balancing the budget, that that welfare system cannot provide welfare benefits to aliens.

So what we have attempted to do in the Economic and Educational Opportunities Committee on which I serve is come up with a provision that we think will reflect what Americans think and feel on the subject of welfare benefits for aliens, both legal and illegal.

So I want to take a moment because we are going to hear the argument, in fact, it came up today, that we on our side of the aisle are engaged in punitive, almost un-American activities in that we do want to restrict benefits for, particularly for illegal aliens and that we are engaged in a not-so-subtle form of immigrant bashing.

I want to respond to that. I said earlier today on the floor that we are not bashing immigrants. We are giving strength to the longstanding Federal policy that welfare should not be some sort of magnet for immigrants, legal or illegal. We should be putting out the welcome mat for those who want to enter our country legally, who want to go through the process of establishing residency and ultimately achieving citizenship.

But, on the same hand, we should not be encouraging through some sort of perverse incentive in the welfare system the hordes of illegal immigration that those of us who hail from and represent border States such as myself and the gentleman from Arizona have been seeing firsthand for several years.

Again, that is what really prompted the overwhelming response by California voters when they approved Prop 187 in California by a vote of nearly two-thirds to one-third.

So what we are trying to do to eliminate the magnet for immigrants is take four simple steps to reform welfare in this whole area. One, we prohibit legal aliens from participation in the big five magnet programs. And they are cash welfare that the gentleman from Arizona was talking about just a moment ago, food stamps that we are going to talk about in just a few minutes, Medicaid, Title 20, and the SSI program.

And, frankly, the SSI program has been one of the areas that has been most egregiously abused by any number of welfare recipients from legal aliens to children.

I also should point out that we talked a moment ago about AFDC, cash welfare payments, and we have not done a good job to date in bringing out in this debate that citizen children or so-called citizen children, children of illegal immigrants who are born here in this country and who thereby immediately become American citizens, are the fastest growing group of AFDC recipients in America today.

So, what we want to do is go back to the idea of sponsorship. We want to make the alien's sponsor financially responsible for the support of that alien.

We would require an affidavit of financial support that would be legally binding and in fact would be enforceable in court proceedings. We apply, this is an interesting fact. We apply the existing deeming rule to all Federal means-tested programs so that in these programs the income of an alien sponsor is deemed to be the alien's income when determining welfare eligibility.

And, lastly, we authorize Federal and State authorities for the first time in history to go after deadbeat sponsors.

Thus, if you look carefully at our welfare reform proposal in the area of welfare benefits for aliens, we are actually strengthening our current immigration policy, and we are not bashing anyone. That is not our intent.

Now, there are also those who say, well, if you cut off welfare benefits entirely to illegal immigrants, we will have children, the children of those illegal immigrants or the children in those families, literally dying on our streets. And nothing could be further from the truth. We allow both legal and illegal aliens access to noncash, inkind emergency services.

That is, in effect, the case today in our emergency rooms around the country. So they will have access to emergency medical services at the State and Federal levels. And no alien, legal or illegal, will go without such humanitarian services as a result of our bill.

So, as we have attempted to do throughout our welfare reform package, we are imposing stringent measures. We are sending a signal to those who would desire to aspire to emigrate to our country that they have to come through the door legally.

You know, just an anecdote from last fall's election campaign.

I was out actually precinct walking one day in my congressional district, and this was right at the peak of the controversy and the furor over proposition 187. I was walking down the street. I heard over my shoulder a gentleman calling out to me in broken English with an obvious Hispanic accent. And I turned around, and he came running down the street.

And he was very excited, actually, to meet me. And so we got into a nice conversation. And as I had a chance to probe a little bit, he was very excited that a political candidate had just come to his door because he was in his fifth and final year of qualifying for American citizenship, and he was overjoyed at the prospect that he would be able to exercise his franchise as an American citizen and vote in the election.

□ 2330

So, I took that opportunity to ask him his feelings on proposition 187, and he looked me right in the eye and said that he was very much in favor of proposition 187. He was in favor of cutting off social welfare benefits for illegal immigrants, because he expected them to do it the right way, the legal way, the hard way, just as he had in qualifying for American citizenship.

So, that is the message that we are sending here, and we are clearly stating to our fellow citizens that we really are going to put the rights and the needs of American citizens first.

Mr. HAYWORTH. If the gentleman will yield, I just think it is very important to take to heart the real-life experience of our friend from California and say that it is shared by so many immigrants who came in our open door, came into this country in a legal, orderly fashion, and it is not our intent to harm those who would immigrate to these shores legally but those who would come in through surreptitious means, those who would come here to enjoy the fruits of the labor of American taxpayers without being involved in the system in stark contrast to the fine example so many legal aliens set for us, whether they are immigrants from immediately south of our border who come here legally or so many folks who have immigrated here from Asia and from Europe, so many people from throughout this world who have come here legally seeking a better life and true freedom for their families. No one denies those who would come here legally an opportunity. But yet as the gentleman from California mentions, we must take action that is reasonable to stop the flow of those who would reach these shores illegally to take advantage of a system which we have proven tonight has failed miserably and lacks the very compassion the champions of that failed system so claim extravagantly in their rhetoric.

Mr. RIGGS. If the gentleman from Pennsylvania would yield on one more point related to, again, the provisions in our package dealing with alien welfare eligibility, I should also point out that we had considerable discussion and even some controversy within the ranks of House Republicans as to whether to deny legal aliens federally subsidized or Federal taxpayer-paid welfare benefits. And what we decided to do, and the proposal that will be before the House tomorrow open for amendment allows legal aliens to draw certain limited welfare benefits, but only if they have served honorably in the U.S. military, that is to say, they are an honorably discharged veteran of the U.S. military, or they are a naturalized citizen, and they have begun again the process of obtaining American citizenship.

I wanted to point out we do make a distinction between legal aliens who fit one or the other of those criteria and those again who break the law by entering our country illegally and who have put a tremendous drain on the Treasury of border States and, in the broadest sense, the Treasury of the Federal Government through again these waves of illegal immigration that have been invading our shores.

Mr. FOX of Pennsylvania. I believe that, based on what I heard from the gentleman from Arizona [Mr. HAYWORTH] and the gentleman from California [Mr. RIGGS], it seems clear to me what you have reached in your committee is a compassionate balance between those who are in fact legally here and deserve to have certain benefits and those who are illegal and who frankly the restrictions are appropriate and fair.

Mr. RIGGS. That is exactly the case, and we are again making a very blunt statement here, make no mistake about it. This action in this legislation puts the House of Representatives firmly on record in two respects. One, we obviously, by denying any welfare benefits at all to illegal immigrants, set a strict policy and a very clear standard for our country. We are, in fact, drawing a line.

And, secondly, we are sending a message that Federal immigration policy needs to be revisited and reformed, and the reason that I am so strongly in favor of these revised and stringent alien welfare eligibility standards is that with respect to legal immigration we are putting responsibility back where it belongs. We are putting the responsibility back on the shoulders of sponsors. We are telling the people who sponsor those legal immigrants into our country that they will bear a financial responsibility, and that is as it should be rather than substituting the Federal taxpayer for those sponsors.

So, this is a good balanced compromise, and I believe it is one that is deserving of the support of our colleagues, and I would hope and expect that this particular part of the welfare reform package will receive strong bipartisan support from the House over the next few days.

Mr. FOX of Pennsylvania. I believe that it will, and I would ask that, if we could, for the purposes of making sure the Members of the House are aware of the further reforms, could we talk about how the food stamp reform proposal is actually going to make sure more benefits get to those in need and we eliminate some of the abuses and the fraud that have existed prior to now?

Mr. RIGGS. If the gentleman from Pennsylvania will yield, I think perhaps I should point out to my colleagues, and certainly for those viewers who are joining us now, that we do have a series of charts that show the principal elements of our welfare reform bill, and what I have put up here are the highlights of reform to the Federal food stamp program.

Now, many of our fellow Americans know that this particular area of the Federal law is overdue. It is overdoomed, but it is also overdue for reform. What we are doing here is obviously we are preserving food stamps as an entitlement, a direct Federal entitlement, as a part of the Federal safety net for the poor, and we do anticipate and make provisions for participation in the program in the overall rolls, the overall number of food stamp recipients to grow in a recession. We do require able-bodied recipients, age 18 to 50, without dependents, to work, again, as part of our overall workfare approach to reforming the welfare system.

We let States deny food stamps to cash welfare recipients who refuse to work. The message is if you are able-bodied but unwilling to work or get job training or some form of vocational skills, then you will be denied benefits altogether.

Another keypoint, we allow States to convert food stamps to cash wage supplement for persons who agree to work.

So what we are doing there is allowing food stamps to augment the basic welfare grant or the cash welfare grant for people who agree to work.

We allow States to engage in electronic transfers in lieu of a cash block grant.

There are stories that are renowned and quite legion about food stamp recipients exchanging their food stamps for all sorts of different items——

Mr. FOX of Pennsylvania. Drugs.

Mr. RIGGS. Liquor or drugs, obviously items that go far beyond the basic food supplies or foodstuffs that the food stamps are intended to provide. We limit cost-of-living adjustments to 2 percent-per-year, and as a result of reform in this area, again, since what we are attempting to do here now is through welfare reform and discretionary spending cuts, domestic discretionary spending cuts in the Federal budget, is making a significant down payment on deficit reduction that will, before the 1996 fiscal year is out, start our country on the path of balancing the Federal budget by the year 2002, and the reform to the food stamp program will contribute $18.2 billion over 5 years again as part of our overall deficit reduction effort.

Mr. FOX of Pennsylvania. I know that the gentleman from Arizona [Mr. HAYWORTH] and I are, on the Government Reform Committee, often talk about the problems that you have discussed in your committee, Education and Labor, dealing with the abuses in the system, where most of the people who receive the benefits of the program are in need and it is justified and applying for food stamps and compassion of the country does what it can.

What have we done in the system to intercede, to make sure that the problems you outline with illegal drugs and using the food stamp money for alcohol or other nonnecessities of life, what have we introduced into the system to make sure that those kinds of abuses do not continue?

□ 2340

Mr. RIGGS. Well, one of the primary reforms is the one I talked about where States can set up an electronic transfer system. That is to say where food stamp recipients can get credit at a grocery store or, you know, at a location where they would be buying food stamps, but it would be done again on a more of an electronic transfer basis, or almost like a credit card, in lieu of food stamps that could be converted for cash or converted for items that again would not be essential foodstuffs. That is one of the principal reforms that we have acquired here.

Another obvious reform is requiring able-bodied recipients, again ages 18 through 50 without children, to work in exchange for their food stamps, and then again allowing States to deny food stamps altogether to those aged 18 through 50 who do again not have dependent children, but who refuse to work.

So, there are again stringent standards in the food stamp reform area to cut down on the rampant abuse that we have experienced with this program and has been well documented back here in Washington for many years.

Mr. FOX of Pennsylvania. I yield to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Pennsylvania and listened with great interest to our friend from California outline many of the reforms.

One other reform that I think is so vital, because again, despite the propaganda and the labels of mean spiritedness about our proposal that the defenders of the tired old system continue to propagate, I think it is important also to note that this legislation would harmonize the aid to families with dependent children and the food stamp program, allowing States to use one set of rules for families applying for food stamps and AFDC, and, by providing that one-stop service, would actually make the entire process more recipient friendly, and it would make the programs more taxpayer friendly by eliminating red tape, and indeed, when you strip away all the hyperbole from the arguments and ask, I believe, a fairer question of the other side, why this constant defense of the status quo, we come to understand that in fact the minority party, many of the liberals in that party are in fact championing the continuation and the growth of the bureaucracy. They are championing the duplicative type of problems we have had.

That is all I can really draw from their arguments and their opposition, and we are trying to change that, not out of mean spiritedness, but out of public spiritedness, the idea being that even those recipients are entitled to more efficient service, though truly needy in our society should benefit from a program that will treat them with some dignity, not only inspiring those able-bodied folks to work, and to look for work, and to really be involved in our great, free market economy, but also on the governmental side to downsize, and I think much of the hue and cry comes from those who quite candidly would rather work in the public sector, would rather have these programs duplicated instead of appealing to what is—makes preeminent common sense from my viewpoint and what is just reasonable, and that is to combine these programs to serve the needy recipients and, again, to cut out excessive governmental waste, and I think that reform is vital to be mentioned.

Mr. FOX of Pennsylvania. Mr. Speaker, if the gentleman would yield, Congressman HAYWORTH, I think you are right on target with the message. I think part of what is important is what the gentleman from California [Mr. RIGGS] spoke about moments ago, goes to the work requirement, but it also carries with it job counseling, job training and job placement, and, where necessary, even day care to make sure that those who really want to work have the opportunity to do work, and, after all, everyone wants the right and the opportunity to be all they can be.

I would like to turn back, if I could, to the gentleman from California [Mr. RIGGS] to explain the kinds of abuses we have had with SSI and where the program that the Republican majority has presented tomorrow will help to solve the problem.

Mr. RIGGS. Well, I thank the gentleman from Pennsylvania [Mr. FOX] for yielding because the SSI, the Supplemental Security Income Program, has been just rife with abuse for years.

I am a little bit embarrassed to admit that one particular abuse, disability payments to drug addicts and alcoholics who refuse to get any kind of treatment or rehabilitation, that particular abuse was highlighted through a 60 Minutes segment that focused in on actually a local tavern in Eureka, CA, in Humboldt County, the largest county in my congressional district, where the friendly bartender or tavern keeper was actually cashing these checks for the local residents who had qualified for SSI.

So, we are focusing in on ending these glaring abuses, ending disability payments to drug addicts and alcoholics again who refuse to undergo any kind of treatment or rehabilitation program, who refuse to acknowledge that they have a problem and need help, which is the first step on the road to recovery.

We end cash payments for children made eligible through individualized functional assessments, IFAs, another growing abuse of SSI and the overall Federal welfare system. It has become almost common knowledge that one way to scam the system for families on welfare with children is to take them through this process wherein again they are diagnosed as individually—as individually impaired or functionally impaired and thereby enable the children to collect SSI benefits. We make only children with severe medical disabilities eligible for disability benefits. We provide more SSI medical and nonmedical services to severely disabled children. We require States to conduct continuing disability reviews every 3 years for most children involved in the program, and we set aside $400 million for additional drug treatment and research to again help those who want help with their problem and who, in effect, should be eligible for SSI at least during the duration of their treatment and rehabilitation program.

We are not cutting SSI for kids. What we are doing, again, is trying to provide more funding for severely disabled children while protecting taxpayers against the growing abuse of the SSI program that has been well documented, again, in evidence presented to the Congress.

Mr. FOX of Pennsylvania. What of the child care block grant program? Is that your next proposal?

Mr. RIGGS. Well, we have touched on that at some considerable length, the job care block grant program, and it is quite likely that we will see an amendment here on the floor. The child care block grant is obviously very important to helping people move from welfare to work. Now we recognize that many single mothers struggle against heroic odds, and if we, in fact, are going to assist them in making that transition, we need to help them with adequate quality child care and health care benefits.

So what we have done in the child care block grant is consolidate eight child care and development programs into a single block grant. We actually enable States to direct more funds to child care services even while providing level funding, and I believe that that funding will be increased through an amendment to be offered by the gentlewoman from Connecticut [Mrs. JOHNSON]. We preserve parental choice provisions in the current child care development block grant. We require States to have and meet their own safety and health laws for day care providers, and again we poropose initially level funding of 1.9 billion a year for 5 years, although I believe the gentlewoman's amendment would increase that in the neighborhood of $750 million more, again recognizing that quality child care is paramount to helping people make that transition from welfare to work.

Mr. FOX of Pennsylvania. I will yield to the gentleman from Arizona.

Mr. HAYWORTH. I just want to thank our good friend from California for delineating so many provisions in our Welfare Reform Act that we will talk about tomorrow, and certainly many more provisions remain, and we invite, Mr. Speaker, all the American people to be involved in this debate in this new partnership, and I think it is fair to mention that people at home are saying, "Well, what does this mean for me, for the taxpayers of America, for those who are working to provide for their families and who are providing through charitable sources, and also through their tax dollars, for the truly needy?"

What we are saying is it is time to change the system. And for those who find themselves entrapped in this system that would lead to a growing cycle of dependency, we are saying take heart. Benefits will remain for the truly needy, but we offer you an opportunity to truly become involved in this system, to understand and enjoy the dignity of work and the fruits of your labor and to really become involved in this grand experiment we know as the last best hope of mankind.

□ 2350

Mr. FOX of Pennsylvania. Our current system is so perverse to people, if they have savings, you cannot be on welfare. If you want to own property, you cannot be on welfare. It actually discourages the child's mother to marry the father because she will lose welfare. So what we have tried with these Republican proposals is frankly to give a better system to trim the fat from the budget, but to give the benefits where they belong, to those who really are in need, and not those who abuse the system that was outlined by the gentleman from California [Mr. RIGGS].

Mr. RIGGS. I would like to sum up. Again, as I said earlier today, several hours ago now on this very floor, it is time to get real. We all know the system is broken. We know that today's welfare system destroys families and the work ethic and that it traps people in the cycle of Government dependency and promotes intergenerational dependency on welfare. So what we are even deferring to do now in this historic debate is replace a failed system of despair with reforms based on the dignity of work and strength of families that move solutions closer to home and offer hope for the future.

Mr. FOX of Pennsylvania. With that final statement from the gentleman from California [Mr. RIGGS], I want to thank also the gentleman from Arizona for his leadership [Mr. HAYWORTH], in trying to move this Congress forward in meaningful welfare reform that is compassionate and cares for people and will respect the rights of all individuals in the United States. I want to thank the gentleman for participating in this special hour on behalf of the House of Representatives. I want to thank the Speaker for his leadership and assistance in this regard.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WALKER (at the request of Mr. ARMEY) for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HOLDEN) to revise and extend their remarks and include extraneous material:)

Mr. HOLDEN, for 5 minutes, today.

Mr. GUTIERREZ, for 5 minutes, today.

Mr. PETE GEREN of Texas, for 5 minutes, today.

Mr. POMEROY, for 5 minutes, today.

(The following Member (at the request of Mr. LATHAM) to revise and extend her remarks and include extraneous material:)

Mrs. SEASTRAND, for 5 minutes, on March 22.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HOLDEN) and to include extraneous matter:)

Mr. DINGELL.
Ms. PELOSI.
Mr. BEVILL.
Mr. HAMILTON in three instances.
Mr. SCHUMER.
Ms. WOOLSEY in three instances.
Mr. FRANK of Massachusetts.
Mr. ACKERMAN.
Mr. MANTON.
Mr. LANTOS.
Mr. DURBIN.
Mr. MINETA.
Mr. TORRES in two instances.
Mr. EVANS.
Mr. COLEMAN of Texas.
Mr. EDWARDS in two instances.
Mr. DIXON.
Mr. PICKETT.

(The following Members (at the request of Mr. LATHAM) and to include extraneous matter:)

Mr. WELDON of Pennsylvania.
Mr. MOORHEAD in two instances.
Mr. COBURN.
Mr. MCHUGH.
Mr. MCDADE.
Mr. BLILEY.
Mr. SMITH of New Jersey.
Mr. BATEMAN.
Mr. GOODLATTE.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1. An act to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and for other purposes.

ADJOURNMENT

Mr. FOX of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 54 minutes p.m.), under its previous order, the

House adjourned until Wednesday, March 22, 1995, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

560. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of March 1, 1995, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 104–49); to the Committee on Appropriations and ordered to be printed.

561. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the People's Republic of China, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

562. A letter from the Assistant Secretary of Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment and services sold commercially to Germany (Transmittal No. DTC–31–94), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

563. A letter from the Chairman of the Board, African Development Foundation, transmitting a draft of proposed legislation to authorize appropriations for the African Development Foundation, pursuant to 31 U.S.C. 1110; to the Committee on International Relations.

564. A letter from the Director, Peace Corps, transmitting a draft of proposed legislation authorizing appropriations for the Peace Corps; to the Committee on International Relations.

565. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Certification of the Fiscal Year 1966 General Fund Revenue Estimates and a Recertification of the Fiscal Year 1995 Revenue Estimates in Support of the Mayor's Budgets for Fiscal Years 1995 and 1996," pursuant to D.C. Code, section 47–117(d); to the Committee on Government Reform and Oversight.

566. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1994, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

567. A letter from the Comptroller General of the United States, transmitting GAO's monthly listing of new investigations, audits, and evaluations; to the Committee on Government Reform and Oversight.

568. A letter from the Chairman, Federal Maritime Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1994, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

569. A letter from the General Council, Federal Mediation and Consiliation Service, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

570. A letter from the Inspector General, General Services Administration, transmitting GSA's report entitled, "Audit of the Thomas Jefferson Commemoration Commission"; to the Committee on Government Reform and Oversight.

571. A letter from the Freedom of Information Act Officer, International Boundary and Water Commission, United States and Mexico; transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

572. A letter from the Executive Director, National Capital Planning Commission, transmitting the 1994 annual report in compliance with the Inspector General Act Amendments of 1998, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

573. A letter from the Chairman, Cost Accounting Standards Board, Office of Management and Budget, transmitting the fifth annual report of the Cost Accounting Standards Board, pursuant to Public Law 100–679, section 5(a) (102 Stat. 4062); to the Committee on Government Reform and Oversight.

574. A letter from the Director, Office of Management and Budget, transmitting a report entitled, "Managing Federal Information Resources: Twelfth Annual Report Under the Paperwork Reduction Act of 1980," pursuant to 44 U.S.C.; 3514(a); to the Committee on Government Reform and Oversight.

575. A letter from the Commissioner, Bureau of Reclamation, Department of the Interior, transmitting a draft of proposed legislation to amend the Trinity River Basin Fish and Wildlife Management Act of 1984, and for other purposes; to the Committee on Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ARCHER: Committee on Ways and Means. H.R. 1215. A bill to amend the Internal Revenue Code of 1986 to strengthen the American family and create jobs (Rept. 104–84). Referred to the Committee of the Whole House on the State of the Union.

Mr. SOLOMON: Committee on Rules. House Resolution 119. Resolution providing for further consideration of the bill (H.R. 4) to restore the American family, reduce illegitimacy, control welfare spending, and reduce welfare dependence (Rept. 104–85). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DEAL of Georgia (for himself, Mr. CLEMENT, Mr. TANNER, Mr. STENHOLM, Mrs. LINCOLN, Mrs. THURMAN, and Mr. PAYNE of Virginia):

H.R. 1267. A bill to reconnect families to the world of work, make work pay strengthen families, require personal responsibility, and support State flexibility; to the Committee on Ways and Means, and in addition to the Committees on Economic and Educational Opportunities, the Judiciary, Commerce, National Security, Banking and Financial Services, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH of Pennsylvania:

H.R. 1268. A bill to amend the Federal Water Pollution Control Act to establish a comprehensive program for conserving and managing wetlands in the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MOORHEAD (for himself, Mr. SENSENBRENNER, Mr. COBLE, Mr. BONO, and Mr. BOUCHER):

H.R. 1269. A bill to amend the act of June 22, 1974, to authorize the Secretary of Agriculture to prescribe by regulation the representation of "Woodsy Owl"; to the Committee on the Judiciary.

By Mr. MOORHEAD (for himself, Mr. SENSENBRENNER, Mr. COBLE, Mr. CANADY, Mr. GOODLATTE, Mr. BONO, and Mr. BOUCHER):

H.R. 1270. A bill to amend the Trademark Act of 1946 to provide for the registration and protection of trademarks used in commerce, in order to carry out provisions of certain international conventions, and for other purposes; to the Committee on the Judiciary.

By Mr. HORN (for himself, Mr. CLINGER, Mr. BASS, Mr. BLUTE, Mr. DAVIS, Mr. FLANAGAN, Mr. FOX, Mr. SCARBOROUGH, and Mr. TATE):

H.R. 1271. A bill to provide protection for family privacy; to the Committee on Government Reform and Oversight.

By Mr. ACKERMAN:

H.R. 1272. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for the payment of postsecondary education expenses; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 1273. A bill to amend the Portal-to-Portal Act of 1947 relating to the payment of wages to employees who use employer-owned vehicles; to the Committee on Economic and Educational Opportunities.

By Mr. ANDREWS (for himself, Mrs. MALONEY, Mr. BILIRAKIS, and Mr. MANTON):

H.R. 1274. A bill to limit assistance for Turkey under the Foreign Assistance Act of 1961 and the Arms Export Control Act until that country complies with certain human rights standards; to the Committee on International Relations.

By Mr. BLILEY (for himself and Mr. MARKEY):

H.R. 1275. A bill to ensure the competitive availability of consumer electronics devices affording access to telecommunications system services, and for other purposes; to the Committee on Commerce.

By Mr. CONDIT:

H.R. 1276. A bill to amend the Housing Act of 1949 to provide for private servicing of rural housing loans made under section 502 of such act; to the Committee on Banking and Financial Services.

H.R. 1277. A bill to improve procedures for determining when a taking of private property has occurred and to direct the Secretary of Agriculture to report to Congress with respect to takings under progress at the Department of Agriculture; to the Committee on the Judiciary, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EVANS (for himself, Mr. RAHALL, Mr. BONIOR, Mr. DELLUMS, Mr.

Hinchey, Mr. Fattah, Mr. Owens, Mr. Watt of North Carolina, Ms. Kaptur, Mr. Gutierrez, Mr. Holden, and Mr. Sanders):

H.R. 1278. A bill to amend the Internal Revenue Code of 1986 to reduce tax benefits for foreign corporations, and for other purposes; to the Committee on Ways and Means.

By Mr. GOODLATTE:

H.R. 1279. A bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HEFLEY (for himself and Mr. Torkildsen):

H.R. 1280. A bill to establish guidelines for the designation of National Heritage Areas, and for other purposes; to the Committee on Resources.

By Mrs. MALONEY:

H.R. 1281. A bill to amend title 5, United States Code, and the National Security Act of 1947 to require disclosure under the Freedom of Information Act of information regarding certain individuals who participated in Nazi war crimes during the period in which the United States was involved in World War II; to the Committee on Government Reform and Oversight, and in addition to the Committees on Intelligence (Permanent Select), and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS:

H.R. 1282. A bill to provide employment opportunities to unemployed individuals in high unemployment areas in programs to repair and renovate essential community facilities; to the Committee in Economic and Educational Opportunities.

H.R. 1283. A bill to provide grants in cities to establish teen resource and education centers to provide education, employment, recreation, social, and cultural awareness assistance to at-risk youth; to the Committee on Economic and Educational Opportunities.

H.R. 1284. A bill to establish a program to provide grants to improve the quality and availability of comprehensive education, health and social services for at-risk youth and their families, and for other purposes; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELDON of Pennsylvania (for himself and Mr. Upton):

H.R. 1285. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide a specific definition of the requirement that a purchaser of real property make all appropriate inquiry into the previous ownership and uses of the real property in order to qualify for the innocent landowner defenses; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SOLOMON (for himself, Mr. Montgomery, Mr. Allard, Mr. Andrews, Mr. Archer, Mr. Armey, Mr. Bachus, Mr. Baesler, Mr. Baker of Louisiana, Mr. Baldacci, Mr. Ballenger, Mr. Barcia, Mr. Barr, Mr. Barrett of Nebraska, Mr. Bartlett of Maryland, Mr. Barton of Texas, Mr. Bass, Mr. Bateman, Mr. Bereuter, Mr. Bevill, Mr. Bilbray, Mr. Bilirakis, Mr. Bishop, Mr. Bliley, Mr. Blute, Mr. Boehlert, Mr. Boehner, Mr. Bono, Mr. Brewster, Mr. Browder, Mr. Brownback, Mr. Bryant of Tennessee, Mr. Bunn of Oregon, Mr. Bunning of Kentucky, Mr. Burr, Mr. Burton of Indiana, Mr. Buyer, Mr. Callahan, Mr. Calvert, Mr. Camp, Mr. Canady, Mr. Chabot, Mr. Chambliss, Mrs. Chenoweth, Mr. Christensen, Mr. Chrysler, Mrs. Clayton, Mr. Clement, Mr. Coble, Mr. Coburn, Mr. Collins of Georgia, Mr. Combest, Mr. Cooley, Mr. Costello, Mr. Cox, Mr. Cramer, Mr. Crane, Mr. Crapo, Mr. Cremeans, Mrs. Cubin, Mr. Cunningham, Ms. Danner, Mr. Davis, Mr. de la Garza, Mr. Deal of Georgia, Mr. DeLay, Mr. Diaz-Balart, Mr. Dickey, Mr. Doolittle, Mr. Dornan, Mr. Doyle, Mr. Dreier, Mr. Duncan, Ms. Dunn of Washington, Mr. Ehrlich, Mr. Emerson, Mr. English of Pennsylvania, Mr. Ensign, Mr. Everett, Mr. Fawell, Mr. Fields of Texas, Mr. Flanagan, Mr. Foley, Mr. Forbes, Mrs. Fowler, Mr. Fox, Mr. Franks of Connecticut, Mr. Franks of New Jersey, Mr. Frelinghuysen, Mr. Frisa, Mr. Funderburk, Mr. Gallegly, Mr. Ganske, Mr. Pete Geren of Texas, Mr. Gilman, Mr. Goodlatte, Mr. Goodling, Mr. Goss, Mr. Graham, Mr. Gene Green of Texas, Mr. Gunderson, Mr. Gutknecht, Mr. Hall of Texas, Mr. Hancock, Mr. Hansen, Mr. Hastert, Mr. Hastings of Washington, Mr. Hayworth, Mr. Hefley, Mr. Hefner, Mr. Heineman, Mr. Herger, Mr. Hilleary, Mr. Hobson, Mr. Holden, Mr. Horn, Mr. Hostettler, Mr. Hunter, Mr. Hutchinson, Mr. Hyde, Mr. Istook, Mr. Jacobs, Mr. Jefferson, Mr. Johnson of South Dakota, Mr. Sam Johnson, Mr. Jones, Mr. Kasich, Mrs. Kelly, Mr. King, Mr. Kingston, Mr. Knollenberg, Mr. LaHood, Mr. Largent, Mr. Latham, Mr. LaTourette, Mr. Laughlin, Mr. Lazio of New York, Mr. Lewis of Kentucky, Mr. Lightfoot, Mr. Linder, Mr. Lipinski, Mr. Livingston, Mr. LoBiondo, Mr. Longley, Mr. Lucas, Mr. Manton, Mr. Manzullo, Mr. Martinez, Mr. Martini, Mr. Mascara, Mr. McCollum, Mr. McCrery, Mr. McDade, Mr. McHugh, Mr. McInnis, Mr. McKeon, Mr. McNulty, Mr. Menendez, Mr. Metcalf, Mrs. Meyers of Kansas, Mr. Mica, Ms. Molinari, Mr. Moorhead, Mr. Murtha, Mr. Myers of Indiana, Mrs. Myrick, Mr. Nethercutt, Mr. Neumann, Mr. Ney, Mr. Norwood, Mr. Nussle, Mr. Ortiz, Mr. Oxley, Mr. Packard, Mr. Pallone, Mr. Parker, Mr. Paxon, Mr. Payne of Virginia, Mr. Peterson of Minnesota, Mr. Pickett, Mr. Pombo, Mr. Pomeroy, Mr. Quillen, Mr. Quinn, Mr. Radanovich, Mr. Rahall, Mr. Ramstad, Mr. Riggs, Mr. Roberts, Mr. Rogers, Mr. Rose, Mr. Roth, Mrs. Roukema, Mr. Royce, Mr. Salmon, Mr. Saxton, Mr. Scarborough, Mr. Schaefer, Mrs. Seastrand, Mr. Sensenbrenner, Mr. Schiff, Mr. Shuster, Mr. Sisisky, Mr. Skeen, Mr. Skelton, Mr. Smith of New Jersey, Mrs. Smith of Washington, Mr. Souder, Mr. Spence, Mr. Stearns, Mr. Stockman, Mr. Stump, Mr. Stupak, Mr. Talent, Mr. Tate, Mr. Tauzin, Mr. Taylor of Mississippi, Mr. Taylor of North Carolina, Mr. Tejeda, Mr. Thomas, Mr. Thornberry, Mrs. Thurman, Mr. Tiahrt, Mr. Torkildsen, Mr. Towns, Mr. Traficant, Mr. Tucker, Mr. Upton, Mr. Volkmer, Mrs. Vucanovich, Mrs. Waldholtz, Mr. Walsh, Mr. Wamp, Mr. Watts of Oklahoma, Mr. Weldon of Florida, Mr. Weldon of Pennsylvania, Mr. Weller, Mr. Whitfield, Mr. Wicker, Mr. Wilson, Mr. Wise, Mr. Wolf, Mr. Young of Alaska, Mr. Young of Florida, Mr. Zeliff, and Mr. Zimmer):

H.J. Res. 79. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

By Mr. UNDERWOOD (for himself, Mr. Dellums, Mr. Ortiz, Mr. Montgomery, Mr. Bryant of Tennessee, Mr. Torres, Mr. Wynn, Mr. Brown of California, Ms. Rivers, Mr. Filner, Mrs. Mink of Hawaii, Mr. Chambliss, Ms. Pelosi, Mr. Frazer, Mr. Scott, Mr. McDermott, Mr. Fattah, Mr. Rose, and Mr. Volkmer):

H. Con. Res. 45. Concurrent resolution regarding the appropriate congressional response in the event of the reduction or elimination of the commissary and exchange networks of the Department of Defense; to the Committee on National Security.

By Mr. WELDON of Pennsylvania:

H. Con. Res. 46. Concurrent resolution authorizing the use of the Capitol Grounds for the Firefighter Challenge; to the Committee on Transportation and Infrastructure.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BONIOR:

H.R. 1286. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Gilbraltar*; to the Committee on Transportation and Infrastructure.

By Mr. MINETA:

H.R. 1287. A bill for the relief of Nguyen Quy An and Nguyen Ngoc Kim Quy; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 44: Mr. Underwood, Mr. Dixon, Mr. Baker of Louisiana, Mr. Mascara, Mr. Bentsen, Mr. Bunning of Kentucky, Mr. Hoyer, Mr. Horn, and Mr. Levin.

H.R. 70: Mr. Moorhead.

H.R. 78: Mr. Holden.

H.R. 118: Mr. SMITH of Michigan.

H.R. 123: Mr. GILCHREST, Mr. CLEMENT, Mr. PARKER, Mrs. WALDHOLTZ, Mr. TORKILDSEN, Mr. ZIMMER, Mr. EVERETT, Mr. FLANAGAN, Mr. HAYWORTH, Mr. SCHAEFER, and Mr. HORN.

H.R. 127: Mr. CLINGER, Mr. FILNER, Mr. ROHRABACHER, and Mr. PICKETT.

H.R. 142: Mr. MCINNIS.

H.R. 159: Mr. NEY and Mr. LIPINSKI.

H.R. 240: Mr. TAYLOR of North Carolina and Mr. FOX.

H.R. 250: Mrs. COLLINS of Illinois, Mr. BERMAN, Mrs. MINK of Hawaii, Mr. SABO, Mrs. MORELLA, Mr. ENGEL, Mr. ACKERMAN, Mr. NADLER, Mr. WAXMAN, and Mr. FOGLIETTA.

H.R. 297: Mr. FORBES.

H.R. 328: Mr. LAHOOD.

H.R. 339: Mr. JACOBS, Mr. PARKER, and Mr. WICKER.

H.R. 341: Mr. JACOBS, Mr. PARKER, and Mr. WICKER.

H.R. 389: Mr. SANDERS.

H.R. 390: Mr. WARD, Ms. LOFGREN, Mr. PASTOR, and Mr. CHRYSLER.

H.R. 394: Mr. GOSS, Mr. BROWN of California, Mr. HAYWORTH, Mr. POMBO, and Mr. WAMP.

H.R. 436: Mr. GILLMOR, Ms. LOWEY, Mr. POMEROY, and Mr. QUINN.

H.R. 447: Mr. FILNER, Mr. WAXMAN, Mr. OBERSTAR, Mr. UNDERWOOD, Mr. DOYLE, Mr. HAMILTON, Mr. FARR, Mr. SOLOMON, Mr. THOMPSON, Mr. COLEMAN, Ms. BROWN of Florida, and Mr. NEY.

H.R. 483: Mr. LIPINSKI, Mr. WILLIAMS, and Mr. GORDON.

H.R. 491: Mr. GUTKNECHT, Mr. SOUDER, and Mr. ZIMMER.

H.R. 516: Mr. SKEEN.

H.R. 526: Mr. POSHARD, Mr. LATHAM, Mr. BARCIA of Michigan, and Mr. HERGER.

H.R. 527: Mr. MCKEON.

H.R. 530: Mr. THORNBERRY, Mr. INGLIS of South Carolina, and Mr. EDWARDS.

H.R. 556: Ms. ROYBAL-ALLARD.

H.R. 557: Ms. ROYBAL-ALLARD.

H.R. 580: Mr. WILSON, Mr. FORBES, Mr. TEJEDA, Mr. FUNDERBURK, Mr. CRAMER, Mr. JACOBS, Mrs. CLAYTON, Mr. WOLF, Mr. MORAN, Mr. BARTLETT of Maryland, Mr. HASTINGS of Florida, Mr. CALLAHAN, Mr. WELDON of Florida, and Mr. STOCKMAN.

H.R. 656: Mr. ENGEL and Mr. KINGSTON.

H.R. 662: Mr. BAKER of Louisiana.

H.R. 698: Mr. CRAPO.

H.R. 700: Mr. CHRYSLER, Mr. WICKER, Mr. ALLARD, Mr. ZIMMER, Mr. KINGSTON, Mr. MOORHEAD, Mr. GOODLATTE, Mr. GEKAS, Mr. POSHARD, Mrs. CHENOWETH, Mr. STUMP, Mr. LAZIO of New York, Ms. DUNN of Washington, and Mr. CRANE.

H.R. 708: Mr. ANDREWS and Mr. LAHOOD.

H.R. 713: Mr. ACKERMAN, Mr. FRAZER, Mr. FROST, Ms. FURSE, Mr. KLECZKA, Ms. LOFGREN, Mrs. LOWEY, Mrs. MALONEY, Mrs. MEEK of Florida, Mr. PARKER, Ms. PELOSI, Mr. SERRANO, and Ms. WOOLSEY.

H.R. 746: Mr. FRANK of Massachusetts.

H.R. 773: Mr. QUINN, Mr. WILSON, Mr. COLEMAN, Mr. HINCHEY, Mr. SENSENBRENNER, and Mr. REED.

H.R. 785: Mrs. FOWLER and Ms. FURSE.

H.R. 789: Mr. TORKILDSEN, Mr. CAMP, and Mr. NEY.

H.R. 803: Mr. THOMAS, Mr. DOOLITTLE, and Mr. CRANE.

H.R. 858: Mr. SANDERS, Mr. MATSUI, Mr. BILBRAY, Mr. MCHALE, Mr. ACKERMAN, Mr. BROWN of California, Mr. GILCHREST, Mr. POMBO, Mr. DEUTSCH, Mr. WALSH, Mr. DOOLITTLE, and Ms. PELOSI.

H.R. 860: Mr. INGLIS of South Carolina and Mr. WELDON of Florida.

H.R. 881: Mr. ZIMMER, Mr. PARKER, and Mr. SERRANO.

H.R. 899: Mr. CHABOT, Mr. HAYWORTH, Ms. KAPTUR, Mr. PAXON, Mr. STOCKMAN, Mr. FORBES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DELAY, and Mr. INGLIS of South Carolina.

H.R. 932: Mr. BISHOP and Mr. COOLEY.

H.R. 939: Mr. GILMAN.

H.R. 957: Mr. GEJDENSON, Mr. THOMAS, Mr. BONO, and Mr. TORRES.

H.R. 959: Mrs. SCHROEDER.

H.R. 982: Mr. PARKER, Mr. GORDON, Mr. MORAN, and Mr. BISHOP.

H.R. 985: Mr. LAHOOD, Mr. FROST, Mr. SAXTON, Mr. DUNCAN, Mr. GENE GREEN of Texas, Mr. LAUGHLIN, and Mr. HALL of Texas.

H.R. 991: Mr. KLUG, Mrs. MORELLA, Mr. STARK, Mr. BARRETT of Wisconsin, Mr. DEFAZIO, Mr. UNDERWOOD, Mr. MINGE, Mr. VENTO, Mrs. MALONEY, Mr. BROWN of Ohio, Mr. FRANK of Massachusetts, and Ms. FURSE.

H.R. 1002: Mr. ROHRABACHER, Mr. GENE GREEN of Texas, Mr. UNDERWOOD, Mr. ENGLISH of Pennsylvania, Mr. WATTS of Oklahoma, Mr. BROWDER, Mr. GILLMOR, Mr. MCHUGH, and Mr. BONIOR.

H.R. 1003: Mr. FATTAH and Mr. RAHALL.

H.R. 1005: Mr. NEY, Mr. EHRLICH, and Mr. PAXON.

H.R. 1023: Mr. INGLIS of South Carolina.

H.R. 1045: Mr. LIVINGSTON, Mr. PAXON, Mr. BAKER of Louisiana, and Mr. SENSENBRENNER.

H.R. 1047: Mr. BACHUS.

H.R. 1055: Mr. JACOBS.

H.R. 1061: Mr. MINETA.

H.R. 1103: Mr. EHLERS.

H.R. 1119: Mr. HOKE, Mr. TAYLOR of North Carolina and Ms. LOFGREN.

H.R. 1120: Mr. SAXTON, Mr. BURTON of Indiana, Mr. BARTLETT of Maryland, Ms. PRYCE, and Mrs. MYRICK.

H.R. 1124: Mr. GENE GREEN of Texas.

H.R. 1150: Mr. LIPINSKI.

H.R. 1160: Mr. SPRATT, Mr. FATTAH, Mr. POSHARD, and Mr. MINGE.

H.R. 1200: Mr. REYNOLDS.

H.R. 1202: Mr. DEUTSCH, Mrs. MORELLA, Mr. BONIOR, Mr. WYNN, Mr. REED, and Mr. TORRICELLI.

H.R. 1208: Mr. GOSS, Mr. POSHARD, and Mr. UNDERWOOD.

H.J. Res. 14: Mr. METCALF, Mr. HUNTER, Mr. CALVERT, Mr. FRELINGHUYSEN, and Mr. CRAMER.

H.J. Res. 16: Mr. BREWSTER, Mr. MCNULTY, Mr. COOLEY, Mr. INGLIS of South Carolina, and Mr. BISHOP.

H.J. Res. 70: Mr. MASCARA, Ms. MCKINNEY, Mr. FAZIO of California, Mr. BLUTE, Mr. BISHOP, Mr. NEY, and Mr. EHLERS.

H.J. Res. 76: Mr. MEEHAN, Mr. MILLER of Florida, Mr. BACHUS, Mrs. KELLY, Mr. BLUTE, Mr. SHADEGG, Mr. ZIMMER, Mr. CRANE, and Mr. BOEHNER.

H. Con. Res. 12: Mr. BACHUS.

H. Con. Res. 23: Mr. SPRATT, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. PETRI, Ms. BROWN of Florida, Mr. MONTGOMERY, Mr. REYNOLDS, Mr. WYDEN, Mr. NEAL of Massachusetts, Mr. MINETA, Mr. DICKEY, Mr. NETHERCUTT, Mr. LEVIN, AND MR. FRANK of Massachusetts.

H. Con. Res. 26: Mr. FRANK of Massachusetts, Mrs. MEEK of Florida, Mr. BURTON of Indiana, Mr. SHUSTER, Mr. ACKERMAN, Mrs. MALONEY, Mr. LANTOS, Mr. NADLER, Mr. MENENDEZ, Mr. DAVIS, Mr. REGULA, Mr. FRELINGHUYSEN, Mrs. KELLY, Mr. BOEHLERT, Mr. EVANS, Mr. FROST, Mr. TORRICELLI, Mr. SCHUMER, Mr. YATES, Mr. FRAZER, Mr. MONTGOMERY, Mr. DIAZ-BALART, Mr. SOLOMON, Ms. RIVERS, Mr. FILNER, Mr. CALVERT, Mr. DELLUMS, Mr. KING, Ms. DELAURO, Mr. CUNNINGHAM, Mr. BUNN, of Oregon, Mr. LIPINSKI, Mr. SOUDER, Mr. MCNULTY, Mr. GEJDENSON, Ms. ROYBAL-ALLARD, Mr. TORKILDSEN, Mr. FOX, Ms. LOWEY, and Mr. ROYCE.

H. Con. Res. 28: Mr. BONIOR.

H. Res. 39: Mr. ABERCROMBIE, Mr. BARRETT of Wisconsin, Ms. BROWN of Florida, Mr. DELLUMS, Mr. DEUTSCH, Mr. FROST, Mrs. MEEK of Florida, Mr. LANTOS, Mr. LIPINSKI, Ms. NORTON, Mr. SERRANO, Mr. WARD, Mr. CONYERS, Mr. MEEHAN, Mrs. MORELLA, and Ms. LOWEY.

H. Res. 98: Mr. THORNTON, Mr. FOX, Mr. FILNER, Mr. STUPAK, Mr. MORAN, Mr. HOYER, and Ms. LOWEY.

EXTENSIONS OF REMARKS

THE COMPETITIVE CONSUMER ELECTRONICS AVAILABILITY ACT OF 1995

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. BLILEY. Mr. Speaker, I am pleased to introduce the Competitive Consumer Electronics Availability Act of 1995. This legislation would require the Federal Communications Commission to take affirmative steps to promote competition in set-top boxes and other new technologies that will give consumers access to the national information infrastructure [NII]. Pursuant to this legislation, Commission regulations will assure that converter boxes, interactive communications devices, and other customer premises equipment be available on a competitive basis from manufacturers, retailers, and other vendors who are not affiliated with the operators of telecommunications systems, as is the case in our telephone system today.

It is fashionable to talk about telecommunications reform in terms of opening interfaces between networks or modes of communication. But the one area that ought to be a priority is the consumer interface—how our constituents will actually be connected to these new networks. So far we have two models—the telephone system, where there is a free and competitive market in making and selling network access devices to consumers; and cable television, where the consumer has enjoyed little choice or selection in devices. The Competitive Consumer Electronics Availability Act seeks to ensure that we follow the competitive market model rather than the monopoly model.

I want to be clear that this legislation does not address the internal operating systems or functions of set-top boxes or other devices. I have no intention of inviting or allowing the Commission to regulate the competitive features of computers. What the legislation does address is simply the question of access—allowing these devices, however they operate or are configured, whether they are separate or built into TV's or personal computers, to connect to the NII. A consumer should be able to choose one the same way he or she chooses other products, by going to the store, comparing the quality, features, and price, and buying or renting the best one.

The legislation does not specify any one means or technology by which the Commission must move from local monopoly to national competition. Finding the best way is what the Commission's public notice and comment process is for. With the aid of the world's most competitive telecommunications and computer industries, and a huge market begging for innovation, the Commission can rely on the private sector to identify the best answers.

I also want to stress that this legislation would not stop a system operator from continuing to offer access devices, so long as the charges for devices are kept separate from the charges for its system services. The Commission would also be empowered to grant waivers, for a limited time, to system operators who are introducing new services.

In introducing and working for the passage of this legislation, I do not mean to disregard the very reasonable concerns of system operators, such as cable TV companies, to deliver to each consumer only the level of service that has been purchased, and to protect the security of their systems. But this is 1995, not 1965. I cannot accept the notion that to accommodate these concerns it is necessary to convey a monopoly on any consumer electronics devices, any more than previous Congresses and Commissions should have accepted the notion that our telephone system would fall apart if consumers would hook up their own devices.

Mr. Speaker, the American public wants and deserves to play a direct role in forming a national information infrastructure. One need only look at the enormous and growing participation and influence of individuals in the Internet to see this. It would be foolish and shortsighted not to allow consumers to select or own the very devices that will open up so much of the NII to them. Consumers deserve to be able to evaluate and select competing products at retail, side by side. Their freedom to do so is a core strength of our economy.

Mr. Speaker, I believe we will have telecommunications reform this year, and I will work to achieve this goal. But we cannot fail to address the most important interface, the consumer interface. I, therefore, ask my colleagues to join me in supporting the Competitive Consumer Electronics Availability Act of 1995.

HONORING JESSE SAPOLU

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. TORRES. Mr. Speaker, I rise today to recognize Mr. Jesse Sapolu an accomplished individual who has devoted much of his private life to working with the youth of his community. Jesse also is a National Football League all-pro lineman for the 1994–95 world champion San Francisco 49ers football team.

Following his 1979 graduation from Harrington High School in Hawaii, Jesse attended the University of Hawaii where his football career was marked by many outstanding accomplishments both on and off the field. In 1983, Jesse was drafted by the 49ers. Over the past 13 seasons, Jesse has been a consistent performer and contributor to the San Francisco 49ers dominance of professional football. He has been an integral part of the 49ers four Super Bowl victories and for his excellence on the field of play he has been rewarded by his selection as an all-pro center in 1993 and guard in 1994.

Jesse is an ideal role model for the Pacific Islander community. Much of his off-season time is dedicated to working with youth. He is a junior youth leader at the Dominguez Congregational Church and a valuable ally in the antidrug campaign, as an ardent supporter of the just say no to drugs effort.

Mr. Speaker, it is with pride that I rise to recognize the accomplishments of Jesse Sapolu and I ask my colleagues to join me in saluting him.

A HISTORIC PARTNERSHIP

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. MANTON. Mr. Speaker, I rise today to share with my colleagues some remarks recently delivered by the Honorable Raymond L. Flynn, the U.S. Ambassador to the Vatican.

In his statement, the Ambassador reflects on the United States moral obligation to help end suffering of our fellow men. I agree that this ethical consideration, to help where we can, and lead by example, should be the cornerstone of our Nation's foreign policy. As my colleagues are no doubt aware, the Holly See has demonstrated great leadership in the fight for freedom from all types of oppression. I commend his speech, "the United States and the Holy See: A Historic Partnership" to my colleagues' attention.

THE UNITED STATES AND THE HOLY SEE: A HISTORIC PARTNERSHIP . . . FROM THE POTOMAC TO THE TIBER

Delivering humanitarian assistance to the Third World: the Necessity to act

The United States and the Vatican are developing an important partnership, one based on common interest, cooperation and coordination. This partnership has the capability to become a prominent feature of the post cold-war world where the ability to achieve results in the international arena may be based as much on moral concerns as on military and economic alliances.

Many are not aware of the relationship between the U.S. and the Vatican, so let me review some of the highlights of our productive relationship over the past 11 years of official diplomatic relations. First I would like to discuss a crucial issue for U.S. foreign policy: the moral commitment we have as a nation to help those most in need.

We hear outrageous statements in Congress about the trillions of dollars of foreign aid being tossed down Third World ratholes. There is a major debate in Washington today about whether to cut the foreign aid that

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

goes to feed the hungry and clothe the naked in some of the poorest places in the world. What many Americans do not realize is that we spend less than one half of one percent of the federal budget on foreign aid and even less on the part of foreign aid that goes toward humanitarian assistance. That is not too much. If anything, it's too little.

Foreign aid to help poor and developing countries is not only morally correct but makes sound U.S. policy. A small amount of money goes a long way and can mean the difference between life and death. American interests are better served when countries and regions are stable. The U.S. throughout its history has often been isolationist when it has come to getting involved in the world's problems. But if we don't, we will be dealing with famine, disease and possible military intervention later on. I don't need to remind you of the problems the U.S. has encountered in its temporary, fitful withdrawals from the world community throughout its history.

Like it or not, there is a moral dimension to foreign policy. Children dying of malnutrition and disease are moral concerns of the U.S. We can't and shouldn't ignore this.

When President Clinton nominated me to be the U.S. Ambassador to the Holy See two years ago, the President told me he wanted me to work closely with the Catholic Church on issues of social and economic justice. As part of this role, I have traveled widely to visit some of the most desperate places on earth both to highlight the problems in as well as consult with Catholic charities and other humanitarian aid organizations on how well aid was being delivered to these areas. Over the past many months, I have been to India, Sudan, Haiti, Somalia, Kenya, Uganda, Croatia, Sarajevo, Burundi, and Rwanda and have seen for myself humanitarian crises occurring in these countries. I have also seen, though, the fine work of the Catholic and other charities in the places I have visited, including that of Catholic Relief Services, Caritas, Doctors Without Borders, and many other groups across the religious and social spectrum.

The world's media are interested in these places for a few weeks or months. But then a new story comes along and the continuing crisis becomes yesterday's news. The television cameras leave and people still starve. We need a way to keep the world's attention focused on these troubled places, but we also need to read about the great successes that are achieved by these humanitarian organizations or donor fatigue will set in. To read the paper these days is to read of failures—in Somalia, Rwanda, Sudan. It's partly true but does not touch on the successes: the work of aid organizations to keep people alive.

The African example: The forgotten continent

Involvement by the U.S. in Africa during the past two years has in the public's eye, centered largely on Somalia. There has been a lot of talk recently in the press and among politicians about the "failure of our mission in Somalia." I was in Somalia while operation "Restore Hope" was underway and saw what it made possible for relief workers of many nations to do under the protection of U.S. and UN troops. The peace they brought to Baidoa had dramatic humanitarian consequences. Baidoa as called the "City of death", where thousands had died of starvation and hundreds of thousands more were expected to die in the near future. You remember the pictures on CNN during December 1992. And Baidoa was not unique. The famine caused by the ravages of the warlords prevented crops from being planted and food being distributed. Without operation "Restore Hope" millions would have died.

A lot of people are saying that it is the responsibility of Somalis to put their own country in order, and that no peace can be imposed from outside. I agree completely. Nor do I think it constructive to discuss how we might have conducted "Restore Hope" differently.

The moral question we need to face, and face squarely, is "Was Operation Restore Hope the right thing to do? On one hand, we have a 26-month operation that cost the UN over $1.7 billion and the lives of 132 peacekeepers, some American but most Pakistani. On the other hand, we have to consider what might have been the consequences of our non-action: possibly a million or more people dead of starvation. Can and should the U.S.—the only superpower with the wherewithal to stop a famine in Somalia—risk U.S. lives and resources to stop widespread death? We chose not to do so in Rwanda. We have chosen not to do so in Liberia and Sierra Leone.

It comes down to a moral question: what is the greater good? I think that America—the only super power—has the duty to act, and I think it is in our interest to do so. We are not truly ourselves unless we act to save innocent lives.

There's still a crisis in Africa . . .

Starvation is again looming over the African continent. Recent reports indicate that the coming famine could be worse than those experienced over the past few years, when aid donors often—because of ignorance of what was happening—responded too late to the crises. The international humanitarian group CARE estimates that almost 30 million people are at risk in the Horn of Africa alone. Many organizations are working now to battle "compassion fatigue" among the rich donor countries. One way we should be able to fight this is through coordination between the U.S. government, private charities, and the Catholic Church. We need to keep the response to a possible African famine focused and organized and convince the international community of this critical effort.

As one who has visited most of the countries in Africa which are faced with famine, I want to sound a strong warning bell to the international community that chaos, devastation, and death are at their door. Will it be on our conscience?

U.S.-Vatican partnership

At this point, you might fairly ask, what is the U.S. Ambassador to the Vatican doing speaking out on these things? Part of the answer is that humanitarian issues have always been in the forefront of my work throughout my public life. I'll never forget my parents, a dockworker and a cleaning lady, response when I asked them why they put money in the Church poor box every week despite our modest means, "we're not as poor as some people," they said, "we have our health and a roof over our heads." We all need to remember that there are many people, particularly in the Third World, that are desperate for the basic necessities to live and we cannot abandon them. My position at the Vatican and my instructions from President Clinton to focus on humanitarian issues during my tenure here have led to a natural partnership with the Vatican on developing better ways to deliver aid. From my unique position as the U.S. Ambassador to the Holy See I have looked around me to see what contribution this Embassy could make to helping those in the most distressed places in the world. By combining the resources of the world's remaining superpower—the U.S.—with the force of the world's moral superpower—the Holy See—we will be able to contribute to getting aid to where it is needed most because of the complementary resources of the U.S. government, the Catholic Church, and their respective aid organizations. The goal is not original, but the way to achieve it is. The U.S. and the Catholic Church, through its various charities, already coordinate on an informal level in many humanitarian assistance projects. This initiative does not exclude anyone or any group. In fact, Administration officials will reach out to many private charities over the next few months to solicit their ideas and support. My charge from the President, however, is to pursue cooperation with the Catholic Church because of my position at the Holy See, which is why I limit my discussion here to that topic.

I have already discussed the conscientious efforts of U.S. humanitarian assistance missions to deliver needed food, medicine and supplies around the world. But I have also seen the problems with aid deliveries on my visits to the Third World. For example, on my Presidential mission to India in October, 1993, to lead the U.S. relief effort following the devastating earthquakes there, I observed a disturbing problem with the organization of the aid delivery: no one brought emergency housing provisions or some key medical supplies for children. International donors sent food and water purification systems, but not one of the most basic necessities for the newly homeless Indians, temporary shelters. This illustrated to me two problems: first, while there was obviously coordination of aid delivery country-by-country, there was not adequate coordination on the international level to make sure that the needed supplies were sent and the needed coordination took place. Second, many of the resources for getting information about what was needed at an early stage were not used, meaning the people on the ground were having a hard time telling international donors what would be most useful. The UN does a lot of coordination, as do international charities and individual countries, but I wondered as I left India if it could not be done better.

The initiative takes shape

One way to work on the better coordination of aid—and to make sure that aid gets to the people who need it most at the least cost—is through a partnership between the U.S. and Catholic and other charities. The Holy See, which has often been called the "world's listening post," can help supply useful data in our efforts to respond more effectively to international disasters.

On December 2, 1994, President Clinton wrote to Pope John Paul II, offering a closer collaboration between the U.S. government and the Vatican to better alleviate the "human suffering in a world with too many man-made and natural disasters." In his letter to the Holy Father, the President designated me as his direct representative on this initiative with the Vatican. The Pope welcomed the initiative in his written response to the President and named Cardinal Roger Etchegaray, president of the pontifical council Cor Unum (which coordinates the humanitarian assistance of the Vatican and Catholic charities around the world) as his point man on the issue.

I met with Cardinal Etchegaray at the end of January. I presented him with a proposal from Brian Atwood, the Director of the U.S. Agency for International Development (U.S.

AID) to share with the Vatican situation reports on U.S. assistance missions and reports from its recently-created Famine Early Warning System. U.S. AID also offered to review jointly with the Vatican our various emergency responses, with a view to improving future reactions to emergencies.

Cardinal Etchegaray welcomed our proposals to share information and coordinate the delivery of assistance around the world. He told me that Catholic charities, because of their extensive network of workers in the world's trouble spots, would be able to share the information with the U.S. government. The Cardinal emphasized the Pope's deep interest in humanitarian concerns and pointed to two institutes the Pope supports to promote sustainable development in Latin America and sub-Saharan Africa. He offered these as two constructive points of immediate cooperation between the U.S. and the Catholic Church.

I have also met regularly with Archbishop Giovanni Cheli, Andre Nguyen Van Chau (International Catholic Migration Commission), Kenneth Hackett (Catholic Relief Services), and with representatives of other respected emergency relief organizations to pursue further avenues of cooperation between the U.S. and the Catholic Church. In March, I spent two hours with Mr. Hackett discussing the best way to anticipate political and natural disasters so that aid can be delivered early. The fine work of CRS should be a model for what we can accomplish on a larger scale, with more donors involved in coordinating humanitarian assistance.

The U.S. has financial resources and logistical support to offer Catholic charities. These charities, which receive direction from the Vatican, are often an early warning system of their own, with key insights into where crises will occur and how to prevent them in the first place.

The Moral imperative to act

Charity begins at home, as the popular saying goes. We are left—after all the discussion and analysis in Congress, on the OP-ED pages, on the Sunday talk shows—with something that is often forgotten: we have a moral imperative to act to save people who are starving and dying. We as a nation have always done this. To say that it should not be part of foreign policy is to deny much of what we are as a people and country. There is no moral distinction to be made between someone starving in New York and someone starving in Sudan or Rwanda. We should attempt to help both.

It is time to cut through the rhetoric and say it clearly: we should be spending a portion of the federal budget—it's only one half of one percent at present, which does not seem to me to be too high—to help those less fortunate than ourselves. It makes good moral, as well as foreign policy, sense.

That said, there are always ways to provide aid more efficiently. By working together, the U.S. and the Holy See can contribute to the more effective utilization of resources to help those in need. In Pope John Paul II and President Clinton, we have a natural partnership in the concern for the poor, disadvantaged, and forgotten. Let's build on that partnership to achieve concrete results. As I have said before, the U.S.-Vatican relationship seems to be one made in heaven; but it's nice also to see fruits of our labor together here on earth.

CHARLES GATI ON A TROUBLED RUSSIA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. LANTOS. Mr. Speaker, I urge my colleagues to take note of an excellent op-ed in the Washington Post of March 17 by my good friend and highly respected foreign policy analyst, Charles Gati. As we reevaluate our relationship with Boris Yeltsin and a rapidly changing Russia, Charles Gati provides an invaluable perspective on the internal disintegration of Russian society and its effect on Yeltsin's ability to govern. While not making excuses for the mistakes Yeltsin has made, we must understand that, as Charles has put it, "Yeltsin's about-face [on reform] is a symptom, not the cause, of Russia's plight." I commend Charles for his incisive and thoughtful analysis and urge my colleagues to read this excellent piece:

[From the Washington Post, Mar. 17, 1995]

WEIMAR RUSSIA

(By Charles Gati)

In his astute analysis of Russia's predicament [op-ed, Feb. 22], Peter Reddaway convincingly shows that President Boris Yeltsin has all but abandoned the course of reform he began in 1991.

The point that needs to be added is that Yeltsin's about-face is a symptom, not the cause, of Russia's plight. As the transition from one-party rule and the command economy to today's chaotic conditions has benefited few and alienated many, public support for reform has yielded to pressure for retrenchment.

In Moscow, members of the small biznis class can afford to rent a dacha for more than $5,000 a month, eat out at a fashionable Swiss restaurant where the main course costs $40, and pay $3.25 for a slice of Viennese torte. By contrast, the vast majority of the Russian people, who earn less than $100 a month if employed, are worse off than they were under communism.

The nostalgia they feel for an improved version of the bad old days of order, however oppressive, and the welfare state, however meager, is as understandable as it is unfortunate. They walk by Moscow's elegant storefronts that display expensive Western-made goods priced in dollars, not in rubles, wondering what has happened to their lives and to their country. They look for scapegoats at home and abroad.

Showing disturbing similarities to Weimar Germany of the 1920s, Russia is a humiliated country in search of direction without a compass. It is smaller than it has been in three centuries. Both the outer empire in Central and Eastern Europe and the inner empire that was the Soviet Union are gone, and Moscow must now use force to keep even Russia itself together. As its pitiful (and shameful) performance in Chechnya has shown, the military has been reduced to a ragtag army, with presumably unusable nuclear weapons. Four thousand five hundred rubles—worth more than $4,500 only a few years ago—are now gladly exchanged for one dollar. For its very sustenance, Russia is at the mercy of the International Monetary Fund, which can palliate but surely cannot cure the country's economic ills.

Worse yet, Russia is deprived of pride and self-respect. There was a time, during World War II, when the whole world admired the Soviet military for its extraordinary boldness and bravery. There was a time, in the 1950s, when several ex-colonies of Asia sought to emulate the Soviet model of rapid industrialization and when Soviet science moved ahead of the United States in space research. There was a time, from the 1920s through the 1970s, when many—too many—Western intellectuals and others believed that Soviet-style communism was the wave of the future. And there was a time when then-Foreign Minister Andrei Gromyko claimed that no significant issue in world politics could be settled without Moscow's concurrence.

To appreciate the present mood of letdown and frustration, imagine that our currency became all but worthless; that our stores identified some of their wares in the Cyrillic rather than the Roman alphabet, showing prices in rubles; that our political and economic life were guided by made-in-Moscow standards; and that our leaders were lectured by patronizing foreign commissars about the need to stay the course in order to join their "progressive," which is to say the communist, world.

In the final analysis, the condition of Weimar Russia is alarming because it is at once a weak democracy and a weak police state, pluralistic and yet intolerant, pro-American in its promise but anti-American in its resentments. The public—its pride deflated and its economic needs unmet—craves order at home and respect abroad. The authoritarian temptation is pervasive, and so is the urge to be—and to be seen—as strong once again.

The West may defer the day of reckoning, but it cannot obviate the Russians' eventual need to compensate for the humiliation that is their present fate.

THE 150TH ANNIVERSARY OF THE PALLADIUM-TIMES

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. MCHUGH. Mr. Speaker, I rise today to recognize the Palladium-Times, the community newspaper of Oswego County, NY, on its 150th anniversary as a daily.

The newspaper traces its history to 1819, when the Oswego Palladium began as a weekly newspaper, and to 1845, when the Oswego Daily Advertiser began daily publication. Its other predecessor, the Oswego Times, interrupted its publication when its owners went off to fight the Civil War.

As chance would have it, the Oswego Palladium and Oswego Times ended up on the same street in this city on the shores of Lake Ontario. However, when it became apparent that neither paper could thrive while competing in the marketplace, the two newspapers joined forces, and the Palladium-Times was created.

Mr. Speaker, few endeavors are more significant to an informed community than local journalism. Freedom of the press is a vital part of our heritage, reflecting the strong belief that only when people have access to the facts and a discussion of the issues are they able to participate fully in the democratic process.

History has shown that an independent and responsible press is essential to a free society, and the Oswego Palladium-Times, by demonstrating these qualities, has earned the trust and loyalty of its readers throughout its 150 years of service. The men and women of the Palladium-Times can take great pride in this accomplishment. I join the people of Oswego County, NY, in wishing the newspaper many more years of success in this enterprise so important to our democracy.

THE INTRODUCTION OF PRIVATE LEGISLATION FOR THE RELIEF OF NGUYEN QUY AN AND NGUYEN NGOC KIM QUY

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. MINETA. Mr. Speaker, today I am introducing legislation to finally resolve the bureaucratic nightmare in which a brave hero of the Vietnam war, Maj. An Nguyen, has found himself.

Major An is a decorated veteran of the South Vietnamese Air Force, decorated by the United States Pentagon. On January 17, 1969, as a helicopter pilot during the Vietnam war, Major An saved the lives of four United States servicemen.

The account of that incident shows clearly that this is an individual to whom this country owes a great debt. The June 4, 1969 announcement of the U.S. Military Assistance Command's decision to award him the Distinguished Flying Cross stated:

> Captain An distinguished himself by heroic action on 17 January 1969 while serving as Flight Leader and Aircraft Commander, 219th Squadron, 41st Wing, Vietnamese Air Force. On that date, Captain An was called upon to lead his flight deep into enemy held territory to insert a platoon of Special Forces personnel into a bomb crater landing zone. His ship was taken under enemy automatic weapons fire on his approach but he steadfastly continued with this cargo of troops. While he was a high orbit, one of the United States Army helicopters in his flight was hit in the fuel cell by a heavy caliber round during a climb from the jungle clearing.
>
> Captain An sighted the burning helicopter and entered a high speed dive to overtake it. As he flew next to his American comrades, he accurately vectored them toward what appeared to be a suitable forced landing area. When he saw that ground obstacles would preclude a safe landing, he deftly maneuvered his aircraft and the Army helicopter away from the landing zone and vectored them toward another jungle clearing.
>
> While the crippled ship was making its approach into the tall elephant grass, Captain An, with complete disregard for is own safety, landed a scant few feet away. Here he calmly awaited his beleaguered comrades and directed his crew chief to cut a path to their ship.
>
> Captain An's heroic actions reflect great credit upon himself and the Armed Forces of the Republic of Vietnam.

The testaments of the U.S. servicemen whose lives he saved are equally compelling. With a record such as this, one would think it would be easy for Major An to do what he has sought to do for 20 years, immigrate to America.

Unfortunately, Major An's case does not fit neatly into the categories in which Vietnamese refugees travel to the United States.

U.S. law grants permanent residence to officers of the South Vietnamese Army who spent at least three years in the so-called red-education camps reestablished by the communist regime.

Major An, however, did not spend 3 years in the camps. In 1970, as part of another mission, he was wounded and both his arms were amputated. When South Vietnam fell, he was sent to the re-education camps.

Unable to take care of himself because of his disability, he was expelled from the camp. Over the past two decades he has tried repeatedly to come to the United States, but was captured each time.

Col. Noburo Masuoka—USAF, retired—contacted me on Major An's behalf in April 1992. It took almost 2 years to get the necessary waivers and permission for him to leave Vietnam and come to the United States. But the Clinton administration's decision to grant him humanitarian parole, Major An and his daughter Kim Ngoc Nguyen, arrived in the San Francisco Bay area in January 1994.

Unfortunately, Mr. Speaker, humanitarian parole does not constitute permanent permission to remain in the United States. Major An and his daughter deserve permanent residency status, and the bill I am introducing today will grant them that status.

I would like to thank my good friend, Representative LAMAR SMITH, the chair of the Immigration and Claims Subcommittee of the Judiciary Committee for his help and the help of his staff in putting this bill together.

It is my hope that we can move this bill forward, but through the red tape which has entangled Major An's case for so many years, and demonstrate our respect and admiration for the noble self-sacrifice of this truly American hero. I urge all my colleagues to join me in that effort .

IN RECOGNITION OF ROBERT R. McMILLAN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. ACKERMAN. Mr. Speaker, I rise today to congratulate Mr. Robert R. McMillan on his appointment to Key Bank's board of directors.

Mr. McMillan is currently a partner in the law firm of McMillan, Rather, Bennett & Rigano, P.C. with offices located in Melville and Garden City.

During the course of his career, Mr. McMillan has served as vice president for Avon Products, Inc. and government relations advisor for Mobile Oil. In addition he has been counsel to U.S. Senator Kenneth Keating, an honor graduate attorney in the antitrust division of the U.S. Department of Justice and special assistant to Richard Nixon prior to his Presidency.

In 1987, McMillan founded the Long Island Housing Partnership, Inc. of which he is currently chairman. Due to his work with the partnership, he was named 1992 Entrepreneur of the Year for the most socially responsible company on Long Island.

Mr. McMillan is an active member of our community, holding board positions with Lumex, Inc., Empire Blue Cross-Blue Shield, Old Westbury Gardens and the Institute for Community Development. For 5 years, Mr. McMillan was a member of the board of directors of the Panama Canal Commission, where he served as chairman for 1993–94. In addition, Mr. McMillan writes a weekly newspaper column and is cohost of the public affairs television show "Face-Off."

Mr. Speaker, it is my privilege and distinct pleasure to bring Mr. Robert McMillan to the attention of my colleagues and hope they will join me in saluting Mr. McMillan for his demonstrated commitment to our Long Island community.

HONORING THE AMERICAN HERITAGE CLUB

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. TORRES. Mr. Speaker, I rise today to recognize the American Heritage Club and the club's faculty sponsor, Mr. Larry Wong, and school superintendent Ginger Shattuck.

Under Larry Wong's leadership, the American Heritage Club has provided hundreds of scholarships to students in the Norwalk/La Mirada Unified School District. Over the past 16 years, Larry has organized and participated in numerous academic field trips to Washington, DC. For over 30 years, Larry has taught our students how to be leaders in their community and the value of participating in our democratic society. An energetic supporter and backbone of the American Heritage Club has been superintendent Ginger Shattuck. On March 18, the American Heritage Club dedicated its 1995 luau to Ginger for her tireless efforts and commitment to the club. Our community is stronger and richer because of the American Heritage Club's spirit of cultural and intellectual enrichment.

Mr. Speaker, it is with pride that I rise to recognize the American Heritage Club for encouraging so many young people to become leaders and I ask my colleagues to join this salute.

TWO WONDERFUL INSTITUTIONS

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. McDADE. Mr. Speaker, I rise today to commemorate two important milestones: The 150th anniversary of the founding of the Congregation of the Sisters, Servants of the Immaculate Heart of Mary; and the 80th anniversary of Marywood College, the institution established by the Sisters in Scranton, PA.

The Congregation of the Sisters, Servants of the Immaculate Heart of Mary was founded in 1845 by a redemptorist priest and three women led by Theresa Maxis Duchemin, the first African-American woman to become a Catholic Sister. Their mission was directed to service and to education, with a devotion to helping the poor, the oppressed, and the neglected. The Sisters established schools in many industrial areas, seeking to foster the aspirations of working people's children.

In keeping with that mission, the Sisters established Marywood College in 1915 to provide opportunities in higher education to women. Today a coeducational liberal arts college, Marywood College, continues to be guided by the principles demonstrated by the Congregation of the Sisters, Servants of the Immaculate Heart of Mary. The college has prepared students to live responsibly in an interdependent world, while fostering the knowledge that a loving, personal God exists and that each person has a right to enjoy the world that God has provided.

Marywood College has diversified its programs to help equip students for satisfying and productive careers. Numerous professional programs have been created toward this goal, many of which are in the helping professions in keeping with the college's tradition of service. Additionally, Marywood's four schools address a variety of concerns like attention to the needs of military families, education in advanced communications technologies, and ministry to regional migrant workers.

I have had the great pleasure of witnessing the growth of this regional college into a respected institution catering to a diversity of students and their needs. As the college has grown, it has remained motivated by the perspective of the Sisters, Servants of the Immaculate Heart of Mary, who have given much to our Nation through their devotion to people and to their faith.

Mr. Speaker, I ask my colleagues to join me in honoring the Sisters, Servants of the Immaculate Heart of Mary, and the entire Marywood College family as we observe these landmark anniversaries.

CONGRATULATIONS TO YOUNG ISRAEL OF SHARON, MA

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. FRANK of Massachusetts. Mr. Speaker, I am very pleased that on Saturday, March 25, I will have the honor of attending the 1995 dinner of the Young Israel of Sharon Synagogue. The theme of this dinner, acknowledging 23 years of the synagogue's existence, is community service and leadership. Since that is the theme that many of us in Washington are trying to stress, I am especially pleased to attend an event in which people have been exemplifying this spirit in their own community.

The dinner will honor Eleanor Herburger, a vital and important citizen of Sharon who will be presented with a Shachain Tov—Good Neighbor—Award for her varied and valued community service. Rabbi Meir Sendor and his congregation have a great deal of which to be proud. I am pleased to be able to call attention here to their excellent work, and the model they present to so many others, and I am honored that I will have a chance to be with them to mark this great occasion.

TRIBUTE TO RABBI EPHRAIM H. STURM

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. SCHUMER. Mr. Speaker, one of the pleasures of serving in this legislative body is the opportunity we occasionally get to acknowledge publicly outstanding citizens of our Nation. I rise today to honor Rabbi Ephraim H. Sturm, a truly remarkable individual.

In 1948, he joined the staff of the National Council of Young Israel, a modern Orthodox synagogue group with branches across the United States. In his over 40 years with Young Israel, he was directly or indirectly involved in the expansion of the movement from 31 synagogues to almost 200, with an additional 50 synagogues in the State of Israel, 4 in Canada, and 1 in Holland.

On a nonsectarian level, he was project director for 22 years as an on-the-job training program of the U.S. Department of Labor. As project director he negotiated and executed over $10 million in Government contracts in New York City and across America. His record of achievement and fiscal responsibility stands as an inspiration to us all.

Rabbi Sturm has served as a trustee and member of the executive board of the Memorial Conference and Jewish culture representing Young Israel at the various meetings and conferences in Europe. In Israel he was one of the founders of the World Conference of Orthodox Jewish Synagogues and Kehilot which then became a member in the World Zionist Organization. At the last Zionist Congress in Jerusalem he had the prestigious position of chairing the plenary session on demography.

Apart from serving for over 15 years as chaplain in the New York State Guard, he served on the New York City Manpower Commission, the New York State Advisory Council on Human Rights, the New York State Advisory Council on Kosher Law Enforcement, the New York State Advisory Council on Consumer Protection, and the New York State Task Force on Problems of the Hasidic Community. Recently, he was appointed to the New York State Advisory Board on Government Contracts to Nonprofit Agencies.

Upon retirement after 50 years of service to the community, this indomitable personality embarked upon a new career of lecturer and chaplain at the New York College of Podiatric Medicine, consultant to a health care facility and assistant to the president in a venture involving labor unions and health care.

Rabbi Sturm received over 40 awards and citations from various national and international organizations as well as Government agencies. Mr. Speaker, I would like to take this moment to ask my colleagues in the U.S. House of Representatives to join me in commending Rabbi Sturm for his tireless work.

THE HEBREW ISRAELITE COMMUNITY IN ISRAEL

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. HAMILTON. Mr. Speaker, for 25 years, the Hebrew Israelite Community, a group of about 1,500 Africian-Americans, has lived in the Israeli desert cities of Dimona and Arad. Despite racial, linguistic, religious, and cultural differences from Israeli society, the Hebrew Israelite Community has successfully adapted to their desert environment, developing innovative approaches to agriculture, community industries, and health care. The leaders of the community feel that some of their innovative approaches to agriculture and community industries have broader application potential in the developing world, especially Africa.

Initially skeptical or hostile, Israelis in Dimona and Arad have come to view the Hebrew Israelites as part of their society. Last year, the Israeli Government granted the members of the Hebrew Israelite Community permanent resident status.

In recognition of the successful efforts by both the Hebrew Israelite Community and the Israeli Government to resolve their differences, I would like to place in the CONGRESSIONAL RECORD the following brief article from the Chicago Sun-Times of December 12, 1994.

BLACK HEBREWS AT HOME IN ISRAEL

(By Jay Bushinsky)

DIMONA, ISRAEL.—By clinging to this dry desert landscape and blending their authentic American folklore with Israel's biblical heritage, the black Hebrews have become an integral part of this country's human landscape.

More than two decades have elapsed since their latter-day equivalent of Joshua, charismatic Ben-Ami Carter, arrived in Israel by way of Liberia with the Hebrew Israelite Community's advance party.

Now its adherents are centered in Dimona and have fellow believers in nearby Arad and Mitzpe Ramon, two smaller development towns in the Negev desert. There is no comparing the controversy and tension generated by Carter's outspoken debut in Israel.

He declared at the time that his followers were the real descendants of the ancient Hebrews and termed the predominant Ashkenazic Jews imposters.

But the polemical phase of the black Hebrew saga is far behind the sedate, self-confident residents of this neat corner of largely North African city just up the road from the top-secret nuclear reactor which has become an international synonym for Dimona.

Carter made his peace with Israeli officialdom, placed his followers under its legal jurisdiction, put his educational facilities under government supervision and fostered cultural contact with the Israeli public through music, sports and the mass media.

The latest evidence that his policy gets the right results came when Israel's equivalent of social security, the National Security Institute, extended its coverage to his flock.

This means that the black Hebrews who live and work in Israel will be eligible for old-age pensions, disability compensation, childbirth subsidies and cash allowances for large families.

Last year, the ministry of the interior, which had refused to recognize the Hebrew

Israelite Community's members as bonafide immigrants under the Law of the Return, granted them temporary residence permits and dropped its charges that they were illegal immigrants who had overstayed their entry visas and were candidates for deportation to the United States.

This move coincided with a U.S. grant of $700,000 for the construction of a comprehensive public high school.

The new educational facility's classrooms are packed with students, all garbed in the navy blue uniforms ordained by their teachers, who insist on high standards of personal hygiene as well as immaculate dress.

Although the Hebrew language is taught and virtually all of the black Hebrews who were born here or are veteran residents can speak and understand, English remains the prevailing tongue.

One of the most impressive examples of linguistic adaptation was audible when a cluster of second-graders ambled along singing a popular Israeli folk song with the same glee as their contemporaries in Tel Aviv.

NATIONAL AGRICULTURE WEEK

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. DURBIN. Mr. Speaker, I rise today to recognize the men and women of this country who work the land, process and refine our agricultural commodities, and engage in the research that keeps American farmers and ranchers the most efficient in the world. I rise to pay tribute to the U.S. agricultural community.

As we all know, 1995 is a year in which American agriculture and our national farm policy will be in the spotlight. With severe budget constraints and political pressure to rethink and reshape our agriculture policy, the farm bill will undoubtedly stimulate passionate discussion about the future of American agriculture.

This year, Congress will have the important task of steering American agricultural policy into the 21st century. We will examine and debate issues ranging from how we direct Federal farm programs to new uses—ethanol and biodiesel—to trade and new markets to environmental and conservation concerns. I am pleased to note that President Clinton will convene a national rural conference in Iowa on April 25 to discuss these important issues as well as the future of rural America. I am honored to have the opportunity to host one of the sessions leading up to the national conference in Illinois.

However, before we proceed with debate on the reauthorization of farm programs, we should pause to say thank you to the men and women who work the land on America's 1.9 million farms and to the more than 21 million people working in agriculture—from growing to transporting to processing to marketing and selling to conducting the research.

It may surprise many of my colleagues to learn that today's farm population is only 1.9 percent of the total U.S. population. More importantly, today one farmer, on average, feeds 129 people. Forty-five years ago, farmers comprised over 12 percent of our population and one farmer fed only 15 people. The world's most productive and efficient farmers live and work here in the United States, including on Illinois' more than 77,000 farms.

Mr. Speaker, American farmers are the most efficient producers of food and fiber in the world. We, as Americans, are blessed to have the natural resources and farming expertise that help guarantee consumers a safe and abundant food supply. The food and fiber system in this country now generates more than $900 billion a year in economic activity—about 14 percent of our gross domestic product. Clearly, American agriculture has a good story to tell.

Mr. Speaker, we need to take time to recognize the significant contributions that agriculture makes to our everyday lives. From production agriculture to research, it is easy to see that the diversity of American agriculture touches almost every aspect of our lives.

CLINTON'S BLIND EYE TOWARD CHECHNYA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. SMITH of New Jersey. Mr. Speaker, I rise to draw attention to the ongoing crisis in Chechnya, which began exactly 100 days ago today, when the Kremlin launched a massive military offensive in the region. In an ironic twist, details of this tragedy have been largely overshadowed by yesterday's announcement that President Clinton will travel to Moscow in early May to meet with President Yeltsin. He is proceeding despite the urgings of Congress and, apparently, officials within his own administration that he stay home. The Clinton administration has mishandled this crisis from the outset and, with yesterday's announcement, has proven that it has lost touch with reality where Yelsin is involved.

The administration should have taken advantage of Moscow's strong desire to secure United States participation in ceremonies commemorating the end of World War II, and pressured Moscow to agree to an immediate, unconditional cease-fire, and the deployment of a long-term OSCE mission in Chechnya. Again, the administration acquiesced, after Yeltsin made a concession about the planned military parade. But that parade is in May—Russia is committing atrocities right now.

One hundred days ago, Mr. Speaker, our administration characterized this crisis as an internal affair, better left to the Russians to handle. But the crisis, which many in Moscow and in Washington had hoped would go away, has not. About 24,000 individuals have been killed and hundreds of thousands have been driven from their homes. Gross human rights violations and atrocities have gone unchecked, as the humanitarian nightmare in Chechnya continues. The Russian campaign in the region constitutes a gross violation OSCE principles.

Nearly 2 months after the OSCE Permanent Council's decision of February 3, most of the problems raised at the time—for example, disproportionate use of force, gross human rights violations, unhindered delivery of humanitarian assistance, access to detainees—persist and have not been addressed in a meaningful manner, if at all.

During the Helsinki Commission's hearing in January, human rights champion Dr. Elena Bonner implored us, "[F]rom outside Russia, the stable democratic societies of the West must employ all diplomatic means to pressure Mr. Yeltsin to call off his assault and negotiate with the Chechen leaders."

As chairman of the Commission on Security and Cooperation in Europe, I have closely followed these troubling developments. I have repeatedly spoken out against Russian actions in Chechyna and the disappointingly muted response by our own leadership.

Mr. Speaker, I urge Secretary Christopher to press Foreign Minister Kozyrev to abide by the OSCE decisions, to agree to an unconditional cease-fire, and to accept a long-term OSCE monitoring mission, when they meet later this week in Geneva. The Russians continue to stall on all three points.

While they have hinted that they could accept an OSCE million in principle, they appear to be stonewalling. If the Russians finally agree to accept such a mission, painstaking care must be taken in the elaboration of its mandate. Russian good will alone will not be enough.

The last thing we need is an OSCE million which can be manipulated into a kind of Potemkin village to lend legitimacy to Russian policies in Chechnya.

Mr. Speaker, I regret the fact that the President has agreed to go to Moscow while Yeltsin continues his campaign of death and destruction in Chechnya. It is high time that President Clinton stop turning a blind eye toward the Chechen crisis and starts pressing Boris Yeltsin to end the senseless slaughter.

JOHN SCHROER NAMED REFUGE MANAGER OF THE YEAR

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. BATEMAN. Mr. Speaker, I am pleased to congratulate John Schroer, refuge manager of the Chincoteague National Wildlife Refuge, as the recipient of the Paul Kroegel Refuge Manager of the Year Award.

Each year the National Wildlife Refuge Association and the National Audubon Society present the Paul Kroegel Award to a national wildlife refuge manager who has shown "a commitment to the conservation of our natural resources, superior management skills, innovative actions to deal with complex issues, effective public outreach programs, and a background that has advanced the cause of wildlife conservation and the mission of the National Wildlife Refuge System." John has certainly shown these qualities since coming to Chincoteague.

By the time John arrived in 1989, a series of public use controversies and an aborted management planning process had left relations between the local citizens, environmental groups, and the refuge badly frayed. It was clear, however, that a master plan was sorely needed to let all interested groups know the long- and short-term parameters for public access and wildlife protection. Without such a plan, every action taken on the refuge would prove controversial, and energy and resources that would be better spent improving public access and wildlife protection would continue to be wasted on endless administrative reviews.

John proved more than equal to the task. He put together a group of representatives from the local community and from national and regional environmental organizations. These groups held numerous meetings and, after considerable debate, a refuge management plan was adopted in December 1992. This plan contains a long-term plan for the refuge, and lets all interested parties know how public access and wildlife protection issues will be handled. As other refuges undertake planning efforts, this plan should be held up as an example of both a good substantive plan, and an example of a good planning process where all interested parties had their say.

I hope that the planning efforts now underway in other refuges around the country are as successful as the one at Chincoteague. If those plans are successful, more time can be spent in the future on the real work of the refuge system rather than on constant public relations battles. This will be good news for the refuge managers, the public who visit refuges, and the wildlife that the refuges are designed to protect.

John deserves a great deal of the credit for the Chincoteague plan's success in resolving longstanding controversial issues in realistic ways, and for the success of the plan-writing process itself. For proof of that, we need to look no farther than the nominations he received for this award. Seven years ago, no one would have believed that the northeast region, prominent local citizens, land the leader of a Chincoteague-focused environmental group would nominate the same person for this award in 1995. This demonstrates that John's skills in diplomacy are no less impressive than his skills in wildlife management.

John has degrees in wildlife management from North Carolina State University and Louisiana State University. He served in the U.S. Army, and has held refuge management positions at the Eufaula, Cape Romain, Santee, Back Bay, Mississippi Sandhill Crane, Blackwater, and Okefenokee National Wildlife Refuges. He has served as manager at Chincoteague since 1989, and he and his wife live in Wattsville, VA. The award is to be presented to John by the U.S. Fish and Wildlife Service Director, Molly Beattie, at a ceremony at the North American Wildlife and Natural Resources Conference in Minneapolis on March 25, 1995.

TRIBUTE TO WILBERT OWENS, JR.

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. DIXON. Mr. Speaker, I rise today to pay tribute to Mr. Wilbert Owens, Jr., a man who has achieved excellence in nearly every professional and educational endeavor. Mr. Owens is retiring after 23 years of distinguished service in the L.A. County district attorney's office.

Mr. Owens' success began long before he became an attorney. In Denison, TX where he was born, he was a talented scholar-athlete, graduating from Terrell High School as class valedictorian, class president, and captain of the football team. Mr. Owens also received the Rockwell trophy for student-athlete with the highest academic average. After high school, Mr. Owens attended Bethune-Cookman College, where he graduated with honors, earning a B.S. in pre-med. Here also he displayed his ability to excel in both academics and athletics by achieving all-conference honors in football and being named captain of the team.

Wilbert Owens' dreams of becoming a doctor were put on hold when he was drafted into the Army on October 13, 1955. However, he was not daunted by this occurrence. He finished officer candidate school in 6 months and was commissioned 2d lieutenant. From Fort Ord Mr. Owens was sent to the 11th Airborne Division in Germany, where he served as 1st lieutenant, platoon leader, executive officer of Rifle Company, and detachment commander of the military police unit. Mr. Owens returned to the United States in 1959 and was promoted to captain while at Fort Lewis, WA. The balance of his military service included a tour in Vietnam from 1962–63, where he earned an Army commendation medal for successfully constructing a training center to train and equip 2,000 men in self-defense.

In Germany Wilbert Owens first discovered his passion for the law, defending soldiers charged with minor crimes. He won all of his cases and was appointed prosecutor. Later, he received the distinction of a seat on the courts' martial board.

Upon his release from the military in 1963, Mr. Owens decided to pursue his interest in the law, he first joined the L.A. County Marshall's office, a position he held with honor for 9 years. To enable his new dream of a law career to become a reality, Mr. Owens attended Southwestern Law School at night, beginning in 1965. In 1972 he was admitted to the California bar and hired by the L.A. County district attorney's office, where he has worked for 23 years. Because of his diligence and commitment to his profession, Mr. Owens rose through the ranks of the district attorney's office from the research and training division to the deputy position at the Inglewood adult office.

Wilbert Owens, Jr. exemplifies hard work, perseverance, and commitment to society. He deserves our praise and I strongly urge my colleagues to join me in commending him on his accomplishments and congratulating him on his retirement. Please join me in extending best wishes to Will and his lovely wife, Evelyn.

SURPRISE BIRTHDAY PARTY FOR DR. TIRSO DEL JUNCO

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. MOORHEAD. Mr. Speaker, on April 22, 1995 a surprise birthday celebration will be held in the honor of an old and dear friend of mine, Dr. Tirso Del Junco.

Dr. Del Junco, a prominent Los Angeles surgeon and entrepreneur, was born in Havana, Cuba. He moved to the United States and received his citizenship after graduating from the Havana School of Medicine with his M.D. in 1949.

He took his surgery residency at the Queen of Angeles Hospital in Los Angeles. This was followed by post graduate work at the University of Pennsylvania in 1954–55.

In the field of diplomacy, Dr. Del Junco was appointed the Ambassador Extraordinary and Plenipotentiary of the Sovereign Military Order of Malta to Nicaragua in 1978. He continues to hold that honor to this day.

He was a captain in the U.S. Army from 1955 to 1957. During this time, he was chief of surgery at Camp Hanford Army Hospital. Later he was assigned as the Washington Medical Officer to the Cuban Army of Liberation (Bay of Pigs) in 1961.

His business affiliations were extensive. Among them, he was the founder and chairman of the board of Los Angeles National Bank and a member of the board of Technicolor Inc. On the labor side of the equation, he is a member of the American Federation of Television and Radio Artists.

Some of his community involvements include the presidency of Hollywood Park Charities, director of the Thomas Jefferson Center on National Values Education Programs, and director of the Salesian Boys Club of Los Angeles.

His political activities, government appointments, and professional membership are too numerous to mention.

Mr. Speaker, as I said earlier, Dr. Del Junco is a friend and a special individual. He is very well organized, very hard-working, and very committed.

He is a responsible leader who has made numerous contributions in medicine, politics, and government.

He has served his profession, his community, State and Nation with dedication, dignity, and great skill.

It is an honor for me to take this moment to pay tribute before my colleagues in the U.S. House of Representatives to Dr. Del Junco. The man and his record are worthy of celebration.

LICENSES AND APPROVALS FOR THE EXPORT OF COMMERCIALLY SOLD DEFENSE ARTICLES AND SERVICES

HON. LEE H. HAMILTON

OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, March 21, 1995

Mr. HAMILTON. Mr. Speaker, I would like to bring to my colleagues' attention information prepared by the Office of Defense Trade Controls, Department of State, pursuant to Section 36(a) of the Arms Export Control Act. On January 9, 1995, I included in the CONGRESSIONAL RECORD, page 937, tables detailing worldwide Foreign Military Sales [FMS] during fiscal year 1994 for defense articles and services, and for construction sales.

Today, I would like to include in the RECORD a table that summarizes total licenses/approvals for the export of commercially sold defense articles and services during fiscal year 1994. Licenses/approvals issued in fiscal year 1994 totaled $25.635 billion, compared with $39.109 billion in fiscal year 1993.

The table follows:

LICENSES/APPROVALS FOR THE EXPORT OF COMMERCIALLY SOLD DEFENSE ARTICLES/SERVICES, SEPT. 30, 1994

[In thousands of dollars]

Country	Oct–Dec	Jan–Mar	Apr–Jun	Jul–Sept	Cummulative
Afghanistan	0	0	0	0	0
Albania	0	0	0	0	0
Algeria	1,743	1,226	1,515	8,887	13,371
Andorra	4	0	9	6	19
Angola	1,662	67	0	0	1,729
Anguilla	0	0	0	0	0
Antigua	1	1	4	272	278
Argentina	14,818	44,842	4,824	10,810	75,294
Armenia	0	0	0	0	0
Australia	85,470	170,164	204,302	60,087	520,023
Austria	2,936	26,340	941	1,788	32,005
Azerbaijan	0	0	0	0	0
Bahamas, the	44	23,277	5	8	23,334
Bahrain	14,789	617	776	1,151	17,333
Bangladesh	72	16	145	272	505
Barbados	30	23,298	62	20	23,410
Belarus	0	0	0	0	0
Belgium	40,693	51,116	11,329	42,878	146,016
Belize	15	12	3	27	57
Benin	0	0	0	0	0
Bermuda	161	89	31	9	290
Bhutan	0	0	8	97	105
Bolivia	413	23,828	27	940	25,208
Bosnia-Herzegovina	0	0	0	0	0
Botswana	1,300	83	25	1,916	3,324
Brazil	47,441	244,620	1,814	8,648	302,523
British Virgin Islands	0	6	0	0	6
Brunei	6,515	4,436	5,155	18,191	34,297
Bulgaria	0	166	10	4	180
Burkina Faso	0	0	0	0	0
Burma	0	0	0	0	0
Burundi	0	0	0	0	0
Cambodia	0	0	0	0	0
Cameroon	41	0	1,584	0	1,625
Canada	4,362	2,107	1,389	21,835	29,693
Cape Verde, Repub	0	0	0	0	0
Cayman Islands	36	14	5	15	70
Central African R	0	0	0	0	0
Chad	0	0	0	0	0
Chile	21,352	47,543	17,904	1,456	88,255
China	0	0	0	438	438
Colombia	2,903	30,022	17,704	9,819	60,448
Comoros	0	0	0	0	0
Congo	26	63	0	4	93
Costa Rica	371	160	6,954	8,551	16,036
Cote D'Ivoire	101	2	0	167	270
Croatia	0	0	0	0	0
Cuba	0	0	0	0	0
Cyprus	138	38	2,301	149	2,626
Czech Republic	26,812	5,506	3,481	331	36,130
Czech Rep. & Slovakia	0	0	0	483	483
Denmark	64,135	34,050	14,737	47,310	160,232
Djibouti	0	0	0	0	0
Dominica	5	1	0	2	8
Dominican Republic	946	825	6,725	808	9,304
Ecuador	673	24,282	822	387	26,164
Egypt	13,866	102,382	160,295	30,871	307,414
El Salvador	2,504	745	6,337	2,383	11,969
Equatorial Guinea	0	0	0	0	0
Eritrea	0	0	0	0	0
Estonia	5	339	323	199	866
Ethiopia	145	195	0	156	496
Fiji	0	679	0	0	679
Finland	31,816	55,880	4,328	305,711	397,735
France	46,074	76,221	39,036	25,505	186,836
French Guiana	2,172	935	3,617	2,409	9,133
French Polynesia	0	2	0	0	2
Gabon	3	1	0	14	18
Gambia, the	0	0	0	0	0
Georgia	0	0	0	0	0
Germany	379,115	501,362	201,552	465,953	1,547,982
Ghana	1	0	1	4	6
Greece	42,936	38,327	42,271	33,523	157,057
Greenland	0	0	0	0	0
Grenada	0	1	0	14	15
Guadeloupe	8	183	0	0	191
Guatemala	2,699	25	6,298	422	9,444
Guinea	0	8	0	0	8
Guinea-Bissau	0	0	0	0	0
Guyana	7	17	16	140	180
Haiti	0	0	0	0	0
Honduras	215	11	5,900	436	6,562
Hong Kong	31,032	24,356	8,654	119,744	183,786
Hungary	462	71	3,283	14	3,830
Iceland	14,033	79,130	26	20,003	113,192
India	89,676	20,260	5,323	19,623	134,882
Indonesia	19,573	40,135	11,832	18,736	90,276

LICENSES/APPROVALS FOR THE EXPORT OF COMMERCIALLY SOLD DEFENSE ARTICLES/SERVICES, SEPT. 30, 1994—Continued

[In thousands of dollars]

Country	Oct–Dec	Jan–Mar	Apr–Jun	Jul–Sept	Cummulative
Iran	0	0	0	0	0
Iraq	0	0	0	0	0
Ireland	953	323	282	267	1,825
Israel	63,006	842,198	43,991	220,739	1,169,934
Italy	228,150	168,888	293,866	190,787	881,691
Jamaca	226	23,697	234	24	24,181
Japan	422,418	561,805	345,897	807,159	2,137,279
Jordan	1,910	1,379	643	413	4,345
Kazakhstan	0	17	3	574	594
Kenya	23	3	20	0	46
Kiribati	0	0	0	0	0
Korea, Republic of	719,283	308,227	276,560	199,522	1,503,592
Kuwait	1,826	1,548	266,055	90,896	360,325
Kyrgyzstan	0	0	0	0	0
Laos	0	0	0	0	0
Latvia	0	3	44	9	56
Lebanon	411	1,932	596	160	3,099
Lesotho	0	0	0	0	0
Liberia	0	0	0	0	0
Libya	0	0	0	0	0
Lechtenstein	29	0	0	0	29
Lithuania	0	0	1	1	2
Luxembourg	212,982	83,102	100,811	21,726	418,621
Macau	19	128	51	0	198
Macedonia	0	0	0	0	0
Madagascar	0	0	0	0	0
Malawi	0	0	0	0	0
Malaysia	63,798	52,907	29,000	20,343	166,048
Maldives	39	0	0	1	40
Mali	0	0	0	0	0
Malta	11	0	7	21	39
Marshall Islands	0	0	0	0	0
Martinique	60	0	0	0	60
Mauritania	0	0	0	0	0
Mauritius	0	0	27	0	27
Mexico	110,696	99,667	63,953	38,515	312,831
Micronesia	0	0	0	0	0
Moldova	0	0	0	225	225
Monaco	13	0	0	0	13
Mongolia	0	0	0	0	0
Morocco	6,505	5,463	10,748	23,940	46,656
Mozambique	0	0	0	0	0
Namibia	558	103	64	139	864
Nauru	0	0	20	0	20
Nepal	0	23	62	13	98
Netherlands	62,304	150,036	49,083	149,586	411,009
Netherlands Antil	287	23,277	33	31	23,628
New Caledonia	49	34	39	29	151
New Zealand	40,920	45,064	58,228	37,329	181,541
Nicaragua	4	2	5,900	0	5,906
Niger	0	2	0	0	2
Nigeria	483	62	16	84	645
Norway	86,053	84,523	31,055	76,136	277,767
Oman	3,234	1,901	1,863	1,708	8,706
Pakistan	9,408	59,069	1,777	15,517	85,771
Panama	4,524	563	6,013	264	11,364
Papua New Guinea	236	8	37	15	296
Paraguay	2,457	26,471	446	3,824	33,198
Peru	0	4,887	23,279	136	28,302
Philippines	40,990	35,634	120,023	5,936	202,583
Poland	629	313	1,705	220	2,867
Portugal	37,863	63,677	8,663	47,997	158,200
Qatar	722	2,933	722	888	5,265
Reunion	0	0	0	10	10
Romania	0	40	24	6	70
Russia	69	872	1,441	2,454	4,836
Rwanda	0	8	0	0	8
San Marino	0	10	0	0	10
Sao Tome and Prin	0	0	0	0	0
Saudi Arabia	2,218,281	95,577	171,541	2,518,460	5,003,859
Senegal	0	0	0	14	14
Serbia & Montenegro	0	0	0	0	0
Seychelles	0	35	0	0	35
Sierra Leone	0	0	0	0	0
Singapore	604,744	73,169	41,605	42,314	761,832
Slovakia	27	1,088	46	90	1,251
Slovenia	47	0	142	5,279	5,468
Solomon Islands	0	0	0	0	0
Somalia	0	0	0	0	0
South Africa	33	0	2,222	1,927	4,182
Spain	73,195	80,132	230,824	87,872	472,023
Sri Lanka	139	23,915	276	81	24,411
St. Helena	0	0	0	0	0
St. Kitts & Nevis-Ango	0	22	0	0	22
St. Lucia	0	18	0	0	18
St. Pierre & Miquelon	0	4	0	0	4
St. Vincent	0	0	1	0	1
Sudan	0	0	0	0	0
Surname	678	0	0	41	719
Swaziland	0	0	0	0	0
Sweden	35,114	103,249	27,300	236,117	401,780
Switzerland	49,635	76,814	10,758	58,024	195,231
Syria	0	0	0	0	0
Taiwan	46,012	26,418	1,724	133,515	207,669
Tajikstan	0	0	0	0	0
Tanzania	2	11	0	8	21
Thailand	40,371	64,519	18,847	40,091	163,828
Togo	0	0	0	0	0
Tonga	0	0	0	0	0
Trinidad & Tobago	121	23,287	25	104	23,537
Tunisia	256	519	262	57	1,094
Turkey	247,841	127,302	101,384	131,024	607,551
Turkmenistan	0	0	0	0	0
Turks & Caicos	0	0	6	0	6
Tuvalu	0	0	0	0	0
Uganda	33	0	2	18	53

LICENSES/APPROVALS FOR THE EXPORT OF COMMERCIALLY SOLD DEFENSE ARTICLES/SERVICES, SEPT. 30, 1994—Continued

[In thousands of dollars]

Country	Oct–Dec	Jan–Mar	Apr–Jun	Jul–Sept	Cummulative
Ukraine	0	3	29	12	44
United Arab Emirates	301,969	10,781	114,609	9,628	436,987
United Kingdom	486,960	539,498	231,970	203,422	1,461,850
United Nations	0	0	13,233	632	13,865
U.S.A	9	16	0	21	46
Uruguay	757	23,689	52	474	24,972
Uzbekistan	12	0	0	0	12
Vanuatu	0	0	0	0	0
Various Countries	36,501	3,473	376,261	742,995	1,159,230
Vatican City	0	0	0	0	0
Venezuela	5,495	29,569	40,760	3,939	79,763
Vietnam	0	0	0	4	4
Western Sahara	0	0	0	0	0
Western Samoa	0	0	0	0	0
Yemen	63	176	0	0	239
Yugoslavia	0	0	0	0	0
Zaire	0	0	0	0	0
Zambie	47	0	82	28	157
Zimbabwe	607	110	49	17	783
Classified Totals **	157,646	197,862	224,834	713,747	1,294,089
Worldwide total	7,446,093	5,852,137	4,155,809	8,181,225	25,635,264

** See classified annex to CPD.

Note: Details may not add due to rounding. This information was prepared and submitted by the Office of Defense Trade Controls, State Department.

HONORING "SALADO LEGENDS" FOR THEIR THIRD SEASON OF BRINGING THE STORY OF CENTRAL TEXAS PIONEERS TO THE STAGE

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. EDWARDS. Mr. Speaker, today it is with great pride and pleasure that I honor the 1995 presentation of "Salado Legends." This stage drama brings to life the story of central Texas pioneers who braved danger and hardship to carve out a new life.

For the past three summers more than 100 cast and crew have donated their time and talent to bring this production to appreciative audiences. This unique stage production reenacts the experiences of Scottish settlers who arrived in Salado in Bell County in the late 1850's. The audience is treated to a slice of central Texas history through song, dance, and story.

I ask Members to join me in honoring the cast and crew of this stage production for their work preserving a piece of history in my Texas congressional district.

IN TRIBUTE TO EDWARD ROBERTS

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Ms. PELOSI. Mr. Speaker, I rise today to pay tribute to a true American pioneer, a hero to millions, a leader in the truest sense of the word: Edward V. Roberts. Ed Roberts was known and loved by millions throughout the world, for, by the sheer force of his will, intelligence, and genius, he created the independent living movement for people with disabilities.

Born in 1939, Ed was stricken with polio at the age of 14. Left a quadriplegic by the disease, Ed soon found that the world did not recognize that though his body had been ravaged, his mind had not. Confronted with the fact that his high school would not let him graduate because he could not complete mandatory driver's and physical education classes, Ed began his career in tenacious advocacy by convincing his principal to lift that restriction.

In 1962, he became the first severely disabled student to attend the University of California at Berkeley, overcoming opposition to the idea of a student who required a respirator during the day and an iron lung at night. He was physically separated from other students by the school, which housed him at Cowell hospital. Not being content with being a trailblazer for the admission of disabled students, he led a successful fight to allow them to use regular student housing.

After receiving a bachelor's and master's degree in political science, and after teaching at UC-Berkeley for 6 years, Ed left the school to establish the Center for Independent Living. The center's goal was to carry out much of what Ed had spent his life battling alone: helping to find and promote housing, transportation, and assistance for the disabled. His work caught the eye of Governor Jerry Brown, who appointed him the head of the State Department of Rehabilitation. He held the position until 1982. During his tenure, Ed was tireless in promoting the rights of the disabled, and working to ensure that independent living was not merely a goal, but a need for the severely disabled.

In 1984, in recognition of his work, Ed received a $225,000 MacArthur Foundation "Genius" Award. Using the grant, he, Judy Heumann, and Joan Leon established the World Institute on Disability, which has become the most influential policy and research center on people with disabilities. Indeed, the World Institute and Ed played a key role in helping passage of the landmark Americans with Disabilities Act.

Most recently, Ed and the World Institute have been profiled in a three-part series on people with disabilities and technology called "People in Motion." In addition, Ed has been working on a project to create work stations for people with disabilities that would allow them to own their own small businesses, such as expresso or vending carts. It was my privilege to work with Ed on this project with regard to the San Francisco International Airport.

Unfortunately, the world lost Ed Roberts on March 14, 1995. On Sunday, March 19th, a memorial service was held to honor Ed Roberts at the UC-Berkeley campus. I, along with countless others, was proud to call Ed Roberts my friend. He has been called, with little hyperbole, the "Ghandi of the disability rights movement." Comparisons, however, do not do justice to the spirit, the passion, which filled the soul of Ed Roberts. Perhaps Ed defined it best: after overhearing a doctor telling his mother that it would be better if he died from the polio because he would be left a vegetable, Ed immediately thought of the artichoke, which was prickly on the outside with a tender heart.

Mr. Speaker, on behalf of the Congress, allow me to express our condolences to his son, Lee, his mother, Vona, and brothers Mark and Ron. But, more importantly, we must continue our fight as a Nation for the rights of the disabled. It is only through our actions that we properly pay tribute to Ed Roberts' enduring legacy of good works and his tireless pursuit of justice on behalf of the disabled.

HONORING MOLLY BROWN, 1995 REFUGE VOLUNTEER OF THE YEAR

HON. OWEN B. PICKETT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. PICKETT. Mr. Speaker, I take this opportunity to extend my sincerest congratulations to Ms. Molly P. Brown, a constituent of mine from Virginia Beach, VA, on being awarded the 1995 National Wildlife Refuge Volunteer of the Year Award.

The National Wildlife Refuge Association and the National Audubon Society have jointly established this annual award. Its purpose is to recognize the volunteer who best achieves the goals and objectives of the National Wildlife Refuge System [NWRS], which are superior organizational skills, innovation in handling refuge assignments, effectiveness in dealing with the public, and dependability. Ms. Brown's extensive service and long-standing commitment to the Back Bay National Wildlife Refuge located in Virginia Beach, VA, clearly are above and beyond the criteria that merit national recognition.

As an advocate of environmental consciousness, Ms. Brown has appeared regularly before the Virginia Beach City Council and the zoning board to testify on city and State proposals affecting the Refuge. As a member of the Mayor's Growth Management Advisory Committee, Ms. Brown has frequently provided valuable citizen comments and observations on the city's land use, transportation, and infrastructure plans and programs.

Realizing the need to promote an awareness not only of the Refuge's mission but of other conservation activities within the region as well, Ms. Brown worked to establish both the Southeastern Association for Virginia's Environment [SAVE], and the Friends of Back Bay/Save Our Sandbridge organization of which she currently serves as president. Offering her time and talent at local events such as Earth Day and the Environmental Awareness Fair for Students, Molly Brown serves as a true emissary of the conservation movement.

During the 103rd Congress, Molly Brown traveled to Washington, DC, to testify before the House Appropriations Subcommittee on Interior concerning the need for additional funding for Back Bay. Ms. Brown provided the Subcommittee with extensive information regarding the Refuge's plans to expand its boundaries and improve its natural habitat. The Back Bay land acquisition was one of only 33 projects funded nationwide in the Department of Interior Appropriations Act of 1994, attesting to the value of Ms. Brown's knowledgeable and articulate testimony.

It is with pleasure and honor that I join the other citizens of the Second Congressional District of Virginia in thanking and commending Molly Brown for her successful efforts in promoting awareness and appreciation of our area's natural resources, for her continuing efforts to obtain essential funding and Congressional support for Back Bay National Wildlife Refuge, and for her boundless enthusiasm for the Refuge system as a whole. She is a most deserving recipient of the 1995 National Wildlife Refuge Volunteer of the Year Award.

NATIONAL RIGHT TO WORK ACT

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. GOODLATTE. Mr. Speaker, I rise to proudly introduce the National Right to Work Act.

This act reduces Federal power over the American workplace by removing those provisions of Federal law authorizing the collection of forced union dues as a part of a collective bargaining contract.

Since the Wagner Act of 1935 made forced union dues a keystone of Federal labor law, millions of American workers have been forced to pay for union representation that they neither choose nor desire.

The primary beneficiaries of right to work are America's workers—even those who voluntarily choose to pay union dues, because when union officials are deprived of the forced dues power granted them under current Federal law they'll be more responsive to the workers' needs and concerns.

Mr. Speaker, this act is proworker, proeconomic growth, and profreedom.

The 21 States with right to work laws, including my own State of Virginia, have a nearly three-to-one advantage over non-right to work States in terms of job creation.

And, according to U.S. News & World Report, 7 of the strongest 10 State economies in the Nation have right to work laws.

Workers who have the freedom to choose whether or not to join a union have a higher standard of living than their counterparts in non-right to work States. According to Dr. James Bennett, an economist with the highly respected Economics Department at George Mason University, on average, urban families in right to work States have approximately $2,852 more annual purchasing power than urban families in non-right to work States when the lower taxes, housing and food costs of right to work States are taken into consideration.

The National Right to Work Act would make the economic benefits of voluntary unionism a reality for all Americans.

But this bill is about more than economics, it's about freedom.

Compelling a man or woman to pay fees to a union in order to work violates the very principle of individual liberty upon which this Nation was founded.

Oftentimes forced dues are used to support causes the worker does not wish to support with his or her hard-earned wage.

Thomas Jefferson said it best:

> . . . to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical.

By passing the National Right to Work Act, this Congress will take a major step towards restoring the freedom of America's workers to choose the form of workplace representation that best suits their needs.

In a free society, the decision of whether or not to join or support a union should be made by a worker, not a union official, not an employer, and certainly not the U.S. Congress.

The National Right to Work Act reduces Federal power over America's labor markets, promotes economic growth and a higher standard of living, and enhances freedom.

No wonder, according to a poll by the respected Marketing Research Institute, 77 percent of Americans support right to work, and over 50 percent of union households believe workers should have the right to choose whether or not to join or pay dues to a labor union.

No other piece of legislation before this Congress will benefit this Nation as much as the National Right to Work Act.

I urge my colleagues to quickly pass the National Right to Work Act and free millions of American from forced dues tyranny.

PROF. HERBERT BISHOP KELLER, 70TH BIRTHDAY CELEBRATION

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. MOORHEAD. Mr. Speaker, on June 19 of this year, Dr. Herbert Bishop Keller will be 70 years old. Dr. Keller is professor of applied mathematics at the California Institute of Technology. His fundamental contributions to the field of numerical analysis have played a crucial role in the advancement of science and engineering in this century.

For example, Dr. Keller developed many of the methods which scientists and engineers have used for years to solve complex problems with computers. These include the box scheme for solving boundary layer problems in the aircraft industry; the method of multiple shooting, to solve ordinary differential equations; and the path-following methods, for solving bifurcation problems in all fields of science.

He is the coauthor, with Eugene Isaacson, of the text "Analysis of Numerical Methods," which is a classic in the field and has been studied by generations of students. He is also the author of two monographs on the solution of two-point boundary-value problems, and of hundreds of research articles.

Dr. Keller was born in Paterson, NJ. He served in the U.S. Navy during World War II as a lieutenant junior grade. He obtained a bachelor's degree in electronics from the Georgia Institute of Technology in 1945. He received an M.S. in mathematics from New York University in 1948 and his Ph.D. from the same institution in 1954. Concurrently, he was in charge of the math department at Sarah Lawrence College.

In 1961 after a rapid ascent through the ranks, Dr. Keller became professor of applied mathematics at the Courant Institute of Mathematical Sciences at New York University. During this time, he also served as associate director of the Atomic Energy Commission Computing and Applied Mathematics Center, which was located at New York University.

In 1967, Dr. Keller joined the finest institution of higher learning in the world when he became a professor of applied mathematics at the California Institute of Technology, a position he holds to this day. Currently, he is director of the Caltech branch of the Center for Research on Parallel Computing, an endeavor sponsored by the National Science Foundation.

Professor Keller was extraordinarily active as a member of many scientific societies. In 1975–76, he served as president of the Society for Industrial and Applied Mathematics, the world's leading society of applied mathematicians. He also served on 6 national committees and held editorial positions on 12 leading scientific journals.

The scientific community has expressed its admiration for Professor Keller by bestowing upon him some of its most prestigious awards. He is a Fellow of the American Academy of Arts and Sciences, a fellow of the American Association for Arts and Sciences, and he was a Guggenheim fellow. Recently, he was the distinguished visiting fellow at Christ's College, University of Cambridge, United Kingdom. The Society for Industrial and Applied Mathematics awarded him the von Karman prize in 1994.

Mr. Speaker, the scientific legacy of Professor Keller is ensured through his own work, through the work of the 28 students who earned their Ph.D. degrees under his supervision, as well as through the hundreds of graduate and undergraduate students whom he has taught throughout the years.

Today, I would like my colleagues in the U.S. House of Representatives to join with me and the scientific community in expressing our thanks and gratitude to Professor Keller for his leadership, his example, and his many contributions, and to wish him a very happy birthday.

REVIEWING THE TRAVEL BAN ON LEBANON

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. HAMILTON. Mr. Speaker, the Secretary of State decided on February 28 to renew the ban on the use of U.S. passports to travel to Lebanon. This decision followed United States-Lebanese security discussions in Washington earlier last month. While the State Department acknowledges that the security situation in Lebanon has improved in the past few years, it maintains that there continue to be significant threats to the security of American citizens in that country.

I have recently spoken to several prominent Lebanese Americans who have visited Lebanon. They are very persuasive in arguing that the current travel ban impedes their legal ability to visit their families. I also believe that American businesses are losing the opportunity to compete for contracts to rebuild Lebanon. I have urged the Secretary of State to review the travel ban and to consider options for revising it in light of the changing conditions inside Lebanon.

Given the importance of this matter for the Lebanese-American community, I request that my exchange of letters with the Department of State be entered into the CONGRESSIONAL RECORD.

COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, February 16, 1995.

Hon. WARREN H. CHRISTOPHER,
Secretary of State, Department of State, Washington, DC.

DEAR MR. SECRETARY: It is my understanding that the Department of State is currently reviewing the travel ban on Lebanon because the current six-month extension of the ban expires later this month.

I urge the Department to review the present total ban carefully and consider options to revise the ban and take steps in the direction of a combination of partial ban and partial travel advisory.

I am persuaded that Lebanon has taken a series of steps in improving security in the country. I also believe that further steps are needed. In this situation, however, I believe it is in our national interest and in the interest of encouraging further steps by Lebanon to take steps ourselves to match action by Lebanon.

The report by several prominent Lebanese Americans on their trip to the country as well as the recent visit here by a Lebanese Security delegation suggest changes are warranted. American businesses are currently locked out of many reconstruction efforts in the country and Lebanese Americans are legally unable to travel to Lebanon for family reunification purposes.

I appreciate your consideration of this matter and I am available if you want to discuss this matter further.

With best regards,
Sincerely,

LEE H. HAMILTON
Ranking Democratic Member.

U.S. DEPARTMENT OF STATE,
Washington, DC 20520.

Hon. LEE H. HAMILTON,
House of Representatives, Washington, DC.

DEAR MR. HAMILTON: I am responding to your letter of February 16 to Secretary Christopher regarding the restrictions on travel to Lebanon by U.S. citizens.

On February 28, Secretary Christopher exercised his authority to extend the restriction on the use of U.S. passports for travel to, in, or through Lebanon. A careful and thorough review of the security situation in Lebanon led the Secretary to conclude that there remained significant threats there to the safety of American citizens.

In meetings here in Washington February 6–7, the Governments of the U.S. and Lebanon engaged in frank and useful discussions of the security situation in Lebanon and our continuing concern for the safety of Americans in Lebanon. We were pleased with the level of expertise the Government of Lebanon brought to these discussions and its avowed commitment to serious and effective action. We expect this dialogue to be an ongoing process leading to significant improvement in the security situation in Lebanon and a reduction in the dangers to American citizens.

We have acknowledged that there has been some improvement in Lebanon's security situation over the past few years. We commend the Lebanese Government for its efforts to diminish terrorist threats and to establish the role of law throughout the country. More needs to be done to address these problems, however, and we look forward to working with the Government of Lebanon on taking the necessary steps to do so.

We will continue to review the passport restriction and other administration measures affecting travel to Lebanon. Our review will be based on a careful evaluation of our own information and the steps the Lebanese government takes to address these issues.

The Department will carefully consider options short of lifting the passport restrictions. In considering these steps, however, the Department will have as its first consideration the safety and security of U.S. citizens.

The Secretary appreciates both your interest and your offer to continue a dialogue with the Department on this issue. The goal remains the removal of these restrictions when security conditions permit us to do so and the return to a mutually beneficial and improved bilateral relationship.

I trust that this information has been responsive to your inquiry. Please do not hesitate to contact us if you believe we may be of further assistance.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary,
Legislative Affairs.

ED ROBERTS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. MILLER of California. Mr. Speaker, I rise today to sadly note the passing of one of the great people of our time, Ed Roberts, the former secretary of rehabilitation of the State of California, the cofounder of the Center for Independent Living, and the founder of the World Disability Institute.

I knew, admired, and worked closely with Ed Roberts throughout my entire adult life, in Sacramento, and as a Member of the House of Representatives. Ed was as dedicated, insightful, determined, and skilled as any person I have ever met in public life, and his singular contributions to the disabled community throughout America is, simply stated, unparalleled.

Ed deeply understood the need for the law, and for government, to defend the rights of those who had neither power nor influence. And he forced dramatic changes that broke the barriers for millions of disabled men, women, and children.

I wish to submit for the RECORD the following editorial from the San Francisco Chronicle paying tribute to this great American, and good friend.

[From the San Francisco Chronicle, Mar. 18, 1995]

THE TRANSCENDENT LIFE OF EDWARD ROBERTS

"What I want and a lot of other disabled people want is to live, to experience, to be a part of society. And that's nothing extraordinary. So when we do things and do become successful, it doesn't make us different from any other successful person."

Even though it was not what he was seeking, Edward Roberts died a hero at age 56 this week, having lived up to such admiring sobriquets as "the Gandhi of disability rights" and "the Cesar Chavez for the handicapped."

A budding athlete who became a paraplegic at age 14 from polio, Roberts was an in-your-face kind of guy because society gave him no other choice. When his principal balked at graduating Roberts from high school because the teenager hadn't completed required physical education courses, Roberts fought the decision with such vigor that the principal was forced to relent.

When a counselor at the state Department of Rehabilitation sided with the University of California in denying Roberts admittance to Berkeley because the school had never had a wheelchair-confined student who required a respirator and iron lung, Roberts argued until he was enrolled. He lived at Cowell Hospital and later organized successfully for dormitory housing for disabled students.

He co-founded the Center for Independent Living at Berkeley, which promoted the idea of integrating disabled people into the mainstream and making available to the disabled such essentials as housing, transportation and wheelchair-accessible ramps and curbs. The establishment of 400 similar centers nationwide followed.

Roberts' longtime work received official affirmation when Governor Jerry Brown appointed Roberts to head the California Department of Rehabilitation in 1975. He was a familiar sight in Sacramento in his motorized wheelchair, and his presence alone helped many lawmakers understand for the first time the needs of people who desperately seek independence—despite not being able to use either arms or legs—and yet are constantly stymied by thoughtless policies.

In 1984, Roberts received $225,000 in a MacArthur Foundation "genius" award for his work with the disabled, and he created the World Institute on Disability, an Oakland-based think tank on disability issues with a $3.3 million budget.

Roberts' life was not only heroic, because of the many personal obstacles he overcame, but in the end, transcendent, because of the way he helped transform the way we think about and act toward disabled people.

"As an international leader and educator in the independent living and disability rights movements, he fought throughout his life to enable all persons with disabilities to fully participate in mainstream society," said President Clinton. "Mr. Roberts was truly a pioneer . . . His vision and ability to bring people together should be an example for all Americans."

A memorial service will be held at 1:30 p.m. tomorrow at Harmon Gymnasium on the UC Berkeley campus. Memorial endowments have been set up for Roberts' son, Lee, and for the institute. Contributions may be sent to the institute at 510 16th Street, Oakland, CA 94612.

THE INNOCENT LANDOWNER DEFENSE ACT OF 1995

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. WELDON of Pennsylvania. Mr. Speaker, the purpose of the Innocent Landowner Defense Act is to clarify what is required by "all appropriate inquiry into the previous ownerships and uses of the property" as contained in the 1986 Superfund Amendments Reauthorization Act (SARA) to Superfund.

The 1986 SARA amendments included several exemptions for the liability of site cleanup—an important one being the innocent landowners defense provision. This provision allows for an exemption of liability to a landowner who has not contributed to the contamination of a site and has made all appropriate inquiry into the previous uses of the property.

The intent of the innocent landowner defense was to encourage the uncovering of contaminated sites which could then be cleaned up. It was meant as a narrow exception to protect those considering the acquisition of land from future liability. Unfortunately, the definition of all appropriate inquiry was never made clear in the SARA legislation, resulting in confusion as to the requirement for assessing a site for contamination. This lack of clarification has left the land purchaser with a dilemma. Even the most expensive and extensive site assessments may not prevent the landowner from later being held liable for contamination.

The Innocent Landowner's Defense Act is designed to define what is meant by "all appropriate inquiry," putting an end to the confusion and allowing landowners to protect themselves from liability. Specifically, this legislation calls for a phase I environmental audit—an investigation of the property conducted by an environmental professional—defined in the legislation to discover the presence of hazardous substances through the following sources: (1) chain of title documents for the past 50 years; (2) available aerial photographs of the property; (3) Superfund liens against the property; (4) Federal, State, and local government records of activities causing release of hazardous substances; and (5) a visual site inspection of the property. If these criteria are met, an individual would be recognized as having conducted all appropriate inquiry.

This legislation in no way changes the liability scheme of Superfund. It is a clarifying correction which enables courts and potential landowners to determine exactly what is needed to fulfill all appropriate inquiry requirements. Not only will this legislation clear up a very confusing situation, but it will restore the original intent of the innocent landowner defense—it will encourage the testing of sites for contamination, increasing the likelihood that contaminated sites will be found and cleaned up.

This legislation provides the guidance crucial to assessing the risk associated with hazardous waste sites. It would allow for the realization of the original goals of the Superfund legislation, while leaving the original statute unchanged in terms of liability.

THE SYMBOL OF OUR NATION

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 21, 1995

Mr. BEVILL. Mr. Speaker, I rise today to celebrate the introduction of historic legislation that will finally give the American flag the recognition it deserves as a symbol of our Nation.

As many as 235 Members of the House have co-sponsored this bill to amend the U.S. Constitution to allow States to pass laws outlawing abuse of our flag. We are proud of the American flag and we want to protect it.

The issue of flag desecration has been with us for too long. As you know, in 1984, a protester at the Republican National Convention in Houston was arrested for burning the flag which was against the law in Texas. Five years later the Supreme Court struck down the Texas law and the offender was acquitted. In 1990, Congress passed a bill to remedy this situation, but it too was struck down as unconstitutional. So now our only choice is to pass this legislation, amend the U.S. Constitution and allow the States to pass their own laws to correct this problem.

As a veteran, I feel particularly strong about this proposal. Many men and women throughout our Nation's history have sacrificed their lives so that we could enjoy the freedoms we now have. The flag is a symbol of this country and a tribute to those who have protected our Nation through the years. To allow individuals to desecrate this symbol for petty purposes is to cheapen the country for which it stands. I find it extremely offensive that laws cannot be passed by States to prohibit this kind of behavior.

This bill is not meant to restrict the first amendment rights guaranteed to all Americans. I strongly believe that individuals and groups must be able to speak their minds on issues that concern them. But that does not mean burning the flag. I feel flag desecration goes beyond freedom of expression. It is an abuse of the U.S. Constitution and the freedoms that great document provides.

Our proposal is not a heavy-handed Government mandate. We want to give States the ability to pass the laws they deem necessary. Forty-six States have already passed resolutions which outlaw the desecration of the flag. Alabama joined these ranks in 1991. I think it is time for Congress to take the initiative to correct this situation once and for all. I urge my colleagues to pass this legislation and start the process for adding this historic amendment to the U.S. Constitution.

SENATE—*Wednesday, March 22, 1995*

(Legislative day of Thursday, March 16, 1995)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Our prayer this morning will be delivered by our former beloved Chaplain.

PRAYER

The guest Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

In a moment of silence, let us remember Chick Reynolds, from our official reporters office, who is very ill.

God is our refuge and strength, a very present help in trouble.—Psalm 46:1.

Loving Father, this a place of great power, and powerful people often suffer in silence. They grieve alone, weep alone, confront personal inadequacy alone. Our culture does not permit people of power to admit weakness or vulnerability. We pray for those who may be hurting. Where there is alienation, bring reconciliation; where there is illness, bring healing; if there be a child in trouble, restore that one to the family; where there is financial difficulty, provide out of Thy boundless resources; where there is grief, give comfort.

Dear God, give us grace to be kind to one another. Help us to be sensitive and caring. Let Thy love be shed abroad and Thy peace rule in our hearts. In the name of Him who was love incarnate. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. THOMAS. Mr. President, this morning, the leader time has been reserved and the Senate will immediately resume consideration of S. 4, the line-item veto bill. In accordance with the consent agreement reached last night, the cloture vote on the majority leader's substitute amendment to S. 4 will occur at 6 p.m. this evening. All Senators should be aware that there are several pending amendments to the substitute. Therefore, rollcall votes may occur throughout the day today.

Also, the majority leader has indicated that a late night session can be expected in order to complete action on the line-item veto bill this week.

LINE-ITEM VETO

Mr. THOMAS. Mr. President, under the order, the freshmen have an hour reserved this morning to talk about the line-item veto. I am happy to join in that.

The first to present views will be the president of the class, the Senator from Oklahoma.

I yield him as much time as he may consume.

Mr. INHOFE. I thank the Senator from Wyoming for yielding this time on this very significant subject.

The PRESIDENT pro tempore. The distinguished Senator from Oklahoma is recognized.

Mr. INHOFE. Thank you, Mr. President.

Mr. President, I have been listening attentively to the discussion that has been taking place in the Chamber on the line-item veto. I think there may be some misconceptions floating around as to who really wants a line-item veto and how much they want it, and who perhaps does not want it.

I have heard over and over again, as I was sitting in the chair where the President pro tempore is presiding, Senators standing up and saying, "Our President, President Clinton, wants the line-item veto. We need to give it to him so he will have the ability to veto those items and spending bills that are out of line."

I suggest that, even though the President has made the statement, "I want a strong line-item veto bill and I want it very soon," that that is the same thing he said about a balanced budget amendment to the Constitution. And we were to find out later that he was the one who led the opposition to the balanced budget amendment on the telephone, lobbying those Democrats who had previously committed themselves to a balanced budget amendment. I suggest this may even be happening today.

The reason I say that, Mr. President, is not to make an attack on President Clinton or to question anything that he has said. But the idea of the President having the ability to use this new device, a line-item veto, to take top spending things, pork items, out of a bill does not seem to make any sense to me.

If you look back to 1993, when President Clinton came up with his budget and tax hike, it was characterized by many people, including PATRICK MOYNIHAN, as the largest tax increase in the history of public finance or anyplace in the world. It was a $267 billion tax increase, with all kinds of spending increases. The taxes went back retroactively to January of 1993, and that is the first time I can remember that happening. It increased the top rate to 36 percent. Then it went in and started taxing Social Security recipients.

Now, this was kind of interesting because in arguing against the balanced budget amendment, they were trying to use Social Security as the argument against the balanced budget amendment when in fact this President in 1993 increased dramatically the taxes on Americans' Social Security. Of course, it was not a good argument anyway, because if we do not do something to get the budget under control, whether we use the balanced budget amendment or line-item veto or anything else, there will not be anything left in Social Security anyway in another 15 years.

In that same bill, he increased the taxes on gasoline by 4.3 percent. He increased the corporate rate up to 36 percent. And in spite of all the increases in taxes, 267 billion dollars' worth, it would increase the debt by $1.4 trillion over a 5-year period.

My question would be: Would he have line-item vetoed any of those items? No, because this was his bill.

Then he came out with the stimulus plan. This was a $16.3 billion increase in spending, with all kinds of pork. I was very happy that a filibuster, led by Senator DOLE, was successful in giving him his first defeat.

But if you look at what he tried to pass—a $1 billion summer jobs program; $1.1 billion for a variety of items, such as AIDS and food distribution; a $1.2 billion subsidy to Amtrak and to subways and light rail packages that are located in the districts of certain friendly people, I suspect; a $2.5 billion pork-barrel bunch of items—swimming pools, parking lots, ice rink warming huts, an Alpine ski lift, and other pork-barrel projects.

Now, the question is, if this had passed and he had the ability to use a line-item veto, would he have done it? No. The answer is a resounding no, because this is what he was promoting.

So, I think that we need to look at this in a little different context, and that is, we are going to have one of two different kinds of Presidents of the United States. Either we are going to have one like President Clinton, who is the biggest tax-and-spend President in contemporary history, or in a couple of years, when this agony is over, we are going to have a conservative President.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Now, regardless of whether we have a Democrat or Republican, or a conservative or liberal, a line-item veto is very helpful to us. Because if it is a liberal President who is for taxing and spending, such as our current President, then this takes away his excuse for signing big spending bills.

What have we seen historically in this country? We have seen bills coming in with 25, 30, or 50 items unrelated to each other, all this pork, such as that which was included in his stimulus bill, and he says—

> I have to sign it, because if I do not, we will not get the veterans' cost-of-living adjustments or we will not get a Social Security adjustment, or something that people want, and that is good and is consistent with the philosophy and the desires of a majority serving in both bodies.

So this would take away the ability of someone who is trying to use that for an excuse to pass pork-barrel legislation so that he could not do it, and would make him accountable.

Let us say we have a conservative President. It would work equally well there, because a conservative President could go through and he could line out this pork stuff and could send it back for an override.

I will conclude by saying that we often overlook the real reason for a line-item veto. It is not that it is going to be the cure-all. It is not going to balance the budget. It is not going to do all these things.

It is a vehicle to be helpful. However, what it does do is make the President and the House and the Senate accountable. If we have a liberal President or a conservative President, that President will have to be accountable for his acts, because with this ability to line out items and veto specific items, a President can no longer say that he has to do it.

Then the glorious thing about it is it goes to the House or the Senate and there is a veto attempt to override, and that way we have to go on record—Members of the House, Members of the Senate, and the President.

None of those now have to be accountable to the people back home. I have often said, none of this silliness, the foolishness that goes on in Washington would happen if people were held accountable for their acts. That is exactly what the line-item veto would do. So regardless of what kind of President we have, regardless of the philosophy of Congress, a line-item veto does make Congress accountable. And that serves the American people best.

I yield the floor.

Mr. THOMAS. Mr. President, let me simply say I endorse this notion of accountability. If there is anything that is necessary in this Government and something that this bill will help to do, it is accountability.

I yield now to the Senator from Pennsylvania for as much time as he may consume.

Mr. SANTORUM. I thank the Senator from Wyoming, and I appreciate the indulgence of my friend, Senator GRAMS, from Minnesota, who has let me jump ahead to speak.

I have just two major points to make here this morning. One of the reasons I wanted to come down here, one of the reasons the freshmen were so excited about talking about this line-item veto bill, because this is actually a bill where the Senate version of the Contract With America bill is actually stronger than the House version. The Senate bill is actually a tougher bill, is actually a bill that goes after more spending, that provides more power, in fact, to the President, to keep Congress in check here of providing pork or other kinds of preferential treatment to selected individuals or institutions in this country.

That is an exciting thing to stand here on the Senate floor and argue for. I am very pleased with the work that was done by the folks here, Senator DOMENICI, Senator MCCAIN, Senator COATS, and Senator STEVENS, in putting this bill together. It is a stronger bill.

It does not just go after appropriations or annual appropriations, which all the traditional line-item veto bills have done. But it goes after what are called tax expenditures, or tax provisions that are targeted at specific individuals or specific companies. It does not go after tax cuts. It allows tax cuts to go into place without threat of Presidential lining out, but it does go after sort of those favored treatment things, those little goodies that have slipped into tax bills that heretofore have never been included in any line-item veto proposal.

It goes after entitlement spending. New entitlement spending is now separated out so we can have an opportunity to go after that which has never before been done. This is a much better bill, one that I think everyone can be supportive of, and I think we will get strong support.

My final comment is I just hope that this institution does not disintegrate, as it did on the balanced budget amendment, into playing partisan politics on things that people in the past have agreed to. I have a list of Members on the Democratic side of the aisle who, in the last 4 or 5 years, have voted consistently in many cases for line-item veto bills, for bills similar to this one—like the Bradley bill a few years ago, which got, I think, 16 Democratic supporters.

This is a bill that should and was drafted to attract bipartisan support. If this bill does not succeed on cloture today—if we have a cloture vote today, which I anticipate, I guess we will—if it does not succeed, it is not because the other side does not agree with what we are doing. It is because the other side does not agree to do anything and they want to play partisan politics and put partisanship above policy and the better future for our children and for this country.

Mr. THOMAS. Mr. President, I would just like to say briefly, I think it is significant that the freshmen have joined together in the Senate to come to speak again on this issue. Most have indicated our support. I think this is a demonstration of those who are newly elected who are taking a look, first, at what the voters said in November; and second, are not encumbered by the debates that have gone on here before, but rather are interested in making some changes in process so that there can be changes in results.

I now yield 10 minutes to the Senator from Minnesota.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Minnesota.

Mr. GRAMS. Mr. President, I want to take a few moments during this very important debate over the line-item veto to remind my colleagues here in the Senate of the revolution that is taking place next door.

In the House Chamber, our colleagues are making history. They are throwing out 40 years of bloated, irresponsible government and replacing it with new ideas, a new spirit, a new partnership with the American people.

They have passed the balanced budget amendment in the House. They have passed regulatory relief and legal reform. They have voted to strengthen our national defense, to crack down on crime, and to rein in Government spending.

In fact, so far, they have passed every piece of legislation they promised to pass in the Contract With America. At the breakneck pace the House is keeping, our colleagues there will meet their self-imposed 100-day deadline and still have a week to spare.

People back home ask me what it is like to be part of this revolution. I say, "I don't know, because I am in the Senate." The House is passing history, and too often all we seem to be passing is time.

We would like to tell ourselves we are the more deliberative body, that here in the Senate, passion is tempered by prudence. Nobody is going to ride roughshod over the Senate, we boast. But not meeting our responsibilities is not a new definition of being deliberative. Maybe what we are doing is exactly what our Founding Fathers intended Congress to do. But maybe, though, some just did not hear the message in November, when Americans took the promises of the Contract With America with them to the polls, and there they cast their ballots for change.

"But I did not sign any contracts. I haven't even read it," I heard some of my Senate colleagues protest. Maybe not. But he might just as well have, Mr. President, because when the American people think about the U.S. Congress, there is no thick, black curtain separating the House from the Senate. They just see Congress, and it is Congress as a whole—not just the House of Representatives, not just House Republicans—that will be held to the promises in the contract.

Of course, if the American people seem a little suspicious when it comes to our promises, well, maybe they have a right to be. We have already let them down once this year. The first plank in the contract, the Fiscal Responsibility Act, calls for a balanced budget amendment to the Constitution. The House passed it, but the Senate voted it down. Even though 85 percent of the American people said they wanted it, and said our financial future may depend on it, we voted it down.

The voters have a right to be furious. They thought we had promised a balanced budget amendment. Now, how can we possibly explain that it was really the House, not the Senate, without sounding a lot like political trickery?

Try to explain that Congress as a whole does not have to balance its budget, that somehow Congress is special, or it can act irresponsibly and it does not affect the taxpayers of this country.

The Fiscal Responsibility Act now also calls for a line-item veto. Again, a vast majority of Americans, 64 percent of them, consider the passage of a line-item veto as a high or a top priority. It is one of the bold print provisions of the Contract With America—a nonretractable promise—and it, too, has already passed in the House. But like the balanced budget amendment, it may also face trouble here in the Senate.

Now, Mr. President, whether they like it or not, Senate Republicans are tied to the legislative coattails of the Contract With America right alongside our House colleagues, because it is what Americans want Congress to do.

Senate Democrats will be held accountable as well, because for the most part, the American people do not care whether a certain piece of legislation is a Republican bill or whether it is a Democratic bill. They care about legislation that is going to help their families and protect the future for their children and their grandchildren.

Now, the line-item veto is one of those bills, a bill that is not about politics, a bill that is simply about doing the right thing. If we do our job right, young people will someday hear stories about how the revolution of November 8, 1994, transformed the Nation. Old timers will look back to this Congress and wonder at the courage that it took to effect such a tremendous change. Or maybe the 104th Congress will go down in history as one-termers who promised change but failed to deliver.

If the line-item veto and the $500 per child tax credit go the way of the balanced budget amendment, you can guess what the history books will be saying about us.

Mr. President, this is your contract, this is my contract, this is America's contract, and whether my Senate colleagues signed it or not, this is their contract, too.

Mr. President, I yield back the remainder of my time.

Mr. THOMAS. Mr. President, I now yield 10 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, the tree of liberty is nourished by elections, which water and grow the process of good government. Last November, we got a real shower. The people of the United States of America said that they wanted us to change the way we do business in Washington, DC. They wanted us to live by the laws that we established for others, and so we provide for congressional accountability. They wanted us to stop telling State governments and city councils how to spend their money. Soon, S. 1 will be signed into law by the President. But there is another very important aspect of what the people told us. They said they wanted us to live within our means, like every household must live within its means.

Last month, we failed to pass the balanced budget amendment. It was a tragedy, but that was the loss of a battle, not the war. Now, the American people are waiting—and the world community is waiting—to see whether or not we, as a government, will live within our means, as well as embrace the kind of tools which will allow us to get the job done.

Every kitchen table in America has a line-item veto, Mr. President. We sit down with the resources we have and we look at the list of things we would like to buy, and we scratch off the things we can't afford. That is the line-item veto. It is that simple.

It means nothing more than saying that we will not spend money we do not have, and we will mark through things which we cannot afford. Unfortunately, the U.S. Congress has never seen it that way. We send the President a great big wish list and indicate that he has to either throw away the entire list or else sign it into law. Ridiculous. Few Americans would approach the kitchen table and say, "If we can't have the frills, we don't want the food." We all know that there are things, both good and bad, that we can't always afford.

So it is important for us to respond to the voters' desire to change the way Washington works. The American people have spoken. They have spoken clearly. It is time now for us to act.

Now, there are a variety of voices being raised against the line-item veto. While these voices are loud, they are also misleading. They have been saying that if we have the line-item veto or the balanced budget amendment, we will hurt Social Security.

Mr. President, the biggest threat to Social Security is a Nation which does not have the fiscal and financial integrity to address and deal with its national debt. When we force the President to have an all-or-nothing approach to the budgets we forward, we increase the likelihood of fiscal mismanagement.

This has several negative effects. First, it increases the interest that we pay to service the debt. A 1-percent rise in interest rates on the national debt costs us $35 billion a year. Second, it decreases confidence in the dollar. We saw what happened when we failed to pass the balanced budget amendment. When people are insecure about America's economy and about our fiscal discipline, they are less likely to finance our debt. In the end, it is our inability to meet these fiscal obligations that is the single greatest threat to Social Security.

Another argument against the line-item veto, Mr. President, is that it would impair the rights of children; that somehow, if we have fiscal integrity and financial management, we will hurt our children. The truth of the matter is that we are spending the yet unearned wages of the next generation today. We are destroying their future. We are eroding the financial foundation of the country that they will ultimately lead. We are mortgaging their future, and it is wrong. We need a strong country that will provide a foundation and framework in which those children can be prosperous. The line-item veto would help do just that.

Mr. President, others have argued that we are eroding the Constitution. I, however, would argue that the Constitution came into existence as a protest against the improper taxation of Americans without representation. If we do not control spending, we are taxing the next generation. If we have a balanced budget and if we move toward it with a line-item veto, we are acting in a way that is entirely consistent with the actions and the intent of the Framers.

This is the U.S. Senate. It is not a packing house. This debate is not about the Constitution, it is a debate about whether we are a packing house, or a place of public policy.

So, we must recognize the voice of the people in their call for change. We must provide the President an opportunity to knock out inappropriate spending without vetoing an entire bill. We must protect Social Security with financial integrity. We must protect our children by not mortgaging their future. We must protect the idea of the Constitution by not taxing the next generation without representation. We must eliminate pork. We must, in the end, serve all the people.

Thank you, Mr. President.

Mr. THOMAS. Mr. President, I now yield to the Senator from Ohio for 10 minutes.

The PRESIDING OFFICER (Mr. JEFFORDS). The Senator from Ohio.

Mr. DEWINE. Mr. President, I rise today to offer my strong support for the legislative line-item veto. The line-item veto will be a very effective tool in helping this country achieve a balanced budget.

Let us be clear, though, Mr. President. This is not some sort of magic potion that is going to solve all of our problems. We are going to be faced with very, very difficult choices that we as Members of the Senate and House will have to make in the upcoming months in regard to our budget. But while it is not a magic potion or magic wand, it is a reasonable, rational tool, a tool that will help us achieve this very important fiscal goal. This legislation will give the President the power most Governors already have, the power to cut wasteful spending items and special tax breaks out of the budget.

I believe, though, that this power which most Governors have today and which I hope the President will have after we pass this bill is valuable not because of what the Chief Executive actually vetoes. Rather, the true importance of the line-item veto lies in its value as a deterrent. I believe the passage of this bill will change the climate in which Congress operates just as it has affected the climate in which most of our State legislators operate.

Think of all the wasteful taxing and spending provisions that will never be included in legislation, never be included simply because Congress knows that the provision will not stand up to public scrutiny, will not stand up to scrutiny in the light of day.

This I believe is the real value of the line-item veto at the State level, and it would be equally valuable at the Federal level.

Talk to the Governors. My colleague from Missouri, who just sat down, was a Governor, and he outlined for us several days ago some of the provisions that he had to veto as a Governor and why he made those decisions and how he felt that was an effective tool. Governors I have talked to say the same thing.

When you really pin the Governors down, what they will tell you usually—it is what Governor Voinovich has told me—is that the value of the line-item veto is not so much in what they do veto but, rather, in the fact that the legislature does not put certain items in the bill because they know the Governor has that veto, and so that is really the true value, it is the value of the deterrent.

Frankly, I do not expect to see a huge number of vetoed items when we pass this legislation. We may, but I do not think so. The very existence of the line-item veto will prevent these items from ever being included in these bills in the first place.

Mr. President, I know there are some of our colleagues who are concerned that any form of a line-item veto would effectively transfer power from this body and from the House to the executive branch, to the President. I understand those concerns. But I think if we look at this from a historical point of view, what we will really find is that the passage of this legislation is merely restoring the balance of power to where it was many, many years ago.

As a practical matter, I believe passage of this bill will return us to the situation that originally existed in Congress when Presidents in the early days of this country were presented with simpler and shorter bills. I believe the Framers of the Constitution had that in mind when they wrote the Constitution, and when the original provision about the veto was put into law.

Over the last several decades, the Federal legislative process has really gotten out of hand. For too long the process has been distorted and perverted by the practice of enacting huge omnibus bills which the President is forced to accept or reject in their entirety. This historic change I believe has been for the worse.

Appropriations bills, tax bills, entitlement bills, the passage of these bills is followed, many times within a week or two, by a story in the paper outlining all the hidden projects, all the hidden provisions that somehow were put in a bill at the last moment, maybe in a conference committee. If these special projects or special tax breaks had to stand alone in the clear light of day, they simply would not withstand public scrutiny and, quite frankly, would never be included at all.

The line-item veto will help take us back to the original legislative process, an original legislative process in which we can count on the President to represent the national interest in deciding on the value of legislation. Today the President is hindered in this important constitutional duty. He must either accept or reject outright these huge taxing and spending bills that contain literally thousands of separate line items. Some of the line items, Mr. President, are necessary. Some are desirable but not necessary. Some are questionable, and some are downright indefensible. Congress regularly says to the President take it or leave it. If you think the national interest requires the passage of some of what is in the bill, you have to sign all of the bill.

By now we are all familiar with thousands of examples of Federal spending items, special tax breaks that would never have been approved if those responsible for them were truly held accountable to the American people. The line-item veto is tailor-made to solve this problem. Eleven former Presidents have endorsed it. Forty-three of our Nation's Governors have it, and it works. In 1992, the Cato Institute surveyed current and former Governors, and 92 percent of them believed that the line-item veto would help restrain Federal spending.

I think they are right. That is why I will be voting for the legislative line-item veto.

Mr. President, I thank the Chair and I yield back the remainder of my time.

Mr. THOMAS. Mr. President, I yield myself as much time as I may consume.

I think it is interesting and important that the newer Members of the Senate have come here today to talk about the line-item veto. They have talked about accountability, accountability in Government. Nothing can be more important than that.

They have talked about change, change based on issues, not change based on partisan political things.

They talked as well about responsibility of the President to take a look at these items as they are returned from Congress. They talked about the fact that families do this every day. Families have to set priorities. Families have to go through their budget and say here are some things that are less important than others, we cannot afford them all, and we have to line-item veto.

They have talked about business as usual, which I guess is a reasonable thing and predictable thing for new Members of the Senate to talk about because they have not been a part of business as usual. Indeed, they came here—having talked about these issues at home, having talked about them with the voters—with a dedication to change. They talked about items that appear in large budgets that are passed because they are in large budgets, that would not pass on their own merits, that would not even be considered if they were to stand alone.

So I think it is important that this point of view be stressed. I think it is important this group of Senators who come with a little different view of the world, perhaps, in terms of not having been here, express their views in these particular areas.

We have the Senator from Michigan, who will be here shortly.

This is one of the items that does speak to change, one of the items that we have been considering and we are hopeful there will be passage of this week. We are hopeful that some accommodation will be made.

Let me talk a little bit, however, about the broader context, it seems to me, that line-item veto fits into. We have talked about it for a week. I suspect we will talk about it for much of this week. It has been talked about last year. It has been talked about in previous years. It is not a new item, not a new issue. We have talked about the details. Maybe it is useful to talk a little bit about how it fits into a broader context, and to understand that it does have something to do with the overall role of Government, the overall size of Government, the overall impact of Government on people's lives.

There is a legitimate difference. There is a legitimate reason to have debates about the things that go on here. There are those who believe more Government is better; that the Government should be expanded; that there should be more spending; that the Government should have more programs. There is another point of view, the one that I share, the one that I think was the message of this November's election. That is the Federal Government is too big and that it costs too much and that it is overly intrusive into all aspects of our lives.

That is a legitimate debate. In fact, that is the core of much of the debate that goes on here, what you perceive to be the role of Government and what, indeed, then, goes with that. If you see more Government, then there are going to be more regulations. If you see more Government there are going to be more taxes, or more debt, or both. But, in fact, if you see the role of Government as one of a referee, one whose primary responsibility is defense, and ensuring fairness, ensuring opportunity, then you see the Government as somewhat smaller, as something less intrusive. And that is really the underlying debate in much of what we talk about, the role of Government—and, of course, who pays for it.

That has been true in the procedural issues that we have talked about, the issues that have to do with changing the process, with changing the structure of the way decisions are made. Frankly, if you expect to have a different result you are going to have to do something different. If you want to continue to do everything in the same way as you have in the past, then the expectation is the results are going to be the same. If we continue to use the same process there is no reason to expect that the debt or the deficit is going to be smaller.

We will be voting this summer on a new debt limit. That new debt limit will be $5 trillion or more—$5 trillion debt. Each of us as citizens shares in that debt. The interest payment on that debt will soon be the second largest item, line item in the Federal budget. This year I think it is somewhere in the neighborhood of $260 to $265 billion interest on the debt. So the procedural things we have talked about have to do with changing the results.

The balanced budget amendment is a procedural change, one that in my view needs to be made. Line-item veto, another of those—not to balance the budget, it will not balance the budget—but it changes the character of budget considerations; it changes how you look; it changes some of the responsibilities.

We have to change budgeting, change it so we start from a base that is the same as last year's spending, not a baseline that goes up. That is what has caused much of the discussion around the country, that everything is being cut. The fact is it is not being cut. There was a group in my office yesterday talking about an educational program, about the cuts. The fact is the cut is 25 percent of the increase. It is not a cut. But based on budgeting it seems to be a cut. So we continue to spend more with the sort of notion that we have had a cut, and indeed we have not had a cut at all, we have had an increase.

These are the kinds of changes that do need to be made. Line-item veto needs to be there because things are done differently. Someone the other day on the floor showed an early—150 years ago—bill on appropriations: On one page. On the other hand, we looked at one that is 2½ pounds now.

My favorite story, of course, is always the Lawrence Welk Museum that is in the highway bill. In the House we had no opportunity to talk about the Lawrence Welk Museum. We did not want to vote against the highway bill. The Lawrence Welk Museum would have never gotten any attention at all had it had to stand on its own merit, but it was there and line-item veto is what that is all about.

So we do have big bills. We have big deficits. And the fact of the matter is it is difficult. All of us have a certain parochial interest. That is the way it is. I represent Wyoming. The President represents Vermont. We all have a parochial interest, and should. So we are for things that are for our State. It is very difficult to be against somebody else's proposal, because you want their help. That is a fact of life. It is a fact of life. So we do need a line-item veto. And there are pork-barrel activities.

So, Mr. President, it begins to be increasingly important that we do take a look at these structural changes. The argument that we do not need to change things, we can just change them because they should be changed—the evidence does not support that. How many years has it been since we balanced the budget—25? Maybe five times in 50 years? So that does not work.

Now is the time to make that tough decision. And we have an opportunity here to do that. We have an opportunity to pass a bill that has had support in this Chamber, more than enough to pass it, and now is the time.

Mr. President, I now yield to the Senator from Arizona for as much time as he may consume.

Mr. KYL. Mr. President, I thank the Senator from Wyoming for yielding this time to me. I appreciate his work on trying to finally get this line-item veto passed.

Mr. President, I think most people agree that the top priority of the Federal Government today is to reduce the size of the budget deficit. Not to do so is to relegate all of us—especially our children—to a lower standard of living.

Balancing the Federal budget will not be easy. Some popular programs will have to be cut. Others will have to be eliminated as Congress finally begins to set priorities—to distinguish between needs and wants—just like families across America must do every day.

When a family runs short of money, it does not sacrifice food from the table or the roof overhead to go to the movies every weekend, to buy new furniture, or put a new stereo in the car. The choices that a family has to make are often far more difficult—whether to buy new clothes for the kids or supplies for school; whether to buy food or medicine; whether to fix the roof or repair the car. When resources are limited, the family eliminates the extras and then tries its best to meet its basic needs. Even that can be trying. The head of the household has to make tough choices that will not necessarily be very popular with the rest of the family, but that is what it takes to try to make sure the family can survive and prosper.

Like the family, the Federal Government cannot satisfy every want; it cannot even answer every need. With interest payments on the national debt eating up a substantial part of the Federal budget—about $300 billion this year alone—we are finding ourselves with less and less every year for many basic Government programs. Hurt most are those who are dependent upon Government services—the poor and the elderly—and our children and grandchildren whose future will be marked by a lower standard of living as they struggle to pay off the debts we are accumulating today.

The line-item veto is no panacea, but it is an important first step in gaining control over the budget.

Mr. President, this is the "1995 Congressional Pig Book Summary," a list of 88 projects that will cost taxpayers more than $1 billion. Compiled by the nonpartisan organization, Citizens Against Government Waste, it represents just a fraction of more than $10 billion in pork-barrel spending that the group identified in last year's appropriations bills. These are the kinds of projects that are likely to be the target of a line-item veto: Russian wheat aphid and swine research; highway demonstration projects; civilian sporting events funded out of the defense budget; and a program that has used funds in the past for a golf video and pony trekking centers in Ireland.

These are the kinds of projects that are typically hidden away in annual spending bills. They are enough to demonstrate legislators' ability to bring home the bacon and curry favor with special interest groups back home. But, they usually don't amount to enough to prompt the President to veto an entire bill bringing large parts of the Government to a standstill in the process. The result, as Citizens Against Government Waste put it, is that it all adds up to a raw deal for taxpayers.

The line-item veto is designed to bring accountability to the budget process. Instead of forcing the President to accept wasteful and unnecessary spending in order to protect important programs, it puts the onus on special interests and their congressional patrons. It subjects projects with narrow special interests to a more stringent standard than programs of national interest. After a Presidential veto, the special interests would have to win a two-thirds majority in each House.

That is the shift in the balance of power which the line-item veto represents. It is a shift in favor of taxpayers, and it is long overdue. If the government were running a surplus, the taxpayers might be willing to tolerate some extra projects. But the Government is running annual deficits in the range of $200 billion for as far as the eye can see. There is no extra money to go around. There is not even enough to fund more basic needs.

Mr. President, when you find yourself in a hole, the first rule of thumb is to stop digging. Our Presidents have indicated a willingness to use the line-item veto—begin climbing out of the hole we have dug for ourselves and future generations. Let us pass the line-item veto.

Mr. President, I want to conclude by complimenting my colleague from the State of Arizona, Senator JOHN MCCAIN. He has worked for about 10 years in opposition to pork-barrel spending on the floor of the Senate. He accumulated what he calls an enviable record of defeat. Frequently, his efforts to cut out pork are defeated by almost 2 to 1. But he keeps at it, and over the years he figures that, while he may not have won every vote, his efforts to bring to light some of these projects may at least have prevented some Members from inserting this pork in the appropriations bill in the first instance because of the fear that they might be embarrassed if their special-interest projects are brought to light.

That is what the line-item veto would do. It not only gives the President the ability to line out projects that have been inserted, but it provides a disincentive for Members to put those projects in the bill in the first instance because now, with the President being capable of lining them out and bringing them to public attention, Members know that they had better be able to defend everything that they ask to be inserted into these bills.

So it has a good effect on Members and their constituents, who come to them asking for special interest projects to say, "Maybe in the past, I would have been able to do this, and I would like to do it to be of help to you, but you know that if we do it, all of the world will know that the President could line it out, and then I would have to get two-thirds of my colleagues to override the veto. Do you really want that much public attention paid to this special project?"

So there is a deterrent effect, if you will, in the line-item veto. That is one of the things that JOHN MCCAIN has talked about when he has stumped for this proposal in the last 10 years. I think a great deal of credit goes to Senator COATS, Senator MCCAIN, and most recently, Senators STEVENS and DOMENICI, who had different points of view but got together with the supporters of this basic version of the line-item veto proposal to work out a compromise that is acceptable to virtually all.

The President is supportive of the line-item veto. All of the Republicans are ready to call an end to the debate at the appropriate time, and have a vote on the line-item veto. We certainly call on our colleagues from the other side of the aisle who support frugality in Government and understand we need to balance the budget and want to end pork-barrel spending to support us in this effort to vote for the line-item veto.

Mr. President, I see that my colleague from Tennessee, Senator FRIST, is here. I am sure he has some comments on the subject, as well. If the Senator from Wyoming is agreeable, I will yield at this time to the Senator from Tennessee.

Mr. THOMAS. Mr. President, let me first thank the Senator from Arizona and say that I have observed him in his work in the House. He has been a real supporter of change with the line-item veto and with the balanced budget amendment, and has been a leader in the House, and continues to be that.

I now yield for 4 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Thank you, Mr. President. I would like to commend Senator THOMAS and Senator SANTORUM for leading the charge of the 11 freshmen Senators in support of the line-item veto. It is important that the newest Members of this body continue to voice the message from Americans on November 8.

Mr. President, no single measure would do more to restore fiscal sanity to our budget process than the line-item veto. We, like our Republican colleagues in the House, must continue to push for reforms that will bring real change to the way business is done in Washington. There is no doubt in my mind that the press and defenders of the status quo will think of all kinds of reasons why the line-item veto is not a good idea. But the truth of the matter is, the President must be provided with precise tools to control Congress' insatiable appetite for spending the taxpayer's money.

Mr. President, I understand that in years past, Democrat opponents of the line-item veto charged that the Republican support of the concept was a partisan power grab. The thought was that the Republicans in Congress, then in the minority, wanted to transfer power to their Republican President. And now, a Democrat President supports the measure, but there is still staunch opposition.

Now the opponents claim that enactment of the line-item veto would be an unprecedented power shift. In fact, the President had the power to stop unnecessary spending, through a process called impoundment, until the Congress stripped the Presidency of this power in 1974. Granting a line-item veto is not unprecedented. Rather, supporters of the line-item veto want to restore the rightful budgetary powers of the President.

Opponents also claim that the line-item veto will not work. Well, Mr. President, that is just not true. Forty-three of our Nation's Governors have this power, and they have shown over and over again that they can and do save money with this tool.

Mr. President, again, I strongly support this measure, and I urge the Members of this body to join the 11 freshmen in our strong support for the Dole substitute.

Thank you, and I yield the floor.

Mr. THOMAS. Mr. President, thank you very much for the time for this group to express its support of this issue.

It seems to me that we have an opportunity to make some decisions here. We are here as trustees for the American people, as trustees who have a responsibility to be financially responsible, fiscally responsible, and morally responsible for spending. The easier thing to do is to continue as we have. Now is the chance, however, to change.

To borrow from Robert Frost who said, "Two roads diverged in the woods and I chose the one less traveled by, and that has made all the difference."

This may be the road less traveled by, but it will indeed make all the difference.

Thank you, Mr. President.

LEGISLATIVE LINE-ITEM VETO ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 4, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 4) to grant the power to the President to reduce budget authority.

The Senate resumed consideration of the bill.

Pending:

(1) Dole amendment No. 347, to provide for the separate enrollment for presentation to the President of each item of any appropriation bill and each item in any authorization bill or resolution providing direct spending or targeted tax benefits.

(2) Feingold amendment No. 356 (to Amendment No. 347), to amend the Congressional Budget and Impoundment Control Act of 1974 to limit consideration of non-emergency matters in emergency legislation.

(3) Feingold/Simon amendment No. 362 (to Amendment No. 347), to express the sense of the Senate regarding deficit reduction and tax cuts.

(4) Exon amendment No. 402 (to amendment No. 347), to provide a process to ensure that savings from rescission bills be used for deficit reduction.

The PRESIDING OFFICER. Under the previous order, the Senator from New Jersey, Mr. BRADLEY, is recognized to offer an amendment on tax expenditures, on which there shall be 45 minutes of debate, with 30 minutes for Senator BRADLEY and 15 minutes for Senator McCAIN, the Senator from Arizona.

AMENDMENT NO. 403 TO AMENDMENT NO. 347

(Purpose: To modify the definition of targeted tax benefit)

Mr. BRADLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. BRADLEY], for himself, Mr. WELLSTONE, Mr. ROBB, Mr. GLENN, and Mr. KOHL, proposes an amendment numbered 403 to amendment No. 347.

Mr. BRADLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, strike lines 13 through 20 and insert the following:

(5) the term "targeted tax benefit" means any provision which has the practical effect of providing a benefit in the form of a different treatment to a particular taxpayer or a limited class of taxpayers, whether or not such provision is limited by its terms to a particular taxpayer or a class of taxpayers but such term does not include any benefit provided to a class of taxpayers distinguished on the basis of general demographic conditions such as income, number of dependents, or marital status.

Mr. BRADLEY. Mr. President, I yield myself 10 minutes.

Mr. President, we begin this Congress with, I think, two obligations. The first is to change the way we do business, and the second is to cut Government spending. I think reform has been bottled up for years.

So, Mr. President, I believe now is the time to adopt a line-item veto and have the line-item veto applied both to tax expenditures and to appropriations. Two years ago, I introduced legislation that would give the President the authority to veto wasteful spending in both appropriations and tax bills. I reintroduced this line-item veto the very first day of this Congress, and its passage has been one of my highest legislative priorities. The separate enrollment approach that I adopted was modeled on the bill offered by Senator HOLLINGS and introduced several Congresses ago. I want to thank and commend Senator HOLLINGS for his leadership on that issue.

Therefore, I am pleased to see that our Republican colleagues have come to recognize the wisdom of the separate enrollment approach that Senator HOLLINGS and I have been championing for years. I also want to comment our colleagues across the aisle for taking steps to include tax expenditures in the line-item veto bill they introduced yesterday. The approach our Senate colleagues have taken toward tax expenditures is a significant improvement over the approach adopted by the House.

We need to be honest with the American public about the fact that for each example of unnecessary, pork-barrel spending through an appropriations bill, there are numerous, similar examples of such spending buried in tax bills. The Tax Code provides special exceptions from taxes that will total over $450 billion this year, more than double the entire Federal deficit and nearly one-quarter of total Federal spending. Because many of these Tax Code provisions single out narrow subclasses for benefit, the rest of us must pay more in taxes. How serious can we be about balancing the budget if we let billions in tax pork go virtually unchallenged each year?

Mr. President, I believe that our fellow Americans would be shocked if they knew some of the ways we spend money through the Tax Code. My favorite special-interest tax loophole is the roughly $100 million we will give away over the next 5 years to allow homeowners to rent their homes for up to 2 weeks without having to report any income. Word has it the provision was put in the Tax Code to benefit a rich homeowner who lived near the Masters Golf Tournament in Augusta, GA. The lucky man hit the jackpot every year by renting his house to tournament spectators for a small fortune, without having to declare any of this money as income.

Then there is the $12 million in tax subsidies that go to help producers offset the costs they incur to mine lead, asbestos, and uranium—deadly poisons we spend millions more to clean up. We also give away a cool $60 million a year to corporations that make electricity using plants and windmills. In addition, we generously allow U.S. citizens who work overseas to exclude $70,000 per year from their income taxes. Over the next 5 years, this loophole will cost the rest of us $8.6 billion.

As a member of the Finance Committee, I have seen an almost endless stream of requests for preferential treatment through the Tax Code. For example, the 1992 tax bill was littered with special exemptions. In that bill, we included a special accelerated depreciation schedule for rental tuxedos at a 5-year cost of $44 million to the rest of us. We also provided special accounting rules for the owners of cotton warehouses and created an special tax exemption for custom firearms manufacturers and importers. Over the years, I have been presented with hundreds of other requests, including exemptions from fuel excise taxes for crop-dusters and tax credits for clean-fuel vehicles.

There are obvious reasons why the American public knows so little about these loopholes. They are often written in complicated language and buried deep in the Tax Code. In addition, unlike appropriated spending, which is reviewed every year, once a tax loophole becomes law, it rarely sees the light of day. In fact, according to a recent GAO study, almost 85 percent of the 1993 tax expenditure losses were attributable to tax expenditures that were enacted before 1950, and almost 50 percent of these losses stem from tax expenditures enacted before 1920.

Reducing the deficit will require leadership, not gimmicks. In passing a line-item veto bill, we must demonstrate this same type of leadership. Sadly, I note that the line-item veto proposal passed by the House resorts to what I would describe as a mere gimmick. By defining "targeted tax benefits" to include only those loopholes that benefit "100 or fewer taxpayers," the House has forfeited an opportunity to address the impact that tax loopholes have on our Nation's continuing budget crisis.

Mr. President, obviously, there are plenty examples of the so-called rifle shot tax giveaways. In 1988, the Philadelphia Inquirer ran a series of articles which identified billions of dollars worth of tax loopholes in the 1986 and 1988 tax bills. As stated in that series, these loopholes included special provisions for some trucking companies but not others, for some insurance companies but not others, for some utilities but not others, for some universities but not others. Of course these special provisions should be subject to a potential veto. However, these rifle shots are not the only examples of wasteful spending through the Tax Code; there are plenty of other examples which benefit more than 100 taxpayers.

In fact, of all of the loopholes that I described earlier, not even one could be determined to benefit 100 or fewer taxpayers. The income exclusion for home rentals at the Masters Golf Tournament could benefit more than 100 taxpayers. The tax subsidies given to corporations that mine lead, asbestos, and uranium could benefit more than 100 taxpayers. The tax subsidies for electricity production from windmills and plants could benefit more than 100 taxpayers. And, the tax giveaways to citizens who work overseas benefit more than 100 people. Therefore, under the House version of this bill, none of these tax loopholes would be subject to a potential line-item veto if they were created today.

In addition to the fact that the House definition of a targeted tax benefit would allow billions of dollar in tax expenditures to go unchecked, that definition leads to a number of practical problems. Under the House version of the line-item veto, in order to veto pork in a tax bill, the President would first have to determine that the loophole would benefit 100 or fewer taxpayers. No one knows how the President would make such a determination. As far as I am aware, no Federal agency keeps track of how many taxpayers benefit from individual tax expenditures. Although this may seem surprising, it is understandable given that many tax expenditures consist of exclusions from income, rather than simple deductions. As a result, information on the number of beneficiaries is not readily available. In fact, of the 25 largest tax expenditures, 14 provide exclusions from income rather than deductions. Although these are large and well known examples, there are other examples of income exclusions for which the information would not be readily available. Therefore, there is no easy way to determine how many taxpayers would benefit from a proposed tax expenditure. In addition, what would happen if the President vetoed a tax loophole only to find out later that he did not have such authority because the provision would have benefited more than 100 taxpayers?

Even if one could determine how many taxpayers would benefit from a particular loophole, it would be easy enough for any of the big dollar lobbyists that prowl the Halls of Congress to rework the loophole to make it vetoproof. Clearly, if lobbyists are sophisticated enough to insert a loophole into a tax bill in the first place, they will be more than sophisticated enough to ensure that the language is sufficiently broad that it escape a possible veto. Therefore, the "100 or fewer" definition will create a perverse incentive to make bigger and even more expensive loopholes just to avoid the veto.

I am pleased to note that the version of line-item veto offered in the Senate does not resort to the same gimmicks that the House used. The language in the line-item veto before us today would make subject to a potential Presidential veto all new and expanded tax expenditures which both lose revenue during the any period of the budget window and have "the practical effect of providing more favorable tax treatment to a particular taxpayer or limited group of taxpayers when compared to other similarly situated taxpayers."

Yesterday, Senator DOMENICI stated that this language would subject to a potential veto all tax expenditures which particular companies, businesses, or taxpayers relative to other taxpayers. I agree that this provision would allow the President to veto new tax subsidies for individual companies and industries such as the ethanol industry, small oil and gas producers, dairy farmers, owners of cotton warehouses, and the like. However, I am concerned that the version offered by our Republican colleagues may lead to confusion and gaming. Although I believe that the language offered as part of the Republican substitute to S. 4 is very broad, a few of our colleagues have indicated that it might be narrower than the language itself would suggest. In my mind, the term "when compared to other similarly situated taxpayers" simply makes explicit a comparison that was implicit in similar language in S. 14.

Therefore, in order to clear up any confusion and to ensure that all new tax loopholes are subject to the same scrutiny as other types of spending, I have sent to the desk an amendment that would authorize the President to veto wasteful spending in future tax bills.

Mr. President, the language in the amendment that I have offered is not new, nor should it be particularly controversial. This language uses the exact same definition of "targeted tax break" as was included in S. 14, introduced by Senator DOMENICI and originally cosponsor by Senators EXON, CRAIG, COHEN, DOLE, and me. Furthermore, the amendment I have introduced uses the exact same language that our Republican colleagues promised the Nation they would use when they introduced their Contract With America. The language in this amendment, which was introduced in the House by then-Minority Leader Michel, simply states that the President may veto those tax loopholes which have "the practical effect of providing a benefit in the form of a different treatment to a particular taxpayer or a limited class of taxpayers, whether or not such provision is limited by its terms to a particular taxpayer or a class of taxpayers. Such term does not include any benefit provided to a class of taxpayers distinguished on the basis of general demographic conditions such as income, number of dependents, or marital status."

By its very terms, this language does not cover those types of tax provisions that provide general benefits. It would not subject a reduction in tax rates to a veto. Obviously, that would be a benefit for all Americans. Similarly, it would not subject an expansion in the standard deduction or the elimination of the marriage penalty to a veto. At the same time, the amendment that I have offered would not effect any of the provisions currently in the Tax Code. My amendment would not allow the President to touch such provisions as the home mortgage interest deduction, the deduction for State and local taxes, or the deduction for charitable contributions. Instead, this amendment would only effect new or expanded tax provisions.

Mr. President, I request unanimous consent to insert into the RECORD copies of two letters, one from Dr. Rivlin at OMB and the other from Dr. Reischauer at CBO, interpreting the language that I have introduced. As our colleagues will note, these letters make clear that the amendment that I have offered simply places spending through the Tax Code on par with other types of spending. Adoption of my amendment will prevent additional loopholes from creeping into the Tax Code at the same time we are cutting assistance for the poorest and neediest in our society.

My amendment would also reduce the danger of gaming the revenue estimating process to avoid a potential veto. Under the current version of the line-item veto, a tax loophole cannot be vetoed unless it is scored as losing money during any part of relevant budget window. However, as we have seen with some proposals such as the backloaded IRA's and neutral cost recovery provision in the House's tax package, by slowly phasing in tax expenditures, they can be estimated to raise revenue during the first 5 years even though they lose billions of dollars over the 10-year budget period. My amendment would eliminate this gaming process.

If the President had the power to excise special interest spending, but only in appropriations bills, we would simply find the special interest lobbyists who work appropriations turning themselves into tax lobbyists, pushing for the same spending in the Tax Code. Spending is spending whether it comes in the form of a Government check, or in the form of a special exception from the tax rates that apply to everyone else. Tax spending does not, as some pretend, simply allow people to keep more of what they have earned. It gives them a special exception from the rules that oblige everyone to share in the responsibility of our national defense and protecting the young, the aged, and the infirm. The only way to let everyone keep more of what they have earned is to minimize these tax expenditures along with appropriated spending and the burden of the national debt so that we can bring down tax rates fairly, for everyone.

Therefore, Mr. President, I encourage all of our colleagues to pass a line-item veto bill that includes both appropriations and real tax expenditures. In their so-called Contract With America, the Republicans promised that they would subject wasteful spending to a potential line-item veto whether this spending occurred in an appropriations or tax bill. I believe that the definition that the Republicans promised in their contract, the same definition that was included in S. 14 when it was introduced in this Chamber, is an appropriate way to prevent new wasteful spending projects from creeping into the Tax Code.

Mr. President, the line-item veto is not in itself deficit reduction. But if the President is willing to use it, it is the appropriate tool to cut a certain kind of wasteful spending—the pork-barrel projects that tend to crop up in appropriations and tax bills. Although this type of spending is only one of the types of spending that drive up the deficit, until we control these expenditures for the few, we cannot asked for the shared sacrifice from the many that will be necessary to significantly reduce the deficit.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BRADLEY. Mr. President, how much time remains on the side of the proponents?

The PRESIDING OFFICER. The Senator has 20 minutes 15 seconds.

Mr. BRADLEY. I yield 8 minutes to the distinguished Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

TAX LOOPHOLES SHOULD BE COVERED BY LINE-ITEM VETO

Mr. WELLSTONE. Mr. President, I rise as an original cosponsor of this amendment to subject a host of special interest tax breaks and loopholes to the President's expedited rescission, or line-item veto authority provided for in this bill. This amendment would give the President the same authority to rescind new special interest tax breaks that he would have under the bill to cancel new direct spending. The logic of the amendment is simple, and straightforward: We should treat tax breaks just as we treat direct spending in the Federal budget.

In all of our debates on budget priorities, there has been too little discussion about a particular kind of spending that enjoys a special status within the Federal budget: tax breaks for special classes or categories of taxpayers. Many of the benefits from these breaks and loopholes go to corporate or other wealthy interests in our society. If we are going to give the President line-item veto authority over direct spending programs, then we should give him the same power to veto special interest tax breaks and tax loopholes. That is what this amendment would do; it would cover all new tax breaks, hold them up to scrutiny, and subject them to potential rescission, or cancellation.

This is not the first time in this session of Congress that I have raised the issue of closing special interest tax loopholes as a part of our deficit reduction efforts. A couple of weeks ago my colleague from Wisconsin, Senator FEINGOLD, Senator BRADLEY, and I offered a sense-of-the-Senate resolution as an amendment to the proposed balanced budget amendment which said that tax expenditures "should be subjected to the same level of scrutiny in the budget as direct spending programs" in our efforts to balance the budget. That proposal received 40 votes from my colleagues on our side of the aisle. We have argued for months, and will continue to argue, that savings from restricting special interest tax breaks must be a key part of our efforts to further reduce the deficit.

Let me make a simple point here that is often overlooked. We can spend money just as easily through the Tax Code, through what are called "tax expenditures," as we can through the normal appropriations process. Spending is spending, whether it comes in the form of a government check or in the form of a tax break for some special purpose, like a subsidy, a credit, a deduction, or accelerated depreciation for this type of investment or that. Some tax expenditures are justified, and should be retained. But some are special interest tax breaks that should be eliminated, or loopholes that should be plugged.

These special tax breaks allow some taxpayers to escape paying their fair share, and thus make everyone else pay higher taxes. They are simply special exceptions to the normal rules, rules that oblige all of us to share the burdens of citizenship by paying our taxes. They also limit State revenues because many State income taxes are tied to the Federal tax rules. It seems only fair that if the President can use the line-item veto authority to cut special-interest spending programs, then he should also be able to cut special-interest tax breaks which will cost the Treasury billions of dollars in lost revenues.

Special-interest tax breaks are simply a subcategory of the larger group of tax provisions called tax expenditures. The Congressional Joint Tax Committee has estimated that tax expenditures cost the U.S. Treasury over $420 billion every single year. And they also estimate that if we do not hold them in check, that amount will grow by $60 billion to over $485 billion by 1999. That is why tax breaks must be on the table along with other spending as we look for places to cut the deficit.

Now, not all tax expenditures are bad. Not all should be eliminated. Some serve a real public purpose, such as providing incentives to investment, bolstering the nonprofit sector, encouraging charitable contributions, and helping people to be able to afford to buy a home. But some of them are simply tax dodges that can no longer be justified. At the very least, all of these should undergo the same scrutiny as other Federal spending. If we are going to allow the President to line-item veto specific spending programs, then we should also allow him to veto specific tax breaks that subsidize a targeted class of taxpayers.

The particular language of this amendment has a long history, and has often been supported in the past by Members on the other side of the aisle. This language is taken directly from the so-called Contract With America about which we have heard so much recently. On pages 32–33 of the commercially available version of the contract, when discussing the line-item veto, it says, "Under this procedure, the President could strike any appropriation or targeted tax provision in any bill." Thus we are offering an amendment first outlined in the provisions in the Contract With America.

In addition to being part of the contract, a similar amendment was offered on the House floor by Representative Michel, the former House minority leader, to a previous version of the line-item veto legislation. Gaining bipartisan support, this amendment was adopted in 1993 in the House during consideration of a version of the line-item veto bill. The language of this amendment also appeared in the original version of Senator DOMENICI's expedited rescission bill which he introduced in January of this year. Therefore this language simply fulfills a promise made by many of those on the other side of the aisle, including those who wrote the Contract With America.

Although there are many things in that Republican so-called Contract With America which I oppose, I agree completely with the contract when it says that we should give the President the power to veto all new special tax breaks and loopholes, and not just those new tax breaks that affect fewer than 100 taxpayers, as included in the bill the committee reported. Tax attorneys will have a field day if we adopt that arbitrary 100 taxpayers limit on the President's authority to line-item veto tax expenditures. This is a sham, which some have estimated would cover only a tiny percentage of all tax breaks currently in the Code if it had been in law when they were established.

How would we decide which special tax breaks will benefit fewer than 100 taxpayers? Even if a specific provision is intended to benefit only a small group of people or corporations, crafty tax attorneys will always find ways to expand the group of intended beneficiaries. In addition, as I understand the situation, no Federal agency currently keeps track of how many taxpayers benefit from individual tax expenditures. This is perfectly understandable, because many tax expenditures are exclusions from income, rather than deductions which must be reported to the IRS. How do we calculate how many people exclude income from taxation, when of course those taxpayers do not even report this excluded income? Thus the arbitrary 100 taxpayers limit is absurdly narrow.

But the language of the Dole substitute is even more unclear on tax expenditures than the 100 taxpayer language used by the committee. The backers of the Dole substitute claim that their bill would allow the President to veto special interest tax breaks and loopholes. But the language of the Dole substitute uses a very confusing and vague definition of "targeted tax benefits" subject to the President's line-item veto. The substitute defines "targeted tax benefits" as those provisions which are estimated as "losing revenue within the periods specified in the most recently adopted concurrent resolution on the budget" and which have "the practical effect of providing more favorable tax treatment to a particular taxpayer or limited group of taxpayers when compared with other similarly situated taxpayers."

What does this definition mean? What does a similarly situated taxpayer mean in this context? Should we bring in high-priced tax attorneys to help us understand the effects of this language? Under this definition, could Congress give special tax breaks to a specific industry such as the oil and gas industry, and shield these tax giveaways from the President's line-item veto because all companies within the favored industry would be allowed to claim the same special interest tax break? Under current law, U.S. citizens working overseas can exclude $70,000 per year from their U.S. income taxes. If Congress were to foolishly increase this exclusion to $80,000 per year, would that change be subject to the President's line-item veto authority under the substitute? Of if Congress were to give new special tax breaks to American companies operating overseas, such as we already do under current law, would that change be covered by the language in the substitute? How would this language affect companies doing business in Puerto Rico, who enjoy special tax breaks under current law? The existing Tax Code is riddled with numerous special tax give-aways to an entire industry. Would the President be allowed to line-item veto new special interest tax loopholes for any given powerful industry under this language? We need to clarify this confusing provision in the Dole substitute, because on its face it only applies to a very limited number of these tax breaks.

If the President is to be given the power to veto spending provisions, then he should also be given the power to veto certain especially egregious special interest tax breaks, especially those which favor an entire protected industry such as the oil and gas industry. The writers of the Republican Contract With America understood this point, even if the majority party in the other body voted to abandon this section of the contract. We should restore the original contract language, as our amendment would do.

By giving the President the power to line-item veto any new tax expenditure provisions, we could save billions of dollars. For example, do we really need special tax breaks for Mount Rushmore coins, or tax rules that allow people to rent out their homes for 2 weeks each year without paying tax on that income? Both of these tax breaks have been proposed in the past, and the latter actually became law. A line-item veto which at least covers new tax breaks might prevent measures like these from slipping into the Tax Code in the future, where they could go unexamined for years or even for decades.

Our amendment is the latest in a series of legislative initiatives designed to call attention to this problem and to prompt Congress to reexamine tax loopholes. There are many existing special loopholes buried in the current Tax Code which need to be reconsidered. While this measure only subjects new tax breaks to Presidential veto authority, many of us will certainly want to revisit specific tax loopholes that are already in the Tax Code during the reconciliation process. But for now, our amendment provides for a mechanism to cover all new tax breaks in the same way that it covers only new spending. I think we ought to signal today that the standard of fairness we will be applying will include closer scrutiny of these tax breaks.

It is only fair, since these special tax breaks for certain companies and industries force other companies and individuals to pay higher taxes to make up the difference. Some of these tax breaks allow privileged industries such as the oil and gas industry to avoid paying their fair share of taxes. All distort, to one degree or another, economic investment decisions, usually in favor of companies with the highest paid lobbyists in Washington. In many cases, doing away with these special tax breaks for certain industries would allow a more efficient allocation of economic resources.

I think it is a simple question of fairness. If Congress is really going to make the $1.48 trillion in spending cuts and other policy changes that would have to be made to balance the Federal budget by 2002, then those on the other side of the aisle should make sure that wealthy interests in our society, those who have political clout, those who can hire high-priced lobbyists to make their case every day here in Washington, are asked to sacrifice at least as much as regular middle-class folks whom you and I represent. We should represent those who receive Social Security or Medicare or Veterans' benefits, and not just those special interests who can afford to pay high-priced hired guns to lobby for them.

I am amazed to learn that many in the majority party in the other body are proposing expanding corporate welfare tax loopholes at the very same time that they are slashing Government spending on programs for the poor, for children, for education, and for the most vulnerable in our society. They have proposed tax cuts for the wealthy which, according to the Treasury Department, total over $700 billion, and at the same time they refuse to subject a broad range of new tax breaks to potential cancellation by the President. And these are the ones who call themselves deficit hawks.

By refusing to extend the line-item veto authority given to the President under this bill to industry-wide tax breaks and loopholes, members of the majority party are trying to protect their wealthy and well-connected friends. And they are doing so at the expense of principles that they often espouse: economic efficiency and market-based allocations of capital. As I have observed, often these special tax loopholes and tax breaks distort economic decision-making, causing corporations and individuals to shift their resources in order to take advantage of these loopholes.

I think now is the time to put a stop to further massive spending on special interest tax loopholes. We should allow the President to be able to line-item veto these costly special interest tax breaks. A basic standard of fairness requires that we examine special interest tax breaks along with the one-third of all Federal spending which is currently covered by the legislation before us.

Some will charge that by closing tax loopholes and restricting special interest tax breaks we are somehow proposing to raise taxes. But the opponents of covering these tax breaks in the line-item veto legislation need to understand that the current system forces middle class and working people to pay more in taxes than they otherwise would have to pay. While some are paying less than their fair share in taxes because of these special tax subsidies, others are being forced to pay more in taxes to make up the difference. Closing tax loopholes is not raising taxes. Allowing these tax breaks to continue forever without close scrutiny is part of the reason why taxes on the regular middle class taxpayer are higher than they otherwise would be. Of course, these subsidies are hidden in the Tax Code because it would be too hard to get the votes in Congress, in the full light of day, to directly subsidize these industries—especially under current budget constraints.

It is a simple matter of fairness. In our attempts to reduce the Federal deficit, all sectors of our society must make some sacrifices. Specific industries and the wealthy are the ones who often benefit most from the special interest tax breaks and loopholes. If we do not treat tax expenditures the same as direct spending provisions, the wealthy will avoid making any sacrifices as we cut spending programs for the middle class and the poor. Just because some special interest has the means to hire a high-priced tax lobbyist to get a special tax break written into legislation does not give them the right to avoid sharing in whatever sacrifices are necessary to reduce the budget deficit.

The General Accounting Office issued a report last year, and have issued several others on tax expenditures. It was titled, "Tax Policy: Tax Expenditures Deserve More Scrutiny." I commend it to my colleagues' attention. It makes a compelling case for subjecting these tax expenditures to greater congressional and administration scrutiny, just as direct spending is scrutinized. The GAO report reminds us that spending through special provisions in the Tax Code should be treated in the same way as other spending provisions.

The GAO noted that most of these tax expenditures currently in the Tax Code are not subject to any annual reauthorization or other kind of systematic periodic review. They observed that many of these special tax breaks were enacted in response to economic conditions that no longer exist. In fact, they found that of the 124 tax expenditures identified by the Budget Committee in 1993, about half were enacted before 1950. Now that does not automatically call them into question. It just illustrates the problem that once enacted, special tax breaks are not looked at in any systematic way. Many of these industry-specific breaks get embedded in the Tax Code, and are not looked at again for years. Giving the President the authority to cancel special interest tax breaks would prevent egregious ones from creeping into the Tax Code in the first place.

This amendment simply says that new tax expenditures should be treated the same as new spending programs for purposes of the line-item veto. It might prompt us to rethink some of our spending priorities. When we begin to weigh, for example, scaling back the special treatment for percentage depletion allowances for the oil and gas industry against cutting food and nutrition programs for hungry children, we may come out with quite different answers than we have in the past about whether we can still afford to subsidize this industry through the Tax Code. CBO estimates that eliminating this tax break would save $4.9 billion in Federal revenues over 5 years.

We must allow the President to veto new special interest tax expenditures, despite the vague and confusing language in the Dole substitute. It looks to me like those who oppose our amendment are saying that they will not ask for much, if any, sacrifice from wealthy corporate and other special interests in our society who have enjoyed certain tax breaks, benefits, preferences, deductions, and credits that most regular middle-class taxpayers do not enjoy.

The Republican contract promised to give the President the authority to line-item veto all these special tax breaks, but that language was deleted by the Senate Budget Committee. That language has also been deleted from the Dole substitute. I think we need to restore the original language of the expedited rescission bill.

At a time when we are talking about potentially huge spending cuts in meat inspections designed to insure against outbreaks of disease; or in higher education aid for middle class families; or in protection for our air, our lakes, and our land; or in highways; or in community development programs for States and localities; or in sewer and water projects for our big cities; or in safety net programs for vulnerable children; or to eliminate the School Lunch Program, we should be willing to weigh these cuts against special tax loopholes that could cost hundreds of billions each year.

Mr. President, I urge my colleagues to support the amendment, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BRADLEY. Mr. President, how much time remains on the side of the proponents?

The PRESIDING OFFICER. The Senator has 12 minutes and 26 seconds.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I ask unanimous consent to go off the amendment for approximately 5 minutes to engage in a colloquy with the Senator from Nebraska about the bill.

Mr. BRADLEY. Mr. President, reserving the right to object, the subject matter is unrelated to the pending amendment?

Mr. McCAIN. Unrelated to the pending amendment.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I would like to yield to my colleague from Arizona. We have had some very brief preliminary discussion to try to expedite and move things along just a little bit.

I propose to him that in order to move things along, I will be a cosponsor of the Bradley amendment. If the Bradley amendment is successful, then there is a backup amendment that I would like to withdraw, but I would like to have it pending in case the Bradley amendment should not prevail.

My amendment simply says—and I will debate it briefly if I may have 5 minutes—basically that if the Bradley amendment fails, I would like to have a backup provision that simply says we should take a look at not just a 5-year but a 10 year-period with regard to what effect any kind of taxation would have on the overall budget proposition. There may be some pros and cons on that. It might be acceptable.

I would simply like to suggest at this time that after we finish debate under the allotted time under the Bradley amendment, if I may have 5 minutes and my colleague maybe 5 minutes, we could make an agreement that we would have a vote on my backup amendment that would be withdrawn if the Bradley amendment prevails.

Mr. McCAIN. Mr. President, I would also like to find out if your amendment would be acceptable by both sides, to prevent a——

Mr. EXON. Mr. President, I will not insist on a rollcall vote. If that is possible, we could maybe voice vote.

Mr. McCAIN. I would like to take the remaining minute or 2 to discuss the parliamentary situation as it exists with my friend from Nebraska.

The PRESIDING OFFICER. Is the Senator reserving his right to object?

Mr. McCAIN. No, Mr. President. I am now on the 5-minute request to discuss the parliamentary situation, not related to the pending amendment.

It is my understanding from my conversations with my colleague from Nebraska that we are in the process of reducing the number of amendments and getting time agreements on those so that we could probably be able to—hopefully, within an hour or 2, or 2 or 3 hours—get some kind of final agreement so that a cloture vote would not be necessary.

Under those circumstances, I urge all of our colleagues to consider their amendments, consider how much time they would require, and hopefully we could move forward so that we do not have to go through a cloture vote and reach cloture on this bill.

Finally, Mr. President, I would like to avoid the cloture vote, along with my friend from Nebraska. I think we are now reaching a point where we could get time agreements and perhaps even a time certain for passage.

Mr. EXON. Mr. President, if I may for a moment, I thank my friend from Arizona.

I simply use this opportunity to appeal to all Senators on both sides of the aisle to please come to the floor at this time, or sometime within the next hour, to consult with us. It is important, if we are going to expedite matters as I would like to do, and hopefully not have a cloture vote unless that becomes necessary—but I suspect we are going to have to go through the cloture vote unless we can come to some reasonable agreement on the number of amendments—how serious the Senators are in offering them.

I place an appeal at this time to Members on both sides of the aisle who have amendments to please consult with the managers now so that maybe we can have a sense and eliminate some of the amendments that are duplicates, or duplicates to some degree, and maybe have an agreement by 2 o'clock this afternoon that would set a course of as definitive action as is possible with the conflicting debate that still might take place on some of these amendments.

Mr. MCCAIN. Mr. President, I ask to be recognized for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, it is not clear yet—a pending vote on a Feingold amendment; a possible pending vote on a Feingold amendment, that is possible; along with a pending vote at the expiration on the previously agreed to time on the Bradley amendment. It is not clear to me yet when those votes will take place.

There is, I understand, a signing ceremony down at the White House on the unfunded mandates bill sometime later this morning. I hope within the next minutes we will get some indication as to when the votes, both on the Feingold amendments and the Bradley amendment, will take place.

Now, Mr. President, I ask unanimous consent to return to the pending amendment, which is the Bradley amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 403 TO AMENDMENT NO. 347

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, first of all, I would like to say to my friend from New Jersey, I know of no one who is more aware, more knowledgeable, and more articulate on tax issues—along with many others, but especially tax issues—than the Senator from New Jersey. We know of his exemplary record, including the key role he played in the last major tax bill passed by Congress in the 1986 tax reform bill.

It is with some trepidation that I oppose this amendment of the Senator from New Jersey. I certainly understand the target and the aim and intent of this amendment. I believe that the amendment sets a different standard for a targeted tax benefit for purposes that are contained in the Dole substitute.

His definition of the targeted tax benefit in this amendment is broader. The amendment defines a targeted tax benefit, I quote from the amendment, as any provision that applies different tax treatment to a limited class of taxpayers. The amendment does exempt from the taxpayers in a limited class, defined by general demographic conditions such as income, number of dependents, or marital status.

By the terms of the amendment as we understand it, it pulls into the definition of targeted tax benefit, any tax benefit that goes to any other limited class of taxpayers, such as retirees, Americans with physical disabilities such as blindness, survivors of a deceased parent or spouse, disabled veterans, foster parents, farmers, fishermen, students, and homeowners.

A few examples, Mr. President, of potential tax benefits that would be a targeted tax benefit under this amendment and subject to the line-item veto would be, for example: President Clinton's 1996 budget proposal to create a special tax deduction for college education expenses, the reason being, where it would fall under the Bradley amendment, is that students or their parents who pay for college expenses are a limited class of taxpayers.

Proposals in most of the major health care reform bills proposed last year to clarify the tax treatment of long-term care insurance would fall under this amendment because taxpayers who choose to purchase long-term care insurance are a limited class of taxpayers.

The proposal in the Contract With America to increase the amount of money a small business can deduct, expenses for equipment purchases from $17,000 up to $35,000 per year, because the contract proposal is limited to small businesses, which are also a limited class of taxpayers.

The proposal to extend the 25-percent deduction for health insurance costs paid by self-employed persons, and the reason for this is that this proposal is limited to self-employed taxpayers, who are also a limited class of taxpayers.

The distinguished Democratic leader, Senator DASCHLE, has a bill that provides tax relief for farmers who have suffered from the 1993 Midwest floods. This proposal is limited to farmers, a limited class of taxpayers.

Unlike the pending amendment, the Dole substitute definition of a targeted tax benefit looks to a limited group of taxpayers, and whether within the limited group, one taxpayer or group of taxpayers is treated more favorably than other similarly situated taxpayers.

Under the Dole substitute, none of the examples mentioned would be a targeted tax benefit, and under the Dole substitute none of the examples mentioned would be subject to the line-item veto.

Mr. President, under the previous unanimous consent agreement, at the expiration of the time, I will be making a motion to table as was provided for in the unanimous-consent agreement.

Mr. President, I reserve the balance of my time.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Mr. President, I will use my leader time to speak on this amendment and allow Senator Bradley to use the remaining minutes of his time for his own purposes.

Mr. President, the amendment that is now pending is one that virtually every Member of the Senate ought to be able to support.

Senator BRADLEY's amendment on tax breaks is identical—it is identical—to that contained in the Domenici-Exon bill. It is the very same language that has been cosponsored by many people on both sides of the aisle, including both leaders at this point. Its intent is to make clear what we all say we want: To give the President a strong bill.

We want to allow the President to weed out special interest breaks, whether they are buried in an appropriations bill or buried in a tax bill. We have said that our view of a strong bill is a bill that broadens the scope, that gives the President the greatest opportunity for review of legislative issues, of questions that may arise as he considers the viability of any piece of legislation, giving the President the opportunity, whether it is in taxes or appropriations, is our definition of strength.

Senator BRADLEY's amendment puts tax breaks on an equal footing with wasteful spending. It allows the President to select out and veto provisions that might favor one group over another at the expense of the American taxpayer.

So, Mr. President, it is a bill that certainly Senator DOMENICI, and many of us who cosponsored his legislation, feel is important, and I am very pleased that we have, again, an opportunity to support what we all have indicated we want, and that is a bill that is, indeed, as strong as it can be.

I am gratified that our Republican colleagues agree with Democrats that tax breaks should be on the table and open to review. The current language in the Dole substitute is very broad. Under any reasonable commonsense interpretation of this language, tax breaks are on the table, and that is as it should be.

I am supporting Senator BRADLEY's effort in order to remove any ambiguity in interpretation. I think Senators DOMENICI and EXON had it exactly right the first time, and I hope they will return to their roots and support this amendment when we have the vote later on today.

Senator BRADLEY's amendment is also important because it has another crucial component. It eliminates the incentive that exists under the Dole substitute to shift tax breaks out of the budget window and escape Presidential scrutiny. For example, the House has a provision in the Contract With America called neutral cost recovery. Although this tax provision loses billions of dollars and is a huge drain on the Treasury, it would not come under the President's scrutiny. That is because it does not lose money until after the 5-year budget window.

Instead of inviting budget games, we should allow any tax break that loses money to be subject to Presidential review, and Senator BRADLEY's amendment does that. That is a gimmick. We want to avoid gimmicks. We truly want truth in budgeting. We want the President to have an opportunity to review all budgetary implications, provisions that may be in the law, and that is really what this amendment does.

This amendment would ensure that the President looks beyond 5 years and not be constrained simply to examine a piece of legislation only because it has a 5-year budget estimation. There is widespread agreement in the Senate about the need of Presidential review of wasteful spending. This amendment puts wasteful tax breaks on the table, and I certainly urge my colleagues to support it.

With that, I yield the floor.

Mr. BRADLEY. Mr. President, how much time remains on each respective side?

The PRESIDING OFFICER (Mr. FAIRCLOTH). Twelve minutes 46 seconds for the Senator from New Jersey, and 11 minutes for the Senator from Arizona.

Mr. BRADLEY. I yield 2 minutes to the distinguished Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I thank my colleague for yielding. I think this is an extremely important amendment. Frankly, this line-item veto is not in ideal shape, from my perspective. But what happens when we have a one-time appropriation is we have a one-time wound. If we vote $500,000 to save BILL BRADLEY's birthplace—and I know BILL BRADLEY would oppose such an appropriation—that is a one-time appropriation. But when we put in these little tax favors for people, these little things that provide tax breaks, that is a wound that bleeds year after year after year. I think it is extremely important that we adopt this amendment.

I would like to see a line-item veto that also would give the President, frankly, the authority to reduce appropriations. Apparently, we cannot do that under the present Constitution. I wish we could. I prefer that. But I think if we are going to deal with appropriations in a line-item veto, we also have to deal with tax expenditures in a meaningful way.

The Dole amendment deals with it but in a very narrow sense. This is even more narrowly crafted than I would like to see, but it at least gives us the ability to stop a running wound, and we have created too many running wounds.

Mr. President, I am pleased to support the Bradley amendment.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Jersey.

Mr. BRADLEY. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BRADLEY. Mr. President, again, I would like to, if I can, having listened to some of the comments, try to take a few minutes to clarify what I believe the language means.

Before any tax loophole would be subject to a line-item veto, under the language of the pending bill, it would have to meet two criteria: First, the loophole would have to be estimated by the Joint Tax Committee to lose revenue within the period specified in the most recently adopted concurrent resolution on the budget.

Now, Mr. President, although this provision is subject to budgetary gimmicks, I believe it is clear. It says that if a tax expenditure loses money in the next 5 years, it would be included. What my amendment seeks to do is to broaden this to a 10-year period; to say that you cannot put a tax expenditure in the code and make it effective in year 6, 7, and 8. You cannot put a tax expenditure in the code claiming that it will raise revenue, as some inevitably will in the first couple of years, when in fact it will lose enormous amounts of revenue in the second 5 years.

So I am concerned—and seek to rectify with this amendment—that the budget window here creates a possibility for gaming.

For each tax bill, we receive estimates from the Joint Tax Committee, the detailed revenue gains and losses for each fiscal year covered by the current budget resolution. If a given tax loophole was estimated to lose revenue during any of these years, it would meet this first part of the definition. If it loses revenue in the first 5 years under the bill, it would be included as an item that could be vetoed.

The second criterion is, the loophole would have to have "the practical effect of providing more favorable tax treatment to a particular taxpayer or limited group of taxpayers when compared with other similarly situated taxpayers."

While the first part of this part of the test is fairly clear, I think some Members of the Senate have questioned what the phrase "when compared with other similarly situated taxpayers" means. My view is that this language makes explicit what was implicit in the earlier versions of this phrase. All tax expenditures are judged relative to a given baseline that applies to all other taxpayers, and this language simply makes this comparison clear.

So, for example, if tomorrow we pass the $10,000 tax credit for all Members of Congress, that loophole would be subject to a Presidential veto.

First, because it would lose revenue in the next 5-year period. And, second, the loophole would provide a limited group of taxpayers; that is, Members of the Congress, more favorable tax treatment; that is, the $10,000 tax credit, when compared to other similarly situated taxpayers; that is, all taxpayers that are not Members of Congress.

As a real example, a few years ago Congress approved a loophole that provided that:

> Neither the United States nor the Virgin Islands shall impose an income tax on non-Virgin Islands source income derived by one or more corporations which were formed in Delaware on or about March 6, 1981, and which have owned one or more office buildings in St. Thomas, United States Virgin Islands.

There it is: a tax expenditure. Word has it that this loophole was designed to benefit a single, well-connected, millionaire and his Virgin Islands company. That was his loophole.

Again, this loophole under the bill before us would be subject to a potential line-item veto. First, it would lose revenue in the next 5 years. Second, the loophole would provide a particular taxpayer—that is, the single Virgin Islands company—with more favorable tax credit—that is, forgiveness of tax on all non-Virgin Islands source income—when compared to other similarly situated taxpayers—that is, other taxpayers that either were nonincorporated in Delaware on March 6, 1981, or do not own an office building in the Virgin Islands.

Now, Mr. President, a few Members have suggested—incorrectly, I believe—that the term "when compared to similarly situated taxpayers" will cause the definition of "targeted tax break" to be interpreted narrowly. This suggestion is based on I think the flawed reasoning that "similarly situated" means "identical." Such interpretation would mean that no tax loophole would ever be subject to veto. Instead, loopholes for Members of Congress, loopholes for individual companies in the Virgin Islands, and numerous other loopholes would all be free from a potential veto because all identical taxpayers would get the same benefit.

The debate on this floor evidences the clear intent of the supporters of this bill to subject tax loopholes to a Presidential veto, and therefore it includes the tax loophole for the Members of Congress, it includes the tax loophole for the Virgin Islands corporation, and it includes other new and expanded tax loopholes.

I think that is, frankly, what the bill says. That is what this amendment says. The disagreement is not over that. The disagreement is the budget window. And in the bill before us, there is a big possibility for gaming by saying if there is a tax loophole that will not lose revenue until the second 5 years, it is not subject to veto, and that is what this amendment attempts to correct.

How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator has 2 minutes and 13 seconds.

Mr. McCAIN. I say to my friend, if my friend from New Jersey will yield, I would be glad to yield 5 minutes of my time to him, if he so wants to use it.

Mr. BRADLEY. I am fine with 2 minutes.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. McCAIN. Mr. President, I yield 5 minutes to the Senator from Maine [Mr. COHEN].

The PRESIDING OFFICER. The Chair recognizes the Senator from Maine.

Mr. COHEN. Mr. President, I thank my friend for yielding. I would like to offer a couple of comments to put this line-item veto proposal in perspective.

The Constitution clearly gives Congress the "power of the purse." But, every President since Thomas Jefferson has asserted the executive branch's discretion and right to hold back moneys appropriated by Congress. This tug-of-war goes to the most basic facet of our democratic system of government: The balance of powers between the executive and the legislative branches of government.

The conflict between the power of the purse and the power of impoundment dates back to the earliest days of our Republic. The first significant impoundment of appropriated funds was made by Thomas Jefferson who, back in 1803, refused to spend $50,000 appropriated by Congress to provide gunboats to operate on the Mississippi River.

The conflict between the legislative and executive branches has been going on now for over 150 years. You may recall, Mr. President, it was back in the early 1970's when this really came to a head. President Nixon challenged Congress' power and withheld over $12 billion in highway funds. This resulted in an attempt to impeach President Nixon because he had trespassed upon the powers of Congress. Congress did not impeach the President—appropriately so—but it did pass the Budget and Impoundment Control Act back in 1974. This act imposed many new restrictions on the President's ability to impound budget authority.

Twenty years have transpired since this act was passed and the tenor of the debate has shifted dramatically. We have gone from a sense of urgency to restrict an imperial President to a sense that the President needs to restrict, if not an imperial Congress, at least a spendthrift one.

I support strengthening the President's ability to veto wasteful spending. In fact, I introduced legislation along with Senator DOMENICI to accomplish this last Congress and did so again this year.

But, I think we ought to be clear about one thing. No matter what type of line-item veto authority is given to the President, assuming it will be given, the overall impact on the deficit is not going to live up to the high expectations of the American people.

Giving the President more power to rescind or veto spending can achieve some positive results. To be able to surgically remove wasteful spending items would be a service to the taxpayers and, in turn, improve the public image of Congress. Every report about a $700 toilet seat or a Lawrence Welk Museum sends the message that Congress is either intoxicated with power or powerless to overcome its spending addiction.

But there should be no expectation that the line-item veto authority can do the heavy lifting in terms of reducing the deficit. Many of the items listed by various watchdog groups in their annual so-called pork lists are astonishing, and would never be supported if they were not embedded in large appropriations bills that are presented to the President on a take-it-or-leave-it basis.

I do not suggest that any amount of waste ought to be tolerated, but purging these items, while important, will not alone take us far in reducing the deficit. I support giving the President more authority to line out wasteful spending. But, it should be clear that we have not yet been able to confront the much more difficult task, and more difficult challenge, of getting our deficit under control.

At this point it is not clear, Mr. President, whether there is going to be a filibuster on this measure or whether we will be able to overcome that filibuster. I hope that we can. In the meantime, if this measure is not approved and sent to the President for his signature, there is another way to achieve our goal. Every request made of the Appropriations Committee ought to be made public. Those of us who request that specific items be included in the appropriations bills ought to have those requests published in the CONGRESSIONAL RECORD. That would bring some light to this process. If we are unable or unwilling to stand behind the requests that we make to the Appropriations Committee, then obviously we would be unwilling to take to the floor to try to defend them.

Unfortunately, I think we have reached the point of "Stop us before we spend again." The power of the purse is already ours. It is a power we have abused too often, and too often, I might add, to the applause of our constituents. For too long, we have been rewarded for bringing home the bacon while condemning the presence and prevalence of trichinosis in the Congress. We cannot continue to have it both ways.

This measure will indeed force us to defend our requests in the bright light of day. It will make us more responsible if we may be called upon to defend here on the Senate floor what we demand. This measure leads us to a sense of congressional responsibility.

I support the efforts of my colleagues, Senator McCAIN of Arizona and Senator COATS of Indiana. I support the measure we have brought to the floor.

But, I again want to reemphasize the point that, assuming it passes and the President signs it, this measure will not do the heavy lifting required to reduce the deficit. But, it will be a step forward. It is a measure that has become necessary by virtue of the fact that we have engaged in wasteful spending.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COHEN. May I have an additional 30 seconds?

Mr. McCAIN. I yield as much time as he may consume to the Senator from Maine.

Mr. COHEN. Mr. President, once again, let me say we could have avoided all of this had we not indulged ourselves in the notion that we can bring home the bacon to our constituents and they will applaud us. We know one person's bacon is someone else's pork. It all depends on who is looking at it. It seems to me we should at least be willing to stand on the Senate floor and identify and defend those requests we have made of the appropriations or authorization committees. If we cannot bring ourselves to do that, the projects are not worthy of support by our colleagues and should not be in the appropriations process.

In closing, I hope this measure does in fact receive the endorsement of enough of my colleagues on the Democratic side of the aisle to cut off any filibuster. Absent that, one way we can accomplish the same result is to have these requests published as a matter of record in the CONGRESSIONAL RECORD.

I thank my colleague from Arizona for yielding me this time.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Jersey.

Mr. BRADLEY. Mr. President, I ask my distinguished colleague from Arizona two brief questions.

One is: The language that is embodied in this amendment, does the Senator intend to fight for this language in the conference?

Mr. McCAIN. I would say to my friend from New Jersey, I believe not only will we fight for it but I believe the House's intentions were exactly the language of this amendment rather than, as the Senator from New Jersey has pointed out, the rather nebulous and amorphous definitions that were in the House-passed bill.

I believe from my conversations with Members in the other body, they would be agreeable to this language as opposed to the present language in the bill.

Mr. BRADLEY. And the language in question does, according to the Senator's own reading, yield some tax expenditures being subject to the line-item veto?

Mr. McCAIN. I would say to my friend, absolutely. I believe, again, the egregious examples of the advantages that have been accrued to a few are addressed.

I also concede to my friend from New Jersey that there are other areas, such as was pointed out in the remarks of the Senator from New Jersey, which are not covered but which should be covered. I just do not know exactly how we do that. If we expand in order to cover that, what goes along with that I think is something we cannot support at this time.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. How much time remains?

The PRESIDING OFFICER. The Senator has 22 seconds.

Mr. BRADLEY. Mr. President, I think this amendment is about the budget window. I think the underlying bill, plus the amendment that is offered, really means the same thing when it comes to similarly situated. I think to argue it is a narrow interpretation would mean that no tax loophole would ever be subject to veto because similarly situated would have to be identical. Instead, new loopholes for Members of Congress, loopholes for individual companies—such as in the Virgin Islands, as in the example I gave—or numerous other loopholes would all be free from potential veto. I know that is not the intent of the distinguished Senator from Arizona nor of the proponents of this bill.

I thank the Senator. I am prepared to yield the remainder of my time.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Arizona has 4 minutes and 2 seconds.

Mr. McCAIN. I ask if the Senator from New Jersey would like to make any additional remarks out of my time?

Mr. BRADLEY. No. I do not think so. I am prepared to yield the remainder of my time.

Mr. McCAIN. Mr. President, I am prepared to yield the remainder of my time. I yield 2 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska.

Mr. EXON. I thank my colleague from Arizona. Briefly, for the benefit of the Senator from Arizona—and we have talked about this, and other parties—I clearly state I am a cosponsor of the Bradley amendment which I think is a very good one, a very timely one. But, as is well known, I have a backup amendment at the desk.

The Bradley amendment would ensure that the tax loopholes covered by the bill would be a broad class of tax loopholes. His amendment will also allow the item veto to apply to tax loopholes that lose money after 5 years, and that portion of his amendment and only that is what my backup amendment, that I have just referenced that is being held at the desk, would address. My amendment would apply to the line-item veto to a 10-year window rather than 5.

As I stated earlier, if Senator BRADLEY's amendment succeeds I will not call up my amendment, as his amendment would already have addressed the issue. But if the Bradley amendment fails, then I think the least we should do is to proceed with the consideration of the backup amendment that is at the desk, that I think has probably a pretty broad-based support on both sides of the aisle.

I thank my colleague from Arizona. I reserve the remainder of my time if any and yield it back to him.

Mr. McCAIN. Mr. President, I yield to the Senator from New Jersey.

Mr. BRADLEY. Mr. President, I would add as cosponsors Senator KERREY of Nebraska, Senator HARKIN of Iowa, Senator FEINGOLD of Wisconsin, Senator EXON of Nebraska, Senator HOLLINGS of South Carolina, and Senator SIMON of Illinois.

I thank the Senator.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Under the previous unanimous consent agreement I move to table the amendment at this time.

In accordance with the wishes of the Senator from New Jersey, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion.

Mr. McCAIN. Mr. President, I ask unanimous consent to stack this along with other votes until the hour of 5 p.m. today.

Mr. EXON. Mr. President, reserving the right to object to that, there has been no clearance of that on this side.

Mr. McCAIN. Could I modify that request? I ask unanimous consent to delay the vote for a short period of time, until there is some agreement on both sides as to when votes will take place.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I ask for recognition to make a suggestion to my friend from Nebraska.

The PRESIDING OFFICER. The Chair recognizes the Senator.

Mr. McCAIN. I ask my friend from Nebraska, since—if, in the case of the defeat of the Bradley amendment he is going to have another amendment, perhaps he and I might debate that amendment now in the event the Bradley amendment does go down?

Mr. EXON. That might be in order. I would not hesitate to do that if the Senator thinks this is the right time to do that.

Mr. McCAIN. If the Senator from Nebraska wishes to do that now I think it would be appropriate.

Mr. EXON. I will be glad to debate the amendment without calling up the amendment now.

I would simply say I think most of the debate has been covered on this matter.

Mr. SIMON. Will my colleague yield?

Mr. EXON. I will be glad to yield.

Mr. SIMON. I heard the Senator say he was going to propose this if the Bradley amendment was defeated. I, frankly, think we need this 10-year thing, whether the Bradley amendment carries or not, because the Bradley amendment does exempt certain types of tax breaks.

Mr. BRADLEY. If the Senator will yield, the amendment that is before the Senate at this time includes the 10-year window. So, if you are voting for the Bradley amendment you are voting for what would be the Exon amendment.

Mr. SIMON. The time is from the Senator—I do not see that in the amendment from the Senator from New Jersey.

Mr. BRADLEY. The amendment is not time limited. It would apply to a tax expenditure whenever—it could be 15 years. There is no 10-year limit. It is forever.

Mr. SIMON. But, if I may, what the Bradley amendment says is:

> * * * but such term does not include any benefit provided to a class of taxpayers distinguished on the basis of general demographic conditions such as income, number of dependents, or marital status.

Why I favor the idea of the 10-year projection is, even if the Bradley amendment is accepted, if someone wants to get a tax break for divorcees, just as one example, we ought to know what that is going to cost, not just for 5 years but for 10 years.

So I think the Exon amendment still makes sense even though we accept the Bradley amendment. I am strongly for the BRADLEY amendment.

Mr. EXON. Mr. President, I simply respond to the question posed by my colleague from Illinois—as I said just before I yielded to him, I strongly support the Bradley amendment and most of the arguments that have been made for the Bradley amendment, and I am a cosponsor—that would be taken care of if the Bradley amendment prevailed. Basically the thrust of this—and I will be glad to talk individually with my colleague from Illinois—the Bradley amendment strikes not just a 5-year reference. It strikes any reference whatsoever. That would simply mean that forever we would have to do this. It probably is the right way to go.

My backup proposal would be to extend the 5-year provision to 10 years, and that is what we have been talking about. Therefore, it is a compromise that might be accepted on the other side and, I think, would be much better than the 5-year amendment, not as good as what I think is implied in the Bradley amendment. But mine is a compromise.

I would be very glad to listen to further statements or reasoning on what I am sure are well-intentioned remarks made by my friend from Illinois.

If I might very briefly, I would simply say, as I have talked with my colleague from Arizona, the floor manager on this on the other side of the aisle, it seems to me that all of the basic thrust for doing this has been covered very well on the Bradley amendment. I think it would be repetitious for me to go through a whole new argument on this. I am sure this is fully understood by my colleague from Arizona.

I would simply say that I would incorporate in the support of my amendment all of the arguments that have been made in a very articulate fashion by my colleague from New Jersey on his amendment, and at an appropriate time today, after the majority leader decides after consultation with the minority leader when we should begin voting, my intention is to call up the Exon backup amendment only until a decision is made by the body on disposition of the Bradley amendment, which would be the first item voted in this area, as I understand it, and we will be glad to take it up at that time.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. MCCAIN. Mr. President, on this side we are in agreement with the Exon amendment. I believe that it would be accepted if, in the case of the Bradley amendment, there is rejection by this body of the Bradley amendment.

The problem with the Bradley amendment is not the time we are talking about, but it is the broadening of the scope of the targeted tax benefits.

So I want to assure my colleague from Nebraska that unless something unusual happens between now and the time we vote on the Bradley amendment—around here anything can happen—at least speaking, I believe, with some confidence, we would accept by voice vote the Exon amendment and thereby eliminate the requirement for another recorded vote.

Mr. President, I ask the indulgence of my friend from Nebraska while I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, in order to conserve time and move briskly ahead, I would like to make a few brief remarks on an amendment that Senator HOLLINGS of South Carolina will be offering very shortly. I would like to address the Hollings amendment which incorporates the pay-as-you-go system on the Budget Act.

The amendment to be offered by my friend and colleague from South Carolina was offered in the Budget Committee during markup on the measure we are now addressing on the floor of the Senate.

This amendment would codify and strengthen one of the most important provisions of the budget process law—the pay-as-you-go rule. It simply codifies into the Budget Act section 23 of the 1995 budget resolution, which sets forth the 10-year pay-as-you-go rule. This rule has been a resounding success.

The amendment also makes two worthwhile additions to the provisions that exist in the current law. First, it applies the pay-as-you-go rule to budget resolutions. This is a position that the Budget Committee chairman, Senator DOMENICI, advocated in his substitute budget resolution in prior years.

Second, the amendment would require Congress to use a CBO baseline in calculating whether the pay-as-you-go rule has been violated or not. Current law requires us to measure against the budget resolution baseline.

Most years, these two are one and the same thing. However, this year, there is much talk about pumping up the numbers for reasons of the so-called dynamic scorekeeping, or some rosy scenarios regarding the changes in the Consumer Price Index. This amendment would help to ensure that we cannot play games with the baseline, which I think is absolutely critical if we are going to be up front and honest.

The bottom line is that the pay-as-you-go rule has worked extremely well. Under the pay-as-you-go rule, Congress has restrained its appetite for new entitlement programs and has gone without wasteful deficit-increasing tax cuts. Congress can still create entitlements or cut taxes. This rule simply requires that we pay for what we do. This is the essence of sound budget policy.

Mr. President, while awaiting the return to the floor of the Senator from Arizona and, hopefully, the appearance on the floor very shortly of Senator HOLLINGS of South Carolina to offer the amendment I referenced, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The motion to table the Bradley amendment has been set aside. Therefore, amendments are in order.

AMENDMENT NO. 404 TO AMENDMENT NO. 347

(Purpose: To provide that entitlement and tax legislation shall not worsen the deficit)

Mr. HOLLINGS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS] proposes an amendment numbered 404 to Amendment No. 347.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

"SEC. . PAY-AS-YOU-GO.

"At the end of title III of the Congressional Budget Act of 1974, inert the following new section:

"'ENFORCING PAY-AS-YOU-GO.

"'SEC. 314. (a) PURPOSE.—The Senate declares that it is essential to—

"'(1) ensure continued compliance with the deficit reduction embodied in the Omnibus Budget Reconciliation Act of 1993; and

"'(2) continue the pay-as-you-go enforcement system.

"'(b) POINT OF ORDER.—

"'(1) IN GENERAL.—It shall not be in order in the Senate to consider any direct-spending or receipts legislation (as defined in paragraph (3)) that would increase the deficit for any one of the three applicable time periods (as defined in paragraph (2)) as measured pursuant to paragraphs (4) and (5).

"'(2) APPLICABLE TIME PERIODS.—For purposes of this subsection, the term "applicable time period" means any one of the three following periods—

"'(A) the first fiscal year covered by the most recently adopted concurrent resolution on the budget;

"'(B) the period of the 5 fiscal years covered by the most recently adopted concurrent resolution on the budget; or

“‘(C) the period of the 5 fiscal years following the first 5 years covered by the most recently adopted concurrent resolution on the budget.

“‘(3) DIRECT-SPENDING OR RECEIPTS LEGISLATION.—For purposes of this subsection, the term “direct-spending or receipts legislation” shall—

“‘(A) include any bill, resolution, amendment, motion, or conference report to which this subsection otherwise applies;

“‘(B) include concurrent resolutions on the budget;

“‘(C) exclude full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990;

“‘(D) exclude emergency provisions so designated under section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985;

“(E) include the estimated amount of savings in direct-spending programs applicable to that fiscal year resulting from the prior year's sequestration under the Balanced Budget and Emergency Deficit Control Act of 1985, if any (except for any amounts sequestered as a result of a net deficit increase in the fiscal year immediately preceding the prior fiscal year); and

“‘(F) except as otherwise provided in this subsection, include all direct-spending legislation as the term is interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

“‘(4) BASELINE.—Estimates prepared pursuant to this section shall use the most recent Congressional Budget Office baseline, and for years beyond those covered by that Office, shall abide by the requirements of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985, except that references to “outyears” in that section shall be deemed to apply to any year (other than the budget year) covered by any one of the time periods defined in paragraph (2) of this subsection.

“‘(5) PRIOR SURPLUS AVAILABLE.—If direct-spending or receipts legislation increases the deficit when taken individually (as a bill, joint resolution, amendment, motion, or conference report, as the case may be), then it must also increase the deficit when taken together with all direct-spending and receipts legislation enacted after the date of enactment of the Omnibus Budget Reconciliation Act of 1993, in order to violate the prohibition of this subsection.

“‘(c) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

“‘(d) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

“‘(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section,the levels of new budget authority, outlays, and receipts for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

“‘(f) SUNSET.—Subsections (a) through (e) of this section shall expire September 30, 1998.’”

Mr. HOLLINGS. Mr. President, this amendment pertains to budget resolutions. In the budget resolution passed last year, there is a provision that states that:

> * * * for the purposes of this applicable time period—

Referring to whether certain legislation is deficit neutral.

> and under section 23, on a point of order, 23 (b)(2): For the purposes of this subsection, the term “applicable time period” means any one of the following periods: The period of the 5 fiscal years covered by the most recently adopted concurrent resolution on the budget, or, (c), the period of the 5 fiscal years following the first 5 years covered by the most recently adopted concurrent resolution on the budget. And for the purposes of that particular definition, the term “direct spending,” or “receipts,” shall include any bill, resolution, amendment, motion, or conference report, to which this subsection otherwise applies, (b) excluding concurrent resolutions on the budget.

Now, we have a 10-year rule for all legislation save the budget resolution. Specifically, Mr. President, on the General Agreement on Tariffs and Trade, we had a 10-year rule. In fact, it so happened that the President of the United States got this Senator personally on the telephone and asked if we would waive that rule, and I said “no”. I had gone along with my distinguished chairman, Senator DOMENICI, of the Budget Committee. It was a fundamental issue that we look at revenue losses over a 10-year period.

The reason for that is very apparent once we focus on certain provisions in the Contract With America. I am not just talking politically, because politically, I favor some of the items in the contract. I favor, for example, a balanced budget amendment to the Constitution, if Republicans would only put in there what they say, that it is against the law to use Social Security funds for the deficit. If they would only put that provision in there, they have myself and four other Senators. We can pass the balanced budget amendment this afternoon, or any time. We are ready to go.

But I want to talk about the line-item veto. I support the line-item veto and have established a record in my efforts over the last 10-years.

I ask unanimous consent that a summary of my record be printed in the RECORD at this particular point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE HOLLINGS RECORD: LINE-ITEM VETO

Since 1985, U.S. Sen. Fritz Hollings has pushed for a separate enrollment line-item veto to give the president power to cut wasteful spending. Here is his record:

1995: On Jan. 18, Hollings introduced his separate enrollment line-item veto bill (S. 238) and co-sponsored a similar measure introduced by Bradley (S. 137).

1994: On Oct. 5, Hollings submitted testimony to the Senate Budget Committee that strongly pushed a separate enrollment line-item veto.

1993: On Jan. 24, Hollings introduced his separate enrollment line-item veto bill (S. 92).

On June 24, Hollings and Bradley offered an amendment to the Omnibus Reconciliation Bill that would have extended separate enrollment authority to tax expenditures and appropriations. The amendment failed (53–45) to get the 60 votes needed to bypass a budget point-of-order.

1991: On Jan. 14, Hollings introduced a separate enrollment line-item veto bill (S. 165).

On July 24, Hollings testified before the Senate Rules Committee to support his separate enrollment line-item veto bill (S. 165).

1990: On Oct. 10, Hollings fought to have a separate enrollment line-item veto favorably reported out of the Senate Budget Committee. For the first time ever—and on a bi-partisan basis—the proposal passed in the committee by a 13–6 vote.

1987: On Jan. 28, Hollings was an original co-sponsor of separate enrollment legislation (S. 402).

1985: On Feb. 5, Hollings co-sponsored S. 43, a separate enrollment line-item veto bill by Sen. Mack Mattingly.

In July, Hollings voted twice for cloture on S. 43, but the motions failed twice to get the necessary 60 votes (July 18: 57–42; July 24: 58–40).

Mr. HOLLINGS. Mr. President, I have been in the vineyards for a long time on that line-item veto. I used it 35 years ago when the distinguished occupant of the chair, I think, was the highway commissioner for the State of North Carolina. That was back when we were working in tandem, North and South Carolina, on bringing economic recovery to both of our wonderful States.

I had to use a line-item veto in order to get the triple A credit rating, because I knew nobody was going to invest in Podunk. They were not going to come to a State that was not paying its bills. We used it very effectively then, and I have always thought it is fundamental in fixing responsibility and in creating accountability.

We can look at the Contract With America and get a good sense of what I'm talking about. There is the capital gains tax that we all know about. That has been estimated by the Department of Treasury, of course, in the first 5 years to lose only $28.4 billion, but over the next 5 years, $91.9 billion. So you can see the losses accelerate markedly and that should be considered by those who favor the capital gains tax. We are not talking about rich and poor and who is or isn't getting a tax cut, but rather, to the contrary, whether we have truth in budgeting.

The second item, one that has been favored by the former Secretary of the Treasury and former chairman of the Finance Committee, the former Senator from Texas Senator Bentsen, and others is the IRA's, the individual retirement accounts. What they term now as the American dream savings account. We are getting now like the Defense Department with the Brilliant Pebbles and Sparkling Light and all these kinds of nonsensical designations. I wish we would cut out our dreaming up here and start work. The American dream savings account, well, that is an IRA, an individual retirement account. Yes, for the year 1995 to the year 2000, that would gain revenue. That is a revenue picker-upper. That is income. That is increasing the revenue to the Federal Government by a tune of $3.8 billion. But then you look at the next 5 years, it loses $21.8 billion.

And then they have one with respect to the schedule of depreciation allowances.

The distinguished occupant of the chair, being a very successful businessman, understands depreciation allowances, and how you can get accelerated recovery.

They have a provision that is now before the Ways and Means Committee and before our Finance Committee that is called neutral cost recovery. Whenever they say neutral, look out. That means that it is not neutral, I can tell you that. You just learn from hard experience, when they get these fancy words.

For the first 5 years, 1995 to the year 2000, that picks up revenue at $18.4 billion, but for the years 2000 to 2005, it is scheduled to lose $120 billion.

If we look at the total cost of the Contract With America we can see that the estimated cost over the first 5 years is $188 billion, but for the second 5 years, the Federal Government loses $630.2 billion.

This is not truth in budgeting. That has been the hard experience now of over 20 years of the Budget Act with respect to the measure. We thought last year we had done a good job and we saved money. Then we come up and we say, "Oops, instead of cutting spending, we have increased it. Instead of recouping revenues, we have cut the revenues." And we are all out of balance again. That is how you get $200 and $300 billion deficits on into the next century. It has to stop.

One big way and most assured way, Mr. President, of stopping that would be to get truth in budgeting and adopt this 10-year rule.

Now, I want to refer to the 10-year rule, because I said momentarily that I was not referring to it to score political points. Unfortunately, we have taken to partisanship in this body, and it is unfortunate. We do not have the comity that we used to have when I first came here to the Senate.

But it is important to stress where the idea for my amendment comes from. In the fiscal year 1995 Republican budget resolution that was submitted by the Republicans on the Senate Budget Committee just last March, I refer to their miscellaneous section No. 1 and description and I now read word for word.

> Strengthen the 10-year pay-as-you-go point of order. While the 10-year pay-as-you-go point of order that was established by last year's budget resolution is permanent, it does not currently apply to budget resolutions and could be repealed by a subsequent budget resolution. This proposal would make future budget resolutions subject to this point of order.

That was the particular provision of our colleagues on the other side of the aisle that they submitted.

I tried to offer it in committee. The Budget Committee met and we had discussions, but we were told at the time, "Let's not take it up on S. 4. Let's not take it up on S. 14, but have it later."

Well, we have not had a scheduled markup. And I think that this amendment, if offered in reconciliation, would require the 60 votes because of the Byrd rule. But we need it; it would bring truth in budgeting to budgets, as well as other legislation before us.

So I hope that they can join, as they indicated they wanted to and indicated in various sessions that I have been with them. And I know the distinguished chairman of the Budget Committee is dedicated to truth in budgeting. This would be a perfect way to make it permanent for all budget resolutions. In the upcoming budget resolution, we are going to need spending cuts, we are going to have to have spending freezes, and we are going to have to close particular loopholes. And in this particular Senator's opinion, it is going to require additional revenues in order to do what we all say we are going to do; namely, in a 7-year period bring us back into the black and put us on a pay-as-you-go basis. It is going to be quite a task.

And do not underestimate the power of Congress to be creative. We can do away with departments, get into capital budgets, get into sale of capital assets, the power grid out west and everything else. But that is just a onetime savings; it does not really bringing us into balance.

They can get into using Social Security. They say they do not want to use Social Security, but, very interestingly, very interestingly, the distinguished chairman of the Finance Committee said on Tuesday, March 21—and I will quote from page 4 of an article.

Senator PACKWOOD said:

> Nothing is sacred including Social Security and other entitlement programs.

If the chairman of the Finance Committee is thinking in terms of using Social Security then we really are in a pickle.

We hear of plans to reestimate the CPI, but if that is to occur, it should be reestimated in a technical fashion and not a political fashion. The Bureau of Labor Statistics reviews the CPI every 10 years. It is my understanding that we are due for another recomputation of the Consumer Price Index in 1998. We can do it in 1995. Suits me, as long as it is done in the same technical fashion, and not done in a political fashion.

The reason I refer to that "in a political fashion," is simply that I have a quote from the distinguished Speaker of the House, NEWT GINGRICH. I refer to a release on January 16, 1995, and I quote:

> House Speaker Newt Gingrich threatened Saturday to withhold funding from the Bureau of Labor Statistics.

which prepares the CPI each month, unless it changed its approach, at a town meeting in Kennesaw, GA. The Reuters News Service reported that GINGRICH said:

> We had a handful of bureaucrats who all professional economists agree, have an error in their calculations. If they can't get it right in the next 30 days or so, we zero them out. We transfer the responsibility to either the Federal Reserve or the Treasury and tell them to get it right.

If I was over in Treasury, or wherever, and he transferred it to me because they had not gotten it right, I think I could get it right because, if not, I might get zeroed out.

So let Congress go along with an accurate estimation, a statistical estimation, a professionally done estimation and not a political estimation.

Therein is some of the creativity, whether using the CPI, or the $636 billion from Social Security that they can pick up by using Social Security under the language of House Joint Resolution 1, the balanced budget amendment to the Constitution.

They are just absolutely determined to repeal section 13301 of the Budget Act, that law that was signed into law by President George Bush on November 5, 1990.

If we all sing from the same hymnal and the same sheet music we will get truth in budgeting with this particular amendment.

What we will do is apply the same law that we have applied toward everyone else in the Government. If you are on the Agriculture Committee, you are subject to the 10-year rule. If you are on the Finance Committee with GATT, you are subject to the 10-year rule. If you are a member of the Appropriations Committee, you are subject to the 10-year rule. Interior, Commerce, go right on down the list.

But the very crowd that put in this 10-year rule for everybody else says, "By the way, not for us." I just do not think that is right. I do not think it is honest in that regard. I think we ought to get honesty, get truth in budgeting and put it in there with respect to the budget resolutions, as well as all the other permanent provisions, that 10-year rule was so eloquently endorsed by the Senate Budget Committee Republican alternative just a year ago.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business for 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTEGRITY OF DEFENSE BUDGET NUMBERS

Mr. GRASSLEY. Mr. President, I want to resume my discussion of the accuracy of defense budget numbers. I have been speaking on the subject of the Defense Department and the issue of our appropriations for the succeeding fiscal years so far this week on two other occasions. I will have two other speeches to make on this subject.

Yesterday, I started discussing the mismatches in the DOD's budget and its accounting books. I want to pick up where I left off yesterday. I want to tick off some of the most glaring disconnects and mismatches that we have in the accounting books.

First, the General Accounting Office says that our Defense Department has at least $33 billion of problem disbursements. That is the latest figure, $33 billion. Just June 30, last year, the Defense Department quantified this problem that they call problem disbursements to be only $25 billion. We have an $8 billion increase in that figure called problem disbursements.

Every time I check, the estimate seems to be higher. It just keeps climbing. Now it is $33 billion. A person might ask, what is a problem disbursement? That is their language. It is primarily a disbursement that cannot be matched with an obligation.

Secretary Perry has $33 billion in unmatched disbursements. He thus has $33 billion in costs that cannot be tracked. I cannot say that we say that that is spent illegally. It is just that we have not matched it up at this point.

But that is a major problem when you consider the fact that there are people in this Congress who want to increase defense expenditures by $55 billion or more over the next 5 years.

Secretary Perry knows that the $33 billion was spent, but he does not know how the $33 billion was spent. He does not know what it bought. All he knows for sure is that the $33 billion went out the door.

Some of it could have been stolen, and I can show you a couple cases of real fraud in a moment.

We are never really going to know how the money was used until all the matches are made. If we cannot make hookups on the $33 billion, then what does that say about the other outlay numbers in the budget? Are they hooked up to the right accounts?

There is a second major disconnect in the accounting books. This is the one between the check writers and the accountants who are supposed to make sure that the work, services, or product was performed and goods or services delivered before payment is made.

A recent spot-check audit by the General Accounting Office produced some very disturbing results: $1.4 billion of overpayments. Contractors, in some instances, voluntarily returned money. It was not earned. It was not due. But we tried to pay it. And they wanted to return it.

The result of a new General Accounting Office audit is just as bad: $820 million in erroneous payments to the top 100 contractors. How many other faulty payments remain undetected or unreturned? I do not think anybody knows. Even the news media and a Pentagon official spoke about it, in reaction to my comments yesterday. People high up say, yes, they know they have major problems.

The Pentagon check-writing machine is stuck on full power. It is on automatic pilot, and the accounting department has gone on a long vacation. In some cases, the Defense Department tells the contractors, "Don't worry, just hold on to the overpayment until your contracts are reconciled."

That brings me then to the third big financial disconnect at the Pentagon.

Reconciliation is a detailed examination of contracts with known or suspected problems and is a primary tool of detecting duplicate, erroneous, or illegal payments. Unreconciled contracts—that is another bottomless accounting pit.

The problem has been identified by both the GAO and the DOD inspector general. One of the Pentagon's main contract paying operations, the center in Columbus, OH, has 13,600 unreconciled contracts, including 2,707 contracts that are overdisbursed by $1.2 billion.

The checking account on those 2,707 contracts is overdrawn by $1.2 billion then. Since the records are in such bad shape, the DOD IG and the GAO think it will take 5 million to 10 million man-hours to reconcile these contracts. At $58 an hour charged by a firm like Coopers & Lybrand, it could cost $550 million to make all the fiscal connections and to clean up the accounting mess. And that is the cleanup cost for just one location, Columbus, OH. And there are many others.

At those rates, the total cost of the bookkeeping cleanup operation could approach the cost of the DOD's environmental cleanup operation.

There is a fourth gaping hole in the accounting books. This one may even be worse. This one involves DBOF, which is short for the Defense Business Operations Fund.

DBOF is a $77 billion-a-year operation. DBOF purchases everything from fuel to repair parts to toilet paper and light bulbs. Much of what is bought by DBOF is needed to train the Armed Forces and keep them ready for combat. Unfortunately, DBOF's books are a mess. DBOF's books are in such bad shape that the inspector general had to issue a disclaimer of opinion for the second year in a row.

In the language of accountants, that means the IG could not audit DBOF's books. If you cannot audit the books, you do not know how much money is being spent. We know how much money is being pumped into DBOF, but we do not have any idea what is coming out the other end.

The breakdown of controls within DBOF could help to explain why the Pentagon still cannot relate resources to readiness. DBOF should help us answer this question: If we add $1 billion to the budget to increase readiness, how much more readiness do we get? DBOF cannot answer that issue.

The breakdown of fiscal connections within DBOF alone means that there are no controls or accountability over about 30 percent of the defense budget.

Mr. President, I know that these are harsh judgments on the condition of the Department of Defense's books, but they are based on many years of watchdogging, plus the carefully documented work of the General Accounting Office and the DOD inspector general.

We have a breakdown in the financial controls in four key areas of the defense budget. Unless this mess gets cleaned up, we will not know how DOD is spending the people's money. The breakdown of internal controls makes it easy to steal money from defense accounts. The implications of the defense accounting breakdown were brought home hard recently in two cases: The cases of a Mr. James Lugas and a Mr. James Edward McGill. Both men are in jail for stealing from the taxpayers. Both were able to tap into the DOD money pipe with ease and steal millions of dollars.

They operated undetected for a number of years, and they were not detected because of internal audits or tight controls. They were caught by pure chance. They were caught because of their own outrageous behavior.

One was a low level GS–8 accountant. He was literally living like a king. His neighbors thought he was dealing in drugs, so they turned him in.

The other submitted 32 invoices for payment on a phantom ship that the Navy supposedly had. All he needed to set up shop and do business with the Navy were a rubber stamp, blank invoices, and a mailbox. And the checks just started rolling in. He never did any work. Nor did he ever perform any services.

If the DOD was matching disbursements with obligations as they occurred, then Mr. Lugas and Mr. McGill would have been caught immediately. And that is what worries me, Mr. President. How many others like McGill and Lugas have tapped into the DOD money pipe undetected?

This situation is a disgrace. It tells me we cannot meet our constitutional obligations to the taxpayers of our country to make sure their money is honestly and legally spent. We cannot give the taxpayers an accurate and complete report on how the Pentagon is spending their money.

This is a serious breach of responsibility to the American people. That is over the long haul. But immediately, Mr. President, as we go into the budget process over the next 2 months, both Houses of Congress need to be cognizant of the unmatched disbursements, the stealing of money, before we put $55 billion more in the defense budget.

How can you make that determination in good conscience if you do not have a good accounting system and know from where you are starting?

So I end these remarks on the disconnect between the accounting and budget books.

Tomorrow, I want to turn to the program budget mismatch, which is also a major problem.

I yield the floor.

LEGISLATIVE LINE-ITEM VETO ACT

The Senate continued with the consideration of the bill.

UNANIMOUS CONSENT AGREEMENT

Mr. GRASSLEY. Mr. President, the floor leader asked me to make this request.

I ask unanimous consent that the vote on the motion to table the Bradley amendment occur at 2 p.m. today, to be followed immediately by a vote on a motion to table the Feingold amendment No. 362, to be followed by a motion to table the Hollings amendment No. 404.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GRASSLEY. I yield the floor.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I rise to express my opposition to the pending amendment, the line-item veto substitute amendment that is before the body, and in the course of doing that to express some thoughts on the line-item veto issue more broadly.

I am very much concerned that any proposal, unless very carefully developed and worked out, could result in a fundamental reordering of the separation of powers and check and balance arrangements between the legislative and the executive branches.

Unfortunately, there is a tendency to dismiss these kinds of questions, although they were very much at the forefront of the thinking of the Founding Fathers when they devised the Constitution that summer in Philadelphia. A Constitution which has served us well over two centuries of the Republic's history. A very careful balanced arrangement was put together then, and I think when it comes to changing it, we need to be very cautious and very prudent.

It does not take a great deal of skill or vision to have a strong executive. Many countries throughout history have had very strong executives. In fact, if they are too strong, we refer to them as dictatorships. One of the hallmarks of a free society is having a legislative branch and a judicial branch with some independence and with some decisionmaking authority which can operate as a check and balance upon the executive. I repeat, many countries have had strong executives, but they have not been the examples that we want to follow or to emulate.

The great achievement of the American constitutional system is to have established a National Government with independent branches that check and balance one another, to have not only an Executive but legislative branch with some power and authority. I think we have to be very careful that the proposals which come before us with respect to line-item veto not erode the balance and the arrangement that has served the Republic well for over 205 years.

The danger, of course, is that these line-item veto proposals open up the opportunity for the Executive branch, for the President, to bring to bear enormous pressure upon Members of Congress and, therefore, markedly affect the dynamics between the two branches. What the various forms of the line-item veto would do, unless very carefully restrained, is enable a President to link votes on matters unrelated to the appropriation bill to a specific item in the appropriation measure.

Members may well be confronted with a situation in which the Executive says, "I see this item in this bill, and it is a good item; everyone has justified it; it makes a lot of sense; it is obviously very important to your State or to your district; and I certainly do not want to exercise my veto over it; but I am very concerned about the position you are taking"—and then he mentions some totally unrelated issue, perhaps a nomination to the Supreme Court, perhaps a foreign policy matter involving very important issues of war and peace, or other issues on the domestic front.

Of course, the Executive then is in position to bring enormous pressure to bear. So the line-item veto tool becomes used not as many have suggested, as a way to delete spending items and address through that deletion the deficit problem, it becomes a tool and a legislative strategy by the White House and by the Executive branch to sway Members in terms of the positions they take on unrelated items. It becomes a heavy weapon of pressure.

Now, the particular provision that is before us was not the subject of any committee hearings or any report. There is no report with respect to this provision. It was a substitute that was simply presented on the floor. It would require individual items in an appropriation bill to be separately enrolled and presented to the President. And as the very distinguished Senator from West Virginia, the former chairman of the Appropriations Committee, demonstrated yesterday, a single appropriations bill could end up as thousands of individual enrolled bills that would be sent to the President to be signed or vetoed.

Senator BYRD indicated yesterday that this dramatic change in our system for enacting legislation raises many significant constitutional issues. First, you have important questions about the role of the enrolling clerk in carrying this forward. What will be sent to the President is not identical with what was passed by the Congress. It will be what we pass subsequently broken up by the enrolling clerk. It is not as though the Senate and the House were asked to pass each of these items and then that was sent to the President. That at least I think would be consistent with existing constitutional arrangements.

With the proposal before us, you will be passing a bill, and then the enrollment clerk is going to divide it up into lots of little bills. I think Senator BYRD referred to them as "billettes." And those would be sent to the President. In fact, I think there is a very strong argument that this scheme would violate the presentment clause in article I, section 7 of the Constitution, which provides:

> Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States.
>
> If he approve he shall sign it, but if not he shall return it.

It seems clear to me that what would be presented to the President is not what has passed the House and the Senate. In fact, I understand that the Assistant Attorney General from the Office of Legal Counsel has raised serious concerns about the separate enrollment approach contained in this substitute amendment with the observation:

> On what seems to us to be the best reading of the Presentment Clause, what must be presented to the President is the bill in exactly the form in which it was voted on and passed by both the House of Representatives and the Senate rather than a measure or a series of measures that subsequently have been abstracted from that bill by the clerk of the relevant House.

Obviously, this raises a serious constitutional issue, and I hope Members will stop and deliberate about it very carefully as we consider the substitute proposal that is before us.

Under this substitute, the separate enrollment of each item would be the responsibility of the enrollment clerk after the larger bill has passed the Congress. The Congress would never actually vote on the individual so-called bills that would go to the President. Therefore, it represents a dramatic and drastic departure from our constitutional arrangements.

Only this morning there was an editorial in the paper, which I ask unanimous consent be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SARBANES. This editorial said in part:

> The "compromise" line-item veto bill that Republicans have put on the Senate floor is as bad as the bill it would replace, and not a compromise at all. It is sloppily drawn, would greatly complicate the legislative process, invite evasions, and likely do little to accomplish its ostensible purpose of reducing excess spending and the deficit. The main effect would be to disturb the traditional balance of powers by strengthening the President and congressional minorities at the majority's expense.

Mr. President, I urge my colleagues to reflect on the history of the existing scheme for Presidential rescission of spending items.

Congress enacted the Budget Impoundment and Control Act in 1974 in response to Executive excesses by a President who impounded funds duly enacted into law. I supported that act—as a Member of the House—to restore balance between the executive and legislative branches. And it is quite possible, of course, to further refine the rescissions scheme first put forth in the 1974 act. In fact, there has been legislation which Senators DOMENICI and EXON had been recommending to do exactly that. I understand that the minority leader will be making proposals with respect to so-called expedited rescission that would enable us to move forward on this issue. That would ensure the President that items he picked out of an appropriation bill and said should be rescinded would come to the Congress and would have to be voted on by the Congress.

That is not now the case. The President can pick the items out for rescission, but a vote on them is not actually required. This proposal, the so-called expedited rescission proposal, would ensure that a vote had to be taken. And it provides, of course, that if a majority in both Houses does not agree that the item should be rescinded, then it would not be rescinded.

But, it does provide a way to put a spotlight on the item, if that is what the President wishes to do, and it does require the Members of the Congress to address the issue and to address it directly.

I understand, also, that the proposal that the minority leader may make would include within it so-called tax expenditures as an item also over which the President would have that particular rescission authority, and then would be able to require a direct vote by both Houses of the Congress on that item.

That is a change in procedure, but it is one that I think is worthy of consideration and it does not fundamentally alter the arrangements between the Executive and the legislative branch that are currently contained in the Constitution of the United States.

It is a more restrained and balanced approach, I think, to try to address this issue. It does not represent the drastic departure from past constitutional practice which is contained in the amendment before us, or indeed in other more sweeping proposals. And it does not shift the balance between the Executive and the legislative branches in a drastic way. It addresses the concerns that have been raised without creating even larger problems—problems which would flow from a fundamental altering of the basic relationship which has existed for more than two centuries between the Executive and legislative branches.

Mr. President, I very much hope this amendment will be defeated when we finally vote on it. I am hopeful that an appropriate alternative can be worked out along the lines of what is called the expedited rescission approach.

I yield the floor.

EXHIBIT 1

[From the Washington Post, Mar. 22, 1995]

ANOTHER IN THE SENATE

The "compromise" line-item veto bill that Republicans have put on the Senate floor is as bad as the bill it would replace, and not a compromise at all. It is sloppily drawn, would greatly complicate the legislative process, invite evasions, and likely do little to accomplish its ostensible purpose of reducing excess spending and the deficit. The main effect would be to disturb the traditional balance of powers by strengthening the president and congressional minorities at the majority's expense.

The problem, if there is one, is that presidents now can't pick and choose among the items in appropriations and other money bills. They can only sign or veto them in their entirety. In the Reagan and Bush years, the myth grew up that this was one of the reasons the deficit was so large—not presidential policy, but the inability of (Republican) presidents to curb the (Democratic) congressional proclivity to spend.

Unfortunately, the myth has survived the election returns. The Republicans remain committed to giving the president greater power to single out and block line items, and President Clinton has unwisely said he wants as much such power as Congress is willing to confer. The House passed legislation under which he could sign an appropriations bill, then propose to kill or reduce any item in it. Congress would then have to pass a second bill to block such a proposal, and that could be vetoed, so that two-thirds votes of both houses would be required to sustain even the smallest spending detail to which a president might object.

Some Senators of both parties rightly thought that was too great a cession of power. They proposed instead a system in which Congress would have to reaffirm its support for line items to which a president objected, but majority votes would be enough to prevail. But the Republicans in this group came under party pressure to back off and support the present "compromise" instead.

Congress would pass appropriations and other money bills as now, then split them into line items or other designated parts—perhaps thousands per bill—and send each part to the president to be signed or vetoed separately. It's a recipe for writer's cramp. The president plus a minority of one-third plus one of either house would be enough to govern. The rule would also apply to any increase in entitlements and any revenue-losing tax provision "having the practical effect of providing more favorable tax treatment to a particular taxpayer or limited group of taxpayers when compared with other similary situated taxpayers." To what might that not apply?

The line-item veto has become a political symbol. The members of both parties who are so blithely supporting it, including Bill Clinton, need to ask themselves what it means. If the next president doesn't like a particular program for whatever reason—it needn't be the cost—he and a minority of either house can flick it out of the budget and out of existence. It could happen as easily to a new weapons system as it could to the likes of the national service corps. For lack of political will, the legislative branch votes to make itself that much weaker. Who wins from that?

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, as all know, the Senate is debating a truly fundamental change to our system of Government. We have before us legislation which proposes to reconsider some of the most basic principles of our democracy. For over 200 years the Federal Government has maintained a careful balance between the powers of the legislative, executive, and judicial branches. That balance has stood the test of time and has helped sustain our Nation's cherished liberties for generations. Given that remarkable record, I think we need to be very cautious before altering this historic balance of powers. And it is not something we should do lightly. It is not something we should rush through.

We do, however, have to be prepared to respond to changing conditions and to make needed changes in the way we do business. Despite all that is good about our democratic system we also face some real problems and one of the most important is Government waste and the deep public anger that it provokes.

Almost more than any time in our history, it is critical to reduce waste in Government. We are continuing to load debt on our children and grandchildren. The tax burden is heavy. Americans are losing faith in Government as they are repeatedly bombarded with examples of unnecessary spending from fraud in Government programs to the Lawrence Welk center.

Taxpayers are infuriated, and they have a right to be. They also have a right to demand that we do something about it. And there is broad public support for trying some form of line-item veto. Yet we ought not to exaggerate what a line-item veto can accomplish. It will not eliminate all Government waste nor will it balance the budget. It may result in eliminating unnecessary pork-barrel projects and special-interest loopholes. That is not to say that all narrowly targeted spending or tax provisions are wasteful. We all know that many are. And the most egregious examples get the most publicity and erode public confidence in the Congress and in our Government. Surely that is one reason why the public is so angry with Washington. We need to look for ways to address this problem and the line-item veto might help by giving the President power to eliminate items that are truly indefensible.

Under current law, when the Congress sends the President a broad spending or tax bill, the President's options are pretty limited. He can sign the whole bill into law or he can veto the entire package. Once an appropriation bill is enacted, the President can propose to rescind specific items of spending and send Congress a rescission, a reduction in the original proposal—specifically eliminating one recommendation. But this rescission power is extremely limited.

First of all, it does not apply to tax breaks, those breaks that are given to special interests that cost us money because we lose those revenues. And, in the case of proposed rescissions to appropriations, Congress presently can simply ignore them.

It seems to me that it is worth trying to give the President of the United States additional powers to eliminate waste. But as we move into these uncharted waters, fundamentally changing our form of government, we should build in certain protections against abuse of Executive power. Restraint of Executive power has been the hallmark of our Constitution and has guided our Founding Fathers in its creation.

We can strengthen the President's rescission power by making sure that Congress considers all Presidential rescission proposals and does so on an expedited basis. Once again, that Congress reviews and considers all Presidential rescission proposals would be a significant step forward in the fight against waste.

Currently, if the President sends rescissions to us to eliminate wasteful spending we can simply ignore them, and we often do. Forcing review of wasteful projects is not something that is taken up very readily. And in the glare of public debate, it would be a healthy antidote to our current way of doing business.

We can also build in protections against abuse of this expanded Executive power by retaining the democratic process of majority rule. The pending legislation would permit the President to kill any increases in spending or changes to entitlement programs if he can convince just one-third of one House of the Congress to support him. That is an enormous expansion of Executive power. It would permit the President to nullify what a majority of the people's representatives have already approved.

Finally, we would guard against abuse of power by the executive by requiring the Congress to review the line-item veto of a proscribed trial period. Initially, I think the shorter this trial the better. If the line-item veto works as its authors intend, it will have a salutary affect on our Government, and there will be no problem in extending it.

Unfortunately, Mr. President, the proposal before us fails to protect against Executive branch abuses. It also puts power in the hands of a small minority undermining majority rule by demanding a two-thirds vote to override the President's rescission recommendation. It lets one-third of Congress rule and the President controlling Federal policy on virtually all new spending and entitlement programs. Our Constitution was not written that way. It was not intended that way.

Legislation could also unintentionally hurt smaller States with smaller congressional delegations like mine, like the State of New Jersey. The proposal would lower the deck in favor of bigger States which have a leg up on building the necessary two-thirds vote to override a Presidential line-item veto. In my view, it is unwise. Mr. President, the case for a line-item veto rests largely on the need to eliminate narrowly targeted pork-barrel spending. But the majority leader's amendment goes much further than that. It would allow the President to unilaterally eliminate funding for entire programs. This would give a single individual the power to kill major initiatives in education, law enforcement, health care, veterans programs, mass transit, immigration enforcement, housing, and you name it. All could be at risk.

It would also put Medicare, veterans benefits, and other entitlement programs under the control of a small minority of Congress aligned with the President. I am not suggesting, Mr. President, that President Clinton or any future President would abuse this new power. But we do not really know and we have to guard against it. That is not a Democratic concern or a Republican concern. It is a nonpartisan concern. It is not a liberal concern. It is not a conservative concern. It is a democratic with a small "d" concern. It has nothing to do with party or ideology. It has everything to do with the potential for abuse of power and rule by a congressional minority.

Let us take one example of a President of my own party, President Lyndon Baines Johnson. President Johnson was a strong leader who excelled at cajoling and pressing Members of Congress into voting with him. I never experienced it. But the Johnson treatment was something that is legendary. Lyndon Johnson used every tool in his arsenal to make his case, to win his recommendation.

Looking to future, a President with strong leadership skills and strong convictions he could gain enormously in power. With just one-third of one House of Congress he could wipe out essential benefits for ordinary Americans, and a majority in Congress could do nothing to stop him.

Mr. President, I urge against giving a President that unbridled power. I am not willing to risk that. A future President would be able to override a majority in the Congress, and perhaps eliminate all school lunches, or deny middle-class students the opportunity to go to college, or deny working families a chance for child care, or take police officers off the street, or force young children to go hungry, or increase the number of homeless on our streets, or deny veterans the benefits they earned while serving our country, or deny senior citizens needed benefits required under Medicare.

Mr. President, these expenditures and these benefits are not pork. But they would all be vulnerable to the line-item veto under the proposed majority leader's amendment. A President bent on eliminating them could wield a new tool like a meat ax against ordinary Americans. There needs to be some real protections against that, if we are to have a line-item veto.

I am also concerned that a line-item veto could open the door to what some have called political extortion. I use that term to convey how a President would be able in effect hold the gun to the heads of the Members of Congress. This could happen. A President could go to a Member of Congress and say, "I need support for my favorite new initiative, and, if you do not agree to support it, it is goodbye for that new highway or special program that is so important in your district." Mr. President, that kind of political pressure occurs in many States that have a line-item veto, and it can lead to more wasteful spending—not less.

Mr. President, to limit the possibility that a line-item veto will be abused, it is important to keep the Executive on a relatively short leash. One way is to require Congress to reauthorize the line-item veto on a routine basis. Another is to allow a majority in the Congress to overrule the President.

These protections would preserve the constitutional principle of a balance of power and avoid shifting power, extraordinary power, to the executive branch or to larger States at the expense of the medium-sized or smaller States. It would make it less likely that a future occupant of the White House would ride roughshod over the people in the Congress. Unfortunately, Mr. President, the pending proposal does not include adequate protections. It is a serious flaw in the legislation.

I am also concerned about the provisions in the pending amendment related to tax instructions. Those provisions, though drafted ambiguously apparently are intended to provide a loophole that will protect many special interest tax breaks from rescission.

Mr. President, we all know that many special tax breaks that have been included in tax bills over the years exist. There are special rules for the timber industry, for the oil and gas industry, even for cruise liners. In fact, a few years ago we tried to enact a special loophole for the tuxedo industry. Once enacted, most tax breaks enjoy a special status that even the most popular spending programs would emulate. They never have to be appropriated. They never have to be reauthorized. They never have to compete for scarce budgetary resources. Instead, they simply nestle quietly and unobtrusively in the nooks and the crannies of the Tax Code never to be seen nor heard from again. But they cost us substantial revenues, and their costs are made up by imposing extra burdens on ordinary taxpayers.

Mr. President, unwarranted tax loopholes go to the heart of what bothers so many Americans today. Loopholes generally are provided only to special interests and wealthy individuals who have either special connections or enough money to hire a high-priced lobbyist with access to Members of Congress. We have seen a lot of stories on lobbying influence in these recent days and weeks. Meanwhile, ordinary Americans do not have those things. They do not have personal relationships with powerful Senators, and they do not have the lobbyists working for them. So when an ordinary American sees clients of lobbyists getting special treatment in the Tax Code, they really resent it. They resent it very, very deeply.

Mr. President, the pending amendment of the majority leader includes ambiguous language on targeted tax benefits. But according to statements made on this floor, that language is intended to be very narrow. Apparently, if a tax break benefits a particular company, it may be subject to a rescission. But if the loophole benefits two companies or an entire industry, it will get special protection.

Mr. President, that is a loophole law that I cannot support.

In conclusion, let me again emphasize that we are talking about the basic structure of Government that was established over 200 years ago, and we ought to proceed with caution. To help eliminate waste in Government, it is worth trying a line-item veto. But we should not support proposals that are vulnerable to abuse, that fail to adequately protect the public interest and our constituents or that provide for special interest tax loopholes.

I yield the floor.

Mr. MCCAIN. Mr. President, in light of the remarks of the Senator from New Jersey, I think it is very interesting that in the chair we have a former Governor of a State and the author of the amendment that is under consideration. The Senator from South Carolina is also a former Governor. Both of them are strongly in support of the line-item veto. Both of them may have differing opinions on many issues because they are of different party affiliation, but both of them have had the unique experience of being responsible for governing a State and having to balance the budget of that State.

The Senator from South Carolina just related how he took his State from a situation of near fiscal crisis to one of fiscal solvency. He states that with the line-item veto—and I am not trying to parrot the words of the Senator from South Carolina, who is far more eloquent than I—he was able to govern his State effectively with that very valuable tool.

The Senator from Missouri, a former Governor of his State, who has spoken on the floor here on several occasions—both have talked and talked about the absolute criticality of the ability to exercise a line-item veto; not only exercise it, but having that tool in shaping the budget of their States.

You know, it is interesting, I do not detect in either one of these individuals and other former Governors who are Members of this body this desire to twist arms, threaten, blackmail—and "extortion" I have heard used a couple of times—and I cannot believe that the American people would sit by and watch a President of the United States practice extortion or blackmail on Members of the Senate or Members of Congress.

Mr. LAUTENBERG. Will the Senator yield for a question?

Mr. MCCAIN. Yes, I am happy to yield for a question.

Mr. LAUTENBERG. Does the Senator believe that the only ones who know how to manage an enterprise are Governors? Or does the Senator believe that business experience is of value as well, business experience that developed an entire industry known as the computing industry, which I modestly had a hand in and am a member of the Hall of Fame of Information and Processing. I ran a terrific company with an excellent record, one of the best in the country. I assume the Senator would yield to the fact that someone who has other experience besides Governors can make a contribution; is that not so?

Mr. MCCAIN. I suggest, I say to my friend from New Jersey, not only is it a very important and valuable credential to address any issue—especially where the free enterprise system is concerned—I, along with my colleagues, share admiration for the enormous contributions the Senator from New Jersey made to the primary generator of business and employment and commerce not only nationally but throughout the world.

But I do suggest there is some difference in that, as Governors of States, they were required—and I might say a fairly significant size—to administer those States. In fact, they had oversight of the businesses that resided in their States, in a regulatory and other fashion, working in partnership with the legislature.

I suggest that, as the head of a very successful corporation, the Senator from New Jersey had more than a line-item veto. The Senator from New Jersey had a total veto, and there was no chance of his being overridden, except by his board of directors or his stockholders. I view this situation—and I am sure, knowing how gentle the Senator from New Jersey is, from time to time he had to exercise that veto; otherwise, he would not have achieved the pinnacle of success that he reached.

So I do think there is a certain comparability, and I believe that, if there were outrageous expenditures in his company and corporation and if the Senator from New Jersey, then a president and CEO, felt helpless to bring into check those extravagances, I think it would have harmed his ability to achieve the enormous and very laudable degree of success that he achieved.

Mr. LAUTENBERG. I thank the Senator.

Mr. MCCAIN. I thank the Senator from New Jersey for his question. I also would like to again state that it is of interest that in 43 States in America out of 50, those Governors do exercise the line-item veto.

Again, in response to a very legitimate question from the Senator from New Jersey, when there is a military issue, I try to get the opinion of people who are military experts. When there is an issue of aviation, I try to go to those experts. I try to consult with—due to my narrow experience and knowledge and background—those people who are experts and have had experience in areas where, frankly, I am not as well informed as others. And so it seems to me that it would be logical to consult the Senator from South Carolina, who was judged by many as the most successful Governor in the history of that State. He literally brought it into the 20th century in more ways than one. And there is the Senator from Missouri, who presently occupies the chair, as well as many other Senators who were Governors. Another example is the present Governor of California, who was a Member of this body before he became Governor, who has stated unequivocally, as

Governor of the State of California, that without the capacity to exercise the line-item veto, he would have enormous and indeed insurmountable difficulties.

So I have to rely on the judgment and experience of Members of this body and people who are not Members of this body that have actually had the experience of governing. And governing, I think, is a unique challenge and experience. I am very pleased to have the input and the benefit and knowledge and experience of the Senator from South Carolina, as well as the Senator from Missouri, as well as many other Senators.

I read a few days ago, Mr. President, a survey done by the Cato Institute, where approximately 88 percent of the former Governors—it was a very large number of former Governors, of both the Democratic Party and Republican Party—when asked, stated that the line-item veto was a "very useful tool." Those are the people whose judgment I think we not necessarily rely on, but certainly the benefit of their experience cannot be ignored.

I would like to address the issue of the Hollings amendment. Obviously, what the Senator from South Carolina is trying to achieve here is laudable. I just find, however, that it is not germane. This bill is about process reform; it is about separate enrollment—a concept long advocated by the Senator from South Carolina. Additionally, the chairman of the Budget Committee announced that he is going to have a hearing on this amendment in the Budget Committee. We have announced that we are prepared to accept the Exon amendment which affects this bill. The Hollings amendment raises many valid issues, but I believe it would be better offered on more appropriate legislation. I note that the Hollings amendment was defeated in the Budget Committee by a 12-to-10 vote. So the Budget Committee has spoken on this issue, which, by the way, by no means precludes the Senator from South Carolina from bringing this to the floor, as we all know. But I would, at the proper time, make a motion to table the Hollings amendment. I believe that the time for a vote will be established very soon.

Mr. President, I paid attention to the remarks of the Senator from Maryland and the Senator from New Jersey. Their concerns have been raised many times in the past and they will be raised again before we finally enact this bill, which I now am feeling some optimism about, although we have a number of wickets to go through before we reach that goal.

Mr. President, in all due respect to my colleagues, I do believe that it is an argument for pretty much the status quo. I do not think that the American people are satisfied with the status quo. I do not believe they are satisfied with a debt that will accumulate to $5.2 trillion. I do not believe they will be satisfied with $200 billion-plus annual deficits.

Mr. President, I do believe that it is important again to restate, as I have over and over and over again, that from 1801 when Thomas Jefferson—which is becoming a famous anecdote, probably far more famous than Thomas Jefferson ever envisioned—in 1801, when Thomas Jefferson impounded the $50,000 that Congress appropriated to purchase gunboats, that a practice for the next 174 years was continued by Chief Executives of this country and that was impounding funds that they did not wish to spend.

Now we all know our history, and that is, in 1974, with a weakened President, who had, in the view of many, and probably accurately, abused the impoundment powers by impounding enormous sums of money for entire programs that had been authorized and appropriated by the Congress, the Congress repealed the Budget Impoundment Act. And we know what has happened since.

I have quoted for the record before rescissions that come over from the President of the United States. They are either ignored or other rescissions are substituted for them so that basically the Chief Executive, the President of the United States, is at the mercy of the whim or the desires, which is more accurate, the desires of the Congress as related to a rescission. And more and more often since 1974, rescission requests on the part of Presidents of the United States, both Republican and Democrat, have been ignored by the legislative branch.

So when my colleagues argue, as the Senator from Maryland and the Senator from New Jersey did, that this is an enormous shift of power, I will agree that it is a shift of power. I also argue that it is a much needed shift of power, but it is not new. It is not new. It is a restoration of, basically, the powers that the Executive had from 1801 to 1974.

(Mr. DEWINE assumed the chair.)

Mr. MCCAIN. I also know, Mr. President, that almost everything that we and the executive branch do is under the scrutiny of the media. The media pay attention and report on almost everything we do. In fact, there is a cottage industry now, as we all know, that describe private conversations that the President had with another individual, that describe the innermost counsels, both in the executive branch, the President of the United States and the White House, and in the Congress of the United States.

If it became known to the people of the United States that the President of the United States was calling the Senator from South Carolina over and said, "I want you to support my effort to provide housing for Russian officers or I am going to kill a project in South Carolina," it would be over. In a New York minute, it would be over. Because the Senator from South Carolina or the Senator from Arizona or the Senator from Ohio would walk out to that group of microphones and cameras in front of the White House and say, "I have just been blackmailed by the President of the United States."

And if there is one thing that I think would reassure my reelection, if I sought reelection, it would be to go out and tell the people of Arizona that I stood up to a threat of blackmail by the President of the United States.

So, yes, I admired in many ways the persuasive powers of President Lyndon Johnson, which was referred to in the remarks by the Senator from New Jersey. I admire the persuasive powers of President Reagan. But I do not believe that any President of the United States is going to engage in political blackmail.

And in these 43 out of 50 States where Governors have line-item vetoes, I have yet to hear of a single instance where a Governor—although it may have happened on a rare occasion or two, I just have not heard of it, nor have I ever read or heard it reported—has exercised this kind of extortion or blackmail, as it is described.

Now, I saw a little item today that every child born in America now has a $13,000 debt. I am not sure how that is computed, Mr. President. I would be interested in knowing how you figure that out.

But I do know this: That with a $5.2 trillion debt, which is the estimate of what this Nation will carry next year, I believe that every child in America is now inflicted with a huge debt burden that they are going to have to pay off sooner or later.

We could, Mr. President, turn down the line-item veto. We could continue these unending debts and annual deficits, I think, for some years. But there is going to come a time where the bill is going to become due.

Some experts attribute the fall of the dollar to the failure of the balanced budget amendment. I do not know if that is the case or not. I do not claim to have that kind of expertise.

But if I were a foreign investor and I was looking around the world where to invest my money and I saw a country that is growing more and more dependent upon foreign investment in order to have the Treasury bills, which are floated quite frequently, in order to secure funds because of the annual deficit we are running, I think I would be less than confident not only in the economy of this country but I would lose some confidence in the validity of its currency.

Now maybe that is too dire a picture. Maybe the strong American economy and the overall strength and economic strength of this country would override that. But I cannot believe, at the end of the day, that it is attractive to invest or hold the currency of a country that forever, forever, which is the case now, is going to be running annual deficits and accumulating an ever larger and larger debt.

And I want to add, again, Mr. President, the line-item veto does not balance the budget. We all admit to that. But I do not see a balanced budget without the line-item veto. I think that is the important part of this discourse.

I have displayed a chart here on several occasions that shows that in 1974, when the President of the United States lost the impoundment power, revenues and expenditures began to diverge and they have continued almost unendingly to diverge for a very long period of time, for the last 21 years, with no end in sight.

I will say that we have had a short period—and I think it is due to the leadership of the President of the United States and efforts that were made—where we have had a temporary reduction in the annual deficit. That is the good news. The bad news is there is no place that anyone envisions where that deficit is zero or that we even begin to pay off the debt we have accumulated.

Mr. President, sooner or later, we are going to have to do that. We are now paying nearly as much on interest on the national debt as we are on national defense. People born a generation ago would find that an incredible and bizarre situation.

I see the Senator from South Carolina on his feet, Mr. President. I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. I thank my distinguished colleague from Arizona, and the distinguished Presiding Officer.

I ask unanimous consent that Senator KERREY of Nebraska be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I ask the sincere reconsideration by the distinguished Senator from Arizona on his motion to table our amendment.

What happened, Mr. President, is that we brought it up dutifully before the Budget Committee. It was not approved, as has been pointed out. But, having done that, now is the time.

If we do not do this now, which is relevant to the budget resolution, if we do not do it now, then what we really are going to do is avoid truth in budgeting because the next time we really sit down to consider the budget, we will be considering it under the old rules.

So it is very appropriate and, incidentally, more so than perhaps the underlying amendment.

The distinguished Senator from Arizona said, "Wait a minute, now; he had his vote and he lost." He did not refer to the other vote I lost, namely, the line-item veto. The present bill under consideration is the substitute measure.

On the rationale of my distinguished colleague, we ought to table the whole bloomin' line-item veto.

Mr. McCAIN. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. McCAIN. Another testimony to the incredible clairvoyance of the Senator from South Carolina. I thank him.

Mr. HOLLINGS. I hope he will stick with me on the line-item veto and not table it under that same logic.

Now, with respect to germaneness, I happen to have a record that was generally respected as the presiding officer at the State level, and having come to the U.S. Senate, I spent my 28 going on 29 years trying to forget parliamentary procedure.

I will never forget when I first presided and I got two Golden Gavel Awards—200 hours. We used to start the Presiding Officer about 5 o'clock in the afternoon. The distinguished Senator from Oregon, Wayne Morse, would get up and characterize the President of the United States, who had just been lauded with respect for his muscle power in getting things done, President Lyndon Johnson. He would refer to him as a murderer, and that would go on from about 5 o'clock until about 9:30 or 10 o'clock each evening, with respect to the war in Vietnam.

But I immediately recognized someone who first rose to be recognized. That is the fundamental parliamentary rule in all bodies in the world, save this one. Here you recognize the majority leader. You could have been out here for 3 hours or 2 days, whatever it is, sitting in your seat, and stand to be recognized, but the majority leader at that particular time comes to the door, forgets about you. Under the rules of the Senate, you recognize him.

In that light, I had the duty of trying to forget rules, but I never forgot the one of germaneness. I refer specifically here to the short title "The Separate Enrollment and Line-item Veto Act of 1995," which I hope to amend.

Under the section 5 subsection (a) I refer, the term "targeted tax benefit" means any provision estimated by the Joint Committee on Taxation as losing revenue within the period specified in the most recently adopted concurrent resolution on the budget pursuant to section 301 of the Congressional Budget and Impoundment Control Act of 1974.

Now, that is amending section 301 of the Congressional Budget and Impoundment Control Act 1974 and specifically the title with respect to within the periods specified.

So, it is a limited one with respect to the overall subject—namely, a line-item veto for the President—but with respect to the general subject of the Congressional Budget and Impoundment Control Act, it is definitely germane. With respect to "within the period specified in the most recently adopted concurrent resolution", that is what my amendment is amending so that budgets hereafter will be subject to that 10-year rule.

So on both points, I will ask the distinguished Senator from Arizona to reconsider and rejoin his Republican leadership of approximately a year ago.

I again read from the document "Fiscal Year 1995 Senate Budget Committee Republican Alternative", prepared by the Republican staff of the U.S. Senate Budget Committee and presented last year by none other than the distinguished chairman of the Budget Committee, Senator DOMENICI of New Mexico.

If we turn to the second-to-last page, it has "Miscellaneous provisions." Fiscal year 1995 Republican budget resolution, "miscellaneous provisions," description and the first bullet there, "Strengthens the 10-year pay-as-you-go point of order while the 10-year pay-as-you-go point of order that was established by last year's budget resolution is determined does not currently apply to budget resolutions and could be repealed by a subsequent budget resolution. This proposal would make future budget resolutions subject to this point of order."

They talk about partisanship. I am delighted to get bipartisan here today on not only the line-item veto, which I have been trying for 10 years. It was a bipartisan initiative back in 1985, and was rightly quoted as such by the distinguished majority leader said earlier this week. He referred to the Hollings-Mattingly line-item veto, that we had a pretty good healthy vote on in 1985.

Mr. President, let me also ask that the distinguished ranking member of our Budget Committee, the distinguished Senator from Nebraska, Senator EXON, also be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, with him being a cosponsor, I go back to that vote.

We had the line-item veto up in the Budget Committee. My particular introduction of the line-item veto already in this session is now resting in the Rules Committee. I have had it before in the Budget Committee. In fact, I had a successful vote in 1990 of the line-item veto out of the Budget Committee by a vote of 13 to 6.

Now, I want to one more time elaborate so it is clearly understood what is happening here with respect not only to the line-item veto and referring to future generations as the Senator from Arizona just previously did, but what we have done in order to try and secure the Social Security of future generations.

Along this line, Mr. President, I ask unanimous consent to have printed at this point a very short title of "Off-Budget Status of OASDI Trust Funds," section 13301(b). I want to print this in the Record at this particular point.

There being no objection, the material was ordered to be printed in the Record, as follows:

Subtitle C—Social Security

SEC. 13301. OFF-BUDGET STATUS OF OASDI TRUST FUNDS.

(a) Exclusion of Social Security From All Budgets.—Notwithstanding any other provision of law, the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(1) the budget of the United States Government as submitted by the President,

(2) the congressional budget, or

(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Exclusion of Social Security From Congressional Budget.—Section 301(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following: "The concurrent resolution shall not include the outlays and revenue totals of the old age, survivors, and disability insurance program established under title II of the Social Security Act or the related provisions of the Internal Revenue Code of 1986 in the surplus or deficit totals required by this subsection or in any other surplus or deficit totals required by this title.".[1831]

FOOTNOTE

[1831] The statement of managers accompanying the conference report on the Budget Enforcement Act explains generally the amendments made by subtitle C:

VI. TREATMENT OF SOCIAL SECURITY

Current law

Under current law, the Social Security trust funds are off-budget but are included in deficit estimates and calculations made for purposes of the sequestration process. However, Social Security benefit payments are exempt from any sequestration order.

Section 310(g) of the Congressional Budget Act of 1974 prohibits the consideration of reconciliation legislation "that contains recommendations" with respect to Social Security. (A motion to waive this point of order requires 60 votes in the Senate and a simple majority in the House.)

House bill

The House bill reaffirms the off-budget status of Social Security and removes the trust funds—excluding interest receipts—from the deficit estimates and calculations made in the sequestration process. The House bill retains the current law exemption of Social Security benefit payments from any sequestration order.

The House bill creates a "fire wall" point of order (as free-standing legislation) to prohibit the consideration of legislation that would change the actuarial balance of the Social Security trust funds over a 5-year or 75-year period. In the case of legislation decreasing Social Security revenues, the prohibition would not apply if the legislation also included an equivalent increase in Medicare taxes for the period covered by the legislation.

Senate amendment

The Senate amendment also reaffirms the off-budget status of Social Security and removes the trust funds from the deficit estimates and calculations made in the sequestration process. However, unlike the House bill, the Senate amendment removes the gross trust fund transactions—including interest receipts—from the sequestration deficit calculations. The Senate amendment also retains the current law exemption of Social Security benefit payments from any sequestration order.

The Senate amendment also creates a procedural fire wall to protect Social Security financing, but does so by expanding certain budget enforcement provisions of the Congressional Budget Act of 1974. The Senate amendment expands the prohibition in Section 310(g) of the Budget Act to specifically protect Social Security financing, prohibits the consideration of a reported budget resolution calling for a reduction in Social Security surplus, and includes Social Security in the enforcement procedures under Sections 302 and 311 of the Budget Act. The Senate amendment also requires the Secretary of Health and Human Services to provide an actuarial analysis of any legislation affecting Social Security, and generally prohibits the consideration of legislation lacking such an analysis.

For more on the budgetary treatment of Social Security under current law and historically, see Senate Comm. on the Budget, Social Security Preservation Act, S. Rep. No. 101–426, 101st Cong. 2d Sess. (1990).

Conference agreement

The conference agreement incorporates the Senate position on the budgetary treatment of the Social Security trust funds, reaffirming their offbudget status and removing all their transactions from the deficit estimates and calculations made in the sequestration process.

Further, the conference agreement provides that the "fire wall" procedure proposed by the House shall apply only to the House and that the "fire wall" procedures proposed by the Senate shall apply only to the Senate. H.R. Conf. Rep. No. 101–964, 101st Cong., 2d Sess. 1160–61 (1990), *reprinted in* 1990 U.S.C.C.A.N. 2374, 2865–66.

For legislative history of the effort to remove Social Security from the budget, see generally 136 Cong. Rec. 15,777–81 (daily ed. Oct. 18, 1990) (Senate debate on the related amendment to the Omnibus Budget Reconciliation Act of 1990); Senate Comm. on the Budget, Social Security Preservation Act, S. Rep. No. 101–426, 101st Cong. 2d Sess. (1990); Congressional Research Serv., Social Security, Medicare, and the Unified Budget, S. Print No. 83, 99th Cong., 1 Sess. (Sen. Comm. on Budget Print 1985); *Concurrent Resolution on the Budget for Fiscal Year 1989: Hearings Before the Senate Comm. on the Budget*, 100th Cong., 2d Sess. 85–160 (1988) (S. Hrg. No. 578, Vol. III) (hearing March 24, 1988, on "Social Security, Deficits, and the Baby Boomers' Retirement"); *Budget Reform Proposals: Joint Hearings Before the Senate Comm. on Governmental Affairs & Comm. on the Budget*, 101st Cong., 1st Sess. 30–42 (S. Hrg. No. 101–560) (1989) (testimony of Sen. Heinz Oct. 18, 1989, on S. 1752); 129 Cong. Rec. S3587–603 (daily ed. Mar. 22, 1983) (Heinz amendment to remove Social Security trust funds from the unified budget); 135 Cong. Rec. S15,137–47 (daily ed. Nov. 7, 1989) (statements of Sen. Heinz, Majority Leader Mitchell, and others regarding scheduling of legislation regarding Social Security); 136 Cong. Rec. S7935–6, S7949–50, S7956–59, S7974–79 (daily ed. June 14, 1990) (same); 136 Cong. Rec. S8153–56 (daily ed. June 18, 1990) (statement of Sen. Heinz on his amendment requiring Congressional action on Social Security before action on the debt limit); 136 Cong. Rec. S8192–210 (daily ed. June 19, 1990) (debate on the Heinz amendment); S. 2211, 100th Cong., 2d Sess., 134 Cong. Rec. S3038–39 (daily ed. Mar. 24, 1988) (Sen. Sanford); S. 2914, 100th Cong., 2d Sess., 134 Cong. Rec. S16,889–95 (daily ed. Oct. 19, 1988) (Sen. Moynihan); S. 101, 101st Cong., 1st Sess., 135 Cong. Rec. S170, S425–29 (daily ed. Jan. 25, 1989) (Sen. Sanford); S. 219, 101st Cong., 1st Sess., 135 Cong. Rec. S173, S636–37 (daily ed. Jan. 25, 1989) (Sen. Moynihan); S. 240, 101st Cong., 1st Sess., 135 Cong. Rec. S173, S682–84 (daily ed. Jan. 25, 1989) (Sen. Heinz); S. 401, 101st Cong., 1st Sess., 135 Cong. Rec. S1413, S1421–22 (daily ed. Feb. 9, 1989) (Sen. Hollings); S. 852, 101st Cong., 1st Sess., 135 Cong. Rec. S4384, S4419 (daily ed. Apr. 19, 1989) (Sen. Bryan); S. 1752, 101st Cong., 1st Sess., 135 Cong. Rec. S13,297, S13,299–300 (daily ed. Oct. 12, 1989) (Sen Heinz); S. 1785, 101st Cong., 1st Sess., 135 Cong. Rec. S13,893 (daily ed. Oct. 24, 1989) (Sen. Moynihan); S. 1795, 101st Cong., 1st Sess., 135 Cong. Rec. S14,129, S14,137–38 (daily ed. Oct. 25, 1989) (Sen. Hollings).

For a general discussion of the removal of Social Security from the budget and its consequences, see David Koitz, Social Security: Its Removal from the Budget and Procedures for Considering Changes to the Program (Jan. 4, 1993) (Cong. Res. Serv. rep. no. 93–23 EPW).

Some have argued that section 13301 conflicts with the listing of discretionary accounts set forth in the joint statement of managers accompanying the conference report on the Budget Enforcement Act. *See supra* p. 466. In a letter to the Director of the Office of Management and Budget, the Chairman of the Budget Committee argued that the congressional intent is plain:

"I am writing to express my concern regarding a possible interpretation of the Budget Enforcement Act of 1990 with respect to the budgetary treatment of Social Security. I understand that your Office is considering whether the administrative expenses of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall be counted in the deficit and as part of the domestic discretionary caps for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Gramm-Rudman-Hollings). I wish to express in the strongest terms my view that these administrative expenses should not be included in either the deficit or the domestic discretionary cap for purposes of Gramm-Rudman-Hollings.

"Section 13301(a) of the Budget Enforcement Act states:

* * * * *

"The all-inclusive breadth of this language could not be more clear. The subsection heading speaks of 'exclusion . . . from *all* budgets.' The operative language is unambiguous: 'the receipts and disbursements . . . shall not be counted.' Paragraph (3) specifically mentions the Gramm-Rudman-Hollings law as one of the purposes for which Social Security must be excluded.

"The joint statement of managers accompanying the conference report on the legislation that includes the Budget Enforcement Act similarly makes clear the intent of section 13301:

"'The conference agreement incorporates the Senate position on the budgetary treatment of the Social Security trust funds, reaffirming their off-budget status and removing *all their transactions* from the deficit estimates and calculations made in the sequestration process.'

H.R. Conf. Rep. No. 101–964, 101st Cong., 2d Sess. 1161 (1990)[,*reprinted in* 1990 U.S.C.C.A.N. 2017, 2865–66] (emphasis added).

"I understand that it may be argued that statement of managers language specifically includes references to the Social Security trust funds as two account items in a 39-page listing of accounts incorporated by reference in the definition of the term 'category' for purposes of the Gramm-Rudman-Hollings law. It would strain credulity to argue that this reference overcomes the plain language of section 13301(a). Although I conceded that some conflict between these two provisions may exist, that conflict must be resolved in favor of implementing the intent of Congress as evident in section 13301(a).

"The legislative intent to remove Social Security completely from all budgets is clear. The language of section 13301 indicates that it must apply '[n]otwithstanding any other provisions of law.' The Senate debated the removal of Social Security at length. The Senate voted 98–2 in favor of the amendment—sponsored by Senators Hollings, Heinz, and Moynihan, among others—that specifically took Social Security out of the Gramm-Rudman-Hollings process. (*See* 136 Cong. Rec. 15,777–81 (Oct. 18, 1990).) Congressional examination of the 39-page listing in the statement of managers is nowhere evident in the debates.

"I urge you to follow section 13301(a) of the Budget Enforcement Act and remove the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds from the budget in their entirety. I recommend that the President use his authority under section 251(b)(1)(A) of the Gramm-Rudman-Hollings law to recognize any adjustments to the discretionary spending limits that such a position would require as a change in a concept or definition. I believe that this is the approach needed to ensure that all of Social Security is taken off budget."

Letter from Sen. Jim Sesser to Richard G. Darman (Jan. 4, 1991).

The acting general counsel of the Office of Management and Budget replied to Chairman Sasser as follows:

"You expressed the view that the administrative costs of the social security program should be excluded from the domestic discretionary spending category.

We recognize that the Omnibus Budget Reconciliation Act (OBRA) contains a provision generally excluding the social security trust funds from the budget as well as the Gramm-Rudman-Hollings Act. Social security was previously excluded from the budget, but not from the deficit calculations under the Gramm-Rudman-Hollings Act (GRH).

However, other provisions of OBRA specifically address whether social security administrative expenses are included in the domestic discretionary spending category. The portion of the social security trust funds that are annually appropriated as administrative expenses are specifically identified in the list of domestic discretionary programs that is part of the Joint Statement of Managers Accompanying the Conference Report on OBRA. OBRA expressly provides that discretionary appropriations in each of the three categories "shall be those so designated in the joint statement of managers." Section 250(c)(4)(A) of GRH, as amended by OBRA. Because of this express designation of social security administrative expenses in the list of accounts that are required to be included in the domestic discretionary category identified in the law, we have concluded that the expenses must be so included.

While the OBRA provision excluding Social Security (section 13301(1)) applies as a general matter, it does not directly conflict with the specific OBRA provisions directing the treatment of one element of social security only for certain purposes. For example, Section 13303 of OBRA specifically requires that the congressional budget include social security revenue and outlays for purposes of enforcement of the Senate social security firewall points of order. This specific provision should not be disregarded simply because the general social security exclusion provision states that social security outlays and receipts "shall not be counted" for purposes of "the congressional budget." Section 13301 (a). The name is true of the specific provision on administrative expenses. Indeed, even if there were a direct conflict between the general and specific provisions, the result would be the same. It is a basic principle of statutory construction that "Where there is inescapable conflict between general and specific terms or provisions of a statute, the specific will prevail." 2A Sutherland, Statutory Construction Sec. 46.05 at p. 92 (4th Ed.).

The Congressional Budget Office (CBO) included social security administrative expenses within the domestic discretionary category in its Final Sequestration Report for Fiscal Year 1991, issued on November 6, 1990. OMB did the same in its Final OMB Sequester Report To The President and Congress for Fiscal Year 1991, issued on November 9, 1990. The Comptroller General of the United States, in his statutorily required report on the extent to which the CBO and OMB reports complied with law, issued December 10, 1990, did not state that OMB or CBO failed to comply with OBRA or committed any error by including social security administrative expenses in the domestic discretionary category. General Accounting Office, The Budget for Fiscal Year 1991—Compliance with the Balanced Budget and Emergency Deficit Control Act of 1985" B–221498 (December 10, 1990).

In view of the specific direction on the subject contained in OBRA, OMB will continue to classify social security program administrative expenses as within the domestic discretionary spending category."

Letter from Robert G. Damus to Sen. Jim Sasser (Jan. 24, 1991).

Mr. HOLLINGS. Mr. President, I thank the distinguished chair.

I will read the opening paragraph (b) here entitled "Exclusion of Social Security From Congressional Budget." Let me repeat that: The law, the law itself, three readings in the House, three readings in the Senate, signed into law on November 5, 1990, by President George Herbert Walker Bush.

It passed in the Senate, incidentally, by a vote of 98 to 2. And they talk about flip-floppers. Here is the law:

> Exclusion of Social Security from congressional budget. Congressional Budget Act of 1974 is amended by adding the following: "The concurrent resolution shall not include the outlay and revenue totals of the Old Age and Survivors Disability Insurance established under title XXII of the Social Security Act and related provisions of the Internal Revenue Code."

In other words, not include as part of outlays and revenues.

Along comes the constitutional amendment for a balanced budget, voted on in this body just a few weeks ago, and section 7 says:

> Total receipts shall include all receipts and shall include all outlays of the United States Government.

A positive, affirmative repeal of section 13301.

Now you go right to how this comes out in the press. In Time magazine, in a summary at the conclusion of a cover article—a March 20 copy, it said:

> So long as the crisis is not about to burst next month, Democrats will see political profits in portraying any proposal to change Social Security as a Republican conspiracy to starve the poor and elderly. Republicans will think the only defense is to swear eternal fealty to the system as it is.

They treat it as demagoguery. They treat it as just a political thing. Here is the cover article; never once do they cite section 13301. They never once cite the law.

When we passed those Social Security taxes back in 1983, it was definitely understood that we were not just balancing the Social Security budget, but the affirmative intent was to provide surpluses to make the Social Security fund fiscally sound into the middle of the next century.

At a previous time, I inserted a letter from former Chairman Ball of the Social Security Commission. His letter said the Social Security fund is not in any fiscal trouble, it has surpluses, as it appears by the fund. But as it appears by the political treatment by the news media and by Members of this particular body and by President Clinton and the administration, it is a political slush fund.

I quote the distinguished majority whip, the distinguished Senator from Mississippi, on "Face the Nation," Senator TRENT LOTT said on February 5:

> Nobody, Republican, Democrat, conservative, liberal, moderate is even thinking about using Social Security to balance the budget.

Do I have to invite him into the Republican caucuses so that he can understand what they are thinking because those thinkings are finally oozing out into the RECORD.

On "Larry King Live" around that time, Senator GRAMM said, and I quote:

> I think we ought to balance the budget counting Social Security first, and then if we want to balance it without counting it, do it second.

So they are thinking about using it either first or second, according to the Senator from Texas.

I quote again the distinguished chairman of the Budget Committee, Senator DOMENICI:

> You can't leave the biggest American program off budget.

It is off budget. The law says it is off budget. Here is the leader of fiscal responsibility in the U.S. Senate in contradiction to the law saying you cannot leave it off budget when the law requires it be off budget.

And then, of course, the distinguished Senator from Iowa, Senator GRASSLEY:

> The leadership of the House of Representatives and the Senate have promised not to touch the Social Security retirement program for at least 5 years.

Well, 5 years; that means maybe after that then, but they are thinking about Social Security.

Or the distinguished Senator from Idaho, Senator CRAIG, and I quote:

> Without access to the Social Security surpluses, you would create a much higher hurdle in trying to balance the budget.

Mr. President, we are not talking about hurdles, we are talking about truth in budgeting. I remember the saying of Mark Twain. He said that truth was such a precious thing it should be used very sparingly.

Is that the credo that we are going to use in the for budget laws in the U.S. Senate?

Or the distinguished majority leader on February 5, Senator DOLE:

> I also believe that we can't keep Social Security off the table forever.

Now, Mr. President, they are thinking about it. And, in fact, yesterday, Tuesday, March 21, reported on page A4 of the Washington Post, Senator PACKWOOD, the chairman of the Finance Committee said:

> "But in considering budgets," nothing is sacred, including Social Security and other entitlement programs."

How do you do it? You can do as the Speaker of the House says: If we cannot get what we want out of the Bureau of Labor Statistics, we will give it to Treasury, we will give it to Federal Reserve, we will give it to somebody to get it right.

One entity they are going to give it to get it right may be the new Director of the Congressional Budget Office. I do not have the exact quote here, but I know it is accurate. She said she could be using dynamic scoring when she has to. Ah, now you get in a CBO Director who uses dynamic scoring. Added to that, instead of a CPI of, let us say of 4 percent, you get one of 2 percent. But what we should understand, Mr. President, is that any savings in Social Security from changing the CPI should be put back into the reserves, back into the trust fund.

People say it is going to be difficult to really meet the target of reducing spending $1.2 trillion by the year 2002. But that, in and of itself, is an inaccurate figure because they are using Social Security moneys. To really balance the budget you need $1.7 trillion; saying otherwise means that you are contemplating using the surpluses that the trust funds will take in over the next 7 years.

But let me get back to my amendment. You can well see that we are trying to get back to truth in budgeting under this particular Hollings-Kerrey-Exon amendment. It was endorsed last year by the Republican Members of the Budget Committee under the leadership of our distinguished chairman of the Budget Committee, Senator DOMENICI, when they included that in their Republican alternative.

Now, it all of a sudden becomes untimely this year? I do not know what committees the distinguished Senator from Indiana is on, but you can bet your boots whatever committee, it has a 10-year rule. If you are on Agriculture, if you are on Interior, if you are on Banking, if you are on Commerce, if you are on Indian Affairs, wherever it is. The Finance Committee faced up to it with the General Agreement on Tariffs and Trade; we had a 10-year rule that created a 60-vote point of order requirement on that vote.

But for the budget resolution, you do not have to live under the restrictions of the 10-year rule. I am trying to get truth in budgeting. I am trying to get the very custodians of fiscal responsibility here to come under the same rules. The very first bill that we passed here in January was to make Congress comply with the laws that everybody else has to follow.

It was a very good initiative. Well, why not follow the same logic? The 10-year rule promotes fiscal responsibility. It promotes truth in budgeting. Nevertheless, it was voted down in the Budget Committee on a partisan vote of 12 to 10 and Members come to the floor now to say, "Let's just go along with the Budget Committee."

Well, Mr. President, if we are going by that logic I should point out another amendment that I offered in the Budget Committee. In addition to the 10-year rule I offered a separate enrollment line-item veto, the very kind of measure now under consideration, but only got 4 votes, all from Democrats, in the Budget Committee. Under that logic, we would not be voting on the underlying bill.

Let us not table. Let us adopt this amendment. Let us send it to the House and to the President for his signature. The President of the United States favors the line-item veto. I am sure that if he were asked whether he favors truth in budgeting, his answer would be "yes." Then let us give it to him.

If you want to really get it done, let us not think and hide behind procedure and process. Let us get the truth in budgeting and make sure that the 10-year rule applies to the budget resolution as it applies to all other legislation.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I would like to use the remainder of my leader time for a statement unrelated to the pending legislation.

The PRESIDING OFFICER. The Senator has that right.

The Democratic leader is recognized.

Mr. DASCHLE. I thank the Chair.

(The remarks of Mr. DASCHLE pertaining to the introduction of S. 588 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

ORDER OF PROCEDURE

Mr. FORD. Mr. President, I ask unanimous consent that I might proceed for 3 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE RETIREMENT ANNOUNCEMENT OF SENATOR JIM EXON

Mr. FORD. Mr. President, I would like to say just a few words about my good friend and colleague Senator EXON's announcement on Friday that he would be retiring from the Senate.

As soon as Senator EXON announced his decision, the political pundits were predicting who would run in his place, and which party stands to win or lose the most. There will be plenty of time to survey the political fallout. Instead, today we should lament the loss of a dedicated public servant and the factors that led to his decision. Let me underscore the facts that led to his decision.

I believe the entire institution of the Senate loses when a devoted public servant like Senator EXON chooses to leave. But more importantly, his reasons for leaving signify an even greater loss than his singular contributions.

Citing the "ever-increasing vicious polarization of the electorate," Senator EXON said the "us-against-them mentality has all but swept aside the former preponderance of reasonable discussions of the pros and cons of the many legitimate issues," eroding the "essence of democracy" in the process.

Refusing to answer the bell for another race, Senator EXON sent out a warning to the citizens of this country that the democratic process has become seriously flawed—that using the "hate level" in attack ads as the "measurement of a successful campaign," can only mean the deterioration of the notion of compromise "for the ultimate good of all."

It was a price the statesman in him was no longer willing to pay.

And there can be no doubt that he leaves here a statesman. President Eisenhower once said that "The opportunist thinks of me and today. The statesman thinks of us and tomorrow."

I know Senator EXON came to the Senate looking only to do what was in the best interests of his State and country. He knew that his decisions had to pass the test of time, not simply grab attention on the evening news. He spent each day meeting that test, knowing, as he said last week, that he "never reached a decision that (he) didn't believe to be in the best interests of Nebraska and the United States of America."

So perhaps the pundits will put aside their political score cards for a moment, and will consider that in his decision to leave, Senator EXON the statesman was again thinking of "us and tomorrow."

I certainly hope so, because his intellect, legislative skills, and commitment to service will be sorely missed in the U.S. Senate.

I yield the floor.

ORDER OF PROCEDURE

Mr. COATS. Mr. President, I ask unanimous consent to proceed as if in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Indiana is recognized.

Mr. COATS. I thank the Chair.

(The remarks of Mr. COATS pertaining to the introduction of S. 589 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. COATS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE LINE-ITEM VETO ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 362 TO AMENDMENT NO. 347

Mr. KOHL. Mr. President, I rise in opposition to the amendment by the junior Senator from Wisconsin. I am unhappy that I have to do so because I have the greatest respect for Senator FEINGOLD and for his dedication to deficit reduction. And though I agree with 99 percent of the substance of this sense-of-the-Senate, I cannot agree with the final statement that "enacting a * * * so-called middle-class tax cut during the 104th Congress would hinder efforts to reduce the Federal deficit."

I would like to state for the RECORD that I do believe that deficit reduction is this Congress highest priority. If proposals for tax breaks—such as the $200 billion in tax breaks moving through the House—get in the way of further progress in reducing the deficit, I will oppose them. However, I believe it is possible to both make the Tax Code fairer to low- and middle-income working families and significantly reduce the deficit.

For example, Congress could engage in wholesale tax reform, lowering rates for middle and lower income taxpayers while eliminating wasteful tax loopholes that benefit the rich. Such reform could be designed to reduce the deficit and make the Tax Code more equitable. I do not think the Senate should go on record right now with a sense-of-the-Senate that implies such reform is out of the question.

Though this Congress has discussed in great detail the problems with our Federal budget, we have yet to start the debate on the fiscal year 1996 budget plan. At this early point in the debate, I do not believe it wise to start ruling out options—such as providing some tax relief to working families. Therefore, I will reluctantly oppose the pending sense-of-the-Senate.

AMENDMENT NO. 403

Mr. KOHL. Mr. President, I rise today to support the amendment offered by my colleague from New Jersey. If adopted, the Bradley amendment will allow the President to eliminate tax loopholes that benefit special interests at the expense of the American people. And while the tax expenditure language in the Dole substitute is a good first step in the right direction, the amendment offered by Senator BRADLEY offers definitive protection against future wasteful tax spending.

Mr. President, when it comes to creative spending, the Federal Government is second to none. And one of the most creative ways that Washington spends money is through special breaks and hidden expenditures in the Tax Code. The Tax Code contains loopholes large and small that benefit every type of special interest, including, among others, an exclusion of income for rentals of 2 weeks or less and deferrals of income of foreign-controlled corporations.

Mr. President, there is not enough time this morning to go through the entire list of loopholes that permeates our tax laws, but you may be assured that there is a credit, break, or write-off for every conceivable purpose. There may have been a time when our country could afford these expenditures, but that time is over. Today, we have the opportunity to begin the process of eliminating this hidden spending if we adopt the clear and unambiguous language offered by my colleague from New Jersey.

Mr. President, we are at a critical time in our Nation's history: We can act now to balance our Federal budget or we can pass the buck to our children and leave them a legacy of debt, depression, and continued economic decline. In order to regain control of our financial situation, we need to make tough choices, and the time has arrived for the special interests to pay their dues along with the rest of us. Mr. President, at a time when we are asking the American people to accept sacrifices in the areas of housing, school lunches, and education, I believe we in Congress need to subject tax spending to the same level of scrutiny. So I urge my colleagues to support the Bradley amendment and I yield the floor.

VOTE ON MOTION TO TABLE AMENDMENT NO. 403

The PRESIDING OFFICER. The hour of 2 p.m. having arrived, under the previous order, the question now occurs on the motion to table amendment No. 403, offered by the Senator from New Jersey [Mr. BRADLEY].

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Alabama [Mr. SHELBY] is necessarily absent.

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 48, as follows:

[Rollcall Vote No. 109 Leg.]

YEAS—50

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Santorum
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—48

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Packwood
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Simpson
Wellstone

NOT VOTING—2

Heflin
Shelby

So the motion to lay on the table the amendment (No. 403) was agreed to.

Mr. COATS. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The PRESIDING OFFICER. The motion to lay on the table was agreed to.

VOTE ON MOTION TO TABLE AMENDMENT NO. 362

Mr. COATS. Mr. President, I move to table the pending amendment No. 362 offered by Senator FEINGOLD and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. COATS. Mr. President, I ask that the next two votes be 10-minute votes.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 362 offered by the Senator from Wisconsin [Mr. FEINGOLD]. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Alabama [Mr. SHELBY] is necessarily absent.

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 110 Leg.]

YEAS—54

Abraham
Ashcroft
Baucus
Bennett
Biden
Bond
Bradley
Brown
Burns
Coats
Cochran
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Kempthorne
Kennedy
Kohl
Kyl
Lautenberg
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Rockefeller
Roth
Santorum
Simpson
Smith
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—44

Akaka
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Cohen
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kerrey
Kerry
Leahy
Levin
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Packwood
Pell
Pryor
Reid
Robb
Sarbanes
Simon
Specter
Wellstone

NOT VOTING—2

Heflin
Shelby

So the motion to lay on the table the amendment (No. 362) was agreed to.

Mr. COATS. Mr. President, I move to reconsider the vote by which the motion was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON MOTION TO TABLE AMENDMENT NO. 404

Mr. COATS. Mr. President, I move to table the pending amendment No. 404 offered by Senator HOLLINGS and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs on agreeing to the motion to table amendment No. 404 offered by the Senator from South Carolina [Mr. HOLLINGS]. The yeas and nays have been ordered.

The Chair will advise Senators that this is a 10-minute vote.

The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Alabama [Mr. SHELBY] is necessarily absent.

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 52, nays 46, as follows:

[Rollcall Vote No. 111 Leg.]

YEAS—52

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Feinstein
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Santorum
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—46

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone

NOT VOTING—2

Heflin
Shelby

The motion to table the amendment (No. 404) was agreed to.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 373 TO AMENDMENT NO. 347

(Purpose: To include in the definition of "targeted tax benefits" provisions that worsen the deficit in periods beyond those covered by the budget resolution)

Mr. EXON. Mr. President, I call up amendment No. 373, which the clerk has at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nebraska [Mr. EXON], for himself and Mr. DASCHLE, proposes an amendment numbered 373 to amendment No. 347.

Mr. EXON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, strike lines 14 through 17 and insert:

"(A) estimated by the Joint Committee on Taxation as losing revenue for any one of the three following periods—

"(1) the first fiscal year covered by the most recently adopted concurrent resolution on the budget;

"(2) the period of the 5 fiscal years covered by the most recently adopted concurrent resolution on the budget; or

"(3) the period of the 5 fiscal years following the first 5 years covered by the most recently adopted concurrent resolution on the budget; and".

Mr. EXON. Mr. President, we have debated this amendment already so I will be very, very brief. This amendment would apply the line-item veto to tax loopholes that lost money in the 6th through the 10th years. I believe there is broad bipartisan support for this amendment and I urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 373) was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. EXON. Mr. President, I wish to inquire of the distinguished majority manager if he is ready to proceed with the Feingold amendment regarding emergency spending that I understand has been cleared on both sides. Is that correct?

Mr. MCCAIN. Mr. President, I would say to my friend, we are just about there. I think in about 1 or 2 more minutes. I think the Senator from South Carolina was waiting to make remarks and I think we will be ready by the time he is finished with his remarks.

Mr. EXON. I thank the Chair. I yield the floor.

Mr. MCCAIN. Mr. President, I thank the Senator from Nebraska for his amendment. I think it helps the bill. I am glad we were able to agree on it.

Mr. EXON. I thank my friend from Arizona. I appreciate his cooperation.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I thank the able Senators, and the managers of the bill.

Mr. President, I rise in support of the Line-Item Veto Act, which is presently before this body. For many years, I have been a supporter of giving authority to the President to disapprove specific items of appropriation presented to him. On the first legislative day of this Congress, I introduced Senate Joint Resolution 2, proposing a constitutional amendment to give the President line-item veto authority.

Presidential authority for a line-item veto is a significant fiscal tool which would provide a valuable means to reduce and restrain excessive appropriations. This proposal will give the President the opportunity to approve or disapprove individual items of appropriation which have passed the Congress. It does not grant power to simply reduce the dollar amount legislated by the Congress.

Mr. President, 43 Governors currently have constitutional authority to reduce or eliminate items or provisions in appropriation measures. My home State of South Carolina provides this authority, and I found it most useful during my service as Governor in the late 1940's. Surely the President should have authority that 43 Governors now have to check unbridled spending.

It is widely recognized that Federal spending is out of control. The Federal budget has been balanced only once in the last 34 years. Over the past 20 years, Federal receipts, in current dollars, have grown from $279 billion to nearly $1.3 trillion, an increase of $978 billion. In the meantime, Federal outlays have grown from $332 billion in 1975, to over $1.4 trillion last year, an increase of over $1.1 trillion. The annual budget deficits have risen to over $200 billion each year, with the national debt growing to over $4.8 trillion.

Mr. President, it is clear that neither the Congress nor the President are effectively dealing with the budget crisis. The President continues to submit budgets which contain little spending reform and project annual deficits of nearly $200 billion. I am hopeful that this year Congress will undertake serious efforts to restrain Federal spending by reducing or eliminating funding of ineffective programs.

If we are to have sustained economic growth, Government spending must be significantly reduced. A balanced budget amendment and line-item veto authority would do much to bring about fiscal responsibility. I regret that earlier this year the Senate failed to pass the balanced budget amendment.

Mr. President, it would be a mistake to fail to pass this measure. It is my hope that this Congress will swiftly approve the line-item veto and send a clear message to the American people that we are making a serious effort to get our Nation's fiscal house in order. Finally, Mr. President, we must get on with the serious business of reducing spending. I thank the Chair.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Nebraska.

ORDER OF PROCEDURE

Mr. EXON. Mr. President, I ask unanimous consent that we proceed as if in morning business for a short period of time to accommodate the Senator from New Jersey.

The PRESIDING OFFICER. Without objection, it is so ordered.

CRIME IN AMERICA

Mr. LAUTENBERG. Mr. President, I thank my friend from Nebraska for yielding the time, and particularly the distinguished Senator from Indiana for interrupting the flow of the discussion, because there are matters of great importance that are under review.

But I would like to talk for a minute about an incident that took place in the last couple of days that has been across the newspapers in this country and through all means of communication—television, radio, and so forth. It is about an incident in Montclair, NJ, which is where my home has been since 1968. My children were brought up in this community, all four of them, and there is still a Lautenberg house in the town. The community is shocked by the turn of events—four people killed, four innocent people, two who worked in the post office, long-time employees, and two residents of the community, one I am told, 38 years of age, and one 59 years of age, customers of the post office. They were on an innocent piece of business, and suddenly carnage broke out. It is established that a 9 mm weapon was used, and the culprit has been captured and is now in custody. This afternoon, the U.S. attorney and other law enforcement people will be making a full statement.

Mr. President, we have seen violence all over this country ourselves, gun violence, people shot randomly. As a matter of fact, unless it gets to be in your neighborhood or your community, or you know someone who is the victim, it is almost greeted with a yawn. We watch the incredible spectacle of Colin Ferguson, the man who murdered and assaulted people on the Long Island Railroad, make a fool out of the system, and he is ready now perhaps this day for sentencing.

But I watched in shock as some of the victims' families addressed this individual, trying to describe their pain and their anguish, including one person that I know, also from New Jersey, a man named Jake LaCicero, who lost his daughter, Amy, on that train. She was in her late twenties, innocently traveling back and forth to work from where she then lived, and she died needlessly.

And not too long ago, at a post office in Richwood, NJ, a quiet, high-income community, principally commuters, people who took pride in their community and people who believed so deeply in America and the American way—the town that I am talking about now, Montclair, NJ, is a fairly high-income community, a fully integrated community, with a minority African-American portion, about 30 percent, living side by side, house to house, and everybody getting along well.

Mr. President, last weekend, we heard about an incident—and I had the occasion to visit the victim, a woman named Gilespie, 66 years old, who had her car hijacked by two young men who, as she described it to me, is an incredibly courageous woman, fighting back against all odds, because she was shot right almost in the middle of her face just at the eyebrow line. She had a black-and-blue mark. The bullet is still apparently lodged in her head. She will have lost the sight of one eye, but she is going to live. And she is remarkably strong.

I was there to visit a trauma unit at our University Hospital and Medical School in Newark. She said she cannot understand why she was shot. She said, "I was ready to surrender my car." It was in the evening. She went to visit her daughter in the suburbs. She said, "I was ready to surrender my car. I was ready to surrender my pocketbook." She said, "I did not want to fight with these two fellows." She said not a word was exchanged. The only thing that was exchanged was a gunshot, a gun pointed at her head, and the trigger pulled. And she had enough strength and enough courage to get to a telephone and the police, in quick response, from Montclair, NJ, were able to capture two young men. These men, by the way, Mr. President, had no previous record of criminality—young men; one was 17, one was 19. One already finished with high school; the other was in high school. These were not the traditional criminals. These were not the people who we talk about when we say, "Guns do not kill people; people kill people."

Mr. President, we are hearing ruminations on this floor about removing the ban that exists on assault weapons—a ban that was fought over day after day, hour after hour before it became essentially a part of the crime bill that was passed and signed last year by the President of the United States. We hear now that that bill is being reviewed, perhaps, with the purpose of removing the ban on assault weapons. It almost is shocking beyond belief that we, at this point in time, could be talking about removal, repeal of a ban on weapons that were designed to kill people, to be used by military and law enforcement people. And we are discussing it because the NRA has a gun at the head of this Congress. The NRA has a gun at the head of this Senate. The gun reaches into the pocketbook, Mr. President. That is where the power comes from. It is the power of the purse used to pervert and to twist the intentions of the American people, and to analyze the second amendment in such a way that it permits every loony in the world, in the States, and in this country of ours to get their hands on a gun. The Brady bill was fought against so hard here. I read in the paper recently, it stopped 45,000 applications for gun ownership from being executed. And we fought tooth and nail here. It was like a battle over whether or not we continue to operate as a democratic society. We fought over that, and—how many escaped we do not know, but 45,000 people were denied applications for gun ownership.

Mr. President, I do not know what it is going to take to stop this gun mad necessary. I hope it does not visit families here. Though, we have had it. The Senator from North Dakota watched his wife being taken away by a man with a gun at her head, not far from the Capitol, where we have multiple police departments. He was powerless because the man had a gun and was able to blow his wife's head off. What is it going to take for our society to respond and say "no" to the NRA, that we are not going to let you own this country, we are not going to let you own this Congress. We ought to turn out every Congressman and Senator who supports the NRA, unless there is a change in their attitude.

Mr. President, it is a terrible day, terrible occasion when we have to reminisce about those who lost their lives. Anybody who saw the victims talking to Colin Ferguson this morning, where one woman who lost her husband and her son was shot, to be permanently disabled, this young man weeping uncontrollably because his life had been torn apart. I hope that we do not have to recite in the years ahead those who are victims of gunfire—random gunfire, in many cases, and botched burglaries.

Mr. President, people say that it is not guns, that it is people who do the killing. But if you look at the United Kingdom, look at Japan, countries westernized in their customs like ours, and you see that in our country 13.5 thousand people died from gunshots, and in the other countries just mentioned, the numbers are less than 100. One of those populations is two-thirds of ours—Japan. I believe they had less than 100 people die by gunshot. In the United Kingdom the numbers were less than 100. In Canada they were less than 50. But we here in the United States, who want to protect the rights under the second amendment for people to own guns, are not standing up for people to be able to live freely, to walk down the street. In Los Angeles, it is said that most of the gunshot damage done is done by drive-by, random shootings. If there are no guns around, I assure you that we would not see the damage, because it is awful hard to have a drive-by clubbing or a drive-by stabbing.

It is time that we woke up to the problem that we have here and get rid of this menace for the safety and well-being of our children, our families, our homes, our stores, and our businesses, and get on with letting this democracy perform as it should.

I thank the Senators from Nebraska and Indiana for giving me these few minutes.

A TRAGEDY IN MONTCLAIR

Mr. BRADLEY. Mr. President, yesterday in Montclair, NJ, four people were gunned down and a fifth was wounded when a man entered a postal substation and opened fire. Montclair is a wonderful community. It is like so many other towns in New Jersey where neighbors know each other, care for one another, and are proud of the community spirit that they share. That should not change, even in the wake of this tragedy.

What occurred yesterday also reminds us that there are no town borders around violence. Montclair, West Caldwell, Franklin Township, Piscataway—it finds us all. It is always senseless. It is always painful.

I offer my deepest sympathy to the families and friends and neighbors of each of the victims of yesterday's violence. I have just talked to the mayor and the police chief and they have apprehended the individual they think could be responsible. I applaud them for their action.

My sympathy goes to the families of these victims.

LEGISLATIVE LINE-ITEM VETO ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 356 TO AMENDMENT NO. 347

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I brought up amendment No. 356 last night and it was laid aside.

I ask unanimous consent that we return to that now. It is my understanding that the managers have no objection to the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. EXON. Please proceed. I was not aware that this had been cleared now. I have no objection.

Mr. FEINGOLD. I will reiterate that there is no objection on either side to this. It has to do with changing the rules for emergency spending bills. It is making sure that extraneous matters are not attached to them, as has happened in the past. I understand both sides have agreed to voice vote on that.

Mr. COATS. If the Senator from Wisconsin will yield, I just say to the Senator from Wisconsin that we think it is a meritorious amendment. It is consistent with the goals and the intent of the line-item veto legislation before us. We are happy to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 356) was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote.

Mr. COATS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FEINGOLD. Mr. President, I want to take a moment to thank the managers and all the people that were involved in this amendment. It is an excellent example of bipartisan cooperation to, in effect, try to prevent the pork from getting over to the President in the first place. The line-item veto is about getting rid of those items after the President has them on his desk. I think this will prove to be a useful tool in eliminating some of the things that have happened in Congress that have been held up really to public ridicule. I am grateful to the Senators who helped move it along.

AMENDMENT NO. 402 TO AMENDMENT NO. 347

The PRESIDING OFFICER. The question now before the Senate is amendment No. 402.

Mr. EXON. Mr. President, I want to take a moment to thank my friend and colleague from Wisconsin for an excellent amendment, well presented. I am very pleased that it has been accepted on the other side.

We are moving along very well now. As I understand it, from conversations I have just had with the Senator from Indiana, the manager of the bill on the other side of the aisle, the lockbox amendment that I presented last night has now been cleared on each side.

What is the pending business, Mr. President?

The PRESIDING OFFICER. The Senator's amendment No. 402.

Mr. EXON. With that, I would like to call up that amendment for a vote at this time. We have finished debate on the amendment. I believe it has been cleared on each side.

Mr. COATS. Mr. President, we have had trouble putting our fingers on 402. I want to make sure amendment 402 is the lockbox amendment.

Mr. EXON. I think we can assure the Senator that it is the Exon lockbox amendment.

Mr. COATS. I had just heard a minute ago that it was not. That is why I wanted to verify that.

We are satisfied, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 402) was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote.

Mr. COATS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. EXON. Mr. President, I thank my colleague from Indiana, the floor manager, for his help on this.

Mr. President, I believe we have made really good progress. Last night and so far today, we have either adopted or tabled seven amendments. The majority has inquired with regard to three amendments on their side, and we are attempting to work those out.

Beyond that, I think that there are in the neighborhood of only 8 or 10 amendments left that I know of here. So that is excellent progress.

I would simply take this opportunity to once again state what I stated this morning. And after my statement this morning, we had some good cooperation. So I would simply alert all Senators to the fact that we are now moving very, very aggressively and very, very quickly. I urge Senators who have amendments that are outstanding or, if there are any—hopefully, there are not—if there are any we do not know about, I think this would be an excellent time for Senators to come to the floor and offer any amendments that any Senator on either side of the aisle has on the measure before us so we can keep the momentum going and not get slowed down to where we sag back into situations that we have been in before on bills where we think we are moving and all at once we slow down and seemingly never get started up again.

So I certainly urge any Senator, this is a very, very good time to come forward with the 8 or 10 amendments that we believe are serious amendments that are pending. This would be a good time to move on them. Certainly, it is not a time to go to third reading, but this is a time I think for everybody to understand that, with a little cooperation, we can stay away from any consideration of a cloture vote. As far as I know, the cloture vote has not been vitiated yet, has it?

Mr. COATS. It has not.

Mr. EXON. I am advised that the majority leader has not vitiated the cloture vote. That is currently scheduled, I believe, for 5 p.m. I believe we will not need that if the feeling of the majority leader is that we are making sufficient progress. But that is a possibility.

So since it is now about 3:22, this would be a excellent time for someone to come over and offer an amendment. I would be very glad to have someone show up.

I have been advised I was wrong on the 5 o'clock time. The 5 o'clock time was to have been for 1 hour of debate and the vote was scheduled to be at 6 o'clock, as presently scheduled.

We hope somewhere along the line in the next hour or so we might have a chance of going to the majority leader and having that vitiated. But I think it all depends. The first thing the majority leader is going to ask is, "Well, how are you coming along?" I suspect my friend from Indiana would agree with that.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I would agree with that. We obviously hope to be able to vitiate the cloture vote that is now scheduled for 6 p.m.

We are making excellent progress on these amendments. We hope that Members will come to the floor and continue to offer amendments. Our goal is to expedite the debate and consideration of this bill that is before us.

We have had considerable debate not only on this particular issue but on similar issues for the past several years. I think Members have had an ample opportunity to express their thoughts and opinions.

We now actively encourage those amendments. Obviously, as the Senator from Nebraska said, the more amendments that we can consider before 6 o'clock, perhaps the more favorable consideration the majority leader can give to that vote which is ordered for 6 p.m.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. DOLE. Mr. President, I ask unanimous consent that the cloture motions on the majority leader's amendment be vitiated; that the following be the only first-degree amendments remaining in order to either S. 4 or to Senator DOLE's amendment; that they be subject to relevant second-degree amendments following a failed tabling motion; that all amendments on this list must be offered by 10 a.m., Thursday, March 23; that upon the disposition of these amendments, Senator DOLE's substitute amendment, as amended, if amended, be agreed to; that the bill be read a third time, and at that time there be 2 hours of debate under Senator BYRD's control; and that upon the conclusion or yielding back of that time, the Senate vote on final passage of S. 4, as amended, with the preceding all occurring without any intervening action or debate, and that no motion to recommit be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Let me indicate the list which I will send to the desk: One amendment by Senator BINGAMAN, two amendments by Senator BYRD, two by Senator DASCHLE, one amendment by Senator MURRAY, one amendment by Senator EXON, one amendment by Senator GLENN, one amendment by Senator LEVIN, one amendment by Senator DOLE, one amendment by Senator ABRAHAM, one amendment by Senator MURKOWSKI, one amendment by Senator HATCH, one amendment by Senator D'AMATO.

These are relevant amendments. One is a substitute, others relate to authorized programs or exemptions, and one is a fencing amendment. We can provide further details if any of our colleagues want details on the amendments.

Mr. DASCHLE. Mr. President, I commend many of the Senators whose cooperation was important in receiving this agreement.

We started out with a large double-digit list and we are now down to virtually a single-digit list with as many Republican as Democratic amendments. I am very hopeful that we can work through these amendments.

For the information of colleagues, I intend to offer our substitute this evening, and hope we can have a good debate on that. I am sure we can work through many of these, even with time agreements, but I do appreciate the accommodation by many Senators. I appreciated having the opportunity to work through this agreement with the majority leader.

I think this will allow Members to do what we have indicated we would like to do, and that is reach final passage this week.

I appreciate the cooperation of all Senators, and I look forward to the remaining debate on the amendments that have just been listed.

Mr. DOLE. Mr. President, I thank the Democratic leader, Senator DASCHLE, for his cooperation. I think he is correct. I think it is in a condition now where it can be passed, maybe late tomorrow night if not sometime early Friday.

I would hope following disposition, as I have not yet discussed it with the Democratic leader, one thing we have to do is the self-employed tax matter. Maybe we could start on that Friday. I will discuss that with the minority leader later. I asked Senator PACKWOOD to check with Senator MOYNIHAN to see if they would be available on Friday.

I would ask my colleagues if they have amendments, certainly, this would be a good time to offer amendments because the Democratic leader has indicated later today he will offer the substitute. I urge my colleagues on either side of the aisle if they have amendments, I am certain that the managers would be happy to engage them in debate. Perhaps we can dispose of four or five additional amendments before late afternoon.

Mr. DASCHLE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENT CLINTON'S ACCEPTANCE OF YELTSIN INVITATION

Mr. ROTH. Mr. President, yesterday President Clinton announced his acceptance of Russian President Boris Yeltsin's invitation to participate in Moscow's anniversary of the 50th anniversary of V-E Day.

He has accepted this invitation, despite the fact that I—and many of my colleagues concerned about the foreign policy implications—urged him to seek another time for a summit.

I continue to believe that his participation in this commemoration does not further American interests in Europe and in our relationship with Russia.

First, this commemorative event is morally ambiguous. I recognize the valor and sacrifices of the Russian people in their defense against Nazi aggression. However, it is equally important to remember that the Soviet leaders, through the Molotov-Ribbentrop pact laid the foundation not only for World War II, but also for Soviet hegemony over Eastern Europe during the cold war.

Joseph Stalin unleashed Soviet forces against Poland in collusion with the Nazis, and during the first 2 years of World War II the Soviet Union provided the Nazi Reich with strategic war materials as well as with political and propaganda support.

Moreover, the Soviet Union committed war crimes as brutal as those of the Nazis.

One need only to recall the Soviet's massacre of thousands of Polish officers at Katyn; the deportation to concentration camps and murder of thousands of civilians, including Lithuanians, Estonians, Latvians, Tatars, Chechyns, and others. After World War II, the survivors in Eastern Europe did not benefit from freedom and liberty, but were subjected to the brutal hegemony of the Soviet Union.

If the President persists in going to celebrate the end of World War II in Europe with the Russians, I believe he should at least make some reference to the fact that the United States, as a whole, has not forgotten these, or any, crimes committed during the war.

The second reason why we encouraged the President not to accept this invitation is because the commemoration in Moscow will reinforce the growing nostalgia among some Russians for the Soviet past and its imperial ambitions, not to mention the leader who epitomized all this, Joseph Stalin.

The presence of the President of the United States risks further legitimizing such nostalgia, thereby encouraging Russians to concentrate on reacquiring great power status at a time when Moscow should be directing its efforts and energy inward, toward democratic and market reform.

Third, this invitation arrives in the midst of the war in Chechnya. President Clinton's participation in this celebration will convey American indifference to the atrocities committed against the Chechyn peoples.

Indeed, Moscow's management of the Chechyn autonomy movement is depressingly reminiscent of the policies that Stalin, himself, used to terrorize the peoples incorporated into the former Soviet Union.

Mr. President, I strongly support efforts to deepen American-Russian relations. Indeed, this is especially important today as both nations adjust to the post-cold-war era. However, the symbolism associated with the Moscow celebration makes it a poor forum through which to pursue the type of relationship the United States must have with Russia.

But since President Clinton has made his decision, I hope he will emphasize the following themes in the course of his Moscow meetings:

The President should speak forthrightly to the Russian people, not hiding the fact that America condemns the brutal use of military force against Chechnya. Human rights is an international issue. If Russia avows to be a member of the community of democracies founded upon respect for inalienable human rights, it must live up to those standards.

The President should make clear that America is more interested in the future of Russian democracy than in the fate of a single leader. I hope that President Clinton will spend his time not only with government officials and the leadership of the Russian Duma, but also with Russia's leading supporters of democracy.

This must include members of Russia's beleaguered press and those democratically minded legislators—particularly Sergei Kovalyov, the former Human Rights Commissioner who was most recently relieved of his duties because of his courageous criticism of the Russian Government's Chechnyn policy.

In order for a true strategic partnership to evolve between the United States and Russia, Moscow must abandon hegemonic aspirations, particularly those toward the non-Russian nations of the former Soviet Union.

In this regard, I applaud the President's decision to visit Ukraine. A Kiev summit will be an important signal of America's commitment to assist the consolidation of Ukraine's newly attained independence. In light of Ukraine's intertwined history with Russia, the success of Ukrainian independence and integration into the Western community of nations will be a critical determinant of Russia's evolution into a post-imperial state.

Finally, I hope that the President will emphasize that NATO enlargement will contribute to greater peace and stability in post-cold-war Europe.

By further ensuring stability in Central and Eastern Europe, NATO enlargement should allow Moscow to spend more of its energy on the internal challenges of political and economic reform. I hope that our President will underscore the fact that Moscow cannot and will not have any veto over the future membership of NATO.

Mr. President, although I regret President Clinton's pilgrimage to Moscow, I believe that if these three themes—human rights, democracy, and rejection of empire—prevail, they will help ensure that the Moscow summit is not an exercise in propitiation, but a realistically constructive undertaking.

Mr. President, I yield the floor.

LEGISLATIVE LINE-ITEM VETO ACT

The Senate continued with the consideration of the bill.

Mr. HATFIELD. Mr. President, I have listened to the debate so far on the line-item veto, the proposal which is before the Senate, and I have read the compromise language offered by the majority leader. I would like to commend the majority leader and those who worked with him, long-time supporters of the proposal, and the sponsors. This proposal, as is my assessment at least, is much improved over the previous proposals. This improvement comes from the inclusion of new entitlements and targeted tax breaks along with appropriations spending items.

As I have stated in the past, if the Congress is serious about attacking our annual deficits, it must expand its view beyond discretionary spending. Discretionary spending, Mr. President, accounts in 1995 for 36 percent of the total spending of our Government. The Congress cannot balance the budget, let alone reduce the national debt, by focusing on 36 percent of the total budget.

The proposal before us makes great strides by also including in its purview new entitlements and direct spending. Entitlement spending will make up 49 percent of the budget in 1995.

This proposal also includes targeted tax benefits as being subjected to a Presidential line-item veto. According to the Senate Budget Committee, it was projected that the Treasury will lose $453 billion in revenue through tax expenditures in 1995 alone. That number is twice the size of the projected budget deficit.

At a time when our country is fast approaching the debt ceiling limit of $4.9 trillion, which could occur as early as August, according to the Treasury Department, it is important to send the message that, to attack the deficit, there must be a shared commitment from all sectors of the Federal budget including entitlement spending and tax preferences. I commend the authors of this proposal for this improvement over earlier versions.

Now, while this proposal is greatly improved in some respects, it causes me grave concern in other areas. The point which causes me the greatest concern is the impact of the massive shift of power from the Congress to the executive branch which could occur under this bill.

I might say, Mr. President, it is totally contrary to historic Republicanism. This is some strange new doctrine, to suggest that we have to abdicate responsibility to the Chief Executive of this country. I do not care whether he is a Democrat or a Republican.

While many supporters of this legislation have attempted to address this concern during the debate, I must raise this issue again as I believe it should be of grave concern to all the Members of the Congress, the House, the Senate, Republican and Democrat.

Mr. President, the legislation would actually allow the President of the United States, with the support of only one-third of either body, to eliminate funding for myriad Federal spending, departments, and programs authorized and enacted by the Congress.

Supporters of this proposal continually highlight it as a way to get at the so-called pet projects of interest to individual Members or to individual States. I will point out, as I have done in the past, Members can exercise their rights under the rules to raise objections, offer amendments, and round up votes to defeat such proposals.

Members should identify provisions of appropriations bills and reports that they find objectionable and craft amendments to resolve those objections. Members should also encourage the President to come forward with a rescission proposal pursuant to title X of the Budget Act to strip that funding.

We have that power. We have those tools. It must also be highlighted that the line-item veto can also be used to reduce funding or even eliminate completely, funding for projects and agencies that I doubt few would call congressional pork.

Let me remind you, a President with one-third of either Chamber—hardly a majority—could effectively eliminate funding for an entire agency such as HUD, the Interior Department, the Education Department, the EPA—any Department. While some Members may argue in favor of such a move, I doubt that many of us would call these agencies pet projects. Do not forget, we have had Presidents offer and express a desire to abolish such departments. This is not a hypothetical situation—entire departments. President Reagan wanted to absolutely eliminate the Department of Education, the Department of Energy, and others. And we have heard that from other Presidents. That could happen. With a one-third vote of the House and the Senate, the President would prevail to eliminate entire departments. So do not get this idea that somehow what has been identified as pork here or pork there is the only target we have to worry about.

Now, while these examples may be extreme, a similar scenario was described by a Member during this debate. It was mentioned that on an issue such as ground-based missile defenses, a President may disagree on the line of funding, and this line-item veto would allow the President, with one-third of either Chamber, to simply line out all the funding for such a program.

At a time when many Members have raised concerns about funding levels of the military, are those same Members willing to defer to the judgment of whichever President occupies the White House regarding defense spending levels? The same point can be made regarding housing policy, nutrition programs, or spending to combat crime.

That is an awesome shift of power which some may be willing to relinquish to the executive branch of Government, but I am not. I am not as willing to bestow that type of power on the executive branch. The Framers of the Constitution were very concerned about the abuses of an Executive which possesses too much power. That is why the power to spend was placed in the branch of Government which is most accountable to and representative of each citizen, the Congress of the United States. The purse strings are placed here. In my opinion, the Framers were right on target. There are no sound reasons why the legislative branch should shift such an important constitutionally created responsibility to the Chief Executive.

Perhaps I am burdened by history, either by generation or by being a history buff, but I recall when a President of the United States wanted to usurp the power of the Supreme Court, a third coequal branch of Government. It was not just a little line item in an appropriations bill or a tax bill. He wanted to dominate the Supreme Court. That was called the Court-packing plan of Franklin D. Roosevelt. Thank God, there were enough Democrats at that time to join with the corpus guard of 17 Republicans to block that.

Nevertheless, it is illustrative of the kind of power that is a desire of the Chief Executive that has taken place in our history. Now we are going to say the President of the United States and one-third of the membership of this Congress, you make these vital, and important decisions.

And let us not forget when you had 17 Republicans here at one time in the Senate, and they called it the Cherokee Strip because the Democrats could not all sit on that side. They had a whole row, two rows of Democrats on this side, and the Republicans were huddled down here under Senator Charles McNary from Oregon trying to survive. You can imagine the kind of domination that Franklin Roosevelt had of the Congress that first term and part of the second term. Thank God, we had a Supreme Court. It was the only check and balance we had in our governmental system. That is just history, but it also makes me a little leery about ever handing too much power to any branch of Government.

I would also like to take a moment to explain what separate enrollments of bills would entail. While I understand that many Americans support the concept of a line-item veto, I think it is important to explain what that means in the context of separate enrollment.

Separate enrollment would take individual appropriations bills, as passed by the House and the Senate, and separate these bills into thousands of individual bills for the President to sign or to veto. Apart from a reference to a bill number, these new individual bills would bear no resemblance to the original bill which was voted on by the Congress. I question the soundness of this approach based on practical as well as on constitutional grounds. According to the Constitution, article I, section 7:

> Every Bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a Law, be presented to the President of the United States; if he approves he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated. * * *

I assume that the supporters of separate enrollment are confident that the courts will uphold the constitutionality of this approach, I however have not yet been convinced that will be the courts' conclusion.

I would also like to mention that while the vast majority of States do have some version of a line-item veto, none of the versions include the separate enrollment language contained in the bill before us. Passage of this bill will send the Federal Government into uncharted legislative waters.

Mr. President, I shall vote "no" on the final passage of the line-item veto.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I commend the senior Senator from Oregon, my good friend, for his statement. I, too, have a number of serious concerns and questions about the majority leader's substitute line-item veto amendment, the Separate Enrollment and Item Veto Act of 1995.

I have the same question as has just been stated here on the floor about the constitutional aspects of it, whether it passes constitutional muster. The presentment clause of the Constitution is very clear. The distinguished Senator from Oregon read it into the RECORD, but it is clause 2 of article I section 7. It says:

> Every Bill which shall have passed the House of Representatives and the Senate shall, before it become a Law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal and proceed to reconsider it.

Walter Dellinger, the very well respected constitutional scholar, and Assistant Attorney General, says:

> This language mandates a fairly straightforward procedure. After both Houses of Congress have passed a "Bill" they must present it to the President, who can either "approve" . . . it . . . or "not . . . ." In either event, the bill is treated as a single unit; nothing in the text permits the President to approve and sign one portion while disapproving and returning another portion.

I might ask, Madam President, if we have something that raises on its face such a constitutional issue, where is the congressional testimony that explains why this legislative separate enrollment version of a line-item veto is constitutional? I am a member of the Judiciary Committee, as is the distinguished Presiding Officer. There has not been a word of testimony in our committee on that. I think if we adopted something like this, Congress will spend too much time in the court trying to defend separate enrollments, instead of concentrating on reducing the deficit.

Even if it was not unconstitutional, which I am convinced it is, it is, I suspect, unworkable. The enrollment clerk would have to enroll each item in an appropriations or revenue measure as a separate bill. Then the President can either veto or sign it. But this would require the enrollment clerk to enroll hundreds, if not thousands, of separate bills. I thought the new majority wanted to reduce Government paperwork.

(Mrs. HUTCHISON assumed the Chair.)

Mr. LEAHY. I would suggest, Madam President, that we call this amendment the Tree Cutting and Paperwork Promotion Act. As a tree farm owner myself, I should probably vote for it because of all the extra paper and paperwork we will have around here. We do sell trees to make paper on my farm.

But then I might ask, how is the clerk going to decide what is an item to be enrolled as a separate bill? The amendment defines an item as "any numbered section, any unnumbered paragraph, or any allocation or suballocation * * * contained in a numbered section or unnumbered paragraph." What if you write an appropriations bill that is just one paragraph? It may be 38 pages long, but it could be written as one.

Or I can see Members taking items, a popular and an unpopular item, and put them into a single numbered section or unnumbered paragraph so they would be enrolled together as one item. That protects it from a Presidential veto.

And what is an allocation or suballocation? There is no definition in the amendment. Is that up to the discretion of the clerk? If so, then the unelected enrollment clerk becomes far more powerful than a lot of Members of Congress.

There is no clear answer to this. We have never had hearings on it. The so-called compromise agreement was dug up from the past to break a deadlock that the majority has over two different line-item veto bills, S. 4 and S. 14.

These two bills were debated. They were marked up. They were reported by two different committees—the Budget Committee and the Government Affairs Committee. It would have been helpful if at least one of these two committees had seen this substitute before it hit the floor.

And, like S. 4, the so-called compromise amendment encourages minority rule. It allows a Presidential item veto to stand with the support of only 34 Senators, or 146 Representatives.

If you are from a State that only has a few representatives, like mine, only 1, I do not know how you could possibly vote for something like this. Basically it says your State becomes immaterial—immaterial in any determination. It is not majority rule. We are back to anti-Democratic supermajority requirements. I thought that was dismissed during the balanced budget amendment debate.

By imposing a two-thirds supermajority vote to override a Presidential item veto, the Dole amendment undermines the fundamental principle of majority rule. Our Founders rejected such supermajority voting and I oppose this. I do not care whether we have a Democratic President, as we do right now, or a Republican President. I am sure President Clinton would probably be delighted to have this. I can think of some times when I would probably be delighted as a Democrat that he would have it. But as a principle, I do not want any President to have this. The Congress might as well just pack up and go home.

Maybe some might like that, but I do not think that, as powerful a country as ours is, we want to see a situation where one of the three independent branches of Government is put in a position where they can basically override the other two branches of Government. That is not how we stayed a democracy after we gained that power.

Alexander Hamilton talked of the supermajority requirements as a "poison" that serves "* * * to destroy the energy of the government, and to substitute the pleasure, caprice or artifices of an insignificant, turbulent or corrupt junto to the regular deliberations and decisions of a respectable majority."

Such a supermajority requirement not only shows a distrust of the Congress but the electorate. As an American, as one who believes in our majority rule in our country—one who believes in our democracy and that our democracy exists because of our three branches of Government, I reject this notion and this basic distrust.

I think it is overkill. Over the course of our history, in 200 years, something we overlook in this—the President has vetoed 2,513 bills.

Congress overrode 104 times out of 2,513. The supermajority veto is an extraordinarily effective executive power. It is not needed to strike wasteful line items. Majority votes are enough to kill any wasteful line item.

In fact, if someone were to hear a number of the Members who stand up here and say how much they want this line-item veto when so many of those same Members have made sure that they have line items in appropriations bills or authorizing bills to help them with their constituents or their State, you would think that a Senator could not require separate votes on items in a bill. But they can. All they have to do is object to committee amendments to be considered en bloc and then vote on them one by one and have a rollcall vote on them. But some of the same Senators who talk about such wasteful spending do not do that. They do not want to call up these particular items.

Let us not say we are going to muddy up our constitutional form of government by tossing the buck to the President if we are unable to do it, unwilling to do it, ourselves.

Then, of course, we have tax breaks. Now the rubber hits the road. If it is an item that may actually help your State, we could take that out. But if it is an item that might help some wealthy special interest and we do not want the President to ever touch that, the amendment only allows the President to veto a targeted tax benefit.

A "targeted tax benefit" is defined as any provision that is estimated to lose any revenue and has "the practical effect of providing more favorable tax treatment to a particular taxpayer or limited group of taxpayers when compared with other similarly situated taxpayers."

I am a lawyer. I have looked at that. I have looked at it about 10 different ways. I have asked other lawyers to look at it. Nobody seems to know what this means other than to say they would love to be involved in litigation on it. They could keep the clock running forever on that. It would produce endless litigation over what is a "practical effect" and who is a "similarly situated taxpayer." These terms, of course, are not defined in the bill. In fact, the definition of "targeted tax benefit" sounds like a tax loophole itself.

Would the President also have a line-item veto authority over the capital gains tax cut described in the House Republican Contract With America? It is going to lose revenue. The bipartisan Joint Committee on Taxation has estimated that the Contract With America's capital gains tax cut would lose almost $32 billion from 1995 to 2000.

I have a feeling that is not intended to be touched by the line-item veto. Why not quit this shell game? Just state in plain language that the President has line-item authority over all tax expenditures.

So I have too many problems about this substitute. I think it is just a fix to pick up a vote or two. We saw that during the balanced budget amendment debate. We would pull things out on Social Security, or whatnot, to try to get a vote here or there—no hearings, no discussion of the final effect of it.

I cast a procedural vote for cloture in 1985 to allow an up-or-down vote on a separate-enrollment line-item-veto bill. But that was because there had been hearings on a bill. There was a report on it, and we knew when we were going to vote on it. There have been a lot of changes since then.

There is no need to gamble on a questionable version of a line-item-veto bill. Thanks to the bipartisan leadership of Senators DOMENICI and EXON, we have a better line-item veto—the original S. 14 bill.

I have already said publicly on national television that I find this very appealing. I believe I could vote for it. But we ought to, if we are going to pass a line-item-veto bill, base it on the original bipartisan expedited rescission measure, one that has been carefully studied.

That I am willing to take a chance on. I am willing to take a chance on it with a sunset provision, but also because most of the questions that have been asked have been answered. I am not willing to take a plunge in faith on an amendment that is out here basically just to pick up a few extra votes.

Madam President, I see no one else seeking recognition. So I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 401 TO AMENDMENT NO. 347

Mr. ABRAHAM. I ask unanimous consent that we return to the consideration of my amendment No. 401, which I submitted yesterday.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. ABRAHAM] proposes an amendment numbered 401 to amendment No. 347.

The amendment is as follows:

On p. 3, line 17, strike everything after word "measure" through the word "generally" on p. 4, line 14 and insert the following in its place: first passes both Houses of Congress in the same form, the Secretary of the Senate (in the case of a measure originating in the Senate) or the Clerk of the House of Representatives (in the case of a measure originating in the House of Representatives) shall disaggregate the bill into items and assign each item a new bill number. Henceforth each item shall be treated as a separate bill to be considered under the following subsections.

(2) A bill that is required to be disaggregated into separate bills pursuant to subsection (a)—

(A) shall be disaggregated without substantive revision, and

(B) shall bear the designation of the measure of which it was an item prior to such disaggregation, together with such other designation as may be necessary to distinguish such measure from other measures disaggregated pursuant to paragraph (1) with respect to the same measure.

(b) The new bills resulting from the disaggregation described in paragraph 1 of subsection (a) shall be immediately placed on the calendar of both Houses. They shall be the next order of business in each House and they shall be considered en bloc and shall not be subject to amendment. A motion to proceed to the bills shall be nondebatable. Debate in the House of Representatives or the Senate on the bills shall be limited to not more than 1 hour, which shall be divided equally between the majority leader and the minority leader. A motion further to limit debate is not debatable. A motion to recommit the bills is not in order, and it is not in order to move to reconsider the vote by which the bills are agreed to or disagreed to.

AMENDMENT NO. 401, AS MODIFIED

Mr. ABRAHAM. Madam President, I send a modification to amendment No. 401 to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 401), as modified, is as follows:

On p. 3, line 17, strike everything after word "measure" through the word "generally" on p. 4, line 14 and insert the following in its place: first passes both Houses of Congress in the same form, the Secretary of the Senate (in the case of a measure originating in the Senate) or the Clerk of the House of Representatives (in the case of a measure originating in the House of Representatives) shall disaggregate the bill into items and assign each item a new bill number. Henceforth each item shall be treated as a separate bill to be considered under the following subsections.

(2) A bill that is required to be disaggregated into separate bills pursuant to subsection (a)—

(A) shall be disaggregated without substantive revision, and

(B) shall bear the designation of the measure of which it was an item prior to such disaggregation, together with such other designation as may be necessary to distinguish such measure from other measures disaggregated pursuant to paragraph (1) with respect to the same measure.

(b) The new bills resulting from the disaggregation described in paragraph 1 of subsection (a) shall be immediately placed on the appropriate calendar in the House of origination, and upon passage, placed on the appropriate calendar in the other House. They shall be the next order of business in each House and they shall be considered en bloc and shall not be subject to amendment. A motion to proceed to the bills shall be nondebatable. Debate in the House of Representatives or the Senate on the bills shall be limited to not more than 1 hour, which shall be divided equally between the majority leader and the minority leader. A motion further to limit debate is not debatable. A motion to recommit the bills is not in order, and it is not in order to move to reconsider the vote by which the bills are agreed to or disagreed to.

Mr. ABRAHAM. Madam President, the purpose of this amendment is straightforward. Rather than deeming the work product of the Clerk of the House or the Secretary of the Senate to be separate bills and transmitting them to the President directly, my amendment calls for one last single vote on the entire package of bills by both Houses of Congress after the bills have been disaggregated.

This will not appreciably slow the work of the Congress, since it will only require one vote on the whole package. In addition, the amendment provides for highly expedited procedures that would allow only one hour of debate on the entire package with no other business being in order.

On the other hand, in my view this amendment greatly strengthens the likelihood that this legislation will be upheld by the Supreme Court. Indeed, although I did not know this at the time I was preparing this amendment, that is the view that the Department of Justice's Assistant Attorney General for the Office of Legal Counsel, Walter Dellinger, expressed in advising President Clinton regarding the constitutionality of S. 137, an earlier proposal containing enrollment procedures similar to those in the substitute. His letter states:

> Furthermore, there appear to be ways to refine S. 137 so as to avoid the objection that what must be presented to the President is the "bill" in exactly the form voted on by each House. So long as the Houses of Congress have treated each bill subsequently presented to the President as a bill at the

time of each of their respective final votes, this objection would not arise. Thus, for example, internal House and Senate procedures that provided for disaggregating an appropriations bill into separate bills and then voting en bloc on those bills would result in the President's being presented with exactly [what was] voted on by each House. The chances of S. 137's being sustained would be improved were the bill amended to incorporate such refinements.

In short, in my view, we stand a much better chance of all the hard work that has been done by our colleagues over the years on this matter not being undone by the courts if my amendment is adopted.

I believe it would directly address, and satisfactorily address, the concerns that were earlier expressed by several Senators on the floor today as to the constitutionality of this legislation with respect to its presentment to the President.

For these reasons, I urge my colleagues who support this legislation to support this amendment.

I yield the floor.

Mr. COATS. I thank my friend and colleague from Michigan for offering this amendment. While I do not believe this amendment is necessary, I believe it does address a concern that was raised yesterday relative to the constitutionality of a process which would deem an appropriations bill which was enrolled separately to incorporate all of the provisions of the original bill.

For reasons that I outlined at length yesterday, and on the basis of some respected constitutional scholars, as well as others who have researched this area, we strongly feel and believe that our conclusions that the constitutionality of the Dole substitute, as originally presented, meet constitutional muster, that those provisions are adhered to and that no constitutional question exists.

Nevertheless, the amendment of the Senator from Michigan is acceptable to this Senator and to the proponents of the Dole substitute, in that it clarifies any ambiguity that might exist or concerns that might exist among some Members who have questioned the constitutionality of that procedure.

For that reason, I think the amendment of the Senator from Michigan is appropriate and I trust and hope that it will be adopted by this body.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Madam President, I am pleased that the Senator from Michigan has brought up this particular amendment, which we would like to take a further look at. Senator BYRD is a recognized constitutional scholar, as he demonstrated, I think, very vividly yesterday, and I am sure he will have some questions or comments on this.

I would simply like to say, though, that I am particularly happy that this has been brought up, because it allows me to raise some questions as to why in the world, with all of the other problems that we have had over the years in enacting some kind of an enhanced rescission or expedited rescission or line-item veto—call it what you will, we all know what we are talking about—why in the world are we bringing up matters that I think are extraneous, that I think are not necessary.

I think this whole enrollment proposition is ludicrous from the standpoint that I believe, as much as anything else, it could cause us a great deal of difficulty with regard to the courts.

I still do not understand why, all of the sudden, after S. 4 and S. 14, the two mainline bills in this regard were considered and introduced in the Senate, hearings held on them in the Budget Committee, in the Governmental Affairs Committee, and talk back and forth about which should be advanced and which should not be and in what form—at least in the Budget Committee a number of amendments were offered on a whole series of issues—but never once to my knowledge in any of the committees of the Congress of the United States this year did we ever touch on or think about this enrollment mechanism that has come out of nowhere to be one of the central parts of the bill finally introduced by the majority leader and, as near as I can tell, endorsed and backed by all 54 Members of the Senate on the Republican side of the aisle.

I would simply also point out that this enrollment mechanism, regardless of its merits or lack thereof, can be agreed by all to be cumbersome, to be laborious, and I do not see the need for it. Certainly, the House of Representatives did not think this was important. We, in the U.S. Senate, did not think it was important when we introduced S. 4 and S. 14 and had all those hearings. It was not in the Contract With America, as far as I know. And those who wrote and signed the Contract With America, of which the line-item veto or enhanced rescissions or expedited rescissions, call it what you will, they did not think it was important.

It comes over to the U.S. Senate and out of the blue comes this very difficult system that I thought that my friend from Indiana did a pretty good job of trying to explain yesterday. He went to the enrolling clerk. And he said he can do this with computers and it is going to be very easy to do.

Basically, again, I am not a constitutional scholar, I am not even a lawyer, but I listened with great interest to the presentation of one who is, Senator BYRD. When I was listening to Senator BYRD yesterday, I thought, you know, thank God for the people of West Virginia sending us a man of the talent and the intellect with regard to the constitutional problems that might come up.

Basically, it seems to me, if you pass a bill in the U.S. Senate and then you present that to the President of the United States in a different form, at least you are asking for some problems from the courts. It might well be that the amendment offered by the distinguished Senator from Michigan might clarify that somewhat. I would be very much interested in what Senator BYRD and others that have studied this from a constitutional standpoint might feel about it.

Suffice it to say, it seems to me, Madam President, that the fact that we seem to be somewhat concerned about this, at least some on that side of the aisle must be somewhat concerned because they have talked about it a great deal, and now we have an amendment offered by the Senator from Michigan that tries to clarify it a little bit more, why clarify it? Why do we not pass the measure before us, which is termed the majority leader's bill or the revision of S. 4? Why do we not pass it and go back to the simple, direct, and understandable form that we had in this regard in S. 4, in S. 14, and in the measure that came over from the House of Representatives? Why do we not go back to that which I do not believe anybody has any objection to if they are for this?

I would think that Senator MCCAIN, the original proponent of S. 4, would feel that he had thought this through quite carefully. I suspect that Senator DOMENICI and this Senator, who combined as original cosponsors of S. 14 and thought about it, we thought that the more simple form with regard to how this was presented to the President would be in the line-item form that Senator THURMOND talked about that he used as Governor, as this Senator has talked about from the time that I have served as Governor of Nebraska. I do not know why that kind of a form and process is not good if we are going to pass some kind of a line-item veto or, once again, call it what you will.

So I simply say that I thank my distinguished friend from Michigan for advancing this thought. But it gave this Senator an opportunity to say, why are we going through all these exercises in futility, when it would seem to me that the main sponsors of the amendment that was offered by the majority leader should recognize it would be to the good of all of us who would like to see some type of a line-item veto passed to go back to a sounder footing that I think we would have both from the standpoint of expediting the process and from the standpoint of probably not being challenged constitutionally on this particular item, and go back to the way line-item vetoes have generally been handled in the past without some of these special, complicated enrollment procedures that have been thrown into this measure at the last minute for reasons that I do not begin to understand?

With that, I yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Madam President, I would just point out to my colleague and friend from Nebraska that the separate enrollment procedure is not something that is new. In fact, it is a procedure which has enjoyed support not only from Republicans but also from Democrats.

Senator HOLLINGS, more than a decade ago, suggested, discussed, proposed the separate enrollment procedure. Senator BIDEN, then chairman of the Judiciary Committee, spoke very articulately in favor of the separate enrollment procedure and its constitutionality.

It is a means by which we attempt to accomplish the end that I think most now are admitting needs to be accomplished. That is, to provide a means by which we can check the unnecessary pork-barrel spending that has come out of this Chamber and the House Chamber and sent to the desk, to the President, in increasing amounts ever since the adoption of the Budget Act of 1974.

It is a practice that Members have used, and I suggest many have abused, of attaching to otherwise necessary legislation that the President needs to sign items that are designed to favor a few or favor a parochial, narrow interest.

So as we have struggled to define the vehicle that will achieve the necessary number of votes to grant a check and balance against this practice of Congress, we have looked at various forms—enhanced rescission is one; constitutional amendment is another; separate enrollment is the third.

Modern technology has allowed us to accomplish separate enrollment in a means and way in which we could not a few years ago. Five or six years ago, it was a valid complaint and a valid objection to say that it would lead to an incredibly difficult and complex process which would require the enrolling clerk to go through all kinds of machinations and additional work in order to accomplish the breakdown of a particular piece of legislation into individual items which could then be enrolled and sent to the President.

Today, computer programs allow that to be accomplished in a matter of hours, if not minutes—depending on the size of the bill. What used to be described as a nightmare of a procedure now is a routine procedure, accomplished both in the Senate and in the House.

Separate enrollment has the advantage of allowing the President to know exactly what is laid on his or her desk, what item constitutes additional spending for a particular purpose.

Rather than the obfuscation and rather than the confusion over how taxpayers' money is going to be spent we now, under separate enrollment, pick up a piece of paper which contains a single item, incorporated in a form which the President can either accept or reject.

No longer will we have the excuse of saying, "I didn't know what was in that massive bill. I thought we were voting on an emergency appropriation. I thought we were voting on something of national interest. It was only later I discovered, to my horror, that it included all kinds of special tax benefits for single individuals, for limited interests, special breaks for special interests."

Or, "I didn't know that the appropriations that went forward provided what is often characterized as embarrassing expenditures of something that can only be described as pork-barrel spending.

"Even had I known it, I'm afraid I would have had to vote for the bill, because it provided emergency funding for our national defense; it provided emergency funding for hurting Americans as a consequence of a hurricane or floods or an earthquake, or necessary spending for essential functions of Government."

Or, "I didn't want to shut the whole Government down. We were right up against the deadline."

Yes, those rascals always slip a few things in there at the end, but we were up against the deadline and we had a massive bill that we had to pass or send to the President.

The President is faced with the choice of either accepting the entire bill or rejecting the entire bill. The President—each President in this century with one exception—has formally asked the Congress, "Let me have line-item veto authority so that I am not"—as Harry Truman said—"blackmailed by the legislature into either accepting the bill with all of its extraneous, nonrelevant spending, or rejecting the bill and sending it back."

By the way, you send a lot of these major appropriations up at the very end of the fiscal year with hours to go, sometimes, before the fiscal year runs out, and then you put me in a position of saying if I do not like something in that legislation, I have to send the entire bill back and close every office, and all the horror stories about the essential functions of Government are then raised. That is, as Harry Truman said, legislative blackmail.

Madam President, what we are attempting to do is to fashion a procedure, a process which will allow the President to say "I'll accept 99 percent of that bill or 94 percent of that bill, but I can't accept it with these dozen items in there that do not have anything to do with the bill, that do not go toward any national interest, that are simply attached because Members knew that this is the way to get their pork-barrel spending through, that I had to accept the bill."

By the same token, this is a process which will change the way Members behave, the way Members act. Because now, knowing that the President would have the power under line-item veto to single out their particular item, to single it out on one page of paper for everyone to see, and knowing that the only way that item could become law is if this Congress brought it back up and that Member were forced to come to the floor, debate, and explain what was in the bill, what the spending was for, and turn to his colleagues and say, "I need your support but, by the way, you will have to put your 'yes' or your 'no' on public record so that your constituents understand how you feel about that particular item," knowing that, I predict most Members will say, "I don't think that particular spending item is so important that I want to risk having to debate that or putting other Members on notice." Or, "I don't think I can get the necessary votes to achieve that particular purpose."

Separate enrollment brings forward into the light of public scrutiny the particular item of expenditure, and no longer will we be able to hide that item.

Madam President, I note that the Senator from West Virginia has arrived on the floor, and I am more than happy to yield.

Mr. EXON. Madam President, I just remind my colleague that the Presiding Officer still has the right to decide the floor.

Madam President, I have been listening with great interest to my friend and colleague from Indiana. I would remind him that before he and many other people came to the Senate, former Senator Quayle, former Vice President Quayle, and this Senator, were up appealing on the floor of the U.S. Senate along the same identical lines that the Senator from Indiana just mentioned.

I listened very much to his remarks in response to the suggestion that I had made, but maybe he did not understand what I was talking about. There is nothing wrong in using computers to try to ferret out so that all—including Members of the House, Members of the Senate, the President pro tempore of the Senate, who has to sign each one of these measures, the Speaker of the House—so that he or she is fully informed, and the President of the United States, so that they are fully informed.

So we are not against the use of computers to furnish information and break down the figure. There is nothing wrong with that.

Much of the excellent remarks that were just made by my colleague from Indiana emphasized the need for a line-item veto, enhanced rescission, expedited rescission—call it what you will. So I do not think that is the debate that I was trying to enter into, nor do

I believe that is the intent of the amendment offered, that we are now on, by the Senator from Michigan.

What we are talking about is whether or not it is wise to use the enrollment procedure that has come out of the blue. I agree with my friend from Indiana. This is new. It has not been talked about before. It has been suggested by Senator HOLLINGS, it has been suggested by Senator BIDEN, as I understand it, and possibly others. But it was just one suggestion that was made somewhere down the line.

I happen to believe that the House of Representatives, which studied this matter, did not feel that the bill was unworkable unless we used the enrollment process that suddenly has been instigated here as a key part. I do not believe that the Budget Committee or the other committee of jurisdiction that considered this matter felt that the measures that were advanced were inoperative or had not been thought through because we did not come through this magical enrollment procedure.

I will simply say that most of the remarks that the Senator from Indiana made were with regard to the merits and why we need a line-item veto of some type. He did not, I think, adequately address the concerns that I was trying to bring up with regard to this enrollment process that I think could cause us some serious constitutional problems, those of us who are now for and have been for a line-item veto of some type for a long, long time.

So I simply want to focus, if it was not understood, on the concerns of this Senator with regard to this cumbersome procedure to carry out the line-item veto.

For the life of me, I have not been able to understand yet how the President pro tempore and the Speaker and the President can carry out their duties by signing something that is on a computer. There is nothing wrong with using a computer to make sure that everybody knows what every item is from 1 cent to trillions of dollars. But I do not believe that that particular enrollment process is the key to success at all. In fact, I think that kind of a process, as I say once again, could cause us some considerable difficulties in the courts. No one knows how they would decide that.

I simply wanted to make it clear, Madam President, that I was not in conflict with what the Senator from Indiana said with regard to the necessity for a line-item veto. I am trying to focus on the fact that I believe that the enrollment process is also causing some concern to Senators on that side of the aisle, as evidenced by the fact that the Senator from Michigan must have some concerns about it or he would not be in here offering his amendment.

So I simply warn and would like to have some consideration given to why can we not pass a cleaner, simpler, more direct line-item veto, a la what was sent to us by the House, a la what was incorporated in S. 4, what was incorporated in S. 14? I do not believe that all of the people that touched those different propositions had not thought through the process to the point that all is forsaken unless somehow we accept this concept that has been brought into this body for the first time, as I know it, under the present consideration of a line-item veto or something akin to it in this current session of the Congress.

I happen to think that it is ill-advised to go that far, but the majority has a right to work its will.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition? The Chair in her capacity as a Senator from Texas suggests the absence of a quorum. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. I thank the Chair.

(The remarks of Mrs. HUTCHISON pertaining to the introduction of S. 592 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mrs. HUTCHISON. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE LINE-ITEM VETO ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 401, AS MODIFIED, TO AMENDMENT NO. 347

Mr. McCAIN. Now may I ask what the parliamentary situation is?

The PRESIDING OFFICER. The pending amendment at the present time is the amendment of the Senator from Michigan [Mr. ABRAHAM].

Mr. McCAIN. Mr. President, if there is no further debate on the amendment, I move the amendment.

Mr. BYRD. Mr. President, there is no such motion under the Senate rules.

There is no such motion in the Senate rules, moving adoption of an amendment.

The PRESIDING OFFICER. Does someone seek recognition?

Mr. McCAIN. I move adoption of the amendment.

Mr. BYRD. Mr. President, there is no such motion under Senate rules.

The PRESIDING OFFICER. Does someone seek recognition?

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, the majority leader has made it quite clear, as has the Democratic leader, that we want to finish this bill tomorrow. We have now 14 amendments pending on the bill. We have spent a long time on the bill. We would like to have debate on this amendment. Any Member of this body can put the Senate into a quorum call if they wish.

I would like to go ahead and debate the Abraham amendment and be able to move on to other amendments, if that is possible. If it is not possible, then obviously we may have to inconvenience Members by staying here very late tonight so that we can keep consonance with the desires of the majority leader and the rest of the Members of the body to finish this legislation tomorrow and not spend 3 and 4 weeks on a single piece of legislation as we did with the balanced budget amendment and other amendments since we have gone into session here.

So, Mr. President, I hope that we can move forward with this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I am not ready at this moment to debate the amendment, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I again advise my colleagues that we have 14 amendments pending. We would like to get those done. An amendment is before the Senate. I would like to move forward with it.

The PRESIDING OFFICER. Does someone seek recognition for debate on the Abraham amendment?

If not, all those in favor of the amendment——

Mr. BYRD addressed the chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I do not seek to delay action on the amendment, nor do I seek to delay action on the bill. But this is an amendment that has just been called up and the author of the amendment is not in the Chamber. I was hoping to ask the author of the amendment some questions. If Senators want me to begin, I can talk at length, but I do not seek to do that. That is not my purpose. I wanted to ask some questions about the amendment. I wanted to ask some questions of the author.

Now, the Senator from Arizona, of course, is seeking to convey the impression that I am trying to delay the bill. I am not doing that. I am not quite ready yet to discuss this amendment, but I am also not ready yet to allow a vote on it, until I have an opportunity to ask a few questions.

So I will suggest if Senators wish to get on with the amendment, get the author of the amendment over to the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I say to my colleague from West Virginia, the Senator from Michigan, who is the author of the amendment, is on the floor now if the Senator chooses to proceed.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I have noted the amendment by Mr. ABRAHAM to the substitute offered by Mr. DOLE.

I ask unanimous consent that I may be able to ask questions of other Senators, notwithstanding that I have the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. My first question to the distinguished Senator would be, why does the Senator feel that it is necessary to offer this amendment to the Dole substitute?

Mr. ABRAHAM. I have watched the debate as it has proceeded here. And certainly during the period of time after the compromise version of this legislation was developed, I have heard various Members of the Senate express concerns about its constitutionality and it struck me that the area in which the concerns were primarily focused was, as earlier expressed, I think, by Senator LEAHY, the presentment issues that I have tried to address here.

My feelings were, although I believe as drafted the legislation could sustain a constitutional test, that it was in our interests to make the changes I am proposing in this amendment to try to further address any concerns people might have.

Mr. BYRD. Mr. President, on yesterday I spoke at some length with respect to what I consider to be some constitutional flaws in the Dole substitute. One area which I discussed at some length was that which pertained to the presentation clause; the fact that under the legislation that is before the Senate, each of the bills or joint resolutions that will have been enrolled by the enrolling clerk of the House of origination will not have had action by either House, specifically, on that particular enrolled bill. Consequently, I felt that the legislation was constitutionally vulnerable. The pending legislation deems that each such bill has passed both Houses, when in reality, each such bill would not have passed either House, to say nothing of both Houses.

So I take it that it is that perception of the unconstitutionality of the legislation by Mr. DOLE that has led the distinguished Senator to offer the amendment which is presently before the Senate?

Mr. ABRAHAM. As I said, the concerns that had been expressed in the period of time during which this compromise was worked out and were expressed, I think by you yesterday and by others here today, were concerns I felt could be adequately addressed and resolved in this fashion. So I thought in developing this amendment we could effectively handle the concerns that had been raised, although, as I say, I do not necessarily accept the notion that the legislation would not pass constitutional muster as is. But I thought this would allay fears and concerns that had been brought up.

Mr. BYRD. But I think, Mr. President, that the amendment by the distinguished Senator will have certainly improved the legislation if the amendment is agreed to, and I have no doubt that it will be.

Let me ask the Senator a further question. His amendment reads as follows:

> On p. 3, line 17, strike everything after the word "measure" through the word "generally" on p. 4, line 14 and insert the following in its place:

This is the language, now, that would be inserted by Mr. Abraham:

> first passes both Houses of Congress in the same form, the Secretary of the Senate (in the case of a measure originating in the Senate) or the Clerk of the House of Representatives (in the case of a measure originating in the House of Representatives) shall disaggregate the bill into items and assign each item a new bill number. Henceforth each item shall be treated as a separate bill to be considered under the following subsections.

And so on.

The amendment of the Senator speaks not only with reference to appropriations bills but also with reference to authorization measures, does it not?

Mr. ABRAHAM. Yes, it does.

Mr. BYRD. And on page 5 of the substitute offered by Mr. DOLE and other Senators, under the section on definitions:

> For purposes of this Act:
>
> (2) The term "authorization measure" means any measure, other than an appropriations measure, that contains a provision providing direct spending or targeted tax benefits.

Now, would that include a reconciliation bill?

Mr. ABRAHAM. I am sorry?

Mr. BYRD. The definition of authorization measure, on page 5 of the Dole substitute, under section 5 titled "Definitions," paragraph (2):

> The term "authorization measure" means any measure other than an appropriations measure that contains a provision providing direct spending or targeted tax benefits.

Does that language include a reconciliation bill?

Mr. ABRAHAM. I would defer that interpretation to the manager.

Mr. BYRD. What does the Senator think it means, the Senator who offered the amendment? Does he believe the term "authorization measure" includes a reconciliation bill?

Mr. President, I am left alone on the floor.

The PRESIDING OFFICER. The Senator from West Virginia has the floor. As I understand it, he is waiting for a response from the Senator from Michigan.

Mr. BYRD. That is the first question I have ever asked in the Senate that caused the whole Senate to vanish, other than the Presiding Officer and myself.

What am I to do?

The PRESIDING OFFICER. Senator, you have my complete attention.

Mr. BYRD. There was all this great hurry to get on with this bill and I have asked a question, but all Senators have left the floor.

Oh, they are returning now.

The PRESIDING OFFICER. The Senator from West Virginia has the floor and continues to have unanimous consent to proceed with questions to another Senator.

Mr. ABRAHAM. After consultation with the manager of the bill, it is our interpretation that, yes, it would include reconciliation.

Mr. BYRD. It would include a reconciliation bill.

Then, I will read the amendment of the Senator further. According to the amendment of the distinguished Senator, "the Clerk of the House of Representatives"—in most instances these measures would originate in the House.

The Clerk of the House of Representatives then would disaggregate the bill, meaning a reconciliation bill, would disaggregate the bill into items and assign each item a new bill number. In reconciliation bills there is almost always direct spending. There are targeted tax benefits. With the Senator's amendment then, I take it that a reconciliation bill that has in it provisions providing direct spending or targeted tax benefits—such bills would have to be disaggregated. Am I correct?

Mr. ABRAHAM. Yes.

Mr. BYRD. Meaning the whole bill has to be disaggregated. So, if there are direct spending items in the bill, if there are targeted tax benefits, the entire reconciliation bill under the Senator's amendment has to be broken down, disaggregated for all of the items, assigned new bill numbers, and enrolled as separate bills. Am I correct?

Mr. ABRAHAM. Yes. It would have to be disaggregated.

Mr. BYRD. Is not the purpose of a reconciliation bill the bringing into proper balance spending and the raising of revenues in such a way as to moderate or to reduce the deficit? Am I correct?

Mr. ABRAHAM. That is correct. As I interpret the question, our amendment is designed in a mechanical sense to call for a yes-no vote on the question of all those separately disaggregated portions whether it is a reconciliation bill or other.

Mr. BYRD. Yes. So each of the items in the reconciliation bill would be enrolled separately and be sent to the President. If the President chooses to veto certain items in the reconciliation bill, would this not then have the undesired result of bringing into imbalance the reconciliation bill, rather than balancing the effects of revenue increases and direct spending costs?

Mr. ABRAHAM. I defer on this to the Senator from Arizona. I yield to him at this time.

Mr. MCCAIN. I thank the Senator from Michigan.

I would say to the distinguished Senator from West Virginia that this bill effects new spending, new taxes, or new entitlements. If the intention of reconciliation bills are to bring the deficit down, then we should find another vehicle because the deficit has not come down. The deficit has gone up. The deficit has gone up.

So I suggest that we invent a new vehicle. But a reconciliation bill, like any other bill that has new spending, new taxes, or new entitlements associated with it, would be subject to a line-item veto.

Mr. BYRD. But the term "authorization measure" under section 5, entitled "definitions," does not confine it to new spending or new targeted tax benefits. The term "authorization" means any measure other than an appropriations measure that contains a provision providing direct spending or targeted tax benefits. It does not say anything about new direct spending.

Mr. MCCAIN. If the Senator will turn to the next page, where it says the term "item" means with respect to an appropriations measure, any numbered section, any numbered paragraph, any allocation or suballocation of an appropriation made in compliance with section (2)(a) containing a numbered section and an unnumbered paragraph, and with respect to an authorization measure, any numbered or unnumbered paragraph that contains new direct spending or a new direct tax benefit presented and identified in a conformance with (2)(b).

So I ask the distinguished Senator from West Virginia to look at next page for the explanation which seems to have eluded him.

Mr. BYRD. But the Senator's amendment said that the bill shall be disaggregated. That means broken down. A reconciliation bill shall be separated into all of its distinct parts and enrolled as separate bills and sent to the President.

Mr. MCCAIN. The Senator is correct.

Mr. BYRD. Whether there is "new direct spending" or just "direct spending."

Mr. MCCAIN. Only those items in the reconciliation bill which would contain new direct spending or new targeted tax benefits identified in conformance with section (2)(b).

In addition to that, I do not see in light of a reconciliation bill any new entitlement or expansion of existing entitlement would also be covered.

Mr. BYRD. What about a defense authorization bill? Would the entire bill have to be broken down?

Mr. MCCAIN. I would say no.

Mr. BYRD. Only if it contained new direct spending or a new targeted tax benefit or an expansion or new entitlement. Defense authorization bills do include direct spending for retirement.

What I am really trying to get at is that it seems to me that this amendment certainly has as its good purpose, the effort to cure what appears to be a constitutional vulnerability. But in the attempt, it raises as many questions as it answers.

Mr. MCCAIN. Could I respond to that? If I may ask the indulgence of the Senator from West Virginia to try to respond very briefly to that?

Mr. BYRD. Yes.

Mr. MCCAIN. I say to the Senator from West Virginia that we received from the Congressional Research Service from Mr. Johnny Killian, Senior Specialist in American Constitutional Law, who I know that the distinguished Senator from West Virginia is familiar with, and I will not read the entire opinion. I would like to read the last paragraph which I think pretty much sums up the situation in my view.

> In conclusion, we have argued that the deeming procedure—

We know what the deeming procedure is.

> may present a political question unsuited for judicial review, and, thus, that Congress would not be subject to judicial review.

I will not read the whole thing because there is some ambiguity here, I say to my colleague from West Virginia.

> We have considered, on the other hand, that the courts may find they are not precluded from exercising authority to review this proposal. If the proposal is reviewed by the courts, and, even, if it is not, we have presented an argument leading to sustaining the deeming procedure as not in violation of a principle that bill, in order to become law, must be passed in identical version by the House of Representatives and the Senate. Because of the lack of available precedent, we cannot argue that any of the three versions of the argument is indisputably correct. Indeed, there are questions about all three.

I repeat—questions about all three. The arguments concerning the separate enrollment. He concludes by saying: "In the end, Congress must exercise a constitutional judgment when deciding on passage of a proposal."

The Senator from Michigan felt, as he stated, that there might be some ambiguities in judging this, and he felt that although it may or may not—the language of the legislation is probably constitutional as presently framed. By his amendment, he could remove some of the ambiguities associated with the constitutional question.

I do understand, and I paid attention yesterday to the very learned exposition of the Senator from West Virginia, about the constitutionality of this issue. I suggest that perhaps one of the conclusions we might reach in this debate would be the final sentence of Mr. Killian's opinion which says: "In the end, Congress must exercise a constitutional judgment when deciding on passage of the proposal," because as the Senator from West Virginia well knows, according to article I, what the Congress deems as a bill has always been taken by the courts as a bill.

Mr. BYRD. Well, Mr. President, I appreciate what the distinguished Senator has just stated. But I think we are missing something; what we are saying is going by one another. I do not think the Senator's response goes to the point I raised. I agree that the distinguished Senator, Mr. ABRAHAM, is seeking to cure the vulnerability of the language from a constitutional standpoint in the Dole substitute, especially as it referred to the presentation clause. He is seeking to get around the deeming feature of that language. That is not what I am questioning here. On that point, I am saying that I think his amendment is an improvement to the legislation.

But what I am trying to find out is whether or not this language contemplates a reconciliation bill. And in one instance under the section 5 definition, it reads: "The term 'authorization measure'"—which includes a reconciliation bill—"means any measure other than an appropriations measure that contains a provision providing direct spending or targeted tax benefits." That would indeed include a reconciliation bill.

I think Senators ought to be aware of that when they vote on this substitute. It is not just talking about appropriations bills. It is talking about reconciliation bills as well. And Senators need to understand that the language of the amendment by Mr. ABRAHAM instructs that the bill—the whole reconciliation bill—must be disaggregated if there is one item in it, one provision, that provides for direct spending or targeted tax benefits. The whole bill then must be broken down into several hundred, or perhaps thousands of separate "billettes."

Mr. MCCAIN. I ask the Senator from West Virginia if he will yield.

Mr. BYRD. Yes.

Mr. MCCAIN. I apologize if I did not directly respond to his question. On March 22, there was a letter sent in to the Honorable TOM DASCHLE, JAMES EXON, and JOHN GLENN in response to a letter that was sent to the majority leader and it had a series of 11 questions. The last question, I say to my colleague from West Virginia, stated:

> Finally, would the veto authority provided in the amendment extend to reconciliation measures? The current Byrd rule formulation appears to protect reconciliation titles that meet the Budget Committee's savings instruction, even if the titles contain the deficit increasing measures. Would this bill change that approach?

Does that get to the question that the Senator from West Virginia is asking?

Mr. BYRD. I am not sure that it does. Will the Senator be kind enough to read that again?

Mr. MCCAIN. It says,

> Would the veto authority provided in the amendment extend to reconciliation measures? The current Byrd rule formulation appears to protect reconciliation titles that meet the Budget Committee's savings instruction, even if the titles contain the deficit increasing measures. Would this bill change that approach?

I believe that might be the question. Fundamentally, the amendment of the Senator from Michigan basically calls for just an added step in the procedure. But it would not change the fundamental question about a reconciliation bill. Is that an accurate description of what is in the mind of the Senator from West Virginia as to the impact of the amendment from the Senator from Michigan?

Mr. BYRD. I am not sure it is. My next question was, if the Senator sees any impact, what impact does this legislation have on the Byrd rule?

Mr. MCCAIN. "The pending line-item veto bill applies to reconciliation bills only if the reconciliation bill includes new direct spending for a new targeted tax benefit provisions," as I have stated before. It goes on to say,

> The line-item veto bill is independent of the Budget Act and does not change the application of section 313 of the Budget Act the Byrd rule to reconciliation bills. Compliance with the Byrd rule, section 313 of the Budget Act, or the budget resolutions reconciliation instructions, do not protect the reconciliation bill from separate enrollment. Just as appropriations bills are subject to the line-item veto procedures, even if they comply with the Budget Act, statutory caps, and the budget resolution's budget allocations, reconciliation bills are subject to the line-item veto procedures even if they comply with the budget resolution's reconciliation directives and the Byrd rule.

In other words, what I think the Senator from West Virginia is getting at—and I am hesitant, obviously, to try to articulate what he does far better than I do—is that a reconciliation bill is an attempt by the Congress to balance certain competing priorities.

What the Senator from West Virginia is concerned about is, if you take out part of that, then it destroys the intent of the reconciliation process. I do believe that that would probably be one of the impacts if the line-item veto were misused by a President of the United States.

But I would find it very difficult to believe that Congress would not override a President who would abuse his authority in that fashion. But if that is the point the Senator is trying to make, I think that answers it.

Mr. BYRD. I thank the distinguished Senator. I believe that we are focusing on one and the same object now. I would not, however, have that much faith in any President, that he might not veto items that would result in an imbalance of the reconciliation measure.

Another question that I have: I note that the distinguished Senator's amendment provides for 1 hour of debate—not to exceed 1 hour—and that, of course, can be further limited. Suppose that it is discovered after the enrolling clerk has disaggregated the entire bill—remember, it must be disaggregated, and each item is to be assigned a new bill number. Suppose it is found that the enrolling clerk has made some errors, and that is certainly not entirely out of the question. We all make errors.

I note that there could be no motion to recommit, it is not in order to reconsider the vote, and there must be an up or down vote then on the matter; is that correct?

Mr. MCCAIN. That is correct.

Mr. BYRD. What do we do in instances where the enrolling clerk has made errors in the enrolling of the billettes? Will we have any way to make the corrections or are we left with no choice?

Mr. MCCAIN. If I might respond to the Senator, as the Senator from West Virginia well knows, at the beginning of every session, there is an authorization passed for the enrolling clerk to make "technical corrections." Those technical corrections many times, as the Senator from West Virginia well knows, are pretty interesting. Sometimes we have amendments that are written on the back of an envelope and the instructions to the enrolling clerk are, "At the proper place shall be inserted." It is very standard at the end of the passage of a bill that staff and others will make technical corrections to bring the bill into proper legislative language.

I believe that if the enrolling clerk had made a mistake and it came to light that he or she did that, then that would fall under the technical corrections aspect of the rules of the Senate that are adopted each session.

Mr. BYRD. Mr. President, it seems to me that the Senate ought to have the opportunity to make corrections or to order corrections if such are found in the many hundreds of bills that result from the enrolling clerk's action, yet, the Senate would be deprived of the ability to do so. Which all goes to the point that this is a measure that has been brought to the Senate in a hurry.

The legislation was introduced in the Senate on Monday of this week by the distinguished majority leader. As far as I know, there was no input into it by the minority—none—and immediately a cloture motion was offered.

There was no committee report. There had been no committee hearings. If there were committee hearings, I know of none. They certainly have not been printed and placed on the desks.

But here is a wide-ranging, far-reaching piece of legislation that is being rammed through the Senate without enough time to carefully explore and probe and scrutinize and study and debate and question the various provisions that are in the bill.

I think it is fortunate that the distinguished Senator from Michigan, who has offered this amendment, has had an opportunity to at least get the amendment in before we finally vote on the bill. It certainly, as I have already indicated, is an improvement over the legislation that was ordered.

Now, there may be other improvements needed. But we are going to be expected to vote on this legislation by no later than Friday.

I do not know what will happen to this measure in conference. It will certainly undergo or can undergo many changes in conference. The House may hold out for the version of the bill that passed that body. What we get back from conference may be a blending of the two measures, or it may be one or the other, or it may not have a great resemblance to either.

I think it is unfortunate that the situation has developed whereby we cannot take more time and study and amend. This is an instance in which there is an effort to clarify and treat one of the rather glaring flaws in the legislation. I compliment the Senator on his offering of the amendment. I think that much has to be said for taking some time to examine the measure and debate it. But I still think that the legislation has many problems.

I hope that Senators will take a look at the RECORD and questions that have been raised today about this amendment. And there may be other questions that will occur to other Senators. I doubt that I have explored this matter to its fullest extent. But I hope it will cause other Senators to at least have a better understanding of what we are about to pass here.

This is going to be a first-class mess, where we break down the bill into hundreds of little bills and have them enrolled by the clerk of the originating body. They do not go through the usual procedures of having each bill or joint resolution read three times. We do not, indeed, debate each of the bills or have an opportunity to amend each of the little billettes.

And when they are vetoed by the President, as many as may be vetoed by the President, is it the opinion of those who are managing the bill that the several billettes that are vetoed by the President, will they come back to the Congress all at once within a 10-day period, or will some come the first day, some the second day, some the third day? And if there are three or four appropriations bills that happen to hit the Senate and the House for passage and are sent to the President about the same time, will the originating body be expected to vote on each of these little vetoed measures, or will the originating body have an opportunity to collect them, put them into one package to be overridden or not?

Mr. MCCAIN. Mr. President, I would say to the Senator from West Virginia that, first of all, as to how those bills might come over, as the Senator knows, the President has a certain number of days in order to consider a veto, so it would be strictly up to the President as to how he would want to do that. He might want to send some over early and some over later on. Of course, as the Senator knows, since each, as he calls them, "billettes" are viewed as a separate bill, they would be considered separately by the originating body.

I would like to make one additional comment about the problem if the enrolling clerk made a mistake. I would remind the Senator, as he well knows, it happens from time to time around here that the enrolling clerk makes an error. By concurrent resolution we correct those technical errors in both Houses, and I envision we could do that.

I think, again—and I hesitate to put words into the mouth of the most knowledgeable person in the Senate on these issues—I think the argument of the Senator from West Virginia is that if they came over in certain ways, separate or staggered, then perhaps the body that has to consider them would be deprived of the ability of considering them as a whole, as they did on the initial passage of the bill.

I think that, again, is a valid concern. But I would also hope that in coordination with the President of the United States, he would inform those bodies as to which bills he was going to veto and in what context. I think the communications are good between here and 1600 Pennsylvania Avenue.

Again, as the Senator from West Virginia did yesterday, those are valid concerns that I think need to be addressed, and I also believe that this kind of exposition of these aspects of the bill is very important for the record as far as the illumination of our colleagues.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Arizona. I like to believe, too, that this kind of debate is informative and illuminating and helpful. I think it does generate additional thinking, which in turn may generate some additional amendments if such could be offered. I suppose the list has now been completed.

But in any event, it seems to me it is going to be a massive undertaking for the enrolling clerks. They have not been accustomed to anything like this, I do not believe. The idea of breaking down, for example, the bill that I mentioned yesterday, energy-water bill, breaking that down into 2,000 pieces, and each of the other 12 appropriations bills—which include the legislative branch, I assume, so the President could have an opportunity to line item out some parts of the legislative appropriation bill that either or both bodies might jealously want to guard. This is quite a load to put on the enrolling clerks. In all of the 13 appropriation bills, as I indicated yesterday, my staff estimated something like 10,000 little billettes that would accrue from the disaggregation of the 13 fiscal year 1995 appropriations bills. Now, that is quite an additional burden over and above what the enrolling clerks, I think, usually have to contend with.

Mr. MCCAIN. Will the Senator allow me to make a response to that, even if it is not totally adequate?

Mr. BYRD. Mr. President, yes.

Mr. MCCAIN. Mr. President, first of all, I went down to see the enrolling clerk here in the Senate, who is equipped with a computer system which basically cranks these things out about every 30 seconds. The computer can be programmed in such fashion.

I do agree with the Senator from West Virginia that this does increase the legislative load considerably. From my perspective—and I know it is not the perspective of the Senator from West Virginia—what I am exactly seeking is separate bills that can be examined separately so that there is no doubt as to what the Congress of the United States has passed.

Again, I know that the Senator from West Virginia does not agree with this viewpoint because we have had many hours of debate on this very issue. I believe that one of the problems is that we pass these massive bills which perhaps only the Senator from West Virginia is thoroughly familiar with and the rest of the body is not.

What happens is, we find—all too often, in my opinion—that we pass an appropriations bill, especially, and many times an authorization bill or even a reconciliation bill, and tucked away somewhere in there is—or a tax bill. I think the Senator from West Virginia would agree that some of the most egregious offenses as far as special interests are concerned occur in the consideration and passage of tax bills around here. There are items that are tucked in there that we do not know about, and weeks, months or years may pass by before the American people and we as a body who have passed this legislation are aware of it.

I certainly understand what the Senator is saying about the large amount of paperwork, but at the same time, we are also trying to cure what many Americans believe is an unhealthy habit of putting things into bills—though they be authorization, or in the case of new entitlements, et cetera, or appropriations bills or tax bills—that are not for the good of all Americans but are for the good of special interests.

Now, whether that is actually true or not, the opinion of the Senator from West Virginia is obviously different from mine.

Mr. BYRD. Mr. President, I think there is undoubtedly a great deal of truth in what the Senator is saying. No question of that.

I personally favor the approach that is envisioned in the substitute that is being offered by Mr. DASCHLE, the distinguished minority leader. I intend to vote for something along that line.

I do not see in the original Domenici-Exon approach a shifting of power from the legislative branch to the executive branch. I do see in the Domenici-Exon approach which has been built upon by the distinguished majority leader in his substitute, I do see an opportunity for the President to register his opinion by rescinding certain items in appropriation and having a vote up or down on those items that he proposes to rescind.

It is a majority vote, that is true, and I am sure the distinguished Senator from Arizona prefers a two-thirds supermajority. But I favor that approach. I have no problem with giving the President another opportunity to select from appropriation bills certain items which he feels, for his reasons, whatever they may be, they may be political or for whatever reasons, I have no problem with his sending them to the two Houses and our giving him a vote.

I see in this, I say to the Senator, I see a shifting of the legislative power to the Executive. I think that power over the purse is so clearly vested in the legislative branch by the Constitution that we ought to be hesitant to enact legislation the effect of which will be to expand the President's powers. There is no question but the President's powers are somewhat expanded. To that extent, whatever the expansion of the President's powers are, the powers of the legislative branch are thereby decreased.

I also, as I said yesterday, am concerned about the breaking down of the balance between the two Houses under any of these measures which we are likely to pass.

I hope the measure that the distinguished minority leader introduces will be the one that will pass, but that remains to be seen. I kind of have my doubts. But under the other measures, it seems to me that the Senate, to a considerable extent, loses. It no longer remains an equal partner in the decision.

The Senator well knows that the Senate adds a lot of amendments to appropriation bills, and those amendments, when they are enrolled separately, they go to the President. The President vetoes them. They actually originated in this body. But if they are vetoed, they are going to be sent back to the other body, and the other body will have the option of trying to override or not trying to override. If the other body chooses not to attempt to override, then the Senate has no voice at all. So to that extent I think the Senate is subordinated to the other body.

Mr. McCAIN. May I respond without interrupting?

Mr. BYRD. Yes; I will be glad to yield.

Mr. McCAIN. I am sure the Senator from West Virginia will let me know when I am interrupting.

On the first point that the Senator from West Virginia makes about the majority versus two-thirds, I, first of all, have engaged in that debate with the Senator from West Virginia. But I also think that if we are going to call it, if it is going to be a veto by the President, that the Constitution is clear on what a veto is—a two-thirds majority. So I would even have a constitutional problem with the majority override.

My second response is that it only took a majority of both Houses to put the measure into one of these bills, so it seems to me it would not be very difficult to get a majority of both Houses to override that veto.

Now, I understand the argument that if a bill were given, under this scenario, the light of day and it was improper, then a majority of both bodies would probably not support such a thing, if it were wasteful or irrelevant. But I am not so sure of that. I think that it would be much more appropriate for a two-thirds override.

When the distinguished Senator from West Virginia talks about a shift in power, which was what he spoke about initially, I know that the Senator from West Virginia knows, because he was one of the few who was around here when the President of the United States had basically impoundment authority, when the President of the United States basically could say, "I don't care what the Congress of the United States appropriates. I'm not going to spend that money."

That, as the Senator well knows, goes back to Thomas Jefferson, in 1801, who impounded $50,000 that was appropriated for gunboats.

So it is my view, as I have stated to the Senator from West Virginia many times in the past, that when that impoundment act power disappeared, there was that shift, a significant shift from the executive to the legislative branch and consequently, in my opinion—and I know it is not shared by the Senator from West Virginia—the revenues and expenditures began to grow apart in a rather dramatic fashion.

Mr. BYRD. When was this?

Mr. McCAIN. In 1974.

Mr. BYRD. They actually started the big increase in 1981 after the election of Mr. Reagan. That is when the precipitous increases began.

Mr. McCAIN. I do have a chart I think that shows a very steady increase. And I can bring it out. I think it is a valid chart.

Mr. BYRD. I have seen it. I think it is an excellent chart. I think he very adroitly and expertly——

Mr. McCAIN. Yes.

Mr. BYRD. Describes it.

Mr. McCAIN. May I just finally respond to the aspect as far as which House might have some advantage.

Again, I think there is some validity to that argument. I think our Founding Fathers said that all revenue bills would begin with the other body. And although we are obviously allowed to amend those bills, the primary responsibility was placed in the other body, as responsibility for approval of treaties, confirmation of nominees, et cetera, was different. So the responsibility in the view of our Founding Fathers did lie in the other body, in my view.

And also, if there are amendments that are passed on this side and attached to the bill, they are accepted in conference, I believe that that acceptance in conference puts the stamp of approval on both bodies.

Now, in reality would a vote in the other body be as fervent or as committed to an amendment that originated in this body? Perhaps not. But I would also suggest that it would be a quick way of retaliation if they started doing that in the other body. Even though it originated there, it would still have to come here, and there might be less enthusiasm for overriding the President's veto when those that originated in that body got over here. So it is my view that it would probably balance out in the long run.

Mr. BYRD. I thank the Senator. I am not so sure progress is always the end result when retaliation is taken by one body against another. That works both ways. And the first thing we know the other body retaliates.

With respect to the approach that is being utilized by Mr. DASCHLE and which was envisioned in S. 14, I believe it was, that did not contemplate a veto. That contemplated the rescissions of items by the President, and it was not a matter of overriding rescissions by two-thirds vote. It was a matter of rejecting the proposed rescissions by a majority vote.

On an override of the veto, I agree, that should be a two-thirds vote.

Mr. BROWN. Will the Senator from West Virginia yield?

Mr. BYRD. One final point and then I am going to yield because Senator GLENN is waiting.

The other point I wish to make here is that under this proposal, under this substitute whereby each subsection, paragraph, item, allocation, suballocation, and all these things are enrolled separately, will it not be possible for the President to strike a section or a paragraph that imposes a condition on the expenditure of certain sums?

Suppose we appropriate certain amounts of money to the Department of Defense with a condition that it not send troops to Somalia, or that if troops are sent to Somalia the Senate and House decide that there should be a condition included that they be withdrawn no later than 60 days. Would it not be possible for the President simply to strike the condition and leave in the amounts, thereby deciding policy which would not have as its purpose the saving of moneys or the reduction of the deficit? Would we not be handing the President a policymaking tool which would be exceedingly difficult for us to correct if he chose to line item out that condition?

Mr. McCAIN. I say to my colleague from West Virginia that that would not be possible. What the Senator is referring to is what we normally call fencing language, which is commonplace. The money would stay with the fencing language. He could not veto out the money and leave the language in, or vice versa. They would be attached to one another. And that will be clarified.

Mr. BYRD. I thank the Senator for his response. I feel I must disagree with him. I am sure the Congress could so provide the language that they would stay together, but Congress could also provide the language in such a way that would make it possible for the President to strike out the conditioning, the conditioning proviso, I believe. And that gives me cause for concern.

I have no desire to keep the floor any longer. I thank the Senator from Arizona. I thank the Senator who is the author of the amendment.

I thank all Senators and I yield the floor.

The PRESIDING OFFICER (Ms. SNOWE). The Chair recognizes the Senator from Ohio.

Mr. GLENN. Madam President, I ask unanimous consent to lay aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 405 TO AMENDMENT NO. 347

(Purpose: To provide for the evaluation and sunset of tax expenditures)

Mr. GLENN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN] proposes an amendment numbered 405 to amendment No. 347.

Mr. GLENN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

SEC. . EVALUATION AND SUNSET OF TAX EXPENDITURES

(a) LEGISLATION FOR SUNSETTING TAX EXPENDITURES.—The President shall submit legislation for the periodic review, reauthorization, and sunset of tax expenditures with his fiscal year 1997 budget.

(b) BUDGET CONTENTS AND SUBMISSION TO CONGRESS.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following paragraph:

"(30) beginning with fiscal year 1999, a Federal Government performance plan for measuring the overall effectiveness of tax expenditures, including a schedule for periodically assessing the effects of specific tax expenditures in achieving performance goals.".

(c) PILOT PROJECTS.—Section 1118(c) of title 31, United States Code, is amended by—

(1) striking "and" after the semicolon in paragraph (2);

(2) redesignating paragraph (3) as paragraph (4); and

(3) adding after paragraph (2) the following:

"(3) describe the framework to be utilized by the director of the Office of Management and Budget, after consultation with the Secretary of the Treasury, the Comptroller General of the United States, and the Joint Committee on Taxation, for undertaking periodic analyses of the effects of tax expenditures in achieving performance goals and the relationship between tax expenditures and spending programs; and".

(d) CONGRESSIONAL BUDGET ACT.—Title IV of the Congressional Budget Act of 1974 is amended by adding at the end thereof the following:

"TAX EXPENDITURES

"SEC. 409. It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report that contains a tax expenditure unless the bill, joint resolution, amendment, motion, or conference report provides that the tax expenditure will terminate not later than 10 years after the date of enactment of the tax expenditure.".

Mr. GLENN. Madam President, I believe this amendment has been accepted, cleared on both sides. It has three major parts. It requires the President in next year's budget to submit legislation for an orderly sunset or reconsideration of existing tax expenditures; No. 2, it requires the administration to conduct performance reviews of tax expenditures just as they do now with regular discretionary spending; and three, it makes it out of order to consider a new tax expenditure if it does not consider a sunset or reconsideration, of course before that sunset time.

The amendment will increase scrutiny of tax expenditures and help make the line-item veto more effective.

I am happy that the Dole substitute to S. 4 provides the President with the authority to item veto some new tax breaks. There seems to be some disagreement about the scope of authority under the current language. I believe that it should be interpreted quite broadly.

However, regardless of how broadly you read the language, it still does not include the $453 billion in existing tax expenditures which still remain off limits. Now if you divide up the budget pie, tax expenditures are a huge slice.

Tax expenditures are growing at a rate six times faster than discretionary spending. And unlike discretionary spending, these tax expenditures generally do not receive regular scrutiny. Since the first corporate tax law of 1909, special provisions have been placed in the Code and generally forgotten. In fact, many would be surprised to learn that nearly half of the revenue losses from these expenditures stem from provisions placed in the Code before 1920.

I do not believe that all of these expenditures are unnecessary. In fact, I support many of them. But I believe that—after some of them have been in the Code for the better part of a century—it is time we set up a review process to determine whether budget savings and program improvements are achievable.

My amendment utilizes a concept that we have mandated for discretionary spending—performance review. It would require the President to determine just how well these programs are achieving their goals. Are we getting our money's worth? We have spent a lot of time talking about instituting cost-benefit analyses for Federal regulations. Would it not make sense to have a similar process for programs that cost $453 billion this year.

This was first suggested in Governmental Affairs Committee report language that accompanied the Government Performance and Results Act of 1993. the distinguished chairman of the Governmental Affairs, the senior Senator from Delaware, was the father of that important law which for the first time established measurable objectives for agency programs. My amendment codifies report language of that bill to include expenditures.

While providing a better understanding of the effectiveness of current tax expenditures, it will also help the President to determine when it may be advisable to item veto new tax expenditures and even new spending. Under performance review, the President will be able to better identify where current tax expenditures overlap or duplicate newly proposed tax expenditures. And it will help him to identify whether new spending programs are unnecessary because existing tax expenditures are adequately achieving the same policy goals.

My amendment also requires the President to submit legislation to Congress which lays out an orderly schedule for the sunset and reauthorization of current tax expenditures. Just because something was placed in the code at the beginning of the century does not mean that it should be exempt from any congressional review. We might be surprised with what we find if we are forced to sit down and reauthorize many of these programs.

The President would not have to propose the sunset off all tax expenditures. There may be some that he will suggest remain permanent. But it will provide us with a roadmap for more comprehensive congressional review of tax expenditures. The tax expenditures that the Congress determines should come under a reauthorization process, will also be subject to the President's veto pen in the future.

In addition, under my amendment, it would be out of order to consider new tax expenditures that did not include a sunset date at least within 10 years. I don't think we should go through another century before the taxes we enact today are reviewed.

I think this merely sets forth a good Government approach on tax expenditures. It is high time we shed some light on this area of the budget. I understand that my amendment has been cleared by both the minority and majority leaders and I hope my colleagues will join me in support of this amendment.

Madam President, I think it has been accepted on the other side. I ask my distinguished colleague, the Senator from Arizona, if he has any comments? I would be prepared to urge the amendment.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Madam President, we are prepared to accept the amendment on this side. I think it is a good amendment and one which I think will be very helpful.

Madam President, may I say for the information of all Senators, I have been asked by the majority leader to state there will be no further votes today. However, I hope Members who have amendments will remain this evening to offer them.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Madam President, I congratulate the Senator from Ohio for offering the amendment. The amendment provides for a process for periodically assessing the effects of tax loopholes and requires that all new loopholes have sunset provisions.

As I understand it, the language of his amendment has been negotiated, it has been agreed to on both sides. I urge its adoption at this time.

Mr. GLENN. Madam President, I urge the amendment.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 405) was agreed to.

Mr. GLENN. Madam President, I move to reconsider the vote.

Mr. EXON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCAIN. Madam President, I ask unanimous consent the record show that the pending Abraham amendment was set aside in order to consider the Glenn amendment, and I ask unanimous consent that the Abraham amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 406 TO AMENDMENT NO. 347

(Purpose: To clarify the definition of items of appropriations)

Mr. LEVIN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. MURKOWSKI and Mr. EXON, proposes an amendment numbered 406 to amendment No. 347.

The amendment is as follows:

At the end of section 5(4)(A), strike "; and" and add the following: "but shall not include a provision which does not appropriate funds, direct the President to expend funds for any specific project, or create an express or implied obligation to expend funds and—

"(i) rescinds or cancels existing budget authority;

"(ii) only limits, conditions, or otherwise restricts the President's authority to spend otherwise appropriated funds; or

"(iii) conditions on an item of appropriation not involving a positive allocation of funds by explicitly prohibiting the use of any funds; and".

Mr. LEVIN. Madam President, under the substitute before us, the line-item veto authority is not limited to appropriations. That may come as a surprise to many of us, but that is the way the substitute is now worded. The line-item authority in the substitute, which is effectively given to the President, is not limited to appropriations. That is because a line item in an appropriations bill would be separately enrolled and would be subject to a veto. That would include not only the appropriations themselves but also all limits on appropriations, conditions on appropriations, rescissions of appropriations. They would all be treated in the same way as appropriations themselves. The purpose of this bill is to try to reduce the add-ons of Congress that cannot in some minds be justified. The purpose of the bill is to reduce spending, not to increase spending. But if we treat limits on appropriations and rescissions of appropriations in the same way as we treat appropriations which are added by the Congress, we are effectively going to be increasing spending and not reducing spending.

The rescissions that the Congress adds and puts into an appropriations bill, the limitations on appropriations that we put in appropriations bills, the conditions that we place on appropriations are all going to be treated as separate items from the appropriations themselves. This process in the substitute is going to splinter the condition on an appropriation into a separate bill. It will not be in the same bill as the appropriations. So the President would be able to veto the limit on the appropriation and leave the appropriation itself thereby saving no money, indeed quite the opposite frequently, and giving himself more authority in the process.

If the President can veto the limitations and the conditions placed on appropriations without vetoing the appropriations itself, we have had the exact opposite effect, I believe, of what was intended by this bill, and we have ceded great power to the President, without any gain, in terms of cutting spending. He can veto a rescission that we add to a bill and spend the money. He can veto a limitation on spending that we put in the bill and spend all the money.

Why should we give this special veto authority to the President when the provisions of the bill that he would be vetoing cut spending instead of adding to spending?

Let me give some examples. Suppose we put in a provision, as we have, which states that none of the funds appropriated shall be spent to keep American troops in a particular country after a specified date? The President can veto that provision and then continue to spend the appropriated funds for the purpose that Congress voted to prohibit. Suppose we put a provision into a bill, as we have, which says none of the funds in the foregoing paragraph shall be available to promote the sale of tobacco or tobacco products? The President could veto that restriction and limitation and spend the money as he pleases, for the prohibited purpose. We would not have saved any money, but the President would be given the power to spend money for a purpose that we explicitly prohibited—no savings to the Treasury and loss of congressional authority at the same time. Suppose we put a provision into a bill, as we have, stating that none of the funds appropriated shall be spent to provide an incentive for the purpose of inducing a company to relocate outside the United States? The President could veto the provision and continue to spend money on the program that Congress intended to prohibit.

Say we put a provision into a bill, as we have, which says that of the large appropriation, no more than x-million dollars can be spent on consultants? We put a lot of provisions in like that. The Senator from Arkansas, Senator PRYOR, has been a leader to limit appropriated funds spent on consultants. The way the bill is currently written, without this amendment, the President could veto that limit on spending for consultants and then use the larger amount for any purpose he wanted, including all the money, if he wanted, for consultants. We will not have saved any money. We will have lost the power to restrict the spending of money, with no gain to the Treasury.

We have put restrictions on entertainment. We have put restrictions on travel, first-class travel. And if, again, those restrictions are put in separate bills, as they are under the current version of this substitute, and the President can veto those restrictions, the Treasury gains nothing, the taxpayers are out money that we did not want them to be out, for instance, for first-class travel, and we will have lost the power of the purse, for no gain to the Treasury.

As I said, Madam President, almost more remarkable than the power that would be yielded to the President under the version before us, without this amendment, is the fact that there would be no purpose served in terms of saving money. And in the many cases I have given, and in many other cases, as a matter of fact, we would be losing and spending money that otherwise would not be spent.

Last night on the floor, I gave a few examples from a real appropriations bill—State, Commerce, and Justice. I want to give one of those examples again to show how this would work since I did bring this up on the floor last night.

We had a provision in last year's appropriation bill for State, Commerce, Justice, that no more than $11 million would be spent on furniture and furnishings related to new space alteration and construction projects. That is a limitation on spending. That says the President cannot spend more than that. That is part of a larger appropriations bill, a $2.3 billion appropriations bill. But it says that out of that $2.3 billion, the maximum that can be spent for that new furniture is $11 million. I had a chart up here on the floor last night. If the President could veto the "not to exceed $11 million," which would be in a separate enrolled bill, he would have then vetoed the restriction on the spending, leaving himself the $2.3 billion appropriation of which he could spend all he wanted on furniture, without any limit. We would not have saved the money. It would have been spent on something we did not want it to be spent on. The Treasury does not gain a dime, but instead, something that we did not want because we did not think it was a high enough priority, would happen.

The Defense supplemental appropriations bill that we passed just last week contained 20 separate paragraphs of Defense rescissions and 18 paragraphs of rescissions of nondefense funds, for a total of roughly $3 billion in spending cuts. This was in an appropriations bill, but these are spending cuts, rescissions. For instance, the bill contained provisions that would cut spending for FAA facilities by $35 million. It cut spending for highway projects by $140 million. But under the substitute before us, unless this amendment is adopted, each of these provisions would be enrolled as a separate bill and sent to the President for signature. Each could be vetoed by the President, and if he exercised that authority given to him by the substitute, the result would be more Government spending rather than less.

Madam President, the amendment which I have sent to the desk on behalf of myself, and Senators MURKOWSKI and EXON, addresses this issue the best that we can in this bill. In my opinion, it can be addressed far better in an expedited or enhanced rescission bill. But that is not the issue before us. The issue before us is this substitute which, in all likelihood, is going to pass. We should avoid having in this substitute language which I believe has the unintended consequence of eliminating all of the restrictions and the limits on spending, and the rescissions of spending that we put in appropriations bills.

So while I do not think that all of the problems I see in the substitute are cured, at least this would prevent the President from using this separate enrollment power to increase spending, or to avoid congressional restrictions and limitations on spending. And it is my hope that this amendment will be adopted because, again, I think it does address some of the unintended consequences of this substitute.

I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 407 TO AMENDMENT NO. 347

(Purpose: To exempt items of appropriation provided for the judicial branch from enrollment in separate bills for presentment to the President)

Mr. HATCH. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] for himself, Mr. ROTH, Mr. HEFLIN, and Mr. ABRAHAM, proposes an amendment numbered 407 to amendment No. 347.

Mr. HATCH. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 21, after "separately" insert ", except for items of appropriation provided for the judicial branch, which shall be enrolled together in a single measure. For purposes of this paragraph, the term 'items of appropriation provided for the judicial branch' means only those functions and expenditures that are currently included in the appropriations accounts of the judiciary, as those accounts are listed and described in the Department of Commerce, Justice and State, the Judiciary, and Related Agencies Appropriations Act, 1995 (Public Law 104-317).

Mr. HATCH. Madam President, as I understand it, I now have that amendment pending, and it can be set-aside and we will vote on it tomorrow sometime?

The PRESIDING OFFICER. The Senator is correct.

Mr. HATCH. I yield the floor.

AMENDMENT NO. 406 TO AMENDMENT NO. 347

Mr. MCCAIN. Madam President, I want to congratulate the Senator from Michigan, Senator LEVIN, and the Senator from Alaska, Senator MURKOWSKI, on working out this, I think, very important agreement. It is well thought out. The amendment reaffirms that any and all provisos or fencing language, including all limitations on spending, such as caps, be tied to dollar amounts and not be enrolled freestanding.

The bill, as currently drafted, would not cause policy provisos to be separately enrolled. However, if the Congress were to place caps on spending within an allocation, such language might be separately enrolled. This amendment clarifies that it would not. It is a good amendment and we are prepared to accept it on this side.

I understand from my friend from Michigan that there may be concern by a Member or Members on his side of the aisle. So we will not seek its adoption until such time as it is either resolved or those who are in disagreement call for further debate and ensuing vote.

But again, I want to say to the Senator from Michigan—this is probably not the appropriate time—whenever there is an issue, the Senator from Michigan goes into it in depth. He understands the legislation. He find areas that need to be improved, and he is willing to reach accommodation with those who have similar but sometimes slightly differing views, as has just happened between Senator LEVIN and Senator MURKOWSKI.

That is one of the reasons why it is a pleasure to work with him in this body, as I have for many years on the Armed Services Committee and on the Governmental Affairs Committee.

I believe there may be additional amendments by the distinguished Democratic leader coming up, so I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, let me thank the Senator for his comments, which are very reciprocal on my part in terms of working with him over the years on the Armed Services Committee. We have had a very good relationship. I thank him for the support of the amendment.

There is, indeed, as I mentioned, perhaps a Member on this side who may oppose the amendment. We are not sure. We want to clarify that. It would be better, therefore, that any vote on this be delayed until we can ascertain whether there is objection on this side or not.

Mr. MURKOWSKI. Madam President, I am pleased to join Senator LEVIN in offering this amendment that would clarify the extent and scope of the President's ability to veto items in appropriations bills. This amendments ensures that when Congress imposes a condition that prevents spending in a particular area, or imposes conditions on such spending, such a restriction will not be considered an item that can be separately vetoed.

All of us recognize that approval of the Dole substitute line-item veto amendment or any other line-item veto proposal including S. 4, represents an historic shift of authority from Congress to the President. We are providing the President with very broad authority to pick and choose which individual items in appropriations bills he deems an improper use of taxpayer funds. He will have the authority to veto those items of spending that he disapproves of.

The substitute also gives the President authority to item veto authority in spending authorization bills and in tax bills. However, the only tax items that the President can item veto are a narrow range of provisions that affect only a limited group of taxpayers. More importantly, the tax-item veto can only be used if the provision loses revenue. A tax increase that targets a narrow class of taxpayers cannot be item vetoed.

I believe the tax item veto represents an appropriate restrictions on the President's ability to item veto because it is restricted to measures that lose revenue. The reason that I support the whole concept of the item-veto is that Congress has demonstrated an inability to control spending both through the Tax Code and the appropriations process. Today we are more than $4.8 trillion in debt. Unless we take drastic action, our national debt will double in the next 10 years.

Part of the reason our debt is nearly $5 trillion is because appropriators in both the House and Senate have devised ingenious ways to bury wasteful pork barrel spending in legislation designed to maintain the operations of Government. Weeks and months after the President has signed an appropriations bill we learn that buried in the bill are tens of millions of dollars of wasteful spending programs. My colleague from Arizona has already identified many of these wasteful spending programs. And under the current Presidential veto power, the President must approve these wasteful programs if he is to keep the Government running.

So the predicate, Madam President, for the line-item veto is to give the President the authority to veto spending programs that waste the taxpayers' money.

However, just as the President only should be able to veto tax provisions that lose revenue, I believe the President should not be permitted to item-veto congressional prohibitions on appropriations spending. As all Senators know, Congress routinely includes prohibitions on particular spending as a check on unrestricted and arbitrary spending by the President. Most often, such prohibitions represent a conscious policy choice by Congress explicitly restricting the President's discretion.

For example, last year's foreign operations appropriations bill contains more than a dozen such restrictions. These restrictions prevent the President from providing money to an international organization that supports programs for "coercive abortion or involuntary sterilization." Another provision prevents funds from being used for assistance to a country that is not in compliance with the U.N. Security Council sanctions against Iraq.

These are just two of hundreds of examples of the legitimate power of the Congress to prevent the President from spending money on programs and policies that the Congress disapproves of. These restrictions do not increase the deficit. They do not represent pork barrel politics. They are legitimate congressional checks on the President that are consistent with the intent of the Founding Fathers when they created our constitutional system of separated powers and checks and balances.

Madam President, our amendment is intended to make clear that when Congress imposes a condition that prevents spending in a particular area, or conditions spending, that restriction will not be considered an item that can be separately vetoed. It ensures that a condition restricting or prohibiting the use of funds must be enrolled with the item of appropriation to which the condition applies.

Madam President, this amendment preserves congressional power to restrict the President from acting contrary to the wishes of the majority of Congress on important policy issues. I believe it is fundamentally necessary that we retain this authority and I hope my colleagues will vote for this amendment.

Mr. EXON. Madam President, I rise in support of the amendment offered by the senior Senator from Michigan. This amendment only makes good sense.

It would keep rescissions and cancellations of spending from being transmitted to the Presidents as separate items. Thus it would make it more difficult for the President to veto items that help to reduce the deficit.

As well, the amendment would ensure that limitations on spending stay together with the spending provisions that they limit. To do otherwise would allow the kind of nonsensical divisions of items that the Senator from Michigan so eloquently described yesterday evening.

I support the amendment and urge my colleagues to join in voting for it when it does come to a vote.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Madam President, on behalf of the Senator from Utah, I ask unanimous consent that he be added as an original cosponsor of the Abraham amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Madam President, I also ask unanimous consent that the pending Levin amendment be set aside.

The PRESIDING OFFICER. Without objection, the Hatch amendment will be set aside.

Mr. McCAIN. The Levin amendment.

The PRESIDING OFFICER. Without objection, both amendments will be set aside.

Mr. McCAIN. Madam President, the Hatch amendment, for purposes of complying with the unanimous-consent agreement, was presented and the debate and vote will be held on it probably tomorrow.

Mr. LEVIN. If the Senator will yield, our friend from Alaska has additional materials which I would like to ask unanimous consent to be printed in the RECORD, if available, tonight. If not, we will make that same unanimous-consent request tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Madam President, if that is available tonight, it would be inserted in the RECORD immediately following the remarks of the Senator from Michigan.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Madam President, I wish to make some brief remarks with regard to support of the amendment offered by the Senator from Michigan, but at this time I yield the floor because I believe Senator BYRD would like to make some remarks not on the matter at hand.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I thank the Chair and I thank the distinguished Senator from Nebraska, Mr. EXON.

SPRING RETURNS TO THE WEST VIRGINIA MOUNTAINS

Mr. BYRD. Mr. President, 2 days ago, the first day of spring officially came to Washington. Here in Washington, the change from one season to another is often dramatic. One morning, D.C. temperatures might be in the freezing range, while the following day might find young men and women out on the Mall playing volleyball in shorts and tee shirts. Here, tulips and magnolias burst forth from nowhere, and the cherry blossoms transform the city as if by overnight magic.

But a few miles west of us—among the peaks and plateaus of the high Appalachians in West Virginia, spring dawns like a beautiful young woman awakening from a long sleep.

If the geologists are correct, spring has awakened in the same fashion in West Virginia for millions of years.

High on Alpine West Virginia ridges—once, we are told, the equivalent in altitude of some caps among the Himalayas today—crystal ice and deep-packed snow begin their melt, the runoff seeking the sea first as droplets, then as rivulets, next as springs and brooks, then as creeks and streams, and finally as flooding branches that find their routes either into the widening Potomac on the eastern slopes of the Alleghenies and the western sides of the Blue Ridge, or into the mighty

Ohio and Mississippi farther west—dependable flows of water of that helped to create the shores of Tidewater Virginia and Maryland's Eastern Shore through the millennia, on one hand, and that has built up the Mississippi Delta since before the bison crossed into North America, on the other hand.

But more subtle changes accompany spring's approach in West Virginia—changes too often observed only by the sparkling eyes of squirrels and of the first adventurous rabbits out of their winter burrows—changes such as tiny blossoms in greening meadows, minuscule leaves emerging on bare maple branches, cardinals, and robins announcing in concert the impending arrival of a new season, and graceful deer grazing on tender blades of new grass—and all proclaiming the marvels of the Creator's bounty and brilliance.

Oh, to be a child once again in West Virginia—a child who, on his or her way to school in the cool of the morning air, can perhaps feast his or her senses on the dawning spring as most adults can no longer—a child who catches the first perfume of cherry blossoms on young fruit trees or who pauses to listen to the symphony of the songbirds or who savors the gentle breezes on his or her cheek, where but days before the cruel winter wind bit and chapped.

And soon, Mr. President, the mountains and hills of West Virginia will again be enfolded in new foliage from base to summit, and the sunrises and sunsets will put even the ceiling of the Sistine Chapel to shame with their incandescent colors and shafts of spun gold streaking across the early morning and evening vault of the West Virginia firmament.

There we may see,

The marigold that goes to bed wi' the Sun,
And with him rises weeping . . . daffodils,
That come before the swallow dares, and take
The winds of March with beauty; violets dim,
But sweeter than the lids of Juno's eyes
Or Cytherea's breath; pale primroses,
That die unmarried, ere they can behold
Bright Phoebus in his strength. . .

Mr. President, I invite all of our colleagues to visit West Virginia at any time, but particularly during this special season of rebirth among the mountains, down the valleys, and across the whole Appalachian Plateau. But if anybody accepts my invitation, I suggest that they visit West Virginia in a recapturement of their childhood—with the open eyes and trusting heart of a child, with the pure hearing of a child, and with the joy and wonder with which we were born—all of these things that permit children to listen, perceive, and relish the beauties and mysteries of life that the Creator shares every year with all of his offspring, but that, too often, as hardened and sometimes insensitive men and women, we lose the capacity to enjoy, much less to appreciate.

The year's at the spring
And day's at the morn;
Morning's at seven;
The hillside's dew-pearled;
The lark's on the wing;
The snail's on the thorn:
God's in his heaven—
All's right with the world.

Madam President, I yield the floor, and I suggest the absence of a quorum.

Mr. NUNN. Madam President, if the Senator would withhold, I would like to make a few remarks.

Mr. BYRD. Madam President, I withhold.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Madam President, I have listened with care in the last few days to the debate on the so-called line-item veto. I have not heard all of it, but I have heard, I think, enough to understand the parameters we are talking about. And we are now debating the proposed substitute—the Separate Enrollment and Line-Item Veto Act of 1995.

The sponsors have claimed that this bill will provide the means to remove, among other things, a particular focus on what is known around the country as pork-barrel spending from appropriations bills. The language of the proposal, however, does not live up to the sponsors' claims.

I am going to raise several questions tonight that I hope can be clarified or answered. Although the sponsors have aimed at certain expenditures, as I see it, they have missed.

In fact, this proposal provides the President with significantly less authority to control pork-barrel spending than would have been provided under either the Domenici-Exon expedited rescission proposal or the McCain enhanced rescission proposal.

Madam President, I see at least five serious problems with the proposed substitute. First, it contains loopholes so large that the proponents of pork will be able to insulate whole barrels of pork from a Presidential veto if they choose to do so. Second, the separate enrollment procedures would allow the President to veto funding limitations as well as funding amounts, which would inhibit the ability of Congress to address legitimate policy differences with the President.

Third, this proposal permits the President to increase, as well as decrease spending, by allowing him to sign into law those portions of an appropriation bill that increase spending, and to veto those portions of an appropriation bill that rescind or reduce spending.

So, in other words, if a President chose to, under this authority, he could take an appropriation bill that had been passed by the Congress and he could basically increase the amount in that appropriation bill by doing away or vetoing the rescissions in that bill that reduce funding.

So just the opposite of what the sponsors have intended could occur. This is just saying to the President, we think you are a whole lot better at this than we are, so we give you the authority. You make the decisions—increase or decrease. You do whatever you want. I do not think that is what is intended, but that is what the proposal does.

Fourth, the proposed substitute, if not undermined by the use of loopholes—and I do not assume that these loopholes would be used by people with good faith, but I think that we have to assume that at some point they will be—if not undermined by the loopholes, this substitute will lead to what Senator ROTH and the Republican members of the Governmental Affairs Committee describe as "undesirable rigidity" in the management of the executive branch and the legislative process.

Finally, the proposed substitute does nothing to enhance the ability of Congress to address the real problems here—that is, the legislative practices such as unauthorized appropriations, legislative earmarks, and adding items in conference even though they have not been approved by the House or the Senate.

Those are the abuses in the process. This proposal does nothing to get at those abuses. Those are the problems, but the target here has been missed.

Madam President, to place my concerns in context, I would like to briefly summarize the current appropriations process. There are two types of documents that are produced by Congress in the appropriation process, and I really do not believe a whole lot of our Members understand this.

The first document is an appropriation bill which is passed by both Houses of Congress. It is signed into law by the President. Last year's defense appropriation bill, for example, was 61 pages long. The bill is legally binding upon the executive branch.

The second type of document is the reports issued by the appropriation committees and the House-Senate conferees. The three reports issued in connection with last year's defense bill are 853 pages, covering over 2,300 different line items.

The policy directions in these reports is not binding on the executive branch. There is no requirement in law or Senate rule that an appropriation bill or report contain any specific level of detail. Most appropriation bills, particularly in the defense arena, set forth large lump-sum amounts that are not tied to specific programs, projects, or activities.

Looking at an example from last year's Department of Defense Appropriation Act, the Act provides a specific sum for Army aircraft procurement, $1,063,164,000. The text of the act does not require the Army to spend that money on any particular type of aircraft.

The detail is set forth in the committee and conference reports which specify the amounts for production or modification of a dozen different types of aircraft. Those report items are not legally binding on the Department of Defense. The Department, as a matter of law, can spend that $1 billion on any type of army aircraft selected by the Army or the Department of Defense, regardless of the types that are specified in the Appropriations Committee reports.

Any restrictions, earmarks, or other special conditions that are in the committee report are not binding on the Department of Defense. As a matter of comity and custom, the Department of Defense generally, but not always, follows the guidance in the committee reports, but it is not required to do so.

The Department of Defense routinely reprograms funds between various lines in the Appropriations Committee reports without any congressional involvement. Above certain thresholds, however, for example, operation and maintenance reprogrammings that exceed $20 million, there is a custom of obtaining prior approval for reprogrammings from the congressional defense committees.

That is, when they shift funds from one account to the other. In the Department of Defense this happens hundreds of times in a year because there are certain programs that get behind schedule—they cannot be completed on time. Therefore, the money is not needed as originally anticipated. The money is needed somewhere else. They shift back and forth, back and forth. Over certain thresholds, they have to come back here for informal approval.

There is nothing binding about reprogramming. They do not even have to come to us for reprogramming approval as a matter of law. That also is a matter of comity. Moreover, if Congress were to insist on such prior committee approvals, it would likely constitute an unconstitutional legislative veto.

In summary, Madam President, there is no requirement for an appropriation bill or report to contain any specific level of detail. And the material in the committee and conference reports is not legally binding on the executive branch. Much—not all—but much of the pork, perhaps most, but at least much of the pork identified in the news media that we dwell on in here and that disturbs all members—and I know the Senator from Arizona has been particularly vigilant in that respect and I think over the years I have, also—that pork, much of it, is not binding on the President but is spent as a matter of comity between the two branches.

I am often amused when Presidents are talking about how their hands are bound and they can not do certain things because of Congress, and a whole lot of things they complain about are not binding on the Presidents of the United States.

As a matter of comity, if they disregarded the reports year in and year out, they would be jeopardizing some of their own programs, but in my opinion we have had several Presidents who have basically talked about the line-item veto because they wanted to give the appearance that they had to accept things beyond their control, when they knew they had control, if they wanted to do something about it. Most of them do not want to do anything about it because they want their own pet projects. And it ends up being spent as a matter of comity between the two branches of Government.

I know that is not going to change people's minds here, but that is the way the system works. We need to understand that we are trying to correct something and we are shooting at a target that is not really a target.

In summary, Madam President, there is no requirement for an appropriation bill or report to contain any specific level of detail, and the material in committee and conference reports is not legally binding on the executive branch. Much of the pork identified in the media is not binding on the President but is spent as a matter of comity between the two branches.

Now, committee reports that explain legislative provisions are legislative history, and they do have an effect. But what we are talking about now is committee reports that talk about expenditures and how that money would be spent, and that is not binding.

Madam President, with that background, I would like to turn to the loopholes in the proposed substitute. The supporters of the proposed substitute assert that it will require pork-barrel projects to be set forth in the text of appropriation bills and enrolled as separate enactments. There is no such requirement in the proposed substitute. As drafted, the substitute merely provides that—I am quoting directly from it—"The committee on Appropriations of either the House or the Senate shall not report an appropriation measure that fails to contain such level of detail on the allocation of an item of appropriation proposed by that House as is set forth in the committee report accompanying such bill."

The first defect is there is no requirement in current law, Senate rules, or the proposed substitute that the Appropriations Committee provide any specific level of detail in the committee report. The committee report does not have to have any specific level of detail in it. So the very heart of this proposal ties it to details in the committee report, but the detail does not have to be in there. If we enact the proposed substitute, the Appropriations Committee, if they choose to, can easily avoid a line-item veto by providing lump sum appropriations and then setting forth the detail in separate documents other than the committee report. These documents could include a floor statement by the managers of the bill, an agreed joint statement of the managers of the conference which is placed in the CONGRESSIONAL RECORD in lieu of or in addition to the formal conference report, or a simple letter from the leadership of the committee to the head of an agency.

And I assume and I believe, based on previous practice and observations, that within a year or two that will begin to happen.

In other words, there is no requirement that the committee report or a conference report contain a specific level of detail. No line-item detail is required, and there is no requirement that there be anything for the President to veto beyond a lump sum appropriation.

(Mr. GRAMS assumed the Chair.)

Mr. NUNN. Using the example I discussed earlier, the appropriation bill could simply provide $1 billion for army aircraft procurement. It could set forth minimal descriptive material in the committee report and then provide all the details, including a pork-barrel earmark, in a floor statement or a letter to the Department of Defense.

Alternatively, the committee could include all noncontroversial materials in the committee report and then address a pork-barrel earmark in a floor statement or letter to the DOD. In either case, Mr. President, the President of the United States under the proposed substitute would have nothing to veto except the big lump sum procurement. That is all he would have to veto. He would not have the detail in there.

The substitute appears to be based on the mistaken premise that the only way Congress can earmark a pork-barrel project is through bill or report language. Mr. President, that is naive and ignores both legislative history and precedent. Unlike report language that interprets a legislative provision, a line item in a committee report which sets forth a committee's policy direction on expenditures has no legal standing. It has no more legal effect than a speech in the Chamber, a letter from a committee, or a phone call from a committee chairman. Therefore, those who want to earmark or add pork do not need report language. They can use any other form of communication to the executive branch.

The likely effect of the substitute will be to drive the pork into underground shelters where it will be hidden from scrutiny. If the substitute is enacted, the really egregious earmarks no longer will be set forth in committee reports. The earmarks will be described in floor statements, letters from committees, or even phone calls from committee chairmen to the heads of agencies. The proposed substitute will not eliminate pork. It will drive it underground.

A related loophole is the failure of the substitute to cover floor amendments. It is not unusual for an amendment to be offered in this Chamber to increase a lump sum appropriation by a specified amount without stating the purpose in legislative language. The purpose is often set forth in the statement of a sponsor.

Under the proposed substitute, an amendment that increased a lump sum appropriation would not be enrolled as a separate bill even if the sponsor stated that the purpose of the increase was to earmark funds for a pork-barrel project. Once the amendment is adopted by the Senate, there is no requirement that the purpose of the amendment be discussed even in the conference report.

Mr. President, let us look at how a pork-barrel earmark would fare under the proposed substitute as compared to how it would fare under the Domenici-Exon expedited rescission bill or under the original McCain bill.

Under the proposed substitute, if the earmark is set forth in a floor statement or committee letter, there is no requirement that the item be set forth separately in the bill or separately enrolled. Unless the item is set forth in the bill, the President could not veto it.

Under the Domenici-Exon expedited rescission proposal or under the McCain original proposal, however, the President would not be limited to items expressly set forth in the bill. The President could propose rescission of a specified amount of money for a specified purpose. The President would be guaranteed a vote in the House and the Senate in a specified period of time. That would not only serve as improvement in the current law in the case of the Domenici-Exon proposal, but it would also be a great improvement over the proposed substitute, which has enormous loopholes.

Ironically, the proposed substitute would enable the President to veto items that reflect legitimate policy differences between the President and the Congress. When we have major disagreements on matters of policy, we must express our requirements in legislation in order to ensure that the President carries out the will of Congress.

Let us take, for example, an item that both of my colleagues in the Chamber, the Senator from Nebraska and the Senator from Arizona, are very familiar with, the V-22 aircraft. The 3sprey, or the V-22 aircraft, has been a controversial item for several years. The V-22 has had strong bipartisan support in the Congress, yet the Bush administration wanted to cancel it. Congress insisted on authorizing and appropriating funds for the V-22 because we believed the funds were genuinely necessary for a strong national defense. We had to include specific legislative provisions to ensure that the program was not canceled.

Under the proposed substitute, however, the President could have vetoed the V-22. He could have vetoed the strategic sealift program that Congress initiated. He could have vetoed congressional increases for weapons systems that had not been in the President's budget but which made a crucial difference in Operation Desert Storm, such as Stealth fighters and the Patriot missile. He could have vetoed the $1 billion LHD-6 ship that was added by the Congress even though it was not in the President's budget. Many of our colleagues want to increase and restructure our missile defense program. That is another item ripe for a Presidential veto under the proposed substitute.

The separate enrollment proposal allows the President to veto any paragraph of the appropriation bill. The proposal is not limited to provisions containing pork-barrel earmarks. In fact, it is not limited to funding items. The proposal applies to any numbered section or any unnumbered paragraph.

That means the President can veto funding limitations as well as funding amounts. In doing so, he could approve the appropriation bill but he could veto conditions under which the appropriation was provided.

The President, for example, could veto a provision such as section 8135 of last year's appropriation bill. And I believe Senator LEVIN has been talking about that, the Senator from Michigan. That provision stated, "None of the funds appropriated by this act may be used for the continuous presence in Somalia of United States personnel, except for the protection of United States personnel after September 30, 1994."

That provision was strongly supported by many of those who now back separate enrollment. The President did not want the provision. I am sure he would have loved to have had the ability to veto that provision without affecting the underlying DOD appropriations.

Have any of the supporters of the proposed substitute, especially those who opposed the operations in Somalia or Haiti, considered the war powers implications of the drastic new restrictions on the congressional power of the purse?

The power of the purse is the only thing we have to deal with. The War Powers Act does not work. Everybody over here knows it. The power of the purse is the only way that Congress has to enforce restrictions on foreign troop deployments. That power under this bill as now drafted in my opinion will be largely gone.

Another part of the DOD appropriation bill, section 8008, last year provided:

> Funds appropriated by this act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the Committees on Appropriations and Armed Services of the Senate and House of Representatives.

Those special access programs, as other programs, are very highly classified programs that I will not discuss here on the floor. But I have no doubt the President, any President, would welcome the ability to veto that provision. This was a limitation on Presidential expenditures, saying you cannot spend this money except under certain limited conditions. The President could keep the money, veto the conditions, and off we go—more expenditure, not less, as people want when they say they want a line-item veto.

Under the substitute there is just as much chance, over a period of years, that the President, any President, would veto a restraint on spending as well as an increase in spending. This is not what the public has in mind when they say they support a line-item veto.

In my opinion, there is just as much chance this provision, this bill, will cause an increase in spending as there is a decrease. That does not even take into account the ability of the President under this new power to basically take certain provisions in a Senator's State and say, "You have these five provisions and if you do not vote with me on, for instance, health care, my proposal on health care, I am going to make sure these proposals do not go into law unless you can produce two-thirds of the vote in both bodies to do so."

It is a huge power shift to the President. But I am not even dwelling on that in this speech today. It is a huge power shift to the President. And any President that has a pet project—health care, or whatever they want to get through—will have a very greatly enhanced ability to do that. Not by saving the public money, which is what they want, but by threatening to veto those provisions in exchange for Senators and Members of the House basically voting to increase spending on one of the President's proposals. It could be billions of dollars.

In my opinion what we are setting up here, the way we are heading—we are setting up provisions which give the President of the United States a chance to threaten millions of dollars in exchange for getting votes for billions of dollars. That is not what the public intends. That is exactly where this proposal is headed.

Mr. President, to take another example, the President could veto the so-called Hyde amendment restricting the use of Federal funds for abortion that has been included in the Labor-HHS appropriation bills over the years because it would be enrolled as a separate bill under the proposed substitute.

The Hyde amendment was included as section 509 of the fiscal year 1995

Labor-HHS appropriations bill, and reads as follows:

> Section 509. None of the funds appropriated under this act shall be expended for any abortion except when it is made known to the Federal entity or official to which funds are appropriated under this act that such procedure is necessary to save the life of the mother or that the pregnancy is the result of an act of rape or incest.

I wonder if the people who are so enthused about this amendment, and this proposal, have really thought through what they are doing.

Mr. McCAIN. If the Senator will yield, I will be happy to answer that question.

Mr. NUNN. I will go ahead and yield, yes, sir.

Mr. McCAIN. Yes, we are. Fortunately, a substantial part of the Senator's argument against this legislation has been taken care of by the Levin-Murkowski-Exon amendment. I will be glad to quote it to him. It adds:

> * * * but shall not include a provision which does not appropriate funds, direct the President to expend funds for any specific project, or create an express or implied obligation to expend funds and
>
> (i) rescinds or cancels existing budget authority;
>
> (ii) only limits, conditions, or otherwise restricts the President's authority to spend otherwise appropriated funds; or
>
> (iii) conditions on an item of appropriation not involving a positive allocation of funds by explicitly prohibiting the use of any funds.

Basically what that does, I would say to the Senator from Georgia, it prohibits most of the scenarios that the Senator from Georgia just described about being able to separate language from funds, funds from language, and being able to so-called fence other areas.

I would like to let the Senator from Georgia finish, but I did want to point out this amendment, which I believe is going to be accepted, does address some of the major concerns the Senator raised.

Mr. NUNN. I thank my friend from Arizona. It is my understanding that has not yet been adopted. Has that been adopted?

Mr. McCAIN. It is my understanding it has not been adopted. As well, I have no doubt it will be.

Mr. NUNN. I am speaking of the proposal we now have before us. I thank my friend. I am glad the authors are considering that, because I can assure you, if we debate this bill another 2 or 3 days, another 3 or 4 days, there are going to be a lot of other things that people are going to point out because this has not been thought through.

I believe the original proposals, the rescission proposals, have been thought through by the authors. I did not agree with the McCain proposal because of the two-thirds vote, but I think it had been thought through, the rescission part. This proposal has not been thought through. You are going to find one problem after another with this.

For it to come on the floor of the Senate of the United States with a cloture motion at the same time, bypassing committees, bypassing the rescission proposals that had come out of the Governmental Affairs Committee and Budget Committee, and come up as a compromise with the threat of a cloture motion—this proposal has not been thought through. It is riddled with loopholes.

I am glad that particular amendment is being strongly considered, but it has not been adopted and of course I have no way of knowing what is going to be adopted so my remarks have to be addressed to the bill, the underlying bill as it now stands. But I thank my friend from Arizona. I hope there will be that clarification as well as others that take place.

The rescission proposals would not have that problem. The President would send up rescissions on money items. He would not be sending up language revisions. Those are totally different animals than what we have here on the floor. This hybrid that has been put together as a compromise has injected whole new areas that were not contemplated in the rescission bill and present totally different problems. For us to pass this bill in a week or 4 or 5 days to me is very bad legislative procedure and will come back to haunt us if we continue to legislate this way on these things that are this important. It is obvious this matter has not been thought through.

In short, Mr. President, the proposed substitute is likely to give us the worst of both worlds. It does not subject to veto the earmarks that are buried in floor statements, committee letters, and phone calls to Cabinet Members. Those could be addressed in rescission bills. They will not be able to be addressed in this bill.

It does subject to veto legitimate policy disagreements between Congress and the executive branch that have to be addressed in statute. I hope my friend from Arizona is correct on that, that policy disagreements are going to be addressed in an amendment. I have not had a chance to study the amendment and I do want to study that.

I believe the impact of the substitute proposal will be almost the opposite of what the Members of Congress and the American public had in mind when they said—and say in polls and in their letters and phone calls—they want a line-item veto.

Mr. President, I think it is also important to note, as I mentioned earlier in my summary remarks, that the substitute we have before us and that we may vote on even as early as tomorrow night, permits the President to increase Federal spending. The proposed substitute has been justified as a means to decrease Federal spending. This claim overlooks the fact that the substitute as drafted also permits the President to increase Federal spending.

As Members will recall, we acted last week on a defense supplemental bill to address urgent readiness problems.

That bill not only contained increases in spending for readiness, it also contained rescissions—decreases in spending—to minimize the impact on the deficit. A number of those offsets, were strongly opposed by the President, such as the reductions in environmental spending and reductions in the Technology Reinvestment Program.

Under the proposed substitute, each paragraph in the supplemental would be enrolled as a separate bill, including the rescissions. As a result, the President would be free to sign into law all the increases in spending and to veto any or all of the rescissions. In other words, the President could increase the deficit by hundreds of millions or billions of dollars without congressional approval. Only a two-thirds vote of both Houses could override these actions. Is it any wonder that any President would desire to have this power?

Obviously, any President would want these powers because he can take a rescission and an appropriations bill that decreases an expenditure, veto the rescission, and keep the appropriations. What are we doing here? Do we really know what we are doing in this proposal?

In that regard, the proposed substitute is clearly inferior to the Domenici-Exon expedited rescission proposal. Under an expedited rescission, the President could only propose decreases in spending.

I must say I believe that is also the way the amendment of the Senator from Arizona would have worked.

The President could not obtain any increases under the Domenici-Exon expedited rescission procedure. Why do those who support reductions in Federal spending want to give the President the authority, under the proposed substitute, to increase Federal spending instead of restricting his power to reductions in spending? I can only conclude that this proposal has not been carefully thought through.

The proposed substitute if implemented in good faith, if none of these loopholes is taken advantage of by this Congress or a future Congress, will, in my opinion, result in rigidity, inflexibility, and in some cases chaos in the management of the Government's fiscal affairs in the executive branch.

Mr. President, the problem with the proposed substitute is that if it is administered in good faith with line-item appropriations, and if no loopholes are used by the Appropriations Committees—and I have already described the gigantic loopholes that could be used—I believe it will cause chaos in the management of Government's fiscal affairs.

The most telling critique of the proposed substitute comes from the Republican majority on the Governmental Affairs Committee.

This was the report that came out with the rescission bill that had been brought out of the Governmental Affairs Committee just about 10 days ago.

In explaining why it was better to have lump sum appropriations rather than line-item appropriations. Senator ROTH and the Republican majority on the Governmental Affairs Committee made the following observations in their report on S. 4, which was the original proposal before this substitute came in.

Quoting from that majority report in the Governmental Affairs Committee:

> Congress and the executive agencies are in broad agreement that lump-sum financing is an effective way to manage the Federal Government. Because of lump sum appropriations, federal agencies are able to shift funds within large appropriations accounts and therefore adjust to changing conditions during the course of a fiscal year. By making these shifts inside the account, the overall dollar figure for the activity is not violated and therefore there is no need to seek remedial legislation from Congress. Fund shifting takes place under established reprogramming procedures, with agencies notifying designated committees of the shifts and in some cases seeking the advance approval of those committees. * * *
>
> This flexibility is important for the agency and for Congress in its oversight capacity.
>
> It is possible, although not desirable, to apply the state budgeting system to the Federal Government and give Presidents the kind of line-item veto available to governors. To maximize item-veto authority for the President, the details in conference reports, agency justification materials, and other nonstatutory sources could be transferred to appropriations bills * * *.

At this point I am not quoting. This majority report is describing the problem exactly with the substitute we have before us. Back to the quote:

> * * * However, placing items in appropriations bills would produce an undesirable rigidity to agency operations and legislative procedures. If Congress placed items in appropriations bills, agencies would have to implement the bill precisely as defined in the individual items. In cases where the specific amounts detailed in the appropriations statutes proved to be insufficient as the fiscal year progressed, agencies could not spend above the specified level. Doing so would violate the law. Agencies and departments would have to come to Congress and request supplemental funds for some items and rescissions for others, or request a transfer of funds between accounts. Neither Congress nor the agencies want this inflexibility and added workload for the regular legislative process.

If we want further argument against this substitute, let us turn to what the Republican majority on the House Committee on Government Reform and Oversight said in making similar observations in their report on the line-item veto legislation that they passed, which I must say is totally different from the substitute we have before us now.

Quoting from the House Government Reform and Oversight Committee, Republican majority:

> We do not itemize appropriation bills and see no reason to do so. * * * The details do not appear in the law.* * * We could take the details from nonstatutory sources and place them in appropriations bills, but that would add an undesirable rigidity to agency operations. Executive officials would have to implement highly detailed bills no matter the magnitude of change that occurs over the course of [a] fiscal year. Their only opportunity for relief would be to come to Congress and request legislation to increase funds for some items and eliminate them for others. Agencies would be forced to seek large numbers of statutory amendments to the original appropriations bill. No one in either branch wants that.
>
> Item-veto authority, as practiced at the state level, would require the Federal Government to itemize appropriations bills. Such a step would disrupt and undermine effective agency management.

What we have, Mr. President, is both the Republican majority on the Senate side in Governmental Affairs, and the Republican majority on the House side in Governmental Affairs, have written reports in connection with line-item veto that directly critiques and criticizes and describes as rigid and unworkable, in my words, the proposal that we are now about to vote on and will probably pass. It is an amazing legislative performance.

I have never seen anything quite like it to have a committee report by the majority come out and basically to decry and criticize a later proposal that is on the floor as a substitute for the ones brought out of committee.

Let me illustrate the problems described by the Republican majority on the Governmental Affairs Committee. Assuming the Appropriations Committee set forth all the line items for defense in the defense appropriations bill, this would mean that a single defense appropriations bill, as we now know it, would be enrolled as over 2,300 separate public laws. Reprogrammings between these public laws would no longer be possible. Reprogramming could not take place because each item would be in a separate law. As a result, fiscal managers would no longer be able to move funds from a program that is in trouble to a program that is ahead of schedule. Overseas pay and benefits shortfalls caused by devaluation of the dollar could not be addressed through reprogramming in the defense arena.

To the extent that Congress requires an agency to eat a pay raise—or absorb the cost by shifting funds from other programs—the agency would be unable to provide for the pay increase through reprogrammings.

Increases in operational tempo in time of international tension could not be funded through a reprogramming from lower priority programs.

Readiness shortfalls would go unaddressed because money could not be moved from lower priority O&M accounts into training activities.

We know how long it takes us to get through a supplemental appropriations bill. We are going to have to have supplemental after supplemental after supplemental based on this legislation, if we pass it. There is going to be no end to the number of supplementals that we are going to have just in the Department of Defense alone.

The legislative activity load is going to just go up astronomically if we pass this legislation.

If military personnel accounts experienced temporary shortages—as they did last year in the Air Force Reserve just before Christmas—funds could not be reprogrammed to meet payrolls.

In other words, Mr. President, the executive branch would be faced with fiscal gridlock. Like Gulliver, they would be bound by Lilliputians in the form of thousands of minute appropriation bills.

Our fiscal managers would be unable to make reasonable adjustments during the course of a year to spend the money wisely, and would be forced to delay actions needed to obtain savings or meet other critical military needs. Moreover, because they could not move the money between line items, there would be a great incentive to spend all of the funds appropriated to a particular line, even if the money could be used more wisely in another program—just exactly the opposite of the incentives we want to give the managers in DOD, or any other department. They would know that they could not move it because they could not reprogram. They would know if they come to the Congress, they might have to wait sometimes months, maybe even before the fiscal year is over, to be able to come up here and get another law passed so they could spend the money in some other category. Are they going to be great managers and turn it back in? We all know what happens when people have money to spend in agencies. It is a problem every government faces. They spend it or lose it. Usually, unfortunately, they spend it. That is what is going to happen here, multiplied by thousands of line items.

In other words, Mr. President, a proposal that started out to try to save the taxpayers money, to try to delete waste, fraud, abuse, and pork out of all sorts of legislation—a worthy objective and I think one that could be achieved with something like the Domenici-Exon proposal—is now in the form of a substitute that we are about to vote on. That is a formula for delay, inefficiency, and waste. That is how this process has evolved—an amazing process.

Mr. President, the final comment on this proposal that I will make is that the substitute we will probably vote on tomorrow does not address the main problems criticized by its supporters. I must say, these are legitimate criticisms of our current process. I am not a defender of the current process. I think for us to have rescissions come from the President and, by doing nothing over here, allow those rescissions to have no meaning at all, is unacceptable. We must change that. But the way to change it is not this proposed substitute. It is to require us to put the spotlight on and to vote again, as is provided in the Domenici-Exon proposal. That should be what we are really voting on here.

I hope we are going to have a chance to vote on that. I hope some people will change their minds, because we still have a chance to pull this ox out of the ditch. Anybody who does not believe these are real problems has not studied this very seriously, in my view. The substitute does not address a lot of the problems that really need addressing in the Congress.

Proponents of the substitute really hope the President will use it to correct the problems in the legislative process. I do not mind the President correcting problems in the legislative process under the right kind of proposal. Why do we not try to correct our own problems? Why turn it all over to the President and say, Mr. President, we have all these problems and we do not handle this right, we are pretty sloppy, we have a lot of pork in legislation, and we have unauthorized appropriations and earmarks, we cannot solve it. We will send it down for you to solve it. As a consequence, we will shift a lot of power from one branch to the other. I suggest we ought to address the problems ourselves.

Unauthorized appropriations, for instance, are a significant problem. Why do we not establish an effective point of order against unauthorized appropriations? I know the Senator from Arizona would agree with that. Earmarks that avoid the competitive process are wrong. Why do we not establish an effective point of order against earmarks that avoid merit-based selection procedures?

Adding a project in conference that was not included in either bill, House or Senate, is another significant problem. I think it is a terrible practice. Why do we not establish an effective point of order against projects added in conference that were not in either bill?

Conference reports that are not available for review prior to debate are a further problem. This particularly happens at the end of the session on appropriations bills. Why do we not require conference reports to be available 2 or 3 days before debate? The proposed substitute addresses none of these problems. On the contrary, the substitute presumes that Congress will continue to employ procedures that fail to constrain unnecessary spending.

Mr. President, we are putting the cart before the horse. Before we ask the President to exercise our own responsibilities, we need to make every reasonable effort to clean up our own act. This is not just a matter of congressional prerogative. If we fail to restrain ourselves, we can hardly expect the President to do it for us. And if we give him these tools, we are going to be surprised over the years—I am not talking about President Clinton, and I am not talking about any specific President, but there is going to be a tremendous disillusionment with the American public, because they are going to find over the years that we are going to convert pork that costs millions of dollars into strong-arm tactics by some President down the line that is going to cost the country billions of dollars—threatening to take out millions in order to get people to vote for billions. Believe me, it is going to happen.

It would be the height of cynicism for Congress to continue to earmark funds for pork barrel projects and then blame the President if he does not veto the very projects we approve.

Mr. President, I know that many who support the proposed substitute do so out of strong conviction that something must be done to control Federal spending, and I agree. I agree with that point. But in our zeal to control spending, we must not lose sight of our duty to exercise our constitutional legislative responsibilities with care. The history of this legislation is not particularly edifying. The committees of jurisdiction, the Budget Committee and Governmental Affairs Committee, have marked up bills based on the use of a rescission process, not a separate enrollment process. I will repeat that. These bills brought out of committee, at least with committee deliberation, are totally different from what we have before us now that is a substitute.

Mr. President, the proposed substitute may be written on tablets of stone in terms of the way the votes are around here, but that does not make it good legislation. As I have pointed out, it has enormous loopholes that will permit continued pork barrel earmarks—the very earmarks that we could capture if we use the Domenici-Exon expedited rescission proposal. The proposed substitute gives the President the authority to increase spending by vetoing rescissions, a power that he would not have under the Domenici-Exon expedited rescission proposal, or under the McCain proposal. Again, I do not favor the McCain proposal because of the enormous shift of power to the President. But it would certainly not have the defects we have out here today. This substitute creates the potential for chaos in Federal fiscal management, a problem that would not arise under the Domenici-Exon expedited rescission proposal. It does nothing to address the legislative problems that encourage earmarks such as unauthorized appropriations, additions in conference reports, and conference reports that are not available in advance of debate for examination.

Mr. President, there are numerous other problems with the proposed substitute which have been pointed out by others. My friend from West Virginia pointed out numerous problems. These include the constitutionally questionable practice of delegating legislative power to the enrolling clerk and the enormous burden placed on the President of having to sign nearly 10,000 separate appropriations acts. I visualize in the future where we will have candidates seeing who can sign the most pieces of paper the fastest, because that is going to require an enormous amount of Presidential time. We are going to have thousands and thousands of signing ceremonies, I suppose, and a lot of pens. It is going to be good for the fountain pen industry but not for Government.

Presidential time management is a serious problem. I would rather have a President working on correcting abuses in Government rather than signing 10,000 or 12,000 bills a year. Mr. President, we have a choice in this debate. We can give the President and the Congress the tools needed to effectively address wasteful spending, or we can vote for a bill that is an invitation for Congress to exploit loopholes as well—if that does not happen—as an invitation to fiscal gridlock in the executive branch. We should reject the proposed substitute and work in a bipartisan fashion, which is entirely possible here in this bill. I think both the majority of the House, the majority of the Senate, Republicans as well as Democrats, really want an effective tool here. But, Mr. President, this is not it.

This substitute should be rejected, and we should work together on an effective rescission bill that gives the President the authority to address wasteful appropriations and unnecessary tax expenditures but does not cause the kind of mess that is going to be caused by this legislation.

Mr. President, I yield the floor.

Mr. McCAIN. Mr. President, I was intrigued and somewhat amused by the thoughtful remarks of the Senator from Georgia. I was amused by his prospect that if the pork barrel spending or egregious appropriations were somehow brought to the attention of the Members of this body, we would rise up in righteous indignation and vote those down.

Well, apparently the Senator from Georgia has not been around when I have come to this floor time after time after time after time with amendments to do away with pork that was put in in conference reports, with earmarks, with the most outrageous and egregious abuses of the system and been voted down time after time after time.

And I will tell the Senator from Georgia why. Because there is an iron rice bowl around here that if you take care of your pet project, I will take care of mine, and we will all vote down any attempt to do away with these because then that might start this whole system to unravel.

I can show the Senator from Georgia a record of vote after vote where I have come down here and clearly identified, including highway demonstration projects to the tune of hundreds of millions of dollars, including earmarks for universities. I will provide him with the record of outrageous appropriations that have taken place, many of them stuffed in in conference, stuffed in in conference, which neither body sought, and I sought a majority vote to overturn them and could not do it, time after time after time.

So if the Senator from Georgia thinks that a simple majority vote will be sufficient around here the way business is done, then he has not had the same experience that I have.

Mr. NUNN. Will the Senator yield on that?

Mr. MCCAIN. I will be glad to yield on that.

Mr. NUNN. I do not remember using the word the Senator attributed to me, because I do not think it would be easy. But I think it will be a lot easier if the Senate sent up a rescission bill. And I think if we stuck to either the Domenici-Exon bill or the McCain bill on rescissions, that is the way to go about it.

I do not question what the Senator is trying to do. I agree. I do not question the problem you have identified. I agree.

Mr. MCCAIN. If I might reclaim the floor, the fact is, then, that the Senator cannot support a simple majority vote to override because that has been tried. I tried it specifically. I tried it specifically on numerous occasions and it has failed. And I can provide the Senator from Georgia with ample evidence of that—hundreds of millions of dollars in highway demonstration projects which have no relation whatsoever to the needs of the States, but are put in. And I showed in the debates the direct relation between those highway demonstration projects and people who happen to be on the relevant committee. We attempted to overturn those. We failed time after time after time.

So then I do not understand what would lead the Senator from Georgia to the conclusion that if they came over here vetoed by the President a simple majority override would do the job. It would not. It would not.

So even if the Senator from Georgia thinks that it would, I have evidence by standing on this floor hour after hour, day after day, week after week trying to do away with these egregious pork barrel projects and failing to do so, just as we would fail to do it if it was not brought up by me but it would be sent over by the President of the United States.

So I soundly reject the thesis on the part of the Senator from Georgia that a simple majority vote would somehow put a brake to the egregious practices which the American people, at least on November 8, said they were sick and tired of—sick and tired of.

As far as comparing letters and phone calls to the Pentagon from committee chairmen, I do not see how any legislation prevents that. I do not see how you stop that. I do not do it. I do not believe in it. I do not think it is appropriate to do so. And I am sorry to hear from the Senator from Georgia that it is such a common practice.

But the fact is that the real crux of this issue, as I have said many times on this floor, is whether it is going to take a real veto, a real veto which is a two-thirds vote, as opposed to a majority vote. All the rest I felt was very negotiable. But I have had the experience, I have the experience and I will provide for the RECORD the actual number of times I came down here and sought to draw an amendment to kill particular projects that were put in in the conference report which had no relation whatsoever to national security needs and lost those votes.

I would also like to remind the Senator from Georgia that the Congressional Research Service identified for me—the Congressional Research Service—$62 billion in 5 years that was put in defense appropriations bills which had nothing to do with defense; not any relation whatsoever.

Now, I understand, as chairman or a senior member of the committee, that you have a lot of latitude and a lot of power. And I know what reprogramming is about, too. It is a phone call to a chairman or a ranking member, or both, sometimes just to one person, and millions of dollars are reprogrammed.

I do not believe in that, either, I will tell the Senator from Georgia. I do not believe that is appropriate. And if we are going to do away with that, then hooray, I am all for it, because too much of that goes on. If we put some rigidity in how many of our departments of Government spend their money, then I am very happy about that.

As far as us now encouraging people to spend money, that this legislation would encourage departments to not to give money back because they would feel it is incumbent upon them to spend the money, I would ask the Senator from Georgia when is the last time the Department of Defense gave any money back to the Treasury under the present system? I am not aware of any occasion in which that was the case.

Mr. NUNN. Will the Senator yield to me?

Mr. MCCAIN. I did not interrupt the Senator.

Go ahead.

Mr. NUNN. That is OK.

Mr. MCCAIN. Go ahead.

Mr. NUNN. I would say it happens all the time. We have all sorts of programs that are either in trouble one way or the other that we go through reprogramming.

Mr. MCCAIN. Did any of the money ever go back to the Treasury?

Mr. NUNN. The money is spent on other Defense Department needs.

Mr. MCCAIN. The Senator from Georgia put his finger right on it. None of it goes back in the Treasury, but they find a way to spend it. With this, they would not be able to spend it because of a veto and the money would go back to the taxpayers of America rather than them deciding to find another place to spend it, which is the case today.

So perhaps the Senator from Georgia believes that it is a good idea that if a program is not worthwhile and the money is not spent that it go to another project without the knowledge of a majority of the Congress. Maybe with the knowledge of the Senator from Georgia when he was chairman of the Armed Services Committee, but not with the knowledge of this Member, who I felt had an equal voice in what the decision should be as the expenditure of America's tax dollars.

So if, as the Senator from Georgia states, this would stop this reprogramming, then I say I am very, very glad to hear that information that it would stop the reprogramming.

Mr. NUNN. Will the Senator yield for a brief comment?

Mr. MCCAIN. I am glad to yield.

Mr. NUNN. As the Senator knows, on reprogramming, the reprogramming comes up by written request. It goes to four different committees. It is examined by the committees. All the members of the committees have access to that information if they want it.

The reprogramming is not done by telephone. And if the Senator wants to prevent reprogramming, the Senator is going to actually basically have the Department of Defense come up with one bill after another all year long. There will not be time for anything else.

I do not think the Senator has thought through this proposal.

I think the Senator has thought through the problem and I think he has thought through it very carefully and I admire him for his fights on that. I think he will find I voted with him on his amendments most of the time. And I think he would recall the challenge to the appropriations earmarks. I started that on the floor of the Senate. We actually won a majority vote on three different occasions. We have had the money taken out of the earmarks on the Senate side. In the final analysis, it usually gets put back in at the end of the conference.

So I agree with the Senator's frustration. But the problem is every time you see a problem around here, that does not mean whatever solution you throw at it is going to be the answer. I am saying that there is a problem. The Senator is right, there is a problem. There are ways to address that problem. But these solutions are going to create a whole other set of problems that are worse than the problems that the Senator is describing. That is my case.

Mr. MCCAIN. I appreciate the remarks of the Senator from Georgia, and he would be welcome to interrupt again.

As far as this issue not being examined sufficiently, I would remind the Senator from Georgia that a former colleague of his from Georgia brought this bill, this very same bill, with a few changes to it in 1985 to the floor of the Senate. I know that the Senator from Georgia was then in the Senate. I am sorry that he did not take part in the debate and become illuminated on the issue at that time.

It was passed a couple years ago as a sense-of-the-Senate resolution.

Mr. NUNN. It was a different proposal. I examined that proposal. It was the Mattingly proposal. It did not have anything like the level of lines required in this one. It was a different proposal.

Mr. MCCAIN. It is fundamentally the same, and the Senator knows it as well as I do.

The fact is the Mattingly amendment, plus a sense-of-the-Senate amendment that was passed not too long ago, I believe it was in 1993, basically said the same thing. So this is not a new issue. It is not a new item and it is not a new problem.

It is not a new problem. The fact is that if we do not address this problem, then the American people's confidence will be far more eroded than it is today, if that is possible.

I am convinced that if we adopt the so-called now Exon—since Senator DOMENICI no longer supports that proposal and supports this proposal—that it will fail. And the Senator from Georgia probably knows that, too, because in the other body, the line-item veto, what he knows of as the Domenici-Exon, was defeated by an overwhelming number, and it was defeated because it only required a majority to overrule the line-item veto.

Most of our colleagues on the other side, and I hope most of my colleagues here, understand that a simple majority does not do it. And it does not do it for the reasons I cited earlier to my colleague from Georgia.

These items have been exposed to the light of day. Votes have been taken, and they have been rejected. Even though those provisions may have been snuck in, in a covert fashion initially, even when they were exposed, we still could not get a sufficient number of votes to remove them through the amending process, which is basically what the President of the United States said.

I am amending this bill in order to take out what I find objectionable, and then there is a vote. I am convinced if it is a majority vote that overturns it, it is business as usual in this body, and in the Congress, and our colleagues on the other side, clearly—as the Senator from Nebraska has stated very accurately quite often—is very different from this body.

Our Founding Fathers meant for that to be the case. But they feel very strongly, and perhaps it is because they have had more bitter experience than we have had over here, that a two-thirds majority is required.

Now, Mr. President, I will not talk too much longer. I know the Senator from Nebraska wants to speak, and the Senator from Indiana is here.

This issue is well-known. This issue is not brand new. Separate enrollment goes back as far as 1985. The issue of line-item veto goes back in the last century. There have been debates and discussions of different forms of line-item veto for years. I have been part of many of them.

To convey the impression that this is a brand new thing that Members of this body have not considered, frankly, I believe, is an inaccurate depiction of our knowledge of this issue of the line-item veto.

Any members that go home, who have a town hall meeting, not an hour goes by without someone standing up and saying, "Why can't we have the line-item veto, Senator or Congressman?" Obviously there is a discussion at that time because the American people feel that we are spending too much of their dollars that they send to Washington in a wasteful fashion.

I would like to say the Senator from Georgia made an excellent point: Why not solve the problems ourselves? I think he made an excellent point there, and I have seen effort after effort after effort to solve the problems ourselves. We cannot. We do not show the political courage to do so.

I have sought, as the Senator from Georgia has, to attempt to not allow appropriations to be put in conferences. I try to have criteria set up for military construction projects, which are one of the most egregious areas where pork shows up all the time. We tried to do away with highway demonstration projects. We tried to do away with the land transfers that are done—directly related to the influence of certain Members of this body. I tried to do away with outrageous courthouse costs.

We have not been able it do it, and we have run up a $5 trillion debt and laid it on few generations of Americans. There are very few people in this body that I respect more than the Senator from Georgia. There are times when he and I are in disagreement. This is one of them.

He contributes to the debate, as always. I feel that the points that he raised, as well as the points raised by the Senator from West Virginia earlier, are very important ones. I am glad we are having this opportunity to debate these points on the floor prior to passage of the bill.

I yield the floor.

Mr. EXON. Mr. President, I would like to compliment my friend and great colleague from the State of Georgia. I think that all Members who have known and worked with SAM NUNN know that he is historically one of the most thoughtful Members of our body, and I think that that statement would be agreed to by most people on either side of the aisle.

Senator NUNN, unfortunately, brought forth his carefully thought out, well-researched speech tonight to a U.S. Senate where only four Members were on the floor. It was after it had been announced that we would have no more votes. Therefore, as of this moment there are many people outside of the U.S. Senate who know much more about the reasoned arguments made by the Senator from Georgia than is known by most U.S. Senators. For the most part, I suspect that as usual, when we announce there are no more votes, there are not a large number of Senators in their offices listening to the debate, as is frequently the case.

I just wish that every Senator would read the statements made by the Senator from Georgia tonight, tomorrow. I do not know how much press we will pick up on the statements made by the Senator from Georgia.

I am looking in the press gallery and I see one person, maybe somebody else is hiding up there. I suppose that maybe some of the press may be watching on television, but unfortunately the tremendously throughtful remarks of the Senator from Georgia which were critical of what we are trying to do here may fall on deaf ears.

I have been closely associated with him for the 16 years that I have been here. I sit next to him on the Armed Services Committee. I simply know that SAM NUNN takes the time and effort to do the research as he has done on this measure. I hope it will give some pause and some consideration to those that may not have studied the proposition, clearly, as much as Mr. NUNN of Georgia.

I think that the Senator from Georgia clearly was not trying to pick on anyone. Clearly, he was not trying to destroy anything. Clearly, as is his nature, SAM NUNN was saying to Members, "Stop, look, and listen before you leap at the proposal offered by the majority leader, without hearing any discussion."

What Senator NUNN brought out are some shortcomings in the measure that

I think we should take a look at. There might not be total agreement on every point that Senator NUNN made. But I notice that during his discussion, the main argument that was made, some of the salient points he was making, was an amendment to the Dole substitute that was not in the Dole substitute, probably never had been thought of by those who put the Dole substitute together. In fact, they were offered by the Senator from Michigan, Senator LEVIN.

I just hope, therefore, that we would not jump to a conclusion that SAM NUNN does not care. I think no one could say that with any great understanding. No one has said that yet.

I think that SAM NUNN has made a very excellent point. I think he summed it up best by saying he supported the substitute amendment that is basically S. 14, the Domenici-Exon proposal that has been made, and will be offered by the democratic leader in just a few moments. We will have an opportunity to vote on that.

It has been said that Senator DOMENICI no longer supports the Domenici-Exon proposal. Well, that might be. But I believe that after listening to the remarks by a man whom Senator DOMENICI has stood with time after time after time on many matters, including matters to try and straighten out the fiscal policies of the United States of America, I am not sure that Senator DOMENICI would dismiss out of hand the Domenici-Exon proposal. A commitment has been made by the Republicans meeting in caucus and everything necessary was done to get the commitment of 54 solid votes—at least on cloture, and I assume 54 votes for the measure. But perhaps my colleagues have listened to some of the debate that has been going on, if we would listen to SAM NUNN, if we would reflect on the thoughtful comments that have been made by Senator BYRD, whom most would recognize as a scholar and a historian and certainly a very well read and accepted critic and expert on the Constitution, we can still correct ourselves.

I hope that at least with the actions that have taken place today we would take another look at the Democratic leader's proposal that is back to Domenici-Exon—maybe it is only the Exon amendment now, but I still think it is a good amendment, worthy of consideration.

I would also add that I think it is very clear Senator NUNN was supportive of either Domenici-Exon, which was S. 14, and prefers S. 4, which was the McCain amendment to the separate enrollment substitute. I listened very carefully to Senator NUNN, and while Senator NUNN clearly favored the Domenici-Exon S. 14, he clearly indicated that the McCain S. 4 was far superior, far, far superior to the substitute amendment that was offered by the majority leader. So I think SAM NUNN, as usual, was trying to say let us stop and think about this.

This new gimmick that I have criticized and Senator BYRD has criticized and others have criticized, known as the enrollment procedure, is an absolute disaster, if people will stop and take a look at it, they will see it is a disaster for lots of reasons. I do not think there is any question but that if we incorporate the enrolling clerk in this measure we will open ourselves up to a challenge by the courts that might sink a line-item veto that this Senator has been working on for a long, long time—as I said earlier, prior to the time that many people came here. I believe one of the first times that I remember doing anything about this was in consort with then Senator Dan Quayle of Indiana. Dan Quayle, of course, was later the Vice President of the United States.

I simply say it is not fair, in my opinion, since I know something about the Mattingly amendment, to say that the Mattingly amendment was essentially the same thing as the enrollment today. The Mattingly amendment clearly called for a division by section and paragraph. In contrast, the Dole substitute amendment calls for a division by section, paragraph, allocation, or suballocation. The Dole amendment calls for far greater detail than the Mattingly amendment, and therein lies some of the concern, and I think legitimate concern, offered by our distinguished colleague from Georgia.

One other point or two. It has been said that, oh, the House of Representatives would never go for anything like Domenici-Exon, and maybe now just Exon, about to become Daschle-Exon—call it what you will, they would never go for anything like it. I submit, Mr. President, that H.R. 4600 passed July 14, 1994, on a vote of 342 to 69 in the House of Representatives was essentially the Domenici-Exon bill, the Exon bill, the Daschle-Exon bill, the bill that Senator NUNN recommends that we take a look at. That happened last year. Now, it is true that there has been a change in the makeup of the House of Representatives since that time but not enough of a change to make that much difference in the vote that I have just outlined.

I just hope that we could also understand—and I congratulate my friend from Arizona. It is true that he has been here time and time again trying to point out pork barrel spending. I salute him for that, and many, many times I have been with him, and I think that I have cosponsored some of these measures with him. And he said but he has not gotten anywhere, and that is why you have to have more than a majority vote as provided in the bill that I will refer to as S. 14 so I will not have to mention all those names over and over again.

Well, I can understand his frustration and I share in that frustration. I would simply say to Members of the Senate that S. 14 does not call for one Member of the Senate—and as big and as important as we sometimes think we are, to begin to wield the same influence and the spotlight as the President. We do not have the bully pulpit of the President of the United States. So I think I should assure all that if the President of the United States under S. 14 would highlight, would veto, call something pork and send it back over here, with that kind of a spotlight shining on it, rather than the spotlight of only one or two or three Senators spotlighting it. It would be well known around the United States of America, and I daresay that with the spotlight of the President of the United States exercising a veto as in S. 14, I do not think there would be the courage or lack thereof in this Chamber or the House of Representatives to override it as easily as they have in the past.

I would simply say, Mr. President, in closing that we can still have a good line-item veto, but I share and have spoken previously on what Senator NUNN outlined again tonight. Some of the things that Senator NUNN outlined would be a disaster for the United States of America.

Here a measure came forth out of a Republican caucus without any consultation with Democrats, without any hearings, without ever being discussed in the committees let alone holding hearings.

It is brought forth, it has been draped in a mantle of gold that cannot be touched because, if you touch it, you scratch it, and if you scratch it, you destroy it.

I do not think that is a very good way to legislate in the United States of America. There is a better way, and the better way that I hope we will take another look at is in the form of the amendment that the Democratic leader will be introducing tonight. I do not think the Democratic leader is going to say this is sacrosanct. I do not think the Democratic leader is going to say that there can be no changes made in it. I believe the Democratic leader will outline something tonight that I hope we will further discuss tomorrow and invite the Republicans in to see if we can come up with something that is more workable, that overcomes the constitutional objections that Senator BYRD, a constitutional expert, has outlined; to overcome the objections and concerns that have been highlighted by the Senator from Georgia. We can work it out.

I think there is no pride in authorship. We are trying to pass a line-item veto that, as best as we can fashion it, can reduce unnecessary pork-barrel spending. I think that is what the Republicans want to do, and I think that is what the Democrats want to do. But

I, for one, have been raising concerns about the process, concerns about the majority leader and his actions of bringing forth this that had never been discussed with the Democrats, never had any hearings held on it, and immediately to file a cloture petition on it. That is a railroading type of thing that I think does not bode well for what is generally considered to be the most deliberative body in the world.

Now, rather than being accused of being too deliberative and too talkative, I yield the floor and hope, if there is no one seeking recognition, the Democratic leader could rise to introduce the bill that he is going to introduce, and call it what you will.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

AMENDMENT NO. 348 TO AMENDMENT NO. 347

(Purpose: To propose a substitute amendment)

Mr. DASCHLE. Mr. President, I call up amendment No. 348 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE], for himself, Mr. EXON and Mr. GLENN, proposes an amendment numbered 348 to amendment No. 347.

Mr. DASCHLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the language proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Legislative Line Item Veto Act".

SEC. 2. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED CANCELLATIONS OF BUDGET ITEMS.

(a) IN GENERAL.—Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) is amended by adding after section 1012 the following new section:

"EXPEDITED CONSIDERATION OF CERTAIN PROPOSED CANCELLATIONS OF BUDGET ITEMS

"SEC. 1012A. (a) PROPOSED CANCELLATION OF BUDGET ITEM.—The President may propose, at the time and in the manner provided in subsection (b), the cancellation of any budget item provided in any Act. An item proposed for cancellation under this section may not be proposed for cancellation again under this title.

"(b) TRANSMITTAL OF SPECIAL MESSAGE.—

"(1) SPECIAL MESSAGE.—

"(A) IN GENERAL.—Subject to the time limitations provided in subparagraph (B), the President may transmit to Congress a special message proposing to cancel budget items contained in an Act. A separate special message shall be transmitted for each Act that contains budget items the President proposes to cancel.

"(B) TIME LIMITATIONS.—A special message may be transmitted under this section—

"(i) during the 20-calendar-day period (excluding Saturdays, Sundays, and legal holidays) commencing on the day after the date of enactment of the provision proposed to be rescinded or repealed; or

"(ii) at the same time as the President's budget for any provision enacted after the date the President submitted the preceding budget.

"(2) DRAFT BILL.—The President shall include in each special message transmitted under paragraph (1) a draft bill that, if enacted, would cancel those budget items as provided in this section. The draft bill shall clearly identify each budget item that is proposed to be canceled including, where applicable, each program, project, or activity to which the budget item relates.

"(3) CONTENTS OF SPECIAL MESSAGE.—Each special message shall specify, with respect to the budget item proposed to be canceled—

"(A) the amount that the President proposes be canceled;

"(B) any account, department, or establishment of the Government to which such budget item is available for obligation, and the specific project or governmental functions involved;

"(C) the reasons why the budget item should be canceled;

"(D) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed cancellation; and

"(E) all facts, circumstances, and considerations relating to or bearing upon the proposed cancellation and the decision to effect the proposed cancellation, and to the maximum extent practicable, the estimated effect of the proposed cancellation upon the objects, purposes, and programs for which the budget item is provided.

"(4) DEFICIT REDUCTION.—

"(A) DISCRETIONARY SPENDING LIMITS AND ADJUSTMENT OF COMMITTEE ALLOCATIONS.—Not later than 5 days after the date of enactment of a bill containing the cancellation of budget items as provided under this section, the President shall—

"(i) with respect to a rescission of budget authority provided in an appropriations Act, reduce the discretionary spending limits under section 601 of the Congressional Budget Act of 1974 for the budget year and any outyear affected by the rescission, to reflect such amount; and

"(ii) with respect to a repeal of a targeted tax benefit, adjust the balances for the budget year and each outyear under section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 to reflect such amount.

"(B) ADJUSTMENT OF COMMITTEE ALLOCATIONS.—Not later than 5 days after the date of enactment of a bill containing the cancellation of budget items as provided under this section, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise levels under section 311(a) and adjust the committee allocations under section 602(a) to reflect such amount.

"(c) PROCEDURES FOR EXPEDITED CONSIDERATION.—

"(1) IN GENERAL.—

"(A) INTRODUCTION.—Before the close of the second day of session of the Senate and the House of Representatives, respectively, after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of each House shall introduce (by request) the draft bill accompanying that special message. If the bill is not introduced as provided in the preceding sentence in either House, then, on the third day of session of that House after the date of receipt of that special message, any Member of that House may introduce the bill.

"(B) REFERRAL AND REPORTING.—The bill shall be referred to the appropriate committee or (in the House of Representatives) committees. The committee shall report the bill without substantive revision and with or without recommendation. The committee shall report the bill not later than the seventh day of session of that House after the date of receipt of that special message. If the committee fails to report the bill within that period, the committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

"(C) FINAL PASSAGE.—A vote on final passage of the bill shall be taken in the Senate and the House of Representatives on or before the close of the 10th day of session of that House after the date of the introduction of the bill in that House. If the bill is passed, the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, shall cause the bill to be engrossed, certified, and transmitted to the other House within one calendar day of the day on which the bill is passed.

"(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

"(A) MOTION TO PROCEED TO CONSIDERATION.—A motion in the House of Representatives to proceed to the consideration of a bill under this subsection shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) MOTION TO STRIKE.—During consideration under this subsection in the House of Representatives, any Member of the House of Representatives may move to strike any proposed cancellation of a budget item if supported by 49 other Members.

"(C) LIMITS ON DEBATE.—Debate in the House of Representatives on a bill under this subsection shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill under this subsection or to move to reconsider the vote by which the bill is agreed to or disagreed to.

"(D) APPEALS.—Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this section shall be decided without debate.

"(E) APPLICATION OF HOUSE RULES.—Except to the extent specifically provided in this section, consideration of a bill under this section shall be governed by the Rules of the House of Representatives. It shall not be in order in the House of Representatives to consider any bill introduced pursuant to the provisions of this section under a suspension of the rules or under a special rule.

"(3) CONSIDERATION IN THE SENATE.—

"(A) MOTION TO PROCEED TO CONSIDERATION.—A motion to proceed to the consideration of a bill under this subsection in the Senate shall be nondebatable. It shall not be in order to move to reconsider the vote by which the motion to proceed is agreed to or disagreed to.

"(B) MOTION TO STRIKE.—During consideration of a bill under this subsection in the Senate, any Member of the Senate may move to strike any proposed cancellation of a budget item if supported by 11 other Members.

"(C) LIMITS ON DEBATE.—Debate in the Senate on a bill under this subsection, amendments thereto, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (D)), shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(D) APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(E) MOTION TO LIMIT DEBATE.—A motion in the Senate to further limit debate on a bill under this subsection is not debatable.

"(F) MOTION TO RECOMMIT.—A motion to recommit a bill under this subsection is not in order.

"(G) PLACED ON CALENDAR.—Upon receipt in the Senate of the companion bill for a bill that has been introduced in the Senate, that companion bill shall be placed on the calendar.

"(H) CONSIDERATION OF HOUSE COMPANION BILL.—

"(i) IN GENERAL.—Following the vote on the Senate bill required under paragraph (1)(C), when the Senate proceeds to consider the companion bill received from the House of Representatives, the Senate shall—

"(I) if the language of the companion bill is identical to the Senate bill, as passed, proceed to the immediate consideration of the companion bill and, without intervening action, vote on the companion bill; or

"(II) if the language of the companion bill is not identical to the Senate bill, as passed, proceed to the immediate consideration of the companion bill.

"(ii) AMENDMENTS.—During consideration of the companion bill under clause (i)(II), any Senator may move to strike all after the enacting clause and insert in lieu thereof the text of the Senate bill, as passed. Debate in the Senate on such companion bill, any amendment proposed under this subparagraph, and all debatable motions and appeals in connection therewith, shall not exceed 10 hours less such time as the Senate consumed or yielded back during consideration of the Senate bill.

"(4) CONFERENCE.—

"(A) CONSIDERATION OF CONFERENCE REPORTS.—Debate in the House of Representatives or the Senate on the conference report and any amendments in disagreement on any bill considered under this section shall be limited to not more than 2 hours, which shall be divided equally between the majority leader and the minority leader. A motion further to limit debate is not debatable. A motion to recommit the conference report is not in order, and it is not in order to move to reconsider the vote by which the conference report is agreed to or disagreed to.

"(B) FAILURE OF CONFERENCE TO ACT.—If the committee on conference on a bill considered under this section fails to submit a conference report within 10 calendar days after the conferees have been appointed by each House, any Member of either House may introduce a bill containing only the text of the draft bill of the President on the next day of session thereafter and the bill shall be considered as provided in this section except that the bill shall not be subject to any amendment.

"(d) AMENDMENTS AND DIVISIONS PROHIBITED.—Except as otherwise provided by this section, no amendment to a bill considered under this section shall be in order in either the Senate or the House of Representatives. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole). No motion to suspend the application of this subsection shall be in order in the House of Representatives, nor shall it be in order in the House of Representatives to suspend the application of this subsection by unanimous consent.

"(e) TEMPORARY PRESIDENTIAL AUTHORITY TO CANCEL.—At the same time as the President transmits to Congress a special message under subsection (b)(1)(B)(i) proposing to cancel budget items, the President may direct that any budget item or items proposed to be canceled in that special message shall not be made available for obligation or take effect for a period not to exceed 45 calendar days from the date the President transmits the special message to Congress. The President may make any budget item or items canceled pursuant to the preceding sentence available at a time earlier than the time specified by the President if the President determines that continuation of the cancellation would not further the purposes of this Act.

"(f) DEFINITIONS.—For purposes of this section—

"(1) The term 'appropriation Act' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations.

"(2) The term 'budget item' means—

"(A) an amount, in whole or in part, of budget authority provided in an appropriation Act except to fund direct spending programs and the administrative expenses social security; or

"(B) a targeted tax benefit.

"(3) The term 'cancellation of a budget item' means—

"(A) the rescission of any budget authority provided in an appropriation Act; or

"(B) the repeal of any targeted tax benefit.

"(4) The term 'companion bill' means, for any bill introduced in either House pursuant to subsection (c)(1)(A), the bill introduced in the other House as a result of the same special message.

"(5) The term 'targeted tax benefit' means any provision which has the practical effect of providing a benefit in the form of a different treatment to a particular taxpayer or a limited class of taxpayers, whether or not such provision is limited by its terms to a particular taxpayer or a class of taxpayers. Such term does not include any benefit provided to a class of taxpayers distinguished on the basis of general demographic conditions such as income, number of dependents, or marital status.".

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking "and 1017" and inserting "1012A, and 1017"; and

(2) in subsection (d), by striking "section 1017" and inserting "sections 1012A and 1017".

(c) CLERICAL AMENDMENTS.—The table of sections for subpart B of title X of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 1012 the following:

"Sec. 1012A. Expedited consideration of certain proposed cancellations of budget items.".

(d) EFFECTIVE PERIOD.—The amendments made by this Act shall—

(1) take effect on the date of enactment of this Act;

(2) apply only to budget items provided in Acts enacted on or after the date of enactment of this Act; and

(3) cease to be effective on September 30, 1998.

Mr. DASCHLE. Mr. President, let me begin by calling it what it ought to be called. This is the Domenici-Exon amendment. It is on the basis of the expertise of the two most able budgetary leaders in this body at this time that we bring forth this amendment with some confidence.

The distinguished Senator from Nebraska, our ranking member, has very capably and eloquently characterized the remarks made earlier by the distinguished Senator from Georgia. In both cases, the remarks made by the distinguished Senator from Nebraska and certainly those made by the ranking member of the Armed Services Committee, the distinguished Senator from Georgia, lay out precisely why this amendment is necessary and why we bring it forth with the best intentions this evening.

I will have more to say about this tomorrow, but I would like to begin this evening by talking about our motivation and about why we view this to be a superior alternative to the substitute which was laid down by the majority leader on Monday night.

As I have said, and as the distinguished Senator from Nebraska has reiterated on many occasions, the debate all week long has not been about a line-item veto. There is no debate among most Senators in that regard. Most Senators would agree that a line-item veto in concept is something we ought to have. Forty-three States have it. Democrats and Republicans have recognized for years it would be a good thing for us to have as well.

The question really is, What is our most effective approach? What in concept would work the most effectively? It is really on the basis of that desire—to bring forth the most practical and the most prudent approach—that I am sure Senator DOMENICI and Senator EXON originally proposed S. 14.

The chairman of the Budget Committee and the ranking member of the Budget Committee, who have looked at all the options, and have studied this issue, as the distinguished Senator from Nebraska has said, for years and years. On the basis of their considered judgment, and on the basis of their expertise, concluded some time ago that S. 14, the proposal that they introduced earlier this year, is by far and away the single most appropriate approach to something we all say we want. And they were so compelling in their reasons earlier this year that the majority leader cosponsored S. 14.

There must have been a time at some point this year that the majority leader looked at the options as well and came to the conclusion that they were right; that, indeed, having looked at all the different alternatives, S. 14 made the most sense.

There has been a good deal of discussion in recent weeks about Democrats who voted one way for a balanced budget amendment and then voted a different way this year. Obviously, going from one Congress to the next on an issue of some importance, changing one's position is understandable. It happens here all the time. But to go from a cosponsored measure, one which enjoyed broad-based bipartisan support, and in the same Congress decide even though it was cosponsored, even though publicly one is associated with it as the author, and then to vote against it would require a good deal of explanation, it would seem to me.

Regardless of what may ultimately come as a result of our debate over the course of the next day, what S. 14 is appropriately described as is expedited rescission, because it forces Congress to vote on spending cuts proposed by the President.

An almost identical proposal was passed in the House last year on a totally bipartisan basis. That vote was 342 to 69. Every one of the 169 Republican Members of the House at that time supported it. So the history of S. 14 is very clear. Republicans by wide margins in the past—in the past Congress as well as in the past months—have demonstrated their conviction that this is a very appropriate way with which to achieve what we all say we want—line-item veto.

The proposal gives the President authority to force Congress to vote on both spending and tax provisions that he considers wasteful. I will go into that in a little while. Under current law, Congress can ignore the President. We do not have to deal with rescissions the President sends to us. The current process is obviously very inadequate. It has not worked. Current law is clearly too weak.

Overwhelmingly, I think, colleagues on both sides of the aisle would come to that conclusion. So our amendment requires that Congress not ignore the President. It creates a fast-track procedure which forces Congress to deal with the President's proposed cuts in a very limited period of time. It is not enough for the President to send something back. We could continue to ignore it and, in the waning days of a Congress, come to some conclusion about dealing with the President's rescission and technically, avoid having to make the tough decisions. But what this measure says is that within 20 days the President must notify the Congress, after passage of a spending or a tax bill, what he wants to see cut. Twenty days is all he has. Then, 2 days later, a bill with the President's proposals has to be introduced and 10 days later the Congress votes.

So, Mr. President, within little over one month's time the entire process must be complete. The President has 20 days to notify the Congress of whatever changes he wants to make. Two days later, a proposal has to be made within the body to ensure that the President's recommendations are considered, and then Congress must act within 10 days after that to make it happen. That is it. It is over. Within a month, it all has to happen.

There are no filibusters because we limit debate, once it comes to the floor, to 10 hours.

Mr. President, there is a locked-in procedure here requiring from the very beginning of the process all the way to the end the certainty that Members of Congress must take action once the President makes his decision. Both Houses are forced to act. Both Houses would ensure an open public debate to place huge pressures on Congress itself to cut wasteful spending.

Mr. President, that is the process. I do not know how it can get much simpler than that. I do not know how it can be any less complicated, any more certain, and any more streamlined a process as we consider legislative proposals in this body.

So our amendment, in my view, has four main advantages over the pending Dole substitute. I want to address those with a little more elaboration. But let me just articulate them first.

It is more practical. We will not see the legislative process tied up in knots, as I foresee the Dole substitute doing.

It is clearly constitutional. It would not be challenged in court. We know that. Senator NUNN made quite a point of talking about the concerns he has in that regard.

Third, it protects majority rule, a central principle of democracy. It does not permit a minority in Congress, as the Dole substitute would, to hold the majority hostage. It protects the balance of power between the President and the Congress. We all want review. We all want the opportunity to ensure that in an expedited process we can be forced to deal with the proposals made by the President with regard to rescissions. But we also recognize how important it is that majority rule be maintained and protected during the legislative process.

Finally, it clearly and unambiguously puts tax breaks on the table subject to Presidential review. There is no question here. I am going to get into that in a little more detail tomorrow. But there is no question with regard to the Exon proposal. Tax breaks are on the table, as spending measures are in all other cases.

Let me go back to the issue of practicality. Our amendment, as I said, would be so much easier to administer. I have described it in as simple a way as I can. I do not know that anyone would have any difficulty understanding what happened; 20 days, 2 days, 10 days. That is it. It is over.

The Appropriations Committee last year estimated that the 13 appropriations bills would ultimately be split into nearly 10,000 separated minibills under the Dole amendment. Let me repeat that.

The Appropriations Committee estimates that last year's 13 appropriations bills, which would be subject under the Exon approach to a simple process of reconsideration when the President sends them back, if he would choose to do so, would be changed from 13 bills to nearly 10,000 separate minibills under the Dole amendment.

I do not have the paper to adequately represent the stacks, the truckloads of paper we are going to need to do what the Dole substitute would require. But coming on the heels of the Paperwork Reduction Act, for the life of me, I do not understand how anybody can advocate going from 13 bills to 10,000. Here we are just talking about the appropriations process. We are still trying to determine the degree to which we will have scope on taxes. But on appropriations bills alone, that is the question, do we want to go from 13 to 10,000?

As I indicated in an earlier speech on the Senate floor, the Energy and Water Development Appropriations Act is a pretty good example. That act was about 30 pages. The 30 pages, if we use that bill as an example this year, would be split into 1,746 separate bills—1,746 separate bills.

So on the basis of prudence or practicality, does it make sense for any of us who voted for and have advocated paper reduction to take a simple measure, and provide the complicated extraordinary burdensome process of going from 13 to 10,000 or in this case 1 page to 1,700? I do not think so, Mr. President.

Second, let me address the issue I raised with regard to constitutionality. We have not had the chance to properly evaluate the constitutionality of this approach because it has not been considered by any committee, as the distinguished Senator from Nebraska has indicated. But the last time a separate enrollment proposal was considered was 1985. It was voted out unfavorably by unanimous vote in the Rules Committee, then chaired by a Republican.

Several witnesses at the hearings held by the Rules Committee in 1985 raised serious questions as to the constitutionality of separate enrollment. The distinguished senior Senator from West Virginia has spent a good deal of time on the floor over the course of the last several days talking about this issue, so I will not elaborate.

But let me just say how pleased I am that the amendment offered by the senior Senator from Illinois, Senator SIMON, was adopted in order to expedite the judicial review of this bill. That is important. Certainly with judicial review, we will cut to the heart and go right to the question of constitutionality at some point in the not too distant future.

While we will not know until the courts finally determine the constitutionality of this legislation, it would certainly be better to enact our amendment which raises no questions at all. On the one hand, we have a question of taking a chance, rolling the dice with regard to constitutionality. On the other hand, with this amendment, there is no roll of the dice. There is no question of constitutionality. We know it is constitutional. We have that confidence.

So beyond the practicality of going from 13 to 10,000, then we question the constitutionality and say, look. On that side there is a doubt. On this side, there is none.

If this legislation is struck down by the courts, what do we have? We go back to ground zero. We probably enact the Exon bill. But why should we go through that process? Why should we go back to step one?

Mr. President, based upon that, I would say that Senators ought to give pause before they come to any final conclusions on the Dole substitute, which while it has merits, is not as good of a solution as the amendment we have offered. I would certainly hope that they will take a close look at what the chairman of the Budget Committee himself proposed earlier this year along with the ranking member.

Third, I indicated that majority rule and the balance of power is a concern of many of us. Our amendment would require that a majority of Congress approve cuts that are proposed by the President using the principle of majority rule which has been in existence for 200 years. For 200 years we have said majority rule ought to be our modus operandi, our approach to passing laws in this country. We would not allow a supermajority to hold hostage legislation that otherwise deserves fair consideration.

Under the alternative, the President wins, if he gets the support of just one more than a third of either House of Congress. It is all over with. A President wins if he can convince one more than one-third of either body of the propriety of his action. That is all it takes and it is over.

Do we really want to move that much power to the White House? Do we want to see that kind of an imbalance between the executive and legislative branches? Mr. President, I do not think so. That is not a partisan issue. Obviously, we have a Democratic President and a Republican Congress. The roles could be reversed some day. But regardless of who dominates either branch, I really question whether we want to push that kind of power, that kind of an imbalance, created now after over 200 years. I would hope that Members, too, would give a great deal of careful thought to allowing the President to use that kind of influence.

I can recall so many occasions over the course of the last 16 years where Presidents have called me to urge my vote on a specific issue. They have called me saying, "It is in the national interest for you to do something, Senator DASCHLE," or "Congressman DASCHLE, that I know you do not want to do." There have been times when I have had a fundamental philosophical disagreement with my own President, sometimes, with a Democratic President, not to mention a Republican President, and I have had to tell the President, "No, I am not going to support you." But I wonder whether anybody could ever imagine—hopefully, it will never happen, but I wonder if a President might some day say, "Senator DASCHLE, you have some water projects in South Dakota that I am going to line-item veto unless * * *"—God forbid that it happens. I hope it will not. But putting the power of the President in the position it will be in, under that substitute, gives me pause. If I know that I can convince the majority of my colleagues of the appropriateness of a given line item, I am going to be safe and say, "Mr. President, you can do anything you want to. I can convince my colleagues of the merit of this particular position, so go ahead and veto it." I will convince the majority. But if all he needs is a third, if that is all he needs, I am not sure I will ever get anywhere with issues of great importance to this Senator or to anybody else.

Mr. President, the final issue has to do with tax breaks and the language that the Exon proposal provides, as opposed to the language provided in the Dole substitute. I must say I am very pleased that the Republican majority has come a long way in meeting many of our concerns with regard to adopting a provision which allows the President to veto special interest tax breaks. While I am pleased with this progress, the language in our amendment is much clearer and freer of ambiguity. That is what we really want. It says clearly and forcefully: Tax breaks are on the table, period; no questions asked, no doubt at all about where we stand with regard to putting tax breaks on the table, in the same way that appropriations bills are offered. That is a given.

But I must say, I am hopeful that Republicans and Democrats can come to some closure on this issue of tax expenditures. It is gratifying that the tax expenditure language that Republicans now propose is similar to language that Senator BRADLEY has introduced and has made very clear is his No. 1 priority with regard to the line-item veto. I am very pleased that the distinguished Senator from Indiana has made that point in a colloquy with Senator BRADLEY. I will just read into the RECORD what he had to say about this issue, because I think it confirms what we have been hoping we can accomplish. Quoting now, Senator COATS on March 21, in a colloquy with Senator BRADLEY. He says:

> I say to the Senator from New Jersey, our goal, I believe, is the same—to address the same items that he attempts to address. I hope that as we debate through this and work through this, we can clarify so that Members know exactly what we are after. It is hard to get the exact words in place so that we understand just exactly how this applies to tax items. But I believe that the targeted tax expenditures which are targeted in the Dole amendment very closely parallel what the Senator from New Jersey has tried for so long to accomplish.

Mr. President, that clarification is very helpful. I commend the Senator from Indiana for making it. Republicans would subject a tax break to potential veto, and it provides more favorable tax treatment to a particular taxpayer or limited group of taxpayers "when compared with other similarly situated taxpayers." The only way a tax expenditure would not be subject to potential veto under this language is if we define "similarly situated" as meaning identical. Our Republicans colleagues have assured us that that is not their intent.

Suppose we proposed a $500 tax credit for all employees of Senate offices. Everyone would agree that this proposal should be subject to a Presidential veto. But if we define "similarly situated" as all employees of Senate offices, then we would have the ridiculous result that the proposal would not be subject to any line-item veto. What if we provided a tax deduction to all businesses in Fairfax County, VA. We would agree that the President should have the authority to review the provision for possible line-item veto. If we only compare the taxpayers who benefit from this deduction to businesses in Fairfax County, then we end up with a nonsensical result that the deduction would not be subject to the line-item veto.

So, Mr. President, as these examples show, defining "similarly situated taxpayers" to mean the identical group of taxpayers leads to a ridiculous result. But applying common sense to the term "similarly situated" leads inevitably to a broad interpretation of that term, which is what I am sure our Republican colleagues have intended.

They have confirmed and assured us that it is not their intent to have the line-item veto operate in the manner I just described with these examples. Thus, similarly situated taxpayer should be interpreted broadly, thereby subjecting a wide range of tax breaks to a Presidential veto.

Again, Mr. President, that is the question. Why should we have to go through an interpretation of broad or narrow scope with regard to tax breaks? Why not put all tax breaks on the table? Why not recognize that a tax break is an expenditure, an expenditure that has to be offset, an expenditure that ought to be treated just like an appropriation? That is what the Democratic substitute does, very clearly.

So, in closing, Mr. President, let me just say that we will have more of an opportunity tomorrow to talk about these issues. But we need to go back to the original Domenici-Exon language, cosponsored by the majority leader. We appreciate very much that Republicans have come toward our view on tax breaks. Now they should come back to their own language that is part of our substitute. We support giving the President new authority to compel consideration of cuts in spending and tax breaks, and the best way to do it is to adopt this amendment. It is workable, it is constitutional, it protects majority rule, and it clearly puts special interest tax breaks on the table.

I hope that in the spirit of bipartisanship, recognizing that the origin of this legislation came from Republicans and Democrats, and not only just any Republican or Democrat, but it came from the chairman of the Budget Committee and the ranking member of the Budget Committee, people who know this issue better than the rest of us, I hope that colleagues on both sides of the aisle can recognize the wisdom of that approach and support it tomorrow when we have the rollcall vote.

With that, I yield the floor.

Mr. COATS. Mr. President, in one very real sense, I welcome the remarks of the minority leader and welcome the support that the minority leader and others have offered on this floor for the concept that we are attempting to advance; namely, how do we make it harder to spend the taxpayers' dollars? And how can we end a practice which most of us recognize as not a practice that brings credit to this institution, but one which annually causes us significant embarrassment?

The disclosure of certain types of spending, certain types of tax benefits to the public severely undermines their confidence in us as an institution, severely enhances their criticism and their cynicism toward this institution, as they regularly see expenditures for items that are not considered to be in the national interest or in any sense of the measure a broad interest, but are targeted to just a few.

And it is a time honored, some would say—I would say time dishonored—process that we have engaged in over the years to slip those little provisions in, sometimes in the back room, sometimes in conference, when there really is no chance to amend a bill that we know the President has to sign.

And so we are encouraged that our colleagues from across the aisle have recognized that this is a practice that needs to be limited or stopped.

But for the past 6 years, during my service in the Senate, I have been part of an effort led by Republicans to attempt to address this issue. And we failed each time. Really, going all the way back to 1985, there have been six separate efforts to address line-item veto in which we had votes. And in each one of those efforts, the number of Democrats supporting Republicans or supporting the effort in general can be counted generally on one hand. We have failed again and again and again. We have failed because we have not had support from across the aisle.

Oh, it is wonderful now to hear all these statements about how Democrats support line-item veto; how they support enhanced rescission; how they are trying to work toward the same goals as we are. Well, we welcome their support. It is a little late, but it is not too late. And we hope that that translates into finally arriving at a measure which will get at this practice of tax pork and spending pork.

In 1985, when the measure was offered by Senator Mattingly, Republican from Georgia, only seven Democrats supported the effort. And in 1990, when I offered not the line-item veto or a separate enrollment, but when I offered enhanced rescission, only four Democrats supported the effort and we failed, as did Senator Mattingly in 1985.

We failed because the effort was filibustered. We failed because points of order were raised forcing us to achieve 60 votes to even get to debate. We did not even get to the debate of the issue.

In 1990, my colleague and partner in this effort, Senator McCAIN, also offered enhanced rescission and he only got four Democrat votes. And in 1992, Senator McCAIN offered it again and this time he got seven. So there was some movement in our direction.

But then a year later, in 1993, I offered it, the same bill, enhanced rescission—the rescission process that the Democrats are now talking about as the alternative and the substitute to what we are attempting to do—and we only got five. So I must not have been as persuasive as Senator McCAIN because we lost two Democrats.

And even in 1993, when Senator BRADLEY changed his position on this issue from being opposed to it but recognizing that something had to be done, something had to be done to stop this runaway spending and this runaway deficit and this runaway national debt, even then Senator BRADLEY, as a Democrat, could only secure 13 Democrats and the measure fell once again.

And so we have had a decade of resistance—a decade of efforts to block our attempts to pass rescission, enhanced rescission, separate enrollment, line-item veto. And every one of those efforts has been defeated not by the votes of Republicans but defeated by the votes of Democrats.

So it is a little difficult to sit here through this debate and hear the protestations that, "If Republicans would just cooperate. If they would just lean a little more our way and see the bill as we see it, we could have line-item veto or we could have enhanced rescission. And somehow the Republicans are blocking a measure to give the President this authority." When the fact of the matter is that it is only the persistence of Republicans, the persistence of those who continue to offer this year after year after year, that finally has translated into an election last November which gave us the necessary new Members to have a chance at succeeding on this item.

Now a great deal has been said about why do we not take the Domenici-Exon package; that the chairman of the Budget Committee at one time sponsored a provision which is being offered now as an alternative, and it must have been a pretty good effort in putting that bill together because both the chairman and the ranking member supported it.

Well, Senator DOMENICI did offer that alternative to the McCain-Coats enhanced rescission. He offered expedited rescission. And it was pointed out that expedited rescission really was not a major change from the status quo. It was a modest improvement, but it did not really have the strength of fundamentally changing the way we do business in this body and it lacked the two-thirds vote necessary to override the President's decision. As such, the conclusion was the same 51 votes that passed the appropriation in the first place, that voted for the appropriation, could overturn the President's decision and retain the very items that raised the questions about pork-barrel spending in the first place.

And so, it was Senator DOMENICI who said, "Why don't we look at an alternative that will be even stronger, that will expand the scope?"

In fact, Senator DOMENICI said, "My problem with the McCain-Coats effort is that it only focuses on the appropriated items. And the appropriated items, once you separate out defense, amounts to less than 20 percent of the budget." He thought that was unfairly targeted to a certain segment of spending and it would ignore other areas. That is the reason he crafted the alternative bill.

And so we sat down with Senator DOMENICI and said, "Well, let's examine some ways that we could expand this and address the question that you raised because that is a legitimate question." And Senator STEVENS weighed in on it and he had the same concerns.

Out of that came the product that we are now debating that has been offered by Senator DOLE, the majority leader, as the Dole amendment, the product around which we have secured the support of nearly every Republican because it was expanded to include additional items and not just the appropriated items.

And it was Senator DOMENICI, right after the introduction of the Dole amendment, the separate enrollment provision, that came to the floor and made a lengthy statement as to why the Dole amendment was so superior to his own product and why he was withdrawing his amendment that had been reported out of the Budget Committee, his bill, his product, why he was withdrawing support for that in favor of a much better version, a much more effective version, a much tougher version, a version with real teeth. He outlined that, and I want to quote from his remarks.

As my colleagues have said, the alternative that they are providing must be a good one because it was Senator DOMENICI's original proposal. Yes, it was his original proposal, in response to a measure that he did not think was strong enough because it did not include enough categories.

As a result of that, we met and we crafted a much stronger version, and Senator DOMENICI came down here and said, "This is what I was really looking for and this is a much superior product."

I quote from him where he said, reading from the CONGRESSIONAL RECORD of March 20, 1995, Senator DOMENICI said "I support the objective of Senator MCCAIN's bill," enhanced recision, "but I felt the McCain bill shifted too much power over the budget of the President and focused too much attention on just the appropriated accounts, which excluding defense, represents less than 20 percent of total spending. The Dole amendment provides a less cumbersome process to overturn Presidential rescissions."

The McCain-Coats bill has a two-stage process where Congress would have to vote two times if the President vetoed the first effort. He said the new Dole amendment offers a one-hurdle process, and for that reason it is superior to the product that he had originally sponsored.

Second, he said, "The Dole amendment applies to all spending. It applies to new spending and legislation, not just appropriations legislation. In addition, it applies to any new very narrow targeted tax benefit legislation and new entitlements." Third, he says, "It provides for congressional review. It contained a sunset in the year 2000." I quote again, "I congratulate Senator DOLE. He has found an approach that significantly expands the President's authority over spending, without unduly disrupting the delicate balance of power."

The minority leader suggests this evening that this is some kind of a surprise because it is a substitute to the previously reported bills. The truth of the matter is that every provision in this has either been voted on by the Senate or discussed thoroughly in committee. And he goes on to state why it is not a surprise, and I will get to that in a moment.

I will conclude Senator DOMENICI's remarks by quoting one more time: "This product," referring to Senator DOLE's amendment, "is as close as we will ever get to a fair line-item veto that has a chance of working and that is broader than we originally conceived but fair in that respect. It is fair. I will suggest that if there are some who think that the old bill which I introduced should be revisited, and perhaps the President supports it, let me set that one aside."

Let me repeat that. Senator DOMENICI, the one who wrote the bill along with Senator EXON, that was his initial effort, came to this floor and said, "I will suggest that if there are some who think that the old bill which I introduced should be revisited, let me set that one aside," and he withdrew that bill and signed on to the Dole bill because it was a much superior, much tougher, much broader, much more effective, and as Senator DOMENICI said, fairer to a line-item veto that has a chance of actually working.

We have talked a lot about the practicality of this bill and it seems that the opposition—Democrats opposing this bill—keep using the question of process and mechanics, and how this is going to complicate the effort.

Well, the President of the United States does not think it will complicate the effort. They worry about sending too many pieces of paper down to the White House. The President of the United States said in his statement released on March 20, "I urge the Senate to pass the strongest possible line-item veto." He did not say, "I urge the Senate to pass expedited rescission." Expedited rescission does not begin to resemble a line-item veto. Veto means two-thirds override. It does not mean majority vote. It does not mean the same votes that pass the appropriation in the first place are necessary to overturn what the President has vetoed. It means two-thirds. Give me the line-item veto, the President said, in his letter.

This is about closing the door on business as usual in Washington. Business as usual in Washington is 51 votes to pass tax benefits, which I call tax pork, that go to certain individuals or specialized interest that do not apply to broad classes. And it is spending pork which go to special individuals, special interests, and do not apply to the broad, public interest.

The President wants the real thing because he knows the real thing is the only thing that will make a difference. He knows if we will change the spending habits of Congress, if we are going to change the process of blackmail in sending him—what I should call "legislative blackmail"—in sending him bills, where it is a take-it-or-leave-it proposition, he knows that he has to have some tool that will have some teeth in it, and some authority that has some clout in it. That is what the President understands. That is what he has asked for.

We Republicans do not give him very much of what he asks for or do not like to give him very much that he asks for, but this is something we have been trying to support, and trying to give him for a very considerable amount of time.

The fact of the matter is that the Dole substitute grants the President true veto authority. It requires a two-thirds vote by Congress to continue spending. Short of an amendment to the Constitution, which we are not able to secure enough votes to pass —I wish we could—it is the strongest tool we can grant the President. It is similar to the authority that 43 other Governors currently enjoy.

The Exon expedited recision package does little to restore the President's authority to withhold spending that he enjoyed prior to 1974. At that time, Congress decisively grabbed the absolute power of the purse. The only thing they gave the President was the power to propose rescissions. Most of those recissions that the President and subsequent Presidents proposed, never saw the light of day.

In 1974, the President sent up recissions and Congress ignored every one of them. One hundred percent. They said, "No thank you, Mr. President. Everything we passed, stands." In 1976, 86 percent of the President's rescissions were ignored. In 1983, 100 percent of the President's recissions were ignored. In 1986, 95 percent. In 1987, 97 percent.

Now, the Exon legislation, the expedited rescission just offered by the minority leader, is a modest improvement because it says that at least the President's rescissions are going to get a vote. But it is only going to get a vote of the same people who passed it in the first place, and it is hard to see how that will change what Congress had previously done.

If we are ever going to reverse spending trends in this body, we do not need modest improvements. We need fundamental change. To continue spending under the substitute or appropriately, under the amendment offered by the minority leader, the only standard they are proposing is that Congress needs a simple majority, and if it fails to enact a bill within 45 days, the funds are automatically released.

What is being offered as a poor substitute, a weak substitute, to the closest thing we can get to line-item veto is, simply put, too little too late.

It does nothing to restore that healthy tension necessary between the legislative and executive branch necessary to impose fiscal discipline on Members of the Congress. Some have said that the veto standard, the two-thirds is too high a standard, that it is too difficult to muster the numbers to override it.

To those, I would say that the greater challenge today is to reduce our Nation's debt and balance our Nation's books. In this day, it should be tougher. It should be a formidable challenge to continue to spend money. It is time for a higher standard.

If we get the job done by the year 2000, then maybe we will want to revisit this. Maybe we will want to look at this and see whether or not it has been abused, this new authority of the President has been abused as some say that it might be. I do not think it will. It certainly has not been at the State level. There are no State legislators calling for repeal of the line-item veto power that their governors have.

It sets up a healthy tension, a healthy tension, a necessary tension that can restore some discipline to this body.

The Dole bill is the strongest line-item veto bill. It presumes that funding is rescinded unless the elimination of spending is specifically disapproved. It requires a two-thirds majority in the House and Senate to override a subsequent veto.

Let us show the American people we are serious about fundamentally changing the way this Congress does business. Let us show them that we intend to present appropriations bills and tax bills without embarrassment. Let us show them that we intend to send a message to the taxpayers that under our guidance their dollars will not be wasted. Let us act boldly to eliminate the dual deficits of public funds and public trust and let us resist the urge to continue business as usual.

The alternative offered by the minority leader is essentially business as usual. The Dole amendment is a real meaningful, fundamental change in the way this Congress spends taxpayers' dollars. It makes it tougher. It makes it a lot tougher. It ought to make it tougher because we have abused the privilege that we have had as Members of this body by being irresponsible in the way we spend those dollars, by running up a debt and by sending to the President items which we in our hearts know do not deserve to be in those appropriations or in those tax bills.

So while I urge my colleagues to reject the proposal offered by the minority leader, we welcome their support for the concept. What they have offered is too little too late.

Let us pass something that will make a difference.

Mr. President, I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Nebraska.

Mr. EXON. Mr. President, I am going to be very brief because we have been at it a long time today, and I am sure that I am not going to score very many points at this time of the night and we will start again tomorrow.

I would just like to briefly sum up if I can. Although it has not been mentioned in the lengthy debate tonight, I believe that any objective Republicans, if we can find one up in this Chamber this time of night, would probably concede that the Senator from Nebraska has been one of those with a pretty strong career of voting for line-item veto matters in this Chamber. So all of us cannot be accused of being Johnny-come-latelies.

What has happened in the past, though, is not nearly as important as what we are doing here tonight. And I would simply say that Senator NUNN in a remarkable, well thought out speech, that could in no way could be considered a partisan statement at all, outlined some concerns.

Regardless of the intent of the Dole amendment—and it may be described correctly as what came out of a meeting of the Republican caucus, this was the product that came out of it—that does not necessarily guarantee the product is not faulty and probably should receive some further corrections.

I wish to thank my colleagues on that side of the aisle who on more than one occasion today have agreed to amendments that I thought were absolutely critical and essential, and we have had them to come our way. I hope they would agree we are trying to be constructive and not destructive in trying to fashion something in the form of a line-item veto that would be as safe as it possibly could be from a court challenge that I am certain will follow if we eventually pass the Dole substitute amendment.

I happen to feel that with the comments again tonight about the constitutionality problem and the operational problems manifold outlined by Senator NUNN, many of which I think had obviously not been considered when this product was put together, we must continue to reason together if we can and keep this as nonpartisan as possible and try and pass a piece of legislation that is not going to be thrown out by the courts.

If that happens, it will not be an exercise, indeed, in futility. And since I have indicated I have had more than my share of futility on this very matter time and time again before with many of the key able players in this line-item veto we are talking about tonight, I just hope we can get something done rather than one more exercise in futility and disappointment.

That is why I appeal, I appeal once again to let us reason together and not stick by the basic principle that what came out of the Republican caucus—because I think the Republicans would even admit it—just because it came out of a Republican caucus of the majority party in the Senate is a guarantee it is perfect.

Let me appeal once again, Mr. President, that on tomorrow when the sun comes up, as it will, when we will be back here again, let us see if debate and reason and sound statements on the floor of the Senate mean something and they are not going to be automatically shunted aside on a strictly party line Republican vote, 54 people marching in lockstep because the product which came out of their caucus is somehow sacrosanct and must not be tampered with.

AMENDMENT NO. 350 TO AMENDMENT NO. 347

(Purpose: To prohibit the use of savings achieved through lowering the discretionary spending caps to offset revenue decreases subject to pay-as-you-go requirements)

Mr. EXON. Mr. President, on another matter, on behalf of the senior Senator from West Virginia, I call up amendment No. 350, which the clerk has at the desk, and ask for its report.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Nebraska [Mr. EXON], for Mr. BYRD, proposes an amendment numbered 350 to amendment No. 347.

Mr. EXON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

SEC. . USE OF THE REDUCTIONS IN DISCRETIONARY SPENDING CAPS.

(A) CONGRESSIONAL BUDGET ACT.—

(1) BUDGET RESOLUTIONS AND LEGISLATION.—Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

"(j) USE OF REDUCTIONS IN DISCRETIONARY SPENDING CAPS.—It shall not be in order in the Senate or House of Representatives to consider any concurrent resolution on the budget, bill, joint resolution, amendment, motion, or conference report that decreases the discretionary spending limits unless the concurrent resolution on the budget, bill, joint resolution, amendment, motion, or conference report provides that such decrease may only be used for deficit reduction and may not be used to offset all or part of an increase in direct spending or decrease in receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1974.".

(2) SIXTY VOTE POINT OF ORDER.—Subsections (c) and (d) of section 904 of the Congressional Budget Act of 1974 are amended by inserting "301(j)," after "301(i),".

(b) GRAMM-RUDMAN.—Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following:

"(f) USE OF REDUCTIONS IN DISCRETIONARY SPENDING CAPS.—A decrease in the discretionary spending limits may only be used for deficit reduction and may not be used to offset all or part of an increase in direct spending or decrease in receipts under this section.".

Mr. EXON. Mr. President, this amendment would prohibit the use of cuts in the appropriation caps to pay for tax cuts. The Senator from West Virginia has asked me to call up this amendment to ensure that it will qualify for consideration under the unanimous consent agreement governing consideration of the main proposition before us.

Mr. President, I ask unanimous consent that now that this has been called up, the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. COATS. Mr. President, I ask unanimous consent that at 10 a.m. the Senate resume consideration of the Daschle substitute on which there be the following time limitation prior to a motion to table: 2 hours to be equally divided in the usual form.

Mr. EXON. There is no objection here.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. COATS. Mr. President, I now ask unanimous consent that there be a period for the transaction of routine morning business with Senators permitted to speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SOARING TRADE DEFICIT

Mr. DOLE. Mr. President, the numbers are now in for the trade deficit for January, and they are not good. In fact, we set a new deficit record for a single month. The trade deficit surged over 68 percent, to a highest ever mark of $12.2 billion.

Mr. President, I never have met two economists who agree on everything. Some say you should not pay too much attention to trade deficit numbers. But most economists will tell you that continuously rising deficits in merchandise and services trade, year upon year, are unsustainable. Last year's overall merchandise trade deficit reached a record high $166 billion. The figures just released for January of this year indicate that the growth is not slowing. The growth in our trade deficit is in fact accelerating. This is deeply troubling.

Mr. President, the soaring trade deficit is not just a matter of the volume of imports from abroad. A ballooning trade deficit affects the strength of the dollar, interest rates, the stock and bond markets, and the long-term attractiveness of the U.S. as a destination for investment. In other words, it threatens the standard of living of every American.

Despite the potential enormity of this problem, the administration has yet to focus on it as a real threat to working Americans. I am reminded that in the months and weeks leading up to the Mexico crisis, it seemed that no one in the administration was minding the store. We do not yet know the full extent of the fallout from that catastrophe. Mr. President, I hope we are not today headed down the same road with regard to our growing trade deficit. I hope those in the administration charged with watchfulness are not asleep at the switch.

Mr. President, we must not place our economic stability at risk. We must not allow warning signs to go unheeded. No single month's figures are conclusive, but when the bad numbers pile up month after month, they must not be ignored.

RETIREMENT OF JOHN LAHR

Mr. BAUCUS. Mr. President, yesterday's edition of the Montana Standard contained an article that I especially enjoyed reading. Let me share part of this article with my colleagues:

> A special passenger train ran from Helena to Garrison and back Sunday to honor retiring Montana Power Company lobbyist John Lahr, a train buff * * *. Montana Rail Link furnished the engines; Burlington Northern provided several refurbished passenger cars * * * and the engineers union furnished the engineers for what was billed with banners on the engines as the "John Lahr Special."

When I read this I could not help but think how appropriate this tribute is; a special train to honor a very special man.

We hear a lot of bad talk about lobbyists these days. And, both in Helena and in Washington, there are some bad lobbyists; some who use strong-arm tactics; some who urge elected representatives to vote against the public interest.

But anybody who knows John Lahr has seen living proof that lobbying can be a noble profession. He is a class act. He's a Montanan through-and-through. And he wants what is best for our State.

For almost 30 years, John has represented Montana Power Co. Legislative session after legislative session, John has been there in Helena working tirelessly. And, while he has always been an advocate for Montana Power, he sticks to the facts; he's honest; he levels with people; and he's got what may be the best—and certainly the driest—sense of humor in all of Montana.

So perhaps it is not surprising that John—though a lifelong Democrat—enjoys universal respect from both Republicans and Democrats in Helena.

While John may be retiring from the power company, I have no doubt he will continue to play an important role in the life of our State. He has too many friends; he has too much talent and he cares too deeply about Montana to quietly retire.

I wish both John and his wife, Beverly, the best of luck as they begin a new chapter in their lives. And I feel very fortunate to count them as friends and trusted advisers.

TRIBUTE TO JEFF GRIFFITH

Mr. WELLSTONE. Mr. President, I ask unanimous consent that a tribute to Jeff Griffith, one of my former staffers who died recently here in Washington, DC be printed in the RECORD.

Jeff was one of the original members of my Senate staff, and I was deeply saddened by his death. While I know his family, friends and former colleagues will miss him terribly, as I will, I hope we will also remember his many accomplishments, and his passion for justice.

The tribute was offered on my behalf at the funeral service this past weekend.

There being no objection, the tribute was ordered to be printed in the RECORD, as follows:

TRIBUTE TO JEFF GRIFFITH

My name is Colin McGinnis, and I am a staffer for U.S. Senator Paul Wellstone. I was a friend and colleague of Jeff's. Paul was very sad that he wasn't able to be with Jeff's family and friends here because of several longstanding commitments in Minnesota, and has asked me to be here to represent him and my Wellstone staff colleagues. Paul asked me to read a message to you from him. He writes:

"While I cannot be with you today, I send my prayers and my heartfelt sympathies to Jeff's family and friends. Jeff was one of the first members of my Senate staff. I had known him for several years, and had worked with him on the Reverend Jesse Jackson's Presidential campaign and on the Rainbow Coalition's other important work for justice, so I knew that when the chance came to bring him on to my staff, I should jump at the chance. I did.

"He was talented, energetic, and creative in his work, and was admired and respected by his colleagues on staff, who often came to him for advice. He was also a fierce advocate for social justice.

"As one of my press assistants, Jeff did a wonderful job under often difficult circumstances. During the sometimes chaotic days of the Gulf War crisis, Jeff helped to establish our press operation; no easy task. He was also instrumental in the founding of my "First Friday" radio show. Thanks to his hard work in laying its foundation, it has been very successful. It still provides one of the most important ways that I communicate directly with Minnesotans.

"It is not by chance that this was Jeff's idea. The direct and participatory nature of this live radio program was a hallmark of his style, which always sought to bring people, real people, into the political process, and to make sure they were heard, even above the din and background static that often passes for political debate in our country.

"Jeff had a unique gift for hearing and amplifying the voices of regular people, and lifting up those voices for people in the wider community to hear.

"He knew instinctively that communication, if it is authentic, is always two-way, that his job was not just to sell my ideas and programs and policies to those whom I represent, but also to make sure I heard what the people were saying, to heed their voices and be accountable to them—especially those who are at society's margins. He never lost sight of these people, and always struggled to do what he could to bring them in toward the center. That was one of his life's most important missions: to bring those at the margins of our society back toward the center.

"As we celebrate Jeff's life and accomplishments today, and mourn his death, my wife Sheila and I, and the members of my staff, extend our deepest sympathy and condolences to his mother, Mrs. Ella Evans, his other family members, and to all his many friends who cared so much for him. We will miss Jeff very much, and keep you all in our prayers."

I'd like to add a short personal note to Paul's letter, from my own experience working with Jeff. He was a strong, thoughtful, decent man, a person of integrity, and real commitment to people. He had a quiet grace and wisdom that was often striking. And because he had lived through his own struggles, he was always willing to listen to his friends and colleagues, in our struggles. He'd packed a lot of living into his young life, and was not unscarred by it. But that's just the point.

He knew suffering, and yet could look beyond it, redeem it, and get others to do the same. He was a wounded healer. A wounded healer whose life reminds us of how careful we must be with one another. And this concern for people translated from Jeff's personal life into his political life. In fact, people were at the center of his vision.

He was once asked, during a particularly stressful period, why he had decided to work in the political arena, and why he was willing to put up with all the long hours and struggles and stress that sometimes accompanies political life.

Without skipping a beat, he said simply, "Because I build bridges. And Lord knows we need bridges now." I will remember him as a bridge-builder, with a warmth, generosity of spirit, sense of humor and passion for justice that is rare. I hope you will, too.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES!

Mr. HELMS. Mr. President, before contemplating today's bad news about the Federal debt, let's do that little pop quiz again. Today's question, again, is: How many million dollars are in $1 trillion? When you arrive at an answer, bear in mind that it was Congress that ran up a debt now exceeding $4.8 trillion.

Now then, to be exact, as of the close of business yesterday, Tuesday, March 21, the total federal debt—down to the penny—stood at $4,843,694,087,008.02—meaning that every man, woman and child in America now owes $18,386.75 computed on a per capita basis.

Mr. President, back to that pop quiz question, How many million in a trillion? There are a million million in a trillion; and you can thank the U.S. Congress for the monstrous Federal debt exceeding $4.8 trillion.

TRIBUTE TO HELEN KAMM HATCH

Mr. BENNETT. Mr. President, I pay tribute today to an extraordinary woman. She was not famous. She was not wealthy. She was not formally educated. She won none of the coveted awards or accolades that we usually associate with achievement.

And yet, by anyone's measure, she was a rare and successful individual. She looked at life, both the good and the bad, and chose to shape her existence around the possible. She married and raised children in relative poverty, but taught her family what the wealth of love and hope means. She educated herself in life's classroom, constantly reading and absorbing. She reached out to those in need and gave kindness where none was expected.

Four of her nine children met early and untimely deaths. Still she looked forward. She expanded not only her mind but her many talents. She overcame challenges and embraced life's opportunities as they came, no matter what her age.

She was a woman of devout faith. Small in stature, she was large of heart and warm in spirit. Her home was a haven for friends and family.

Earlier this month, at the age of 89—and independent till her very last day—she completed her mortality. She is survived by 5 children, 39 grandchildren, 92 great-grandchildren, and 3 great, great-grandchildren.

Her name was Helen Kamm Hatch. And she was the mother of my friend and fellow colleague from Utah, Senator ORRIN G. HATCH. I am proud to be able to honor her memory. She will be sorely missed.

AN AUSPICIOUS ST. PATRICK'S DAY

Mr. KENNEDY. Mr. President, last week, friends of Ireland celebrated St. Patrick's Day in an atmosphere of hope. The guns have been silent in Northern Ireland for 6 months and it appears that the people of that conflict-torn land may at long last be on the irreversible road to peace.

Today, the British Government's Minister of State at the Northern Ireland Office, Michael Ancram, met with Loyalist paramilitary representatives, and Sinn Fein representatives and the British Government appear close to an agreement on an agenda for Ministerial talks to begin soon.

Most important, the people of Northern Ireland themselves are hopeful that this peace will last. The vast majority believe it is time to get on with talks. Irish citizens from Dublin and other parts of Ireland are traveling to Belfast in greater numbers because the fear of violence is disappearing. The people of Northern Ireland are going out in the evenings without fear of terrorist attacks. Peace is pervasive, and each day makes it harder for violence to return.

The United States has played a significant role in achieving this emerging peace, and great credit for it goes to President Clinton. He has taken risks for peace in Northern Ireland. He has embraced all those in Ireland who are willing to do the same. His foresight and judgment have been vindicated. Irish Americans congratulate him—but most of all, we thank him, and so do the people of Ireland, Protestant and Catholic alike.

The President and Mrs. Clinton hosted a reception on St. Patrick's Day at the White House which was an historic occasion itself. John Hume, John Alderdice, Gerry Adams and Gary McMichael—four men representing vastly different political views in Northern Ireland—were all in attendance. The evening was brought to a close when John Hume and Gerry Adams sang the poignant song, "The Town I loved So Well." The final verses of the song, which is about John Hume's home town of Derry in Northern Ireland speaks to everyone who cares about this issue:

Now the music's gone but they carry on,
For their spirit's been bruised, never broken.
They will not forget, but their hearts are set
On tomorrow and peace once again.

For what's done is done, and what's won is won;
And what's lost is lost and gone forever.
I can only pray for a bright, brand new day
In the town I love so well.

Mr. President, only time will tell whether the bright, brand new day is finally here. But several recent articles verify the new optimistic mood and praise President Clinton for the role he has played. I ask unanimous consent that excellent articles by James F. Clarity in the New York Times, David Nyhan in the Boston Globe, Mary McGrory in the Washington Post, and Patrick J. Sloyan in Newsday, as well as the lyrics to "The Town I Loved So Well," and an ad thanking President Clinton which appeared in the New York Times on St. Patrick's Day, may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 22, 1995]

THE I.R.A.'S POLITICAL STRONGMAN

GERRY ADAMS SEEMS ABLE TO SUSTAIN TRUCE AND ADVANCE AIMS

(By James F. Clarity)

DUBLIN, March 21.—As a result of his delicate and much-publicized visit last week to New York, Washington and the White House, Gerry Adams appears to have strengthened himself considerably as the political leader of the Irish Republican Army, the man most Irish people think has great influence in sustaining the I.R.A. cease-fire now in its seventh month.

And Mr. Adams, back in Dublin, also seems to have achieved significant success on a number of tactical goals of Sinn Fein, the I.R.A.'s political arm.

At home, in the military council of the I.R.A., Mr. Adams, the president of Sinn Fein, has shown once again that his political efforts are bringing the Republican movement benefits and concessions it could not even dream of if the I.R.A. re-started the guerrilla warfare in Northern Ireland.

In addition to gaining the right to raise funds for political purposes in America, Mr. Adams was invited to meet and chat with the President of the United States, to talk and have his picture taken with Senator Edward M. Kennedy, to attend a White House party in a tuxedo, all proud signs that he and his movement have come a long way from the days when he led the I.R.A.'s Belfast Brigade and was interned by the British for his trouble. On television screens all over the world he achieved the major Republican goal of getting international attention for his argument that the British should relinquish power in their Northern Ireland province.

Perhaps the most significant result of all this, according to Irish officials and independent experts, is that Mr. Adams' influence with the I.R.A. has probably never been stronger, and that he seems to be easily strong enough in army councils to sustain the cease-fire, at least for several months. Tim Pat Coogan, a historian whose writings on the I.R.A. are standard reference material, said Mr. Adams and his No. 2 in Sinn Fein, Martin McGuinness, who also has a guerrilla background, now have effective control of the military organization.

Mr. Adams' diplomatic victories, the experts say, have made it more difficult for any I.R.A. commanders who may still be restless with the peace effort to gain support among their fighters for a resumption of attacks on military and civilian targets in the North. While the I.R.A. reportedly keeps going through the training motions of selecting putative targets, the Roman Catholics in the North, particularly in Belfast, press for continuing the talks, for trying to negotiate the early release of I.R.A. prisoners and for the reform of the overwhelmingly Protestant Royal Ulster constabulary, the police force.

Mr. Coogan, who has many friends in Sinn Fein, and other experts said that Northern Catholics and Protestants want negotiations that could bring their imprisoned fathers, husbands and sons home rather than military operations that risk more death and imprisonment. And, among politicians, the need to keep talking also reflects the rarely spoken fear that a particularly heinous violation of the cease-fire, one that killed several civilians or British police or soldiers, could still collapse the peace effort.

Mr. Coogan and Irish officials said that Mr. Adams was compelled to make a worth-the-price concession to the British in order to gain Mr. Clinton's approval of his visit: his agreement to discuss I.R.A. disarmament with British ministers. Asked this week if he was still ready to discuss I.R.A. disarmament at such talks, Mr. Adams said, "Absolutely," but he declined to say how soon that might happen. Previously, Mr. Adams had insisted that disarmament could only be discussed at all-party talks, including Northern Ireland's Protestant leaders, as part of a final peace settlement.

Two weeks before he left for America, Mr. Adams said, "Republicans are fairly patient," and would not expect to be included in all-party political tasks on disarmament, for three or four months.

Politically, outside the I.R.A., Mr. Adams has also won concessions. Until he and John Hume, the influential leader of the Catholic-dominated Social Democratic Labor Party, began a secret peace initiative two years ago, Sinn Fein was banned from the United States as a front for a terrorist organization.

Now Mr. Hume, once a political enemy whose candidate defeated Mr. Adams in the 1992 British Parlimentary election, has personally introduced Mr. Adams to Mr. Clinton in Washington. And Mr. Adams can visit America, raise money, and, most important, he was achieved an old Sinn Fein objective: pulling the White House directly and openly into-a mediator's role between the I.R.A. and the British. American pressure on London delights Sinn Fein and the I.R.A. because it influences, and sometimes vexes, the British Government.

Mr. Adam's agreement, under White House pressure, to discuss disarmament with British ministers was followed in a matter of days by a British concession on the issue Mr. Adams calls "demilitarization": the promised withdrawal of 400 British troops from the North.

And Mr. Adams has held on to the political support of the Irish Government of Prime Minister John Bruton, support that seemed weakened when Mr. Bruton replaced Albert Reynolds three months ago. Mr. Reynolds had urged Britain and the United States to trust the I.R.A.'s stated good intentions, to keep the cease-fire going even though they refused to renounce forever the option of returning to violence.

Mr. Reynolds welcomed Mr. Adams to Dublin to discuss peace at an open Government forum. Mr. Bruton had long been accused of being more sympathetic to the Protestants in the North who want to remain part of Britain than to the I.R.A. goal of a united Ireland free of British control.

Mr. Bruton has continued to nudge Mr. Adams on disarmament and on a categorial renunciation of violence, and he has emphasized that the Protestant unionist majority in the North has a right to reject a united Ireland in a referendum.

But Mr. Bruton has also given Mr. Adams a symbolic hand-shake and talked with him privately, and he urged the White House to let him visit last week. Some experts, invoking the Nixon-and-China principle, see Mr. Bruton as the Irish leader who has the best chance of gaining trust among Protestant unionists and persuading them to talk to Sinn Fein, eventually.

And Prime Minister Bruton, with the approval of all sides, seems willing to continue to play the role of referee in the sparring match between Sinn Fein and Britain, making sure that the predictable but sometimes sharp jabs are not struck too low and, with most of the audience hoping anxiously for a draw, that neither side tries for a knockout.

[From the Boston Globe, Mar. 22, 1955]

IRISH EYES SMILE ON CLINTON'S PEACEMAKING

(By David Nyhan)

But when I returned, Oh how my eyes did burn
To see how a town could be brought to its knees
By the armored cars and the bombed-out bars
And the gas that hangs on every breeze.* * *

"The Town That I Love So Well"

President Clinton put it as plainly as it can be put Friday night: "Those who take risks for peace are always welcome under this roof."

The largely Hibernian crowd in the East Room for the White House St. Patrick's Day bash erupted. While some of the Ulster Orangemen may fulminate and Britain's John Major keeps Clinton's phone call on hold and the British papers go berserk, Clinton's daring little Irish play is working, and the crowd gave the boyish president his due.

The president was straight-faced, but you knew he had to be winking inside, when he said: "The Irish knew then (in Thomas Jefferson's day) how to back a winner (the fledgling United States)." But no one missed the irony: Major's Tory party had bet big on a George Bush victory, and Clinton's overture to the Irish Republican Army and its political mouthpiece, Gerry Adams, was a longshot that paid off handsomely.

It was John Hume who prevailed upon Ted Kennedy and his sister, Jean Smith, the U.S. ambassador to the Republic of Ireland: Convince Clinton to lift the visa restriction on Adams, the Sinn Fein spokesman, and allow him into the United States to raise money and visibility—and to hell with the British. Because Ted Kennedy is arguably Clinton's biggest bulwark on the left, Hume's initiative prevailed, Adams arrived here a year ago, and the pace was set for the cease-fire that now obtains.

Any president, who can, with some dextrous diplomatic jujitsu, end a 25-year-old, guerrilla war deserves some credit. And this crowd gave it to him. Irish Prime Minister John Bruton, a veteran back-bencher who suddenly emerged to lead the government, lavished gratitude upon Clinton "for the role you have played personally, Mr. President."

Four times as many Dubliners now travel north to Ulster every day to shop and spend and renew kinship ties, he said. "There's a whole weight lifted off our shoulders," said Bruton. "We're a happy land now."

And it was the United States and "the stand for decency the United States has taken on so many occasions" that made the difference, Ireland's leader testified. "The courage of the US has been the key factor in preserving the peace (in Europe) over 50 years. Thank you again for the tremendous good you have done for our country."

Ireland may be grateful; Britain is hopping mad, if last weeks' London newspapers were any indication. To Britons, Adams' is the bearded visage of terrorism, the voice defending heinous bombers who killed kids, civilians, contractors, cab drivers, who blew up Harrods and Airey Neave and tried to kill Thatcher and did kill Mountbatten. Would America like it if Britain's ruler invited the Lockerbie bombers to 10 Downing St. for tea? Not hardly.

But Clinton's gamble paid off. And he was toasted for it by a crowd that included plenty from around here. There were three O'Neills, enough Dunfeys to fill a bus and pairs of the following: Bulgers (the Senate president and son Bill), Flynns (Ambassador to the Vatican Ray and son Eddie), Kings (administration personnel czar Jim and son Patrick) and at least two Jesuits (BC President J. Donald Monan and former US Rep. Robert F. Drinan).

But the real pair of the evening came late, when many had left, and after Mark Gearan, the top Bay Stater on Clinton's staff, prevailed upon Bill Bulger Sr. to give us a tune. He responded with, "I come from the County Kerry; I'm a typical Irish-man." But then, Bulger said yesterday, "I saw John Hume give me the sign he had a song. So I called him up, and he did "The Town I Love So Well." That tune is the traditional lament for Derry, Hume's battle-scarred hometown in the North.

Bulger: "So then I gave Gerry Adams the sign to come up, and they did it as a duet."

The sight and sound of Hume and Adams singing under Bulger's benign tutelage in the East Room, with the cease-fire holding, is all due to Clinton.

Bulger, back in Boston, said: "This is a real success. It's incredible. Everyone had said 'no' to Adams. It was a real bold thing to do. The president broke that stalemate."

[From the Washington Post, Mar. 21, 1995]

(By Mary McGrory)

IRISH EYES HAVE REASON TO SMILE

Bill Clinton had a grand moment in the East Room at his second St. Patrick's Day party. The Prime Minister of Ireland, John Bruton, said to him, "We're a happy land now, thanks to the stand and courage that you and your colleagues have shown, Mr. President." He further told his host that he had been right and Dublin had been wrong about taking a chance on Sinn Fein. It was the kind of ungrudging, overflowing approval and vindication Clinton seldom hears. It was the stuff of ethnic campaign commercials.

But he missed a moment of triumph, a tableau of Irish unity and harmony that sent the audience into roaring raptures and left them with a memory for the generations.

The Clintons had left. The guests lingered. The Clintons, who forgot that the Irish rarely "go gentle into that good night" from a good party, sent down instructions for music to say good night to. Communications director Mark Gearan went to the piano, Billy Bolger, the little Caesar of the Massachusetts Senate and an eager tenor, was easily recruited and "When Irish Eyes Are Smiling" was heard once again. Suddenly Bolger stopped. "I think we should hear from John Hume," he said.

Hume, the valiant leader of the Catholic party in Northern Ireland, came up and began to sing his theme song, "The Town that I Love So Well." He was into the second or third verse when a dark, bearded figure joined him on the stage. It was Gerry Adams, and with arms around each other, they finished the song. The audience went wild. As soon as they recognized Adams, they began cheering, and as the pair continued, they stood up applauding. Adams's smile, for once, was not mocking or supercilious. 'History," they told each other, a settlement in song in the Clinton White House.

"Those who take risks for peace are always welcome under this roof," Clinton had said in his welcome to the prime minister. No one took a greater chance than Hume, the bright, careworn favorite of Irish-American politicians, who sought out the spokesman and Sinn Fein, the political arm of the terrorist IRA, was discovered, harassed, threatened to the point when he spent weeks in a hospital with a bleeding ulcer and a bad case of despair. Hume convinced our ambassador Jean Kennedy Smith and her brother, Sen. Edward M. Kennedy, that Adams was the key. Kennedy prevailed upon the president, and a year ago February, while the British raged, Clinton gave Adams a visa for a 48-hour U.S. stay.

Adams maddens many because he insists on talking about Sinn Fein as if it were a stamp club. When arms and bombs and kneecappings and hideous murders of parents before the eyes of their children come up, he looks pained and recoils. What would he know about all that? But last August, he came through. A cease-fire came into effect, the Catholics and Protestants of Ulster began to breathe. The shadow of the gunman disappeared from the streets of Belfast. Plans for Anglo-Irish talks were resumed.

It's still a long way to Tipperary, but another milestone was passed when Clinton again leaned into the wind from London, and not only let Adams come to Washington and the White House, but let him raise money for Sinn Fein. Britain saw it as a cheap bid for the votes of America's 40 million Irish. Outrage led the British press. Adams raised $80,000 at one New York lunch, and the British boiled over with warnings that the money would go to buy arms to replace those that are supposed to be "decommissioned." Not a farthing, Adams promised. John Major refused to take Clinton's calls.

But everyone at the White House gala was happy and hopeful, particularly the Bostonians, who outnumbered all others. Ray Flynn, Boston's erstwhile mayor and now Clinton's envoy to the Vatican, was telling people the good news that while on a confidential political mission to Pennsylvania, he had found out that Reagan Democrats had put aside their differences on gays in the military and such, and are coming home.

A number of nervous Irishmen seemed to have checked their misgivings at the door. They were delighted to be able to give their views in the splendors of the Executive Mansion. Gary McMichael of the Ulster Democratic Party had a good chat with Sen. Kennedy. Outside a handful of members of the Families Against Intimidation and Terror picketed and leafletted passersby. They were protesting the 46 beatings that have been administered by both sides, Unionists and IRA, since the cease-fire. Iron bars and clubs with nails are used. The protesters had hoped to be invited in, they were not but were assuaged by a visit to the Security Council the following morning.

On Sunday, Major resumed speaking to the president and expressed the hope of putting it all behind. Adams landed in Dublin and said, with his usual surprise that anyone would ask, that no one had pressured him on decommissioning arms.

[From Newsday, Feb. 27, 1995]

SINN FEIN BALKS AT DISARMING

(By Patrick J. Sloyan)

DUBLIN.—A plump dove, white on a purple backdrop, flew over the conference, streaming the Irish tricolor wrapped around the slogan: "Create Peace: Unite Ireland."

"Does anyone want to speak?" Gerry Adams, president of Sinn Fein, asked delegates to its annual conference. "We welcome your criticism."

As the meeting of the Irish Republican Army's political wing droned to a close yesterday, Adams seemed miffed over news accounts of grumbling delegates. Some were dismayed by the tepid tone of freedom fighters turned peacemongers.

Owen Bennett stalked to the Mansion House microphone. "No one can promise some future generation will not resort to arms to win self-determination," Bennett said. He was from south Armagh, a hotbed of IRA warfare for the past quarter of a century. A roar filled the hall.

Until the IRA ceasefire last August, many of the delegates lived by nationalist-intellectual Patrick Pearse's slogan: "Life springs from death. And from the graves of patriot men and women spring living nations." It was on a banner set discreetly to one side in the conference hall and was decorated not with doves but crossed rifles, a revolver and a pike.

Only a few blocks away is the Dublin post office seized on Easter 1916 by Pearse and comrades determined to end England's rule of Ireland. Now, 79 years later, Adams and the heirs to that uprising were closer than ever to that goal.

But handling doves, as Adams is learning, is far trickier than wielding a pike. The next step toward a permanent peace in Northern Ireland and the beginning of an eventual union between Irish north and south could be a difficult one for the IRA.

Before starting negotiations on the Belfast framework announced last week, British Prime Minister John Major wants the Sinn Fein to give up thousands of IRA rifles, rocket launchers, pistols and grenades and tons of hidden explosives.

"There has to be substantial progress made on the decommissioning of arms," Sir Patrick Mayhew said yesterday. He is the British government's Secretary of Northern Ireland and has refused to talk with Sinn Fein. Instead, his staff conducted preliminary talks on Mayor's behalf with Sinn Fein emissaries.

"We have told the British that Sinn Fein does not have any weapons," said Martin McGuinness, who represented the organization in talks with Mayhew's staff. Most delegates at Mission House will wink at that one. McGuinness is reputed to be military commander of the IRA, succeeding Adams in directing attacks in Northern Ireland.

But McGuinness drew applause with a reminder that it was Sinn Fein's unilateral initiative that produced the cease fire that has sparked the peace process.

"We told them, just in case the reality had escaped them, that the British government and the British army had not defeated the IRA; that the IRA had not surrendered and that the British government could not even remotely expect Sinn Fein to deliver that surrender for them," McGuinness said to cheers.

Adams has a counterproposal: decommission British and Unionist guns as well as IRA weapons. And demilitarize the province by eliminating 13,500 Royal Ulster Constabulary police at 161 stations and removing 19,000 British troops at 135 forts.

London is inching toward Sinn Fein demands. Border checkpoints have become largely unmanned traffic snarls. British army patrols have decreased dramatically, and soldiers have vanished from some areas. Some British government officials say troops could be withdrawn as security needs subside.

Dublin government officials see a precedent for Sinn Fein disarmament. When the 26 counties of the south won independence in 1937, the IRA turned over many of their weapons to help equip a new Irish army. "But it would be difficult now," said an aide to Deputy Irish Prime Minister Dick Spring. "Gerry Adams has to deal with the 'hard men' [extremists] in the Sinn Fein."

One possible compromise would be the release of an estimated 600 IRA prisoners in Ulster and British prisons coinciding with a Dublin decommisssioning of IRA weapons.

In the meantime, Adams and Major's demand for IRA weapons is merely a dodge to stall the start of all-party talks, including Sinn Fein and Unionist paramilitary leaders as well as government officials from Dublin, Belfast, and London.

In response to Mayhew's statement yesterday demanding progress on disarmament, Adams said: "He wants to make up his mind. It is a precondition of talks or it's not a precondition."

The Sinn Fein leader was daring Major to obstruct an Irish peace process that has revived his slipping political fortunes in Britain. A Gallup Poll financed by the London Telegraph showed 92 percent of Britain voters supported the Belfast framework and 68 percent believed Ulster Unionists were wrong not to participate in the talks.

Another poll, commissioned by British television among Northern Ireland's Unionist voters, approved the plan. Ulster Marketing found 81 percent of the more moderate Unionist party members favored the framework, which also was supported by 61 percent on the more conservative Democratic Unionist Party.

"The British government position [on IRA disarmament] is untenable," said Sinn Fein's McGuinness. "It has to change."

THE TOWN I LOVED SO WELL

(Words and Music by Phil Coulter)

In my memory, I will always see
The town that I have loved so well,
Where our school played ball by the gas yard wall
And we laughed through the smoke and the smell.
Going home in the rain, running up the dark lane,
Past the jail and down behind the fountain—
There were happy days in so many, many ways
In the town I loved so well.

In the early morning the shirt factory horn
Called women from Creggan, the Moor and the Bog;
While the men on the dole played a mother's role,
Fed the children, and then walked the dog;
And when times got tough, there was just about enough;
And they saw it through without complaining:
For deep inside was a burning pride
In the town I loved so well.

There was music there in the Derry air
Like a language that we all could understand;
I remember the day that I earned my first pay
When I played in a small pick-up band.
There I spent my youth, and to tell you the truth,
I was sad to leave it all behind me:
For I'd learned about life, and I'd found a wife
In the town I loved so well.

But when I've returned how my eyes have burned
To see how a town could be brought to its knees;
By the armoured cars and the bombed-out bars,
And the gas that hangs on to every breeze:
Now the army's installed by that old gas yard wall
And the damned barbed wire gets higher and higher;
With their tanks and their guns, Oh my God what have they done
To the town I loved so well.

Now the music's gone but they carry on
For their spirit's been bruised, never broken;
They will not forget, but their hearts are set
On tomorrow and peace once again.
For what's done is done, and what's won is won;
And what's lost is lost and gone forever:
I can only pray for a bright, brand new day
In the town I love so well.

[From the New York Times, March 17, 1995]

IRISH EYES ARE SMILING

PRESIDENT CLINTON—THANK YOU VERY MUCH

(National Committee on American Foreign Policy, Inc.)

For the first time in a generation, 44 million Irish Americans can celebrate peace in Ireland.

This "emergent vision of peace," as the poet Seamus Heaney has called it, allows us to celebrate St. Patrick's Day with a pride in our heart and warmth in our soul.

Many brave men and women, Protestant and Catholic, Irish and British, helped bring about this peace process.

So did their respective governments.

Countless Americans of all traditions and from every walk of life, worked so hard to make this miracle happens.

Moreover, the important role played by the men and women of the United States Congress, from both parties can never be forgotten.

Above all, Mr. President, we celebrate your role in making this peace possible.

Since your first day in office, you have shown a rare commitment to bringing peace to that ancestral land of your mother's roots.

Your involvement in encouraging all the political parties in Northern Ireland to come together was crucial.

Your vision in granting U.S. visas to leaders of the Republican and Loyalist communities, who now wish to take the gun forever out of Irish politics, was vital.

Your overall encouragement of the British and Irish governments as they signed their historic Joint Framework Document was inspiring.

By your actions, you have made clear how much the United States wants to help create the conditions for peace, justice and reconciliation in Ireland.

By your words, you have made clear your personal commitment to the framework for an agreed Ireland that can allow all of its people to live in peace.

By your support, you have inspired your fellow Irish Americans who will now redouble their efforts to ensure that the peace continues.

Another great Irish American, President Kennedy, stated that peace must be "dynamic, not static, changing to meet the challenges confronting it, for peace is a process, a way of solving problems."

With your help, Mr. President, we can keep that peace and that process moving forward.

We salute you for your concern and for your caring.

And we thank you from the bottom of our hearts.

William J. Flynn, Chairman.
Dr. George D. Schwab, President.

We, the undersigned, wish to add our voice to that of the National Committee on American Foreign Policy.

Tom Barton, President, Marz Inc.
Charles J. Boyle, Executive Director, Ireland Chamber of Commerce in the USA, Inc.
Hon. Hugh L. Carey, former governor, State of New York, Executive Vice President, W.R. Grace & Co.
Stanley Q. Casey, Richardson, Mahon & Casey.
William J. Chambers, Chairman, Eirlink International.
Ed Cleary, AFL–CIO.
Elliot H. Cole, Esq., Partner, Patton Boggs, LLP.
John J. Connorton, Jr., Partner, Hawkins, Delafield & Wood.
Frank D. Cooney, Jr., Treasurer, County Asphalt, Inc.
John T. Cooney, Sr., Vice President, County Asphalt, Inc.
Robert A. Cooney, Associate Dean, Loyola Law School, Los Angeles, CA.
Gerald Cummins, Chairman, Mancum Graphics, Inc.
Joanne Toor Cummings, Sr. Vice President, NCAFP
John T. Dee, President, Service America Corporation.
Thomas J. Degnan, President, In Progress Environment.
Roy E. Disney, Vice Chairman of the Board, The Walt Disney Company.
Robert J. Donahue, President, Patrons of the John F. Kennedy Trust, Inc.
Thomas R. Donohue, Secretary-Treasurer, AFL–CIO.
Cornelius (Connie) S. Doolan, Director, Trade Relations North America, Guinness Import Co.
Eamonn Doran, Restauranteur, New York/Dublin.
John A. Doyle, President, the Doyle Group, Inc.
Raymond G. Duffy, Vice President, Jefferson Smurfit Corporation.
Hon. Angier Biddle Duke, Chairman, Appeal of Conscience Foundation.
John R. Dunne, former US Assistant Attorney General for Civil Rights
Seymour Maxwell Finger.
Hugh P. Finnegan, Partner, Siller, Wilk, & Mencher LLP.
John Fitzpatrick, CEO, North America, Fitzpatrick Family Group of Hotels.
Peter J. Flanagan, President, Life Insurance Council of New York.
Adrian Flannelly, President, Adrian Flannelly Irish Radio.
Edward T. Fogarty, President & CEO, Tambrands Inc.
Richard R. Fogarty, CEO & President, Labatt.
Michael J. Gibbons.
William P. Gibbons, Attorney at Law, Cleveland, Ohio.
Claire Grimes, CEO, Irish Echo Newspaper Corporation.
Dr. Os Guinness, The Trinity Forum.
Martin Hamrogue, General Manger, Operation Control, TWA.
Peter Hanrahan, partner, Keegan Hanrahan Architects, PC.
Patricia Harty, Editor-in-Chief, Irish America Magazine.
Margaret M. Heckler, former US Ambassador to Ireland.
John F. Henning, Executive Secretary-Treasurer, California Labor Federation, AFL–CIO.
Hon. Alan G. Hevesi, Comptroller, City of New York.
Ray Hogan, Hogan Fragrances.
Peter J. Hooper.
Abassador F. Hoveyda, Executive Committee, NCAFP.
Carl F. Hughes, Chairman President & CEO, Fahey Bank.
Tom Ivory, CEO, Baker Street Bread.
Richard R. Joaquim, President, International Conference Resorts.
Philip M. Keating, Esq., David & Hagner.
Kevin Keegan, partner, Keegan Hanrahan Architects, PC.
Martin P. & Mary Kehoe.
Denis P. Kelleher, CEO, Wall Street Investor Services.
Michael P. Kelley, Vice President, Sales, Norcom Electronics.
Daniel J. Kelly, Group Managing Partner, Deloitte & Touche.

Patrick J. Keogh, President & CEO, Ireland Chamber of Commerce in the USA, Inc.

Herbert Kurz, Chairman, Presidential Life Insurance Company.

Michael J. Larkin, Executive Vice President, The Great Atlantic & Pacific Tea Co., Inc.

Dr. Thomas J. Ledwith, Executive Director, United States Program, St. Patrick's College, Maynooth.

Edward S. Lewis, President, SPK/Lewis Inc.

Rev. Dr. Franklin H. Littell, Temple University.

Edmund E. Lynch, National Coordinator, Lawyers Alliance for Justice in Ireland, Inc.

Jack MacDonough, CEO, Miller Brewing Company.

Shirley Whelan MacRae, President, S.W. Management.

Edward G. Maher, Patrick J. Maher, President, Business Insurance Agency, Inc.

Annette Mahon, President, Belvedere Public Relations, Inc.

John F. X. Mannion, Chairman & CEO, Unity Mutual Life Insurance Company.

Edward I. Masterman, Esq., Masterman, Culbert & Tully.

John McCabe, Account Manager, Corporate Express.

Sean McCabe, Account Manager, Corporate Express.

James F. McCann, President, 1–800–Flowers.

William C. McCann, President & CEO, Allied Junction.

Jerome R. McDougal, President & CEO, River Bank America.

Gerald W. McEntee, President, The American Federation of State, County, & Municipal Employees.

Paschal McGuinness, 1st Vice President, International Brotherhood of Carpenters & President, Irish-American Labor Coalition.

Denis McInerney.

Mark P. McInerney, President, L.P. Cook Government Securities Inc.

Andrew J. McKenna, Chairman, President & CEO, Schwarz Paper Company.

William A. McKenna, Jr., Chairman & CEO, Ridgewood Savings Bank.

Hon. Timothy Connor McNamara, Columbia Consulting Group.

Thomas J. Moran, President & CEO, Mutual of America.

Bruce A. Morrison, former Member of Congress, Partner, Morrison & Swaine.

Sheillagh Mulready, Secretary/Treasurer, Patrons of the John F. Kennedy Trust, Inc.

James C. Nicholas, Executive Director, Connecticut World Trade Association, Inc.

Brian Nolan, Executive Vice President, Blarney Wollen Mills.

James J. O'Connon, President & CEO, The Annamor Group Ltd.

Niall O'Dowd, Publisher, Irish America Magazine.

Michael M. O'Driscoll, President, Cash's of Ireland.

John A. O'Malley, President, Executive Benefits Group. Inc.

Tice O'Sullivan, President, Diversified Management Services.

Joan Peters, Writer, Historian & Lecturer, Exec. Comm. Member & Trustee, NCAFP.

Ann Phillips, Member of the Board of Trustees, NCAFP.

William Pickens III, President, Bill Pickens Associates, Inc.

Edward J. Quinn, President, Worldwide Educational Services, Inc.

James L. Quinn, Law/CPA Offices of James J. Quinn.

Bryan Reidy, General Manager, Gallagher's Steak House, NYC.

Alan Richards.

Michael J. Roarty, President, Ireland-US Council for Commerce & Industry.

William J. Rudolf, Vice President, NCAFP.

Dennis G. Ruppel, President, MTD Technologies, Inc.

Dankwart A. Rustow, Distinguished Professor, City University of New York.

David L. Ryan, Vice President, The Doyle Group.

Kathleen Schmacht, Executive Vice President, E.C. Services, Inc.

Elizabeth Shannon, Writer, Boston University.

John T. Sharkey, New York City.

Stanley Shmishkiss, Chairman Emeritus, American Cancer Society Foundation.

John R. Silber, President, Boston University.

Richard Blake St. Francis.

Robert E. Sweeney, President, Robert E. Sweeney Co., L.P.A.

James D. Walker, Managing Director, VAT America.

Kevin J. Walsh, Partner, Kelley Drye & Warren.

Michael J. Walsh, President, Walsh Trading Company.

Stephanie Whiston.

Use of Organization name is solely for identification purposes.

MESSAGES FROM THE HOUSE

At 9:39, a.m., a message from the House of Representatives, delivered by Mr. Schaeffer, one of its clerks, announced that the House has passed the following bill; in which it requests the concurrence of the Senate:

H.R. 1158. An act making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 1158. An act making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–644. A communication from the Director of Administration and Management, Department of Defense, transmitting, pursuant to law, a report entitled "Extraordinary Contractual Actions to Facilitate the National Defense"; to the Committee on Armed Services.

EC–645. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, a report relative to the Commission's administrative and enforcement actions under the Fair Debt Collections Practices Act; to the Committee on Banking, Housing and Urban Affairs.

EC–646. A communication from the Fiscal Assistant Secretary of the Treasury, transmitting, pursuant to law, a report with respect to material violations of regulations relating to Treasury acutions; to the Committee on Banking, Housing and Urban Affairs.

EC–647. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction with the People's Republic of China; to the Committee on Banking, Housing and Urban Affairs.

EC–648. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction with the People's Republic of China; to the Committee on Banking, Housing and Urban Affairs.

EC–649. A communication from the Deputy Associate Director for Compliance, Department of the Interior, transmitting, pursuant to law, a report relative to the refunds of offshore lease revenues where a recoupment or refund is appropriate; to the Committee on Energy and Natural Resources.

EC–650. A communication from the Assistant Secretary of the Interior, Land and Minerals Management, transmitting, pursuant to law, a report relative to compensatory royalty agreements for oil and gas for fiscal year 1994; to the Committee on Energy and Natural Resources.

EC–651. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report relative to the awarding of specific watershed restoration contracts within the range of the northern spotted owl; to the Committee on Energy and Natural Resources.

EC–652. A communication from the Chief Financial Officer of the Department of Energy, transmitting, pursuant to law, the CFO's annual report relative to Federal Facility Compliance; to the Committee on Environment and Public Works.

EC–653. A communication from the Secretary of Transportation, transmitting, pursuant to law, a fiscal year 1993 report relative to overweight vehicles; to the Committee on Environment and Public Works.

EC–654. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report relative to volatile organic compound emmissions; to the Committee on Environment and Public Works.

EC–655. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to worker adjustment assistance training funds; to the Committee on Finance.

EC–656. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the 1994 report relative to the Treasury Forfeiture Fund; to the Committee on Finance.

EC–657. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report required under the Chemical and Biological Weapons Control and Warfare Elimincation Act; to the Committee on Foreign Relations.

EC–658. A communication from the Director of the Peace Corps, transmitting, a draft of proposed legislation to authorize appropriations for activities under the Peace Corps Act for fiscal years 1996 and 1997; to the Committee on Foreign Relations.

EC–659. A communication from the Chairman of the U.S. Advisory Commission on Public Diplomacy, transmitting, pursuant to law, a report on the public diplomacy activities of the U.S. Government; to the Committee on Foreign Relations.

EC–660. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report relative to the revenue estimates with respect to the Mayor's budget's for fiscal years 1995 and 1996; to the Committee on Governmental Affairs.

EC–661. A communication from the Chairman, Cost Accounting Standards Board, Executive Office of the President, transmitting, pursuant to law, the Board's annual report for calendar year 1994; to the Committee on Governmental Affairs.

EC–662. A communication from the from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "Managing Federal Information Resources: Twelfth Annual Report Under the Paperwork Reduction Act of 1980"; to the Committee on Governmental Affairs.

EC–663. A communication from the Chairman of the Board of Governors of the Federal Reserve, transmitting, pursuant to law, a report relative to the implementation of its administrative responsibilities during calendar year 1994; to the Committee on Governmental Affairs.

EC–664. A communication from the Chairman of the Board of the Tennessee Valley Authority, transmitting, pursuant to law, the report of the Board required under the Government in the Sunshine Act; to the Committee on Governmental Affairs.

EC–665. A communication from the General Counsel of the Federal Mediation and Conciliation Service, transmitting, pursuant to law, the annual report required under the Freedom of Information Act; to the Committee on the Judiciary.

EC–666. A communication from the Director of the Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, a report relative to functional literacy requirements for inmates; to the Committee on the Judiciary.

EC–667. A communication from the Attorney General of the United States, transmitting, pursuant to law, a report relative to the conversion of closed military installations into federal prison facilities; to the Committee on the Judiciary.

EC–668. A communication from the Chairperson of the U.S. Civil Rights Commission, transmitting, a draft of proposed legislation to authorize appropriations for fiscal year 1996 for the United States Commission on Civil Rights; to the Committee on the Judiciary.

EC–669. A communication from the Chairman of the Jacob K. Javits Fellowship Board, transmitting, pursuant to law, a report relative to modifications to the program; to the Committee on Labor and Human Resources.

EC–670. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the Administration's 1993 annual report; to the Committee on Small Business.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S.J. Res. 29. A joint resolution expressing the sense of Congress with respect to North-South dialogue on the Korean Peninsula and the United States-North Korea Agreed Framework.

S. Con. Res. 3. A concurrent resolution relative to Taiwan and the United Nations.

S. Con. Res. 9. A concurrent resolution expressing the sense of the Congress regarding a private visit by President Lee Teng-hui of the Republic of China on Taiwan to the United States.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations:

Jacquelyn L. Williams-Bridgers, of Maryland, to be Inspector General, Department of State.

Philip C. Wilcox, Jr., of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as Coordinator for Counter Terrorism.

Ray L. Caldwell, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as Deputy Assistant Secretary of State for Burdensharing.

Gloria Rose Ott, of California, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1996, vice Weldon W. Case, term expired.

Harvey Sigelbaum, of New York, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1996, vice Carolyn D. Leavens, term expired.

George J. Kourpias, of Maryland, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1997.

John Chrystal, of Iowa, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1997.

Mr. HELMS. Mr. President, for the Committee on Foreign Relations, I also report favorably three nomination lists in the Foreign Service which were printed in full in the CONGRESSIONAL RECORD of January 11, 1995, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. HELMS, from the Committee on Foreign Relations:

Treaty Doc. 103–25 Treaty Convention on Conventional Weapons (Exec. Rept. 104–1).

TEXT OF THE COMMITTEE-RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved (two-thirds of the Senators present concurring therein), That (a) the Senate advise and consent to the ratification of the following Convention and two accompanying Protocols, concluded at Geneva on October 10, 1980 (contained in Treaty Document 103–25), subject to the conditions of subsections (b) and (c):

(1) The Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed To Be Excessively Injurious or To Have Indiscriminate Effects (in this resolution referred to as the "Convention").

(2) The Protocol on Non-Detectable Fragments (in this resolution referred to as "Protocol I").

(3) The Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, together with its technical annex (in this resolution referred to as "Protocol II").

(b) The advice and consent of the Senate under subsection (a) is given subject to the following conditions, which shall be included in the instrument of ratification of the Convention:

(1) RESERVATION.—Article 7(4)(b) of the Convention shall not apply with respect to the United States.

(2) DECLARATION.—The United States declares, with reference to the scope of application defined in Article 1 of the Convention, that the United States will apply the provisions of the Convention, Protocol I, and Protocol II to all armed conflicts referred to in Articles 2 and 3 common to the Geneva Conventions for the Protection of War Victims of August 12, 1949.

(3) UNDERSTANDING.—The United States understands that Article 6(1) of Protocol II does not prohibit the adaptation for use as booby-traps of portable objects created for a purpose other than as a booby-trap if the adaptation does not violate paragraph (1)(b) of the Article.

(4) UNDERSTANDING.—The United States considers that the fourth paragraph of the preamble to the Convention, which refers to the substance of provisions of Article 35(3) and Article 55(1) of Additional Protocol I to the Geneva Conventions for the Protection of War Victims of August 12, 1949, applies only to States which have accepted those provisions.

(c) The advice and consent of the Senate under subsection (a) is given subject to the following conditions, which are not required to be included in the instrument of ratification of the Convention:

(1) DECLARATION.—Any amendment to the Convention, Protocol I, or Protocol II (including any amendment establishing a commission to implement or verify compliance with the Convention, Protocol I, or Protocol II), any adherence by the United States to Protocol III to the Convention, or the adoption of any additional protocol to the Convention, will enter into force with respect to the United States only pursuant to the treaty-making power of the President, by and with the advice and consent of the Senate, as set forth in Article II, Section 2, Clause 2 of the Constitution of the United States.

(2) DECLARATION.—The Senate notes the statements by the President and the Secretary of State in the letters accompanying transmittal of the Convention to the Senate that there are concerns about the acceptability of Protocol III to the Convention from a military point of view that require further examination and that Protocol III should be given further study by the United States Government on an interagency basis. Accordingly, the Senate urges the President to complete the process of review with respect to Protocol III and to report the results to the Senate on the date of submission to the Senate of any amendments which may be concluded at the 1995 international conference for review of the Convention.

(3) STATEMENT.—The Senate recognizes the expressed intention of the President to negotiate amendments or protocols to the Convention to carry out the following objectives:

(A) An expansion of the scope of Protocol II to include internal armed conflicts.

(B) A requirement that all remotely delivered mines shall be equipped with self-destruct devices.

(C) A requirement that manually emplaced antipersonnel mines without self-destruct devices or backup self-deactivation features shall be used only within controlled, marked, and monitored minefields.

(D) A requirement that all mines shall be detectable using commonly available technology.

(E) A requirement that the party laying mines assumes responsibility for them.

(F) The establishment of an effective mechanism to verify compliance with Protocol II.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CAMPBELL (for himself, Mr. BROWN, Mr. BENNETT, Mr. REID, Mr. BRYAN, Mr. BINGAMAN, Mr. DOMENICI, Mrs. FEINSTEIN, and Mr. HATCH):

S. 587. A bill to amend the National Trails System Act to designate the Old Spanish Trail and the Northern Branch of the Old Spanish Trail for potential inclusion into the National Trails System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DASCHLE (for himself, Mr. HARKIN, Mr. WELLSTONE, and Mr. PRESSLER):

S. 588. A bill to amend the Employee Retirement Income Security Act of 1974 with respect to rules governing litigation contesting termination or reduction of retiree health benefits; to the Committee on Labor and Human Resources.

By Mr. COATS (for himself, Mr. DOLE, Mr. SPECTER, Mr. LUGAR, and Mrs. KASSEBAUM):

S. 589. A bill to amend the Solid Waste Disposal Act to permit Governors to limit the disposal of out-of-State solid waste in their States, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CRAIG:

S. 590. A bill for the relief of Matt Clawson; to the Committee on Energy and Natural Resources.

By Mr. HATFIELD:

S. 591. A bill for the relief of Ang Tsering Sherpa; to the Committee on the Judiciary.

By Mrs. HUTCHISON:

S. 592. A bill to amend the Occupational Safety and Health Act of 1970 and the National Labor Relations Act to modify certain provisions, to transfer certain occupational safety and health functions to the Secretary of Labor, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HATCH (for himself, Mr. GREGG, Mrs. KASSEBAUM, Mr. ABRAHAM, Mr. FRIST, and Mr. COATS):

S. 593. A bill to amend the Federal Food, Drug, and Cosmetic Act to authorize the export of new drugs and for other purposes; to the Committee on Labor and Human Resources.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 594. A bill to provide for the Administration of certain Presidio properties at minimal cost to the Federal taxpayer; to the Committee on Energy and Natural Resources.

By Mr. BYRD (for himself and Mr. ROCKEFELLER):

S. 595. A bill to provide for the extension of a hydroelectric project located in the State of West Virginia; to the Committee on Energy and Natural Resources.

By Mr. HARKIN (for himself and Mr. BRADLEY):

S. 596. A bill to amend the Internal Revenue Code of 1986 to disallow deductions for advertising and promotional expenses for tobacco products; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. BRADLEY, and Mr. HARKIN):

S. 597. A bill to insure the long-term viability of the medicare, medicaid, and other federal health programs by establishing a dedicated trust fund to reimburse the government for the health care costs of individuals with diseases attributable to the use of tobacco products; to the Committee on Finance.

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 598. A bill to amend the Internal Revenue Code of 1986 to increase the excise taxes on tobacco products, and to use a portion of the resulting revenues to fund a trust fund for tobacco diversification, and for other purposes; to the Committee on Finance.

By Mr. SANTORUM:

S. 599. A bill to eliminate certain welfare benefits with respect to fugitive felons and probation and parole violators, and to facilitate sharing of information with law enforcment officers, and for other purposes; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CAMPBELL (for himself, Mr. BROWN, Mr. BENNETT, Mr. REID, Mr. BRYAN, Mr. BINGAMAN, Mr. DOMENICI, Mrs. FEINSTEIN, and Mr. HATCH):

S. 587. A bill to amend the National Trails System Act to designate the Old Spanish Trail and the northern branch of the Old Spanish Trail for potential inclusion into the National Trails System, and for other purposes; to the Committee on Energy and Natural Resources.

OLD SPANISH TRAIL DESIGNATION ACT

Mr. CAMPBELL. Mr. President, today I'm sending legislation to the desk to designate the Old Spanish Trail and the northern branch of the Old Spanish Trail for study for potential addition to the National Trails System.

The Old Spanish Trail has been called the "longest, crookedest, most arduous pack mule route in the history of America." Linking two quaint pueblo outposts, Villa Real de Sante Fe de San Francisco—now known as Santa Fe; and El Pueblo de Nuestra Senora La Reina de Los Angeles—present day Los Angeles—this 1,200 mile route was a well worn path 150 years ago as annual caravans traded woolen blankets from New Mexico for California horses and mules.

According to an early historian, the trail:

> * * * Headed Northwest from Santa Fe * * * eased over the Continental Divide in northern New Mexico, cut through a spur of the Rocky Mountains into Colorado, forded two swift rivers (the Colorado and the Green above their junction), circled northward to avoid the Grand Canyon's sculptured country, dipped over the rim of the Great Basin into Utah, and crept southwest through desert stretches of Nevada and California to Los Angeles * * * Hoofs of pack animals leave but fleeting imprints. As soon as the last mule train and left the Trail, nature closed in to obliterate marks of human intrusion. Matted brush sprang up to hide the mountain paths. Flash floods gullied the gravel courses beside the streams. Chalky gypsum surfaced the dry lake bottoms, so welcome to the hoofs of foot-sore mules. Wind-born sand drifted over the shallow trace through the wastelands. Even the dry bones that marked the toll of an insatiable desert's greed crumbled to dust.

The trail entered present day Colorado south of Pagosa Springs and proceeded northwesterly past today's settlements of Arboles, Ignacio, Durango, Mancos, Dolores, and Dove Creek. This is essentially the route used by Fathers Dominguez and Escalante in 1776. Unlike Dominguez and Escalante, the trail continued to the northwest toward the site of present day Monticello and crossed the Grand (Colorado) River at Moab and the Green River, 5 miles north of today's settlement of Green River. It continued westerly and passed the present settlements of Castle Dale, Salina, Sevier, Parowan, Newcastle, and St. George in Utah.

Another historic trade route, known as the northern branch of the Old Spanish Trail, was used by trappers and traders to access northwestern Colorado and northeastern Utah. This route followed the east side of the Rio Grande river northward to Taos and into Colorado to the area near the present town of Alamosa. Another route of the northern branch followed the west side of the Rio Grande northward to Tres Piedras, New Mexico, and to Antonito, Colorado, and joined the other branch near Monte Vista. From the vicinity of Monte Vista, the trail continued northwesterly and passed the present day settlements of Saguache, Gunnison, Montrose, Delta, and Grand Junction. From Grand Junction, the trail followed the Grand (Colorado) River for some 50 miles through Fruita and Loma to near Dewey, UT, and then struck out northeast across the desert and joined the main Spanish Trail approximately 20 miles southeast of the Green River crossing.

The northern branch was less used than the main Spanish Trail and very little is recorded concerning its use. Antoine Robidoux's trading fort, near Delta, was a principal outpost on the trail.

The first person to record his journey from Santa Fe to Los Angeles was Antonio Armejo, who went on a trading expedition in 1829. His route had never been properly documented until 10 years ago when a historian from the University of Nevada began a study of the origins of the trail for her masters thesis. Much of what we know about the trail comes from recent scholarship and there is obviously much left to learn.

A journey over the Spanish Trail and the northern branch in 1848 was later recorded by Lt. George B. Brewerton. The young lieutenant accompanied a party of some 30 men which included the noted scout, Kit Carson. Carson was carrying mail from Los Angeles to the East Coast. The party left Los Angeles on May 4 and reached Santa Fe via Taos on June 14, 41 days later. Carson proceeded east, reaching Washington, DC in mid-August, bringing news of the discovery of gold in California, and the great gold rush was on.

Another description of the northern branch of the Old Spanish Trail in Colorado is told in the report of the Gunnison Expedition. In 1853, Capt. John Williams Gunnison, of the U.S. Corps of Topographic Engineers, was commissioned by the War Department to find a route for the railroad across the Colorado Rockies along the 38th Parallel. The party of 31 men and 32 U.S. Army Dragoons left Fort Leavenworth, KS, on June 23, 1853. Among the civilians were a topographer, an artist-topographer, an astronomer, a botanist, a geologist-surgeon, and a wagon master and his crew to manage the 18-unit wagon train.

After crossing the Sangre de Cristo Range, north of La Veta Pass, the Gunnison Expedition came upon the northern branch of the Spanish Trail in the San Luis Valley. Captain Gunnison followed this existing trade route of the northern branch of the Spanish Trail into eastern Utah where it joined the main Spanish Trail. The Gunnison Expedition came to a tragic end on October 26, 1853, when Gunnison and four of his men and three soldiers were killed in a skirmish with Indians near the present site of Delta, UT.

The Old Spanish Trail played a part in all the cultures that occupied the West: the Utes, Navajos, Spaniards, Mexicans, and American settlers, including the mormons. The trail's period of use, from 1830 to the 1880's spans the development of the West, from the Spaniard on foot to the great railways. Few routes, if any, pass through as much relatively pristine country as the Old Spanish Trail, particularly in northwest New Mexico, western Colorado, central Utah, southern Nevada and southern California. A number of independent scholars and various researchers have begun separate studies of different segments of the trail, and an Old Spanish Trail Assoc. was recently founded in Colorado to study and preserve this trail, and raise the public awareness of our country's diverse cultural heritage in this region. Some of the members of the association have already located wagon ruts and other vestiges of the trail's heyday, and a proper study is certain to produce more such exciting echoes of our shared heritage.

These is a groundswell of support for a study of the Old Spanish Trail. I've received resolutions to designate the trail as historic from over 20 municipalities in Colorado, as well as the Colorado General Assembly. There are also a number of volunteer groups along the trail who are anxious to offer their services, expertise and assistance to this very exciting and long overdue endeavor.

The time has come to acknowledge the national historical importance of the Old Spanish Trail. Mr. President, this bill to designate the Old Spanish Trail for study for potential addition to the National Trails System promotes the recognition, protection and interpretation of our history in the West. By introducing this legislation today, we pay tribute to the cultures of the West, and to an important period in American history.

I urge my colleagues to support swift passage of this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 587

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following new paragraph:

"(36) The Old Spanish Trail, beginning in Santa Fe, New Mexico, proceeding through Colorado and Utah, and ending in Los Angeles, California, and the Northern Branch of the Old Spanish Trail, beginning near Espanola, New Mexico, proceeding through Colorado, and ending near Crescent Junction, Utah.

By Mr. DASCHLE (for himself, Mr. HARKIN, Mr. WELLSTONE, and Mr. PRESSLER):

S. 588. A bill to amend the Employee Retirement Income Security Act of 1974 with respect to rules governing litigation contesting termination or reduction with respect to rules governing litigation contesting termination or reduction of retiree health benefits; to the Committee on Labor and Human Resources.

RETIREE HEALTH BENEFITS PROTECTION ACT

Mr. DASCHLE. Mr. President, last week on the floor of the Senate I spoke about the struggles of the 1,200 retirees of the John Morrell meatpacking plant in Sioux Falls, who, along with over 2,000 other company retirees around the country, found out in January that their health benefits—benefits they believed they would have for life—were being abruptly terminated. These retirees, many of whom had accepted lower pensions in return for the promise of lifetime health benefits, were suddenly faced with the prospect of paying up to $500 a month per couple for health insurance or losing the benefits that they had assumed would be available during their retirement years.

Today I am introducing legislation to help these retirees and their families; legislation that would restore their health benefits as they seek redress in court and establish protections against such arbitrary behavior by employers in the future.

My bill would protect retirees' health benefits in two ways:

First, it would require employers to continue to provide retiree health benefits while a cancellation of benefits is being challenged in court. Anyone who has dealt with our legal system and its long waiting periods and delays knows the importance of this measure.

Why should anyone who has worked for 20 or 30 years be forced to spend his or her life savings on health insurance—or go without health insurance entirely—while their pleas for simple justice wind through the courts?

Second, my bill would eliminate the surprise nature of employee health benefit cancellations by requiring employers to prove they had warned workers in advance, before they retire, that their future benefits could be canceled at some time in the future. That seems only fair.

This legislation recognizes that health benefits are not charity. Many workers give up larger pensions and other benefits in exchange for them. It never occurs to these workers that their benefits could be taken away, with no increase in their pensions or other benefits to compensate for the loss.

Many workers stay with the same company for dozens of years, perhaps all of their adult lives. They believe that a company they help build will reward their loyalty, honesty, and hard work.

Unfortunately, this is not always the case, as the 3,300 retirees of John Morrell & Co. found out only a week before their benefits were terminated.

In this particular case, Morrell retirees received a simple, yet unexpected, letter stating their health insurance plan was being terminated, effective midnight, January 31, 1995—only a week later. The benefits being terminated, the letter said, included all hospital, major medical, and prescription drug coverage, Medicare supplemental insurance, vision care, and life insurance coverage.

For those retirees under 65, this action poses a particular problem. While Morrell gave them the option of paying for their own coverage for up to 1 year, few can afford the $500 monthly premium for a couple. And many cannot purchase coverage at any price, because of preexisting conditions like diabetes or heart disease. Medicare beneficiaries would have to buy expensive supplemental insurance on their own.

Morrell's decision was all the more painful to the retirees because it was so unexpected. These retirees believed they worked for a fair company; that a fair day's work resulted in a fair day's pay. Part of a fair day's pay is the retirement income and benefits employees earn through their service.

These retirees found out the hard way that the company they had helped to build had turned its back on them.

They also found out that the court system was not sympathetic to their cause. An Eighth Circuit Court of Appeals ruling allowed the company to take this action. The union representing the retirees plans to appeal the decision to the Supreme Court.

Sadly, some of the retirees won't live long enough to benefit from a possible reversal.

These proud and hard-working people now worry that high medical costs will impoverish them or force them to rely on their children or the government for financial help. Each day they live in fear of illness and injury because they have no health insurance.

Because this legislation is not just for the Morrell retirees, because what happened to these workers is not an isolated situation—it could happen to any of the 14 million retired workers who believe they and their families have life-long health insurance coverage through their employers.

Two-thirds of American companies surveyed recently had plans to reduce retiree health benefits or to shift more costs to retirees.

The Morrell dispute is one of 35 cases nationwide in which retirees are suing their former companies for slashing those benefits, or cutting them altogether.

As I have said repeatedly, the long-run solution is comprehensive health reform that guarantees every American—and employer—access to affordable health care.

I have fought over the years for this kind of comprehensive reform and was deeply disappointed when the 103d Congress was unable to pass legislation addressing some of our health care system's most serious problems. If we had passed health reform, the Morrell retirees would not be facing this loss of their health benefits today.

Clearly, the problems we talked about in last year's health reform debate did not solve themselves when the session ended.

And some of these problems, like the one the Morrell retirees face, cannot wait for the long-run. These retirees cannot wait for the resolution of the health reform debate.

The new majority in Congress seems to believe the solution to all our problems—economic, social, moral, you name it—is passing their so-called Contract With America.

I believe the solution is restoring the old contract between workers and employers. The contract that said if you work hard, you can get ahead. The contract that said if you give a company 20 or 30 years of loyal service, you can retire with dignity. The contract that said if you give someone your word, you will keep it.

Restoring that contract must be our ultimate aim.

In the meantime, I am determined to work with my colleagues in Congress to make sure retirees can keep their health insurance while they wait for their day in court, and to be sure that no other retirees get an unexpected letter in the mail, similar to the one the Morrell retirees received.

That is the goal of the legislation that I am introducing today.

I hope we can pass this measure expeditiously, to end the injustice of the Morrell situation, and so that others never have to face the problem Morrell retirees are grappling with today.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 588

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Retiree Health Benefits Protection Act".

SEC. 2. RULES GOVERNING LITIGATION INVOLVING RETIREE HEALTH BENEFITS.

(a) IN GENERAL.—Part 5 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1131 et seq.) is amended by adding at the end the following new section:

"SEC. 516. RULES GOVERNING LITIGATION INVOLVING RETIREE HEALTH BENEFITS.

"(a) MAINTENANCE OF BENEFITS.—

"(1) IN GENERAL.—If—

"(A) retiree health benefits or plan or plan sponsor payments in connection with such benefits are to be or have been terminated or reduced under an employee welfare benefit plan; and

"(B) an action is brought by any participant or beneficiary to enjoin or otherwise modify such termination or reduction,

the court without requirement of any additional showing shall promptly order the plan and plan sponsor to maintain the retiree health benefits and payments at the level in effect immediately before the termination or reduction while the action is pending in any court. No security or other undertaking shall be required of any participant or beneficiary as a condition for issuance of such relief. An order requiring such maintenance of benefits may be refused or dissolved only upon determination by the court, on the basis of clear and convincing evidence, that the action is clearly without merit.

"(2) EXCEPTIONS.—Paragraph (1) shall not apply to any action if—

"(A) the termination or reduction of retiree health benefits is substantially similar to a termination or reduction in health benefits (if any) provided to current employees which occurs either before, or at or about the same time as, the termination or reduction of retiree health benefits, or

"(B) the changes in benefits are in connection with the addition, expansion, or clarification of the delivery system, including utilization review requirements and restrictions, requirements that goods or services be obtained through managed care entities or specified providers or categories of providers, or other special major case management restrictions.

"(3) MODIFICATIONS.—Nothing in this section shall preclude a court from modifying the obligation of a plan or plan sponsor to the extent retiree benefits are otherwise being paid by the plan sponsor.

"(b) BURDEN OF PROOF.—In addition to the relief authorized in subsection (a) or otherwise available, if, in any action to which subsection (a)(1) applies, the terms of the employee welfare benefit plan summary plan description or, in the absence of such description, other materials distributed to employees at the time of a participant's retirement or disability, are silent or are ambiguous, either on their face or after consideration of extrinsic evidence, as to whether retiree health benefits and payments may be terminated or reduced for a participant and his or her beneficiaries after the participant's retirement or disability, then the benefits and payments shall not be terminated or reduced for the participant and his or her beneficiaries unless the plan or plan sponsor establishes by a preponderance of the evidence that the summary plan description or other materials about retiree benefits—

"(1) were distributed to the participant at least 90 days in advance of retirement or disability;

"(2) did not promise retiree health benefits for the lifetime of the participant and his or her spouse; and

"(3) clearly and specifically disclosed that the plan allowed such termination or reduction as to the participant after the time of his or her retirement or disability.

The disclosure described in paragraph (3) must have been made prominently and in language which can be understood by the average plan participant.

"(c) REPRESENTATION.—Notwithstanding any other provision of law, an employee representative of any retired employee or the employee's spouse or dependents may—

"(1) bring an action described in this section on behalf of such employee, spouse, or dependents; or

"(2) appear in such an action on behalf of such employee, spouse or dependents.

"(d) RETIREE HEALTH BENEFITS.—For the purposes of this section, the term 'retiree health benefits' means health benefits (including coverage) which are provided to—

"(1) retired or disabled employees who, immediately before the termination or reduction, have a reasonable expectation to receive such benefits upon retirement or becoming disabled; and

"(2) their spouses or dependents."

(b) CONFORMING AMENDMENT.—The table of contents in section 1 of such Act is amended by inserting after the item relating to section 515 the following new item:

"Sec. 516. Rules governing litigation involving retiree health benefits."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to actions relating to terminations or reductions of retiree health benefits which are pending or brought, on or after March 23, 1995.

By Mr. COATS (for himself, Mr. DOLE, Mr. SPECTER, Mr. LUGAR, and Mrs. KASSEBAUM):

S. 589. A bill to amend the Solid Waste Disposal Act to permit Governors to limit the disposal of out-of-State solid waste in their States, and for other purposes; to the Committee on Environment and Public Works.

INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE

Mr. COATS. Mr. President, today I rise to introduce the Interstate Transportation of Municipal Solid Waste Act of 1995. For the past 5 years, I have fought to give all States and local communities the right to say "No" to out-of-State trash. I am convinced that interstate waste legislation is necessary so that States and communities can intelligently plan their waste disposal needs.

As interstate waste legislation has traveled through the Senate and the House, we have learned important principles in the effort to protect importing States while allowing exporters sufficient time to adjust to new rules. My bill incorporates these important principles.

First, my bill allows the importing States to ratchet down the amount of trash they receive. Beginning in 1997, landfills and incinerators that receive more than 50,000 tons of trash may reduce the amount of out-of-State trash they import.

Second, my bill requires the exporting States to reduce the amount of trash that they export by certain target dates. This provision allows for a gradual adjustment on the part of the large exporting States.

Third, my bill allows all States to choose between 1993 and 1994 freeze levels. This provision ensures flexibility without sacrificing protection from flow levels that fluctuate.

Finally, my bill will provide additional backup authority to limit waste flows by allowing the State planning and permitting process to take into account local need when siting new capacity. Under this provision, a State could deny a permit for construction or operation of a new landfill based on the fact that there is no local or regional need.

The flow of waste across State lines is not a new problem. States like Michigan, Ohio, Pennsylvania, Virginia, and Indiana have suffered under the tremendous volumes of out-of-State waste. States have tried to stop the growing shipments of interstate waste by enacting legislation that restricts the flow. Yet, courts have held many of these laws in violation of the commerce clause and therefore unconstitutional. In order to address the constitutional question, Congress must legislate the issue.

During the past 5 years, Congress has come close to giving the States the power to enact interstate waste legislation. Many of my colleagues have worked very hard to see that this is finally accomplished. We have had to give and take on both sides. I am hopeful that this is the year that Congress can complete the task.

This legislation issues a simple plea for each community, each State, to be responsible for the environment, and accountable for the trash they generate.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 589

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Interstate Transportation of Municipal Waste Act of 1995".

SEC. 2. INTERSTATE TRANSPORTATION OF MUNICIPAL WASTE.

Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following new section:

"INTERSTATE TRANSPORTATION OF MUNICIPAL WASTE

"SEC. 4011. (a) AUTHORITY TO RESTRICT OUT-OF-STATE MUNICIPAL WASTE.—(1)(A) Except as provided in subsection (b), if requested in writing by an affected local government, a Governor may prohibit the disposal of out-of-State municipal waste in any landfill or incinerator that is subject to the jurisdiction of the Governor or the affected local government.

"(B) Prior to submitting a request under this section, the affected local government shall—

"(i) provide notice and opportunity for public comment concerning any proposed request; and

"(ii) following notice and comment, take formal action on any proposed request at a public meeting.

"(2) Beginning with calendar year 1995, a Governor of a State may, with respect to landfills covered by the exceptions provided in subsection (b)—

"(A) notwithstanding the absence of a request in writing by the affected local government—

"(i) limit the quantity of out-of-State municipal waste received for disposal at each landfill in the State to an annual quantity equal to the quantity of out-of-State municipal waste received for disposal at the landfill during the calendar year 1993 or 1994, whichever is less; and

"(ii) limit the disposal of out-of-State municipal waste at landfills that received, during calendar year 1993, documented shipments of more than 50,000 tons of out-of-State municipal waste representing more than 30 percent of all municipal waste received at the landfill during the calendar year, by prohibiting at each such landfill the disposal, in any year, of a quantity of out-of-State municipal waste that is greater than 30 percent of all municipal waste received at the landfill during calendar year 1993; and

"(B) if requested in writing by the affected local government, prohibit the disposal of out-of-State municipal waste in landfill cells that do not meet the design and location standards and leachate collection and ground water monitoring requirements of State law and regulations in effect on January 1, 1993, for new landfills.

"(3)(A) In addition to the authorities provided in paragraph (1)(A), beginning with calendar year 1997, a Governor of any State, if requested in writing by the affected local government, may further limit the disposal of out-of-State municipal waste as provided in paragraph (2)(A)(ii) by reducing the 30 percent annual quantity limitation to 20 percent in each of calendar years 1998 and 1999, and to 10 percent in each succeeding calendar year.

"(B)(i) A State may ban imports from large exporting States if the volumes of municipal solid waste exported by those States did not meet reduction targets.

"(ii) A ban under clause (i) may prohibit imports from States that export more than—

"(I) 3,500,000 tons in calendar year 1996;

"(II) 3,000,000 tons in calendar year 1997;

"(III) 3,000,000 tons in calendar year 1998;

"(IV) 2,500,000 tons in calendar year 1999;

"(V) 2,500,000 tons in calendar year 2000;

"(VI) 1,500,000 tons in calendar year 2001; or

"(VII) 1,500,000 tons in calendar year 2002;

"(VIII) 1,000,000 tons in any calendar year after 2002,

excluding any volume legitimately covered by a host community agreement.

"(4)(A) Any limitation imposed by the Governor under paragraph (2)(A)—

"(i) shall be applicable throughout the State;

"(ii) shall not discriminate against any particular landfill within the State; and

"(iii) shall not discriminate against any shipments of out-of-State municipal waste on the basis of State of origin.

"(B) In responding to requests by affected local governments under paragraphs (1)(A) and (2)(B), the Governor shall respond in a manner that does not discriminate against any particular landfill within the State and does not discriminate against any shipments of out-of-State municipal waste on the basis of State of origin.

"(5)(A) Any Governor who intends to exercise the authority provided in this paragraph shall, within 120 days after the date of enactment of this section, submit to the Administrator information documenting the quantity of out-of-State municipal waste received for disposal in the State of the Governor during calendar years 1993 and 1994.

"(B) On receipt of the information submitted pursuant to subparagraph (A), the Administrator shall notify the Governor of each State and the public and shall provide a comment period of not less than 30 days.

"(C) Not later than 60 days after receipt of information from a Governor under subparagraph (A), the Administrator shall determine the quantity of out-of-State municipal waste that was received at each landfill covered by the exceptions provided in subsection (b) for disposal in the State of the Governor during calendar years 1993 and 1994, and provide notice of the determination to the Governor of each State. A determination by the Administrator under this subparagraph shall be final and not subject to judicial review.

"(D) Not later than 180 days after the date of enactment of this section, the Administrator shall publish a list of the quantity of out-of-State municipal waste that was received during calendar years 1993 and 1994 at each landfill covered by the exceptions provided in subsection (b) for disposal in each State in which the Governor intends to exercise the authority provided in this paragraph, as determined in accordance with subparagraph (C).

"(b) EXCEPTIONS TO AUTHORITY TO PROHIBIT OUT-OF-STATE MUNICIPAL WASTE.—The authority to prohibit the disposal of out-of-

State municipal waste provided under subsection (a)(1) shall not apply to—

"(1) landfills in operation on the date of enactment of this section that—

"(A) received during calendar year 1993 documented shipments of out-of-State municipal waste; and

"(B) are in compliance with all applicable State laws (including any State rule or regulation) relating to design and location standards, leachate collection, ground water monitoring, and financial assurance for closure and post-closure and corrective action;

"(2) proposed landfills that, prior to January 1, 1993, received—

"(A) an explicit authorization as part of a host community agreement from the affected local government to receive municipal waste generated out-of-State; and

"(B) a notice of decision from the State to grant a construction permit; or

"(3) incinerators in operation on the date of enactment of this section that—

"(A) received, during calendar year 1993, documented shipments of out-of-State municipal waste;

"(B) are in compliance with the applicable requirements of section 129 of the Clean Air Act (42 U.S.C. 7429); and

"(C) are in compliance with all applicable State laws (including any State rule or regulation) relating to facility design and operations.

"(c) DENIAL OF PERMITS ON GROUND OF LACK OF NEED.—

"(1) DENIAL.—A State may deny a permit for the construction or operation of a new landfill or incinerator or a major modification of an existing landfill or incinerator if—

"(A) the State has approved a State or local comprehensive solid waste management plan developed under Federal or State law; and

"(B) the denial is based on the State's determination, pursuant to a State law authorizing such denial, that there is not a local or regional need of the landfill or incinerator in the State.

"(2) UNDUE BURDEN.—A denial of a permit under paragraph (1) shall not be considered to impose an undue burden on interstate commerce or to otherwise impair, restrain, or discriminate against interstate commerce.

"(d) DEFINITIONS.—As used in this section:

"(1) The term 'affected local government' means—

"(A) the public body authorized by State law to plan for the management of municipal solid waste, a majority of the members of which are elected officials, for the area in which the landfill or incinerator is located or proposed to be located; or

"(B) if there is not such body created by State law, the elected officials of the city, town, township, borrough, county, or parish selected by the Governor and exercising primary responsibility over municipal solid waste management or the use of land in the jurisdiction in which the facility is located or proposed to be located.

"(2) The term 'affected local solid waste planning unit' means a political subdivision of a State with authority relating to solid waste management planning in accordance with State law.

"(3) With respect to a State, the term 'out-of-State municipal waste' means municipal waste generated outside the State. To the extent that it is consistent with the United States-Canada Free Trade Agreement and the General Agreement on Tariffs and Trade, the term shall include municipal waste generated outside the United States.

"(4) The term 'host community agreement' means a written, legally binding document or documents executed by duly authorized officials of the affected local government that specifically authorizes a landfill or incinerator to receive municipal solid waste generated out-of-State.

"(5) The term 'municipal waste' means refuse (and refuse-derived fuel) generated by the general public or from a residential, commercial, institutional, or industrial source (or any combination thereof), consisting of paper, wood, yard wastes, plastics, leather, rubber, or other combustible or noncombustible materials such as metal or glass (or any combination thereof). The term 'municipal waste' does not include—

"(A) any solid waste identified or listed as a hazardous waste under section 3001;

"(B) any solid waste, including contaminated soil and debris, resulting from a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604, 9606) or a corrective action taken under this Act;

"(C) any metal, pipe, glass, plastic, paper, textile, or other material that has been separated or diverted from municipal waste and has been transported into the State for the purpose of recycling or reclamation;

"(D) any solid waste that is—

"(i) generated by an industrial facility; and

"(ii) transported for the purpose of treatment, storage, or disposal to a facility that is owned or operated by the generator of the waste, or is located on property owned by the generator or a company with which the generator is affiliated;

"(E) any solid waste generated incident to the provision of service in interstate, intrastate, foreign, or overseas air transportation;

"(F) any industrial waste that is not identical to municipal waste with respect to the physical and chemical state of the industrial waste, and composition, including construction and demolition debris;

"(G) any medical waste that is segregated from or not mixed with municipal waste; or

"(H) any material or product returned from a dispenser or distributor to the manufacturer for credit, evaluation, or possible reuse.".

SEC. 3. TABLE OF CONTENTS AMENDMENT.

The table of contents of the Solid Waste Disposal Act is amended by adding at the end of the items relating to subtitle D the following new item:

"Sec. 4011. Interstate transportation of municipal waste.".

By Mr. CRAIG:

S. 590. A bill for the relief of Matt Clawson; to the Committee on Energy and Natural Resources.

PRIVATE RELIEF FOR MATT CLAWSON

Mr. CRAIG. Mr. President, today, I am introducing legislation on behalf of Matt Clawson of Pocatello, ID. Mr. Clawson has been required to pay dearly for mistakes made by his Government. His plaintive appeal for help is a proper place for Congress to begin redressing and reforming profligate regulatory excesses, abuses, and injustices by this Government against its citizens.

Mr. Clawson obtained from the U.S. Forest Service all of the required approvals for his mining claim and plan of operations on the Middle Fork of the Salmon River near the Frank Church River of No Return Wilderness in Idaho. He spend what was for him an enormous sum of money to develop and begin working the claim according to Forest Service requirements. Shortly thereafter, however, and before he could recover any of his investment, he was required to cease operations. The reason was a lawsuit and subsequent court rulings that found the Forest Service had erred in granting the approvals.

This bill simply reimburses Mr. Clawson's expenses with interest added. It does not attempt to provide compensation for any purported value of the claim. He has exhausted all of his legal remedies, necessitating this private relief bill. I believe the compensation is more than warranted. Moreover, U.S. Claims Court Judge Wiese commented on the record that Mr. Clawson's case had "been a very troubling case" for him and he believed "this man should be given some relief somewhere." That somewhere can only be, and must be, here.

By Mrs. HUTCHISON:

S. 592. A bill to amend the Occupational Safety and Health Act of 1970 and the National Labor Relations Act to modify certain provisions, to transfer certain occupational safety and health functions to the Secretary of Labor, and for other purposes; to the Committee on Labor and Human Resources.

OCCUPATIONAL SAFETY AND HEALTH REFORM ACT

Mrs. HUTCHISON. Mr. President, one issue about which all of us have heard from our constituents, over and over again, is the need for fundamental reform of the tortured and increasingly tangled web of Federal overregulation. Perhaps more than in any other area of Federal Government regulation, the Occupational Safety and Health Administration [OSHA] has come to symbolize what is wrong. Today I offer a bill to reform the laws that were originally intended to ensure workplace safety.

I have spoken on the floor of the Senate on numerous occasions in recent months on examples of Federal Government overregulation, of the unintended consequences of regulatory excess that puts Americans out of work, usurps our constitutional rights, and saps our productivity and economic competitiveness. OSHA problems are always at the top of my constituents' concerns.

For example, in my home State of Texas, an OSHA compliance officer from the Corpus Christi area office, stated under oath that OSHA area directors are under enormous pressure to produce high numbers of citations and penalties—that OSHA employees' job performance evaluations apparently depend on meeting de facto quotas. This same OSHA compliance officer also testified that his supervisor directed him to cite companies, even when both the supervisor and the inspector knew full well a company did not violate any regulation and did not warrant a citation. In the words of this conscientious officer, his supervisors told him to hit the employer.

In otherwords, Mr. President, one regulator can carry on a vendetta against an innocent business, thus jeopardizing that business and everyone who depends on that business to support themselves and their families. This sort of thing is not supposed to happen in America, and it is Congress' job to make sure it does not.

Congress originally established OSHA to protect Americans from the threat of injury in the workplace. OSHA was charged with investigating and, if necessary, penalizing businesses that willfully endangered its workers. Businesses and workers have a mutual interest in promoting workplace safety. No responsible businessman or businesswoman would intentionally put another human being at risk. Furthermore, accidents reduce productivity and cost money; they deprive businesses of their most important, hardworking, productive employees. No business prospers when its employees are ill or injured.

Congress founded OSHA with the hope and expectation that the Federal Government could encourage businesses and employees to work together to resolve problems and to foster safer working environments. Mr. President, this hope has been dashed—dashed by the congress' failure to update Federal safety laws to keep pace with changes in the workplace, dashed by the emergence of a culture of regulatory excess that eats away at the vitality of our economy.

Therefore, I introduce a bill today to restore what Congress intended 25 years ago, when OSHA was created, and to inject into our regulatory agencies some common sense and sound objective criteria. My bill aims to foment real cooperation between employer, employee and the Federal Government, and to ensure that OSHA's resources are focused on the safety issues the American people want to have protected—not on vendettas against certain businesses, not on quotas for Federal inspectors to meet, not on tearing down labor-management cooperation we must have if we are to continue as the world's most productive and dynamic economy.

A safe worksite is everybody's responsibility, but today that is not the case. Laws are enforced so that the responsibility rests exclusively on the employer. Employers must be held accountable, but the frivolousness manner in which safety laws are applied in many cases does nothing to improve safety and does incalculable harm to American's confidence in their Government.

Not long ago, the Indiana OSHA found the owner of an Indiana Handy Mart liable for not providing a safe workplace after an armed bandit robbed and killed an employee of the store. In other words, it is the store owner's fault that there are armed criminals on our streets. By this same logic, it is every robbery victim's fault, for not having taken sufficient precautions.

Mr. President, we all know how serious the problem of crime and violence are. But does anyone think the fault for this crisis and the responsibility for overcoming it lies with the victims?

This case highlights the way that regulatory excess has been allowed to drift into absurdity. Indeed, the absurd is becoming the norm, as millions of Americans who operate businesses and work for a living know. It is Congress that has refused to acknowledge how long overdue are the fundamental reforms needed to restore common sense.

My bill will also stop OSHA from citing an employer, even when he or she has provided the proper training and equipment to prevent an accident, and taken every conceivable step to assure safety.

In east Texas, after two workers—a supervisor and his assistant—died of asphyxiation after entering a confined space against strict company policy, originally OSHA concluded that there was no violation, and OSHA closed the case. However, OSHA reopened the case and issued several citations after a civil lawsuit was filed. The employer's insurance company panicked and settled the suit for $1.5 million. Subsequently, OSHA dropped the citations. But the harm was done.

This kind of case sets a very dangerous precedent. The mere fact that OSHA has cited a company is often enough to convince a jury of employer wrongdoing, and in many jurisdictions a citation is admissible as per se negligence. An employer has no choice but to challenge every OSHA citation for fear of civil liability if he or she complies. We must change that, and my bill does—by making OSHA citations and abatement efforts inadmissible as evidence in any private litigation or enhancement of recovery under worker's compensation law.

My bill also changes current OSHA practice of conducting wall-to-wall inspections of a business whenever an employee files a complaint about a specific workplace issue. Congress didn't intend for Federal regulators to tear a business apart every time a complaint is filed. OSHA's current policies threaten every business with a disgruntled employee.

To encourage more labor-management cooperation, my legislation also asks that an employee first notify his or her employer of a potential workplace hazard. Any responsible business operator will take steps to rectify problems before an accident occurs. If not, OSHA can step in and take action. Common sense, Mr. President, just plain common sense.

Another provision of my legislation borrows from the TEAM Act, introduced by my friend from Kansas, Senator KASSEBAUM, who chairs the Senate Labor and Human Resources Committee. Federal regulators currently prohibit employers and employees from forming employer-employee groups to discuss issues like workplace safety. The legislation I introduce today, just like the TEAM Act which Senator KASSEBAUM has authored—which I cosponsored—would permit such legitimate workplace cooperation.

Businesses, especially small businesses, are finding it increasingly difficult to endure the current regulatory environment. The same small business sector that has always been the engine of economic growth, the creator of most new jobs in our country, is increasingly stifled and hamstrung by a rising tide of Federal overregulation.

But as I speak, OSHA is readying a gigantic expansion of its regulatory authority. Its so-called ergonomics rules will give OSHA authority to control virtually every aspect of a business' operations. Under the proposed new rules, OSHA would be able to set limits on employee productivity, to limit work shifts and overtime, to re-design machinery, even entire production lines, and to prohibit innovation.

At best, these proposed rules are based on the shakiest of scientific justification. But there is no doubt of the harm they will do. Initial estimates put the costs of compliance at $21 billion a year. Eventually, however, these new rules would guarantee our businesses and our workers would lose ground steadily in the vital areas of productivity and innovation, thus doing incalculable harm to our economy.

According to the Clinton administration's 1995 regulatory plan, OSHA is also working on eight other significant new regulations. A bureaucratic parlance, a significant action is one that will cost at least $100 million annually. It's no wonder the administration is requesting a more-than-10 percent increase in OSHA's budget. Enforcing all of these new regulations will require thousands of new inspectors, supervisors, and bureaucrats.

The administration also is fighting to maintain funding for the National Institute for Occupational Safety and Health, which I propose to end. NIOSH costs nearly $133 million this year, with no appreciable benefits for workplace safety or the national welfare.

Twenty-five years ago, this body helped to create a new agency, OSHA, to pursue a worthwhile goal—protecting American workers from avoidable injury in the work place. The idea was based upon a partnership between employers, employees and the Government. That experiment has not worked. The very legislation that was meant to free people from the everyday threat of accidental injury is now threatening to remove our freedoms.

Mr. President, we have the responsibility of averting threats to our freedoms. We can do so merely by doing what Congress intended to do in the first place. Through the application of common sense tests for Federal involvement and return to cooperation, we can make worksites both safer and better.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 592

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Occupational Safety and Health Reform Act of 1995".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

SEC. 2. USE OF OSHA IN PRIVATE LITIGATION.

Section 4(b)(4) (29 U.S.C. 653(b)(4)) is amended by adding before the period the following: ", except that an allegation of a violation, a finding of a violation, or an abatement of an alleged violation, under this Act or the standards promulgated under this Act shall not be admissible as evidence in any civil action or used to increase the amount of payments received under any workmen's compensation law for any work-related injury".

SEC. 3. DUTIES OF EMPLOYERS AND EMPLOYEES.

Section 5 (29 U.S.C. 654) is amended by adding at the end the following new subsection:

"(c) On multi-employer work sites, an employer may not be cited for a violation of this section if the employer—

"(1) has not created the condition that caused the violation; or

"(2) has no employees exposed to the violation and has not assumed responsibility for ensuring compliance by other employers on the work site.".

SEC. 4. STANDARD SETTING.

(a) STANDARDS.—Section 6(b)(5) (29 U.S.C. 655(b)(5)) is amended to read as follows:

"(5) The development of standards under this section shall be based on the latest scientific data in the field and on research demonstrations, experiments, and other information that may be appropriate. In establishing the standards, the Secretary shall consider, and make findings, based on the following factors:

"(A) The standard shall be needed to address a significant risk of material impairment to workers and shall substantially reduce that risk.

"(B) The standard shall be technologically and economically feasible.

"(C) There shall be a reasonable relationship between the costs and benefits of the standard.

"(D) The standard shall provide protection to workers in the most cost-effective manner and minimize employment loss due to the standard in the affected industries and sectors of industries.

"(E) Whenever practicable, the standard shall be expressed in terms of objective criteria and of the performance desired.".

(b) VARIANCES.—Section 6(d) (29 U.S.C. 655(d)) is amended by adding at the end the following new sentences: "No citation shall be issued for a violation of an occupational safety and health standard that is the subject of a good faith application for a variance during the period the application is pending before the Secretary.".

(c) STANDARD PRIORITIES.—The second sentence of section 6(g) (29 U.S.C. 655(g)) is amended to read as follows: "In determining the priority for establishing standards dealing with toxic materials or the physical agents of toxic materials, the Secretary shall consider the number of workers exposed to the substance, the nature and severity of potential impairment, and the likelihood of such impairment based on information obtained by the Secretary from the Environmental Protection Agency, the Department of Health and Human Services, and other appropriate sources.".

(d) REGULATORY FLEXIBILITY ANALYSIS.—Section 6 (29 U.S.C. 655) is amended by adding at the end the following new subsections:

"(h) In promulgating an occupational safety and health standard under subsection (b), the Secretary shall perform a regulatory flexibility analysis described in sections 603 and 604 of title 5, United States Code.

"(i) In promulgating any occupational safety and health standard under subsection (b), the Secretary shall minimize the time, effort, and costs involved in the retention, reporting, notifying, or disclosure of information to the Secretary, to third parties, or to the public to the extent consistent with the purpose of the standard. Compliance with the requirement of this subsection may be included in a review under subsection (f).".

SEC. 5. INSPECTIONS.

(a) AUTHORITY OF SECRETARY.—Section 8(a)(2) (29 U.S.C. 657(a)(2)) is amended to read as follows:

"(2) to inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials in such place of employment.

In conducting inspections and investigations under paragraph (2), the Secretary may question any such employer, owner, operator, agent or employee. Interviews of employees may be in private if the employee so requests.".

(b) RECORDKEEPING.—

(1) GENERAL MAINTENANCE.—The first sentence of section 8(c)(1) (29 U.S.C. 657(c)(1)) is amended to read as follows: "Each employer shall make, keep and preserve, and make available upon reasonable request and within reasonable limits to the Secretary or the Secretary of Health and Human Services, such records regarding the activities of the employer relating to this Act as the Secretary, in cooperation with the Secretary of Health and Human Services, may prescribe by regulation as necessary or appropriate for the enforcement of this Act or for developing information regarding the causes and prevention of occupational accidents and illnesses.".

(2) RECORDS OR REPORTS ON INJURIES.—Section 8(c) (29 U.S.C. 657(c)) is amended by adding at the end the following new paragraphs:

"(4) In prescribing regulations under this subsection, the Secretary may not require employers to maintain records of, or to make reports on, injuries that do not involve lost work time or that involve employees of other employers.

"(5) In prescribing regulations requiring employers to report work-related deaths and multiple hospitalizations, the Secretary shall include provisions that provide an employer at least 24 hours in which to make such report.".

(c) INSPECTIONS BASED ON EMPLOYEE COMPLAINTS.—Section 8(f) (29 U.S.C. 657(f)) is amended to read as follows:

"(f)(1)(A) An employee or representative of an employee who believes that a violation of a safety or health standard exists that threatens physical harm, or that an imminent danger exists, may request an inspection by giving notice to the Secretary or an authorized representative of the Secretary of such violation or danger.

"(B) Notice under subparagraph (A) shall be reduced to writing, shall set forth with reasonable particularity the grounds for the notice, and shall state that the alleged violation or danger has been brought to the attention of the employer and the employer has refused to take any action to correct the alleged violation or danger.

"(C)(i) The notice under subparagraph (A) shall be signed by the employees or representative of employees and a copy shall be provided to the employer or the agent of the employer no later than the time of arrival of an occupational safety and health agency inspector to conduct the inspection.

"(ii) Upon the request of the person giving the notice under subparagraph (A), the name of the person and the names of individual employees referred to in the notice shall not appear in the copy or on any record published, released, or made available pursuant to subsection (i), except that the Secretary may disclose this information during prehearing discovery in a contested case.

"(D) The Secretary may not make an inspection under this section except on request by an employee or representative of employees.

"(E) If upon receipt of the notice under subparagraph (A), the Secretary determines that the employee or employee representative has brought the alleged violation or danger to the attention of the employer and the employer has refused to take corrective action, and there are reasonable grounds to believe such violation or danger still exists, the Secretary shall make a special inspection in accordance with this section as soon as possible. The special inspection shall be conducted for the limited purpose of determining whether such violation or danger exists.

"(2) If the Secretary determines either before, or as a result of, an inspection that there are not reasonable grounds to believe a violation or danger exists, the Secretary shall notify the complaining employee or employee representative of the determination and, upon request by the employee or employee representative, shall provide a written statement of the reasons for the Secretary's final disposition of the case.".

(d) TRAINING AND ENFORCEMENT.—Section 8 (29 U.S.C. 657) is amended—

(1) by redesignating subsection (g) as subsection (i); and

(2) by inserting after subsection (f) the following new subsections:

"(g) Inspections conducted under this section shall be conducted by at least one person who has training in, and is knowledgeable of, the industry or types of hazards being inspected.

"(h)(1) Except as provided in paragraph (2), the Secretary shall not conduct routine inspections of, or enforce any standard, rule, regulation, or order under this Act with respect to—

"(A) an employer who is engaged in a farming operation that does not maintain a temporary labor camp and employs 100 or fewer employees; or

"(B) an employer of not more than 100 employees if the employer is included within a category of employers having an occupational injury or a lost workday case rate (determined under the Standard Industrial Classification Code for which such data are published) which is less than the national average rate as most recently published by the Secretary acting through the Bureau of Labor Statistics under section 24.

"(2) In the case of an employer described in subparagraph (B) of paragraph (1), such paragraph shall not be construed to prohibit the Secretary from—

"(A) providing under this Act consultations, technical assistance, and educational and training services;

"(B) conducting under this Act surveys and studies;

"(C) conducting inspections or investigations in response to employee complaints, issuing citations for violations of this Act found during an inspection, and assessing a penalty for violations that are not corrected within a reasonable abatement period;

"(D) taking any action authorized by this Act with respect to imminent dangers;

"(E) taking any action authorized by this Act with respect to health standards;

"(F) taking any action authorized by this Act with respect to a report of an employment accident that is fatal to at least one employee or that results in hospitalization of at least three employees and taking any action pursuant to an investigation of such report; and

"(G) taking any action authorized by this Act with respect to complaint of discrimination against employees for exercising their rights under this Act.".

SEC. 6. VOLUNTARY COMPLIANCE.

(a) PROGRAM.—The Occupational Safety and Health Act of 1970 (21 U.S.C. 651 et seq.) is amended by inserting after section 8 the following new section:

"SEC. 8A. VOLUNTARY COMPLIANCE.

"(a) IN GENERAL.—The Secretary shall by regulation establish a program to encourage voluntary employer and employee efforts to provide safe and healthful working conditions.

"(b) EXEMPTION.—In establishing a program under subsection (a), the Secretary shall, in accordance with subsection (c), provide an exemption from all safety and health inspections and investigations with respect to a place of employment maintained by an employer, except inspections and investigations conducted for the purpose of—

"(1) determining the cause of a workplace accident that resulted in the death of one or more employees or the hospitalization of three or more employees; or

"(2) responding to a request for an inspection pursuant to subsection (f)(1).

"(c) REQUIREMENTS FOR EXEMPTION.—In order to qualify for the exemption provided under subsection (b), an employer shall provide to the Secretary evidence that—

"(1) the place of employment or conditions of employment have, during the preceding year, been reviewed or inspected under—

"(A) a consultation program provided by any State agency relating to occupational safety and health;

"(B) a certification or consultation program provided by an insurance carrier or other private business entity pursuant to a State program, law, or regulation; or

"(C) a workplace consultation program provided by any other person certified by the Secretary for purposes of providing such consultations; or

"(2) the place of employment has an exemplary safety record and the employer maintains a safety and health program for the workplace that—

"(A) includes—

"(i) procedures for assessing hazards to the employees of the employer that are inherent to the operations or business of the employer;

"(ii) procedures for correcting or controlling the hazards in a timely manner based on the severity of the hazard; and

"(iii) employee participation in the program including, at a minimum—

"(I) regular consultation between the employer and nonsupervisory employees regarding safety and health issues; and

"(II) opportunity for nonsupervisory employees to make recommendations regarding hazards in the workplace and to receive responses or to implement improvements in response to such recommendations; and

"(B) provides assurances that participating nonsupervisory employees have training or expertise on safety and health issues consistent with the responsibilities of the employees.

A program under subparagraph (A) or (B) of paragraph (1) shall include methods that ensure that serious hazards identified in the consultation are corrected within an appropriate time.

"(d) CERTIFICATION.—The Secretary may require that an employer in order to claim the exemption under subsection (b) give certification to the Secretary and notice to the employees of the employer of the eligibility of the employer for an exemption.".

(b) DEFINITION.—Section 3 (29 U.S.C. 652) is amended by adding at the end the following new paragraph:

"(15) The term 'exemplary safety record' means that an employer has had, in the most recent annual reporting of the employer required by the Occupational Safety and Health Administration, no employee death caused by occupational injury and fewer lost workdays due to occupational injury and illness than the average for the industry of which the employer is a part.".

SEC. 7. EMPLOYER DEFENSES.

Section 9 (29 U.S.C. 658) is amended by adding at the end the following new subsections:

"(d) No citation may be issued under subsection (a) to an employer unless the employer knew or with the exercise of reasonable diligence would have known of the presence of the alleged violation. No citation shall be issued under subsection (a) to an employer for an alleged violation of section 5, any standard, rule, or order promulgated pursuant to section 6, any other regulation promulgated under this Act, or any other occupational safety and health standard, if such employer demonstrates that—

"(1) employees of such employer have been provided with the proper training and equipment to prevent such a violation;

"(2) work rules designed to prevent such a violation have been established and adequately communicated to employees by such employer; and

"(3) the failure of employees to observe work rules led to the violation.

"(e) A citation issued under subsection (a) to an employer that violates the requirements of any standard, rule, or order promulgated pursuant to section 6 or any other regulation promulgated under this Act shall be vacated if such employer demonstrates that employees of such employer were protected by alternative methods equally or more protective of the safety and health of the employee than the methods required by such standard, rule, order, or regulation in the factual circumstances underlying the citation.

"(f) Subsections (d) and (e) shall not be construed to eliminate or modify other defenses that may exist to any citation.".

SEC. 8. THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

(a) PROCEDURE FOR ENFORCEMENT.—

(1) NOTIFICATION.—The first sentence of section 10(b) (29 U.S.C. 659(b)) is amended to read as follows: "If the Secretary has reason to believe an employer has failed to correct a violation for which a citation has been issued within the period permitted for the correction of such violation, the Secretary shall notify the employer by certified mail of such failure and of the penalty proposed to be assessed under section 17 by reason of such failure, and that the employer has 15 working days within which to notify the Secretary that the employer desires to contest the notification of the Secretary or the proposed assessment of penalty. The period described in the first sentence shall not begin to run until the time for contestation has expired or the entry of a final order by the Commission in a contested case initiated by the employer in good faith and not solely for delay or avoidance of penalties.".

(2) BURDEN OF PROOF.—Section 10 (29 U.S.C. 659) is further amended by adding at the end the following new subsection:

"(d) In all hearings before the Commission relating to a contested citation, the Secretary shall have the burden of proving by a preponderance of the evidence—

"(1) the existence of a violation;

"(2) that the violation for which the citation was issued constitutes a realistic hazard to the safety and health of the affected employees;

"(3) that there is a likelihood that such hazard will result in employee injury;

"(4) that the employer knew or with the exercise of reasonable diligence should have known of the hazard and violation; and

"(5) that a technically and economically feasible method of compliance exists.".

(b) JUDICIAL REVIEW.—Section 11(a) (29 U.S.C. 660(a)) is amended by inserting after "conclusive." at the end of the sixth sentence the following: "The court shall make its own determination as to questions of law, including the reasonable interpretation of standards, and shall not accord deference to either the Commission or the Secretary.".

SEC. 9. DISCRIMINATION.

(a) COMPLAINT.—Section 11(c)(2) (29 U.S.C. 660(c)(2)) is amended to read as follows:

"(2)(A)(i) Any employee who believes that such employee has been discharged or otherwise discriminated against by the employer of such employee in violation of this subsection may, within 30 days after such violation occurs, file a complaint with the Secretary alleging such discrimination.

"(ii) A complaint may not be filed under clause (i) after the expiration of the 30-day period described in such clause.

"(B)(i) Upon receipt of a complaint under subparagraph (A) and as the Secretary considers appropriate, the Secretary shall conduct an investigation.

"(ii) If upon such investigation, the Secretary determines that the provisions of this subsection have been violated, the Secretary shall attempt to eliminate the alleged violation by informal methods.

"(iii) Nothing said or done, during the use of the informal methods applied under clause (ii) may be made public by the Secretary or used as evidence in any subsequent proceeding.

"(iv) The Secretary shall make a determination concerning the complaint as soon as possible and, in any event, not later than 90 days after the date of the filing of the complaint.

"(C) If the Secretary is unable to resolve the alleged violation through informal methods, the Secretary shall notify the parties in writing that conciliation efforts have failed.

"(D)(i) Not later than 90 days after the date on which the Secretary notifies the parties under subparagraph (C) in writing that conciliation efforts have failed, the Secretary may then bring an action in any appropriate United States district court against an employer described in subparagraph (A).

"(ii) The employer against whom an action under clause (i) is brought may demand that the issue of discrimination be determined by jury trial.

"(E) Upon a showing of discrimination under subparagraph (D)(ii), the Secretary may seek, and the court may award, any and all of the following types of relief:

"(i) An injunction to enjoin a continued violation of this subsection.

"(ii) Reinstatement of the employee to the same or equivalent position.

"(iii) Reinstatement of full benefits and seniority rights.

"(iv) Compensation for lost wages and benefits.

"(F) This subsection shall be the exclusive means of securing a remedy for any aggrieved employee.".

(b) ACCESS TO RECORDS.—Section 11(c)(3) (29 U.S.C. 660(c)(3)) is amended to read as follows:

"(3) Any records of the Secretary, including the files of the Secretary, relating to investigations and enforcement proceedings pursuant to this subsection shall not be subject to inspection and examination by the public while such inspections and proceedings are open or pending in the United States district court.".

SEC. 10. INJUNCTION AGAINST IMMINENT DANGER.

Section 13 (29 U.S.C. 662) is amended—

(1) by striking subsection (c);

(2) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively; and

(3) by inserting before subsection (b) (as so redesignated by paragraph (2)) the following new subsection:

"(a)(1)(A)(i) If the Secretary determines, on the basis of an inspection or investigation under this section, that a condition or practice in a place of employment is such that an imminent danger to safety or health exists that could reasonably be expected to cause death or serious physical harm or permanent impairment of the health or functional capacity of employees if not corrected immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by this Act, the Secretary—

"(I) may inform the employer, and provide notice by posting at the place of employment to the affected employees of the danger; and

"(II) shall request that the condition or practice be corrected immediately or that the affected employees be immediately removed from exposure to such danger.

"(ii) A notice under clause (i) shall be removed by the Secretary from the place of employment not later than 72 hours after the notice was first posted unless a court in an action brought under subsection (c) requires that the notice be maintained.

"(B) The Secretary shall not prevent the continued activity of employees whose presence is necessary to avoid, correct, or remove the imminent danger or to maintain the capacity of a continuous process operation to resume normal operations without a cessation of operations or where cessation of operations is necessary, to permit the cessation to be accomplished in a safe and orderly way.

"(2) No employer shall discharge, or in any manner discriminate against any employee, because the employee has refused to perform a duty that has been identified as the source of an imminent danger by a notice posted pursuant to paragraph (1).".

SEC. 11. SMALL BUSINESS ASSISTANCE AND TRAINING.

Section 16 (29 U.S.C. 655) is amended—

(1) by inserting "(a)" after "16."; and

(2) by adding at the end the following new subsections:

"(b) The Secretary shall publish and make available to employers a model injury prevention program that if completed by the employer shall be deemed to meet the requirement for an exemption under section 8A or a reduction in penalty under section 17(a)(2)(B).

"(c) The Secretary shall establish and implement a program to provide technical assistance and consultative services for employers and employees, either directly or by grant or contract, concerning work site safety and health and compliance with this Act. Such assistance shall be targeted at small employers and the most hazardous industries.

"(d) This subsection authorizes the provision of consultative services to employers through cooperative agreements between the States and the Occupational Safety and Health Administration. The consultative services provided under a cooperative agreement under this subsection shall be the same type of services described in part 1908 of title 39 of the Code of Federal Regulations.

"(e) Not less than one-fourth of the annual appropriation made to the Secretary to carry out this Act shall be expended for the purposes described in this section.".

SEC. 12. PENALTIES.

(a) IN GENERAL.—Section 17 (29 U.S.C. 666) is amended—

(1) by striking out subsections (a), (b), (c), (f), (i), (j), and (k);

(2) by redesignating subsections (d), (e), (g), (h), and (l) as subsections (b), (c), (d), (e), and (f), respectively; and

(3) by inserting after "17." the following:

"(a)(1) Any employer who violates the requirements of section 5, any standard, rule, or order promulgated pursuant to section 6, or any other regulation promulgated under this Act may be assessed a civil penalty of not more than $7,000. The Commission shall have authority to assess all civil penalties provided for in this section, giving due consideration to the appropriateness of the penalty with respect to—

"(A) the size of the employer;

"(B) the number of employees exposed to the violation;

"(C) the likely severity of any injuries directly resulting from such violation;

"(D) the probability that the violation could result in injury or illness;

"(E) the good faith of the employer in correcting the violation after the violation has been identified;

"(F) the extent to which employee misconduct was responsible for the violation; and

"(G) the effect of the penalty on the ability of the employee to stay in business.

"(2) In assessing penalties under this section the Commission shall have authority to determine whether violations should be classified as willful, repeated, serious, other than serious, or de minimus. Regardless of the classification of a violation, there shall be only one penalty assessed for each violation. The Commission may not enhance the penalty based on the number of employees exposed to the violation or the number of instances of the same violation.

"(3)(A) A penalty assessed under paragraph (1) shall be reduced by 25 percent in any case in which the employer—

"(i) maintains a written safety and health program for the work site at which the violation for which the penalty was assessed occurred; or

"(ii) shows that the work site at which the violation for which the penalty was assessed occurred has an exemplary safety record.

"(B) If the employer maintains a program described in subparagraph (A)(i) and has the record described in subparagraph (A)(ii), the penalty shall be reduced by 50 percent.

"(4) No penalty shall be assessed against an employer for a violation other than a violation previously cited by the Secretary or a violation that creates an imminent danger or has caused death or a willful violation that has caused serious injury to an employee.".

(b) CRIMINAL PENALTIES.—Section 17(c) (29 U.S.C. 666(c)) (as so redesignated by subsection (a)) is amended by adding at the end the following new sentence: "No employer shall be subject to any State or Federal criminal prosecution arising out of a workplace accident other than under this subsection.".

SEC. 13. TRANSFER OF CERTAIN OCCUPATIONAL SAFETY AND HEALTH FUNCTIONS.

(a) TRANSFER OF FUNCTIONS; REPEAL.—

(1) NATIONAL INSTITUTE OF OCCUPATIONAL SAFETY AND HEALTH.—The functions and authorities provided to the National Institute of Occupational Safety and Health under section 22 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 671) are transferred to the Secretary of Labor.

(2) SECRETARY OF HEALTH AND HUMAN SERVICES.—The responsibilities and authorities of the Secretary of Health and Human Services under sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 669, 670, and 671) are transferred to the Secretary of Labor.

(3) REPEAL.—Section 22 (29 U.S.C. 671) is repealed.

(b) ADDITIONAL FUNCTIONS.—In carrying out the functions transferred under subsection (a), the Secretary of Labor shall take such actions as are necessary to avoid duplication of programs and to maximize training, education, and research under the Occupational Safety and Health Act of 1970 (29 U.S.C. 671 et seq.).

(c) REFERENCES.—

(1) IN GENERAL.—Each reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to—

(A) the head of the transferred office, or the Secretary of Health and Human Services, with regard to functions transferred under subsection (a), shall be deemed to refer to the Secretary of Labor; and

(B) a transferred office with regard to functions transferred under subsection (a), shall be deemed to refer to the Department of Labor.

(2) DEFINITION.—For the purpose of this subsection, the term "office" includes any office, administration, agency, institute, unit, organizational entity, or component thereof.

(d) CONFORMING AMENDMENTS.—Not later than 180 days after the effective date of this Act, if the Secretary of Labor determines (after consultation with the appropriate committees of Congress and the Director of the Office of Management and Budget) that technical and conforming amendments to Federal statutes are necessary to carry out the changes made by this section, the Secretary of Labor shall prepare and submit to Congress recommended legislation containing the amendments.

SEC. 14. PREVENTION OF ALCOHOL AND SUBSTANCE ABUSE.

The Occupational Safety and Health Act is amended—

(1) by striking sections 28 through 31;

(2) by redesignating sections 32, 33, and 34 as sections 29, 30, and 31, respectively; and

(3) by inserting after section 27, the following new section:

"SEC. 28. ALCOHOL AND SUBSTANCE ABUSE TESTING.

"(a) IN GENERAL.—Whenever there exists the reasonable probability that the safety or health of any employee could be endangered because of the use of alcohol or a controlled substance in the workplace, the employer of such employee may establish and implement an alcohol and substance abuse testing program in accordance with subsection (b).

"(b) STANDARDS.—The Secretary shall establish standards under section 6 for substance abuse and alcohol testing programs established under subsection (a) as follows:

"(1) The substance abuse testing program shall conform, to the maximum extent practicable, to subpart B of the mandatory guidelines for Federal workplace drug testing programs published on April 11, 1988, by the Secretary of Health and Human Services at 53 F.R. 11979 and any amendments adopted to such guidelines.

"(2) The alcohol testing program shall include an alcohol breath analysis and shall conform, to the maximum extent practicable; to any guidelines developed by the Secretary of Transportation for alcohol testing of mass transit employees under the Department of Transportation and Related Agencies Appropriations Act, 1992.

"(c) TESTING PRIOR TO EMPLOYMENT.—This section shall not be construed to prohibit an employer from requiring an employee to submit to and pass an alcohol or substance abuse test—

"(1) prior to employment by the employer;

"(2) on a for cause basis or where the employer has reasonable suspicion to believe that such employee is using or is under the influence of alcohol or a controlled substance;

"(3) where such test is administered as part of a scheduled medical examination;

"(4) in the case of an accident or incident involving the actual or potential loss of human life, bodily injury, or property damage; or

"(5) during and for a reasonable period of time (not to exceed 5 years) after the conclusion of an alcohol or substance abuse treatment program.".

SEC. 15. ECONOMIC IMPACT ANALYSIS.

The Secretary of Labor shall conduct a continuing comprehensive analysis of the costs and benefits of each standard in effect under section 6 of the Occupational Safety and Health Act of 1970. The Secretary shall report the results of the analysis to Congress upon the expiration of the 2-year period beginning on the date of the enactment of this Act and every 2 years thereafter.

SEC. 16. LABOR RELATIONS.

(a) DEFINITIONS.—Paragraph (5) of section 2 of the National Labor Relations Act (29 U.S.C. 152(5)) is amended by adding at the end the following new sentence: "The term does not include a safety committee that is comprised of an employer and the employees of the employer and that is jointly established by the employer and the employees of the employer, or by the employer and a labor organization representing the employees of the employer, to carry out efforts to reduce injuries and disease arising out of employment.".

(b) UNFAIR LABOR PRACTICES.—Section 8(a)(2) of the National Labor Relations Act (29 U.S.C. 158(a)(2)) is amended by inserting before the semicolon at the end thereof the following: "*Provided, further*, That it shall not constitute an unfair practice under this paragraph for an employer and the employees of the employer, or for an employer and a labor organization representing the employees of the employer, to jointly establish a safety committee in which the employer and the employees of the employer carry out efforts to reduce injuries and disease arising out of employment;".

By Mr. HATCH (for himself, Mr. GREGG, Mrs. KASSEBAUM, Mr. ABRAHAM, Mr. FRIST, and Mr. COATS):

S. 593. A bill to amend the Federal Food, Drug, and Cosmetic Act to authorize the export of new drugs and for other purposes; to the Committee on Labor and Human Resources.

FDA EXPORT REFORM AND ENHANCEMENT ACT

Mr. HATCH. Mr. President, almost 10 years ago, the Congress had a good idea.

In 1986, we approved legislation which took the unprecedented step of allowing pharmaceutical manufacturers to export their products to 21 foreign nations, without prior FDA approval.

Many though it was a bold step at the time.

It turned out to be a good idea which worked well.

Today, 9 years later, I rise to introduce legislation to take another step in that process. I am joined in cosponsorship of this legislation by Senator GREGG, and by Senators KASSEBAUM, ABRAHAM, FRIST, and COATS.

Let me at this time recognize the outstanding leadership that our House colleague, Representative FRED UPTON, has shown in both drafting and marshalling considerable support for this legislation. This bill would not be possible without Mr. UPTON'S leadership.

Undoubtedly some will also consider this legislation bold. But I submit to my colleagues that it will also turn out to be a good idea which works well. Even better than the 1986 law, which I authorized.

The Hatch-Gregg legislation, the FDA Export Reform and Enhancement Act of 1995, has a simple premise: that the Food and Drug Administration cannot continue to be the traffic cop for world trade in medical goods.

Current Food and Drug Administration regulations significantly restrict the ability of U.S. manufacturers of human and animal drugs, biological, and medical devices to export their products to world markets.

Under section 801(e) of the Federal Food, Drug and Cosmetic Act, exporting a medical device that is not commercially distributed in the U.S. is subject to FDA receipt of the receiving country's approval of the device and FDA determination that the export would not be contrary to the public health and safety of the importing country.

The FDA requires an export permit for unapproved, class III devices, those requiring pre-market approval [PMA's]. Many countries also request a certificate of free sale from the United States indicating that the product has been approved in the United States. This is basically a rubber stamp provided by the FDA on a voluntary basis.

The irony in this situation is that a manufacturer cannot export certain unapproved medical devices, even if they have been approved by the foreign country with an established regulatory system.

Also under section 801(e) of the Food, Drug, and Cosmetic Act, pharmaceutical companies are only free to export unapproved drugs to 21 countries delineated in the law. Those countries are; Australia, Austria, Belgium, Canada, Denmark, Federal Republic of Germany, Finland, France, Iceland, Ireland, Italy, Japan, Luxembourg, The Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom.

Prior to 1986, there was no authority for manufacturers of FDA-regulated products to send those products overseas unless they were first approved by the FDA. The Pharmaceutical Export Act of 1986, allowed, for the first time, manufacturers to export their products to the above list of countries, provided the sponsor is pursuing a new drug application [NDA] in the United States.

Our experience since that time has shown that the law is still too rigid. The list of countries is too proscriptive, and the regulatory requirements unnecessarily burdensome.

For example, the list does not include Israel. It does not include Eastern European countries or most of the Pacific rim. There is near universal agreement this needs to be rectified.

Although the 1986 act represented a good step forward, it has led to the development of a patchwork quilt of bureaucracy that has forced U.S. manufacturers to establish and maintain facilities outside the United States.

For example, prior approval of export plans by FDA is required to ship products overseas. To ship bulk or finished products, companies must apply for prior approval from FDA, be granted approval, and ship the products. This process takes 3–12 months plus transportation time, creating costly delays that reduce market access and penetration by U.S. firms.

It is important to note that market conditions in importing companies may dictate the sale of products utilizing dosage strengths, e.g., 250 milligrams versus 125 milligrams, formulations—caplet, tablet, etc.—or inert ingredients different from those approved or being pursued in the U.S. export of similar, but not identical, products is currently prohibited.

Another problem is that FDA labeling requirements mandate that packaged exports be labeled in English for the FDA-approved indications, regardless of the linguistic or regulatory requirements of the importing country.

At the same time, the law imposes time-consuming requirements on FDA, whose resources should be better directed to reviewing new, life-saving medicines and technologies.

It is clear that FDA is making progress in speeding up review times for drugs and devices, although there still are problems.

For example, FDA says that its average processing time for export permits for medical devices has moved from 65 days in 1993 to 16 days in 1994. For export certificates, the FDA says its processing times have declined from 51.5 days in 1993 to 10 days in 1994.

I must commend the Center director, Dr. Bruce Burlington, and the Office of Device Evaluation Director, Dr. Susan Alpert, for that progress. Their work has really made a difference.

But the FDA statistics don't tell the whole story. These are average review times. In 1993, in some cases, it took the FDA over 270 days to approve export permits, and still up to 150 days for approval in 1994. In 1994 they processed 756 permit applications, and 1,469 certificates.

Not only can FDA review be time-consuming, but using it is a measure of export delays is misleading. Manufacturers have to compile the data to send to FDA requesting export. And, they have to go to the importing country and get a letter proving that the country has approved the device for import. This, too, adds substantial time to the process upfront.

Another concern we have is about the potential for FDA reprogramming its resources away from this activity to another. We have no assurance that the statistics will stay at the current rate.

But I feel compelled to raise the larger point.

I think we have to ask ourselves if this export review is how we want to be spending Government resources in this day and age. If other nations wish to receive the benefits of our technology, why must we insist on approving that technology first?

In a time of unprecedented harmony in worldwide trade, as reflected by recent passage of GATT, our laws relating to the export of foods, drugs, medical devices and cosmetics should reflect that comity as well. The paternalistic approach evidenced in our current law is no longer compatible with today's world marketplace.

The Hatch-Gregg bill remedies this situation by allowing manufacturers to export their products in any countries belonging to the World Trade Organization [WTO]. A second provision allows export to non-WTO countries unless the Secretary of Health and Human Services determines that the possibility of the reimportation of the device or drug into the United States presents an imminent hazard to the public health and safety of the United States and the only means of limiting the hazard is to prohibit the export of the device or drug.

The products to be exported must accord to the specifications of the foreign purchaser. They must not be in conflict with the laws of the country to which they are intended for export. They must be labeled for export on the outside of the shipping package. They must not be sold or offered for sale in domestic commerce. And they cannot have been "banned," or turned down for approval here in the United States.

This is not a health bill, Mr. President, S. 593 is about exports and jobs. It is about U.S. competitiveness abroad.

The U.S. drug manufacturing industry accounts for about $60 billion in annual production, with a trade surplus of $800 million in 1993. Last year, U.S. drug companies accounted for about a third of total world production.

There are approximately 11,000 medical device companies in the United States which make between 60,000 and 80,000 different brands or models. Most of these companies are small. Two-thirds of the companies have fewer than 50 employees.

In Utah, we have over 100 device manufacturing companies, some of the finest in the Nation, and they are really feeling the pinch of our restrictive export policies.

The U.S. medical device manufacturing industry accounts for more than $50 billion in production and had a trade surplus in 1994 of $4.9 billion.

Last year, U.S. companies accounted for 46 percent of global production. Moreover, this industry has been a major source of employment and export growth in recent years.

Between 1988 and 1993, 32 percent of production growth for this industry went to serve strong overseas demand for medical technology. During the same period, employment grew by more than 4 percent a year in this industry.

In June 1944, the Gallup Organization surveyed 58 medical electronics manufacturing companies which—based on their estimates—serve as many as 76 million patients around the world with their products.

These companies indicated the following:

Eighty-three percent said they experienced excessive delays by FDA for approval of new products;

Forty percent said they reduced the number of employees in the United States due to FDA delays;

Twenty-nine percent said they increased their investment in non-U.S. operations; and

Twenty-two percent said they moved U.S. jobs overseas.

This provides compelling evidence that U.S. regulatory policies are driving medical device manufacturing companies offshore. The same thing is happening with pharmaceuticals.

Manufacturers experience so much red-tape in sending their products overseas, that they prefer to make them overseas. The United States is a net loser: in jobs and productivity.

We should not allow this to continue.

Mr. President, almost a week ago, the administration announced it was undertaking several FDA reforms, including a review of its export policy.

I am hopeful that the administration will seriously consider our legislation so that we may work together to see these needed changes in the law are made.

Mr. GREGG. Mr. President, the bill we are introducing today is designed to address a number of problems that currently prohibit American companies from competing in the international marketplace: the Food and Drug Administration's [FDA] export policies on the overseas sale of drugs, biological products, and medical devices. The FDA has repeatedly stated that export issues are not within their realm of expertise, and that they would not oppose a new standard as put forth by Congress.

We are here to submit that new standard. This bill does not call for radical measures that would jeopardize the safety of citizens of other countries. This bill does not simply allow unapproved products to be randomly shipped around the world. It does not allow export products to be sold domestically.

What this bill does do is recognize the authority of our international trading partners by acknowledging that WTO [World Trade Organization] members have an evolved import system to control what products are being brought into their country, a step up from general GATT signatories. It permits WTO countries to decide for themselves whether or not they want to approve a product to be available to their citizens, and specifies a notification process by U.S. manufacturers to the

FDA for those nations that are not WTO members. Our bill specifies that a device which is banned in the United States by the FDA cannot be exported. This legislation provides recourse to the Secretary of Health and Human Services to prohibit exports if she judges there to be an "imminent hazard" that the product would be shipped back into the United States, threatening to the health or safety of consumers.

These are all critical components and appropriate to promoting U.S. manufacturers in the international marketplace. The bill is designed to allow U.S. medical technology and products, the best in the world, to compete fairly with foreign manufacturers. And it allows autonomy among our trading partners.

I am pleased to hear the President address FDA reform in his speech on March 16 as part of "Reinventing Government." This is a positive step in dealing with a number of issues that stem from the current regulatory climate at this, and many other, Federal agencies. I look forward to working with the administration and my colleagues here on the Hill to reform the policies and procedures of this important agency.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 594. A bill to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer; to the Committee on Energy and Natural Resources.

PRESIDIO TRUST ESTABLISHMENT ACT

Mrs. BOXER. Mr. President, today I am introducing a bill to minimize the costs to the taxpayer of the newest addition to our National Park System, the Presidio of San Francisco.

In 1972, Congress recognized the park potential of the Presidio. At that time Congressman Phil Burton's legislation creating the Golden Gate National Recreation Area [GGNRA] was drawn to include the Presidio, and provided that the Presidio would become a national park when it was no longer needed by the Army. Thus when the Army vacated the base last September, the Park Service assumed responsibility for administering the Presidio as part of the GGNRA.

It is projected that the new park will attract 10 million or more visitors a year. Those visitors will enjoy one of the most beautiful and historic urban open spaces in the world. The park offers spectacular vistas of the Pacific Ocean, the Golden Gate, the Marin Headlands, San Francisco Bay, and the skyline of San Francisco.

The Presidio also offers over 200 years of military history, from its founding in 1776, through the Civil War, the Spanish-American War and World Wars I and II. Presidio architecture represents a remarkable collection of structures dating from the days of Mexican sovereignty over California. The entire Presidio was declared a national historic landmark in 1962.

The bill we introduce today will establish the Presidio Trust, a public entity modeled on the successful Pennsylvania Avenue Development Corporation.

The Trust will help us put the Presidio's buildings to work for the park. Rents and other revenues will be retained to restore and conserve the Presidio's extraordinary natural and historic resources.

The Trust will manage the facilities at the Presidio which are not of the type normally administered by the National Park Service. It will be responsible for leasing, maintenance, and property management—consistent with the park management plan and the legislation creating the Golden Gate National Recreation Area. The open space, forests, and recreational land will be managed by the Park Service as they are doing in other parts of the GGNRA.

Critical to the success of this undertaking will be the Presidio's ability to generate revenues to offset the costs of operation and capital improvement. The Trust will have the flexibility necessary to negotiate terms of leases and other contracts, to leverage lease revenues, and to utilize a staff qualified in financial management. It will be accountable to the public through a public-private governing board of directors, annual auditing and reporting requirements, and a requirement to adhere to the publicly approved general management plan for the Presidio and the GGNRA authorizing legislation.

According to expert analysis, the Presidio Trust established by this bill would produce savings of 20 to 30 percent when compared to the cost of total Federal management of the Presidio. The Presidio is an example of defense conversion that will be cost effective while serving an important national purpose.

The Presidio is one of the Nation's great treasures. If we act now, we can ensure its successful transformation from a military base into one of the world's outstanding urban parks.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 594

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) the Presidio, located amidst the incomparable scenic splendor of the Golden Gate, is one of America's great natural and historic sites;

(2) the Presidio is the oldest continuously operating military post in the Nation dating from 1776, and was designated as National Historic Landmark in 1962;

(3) preservation of the cultural and historic integrity of the Presidio for public use recognizes its significant role in the history of the United States;

(4) the Presidio, in its entirety, is a part of the Golden Gate National Recreation Area, in accordance with Public Law 92–589;

(5) as part of the Golden Gate National Recreation Area, the Presidio's outstanding natural, historic, scenic, cultural, and recreational resources must be managed in a manner which is consistent with sound principles of land use planning and management, and which protects the Presidio from development and uses which would destroy the scenic beauty and historic and natural character of the area; and

(6) the Presidio will be managed through an innovative public/private partnership that minimizes cost to the United States Treasury and makes efficient use of private sector resources that could be utilized in the public interest.

SEC. 2. INTERIM LEASING AUTHORITY.

The Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") is authorized to negotiate and enter into leases, at fair market rental and without regard to section 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C. 303b), for all or part of the Presidio of San Francisco that is under the administrative jurisdiction of the Secretary until such time as the property concerned is transferred to the administrative jurisdiction of the Presidio Trust. Notwithstanding sections 1341 and 3302 of title 31 of the United States Code, the proceeds from any such lease shall be retained by the Secretary and used for the preservation, restoration, operation and maintenance, improvement, repair and related expenses incurred with respect to Presidio properties. For purposes of any such lease, the Secretary may adjust the rental by taking into account any amounts to be expended by the lessee for preservation, maintenance, restoration, improvement, repair and related expenses with respect to properties within the Presidio.

SEC. 3. THE PRESIDIO TRUST.

(a) ESTABLISHMENT.—There is established a body corporate within the Department of the Interior to be known as the Presidio Trust (hereinafter in this Act referred to as the "Trust").

(b) TRANSFER.—(1) The Secretary shall transfer to the administrative jurisdiction of the Trust those areas commonly known as the Letterman/LAIR complex, Fort Scott, Main Post, Cavalry Stables, Presidio Hill, Wherry Housing, East Housing, the structures at Crissy Field, roads, utilities or other infrastructure servicing the properties and such other properties that the Secretary deems appropriate, as depicted on the map referred to in this subsection. The Trust and the Secretary shall agree on the use and occupancy of buildings and facilities necessary to house and support activities of the National Park Service at the Presidio.

(2) Within 60 days after enactment of this section, the Secretary shall prepare a map identifying properties to be conveyed to the Trust.

(3) The transfer for administrative jurisdiction shall occur within 60 days after appointments are made to the board of Directors.

(4) The Secretary shall transfer, with the transfer of administrative jurisdiction over any property, all leases, concessions, licenses, permits, programmatic agreements and other agreements affecting such property and any revenues and unobligated funds

associated with such leases, concessions, licenses, permits, and agreements.

(c) Board of Directors.—

(1) In general.—The powers and management of the Trust shall be vested in a Board of Directors consisting of the following 5 members:

(A) The Secretary of the Interior or the Secretary's designee.

(B) 4 individuals, who are not employees of the Federal Government, appointed by the President, who shall possess extensive knowledge and experience in one or more of the fields of city planning, finance, and real estate. At least 3 of these individuals shall reside in the region in which the Presidio is located.

(2) Terms.—The President shall make the appointments referred to in subparagraph (B) of paragraph (1) within 90 days and in such a manner as to ensure staggered 4-year terms. Any vacancy under subparagraph (B) of paragraph (1) shall be filled in the same manner in which the original appointment was made, and any member appointed to fill a vacancy shall serve for the remainder of the term for which his or her predecessor was appointed. No appointed director may serve more than 8 years in consecutive terms. No member of the Board of Directors may have a financial interest in any tenant of the Presidio.

(3) Organization and compensation.—The Board shall organize itself in such a manner as it deems most appropriate to effectively carry out the authorized activities of the Trust. Board members shall serve without pay, but may be reimbursed for the actual and necessary travel and subsistence expenses incurred by them in the performance of the duties of the Trust.

(4) Liability of directors.—Members of the Board of Directors shall not be considered Federal employees by virtue of their membership on the Board, except for purposes of the Federal Tort Claims Act.

(5) Public liaison.—The Board shall establish procedures whereby liaison with the public, through the Golden Gate National Recreation Area Advisory Commission, and the National Park Service, shall be maintained.

(d) Duties and Authorities.—In accordance with the purposes set forth in this Act and in section 1 of the Act entitled "An Act to establish the Golden Gate National Recreation Area in the State of California, and for other purposes", approved October 27, 1972 (Public Law 92-589; 86 Stat. 1299; 16 U.S.C. 460bb), the Trust shall manage the leasing, maintenance, rehabilitation, repair and improvement of property within the Presidio which is under its administrative jurisdiction. The Trust may participate in the development of programs and activities at the properties that have been transferred to the Trust. In exercising its powers and duties, the Trust shall act in accordance with the approved General Management Plan, as amended, for the Presidio (hereinafter in this Act referred to as the "Plan") and shall have the following authorities:

(1) The Trust is authorized to manage, lease, maintain, rehabilitate and improve, either directly or by agreement, those properties within the Presidio which are transferred to the Trust by the Secretary.

(2)(A) The Trust is authorized to negotiate and enter into such agreements, leases, contracts and other arrangements with any person, firm, association, organization, corporation or governmental entity, including without limitation entities of Federal, State and local governments (except any agreement to convey fee title to any property located at the Presidio) as are necessary and appropriate to finance and carry out its authorized activities. Agreements under this paragraph may be entered into without regard to section 321 of the Act of June 30, 1992 (40 U.S.C. 303b).

(B) Except as provided in subparagraphs (C), (D), and (E), Federal laws and regulations governing procurement by Federal agencies shall apply to the Trust.

(C) The Secretary may authorize the Trust, in exercising authority under section 303(g) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 253(g)) relating to simplified purchase procedures, to use as the dollar limit of each purchase or contract under this subsection an amount which does not exceed $500,000.

(D) The Secretary may authorize the Trust, in carrying out the requirement of section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) to furnish the Secretary of Commerce for publication notices of proposed procurement actions, to use as the applicable dollar threshold for each expected procurement an amount which does not exceed $1,000,000.

(E) The Trust shall establish procedures for lease agreements and other agreements for use and occupancy of Presidio facilities, including a requirement that in entering into such agreements the Trust shall obtain such competition as is practicable in the circumstances.

(3) The Trust is authorized to appoint and fix the compensation and duties of an executive director and such other officers and employees as it deems necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may pay them without regard to the provisions of chapter 51, and subchapter III of chapter 53, title 5, United States Code (relating to classification and General Schedule pay rates).

(4) To augment or encourage the use of non-Federal funds to finance capital improvements on Presidio properties transferred to its jurisdiction, the Trust, in addition to its other authorities, shall have the following authorities:

(A) The authority to guarantee any lender against loss of principal or interest on any construction loan, provided that (i) the terms of the guarantee are approved by the Secretary of the Treasury, (ii) adequate guarantee authority is provided in appropriations Acts, and (iii) such guarantees are structured so as to minimize potential cost to the Federal Government.

(B) The authority, subject to available appropriations, to make loans to the occupants of property managed by the Trust for the preservation, restoration, maintenance, or repair of such property.

(C) The authority to issue obligations to the Secretary of the Treasury, but only if the Secretary of the Treasury agrees to purchase such obligations after determining that the projects to be funded from the proceeds thereof are credit worthy and that a repayment schedule is established. The Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under chapter 31 of title 31, United States Code, and the purposes for which securities may be issued under such chapter are extended to include any purchase of such notes or obligations acquired by the Secretary of the Treasury under this subsection. The aggregate amount of obligations issued under this subparagraph which are outstanding at any one time may not exceed $150,000,000. Obligations issued under this subparagraph shall be in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury, and shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. No funds appropriated to the Trust may be used for repayment of principal or interest on, or redemption of, obligations issued under this paragraph. All obligations purchased under authority of this subparagraph must be authorized in advance in appropriations Acts.

(D) The Trust shall be deemed to be a public agency for the purpose of entering into joint exercise of powers agreements pursuant to California government code section 6500 and following.

(5) The Trust may solicit and accept donations of funds, property, supplies, or services from individuals, foundations, corporations and other private or public entities for the purpose of carrying out its duties. The Trust shall maintain philanthropic liaison with the Golden Gate National Park Association, the fund raising association for the Golden Gate National Recreation Area.

(6) All proceeds received by the Trust shall be retained by the Trust without further appropriation and used to offset the costs of administration, preservation, restoration, operation, maintenance, repair and related expenses incurred by the Trust with respect to such properties under its jurisdiction. Upon the request of the Trust, the Secretary of the Treasury shall invest excess moneys of the Trust in public debt securities with maturities suitable to the needs of the Trust.

(7) The Trust may sue and be sued in its own name to the same extent as the Federal Government. Litigation arising out of the activities of the Trust shall be conducted by the Attorney General, as needed; the Trust may retain private attorneys to provide advice and counsel.

(8) The Trust shall have all necessary and proper powers for the exercise of the authorities invested in it.

(9) For the purpose of compliance with applicable laws and regulations concerning properties transferred to the Trust by the Secretary, the Trust shall negotiate directly with regulatory authorities.

(e) Insurance.—The Trust shall procure insurance against any loss in connection with the properties managed by it or its authorized activities as is reasonable and customary.

(f) Building Code Compliance.—The Trust shall ensure that all properties under its jurisdiction are brought into compliance with all applicable Federal building codes and regulations within 10 years after the enactment of this Act.

(g) Taxes.—The Trust shall be exempt from all taxes and special assessments of every kind in the State of California, and its political subdivisions, including the city and county of San Francisco to the same extent as the Secretary.

(h) Financial Information and Report.—

(1) Financial statements of the Trust shall be audited annually in accordance with section 9105 of title 31 of the United States Code.

(2) At the end of each calendar year, the Trust shall submit to the Secretary and the

Congress a comprehensive and detailed report of its operations, activities, and accomplishments for the prior fiscal year. The report also shall include a section that describes in general terms the Trust's goals for the current fiscal year.

(i) SAVINGS CLAUSE.—Nothing in this section shall preclude the Secretary from exercising any of the Secretary's lawful powers within the Presidio.

(j) LEASING.—In managing and leasing the properties transferred to it, the Trust should consider the extent to which prospective tenants maximize the contribution to the implementation of the General Management Plan and to the generation of revenues to offset costs of the Presidio. The Trust shall give priority to the following categories of tenants: tenants that enhance the financial viability of the Presidio thereby contributing to the preservation of the scenic beauty and natural character of the area; tenants that facilitate the cost-effective preservation of historic buildings through their reuse of such buildings, or tenants that promote through their activities the general programmatic content of the plan.

(k) REVERSION.—In the event of failure or default, all interests and assets of the Trust shall revert to the United States to be administered by the Secretary.

(l) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out the activities of the Trust.

(m) SEPARABILITY OF PROVISIONS.—If any provisions of this Act or the application thereof to any body, agency, situation, or circumstance is held invalid, the remainder of the Act and the application of such provision to other bodies, agencies, situations, or circumstances shall not be affected thereby.

By Mr. BYRD (for himself and Mr. ROCKEFELLER):

S. 595. A bill to provide for the extension of a hydroelectric project located in the State of West Virginia; to the Committee on Energy and Natural Resources.

EXTENSION OF FERC LICENSE FOR GRAFTON, WV

Mr. BYRD. Mr. President, I introduce, on behalf of myself and Senator ROCKEFELLER, a bill to grant the city of Grafton, WV, a 4-year extension of its Federal Energy Regulatory Commission [FERC] license to begin construction of a hydroelectric power project at Tygart Dam in Taylor County. This project is to be financed entirely by the city of Grafton and its investors through nonpublic equity and debt. This extension is necessary because the license expires during the current year and over $3 million has already been invested in this project. The hydroelectric project takes advantage of the existing dam on the Tygart River in order to generate power and will also include the development of recreational facilities. Extensive environmental studies on the project have been conducted in coordination with interested regulatory agencies. Without any contribution from the Federal Government, the city and its investors will finance the project, which will include fishing piers, walkways, picnic facilities, and a parking area.

The city and its investors anticipate that the project would employ 200 staff during the peak of construction, with a $1 million monthly payroll. The total construction payroll for the project is expected to be $15 million. The Grafton hydropower project will provide substantial taxes and other payments to various governmental entities during construction and operation. The Federal Government will benefit from this project since it will receive annual payments of $200,000 from the hydroelectric project. The Federal Government also will receive income tax from the project, as it will be privately financed. It is hoped that the license extension made possible by this bill will bring significant economic development to the Taylor County region of West Virginia.

By Mr. HARKIN (for himself and Mr. BRADLEY):

S. 596. A bill to amend the Internal Revenue Code of 1986 to disallow deductions for advertising and promotional expenses for tobacco products; to the Committee on Finance.

ELIMINATION OF DEDUCTIBILITY OF TOBACCO ADVERTISING

Mr. HARKIN. Mr. President, I rise today to introduce an important piece of legislation that addresses a very serious problem in a commonsense way. During the budget debate in 1992 I offered an amendment to limit the tax deductibility of tobacco advertising. It didn't pass. And, because it didn't pass, the American taxpayers are still coughing up billions to promote smoking.

The legislation I am introducing today would eliminate the taxpayer deductibility of tobacco advertising and promotion.

These days we hear a lot of talk about cuts in school lunches, cuts in the WIC Program, cuts in investments to improve the health of Americans.

I believe there's a better way to go—with commonsense cuts that promote the health of our economy and the health of our people.

It's time for tobacco companies to quit blowing our tax dollars up in smoke with their big tobacco advertising campaigns. It's time for them to stop luring our kids into their deathtraps.

According to the Federal Trade Commission the tobacco industry spent $5.2 billion in 1992 to advertise and promote cigarettes. But that's not just their money, it's ours, too. Because all of those expenses are tax deductible.

In fact, American taxpayers are coughing up nearly $2 billion a year in tax subsidies and serving as a silent partner in helping big tobacco companies peddle their products and hook our kids.

This taxpayer-subsidized multi-billion-dollar effort includes ads in magazines and newspapers, and outside advertising such as billboards, advertising at supermarkets and convenience stores, use of gifts, and sponsorship of sporting events.

And all of this is designed to convince people that smoking is cool—necessary for social acceptance and helps make one attractive to the opposite sex. It is deliberately designed to keep people smoking, but more importantly, to attract a new generation to the smoking habit.

Every day, another $5 million of taxpayer money is used to promote a product that—when used as intended—causes disease, disability, and death.

Every day, another 3,000 of America's children get hooked on smoking.

Consider what the taxpayers receive for their money. We get Old Joe Camel. If you don't know who Joe Camel is just ask any first-grader.

According to a study published in the Journal of the American Medical Association, more 6-year-olds can identify Old Joe Camel than adults. In fact, just as many 6-year-olds can identify Old Joe Camel as they can Mickey Mouse.

And his name recognition has really paid off—since the introduction of Old Joe, sales of Camel cigarettes to children under 18 went from $6 million to over $476 million a year.

But that's not all. Joe is branching out. And so are some of his competitors. They have all started what I call merchandising clubs in which you can smoke your way to all sorts of gifts.

A study in this month's Consumer Reports magazine found that 11 percent of children between the age of 12 to 17 owned at least one tobacco industry promotional item.

And it only gets worse, cigarette companies not only know what kids like, they know where they live. The same poll in Consumer Reports found that 7.6 percent of teens received cigarette company mail at home addressed directly to them. If you carry those figures nationwide, that means 1.6 million children are on the tobacco mailing list.

These campaigns are outrageous and they violate the industry's own cigarette advertising code. The industry has adopted a code that states that "cigarette advertising shall not represent that cigarette smoking is essential to social prominence, distinction, success, or sexual attraction.

But how does that square with these ads? How does that square with the Marlboro Adventure Team? How does that square with Joe Camel? It simply doesn't and we ought not subsidize it.

Mr. President, I am also pleased to join Senator LAUTENBERG in legislation he is offering today to allow American taxpayers to recover Medicare, Medicaid, and other Federal health program costs associated with tobacco-related illnesses. For too long the tobacco companies have been raking in profits while the American taxpayers have been coughing up billions in health care costs attributable to tobacco related illness.

The Medicare and Medicaid share of these costs total over $15 billion per year and the costs to other Federal health programs are nearly $5 billion.

The Columbia University Center on Addiction and Substance Abuse has estimated that tobacco-related illnesses will cost the Medicare program $800 billion over the next 20 years. At that rate, Medicare will go bankrupt.

It is unconscionable that the tobacco industry has profited while the taxpayer has been left with the devastating and widespread costs associate with tobacco use.

The legislation introduced by Senator LAUTENBERG would hold manufacturers accountable for the damage they do. Manufacturers of tobacco products would pay for the cost of tobacco-related illness incurred by Government through the Medicaid, Medicare, and other health programs.

I am also pleased that Senator BRADLEY is introducing legislation to further the effort to decrease cigarette smoking. An increase in the tobacco tax is one of the most effective methods for significantly reducing tobacco use among children and adults. We know that for every 10 percent increase in the price of tobacco products, there will be approximately a 4-percent decrease in tobacco consumption, and possibly even greater decrease in tobacco use among children.

Mr. President, we must take every possible opportunity to convince people to stop smoking and prevent children from ever taking up the habit. As former Surgeon General C. Everett Koop stated:

> Smoking is associated with more death and illness than drugs, alcohol, automobile accidents, and AIDS combined.

U.S. Public Health Service figures tell us that over 430,000 Americans will die from cigarette smoking this year. That is more than the number of Americans who died in all of World War II. Over 1,000 Americans will die today from smoking. That is more than the equivalent of two fully loaded jumbo jets crashing with no survivors—every day.

The medical data on the health effects of smoking are well established. Since 1964, when the first Surgeon General's "Report on Smoking and Health" was issued, some 50,000 scientific studies on the relationship between smoking and disease have been conducted. Smoking has been shown to be a major case of heart disease, chronic bronchitis, and emphysema; cancers of the lung, larynx, mouth, esophagus, pancreas, and bladder; pneumonia and stomach cancers.

Mr. President, as we look for way to tackle the budget deficit we should not be cutting initiatives that help people and investment in our future. Instead we should close the corporate tax loopholes. And let's start by eliminating special breaks that help big tobacco corporations and hurt our kids.

Passage of the Harkin, Lautenberg, and Bradley bills would be a triple play for our economy and our Nation's health.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 596

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISALLOWANCE OF DEDUCTIONS FOR ADVERTISING AND PROMOTIONAL EXPENSES RELATING TO TOBACCO PRODUCT USE.

(a) IN GENERAL.—Part IX of subchapter B of chapter 1 of subtitle A of the Internal Revenue Code of 1986 (relating to items not deductible) is amended by adding at the end the following new section:

"SEC. 280I. DISALLOWANCE OF DEDUCTION FOR TOBACCO ADVERTISING AND PROMOTIONAL EXPENSES.

No deduction shall be allowed under this chapter for expenses relating to advertising or promoting cigars, cigarettes, smokeless tobacco, pipe tobacco, or any similar tobacco product. For purposes of this section, any term used in this section which is also used in section 5702 shall have the same meaning given such term by section 5702."

(b) CONFORMING AMENDMENT.—The table of sections for such part IX is amended by adding after the item relating to section 280H the following new item:

"Sec. 280I. Disallowance of deduction for tobacco advertising and promotion expenses."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 1995.

Mr. BRADLEY. Mr. President, I rise today, along with Senator HARKIN, to introduce legislation that would amend the Internal Revenue Code of 1986 to forbid tobacco companies to deduct their advertising and promotional expenses when calculating their taxes.

I have already discussed the huge toll—in both economical and human terms—which tobacco wreaks on this country. And I have already introduced a bill increasing the tax on all tobacco products by a factor of five. Mr. President, the Harkin-Bradley bill complements my earlier bill by ensuring that Federal Government acts consistently when it comes to tobacco.

Why do I say the Government acts inconsistently with regard to tobacco? Because on the one hand, it allows tobacco companies to deduct their advertising and promotional costs on their taxes. These tax exemptions are the equivalent of direct Government payments. In terms of lost revenues to the Federal Treasury, they are no different from cash payments to AFDC recipients. And we're not talking a small amount of money—in 1992, these deductions were worth approximately $1.7 billion a year to tobacco companies.

On the other hand, the Government spends millions and millions of dollars to try to offset the harmful effects caused by tobacco use. We are giving more than $1.7 billion to the National Cancer Institute for research this year alone; this includes $114 million specifically for lung cancer. We require warning labels to be placed on cigarette packages to inform our citizens of the direct links between tobacco use and respiratory and lung diseases and possible birth defects. We provide millions of dollars for public health campaigns to warn people of the danger of tobacco, and to help them to quit.

These are directly contradictory policies. First, we give the tobacco companies a tremendous tax incentive—a Government handout—essentially encouraging them to advertise and promote tobacco products. Then, we turn around and spend a billion or two trying to unravel the harm that we have helped to cause, to reduce the health devastation we have contributed to, by funding research on tobacco use and to fund campaigns to discourage and end its use.

And think about those advertising and promotional campaigns which we are helping to finance. Many of them are targeted at our youth, who often may ignore well-intended and wise warnings about mortality, and instead obey the behavior of their own peer groups who believe that smoking is cool. Approximately 90 percent of all smokers begin in their teens or younger. The tobacco companies know this and specifically target younger age groups in their advertising. And the Federal Government helps to pay the bill for them to do so.

Mr. President, virtually all of the health care bills which were considered last session placed great emphasis on prevention. We know we can reduce health care costs if we encourage our citizens to avoid unhealthy choices, and to exercise regularly, to eat right, and design our health care system to focus on preventive care and not wait until someone is sick to treat them. Yet cigarette smoking is the single most preventable cause of death in the United States. This bill takes action now to put meaning into all the rhetoric about prevention. And at the same time, it will save the Federal Government an estimated $1.7 billion a year in foregone tax expenditures, once it is fully implemented.

Mr. President, this bill is health care reform that is right on target. It doesn't control prices, limit choices, or require any new Government intervention in health care. It addresses only those who are directly responsible for the largest preventable cause of death in the United States—the tobacco companies themselves.

Mr. President, the Government should speak with one voice on this problem, and that voice should unequivocally say: "Tobacco use will harm you." We will not subsidize the seller; we will not underwrite the smoker; we will support efforts to stop; and we will dedicate our resources to preventing Americans from ever starting. I urge my colleagues to join me in ensuring that we speak with one voice by supporting this bill.

By Mr. LAUTENBERG (for himself, Mr. BRADLEY, and Mr. HARKIN):

S. 597. A bill to insure the long-term viability of the Medicare, Medicaid, and other Federal health programs by establishing a dedicated trust fund to reimburse the Government for the health care costs of individuals with diseases attributable to the use of tobacco products; to the Committee on Finance.

MEDICARE/MEDICAID SOLVENCY ACT

Mr. LAUTENBERG. Mr. President, I rise today to introduce the Medicare/Medicaid Solvency Act of 1995. This legislation will require the tobacco industry to reimburse the Federal Government for Medicare, Medicaid, and other Federal health care program costs for diseases attributable to tobacco products.

Deliberations on the budget will soon begin and it looks like the Congress is serious about undertaking real, meaningful, and significant deficit reduction. My bill will do just that.

Any serious attempt at deficit reduction must consider health care, particularly the Medicare, Medicaid, and the other Federal health care programs. Federal expenditures for these programs have skyrocketed in recent years and current HCFA projections indicate that the Medicare trust fund, which pays for Medicare part A costs, will become insolvent shortly after the turn of the century. Medicare part B, Medicaid, and other Federal health programs have no dedicated trust fund and contribute with increasing severity each year to the deficit spending about which we here in Congress complain so vehemently. It is now clear to everyone that changes in our Federal health care programs are inevitable if we wish to control and reduce the deficit.

My Republican colleagues have proposed to cut Medicare and Medicaid by $255–$275 billion over the next 5 years. As much as I admire the Republicans' commitment to reducing Government waste and inefficiency, I do not believe we should seek to reduce the deficit by cutting health care for our most vulnerable citizens: seniors, children, and the disabled.

And so I now proposed a better idea. The Centers for Disease Control tell us that Federal health care expenditures for diseases attributable to tobacco products are currently about $20 billion per year. While tobacco companies receive approximately $100 billion in annual revenues and earn huge profits from the sale of their deadly products, taxpayers are forced to pay the health care bills for the diseases those products cause. This is outrageous and is exactly backwards from what logic and justice tell us it ought to be. We need to turn this system on its head. We should be sending the Federal health care bills for tobacco-related diseases to the tobacco companies rather than to the taxpayers.

It is time to get serious about reducing the deficit. And the right way to reduce the deficit is not to reduce health care programs for people in need; rather it is to insist that the tobacco industry accept financial responsibility for the problems it knowingly causes. My bill does this.

My message to the Republican leadership is simple: The tobacco industry must be a part of any deficit reduction package. Much has been said in this Chamber about the need to reduce the Federal deficit, and the need for individuals to take responsibility for their actions. Now it is time for the tobacco industry to accept responsibility for its actions. No member of this body who wishes to remain credible on deficit reduction can continue to ignore the extraordinary impact of this one industry on Government spending. There is no choice: either we vote to make the tobacco industry part of the solution to the deficit problem, or we abandon any pretense of being serious on this issue.

My bill will reduce the deficit by $100 billion over 5 years. That is approximately $1,000 for every taxpayer in the country. It does this by directing the Secretary of Health and Human Services to annually determine the amount of Federal health care expenditures for diseases attributable to tobacco products and then authorizes the Secretary of the Treasury to bill each tobacco company for its share of those expenditures, based on each company's share of the market for tobacco products. My bill does not penalize smokers nor does it restrict smoking in any way. It simply demands that those tobacco companies whose products are the direct and immediate cause of many billions of dollars of Federal health care costs pay their fair share of those costs.

The real question is: Who will pay for the Federal health care costs for diseases attributable to tobacco products? Will it be the American taxpayers who are drowning in our national debt, or will it be the tobacco companies who are swimming in profits? With this legislation, I choose to side with the taxpayers and I hope my Senate colleagues will do so as well.

Mr. President, I ask unanimous consent to have the text of this bill, a fact sheet, and a letter of support from the Coalition on Smoking or Health printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 597

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare/Medicaid Solvency Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) illnesses and diseases that result from the use of tobacco products cost Federal Government health care programs billions of dollars, including $10,200,000,000 in the medicare program, $5,100,000,000 in the medicaid program, and $4,700,000,000 in other Federal health programs in fiscal year 1993;

(2) in April 1994, the trustees of the medicare trust funds concluded that such funds may be insolvent in 2001;

(3) such insolvency would severely affect the ability of the medicare trust funds to continue to protect the health of America's senior citizens; and

(4) the medicare population has a significantly higher risk of contracting illnesses and diseases that result from the use of tobacco products than younger age groups.

(b) PURPOSE.—The purpose of this Act is to insure the long-term viability of the medicare, medicaid, and other federal health programs by establishing a dedicated trust fund to reimburse the government for the health care costs of individuals with diseases attributable to the use of tobacco products.

SEC. 3. TOBACCO PRODUCT MANUFACTURERS CONTRIBUTION TO HEALTH CARE COST REIMBURSEMENT TRUST FUND.

(a) IN GENERAL.—The Internal Revenue Code of 1986 is amended by adding at the end the following new subtitle:

"Subtitle K—Tobacco Product Manufacturers Contribution to Health Care Cost Reimbursement Trust Fund.

"CHAPTER 100. Tobacco Product Manufacturers Contribution to Health Care Cost Reimbursement Trust Fund.

"CHAPTER 100—TOBACCO PRODUCT MANUFACTURERS CONTRIBUTION TO HEALTH CARE COST REIMBURSEMENT TRUST FUND.

"Sec. 9801. Establishment of Tobacco Product Health Care Cost Reimbursement Trust Fund.

"Sec. 9802. Contributions to Trust Fund.

"SEC. 9801. ESTABLISHMENT OF TOBACCO PRODUCT HEALTH CARE COST REIMBURSEMENT TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Tobacco Product Health Care Cost Reimbursement Trust Fund' (hereafter referred to in this chapter as the 'Trust Fund'), consisting of such amounts as may be appropriated or transferred to the Trust Fund as provided in this section or section 9602(b).

"(b) TRANSFERS TO TRUST FUND.—The Secretary shall transfer to the Trust Fund an amount equivalent to contributions received in the Treasury under section 9802.

"(c) DISTRIBUTION OF AMOUNTS IN TRUST FUND.—

"(1) IN GENERAL.—The amounts in the Trust Fund shall be available in each fiscal year (beginning with fiscal year 1997), as provided by appropriation Acts, to the Secretary—

"(A) to distribute to each particular Secretary responsible for the expenditure of Federal funds for that fiscal year under title XVIII or XIX of the Social Security Act or any other Federal program for the payment of health care costs of individuals with diseases attributable to the use of tobacco products, and

"(B) to pay all expenses of administration incurred by the Department of the Treasury in administering this chapter and the Trust Fund.

"(2) DETERMINATION OF DISTRIBUTION.—Each particular Secretary described in paragraph (1)(A) shall submit to the Secretary of the Treasury such documentation as the Secretary requires to determine the appropriate distribution under paragraph (1)(A).

"(3) USE OF DISTRIBUTIONS.—In any case in which an expenditure of Federal funds described in paragraph (1)(A) was made from a trust fund, the distribution under paragraph (1)(A) reimbursing such expenditure shall be made to such trust fund.

"(4) STATE MEDICAID EXPENDITURES.—For purposes of this section, the Secretary of Health and Human Services shall include in the Secretary's submission under paragraph (2) the expenditure of State funds under State plans under title XIX of the Social Security Act for the payment of health care costs of individuals with diseases attributable to the use of tobacco products, and to the extent the distribution to the Secretary under paragraph (1)(A) is attributable to such expenditure, shall reimburse the various States for such expenditures.

"(d) ADMINISTRATIVE RULES.—For purposes of this section, the rules of subchapter B of chapter 98 shall apply.

"(e) TOBACCO PRODUCTS.—For purposes of this chapter, the term 'tobacco products' has the meaning given such term by section 5702(c).

"SEC. 9802. CONTRIBUTIONS TO TRUST FUND.

"(a) ANNUAL PREMIUMS.—Each manufacturer of tobacco products shall pay to the Trust Fund, an annual contribution equal to the product of the amount determined under subsection (b) for each fiscal year (beginning with fiscal year 1997) and the manufacturer's market share percentage determined under subsection (c) for the calendar year preceding such fiscal year.

"(b) DETERMINATION OF FUNDING LEVELS.—

"(1) IN GENERAL.—Not later than the date the President is required to submit the budget of the United States for a fiscal year to Congress, the Director of the Centers for Disease Control and Prevention, after consultation with the Directors of the National Institutes of Health, the National Cancer Institute, and the National Heart, Lung, and Blood Institute, shall make an estimate of—

"(A) the amount of Federal expenditures for that fiscal year under titles XVIII and XIX of the Social Security Act and other Federal programs, and

"(B) the amount of State expenditures for that fiscal year under State plans under title XIX of the Social Security Act,

for payment of health care costs of individuals with diseases attributable to the use of tobacco products.

"(2) DISCLOSURE OF ESTIMATE METHODOLOGY.—The Director of the Centers for Disease Control and Prevention shall publish in the Federal Register all relevant documentation considered and the methodology used in making the estimate described in paragraph (1).

"(3) REPORT IN BUDGET.—The President shall include the estimate described in paragraph (1) in the budget for the fiscal year.

"(c) MARKET SHARE PERCENTAGE.—

"(1) IN GENERAL.—Not later than July 1, the Secretary shall determine and publish the market share percentage for the preceding calendar year for each manufacturer of tobacco products by determining such manufacturer's percentage share of the total amount of tobacco products sold in the United States during such calendar year.

"(2) INFORMATION.—Not later than April 1, each manufacturer of tobacco products shall furnish to the Secretary such information as the Secretary may require to determine any market share percentage under this subsection for the preceding calendar year.

"(d) PAYMENT OF CONTRIBUTIONS.—The annual contribution under subsection (a) for any fiscal year shall be payable in 12 monthly installments, due on the twenty-fifth day of each calendar month in the fiscal year.

"(e) ENFORCEMENT.—For penalties and other general and administrative provisions applicable to this section, see subtitle F.

"(f) MANUFACTURER OF TOBACCO PRODUCTS.—For purposes of this section, the term 'manufacturer of tobacco products' has the meaning given such term by section 5702(d)."

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

MEDICARE/MEDICAID SOLVENCY ACT—SUMMARY

Federal Health Care Costs Associated with Tobacco Use:

Medicare, $10.2 billion; Medicaid, $5.1 billion; Other Fed., $4.7 billion.

Total: $20.0 billion (Per Year—1993 CDC Figures).

MEDICARE/MEDICAID SOLVENCY ACT

A special HHS panel will determine the total amount of Federal funds spent on tobacco related illnesses each year.

The Secretary of Treasury shall collect a special annual levy from each tobacco company, based on market share, to recoup all the Federal funds spent on treating tobacco related illnesses.

Any State Medicaid funds recouped under this bill would be returned to state treasuries.

This legislation is similar to the Black Lung Trust Fund which collects a levy on mined coal to pay for the health care costs associated with Black Lung Disease.

This legislation will help cut the deficit by approximately $100 billion over the next five years and will help ensure the long-term viability of the Medicare trust fund, which is likely to be insolvent by the year 2001.

COALITION ON SMOKING OR HEALTH,
Washington, DC, March 21, 1995.

Hon. FRANK R. LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: We commend you for your leadership in introducing your bill to assess the tobacco industry for the health care costs it imposes on American taxpayers. We agree with you that it is more appropriate for the tobacco industry to pay these costs than innocent taxpayers.

Your proposal would be one of the most important public health steps this country has ever taken. It would conserve taxpayer dollars, discourage hundreds of thousands of teenagers from becoming addicted to tobacco and save about two million lives over time.

You have our full support. We look forward to working with you and your staff.

Sincerely,

SCOTT D. BALLIN,
Vice President for Public Affairs,
American Heart Association.
FRAN DU MELLE,
Deputy Managing Director,
American Lung Association.
MICHAEL F. HERON,
National Vice President for Public Affairs,
American Cancer Society.

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 598. A bill to amend the Internal Revenue Code of 1986 to increase the excise taxes on tobacco products, and to use a portion of the resulting revenues to fund a trust fund for tobacco diversification, and for other purposes; to the Committee on Finance.

TOBACCO CONSUMPTION REDUCTION AND HEALTH IMPROVEMENT ACT

Mr. BRADLEY. Mr. President, I rise today to introduce legislation that takes a bold step toward reducing the devastating health and financial effects of tobacco use in this country.

Mr. President, in both 1991 and 1993, I rose before this Chamber to talk about the destructive effects of tobacco use and to introduce legislation that would begin to redress these effects. Since my 1993 statement, almost 1 million more people have died from tobacco-related illnesses. The time to stop this travesty is now, and to do that I am introducing legislation that will raise the Federal excise tax on tobacco by a factor of five, which translates to an increase of $1.00 per pack of cigarettes.

Over 30 years after the 1964 Surgeon General's report sounded the health alarm for smoking, approximately one-quarter of the Nation's adults remain addicted to cigarettes. Smoking now kills an estimated 419,000 Americans every year—more than alcohol, heroin, crack, automobile and airplane accidents, homicides, suicides, and AIDS combined. Furthermore, environmental tobacco smoke—smoke from other people's cigarettes—causes tens of thousands of additional deaths. This year, one out of every five Americans who dies will die from tobacco use.

If these statistics were not staggering enough, each year a growing number of teenagers start smoking, even though selling cigarettes to minors is illegal. Virtually all new users of tobacco are teenagers or younger, and every 30 seconds a child in the United States smokes for the first time. The efforts that have been waged by public health officials against youth smoking have been dwarfed by the billions spent by the industry on advertising aimed at children and teenagers. The addiction of children to tobacco, and consequently the long-term effects, is a moral disgrace.

A spokesman for the Tobacco Institute, a lobbying group for the tobacco industry, was quoted as saying with regard to smoking:

> This is a day and age when we ultimately have to recognize that adults are going to indulge in the legal pleasures that others don't approve of.

My response to the industry is: This legal pleasure kills more than one out of three long-term users when used as intended. This legal pleasure has been determined to be a major cause of heart disease, lung cancer, emphysema, chronic bronchitis, low-birthweight babies, strokes, and a variety of other diseases. This legal pleasure is as addictive as cocaine or heroin. They are right that I don't approve of the effects of this legal pleasure, and for good reason.

Furthermore, this legal pleasure contributes substantially to health care costs every year. According to the Centers for Disease Control and Prevention, health care expenditures caused directly by smoking totaled $50 billion in 1993, and $22 billion of those costs were paid by Government funds. According to a former Secretary of the Department of Health, Education, and Welfare, smoking is the largest single drain on the Medicare trust fund.

One of the most effective things we can do to control health care costs is to end smoking. I view tobacco taxes as compensation for a portion of the health care costs burden we are forced to bear, thanks to smoking. It is more than fair to ask smokers to share some of the costs which they help to create.

Some people may think that the tobacco tax has already been raised substantially in recent years, and therefore that it is unfair to raise it again. This is a misconception. Despite the fact that the average price of a pack of cigarettes has risen by more than $1.10 since 1982, only 8 cents of this increase is due to a rise in the Federal excise tax. And even the dollar-per-pack increase which I am proposing will generate only about $12 billion a year in additional income—far less than the $50 billion in health care costs caused directly by tobacco in 1 year.

But this bill has an even more important goal than recovering health care expenditures. It will help decrease tobacco consumption significantly. Conservative estimates predict that a 10 percent increase in the price of cigarettes will reduce overall smoking by about 4 percent. And for kids, who are more price sensitive than adults, the impact is even greater—every 10-percent increase in cigarette prices decreases demand among children and teenager by as much as 14 percent.

Mr. President, despite the many advantages of this legislation, I am not blind to the fact that there are those whom it will impact negatively—particularly, tobacco farmers. By no means do I think that the potential losses to these farmers are an adequate justification for making no efforts to reduce tobacco consumption. But because I realize the impact of an increased excise tax on these farmers, my bill puts 3 percent of all revenues it generates into a special trust fund to be used to help tobacco framers substitute new crops in place of tobacco.

Mr. President, these days everyone is looking for a way to reduce Government spending on health care. Almost all of the actions under consideration will be painful. In contrast, increasing the tobacco tax is one of the wisest and most beneficial ways of addressing this problem. It will save billions of dollars in health care costs, not only for the Federal Government but for private insurers and citizens across the country. It will save countless lives. It will decrease unnecessary suffering. It will discourage millions of children and teenagers from ever becoming addicted to tobacco. And poll after poll has found that public support is high for a significant hike in the tobacco tax—and this support is consistent across people from all geographic and economic backgrounds.

Mr. President, this bill is good health policy. It is good economic policy. And it is key to helping our children and teenagers achieve a tobacco-free future. I urge my colleagues to join me in support of this bill.

Mr. President, I ask unanimous consent that the text of the bill and a bill summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 598

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tobacco Consumption Reduction and Health Improvement Act of 1995".

SEC. 2. INCREASE IN TAXES ON TOBACCO PRODUCTS.

(a) IN GENERAL.—

(1) CIGARS.—Subsection (a) of section 5701 of the Internal Revenue Code of 1986 (relating to rate of tax on cigars) is amended—

(A) by striking "$1.125 cents per thousand (93.75 cents per thousand on cigars removed during 1991 and 1992)" in paragraph (1) and inserting "$5.8125 per thousand"; and

(B) by striking paragraph (2) and inserting the following new paragraph:

"(2) LARGE CIGARS.—On cigars weighing more than 3 pounds per thousand, a tax equal to 65.875 percent of the price for which sold but not more than $155 per thousand."

(2) CIGARETTES.—Subsection (b) of section 5701 of such Code (relating to rate of tax on cigarettes) is amended—

(A) by striking "$12 per thousand ($10 per thousand on cigarettes removed during 1991 and 1992)" in paragraph (1) and inserting "$62 per thousand"; and

(B) by striking "$25.20 per thousand ($21 per thousand on cigarettes removed during 1991 and 1992)" in paragraph (2) and inserting "$130.20 per thousand".

(3) CIGARETTE PAPERS.—Subsection (c) of section 5701 of such Code (relating to rate of tax on cigarette papers) is amended by striking "0.75 cent (0.625 cent on cigarette papers removed during 1991 or 1992)" and inserting "3.875 cents".

(4) CIGARETTE TUBES.—Subsection (d) of section 5701 of such Code (relating to rate of tax on cigarette tubes) is amended by striking "1.5 cents (1.25 cents on cigarette tubes removed during 1991 or 1992)" and inserting "7.75 cents".

(5) SNUFF.—Paragraph (1) of section 5701(e) of such Code (relating to rate of tax on smokeless tobacco) is amended by striking "36 cents (30 cents on snuff removed during 1991 or 1992)" and inserting "$1.86".

(6) CHEWING TOBACCO.—Paragraph (2) of section 5701(e) of such Code is amended by striking "12 cents (10 cents on chewing tobacco removed during 1991 or 1992)" and inserting "62 cents".

(7) PIPE TOBACCO.—Subsection (f) of section 5701 of such Code (relating to rate of tax on pipe tobacco) is amended by striking "67.5 cents (56.25 cents on chewing tobacco removed during 1991 or 1992)" and inserting "$3.4875".

(8) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to cigars, cigarettes, cigarette paper, cigarette tubes, snuff, chewing tobacco, and pipe tobacco removed after December 31, 1995.

(b) IMPOSITION OF EXCISE TAX ON MANUFACTURE OR IMPORTATION OF ROLL-YOUR-OWN TOBACCO.—

(1) IN GENERAL.—Section 5701 of the Internal Revenue Code of 1986 (relating to rate of tax) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) ROLL-YOUR-OWN TOBACCO.—On roll-your-own tobacco, manufactured in or imported into the United States, there shall be imposed a tax of $1.86 per pound (and a proportionate tax at the like rate on all fractional parts of a pound)."

(2) ROLL-YOUR-OWN TOBACCO.—Section 5702 of such Code (relating to definitions) is amended by adding at the end the following new subsection:

"(p) ROLL-YOUR-OWN TOBACCO.—The term 'roll-your-own tobacco' means any tobacco which, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes."

(3) TECHNICAL AMENDMENTS.—

(A) Subsection (c) of section 5702 of such Code is amended by striking "and pipe tobacco" and inserting "pipe tobacco, and roll-your-own tobacco".

(B) Subsection (d) of section 5702 of such Code is amended—

(i) in the material preceding paragraph (1), by striking "or pipe tobacco" and inserting "pipe tobacco, or roll-your-own tobacco", and

(ii) by striking paragraph (1) and inserting the following new paragraph:

"(1) a person who produces cigars, cigarettes, smokeless tobacco, pipe tobacco, or roll-your-own tobacco solely for the person's own personal consumption or use, and".

(C) The chapter heading for chapter 52 of such Code is amended to read as follows:

"CHAPTER 52—TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES".

(D) The table of chapters for subtitle E of such Code is amended by striking the item relating to chapter 52 and inserting the following new item:

"CHAPTER 52. Tobacco products and cigarette papers and tubes."

(4) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by this subsection shall apply to roll-your-own tobacco removed (as defined in section 5702(p) of the Internal Revenue Code of 1986, as added by this subsection) after December 31, 1995.

(B) TRANSITIONAL RULE.—Any person who—

(i) on the date of the enactment of this Act is engaged in business as a manufacturer of roll-your-own tobacco or as an importer of tobacco products or cigarette papers and tubes, and

(ii) before January 1, 1996, submits an application under subchapter B of chapter 52 of such Code to engage in such business,

may, notwithstanding such subchapter B, continue to engage in such business pending final action on such application. Pending such final action, all provisions of such chapter 52 shall apply to such applicant in the same manner and to the same extent as if such applicant were a holder of a permit under such chapter 52 to engage in such business.

(c) FLOOR STOCKS.—

(1) IMPOSITION OF TAX.—On cigars, cigarettes, cigarette paper, cigarette tubes, snuff, chewing tobacco, and pipe tobacco manufactured in or imported into the United States which is removed before January 1, 1996, and held on such date for sale by any person, there shall be imposed the following taxes:

(A) SMALL CIGARS.—On cigars, weighing not more than 3 pounds per thousand, $4.6875 per thousand.

(B) LARGE CIGARS.—On cigars, weighing more than 3 pounds per thousand, a tax equal to 53.125 percent of the price for which sold, but not more than $125 per thousand.

(C) SMALL CIGARETTES.—On cigarettes, weighing not more than 3 pounds per thousand, $50 per thousand.

(D) LARGE CIGARETTES.—On cigarettes, weighing more than 3 pounds per thousand, $105 per thousand; except that, if more than 6½ inches in length, they shall be taxable at the rate prescribed for cigarettes weighing not more than 3 pounds per thousand, counting each 2¾ inches, or fraction thereof, of the length of each as one cigarette.

(E) CIGARETTE PAPERS.—On cigarette papers, 3.125 cents for each 50 papers or fractional part thereof; except that, if cigarette papers measure more than 6½ inches in length, they shall be taxable at the rate prescribed, counting each 2¾ inches, or fraction thereof, of the length of each as one cigarette paper.

(F) CIGARETTE TUBES.—On cigarette tubes, 6.25 cents for each 50 tubes or fractional part thereof; except that, if cigarette tubes measure more than 6½ inches in length, they shall be taxable at the rate prescribed, counting each 2¾ inches, or fraction thereof, of the length of each as one cigarette tube.

(G) SNUFF.—On snuff, $1.50 per pound and a proportionate tax at the like rate on all fractional parts of a pound.

(H) CHEWING TOBACCO.—On chewing tobacco, 50 cents per pound and a proportionate tax at the like rate on all fractional parts of a pound.

(I) PIPE TOBACCO.—On pipe tobacco, $2.8125 per pound and a proportionate tax at the like rate on all fractional parts of a pound.

(2) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding cigars, cigarettes, cigarette paper, cigarette tubes, snuff, chewing tobacco, and pipe tobacco on January 1, 1996, to which any tax imposed by paragraph (1) applies shall be liable for such tax.

(B) METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be treated as a tax imposed under section 5701 of the Internal Revenue Code of 1986 and shall be due and payable on February 15, 1996, in the same manner as the tax imposed under such section is payable with respect to cigars, cigarettes, cigarette paper, cigarette tubes, snuff, chewing tobacco, and pipe tobacco removed on January 1, 1996.

(3) CIGARS, CIGARETTES, CIGARETTE PAPER, CIGARETTE TUBES, SNUFF, CHEWING TOBACCO, AND PIPE TOBACCO.—For purposes of this subsection, the terms "cigar", "cigarette", "cigarette paper", "cigarette tubes", "snuff", "chewing tobacco", and "pipe tobacco" shall have the meaning given to such terms by subsections (a), (b), (e), and (g), paragraphs (2) and (3) of subsection (n), and subsection (o) of section 5702 of the Internal Revenue Code of 1986, respectively.

(4) EXCEPTION FOR RETAIL STOCKS.—The taxes imposed by paragraph (1) shall not apply to cigars, cigarettes, cigarette paper, cigarette tubes, snuff, chewing tobacco, and pipe tobacco in retail stocks held on January 1, 1996, at the place where intended to be sold at retail.

(5) FOREIGN TRADE ZONES.—Notwithstanding the Act of June 18, 1934 (19 U.S.C. 81a et seq.) or any other provision of law—

(A) cigars, cigarettes, cigarette paper, cigarette tubes, snuff, chewing tobacco, and pipe tobacco—

(i) on which taxes imposed by Federal law are determined, or customs duties are liquidated, by a customs officer pursuant to a request made under the first proviso of section 3(a) of the Act of June 18, 1934 (19 U.S.C. 81c(a)) before January 1, 1996, and

(ii) which are entered into the customs territory of the United States on or after January 1, 1996, from a foreign trade zone, and

(B) cigars, cigarettes, cigarette paper, cigarette tubes, snuff, chewing tobacco, and pipe tobacco which—

(i) are placed under the supervision of a customs officer pursuant to the provisions of the second proviso of section 3(a) of the Act of June 18, 1934 (19 U.S.C. 81c(a)) before January 1, 1996, and

(ii) are entered into the customs territory of the United States on or after January 1, 1996, from a foreign trade zone,

shall be subject to the tax imposed by paragraph (1) and such cigars, cigarettes, cigarette paper, cigarette tubes, snuff, chewing tobacco, and pipe tobacco shall, for purposes of paragraph (1), be treated as being held on January 1, 1996, for sale.

(d) ESTABLISHMENT OF TRUST FUND.—

(1) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to trust fund code) is amended by adding at the end the following new section:

"SEC. 9512. TOBACCO CONVERSION TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Tobacco Conversion Trust Fund' (hereafter referred to in this section as the 'Trust Fund'), consisting of such amounts as may be appropriated or credited to the Trust Fund as provided in this section or section 9602(b).

"(b) TRANSFERS TO TRUST FUND.—The Secretary shall transfer to the Trust Fund an amount equivalent to 3 percent of the net increase in revenues received in the Treasury attributable to the amendments made to section 5701 by subsections (a) and (b) of section 2 and the provisions contained in section 2(c) of the Tobacco Consumption Reduction and Health Improvement Act of 1995, as estimated by the Secretary.

"(c) DISTRIBUTION OF AMOUNTS IN TRUST FUND.—Amounts in the Trust Fund shall be available to the Secretary of Agriculture, as provided by appropriation Acts, for making expenditures for purposes of—

"(1) providing assistance to farmers in converting from tobacco to other crops and improving the access of such farmers to markets for other crops, and

"(2) providing grants or loans to communities, and persons involved in the production or manufacture of tobacco or tobacco products, to support economic diversification plans that provide economic alternatives to tobacco to such communities and persons.

The assistance referred to in paragraph (1) may include government purchase of tobacco allotments for purposes of retiring such allotments from allotment holders and farmers who choose to terminate their involvement in tobacco production."

(2) CLERICAL AMENDMENT.—The table of sections for such subchapter A is amended by adding at the end the following new item:

"Sec. 9512. Tobacco Conversion Trust Fund."

TOBACCO CONSUMPTION REDUCTION AND HEALTH IMPROVEMENT ACT OF 1995—SUMMARY

This bill provides for an increase of the Federal excise tax on tobacco products. It raises the excise tax five-fold on cigarettes, from 24 cents to $1.24 per pack. The excise tax for all other tobacco products will also be increased five-fold. This bill will generate approximately $12 billion in additional federal revenues each year.

The reasons for this increase are clear. First, it allows us to use the most potent weapon we have at our disposal to discourage smoking—raising the price of tobacco. This will allow us to specifically direct our attention to a vulnerable and price sensitive group—children and teenagers. It is also smart tax policy—it taxes what we want to discourage so we can cut taxes on the things we want to encourage. Second, the Centers for Disease Control and the Office of Technology Assessment have estimated the cost to society of cigarette smoking at over $100 billion annually; $22 billion of these costs were paid by government funds. It is more than fair to ask smokers to shoulder some of these costs.

By Mr. SANTORUM:

S. 599. A bill to eliminate certain welfare with respect to fugitive felons and probation and parole violators, and to facilitate sharing of information with law enforcement officers, and for other purposes; to the Committee on Finance.

FUGITIVE FELONS AND WELFARE REFORM

Mr. SANTORUM. Mr. President, like most of my colleagues in the Senate, I have followed with interest the activity in the House regarding welfare reform. It is with a unique perspective that I have viewed the House action having been at the center of the House's welfare reform debate last year and having been deeply involved in the direction and decision making of the House Republican platform.

During the 103d Congress, I served as the ranking Republican member on the Ways and Means Human Resources Subcommittee. Preceding me in that capacity is quite a list of dedicated ranking members who all have and continue to make a very significant contribution to the welfare reform discussions—Senator HANK BROWN, Gov. Carroll Campbell, and the current chairman of that subcommittee, Congressman CLAY SHAW. As the Senate now prepares for its own activity on welfare reform, I hope to continue to be equally active on this side in setting that direction.

It is hard to undertake any discussion on welfare reform without realizing the multitude of issues, programs, problems, and complexities that are involved. And while my activity in the

House covered many aspects of welfare and welfare-related programs, one such issue that I wanted to discuss today pertains to fugitive felons receiving welfare benefits.

Under current law, barriers exist to information sharing between law enforcement officials and social service agencies. While few States have defined criteria where the exchange of information can occur between police and social service offices, most States have not. And with the reality of fugitives receiving public assistance, it makes sense to provide police access to welfare records that indicate the whereabouts of wanted individuals, without violating the privacy language and rights of welfare beneficiaries.

In the 103d Congress, I introduced legislation (H.R. 4657) which establishes criteria for information sharing between law enforcement officials and social service agencies, allows cross reference checks between the Immigration and Naturalization Service and law enforcement with regard to illegal immigration, and sets a Federal definition of temporarily absent in instances where children of beneficiaries are away from the home for extended periods of time.

The information and record referencing under the bill is limited to individuals for whom warrants are outstanding. The bill permits access by law enforcement to information when a warrant is produced, and it is found that the individual is receiving benefits. Someone who is not a fugitive felon would remain fully protected from such inquiries under the Welfare Privacy Act.

Is there a need for such information sharing? I'd like to submit for the Record a copy of a news article from Pittsburgh Tribune-Review on July 29, 1994. The article describes a situation in which an individual wanted for an 1984 slaying in Pittsburgh, had been on the run and receiving Federal welfare benefits under his real name. Likewise, a situation last year in Cleveland, OH, highlighted the difficulties that exist in tracking fugitives and trying to interface with social service agencies. In that instance, Cuyahoga County officials were denied access to records as they attempted to cross reference outstanding fugitive warrants with social service records.

It is absurd that taxpayers are subsidizing a fugitive's freedom when checking a recipient's address could lead to their apprehension. Currently, the National Crime Information Center lists 397,000 outstanding fugitive warrants nationwide—warrants being defined as "felonies" or "high misdemeanors" in cases where States agree to extradition. Several police groups have projected that as many as 75 percent of those fugitives are receiving public assistance. Additionally, as I have discovered with Pennsylvania, the extradition stipulation for warrants in the NCIC data bank actually shields the number of outstanding warrants in a given State. You too may find that your State figures are significant.

Last week, I met with the Philadelphia Fugitive Task Force to discuss the practical effects of the legislation. In confronting their 50,000 outstanding fugitive warrants, they feel strongly that the bill provides them yet another tool in their investigative efforts. Likewise, the measure has received similar comment from the Federal Bureau of Investigation, the National Association of Chiefs of Police, the Fraternal Order of Police, and the Law Enforcement Alliance of America.

While the fugitive felon situation generally involves the parent or an adult, the bill also addresses ambiguity in the law with regard to children. Under current law, a mother can continue to receive AFDC payment for a child even if that child is temporarily absent from the home. Depending on their definition, States have the authority to end AFDC payments if the child is not going to physically be in the home for an extended period of time. Again, like the fugitive felon issue, Federal and State law remains undefined in most cases for temporarily absent. My bill would federally define temporarily absent for those instances where juveniles are away from the home as a result of a court decision or criminal activity.

Mr. President, while this legislation today may serve as my first official measure for the 104th Congress in the area of welfare reform, it is by no means the sole measure I will be introducing to the Senate. In the weeks ahead, I plan on introducing proposals covering child support enforcement, supplemental security income, and a more comprehensive proposal speaking to welfare reform in its entirety. Additionally, I plan on being very active within the Agriculture Committee in the area of nutrition programs and examining the reform options available to us, including a review of the block grant concept.

I welcome and encourage my colleagues' interest in this and other initiatives.

Mr. President, I ask unanimous consent that a copy of the bill and a copy of the article I referenced earlier be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 599

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIMINATION OF WELFARE BENEFITS WITH RESPECT TO FUGITIVE FELONS AND PROBATION AND PAROLE VIOLATORS.

(a) Medicaid Program.—

(1) Ineligibility for medical assistance.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(A) by striking "and" at the end of paragraph (61);

(B) by striking the period at the end of paragraph (62) and inserting "; and"; and

(C) by inserting after paragraph (62) the following new paragraph:

"(63) provide that no medical assistance shall be available under the plan to any individual during any period during which the individual—

"(A) is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime (or attempt to commit a crime) which, under the laws of the place from which the recipient is fleeing, is a felony (or, in the case of New Jersey, a high misdemeanor); or

"(B) is violating a condition of probation or parole imposed under Federal or State law.".

(2) Exchange of information with law enforcement agencies.—Section 1902(a)(7) of such Act (42 U.S.C. 1396a(a)(7)) is amended by striking the semicolon and inserting the following: ", except that nothing in this paragraph shall be construed to prevent the State agency from furnishing a Federal, State, or local law enforcement officer with the current address, Social Security number and photograph (if applicable) of a recipient at the officer's request if the officer notifies the agency that—

"(A) the recipient is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime (or attempt to commit a crime) which, under the laws of the place from which the recipient is fleeing, is a felony (or, in the case of New Jersey, a high misdemeanor), or is violating a condition of probation or parole imposed under Federal or State law,

"(B) the location or apprehension of the recipient is within the officer's official duties, and

"(C) the request is made in the proper exercise of the officer's official duties;".

(b) AFDC Program.—

(1) Ineligibility for aid.—Section 402(a) of the Social Security Act (42 U.S.C. 602(a)) is amended—

(A) by striking "and" at the end of paragraph (44);

(B) by striking the period at the end of paragraph (45) and inserting "; and"; and

(C) by inserting after paragraph (45) the following new paragraph:

"(46) provide that aid shall not be payable under the State plan with respect to any individual during any period during which the individual is—

"(A) fleeing to avoid prosecution, or custody or confinement after conviction, for a crime (or attempt to commit a crime) which, under the laws of the place from which the individual is fleeing, is a felony (or, in the case of New Jersey, a high misdemeanor); or

"(B) violating a condition of probation or parole imposed under Federal or State law.".

(2) Exchange of information with law enforcement agencies.—Section 402(a)(9) of such Act (42 U.S.C. 602(a)(9)) is amended by striking "State or local" and all that follows through "official duties" and inserting "Federal, State, or local law enforcement officer, upon such officer's request, with the current address, Social Security number and photograph (if applicable) of any recipient if the officer furnishes the agency with such recipient's name and notifies the agency that such recipient is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime (or attempt to commit a crime) which, under the laws of the place from which the recipient is fleeing, is a felony (or,

in the case of New Jersey, a high misdemeanor), or is violating a condition of probation or parole imposed under Federal or State law, or has information that is necessary for the officer to conduct the officer's official duties, that the location or apprehension of such recipient is within the officer's official duties".

(c) Food Stamp Program.—

(1) Ineligibility for food stamps.—Section 6 of the Food Stamp Act of 1977 (7 U.S.C. 2015) is amended by adding at the end the following new subsection:

"(i) No member of a household who is otherwise eligible to participate in the food stamp program shall be eligible to participate in the program as a member of that or any other household during any period during which the individual is—

"(1) fleeing to avoid prosecution, or custody or confinement after conviction, for a crime (or attempt to commit a crime) which, under the laws of the place from which the individual is fleeing, is a felony (or, in the case of New Jersey, a high misdemeanor); or

"(2) violating a condition of probation or parole imposed under Federal or State law.".

(2) Exchange of information with law enforcement officers.—Section 11(e)(8) of such Act (7 U.S.C. 2020(e)(8)) is amended—

(A) by striking "and (C)" and inserting "(C)"; and

(B) by inserting before the semicolon at the end the following: ", and (D) notwithstanding any other provision of law, the address, Social Security number and photograph (if applicable) of a member of a household shall be made available, on request, to a Federal, State, or local law enforcement officer if the officer furnishes the State agency with the name of the member and notifies the agency that (i) the member (I) is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime (or attempt to commit a crime) which, under the laws of the place from which the individual is fleeing, is a felony (or, in the case of New Jersey, a high misdemeanor), or is violating a condition of probation or parole imposed under Federal or State law, or (II) has information that is necessary for the officer to conduct the officer's official duties, (ii) the location or apprehension of the member is within the official duties of the officer, and (iii) the request is made in the proper exercise of the officer's official duties".

(d) SSI Program.—

(1) Ineligibility for aid.—Section 1611(e) of the Social Security Act (42 U.S.C. 1382(e)) is amended by inserting after paragraph (3) the following:

"(4) A person shall not be an eligible individual or eligible spouse for purposes of this title with respect to any month if, throughout the month, the person is—

"(A) fleeing to avoid prosecution, or custody or confinement after conviction, for a crime (or attempt to commit a crime) which, under the laws of the place from which the person is fleeing, is a felony (or, in the case of New Jersey, a high misdemeanor); or

"(B) violating a condition of probation or parole imposed under Federal or State law.".

(2) Exchange of information with law enforcement agencies.—Section 1631(e) of such Act (42 U.S.C. 1383(e)) is amended—

(A) by redesignating paragraphs (6) and (7) inserted by sections 206(d)(2) and 206(f)(1) of the Social Security Independence and Programs Improvement Act of 1994 (Public Law 103-296; 108 Stat. 1514, 1515) as paragraphs (7) and (8), respectively; and

(B) by adding at the end the following new paragraph:

"(9) Notwithstanding any other provision of law, the Secretary shall furnish any Federal, State, or local law enforcement officer, upon such officer's request, with the current address, Social Security number and photograph (if applicable) of any recipient of benefits under this title, if the officer furnishes the agency with such recipient's name and notifies the agency that—

"(A) such recipient—

"(i) is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime (or attempt to commit a crime) which, under the laws of the place from which the person is fleeing, is a felony (or, in the case of New Jersey, a high misdemeanor);

"(ii) is violating a condition of probation or parole imposed under Federal or State law; or

"(iii) has information that is necessary for the officer to conduct the officer's official duties;

"(B) the location or apprehension of such recipient is within the officer's official duties; and

"(C) the request is made in the proper exercise of the officer's official duties.".

(e) Housing Programs.—

(1) Eligibility for assistance.—The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended—

(A) in section 6(*l*)—

(i) in paragraph (5), by striking "and" at the end;

(ii) in paragraph (6), by striking the period at the end and inserting "; and"; and

(iii) by inserting immediately after paragraph (6) the following new paragraph:

"(7) provide that it shall be cause for immediate termination of the tenancy of a public housing tenant if such tenant—

"(A) is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime (or attempt to commit a crime) which, under the laws of the place from which the tenant is fleeing, is a felony (or, in the case of New Jersey, a high misdemeanor); or

"(B) is violating a condition of probation or parole imposed under Federal or State law."; and

(B) in section 8(d)(1)(B)—

(i) in clause (iii), by striking "and" at the end;

(ii) in clause (iv), by striking the period at the end and inserting "; and"; and

(iii) by adding after clause (iv) the following new clause:

"(v) it shall be cause for termination of the tenancy of a tenant if such tenant—

"(I) is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime (or attempt to commit a crime) which, under the laws of the place from which the tenant is fleeing, is a felony (or, in the case of New Jersey, a high misdemeanor); or

"(II) is violating a condition of probation or parole imposed under Federal or State law;".

(2) Provision of information to law enforcement agencies.—Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following new section:

"SEC. 27. PROVISION OF INFORMATION TO LAW ENFORCEMENT AND OTHER AGENCIES.

"(a) Exchange of Information With Law Enforcement Agencies.—Notwithstanding any other provision of law, each public housing agency that enters into a contract for assistance under section 6 or 8 of this Act with the Secretary shall furnish to any Federal, State, or local law enforcement agency, upon request, the current address, Social Security number and photograph (if applicable) of any recipient of assistance under this Act if the law enforcement agency—

"(1) furnishes the public housing agency with such recipient's name; and

"(2) notifies such agency that—

"(A) such recipient—

"(i) is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime (or attempt to commit a crime) which, under the laws of the place from which the tenant is fleeing, is a felony (or, in the case of New Jersey, a high misdemeanor);

"(ii) is violating a condition of probation or parole imposed under Federal or State law; or

"(iii) has information that is necessary for the officer to conduct the officer's official duties;

"(B) the location or apprehension of such recipient is within the official duties of the agency; and

"(C) the request is made in the proper exercise of the officer's official duties.".

SEC. 2. NOTICE TO IMMIGRATION AND NATURALIZATION SERVICE OF ILLEGAL ALIENS.

(a) Medicaid Program.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) by striking "and" at the end of paragraph (61);

(2) by striking the period at the end of paragraph (62) and inserting "; and"; and

(3) by inserting after paragraph (62) the following new paragraph:

"(63) provide that the State agency shall, at least 4 times annually and upon request of the Immigration and Naturalization Service, furnish the Immigration and Naturalization Service with the name and address of, and other identifying information on, any individual who the agency knows is unlawfully in the United States.".

(b) AFDC Program.—Section 402(a)(9) of the Social Security Act (42 U.S.C. 602(a)(9)) is amended—

(1) by redesignating subparagraphs (A), (B), (C), (D), and (E) as clauses (i), (ii), (iii), (iv), and (v), respectively;

(2) by striking "(9)" and inserting "(9)(A)";

(3) in clause (v) (as so redesignated), by striking "(D)" and inserting "(iv)";

(4) by adding "and" after the semicolon at the end; and

(5) by adding at the end the following:

"(B) provide that, the State agency shall, at least 4 times annually and upon request of the Immigration and Naturalization Service, furnish the Immigration and Naturalization Service with the name and address of, and other identifying information on, any individual who the agency knows is unlawfully in the United States;".

(c) Food Stamp Program.—Section 11(e) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)), as amended by section 1(c)(2), is amended—

(1) paragraph (8)—

(A) by striking "and (D)" and inserting "(D)"; and

(B) by inserting before the semicolon at the end the following: ", and (E) such safeguards shall not prevent compliance with paragraph (26)";

(2) in paragraph (24) by striking "and" at the end;

(3) in paragraph (25) by striking the period and inserting "; and"; and

(4) by adding at the end the following:

"(26) that the State agency shall, at least 4 times annually and upon request of the Immigration and Naturalization Service, furnish the Immigration and Naturalization Service with the name and address of, and other identifying information on, any individual who the agency knows is unlawfully in the United States.''.

(d) SSI PROGRAM.—

(1) IN GENERAL.—Section 1631(e) of the Social Security Act (42 U.S.C. 1383(e)), as amended by section 1(d)(2) of this Act, is amended by adding at the end the following new paragraph:

''(10) Notwithstanding any other provision of law, the Commissioner shall, at least 4 times annually and upon request of the Immigration and Naturalization Service (hereafter in this paragraph referred to as the 'Service'), furnish the Service with the name and address of, and other identifying information on, any individual who the agency knows is unlawfully in the United States, and shall ensure that each agreement entered into under section 1616(a) with a State provides that the State shall furnish such information at such times with respect to any individual who the State knows is unlawfully in the United States.''.

(e) HOUSING PROGRAMS.—Section 27 of the United States Housing Act of 1937, as added by section 1(e)(2) of this Act, is amended by adding at the end the following new subsection:

''(b) NOTICE TO IMMIGRATION AND NATURALIZATION SERVICE OF ILLEGAL ALIENS.—Notwithstanding any other provision of law, the Secretary shall, at least 4 times annually and upon request of the Immigration and Naturalization Service (hereafter in this subsection referred to as the 'Service'), furnish the Service with the name and address of, and other identifying information on, any individual who the Secretary knows is unlawfully in the United States, and shall ensure that each contract for assistance entered into under section 6 or 8 of this Act with a public housing agency provides that the public housing agency shall furnish such information at such times with respect to any individual who the public housing agency knows is unlawfully in the United States.''.

SEC. 3. TERMINATION OF AFDC BENEFITS FOR DEPENDENT CHILDREN WHO ARE ABSENT FROM THE HOME FOR A SIGNIFICANT PERIOD.

Section 402(a) of the Social Security Act (42 U.S.C. 602(a)), as amended by section 1(b)(1) of this Act, is amended—

(1) by striking ''and'' at the end of paragraph (45);

(2) by striking the period at the end of paragraph (46) and inserting ''; and''; and

(3) by inserting after paragraph (46) the following new paragraph:

''(47)(A) provide that aid shall not be payable under the State plan to a family with respect to any dependent child who has been, or is expected by the caretaker relative in the family to be, absent from the home for a period of 45 consecutive days or, at the option of the State, such period of not less than 30 and not more than 90 consecutive days as the State may provide for in the State plan;

''(B) at the option of the State, provide that the State may establish such good cause exceptions to subparagraph (A) as the State considers appropriate if such exceptions are provided for in the State plan; and

''(C) provide that a caretaker relative shall not be eligible for aid under the State plan if the caretaker relative fails to notify the State agency of an absence of a dependent child from the home for the period specified in or provided for under subparagraph (A), by the end of the 5-day period that begins on the date that it becomes clear to the caretaker relative that the dependent child will be absent for the period so specified or provided for in subparagraph (A).''.

SEC. 4. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise specifically provided in subsection (b), the amendments made by this Act shall be effective with respect to calendar quarters beginning on or after the date of the enactment of this Act.

(b) SPECIAL RULE.—In the case of a State that the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order to meet the additional requirements imposed by the amendments made by this Act, the State shall not be regarded as failing to comply with the requirements of such amendments before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of this subsection, in the case of a State that has a 2-year legislative session, each year of the session shall be treated as a separate regular session of the State legislature.

[From the Tribune-Review]

FUGITIVE USED REAL NAME FOR WELFARE

(By Lille Wilson)

James Brabham knew who he was. During a decade on the lam for a 1984 slaying in Pittsburgh, he used at least five aliases and five Social Security numbers.

But when he went on welfare, Brabham used his real name—and his state-issued welfare card bore his current address and photo.

The cops who arrested him Wednesday in Philadelphia saw the card when they asked Brabham for identification. They hadn't known he was on welfare.

''I'm sure it would have made things a lot easier,'' said Detective Joe Hasara of the Federal Fugitive Task Force in Philadelphia, one of the squads that for years pursued lead after dead-end lead searching for Brabham.

Police—even those looking for longtime fugitives—don't routinely look at welfare rolls to locate suspects, primarily because of the legal obstacles, Hasara said.

''It's just not feasible,'' said Hasara, citing red tape. ''We'd have to have one or two people doing nothing but getting subpoenas and court orders. We can't operate like that.''

Hasara, a Philadelphia police detective who makes up part of the city's federally funded fugitive task force, located Brabham after a typically long and laborious investigation that involved following tips and digging into clues. He won't be more specific than that, for fear of divulging the task force's gumshoe secrets.

The victim, Charlene Summers, 36, was living with Brabham in Pittsburgh's Beltzhoover area. Police said Brabham reported the January 1984 killing to city homicide in a telephone call. He claimed Summers had attacked him with a knife.

Brabham, who posted bond days after he was charged with her murder, never showed up at a coroner's hearing. A bench warrant for his arrest went out in May 1984. In March 1990, a federal court handed down a fugitive warrant.

By then, the Greater Pittsburgh Fugitive Task Force was already hunting him, said FBI Agent Ralph Young, a task force member.

''We had people all over the country looking for him,'' Young said. ''He never came back to Pittsburgh.''

Philadelphia was one of the investigative hot spots: Brabham had relatives there, Young said.

''We'd hear sightings. We'd follow up. It'd lead to a dead end,'' he said.

The state's welfare listings may be accessible to police who petition the Commonwealth Court for specific information, said department spokesman Kevin Campbell.

Although state law forbids disclosure of individual welfare information for personal, commercial or political uses, a specific statute allows law enforcement queries if authorized by a judge, Campbell said.

''District attorneys have done it in the past, certainly,'' said Campbell, who added that police face no other official barriers.

''Apparently they've never worked the street,'' Hasara snorted.

After Brabham's arrest Wednesday, Young telephoned Summers' mother, Lillie Jones, with the news.

''For ten years, I never gave up on this,'' said Jones, 70, who described a dream she had Tuesday night. ''She and I was very close. In the spiritual world, we had a lot of connection.

''I dreamed some man was chasing her around and around my house with a gun, and around and around my neighbor's house, and she was calling me for help: she ran to me and said, ''Mama, save me.''

ADDITIONAL COSPONSORS

S. 170

At the request of Mr. DASCHLE, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 170, a bill to amend the Public Health Service Act to provide a comprehensive program for the prevention of Fetal Alcohol Syndrome, and for other purposes.

S. 184

At the request of Mr. HATFIELD, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 184, a bill to establish an Office for Rare Disease Research in the National Institutes of Health, and for other purposes.

S. 244

At the request of Mr. DORGAN, his name was added as a cosponsor of S. 244, a bill to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes.

S. 293

At the request of Mr. CONRAD, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 293, a bill to amend title 38, United States Code, to authorize the payment to States of per diem for veterans receiving adult day health care, and for other purposes.

S. 343

At the request of Mr. DOLE, the names of the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Iowa [Mr. GRASSLEY], the Senator from Idaho [Mr. KEMPTHORNE], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 343, a bill to reform the regulatory process, and for other purposes.

S. 441

At the request of Mr. McCAIN, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 441, a bill to reauthorize appropriations for certain programs under the Indian Child Protection and Family Violence Prevention Act, and for other purposes.

S. 478

At the request of Mr. BREAUX, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 478, a bill to amend the Internal Revenue Code of 1986 to allow the taxable sale or use, without penalty, of dyed diesel fuel with respect to recreational boaters.

S. 495

At the request of Mrs. KASSEBAUM, the names of the Senator from Utah [Mr. HATCH] and the Senator from Pennsylvania [Mr. SANTORUM] were added as cosponsors of S. 495, a bill to amend the Higher Education Act of 1965 to stabilize the student loan programs, improve congressional oversight, and for other purposes.

S. 584

At the request of Mr. ROBB, the names of the Senator from Wisconsin [Mr. KOHL] and the Senator from Arizona [Mr. McCAIN] were added as cosponsors of S. 584, a bill to authorize the award of the Purple Heart to persons who were prisoners of war on or before April 25, 1962.

SENATE CONCURRENT RESOLUTION 3

At the request of Mr. SIMON, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Tennessee [Mr. THOMPSON], and the Senator from Missouri [Mr. BOND] were added as cosponsors of Senate Concurrent Resolution 3, a concurrent resolution relative to Taiwan and the United Nations.

At the request of Mr. HELMS, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of Senate Concurrent Resolution 3, supra.

SENATE CONCURRENT RESOLUTION 9

At the request of Mr. MURKOWSKI, the name of the Senator from Arizona [Mr. McCAIN] was added as a cosponsor of Senate Concurrent Resolution 9, a concurrent resolution expressing the sense of the Congress regarding a private visit by President Lee Teng-hui of the Republic of China on Taiwan to the United States.

AMENDMENT NO. 401

At the request of Mr. ABRAHAM the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of amendment No. 401 proposed to S. 4, a bill to grant the power to the President to reduce budget authority.

AMENDMENTS SUBMITTED

LEGISLATIVE LINE ITEM VETO ACT OF 1995

BRADLEY (AND OTHERS) AMENDMENT NO. 403

Mr. BRADLEY (for himself, Mr. WELLSTONE, Mr. ROBB, Mr. GLENN, Mr. KOHL, Mr. KERREY, Mr. HARKIN, Mr. FEINGOLD, Mr. EXON, Mr. HOLLINGS, and Mr. SIMON) proposed an amendment to amendment No. 347 proposed by Mr. DOLE to the bill (S. 4) to grant the power to the President to reduce budget authority; as follows:

On page 5, strike lines 13 through 20 and insert the following:

(5) the term 'targeted tax benefit' means any provision which has the practical effect of providing a benefit in the form of a different treatment to a particular taxpayer or a limited class of taxpayers, whether or not such provision is limited by its terms to a particular taxpayer or a class of taxpayers but such term does not include any benefit provided to a class of taxpayers distinguished on the basis of general demographic conditions such as income, number of dependents, or marital status.

HOLLINGS (AND OTHERS) AMENDMENT NO. 404

Mr. HOLLINGS (for himself, Mr. KERREY, and Mr. EXON) proposed an amendment to amendment No. 347, proposed by Mr. DOLE, to the bill, S. 4, supra; as follows:

At the appropriate place insert the following:

"SEC. . PAY-AS-YOU-GO.

"At the end of title III of the Congressional Budget Act of 1974, insert the following new section:

"'ENFORCING PAY-AS-YOU-GO

"'SEC. 314. (a) PURPOSE.—The Senate declares that it is essential to—

"'(1) ensure continued compliance with the deficit reduction embodied in the Omnibus Budget Reconciliation Act of 1993; and

"'(2) continue the pay-as-you-go enforcement system.

"'(b) POINT OF ORDER.—

"'(1) IN GENERAL.—It shall not be in order in the Senate to consider any direct-spending or receipts legislation (as defined in paragraph (3)) that would increase the deficit for any one of the three applicable time periods (as defined in paragraph (2)) as measured pursuant to paragraphs (4) and (5).

"'(2) APPLICABLE TIME PERIODS.—For purposes of this subsection, the term "applicable time period" means any one of the three following periods—

"'(A) the first fiscal year covered by the most recently adopted concurrent resolution on the budget;

"'(B) the period of the 5 fiscal years covered by the most recently adopted concurrent resolution on the budget; or

"'(C) the period of the 5 fiscal years following the first 5 years covered by the most recently adopted concurrent resolution on the budget.

"'(3) DIRECT-SPENDING OR RECEIPTS LEGISLATION.—For purposes of this subsection, the term "direct-spending or receipts legislation" shall—

"'(A) include any bill, resolution, amendment, motion, or conference report to which this subsection otherwise applies;

"'(B) include concurrent resolutions on the budget;

"'(C) exclude full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990;

"'(D) exclude emergency provisions so designated under section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985;

"'(E) include the estimated amount of savings in direct-spending programs applicable to that fiscal year resulting from the prior year's sequestration under the Balanced Budget and Emergency Deficit Control Act of 1985, if any (except for any amounts sequestered as a result of a net deficit increase in the fiscal year immediately preceding the prior fiscal year); and

"'(F) except as otherwise provided in this subsection, include all direct-spending legislation as that term is interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

"'(4) BASELINE.—Estimates prepared pursuant to this section shall use the most recent Congressional Budget Office baseline, and for years beyond those covered by that Office, shall abide by the requirements of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985, except that references to "outyears" in that section shall be deemed to apply to any year (other than the budget year) covered by any one of the time periods defined in paragraph (2) of this subsection.

"'(5) PRIOR SURPLUS AVAILABLE.—If direct-spending or receipts legislation increases the deficit when taken individually (as a bill, joint resolution, amendment, motion, or conference report, as the case may be), then it must also increase the deficit when taken together with all direct-spending and receipts legislation enacted after the date or enactment of the Omnibus Budget Reconciliation Act of 1993, in order to violate the prohibition of this subsection.

"'(c) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

"'(d) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

"'(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and receipts for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

"'(f) SUNSET.—Subsections (a) through (e) of this section shall expire September 30, 1998.'."

GLENN AMENDMENT NO. 405

Mr. GLENN proposed an amendment to the amendment No. 347 proposed by Mr. DOLE to the bill, S. 4, supra; as follows:

At the appropriate place insert the following:

SEC. . EVALUATION AND SUNSET OF TAX EXPENDITURES.

(a) LEGISLATION FOR SUNSETTING TAX EXPENDITURES.—The President shall submit legislation for the periodic review, reauthorization, and sunset of tax expenditures with his fiscal year 1997 budget.

(b) BUDGET CONTENTS AND SUBMISSION TO CONGRESS.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following paragraph:

"(30) beginning with fiscal year 1999, a Federal Government performance plan for measuring the overall effectiveness of tax expenditures, including a schedule for periodically assessing the effects of specific tax expenditures in achieving performance goals.".

(c) PILOT PROJECTS.—Section 1118(c) of title 31, United States Code, is amended by—

(1) striking "and" after the semicolon in paragraph (2);

(2) redesignating paragraph (3) as paragraph (4); and

(3) adding after paragraph (2) the following:

"(3) describe the framework to be utilized by the Director of the Office of Management and Budget, after consultation with the Secretary of the Treasury, the Comptroller General of the United States, and the Joint Committee on Taxation, for undertaking periodic analyses of the effects of tax expenditures in achieving performance goals and the relationship between tax expenditures and spending programs; and".

(d) CONGRESSIONAL BUDGET ACT.—Title IV of the Congressional Budget Act of 1974 is amended by adding at the end thereof the following:

"TAX EXPENDITURES

"SEC. 409. It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report that contains a tax expenditure unless the bill, joint resolution, amendment, motion, or conference report provides that the tax expenditure will terminate not later than 10 years after the date of enactment of the tax expenditure.".

LEVIN (AND OTHERS) AMENDMENT NO. 406

Mr. LEVIN (for himself, Mr. MURKOWSKI, and Mr. EXON) proposed an amendment to the amendment No. 347 proposed by Mr. DOLE to the bill, S. 4, supra; as follows:

At the end of Section 5(4)(A), strike "; and" and add the following:

"but shall not include a provision which does not appropriate funds, direct the President to expend funds for any specific project, or create an express or implied obligation to expend funds and—

"(i) rescinds or cancels existing budget authority;

"(ii) only limits, conditions, or otherwise restricts the President's authority to spend otherwise appropriated funds; or

"(iii) conditions on an item of appropriation not involving a positive allocation of funds by explicitly prohibiting the use of any funds; and".

HATCH (AND OTHERS) AMENDMENT NO. 407

Mr. HATCH (for himself, Mr. ROTH, Mr. HEFLIN, and Mr. ABRAHAM) proposed an amendment to amendment No. 347 proposed by Mr. DOLE to the bill S. 4, supra; as follows:

On page 3, line 21, after "separately" insert ", except for items of appropriation provided for the judicial branch, which shall be enrolled together in a single measure. For purposes of this paragraph, the term 'items of appropriation provided for the judicial branch' means only those functions and expenditures that are currently included in the appropriations accounts of the judiciary, as those accounts are listed and described in the Department of Commerce, Justice and State, the Judiciary, and Related Agencies Appropriations Act, 1995 (Public Law 104–317)".

THE WEST VIRGINIA HYDROELECTRIC PROJECTS ACT OF 1995

BYRD (AND ROCKEFELLER) AMENDMENTS NOS. 408–409

(Ordered referred to the Committee on Energy and Natural Resources.)

Mr. BYRD (for himself and Mr. ROCKEFELLER) submitted two amendments intended to be proposed by them to the bill (S. 359) to provide for the extension of certain hydroelectric projects located in the State of West Virginia; as follows:

AMENDMENT NO. 408

In section 1(a), strike "6901 and 6902" and insert "6901, 6902, and 7307".

In section 1 (a) and (c), strike "October 3, 1999" each place it appears and insert "September 26, 1999".

AMENDMENT NO. 409

In section ___(a), strike "6901 and 6902" and insert "6901, 6902, and 7307".

In section ___ (a) and (c), strike "October 3, 1999" each place it appears and insert "September 26, 1999".

NOTICE OF HEARING

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing on Tuesday, April 4, 1995, at 10 a.m., in room 216 of the Hart Senate Office Building. The focus of the hearing is the Small Business Administration's 8(a) Minority Business Development Program.

For further information, please contact Paul Cooksey at 224–5175.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, March 21, at 9:30 a.m., in SDG–50, to discuss the confirmation of Agriculture Secretary-Designee Daniel Robert Glickman. The continuation of this nomination hearing, if necessary, will take place on Wednesday, March 22, at 9:30 a.m., in SR–332, and Thursday, March 23, at 9:30 a.m. in SR–332.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, March 22, 1995, for purposes of conducting a Full Committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to review the findings of a report prepared for the Committee on the clean-up of the Hanford Nuclear Reservation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing on Wednesday, March 22, at 9:30 a.m. on the impact of regulatory reform proposals on environmental and other laws within the jurisdiction of the Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 22, 1995, at 2 p.m. to hold a business meeting to vote on pending items.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, March 22, 1995, beginning at 2:30 p.m., in room 485 of the Russell Senate Office Building on S. 441, a bill to reauthorize Public Law 101–630, the Indian Child Protection and Family Violence Prevention Act, and S. 510, a bill to extend the reauthorization for certain programs under the Native American Programs Act of 1974, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, March 22, 1995, to conduct a hearing on securities litigation reform proposals.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SOCIAL SECURITY AND FAMILY POLICY

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Subcommittee on Social Security and

Family Policy of the Finance Committee be permitted to meet Wednesday, March 22, 1995, beginning at 10 a.m. in room SD-215, to conduct a hearing on the soaring costs of Social Security's two disability programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE ILLEGAL IMMIGRATION CONTROL AND ENFORCEMENT ACT OF 1995

• Mrs. FEINSTEIN. Mr. President, yesterday I introduced and spoke on the Illegal Immigration Control and Enforcement Act of 1995.

As I indicated then, I look forward to working with all of my colleagues on the Immigration Subcommittee, Judiciary Committee and in the full Senate to craft comprehensive legislation in this session of Congress to stop illegal immigration. I believe that the widest possible dissemination of my bill, and of all other responsible proposals, will help us meet that goal.

I ask that the text of my legislation, S. 580, be printed in today's RECORD.

The bill follows:

S. 580

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Illegal Immigration Control and Enforcement Act of 1995".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—ILLEGAL IMMIGRATION CONTROL AND ENFORCEMENT

PART A—INCREASED BORDER PATROL, SUPPORT, TRAINING, AND RESOURCES

Sec. 111. Border Patrol expansion and deployment.
Sec. 112. Hiring preference for bilingual Border Patrol agents.
Sec. 113. Improved Border Patrol training.
Sec. 114. Border equipment and infrastructure improvement authority.

PART B—EXPANDED BORDER INSPECTION PERSONNEL, SUPPORT, AND FACILITIES

Sec. 121. Additional land border inspectors.

PART C—DETENTION AND DEPORTATION

Sec. 131. Bar to collateral attacks on deportation orders in unlawful reentry prosecutions.
Sec. 132. Form of deportation hearings.
Sec. 133. Deportation as a condition of probation.

PART D—ENHANCED CRIMINAL ALIEN DEPORTATION AND TRANSFER

Sec. 141. Expansion in definition of "aggravated felony".
Sec. 142. Restricting defenses to deportation for certain criminal aliens.
Sec. 143. Denial of discretionary relief to aliens convicted of aggravated felonies.
Sec. 144. Judicial deportation.
Sec. 145. Negotiations for international agreements.
Sec. 146. Annual report.
Sec. 147. Admissibility of videotaped witness testimony.

TITLE II—ILLEGAL IMMIGRATION INCENTIVE REDUCTION

PART A—PUBLIC BENEFITS CONTROL

Sec. 211. Authority to States and localities to limit assistance to aliens and to distinguish among classes of aliens in providing general public assistance.
Sec. 212. Increased maximum criminal penalties for forging or counterfeiting seal of a Federal department or agency to facilitate benefit fraud by an unlawful alien.
Sec. 213. Sponsorship enhancement.
Sec. 214. State option under the medicaid program to place anti-fraud investigators in hospitals.
Sec. 215. Ports-of-entry benefits task force demonstration projects.

PART B—EMPLOYER SANCTIONS SUPPORT

Sec. 221. Additional Immigration and Naturalization Service investigators.
Sec. 222. Enhanced penalties for unlawful employment of aliens.
Sec. 223. Earned income tax credit denied to individuals not authorized to be employed in the United States.
Sec. 224. Enhanced minimum criminal penalties for extortion or involuntary holding of aliens engaged in unlawful employment.
Sec. 225. Work authorization verification.

PART C—ENHANCED WAGE AND HOUR LAWS

Sec. 231. Increased personnel levels for the Labor Department.
Sec. 232. Increased number of Assistant United States Attorneys.

TITLE III—ENHANCED SMUGGLING CONTROL AND PENALTIES

Sec. 301. Minimum criminal penalties for alien smuggling.
Sec. 302. Expanded forfeiture for smuggling or harboring illegal aliens.
Sec. 303. Wiretap authority for alien smuggling investigations.
Sec. 304. Limitation on section 212(c) authority.
Sec. 305. Effective date.

TITLE IV—ADMISSIONS AND DOCUMENT FRAUD CONTROL

Sec. 401. Minimum criminal penalties for document fraud.

TITLE V—BORDER CROSSING USER FEE

Sec. 501. Immigration Law Enforcement Fund.

TITLE I—ILLEGAL IMMIGRATION CONTROL AND ENFORCEMENT

PART A—INCREASED BORDER PATROL, SUPPORT, TRAINING, AND RESOURCES

SEC. 111. BORDER PATROL EXPANSION AND DEPLOYMENT.

(a) INCREASED NUMBER OF BORDER PATROL POSITIONS.—Subject to subsection (b), in each of the fiscal years 1996, 1997, and 1998, the Attorney General—

(1) shall increase by no fewer than 700 the number of positions for full-time, active-duty Border Patrol agents within the Immigration and Naturalization Service above the number of such positions for which funds were allotted for the preceding fiscal year; and

(2) may increase by not more than 300 the number of positions for personnel in support of Border Patrol agents above the number of such positions for which funds were allotted for the preceding fiscal year.

(b) DEPLOYMENT OF PERSONNEL.—The Attorney General shall, to the maximum extent practicable, ensure that the personnel hired pursuant to subsection (a) shall be deployed among the various Immigration and Naturalization Service sectors in proportion to the level of illegal intrusion measured in each sector during the preceding fiscal year and reasonably anticipated in the next fiscal year, and shall be actively engaged in (or in support of) law enforcement activities related to the illegal crossing of the borders of the United States.

SEC. 112. HIRING PREFERENCE FOR BILINGUAL BORDER PATROL AGENTS.

The Attorney General shall, in hiring the Border Patrol Agents specified in section 111(a), give priority to the employment of multilingual candidates who are proficient in both English and such other language or languages as may be spoken in the region in which such Agents are likely to be deployed.

SEC. 113. IMPROVED BORDER PATROL TRAINING.

Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended by adding at the end the following new subsection:

"(e)(1) The Attorney General shall ensure that all Border Patrol personnel, and any other personnel of the Service who are likely to have contact with undocumented or improperly documented persons, or other immigrants, in the course of their official duties, receive in-service training adequate to ensure that all such personnel respect the rights, personal safety, and dignity of such persons at all times.

"(2) The Attorney General shall ensure that the annual report to Congress of the Service—

"(A) describes in detail actions taken by the Attorney General to meet the requirement set forth in paragraph (1);

"(B) incorporates specific findings by the Attorney General with respect to the nature and scope of any verified incident of conduct by Border Patrol personnel that—

"(i) was not consistent with paragraph (1); and

"(ii) was not described in a previous annual report; and

"(C) sets forth specific recommendations for preventing any similar incident in the future.".

SEC. 114. BORDER EQUIPMENT AND INFRASTRUCTURE IMPROVEMENT AUTHORITY.

(a) IMPROVED EQUIPMENT AND TECHNOLOGY.—In order to facilitate or improve the detection, interdiction, and reduction by the Immigration and Naturalization Service of illegal immigration into the United States, the Attorney General is authorized to acquire and utilize any Federal equipment (including, but not limited to, fixed wing aircraft, helicopters, four-wheel drive vehicles, sedans, night vision goggles, night vision scopes, and sensor units) determined available for transfer to the Department of Justice by any other agency of the Federal Government upon request of the Attorney General.

(b) IMPROVED INFRASTRUCTURE.—(1) The Attorney General may, from time to time, in consultation with the Secretary of the Treasury, identify those physical improvements to the infrastructure of the international land borders of the United States necessary to expedite the inspection of persons and vehicles attempting to lawfully enter the United States in accordance with existing policies and procedures of the Immigration and Naturalization Service, the United States Customs Service, and the Drug Enforcement Agency.

(2) Such improvements to the infrastructure of the land border of the United States shall be substantially completed and fully funded in those portions of the United States where the Attorney General, in consultation with the Committees on the Judiciary of the House of Representatives and the Senate, objectively determines the need to be greatest or most immediate before the Attorney General may obligate funds for construction of any improvement otherwise located.

PART B—EXPANDED BORDER INSPECTION PERSONNEL, SUPPORT, AND FACILITIES

SEC. 121. ADDITIONAL LAND BORDER INSPECTORS.

(a) Increased Personnel.—In order to eliminate undue delay in the thorough inspection of persons and vehicles lawfully attempting to enter the United States, the Attorney General and Secretary of the Treasury shall increase, by approximately equal numbers in each of the fiscal years 1996 and 1997, the number of full-time land border inspectors assigned to active duty by the Immigration and Naturalization Service and the United States Customs Service to a level adequate to assure full staffing during peak crossing hours of all border crossing lanes now in use, under construction, or whose construction has been authorized by Congress.

(b) Deployment of Personnel.—The Attorney General and the Secretary of the Treasury shall, to the maximum extent practicable, ensure that the personnel hired pursuant to subsection (a) shall be deployed among the various Immigration and Naturalization Service sectors in proportion to the number of land border crossings measured in each such sector during the preceding fiscal year.

PART C—DETENTION AND DEPORTATION

SEC. 131. BAR TO COLLATERAL ATTACKS ON DEPORTATION ORDERS IN UNLAWFUL REENTRY PROSECUTIONS.

Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended by adding at the end the following new subsection:

"(c) In any criminal proceeding under this section, an alien may not challenge the validity of the deportation order described in subsection (a)(1) or subsection (b) unless the alien demonstrates that—

"(1) the alien has exhausted any administrative remedies that may have been available to seek relief against such order;

"(2) the deportation proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and

"(3) the entry of the order was fundamentally unfair.".

SEC. 132. FORM OF DEPORTATION HEARINGS.

The second sentence of section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by inserting before the period the following: ", except that nothing in this sentence precludes the Attorney General from authorizing proceedings by electronic or telephonic media (with the consent of the alien) or, where waived or agreed to by the parties, in the absence of the alien".

SEC. 133. DEPORTATION AS A CONDITION OF PROBATION.

Section 3563(b) of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph (21);

(2) by striking the period at the end of paragraph (22) and inserting "; or"; and

(3) by adding at the end the following:

"(23) be ordered deported by a United States District Court, or United States Magistrate Court, pursuant to a stipulation entered into by the defendant and the United States under section 143 of this Act, except that, in the absence of a stipulation, the United States District Court or the United States Magistrate Court, may order deportation as a condition of probation, if, after notice and hearing pursuant to section 242A(c) of the Immigration and Nationality Act, the Attorney General demonstrates by clear and convincing evidence that the alien is deportable.".

PART D—ENHANCED CRIMINAL ALIEN DEPORTATION AND TRANSFER

SEC. 141. EXPANSION IN DEFINITION OF "AGGRAVATED FELONY".

(a) Expansion in Definition.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended as follows:

(1) in paragraph (D), strike "$100,000" and insert "$10,000"; and

(2) in paragraphs (F), (G), and (O) strike "the term of imprisonment imposed is at least 5 years" and all parenthetical text appearing within that phrase, and insert "punishable by imprisonment for 3 years or more";

(3) in paragraph (J)—

(A) strike "for which a sentence of 5 years' imprisonment or more may be imposed" and insert "punishable by imprisonment for 3 years or more"; and

(B) strike "offense described" and insert "offense described in sections 1084 of title 18 (if it is a second or subsequent offense), section 1955 of such title (relating to gambling offenses), and";

(4) in paragraph (K)—

(A) strike "or" after the semicolon in subparagraph (i);

(B) insert "or" after the semicolon in subparagraph (ii); and

(C) insert, as new subparagraph (iii), "is described in sections 2421, 2422 or 2423 of title 18, United States Code (relating to transportation for the purpose of prostitution) for commercial advantage.";

(5) in paragraph (L), insert as new subparagraph (iii): "section 601 of the National Security Act of 1947, title 50, United States Code (relating to protecting the identity of undercover agents);

(6) in paragraph (M) strike "$200,000" and insert "$10,000".

(7) redesignate paragraphs (P) and (Q) as paragraphs (R) and (S), respectively, and add—

(A) as new paragraph (P) the following: "any offense relating to commercial bribery, counterfeiting, forgery or trafficking in vehicles whose identification numbers have been altered, which is punishable by imprisonment for 3 years or more"; and

(B) as new paragraph (Q) the following: "any offense relating to perjury or subornation of perjury which is punishable by imprisonment for 3 years or more;" and

(8) in redesignated paragraph (R), strike "15" and insert "5".

(b) Effective Date.—The amendment made by this section applies to convictions entered before, on, or after the date of enactment of this Act.

SEC. 142. RESTRICTING DEFENSES TO DEPORTATION FOR CERTAIN CRIMINAL ALIENS.

Section 243(h)(2) of the Immigration and Nationality Act (8 U.S.C. 1253(h)(2)) is amended—

(1) by striking "or" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(E) the alien has been convicted of an aggravated felony.".

SEC. 143. DENIAL OF DISCRETIONARY RELIEF TO ALIENS CONVICTED OF AGGRAVATED FELONIES.

(a) Ineligibility for Suspension of Deportation.—Section 244 of the Immigration and Nationality Act (8 U.S.C. 1254) is amended by adding at the end the following new subsection:

"(g) Suspension of deportation and adjustment of status under subsection (a)(2) shall not be available to any alien who has been convicted of an aggravated felony.".

(b) Application of Exclusion for Drug Offenses.—Section 212(h) of the Immigration and Nationality Act (8 U.S.C. 1182(h)) is amended in the second sentence by inserting "or any other aggravated felony" after "torture".

(c) Adjustment of Status; Change of Nonimmigrant Classification.—(1) Section 245(c) of the Immigration and Nationality Act (8 U.S.C. 1255(c)) is amended—

(A) by striking "or" after "section 212(d)(4)(C)"; and

(B) by inserting "; or (5) an alien who has been convicted of an aggravated felony" immediately after "section 217".

(2) Section 248 of such Act (8 U.S.C. 1258) is amended—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(5) an alien convicted of an aggravated felony.".

SEC. 144. JUDICIAL DEPORTATION.

Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a(d)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) Authority.—Notwithstanding any other provision of this Act, a United States district court shall have jurisdiction to enter a judicial order of deportation at the time of sentencing against an alien—

"(A) whose criminal conviction causes such alien to be conclusively presumed to be deportable under section 241(a)(2)(A)(iii) (relating to conviction of an aggravated felony);

"(B) who has at any time been convicted of a violation of section 276 (a) or (b) of the Immigration and Nationality Act;

"(C) who has at any time been convicted of a violation of section 275 of the Immigration and Nationality Act; or

"(D) who is otherwise deportable pursuant to sections 241(a)(1)(A) through 241(a)(5), inclusive, of the Immigration and Nationality Act (8 U.S.C. 1251).

A United States Magistrate shall have jurisdiction to enter a judicial order of deportation at the time of sentencing where the alien has been convicted of a misdemeanor offense and the alien is deportable under this Act."; and

(2) by adding at the end the following new paragraph:

"(5) Stipulated Judicial Order of Deportation.—The United States Attorney, with the concurrence of the Commissioner, may, pursuant to Federal Rule of Criminal Procedure 11, enter into a plea agreement which calls for the alien, who is deportable under this Act, to waive the right to notice and a hearing under this section, and stipulate to the entry of a judicial order of deportation from the United States as a condition of the plea agreement or as a condition of probation or supervised release, or both. The United States District Court, in both felony and misdemeanor cases, and the United States Magistrate Court in misdemeanors cases, may accept such a stipulation and shall have jurisdiction to enter a judicial order of deportation pursuant to the terms of such stipulation.".

SEC. 145. NEGOTIATIONS FOR INTERNATIONAL AGREEMENTS.

(a) NEGOTIATIONS WITH OTHER COUNTRIES.—The Secretary of State, together with the Attorney General, may enter into an agreement with any foreign country providing for the incarceration in that country of any individual who—

(1) is a national of that country; and

(2) is an alien who—

(A) is not in lawful immigration status in the United States, or

(B) on the basis of conviction of a criminal offense under Federal or State law, or on any other basis, is subject to deportation under the Immigration and Nationality Act,

for the duration of the prison term to which the individual was sentenced for the offense referred to in subparagraph (B). Any such agreement may provide for the release of such individual pursuant to parole procedures of that country.

(b) PRIORITY.—In carrying out subsection (a), the Secretary of State should give priority to concluding an agreement with any country for which the President determines that the number of individuals described in subsection (a) who are nationals of that country in the United States represents a significant percentage of all such individuals in the United States.

(c) It is the sense of the Congress that, effective on the date of enactment of this Act, no new treaty providing for the transfer of aliens from Federal or State incarceration facilities to a foreign incarceration facility should permit the prisoner to refuse the transfer.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 146. ANNUAL REPORT.

Not later than 12 months after the date of enactment of this Act, and annually thereafter, the Attorney General shall submit to the Committees on the Judiciary of the House of Representatives and of the Senate a report detailing—

(1) the number of illegal aliens incarcerated in Federal and State prisons for having committed felonies;

(2) programs and plans underway in the Department of Justice to ensure the prompt removal from the United States of criminal aliens subject to exclusion or deportation; and

(3) methods for identifying and preventing the unlawful reentry of aliens who have been convicted of criminal offenses in the United States and removed from the United States.

SEC. 147. ADMISSIBILITY OF VIDEOTAPED WITNESS TESTIMONY.

Section 274 of the Immigration and Nationality Act (8 U.S.C. 1324) is amended by adding at the end thereof the following:

"(d) Notwithstanding the provisions of the Federal Rules of Evidence, the videotaped (or otherwise audiovisually preserved) deposition of a witness to a violation of subsection (a) who has been deported or otherwise expelled from the United States or is otherwise unable to testify may be admitted into evidence in an action brought for that violation if the witness was available for cross examination and the deposition otherwise complies with the Federal Rules of Evidence.".

TITLE II—ILLEGAL IMMIGRATION INCENTIVE REDUCTION

PART A—PUBLIC BENEFITS CONTROL

SEC. 211. AUTHORITY TO STATES AND LOCALITIES TO LIMIT ASSISTANCE TO ALIENS AND TO DISTINGUISH AMONG CLASSES OF ALIENS IN PROVIDING GENERAL PUBLIC ASSISTANCE.

(a) IN GENERAL.—Subject to subsection (b) and notwithstanding any other provision of law, a State or local government may prohibit or otherwise limit or restrict the eligibility of aliens or classes of aliens for programs of general cash public assistance furnished under the law of the State or a political subdivision of a State.

(b) LIMITATION.—The authority under subsection (a) may be exercised only to the extent that any prohibitions, limitations, or restrictions are not inconsistent with the eligibility requirements for comparable Federal programs or are less restrictive. For the purposes of this section, attribution to an alien of a sponsor's income and resources for purposes of determining the eligibility for and amount of benefits of an alien shall be considered less restrictive than a prohibition of eligibility.

SEC. 212. INCREASED MAXIMUM CRIMINAL PENALTIES FOR FORGING OR COUNTERFEITING SEAL OF A FEDERAL DEPARTMENT OR AGENCY TO FACILITATE BENEFIT FRAUD BY AN UNLAWFUL ALIEN.

Section 506 of title 18, United States Code, is amended to read as follows:

"§ 506. Seals of departments or agencies

"(a) Whoever—

"(1) falsely makes, forges, counterfeits, mutilates, or alters the seal of any department or agency of the United States, or any facsimile thereof;

"(2) knowingly uses, affixes, or impresses any such fraudulently made, forged, counterfeited, mutilated, or altered seal or facsimile thereof to or upon any certificate, instrument, commission, document, or paper of any description; or

"(3) with fraudulent intent, possesses, sells, offers for sale, furnishes, offers to furnish, gives away, offers to give away, transports, offers to transport, imports, or offers to import any such seal or facsimile thereof, knowing the same to have been so falsely made, forged, counterfeited, mutilated, or altered,

shall be fined under this title, or imprisoned not more than 5 years, or both.

"(b) Notwithstanding subsection (a) or any other provision of law, if a forged, counterfeited, mutilated, or altered seal of a department or agency of the United States, or any facsimile thereof, is—

"(1) so forged, counterfeited, mutilated, or altered;

"(2) used, affixed, or impressed to or upon any certificate, instrument, commission, document, or paper of any description; or

"(3) with fraudulent intent, possessed, sold, offered for sale, furnished, offered to furnish, given away, offered to give away, transported, offered to transport, imported, or offered to import,

with the intent or effect of facilitating an unlawful alien's application for, or receipt of, a Federal benefit, the penalties which may be imposed for each offense under subsection (a) shall be two times the maximum fine, and 3 times the maximum term of imprisonment, or both, that would otherwise be imposed for an offense under subsection (a).

"(c) For purposes of this section—

"(1) the term 'Federal benefit' has the meaning given such term under section 293(c)(1);

"(2) the term 'unlawful alien' has the meaning given such term under section 293(c)(2); and

"(3) each instance of forgery, counterfeiting, mutilation, or alteration shall constitute a separate offense under this section.".

SEC. 213. SPONSORSHIP ENHANCEMENT.

(a) IN GENERAL.—An alien who—

(1) is excludable under section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4));

(2) has not given a suitable bond (as described in section 213 of the Immigration and Nationality Act (8 U.S.C. 1183)); and

(3) is otherwise admissible into the United States;

may only be admitted into the United States when sponsored by an individual (referred to in this section as the alien's "sponsor") who enters into a legally binding contract with the United States that guarantees financial responsibility for the alien until such alien becomes a United States citizen.

(b) CONTRACT ENHANCEMENT.—

(1) IN GENERAL.—A contract described in subsection (a) shall provide—

(A) that the sponsor shall be liable for any costs incurred by any Federal, State, or political subdivision of a State for general public cash assistance provided to such alien;

(B) that the sponsor shall—

(i) within 20 days of the alien's admission into the United States, purchase a policy of private health insurance (which meets the minimum guidelines established under paragraph (2)) on behalf of such alien and provide the Immigration and Naturalization Service with proof of such purchase; and

(ii) make any necessary premium payments for such policy on behalf of such alien for the duration of the sponsor's responsibility under the contract; and

(C) that the sponsor's responsibility under the contract will continue until the date on which the alien becomes a citizen of the United States.

(2) GUIDELINES FOR HEALTH INSURANCE POLICIES.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Health and Human Services, after notice and opportunity for public comment, shall establish minimum guidelines with respect to private policies of health insurance required under paragraph (1)(B)(i) that—

(A) specify the coverage and type of the insurance required; and

(B) provide that the Attorney General shall be given notice if the policy lapses or the scope of the coverage changes prior to the end of the sponsor's responsibility under the contract.

(c) ENFORCEMENT.—

(1) IN GENERAL.—If general public cash assistance or medical assistance under a State plan for medical assistance approved under section 1902 of the Social Security Act (42 U.S.C. 1396a) is provided to a sponsored alien, the Attorney General, a State, or a political subdivision of a State may bring a civil suit against the sponsor in the United States district court for the district in which the sponsor resides for the recovery of any costs incurred by any Federal, State, or political subdivision of a State in providing such cash

benefits or medical assistance provided to such alien.

(2) DEPORTATION.—The failure of a sponsor to comply with the terms of the contract described in subsection (b)(1)(B) may, subject to the contract, be grounds for deportation of the sponsored alien in accordance with the provisions of the Immigration and Naturalization Act and the deportation procedures applicable under such Act.

(d) EXCEPTIONS TO LIABILITY.—A sponsor or a sponsor's estate shall not be liable under a contract described in subsection (a) if the sponsor—

(1) dies;

(2) if the sponsor's family becomes impoverished as determined by the official poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 applicable to the family of the size involved) due to unforeseeable circumstances; or

(3) is a debtor under title 11, United States Code, as such term is defined in section 101 of such title.

(e) PUBLIC CHARGE TEST.—The Attorney General shall record the use of sponsorship by immigrant applicants to meet the public charge test for admission to the United States set forth in section 212(a)(4) of the Immigration and Naturalization Act (8 U.S.C. 1182(a)(4)).

(f) EFFECTIVE DATE.—This section shall apply with respect to initial sponsorship-based applications for legal admission into the United States received on or after the date that is 90 days after the date of the enactment of this Act.

SEC. 214. STATE OPTION UNDER THE MEDICAID PROGRAM TO PLACE ANTI-FRAUD INVESTIGATORS IN HOSPITALS.

(a) IN GENERAL.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) by striking "and" at the end of paragraph (61);

(2) by striking the period at the end of paragraph (62) and inserting "and"; and

(3) by adding after paragraph (62) the following new paragraph:

"(63) in the case of a State that is certified by the Attorney General as a high illegal immigration State (as determined by the Attorney General), at the option of the State, establish and operate a program for the placement of anti-fraud investigators in State, county, and private hospitals located in the State to verify the immigration status and income eligibility of applicants for medical assistance under the State plan prior to the furnishing of medical assistance.".

(b) PAYMENT.—Section 1903 of such Act (42 U.S.C. 1396b) is amended—

(1) by striking "plus" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "plus"; and

(3) by adding at the end the following new paragraph:

"(8) an amount equal to the Federal medical assistance percentage (as defined in section 1905(b)) of the total amount expended during such quarter which are attributable to operating a program under section 1902(a)(63).".

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the first calendar quarter beginning after the date of the enactment of this Act.

SEC. 215. PORTS-OF-ENTRY BENEFITS TASK FORCE DEMONSTRATION PROJECTS.

(a) IN GENERAL.—

(1) PROJECT DESCRIBED.—The Attorney General shall make grants to States to conduct demonstration projects in accordance with subsection (b) for the purpose of establishing and operating a task force at one or more southwestern ports-of-entry located in a State in order to—

(A) detect individuals attempting to enter the United States to illegally obtain Federal or State benefits; and

(B) identify individuals who have previously illegally obtained such benefits.

(2) SOUTHWESTERN PORT-OF-ENTRY.—For purposes of this section, the term "southwestern port-of-entry" means an official entry point along the southwestern land border of the continental United States.

(b) REQUIREMENTS OF PROJECT.—A project conducted in accordance with this subsection shall provide that a task force under the project shall—

(1) interview and investigate an individual entering into the United States at a southwestern port-of-entry if the individual is suspected of being an individual described in subparagraphs (A) or (B) of subsection (a)(1) (as determined by comparing the entering individual with a profile (developed by the task force) of individuals described in such subparagraphs); and

(2) integrate the computer systems of the Immigration and Naturalization Service and the agency administering the State plan for medical assistance approved under section 1902 of the Social Security Act (42 U.S.C. 1396a) in order to detect individuals described in subparagraphs (A) and (B) of subsection (a)(1) prior to the individual's entry into the United States at a southwestern port-of-entry.

(c) APPLICATIONS.—

(1) IN GENERAL.—Each State desiring to conduct a demonstration project under this section shall prepare and submit to the Attorney General an application at such time, in such manner, and containing such information as the Attorney General may require.

(2) PRIORITY.—The Attorney General shall give priority in awarding grants under this section to States that desire to establish demonstration projects at southwestern ports-of-entry that—

(A) have the highest numbers of legal crossings attempted in fiscal year 1995;

(B) have the highest numbers of illegal aliens determined by the Attorney General to be resident in the State in which the southwestern port-of-entry is located; and

(C) meet such other factors as the Attorney General determines are reasonably related to maximizing the degree to which Federal and State benefits fraud may be reduced through operation of the project.

(d) SCOPE AND LOCATION.—The Attorney General shall authorize demonstration projects in not less than 6 southwestern ports-of-entry under this section.

(e) DURATION.—A demonstration project under this section shall be conducted for a period not to exceed 2 years.

(f) REPORTS.—A State that conducts a demonstration project under this section shall prepare and submit to the Attorney General annual and final reports in such form and containing such information as the Attorney General may require.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary in fiscal years 1996 and 1997 for the purpose of conducting demonstration projects in accordance with this section.

PART B—EMPLOYER SANCTIONS SUPPORT

SEC. 221. ADDITIONAL IMMIGRATION AND NATURALIZATION SERVICE INVESTIGATORS.

(a) INVESTIGATORS.—The Attorney General is authorized to hire for fiscal years 1996 and 1997 such additional investigators and staff as may be necessary to aggressively enforce existing sanctions against employers who employ workers in the United States illegally or who are otherwise ineligible to work in this country.

SEC. 222. ENHANCED PENALTIES FOR UNLAWFUL EMPLOYMENT OF ALIENS.

(a) HIRING, RECRUITING, AND REFERRAL VIOLATIONS.—Section 274A(e)(4) of the Immigration and Nationality Act (8 U.S.C. 1324a(e)(4)) is amended—

(1) in clause (i), by striking "$250" and "$2,000" and inserting "$1,000" and "$3,000", respectively;

(2) in clause (ii), by striking "$2,000" and "$5,000" and inserting "$3,000" and "$7,000", respectively; and

(3) in clause (iii), by striking "$3,000" and "$10,000" and inserting "$7,000" and "$20,000", respectively.

(b) PATTERN OR PRACTICE VIOLATIONS.—Section 274A(f) of such Act is amended by striking "$3,000" and "six months" and inserting "$9,000" and "two years".

SEC. 223. EARNED INCOME TAX CREDIT DENIED TO INDIVIDUALS NOT AUTHORIZED TO BE EMPLOYED IN THE UNITED STATES.

(a) IN GENERAL.—Section 32(c)(1) of the Internal Revenue Code of 1986 (relating to individuals eligible to claim the earned income tax credit) is amended by adding at the end the following new subparagraph:

"(F) IDENTIFICATION NUMBER REQUIREMENT.—The term 'eligible individual' does not include any individual who does not include on the return of tax for the taxable year—

"(i) such individual's taxpayer identification number, and

"(ii) if the individual is married (within the meaning of section 7703), the taxpayer identification number of such individual's spouse."

(b) SPECIAL IDENTIFICATION NUMBER.—Section 32 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(k) IDENTIFICATION NUMBERS.—Solely for purposes of subsections (c)(1)(F) and (c)(3)(D), a taxpayer identification number means a social security number issued to an individual by the Social Security Administration (other than a social security number issued pursuant to clause (II) (or that portion of clause (III) that relates to clause (II)) of section 205(c)(2)(B)(i) of the Social Security Act)."

(c) EXTENSION OF PROCEDURES APPLICABLE TO MATHEMATICAL OR CLERICAL ERRORS.—Section 6213(g)(2) of the Internal Revenue Code of 1986 (relating to the definition of mathematical or clerical errors) is amended by striking "and" at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting ", and", and by inserting after subparagraph (E) the following new subparagraph:

"(F) an omission of a correct taxpayer identification number required under section 23 (relating to credit for families with younger children) or section 32 (relating to the earned income tax credit) to be included on a return."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

SEC. 224. ENHANCED MINIMUM CRIMINAL PENALTIES FOR EXTORTION OR INVOLUNTARY HOLDING OF ALIENS ENGAGED IN UNLAWFUL EMPLOYMENT.

(a) Amendment to the Immigration and Nationality Act.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after section 274C the following new section:

"CRIMINAL PENALTIES FOR EXTORTION OF ALIENS ENGAGED IN UNLAWFUL EMPLOYMENT

"Sec. 274D. (a) Activities Prohibited.—Any person who, by threatening to disclose the immigration status of an individual known or suspected not to be a lawful resident of the United States to any Federal, State or local government agency or employee, induces or coerces (or attempts to induce or coerce) that individual to work for unlawfully low compensation, under unlawfully unsafe or unhealthy conditions, or to obtain from or through the person food, shelter, medical care, medicine, transportation, clothing, tools or other devices or equipment, shall be fined in accordance with title 18, United States Code, imprisoned for a first offense not less than 5 years or more than 10 years, and imprisoned for subsequent offenses not less than 10 or more than 15 years, for each individual so threatened.

"(b) Adjusted Sentencing Guidelines.—Pursuant to section 944 of title 28, United States Code, and section 21 of the Sentencing Act of 1987, the United States Sentencing Commission shall promulgate guidelines, or amend existing guidelines, to provide that an offender convicted of violating, or conspiring to violate, this section shall be assigned a base offense level under the guidelines that is—

"(1) in the case of a first offense, not lower than 26;

"(2) in the case of an offender with one prior felony conviction, not lower than 34; and

"(3) in the case of bodily injury to such alien, a required enhancement of between 2 and 6 offense levels in proportion to the severity of the injury inflicted.

"(c) Definition.—As used in this section, the term 'lawful resident of the United States' includes any person who is—

"(A) a United States citizen or national;

"(B) an alien lawfully admitted to the United States for permanent residence;

"(C) a nonimmigrant alien described in section 101(a)(15);

"(D) an asylee;

"(E) a refugee;

"(F) an alien whose deportation is being withheld under section 243(h);

"(G) a parolee; or

"(H) a Chinese national described in section 2(b) of the Chinese Student Protection Act of 1992 (8 U.S.C. 1255 note) who, as of the date of enactment of this section, has applied for adjustment of status in accordance with such Act.".

(d) Clerical Amendment.—The table of contents of the Immigration and Nationality Act is amended by inserting after the item relating to section 274C the following new item:

"Sec. 274D. Criminal penalties for extortion of aliens engaged in unlawful employment.".

SEC. 225. WORK AUTHORIZATION VERIFICATION.

The Attorney General, together with the Secretary of Health and Human Services, shall develop and implement a counterfeit-resistant system to verify work eligibility and federally-funded public assistance benefits eligibility for all persons within the United States. If the system developed includes a document (designed specifically for use for this purpose), that document shall not be used as a national identification card, and the document shall not be required to be carried or presented by any person except at the time of application for federally funded public assistance benefits or to comply with employment eligibility verification requirements.

PART C—ENHANCED WAGE AND HOUR LAWS

SEC. 231. INCREASED PERSONNEL LEVELS FOR THE LABOR DEPARTMENT.

(a) Investigators.—The Secretary of Labor, in consultation with the Attorney General, is authorized to hire in the Wage and Hour Division of the Department of Labor for fiscal years 1996 and 1997 such additional investigators and staff as may be necessary to aggressively enforce existing legal sanctions against employers who violate current Federal wage and hour laws.

(b) Assignment of Additional Personnel.—Individuals employed to fill the additional positions described in subsection (a) shall be assigned to investigate violations of wage and hour laws in areas where the Attorney General has notified the Secretary of Labor that there are high concentrations of aliens present in the United States in violation of law.

SEC. 232. INCREASED NUMBER OF ASSISTANT UNITED STATES ATTORNEYS.

The Attorney General is authorized to hire for fiscal years 1996 and 1997 such additional Assistant United States Attorneys as may be necessary to prosecute actions brought under this Act, or intended to directly further Congress' intention to preclude and deter illegal immigration.

TITLE III—ENHANCED SMUGGLING CONTROL AND PENALTIES

SEC. 301. MINIMUM CRIMINAL PENALTIES FOR ALIEN SMUGGLING.

(a) Minimum Alien Smuggling Penalties.—

(1) Section 1324(a)(2)(B) of Title 8, United States Code is amended—

(A) by striking "for each transaction constituting a violation of this paragraph, regardless of the number of aliens involved" and inserting "for each alien in respect to whom a violation of this paragraph occurs"; and

(B) by striking "imprisoned not more than 10 years" and inserting "imprisoned for a first offense not less than two and one half or more than 5 years, imprisoned for a second offense not less than 5 years or more than 10 years, and imprisoned for subsequent offenses not less than 10 or more than 15 years";

Pursuant to section 994 of title 28, United States Code, and section 21 of the Sentencing Act of 1987, the United States Sentencing Commission shall promulgate guidelines or amend existing guidelines to provide that an offender convicted of smuggling, transporting, or harboring an unlawful alien under dangerous or inhumane conditions in violation of title 18, United States Code, section 1324(a)(2)(B)(ii) shall be assigned a base offense level under chapter 2 of the sentencing guidelines that is—

(1) in the case of a first offense, not lower than 22;

(2) in the case of an offender with one prior felony conviction, not lower than 26;

(3) in the case of an offender with two prior felony convictions, not lower than 32;

(4) in the case of bodily injury to such alien, a required enhancement of between 2 and 6 offense levels in proportion to the severity of the injury inflicted; and

(5) in the case of the death of an alien, not lower than 41.

SEC. 302. EXPANDED FORFEITURE FOR SMUGGLING OR HARBORING ILLEGAL ALIENS.

Section 274 of the Immigration and Nationality Act (8 U.S.C. 1324(b)) is amended—

(1) by amending subsection (b)(1) to read as follows:

"(b) Seizure and Forfeiture.—(1) Any property, real or personal, which facilitates or is intended to facilitate, or which has been used in or is intended to be used in the commission of a violation of sections 1541, 1542, 1543, 1544, 1545, or 1546 of title 18, United States Code, or which constitutes or is derived from or traceable to the proceeds obtained directly or indirectly from a commission of a violation of such sections of title 18, United States Code, shall be subject to seizure and forfeiture, except that—

"(A) no property, used by any person as a common carrier in the transaction of business as a common carrier shall be forfeited under the provisions of this section unless it shall appear that the owner or other person in charge of such property was a consenting party or privy to the illegal act;

"(B) no property shall be forfeited under the provisions of this section by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than such owner while such property was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States or of any State; and

"(C) no property shall be forfeited under this paragraph to the extent of an interest of any owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of the owner, unless such action or omission was committed by an employee or agent of the owner, and facilitated or was intended to facilitate, or was used in or intended to be used in, the commission of a violation of section 1546 of title 18, United States Code, which was committed by the owner or which was intended to further the business interests of the owner, or to confer any other benefit upon the owner.";

(2) in paragraph (2)—

(A) by striking "conveyance" both places it appears and inserting "property"; and

(B) by striking "is being used in" and inserting "is being used in, is facilitating, has facilitated, or was intended to facilitate";

(3) in paragraph (3)—

(A) by inserting "(A)" immediately after "(3)", and

(B) by adding at the end the following:

"(B) Before the seizure of any real property pursuant to this section, the Attorney General shall provide notice and an opportunity to be heard to the owner of the property. The Attorney General shall prescribe such regulations as may be necessary to carry out this subparagraph.";

(4) in paragraphs (4) and (5) by striking "a conveyance" and "conveyance" each place such phrase or word appears and inserting "property"; and

(5) in paragraph (4) by—

(A) striking "or" at the end of subparagraph (C),

(B) by striking the period at the end of subparagraph (D) and inserting "; or", and

(C) by inserting at the end the following new subparagraph:

"(E) transfer custody and ownership of forfeited property to any Federal, State, or local agency pursuant to section 616(c) of the Tariff Act of 1930 (19 U.S.C. 1616a(c)).".

SEC. 303. WIRETAP AUTHORITY FOR ALIEN SMUGGLING INVESTIGATIONS.

Section 2516(1) of title 18, United States Code, is amended in paragraph (c), by inserting after "trains)" the following: ", or a felony violation of section 1425 (relating to the procurement of citizenship or nationalization unlawfully), section 1426 (relating to the reproduction of naturalization or citizenship papers), section 1427 (relating to the sale of naturalization or citizenship papers)".

SEC. 304. LIMITATION ON SECTION 212(c) AUTHORITY.

Section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)) is amended in the third sentence by striking the period and inserting ", an alien who has been convicted of an offense described in section 274(a)(1) done for the purpose of commercial advantage or private financial gain, or an alien who has been convicted of an offense described in section 274(a)(2)(B)(ii)".

SEC. 305. EFFECTIVE DATE.

The amendments made by this title shall apply to offenses occurring after the date of enactment of this Act.

TITLE IV—ADMISSIONS AND DOCUMENT FRAUD CONTROL

SEC. 401. MINIMUM CRIMINAL PENALTIES FOR DOCUMENT FRAUD.

(a) Minimum Document Fraud Penalties.—(1) Sections 1028, 1425, 1426, 1427 and 1546(a) of title 18, United States Code are amended by striking "not more than 5 years" and inserting "for a first offense not less than two and one half or more than 5 years, imprisoned for a second offense not less than 5 years or more than 10 years, and imprisoned for subsequent offenses not less than 10 or more than 15 years".

(b) Adjusted Sentencing Guidelines.—Pursuant to section 944 of title 28, United States Code, and section 21 of the Sentencing Act of 1987, the United States Sentencing Commission shall promulgate guidelines, or amend existing guidelines, to provide that an offender convicted of violating, or conspiring to violate, sections 1028, 1425, 1426, 1427 and 1546(a) of title 18, United States Code, shall be assigned a base offense level under chapter 2 of the guidelines that is—

(1) in the case of a first offense, not lower than 22;

(2) in the case of an offender with one prior felony conviction, not lower than 26;

(3) in the case of an offender with two prior felony convictions, not lower than 32; and

(4) in the case of procurement, production, transfer, or possession of more than 5 documents or related implements within the scope of this section, a required enhancement of between 1 and 5 offense levels in proportion to the quantity of documents at issue.

TITLE V—BORDER CROSSING USER FEE

SEC. 501. IMMIGRATION LAW ENFORCEMENT FUND.

(a) Establishment of Fund.—There is hereby established in the Treasury of the United States a revolving fund known as the Immigration Law Enforcement Fund (hereafter in this section referred to as the "Fund").

(b) Border Crossing User Fee.—Notwithstanding any other provision of law or treaty to which the United States is a party, the Attorney General, in consultation with the Secretaries of State and the Treasury, and such other parties as the Attorney General deems appropriate, shall collect from each individual entering into the United States by land or sea, without regard to the immigration or citizenship status of such individual a border crossing user fee of $1.

(c) Fee Adjustment and Special Fee Program Authority.—Notwithstanding subsection (b), the Attorney General may—

(1) adjust the border crossing user fee periodically to compensate for inflation and other escalation in the cost of carrying out the purposes of this Act; and

(2) develop and implement special discounted fee programs for frequent border crossers including, but not limited to, commuter coupon books or passes.

(d) Authorize Roll-Over of Fund Surpluses From Year-to-Year.—There shall be deposited in the Fund amounts received by the Attorney General as fees collected under subsection (b).

(e) Uses of User Fee Fund.—(1) The Fund shall be available to the Attorney General, to the extent and in the amounts provided in appropriation Acts and without fiscal year limitation, to pay for matters authorized under this Act, as follows:

(A) For additional salaries and expenses incurred by reason of the employment of personnel under this Act, including, but not limited to, Border Patrol, inspection, investigation, enforcement, and security personnel, and adjudication officers.

(B) For costs relating to land border crossing infrastructure improvement.

(C) For costs relating to the acquisition by the Department of Justice of technology and equipment (including, but not limited to, aircraft, helicopters, four wheel drive vehicles, sedans, night vision goggles, night vision scopes, and sensor units).

(D) For the cost of facilitating and expanding the activities of the Organized Crime and Drug Enforcement Interagency Task Force in order to fully abate the flow of narcotics and other illegal drugs into the United States.

(E) For the cost of expediting initial asylum claim review procedures.

(F) For the cost of devising and implementing regulatory reform of the affirmative asylum adjudication process.

(G) For the cost of expanding the Institutional Hearing Program.

(H) For the cost of expanding the Advanced Passenger Information System.

(I) For the cost of increasing rewards for information leading to the arrest and conviction of terrorists.

(J) For the cost of conducting classes, or otherwise assisting or encouraging, legal immigrants to the United States to attain American citizenship.

(K) For the cost of such other activities that, in the discretion of the Attorney General, will reduce: illegal transit of the Nation's borders, the flow of illegal drugs across such borders, the time necessary to process applications for asylum in the United States, and the number of alien criminals incarcerated in this country.

(2) Funds made available under subparagraph (A) in each fiscal year shall be allotted to districts of the Immigration and Naturalization Service in proportion to the amount of illegal immigration in each district as the Attorney General finds to have occurred in the preceding fiscal year and reasonably anticipated in the coming fiscal year.•

AMERICAN CLASS STRUGGLE

• Mr. SIMON. Mr. President, A.M. Rosenthal had a column recently in the New York Times titled "American Class Struggle," that contains a great deal of common sense that we ought to be listening to.

I am uncomfortable when people of either party start moving on economic class line demagoguery, and there has been some of that on both sides.

I was particularly pleased to read in the Rosenthal column the comments by a highly respected economist Felix J. Rohatyn. He said in a speech at Wake Forest University:

> The big beneficiaries of our economic expansion have been the owners of financial assets and a new class of highly compensated technicians working for companies where profit-sharing and stock ownership was widely spread.
>
> What is occurring is a huge transfer of wealth from lower-skilled middle-class American workers to the owners of capital assets and to the new technological aristocracy.
>
> As a result, the institutional relationship created by the mutual loyalty of employees and employers in most American businesses has been badly frayed. . . . These relationships have been replaced by a combination of fear for the future and a cynicism for the present as a broad proportion of working people see themselves as simply temporary assets to be hired or fired to protect the bottom line and create "shareholder value."

Mr. President, I ask that the Rosenthal column be printed in the Record.

The column follows:

AMERICAN CLASS STRUGGLE

(By A.M. Rosenthal)

When the Republicans took over Congress in the November election, I didn't take it hard. I voted for candidates from both parties, so I told my Democratic friends not to go into mourning. After all, shifting control of Congress once every few decades was not exactly destroying democracy.

But I began to get nervous when I heard Representative Newton Gingrich boast that he was a revolutionary, the only one around.

Myself, I think the first American Revolution was carried out well enough to be the last. Any major-party leader who prattles about being a revolutionary strikes me as stunningly insensitive to the havoc that revolutions cause, especially when they are rooted not in oppression but in the brain of a politician afloat in self-esteem.

I still give him the benefit of the doubt; put the revolutionary talk down to a boyish pose. But sometimes a pose creates a result a young fellow might not foresee.

The fact is that the ambitions of the Newtonians, their lust for the quick, dramatic change and their deep fascination with themselves do have in them the makings of one important ingredient of revolution. That is class struggle.

Done carefully, with each Federal program to be sliced examined with the caring attention that we usually save for our own self-interest, much of the Contract With America could be of benefit.

But absent that tenderness, the program is turning into more than Americans who voted for it might want. They expected to save some government money spent on other Americans, give bureaucrats the scare of their lives, and have a good housecleaning.

But I doubt they expected the slash-and-burn campaign the Republicans have mounted against so much of the economic and social safety net created by Republican as well as Democratic administrations since World War II.

What's more, all this is going on when a particular kind of economic expansion is also taking place. Felix G. Rohatyn, senior partner of Lazard Freres, described it in a speech at Wake Forest University last week:

"The big beneficiaries of our economic expansion have been the owners of financial assets and a new class of highly compensated technicians working for companies where profit-sharing and stock ownership was widely spread.

"What is occurring is a huge transfer of wealth from lower-skilled middle-class American workers to the owners of capital assets and to the new technological aristocracy.

"As a result, the institutional relationship created by the mutual loyalty of employees and employers in most American businesses has been badly frayed. . . . These relationships have been replaced by a combination of fear for the future and a cynicism for the present as a broad proportion of working people see themselves as simply temporary assets to be hired or fired to protect the bottom line and create 'shareholder value.'"

All right, put this attitude toward workers as disposable together with "slash that net." Target people on welfare wholesale, take important aid programs from immigrants, legal or not, put Medicare on the cutting board and hint that Social Security will be next. Reduce money for narcotics therapy, summertime jobs for youngsters, health care and other parts of the net created over the last five decades. Cut very deep, very fast.

Inevitably Americans who find themselves poorer or more frightened, with nothing between them and the ground, will look to business, a big beneficiary and supporter of the cuts, to erect a new net.

Too bad for them. Mr. Rohatyn warns that it won't work, that being the social safety net of last resort is government's business, which makes two of us.

So: If they destroy too much of the government safety net, Republicans will be loading business down with a job it cannot do, with working-class expectations it does not want to meet and cannot.

As a bleeding-heart conservative, I believe that will be not only the prescription for class struggle but the beginning of its reality.

Class struggle does not automatically bring revolution—real, not sound-bite. But in 1932, President Roosevelt understood the danger of economic class struggle, and moved to overcome it and save capitalism. Left unrecognized or ignored, class struggle creates divisions that can undermine society—any society.•

THE 1995 NATIONAL DRUG CONTROL STRATEGY

• Mr. D'AMATO. Mr. President, I rise today to speak on the subject of drugs. The Office of National Drug Control Policy [ONDCP] has now released its annual National Drug Control Strategy, dated February 1995. I regret that this strategy continues in the direction established in the 1994 strategy, a direction I strongly criticized at the time. The administration has produced another deeply flawed document that will not advance the war against drugs.

In this document the administration outlines its priorities for dealing with illicit drugs. the document extols treatment and prevention as the primary tools in combating the drug problem. The strategy never addresses interdiction. It stresses policy changes to enhance the administration's demand side approach to dealing with the flood of foreign illegal drugs entering the United States, rather than enforcement efforts.

The document is 150 pages long, with a 45 page long lost of consultants. The strategy frequently contradicts itself from one chapter to the next in its interpretation of its findings, whether the findings were based on surveys or medical reports. This strategy provides an overinflated justification for expanded treatment and prevention efforts, without ever dealing with the underlying problem of the ease with which illegal drugs can be obtained.

Furthermore, this document attempts to distinguish between the drug user and the drug dealer, claiming one is a public health problem while the other is a criminal. The truth of the matter is that both using and dealing are criminal violations and the dealer could not exist, much less profit, without the user. Drug dealers can only be arrested by working through drug users. Therefore, enforcement efforts against users should not be curtailed, but instead reinforced.

Some of the contradictions contained within the report are serious. The report begins with a strategy overview which would lend the impression that enforcement was going to be a major theme in the strategy. This does not turn out to be the case. Under the section entitled "Principles for Responding to Illicit Drug Use", on page 10, the report states: "To ensure the safety of our communities, certainty of punishment must be promoted for all drug offenders—particularly young offenders. All offenders must receive appropriate punishment when they first encounter the criminal justice system." This theme is further advanced on page 12, section entitled "Action Plans for Responding to America's Drug Problem" where it states "Use the authority of the criminal justice system to require drug-using offenders to stop taking drugs; Punish the criminal activities of drug users and sellers."

This theme is immediately contradicted by a subsequent passage that states: "This Strategy recognizes that Americans make a distinction between drug dealers and drug users when stating how policies should be developed and carried out. Recent public opinion polls indicate that Americans believe that drug dealers deserve tough criminal sanctions and that drug users should have the opportunity for intensive treatment to break their dependence on drugs." This directly contradicts the previous message of punishment for both users and dealers. This section further contradicts the need for strong enforcement action when it states: "The Action Plan for Reducing the Demand for Illicit Drugs emphasized drug prevention as the ultimate key to ensuring [sic] the future of the Nation's children."

While demand reduction is the ultimate key to victory in the war on drugs, this approach completely disregards the immediate problems of the availability of illicit drugs, the monetary rewards for dealing illegal drugs, and the constant flow of illegal drugs into the United States. furthermore, most drug dealers are also drug users. How are the courts to differentiate between the classes of criminals as described within this strategy?

Law enforcement efforts and the criminal penalties for illegal drug activities directly affect drug availability, financial incentives for drug trafficking, and the flow of these illegal drugs. Once the supply is reduced, then treatment can be effective to further reduce demand.

This section of the strategy closes with 14 listed goals to be used as the measure of success for the strategy. The top eight goals are all treatment or prevention measures. Once again this strategy of targeting treatment without addressing illegal drug availability and drug law enforcement concerns is akin to the old problem of putting the cart before the horse.

Section II, "Drug Use in America," details the number of casual and chronic drug users in the United States. This section states on page 17, "First, rates of illicit drug use are rising among the Nation's youth and second, rates of heroin use are increasing, particularly because existing drug users are adding heroin to the list of drugs they consume. In addition, there are new users of heroin, many of them youth."

This statement is immediately contradicted on page 24 of the same section, where it states: "The strongest sign of an epidemic is the entry of a large number of new users (new initiates) into illicit drug use. There is no systematic evidence that this is the case with heroin." The report denies that there is a significant increase in heroin use. Yet in January 1995, 1 month prior to the release of this report, ONDCP stated in its monthly newsletter, "more potent forms of marijuana are becoming increasingly popular among people under 30 and that heroin and marijuana use are rising." The newsletter further states, "The Department of Health and Human Services also released the Drug Abuse Warning Network [DAWN] survey, showing in 1993 a 31-percent increase in heroin-related emergency room visits,". These contradictory statements leave us with a very basic question—how can an effective strategy be devised and implemented when the underlying causes and extent of the problem are in dispute?

In December 1994, ONDCP released a newsletter entitled "Pulse Check, National Trends in Drug Abuse." This newsletter concluded that illegal drug use is on the rise, directly contradicting the strategy released 2 months after this publication. On page 17 of the newsletter, under section headed "Conclusion," it states: "This Pulse Check found a continuing presence of high-purity, low-priced heroin in many urban areas. In addition to the traditional addict in his 30s who injects the drug, nontraditional groups are forming and growing larger that include persons in their teens and twenties, females, and middle-income persons. New and young users usually smoke or inhale heroin to avoid the stigma associated with the needle-using addict, but some of these users are quickly switching to injection."

This section continues: "Some ethnographic sources report that they are now convinced that the new user group represents a new epidemic of use, particularly since heroin appears to be moving out of traditional user groups and involves alternative methods of use such as snorting and smoking." The conclusions stated in this publication directly contradict the National Drug Control Strategy—yet both were prepared by the ONDCP.

Section III, "Drug Use and Its Consequences," clearly shows the nexus between drugs and violent crimes. Although the nexus between drugs and violence is acknowledged, the elevation of treatment over enforcement again takes center stage. Page 38 states: "Numerous studies confirm the fact that treatment of chronic, hardcore addicts, both within the correctional setting and in community-based programs, is the most cost-effective response and the course of action that makes the most practical sense."

This blanket statement can be contradicted by any number of additional studies that show that treatment by itself without effective law enforcement efforts will never eradicate the drug problem. This section attempts to justify ONDCP's position by the following statement: "The most compelling demonstration of the cost-effectiveness of treatment is from a recent California study assessing drug and alcoholism treatment effectiveness. This study found that in 1992 alone, the cost of treating approximately 150,000 drug users in California was $209 million. Approximately $1.5 billion was saved while these individuals were in treatment and in the first year after their treatment. Most of these savings were in the form of reductions in drug-related crime (a two-thirds decline in the level of criminal activity among these drug users was observed from pretreatment to posttreatment)."

This is a very misleading assertion for several reasons: First, if these defendants were incarcerated for drug violations, the same savings due to reduced criminal activity would apply. Second, these individuals were under supervision for this study, making criminal activity difficult. Third, if criminal activity were to take place, how can the possible losses be accurately calculated? The figure would be the product of pure conjecture.

This section goes on to state: "Locking up drug users and drug addicts does not go far enough to protect communities from the problems created by drug use." This statement is true to the extent that mere incarceration will not eradicate continued drug use, but incarceration is the first step in identifying and eventually treating chronic drug abusers. All too often, bleeding heart liberals forget that drugs are addictive and that most addicts will not voluntarily change their addictive behavior.

Further, incarceration of casual drug users sends a clear and convincing message that illegal drug use will not be tolerated by our society. The real threat of criminal penalties acts as a deterrent to the casual drug user, and increased law enforcement efforts in turn increase this deterring effect.

In my remarks on the drug problem in prior years, I emphasized the importance of social delegitimization of illegal drug use. I believe that the crop of new users reported by ONDCP is, in important part, the product of a relegitimization of illegal drug use, flowing from messages of tolerance implicit in the administration's statements and actions on this subject, taken as a whole.

Mr. President, it is not premature to issue a serious assessment of this administration's performance in the war on drugs. It has been dismal, and will only get worse. The problem is that the full penalty for this administration's failures—in analyzing and understanding the problem, in crafting a policy and budgetary response to it, and in implementing its decisions—will be paid by future generations of Americans. The current occupants of the White House will be long departed from any official responsibility for U.S. policy before the full impact of their mistakes is felt.

I pledge to continue my fight for the people of New York and the citizens of America, who deserve the domestic tranquility they were promised in the Preamble to the Constitution, but who are denied civil peace by the twin plagues of violent criminal activity and illegal drug use. This year, we will revise last year's crime bill to make it more effective and more responsive to the concerns of the American people.

Moreover, the coming national election will give us a chance to present to the people of the United States this administration's record and ask for their judgment at the polls on its performance in this critical area. I believe the American people will understand as we do the abject and serious failure of this administration's policies, and will vote to change them.●

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Katherine Howard:									
United States	Dollar				1,674.35				1,674.35
England	Dollar		759.00						759.00
Poland	Dollar		940.00						940.00
Total			1,699.00		1,674.35				3,373.35

PATRICK LEAHY,
Chairman, Committee on Agriculture, Nutrition and Forestry,
Dec. 15, 1994.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John W. Warner:									
China	Yuan	3,847.50	450.00					3,847.50	450.00
Romie L. Brownlee:									
China	Dollar		29.10						29.10
China	Yuan	3,987.50	466.37					3,987.50	466.37
Senator Sam Nunn:									
China	Dollar		311.69						311.69
Korea	Dollar				1,560.95				1,560.95
Richard D. Finn, Jr.:									
Vietnam	Dollar		140.00				103.56		243.56
Thailand	Baht	9,440.65	379.60				313.31	9,440.65	692.91
Hong Kong	Dollar	4,020.16	520.14				609.42	4,020.16	1,129.56
China	Yuan	4,285.43	501.22				233.33	4,285.43	734.55
France	Dollar						65.21		65.21
Malaysia	Dollar						470.00		470.00
James M. Bodner:									
Malaysia	Ringgits	981	327.00				470.00	981	797.30
Vietnam	Dong	5,277,550	447.25				103.56	5,277,550	550.81
Thailand	Baht	9,816.33	394.23				313.31	9,816.33	707.54
France	Dollar						65.21		65.21
United States	Dollar				3,530.00				3,530.00
Hong Kong	Dollar	4,304.29	547.62				609.42	4,304.29	1,157.04
China	Yuan	3,854.35	452.92				233.33	3,854.35	686.25
Senator William S. Cohen:									
Malaysia	Ringgits	1,163.67	387.89				470.00	1,163.67	857.89
Vietnam	Dong	3,601,950	305.25				103.56	3,601,950	408.81
Thailand	Baht	9,712.49	390.06				313.31	9,712.49	703.37
Hong Kong	Dollar	4,488.14	571.01				609.42	4,488.14	1,180.43
China	Yuan	3,647.30	428.59				233.33	3,647.30	661.92
France	Dollar						65.21		65.21
United States	Dollar				3,530.00				3,530.00
Senator Sam Nunn:									
Vietnam	Dollar		140.00				103.56		243.56
Thailand	Baht	10,594	426.00				313.31	10,594	739.31
Hong Kong	Dollar	5,341.67	691.12				609.42	5,341.67	1,300.54
China	Yuan	3,180.60	372.00				233.33	3,180.60	605.33
France	Dollar						65.21		65.21
Malaysia	Dollar						470.00		470.00
Joseph G. Pallone:									
Russia	Dollar		1,544.00						1,544.00
Netherlands	Guilder	832.09	484.00					832.09	484.00
Lucia M. Chavez:									
Netherlands	Guilder	1,176.54	688.04					1,176.54	688.04
Russia	Dollar		387.80						387.04
United States	Dollar				3,431.85				3,431.85
Senator John W. Warner:									
United Kingdom	Pound	216.41	344.00					216.41	344.00
John H. Miller:									
Italy	Lire	525,826	322.00					525,826	322.00
United States	Dollar				1,381.25				1,381.25
Senator Richard Shelby:									
Belgium	Franc	20,775.5	672.35					20,775.5	672.35
Germany	Mark	339.485	230.94					339.485	230.94
Denmark	Krone	1,424	236.15					1,424	236.15
Norway	Krone	1,060	165.63					1,060	165.63
Poland	Zloty	12,952,536	570.60					12,952,536	570.60
Hungary	Forint	45,332.84	427.67					45,332.84	427.67
Romania	Leu	260,750	149.00					260,750	149.00
Bulgaria	Lev	11,534.05	181.64					11,534.05	181.64
Turkey	Lira	11,315,571	317.85					11,315,571	317.85
Greece	Drachma	122,300.9	524.90					122,300.9	524.90
Italy	Lira	1,137,791.5	742.20					1,137,791.5	742.20
Austria	Schilling	2,585.06	243.87					2,585.06	243.87
Croatia	Kuna	1,468.298	275.48					1,468.298	275.48
Thomas J. Young:									
Belgium	Franc	26,028.5	842.35					26,028.5	842.35
Germany	Mark	421.6695	286.85					421.6695	286.85
Denmark	Krone	1,424	236.15					1,424	236.15
Norway	Krone	1,016	158.75					1,016	158.75
Poland	Zloty	13,400,730	590.34					13,400,730	590.34
Hungary	Forint	48,102.84	453.80					48,102.8	453.80
Romania	Leu	281,750	161.00					281,750	161.00
Bulgaria	Lev	12,669.05	199.51					12,669.05	199.51
Turkey	Lira	13,630,317	382.87					13,630,317	382.87
Greece	Drachma	123,777.9	531.24					123,777.9	531.24
Italy	Lira	1,209,991.5	789.30					1,209,991.5	789.30
Austria	Schilling	2,730.06	257.55					2,730.06	257.55
Croatia	Kuna	1,408.518	264.26					1,408.518	264.26
Total			22,341.15		13,434.05		7,179.32		42,954.52

SAM NUNN,
Chairman, Committee on Armed Services,
Dec. 22, 1994.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Raymond Natter:									
Spain	Dollar		355.00						355.00
United States	Dollar				567.95				567.95
Senator Christopher S. Bond:									
Vietnam	Dollar		300.00				103.56		403.56

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1994—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Thailand	Baht	10,594.00	426.00				313.31	10,594.00	739.31
Hong Kong	Dollar	5,626.80	728.00				609.42	5,626.80	1,337.42
China	Yuan	4,993.20	584.00				233.33	4,993.20	817.33
France	Dollar						65.21		65.21
Malaysia	Dollar						470.00		470.00
Brent Franzel:									
Vietnam	Dollar		300.00				103.56		403.56
Thailand	Baht	10,594.00	426.00				313.31	10,594.00	739.31
Hong Kong	Dollar	5,626.80	728.00				609.42	5,626.80	1,337.42
China	Yuan	4,993.20	584.00				233.33	4,993.20	818.33
France	Dollar						65.21		65.21
Malaysia	Dollar						470.00		470.00
Total			4,431.00		567.95		3,589.66		8,588.61

DON RIEGLE,
Chairman, Committee on Banking, Housing, and Urban Affairs,
Feb. 22, 1995.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE BUDGET FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Roy Phillips:									
Netherlands	Guilder	832.09	484.00					832.09	484.00
Russia	Dollar		872.00						872.00
United States	Dollar				3,431,85				3,431.85
Total			1,356.00		3,431.85				4,787.85

JIM SASSER,
Chairman, Committee on the Budget,
Feb. 1, 1995.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Sam Fowler:									
United Kingdom	Dollar		530,78		29.40				560.18
France	Franc	4,415.55	811.41					4,415.55	811.41
United States	Dollar				3,245.15				3,245.15
Richard Grundy:									
Switzerland	Franc	2,891.70	2,226.95	115.00	89.18	143.10	110.20	3,150.60	2,426.33
United States	Dollar		6.65		1,425.75				1,432.40
Total			3,575.79		4,789.48		110.20		8,475.47

J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources,
Nov. 3, 1994.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
James P. Beirne:									
Australia	Dollar	594.70	438.24	122.13	90.00	98.90	72.88	815.73	601.12
Vanuatu	Vatu	74,405	695.38	1,900	17.76	10,325	96.50	86,630	809.64
New Zealand	Dollar	1,198	731.83	314.50	192.12	179.25	109.50	1,691.75	1,033.45
Western Samoa	Tala	759	303.60	137.80	55.12	81	32.40	977.80	391.12
United States	Dollar				4,931.95				4,931.95
James O'Toole:									
Australia	Dollar	569.95	420.00	65	47.89	130.10	95.79	765.05	563.68
Vanuatu	Vatu	75,102	701.00	1,900	17.75	10,525	98.36	87,527	817.11
New Zealand	Dollar	1,198	731.82	12	7.33	209.05	127.70	1,419.05	866.85
Western Samoa	Tala	759	303.60	10	4.00	131	52.40	900	360.00
United States	Dollar				4,946.95				4,946.95
Laura Hudson:									
Australia	Dollar	765.16	519.99		38.00			765.16	557.99
Vanuatu	Vatu	87.370	816.54					87,370	816.54
New Zealand	Dollar	1,478.40	903.25					1,478.40	903.25
Western Samoa	Tala	708.25	283.30		38.00			708.25	321.30
United States	Dollar				4,931.95				4,931.95
Dionne Thompson:									
Australia	Dollar	607.82	447.92	94.99	70.00	88.20	65.00	791.01	582.92

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1994—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Vanuatu	Vatu	77,430	723.64			6,200	57.94	83,630	781.58
New Zealand	Dollar	1,443.40	881.71			210.68	128.70	1,654.08	1,010.41
Western Samoa	Tala	73,875	295.50			12,500	50.00	86,375	345.50
United States	Dollar				4,931.95				4,931.95
Total			9,197.32		20,320.77		987.17		30,505.26

J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources,
Jan. 11, 1995.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Christopher Dodd:									
Ireland	Dollar		279.00						279.00
Northern Ireland	Dollar		191.00						191.00
United States	Dollar				1,442.95				1,442.95
Senator John Kerry:									
China	Yuan	8,396	982.00					8,396	982.00
Vietnam	Dollar		300.00						300.00
Thailand	Baht	4,560	183.00					4,560	183.00
India	Rupee	21,954	703.00					21,954	703.00
United Kingdom	Pound	180	283.00					180	283.00
United States	Dollar				6,386.00				6,386.00
Senator Richard Lugar:									
Germany	Dollar		500.00						500.00
France	Franc	1,691.04	312.00					1,691.04	312.00
United Kingdom	Pound	147.44	230.00					147.44	230.00
Senator Frank Murkowski:									
Japan	Dollar		568.02						568.02
Hong Kong	Dollar		863.52						863.52
China	Dollar		280.94						280.94
North Korea	Dollar		392.00						392.00
South Korea	Dollar		168.43						168.43
Vietnam	Dollar		710.66						710.66
United States	Dollar				6,314.95				6,314.95
Senator Claiborne Pell:									
Austria	Schilling	5,179.20	480.00					5,179.20	480.00
Senator Paul Sarbanes:									
Cyprus	Dollar		300.00				335.34		635.34
Greece	Drachma	131,105	539.75			115,254	473.22	246,359	1,012.97
United States	Dollar				1,880.35				1,880.35
Senator Paul Simon:									
Mongolia	Dollar		225.00						225.00
China	Dollar		928.00						928.00
North Korea	Dollar		190.00						190.00
South Korea	Dollar		303.00						303.00
Vietnam	Dollar		620.00						620.00
Steven K. Berry:									
Germany	Mark	143	94.70					143.00	94.70
France	Franc	705.84	136.00				125.00	705.84	261.00
United States	Dollar				1,123.21				1,123.21
Nadereh Chahmirzadi:									
Mozambique	Dollar		242.00						242.00
South Africa	Dollar		3,208.00						3,208.00
United States	Dollar				5,741.75				5,741.75
Geryld B. Christianson:									
Spain	Peseta	273,492	2,130.00					273,492	2,130.00
United States	Dollar				1,256.95				1,256.95
Hungary	Dollar		1,337.00						1,337.00
United States	Dollar				1,415.00				1,415.00
Nancy Chen:									
Mongolia	Dollar		225.00						225.00
China	Dollar		928.00						928.00
North Korea	Dollar		190.00						190.00
South Korea	Dollar		303.00						303.00
Vietnam	Dollar		620.00						620.00
G. Garrett Grigsby:									
Spain	Peseta	273,492	2,130.00					273,492	2,130.00
United States	Dollar				1,122.95				1,122.95
Netherlands	Guilder	832.09	484.00					832.09	484.00
Russia	Dollar		872.00						872.00
United States	Dollar				3,431.85				3,431.85
Michael Haltzel:									
Germany	Mark		1,700.00						1,700.00
United States	Dollar				1,175.95				1,175.95
Germany	Mark	808	529.50					808	529.50
Austria	Schilling	5,156.40	480.00					5,156.40	480.00
France	Franc	3,288.48	624.00					3,288.48	624.00
United States	Dollar				1,474.75				1,474.75
Thomas Hubbard:									
China	Yuan	14,969.95	1,750.00					14,969.95	1,750.00
India	Rupee	36,384.25	1,165.00					36,384.25	1,165.00
United States	Dollar				5,296.95				5,296.95
Thomas Hughes:									
Ireland	Pound	331.10	515.00					331.10	515.00
United Kingdom	Dollar		920.00						920.00
United States	Dollar				1,170.15				1,170.15
Michelle Maynard:									
Austria	Dollar		480.00						480.00
Netherlands	Dollar		196.00						196.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1994—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
France	Dollar		1,284.00						1,284.00
United States	Dollar				1,781.25				1,781.25
Patricia McNerney:									
Bahamas	Dollar		1,312.00						1,312.00
United States	Dollar				630.95				630.95
Kenneth A. Myers:									
Germany	Dollar		500.00						500.00
France	Franc	1,691.04	312.00					1,691.04	312.00
United Kingdom	Pound	375.65	586.00					375.65	586.00
Deanna Okun:									
Japan	Yen	62,574	632.06					62,574	632.06
Taiwan	Dollar	15,156	577.82					15,156	577.82
Hong Kong	Dollar	3,230	418.80					3,230	418.80
China	Dollar		422.92						422.92
North Korea	Dollar		241.43						241.43
South Korea	Won	163,086	206.44					163,086	206.44
Vietnam	Dollar		500.88						500.88
United States	Dollar				2,021.00				2,021.00
Anne Smith:									
Netherlands	Guilder	832.09	484.00					832.09	484.00
Russia	Dollar		872.00						872.00
United States	Dollar				3,431.85				3,431.85
Jonathan Stein:									
Mongolia	Dollar		225.00						225.00
China	Dollar		928.00						928.00
North Korea	Dollar		190.00						190.00
South Korea	Dollar		303.00						303.00
Vietnam	Dollar		620.00						620.00
Nancy Stetson:									
China	Yuan	8,396	982.00					8,396	982.00
Vietnam	Dollar		310.00						310.00
Thailand	Baht	5,308	213.00					5,308	213.00
India	Rupee	22,579	723.00					22,579	723.00
United Kingdom	Pound	180	283.00					180	283.00
United States	Dollar				6,526.00				6,526.00
AMENDMENT TO REPORT FOR 1ST QUARTER, 1993									
Stephen A. Rickard:									
Syria	Dollar		645.00						645.00
Israel	Dollar		592.00						592.00
Total			46,155.87		53,624.81		933.56		100,714.24

CLAIBORNE PELL,
Chairman, Committee on Foreign Relations,
Feb. 2, 1995.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1994.

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Mary Sturtevant			1,700.00		3,227.35				4,927.35
Christopher Mellon			1,044.00		3,151.35				4,195.35
Donald Mitchell			1,095.76		3,239.65				4,335.41
Timothy Carlsgaard			879.00		4,472.00				5,351.00
Peter Dorn			1,981.00		4,030.95				6,011.95
Sarah Holmes			981.00		3,229.95				4,210.95
Cliff Blaskowsky			1,981.00		4,030.95				6,011.95
Senator Bob Graham					380.95				380.95
Alfred Cumming					662.05				662.05
Total			9,661.76		26,425.20				36,086.96

DENNIS DeCONCINI,
Chairman, Select Committee on Intelligence,
Dec. 31, 1994.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Darrell Panethiere:									
Switzerland	Franc	1,500	1,125.00						1,125.00
United States	Dollar				2,559.35				2,559.35
Total			1,125.00		2,559.35				3,684.35

JOE BIDEN,
Chairman, Committee on the Judiciary,
Mar. 7, 1995.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), JOINT ECONOMIC COMMITTEE FOR TRAVEL FROM OCT. 1, TO DEC. 31, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
James Lee Price:									
United States	Dollar				928.75				928.75
Total					928.75				928.75

KWEISI MFUME,
Chairman, Joint Economic Committee,
Dec. 21, 1994.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY AND THE REPUBLICAN LEADER FROM SEPT. 2 TO SEPT. 12, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Patrick J. Leahy:									
Russia	Dollar		1,294.00						1,294.00
Ukraine	Dollar		534.00						534.00
Moldova	Dollar		190.00						190.00
Italy	Lira	917,814	582.00					917,814	582.00
Senator Thad Cochran:									
Russia	Dollar		1,294.00						1,294.00
Ukraine	Dollar		534.00						534.00
Moldova	Dollar		190.00						190.00
Italy	Lira	917,814	582.00					917,814	582.00
Senator J. James Exon:									
Russia	Dollar		1,294.00						1,294.00
Ukraine	Dollar		534.00						534.00
Moldova	Dollar		190.00						190.00
Italy	Lira	917,814	582.00					917,814	582.00
Senator Hank Brown:									
Russia	Dollar		1,294.00						1,294.00
Ukraine	Dollar		534.00						534.00
Moldova	Dollar		190.00						190.00
Italy	Lira	917,814	582.00					917,814	582.00
Luke Albee:									
Russia	Dollar		1,164.00						1,164.00
Ukraine	Dollar		534.00						534.00
Moldova	Dollar		190.00						190.00
Italy	Lira	917,814	582.00					917,814	582.00
Leah Gluskoter:									
Russia	Dollar		1,144.00						1,144.00
Ukraine	Dollar		534.00						534.00
Moldova	Dollar		190.00						190.00
Italy	Lira	917,814	582.00					917,814	582.00
Jan Paulk:									
Russia	Dollar		1,294.00						1,294.00
Ukraine	Dollar		534.00						534.00
Moldova	Dollar		190.00						190.00
Italy	Lira	917,814	582.00					917,814	582.00
Hunt Shipman:									
Russia	Dollar		1,294.00						1,294.00
Ukraine	Dollar		534.00						534.00
Moldova	Dollar		190.00						190.00
Italy	Lira	917,814	582.00					917,814	582.00
William N. Witting:									
Russia	Dollar		1,294.00						1,294.00
Ukraine	Dollar		534.00						534.00
Moldova	Dollar		190.00						190.00
Italy	Lira	917,814	582.00					917,814	582.00
Delegation expenses: [1]									
Russia							7,889.56		7,889.56
Ukraine							6,901.14		6,901.14
Moldova							1,126.14		1,126.14
Italy							4,423.56		4,423.56
Total			23,120.00				20,340.40		43,460.40

[1] Delegation expenses include direct payments and reimbursements to the Department of State and the Department of Defense under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and Senate Resolution 179, agreed to May 25, 1977.

GEORGE J. MITCHELL, Majority Leader,
ROBERT J. DOLE, Republican Leader,
Jan. 3, 1995.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY AND THE REPUBLICAN LEADER FROM JUNE 1 TO JUNE 7, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Claiborne Pell:									
Italy	Lira	1,412,104	887.00					1,412,104	887.00
France	Franc	4,163.43	743.47					4,163.43	743.47
Senator Robert J. Dole:									
Italy	Lira	1,396,184	877.00					1,396,184	877.00
France	Franc	2,895.20	517.00					2,895.20	517.00
Senator Daniel K. Inouye:									
Italy	Lira	759,542	478.00					759,542	478.00
Senator Ernest F. Hollings:									
Italy	Lira	1,425,333	897.00					1,425,333	897.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY AND THE REPUBLICAN LEADER FROM JUNE 1 TO JUNE 7, 1994—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
France	Franc	5,896.80	1,053.00					5,896.80	1,053.00
Senator Sam Nunn:									
France	Franc	5,373.48	959.55					5,373.48	959.55
Senator Pete Domenici:									
Italy	Lira	1,425,333	897.00					1,425,333	897.00
France	Franc	4,030.94	719.81					4,030.95	719.81
Senator Joseph R. Biden:									
Italy	Lira	1,425,333	897.00					1,425,333	897.00
France	Franc	3,371.2	602.00					3,371.2	602.00
Senator John Glenn:									
Italy	Lira	1,189,224	747.00					1,189,224	747.00
France	Franc	4,428.26	790.76					4,428.26	790.76
Senator Dale Bumpers:									
Italy	Lira	1,349,410	849.22					1,349,410	849.22
France	Franc	4,474.4	799.00					4,474.4	799.00
Senator Patrick J. Leahy:									
Italy	Lira	1,425,333	897.00					1,425,333	897.00
France	Franc	5,376.00	960.00					5,376.00	960.00
Senator David Durenberger:									
Italy	Lira	1,425,333	897.00					1,425,333	897.00
France	Franc	5,896.80	1,053.00					5,896.80	1,053.00
Senator Alan Simpson:									
France	Franc	4,177.6	746.00	593.6	106.00			4,771.2	852.00
Senator John Warner:									
Italy	Lira	1,186,983	747.00					1,186,983	747.00
France	Franc	2,951.2	527.00					2,951.2	527.00
Senator David Pryor:									
Italy	Lira	1,394,592	876.00					1,394,592	876.00
France	Franc	4,664.80	833.00					4,664.80	833.00
Senator Larry Pressler:									
France	Franc	6,389.60	1,141.00					6,389.60	1,141.00
United States	Dollar				3,282.00				3,282.00
Senator Howell Heflin:									
Italy	Lira	1,425,333	897.00					1,425,333	897.00
France	Franc	5,017.6	896.00					5,017.6	896.00
Senator Arlen Specter:									
France	Franc	1,097.6	196.00					1,097.6	196.00
Senator Frank Murkowski:									
Italy	Lira	1,425,333	897.00					1,425,333	897.00
France	Franc	5,896.8	1,053.00					5,896.8	1,053.00
Senator Tom Harkin:									
France	Franc	5,600.00	1,000.00					5,600.00	1,000.00
Senator John F. Kerry:									
France	Franc	3,749.20	669.50					3,749.20	669.50
Senator Bob Smith:									
Italy	Lira	1,425,333	897.00					1,425,333	897.00
France	Franc	5,087.6	908.50					5,087.6	908.50
Senator Harlan Mathews:									
Italy	Lira	1,425,333	897.00					1,425,333	897.00
France	Franc	4,356.8	778.00					4,356.8	778.00
Martha S. Pope:									
Italy	Lira	1,067,808	672.00					1,067,808	672.00
France	Franc	4,631.20	827.00					4,631.20	827.00
Steven Benza:									
Italy	Lira	1,425,333	897.00					1,425,333	897.00
France	Franc	4,788	855.00					4,788	855.00
Sheila Burke:									
Italy	Lira	1,294,296	813.00					1,294,296	813.00
France	Franc	3,001.60	536.00					3,001.60	536.00
John Cummings:									
Italy	Lira	1,425,333	897.00					1,425,333	897.00
France	Franc	5,896.80	1,053.00					5,896.80	1,053.00
Clarkson Hine:									
Italy	Lira	1,425,333	897.00					1,425,333	897.00
France	Franc	2,307.20	412.00					2,307.20	412.00
Phi Nguyen:									
France	Franc	3,931.2	702.00					3,931.2	702.00
Jan Paulk:									
Italy	Lira	1,336,349	841.00					1,336,349	841.00
France	Franc	4,300.8	768.00					4,300.8	768.00
Randy Scheunemann:									
Italy	Lira	1,425,333	897.00					1,425,333	897.00
France	Franc	3,371.20	602.00					3,371.20	602.00
Sally Walsh:									
Italy	Lira	1,425,333	897.00					1,425,333	897.00
France	Franc	9,128.00	1,630.00					9,128.00	1,630.00
United States	Dollar				528.90				528.90
Delegation expenses: [1]									
Italy							31,636.99		31,636.99
France							51,552.12		51,552.12
Total			44,675.81		3,916.90		83,189.11		131,781.82

[1] Delegation expenses include direct payments and reimbursements to the Department of State and the Department of Defense under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and Senate Resolution 179, agreed to May 25, 1977.

ROBERT J. DOLE, Republican Leader,
GEORGE J. MITCHELL, Majority Leader,
Dec. 1, 1994.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1994.

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Michael Amitay:									
United States	Dollar				2,260.15				2,260.15

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1994.—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hungary	Dollar		1,014.00				135.94		1,149.94
Orest Deychakiwsky:									
United States	Dollar				1,743.35				1,743.35
Hungary	Dollar		1,757.00				34.50		1,791.50
David Evans:									
United States	Dollar				1,743.35				1,743.35
Hungary	Dollar		764.00				40.00		804.00
Robert Hand:									
United States	Dollar				1,714.00				1,714.00
Macedonia	Dollar		718.00				177.00		895.00
United States	Dollar				1,386.55				1,386.55
Hungary	Dollar		3,584.00						3,584.00
Janice Helwig:									
United States	Dollar				2,614.13				2,614.13
Hungary	Dollar		8,198.47		1,067.20		144.62		9,410.29
Macedonia	Dollar		364.34				400.00		764.34
Marlene Kaufmann:									
United States	Dollar				2,813.65				2,813.65
Hungary	Dollar		2,702.56				25.60		2,728.16
Ronald McNamara:									
United States	Dollar				3,340.95				3,340.95
Hungary	Dollar		1,014.00				50.00		1,064.00
United States	Dollar				739.95				739.95
Cuba	Dollar		594.00						594.00
Michael Ochs:									
United States	Dollar				1,743.35				1,743.35
Hungary	Dollar		2,535.00				115.00		2,650.00
Unitd States	Dollar				4,410.35				4,410.35
Turkey	Dollar		352.00						352.00
Turkmenistan	Dollar		1,281.00				195.00		1,476.00
Russia	Dollar		672.00						672.00
James Ridge, Jr.:									
United States	Dollar				1,743.35				1,743.35
Hungary	Dollar		2,366.00				96.46		2,462.46
Erika Schlager:									
United States	Dollar				2,125.65				2,125.65
Hungary	Dollar		2,079.00						2,079.00
Samuel Wise:									
United States	Dollar				1,853.15				1,853.15
Hungary	Dollar		1,014.00						1,014.00
Hungary	Dollar		3,243.00						3,243.00
United States	Dollar				1,743.35				1,743.35
Hungary	Dollar		3,419.00				14.00		3,433.00
Total			37,671.37		33,042.48		1,428.12		72,141.97

DENNIS DeCONCINI,
Chairman, Commission on Security and Cooperation in Europe,
Jan. 18, 1995.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM OCT. 21 TO OCT. 26, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Michael Amitay:									
United States	Dollar				2,707.35				2,707.35
Germany	Dollar		187.00						187.00
Turkey	Dollar		656.00				25.00		681.00
Senator Dennis DeConcini:									
United States	Dollar				2,805.00				2,805.00
Germany	Dollar		187.00						187.00
Turkey	Dollar		252.00						252.00
Mary Sue Hafner:									
United States	Dollar				2,707.35				2,707.35
Germany	Dollar		187.00						187.00
Turkey	Dollar		656.00						656.00
Robert Hand:									
United States	Dollar				1,543.13				1,543.15
Germany	Dollar		218.07				33.50		251.57
Samuel Wise:									
United States	Dollar				1,877.35				1,877.35
Germany	Dollar		187.00						187.00
Turkey	Dollar		177.00						177.00
Delegation Expense:[1]									
Turkey	Dollar						458.81		458.81
Total			2,707.07		11,640.20		517.31		14,864.58

[1] Delegation expenses include direct payments and reimbursements to the Department of State and the Department of Defense under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384.

DENNIS DeCONCINI,
Chairman, Commission on Security and Cooperation in Europe,
Jan. 18, 1995.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE PRESIDENT OF THE SENATE FROM OCT. 1 TO DEC. 31, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Martha S. Pope									
United Kingdom	Dollar		83.16						83.16
Republic of Ireland	Dollar		576.91						576.91
United States	Dollar				856.55				856.55
Total			660.07		856.55				1,516.62

AL GORE, President of the Senate,
Jan. 19, 1995.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY LEADER FROM OCT. 1 TO DEC. 31, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
David Corbin:									
Spain	Peseta	273,492	2,130.00	5,575	43.42			279,067	2,173.42
United States	Dollar				1,143.95				1,143.95
Edward L. King:									
Spain	Dollar		164.46						164.46
Gordon Hamel:									
Germany/Bosnia-Herzegovina	Dollar		150.00						150.00
United States	Dollar				794.25				794.25
Total			2,444.46		1,981.62				4,426.08

GEORGE J. MITCHELL, Majority Leader,
Jan. 3, 1995.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE REPUBLICAN LEADER FROM OCT. 1 TO DEC. 31, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Mira Baratta:									
Belgium	Franc	2596.86	81.00					2596.86	81.00
United Kingdom	Pound	180.93	283.00					180.93	283.00
Italy	Lire	458,873	281.00					458,873	281.00
United States	Dollar				1,381.25				1,381.25
Randy Scheunemann:									
Belgium	Franc	2,400	75.00					2,400	75.00
United Kingdom	Pound	180.93	283.00					180.93	283.00
Total			1,003.00		1,381.25				2,384.25

ROBERT J. DOLE, Republican Leader,
Feb. 7, 1995.

ADDENDUM—CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE REPUBLICAN LEADER FROM JULY 1 TO SEPT. 30, 1994

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Ted Stevens:									
United Kingdom	Pound	552.67	849.00					552.67	849.00
United States	Dollar				4,950.05				4,950.05
Steve Cortese:									
United Kingdom	Pound	552.67	849.00					552.67	849.00
United States	Dollar				4,048.95				4,048.95
Total			1,698.00		8,999.00				10,697.00

ROBERT J. DOLE, Republican Leader,
Feb. 6, 1995.

TRIBUTE TO THE REVEREND MARIAN CURTIS BASCOM, SR.

• Mr. SARBANES. Mr. President, for 45 years the Reverend Marian Curtis Bascom, Sr., has, as pastor of the Douglas Memorial Community Church in Baltimore, been a leading force for fairness, opportunity, growth, and advancement, not only for the many devoted members of his congregation, but for all the people of Baltimore. His leadership, vision and commitment have made Reverend Bascom, and the members of his congregation truly a visible, viable, and compassionate force in Baltimore.

This month Reverend Bascom will officially retire as pastor of Douglas Memorial Community Church, but his influence will continue to grow not only by his continued presence and leadership in our community, but also through the lives and works of the countless people he has led, inspired, and challenged to achieve the highest levels of dedication and commitment of which they are capable.

Born in Florida and educated there and in Chicago, Reverend Bascom holds an honorary doctor of divinity degree from Florida Memorial College, and has completed advanced studies at Wesley Seminary and Howard University in Washington, having served as president of Howard's alumni association.

Since coming to Baltimore in 1949 as pastor of Douglas Memorial Community Church, Reverend Bascom has held leadership posts in a broad range of institutions critical to our community's growth and vitality. He has twice served as president of the Interdenominational Ministerial Alliance, and with his fellow clergy in this wide ranging institution, Marian Bascom has been a force for economic, social, and civic progress leading the way to opening up access to our institutions to all people.

His inspired and committed leadership in the community has made him a leader in many ways—the first black commissioner of the Baltimore City Fire Department, first black to serve on the board of Baltimore City Hospitals, past president of the National Council of Community Churches, leader in support of working men and women, and vice president of Associated Black Charities.

Under his inspired leadership, Douglas Memorial Community Church has played a critical role in reaching out to the people of Baltimore and into the world. Under Reverend Bascom's pastorate, Douglas has developed and implemented programs which focus on youth, our senior citizens, and the homeless. There are camps for the youth, a Meals-on-Wheels service, apartments, a vibrant Sunday school and youth fellowship, and a ministry that touches people of all races and creeds throughout the community.

Mr. President, it has been my special honor and privilege to work with Rev. Marian C. Bascom over the years. I have found him to be an inspired leader, committed servant of his faith and tireless advocate for fairness and opportunity. His retirement will be only the next phase of involvement for this dedicated and inspiring clergyman, and I ask that all our colleagues join with me in wishing him every happiness. I also ask that a brief biography of the Reverend Marian Curtis Bascom, Sr., be printed in the RECORD.

The biography follows:

MARION CURTIS BASCOM, SR.: PREACHER, TEACHER, AND INNOVATOR

The growth of Douglas Memorial Community Church as a visible, viable compassionate force in the city of Baltimore is inextricably woven in the leadership of and by its minister, Rev. Marion Curtis Bascom, Sr.

Marion Curtis Bascom, Sr. was born in Pensacola, Florida and was blessed by the early influence of a religious life with his parents and grandparents. He soon became active as a child-preacher at the Mt. Olive Baptist church in Pensacola. As a young boy, he also lived in Chicago, Illinois, where he acquired his early education. Later he returned to Pensacola, and was graduated from High School.

In 1970 his Alma Mater, Florida Memorial College bestowed upon him the honorary Doctor of Divinity Degree. He also completed additional studies at the Wesley Seminary, Washington, D.C. In 1976, Dr. Bascom was selected to receive Howard University's coveted Distinguished Alumni Award at the 111th Anniversary of the founding of the institution. He has served the University frequently as a resource person for the School. Dr. Bascom has been president of the Alumni Association.

Before coming to assume the pastorate of Douglas Memorial Community Church, he had served as pastor at Mt. Zion Baptist Church, Pensacola, Florida; Shiloh Baptist Church, St. Augustine, Florida; and the First Baptist Church, St. Augustine, Florida. In July, 1949, he accepted the invitation to become the pastor of Douglas Memorial Community Church in Baltimore, Maryland.

Under the astute leadership of Dr. Marion Curtis Bascom, Douglas Memorial Community Church has become known as the church whose people have an acute awareness of the religious, social and political problems inherent of the city of Baltimore and which extend into the world. His leadership in connection with outreach programs focused on youth, the aged and homeless has brought recognition to him as one who believes that "Love for one's fellowman reaches the highest pinnacle when we render service to others."

Since 1949, Dr. Bascom has attained innumerable religious and civil heights, attesting to his stature as an inspired and committed leader in the Baltimore community. His prodigious list of credits include: twice president of the Interdenominational Ministerial Alliance; first Black Commissioner of the Baltimore City Fire Department; a former chairman of the Task Force for Welfare Rights; and the first Black to serve on the Board of Baltimore City Hospitals. In addition, he is a Past President of the National Council of Community Churches; and a former member of the Board of Directors of the Baltimore Branch of the National Association for the Advancement of Colored People. He has actively supported the local labor movement, and participated fully in the political life of Baltimore City. He was also a trustee of the Roseland Gardens Culture Center. Community concern has been maintained and Dr. Bascom serves as Vice President of Associated Black Charities.

Dr. Bascom has constantly admonished the Douglas Congregation that instead of doing "church work" it should "do the work of the church." As a consequence with his foresight and guidance, Douglas has developed an enviable succession of outreach programs with four of its more prominent being: Camp Farthest Out, Inc., located in Barrett, Maryland, and serving four hundred under-privileged children for two-week periods throughout each summer; the Douglas Memorial Federal Credit Union, with assets over $1,000,000; a Meals-on-Wheels Kitchen serving all creeds and Douglas Village, with 49 apartments, occupying the entire 1300 block of Madison Avenue.

He was responsible for leading the church into sponsorship of a Headstart program and also for establishing the "Seeker's House," a coffee house on Pennsylvania Avenue for area residents. Dr. Bascom was a local leader and activist during the civil rights movement, and marched in Selma with Dr. Martin Luther King, Jr. Poverty marchers enroute to Washington were housed and fed at Douglas Memorial, as a small part of its awareness of the social problems of the day.

His battle for economic equality erupted in the development of a business thereby opening the entrepreneurial door in the minority community to the sale of fine papers—an arena previously closed in the Baltimore community.

Always available to growth prospects, the last five years have seen major efforts to renovate the Church House come to fruition. An elevator, long needed to care for more maturing congregants, has been installed to serve both the church and church house. Plans to install a new organ are evident and growing.

The intrinsic, incalculable effects of his forty years at Douglas are reflected in a vibrant Sunday Church School, an active Youth Fellowship, an outstanding musical aggregation, responsible and committed circles and spiritual group fellowships—all hallmarks of the blessings visited upon the Douglas Family through the untiring efforts of its pastor, Marion Curtis Bascom, Sr.

In addition to his wife, Dorothy, immediate family members include their children, Bernadette M. Miller, Marion Jr., Peter and Singleton Bascom and Yiviane B. Yeadon and their grandchildren; Chokise L. Miller, Ellis and Gillian Yeadon. While his beloved mother, the late Mary A. Knutt, has joined his sainted grandmothers, Marion Bascom senses a welcoming bonding with his maternal heritage—the Andersons—Uncle Tom, Victoria, Thomas Jr., Corine and Harry—with Aunt Dorothy, Barbara and Meta.

Dr. Bascom's favorite scriptural passage, the 139th Psalm, embraces his most fervent prayer:

"Search me, O God, and know my heart! Try me and know my thoughts . . ."•

NOMINATION OF DR. HENRY FOSTER

• Mr. SIMON. Mr. President, I rise today to join a number of my colleagues who are asking that hearings be held on the nomination of Dr. Henry Foster for Surgeon General.

Dr. Foster is widely recognized as one of the Nation's leading authorities on infant mortality, as well as preventing teen pregnancy and drug abuse. He has contributed a great deal during his career, and is clearly an excellent candidate for the position of Surgeon General of the United States.

It is important that we focus on Dr. Foster's credentials and look at how he has dedicated his career to helping others. After finishing his medical training, Dr. Foster returned to his native rural South and began his lifelong crusade against infant mortality. Dr. Foster developed a comprehensive approach to maternal and child health which involved teams of doctors, social workers, and nutritionists, with a goal of preventing health problems in mothers and newborn babies. The teams worked in rural communities to reach women early in their pregnancies, identify those women with a high potential for complication, and ensure they received specialized attention throughout their pregnancy and following the birth. Dr. Foster's approach was ahead of its time, becoming a national model for regionalized perinatal care.

In 1991 the "I Have a Future" program, which Dr. Foster developed, was named a "Point of Light" by President Bush for its innovative work to reduce teen pregnancy and build self-esteem for at-risk youth. This program works with parental and community involvement, to help teenagers learn skills needed to start a business or get an education, and to point out the consequences of teenage pregnancy.

These are only two of the successful, innovative programs which Dr. Foster has developed, but they give a good indication of the great contributions that Dr. Foster has made.

Mr. President, there has been much discussion about Dr. Foster performing abortions. Abortion is a legal procedure that should not disqualify Dr. Foster or any other nominee from Federal appointment. In response to some remarks about this performing abortions, Dr. Foster states that he believes abortion should be safe, legal, and rare, "but [his] life's work has been dedicated to making sure that young people don't have to face the choice of having abortions." With efforts such as the I have a future program, Dr. Foster has shown this dedication.

Mr. President, there are several things that have been twisted and misinterpreted in looking at Dr. Foster's career. We must look at this total record, and his commitment to working with young people, parents, and teachers to ensure we do decrease teen pregnancies, do decrease the number of low birthweight babies, do decrease the number of children living in poverty, and do decrease the number of abortions performed in this country.

I have heard from numerous medical groups in support of Dr. Foster, including, the American Medical Association, the American College of Obstetricians and Gynecologists, American College of Physicians, American College of Preventive Medicine, and many more. His distinguished career, and his commitment to the health of women and children, eminently qualify Dr. Foster for the position of Surgeon General.

I look forward to his consideration by the full Senate.•

CONSTITUTIONAL AMENDMENT TO IMPOSE CONGRESSIONAL TERM LIMITS

• Mr. LEAHY. Mr. President, I find curious the delay in the filing of the Senate report on the constitutional amendment to impose congressional term limits. When this matter was first listed on a Judiciary Committee agenda back on January 18, our Republican colleagues seemed in a tremendous rush to proceed on this matter, one of the 100 or so constitutional amendments introduced so far this Congress. When the Judiciary Committee voted to report Senate Joint Resolution 21 to the Senate back on February 9, the rush continued. The fervor seems to have cooled for now here in the Senate. Indeed, it took the majority 3 weeks to circulate a draft report. The committee was asked last Thursday to reconsider the procedural manner in which the resolution was reported, and as far as I can tell, the committee report is still yet to be filed.

I have no problem with the majority putting off consideration of this matter, which I oppose. The proposal is, in my view, a limitation on the right of the people to choose their representatives. I am concerned that our House colleagues will not have the benefit of our views when they take up this matter next week.

Because I have no assurance that the Senate report will be printed and available to them in time for their debate, I ask to include in the RECORD my opposition views, which were submitted to be included in the committee report back on March 3, and which I hope will appear in the Senate report, if and when it is printed.

The views follow:

ADDITIONAL OPPOSING VIEWS OF SENATOR PATRICK LEAHY IN OPPOSITION TO SENATE JOINT RESOLUTION 21, A CONSTITUTIONAL AMENDMENT TO IMPOSE CONGRESSIONAL TERM LIMITS

I oppose this constitutional amendment. The Constitution does not set congressional term limits, trusting to the people to decide who will best represent them. Indeed, this proposal is, in essence, a limitation on the rights of the electorate. I reject it as such.

I urge my colleagues not to be afraid to do the right thing, even if it does not appear from certain polls to be the currently popular thing, and stop demagoguing constitutional amendments as the cure to our ills. Our Constitution has served us well, over more than 200 years. It is the cornerstone of our vibrant democracy. It has been amended only 17 times since the adoption of the Bill of Rights in 1791—and two of those were prohibition and its repeal.

The Constitution is now under attack. The fundamental protections of separation of powers and the First Amendment are under siege. In the opening days of this Congress almost 100 constitutional amendments have been introduced. One, the so-called balanced budget amendment, has already been passed by the House and been narrowly defeated in the Senate. We risk making a mockery of Article V's requirement that we deem a constitutional amendment "necessary" before proposing it to the states.

One way to consider the impact of this proposed amendment is to look at who would not be here currently were this 2-term limit already part of the Constitution. The 2-term limit contained in S.J. Res. 21 would eliminate all of us who have been returned to the Senate by our constituents after standing for reelection more than once.

Think for a moment what imposing such a limitation would mean to the Senate. For example, are Senators Thurmond, Hatfield, Stevens, Packwood, Roth, Domenici, Chafee, Lugar, Kassebaum, Cochran, Simpson and Hatch, and Senators Byrd, Pell, Kennedy, Inouye, Hollings, Nunn, Glenn, Ford, Bumpers, Moynihan, Sarbanes, Biden and others not possessed of judgment and experience on which we all rely and on which their constituents depend? What of the Majority Leader, Senator Dole, should he have had to retire in 1980 after serving only two terms?

Consider what this type of measure would have meant over our history. Those who have served beyond two terms include among their ranks some of our most distinguished predecessors. Each of our Senate Office Buildings, in fact, is named for a Senator whose service would have been cut short by the type of term limit being proposed as a constitutional amendment: Richard Russell, Philip Hart, Everett McKinley Dirksen. It is a loss when illness takes such leaders from us; it would be a tragedy to have denied the country and their constituents their service through an arbitrary rule limiting congressional terms.

Think about Kentucky's Henry Clay; South Carolina's John C. Calhoun; Missouri's Thomas Hart Benton; Ohio's Robert Taft; Iowa's William Allison; Michigan's Arthur Vandenberg; Arizona's Carl Hayden and Barry Goldwater; Maine's Margaret Chase Smith and George Mitchell; Vermont's Justin Morrill and George Aiken; Massachusetts' Daniel Webster and Charles Sumner; Montana's Mike Mansfield; Washington's Scoop Jackson; North Carolina's Sam Ervin; Arkansas's William Fulbright; New York's Jacob Javits; Wisconsin's William Proxmire and the LaFollettes; Minnesota's Hubert H. Humphrey; Tennessee's Howard Baker, Jr. Such lists invariably leave out many who distinguished themselves through their service into a third Senate term.

Voters have not had any trouble electing challengers in the last several years. In 1978, 1980 and 1986, numbers of incumbents were defeated in primaries and general elections for the United States Senate. From the last election, one-third of those elected to the Senate are serving in their first terms. In the House of Representatives fully one third of the Members are beginning their first or second terms. The electorate does not seem to have a problem deciding whom to elect and whom not to reelect.

Indeed, rather than debating a constitutional amendment to impose term limits, our time might be better spent thinking about why more and more of our respected colleagues are choosing to abandon this body. Our friend from Colorado, the Chairman of the Constitution Subcommittee, has already announced that he will not seek reelection in 1996, after five terms in the House but only one here in the Senate. The senior Senator from Illinois, the Ranking Democrat on the Constitution Subcommittee, has also announced that he will not seek reelection after five terms in the House and two terms here in the Senate. The distinguished Ranking Democrat on the Energy Committee, the senior Senator from Louisiana has announced his intention to return to Louisiana.

Last year, George Mitchell and a total of nine of our colleagues in the 103rd Congress chose not to seek reelection. The Congress has become less and less a place where Members choose to run for reelection.

I respect my colleagues for doing what they think is right for themselves and their families. I commend those who like Hank Brown and our freshman colleagues believe strongly in term limits and conform their own actions to that rule. I urge them, however, to stop short of seeking to impose their view on all others and upon all other States for all time by way of this constitutional amendment.

The reality is that this is an institution that is called upon to deal with many important and complex matters, where judgment and experience do count for something. Some sense of history and some expertise can, from time to time, be helpful in confronting our tasks and fulfilling our responsibilities to our constituents and the country. Thus, I do not believe that a one-size-fits-all limit on congressional service makes sense.

Further, as the representative of a small State, I am acutely aware that we fulfill the purposes of the Senate and sometimes best represent our States when we have a bit of seniority and a track record on the issues. I believe, as did our Founders, that it is up to the people to let us know if we seek to overstay our term of service.

Before we embark on this course to rewrite the work of the Founders and impose an artificial limit on the length of congressional service, we should know what evil this constitutional amendment is intended to reach? On this the proponents speak in conflicting voices—some urging that term limits will make us more responsive to the electorate and others arguing that it will give us greater distance and independence from them. Which is it?

It is remarkable that while the majority's rhetorical flourishes raise to new heights the mythological citizen-legislator and the majority report discusses everything from Aristotle, ancient Greece and term limit suggestions that were rejected by the Founders in the "final draft of the Constitution," to bills, amendments and resolutions not considered by the Judiciary Committee, it nowhere discusses—let alone justifies—the specific congressional term limits it seeks to impose. The sole hearing into this matter was focussed in large part on proponents arguing that a 6-term limit for the House was "no limit at all" and that to include such a provision in this measure amounted to "phony term limits," since 12 years is longer than the average term of service in the House. Nowhere in its long-delayed report does the majority discuss Senator Kyl's amendment to double the House term limits from three to six terms, hint at the controversy surrounding this key, substantive provision, nor indicate that it would invalidate limits adopted in over 20 states.

Further, the majority gives no consideration to the effectiveness of limiting terms of only one group of actors in our political democracy. Will we also limit the tenure of professional staff? Will we limit the number of years someone may lobby the Congress? Why not limit the years that someone can serve as a political consultant, a pollster, or an adviser? Are we prepared to venture into campaign reform and limit the number of times a person may contribute to Senate races over time? If not, term limits on candidates will only serve to increase the influence of these other groups at the expense of the people.

Do we expect first-term Senators intent on reelection to be less responsive to lobbyists and political consultants? For those who succeed in being reelected to a second and final term, will they be oblivious of the need to earn a living in succeeding years? With no prospect for a career in public service, Members of Congress may become more solicitous of "special interests" as they look beyond their lame duck status to new career opportunities.

Despite good intentions, this proposed constitutional amendment would not give us a citizen-legislature but, instead, a legislature made up of those independently wealthy and capable of taking 12 years from building a career outside this body to serve as philosopher-kings for a time.

I must oppose what I perceive to be a growing fascination with laying waste to our Constitution and the protections that have served us well for over 200 years. The First Amendment, separation of powers, the power of the purse, the right of the people to elect their representatives should be supported and defended. That is the oath that we all swore when we entered this public service. That is our duty to those who forged this great document, our commitment to our constituents and our legacy to those who will succeed us.

The Constitution should not be amended by sound bite. This proposed limitation evidences a distrust not just of congressional representatives but of those who sent us here, the people. Term limits would restrict the freedom of the electorate to choose and are based on disdain for their unfettered judgment. These are not so much term limits on the electorate to choose their representatives.

To those who argue that this proposal will embolden us or provide us added independence because we will not be concerned about reelection, I would argue that you are turning our democracy on its head. This proposal has the effect of eliminating accountability, not increasing it.

It is precisely when we stand for reelection that the people, our constituents, have the opportunity to hold us accountable. This proposal would eliminate that accountability by removing opportunities for the people to reaffirm or reject our representation of them. It would make each of us a lame duck immediately upon reelection.

Thus, my fundamental objection to the proposed constitutional amendment is this: It is, at base, distrustful of the electorate. It does not limit candidates so much as it limits the rights of the people to choose whoever they want to represent them. We should be acting to legislate more responsively and responsibly, not to close off elections by making some candidates off limits to voters. I will put my faith in the people of Vermont and keep faith with them to uphold the Constitution.

LEAHY AMENDMENT

When this matter reaches the Senate for debate, I intend to offer an amendment, along the lines of the one that I offered during the course of the Judiciary Committee's deliberations. I will try to move us toward an honest discussion of what this amendment would mean and what impact it would have on Congress. When politicians talk about imposing term limits, they tend to support proposals that, on examination, will not affect them. Thus, I have pointed out that S.J. Res. 21 is drafted so as not to affect adversely any of us.

This proposal is designed to become effective after the ratification process, which may itself take seven years. Thereafter, and only thereafter, are we to start counting terms in office for purposes of these constitutional term limits. Thus, this proposal is drafted so that some of us can get in two more successful reelection campaigns before we have even to start counting terms toward the 2-term limit. I suspect that all of us expect to be "former" Senators in 2020 after as many as four more terms, anyway. That is all that this amendment contemplates.

By contrast, my amendment will have the affect of making these constitutionally-mandated congressional term limits apply to each of us immediately upon ratification. Thus, the 2-term limit would apply to each of us then currently serving. Those of us serving in our second term, or greater, would be able to serve out the remainder of that term. Those in their first term in the Senate at the time of ratification would be able to run for reelection, once.

As I noted in the course of the Judiciary Committee's deliberations, my amendment would conform the congressional term limits amendment to the transition rule adopted in the 22nd Amendment, which imposed term limits on the President. The 22nd Amendment provides that it would "not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term." The 22nd Amendment did not say that the President serving at the time of ratification could be elected to two more, 4-year terms. It is noteworthy that this precedent continues to be ignored by the majority.

As reported, S.J. Res. 21 includes language in section 3 intended to provide special privileges to those Members who are serving at the time of ratification. Thus, all prior and current service is to be disregarded and Members serving at the time of ratification are to be accorded the prospect of two additional 6-year Senate terms and six additional 2-year House terms, regardless of the number of prior terms in the Senate or House. Rather than have the constitutional amendment eligibility limitations apply to everyone, S.J. Res. 21 is drafted so that Members serving at the time of ratification would be accorded the special privilege of being able to complete their current terms and then start over, counting from zero, with respect to elections and service toward term limits. This is, in the words of a member of the Committee who voted in favor of the constitutional amendment "transparent hypocrisy."

A few examples indicate the unfairness of these special privileges:

Senators elected after ratification would be locked into inferior status in terms of seniority, chairmanships, committee assignments and staff allocations. By contrast, Senators serving now and at the time of ratification would have their seniority preserved and protected.

A Senator elected one day before ratification would be able to serve three full 6-year terms before the limits took effect.

A Senator first elected in 1990 could run for reelection to a second term in 1996, run successfully for a third term in 2002, see the ratification process subsequently completed in 2003, finish out the third term in 2008 and still be reelected to two more full terms through 2020 before being affected by any term limits. At the same time a new Senator first elected in 2004 would be restricted to two terms and be barred from serving past 2016. Thus, the older Senator would be able to serve four years past the forced retirement of the newer and for a total of 18 years more than the newer Senator.

Senators voting for the amendment ought to be willing to bind themselves to its terms and not just to bind others who follow in their footsteps. Yet during the Judiciary Committee markup, the following Senators voted for this popular proposal and against my amendment to have it apply to them fully upon ratification: Hatch, Thurmond, Simpson, Grassley, Brown, Thompson, DeWine, Kyl and Abraham.

The amendment I will propose to the Senate will strike 3 and its language excluding elections and service occurring before final ratification from the calculation of the term limits being imposed. Instead, the amendment will expressly provide that the term limits being imposed by the constitutional amendment would apply to Members serving at ratification.

In order to avoid a retroactive effect or canceling the results of a completed election, the amendment will allow Members serving at the time of ratification to complete their current term. The prohibition in the proposed constitutional amendment would then operate prospectively to forbid any Member serving a term at or beyond the term limit being imposed from seeking reelection.

The amendment will also be intended to remove the ambiguity created by language included in Section 1, which begins: "After this article becomes operative, no person. * * *" Unless stricken, this language might be interpreted to exempt Members of Congress serving before ratification from the effect of the constitutional amendment entirely. At the least, the language implies that the eligibility of those Members of Congress serving at ratification is intended to be determined by consciously disregarding their current and past elections and service.

Unless stricken this language could create a special class of Members and grant them special privilege from the full effect of the constitutional amendment at the moment that it is ratified. The irony is that many of the very Members who vote to impose term limits on others elected in the future would secure for themselves special dispensation so that they may serve either an unlimited number of terms or as many terms as can be begun before final ratification plus an additional two terms in the Senate and an additional six terms in the House.

The effect on my amendment will be that upon ratification of this constitutional amendment to impose congressional term limits, our current terms of service will be considered. This is in keeping with the substance of the amendment and would give it full effect upon ratification, rather than waiting for another 12 to as many as 20 years before it takes effect. If constitutionally-mandated congressional term limits are necessary to solve an important problem, then why should the amendment to the Constitution exclude the very situation that it is being proposed to correct? We should not provide ourselves with special privileges and adopt rules for the next generation of Members. "Grandfathering" or "grandparenting" ourselves from the full effects of this amendment is not any way to proceed, if it is the will of the Congress and the States that we should proceed.●

MEASURE INDEFINITELY POSTPONED—S. 169

Mr. COATS. Mr. President, I ask unanimous consent Calendar No. 13, S. 169 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ FOR THE FIRST TIME—H.R. 1158

Mr. COATS. Mr. President, I inquire of the Chair if H.R. 1158 has arrived from the House of Representatives?

The PRESIDING OFFICER. Yes, the bill is at the desk.

Mr. COATS. Mr. President, therefore I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The bill clerk read as follows:

A bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

Mr. COATS. Mr. President, I now ask for its second reading.

Mr. EXON. Mr. President, I object.

The PRESIDING OFFICER. The bill will remain at the desk and will be read a second time on the next legislative day.

ORDERS FOR THURSDAY, MARCH 23, 1995

Mr. COATS. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9:30 a.m. on Thursday, March 23, 1995; that following the prayer the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; and that the Senate then resume consideration of the line-item veto bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. COATS. Mr. President, for the information of my colleagues, Members who still have amendments on the list must offer those amendments by 10 a.m. Thursday morning. Votes can therefore be expected throughout Thursday's session of the Senate, including final passage of the pending line-item veto.

Mr. President, I want to repeat that. Those Members who still have amendments that are on the list, that have been cleared to be on that list under unanimous consent, must offer those amendments by 10 a.m. Thursday morning. Votes will be expected throughout the day, including final passage of the pending line-item veto bill.

ADJOURNMENT UNTIL 9:30 A.M. THURSDAY, MARCH 23, 1995

Mr. COATS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection the Senate, at 9:16 p.m., adjourned until Thursday, March 23, 1995 at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, March 22, 1995*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. GILLMOR].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 22, 1995.

I hereby designate the Honorable PAUL E. GILLMOR to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are thankful, gracious God, for the rebirth of nature that we see all about us during this season. May the symbols of the season that remind us of renewal and restoration and all the beauty of these new days, prompt us to seek Your spirit that renews and enlightens our hearts and minds and souls. May we not be hindered, O God, by our past attempts at doing justice or by the inadequacy of our efforts, but let us, in this season of new life, find our lives strengthened and our spirits renewed so with all our hearts and minds, we will do justice, love mercy, and ever walk humbly with You. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. HAYWORTH. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on agreeing to the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HAYWORTH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, further proceedings on this vote will be postponed.

The point of no quorum is considered withdrawn.

APPOINTMENT AS MEMBERS OF THE UNITED STATES HOLOCAUST MEMORIAL COUNCIL

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of Public Law 96-388, as amended by Public Law 97-84 (36 U.S.C. 1402(a)), the Chair announces the Speaker's appointment of the following Members of the House to the United States Holocaust Memorial Council: Mr. GILMAN of New York; Mr. REGULA of Ohio; Mr. LATOURETTE of Ohio; Mr. LANTOS of California; and Mr. YATES of Illinois.

There was no objection.

REPUBLICAN CONTRACT WITH AMERICA

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, our Contract With America states the following:

On the first day of Congress, a Republican House will require Congress to live under the same laws as everyone else; cut committee staffs by one-third; and cut the congressional budget. We kept our promise.

It continues that in the first 100 days, we will vote on the following items: A balanced budget amendment—we kept our word; unfunded mandates legislation—which will be signed in the Rose Garden by the President today; line-item veto—we kept our promise; a new crime package to stop violent criminals—we kept our promise again; national security restoration to protect our freedoms, which we passed; Government regulatory reform—we kept our promise; commonsense legal reform to end frivolous lawsuits—we kept our promise; welfare reform to encourage work, not dependence—we are working on this today and tomorrow; family reinforcement to crack down on deadbeat dads and protect our children; tax cuts for middle-income families; Senior Citizens' Equity Act to allow our seniors to work without Government penalty; and congressional term limits to make Congress a citizen legislature.

Mr. Speaker, this is our Contract With America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that he will recognize Members for 20 1-minutes on each side.

AGAINST REPUBLICAN PERSONAL RESPONSIBILITY ACT

(Mr. OLVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLVER. Mr. Speaker, the second campaign in the war on poor people has begun. This time the wounded and the victims will be poor children. Hot school lunches and hot breakfasts, WIC that provides nutrition and education that helps to reduce low birth weight babies, food for day care centers, support for foster children, protection for abused children, day care for the children of working families, all of these will be cut under the so-called Personal Responsibility Act. However, these are hardly welfare programs. These are the very supports which keep children healthy and allow working families to stay off welfare and continue working. Why then are they included in the Republican welfare bill? All of these cuts will just about pay for tax cuts for the wealthiest 2 percent in our country. The wealthiest 2 percent, the families with more than $200,000 of income, will be taking the advantage from this.

I ask my colleagues to join with me in voting against the Personal Responsibility Act. It is time to stop this insanity.

OVERHAUL OF WELFARE SYSTEM NEEDED

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, our opponents call us cruel and mean spirited for wanting to overhaul the welfare system. I cannot think of anything crueler or more mean spirited or quite frankly more cynical than the system that we have now. Make no mistake, it is the welfare system we have got that is cruel and mean spirited and everyone here know it. Yet because of the huge clout that the gigantic Federal welfare bureaucracy has, there are some politicians who will do anything, who will say anything, in order to frustrate reform.

I have worked in an inner-city recreation center. I have taught in an inner-city school in Cincinnati. In those jobs, I have seen the devastation that the welfare system brings. Do not tell me we have to give up on these kids. We need to completely overhaul the welfare system now, and we begin today.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

KEEP FEDERAL NUTRITION PROGRAMS INTACT

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, the American people certainly do support overhauling and reforming this welfare system. It is broken. It needs to be fixed. They support cleaning up the fraud and abuse in the Food Stamp Program and making this system work to keep our families intact and making sure people are forced to work if they take welfare. But the American people do not support cutting the School Lunch Program for children.

Today in the Wall Street Journal, not a liberal paper in America, it states that the nutrition program will be cut by $12 billion over 5 years.

We have been going back and forth, Democrats and Republicans, arguing about who to believe. Is it going to be cut? Who is right?

Last week in the Wall Street Journal, JERRY SOLOMON, a prominent Republican who knows the budget as well as anybody other than JOHN KASICH said this:

> When you're talking about means-testing things like Medicare, cutting back school lunch programs, the necessary programs need to be cut like the U.S. Institute.

That is proof that this is going to be cut back.

A FAILED SYSTEM

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, this week we find ourselves in the midst of a great debate, not just about welfare but about the basics of government. This debate reveals two radically different points of view and two radically different value systems. One value system places an emphasis on Government policy and believes that it is the Government's duty and responsibility to give poor people free money. Proponents of this value system are convinced that free money will help poor people. The other value system places a greater emphasis on the inherent value of people, not government. To this value system, government is a stumbling block, something that restricts creativity and crushes the human spirit. To this value system, the answer to ending poverty is not a handout but a helping hand.

Mr. Speaker, the difference in this debate is striking, but the American people have spoken and they demand big changes to the failed welfare system. They have seen for themselves the consequences of a liberal value system. They want to return to a system that believes in people and not big government.

THE 1-800 IRS HOTLINE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, to facilitate collections out in Portland, OR, the IRS installed a 1-800 hotline. The taxpayers in Portland called this number and lo and behold, they did not get the IRS; they got a fantasy phone sex program.

This is no joke. Unbelievable. How does that tickle your tax credit? Some sexy voice says, come on down and we'll treat you to whatever is necessary, your total sexual fantasies.

To tell you the truth, there is not much difference between the IRS hotline and a fantasy phone sexline except it costs $4 a minute I guess for the fantasy phone sexline. I think the end result is basically the same.

I guess when the phone company, Mr. Speaker, says reach out and touch somebody, the IRS is trying but the end result is usually the same.

Congress, we should pass H.R. 390 and change the burden of proof in a tax case so these hotlines might get straightened out.

LOSING WAR ON POVERTY

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Mr. Speaker, we have spent more than $5 trillion to fight the war on poverty, the most expensive war America has ever fought which we are losing. The current system traps individuals in a cycle of dependency and no hope for the future.

Nearly 65 percent of the people on welfare at any given time will receive benefits for 8 years or longer. The amount we spend in 1 year on welfare is roughly 3 times the amount needed to raise the incomes of all poor Americans above the poverty threshold.

The misuse of the taxpayer's money must end. As elected officials, we have the responsibility to create a better and more efficient system which in turn offers a temporary helping hand to individuals. Our proposal is based on the dignity of work and the strength of the family which moves solutions closer to home and offers hope for the future.

Let us work together to pass a bill that offers an opportunity to a bright and productive future instead of one of dependency.

JEOPARDIZING HEALTHY CHILDREN

(Mr. PETERSON of Florida asked and was given permission to address the House for 1 minute.)

Mr. PETERSON of Florida. Mr. Speaker, is there any human responsibility greater than ensuring the safety and healthy development of our children? Certainly not. Then why, Mr. Speaker, has the Republican Party singled out the children of America for punishment. Particularly poor children. The welfare reform package that my Republican friends have brought to the floor of the House of Representatives this week will put in jeopardy the healthy development of this Nation's children by placing the School Lunch Program into a block grant. Literally, millions of children under the age of 12 go hungry each day and millions more will be placed at risk of hunger under this plan. We need to improve an already effective School Lunch Program—we certainly do not want to destroy a proven program that greatly improves our children's ability to learn and to attain their potential. We must protect our children's welfare—it is our one most important human responsibility.

REPUBLICAN WELFARE REFORM

(Mr. CHAMBLISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAMBLISS. Mr. Speaker, I wish to offer today some brief very sobering facts: Illegitimacy rates in this country have quadrupled in 25 years. Welfare has gone from a short-term stay to a way of life with 13 years being the average length of stay, including repeats spells. After 5 years on welfare, the average family will have received at least $60,000 in benefits tax free. In 1970, the proportion of teen mothers who were unmarried was 30 percent. By 1992, it was 72 percent.

Mr. Speaker, these are just a few facts that clearly demonstrate that our current welfare system is a failure. Instead of providing hope, compassion, and opportunity, our failed Federal welfare system has only created more Government dependency and misery. In fact, nothing could be more cruel to welfare recipients and children than the system we have today.

However, this cycle need not continue. Our welfare reform package provides tough love for welfare recipients giving them hope, independence, and opportunity. We strive to break the cycle of welfare dependency.

I ask support of the Republican package this week.

□ 1015

U.S. TRADE DEFICIT

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, the United States of America set a record last month or in January, a $16.3 billion merchandise trade deficit, not something to be proud of by our Commerce Department who measures that. That means we lost 244,000 American manufacturing jobs. The trade deficit was up 69 percent in January, the largest imbalance with Mexico in a decade, $863 million deficit with Mexico. Yes, NAFTA is working just great, thank you very much.

Japan, a $4.9 billion deficit, and China $2.7 billion, up 34 percent. The dollar has plunged to record lows.

We cannot go on piling deficit on deficit, month after month, year after year without bankrupting our economy. We bailed out Mexico when they could not pay their international bills. Who will bail us out and what conditions will they impose?

Our trade policy in this country is a failure, it is a disaster and the silence in Washington is deafening.

THE IMPORTANCE OF BIODIVERSITY

(Mr. GILCHREST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILCHREST. Mr. Speaker, today I would like to talk to my colleagues about sharks.

Sharks produce few offspring, grow slowly, and take years to mature. Many species of sharks are being severely depleted due to overfishing.

Ironically, just as we are exterminating these ancient fish, medical science is discovering that the highly evolved immune systems of sharks make them almost invulnerable to cancers and infections. Squalamine is a compound recently isolated from the tissues on the dogfish shark. It has demonstrated potent activity in laboratory tests against a variety of bacteria, fungi, and parasites. Squalamine may lead to new antibiotics for infectious organisms that have become resistant to standard drugs.

With a medical breakthrough of this kind this fishery will gain tremendous economic value. This in turn will benefit coastal communities as well as medical science. This is possible only if we remain vigilant against irresponsible management of our natural resources. Economic value is only a small fraction of the value of biodiversity. We need to keep this first in our minds as we work to reauthorize the Endangered Species Act and the Magnuson Act.

NATIVE AMERICAN AMENDMENT DENIED ON WELFARE REFORM BILL

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, every Member of Congress with native Americans in their district should vote against this bill and this rule. Incredibly, the Republican leadership has snubbed their own chairman of the Natural Resources Committee, the gentleman from Alaska, DON YOUNG, and disallowed a bipartisan amendment that both of us were going to offer, treating Indian tribes as States in the new block grant system, just like every Republican and Democratic administration has done since the 1960's.

Mr. Speaker, without this amendment this bill will decimate native American programs, violate the tribal sovereignty agreements with the United States and will disenfranchise millions of native Americans.

It does not surprise me that the Republican leadership would snub kids and native Americans, but their own guy, DON YOUNG, the very able chairman of the Natural Resources Committee who was simply trying to do the right thing.

I rise in outrage in learning that the amendment concerning native Americans which the gentleman from Alaska and I have been working on is not in order.

This marks the beginning of an era—the Republican termination era—for our Nation's relations with tribal governments.

We have always maintained intergovernmental relations with native Americans—and this has been supported by every administration, on both sides of the aisle, since the 1960's.

This is a significant departure from our belief in and support of Indian self-determination, and affronts many statutes passed by this body and our predecessors.

Our amendment would have restored set-asides to native Americans that H.R. 4 destroys—it adds nothing new, would have only maintained the independence and ability to serve tribal people that tribes currently maintain.

I am outraged that the Rules Committee has denied this bipartisan, rational, technical amendment to H.R. 4; this is fundamentally unfair and wrong.

Mr. Speaker, the bottom line is that there is no place for arrogant procedural tactics in this Chamber, it only denies the first Americans a voice in the legislative process.

SINGLE-PARENT HOMES A RECIPE FOR SOCIAL DISASTER

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, I ask my colleagues to consider these two related statistics.

Seventy percent of juvenile delinquents in State reform institutions lived in single-parent homes or with someone other than their natural parents.

This is a telling statistic. Here is what makes it so frightening.

According to some projections, only 30 percent of white children and only 6 percent of all black children born in 1980 will live with both parents through the age of 18.

Mr. Speaker, this is a recipe for social disaster.

Yet, instead of joining us in changing the welfare system, the liberals come to this floor day in, day out and whine, moan, and distort the facts. Why is that?

Could it be that they have a vested interest in the current system?

You see, if you follow the money, you find that Government bureaucrats' special interest PAC's gave overwhelmingly to liberal Democrats. In fact, the largest Government employees' PAC gave 99 percent of its contributions to liberal Democrats.

So when my liberal Democrat colleagues come down here and defend the failed policies of the past while professing their compassion for the children, ask yourself, Who are they really speaking for?

MAJORITY WILL NOT ALLOW AMENDMENT ON UNWED MOTHERS

(Mr. VOLKMER asked and was given permission to address the House for 1 minute.)

Mr. VOLKMER. Mr. Speaker, I have here before you a copy of the rule on H.R. 4, and the amendments that are proposed to be allowed. Here we go again, another very restrictive rule that we should all oppose and vote against. It does not permit an amendment and many other Members, the gentleman from New Mexico just addressed one amendment.

The gentleman from California [Mr. STARK] and I were going to offer an amendment which is supported by the National Right to Life, supported by the Catholic Bishops Conference and is also supported by other groups that are opposed to this legislation.

This basically, this legislation, H.R. 4, the provisions in it promote abortions for unmarried young ladies under the age of 18. We just want to offer an amendment to correct that. We are not allowed that amendment.

Therefore, it is very apparent to me that the chairman of the Committee on Rules, other members of the Committee on Rules and the Members of the majority party wish to promote abortions as a way to reduce children to unwed mothers.

ADDING MORE CHILD CARE MONEY TO WELFARE REFORM

(Ms. DUNN of Washington asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN of Washington. Mr. Speaker, later today, we will consider an amendment to be offered by Mrs. JOHNSON, Ms. PRYCE, Mrs. WALDHOLTZ, and myself that will provide an additional $750 million for child care.

The current welfare system is a failure that encourages people to join welfare and stay much longer than they should. In weeks of testimony, there was not one person who said that the present system is helping Americans. In fact, it hurts our families and children.

But, our overhaul of the welfare system will help the most needy Americans. The Personal Responsibility Act is a tremendous stride in the right direction as it provides incentives for these women—and it is primarily women—to seek employment in the private sector.

Mr. Speaker, along with these incentives, we must provide certain tools and resources to help people transition themselves off of welfare. The Johnson-Pryce-Dunn-Waldholtz amendment will give an additional $750 million to boost the annual total provided to States to $2.1 billion.

Mr. Speaker, as a single mother who raised two sons, I know how difficult it is for women to go back to work.

We need to help them by giving them funds to cover daycare.

SUFFER THE CHILDREN

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLAKE. Mr. Speaker, the Bible says: "Suffer thy children to come unto Me and forbid them not for such is the Kingdom of Heaven." America may not be heaven, but it purports to have a democracy that supports a heavenly agenda for its people. Therefore it should not forbid its children meals, medical services, and basic necessities.

We are called upon to set a high moral standard that is consistent with that which we teach. Although our children are nonvoting Americans they are nonetheless Americans and deserve no less than any other American.

Let us in Congress suffer the children to come unto us and forbid them not such things that we are responsible for providing for them.

We cannot forbid them, we must give to them. This is our moral responsibility.

TAX RELIEF SHOULD NOT BE RICH VERSUS POOR ISSUE

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is a sad day within the Republican Party. A number of my colleagues bought into the divisive class warfare rantings of the Democrats. These Republicans have circulated a letter that endangers a major component in the Contract With America: the $500 per child tax credit. It is unbelievable to me that they would deny tax relief to families making more than $95,000 per year. Are we putting a price tag on families?

Tax relief was in the Contract With America. If it fails, we will have fallen prey to the Democrats' big lie. They want to paint tax relief as rich versus poor. This bill is not about helping any one group over another, it is about returning to Americans what is rightfully theirs: their hardearned money.

There is not a single American that deserves the huge tax burden that the Democrats have been heaping on them for the last 40 years. The question is not about rich versus poor, it is about stopping wasteful Government spending and the right of Americans to keep what they earn.

SUPPORT URGED FOR TRUTH IN BUDGETING ACT

(Mr. WELLER asked and was given permission to address the House for 1 minute.)

Mr. WELLER. Mr. Speaker, as members of the freshman class, we were elected to restore accountability and honesty to Congress. We have a unique opportunity—indeed an obligation—to fulfill our promise. In 1969, the Federal Highway Trust Fund became part of the unified Federal budget. Since that time, user fees/gas taxes paid by users of the system for the express purpose of improving and upgrading our roads and bridges, have been buried in the budget, masking the true size of the Federal deficit.

Prior to 1969, the Federal Highway Trust Fund was an off-budget program. The pay-as-you-go system allowed repairs to be made as the money was collected. Today, a surplus has amassed at the expense of much needed improvements.

H.R. 842, the Truth in Budgeting Act, seeks to restore the Federal Highway Trust Fund to its original off-budget status. This will put an end to the budget gimmick of hiding the deficit at the expense of motorists. I urge you to join me and nearly 140 cosponsors in supporting H.R. 842, a bill that answers the people's call to improve America's infrastructure, and to make Government fiscally responsible.

A promise is a promise, and it is time for us to live up to ours.

DIFFERING DEFINITIONS OF SHAME

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute.)

Ms. MCKINNEY. Mr. Speaker, my colleague from the Sixth District of Georgia wants to restore a notion of shame and touts the value of shame in discouraging public drunkenness, child abuse and encouraging kids to do their homework. He continues that through the use of shame, we will be able to reassert standards in America's future.

Now is it not curious that this particular notion of shame could seriously be advanced by someone who:

First, misstates the facts on purpose; second, denigrates women by talk of infections; and third, has an ethical cloud over him so big and heavy that dewdrops now glisten on his neo-victorian halo.

Let us get real on the value of shame and as my teacher used to say, "The emptiest wagons always clap the loudest."

TRUTH-IN-BUDGETING/ TRANSPORTATION TRUST FUNDS

(Mr. WAMP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAMP. Mr. Speaker, I am proud to be a cosponsor of Transportation and Infrastructure Committee Chairman BUD SHUSTER'S bill, H.R. 842, to take the transportation trust funds off-budget.

These trust funds were established to guarantee that taxes paid by transportation users go to support the infrastructure needs of that mode of transportation—highways, aviation, waterways, and harbors.

The integrity of the user fee system, whereby those who use a public service pay the bulk of the cost, has been undermined by a system where users get back much less in services and goods than they pay into the system.

Not only have traditional sources of revenue for the trust funds been raided for other uses by the tax-and-spend liberals, but the trust funds have also been used as a huge cushion of cash on the balance sheet to mask the true size of the deficit.

I also believe that we should only collect taxes when we need the money, and use it for that specified purpose for which it was collected.

This same logic is why conservatives pushed for years to take the Social Security Trust Fund off budget and be honest with its accounting—the same reasoning applies here.

This kind of honesty and accountability is at the heart of the Contract With America. When I circulated a letter among my freshman colleagues just last week, asking them to join me in supporting truth in trust fund budgeting, I collected 43 signatures in 3 days.

My fellow freshmen are behind this because it makes common sense and it is the right thing to do.

□ 1030

APPOINT AN OUTSIDE INDEPENDENT COUNSEL

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, last month I addressed this House concerning the legislation advanced by Speaker GINGRICH that could have the effect of intimidating a citizen who complained about the ethics of the Speaker or any Member of this House. Hopefully the Speaker's ill-advised legislative proposal that would thwart ethics complaints has now been abandoned.

But we must be sure that an overall concern for ethics, for maintaining the highest standards of integrity by Members of this body, is not also abandoned. Mr. Speaker, Congress cannot be exempt from the requirement of the appointment of an outside independent counsel with complete powers to investigate Members of this body.

I want to applaud the action of Common Cause yesterday with reference to the whole question of an independent counsel, and I paraphrase from that important statement, appointing an outside person of unquestioned integrity with a nonpartisan background will be a critical factor in obtaining a publicly credible result.

But, Mr. Speaker, the Member who said it best in 1988 said, "The trust of the public and the integrity of the House will accept no lower standard than an outside counsel."

Mr. Speaker, that Member of the House is now Speaker of the House, the gentleman from Georgia [Mr. GINGRICH].

WELFARE REFORM FOR OUR CHILDREN'S SAKES

(Mrs. KELLY asked and was given permission to address the House for 1 minute.)

Mrs. KELLY. Mr. Speaker, who among us has not taken a child, probably their own, by the hand and walked with them down their neighborhood sidewalk? When we crossed the street, we either held their hand tighter or picked them up and carried them across the road to safety.

This scene is repeated over and over again on sidewalks across our country. It is a simple, yet telling image of how we as a nation perceive the role of the stronger individual to take care of those in need in our society.

For the past 30 years, we have held the hands of hundreds of thousands of people who needed our help, but unfortunately, we have forgotten how to let go, and more importantly how to help people stand on their own.

Mr. Speaker, this is the essence of the Republican welfare reform plan.

We all live our lives planning for our futures and those of our children. If we do not extend this same principle to those less fortunate in our society, all of our tomorrows will be bleaker. Our own children will confront us, asking us why we did nothing, why we allowed a broken system to continue unchecked.

Mr. Speaker, let us try to work together and fix this broken system.

NO MEMBER OF THE HOUSE IS ABOVE THE HOUSE RULES

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, NEWT GINGRICH is going to have one heckuva time explaining his way out of this one.

On Monday, the LA Times reported that over the past 10 years, NEWT GINGRICH misused official staff for his own personal, political purposes. And this time, it is his own staff that are making the charges.

Mr. GINGRICH's former administrative assistant told the Times that "two top House aides on the congressional payroll openly ran GINGRICH's reelection campaign from the district office."

His former district administrator said that "her pay was once docked $200 when she refused to allow government equipment to be used for campaign purposes."

Staff members even admit, and I quote, that "House clerical staff was assigned to produce a book (in 1984) for which GINGRICH and his wife received $24,000 in royalties."

And when asked why, one staff member said, and I quote: "NEWT's attitude was: the rules don't apply to me."

Mr. Speaker, no Member of this body is above House rules.

There is only one way for this ethical quagmire to end. As Common Cause said yesterday, we need an outside person to come in and make a judgment.

A BROKEN SYSTEM NEEDS WORK

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute.)

Mrs. SEASTRAND. Mr. Speaker, in this recent magazine article, a black woman from Houston, TX, who recognizes that the current welfare system is hopelessly broken takes it upon herself to help the downtrodden, and she refuses to take one penny from the Government. That should signal to us that something is very wrong with our current welfare system. And it should signal to us the direction our country has to go.

Today we are set to make fundamental changes to the current failed welfare system, a current system that is not compassionate, a current system that has harmed the very people we have set out to help. Nothing will help or will more fundamentally change the incentives than to require work, not welfare.

Whether work is in the home or in a 40-hour-a-week job, work is inherent to the dignity of women and men. Individuals need the dignity of work. Our bill does that.

We have a tough work requirement for welfare recipients after 2 years, and we define work as real private-sector jobs for real pay.

Mr. Speaker, that is real change. That is how we are keeping our promise to the American people to change the failed welfare system, and we hope that our new system will bring hope, opportunity through work, and the dignity that will come with it.

WELFARE BILL WILL NOT PUT PEOPLE TO WORK

(Mr. FORD asked and was given permission to address the House for 1 minute.)

Mr. FORD. Mr. Speaker, Republicans are saying we ought to try to work together to fix the welfare system. I, too, would agree with that.

But the Republican-controlled Committee on Rules last night voted out a rule with 31 amendments being placed in order on the rule that they will bring to the floor today. Only five amendments will be Democratic amendments, and none of the five are perfecting amendments that will really do something about this particular welfare problem. We want to make sure that the children of this country are not cut off from breakfast programs and school programs, and the program itself is not broken.

We are doing all of this to be cruel and mean to children in this country, just to give to the rich and the wealthy of this Nation some more tax cuts. That is wrong, and the Republicans know it, and they are going to bring this bill up, and their rhetoric will not work.

They keep saying, well, what we want to do is to create jobs and put people to work. Their welfare bill will not put people to work. It will roll you off the welfare rolls, and it is cruel and mean to children in this country.

WE MUST FACE THE PROBLEM OF WELFARE REFORM

(Mr. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHRISTENSEN. Mr. Speaker, you know, I have to respond to my colleague's comments there. You know, there are a lot of Johnnie-come-latelies to this whole idea of welfare reform.

For 30 years, liberal Democrats had the opportunity to reform the welfare system, and they punted.

Well, it is time for us to make sure that it happens this year. We have been hearing the words "cruel and mean-spirited," "cruel and mean-spirited." Well, folks, it is wrong, wrong, wrong.

When the nay-sayers make such outlandish charges, what they really are doing is defending the status quo. They are defending Government programs once intended to give a helping hand to the neediest Americans, but which instead have bred soaring out-of-wedlock births, violent crime, and more poverty, all at the expense of the American taxpayer.

No responsible parent rewards irresponsible children with cash, free food, and an apartment, and the taxpayers should not either. Since the so-called Man from Hope would not face up to the problem, it is time for us to do so.

Let us end welfare as we know it. Let us restore hope for all Americans. Let us pass the Personal Responsibility Act.

THE WELFARE REFORM RULE

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, today we will consider a rule governing amendments to the welfare reform legislation.

This rule allows 26 Republican amendments and 5 Democratic amendments.

This rule excludes virtually every substantive amendment offered by Democrats.

This rule shuts out debate, slams the first amendment, and makes a mockery of House procedures.

This is a bad rule by anybody's definition.

Under this bill, my State will lose millions of dollars and thousands of my constituents will be affected in a punitive manner.

Yet, the committee refused to allow the amendments I offered to help perfect the bill.

One of my amendments would have clarified apparent conflicts in two titles of the bill on the issue of minimum wage.

Those conflicts will remain in the bill because of this rule.

This hastily drafted legislation will go forward without the wisdom and input of many Members of this body who truly care.

Democracy has suffered a dangerous blow on this day.

Vote no on this gag rule.

CURRENT WELFARE SYSTEM IS CRUEL

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. Mr. Speaker, what is the legacy of the welfare state after 35 years and spending $5.3 trillion? Well, one out of every three babies born in America is born out of wedlock. Two out of every three American babies of African descent are born out of wedlock. From 1960 to 1991 homicide deaths among children under 19 have quadrupled. Among black teenagers, murder is now by far the leading cause of death.

It is a perverse form of compassion that encourages children to have children by themselves and then traps those same children, both mother and child, in a dead-end cycle of Government dependency. Nothing could be more cruel to children than a system that does that.

If that is not failure, then how do you measure failure?

This is what we have gotten with 35 years of Great Society welfare state.

REPUBLICAN SCHOOL LUNCH CUTS

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOAKLEY. Mr. Speaker, in their eagerness to give handouts to the very rich, the Republicans have come up with some horrible ideas. One of the worst ideas is to cut children's school lunches.

Mr. Speaker, why wage a war on children? The 40,000 Boston children who get warm meals at school want to keep getting fed. It is that simple.

A few of them who live in Brockton, MA, sent me some plates. Chris Johnson who is 7 drew me a picture of vegetables. Seth who is 4 says he likes milk, and Paige who is 2 and likes peanut butter and jelly. These plates are very sad reminders of just how serious these lunch cuts really are.

And school lunches are proven to improve children's behavior at school, and help them learn.

Mr. Speaker, it will be a tragedy if the Republicans succeed in taking these children's lunches away.

IN SUPPORT OF THE PERSONAL RESPONSIBILITY ACT

(Mrs. ROUKEMA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, the American people are convinced the welfare system is out of control. As one prominent citizen of New Jersey, a Democrat at that, said to me last week, and I quote, "No other civilization in the world pays young girls to have babies, but that is what our welfare system does."

You know, he is not far from wrong, and that is the perception among many good, generous, caring people who are deeply concerned about the future of this country, and they worry that we are wasting hard-earned taxpayer money to support a dysfunctional system that is unhealthy and that sentences children to a lifetime of economic, social, and emotional deprivation.

In a system like this, it is the children who are the first victims, but the taxpayers are not very far behind.

We must act now to reform this system. Reform must restore public assistance to its original purpose, a temporary safety net for those in need, not a permanent way of life for generations of families.

OPPOSITION TO SCHOOL LUNCH PROGRAM CUTS

(Mr. PASTOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASTOR. Mr. Speaker, I rise to urge the Members of this body to seriously consider how they might be undermining the future or our children, and, as a consequence, the future of this country. Children are our future, it is often said. Yet, as I hear those words, I also sense their hollowness. Why are we so intent on sabotaging their welfare in our haste to enact changes? At best it is a tenuous safety net that we have built for so many of our children. And now we are proposing to make drastic cuts in the most basic segment of this net.

The School Lunch Program which the Republican bill is proposing to fold into a block grant is slated to be cut. I speak of real cuts that await hungry children. Yet, I wonder how many Members of this body have taken the time to look in the faces of these children or sat with them in a school cafeteria and watched them eat? I ask myself how many would have the gall to continue to insinuate the School Lunch Program will be increased when in fact it is slated to be drastically cut.

Again, I urge you to oppose this most frontal attack on the Nation's future.

□ 1045

THE WELFARE SYSTEM IS BROKEN

(Mr. TALENT asked and was given permission to address the House for 1 minute.)

Mr. TALENT. Mr. Speaker, Josef Stalin said, "The death of a million men is a statistic. The death of one man is a tragedy." Let us talk about the death, then, of one boy, Eric Morse. In 1994 Eric lived in a public housing project in Chicago, which is where he was raised. He was a good boy. Two older boys tried to get him to steal candy, and he refused to do it. So they took him up to a 14th floor window in the public housing project, and they threw him out, despite his screams and the screams of his brother.

Mr. Speaker, there were no dads there to help. There was nobody there to put a stop to it. And the reason is that our welfare system has over the last generation systematically destroyed the families and the incentives of low-income Americans. Probably in Eric's neighborhood, 4 out of 5 of the kids born each year are born out of wedlock.

Mr. Speaker, we do not have to do that. Do not believe people who suggest that our choice is between this existing system, which is an engine of destruction for the families and the opportunity of the poor, and doing nothing. We can help them with a system that is based on work and family and responsibility. What Americans have always believed in. That is what this bill is about. That is what we are trying to do. I hope every Member of the House will put partisanship aside and consider supporting it.

WE NEED TO KEEP THE WIC PROGRAM

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute.)

Mrs. SCHROEDER. Mr. Speaker, just when I think I understand how broad-based this war on children is, I continually find it is even broader than I knew.

Yes, this war on children, the first war they have really started to pay the rich their tax break, I find unconscionable.

But this weekend I was shocked because there was a whole aspect I never even thought of. As I was visiting an emergency ward to see preemie babies in dire need of help—and had their mothers been fed through the WIC Program, this would not have happened and would have saved us mega bucks—some of the nurses came forward and said, "Let me tell you what they are going to do to us if this bill passes." These nurses, these wonderful people, had adopted babies that have been abandoned at that hospital. They had adopted some with severe disabilities, some with HIV. They had filled out these kinds of forms to prove medically and every other way that those children were really in need. And they were getting SSI payments to help them.

Nurses do not get paid much. They have now adopted those children. They are trying to build families for these children, and we are going to take away the SSI payment. Boy, is that heartless.

THE PERSONAL RESPONSIBILITY ACT

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute.)

Mr. HUTCHINSON. Mr. Speaker, there are many, many important components in the Personal Responsibility Act: the block grants that provide the States greater flexibility, the tough work requirements they are going to require so that people would have to work in order to gain welfare payments.

Mr. Speaker, ending the entitlement nature of welfare is essential so that we finally turn back these entitlement programs. But most fundamentally and essentially, it is a welfare reform package that for the first time begins to deal with illegitimacy's disastrous effects on our society.

Out-of-wedlock birth is a certain predictor of poverty. The one-parent family is six times more likely to be poor than the two-parent family; children born outside of marriage are three times more likely to depend upon welfare themselves when they reach adulthood. The likelihood that a young male will engage in criminal activities doubles if he is raised without a father and tripled if he is raised or lives in a neighborhood with a high concentration of single-parent families.

We end in this welfare reform bill the subsidy for illegitimacy for unwed moms under the age of 18. By targeting teenagers, we intend to stop the cycle of misery before it starts. We need to pass the Personal Responsibility Act.

HAVE THEY GONE MAD?

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, this week Republicans will ask this House to tear away the fragile safety net protecting American children from hunger and homelessness and abuse. The more helpless the child the bigger the cuts. Cruelest of all are the cuts in benefits to hundreds of thousands of disabled children.

Mr. Speaker, have they gone mad?

When did the American people vote to harm handicapped children? To take food away from poor children? To deny medical treatment for children born out of wedlock?

I support reform. I proposed a tough bill to reform the Supplemental Security Income Program for disabled children. It cuts the fraud out of the program, but keeps aid to truly disabled children. The Republicans would not even consider it. I offered it as an amendment to this bill. The Republicans again refuse to consider it. Why? Because they need the cash that is going to handicapped children to pay for tax breaks.

Mr. Speaker, the American people never voted to do these things.

Our children are our best hope for the future.

Let us all clam down, and think about what these proposals will mean for our Nation. And then let us do the right thing and vote against the Republican welfare proposal.

REPUBLICAN WELFARE PLAN HELPS WOMEN AND CHILDREN

(Ms. MOLINARI asked and was given permission to address the House for 1 minute.)

Ms. MOLINARI. Mr. Speaker, I rise today on behalf of the women and children who are the fallen victims of the War on Poverty. The Republican welfare plan reverses the current cycle of welfare dependency that has failed our communities and has replaced it with a real safety net. This plan plans to emphasize the success of the Women, Infants and Children Program as a means to this end.

The family based nutrition grant requires States to spend at least, if not more than, 80 percent of the total block grant funds on a WIC-like program. States will use these funds to serve economically disadvantaged pregnant women, breast-feeding mothers, and infants and young children who are at nutritional risk. In order for States to continue the WIC Program, under the Republican plan, there will be a $24.2 billion increase over 5 years. I commend Chairman GOODLING for recognizing the merits of this program and increasing funds to meet the needs for our families. Block grants work, WIC works, and the Republican welfare plan works for women and children.

LET US RESTORE SOME OF THE FUNDS FOR SCHOOL LUNCHES

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, our Republican friends do not like to be called mean spirited even though they put forward a mean-spirited welfare reform bill.

But I say, if the shoe fits, wear it. It is quite apparent that the Republican idea of welfare reform means taking food out of the mouths of schoolchildren, throwing women and children out in the streets. If that is not the case, why will they not allow any of us to put amendments on the floor to this bill to restore some of the funds for school lunches? They will not allow that. That say block grants will solve the situation and States could supposedly spend the money the way they want.

Mr. Speaker, block grants work only if they are fully funded. The fact of the matter is they are not going to be fully funded and the effect of these block grants will mean cutting job training, cutting child care, all of which are necessary in order for people to get off welfare. Why are they doing it? The Republicans want to take the money out of the mouths of the schoolchildren and use it for tax breaks for the rich and for star wars.

I say it is a disgrace. For shame, Mr. Speaker.

This ought to be defeated. I have never seen anything more disgraceful.

TERM LIMITS SHOULD BE SUPPORTED

(Mr. FRANKS of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANKS of New Jersey. Mr. Speaker, the election last November, the people of America told us the institution of the Congress itself needs to be reformed before we can deal with the tough problems and challenges facing our country.

There is no more important an indicator of our commitment to impose discipline on ourselves than our support for term limits. As strong supporters of the constitutional amendment to impose term limits on Members of the Congress, we want to energize the campaign for the term limits amendment and demonstrate dramatically that we are serious about reforming Congress. That is why tomorrow morning Congressman STEVE LARGENT of Oklahoma and a number of other Members will be meeting out in the grassy triangle at 10 a.m. to agree to impose, voluntarily, term limits on our own service regardless of whatever legislation may move on the floor of the House of Representatives.

I would ask all Members who are committed to term limits to join in our effort to demonstrate to the American people that we are genuine, that we are serious in our commitment to reform this institution by agreeing to voluntarily impose term limits on our own service.

THE REPUBLICANS JUST GO TOO FAR

(Ms. WATERS asked and was given permission to address the House for 1 minute.)

Ms. WATERS. Mr. Speaker, we are entering one of the most important debates of the 104th Congress. The lives of innocent children and families are at stake. Democrats want change, and we have responsible legislation for change. Democrats want reform.

However, the Republicans just go too far. The Republicans are taking America to the edge. It is scary when well-fed Republican politicians take away children's lunches. It is scary when Republicans, who claim family values, advocate putting America's children in orphanages. It is scary when Republican policymakers refuse to formulate responsible welfare reform with child care for mothers to get training for work and a guarantee of jobs for families who desperately want to work.

Republicans are just scaring us all. The Republicans just go too far.

MOTION SEEKING PERMISSION FOR ALL COMMITTEES AND SUBCOMMITTEES TO SIT ON TOMORROW AND FOR THE BALANCE OF THE WEEK DURING THE 5-MINUTE RULE

Mr. ARMEY. Mr. Speaker, I move that all committees of the House and their subcommittees be permitted to sit on tomorrow and for the balance of the week while the House is meeting in the Committee of the Whole House on the State of the Union under the 5-minute rule.

The SPEAKER pro tempore (Mr. GILLMOR). The gentleman from Texas [Mr. ARMEY] is recognized for 1 hour.

PARLIAMENTARY INQUIRY

Mr. BONIOR. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BONIOR. Mr. Speaker, will the minority be granted the customary 30 minutes of debate time on this motion?

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARMEY] has 1 hour of debate time, and he may yield if he chooses.

The Chair recognizes the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Speaker, yes, it is true I do have an hour's time. I do not intend to use that whole hour. I will, of course, yield the customary 30 minutes to the gentleman from Michigan [Mr. BONIOR] for purposes of debate only.

That being the case, Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say very quickly we are coming to the end of a very long and arduous work period in the House of Representatives. We have produced good legislation for the American people, and it is to the credit of the hard work of people on both sides of the aisle that we have managed to do so well for this period of time. We have a short period of time left and a few very important items left on our agenda for this first 100 days, and we will indeed be working very hard for the next 3 weeks.

It is my obligation, my duty, to once again prevail upon the Members of the House on both sides of the aisle to work, as it were, double time, time and a half, for just a few more weeks so that we can finish that.

I understand that this is a hardship on the Members. I understand that it is difficult for the Members. But I also have to remember our resolve to complete this legislative agenda in this assigned time.

That being case, Mr. Speaker, I yield 30 minutes of debate time to the gentleman from Michigan [Mr. BONIOR] for purposes of debate only.

Mr. Speaker, I reserve that balance of my time.

Mr. BONIOR. Mr. Speaker, I thank my colleague from Texas for yielding this time to me.

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the gentleman allowing us some time to debate this. I think it is important to debate this this morning because since the beginning of this Congress, the Democrats, I think, have made a good-faith effort to work with my friend from Texas, Mr. ARMEY, and the other leaders of his party in cases where a waiver is needed for the committees to meet under the 5-minute rule.

Now, such waivers, I might add, clearly violate the spirit of the Republican rules package, which is supposed to block committee hearings while important votes are occurring on the House floor. But we have tried, week after week, religiously to work with the Republicans to work out accommodations, and in every single case we have agreed with the Republican request, after we have had a time of consultation. But today, really, frankly, Mr. Speaker, marks a very low point in our relationship on this issue. Today, the House is likely to have rollcall votes every 20 minutes until 8 o'clock this evening, whenever we decide to call it a day, every 20 minutes we will be having a vote on this floor on an amendment, on one of the most important bills that this Congress will consider, the welfare reform proposal.

□ 1100

Yet the Republicans want to hold markups in committees. We object to this request for obvious reasons. Members cannot be in two places at once.

Mr. Speaker, it takes 10 minutes to get over here, it takes 10 minutes to get back, and, by the time that occurs, we are into another vote. It makes no sense whatsoever.

Many of my colleagues on this side of the aisle, and I am sure on the other side as well, have a deep interest in this legislation and want to be here because it affects their constituencies in very special ways, and this rule does not allow them to participate in the debate on the House floor and yet do the work that they were assigned to do as committee people.

So we have made the request, and of course the response has been very simple: "If you don't agree with our plan, well, we'll do it anyway." That is what this is all about; so much for consultation, Mr. Speaker.

I am really disappointed that my friends on the other side have violated their own pledge on opening day which calls for the rules which requires us not to do what we are apparently about to do, and so I would just say to my colleagues, we really need to be here, engaged on the floor today on this important bill. We don't need to be running back and forth getting exercise, because that's about all we're going to get. We're not going to have good dialog in committee with 20-minute votes, and I hope that we, in fact, Mr. Speaker, will vote against this motion and pay attention to the important business of welfare reform on this House floor.

Mr. VOLKMER. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Speaker, I thank the gentleman from Michigan [Mr. BONIOR] for strongly objecting to the motion, and I find that, of the amendments offered, we have a few by Democratic Members who may very well be required, instead of being over here at the time to offer their amendment, may have to be in committee and markup up, may have an amendment in that committee, and I ask, how can you do an amendment in committee in an office building at the same time you're doing an amendment on the floor?

I say:

At the same time you can't do it. It's a physical impossibility, and I think that this legislation that we have before us, even though I strongly object to it and I hope Members do vote against the rule, and perhaps, if we defeat the rule, then we can come back and have some little bit better from the gentleman from New York. I'm sure that the gentleman from New York will permit a few more Democratic amendments. He hasn't got very many; I find 5 out of the 30-some.

Mr. Speaker, I would like to say the gentleman from Michigan has the time, and I would just like to say that I can well remember, and I am sure that the people on the other side can well remember, back on January 4 when we adopted these great rules that the majority said we had to have to make this Congress more open and more responsive to the public, and yet right here today again we are violating those rules.

Members said from the majority, "Well, we shouldn't have proxy voting." They said, "No, you shouldn't have that, shouldn't be able to do that. You should be able to be in committee and on the House floor at the time when you're required to be there, so we won't schedule. We are going to have a computerized scheduling system so that people won't have to be in committee and be on the floor at the same time."

And yet we have a motion right here now by the gentleman from Texas [Mr. ARMEY] that says specifically that we are going to be able, they are going to be required, Members are going to be required, to be in committee and on the floor at the same time, so it is just the opposite of what we were told on January 4, and I appreciate the gentleman from Michigan yielding to me.

Mr. ARMEY. Mr. Speaker, I withdraw the motion.

The SPEAKER pro tempore (Mr. GILLMOR). The motion offered by the gentleman from Texas [Mr. ARMEY] has been withdrawn.

PERMISSION FOR ALL COMMITTEES AND SUBCOMMITTEES TO SIT ON TODAY AND THE BALANCE OF THE WEEK DURING THE 5-MINUTE RULE

Mr. ARMEY. Mr. Speaker, I move that all committees of the House and their subcommittees be permitted to sit on today and for the balance of the week while the House is meeting in the Committee of the Whole House on the State of the Union under the 5-minute rule.

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARMEY] is recognized for 1 hour.

Mr. ARMEY. Mr. Speaker, for purposes of debate only, I yield 30 minutes of my time to the gentleman from Michigan [Mr. BONIOR].

Mr. Speaker, I yield myself such time as I may consume.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas [Mr. ARMEY] for 30 minutes.

Mr. ARMEY. Mr. Speaker, let me first apologize for the error in the first motion I presented. It was not as inclusive as I intended it to be, and now, in fact, we have the proper wording and a more inclusive motion on the floor.

Let me say I understand, and I appreciate, that this makes it difficult for many of our Members. It is not something that I do happily. It is something I do because there is a need for it to be done.

While I say that, let me again compliment all the Members of this body on both sides of the aisle for the enormously good-natured manner in which they have handled a very, very difficult work schedule for these past 75 or so days. I look forward, as much as any Member in this body, to the end of this 100-day period when we will have completed this legislative agenda and we will have passed it, which I fully expect that we will do. I look forward, as much as any Member of this body, for that period of time after, where we can go back to our home States and our home districts, and enjoy being with our own constituents and sharing with them an understanding of what it is we have done during these historic 100 days, and I have to say it has been, for me, a particular pleasure to enjoy the good humor, the good nature and the cooperative spirit that all Members of this body have demonstrated in undertaking and completing what, in everybody's memory, is the largest working agenda in the shortest period of time by this body.

So, having said those things, Mr. Speaker, I reserve the balance of my time.

Mr. BONIOR. Mr. Speaker, I yield 5 minutes to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Mr. Speaker, I, too, agree with the gentleman from Michigan [Mr. BONIOR], that we should object to this request.

First of all, as my colleagues know, this legislation, H.R. 4, is to me the most important legislation confronting the 104th Congress thus far. It contains sweeping changes to programs aiding the most impoverished and vulnerable members of our society, our children.

This bill, the misnamed "Personal Responsibility Act," does not do what it purports to do. Instead it is a hatchet act that cuts, slashes, and eliminates Federal programs for school nutrition, Aid to Dependent Children, child abuse prevention and treatment, child care, the Jobs Opportunities and Basic Skills Program, foster care, and others that are essential to enabling welfare recipients to get off welfare and more importantly, to safeguard the health and welfare of our kids. Sixty-three percent of all spending cuts already passed by this House directly affect low-income families and children, and this heartless bill goes even further.

With such a critical issue affecting the lives of our children being debated under the 5-minute rule, it is absolutely impossible for Members to devote their full attention to this matter if they are attending to committee business. We cannot be at two places at one time, as the gentleman from Michigan [Mr. BONIOR] has already said, and should not be forced to have to choose between participating in one of the most important issues confronting our Nation today and meeting committee responsibility.

Now, Mr. Speaker, these past few months I have worked cooperatively with the chairman of the Committee on Government Reform and Oversight, the gentleman from Pennsylvania [Mr. CLINGER], to ensure that the committee's work has not been delayed, but welfare reform is too important to take a back seat to committee hearings, even to committee markups.

I think it is a mean ploy that our committee has already scheduled hearings today concerning title IV of H.R. 11, the Family Reinforcement Act, at the same time we are doing welfare reform and proposals to cut, and also to reform, if my colleagues will, the Department of Health and Human Services at a time when we are considering welfare reform, if my colleagues want to call it that, and tomorrow our committee plans to hold a full committee markup on H.R. 1271, the Family Privacy Act.

Now all of these matters are critically important, and I know that our members on the Committee on Government Reform and Oversight want to be at those hearings, they want to be at those markups, but we cannot be at two places at one time.

For that reason, Mr. Speaker, it just seems to me that, because this is a preeminent, important issue, I agree with the gentleman from Michigan that we would object to the Committee on Government Reform and Oversight sitting during this 5-minute rule.

Mr. ARMEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I listened very intently to the remarks made by the gentlewoman from Illinois [Mrs. COLLINS], and there is no doubt that she makes a good point. This is a matter of grave concern that we will have on the floor to all our Members, and it is for that reason, because we had that concern, that in this rule we do allow the Chairman of the Committee of the Whole to postpone votes, that we can collect votes at a point when we can come down and vote on amendments in a cluster vote of two or three votes and, thereby, alleviate the Members of the need to come to the floor every 20 minutes. I understand how difficult that is, and I want to express my personal appreciation on behalf of all our Members to the Committee on Rules for that thoughtfulness they displayed in putting this provision in the rule allowing that opportunity to the Chairman of the Committee of the Whole, which I hope will do a good deal to alleviate the strain of these work circumstances on our committee members that are sitting during the consideration of that bill.

Mr. Speaker, I again reserve the balance of my time.

Mr. BONIOR. Mr. Speaker, I yield myself such time as I may consume.

Before I yield to the gentleman from Massachusetts [Mr. OLVER], let me just say, Mr. Speaker, that, while I appreciate the argument my friend from Texas makes, let us be very clear that what he is suggesting, by collecting votes, and having them grouped together and voted on at the end of a certain period, that that breaks up the tempo of a committee markup; it certainly breaks up the tempo of a committee hearing where it does not even apply, where we are inviting people to come in and testify from around the country, to listen, to legislate what is going to be acted upon, and here they are, sitting while Members are shuffling back and forth from this floor back to committee session.

Mr. Speaker, it is just not a good way to do business. It is not an efficient way to do business. It is not a cost-effective way to do business. It is not a courteous way to do business. And it just would not work; some things are just clearly obvious, and this is one of them. This is not a day to be conducting committee business while we are on the floor voting every 20 minutes in probably one of the most, if not the most, important bills we will have this session.

So the argument that we are going to collect votes over a certain period of time, and then have Members vote on it, actually breaks the pattern of the voting, it does not allow them to do secondary amendments in a way that makes sense. It is just not feasible.

Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Speaker, I thank the gentleman from Michigan [Mr. BONIOR], my good friend, the minority whip, for yielding this time to me, and I must say I agree totally with him on the points that he has made about the confusion that has evolved in trying to deal in open, good consideration in committee as well as here on the floor in the Committee of the Whole. But the minority whip made the point in his opening statement that this was the low point in the procedural debates here in the House, in the Committee of the Whole and in the House, so far this year, and then the majority leader withdrew his motion and offered a motion which is worse in two ways.

So, it is worse in two ways. The first way is in that it also included today, which was clearly the error of the majority leader in not having included today, Wednesday, in the original motion. So the confusion is added to today, in Wednesday's debate, but then the clustering of votes, which makes it worse again in the way that the clustering of votes creates a situation here of people not knowing, not having been able to be present, and having taken part in the debate and hearing the debate because they are in committees. This is to allow the committees to continue their work when the most important work that we can be doing is going on here on the floor on this very, very important piece of legislation.

□ 1115

So that the clustering of votes negates the possibility of Members taking part in debate in this area while the action is going on in committees. We are starting debate on the amendments on the welfare reform bill, which is as important a piece of legislation as any piece of legislation that we considered in the 103d or the 104th Congress. There was nothing more important—not the crime bill, not the deficit reduction bill, not the primary and secondary education bill, not the balanced budget amendment of this year. We can take the primary and secondary education bill, which we debated for many days under an open rule, where Members came up for 5 minutes as important amendments were debated for 2 hours, the less important ones for only 10 or 20 minutes, and then a vote. Yes, it was possible to go and deal with things in the committee at the same time because there were long debate periods on very important amendments that were before us.

But in this motion, what we have is debate on the welfare bill coming up with 31 amendments, with 20 minutes of debate allowed on them, and at the same time the majority leader has put forward a motion to allow every single committee of the Congress to be sitting, going through markups and going through hearings at exactly the same time we are going to be debating that extremely important piece of legislation.

I think this is indeed truly the low point in the procedural operations of the 104th Congress, and I certainly hope that this motion will not be adopted.

Mr. BONIOR. Mr. Speaker, I thank my colleague for his comments.

Mr. ARMEY. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the majority leader for this time.

I have to say that I am a little bit surprised, because the reason we provided for cluster voting in the rule was to accommodate both Republicans and Democrats. We did that after consultation. We took the language directly out of the rule the gentleman from Michigan [Mr. BONIOR] offered when we debated the defense authorization bill. It is the identical language. Now, we do this when we have a series of amendments over a very long period of debate, after consulting with the minority, which is what the gentleman did in consulting with us. We had no objection to that, and we are simply following previous procedure.

Mr. BONIOR. Mr. Speaker, will the gentleman yield so I may clarify my comments?

Mr. SOLOMON. Yes; I am pleased to yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Speaker, my comments were not to what the gentleman did in the Rules Committee. I thought the distinguished majority leader was referring to allowing cluster votes within the committees. That is where I was addressing my remarks.

Mr. SOLOMON. I do not think so. I am told by a nod of the head that we are only talking about cluster voting here on the floor.

If the gentleman would look further, there are a number of titles in the bill. For instance, title I is block grants and temporary assistance for needy families. There are 8 amendments, and it might be the prerogative of the Chair to want to cluster some of those votes after consulting with the minority and then move on to title II, which is the Child Protection Program, and so on. I think that makes a lot of sense. I know the gentleman has in the past agreed with me on that, or I should say I have agreed with him when it was his proposition. Is that correct?

Mr. BONIOR. No; I would say the gentleman is correct on this. If I have misunderstood the gentleman, I correct myself on the floor. I thought he was referring to votes being clustered in committee, and in fact if we are going to allow clustered voting on the floor, that is helpful, but it does not address the primary concern of continuity in allowing Members to be in more than one place at one time.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for that colloquy, because I think it is helpful to all the membership.

I would say that during the course of this debate I am going to be on the floor all the time. It is going to take 3 days, and I would be surprised if there are 5 or 10 Members on the floor during any one of these debates on any of these important amendments.

So I do not think we are going to be disrupting the House by letting committees meet.

Mr. Speaker, I thank the gentleman for yielding me time so we could clarify this issue.

Mr. BONIOR. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I thank the Democratic whip for that time.

My objection to this process is that in every town meeting I have been in and every poll I have seen, national, State, or whatever, welfare reform is certainly up there at the top of the agenda that everyone has. Yet what we have, Mr. Speaker, is a process of a limited rule in and of itself. Of 160 amendments that were sought, I believe only 31 will be offered. Of 93 that were Democratically offered, only 5 Democratic amendments will be permitted.

So that is bad enough. But then what we get is a situation where no amendment will be debated more than 20 minutes, with a vote to follow. I appreciate certainly that the majority leader said those votes will be clustered. That is a convenience, but that does not help those of us who would like to be on the floor involved in the debate on many of these issues, because if at the same time, as I should be right now, I am at the Government Reform Committee, we are tied up in a committee performing vital committee business at the same time these issues are being debated.

I do not think it is too much to ask where there is an objection from the Democrat minority as to the committee sitting, and it is not an objection that has been raised frivolously. In fact, every time there has been consultation with the Democrat minority, the Democrat minority has seen fit to enter into an agreement with the Republican majority.

I am concerned about some other things, too. These are major issues that are going to be raised here on the floor. We are going to be talking about abortion, we are going to be talking about nutrition, including school lunch and school breakfast, we are going to be talking about disabled children, we are going to be talking about requiring work, we are going to be talking about job training, and we are going to be talking about whether young women should have their benefits terminated because they are under 18 and pregnant. These are all vital issues. Yet, how effectively can we be debating those issues if at the same time many of us have conflicting committee responsibilities?

I have to say that in some cases the Republican majority has solved my problem because I would have liked to have seen an amendment permitted that would have greatly restored the School Lunch and School Breakfast Program. Well, they did not make that in order. We will not be able to bring that up on the floor. So they took care of my problem, and I guess in a way I ought to thank them, because now I do not have to worry about being on the floor for the school nutrition debate. That will not be here.

I obviously do not need to worry too much about being on the floor, I guess, on a very controversial amendment that I see has been made in order that would outlaw fugitive felons from receiving benefits from 3 welfare programs. That is a gutsy one, and I know everybody will want to be here for that one. We might have been willing to trade some time so we could have debated school lunches and school breakfasts.

But, in closing, I just hope the American public understands, Mr. Speaker, that while this is a very important debate, all Members will not be able to be on the floor for this debate, because the Republican majority has said we are going to have to be in committees voting at the same time. It makes it very difficult, and I would hope that the Republican majority would withdraw this motion.

Mr. ARMEY. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Speaker, I thank the gentleman for yielding time to me.

It is my intention to be on the floor for this debate as much as possible. I have been listening to the procedural sparring. I heard the gentlewoman from Illinois debate basically the merits of the bill, and I wanted to be able to respond to her points without regard to the procedural sparring that is going on. I have a few minutes to do it, and I appreciate the gentleman's yielding this time to me for that purpose.

Mr. Speaker, I think what we are going to consider here today is an important piece of legislation. It is a bill that is designed to replace the existing failed welfare system with a system that is based on principles that work, time-honored principles that have helped people out of poverty and into self-sufficiency—work, family responsibility, marriage, all the things that the existing system has been running down for so long.

What we have done in the last 30 years can really be summarized in this way: We have spent close to $5 trillion on the Federal and State level on means-tested entitlement programs, welfare programs in the broadest sense, and what we have gotten is not a reduction in poverty. In fact, Mr. Speaker, it is important to understand that poverty went down steadily in the post-war era until 1965, until the Great Society began. In that period, welfare spending has gone up tenfold, and the poverty rate, if anything, has increased slightly. Certainly it has not gone down. What we have gotten for all that spending and what we have gotten for all that effort is an explosion in the out-of-wedlock birth rate. It is now one out of three. One out of three kids in the United States is born out of wedlock. In 1965 it was between 6 and 7 percent. We have gotten a sixfold increase in the out-of-wedlock birth rate.

What does the bill do about it? As I said before, the emphasis or the basis of the welfare system is on work, on family, on responsibility. The first thing we do is, we are no longer going to pay cash benefits to teen moms under the age of 18. It is stupid, Mr. Speaker, to send a check of $300 or $400 every month to a young mom and leave her in the environment in which she is probably being exploited and with which she certainly is not coping. Instead, we give the money to the States and we say, "Care for those families, but do it in a way that encourages family, that encourages work."

There are a lot of alternatives the States will be able to choose, the kind of alternatives that have worked over the centuries in welfare systems—supervised settings like maternal group homes and adoption. These kinds of things will work out. They will lift people out of poverty instead of miring them in it.

The bill has very strong work provisions, and there are amendments to make those provisions stronger because work is an important part of dignity. It is an important part of making welfare a two-way street. If you do a work program properly, Mr. Speaker, it serves several goals. First of all, it enables you to determine who does not really need welfare, in a nonbureaucratic way, because if you have got to work 30 or 35 hours a week picking up trash from the side of a highway or doing a job like that and you have other alternatives, you will get off welfare. It is important that we target the work provisions on that part of the welfare population which is most employable. The bill does that.

The bill also has an overall goal of breaking the locked grip of Washington bureaucrats on the welfare system and returning it back to the people. It is not a question of trusting the States; it is a question of trusting the American people. Put the control over power and resources closer to them, and they will adapt the welfare system to really care for the needy neighbors and needy people amongst them.

I want to address very briefly arguments that we have heard and we are going to hear during the course of this debate about this bill. People say that we are cutting welfare spending. We are not cutting welfare spending. When this bill is finished, the spending on the welfare state, the Federal commitment to means-tested welfare programs will grow by about the rate of inflation every year. What we are doing is abandoning Federal control, the Federal locked grip over this system, and returning that to the people, and we are rebasing this system on principles that will really work.

Mr. Speaker, this is a good bill. I want to close by saying this: This bill is, I think, going to be developed along the following lines: We are trying to talk about what this bill is going to do, about the very basic, fundamental problems with the existing system that are just insurmountable. And everybody agrees the existing system is a total failure. The President of the United States said we have to end welfare as we know it. Did anybody say, "No, let's continue welfare as we know it? We like welfare as we know it"?

Mr. VOLKMER. Mr. Speaker, will the gentleman yield?

Mr. TALENT. Mr. Speaker, we have a bill that will take substantial steps in that direction. That is what we are going to be talking about.

Mr. VOLKMER. Mr. Speaker, will the gentleman yield?

Mr. TALENT. If I have time left, I will be glad to yield.

The SPEAKER pro tempore (Mr. GILLMOR). The time of the gentleman from Missouri [Mr. TALENT] has expired.

Mr. ARMEY. Mr. Speaker, I yield an additional 2 minutes to the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Speaker, I will close, but first I will yield to my friend, the gentleman from Missouri.

Mr. VOLKMER. Mr. Speaker, I know that the gentleman from Missouri is sincere in his efforts, but I have a serious reservation about some language that is in the bill. That has been described as promoting abortion for women who are pregnant and under 18 years of age, or younger, and that has been described by the National Right to Life and by the Catholic Bishops Conference and others as promoting abortion.

My review of that language clearly says that is what it does, and I do not think that is the way to reduce the number of children that are on welfare. I do not think that killing them is the way to do it, and that is what this bill does.

Mr. TALENT. Reclaiming my time, Mr. Speaker, I will be happy to address that point, and then I will close my remarks.

It is described by nobody else who is pro-life in that fashion, if I may say this to the gentleman. None of the other pro-life groups believe the language will have that effect.

Let us see what the language does. It says that the States get a little extra bonus in the block grant if they reduce illegitimacy without a proportionate increase in abortion. Now, for every increase in abortion that you have, it moves you backward in your attempt to get the money. This is for the first time in the Federal statutes that we have a formula which discourages both illegitimacy and abortion. That is why the gentleman from California [Mr. STARK], who offered an amendment to take it out, said that the formula we have in the bill is a bounty on abortion. That is how he described it in the Congressional Daily today, because it does discourage abortion, and everybody else who is pro-life thinks that. I have a difference of opinion with some of my colleagues on this side of the aisle. I do not know how a provision cannot be pro-life if it says to the States that you get extra money for reducing illegitimacy but not if you do it by increasing abortion.

□ 1130

So I would just say that to the gentleman.

Let me close my remarks by saying this: The debate is going to be on the one hand those who support this bill, and I think you will find Members on both sides ending up voting for it, trying to say what we are doing with this bill to rebase this failed system on marriage and work and family; and then people on the other side basically saying, nope, if we do not continue doing it the way we have been doing it or maybe expanding the existing welfare state without changing any of the incentives, we are abandoning the poor.

Have the faith to believe that we can help people without destroying their families. We can have a welfare system that helps people without destroying their families and their incentive to work and to be responsible. That is what we are trying to do. I would urge all Members, we all know the existing system is failing. If you cannot lead in the effort to change it, at least follow. Or, if you cannot do that, at least get out of the way. Do not perpetuate the myth that if we do not keep doing it the way we have been doing it, which nobody likes, that somehow we cannot fundamentally change the system at all.

Mr. BONIOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me first say to my colleague from Missouri that nobody believes the present system is worth keeping. Everyone on both sides of the aisle disagrees with the present system. We just have different approaches on how to change it.

Mr. Speaker, I yield 30 seconds to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, just on that point, we are supporting a substitute that gives us real reform in welfare, that gets people back to work and off the welfare roles, is that correct?

Mr. BONIOR. That is absolutely correct.

Mr. VOLKMER. So we all recognize we need reform and welfare.

Mr. BONIOR. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am opposed to what is being discussed here today, because I think we need every possible person on the House floor to hear some issues being discussed, which I frankly think are being too broadly ignored. One of the reasons I am going to vote against the rule, for instance, is because while I certainly want the existing welfare system to be changed, I am very unhappy about the fact that the Committee on Rules refused to make in order my amendment which would make the Federal Government pay for the welfare and education costs associated with allowing refugees into this country, rather than dumping the costs of educating and training those refugees onto State and local governments.

It seems to me that when the Federal Government allows refugees to come into this country, that is a foreign policy decision. I would ask why under that situation local taxpayers should get stuck with paying the tab to educate and train those refugees who are allowed into this country for foreign policy reasons?

I appreciate very much the fact that the Democrats on the Committee on Rules and two Republicans voted to allow my amendment to be offered. I, for the life of me, do not understand why the other Republicans did not. There is nothing partisan to this issue. This has nothing to do with whether you are a Democrat or Republican. It has to do with whether or not you think the local taxpayers ought to be stuck with financial responsibilities that rightly belong to the Federal Government. It seems to me they should not.

So I think there are a lot of reasons why we need to have people on this floor listening to the debate, because unless we do, we are not going to achieve the kind of understanding that you need in this House so that the Committee on Rules will not continue to make the kind of mistakes that they made in disallowing my amendments, for instance.

No one suggested the existing welfare system ought to be kept. It ought to be junked. It seems to me that we ought not in the process increase the burden on local governments.

Mr. ARMEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Mexico [Mr. SCHIFF].

Mr. SCHIFF. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I have to acknowledge that proceeding with this bill while committees are in session will certainly create some time conflicts for Members, and they are going to have to work very hard to get back and forth between their obligations. That is not new. We have been doing that for most of the last several weeks. But I wanted to say, most pointedly, that I am proud of the fact that it is my party that is bringing up comprehensive welfare reform, for the first time in my memory of more than 6 years as a Member of this House, on the House floor for consideration.

I noted that the respected whip from the Democratic Party said both parties agree that the welfare system is not working right. It is a matter of which reform plan will you choose. But in those 6 years that I served here with a Democratic Party majority, I never saw a plan offered on the House floor. Specifically, with respect to the rules, not only rules with respect to meeting while committees are in session, but rules with respect to amendments, their party controlled the whole process. Frankly, they did nothing, and I think therefore it is weak to say "We object to the rules of procedure" when the issue is finally brought to the floor by Republicans.

But I want to add, Mr. Speaker, I am very concerned that the debate on the issue of welfare reform may have been seriously marred by remarks I am told were made on the House floor last night. I am informed that one Member charged that the Republican welfare reform plan was akin to the Nazis attacking minority groups during the Holocaust.

Mr. Speaker, there is legitimate debate on this issue. It is admittedly a controversial and difficult issue. I do not agree with every single provision that is in the Republican bill currently. I will probably vote for this bill because I think we need to get this process moving, and there are many more steps in this process before we have a final bill. But I think that suggesting that a difference of opinion and a difference of approach as to how to repair the system and how to be—I think that equating a difference of point of view and a difference of approach and a difference of support between different plans to the Nazis and the Holocaust is a serious insult to all of those people of all different races who went through the Holocaust under the Nazi regime.

I want to conclude by saying I hope the remarks I was told were uttered last night were incorrect. I hope I am wrong about the information that I received. If I am right, however, I hope that Member will have the good grace to come back to the House floor and apologize to the Holocaust victims for making such an analogy.

Mr. BONIOR. Mr. Speaker, I yield such time as he may consume to my distinguished colleague, the gentleman from Florida [Mr. GIBBONS], the ranking member of the Committee on Ways and Means.

Mr. GIBBONS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise to object and to speak against the proposal of the gentleman from Texas [Mr. ARMEY] to allow committees to meet while we are discussing this very important bill. All of us know that every Member of the Congress wants to be informed about the number of votes that he or she is going to be required to cast, and he or she cannot possibly be adequately informed with having to be in committee meetings at the same time this is going on on the House floor.

Mr. Speaker, one of the objections and complaints that I hear about the House of Representatives is the sparsity, and I hope the cameras will pan this place right now, of the people who are on the floor and who pay attention to debate. It is a scandal that we are not here when important business is going on in the House.

So I think we ought to turn down the suggestion of the gentleman from Texas [Mr. ARMEY] that Members be allowed and be required to be in committee meetings, rather than being here when this is being discussed.

This is perhaps the most important substantive piece of legislation that this 104th Congress will address, because it affects not only the lives of millions of people in existence right now, but it will set a pattern for American lives way into the future. This is a controversial piece of legislation.

Let me correct the RECORD. Last year the President put forth a substantial rewrite of the welfare laws. Last year I, as chairman of the Committee on Ways and Means, introduced a comprehensive bill on the subject. Last year the Subcommittee on Human Resources of the Committee on Ways and Means had extensive hearings on that and many executive sessions on that markup. I regret that the press of business last year prevented the Democrats from bringing that bill to the floor.

As acting chairman of the Committee on Ways and Means last year, I announced that the first order of business of the Committee on Ways and Means during this 104th Congress would be to take up welfare reform. I said it would take about 6 months for us to do the kind of work that needed to be done on this.

We have had it rushed through the Committee on Ways and Means in about 2 weeks, 1 week in subcommittee, 1 week in full committee, meeting all night and all day on the subject. This is no time for responsible Members of Congress to be in committee meetings around this Capitol when they ought to be here on the floor paying attention to this debate and voting on this most important piece of legislation.

Mr. Speaker, I ask all Members to vote "no" on the motion of the gentleman from Texas [Mr. ARMEY], and I think I ought to explain this necktie I have on here, because it is a real departure from past neckties that I have worn on the House floor. But it is to remind me, and I hope to remind all viewers, that 80 percent of the people who are on welfare and who receive some benefit from welfare are children, infants, 80 percent. They are a part of the important future of America. All Members ought to be here to discuss that future.

Mr. ARMEY. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would say to my distinguished colleague that the press of business in the last Congress should not have prevented this important issue from coming up. I think we have certainly learned in the 104th Congress what the press of business is all about, and our votes on Monday, our votes on Friday, our late night hours. And this legislation, which we will be taking up today, has indeed had years of study, months of work, and has many people in this Congress involved in the drafting of this legislation for its inclusion in the Contract With America.

Since the rule itself has come into question in this debate, for the first time in history H.R. 4 puts in the Federal statutes a financial incentive which will discourage both illegitimacy and abortion. Out of wedlock births of 32 percent. Thirty-two percent of the babies born in America are born out of wedlock, six times as large as 1965, when the welfare state really was created. Real welfare reform must change the system to encourage marriage and family, not illegitimacy.

The Stark amendment was not placed in order, and I think for good reason, because it would have been that which would have pulled out the strong illegitimacy provisions included in H.R. 4. It is not simply conservative Republicans who are recognizing the need in welfare reform to address the systemic problems, the fundamental problems in the welfare system. Bill Moyers, former press secretary to Lyndon Baines Johnson, in many ways the architect of the modern welfare state, recently, and I think the RECORD needs to have this included, recently said this. He said:

> While reporting for a documentary on welfare, I interviewed a 32-year-old grandmother whose 16-year-old daughter had a two-year-old child and was expecting a second baby by yet a different man. Three generations on welfare, no help from any father, and they described it as normal, the only life they knew or expected. This is one tragedy of welfare. When men are left off the hook, the world of the single mother begins to appear natural and inevitable.

Moyers continues:

> I thought at the time, and still do, that it is right to help children born into such circumstances, but wrong to let the cycle go on repeating itself.
>
> And I imagined it would take shock treatment to stop it, something like announcing that on a given day, 5 years hence, after a massive publicity campaign so everyone would be forewarned, there would be no more cash payments to unwed teenagers or to women on welfare who already have one child.

□ 1145

Moyers said:

> If this sounds heartless, dependency can be heartless, too. And unfair to others. Welfare benefits now go to almost 4 million mothers who have almost 10 million children. All of us know young women who would like to have children but don't because they are single and earn too little from their jobs to afford a child alone. It doesn't seem fair that they should be paying for someone else to have children when they feel unable to have one.

Then Moyers concludes his comments by saying, this former press secretary for a Democratic President, the architect of the modern welfare state, he said:

> The Republicans have been challenging us to think about such things. It would be a shame if they have to water down the challenge. Their reforms may be flawed but not as flawed as welfare itself.

That is what H.R. 4 does. For the first time we end the entitlement nature of welfare. For the first time, real meaningful work requirements are included. For the first time, we are able to control the growth in welfare spending. But most fundamentally and most essentially, for the first time we begin to deal with the social problem of out-of-wedlock births.

I support the majority leader's motion. I support the rule.

Mr. WISE. Mr. Speaker, I ask unanimous consent that I be permitted to control the rest of the time left to this side.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. WISE. Mr. Speaker, may I inquire how much time remains on this side?

The SPEAKER pro tempore (Mr. GILLMOR). The gentleman from West Virginia [Mr. WISE] has 12½ minutes remaining.

Mr. WISE. Mr. Speaker, I yield 3 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Speaker, I rise in opposition to the attempt of the gentleman from Texas [Mr. ARMEY] to allow the committees to meet while we are in debate on this important issue.

As I recall it, it is the Republicans who required that we all attend all of our committee hearings, recording the votes to make sure that we are on record whether or not we attended. It is the Republicans who do not allow proxy voting so that those of us who would like to be here could indeed record our votes in committee. So they cannot have it both ways.

Either they want Members to be involved in this or they want them to stay in the committees and be recorded and not be involved in this discussion.

I wish it was mandatory for every Member to be on this floor. I wish it was mandatory for all of the networks to have to carry this debate. This is one of America's most important debates.

Members will hear discussions from the Republicans where they talk about family values and they claim that they want to keep families together, that they are interested in providing education. I had two amendments that they would not make in order that would have given tax credits for those who get their GED, for those who would get their high school diplomas, tax credits for those who would be involved in getting married, but they said no in the Committee on Rules, those were not important values, when I tried to come before the Committee on Rules.

I am just a little bit sick and tired of a lot of folks getting up on this floor, talking about change and what it takes to create change, and they do not know anything about welfare. Those who would give tax credits to people making $200,000 but will not give tax credits to a young mother who is trying to get educated cannot tell me anything about welfare.

We need to deal with the root causes of what is going on. Yes, young people are involved in sexuality. Yes, young people are bombarded on television and other places about what it means to be fashionable in America. Yes, they want jobs. Yes, we have allowed jobs to be exported to Third World countries for cheap labor and people who want to work cannot find work.

Yes, we have problems. And there are some dysfunctional families, and children who need support oftentimes do not have parents who are there for them. But should we penalize the children? Should we take away the lunches? Should we stop their opportunity to live and grow and be?

This is a mean-spirited proposal and it goes much too far. We want change. We want reform. But we are not going to take food out of children's mouths. We want change, but we want child care for those mothers who want to work.

You absolutely go too far and you are scaring America with what you do.

I say listen to some of us who know something about this. I know because I was a child of a welfare family. My mother tried and she tried. She did not have any help. She could not get any child care. She could not get a job. She could not get any training, but she tried.

I want to tell my colleagues, whatever America invested in me as a child on welfare, it has paid off. That is why I am here to speak for welfare children today.

You are wrong in the proposal that you have.

Mr. ARMEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Philadelphia, PA [Mr. FOX].

Mr. FOX. Mr. Speaker, I thank the gentleman for yielding time to me.

I rise to voice my concern over recent comments made by a Democrat Member regarding our welfare reform proposals. The Republican plan to reform our Nation's welfare system is a caring compassionate measure fashioned to encourage the work ethic which made this Nation great. It is designed to cut the fraud, waste, and abuse which have been the hallmark of a failed welfare system in the United States.

Any attempt, as was made yesterday, to equate this proposal or the Republican Party to Nazi Germany and the atrocities of the Third Reich exceeds the bounds of propriety and is simply untrue.

As a Member of Congress, an individual of the Jewish faith, I am troubled by such comments.

Mr. Speaker, I understand there are times when we all get emotional in an attempt to advocate a position or espouse a particular view. However, we should never insult the men, women, and children who suffered through the crimes against humanity perpetrated by the Nazi regime by comparing what we are doing here to that kind of abomination.

Nathaniel Hawthrone once wrote:

> No man, for any considerable period, can wear one face to himself and another to the multitude without finally getting bewildered as to which may be true.

It is time my friends on the other side of the aisle, Mr. Speaker, to stop the scare tactics. With our food nutrition programs, we are actually going to feed more children more meals because we are eliminating the Federal bureaucracy and the 15-percent cost. We are capping it back to the States with only 5 percent administrative cost.

Above all, welfare reform will encourage that those in need get the aid but those who should be working and can work get back to work with help through job counseling, job training, and job placement.

The American people want welfare reform that eliminates fraud, abuse, and waste, and we will give them that.

Mr. WISE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Georgia [Mr. LEWIS], our deputy whip.

Mr. LEWIS of Georgia. I thank my friend and colleague, the gentleman from West Virginia [Mr. WISE], for yielding time to me.

There have been two gentleman on the other side who have referred to what I said yesterday and I wanted to say exactly what I said yesterday, Mr. Speaker.

I said yesterday and I say again today, I am reminded of a quote by the great theologian, Martin Niemoller, during World War II:

> In Germany, they first came for the Communists, and I didn't speak up because I wasn't a Communist. Then they came for the Jews, and I didn't speak up because I wasn't a Jew. Then they came for the trade unionists, and I didn't speak up because I wasn't a trade unionist. Then they came for the Catholics, and I didn't speak up because I was a Protestant. Then they came for me, and by that time there was no one left to speak up.

I said yesterday, Mr. Speaker, this Republican proposal certainly is not the Holocaust, but I am concerned and I must speak up.

I urge my colleagues, open your eyes, read the proposal, read the small print, read the Republican contract.

And I went on to say yesterday, they are coming for the children. They are coming for the poor. They are coming for the sick, the elderly, and the disabled. This is the Contract With America.

I said to my colleagues, you have the ability, the capacity, the power to stop this onslaught. Your voice is your vote. Vote against this mean-spirited proposal. Raise your voice for the children, the poor, and the disabled.

I say it again today, Mr. Speaker, for the RECORD.

Mr. ARMEY. Mr. Speaker, may I inquire as to how much time I have, and do I not have the right to close debate?

The SPEAKER pro tempore (Mr. GILLMOR). The gentleman from Texas [Mr. ARMEY] has 7 minutes remaining, and the gentleman from West Virginia [Mr. WISE] has 7 minutes remaining.

The gentleman from Texas [Mr. ARMEY] has the right to close debate.

Mr. ARMEY. Does the gentleman from West Virginia [Mr. WISE] have any more speakers?

Mr. WISE. Mr. Speaker, as we say at home, the gentleman from "West, by golly, Virginia."

Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, I thank my friend from West Virginia for yielding time to me.

Mr. Speaker, I would urge my colleagues to vote against the motion offered by the distinguished majority leader. It is important for Members to be on the floor as we discuss this most important bill on welfare reform.

Let me just give my colleagues one reason. I have listened to my friends on the other side of the aisle talk about the underlying bill as a bill that requires work. I think we need to talk about this. I think that Members need to understand what is in the Republican bill.

As I understand it, a person can be on welfare for 2 years, receive cash assistance and not work at all.

As I understand, a person can be on cash assistance for 5 years in a State as long as they are complying with a work-related requirement as defined by the State, a work activity. And then there is no sanction against the States if they do not do that.

As I understand the bill, there is no requirement on the States to provide any work opportunity for people that are receiving cash assistance.

So I do not understand the Republican's statement that this bill requires work. And I think it is important that my colleagues be on the floor of the House, as we talk about this issue and other issues on welfare reform.

It is only by that type of debate that we will understand what we are doing in welfare reform. And if we want to get a better bill, it is important for Members to be here on the floor as we debate these important issues.

Please vote against the majority leader's motion.

Mr. ARMEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Philadelphia, PA [Mr. FOX].

Mr. FOX. Mr. Speaker, I think in this debate we have to make sure the American people realize that we should not be judging the success of the welfare program by how many people we have on AFDC, by how many people we have on food stamps, by how many people we have in public housing. As the gentleman from Oklahoma, Mr. J.C. WATTS, has said, who is someone who knows about the system, we should be judging people by the success of our efforts, by how many people we are taking off AFDC, that we are taking off food stamps and that we are taking off public housing.

We need to give them the opportunity so that the system we now have, which discourages savings, if you are on welfare you cannot save money, you cannot own property, and it discourages the mother from marrying the father. We want to change, under this bill, that kind of system, that will restore opportunity, restore the ethic of work and will return to the people a measure of dignity and a system that will be in fact one we can be proud of.

Mr. WISE. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee [Mr. FORD].

Mr. FORD. Mr. Speaker, I rise in opposition to the distinguished majority leader's motion that is before the House today. I think it is very critical that all the Members of this body be present and hear the debate on both sides of the aisle, because it is very clear, as the Personal Responsibility Act is taken up today, it is clear to all of us that we must discuss with the American people how weak this bill is on work and how cruel it is to the children of this country.

I do not think it is fair for the majority leader to come here today and to offer this motion simply because you told us, along with the Speaker of the House, the new leadership of this House, that we would have an opportunity to debate issues on this House floor and that we would not be able to use our proxies in committees and we would not have committee meetings going on at the same time that we would have crucial pieces of legislation that is before this body.

I think it is very critical for us to have all Members present on the House floor. If not, have them available so they can come and see what this Personal Responsibility Act is doing to the children of this country.

□ 1200

They are just plain mean in their bill, and they know it. They do not want the Democrats to discuss what is going to be offered today. There are 31 amendments that have been placed in order by the Committee on Rules. Only five of those amendments are Democratic amendments. We do not have an opportunity to perfect the Personal Responsibility Act that is before the House today.

Mr. Speaker, I would urge my colleagues to vote against the motion by the distinguished majority leader of the House. I would ask that my Democratic colleagues all be here to say today how cruel this welfare reform bill that the Republicans have offered is to American children.

Mr. WISE. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Speaker, here is why I think everybody should be on the floor, why on this historic matter, this important debate, people should not be in various committees, but right here.

There has been a lot of talk about various aspects, not enough discussion about the impact of the Republican bill on disabled children now receiving cash benefits through SSI. This chart spells it out very clearly.

I just urge everybody to look. Under the Republican plan, 21 percent of the children now covered would continue to be covered, and 79 percent would not be.

There is abuse in the program, and I see the gentleman from Wisconsin here on our side. He has delved into this.

There is abuse in the SSI program. It has been rampant, apparently, in several States, including Louisiana and Arkansas. However, it is a mistake to take those abuses and to completely redo this program, ending cash benefits for parents whose kids are disabled.

There is a better way to do this. It is contained in the Deal bill. There is a better way to do it. We should get at the abuse, the abuse under the IFA program. We should eliminate from the rolls kids who have behavioral problems, who are not seriously disabled.

However, the disabled kids of America should not be thrown out on the street. The disabled kids need some help. Their families want nothing but a little bit of assistance. In many cases one of the parents has stopped working so they can take care of this seriously ill child.

Mr. Speaker, this program is income-related. We are talking about middle- and low-income families with a disabled kid, so when we talk about the harshness, look at this chart. It shows it. Members should talk to the families in their districts. Go beyond the numbers to the real people.

The SSI provision in the Republican bill is not a humane approach; it is not an effective approach. We can do better. We can adopt the Deal bill, which pays attention to the need for reform, but for the needs of families of disabled kids.

Mr. WISE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, to recap, this is about the motion by the Republican majority to permit committees to sit under the 5-minute rule.

Basically, the American public thinks welfare reform is one of the most significant issues we have before us. They are right. Yet, under this request, when the American public sees the C-SPAN cameras now panning the floor, which they appropriately are doing, and sees empty seats here, the reason, one of the major reasons, is because many Members of Congress have to be in their committees, because they are not able to be in their committees and on the floor at the same time.

The usual procedure is that we permit committees to sit, except during special debate. In this particular case, with this particularly important debate, Members are still going to be forced to choose between their committee votes and the votes on the floor, during one of the most important debates that is taking place, particularly when we are only going to have 20 minutes to debate each item. We would urge rejection of this motion.

Mr. ARMEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, long before the 1992 Presidential campaign the American people had begun to understand the mean horror in the lives of real people, real victims of a welfare system that had not only failed to eliminate poverty, but had created in the lives of too many of America's children the most awful, terrifying conditions. The American people had clearly understood that this failure was costly in the meanest of terms in the lives of real children, and demanded some change.

President Clinton understood the American people in 1992 when he campaigned, and he campaigned aggressively on ending welfare as we know it. In fact, as I listened to candidate Clinton, I thought to myself "He sounds more like us than we do." I thought he meant it. I thought he was serious. He said he felt the pain. It was there and obvious for anybody to see how painful this disastrous failure was in the lives of real people, especially the children.

He talked a good game. He did nothing. He did nothing. He did not even write a bill. In December 1993, very publicly, so publicly, in fact, that I as a member of the minority received a copy, 97 powerful Democrat majority committee and subcommittee chairmen sent their President a letter.

In this letter they said "Mr. President, if you dare to send to the Congress of the United States a welfare reform plan that is anything like what you said in your campaign, we will not only block that, but we will block your health plan." That letter is a matter of record. The press, of course, did not pay much attention to that letter, but the letter is there, and it is real. We all know about it.

The President did nothing. Late in the last Congress, late, after the Contract With America was out, after the President saw, again, that the American people demanded an end to welfare as we know it, he sent a bill up here. We heard about a bill. It took me until just a week ago to find out where was the bill.

Not one Democrat was willing to move that bill in committee for the President, nor was one Democrat willing to offer the President's bill, even to the Committee on Rules for consideration at this time. It was left for me to find the bill and offer it to the Committee on Rules so it could be considered.

The time has come, Mr. Speaker, when we must move on this measure. The Members have been complaining that doing so is inconvenient. How inconvenient is it in the lives of those very children if we let this cruel, heartless system continue to prevail?

They say they do not have the protection. At the beginning of the 103d Congress, the Democrat rules specifically wrote away from every Member of this Congress the right to object to a committee sitting while the House was sitting under the 5-minute rule. They took that right away from us and told us if we did not like it, we could lump it. They said in so many words "We don't care about your minority rights." That was their rules.

We corrected that. In an extraordinary period of time where we are moving extraordinary product, extraordinary legislation, that has suffered an extraordinary delay because of the timidity of the Democrat Party, the hostility to reform of the Democrat party, we have now, in compliance with these rules, come and asked this House to vote, vote whether nor not we will allow committees to meet while the House meets under the 5-minute rule.

Would I had had such a privilege under a Democrat majority just a year ago. Would I had been given that much regard to the rights of the minority, in a Democrat majority just 1 year ago. However, their rules did not allow that opportunity for me, as a minority.

Mr. Speaker, I have listened to this complaining about this inconvenience for an hour. I do not care to listen anymore. What I care to do, Mr. Speaker, is to make two final points. The time has come for us to combine, as Bill Moyers has said so eloquently, some modicum of understanding with some genuine compassion for the children that are the victims of this cruel system that so many people want to defend, and do it now. The time has come to do that, even, yes, if the doing of it comes at some inconvenience to ourselves in the next 2 days.

Mr. Speaker, I move the previous question on the preferential motion.

The SPEAKER pro tempore (Mr. GILLMOR). All time has expired.

Without objection, the previous question is ordered on the preferential motion.

There was no objection.

The SPEAKER pro tempore. The question is on the preferential motion offered by the gentleman from Texas [Mr. ARMEY].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ARMEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 227, nays 190, not voting 17, as follows:

[Roll No. 253]

YEAS—227

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo

Cremeans
Cubin
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—190

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Brown (CA)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Laughlin
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—17

Barcia
Browder
Brown (FL)
Brownback
Chenoweth
Clinger
Davis
Edwards
Livingston
Meehan
Meek
Minge
Portman
Schumer
Towns
Tucker
Williams

☐ 1232

Mr. BEVILL changed his vote from "yea" to "nay."

Mr. SOUDER changed his vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore (Mr. GILLMOR). Pursuant to clause 5 of rule I, the pending business is the question of agreeing to the Speaker's approval of the Journal.

The question is on agreeing to the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DREIER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 326, noes 88, answered "present" 1, not voting 19, as follows:

[Roll No. 254]

AYES—326

Allard
Andrews
Archer
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Bonilla
Bono
Borski
Boucher
Brewster
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clayton
Clement
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Farr
Fawell
Fields (TX)
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Inglis
Istook
Jackson-Lee
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manzullo
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nadler
Nethercutt
Neumann
Ney
Norwood
Nussle
Olver
Orton
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Porter
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reynolds
Riggs
Rivers
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Tucker
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wolf

Woolsey
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—88

Abercrombie
Ackerman
Becerra
Bentsen
Bishop
Bonior
Brown (CA)
Chapman
Clay
Clyburn
Coleman
Collins (MI)
Crane
Dellums
Deutsch
Dingell
Durbin
Engel
Evans
Fattah
Fazio
Fields (LA)
Filner
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gutierrez
Hefley
Hilliard
Hinchey
Hyde
Jacobs
Jefferson
Kaptur
Kennedy (MA)
LaFalce
Lantos
Lewis (GA)
Manton
Markey
Martinez
McDermott
McKinney
McNulty
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Moran
Neal
Oberstar
Obey
Ortiz
Owens
Pallone
Payne (NJ)
Pelosi
Pickett
Pombo
Pomeroy
Reed
Roemer
Rose
Roybal-Allard
Rush
Sabo
Schroeder
Slaughter
Stokes
Studds
Taylor (MS)
Thompson
Thornton
Torres
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt (NC)
Wise
Wyden
Yates

ANSWERED "PRESENT"—1

Harman

NOT VOTING—19

Armey
Barcia
Boehner
Browder
Brown (FL)
Clinger
Collins (IL)
Conyers
Edwards
Johnston
Meek
Minge
Molinari
Portman
Richardson
Schumer
Shuster
Stockman
Towns

☐ 1251

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. PORTMAN. Mr. Speaker, because of my attendance at the White House for a ceremony commemorating the signing by President Clinton of S. 1, the Unfunded Mandate Reform Act of 1995, of which I was a House sponsor, I was unable to be in attendance in the House for two recorded votes, rollcall vote No. 253 on permitting the committee to sit, and rollcall vote No. 254 on approval of the Journal.

Had I been in attendance, I would have voted "yea" on both rollcall votes No. 253 and No. 254.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 390

Mr. STARK. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 390.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the request of the gentleman from California?

There was no objection.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 4, PERSONAL RESPONSIBILITY ACT OF 1995

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 119 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 119

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for further consideration of the bill (H.R. 4) to restore the American family, reduce illegitimacy, control welfare spending, and reduce welfare dependence. No further general debate shall be in order. An amendment in the nature of a substitute consisting of the text of H.R. 1214 shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule. The bill, as amended, shall be considered as read. No further amendment shall be in order except the amendments printed in the report of the Committee on Rules accompanying this resolution, amendments en bloc described in section 2 of this resolution, and the amendments designated in section 3 of this resolution. Except as specified in section 2, 3, or 4 of this resolution, each amendment made in order by this resolution may be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for twenty minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment (except that the chairman and ranking minority member of the Committee on Ways and Means, or their designees, each may offer one pro forma amendment to any amendment printed in the report for the purpose of debate), and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against amendments made in order by this resolution are waived.

SEC. 2. It shall be in order at any time before the consideration of the amendments designated in section 3 of this resolution for the chairman of the Committee on Ways and Means or his designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Rules accompanying this resolution not earlier disposed of or germane modifications of any such amendment. Amendments en bloc offered pursuant to this section shall be considered as read (except that modifications shall be reported) and shall be debatable for twenty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means or their designees. For the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the discussion of the amendments en bloc.

SEC. 3. (a) After disposition of the amendments printed in the report of the Committee on Rules accompanying this resolution and any amendments en bloc offered pursuant to section 2 of this resolution, it shall be in order to consider the following amendments in the following order—

(1) a further amendment in the nature of a substitute consisting of the text of H.R. 1267, if offered by Representative Deal of Georgia or his designee;

(2) a further amendment in the nature of a substitute consisting of the text of H.R. 1250, if offered by Representative Mink of Hawaii or her designee; and

(3) a further amendment in the nature of a substitute consisting of the text of the bill, as it had been perfected before the consideration of amendments pursuant to this section, if offered by the chairman of the Committee on Ways and Means or his designee.

(b) Each of the amendments designated in subsection (a) of this section shall be debatable for one hour equally divided and controlled by the proponent and an opponent.

(c) The amendment designated in subparagraph (a)(3) of this section shall be subject to amendment by any amendment printed in the report of the Committee on Rules accompanying this resolution that was not earlier disposed of as an amendment to the bill, as amended pursuant to this resolution, before the consideration of amendments pursuant to this section. Amendments to the amendment designated in subparagraph (a)(3) of this section shall be considered under the same terms as if offered to the bill, as amended by this resolution, and shall be subject to the last sentence of section 4 of this resolution.

(d) If more than one of the amendments designated in subsection (a) of this section is adopted, then only the one receiving the greater number of affirmative votes shall be considered as finally adopted. In the case of a tie for the greater number of affirmative votes, then only the last amendment to receive that number of affirmative votes shall be considered as finally adopted.

SEC. 4. The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by this resolution. The Chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than fifteen minutes. The Chairman of the Committee of the Whole may recognize for consideration of any amendment printed in the report of the Committee on Rules accompanying this resolution out of the order printed, but not sooner than one hour after the chairman of the Committee on Ways and Means or a designee announces from the floor a request to that effect.

SEC. 5. At the conclusion of the bill for amendment the Committee shall rise and report the bill, as amended pursuant to this resolution, to the House with such further amendments as may have been finally adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole either to the bill, as amended pursuant to this resolution, or as incorporated in a further amendment in the nature of a substitute designated in section 3(a)(3) of this resolution, unless replaced by a further amendment in the nature of a substitute designated in section 3(a)(1) or 3(a)(2) of this resolution. The previous question shall be considered as ordered on the bill and any amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. OXLEY). The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for the purposes of debate only, I yield half of our time to the gentleman from Ohio [Mr. HALL], pending which I yield myself such time as I may consume.

During the consideration of the resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, House Resolution 119 is both a structured and complex rule as you have heard the Clerk read a few minutes ago, and yet it is the most open and fair rule we have ever had on a welfare reform bill in my 16 years here in this Congress.

When last this House attempted to reform our welfare system back in 1987, just one Republican substitute was allowed plus one en bloc amendment to the base bill offered by a Democrat.

This rule, by stark contrast, makes in order not 1 but 2 Democrat substitutes, but also makes in order some 31 amendments to the base bill, including 5 by Democrats.

At the same time, we respected the request of the distinguished minority leader, Mr. GEPHARDT, who appeared before the Rules Committee, to prohibit any amendments from being offered to either of the two Democratic substitutes by Representatives DEAL and MINK.

The minority leader even indicated in his testimony before us that, and I quote, ''We would be happy if there could simply be a consideration of alternative proposals without the ability to amend any of those proposals.''

That was certainly a tempting option, and one that we considered.

But, on further reflection, we decided that in all fairness we should allow some perfecting amendments to our bill, while at the same time respecting the minority's wish to keep its substitutes closed to amendments.

I think all that is important to keep in mind as we discuss this rule. It is much more open than the minority leader indicated he would be happy with.

At the same time, we did not think it would be right to take the time of this House on all of the over 160 amendments that were filed with our committee, many of which would simply try to convert our bill into one of the Democrat substitutes.

That is why Republican amendments outnumber Democrat amendments to our bill by 26 to 5. On a bill as complex and important as this, it is important that we maintain the integrity of our basic principles and fundamental policies in moving this legislation forward.

That is not to say that there were not some important and meritorious amendments that were denied in the fashioning of this rule. I would have preferred to have made in order several more amendments from both sides of the aisle.

But this rule was the final product of ongoing negotiations between the various committees of jurisdiction, the leadership, and the members of the Rules Committee.

Politics is, after all, the art of compromise, and this rule is a reflection of such a compromise.

Mr. Speaker, I think it is important to keep our eye on the big picture of choosing between the major alternatives of reforming the welfare system as we know it—of focusing on the fundamental differences that do exist between our two parties on how this best can be done.

We did not, as earlier considered, for instance, make in order the President's welfare reform bill as introduced in the last Congress, because it was not introduced by even one Democrat in this Congress.

But I think it is significant to note that while we promised last September in our Contract With America to bring forward a welfare reform bill in the first 100 days of this Congress, the administration has been virtually silent on pressing its alternative proposal.

Mr. Speaker, the rule before us will provide ample debate and consideration of the major pending alternatives, and, at least with respect to our bill, allow for some 31 amendments to further perfect it. We have never claimed that we had a perfect solution, and have been open to further suggestions for improving our legislation.

We have already completed 5 hours of general debate on this bill and the two Democrat substitutes, compared to 4 hours of general debate on the Democrats' welfare reform bill and our one substitute made in order in 1987.

We will now take the rest of this week on the amendment process provided for under this rule. Each of the 31 amendments made in order will be subject to at least 20 minutes of debate, which may be extended to 30 minutes if the majority and minority mangers choose to offer a further, 5-minute pro forma amendment each.

We have adopted the format used on past defense authorization bills of allowing amendments to be offered en bloc, and for votes to be postponed and clustered in order to help expedite our proceedings.

Once we have completed the consideration of those 31 individual amendments, we will then have 1 hour of debate and a vote on each of the 2 Democrat substitutes by Representatives DEAL and MINK, in that order.

If necessary, we will then proceed to a vote on our base bill as amended as a third substitute under our winner-takes-all process.

What that means is that if more than one substitute is adopted, then the one having the most votes will be considered as having been finally adopted and reported back to the House for a final vote.

In addition, we have permitted our final substitute to be further amended by any amendment printed in the rule which was not offered during the course of the earlier amendment process, provided that at least 1 hour's advance notice is given before offering such an amendment.

The rule also requires 1-hour advance notice of any amendments offered earlier to the base bill which are offered out of the order printed.

That is only fair to the Members of this House so that they will know for certain what it is they will be asked to vote on.

Finally, to my colleagues on the other side who are disappointed that their amendments were not made in order to the base bill, our rule preserves the right of the minority to offer a final motion to recommit which may include a final amendment or amendments of their choosing, provided they are germane and otherwise in order under House rules.

In concluding my remarks on this rule, I think it is fair and balanced. It protects the rights of the minority to have not just five perfecting amendments to our bill plus two substitutes.

It also allows the minority to offer any amendments it chooses to include in its motion to recommit with instructions—even if they were not filed with the Rules Committee. For that reason, I think the rule is deserving of the support of fairminded Members on both sides of the aisle.

Mr. Speaker, when I called up the rule for general debate yesterday, I suggested that the public should measure the proposals offered by both parties against the status quo.

There is a consensus of opinion in Washington and in the State houses, that the current welfare system has failed.

Which of the alternatives offered will allow continued runaway spending, set on auto-pilot inside the beltway, for programs that never really reach or improve the lot of the poor? Which alternatives remain silent on the issue that is most crippling the American family unit—the issue of out-of-wedlock births?

When measured against this yardstick, H.R. 4 is clearly the superior alternative.

Members on the other side of the aisle who defend the current system talk in grand terms about compassion. They try to seize the moral high ground in this debate while their feet remain firmly planted against any meaningful change in the current system.

What kind of compassion is it that leaves unaltered a monolithic bureaucracy that has the ability to ensnare entire generations in the despair of poverty?

What kind of compassion is it that saddles future generations with mountains of debt built on failed but costly programs—debt that harms the poor more than the better-off by stifling economic growth, opportunity, and meaningful jobs in the private sector?

However well-intentioned these programs were at their inception, defenders of the welfare state must face the fact that they have failed, and that it is time for real and revolutionary change.

House Republicans have recognized that fact, and we have produced, after much debate and negotiation, the most comprehensive welfare reform bill in the history of this Republic—and one that will save us nearly $70 billion over the next 5 years compared to current spending trends.

I therefore urge adoption of this rule and the passage of this bill.

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of March 15, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open [2]	46	44	19	79
Modified Closed [3]	49	47	5	11
Closed [4]	9	9	0	0
Totals:	104	100	24	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of March 1, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/10/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/1/95).
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/6/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1158	Making Emergency Supp. Approps.	A: 242–190 (3/15/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

CORRECTION OF VOTES IN COMMITTEE REPORT

The Rules Committee's report, House Report 104-85 on H. Res. 119, the rule for the further consideration of H.R. 4, the "Personal Responsibility Act of 1995," contains three erroneously reported rollcall votes due to typographical errors during the printing process. The votes were correctly reported in the original report filed with the Clerk.

Below is a correct version of those votes as contained in the Rules Committee report as filed with the House. The amendment numbers referred to in the motions are to amendments filed with the Rules Committee—a summary of which are contained following the listing of votes in the committee report.

The corrected rollcall votes for Rollcall Nos. 102, 104, and 109, are as follows:

RULES COMMITTEE ROLLCALL NO. 102

Date: March 21, 1995.

Measure: Rule for H.R. 4, The Personal Responsibility Act of 1995.

Motion By: Mr. Moakley.

Summary of Motion: Make in order Berman amendment No. 159.

Results: Rejected, 4 to 8.

Vote by Member	Yea	Nay	Present
Quillen		X	
Dreier			
Goss		X	
Linder		X	
Pryce		X	
Diaz-Balart		X	
McInnis		X	
Waldholtz		X	
Moakley	X		
Beilenson	X		
Frost	X		
Hall	X		
Solomon		X	

RULES COMMITTEE ROLLCALL NO. 104

Date: March 21, 1995.

Measure: Rule for H.R. 4, The Personal Responsibility Act of 1995.

Motion By: Mr. Beilenson.

Summary of Motion: Make in order McDermott amendment No. 102.

Results: Rejected, 3 to 8.

Vote by Member	Yea	Nay	Present
Quillen		X	
Dreier			
Goss		X	
Linder		X	
Pryce		X	
Diaz-Balart		X	
McInnis		X	
Waldholtz		X	
Moakley	X		
Beilenson	X		
Frost	X		
Hall			
Solomon		X	

RULES COMMITTEE ROLLCALL NO. 109

Date: March 21, 1995.

Measure: Rule for H.R. 4, The Personal Responsibility Act of 1995.

Motion By: Mr. Beilenson.

Summary of Motion: Make in order Hyde/Woolsey amendment No. 1.

Results: Rejected, 3 to 8.

Vote by Member	Yea	Nay	Present
Quillen		X	
Dreier			
Goss		X	
Linder		X	
Pryce		X	
Diaz-Balart		X	
McInnis		X	
Waldholtz		X	
Moakley			
Beilenson	X		
Frost	X		
Hall	X		
Solomon		X	

☐ 1300

Mr. RANGEL. Mr. Speaker, will the gentleman from New York [Mr. SOLOMON] yield?

Mr. SOLOMON. May I very shortly, because I am limited in time, yield to my New York colleague, the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. I thank the gentleman for yielding, my friend and colleague.

Mr. Speaker, last Monday I had an opportunity to meet with Cardinal O'Connor on this bill, and we had a very long session. Cardinal O'Connor indicated a great concern about the children being hurt, especially those with teenage——

Mr. SOLOMON. Mr. Speaker, may I say to the gentleman from New York, CHARLIE, could I interrupt? Let me reserve the balance of my time, and the gentleman can get his time because I really want to have a dialog with him, but I do not have the time here. If the gentleman would get time, I would be glad to continue with him.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. The Cardinal said he had an agreement with the gentleman from New York [Mr. SOLOMON], and I just wanted to know whether that is included.

The SPEAKER pro tempore (Mr. OXLEY). The gentleman from New York [Mr. SOLOMON] reserves the balance of his time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to this rule. This is a rule that limits amendments on the welfare reform package known as the Personal Responsibility Act of 1995.

As my colleague on the other side of the aisle well knows, this is a closed rule which picks and chooses amendments that can and cannot be offered to improve a bad bill. The rule makes a 400-page substitute bill in order which most Members of this body have not read and is being rammed through to meet an arbitrary contract on America deadline.

To make matters worse, the rule allows only 31 freestanding amendments out of the 161 received by the Rules Committee. So out of the 93 amendments that were proposed by Democrats, only 5 can be offered. This rule is a product of a party that only last year complained about gag rules and stifling debates. This is from the party that promised openness and fairness. I would just ask what happened to these promises?

The American people do not like these kinds of games, particularly when we are playing with their money.

Mr. Speaker, this so-called Personal Responsibility Act is a bad bill and it ought to be voted down. It is weak on work, it is hard on children, and it is punitive in nature. We all support personal responsibility, but the name of the bill has no relation to the provisions in it. They call this the Personal Responsibility Act. But I propose that we call it the Congressional Irresponsibility Act because this legislation is irresponsible to the weak, the poor, and the needy.

We need to concentrate on getting people off public assistance and into the job market. Yet the Republican version has no real requirements that States get people working before simply dropping them off the rolls. There are no assurances that they will get real job training, much less day care for their children.

On top of this, we understand a portion of the money saved by this bill, somewhere between $69 and $80 billion, will go toward tax cuts for corporations and the wealthy, instead of deficit reduction, where it belongs.

I do not like the title of this bill, which implies that people have no responsibility if they are poor. After having spent a good part of my career working with the poor and hungry, I can attest that most people are responsible and want to work. I have visited many hunger centers and homeless shelters in my city and even in this city. I have found overwhelmingly the number of men who might live in a homeless shelter but go out on a daily basis looking for work and securing work. Where abuse exists, we need to eliminate it. But we need to provide people with dignity and hope and, most importantly, jobs. Welfare reform should not amount to cutting off help for children having children or taking away school lunches and WIC. It should mean training people for the real jobs that exist, offering quality child care, and getting people into the mainstream of society.

This bill and the rule that governs its debate is a joke. I am particularly concerned that my amendments to strike the block-granting of child nutrition programs, including school lunch, school breakfast, and WIC, were not made in order under this rule.

☐ 1315

Last night in the Rules Committee I offered my amendment as a motion to the rule which would have allowed a free debate on the school lunch and school breakfast programs, and WIC. The amendment was voted down 8 to 4 with no Republican support.

Yet this so-called Personal Responsibility Act erases 50 years of law governing the School Lunch Program without so much as a floor debate. Major changes to food and nutrition programs are gone in one sweeping gesture. By not allowing Members the opportunity to have a floor amendment, my colleagues on the other side of the aisle have reneged on their commitment to open up the process. Just as they are breaking promises to 25 million school children who depend upon a school lunch, they are breaking their promise to the American people to bring up open rules that allow fair debate. Unfortunately according to their own definition of rules in the 103d Congress, 59 percent of the rules reported to the House in 3 short months have been closed.

Stifling debate on school lunch and other child nutrition programs is wrong for several reasons:

First and foremost, Mr. Speaker, the bill under consideration cuts back the programs which reach low- and middle-income children by $7.2 billion over 5 years according to CBO. For some low-income children, school breakfast and lunch constitute the majority of their daily food supply. For most of these kids this might be the only, and certainly the best, meal that they are going to receive during the day. Under this bill, up to 2,000,000 children will no longer receive adequate school lunches by the year 2000.

Second, nutrition programs are an investment in education. More than 95 percent of all public schools participate in the National School Lunch Program. It has a documented record of success. Children learn better when they have at least one reliable meal a day.

Third, there is no reason on Earth why we should cut child nutrition to finance a tax break for wealthy Americans and corporations. If, in fact, we are going to realize billions of dollars in savings under this bill, it had better go to deficit reduction and not to corporate welfare and wealthy individuals.

Many of my colleagues know on this floor my love for these programs that are very much concerned for the hungry and the hurting of this country and other countries, and I try to be very decent in the way that I approach rules and as I approach my colleagues in all the matters that we deal with in the House of Representatives. I try not to be partisan, and I hope that I am not, but I must end my portion of what I am going to say by saying this is a lousy bill and it is a lousy rule. I hope the House votes against the rule.

FLOOR PROCEDURE IN THE 104TH CONGRESS

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1	Compliance	H. Res. 6	Closed	None.
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed; contained a closed rule on H.R. 1 within the closed rule	None.
H.R. 5	Unfunded Mandates	H. Res. 38	Restrictive; Motion adopted over Democratic objection in the Committee of the Whole to limit debate on section 4; Pre-printing gets preference.	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.J. Res. 2	Balanced Budget	H. Res. 44	Restrictive; only certain substitutes	2R; 4D.
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive; considered in House no amendments	N/A.
H.R. 2	Line Item Veto	H. Res. 55	Open; Pre-printing gets preference	N/A.
H.R. 665	Victim Restitution Act of 1995	H. Res. 61	Open; Pre-printing gets preference	N/A.
H.R. 666	Exclusionary Rule Reform Act of 1995	H. Res. 60	Open; Pre-printing gets preference	N/A.
H.R. 667	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 668	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open; Pre-printing gets preference; Contains self-executing provision	N/A.
H.R. 728	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 7	National Security Revitalization Act	H. Res. 83	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 729	Death Penalty/Habeas	N/A	Restrictive; brought up under UC with a 6 hr. time cap on amendments	N/A.
S. 2	Senate Compliance	N/A	Closed; Put on suspension calendar over Democratic objection	None.
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive; makes in order only the Gibbons amendment; waives all points of order; Contains self-executing provision.	1D.
H.R. 830	The Paperwork Reduction Act	H. Res. 91	Open	N/A.
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive; makes in order only the Obey substitute	1D.
H.R. 450	Regulatory Moratorium	H. Res. 93	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 1022	Risk Assessment	H. Res. 96	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 926	Regulatory Flexibility	H. Res. 100	Open	N/A.
H.R. 925	Private Property Protection Act	H. Res. 101	Restrictive; 12 hr. time cap on amendments; Requires Members to pre-print their amendments in the Record prior to the bill's consideration for amendment, waives germaneness and budget act points of order as well as points of order concerning appropriating on a legislative bill against the committee substitute used as base text.	1D.
H.R. 1058	Securities Litigation Reform Act	H. Res. 105	Restrictive; 8 hr. time cap on amendments; Pre-printing gets preference; Makes in order the Wyden amendment and waives germaneness against it.	1D.
H.R. 988	The Attorney Accountability Act of 1995	H. Res. 104	Restrictive; 7 hr. time cap on amendments; Pre-printing gets preference	N/A.
H.R. 956	Product Liability and Legal Reform Act	H. Res. 109	Restrictive; makes in order only 15 germane amendments and denies 64 germane amendments from being considered.	8D; 7R.
H.R. 1158	Making Emergency Supplemental Appropriations and Rescissions	H. Res. 115	Restrictive; Combines emergency H.R. 1158 & nonemergency 1159 and strikes the abortion provision; makes in order only pre-printed amendments that include offsets within the same chapter (deeper cuts in programs already cut); waives points of order against three amendments; waives cl 2 of rule XXI against the bill, cl 2, XXI and cl 7 of rule XVI against the substitute; waives cl 2(e) od rule XXI against the amendments in the Record; 10 hr time cap on amendments. 30 minutes debate on each amendment.	N/A.
H.J. Res. 73	Term Limits	H. Res. 116	Restrictive; Makes in order only 4 amendments considered under a "Queen of the Hill" procedure and denies 21 germane amendments from being considered.	1D; 3R.
H.R. 4	Welfare Reform	H. Res. 119	Restrictive; Makes in order only 31 perfecting amendments and two substitutes; Denies 130 germane amendments from being considered; The substitutes are to be considered under a "Queen of the Hill" procedure; All points of order are waived against the amendments.	5D; 26R.

** 78% restrictive; 22% open. **** Restrictive rules are those which limit the number of amendments which can be offered, and include so called modified open and modified closed rules as well as completely closed rules and rules providing for consideration in the House as opposed to the Committee of the Whole. This definition of restrictive rule is taken from the Republican chart of resolutions reported from the Rules Committee in the 103rd Congress. **** Not included in this chart are three bills which should have been placed on the Suspension Calendar. H.R. 101, H.R. 400, H.R. 440.

Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Speaker, I rise in opposition to this outrageously restrictive rule. This is but another indication that the Republican majority has engaged in a bait-and-switch routine. They promised the American people free and open debate. Now that they've gained control, they continue to play by a new set of rules. Closed rules. Rules that stifle debate. Rules that deny Members of this body the right to be heard.

Mr. Speaker, Democratic members of the Committee on Economic and Educational Opportunities submitted only a dozen amendments that we asked be made in order on issues that matter deeply to the public, including the school lunch and breakfast programs, the WIC Program, and access to safe child care. But the Rules Committee refused to make a single one of our amendments in order. I intended to offer two amendments. One, to maintain the current Federal nutrition programs; and the other to provide for an increase in the minimum wage.

The Republican majority decided not to allow me and my colleagues to offer our amendments because they are nervous about debating these issues out in the open, where the American public can see for itself the kind of devastation they are carrying out in the name of welfare reform. They don't want to explain how they will decimate the School Lunch Program. They don't want to explain how they no longer believe there is a Federal interest in protecting children from hunger and premature birth. They do not want to explain that their claim of jobs for welfare recipients is nonexistent. They do not want to explain why they oppose even a modest increase in the minimum wage.

I urge my colleagues to vote against this restrictive rule. Let us send the Rules Committee back to the drawing board and come up with a rule that allows for free and open debate.

Mr. SOLOMON. Mr. Speaker, I yield 2½ minutes to the very distinguished gentlewoman from Ohio [Ms. PRYCE], a very valuable member of the Committee on Rules.

Ms. PRYCE. Mr. Speaker, I rise in strong support of this rule. This is a fair and responsible rule. It permits the House to debate a significant number of worthwhile amendments on issues such as child support enforcement, stronger work requirements, increasing funding for child care, and adoption assistance, to name just a few. In addition, Mr. Speaker, the rule makes in order two amendments in the nature of a substitute to be offered by our Democrat colleagues together with a motion to recommit. We offer the minority many opportunities to effect significant, substantive changes.

Mr. Speaker, a generation ago President Lyndon Johnson launched is much-celebrated War on Poverty. Well, Mr. Speaker, here we are in 1995, 30 years and $5.3 trillion later, ready to launch an entirely new war, only this time the war is against a failed welfare system which has trapped the less fortunate in our society in an endless cycle of poverty and despair. No one disagrees that our present welfare system, no matter how well intentioned, has failed. Seventy-one percent of Americans say that the current systems does more harm than good, but the need for major reform seems obvious to everyone but Washington and the special interests. We are going to hear a lot of complaints in the next couple of days from those who would rather protect the status quo, but make no mistake about it, Mr. Speaker. We have had enough of the status quo, and we have an entirely, wholly new solution, a solution no less compassionate, only more efficient; no less caring, only more commonsensical.

So, Mr. Speaker, this debate really comes down to a very simple choice. Some people want to continue the status quo and keep in place a system that creates more dependence and rewards self-destruction. On the other side are those who recognize that things have to change and that the present system should be replaced with reforms based on the dignity of work, the strength of families, and trust in local government.

The minority may try to paint us with black hats. It is great rhetoric, but simply not true, and using, even exploiting, the very children we are trying to desperately help into better futures as pawns in their effort to protect this cruel, hopeless system is nothing short of shameful.

Mr. Speaker, I am very proud of the work product of this Committee on Rules. Let us get on with it. Let us adopt this rule. Let us redirect America's largesse of compassion, redirect it to where it can do more good than harm.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], the former chairman and now ranking minority member of the Committee on Rules.

Mr. MOAKLEY. Mr. Speaker, we are now looking at the farthest of the gag rules. The most important thing ever to come through this body in the Democrat amendments were knocked out one after the other by the Republican majority up in the Committee on Rules. This is not the way to take care of children. This is not the way to feed children. I believe our single most significant responsibility as legislators is to educate, is to feed and is to protect America's children.

Last night in the Committee on Rules, Mr. Speaker, Republicans, one right after the other, disagreed with me over and again on party-line votes, and today we are about to vote on a Republican welfare proposal to hurt children in order to give the richest 2 percent in this country a tax break and also to increase military spending. This bill does nothing to help people get jobs. All it does is to kick them and their children off of welfare.

Mr. Speaker, this welfare bill is a cruel bill, and Republicans should be ashamed to bring it to the floor in this condition. I urge my colleagues to oppose this gage rule. Republicans are breaking their promise of open rules, and they are abandoning American children.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just point out to the gentleman from Massachusetts [Mr. MOAKLEY] that back in 1987, he and the other Democrat members of this Committee on Rules voted unanimously to allow only one Republican substitute, nothing else. That was a gag rule; this is not.

Mr. Speaker, I yield 4 minutes to my good friend, the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, I do not relish being put in the position of opposing the rule on welfare reform, but, in conscience and sincere disagreement with leadership, I must.

First, Mr. Speaker, let me note that I am grateful that my amendment to reform the so-called family cap by permitting welfare moms to get vouchers in lieu of cash to better provide for the necessities for their babies was made in order. So I say, "Thank you for that." But I am deeply concerned that in an otherwise laudable drive to reduce illegitimacy and dependency we are poised to enact legislation that is likely to reward States that increase the number of abortions performed in that State while also making children more impoverished.

Both of these scenarios are unacceptable and are largely preventable.

To mitigate these two possibilities, Mr. Speaker, four amendments were crafted. Only two were made in order—well, perhaps two and a half. It is my hope that a new rule would give us the opportunity to consider all four amendments, including the amendment offered by the gentleman from Oregon [Mr. BUNN] and the Stark-Volkmer amendment.

Mr. Speaker, this so-called illegitimacy ratio provision in the bill is well meaning, but it is fatally flawed, and the Stark-Volkmer amendment would strike it. The illegitimacy ratio was not part of the Contract With America in its original form. The ratio might well have provided incentives to States to decrease their abortion rates to qualify for the monetary bonus stipulated in the bill. But the version contained in the bill today is likely to reward States that increase the number of abortions from the benchmark year, the year of enactment.

Mr. Speaker, the flaw is contained in the formula itself, again, which started out OK but was rewritten when objections were raised by certain proabortion Members. The formula is designed to curb illegitimacy; no problem there. But the means to that end uses the wrong numerator to calculate what is progress.

The original language, which I support, said: "Add the number of out-of-wedlock births and abortions. Then divide the number by the total of births in that State. States that lowered the ratio by 1 percent would get a 5-percent extra block grant. Lower the ratio by 2 percent, and the State gets 10 percent extra."

This is no perfect formula, but the ratio that would have promoted a decline of both abortion rates and illegitimacy.

The new formula, however, steers a far different course. The new formula says: "Add the number of out-of-wedlock births to the number of additional abortions performed over those performed in the year the bill was enacted, and divide by the total births in that State. As some births in the State are legitimized by adoption or marriage, the numerator, as it relates to illegitimacy, will automatically decrease, leaving ample room for corresponding increases in abortion rates." In other words, that State can then achieve a, quote, good mark and get a big reward from Uncle Sam, even though the abortion rates have skyrocketed in that State.

Mr. Speaker, I urge a "no" vote on this rule, however unintended the consequences of the ratio will be to reward States that push abortions for welfare moms, and pay for them under their Medicaid provisions, and then declare victory by showing a good score on a flawed scorecard.

ILLEGITIMACY RATIO TEST WOULD REWARD STATES EVEN IF ABORTIONS INCREASE

(By David N. O'Steen, Ph.D.)

An "illegitimacy ratio bonus" plan for states was added to welfare reform legislation (H.R. 1214—known as the Personal Responsibility Act) by the full House Ways and Means Committee. The plan would reward states financially for reducing their "illegitimacy ratio" even in circumstances where abortion increased. For this reason, NRLC is opposing the "illegitimacy ratio bonus" plan as passed by the House Ways and Means Committee and supports the Stark-Volkmer Amendment to remove the bonus provision.

THE "ILLEGITIMACY RATIO BONUS" PLAN

The bill provides that federal welfare funds received by a state be increased by 5% in any year in which the states "illegitimacy ratio" (as defined below) is one percentage point lower than in the year prior to enactment of the legislation. The state's federal grant would be increased 10% if the ratio was two percentage points lower than the year prior to enactment.

The "illegitimacy ratio" in the year prior to enactment is defined as the percentage obtained by dividing the number of out-of-wedlock births by the total number of births. In subsequent years it is defined as the percentage obtained by dividing the number of out-of-wedlock births plus any increase in abortion by the total number of births.

INCENTIVES FOR STATE ACTION

The "illegitimacy ratio bonus" plan is intended to be an incentive for a state to adopt programs to discourage out-of-wedlock childbearing. Such a campaign could consist of many components including the denial of state aid to such children, similar to the "teen mother's child exclusion" provision of the bill.

Whatever programs the state implements, however, there are five possible changes in behavior people could utilize to attempt to avoid an out-of-wedlock birth. They could: (1) Use contraception, (2) abstain from sexual relations, (3) marry before the birth of the child, (4) place the child for adoption (for purposes of the bill's ratio test both marriage and placing the child for adoption is considered to "legitimize" the child), or (5) abort the child.

Under a comprehensive out-of-wedlock "anti-childbearing" campaign, it can be expected that a combination of all five of the above changes in behavior would occur.

It is the fifth—aborting children conceived out of wedlock—that NRLC must oppose. Unfortunately, as explained below, the ratio test passed by the House Ways and Means Committee allows abortions to increase significantly and the state to still reap the financial reward of increased federal funds.

HOW THE RATIO TEST ALLOWS INCREASED ABORTIONS

For purposes of the "illegitimacy ratio" test, changes in behavior in the second or subsequent years are treated mathematically in the following manner. Those who avoid pregnancy (and thus an out-of-wedlock birth) through either contraception or abstention are treated the same: those missing births disappear from both the numerator and the denominator of the new ratio. Those who "legitimize" the child either through marriage or adoption are also treated the same: those births disappear from the numerator but remain in the denominator.

Changes in behavior that result in increased abortions rather than out-of-wedlock births do not actually affect the numerator since these abortions would reduce the number of births in the numerator but would also be added back in. However, they do reduce the births in the denominator. While this means that an abortion in lieu of an out-of-wedlock birth does actually hurt the state's ratio, this is not sufficient to prevent the state from receiving the bonus while experiencing a substantial increase in abortions, because the effect of the increase in abortions on the ratio can easily be more than offset by the other changes in behavior.

The following examples show how a state can receive the bonus while increasing abortion:

Example 1: Suppose in the initial year a hypothetical state has 100,000 births, 30,000 of them out-of-wedlock for an "illegitimacy ratio" of .30. Then suppose the state implements a rigorous anti out-of-wedlock child bearing program that results in a 10 percent (i.e. 3,000) reduction in out-of-wedlock births. (This is not an unreasonable assumption since the New Jersey "family cap" has reportedly resulted in a 13 percent decrease in births among AFDC recipients.) Further, suppose this reduction of 3,000 out-of-wedlock births was the result of 900 who successfully used contraception or abstained, 900 more married or placed the baby for adoption and 1,200 who had abortions.

Then, assuming other births and abortions remained constant, the state's new "illegitimacy ratio" would be 28,200 (27,000 out-of-wedlock births plus 1,200 abortions) divided by 97,900 reflecting the 900 non-conceptions and 1,200 abortions) which equals .288.

Thus, the state would qualify for the 5 percent federal bonus even though abortions accounted for 40 percent of the reduction in out-of-wedlock births.

Example 2: In the above example, again assume a 10 percent change in behavior, but suppose the reduction of 3,000 out-of-wedlock births is the result of 1,200 who successfully used contraception or abstained, 1,300 who married or placed for adoption and 500 who had abortions. In this case the new "illegitimacy ratio" would equal 27,500 (27,000 out-of-wedlock births plus 500 abortions) divided by 98,300 (reflecting the 1,200 non-conceptions and 500 abortions) which equals .2798 or less than .28.

In this case, the state would qualify for the 10 percent bonus in the federal funds, even though abortions accounted for one-sixth of the reduction in out-of-wedlock births.

Example 3: As a generalization of Example 1, it can be shown that if out-of-wedlock births initially account for 30 percent of all births and there is a 10 percent reduction in out-of-wedlock births in the second year, with other births and abortions remaining constant, and the reduction is due to equal numbers of non-conceptions and "legitimized" babies due to marriage or adoption, then the increase in abortions can be as much as 1.3 percent of all births and the state will still get the federal "bonus." In this case, abortions could equal up to 43% of the reduction in out-of-wedlock births!

Example 4: In Example 3, the number of out-of-wedlock births that were avoided through marriage or adoption exceeded those that were avoided by reducing conceptions. For an example where a greater number of out-of-wedlock births are avoided by reducing conceptions, assume again that in the initial year there were 100,000 births with 3,000 of them out-of-wedlock for an "illegitimacy ratio" of .3.

In the second year, suppose there are 5,000 fewer out of wedlock births due to 2,000 non-conceptions, 1,000 adoptions or marriages and 2,000 abortions, and that other factors remain constant. The new "illegitimacy" ratio would be 27,000 divided by 96,000 or about .28. The state would again get the financial bonus despite the increase in abortions.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. I just want to inform the gentleman that I proposed the so-called illegitimacy ratio at the Committee on Rules last night, and the majority party voted it down.

Mr. SMITH of New Jersey. Well, I would hope then, if this rule goes down, that it would be made in order in an amendment to strike it or, perhaps, to fix it.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. GIBBONS], the former chairman of the Committee on Ways and Means.

Mr. GIBBONS. Mr. Speaker, I want to pay personal tribute to the gentleman from New York [Mr. SOLOMON] because I do not think he would produce this kind of rule if he were not under the pressure from the gentleman from Georgia [Mr. GINGRICH] and the gentleman from Texas [Mr. ARMEY] to jam all this thing through the House by some make-believe date that we are all operating under.

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This is the type of a program that should take 6 months of consideration in the committee and on the floor. I wish I could have gotten this bill amended to take out the 10 reasons that I think this bill is cruel, cruel to children. This bill punishes the child because the mother who gave birth to the child was under 18 years of age. It punishes that child not just while the mother is under 18 years of age but it punishes that child for life. It will affect each year 70,000 children.

The SPEAKER pro tempore (Mr. OXLEY). The time of the gentleman from Florida [Mr. GIBBONS] has expired.

Mr. GIBBONS. Mr. Speaker, I have nine other reasons, and I will take them up later.

Mr. SOLOMON. Mr. Speaker, I reserve the balance of our time.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Speaker, I wanted to ask the chairman of the committee about certain commitments that the Cardinal thought were made to him as they relate to this bill, but obviously those commitments were not made and we do not have time for a dialog. But one of the reasons why I want to encourage the House to vote against this rule is because while the chairman of the committee would indicate that these were Democratic and Republican rules, when I take a look at it, the Democratic rules that would guarantee foster care and adoption, that would guarantee jobs, that would guarantee child care, that would guarantee that the child not be punished because of an irresponsible mother who could not identify the father, and an amendment that would guarantee vaccination and national nutrition, I would say that these were good amendments that the Democrats had, amendments that no one passed on. But then I look at the amendments that were made in order, and one of them says that a deadbeat dad who died is still liable for the money.

The SPEAKER pro tempore. The time of the gentleman from New York [Mr. RANGEL] has expired.

Mr. RANGEL. Mr. Speaker, I have some other amendments here that I would like to discuss on the floor later.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. SABO], the former chairman of the Committee on the Budget.

Mr. SABO. Mr. Speaker, here we go again. Once more we have a major piece of legislation before us and the Republican majority has structured a rule to get around all kinds of serious Budget Act violations. This proposal is too serious, its budgetary implications too important, and its long-term consequences too critical to be treated so cavalierly.

Mr. Speaker, if this bill were taken up under normal procedures, the Rules Committee would have to either waive all the Budget Act points of order or allow them to be raised on the floor. Under the unusual procedure being used for this bill, the Rules Committee was able to avoid the Budget Act without granting any explicit waivers.

The Budget Act rules serve an important purpose. We should not be evading those rules on such an important piece of legislation.

Mr. Speaker, the reason we have a Budget Act is to help us think through legislation before we pass it. Yet, this is the sixth time this year we have been asked by the new majority to ignore that act.

The version of the welfare bill made in order by this rule contains several violations of the Congressional Budget Act.

Among other things, H.R. 1214 makes a direct appropriation for the new Food Stamp Program in fiscal year 1996. This appropriation breaches the Agriculture Committee's spending allocation and thereby violates section 302(f) of the Budget Act.

In addition, the bill provides both budget authority and entitlement authority effective in fiscal year 1996. As a result, it violates section 303(a) of the Budget Act, which prohibits consideration of bills providing new spending in years for which a budget resolution has not yet been adopted.

Further, the bill sets up a new lending program—the so-called rainy days fund. This new program violates section 402(a) of the Budget Act, which prohibits creation of new Federal lending programs that are not controlled through the appropriations process.

These and other problems with this bill are symptoms of the haste in which it was assembled and considered. Issues as important as welfare reform deserve far greater care and deliberation.

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The Budget Act's rules serve an important purpose. We should not be evading these rules on such an important piece of legislation.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. Mr. Speaker, I understand probably why the Rules Committee did what it did, because it is obvious the Republican bill on welfare reform surely does not have the votes, and we are going to continue with perfecting amendments until they come to a level where they do have the votes. I think that says something about the legislation already because the Republicans are not excited about their welfare reform measure, and I do not blame them.

A number of us, including me, put this Deal substitute together. It is a good one, and it makes a lot of sense. It is called the Individual Responsibility Act of 1995. It replaces the failed welfare system. It ends welfare as we know it. It requires people to work for benefits. It offers a hand up, not a handout. It imposes a time limit on benefits. It makes sure that welfare is a safety net and not quicksand. It ensures welfare, but it is not a way of life.

Mr. Speaker, it is time to pass the Deal substitute. It works.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, it is not only the Members of this Congress but the children of America who are being gagged today—the voices of children, the children who need a healthy start, the children who should have smiling faces instead of empty stomachs, the children whose voices I heard 2 weeks ago in Austin, TX, the children who say, "Cut waste, don't cut kids. Put people to work. Don't pull lunch trays out of the hands of school children," as this legislation would do.

This ought to be a time for this body to come together to deal with a problem that has been neglected for too long. But extremists dominate this debate. Indeed, to call it a debate is to pick a name that has no appropriateness to what is happening here, because the ideas of all this body are being excluded from the course of this debate. With extremists in control, we do not have any genuine debate.

This bill, like others in the contract, cannot withstand debate. It is so extreme, it is so mean-spirited that they cannot afford to have a real debate with bipartisan solutions to these problems.

Mr. Speaker, it is the voices of the children that are being gagged today, and America is the loser.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to a very distinguished Member of the body, the gentleman from Oregon [Mr. BUNN].

Mr. BUNN of Oregon. Mr. Speaker, it is with reluctance that I need to stand and rise and encourage opposition to this rule. I want to focus on one fairly narrow part of the rule, and that is this:

The Rules Committee had a choice between the Talent amendment and the Bunn amendment. They chose the Talent amendment, and I want to talk about the differences between those two, because there are only two differences. The Bunn amendment requires that in order to receive support, one must stay in school. Now, when we want to reduce dependence upon public assistance and we want to help people get off welfare, they need to stay in school, and we need to provide the tools so they can get off welfare. Why this bill denies that requirement, I do not know. It makes no sense to me, because we need to require girls to stay in school and we need to help them to stay in school with day care and other things.

The second provision is one that equally perplexes me, and that is that with the Talent amendment we take away any incentive for a girl to stay in her home.

As a Republican, I am proud of our party and I am proud of the things we stand for, but I am embarrassed today to stand here and admit that our party that talks about family values is saying, "We don't value keeping the family together," because, in fact, there is no incentive under Talent to say, "Stay in the home. Stay with your family."

The Bunn amendment says that if a girl will stay in school and stay with her family, we will provide the adult supervision, whether it is a foster parent or the parents, the ability to meet her needs with cash assistance for day care and other things, but we have taken that all away with Talent. We do not even have the opportunity to vote on that on the floor, and because of that, Mr. Speaker, I must oppose the rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Speaker, I rise in strong opposition to this rule.

As a mother who was forced to go on welfare 27 years ago because my family never received, not once, the child support we were owed, I am outraged by this rule. I am outraged because it prohibits debate on what HENRY HYDE, STEVE LARGENT, myself, and over 80 other Democrats and Republicans know is the most effective way to collect over $5 billion of the child support that goes uncollected each year, federalization of our pathetic State-by-State child support system.

The Federal Government spends $1 billion a year on a State-based child support system that has shameful collection rates, with some States having rates as low as 9 percent. Even more alarming is the fact that $9 of every $10 owed in interstate child support is not collected.

By putting the IRS in charge of collecting support, the Hyde-Woolsey amendment would move 300,000 mothers and over half a million children off the welfare rolls immediately.

For that reason, Mr. Speaker, I urge my colleagues to vote against this rule.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would say to the gentlewoman from California [Ms. WOOLSEY] that if I had known she was going to oppose the rule, we would not have made her amendments in order. It is generally understood that we would like to have a return give-and-take.

Ms. WOOLSEY. Mr. Speaker, if the gentleman from New York [Mr. SOLOMON] will yield, let me say that you did not put our amendment in order.

Mr. SOLOMON. I am looking at it right now. It relocates the authority of the clearinghouse and hotline for missing and runaway children back to the agency where the credit exists. I think that is your amendment, is it not?

Ms. WOOLSEY. No, I would say to the gentleman from New York [Mr. SOLOMON] that I am talking about the Hyde-Woolsey amendment to collect and federalize child support.

Mr. SOLOMON. That is not the gentlewoman's amendment, the one I just read?

Ms. WOOLSEY. Yes, but that is not the same amendment. That is an entirely different thing.

Mr. SOLOMON. Mr. Speaker, I would say to the gentlewoman that there were 161 amendments filed. Let me read Mr. GEPHARDT's statement now. Just a minute. I would ask the gentlewoman to not interrupt. We followed the rules of the House.

Mr. GEPHARDT appeared before the Rules Committee, and he said:

> I do not want any amendments made in order, Democrat or Republican, other than 2 Democrat substitutes under the name of Deal and under the name of Mink.

We did not abide by what he requested. We made a number of amendments in order. We took one of yours, and the gentlewoman from New Jersey [Mrs. ROUKEMA] had five or six amendments, and we took one of hers. We tried to distribute them out of fairness.

I just call that to the gentlewoman's attention because in time she will have to come back to the Rules Committee, and we do like to give credit when Members are supportive. And the next time I would like to ask the gentlewoman to tell me she is going to vote against the rule even though we make her amendment in order.

Ms. WOOLSEY. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. Mr. Speaker, let me yield to my friend, the gentleman from Massachusetts, although we are running out of time and he has plenty of time.

Mr. MOAKLEY. Actually, since it was the Hyde-Woolsey amendment, I would ask the gentleman, why did he not make Hyde in order?

Mr. SOLOMON. Because there were 75 other Republican amendments we could not make in order either. We have a timeframe of 2½ days, and we made 31 amendments in order.

Ms. WOOLSEY. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I reserve the balance of my time.

Mr. MOAKLEY. May I continue? Actually, you said you would not have allowed her amendment if you knew she was going to vote against the rule.

The SPEAKER pro tempore. The gentleman has reserved the balance of his time.

Mr. SOLOMON. Mr. Speaker, the gentleman is out of order.

Mr. MOAKLEY. Mr. Speaker, I thought the gentleman was yielding to me.

The SPEAKER pro tempore. The gentleman reserves the balance of his time.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Speaker, I rise in strong opposition to the rule.

Last week I took two amendments to the Rules Committee which would guarantee that any net reduction in outlays resulting from this act would be used for deficit reduction, not spent for tax cuts. I felt fairly cynical and redundant then as I did so, because my understanding of the base bill, H.R. 1214, was that deficit reduction would be the highest priority when it came to net savings. But I had a gnawing suspicion that an effort would be made to remove this fiscally responsible provision. Indeed, we now see that Chairman ARCHER will be offering a routine technical amendment which does precisely what I feared, striking section 801(a) of the base bill.

This, coming on top of the admission last week the Republicans had no intention to maintain the lock box in the rescission bill that passed by a vote of over 400 to 15, is nothing but outrageous. It now appears the will of the overwhelming majority of the House counts for nothing when it comes to savings being dedicated to deficit reduction. In fact, today we do not even have an opportunity to vote the will of the House regarding how the deficit savings should go, for cuts or for deficit reduction.

Mr. Speaker, I rise in strong opposition to the rule allowing for the consideration of H.R. 1214, the Personal Responsibility Act. I do so for numerous reasons, including the rejection of my amendments ensuring deficit reduction, the rejection of two pro-life amendments, and the inclusion of a highly confusing procedure which, rather than laying out a predictable order for consideration of amendments, seems to permit Chairman ARCHER to move at any time to bring up the Deal substitute.

Mr. Speaker, last week I took two amendments to the Rules Committee which would guarantee that any net reductions in outlays resulting from this act would be used for deficit reduction, not spent for tax cuts or other increased spending. I felt fairly cynical and redundant as I did so because my understanding of the base bill, H.R. 1214, was that deficit reduction would be the highest priority when it came to net savings. But I had a gnawing suspicion that an effort would be made to remove this fiscally responsible provision. Indeed, we now see that Chairman ARCHER will be offering a "routine technical amendment" which does precisely what I feared, striking section 801(a) of the base bill. This, coming on top of the admission last week that Republicans had no intention to maintain the lock box in the rescissions bill, even though it had passed 400–15 is nothing less than outrageous. It now appears the will of the overwhelming majority of the House count for nothing when it comes to savings being dedicated to deficit reduction. In fact today we cannot even vote on it. I urge opposition to the rule.

Second, as a pro-life Member, I have noted that the National Right to Life Committee stands in opposition to this rule which prevents any consideration of either the Bunn amendment or the Stark-Volkmer amendment. Like the committee, I am opposed to having our welfare reform efforts lead to a greater number of abortions.

Third, I see no reason for allowing the unusual order of business by which Chairman ARCHER can randomly bring up for consideration the Deal substitute, the Mink substitute, and then the Republican substitute. I understand there is confusion about interpreting the language of the rule but to my reading, it certainly seems that Chairman ARCHER could have such an option. This closed rule outlines the specific amendments made in order and sets the boundaries for time consideration. There is no reason to set up unpredictability when it comes to the three substitutes.

I am pleased that the rule made in order the Deal substitute and I have every intention of supporting this amendment. I believe that this substitute is far more reasonable in its reform of welfare programs, balances compassion with fiscal imperatives, does a better job of reinforcing individual responsibility, and is far more honest when it comes to deficit reduction.

Inclusion of the Deal substitute, however, is insufficient to rectify the other shortcomings of this rule and I urge its defeat.

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Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. ARMEY], the very, very distinguished majority leader of this House, to impart some of his wisdom on this rule.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding.

Ladies and gentlemen, this is a good rule. It is a rule that has been worked through after an extraordinarily long and arduous process covering several years, where so many of us have worked on welfare reform. There are so many things we agree on.

We all agree that House Republicans, many of the House Democrats, certainly the President, who has spoken so eloquently on so many occasions, agrees with the proposition the current welfare system does not work. It is harmful, it is hurtful, it destroys the lives of young children. It is frightening what is happening in the lives of young children, now sometimes all too often in their second or third generation, and the President, quite rightfully, even in the campaign of 1992, said we must address this issue.

Clearly we are going to try to do something different. If we can begin with the certain knowledge that what we have been doing in the past does not work, can we not take from that knowledge the certain courage to try something new, something different, something better, with a whole different set of incentives and a whole set of messages to our young people in this country? That is what we are doing with this bill made in order by this rule.

Then we need to understand that so many scholars have demonstrated to us that it is illegitimacy and childbirth, fatherless children, that is so much at the heart of the distress that seems to be unending and growing worse and larger each year. So we insist we must have a new welfare approach that brings down illegitimacy, and quite rightly so many of us say, yes, bring down illegitimacy, but not through increased abortions. And we have struggled with this issue. We have struggled with this rule.

Now we have illegitimacy language and a ratio in the bill that by the person who wrote the initial language, Michael Schwartz, is declared to be this, and I quote, "This illegitimacy ratio is abortion neutral. I strongly support the bill in its current form."

Let me say, ladies and gentlemen, rather than to believe that by bringing down illegitimacy we must necessarily with abortion neutral language encourage abortion, let us take a greater realization that illegitimacy and abortion go hand-in-hand because in both instances the message is that children, that life, is a commodity. And I promise you, I declare that you change that mindset, you force a reduction in illegitimate births, and there will be an ensuing reduction in abortion. Because the fact of the matter is, ladies and gentlemen, life is not a commodity. Life is precious. Life is precious in the womb, and life is precious on the streets and the schools and the playgrounds of this country. We must make our children safe. We must make our children safe.

I believe this bill will do that. I believe this rule makes it possible for us to craft this bill in its final stages in such a way as to guarantee the safety of our children, both in the womb and on the streets and in the playground and in their schools. And, yes, they will be well fed as well.

So disregard the fiction from those who would have us do nothing but defend and protect the status quo. The status quo, ladies and gentlemen, is literally killing our children. We cannot tolerate it.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Indiana.

Mr. ROEMER. I would say to the gentleman, I am a pro-life Democrat, not a pro-birth Democrat, but a pro-life Democrat. If this is so family friendly, if this is so child friendly, why are the Catholic church and pro-life organizations such as Right to Life opposed to this rule, where the Committee on Rules did not even make in order the ability to address many of these concerns?

Mr. ARMEY. If the gentleman asks me, I will tell the gentleman, they oppose the rule because their judgment is incorrect on this matter. I regret that.

Mr. ROEMER. Their judgment is incorrect.

Mr. ARMEY. There is room always for anyone to have a mistake in judgment, and I just disagree with their judgment on this matter.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Speaker, none of us like the status quo, but all Americans agree in their considered opinion that this bill goes too far. This bill is too extreme. Americans oppose this plan that hurts poor women and children in order, and this is the most important part, in order to pay for a tax cut for the most wealthy.

I urge my colleagues on both sides of the aisle to vote against the rule and hold out for some fairness in the debate. Americans know that the best way to cut down on dependency is to encourage economic self-sufficiency and end welfare as we know it is to get people into jobs.

The Republican's legislation does nothing to further that goal. It concentrates all of its attention on punitive cuts to programs that provide food, shelter, and clothing to poor children. It does nothing to help the poor children's parents to get into the jobs that they not only badly need, they badly want.

One fatal flaw is it removes any obligation for the State to provide job placement and job skill training. In fact, if they just get them off welfare, that is considered a success. But if they are kicked off welfare and into the street and into homelessness, we do not consider that a success.

Mr. Speaker, I urge everybody to vote against this rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. GUTIERREZ].

Mr. GUTIERREZ. Mr. Speaker, I submitted three amendments to this bill that were all ruled out of order. In my effort I was not simply trying to appeal to the good nature of the members of the Committee on Rules nor to their sense of charity. My amendments spoke to other values, hard work, paying taxes, playing by the rules. Those you understand are not partisan values, or so I thought until I read the Republican written rule.

Two of my amendments would have ensured that those legal immigrants who pay Federal taxes for at least 5 years would remain eligible for benefits.

I wanted to raise one issue that gets drowned out by the red-hot rhetoric in this body and on the radio talk shows, that have become the national outlet for passing along blame. The fact is, Mr. Speaker, legal immigrants pay taxes that we all use, and they follow the laws of this country that they have come to call home.

This bill is called the Personal Responsibility Act. Many legal immigrants who work hard, play by the rules, already exhibit a level of responsibility that this House will do well to emulate. We can do so by defeating this rule.

Mr. Speaker, during the welfare debate, I have heard the Republicans cite as their goal, the demolition of the Great Society.

Well, with this rule, I think they've gone well beyond that.

As I see it, the question now seems: Do the Republicans even want America to be a good society?

In my mind, a good society protects the most vulnerable.

A good society does not slash programs for those whose well-being has been put in jeopardy in so many other ways.

Now, I have heard it said that the punitive measures contained in this bill are not simply there for the sake of injuring the poor or the weak.

No—the Republicans tell us that these measures are supposed to change behavior.

Denying benefits to young unwed mothers, I am told, is not simply a way to penalize them—but to change their behavior.

Well, if that is the logic of this bill, then what am I to make of those provisions that are aimed at denying benefits to legal immigrants?

I have to assume that your goal is to alter the behavior of those around the world who would otherwise think about coming—legally—to the United States.

And that's a shame, because I thought that a good society opened its doors to others.

It was out of that concern that I submitted three amendments to the Rules Committee for consideration.

In so doing, I was not simply trying to appeal to the good nature of the members of the Rules Committee, nor to their sense of charity. My amendments spoke to other values—hard work, paying taxes, playing by the rules.

Those aren't partisan values. Those are values that we all share.

Or, so I thought until seeing this Republican-written rule.

Let me briefly describe my amendments.

The first would have made any legal alien who has paid 5 years of Federal income taxes eligible for the services that this bill would otherwise deny them—Medicaid, SSI, food stamps, Temporary Assistance, and social service block grants.

A second, which I envisioned as an alternative, would grant the same eligibility to those immigrants who paid 5 years of taxes during a 10-year period. I thought that this amendment was certainly reasonable to all parties involved.

I felt it was important to raise these issues because it speaks to facts that get obliterated by the red-hot rhetoric raised in this body.

These facts get drowned out by the talk radio shows that have become the national outlets for ranting and raving and passing on blame to others.

These two amendments point out that—yes—legal immigrants pay taxes, taxes that we all use.

Just like anyone else in America, they follow the rules and laws of the country that they now call home.

The third amendment that I have drafted addresses the considerable expenses that will be passed along to the States when these services are obliterated at the Federal level.

Under my amendment, the Federal Government could not exclude legal immigrants from eligibility for these services if it is found that this leads to a cost of $50 million or more to a State.

Pretty interesting timing, don't you think? Today, the unfunded mandates bill is being ceremoniously signed into law.

Tell me—especially my friends on the other side of the aisle who pressed so hard for the unfunded mandates bill—what happens if, or when, we find that the welfare reform bill fits your definition of an unfunded mandate?

I was pleased that, even though these amendments did not receive bipartisan support here inside the beltway, at least they did outside of Washington. The Republican Governor of Illinois, Jim Edgar, wrote to the Speaker recommending that these amendments be ruled in order.

Isn't it the Republican Party that keeps saying they are supposedly on the side of the States?

Then why ignore the wishes of a State like Illinois which will be severely burdened by the steps that you want us to take today?

It's not an exaggeration to say that this bill, and the rule, that we are debating today changes—in my mind—what America represents.

In the minds of many, America always held magic because it not only was a Nation that stood up to other superpowers around the world, but that it also stood up for the powerless who came here from around the world.

After today's action, I don't think you can quite say the same thing.

This bill is called the Personal Responsibility Act

I urge all Members to remember their public responsibility and to vote no on this rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise today in strong opposition to this rule. What has come to this country where we now consider poor vulnerable children and mothers the root cause of the evil that America faces?

We had one fellow come before the House Committee on Banking and Financial Services, Michael Milken, who stole $5 billion, a third of the AFDC budget, and he gets a wink and a nod. Yet welfare mothers are the scourge of America, if you listen to the rhetoric that takes place on this House floor.

If people are really concerned about the family values of this country, why then does the bill cut $2.7 billion out of foster care and adoptive services? If we are truly opposed to the number of abortions that take place in America, why can we not create a policy in America that allows families to adopt and provide foster care services?

These are abused children, children that have sexual and other issues that they have been subjected to that are horrendous in America, and the Republicans cut $2.7 billion out of the budget to serve those vulnerable children. We ought to be ashamed.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Speaker, I rise in opposition to the rule. More than 150 amendments were filed timely on this rule, but yet there are only 26 Republicans and only 5 Democrats that have amendments that were allowed.

I must ask, what is the majority afraid of? Why must they deny thoughtful proposals that would improve this bill? Are they trying to muzzle discussion? Perhaps they are afraid because among the amendments that they did not allow are those that would have restored nutritional programs for those who need it. Among the amendments they did not allow are those that would have prevented the destruction of School Lunch Programs. Perhaps they are afraid because they know that this bill will harm women, infants and children, and they do not want the American people to know about that. Perhaps they are afraid because they know that the money they say they are saving will be shifted out of those programs and will go to aid the rich through tax cuts.

Mr. Speaker, this is most misguided. I urge a vote of no, no confidence in this rule, and also no on the bill itself.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Speaker, I thought we came to the U.S. Congress to represent all of the people of the United States of America, but what we have come simply to do is pass the mother of all bad rules. I do expect and appreciate the long hours that the Committee on Rules spent on the rules' resolution but I cannot imagine that they did not accept the many amendments that were offered to ensure that all of the people of the United States of America were in fact covered by welfare reform and not covered by welfare punishment.

Mr. Speaker, I tried to offer amendments that would ensure child care, that would ensure job training, and, yes, to ensure that we had jobs. You know, it is interesting, it is very interesting, that in fact as we begin to make alot of noise about working, everybody is talking about the Government providing those jobs, that can not be. There is nothing in the Republican bill that talks about job creation. And yet I attempted to bring corporate America into this debate, because as they engage in the discussion about welfare reform and about welfare mothers and children on lunch programs, I believe corporate America has alot to contribute to job creation. But yet that particular amendment was not accepted.

My question is, this is not an issue for African-Americans, Hispanic-Americans, Asian-Americans, White-Americans; it is for all Americans. This is not a time to bash our mothers and our children. This is a time to raise our voices, to pass legislation that will be welfare reform and not welfare punishment. This is welfare punishment.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just tell the gentlewoman from Texas [Ms. JACKSON-LEE] and the gentlewoman from North Carolina [Mrs. CLAYTON], who spoke before, that they were not here in 1987. Believe me, this is not the mother of all bad rules. The mother of all bad rules was in 1987, the last time we debated welfare. That is when the gentleman from Massachusetts [Mr. MOAKLEY], the gentlewoman from New York [Ms. SLAUGHTER], the gentleman from Massachusetts [Mr. KENNEDY], and the gentleman from Minnesota [Mr. SABO] all voted for a rule that was so closed down it allowed for one Republican substitute instead of three different alternatives that we are allowing today. That rule allowed for one Democrat amendment and no Republican amendments, instead of 31 amendments being allowed today.

Those are the kinds of gag rules we used to have on the floor. Now we are opening up the process.

Mr. Speaker, I yield 2 minutes to my very good friend, the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, for 4 years I sat in this body. In 30 years only one Republican motion to recommit passed. No Republican king-of-the-hill rule ever passed on this House floor under the Democratic rules. I watched here on a tax bill where the clock stayed open for 45 minutes until you twisted arms and passed a bad tax bill by one vote. So do not complain about rules and closed rules.

But first of all I would like to speak about what is cruel. Let us take a look at the children's nutrition program. Who are we trying to feed? We are trying to feed the kids that their parents are in poverty. For my friends on the other side of the aisle, I would say it is cruel to support the current system.

You say that you all think well, it can be fixed. You had 40 years to fix it. The gentleman from Missouri [Mr. GEPHARDT] will stand up and talk about oh, the lady in the red dress and the poor children. Well, what is really sad and what is discriminatory is the children that we are not allowing out of the poverty level with their families. Let us encourage the deadbeat dads by legislation to support those kids; $34 billion. Let us encourage fathers to come live with a welfare mother, that we do not take that check away, and have one of them work, so that we can empower that family to support those children so they do not have to qualify economically.

What is really cruel? Look at the Federal housing projects that we just keep dumping money into. They are crime ridden. We have drug addiction. We have in the black community two out of every three children are illegitimate. In some of our inner cities, up to six or eight of the children are illegitimate.

□ 1400

That is what is cruel, is to perpetuate that sadistic system. And what you are really upset at is we are killing your controlled big bureaucracy. We have provided for the nutrition programs and added, but we have cut you bureaucracy and you cannot stand it.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Speaker, the rule before us today is for what is called the Personal Responsibility Act. This proposed bill will alter drastically the welfare system in our Nation. One of the problems of this bill is that it does not even mention the 1.2 million Native Americans or the 553 federally recognized American Indian tribes.

To remedy the situation, Members from both sides of aisle worked together to come up with an amendment to allow Indian tribes access to the block grant provisions of this bill. Unfortunately, the Committee on Rules did not accept this and it will never be heard on its merits on the floor.

Mr. Speaker, I want to remind my colleagues that Indian tribes are not subunits of State governments. Their relationship is on a government-to-government basis with the Federal Government. Currently tribes are eligible for direct funding under numerous Federal laws to the same extent as the 50 States. What a travesty, Mr. Speaker, that this is happening.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. FALEOMAVAEGA. I yield to the gentleman from Massachusetts [Mr. MOAKLEY].

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman. Now I would like to——

The SPEAKER pro tempore (Mr. OXLEY). The time of the gentleman from American Samoa [Mr. FALEOMAVAEGA] has expired.

Mr. HALL of Ohio. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts [Mr. MOAKLEY].

Mr. MOAKLEY. Mr. Speaker, the chairman of the Committee on Rules said that we had gagged rules in the past. I never said I never gagged rules. But he said he was going to, he said he was going to come out with a new style, open rules. One of the most important pieces of legislation right here on the floor, we are gagged. The United States of America is gagged. Every student looking for a warm meal is being gagged. This is a gag rule that nobody will ever forget.

Mr. SOLOMON. Mr. Speaker, I yield myself 30 seconds.

I say to my good friend, the gentleman from Massachusetts [Mr. MOAKLEY], what I said was, I would be three times as fair as he ever was, and I am living up to it. The reason that he does not think it is fair is because of his minority leader, the gentleman from Missouri [Mr. GEPHARDT]. I suggest the gentleman go see him. I will go with him, if he likes.

Mr. HALL of OHIO. Mr. Speaker, I yield 1 minute to the gentleman from Alabama [Mr. BEVILL].

Mr. BEVILL. Mr. Speaker, I have always advocated workfare over welfare. Most people I know would rather have a paycheck than a welfare check. Unfortunately, our current welfare system actually discourages and breeds dependency on the government. It fosters a cycle of poverty that many families fail to break away from.

Clearly, we need a new system that requires parents to shoulder the responsibilities of their families.

We need to break this cycle of welfare dependency, but we must do it in a way that makes sense. If we require welfare parents to work as we should, we must provide job training. Many people on welfare have no job skills and many do not know how to look for a job.

And if we require welfare parents to work, as we should, we must provide for child care. Someone has to look after the children while the parents are working.

If we go to the block grant system proposed by the committee's version of this bill, Alabama stands to lose $828 million over 5 years, according to the U.S. Department of Health and Human Services.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman for yielding time to me.

I have been trying to get in on this debate but Members keep saying, "We don't have the time; we don't have the time."

Why do we not have time for children? Why are we rushing out here and doing this to children? So we can get the crown jewel of the contract, to quote the Speaker. What is that crown jewel? It is more tax cuts for the fat cats to pay for this.

I find this absolutely outrageous. I was trying to point out to one of the prior gentlemen that if you really want to be tough on and you really want to do child support enforcement, you ought to vote for the Democratic bill because it is much tougher. I hope the amendment to the Republican one does pass, where we go after licenses of people who are in arrears, but one of the most important things we can do is welfare prevention, which is making both parents be responsible.

There are so many things here we should be discussing. To see this go roaring through and to see us taking things away from young children to pay for the crown jewel for those who do not need anymore jewels, thank you very much, is outrageous.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Speaker, I asked for two amendments and they were turned down. By the way, I do not think it is very appealing to come here and say you have to bargain with the Committee on Rules to get an amendment, you have to say you are going to vote for the rule to get an amendment. I thought we were acting here on a matter of urgency and a matter of principle.

Let me just make two points. You turned down two amendments. One was close to the Bunn amendment. I do not know why you keep on turning your back on this issue. If you punish mothers, you are going to affect their kids and also you, I think, arguably could increase the chances of abortion. You turned it down. We have been trying for weeks to get this amendment accepted.

Second, you turned down an amendment on SSI for kids.

I just want to emphasize what is involved. You are cutting $14.8 billion and restoring only $3.8 billion in the block grant. You talk piously; you act punitively.

Mr. HALL of Ohio. Mr. Speaker, I have one remaining speaker.

Mr. SOLOMON. Mr. Speaker, I yield 1½ minutes to the very distinguished gentleman from Atlanta, GA [Mr. LINDER], a member of the Committee on Rules.

Mr. LINDER. Mr. Speaker, I find this debate fascinating on the rule, because for all of the honing and carping which has been raised to an art form on this side about the inability to perfect our bill, no one cares about the inability to perfect the Deal substitute or the Mink substitute, two substitutes which are miles apart in philosophy and intent and direction. You do not care to perfect those bills. You only want to perfect this bill?

The fact of the matter is, you would like to have 150 amendments made in order on the majority's bill. You do not really care to amend those, and we gave you gagged, closed rules on those two substitutes at your request.

My colleagues, there are some victims in this debate, but it is not children and it is not school lunches. The victims in this debate are candor and honest public discourse. The big-lie theory has just taken over the debate on this bill, and we have so much more to do after this. We have to direct America's attention to a crushing national debt, an economic crisis in a dozen years of humongous proportions. If we cannot begin to discuss these things with some degree of candor and some degree of honesty and public discourse, all of America, including the children, will suffer.

Mr. HALL of Ohio. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana [Mr. FIELDS].

Mr. FIELDS of Louisiana. Mr. Speaker, I rise in opposition to this rule.

Mr. Speaker, I rise in strong opposition to this rule.

This rule will not allow my two amendments in order.

My two amendments are aimed at ensuring that the changes proposed by this bill for the school meals program will not result in reduced quality of school meals. States have enormous pressure to squeeze funding from programs, especially education programs. My amendments limit the discretion to squeeze school meals programs too much.

The first amendment requires that school-based nutrition block grant funds are actually used for school based meals, not other purposes. The bill allows States to transfer up to 20 percent of the school nutrition funds to other block grant purposes—for example, a State could spend 20 percent of the school lunch funds on its food stamps program.

I am convinced it is unwise to give States this discretion. When faced with difficult budget choices or a fiscal emergency, State legislatures would quickly seize upon the available 20 percent.

It is important to remember that children are not able to protect their own interests in the legislative process, while others have strong advocates. Furthermore, there are good reasons why the school lunch program was brought to the Federal level in the first place—when States did have complete control over school meals, many defaulted on their obligation to children.

While there are reasonable arguments that States should have the ability to decide how best to spend funds, this is a very difficult point the full House should decide.

The second amendment I offered simply ensures that school meals comply with minimum nutritional standards. Why give States the discretion to serve school lunches that do not meet basic nutritional standards? With minimum nutrition standards, States are free to develop their own standards for more healthful meals.

The bill calls for a National Academy of Sciences study to recommend minimum nutritional standards, but does not require States to meet those standards. My amendment requires States to meet the current nutritional standards set by the Secretary of Agriculture, or the standards of the required National Academy of Sciences study. Currently, the standards set by the Secretary are that meals must meet one-third of the daily requirement of certain nutrients.

Reducing the nutritional standards is an easy way for States to reduce the cost of school meals. Guaranteeing a minimum level of nutrition is a statement by Congress that the health of children is a national concern. Furthermore, our other investments in education are ineffective if children do not have adequate nutrition. Promoting the health of school children is wise all around.

Even if one believes States can operate this program more efficiently, we can provide the guarantee that, at the least, school meals will be healthful.

Of course whether or not funds for this important program should go to States with certain minimum conditions is a question on which reasonable people can disagree, and it is important enough to be decided by the full House. I believe these amendments should be considered and decided by the full House of Representatives.

Mr. HALL of Ohio. Mr. Speaker, I yield the balance of my time to our leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Speaker, in the coming hours and days, the Members of this body face a clear and crucial choice. We can vote for a Republican welfare proposal that will throw millions of innocent children out on the street without doing anything to move people from welfare to work, or we can choose one of the two outstanding Democratic proposals, both of which would help millions of struggling Americans to break the cycle of dependency and despair.

Mr. Speaker, when we talk about welfare reform, we should be talking about one thing and one thing only: work, how to encourage it, how to reward it, how to ensure that every able-bodied American can lift themselves out of poverty and into work.

That is why Democrats are fighting for a welfare plan that gives States all the flexibility they need and deserve but sets one broad goal and requirement: they have got to move people from welfare to work. If they want to spend Federal tax dollars, they have got to offer the training programs and the job opportunities that make welfare a road to work and not a dead end.

The plan the Republicans are passing off as welfare reform does not even come close to that. In essence, they want to just throw money at the States, cross their fingers and hope the problem goes away, as if it were that simple.

At the same time they want to pillage welfare programs to pay for tax cuts for the privileged few. They want to fund their tax giveaways by slashing school lunches for children who would literally go hungry without them and cutting food and nutrition programs for pregnant women and babies that save more than three times what the programs cost.

At this point, Mr. Speaker, we have to wonder whether the Republicans really want to reform welfare at all. We have to wonder whether they really care about the child whose life could be devastated, about the single mother who could lose every dime of help and support but never get a chance at a real job to support herself.

Of course, it is time to insist on work and responsibility. Of course, it is time to end a status quo that perpetuates poverty and destroys our most cherished values. But how can people lift themselves up by their boot straps, if the Republicans are busy taking away their boots?

Are the Republicans even interested in promoting work? Or are they looking for just another way to pay for trickle-down tax giveaways for the privileged few?

The Republicans do not seem to understand that Americans just do not want a smaller welfare system, they want a system that works. They want real results for their hard-earned tax dollars.

When you are trying to move people from welfare to work, there is only one result that matters: a job. And that is why Democrats have developed a wholly different approach to reform. In fact, the two Democratic alternatives are the only proposals that even do justice to the words "welfare reform." They are tough on work, because they insist that the States move people from welfare to work and give people the help they need in finding and preparing for jobs. And they are good to kids because they recognize that our children are our most precious resource, not a partisan punching bag.

There is a bigger principle at stake in this debate. Rather than rewarding the richest Americans for doing nothing, we should fight to promote work to reward it and to make sure that it pays more than welfare. The Republicans are not even engaging in this debate, and it is a bitter irony that this mean-spirited, shortsighted proposal would only make a flawed welfare system even worse.

□ 1415

Do we believe in a Nation of dignity and decency? Do we believe in protecting our children from arbitrary punishment and unnecessary deprivation? Do we believe in putting people to work and not simply pushing these problems back to the State level?

If we are truly committed to these goals, we have no choice but to support the Democratic alternatives to this flawed Republican proposal. Now is the time to turn back a Republican proposal that is weak on work and tough on kids. Now is the time to really reform welfare and put the American people back to work.

This is a crucial decision of this body, and I urge Members to vote for one of the Democratic alternatives, to refuse the Republican alternative, to be tough on work, and not tough on kids. This is our moment to make that great statement.

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of our time.

Mr. Speaker, I will not criticize the minority party and question their motives, because they are all good Americans. However, the question before us today is whether we are going to continue the status quo or not, and how we go about it.

I have been here for a long time, and I have watched this Congress try to micromanage the lives of the American people from here inside the beltway. Mr. Speaker, it has not worked. We have a failed welfare system that we are operating under now. Let us try something else. Let us change that status quo. We can do it with the legislation we have before us.

There was a great American once that lived up the road here on Pennsylvania Avenue. His name was Ronald Reagan. He taught me a lesson when I first came here. Nobody was more focused and more visionary than Ronald Reagan. Yet he learned the one important thing, how to compromise. That is what we are doing here today. We have tried to, in this rule, we have tried to recognize that there are Republicans and Democrats, that there are liberals and conservatives.

We have tried to recognize that.

My good friend, the gentleman from Ohio [Mr. HALL] had two amendments dealing with school lunches and with WIC. I said to the gentleman from Ohio "Why did you not offer that as a substitute? That is what your Democrat leader would have asked for." We would have made it in order and considered it. We would have been as fair as we possibly can.

There are some things that I do not like about this rule. I spoke with Cardinal O'Connor about them. There was another amendment very important to people that share a belief, as I do, and as the gentleman from Ohio does, and others do, but we could not make them all in order. We managed to get three out of the four. The one other, you can deal with it, or we could, in a motion to recommit.

This is a fair rule. It treats everybody fair. Please vote for this rule. It is hard for me to say that, because I did not get everything I wanted, but I am going to vote for the rule. It is the right thing. It is fair. It is fair to every Member of this body. Please vote for it.

The SPEAKER pro tempore (Mr. OXLEY). All time has expired.

Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 217, nays 211, not voting 7, as follows:

[Roll No. 255]

YEAS—217

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Klug
Knollenberg
Kolbe
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Shadegg
Shaw
Shuster
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Zeliff
Zimmer

NAYS—211

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Barton
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Canady
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Hyde
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
LaFalce
LaHood
Lantos
Laughlin
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDade
McDermott
McHale
McKinney
McNulty
Meehan
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Ros-Lehtinen
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shays
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (FL)

NOT VOTING—7

Browder
Edwards
Meek
Minge
Nadler
Seastrand
Torres

☐ 1435

Mr. TRAFICANT changed his vote from "yea" to "nay."

Mr. KIM and Mr. LIVINGSTON changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. SEASTRAND. Mr. Speaker, I would just like to have the RECORD show that I was unavoidably detained on the last vote, the adoption of House Resolution 119. If I had been here, I would have voted "yea."

PERSONAL EXPLANATION

Mr. NADLER. Mr. Speaker, I was unavoidably delayed in returning from the White House and missed the vote on the rule. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. TORRES. Mr. Speaker, I was unavoidably delayed today on official business for rollcall vote No. 255, agreeing to House Resolution 119, providing for further consideration of H.R. 4, the Personal Responsibility Act.

Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. TORRES. Mr. Speaker, I was unavoidably absent on official business on Wednesday, March 22, 1995, for rollcall vote No. 255. Had I been present on the House floor I would have cast my vote as follows: "nay" on agreeing to the resolution, House Resolution 119, for further consideration of H.R. 4, the Personal Responsibility Act.

PERSONAL RESPONSIBILITY ACT OF 1995

The SPEAKER pro tempore (Mr. OXLEY). Pursuant to House Resolution 119 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4.

☐ 1437

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

House on the State of the Union for the further consideration of the bill (H.R. 4) to restore the American family, reduce illegitimacy, control welfare spending and reduce welfare dependence, with Mr. LINDER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, March 21, 1995, all time for general debate pursuant to House Resolution 117 had expired.

Pursuant to House Resolution 119, no further general debate is in order.

Pursuant to the rule, an amendment in the nature of a substitute consisting of the text of H.R. 1214 is adopted and the bill, as amended, is considered as an original bill for the purpose of further amendment and is considered as having been read.

The text of H.R. 4, as amended, is as follows:

H.R. 1214

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Personal Responsibility Act of 1995".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

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Sec. 102. Report on data processing.
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Sec. 106. Continued application of current standards under medicaid program.
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TITLE II—CHILD PROTECTION BLOCK GRANT PROGRAM

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Sec. 202. Conforming amendments.
Sec. 203. Continued application of current standards under medicaid program.
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Subtitle B—Family and School-Based Nutrition Block Grants

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Sec. 321. Amendment to Child Nutrition Act of 1966.

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Sec. 361. Repealers.

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Subtitle D—Related Provisions

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Subtitle E—General Effective Date; Preservation of Actions, Obligations, and Rights

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TITLE I—BLOCK GRANTS FOR TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

SEC. 101. BLOCK GRANTS TO STATES.

Title IV of the Social Security Act (42 U.S.C. 601 et seq.) is amended by striking part A, except sections 403(h) and 417, and inserting the following:

"PART A—BLOCK GRANTS TO STATES FOR TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

"SEC. 401. PURPOSE.

"The purpose of this part is to increase the flexibility of States in operating a program designed to—

"(1) provide assistance to needy families so that the children in such families may be cared for in their homes or in the homes of relatives;

"(2) end the dependence of needy parents on government benefits by promoting work and marriage; and

"(3) discourage out-of-wedlock births.

"SEC. 402. ELIGIBLE STATES; STATE PLAN.

"(a) IN GENERAL.—As used in this part, the term 'eligible State' means, with respect to a fiscal year, a State that, during the 3-year period immediately preceding the fiscal year, has submitted to the Secretary a plan that includes the following:

"(1) OUTLINE OF FAMILY ASSISTANCE PROGRAM.—A written document that outlines how the State intends to do the following:

"(A) Conduct a program designed to—

"(i) provide cash benefits to needy families with children; and

"(ii) provide parents of children in such families with work experience, assistance in finding employment, and other work preparation activities and support services that the State considers appropriate to enable such families to leave the program and become self-sufficient.

"(B) Require at least 1 parent of a child in any family which has received benefits for more than 24 months (whether or not consecutive) under the program to engage in work activities (as defined by the State).

"(C) Ensure that parents receiving assistance under the program engage in work activities in accordance with section 404.

"(D) Treat interstate immigrants, if families including such immigrants are to be treated differently than other families.

"(E) Take such reasonable steps as the State deems necessary to restrict the use and disclosure of information about individuals and families receiving benefits under the program.

"(F) Take actions to reduce the incidence of out-of-wedlock births, which may include providing unmarried mothers and unmarried fathers with services which will help them—

"(i) avoid subsequent pregnancies; and

"(ii) provide adequate care to their children.

"(G) Reduce teenage pregnancy, including (at the option of the State) through the provision of education, counseling, and health services to male and female teenagers.

"(2) CERTIFICATION THAT THE STATE WILL OPERATE A CHILD SUPPORT ENFORCEMENT PROGRAM.—A certification by the Governor of the State that, during the fiscal year, the State will operate a child support enforcement program under the State plan approved under part D, in a manner that complies with the requirements of such part.

"(3) CERTIFICATION THAT THE STATE WILL OPERATE A CHILD PROTECTION PROGRAM.—A certification by the Governor of the State that, during the fiscal year, the State will operate a child protection program in accordance with part B, which includes a foster care program and an adoption assistance program.

"(b) DETERMINATIONS.—The Secretary shall determine whether a plan submitted pursuant to subsection (a) contains the material required by subsection (a).

"SEC. 403. PAYMENTS TO STATES.

"(a) ENTITLEMENTS.—

"(1) GRANTS FOR FAMILY ASSISTANCE.—

"(A) IN GENERAL.—Each eligible State shall be entitled to receive from the Secretary for each of fiscal years 1996, 1997, 1998, 1999, and 2000 a grant in an amount equal to the State family assistance grant for the fiscal year.

"(B) GRANT INCREASED TO REWARD STATES THAT REDUCE OUT-OF-WEDLOCK BIRTHS.—The amount of the grant payable to a State under subparagraph (A) for fiscal year 1998 or any succeeding fiscal year shall be increased by—

"(i) 5 percent if the illegitimacy ratio of the State for the fiscal year is at least 1 percentage point lower than the illegitimacy ratio of the State for fiscal year 1995; or

"(ii) 10 percent if the illegitimacy ratio of the State for the fiscal year is at least 2 percentage points lower than the illegitimacy ratio of the State for fiscal year 1995.

"(2) SUPPLEMENTAL GRANTS TO ADJUST FOR POPULATION INCREASES.—In addition to any grant under paragraph (1), each eligible State shall be entitled to receive from the Secretary for each of fiscal years 1997, 1998, 1999, and 2000, a grant in an amount equal to the State proportion of $100,000,000.

"(b) DEFINITIONS.—As used in this section:

"(1) STATE FAMILY ASSISTANCE GRANT.—

"(A) IN GENERAL.—The term 'State family assistance grant' means, with respect to a fiscal year, the provisional State family assistance grant adjusted in accordance with subparagraph (C).

"(B) PROVISIONAL STATE FAMILY ASSISTANCE GRANT.—The term 'provisional State family assistance grant' means—

"(i) the greater of—

"(I) ⅓ of the total amount of obligations to the State under section 403 of this title (as in effect before October 1, 1995) for fiscal years 1992, 1993, and 1994 (other than with respect to amounts expended for child care under subsection (g) or (i) of such section); or

"(II) the total amount of obligations to the State under such section 403 for fiscal year 1994 (other than with respect to amounts expended for child care under subsection (g) or (i) of such section); multiplied by

"(ii)(I) the total amount of outlays to all of the States under such section 403 for fiscal year 1994 (other than with respect to amounts expended for child care under subsection (g) or (i) of such section); divided by

"(II) the total amount of obligations to all of the States under such section 403 for fiscal year 1994 (other than with respect to amounts expended for child care under subsection (g) or (i) of such section).

"(C) PROPORTIONAL ADJUSTMENT.—The Secretary shall determine the percentage (if any) by which each provisional State family assistance grant must be reduced or increased to ensure that the sum of such grants equals $15,390,296,000, and shall adjust each provisional State family assistance grant by the percentage so determined.

"(2) ILLEGITIMACY RATIO.—The term 'illegitimacy ratio' means, with respect to a State and a fiscal year—

"(A) the sum of—

"(i) the number of out-of-wedlock births that occurred in the State during the most recent fiscal year for which such information is available; and

"(ii) the amount (if any) by which the number of abortions performed in the State during the most recent fiscal year for which such information is available exceeds the number of abortions performed in the State during the fiscal year that immediately precedes such most recent fiscal year; divided by

"(B) the number of births that occurred in the State during the most recent fiscal year for which such information is available.

"(3) STATE PROPORTION.—The term 'State proportion' means, with respect to a fiscal year, the amount that bears the same ratio to the amount specified in subsection (a)(2) as the increase (if any) in the population of the State for the most recent fiscal year for which such information is available over the population of the State for the fiscal year that immediately precedes such most recent fiscal year bears to the total increase in the population of all States which have such an increase in population, as determined by the Secretary using data from the Bureau of the Census.

"(4) FISCAL YEAR.—The term 'fiscal year' means any 12-month period ending on September 30 of a calendar year.

"(5) STATE.—The term 'State' includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, and American Samoa.

"(c) USE OF GRANT.—

"(1) IN GENERAL.—A State to which a grant is made under this section may use the grant in any manner that is reasonably calculated to accomplish the purpose of this part, subject to this part, including to provide noncash assistance to mothers who have not attained 18 years of age and their children and to provide low income households with assistance in meeting home heating and cooling costs.

"(2) AUTHORITY TO TREAT INTERSTATE IMMIGRANTS UNDER RULES OF FORMER STATE.—A State to which a grant is made under this section may apply to a family the rules of the program operated under this part of another State if the family has moved to the State from the other State and has resided in the State for less than 12 months.

"(3) AUTHORITY TO USE PORTION OF GRANT FOR OTHER PURPOSES.—

"(A) IN GENERAL.—A State may use not more than 30 percent of the amount of the grant made to the State under this section for a fiscal year to carry out a State program pursuant to any or all of the following provisions of law:

"(i) Part B of this title.

"(ii) Title XX of this Act.

"(iii) Any provision of law, enacted into law during the 104th Congress, under which grants are made to States for food and nutrition.

"(iv) The Child Care and Development Block Grant Act of 1990.

"(B) APPLICABLE RULES.—Any amount paid to the State under this part that is used to carry out a State program pursuant to a provision of law specified in subparagraph (A) shall not be subject to the requirements of this part, but shall be subject to the requirements that apply to Federal funds provided directly under the provision of law to carry out the program.

"(4) AUTHORITY TO RESERVE CERTAIN AMOUNTS FOR EMERGENCY BENEFITS.—

"(A) IN GENERAL.—A State may reserve amounts paid to the State under this section for any fiscal year for the purpose of providing emergency assistance under the State program operated under this part.

"(B) AUTHORITY TO USE EXCESS RESERVES FOR ANY PURPOSE.—During a fiscal year, a State may use for any purpose deemed appropriate by the State amounts held in reserve under subparagraph (A) to the extent exceeding 120 percent of the amount of the grant payable to the State under this section for the fiscal year.

"(5) IMPLEMENTATION OF ELECTRONIC BENEFIT TRANSFER SYSTEM.—A State to which a grant is made under this section is encouraged to implement an electronic benefit transfer system for providing assistance under the State program funded under this part, and may use the grant for such purpose.

"(d) TIMING OF PAYMENTS.—The Secretary shall pay each grant payable to a State under this section in quarterly installments.

"(e) PENALTIES.—

"(1) FOR USE OF GRANT IN VIOLATION OF THIS PART.—

"(A) IN GENERAL.—If an audit conducted pursuant to chapter 75 of title 31, United States Code, finds that an amount paid to a State under this section for a fiscal year has been used in violation of this part, then the Secretary shall reduce the amount of the grant otherwise payable to the State under this section for the immediately succeeding fiscal year by the amount so used.

"(B) LIMITATION ON AMOUNT OF PENALTY.—In carrying out subparagraph (A), the Secretary shall not reduce any quarterly payment by more than 25 percent.

"(C) CARRYFORWARD OF UNRECOVERED PENALTIES.—To the extent that subparagraph (B) prevents the Secretary from recovering during a fiscal year the full amount of a penalty imposed on a State under subparagraph (A) for a prior fiscal year, the Secretary shall apply subparagraph (A) to the grant otherwise payable to the State under this section for the immediately succeeding fiscal year.

"(2) FOR FAILURE TO SUBMIT REQUIRED REPORT.—

"(A) IN GENERAL.—If the Secretary determines that a State has not, within 6 months after the end of a fiscal year, submitted the report required by section 406 for the fiscal year, the Secretary shall reduce by 3 percent the amount of the grant that would (in the absence of this subsection, subsection (a)(1)(B) of this section, and section 404(c)(2)) be payable to the State under subsection (a)(1)(A) for the immediately succeeding fiscal year.

"(B) RESCISSION OF PENALTY.—The Secretary shall rescind a penalty imposed on a State under subparagraph (A) with respect to a report for a fiscal year if the State submits the report before the end of the immediately succeeding fiscal year.

"(C) FOR FAILURE TO PARTICIPATE IN THE INCOME AND ELIGIBILITY VERIFICATION SYSTEM.—If the Secretary determines that a State program funded under this part is not participating during a fiscal year in the income and eligibility verification system required by section 1137, the Secretary shall reduce by 1 percent the amount of the grant that would (in the absence of this subsection, subsection (a)(1)(B) of this section, and section 404(c)(2)) be payable to the State under subsection (a)(1)(A) for the fiscal year.

"(f) LIMITATION ON FEDERAL AUTHORITY.—The Secretary may not regulate the conduct of States under this part or enforce any provision of this part, except to the extent expressly provided in this part.

"(g) FEDERAL RAINY DAY FUND.—

"(1) ESTABLISHMENT.—There is hereby established in the Treasury of the United States a revolving loan fund which shall be known as the 'Federal Rainy Day Fund'.

"(2) DEPOSITS INTO FUND.—

"(A) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, $1,000,000,000 are hereby appropriated for fiscal year 1996 for payment to the Federal Rainy Day Fund.

"(B) LOAN REPAYMENTS.—The Secretary shall deposit into the fund any principal or interest payment received with respect to a loan made under this subsection.

"(3) AVAILABILITY.—Amounts in the fund are authorized to remain available without fiscal year limitation for the purpose of making loans and receiving payments of principal and interest on such loans, in accordance with this subsection.

"(4) USE OF FUND.—

"(A) LOANS TO QUALIFIED STATES.—

"(i) IN GENERAL.—The Secretary shall make loans from the fund to any qualified State for a period to maturity of not more than 3 years.

"(ii) RATE OF INTEREST.—The Secretary shall charge and collect interest on any loan made under clause (i) at a rate equal to the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the period to maturity of the loan.

"(iii) MAXIMUM LOAN.—The amount of any loan made to a State under clause (i) during a fiscal year shall not exceed the lesser of—

"(I) 50 percent of the amount of the grant payable to the State under this section for the fiscal year; or

"(II) $100,000,000.

"(B) QUALIFIED STATE DEFINED.—A State is a qualified State for purposes of subparagraph (A) if the unemployment rate of the State (as determined by the Bureau of Labor Statistics) for the most recent 3-month period for which such information is available is—

"(i) more than 6.5 percent; and

"(ii) at least 110 percent of such rate for the corresponding 3-month period in either of the 2 immediately preceding calendar years.

"SEC. 404. MANDATORY WORK REQUIREMENTS.

"(a) PARTICIPATION RATE REQUIREMENTS.—

"(1) REQUIREMENT APPLICABLE TO ALL FAMILIES RECEIVING ASSISTANCE.—

"(A) IN GENERAL.—A State to which a grant is made under section 403 for a fiscal year shall achieve the minimum participation rate specified in the following table for the fiscal year with respect to all families receiving assistance under the State program funded under this part:

"If the fiscal year is:	The minimum participation rate is:
1996	4
1997	4

1998	8
1999	12
2000	17
2001	29
2002	40
2003 or thereafter	50.

"(B) PRO RATA REDUCTION OF PARTICIPATION RATE DUE TO CASELOAD REDUCTIONS NOT REQUIRED BY FEDERAL LAW.—The minimum participation rate otherwise required by subparagraph (A) for a fiscal year shall be reduced by a percentage equal to the percentage (if any) by which the number of families receiving assistance during the fiscal year under the State program funded under this part is less than the number of families that received aid under the State plan approved under part A of this title (as in effect before October 1, 1995) during the fiscal year immediately preceding such effective date, except to the extent that the Secretary determines that the reduction in the number of families receiving such assistance is required by Federal law.

"(C) PARTICIPATION RATE.—For purposes of this paragraph:

"(i) AVERAGE MONTHLY RATE.—The participation rate of a State for a fiscal year is the average of the participation rates of the State for each month in the fiscal year.

"(ii) MONTHLY PARTICIPATION RATES.—The participation rate of a State for a month is—

"(I) the number of families receiving cash assistance under the State program funded under this part which include an individual who is engaged in work activities for the month; divided by

"(II) the total number of families receiving cash assistance under the State program funded under this part during the month which include an individual who has attained 18 years of age.

"(iii) ENGAGED.—A recipient is engaged in work activities for a month in a fiscal year if the recipient is making progress in such activities for at least the minimum average number of hours per week specified in the following table during the month, not fewer than 20 hours per week of which are attributable to an activity described in subparagraph (A), (B), (C), or (D) of subsection (b)(1) (or, in the case of the first 4 weeks for which the recipient is required under this section to participate in work activities, an activity described in subsection (b)(1)(E)):

"If the month is in fiscal year:	The minimum average number of hours per week is:
1996	20
1997	20
1998	20
1999	25
2000	30
2001	30
2002	35
2003 or thereafter	35.

"(2) REQUIREMENT APPLICABLE TO 2-PARENT FAMILIES.—

"(A) IN GENERAL.—A State to which a grant is made under section 403 for a fiscal year shall achieve the minimum participation rate specified in the following table for the fiscal year with respect to 2-parent families receiving assistance under the State program funded under this part:

"If the fiscal year is:	The minimum participation rate is:
1996	50
1997	50
1998 or thereafter	90.

"(B) PARTICIPATION RATE.—For purposes of this paragraph:

"(i) AVERAGE MONTHLY RATE.—The participation rate of a State for a fiscal year is the average of the participation rates of the State for each month in the fiscal year.

"(ii) MONTHLY PARTICIPATION RATES.—The participation rate of a State for a month is—

"(I) the number of 2-parent families receiving cash assistance under the State program funded under this part which include at least 1 adult who is engaged in work activities for the month; divided by

"(II) the total number of 2-parent families receiving cash assistance under the State program funded under this part during the month.

"(iii) ENGAGED.—An adult is engaged in work activities for a month in a fiscal year if the adult is making progress in such activities for at least 35 hours per week during the month, not fewer than 30 hours per week of which are attributable to an activity described in subparagraph (A), (B), (C), or (D) of subsection (b)(1) (or, in the case of the first 4 weeks for which the recipient is required under this section to participate in work activities, an activity described in subsection (b)(1)(E)).

"(b) DEFINITIONS.—As used in this section:

"(1) WORK ACTIVITIES.—The term 'work activities' means—

"(A) unsubsidized employment;

"(B) subsidized private sector employment;

"(C) subsidized public sector employment or work experience (including work associated with the refurbishing of publicly assisted housing) only if sufficient private sector employment is not available;

"(D) on-the-job training;

"(E) job search and job readiness assistance;

"(F) education directly related to employment, in the case of a recipient who has not attained 20 years of age, and has not received a high school diploma or a certificate of high school equivalency;

"(G) job skills training directly related to employment; or

"(H) at the option of the State, satisfactory attendance at secondary school, in the case of a recipient who—

"(i) has not completed secondary school; and

"(ii) is a dependent child, or a head of household who has not attained 20 years of age.

"(2) FISCAL YEAR.—The term 'fiscal year' means any 12-month period ending on September 30 of a calendar year.

"(c) PENALTIES.—

"(1) AGAINST INDIVIDUALS.—

"(A) APPLICABLE TO ALL FAMILIES.—A State to which a grant is made under section 403 shall ensure that the amount of cash assistance paid under the State program funded under this part to a recipient of assistance under the program who refuses to engage (within the meaning of subsection (a)(1)(C)(iii)) in work activities required under this section shall be less than the amount of cash assistance that would otherwise be paid to the recipient under the program, subject to such good cause and other exceptions as the State may establish.

"(B) APPLICABLE TO 2-PARENT FAMILIES.—A State to which a grant is made under section 403 shall reduce the amount of cash assistance otherwise payable to a 2-parent family for a month under the State program funded under this part with respect to an adult in the family who is not engaged (within the meaning of subsection (a)(2)(B)(iii)) in work activities for at least 35 hours per week during the month, pro rata (or more, at the option of the State) with respect to any period during the month for which the adult is not so engaged.

"(C) LIMITATION ON FEDERAL AUTHORITY.—No officer or employee of the Federal Government may regulate the conduct of States under this paragraph or enforce this paragraph against any State.

"(2) AGAINST STATES.—

"(A) IN GENERAL.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has failed to comply with subsection (a) for the fiscal year, the Secretary shall reduce by not more than 5 percent the amount of the grant that would (in the absence of this paragraph and subsections (a)(1)(B) and (e) of section 403) be payable to the State under section 403(a)(1)(A) for the immediately succeeding fiscal year.

"(B) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose reductions under subparagraph (A) based on the degree of noncompliance.

"(d) RULE OF INTERPRETATION.—This section shall not be construed to prohibit a State from offering recipients of assistance under the State program funded under this part an opportunity to participate in an education or training program, consistent with the requirements of this section.

"(e) RESEARCH.—The Secretary shall conduct research on the costs and benefits of State activities under this section.

"(f) EVALUATION OF INNOVATIVE APPROACHES TO EMPLOYING RECIPIENTS OF ASSISTANCE.—The Secretary shall evaluate innovative approaches to employing recipients of assistance under State programs funded under this part.

"(g) ANNUAL RANKING OF STATES AND REVIEW OF MOST AND LEAST SUCCESSFUL WORK PROGRAMS.—

"(1) ANNUAL RANKING OF STATES.—The Secretary shall rank the States to which grants are paid under section 403 in the order of their success in moving recipients of assistance under the State program funded under this part into long-term private sector jobs.

"(2) ANNUAL REVIEW OF MOST AND LEAST SUCCESSFUL WORK PROGRAMS.—The Secretary shall review the programs of the 3 States most recently ranked highest under paragraph (1) and the 3 States most recently ranked lowest under paragraph (1) that provide parents with work experience, assistance in finding employment, and other work preparation activities and support services to enable the families of such parents to leave the program and become self-sufficient.

"(h) SENSE OF THE CONGRESS.—In complying with this section, each State that operates a program funded under this part is encouraged to assign the highest priority to requiring families that include older preschool or school-age children to be engaged in work activities.

"(i) SENSE OF THE CONGRESS THAT STATES SHOULD IMPOSE CERTAIN REQUIREMENTS ON NONCUSTODIAL, NONSUPPORTING MINOR PARENTS.—It is the sense of the Congress that the States should require noncustodial, nonsupporting parents who have not attained 18 years of age to fulfill community work obligations and attend appropriate parenting or money management classes after school.

"SEC. 405. PROHIBITIONS.

"(a) IN GENERAL.—

"(1) NO ASSISTANCE FOR FAMILIES WITHOUT A MINOR CHILD.—A State to which a grant is made under section 403 may not use any part of the grant to provide assistance to a family, unless the family includes a minor child.

"(2) CERTAIN PAYMENTS NOT TO BE DISREGARDED IN DETERMINING THE AMOUNT OF ASSISTANCE TO BE PROVIDED TO A FAMILY.—

"(A) INCOME SECURITY PAYMENTS.—If a State to which a grant is made under section 403 uses any part of the grant to provide assistance for any individual who is receiving a payment under a State plan for old-age assistance approved under section 2, a State program funded under part B that provides cash payments for foster care, or the supplemental security income program under title XVI (other than service benefits provided through the use of a grant made under part C of such title), then the State may not disregard the payment in determining the amount of assistance to be provided to the family of which the individual is a member under the State program funded under this part.

"(B) CERTAIN SUPPORT PAYMENTS.—A State to which a grant is made under section 403 may not disregard an amount distributed to a family under section 457(a)(1)(A) in determining the income of the family for purposes of eligibility for assistance under the State program funded under this part.

"(3) NO ASSISTANCE FOR CERTAIN ALIENS.—Notwithstanding subsection (c)(1), a State to which a grant is made under section 403 may not use any part of the grant to provide assistance for an individual who is not a citizen or national of the United States, unless—

"(A)(i) the individual is admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act; and

"(ii) 5 years has elapsed since the date the individual arrived in the United States;

"(B) the individual—

"(i) is lawfully admitted to the United States for permanent residence;

"(ii) has attained 75 years of age; and

"(iii) has resided in the United States for at least 5 years; or

"(C) the individual is honorably discharged from the Armed Forces of the United States.

"(4) NO ASSISTANCE FOR OUT-OF-WEDLOCK BIRTHS TO MINORS.—

"(A) GENERAL RULE.—a State to which a grant is made under section 403 may not use any part of the grant to provide cash benefits for a child born out-of-wedlock to an individual who has not attained 18 years of age, or for the individual, until the individual attains such age.

"(B) EXCEPTION FOR RAPE OR INCEST.—Subparagraph (A) shall not apply with respect to a child who is born as a result of rape or incest.

"(5) NO ADDITIONAL ASSISTANCE FOR CHILDREN BORN TO FAMILIES RECEIVING ASSISTANCE.—

"(A) GENERAL RULE.—A State to which a grant is made under section 403 may not use any part of the grant to provide cash benefits for a minor child who is born to—

"(i) a recipient of benefits under the program operated under this part; or

"(ii) a person who received such benefits at any time during the 10-month period ending with the birth of the child.

"(B) EXCEPTION FOR RAPE OR INCEST.—Subparagraph (A) shall not apply with respect to a child who is born as a result of rape or incest.

"(6) NO ASSISTANCE FOR MORE THAN 5 YEARS.—

"(A) IN GENERAL.—A State to which a grant is made under section 403 may not use any part of the grant to provide cash benefits for the family of an individual who, after attaining 18 years of age, has received benefits under the program operated under this part for 60 months (whether or not consecutive) after the effective date of this part, except as provided under subparagraph (B).

"(B) HARDSHIP EXCEPTION.—

"(i) IN GENERAL.—The State may exempt a family from the application of subparagraph (A) by reason of hardship.

"(ii) LIMITATION.—The number of families with respect to which an exemption made by a State under clause (i) is in effect shall not exceed 10 percent of the number of families to which the State is providing assistance under the program operated under this part.

"(7) NO ASSISTANCE FOR FAMILIES NOT COOPERATING IN PATERNITY ESTABLISHMENT OR CHILD SUPPORT.—Notwithstanding subsection (c)(1), a State to which a grant is made under section 403 may not use any part of the grant to provide assistance to a family that includes an individual whom the agency responsible for administering the State plan approved under part D determines is not cooperating with the State in establishing the paternity of any child of the individual, or in establishing, modifying, or enforcing a support order with respect to such a child.

"(8) NO ASSISTANCE FOR FAMILIES NOT ASSIGNING SUPPORT RIGHTS TO THE STATE.—Notwithstanding subsection (c)(1), a State to which a grant is made under section 403 may not use any part of the grant to provide assistance to a family that includes an individual who has not assigned to the State any rights the individual may have (on behalf of the individual or of any other person for whom the individual has applied for or is receiving such assistance) to support from any other person for any period for which the individual receives such assistance.

"(9) WITHHOLDING OF PORTION OF ASSISTANCE FOR FAMILIES WHICH INCLUDE A CHILD WHOSE PATERNITY IS NOT ESTABLISHED.—

"(A) IN GENERAL.—A State to which a grant is made under section 403 may not fail to—

"(i) withhold assistance under the State program funded under this part from a family which includes a child whose paternity is not established, in an amount equal to $50 or 15 percent of the amount of the amount of the assistance that would (in the absence of this paragraph) be provided to the family with respect to the child, whichever the State elects; or

"(ii) provide to the family the total amount of assistance so withheld once the paternity of the child is established, if the family is then eligible for such assistance.

"(B) EXCEPTION FOR RAPE OR INCEST.—Subparagraph (A) shall not apply with respect to a child who is born as a result of rape or incest.

"(10) DENIAL OF ASSISTANCE FOR 10 YEARS TO A PERSON CONVICTED OF FRAUDULENTLY MISREPRESENTING RESIDENCE TO A WELFARE PROGRAM.—A State to which a grant is made under section 403 may not use any part of the grant to provide assistance to an individual during the 10-year period that begins with the date the individual is convicted in Federal or State court of making a fraudulent statement or representation with respect to the place of residence of the person in order to receive benefits or services under 2 or more programs that are funded under this part.

"(b) MINOR CHILD DEFINED.—As used in subsection (a), the term 'minor child' means an individual—

"(1) who has not attained 18 years of age; or

"(2) who—

"(A) has not attained 19 years of age; and

"(B) is a full-time student in a secondary school (or in the equivalent level of vocational or technical training).

"SEC. 406. DATA COLLECTION AND REPORTING.

"(a) IN GENERAL.—Each State to which a grant is made under section 403 for a fiscal year shall, not later than 6 months after the end of the fiscal year, transmit to the Secretary the following aggregate information on families to which assistance was provided during the fiscal year under the State program operated under this part or an equivalent State program:

"(1) The number of adults receiving such assistance.

"(2) The number of children receiving such assistance and the average age of the children.

"(3) The employment status of such adults, and the average earnings of employed adults receiving such assistance.

"(4) The number of 1-parent families in which the parent is a widow or widower, is divorced, is separated, or has never married.

"(5) The age, race, and educational attainment of the adults receiving such assistance.

"(6) The average assistance provided to the families under the program.

"(7) Whether, at the time of application for assistance under the program, the families or any member of the families receives benefits under any of the following:

"(A) Any housing program.

"(B) The food stamp program under the Food Stamp Act of 1977.

"(C) The Head Start programs carried out under the Head Start Act.

"(D) Any job training program.

"(8) The number of months, since the most recent application for assistance under the program, for which such assistance has been provided to the families.

"(9) The total number of months for which assistance has been provided to the families under the program.

"(10) Any other data necessary to indicate whether the State is in compliance with the plan most recently submitted by the State pursuant to section 402.

"(11) The components of any program carried out by the State to provide employment and training activities in order to comply with section 404, and the average monthly number of adults in each such component.

"(12) The number of part-time job placements and the number of full-time job placements made through the program referred to in paragraph (11), the number of cases with reduced assistance, and the number of cases closed due to employment.

"(b) AUTHORITY OF STATES TO USE ESTIMATES.—A State may comply with the requirement to provide precise numerical information described in subsection (a) by submitting an estimate which is obtained through the use of scientifically acceptable sampling methods.

"(c) REPORT ON USE OF FEDERAL FUNDS TO COVER ADMINISTRATIVE COSTS AND OVERHEAD.—The report required by subsection (a) for a fiscal year shall include a statement of the percentage of the funds paid to the State under this part for the fiscal year that are used to cover administrative costs or overhead.

"(d) REPORT ON STATE EXPENDITURES ON PROGRAMS FOR NEEDY FAMILIES.—The report required by subsection (a) for a fiscal year shall include a statement of the total amount expended by the State during the fiscal year on programs for needy families.

"(e) REPORT ON NONCUSTODIAL PARENTS PARTICIPATING IN WORK ACTIVITIES.—The report required by subsection (a) for a fiscal year shall include the number of noncustodial parents in the State who participated in work activities (as defined in section 404(b)(1)) during the fiscal year.

"SEC. 407. RESEARCH, EVALUATIONS, AND NATIONAL STUDIES.

"(a) RESEARCH.—The Secretary may conduct research on the effects, costs, and benefits of State programs funded under this part.

"(b) DEVELOPMENT AND EVALUATION OF INNOVATIVE APPROACHES TO EMPLOYING WELFARE RECIPIENTS.—The Secretary may assist States in developing, and shall evaluate, innovative approaches to employing recipients of cash assistance under programs funded under this part. In performing such evaluations, the Secretary shall, to the maximum extent feasible, use random assignment to experimental and control groups.

"(c) STUDIES OF WELFARE CASELOADS.—The Secretary may conduct studies of the caseloads of States operating programs funded under this part.

"(d) DISSEMINATION OF INFORMATION.—The Secretary shall develop innovative methods of disseminating information on any research, evaluations, and studies conducted under this section, including the facilitation of the sharing of information and best practices among States and localities through the use of computers and other technologies.

"SEC. 408. STUDY BY THE CENSUS BUREAU.

"(a) IN GENERAL.—The Bureau of the Census shall expand the Survey of Income and Program Participation as necessary to obtain such information as will enable interested persons to evaluate the impact of the amendments made by title I of the Personal Responsibility Act of 1995 on a random national sample of recipients of assistance under State programs funded under this part and (as appropriate) other low income families, and in doing so, shall pay particular attention to the issues of out-of-wedlock birth, welfare dependency, the beginning and end of welfare spells, and the causes of repeat welfare spells.

"(b) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, the Secretary of the Treasury shall pay to the Bureau of the Census $10,000,000 for each of fiscal years 1996, 1997, 1998, 1999, and 2000 to carry out subsection (a).".

SEC. 102. REPORT ON DATA PROCESSING.

(a) IN GENERAL.—Within 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the Congress a report on—

(1) the status of the automated data processing systems operated by the States to assist management in the administration of State programs under part A of title IV of the Social Security Act (whether in effect before or after October 1, 1995); and

(2) what would be required to establish a system capable of—

(A) tracking participants in public programs over time; and

(B) checking case records of the States to determine whether individuals are participating in public programs of 2 or more States.

(b) PREFERRED CONTENTS.—The report required by subsection (a) should include—

(1) a plan for building on the automated data processing systems of the States to establish a system with the capabilities described in subsection (a)(2); and

(2) an estimate of the amount of time required to establish such a system and of the cost of establishing such a system.

SEC. 103. TRANSFERS.

(a) CHILD SUPPORT REVIEW PENALTIES.—

(1) TRANSFER OF PROVISION.—Section 403 of the Social Security Act, as added by the amendment made by section 101 of this Act, is amended by adding at the end subsection (h) of section 403, as in effect immediately before the effective date of this title.

(2) CONFORMING AMENDMENT.—Section 403(h)(3) of such Act, as in effect pursuant to paragraph (1) of this subsection, is amended by striking ", section 402(a)(27),".

(b) ASSISTANT SECRETARY FOR FAMILY SUPPORT.—

(1) REDESIGNATION OF PROVISION.—Section 417 of such Act (42 U.S.C. 617), as in effect immediately before the effective date of this title, is amended by striking the following:

"ASSISTANT SECRETARY FOR FAMILY SUPPORT"

"SEC. 417."

and inserting the following:

"SEC. 408. ASSISTANT SECRETARY FOR FAMILY SUPPORT.".

(2) TRANSFER OF PROVISION.—Part A of title IV of such Act, as added by the amendment made by section 101 of this Act, is amended by adding at the end the section amended by paragraph (1) of this subsection.

(3) CONFORMING AMENDMENT.—Section 408 of such Act, as added by paragraph (2) of this subsection is amended by striking ", part D, and part F" and inserting "and part D".

SEC. 104. CONFORMING AMENDMENTS TO THE SOCIAL SECURITY ACT.

(a) AMENDMENTS TO TITLE II.—

(1) Section 205(c)(2)(C)(vi) of the Social Security Act (42 U.S.C. 405(c)(2)(C)(vi)), as so redesignated by section 321(a)(9)(B) of the Social Security Independence and Program Improvements Act of 1994, is amended—

(A) by inserting "an agency administering a program funded under part A of title IV or" before "an agency operating"; and

(B) by striking "A or D of title IV of this Act" and inserting "D of such title".

(2) Section 228(d)(1) of such Act (42 U.S.C. 428(d)(1)) is amended by inserting "under a State program funded under" before "part A of title IV".

(b) AMENDMENTS TO PART D OF TITLE IV.—

(1) Section 451 of such Act (42 U.S.C. 651) is amended by striking "aid" and inserting "assistance under a State program funded".

(2) Section 452(a)(10)(C) of such Act (42 U.S.C. 652(a)(10)(C)) is amended—

(A) by striking "aid to families with dependent children" and inserting "assistance under a State program funded under part A"; and

(B) by striking "such aid" and inserting "such assistance"; and

(C) by striking "under section 402(a)(26)" and inserting "pursuant to section 405(a)(8)".

(3) Section 452(a)(10)(F) of such Act (42 U.S.C. 652(a)(10)(F)) is amended—

(A) by striking "aid under a State plan approved" and inserting "assistance under a State program funded"; and

(B) by striking "in accordance with the standards referred to in section 402(a)(26)(B)(ii)" and inserting "by the State".

(4) Section 452(b) of such Act (42 U.S.C. 652(b)) is amended in the last sentence by striking "plan approved under part A" and inserting "program funded under part A".

(5) Section 452(d)(3)(B)(i) of such Act (42 U.S.C. 652(d)(3)(B)(i)) is amended by striking "1115(c)" and inserting "1115(b)".

(6) Section 452(g)(2)(A)(ii)(I) of such Act (42 U.S.C. 652(g)(2)(A)(ii)(I)) is amended by striking "aid is being paid under the State's plan approved" and inserting "assistance is being provided under the State program funded under".

(7) Section 452(g)(2)(A) of such Act (42 U.S.C. 652(g)(2)(A)) is amended in the matter following clause (iii) by striking "aid was being paid under the State's plan approved" and inserting "assistance was being provided under the State program funded".

(8) Section 452(g)(2) of such Act (42 U.S.C. 652(g)(2)) is amended in the matter following subparagraph (B)—

(A) by striking "who is a dependent child by reason of the death of a parent" and inserting "with respect to whom assistance is being provided under the State program funded under part A"; and

(B) by inserting "by the State agency administering the State plan approved under this part" after "found";

(C) by striking "under section 402(a)(26)" and inserting "pursuant to section 405(a)(8)"; and

(D) by striking "administering the plan under part E determines (as provided in section 454(4)(B))" and inserting "determines".

(9) Section 452(h) of such Act (42 U.S.C. 652(h)) is amended by striking "under section 402(a)(26)" and inserting "pursuant to section 405(a)(8)".

(10) Section 454(5) of such Act (42 U.S.C. 654(5)) is amended—

(A) by striking "under section 402(a)(26)" and inserting "pursuant to section 405(a)(8)"; and

(B) by striking "except that this paragraph shall not apply to such payments for any month following the first month in which the amount collected is sufficient to make such family ineligible for assistance under the State plan approved under part A;".

(11) Section 454(6)(D) of such Act (42 U.S.C. 654(6)(D)) is amended by striking "aid under a State plan approved" and inserting "assistance under a State progrm funded".

(12) Section 456 of such Act (42 U.S.C. 656) is amended by striking "under section 402(a)(26)" each place such term appears and inserting "pursuant to section 405(a)(8)".

(13) Section 466(a)(3)(B) of such Act (42 U.S.C. 666(a)(3)(B)) is amended by striking "402(a)(26)" and inserting "405(a)(8)".

(14) Section 466(b)(2) of such Act (42 U.S.C. 666(b)(2)) is amended by striking "aid" and inserting "assistance under a State program funded".

(c) REPEAL OF PART F OF TITLE IV.—Part F of title IV of such Act (42 U.S.C. 681–687) is hereby repealed.

(d) AMENDMENT TO TITLE X.—Section 1002(a)(7) of such Act (42 U.S.C. 1202(a)(7)) is amended by striking "aid to families with dependent children under the State plan approved under section 402 of this Act" and inserting "assistance under a State program funded under part A of title IV".

(e) AMENDMENTS TO TITLE XI.—

(1) Section 1108 of such Act (42 U.S.C. 1308) is amended—

(A) by striking subsections (a), (b), (d), and (e); and

(B) by striking "(c)".

(2) Section 1109 of such Act (42 U.S.C. 1309) is amended by striking "or part A of title IV,".

(3) Section 1115(a) of such Act (42 U.S.C. 1315(a)) is amended—

(A) in the matter preceding paragraph (1), by striking "A or";

(B) in paragraph (1), by striking "402,"; and

(C) in paragraph (2), by striking "403,".

(4) Section 1116 of such Act (42 U.S.C. 1316) is amended—

(A) in each of subsections (a)(1), (b), and (d), by striking "or part A of title IV,"; and

(B) in subsection (a)(3), by striking "404,";

(5) Section 1118 of such Act (42 U.S.C. 1318) is amended—

(A) by striking "403(a),";

(B) by striking "and part A of title IV,"; and

(C) by striking ", and shall, in the case of American Samoa, mean 75 per centum with respect to part A of title IV".

(6) Section 1119 of such Act (42 U.S.C. 1319) is amended—

(A) by striking "or part A of title IV"; and

(B) by striking "403(a),".

(7) Section 1133(a) of such Act (42 U.S.C. 1320b–3(a)) is amended by striking "or part A of title IV,".

(8) Section 1136 of such Act (42 U.S.C. 1320b–6) is hereby repealed.

(9) Section 1137 of such Act (42 U.S.C. 1320b–7) is amended—

(A) in subsection (b), by striking paragraph (1) and inserting the following:

"(1) any State program funded under part A of title IV of this Act;"; and

(B) in subsection (d)(1)(B)—

(i) by striking "In this subsection—" and all that follows through "(ii) in" and inserting "In this subsection, in"; and

(ii) by redesignating subclauses (I), (II), and (III) as clauses (i), (ii), and (iii); and

(iii) by moving such redesignated material 2 ems to the left.

(f) AMENDMENT TO TITLE XIV.—Section 1402(a)(7) of such Act (42 U.S.C. 1352(a)(7)) is amended by striking "aid to families with dependent children under the State plan approved under section 402 of this Act" and inserting "assistance under a State program funded under part A of title IV".

(g) AMENDMENT TO TITLE XVI AS IN EFFECT WITH RESPECT TO THE TERRITORIES.—Section 1602(a)(11) of such Act, as in effect without regard to the amendment made by section 301 of the Social Security Amendments of 1972, (42 U.S.C. 1382 note) is amended by striking "aid under the State plan approved" and inserting "assistance under a State program funded".

(h) AMENDMENT TO TITLE XVI AS IN EFFECT WITH RESPECT TO THE STATES.—Section 1611(c)(5)(A) of such Act (42 U.S.C. 1382(c)(5)(A)) is amended to read as follows: "(A) a State program funded under part A of title IV,".

SEC. 105. CONFORMING AMENDMENTS TO OTHER LAWS.

(a) Subsection (b) of section 508 of the Unemployment Compensation Amendments of 1976 (42 U.S.C. 603a) is amended to read as follows:

"(b) PROVISION FOR REIMBURSEMENT OF EXPENSES.—For purposes of section 455 of the Social Security Act, expenses incurred to reimburse State employment offices for furnishing information requested of such offices—

"(1) pursuant to the third sentence of section 3(a) of the Act entitled 'An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes', approved June 6, 1933 (29 U.S.C. 49b(a)),

"(2) by a State or local agency charged with the duty of carrying a State plan for child support approved under part D of title IV of the Social Security Act,

shall be considered to constitute expenses incurred in the administration of such State plan.".

(b) Paragraph (9) of section 51(d) of the Internal Revenue Code of 1986 is amended by striking all that follows "agency as" and inserting "being eligible for financial assistance under part A of title IV of the Social Security Act and as having continually received such financial assistance during the 90-day period which immediately precedes the date on which such individual is hired by the employer.".

(c) Section 9121 of the Omnibus Budget Reconciliation Act of 1987 (42 U.S.C. 602 note) is hereby repealed.

(d) Section 9122 of the Omnibus Budget Reconciliation Act of 1987 (42 U.S.C. 602 note) is hereby repealed.

(e) Section 221 of the Housing and Urban-Rural Recovery Act of 1983 (42 U.S.C. 602 note), relating to treatment under AFDC of certain rental payments for federally assisted housing, is hereby repealed.

(f) Section 159 of the Tax Equity and Fiscal Responsibility Act of 1982 (42 U.S.C. 602 note) is hereby repealed.

(g) Section 202(d) of the Social Security Amendments of 1967 (81 Stat. 882; 42 U.S.C. 602 note) is hereby repealed.

(h) Section 233 of the Social Security Act Amendments of 1994 (42 U.S.C. 602 note) is hereby repealed.

(i) Section 903 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 11381 note), relating to demonstration projects to reduce number of AFDC families in welfare hotels, is amended—

(A) in subsection (a), by striking "aid to families with dependent children under a State plan approved" and inserting "assistance under a State program funded"; and

(B) in subsection (c), by striking "aid to families with dependent children in the State under a State plan approved" and inserting "assistance in the State under a State program funded".

SEC. 106. CONTINUED APPLICATION OF CURRENT STANDARDS UNDER MEDICAID PROGRAM.

(a) IN GENERAL.—Title XIX of the Social Security Act is amended—

(1) in section 1931, by inserting "subject to section 1931(a)," after "under this title," and by redesignating such section as section 1932; and

(2) by inserting after section 1930 the following new section:

"CONTINUED APPLICATION OF AFDC STANDARDS

"SEC. 1931. (a) For purposes of applying this title on and after October 1, 1995, with respect to a State—

"(1) except as provided in paragraph (2), any reference in this title (or other provision of law in relation to the operation of this title) to a provision of part A of title IV of this Act, or a State plan under such part, shall be considered a reference to such provision or plan as in effect as of March 7, 1995, with respect to the State and eligibility for medical assistance under this title shall be determined as if such provision or plan (as in effect as of such date) had remained in effect on and after October 1, 1995; and

"(2) any reference in section 1902(a)(5) or 1902(a)(55) to a State plan approved under part A of title IV shall be deemed a reference to a State program funded under such part (as in effect on and after October 1, 1995).

"(b) In the case of a waiver of a provision of part A of title IV in effect with respect to a State as of March 7, 1995, if the waiver affects eligibility of individuals for medical assistance under this title, such waiver may continue to be applied, at the option of the State, in relation to this title after the date the waiver would otherwise expire."

(b) PLAN AMENDMENT.—Section 1902(a) of such Act (42 U.S.C. 1396a(a)) is amended—

(1) by striking "and" at the end of paragraph (61),

(2) by striking the period at the end of paragraph (62) and inserting "; and", and

(3) by inserting after paragraph (62) the following new paragraph:

"(63) provide for continuing to administer eligibility standards with respect to individuals who are (or seek to be) eligible for medical assistance based on the application of section 1931.".

(c) CONFORMING AMENDMENTS.—(1) Section 1902(c) of such Act (42 U.S.C. 1396a(c)) is amended by striking "if—" and all that follows and inserting the following: "if the State requires individuals described in subsection (l)(1) to apply for assistance under the State program funded under part A of title IV as a condition of applying for or receiving medical assistance under this title.".

(2) Section 1903(i) of such Act (42 U.S.C. 1396b(i)) is amended by striking paragraph (9).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to medical assistance furnished for calendar quarters beginning on or after October 1, 1995.

SEC. 107. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this title, this title and the amendments made by this title shall take effect on October 1, 1995.

(b) DELAYED APPLICABILITY OF AUTHORITY TO TEMPORARILY REDUCE ASSISTANCE FOR CERTAIN FAMILIES WHICH INCLUDE A CHILD WHOSE PATERNITY IS NOT ESTABLISHED.—Section 405(a)(9) of the Social Security Act, as added by the amendment made by section 101 of this Act, shall not apply to individuals who, immediately before the effective date of this title, are recipients of aid under a State plan approved under part A of title IV of the Social Security Act, until the end of the 1-year (or, at the option of the State, 2-year) period that begins with such effective date.

(c) TRANSITION RULE.—The amendments made by this title shall not apply with respect to—

(1) powers, duties, functions, rights, claims, penalties, or obligations applicable to aid or services provided before the effective date of this title under the provisions amended; and

(2) administrative actions and proceedings commenced before such date, or authorized before such date to be commenced, under such provisions.

TITLE II—CHILD PROTECTION BLOCK GRANT PROGRAM

SEC. 201. ESTABLISHMENT OF PROGRAM.

Part B of title IV of the Social Security Act (42 U.S.C. 620–635) is amended to read as follows:

"PART B—BLOCK GRANTS TO STATES FOR THE PROTECTION OF CHILDREN

"SEC. 421. PURPOSE.

"The purpose of this part is to enable eligible States to carry out a child protection program to—

"(1) identify and assist families at risk of abusing or neglecting their children;

"(2) operate a system for receiving reports of abuse or neglect of children;

"(3) investigate families reported to abuse or neglect their children;

"(4) provide support, treatment, and family preservation services to families which are, or are at risk of, abusing or neglecting their children;

"(5) support children who must be removed from or who cannot live with their families;

"(6) make timely decisions about permanent living arrangements for children who must be removed from or who cannot live with their families; and

"(7) provide for continuing evaluation and improvement of child protection laws, regulations, and services.

"SEC. 422. ELIGIBLE STATES.

"(a) IN GENERAL.—As used in this part, the term 'eligible State' means, with respect to a fiscal year, a State that, during the 3-year period immediately preceding the fiscal year, has submitted to the Secretary a plan that includes the following:

"(1) OUTLINE OF CHILD PROTECTION PROGRAM.—A written document that outlines the activities the State intends to conduct to achieve the purpose of this part, including the procedures to be used for—

"(A) receiving reports of child abuse or neglect;

"(B) investigating such reports;

"(C) protecting children in families in which child abuse or neglect is found to have occurred;

"(D) removing children from dangerous settings;

"(E) protecting children in foster care;

"(F) promoting timely adoptions;

"(G) protecting the rights of families;

"(H) preventing child abuse and neglect; and

"(I) establishing and responding to citizen review panels under section 425.

"(2) CERTIFICATION OF STATE LAW REQUIRING THE REPORTING OF CHILD ABUSE AND NEGLECT.—A certification that the State has in effect laws that require public officials and other professionals to report actual or suspected instances of child abuse or neglect.

"(3) CERTIFICATION OF STATE PROGRAM TO INVESTIGATE CHILD ABUSE AND NEGLECT CASES.—A certification that the State has in effect a program to investigate child abuse and neglect cases.

"(4) CERTIFICATION OF STATE PROCEDURES FOR REMOVAL AND PLACEMENT OF ABUSED OR NEGLECTED CHILDREN.—A certification that the State has in effect procedures for removal from families and placement of abused or neglected children.

"(5) CERTIFICATION OF STATE PROCEDURES FOR DEVELOPING AND REVIEWING WRITTEN PLANS FOR PERMANENT PLACEMENT OF REMOVED CHILDREN.—A certification that the State has in effect procedures for ensuring that a written plan is prepared for children who have been removed from their families, which specifies the goal for achieving a permanent placement for the child in a timely fashion, for ensuring that the written plan is reviewed every 6 months, and for ensuring that information about such children is collected regularly and recorded in case records, and a description of such procedures.

"(6) CERTIFICATION THAT THE STATE WILL CONTINUE TO HONOR ADOPTION ASSISTANCE AGREEMENTS.—A certification that the State will honor any adoption assistance agreement (as defined in section 475(3), as in effect immediately before the effective date of this part) entered into by an agency of the State, that is in effect as of such effective date.

"(7) CERTIFICATION OF STATE PROGRAM TO PROVIDE INDEPENDENT LIVING SERVICES.—A certification that the State has in effect a program to provide independent living services to individuals in the child protection program of the State who have attained 16 years of age but have not attained 20 (or, at the option of the State, 22) years of age, and who do not have a family to which to be returned for assistance in making the transition to self-sufficient adulthood.

"(8) CERTIFICATION OF STATE PROCEDURES TO RESPOND TO REPORTING OF MEDICAL NEGLECT OF DISABLED INFANTS.—

"(A) IN GENERAL.—A certification that the State has in place for the purpose of responding to the reporting of medical neglect of infants (including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions), procedures or programs, or both (within the State child protective services system), to provide for—

"(i) coordination and consultation with individuals designated by and within appropriate health-care facilities;

"(ii) prompt notification by individuals designated by and within appropriate health-care facilities of cases of suspected medical neglect (including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions); and

"(iii) authority, under State law, for the State child protective service to pursue any legal remedies, including the authority to initiate legal proceedings in a court of competent jurisdiction, as may be necessary to prevent the withholding of medically indicated treatment from disabled infants with life-threatening conditions.

"(B) WITHHOLDING OF MEDICALLY INDICATED TREATMENT.—As used in subparagraph (A), the term 'withholding of medically indicated treatment' means the failure to respond to the infant's life-threatening conditions by providing treatment (including appropriate nutrition, hydration, and medication) which, in the treating physician's or physicians' reasonable medical judgment, will be most likely to be effective in ameliorating or correcting all such conditions, except that such term does not include the failure to provide treatment (other than appropriate nutrition, hydration, or medication) to an infant when, in the treating physician's or physicians' reasonable medical judgment—

"(i) the infant is chronically and irreversibly comatose;

"(ii) the provision of such treatment would—

"(I) merely prolong dying;

"(II) not be effective in ameliorating or correcting all of the infant's life-threatening conditions; or

"(III) otherwise be futile in terms of the survival of the infant; or

"(iii) the provision of such treatment would be virtually futile in terms of the survival of the infant and the treatment itself under such circumstances would be inhumane.

"(9) IDENTIFICATION OF CHILD PROTECTION GOALS.—The quantitative goals of the State child protection program.

"(b) DETERMINATIONS.—The Secretary shall determine whether a plan submitted pursuant to subsection (a) contains the material required by subsection (a). The Secretary may not require a State to include in such a plan any material not described in subsection (a), and may not review the adequacy of State procedures.

"SEC. 423. GRANTS TO STATES FOR CHILD PROTECTION.

"(a) ENTITLEMENT.—

"(1) IN GENERAL.—Each eligible State shall be entitled to receive from the Secretary for each fiscal year specified in subsection (b)(1) a grant in an amount equal to the State share of the child protection amount for the fiscal year.

"(2) ADDITIONAL GRANT.—

"(A) IN GENERAL.—In addition to a grant under paragraph (1) of this subsection, the Secretary shall pay to each eligible State for each fiscal year specified in subsection (b)(1) an amount equal to the State share of the amount (if any) appropriated pursuant to subparagraph (B) of this paragraph for the fiscal year.

"(B) LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.—For grants under subparagraph (A), there are authorized to be appropriated to the Secretary an amount not to exceed $486,000,000 for each fiscal year specified in subsection (b)(1).

"(b) DEFINITIONS.—As used in this section:

"(1) CHILD PROTECTION AMOUNT.—The term 'child protection amount' means—

"(A) $3,930,000,000 for fiscal year 1996;

"(B) $4,195,000,000 for fiscal year 1997;

"(C) $4,507,000,000 for fiscal year 1998;

"(D) $4,767,000,000 for fiscal year 1999; and

"(E) $5,071,000,000 for fiscal year 2000.

"(2) STATE SHARE.—

"(A) IN GENERAL.—The term 'State share' means the qualified child protection expenses of the State divided by the sum of the qualified child protection expenses of all of the States.

"(B) QUALIFIED CHILD PROTECTION EXPENSES.—The term 'qualified child protection expenses' means, with respect to a State the greater of—

"(i) ⅓ of the total amount of obligations to the State under the provisions of law specified in subparagraph (B) for fiscal years 1992, 1993, and 1994; or

"(ii) the total amount of obligations to the State under such provisions of law for fiscal year 1994.

"(C) PROVISIONS OF LAW.—The provisions of law specified in this subparagraph are the following (as in effect immediately before the effective date of this part):

"(i) Section 474(a) (other than subparagraphs (C) and (D) of paragraph (3)) of this Act.

"(ii) Section 304 of the Family Violence Prevention and Services Act.

"(iii) Section 107(a) of the Child Abuse Prevention and Treatment Act.

"(iv) Section 201(d) of the Child Abuse Prevention and Treatment Act.

"(v) Section 423 of this Act.

"(3) STATE.—The term 'State' includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, and American Samoa.

"(c) USE OF GRANT.—

"(1) IN GENERAL.—A State to which a grant is made under this section may use the grant in any manner that the State deems appropriate to accomplish the purpose of this part, including setting up abuse and neglect reporting systems, abuse and neglect prevention, family preservation, foster care, adoption, program administration, and training.

"(2) AUTHORITY TO USE PORTION OF GRANT FOR OTHER PURPOSES.—

"(A) IN GENERAL.—A State may use not more than 30 percent of the amount of the grant made to the State under this section for fiscal year 1998 or a succeeding fiscal year to carry out a State program pursuant to any or all of the following provisions of law:

"(i) Part A of this title.

"(ii) Title XX of this Act.

"(iii) The Child Care and Development Block Grant Act of 1990.

"(iv) Any provision of law, enacted into law during the 104th Congress, under which grants are made to States for food and nutrition or employment and training.

"(B) APPLICABLE RULES.—Any amount paid to the State under this part that is used to carry out a State program pursuant to a provision of law specified in subparagraph (A) shall not be subject to the requirements of this part, but shall be subject to the requirements that apply to Federal funds provided directly under the provision of law to carry out the program.

"(3) TIMING OF EXPENDITURES.—A State to which a grant is made under this section for a fiscal year shall expend the total amount of the grant not later than the end of the immediately succeeding fiscal year.

"(4) RULE OF INTERPRETATION.—This part shall not be interpreted to prohibit short- and long-term foster care facilities operated for profit from receiving funds provided under this part.

"(d) TIMING OF PAYMENTS.—The Secretary shall pay each eligible State the amount of the grant payable to the State under this section in quarterly installments.

"(e) PENALTIES.—

"(1) FOR USE OF GRANT IN VIOLATION OF THIS PART.—

"(A) IN GENERAL.—If an audit conducted pursuant to chapter 75 of title 31, United States Code, finds that an amount paid to a State under this section for a fiscal year has been used in violation of this part, then the Secretary shall reduce the amount of the grant that would (in the absence of this subsection) be payable to the State under this section for the immediately succeeding fiscal year by the amount so used.

"(B) LIMITATION.—In carrying out subparagraph (A), the Secretary shall not reduce any quarterly payment by more than 25 percent.

"(C) CARRYFORWARD OF UNRECOVERED PENALTY.—To the extent that subparagraph (B) prevents the Secretary from recovering during a fiscal year the full amount of a penalty imposed on a State under subparagraph (A) for a prior fiscal year, the Secretary shall apply subparagraph (A) to the grant otherwise payable to the State under this section for the immediately succeeding fiscal year.

"(2) FOR FAILURE TO MAINTAIN EFFORT.—If an audit conducted pursuant to chapter 75 of title 31, United States Code, finds that the amount expended by a State (other than from amounts provided by the Federal Government) during fiscal year 1996 or 1997 to carry out the State program funded under this part is less than the total amount expended by the State (other than from amounts provided by the Federal Government) during fiscal year 1995 under parts B and E of this title, then the Secretary shall reduce the amount of the grant that would (in the absence of this subsection) be payable to the State under this section for the immediately succeeding fiscal year by the amount of the difference.

"(3) FOR FAILURE TO SUBMIT REQUIRED REPORT.—

"(A) IN GENERAL.—The Secretary shall reduce by 3 percent the amount of the grant that would (in the absence of this subsection) be payable to a State under this section for a fiscal year if the Secretary determines that the State has not submitted the report required by section 427(b) for the immediately preceding fiscal year, within 6 months after the end of the immediately preceding fiscal year.

"(B) RESCISSION OF PENALTY.—The Secretary shall rescind a penalty imposed on a State under subparagraph (A) with respect to a report for a fiscal year if the State submits the report before the end of the immediately succeeding fiscal year.

"(f) LIMITATION ON FEDERAL AUTHORITY.—Except as expressly provided in this part, the Secretary may not regulate the conduct of States under this part or enforce any provision of this part.

"SEC. 424. CHILD PROTECTION STANDARDS.

"Each State to which a grant is made under section 423 shall operate a child protection program in accorance with the following standards in order to assure the protection of children:

"(1) The primary standard by which a State child welfare system shall be judged is the protection of children.

"(2) Each State shall investigate reports of abuse and neglect promptly.

"(3) Children removed from their homes shall have a permanency plan and a dispositional hearing by a court or a court-appointed body within 3 months after a fact-finding hearing.

"(4) All child protection cases in which the child is placed outside the home shall be reviewed every 6 months unless the child is in a long-term placement.

"SEC. 425. CITIZEN REVIEW PANELS.

"(a) ESTABLISHMENT.—Each State to which a grant is made under section 423 shall establish at least 3 citizen review panels.

"(b) COMPOSITION.—Each panel established under subsection (a) shall be broadly representative of the community from which drawn.

"(c) FREQUENCY OF MEETINGS.—Each panel established under subsection (a) shall meet not less frequently than quarterly.

"(d) DUTIES.—

"(1) IN GENERAL.—Each panel established under subsection (a) shall, by examining specific cases, determine the extent to which the State and local agencies responsible for carrying out activities under this part are doing so in accordance with the State plan, with the child protection standards set forth in section 424, and with any other criteria that the panel considers important to ensure the protection of children.

"(2) CONFIDENTIALITY.—The members and staff of any panel established under subsection (a) shall not disclose to any person or government any information about any specific child protection case with respect to which the panel is provided information.

"(e) STATE ASSISTANCE.—Each State that establishes a panel under subsection (a) shall afford the panel access to any information on any case that the panel desires to review, and shall provide the panel with staff assistance in performing its duties.

"(f) REPORTS.—Each panel established under subsection (a) shall make a public report of its activities after each meeting.

"SEC. 426. CLEARINGHOUSE AND HOTLINE ON MISSING AND RUNAWAY CHILDREN.

"(a) IN GENERAL.—The Secretary shall establish and operate a clearinghouse of information on children who are missing or have run away from home, including a 24-hour toll-free telephone hotline which may be contacted for information on such children.

"(b) LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.—To carry out subsection (a), there are authorized to be appropriated to the Secretary not to exceed $7,000,000 for each fiscal year.

"SEC. 427. DATA COLLECTION AND REPORTING.

"(a) ANNUAL REPORTS ON STATE CHILD WELFARE GOALS.—On the date that is 3 years after the effective date of this part and annually thereafter, each State to which a grant is made under section 423 shall submit to the Secretary a report that contains quantitative information on the extent to which the State is making progress toward achieving the goals of the State child protection program.

"(b) ANNUAL STATE DATA REPORTS.—Each State to which a grant is made under section 423 shall annually submit to the Secretary of Health and Human Services a report that includes the following:

"(1) The number of children who were reported to the State during the year as abused or neglected.

"(2) Of the number of children described in paragraph (1), the number with respect to whom such reports were substantiated.

"(3) Of the number of children described in paragraph (2)—

"(A) the number that did not receive services during the year under the State program funded under this part;

"(B) the number that received services during the year under the State program funded under this part or an equivalent State program; and

"(C) the number that were removed from their families during the year.

"(4) The number of families that received preventive services from the State during the year.

"(5) The number of children who entered foster care under the responsibility of the State during the year.

"(6) The number of children in foster care under the responsibility of the State who exited from foster care during the year.

"(7) The types of foster care placements made by the State during the year, and the average monthly number of children in each type of placement.

"(8) The average length of the foster care placements made by the State during the year.

"(9) The age, ethnicity, gender, and family income of the children placed in foster care under the responsibility of the State during the year.

"(10) The number of children in foster care under the responsibility of the State with respect to whom the State has the goal of adoption.

"(11) The number of children in foster care under the responsibility of the State who were freed for adoption during the year.

"(12) The number of children in foster care under the responsibility of the State whose adoptions were finalized during the year.

"(13) The number of disrupted adoptions in the State during the year.

"(14) Quantitative measurements showing whether the State is making progress toward the child protection goals identified by the State under section 422(a)(9).

"(15) The number of infants abandoned in the State during the year, and the number of such infants who were legally adopted during the year and the length of time between the discovery of the abandonment and such adoption.

"(16) The number of children who died during the year while in foster care under the responsibility of the State.

"(17) The number of deaths in the State during the year resulting from child abuse or neglect.

"(18) The number of children served by the independent living program of the State.

"(19) Any other information which the Secretary and a majority of the States agree is appropriate to collect for purposes of this part.

"(20) The response of the State to the findings and recommendations of the citizen review panels established by the State pursuant to section 425.

"(c) AUTHORITY OF STATES TO USE ESTIMATES.—A State may comply with a requirement to provide precise numerical information described in subsection (b) by submitting an estimate which is obtained through the use of scientifically acceptable sampling methods.

"(d) ANNUAL REPORT BY THE SECRETARY.—Within 6 months after the end of each fiscal year, the Secretary shall prepare a report based on information provided by the States for the fiscal year pursuant to subsection (b), and shall make the report and such information available to the Congress and the public.

"(e) SCOPE OF STATE PROGRAM FUNDED UNDER THIS PART.—As used in subsection (b), the term 'State program funded under this part' includes any equivalent State program.

"SEC. 428. RESEARCH AND TRAINING.

"(a) In General.—The Secretary shall conduct research and training in child welfare.

"(b) Limitation on Authorization of Appropriations.—To carry out subsection (a), there are authorized to be appropriated to the Secretary not to exceed $10,000,000 for each fiscal year.

"SEC. 429. NATIONAL RANDOM SAMPLE STUDY OF CHILD WELFARE.

"(a) In General.—The Secretary shall conduct a national study based on random samples of children who are at risk of child abuse or neglect, or are determined by States to have been abused or neglected.

"(b) Requirements.—The study required by subsection (a) shall—

"(1) have a longitudinal component; and

"(2) yield data reliable at the State level for as many States as the Secretary determines is feasible.

"(c) Preferred Contents.—In conducting the study required by subsection (a), the Secretary should—

"(1) collect data on the child protection programs of different small States or (different groups of such States) in different years to yield an occasional picture of the child protection programs of such States;

"(2) carefully consider selecting the sample from cases of confirmed abuse or neglect; and

"(3) follow each case for several years while obtaining information on, among other things—

"(A) the type of abuse or neglect involved;

"(B) the frequency of contact with State or local agencies;

"(C) whether the child involved has been separated from the family, and, if so, under what circumstances;

"(D) the number, type, and characteristics of out-of-home placements of the child; and

"(E) the average duration of each placement.

"(d) Reports.—

"(1) In general.—From time to time, the Secretary shall prepare reports summarizing the results of the study required by subsection (a), and should include in such reports a comparison of the results of the study with the information reported by States under section 427.

"(2) Availability.—The Secretary shall make available to the public any report prepared under paragraph (1), in writing or in the form of an electronic data tape.

"(3) Authority to charge fee.—The Secretary may charge and collect a fee for the furnishing of reports under paragraph (2).

"(e) Funding.—Out of any money in the Treasury of the United States not otherwise appropriated, the Secretary of the Treasury shall pay to the Secretary of Health and Human Services $6,000,000 for each of fiscal years 1996 through 2000 to carry out this section.

"SEC. 430. REMOVAL OF BARRIERS TO INTERETHNIC ADOPTION.

"(a) Purpose.—The purpose of this section is to decrease the length of time that children wait to be adopted and to prevent discrimination in the placement of children on the basis of race, color, or national origin.

"(b) Multiethnic Placements.—

"(1) Prohibition.—A State or other entity that receives funds from the Federal Government and is involved in adoption or foster care placements may not—

"(A) deny to any person the opportunity to become an adoptive or a foster parent, on the basis of the race, color, or national origin of the person, or of the child, involved; or

"(B) delay or deny the placement of a child for adoption or into foster care, or otherwise discriminate in making a placement decision, on the basis of the race, color, or national origin of the adoptive or foster parent, or the child, involved.

"(2) Penalties.—

"(A) State violators.—A State that violates paragraph (1) during a period shall remit to the Secretary all funds that were paid to the State under this part during the period.

"(B) Private violators.—Any other entity that violates paragraph (1) during a period shall remit to the Secretary all funds that were paid to the entity during the period by a State from funds provided under this part.

"(3) Private cause of action.—

"(A) In general.—Any individual who is aggrieved by a violation of paragraph (1) by a State or other entity may bring an action seeking relief in any United States district court.

"(B) Statute of limitations.—An action under this paragraph may not be brought more than 2 years after the date the alleged violation occurred.".

SEC. 202. CONFORMING AMENDMENTS.

(a) Amendments to Part D of Title IV of the Social Security Act.—

(1) Section 452(a)(10)(C) of the Social Security Act (42 U.S.C. 652(a)(10)(C)), as amended by section 104(b)(2)(C) of this Act, is amended—

(A) by striking "(or foster care maintenance payments under part E)" and inserting "or cash payments under a State program funded under part B"; and

(B) by striking "or 471(a)(17)".

(2) Section 452(g)(2)(A) of such Act (42 U.S.C. 652(g)(2)(A)) is amended—

(A) by striking "or E" the 1st place such term appears and inserting "or benefits or services are being provided under the State program funded under part B"; and

(B) by striking "or E" the 2nd place such term appears and inserting "or benefits or services were being provided under the State program funded under part B".

(3) Section 456(a)(1) of such Act (42 U.S.C. 656(a)(1)) is amended by striking "foster care maintenance payments" and inserting "benefits or services under a State program funded under part B".

(4) Section 466(a)(3)(B) of such Act (42 U.S.C. 666(a)(3)(B)), as amended by section 104(b)(13) of this Act, is amended by striking "or 471(a)(17)".

(b) Repeal of Part E of Title IV of the Social Security Act.—Part E of title IV of such Act (42 U.S.C. 671–679) is hereby repealed.

(c) Amendment to Title XVI of the Social Security Act as in Effect With Respect to the States.—Section 1611(c)(5)(B) of such Act (42 U.S.C. 1382(c)(5)(B)) is amended to read as follows: "(B) the State program funded under part B of title IV,".

(d) Repeal of Section 13712 of the Omnibus Budget Reconciliation Act of 1993.—Section 13712 of the Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 670 note) is hereby repealed.

(e) Amendment to Section 9442 of the Omnibus Budget Reconciliation Act of 1986.—Section 9442(4) of the Omnibus Budget Reconciliation Act of 1986 (42 U.S.C. 679a(4)) is amended by inserting "(as in effect before October 1, 1995)" after "Act".

(f) Repeal of Section 553 of the Howard M. Metzenbaum Multiethnic Placement Act of 1994.—Section 553 of the Howard M. Metzenbaum Multiethnic Placement Act of 1994 (42 U.S.C. 5115a; 108 Stat. 4056) is hereby repealed.

(g) Repeal of Subtitle C of Title XVII of the Violent Crime Control and Law Enforcement Act of 1994.—Subtitle C of title XVII of the Violent Crime Control and Law Enforcement Act of 1994 is hereby repealed.

(h) Repeal of Subtitle A of Title II of the Crime Control Act of 1990.—Subtitle A of title II of the Crime Control Act of 1990 is hereby repealed.

SEC. 203. CONTINUED APPLICATION OF CURRENT STANDARDS UNDER MEDICAID PROGRAM.

Section 1931 of the Social Security Act, as inserted by section 106(a)(2) of this Act, is amended—

(1) in subsection (a)(1)—

(A) by striking "part A of", and

(B) by striking "under such part" and inserting "under a part of such title"; and

(2) in subsection (b), by striking "part A of".

SEC. 204. EFFECTIVE DATE.

(a) In General.—This title and the amendments made by this title shall take effect on October 1, 1995.

(b) Transition Rule.—The amendments made by this title shall not apply with respect to—

(1) powers, duties, functions, rights, claims, penalties, or obligations applicable to aid or services provided before the effective date of this title under the provisions amended; and

(2) administrative actions and proceedings commenced before such date, or authorized before such date to be commenced, under such provisions.

TITLE III—BLOCK GRANTS FOR CHILD CARE AND FOR NUTRITION ASSISTANCE

Subtitle A—Child Care Block Grants

SEC. 301. AMENDMENTS TO THE CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990.

(a) Goals.—Section 658A of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9801 note) is amended—

(1) in the heading of such section by inserting "**AND GOALS**" after "**TITLE**",

(2) by inserting "(a) Short Title.—" before "This", and

(3) by adding at the end the following:

"(b) Goals.—The goals of this subchapter are—

"(1) to allow each State maximum flexibility in developing child care programs and policies that best suit the needs of children and parents within such State;

"(2) to promote parental choice to empower working parents to make their own decisions on the child care that best suits their family's needs;

"(3) to encourage States to provide consumer education information to help parents make informed choices about child care;

"(4) to assist States to provide child care to parents trying to achieve independence from public assistance; and

"(5) to assist States in implementing the health, safety, licensing, and registration standards established in State regulations.".

(b) Authorization of Appropriations.—Section 658B of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858) is amended to read as follows:

"SEC. 658B. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this subchapter $1,943,000,000 for each of the fiscal years 1996, 1997, 1998, 1999, and 2000.".

(c) Lead Entity.—Section 658D of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858b) is amended—

(1) in the heading of such section by striking "**AGENCY**" inserting "**ENTITY**",

(2) in subsection (a) by inserting "or other entity" after "State agency", and

(3) by striking "lead agency" each place it appears and inserting "lead entity".

(d) APPLICATION AND PLAN.—Section 658E of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c) is amended—

(1) in subsection (b)—

(A) by striking "implemented—" and all that follows through "(2)" and inserting "implemented", and

(B) by striking "for subsequent State plans".

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in the heading of such paragraph by striking "AGENCY" and inserting "ENTITY", and

(ii) by striking "agency" and inserting "entity",

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clause (i) by striking ", other than through assistance provided under paragraph (3)(C)," and

(II) by striking "except" and all that follows through "1992", and inserting "and provide a detailed description of the procedures the State will implement to carry out the requirements of this subparagraph",

(ii) in subparagraph (B)—

(I) by striking "Provide assurances" and inserting "Certify", and

(II) by inserting before the period at the end "and provide a detailed description of such procedures",

(iii) in subparagraph (C)—

(I) by striking "Provide assurances" and inserting "Certify", and

(II) by inserting before the period at the end "and provide a detailed description of how such record is maintained and is made available",

(iv) by amending subparagraph (D) to read as follows:

"(D) CONSUMER EDUCATION INFORMATION.—Provide assurances that the State will collect and disseminate to parents of eligible children and the general public, consumer education information that will promote informed child care choices.",

(v) in subparagraph (E)—

(I) by striking "Provide assurances" and inserting "Certify",

(II) in clause (i) by inserting "health, safety, and" after "comply with all",

(III) in clause (i) by striking "; and" at the end,

(IV) by striking "that—" and all that follows through "(i)", and inserting "that", and

(V) by striking "(ii)" and all that follows through the end of such subparagraph, and inserting "and provide a detailed description of such requirements and of how such requirements are effectively enforced.", and

(vi) by striking subparagraphs (F), (G), (H), (I), and (J),

(C) in paragraph (3)—

(i) in subparagraph (A) by inserting "or as authorized by section 658T" before the period at the end,

(ii) in subparagraph (B)—

(I) by striking ".—Subject to the reservation contained in subparagraph (C), the" and inserting "AND RELATED ACTIVITIES.—The",

(II) by inserting ", other than amounts transferred under section 658T," after "subchapter",

(III) in clause (i) by striking "; and" at the end and inserting a period,

(IV) by striking "for—" and all that follows through "section 658E(c)(2)(A)" and inserting "for child care services, activities that improve the quality or availability of such services, and any other activity that the State deems appropriate to realize any of the goals specified in paragraphs (2) through (5) of section 658A(b)", and

(V) by striking clause (ii), and

(iii) by amending subparagraph (C) to read as follows:

"(C) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of the aggregate amount of payments received under this subchapter by a State in each fiscal year may be expended for administrative costs incurred by such State to carry out all its functions and duties under this subchapter.",

(D) in paragraph (4)(A)—

(i) by striking "provide assurances" and inserting "certify",

(ii) in the first sentence by inserting "and shall provide a summary of the facts relied on by the State to determine that such rates are sufficient to ensure such access" before the period, and

(iii) by striking the last sentence, and

(E) by striking paragraph (5).

(e) LIMITATIONS ON STATE ALLOTMENTS—Section 658F(b)(2) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858d(b)(2)) is amended by striking "referred to in section 658E(c)(2)(F)".

(f) REPEAL OF EARMARKED REQUIRED EXPENDITURES.—The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9801 note) is amended by striking sections 658G and 658H.

(g) ADMINISTRATION AND ENFORCEMENT.—Section 658I(a) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858g(a)) is amended—

(1) in paragraph (1) by inserting "and" at the end,

(2) by striking paragraph (2), and

(3) by redesignating paragraph (3) as paragraph (2).

(h) PAYMENTS.—Section 658J(c) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858h(c)) is amended—

(1) by striking "expended" and inserting "obligated", and

(2) by striking "3 fiscal years" and inserting "fiscal year".

(i) ANNUAL REPORT AND AUDITS.—Section 658K of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858i) is amended—

(1) in the heading of such section by inserting "**, EVALUATION PLANS,**" after "**REPORT**",

(2) in subsection (a)—

(A) by striking ", 1992" and inserting "following the end of the first fiscal year with respect to which the amendments made by the Personal Responsibility Act of 1995 apply",

(B) by amending paragraph (2) to read as follows:

"(2) containing data on the manner in which the child care needs of families in the State are being fulfilled, including information concerning—

"(A) the number and ages of children being assisted with funds provided under this subchapter;

"(B) with respect to the families of such children—

"(i) the number of other children in such families;

"(ii) the number of such families that include only 1 parent;

"(iii) the number of such families that include both parents;

"(iv) the ages of the mothers of such children;

"(v) the ages of the fathers of such children;

"(vi) the sources of the economic resources of such families, including the amount of such resources obtained from (and separately identified as being from)—

"(I) employment, including self-employment;

"(II) assistance received under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

"(III) part B of title IV of the Social Security Act (42 U.S.C. 620 et seq.);

"(IV) the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

"(V) the National School Lunch Act (42 U.S.C. 1751 et seq.);

"(VI) assistance received under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.);

"(VII) assistance received under title XIV of the Social Security Act (42 U.S.C. 1351 et seq.);

"(VIII) assistance received under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

"(IX) assistance received under title XX of the Social Security Act (42 U.S.C. 1397 et seq.); and

"(X) any other source of economic resources the Secretary determines to be appropriate;

"(C) the number of such providers separately identified with respect to each type of child care provider specified in section 658P(5) that provided child care services obtained with assistance provided under this subchapter;

"(D) with respect to cost of such services—

"(i) the cost imposed by such providers to provide such services; and

"(ii) the portion of such cost paid with assistance provided under this subchapter;

"(E) with respect to consumer education information described in section 658E(c)(2)(D) provided by such State—

"(i) the manner in which such information was provided; and

"(ii) the number of parents to whom such information was provided; and

"(F) with respect to complaints received by such State regarding child care services obtained with assistance provided under this subchapter—

"(i) the number of such complaints that were found to have merit; and

"(ii) a description of the actions taken by the State to correct the circumstances on which such complaints were based.",

(C) by striking paragraphs (3), (4), (5), and (6) and inserting the following:

"(3) containing evidence demonstrating that the State satisfied the requirements of section 658E(c)(2)(F); and

"(4) identifying each State program operated under a provision of law specified in section 658T to which the State transferred funds under the authority of such section, specifying the amount of funds so transferred to such program, and containing a justification for so transferring such amount;", and

(3) in subsection (b)—

(A) in paragraph (1) by striking "a application" and inserting "an application",

(B) in paragraph (2) by striking "any agency administering activities that receive" and inserting "the State that receives", and

(C) in paragraph (4) by striking "entitles" and inserting "entitled", and

(4) by redesignating subsection (b) as subsection (c), and

(5) by inserting after subsection (a) the following:

"(b) STATE EVALUATION PLAN AND EVALUATION RESULTS.—

"(1) EVALUATION PLAN.—In the first report submitted under subsection (a) after the date of the enactment of the Personal Responsibility Act of 1995, and in the report for each alternating 1-year period thereafter, the State shall include a plan the State intends to carry out in the 1-year period subsequent to the period for which such report is submitted, to evaluate the extent to which the State has realized each of the goals specified in paragraphs (2) through (5) of section 658A(b). The State shall include in such plan a description of the types of data and other information the State will collect to determine whether the State has realized such goals.

"(2) EVALUATION RESULTS.—In the second report submitted under subsection (a) after the date of the enactment of the Personal Responsibility Act of 1995, and in the report for each alternating 1-year period thereafter, the State shall include a summary of the results of an evaluation carried out under the evaluation plan contained in the report submitted under subsection (a) for the preceding 1-year period.".

(j) REPORT BY SECRETARY.—Section 658L of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858j) is amended—

(1) by striking ", 1993, and annually" and inserting "following the end of the second fiscal year with respect to which the amendments made by the Personal Responsibility Act of 1995 apply, and biennially",

(2) by striking "Committee on Education and Labor" and inserting "Speaker",

(3) by striking "Committee on Labor and Human Resources" and inserting "President pro tempore", and

(4) by striking the last sentence.

(k) REALLOTMENTS.—Section 658O of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m) is amended—

(1) in subsection (a)(1)—

(A) by striking "POSSESSIONS" and inserting "POSSESSIONS",

(B) by inserting "and" after "States,", and

(C) by striking ", and the Trust Territory of the Pacific Islands",

(2) by amending subsection (b) to read as follows:

"(b) STATE ALLOTMENT.—From the amount appropriated under section 658B for each fiscal year remaining after reservations under subsection (a), the Secretary shall allot to each State (excluding Guam, American Samoa, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands) an amount that bears the same ratio to the amount so appropriated for such fiscal year as the aggregate of the amounts received by the State under—

"(1) this subchapter for fiscal year 1994;

"(2) section 403 of the Social Security Act, with respect to expenditures by the State for child care under section 402(g)(1) of such Act during fiscal year 1994; and

"(3) section 403(n) of the Social Security Act for fiscal year 1994;

bears to the aggregate of the amounts received by all the States (excluding Guam, American Samoa, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands) under paragraphs (1), (2), and (3).",

(3) in subsection (c)—

(A) in paragraph (2)(A) by striking "agency" and inserting "entity", and

(B) in paragraph (5) by striking "our" and inserting "out",

(4) by striking subsection (e), and

(5) by redesignating subsection (f) as subsection (e).

(l) DEFINITIONS.—Section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n) is amended—

(1) in paragraph (5)(A)—

(A) in clause (i) by striking "and" at the end and inserting "or",

(B) by striking "that—" and all that follows through "(i)", and inserting "that", and

(C) by striking clause (ii),

(2) by amending paragraph (8) to read as follows:

"(8) LEAD ENTITY.—The term 'lead entity' means the State agency or other entity designated under section 658B(a).",

(3) by striking paragraphs (3), (10), and (12),

(4) by inserting after paragraph (2) the following:

"(3) CHILD CARE SERVICES.—The term 'child care services' means services that constitute physical care of a child and may include services that are designed to enhance the educational, social, cultural, emotional, and recreational development of a child but that are not intended to serve as a substitute for compulsory educational services.",

(5) in paragraph (13)—

(A) by inserting "or" after "Samoa,", and

(B) by striking ", and the Trust Territory of the Pacific Islands", and

(6) by redesignating paragraphs (11), (13), and (14) as paragraphs (10), (11), and (12), respectively.

(m) AUTHORITY TO TRANSFER FUNDS.—The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) is amended by inserting after section 658S the following:

"SEC. 658T. TRANSFER OF FUNDS.

"(a) AUTHORITY.—Of the aggregate amount of payments received under this subchapter by a State in each fiscal year, the State may transfer not more than 20 percent for use by the State to carry out State programs under 1 or more of the following provisions of law:

"(1) Part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

"(2) Part B of title IV of the Social Security Act (42 U.S.C. 620 et seq.).

"(3) The Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

"(4) The National School Lunch Act (42 U.S.C. 1751 et seq.).

"(5) Title XX of the Social Security Act (42 U.S.C. 1397 et seq.).

"(b) REQUIREMENTS APPLICABLE TO FUNDS TRANSFERRED.—Funds transferred under subsection (a) to carry out a State program operated under a provision of law specified in such subsection shall not be subject to the requirements of this subchapter, but shall be subject to the same requirements that apply to Federal funds provided directly under such provision of law to carry out such program.".

SEC. 302. REPEAL OF CHILD CARE ASSISTANCE AUTHORIZED BY ACTS OTHER THAN THE SOCIAL SECURITY ACT.

(a) CHILD DEVELOPMENT ASSOCIATE SCHOLARSHIP ASSISTANCE ACT OF 1985.—Title VI of the Human Services Reauthorization Act of 1986 (42 U.S.C. 10901–10905) is repealed.

(b) STATE DEPENDENT CARE DEVELOPMENT GRANTS ACT.—Subchapter E of chapter 8 of subtitle A of title VI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9871–9877) is repealed.

(c) PROGRAMS OF NATIONAL SIGNIFICANCE.—Title X of the Elementary and Secondary Education Act of 1965, as amended by Public Law 103-382 (108 Stat. 3809 et seq.), is amended—

(1) in section 10413(a) by striking paragraph (4),

(2) in section 10963(b)(2) by striking subparagraph (G), and

(3) in section 10974(a)(6) by striking subparagraph (G).

(d) NATIVE HAWAIIAN FAMILY-BASED EDUCATION CENTERS.—Section 9205 of the Native Hawaiian Education Act (Public Law 103-382; 108 Stat. 3794) is repealed.

Subtitle B—Family and School-Based Nutrition Block Grants

CHAPTER 1—FAMILY NUTRITION BLOCK GRANT PROGRAM

SEC. 321. AMENDMENT TO CHILD NUTRITION ACT OF 1966.

The Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) is amended to read as follows:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'Child Nutrition Act of 1966'.

"(b) TABLE OF CONTENTS.—The table of contents is as follows:

"Sec. 1. Short title; table of contents.
"Sec. 2. Authorization.
"Sec. 3. Allotment.
"Sec. 4. Application.
"Sec. 5. Use of amounts.
"Sec. 6. Reports.
"Sec. 7. Penalties.
"Sec. 8. Model nutrition standards for food assistance for pregnant, postpartum, and breastfeeding women, infants and children.
"Sec. 9. Authorization of appropriations.
"Sec. 10. Definitions.

"SEC. 2. AUTHORIZATION.

"(a) IN GENERAL.—In the case of each State that in accordance with section 4 submits to the Secretary of Agriculture an application for a fiscal year, the Secretary shall provide a grant for the year to the State for the purpose of achieving the goals described in subsection (b). The grant shall consist of the allotment determined for the State under section 3.

"(b) GOALS.—The goals of this Act are—

"(1) to provide nutritional risk assessment, food assistance based on such risk assessment, and nutrition education and counseling to economically disadvantaged pregnant women, postpartum women, breastfeeding women, infants, and young children who are determined to be at nutritional risk;

"(2) to provide nutritional risk assessments of such women in order to provide food assistance and nutrition education which meets their specific needs;

"(3) to provide nutrition education to such women in order to increase their awareness of the types of foods which should be consumed to maintain good health;

"(4) to provide food assistance, including nutritious meal supplements, to such women in order to reduce incidences of low-birthweight babies and babies born with birth defects as a result of nutritional deficiencies;

"(5) to provide food assistance, including nutritious meal supplements, to such women, infants, and young children in order to ensure their future good health;

"(6) to ensure that such women, infants, and children are referred to other health services, including routine pediatric and obstetric care, when necessary;

"(7) to ensure that children from economically disadvantaged families in day care facilities, family day care homes, homeless shelters, settlement houses, recreational centers, Head Start centers, Even Start programs and child care facilities for children with disabilities receive nutritious meals, supplements, and low-cost milk; and

"(8) to provide summer food service programs to meet the nutritional needs of children from economically disadvantaged families during months when school is not in session.

"(c) TIMING OF PAYMENTS.—The Secretary shall provide payments under a grant under this Act to States on a quarterly basis.

"SEC. 3. ALLOTMENT.

The Secretary shall allot the amount appropriated to carry out this Act for a fiscal year among the States as follows:

"(1) FIRST FISCAL YEAR.—

"(A) IN GENERAL.—With respect to the first fiscal year for which the Secretary provides grants to States under this Act, the amount allotted to each State shall bear the same proportion to such amount appropriated as the aggregate of the amounts described in subparagraph (B) that were received by each such State under the provisions of law described in such subparagraph (as such provisions of law were in effect on the day before the date of the enactment of the Personal Responsibility Act of 1995) for the preceding fiscal year bears to the aggregate of the amounts described in subparagraph (B) that were received by all such States under such provisions of law for such preceding fiscal year.

"(B) AMOUNTS DESCRIBED.—The amounts described in this subparagraph are the following:

"(i) The amount received under the special supplemental nutrition program for women, infants, and children under section 17 of this Act (42 U.S.C. 1786).

"(ii) The amount received under the homeless children nutrition program established under section 17B of the National School Lunch Act (42 U.S.C. 1766b).

"(iii) 87.5 percent of the sum of the amounts received under the following programs:

"(I) The child and adult care food program under section 17 of the National School Lunch Act (42 U.S.C. 1766), except for subsection (o) of such section.

"(II) The summer food service program for children established under section 13 of the National School Lunch Act (42 U.S.C. 1761).

"(III) The special milk program established under section 3 of this Act (42 U.S.C. 1772).

"(2) SECOND FISCAL YEAR.—With respect to the second fiscal year for which the Secretary provides grants to States under this Act—

"(A) 95 percent of such amount appropriated shall be allotted among the States by allotting to each State an amount that bears the same proportion to such amount appropriated as the amount allotted to each such State from a grant under this Act for the preceding fiscal year bears to the aggregate of the amounts allotted to all such States from grants under this Act for such preceding fiscal year; and

"(B) 5 percent of such amount appropriated shall be allotted among the States by allotting to each State an amount that bears the same proportion to such amount appropriated as the relative number of individuals receiving assistance during the 1-year period ending on June 30 of the preceding fiscal year in such State from amounts received from a grant under this Act for such preceding fiscal year bears to the total number of individuals receiving assistance in all States from amounts received from grants under this Act for the preceding fiscal year.

"(3) THIRD AND FOURTH FISCAL YEARS.—With respect to each of the third and fourth fiscal years for which the Secretary provides grants to States under this Act—

"(A) 90 percent of such amount appropriated shall be allotted among the States by allotting to each State an amount determined in accordance with the formula described in paragraph (2)(A); and

"(B) 10 percent of such amount appropriated shall be allotted among the States by allotting to each State an amount determined in accordance with the formula described in paragraph (2)(B).

"(4) FIFTH FISCAL YEAR.—With respect to the fifth fiscal year for which the Secretary provides grants to States under this Act—

"(A) 85 percent of such amount appropriated shall be allotted among the States by allotting to each State an amount determined in accordance with the formula described in paragraph (2)(A); and

"(B) 15 percent of such amount appropriated shall be allotted among the States by allotting to each State an amount determined in accordance with the formula described in paragraph (2)(B).

"SEC. 4. APPLICATION.

"The Secretary may provide a grant under this Act to a State for a fiscal year only if the State submits to the Secretary an application containing only—

"(1) an agreement that the State will use amounts received from such grant in accordance with section 5;

"(2) except as provided in paragraph (3), an agreement that the State will set minimum nutritional requirements for food assistance provided under this Act based on the most recent tested nutritional research available, except that—

"(A) such requirements shall not be construed to prohibit the substitution of foods to accommodate the medical or other special dietary needs of individual students; and

"(B) such requirements shall, at a minimum, be based on—

"(i) the weekly average of the nutrient content of school lunches; or

"(ii) such other standards as the State may prescribe;

"(3) an agreement that the State, with respect to the provision of food assistance to economically disadvantaged pregnant women, postpartum women, breastfeeding women, infants, and young children, shall—

"(A) implement the minimum nutritional requirements described in paragraph (2) for such food assistance; or

"(B) implement the model nutrition standards developed under section 8 for such food assistance;

"(4) an agreement that the State will take such reasonable steps as the State deems necessary to restrict the use and disclosure of information about individuals and families receiving assistance under this Act;

"(5) an agreement that the State will use not more than 5 percent of the amount of such grant for administrative costs incurred to provide assistance under this Act, except that costs associated with the nutritional risk assessment of individuals described in section 5(a)(1) and costs associated with nutrition education and counseling provided to such individuals shall not be considered to be administrative costs; and

"(6) an agreement that the State will submit to the Secretary a report in accordance with section 6.

"SEC. 5. USE OF AMOUNTS.

"(a) IN GENERAL.—The Secretary may provide a grant under this Act to a State only if the State agrees that it will use all amounts received from such grant—

"(1) subject to subsection (b), to provide nutritional risk assessment, food assistance based on such risk assessment, and nutrition education and counseling to economically disadvantaged pregnant women, postpartum women, breastfeeding women, infants, and young children who are determined to be at nutritional risk;

"(2) to provide milk in nonprofit nursery schools, child care centers, settlement houses, summer camps, and similar institutions devoted to the care and training of children, to children from economically disadvantaged families;

"(3) to provide food service programs in institutions and family day care homes providing child care to children from economically disadvantaged families;

"(4) to provide summer food service programs carried out by nonprofit food authorities, local governments, nonprofit higher education institutions participating in the National Youth Sports Program, and residential nonprofit summer camps to children from economically disadvantaged families; and

"(5) to provide nutritious meals to preschool age homeless children in shelters and other facilities serving the homeless population.

"(b) ADDITIONAL REQUIREMENT.—The State shall ensure that not less than 80 percent of the amount of the grant is used to provide nutritional risk assessment, food assistance based on such nutritional risk assessment, and nutrition education and counseling to economically disadvantaged pregnant women, postpartum women, breastfeeding women, infants, and young children under subsection (a)(1).

"(c) AUTHORITY TO USE AMOUNTS FOR OTHER PURPOSES.—

"(1) IN GENERAL.—Subject to paragraphs (2) and (3), a State may use not more than 20 percent of amounts received from a grant under this Act for a fiscal year to carry out a State program pursuant to any or all of the following provisions of law:

"(A) Part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

"(B) Part B of title IV of the Social Security Act (42 U.S.C. 620 et seq.).

"(C) Title XX of the Social Security Act (42 U.S.C. 1397 et seq.).

"(D) The National School Lunch Act (42 U.S.C. 1751 et seq.).

"(E) The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.).

"(2) SUFFICIENT FUNDING DETERMINATION.—Prior to using any amounts received from a grant under this Act for a fiscal year to carry out a State program pursuant to any or all of the provisions of law described in paragraph (1), the appropriate State agency shall make a determination that sufficient amounts will remain available for such fiscal year to carry out this Act.

"(3) RULES GOVERNING USE OF AMOUNTS FOR OTHER PURPOSES.—Amounts paid to the State under a grant under this Act that are used to carry out a State program pursuant to a provision of law specified in paragraph (1) shall not be subject to the requirements of this Act, but shall be subject to the same requirements that apply to Federal funds provided directly under the provision of law to carry out the program.

"SEC. 6. REPORTS.

"The Secretary may provide a grant under this Act to a State for a fiscal year only if the State agrees that it will submit, for such fiscal year, a report to the Secretary describing—

"(1) the number of individuals receiving assistance under the grant in accordance with each of paragraphs (1) through (5) of section 5(a);

"(2) the different types of assistance provided to such individuals in accordance with such paragraphs;

"(3) the extent to which such assistance was effective in achieving the goals described in section 2(b);

"(4) the standards and methods the State is using to ensure the nutritional quality of such assistance, including meals and supplements;

"(5) the number of low birthweight births in the State in such fiscal year compared to the number of such births in the State in the previous fiscal year; and

"(6) any other information the Secretary determines to be appropriate.

"SEC. 7. PENALTIES.

"(a) PENALTY FOR USE OF AMOUNTS IN VIOLATION OF THIS ACT.—

"(1) IN GENERAL.—The Secretary shall reduce the amounts otherwise payable to a State under a grant under this Act by any amount paid to the State under this Act which an audit conducted pursuant to chapter 75 of title 31, United States Code, finds has been used in violation of this Act.

"(2) LIMITATION.—In carrying out paragraph (1), the Secretary shall not reduce any quarterly payment by more than 25 percent.

"(b) PENALTY FOR FAILURE TO SUBMIT REQUIRED REPORT.—The Secretary shall reduce by 3 percent the amount otherwise payable to a State under a grant under this Act for a fiscal year if the Secretary determines that the State has not submitted the report required by section 6 for the immediately preceding fiscal year, within 6 months after the end of the immediately preceding fiscal year.

"SEC. 8. MODEL NUTRITION STANDARDS FOR FOOD ASSISTANCE FOR PREGNANT, POSTPARTUM, AND BREASTFEEDING WOMEN, INFANTS AND CHILDREN.

"(a) IN GENERAL.—Not later than April 1, 1996, the Food and Nutrition Board of the Institute of Medicine of the National Academy of Sciences, in cooperation with pediatricians, obstetricians, nutritionists, and directors of programs providing nutritional risk assessment, food assistance, and nutrition education and counseling to economically disadvantaged pregnant women, postpartum women, breastfeeding women, infants, and young children, shall develop model nutrition standards for food assistance provided to such women, infants, and children under this Act.

"(b) REQUIREMENT.—Such model nutrition standards shall require that food assistance provided to such women, infants, and children contain nutrients that are lacking in the diets of such women, infants, and children, as determined by nutritional research.

"(c) REPORT TO CONGRESS.—Not later than 1 year after the date on which the model nutrition standards are developed under subsection (a), the Food and Nutrition Board of the Institute of Medicine of the National Academy of Sciences shall prepare and submit to the Congress a report regarding the efforts of States to implement such model nutrition standards.

"SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act $4,606,000,000 for fiscal year 1996, $4,777,000,000 for fiscal year 1997, $4,936,000,000 for fiscal year 1998, $5,120,000,000 for fiscal year 1999, and $5,308,000,000 for fiscal year 2000.

"(b) AVAILABILITY.—Amounts authorized to be appropriated under subsection (a) are authorized to remain available until the end of the fiscal year subsequent to the fiscal year for which such amounts are appropriated.

"SEC. 10. DEFINITIONS.

"For purposes of this Act:

"(1) BREASTFEEDING WOMEN.—The term 'breastfeeding women' means women up to 1 year postpartum who are breastfeeding their infants.

"(2) ECONOMICALLY DISADVANTAGED.—The term 'economically disadvantaged' means an individual or a family, as the case may be, whose annual income does not exceed 185 percent of the applicable family size income levels contained in the most recent income poverty guidelines prescribed by the Office of Management and Budget and based on data from the Bureau of the Census.

"(3) INFANTS.—The term 'infants' means individuals under 1 year of age.

"(4) POSTPARTUM WOMEN.—The term 'postpartum women' means women who are in the 180-day period beginning on the termination of pregnancy.

"(5) PREGNANT WOMEN.—The term 'pregnant women' means women who have 1 or more fetuses in utero.

"(6) SCHOOL.—The term 'school' means a public or private nonprofit elementary, intermediate, or secondary school.

"(7) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"(8) STATE.—The term 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, or a tribal organization (as defined in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l))).

"(9) YOUNG CHILDREN.—The term 'young children' means individuals who have attained the age of 1 but have not attained the age of 5.".

CHAPTER 2—SCHOOL-BASED NUTRITION BLOCK GRANT PROGRAM

SEC. 341. AMENDMENT TO NATIONAL SCHOOL LUNCH ACT.

The National School Lunch Act (42 U.S.C. 1751 et seq.) is amended to read as follows:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'National School Lunch Act'.

"(b) TABLE OF CONTENTS.—The table of contents is as follows:

"Sec. 1. Short title; table of contents.
"Sec. 2. Authorization.
"Sec. 3. Allotment.
"Sec. 4. Application.
"Sec. 5. Use of amounts.
"Sec. 6. Reports.
"Sec. 7. Penalties.
"Sec. 8. Assistance to children enrolled in private nonprofit schools and Department of Defense domestic dependents' schools in case of restrictions on State or failure by State to provide assistance.
"Sec. 9. Food service programs for department of defense overseas dependents' schools.
"Sec. 10. Model nutrition standards for meals for students.
"Sec. 11. Definitions.

"SEC. 2. AUTHORIZATION.

"(a) ENTITLEMENT.—

"(1) IN GENERAL.—In the case of each State that in accordance with section 4 submits to the Secretary of Agriculture an application for a fiscal year, each such State shall be entitled to receive from the Secretary for such fiscal year a grant for the purpose of achieving the goals described in subsection (b). Subject to paragraph (2), the grant shall consist of the allotment for such State determined under section 3 of the school-based nutrition amount for the fiscal year.

"(2) REQUIREMENT TO PROVIDE COMMODITIES.—9 percent of the amount of the assistance available under this Act for each State shall be in the form of commodities.

"(3) SCHOOL-BASED NUTRITION AMOUNT.—

"(A) IN GENERAL.—For purposes of this Act, the term 'school-based nutrition amount' means, subject to the reservation contained in subparagraph (B), $6,681,000,000 for fiscal year 1996, $6,956,000,000 for fiscal year 1997, $7,237,000,000 for fiscal year 1998, $7,538,000,000 for fiscal year 1999, and $7,849,000,000 for fiscal year 2000.

"(B) RESERVATION.—For each fiscal year described in subparagraph (A), the Secretary shall reserve an amount equal to the amount determined under subsection (c) of section 9 for such fiscal year from the school-based nutrition amount for the purpose of establishing and carrying out nutritious food service programs at Department of Defense overseas dependents' schools in accordance with such section.

"(4) AVAILABILITY.—Payments under a grant to a State from the allotment determined under section 3 for any fiscal year may be obligated by the State in that fiscal year or in the succeeding fiscal year.

"(b) GOALS.—The goals of this Act are—

"(1) to safeguard the health and well-being of children through the provision of nutritious, well-balanced meals and food supplements;

"(2) to provide economically disadvantaged children access to nutritious free or low cost meals, food supplements, and low-cost milk;

"(3) to ensure that children served under this Act are receiving the nutrition they require to take advantage of the educational opportunities provided to them;

"(4) to emphasize foods which are naturally good sources of vitamins and minerals over foods which have been enriched with vitamins and minerals and are high in fat or sodium content;

"(5) to provide a comprehensive school nutrition program for children; and

"(6) to minimize paperwork burdens and administrative expenses for participating schools.

"(c) TIMING OF PAYMENTS.—The Secretary shall provide payments under a grant under this Act to States on a quarterly basis.

"SEC. 3. ALLOTMENT.

"The Secretary shall allot the amount appropriated to carry out this Act for a fiscal year among the States as follows:

"(1) FIRST FISCAL YEAR.—

"(A) IN GENERAL.—With respect to the first fiscal year for which the Secretary provides grants to States under this Act, the amount allotted to each State shall bear the same proportion to such amount appropriated as the aggregate of the amounts described in subparagraph (B) that were received by each such State under the provisions of law described in such subparagraph (as such provisions of law were in effect on the day before the date of the enactment of the Personal Responsibility Act of 1995) for the preceding fiscal year bears to the aggregate of the amounts described in subparagraph (B) that were received by all such States under such provisions of law for such preceding fiscal year.

"(B) AMOUNTS DESCRIBED.—The amounts described in this subparagraph are the following:

"(i) The amount received under the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

"(ii) The amount received under the school lunch program established under this Act (42 U.S.C. 1751 et seq.).

"(iii) 12.5 percent of the sum of the amounts received under the following programs:

"(I) The child and adult care food program under section 17 of this Act (42 U.S.C. 1766), except for subsection (o) of such section.

"(II) The summer food service program for children established under section 13 of this Act (42 U.S.C. 1761).

"(III) The special milk program established under section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772).

"(2) SECOND FISCAL YEAR.—With respect to the second fiscal year for which the Secretary provides grants to States under this Act—

"(A) 95 percent of such amount appropriated shall be allotted among the States by allotting to each State an amount that bears the same proportion to such amount appropriated as the amount allotted to each such State from a grant under this Act for the preceding fiscal year bears to the aggregate of the amounts allotted to all such States from grants under this Act for such preceding fiscal year; and

"(B) 5 percent of such amount appropriated shall be allotted among the States by allotting to each State an amount that bears the same proportion to such amount appropriated as the relative number of meals served during the 1-year period ending on June 30 of the preceding fiscal year in a State from amounts received from a grant under this Act for such preceding fiscal year bears to the total number of meals served in all States from amounts received from grants under this Act for the preceding fiscal year.

"(3) THIRD AND FOURTH FISCAL YEARS.—With respect to each of the third and fourth fiscal years for which the Secretary provides grants to States under this Act—

"(A) 90 percent of such amount appropriated shall be allotted among the States by allotting to each State an amount determined in accordance with the formula described in paragraph (2)(A); and

"(B) 10 percent of such amount appropriated shall be allotted among the States by allotting to each State an amount determined in accordance with the formula described in paragraph (2)(B).

"(4) FIFTH FISCAL YEAR.—With respect to the fifth fiscal year for which the Secretary provides grants to States under this Act—

"(A) 85 percent of such amount appropriated shall be allotted among the States by allotting to each State an amount determined in accordance with the formula described in paragraph (2)(A); and

"(B) 15 percent of such amount appropriated shall be allotted among the States by allotting to each State an amount determined in accordance with the formula described in paragraph (2)(B).

"SEC. 4. APPLICATION.

"The Secretary may provide a grant under this Act to a State for a fiscal year only if the State submits to the Secretary an application containing only—

"(1) an agreement that the State will use amounts received from such grant in accordance with section 5;

"(2) except as provided in paragraph (3), an agreement that the State will set minimum nutritional requirements for meals provided under this Act based on the most recent tested nutritional research available, except that—

"(A) such requirements shall not be construed to prohibit the substitution of foods to accommodate the medical or other special dietary needs of individual students; and

"(B) such requirements shall, at a minimum, be based on—

"(i) the weekly average of the nutrient content of school lunches; or

"(ii) such other standards as the State may prescribe;

"(3) an agreement that the State, with respect to the provision of meals to students, shall—

"(A) implement the minimum nutritional requirements described in paragraph (2) for such meals; or

"(B) implement the model nutrition standards developed under section 10 for such meals;

"(4) an agreement that the State will take such reasonable steps as the State deems necessary to restrict the use and disclosure of information about individuals and families receiving assistance under this Act;

"(5) an agreement that the State will use not more than 2 percent of the amount of such grant for administrative costs incurred to provide assistance under this Act; and

"(6) an agreement that the State will submit to the Secretary a report in accordance with section 6.

"SEC. 5. USE OF AMOUNTS.

"(a) IN GENERAL.—The Secretary may provide a grant under this Act to a State only if the State agrees that it will use all amounts received from such grant to provide assistance to schools to establish and carry out nutritious food service programs that provide affordable meals and supplements to students, which may include—

"(1) nonprofit school breakfast programs;

"(2) nonprofit school lunch programs;

"(3) nonprofit before and after school supplement programs;

"(4) nonprofit low-cost milk services; and

"(5) nonprofit summer meals programs.

"(b) ADDITIONAL REQUIREMENTS.—

"(1) MINIMUM AMOUNT OF GRANT FOR FREE OR LOW COST MEALS OR SUPPLEMENTS.—In providing assistance to schools to establish and carry out nutritious food service programs in accordance with subsection (a), the State shall ensure that not less than 80 percent of the amount of the grant is used to provide free or low cost meals or supplements to economically disadvantaged children.

"(2) PROVISION OF FOOD SERVICE PROGRAMS IN PRIVATE NONPROFIT SCHOOLS AND DEPARTMENT OF DEFENSE DOMESTIC DEPENDENTS' SCHOOLS.—To the extent consistent with the number of children in the State who are enrolled in private nonprofit schools and Department of Defense domestic dependents' schools, the State, after timely and appropriate consultation with representatives of such schools, as the case may be, shall ensure that nutritious food service programs are established and carried out in such schools in accordance with subsection (a) on an equitable basis with nutritious food service programs established and carried out in public nonprofit schools in the State.

"(c) AUTHORITY TO USE AMOUNTS FOR OTHER PURPOSES.—

"(1) IN GENERAL.—Subject to paragraphs (2) and (3), a State may use not more than 20 percent of amounts received from a grant under this Act for a fiscal year to carry out a State program pursuant to any or all of the following provisions of law:

"(A) Part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

"(B) Part B of title IV of the Social Security Act (42 U.S.C. 620 et seq).

"(C) Title XX of the Social Security Act (42 U.S.C. 1397 et seq.).

"(D) The Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

"(E) The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.).

"(2) SUFFICIENT FUNDING DETERMINATION.—Prior to using any amounts received from a grant under this Act for a fiscal year to carry out a State program pursuant to any or all of the provisions of law described in paragraph (1), the appropriate State agency shall make a determination that sufficient amounts will remain available for such fiscal year to carry out this Act.

"(3) RULES GOVERNING USE OF AMOUNTS FOR OTHER PURPOSES.—Amounts paid to the State under a grant under this Act that are used to carry out a State program pursuant to a provision of law specified in paragraph (1) shall not be subject to the requirements of this Act, but shall be subject to the same requirements that apply to Federal funds provided directly under the provision of law to carry out the program.

"(d) LIMITATION ON PROVISION OF COMMODITIES TO CERTAIN SCHOOL DISTRICTS, PRIVATE NONPROFIT SCHOOLS, AND DEPARTMENT OF DEFENSE DOMESTIC DEPENDENTS' SCHOOLS.—

"(1) IN GENERAL.—A State may not require a school district, private nonprofit school, or Department of Defense domestic dependents' school described in paragraph (2), except upon the request of such school district, private school, or domestic dependents' school, as the case may be, to accept commodities for use in the food service program of such school district, private school, or domestic dependents' school in accordance with this section. Such school district, private school, or domestic dependents' school may continue to receive commodity assistance in the form that it received such assistance as of January 1, 1987.

"(2) SCHOOL DISTRICT, PRIVATE NONPROFIT SCHOOL, AND DEPARTMENT OF DEFENSE DOMESTIC DEPENDENTS' SCHOOL DESCRIBED.—A school district, private nonprofit school, or Department of Defense domestic dependents' school described in this paragraph is a school district, private nonprofit school, or Department of Defense domestic dependents' school, as the case may be, that as of January 1, 1987, was receiving all cash payments or all commodity letters of credit in lieu of entitlement commodities for the school lunch program of such school district, private school, or domestic dependents' school under section 18(b) of the National School Lunch Act (42 U.S.C. 1751 et seq.), as such section was in effect on the day before the date of the enactment of the Personal Responsibility Act of 1995.

"(e) PROHIBITION ON PHYSICAL SEGREGATION, OVERT IDENTIFICATION, OR OTHER DISCRIMINATION WITH RESPECT TO CHILDREN ELIGIBLE FOR FREE OR LOW COST MEALS OR SUPPLEMENTS.—In providing assistance to schools to establish and carry out nutritious food service programs in accordance with subsection (a), the State shall ensure that such schools do not—

"(1) physically segregate children eligible to receive free or low cost meals or supplements on the basis of such eligibility;

"(2) provide for the overt identification of such children by special tokens or tickets, announced or published list of names, or other means; or

"(3) otherwise discriminate against such children.

"SEC. 6. REPORTS.

"The Secretary may provide a grant under this Act to a State for a fiscal year only if the State agrees that it will submit, for such fiscal year, a report to the Secretary describing—

"(1) the number of individuals receiving assistance under the grant;

"(2) the different types of assistance provided to such individuals;

"(3) the total number of meals served to students under the grant, including the percentage of such meals served to economically disadvantaged students;

"(4) the extent to which such assistance was effective in achieving the goals described in section 2(b);

"(5) the standards and methods the State is using to ensure the nutritional quality of such assistance, including meals and supplements; and

"(6) any other information the Secretary determines to be appropriate.

"SEC. 7. PENALTIES.

"(a) PENALTY FOR USE OF AMOUNTS IN VIOLATION OF THIS ACT.—

"(1) IN GENERAL.—The Secretary shall reduce the amounts otherwise payable to a State under a grant under this Act by any amount paid to the State under this Act which an audit conducted pursuant to chapter 75 of title 31, United States Code, finds has been used in violation of this Act.

"(2) LIMITATION.—In carrying out paragraph (1), the Secretary shall not reduce any quarterly payment by more than 25 percent.

"(b) PENALTY FOR FAILURE TO SUBMIT REQUIRED REPORT.—The Secretary shall reduce by 3 percent the amount otherwise payable to a State under a grant under this Act for a fiscal year if the Secretary determines that the State has not submitted the report required by section 6 for the immediately preceding fiscal year, within 6 months after the end of the immediately preceding fiscal year.

"SEC. 8. ASSISTANCE TO CHILDREN ENROLLED IN PRIVATE NONPROFIT SCHOOLS AND DEPARTMENT OF DEFENSE DOMESTIC DEPENDENTS' SCHOOLS IN CASE OF RESTRICTIONS ON STATE OR FAILURE BY STATE TO PROVIDE ASSISTANCE.

"(a) IN GENERAL.—If, by reason of any other provision of law, a State is prohibited from providing assistance from amounts received from a grant under this Act to private nonprofit schools or Department of Defense domestic dependents' schools for a fiscal year to establish and carry out nutritious food service programs in such schools in accordance with section 5(a), or the Secretary determines that a State has substantially failed or is unwilling to provide such assistance to such private nonprofit schools or domestic dependents' schools for such fiscal year, the Secretary shall, after consultation with appropriate representatives of the State and private nonprofit schools or domestic dependents' schools, as the case may be, arrange for the provision of such assistance to private nonprofit schools or domestic dependents' schools in the State for such fiscal year in accordance with the requirements this Act.

"(b) REDUCTION IN AMOUNT OF STATE GRANT.—If the Secretary arranges for the provision of assistance to private nonprofit schools or Department of Defense domestic dependents' schools in a State for a fiscal year under subsection (a), the amount of the grant for such State for such fiscal year shall be reduced by the amount of such assistance provided to such private nonprofit schools or domestic dependents' schools, as the case may be.

"SEC. 9. FOOD SERVICE PROGRAMS FOR DEPARTMENT OF DEFENSE OVERSEAS DEPENDENTS' SCHOOLS.

"(a) IN GENERAL.—The Secretary shall make available to the Secretary of Defense for each fiscal year funds and commodities in an amount determined in accordance with subsection (c) for the purpose of establishing and carrying out nutritious food service programs that provide affordable meals and supplements to students attending Department of Defense overseas dependents' schools.

"(b) REQUIREMENTS.—In carrying out nutritious food service programs under subsection (a), the Secretary of Defense—

"(1) shall ensure that not less than 80 percent of the amount of assistance provided to each school for a fiscal year is used to provide free or low cost meals or supplements to economically disadvantaged children; and

"(2) shall ensure that, with respect to the provision of meals to students, each such school will—

"(A) implement minimum nutritional requirements for meals provided under this section based on the most recent tested nutritional research available, except that—

"(i) such requirements shall not be construed to prohibit the substitution of foods to accommodate the medical or other special dietary needs of individual students; and

"(ii) such requirements shall, at a minimum, be based on—

"(I) the weekly average of the nutrient content of school lunches; or

"(II) such other standards as the Secretary of Agriculture may prescribe; or

"(B) implement the model nutrition standards developed under section 10 for such meals.

"(c) AMOUNT AND SOURCE OF FUNDS AND COMMODITIES.—

"(1) AMOUNT.—The Secretary, in consultation with the Secretary of Defense, shall determine the amount of funds and commodities necessary for each fiscal year to establish and carry out nutritious food service programs described in subsection (a).

"(2) SOURCE.—Such amount of funds and commodities shall consist of the reservation of the school-based nutrition amount in accordance with section 2(a)(3)(B).

"SEC. 10. MODEL NUTRITION STANDARDS FOR MEALS FOR STUDENTS.

"(a) MODEL NUTRITION STANDARDS.—Not later than April 1, 1996, the Food and Nutrition Board of the Institute of Medicine of the National Academy of Sciences, in cooperation with nutritionists and directors of programs providing meals to students under this Act, shall develop model nutrition standards for meals provided to such students under this Act.

"(b) REPORT TO CONGRESS.—Not later than 1 year after the date on which the model nutrition standards are developed under subsection (a), the Food and Nutrition Board of the Institute of Medicine of the National Academy of Sciences shall prepare and submit to the Congress a report regarding the efforts of States to implement such model nutrition standards.

"SEC. 11. DEFINITIONS.

"For purposes of this Act:

"(1) DEPARTMENT OF DEFENSE DOMESTIC DEPENDENTS' SCHOOL.—The term 'Department of Defense domestic dependents' school' means an elementary or secondary school established pursuant to section 2164 of title 10, United States Code.

"(2) DEPARTMENT OF DEFENSE OVERSEAS DEPENDENTS' SCHOOL.—The term 'Department of Defense overseas dependents' school' means a Department of Defense dependents' school which is located outside the United States and the territories or possessions of the United States.

"(3) ECONOMICALLY DISADVANTAGED.—The term 'economically disadvantaged' means an individual or a family, as the case may be, whose annual income does not exceed 185 percent of the applicable family size income levels contained in the most recent income poverty guidelines prescribed by the Office of Management and Budget and based on data from the Bureau of the Census.

"(4) SCHOOL.—The term 'school' means a public or private nonprofit elementary, intermediate, or secondary school.

"(5) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"(6) STATE.—The term 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, or a tribal organization (as defined in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)))."

CHAPTER 3—MISCELLANEOUS PROVISIONS

SEC. 361. REPEALERS.

The following Acts are repealed:

(1) The Commodity Distribution Reform Act and WIC Amendments of 1987 (Public Law 100-237; 101 Stat. 1733).

(2) The Child Nutrition and WIC Reauthorization Act of 1989 (Public Law 101-147; 103 Stat. 877).

Subtitle C—Other Repealers and Conforming Amendments

SEC. 371. AMENDMENTS TO LAWS RELATING TO CHILD PROTECTION BLOCK GRANT.

(a) ABANDONED INFANTS ASSISTANCE.—

(1) REPEALER.—The Abandoned Infants Assistance Act of 1988 (42 U.S.C. 670 note) is repealed.

(2) CONFORMING AMENDMENT.—Section 421(7) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5061(7)) is amended to read as follows:

"(7) the term 'boarder baby' means an infant who is medically cleared for discharge from an acute-care hospital setting, but remains hospitalized because of a lack of appropriate out-of-hospital placement alternatives;".

(b) CHILD ABUSE PREVENTION AND TREATMENT.—

(1) REPEALER.—The Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) is repealed.

(2) CONFORMING AMENDMENTS.—The Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) is amended—

(A) in section 1402—

(i) in subsection (d)—

(I) by striking paragraph (2); and

(II) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(ii) by striking subsection (g); and

(B) by striking section 1404.

(c) ADOPTION OPPORTUNITIES.—The Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5111 et seq.) is repealed.

(d) CRISIS NURSERIES.—The Temporary Child Care for Children with Disabilities and Crisis Nurseries Act of 1986 (42 U.S.C. 5117 et seq.) is amended—

(1) in the title heading by striking "AND CRISIS NURSERIES";

(2) in section 201 by striking "and Crisis Nurseries";

(3) in section 202—

(A) by striking "provide: (A) temporary" and inserting "to provide temporary"; and

(B) by striking "children, and (B)" and all that follows through the period and inserting "children.";

(4) by striking section 204; and

(5) in section 205—

(A) in subsection (a)—

(i) in paragraph (1)(A) by striking "or 204"; and

(ii) in paragraph (2)—

(I) by striking subparagraph (D); and

(II) by redesignating subparagraph (E) as subparagraph (D);

(B) by striking subsection (b)(3); and

(C) in subsection (d)—

(i) by striking paragraph (3); and

(ii) by redesignating paragraphs (4) and (5) as paragraph (3) and (4), respectively.

(e) Missing Children's Assistance Act.—The Missing Children's Assistance Act (42 U.S.C. 5771-5779) is repealed.

(f) Family Support Centers.—Subtitle F of title VII of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11481–11489) is repealed.

(g) Investigation and Prosecution of Child Abuse Cases.—Subtitle A of title II of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13001–13004) is repealed.

(h) Repeal of Family Unification Program.—Subsection (x) of section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f(x)) is repealed.

Subtitle D—Related Provisions

SEC. 381. REQUIREMENT THAT DATA RELATING TO THE INCIDENCE OF POVERTY IN THE UNITED STATES BE PUBLISHED AT LEAST EVERY 2 YEARS.

(a) In General.—The Secretary shall, to the extent feasible, produce and publish for each State, county, and local unit of general purpose government for which data have been compiled in the then most recent census of population under section 141(a) of title 13, United States Code, and for each school district, data relating to the incidence of poverty. Such data may be produced by means of sampling, estimation, or any other method that the Secretary determines will produce current, comprehensive, and reliable data.

(b) Content; Frequency.—Data under this section—

(1) shall include—

(A) for each school district, the number of children age 5 to 17, inclusive, in families below the poverty level; and

(B) for each State and county referred to in subsection (a), the number of individuals age 65 or older below the poverty level; and

(2) shall be published—

(A) for each State, county, and local unit of general purpose government referred to in subsection (a), in 1996 and at least every second year thereafter; and

(B) for each school district, in 1998 and at least every second year thereafter.

(c) Authority To Aggregate.—

(1) In general.—If reliable data could not otherwise be produced, the Secretary may, for purposes of subsection (b)(1)(A), aggregate school districts, but only to the extent necessary to achieve reliability.

(2) Information relating to use of authority.—Any data produced under this subsection shall be appropriately identified and shall be accompanied by a detailed explanation as to how and why aggregation was used (including the measures taken to minimize any such aggregation).

(d) Report To Be Submitted Whenever Data Is Not Timely Published.—If the Secretary is unable to produce and publish the data required under this section for any State, county, local unit of general purpose government, or school district in any year specified in subsection (b)(2), a report shall be submitted by the Secretary to the President of the Senate and the Speaker of the House of Representatives, not later than 90 days before the start of the following year, enumerating each government or school district excluded and giving the reasons for the exclusion.

(e) Criteria Relating to Poverty.—In carrying out this section, the Secretary shall use the same criteria relating to poverty as were used in the then most recent census of population under section 141(a) of title 13, United States Code (subject to such periodic adjustments as may be necessary to compensate for inflation and other similar factors).

(f) Consultation.—The Secretary shall consult with the Secretary of Education in carrying out the requirements of this section relating to school districts.

(g) Definition.—For the purpose of this section, the term "Secretary" means the Secretary of Health and Human Services.

(h) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $1,500,000 for each of fiscal years 1996 through 2000.

SEC. 382. DATA ON PROGRAM PARTICIPATION AND OUTCOMES.

(a) In General.—The Secretary shall produce data relating to participation in programs authorized by this Act by families and children. Such data may be produced by means of sampling, estimation, or any other method that the Secretary determines will produce comprehensive and reliable data.

(b) Content.—Data under this section shall include, but not be limited to—

(1) changes in participation in welfare, health, education, and employment and training programs, for families and children, the duration of such participation, and the causes and consequences of any changes in program participation;

(2) changes in employment status, income and poverty status, family structure and process, and children's well-being, over time, for families and children participating in Federal programs and, if appropriate, other low-income families and children, and the causes and consequences of such changes; and

(3) demographic data, including household composition, marital status, relationship of householders, racial and ethnic designation, age, and educational attainment.

(c) Frequency.—Data under this section shall reflect the period 1993 through 2002, and shall be published as often as practicable during that time, but in any event no later than December 31, 2003.

(d) Definition.—For the purpose of this section, the term "Secretary" means the Secretary of Health and Human Services.

(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $2,500,000 in fiscal year 1996, $10,000,000 for each of fiscal years 1997 through 2002, and $2,000,000 for fiscal year 2003.

Subtitle E—General Effective Date; Preservation of Actions, Obligations, and Rights

SEC. 391. EFFECTIVE DATE.

Except as otherwise provided in this title, this title and the amendments made by this title shall take effect on October 1, 1995.

SEC. 392. APPLICATION OF AMENDMENTS AND REPEALERS.

An amendment or repeal made by this title shall not apply with respect to—

(1) powers, duties, functions, rights, claims, penalties, or obligations applicable to financial assistance provided before the effective date of amendment or repeal, as the case may be, under the Act so amended or so repealed; and

(2) administrative actions and proceedings commenced before such date, or authorized before such date to be commenced, under such Act.

TITLE IV—RESTRICTING WELFARE AND PUBLIC BENEFITS FOR ALIENS

SEC. 400. STATEMENTS OF NATIONAL POLICY CONCERNING WELFARE AND IMMIGRATION.

The Congress makes the following statements concerning national policy with respect to welfare and immigration:

(1) Self-sufficiency has been a basic principle of United States immigration law since this country's earliest immigration statutes.

(2) It continues to be the immigration policy of the United States that—

(A) aliens within the nation's borders not depend on public resources to meet their needs, but rather rely on their own capabilities and the resources of their families, their sponsors, and private organizations, and

(B) the availability of public benefits not constitute an incentive for immigration to the United States.

(3) Despite the principle of self-sufficiency, aliens have been applying for and receiving public benefits from Federal, State, and local governments at increasing rates.

(4) Current eligibility rules for public assistance and unenforceable financial support agreements have proved wholly incapable of assuring that individual aliens not burden the public benefits system.

(5) It is a compelling government interest to enact new rules for eligibility and sponsorship agreements in order to assure that aliens be self-reliant in accordance with national immigration policy.

(6) It is a compelling government interest to remove the incentive for illegal immigration provided by the availability of public benefits.

Subtitle A—Eligibility for Federal Benefits Programs

SEC. 401. INELIGIBILITY OF ILLEGAL ALIENS FOR CERTAIN PUBLIC BENEFITS PROGRAMS.

(a) In General.—Notwithstanding any other provision of law and except as provided in subsections (b) and (c), any alien who is not lawfully present in the United States shall not be eligible for any Federal means-tested public benefits program (as defined in section 431(d)(2)).

(b) Exception for Emergency Assistance.—Subsection (a) shall not apply to the provision of non-cash, in-kind emergency assistance (including emergency medical services).

(c) Treatment of Housing-related Assistance.—Subsection (a) shall not apply to any program for housing or community development assistance administered by the Secretary of Housing and Urban Development, any program under title V of the Housing Act of 1949, or any assistance under section 306C of the Consolidated Farm and Rural Development Act, except that in the case of financial assistance (as defined in section 214(b) of the Housing and Community Development Act of 1980), the provisions of section 214 of such Act shall apply instead of subsection (a).

SEC. 402. INELIGIBILITY OF NONIMMIGRANTS FOR CERTAIN PUBLIC BENEFITS PROGRAMS.

(a) In General.—Notwithstanding any other provision of law and except as provided in subsections (b) and (c), any alien who is lawfully present in the United States as a nonimmigrant shall not be eligible for any Federal means-tested public benefits program.

(b) Exceptions.—

(1) Emergency assistance.—Subsection (a) shall not apply to the provision of non-cash,

in-kind emergency assistance (including emergency medical services).

(2) ALIENS GRANTED ASYLUM.—Subsection (a) shall not apply to an alien who is granted asylum under section 208 of the Immigration and Nationality Act or whose deportation has been withheld under section 243(h) of such Act.

(3) CURRENT LEGAL RESIDENT EXCEPTION.—Subsection (a) shall not apply to the eligibility of an alien for a program until 1 year after the date of the enactment of this Act if, on such date of enactment, the alien is lawfully residing in any State or any territory or possession of the United States and is eligible for the program.

(4) TREATMENT OF TEMPORARY AGRICULTURAL WORKERS.—Subsection (a) shall not apply to a nonimmigrant admitted as a temporary agricultural worker under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act or as the spouse or minor child of such a worker under section 101(a)(15)(H)(iii) of such Act.

(c) TREATMENT OF HOUSING-RELATED ASSISTANCE.—Subsection (a) shall not apply to any program for housing or community development assistance administered by the Secretary of Housing and Urban Development, any program under title V of the Housing Act of 1949, or any assistance under section 306C of the Consolidated Farm and Rural Development Act, except that in the case of financial assistance (as defined in section 214(b) of the Housing and Community Development Act of 1980), the provisions of section 214 of such Act shall apply instead of subsection (a).

(d) TREATMENT OF ALIENS PAROLED INTO THE UNITED STATES.—An alien who is paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act for a period of less than 1 year shall be considered, for purposes of this subtitle, to be lawfully present in the United States as a nonimmigrant.

SEC. 403. LIMITED ELIGIBILITY OF IMMIGRANTS FOR 5 SPECIFIED FEDERAL PUBLIC BENEFITS PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of law and except as provided in subsections (b) and (c), any alien who is lawfully present in the United States (other than as a nonimmigrant to which section 402(a) or 402(c) applies) shall not be eligible for any of the following Federal means-tested public benefits programs:

(1) SSI.—The supplemental security income program under title XVI of the Social Security Act.

(2) TEMPORARY ASSISTANCE FOR NEEDY FAMILIES.—The program of block grants to States for temporary assistance for needy families under part A of title IV of the Social Security Act.

(3) SOCIAL SERVICES BLOCK GRANT.—The program of block grants to States for social services under title XX of the Social Security Act.

(4) MEDICAID.—The program of medical assistance under title XIX of the Social Security Act.

(5) FOOD STAMPS.—The program under the Food Stamp Act of 1977.

(b) EXCEPTIONS.—

(1) TIME-LIMITED EXCEPTION FOR REFUGEES.—Subsection (a) shall not apply to an alien admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act until 5 years after the date of such alien's arrival into the United States.

(2) CERTAIN LONG-TERM, PERMANENT RESIDENT, AGED ALIENS.—Subsection (a) shall not apply to an alien who—

(A) has been lawfully admitted to the United States for permanent residence;

(B) is over 75 years of age; and

(C) has resided in the United States for at least 5 years.

(3) VETERAN AND ACTIVE DUTY EXCEPTION.—Subsection (a) shall not apply to an alien who is lawfully residing in any State (or any territory or possession of the United States) and is—

(A) a veteran (as defined in section 101 of title 38, United States Code) with a discharge characterized as an honorable discharge,

(B) on active duty (other than active duty for training) in the Armed Forces of the United States, or

(C) the spouse or unmarried dependent child of an individual described in subparagraph (A) or (B).

Subparagraph (A) shall not apply in the case of a veteran who has been separated from military service on account of alienage.

(4) EMERGENCY ASSISTANCE.—Subsection (a) shall not apply to the provision of non-cash, in-kind emergency assistance (including emergency medical services).

(5) TRANSITION FOR CURRENT BENEFICIARIES.—Subsection (a) shall not apply to the eligibility of an alien for a program until 1 year after the date of the enactment of this Act if, on such date of enactment, the alien is lawfully residing in any State or any territory or possession of the United States and is eligible for the program.

SEC. 404. NOTIFICATION.

Each Federal agency that administers a program to which section 401, 402, or 403 applies shall, directly or through the States, post information and provide general notification to the public and to program recipients of the changes regarding eligibility for any such program pursuant to this subtitle.

Subtitle B—Eligibility for State and Local Public Benefits Programs

SEC. 411. INELIGIBILITY OF ILLEGAL ALIENS FOR STATE AND LOCAL PUBLIC BENEFITS PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of law and except as otherwise provided in this section, no alien who is not lawfully present in the United States (as determined in accordance with regulations of the Attorney General) shall be eligible for any State means-tested public benefits program (as defined in section 431(d)(3)).

(b) EXCEPTION FOR EMERGENCY ASSISTANCE.—Subsection (a) shall not apply to the provision of non-cash, in-kind emergency assistance (including emergency medical services).

SEC. 412. INELIGIBILITY OF NONIMMIGRANTS FOR STATE AND LOCAL PUBLIC BENEFITS PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of law and except as otherwise provided in this section, no alien who is lawfully present in the United States as a nonimmigrant shall be eligible for any State means-tested public benefits program (as defined in section 431(d)(3)).

(b) EXCEPTIONS.—

(1) EMERGENCY ASSISTANCE.—The limitations under subsection (a) shall not apply to the provision of non-cash, in-kind emergency assistance (including emergency medical services).

(2) ALIENS GRANTED ASYLUM.—Subsection (a) shall not apply to an alien who is granted asylum under section 208 of the Immigration and Nationality Act or whose deportation has been withheld under section 243(h) of such Act.

(3) TREATMENT OF TEMPORARY AGRICULTURAL WORKERS.—Subsection (a) shall not apply to a nonimmigrant admitted as a temporary agricultural worker under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act or as the spouse or minor child of such a worker under section 101(a)(15)(H)(iii) of such Act.

(c) TREATMENT OF ALIENS PAROLED INTO THE UNITED STATES.—An alien who is paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act for a period of less than 1 year shall be considered, for purposes of this subtitle, to be lawfully present in the United States as a nonimmigrant.

SEC. 413. STATE AUTHORITY TO LIMIT ELIGIBILITY OF IMMIGRANTS FOR STATE AND LOCAL MEANS-TESTED PUBLIC BENEFITS PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of law and except as otherwise provided in this section, a State is authorized to determine eligibility requirements for aliens who are lawfully present in the United States (other than as a nonimmigrant to which section 412(a) or 412(c) applies) for any State means-tested public benefits program.

(b) EXCEPTIONS.—

(1) TIME-LIMITED EXCEPTION FOR REFUGEES.—The authority under subsection (a) shall not apply to an alien admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act until 5 years after the date of such alien's arrival into the United States.

(2) CERTAIN LONG-TERM, PERMANENT RESIDENT, AGED ALIENS.—The authority under subsection (a) shall not apply to an alien who—

(A) has been lawfully admitted to the United States for permanent residence;

(B) is over 75 years of age; and

(C) has resided in the United States for at least 5 years.

(3) VETERAN AND ACTIVE DUTY EXCEPTION.—The authority under subsection (a) shall not apply to an alien who is lawfully residing in any State (or any territory or possession of the United States) and is—

(A) a veteran (as defined in section 101 of title 38, United States Code) with a discharge characterized as an honorable discharge,

(B) on active duty (other than active duty for training) in the Armed Forces of the United States, or

(C) the spouse or unmarried dependent child of an individual described in subparagraph (A) or (B).

Subparagraph (A) shall not apply in the case of a veteran who has been separated from military service on account of alienage.

(4) EMERGENCY ASSISTANCE.—The authority under subsection (a) shall not apply to the provision of non-cash, in-kind emergency assistance (including emergency medical services).

(5) TRANSITION.—The authority under subsection (a) shall not apply to eligibility of an alien for a State means-tested public benefits program until 1 year after the date of the enactment of this Act if, on such date of enactment, the alien is lawfully present in the United States and is eligible for benefits under the program. Nothing in the previous sentence is intended to address alien eligibility for such a program before the date of the enactment of this Act.

Subtitle C—Attribution of Income and Affidavits of Support

SEC. 421. ATTRIBUTION OF SPONSOR'S INCOME AND RESOURCES TO FAMILY-SPONSORED IMMIGRANTS.

(a) IN GENERAL.—Notwithstanding any other provision of law and except as provided in subsection (c), in determining the eligibility and the amount of benefits of an alien for any means-tested public benefits program (as defined in section 431(d)) the income and resources of the alien shall be deemed to include—

(1) the income and resources of any person who executed an affidavit of support pursuant to section 213A of the Immigration and Nationality Act (as added by section 422) in behalf of such alien, and

(2) the income and resources of the spouse (if any) of the person.

(b) APPLICATION.—Subsection (a) shall apply with respect to an alien until such time as the alien achieves United States citizenship through naturalization pursuant to chapter 2 of title III of the Immigration and Nationality Act.

(c) EXCEPTION FOR HOUSING-RELATED ASSISTANCE.—Subsection (a) shall not apply to any program for housing or community development assistance administered by the Secretary of Housing and Urban Development, any program under title V of the Housing Act of 1949, or any assistance under section 306C of the Consolidated Farm and Rural Development Act.

SEC. 422. REQUIREMENTS FOR SPONSOR'S AFFIDAVIT OF SUPPORT.

(a) IN GENERAL.—Title II of the Immigration and Nationality Act is amended by inserting after section 213 the following new section:

"REQUIREMENTS FOR SPONSOR'S AFFIDAVIT OF SUPPORT

"SEC. 213A. (a) ENFORCEABILITY.—No affidavit of support may be accepted by the Attorney General or by any consular officer to establish that an alien is not excludable as a public charge under section 212(a)(4) unless such affidavit is executed as a contract—

"(1) which is legally enforceable against the sponsor by the Federal Government and by any State (or any political subdivision of such State) which provides any means-tested public benefits program, but not later than 10 years after the alien last receives any such benefit; and

"(2) in which the sponsor agrees to submit to the jurisdiction of any Federal or State court for the purpose of actions brought under subsection (e)(2).

Such contract shall be enforceable with respect to benefits provided to the alien until such time as the alien achieves United States citizenship through naturalization pursuant to chapter 2 of title III.

"(b) FORMS.—Not later than 90 days after the date of enactment of this section, the Attorney General, in consultation with the Secretary of State and the Secretary of Health and Human Services, shall formulate an affidavit of support consistent with the provisions of this section.

"(c) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to grant third party beneficiary rights to any sponsored alien under an affidavit of support.

"(d) NOTIFICATION OF CHANGE OF ADDRESS.—(1) The sponsor shall notify the Federal Government and the State in which the sponsored alien is currently resident within 30 days of any change of address of the sponsor during the period specified in subsection (a)(1).

"(2) Any person subject to the requirement of paragraph (1) who fails to satisfy such requirement shall be subject to a civil penalty of—

"(A) not less than $250 or more than $2,000, or

"(B) if such failure occurs with knowledge that the sponsored alien has received any benefit under any means-tested public benefits program, not less than $2,000 or more than $5,000.

"(e) REIMBURSEMENT OF GOVERNMENT EXPENSES.—(1)(A) Upon notification that a sponsored alien has received any benefit under any means-tested public benefits program, the appropriate Federal, State, or local official shall request reimbursement by the sponsor in the amount of such assistance.

"(B) The Attorney General, in consultation with the Secretary of Health and Human Services, shall prescribe such regulations as may be necessary to carry out subparagraph (A).

"(2) If within 45 days after requesting reimbursement, the appropriate Federal, State, or local agency has not received a response from the sponsor indicating a willingness to commence payments, an action may be brought against the sponsor pursuant to the affidavit of support.

"(3) If the sponsor fails to abide by the repayment terms established by such agency, the agency may, within 60 days of such failure, bring an action against the sponsor pursuant to the affidavit of support.

"(4) No cause of action may be brought under this subsection later than 10 years after the alien last received any benefit under any means-tested public benefits program.

"(f) DEFINITIONS.—For the purposes of this section—

"(1) SPONSOR.—The term 'sponsor' means an individual who—

"(A) is a citizen or national of the United States or an alien who is lawfully admitted to the United States for permanent residence;

"(B) is 18 years of age or over; and

"(C) is domiciled in any State.

"(2) MEANS-TESTED PUBLIC BENEFITS PROGRAM.—The term 'means-tested public benefits program' means a program of public benefits (including cash, medical, housing, and food assistance and social services) of the Federal Government or of a State or political subdivision of a State in which the eligibility of an individual, household, or family eligibility unit for benefits under the program, or the amount of such benefits, or both are determined on the basis of income, resources, or financial need of the individual, household, or unit.".

(b) CLERICAL AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 213 the following:

"Sec. 213A. Requirements for sponsor's affidavit of support.".

(c) EFFECTIVE DATE.—Subsection (a) of section 213A of the Immigration and Nationality Act, as inserted by subsection (a) of this section, shall apply to affidavits of support executed on or after a date specified by the Attorney General, which date shall be not earlier than 60 days (and not later than 90 days) after the date the Attorney General formulates the form for such affidavits under subsection (b) of such section.

Subtitle D—General Provisions

SEC. 431. DEFINITIONS.

(a) IN GENERAL.—Except as otherwise provided in this section, the terms used in this title have the same meaning given such terms in section 101(a) of the Immigration and Nationality Act.

(b) LAWFUL PRESENCE.—For purposes of this title, the determination of whether an alien is lawfully present in the United States shall be made in accordance with regulations of the Attorney General. An individual shall not be considered to be lawfully present in the United States for purposes of this title merely because the alien may be considered to be permanently residing in the United States under color of law for purposes of any particular program.

(c) STATE.—As used in this title, the term "State" includes the District of Columbia, Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa.

(d) PUBLIC BENEFITS PROGRAMS.—As used in this title—

(1) MEANS-TESTED PROGRAM.—The term "means-tested public benefits program" means a program of public benefits (including cash, medical, housing, and food assistance and social services) of the Federal Government or of a State or political subdivision of a State in which the eligibility of an individual, household, or family eligibility unit for benefits under the program, or the amount of such benefits, or both are determined on the basis of income, resources, or financial need of the individual, household, or unit.

(2) FEDERAL MEANS-TESTED PUBLIC BENEFITS PROGRAM.—The term "Federal means-tested public benefits program" means a means-tested public benefits program of (or contributed to by) the Federal Government and under which the Federal Government has specified standards for eligibility and includes the programs specified in section 403(a).

(3) STATE MEANS-TESTED PUBLIC BENEFITS PROGRAM.—The term "State means-tested public benefits program" means a means-tested public benefits program of a State or political subdivision of a State under which the State or political subdivision specifies the standards for eligibility, and does not include any Federal means-tested public benefits program.

SEC. 432. CONSTRUCTION.

Nothing in this title shall be construed as addressing alien eligibility for governmental programs that are not means-tested public benefits programs.

Subtitle E—Conforming Amendments

SEC. 441. CONFORMING AMENDMENTS RELATING TO ASSISTED HOUSING.

Section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a) is amended—

(1) by striking "Secretary of Housing and Urban Development" each place it appears and inserting "applicable Secretary";

(2) in subsection (b), by inserting after "National Housing Act," the following: "the direct loan program under section 502 of the Housing Act of 1949 or section 502(c)(5)(D), 504, 521(a)(2)(A), or 542 of such Act, subtitle A of title III of the Cranston-Gonzalez National Affordable Housing Act,";

(3) in paragraphs (2) through (6) of subsection (d), by striking "Secretary" each place it appears and inserting "applicable Secretary";

(4) in subsection (d), in the matter following paragraph (6), by striking "the term 'Secretary'" and inserting "the term 'applicable Secretary'"; and

(5) by adding at the end the following new subsection:

"(h) For purposes of this section, the term 'applicable Secretary' means—

"(1) the Secretary of Housing and Urban Development, with respect to financial assistance administered by such Secretary and financial assistance under subtitle A of title III of the Cranston-Gonzalez National Affordable Housing Act; and

"(2) the Secretary of Agriculture, with respect to financial assistance administered by such Secretary.".

TITLE V—FOOD STAMP REFORM AND COMMODITY DISTRIBUTION

SEC. 501. SHORT TITLE.

This title may be cited as the "Food Stamp Reform and Commodity Distribution Act".

Subtitle A—Commodity Distribution Provisions

SEC. 511. SHORT TITLE.

This subtitle may be cited as the "Commodity Distribution Act of 1995".

SEC. 512. AVAILABILITY OF COMMODITIES.

(a) Notwithstanding any other provision of law, the Secretary of Agriculture (hereinafter in this subtitle referred to as the "Secretary") is authorized during fiscal years 1996 through 2000 to purchase a variety of nutritious and useful commodities and distribute such commodities to the States for distribution in accordance with this subtitle.

(b) In addition to the commodities described in subsection (a), the Secretary may expend funds made available to carry out section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), which are not expended or needed to carry out such sections, to purchase, process, and distribute commodities of the types customarily purchased under such section to the States for distribution in accordance with this subtitle.

(c) In addition to the commodities described in subsections (a) and (b), agricultural commodities and the products thereof made available under clause (2) of the second sentence of section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), may be made available by the Secretary to the States for distribution in accordance with this subtitle.

(d) In addition to the commodities described in subsections (a), (b), and (c), commodities acquired by the Commodity Credit Corporation that the Secretary determines, in the discretion of the Secretary, are in excess of quantities need to—

(1) carry out other domestic donation programs;

(2) meet other domestic obligations;

(3) meet international market development and food aid commitments; and

(4) carry out the farm price and income stabilization purposes of the Agricultural Adjustment Act of 1938, the Agricultural Act of 1949, and the Commodity Credit Corporation Charter Act;

shall be made available by the Secretary, without charge or credit for such commodities, to the States for distribution in accordance with this subtitle.

(e) During each fiscal year, the types, varieties, and amounts of commodities to be purchased under this subtitle shall be determined by the Secretary. In purchasing such commodities, except those commodities purchased pursuant to section 520, the Secretary shall, to the extent practicable and appropriate, make purchases based on—

(1) agricultural market conditions;

(2) the preferences and needs of States and distributing agencies; and

(3) the preferences of the recipients.

SEC. 513. STATE, LOCAL AND PRIVATE SUPPLEMENTATION OF COMMODITIES.

(a) The Secretary shall establish procedures under which State and local agencies, recipient agencies, or any other entity or person may supplement the commodities distributed under this subtitle for use by recipient agencies with nutritious and wholesome commodities that such entities or persons donate for distribution, in all or part of the State, in addition to the commodities otherwise made available under this subtitle.

(b) States and eligible recipient agencies may use—

(1) the funds appropriated for administrative cost under section 519(b);

(2) equipment, structures, vehicles, and all other facilities involved in the storage, handling, or distribution of commodities made available under this subtitle; and

(3) the personnel, both paid or volunteer, involved in such storage, handling, or distribution;

to store, handle or distribute commodities donated for use under subsection (a).

(c) States and recipient agencies shall continue, to the maximum extent practical, to use volunteer workers, and commodities and other foodstuffs donated by charitable and other organizations, in the distribution of commodities under this subtitle.

SEC. 514. STATE PLAN.

(a) A State seeking to receive commodities under this subtitle shall submit a plan of operation and administration every four years to the Secretary for approval. The plan may be amended at any time, with the approval of the Secretary.

(b) The State plan, at a minimum, shall—

(1) designate the State agency responsible for distributing the commodities received under this subtitle;

(2) set forth a plan of operation and administration to expeditiously distribute commodities under this subtitle in quantities requested to eligible recipient agencies in accordance with sections 516 and 520;

(3) set forth the standards of eligibility for recipient agencies; and

(4) set forth the standards of eligibility for individual or household recipients of commodities, which at minimum shall require—

(A) individuals or households to be comprised of needy persons; and

(B) individual or household members to be residing in the geographic location served by the distributing agency at the time of application for assistance.

(c) The Secretary shall encourage each State receiving commodities under this subtitle to establish a State advisory board consisting of representatives of all interested entities, both public and private, in the distribution of commodities received under this subtitle in the State.

(d) A State agency receiving commodities under this subtitle may—

(1)(A) enter into cooperative agreements with State agencies of other States to jointly provide commodities received under this subtitle to eligible recipient agencies that serve needy persons in a single geographical area which includes such States; or

(B) transfer commodities received under this subtitle to any such eligible recipient agency in the other State under such agreement; and

(2) advise the Secretary of an agreement entered into under this subsection and the transfer of commodities made pursuant to such agreement.

SEC. 515. ALLOCATION OF COMMODITIES TO STATES.

(a) In each fiscal year, except for those commodities purchased under section 520, the Secretary shall allocate the commodities distributed under this subtitle as follows:

(1) 60 percent of the such total value of commodities shall be allocated in a manner such that the value of commodities allocated to each State bears the same ratio to 60 percent of such total value as the number of persons in households within the State having incomes below the poverty line bears to the total number of persons in households within all States having incomes below such poverty line. Each State shall receive the value of commodities allocated under this paragraph.

(2) 40 percent of such total value of commodities shall be allocated in a manner such that the value of commodities allocated to each State bears the same ratio to 40 percent of such total value as the average monthly number of unemployed persons within the State bears to the average monthly number of unemployed persons within all States during the same fiscal year. Each State shall receive the value of commodities allocated to the State under this paragraph.

(b)(1) The Secretary shall notify each State of the amount of commodities that such State is allotted to receive under subsection (a) or this subsection, if applicable. Each State shall promptly notify the Secretary if such State determines that it will not accept any or all of the commodities made available under such allocation. On such a notification by a State, the Secretary shall reallocate and distribute such commodities as the Secretary deems appropriate and equitable. The Secretary shall further establish procedures to permit States to decline to receive portions of such allocation during each fiscal year as the State determines is appropriate and the Secretary shall reallocate and distribute such allocation as the Secretary deems appropriate and equitable.

(2) In the event of any drought, flood, hurricane, or other natural disaster affecting substantial numbers of persons in a State, county, or parish, the Secretary may request that States unaffected by such a disaster consider assisting affected States by allowing the Secretary to reallocate commodities from such unaffected State to States containing areas adversely affected by the disaster.

(c) Purchases of commodities under this subtitle shall be made by the Secretary at such times and under such conditions as the Secretary determines appropriate within each fiscal year. All commodities so purchased for each such fiscal year shall be delivered at reasonable intervals to States based on the allocations and reallocations made under subsections (a) and (b), and or carry out section 520, not later than December 31 of the following fiscal year.

SEC. 516. PRIORITY SYSTEM FOR STATE DISTRIBUTION OF COMMODITIES.

(a) In distributing the commodities allocated under subsections (a) and (b) of section 515, the State agency, under procedures determined by the State agency, shall offer, or otherwise make available, its full allocation of commodities for distribution to emergency feeding organizations.

(b) If the State agency determines that the State will not exhaust the commodities allocated under subsections (a) and (b) of section 515 through distribution to organizations referred to in subsection (a), its remaining allocation of commodities shall be distributed to charitable institutions described in section 523(3) not receiving commodities under subsection (a).

(c) If the State agency determines that the State will not exhaust the commodities allocated under subsections (a) and (b) of section 515 through distribution to organizations referred to in subsections (a) and (b), its remaining allocation of commodities shall be distributed to any eligible recipient agency not receiving commodities under subsections (a) and (b).

SEC. 517. INITIAL PROCESSING COSTS.

The Secretary may use funds of the Commodity Credit Corporation to pay the costs of initial processing and packaging of commodities to be distributed under this subtitle into forms and in quantities suitable, as determined by the Secretary, for use by the individual households or eligible recipient agencies, as applicable. The Secretary may pay such costs in the form of Corporation-owned commodities equal in value to such costs. The Secretary shall ensure that any such payments in kind will not displace commercial sales of such commodities.

SEC. 518. ASSURANCES; ANTICIPATED USE.

(a) The Secretary shall take such precautions as the Secretary deems necessary to ensure that commodities made available under this subtitle will not displace commercial sales of such commodities or the products thereof. The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate by December 31, 1997, and not less than every two years thereafter, a report as to whether and to what extent such displacements or substitutions are occurring.

(b) The Secretary shall determine that commodities provided under this subtitle shall be purchased and distributed only in quantities that can be consumed without waste. No eligible recipient agency may receive commodities under this subtitle in excess of anticipated use, based on inventory records and controls, or in excess of its ability to accept and store such commodities.

SEC. 519. AUTHORIZATION OF APPROPRIATIONS.

(a) PURCHASE OF COMMODITIES.—To carry out this subtitle, there are authorized to be appropriated $260,000,000 for each of the fiscal years 1996 through 2000 to purchase, process, and distribute commodities to the States in accordance with this subtitle.

(b) ADMINISTRATIVE FUNDS.—

(1) There are authorized to be appropriated $40,000,000 for each of the fiscal years 1996 through 2000 for the Secretary to make available to the States for State and local payments for costs associated with the distribution of commodities by eligible recipient agencies under this subtitle, excluding costs associated with the distribution of those commodities distributed under section 520. Funds appropriated under this paragraph for any fiscal year shall be allocated to the States on an advance basis dividing such funds among the States in the same proportions as the commodities distributed under this subtitle for such fiscal year are allocated among the States. If a State agency is unable to use all of the funds so allocated to it, the Secretary shall reallocate such unused funds among the other States in a manner the Secretary deems appropriate and equitable.

(2)(A) A State shall make available in each fiscal year to eligible recipient agencies in the State not less than 40 percent of the funds received by the State under paragraph (1) for such fiscal year, as necessary to pay for, or provide advance payments to cover, the allowable expenses of eligible recipient agencies for distributing commodities to needy persons, but only to the extent such expenses are actually so incurred by such recipient agencies.

(B) As used in this paragraph, the term "allowable expenses" includes—

(i) costs of transporting, storing, handling, repackaging, processing, and distributing commodities incurred after such commodities are received by eligible recipient agencies;

(ii) costs associated with determinations of eligibility, verification, and documentation;

(iii) costs of providing information to persons receiving commodities under this subtitle concerning the appropriate storage and preparation of such commodities; and

(iv) costs of recordkeeping, auditing, and other administrative procedures required for participation in the program under this subtitle.

(C) If a State makes a payment, using State funds, to cover allowable expenses of eligible recipient agencies, the amount of such payment shall be counted toward the amount a State must make available for allowable expenses of recipient agencies under this paragraph.

(3) States to which funds are allocated for a fiscal year under this subsection shall submit financial reports to the Secretary, on a regular basis, as to the use of such funds. No such funds may be used by States or eligible recipient agencies for costs other than those involved in covering the expenses related to the distribution of commodities by eligible recipient agencies.

(4)(A) Except as provided in subparagraph (B), to be eligible to receive funds under this subsection, a State shall provide in cash or in kind (according to procedures approved by the Secretary for certifying these in-kind contributions) from non-Federal sources a contribution equal to the difference between—

(i) the amount of such funds so received; and

(ii) any part of the amount allocated to the State and paid by the State—

(I) to eligible recipient agencies; or

(II) for the allowable expenses of such recipient agencies; for use in carrying out this subtitle.

(B) Funds allocated to a State under this section may, upon State request, be allocated before States satisfy the matching requirement specified in subparagraph (A), based on the estimated contribution required. The Secretary shall periodically reconcile estimated and actual contributions and adjust allocations to the State to correct for overpayments and underpayments.

(C) Any funds distributed for administrative costs under section 520(b) shall not be covered by this paragraph.

(5) States may not charge for commodities made available to eligible recipient agencies, and may not pass on to such recipient agencies the cost of any matching requirements, under this subtitle.

(c) The value of the commodities made available under subsections (c) and (d) of section 512, and the funds of the Commodity Credit Corporation used to pay the costs of initial processing, packaging (including forms suitable for home use), and delivering commodities to the States shall not be charged against appropriations authorized by this section.

SEC. 520. COMMODITY SUPPLEMENTAL FOOD PROGRAM.

(a) From the funds appropriated under section 519(a), $94,500,000 shall be used for each fiscal year to purchase and distribute commodities to supplemental feeding programs serving woman, infants, and children or elderly individuals (hereinafter in this section referred to as the "commodity supplemental food program"), or serving both groups wherever located.

(b) Not more than 20 percent of the funds made available under subsection (a) shall be made available to the States for State and local payments of administrative costs associated with the distribution of commodities by eligible recipient agencies under this section. Administrative costs for the purposes of the commodity supplemental food program shall include, but not be limited to, expenses for information and referral, operation, monitoring, nutrition education, start-up costs, and general administration, including staff, warehouse and transportation personnel, insurance, and administration of the State or local office.

(c)(1) During each fiscal year the commodity supplemental food program is in operation, the types, varieties, and amounts of commodities to be purchased under this section shall be determined by the Secretary, but, if the Secretary proposes to make any significant changes in the types, varieties, or amounts from those that were available or were planned at the beginning of the fiscal year the Secretary shall report such changes before implementation to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(2) Notwithstanding any other provision of law, the Commodity Credit Corporation shall, to the extent that the Commodity Credit Corporation inventory levels permit, provide not less than 9,000,000 pounds of cheese and not less than 4,000,000 pounds of nonfat dry milk in each of the fiscal years 1996 through 2000 to the Secretary. The Secretary shall use such amounts of cheese and nonfat dry milk to carry out the commodity supplemental food program before the end of each fiscal year.

(d) The Secretary shall, in each fiscal year, approve applications of additional sites for the program, including sites that serve only elderly persons, in areas in which the program currently does not operate, to the full extent that applications can be approved within the appropriations available for the program for the fiscal year and without reducing actual participation levels (including participation of elderly persons under subsection (e)) in areas in which the program is in effect.

(e) If a local agency that administers the commodity supplemental food program determines that the amount of funds made available to the agency to carry out this section exceeds the amount of funds necessary to provide assistance under such program to women, infants, and children, the agency, with the approval of the Secretary, may permit low-income elderly persons (as defined by the Secretary) to participate in and be served by such program.

(f)(1) If it is necessary for the Secretary to pay a significantly higher than expected price for one or more types of commodities purchased under this section, the Secretary shall promptly determine whether the price is likely to cause the number of persons that can be served in the program in a fiscal year to decline.

(2) If the Secretary determines that such a decline would occur, the Secretary shall promptly notify the State agencies charged with operating the program of the decline and shall ensure that a State agency notify all local agencies operating the program in the State of the decline.

(g) Commodities distributed to States pursuant to this section shall not be considered in determining the commodity allocation to each State under section 515 or priority of distribution under section 516.

SEC. 521. COMMODITIES NOT INCOME.

Notwithstanding any other provision of law, commodities distributed under this subtitle shall not be considered income or resources for purposes of determining recipient eligibility under any Federal, State, or local means-tested program.

SEC. 522. PROHIBITION AGAINST CERTAIN STATE CHARGES.

Whenever a commodity is made available without charge or credit under this subtitle by the Secretary for distribution within the States to eligible recipient agencies, the State may not charge recipient agencies any amount that is in excess of the State's direct costs of storing, and transporting to recipient agencies the commodities minus any amount the Secretary provides the State for the costs of storing and transporting such commodities.

SEC. 523. DEFINITIONS.

As used in this subtitle:

(1) The term "average monthly number of unemployed persons" means the average monthly number of unemployed persons within a State in the most recent fiscal year for which such information is available as determined by the Bureau of Labor Statistics of the Department of Labor.

(2) The term "elderly persons" means individuals 60 years of age or older.

(3) The term "eligible recipient agency" means a public or nonprofit organization that administers—

(A) an institution providing commodities to supplemental feeding programs serving women, infants, and children or serving elderly persons, or serving both groups;

(B) an emergency feeding organization;

(C) a charitable institution (including a hospital and a retirement home, but excluding a penal institution) to the extent that such institution serves needy persons;

(D) a summer camp for children, or a child nutrition program providing food service;

(E) a nutrition project operating under the Older Americans Act of 1965, including such project that operates a congregate nutrition site and a project that provides home-delivered meals; or

(F) a disaster relief program;and that has been designated by the appropriate State agency, or by the Secretary, and approved by the Secretary for participation in the program established under this subtitle.

(4) The term "emergency feeding organization" means a public or nonprofit organization that administers activities and projects (including the activities and projects of a charitable institution, a food bank, a food pantry, a hunger relief center, a soup kitchen, or a similar public or private nonprofit eligible recipient agency) providing nutrition assistance to relieve situations of emergency and distress through the provision of food to needy persons, including low-income and unemployed persons.

(5) The term "food bank" means a public and charitable institution that maintains an established operation involving the provision of food or edible commodities, or the products thereof, to food pantries, soup kitchens, hunger relief centers, or other food or feeding centers that, as an integral part of their normal activities, provide meals or food to feed needy persons on a regular basis.

(6) The term "food pantry" means a public or private nonprofit organization that distributes food to low-income and unemployed households, including food from sources other than the Department of Agriculture, to relieve situations of emergency and distress.

(7) The term "needy persons" means—

(A) individuals who have low incomes or who are unemployed, as determined by the State (in no event shall the income of such individual or household exceed 185% of the poverty line);

(B) households certified as eligible to participate in the food stamp program under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.); or

(C) individuals or households participating in any other Federal, or Federally assisted, means-tested program.

(8) The term "poverty line" has the same meaning given such term in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

(9) The term "soup kitchen" means a public and charitable institution that, as integral part of its normal activities, maintains an established feeding operation to provide food to needy homeless persons on a regular basis.

SEC. 524. REGULATIONS.

(a) The Secretary shall issue regulations within 120 days to implement this subtitle.

(b) In administering this subtitle, the Secretary shall minimize, to the maximum extent practicable, the regulatory, recordkeeping, and paperwork requirements imposed on eligible recipient agencies.

(c) The Secretary shall as early as feasible but not later than the beginning of each fiscal year, publish in the Federal Register a nonbinding estimate of the types and quantities of commodities that the Secretary anticipates are likely to be made available under the commodity distribution program under this subtitle during the fiscal year.

(d) The regulations issued by the Secretary under this section shall include provisions that set standards with respect to liability for commodity losses for the commodities distributed under this subtitle in situations in which there is no evidence of negligence or fraud, and conditions for payment to cover such losses. Such provisions shall take into consideration the special needs and circumstances of eligible recipient agencies.

SEC. 525. FINALITY OF DETERMINATIONS.

Determinations made by the Secretary under this subtitle and the facts constituting the basis for any donation of commodities under this subtitle, or the amount thereof, when officially determined in conformity with the applicable regulations prescribed by the Secretary, shall be final and conclusive and shall not be reviewable by any other officer or agency of the Government.

SEC. 526. SALE OF COMMODITIES PROHIBITED.

Except as otherwise provided in section 517, none of the commodities distributed under this subtitle shall be sold or otherwise disposed of in commercial channels in any form.

SEC. 527. SETTLEMENT AND ADJUSTMENT OF CLAIMS.

(a) The Secretary, or a designee of the Secretary, shall have the authority to—

(1) determine the amount of, settle, and adjust any claim arising under this subtitle; and

(2) waive such a claim if the Secretary determines that to do so will serve the purposes of this subtitle.

(b) Nothing contained in this section shall be construed to diminish the authority of the Attorney General of the United States under section 516 of title 28, United States Code, to conduct litigation on behalf of the United States.

SEC. 528. REPEALERS; AMENDMENTS.

(a) The Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is repealed.

(b) AMENDMENTS.—

(1) The Hunger Prevention Act of 1988 (7 U.S.C. 612c note) is amended—

(A) by striking section 110;

(C) by striking subtitle C; and

(B) by striking section 502.

(2) The Commodity Distribution Reform Act and WIC Amendments of 1987 (7 U.S.C. 612c note) is amended by striking section 4.

(3) The Charitable Assistance and Food Bank Act of 1987 (7 U.S.C. 612c note) is amended by striking section 3.

(4) The Food Security Act of 1985 (7 U.S.C. 612c note) is amended—

(A) by striking section 1571; and

(B) in section 1562(d), by striking "section 4 of the Agricultural and Consumer Protection Act of 1973" and inserting "section 110 of the Commodity Distribution Act of 1995".

(5) The Agricultural and Consumer Protection Act of 1973 (7 U.S.C. 612c note) is amended—

(A) in section 4(a), by striking "institutions (including hospitals and facilities caring for needy infants and children), supplemental feeding programs serving women, infants and children or elderly persons, or both, wherever located, disaster areas, summer camps for children" and inserting "disaster areas";

(B) in subsection 4(c), by striking "the Emergency Food Assistance Act of 1983" and inserting "the Commodity Distribution Act of 1995"; and

(C) by striking section 5.

(6) The Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 612c note) is amended by striking section 1773(f).

Subtitle B—Simplification and Reform of Food Stamp Program

SEC. 531. SHORT TITLE.

This subtitle may be cited as the "Food Stamp Simplification and Reform Act of 1995".

CHAPTER 1—SIMPLIFIED FOOD STAMP PROGRAM AND STATE ASSISTANCE FOR NEEDY FAMILIES

SEC. 541. ESTABLISHMENT OF SIMPLIFIED FOOD STAMP PROGRAM.

Section 4(a) of the Food Stamp Act of 1977 (7 U.S.C. 2013(a)) is amended—

(1) by inserting "(1)" after "(a)"; and

(3) by adding at the end the following new paragraph:

"(2) At the request of the State agency, a State may operate a program, as provided in section 24, within the State or any political subdivisions within the State in which households with one or more members receiving regular cash benefits under the program established by the State under the Temporary Assistance for Needy Families Block Grant will be issued food stamp benefits in accordance with the rules and procedures established—

"(A) by the State under the Temporary Assistance for Needy Families Block Grant or this Act; or

"(B) under the food stamp program.".

SEC. 542. SIMPLIFIED FOOD STAMP PROGRAM.

(a) The Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) is amended by adding the following new section:

"SEC. 24. SIMPLIFIED FOOD STAMP PROGRAM.

"(a) If a State elects to operate a program under section 4(a)(2) within the State or any political subdivision within the State—

"(1) households in which all members receive regular cash benefits under the program established by the State under the Temporary Assistance for Needy Families Block Grant shall be automatically eligible to participate in the food stamp program;

"(2) benefits under such program shall be determined under the rules and procedures established by the State or political subdivision under the Temporary Assistance for Needy Families Block Grant or under the food stamp program, subject to subsection (g).

"(b) In approving a State plan to carry out a program under section 4(a)(2), the Secretary shall certify that the average level of food stamp benefits per household participating in the program under such section for the State or political subdivision in which such program is in operation is not expected to exceed the average level of food stamp benefits per household that received benefits under the program established by a State under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) in such area in the preceding fiscal year, adjusted for any changes in the thrifty food plan under section 3(o). The Secretary shall compute the permissible average level of food stamp benefits per household each year for each State or political subdivision in which such program is in operation and may require a State to report any information necessary to make such computation.

"(c) When the Secretary determines that the average level of food stamp benefits per household provided by the State or political subdivision under such program has exceeded the permissible average level of food stamp benefits per household for the State or political subdivision in which the program was in operation, the State or political subdivision shall pay to the Treasury of the United States the value of the food stamp benefits in excess of the permissible average level of food stamp benefits per household in the State or political subdivision within 90 days after the notification of such excess payments.

"(d)(1) A household against which a penalty is imposed (including a reduction in benefits or disqualification) for noncompliance with the program established by the State under the Temporary Assistance for Needy Families Block Grant may have the same penalty imposed against it (including a reduction in benefits or disqualification) in the program administered under this section.

"(2) If the penalty for noncompliance with the program established by the State under the Temporary Assistance for Needy Families block grant is a reduction in benefits in such program, the household shall not receive an increased allotment under the program administered under this section as a result of a decrease in the household's income (as determined by the State under this section) caused by such penalty.

"(3) Any household disqualified from the program administered under this subsection may, after such disqualification period has expired, apply for food stamp benefits under this Act and shall be treated as a new applicant.

"(e) If a State or political subdivision, at its option, operates a program under section 4(a)(2) for households that include any member who does not receive regular cash benefits under the program established by the State under the Temporary Assistance for Needy Families Block Grant, the Secretary shall ensure that the State plan provides that household eligibility shall be determined under this Act, benefits may be determined under the rules and procedures established by the State under the Temporary Assistance for Needy Families Block Grant or this Act, and benefits provided under this section shall be equitably distributed among all household members.

"(f)(1) Under the program operated under section 4(a)(2), the State may elect to provide cash assistance in lieu of allotments to all households that include a member who is employed and whose employment produces for the benefit of the member's household income that satisfies the requirements of paragraph (2).

"(2) The State, in electing to provide cash assistance under paragraph (1), at a minimum shall require that such earned income is—

"(A) not less that $350 per month;

"(B) earned from employment provided by a nongovernmental employer, as determined by the State; and

"(C) received from the same employer for a period of employment of not less than 3 consecutive months.

"(3) If a State that makes the election described in paragraph (1) identifies each household that receives cash assistance under this subsection—

"(A) the Secretary shall pay to the State an amount equal to the value of the allotment that such household would be eligible to receive under this section but for the operation of this subsection;

"(B) the State shall provide such amount to the household as cash assistance in lieu of such allotment; and

"(C) for purposes of the food stamp program (other than this section and section 4(a)(2))—

"(i) such cash assistance shall be considered to be an allotment; and

"(ii) such household shall not receive any other food stamp benefit for the period for which such cash assistance is provided.

"(4) A State that makes the election in paragraph (1) shall—

"(A) increase the cash benefits provided to households under this subsection to compensate for any State or local sales tax that may be collected on purchases of food by any household receiving cash benefits under this subsection, unless the Secretary determines on the basis of information provided by the State that the increase is unnecessary on the basis of the limited nature of the items subject to the State or local sales tax; and

"(B) pay the cost of any increase in cash benefits required by paragraph (1).

"(5) After a State operates a program under this subsection for 2 years, the State shall provide to the Secretary a written evaluation of the impact of cash assistance.

"(g) In operating a program under section 4(a)(2), the State or political subdivision may follow the rules and procedures established by the State or political subdivision under the Temporary Assistance for Needy Families Block Grant or under the food stamp program, except that the State or political subdivision shall comply with the requirements of—

"(1) subsections (a) through (g) of section 7 (relating to the issuance and use of coupons);

"(2) section 8(a) (relating to the value of allotments, except that a household's income may be determined under the program established by the State under the Temporary Assistance for Needy Families Block Grant);

"(3) section 8(b) (allotment not considered income or resources);

"(4) subsections (a), (c), (d), and (n) of section 11 (relating to administration);

"(5) paragraphs (8), (12), (17), (19), (21), (26), and (27) of section 11(e) (relating to the State plan);

"(6) section 11(e)(10) (relating to a fair hearing) or a comparable requirement established by the State under the Temporary Assistance for Needy Families Block Grant; and

"(7) section 16 (relating to administrative cost-sharing and quality control).".

(b) Section 11(e) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)) is amended—

(1) in paragraph (24), by striking "and" at the end;

(2) in paragraph (25), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(26) the plans of the State agency for operating, at the election of the State, a program under section 4(a)(2), including—

"(A) the rules and procedures to be followed by the State to determine food stamp benefits;

"(B) a statement specifying whether the program operated by the State under section 4(a)(2) will include households that include members who do not receive regular cash benefits under the program established by the State under the Temporary Assistance for Needy Families Block Grant; and

"(C) a description of the method by which the State or political subdivision will carry out a quality control system under section 16(c).".

SEC. 543. CONFORMING AMENDMENTS.

(a) Section 8 of the Food Stamp Act of 1977 (7 U.S.C. 2017) is amended by striking subsection (e).

(b) Section 17 of the Food Stamp Act of 1977 (7 U.S.C. 2026) is amended—

(1) by striking subsection (i); and

(2) by redesignating subsections (j), (k), and (l) as subsections (i), (j), and (k), respectively.

CHAPTER 2—FOOD STAMP PROGRAM

SEC. 551. THRIFTY FOOD PLAN.

Section (3)(o) of the Food Stamp Act of 1977 (7 U.S.C. 2012(o)) is amended by striking "(4) through January 1, 1980, adjust the cost of such diet every January 1 and July 1" and all that follows through the end of the subsection, and inserting the following: "(4) on October 1, 1995, adjust the cost of the thrifty food plan to reflect 103 percent of the cost of the thrifty food plan in June 1994 and increase such amount by 2 percent, rounding the result to the nearest lower dollar increment for each household size, and (5) on October 1, 1996, and each October 1 thereafter, increase the amount established for the preceding October 1, before such amount was rounded, by 2 percent, rounding the result to the nearest lower dollar increment for each household size.".

SEC. 552. INCOME DEDUCTIONS AND ENERGY ASSISTANCE.

(a) Section 5(d)(11) of the Food Stamp Act of 1977 (7 U.S.C. 2014(d)(11)) is amended—

(1) by striking "(A)"; and

(2) by striking "or (B) under any State or local laws," and all that follows through "or impracticable to do so,".

(b) Section 5(e) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)) is amended to read as follows:

"(e)(1) DEDUCTIONS FOR STANDARD AND EARNED INCOME.—

"(A) In computing household income, the Secretary shall allow a standard deduction of $134 a month for each household, except that households in Alaska, Hawaii, Guam, and the Virgin Islands of the United States shall be allowed a standard deduction of $229, $189, $269, and $118, respectively.

"(B) All households with earned income shall also be allowed an additional deduction of 20 percent of all earned income (other than that excluded by subsection (d) of this section and that earned under section 16(j)), to compensate for taxes, other mandatory deductions from salary, and work expenses, except that such additional deduction shall not be allowed with respect to earned income that a household willfully or fraudulently fails (as proven in a proceeding provided for in section 6(b)) to report in a timely manner.

"(2) DEPENDENT CARE DEDUCTION.—The Secretary shall allow households, a deduction with respect to expenses other than expenses paid on behalf of the household by a third party or amounts made available and excluded for the expenses under subsection (d)(3), the maximum allowable level of which shall be $200 a month for each dependent child under 2 years of age and $175 a month for each other dependent, for the actual cost of payments necessary for the care of a dependent when such care enables a household member to accept or continue employment, or training or education which is preparatory for employment.

"(3) EXCESS SHELTER EXPENSE DEDUCTION.—

"(A) The Secretary shall allow households, other than those households containing an elderly or disabled member, with respect to expenses other than expenses paid on behalf of the household by a third party, an excess shelter expense deduction to the extent that the monthly amount expended by a household for shelter exceeds an amount equal to 50 percent of monthly household income after all other applicable deductions have been allowed.

"(B) Such excess shelter expense deduction shall not exceed $231 a month in the 48 contiguous States and the District of Columbia, and shall not exceed, in Alaska, Hawaii, Guam, and the Virgin Islands of the United States, $402, $330, $280, and $171 a month, respectively.

"(C)(i) Notwithstanding section 2605(f)) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(f)), a household may not claim as a shelter expense any payment received, or costs paid on its behalf, under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.).

"(ii) Notwithstanding section 2605(f)) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(f)), a State agency may use a standard utility allowance as provided under subparagraph (D) for heating and cooling expenses only if the household incurs out-of-pocket heating or cooling expenses in excess of any payment received, or costs paid on its behalf, under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.).

"(iii) For purposes of the food stamp program, assistance provided under the Low-Income Home Energy Assistance Act of 1981 shall be considered to be prorated over the entire heating or cooling season for which it was provided.

"(iv) At the end of any certification period and up to one additional time during each twelve-month period, a State agency shall allow a household to switch between any standard utility allowance and a deduction based on its actual utility costs.

"(D)(i) In computing the excess shelter expense deduction, a State agency may use a standard utility allowance in accordance with regulations promulgated by the Secretary, except that a State agency may use an allowance which does not fluctuate within a year to reflect seasonal variations.

"(ii) An allowance for a heating or cooling expense may not be used for a household that does not incur a heating or cooling expense, as the case may be, or does incur a heating or cooling expense but is located in a public housing unit which has central utility meters and charges households, with regard to such expense, only for excess utility costs.

"(iii) No such allowance may be used for a household that shares such expense with, and lives with, another individual not participating in the food stamp program, another household participating in the food stamp program, or both, unless the allowance is prorated between the household and the other individual, household, or both.

"(4) HOMELESS SHELTER DEDUCTION.—(A) A State shall develop a standard homeless shelter deduction, which shall not exceed $139 a month, for the expenses that may reasonably be expected to be incurred by households in which all members are homeless but are not receiving free shelter throughout the month. Subject to subparagraph (B), the State shall use such deduction in determining eligibility and allotments for such households.

"(B) The Secretary may prohibit the use of the standard homeless shelter deduction for households with extremely low shelter costs.

"(5) ELDERLY AND DISABLED HOUSEHOLDS.—

"(A) The Secretary shall allow households containing an elderly or disabled member, with respect to expenses other than expenses paid on behalf of the household by a third party—

"(i) an excess medical expense deduction for that portion of the actual cost of allowable medical expenses, incurred by elderly or disabled members, exclusive of special diets, that exceed $35 a month; and

"(ii) an excess shelter expense deduction to the extent that the monthly amount expended by a household for shelter exceeds an amount equal to 50 percent of monthly household income after all other applicable deductions have been allowed.

"(B) State agencies shall offer eligible households a method of claiming a deduction for recurring medical expenses that are initially verified under the excess medical expense deduction provided for in subparagraph (A), in lieu of submitting information or verification on actual expenses on a monthly basis. The method described in the preceding sentence shall be designed to minimize the administrative burden for eligible elderly and disabled household members choosing to deduct their recurrent medical expenses pursuant to such method, shall rely on reasonable estimates of the member's expected medical expenses for the certification period (including changes that can be reasonably anticipated based on available information about the member's medical condition, public or private medical insurance coverage, and the current verified medical expenses incurred by the member), and shall not require further reporting or verification of a change in medical expenses if such a change has been anticipated for the certification period.

"(6) CHILD SUPPORT DEDUCTION.—Before determining the excess shelter expense deduction, the Secretary shall allow all households a deduction for child support payments made by a household member to or for an individual who is not a member of the household if such household member was legally obligated to make such payments, except that the Secretary is authorized to prescribe by regulation the methods, including calculation on a retrospective basis, that State agencies shall use to determine the amount of the deduction for child support payments.".

(c) Section 11(e)(3) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(3)) is amended by striking "Under the rules prescribed by the Secretary, a State agency shall develop standard estimates" and all that follows through the end of the paragraph.

SEC. 553. VEHICLE ALLOWANCE.

Section 5(g)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2014(g)(2)) is amended by striking "a level set by the Secretary, which shall be $4,500 through August 31, 1994," and all that follows through the end of the paragraph, and inserting "$4,550.".

SEC. 554. WORK REQUIREMENTS.

(a) Section 6(d) of the Food Stamp Act of 1977 (42 U.S.C. 2015(d)) is amended—

(1) in paragraph (1)(A)(ii), by striking "an employment and training program under paragraph (4), to the extent required under paragraph (4), including any reasonable employment requirements as are prescribed by the State agency in accordance with paragraph (4)" and inserting "a State job search program";

(2) in paragraph (2)(A)—

(A) by striking "title IV of the Social Security Act (42 U.S.C. 602)" and inserting "the program established by the State under the Temporary Assistance for Needy Families Block Grant"; and

(B) by striking "that is comparable to a requirement of paragraph (1)"; and

(3) by amending paragraph (4) to read as follows:

"(4)(A) Except as provided in subparagraphs (B), (C), and (D), an individual shall not be denied initial eligibility but shall be disqualified from the food stamp program if after 90 days from the certification of eligibility of such individual the individual was not employed a minimum of 20 hours per week, or does not participate in a program established under section 20 or a comparable program established by the State or local government.

"(B) Subparagraph (A) shall not apply in the case of an individual who—

"(i) is under eighteen or over fifty years of age;

"(ii) is certified by a physician as physically or mentally unfit for employment;

"(iii) is a parent or other member of a household with responsibility for the care of a dependent;

"(iv) is participating a minimum of 20 hours per week and is in compliance with the requirements of—

"(I) a program under the Job Training Partnership Act (29 U.S.C. 1501 et seq.);

"(II) a program under section 236 of the Trade Act of 1974 (19 U.S.C. 2296); or

"(III) a program of employment or training operated or supervised by an agency of State or local government which meets standards deemed appropriate by the Governor; or

"(v) would otherwise be exempt under subsection (d)(2).

"(C) Upon request of the State, the Secretary may waive the requirements of subparagraph (A) in the case of some or all individuals within all or part of the State if the Secretary makes a determination that such area—

"(i) has an unemployment rate of over 10 percent; or

"(ii) does not have a sufficient number of jobs to provide employment for individuals subject to this paragraph. The Secretary shall report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the basis on which the Secretary made such a decision.

"(D) An individual who has been disqualified from the food stamp program under subparagraph (A) may reestablish eligibility for assistance if such person becomes exempt under subparagraph (B) or by—

"(i) becoming employed for a minimum of 20 hours per week during any consecutive thirty-day period; or

"(ii) participating in a program established under section 20 or a comparable program established by the State or local government.".

(b) Section 16 of the Food Stamp Act of 1977 (7 U.S.C. 2025) is amended—

(1) by striking subsection (h); and

(2) by redesignating subsections (i) and (j) as subsections (h) and (i), respectively.

(c) Section 17 of the Food Stamp Act of 1977 (7 U.S.C. 2026), as amended by section 543(b), is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e) through (k) as subsections (d) through (j), respectively.

(d) Section 20 of the Food Stamp Act of 1977 (7 U.S.C. 2029) is amended to read as follows:

"SEC. 20. (a)(1) The Secretary shall permit a State that applies and submits a plan in compliance with guidelines promulgated by the Secretary to operate a program within the State or any political subdivision within the State, under which persons who are required to work under section 6(d)(4) may accept an offer from the State or political subdivision to perform work on its behalf, or on behalf of a private nonprofit entity designated by the State or political subdivision, in order to continue to qualify for benefits after they have initially been judged eligible.

"(2) The Secretary shall promulgate guidelines pursuant to paragraph (1) which, to the maximum extent practicable, enable a State or political subdivision to design and operate a program that is compatible and consistent with similar programs operated by the State or political subdivision.

"(b) To be approved by the Secretary, a program shall provide that participants work, in return for compensation consisting of the allotment to which the household is entitled under section 8(a), with each hour of such work entitling that household to a portion of its allotment equal in value to 100 percent of the higher of the applicable State minimum wage or the Federal minimum hourly rate under the Fair Labor Standards Act of 1938.

"(c) No State or political subdivision that receives funds provided under this section shall replace any employed worker with an individual who is participating in a program under this section for the purposes of complying with section 6(d)(4). Such an individual may be placed in any position offered by the State or political subdivision that—

"(1) is a new position;

"(2) is a position that became available in the normal course of conducting the business of the State or political subdivision;

"(3) involves performing work that would otherwise be performed on an overtime basis by a worker who is not an individual participating in such program; or

"(4) that is a position which became available by shifting a current employee to an alternate position.

"(d) The Secretary shall allocate among the States or political subdivisions in each fiscal year, from funds appropriated for the fiscal year under section 18(a)(1), the amount of $75,000,000 to assist in carrying out the program under this section during the fiscal year.

"(e)(1) In making the allocation required under subsection (d), the Secretary shall allocate to each State operating a program under this section that percentage of the total funds allocated under subsection (d) which equals the estimate of the Secretary of the percentage of participants who are required to work under section 6(d)(4) that reside in such State.

"(2) The State shall promptly notify the Secretary if such State determines that it will not expend the funds allocated it under paragraph (1) and the Secretary shall reallocate such funds as the Secretary deems appropriate and equitable.

"(f) Notwithstanding subsection (d), the Secretary shall ensure that each State operating a program under this section is allocated at least $50,000 by reducing, to the extent necessary, the funds allocated to those States allocated more than $50,000.

"(g) If, in carrying out such program during such fiscal year, a State or political subdivision incurs costs that exceed the amount allocated to the State agency under subsection (d)—

"(1) the Secretary shall pay such State agency an amount equal to 50 percent of such additional costs, subject to the first limitation in paragraph (2); and

"(2) the Secretary shall also reimburse each State agency in an amount equal to 50 percent of the total amount of payments made or costs incurred by the State or political subdivision in connection with transportation costs and other expenses reasonably necessary and directly related to participation in a program under this section, except that such total amount shall not exceed an amount representing $25 per participant per month for costs of transportation and other actual costs and such reimbursement shall not be made out of funds allocated under subsection (d).

"(h) The Secretary may suspend or cancel some or all of these payments, or may withdraw approval from a State or political subdivision to operate a program, upon a finding that the State or political subdivision has failed to comply with the requirements of this section.".

(e) Section 7(1)(6) of the Food Stamp Act of 1977 (7 U.S.C. 2015(1)(6)) is amended by striking "section 17(f)" and inserting "17(e)".

SEC. 555. COMPARABLE TREATMENT OF DISQUALIFIED INDIVIDUALS.

Section 6 of the Food Stamp Act of 1977 (7 U.S.C. 2015) is amended by adding at the end the following new subsection:

"(i) An individual who is a member of a household who would otherwise be eligible to participate in the food stamp program under this section and who has been disqualified for noncompliance with program requirements from the program established by the State under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) shall not be eligible to participate in the food stamp program during the period such disqualification is in effect.".

SEC. 556. ENCOURAGE ELECTRONIC BENEFIT TRANSFER SYSTEMS.

(a) Section 7(i) of the Food Stamp Act of 1977 (7 U.S.C. 2016(i)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1)(A) State agencies are encouraged to implement an on-line electronic benefit transfer system in which household benefits determined under section 8(a) or section 24 are issued from and stored in a central data bank and electronically accessed by household members at the point-of-sale.

"(B) Subject to paragraph (2), a State is authorized to procure and implement an on-line electronic benefit transfer system under the terms, conditions, and design that the State deems appropriate.

"(C) Upon request of a State, the Secretary may waive any provision of this Act prohibiting the effective implementation of an electronic benefit transfer system under this subsection.";

(2) in paragraph (2), by striking "the approval of"; and

(3) in paragraph (3), by striking "the Secretary shall not approve such a system unless—" and inserting "such system shall provide that—".

(b) The Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), as amended by section 542(a), is amended by adding at the end the following new section:

"SEC. 25. ENCOURAGEMENT OF ELECTRONIC BENEFIT TRANSFER SYSTEMS.

"(a) Upon fully implementing an electronic benefit transfer system which operates in the entire State, a State may, subject to the provisions of this section, elect to receive a grant for any fiscal year to operate a low-income nutrition assistance program in such fiscal year in lieu of the food stamp program.

"(b)(1) A State that meets the requirements of this section and elects to operate such program, shall receive each fiscal year under this section the sum of—

"(A)(i) the total dollar value of all benefits issued under the food stamp program by the State during fiscal year 1994; or

"(ii) the average per fiscal year of the total dollar value of all benefits issued under the food stamp program by the State during fiscal years 1992 through 1994; and

"(B)(i) the total amount received by the State for administrative costs under section 16(a) for fiscal year 1994; or

"(ii) the average per fiscal year of the total amount received by the State for administrative costs under section 16(a) for fiscal years 1992 through 1994.

"(2) Upon approval by the Secretary of the plan submitted by a State under subsection (c), the Secretary shall pay to the State at such times and in such manner as the Secretary may determine, the amount to which the State is eligible under subsection (b)(1).

"(c) To be eligible to operate a low-income nutrition assistance program under this section, a State shall submit for approval each fiscal year a plan of operation specifying the manner in which such a program will be conducted by the State. Such plan shall—

"(1) certify that the State has implemented a state-wide electronic benefit transfer system in accordance with section 7(i);

"(2) designate a single State agency responsible for the administration of the low-income nutrition assistance program under this section;

"(3) assess the food and nutrition needs of needy persons residing in the State;

"(4) limit the assistance to be provided under this section to the purchase of food;

"(5) describe the persons to whom such assistance will be provided;

"(6) assure the Secretary that assistance will be provided to the most needy persons in the State and that applicants for assistance shall have adequate notice and fair hearings comparable to those required under section 11;

"(7) provide that, in the operation of the low-income nutrition assistance program, there shall be no discrimination on the basis of race, sex, religion, national origin, or political beliefs; and

"(8) include other information as may be required by the Secretary.

"(d) Payments made under this section to the State may be expended only in the fiscal year for which such payments are distributed, except that the State may reserve up to 5 percent of the grant received for a fiscal year to provide assistance under this section in the subsequent fiscal year: *Provided*, That such reserved funds may not total more than 20 percent of the total grant received under this section for a fiscal year.

"(e) The State agency shall keep records concerning the operation of the program carried out under this section and shall make such records available to the Secretary and the Comptroller General of the United States.

"(f) If the Secretary finds that there is substantial failure by a State to comply with the requirements of this section, regulations issued pursuant to this section, or the plan approved under subsection (c), then the Secretary shall take one or more of the following actions:

"(1) Suspend all or part of such payment authorized by subsection (b)(2) to be made available to such State, until the Secretary determines the State to be in substantial compliance with such requirements.

"(2) Withhold all or part of such payments until the Secretary determines that there is no longer failure to comply with such requirements, at which time the withheld payment may be paid.

"(3) Terminate the authority of the State to operate the low-income nutrition assistance program.

"(g)(1) States which receive grants under this section shall provide for—

"(A) a biennial audit, conducted in accordance with the standards of the Comptroller General, of expenditures for the provision of nutrition assistance under this section; and

"(B) not later than 120 days after the end of each fiscal year in which an audit is conducted, provide the Secretary with such audit.

States shall make the report of such audit available for public inspection.

"(2) Not later than 120 days after the end of the fiscal year for which a State receives a grant under this section, such State shall prepare an activities report comparing actual expenditures for such fiscal year for nutrition assistance under this section with the expenditures for such fiscal year predicted in the plan submitted in accordance with subsection (c). Such State shall make the activities report available for public inspection.

"(h) Whoever knowingly and willfully embezzles, misapplies, steals, or obtains by fraud, false statement, or forgery, any funds, assets, or property provided or financed under this section shall be fined not more than $10,000 or imprisoned for not more than 5 years, or both.".

SEC. 557. VALUE OF MINIMUM ALLOTMENT.

Section 8(a) of the Food Stamp Act of 1977 (7 U.S.C. 2017(a)) is amended by striking ", and shall be adjusted on each October 1" and all that follows through the end of such subsection, and inserting a period.

SEC. 558. INITIAL MONTH BENEFIT DETERMINATION.

Section 8(c)(2)(B) of the Food Stamp Act of 1977 (7 U.S.C. 2017(c)(2)(B)) is amended by striking "of more than one month" after "following any period".

SEC. 559. IMPROVING FOOD STAMP PROGRAM MANAGEMENT.

(a) Section 13(a)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2022(a)(1)) is amended—

(1) in the fifth sentence, by inserting "(after a determination on any request for a waiver for good cause related to the claim has been made by the Secretary)" after "bill for collection"; and

(2) in the sixth sentence, by striking "1 year" and inserting "2 years".

(b) Section 16(c) of the Food Stamp Act of 1977 (7 U.S.C. 2025(c)) is amended—

(1) in paragraph (1)(C)—

(A) by striking "national performance measure" and inserting "payment error tolerance level"; and

(B) by striking "equal to—" and all that follows through the period at the end and inserting the following:

"equal to its payment error rate less such tolerance level times the total value of allotments issued in such a fiscal year by such State agency. The amount of liability shall not be affected by corrective action under subparagraph (B).";

(2) in paragraph (3)(A), by striking "120 days" and inserting "60 days (or 90 days at the discretion of the Secretary)";

(3) in the last sentence of paragraph (6), by inserting "shall be used to establish a payment-error tolerance level. Such tolerance level for any fiscal year will be one percentage point added to the lowest national performance measure ever announced up to and including such fiscal year under this section. The payment-error tolerance level" after "The announced national performance measure"; and

(4) by striking paragraphs (8) and (9).

SEC. 560. WORK SUPPLEMENTATION OR SUPPORT PROGRAM.

(a) Section 11(e) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)), as amended by section 542(b), is amended—

(1) in paragraph (25), by striking "and";

(2) in paragraph (26), by striking the period and inserting "; and" at the end; and

(3) by adding at the end the following new paragraph:

"(27) the plans of the State agency for including eligible food stamp recipients in a work supplementation or support program under section 16(j).".

(b) Section 16 of the Food Stamp Act of 1977 (7 U.S.C. 2025), as amended by section 554(b), is amended by adding at the end the following new subsection:

"(j) WORK SUPPLEMENTATION OR SUPPORT PROGRAM.—

"(1) A State may elect to use the sums equal to the food stamp benefits that would otherwise be allotted to participants under the food stamp program but for the operation of this subsection for the purposes of providing and subsidizing or supporting jobs under a work supplementation or support program established by the State.

"(2) If a State that makes the election described in paragraph (1) identifies each household that participates in the food stamp program which contains an individual who is participating in such work supplementation or support program—

"(A) the Secretary shall pay to the State an amount equal to the value of the allotment that the household would be eligible to receive but for the operation of this subsection;

"(B) the State shall expend such amount in accordance with its work supplementation or support program in lieu of the allotment that the household would receive but for the operation of this subsection;

"(C) for purposes of—

"(i) sections 5 and 8(a), the amount received under this subsection shall be excluded from household income and resources; and

"(ii) section 8(b), the amount received under this subsection shall be considered as the value of an allotment provided to the household; and

"(D) the household shall not receive an allotment from the State agency for the period during which the member continues to participate in the work supplementation program.

"(3) No person shall be excused by reason of the fact that such State has a work supplementation or support program from any work requirement under section 6(d), except during the periods in which such individual is employed under such work supplementation or support program.

"(4) For purposes of this subsection, the term "work supplementation or support program" shall mean a program in which, as determined by the Secretary, public assistance, including any benefits provided under a program established by the State and the food stamp program, is provided to an employer to be used for hiring a public assistance recipient.".

SEC. 561. OBLIGATIONS AND ALLOTMENTS.

Section 18 of the Food Stamp Act of 1977 Act (7 U.S.C. 2027) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "are authorized to be appropriated such sums as are necessary for each of the fiscal years 1991 through 1995" and inserting the following:

"is provided to be obligated, not in excess of the cost estimate made by the Congressional Budget Office for this Act, as amended by the Food Stamp Simplification and Reform Act of 1995, for the fiscal year ending September 30, 1996, with adjustments for any estimates of total obligations for additional fiscal years made by the Congressional Budget Office to reflect the provisions contained in the Food Stamp Simplification and Reform Act of 1995";

(ii) by striking "In each monthly report, the Secretary shall also state" and inserting "Also, the Secretary shall file a report every February 15, April 15, and July 15, stating"; and

(iii) by striking "supplemental appropriations" and inserting "additional obligational authority"; and

(B) in paragraph (2), by striking "authorized to be appropriated" and inserting "obligated";

(2) in subsection (b)—

(A) in the first sentence, by striking "appropriation" and inserting "total obligations limitation provided"; and

(B) in the second sentence, by striking "appropriation" and inserting "obligational amount provided in subsection (a)(1)";

(3) in subsection (c)—

(A) by inserting "or under section 24" after "under sections 5(d) and 5(e)";

(B) by inserting "or under section 24" after "under section 5(c)";

(C) by striking "and" after "or otherwise disabled"; and

(D) by inserting before the period at the end ", and (3) adequate and appropriate recommendations on how to equitably achieve such reductions"; and

(4) in subsection (f), by striking "No funds appropriated" and inserting "None of the funds obligated".

CHAPTER 3—PROGRAM INTEGRITY

SEC. 571. AUTHORITY TO ESTABLISH AUTHORIZATION PERIODS.

Section 9(a)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2018(a)(1)) is amended by adding at the end the following new sentence:

"The Secretary shall establish specific time periods during which authorization to accept and redeem coupons, or to redeem benefits through an electronic benefit transfer system, under the food stamp program shall be valid.".

SEC. 572. CONDITION PRECEDENT FOR APPROVAL OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS.

Section 9(a)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2018(a)(1)), as previously amended by this title, is amended by adding at the end the following new sentence:

"No retail food store or wholesale food concern shall be approved for participation in the food stamp program unless, wherever possible, an authorized employee of the Department of Agriculture, or an official of the

State or local government designated by the Department of Agriculture, has visited such retail food store or wholesale food concern for the purpose of determining whether such retail food store or wholesale food concern should be so approved.".

SEC. 573. WAITING PERIOD FOR RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS THAT ARE DENIED APPROVAL TO ACCEPT COUPONS.

Section 9(d) of the Food Stamp Act of 1977 (7 U.S.C. 2018(d)) is amended by adding at the end the following new sentence:

"Such retail food store or wholesale food concern shall not submit an application under subsection (a)(1) for six months from the date of receipt of the notice of denial.".

SEC. 574. DISQUALIFICATION OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS.

Section 12(a) of the Food Stamp Act of 1977 (7 U.S.C. 2021(a)) is amended—

(1) by inserting "(1)" after "(a); and

(2) by inserting the following new paragraph:

"(2) A retail food store or wholesale food concern that is disqualified from participating in the program under section 17 of the Child Nutrition Act of 1966 shall for such period of disqualification also be disqualified from participating in the food stamp program.".

SEC. 575. AUTHORITY TO SUSPEND STORES VIOLATING PROGRAM REQUIREMENTS PENDING ADMINISTRATIVE AND JUDICIAL REVIEW.

Section 14(a) of the Food Stamp Act of 1977 (7 U.S.C. 2023(a)) is amended by adding at the end the following new sentence:

"Notwithstanding any other provision of law, the permanent disqualification of a retail food store or wholesale food concern under section 12(b)(3) shall be effective from the date of receipt of the notice of disqualification.".

SEC. 576. CRIMINAL FORFEITURE.

Section 15(g) of the Food Stamp Act of 1977 (7 U.S.C. 2024(g)) is amended to read as follows:

"(g)(1) The court, in imposing sentence on a person convicted of an offense in violation of subsection (b) or (c), shall order, in addition to any other sentence imposed pursuant to this subsection, that the person forfeit to the United States all property described in paragraph (2).

"(2) All property, real and personal, used in a transaction or attempted transaction, to commit, or to facilitate the commission of, a violation (other than a misdemeanor) of subsection (b) or (c), or proceeds traceable to a violation of subsection (b) or (c), is subject to forfeiture to the United States.

"(3) No property shall be forfeited under this subsection to the extent of an interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.

"(4) The proceeds from any sale of forfeited property and any monies forfeited under this subsection shall be used—

"(A) to reimburse the Department of Justice for the costs incurred by the Department to initiate and complete the forfeiture proceeding that caused the sale that produced such proceeds;

"(B) to reimburse the Department of Agriculture Office of Inspector General for any costs it incurred in the law enforcement effort resulting in the forfeiture;

"(C) to reimburse any Federal or State law enforcement agencies for any costs incurred in the law enforcement effort resulting in the forfeiture; and

"(D) by the Secretary to carry out the approval, reauthorization, and compliance investigations of retail stores under section 9.".

SEC. 577. EXPANDED DEFINITION OF "COUPON".

Section 3(d) of the Food Stamp Act of 1977 (7 U.S.C. 2012(d)) is amended by striking "or type of certificate" and inserting "type of certificate, 'authorization cards, cash or checks issued in lieu of coupons, or access devices, including, but not limited to, electronic benefit transfer cards or personal identification numbers".

SEC. 578. DOUBLED PENALTIES FOR VIOLATING FOOD STAMP PROGRAM REQUIREMENTS.

Section 6(b)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2015(b)(1)) is amended—

(1) in clause (i), by striking "six months" and inserting "1 year"; and

(2) in clause (ii), by striking "1 year" and inserting "2 years".

SEC. 579. DISQUALIFICATION OF CONVICTED INDIVIDUALS.

Section 6(b)(1)(iii) of the Food Stamp Act of 1977 (7 U.S.C. 2015(b)(1)(iii)) is amended—

(1) in subclause (II), by striking "or" at the end;

(2) in subclause (III), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new subclause:

"(IV) a conviction of an offense under subsection (a) or (b) of section 15 involving items referred to in such subsection having a value of $500 or more.".

SEC. 580. CLAIMS COLLECTION.

(a) Section 11(e)(8) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(8)) is amended by inserting before the semicolon at the end "or refunds of Federal taxes as authorized pursuant to section 3720A of title 31 of the United States Code".

(b) Section 13(d) of the Act (7 U.S.C. 2022(d)) is amended—

(1) by striking "may" and inserting "shall"; and

(2) by inserting before the period at the end "or refunds of Federal taxes as authorized pursuant to section 3720A of title 31 of the United States Code".

Subtitle C—Effective Dates and Miscellaneous Provisions

SEC. 591. EFFECTIVE DATES.

(a) Except as provided in subsection (b) and (c), this title and amendments made by this title shall take effect on October 1, 1995.

(b) The amendments made by section 554 shall take effect on October 1, 1996.

(c) The amendments made by section 560 shall take effect on October 1, 1994.

SEC. 592. SENSE OF THE CONGRESS.

It is the sense of the Congress that States that operate electronic benefit systems to transfer benefits provided under the Food Stamp Act of 1977 should operate electronic benefit systems that are compatible with each other.

SEC. 593. DEFICIT REDUCTION.

It is the sense of the Committee on Agriculture of the House of Representatives that reductions in outlays resulting from subtitle B shall not be taken into account for purposes of section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE VI—SUPPLEMENTAL SECURITY INCOME

SEC. 601. DENIAL OF SUPPLEMENTAL SECURITY INCOME BENEFITS BY REASON OF DISABILITY TO DRUG ADDICTS AND ALCOHOLICS.

(a) In General.—Section 1614(a)(3) of the Social Security Act (42 U.S.C. 1382c(a)(3)) is amended by adding at the end the following:

"(I) Notwithstanding subparagraph (A), an individual shall not be considered to be disabled for purposes of this title if alcoholism or drug addiction would (but for this subparagraph) be a contributing factor material to the Commissioner's determination that the individual is disabled.".

(b) Conforming Amendments.—

(1) Section 1611(e) of such Act (42 U.S.C. 1382(e)) is amended by striking paragraph (3).

(2) Section 1631(a)(2)(A)(ii) of such Act (42 U.S.C. 1383(a)(2)(A)(ii)) is amended—

(A) by striking "(I)"; and

(B) by striking subclause (II).

(3) Section 1631(a)(2)(B) of such Act (42 U.S.C. 1383(a)(2)(B)) is amended—

(A) by striking clause (vii);

(B) in clause (viii), by striking "(ix)" and inserting "(viii)";

(C) in clause (ix)—

(i) by striking "(viii)" and inserting "(vii)"; and

(ii) in subclause (II), by striking all that follows "15 years" and inserting a period;

(D) in clause (xiii)—

(i) by striking "(xii)" and inserting "(xi)"; and

(ii) by striking "(xi)" and inserting "(x)"; and

(E) by redesignating clauses (viii) through (xiii) as clauses (vii) through (xii), respectively.

(4) Section 1631(a)(2)(D)(i)(II) of such Act (42 U.S.C. 1383(a)(2)(D)(i)(II)) is amended by striking all that follows "$25.00 per month" and inserting a period.

(5) Section 1634 of such Act (42 U.S.C. 1383c) is amended by striking subsection (e).

(6) Section 201(c)(1) of the Social Security Independence and Program Improvements Act of 1994 (42 U.S.C. 425 note) is amended—

(A) by striking "—" and all that follows through "(A)" the 1st place such term appears;

(B) by striking "and" the 3rd place such term appears;

(C) by striking subparagraph (B);

(D) by striking "either subparagraph (A) or subparagraph (B)" and inserting "the preceding sentence"; and

(E) by striking "subparagraph (A) or (B)" and inserting "the preceding sentence".

(c) Effective Date.—The amendments made by this section shall take effect on October 1, 1995, and shall apply with respect to months beginning on or after such date.

(d) Funding of Certain Programs for Drug Addicts and Alcoholics.—

(1) In general.—Out of any money in the Treasury not otherwise appropriated, there are hereby appropriated—

(A) for carrying out section 1971 of the Public Health Service Act (as amended by paragraph (2) of this subsection), $95,000,000 for each of the fiscal years 1997 through 2000; and

(B) for carrying out the medication development project to improve drug abuse and drug treatment research (administered through the National Institute on Drug Abuse), $5,000,000 for each of the fiscal years 1997 through 2000.

(2) Capacity expansion program regarding drug abuse treatment.—Section 1971 of the Public Health Service Act (42 U.S.C. 300y) is amended—

(A) in subsection (a)(1), by adding at the end the following sentence: "This paragraph is subject to subsection (j).";

(B) by redesignating subsection (j) as subsection (k);

(C) in subsection (j) (as so redesignated), by inserting before the period the following: "and for each of the fiscal years 1995 through 2000"; and

(D) by inserting after subsection (i) the following subsection:

"(j) FORMULA GRANTS FOR CERTAIN FISCAL YEARS.—

"(1) IN GENERAL.—For each of the fiscal years 1997 through 2000, the Director shall, for the purpose described in subsection (a)(1), make a grant to each State that submits to the Director an application in accordance with paragraph (2). Such a grant for a State shall consist of the allotment determined for the State under paragraph (3). For each of the fiscal years 1997 through 2000, grants under this paragraph shall be the exclusive grants under this section.

"(2) REQUIREMENTS.—The Director may make a grant under paragraph (1) only if, by the date specified by the Director, the State submits to the Director an application for the grant that is in such form, is made in such manner, and contain such agreements, assurances, and information as the Director determines to be necessary to carry out this subsection, and if the application contains an agreement by the State in accordance with the following:

"(A) The State will expend the grant in accordance with the priority described in subsection (b)(1).

"(B) The State will comply with the conditions described in each of subsections (c), (d), (g), and (h).

"(3) ALLOTMENT.—

"(A) For purposes of paragraph (1), the allotment under this paragraph for a State for a fiscal year shall, except as provided in subparagraph (B), be the product of—

"(i) the amount appropriated in section 601(d)(1) of the Personal Responsibility Act of 1995 for the fiscal year, together with any additional amounts appropriated to carry out this section for the fiscal year; and

"(ii) the percentage determined for the State under the formula established in section 1933(a).

"(B) Subsections (b) through (d) of section 1933 apply to an allotment under subparagraph (A) to the same extent and in the same manner as such subsections apply to an allotment under subsection (a) of section 1933.".

SEC. 602. SUPPLEMENTAL SECURITY INCOME BENEFITS FOR DISABLED CHILDREN.

(a) RESTRICTIONS ON ELIGIBILITY FOR CASH BENEFITS.—

(1) IN GENERAL.—Section 1614(a)(3)(A) of the Social Security Act (42 U.S.C. 1382c(a)(3)(A)) is amended—

(A) by inserting "(i)" after "(3)(A)";

(B) by inserting "who has attained 18 years of age" before "shall be considered";

(C) by striking "he" and inserting "the individual";

(D) by striking "(or, in the case of an individual under the age of 18, if he suffers from any medically determinable physical or mental impairment of comparable severity)"; and

(E) by adding after and below the end the following:

"(ii) An individual who has not attained 18 years of age shall be considered to be disabled for purposes of this title for a month if the individual—

"(I) meets all non-disability-related requirements for eligibility for cash benefits under this title;

"(II) has any medically determinable physical or mental impairment (or combination of impairments) that meets the requirements, applicable to individuals who have not attained 18 years of age, of the Listings of Impairments set forth in appendix 1 of subpart P of part 404 of title 20, Code of Federal Regulations (revised as of April 1, 1994), or that is equivalent in severity to such an impairment (or such a combination of impairments); and

"(III)(aa) for the month preceding the first month for which this clause takes effect, was eligible for cash benefits under this title by reason of disability; or

"(bb) as a result of the impairment (or combination of impairments) involved—

"(1) is in a hospital, skilled nursing facility, nursing facility, residential treatment facility, intermediate care facility for the mentally retarded, or other medical institution; or

"(2) would be required to be placed in such an institution if the individual were not receiving personal assistance necessitated by the impairment (or impairments).

"(iii) As used in clause (ii)(III)(bb)(2), the term 'personal assistance' includes at least hands-on or stand-by assistance, supervision, or cueing, with activities of daily living and the administration of medical treatment (where applicable). For purposes of the preceding sentence, the term 'acitivities of daily living' means eating, toileting, dressing, bathing, and transferring.".

(2) NOTICE.—Within 1 month after the date of the enactment of this Act, the Commissioner of Social Security shall notify each individual whose eligibility for cash supplemental security income benefits under title XVI of the Social Security Act will terminate by reason of the amendments made by paragraph (1) of such termination.

(3) ANNUAL REPORTS ON LISTINGS OF IMPAIRMENTS.—The Commissioner of Social Security shall annually submit to the Congress a report on the Listings of Impairments set forth in appendix 1 of subpart P of part 404 of title 20, Code of Federal Regulations (revised as of April 1, 1994), that are applicable to indivdiuals who have not attained 18 years of age, and recommend any necessary revisions to the listings.

(b) ESTABLISHMENT OF PROGRAM OF BLOCK GRANTS REGARDING CHILDREN WITH DISABILITIES.—

(1) IN GENERAL.—Title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) is amended by adding at the end the following:

"PART C—BLOCK GRANTS TO STATES FOR CHILDREN WITH DISABILITIES

"SEC. 1641. ENTITLEMENT TO GRANTS.

"Each State that meets the requirements of section 1642 for fiscal year 1997 or any subsequent fiscal year shall be entitled to receive from the Commissioner for the fiscal year a grant in an amount equal to the allotment (as defined in section 1646(1)) of the State for the fiscal year.

"SEC. 1642. REQUIREMENTS.

"(a) IN GENERAL.—A State meets the requirements of this section for a grant under section 1641 for a fiscal year if by the date specified by the Commissioner, the State submits to the Commissioner an application for the grant that is in such form, is made in such manner, and contain such agreements, assurances, and information as the Commissioner determines to be necessary to carry out this part, and if the application contains an agreement by the State in accordance with the following:

"(1) The grant will not be expended for any purpose other than providing authorized services (as defined in section 1646(2)) to qualifying children (as defined in section 1646(3)).

"(2)(A) In providing authorized services, the State will make every reasonable effort to obtain payment for the services from other Federal or State programs that provide payment for such services and from private entities that are legally liable to make the payments pursuant to insurance policies, prepaid plans, or other arrangements.

"(B) The State will expend the grant only to the extent that payments from the programs and entities described in subparagraph (A) are not available for authorized services provided by the State.

"(3) The State will comply with the condition described in subsection (b).

"(4) The State will comply with the condition described in subsection (c).

"(b) MAINTENANCE OF EFFORT.—

"(1) IN GENERAL.—The condition referred to in subsection (a)(3) for a State for a fiscal year is that, with respect to the purposes described in paragraph (2), the State will maintain expenditures of non-Federal amounts for such purposes at a level that is not less than the following, as applicable:

"(A) For the first fiscal year for which the State receives a grant under section 1641, an amount equal to the difference between—

"(i) the average level of such expenditures maintained by the State for the 2-year period preceding October 1, 1995 (except that, if such first fiscal year is other than fiscal year 1997, the amount of such average level shall be increased to the extent necessary to offset the effect of inflation occurring after October 1, 1995); and

"(ii) the aggregate of non-Federal expenditures made by the State for such 2-year period pursuant to section 1618 (as such section was in effect for such period).

"(B) For each subsequent fiscal year, the amount applicable under subparagraph (A) increased to the extent necessary to offset the effect of inflation occurring after the beginning of the fiscal year to which such subparagraph applies.

"(2) RELEVANT PURPOSES.—The purposes described in this paragraph are any purposes designed to meet (or assist in meeting) the unique needs of qualifying children that arise from physical and mental impairments, including such purposes that are authorized to be carried out under title XIX.

"(3) RULE OF CONSTRUCTION.—With respect to compliance with the agreement made by a State pursuant to paragraph (1), the State has discretion to select, from among the purposes described in paragraph (2), the purposes for which the State expends the non-Federal amounts reserved by the State for such compliance.

"(4) USE OF CONSUMER PRICE INDEX.—Determinations under paragraph (1) of the extent of inflation shall be made through use of the consumer price index for all urban consumers, U.S. city average, published by the Bureau of Labor Statistics.

"(c) ASSESSMENT OF NEED FOR SERVICES.—The condition referred to in subsection (a)(4) for a State for a fiscal year is that each qualifying child will be permitted to apply for authorized services, and will be provided with an opportunity to have an assessment conducted to determine the need of such child for authorized services.

"SEC. 1643. AUTHORITY OF STATE.

"The following decisions are in the discretion of a State with respect to compliance with an agreement made by the State under section 1642(a)(1):

"(1) Decisions regarding which of the authorized services are provided.

"(2) Decisions regarding who among qualifying children in the State receives the services.

"(3) Decisions regarding the number of services provided for the qualifying child involved and the duration of the services.

"SEC. 1644. AUTHORIZED SERVICES.

"(a) AUTHORITY OF COMMISSIONER.—The Commissioner, subject to subsection (b), shall issue regulations designating the purposes for which grants under section 1641 are authorized to be expended by the States.

"(b) REQUIREMENTS REGARDING SERVICES.—The Commissioner shall ensure that the purposes authorized under subsection (a)—

"(1) are designed to meet (or assist in meeting) the unique needs of qualifying children that arise from physical and mental impairments;

"(2) include medical and nonmedical services; and

"(3) do not include the provision of cash benefits.

"SEC. 1645. GENERAL PROVISIONS.

"(a) ISSUANCE OF REGULATIONS.—Regulations under this part shall be issued in accordance with procedures established for the issuance of substantive rules under section 553 of title 5, United States Code. Payments under grants under section 1641 for fiscal year 1997 shall begin not later than January 1, 1997, without regard to whether final rules under this part have been issued and without regard to whether such rules have taken effect.

"(b) PROVISIONS REGARDING OTHER PROGRAMS.—

"(1) INAPPLICABILITY OF VALUE OF SERVICES.—The value of authorized services provided under this part shall not be taken into account in determining eligibility for, or the amount of, benefits or services under any Federal or federally-assisted program.

"(2) MEDICAID PROGRAM.—For purposes of title XIX, each qualifying child shall be considered to be a recipient of supplemental security income benefits under this title (without regard to whether the child has received authorized services under this part and without regard to whether the State involved is receiving a grant under section 1641). The preceding sentence applies on and after the date of the enactment of this part.

"(c) USE BY STATES OF EXISTING DELIVERY SYSTEMS.—With respect to the systems utilized by the States to deliver services to individuals with disabilities (including systems utilized before the date of the enactment of the Personal Responsibility Act of 1995), it is the sense of the Congress that the States should utilize such systems in providing authorized services under this part.

"(d) REQUIRED PARTICIPATION OF STATES.—Subparagraphs (C)(i) and (E)(i)(I) of section 205(c)(2) shall not apply to a State that does not participate in the program established in this part for fiscal year 1997 or any succeeding fiscal year.

"SEC. 1646. DEFINITIONS.

"As used in this part:

"(1) ALLOTMENT.—The term 'allotment' means, with respect to a State and a fiscal year, the product of—

"(A) an amount equal to the difference between—

"(i) the number of qualifying children in the State (as determined for the most recent 12-month period for which data are available to the Commissioner); and

"(ii) the number of qualifying children in the State receiving cash benefits under this title by reason of disability (as so determined); and

"(B) an amount equal to 75 percent of the mean average of the respective annual totals of cash benefits paid under this title to each qualifying child described in subparagraph (A)(ii) (as so determined).

"(2) AUTHORIZED SERVICE.—The term 'authorized service' means each purpose authorized by the Commissioner under section 1644(a).

"(3) QUALIFYING CHILD.—

"(A) IN GENERAL.—The term 'qualifying child' means an individual who—

"(i) has not attained 18 years of age; and

"(ii)(I) is eligible for cash benefits under this title by reason of disability; or

"(II) meets the conditions described in subclauses (I) and (II) of section 1614(a)(3)(A)(ii), but (by reason of subclause (III) of such section) is not eligible for such cash benefits.

"(B) RESPONSIBILITIES OF COMMISSIONER.—The Commissioner shall provide for determinations of whether individuals meet the criteria established in subparagraph (A) for status as qualifying children. Such determinations shall be made in accordance with the provisions otherwise applicable under this title with respect to such criteria.".

(2) RULE REGARDING CERTAIN MILITARY PARENTS; CASH BENEFITS FOR QUALIFYING CHILDREN.—Section 1614(a)(1)(B)(ii) of the Social Security Act (42 U.S.C. 1382c(a)(1)(B)(ii)) is amended by striking "United States, and who, for the month" and all that follows and inserting the following: "United States, and—

"(I) who, for the month before the parent reported for such assignment, received a cash benefit under this title by reason of blindness, or

"(II) for whom, for such month, a determination was in effect that the child is a qualifying child under section 1646(3).".

(c) PROVISIONS RELATING TO SSI CASH BENEFITS AND SSI SERVICE BENEFITS.—

(1) CONTINUING DISABILITY REVIEWS FOR CERTAIN CHILDREN.—Section 1614(a)(3)(G) of such Act (42 U.S.C. 1382c(a)(3)(G)) is amended—

(A) by inserting "(i)" after "(G)"; and

(B) by adding at the end the following:

"(ii)(I) Not less frequently than once every 3 years, the Commissioner shall redetermine the eligibility for cash benefits under this title and for services under part C—

"(aa) of each individual who has not attained 18 years of age and is eligible for such cash benefits by reason of disability; and

"(bb) of each qualifying child (as defined in section 1646(3)).

"(II) Subclause (I) shall not apply to an individual if the individual has an impairment (or combination of impairments) which is (or are) not expected to improve.".

(2) DISABILITY REVIEW REQUIRED FOR SSI RECIPIENTS WHO ARE 18 YEARS OF AGE.—

(A) IN GENERAL.—Section 1614(a)(3)(G) of such Act (42 U.S.C. 1382c(a)(3)(G)), as amended by paragraph (1) of this subsection, is amended by adding at the end the following:

"(iii)(I) The Commissioner shall redetermine the eligibility of a qualified individual for supplemental security income benefits under this title by reason of disability, by applying the criteria used in determining eligibility for such benefits of applicants who have attained 18 years of age.

"(II) The redetermination required by subclause (I) with respect to a qualified individual shall be conducted during the 1-year period that begins on the date the qualified individual attains 18 years of age.

"(III) As used in this clause, the term 'qualified individual' means an individual who attains 18 years of age and is a recipient of cash benefits under this title by reason of disability or of services under part C.

"(IV) A redetermination under subclause (I) of this clause shall be considered a substitute for a review required under any other provision of this subparagraph.".

(B) REPORT TO THE CONGRESS.—Not later than October 1, 1998, the Commissioner of Social Security shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the activities conducted under section 1614(a)(3)(G)(iii) of the Social Security Act.

(C) CONFORMING REPEAL.—Section 207 of the Social Security Independence and Program Improvements Act of 1994 (42 U.S.C. 1382 note; 108 Stat. 1516) is hereby repealed.

(3) DISABILITY REVIEW REQUIRED FOR LOW BIRTH WEIGHT BABIES WHO HAVE RECEIVED SSI BENEFITS FOR 12 MONTHS.—Section 1614(a)(3)(G) of such Act (42 U.S.C. 1382c(a)(3)(G)), as amended by paragraphs (1) and (2) of this subsection, is amended by adding at the end the following:

"(iv)(I) The Commissioner shall redetermine the eligibility for—

"(aa) cash benefits under this title by reason of disability of an individual whose low birth weight is a contributing factor material to the Commissioner's determination that the individual is disabled; and

"(bb) services under part C of an individual who is eligible for such services by reason of low birth weight.

"(II) The redetermination required by subclause (I) shall be conducted once the individual has received such benefits for 12 months.

"(III) A redetermination under subclause (I) of this clause shall be considered a substitute for a review required under any other provision of this subparagraph.".

(4) APPLICABILITY OF MEDICAID RULES REGARDING COUNTING OF CERTAIN ASSETS AND TRUSTS OF CHILDREN.—Section 1613(c) of the Social Security Act (42 U.S.C. 1382b(c)) is amended to read as follows:

"TREATMENT OF CERTAIN ASSETS AND TRUSTS IN ELIGIBILITY DETERMINATIONS FOR CHILDREN

"(c) Subsections (c) and (d) of section 1917 shall apply to determinations of eligibility for benefits under this title in the case of an individual who has not attained 18 years of age in the same manner as such subsections apply to determinations of eligibility for medical assistance under a State plan under title XIX, except that—

"(1) the amount described in section 1917(c)(1)(E)(i)(II) shall be the amount of cash benefits payable under this title to an eligible individual who does not have an eligible spouse and who has no income or resources;

"(2) the look-back date specified in section 1917(c)(1)(B) shall be the date that is 36 months before the date the individual has applied for benefits under this title; and

"(3) any assets in a trust over which the individual has control shall be considered assets of the individual.".

(d) CONFORMING AMENDMENTS.—

(1) Subsections (b)(1), (b)(2), (c)(3), (c)(5), and (e)(1)(B) of section 1611 of the Social Security Act (42 U.S.C. 1382 (b)(1), (b)(2), (c)(3), (c)(5), and (e)(1)(B)) are each amended by inserting "cash" before "benefit under this title".

(2) Section 1611(c)(1) of such Act (42 U.S.C. 1382(c)(1)) is amended—

(A) by striking "a benefit" and inserting "benefits";

(B) by striking "such benefit" and inserting "the cash benefit under this title"; and

(C) by striking "and the amount of such benefits" and inserting "benefits under this title and the amount of any cash benefit under this title".

(3) Section 1611(c)(2) of such Act (42 U.S.C. 1382(c)(2)) is amended—

(A) by striking "such benefit" and inserting "the cash benefit";

(B) by inserting "cash" before "benefits" each place such term appears; and

(C) in subpargraph (B), by inserting "cash" before "benefit".

(4) Section 1611(c)(3) of such Act (42 U.S.C. 1382(c)(3)) is amended by inserting "cash" before "benefits under this title".

(5) Section 1611(e)(1)(G) of such Act (42 U.S.C. 1382(e)(1)(G)) is amended by inserting "cash" before "benefit of".

(6) Section 1614(a)(4) of such Act (42 U.S.C. 1382c(a)(4)) is amended by inserting "or impairment" after "disability" each place such term appears.

(7) Section 1614(f)(1) of such Act (42 U.S.C. 1382c(f)(1)) is amended by striking "and the amount of benefits" and inserting "benefits under this title and the amount of any cash benefit under this title".

(8) Section 1614(f)(2)(A) of such Act (42 U.S.C. 1382c(f)(2)(A)) is amended by striking "and the amount of benefits" and inserting "benefits under this title and the amount of any cash benefit".

(9) Section 1614(f)(3) of such Act (42 U.S.C. 1382c(f)(3)) is amended by striking "and the amount of benefits" and inserting "benefits under this title and the amount of any cash benefit under this title".

(10) Section 1616(e)(1) of such Act (42 U.S.C. 1382e(e)(1)) is amended by inserting "cash" before "supplemental".

(11) Section 1621(a) of such Act (42 U.S.C. 1382j(a)) is amended by striking "and the amount of benefits" and inserting "benefits under this title and the amount of any cash benefit under this title".

(12) Section 1631(a)(4) of such Act (42 U.S.C. 1383(a)(4)) is amended by inserting "cash" before "benefits" the 1st place such term appears in each of subparagraphs (A) and (B).

(13) Section 1631(a)(7)(A) of such Act (42 U.S.C. 1383(a)(7)(A)) is amended by inserting "cash" before "benefits based".

(14) Section 1631(a)(8)(A) of such Act (42 U.S.C. 1383(a)(8)(A)) is amended by striking "benefits based on disability or blindness under this title" and inserting "benefits under this title (other than by reason of age)".

(15) Section 1631(c) of such Act (42 U.S.C. 1383(c)) is amended—

(A) by striking "payment" each place such term appears and inserting "benefits"; and

(B) by striking "payments" each place such term appears and inserting "benefits".

(17) Section 1631(e) of such Act (42 U.S.C. 1383(e)) is amended—

(A) in paragraph (1)(B), by striking "amounts of such benefits" and inserting "amounts of cash benefits under this title";

(B) in paragraph (2), by inserting "cash" before "benefits" each place such term appears;

(C) by redesignating the 2nd paragraph (6) and paragraph (7) as paragraphs (7) and (8), respectively; and

(D) in paragraph (7) (as so redesignated), by inserting "cash" before "benefits" each place such term appears.

(18) Section 1631(g)(2) of such Act (42 U.S.C. 1383(g)(2)) is amended by striking "supplemental security income" and inserting "cash".

(19) Section 1635(a) of such Act (42 U.S.C. 1383d(a)) is amended by striking "by reason of disability or blindness".

(e) TEMPORARY ELIGIBILITY FOR CASH BENEFITS FOR POOR DISABLED CHILDREN RESIDING IN STATES APPLYING ALTERNATIVE INCOME ELIGIBILITY STANDARDS UNDER MEDICAID.—

(1) IN GENERAL.—For the period beginning upon the 1st day of the 1st month that begins 90 or more days after the date of the enactment of this Act and ending upon the close of fiscal year 1996, an individual described in paragraph (2) shall be considered to be eligible for cash benefits under title XVI of the Social Security Act, notwithstanding that the individual does not meet any of the conditions described in section 1614(a)(3)(A)(ii)(III) of such Act.

(2) REQUIREMENTS.—For purposes of paragraph (1), an individual described in this paragraph is an individual who—

(A) has not attained 18 years of age;

(B) meets the conditions described in subclauses (I) and (II) of section 1614(a)(3)(A)(ii) of the Social Security Act;

(C) resides in a State that, pursuant to section 1902(f) of such Act, restricts eligibility for medical assistance under title XIX of such Act with respect to aged, blind, and disabled individuals; and

(D) is not eligible for medical assistance under the State plan under such title XIX.

(f) REDUCTION IN CASH BENEFITS PAYABLE TO INSTITUTIONALIZED CHILDREN WHOSE MEDICAL COSTS ARE COVERED BY PRIVATE INSURANCE.—Section 1611(e)(1)(B) of the Social Security Act (42 U.S.C. 1382(e)(1)(B)) is amended by inserting "or under any health insurance policy issued by a private provider of such insurance" after "title XIX".

(g) APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (a)(1), (c), (d) and (f) and section 1645(b)(2) of the Social Security Act (as added by the amendment made by subsection (b) of this section), shall apply to benefits for months beginning 90 or more days after the date of the enactment of this Act, without regard to whether regulations have been issued to implement such amendments.

(2) DELAYED APPLICABILITY TO CURRENT SSI RECIPIENTS OF ELIGIBILITY RESTRICTIONS.—The amendments made by subsection (a)(1) shall not apply, during the first 6 months that begin after the month in which this Act becomes law, to an individual who is a recipient of cash supplemental security income benefits under title XVI of the Social Security Act for the month in which this Act becomes law.

(h) REGULATIONS.—Within 3 months after the date of the enactment of this Act—

(1) the Commissioner of Social Security shall prescribe such regulations as may be necessary to implement the amendments made by subsections (a)(1), (c), (d), and (f) and to implement subsection (e); and

(2) the Secretary of Health and Human Services shall prescribe such regulations as may be necessary to implement section 1645(b)(2) of the Social Security Act, as added by the amendment made by subsection (b) of this section.

SEC. 603. EXAMINATION OF MENTAL LISTINGS USED TO DETERMINE ELIGIBILITY OF CHILDREN FOR SSI BENEFITS BY REASON OF DISABILITY.

Section 202(e)(2) of the Social Security Independence and Program Improvements Act of 1994 (42 U.S.C. 1382 note) is amended—

(1) by striking "and" at the end of subparagraph (F); and

(2) by redesignating subparagraph (G) as subparagraph (H) and inserting after subparagraph (F) the following:

"(G) whether the criteria in the mental disorders listings in the Listings of Impairments set forth in appendix 1 of subpart P of part 404 of title 20, Code of Federal Regulations, are appropriate to ensure that eligibility of individuals who have not attained 18 years of age for cash benefits under the supplemental security income program by reason of disability is limited to those who have serious disabilities and for whom such benefits are necessary to improve their condition or quality of life; and".

SEC. 604. LIMITATION ON PAYMENTS TO PUERTO RICO, THE VIRGIN ISLANDS, AND GUAM UNDER PROGRAMS OF AID TO THE AGED, BLIND, OR DISABLED.

Section 1108 of the Social Security Act (42 U.S.C. 1308), as amended by section 104(e)(1) of this Act, is amended by inserting before "The total" the following:

"(a) PROGRAMS OF AID TO THE AGED, BLIND, OR DISABLED.—The total amount certified by the Secretary of Health and Human Services under titles I, X, XIV, and XVI (as in effect without regard to the amendment made by section 301 of the Social Security Amendments of 1972)—

"(1) for payment to Puerto Rico shall not exceed $18,053,940;

"(2) for payment to the Virgin Islands shall not exceed $473,659; and

"(3) for payment to Guam shall not exceed $900,718.

"(b) MEDICAID PROGRAMS.—".

SEC. 605. REPEAL OF MAINTENANCE OF EFFORT REQUIREMENTS APPLICABLE TO OPTIONAL STATE PROGRAMS FOR SUPPLEMENTATION OF SSI BENEFITS.

Section 1618 of the Social Security Act (42 U.S.C. 1382g) is hereby repealed.

TITLE VII—CHILD SUPPORT

SEC. 700. REFERENCES.

Except as otherwise specifically provided, wherever in this title an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

Subtitle A—Eligibility for Services; Distribution of Payments

SEC. 701. STATE OBLIGATION TO PROVIDE CHILD SUPPORT ENFORCEMENT SERVICES.

(a) STATE PLAN REQUIREMENTS.—Section 454 (42 U.S.C. 654) is amended—

(1) by striking paragraph (4) and inserting the following:

"(4) provide that the State will—

"(A) provide services relating to the establishment of paternity or the establishment, modification, or enforcement of child support obligations, as appropriate, under the plan with respect to—

"(i) each child for whom cash assistance is provided under the State program funded under part A of this title, benefits or services are provided under the State program funded under part B of this title, or medical assistance is provided under the State plan approved under title XIX, unless the State agency administering the plan determines (in accordance with paragraph (28)) that it is against the best interests of the child to do so; and

"(ii) any other child, if an individual applies for such services with respect to the child; and

"(B) enforce any support obligation established with respect to—

"(i) a child with respect to whom the State provides services under the plan; or

"(ii) the custodial parent of such a child."; and

(2) in paragraph (6)—

(A) by striking "provide that" and inserting "provide that—";

(B) by striking subparagraph (A) and inserting the following:

"(A) services under the plan shall be made available to nonresidents on the same terms as to residents;";

(C) in subparagraph (B), by inserting "on individuals not receiving assistance under any State program funded under part A" after "such services shall be imposed";

(D) in each of subparagraphs (B), (C), (D), and (E)—

(i) by indenting the subparagraph in the same manner as, and aligning the left margin of the subparagraph with the left margin of, the matter inserted by subparagraph (B) of this paragraph; and

(ii) by striking the final comma and inserting a semicolon; and

(E) in subparagraph (E), by indenting each of clauses (i) and (ii) 2 additional ems.

(b) CONFORMING AMENDMENTS.—

(1) Section 452(b) (42 U.S.C. 652(b)) is amended by striking "454(6)" and inserting "454(4)".

(2) Section 452(g)(2)(A) (42 U.S.C. 652(g)(2)(A)) is amended by striking "454(6)" each place it appears and inserting "454(4)(A)(ii)".

(3) Section 466(a)(3)(B) (42 U.S.C. 666(a)(3)(B)) is amended by striking "in the case of overdue support which a State has agreed to collect under section 454(6)" and inserting "in any other case".

(4) Section 466(e) (42 U.S.C. 666(e)) is amended by striking "paragraph (4) or (6) of section 454" and inserting "section 454(4)".

SEC. 702. DISTRIBUTION OF CHILD SUPPORT COLLECTIONS.

(a) IN GENERAL.—Section 457 (42 U.S.C. 657) is amended to read as follows:

"SEC. 457. DISTRIBUTION OF COLLECTED SUPPORT.

"(a) IN GENERAL.—An amount collected on behalf of a family as support by a State pursuant to a plan approved under this part shall be distributed as follows:

"(1) FAMILIES RECEIVING CASH ASSISTANCE.—In the case of a family receiving cash assistance from the State, the State shall—

"(A) retain, or distribute to the family, the State share of the amount so collected; and

"(B) pay to the Federal Government the Federal share of the amount so collected.

"(2) FAMILIES THAT FORMERLY RECEIVED CASH ASSISTANCE.—In the case of a family that formerly received cash assistance from the State:

"(A) CURRENT SUPPORT PAYMENTS.—To the extent that the amount so collected does not exceed the amount required to be paid to the family for the month in which collected, the State shall distribute the amount so collected to the family.

"(B) PAYMENTS OF ARREARAGES.—To the extent that the amount so collected exceeds the amount required to be paid to the family for the month in which collected, the State shall distribute the amount so collected as follows:

"(i) DISTRIBUTION TO THE FAMILY TO SATISFY ARREARAGES THAT ACCRUED BEFORE OR AFTER THE FAMILY RECEIVED CASH ASSISTANCE.—The State shall distribute the amount so collected to the family to the extent necessary to satisfy any support arrears with respect to the family that accrued before or after the family received cash assistance from the State.

"(ii) REIMBURSEMENT OF GOVERNMENTS FOR ASSISTANCE PROVIDED TO THE FAMILY.—To the extent that clause (i) does not apply to the amount, the State shall retain the State share of the amount so collected, and pay to the Federal Government the Federal share of the amount so collected, to the extent necessary to reimburse amounts paid to the family as cash assistance from the State.

"(iii) DISTRIBUTION OF THE REMAINDER TO THE FAMILY.—To the extent that neither clause (i) nor clause (ii) applies to the amount so collected, the State shall distribute the amount to the family.

"(3) FAMILIES THAT NEVER RECEIVED CASH ASSISTANCE.—In the case of any other family, the State shall distribute the amount so collected to the family.

"(b) DEFINITIONS.—As used in subsection (a):

"(1) CASH ASSISTANCE.—The term 'cash assistance from the State' means—

"(A) cash assistance under the State program funded under part A or under the State plan approved under part A of this title (as in effect before October 1, 1996); or

"(B) cash benefits under the State program funded under part B or under the State plan approved under part B or E of this title (as in effect before October 1, 1996).

"(2) FEDERAL SHARE.—The term 'Federal share' means, with respect to an amount collected by the State to satisfy a support obligation owed to a family for a time period—

"(A) the greatest Federal medical assistance percentage in effect for the State for fiscal year 1995 or any succeeding fiscal year; or

"(B) if support is not owed to the family for any month for which the family received aid to families with dependent children under the State plan approved under part A of this title (as in effect before October 1, 1996), the Federal reimbursement percentage for the fiscal year in which the time period occurs.

"(3) FEDERAL MEDICAL ASSISTANCE PERCENTAGE.—The term 'Federal medical assistance percentage' means—

"(A) the Federal medical assistance percentage (as defined in section 1118), in the case of Puerto Rico, the Virgin Islands, Guam, and American Samoa; or

"(B) the Federal medical assistance percentage (as defined in section 1905(b)) in the case of any other State.

"(4) FEDERAL REIMBURSEMENT PERCENTAGE.—The term 'Federal assistance percentage' means, with respect to a fiscal year—

"(A) the total amount paid to the State under section 403 for the fiscal year; divided by

"(B) the total amount expended by the State to carry out the State program under part A during the fiscal year.

"(5) STATE SHARE.—The term 'State share' means 100 percent minus the Federal share.

"(c) CONTINUATION OF SERVICES FOR FAMILIES CEASING TO RECEIVE ASSISTANCE UNDER THE STATE PROGRAM FUNDED UNDER PART A.—When a family with respect to which services are provided under a State plan approved under this part ceases to receive assistance under the State program funded under part A, the State shall provide appropriate notice to the family and continue to provide such services, subject to the same conditions and on the same basis as in the case of individuals to whom services are furnished under section 454, except that an application or other request to continue services shall not be required of such a family and section 454(6)(B) shall not apply to the family.".

(b) EFFECTIVE DATE.—

(1) GENERAL RULE.—Except as provided in paragraph (2), the amendment made by subsection (a) shall become effective on October 1, 1999.

(2) EARLIER EFFECTIVE DATE FOR RULES RELATING TO DISTRIBUTION OF SUPPORT COLLECTED FOR FAMILIES RECEIVING TEMPORARY FAMILY ASSISTANCE.—Section 457(a)(1) of the Social Security Act, as added by the amendment made by subsection (a), shall become effective on October 1, 1995.

SEC. 703. PRIVACY SAFEGUARDS.

(a) STATE PLAN REQUIREMENT.—Section 454 (42 U.S.C. 654) is amended—

(1) by striking "and" at the end of paragraph (23);

(2) by striking the period at the end of paragraph (24) and inserting "; and"; and

(3) by adding after paragraph (24) the following:

"(25) will have in effect safeguards, applicable to all confidential information handled by the State agency, that are designed to protect the privacy rights of the parties, including—

"(A) safeguards against unauthorized use or disclosure of information relating to proceedings or actions to establish paternity, or to establish or enforce support;

"(B) prohibitions against the release of information on the whereabouts of one party to another party against whom a protective order with respect to the former party has been entered; and

"(C) prohibitions against the release of information on the whereabouts of one party to another party if the State has reason to believe that the release of the information may result in physical or emotional harm to the former party.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective on October 1, 1997.

Subtitle B—Locate and Case Tracking

SEC. 711. STATE CASE REGISTRY.

Section 454A, as added by section 745(a)(2) of this Act, is amended by adding at the end the following:

"(e) STATE CASE REGISTRY.—

"(1) CONTENTS.—The automated system required by this section shall include a registry (which shall be known as the 'State case registry') that contains records with respect to—

"(A) each case in which services are being provided by the State agency under the State plan approved under this part; and

"(B) each support order established or modified in the State on or after October 1, 1998.

"(2) LINKING OF LOCAL REGISTRIES.—The State case registry may be established by linking local case registries of support orders through an automated information network, subject to this section.

"(3) USE OF STANDARDIZED DATA ELEMENTS.—Such records shall use standardized data elements for both parents (such as names, social security numbers and other uniform identification numbers, dates of birth, and case identification numbers), and contain such other information (such as on case status) as the Secretary may require.

"(4) PAYMENT RECORDS.—Each case record in the State case registry with respect to which services are being provided under the State plan approved under this part and with respect to which a support order has been established shall include a record of—

"(A) the amount of monthly (or other periodic) support owed under the order, and other amounts (including arrears, interest or late payment penalties, and fees) due or overdue under the order;

"(B) any amount described in subparagraph (A) that has been collected;

"(C) the distribution of such collected amounts;

"(D) the birth date of any child for whom the order requires the provision of support; and

"(E) the amount of any lien imposed pursuant to section 466(a)(4).

"(5) UPDATING AND MONITORING.—The State agency operating the automated system required by this section shall promptly establish and maintain, and regularly monitor, case records in the State case registry with respect to which services are being provided under the State plan approved under this part, on the basis of—

"(A) information on administrative actions and administrative and judicial proceedings and orders relating to paternity and support;

"(B) information obtained from comparison with Federal, State, or local sources of information;

"(C) information on support collections and distributions; and

"(D) any other relevant information.

"(f) Information Comparisons and Other Disclosures of Information.—The State shall use the automated system required by this section to extract information from (at such times, and in such standardized format or formats, as may be required by the Secretary), to share and compare information with, and to receive information from, other data bases and information comparison services, in order to obtain (or provide) information necessary to enable the State agency (or the Secretary or other State or Federal agencies) to carry out this part, subject to section 6103 of the Internal Revenue Code of 1986. Such information comparison activities shall include the following:

"(1) Federal case registry of child support orders.—Furnishing to the Federal Case Registry of Child Support Orders established under section 453(h) (and update as necessary, with information including notice of expiration of orders) the minimum amount of information on child support cases recorded in the State case registry that is necessary to operate the registry (as specified by the Secretary in regulations).

"(2) Federal parent locator service.—Exchanging information with the Federal Parent Locator Service for the purposes specified in section 453.

"(3) Temporary family assistance and medicaid agencies.—Exchanging information with State agencies (of the State and of other States) administering programs funded under part A, programs operated under State plans under title XIX, and other programs designated by the Secretary, as necessary to perform State agency responsibilities under this part and under such programs.

"(4) Intra- and interstate information comparisons.—Exchanging information with other agencies of the State, agencies of other States, and interstate information networks, as necessary and appropriate to carry out (or assist other States to carry out) the purposes of this part.".

SEC. 712. COLLECTION AND DISBURSEMENT OF SUPPORT PAYMENTS.

(a) State Plan Requirement.—Section 454 (42 U.S.C. 654), as amended by section 703(a) of this Act, is amended—

(1) by striking "and" at the end of paragraph (24);

(2) by striking the period at the end of paragraph (25) and inserting "; and"; and

(3) by adding after paragraph (25) the following:

"(26) provide that, on and after October 1, 1998, the State agency will—

"(A) operate a State disbursement unit in accordance with section 454B; and

"(B) have sufficient State staff (consisting of State employees) and (at State option) contractors reporting directly to the State agency to—

"(i) monitor and enforce support collections through the unit (including carrying out the automated data processing responsibilities described in section 454A(g)); and

"(ii) take the actions described in section 466(c)(1) in appropriate cases.".

(b) Establishment of State Disbursement Unit.—Part D of title IV (42 U.S.C. 651-669), as amended by section 745(a)(2) of this Act, is amended by inserting after section 454A the following:

"SEC. 454B. COLLECTION AND DISBURSEMENT OF SUPPORT PAYMENTS.

"(a) State Disbursement Unit.—

"(1) In general.—In order for a State to meet the requirements of this section, the State agency must establish and operate a unit (which shall be known as the 'State disbursement unit') for the collection and disbursement of payments under support orders in all cases being enforced by the State pursuant to section 454(4).

"(2) Operation.—The State disbursement unit shall be operated—

"(A) directly by the State agency (or 2 or more State agencies under a regional cooperative agreement), or (to the extent appropriate) by a contractor responsible directly to the State agency; and

"(B) in coordination with the automated system established by the State pursuant to section 454A.

"(3) Linking of local disbursement units.—The State disbursement unit may be established by linking local disbursement units through an automated information network, subject to this section.

"(b) Required Procedures.—The State disbursement unit shall use automated procedures, electronic processes, and computer-driven technology to the maximum extent feasible, efficient, and economical, for the collection and disbursement of support payments, including procedures—

"(1) for receipt of payments from parents, employers, and other States, and for disbursements to custodial parents and other obligees, the State agency, and the agencies of other States;

"(2) for accurate identification of payments;

"(3) to ensure prompt disbursement of the custodial parent's share of any payment; and

"(4) to furnish to any parent, upon request, timely information on the current status of support payments under an order requiring payments to be made by or to the parent.

"(c) Timing of Disbursements.—The State disbursement unit shall distribute all amounts payable under section 457(a) within 2 business days after receipt from the employer or other source of periodic income, if sufficient information identifying the payee is provided.

"(d) Business Day Defined.—As used in this section, the term 'business day' means a day on which State offices are open for regular business.".

(c) Use of Automated System.—Section 454A, as added by section 745(a)(2) of this Act and as amended by section 711 of this Act, is amended by adding at the end the following:

"(g) Collection and Distribution of Support Payments.—

"(1) In general.—The State shall use the automated system required by this section, to the maximum extent feasible, to assist and facilitate the collection and disbursement of support payments through the State disbursement unit operated under section 454B, through the performance of functions, including, at a minimum—

"(A) transmission of orders and notices to employers (and other debtors) for the withholding of wages (and other income)—

"(i) within 2 business days after receipt (from a court, another State, an employer, the Federal Parent Locator Service, or another source recognized by the State) of notice of, and the income source subject to, such withholding; and

"(ii) using uniform formats prescribed by the Secretary;

"(B) ongoing monitoring to promptly identify failures to make timely payment of support; and

"(C) automatic use of enforcement procedures (including procedures authorized pursuant to section 466(c)) where payments are not timely made.

"(2) Business day defined.—As used in paragraph (1), the term 'business day' means a day on which State offices are open for regular business.".

(d) Effective Date.—The amendments made by this section shall become effective on October 1, 1998.

SEC. 713. STATE DIRECTORY OF NEW HIRES.

(a) State Plan Requirement.—Section 454 (42 U.S.C. 654), as amended by sections 703(a) and 712(a) of this Act, is amended—

(1) by striking "and" at the end of paragraph (25);

(2) by striking the period at the end of paragraph (26) and inserting "; and"; and

(3) by adding after paragraph (26) the following:

"(27) provide that, on and after October 1, 1997, the State will operate a State Directory of New Hires in accordance with section 453A.".

(b) State Directory of New Hires.—Part D of title IV (42 U.S.C. 651-669) is amended by inserting after section 453 the following:

"SEC. 453A. STATE DIRECTORY OF NEW HIRES.

"(a) Establishment.—

"(1) In general.—Not later than October 1, 1997, each State shall establish an automated directory (to be known as the 'State Directory of New Hires') which shall contain information supplied in accordance with subsection (b) by employers and labor organizations on each newly hired employee.

"(2) Definitions.—As used in this section:

"(A) Employee.—The term 'employee'—

"(i) means an individual who is an employee within the meaning of chapter 24 of the Internal Revenue Code of 1986; and

"(ii) does not include an employee of a Federal or State agency performing intelligence or counterintelligence functions, if the head of such agency has determined that reporting pursuant to paragraph (1) with respect to the employee could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission.

"(B) Governmental employers.—The term 'employer' includes any governmental entity.

"(C) Labor organization.—The term 'labor organization' shall have the meaning given such term in section 2(5) of the National Labor Relations Act, and includes any entity (also known as a 'hiring hall') which is used by the organization and an employer to carry out requirements described in section 8(f)(3) of such Act of an agreement between the organization and the employer.

"(b) Employer Information.—

"(1) Reporting requirement.—

"(A) In general.—Except as provided in subparagraph (B), each employer shall furnish to the Directory of New Hires of the State in which a newly hired employee works a report that contains the name, address, and social security number of the employee, and the name of, and identifying number assigned under section 6109 of the Internal Revenue Code of 1986 to, the employer.

"(B) Multistate employers.—An employer who has employees who are employed in 2 or more States may comply with subparagraph (A) by transmitting the report described in subparagraph (A) magnetically or electronically to the State in which the greatest number of employees of the employer are employed.

"(2) TIMING OF REPORT.—The report required by paragraph (1) with respect to an employee shall be made not later than the later of—

"(A) 15 days after the date the employer hires the employee; or

"(B) the date the employee first receives wages or other compensation from the employer.

"(c) REPORTING FORMAT AND METHOD.—Each report required by subsection (b) shall be made on a W-4 form or the equivalent, and may be transmitted by first class mail, magnetically, or electronically.

"(d) CIVIL MONEY PENALTIES ON NONCOMPLYING EMPLOYERS.—

"(1) IN GENERAL.—An employer that fails to comply with subsection (b) with respect to an employee shall be subject to a civil money penalty of—

"(A) $25; or

"(B) $500 if, under State law, the failure is the result of a conspiracy between the employer and the employee to not supply the required report or to supply a false or incomplete report.

"(2) APPLICABILITY OF SECTION 1128.—Section 1128 (other than subsections (a) and (b) of such section) shall apply to a civil money penalty under paragraph (1) of this subsection in the same manner as such section applies to a civil money penalty or proceeding under section 1128A(a).

"(e) INFORMATION COMPARISONS.—

"(1) IN GENERAL.—Not later than October 1, 1997, an agency designated by the State shall, directly or by contract, conduct automated comparisons of the social security numbers reported by employers pursuant to subsection (b) and the social security numbers appearing in the records of the State case registry for cases being enforced under the State plan.

"(2) NOTICE OF MATCH.—When an information comparison conducted under paragraph (1) reveals a match with respect to the social security number of an individual required to provide support under a support order, the State Directory of New Hires shall provide the agency administering the State plan approved under this part of the appropriate State with the name, address, and social security number of the employee to whom the social security number is assigned, and the name of, and identifying number assigned under section 6109 of the Internal Revenue Code of 1986 to, the employer.

"(f) TRANSMISSION OF INFORMATION.—

"(1) TRANSMISSION OF WAGE WITHHOLDING NOTICES TO EMPLOYERS.—Within 2 business days after the date information regarding a newly hired employee is entered into the State Directory of New Hires, the State agency enforcing the employee's child support obligation shall transmit a notice to the employer of the employee directing the employer to withhold from the wages of the employee an amount equal to the monthly (or other periodic) child support obligation of the employee, unless the employee's wages are not subject to withholding pursuant to section 466(b)(3).

"(2) TRANSMISSIONS TO THE NATIONAL DIRECTORY OF NEW HIRES.—

"(A) NEW HIRE INFORMATION.—Within 4 business days after the State Directory of New Hires receives information from employers pursuant to this section, the State Directory of New Hires shall furnish the information to the National Directory of New Hires.

"(B) WAGE AND UNEMPLOYMENT COMPENSATION INFORMATION.—The State Directory of New Hires shall, on a quarterly basis, furnish to the National Directory of New Hires extracts of the reports required under section 303(a)(6) to be made to the Secretary of Labor concerning the wages and unemployment compensation paid to individuals, by such dates, in such format, and containing such information as the Secretary of Health and Human Services shall specify in regulations.

"(3) BUSINESS DAY DEFINED.—As used in this subsection, the term 'business day' means a day on which State offices are open for regular business.

"(g) OTHER USES OF NEW HIRE INFORMATION.—

"(1) LOCATION OF CHILD SUPPORT OBLIGORS.—The agency administering the State plan approved under this part shall use information received pursuant to subsection (e)(2) to locate individuals for purposes of establishing paternity and establishing, modifying, and enforcing child support obligations.

"(2) VERIFICATION OF ELIGIBILITY FOR CERTAIN PROGRAMS.—A State agency responsible for administering a program specified in section 1137(b) shall have access to information reported by employers pursuant to subsection (b) of this section for purposes of verifying eligibility for the program.

"(3) ADMINISTRATION OF EMPLOYMENT SECURITY AND WORKERS COMPENSATION.—State agencies operating employment security and workers' compensation programs shall have access to information reported by employers pursuant to subsection (b) for the purposes of administering such programs.".

SEC. 714. AMENDMENTS CONCERNING INCOME WITHHOLDING.

(a) MANDATORY INCOME WITHHOLDING.—

(1) IN GENERAL.—Section 466(a)(1) (42 U.S.C. 666(a)(1)) is amended to read as follows:

"(1) INCOME WITHHOLDING.—

"(A) UNDER ORDERS ENFORCED UNDER THE STATE PLAN.—Procedures described in subsection (b) for the withholding from income of amounts payable as support in cases subject to enforcement under the State plan.

"(B) UNDER CERTAIN ORDERS PREDATING CHANGE IN REQUIREMENT.—Procedures under which the wages of a person with a support obligation imposed by a support order issued (or modified) in the State before October 1, 1996, if not otherwise subject to withholding under subsection (b), shall become subject to withholding as provided in subsection (b) if arrearages occur, without the need for a judicial or administrative hearing.".

(2) CONFORMING AMENDMENTS.—

(A) Section 466(a)(8)(B)(iii) (42 U.S.C. 666(a)(8)(B)(iii)) is amended—

(i) by striking "(5)"; and

(ii) by inserting ", and, at the option of the State, the requirements of subsection (b)(5)" before the period.

(B) Section 466(b) (42 U.S.C. 666(b)) is amended in the matter preceding paragraph (1), by striking "subsection (a)(1)" and inserting "subsection (a)(1)(A)".

(C) Section 466(b)(5) (42 U.S.C. 666(b)(5)) is amended by striking all that follows "administered by" and inserting "the State through the State disbursement unit established pursuant to section 454B, in accordance with the requirements of section 454B.".

(D) Section 466(b)(6)(A) (42 U.S.C. 666(b)(6)(A)) is amended—

(i) in clause (i), by striking "to the appropriate agency" and all that follows and inserting "to the State disbursement unit within 2 business days after the date the amount would (but for this subsection) have been paid or credited to the employee, for distribution in accordance with this part.";

(ii) in clause (ii), by inserting "be in a standard format prescribed by the Secretary, and" after "shall"; and

(iii) by adding at the end the following:

"(iii) As used in this subparagraph, the term 'business day' means a day on which State offices are open for regular business.".

(E) Section 466(b)(6)(D) (42 U.S.C. 666(b)(6)(D)) is amended by striking "any employer" and all that follows and inserting the following:

"any employer who—

"(i) discharges from employment, refuses to employ, or takes disciplinary action against any absent parent subject to wage withholding required by this subsection because of the existence of such withholding and the obligations or additional obligations which is imposes upon the employer; or

"(ii) fails to withhold support from wages, or to pay such amounts to the State disbursement unit in accordance with this subsection.".

(F) Section 466(b) (42 U.S.C. 666(b)) is amended by adding at the end the following:

"(11) Procedures under which the agency administering the State plan approved under this part may execute a withholding order through electronic means and without advance notice to the obligor.".

(b) CONFORMING AMENDMENT.—Section 466(c) (42 U.S.C. 666(c)) is repealed.

SEC. 715. LOCATOR INFORMATION FROM INTERSTATE NETWORKS.

Section 466(a) (42 U.S.C. 666(a)) is amended by adding at the end the following:

"(12) LOCATOR INFORMATION FROM INTERSTATE NETWORKS.—Procedures to ensure that all Federal and State agencies conducting activities under this part have access to any system used by the State to locate an individual for purposes relating to motor vehicles or law enforcement.".

SEC. 716. EXPANSION OF THE FEDERAL PARENT LOCATOR SERVICE.

(a) EXPANDED AUTHORITY TO LOCATE INDIVIDUALS AND ASSETS.—Section 453 (42 U.S.C. 653) is amended—

(1) in subsection (a), by striking all that follows "subsection (c))" and inserting ", for the purpose of establishing parentage, establishing, setting the amount of, modifying, or enforcing child support obligations—

"(1) information on, or facilitating the discovery of, the location of any individual—

"(A) who is under an obligation to pay child support;

"(B) against whom such an obligation is sought; or

"(C) to whom such an obligation is owed,

including the individual's social security number (or numbers), most recent address, and the name, address, and employer identification number of the individual's employer; and

"(2) information on the individual's wages (or other income) from, and benefits of, employment (including rights to or enrollment in group health care coverage)."; and

(2) in subsection (b), in the matter preceding paragraph (1), by striking "social security" and all that follows through "absent parent" and inserting "information described in subsection (a)".

(b) REIMBURSEMENT FOR INFORMATION FROM FEDERAL AGENCIES.—Section 453(e)(2) (42 U.S.C. 653(e)(2)) is amended in the 4th sentence by inserting "in an amount which the Secretary determines to be reasonable payment for the information exchange (which amount shall not include payment for the costs of obtaining, compiling, or maintaining the information)" before the period.

(c) Reimbursement for Reports by State Agencies.—Section 453 (42 U.S.C. 653) is amended by adding at the end the following:

"(g) The Secretary may reimburse Federal and State agencies for the costs incurred by such entities in furnishing information requested by the Secretary under this section in an amount which the Secretary determines to be reasonable payment for the information exchange (which amount shall not include payment for the costs of obtaining, compiling, or maintaining the information).".

(d) Technical Amendments.—

(1) Sections 452(a)(9), 453(a), 453(b), 463(a), 463(e), and 463(f) (42 U.S.C. 652(a)(9), 653(a), 653(b), 663(a), 663(e), and 663(f)) are each amended by inserting "Federal" before "Parent" each place such term appears.

(2) Section 453 (42 U.S.C. 653) is amended in the heading by adding "FEDERAL" before "PARENT".

(e) New Components.—Section 453 (42 U.S.C. 653), as amended by subsection (c) of this section, is amended by adding at the end the following:

"(h) Federal Case Registry of Child Support Orders.—

"(1) In general.—Not later than October 1, 1998, in order to assist States in administering programs under State plans approved under this part and programs funded under part A, and for the other purposes specified in this section, the Secretary shall establish and maintain in the Federal Parent Locator Service an automated registry (which shall be known as the 'Federal Case Registry of Child Support Orders'), which shall contain abstracts of support orders and other information described in paragraph (2) with respect to each case in each State case registry maintained pursuant to section 454A(e), as furnished (and regularly updated), pursuant to section 454A(f), by State agencies administering programs under this part.

"(2) Case information.—The information referred to in paragraph (1) with respect to a case shall be such information as the Secretary may specify in regulations (including the names, social security numbers or other uniform identification numbers, and State case identification numbers) to identify the individuals who owe or are owed support (or with respect to or on behalf of whom support obligations are sought to be established), and the State or States which have the case.

"(i) National Directory of New Hires.—

"(1) In general.—In order to assist States in administering programs under State plans approved under this part and programs funded under part A, and for the other purposes specified in this section, the Secretary shall, not later than October 1, 1996, establish and maintain in the Federal Parent Locator Service an automated directory to be known as the National Directory of New Hires, which shall contain the information supplied pursuant to section 453A(f)(2).

"(2) Administration of federal tax laws.—The Secretary of the Treasury shall have access to the information in the Federal Directory of New Hires for purposes of administering section 32 of the Internal Revenue Code of 1986, or the advance payment of the earned income tax credit under section 3507 of such Code, and verifying a claim with respect to employment in a tax return.

"(j) Information Comparisons and Other Disclosures.—

"(1) Verification by social security administration.—

"(A) The Secretary shall transmit information on individuals and employers maintained under this section to the Social Security Administration to the extent necessary for verification in accordance with subparagraph (B).

"(B) The Social Security Administration shall verify the accuracy of, correct, or supply to the extent possible, and report to the Secretary, the following information supplied by the Secretary pursuant to subparagraph (A):

"(i) The name, social security number, and birth date of each such individual.

"(ii) The employer identification number of each such employer.

"(2) Information comparisons.—For the purpose of locating individuals in a paternity establishment case or a case involving the establishment, modification, or enforcement of a support order, the Secretary shall—

"(A) compare information in the National Directory of New Hires against information in the support order abstracts in the Federal Case Registry of Child Support Orders not less often than every 2 business days; and

"(B) within 2 such days after such a comparison reveals a match with respect to an individual, report the information to the State agency responsible for the case.

"(3) Information comparisons and disclosures of information in all registries for title IV program purposes.—To the extent and with the frequency that the Secretary determines to be effective in assisting States to carry out their responsibilities under programs operated under this part and programs funded under part A, the Secretary shall—

"(A) compare the information in each component of the Federal Parent Locator Service maintained under this section against the information in each other such component (other than the comparison required by paragraph (2)), and report instances in which such a comparison reveals a match with respect to an individual to State agencies operating such programs; and

"(B) disclose information in such registries to such State agencies.

"(4) Provision of new hire information to the social security administration.—The National Directory of New Hires shall provide the Commissioner of Social Security with all information in the National Directory, which shall be used to determine the accuracy of payments under the supplemental security income program under title XVI and in connection with benefits under title II.

"(5) Research.—The Secretary may provide access to information reported by employers pursuant to section 453A(b) for research purposes found by the Secretary to be likely to contribute to achieving the purposes of part A or this part, but without personal identifiers.

"(k) Fees.—

"(1) For SSA verification.—The Secretary shall reimburse the Commissioner of Social Security, at a rate negotiated between the Secretary and the Commissioner, for the costs incurred by the Commissioner in performing the verification services described in subsection (j).

"(2) For information from State directories of new hires.—The Secretary shall reimburse costs incurred by State directories of new hires in furnishing information as required by subsection (j)(3), at rates which the Secretary determines to be reasonable (which rates shall not include payment for the costs of obtaining, compiling, or maintaining such information).

"(3) For information furnished to State and Federal agencies.—A State or Federal agency that receives information from the Secretary pursuant to this section shall reimburse the Secretary for costs incurred by the Secretary in furnishing the information, at rates which the Secretary determines to be reasonable (which rates shall include payment for the costs of obtaining, verifying, maintaining, and comparing the information).

"(l) Restriction on Disclosure and Use.—Information in the Federal Parent Locator Service, and information resulting from comparisons using such information, shall not be used or disclosed except as expressly provided in this section, subject to section 6103 of the Internal Revenue Code of 1986.

"(m) Information Integrity and Security.—The Secretary shall establish and implement safeguards with respect to the entities established under this section designed to—

"(1) ensure the accuracy and completeness of information in the Federal Parent Locator Service; and

"(2) restrict access to confidential information in the Federal Parent Locator Service to authorized persons, and restrict use of such information to authorized purposes.".

(f) Conforming Amendments.—

(1) To part D of title IV of the Social Security Act.—Section 454(8)(B) (42 U.S.C. 654(8)(B)) is amended to read as follows:

"(B) the Federal Parent Locator Service established under section 453;".

(2) To Federal Unemployment Tax Act.—Section 3304(a)(16) of the Internal Revenue Code of 1986 is amended—

(A) by striking "Secretary of Health, Education, and Welfare" each place such term appears and inserting "Secretary of Health and Human Services";

(B) in subparagraph (B), by striking "such information" and all that follows and inserting "information furnished under subparagraph (A) or (B) is used only for the purposes authorized under such subparagraph;";

(C) by striking "and" at the end of subparagraph (A);

(D) by redesignating subparagraph (B) as subparagraph (C); and

(E) by inserting after subparagraph (A) the following new subparagraph:

"(B) wage and unemployment compensation information contained in the records of such agency shall be furnished to the Secretary of Health and Human Services (in accordance with regulations promulgated by such Secretary) as necessary for the purposes of the National Directory of New Hires established under section 453(i) of the Social Security Act, and".

(3) To State grant program under title III of the Social Security Act.—Section 303(a) (42 U.S.C. 503(a)) is amended—

(A) by striking "and" at the end of paragraph (8);

(B) by striking "and" at the end of paragraph (9);

(C) by striking the period at the end of paragraph (10) and inserting "; and"; and

(D) by adding after paragraph (10) the following:

"(11) The making of quarterly electronic reports, at such dates, in such format, and containing such information, as required by the Secretary of Health and Human Services under section 453(i)(3), and compliance with such provisions as such Secretary may find necessary to ensure the correctness and verification of such reports.".

SEC. 717. COLLECTION AND USE OF SOCIAL SECURITY NUMBERS FOR USE IN CHILD SUPPORT ENFORCEMENT.

(a) State Law Requirement.—Section 466(a) (42 U.S.C. 666(a)), as amended by section 715 of this Act, is amended by adding at the end the following:

"(13) RECORDING OF SOCIAL SECURITY NUMBERS IN CERTAIN FAMILY MATTERS.—Procedures requiring that the social security number of—

"(A) any applicant for a professional license, commercial driver's license, occupational license, or marriage license be recorded on the application; and

"(B) any individual who is subject to a divorce decree, support order, or paternity determination or acknowledgment be placed in the records relating to the matter.".

(b) CONFORMING AMENDMENTS.—Section 205(c)(2)(C) (42 U.S.C. 405(c)(2)(C)), as amended by section 321(a)(9) of the Social Security Independence and Program Improvements Act of 1994, is amended—

(1) in clause (i), by striking "may require" and inserting "shall require";

(2) in clause (ii), by inserting after the 1st sentence the following: "In the administration of any law involving the issuance of a marriage certificate or license, each State shall require each party named in the certificate or license to furnish to the State (or political subdivision thereof) or any State agency having administrative responsibility for the law involved, the social security number of the party.";

(3) in clause (vi), by striking "may" and inserting "shall"; and

(4) by adding at the end the following:

"(x) An agency of a State (or a political subdivision thereof) charged with the administration of any law concerning the issuance or renewal of a license, certificate, permit, or other authorization to engage in a profession, an occupation, or a commercial activity shall require all applicants for issuance or renewal of the license, certificate, permit, or other authorization to provide the applicant's social security number to the agency for the purpose of administering such laws, and for the purpose of responding to requests for information from an agency operating pursuant to part D of title IV.

"(xi) All divorce decrees, support orders, and paternity determinations issued, and all paternity acknowledgments made, in each State shall include the social security number of each party to the decree, order, determination, or acknowledgement in the records relating to the matter.".

Subtitle C—Streamlining and Uniformity of Procedures

SEC. 721. ADOPTION OF UNIFORM STATE LAWS.

Section 466 (42 U.S.C. 666) is amended by adding at the end the following:

"(f) UNIFORM INTERSTATE FAMILY SUPPORT ACT.—

"(1) ENACTMENT AND USE.—In order to satisfy section 454(20)(A) on or after January 1, 1997, each State must have in effect the Uniform Interstate Family Support Act, as approved by the National Conference of Commissioners on Uniform State Laws in August 1992 (with the modifications and additions specified in this subsection), and the procedures required to implement such Act.

"(2) EXPANDED APPLICATION.—The State law enacted pursuant to paragraph (1) shall be applied to any case involving an order which is established or modified in a State and which is sought to be modified or enforced in another State.

"(3) JURISDICTION TO MODIFY ORDERS.—The State law enacted pursuant to paragraph (1) of this subsection shall contain the following provision in lieu of section 611(a)(1) of the Uniform Interstate Family Support Act:

"'(1) the following requirements are met:

"'(i) the child, the individual obligee, and the obligor—

"'(I) do not reside in the issuing State; and

"'(II) either reside in this State or are subject to the jurisdiction of this State pursuant to section 201; and

"'(ii) (in any case where another State is exercising or seeks to exercise jurisdiction to modify the order) the conditions of section 204 are met to the same extent as required for proceedings to establish orders; or'.

"(4) SERVICE OF PROCESS.—The State law enacted pursuant to paragraph (1) shall provide that, in any proceeding subject to the law, process may be served (and proved) upon persons in the State by any means acceptable in any State which is the initiating or responding State in the proceeding.".

SEC. 722. IMPROVEMENTS TO FULL FAITH AND CREDIT FOR CHILD SUPPORT ORDERS.

Section 1738B of title 28, United States Code, is amended—

(1) in subsection (a)(2), by striking "subsection (e)" and inserting "subsections (e), (f), and (i)";

(2) in subsection (b), by inserting after the 2nd undesignated paragraph the following:

"'child's home State' means the State in which a child lived with a parent or a person acting as parent for at least six consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if a child is less than six months old, the State in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the six-month period.";

(3) in subsection (c), by inserting "by a court of a State" before "is made";

(4) in subsection (c)(1), by inserting "and subsections (e), (f), and (g)" after "located";

(5) in subsection (d)—

(A) by inserting "individual" before "contestant"; and

(B) by striking "subsection (e)" and inserting "subsections (e) and (f)";

(6) in subsection (e), by striking "make a modification of a child support order with respect to a child that is made" and inserting "modify a child support order issued";

(7) in subsection (e)(1), by inserting "pursuant to subsection (i)" before the semicolon;

(8) in subsection (e)(2)—

(A) by inserting "individual" before "contestant" each place such term appears; and

(B) by striking "to that court's making the modification and assuming" and inserting "with the State of continuing, exclusive jurisdiction for a court of another State to modify the order and assume";

(9) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(10) by inserting after subsection (e) the following:

"(f) RECOGNITION OF CHILD SUPPORT ORDERS.—If one or more child support orders have been issued in this or another State with regard to an obligor and a child, a court shall apply the following rules in determining which order to recognize for purposes of continuing, exclusive jurisdiction and enforcement:

"(1) If only one court has issued a child support order, the order of that court must be recognized.

"(2) If two or more courts have issued child support orders for the same obligor and child, and only one of the courts would have continuing, exclusive jurisdiction under this section, the order of that court must be recognized.

"(3) If two or more courts have issued child support orders for the same obligor and child, and only one of the courts would have continuing, exclusive jurisdiction under this section, an order issued by a court in the current home State of the child must be recognized, but if an order has not been issued in the current home State of the child, the order most recently issued must be recognized.

"(4) If two or more courts have issued child support orders for the same obligor and child, and none of the courts would have continuing, exclusive jurisdiction under this section, a court may issue a child support order, which must be recognized.

"(5) The court that has issued an order recognized under this subsection is the court having continuing, exclusive jurisdiction.";

(11) in subsection (g) (as so redesignated)—

(A) by striking "PRIOR" and inserting "MODIFIED"; and

(B) by striking "subsection (e)" and inserting "subsections (e) and (f)";

(12) in subsection (h) (as so redesignated)—

(A) in paragraph (2), by inserting "including the duration of current payments and other obligations of support" before the comma; and

(B) in paragraph (3), by inserting "arrears under" after "enforce"; and

(13) by adding at the end the following:

"(i) REGISTRATION FOR MODIFICATION.—If there is no individual contestant or child residing in the issuing State, the party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued in another State shall register that order in a State with jurisdiction over the nonmovant for the purpose of modification.".

SEC. 723. ADMINISTRATIVE ENFORCEMENT IN INTERSTATE CASES.

Section 466(a) (42 U.S.C. 666(a)), as amended by sections 715 and 717(a) of this Act, is amended by adding at the end the following:

"(14) ADMINISTRATIVE ENFORCEMENT IN INTERSTATE CASES.—Procedures under which—

"(A)(i) the State shall respond within 5 business days to a request made by another State to enforce a support order; and

"(ii) the term 'business day' means a day on which State offices are open for regular business;

"(B) the State may, by electronic or other means, transmit to another State a request for assistance in a case involving the enforcement of a support order, which request—

"(i) shall include such information as will enable the State to which the request is transmitted to compare the information about the case to the information in the data bases of the State;

"(ii) shall constitute a certification by the requesting State—

"(I) of the amount of support under the order the payment of which is in arrears; and

"(II) that the requesting State has complied with all procedural due process requirements applicable to the case.

"(C) if the State provides assistance to another State pursuant to this paragraph with respect to a case, neither State shall consider the case to be transferred to the caseload of such other State; and

"(D) the State shall maintain records of—

"(i) the number of such requests for assistance received by the State;

"(ii) the number of cases for which the State collected support in response to such a request; and

"(iii) the amount of such collected support.".

SEC. 724. USE OF FORMS IN INTERSTATE ENFORCEMENT.

(a) PROMULGATION.—Section 452(a) (42 U.S.C. 652(a)) is amended—

(1) by striking "and" at the end of parargraph (9);

(2) by striking the period at the end of paragraph (10) and inserting "; and"; and

(3) by adding at the end the following:

"(11) not later than June 30, 1996, promulgate forms to be used by States in interstate cases for—

"(A) collection of child support through income withholding;

"(B) imposition of liens; and

"(C) administrative subpoenas.".

(b) USE BY STATES.—Section 454(9) (42 U.S.C. 654(9)) is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by inserting "and" at the end of subparagraph (D); and

(3) by adding at the end the following:

"(E) no later than October 1, 1996, in using the forms promulgated pursuant to section 452(a)(11) for income withholding, imposition of liens, and issuance of administrative subpoenas in interstate child support cases;".

SEC. 725. STATE LAWS PROVIDING EXPEDITED PROCEDURES.

(a) STATE LAW REQUIREMENTS.—Section 466 (42 U.S.C. 666), as amended by section 714 of this Act, is amended—

(1) in subsection (a)(2), by strking the 1st sentence and inserting the following: "Expedited administrative and judicial procedures (including the procedures specified in subsection (c)) for establishing paternity and for establishing, modifying, and enforcing support obligations."; and

(2) by inserting after subsection (b) the following:

"(c) EXPEDITED PROCEDURES.—The procedures specified in this subsection are the following:

"(1) ADMINISTRATIVE ACTION BY STATE AGENCY.—Procedures which give the State agency the authority to take the following actions relating to establishment or enforcement of support orders, without the necessity of obtaining an order from any other judicial or administrative tribunal (but subject to due process safeguards, including (as appropriate) requirements for notice, opportunity to contest the action, and opportunity for an appeal on the record to an independent administrative or judicial tribunal), and to recognize and enforce the authority of State agencies of other States) to take the following actions:

"(A) GENETIC TESTING.—To order genetic testing for the purpose of paternity establishment as provided in section 466(a)(5).

"(B) DEFAULT ORDERS.—To enter a default order, upon a showing of service of process and any additional showing required by State law—

"(i) establishing paternity, in the case of a putative father who refuses to submit to genetic testing; and

"(ii) establishing or modifying a support obligation, in the case of a parent (or other obligor or obligee) who fails to respond to notice to appear at a proceeding for such purpose.

"(C) SUBPOENAS.—To subpoena any financial or other information needed to establish, modify, or enforce a support order, and to impose penalties for failure to respond to such a subpoena.

"(D) ACCESS TO PERSONAL AND FINANCIAL INFORMATION.—To obtain access, subject to safeguards on privacy and information security, to the records of all other State and local government agencies (including law enforcement and corrections records), including automated access to records maintained in automated data bases.

"(E) CHANGE IN PAYEE.—In cases where support is subject to an assignment in order to comply with a requirement imposed pursuant to part A or section 1912, or to a requirement to pay through the State disbursement unit established pursuant to section 454B, upon providing notice to obligor and obligee, to direct the obligor or other payor to change the payee to the appropriate government entity.

"(F) INCOME WITHHOLDING.—To order income withholding in accordance with subsections (a)(1) and (b) of section 466.

"(G) SECURING ASSETS.—In cases in which there is a support arrearage, to secure assets to satisfy the arrearage by—

"(i) intercepting or seizing periodic or lump sum payments from—

"(I) a State or local agency (including unemployment compensation, workers' compensation, and other benefits); and

"(II) judgments, settlements, and lotteries;

"(ii) attaching and seizing assets of the obligor held in financial institutions; and

"(iii) attaching public and private retirement funds.

"(H) INCREASE MONTHLY PAYMENTS.—For the purpose of securing overdue support, to increase the amount of monthly support payments to include amounts for arrearages (subject to such conditions or limitations as the State may provide).

"(2) SUBSTANTIVE AND PROCEDURAL RULES.—The expedited procedures required under subsection (a)(2) shall include the following rules and authority, applicable with respect to all proceedings to establish paternity or to establish, modify, or enforce support orders:

"(A) LOCATOR INFORMATION; PRESUMPTIONS CONCERNING NOTICE.—Procedures under which—

"(i) each party to any paternity or child support proceeding is required (subject to privacy safeguards) to file with the tribunal and the State case registry upon entry of an order, and to update as appropriate, information on location and identity of the party (including social security number, residential and mailing addresses, telephone number, driver's license number, and name, address, and name and telephone number of employer); and

"(ii) in any subsequent child support enforcement action between the parties, upon sufficient showing that diligent effort has been made to ascertain the location of such a party, the tribunal may deem State due process requirements for notice and service of process to be met with respect to the party, upon delivery of written notice to the most recent residential or employer address filed with the tribunal pursuant to clause (i).

"(B) STATEWIDE JURISDICTION.—Procedures under which—

"(i) the State agency and any administrative or judicial tribunal with authority to hear child support and paternity cases exerts statewide jurisdiction over the parties; and

"(ii) in a State in which orders are issued by courts or administrative tribunals, a case may be transferred between administrative areas in the State without need for any additional filing by the petitioner, or service of process upon the respondent, to retain jurisdiction over the parties.".

(b) EXCEPTIONS FROM STATE LAW REQUIREMENTS.—Section 466(d) (42 U.S.C. 666(d)) is amended—

(1) by striking "(d) If" and inserting the following:

"(d) EXEMPTIONS FROM REQUIREMENTS.—

"(1) IN GENERAL.—Subject to paragraph (2), if"; and

(2) by adding at the end the following:

"(2) NON-EXEMPT REQUIREMENTS.—The Secretary shall not grant an exemption from the requirements of—

"(A) subsection (a)(5) (concerning procedures for paternity establishment);

"(B) subsection (a)(10) (concerning modification of orders);

"(C) section 454A (concerning recording of orders in the State case registry);

"(D) subsection (a)(13) (concerning recording of social security numbers);

"(E) subsection (a)(14) (concerning interstate enforcement); or

"(F) subsection (c) (concerning expedited procedures), other than paragraph (1)(A) thereof (concerning establishment or modification of support amount).".

(c) AUTOMATION OF STATE AGENCY FUNCTIONS.—Sectipn 454A, as added by section 745(a)(2) of this Act and as amended by sections 711 and 712(c) of this Act, is amended by adding at the end the following:

"(h) EXPEDITED ADMINISTRATIVE PROCEDURES.—The automated system required by this section shall be used, to the maximum extent feasible, to implement the expedited administrative procedures required by section 466(c).".

Subtitle D—Paternity Establishment

SEC. 731. STATE LAWS CONCERNING PATERNITY ESTABLISHMENT.

(a) STATE LAWS REQUIRED.—Section 466(a)(5) (42 U.S.C. 666(a)(5)) is amended to read as follows:

"(5) PROCEDURES CONCERNING PATERNITY ESTABLISHMENT.—

"(A) ESTABLISHMENT PROCESS AVAILABLE FROM BIRTH UNTIL AGE 18.—

"(i) Procedures which permit the establishment of the paternity of a child at any time before the child attains 18 years of age.

"(ii) As of August 16, 1984, clause (i) shall also apply to a child for whom paternity has not been established or for whom a paternity action was brought but dismissed because a statute of limitations of less than 18 years was then in effect in the State.

"(B) PROCEDURES CONCERNING GENETIC TESTING.—

"(i) GENETIC TESTING REQUIRED IN CERTAIN CONTESTED CASES.—Procedures under which the State is required, in a contested paternity case, to require the child and all other parties (other than individuals found under section 454(28) to have good cause for refusing to cooperate) to submit to genetic tests upon the request of any such party if the request is supported by a sworn statement by the party—

"(I) alleging paternity, and setting forth facts establishing a reasonable possibility of the requisite sexual contact between the parties; or

"(II) denying paternity, and setting forth facts establishing a reasonable possibility of the nonexistence of sexual contact between the parties.

"(ii) OTHER REQUIREMENTS.—Procedures which require the State agency, in any case in which the agency orders genetic testing—

"(I) to pay costs of such tests, subject to recoupment (where the State so elects) from the alleged father if paternity is established; and

"(II) to obtain additional testing in any case where an original test result is contested, upon request and advance payment by the contestant.

"(C) VOLUNTARY PATERNITY ACKNOWLEDGMENT.—

"(i) SIMPLE CIVIL PROCESS.—Procedures for a simple civil process for voluntarily acknowledging paternity under which the

State must provide that, before a mother and a putative father can sign an acknowledgment of paternity, the mother and the putative father must be given notice, orally, in writing, and in a language that each can understand, of the alternatives to, the legal consequences of, and the rights (including, if 1 parent is a minor, any rights afforded due to minority status) and responsibilities that arise from, signing the acknowledgment.

"(ii) HOSPITAL-BASED PROGRAM.—Such procedures must include a hospital-based program for the voluntary acknowledgment of paternity focusing on the period immediately before or after the birth of a child.

"(iii) PATERNITY ESTABLISHMENT SERVICES.—

"(I) STATE-OFFERED SERVICES.—Such procedures must require the State agency responsible for maintaining birth records to offer voluntary paternity establishment services.

"(II) REGULATIONS.—

"(aa) SERVICES OFFERED BY HOSPITALS AND BIRTH RECORD AGENCIES.—The Secretary shall prescribe regulations governing voluntary paternity establishment services offered by hospitals and birth record agencies.

"(bb) SERVICES OFFERED BY OTHER ENTITIES.—The Secretary shall prescribe regulations specifying the types of other entities that may offer voluntary paternity establishment services, and governing the provision of such services, which shall include a requirement that such an entity must use the same notice provisions used by, use the same materials used by, provide the personnel providing such services with the same training provided by, and evaluate the provision of such services in the same manner as the provision of such services is evaluated by, voluntary paternity establishment programs of hospitals and birth record agencies.

"(iv) USE OF FEDERAL PATERNITY ACKNOWLEDGMENT AFFIDAVIT.—Such procedures must require the State and those required to establish paternity to use only the affidavit developed under section 452(a)(7) for the voluntary acknowledgment of paternity, and to give full faith and credit to such an affidavit signed in any other State.

"(D) STATUS OF SIGNED PATERNITY ACKNOWLEDGMENT.—

"(i) LEGAL FINDING OF PATERNITY.—Procedures under which a signed acknowledgment of paternity is considered a legal finding of paternity, subject to the right of any signatory to rescind the acknowledgment within 60 days.

"(ii) CONTEST.—Procedures under which, after the 60-day period referred to in clause (i), a signed acknowledgment of paternity may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the challenger, and under which the legal responsibilities (including child support obligations) of any signatory arising from the acknowledgment may not be suspended during the challenge, except for good cause shown.

"(iii) RESCISSION.—Procedures under which, after the 60-day period referred to in clause (i), a minor who has signed an acknowledgment of paternity other than in the presence of a parent or court-appointed guardian ad litem may rescind the acknowledgment in a judicial or administrative proceeding, until the earlier of—

"(I) attaining the age of majority; or

"(II) the date of the first judicial or administrative proceeding brought (after the signing) to establish a child support obligation, visitation rights, or custody rights with respect to the child whose paternity is the subject of the acknowledgment, and at which the minor is represented by a parent or guardian ad litem, or an attorney.

"(E) BAR ON ACKNOWLEDGMENT RATIFICATION PROCEEDINGS.—Procedures under which judicial or administrative proceedings are not required or permitted to ratify an unchallenged acknowledgment of paternity.

"(F) ADMISSIBILITY OF GENETIC TESTING RESULTS.—Procedures—

"(i) requiring the admission into evidence, for purposes of establishing paternity, of the results of any genetic test that is—

"(I) of a type generally acknowledged as reliable by accreditation bodies designated by the Secretary; and

"(II) performed by a laboratory approved by such an accreditation body;

"(ii) requiring an objection to genetic testing results to be made in writing not later than a specified number of days before any hearing at which the results may be introduced into evidence (or, at State option, not later than a specified number of days after receipt of the results); and

"(iii) making the test results admissible as evidence of paternity without the need for foundation testimony or other proof of authenticity or accuracy, unless objection is made.

"(G) PRESUMPTION OF PATERNITY IN CERTAIN CASES.—Procedures which create a rebuttable or, at the option of the State, conclusive presumption of paternity upon genetic testing results indicating a threshold probability that the alleged father is the father of the child.

"(H) DEFAULT ORDERS.—Procedures requiring a default order to be entered in a paternity case upon a showing of service of process on the defendant and any additional showing required by State law.

"(I) NO RIGHT TO JURY TRIAL.—Procedures providing that the parties to an action to establish paternity are not entitled to a trial by jury.

"(J) TEMPORARY SUPPORT ORDER BASED ON PROBABLE PATERNITY IN CONTESTED CASES.—Procedures which require that a temporary order be issued, upon motion by a party, requiring the provision of child support pending an administrative or judicial determination of parentage, where there is clear and convincing evidence of paternity (on the basis of genetic tests or other evidence).

"(K) PROOF OF CERTAIN SUPPORT AND PATERNITY ESTABLISHMENT COSTS.—Procedures under which bills for pregnancy, childbirth, and genetic testing are admissible as evidence without requiring third-party foundation testimony, and shall constitute prima facie evidence of amounts incurred for such services or for testing on behalf of the child.

"(L) STANDING OF PUTATIVE FATHERS.—Procedures ensuring that the putative father has a reasonable opportunity to initiate a paternity action.

"(M) FILING OF ACKNOWLEDGMENTS AND ADJUDICATIONS IN STATE REGISTRY OF BIRTH RECORDS.—Procedures under which voluntary acknowledgments and adjudications of paternity by judicial or administrative processes are filed with the State registry of birth records for comparison with information in the State case registry.".

(b) NATIONAL PATERNITY ACKNOWLEDGMENT AFFIDAVIT.—Section 452(a)(7) (42 U.S.C. 652(a)(7)) is amended by inserting ", and develop an affidavit to be used for the voluntary acknowledgment of paternity which shall include the social security number of each parent" before the semicolon.

(c) TECHNICAL AMENDMENT.—Section 468 (42 U.S.C. 668) is amended by striking "a simple civil process for voluntarily acknowledging paternity and".

SEC. 732. OUTREACH FOR VOLUNTARY PATERNITY ESTABLISHMENT.

Section 454(23) (42 U.S.C. 654(23)) is amended by inserting "and will publicize the availability and encourage the use of procedures for voluntary establishment of paternity and child support by means the State deems appropriate" before the semicolon.

SEC. 733. COOPERATION BY APPLICANTS FOR AND RECIPIENTS OF TEMPORARY FAMILY ASSISTANCE.

Section 454 (42 U.S.C. 654), as amended by sections 703(a), 712(a), and 713(a) of this Act, is amended—

(1) by striking "and" at the end of paragraph (26);

(2) by striking the period at the end of paragraph (27) and inserting "; and"; and

(3) by inserting after paragraph (27) the following:

"(28) provide that the State agency responsible for administering the State plan—

"(A) shall require each individual who has applied for or is receiving assistance under the State program funded under part A to cooperate with the State in establishing the paternity of, and in establishing, modifying, or enforcing a support order for, any child of the individual by providing the State agency with the name of, and such other information as the State agency may require with respect to, the father of the child, subject to such good cause and other exceptions as the State may establish; and

"(B) may require the individual and the child to submit to genetic tests.".

Subtitle E—Program Administration and Funding

SEC. 741. FEDERAL MATCHING PAYMENTS.

(a) INCREASED BASE MATCHING RATE.—Section 455(a)(2) (42 U.S.C. 655(a)(2)) is amended to read as follows:

"(2) The percent specified in this paragraph for any quarter is 66 percent.".

(b) MAINTENANCE OF EFFORT.—Section 455 (42 U.S.C. 655) is amended—

(1) in subsection (a)(1), in the matter preceding subparagraph (A), by striking "From" and inserting "Subject to subsection (c), from"; and

(2) by inserting after subsection (b) the following:

"(c) MAINTENANCE OF EFFORT.—Notwithstanding subsection (a), the total expenditures under the State plan approved under this part for fiscal year 1997 and each succeeding fiscal year, reduced by the percentage specified in paragraph (2) for the fiscal year shall not be less than such total expenditures for fiscal year 1996, reduced by 66 percent.".

SEC. 742. PERFORMANCE-BASED INCENTIVES AND PENALTIES.

(a) INCENTIVE ADJUSTMENTS TO FEDERAL MATCHING RATE.—Section 458 (42 U.S.C. 658) is amended to read as follows:

"SEC. 458. INCENTIVE ADJUSTMENTS TO MATCHING RATE.

"(a) INCENTIVE ADJUSTMENTS.—

"(1) IN GENERAL.—Beginning with fiscal year 1999, the Secretary shall increase the percent specified in section 455(a)(2) that applies to payments to a State under section 455(a)(1)(A) for each quarter in a fiscal year by a factor reflecting the sum of the applicable incentive adjustments (if any) determined in accordance with regulations under this section with respect to the paternity establishment percentage of the State for the immediately preceding fiscal year and with respect to overall performance of the State in child support enforcement during such preceding fiscal year.

"(2) STANDARDS.—

"(A) IN GENERAL.—The Secretary shall specify in regulations—

"(i) the levels of accomplishment, and rates of improvement as alternatives to such levels, which a State must attain to qualify for an incentive adjustment under this section; and

"(ii) the amounts of incentive adjustment that shall be awarded to a State that achieves specified accomplishment or improvement levels, which amounts shall be graduated, ranging up to—

"(I) 12 percentage points, in connection with paternity establishment; and

"(II) 12 percentage points, in connection with overall performance in child support enforcement.

"(B) LIMITATION.—In setting performance standards pursuant to subparagraph (A)(i) and adjustment amounts pursuant to subparagraph (A)(ii), the Secretary shall ensure that the aggregate number of percentage point increases as incentive adjustments to all States do not exceed such aggregate increases as assumed by the Secretary in estimates of the cost of this section as of June 1994, unless the aggregate performance of all States exceeds the projected aggregate performance of all States in such cost estimates.

"(3) DETERMINATION OF INCENTIVE ADJUSTMENT.—The Secretary shall determine the amount (if any) of the incentive adjustment due each State on the basis of the data submitted by the State pursuant to section 454(15)(B) concerning the levels of accomplishment (and rates of improvement) with respect to performance indicators specified by the Secretary pursuant to this section.

"(4) RECYCLING OF INCENTIVE ADJUSTMENT.—A State to which funds are paid by the Federal Government as a result of an incentive adjustment under this section shall expend the funds in the State program under this part within 2 years after the date of the payment.

"(b) DEFINITIONS.—As used in this section:

"(1) PATERNITY ESTABLISHMENT PERCENTAGE.—The term 'paternity establishment percentage' means, with respect to a State and a fiscal year—

"(A) the total number of children in the State who were born out of wedlock, who have not attained 1 year of age and for whom paternity is established or acknowledged during the fiscal year; divided by

"(B) the total number of children born out of wedlock in the State during the fiscal year.

"(2) OVERALL PERFORMANCE IN CHILD SUPPORT ENFORCEMENT.—The term 'overall performance in child support enforcement' means a measure or measures of the effectiveness of the State agency in a fiscal year which takes into account factors including—

"(A) the percentage of cases requiring a support order in which such an order was established;

"(B) the percentage of cases in which child support is being paid;

"(C) the ratio of child support collected to child support due; and

"(D) the cost-effectiveness of the State program, as determined in accordance with standards established by the Secretary in regulations (after consultation with the States).".

(b) CONFORMING AMENDMENTS.—Section 454(22) (42 U.S.C. 654(22)) is amended—

(1) by striking "incentive payments" the 1st place such term appears and inserting "incentive adjustments"; and

(2) by striking "any such incentive payments made to the State for such period" and inserting "any increases in Federal payments to the State resulting from such incentive adjustments".

(c) CALCULATION OF IV–D PATERNITY ESTABLISHMENT PERCENTAGE.—

(1) Section 452(g)(1) (42 U.S.C. 652(g)(1)) is amended—

(A) in the matter preceding subparagraph (A) by inserting "its overall performance in child support enforcement is satisfactory (as defined in section 458(b) and regulations of the Secretary), and" after "1994,"; and

(B) in each of subparagraphs (A) and (B), by striking "75" and inserting "90".

(2) Section 452(g)(2)(A) (42 U.S.C. 652(g)(2)(A)) is amended in the matter preceding clause (i)—

(A) by striking "paternity establishment percentage" and inserting "IV–D paternity establishment percentage"; and

(B) by striking "(or all States, as the case may be)".

(3) Section 452(g)(3) (42 U.S.C. 652(g)(3)) is amended—

(A) by striking subparagraph (A) and redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively;

(B) in subparagraph (A) (as so redesignated), by striking "the percentage of children born out-of-wedlock in a State" and inserting "the percentage of children in a State who are born out of wedlock or for whom support has not been established"; and

(C) in subparagraph (B) (as so redesignated)—

(i) by inserting "and overall performance in child support enforcement" after "paternity establishment percentages"; and

(ii) by inserting "and securing support" before the period.

(d) EFFECTIVE DATES.—

(1) INCENTIVE ADJUSTMENTS.—(A) The amendments made by subsections (a) and (b) shall become effective on October 1, 1997, except to the extent provided in subparagraph (B).

(B) Section 458 of the Social Security Act, as in effect prior to the enactment of this section, shall be effective for purposes of incentive payments to States for fiscal years before fiscal year 1999.

(2) PENALTY REDUCTIONS.—The amendments made by subsection (c) shall become effective with respect to calendar quarters beginning on and after the date of the enactment of this Act.

SEC. 743. FEDERAL AND STATE REVIEWS AND AUDITS.

(a) STATE AGENCY ACTIVITIES.—Section 454 (42 U.S.C. 654) is amended—

(1) in paragraph (14), by striking "(14)" and inserting "(14)(A)";

(2) by redesignating paragraph (15) as subparagraph (B) of paragraph (14); and

(3) by inserting after paragraph (14) the following:

"(15) provide for—

"(A) a process for annual reviews of and reports to the Secretary on the State program operated under the State plan approved under this part, which shall include such information as may be necessary to measure State compliance with Federal requirements for expedited procedures and timely case processing, using such standards and procedures as are required by the Secretary, under which the State agency will determine the extent to which the program is operated in compliance with this part; and

"(B) a process of extracting from the automated data processing system required by paragraph (16) and transmitting to the Secretary data and calculations concerning the levels of accomplishment (and rates of improvement) with respect to applicable performance indicators (including IV–D paternity establishment percentages and overall performance in child support enforcement) to the extent necessary for purposes of sections 452(g) and 458.".

(b) FEDERAL ACTIVITIES.—Section 452(a)(4) (42 U.S.C. 652(a)(4)) is amended to read as follows:

"(4)(A) review data and calculations transmitted by State agencies pursuant to section 454(15)(B) on State program accomplishments with respect to performance indicators for purposes of subsection (g) of this section and section 458;

"(B) review annual reports submitted pursuant to section 454(15)(A) and, as appropriate, provide to the State comments, recommendations for additional or alternative corrective actions, and technical assistance; and

"(C) conduct audits, in accordance with the government auditing standards of the Comptroller General of the United States—

"(i) at least once every 3 years (or more frequently, in the case of a State which fails to meet the requirements of this part, concerning performance standards and reliability of program data) to assess the completeness, reliability, and security of the data, and the accuracy of the reporting systems, used in calculating performance indicators under subsection (g) of this section and section 458;

"(ii) of the adequacy of financial management of the State program operated under the State plan approved under this part, including assessments of—

"(I) whether Federal and other funds made available to carry out the State program are being appropriately expended, and are properly and fully accounted for; and

"(II) whether collections and disbursements of support payments are carried out correctly and are fully accounted for; and

"(iii) for such other purposes as the Secretary may find necessary;".

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to calendar quarters beginning 12 months or more after the date of the enactment of this section.

SEC. 744. REQUIRED REPORTING PROCEDURES.

(a) ESTABLISHMENT.—Section 452(a)(5) (42 U.S.C. 652(a)(5)) is amended by inserting ", and establish procedures to be followed by States for collecting and reporting information required to be provided under this part, and establish uniform definitions (including those necessary to enable the measurement of State compliance with the requirements of this part relating to expedited processes and timely case processing) to be applied in following such procedures" before the semicolon.

(b) STATE PLAN REQUIREMENT.—Section 454 (42 U.S.C. 654), as amended by sections 703(a), 712(a), 713(a), and 733 of this Act, is amended—

(1) by striking "and" at the end of paragraph (27);

(2) by striking the period at the end of paragraph (28) and inserting "; and"; and

(3) by adding after paragraph (28) the following:

"(29) provide that the State shall use the definitions established under section 452(a)(5) in collecting and reporting information as required under this part.".

SEC. 745. AUTOMATED DATA PROCESSING REQUIREMENTS.

(a) REVISED REQUIREMENTS.—

(1) Section 454(16) (42 U.S.C. 654(16)) is amended—

(A) by striking ", at the option of the State,";

(B) by inserting "and operation by the State agency" after "for the establishment";

(C) by inserting "meeting the requirements of section 454A" after "information retrieval system";

(D) by striking "in the State and localities thereof, so as (A)" and inserting "so as";

(E) by striking "(i)"; and

(F) by striking "(including" and all that follows and inserting a semicolon.

(2) Part D of title IV (42 U.S.C. 651–669) is amended by inserting after section 454 the following:

"SEC. 454A. AUTOMATED DATA PROCESSING.

"(a) In General.—In order for a State to meet the requirements of this section, the State agency administering the State program under this part shall have in operation a single statewide automated data processing and information retrieval system which has the capability to perform the tasks specified in this section with the frequency and in the manner required by or under this part.

"(b) Program Management.—The automated system required by this section shall perform such functions as the Secretary may specify relating to management of the State program under this part, including—

"(1) controlling and accounting for use of Federal, State, and local funds in carrying out the program; and

"(2) maintaining the data necessary to meet Federal reporting requirements under this part on a timely basis.

"(c) Calculation of Performance Indicators.—In order to enable the Secretary to determine the incentive and penalty adjustments required by sections 452(g) and 458, the State agency shall—

"(1) use the automated system—

"(A) to maintain the requisite data on State performance with respect to paternity establishment and child support enforcement in the State; and

"(B) to calculate the IV–D paternity establishment percentage and overall performance in child support enforcement for the State for each fiscal year; and

"(2) have in place systems controls to ensure the completeness, and reliability of, and ready access to, the data described in paragraph (1)(A), and the accuracy of the calculations described in paragraph (1)(B).

"(d) Information Integrity and Security.—The State agency shall have in effect safeguards on the integrity, accuracy, and completeness of, access to, and use of data in the automated system required by this section, which shall include the following (in addition to such other safeguards as the Secretary may specify in regulations):

"(1) Policies restricting access.—Written policies concerning access to data by State agency personnel, and sharing of data with other persons, which—

"(A) permit access to and use of data only to the extent necessary to carry out the State program under this part; and

"(B) specify the data which may be used for particular program purposes, and the personnel permitted access to such data.

"(2) Systems controls.—Systems controls (such as passwords or blocking of fields) to ensure strict adherence to the policies described in paragraph (1).

"(3) Monitoring of access.—Routine monitoring of access to and use of the automated system, through methods such as audit trails and feedback mechanisms, to guard against and promptly identify unauthorized access or use.

"(4) Training and information.—Procedures to ensure that all personnel (including State and local agency staff and contractors) who may have access to or be required to use confidential program data are informed of applicable requirements and penalties (including those in section 6103 of the Internal Revenue Code of 1986), and are adequately trained in security procedures.

"(5) Penalties.—Administrative penalties (up to and including dismissal from employment) for unauthorized access to, or disclosure or use of, confidential data.".

(3) Regulations.—The Secretary of Health and Human Services shall prescribe final regulations for implementation of section 454A of the Social Security Act not later than 2 years after the date of the enactment of this Act.

(4) Implementation timetable.—Section 454(24) (42 U.S.C. 654(24)), as amended by sections 703(a)(2) and 712(a)(1) of this Act, is amended to read as follows:

"(24) provide that the State will have in effect an automated data processing and information retrieval system—

"(A) by October 1, 1995, which meets all requirements of this part which were enacted on or before the date of enactment of the Family Support Act of 1988; and

"(B) by October 1, 1999, which meets all requirements of this part enacted on or before the date of the enactment of the Personal Responsibility Act of 1995, except that such deadline shall be extended by 1 day for each day (if any) by which the Secretary fails to meet the deadline imposed by section 745(a)(3) of the Personal Responsibility Act of 1995.".

(b) Special Federal Matching Rate for Development Costs of Automated Systems.—

(1) In general.—Section 455(a) (42 U.S.C. 655(a)) is amended—

(A) in paragraph (1)(B)—

(i) by striking "90 percent" and inserting "the percent specified in paragraph (3)";

(ii) by striking "so much of"; and

(iii) by striking "which the Secretary" and all that follows and inserting ", and"; and

(B) by adding at the end the following:

"(3)(A) The Secretary shall pay to each State, for each quarter in fiscal year 1996, 90 percent of so much of the State expenditures described in paragraph (1)(B) as the Secretary finds are for a system meeting the requirements specified in section 454(16).

"(B)(i) The Secretary shall pay to each State, for each quarter in fiscal years 1997 through 2001, the percentage specified in clause (ii) of so much of the State expenditures described in paragraph (1)(B) as the Secretary finds are for a system meeting the requirements of sections 454(16) and 454A.

"(ii) The percentage specified in this clause is the greater of—

"(I) 80 percent; or

"(II) the percentage otherwise applicable to Federal payments to the State under subparagraph (A) (as adjusted pursuant to section 458).".

(2) Temporary limitation on payments under special federal matching rate.—

(A) In general.—The Secretary of Health and Human Services may not pay more than $260,000,000 in the aggregate under section 455(a)(3) of the Social Security Act for fiscal years 1996, 1997, 1998, 1999, and 2000.

(B) Allocation of limitation among states.—The total amount payable to a State under section 455(a)(3) of such Act for fiscal years 1996, 1997, 1998, 1999, and 2000 shall not exceed the limitation determined for the State by the Secretary of Health and Human Services in regulations.

(C) Allocation formula.—The regulations referred to in subparagraph (B) shall prescribe a formula for allocating the amount specified in subparagraph (A) among States with plans approved under part D of title IV of the Social Security Act, which shall take into account—

(i) the relative size of State caseloads under such part; and

(ii) the level of automation needed to meet the automated data processing requirements of such part.

(c) Conforming Amendment.—Section 123(c) of the Family Support Act of 1988 (102 Stat. 2352; Public Law 100–485) is repealed.

SEC. 746. TECHNICAL ASSISTANCE.

(a) For Training of Federal and State Staff, Research and Demonstration Programs, and Special Projects of Regional or National Significance.—Section 452 (42 U.S.C. 652) is amended by adding at the end the following:

"(j) Out of any money in the Treasury of the United States not otherwise appropriated, there is hereby appropriated to the Secretary for each fiscal year an amount equal to 1 percent of the total amount paid to the Federal Government pursuant to section 457(a) during the immediately preceding fiscal year (as determined on the basis of the most recent reliable data available to the Secretary as of the end of the 3rd calendar quarter following the end of such preceding fiscal year), to cover costs incurred by the Secretary for—

"(1) information dissemination and technical assistance to States, training of State and Federal staff, staffing studies, and related activities needed to improve programs under this part (including technical assistance concerning State automated systems required by this part); and

"(2) research, demonstration, and special projects of regional or national significance relating to the operation of State programs under this part.".

(b) Operation of Federal Parent Locator Service.—Section 453 (42 U.S.C. 653), as amended by section 716(e) of this Act, is amended by adding at the end the following:

"(n) Out of any money in the Treasury of the United States not otherwise appropriated, there is hereby appropriated to the Secretary for each fiscal year an amount equal to 2 percent of the total amount paid to the Federal Government pursuant to section 457(a) during the immediately preceding fiscal year (as determined on the basis of the most recent reliable data available to the Secretary as of the end of the 3rd calendar quarter following the end of such preceding fiscal year), to cover costs incurred by the Secretary for operation of the Federal Parent Locator Service under this section, to the extent such costs are not recovered through user fees.".

SEC. 747. REPORTS AND DATA COLLECTION BY THE SECRETARY.

(a) Annual Report to Congress.—

(1) Section 452(a)(10)(A) (42 U.S.C. 652(a)(10)(A)) is amended—

(A) by striking "this part;" and inserting "this part, including—"; and

(B) by adding at the end the following:

"(i) the total amount of child support payments collected as a result of services furnished during the fiscal year to individuals receiving services under this part;

"(ii) the cost to the States and to the Federal Government of so furnishing the services; and

"(iii) the number of cases involving families—

"(I) who became ineligible for assistance under State programs funded under part A during a month in the fiscal year; and

"(II) with respect to whom a child support payment was received in the month;".

(2) Section 452(a)(10)(C) (42 U.S.C. 652(a)(10)(C)) is amended—

(A) in the matter preceding clause (i)—

(i) by striking "with the data required under each clause being separately stated for cases" and inserting "separately stated for (1) cases";

(ii) by striking "cases where the child was formerly receiving" and inserting "or formerly received";

(iii) by inserting "or 1912" after "471(a)(17)"; and

(iv) by inserting "(2)" before "all other";

(B) in each of clauses (i) and (ii), by striking ", and the total amount of such obligations";

(C) in clause (iii), by striking "described in" and all that follows and inserting "in which support was collected during the fiscal year;";

(D) by striking clause (iv);

(E) by redesignating clause (v) as clause (vii), and inserting after clause (iii) the following:

"(iv) the total amount of support collected during such fiscal year and distributed as current support;

"(v) the total amount of support collected during such fiscal year and distributed as arrearages;

"(vi) the total amount of support due and unpaid for all fiscal years; and".

(3) Section 452(a)(10)(G) (42 U.S.C. 652(a)(10)(G)) is amended by striking "on the use of Federal courts and".

(4) Section 452(a)(10) (42 U.S.C. 652(a)(10)) is amended by striking all that follows subparagraph (I).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective with respect to fiscal year 1996 and succeeding fiscal years.

Subtitle F—Establishment and Modification of Support Orders

SEC. 751. SIMPLIFIED PROCESS FOR REVIEW AND ADJUSTMENT OF CHILD SUPPORT ORDERS.

Section 466(a)(10) (42 U.S.C. 666(a)(10)) is amended to read as follows:

"(10) REVIEW AND ADJUSTMENT OF SUPPORT ORDERS.—Procedures under which the State shall review and adjust each support order being enforced under this part. Such procedures shall provide the following:

"(A) The State shall review and, as appropriate, adjust the support order every 3 years, taking into account the best interests of the child involved.

"(B)(i) The State may elect to review and, if appropriate, adjust an order pursuant to subparagraph (A) by—

"(I) reviewing and, if appropriate, adjusting the order in accordance with the guidelines established pursuant to section 467(a) if the amount of the child support award under the order differs from the amount that would be awarded in accordance with the guidelines; or

"(II) applying a cost-of-living adjustment to the order in accordance with a formula developed by the State and permit either party to contest the adjustment, within 30 days after the date of the notice of the adjustment, by making a request for review and, if appropriate, adjustment of the order in accordance with the child support guidelines established pursuant to section 467(a).

"(ii) Any adjustment under clause (i) shall be made without a requirement for proof or showing of a change in circumstances.

"(C) The State may use automated methods (including automated comparisons with wage or State income tax data) to identify orders eligible for review, conduct the review, identify orders eligible for adjustment, apply the appropriate adjustment to the orders eligible for adjustment under the threshold established by the State.

"(D) The State shall, at the request of either parent subject to such an order or of any State child support enforcement agency, review and, if appropriate, adjust the order in accordance with the guidelines established pursuant to section 467(a) based upon a substantial change in the circumstances of either parent.

"(E) The State shall provide notice to the parents subject to such an order informing them of their right to request the State to review and, if appropriate, adjust the order pursuant to subparagraph (D). The notice may be included in the order.".

SEC. 752. FURNISHING CONSUMER REPORTS FOR CERTAIN PURPOSES RELATING TO CHILD SUPPORT.

Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b) is amended by adding at the end the following:

"(4) In response to a request by the head of a State or local child support enforcement agency (or a State or local government official authorized by the head of such an agency), if the person making the request certifies to the consumer reporting agency that—

"(A) the consumer report is needed for the purpose of establishing an individual's capacity to make child support payments or determining the appropriate level of such payments;

"(B) the person has provided at least 10 days prior notice to the consumer whose report is requested, by certified or registered mail to the last known address of the consumer, that the report will be requested, and

"(C) the consumer report will be kept confidential, will be used solely for a purpose described in subparagraph (A), and will not be used in connection with any other civil, administrative, or criminal proceeding, or for any other purpose.

"(5) To an agency administering a State plan under section 454 of the Social Security Act (42 U.S.C. 654) for use to set an initial or modified child support award.".

Subtitle G—Enforcement of Support Orders

SEC. 761. FEDERAL INCOME TAX REFUND OFFSET.

(a) CHANGED ORDER OF REFUND DISTRIBUTION UNDER INTERNAL REVENUE CODE.—

(1) Subsection (c) of section 6402 of the Internal Revenue Code of 1986 is amended by striking the third sentence and inserting the following new sentences: "A reduction under this subsection shall be after any other reduction allowed by subsection (d) with respect to the Department of Health and Human Services and the Department of Education with respect to a student loan and before any other reduction allowed by law and before such overpayment is credited to the future liability for tax of such person pursuant to subsection (b). A reduction under this subsection shall be assigned to the State with respect to past-due support owed to individuals for periods such individuals were receiving assistance under part A or B of title IV of the Social Security Act only after satisfying all other past-due support.".

(2) Paragraph (2) of section 6402(d) of such Code is amended—

(A) by striking "Any overpayment" and inserting "Except in the case of past-due legally enforceable debts owed to the Department of Health and Human Services or to the Department of Education with respect to a student loan, any overpayment"; and

(B) by striking "with respect to past-due support collected pursuant to an assignment under section 402(a)(26) of the Social Security Act".

(b) ELIMINATION OF DISPARITIES IN TREATMENT OF ASSIGNED AND NON-ASSIGNED ARREARAGES.—

(1) Section 464(a) (42 U.S.C. 664(a)) is amended—

(A) by striking "(a)" and inserting "(a) OFFSET AUTHORIZED.—";

(B) in paragraph (1)—

(i) in the 1st sentence, by striking "which has been assigned to such State pursuant to section 402(a)(26) or section 471(a)(17)"; and

(ii) in the 2nd sentence, by striking "in accordance with section 457(b)(4) or (d)(3)" and inserting "as provided in paragraph (2)";

(C) by striking paragraph (2) and inserting the following:

"(2) The State agency shall distribute amounts paid by the Secretary of the Treasury pursuant to paragraph (1)—

"(A) in accordance with section 457(a), in the case of past-due support assigned to a State pursuant to requirements imposed pursuant to section 405(a)(8); and

"(B) to or on behalf of the child to whom the support was owed, in the case of past-due support not so assigned."; and

(D) in paragraph (3)—

(i) by striking "or (2)" each place such term appears; and

(ii) in subparagraph (B), by striking "under paragraph (2)" and inserting "on account of past-due support described in paragraph (2)(B)".

(2) Section 464(b) (42 U.S.C. 664(b)) is amended—

(A) by striking "(b)(1)" and inserting the following:

"(b) REGULATIONS.—"; and

(B) by striking paragraph (2).

(3) Section 464(c) (42 U.S.C. 664(c)) is amended—

(A) by striking "(c)(1) Except as provided in paragraph (2), as" and inserting the following:

"(c) DEFINITION.—As"; and

(B) by striking paragraphs (2) and (3).

SEC. 762. AUTHORITY TO COLLECT SUPPORT FROM FEDERAL EMPLOYEES.

(a) CONSOLIDATION AND STREAMLINING OF AUTHORITIES.—Section 459 (42 U.S.C. 659) is amended to read as follows:

"SEC. 459. CONSENT BY THE UNITED STATES TO INCOME WITHHOLDING, GARNISHMENT, AND SIMILAR PROCEEDINGS FOR ENFORCEMENT OF CHILD SUPPORT AND ALIMONY OBLIGATIONS.

"(a) CONSENT TO SUPPORT ENFORCEMENT.—Notwithstanding any other provision of law (including section 207 of this Act and section 5301 of title 38, United States Code), effective January 1, 1975, moneys (the entitlement to which is based upon remuneration for employment) due from, or payable by, the United States or the District of Columbia (including any agency, subdivision, or instrumentality thereof) to any individual, including members of the Armed Forces of the United States, shall be subject, in like manner and to the same extent as if the United States or the District of Columbia were a private person, to withholding in accordance with State law enacted pursuant to subsections (a)(1) and (b) of section 466 and regulations of the Secretary under such subsections, and to any other legal process brought, by a State agency administering a program under a State plan approved under this part or by an individual obligee, to enforce the legal obligation of the individual to provide child support or alimony.

"(b) CONSENT TO REQUIREMENTS APPLICABLE TO PRIVATE PERSON.—With respect to notice to withhold income pursuant to subsection (a)(1) or (b) of section 466, or any other order or process to enforce support obligations against an individual (if the order or process contains or is accompanied by sufficient data to permit prompt identification of the individual and the moneys involved), each governmental entity specified in subsection (a) shall be subject to the same requirements as would apply if the entity were a private person, except as otherwise provided in this section.

"(c) DESIGNATION OF AGENT; RESPONSE TO NOTICE OR PROCESS—

"(1) DESIGNATION OF AGENT.—The head of each agency subject to this section shall—

"(A) designate an agent or agents to receive orders and accept service of process in matters relating to child support or alimony; and

"(B) annually publish in the Federal Register the designation of the agent or agents, identified by title or position, mailing address, and telephone number.

"(2) RESPONSE TO NOTICE OR PROCESS.—If an agent designated pursuant to paragraph (1) of this subsection receives notice pursuant to State procedures in effect pursuant to subsection (a)(1) or (b) of section 466, or is effectively served with any order, process, or interrogatory, with respect to an individual's child support or alimony payment obligations, the agent shall—

"(A) as soon as possible (but not later than 15 days) thereafter, send written notice of the notice or service (together with a copy of the notice or service) to the individual at the duty station or last-known home address of the individual;

"(B) within 30 days (or such longer period as may be prescribed by applicable State law) after receipt of a notice pursuant to such State procedures, comply with all applicable provisions of section 466; and

"(C) within 30 days (or such longer period as may be prescribed by applicable State law) after effective service of any other such order, process, or interrogatory, respond to the order, process, or interrogatory.

"(d) PRIORITY OF CLAIMS.—If a governmental entity specified in subsection (a) receives notice or is served with process, as provided in this section, concerning amounts owed by an individual to more than 1 person—

"(1) support collection under section 466(b) must be given priority over any other process, as provided in section 466(b)(7);

"(2) allocation of moneys due or payable to an individual among claimants under section 466(b) shall be governed by section 466(b) and the regulations prescribed under such section; and

"(3) such moneys as remain after compliance with subparagraphs (A) and (B) shall be available to satisfy any other such processes on a first-come, first-served basis, with any such process being satisfied out of such moneys as remain after the satisfaction of all such processes which have been previously served.

"(e) NO REQUIREMENT TO VARY PAY CYCLES.—A governmental entity that is affected by legal process served for the enforcement of an individual's child support or alimony payment obligations shall not be required to vary its normal pay and disbursement cycle in order to comply with the legal process.

"(f) RELIEF FROM LIABILITY.—

"(1) Neither the United States, nor the government of the District of Columbia, nor any disbursing officer shall be liable with respect to any payment made from moneys due or payable from the United States to any individual pursuant to legal process regular on its face, if the payment is made in accordance with this section and the regulations issued to carry out this section.

"(2) No Federal employee whose duties include taking actions necessary to comply with the requirements of subsection (a) with regard to any individual shall be subject under any law to any disciplinary action or civil or criminal liability or penalty for, or on account of, any disclosure of information made by the employee in connection with the carrying out of such actions.

"(g) REGULATIONS.—Authority to promulgate regulations for the implementation of this section shall, insofar as this section applies to moneys due from (or payable by)—

"(1) the United States (other than the legislative or judicial branches of the Federal Government) or the government of the District of Columbia, be vested in the President (or the designee of the President);

"(2) the legislative branch of the Federal Government, be vested jointly in the President pro tempore of the Senate and the Speaker of the House of Representatives (or their designees), and

"(3) the judicial branch of the Federal Government, be vested in the Chief Justice of the United States (or the designee of the Chief Justice).

"(h) MONEYS SUBJECT TO PROCESS.—

"(1) IN GENERAL.—Subject to paragraph (2), moneys paid or payable to an individual which are considered to be based upon remuneration for employment, for purposes of this section—

"(A) consist of—

"(i) compensation paid or payable for personal services of the individual, whether the compensation is denominated as wages, salary, commission, bonus, pay, allowances, or otherwise (including severance pay, sick pay, and incentive pay);

"(ii) periodic benefits (including a periodic benefit as defined in section 228(h)(3)) or other payments—

"(I) under the insurance system established by title II;

"(II) under any other system or fund established by the United States which provides for the payment of pensions, retirement or retired pay, annuities, dependents' or survivors' benefits, or similar amounts payable on account of personal services performed by the individual or any other individual;

"(III) as compensation for death under any Federal program;

"(IV) under any Federal program established to provide 'black lung' benefits; or

"(V) by the Secretary of Veterans Affairs as pension, or as compensation for a service-connected disability or death (except any compensation paid by the Secretary to a member of the Armed Forces who is in receipt of retired or retainer pay if the member has waived a portion of the retired pay of the member in order to receive the compensation); and

"(iii) worker's compensation benefits paid under Federal or State law but

"(B) do not include any payment—

"(i) by way of reimbursement or otherwise, to defray expenses incurred by the individual in carrying out duties associated with the employment of the individual; or

"(ii) as allowances for members of the uniformed services payable pursuant to chapter 7 of title 37, United States Code, as prescribed by the Secretaries concerned (defined by section 101(5) of such title) as necessary for the efficient performance of duty.

"(2) CERTAIN AMOUNTS EXCLUDED.—In determining the amount of any moneys due from, or payable by, the United States to any individual, there shall be excluded amounts which—

"(A) are owed by the individual to the United States;

"(B) are required by law to be, and are, deducted from the remuneration or other payment involved, including Federal employment taxes, and fines and forfeitures ordered by court-martial;

"(C) are properly withheld for Federal, State, or local income tax purposes, if the withholding of the amounts is authorized or required by law and if amounts withheld are not greater than would be the case if the individual claimed all dependents to which he was entitled (the withholding of additional amounts pursuant to section 3402(i) of the Internal Revenue Code of 1986 may be permitted only when the individual presents evidence of a tax obligation which supports the additional withholding);

"(D) are deducted as health insurance premiums;

"(E) are deducted as normal retirement contributions (not including amounts deducted for supplementary coverage); or

"(F) are deducted as normal life insurance premiums from salary or other remuneration for employment (not including amounts deducted for supplementary coverage).

"(i) DEFINITIONS.—As used in this section:

"(1) UNITED STATES.—The term 'United States' includes any department, agency, or instrumentality of the legislative, judicial, or executive branch of the Federal Government, the United States Postal Service, the Postal Rate Commission, any Federal corporation created by an Act of Congress that is wholly owned by the Federal Government, and the governments of the territories and possessions of the United States.

"(2) CHILD SUPPORT.—The term 'child support', when used in reference to the legal obligations of an individual to provide such support, means periodic payments of funds for the support and maintenance of a child or children with respect to which the individual has such an obligation, and (subject to and in accordance with State law) includes payments to provide for health care, education, recreation, clothing, or to meet other specific needs of such a child or children, and includes attorney's fees, interest, and court costs, when and to the extent that the same are expressly made recoverable as such pursuant to a decree, order, or judgment issued in accordance with applicable State law by a court of competent jurisdiction.

"(3) ALIMONY.—The term 'alimony', when used in reference to the legal obligations of an individual to provide the same, means periodic payments of funds for the support and maintenance of the spouse (or former spouse) of the individual, and (subject to and in accordance with State law) includes separate maintenance, alimony pendente lite, maintenance, and spousal support, and includes attorney's fees, interest, and court costs when and to the extent that the same are expressly made recoverable as such pursuant to a decree, order, or judgment issued in accordance with applicable State law by a court of competent jurisdiction. Such term does not include any payment or transfer of property or its value by an individual to the spouse or a former spouse of the individual in compliance with any community property settlement, equitable distribution of property, or other division of property between spouses or former spouses.

"(4) PRIVATE PERSON.—The term 'private person' means a person who does not have sovereign or other special immunity or privilege which causes the person not to be subject to legal process.

"(5) LEGAL PROCESS.—The term 'legal process' means any writ, order, summons, or other similar process in the nature of garnishment—

"(A) which is issued by—

"(i) a court of competent jurisdiction in any State, territory, or possession of the United States;

"(ii) a court of competent jurisdiction in any foreign country with which the United States has entered into an agreement which requires the United States to honor the process; or

"(iii) an authorized official pursuant to an order of such a court of competent jurisdiction or pursuant to State or local law; and

"(B) which is directed to, and the purpose of which is to compel, a governmental entity which holds moneys which are otherwise payable to an individual to make a payment from the moneys to another party in order to satisfy a legal obligation of the individual to provide child support or make alimony payments.".

(b) CONFORMING AMENDMENTS.—

(1) TO PART D OF TITLE IV.—Sections 461 and 462 (42 U.S.C. 661 and 662) are repealed.

(2) TO TITLE 5, UNITED STATES CODE.—Section 5520a of title 5, United States Code, is amended, in subsections (h)(2) and (i), by striking "sections 459, 461, and 462 of the Social Security Act (42 U.S.C. 659, 661, and 662)" and inserting "section 459 of the Social Security Act (42 U.S.C. 659)".

(c) MILITARY RETIRED AND RETAINER PAY.—

(1) DEFINITION OF COURT.—Section 1408(a)(1) of title 10, United States Code, is amended—

(A) by striking "and" at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(C) by adding after subparagraph (C) the following:

"(D) any administrative or judicial tribunal of a State competent to enter orders for support or maintenance (including a State agency administering a program under a State plan approved under part D of title IV of the Social Security Act), and, for purposes of this subparagraph, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.".

(2) DEFINITION OF COURT ORDER.—Section 1408(a)(2) of such title is amended by inserting "or a court order for the payment of child support not included in or accompanied by such a decree or settlement," before "which—".

(3) PUBLIC PAYEE.—Section 1408(d) of such title is amended—

(A) in the heading, by inserting "(OR FOR BENEFIT OF)" before "SPOUSE OR"; and

(B) in paragraph (1), in the first sentence, by inserting "(or for the benefit of such spouse or former spouse to a State disbursement unit established pursuant to section 454B of the Social Security Act or other public payee designated by a State, in accordance with part D of title IV of the Social Security Act, as directed by court order, or as otherwise directed in accordance with such part D)" before "in an amount sufficient".

(4) RELATIONSHIP TO PART D OF TITLE IV.—Section 1408 of such title is amended by adding at the end the following:

"(j) RELATIONSHIP TO OTHER LAWS.—In any case involving an order providing for payment of child support (as defined in section 459(i)(2) of the Social Security Act) by a member who has never been married to the other parent of the child, the provisions of this section shall not apply, and the case shall be subject to the provisions of section 459 of such Act.".

(d) EFFECTIVE DATE.—The amendments made by this section shall become effective 6 months after the date of the enactment of this Act.

SEC. 763. ENFORCEMENT OF CHILD SUPPORT OBLIGATIONS OF MEMBERS OF THE ARMED FORCES.

(a) AVAILABILITY OF LOCATOR INFORMATION.—

(1) MAINTENANCE OF ADDRESS INFORMATION.—The Secretary of Defense shall establish a centralized personnel locator service that includes the address of each member of the Armed Forces under the jurisdiction of the Secretary. Upon request of the Secretary of Transportation, addresses for members of the Coast Guard shall be included in the centralized personnel locator service.

(2) TYPE OF ADDRESS.—

(A) RESIDENTIAL ADDRESS.—Except as provided in subparagraph (B), the address for a member of the Armed Forces shown in the locator service shall be the residential address of that member.

(B) DUTY ADDRESS.—The address for a member of the Armed Forces shown in the locator service shall be the duty address of that member in the case of a member—

(i) who is permanently assigned overseas, to a vessel, or to a routinely deployable unit; or

(ii) with respect to whom the Secretary concerned makes a determination that the member's residential address should not be disclosed due to national security or safety concerns.

(3) UPDATING OF LOCATOR INFORMATION.—Within 30 days after a member listed in the locator service establishes a new residential address (or a new duty address, in the case of a member covered by paragraph (2)(B)), the Secretary concerned shall update the locator service to indicate the new address of the member.

(4) AVAILABILITY OF INFORMATION.—The Secretary of Defense shall make information regarding the address of a member of the Armed Forces listed in the locator service available, on request, to the Federal Parent Locator Service established under section 453 of the Social Security Act.

(b) FACILITATING GRANTING OF LEAVE FOR ATTENDANCE AT HEARINGS.—

(1) REGULATIONS.—The Secretary of each military department, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, shall prescribe regulations to facilitate the granting of leave to a member of the Armed Forces under the jurisdiction of that Secretary in a case in which—

(A) the leave is needed for the member to attend a hearing described in paragraph (2);

(B) the member is not serving in or with a unit deployed in a contingency operation (as defined in section 101 of title 10, United States Code); and

(C) the exigencies of military service (as determined by the Secretary concerned) do not otherwise require that such leave not be granted.

(2) COVERED HEARINGS.—Paragraph (1) applies to a hearing that is conducted by a court or pursuant to an administrative process established under State law, in connection with a civil action—

(A) to determine whether a member of the Armed Forces is a natural parent of a child; or

(B) to determine an obligation of a member of the Armed Forces to provide child support.

(3) DEFINITIONS.—For purposes of this subsection:

(A) The term "court" has the meaning given that term in section 1408(a) of title 10, United States Code.

(B) The term "child support" has the meaning given such term in section 459(i) of the Social Security Act (42 U.S.C. 659(i)).

(c) PAYMENT OF MILITARY RETIRED PAY IN COMPLIANCE WITH CHILD SUPPORT ORDERS.—

(1) DATE OF CERTIFICATION OF COURT ORDER.—Section 1408 of title 10, United States Code, as amended by section 762(c)(4) of this Act, is amended—

(A) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(B) by inserting after subsection (h) the following:

"(i) CERTIFICATION DATE.—It is not necessary that the date of a certification of the authenticity or completeness of a copy of a court order for child support received by the Secretary concerned for the purposes of this section be recent in relation to the date of receipt by the Secretary.".

(2) PAYMENTS CONSISTENT WITH ASSIGNMENTS OF RIGHTS TO STATES.—Section 1408(d)(1) of such title is amended by inserting after the 1st sentence the following: "In the case of a spouse or former spouse who, pursuant to section 405(a)(8) of the Social Security Act (42 U.S.C. 605(a)(8)), assigns to a State the rights of the spouse or former spouse to receive support, the Secretary concerned may make the child support payments referred to in the preceding sentence to that State in amounts consistent with that assignment of rights.".

(3) ARREARAGES OWED BY MEMBERS OF THE UNIFORMED SERVICES.—Section 1408(d) of such title is amended by adding at the end the following:

"(6) In the case of a court order for which effective service is made on the Secretary concerned on or after the date of the enactment of this paragraph and which provides for payments from the disposable retired pay of a member to satisy the amount of child support set forth in the order, the authority provided in paragraph (1) to make payments from the disposable retired pay of a member to satisy the amount of child support set forth in a court order shall apply to payment of any amount of child support arrearages set forth in that order as well as to amounts of child support that currently become due.".

(4) PAYROLL DEDUCTIONS.—The Secretary of Defense shall begin payroll deductions within 30 days after receiving notice of withholding, or for the first pay period that begins after such 30-day period.

SEC. 764. VOIDING OF FRAUDULENT TRANSFERS.

Section 466 (42 U.S.C. 666), as amended by section 721 of this Act, is amended by adding at the end the following:

"(g) LAWS VOIDING FRAUDULENT TRANSFERS.—In order to satisfy section 454(20)(A), each State must have in effect—

"(1)(A) the Uniform Fraudulent Conveyance Act of 1981;

"(B) the Uniform Fraudulent Transfer Act of 1984; or

"(C) another law, specifying indicia of fraud which create a prima facie case that a debtor transferred income or property to avoid payment to a child support creditor, which the Secretary finds affords comparable rights to child support creditors; and

"(2) procedures under which, in any case in which the State knows of a transfer by a child support debtor with respect to which such a prima facie case is established, the State must—

"(A) seek to void such transfer; or

"(B) obtain a settlement in the best interests of the child support creditor.".

SEC. 765. SENSE OF THE CONGRESS THAT STATES SHOULD SUSPEND DRIVERS', BUSINESS, AND OCCUPATIONAL LICENSES OF PERSONS OWING PAST-DUE CHILD SUPPORT.

It is the sense of the Congress that each State should suspend any driver's license, business license, or occupational license issued to any person who owes past-due child support.

SEC. 766. WORK REQUIREMENT FOR PERSONS OWING PAST-DUE CHILD SUPPORT.

Section 466(a) of the Social Security Act (42 U.S.C. 666(a)), as amended by sections 701(a), 715, 717(a), and 723 of this Act, is amended by adding at the end the following:

"(16) PROCEDURES TO ENSURE THAT PERSONS OWING PAST-DUE SUPPORT WORK OR HAVE A PLAN FOR PAYMENT OF SUCH SUPPORT.—

"(A) Procedures requiring the State, in any case in which an individual owes past-due support with respect to a child receiving assistance under a State program funded under part A, to seek a court order that requires the individual to—

"(i) pay such support in accordance with a plan approved by the court; or

"(ii) if the individual is subject to such a plan and is not incapacitated, participate in such work activities (as defined in section 404(b)(1)) as the court deems appropriate.

"(B) As used in subparagraph (A), the term 'past-due support' means the amount of a delinquency, determined under a court order, or an order of an administrative process established under State law, for support and maintenance of a child, or of a child and the parent with whom the child is living.".

SEC. 767. DEFINITION OF SUPPORT ORDER.

Section 453 (42 U.S.C. 653) as amended by sections 716 and 746(b) of this Act, is amended by adding at the end the following:

"(o) SUPPORT ORDER DEFINED.—As used in this part, the term 'support order' means an order issued by a court or an administrative process established under State law that requires support and maintenance of a child or of a child and the parent with whom the child is living.".

Subtitle H—Medical Support

SEC. 771. TECHNICAL CORRECTION TO ERISA DEFINITION OF MEDICAL CHILD SUPPORT ORDER.

(a) IN GENERAL.—Section 609(a)(2)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1169(a)(2)(B)) is amended—

(1) by striking "issued by a court of competent jurisdiction";

(2) by striking the period at the end of clause (ii) and inserting a comma; and

(3) by adding, after and below clause (ii), the following:

"if such judgment, decree, or order (I) is issued by a court of competent jurisdiction or (II) is issued by an administrative adjudicator and has the force and effect of law under applicable State law.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) PLAN AMENDMENTS NOT REQUIRED UNTIL JANUARY 1, 1996.—Any amendment to a plan required to be made by an amendment made by this section shall not be required to be made before the first plan year beginning on or after January 1, 1996, if—

(A) during the period after the date before the date of the enactment of this Act and before such first plan year, the plan is operated in accordance with the requirements of the amendments made by this section; and

(B) such plan amendment applies retroactively to the period after the date before the date of the enactment of this Act and before such first plan year.

A plan shall not be treated as failing to be operated in accordance with the provisions of the plan merely because it operates in accordance with this paragraph.

Subtitle I—Enhancing Responsibility and Opportunity for Nonresidential Parents

SEC. 781. GRANTS TO STATES FOR ACCESS AND VISITATION PROGRAMS.

Part D of title IV (42 U.S.C. 651-669) is amended by adding at the end the following:

"SEC. 469A. GRANTS TO STATES FOR ACCESS AND VISITATION PROGRAMS.

"(a) IN GENERAL.—The Administration for Children and Families shall make grants under this section to enable States to establish and administer programs to support and facilitate absent parents' access to and visitation of their children, by means of activities including mediation (both voluntary and mandatory), counseling, education, development of parenting plans, visitation enforcement (including monitoring, supervision and neutral drop-off and pickup), and development of guidelines for visitation and alternative custody arrangements.

"(b) AMOUNT OF GRANT.—The amount of the grant to be made to a State under this section for a fiscal year shall be an amount equal to the lesser of—

"(1) 90 percent of State expenditures during the fiscal year for activities described in subsection (a); or

"(2) the allotment of the State under subsection (c) for the fiscal year.

"(c) ALLOTMENTS TO STATES.—

"(1) IN GENERAL.—The allotment of a State for a fiscal year is the amount that bears the same ratio to the amount appropriated for grants under this section for the fiscal year as the number of children in the State living with only 1 biological parent bears to the total number of such children in all States.

"(2) MINIMUM ALLOTMENT.—The Administration for Children and Families shall adjust allotments to States under paragraph (1) as necessary to ensure that no State is allotted less than—

"(A) $50,000 for fiscal year 1996 or 1997; or

"(B) $100,000 for any succeeding fiscal year.

"(d) NO SUPPLANTATION OF STATE EXPENDITURES FOR SIMILAR ACTIVITIES.—A State to which a grant is made under this section may not use the grant to supplant expenditures by the State for activities specified in subsection (a), but shall use the grant to supplement such expenditures at a level at least equal to the level of such expenditures for fiscal year 1995.

"(e) STATE ADMINISTRATION.—Each State to which a grant is made under this section—

"(1) may administer State programs funded with the grant, directly or through grants to or contracts with courts, local public agencies, or non-profit private entities;

"(2) shall not be required to operate such programs on a statewide basis; and

"(3) shall monitor, evaluate, and report on such programs in accordance with regulations prescribed by the Secretary.".

Subtitle J—Effect of Enactment

SEC. 791. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise specifically provided (but subject to subsections (b) and (c))—

(1) the provisions of this title requiring the enactment or amendment of State laws under section 466 of the Social Security Act, or revision of State plans under section 454 of such Act, shall be effective with respect to periods beginning on and after October 1, 1996; and

(2) all other provisions of this title shall become effective upon enactment.

(b) GRACE PERIOD FOR STATE LAW CHANGES.—The provisions of this title shall become effective with respect to a State on the later of—

(1) the date specified in this title, or

(2) the effective date of laws enacted by the legislature of such State implementing such provisions,

but in no event later than the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

(c) GRACE PERIOD FOR STATE CONSTITUTIONAL AMENDMENT.—A State shall not be found out of compliance with any requirement enacted by this title if the State is unable to so comply without amending the State constitution until the earlier of—

(1) 1 year after the effective date of the necessary State constitutional amendment; or

(2) 5 years after the date of the enactment of this title.

TITLE VIII—MISCELLANEOUS PROVISIONS

SEC. 801. SCORING.

(a) IN GENERAL.—None of the changes in direct spending resulting from this Act shall be reflected in estimates under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) TECHNICAL AMENDMENT.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following new subparagraph:

"(H) SPECIAL ALLOWANCE FOR WELFARE REFORM.—For any fiscal year, the adjustments shall be appropriations for discretionary programs resulting from the Personal Responsibility Act of 1995 (as described in the joint explanatory statement accompanying a conference report on that Act) in discretionary accounts and the outlays flowing in all years from such appropriations (but not to exceed amounts authorized for those programs by that Act for that fiscal year) minus appropriations for comparable discretionary programs for fiscal year 1995 (as described in the joint explanatory statement accompanying a conference report on that Act.".

SEC. 802. PROVISIONS TO ENCOURAGE ELECTRONIC BENEFIT TRANSFER SYSTEMS.

Section 904 of the Electronic Fund Transfer Act (15 U.S.C. 1693b) is amended—

(1) by striking "(d) In the event" and inserting "(d) APPLICABILITY TO SERVICE PROVIDERS OTHER THAN CERTAIN FINANCIAL INSTITUTIONS.—

"(1) IN GENERAL.—In the event"; and

(2) by adding at the end the following new paragraph:

"(2) STATE AND LOCAL GOVERNMENT ELECTRONIC BENEFIT TRANSFER PROGRAMS.—

"(A) EXEMPTION GENERALLY.—The disclosures, protections, responsibilities, and remedies established under this title, and any regulation prescribed or order issued by the Board in accordance with this title, shall not apply to any electronic benefit transfer program established under State or local law or administered by a State or local government.

"(B) EXCEPTION FOR DIRECT DEPOSIT INTO RECIPIENT'S ACCOUNT.—Subparagraph (A) shall not apply with respect to any electronic funds transfer under an electronic benefit transfer program for deposits directly into a consumer account held by the recipient of the benefit.

"(C) RULE OF CONSTRUCTION.—No provision of this paragraph may be construed as—

"(i) affecting or altering the protections otherwise applicable with respect to benefits established by Federal, State, or local law; or

"(ii) otherwise superseding the application of any State or local law.

"(D) ELECTRONIC BENEFIT TRANSFER PROGRAM DEFINED.—For purposes of this paragraph, the term 'electronic benefit transfer program'—

"(i) means a program under which a government agency distributes needs-tested benefits by establishing accounts to be accessed by recipients electronically, such as through automated teller machines, or point-of-sale terminals; and

"(ii) does not include employment-related payments, including salaries and pension, retirement, or unemployment benefits established by Federal, State, or local governments."

The CHAIRMAN. No further amendment shall be in order except the amendments printed in House Report 104-85, amendments en bloc described in section 2 of House Resolution 119, and the amendments designated in section 3 of that resolution.

Except as specified in section 2, 3, or 4 of the resolution, each amendment made in order by the resolution may be considered only in the order printed in the report, may be offered only by a Member designated in the report, is considered as having been read, is debatable for 20 minutes, equally divided and controlled by the proponent and an opponent of the amendment, is not subject to amendment, and is not subject to a demand for division of the question.

Notwithstanding that amendments printed in the report are not subject to amendment, the chairman and ranking minority member of the Committee on Ways and Means, or their designees, each may offer one pro forma amendment to any amendment printed in the report for the purpose of debate.

Pursuant to section 2 of the resolution, it shall be in order at any time before consideration of the amendments designated in section 3 of the resolution for the chairman of the Committee on Ways and Means or his designee to offer amendments en bloc consisting of amendments printed in the report not earlier disposed of or germane modifications of any such amendment.

Amendments en bloc offered pursuant to section 2 of the resolution are considered as having been read, except that modifications shall be reported, and are debatable for 20 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means or their designees.

For the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken.

The original proponent of an amendment included in such amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before the disposition of the amendments en bloc.

After disposition of the amendments printed in the report and any amendments en bloc offered pursuant to section 2 of the resolution, it shall be in order to consider the following amendments in this order:

First, a further amendment in the nature of a substitute consisting of the text of H.R. 1267 by the gentleman from Georgia [Mr. DEAL] or his designee;

Second, a further amendment in the nature of a substitute consisting of the text of H.R. 1250 by the gentlewoman from Hawaii [Mrs. MINK] or her designee; and

Third, a further amendment in the nature of a substitute consisting of the text of the bill, as it had been perfected before the consideration of amendments pursuant to section 3 of the resolution, if offered by the chairman of the Committee on Ways and Means or his designee.

Debate on each of the three amendments just referred to will be 1 hour, equally divided and controlled by the proponent and an opponent of the amendment.

The third amendment, just referred to, shall be subject to amendment by any amendment printed in the report that was not earlier disposed of as an amendment to the bill before consideration of amendments pursuant to section 3 of the resolution.

Amendments to the amendment designated in subparagraph (a)(3) of section 3 shall be considered under the same terms as if offered to the bill, including the requirement of 1 hour's notice pursuant to section 4 of the resolution.

If more than one of the amendments designated in subsection (a) of section 3 of the resolution is adopted, only the one receiving the greater number of affirmative votes shall be considered as finally adopted. In the case of a tie for the greater number of affirmative votes, only the last amendment to receive that number of affirmative votes shall be considered as finally adopted.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a record vote on amendments made in order by the resolution.

The Chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

The Chairman of the Committee of the Whole may recognize for consideration of any amendment printed in the report out of the order printed, but not sooner than 1 hour after the Chairman of the Committee on Ways and Means or a designee announces from the floor a request to that effect.

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It is now in order to consider amendment No. 1 printed in House Report 104-85.

AMENDMENT OFFERED BY MR. ARCHER

Mr. ARCHER. Mr. Chairman, pursuant to the rule, I offer an amendment consisting of technical corrections to the bill.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ARCHER:

Page 4, strike the item relating to section 592 and insert the following:

Sec. 592. Sense of the Congress.

Page 18, strike line 19 and all that follows through line 5 on page 19 and insert the following:

"(3) FOR FAILURE TO PARTICIPATE IN THE INCOME AND ELIGIBILITY VERIFICATION SYSTEM.—If the Secretary determines that a State program funded under this part is not participating during a fiscal year in the income and eligibility verification system required by section 1137, the Secretary shall reduce by 1 percent the amount of the grant that would (in the absence of this subsection, subsection (a)(1)(B) of this section, and section 101(e)(2)) be payable to the State under subsection (a)(1)(A) for the fiscal year.

Page 32, line 20, strike "subsection (c)(1)" and insert "section 403(c)(1)".

Page 32, line 24, strike ", unless" and all that follows through line 13 on page 33 and insert "except consistent with title IV of the Personal Responsibility Act of 1995.".

Page 33, line 16, strike "a State" and insert "A State".

Page 35, beginning on line 16, strike "subsection (c)(1)" and insert section 403(c)(1)".

Page 36, line 3, strike "subsection (e)(1)" and insert "section 403(c)(1)".

Page 84, line 18, insert "(42 U.S.C. 13001-13004)" after "1990".

Page 123, line 23, strike "amount appropriated" and insert "school-based nutrition amount".

Page 124, line 6, strike "amount appropriated" and insert "school-based nutrition amount".

Page 125, beginning on line 22, strike "amount appropriated" and insert "school-based nutrition amount".

Page 125, line 25, strike "amount appropriated" and insert "school-based nutrition amount".

Page 126, beginning on line 6, strike "amount appropriated" and insert "school-based nutrition amount".

Page 126, line 9, strike "amount appropriated" and insert "school-based nutrition amount".

Page 126, beginning on line 22, strike "amount appropriated" and insert "school-based nutrition amount".

Page 127, beginning on line 3, strike "amount appropriated" and insert "school-based nutrition amount".

Page 127, beginning on line 11, strike "amount appropriated" and insert "school-based nutrition amount".

Page 127, beginning on line 16, strike "amount appropriated" and insert "school-based nutrition amount".

Page 131, line 9, strike "620" and insert "621".

Page 153, strike lines 8 through 14.

Page 153, line 15, strike "(4)" and insert "(3)".

Page 154, strike the parenthetical phrase beginning on line 20.

Page 154, line 18, strike "subsections (b) and (c)" and insert "subsection (b)".

Page 159, line 13, insert "or section 412" after "this section".

Page 159, strike the parenthetical phrase beginning on line 16.

Page 167, line 10, strike "individual" and insert "alien".

Page 169, line 9, insert "(a) LIMITATIONS ON ASSISTANCE.—" before "SECTION".

Page 170, after line 12, insert the following:

(b) CONFORMING AMENDMENTS.—Section 501(h)) of the Housing Act of 1949 (42 U.S.C. 1471(h)) is amended—

(1) by striking "(1)";

(2) by striking "by the Secretary of Housing and Urban Development"; and

(3) by striking paragraph (2).

Page 193, line 4, insert "of title II" after "subtitle C".

Page 203, line 3, strike "Section (3)(o)" and insert "Section 3(o)".

Page 204, line 21, strike the comma after "households".

Page 210, line 16, strike "42" and insert "7".

Page 217, line 17, strike "2015(i)(6)" and insert "2016(i)(6)".

Page 217, line 18, strike "17(e)" and insert "section 17(e)".

Page 221, line 25, strike "the".

Page 222, line 1, strike "year" and insert "years".

Page 228, beginning on line 25, strike "Food Stamp Simplification and Reform" and insert "Personal Responsibility".

Page 229, line 5, strike "Food Stamp Simplification and Reform" and insert "Personal Responsibility".

Page 231, line 10, strike ", wherever possible," and on line 11, insert "wherever possible," after "Agriculture,".

Page 236, line 4, strike "and (c)".

Page 236, strike lines 7 and 8.

Page 236, line 9, strike "(c)" and insert "(b)" and strike "section 560"and insert "section 559".

Page 242, line 4, strike "601(d)(1)" and insert "601(d)(1)(A)".

Page 245, line 10, strike "indivdiuals" and insert "individuals".

Page 255, strike lines 19 and 20 and insert the following: "and for whom, for the month preceding the month in which the individual attained such age, a determination was in effect that the individual is a qualifying child under section 1646(3).".

Page 262, line 9, insert "by reason of disability" after "Act,".

Page 323, line 24, strike "(c)" and insert "(b)".

Page 368, line 20, strike "subparagraphs (A) and (B)" and insert "paragraphs (1) and (2)".

Page 387, line 25, strike "by an administrative adjudicator" and insert "through an administrative process established under State law".

Page 393, strike line 4 and all that follows through line 7.

Page 393, line 5, strike "(b) TECHNICAL AMENDMENT.—".

The CHAIRMAN. Pursuant to the rule, the gentleman from Texas [Mr. ARCHER] will be recognized for 10 minutes, and the gentleman from Florida [Mr. GIBBONS] will be recognized for 10 minutes in opposition to the amendment.

The Chair recognizes the gentleman from Texas [Mr. ARCHER].

Mr. ARCHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment consists mainly of technical drafting errors which were discovered by staff after the introduction of the bill.

Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. KASICH], chairman of the Committee on the Budget.

Mr. KASICH. Mr. Chairman, I rise in favor of the en bloc technical amendment. I support the elimination from the bill of section 801(a) to clarify that the majority is fully committed to paying for the tax cuts pledged in the Contract With America. The majority is committed to paying for the contract with a combination of entitlement cuts and a reduction in the discretionary spending caps, which is different than the current pay-go where we simply permit discretionary savings, the downsizing of government, to be moved in the pay-go category.

Under current pay-go rules, however, a tax cut cannot be paid for with a reduction in the discretionary caps. In other words, if we want to eliminate departments, if we want to fix foreign aid, if we want to eliminate bureaucracy, we believe that those savings ought to be shifted over to the pay-go scorecard in order to pay for any tax cuts. That is why the Budget Committee last week made a change which will allow the discretionary spending cuts to offset tax cuts.

Section 801(a) was inserted into the reintroduced welfare reform bill to clarify that any savings from welfare reform would not be used for new or expanded entitlement programs.

Furthermore, this language was to emphasize that the savings from this bill are part of a total budget package that will cut taxes and reduce the deficit.

For some Members to now imply that this language was meant to be something completely different is inaccurate. It is wrong to interpret section 801(a) to mean that the savings from welfare reform was suddenly designated for deficit reduction. Section 801(a) speaks to pay-go, and Members better understand pay-go before they claim that it is something other than that.

In fact, three separate House committees considered amendments to earmark welfare reform savings for deficit reduction and in each case those attempts were rejected. In fact, it should be noted that section 801(a) was never the result of any committee action to begin with. But there has been some confusion regarding the approach of not placing the welfare reform savings on the pay-go scorecard.

The language as written was intended purely to content with the admittedly arcane requirements of the Budget Enforcement Act. We are proposing to eliminate section 801(a) so that all savings from the welfare reform will score on the pay-go scorecard. This will assure in a less confusing way that the savings will be part of our overall budget of cutting taxes and reducing the deficit.

This is clearly a technical change to ensure that budget score keeping is adhered to and it will not affect the budgetary bottom line. And I will repeat and stress, we are fulfilling our promise of cutting taxes and reducing the deficit.

In a nutshell, what this amendment says is that we will move the discretionary savings onto the pay-go scorecard. When we take the discretionary savings and move them onto the pay-go scorecard, when we take the discretionary savings and add them into the entitlement savings, that pays for our tax cuts. We believe that that in fact will happen.

Discretionary spending caps have the force of law. If in some process people would argue that we would like to have a fail-safe, we have the fail-safe and the fail-safe is the current pay-go rules that say if in fact the tax cuts are not clearly offset by discretionary spending savings and entitlement savings, we will have a sequester. That is the ultimate fail-safe guarantee that our tax cuts will be paid for by spending cuts.

But what I think is instructive to note is not only were we able last week in the Budget Committee to lay down in addition to the entitlement savings the $100 billion in discretionary savings cuts, but we have three times as much tax relief as the President and $60 billion more in deficit reduction than the President has.

Before we make an argument about what this is all about I would commend to the Members that they read 801(a) of the 1990 Budget Act that talks about what the rules are on pay-go, and once they understand it, they are going to be able to effectively argue it from the facts.

Mr. ARCHER. Mr. Chairman, I reserve the balance of my time.

Mr. GIBBONS. Mr. Chairman, I yield 1 minute and 15 seconds to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, what nonsense. I am surprised at this amendment, surprised because in Texas we know the difference between straight talk and doubled-talk, and by golly, if double-talk would solve the problems of this deficit, it would be gone this past week. I stood here on the floor of the House and had the distinguished chairman of the Committee on Rules tell me we could not place in order an amendment to be sure that all that money we slashed and burned for summer jobs and for young people in last week's rescission bill could not be used for deficit reduction, said it just could not be done, it just was not proper, but within hours he reversed himself and made it proper. And this House put on a lockbox amendment. And within hours after that we twisted all around again because not two blocks from here, in the Budget Committee, we had the distinguished chairman of the Budget Committee saying that lockbox was just a game, it was just a big game.

Well, it is not a big game to me because we need to be addressing this problem of deficit reduction.

The same thing is happening on this floor today. The bill is clear. It says the money is to be used for deficit reduction, and now we come along with a purportedly technical amendment and now deficit reduction is out.

They have mastered the principle of redistribution of the wealth, taking from the poor and giving to the elite, and that is what this is about.

Mr. GIBBONS. Mr. Chairman, I yield 1 minute to the gentlewoman from Michigan [Ms. RIVERS].

Ms. RIVERS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise to oppose this amendment on three grounds, First, on the ground of fairness, in that I proposed to the Committee on Rules last week an amendment nearly diametrically opposed to this one, in that it would offer members of this committee, just as people across the country are struggling with the opportunity to say no to tax cuts and yes to deficit reduction.

That rule was made not in order, yet this particular rule which offers the opposite was put in place on this floor.

Second, I am opposed on the ground of honesty. This amendment was described as dealing with drafting errors. These are not drafting errors, these are substantive changes from the desire of the committee who reported out this bill, and it is highly, highly suspect to portray it in any other way.

Last, I oppose this issue on grounds of public policy. Our children would be greater served by deficit reduction than tax cuts. It would be more reasonable and infinitely more loving to put the money on the deficit.

Mr. GIBBONS. Mr. Chairman, I yield 30 seconds to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I would say to the chairman of the Budget Committee, let us make this perfectly clear. The gentleman from Ohio [Mr. KASICH] has just stated unequivocally that any savings from this package will be used to implement your Contract With America for tax cuts. He has made that clear, that there will be no lockbox, there will be no deficit reduction; any savings from this package will go directly to pay for the tax cut; is that not what the gentleman said?

Mr. GIBBONS. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. LEVIN].

□ 1500

Mr. LEVIN. Mr. Chairman, I just want to register my protest to the shell game that is going on here. One moment you see it, and one moment you do not. One moment something is going for deficit reduction, and then another moment it is going for tax cuts.

We need welfare reform. We greatly need it.

But I want everybody to know, for example, regarding SSI kids, where there is going to be a reduction of about $15 billion, that is not downsizing government. That is handicapping the families of handicapped children.

We need to get the inequities and the holes out of SSI, the abuses, but not by hurting families with handicapped children.

Therefore, I rise in opposition to this amendment.

Mr. ARCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Chairman, I rise in support of the provision to the en bloc technical amendment which would strike section 801, because, as the chairman of the Committee on the Budget suggested, it eliminates what, I think, is an unnecessary degree of confusion which surrounds this section.

As I listened to this, I think those that are watching this or listening to this debate, they are probably very unclear about what it is all about, and the answer is they are going to continue to be unclear, because this is kind of an esoteric debate. It may not be it is drafting errors, but the intent of what we have had all along in the budget resolution and in the welfare reform and in the tax cut has been clear. It is ridiculous, as one of the speakers suggested, to suggest this is, the bill, is for one purpose or another bill may be for another purpose.

Our purpose in this whole thing is to reduce taxes, to pay for those reductions in taxes, and to drive toward a balanced budget, and that is what we are doing with the change in this legislation.

Let me see if I can explain it a little bit. Under the existing budgetary rules, the savings for entitlement spending can be used for an increase in some other entitlement, or it can be used to pay for a tax cut, but not for anything else. Our intent with the original language in section 801 was to reserve the discretionary spending reductions to pay for the tax cuts, by precluding these savings from being used for any other purpose.

The language we used apparently, apparently created some confusion about how this would be accomplished. For this reason, we have asked that the language be stricken. When the restrictive language is taken out, the entitlement savings in this bill will go onto the pay-go scorecard just as they would with any other legislation which changes the level of entitlement spending.

Now these savings are then going to be combined with the savings from other entitlement program reductions, the savings from reducing the discretionary spending caps, and the loss of revenues from the tax cuts. If the revenue losses are not offset by the spending reductions, there is going to be a sequestration that is required by the Budget Act. Either way, the original language or the amendment, spending reductions will be used to offset tax cuts, and any spending cuts in excess of the tax cuts will be used for deficit reduction.

We should vote for this amendment.

Mr. GIBBONS. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, this technical amendment releases a tidal wave of spending.

Yogi Berra said it pretty well; he misstated it some years back when he said, "Deja vu all over again." Last week the Republicans removed the lockbox which would have had extra money go toward deficit reduction. This time it is page 393, section 801, that they removed that would have this money go to deficit reduction. Now it is going to go to tax cuts.

If you vote for this technical amendment, you could be saying that nickels and dimes from school lunch programs can be spent for tax cuts.

Do not read their lips. Read the bill. Do not vote for this technical amendment if you are concerned about deficit reduction.

Mr. GIBBONS. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I do not think a single person out of 100 would have understood what the chairman of the Committee on the Budget had said earlier. It was Beltway convoluted arguments and discussion and apology for what is going on here.

The simple fact of the matter is that the amendment that is being offered here by the majority would allow the savings from this bill, $50 billion taken from families, 5 million families with 9 million children, $50 billion taken over 5 years from these families who have incomes under $15,000 a year, and give it to 2,000,000 families who have incomes of over $200,000 a year. That is the simple fact of what this amendment allows to happen. That is a result that we should not allow.

It is a shell game and something that one of my colleagues suggested that the majority ought to be ashamed of.

Mr. GIBBONS. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. PAYNE].

Mr. PAYNE of Virginia. Mr. Chairman, let us be clear about what is happening here. This amendment clears the way to use any savings in welfare reform to pay for tax cuts, tax cuts that we simply cannot afford.

Several weeks ago on this floor, 300 Members of the House of Representatives voted in favor of the balanced budget amendment, and we did that because we know that nothing is more important for the fiscal health of this country than reducing the budget deficit. Now, with this amendment, we take $70 billion in spending cuts, ignore deficit reduction, and apply these savings to tax cuts which we simply cannot afford.

Mr. Chairman, this is a very bad amendment. I would urge my colleagues to vote against it and vote for the deal substitute that uses its savings for deficit reduction.

Mr. ARCHER. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana [Mr. MCCRERY].

Mr. MCCRERY. Mr. Chairman, I am a little tired of all of this about lockboxes and trust funds and setting money aside.

All of the people talking about that stuff know as well as I do that that is a fiction. The simple truth is if you pay out more than you bring in, you have got a deficit. That is what we have been doing in this country for too long.

Yes, some of us want to cut taxes. Every Republican in this body 2 years ago, many Democrats who still remain here now, 2 years ago voted against President Clinton's tax increase.

All we are trying to do this year is get back two-thirds of that tax increase. So if you were against taxes being raised 2 years ago, you ought to be trying to get some of that tax increase back this year.

But we are going to pay for it, plus we are going to reduce the deficit, and we are going to reduce taxes. If you are not for reducing taxes, fine, do not vote for the tax cuts, but do not try to obfuscate the issue with all this talk about lockboxes and trust funds.

Mr. GIBBONS. Mr. Chairman, to extend the time of debate on this amendment, I move to strike the last word. I ask unanimous consent to merge that additional time that I am currently controlling.

The CHAIRMAN. The gentleman has that right.

Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GIBBONS. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. STENHOLM], the champion budget-cutter, champion of the balanced budget.

(Mr. STENHOLM asked and was given permission to revise and extend his remarks.)

Mr. STENHOLM. Mr. Chairman, I rise admittedly rather confused in some instances regarding what is in 801(a) and what is not.

I still believe I am right. I will not argue the point with the chairman of the Committee on the Budget today. But once again I have to take strong exception to a statement the chairman of the Committee on the Budget just made a moment ago by saying that if we do everything in this contract we are, in fact, going to reduce taxes and reduce the deficit $60 billion, completely ignoring the fact that last Thursday night we voted to cut $55 billion which was double-counted on Friday.

Now, that, again, is something we should not be doing and saying on this floor. Just as the previous speaker has said, I want to reduce the deficit. This argument and why you should vote against this technical amendment, this is your clear expression of whether you want to take any spending cuts, as the Deal substitute does.

The only honest deficit-reduction package we will vote on today is the Deal substitute. If you are for reducing the deficit, you vote for Deal. If you want to keep playing these confusing games about definitions, then support this technical amendment.

Mr. GIBBONS. Mr. Chairman, I yield 2¼ minutes to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Chairman, I rise in strong opposition to this amendment.

This is not a technical amendment. Taking money from children to give tax breaks to the rich is not a technicality.

That is what this amendment does—it takes $65 billion from the disabled, the poor, and the children so that we can give $125 billion to our Nation's richest 1 percent. The American people do not want this. They do not want us betraying our children to pay for tax cuts for the rich.

But that is what we are doing today—we are betraying our children. Not just the children who will be cut off welfare—or do without a school lunch—to pay for the Republican tax cut. But all the children who will grow up to see an exploding deficit—a deficit that exploded because we stole our children's education and food to provide tax cuts for the rich.

The Republican proposal kicks 6 million children off welfare. It kicks a quarter million disabled children off. It cuts money for milk for 1.6 million infants.

And why must we kick so many kids off? To pay for the $320 billion tax cut for those with six figure incomes. To pay for the $125 billion dollar tax cut for the richest 1 percent of Americans.

The Republicans should be forthcoming about what they are doing. This so-called technical amendment states that they are taking $65 billion from children to give to the rich. Do not hide the facts in a technical amendment. Stand up for what you believe in.

I urge my colleagues to reject this so-called technical amendment. For those who do support this amendment, I have a request. Come clean. Lay your cards on the table—face up. You support taking $65 billion from children so that you can give it to the rich.

Mr. GIBBONS. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Chairman, I want to thank my friend, the gentleman from Florida, for yielding me this time.

Mr. Chairman, one of the reasons why the Democrats opposed the motion that allowed the committees to sit during this debate is we wanted people on the floor to hear the debate.

Under the guise of a technical amendment, we have an amendment being brought to the floor that will be voted on that dramatically changes how the bill's savings can be used. The bill's savings should be used for deficit reduction. That is our highest priority. But this amendment will allow the moneys to be used for a tax cut.

Now, why is that so significant? If you look at H.R. 4, the original bill that was with the Contract With America, that bill provided additional resources for job-training programs, did not produce anywhere near the savings that are in this bill, and that is what was produced by the Republicans.

But now we have a different bill, a bill that brings out a lot of so-called savings, but not in order to reduce the deficit but in order to finance the tax cut.

Well, my colleagues, we are going to have a chance in this debate to vote for a bill that will reduce the deficit. The substitute that will be offered by the gentleman from Georgia [Mr. DEAL] not only will get people off of welfare and get them to work, unlike the Republican bill, by having tough requirements on the individuals to work and on the States to provide job opportunities, but with the Deal bill you will also have a chance, the only chance, to reduce the deficit.

So, I urge my colleagues to listen to the debate. This is a critical amendment. If this amendment passes, the only hope that we have in reducing the deficit on the welfare bill will be the bill offered by the gentleman from

Georgia [Mr. DEAL] that I hope my colleagues will support.

Mr. GIBBONS. Mr. Chairman, I yield 1 minute to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Chairman, I find it passing strange that those of us who voted against the balanced budget amendment in part because we did not believe it was a genuine commitment to deficit reduction are finding ourselves and our position redeemed today with this amendment.

The gentleman from Texas [Mr. STENHOLM] is exactly correct. The gentleman from Oklahoma [Mr. BREWSTER] was correct when he put through his amendment before, and I understand the difficulty of the gentleman from Ohio [Mr. KASICH], because I believe him to be an honest person.

□ 1515

But he is trying to deal with a situation in which he has to do two opposite things: provide money for a tax cut, and reduce the deficit. And he cannot do it.

Now he is doing a ballet with the books in order to try to do it. I understand why he is doing it. But the fact still remains that if you vote for this, you are voting against deficit reduction. And that is coming from somebody who voted against the balanced budget because I knew it was a phony, and that is being proved today. If you are for a balanced budget, vote against this amendment.

Mr. GIBBONS. Mr. Chairman, I yield such time as he may consume to the gentleman from Utah [Mr. ORTON].

Mr. ORTON. I thank the gentleman for yielding, and I rise in opposition to the amendment.

Mr. GIBBONS. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. FORD], the ranking minority member of the Subcommittee on Human Resources of the Committee on Ways and Means.

Mr. FORD. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in opposition to the Archer amendment, the so-called technical correction amendment, that is. And I say to the chairman of the Committee on the Budget, who is a very distinguished Member of this body, it is very clear to all of us now that if we pass this technical, so-called technical correction amendment, what basically we will be doing is taking from the mouths of the children of this country and not really bringing about a real deficit reduction package in this Congress, with all of the programs that we are reducing.

I do not think that we are really talking about real welfare reform, sending people to work, in the way that this Personal Responsibility Act—it really abuses kids and is cruel to kids in this country. We are taking those funds and saying to the wealthiest people of this Nation, We will give you a tax break on the backs of the poor children of this country.

I think this so-called technical correction amendment should be voted down.

Now, the Archer amendment, the gentleman himself knows this is a bad amendment. It is not deficit reduction at all.

Mr. GIBBONS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this is not a technical amendment. This is a real wolf in sheep's clothing. This takes $70 billion from children for food or for clothing or for housing and for their well-being, and gives it to the very well-off in this country. This is not a technical amendment. It should be beat. It is a sneak attack on the promise that we made the other day here on this House floor and confirmed by the Members voting on it that the money saved by this terrible program would go to deficit reduction, not to reduction of taxes for very wealthy people.

Mr. ARCHER. Mr. Chairman, under the rule, I move to strike the requisite number of words, and I yield the balance of my time to close debate to the gentleman from Ohio [Mr. KASICH], chairman of the Committee on the Budget.

The CHAIRMAN. The gentleman from Ohio [Mr. KASICH] is recognized for 7 minutes.

Mr. KASICH. So many of my friends are trying my patience a little bit today, but let me just say that I remain in good cheer because they have difficulty understanding what they are talking about today.

The gentleman from Indiana talked about section 252(d) of the Budget Act. He ought to read section 252(d) of the Budget Act before he makes a speech about it.

Let me tell you what we are doing today. We are saying that the savings that we get on the discretionary savings, the savings we get for lowering the discretionary cap can be combined with entitlement savings to pay for the tax cut. That is what we are doing today, plain and simple.

The Committee on Ways and Means—there must have been a little bit of amnesia—the Committee on Ways and Means had a vote on whether this should all be dedicated deficit reduction. It was rejected.

Now, what did you do, forget that? What we did is we created in the Budget Committee a separate pay-go system. Do you know why we did it? Because the 1990 Budget Act prohibited us from being able to downsize Government and give people some of this money back. This corrects it. This says that we will take discretionary spending, when we cut foreign aid, which you folks refused to do, when we cut duplication, which you refused to do, when we take the real savings from the President's budget—and there are none of those. The President's budget, when scored under the 1995 spending level, increases the deficit by $30 billion. Did you hear that? The President's budget, when scored under the 1995 spending level, does not cut the deficit $5 billion or $10 billion or $20 billion. It increases the deficit by $30 billion.

What does our bill do? Our bill takes entitlement savings, this bill included, and we downsize Government, something that you have not wanted to do all these years. And I refer you back to 1993, when you were quick to raise taxes in this body. You were quick to go into peoples' pockets to spend more.

You got $200 billion deficits as far as the eye can see, and you are proud of the President's plan? The bottom line is this: As we cut spending in discretionary accounts, as we cut back foreign aid, as we cut duplication, we are going to take those savings and we are going to add those to the entitlement savings, and we are going to give the American people 3 times as much tax relief and $60 billion more in deficit reduction. Then in May, we are going to come back, in May, and you know what we are going to do in May? We are going to bring out a budget here on the floor. Do you know what that budget is going to do? That budget is not only going to guarantee that we pay for our tax reductions but it is also at the same time going to put us on the glide path to a balanced budget by the year 2002.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. KASICH. I yield to the gentleman from Arizona.

Mr. KOLBE. I thank the gentleman for yielding.

Mr. Chairman, I listened to the gentleman, the chairman of the Committee on the Budget's explanation here, and I am reminded, to paraphrase Gertrude Stein, "A rose is a rose is a rose." Well, a dollar is a dollar is a dollar. A dollar saved is what I think I hear the gentleman saying, a dollar saved, whether it comes from discretionary spending or entitlement savings, a dollar saved is a dollar saved. A dollar spent is a dollar spent, whether it goes to tax increases or increase entitlements or increased discretionary spending, it is a dollar spent.

What we are going to do is take the savings from the budget savings in the Budget Committee and the entitlement savings we are going to have here, and we are going to pay for the tax cut and we are going to have real, real deficit reduction.

Mr. KASICH. The gentleman is exactly correct.

What is under the current pay-go rules—and I would commend all of the Members to get out the pay-go rules and read them. Under the pay-go rules, if you cut discretionary spending, you cannot apply that to your entitlement savings in order to pay for tax relief.

Now, I think the American people deserve some tax relief, some of which gets paid for by cutting the excesses of Government. That is precisely what we do in this bill. And what we say is we change the rules. We say you can take discretionary savings and you can combine it with entitlements, you can have tax relief. But the beauty of what we have done in our plan is not only to pay for tax relief that amounts to three times as much as the President's but also makes a down payment on the deficit so that we have $60 billion more in deficit reduction. In May, we will come back again and we will complete the job. We will have more entitlement savings, we will have more discretionary savings. You know what happens at the end of the day? At the end of the day, by having real cuts in spending, real savings in entitlements, we are going to be able to not only have our tax relief but at the same time be able to have a balanced budget.

Mr. HEFNER. Mr. Chairman, would the gentleman yield?

Mr. KASICH. I would be glad to yield to the gentleman from North Carolina.

Mr. HEFNER. I thank the gentleman for yielding.

Mr. Chairman, just one question to the gentleman from Ohio: "John, we voted here on this House floor on the rescission package in good order, Democrats and Republicans overwhelmingly, that the money would be used for deficit reduction." The same day, the gentleman stated that this was a joke, that it was not going to take place. Is that not right.

Mr. KASICH. Let me suggest to the gentleman that, first of all, I did not use that word. Let me suggest to the gentleman this: When the gentleman goes uptown in North Carolina on a Saturday morning and he knows he is going to spend $5 to get a haircut—and I do not know what the gentleman pays for his, I do not know what the gentleman pays for his haircut—but $5 for a haircut and $5 for lunch, when he leaves his house, I do not think he puts $5 in one pocket and $5 in another pocket and thinks, "Gee, it is working out now." At the end of the day you have spent $10. That is the same $10.

My comment was simply this: At the end of the day, come May, when we have our budget resolution, those savings combined with what we did in the Budget Committee and entitlement savings pays for the package.

Mr. HEFNER. Is the gentleman saying to me that the people of this House did not understand what they were doing the other day when they voted for that reduction? I do not think it is pay-go; I think it is Pogo.

Mr. KASICH. I say to the gentleman, the amendment, the rescission bill effects 1 year. Of course, the savings under the rescissions bill total $9 billion. Guess what, we took that off the table.

Let me tell you one other thing: What we did in the Budget Committee was to lower the budget cap——

The CHAIRMAN. All time has expired.

Mr. TAYLOR of Mississippi. Mr. Chairman, I ask unanimous consent that the gentleman be granted 3 additional minutes so I may ask him a question.

The CHAIRMAN. We are not operating under the 5-minute rule. The time is controlled by the managers of the bill.

The question is on the amendment offered by the gentleman from Texas [Mr. ARCHER].

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. ARCHER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Texas [Mr. ARCHER] will be postponed.

Mr. GIBBONS. Mr. Chairman, a point of order. I did not understand that last maneuver.

Mr. KOLBE. I think we skipped a step.

PARLIAMENTARY INQUIRIES

Mr. GIBBONS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GIBBONS. Mr. Chairman, I did not understand that last maneuver. I thought we were getting ready to have a recorded vote.

The CHAIRMAN. The rule provides that the Chair may postpone requests for record votes until they are taken, several together, at a certain period of time. The Chair intends to do that by title.

What the Chair said was, pursuant to the rule, further proceedings on the amendment offered by the gentleman from Texas [Mr. ARCHER] will be postponed. The Committee can order a recorded vote at the appropriate time.

Mr. GIBBONS. Could the Chairman give us a little scenario as to when we may have that recorded vote?

The CHAIRMAN. The committee will probably try to handle all of the amendments in title I at one time.

Mr. GIBBONS. All of title I at one time?

The CHAIRMAN. The gentleman is correct.

Mr. HEFNER. Mr. Chairman, could the gentleman give me any indication, will this be a 15-minute vote or a 5-minute vote?

The CHAIRMAN. Under the rule, all original postponed votes are 15-minute votes and all subsequent votes, if there is no intervening business occurring, will be 5-minute votes.

AMENDMENTS EN BLOC OFFERED BY MR. ARCHER

Mr. ARCHER. Mr. Chairman, pursuant to the rule, I offer amendments en bloc.

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. ARCHER, printed as Nos. 2, 4, 6, 10, 12, 14, 16, 23, 27, 28 and 29:

Amendment No. 2, offered by Mr. TALENT: Page 6, after line 3, insert the following:

SEC. 100. SENSE OF THE CONGRESS.

It is the sense of the Congress that—

(1) marriage is the foundation of a successful society;

(2) marriage is an essential social institution which promotes the interests of children and society at large;

(3) the negative consequences of an out-of-wedlock birth on the child, the mother, and society are well documented as follows:

(A) the illegitimacy rate among black Americans was 26 percent in 1965, but today the rate is 68 percent and climbing;

(B) the illegitimacy rate among white Americans has risen tenfold, from 2.29 percent in 1960 to 22 percent today;

(C) the total of all out-of-wedlock births between 1970 and 1991 has risen from 10 percent to 30 percent and if the current trend continues, 50 percent of all births by the year 2015 will be out-of-wedlock;

(D) ¾ of illegitimate births among whites are to women with a high school education or less;

(E) the 1-parent family is 6 times more likely to be poor than the 2-parent family;

(F) children born into families receiving welfare assistance are 3 times more likely than children not born into families receiving welfare to be on welfare when they reach adulthood;

(G) teenage single parent mothering is the single biggest contributor to low birth weight babies;

(D) children born out-of-wedlock are more likely to experience low verbal cognitive attainment, child abuse, and neglect;

(I) young people from single parent or stepparent families are 2 to 3 times more likely to have emotional or behavioral problems than those from intact families;

(J) young white women who were raised in a single parent family are more than twice as likely to have children out-of-wedlock and to become parents as teenagers, and almost twice as likely to have their marriages end in divorce, as are children from 2-parent families;

(K) the younger the single parent mother, the less likely she is to finish high school;

(L) young women who have children before finishing high school are more likely to receive welfare assistance for a longer period of time;

(M) between 1985 and 1990, the public cost of births to teenage mothers under the aid to families with dependent children program, the food stamp program, and the medicaid program has been estimated at $120,000,000,000;

(N) the absence of a father in the life of a child has a negative effect on school performance and peer adjustment;

(O) the likelihood that a young black man will engage in criminal activities doubles if he is raised without a father and triples if he lives in a neighborhood with a high concentration of single parent families; and

(P) the greater the incidence of single parent families in a neighborhood, the higher the incidence of violent crime and burglary; and

(4) in light of this demonstration of the crisis in our Nation, the reduction of out-of-

wedlock births is an important government interest and the policy contained in provisions of this title address the crisis.

Amend the table of contents accordingly.

Amendment No. 4, offered by Mr. HYDE:

Page 8, line 15, strike "births", and insert "pregnancies."

Page 8, strike lines 22–25.

Page 14, line 18, strike "costs." and insert "costs. Not withstanding any other provisions of this act, a state to which a grant is made under section 403 may not use any part of the grant to provide medical services."

Amendment No. 6, offered by Mr. TALENT:

Page 22, strike the table that begins after line 2 and insert the following:

"If the fiscal year is:	The minimum participation rate is:
1996	10
1997	15
1998	20
1999	25
2000	27
2001	29
2002	40
2003 or thereafter	50.

Amendment No. 10, offered by Mr. SMITH of Texas:

Page 65, line 2, insert after the period: The Secretary may not require a state to alter its child protection law regarding determination of the adequacy, type and timing of health care (whether medical, non-medical or spiritual).

Amendment No. 12, offered by Mr. BURTON of Indiana:

Page 85, after line 15, insert the following:

SEC. 205. SENSE OF THE CONGRESS REGARDING TIMELY ADOPTION OF CHILDREN.

It is the sense of the Congress that—

(1) too many children who wish to be adopted are spending inordinate amounts of time in foster care;

(2) there is an urgent need for States to increase the number of waiting children being adopted in a timely and lawful manner;

(3) States should allocate sufficient funds under this title for adoption assistance and medical assistance to encourage more families to adopt children who otherwise would languish in the foster care system for a period that many experts consider detrimental to their development;

(4) when it is necessary for a State to remove a child from the home of the child's biological parents, the State should strive—

(A) to provide the child with a single foster care placement and a single coordinated case team; and

(B) to conclude an adoption of the child, when adoption is the goal of the child and the State, within one year of the child's placement in foster care; and

(5) States should participate in local, regional, or national programs to enable maximum visibility of waiting children to potential parents.

Amendment No. 14. Offered by Mr. CUNNINGHAM:

Page 114, strike line 4, and insert the following:

"(b) ADDITIONAL REQUIREMENTS WITH RESPECT TO ASSISTANCE FOR PREGNANT, POSTPARTUM, AND BREASTFEEDING WOMEN, INFANTS, AND CHILDREN.—

"(1) MINIMUM AMOUNT OF ASSISTANCE.—The State shall

Page 114, after line 11, insert the following (and make appropriate conforming amendments):

"(2) ASSISTANCE FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.—The State shall ensure that assistance described in subsection (a)(1) is provided to members of the Armed Forces and dependents of such members (regardless of the State of residence of such members or dependents) who meet the requirements of such subsection on an equitable basis with assistance provided to all other individuals under such subsection in such State.

"(c) ADDITIONAL REQUIREMENT WITH RESPECT TO CHILD CARE ASSISTANCE ON MILITARY INSTALLATIONS.—

"(1) IN GENERAL.—To the extent consistent with the number of children who are receiving assistance under child care programs established and carried out on military installations in such State by the Department of Defense, the State, after timely and appropriate consultation with representatives of such programs, shall provide assistance to such programs for such children (regardless of the State of residence of such children) in accordance with subsection (a)(3) on an equitable basis with assistance provided in accordance with such subsection to all other child care programs carried out in such State.

"(2) LIMITATION.—In providing assistance to a child care program established and carried out on a military installation under paragraph (1), a State shall not require that such program be licensed under State law if such program is licensed by the Department of Defense.

Amendment No. 16, offered by Mr. GUNDERSON:

Page 116, beginning on line 19, strike "the Secretary determines to be appropriate" and insert "which can be reasonably required by the Secretary".

Page 135, beginning on line 4, strike "the Secretary determines to be appropriate" and insert "which can be reasonably required by the Secretary".

Amendment No. 23, offered by Mr. ROBERTS:

Page 232, strike lines 23 and 24 and insert the following:

"Section 15 of the Food Stamp Act of 1977 (7 U.S.C. 2024) is amended by adding at the end the following new subsection:".

Page 232, line 25, strike "(g)(1)" and insert "(h)(1)".

Amendment No. 27, offered by Mr. ZIMMER:

Page 37, line 11, strike "CONVICTED OF" and insert "FOUND TO HAVE"

Page 37, line 12, strike "REPRESENTING" and insert "REPRESENTED".

Page 37, line 12, strike "TO A WELFARE PROGRAM" and insert "IN ORDER TO OBTAIN BENEFITS IN 2 OR MORE STATES" after "RESIDENCE".

Page 37, line 13, 14 and 15, strike "A State to which a grant is made under section 403 may not use any part of the grant to provide assistance to an individual" and insert "An individual shall not be considered an eligible individual for the purposes of this title" before "during" on line 15.

Page 37, line 16, insert "found by a State to have made, or is" after "is".

Page 37, line 17, strike "of making" and insert "of having made,".

Page 37, line 20, strike "under 2 or more" and insert "simultaneously from 2 or more States under".

Page 37, line 21, insert ", title XIX, or the Food Stamp Act of 1977, or benefits in 2 or more States under the supplemental security income program under title XIV" before the period.

Page 266, after line 15, insert the following:

SEC. 606. DENIAL OF SSI BENEFITS FOR 10 YEARS TO INDIVIDUALS FOUND TO HAVE FRAUDULENTLY MISREPRESENTED RESIDENCE IN ORDER TO OBTAIN BENEFITS SIMULTANEOUSLY IN 2 OR MORE STATES.

Sec. 1614(a) of the Social Security Act (42 U.S.C. 1382c(a)) is amended by adding at the end the following:

"(5) An individual shall not be considered an eligible individual for purposes of this title during the 10-year period beginning on the date the individual is found by a State to have made, or is convicted in Federal or State court of having made, a fraudulent statement or representation with respect to the place of residence of the individual in order to receive benefits simultaneously from 2 or more States under programs that are funded under part A of title IV, title XIX, or the Food Stamp Act of 1977, or benefits in 2 or more States under the supplemental security income program under title XVI."

At the end of subtitle B of title V, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 581. DENIAL OF FOOD STAMP BENEFITS FOR 10 YEARS TO INDIVIDUALS FOUND TO HAVE FRAUDULENTLY MISREPRESENTED RESIDENCE IN ORDER TO OBTAIN BENEFITS SIMULTANEOUSLY IN 2 OR MORE STATES.

Section 6 of the Food Stamp Act of 1977 (7 U.S.C. 2015) is amended by adding at the end the following:

"(I) An individual shall be ineligible to participate in the food stamp program as a member of any household during the 10-year period beginning on the date the individual is found by a State to have made, or is convicted in Federal or State court of having made, a fraudulent statement or representation with respect to the place of residence of the individual in order to receive benefits simultaneously from 2 or more States under the food stamp program or under programs that are funded under part A of title IV, title XIX, or benefits in 2 or more States under the supplemental security income program under title XVI."

Amendment No. 28, offered by Mr. SHAW:

Page 282, line 13, after the period insert the following: "The Secretary must agree that the system will not cost more nor take more time to establish than a centralized system. In addition, employers shall be given 1 location to which income withholding is sent.".

Page 322, strike line 23 and all that follows through line 23 on page 323.

Page 323, line 24, strike "(c)" and insert "(b)".

Amendment offered by Ms. DUNN of Washington:

Page 307, line 4, strike "and".

Page 307, line 8, strike "matter.'." and insert "matter; and".

Page 307, after line 8, insert the following:

"(C) any individual who has died be placed in the records relating to the death and be recorded on the death certificate.".

MODIFICATIONS TO AMENDMENTS EN BLOC OFFERED BY MR. ARCHER

The CHAIRMAN. The Clerk will report the modifications to the amendments en bloc.

The Clerk read as follows:

Modifications to the amendments en bloc offered by Mr. ARCHER:

Amendment No. 4, as modified, offered by Mr. HYDE: (1) Page 8, line 15, strike "births", and insert "pregnancies."

(2) Page 8, lines 24 and 25, strike "and health services".

(3) Page 14, line 18, strike "costs," and insert "costs. Not withstanding any other provision of this act, a state to which a grant is made under section 403 may not use any part of the grant to provide medical services."

Amendment No. 12, as modified, offered by Mr. BURTON of Indiana: Page 85, after line 15, insert the following:

SEC. 205. SENSE OF THE CONGRESS REGARDING TIMELY ADOPTION OF CHILDREN.

It is the sense of the Congress that—

(1) too many children who wish to be adopted are spending inordinate amounts of time in foster care;

(2) there is an urgent need for States to increase the number of waiting children being adopted in a timely and lawful manner.

(3) Studies have shown that States spend an excess of $15,000 each year on each special needs child in foster care, and would save significant amounts of money if they offered incentives to families to adopt special needs children;

(4) States should allocate sufficient funds under this title for adoption assistance and medical assistance to encourage more families to adopt children who otherwise would languish in the foster care system for a period that many experts consider detrimental to their development;

(5) State should offer incentives for families that adopt special needs children to make adoption more affordable for middle-class families;

(6) when it is necessary for a State to remove a child from the home of the child's biological parents, the State should strive—

(A) to provide the child with a single foster care placement and a single coordinated case team; and

(B) to conclude an adoption of the child, when adoption is the goal of the child and the State, within one year of the child's placement in foster care; and

(7) States should participate in local, regional, or national programs to enable maximum visibility of waiting children to potential parents. Such programs should include a nationwide, interactive computer network to disseminate information on children eligible for adoption to help match them with families around the country.

□ 1530

Mr. ARCHER (during the reading). Mr. Chairman, I ask unanimous consent that the amendments, as modified, be considered as read and printed in the RECORD.

Mr. CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. Pursuant to the rule, the gentleman from Texas [Mr. ARCHER] will be recognized for 10 minutes, and the gentleman from Florida [Mr. GIBBONS] will be recognized for 10 minutes.

PARLIAMENTARY INQUIRIES

Mr. MILLER of California. Mr. Chairman, if I might make a parliamentary inquiry of the Chair?

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. MILLER of California. Could the Chair inform us?

As I understand it, there are some 10 amendments that are going to be offered en bloc.

Mr. ARCHER. That is correct, Mr. Chairman.

Mr. MILLER of California. Mr. Chairman, is the debate time going to be expanded since it is now covering—is there just going to be 10 minutes a side? Could we do 20 minutes a side?

I mean these amendments——

The CHAIRMAN. The debate time under the rule is 10 minutes on each side, and each manager has the right to ask unanimous consent——

Mr. MILLER of California. So we have 10 amendments?

The CHAIRMAN. Actually 11 amendments.

Mr. MILLER of California. Eleven amendments. A further parliamentary inquiry:

As I understood the rule, originally those amendments could have been brought up for 20 minutes of debate on each amendment.

The CHAIRMAN. That is correct.

Mr. MILLER of California. And now those 11 amendments have been collapsed into one en bloc amendment, and the debate time is only going to be 10 minutes a side?

The CHAIRMAN. Under the same rule.

Mr. FORD. Mr. Chairman, can we ask unanimous consent that we have 1 hour, to be divided equally on both sides of the aisle, to debate the 11 amendments? I ask unanimous consent.

The CHAIRMAN. Such a request could be entertained under the rule and precedents. The Chair will entertain that request.

The gentleman from Tennessee [Mr. FORD] asks unanimous consent that the debate time for the 11 en bloc amendments be 30 minutes for each side.

Is there objection to the request of the gentleman from Tennessee?

Mr. ARCHER. Reserving the right to object, Mr. Chairman, this runs contrary to the rule as passed by the House, and we are trying to expedite this debate. These amendments are all relatively noncontroversial. The request has been made by each Member that they be included en bloc, and I must object.

The CHAIRMAN. The gentleman from Texas has that right.

The unanimous consent request of the gentleman from Tennessee [Mr. FORD] is objected to.

Objection is heard.

Mr. RANGEL. Mr. Chairman, I ask unanimous consent to address the chairman of the Committee on Ways and Means.

The CHAIRMAN. The time is controlled on both sides by the managers of the bill, and one of them must give the gentleman time to do that.

Mr. GIBBONS. Mr. Chairman, I ask unanimous consent that this debate be equally divided and we have an hour and a half on these 10 amendments. I do not even know what the amendments are. This comes as such a bolt out of the blue. It is a gag, and I ask unanimous consent that we have an our and a half.

The CHAIRMAN. The Chair is not going to recognize that unanimous consent request. The original unanimous consent request for 1 hour has already been objected to, and it strikes the Chair they will continue to be objected to.

Mr. GIBBONS. Can I ask for less than an hour, Mr. Chairman?

The CHAIRMAN. The gentleman may propound a request.

Mr. GIBBONS. I am sorry?

The CHAIRMAN. The gentleman may propound a request.

Mr. GIBBONS. Mr. Chairman, I ask unanimous consent for 59 minutes, to be equally divided——

Mr. EMERSON. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. GIBBONS. Mr. Chairman, I ask unanimous consent for 58 minutes.

Mr. EMERSON. Mr. Chairman, I object.

Mr. GIBBONS. Mr. Chairman, I ask for 57 minutes.

Mr. EMERSON. Mr. Chairman, I object.

Mr. GIBBONS. Mr. Chairman, I ask for 56 minutes.

Mr. EMERSON. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Florida [Mr. GIBBONS] has made his point, that he disapproves of the time frame. The gentleman from Missouri has appropriately objected.

Objection is heard.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FRANK of Massachusetts. Mr. Chairman, the gentleman from Texas said we had time constraints. Could someone tell me what the legislative calendar is for next week, because my understanding is that we have a very light schedule for next week and that, in fact, we could have this bill go over, and we have plenty of empty days for next week.

The CHAIRMAN. The Chair will respond to the gentleman from Massachusetts [Mr. FRANK] that that is not an appropriate parliamentary inquiry, and at its appropriate time the majority leader will be discussing the schedule for next week.

The Chair recognizes the gentleman from Texas.

Mr. GIBBONS. Mr. Chairman, I ask for 57 minutes and 49 seconds.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. GIBBONS. Mr. Chairman, I ask for 57 minutes and 49 seconds of time to be equally divided.

The CHAIRMAN. The gentleman from Florida [Mr. GIBBONS] has not been recognized.

The Chair recognizes the gentleman from Texas [Mr. ARCHER].

Mr. ARCHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as I mentioned, these amendments were asked to be included en bloc by the colleagues involved. The following items are included as numbered in the report of the Committee on Rules:

Amendment No. 2 offered by the gentleman from Missouri [Mr. TALENT] to express a sense of Congress regarding marriage and the negative consequences of out-of-wedlock births; amendment No. 6 offered by the gentleman from Missouri [Mr. TALENT] to increase mandatory work participation rates; amendment No. 4, as modified, offered by the gentleman from Illinois [Mr. HYDE] to clarify that States cannot use Federal dollars to pay for certain types of medical services to reduce the incidents of out-of-wedlock births; amendment No. 10 offered by the gentleman from Texas [Mr. SMITH] to give States flexibility in defining child abuse and neglect as it applies to health care; amendment No. 12, as modified, offered by the gentleman from Indiana [Mr. BURTON] to express a sense of Congress that States should promote adoption; amendment No. 14 offered by the gentleman from California [Mr. CUNNINGHAM] to require nutrition block grants to be equitably distributed to members of the Armed Forces; amendment No. 16 offered by the gentleman from Wisconsin [Mr. GUNDERSON] to limit the Secretary of Agriculture's authority to request certain information; amendment No. 23 offered by the gentleman from Kansas [Mr. ROBERTS] to add criminal forfeiture penalties for violators of the Food Stamp Act; amendment No. 27 offered by the gentleman from New Jersey [Mr. ZIMMER] to clarify the penalties that apply in certain cases of welfare fraud; amendment No. 28 offered by the gentleman from Florida [Mr. SHAW] to broaden the Secretary's waiver powers and to restrict the provisions under which States can establish county disbursement units in the child support program, and amendment No. 29 offered by the gentlewoman from Washington [Ms. DUNN] to require the Social Security number of the deceased to appear on death certificates.

Mr. Chairman, I yield 1 minute to the gentlewoman from Washington [Ms. DUNN].

Ms. DUNN of Washington. Mr. Chairman, when I hear the phrase "cruelty to children" I think of the cruelty that has been perpetuated within the current welfare system in the form of the $34 billion owed to children whose deadbeat parents could keep them off welfare but are not willing to pay up. The Republican welfare bill under debate requires that States list the Social Security numbers of applicants for a number of licenses in order to find these deadbeat parents. My amendment simply adds a provision requiring the Social Security number of the deceased, that it be added to the above list. As my colleagues know, Social Security numbers will be used in tracking down deadbeat parents.

Mr. Chairman, after the conclusion of our committee hearings, a case was brought to my attention where a woman had received $25,000 in delinquent funds from the estate of her deceased former husband who had gone into hiding years earlier, and only through luck did she learn of his estate. This amendment would take the luck out of it, Mr. Chairman. I urge the support of my colleagues.

Mr. GIBBONS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is the most outrageous procedure that I have ever seen in 32 years here in the House of Representatives. There were 31 amendments made in order by the rule, each amendment to have 20 minutes of debate. The chairman of the Committee on Ways and Means collapsed all that 20 minutes of time on each amendment down to one 20 minutes of time. We cannot even find out what amendments are in this en bloc amendment.

This is outrageous, Mr. Chairman.

Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, as my colleagues know, this is not just a question of rules and regulations in the Congress. Behind these amendments that have been offered en bloc, that are senses of the Congress, are very evil, mean-spirited cuts that are hidden by these sense-of-the-Congress resolutions that are going to be combined in this en bloc amendment. Specifically the gentleman from California [Mr. MATSUI] and I offered an amendment before the Committee on Rules to try and restore $2.7 billion worth of cuts in the foster care and adoptive services programs of this country, $2.7 billion to help 450,000 kids in this country.

Mr. MCDERMOTT. Mr. Chairman, I move that the House do now adjourn.

The CHAIRMAN. That motion is not in order. The gentleman from Massachusetts [Mr. KENNEDY] has the floor.

Mr. MCDERMOTT. A motion to adjourn, Mr. Chairman, is always in order. It is always a privileged motion.

The CHAIRMAN. Not in the Committee of the Whole.

The gentleman from Massachusetts [Mr. KENNEDY] may continue.

Mr. LAFALCE. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield 5 seconds to the gentleman from New York.

Mr. LAFALCE. Mr. Chairman, since the gentleman from Massachusetts yielded 5 seconds to me, I move that the Committee do now rise.

The CHAIRMAN. The gentleman from Massachusetts [Mr. KENNEDY] is under recognition.

Mr. LAFALCE. He yielded to me, Mr. Chairman, and I have now moved to rise.

The CHAIRMAN. The gentleman from Massachusetts [Mr. KENNEDY] must yield for that purpose.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Massachusetts [Mr. KENNEDY] that the Committee do now rise.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GIBBONS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 188, noes 242, not voting 4, as follows:

[Roll No. 256]

AYES—188

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
Deal
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Laughlin
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Towns
Tucker
Velazquez
Vento
Visclosky

Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—242

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
DeFazio
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Payne (VA)
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—4

Browder
Edwards
Meek
Minge

☐ 1600

Mr. JEFFERSON changed his vote from "no" to "aye."

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

Mr. GIBBONS. You all sit down and shut up. Sit down and shut up.

The CHAIRMAN. The Committee will be in order.

Mr. GIBBONS. That is what I am asking for, regular order. Sit down and shut up.

The CHAIRMAN. The gentleman from Florida is entirely out of order. The gentleman will suspend.

The Committee will be in order.

Mr. GIBBONS. Mr. Chairman, I have time, and I want to use the time.

The CHAIRMAN. Will those Members in the aisles please repair to the cloakroom.

Mr. GIBBONS. Mr. Chairman, I have time, and I want to use the time.

The CHAIRMAN. Will the gentleman from Florida please suspend until the Chair obtains order in the Chamber.

PARLIAMENTARY INQUIRY

Mr. McCRERY. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McCRERY. Mr. Chairman, is petulance a proper form of behavior for a Member of Congress?

The CHAIRMAN. That is not a parliamentary inquiry.

Mr. GIBBONS. I will be as petulant as I want to be. The American people ought to know what is going on.

The CHAIRMAN. All Members will be in order.

The Chair recognizes the gentleman from Texas [Mr. ARCHER].

Mr. ARCHER. Mr. Chairman, inasmuch as I am not comfortable with the amount of time that was given in advance to the minority about this en bloc amendment, I ask unanimous consent that the time for debate on this amendment be extended an additional 30 minutes, 15 minutes on each side; coupled with the 10 minutes on each side and the motion to strike for an extra 5 that will give 30 minutes to each side. I ask unanimous consent for that.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. GIBBONS. Reserving the right to object, Mr. Chairman, I am the second ranking Member of this House. I have been here longer than any other person except one Member.

This procedure that is being used on this outrageous piece of legislation is the most unusual, outrageous maneuver I have ever seen.

Mr. Chairman, reserving the right to object, had these amendments not been handled like they are being handled by the chairman of the Committee on Ways and Means, the House of Representatives would have 3½ hours of debate on these amendments, 3½ hours.

The gentleman from Texas [Mr. ARCHER] collapsed our 3½ hours down to 10 minutes on each side for a whole group of amendments that I have yet to figure out what is in them.

There are 31 amendments before the House. I do not know nor do I think any Member on this side of the aisle knows what is in the en bloc amendments, as the gentleman from Texas [Mr. ARCHER] has put them forward.

Now, I have said that this is a mean bill. It is mean to children.

Boo if you want to. Boo if you want to. Make asses out of yourselves for the American people. Let them boo, Mr. Chairman.

Mr. Chairman, reserving the right to object, this is a cruel, mean bill to children. It takes $70 billion, reserving the right to object, it takes $70 billion from children.

The CHAIRMAN. Regular order has been ordered for every Member of the Chamber.

Let the Chair just say that the gentleman from Florida, under his reservation with respect to the unanimous consent request, is going rather far afield in discussing the bill, but the Chair is going to be as lenient as he can be and let him discuss his reservation.

Mr. LIVINGSTON. I demand regular order.

Mr. GIBBONS. I have the floor, Mr. Chairman.

The CHAIRMAN. Once regular order has been demanded, the gentleman may not continue to reserve.

Is there objection to the request of the gentleman from Texas?

Mr. GIBBONS. Reserving the right to object, Mr. Chairman——

The CHAIRMAN. The gentleman may not reserve the right to object. He lost the right to object when regular order was demanded.

Mr. GIBBONS. I think I have established the point, Mr. Chairman, that we are proceeding on a cruel bill in an unusual manner.

Mr. Chairman, I withdrawn my reservation of objection because I do not want to be an obstructionist.

The CHAIRMAN. Without objection, the unanimous-consent request is granted.

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. ARCHER].

Mr. ARCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I am not sure this is the greatest time to talk about anything, but I have an amendment that is designed solely to ensure that the funds in this block grant program do not get spent for abortions. That is simply what it does.

Mr. GREENWOOD. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Pennsylvania.

Mr. GREENWOOD. Mr. Chairman, I thank the gentleman for yielding so we may engage in a brief colloquy.

An essential purpose of this bill is to reduce out-of-wedlock, unintended, and teenage pregnancies. Clearly the strategy to help us reach this goal is to ensure that poor families have access to family planning services. The gentleman's amendment states that "notwithstanding any other provision of this Act, a State to which a grant is made under section 403 may not use any part of the grant to provide 'medical services.'"

I was concerned that the gentleman's amendment might be interpreted to mean that grant funds could not be used to provide family planning services. But the gentleman has assured me in conversations both yesterday afternoon and early this morning that it is not his intent to prohibit the States from using the block grant funds for family planning services.

I hope the gentleman could assure me for the RECORD here, assure the House for the RECORD, as he did in our personal conversations, that his amendment will still permit States to use temporary assistant block grant funds for prepregnancy-related services.

Mr. HYDE. The gentleman is exactly correct. My amendment is to prevent any funds under this legislation to pay for abortions, whether surgical, drug-induced, or otherwise. But in no way is it intended to interfere with access to prepregnancy-related services.

Mr. GIBBONS. Mr. Chairman, I yield 30 seconds to the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Chairman, I recognize that the chairman of the Committee on Ways and Means has said that all of these provisions are noncontroversial, but the one line that I have that describes the gentleman's amendment says that it ensures that no funds under the bill can be used for medical services and not for abortion.

Is this wrong, what is being circulated around?

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from Illinois.

Mr. HYDE. The gentleman has to interpret medical services. If he would check with the gentleman from Maryland [Mr. CARDIN]——

Mr. RANGEL. Medical services mean abortion. I thank the gentleman.

Mr. HYDE. Mr. Chairman, if the gentleman will continue to yield, we wanted to make sure that it does not mean abortion.

Mr. RANGEL. Mr. Chairman, why is the gentleman circulating this around?

Mr. HYDE. I did not circulate anything, Mr. RANGEL.

Mr. GIBBONS. Mr. Chairman, I yield 2 minutes and 30 seconds to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I thank the chairman for allowing me to continue after I so rudely interrupted myself my last time up here.

I would like to thank the gentleman from Florida [Mr. GIBBONS] for the time and for the effort that he has made in making this bill at least be heard by the American people. I notice time and time again the Republicans seem to object to strongly when anybody brings up the fact that this bill is mean spirited toward the children of this country.

Let me just explain exactly how it is mean spirited to the children of this country. You cut in this bill $2.7 billion out of a program that provides foster care and adoptive services for the poorest kids of this country, for sexually-abused kids, for children that come out of families where they are being beaten, and you do nothing to provide those services in any other way. You are going to sentence those innocent children to going back into the very families that are abusing them. There is no comment, there is no substitution.

It is cold-blooded and mean spirited. And you ought to recognize what happens.

Sure, we have an amendment that is supposedly noncontroversial that says that we want to provide adoption care services and it is the sense of the Congress that States ought to get $15,000 to people to give to adopted children.

□ 1615

That is wonderful. However, it does not deal with the fact that the kids themselves that are in these foster care situations are in desperate need of foster care. The gentleman from Georgia [NEWT GINGRICH] walks around talking about orphanages. Orphanages cost seven times more money than foster care, yet this bill will send kids into orphanages and take them out of foster care.

The fact of the matter is, Mr. Chairman, that we have a serious problem in this country. There are a number of children that are at risk.

Mr. Chairman, I would like to just make the final point. There are 3.5 million children abused in this country every year. There are only 450,000 foster care slots, and they are cutting them. It is on their conscience that this bill hurts the poor and hurts the kids of America. That is why we are upset. That is why the gentleman from Florida [Mr. GIBBONS] is angry. That is why we want to change this bill.

Mr. ARCHER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, one of my colleagues earlier in the afternoon said this ought to be a debate about fact, and that we should not let rhetoric obscure reality. I rise to say that what my colleague, the gentleman from Massachusetts [Mr. KENNEDY], just said about the funding in the child protection block grant is simply not accurate. That block grant goes up to guarantee that every single child predicted to come into the system will have dollars waiting for him for placement.

We have guaranteed that airtight, and CBO figures have always been high.

Furthermore, we have gone a step further. We have not kept that money segregated. We do not say "You only get that money if you take that child out of the home." We say "You get that money, and you can use it to preserve families, to prevent out-of-home placement, but if you need to place the child out of home, you will have the resources to do so."

I just want to point out that over the years of this bill that account goes from $3.9 billion to over $5.5 billion, an increase of $1.6 billion over 5 years, or an increase of 25 percent. This is not mean-spirited.

There are 22 States that are under court order because their programs are so lousy, so there is not anyone that testified before my subcommittee when we had the oversight hearing on the child protective services section, that maintained that this was a system that was working.

The gentleman may differ with the solution of putting these funds in a block grant, but I can go through in line and detail why this section of the bill is far more tightly governed than any other section of the bill, and why I think it will work. But to say that it cuts funding for children for foster care is simply false.

The CHAIRMAN. The gentleman from Florida [Mr. GIBBONS] and the gentleman from Texas [Mr. ARCHER] control the time.

Mr. GIBBONS. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Chairman, if children were not being hurt, I would think this is the best political thing that could happen to the Democrats, to really expose what is going on here, where we take 10 of these amendments, and each time someone stands up and asks "What does it mean," then the gentleman's time has expired.

We have all of these amendments that Democrats have put in to really guarantee something for the children, and the gentlewoman knows that there is no guarantee here except to the Governors. Everything that is in this bill guarantees the Governors that they get the package on the block grant, and there is nothing that is guaranteed to the child, because the entitlements are shattered which we had before.

Take a look at some of these great things in this en bloc amendment. The first one is here, by the gentleman from Missouri [Mr. TALENT], where he says "Every problem the United States of America has in crime, in welfare, in poverty, in drugs, is due to the fact that we have a single parent." What is this? A sense of the Congress?

Then we have a gentleman that comes here from Illinois and he has language circulated in all of the documents which says that "403 of the bill is to ensure that no funds under the bill can be used for medical services." The chairman of the Committee on Ways and Means said this is not controversial, but the gentleman from Illinois [Mr. HYDE] claims it only means to stop abortions.

Then we have another provision, that deadbeat dads who die are still liable under the bill. This is very important.

Another provision provides that if you are a fugitive of justice you are denied welfare. Give me a break.

What we should have is debates on the good parts of the bill, which say this: "We want people to work." We ask that our Members, what, give them the training, give them the opportunity, and put them to work. If there is no job available to them, do not make that child suffer.

We ask Members to take a look at the 18-year-old, and we say if she made a mistake, do not punish the child. Make certain that she lives with adult supervision, that she gets training, that she gets a job, but no, they say that they have a better way to do it because we did not do it right.

Mr. Chairman, all we are asking is this. They have the votes. They know darned well that the substance is not on their side. The whole world now looks at this bill and they know now what the other side are really trying to do. That is to get the Federal Government out of caring, to get them out of education. They are going to abolish the whole department, to get them out of welfare, to get them out of Medicaid. All of the problems of the poor their leadership said should be handled by orphanages and by the private sector and by charities.

All we are saying is one thing: Give us a chance to debate these things. Do not shove it down the American people's throat.

Mr. ARCHER. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I would just like to bring attention to one amendment included in the en bloc amendments that I believe even the gentleman from New York [Mr. RANGEL] will find agreeable. It clarifies and expands the language that was adopted in the Committee on Ways and Means, to make it clear that if anyone simultaneously collects welfare payments in two separate States, that person will be prohibited from collecting means-tested welfare payments for ten years thereafter.

This is a serious problem. It is a national problem. It came to light in my area when it was discovered that people were jumping the turnstiles for the trains connecting New York and New Jersey. They were found to have dual identifications. They were collecting welfare in New Jersey, going to New York, establishing themselves as homeless in New York, and collecting benefits from both States.

Obviously, this is ripping off the system. It is taking money that should go to the needy and should go to those who are deserving. This amendment extends the 10-year prohibition to all needs-tested programs.

Mr. GIBBONS. Mr. Chairman, I yield 6 minutes to the gentleman from Missouri [Mr. CLAY], and I ask unanimous consent that he may be allowed to control that time and to yield time.

The CHAIRMAN. Is there objection to the request of the gentleman from by Florida?

There was no objection.

Mr. CLAY, Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, let me say that this is one of the worst gag rules that I have seen in my 27 years here. A great Supreme Court Justice once said that shouting to the top of your voice in a telephone booth is not exercising free speech. Limiting speech to 30 minutes to discuss measures affecting the lives of millions of people is not full and free debate. It is a charade, a sham, a disgrace.

The reason Republicans want to limit debate on this issue is because they know that they are not telling the truth. They get incensed every time somebody mentions Nazi Germany in relation to what they want to do to poor people in this country. Let me say, Hitler had a minister of propaganda that said "Tell a lie, tell it big enough, tell if often enough, and it will become the truth."

Yes, they get incensed, because they are telling the biggest lie in the world, that they are going to help poor kids, that they are going to help mothers, pregnant mothers. What they are saying is that they are going to block grant this money, reduce the amount of it, give it to the Governors. It is a big conduit for passing money on to Governors with no responsibility, no strings attached.

I say they ought to be ashamed, and they ought to go back into history and look and see if it is close to what Adolph Hitler did to people in that country.

Let me say, if their level of frustration is such that they think that all of the problems of this country depend on what is happening in welfare, and if this does not work, if their frustration stays there, what is next? Castration? Sterilization? After that, I hate to say what is next, if they continue to be as frustrated as they are today.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, as I understood the debate on the rules, there was an intent on the part of the majority to permit extensive debate on the amendments that had been agreed to for discussion, so it comes as a great shock to me that out of 26 amendments that the majority is to offer, nearly a third were put together in an en bloc amendment without even the Members of the committees affected by this consolidation having been consulted, and even knowing what it was all about.

There is one amendment that I want to address attention to, particularly, that is included in this en bloc amendment offered by the gentleman from California [Mr. CUNNINGHAM]. It has to do with an amendment which attempts to set aside specific monies for children going to child care facilities under the Defense Department on military installations, as somehow carving out a preferential category for child care food programs for these youngsters on military bases.

I would like the House to know that what happened in the bill that is coming up to the floor for consideration is that the block grants for all of the children of America in child care facilities, outside of school programs, have no guarantee whatsoever for any participation in any food or nutrition program whatsoever, so it is a real farce.

Talk about setting aside money specially for military children, obviously we want to see that they are fed in the child care programs, but the very heart of the legislation that we are dealing with in terms of nutrition carves out that guarantee for children in child care programs that are not in a school situation, so I think that putting this into an en block situation, not allowing us time to fully debate it, really makes it impossible for the Members of this House to understand the cruelty of the Republican bill and how it is killing child care nutrition programs outside of the school.

Mr. CLAY. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, it has become very clear that the Republicans do not want a debate or a discussion on this bill because they understand how quickly and clearly the American public is coming to understand what they are doing, how terribly mean they are being to children of this Nation. This goes far beyond pregnant women and young children. This goes to disabled children, to abused children.

The gentleman from Massachusetts [Mr. KENNEDY] was absolutely right. The block grants here for Federal protection of children, abused children, are greatly diminished, and those children are placed at risk. There is no guarantee of that funding being there.

If Members read the letter they received from the American Bar Association, it simply states that we are now taking the most vulnerable children in this Nation, that now have the Federal protection, where we have gone into the court, and we have over 20 States who now have their foster care systems run by the courts because the States have refused to administer the system for the protection of these children.

Those are the States that the gentlewoman from Connecticut [Mrs. JOHNSON] wants to give more say to, fewer protections for these children. Those are the very States that the gentlewoman wants to give these children back to.

Those States, like the District of Columbia, they cannot find their children. States like New York, they cannot find their children. Why? Because they refuse to comply with the law. It is not the Federal law, it is the law they refuse to comply with, so now we are going to take these States with a history of abusing these children.

We have all been treated to the headlines of children being killed, maimed, sexually abused, scalded, burned, axed up, all of this? Why? Because they have some notion that the States can do it better, the very same States that are constantly in court for failing to protect the most vulnerable citizens.

That is why they do not want to discuss this amendment. That is why they gave away the debate time. That is why they put these amendments into a block grant, because they refuse to discuss what this bill does, far beyond the question of mothers on welfare: what it does to disabled children, what it does to abused children, what it does to children in child care, all of which has nothing to do with welfare reform as the American people understand it.

No wonder they are trying to hide the facts from the American public. No wonder they refuse to debate this bill. No wonder they do not want to talk about this bill. No wonder they do not want to deal with it on an up-and-coming basis.

□ 1630

This was supposed to be one of the most important parts of the contract. Yet when it came to the most important part of the contract, you chose to close down the debate. You just continued to close down debate. I don't get it.

You said you wanted open rules, you said you wanted free debate, and now you are closing it down because you don't want America to find out what you are doing to the children of this Nation.

Mr. ARCHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it does no credit to this House that the tone of the debate has been what it has been so far. Extra time was asked for and was granted on the en bloc amendment.

The amendments, themselves, all of which are in the en bloc amendment, were printed and made available to everyone last week. This is not a new set of amendments. The only thing that was not made public far in advance was that 11 of these would be included in one amendment. There is nothing unusual about that.

But it is sad to me that the minority has taken over half of the time that they said they needed to discuss these amendments to talk about what should have belonged in a discussion on the rule or a discussion in general debate and it is not even related to what is in these en bloc amendments. They are free to use their time in whatever way they wish. But debate would be better served by talking about the amendments that are here en bloc.

Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. I thank the gentleman for yielding me the time.

I know the gentlewoman from Hawaii did not want to mischaracterize what the gentleman from California is doing with his amendment. I know she wants it to be exactly as it is.

It does not carve out anything. What it says is, "on an equitable basis with assistance provided in accordance with such subsection to all other child care programs carried out in such State." It does not carve out anything special. It merely says "on an equitable basis."

I am sure everybody would want that to happen. Just because children are in one State, because they are in the military, they should not be penalized because they are in that State but it may not be the State of their normal residence, but that is where they are stationed at the present time.

What the gentleman from California [Mr. CUNNINGHAM] is merely saying is that it should be handled on an equitable basis with assistance provided in accordance with such subsection to all other child care programs carried out by the State.

I think that is pretty plain and does not carve out anything particularly.

Mr. GIBBONS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, we have 2 programs that we are using right now that work very well. One promotes the adoption of special needs children. These are children that have physical or emotional difficulties and it is very hard when they are up for adoption to find a home for them. This program finds a loving home for these children.

The second program is adoption assistance and it helps a family cope with the additional costs associated with problems with children having to find a permanent home and parents who want to adopt them can afford it and this program helps them afford adoption.

This program also works. These two programs are rolled into a block grant that cuts child welfare funding by $2.6 billion over 5 years.

What happened today? We had these amendments put en bloc and one of the amendments, amendment 12 says, "It is the sense of Congress."

We all know a sense of Congress is only worth this paper, a sense of Congress to strongly urge States to allow sufficient funds under the Child Protection Act.

What is happening here is these good programs are being rolled in with other programs. It is a block grant. As people well know, it is not only a block grant back to the Governor, before it goes back to the Governor, it goes to the Committee on Appropriations and has to compete with every other program such as veterans programs and elderly programs.

Therefore, we cannot promise anything under this situation. A sense of the Congress does not promise. We getting rid of these programs means children who need homes will not get them. I really wish this could be taken out of this bill.

Mr. GIBBONS. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. WARD].

Mr. WARD. Mr. Chairman, I have heard speakers before me talk about being here for 20 and 25 years. I have been here just 2 months. But I came from a State legislature where we took the time to debate these kinds of issues.

I have heard the majority say that they are frustrated that we Democrats are raising our voices, that we Democrats are saying that this is an injustice.

You know why we are doing it? Because we are not being given the time truly to debate each of these amendments.

Real quickly, let's just tell the American people something. When the Republican Contract With America signers get up and say they are not putting children at risk, just remember, these block grants. It does not make sense to people in the real world what a block grant is. A block grant is saying that there is no entitlement for children to eat or to be cared for by society.

I think while we need to deal with entitlements, we need to remember there is an entitlement for children in this country. It is not to be block-granted. It cannot be given 4 percent a year and told to go away.

Mr. SHAW. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this has I think gotten to be one of the most bizarre debates that I have ever heard.

The other side raised all kinds of points that we did not have enough time on this amendment. I do not think that they have spent 2 minutes of the time on this particular amendment. They are going back and trying to disturb the whole issue. I think that it is important that this committee realize that under the 40 years of stewardship of the Democrats, nothing happened.

I would hope that it is not the motivation right now or the objective of the minority to disrupt the process so that we cannot go ahead with welfare reform. This is desperately needed.

I believe and I hope that the committee will focus on let's get a bill out. If they want the Deal bill, let's get into a regular order and let's go forward. Let's bring dignity back to the House.

Mr. Chairman, I yield 3 minutes to the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. I thank the gentleman for yielding me the time.

Mr. Chairman, what this debate is revealing is the fundamental underlying difference of visions about what we need to do in this country to care for the poor.

Let me just say very briefly before I talk about my two amendments in the en bloc, 30 years ago, the Federal Government basically preempted the field of welfare. Took it over. In doing that conditioned the receipt of assistance on people doing things which undermined the values that are necessary to lift people out of poverty. Conditioned assistance on people first and foremost having a child without being married. Punished people if they worked, because the size and the incentives in the welfare package became such that it was more attractive financially. It was rational in the short term for people not to work and to receive welfare.

These facts, I do not think, are disputed. Everybody has said. The President has said these things. The Federal Government progressively took over control. Took the welfare system in a lock grip and has maintained it ever since.

As a result, Mr. Chairman, poverty has not gone down in the last 30 years. It was declining for the 20 years before then. It has gone up slightly. That is not for want of the taxpayers trying. We have spent, depending on how you define welfare, at least trillions of dollars on welfare. It is not owing to a lack of generosity in the American people of either party. It is owing to a system that is at the same time as it is trying to give people material wealth and lift them out of poverty, is luring them into a kind of spiritual poverty by destroying their families and their incentives to work. That is what this bill is designed to change. I think everybody here wants to do that.

Let's take the en bloc amendments we are talking about as far as illegitimacy is concerned. Yes, I put an amendment in here which is on the en bloc, it is a sense of Congress, it says the out-of-wedlock birth rate is one out of three and that is leading to an awful lot of terrible social pathologies, drug use, alienation crime.

We cannot do anything about that unless we reduce the out-of-wedlock birth rate. I do not know a sociologist who disagrees with it.

I have an amendment in here which increase work participation requirements. But the bill is focused on people who are closest to employability, two-parent AFDC families, single parents with kids school age or older. If you are able-bodied and your child is at school or you have another parent at home, there is no reason you cannot work. That is not punitive. That is good for you. If you work, you will be able to get off the welfare rolls. That is good.

The other thing the bill does broadly is it takes control away from the Federal Government and returns it, not to the States but closer to the people of the United States. That is what the bill expresses trust in. It says the people of the United States if they have control over this system will do a much better job of providing for the needy amongst them than the Federal Government has done.

It is a conflict in visions here. I understand people who sincerely, deeply believe in the existing system, but it is not working.

Mr. GIBBONS. Mr. Chairman, I yield 30 seconds to the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. The gentleman from Misouri [Mr. TALENT] said all of these problems that society is facing is because the children are born out of wedlock.

You describe it a crime, that drugs, that poverty is all due to this. But it could very easily be said that it is poverty that has driven the very same things that you are talking about.

It is so unfair for you to pick one of these things, and you are right. You are right, that these things are all there together. But if a person was working, they would not be making the babies.

Mr. GIBBONS. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. DEAL], who has spent hours and hours and hours and hours working on this subject.

Mr. DEAL of Georgia. I thank the gentleman for yielding me the time.

I would like to commend the gentleman from Missouri [Mr. TALENT] for one of his amendments that is a part of en bloc, and, that is, the criticism that we have raised about the original Republican bill and, that is, that it was weak on work. The gentleman from Missouri [Mr. TALENT] does raise those percentages. In the process he has caused me to have to amend my chart, but I have done so rather hastily and I think I reflect the changes in the percentages that his amendment addresses.

It increases, as you will see, over the time period a cumulative increase of 52 percent from the original percentage in the work program as contained in the original bill.

However, during that same time period, I would point out that there is only one of those years in which they exceed the percentages that are included in the Deal substitute.

But I think it does raise some very legitimate questions. First of all, by block-granting, which includes the work program, the bill proposes to save some $8 billion.

It is fine to say on paper that we are raising work percentages, but I do not see any equivalent increase in the funding to make sure that these work programs are able to be implemented. The question then is, if there is no additional funding to achieve this 52 percent cumulative increase in percentages over the years, if there is no additional funding, then is it saying that it does not cost the States anything? If it does not cost the States anything, then why not let us all put 100 percent for every year?

I think that is the fallacy that exists in this proposal.

Mr. TALENT. Mr. Chairman, will the gentleman yield?

Mr. DEAL of Georgia. I yield to the gentleman from Missouri.

Mr. TALENT. I would say this to the gentleman, and I appreciate his work in this area. Work is not expensive if you focus on people who are close to employability. It is expensive if you have huge day care requirements, if work is used as an excuse for vast new expansions of the welfare state, training, day care, et cetera. But if you focus on, say, two-parent families, then you do not need day care. And there are States which are doing——

Mr. DEAL of Georgia. Reclaiming my time, I appreciate the gentleman's statement, but the obvious fact is that it does cost money to put in place programs to move people from welfare into the work force. If it does not cost any money, then we ought to just say the percentages should be much higher for everybody from the outset. If it does cost money, then it is a hollow promise or the largest unfunded mandate we have ever sent to our States.

☐ 1645

Mr. SHAW. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Chairman, I thank the gentleman for yielding. Like my colleagues, I am concerned about how this legislation will touch, will affect individual child and family. Some have said this is mean legislation, it does not consider the welfare mother.

But let us take a look at what really happens. It is easy to talk in generalities. Let us take a look at how your particular system, the present system operates. Here is right out of the newspaper: Kids go hungry while parents buy drugs. Three children live in a house of roaches, without food, while the parents spend their monthly welfare benefit in narcotics. In 1988 this woman had six children taken from her, put in foster homes. Now she has three more children after her boyfriend moved in, one 15 months, one 2½ weeks.

I am asking my colleagues who is tough on kids? It is your present system. How could you be tougher on kids and families than the present system?

Here is a woman with her boyfriend who took $440 a month on AFDC, $916 of SSI, and all wasted, and the kids are at home starving. Who is tough on kids? Who is tough on families?

Mr. GIBBONS. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Chairman, let me just pick up on the point of the gentleman from Georgia [Mr. DEAL]. You raise the participation rates. But two things: You do not provide a single dollar more; and second, your participation rate is not based on people going to work, your participation rates can be based on knocking people off the rolls.

I care so much about the link between welfare and work. It is the critical link here. We are darn worried about the children. We also have to help the parent and make sure the parent gets out of the cycle of dependency for the sake of the parent and the children.

And it is not a question of vision. Whatever your vision is, you are not willing to act and the Deal bill and the rest of us are willing to act and say we are going to link welfare and work and put resources behind it to make sure it is done, and to grade States not on the basis of knocking people off the rolls but getting them to work.

We are proud to stand for work.

Mr. SHAW. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, let us talk about something positive that we are working on right now. There are 600,000 children in foster care in this country, 30,000 to 35,000 of these kids are up for adoption or available for adoption right now. There are problems with getting them adopted. It costs about $10,000 for a prospective adoptive parent to adopt a child, and because of that, there are a lot of kids that are not adopted that would be.

And many of these kids are shuffled from foster home to foster home and they lose hope, they become full of despair, and many of them turn to crime as they get older. So we need to do something to provide incentive for people to adopt.

In the tax bill that is coming up before this body in about 2 weeks, there is going to be a $5,000 tax credit for parents that adopt children who are in foster care. Now it costs $15,000 to $20,000 for each child that is in foster care. If we get them out of foster care into loving homes by using this tax credit we are going to save $15,000 the first year, $20,000 a year each year after that, the taxpayers are paying to keep those kids in foster care, that is a positive.

In addition, there is an amendment in the bill right now we are talking about which I have sponsored which provides additional incentives to adoptive parents to adopt children who are handicapped, who are having problems being adopted. It provides all kinds of methods for the States to employ incentives to get these children out of the foster care system and in loving homes.

In addition to that we are also going to provide a computerized network if we can get the States to work with us by adopting this amendment I am proposing. And children will be able to be in that computerized system where prospective parents can see their faces, find out a little bit about these kids and decide whether they would like to have them in their homes. There may be a prospective parent in California who cannot find a child they would like to have, an adoptive child that may be handicapped, and through this computerized national system they will be able to find a child in Massachusetts or New York.

So there are some very positive things in the legislation that we have been working on and we should look at the positive and not just negatives.

Mr. GIBBONS. Mr. Chairman, I yield 1 minute to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, I thank the gentleman for yielding the time. I want to also follow up on the comment made by the gentleman from Georgia, Mr. DEAL,, about the unfunded mandates and what it does when we make these requirements and do not provide funds for it.

In the Committee on Agriculture I think they have the good fortune to recognize that we at least need to pay people the minimum wage and find that in fair work when we require the poor to work we should not expect them to work below the standard which the law is now.

Here is this participation when we require them, this does not only provide money for the implementation of the program, nor does it assure that minimum wage is there.

Please understand, block grants is not a magical word in and of itself. When we block grant and reduce a fund we give the inability of States to implement these programs. This can be a hoax. States need to wake up. Block grants is no magic to all of their problems now.

This certainly is not to be expected to cure the minimum wage or the participation in work.

Mr. SHAW. Mr. Chairman, I yield 4 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON], a member of the committee.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I want to take a moment to respond to the comments of my colleague from California whose impassioned attack on this bill's child services block grant is heartfelt but in my estimation misguided.

The gentleman from California [Mr. MILLER], and I have long disagreed in the area of foster care. It goes back fundamentally to his belief that the 19 pounds of regulations and the 50 programs currently in place could protect children. They cannot, and they are not.

Listen to the testimony, read the papers, listen. Abuse is exploding, children are being beaten to death. Our programs are not working.

Under this bill for the first time, for the very first time, we will know how many children in America are in foster care; with all of our 50 programs we have never known that. For the first time under this bill States will have to identify quantifiable goals to be achieved that year. That will be easy to oversee, easy to impact.

The current program requires States to write a plan, and you know what happens? My colleague from Connecticut and I spend hours every year trying to get our State relieved of millions of dollars of penalties because the Federal Government and the State of Connecticut disagree on what an administrative expense is.

Under current law, team suicide prevention dollars have to be accounted for separately from family preservation dollars. Let us get with it. We cannot do it that way. The administrative overhead is far too great, the ability to address the holistic needs of a family is far too compelling.

One of my best child services agencies was in to see me only a couple of weeks ago, and I started talking to them about this section of the bill, its accountability, its governance, and I said, "You know what we want you to do is to develop the kind of integrated networks that are based on the model of total quality management and deliver continuous improvement and service that is family-oriented." And she said, "We are doing it, and you are right; one of the barricades and blockades is all of the Federal programs, each with its own bookkeeping, each with its own stream, each with its own interlock."

So I know it is frightening to make change, I know there is risk involved. As chairman of the Oversight Subcommittee, I can tell Members we have put annual quantifiable achievable goals in there because annually they are going to be there defending why they did or did not achieve their goals.

We have provisions in this bill that will look at best case, worst case, so we can help States see where they are going. The old system has failed. We must have the courage to try something new, and we must commit ourselves to something better than the old way we used to proceed, which was do something for 5 years and do not look around until the 5-year reauthorizations came up.

Mr. SHAW. Mr. Chairman, will the gentlewoman yield?

Mrs. JOHNSON of Connecticut. I yield to the gentleman from Florida.

Mr. SHAW. Mr. Chairman, I would like to commend the gentlewoman from Connecticut for the wonderful work she has done in this area.

What we have here, though, are some 40 of these programs dealing with taking care of kids, 40 Federal programs each having its own set of regulations. The point has been made that some of the States have been called to task on them. Is there any wonder, each having their own sets of bureaucrats here in Washington, tons of regulations? We have taken 23 of them and folded them into this bill, and I think the cries of hysteria we are hearing is about the decrease in the bureaucracy.

Mrs. JOHNSON of Connecticut. I agree.

Mr. GIBBONS. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, while we all agree that welfare must be reformed, I rise in opposition to the en bloc amendment. I am proud of the just anger that my Democratic colleagues have demonstrated on this floor today in defense of children because, Mr. Chairman, this Republican proposal is cruel, yes, cruel to children.

Why? Because it cuts nutrition, child care and opportunity for children. How can we, the greatest country that ever existed on the face of the Earth, come here together on this floor today with the leadership Republican proposal to take food from the mouths of children, take heating oil from senior citizens in order to give a tax break to the wealthiest Americans? This is cruel to children because 2 million children will no longer receive school lunches by the year 2000; it denies SSI benefits to hundreds of thousands of children with disabilities.

And on the subject of abused and neglected children that our colleague from Connecticut just addressed, abused and neglected children are victims of this bill which cuts $2.7 billion of funding over 5 years.

Vote against this bill which is easy on the rich, tough on children, and weak on work.

Mr. SHAW. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Chairman, I appreciate the gentleman yielding me the time.

Mr. Chairman, they have said that the Republican welfare reform bill is weak on work and hard on kids. It is neither. What is hard on kids is this existing system and it must be changed and indeed it is not weak on work at all.

And this amendment toughens the work requirements even more. For those who want tough work requirements as I do, they want this amendment.

It is total caseload figures that are used so they are real and they are meaningful and they are honest numbers. Three Governors in this country are already meeting these goals, and so in fact they are quite achievable.

We not only provide tough work standards but we aim them and we target them at those who are most employable, one-parent families with older children and two-parent families on AFDC. This is a good amendment. It toughens it; it should satisfy those who have said that this bill is weak on work. In almost half of AFDC families the youngest child is over 5 years old. Those people ought to be working.

I hear every day, every time I have a town meeting, the resentment of the working poor, the resentment of those who look at able-bodied welfare recipients who are receiving a very generous package of benefits while they go to work every day. If a person is able-bodied they ought to be required to work. It will help to solve the welfare dilemma and it is good not only for society, it is good for those individuals who heretofore have been required to go out and provide productive employment.

Promoting a work ethic increases education aspirations and achievement and over 90 percent of the American people support that.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I just want to compliment the gentleman for his work on this part of our legislation that came from our committee and for his amendment which will even make what he did in committee better.

Mr. HUTCHINSON. I thank the chairman, and I appreciate his leadership in bringing a very meaningful and comprehensive welfare reform bill to this House.

□ 1700

Mr. GIBBONS. Mr. Chairman, I yield myself such time as I may consume.

The problem with the gentleman's argument that has just been completed is the Republican bill is notoriously weak on work. The Democrat substitute is hard on work.

Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Chairman, this bill and the amendments continue a pattern that the Republicans have played out in many of our committees of contempt for work, the work ethic treated with great contempt, downgraded, degraded. The gentleman before said work is not expensive. No, work is not expensive if you want to take people back to the days of the plantation.

On the plantation everybody had a job. Plantations had full employment. But plantations are not where we want to go. We do not want to reduce people to involuntary servitude or slavery. We do not want to cheapen the labor market in such a way that the thousands of people out there who are unemployed and not on welfare also have their jobs threatened.

We have a situation here where the State becomes the slave master if you are going to have inexpensive work as was just described before. What is the rate of wages? What hourly rate are you going to pay? If a person is receiving $300 or $400 a month for welfare, do they have to work 120 hours? What is the hourly rate there? That is involuntary servitude, or it moves toward slavery.

What are the working conditions? Are you going to have health care provided at the same time? Are they going to have decent conditions to work in, or are we going to have a situation where there is a competing cheap labor pool in every State so that people who are employed in regular jobs are going to find themselves being laid off, being considered undesirable by the government that they work for because there is a cheap pool of labor that can be employed for almost nothing?

Let us clarify in this bill what we mean when we say we are going to make people work 30 hours a week, which means 120 hours a month. What does that mean? What kind of wage rate are you using? How are you judging that? For what will they be exchanging their labor? Are we going to go back to the plantation and not have them have decent health care provided, no job training?

You said you do not want to provide day care, so that means only people who do not have children can go to work. Everything about work is hanging loose in this bill. It is not about moving from welfare to work.

Mr. ARCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Chairman, I thank the gentleman from Texas for his leadership in the House Committee on Ways and Means.

Mr. Chairman, I have listened with great interest today to the arguments being articulated on this floor, and it is certainly true that good people can disagree on the best methods to redress the problems in our society.

But I have listened with great alarm to a positive program for change being maligned, harkening back to the days of the Plantation South or the Third Reich of Nazi Germany. Mr. Chairman, that is inexcusable.

How can we in the name of freedom and decency stand by silently when we see examples just as we saw a couple of years ago in Chicago during the drug raid when police found 19 children living in squalor in a cold, dark apartment, 2 children in diapers sharing a bone with a family dog, the children belonging to 3 mothers and 6 different fathers who were getting $4,000 in cash benefits per month from the Federal Government? It is this system that is wrong, and when people come here to the well of the House and say that we are trying to take food from the mouths of children, nothing could be further from the truth.

We embrace a program of compassion and positive change, and all the malingering, malicious theatrics of the other side are inexcusable.

I rise in support of the en bloc amendment, and I ask my supporters to do so, and, yes, fair-minded people from the other side of the aisle to change this program for the better to get away from the bankrupt policies of the past that are bankrupting us not only fiscally but morally.

Mr. GIBBONS. Mr. Chairman, I yield 15 seconds to the gentleman from Tennessee [Mr. FORD].

Mr. FORD. Mr. Chairman, would the gentleman stay at the mike and let me ask him one question?

I just want to point out that he is absolutely correct when he talked about the 19 kids in Illinois, but I also want him to know under this Republican bill with neglected and abused kids, the same 19 kids that he made reference to would not be protected under this Personal Responsibility Act.

Mr. GIBBONS. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. HINCHEY].

Mr. HINCHEY. Mr. Chairman, what is wrong with this en bloc amendment is the same thing that is wrong with the underlying bill. It covers up the fact that what is being done here is to take away precious resources from the most needy of our citizens and to give them to those who already have more than they know what to do with.

In every civilized society worthy of the name, the first mandate is take care of women and children, protect the women and children, look out for the women and children, except under this new majority in this House.

Here, the mandate is to abuse the women and children, make them suffer, suffer the women and children, make them pay for the cuts, cuts in resources that will go from the most needy people, women and children in this society, to the richest members.

Give them tax cuts while you take away from those who need it the most, and in New York alone, over 5 years, you will deny $8.5 billion to needy children. Nearly a half a million children in the State of New York alone will not get the needs and attention that they deserve under this bill and these en bloc amendments obfuscate that fact.

The amendment should be defeated as well as the bill.

Mr. ARCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. SHAW], the chairman of the subcommittee.

Mr. SHAW. Mr. Chairman, I thank the chairman for yielding me this time.

You know, it is very interesting, in listening to the last speaker speak out against the en bloc amendment, he never, never made any specific reference to any one of these amendments that he is criticizing. This is truly an uncontroversial en bloc amendment.

The gentlewoman from Hawaii [Mrs. MINK], I think, is the only speaker on the other side that came down and made reference to one having to do with nutrition programs on military bases.

I, for the life of me, cannot understand. I mean, it is perfectly obvious here that what has happened is procedurally the hysteria that has broken out on the minority side has been geared toward not this amendment. We could have done half the time on this amendment. In fact, I do not think we have argued 6 or 7 minutes on the en bloc amendment.

The gentleman from Missouri [Mr. CLAY], whose name I am often referred to, came down and was making speeches with regard to the big lie. And then we find people coming down on the minority side saying we are cutting funding, where the gentlewoman from Connecticut [Mrs. JOHNSON] got up and showed where we were actually increasing it 25 percent. Nobody comes back down to the well to talk about it again.

Yes, we are talking about the big lie, and the question is how many times can you say it, and how many times do you expect it to get through.

The truth of the matter of what we are doing in this bill is we are cutting down the bureaucracy, and if you want to know where the cuts are, that is exactly where it is. We are simplifying the law. We are taking 40 years of chairmanship held exclusively by the Democrat side, 363 means-tested Federal programs, each having their own regulations.

We are taking a large number of them and we are combining them. We are downsizing government. We are the ones that are truly reinventing government. We are the ones that are getting the money to the people who need it. We are going to stop the trickle-down bureaucracy that has been mandated by existing law.

Mr. GIBBONS. Mr. Chairman, I yield 10 seconds to the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. All I have to say to the gentleman from Florida [Mr. SHAW] is each time we try to deal with this document, the gentleman's time has expired. You say it is noncontroversial. You explain the Hyde amendment which says that no funds under section 403 are to be used for any medical services. Then the gentleman from Illinois [Mr. HYDE] says he only means abortion.

That is not controversial?

Mr. ARCHER. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, I thank the gentleman for yielding.

I wanted to point out something in relationship to what is in our jobs program, because I have heard some people allude to the fact that perhaps we are not doing anything, providing any money. We provide the States $15 billion to help move people from the welfare roll to the job roll.

Now, we have 163 programs, job-training programs, on the book at the present time. Anytime we have a problem, somebody says, well, let us just pass another job-training program. The problem is they have not been successful. Even JOBS has not been successful. Most people would say it is not successful. Yet we require States to put up 50 percent of that money for something that is not successful, but 163 programs are now on the books for jobs training.

Should we not try to do something about that? Should we not try to consolidate? Should we not try to make them work?

It seems to me that is what we need to do, and I would hope that we can do that, and if we cannot do it through this legislation, we surely have to do it.

Mr. GIBBONS. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. HEFNER], a member of the Committee on Appropriations.

Mr. HEFNER. Mr. Chairman, there are two things that you can go back to your district and you can always know that you are going to get real positive response for, if you run against your colleagues, and if you run against welfare, and it is fertile ground for the talk shows to pick out isolated instances, and there are many instances, there is no doubt about that.

The gentleman pointed out a couple here a while ago, the gentleman from Arkansas pointed out some abuses, and there are many, but there are many success stories, and there are many people that have been helped through programs that have been instigated by the Federal Government.

Let us make no bones about it, let us make no bones about it, this program, the savings that are going to be from this program, and the gentleman from Ohio [Mr. KASICH] admitted sitting here, they are going to be used for a tax cut and to his credit, the chairman says we are going to pay for this tax cut, and we are going to use these moneys that we get from this welfare reform, we are going to use it to pay for these cuts.

And my three grandchildren at some point in time are going to have to pick up the bills. But let me just tell you this, let us do not hasten to do block grants, because you are not assuring that there is going to be any more efficiency.

Just a few years ago, and my colleagues from North Carolina will bear this out, in North Carolina we could not even find the money to inoculate our children against rubella. So do not tell me that when the tough time comes that they will belly up and do the responsible thing for our children.

So do not be misled that these block grants are a panacea and are going to solve all welfare problems, because it just ain't going to do it.

So let us be very careful what we do, and let us work very hard, and let us support the Deal proposal here, because what it does, it uses the money that we save to pay this deficit down for my grandchildren and for your grandchildren, and it does responsible things for welfare reform in this country. That is what we should all be about.

Mr. GIBBONS. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, the chairman of the subcommittee rather unfairly, it seemed to me, criticized us for not talking enough about the amendments.

The Republican Party has not succeeded at much lately, but they have succeeded in making this debate the most disjointed one possible. Because they have clearly decided that this is not going as well as they would like.

They miscalculated. Attacking welfare recipients is usually more popular than it has been under their leadership, and maybe they will learn as they keep doing it.

But I have an example of an amendment I want to talk about that we have not been to able to talk about. The chairman of the Committee on the Judiciary offered a noncontroversial amendment which said none of these funds can be used to provide medical services. The gentleman from New York raised that question.

When he was asked about it, when the gentleman from Illinois was asked about the phrase medical services, he said it meant abortion.

Mr. Chairman, this is a wonderful, truly wonderful thing. The chairman of the Committee on the Judiciary is empowered apparently not only to change legislation involving the judicial code of the United States, he can change the language. He can say "medical services" and really mean "abortion."

Well, if we had a decent amount of time to debate this, I think we might have been able to pursue this. I do not regard it as noncontroversial when we get an amendment that says none of this can be used for medical services, and one of the moderate Members on the other side, one of the very pliant moderates that they have, got up and said, "Well, do you really mean everything?" He said, "No; I just mean abortion."

Well, the power of the chairman of the Committee on the Judiciary to change the plain meaning of words simply by what he says on the floor contradicting what will be written into statute does not exist. What we have is language that was offered that says medical services. We were told it means only abortion. We do not have time to explain it. We get 11 amendments, and the gentleman graciously gave us an extra half-hour, so we have 4 minutes per amendment.

It is an example of the shambles they have managed to make of this debate.

□ 1715

Mr. GIBBONS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I do not blame the Republicans for trying to hide what they are doing. They have collapsed what was 3½ hours of debate into—well, I get 40 seconds here now and a few others for other Members around here.

To do what? They are hurting 15 million infants and children by this legislation. To do what? To pick up $70 billion. To do what? To buy the crown jewel of the Contract On America, as Mr. GINGRICH calls it, to pass—to help pay for that notorious, stinking, lousy tax bill that they will bring to the floor next week.

Mr. ARCHER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, at times today this debate has been illuminating, but more often it has been emotional, bordering on hysterical. One must wonder why. Yet when you cut through it, you must believe that it is the dying throes of the Federal welfare state that has been built block by block over the last 30 years and which has failed after the expenditure of $5.3 trillion.

I do not believe that the American people will buy off on the rhetoric, if it is repeated over and over and over again, in high emotional decibels, "Mean-spirited, Hitler, cruel, noncompassionate," over and over and over again. That is not talking about facts. The gentleman from Massachusetts knows, because he is very bright on this subject, that the law under the Hyde amendment already prohibits the use of any HHS funds for the purpose of abortion. That is why this amendment by the Mr. HYDE today was noncontroversial. It meant nothing. The law was already there. He knows that.

Mr. Chairman, we have listened today on what has been, as the gentleman from Florida [Mr. SHAW] has said, not discussion on the amendments to elucidate, but more rhetoric that should have been conducted and completed in general debate. That is why they wanted the extra time. Not to learn about this en bloc amendment. That is very, very clear. These amendments in here, I repeat, are relatively noncontroversial and strengthening to the bill.

We hear again the rhetoric, the broken record of cuts, cuts, cruel cuts. The reality about this bill is that it spends 43 percent more than we are currently spending in the next 5 years, $73 billion more than is currently being expended. Under the vocabulary of the average American family, a 42-percent increase in spending over 5 years is an increase, not a cut. But we hear cut, cut, cut. It is time for the American people to know the truth.

The truth is we have a broken, a failed state welfare system laden with Federal bureaucracy, and we are going to start anew. The American people deserve that. Both those that are trapped into the environment of dependency as welfare recipients and the American workers who have to pay the money that goes to keep people who are able to work not working. That is what this is all about; personal responsibility, individual initiative and thrift and sacrifice. I believe that is what the American people want to hear across this great country. And that is what we mean to deliver; a new way, a new approach where we can eliminate fraud and abuse, where we can no longer give cash benefits to drug addicts, so it is available to spend on buying more drugs; no longer give cash to alcoholics so it is available to spend on more alcohol.

The Democrats do not want to talk about this. They built this program. It is out there. They want the status quo. We believe compassion is to help people to help themselves to develop personal responsibility and individual initiative, the great character traits on which this country became the greatest country in the world.

Mr. Chairman, I yield back the balance of my time.

Mrs. LOWEY. Mr. Chairman, I would like to state my opposition to the Hyde amendment and to raise serious concerns about the effect of the amendment.

The author of the amendment states that the amendment would prohibit states from using funds under the bill for any medical services.

But it seems to me that the amendment could have two effects—both of which would hurt the health of women and children.

First, the amendment would seem to broadly prohibit funds under the bill for medical services. While the author of the amendment states that the amendment does not prohibit the use of funds for family planning services—and I am pleased that the author does not intend the amendment to cover family planning services—the amendment still raises numerous questions that could pose grave problems for women and children.

For example, would medical services to disabled children be denied by this amendment? With the cash families receive under the temporary assistance block grant, would families be prohibited from meeting the medical needs of their children? If any of the amendment has any of these effects, it clearly hurts the health of children and women.

If, on the other hand, the intent of the amendment is more narrowly focused on abortion, as the author stated, I am concerned that the amendment could set a precedent for denying coverage of abortion services to poor women. If this is the case, we must beware. If a subsequent decision is made to block grant the Medicaid Program, would this Hyde amendment then apply to Medicaid? By passing this Hyde amendment now—as part of welfare reform—are we forfeiting the opportunity to fight on behalf of the rights of poor women who are victims of rape and incest? I don't think we should take that chance.

Again, the amendment's intent is unclear—but regardless of intent or interpretation, the amendment would seem to hurt the health of women and children. I strongly oppose the Hyde amendment.

Mr. Chairman, I do, however, support the Roberts Amendment which is part of this package. That amendment takes a strong first step toward dealing with the true problems facing the Food Stamp program: fraud and abuse.

All too often in the past several weeks we have heard our colleagues calling for cuts in the benefits provided by the Food Stamp program. These cuts—including a cap on the program approved by the Agriculture Committee—will undermine the ability of many American families to put nutritious meals on their tables and that will have a real impact on the health of those families. But while doing that, these misguided cuts do not get at the fraud and abuse in the Food Stamp program that is really wasting taxpayer dollars. This fraud is the true crime against this important program.

To be sure, Mr. Chairman, the perpetrator of this crime is not the single mother trying to feed her children; it is not the parents who work all day, every day, and still do not make enough to send their children to school with nutritious lunches; and it is not the family that saves up for a month to treat themselves to their favorite cereal. The real perpetrator of this crime is the bogus produce retailer right here in Washington who bought over $50,000 worth of food stamps for a reduced, cash price and tried to redeem them for full value; it is the owner of an Atlanta restaurant who illegally redeemed over $1.6 million in food stamps; and it is the restaurant owner in Maryland who bought almost $250,000 in food stamps from undercover Federal agents in exchange for cash and guns.

Under this amendment, these criminals, who are taking food away from American families and dollars from American taxpayers, would be hit where it hurts the most—in their wallets. Forfeiture programs have proved to be a dramatic success in other Federal agencies, and it is time we create a disincentive for those who would traffic in food stamps. This amendment will tell these criminals, in no uncertain terms, that when they steal from the American taxpayers, we are going to get back all that was lost.

Make no mistake, the Roberts Amendment is not about cutting the budget blindly, and it is not about punishing American families. It is about protecting food stamps for those who need them. It is about ensuring that American families do not go hungry. And it is about declaring our commitment to protecting the American taxpayer.

Mrs. MORELLA. Mr. Speaker, I rise in opposition to the Hyde amendment included as part of the Archer En Bloc Amendment. The Hyde amendment would prohibit the use of any block grant funds to pay for medical services. It would also strike the section of the bill which would require State plans to address how they intend to reduce teenage pregnancy, including—at the option of the State—the provision of education, counseling, and health services.

I understand that supporters of the amendment argue that they are simply trying to prevent the funding of abortions through the block grants. However, this language would go further than just abortion funding. It would bar States from using any funding in the bill to pay for family planning services. Longstanding language in the Social Security Act requires that States provide family planning services to recipients. While the Committee bill deleted this requirement, language was adopted that encouraged States to reduce teen pregnancy, especially through education, counseling and health services. The Hyde amendment deletes this section and adds the language prohibiting the provision of medical services through the bill.

Family planning services have consistently been considered medical services in Federal programs, and these services are critically important to reducing unwanted pregnancies. For almost 30 years, family planning services have been provided to AFDC recipients, and States should continue to have the flexibility to do so through the block grant funding. Indeed, the fate of Medicaid and Title X funding has not yet been decided, and States must have some source of Federal funding to provide family planning services to poor women, if they so choose.

In addition, it is important to remember that the funding to implement the welfare block grants will be provided under the Labor-Health and Human Services Appropriations bill, which already is restricted by the Hyde Amendment. Thus, the restriction on abortion funding is already addressed.

We must protect the right of States to provide family planning services to low-income women—these services are a vital component of the effort to reduce unwanted pregnancies, and we must give the States the resources to provide those services. I oppose the Hyde amendment, and I will work to ensure that it is not part of the final welfare reform legislation.

The CHAIRMAN pro tempore (Mr. HOBSON). All time having expired, the question is on the amendments en bloc, as modified, offered by the gentleman from Texas [Mr. ARCHER].

The question was taken, and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. GIBBONS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to the rule, further proceedings on the amendments en bloc, as modified, offered by the gentleman from Texas [Mr. ARCHER] will be postponed.

Mr. GIBBONS. Mr. Chairman, do I get a recorded vote when that time comes up?

The CHAIRMAN pro tempore. The Chair has postponed the request for a recorded vote.

Mr. GIBBONS. I did not ask for—I asked for a recorded vote.

The CHAIRMAN pro tempore. Under the rule, the Chair has the authority to postpone recorded votes.

PARLIAMENTARY INQUIRIES

Mr. HEFNER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. HEFNER. Did the gentleman [Mr. GIBBONS] ask to make a point of order that a quorum is not present?

The CHAIRMAN pro tempore. The gentleman from Florida did not.

Mr. GIBBONS. I will make a point of order that a quorum is not present. Obviously, one is not present.

The CHAIRMAN pro tempore. The point of order is not in order at the present time. The Chair is not now putting a question.

Mr. HEFNER. Mr. Chairman, a further parliamentary inquiry: Has the chairman ruled that there would be a recorded vote, that it would be ruled? I am a little bit confused here. What is the procedure?

The CHAIRMAN pro tempore. The Chair has merely postponed the question for a recorded vote until a later time.

Mr. HEFNER. A further parliamentary inquiry: What the Chair is saying is that at some point in time the gentleman from Florida [Mr. GIBBONS] will have to ask for a recorded vote at a later time when the vote on the amendments en bloc takes place.

The CHAIRMAN pro tempore. He will not have to renew his request.

Mr. HEFNER. He will not have to?

The CHAIRMAN pro tempore. The unfinished business will be that request.

Mr. HEFNER. A further parliamentary inquiry: Could we have any idea, for some of us who have things to do, when we may begin to have some votes on the legislation that we are considering.

The CHAIRMAN pro tempore. It is the understanding of the Chair that after the consideration of amendment No. 8, that votes will then be taken.

Mr. HEFNER. After the consideration on amendment No. 8?

The CHAIRMAN pro tempore. Number 8.

Mr. HEFNER. A further parliamentary inquiry: When does that come? When does that amendment come up?

The CHAIRMAN pro tempore. The Chair cannot give a definitive time. We have to consider numbers 3, 5, 7 and 8, and each of those is 20 minutes each, with 10 minutes on each side.

Mr. HEFNER. A still further parliamentary inquiry: What is the estimated time of adjournment for the evening?

The CHAIRMAN pro tempore. The Chair is not presently aware of that information.

Mr. HEFNER. A further parliamentary inquiry: Is there anybody in the sound of my voice that would have any idea when we might could expect to be finished with the business for today?

The CHAIRMAN pro tempore. The gentleman will suspend. That is a matter for leadership consideration.

Mr. ARCHER. If the gentleman will yield, I will simply say——

The CHAIRMAN pro tempore. Without objection, the gentleman may proceed.

Mr. ARCHER. We are at least going to go through title I and vote on the amendments to title I.

Mr. HEFNER. A further parliamentary inquiry: Just in the spirit of being family-friendly, I was just curious to know what time we might be able to go home and watch the Andy Griffith reruns, if it would be possible.

The CHAIRMAN pro tempore. It is now in order to consider amendment number 3, printed in House Report 104–85.

AMENDMENT OFFERED BY MR. TALENT

Mr. TALENT. Mr. Chairman, pursuant to the rule, I offer amendment numbered 3, printed in House Report 104–85.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. TALENT: Page 7, strike line 24 and all that follows through line 3 on page 8 and insert the following:

"(B)(i) Require all adult recipients in a 1-parent family which includes only children age 5 or older and who have received benefits for more than 24 months (whether or not consecutive) under the program to engage in work activities (as defined in section 404(a)(1)(C)(iii)) for at least 30 hours per week. If a State classifies a family as such a 1-parent family on or after the date which is 10 months after the date of enactment of the Personal Responsibility Act of 1995, the family shall continue to be so classified regardless of whether an additional child under age 5 becomes a member of the family.

"(ii) Provide exemptions at the option of the State for not more than 20 percent of the adult recipients of assistance under the program who are described in clause (i) from the requirement set forth in clause (i) for reasons set forth by the State.

"(C)(i) Require 1 adult recipient in any 2-parent family who has received assistance under the program for more than 24 months (whether or not consecutive) to engage in work activities (as defined in section 404(a)(1)(C)(iii)) for at least 30 hours per week.

"(ii) States may exempt up to 10 percent of the adult recipients described in clause (i) from the requirement set forth in clause (i) for reasons determined by the State.".

Page 8, line 4, strike "(C)" and insert "(D)".

Page 8, line 7, strike "(D)" and insert "(E)".

Page 8, line 10, strike "(E)" and insert "(F)".

Page 8, line 14, strike "(F)" and insert "(G)".

Page 8, line 22, strike "(G)" and insert "(H)".

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Missouri [Mr. TALENT] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

Mr. GIBBONS. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN pro tempore. The gentleman rises in opposition?

Mr. GBBONS. Yes, I do, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Florida [Mr. GIBBONS] will be recognized for 10 minutes.

Mr. SHAW. Mr. Chairman, I also oppose the amendment. May I ask under the rule is the opposing time divided, or does it belong to the minority?

Mr. GIBBONS. Under the rule, I control it, Mr. Chairman.

The CHAIRMAN pro tempore. The chairman has recognized the ranking minority member of the committee to control 10 minutes of time.

The Chair recognizes the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Chairman, I yield myself 4 minutes so that I may explain my amendment.

Mr. Chairman, this amendment strengthens the 2 years and work requirement in the underlying bill and it strengthens it in two very important respects. I would like to lay those before the House.

The underlying bill requires that the States have plans to make everybody on welfare work in 2 years, but it does not define work nor does it give the States any direction as to what that would entail. It needs changing and strengthening in two respects.

In the first place, Mr. Chairman, it is very important that when we have work requirements we be up front about what works means. Work means work. It should not mean cart blanche job searching, it should not mean carte blanch education or training. Those are not work. The advantage of work is—there are several advantages to it. One of the chief advantages of it is that people on welfare are working in return for the welfare. It makes welfare a two-way street.

My amendment defines work and harmonizes that with the definitions already in the bill, definitions that relate to the sections about required work participation as far as the States are concerned.

Those sections have been strengthened also, or will be strengthened if the House ends up approving the en bloc amendments.

So what the amendment does is it defines work as work. So when we say people are working, they are actually working.

The second thing that the amendment does which is equally important—and we discussed this before in the debate on the en bloc amendments—it focuses the work requirements on people who are closest to employability. It says the two year-and-out provisions apply specifically to two parent AFDC families. About 10 percent of the caseload consists of families where both parents are at home. One of those families—one of these parents should be working and can be working. And the amendment requires high percentages of those families work.

The second set of families that the amendment focuses on, single parents with kids school age or older: The advantages of focusing on those families are severalfold: First of all, since they are the closest to employability, the burden of work is easiest on them in the short term. It is much easier for them to go out and work. In the second place, when the experience of the State shows when you focus work requirements on those families, work becomes a very effective tool for determining who needs welfare and who does not. It is a nonbureaucratic, nonhumiliating tool for determining who is closest to being in the private sector and off welfare.

Mr. Chairman, States that have experimented with these models have shown when you have real work requirements for those families and have work built into it, they get off welfare rolls. It is reducing the welfare rolls and putting those people to work, which is what we should be trying to do.

There are several advantages to this. It is also much less expensive. We heard talk this evening about work being expensive. It is expensive if you are focusing on single parents with infant kids because they cannot work without day care and probably without extensive training and education, and work does cost an awful lot of money. Work becomes then an excuse for expanding the welfare state, programs that we tried and failed, and it ends up being that nobody is working.

□ 1730

Nobody works. Now sometimes the States spend a lot of money, sometimes they do not, but nobody works. So what this amendment will do is harmonize this portion of the work provision in the bill with the other portion of the work provision in the bill and will make an honest work requirement. We know that these people can work, the States have worked in this kind of field, and I have had good success, it is less expensive, and it is really a way of shifting the system to one that relies on work rather than on dependency.

Mr. Chairman, I reserve the balance of my time.

Mr. GIBBONS. Mr. Chairman, I yield 3¼ minutes to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Chairman, let us have a good, rational discussion of this amendment.

There is a lot of emotion in these issues when we are talking about tough on kids; we can understand that, and I very much share it. When we talk about weakness on work, I think there should be some emotion, too, and I have said forcefully, I think respectfully, that the Republican bill is weak on work, and I think the gentleman is trying to shore it up. But here is the trouble.

I say to the gentleman, Mr. TALENT, your amendment has put in a provision regarding a State plan, and it isn't at all clear, its impact, as a result. I think it's unenforceable. You don't put any more resources into the States so they can meet this if it's meaningful. Just a few months ago you were the second name on a bill, H.R. 4, that had $9 billion in resources for the States. You were the second name. This bill has no resources whatsoever. It really has less for linking people on welfare to work, and I feel strongly that is the key linkage.

No one is excusing, or apologizing, or justifying the status quo; it is gone. How are we going to make it better? We desperately need to do that.

Now CBO, in its now-not-under-Democratic-control says this:

> The literature on welfare to work programs, as well as the experience with the jobs program to date, indicates that States are unlikely to obtain such high rates of participation.

Mr. DEAL's bill puts some resources for the States to meet meaningful participation rates that are based on work, and I say to the gentleman, you have participation rates that don't require the States to put anybody to work, and then you come in with this amendment that is probably unenforceable.

The last point I want to make is it is probably unduly federally bureaucratic. We are telling the States how they can best meet work participation requirements, taking parents with kids under five now. In a sense that makes sense, but in a sense it may not. Some of the most trainable people may be people who have a kid who is three. The gentleman is trying to save money for day care, I guess.

I say to the gentleman, You're trying to do this on the cheap, and you bring in this unenforceable requirement. I suggest you face up to the fact your bill is fatally flawed in being work weak.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. LEVIN] has expired.

Mr. TALENT. I yield 30 seconds to the gentleman from Michigan [Mr. LEVIN] if he needs the time. My response is going to take longer than 30 seconds. If the gentleman wanted to finish up his remarks——

Mr. LEVIN. I just think the gentleman realizes there is a weakness here, and he is trying to shore it up, but it is not enforceable, likely, and it says Washington has all the answers. I thought we were going to give the States flexibility to carry out linking people on welfare to work, and here comes the gentleman with a very inflexible provision that is probably unenforceable.

Mr. Chairman, I think the Deal bill is a much better deal for the American people.

Mr. TALENT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman certainly for the tone of his comments. Let me just address his remarks.

With regard to CBO, they were referring to the two-parent aspect of this. I would simply say that Utah has had strict work programs in the past focused on two-parent AFDC families. Not only do they work, but we find very large percentages of those families get off welfare because they are able to go into work. The gentleman says it is unenforceable, it sets limits that the States have to meet. It is the underlying bill, which is three sentences, and just says basically that States have to have everybody working in 2 years that I suggest is not going to work. The gentleman says that we are federalizing this whole system. We are setting targets that States have to meet and then allowing them to meet it in any way that they see fit. That is not federalizing. That is consistent with the rest of the bill. The gentleman says it is very costly. My whole point was it is costly if we focus work on single moms with infant kids. Then we have to pay for day care. I say, if you abstract a day care component of work, work is very affordable. In fact, I've talked with Governors who say it saves them money because it moves people off of welfare, which is supposed to be the point. Finally the gentleman makes a good point with regard to moms with younger kids. We are not prohibiting the States from trying to help those moms find work. We are just saying in terms of what we are requiring to focus on the families that are closest to employability. I say, sure, if you can find a mom with an infant kid who is close to work, yes, by all means help her. We're not prohibiting the States from doing that, but we're trying to shift the focus away, to other families which are closer to work.

Mr. Chairman, I yield 3 minutes to the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Chairman, I just want to underscore how important this amendment is. It is critical for three reasons. The gentleman went over these, but I want to reiterate them.

It is important that we replace the current symbolic requirements in which there are weak definitions of what work really is in which one could have job search being included as work with a real work definition, and this amendment harmonizes those definitions of what work is all about. So, it is very critical from that standpoint, that the very sections of this bill have a common definition of what work is all about.

I think it is important, this amendment is important, because it cuts, rather than increases, total welfare spending by focusing those work requirements on mothers who need little day care. Too often in the past the jobs programs that have been included in welfare reform programs have only been an excuse to expand child welfare, child day care, and, as a result of that, it has become more and more expensive, and, instead of seeing welfare spending controlled, we have seen it exploding.

So, by focusing on those who are most employable or upon those moms who are least in need of child care, we can cut total welfare spending. I think that this is a very critical amendment that the gentleman has brought forward. Work cannot just be symbolic.

In the 1988 welfare reform bill there was great talk about workfare. There was great talk about putting those on welfare into the workplace, and it did not happen. The American people have become cynical about even the terminology of workfare, and if this bill is to be meaningful, and if it is to work, it must be more than just symbolism. Work must mean work, and those work requirements, in order to be best implemented, must focus on those who are most employable. It only makes sense that an AFDC recipient with older children should be required to get into the workplace. It only makes sense that a two-parent AFDC family ought to have one of those parents out in the workplace.

So this amendment focuses, places the focus, where it should be. Work requirements should be implemented in the least expensive way, and this gives the States the kind of guidance to move them in the most productive way in meeting the work participation requirements.

Time and time again I have heard two-parent families who are working hard, trying to make ends meet, trying to be productive members of society, and they come to me, as their Congressman, and say, Well, what about this couple, a man and a woman, on AFDC, able-bodied and yet drawing their package of benefits, drawing their welfare, neither one of them required to work under the current system.

I do not blame the American people for being cynical. I do not blame them for resenting this kind of a system, and it is time that we change it. We have got an opportunity to strengthen a good bill by adopting this amendment.

Mr. CARDIN. Mr. Chairman, on behalf of the gentleman from Florida [Mr. GIBBONS] I yield 2 minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, I also believe work should be work, and I believe the best welfare reform is a job at a liberal wage, and for that, Mr. Chairman, I rise in strong opposition to this amendment. The bill, as it is currently written by the majority, requires as much as 80 hours of work for as little as $69 worth of benefits. That is $69 worth of benefits, the smallest amount they will get under food stamps——

Mr. TALENT. Mr. Chairman, will the gentlewoman yield?

Mrs. CLAYTON. I yield to the gentleman from Missouri.

Mr. TALENT. Mr. Chairman, I say to the gentlewoman, "Lady, that's the second time I've heard that. The average welfare package is worth, AFDC, Medicaid, food stamps, et cetera, about 8 to $15,000 a year. Now let's suppose it's in the low end, about $10,000 a year. The work participation requirements in this bill mean, if you're working for that, you're getting paid about $6.50 an hour, not 60 cents an hour."

Mr. CLAYTON. There are people who receive only food stamps, only food stamps. They do not receive any rent, any AFDC, and I say to the gentleman, "If you require them to work, reclaiming my time, if you require that person only receiving food stamps, and the average recipient is receiving $69, this is less then $1 an hour. Now your amendment, your amendment, goes further than that. Your amendment would increase the work requirement to 120 hours of work for the same benefit. This is about 20 cents an hour for that person that only receives the food stamp, and these sometime may be people who temporarily are out of work."

Now I filed an amendment which would have made clear that mandatory work, which I support, would be at a liveable wage. We would not be requiring persons to work any less than the law requires now. Again I repeat, the best welfare reform is indeed a job at a livable wage. This amendment does not allow that. It treats welfare workers different from other people. It really borders on servitude.

Mr. Chairman, I think the gentleman from New York [Mr. OWENS] is correct. We are moving backward, not forward. This is the wrong way to treat human beings in America.

Mr. TALENT. Mr. Chairman, I yield myself 15 seconds to say that this bill only requires people on—applies to people on AFDC, which means they are eligible for Medicaid, eligible for food stamps. They are getting a package of benefits worth $8,000 to $15,000 a year. The work requirements would mean in effect they are paid about 6½ to $7 an hour——

The CHAIRMAN. The time of the gentleman from Missouri [Mr. TALENT] has expired.

Mr. TALENT. Mr. Chairman, I yield myself an additional 15 seconds.

Mr. Chairman, a whole lot of people are working at that level. It is not punitive, and here we have the differences in visions. It is not punitive. It is good for them and their families.

Mr. CARDIN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Chairman, I wish we had the kind of time to deliberate the way the American people would want us to do so. The Republican bill, and I appreciate the gentleman from Missouri [Mr. TALENT], his offering of this amendment, but let us talk about the legislation that is on the table. That bill would not ensure safe child care for parents who work, and we would be punishing some 401,600 children.

Now we have mentioned the Deal bill and the Mink bill, and I would hope that, as we debate those substitutes, we will find a way to answer the questions that have been raised by the gentleman's amendment, allegedly to assist in decreasing the amount of dollars we spend on child care.

□ 1745

But I ask the question to the gentleman as to whether or not he has ever sat with welfare mothers. Has he ever had any real experience in understanding what the need is here? The need is that people want to work, and they want to work if their little one is 2 years old or 3 years old.

Do they want to leave them in an abusive situation? No, they do not. They want to have reasonable, safe child care. And the bills by DEAL and MINK and the amendment that I offered to the Committee on Rules dealt with providing child care for those who need it.

This is a discriminatory amendment. What it says is that our young mothers who can most benefit by job training, most benefit by high-technology training to get them into the work force, most benefit by the eagerness with which they want to go and provide for their children, they want to cut them off and discriminate because we are into slashing and burning and cutting off child care.

Child care has to be a realistic component of this welfare reform bill or in fact, Mr. Chairman, we will punish over half a million children. You cannot discriminate against these young women and these young parents, for they have told me face-to-face, for I live in these neighborhoods with these young women, and what they want most of all is to set a role model for their children, whether they are 15 months old, 2 years old, or 4½ years old.

You are not speaking the language of the American people that says we want welfare reform, not welfare punishment. I will not discriminate against young women who want to have a chance and opportunity, and I will not discriminate against their children. It is time to support the bill that this side of the aisle has, because we believe in work programs that do not discriminate and provide child care for our children.

The CHAIRMAN. The gentleman from Missouri [Mr. TALENT] has half a minute left, the gentleman from Maryland [Mr. CARDIN] has 2¾ minutes left and has the right to close because he represents the committee position.

Mr. CARDIN. Mr. Chairman, in order to extend debate, I move to strike the last word.

The CHAIRMAN. The gentleman from Maryland [Mr. CARDIN] is recognized for 7¾ minutes.

Mr. CARDIN. Mr. Chairman, I yield 7 minutes to the gentleman from Missouri [Mr. CLAY] and ask unanimous consent that he be allowed to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN. The gentleman from Missouri [Mr. CLAY] controls the time.

Mr. CLAY. Mr. Chairman, I rise in opposition to the amendment offered by my colleague from Missouri. It seems everyone is trying to prove how tough they are on welfare recipients, to show how many people they will force to work and how fast they will be required to work. But all of these get-tough amendments ignore reality.

The reality is there is not an endless pool of unfilled jobs for unskilled workers. If there were, we would not have 6 million unemployed Americans waiting for jobs. The reality is that most of the jobs being offered do not pay a living wage that can support a family. If we really cared, we would be creating jobs that pay living wages. I tried to offer an amendment to increase the minimum wage to a mere $5.15. But the Committee on Rules refused to make it in order, refused to make it in order.

They asked me whether I checked with the Parliamentarian to see if it was relevant. Of course it is relevant, Mr. Chairman. We cannot talk about welfare reform without talking about raising the minimum wage.

Let me remind my colleagues of these statistics: 4.2 million Americans, half of them women, work for the minimum wage or less; 11 million Americans currently earn less than $5.15. Currently, the poverty level for a family of three is $12,300 a year, yet the minimum wage pays only $8,500 a year, two-thirds of the poverty level. The Contract With America promises an unconscionable tax cut of $11,450 for those earning $200,000. this bill will take the money from the poor, from the welfare recipients, to pay for that tax break for the privileged.

Mr. Chairman, the Talent amendment will do nothing to provide jobs as a living wage, and I urge my colleagues to oppose this amendment.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. GENE GREEN].

Mr. GENE GREEN of Texas. Mr. Chairman, I thank the ranking member of the committee for yielding to me.

Mr. Chairman, I had hoped last year when we talked about welfare reform and the President announced his plan that we would have a bipartisan welfare reform bill. But having served on the Committee on Economic and Educational Opportunities, I realize this is not a bipartisan welfare reform bill.

This amendment increases the work requirements, but will it lift a person out of the web of Federal assistance? No, it will not. The best way to end welfare as we know it is to provide a job. If a worker puts in 40 hours a week, 52 weeks a year, their gross pay under our current minimum wage is $8,800. For an individual that is just barely over the poverty level. But if they have just one child, just one child, they are $1,000 under the poverty line. For an average family in the 29th Congressional District in Houston, which I am proud to represent, a family of three, for that amount of money they would be $3,500 below the poverty line without a minimum wage increase.

That is why a minimum wage increase should be part of our welfare reform bill. This would make them eligible for assistance at this 3,500 less for many of the programs that we want to reform. If Members on the majority side wish to save on welfare and wish people to work, we should increase the minimum wage so full-time workers would not be eligible for that assistance.

Over half the workers earning the minimum wage are over 26 years old. We are not just talking about teenagers or young people, we are talking about people who have to support a family on the minimum wage. The purchasing power of the current minimum wage has declined by 40 percent since 1990 due to inflation.

We must end this shell game, this Republican shell game, and this partisan bill to give tax cuts and take our children's lunch money. We need to stop paying for tax cuts with infant formula money. The best way to stop welfare is to provide a job, and a job that lifts people out of welfare at a decent wage.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, I thank my friend from Missouri for yielding.

Mr. Chairman, you know, it really boggles the mind. We have 31 amendments, only 5 Democratic amendments, and nothing on child nutrition, and the amendments I had hoped to offer are not around. Now we are talking about participation and how many welfare recipients are going to participate in work.

Well, people will participate in work only if you pay them a living wage, only if you pay them a fair wage, only if you provide them with the job training so that they can get a job, and if you provide them with the child care so that they can leave their children while they work. This bill does none of that, and that is why I believe it is a farce and a sham.

Today's minimum wage is worth 30 percent less than what is was worth in the 1970's. An increase in the minimum wage is a necessary step in providing people with the tools they need to bring themselves out of poverty. We cannot move welfare recipients into a position where they join the growing number of working poor. Again, my amendment, which was not allowed to be brought to the floor, would have allowed working poor to continue to get child care to keep them off welfare, but the Republican majority did not even want to let that happen.

Thirty-eight percent of all poor children under six have parents who work full or part-time. They are working to support their families, but cannot make enough money to live above the poverty line. In 1992, a full-time worker only grossed $8,800. That is $3,500 below the poverty line for a family of three, $11,186. How can we expect to move welfare recipients into this subsistence level of employment with no health care and no job training? But the Republicans do not care about that either.

We must create a system that rewards work and does not punish someone for trying to be independent. We must make the tough decisions. We must say that job creation, training, and increased wages are national priorities. We must commit to programs that will help us reach a goal of a stable, self-sufficient employment for all Americans, not the farce that the Republicans are trying to pass off as welfare reform.

Mr. CLAY. Mr. Chairman, I yield the balance of my time to the gentlewoman from Hawaii [Mrs. MINK].

The CHAIRMAN. The gentlewoman from Hawaii is recognized for 30 seconds.

Mr. SHAW. Mr. Chairman, at the appropriate time, I intend as the designee of the gentleman from Texas [Mr. ARCHER] to move to strike the last word, which under the rule will give me 5 minutes of time. I believe the minority has the right to close debate on this particular amendment. I do not want to preempt that right.

The CHAIRMAN. The gentleman has the right to do that.

Mr. SHAW. Mr. Chairman, I move to strike the requisite number of words, and would ask unanimous consent to be able to divide my time.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The gentlewoman from Hawaii [Mrs. MINK] is recognized for 30 seconds.

Mrs. MINK of Hawaii. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the issue really is the question of forcing people to work without a standard of compensation. That is what the chairman on our side has been trying to say to the majority. If you are going to make an individual work, and under your amendment they are going to be required to work for 30 hours in order to stay on their welfare cash assistance, then, for heaven's sake, pay them at least a living wage and make it comparable to the Federal minimum wage; and, better yet, increase the minimum wage, as the President has requested.

Mr. SHAW. Mr. Chairman, I yield 1½ minutes to the gentleman from Missouri [Mr. TALENT].

The CHAIRMAN. The gentleman from Missouri [Mr. TALENT] is recognized for 2 minutes.

Mr. TALENT. Mr. Chairman, I thank the gentleman for his generosity.

Mr. Chairman, let us define what we are talking about here and what this amendment does. We are talking about people who are receiving the range of welfare benefits, cash, food stamps, Medicaid, maybe subsidized housing, a package of benefits worth conservatively about $10,000 a year. That means if they have to work under the hours this bill requires, they will be working for between $6.50 an hour and $9.00 an hour. There are a whole lot of Americans doing that.

What the bill says is if you are on welfare for 2 years, if you do not have a young child at home that requires day-care and you are able-bodied, you have got to work. And what we are dealing with here again is a difference of visions, because some people here think that is a punitive. I think that is the way out of welfare.

Here is what the amendment does not do. It does not do what the 1988 bill does and what most work provisions purport to do. People say we need to provide a job. What that really means is we need to spend thousands and thousands of dollars trying to train somebody to be a vice president.

What we need to do is just provide work. Work is available for people. It does not provide day-care for people. We focus on people that do not need day-care. That does not increase the cost of the bill by billions of dollars.

We have heard from the other side the Republican bill is weak on work. If you want to strengthen the bill on work, and I do, vote for this amendment, because it is going to require that people work. It is not going to cost billions of dollars. It will save money, move people off welfare, and mean that when people are on welfare they are getting a paycheck and their kids are seeing them get a paycheck. That is what this bill is about; work, responsibility, and family.

Mr. SHAW. Mr. Chairman, I yield 3 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, there are some real misunderstandings about this amendment, and, with all due respect, I would like to point out that it actually weakens the work requirements of current law. Current law requires you to work once your youngest child is 3 years old. This raises that threshold so you do not have to work until your youngest child is 5 years old. That weakens the work requirements in current law, and it weakens dramatically the work requirements in the bill before us.

Sixty-three percent of all families on AFDC have children under 5. Sixty-three percent. However are States going to meet the work standards in the bill if 63 percent of the people on AFDC are exempted from the mandatory work requirements?

Now, remember, as a society, we allow low income working people only 3 months leave after their baby is born. I have always felt it was a serious inequity that people on welfare got to stay home 3 years, when people working got to stay home 3 months. And now this bill is going to allow you to stay home 5 years.

Now, that is one point. The other point is, and I feel this very strongly, what you are saying is to those young girls who have had a baby, stay home. Stay home. The studs are hanging around outside the door. Have a good time.

Nothing could be more destructive. Nothing could be more contradictory to the fundamental message of this bill, which is take personal responsibility. We are saying you have that baby, you do not have to take responsibility.

□ 1800

Frankly, this bill is about personal responsibility.

Lastly, let me say the research does show very, very clearly that the programs that cream do not matter and those are the women whose children are already in school. The programs that really matter in terms of dependence are the programs that take those young girls who dropped out of high school, those young girls who had babies when they were very young and really make them go through the education, training and work performance that alone will enable them to change their lives.

Finally, this amendment is going to add complexity. This is exactly what the spirit of the block grant opposes and what the governors have time and time again driven my amendments off the board about, because they do not want this kind of micro management.

Mr. TALENT. Mr. Chairman, will the gentlewoman yield?

Mrs. JOHNSON of Connecticut. I yield to the gentleman from Missouri.

Mr. TALENT. Mr. Chairman, the gentlewoman said that current law requires that everybody with a child three or under, is it, work. How many people are working now?

Mrs. JOHNSON of Connecticut. Anyone with a child, once a child reaches 3, you must be in a managed work program.

Mr. SHAW. Mr. Chairman, I yield myself the remaining 30 seconds. I would like to say that I am opposed to this particular amendment. I think the work provisions, I think, are good and well thought out, but I think the problem that we have, very eloquently pointed out by the gentlewoman from Connecticut, it puts, it divides people up into several classes. It raises the work requirement from the present 3 years old up to 5. I think it also takes away a lot of the flexibility that we intend to hand down to the States and, therefore, I would urge a no vote.

The CHAIRMAN. The gentleman from Missouri, [Mr. CLAY] has one-half minute remaining.

Mr. CLAY. Mr. Chairman, I yield myself the balance of my time.

I rise to once again say that we ought to defeat this amendment. This is an amendment that is not in the best interest of welfare recipients, taxpayers, or this country. I urge the defeat of the amendment.

Mr. CARDIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Utah [Mr. ORTON].

Mr. ORTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. CARDIN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I rise in opposition to the Talent amendment. The Republican welfare reform proposal needs work. This amendment does not provide it. I urge my colleague to vote "no."

Mr. CARDIN. Mr. Chairman, I yield myself the balance of my time.

In closing, let me urge my colleagues to vote against this amendment. It discriminates against parents with young children. There is no enforcement in this bill or by this amendment or the work requirements. There is still a reward in the bill for failure of a State that just knocks people off the rolls and does not provide job opportunity. And, lastly, this amendment does nothing to cure the fact that this bill provides requirements on our States without any funding to take care of it. It is really a large unfunded mandate.

I urge my colleagues to defeat the amendment.

Ms. PELOSI. Mr. Chairman, I rise in opposition to the Talent amendment. The Republican welfare reform plan is weak on work, and this amendment does not solve that problem.

This amendment provides neither enforcement of its work requirements or resources to meet them. This amendment has no guarantees that those who get work will make a living wage.

The Talent amendment would not lift people out of welfare and into work. It would create an even larger class of working poor in this country than we have now.

Real welfare reform should emphasize self-sufficient employment that provides a liveable wage, that can create a long-term solution to the crisis of poverty.

The Talent amendment does not strengthen the work requirements in the Republican bill or provide real job opportunity. I urge my colleagues to vote "no" on the Talent amendment.

The CHAIRMAN. All time has expired on the amendment.

The question is on the amendment offered by the gentleman from Missouri [Mr. TALENT].

The question was taken; and the Chairman announced that the "noes" appeared to have it.

Mr. TALENT. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Missouri [Mr. TALENT] will be postponed.

The point of order no quorum is considered withdrawn.

The Chair would like to take this opportunity to remind Members that under the rule, the authority granted under the rule for this bill, the Chair is merely postponing requests for recorded votes until after consideration of amendment No. 8.

At that time the request for a recorded vote on amendment No. 1 will be the unfinished business of the House. Twenty-five Members will need to stand at that time in order to obtain a recorded vote on that amendment as well as the other postponed questions in turn. There is no need for a Member making a request for a recorded vote to renew the request.

The Chair would also like to remind the Members that the first vote taken on the first amendment will be a 15-

minute vote, and subsequent votes may be reduced to 5 minutes, if no business interferes between the votes.

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 104–85.

AMENDMENT OFFERED BY MR. KLECZKA

Mr. KLECZKA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KLECZKA: Page 16, strike line 8 and all that follows through line 15.

The CHAIRMAN. Under the rule, the gentleman from Wisconsin [Mr. KLECZKA] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

Mr. SHAW. Mr. Chairman, I am not aware of any Member on the floor who is opposed to the amendment. I ask unanimous consent to claim the 10 minutes.

The CHAIRMAN. Is there any objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The gentleman from Florida [Mr. SHAW] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I bring forth this amendment with my colleague, the gentleman from Rhode Island [Mr. REED]. And if I might briefly explain what the effect of the amendment would do, the bill, as reported by the Committee on Ways and Means, provides for a temporary assistance block grant in title I.

As part of setting up that block grant, we permit States to amass up to 120 percent of the block grant in what we call a rainy day fund. I think there is a lot of support for the rainy day fund.

I think there is lot of logic to establishing the rainy day fund for a State that comes on hard times. If there is an economic downturn, there will be ample funds available for the block grant programs to take care of the needy within that State.

I should also add that the bill provides that States can transfer from other block grants up to 20 or 30 percent into the rainy day fund.

The problem I have with this section is that after the State has amassed this 120 percent, it then has the opportunity to call the Governor or the legislature to shift funds out of the rainy day fund anything above and beyond 120 percent, into the State's general fund.

As I indicated to my colleagues on the Committee on Ways and Means, the bulk of us in Congress today were former State legislators. And surely they are not going to look a gift horse in the mouth. They are going to see these funds as being available for their disposition. It will alleviate their need possibly to raise taxes. If, in fact, a State has some particular road needs, they could take moneys from this rainy day fund into the highway program of the State. And clearly that is not why we are sending the States these dollars.

These dollars are for specific programs in these various block grants. I think it is ill-advised to permit the State the latitude to take federally-raised dollars sent to the State for a specific purpose and use it for their general purpose needs. So the amendment would delete from the bill that particular section of the bill.

Mr. Chairman, I yield such time as he may consume to the gentleman from Rhode Island [Mr. REED], the author of the amendment.

Mr. REED. Mr. Chairman, I rise in strong support of this amendment offered together with my colleague the gentleman from Wisconsin [Mr. KLECZKA. I also want to commend him for his leadership on this amendment.

We are talking about creating a block grant structure. I have some very serious concerns about that. But if we are going to pursue a block grant strategy, this amendment must be adopted.

We want to ensure that the Governors and the State legislatures not only have flexibility but also that we have accountability. As the gentleman from Wisconsin [Mr. KLECZKA] so well explained, the underlying bill provides for a rainy day fund so that in good times moneys can be built up to face more difficult economic times.

At present the bill requires the states to run this account up to 120 percent of the title I moneys but after that there is no clarification or determination of what excess funds should be used for.

As the gentleman from Wisconsin pointed out, under the present law, these funds could be used for any general State purpose. And having served in a general assembly, I never underestimate the ingenuity and the imagination of state governors and state representatives to find ways to spend Federal moneys. So as a result, I think it is incumbent upon us to insist upon accountability, to require that when this 120 percent fund level is met that any additional funds be either returned to us or used for the purposes that we provide them for these welfare programs.

This is a very good amendment. It gives flexibility but it does not ignore accountability by the states.

I urge this amendment be adopted. And again, I commend the gentleman from Wisconsin for his leadership.

Mr. SHAW. Mr. Chairman, I understand that the gentleman from Wisconsin has no further requests for time. I have no requests on this side. I support the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. KLECZKA. Mr. Chairman, I ask Members to support the amendment, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. KLECZKA].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 104–85.

AMENDMENT OFFERED BY MR. BUNN OF OREGON

Mr. BUNN of Oregon. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BUNN of Oregon:

(C) STATE OPTION.—Nothing in subparagraph (A) shall be construed to prohibit a state from using funds provided by section 403 from providing aid in the form of vouchers that may be used only to pay for particular goods and services specified by the state as suitable for the care of the child such as diapers, clothing, and school supplies.

The CHAIRMAN. Under the rule, the gentleman from Oregon [Mr. BUNN] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

Is the gentleman from New York [Mr. RANGEL] opposed to the amendment?

Mr. RANGEL. Mr. Chairman, I am.

The CHAIRMAN. The gentleman from New York [Mr. RANGEL] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Oregon [Mr. BUNN].

Mr. BUNN of Oregon. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, although I would have liked to have seen us go much, much further than this amendment does, this amendment does one crucial thing, and that is to provide a floor for teenage mothers. Again, I would have liked to have seen us do more, but we do at least have the ability to give the States the flexibility so that they can provide vouchers for things such as diapers, clothing, school supplies, cribs and, instead of simply turning our backs on those with a crisis, with this we can actually step in and meet their basic needs.

I think that it improves the bill drastically. And I would hope that every one would be supportive of this.

Mr. Chairman, I reserve the balance of my time.

Mr. RANGEL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to congratulate the gentleman for attempting to improve this bill. But it does not improve it dramatically. Somewhere somebody got the idea that when someone is 18 years old and they have a child that you punish the child. You just say that has to stop somewhere.

And so they said, no cash benefits would go to the child, not even if the child was under some type of adult supervision or that the child was kicked out of the home or the child had no place to go. Arbitrarily they said that just being 18 years old was enough by itself to deny benefits. A mandate, a mandate to the States.

My God, the Council of Catholic Bishops said that this would encourage abortion. The cardinal is concerned about it. I do not know whether buying diapers is going to clear this thing up at all. I mean, we are saying to the kid that if you really think that it is the cash incentives, then maybe some of the people on the other side would think that the mother would have the child in order to get the diapers and school supplies, since you have this irrational logic that they are making babies for the cash assistance.

No, I do not really think you can perfect this dramatically by just being kinder and gentler and the amendment does do that by providing for vouchers. But I think the whole world ought to see what is the intent behind the bill.

Just being 18 years old, how long does the mother get for vouchers for school supplies or diapers? Does it go into clothing? Does it go into any other things? I mean, I will wait until the gentleman finishes, because I would like to yield to him and ask him. Since it is not written out here, you are going to dramatically improve this bill by allowing the mother that is 18 to get diapers and school supplies and what else?

Mr. BUNN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from Oregon.

Mr. BUNN of Oregon. Mr. Chairman, it would be for particular goods and services specified by the State as suitable for the care of the child, and then such as diapers, clothing, and school supplies.

Mr. RANGEL. Well, suppose there were some other need? How long does this go on? Is there a time certain that it is cut off?

Mr. BUNN of Oregon. Mr. Chairman, if the gentleman will continue to yield, this would provide the State with the option of providing the services for the child.

Mr. RANGEL. Will it give the State the option to provide cash assistance, if in its wisdom that is what they wanted to do? After all, we have to realize that the government does not have the answer for everything.

□ 1815

The gentleman trusts the Governors, doesn't he? Why will the gentleman not allow them to give cash assistance?

Mr. BUNN of Oregon. Mr. Chairman, if the gentleman will yield, I did offer an amendment that was not ruled in order, and would have done exactly what the gentleman is advocating. However, because we did not pass that this morning, I am more than happy to step forward with something that provides a level of care providing for vouchers, which is filling a gap in the bill.

I do not disagree with the gentleman. I would just thank him for observing the need, and hope that he would support the amendment, which would step in and fill what I see is a very large gap in the bill. I think the amendment does take one step. I would like to take a second step, but that was ruled out of order this morning.

Mr. RANGEL. Mr. Chairman, I cannot congratulate the gentleman enough for being sensitive to the fact that we do not have the right to just arbitrarily pick some year in someone's life and deny that child benefits.

Somehow the gentleman has reached a point that he feels that maybe just allowing them, the States, to do the right thing, that that would dramatically change the bill. However, Mr. Chairman, I hope we see the way this is treated.

That is the reason why I took time to oppose this, and probably in the final analysis my conscience will not allow me to do it, just to show the depth of the mean-spiritedness that is involved here. For the gentleman to have to come forward in the majority party and say "Can the kid get some diapers, some clothes, or just something that the Governor may think is in the best interests of the children, of the child born to a teenager 18 years old," and then to be knocked down by his own majority party, because what did he want to do, the right thing?

Mr. Chairman, I will yield to the subcommittee chairman, because I know in his heart he, too, wants to do the right thing. We were not governed by conscience here, we are governed by a contract. The gentleman signed that contract, by golly. It does not make any difference how many children, how many aged, how many sick are going to be hurt, he signed the contract and he has to keep it.

Mr. Chairman, I yield to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Chairman, I thank the gentleman from New York for yielding to me.

Mr. Chairman, I am delighted I caught him in such a good spirit here this evening. It is my opinion under the bill, and I hesitate, but I have to correct the gentleman from New York. This applies to only the 17 years and under. It is 18 years and older that are handled quite differently, so it is under 18, it is not the 18-year-old mother.

I would say here that under the present bill, it is my opinion when we say that the cash can be spent for the mother, that perhaps this could be done anyway.

I would like to compliment the gentleman for his amendment. I think it is a good clarifying amendment. There has been a lot of disinformation out there.

Mr. RANGEL. Mr. Chairman, I yield my time to the gentleman from Florida to answer some of my questions. I have already complimented the gentleman enough. I want to know why he did not see fit to support the gentleman who thought that if a baby came from someone 17 or a baby came from someone 18, that the child should not be discriminated against because of the age of the mother. That is why I thought the gentleman stood up.

Mr. SHAW. Mr. Chairman, if the gentleman will continue to yield to me, the reason we are talking about mothers under 18 being treated different than mothers over 18, through the hearing process we had witnesses that came in and they said that giving mothers under 18, and now we are talking about 15-, 13-, and 14-year-olds as well, to give them cash benefits is nothing less than child abuse.

We are talking about children the gentleman would not leave his cat with over the weekend, and we as a Federal Government are giving them cash, we are setting them up in housekeeping, and this is wrong. We need to correct it. These kids themselves should be in foster care, or in some type of group housing.

Mr. Chairman, all we said was that mothers under 18, under 18, the monies can be spent for their benefit but they cannot be just handed out as cash. We strongly believe, and our witnesses have backed us up on this, that there is great evidence showing that the cash benefits are a lure to get pregnant and to really ruin their lives.

Mr. Chairman, this was done out of kindness, not to save money, believe me. We will not save money through this. It will actually probably be more expensive, but it will be much more responsible and will help the person rather than hurt them.

Mr. RANGEL. Mr. Chairman, the gentleman ought to know that some of the witnesses were here, like the Cardinal of the Archdiocese of New York and the Council of Bishops, Catholic Bishops.

Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. DEAL].

Mr. DEAL. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I understand what the gentleman's amendment is attempting to do, and that is to overcome one of the negative mandates contained in the major bill. That is that the gentleman would prohibit any revenue or resources being given to those underage mothers.

If the gentleman would like to clean up that part of the bill, if he would pardon the pun, boy, have I got a deal for him, and that is the Deal substitute, because we do exactly what the gentleman from Florida [Mr. SHAW] has suggested. Our bill says that we do not pay cash benefits to underage mothers, that they must be with an adult, a parent or a supervising adult; that they are required to go back to school to complete their education.

This effort to simply in part address that issue with baby diapers or clothes is only a partial solution to it. We believe that these underage mothers need to have the leverage placed upon them to make sure that they complete their education, to make sure that they do not establish independent households.

Mr. Chairman, I would just simply suggest that the Deal substitute addresses this problem in a more thorough and complete manner.

Mr. RANGEL. Mr. Chairman, I reserve the balance of my time.

Mr. BUNN of Oregon. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana [Mr. MCCRERY].

Mr. MCCRERY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I want to commend the gentleman for his amendment. I think it does clarify that the base bill does in fact allow the States to spend their block grant money on services to women under the age of 18 who have babies out of wedlock, so I think that it is commendable to have that made clear for everyone.

With respect to the bill of the gentleman from Georgia [Mr. DEAL] I think it is a huge mistake to say that we are not going to give cash to the teenaged mother, but we are going to give cash to the mother of the teenaged mother.

That to me is an even more insidious offer than the current system, when we have a young teenaged mother who is probably living in a home that is already on public assistance, and we tell the head of that household "We will give you more cash; in fact, not just $70 more for you having another baby, but $500 more for your daughter having a baby." That makes no sense at all.

I think the Deal bill, however well-intentioned, is even further off base than the current law, so I am glad the gentleman from Georgia [Mr. DEAL] cleared that up for us, too.

Mr. BUNN of Oregon. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I strongly support the Bunn amendment. I congratulate the gentleman from Oregon for his very, very strong sensitivity to the plight of teenagers and those who may find themselves pregnant.

His amendment, and I would have hoped that the rule would have made in order the cash payment as well, particularly as it went through, as he would have envisioned, a responsible adult, a guardian, a grandmother, perhaps, or a mother, so that it would act as a magnet to keep that child under the roof of that family and help to keep families together.

Regrettably, that is not to be, but this amendment as it is offered will provide tangible assistance to these teenagers, and I think it is a very appropriate amendment.

Mr. SHAW. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Florida.

Mr. SHAW. Mr. Chairman, the gentleman has brought up the point that the other gentleman just brought up. Admittedly, the bill is not clear on that. I can assure the gentleman that it will come up in the conference and there will be no doubt about that.

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for that clarification.

Given the issue of why, especially for teenagers, cash assistance is in their best interests, we are hoping to keep our young people in school. One of the costs associated with that goal is babysitting. A voucher, as best I can read it, is not going to accommodate that, so I would hope that that issue would be revisited, as well.

Again, I want to thank the gentleman from Oregon [Mr. BUNN] for his leadership. It is very much appreciated, I think, by everyone who cares deeply, as we all do, about the plight of these teenagers. The gentleman needs to be congratulated.

Mr. BUNN of Oregon. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, to conclude my comments on this, and I have no other speakers, I would like to say that this amendment, although it does not go as far as many would like, including myself, it does provide a solid base to meet the needs of teen mothers, whether it is clothing, diapers, school supplies, and it gives the States some of the flexibility that they need. I think it does improve the bill. It may not make the bill what many want, but it goes in the right direction. I do not see any reason to oppose the amendment. I would encourage support.

Mr. Chairman, I yield back the balance of my time.

Mr. CARDIN. Mr. Chairman, as the designee of the gentleman from Florida [Mr. GIBBONS], and to extend debate, I move to strike the last word.

Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee [Mr. FORD].

Mr. FORD. Mr. Chairman, I rise in opposition to the amendment. I think it is clear that when we had this provision of the bill before the committee, the Democrats tried very much to make sure that the cash benefit would not leave the child. I do not think that it is proper for us to try to fault the child for the parent's behavior. I just do not think that is an answer to this problem. Instead of guaranteeing that this money goes to the children, instead we are going to guarantee that it goes to the Governor, and hope for the best.

This amendment that is offered here on the floor today recognizes that there is a problem by cutting off the cash benefits from those children who are born to unmarried women under the age of 18. That is a problem. We know that the teenaged pregnancy problem in America must be addressed, but there is no solution to this problem in the Personal Responsibility Act.

If we look at the children that are born, born out of wedlock in this Nation, we know that that is a problem. It is a problem in other countries in this world. However, I do not think that we can point and say that a majority of these children born out of wedlock or the problem of children born out of wedlock, illegitimacy, as the Republicans refer to these kids, I do not think that that is a problem that we are trying to solve in this Personal Responsibility Act today, or the welfare problems of this country.

Mr. Chairman, I believe that it is a fundamental mistake to walk away from our commitment to the children of this country. That is basically what we are doing. The Deal bill will offer another alternative, as the gentleman from Georgia has said earlier. He certainly treats this differently, like the Democrats on the Committee on Ways and Means tried to get our colleagues on the Republican side to say yes to an amendment that would pass those cash benefits on if that mother of that child lived in the household, or under some supervised gathering in a house or a group home that the mother and the child both could live in.

Instead, we now have an amendment before this House saying that what we want to do is pass on diapers and some other clothing for these kids. A good gesture, yes, we appreciate that, but what we should not be doing with this bill today in the Personal Responsibility Act is saying to the children of this country "You are going to be held responsible for the behavior of your parents." that is wrong. The bill is very cruel to those children, and snatching and taking away the cash benefit is not what we ought to be doing.

Mr. SHAW. Mr. Chairman, will the gentleman yield?

Mr. FORD. I am happy to yield to the gentleman from Florida, my distinguished subcommittee chairman, who has refused all day to yield to Members on this side of the aisle, but I will be more than happy and gracious at this time to yield to him.

Mr. SHAW. Mr. Chairman, with that gracious introduction, I would say to the gentleman that if my recollection is correct, in the committee the Democrats offered a substitute that would take away benefits if the young mother did not attend school. Is that not the same thing, that he is punishing the child for the actions of the mother or omissions of the mother?

Mr. FORD. Let me reclaim the time, Mr. Chairman. I have been kind enough to yield to the gentleman. I thank him for bringing that point out.

We absolutely indicated strongly that we certainly wanted that mother to participate. If she was not willing to participate, to live at home with her mother, go back to school and graduate from high school, and also make sure that that child is taken care of, if she did not meet that self-sufficiency plan that would be set out by the Democrats, certainly we would do that. We would give her a chance.

Mr. SHAW. Would that not be punishing the child?

Mr. FORD. Not giving her an opportunity and a chance to go back to school, because we know that two-thirds of all high school graduates go into the work force on their own, that we would not have that problem today with these kids being dependent upon welfare.

We think it would make them self-sufficient. But to cut the funds off from that child, to be that cruel and to be that mean, like the gentleman is being with his subcommittee bill, Mr. Chairman, that was wrong. We told the chairman then that it was wrong. It is still wrong today, Mr. Chairman.

Mr. SHAW. If the gentleman will further yield, would that not be taking the benefits away from the child? Would that not be terribly cruel? Would the gentleman not be penalizing the child by the omission of the mother to go back to school?

□ 1830

Mr. FORD. But there were about 70 scholars and researchers in this country that suggested very strongly to us that there was no evidence that would suggest in any way that these teen mother were having these babies for the purpose of welfare benefits. There is no evidence to suggest that at all. You heard only the witnesses that I heard before the full Committee on Ways and Means as well as our subcommittee on ways and means.

Mr. Chairman, in closing I would just simply say I am opposed to this amendment.

Mr. RANGEL. Mr. Chairman, I yield myself such time as I may consume.

I cannot find it in my heart to be as cruel to the gentleman for Oregon as his party has been to him, and as small as this token is, I want to thank him for having the courage to stand up with these people and at least to offer diapers, clothes, or something because the mother happened to be 17.

It does not make any sense on our side of the aisle, but since you are courageous enough to stand up against the people on the other side, especially those from the committee that is finding ways to be mean, then what I will do is just support this amendment and hope that perhaps this feeling might be generated among your colleagues to such an extent that they would be prepared to do the right thing and spare the children for whatever faults they find in his or her mother.

The CHAIRMAN pro tempore (Mr. WALKER). The question is on the amendment offered by the gentleman from Oregon [Mr. BUNN].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. FORD. Mr. Chairman, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Oregon [Mr. BUNN] will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment number 8 printed in House Report 104-85.

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SMITH of New Jersey:

Page 34, strike line 1 and all that follows through line 15 and insert the following:

"(5) NO ADDITIONAL CASH ASSISTANCE FOR CHILDREN BORN TO FAMILIES RECEIVING ASSISTANCE.—

"(A) GENERAL RULE.—A State to which a grant is made under section 403 may not use any part of the grant to provide cash benefits for a minor child who is born to—

"(i) a recipient of benefits under the program operated under this part; or

"(ii) a person who received such benefits at any time during the 10-month period ending with the birth of the child.

"(B) EXCEPTION FOR VOUCHERS.—Subparagraph (A) shall not apply to vouchers which are provided in lieu of cash benefits and which are provided in lieu of cash benefits and which may be used only to pay for particular goods and services specified by the State as suitable for the care of the child involved.

"(C) EXCEPTION FOR RAPE OR INCEST.—Subparagraph (A) shall not apply with respect to a child who is born as a result of rape or incest.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SMITH] and a Member opposed will each control 10 minutes.

Mr. MCDERMOTT. I rise in opposition, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Washington [Mr. MCDERMOTT] will be the Member opposed.

The Chair recognizes the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I support the general thrust of welfare reform and I sincerely commend the gentleman from Florida [Mr. SHAW] and the gentleman from Texas [Mr. ARCHER] for their efforts in drafting legislation designed to end welfare as we know it.

Mr. Chairman, some of us, however, opposed the rule this morning because we fear certain provisions of this bill will encourage abortion. But there is at least one other danger, that these provisions will trap children in the very cycle of perpetual poverty that the bill seeks to end.

I am concerned that unless amended in some significant ways, H.R. 4 will have some very dire, albeit unintended consequences.

I admit that the family cap exclusion has enormous surface appeal. Many Americans are fed up with people being on the dole. Americans want the abuse of the system to end. But I fear that one purported remedy, a cap on assistance for any additional children born to a woman on welfare, will severely hurt the weakest and most vulnerable people in our society, children. No one wants to do that.

The two most predictable outcomes of the family cap child exclusion as written are the likely increase in the number of babies aborted by indigent women, many of whom will feel financially trapped and abandoned, and the further impoverishment of children born to women on welfare. Both scenarios are unacceptable.

Over the years, numerous studies have shown that money, or more precisely, the lack of it, heavily influences a woman's decision to abort her child. A major study that was done by the Allen Guttmacher Institute, a research organization associated with Planned Parenthood, found that 68 percent of women having abortions said they did so because they "could not afford to have the child now."

Among 21 percent of the total sample, this was the most important reason for the abortion. No other factor was cited more frequently as "most important."

Demographers have pointed out that "young, poor and minority women are more likely to have abortions than older more affluent women even though these same groups are more likely to oppose the right to abortion."

Seven in 10, 70 percent, of women with incomes of less than $25,000 disapprove of abortion compared with 52 percent of the more affluent women. Yet the poorer women account for two-thirds, 67 percent, of the abortions.

One expert observed, "Few would say that an abortion is a good thing, but many women who believe that abortion is wrong found themselves unable to support a child when they became pregnant." This information backs up the Guttmacher study as well.

The family cap in my view is likely to tip the balance for each poor woman who feels that society has no real interest in the survival of her baby. She will get a powerfully negative message that her child has little or no value, especially from those States like my own where Medicaid is available for abortion on demand.

Then one of two things will happen. The woman will have an abortion, or the family will descend further into poverty.

Mr. Chairman, the family cap child exclusion might present a close question if one could argue that the incremental payment for a new baby were really so high that it might encourage women and girls to get pregnant to have babies just to get welfare. But this concern simply evaporates when we look at the facts.

The facts are that the additional assistance per child varies from State to State. But the median is about $57 per month. Out of this, the mother must pay for the child's clothing, shoes, diapers and other baby supplies, laundry and bus fare for medical checkups.

According to statistics compiled by Catholic Charities, the low end cost for these items total about $88.50 per month, so the mother is $31.50 in the hole even before she begins paying for the child's other expenses. We simply mislead ourselves when we assume that this constitutes an incentive to have more babies.

Mr. Chairman, there is much about the welfare system that needs changing, much that does serve to trap people in the cycle of poverty and despair. But allowing the States to pay modest per child benefits is not one of those terrible things. On the contrary, it is a true safety net, a safety net against abortion under duress, a safety net against a descent further into poverty.

My amendment would allow the States to provide goods and services designed to assist the child, it targets it, and it does so in a way that is practical and is tangible.

Mr. Chairman, I do strongly hope that my colleagues will support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. McDERMOTT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a very interesting amendment that the gentleman from New Jersey [Mr. SMITH] brings forward. It raises a very interesting question. He spends a lot of time telling us that people do not have babies to get more money out of the welfare system. My understanding that this whole business of a cap is designed to deal with these people who say, "You know, I need a few more bucks, I think I'll go have a baby." Anybody who would say a dumb thing like that has never had a child.

In Texas, you get a second child, you get $25. I think if you asked most women if it is worth going through having a child for $25, it is pretty hard to find anybody who would say that that is the reason why they have a child. Most people get pregnant not because they choose to a second time, failure of birth control, whatever, and the child is there. Then to say, well, let's give a voucher.

Why is it that you will give a voucher to them but you will not give them the public assistance to actually rent an apartment with an extra bedroom? You are not going to let them have any cash. You are going to say, "Well, we know that you need diapers and we know that you need formula and we know you need these things." This is micromanagement of the very worst sort.

You say to the States, "Here's your money. You decide what you are going to do." And then in this bill, you turn around and you want to start micromanaging down to the level of the number of diapers that a woman needs to buy for a child.

That in my opinion is precisely what you say you do not want to do but you wind up doing it and kids are the ones who suffer from this.

This whole idea that somehow children born to kids, and I say kids because they are under 18, that those children should not be affected, that they are somehow going to have the money taken away from them, or that they are not wedded to somebody, somehow we are not going to care for them is the guts of what is wrong with this whole proposal.

You have people here who are simply poor. Those people need some money to deal with the situation. But you are now saying, "Well, we've put this cap on, it doesn't make any sense, but let's put a little provision in here for vouchers."

I think despite the argument of the gentleman from New Jersey [Mr. SMITH], if I were a young woman and I thought, "Well, I've got one baby and I've got another one, now I'm pregnant, but I'm not going to have any money to take care of this kid, I think I'm going to get an abortion." What would prevent a woman from thinking that? Seems to me if she is halfway reasonable, she would say, "Why not get an abortion? There's no way that I can take care of this kid. My parents don't have any money, I was raised in poverty," whatever.

We assume that all these children are going to go home to middle-class families making $75,000 a year, I guess.

When you do this kind of stuff, you are simply promoting abortion. Those of you who care about abortion and want to prevent it ought to be looking at this family cap business and all this chicanery that is in this amendment to try to avoid that issue are simply promoting that. I think that you ought to reconsider this and vote "no" on this amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I am a mother of 5, a grandmother of 15, and a great grandmother of 3 and I am well acquainted with the cost and sacrifices involved with raising a family. Diapers, bottles, blankets, booties, clothes, car seats, the list goes on and on.

This is why I am very concerned with the so-called family cap.

Although it is imperative that we discourage out of wedlock pregnancies, increasing the financial pressure on women faced with a crisis pregnancy lacks compassion and will undoubtedly cost the lives of many innocent unborn children.

In addition, we should not go about the business of requiring States to discriminate against a child simply because of his or her place in the family birth order. Once the choice is made to have a child we should ensure that children raised by welfare mothers are not unfairly penalized and suffer further the dire consequences of poverty.

This is why I support the Smith amendment. This amendment would retain the essence of the family cap provisions by restricting direct cash benefits but would allow States the option of providing vouchers to pay for particular goods and services specified by the State as suitable for the child involved.

I urge my colleagues to support this amendment. It is a kind and compassionate choice to make.

Mr. McDERMOTT. Mr. Chairman, I yield 1½ minutes to the gentleman from Tennessee [Mr. FORD].

Mr. FORD. Mr. Chairman, we on the Ways and Means and the Subcommittee on Human Resources, we proposed to let States decide the circumstances under which cash benefits are paid and to let States choose to limit benefits when a child is born to a family already on welfare. But you rejected that, the Republicans, and giving the States the flexibility in order to administer this provision of the welfare program itself.

One of my colleagues just leaned over, and I totally agree with him. What we are talking about on the amendment before and what we are talking about with these vouchers, I have enough K-Marts and other stores in my community back home in the district and I am sure that most of these mothers can find diapers and other commodities that they will need in the neighborhood stores. I do not think that we need to set up these big State bureaucracies to buy Pampers for the babies. I think we are dealing with the wrong issues here today.

I do not have a problem in giving States the flexibility to choose and decide how they want to have all these benefits for these children, but I do not think we ought to be doing what we are doing today.

Mr. Chairman, the Children's Defense Fund, I was just reading a pamphlet that says, "When it's budget cutting time, they always start with the easiest targets." They have a Pamper on this baby with a target going right at the back of this baby.

I think that exemplifies what the Republicans are trying to do to these babies in America. As you talked about the Pampers being put on vouchers and giving the authority to States to set up this bureaucracy, I just want you to know that these are the Pampers that you would be targeting.

□ 1845

Mr. McDERMOTT. Mr. Chairman, I yield 1 minute to the gentlewoman from Arkansas [Mrs. LINCOLN].

Mrs. LINCOLN. Mr. Chairman, I thank the gentleman for yielding me this time and I certainly understand the objective of what our colleagues on this side are trying to do in terms of cleaning up the bill that is before us. But once again I will just say, "Have we got a deal for you." This is already in the Deal substitute.

As we look at what we are trying to do in the modifying the family cap provisions in the bill giving these States the options, we already give the States the option to do this. We give them the option of setting a family cap if they choose so to do, we give them the option of initiating voucher programs if they choose so to do, and I just think it is really important that we do not mandate upon these States family caps which they have to then operate through again 50 State bureaucracies. We give them the option; we give them the parameters to work within.

And that is exactly what the bill does, the Deal bill does. So I certainly would encourage my colleagues to look closely at what is already out there.

We all enjoy talking, but it is important to know it is already there.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from South Carolina [Mr. GRAHAM].

Mr. GRAHAM. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, there are a lot of things we are divided on in this House, as you can tell from listening, if you have been listening out there on C-Span. But one thing most Americans feel strongly about is that we need to reform welfare. We are divided about abortions and issues such as a pro-life amendment or pro-life vote, but most of us believe if we do not do something to stem the tide of illegitimacy in this country we are going to ruin the fabric of our society. I do not think any culture can sustain itself when you have an illegitimacy rate at the levels we do now.

Having said that, the question always becomes: What about the children? I am a pro-life candidate, I am a Republican, I want to reform things I think for the good of my country. But what about the children? To me this accommodation is a realistic, real world accommodation that meets the needs of the children. Nobody wants to subsidize immoral or illegitimacies in the country, nobody wants taxpayers' money spent for having one baby after another out of wedlock. But the same people as myself want to make sure those children have a start in life, and I then do not want to foster abortions trying to reform welfare.

This amendment allows the money and products to go to the child's needs, and it is not a blank check by the Federal Government to say go do what you want to, have another one if you want to. This addresses the needs of children, it is a directed amendment that I think accommodates a lot of competing interests, and I am very proud to support it because I care about the children.

Mr. McDERMOTT. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, again I cannot turn my back on those people who have the courage to try to find a decent theme in this type of thing. I cannot see, however, how this really changes the direction in which the bill would be going, just to give the vouchers to these additional children.

But I do hope that we recognize that the bill that is before us is really taking the Federal Government out of all responsibility to take care of our poor, of our children, of our sick and our aged, and I guess it is a part of an overall scheme to say that those people on the local level, those in the cities and those in the State, that they know better than we in Washington. And if that is so, why do we not give them full discretion to do everything? Why is it that we see fit to say that we do not want any strings attached to the governors when it comes to doing the mean-spirited things, but we are just saying that they may provide such vouchers? Why can we not say if they want to a provide cash assistance, let them do that too?

Mr. SMITH of New Jersey. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I thank the gentleman for yielding me the time. I just want to say that I think this is a superb amendment and I congratulate the gentleman from New Jersey.

This is very important, not to transfer more serious problems on the kids of the poor than they already have.

So I salute the gentleman. I hope everyone supports it.

The CHAIRMAN. The gentleman from New Jersey [Mr. SMITH] has 1½ minutes reminding, the gentleman from Washington [Mr. McDERMOTT] has 2½ minutes remaining, and the gentleman from Washington has the right to close.

Mr. McDERMOTT. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Mrs. THURMAN].

Mrs. THURMAN. MR. Chairman, I just want to bring to your attention on February 23, 1995, there was a letter signed by the Governors who have been, in fact, in support of your bill. However, on this particular issue they have asked us to oppose it and give the flexibility to them to do this.

So I think my colleagues should take that into consideration, that they want the flexibility, and that, in fact, was why it was put the way it was in the Deal bill.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 1 minute to the gentlewoman from Washington [Mrs. SMITH].

Mrs. SMITH of Washington. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I was in the other room watching it on TV and all of a sudden I thought, you know, we are talking about bureaucracy but what we are really talking about is a program somewhat like one that I have heard over and over touted from the opposite side. WIC. A voucher program is what we use in WIC. For those who do not know, that is where we give that voucher. It says you can go to the local store, your K-Mart or whatever and you pick up the things you need, and this is where you get diapers or whatever and you just send that in through the system and they say it works real well. In fact, I have heard from my Democrat colleagues now for over a month how great the WIC Program is.

I think when we look at this we need to realize that we are telling the States you have another great option as you need to meet the needs of those little children and we want to make sure that money gets to kids, not to drugs. And this will get to kids, not to drugs.

The CHAIRMAN. The gentleman from New Jersey [Mr. SMITH] has one-half minute remaining, and the gentleman from Washington [Mr. McDERMOTT] has 2 minutes remaining.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself the remainder of the time just to strongly urge Members to vote yes on this amendment. Those who would have preferred cash payments, that is not what is in the underlying bill. It is very likely not going to be an option.

On a dollar-for-dollar basis, empowering the States with the Flexibility we are saying the voucher is targeted to help assist the child, to help the mother who is the custodian of this voucher to provide the best available care. It is a modest amount of money.

I was one of those who led the effort when my Democratic Governor, Jim Florio, led the effort to stop the cash payments in New Jersey, and that is what sensitized me to this voucher to at least provide support to the children.

Mr. McDERMOTT. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, I think what people need to understand is this is a fig leaf. After you slash in the rescissions bill the WIC Program to bits, then I get the gentlewoman from Washington standing up here and saying the WIC Program is a great program when she voted and all of the rest of you voted to slash that program.

The next thing we come to is food stamps. It is a voucher program but in this bill you want to get rid of it. Now this is a fig leaf on the issue of whether you are going to punish women who get pregnant. People who get pregnant are not doing it to get 25 extra bucks in the State of Texas. People are getting pregnant for a whole lot of reasons, but it is not because they want to get more money out of the system, and when you punish the woman you are punishing the kids. And there is no way around it.

This whole bill is directed at punishing children. And I say we ought to vote against this, and of course against the bill, because this bill is unfair to kids.

If you want to pick on adults you ought to pick on adults some other way, but not pick on adults and think you are not picking on kids. You are picking on them; you are going to hurt them. Anything that takes away in those first years what kids need hurts, stunts their development. You are going to pay for it in the long run. It is like the Fram commercial, you either pay for it up front or you are going to pay for it forever.

I hear all of those people talk about the costs of prisoners and prisons, $27,000, $30,000, $40,000 a year. You do not mind that because that is not in this year's budget. That is in about the year 2015 when you pick up this kind of stuff.

I say that this kind of punishment should not go on on this floor.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

Mr. McCRERY. Mr. Chairman, as the designee of Chairman ARCHER, I move to strike the last word.

Mr. Chairman, I just wanted to strike the last word to clear up a few things that have been said about the bill in general. The gentleman from Washington [Mr. McDERMOTT] earlier implied that we are through this amendment micromanaging the States' program. That is nowhere close to the truth.

In fact the language of the amendment is as follows: "Subparagraph (A) shall not apply to vouchers which are provided in lieu of cash benefits and which may be used only to pay for particular goods and services specified by the State as suitable for the care of the child involved." As specified by the State; we are not micromanaging a thing, we are giving that power to the States.

I want to commend the gentleman from New Jersey for his amendment, not because it adds anything to the bill but because it clarifies that the underlying bill gives States the right to use their block grant money to provide services, not cash, but services to children, to women under 18, to women on welfare who have another baby. The bill already allows that, but I congratulate the gentleman for his amendment and making it clear that we do allow that.

I want to clear up a couple of other things, one of them is the WIC Program.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. McCRERY. I am glad to yield to the gentleman from Kansas for that purpose.

Mr. ROBERTS. Mr. Chairman, I thank the gentleman for yielding. I had not intended to take part in this debate but the gentleman from Washington indicated that the WIC Program was slashed in regards to the rescission program. Let me point out there was $125 million in that account, and the rescission program cut $25 million. There is still $100 million in the account. That is within the agriculture budget.

Most of us on the Committee on Agriculture, if not all, understand that the WIC Program is a very important program. Most of us also understand they have an 86 percent participation rate. They are advertising on national radio to encourage more people to participate. There has to be some level there where you are spending money on advertising hopefully to get it up to all people who are deemed eligible, but there is $100 million in there right now that is not even spent.

It was under the WIC Program that we took money from the crop insurance program to spend more on WIC. Nobody is slashing this program; $500 million in authorization, subject to appropriations, more in the WIC Program than last year. This is simply not accurate.

I thank the gentleman for giving me the opportunity to set the record straight.

Mr. McCRERY. I appreciate the gentleman making it clear that the rescission package did not slash the WIC Program, and I would like to point out this bill does not slash the WIC Program. In fact, just the opposite. We provide more money for WIC, not less, even more money than the CBO baseline predicted would be required for WIC.

So I appreciate the gentleman's comments.

Mr. SHAW. Mr. Chairman, will the gentleman yield?

Mr. McCRERY. I yield to the gentleman from Florida [Mr. SHAW] for a little explanation.

Mr. SHAW. Mr. Chairman, I thank the gentleman for yielding. I would like to compliment the gentleman from New Jersey, as I did earlier the gentleman from Oregon, in putting in what I consider to be clarifying amendments.

For the life of me I cannot understand the opposition we are getting from the other side when if there was any question as to how this money could be spent for the benefit of this person, this is moving it, by clarification we are showing we are not as far apart from the minority as it would appear. So for the life of me I cannot understand. Some people may think we are moving toward the minority position and they stand up and oppose it. I do not understand, but I guess that is politics, but politics is one thing I wish we would get off of this floor for the moment and take care of the poor of this country and take care of the children of this country and get on with the business at hand.

Mr. McCRERY. I appreciate the gentleman's comments.

With respect to the comments of the gentlewoman from Arkansas [Mrs. LINCOLN] one more time about what a sweet deal the Deal substitute is, again, the Deal substitute would allow cash benefits to be paid to women and welfare to have an additional child. We think it is simply too important to send the correct message for a change in this country to women who are on welfare, to tell them we are not going to give you cash for additional children. We think that is so important that we must dictate to the States that they cannot use the block grant funds to give additional cash benefits to women who are already on welfare and choose to have another baby. That message has got to be sent; we choose to send it.

Mrs. LINCOLN. Mr. Chairman, will the gentleman yield?

Mr. McCRERY. I am glad to yield.

Mrs. LINCOLN. We already give that option to the States. And certainly many States have already pilot projects like the State of Arkansas.

□ 1900

Mr. McCRERY. Reclaiming my time, I understand that. We made it clear the States will have that option, but we say our system has failed for too long by encouraging people on welfare to continue in that status, by holding out the lure of cash benefits from the Government to have more children. That is wrong. We are going to correct it.

Mr. McDERMOTT. Mr. Chairman, to extend the debate, I move to strike the last word, and ask unanimous consent to merge that additional time with this time I am currently controlling.

The CHAIRMAN. The gentleman has that right.

Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. McDERMOTT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just have to respond. The gentleman from Louisiana [Mr. McCRERY] is one of my favorites on the other side, because he is real honest. He stands up, and he says right out, "We, the Federal Government, have decided that the States cannot give money."

Now, I say to the gentleman from Louisiana [Mr. McCRERY], that is micromanaging what the Governors and the State legislatures can do, and you and I do not disagree on that, I guess. We are telling them, "You cannot do it." We are reaching down into those State legislatures and making that decision for them.

My view, and the amendment that I offered in committee, was to say let the States decide what they are going to do. We are giving them a lot less money.

I listened to all of these people say we are giving more in this program and giving more in that program and giving more in this. How are you saving $70 billion if you are giving more in each section of the bill? I mean, it sort of defies logic that you can give more everywhere and not in the end wind up taking it away from somewhere.

Mr. McCRERY. Mr. Chairman, will the gentleman yield?

Mr. McDERMOTT. I yield to the gentleman from Louisiana.

Mr. McCRERY. I thank the gentleman for yielding, and certainly we are micromanaging to that extent. However, I was responding earlier to the gentleman's comments about us specifying in this amendment the number of diapers that can be purchased. We do not do that, and you know that.

Mr. McDERMOTT. Reclaiming my time, what you do is take away the State's ability to decide with the limited amount of money they are now going to have; the State of Washington is now working on a budget, thinking what they are going to get from us. Suddenly they are going to get a cut. They are going to have to go back in session and decide with a limited amount of money how they are going to deal with this.

One of the things you are saying to them is, "You cannot give cash benefits." I object to that. If you are going to give limited money to the States, let them have the full responsibility.

Mr. HEFNER. Mr. Chairman, will the gentleman yield?

Mr. McDERMOTT. I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Chairman, I would just ask a couple of questions for my own clarification here. We hear a mixed signal here. We are going to give block grants. To me when you give a block grant, you say to the Governor and the State legislature, "OK, here it is, guys, you have got to cover all of these contingencies. You have got to cover the WIC programs, the refundable programs," and what have you, and now, as this amendment says, not unlike the food stamp program, and I do not mean to be clever on this, but it would seem to me there is room for abuse if you give vouchers for diapers or what have you. You know, there are certain things you cannot buy with food stamps. If you have vouchers for diapers or what have you, what is to keep unscrupulous people from taking a voucher for diapers and trading it for a six-pack or what have you? Just because you have restrictions it only can be used does not mean it is going to guarantee that that is what the money is going to go for.

So to me, I am a little bit confused about the concept of total, total block grants, and then when you get back to the situation where you are going to micromanage, here is what you can do, here is what you can do, here is what you cannot do. If you are going to give block grants, for God's sakes, do the block grants and say, "Guys, do the best you can, if you want to do the programs." That is the reason we had such an uproar, and we are so concerned about making a pool of money to give tax breaks to folks at the expense of children.

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. McDERMOTT. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Just to respond briefly, the gentleman raised the potential for fraud or misusing the vouchers as food stamps are often misused or at times misused.

I would submit to you that cash lends itself to misuse to a greater degree than a voucher. The voucher would be harder to sell and to peddle on some kind of black market than the misuse of cash. So we would be more apt to target the money towards the child with the voucher.

Mr. McDERMOTT. Reclaiming my time, that is a value judgment about these young women which I do not think you have a right to make. I do not think you have any evidence to support that.

Mr. SHAW. Mr. Chairman, will the gentleman yield?

Mr. McDERMOTT. I yield to the gentleman from Florida.

Mr. SHAW. Mr. Chairman, I thank the gentleman for yielding.

Just very quickly in one sentence, let us not forget that what we are doing right now, we are talking about a choice between what is in the bill and adding this to the bill. If you are against adding this to the bill, then vote no. If you think that this brings the Republican side a little closer, even though it might be millimeters closer to where you are, then vote for it.

Mr. McDERMOTT. I am sure you will support the amendment.

Mrs. KENNELLY. Mr. Chairman, will the gentleman yield?

Mr. McDERMOTT. I yield to the gentlewoman from Connecticut.

Mrs. KENNELLY. I would just like to add to the comments by the gentleman from Washington [Mr. McDERMOTT]. As I went back to my office, people were asking questions about the debate we were having. We have to make clear we are comparing apples and oranges. We have current law, a program that has had a great deal of attention. School lunches, you have current law, what current law would spend next year. We have block grants, and that is less. We are dealing with two different things. We should not forget, and I would like to say this, is that when you go into block grants, you cannot say what you are going to do. The Committee on Appropriations will.

The CHAIRMAN. All time has expired on this amendment.

The question is on the amendment offered by the gentleman from New Jersey [Mr. SMITH].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SMITH of New Jersey. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from New Jersey [Mr. SMITH] will be postponed.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to the rule, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: Amendment No. 1 offered by the gentleman from Texas [Mr. ARCHER]; amendments en bloc offered by the gentleman from Texas [Mr. ARCHER]; amendment No. 3 offered by the gentleman from Missouri [Mr. TALENT]; amendment No. 7 offered by the gentleman from Oregon [Mr. BUNN]; and amendment No. 8 offered by the gentleman from New Jersey [Mr. SMITH].

PARLIAMENTARY INQUIRY

Mr. McDERMOTT. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. McDERMOTT. Did the Chair say the first amendment to be voted on is the amendment offered by the gentleman from Texas [Mr. ARCHER]?

The CHAIRMAN. That is correct. That will be No. 1.

The votes will be as follows: a 15-minute vote on amendment No. 1 offered by the gentleman from Texas [Mr. ARCHER], a 5-minute vote on the en bloc amendments offered by the gentleman from Texas [Mr. ARCHER], a 5-minute vote on amendment No. 3 offered by the gentleman from Missouri [Mr. TALENT] a 5-minute vote on amendment No. 7 offered by the gentleman from Oregon [Mr. BUNN], and a 5-minute vote on amendment No. 8 offered by the gentleman from New Jersey [Mr. SMITH].

One of the amendments offered was agreed to without a recorded vote being required.

AMENDMENT OFFERED BY MR. ARCHER

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 1 printed in House Report No. 104-85 offered by the gentleman from Texas [Mr. ARCHER] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 228, noes 203, not voting 3, as follows:

[Roll No. 257]

AYES—228

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—203

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Laughlin
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Neumann
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Whitfield
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—3

Doyle
Edwards
Flake

□ 1924

Mr. NEUMANN changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FLAKE. Mr. Chairman, I would like to be recorded as voting no on No. 257, the Archer amendment. Due to a delay in getting back, I missed the vote.

The CHAIRMAN. It is now in order to consider the first of a series of four 5-minute votes.

AMENDMENTS EN BLOC, AS MODIFIED, OFFERED BY MR. ARCHER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendments en bloc, as modified, offered by the gentleman from Texas [Mr. ARCHER] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendments en bloc, as modified.

The Clerk redesignated the amendments en bloc, as modified.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 249, noes 177, not voting 8, as follows:

[Roll No. 258]

AYES—249

Allard
Andrews
Archer
Armey
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham

Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martini
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Ortiz
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tejeda
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—177

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coyne
Cramer
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Green
Gutierrez
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Hoyer
Jackson-Lee
Jefferson
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Nadler
Neal
Oberstar
Olver
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—8

Bachus
Christensen
Doyle
Edwards
Flake
Rush
Tauzin
Taylor (NC)

□ 1933

Mr. BREWSTER, Mr. COSTELLO, and Ms. MOLINARI changed their vote from "no" to "aye."

So the amendments en bloc, as modified, were agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. CHRISTENSEN. Mr. Chairman, let the record reflect that I would have voted yes in favor of the en bloc amendment offered by the committee chairman, the gentleman from Texas, [Mr. ARCHER]. I was unavoidably detained. Had I been here, I would have voted aye.

PERSONAL EXPLANATION

Mr. DOYLE. Mr. Speaker, during rollcall vote Nos. 257 and 258 on H.R. 4, I was unavoidably detained. Had I been present I would have voted "no" on H.R. 257 and "no" on H.R. 258.

PERSONAL EXPLANATION

Mr. RUSH. Mr. Speaker, I was unavailable to cast my vote on the Archer en bloc amendment, rollcall No. 258. I had been in a meeting off the floor during this 5-minute vote, and was unable to return to the floor before the 5-minute period had ended. Had I been present I would have voted "no" on the Archer en bloc amendment.

AMENDMENT OFFERED BY MR. TALENT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Missouri [Mr. TALENT] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The CHAIRMAN. The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A record vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 96, noes 337, answered not voting 1, as follows:

[Roll No. 259]

AYES—96

Allard
Andrews
Armey
Baker (CA)
Barr
Barton
Bateman
Bilbray
Boehner
Brown (OH)
Bryant (TN)
Burr
Buyer
Canady
Chabot
Chambliss
Christensen
Chrysler
Coble
Coburn
Cooley
Crapo
DeLay
Dickey
Doolittle
Duncan
Emerson
English
Ewing
Fawell
Foley
Funderburk
Gephardt
Goodlatte
Goodling
Graham
Gutknecht
Hall (TX)
Hamilton
Harman
Hastert
Hayworth
Hilleary
Hoekstra
Hoke
Holden
Hutchinson
Inglis
Istook
Johnson (SD)
King
Kingston
LaFalce
LaHood
Largent
Latham
Lightfoot
Linder
Lipinski
Lucas
McHale
McInnis
McIntosh
McKeon
Metcalf
Mica
Minge
Norwood
Paxon
Pombo
Roemer
Roth
Royce
Sanford
Scarborough
Schroeder
Seastrand
Sensenbrenner
Shadegg
Smith (MI)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Talent
Tate
Taylor (NC)
Wamp
Ward
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker

NOES—337

Abercrombie
Ackerman
Archer
Bachus
Baesler
Baker (LA)
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilirakis
Bishop
Bliley
Blute
Boehlert
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brownback
Bryant (TX)
Bunn
Bunning
Burton
Callahan
Calvert
Camp
Cardin
Castle
Chapman
Chenoweth
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crane
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Dornan
Doyle
Dreier
Dunn
Durbin
Ehlers
Ehrlich
Engel
Ensign
Eshoo
Evans
Everett
Farr
Fattah
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hancock
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hefner
Heineman
Herger
Hilliard
Hinchey
Hobson
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kleczka
Klink
Klug
Knollenberg
Kolbe
Lantos
LaTourette
Laughlin
Lazio
Leach
Levin

Lewis (CA)
Lewis (GA)
Lewis (KY)
Lincoln
Livingston
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Miller (FL)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sabo
Salmon
Sanders
Sawyer
Saxton
Schaefer
Schiff
Schumer
Scott
Serrano
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Spratt
Stark
Stenholm
Stokes
Studds
Stump
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
White
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—1

Edwards

☐ 1942

Mrs. CHENOWETH and Messrs. BONO, BARRETT of Nebraska, and BEREUTER changed their vote from "aye" to "no."

Mr. WARD and Mr. ISTOOK changed their vote from "no" to "aye."

So the amendment was rejected.

The results of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BUNN OF OREGON

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon [Mr. BUNN] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 351, noes 81, not voting 2, as follows:

[Roll No. 260]

AYES—351

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Everett
Ewing
Farr
Fawell
Fields (TX)
Filner
Flake
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Gallegly
Ganske
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martini
Mascara
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (FL)
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pastor
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stockman
Stump
Stupak
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Tiahrt
Torricelli
Traficant
Upton
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—81

Abercrombie
Becerra
Bishop
Bonior
Brown (CA)
Brown (FL)
Clay
Clayton
Clyburn
Collins (IL)
Collins (MI)
Condit
Conyers
Coyne
Deal
Dellums
Dingell
Dixon
Evans
Fattah
Fazio
Fields (LA)
Foglietta
Ford
Frost
Gejdenson
Gibbons
Gonzalez
Gutierrez
Hastings (FL)
Hefner
Hilliard
Hinchey
Hostettler
Jefferson
Johnson, E. B.
Kolbe
Laughlin
Levin
Lewis (GA)
Lincoln
Lofgren
Martinez
Matsui
McDermott
McKinney
Meek
Miller (CA)
Mineta
Mink
Nadler
Orton
Owens
Parker
Payne (NJ)
Pelosi
Peterson (FL)
Reynolds
Rose
Roybal-Allard
Rush
Sabo
Schumer
Slaughter
Smith (MI)
Stark
Stenholm
Stokes
Studds
Tanner
Thompson
Thurman
Torkildsen
Torres
Towns
Tucker
Velazquez
Waters
Watt (NC)
Waxman
Yates

NOT VOTING—2

Edwards
Frank (MA)

☐ 1952

Ms. BROWN of Florida, Mr. SCHUMER, and Mr. FIELDS of Louisiana changed their vote from "aye" to "no."

Mrs. CUBIN, Mrs. ROUKEMA, and Messrs. WILLIAMS, SHAYS, ENGEL, and SERRANO changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

The CHAIRMAN. The pending business is the request for a recorded vote on amendment No. 8 printed in House Report 104–85 offered by the gentleman from New Jersey [Mr. SMITH] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 352, noes 80, not voting 2, as follows:

[Roll No. 261]

AYES—352

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Coble
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Everett
Ewing
Farr
Fawell
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Jackson-Lee
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McKeon
McNulty
Meehan
Menendez
Metcalf
Mfume
Mica
Miller (FL)
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Schaefer
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Scott
Seastrand
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Shaw
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Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
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Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Tiahrt
Torres
Traficant
Upton
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
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White
Whitfield
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Williams
Wilson
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Woolsey
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Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—80

Abercrombie
Becerra
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Bishop
Bonior
Brown (CA)
Brown (FL)
Clay
Clyburn
Coburn
Collins (IL)
Collins (MI)
Conyers
Coyne
Deal
Dellums
Dingell
Evans
Fattah
Fazio
Fields (LA)
Ford
Gephardt
Gibbons
Gonzalez
Gutierrez
Hall (TX)
Hastings (FL)
Hefner
Hilliard
Hinchey
Hostettler
Istook
Jefferson
Johnson, E. B.
Johnston
Kolbe
Lewis (GA)
Lincoln
Lofgren
Matsui
McDermott
McIntosh
McKinney
Meek
Meyers
Miller (CA)
Mineta
Mink
Neumann
Owens
Payne (NJ)
Pelosi
Peterson (FL)
Pickett
Reynolds
Rose
Roybal-Allard
Rush
Scarborough
Schumer
Shays
Slaughter
Smith (MI)
Spratt
Stark
Stokes
Studds
Tanner
Thompson
Thurman
Torkildsen
Torricelli
Towns
Tucker
Velazquez
Waters
Watt (NC)
Waxman
Yates

NOT VOTING—2

Edwards
Frank (MA)

☐ 1954

Mr. GEJDENSON and Mr. SANFORD changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 9 printed in House Report 104-85.

AMENDMENT OFFERED BY MR. WYDEN

Mr. WYDEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WYDEN: Page 60, line 8, insert ", using adult relatives as the preferred placement for children separated from their parents if such relatives meet all State child protection standards" before the semicolon.

Page 72, line 4, insert "(a) IN GENERAL.—" before "Each State".

Page 72, after line 20, insert the following:

"(b) PLACEMENT OF CHILDREN WITH RELATIVES.—A State to which a grant is made under this part may consider—

"(1) establishing a new type of foster care placement, which could be considered a permanent placement, for children who are separated from their parents (in this subsection referred to as 'kinship care') under which—

"(A) adult relatives of such children would be the preferred placement option if such relatives meet all relevant child protection standards established by the State;

"(B) the State would make a needs-based payment and provide supportive services, as appropriate, with respect to children placed in a kinship care arrangement; and

"(2) in placing children for adoption, giving preference to adult relatives who meet applicable adoption standards (including those acting as foster parents of such children).

The CHAIRMAN. Pursuant to the rule, the gentleman from Oregon [Mr. WYDEN] will be recognized for 10 minutes, and a Member in opposition will be recognized for 10 minutes.

Mr. BUNNING of Kentucky. Mr. Chairman, I know of no opposition to the amendment, and I would claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Kentucky [Mr. BUNNING] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Oregon, Mr. WYDEN.

Mr. WYDEN. Mr. Chairman, this amendment would encourage our States to utilize the Nation's grandparents, with their vast treasury of love and practical experience, to help our youngsters who might otherwise be abandoned or put in foster care facilities, or put up for adoption.

From across the country in recent months I have heard from grandparents who often are not informed at all by child protection agencies in their States when their grandchildren are moved to foster care facilities or put up for adoption.

We all know that when children are separated from their parents, it is usually a painful and traumatic experience. Living with grandparents they know and trust gives them a better opportunity in the world.

This amendment would strengthen the ability of families to rely on their own family members as resources, and would promote self-reliance within our families and within our communities.

Mr. Chairman, I would like to emphasize that this amendment is not prescriptive. It is a permissive one. It would simply offer to the States to use the Nation's grandparents when those grandparents meet child safety protection standards. This amendment is supported by the American Association of Retired Persons, the National Coalition of Grandparents, and grandparents organizations from across the country.

Mr. Chairman, I would like to say that the majority has been extremely helpful in the developing of this amendment, for which I appreciate their assistance.

Mr. SHAW. Mr. Chairman, will the gentleman yield?

Mr. WYDEN. I yield to the gentleman from Florida.

Mr. SHAW. Mr. Chairman, I would like to compliment the gentleman for a very wise amendment. Being a grandfather of five myself, I can certainly appreciate the full impact to which the gentleman speaks, and I think he brings a very good element to the bill. I plan to support it.

Mr. WYDEN. Mr. Chairman, I thank the gentleman for his assistance.

Mr. Chairman, I yield back the balance of my time.

Mr. BUNNING of Kentucky. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of a provision in this bill that will make a dramatic difference for the kids in this country who are waiting for placement in adoptive homes.

Since the early 1980's, adoption placement agencies have been discriminating against these kids and prospective parents because of their race. Under guidelines that the Department of Health and Human Services sent out to State agencies back in 1981, race is one of the factors that can be used in placing children in adoptive homes.

In practice, when the actual placement is made by the agencies, race often becomes the sole matching factor that social workers use in making these decisions.

The result of this has been that minority children end up waiting twice as long in foster care as white children. And black children, while only constituting 14 percent of the child population, now account for over 40 percent of the children in foster care.

Since black families only make up 12.5 percent of the population, this has led Randall Kennedy, the black Harvard law professor, to note that "even if you do a super job of recruiting, in Massachusetts, where only 5 percent of the population is black and nearly half the kids in need of homes are black, you are still going to have a problem."

This is not an indictment of the black community. Black Americans have a long tradition of "taking care of their own" through informal adoption, kinship care, and other arrangements that are not made public and do not show up in official counts.

But, given all that the black community has done, and given 20 years of Federal money going for minority recruitment, we still have a large number of black children with no place to call home.

A provision in the Republican welfare bill will help solve this problem. It would deny Federal funds to any agency that uses race as a criteria in placing children in adoptive homes. It is a color-blind provision that will help a lot of children get out of foster care into permanent loving homes, and I think is consistent with our Nation's civil rights laws.

Last year, Senator METZENBAUM got a provision included in the minority health amendment bill that originally would have done what we are trying to do in this welfare reform bill. But by the time the so-called child advocates got a whiff of this and helped get it watered down in conference, the provision only codified the then-current practice that Senator METZENBAUM was originally trying to overturn.

Since the Metzenbaum bill passed, 43 States have interpreted this law to mean that they can use race to hold up children in foster care. But, now Senator METZENBAUM has indicated that he would like to see his bill repealed so that kids are not tied up in foster care just because of the color of their skin.

Back in the late 1960's and 1970's, more than 10,000 black children were adopted by white parents. Research and countless studies clearly show that these children know who they are, feel good about themselves, and do well in school. Until HHS handed down the deluded 1981 guidelines, this was a practice that was working.

I know that this is true because I have personal experience in this matter. Two of my daughters have adopted minority children—one that is Korean, one that is biracial. And I can attest to how well this has worked out for my family. The children are happy and doing well, and they have made my family a brighter and happier one.

Mr. Chairman, there is a difference between a policy that is based on race and one that is sensitive to race. A policy that prohibits delaying the placement of a child into an adoptive home because of race is not insensitive to race as a cultural issue, but cognizant of the fact that the defining variable here is not race but a loving home.

Potential parents should be judged by the love in their hearts, not the color of their skin. Potential adoptive children should be judged not by the color of their skin but by their needs as children.

The new policy in this welfare reform bill would accomplish an end to the sacrifice of tens of thousands of minority children, on the altar of political correctness. It is one of the best provisions in this entire bill, and one that I believe will really help improve the race relations in our country.

But, most importantly, it will help the kids who are in limbo now, stuck in foster homes only because of their skin color. That is sad, Mr. Chairman, and it is wrong. I urge my colleagues to support this bill and make a difference in these children's lives.

Mr. FORD. Mr. Chairman, will the gentleman yield?

Mr. BUNNING of Kentucky. I yield to the gentleman from Tennessee.

Mr. FORD. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, when the gentleman offered this amendment, basically what he was doing was repeal the Metzenbaum provisions that were passed in the last Congress, is that correct?

Mr. BUNNING of Kentucky. That is correct.

Mr. FORD. Therefore, we would go back to language prior to the Metzenbaum bill passed last year?

Mr. BUNNING of Kentucky. The Civil Rights Act of 1964.

Mr. FORD. Mr. Chairman, basically, we know there are many, many kids of minority who are trapped into foster care simply because they cannot find parents who will adopt them, and I also would like to make note that it was the Personal Responsibility Act by the Republicans, under the tax cut plan, that gave a $5,000 tax credit, but it is nonrefundable.

Many of the kids that the gentleman takes reference to today will remain in foster care facilities simply because people who are working and making $20,000 and $30,000 a year will not be able to receive that tax credit.

Once again, only the wealthy and rich of this Nation will be able to receive the tax credit to adopt these kids that the gentleman is trying to help, and I support the gentleman's concept. I am not in opposition to it.

I think those in the country of biracial adoptions, I have no problem with that, but in the gentleman's tax cut bill, he comes back and creates a problem for minorities who are working and other people who have low incomes who are making $20,000 and $30,000 a year.

The tax cut plan under the Republicans, under their Contract With America, it does just what the gentleman is trying to do for rich people, but it takes it away from the working poor of this country.

Mr. BUNNING of Kentucky. Mr. Chairman, the gentleman from Tennessee [Mr. FORD] realizes we are discussing the welfare reform bill, and when we get to the tax bill I will be more than happy to debate the issue with the gentleman on the $5,000 credit for adoption.

Mr. FORD. If the gentleman will continue to yield, absolutely, Mr. Chairman. I appreciate that, and I understand that. However, $69.4 billion in this 5-year window that will be saved will go to offset the $189 million tax cut for a 5-year period as well.

Mr. BUNNING of Kentucky. It is possible that that could be, but it is improbable that we will need it.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. BUNNING of Kentucky. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I want to commend the gentleman for his amendment. I think this is what we were trying to do in the conference committee last year with

Senator Metzenbaum, and I think we got some bad advice from HHS on some language.

I just want to thank the gentleman for bringing this amendment to the floor.

Mr. BUNNING of Kentucky. I thank the gentleman, Mr. Chairman.

Mr. WATTS of Oklahoma. Mr. Chairman, children need love. Children need families. Children need consistency and unity as they grow up.

The best place to get the fundamentals of life is with their own families, if possible—if not, other permanent measures for the children's stability should be the primary objective.

In most cases, the two-parent family, along with other family members contribute positively in a child's life. Family should be considered as a major factor in the equation of solving the welfare problem. Before making the automatic assumption that people should be swept into the welfare trap, the State should be given the flexibility to consider the eligibility of a member of the kinship care network—a grandparent, a noncustodial parent perhaps, or even an aunt or uncle.

I urge you to support this very pro-family proposal as an important and integral part of the House welfare reform package.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon [Mr. WYDEN].

The amendment was agreed to.

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The CHAIRMAN. It is now in order to consider amendment number 11 printed in House Report 104-85.

AMENDMENT OFFERED BY MS. WOOLSEY

Ms. WOOLSEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. WOOLSEY: Page 74, line 8, strike "Secretary" and insert "Attorney General of the United States".

Page 74, line 9, insert "by contract" after "operate".

Page 74, line 15, strike "Secretary" and insert "Attorney General of the United States".

The CHAIRMAN. Pursuant to the rule, the gentlewoman from California [Ms. WOOLSEY] and a Member opposed will each control 10 minutes.

Mr. SHAW. Mr. Chairman, I do not see any opposition on the floor, but I would claim the time in opposition.

The CHAIRMAN. The gentleman from Florida [Mr. SHAW] will be recognized for 10 minutes in opposition to the amendment.

The Chair recognizes the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, I yield myself such time as I may consume.

The Woolsey/Ramstad amendment is a technical amendment that corrects an inadvertent error made during the drafting of H.R. 1214.

Mr. Chairman, it is obvious that it is in our bipartisan best interest to protect programs for missing and exploited children. I thank the gentleman from Texas [Mr. ARCHER] for his support.

Mr. Chairman, in October of 1993, 13-year-old Polly Klaas was abducted by a stranger from her home in Petaluma, which is in my district. I know that many of my colleagues are aware of this tragic story. But what many of my colleagues may not be aware of is that an important role was played by the National Center for Missing and Exploited Children in the search for Polly.

The Center alerted 17,000 police departments nationwide. They broadcast public service announcements on all the major television networks. they distributed sketches of Polly and her abductor through the network of nearly 400 private sector partners. The Center has provided these same crucial services in searches for almost 40,000 children nationwide. This amendment preserves the effectiveness of the Center's programs by keeping these programs in the Department of Justice where they now reside. This is necessary because H.R. 4 repeals the Missing Children's Act which among other things establishes the National Center for Missing and Exploited Children.

In order to ensure that the Center continues to operate, H.R. 4 also authorizes the Secretary of Health and Human Services to establish and operate the Clearinghouse and Hot Line for Missing and Runaway Children. However, under the current congressional mandate in the Missing Children's Act, it is the Department of Justice which works in partnership with the Center to operate the clearinghouse and hot line.

The Woolsey-Ramstad amendment moves the authority back to the Attorney General, in the Department of Justice, and gives her continued authority to contract with the National Center for Missing and Exploited Children to operate the clearinghouse and the hot line. This amendment is strongly supported by both the National Center for Missing and Exploited Children and the Department of Justice.

Mr. Chairman, it is crucial that the Center and the Department of Justice continue their 10-year partnership to protect our most precious national resource, our children.

Mr. Chairman, I yield to the gentleman from Minnesota [Mr. RAMSTAD].

Mr. RAMSTAD. I thank the gentlewoman for yielding and also for her cosponsorship of this amendment.

Mr. Chairman, I rise in strong support of this amendment.

As the author of the Jacob Wetterling Crimes against Children Act, I know the importance of maintaining a partnership between the Justice Department and the National Center for Missing and Exploited Children.

Last year alone, Mr. Chairman, the Justice Department reported that over 114,000 children in this country were targets of attempted abduction. Fortunately, the National Center is doing an outstanding job to both recover abducted children and prevent abductions in the first place.

The Center's toll-free hot line has logged over 750,000 calls since 1984. Each week the Center distributes literally millions of photographs of missing children and many of these are high-tech, age-enhanced photos. In fact right now the photo of Jacob Wetterling, the young boy from Minnesota who was kidnapped a number of years ago, Jacob would have just celebrated his 17th birthday, Mr. Chairman, and that photo of Jacob, how he does look now at 17, has been circulated around the Nation. The center has also printed 8.3 million publications and trained over 130,000 police and other professionals.

Here is the main evidence that our investment in the Center is worthwhile. After working with law enforcement on over 40,000 cases, more than 26,000 children have been recovered.

Again, Mr. Chairman, this amendment as the gentlewoman from California said is technical, it simply restores the authority for the Justice Department to retain the 10-year partnership with the Center rather than start anew with another agency.

Let us pass this important amendment and preserve this important sponsorship. Our children and our families deserve nothing less.

Mr. SHAW. Mr. Chairman, we both agree with the amendment and we are very pleased with the gentlewoman from California for bringing it to our attention. She is quite correct, it was a drafting error, we compliment her for bringing it to our attention and we support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California [Ms. WOOLSEY].

The amendment was agreed to.

Mr. REED. Mr. Chairman, I rise in opposition to the rule before us today. Welfare reform is one of the most important issues we will consider in this Congress, and yet, of the more than 150 amendments filed with the Rules Committee, only 30 amendments have been made in order. And furthermore, most Democratic amendments have been shut out of the debate.

I had filed an amendment, not allowed to be considered under the rule before us today, that would have made the two nutrition block grants more flexible to changing economic conditions within states. My amendment would have established a trigger which would have made States with rising unemployment eligible for increased funding to expand its nutrition programs during economic downturns.

I offered this amendment in markup of the Opportunities Committee, and it has received bipartisan support. In addition, both Republican and Democratic Governors are on record as supporting a block grant trigger.

I urge my colleagues to vote against this restrictive rule.

Mr. CRANE. Mr. Chairman, throughout my career in Congress, I have watched as Democrat majorities sat idly by and watched the welfare system destroy the lives of millions of Americans. I have watched as these failed liberal policies have burrowed a deeper and deeper hole of dependency, abuse, and fiscal irresponsibility for our children and their children.

Democrats argue today that they are in favor of change. They claim to recognize the fact that welfare has not only failed to solve problems, but it has actually made them worse. Unfortunately, this realization comes too late. Last year, Democrats who then controlled the House of Representatives, the Senate, and the Presidency, could not reform the system. In historic numbers, the American people embraced the Republican reform proposal, and Republicans will reform the welfare system.

While I strongly support this bill, I must admit to some reservations. I believe it is unfortunate that we have left untouched some programs that States could much more efficiently administer as block grants. I have concerns about the expanded use of Social Security numbers under the child support provisions. Finally, I believe there are understandable fears that this bill could adversely impact the number of abortions. But the vast majority of this bill will be beneficial and will help those in need.

Opponents of this welfare reform package have chosen to call supporters mean spirited, and they claim that the bill puts children at risk. I believe that it is far more uncaring and callous to put children and their parents into a welfare system that offers little hope of escape. I do not wish to leave future generations with the social and fiscal responsibilities of cleaning up our mess.

This bill does not, as some on the other side have argued, need a jobs program. Welfare reform, along with other provisions in the contract, is in and of itself a jobs program. By reducing the size of Government, by getting Government out of people's lives, and by cutting the tax burden felt by the American public, jobs will be naturally created. In fact, I would argue that we would today have more jobs with higher wages were it not for Government intrusion into the market.

What we do need is to end the cycle of dependency that has been created by the current welfare system. In too many cases, the current system has created what amount to reservations. So long as beneficiaries stay within certain boundaries, they will be given food and clothing and shelter and other benefits. The system not only does not reward those who try to move off of the reservation, it actually punishes them. This bill provides substantial incentives for States and individuals to make real efforts at moving beneficiaries to self-sufficiency and reducing the welfare rolls.

Perhaps most importantly, this bill gives the States the flexibility to reach those goals. While Governors across the Nation have been experimenting with innovative programs and finding great success in giving beneficiaries the opportunities and incentives they need to become independent, the Federal Government has been largely static, watching without acting. In this bill, we will give States the opportunity to push those experiments even further. We will give States very real incentives to adopt successful programs from other States, without imposing Federal mandates from on high.

Today, we begin to move in the right direction, but I hope that this will be only the first step. I hope that we will be able to implement further reforms in the future to give States more resources and more responsibilities. Some may see this bill as too large a step, others may call it too small. But it is a step. And it is one step more than Democrats ever made. I urge my colleagues to support this bill.

Ms. PRYCE. Mr. Chairman, I rise in strong support for the important provisions contained in this en bloc amendment offered by Chairman Archer. I commend the chairman for his hard work on this bill and for his willingness to accept amendments that strengthen H.R. 4, the Personal Responsibility Act.

Few disagree with the fact that our present welfare system is failing. Our Nation's 30-year-old, $5.3 trillion war on poverty has done little to improve the plight of the poor. America's current welfare system encourages illegitimacy, nonwork, and dependency. Those whom we are fighting to protect have instead been imprisoned in a cycle of poverty that is passed from generation to generation. America's campaign against poverty has claimed many victims—most notably, and tragically, our children have suffered.

For this reason, I have joined with my colleague from Indiana, Mr. BURTON, in offering a sense-of-Congress resolution regarding the use of funds under the Child Protection Block Grant. Our resolution, which has been included in the chairman's en bloc amendment, encourages States to allocate sufficient funds under their Child Protection Block Grant to promote adoption. I think we can all agree that a loving family is the best social structure in which a child can be raised.

As an adoptive mother of a 4-year-old, the issue of adoption is very important to me and has a permanent place in my heart. In the debate about policy, it is sometimes easy to lose sight of those about whom we speak. They are, after all, our children.

Today, too many children are abused and neglected in their home environment. Our child welfare systems are charged with the task of protecting these innocent victims and providing them with substitute care when necessary. Ideally, these children would be placed with a family that can provide a stable environment and a consistent caring relationship. Instead, many children end up in the often unstable and lonely foster care system, including group homes and orphanages. The adverse conditions faced by these children in an abusive home and then in institutionalized care hinders their ability to develop positive social skills and succeed in adulthood. There are tens of thousands of children waiting to be embraced into caring families willing to raise them in an atmosphere of love, self-respect, and responsibility. Adoptive families are 100 percent functional, happy, and whole.

The Burton-Pryce amendment stresses to States the importance of facilitating the permanent placement of children into loving families, and strongly urges States to devote child protection funds to adoption for that purpose. Specifically, it encourages the facilitated adoption of special-needs children and suggests a tax credit to families to make these adoptions more affordable.

I encourage my colleagues to support this sense-of-Congress resolution which seeks to protect our children and provide them with hope for the future by voting in favor of Chairman ARCHER's en bloc amendment.

Mr. PACKARD. Mr. Chairman, our current welfare system strips the American people of economic opportunity and fosters a society dependent on government handouts. For far too many Americans the welfare system no longer serves as a safety net, it is a hammock. Our Republican welfare reform proposal offers real change, not false security.

Welfare clearly represents the biggest, most costly policy failure of our time. The current system encourages social behavior that destroys families, fuels skyrocketing illegitimacy, and impoverishes millions of children. It is a heartless system that blocks incentives for people to lift themselves out of poverty.

Our Republican Personal Responsibility Act offers compassionate approaches that promote personal responsibility, require work and strengthen families. It works to lift families and their children out of the government's hammock and back on to their own feet. Our proposal brings the welfare system closest to the people that need it most by giving block grants to the States.

Welfare has become a way of life for millions of Americans. Our current system traps people in a cycle of dependency and despair and offers little in the way of hope and opportunity. It is responsible for spawning crime, drug use, problem-ridden schools and other social ills, forcing taxpayers to subsidize these.

Mr. Chairman, restoring America's work ethic, a sense of self-respect and community responsibility will alleviate much of the social decay we see today. Our Republican welfare reforms will leave a more civil and compassionate society for our children and grandchildren. The Personal Responsibility Act replaces the Federal hammock with family security and responsibility.

Mr. SANDERS. Mr. Chairman, this is an extraordinary week for the House of Representatives and for the American people.

What we are seeing on the floor of the House of Representatives constitutes a war on the poorest women and children in our country in order to pay for tax breaks for the wealthy. The Republican Party, which recently held a fundraiser and raised $11 million dollars in one night from some of the wealthiest people in this country are now, under the guise of welfare reform, savagely cutting back on a wide variety of programs which are desperately needed by the weak and defenseless—by children, by the elderly, by the hungry, disabled and the sick.

Sixty-nine billion dollars are being cut back on low-income assistance programs over a 5-year period in order to serve as a down payment for tax breaks for the rich. Robin Hood in reverse. We take from the poor and give to the rich. We take away school lunches from hungry children and serve up two martini lunches to corporate bosses. What courage. At a time when this country, before these cuts, already has the highest rate of childhood poverty in the industrialized world it is clear that the major problem facing low-income children is that they do not fully understand the working of the entrepeurial system. If only the low-income children, who are going to see cut backs in nutrition programs, health care and child care—had the sense to pay $1,000 a plate for a Republican fundraiser, things would be different.

The Department of Health and Human Services estimates that 6 million children will be thrown off welfare as a result of the Personally Responsibility Act. Conservative estimates show that in the year 2000 close to 400,000 or 40 percent of disabled children will no longer receive SSI benefits; 14 million children would continue to receive some food stamps, but at a reduced level; over 2 million children would no longer be eligible for school lunches; 1 million children would no longer be fed in child care settings; close to 400,000 children would be denied child care; and 60,000 children would lose access to foster care and adoption assistance.

In the year 2000 the State of Vermont will lose $10 million in cash welfare and education, training and employment programs for welfare recipients and 2,450 children will be dropped from assistance. In the same year, Vermont will lose $5.1 million in aid for blind and disabled children and 500 children will be dropped from the rolls. Vermont will lose close to $1 million in school lunch funds and 4,100 children will no longer receive free or reduced price meals. Vermont will lose $1.6 million in child care funds and 990 children will be denied care. Vermont will lose $3.5 million in funds for the child and adult care food program and 4,150 children will lose their daily meals. Vermont will lose $9 million in food stamp funds and 25,386 children would receive reduced food stamp benefits.

We all recognize that the current welfare system is not working well, but in reforming the system we do not want to punish some of the most vulnerable people in our society.

This House just passed an unfunded Federal mandate bill and, as a former Mayor, I supported that bill. This welfare reform bill is one of the largest unfunded Federal mandates that the State of Vermont will ever experience.

If we are serious about real welfare reform than we must be talking about a jobs bill which can employ those people who are leaving welfare. We must be talking about increasing child care, job training, and educational opportunities. If our goal is to get people off welfare and into jobs, then we must provide the infrastructure for that transaction. Not to do that is to simply punish poor people for being poor.

Mr. TORRES. Mr. Chairman, last week we saw how the Republicans eagerly take from working families, senior citizens and children.

When I went home to my district I stopped by an elementary school—I wanted to see for myself the importance of Federal nutrition programs and to learn what these meals mean to the children.

What I saw were children being fed a hot and nutritious meal—the only decent meal they eat the entire day.

The cold and heartless attack we are witnessing is appalling.

Hunger afflicts up to 30 million Americans, 12 million of them are children. My congressional district, the East San Gabriel Valley of Los Angeles County, will be the most heavily impacted in all of California. 41,000 children, in my district alone, will be negatively impacted by the Republican proposal to cut nutrition programs.

We all know that hungry students are fatigued, cannot concentrate and end up doing worse than their peers on standardized tests.

I urge my Republican colleagues to visit their schools before denying this small but essential program from our children.

You cannot disguise the fact that block granting nutrition programs is taking food out of the mouths of children, to fill the trough that feeds corporate subsidies.

Ms. PELOSI. Mr. Chairman, I rise today to oppose this welfare reform bill. It contains provisions which discriminate against legal immigrants by denying them access to programs that they have paid for with their taxes and their contributions to the Social Security and unemployment insurance systems.

This extreme Republican legislation would bar legal immigrants from receiving Medicaid, Food Stamps, disability aid, and other critical programs which provide a safety net to citizens and noncitizens alike.

Mr. Chairman, it seems un-American to deny legal residents access to programs that they have already paid for through taxes and payroll deductions.

Indeed, it should be noted that legal immigrants pay far more in taxes than they receive in benefits. According to the Urban Institute, legal and undocumented immigrants pay approximately $70.3 billion per year in taxes, but receive only $42.9 billion in services such as education and public assistance.

Mr. Chairman, like the other bills in the Republican contract, this bill targets the weak and defenseless.

This bill punishes those who came here legally and waited years to obtain legal residency, played by the rules, paid their taxes, and contributed to the Social Security and unemployment insurance systems.

I urge my colleagues to vote no on this bill.

Mr. SHAW. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. LATOURETTE] having assumed the chair, Mr. LINDER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4) to restore the American family, reduce illegitimacy, control welfare spending, and reduce welfare dependence, had come to no resolution thereon.

WELFARE REFORM IS ABOUT INDIVIDUAL HUMAN BEINGS

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and include extraneous matter.)

Mr. SKAGGS. Mr. Speaker, the welfare reform debate that we are engaged in is not about politics, and it is not about abstract policy; it is about people, about human beings.

And one person in my hometown of Boulder, Colorado recently had this to tell me: Five years ago I was pregnant and abandoned by my husband. I had no home, no job, no money but I had a goal in my life—to be an education specialist. Today I have reached my goal. I have a happy 4-year-old daughter. I have a job that I love, teaching young children. If it weren't for government programs such as Self-Sufficiency, WIC, section 8, immunizations, Medicaid, food stamps and LIHEAP I would not have reached my goal.

"We can't know," she goes on, "we can't know the individual circumstances of all who ask for assistance. I don't think anyone plans to or wants to beg for help. Thanks for not giving up on me."

We have got to reform welfare but as we do it, we cannot give up on decent young women like this.

Mr. Speaker, here is the full text of what this young woman told me:

> Five years ago, I was pregnant and abandoned by my husband who was, in his own words, "not ready" for the responsibility of parenthood. I had no home, no job, no money, and no insurance. And I was worried. I had a goal for my life—to be an environmental education teacher. How was I going to do this and be a single parent? I still had to complete my education!
>
> Today, I have reached my goal. I have a happy 4-year-old daughter who, contrary to an article in U.S. News and World Report which states that fatherless children were more likely to have learning disabilities and behavioral problems, is well-adjusted and has been tested as having an above average IQ. I have a job that I love, teaching young children about our environment and how to take care of it. These are children of tax-paying citizens who, through their taxes, supported me during hard time. I feel that, by educating their children, I am helping to repay that debt. If it weren't for State and local government programs such as Project Self-Sufficiency, WIC, Section 8 Housing, Free Immunizations, Medicaid, Food Stamps, and LIHEAP, (low-income energy assistance program), all of which I have received benefits from, I would not have been able to reach my goal. I qualified for and received these benefits while working full time and taking a full course load at the University of Colorado.
>
> Today I am happy to know that some of my taxes are going to help others like myself who are trying to reach their life goals, in spite of difficulties, obstacles, and hardships which are beyond their control.
>
> We can't know the individual circumstances of all who ask for assistance. I don't think anyone plans to or wants to beg for help. I also don't believe that two years of assistance is long enough for most people to complete education or job training and find a job that is going to pay all their bills. I would like to take this opportunity to thank all the taxpayers, friends and family who have helped me over the past five years to reach my goal. Thanks for not giving up on me.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

WESTERN COMMERCIAL SPACE CENTER LEASE SIGNING

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Mrs. SEASTRAND] is recognized for 5 minutes.

Mrs. SEASTRAND. Mr. Speaker, last Friday the 25-year lease agreement between the Department of the Air Force and the Western Commercial Space Center—better known as the California Spaceport Authority—was finally signed. It was an arduous process that tested the commitment to commercial space development on all sides.

Although this agreement had been agreed upon in principle for months, it was nearly derailed by an overzealous civilian bureaucracy within the Department of the Air Force. In essence, what would have taken less than 30 days in the private sector took several months because of the arcane manner in which the Federal Government tends to operate.

There were two key issues at work: First, the release of $3 million in previously awarded fiscal year 1994 Department of Defense grants to the Space Center; and second, signing the lease itself which would then allow construction to begin on the first polar orbit commercial spaceport in America.

The DoD grants were awarded in fiscal year 1994. They were awarded independently of the 25-year lease with the Air Force. On October 28, 1994, when Secretary Widnall announced the Air Force's intention to negotiate a lease with the Space Center, no mention was made of a link between releasing the grants and signing the lease. Yet, for some reason, release of grant funds became tied to the lease signing.

This lease had been agreed upon in principle for more than 4 months. During a December 15, 1994, meeting between the Air Force general counsel's office and the Space Center, the Space Center was told they would have a draft of the lease by January 1, 1995—and that the lease would be signed by January 15, 1995.

On January 30, 1995—30 days after it was promised by the Air Force general counsel's office—a 76-page lease with 26 conditions was submitted to the Space Center.

For weeks, the lease was traded back and forth. Signing was set to take place twice, yet both deadlines passed because civilian bureaucrats kept adding new conditions. For example, condition 15 of the original lease addressed liability and stated that damages were not to exceed $10 million. But the bureaucrats decided to add environmental language to the lease—despite the fact that the environmental issues had been addressed and resolved during three review processes and the fact that no launches would take place for 2 years thus eliminating the possibility of an environmental problem.

Then the civilian bureaucrats decided that the Space Center would have 60 days to submit a certified insurance policy. Clearly unreasonable because insurance companies rarely, if ever, issue certification of policies within 60 days.

Then, the bureaucrats decided that there should be no cap on the amount that could be sought and awarded in a liability suit—the Spaceport could be sued for any amount of money. Obviously no reasonable insurance company would issue a policy where they would be required to pay unlimited damages.

In the end, due in large part to bipartisan support and participation, the primary lease between the Space Center and the Air Force was signed.

Mr. Speaker, the process by which this lease agreement came to be signed should not be a model for future negotiations. It should have never reached an 11th hour deadline. It should have never reached a point where the Space Center was in danger of shutting its doors. It should never have reached a point where hundreds, and ultimately thousands of jobs, could have been lost. It should never have put tens of millions of dollars in private sector investment in jeopardy. It should never have put the future of commercial space development in California on the line.

One of the reasons the voters of America responded as they did during the 1994 elections was because of problems such as this. The American people have demanded a smaller and more efficient Federal Government that puts the interests of its people ahead of everything else. This, ladies and gentleman, is the essence of the Contract with America.

While spaceport development and commercial space are not part of the 100-day agenda, they are very much in line with the goals and spirit of the 104th Congress. Our Government must be willing to make America a strong and vibrant competitor in the international commercial space market. Further, the Government must demonstrate to private industry that they are committed to making America a leader in the international commercial space market.

Mr. Speaker, the time for action is now. All of our international competitors—France, China, Russia, Canada, Japan, Australia—are moving forward in the commercial space arena. We cannot fall behind. Spaceport development must go forward in conjunction with an aggressive U.S. commercial space policy.

And who stands to benefit from this approach? Certainly space States such as Alaska, California, Florida, Virginia, New Mexico, Colorado, Texas, Hawaii, and others. But, more importantly, our Nation stands to benefit. There is enormous economic potential if we are willing to do what is necessary to successfully compete.

As we saw at crunch time on the Vandenberg lease, commercial space is not a partisan issue—it is an American issue. It is an issue where Republicans and Democrats can come together and unite behind a cause that ultimately benefits all Americans.

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WELFARE REFORM: SHELL GAME

The SPEAKER pro tempore (Mr. LATOURETTE). Under a previous order of the House, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, I rise to join my colleagues once again in exposing the myths that the Republicans keep repeating about their welfare reform proposal and its impact on child nutrition programs. Later this evening, two of my colleagues will demonstrate how the Republicans are misleading the American people and how this block grant plan clearly cuts funding for essential child nutrition programs. But before they begin, here are the facts.

The Republicans claim their block grant does not cut funding for child nutrition programs, only the growth rate of these programs. They would like everyone to believe that their proposal increases funding for programs, such as school lunch, by 4.5 percent each year.

The truth is their 4.5 percent increase in funding for school lunch is a fabrication. In fact, the bill doesn't even designate funding specifically for the school lunch, breakfast, or any other school-based meal program. The Republicans' numbers are nothing more than assumptions—I repeat, assumptions—of how much States may choose to use for lunch programs.

Even if States spent all of the money they receive under this block grant, this mythical funding increase would fall $300 million short of the amount necessary to meet real needs. That is because the Republicans' plan won't keep pace with expected increases in program enrollment, inflation, or a possible recession. These needs require a 6.5 percent increase, so even the mythical 4.5 percent increase falls woefully short.

The Republicans' mythical funding also includes only cash assistance and not the value of direct purchases of food goods such as cheese and fruit. These direct purchases of food are a critical part of the school lunch program. In the first year, Republicans cut $51 million from direct food assistance. Over 5 years, they cut $600 million. That is a total shortfall of $1 billion even if they live up to their hollow promise of a 4.5 percent increase in cash assistance.

That 4.5 percent promise comes with all kinds of trap doors that will drop even more kids from the school lunch program.

The first trap door is that States would be required to use only 80 percent of the school block grant for school meals. Governors may transfer 20 percent to other programs. That means a potential additional loss of $5 billion dollars from the program—$1 billion a year. In my home State of Connecticut, if the Governor had this kind of discretion today and exercised it, the School Lunch Program would lose $2 million in 1995 alone.

The second trap door is that these funding increases are not guaranteed—they will be subjected to the political whims of the annual budget process. So the Congress each year will be able to vote to reduce funding even more and drop even more kids from the program.

The Republicans also claim that their bill will cut bureaucrats, not kids. They couldn't be further from the truth. If Republicans were only interested in cutting administrative costs they would have done their homework: The entire administrative budget for all USDA feeding programs is $106 million per year. The Republican plan would cut $860 million in 1996 child nutrition programs alone. The bottom line is their cuts far exceed what is needed to control administrative costs.

The truth is, if the Republican proposal is enacted, 3,600 kids will be dropped from the School Lunch Program in Connecticut in the first year alone, and over half a million kids will be dropped nationwide.

The Congressional Budget Office has concluded the Republican proposal will cut $2.3 billion over 5 years from school based nutrition programs and $7 billion from all child nutrition programs over 5 years.

Republicans though don't want to admit this. They actually believe that these are not cuts. They boast that their plan provides savings. I ask you, how can you have savings, if you don't have cuts? This is the biggest Republican myth of them all.

The tragedy in this debate, Mr. Speaker, is that these Republican myths are being perpetuated so that drastic cuts can be made in a program that everybody agrees is working—and working well. And the savings—the money that will no longer be used to pay for a child's school lunch—will be used to pay for a tax break for the wealthiest Americans. It's shameful. It's mean spirited. It's just plain wrong.

WELFARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. WAMP] is recognized for 5 minutes.

Mr. WAMP. Mr. Speaker, as we enter into this debate on welfare in this country, I think it is important to recognize that my colleague from west Tennessee, the Honorable JOHN TANNER, told me not long ago when I first got here that he really believed that neither party had an exclusive on integrity or ideas, and I agree with that Congressman. And this should not be a Republican or a Democrat issue. This should be an American issue.

It is clear in my heart that this country wants this welfare system to change, not to be reformed but to be replaced. They want a working opportunity society. They do not want the continuance of the status quo with regard to welfare.

The Washington Post this morning—we all know the tendency politically of the Washington Post—editorialized and said about welfare: "Besides, what's the choice? The existing approach has failed and the public has no appetite for vast new social programs even if there were evidence they worked, and there isn't."

You know an outstanding Tennessee Congressman, Colonel Davey Crockett on the very floor of this House said about welfare, "We have the right as individuals to give away as much of our own money as we please as charity; but as Members of Congress we have no right so to appropriate a dollar of the public money" for charity.

Franklin Roosevelt said in 1935 about welfare: "Continued dependence upon relief induces a spiritual and moral disintegration fundamentally destructive to the national fiber. To dole out relief in this way is to administer a narcotic, a subtle destroyer of the human spirit."

There is a great article in this month's Reader's Digest. It is called "True Faces of Welfare." In it is a case study of a welfare recipient whose story appeared. Her name is Denise B.

> "Denise says she would like to work. But she would have to earn a lot, she says, for it to be a better deal than welfare." She talks about how she would have to go to school, and work her way up to a higher salary. "'It's a lot of work and I ain't guaranteed to get nothing.'*** Welfare by contrast, is guaranteed—(in her words) 'until they cut it out, until they say no more.' Denise knows politicians are talking about that now and she does not believe they are wrong."
>
> "Welfare," she offers, 'is an enabler. It's not that you want to be in that situation. But it's there. We always know."

This has become a national attitude about this system, and it hurts children, and true compassion is what I want to discuss here tonight in my short time and as I rise to my feet to talk about welfare.

In my home city a social worker who I will leave unnamed came to me several times in the last few years to tell me of a story in Chattanooga, TN, where multiple children were being born for one reason and one reason only, and that is financial, to gain more benefits.

You know that system creates the worst form of child abuse imaginable, in my estimation, because children then are not born for the right reasons. They are not born because their parents want to love them and sacrifice for them and set aside their own ambitions, and give to them and nurture and educate them. They are born so that they can receive financial benefits. And the stories continue to roll in of how many situations we have like this across the country.

The neglect that those children are suffering because this system promotes this kind of activity is what we need to focus on as we say listen. Everyone agrees, it is time to eliminate the welfare system and replace it with an opportunity society.

In the last 30 years we have spent $5 trillion on welfare in this country, and we have got more illegitimacy, more poverty, more problems, more crime than you could ever buy with $5 trillion. It has not worked and it is time to move on. And I believe from the very core of my experience, Mr. Speaker, that true compassion means having the guts to replace welfare at this critical moment in America's history.

TAKING CARE OF AMERICA'S CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MILLER] is recognized for 5 minutes.

Mr. MILLER of California. Mr. Speaker, America is asking the question that Congresswoman DELAURO just answered, and that is how is it that the Republicans can say they are not hurting the School Lunch Program when they take over $2 billion away from the School Lunch Program and over $7 billion away from the nutrition programs for the children of this Nation?

The fact of the matter is they cannot. They cannot fulfill the promise of this Nation to feed hungry children, to take care of children in need, and at the same time remove these funds. The mythical increase as she referred to simply does not provide for the element of growth in the program that takes into account the ever increasing cost of food, the increasing number of children unfortunately in this country who continue to be eligible for this program, and what happens in the downturn in our economy.

So the result is that in fact the school breakfast program, the lunch program, the after school program, and the commodities program simply cannot be taken care of.

Mr. DURBIN. Mr. Speaker, will the gentleman yield?

Mr. MILLER of California. I am happy to yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Speaker, I think the gentleman is referring to this Republican plan to block-grant all of these different feeding programs into one single grant of money, and they are arguing that they are not cutting back.

Mr. MILLER of California. The gentleman is quite correct. What we see here is the block grant. This is what you need, this is what you are trying to cover. This is the block, ladies and gentlemen, that you have to cover to take care of America's children. You have got to provide lunches for children who need lunches, you have to have food assistance in order to provide the commodities and fresh fruits and vegetables necessary so you can have a healthy lunch, and an after school and summer program because many children unfortunately, when school is out they still require food. It is necessary that they eat, they are still hungry. And of course the breakfast program has become more and more important as we see this is the key if children learn in the early hours of their school day and this is what is necessary.

But unfortunately you will see here that the Republicans do not do that. If you take care and provide full funding for lunches and you provide full funding for food assistance, and you do the breakfast program, you can see that the block grant does not cover the block because there is no funding available for summer programs which so many of our children rely on.

Mr. DURBIN. Mr. Speaker, if the gentleman will further yield, the Republicans argue they are not killing these programs at all, in fact they are providing more money for them. And yet you have one of the blocks there, if I am not mistaken, the after school and summer program that is not provided for. How does this work?

Mr. MILLER of California. What the Republicans would do because they did not provide the increase for the commodities program, they would suggest the commodities is really taken care of, so there would be money left over to take care of after school and summer breakfasts, but there is, as is apparent readily to anyone in the audience, of course nothing here in the commodities program, and the commodities are a key component and that is why when Republicans say they are going to give a 4.5 percent increase for the nutrition programs they did not figure in the cost of commodities into their escalator. And once again there we find out that the block grant they talk about to feed American children is not fully covered and children now go without the commodities portion of that program.

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Mr. DURBIN. If the gentleman will yield, the school districts I represent in Illinois, their commodity assistance which they receive actually is a way that they are feeding the kids in terms of lunches and breakfasts and so forth.

Now, if the Republican block grant does not provide enough money for the food assistance, which kind of recourse does the school district have?

Mr. MILLER of California. Well, your school district could take another action. It could take away the breakfast program and provide the commodities that are so terribly important for the school lunch program where they make up a large bulk of the school lunch program menu, but because there is no increase in the food assistance, they would have to take that from the breakfast program or one of these other. No matter how you move around the plates, of course, what you see is that the Republican proposal for child nutrition in our school lunch programs simply does not cover the needs of the children currently enrolled.

And we are now estimating that almost 2 million children that otherwise would be served will not be served because one of them, it is just sort of like musical chairs. One of them is going to show up for one of these programs. There is not going to be funding for that program. They are going to go unserved. That estimate is now 2 million children in the next 5 years.

Mr. DURBIN. If the gentleman will yield, what do you make of the Republican claim? They keep saying, "Wait a minute, we are giving a 4½-percent increase every year for school lunch; how can you complain? Four-and-a-half percent ought to be plenty."

Mr. MILLER of California. That is really similar if I were to cut your wages by $20,000 and then say I am going to give you a 4½-percent increase over the next 5 years. You start out in the hole, and you never get well, and because they do not provide a 4½-percent increase on inflation, on the price of commodities, the price of food, the increase in enrollment, the 4½ percent turns out to be fraudulent. Under the Republican program, you can do this. You have no lunches, no food assistance, no afterschool program, and no breakfast. What a shame, shameful thing for America's children who were expecting a block grant to take care of their needs.

The plates will be available after the show.

SCHOOL NUTRITION PROGRAMS

The SPEAKER pro tempore (Mr. LATOURETTE). Under a previous order of the House, the gentleman from Ohio [Mr. HOKE] is recognized for 5 minutes.

Mr. HOKE. Mr. Speaker, tonight we are going to talk a little bit more about the school nutrition programs, because this seems to be the Democrats' favorite topic of the topics de jour.

Somehow, somewhere along the line the Democrats have decided or believe that somehow they can make, by telling the same lie over and over and over, that they can somehow get a wedge with the American people. And the fact is that in some ways the opposition does understand politics perhaps better than the Republicans do. They understand that politics is about power, and when it is about power, you stop at nothing to try to regain it.

Republicans are still under the impression that politics is about ideas and ideals. But this is about the politics of deceit and the politics of the big lie.

I yield to my friend, the gentlewoman from Washington [Mrs. SMITH].

Mrs. SMITH of Washington. I thank the gentleman for yielding.

You know, I have been standing here for 2 days listening, in fact, nearly 2 weeks, to untruths.

My mom used to say, you know, it would be awful nice if people would just turn purple when they started stretching the truth, shifting words around and using wiggle words. There would be an awful lot of purple people here tonight if that were the case.

I think what we need to do is just make sure the American people understand that a 4½-percent-a-year increase is not a cut. Now, if you are used to being in Congress where you guys all have been spending more than we out there have been earning, you think a 4½-percent increase is a cut. The American people, I do not think, will agree with that.

So let us take a look at the actual members of how much the food programs are going to go up.

Mr. HOKE. Only a liberal could call a $200 million increase a cut. Only people that think the way the people think inside of Washington could call that a cut.

I would like to draw attention just for a moment to the CRS study that was published just today. We got a copy of it just today—Congressional Research Service, [CRS] completely independent, nonpartisan.

Mrs. SMITH of Washington. Not a Republican group.

Mr. HOKE. Not a Republican group, not a Democrat group. It is a completely nonpartisan group.

Here is what they say about what is going to happen in Ohio, a State close to my heart. What we are going to find in Ohio with respect to the school-based block grants, school-based nutrition programs, is that in 1995, fiscal 1995, under current law, $190 million is being spent. Under the school-based block grant program, our Republican program, that will go up to $202 million, an increase of $11 million.

Mrs. SMITH of Washington. That is in one State.

Mr. HOKE. That is in one State, just the State of Ohio, an $11 million increase. Now, for those who like baseline budgeting, which is to say we will take into account demographics, that is, changing populations, plus an inflation number, not the way that America thinks. I mean, this is the way that you get the phony numbers. But the fact is even using those numbers, the 1996 fiscal year current baseline would be $199 million, a $2 million increase over that.

Mrs. SMITH of Washington. That is a real increase in food.

Mr. HOKE. A real increase. This is food, and not only that, is there not a difference in the way that these programs get administered?

Mrs. SMITH of Washington. You know, what is amazing about it is the closer you get it to home, from what I can see, the less waste there is. We do not seem to hear much about that. The closer the States have control, the less we are going to take the money here. I think the thing that surprised me the most when I flew into D.C., and I am from the west coast, did not even have a very long campaign, all of a sudden I was here as a write-in candidate. I fly in, and I see all of these buildings. I get here and find out they are all filled with bureaucrats. Those bureaucrats are deciding one layer of how money is spent, then the States decide, and then the locals, to where by the time the money gets down to food, it has a lot of red tape and rules around it.

What I like about the school lunch program is we unwrap it from a lot of that red tape and make sure the food gets to kids.

Mr. HOKE. And kids who really need it, the kids who need it most. We give them the opportunity; we make it possible for that money to get to those that need it the most. How? By making sure it goes to parents, administrators, and teachers and people right there in the neighborhoods locally making those decisions as opposed to Washington bureaucrats making those decisions.

Mrs. SMITH of Washington. You know, those other bureaucrats are going to whine, and that is the State superintendents of public instruction. They are going to whine, too, because we tell them you cannot spend any more than 2 percent on administration.

FACTS CONCERNING CHILD NUTRITION PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. DURBIN] is recognized for 5 minutes.

Mr. DURBIN. Mr. Speaker, I am sure the people who are following these proceedings are really at a loss to figure out which side of this aisle is telling the truth. I am not sure my 5 minutes here will convince anyone one way or the other.

I would like to lay out a few of the facts which my friends on the Republican side just do not want to point to. The fact is if you took the time to go speak to a local school principal in your hometown or perhaps one of the people who runs the local school lunch program, they would tell you, as we have all heard on the Democratic side of the aisle, that the Republican idea is a very, very bad idea

You would think, if the Republican position was so good and was going to give this authority to the local school districts and to the States, these people would be jumping up and down, and they are not. And do you know why? Because fundamentally what the Republicans are offering them is not enough money to do the job.

The Republican plan, yes, does provide additional funds in years to come. Let us concede that point. They just do not provide enough money, because we know as sure as God made green apples that each year the cost of food is going to go up a little bit in each of our school lunch programs. We know there will be more kids enrolled in school, and we know, God forbid, if we have a recession, there will be more families that will be eligible for school lunch.

The Republicans do not build any of those possibilities into their block grant scheme. They assume none of that is ever going to occur. They think the cost of food, the increased number of kids, and the possibility of recession, the most that could ever increase the program in any given year is 4½ percent. That is it.

Then they say to the school districts, "Listen, if that is not enough, you find a way to economize. You find a way to cut costs."

Do you know what principals tell me at these schools they are going to have to do? They are either going to have to cut the money that they put into classrooms, teachers, computers and microscopes and the like or basically are going to have cut kids off the school lunch program.

That really gets to the bottom line here. Is it not curious when the Republicans finally got in the majority, the first place they turned to start cutting was not waste, fraud, and abuse? They were, in fact, on the floor of the House just a couple of weeks ago asking us for $40 billion more for Star Wars, $40 billion for that loony idea under President Reagan that might have made some sense when the Soviet Union was a powerful missile threat to the United States, but does not make sense anymore. They wanted $40 billion more for Star Wars. They lost it, thank goodness. Then they turned around and said, "We will tell you how we will save some money. We will cut school lunches." School lunches? Do you remember reading, I sure do not, about scandals and waste and abuse in school lunches? You do not hear about it. The reason you do not is it is being run by your local school districts, your local principals, the folks who work for them in the cafeteria. It is a good program. It is a program that most of us saw when we were growing up as a way to have a good meal each day when we went to school, and unfortunately for a lot of kids today, it is the best meal of the day. We even offer a little breakfast to the school lunch program, and the Republicans are willing to cut that, too. They think it is unnecessary. Maybe it is a frill they can do away with.

You ought to see some of the kids I have seen. You ought to talk to some of the teachers about kids who get to school who do not get enough to eat and what their school day starts out like. It is not very pretty.

My friends on the Republican side turn first to school lunch programs, which I think frankly has been a big embarrassment to them to try to explain across America. They you ask the bottom line, surely, there must be something critically important they would cut America's school lunches for, it really must be the highest possible priority.

Well, what is it the Republicans want to cut school lunches for? Why do they want to cut the food available to kids in schools? So they can pay for a tax cut, a tax cut for these same families? Well, a little bit of it, sure. But the most of the money that goes in that tax cut goes to the wealthiest people in this country. The privileged few will get the break from the Republican tax cuts. It is the kids of working families, it is the kids of middle-class families that will find their school lunches being cut.

I went into Quincy, IL, and sat down with a group of mothers and their kids and talked about the Republican plan. Mothers came forward to me and said, "Congressman, let me tell you my story. I am not on welfare." This mother said, "I am working for a living." One of them said, "I am working two jobs." Another works 45 hours a week at fast food. They had their kids in day care. They are doing their darndest to stay off welfare. We gave them a little helping hand. You know what it is? We help pay for the meal at the day care home which the Republicans would cut.

Now, is that the way to end welfare in America, to heap more expenses on working families who are struggling every single day to make ends meet? I do not think so.

Let me offer a helping hand, whether it is the WIC program for the new mother, whether it is the day care center lunch or the school lunch, and make sure those struggling families, those working families trying to make ends meet get a helping hand to stay off of welfare and move in the right direction, the right family values, the right kind of personal responsibility.

We have to resist the Republican plan. It does nothing but cut the most vulnerable people in America. You cannot have a strong America without strong kids and strong families.

MORE FACTS ON CHILD NUTRITION PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. MYRICK] is recognized for 5 minutes.

Mrs. MYRICK. Mr. Speaker, if you watched TV lately, read a magazine or a newspaper, surely you have seen photographs of Democrats surrounding themselves with children and claiming that Republicans are out to cut school lunches and be cruel and mean to little kids.

Mr. Speaker, the policy of this historic Chamber should be set based on the fact they are not on photo ops that make one party look like they love children more than the other. The American people are smarter than that, and I know they can see through it.

Between 1962 and 1992 welfare spending increased by over 900 percent, while the poverty rate only dropped less than 5 percent, and illegitimacy has increased over 400 percent.

I ask you, is that progress? My mom always told me you do not get something for nothing. But in this case, after spending $5 trillion, we have got just that. Nothing.

I do not understand, why are the Democrats defending a system that has literally enslaved its recipients into a cycle of dependency? If Democrats feel so strongly about welfare reform, why did they not do something about it during the 40 years they controlled this House?

The Republicans are talking heat right now, but it is because we are picking up the mess left behind by the failed welfare state. But that is OK. It takes leadership to make hard choices.

The current welfare system should be arrested for entrapment, because it traps its recipients in a web of dependency.

Listen to the following facts: There are 5 million families with 9.6 million children on AFDC right now, and more than one-half of those families remain on AFDC for more than 10 years. Of the 5 million families receiving that help, only 20,000 people work, and children born out of wedlock have three times greater chance of being on welfare when they grow up.

You know, we are hearing a lot of talk right now about Head Start and WIC also. Well, not one penny is being withheld from Head Start, and as for WIC, this rescissions bill merely recouped $25 million out of the $125 million the programs was unable to spend in the previous fiscal year.

Our bill does not take a single person off the WIC rolls and leaves in place the $260 million increase for the program in fiscal 1995.

□ 2100

And the School Nutrition Block Grant Program actually grows at a 4.5 percent rate. Over 5 years that is $1 billion more than is currently being spent.

As a former mayor, I spent a lot of time with programs to help people get out of the dependency cycle and learn to help themselves. My experience has taught me that people want their self-respect and their dignity restored, and the current system does not do that. In fact, it works against that goal. I trust the American people can see through the smoke screens and deception that we have heard here tonight from the other side.

Mr. Speaker, I am finished.

Mr. OLVER. Would the gentlewoman from North Carolina yield?

Mrs. MYRICK. Yes, I will yield.

Mr. OLVER. Yes, thank, you very much.

I recognize that the gentlewoman and I both serve on the Budget Committee, and the Budget Committee has had to deal with scoring the items that we are talking about here tonight and that the gentlewoman has just finished speaking about.

The two nutrition programs that the gentlewoman has spoken of show savings by your own party's count and by the Congressional Budget Office of $6.6 billion over the next 5 years. That is the school-based nutrition program and the family nutrition program. How can you be claiming savings on those programs if in fact there has not been something cut?

Mrs. MYRICK. We are talking about, what you are talking about, the only thing that has been cut is the increases that were requested that are not being increases in the same point.

Mr. OLVER. How can you get savings if you have not cut something?

Mr. HOKE. Would the gentlewoman yield?

Mrs. MYRICK. Yes.

Mr. HOKE. You get savings when you are using a baseline that is phony to begin with and you define savings as being a cut from an inflated number in the first place.

The fact is that we are going from some $6.7 billion a year up to come $7.8 billion a year in the year 2000. That is clearly an increase in spending. Only in Washington.

BASELINE BUDGETING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon [Mr. DEFAZIO] is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, let us talk a little bit about phony baselines, which is where the gentleman on the other side of the aisle left off before the time expired. That is a funny place here inside the Beltway in Washington, DC.

The Pentagon gets its own special baseline. That is, at the Pentagon things are very expensive, you know, over there at the Pentagon. So they get not only the inflation that seniors get on Social Security or the inflation that anybody else might think about, they get their own special inflation index. And at the Pentagon a cut is a decrease in the increase.

So say next year the Pentagon determines its own little special inflation index is 6 percent. If they only get a 5 percent increase in their $271 billion budget, that is if they only get an increase around $11 billion, if they only get $10 billion, that is a decrease, and we would hear screams from that side of the aisle. We heard screams earlier.

We have appropriated more money for the Pentagon this year. God forbid we should ask them to produce something. It costs extra.

We had to come up with a supplemental bill to pay for the Pentagon to do something. They couldn't squeeze it out of their $271 billion budget.

Now with the nutrition programs, of course, they apply a different ruler. That is, are there going to be more kids going to school next year? Yes; is food going to be more expensive next year? Yes.

There might even be a little bit of an increase in the wages for the people who cook those meals in the schools. A lot of them are getting minimum wage, and if we increase the minimum wage they will get a little bit more. Now in their world those increases don't count. Only increases in inflation for the Pentagon count.

So here is the world we are looking at. We know there will be more kids in school. We know there will be more need for those kids.

I visited a school lunch last week and talked about it last Monday night on the floor. So I won't repeat the stories about how hungry those kids are on Mondays and Fridays and what the needy really is. But the point is, in their world we will only give them enough money to increase it just a little bit. And if there are more kids, the portions get smaller. Or if there are more kids, ketchup becomes a vegetable again, whatever. We are just—can't afford those things.

But we can afford an infinite amount of money for the Pentagon. That is what is wrong with this debate. Let's put our priorities in order here. This debate is about priorities.

What will make America stronger tomorrow? Is it hungry kids who can't learn because we cut back on the school lunch program, the school breakfast program? Or is it imaginary programs like star wars and the fat defense contractors taking people out to dinner every night on the Federal budget, which we all know goes on with these Pentagon lobbyists.

So I would like to put it in that perspective. And let's just remember, when it comes to the Pentagon, a decrease and an increase is a cut, but when it comes to school lunches, a decrease in a real need is not a cut.

That is what the Republicans are trying to feed us here. It is about as real as feeding people ketchup and calling it a vegetable

They talk a lot about the bureaucrats. I checked that out. I was disturbed about that. I thought, well, maybe they are right.

We could eliminate some of these administrative cuts if we eliminated every administrator. That is from the woman who runs the program downtown here in Washington, DC., down to the person who takes the little lunch tickets, to the person who cooks in the school. That is if Congress could miraculously appropriate the money and deliver the food straight to the kids with no one in between. That would be one-eighth of the cuts the Republicans are making in the real needs of these programs.

So it is a lie. It is a lie to say we just want to eliminate the bureaucrats. No, you can't just eliminate the bureaucrats. Where are you going to get the other seven-eighths of your cut?

The gentleman, Mr. OLVER, made a great point. How is it they can talk about $7 billion, "b", billion dollars, in savings in school nutrition programs, WIC programs and other children's nutrition programs and then tell us there aren't any cuts.

I would like to make $7 billion in savings over at the Pentagon, and I would be happy to tell the Pentagon that those things don't constitute cuts. But we would hear screams from that side of the aisle because it is a different standard. It is a different ruler when it comes to kids. They come after the Pentagon.

STATE FUNDING AND CHILD NUTRITION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Washington [Mrs. SMITH] is recognized for 5 minutes.

Mrs. SMITH of Washington. Mr. Speaker, you know, every once in a whole you have to come back to real numbers that will buy real groceries. And I am starting to even get confused listening to the other side. So what I want to know, and I would like to ask this of your, Representative HOKE.

I know where we are now, and I can't go home and tell anybody that we have increased the school lunch program unless it is in hard dollars. I know we are at $6.296 billion right now a year on school lunches. I want to know how much it will take to feed those kids in later dollars, how much we put in the budget, and I want to make sure we feed those kids as many lunches as we are feeding now. You show me that.

Mr. HOKE. Okay. This has got to be so incredibly confusing to the American public watching this and trying to discern what is really going on. I can't imagine what could be more confusing until finally you are going to have to decide somebody is telling the truth and somebody is lying. Let me review.

Mrs. SMITH of Washington. I just want real numbers. I don't want anything spun. How much are we going to spend in this budget compared to the last budget?

Mr. HOKE. March 20, 1995, from the Congressional Research Service. Let me just read the preamble.

Mrs. SMITH of Washington. That is the nonpartisan group?

Mr. HOKE. Yes, that is the nonpartisan group. It is anybody, any Member of Congress can ask them to do research. Let me read this. Then I will go directly to the numbers.

Mrs. SMITH of Washington. Thank you.

Mr. HOKE. All right. This is from Jean Yavis Jones. She is a specialist in Food and Agriculture Policy in the Food and Agriculture Section. The subject is Child Nutrition: State funding under current law and block grants proposed in H.R. 1214. That is what we are talking about, the nutrition block grants.

This memorandum responds to numerous congressional requests for information on the effect that recent proposals to block grant child nutrition programs would have on the States. The attached tables compare estimates of fiscal year 1995 and fiscal year 1996 funding to States under current law to the estimated amount of funding that States would receive under the child nutrition block grants contained in H.R. 1214 as introduced on March 13, 1995.

Now, let me go to the table. Here is the table. This is school-based block grants and current law funding by States and the total. I am going to give you the total. The total for all the school-based nutrition programs for fiscal year 1995 was $6.295 billion.

Mrs. SMITH of Washington. Does that include breakfast and the feeding programs?

Mr. HOKE. That is breakfast, that is after school, that is school lunches, school snacks, all. There are five programs in all. The amount that is estimated by CBO for fiscal year 1996 under current law is $6.607 billion. That takes into account, and I will read it to you exactly.

What it does, it says that those amounts are based, it takes into account the adjustments that will show the projected and actual changes in overall Federal obligations, and it takes into account the number of students that will be in the program and also inflation. So it takes into account exactly what my friends on the other side of the aisle are talking about.

Mrs. SMITH of Washington. So increases in food and increases in kids?

Mr. HOKE. Precisely. Precisely. So that is what the current law is, okay? $6.296 billion in fiscal year 1995 to $6.607 billion in fiscal year 1996.

Mrs. SMITH of Washington. Now that is what they say we will need to keep up, to make sure we don't get behind?

Mr. HOKE. We need to get to $6.607 billion in 1996.

Mrs. SMITH of Washington. Where are we then in the budget?

Mr. HOKE. The school-based block grant is at $6.681 billion, $6.681 billion. The difference between the block grant and the fiscal year 1996 CBO estimate that takes into account the demographic changes as well as the inflation is $73 million.

In other words, under the block grant program, the Republican program that is being criticized here in a bombastic way, that doesn't begin to square with the facts. We are increasing the funding for school nutrition programs by $73 million in fiscal year 1996.

Mrs. SMITH of Washington. Actually, we are increasing it $384 million, but part of that is to keep up with costs of inflation and new children. So we are going over what it costs and kicking in $74 million, sending it back to the States and saying get your grubby hands off it at the State level, don't spend much on administration, get it back to kids?

Mr. HOKE. You are absolutely right, Linda. We are, in fact, increasing it by $384 million over what we are spending in 1995. We are increasingly it by a third, more than a third of a billion dollars.

Mrs. SMITH of Washington. Well, this grandma likes that. I think we have done a great job.

NUTRITIONAL PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. HOYER] is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, we have had some protestations, particularly from the gentleman from Cleveland or just outside of Cleveland, with respect to baselines. Mr. DEFAZIO spoke of baselines.

And the question and answers, we pretend that there can be a savings which is going to be applied to a tax cut and for the wealthiest in America, but that somehow this savings doesn't cost anybody anything. It is a free lunch. It is sort of like supply-side economics that was brought to us in 1981, and we were told that the budget would be balanced as a result of supply-side economics by October 1, 1983.

Mr. HOKE. Would you yield for one single question?

Mr. HOYER. Four and one-half trillion dollars later.

Mr. HOKE. Have you, have you seen the CRS report?

Mr. HOYER. I have not.

Mr. HOKE. Would you like to have a copy of it?

Mr. HOYER. I would love to have a copy of it.

Mr. HOKE. It is working from the baseline. It shows the increase off the baseline.

□ 2115

Mr. HOYER. The gentleman asked me to yield. Will the gentleman yield?

Where does this savings, this magic savings come from that Mr. KASICH is applying to the tax cut?

Mr. HOKE. It is not in this school-based nutrition program.

Mr. HOYER. Where does it come from then? Let me show a little chart that we have.

Mr. HOKE. Charts are good.

Mr. HOYER. Charts are good. We have agreed that charts are good, and it is confusing.

You did not like baselines. At the beginning of this session you wanted honest budgeting, no baselines.

Now, Mr. DEFAZIO is right. I happen to be someone who supports the Defense Department, believes we need a strong defense, have supported many of, frankly, Ronald Reagan's increases in the early 1980's. But the fact of the matter is Mr. DEFAZIO is correct.

On the one hand, if buying weapons costs you more year to year, buying food also costs you more year to year. So the baseline is no more than phony for one than it is for the other.

Now, because you think charts are good, let me show you these charts.

Mr. HOKE. I totally agree with you about baselines. The problem with baselines is not taking into account the increases. It is deceiving the public about those increases.

Mr. HOYER. Reclaiming my time.

What you are saying, whether you are talking about defense or children's breakfast and lunch or whether you are talking about food for women, infants, and children so that mothers can be healthy in their prenatal period and babies can be healthy in the postnatal period and grow up healthy and able to learn, either way, you are talking about maintaining effort unless you have a decreased need.

And although I have not seen that, you responded that the number of kids increased, and you say that report shows that we are taking care of it.

Here is the chart that shows the difference between, and we use perhaps more programs here because the number is larger for all the programs that are included on this chart, which includes expenditures under current law for school meals, child care food, summer food, and the WIC program. 11.6, fiscal year 1995. 12.1 by the same products.

Mr. HOKE. Are you using home-based day care? Is that one of the programs you used?

Mr. HOYER. Yes.

Mr. HOKE. There is the difference. That is a program we are cutting. It is a program that the administration called to cut. It is a program that the President wants cut. You are absolutely right. That is an area that is going to show a difference because we are cutting.

Mr. HOYER. So we have agreement. There is a cut.

Mr. HOKE. That is right. And the reason that the administration wants to have that cut is that it is not means tested. Everybody gets it. And we believe that only people that really need it should be getting these nutrition programs.

Mr. HOYER. We are going to run out of my 5 minutes real soon.

Mr. HOKE. I will give you more time. We have got all night.

Mr. HOYER. Reclaiming my time.

The fact of the matter is that those five nutritional programs, if they grew as the need would require to stay even, that is all we are talking about, to stay even. You would be at 15.9. But you are at 13.6, a two billion difference. Seven billion. That is where we get that seven billion. These years are a $7 billion cut. Now, it is a cut, and you use it.

Mr. KASICH and the Budget Committee refers to this as we have got some savings from what they call, of course, a phoney baseline.

But the fact of the matter is, I want to tell you in Maryland our folks have reviewed this program and 37,000 children, real people, will have to be cut off the program if your program passes.

Now, that is what they say. They haven't seen CRS. That is what they say. Thirty-seven thousand kids are going to be cut off the rolls in Maryland.

SCHOOL-BASED NUTRITION PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GREENWOOD] is recognized for 5 minutes.

Mr. GREENWOOD. Mr. Speaker, I had not intended to participate in this evening's special orders, but I was sitting in my office answering mail and became a little vexed about the discussion and decided I needed to come over and maybe engage someone on that side in some discussion, on the same subject of child nutrition programs.

I am a member of the Committee on Economic and Educational Opportunities that worked very carefully to try to craft this bill, particularly as it relates to the school-based nutrition programs.

It angers me to hear over and over again the use of the term "cut" for these programs. It is not fair. It is not accurate. And if we want to elevate this argument to a place maybe we could find some agreement, we have to start agreeing on what is indisputable.

What is indisputable is that we are not proposing a cut of one penny in the school lunch program, not a penny. In fact, we are proposing an increase that far exceeds, frankly, what your side of the aisle did when you had all of the tools available to you to set the budget.

Mr. GENE GREEN of Texas. If the gentleman would yield.

Mr. GREENWOOD. I will be happy to yield.

Mr. GENE GREEN of Texas. Mr. GREENWOOD, like you, I was waiting for my turn, and I also serve on the committee with you. And let us talk about that "not cut" a minute because we served on that committee, and we tried to take away, and there was an amendment in committee to eliminate the block granting of the school nutrition.

And it was generally a party line vote, as I recall, to take away the school lunch in this process and say, okay, let us do welfare reform without touching school lunches. And it was defeated on a party line. So the Republican majority in our committee said school lunch is a part of the welfare reform bill.

You say you have an increase, but let me talk about and ask you about if this is correct.

Mr. GREENWOOD. Let me reclaim my time for a moment to state my case, and then I will be happy to engage you in further discussion.

Last year when the Democrats controlled the House and the Senate and the White House, what you did in your budget was increase the school lunch program by 3.1 percent. We are proposing 4.5 percent for 5 years, which is about 50 percent better for the kids that we are doing in our proposal than you ever did.

The President in this year's budget proposal, the President of the United States, the one who went to visit the school children in Maryland for lunch, he proposed a 3.6 percent increase this year. And we proposed 4.5 percent.

Now I want to know who has the gall to call the difference between the President's 3.6 percent and our 4.5 percent a cut.

Mr. GENE GREEN of Texas. If you would yield again to me.

Mr. GREENWOOD. I would yield if you would respond to my question.

Mr. GENE GREEN of Texas. The difference between the President is 3.1.

I will give you an example. In the State of Texas, we are actually growing 8 percent instead of 4.5.

Mr. GREENWOOD. Reclaiming my time.

Mr. GENE GREEN of Texas. I will let you reclaim your time since Mr. HOKE wouldn't let some Members reclaim their time.

Mr. GREENWOOD. I will be happy to have anyone respond to me if they will indeed respond to me.

The issue is this. I have heard Members from your side of the aisle all night tonight talk about a cut in the child nutrition program, particularly the school lunch program. I just want to know how you square that with these facts.

When you ran the show here, you did 3.1 percent more in the current fiscal year for school lunch programs. The President of the United States proposes 3.6 percent, and we offer 4.5 percent for 5 years. I want to know what you have to complain about compared to what you did when you were in control and what the President proposes.

Ms. PELOSI. The difference, my colleague, and thank you for yielding, is that we are talking about a block grant versus an entitlement. When you are talking about a block grant you are talking about a limitation on the number of children and the kind of nutrition they would get.

Mr. GREENWOOD. Let us talk in those terms.

Ms. PELOSI. That is an important point because when you are talking about an entitlement, then the money will be there for the children.

You are talking about a block grant that has several shortcomings. First of all, it is a limitation on the amount of money that will be spent regardless of the growth and need for children who are hungry.

Second of all, your block grant requires that the Governors only spend 80 percent of that money on the school lunch program.

Third of all, your block grant removes the nutritional requirements so what the children are getting does not relate to what the children may need nutritionally. So you can spread it out among more kids so that they meet certain criteria for the block grant, but it may not be more kids who need the school lunch. Therefore, the nutrition that the really needy kids are getting is good.

Fourth of all, you are talking about the school-based lunch program, and you are cutting out the summer program and the afternoon program and the child care program.

The SPEAKER pro tempore. The time of the gentleman has expired.

PARLIAMENTARY INQUIRY

Mr. GREENWOOD. Mr. Speaker, may I request a point of order? Am I able to request two more minutes?

The SPEAKER pro tempore. The Chair is unable to entertain that request during the 5-minute special orders.

CHILD NUTRITION PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. BECERRA] is recognized for 5 minutes.

Mr. GREENWOOD. Since I yielded half of my time last time, would the gentleman yield me 30 seconds?

Mr. BECERRA. I would be more than willing to yield if I have some time at the end of my remarks, and I probably will have. If I do, I would be more than happy to yield.

I think the gentleman from Illinois a while back stated it best, Mr. DURBIN, when he said folks probably watching this do not understand what is going on. Is there a cut? Is there not a cut? Are the Republicans providing less? The answer is yes.

I visited some elementary schools and high schools recently, and I was talking to those that do provide school lunch programs, and the principals will tell you the price of food is going up. The number of kids in schools is growing.

When you tell that principal that today the dollar that that principal has to provide a school lunch to a child is the same dollar or just a slight bit more than the principal will have to feed that same child or the child's younger brother or sister coming up, that principal will tell you, "If the school population has grown and inflation is cut into the value of my dollar, there is no way that I as a principal will be able to feed the number of students that need free or subsidized school lunches."

Let us not make any mistake about that. The Republican proposal cuts the amount of moneys that would be available for child nutrition programs in this Nation. It cuts them because it does not square the fact that we have inflation in this country and we have growing student populations. If they kept pace, then we would be okay.

And the problem that a number of us have as Democrats is that the current law says that whether or not we in Congress play political games with the moneys for our school kids, it makes no difference because the law protects children. The law preserves that opportunity for the child to be able to pay a subsidized price for that school lunch or, if the child is very poor, then to get the lunch free because the law provides that right now.

But under the new Republican proposal, not only would there not be a keeping of the pace with inflation and the growth of school population but at the same time the Republican bill guts that protection for children under the law that says you will get fed. Because we understand and have recognized under the law that it is important to make sure that you have the nutrition you need to be able to learn.

The Republican bill says, no, you will get fed if the Committee on Appropriations in the House and if the Committee on Appropriations in the Senate agrees that they will fund certain levels.

So when the Republicans talk about their funding levels of 4.5 percent increases, they are speculating because they haven't provided those moneys. Those aren't there, and they will not be there until the appropriating committees in each House each year decides that they will allocate the moneys.

Let me tell you, I have very little faith that future Congresses will allocate the moneys that are authorized to be spent.

Why do I say that? Well, last week we just finished, and I voted against this, proposing and adopting a bill that cut moneys. Where did it cut? Well, it did not do much to defense. It did not do anything to programs that are out there to subsidize the wealthy.

What it did do was it cut from students, from the elderly, from veterans. And if I look at how they were able to make cuts in those programs, I have very little faith that a program like school nutrition, which will no longer be protected under the law, will be protected from cuts in the future, especially if anyone in this Congress is serious about trying to balance the budget.

So whether we want to say we are providing more money or not, the reality is that under current law our kids are protected from the shenanigans and politics of Members of Congress under the Republican proposal that is gone, and we have to hope that not only will they provide the money they say but they will see the light and provide the actual dollars needed for that principal to provide not just the same meal but provide it to the growing number of kids in the school.

What does all this do to a place like Los Angeles, CA, a place that I represent? Well, if in fact we are going to lose the $2.3 billion over the next 5 years that the Republican bill will cost us, which is about a 6 percent cut, then I know in Los Angeles, the Los Angeles Unified School District, which is the second largest school district in the Nation with something over 600 and some odd thousand students in it, close to 550,000 of those children who receive subsidized or free lunches will not be able to eat, will not be able to eat the same amount, or will be told to wait until tomorrow.

That is a lot of meals. That is a lot of kids. I think we have to start doing something differently.

☐ 2130

MORE ON WELFARE REFORM

The SPEAKER pro tempore (Mr. LATOURETTE). Under a previous order of the House, the gentleman from North Carolina [Mr. JONES] is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. GREENWOOD].

Mr. GREENWOOD. Mr. Chairman, I thank the gentleman very much for yielding to me. I simply asked for the time so I could respond to the comments of my very good friend, the gentlewoman from California, because frankly, she brought the debate back to where I think it should be and that is a fair debate.

The previous speaker raised legitimate issues about the difference between an entitlement program and a block grant. That is the level of the discussion that we ought to have. If we have that level of discussion, then we can talk about different strategies to balance the budget.

I came over here fairly upset because I am so angered to hear over and over again the use of the term "cutting" the funding for this program. It simply is not true. It really should not be said.

The level of debate will be elevated tremendously if we talk about different strategies, whether it is entitlements or block grants. We can do that. We can have honest differences of opinion. We might actually learn from each other and find some common ground.

I really would encourage my friends on the other side of the aisle to stop using the terminology of cutting funding for this program, when in fact the facts are, and I will repeat them, when the Democrats controlled the House and the Senate and the White House, they provided this program with a 3.1 percent increase and the president, in this year's budget, proposed 3.6 percent, and we have offered 4.5 percent for the next 5 years.

If the appropriators do not do that, that is a discussion for another day. And perhaps we will join some of you in voting against an appropriations bill that does not live up to the 4.5 percent authorization. But let us be honest about where we are in the process.

Mr. JONES. Mr. Chairman, I yield to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, in the spirit of debate, I would like to respond to the gentleman's comments. What we have to do, if we are going to debate this in a way that is clear to the American people, is to define our terms. The gentleman from Ohio was waving the CRS report before and saying how much of an increase that the Republican proposal was of the school-based lunch plan versus, as you are referencing, President Clinton's increase on an entitlement program as opposed to a block grant.

The point I want to make is that what the gentleman was waving was already a cut, yes, a cut, because it is only referring to the school-based lunch program. It does not provide funding for the afternoon program or the summer school program. So you have already cut children's nutrition plans.

Mr. JONES. Mr. Speaker, I appreciate the debate on both sides as it relates to the nutrition program. I wanted to touch on welfare and the need for welfare, but first I have to make these comments as a former Democrat, that today I was interviewed by the Washington Post wanting to know why in the State of North Carolina that we went from 8 Democratic Congressmen, four Republicans to four Republican Congressmen and four—excuse me, eight Republican Congressmen and four Democrats. The whole purpose is simply because the new minority party was out of touch with the middle-class working American.

People in America are paying, the working family will spend half of what it makes on paying taxes and actually spend more on paying taxes than it will spend on clothing, housing and food. And this debate tonight about children is extremely important, and on our side we believe we are doing what is right for children.

I can tell the other side, after hearing the debate today and yesterday, that the American people are ready for downsizing Government. They are ready to see efficiency in programs. They are ready to see less taxes coming out of their paycheck. That is what I think the Republican party has done.

Let me talk just briefly, I know my time is short, about the facts on welfare. Since the 1960s, Washington has spent approximately $5 trillion of taxpayers' money on the war on poverty. It is the most expensive war our Nation has ever waged, and it is a war we have lost. The amount we spend in a year on welfare is roughly three times the amount needed to raise the incomes of all poor Americans above the poverty income threshold. Nearly 65 percent of the people on welfare at any given time would be in the welfare system for 8 years or longer.

A record 14.3 million people now receive welfare benefits, a 31 percent increase since 1989. Funding for welfare programs is estimated to increase from $325 billion in 1993 to $500 billion in 1998.

My colleagues, the people of America are demanding welfare reform. We can debate as we should debate, being a democracy, but when we really come down to it, the working people of America are tired and fed up of seeing their money wasted. It is our responsibility and obligation to pass welfare reform.

THE DEAL SUBSTITUTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. DEAL] is recognized for 5 minutes.

Mr. DEAL. Mr. Speaker, I agree with my colleague from Tennessee, who joins me along the Tennessee-Georgia border, Mr. WAMP, on the Republican side. He said that we do not need partisanship in this issue. I would come here tonight to suggest that we have a solution that breaks the status quo, that changes the existing programs, and we do it in a way that we think works.

We ought to all be seeking solutions that work, rather than political rhetoric. I have listened to the debate all day today, and I have come to one conclusion. We probably need fewer speech writers and more mathematicians. The only trouble is, I am reminded of the saying that "figures don't lie but lies sure can figure." We seem to be caught up in that business of arguing about figures.

Now, there is something that is true, and I think my colleague made the point earlier, and that is this, you cannot have it both ways. In your welfare reform package you are either going to make cuts to have the savings to offset the tax cuts that are coming or you are not. You cannot have it both ways.

Now, we have talked about various aspects of this plan, and we focused just recently on talking about the child nutrition programs. I am looking here at a document that came from the majority leader's office in which he is talking about the savings from the Republican bill. Now, they are either savings or they are not savings. And according to this, it says that there are $66.3 billion of savings over 5 years. I understand that figure may have increased now because of some other changes.

And the one area of title III of the bill of child care and nutrition, according to the majority leader's office, saves $11.8 billion over 5 years. Well, I do not know whether you are talking about cuts or whether you are talking about cuts from base line. The point is, either you have savings or you do not have savings. They are either cuts or they are not cuts. You cannot have it both ways.

Now, let us talk about a few of the things that I think are significant, and I pointed this out today. My chart has had to be amended as a result of an en bloc amendment that came on the floor today. But this is a chart that compares and contrasts the Republican version of welfare reform with a substitute that I, along with several of my colleagues, will be offering. It talks about the concept of work.

I think all of us should agree that work is the best solution to breaking the welfare cycle. And the question is, how do you get people off welfare and into work and how do you achieve that goal of keeping them in a work force?

We both have in our plans percentages of the population that must move into the work force at certain levels. As you will notice, the Republican plan started off at 4 percent. It is has now been amended up to 10 percent. Ours starts in 1997 with 16 percent going to a total of 52 percent at the final termination in the year 2003 and thereafter.

As a result of the amendments on the floor today, the work percentages of the Republican plan have now been increased significantly. In fact, cumulatively those percentages are about 52 percent, I believe. But the interesting thing to me is that if it costs to put people into a work program to move them off of welfare into the work force, if it costs money, and it obviously does, if it did not cost any money all of us would say 100 percent from the first day must be in the work force.

I would point out, however, that under the Republican plan, they allow people to stay on welfare for 2 years and do not require anything of them.

We require within 30 days that they must sign a self-sufficiency plan and they must begin the job search process. We also have a 4-year limit once they enter a work first program. Two years in work first, at the most 2 years in a community service plan, and then a State option if they choose to put them with a voucher system for 2 years at the maximum.

Now, if it does not cost any money to move people from welfare to work, then we ought to all put our percentages at 100 percent from the word go. If it does cost money to up the percentages, we have seen the percentages on work under here by an amendment but we have not seen any revenue flow to the States to pay for that. It does not work both ways. It either costs money to do this or it does not cost money to do this. If it costs money to increase your percentages, then we ought to have some reflection in the funding proposal to pay for it. We do not see that.

WELFARE REFORM IN ARIZONA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. SALMON] is recognized for 5 minutes.

Mr. SALMON. Mr. Speaker, for the last 4 years I have been serving in the Arizona State legislature prior to coming to this noble institution.

One of the privileges that I have had is to co-chair the Joint Select Committee on Children and Family Services. What I have seen over the last several years has really frightened me.

I think that government has become the great enabler. Those of us that have dealt with programs with alcoholics, people that we have tried to help to get off the problem, recognize that first of all, they have to have a desire deep inside that they want to change that terrible situation that has been plaguing them for probably many years. But if they do not decide that they want to change, it is not going to happen.

I think government has become the great enabler with welfare programs in that we have basically robbed people of self-dignity. We have told them, we do not want you in mainstream society. We will pay you to stay at home because you really have no value to society. I think it is a very counterfeit type of compassion. Just as it would be with the alcoholic that is going through detox, when they are writhing in agony and going through the pain, to offer them a bottle of scotch to solve their problem, I believe that the government programs that have really trapped people in a snare of government dependency and replaced it with nothing, which has robbed people of their self-dignity. They have got to be replaced. We have to flee from those programs as fast as we can.

I do not mean to belittle the efforts tonight of the minority party in trying to reform the system. But I will say, with all due respect, you have had 30 years to do it so I am not sure that the sincerity of the effort tonight is truly noted.

I really feel that it is time for us to get off of our duff. It is time for us to help people to help themselves.

It was a great President on his inauguration that said, ask not what your country can do for you, ask what you can do for your country. How quickly, it has only been three short decades since that prophetic declaration was made, and here we are today trying to be mother and father to people that really on their own are crying for dignity and they want the ability to be able to help themselves and get out of the trap that they are ensnared in, the destructive trap that they are ensnared in.

In Arizona, we were able to pass some really key reforms within the last couple of years. In fact, I would like to talk a little bit about one of my favorite people in Arizona. It is Charles Barkley.

Mr. Speaker, there are at least two huge differences between President Bill Clinton and Arizona's own Charles Barkley. Sir Charles, for one, backs up his big talk with big action. We have no such luck with Bill Clinton.

In my home State, we have been waiting for the Clinton administration HHS to grant us a waiver so we can implement our State's innovative welfare reform proposals.

Let me tell you about one of the pilot programs which would cash out the value of food stamps and give it to an employer to subsidize them to hire an employee, to hire a welfare recipient. It is a win/win. They get a job. They get dignity and self-respect and the employer gets a valued employee.

Our bill was signed by the governor a year ago but the waiver paperwork was done last August. I personally wrote the President in February, the first of the year. Still nothing. But there he was, just a few days later, talking big before the National Association of Counties, while the President's waiver application grows cobwebs on the President's desk, Bill Clinton declared, to applause in fact, here it is in the paper, in the Washington Times, "Clinton wants States to have freedom to adjust welfare."

□ 2145

He basically said, to applause, that we should abolish the waiver system altogether. Well, Mr. Clinton, we are waiting.

Mrs. LINCOLN. Mr. Speaker, will the gentleman yield?

Mr. SALMON. No, I will not yield.

Approve the waiver now, President Clinton.

Mr. Speaker, I also forgot to say that there is one other crucial difference between President Clinton and Charles Barkley. I still believe Charles Barkley somewhere in the country could win an election.

Mr. Speaker, I yield to the gentlewoman from Arkansas.

Mrs. LINCOLN. Mr. Speaker, I would just like to tell the gentleman we will have a great deal for you tomorrow, because in the Deal substitute plan we give the flexibility to the States to not have to deal with those waivers. It is a wonderful proposal that will be presented tomorrow and it is an opportunity for you to take a look at things that we will be able to offer to the States, flexibility to deal with their own plan.

Mr. SALMON. Mr. Speaker, I reclaim the balance of my time, and I would like to say I believe in private sector jobs and in more government-funded programs.

Mrs. LINCOLN. That is exactly right; that is what we do.

Mr. SALMON. I do believe people ought to have the dignity to be able to go out into the private sector to be able to get jobs, and really, if sincerely you do believe that this is a good idea, would you call President Clinton for me tomorrow and tell him to pass that waiver?

DIGNITY OF WORK IS WHAT WELFARE REFORM IS ALL ABOUT

The SPEAKER pro tempore (Mr. LATOURETTE). Under a previous order of the House, the gentleman from Tennessee [Mr. TANNER], is recognized for 5 minutes.

Mr. TANNER. Mr. Speaker, let me just say as I start here, I have been here 6 years and we have been working on this welfare reform program almost from the day I got here.

The people who have been working on the Deal substitute have been working tirelessly for the last 3 years that I know of, and we appreciate the opportunity to come to the floor tomorrow and offer the Congress, the House, a chance to vote with us.

I have been disappointed in the debate tonight. I still have trouble determining why a school lunch program has anything to do with helping people go back to work. When we started our welfare reform plan, we went from the principle that work is dignity, work is what people need, work will make this country stronger, and we insist that if you want something from the Government you must do something for yourself.

For people who are talking about the school lunch program, the school lunch program started 49 years ago and it was a national program. The reason it was started by President Truman was because so many kids from around the country in poor, rural States were unable to pass their draftee physical.

School nutrition, what kids have for lunch is not what we are about. We are about reforming the welfare system so people can go back to work and earn their own way.

We give more State flexibility in the Deal bill than anybody does. Right here, provisions, AFDC benefits, State option; mandated in H.R. 4. Families, States option, mandated in H.R. 4. Child support pass-through, State option for Deal, mandated in H.R. 4.

It is ironic that on the day the President signs the unfunded mandates legislation, which many of us have been working on for 2 or 3 years, and again we thank the majority for bringing that to the floor, that we have seen a bill now come before the floor on welfare for mandating to the States many of the things that we leave to State flexibility on the wonderful theory that many Republicans have professed through the years that local people know best.

We have work first. We give States flexibility in how they do that, and we do one other thing for those people that are just barely getting by and they are working, they are living by the rules, playing by the rules and that is this: We include public assistance for purposes of taxable income on the basic fair theory that a welfare dollar should not be worth more than a work-earned dollar. We are the only plan that does that.

Now we have, many of us who have been voting for some of the contract provisions as conservative Democrats, have asked some of our moderate Republican friends to join us on the theory, as the gentleman said earlier tonight, neither party has a monopoly on wisdom and virtue, and I think anybody who does not subscribe to that theory is fooling themselves. We asked for some bipartisan support on our plan. The Deal plan is the best plan in this Congress. You would not have had to have all of these amendments today you have had to put up. It is already in our package, if you would just give us the same consideration you ask from time to time from us, and it would be bipartisan. Come on over, read the Deal bill. If you have not, you ought to, because what we do in this substitute is exactly what many of you all have professed you want to do, and that is bring back the dignity of work to the American people and help them get off of welfare.

That is what welfare reform is about. We can talk all night about whether there is a cut in the child school lunch program or not. It does not have much to do with helping someone get back to work, an adult, and that is what we try to do, and that is what we will do. And we know this: Real welfare reform has to be a Federal-State partnership and you cannot just block grant it and say States, here is some money, do the best you can with it. That will not work. That will not put people back to work. And that is why we got this letter today from the United States Conference of Mayors. They know what is going to hit them and they do not have the equipment or the ability to handle it, quite frankly, and you cannot just say block grant it and let the States do it any way they want to.

We do, and we enter into a true Federal-State partnership and we clean up the mess here in Washington in the Deal bill before we turn it over to the States. And I believe, and I would ask everybody here to read our bill and to give us serious consideration tomorrow.

I think you will find it is by far the best approach.

WELFARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, I want to pick up on the comments of the last speaker. I think it is important to note that the gentleman from Tennessee thanked the majority party for getting the unfunded mandates legislation to the floor of the House as has the majority party brought welfare reform finally to the floor of the House. And I will say this to my moderate Democrat friends over there, that we are glad you have a plan.

I was real disappointed when the President decided to end the welfare debate as we know it by not offering a plan. I thought he was going to end welfare, but it was just end the welfare debate. So I am glad you all have stepped in and filled what is obviously a leadership vacuum and tremendous void over there both from the White House and I would say the party leadership. I am glad to see the Deal plan is on the floor. A lot of a good aspects on the Deal plan, a lot of good aspects in it and I am looking at it.

Favor H.R. 4 though. It is a bill that offers hope and independence and opportunity for people. I think it is important.

Today I had an opportunity to meet a lady named Felicia Patterson from Savannah, GA. She had been on welfare. She is right now living in public housing and she has now got a job. She is independent, she is raising three children. She is asking for a little help on something that to my knowledge the Deal plan does not address, H.R. 4 I hope will address in the future. It is something I think both parties ought to come back and work on and that is the subject of rent reform.

You know in a public housing unit when somebody is making money, as Ms. Patterson is, and their income goes up, their rent goes up, so what they find themselves doing is running faster just to stay in place; and in a situation where they get married or the father decides to live at home, they get thrown out completely. Or if, as in Ms. Patterson's case, you have a 16-year-old child who wants to go to work but knows that all of the money is just going to go to additional rent, it is kind of hard on them. We have to make it so that the transition to getting off of public assistance in its entirety is a little bit smoother.

Now the Republican plan has a lot of flexibility. It allows States to work with people like Ms. Patterson and it grants some waivers, and I think stuff like that is important. I will not say it is totally complete. But all of these bills we are going to have to come back. After all, the current welfare system is one of despondency and dependence probably as a result of 40 years of negligence and political payoffs and so forth. We did not get here overnight. We got here slowly. And we are probably going to pull out of this thing slowly.

The thing I do like about the Republican plan is it consolidates 45 different welfare programs into 4 flexible block grants. Anytime I her the idea of eliminating duplication of consolidating Federal programs I get excited, because as a member of the Committee on Appropriations, I cannot tell you, Mr. Speaker, the number of government agencies that come in day after day, doing the exact same thing, but have a little bit different title, and of course it is a tad bit different turf and they are all saying please keep us alive, we are the only agency that can deliver such service. That is not true. The Republican plan consolidates services, it consolidates a number of different things that will free up money by eliminating bureaucrats' jobs and free up money to help create more flexibility to States, and lowers the tax burden for taxpayers so that the private sector can go out and create jobs.

One of the aspects I like about the Republican plan is the idea of requiring work. I think that that is important because we have got to give people the opportunity to end the cycle and become independent, and have that hope that you and I have when we get our paycheck and buy our own car and buy our own food and put a down payment on a House and so forth. I think all of that is very important.

The other thing that I like about it, I am not sure if the moderate Democrat plan addresses it or not, but illegal aliens, one of the problems particularly in California, Texas, and even in Georgia, we have 28,000 illegal aliens. This restricts benefits to illegal aliens. I am sick and tired, as I know my constituents in Georgia are, of going out and earning a living and then seeing a percentage of your paycheck go to people who are illegal aliens who have never paid American taxes and do not even have proper citizenship cards. I am glad to see the Republican Party addressing that.

Stopping the welfare payment and the new benefit for having a baby, we have interviewed people who have said listen, there is in fact to some women out that and some people a motivation to have an additional child if they are going to get paid for it.

These things, Mr. Speaker, are addressed in the Republican plan. I think it is a good plan. We will look at the Deal plan; I think it has some good aspects, but I hope you all will look at ours.

WELFARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Mrs. THURMAN] is recognized for 5 minutes.

Mrs. THURMAN. Mr. Speaker, we have another chart and I am glad to know that the gentleman is looking at the Deal plan because I think that that is very important, because I think it does do many of the things that the gentleman talked about, particularly in simplification, folding in waste, fraud and abuse. We are all trying to meet that same criteria. I think where we really get into the fights is over some of the funding issues and specifically because of some of the entitlement issues.

But I heard some remarks tonight that I really took exception to and that was that some of us may have lost or gotten into the Beltway kind of feeling up here. Let me tell you, I have never done that and I can tell you that the people that work in my office every day are out there helping people every day with problems that they have. So I am going to give you some facts, and some real-life situations, and not just about numbers, first of all, and then I am going to go to the numbers.

Mr. KINGSTON. Mr. Speaker, if the gentlewoman will yield, I will never accuse you of being an inside-of-the-Beltway person because I fly home with you every weekend. I will say this: I hope you tell some of the stories to the leadership in your party who do tend to be a little bit more inside the Beltway than someone like yourself.

Mrs. THURMAN. I think we can all take some credit for that, and I will leave it at that. I want to talk about a man and woman who live in Horsehoe Beach, Thomas and Pam Wright, and they have five children, four of which are of school age. Tom was a long distance truck driver who made $600 to $800 a week. He was diagnosed with diabetes and can no longer be certified as a truck driver and now is working as a security guard, and he makes $200 a week and he is now receiving $230 per month in food stamps. He does not like where he is at, but he does not know what to do if this is cut off.

Danielle Plummer, a 30-year-old single mother living in Holder, FL considered herself lucky because she inherited a 40-year-old A-frame house which was paid for. So she does not have to pay rent anymore. Imagine that.

Miss Plummer recently lost her job at a McDonald's restaurant because she lost her source of transportation and if you know where this area is of Florida, there is no transportation. She receives $212 in food stamps and $214 in AFDC monthly for her 10-year-old daughter. Miss Plummer has been in and out of court fighting for child support and cannot receive benefits owed for her daughter.

□ 2200

She admits welfare is not where she wants to be, nor is it where she plans on remaining. However, when I asked her what she would do if her assistance she now receives was suddenly discontinued, she said, "I don't know. My God, how would I take care of my daughter?" Those are real people. Those are people that live in my district.

But in the Deal plan, I was asked to look at some situations as how the purchasing power, and I will admit, you do go up 2 percent for purchasing power for food every year, but what happens is that that power actually goes down. And this is what happens here.

In the Deal plan we keep 102 percent, the safety net, very safety net. This is the package that President Nixon and President Ford worked on, and they said, "We have got to have a thrifty food plan. We have got to make sure there is a nutritional program out there," kind of like we do with food and breakfast and those kinds of things, that very basic nutritional need. What happens is, if you look at what happens traditionally in food prices, they have gone up 3.4 percent every year. In your plan it goes up 2 percent. So what we are doing is we are notching that down every year, and not leaving it so people get good nutritional value. This is what happens.

Deal leaves it 102 percent. Republicans, under H.R. 4, actually, as you see it, it declines. So think about it this way, think about this woman who is on food stamps who has to go to the grocery store next year, because she does not have a job, she is trying, she is trying to do all the right things to raise her daughter, she goes to the grocery store, and now all of a sudden she has got to start pulling food out of the bag, because she cannot afford to keep up with prices as they have increased. It may mean a loaf of bread. It may mean some eggs. It may mean that milk. It may mean one of those basic nutritional value foods that we talk about.

And that is what you are going to end up doing here.

Now, let me tell you about Michael and his family to finish this. Well, I do not have time, but let us just remember in this debate, this is not about numbers. This is about people with real problems, and we need to be careful.

IN SUPPORT OF THE DEAL SUBSTITUTE BILL

The SPEAKER pro tempore (Mr. LATOURETTE). Under a previous order of the House, the gentlewoman from Arkansas [Mrs. LINCOLN] is recognized for 5 minutes.

Mrs. LINCOLN. Mr. Speaker, I would certainly like to say to my colleague from Georgia and the others over there that, yes, we do thank your leadership for bringing up some of these issues that we have worked very hard on over the past 3 years. And I guess I can say that, as a newer Member, I also think it is important that we shed our pettiness in terms of who is bringing up the issues and look more at what is happening to the American people. I think that is one of the objectives that I and many of the other colleagues that I have shared this bill with, the Deal substitute bill, in trying to put people above politics, and that is a very important issue that we have to do right now.

Mr. KINGSTON. Will the gentlewoman yield?

Mrs. LINCOLN. I yield to the gentleman from Georgia.

Mr. KINGSTON. I thought it was the Democrat chart that had a T shape on our plan versus your plans. I was only responding to your plan.

Mrs. LINCOLN. I just think it is very important for the American people to know our group and the bill that we have produced is very nonpartisan. It is a very practical bill. It is very realistic. And we are here because we want to put people before politics. That is what is important, taking the American people, looking at what their needs are.

Tomorrow we will have the options of looking at the bill offered by the gentlewoman from Hawaii [Mrs. MINK], the Deal bill, and the Republican Contract bill.

We have worked hard. We have produced a bill that is really realistic in terms of what it does for the American people and in terms of what it does for this Nation in long-term getting people off of welfare, and that is what we want. We do not want to just throw them off of welfare. We want to get them off of welfare, get them off of the generational dependency and put them into a constructive, contributing life style.

People have a tendency really to ignore the voice of reason, and I think really that is what we have got to present in the Deal bill is real reason, looking at what people need to survive and to become independent.

It is time that we finally hear what that voice of reason is. We have talked about priorities tonight. Are you going to talk about food and making sure children get fed, or are you going to talk about $20 billion to $40 billion of increases in military spending? Are you going to talk about putting people back to work and giving them the opportunity to provide for themselves? That is what is important. We have got to look at where this Nation is spending its money.

In terms of percentages, if you look at the money we are spending on both military, on interest, on the debt, the talks we have had here tonight in terms of nutrition, less than 0.1 percent are a drop in the bucket in what we need to do, and our voice of reason, the Deal substitute, puts more people to work than the alternative bills that will be offered tomorrow.

The Deal substitute is the only one that devotes its entire savings to deficit reduction, and if you are serious about deficit reduction for your children and your children's children, you have got to realize that we have got to put those savings toward deficit reduction. We realize the same amount of savings roughly that the Republican plan does, but we direct our savings to deficit reduction, because we are worried about the future of our children, not only in welfare reform, but also in deficit reduction.

The Deal substitute recognizes that it is impossible to work without proper job training and child care. You cannot ask a single mother to work for her benefits if she has nowhere to take her children.

And, yes, you are right, the family structure in this Nation is deteriorating, and that young woman does not have the support network of a family, a grandparent or a parent to look after that child. She has got to depend on some child care, and we have got to provide it, and we do in the Deal substitute. We not only provide it, but we pay for it, and that is an important part of what we do.

The Deal substitute identifies the problems that have been created in the crazy checks abuse, and it solves the problem. I have seen a tremendous amount of that problem in my district, and I have been working hard over these past years to look for a reasonable solution that does not throw out the baby with the bath water. It does not put that child with cerebral palsy out on the street, but it makes sure the disabled children, especially those that are multiply disabled, are going to be helped, but the ones that are abusing the programs, those loopholes will be closed.

The Deal substitute is the only one that sets a 2-year lifetime limit on welfare benefits, the only program that is going to be offered that sets a 2-year lifetime limit.

We give the States the option of extending benefits for 2 more years with community service, and that is what we have heard from most people is that the States know better how to craft and to recraft those programs to get their people back into the work force.

The Deal substitute gives States more flexibility than any other proposal without passing massive costs on to the States, no unfunded mandates. We do not produce the unfunded mandates, because we know it is unrealistic, and in the long run it will not work.

The Deal substitute does not demand family caps. Instead, we give that flexibility to the States, that option of denying additional benefits to mothers who have more children while on welfare.

The Deal substitute includes welfare benefits as taxable income. It is the best alternative you are going to get, and I encourage my colleagues to support it.

WELFARE REFORM AND DEFICIT REDUCTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. HAYWORTH] is recognized for 5 minutes.

Mr. HAYWORTH. Mr. Speaker, it is good to see my good friend from Ohio in the chair tonight.

At the outset, I yield to my good friend from Georgia for a moment.

Mr. KINGSTON. Let me say one thing about the Deal alternative. I do agree, Mr. Speaker, with the previous speaker. It is the best alternative that is out there, not as good as H.R. 4, the Republican plan, but in terms of an alternative, I agree that the moderate Democrats are showing some leadership over there, and I hope maybe you can inspire your official leaders to show some leadership, too.

One thing though I do want to say about the Democrats' newfound interest in deficit reduction is that, you know, for since 1969, the Democrats have controlled the House, and each year we have a new debt. Now, I say since 1969; that is the last time we had a balanced budget, but year after year the deficit has gone up.

But I say this: It is a Republican and a Democrat obligation to address it, because I believe both parties created the deficit, and I am glad now that both of us are talking about it, and let us have this one-upmanship. Let us see who can top each other's deficit-reduction plan. That is what two parties are all about.

Mrs. LINCOLN. Mr. Speaker, will the gentleman yield?

Mr. HAYWORTH. I am happy to yield to the gentlewoman from Arkansas.

Mrs. LINCOLN. I just wanted to reemphasize the fact if we are really truly talking about deficit reduction that all of what we have been talking about in terms of cuts, rescissions, and certainly in the welfare reform and the moneys that we can save should be going to deficit reduction, and I would certainly encourage the gentlemen when those amendments are offered and certainly when we talk about the lockbox aspects of putting those moneys towards deficit reduction, that we will see that.

Mr. HAYWORTH. Reclaiming my time, I note with interest the gentlewoman from Arkansas preceded me in this Chamber by one term, part of the 103rd Congress, I know not her voting record personally, but I do not know the former majority is on record as voting for the largest tax increase in history, a tax increase which hit so many Americans in the wallet as to be just grossly unfair, and went on with the gasoline tax the average impact of which being in excess of an average of $400 per year in additional energy payments for every family in America, regardless of their socioeconomic status. So I would contend with the lady and my other good friends on the other side of the aisle, I do not believe we can tax ourselves to prosperity, and nor, although there are certainly some noble aspects to the notion of a deficit lockbox, I believe we have to return the money to the people who earned that money in the first place.

If I could speak for just a few moments on the 5 minutes I have, I thank my good friends on the other side for their restraint. I would also add that I certainly welcome tonight's meaningful dialog in stark contrast to the hysterics we heard earlier today.

I mentioned that earlier today during the debate I cannot for the life of me understand why anyone from any political party would choose to compare their opposition to the Third Reich of Nazi Germany or to slave holders. I believe that was inexcusable, but I welcome certainly the tone tonight which has changed.

You and I just happen to have a difference of opinion. I think we also have a different interpretation on some of the numbers, but let me yield in the interests of fairness to my friend from Arkansas.

Mrs. LINCOLN. I just want to say that we have also seen three consecutive years of deficit reduction. I would just like to encourage the gentleman to make sure that he knows that there are those of us who are speaking out for deficit reduction.

Mr. HAYWORTH. Reclaiming my time, I would point out that deficit reduction came at the expense of hardworking taxpayers who would like to keep more of their money in their own pocket, and if we cut taxes and cut the deficit and build this economy, then that will be the answer for everyone including those trapped right now in the prison, if you will, of welfare, and a system that is broken, and we all agree is in need of some radical change.

We asked for that type of change, and that is what we are working to do with your majority bill, H.R. 4. We welcome your thoughts on it, but we would ask you to take a much closer look at the numbers you purport with reference to the Federal lunch program. One is tempted to recall the words of our good friend from California, "There you go again," not talking about the real numbers. We call for increases in the school lunch program of 4.5 percent over the next 5 years, an increase over 5 years of $1.1 billion in expenditures, and we are getting the job done while we are hearing a lot of rhetoric.

Ms. PELOSI. Mr. Speaker, will the gentleman yield?

Mr. HAYWORTH. I yield to my friend, the gentlewoman from California.

Ms. PELOSI. I thank the gentleman very much.

I would like to reference your remarks where you just said there was an increase in school lunch program, and I want to, and I appreciate the time to respond to that, there is not an increase in the school lunch program. There is a cut.

Mr. HAYWORTH. The gentlewoman has to understand how on Earth can you increase a program, now, in fairness, if you are saying there is a reduction in anticipated increases, I would certainly contend that is an interesting way to define a cut.

Ms. PELOSI. I wish the gentleman would wait until my time so we can continue.

THE CURRENT WELFARE SYSTEM DOES NOT WORK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. PAYNE] is recognized for 5 minutes.

Mr. PAYNE of Virginia. Mr. Speaker, I would like to talk about something that I think we all agree upon. There has been a lot of discussion, a lot of debate today, and it seems that one thing that we do agree upon is the current welfare system simply does not work, and instead of requiring work, it actually punishes those who go to work. Instead of instilling personal responsibility, it encourages dependence on the Government, and instead of encouraging marriage and family stability, it penalizes two-parent families and rewards teenage pregnancies.

We all agree welfare must be drastically changed, and that welfare should only offer transitional assistance leading to work, not leading to a way of life.

Now, I am one of the cosponsors of the Deal substitute, and we are committed in our bill to making some pretty major changes. Our bill is the only bill that will be considered which ensures that its savings are used for deficit reduction.

Now, I think that is an important goal that many of us share, and our bill is the only bill that ensures that our savings will be used for that purpose. We support welfare reform that emphasizes work. It emphasizes personal responsibility. It emphasizes family stability.

The Deal substitute imposes some pretty tough work requirements while providing opportunities for education and training and for child care and health care to support working people.

□ 2215

It provides States with the resources necessary in order for welfare reform to succeed without shifting costs to local governments or without creating unfunded mandates, and it gives the State the flexibility to design and administer welfare programs they need without sacrificing accountability of the Nation's taxpayer's dollars. We believe that real welfare reform must be about replacing a welfare check with a paycheck.

The Deal substitute's time-limited work first program is designed to get people into the work force as quickly as possible by requiring all recipients to enter a self-sufficiency plan within 30 days of receiving their benefits.

The Republican welfare bill allows recipients to receive cash benefits for up to 2 years before they are required to work or even to look for work.

The Deal substitute also encourages welfare recipients to leave welfare for work by providing adequate funding for safe child care and by extending transitional medicaid assistance from 1 year to 2 years.

The Deal substitute provides the necessary resources for welfare recipients to become self-sufficient, but it also requires recipients to be responsible for their own actions by setting clear time limits on benefits. No benefits will be paid to anyone, and this is extremely important, no benefits will be paid to anyone who refuses to work, who refuses to look for work or who turns down a job.

In addition to making individuals responsible for their own welfare, we demand that both parents be responsible for their children. The Deal substitute includes the toughest child support system ever to make sure that the noncustodial parents simply don't walk away from the children that they helped bring into this world.

The sponsors of the Deal substitute recognize that in order to reform welfare States must have the flexibility to design and administer welfare programs that are tailored to their unique needs, to the unique characteristic of their States. And we believe that States should not have to go through any cumbersome Federal waiver process in order to implement innovative reforms in their welfare programs.

The Deal substitute, in fact, puts into place a Federal model for the work first program, but it really encourages States to develop their own work programs. And, unlike the Republican bill, the Deal substitute does not remove some existing mandates only to replace them with different mandates regarding payments for children born on welfare or payments to teenage mothers.

I believe that the Deal substitute offers the best approach to welfare reform. It takes a tough approach by setting time limits, and it requires people to be responsible for their own actions. It provides the necessary resources for welfare recipients to realistically achieve self-sufficiency, and I believe that the Deal substitute is the only welfare reform bill which gives the American people what they really want, which is a plan that makes work the number one priority, individuals responsible for their own actions, and welfare reform that gives the States the flexibility they need.

I thank the gentleman. I am sorry I am out of time.

WELFARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. WATERS] is recognized for five minutes.

Ms. WATERS. Mr. Speaker, I have said maybe on two occasions today that this is one of the most important debates that this 104th Congress will be engaged in, and it is important for us to understand what we are about to do here.

I know there are a lot of unhappy folks in this country, unhappy about the fact that there are too many families and too many children on welfare. I know that most people want change.

We must be fair in our representations about who wants change. Republicans want change. Democrats want change. Workers want change, and recipients want change. I think it is one thing that we can agree on.

No one has the corner on wanting reform. We would all like to see reform in the system, and it is absolutely incorrect to say that the President or Democrats did not have a bill, did nothing about reform.

The President had a comprehensive piece of legislation that he attempted to get into this Congress, the 103d Congress, and we got caught up in the health debate, and it turned into a nightmare, and there was not the opportunity to move on welfare reform as the President had planned. So it is not true that the President did not want welfare reform.

The difference between the Democrat and Republicans is the question of implementation. How will we do welfare reform? Will it be a plan that will offer real opportunities for people to get off welfare or will it simply be a plan to punish folks because for whatever reasons they have found themselves on welfare?

I think it is time for us to try and speak about this in a language that the American public can understand. No, they don't really understand block grants and waivers.

Let's put a face on this discussion. We are talking about, for the most part, just plain old poor people and working people. We are talking about people, some of whom were born into situations through no choice of their own that keeps them locked into the cycle of poverty, and there have been no real guidelines, rules by which they can get out of the cycle of poverty.

We have some folks who work everyday, and they are poor. They can't take care of their families. They need food stamps. They need some help with their health care needs.

And so these are real people. These are not pawns that should be used by politicians to gain favor with people who are very vulnerable at this time. This should not simply be a political issue where some politician stands up and says vote for me. I am going to save you money. I am going to get rid of all these bad people.

And we should not have politicians simply defining all of America's problems by talking about the welfare state. And we certainly should not have politicians who talk about taking America's children and putting them in institutions, in orphanages.

We need to talk about these problems in a real way. Yes, there are teenage pregnancies, too many of them, and most of us don't like the idea that babies have babies. But we live in a society where sex is glamorized, where it is promoted, where it is expected. In order for young women to be looked upon with favor, they must be sexual. Young women are sought after by young men and old men, some of them in their neighborhoods, some out of their neighborhoods, some of them who are poor young men who have not very much to offer, some of them politicians and others. We know what is going on in American society.

We need sex education. We need jobs. Jobs have been exported to Third World countries for cheap labor. We need jobs for educated people and not-so-educated people. We need a better education system. We need to deal with the root causes of this problem, and we need to build into welfare reform the real opportunity for people to become independent by offering real jobs, job training and child care.

The SPEAKER pro tempore. The gentlewoman's time has expired.

FOOD ASSISTANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, this is a sad day in American history. The Republican Majority, with brute and brutal force, has begun a process to undo a half century of laws—laws that have taken this Nation from the depths of depression and malnutrition to soaring heights of health. This process threatens the very strength of America. Federal nutrition programs were first started when it was realized that many of those poor upon whom we depended to join the military and defend us came to the job undernourished and poorly fed. If they could die for America, we reasoned, we should feed them while they were young.

This Personal Responsibility Act is irresponsible. It is irresponsible, for many reasons. I want to share five of those reasons with you. First, this Bill penalizes children. It penalizes children because, beginning immediately, fewer children than we now help and who need our help, will be helped. More than fourteen million children will receive less in food stamp benefits. More than six million children, born to younger mothers, will be denied benefits altogether. More than three million children, who do not know their fathers, will get reduced benefits, through no fault of their own. But, worse yet, more than 700,000 of those disabled children who received benefits last year will not receive benefits next year, under provisions of this Bill.

The Republican Majority will say they are making the system more efficient. The children born to children, without fathers and with disabilities, will simply suffer.

Second, this Bill has unfair work requirements. Because it does not clearly define the amount of compensation for the requirement to work, it could mean eighty hours of work for sixty-nine dollars in benefits—less than a dollar an hour. That is not fair. That is not just. That is not humane. At the very least, forced labor should require payment of the minimum wage. The Republicans will say that these workers may get a package of benefits worth as much as ten thousand dollars a year. That is deceptive. What about those who do not live in public housing? What about those who do not receive Medicaid? What about those who only get food stamps? What about child care costs? Those recipients will be forced to work for compensation far below the minimum wage. That does not encourage self-sufficiency. Third, the Bill puts people off welfare, without putting them to work.

Time limits for benefits, without job opportunities will not work. If an individual is able to work, we must insure that a job is available. Fourth, reasonable child care options should be a part of any work program. The Majority recognizes this by offering an amendment to increase the amount of money in the Bill for child care. But, the amendment falls far short. Under the Bill, there is a twenty percent cut in child care, affecting some 400,000 children. The amendment, if it passes, will put a small dent in those affected children. And, finally, but certainly not least, The Personal Responsibility Act creates block grants out of federal food assistance programs, thereby shifting the burden of nutrition programs to the States. Instead of one nutrition standard, we will have fifty different standards. Instead of promoting our children-our future-we punish them.

Mr. Speaker, the Republican Majority has the votes to force this Bill upon the American people. But, what they want and what we want are clearly different. They want block grants. We want healthy Americans. They want cheap labor. We want fair labor. They hurt children. We want to help children. They call the seventy billion dollars in benefit reductions "savings". We call them "cuts". They want to use that money to give tax breaks to the wealthiest Americans. We want to use that money to give a break to the children of America. They want change. We want change. Their change is mean and cruel and will cause misery. Our change is for improvement. We want to put people to work, get them off welfare, prevent teen pregnancy, nourish infants, feed needy children and prepare our young for a productive future.

When the record of this period in our Nation's history is written, we want it said that we took people off welfare and put them to work, at a livable wage. We want it said that we fed children in their stomachs so that we could feed them in their minds. We want it said that while some wanted to hurt the people, reason prevailed, and we helped the people. I urge my colleagues to reject the Personal Responsibility Act. It is irresponsible.

□ 2230

CHILD NUTRITION IN THE WELFARE REFORM BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina [Mr. CLYBURN] is recognized for 5 minutes.

Mr. CLYBURN. Mr. Speaker, I stand here today utterly and totally appalled by what I am reading in the bill H.R. 1214, the so-called "Personal Responsibility Act."

If this bill passes, and it just might—judging by the rapid-fire way this and other ill conceived "Contract With America"-inspired legislation is making its way on and off the House floor—the GOP itself should be held "personally responsible" for creating a measure that could create the specter of millions of hungry American children.

Let us take a close look at what will be cut and, if I may, let us use South Carolina as a case study on just how these cuts will affect some of the nation's neediest children.

First, the bill proposes to cut almost $70 billion over 5 years in low-income assistance programs. As a part of these cuts, the bill will end the entitlement status of all federally funded child nutrition programs in lieu of State block grants, for the States to do what they will.

On the surface, this may sound like big government savings. But a closer look at this bill reveals that these savings are being made at the expense of our children.

On the chopping block are school breakfast and lunch programs, summer feeding programs, the special milk program and the commodities portion of school nutrition programs.

In South Carolina alone, the absence of the school lunch program could mean that 400,000 children will be denied what may well be their only balanced meal of the day.

Further, the bill repeals the Supplemental Nutrition Program for Women, Infants and Children, better known as WIC.

In South Carolina, the WIC caseload is close to 124,000. WIC has been proven to be highly successful in meeting nationally standardized nutritional needs of women and children.

All totaled, South Carolina would receive $96 million less in Federal funding for the school lunch and WIC programs.

Also on the cutting board are food stamps. This bill will cut spending by $20.3 billion in the Food Stamp Program over 5 years. This portion of the bill would impose a rigid cap on food stamp expenditures, with no adjustments for inflation. It would also require certain recipients to go to work without providing any funds to States for job creation.

This portion of the bill would affect over 350,000 food stamp recipients in South Carolina and the State would receive $174 million less in Federal funding for food stamps over 5 years.

Mr. Speaker, I have had a steady stream of visitors to my office in the past few weeks—bipartisan visitors—from the South Carolina PTA, the South Carolina Guidance Counselors, the South Carolina Food Service Association, the South Carolina Dietetics Association—people who are horrified at what this bill contains because they know first-hand what the true affects would be on children if this measure were to pass.

What is the impetus behind the GOP trying to pass a measure that has raised the ire of such diverse groups as the National School Board Association, the United States Conference of Mayors, the American Heart Association and the National Education Association?

Why are they so bent on passing a plan that would literally take food out of the months of the Nation's young?

It is not secret that Republicans intend to use the revenues raised from cuts to welfare programs to pay for tax cuts for the wealthy.

Well, this "steal from the poor to pay for the rich" Robin Hood-reversal scheme has come under fire from all corners.

And the fact of the manner is, even though the Republicans would like to pretend that welfare mothers and their children are the bane of the Federal budget, the realities do not bear them out.

For even if the entire welfare program were totally cut today, it would make only a dent in deficit reduction.

So, this mean-spirited attack on welfare, and in particular, this hatchet job being waged against child nutrition program, is totally unnecessary and will not make any significant cuts in the Federal budget.

Mr. Speaker, when this 104th Congress began, much reference was made to the orphanage heralded in the movie "Boys Town" as a model for the Nation on how to deal with children born to poor mothers.

Now, the Draconian measures proposed in this bill brings to mind another movie image, that of young poor and hungry "Oliver Twist," his small child's hands cupped, standing before a scowling orphanage director, piteously pleading, "More, sir?"

SACRIFICES IN THE PERSONAL RESPONSIBILITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. OLVER] is recognized for 5 minutes.

Mr. OLVER. Mr. Speaker, we have debated for many hours today on the welfare reform bill, the so-called Personal Responsibility Act, and it is a very important piece of legislation indeed.

The Republicans say that this bill is about sacrifices. And indeed there are going to be 5 million families, and in those 5 million families there are 9.5 million children who are indeed going to make some sacrifices. Because for each one of those families, for each of the next 5 years on average, they will use nearly $2,000 worth of income and food and care for children while the parents go to work and care for abused children and such.

And every one of those 5 million families has under $15,000 of income at the present time from which they are going to sacrifice at least $2,000.

Why are we doing that? Is it to balance the budget? No, not even the first step on that. Not a single economist of some 20 or so, mostly chosen by the Republican majority for their willingness to say what the majority wanted them to say, not a single one of those economists supported the tax cut as a way to get about balancing the budget.

Is it to reduce the deficit? Well, here is a chart that shows indeed what the deficit is and what it has been over a period of time. And you can see this massive deficit that was built up during the Reagan years and the Bush years, year after year, after many years of nearly balanced budgets and then slowly rising, but this huge deficit in the Reagan and the Bush years, year after year after year.

But, no, it is not going to reduce the deficit. Because after the amendment that we adopted today which allows the savings to come from the welfare bill, the welfare reform bill, those savings are not to be used for reducing the deficit. They are, in fact, to be used to give a massive tax cut to the richest among us.

Fifty billion dollars of monies from families, from the 5 million families with under $15,000 a year is going to be transferred. Fifty billion dollars is going to be transferred to the 2 million families who have now presently over $200,000 per year. Each one of those families is going to see almost $5,000 per year for the next 5 years on average of tax reductions.

Now, where is the sacrifice here for those 2 million families who presently make over $200,000 per year under the present tax laws? Where is the sacrifice there? I know, if you hadn't already guessed, there is not a single family of a Congressman or Congresswoman who is going to be sacrificing a penny in that process.

And what are we as Americans going to be gaining from this? Are we going to get growth in the economy by putting people to work or a lower unemployment rate?

Well, every time the economy looks as if it is going to take off and grow a bit or the unemployment rate goes below 6 percent, the Federal Reserve Chairman, Alan Greenspan, raises the interest rate to cut the growth rate and to put people out of work.

Where is the sacrifice for all of those 2 million families that are going to be given $50 billion in tax cuts that is going to be taken from the 5 million families and their 9½ million children, families that have less than $15,000 a year of income?

Well, there is a sacrifice here ultimately, even if it is a little hard to see.

And it may take a few years to see it, and it comes in crime particularly.

Because we are going to see in a few years down the road thousands more people in prisons, prisons that cost $60,000 a cell to build and $20,000 to maintain a prisoner in one of those cells. We are going to see more drive-by shootings and more thefts and robberies and house breaks and drug abuse and sales of drugs. And it will only take a few more years. That is a few years down the road.

In all of my years in the legislature of my State, and there were quite a number of those, and my few years, 4 years now, in the Congress, that is the most vicious and the most far-reaching attack on children that I have ever seen, and I have seen more than a few of those in my years in government.

Because whenever you need to cut revenues, whenever you need to cut expenditures, children are targeted. They can't fight back. They can't vote.

But some of us are going to fight back for them.

SCHOOL LUNCH PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. BROWN] is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, yesterday I visited or 2 days ago I visited in Sheffield Lake in Lorain County in my district the Tennyson Elementary School to see the School Lunch Program up close and to talk to students and teachers and parents and administrators and cafeteria people.

I was taken around by a couple of third graders, Will Emery and Zach Russell, and met with lots of students, Jennifer Ward and her two sisters, who had some things to tell us, with Mrs. Armstead, the principal, and with several other people that all agreed on one thing. People, whether it is from a PTA or from school administrators or teachers or parents, the one thing they agree on about the School Lunch Program is that if it ain't broke don't fix it.

And perhaps I shouldn't use grammar like that talking about a grade school, but when you think about all the talk, that the Republicans say it is block grants and the Democrats say that these are very real cuts as they are about nutrition programs for children and about school lunches, the fact is, as my friend from North Carolina [Mrs. CLAYTON] said a few minutes ago this has been a program in existence for 49 years.

It works. There is simply no reason to fix something that is not broken. It is a government program that works. It is for the future of our children.

Why mess with it? Why make these radical, divisive kinds of changes that Republicans are suggesting about school lunch? It simply doesn't make sense.

PRESSLER AMENDMENT

Mr. BROWN of Ohio. I would like, Mr. Speaker, to shift gears and talk about another matter, different from the school lunch issue that people have been debating tonight.

In 10 days, the Prime Minister of Pakistan, Benazir Bhutto, is coming to Washington to meet with the President.

Business Week magazine reports that one of Bhutto's key goals in courting President Clinton is to ease enforcement of the Pressler amendment. The Pressler amendment, Mr. Speaker, prevents Pakistan from obtaining 60 F-16 fighter jets.

The Pressler amendment made good sense when it was enacted, and it makes better sense today because of the political and social upheaval that is wracking Pakistani society and threatening the stability of the Bhutto government.

Pakistan is in a chaotic state. Just in recent weeks, we have witnessed:

The murder earlier this month of two American diplomats in Karachi;

A show trial in which two Christians, one of them a 14-year-old boy, were sentenced to death for blasphemy against Islam and narrowly escaped Pakistan with their lives; and

A stunning piece of journalism by the New York Times Pulitzer Prize-winning reporter, John Burns.

Mr. Speaker, I will include in the RECORD the article from the New York Times by Mr. Burns.

At considerable risk to himself, John Burns has traced a good deal of the world's terrorist activity to the University of Dawat and Jihad in Peshawar, Pakistan. Roughly translated, it is the University of the Community of the Holy War. It is simply a school for terrorism.

According to Mr. Burns, "Just about everyone has a hidden Kalashnikov assault rifle."

The university is a haven for Muslims militants from throughout Asia and the Arab world. The University of Dawat and Jihad is under investigation as a possible training ground for terrorists who have struck in the Philippines, Central Asia, the Middle East, North Africa and now investigators believe the World Trade Center bombing in New York 2 years ago.

Burns says that the area in and around Peshawar represents, "One of the most active training grounds and sanctuaries for a new breed of international terrorists."

According to high-ranking U.S. diplomats, students are taught that the Islamic renaissance has to be born out of blood and by only striking at the West will Islam ever be able to dictate events in the world and events have been dictated up to now by the West. Burns says intelligence reports in recent years have suggested that militants trained here have taken part in almost every conflict where Muslims have been involved. For instance, the Philippines, where there was an attempt on Pope John Paul II's life; the Middle East; of course, Bosnia; Tajikistan; and certainly in Kashmir, where the Kashmiri Pandits have been the target of ethnic cleansing carried out as part of a campaign of terrorism.

□ 2245

Pakistan supporters cite the threat posed by Islamic terrorists as a reason not to pressure from us the Bhutto government. But then they turn around and say that Pakistan is a stable government and that the extremists represent only a tiny fraction, a tiny minority of the population.

Mr. Speaker, I do not believe that supporters of Pakistan can have it both ways. We should insist that Prime Minister Bhutto stand up to Islamic extremists and repeal the blasphemy laws that are the method of choice for abusing the human rights of Christians and abusing the human rights of other Pakistani minorities.

We should insist that Pakistan bust up the terrorist network operating on Pakistani soil, a network that is spreading violence and frustrating political solutions throughout South Asia, the Middle East, North Africa, and even here in the United States.

We should insist that Pakistan crack down on extremists. And, Mr. Speaker, in closing, until Pakistan demonstrates that it is ready to participate in the world community as a responsible player, any consideration of waiving the Pressler amendment must simply be out of the question.

The article referred to follows:

[From the New York Times, Mar. 20, 1995]

A NETWORK OF ISLAMIC TERRORISM TRACED TO A PAKISTAN UNIVERSITY

(By John F. Burns)

PESHAWAR, PAKISTAN, March 19.—Glimpsed from a taxi, there is nothing obviously sinister about the University of Dawat and Jihad. Like much of the sprawling Afghan refugee camp that surrounds it, the campus crouches unobtrusively behind high walls of sun-baked clay. Beyond a guardhouse, clusters of young men in Afghan tribal garb move about languidly.

The scene could be anywhere in this tense and often lawless region along the frontier with Afghanistan. There is no police presence for miles around, and no sign of any other Government authority. In the bazaars that line the road running past the university, the name of which translates roughly as "University of the Community of the Holy War," just about everybody has a hidden Kalashnikov assault rifle, and a sharp eye for anything deemed intrusive, especially Westerners.

But nothing in this atmosphere of suspicion and imminent violence compares with the university, which for years has had a reputation as a haven for Muslim militants from Arab and Asian countries. Now, top Pakistani police officials say, it is under investigation as a possible training ground for terrorists who have struck in the Philippines, Central Asia, the Middle East, North

Africa and even, investigators now believe, in the 1993 explosion of a 500-pound bomb in the basement of the World Trade Center in New York that killed six people and wounded more than 1,000.

This weekend, American investigators were working behind the scenes here with Pakistan's intelligence services, scouring for links to the bombing as well as the recent attack on Americans by gunmen who leapt from a taxi 12 days ago in Karachi, Pakistan's largest city, shooting to death two Americans who were driving to work at the United States Consulate.

Officials interviewed here said today that the questioning of six suspects captured a week ago has led to further arrests. A top police official said details of the newest arrests would not be made known for "a couple of days."

"But," he said, "these are not innocent citizens, I can tell you."

So feared has the university become that even men reared in the harsh gun culture of the Afghan frontier wilt at the sight of its gates.

"Don't go in there, sir, it is too dangerous. They can kill you," said Syed Gul, the taxi driver, watching anxiously in his rearview mirror for any sign that a black pickup truck idling at the campus gates might decide to give chase. Mr. Gul, one of 1.5 million Afghan refugees living around Peshawar, then sped away from the campus at Babbi, 20 miles east of Peshawar.

With its obsessive secrecy and hostility to outsiders, Al Dawat, as it is known, remains little but a name to most people in Pakistan's North-West Frontier Province. But what has not been so much of a secret is that Peshawar, and the wild valleys and passes of the tribal areas along the Afghan border, have emerged as one of the most active training grounds, and sanctuaries, for a new breed of international terrorists fighting a jihad—a holy war—against Governments and other targets they regard as enemies of Islam.

Until the 1990's, Peshawar received scant notice among known terrorist training centers like Beirut, Teheran or Tripoli in the search for groups who hijack aircraft, assassinate public figures, and plant bombs.

But the two terrorist attacks involving American targets, have swung the spotlight on this ancient city at the eastern end of the Khyber Pass, where violence and intrigue are as much a part of the city's legacy as the towering battlements of its 19th-century fort.

Investigators, including a 50-member team from the F.B.I., are working in the knowledge that almost all the groups that have punctuated life in Karachi with drive-by shootings and mosque bombings have ties to Peshawar, either to the Arab-led terrorist underground or to gangs of gun-runners and heroin-traffickers who are based in the frontier province's tribal districts, historically ungovernable areas along the border with Afghanistan.

In the World Trade Center bombing, the clues being followed by the investigators are clearer. Beginning last weekend, Pakistani police working with officials of the C.I.A. and the F.B.I. began a round of arrests in Peshawar that have flowed form the discovery that Ramzi Ahmed Yousef, a prime suspect in the New York attach, used Peshawar as a base for several years. He was seized in a joint American-Pakistan's capital, on Feb. 7, and immediately deported to face trail in New York.

RAID IN ISLAMABAD SHAKES MILITANTS

The arrest of Mr. Yousef in Islamabad set off a chain of events that has rocked the Peshawar underground and resulting this weekend in the issuing of a police alert for two men identified as Abdul Karim and Abdul Munim, who the officials said are Mr. Yousef's brothers.

The six men seized a week ago are being held at a jail at Adiala, outside Islamabad, on suspicion of involvement in the World Trade Center bombing and a botched attempt to assassinate Pope John Paul II during his visit in January in Manila, the capital of the Philippines. They included three Arabs, an Iranian, a naturalized Pakistani born in Syria and a native-born Pakistani.

Nervousness among American officials over the possibility of revenge killings led the top diplomat at the United States Consulate in Peshawar, Richard H. Smyth, to announce on Friday that the American Club in the city, long a favorite gathering place for diplomats, relief workers and others, would be closed temporarily, as would the American school. Similar steps were taken in Karachi.

The risks for Americans seem unlikely to diminish, at least in the short run, especially if Pakistan follows through on another move that top officials here hinted at today—closing Al-Dawat University.

"It has to go," one official said, noting that the questioning of Mr. Yousef, and of others seized since, have confirmed that his links in Peshawar were mainly to an Afghan group headed by Abdul Rab Rasool Sayyaf, the university's founder. Mr. Sayyaf, a militant Muslim with strong anti-American leanings, established the school and recruited its staff and students in the mid-1980's.

In many ways, Al-Dawat serves as a symbol for the events that turned Peshawar into a terrorist haven. The a law-abiding reputation, going back to the days when Britain, as the colonial power in what was then India, fought fierce battles against the Pathans who dominate both sides of the border with Afghanistan, and eventually allowed them a broad degree of autonomy. In the idiom of 19th-century Britain, "the frontier" became synonymous with fierce warriors, banditry, and a culture of guns and revenge.

A FLOOD OF ARMS AFTER SOVIET SWEEP

But the uneasy balance with the border tribes that was achieved by Britain, and later Pakistan, tipped after the Soviet intervention in Afghanistan in 1979. The huge amounts of weapons and money that the United States, Saudi Arabia and other nations poured into supporting Afghan groups established in Peshawar unleashed new levels of lawlessness on the frontier.

This anything-goes atmosphere encouraged large numbers of foreigners—mainly Arabs but also Asians, Europeans and some Americans—to volunteer to fight with the Afghan guerrilla groups. According to a high-ranking Pakistani military officer, 25,000 of these volunteers were trained with assistance from Pakistan's military intelligence agency, Inter-Services Intelligence, during the 1980's.

Some died in Afghanistan, and some went home after Soviet troops withdrew in 1989, but others remained in and around Peshawar or across the border in Afghanistan, "looking for other wars to fight," as the Pakistan's Prime Minister, Benazir Bhutto, put it in Karachi last week.

According to Western diplomats familiar with the investigations, current American estimates of the number of Arabs, Asians and others currently active in terrorist groups with bases here run to about 1,000. Of these, some are believed to have taken sanctuary inside Afghanistan, with Afghan armed groups that have Muslim fundamentalist leanings, including Mr. Sayyaf's. Police officials in Peshawar said this appeared to have been the pattern with Mr. Yousef.

"He'd stay here for a few days, then disappear into Afghanistan for months, then come back," the official said.

Others are said to have taken refuge in what are known here as the "inaccessible" areas of the frontier, meaning regions where no Pakistani laws apply. But a large number, according to diplomats and police officials, still live in and around Peshawar, using as cover some of the 18 Arab educational and relief organizations that registered with the Pakistani authorities during the Afghan war, among them the Al Dawat University. "Some of these organizations actually do what they are supposed to be doing," one diplomat said, scanning a list of the groups. "But others are just fronts for terrorism."

Another high-ranking diplomat said that Pakistani officials had been aware for years that at Al Dawat and other training centers, youths were being taught that Muslims had a duty to join in an international brotherhood that could avenge the humiliations Muslims are said to have suffered at the hands of the west.

"They are taught that the Islamic renaissance has to be born out of blood, and that only by striking at the West will Islam ever be able to dictate events in the world, as events have been dictated up to now by the West," the diplomat said.

A FLOW OF GUERRILLAS TO OTHER CONFLICTS

According to the diplomats, intelligence reports in recent years have suggested that militants trained here have taken part in almost every conflict where Muslims have been involved. The diplomats said Muslims trained here have fought in places including Mindanao, the largest of the Philippine islands, where Mr. Yousef is said to have had links with a Muslim insurgency; the Indian-held portion of the state of Kashmir, where 500,000 Indian troops and police officers are tied down by a Muslim revolt; the former Soviet Republic of Tajikistan; Bosnia; and several countries in North Africa that face Muslim rebellions, including Egypt, Tunisia and Algeria.

Like previous Pakistani Governments, Ms. Bhutto's has responded to Western pressures cautiously, fearing a backlash from powerful Muslim groups within Pakistan.

But many senior Pakistani officials resent Western pressures, saying that the terrorist groups that became established here got their start under politics that the United States and other Western countries eagerly supported, so long as the target was the Soviet Union.

"Don't forget, the whole world opened its arms to these people," one senior official said. "They were welcomed here as fighters for a noble cause, with no questions asked. They came in here by the dozens, and nobody thought to ask them: when the Afghan Jihad is over, are you going to get involved in terrorism in Pakistan? Are you going to bomb the World Trade Center?

"The Afghan War was a holy war for everybody, including the Americans, and nobody bothered to think beyond it," the official said.

MORE ON WELFARE REFORM AND BLOCK GRANTS

The SPEAKER pro tempore (Mr. LATOURETTE). Under a previous order of the House, the gentlewoman from

California [Ms. PELOSI] is recognized for 5 minutes.

Ms. PELOSI. Mr. Speaker, I wanted to call to the attention of our colleagues H.R. 4. My colleagues who are viewing this from home, our friends who are viewing this from home should read this and weep. This is the Republican welfare proposal. It rewards the rich, cheats children and is weak on work.

But one particular aspect of this proposal is the federal children's nutrition program which I wish to address this evening.

My colleague earlier this evening referenced the fact that the child nutrition programs came into being following World War II, when the military told us that our recruits were malnourished and this took its toll on their physical and mental well-being. Since that time, feeding the hungry has not been a debatable issue in our country. Indeed, President Richard Nixon said, a child ill-fed is dulled in curiosity, lower in stamina and distracted from learning.

This has been our national policy until now. The proposal that the Republicans have placed on the table will take food off the table for America's poor children. And this is why.

You have heard much discussion here this evening about whether the Republican proposal is a cut or is not a cut in what they call the school lunch program. But what we are addressing in this bill is the full federal children's nutrition program. So if we are only talking about school lunch, then you are talking about a situation where the Republicans are saying, we are not cutting school lunch. But what they are cutting are the after-school and summer programs. They are giving the same amount of money and they say with an increase except they are cutting out one very important facet of the children's nutrition program.

In addition to that, they are making this a block grant and not an entitlement. Under the law now, there is a formula for needs-based, a formula that is needs-based for children who are poor. And now the Republican proposal will eliminate that entitlement and call it a block grant instead, which means a definite amount of money will be sent to the states. Why does that create a problem?

For the following reasons: First, in that block grant, there is a reduction of the money for the full children's nutrition program, including school lunch, school-based lunch program, and assistance for after-school and summer programs. These programs are very important to day care, children in day care who have to stay after school because their parents work. And work is the goal that we have for the welfare program. So that undermines that goal there.

Second, in this block grant, it removes eligibility, so you do not have to be poor to be a beneficiary of the Republican proposal, which means that poor children will get less nutrition because more children can avail themselves of the program. This is supposed to be needs-based.

In addition to that, on the block grant program, it only says that a governor must spend 80 percent of the money that the Federal Government sends to the state. The governor only has to spend 80 percent of the money on the children's nutrition programs.

So already we have had a reduction of 20 percent because that is all the requirement is.

This is why people are concerned about what they hear coming out of Washington, DC. People are not fools. People who have received this benefit because it is necessary for children's nutrition know when they are getting cut. And then to hear semantics used about, well, when I said school lunch program, I did not mean after school or I did not mean summer school. Well, we are talking about the children's nutrition program. Let us refer to it there, and that is being cut. And eligibility is being removed and the requirement to spend all the money is being removed.

This is not even a fight between domestic spending versus defense spending, as is classic in this body, because this came from the military, recognizing the deficiencies and the malnutrition that they saw in our troops coming out of World War II. So this is about the strength of our country.

I did not even really get started. What I want to just say is that what the Republicans are doing is a real cut in the children's nutrition program. The welfare proposal they are proposing should not even contain a nutrition cut. Nutrition has never been part of the welfare program. It rewards the rich because that is what this cut is about, giving a tax break to the wealthiest Americans. It cheats children, and it is weak on work.

I urge my colleagues to oppose the legislation.

REPUBLICAN SHELL GAME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GENE GREEN] is recognized for 5 minutes.

Mr. GENE GREEN of Texas. Mr. Speaker, I appreciate the opportunity to address the House tonight. I want to compliment our speaker on his ability tonight, but also when I heard last week that you were fortunate to have Dave Berry sit in your office just briefly as your press secretary, you are a very brave man, Mr. Speaker.

Let me talk about the welfare bill that we are considering because that has been the topic this evening. The Republican shell game continues with the lives of the children hanging in the balance literally. Today my office received updated estimates on exactly how much the welfare reform bill would cost the state of Texas, and it would be over a billion dollars in the year 1996 and 1997.

The good news, if you can call it that, is that the early estimates of 60 million reduction for the Texas school nutrition program is now, after looking at the final bill that came out of the committee, will now only be a 35.1 million cut. And my Republican colleagues tonight, when they talked about that it is really an increase, they obviously, I would rather read and depend on outside the beltway information from someone who is looking at it than from someone who is inside the beltway.

The chief financial officer of Texas estimates, in fiscal year 1996, the appropriations will be sufficient. But after that year, with only the 4.1 percent increase, and I would like to read part of the letter and also have it all inserted from John Sharp.

> I am happy to provide you with our analysis of the federal welfare reform proposals. The analysis below has been updated based on the bill language expected to reach the House floor.

Again, I received this today.

> My concern isn't with making cuts in federal spending but rather with the unfair way in which Texas is being placed at a disadvantage and asked to shoulder more than its fair share. The proposals currently under consideration in Congress have a disproportionate and grossly inequitable effect on Texas. Nothing has changed since our preliminary analysis. While I support block grant funding as an effective way to reduce federal spending, the fact is that the current formulas being debated by Congress are based on past allocations for the states. It is unfair to Texas that high-spending, low-growth states like Michigan and Wisconsin would make money with the current formulas while Texas would be one of the hardest hit.

Texas is a typically low-spending and high-growth state for funding:

> The inequity of the current formula would result in a loss of $1 billion anticipated federal funds for Texas in the 1996–1997 biennial budget. I know Texans are willing to take their share of the cuts, but we want to make sure that we aren't penalized while other high-spending states avoid cuts and actually make money.

That is what we are looking at, if you are a member of Congress from Texas.

And to continue:

> As far as your specific request regarding current funding formula proposals for the school nutrition program, we expect to sustain a shortfall of $35.1 million during the next two-year budget cycle. The family-based nutrition program funding formulas will also cost Texas more than $149.5 million during the same period.

I know earlier this evening my colleague from Ohio [Mr. HOKE] talked about how Ohio is going to benefit, but let me tell you, Texas is low spending on welfare but a high-growth state and we will lose money.

The Republicans will not admit that we grow at 8 percent each year. What they do not tell you is that now we have a guarantee of a school lunch and that an increase in authorization, with an increase in authorization but a possible cut in the appropriations each year, the Republicans should not play the shell games with our children and take nutrition programs out of welfare reform. Under this shell game, the authorization under this bill is one shell. The appropriations is another. And yet the 80 percent that will only be required to be used is the other shell.

We ought to take school lunch out like the Deal amendment talks about. I am not a cosponsor of the Deal amendment, but I intend to vote for it because it is so much better than the current bill that we have. We do not call buying textbooks, computers, desks or other material in our schools welfare. And we should not call a school lunch or a breakfast that they are providing that helps them to be a better student welfare.

Congress must stop the shell game and calling school lunch and breakfast welfare. Call it like it is. It is a helping hand to our students. That is what we need to consider. That is why it should not be part of this bill, and that is why I would, the Committee on Rules did not let us have an amendment on the nutrition. But at least we will get a shot at it when we have the Deal amendment up.

Mr. Speaker, I include for the RECORD the letter to which I referred.

COMPTROLLER OF PUBLIC ACCOUNTS,
Austin, TX, March 22, 1995.

Hon. GENE GREEN,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN GREEN: I am happy to provide you with our analysis of Federal welfare reform proposals. The analysis below has been updated based on the bill language expected to reach the House floor. My concern isn't with making cuts in federal spending, but rather with the unfair way in which Texas is being placed at a disadvantage and asked to shoulder more than it's fair share.

The proposals currently under consideration in Congress will have a disproportionate and grossly inequitable effect on Texas. Nothing has changed since our preliminary analysis. While I support block grant funding as an effective way to reduce federal spending, the fact is that the current formulas being debated by Congress are based on past allocations to the states. It is unfair to Texas that high-spending, low-growth states like Michigan and Wisconsin would make money with the current formulas, while Texas would be one of the hardest hit states in the Union.

The inequity of the current formulas would result in a loss of more than $1 billion in anticipated federal funds for Texas' 1996–1997 biennial budget. I know Texans are willing to take their fair share of cuts, but we want to be sure we aren't penalized while other high-spending states avoid cuts and actually make money.

As for your specific questions regarding current funding formula proposals for the School Nutrition program, we expect to sustain a shortfall $35.1 million during the next two-year budget cycle. The Family-based Nutrition program funding formulas will also cost Texas more than $149.5 million during the same period.

Attached are two charts illustrating the estimated five-year impact of current nutritional block grant funding proposals. We derived the estimates for the proposed block grants by taking the anticipated 1996–97 federal revenues for the affected programs from the current Biennial Revenue Estimate (BRE) and then subtracting the anticipated revenues from these programs in each block grant. The BRE revenue estimates are based on projected caseload growth, program costs and the federal share of total costs of the programs under current law.

Again, I strongly support block grants as a means of cutting federal spending, balancing the federal budget and returning control to the states. However, the future losses to be incurred by our state under the proposed funding formulas are unfair because they ignore the fact that Texas, with one of the fastest-growing populations and lowest per capita income rates in the nation, will have one of the greatest needs for these funds in the years ahead and yet, states like Michigan, which is losing population, face no loss of funds.

I look forward to working with you, the Texas delegation, the Governor and Texas' legislative leadership to ensure the necessary curtailments to federal spending occur—without treating Texas unfairly.

Sincerely,

JOHN SHARP,
Comptroller of Public Accounts.

Comptroller Estimates of Potential losses in federal funds under block grant formula for federal nutrition payments with Block Grant Caps, under formula approved by Committee.

NUTRITION FUNDING BLOCK GRANT FUNDING PROPOSAL

Combining total WIC, Child Summer Nutrition programs into single lump sum payment to the states (including growth rates in bill formula):

Year	BRE Estimate (millions of $)	Proposed Block Grant (Grant formula)	Rev. loss
1996	$476.1	$412.7	$63.4
1997	514.1	428.0	86.2
1998	555.3	442.1	113.2
1999	599.7	458.5	141.3
2000	647.7	475.4	172.3
Total			576.2

Total loss for 1996–97 biennium $149.5 million.

SCHOOL NUTRITION FUNDING BLOCK GRANT FUNDING PROPOSAL

Replacing current enrollment-based funding formula for total school nutrition programs with Block Grant amount as approved in formula (including growth) by House:

Year	BRE Estimate (millions of $)	Proposed Block Grant (Grant formula)	Rev. loss
1996	$591.6	$577.3	$14.3
1997	621.8	601.0	20.8
1998	653.5	625.0	28.4
1999	686.8	651.3	35.5
2000	721.8	678.0	43.9
Total			142.9

Total loss for 1996–97 biennium: $35.1 million.

SCHOOL LUNCH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. MALONEY] is recognized for 5 minutes.

Mrs. MALONEY. Mr. Speaker, the Federal school-based nutrition program is not like welfare, which cries out for fundamental change. On the contrary, the New York Times calls the school lunch program "a rousing success in boosting health and academic achievement." It feeds 25 million American children each day. But the new majority is willing to slash and burn a program serving America's hungriest and most vulnerable population.

They want to use them as guinea pigs for the revolution. But one bad thing about a revolution is that a lot of people starve in them.

Under this proposal, New York State could lose as much as $373 million in funding. They could cause 60,000 New York City children to be dropped from the school lunch program. The Republicans say they are just handing over the program to the States who are bound to do a better job. But let us take a hard look at their proposal.

They are going to dismantle an entire nutrition infrastructure that successfully feeds 25 million children, hand it over to 50 new State bureaucracies, sharply cut funding for the program from projected levels of need, and eliminate minimum nutrition standards. They say this will provide better lunches to more kids at lower cost.

I cannot speak for other Americans, but I do not have any great confidence that the majority of Republican governors nationwide will make school lunch programs for poor children a high priority.

I do not think our State bureaucracy is any more efficient than the Federal one. And the fact is the school-based nutrition block grant will create more bureaucracy, not less. It is written into the bill. The administrative cost currently in Federal child nutrition programs, excluding WIC, is 1.8 percent.

□ 2300

The school-based block grant proposal increases the administrative cap to 2 percent. It retains most Federal administrative burdens such as meal counting and income verification. It imposes an additional bureaucratic procedure to establish citizenship, and it requires States to create 50 new bureaucracies of their own.

Child nutrition bureaucracies will be a growth industry nationwide. The new majority denies they are cutting school-based nutrition programs. They say they are increasing it by 4.5 percent per year. But that would cause decreases in child and adult care food programs, the summer food program, and after school programs, as my colleague the gentlewoman from California [Ms. PELOSI] pointed out.

That simply is robbing from Peter to give to Paul.

They also fail to account for the 3.5 percent rise in food inflation, or the 3 percent growth in school enrollment.

And they fail to mention that they will allow States to transfer 20 percent of funds to programs for purposes other than food assistance to school children. They say, "Only in Washington would a 4.5 percent increase be considered a cut."

Well, most American families do not see it that way. Assume an American family is financially breaking even this year. The next year their daughter's school tuition goes up by 9 percent, but their family income only goes up by 4.5 percent. The fact that their income went up is irrelevant to them. Their concern is only that they do not have enough. The alleged 4.5 percent increase is a phony number, and even if it were accurate it would not be enough.

The bill strips school-based nutrition programs of their entitlement status. It makes no allowance for the growing number of children who live in poverty. The new majority knows this full well, but apparently does not care.

In 1987, one in five American children lived in poverty. By 1992, it was one in four. The new majority talks about flexibility, but capped block grants are totally inflexible.

Ultimately school-based nutrition programs will face dramatic shortfalls. Under President Reagan, a smaller cut led to 3 million fewer children being served a school lunch. But these new State bureaucrats will not just reduce the number of children served, they have a cost-saving instrument that today's Washington school lunch bureaucrats do not. They will not have to meet strong Federal nutritional standards that have been refined and developed over 50 years by scientists and nutrition experts.

By abolishing these standards we effectively throw out the window half a century of expertise in feeding our children so they can learn, so they can think, so they can grow, so that they can succeed.

The child nutrition program is a health care program, it is necessary to our children, it is an education program, and it is an important part of our country.

REFORMING WELFARE

The SPEAKER pro tempore (Mr. LaTourette). Under a previous order of the House, the gentleman from Pennsylvania [Mr. Weldon] is recognized for 5 minutes.

Mr. WELDON. Mr. Speaker, I was going to do a longer special order this evening on defense, but listening to some of the comments tonight by our colleagues on both sides, I had to come over here and speak about the current welfare reform debate and to lend some feeling that I have personally.

My background in coming to the floor tonight to speak on welfare reform is not one of being an attorney who has never had to live in an area where people of poverty have to survive on a daily basis. I was born the youngest of nine children in one of the most distressed communities in Pennsylvania. Neither parent was able to complete high school because of their having to quit school when they were in sixth and eighth grades to help raise their families. Even though we were poor and even though we were a blue collar family, my father worked in a factory 38 years, we were proud.

My father was proudest of the fact up until the day he died that during the 38 years he worked for the plant, ending up making about $6,000 a year when he retired, never once did he accept public assistance. There were many times when he was out of work because of strikes, because of situations involving labor unrest at the factory, but never once did he have to resort to taking money from the taxpayers.

He was proud of that because he felt it was his responsibility to support his children. And all of us are better for that spirit.

I realize all families are not in that situation. My parents were, and I am fortunate to have had parents of that caliber. They taught us that in the end it is our own responsibility for how far we go and what we achieve.

I went on to go to college, working my way through undergraduate school with a student loan, and taught school in one of the second poorest communities in our area, Upper Darby right next to west Philadelphia.

Unlike many of my colleagues in here, out of 435 most of them were lawyers. When we talk about school lunches I ran a lunch hour in our school for 7 years with kids eating lunch, and understand the problems and concerns that that brings. I also ran a chapter I program for 3 of those years aimed at educationally and economically deprived kids.

While working as a teacher during the day, I decided to run for mayor of my hometown because of the distressed nature of the community and the problems we had. All of these experiences were experiences I was involved in before coming here, and what bothers me the most is the level of debate we hear in the House today that somehow because the systems that we are trying to fix have not been addressed in the last 30 years in a constructive way in terms of change, somehow what we are doing is going to harm American young people.

Somehow what we are trying to do in the welfare reform debate is mean-spirited and we really do not care about children. I resent that. I have been a teacher and an educator, my wife is a registered nurse. I live in a poor community. I helped turn that town around as a mayor, as a community activist. I want to do what is right for America, but let me tell you the system today does not work.

Over the past 30 years we have had two wars in America. We won one, that was the Cold War. We spent $5 trillion on defense. Today the Berlin Wall is down. We have seen Communism fall and the investment we made worked.

The second war was the war on poverty. We lost that war and we spent about $6 trillion on poverty programs that in inner city areas and in areas where I taught school and grew up actually created disincentives for people and actually took away self-pride, self-initiative and took away the ability of people who were poor to feel good about who they are.

We are trying to change that. We may not get it right the first time, but for someone to question our motives, like somehow we do not care about kids or somehow we do not care about what people eat is absolutely ridiculous. It is not just ridiculous, it is absolutely offensive.

As a Republican who has crossed the party line on many times, to support family and medical leave, strike breaker legislation, efforts to deal with programs serving the working people of this country, environmental legislation, I take exception to the kind of characterization that is occurring on this House floor that says that Republicans do not care about people or people problems. That is not what we are about.

We have a series of programs in this country that are not working. Talking about school lunch. The largest school district in my district, Upper Darby Township, population 100,000, has opted out of the Federal school lunch program for almost a decade; even though they border west Philadelphia and even though they have 100,000 people in the school district, they have chosen voluntarily not to be a part of the school lunch program. Now maybe they know something that we do not know, at least our Democrat colleagues do not know down here about the school lunch program. For almost a decade they have opted out; they do not want any of our money; 100,000 people in an urban school district have chosen in my district not to partake of the school lunch program.

Where are the doom and gloom predictions that were supposed to have occurred in Upper Darby Township? How could a school district that serves a population of 100,000 people that chose not to be in this program have their children dying of hunger and starvation? Where are the answers from our liberal friends?

I would hope, Mr. Speaker, that this debate would be on factual information, and cut the rhetoric and the garbage coming out of Members on both sides of the aisle in terms of welfare reform.

CHILD NUTRITION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. KLINK] is recognized for 5 minutes.

Mr. KLINK. Mr. Speaker, I just wanted to rise today to speak on the same topic of child nutrition and really again say that so much of what we are talking about, Mr. Speaker, I can remember sitting on a picket line many years ago when I was a news reporter, and the company that was being picketed had said they were going to open their books to the striking workers, and I asked one of the grizzled old union fellows who was out there, I said, "You know we can go in there and take a look at those figures." This striker looked at me and said, "Well, you know, figures don't lie but liars sure know how to figure."

And let me say a lot of the rhetoric I have heard from the other side of the aisle would remind me you can shuffle figures any way you want to, but the bottom line is when you take a look at the proposal of child nutrition we have given a whole new meaning to the term women and children first. We are whacking women, we are whacking children, and we will see more children going hungry because of this welfare proposal that is being put forward by the majority side.

□ 2310

There is not any doubt about that.

You talk about increases, 4.5-percent increase, yes, there are increases. But they do not account for the fact that food prices are going to go up. They do not account for the fact that in most of our districts we are seeing an increase in the number of children coming into the schools. They do not account for the fact that is spots throughout this country, we currently, because the Federal Government has the ability to adjust when there are recessions in certain areas, when there is a high rate of unemployment in a certain area, to get that additional funding in there.

We are going to see under a block grant program for child nutrition far less money going in to provide the same level of food that we have today. Five million children across this country are going hungry today under the current system. You are right. The current system does not work. It needs to be tweaked, but not giving as much food, not accounting for inflation, not accounting for increased enrollment, not being able to move food where it is needed is certainly not the answer.

I was just at a school in my district on Monday with leader DICK GEPHARDT, who happened to be coming through our area. It happens to be in Aliquippa, PA; now, Beaver County, in which Aliquippa is located, is of those counties in what we commonly refer to now as the Rust Belt of our Nation, that saw a tremendous decrease in the number of jobs in the 1970's and 1980's. In fact, in 13 counties in southwestern Pennsylvania, we have seen a loss of 155,000 manufacturing jobs, and it just so happens that Aliquippa is one of those towns that was hit the hardest. In one day in 1982 they lost 15,000 jobs in one small town when one steel mill went down, a 7½-mile-long steel mill along the Ohio River shut down in 1 day.

Mr. Speaker, I will tell you that causes a lot of problems. Those problems persist today. But through hard work we have begun to get some reinvestment back in that county. We are beginning to see some of those steel industries not adding 15,000 jobs at one whack, but adding a few hundred here, a few hundred there, and our industry is coming back.

At a time when there is a ray of hope, we are going to tell these children in Aliquippa, 80 percent of whom qualify for free or reduced meals, that we are going to change the rules on them now. Many of these kids who are eligible for free or reduced-cost breakfasts, and the teachers will tell you they cannot teach children that cannot eat, and they will tell you on Monday morning many of these children come in and they are famished. You can tell that they have not had adequate meals over the weekend, and the parents will tell you that they have children that they have to depend on the free and reduced meals, and that block-granting will not get it, that the ability to take 20 percent out of the block grant to pave roads, to build sewers, to lay water lines is not going to put food in the mouths of these children.

They will tell you that children do not vote, and there is going to be a temptation in 50 States across this Nation for some people to decide to take more of that money out of child nutrition and put it into projects where people do vote.

What are we going to have, Mr. Speaker? Are we going to have 50 different social laboratories across this Nation? Fifty different social laboratories where we attempt to see if we are able to do a better job than the Federal Government?

Surely, Mr. Speaker, there are people in States that are going to do a better job, but there are some that are going to do worse.

This is not something that we want to risk.

TERM LIMITS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Florida [Mr. McCOLLUM] is recognized for 23 minutes as the designee of the majority leader.

THE WELFARE ISSUE

Mr. McCOLLUM. Mr. Speaker, I just was going to talk tonight about term limits. I wanted to respond very briefly and share with the gentlewoman who is here from Washington State some views on the welfare issue.

I cannot help but respond on the question of the block grants that have been talked about all evening by members of the Democrat Party and the minority, how they think that if we block-grant money for child nutrition and other welfare programs to the States, to let the local governments and the States decide how to spend this money in detail and specificity, that somehow all of this is going to mean something terribly harmful to children and to others. That is just nonsense.

Just like with the crime block grants, just like with any other block grant program, where we pass the money back to the States, it seems to me the Republican Party recognizes, and I think the American people who really think about it do, that government closest to the people governs best and knows best. Washington is not all wise. The Federal Government is not all wise.

But there have been people who were in power for 40 consecutive years in the United States House of Representatives who stand on the other side of the aisle and come to the well person after person tonight to talk about why Washington knows best and what great harm is going to occur because we let the money go back to the States and to the local governments to decide exactly how to use it, and within the framework of the parameters we give them, they have got to use it for child nutrition, in the child nutrition area, they have got to use it for certain specified reasons in welfare, for assistance to those who really are deserving of it.

Why should we in Washington be dictating all the minutiae, running the program, doing it in these old-fashioned ways with entitlements where we know lots of people on welfare today are abusing that system and will continue to abuse it?

The worst case of all, of course, is the situation of the illegitimate mother and welfare mother whom we have heard about many times over who gets on the system and stays on it for year after year after year.

And with that, just for a couple of minutes with the time we have got, I yield to the gentlewoman from Washington. I think you have got a great illustration of Sally, I believe you call her.

Mrs. SMITH of Washington. If it were not so sad, you know, Sally is a happy name. I have known Sallies who were happy, but the Sally I am going to talk about is not happy.

Sally is 18 yeas old, but you know, Sally is probably the reason we are in the welfare debate today, because

America's people sent a group of us here and said, "Change welfare, change the system."

Sally, when she was 15, did what a lot of little girls do. They thought if they got out of their home and got a baby, got in their own place, that they would be happy, because they would be independent. And Sally saw a couple of other girls in the housing close to us do that, and she thought that looked good. She had not seen the misery yet.

But you know, once she got pregnant, and she did know how to get pregnant and how not to get pregnant, she got into that housing, and about when she was 16, and she got scared, and I think the interesting thing about Sally is you go visit Sally, is she was brave, and then scared, and she was still a little girl, and all I could think about was this little girl out on her own by herself under the name of compassion with this baby. If she had not been pregnant, we would have put this little girl in a foster home or group home, if she was unhappy at home, but because she was pregnant, we put her out in tenant housing.

You know, that tenant housing, that group housing, is not always the nicest place to be. It was not for Sally. You know, Sally got scared. Before I knew it, Sally had a guy shacked up with her. He was not young. He was in his twenties. Still Sally was still a kid.

But, you know, once they are out there, there is nobody to watch. She felt safer. You could not convince this little kid it was not going to be a good life, because she felt safe with him, and not too long, Sally had another baby, and Sally is 18, and this guy is gone.

Now, Sally, there are over 500,000 Sallies we have identified, and this bill is about Sallies. Sally is going to be on welfare over 10 years average. Actually many Sallies will be on most of their lives.

What is even worse is what is going to happen to her kids. Sally's little kids are only going to see, unless we can find some way to get her out of welfare and onto her feet, all they are going to see is her mom who goes to a post office and picks out a check and does not work for it. That is what we have to do with this welfare bill. That is why I like the welfare bill we are working on, because it would not have put Sally on the street. It would not have given her money.

It would have taken care of her and foster care, if she needed it. It would have encouraged her to stay home, but I bet Sally would not have gotten pregnant to begin with.

Now that Sally is there, we have to do something to help Sally, and this is a tough love for Sally. Sally is scared. She is going to stay there unless we figure out a way to say, "Sally, you are just going to stay here so long, and you are going to get off."

That is what I like about what we are doing. I like the child care supplement. I like the idea the health care going on so she can get off. Mostly I like the idea that says, "Sally, you have got 5 years total. You are going to work on it. You know, your kids get big enough, you're going to have to go to work. But there is an end."

And I think the best thing we can do for Sally now that we have trapped her on welfare by an unfeeling system is to help her off, and so I wanted to share Sally tonight with you, because I think what we have gotten into is numbers and rhetoric, and the people sent us here to fix the system that they know has trapped people in welfare.

Do you know that most of them start as teenagers? Over 50 percent that are now on welfare are kids, and if we do not stop that level, then they grow up, and they stay on welfare, and they are on long-term welfare, not the safety net, but that safety net becomes a spider web, a trap that holds them and literally sucks the very lifeblood out of their life and destroys their children.

☐ 2320

Mr. McCOLLUM. Well, now how does the Republican bill that we are offering out here, welfare reform, very briefly in your judgment change this for Sally?

Mrs. SMITH of Washington. Well, for right now, now that Sally is there, she probably wouldn't be there to begin with under this bill because we wouldn't give her cash assistance and put her in her own home.

We would tell the States, she is a kid. Treat her like a kid. She gets pregnant, help her. Help her at home. Do whatever. And if her parents are needy, make sure you supply medicaid, medical care for her, food, but don't put her out on her own.

But now that Sally is there, under this bill we get done amending it, she will have the ability to get child care to help her get back on her feet while she is starting to go to work. She will get health care ongoing. And Sally again will know for certain that she can't stay on forever.

One thing I found with these young girls, and I have worked with several, is they get out there and they lose all their self-esteem. They just believe after a few years there is nowhere to go. And it is awful hard each day to want to go out, but if they know they have to, that is going to make a lot of difference.

It will mean that they will see hope as they are pushed out a little bit, but we will carry them out and help them out the door of poverty. And that is what we will be doing for Sally, a compassionate hand up and a little push out as we bring her back into freedom from the poverty and slavery of welfare.

Mr. McCOLLUM. Well, far from being anything radical, the Republican proposal actually is a common-sense approach to trying to correct a very bad deficiency in the welfare system that has allowed the Sallys of this country to continue down a hopeless road, and a hopelessness not just for themselves but for the offspring that they produce who then become a part of the welfare system.

It seems for those who want to criticize this, they offer no real meaningful alternative. I cannot hear on the other side of the aisle in all the rhetoric tonight anything more than wails of, hey, you guys are bad guys. Somehow you are going to, by trying to correct this problem for Sally, do some gosh awful evil out there.

We are not about that. You are as compassionate a person as I have heard out there tonight, and I know you are.

Mrs. SMITH of Washington. The American people know this makes sense. They know it makes sense. They sent us here for change.

With all you are doing on term limits, I feel they sent you here to continue to beat the drum for term limits in spite of the fact that you get beat up on it occasionally. You fought for it real hard. Tell us where are we at tonight and how did we get where we are and what is the hope for term limits?

Mr. McCOLLUM. I would like to do that a little bit. I would certainly be glad to share with the gentlewoman. I know you have had the experience in Washington State. I have had it in my State.

The history of term limits goes back a long way. The limited time tonight doesn't allow us to go all the way back into delving into it.

I would say rotation in office or term limits was something that way back in the days of England was conceptualized. And when our Founding Fathers began to look at our Constitution and our way of government, we had term limits for legislators. In the original kind of Congress that we had before the Constitution was adopted, there were limits on the length of time somebody could serve.

James Madison, who wrote a good deal of the Federalist papers we are familiar with, was a big believer in term limits. Somehow in the debates over the Constitution that got left out. And for quite a while in our country it didn't really make much difference, but the history shows that around the turn of this century we began to see careerism, professionalism creep into government, and we began to see Members serve long periods of time in the House, not just a couple of terms and then go home.

The length of time that somebody had to spend in a period of a given year for serving in Congress stretched as we began to reach the middle of this century much longer than anybody could have conceptualized.

We are now today virtually a year-around Congress. We have a very big government. We have a lot of things we have to do as an institution. Now, many of us, you and I, I guess, would like to shrink the size and scope of the Federal Government, and I believe over time that will occur, but it will never return to the days that our Founding Fathers envisioned where Members of Congress came perhaps here for a month or two at the most each year and then went back to their jobs, served maybe one or two terms in the House and went home again. We have long since passed that.

Today I think there are some very valid reasons which have been put forward why so many across this country, nearly 80 percent of the American public, have come to support term limits. They don't always recognize why, but I would put them in about three categories. I don't know that these are necessarily in the order of importance. In fact, I am going to save the one, I think perhaps the most important one, to the end.

One of them is the fact that we have had power vested in the hands of a very few people who served as committee chairman for years and years and years, and that power emanates to the point that they decided what would come to the floor for votes, what came out of the Rules Committee. Just a handful of people determined a great deal about what happened in this government of ours.

Now, when we Republicans took over with our new majority and your freshman class came along, that ended in terms of the rules. We changed the rules of the House so that you can only serve for 6 years as a committee or subcommittee chairman.

But that is not permanent. Who knows what is going to happen next year or the year thereafter? The only way you can permanently end the kind of potential problems and abuse that comes from a handful of people holding power for years and years and years in this Congress through chairmanships of committees and leadership posts is by a constitutional amendment to limit the length of time somebody can serve in this House and Senate. That is one reason.

The second reason why I think the term limits has been a very important concept and grown in popularity is because of the fact that we have a need to reinvigorate this body with fresh faces regularly.

Yes, we had a big turnover this time. We have had it for a couple of times in a row in the House of Representatives, but that has not been the norm over the past century, and it probably won't be the norm over the long haul unless we limit terms so that we can bring new voices from the community in here.

And, yes, we will give up a few experienced people who we would like to have here, but I am confident, as I think most term limits supporters are, that there are literally thousands if not hundreds of thousands of Americans out there ready to take their place with creative new ideas that can give us a spark and more than make up for the absence of the experience we might lose with a few people who leave.

And then the third and perhaps the most important reason we really need to have term limits is to end this careerism I mentioned earlier. The fact of the matter is that only if we limit the length of time somebody can serve in the House and Senate will we take away what has become the compelling reason about this place for all too many of us, and that is to try to get reelected, to spend time pleasing every interest group, every faction, as James Madison would call it, in order to be sure that the next time around we will get back to coming back to Washington again to serve and to stay here for that length of time. You cannot end it altogether, but we can mitigate it by term limits and only by term limits.

Now, I would like to relate this into the present situation in the very limited period we have. I am going to ask the gentlewoman a question or two about that in a minute, but in perspective from a Washington, DC, standpoint, I think it needs to be understood that just two Congresses ago in the 102d Congress there were only 33 Members of the House of either party willing to openly embrace the idea of being a term limits supporter.

In the last Congress, in the 103d, the number grew to 107. In the eve of what is going to happen here next week, it is certainly monumental. We are going to have a vote, a debate and a vote on the Floor of the House of Representatives for the first time in the history of this Nation on a constitutional amendment to limit the terms of Members of the House and Senate, and I fully expect us to have well over 200 members voting for one term limits proposal or another.

Now, I think that is truly remarkable. Now, it takes 290 to get to the two-thirds required in order to send the constitutional amendment to the States for ratification. But it is remarkable whether we get to the 290 or not, A, that we are just having the debate and, B, that we are going to have the numbers probably double or better than double who announce support for term limits in the last Congress to this Congress.

A lot of that comes because of the State initiatives, like your State and mine, Washington State and Florida, we have, what, 22 States now, I believe, who have passed term limit initiatives.

Mrs. SMITH of Washington, I think so.

Mr. McCOLLUM. Tell me briefly how has it gone in Washington State, your home State with regard to term limits?

Mrs. SMITH of Washington. Term limits was passed, and we were sued on the congressional portion, but the rest of it for the legislature is going on. And it is a 6 year for the House. And, let's see, what is it for the Senate? I think it is three terms for the Senate.

Mr. McCOLLUM. For the State legislature?

Mrs. SMITH of Washington. Yes. Then it is for the Congress and the Federal also, I always say Congress and the Senate, the House and the Senate at the Federal level. You can tell I have been in the State level too long. That is a good reason for term limits at the State level.

□ 2330

But we passed term limits, and it became real important last year in our elections because the Speaker of this body that stood there for many years in the majority decided to sue the State of Washington over term limits, the people of the State of the Washington.

They didn't take it lightly. As you can see, he is no longer here. He was defeated.

We saw him as a rock. Nobody would ever move this man. But what he did is show the people the arrogance of this place by suing the Washington State people who had passed this initiative.

Now, we are still in court over the Federal portion, but he is out of office. And the people sent us with a very strong message Do not mess with what the people did.

So that is probably part of the mix here that is a little bit difficult for some of us. Anything that does not protect our State's rights gives us a little bit of a problem.

So tell us how are we going to overcome that hurdle.

Mr. McCOLLUM. We are going to have several options out here on the floor next week. And while many of us are going to debate which one is the preferable one, a lot of us are going to conclude, I think rightfully so, that if we are ever going to get to 290 and do what the public wants and have a national constitutional amendment that limits the terms of the Members of the House and Senate, we are going to have to pull together on a common bond on whatever emerges out of the great debate that will take place.

Next week, we are going to have a rule that brings to the floor three hours of general debate where we can talk about it like this among ourselves like this. It is going to bring us an opportunity to vote for four different options.

There will be a base bill, which is something I have sponsored for a number of years. It will be known as House Joint Resolution 73. And that bill will propose that we have an amendment to the Constitution that limits the length of time Senators and House Members serve to 12 years in each body: Six 2-year terms in the House, two 6-year terms in the Senate.

And that they be permanent limits. That is, you cannot sit out a term and run again. Once you serve 12 years in one body or the other, that is it.

There is no retroactivity to this particular proposal, and there is no touching of the question of whether or not the States-passed initiatives are to be held inviolate or whether they are to be disturbed by this amendment.

Which means that the Supreme Court, which is now hearing the case involving Arkansas and may hear the Florida and Washington State cases eventually, when it makes its decision, it will make its decision.

According to former Attorney General Griffin Bell, who represents both the Arkansas State issue and the Washington State issue, it will make its determination under the McCollum amendment free of any burden. Whatever they decide will be the law of the land.

If they decide the States presently have the power to make the decisions that they have been making and that is upheld as constitutional, then the State individual initiatives will still bind the term limit issue. But if they decide that the State initiatives are unconstitutional, then the 12-year limit that I would propose would be a national total limit across this country. That would be uniform.

Now, there will be three other options.

One of those options will be an option for a 6-year term in the House and 12 years in the Senate.

One of the options that will be offered out here will be to include a provision that allows specifically, regardless of the Supreme Court decision, that the States can decide under a 12-year cap for the House lesser limits, perhaps 6 years, eight years or whatever it might be, but ingrain that in the Constitution, something that is not there now, but that some Members really should be actually placed there regardless of what the court decides.

Then there will be an effort to try to establish retroactivity, that is to apply term limits, whenever they become effective, to Members now and say if you served however many years, bang, that is it.

Those will be the proposals.

Mrs. SMITH of Washington. Does this have any votes, that last one, the retroactivity?

Mr. McCOLLUM. I think there are probably some, but I think the biggest problem is it is going to be proposed by some Members of the other side of the aisle who really do not believe in term limits.

There is a good deal of cynicism out here, and the problem with that is that we have not really seen yet what all is going to come forward, but there are certain Members who really do not believe in term limits, and they are going to try to figure ways to be able to vote and have cover and hide behind that vote.

And I think retroactivity is probably a device to do that. It is one that many of the term limits organizations believe is that kind of a device. They are very worried, I think, because they do not want to be criticized for being opposed to them, but they are not willing to vote for whatever comes out at the end.

As you know from your experience in Washington State, no State initiative in the 22 States that have passed term limits has had the retroactive feature. And the one that did try it was your State of Washington, and the voters defeated that, and you came back with one that was not that way.

I would like to wrap up by pointing out something that I think is important, particularly to my proposal on 12 years.

I personally do not think that it is good and healthy to have the length of time the Senate serves and be limited to different from what the House serves. I think it will make the House an inferior body. I think it will make it a weaker body vis-a-vis the Senate.

So I think whatever we determine, whether it is 12 years or 6 years or any other number of years, the Senate and the House should serve the same number of years. That is true because of conference committees and a lot of other reasons.

I also think that 6 years in particular is too short a period of time. We need people who are experienced in this body in order to serve as chairmen of committees, And we need people who can be in leadership who have had some experience here. Otherwise, you do fall into the trap the critics of term limits say, and that is that there will be staff who will dominate that place.

I think there is a call and a good reason to say when we have finally decided with a constitutional amendment that goes to the States that three-quarters have to ratify a constitutional amendment on it, that at that point in time we really should have uniformity. It should be the same throughout the country at that point in time.

Although my version of this amendment that is proposed out here today would still leave open the opportunity for the Supreme Court to decide that there could be a hodgepodge out there, it is unlikely in my judgment that that side will come out. If the proposal that is being offered that will give the States an absolute right to make that decision were to be adopted, then forever it would be ingrained in the Constitution that we would have a hodgepodge of some States having 6-year terms, some 8, some 12.

I personally believe, and I think a lot of people do, that it does not make good sense, and it is not good government. And it is the Federal Government's responsibility to make this kind of decision, just as we did with the 17th amendment when we decided direct election of U.S. Senators was preferable to the old system of electing those Senators through the State legislatures, even though there were those at that time who debated the issue who wanted the question of elections left to the State as a States' rights matter.

Ultimately, the States do decide any constitutional amendment. Three-quarters of the legislatures have to ratify. That is States' rights. Once that is there, once they have decided, it seems to me that the best bottom line is whatever they do decide.

The key thing, though, is we are going to get the first-time-in-history vote on term limits out here next week. All of us who support term limits, regardless of our view on the variations, ought to vote for the final passage, and we ought to encourage people to help get this movement going and pass the word that we are really going to have the vote and, by golly, whoever is for term limits ought to be here for the last word when the final version, whatever it is, is left standing at that point in time.

WELFARE AND CHILD NUTRITION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 23 minutes as the designee of the minority leader.

Ms. JACKSON-LEE. I yield to the gentleman from Louisiana.

Mr. FIELDS of Louisiana. I thank the gentlewoman for yielding.

I just wanted to respond to some of the comments that the gentleman from Florida made in terms of term limits.

It is very popular to stand in the aisle or stand up in the well and talk about how one is for term limits, but it is very interesting to know that the gentleman who is for a proposal to limit a Member's term to 12 years he himself has served in that body for 15 years and about to serve one more year which would be a total of 16 years and is not for retroactivity.

I just find it amazing that Members of Congress, those who speak the loudest about term limits, are those who have served in this Congress for 16, 20 and some have served as long as 25 years.

If the gentleman is really for term limits, then I would suggest to the gentleman that he not run for reelection and commit to the American people and basically practice what he preaches and say to the American people here tonight that since he is so committed to this term limit ideal that he is not going to seek reelection.

Mr. McCOLLUM. Would the gentleman yield on that point?

Mr. FIELDS of Louisiana. I do not have the time, but I would be happy to engage with the gentleman on the debate of term limits. But I do not control the time, but I would certainly suggest to the gentleman that if he really wants to be true on the issue of term limits and true to the American people he himself ought to not seek reelection.

Mr. McCOLLUM. Would the gentlewoman yield just on that one point?

Ms. JACKSON-LEE. I can yield you 15 seconds.

Mr. McCOLLUM. I just want to respond that I am ready to walk out of here voluntarily when every other Member of this body is willing to do it. Other than that, I am penalizing my district.

I do not think that is a good, logical thing to do, but when we have uniform term limits for everybody, whether it be voluntary or otherwise, I am ready to go out. I think that is the logical thing to do, but I do not believe we are going to do it voluntarily. That is why we need a constitutional amendment.

□ 2340

Mr. FIELDS of Louisiana. We are never going to do it voluntarily, because you have decided not to do it yourself.

Ms. JACKSON-LEE. Mr. Speaker, I do thank you and I know that we have had a vigorous debate this evening, a myriad of issues which include term limits.

I want to just, for the brief time that I have to really speak to the American people, I might imagine that some would say that they have been spoken to, but there has been a fury, if you will, and a flurry of discussions today dealing with welfare reform and dealing with where this country needs to go in the 21st century.

One of the great concerns, when you involve yourself in great debate, is, of course, the rising emotions. Today I have heard a number of examples of people who pull themselves up by their bootstraps, individuals who looked over on this side of the aisle, the Democratic side of the aisle, and talked about African American illegitimacy in terms of babies. I know that this is not a castigating of one race of people over another or one group of Americans over another. We know this whole question of welfare reform is not a question of African Americans, White Americans or Hispanic Americans or Asian Americans or any other kinds of Americans.

It is a question of people. What I say, Mr. Speaker, is that in fact all of us are looking for the best way to deal with the issue of welfare reform.

I have maintained since this debate has started, and let me offer to say to those who might be listening, that I am a new Member. So I think it pales worthless to be able to talk about what happened in 1982 and 1983, which I hear many of my Republican colleagues talking about. We now have before the American people the agenda that they want us to have. And that agenda has been an agenda supported by Democrats and Republicans. I imagine Independents. And I imagine all people. That is an agenda that moves people from welfare to independence, the ability to be Americans and stand up and be counted and to be responsible but to also have dignity and self-esteem.

The debate that we have gathered this evening and over these last hours points decidedly by the Republicans to undermine and to cause the lack of self-esteem to come about in people who are now on welfare. By those stories of talking about how people should be independent and how they pull themselves up by the bootstraps, it is accusatory and it is not helpful.

I spent time in my district, as many people have, and I have touched those who are experiencing the need to be on welfare. And I can tell you that the mothers have told me, one and all, this is not the way I want to run my life. This is not the way I want my children to live. I really want to be part of the all American dream.

I hear from people like Alicia Crawford who said, to go and ask a person for assistance, this is a welfare mother, age 30, and she said, is as if you are giving up everything, your dignity, your self-esteem, your ability to walk about. She said, your self-esteem is low. With the help of the welfare system, you can find a job which will give you a sense of independence, self-esteem and self-worth.

But you know what, the program that is being offered by the Republicans that they call welfare reform takes away job training, has a sense of mean spiritedness that does not include child care and certainly blames the Government but yet has no way of creating jobs.

Three amendments that I offered to the Committee on Rules and offered to be presented to this House, and that was an amendment that included job care, job training, rather, child care, and a unique, I think perspective, that many of my colleagues have supported in the past and are supporting even now, and that is to provide a reasonable incentive for the private sector to provide those welfare recipients who have been trained and are able to work.

Is that not fair? Is it not fair to recognize that Government cannot be the only employer of those seeking independence? Unfortunately, the Republican plan does not include any of that sense of understanding.

Able-bodied parents who are on welfare two to one have said, We would like to work. But yet there is no recognition in the present legislation that is before us to allow that to happen.

Mr. Speaker, I, again, say we are not asking for a handout. We are asking for a hand up. But I tell you what we get with the Republican bill, major cuts for the state of Texas. Our comptroller has already indicated what rescissions will bring about. Let me tell you what would happen to the State of Texas over a 5-year period if we have the present welfare reform package passed in the U.S. House of Representatives.

Title I would block grant cash assistance for needy families resulting in $323 million less in federal funding for Texas over the next 5 years. Title II for abused and neglected children, in foster care or adoptive placements would lose $196 million for Texas. What does that actually mean?

I served on the Harris County Protective Services Administration's Foster Parent Retention Program. I lived and breathed the stories of foster parents in terms of the great need, one, that we have in our communities to retain foster parents and what foster parents go through to mend the broken spirits and sometimes broken bodies that come into their homes. Are you telling us that we will block grant them and when there is no money in the bottom of the pot we then say to those abused and neglected children, we have nowhere for you to go, stay and be abused. And if happenstance, you are maimed or killed, so be it.

That is what we are saying. Foster parents who are sometimes at their very last rope because we do not have enough across this Nation. We did not have enough in Harris County, and we are looking for different resources to be able to allow them to hang on because they were doing such a wonderful job. But yet we are telling them in this new welfare reform, which I really call welfare punishment, that we will tell those in the state of Texas and many other States that you will have 196 million. That is abusive in and of itself. That is child abuse. That is not being responsive to the needs of our community and of our children.

Title III would consolidate child care programs into a block grant that would cut $172 million from Federal funds that would be provided for Texas children over the next 5 years. That is 29,000 fewer Texas children that would be served.

I heard a discussion here today that saddened me for it failed to realize the excitement of a young woman. First off, the young woman has not gotten pregnant to get welfare. It has been documented that that is not the case. In fact, most Americans do not believe that. And I would say that primarily because we have documentation that says, and it is refuting all of what the Republicans are saying their mandate has given them.

It says, they asked the question of the American people, should unmarried mothers under the age 18 be able to receive welfare? Interestingly enough, 57 percent of the Republicans said yes; some 63 percent of the Independents said yes; and 67 percent of Democrats. Should welfare recipients in a work program, should they be allowed to receive benefits as long as they are willing to work for them? Same high numbers: 63 percent Republicans said yes; 70 percent Independents and 66 percent Democrats.

I do not know what the mandate is that the Republicans are saying that they have in order to be able to cut off people who are trying to rise up.

My point about child care is, these young energetic mothers who happen to have babies are looking for job training to prepare them for the 21st century. They want to work in high tech jobs. They want to work in clerical jobs. They want to understand the new computer age, the new superhighway. And they are prepared to go out to work. Yet child care is costing any of them, no matter what wages they are getting, particularly if they are at the minimum wage, they are getting some one-third of whatever their wages might be for child care.

Here in the Republican bill we find out that they do not want to give child care to anyone with children under 5. These are young women and possibly young men who are at the prime of their life, who want to have training, who want to get out and work, who want their babies who are 15 months old and 2 years old and 3 years old and 5 years old to understand that mom or the parent, whoever it might be, has the dignity to go out and want to be something and someone.

And then we find title III and title V repealing the nutrition programs, the school lunch programs. And, oh, the stories we have been told about the school lunches.

First we are told that there are really people who are working-class people who really do not want the lunches. Then we are told that bring the old fashioned bag lunch and go back to the good old days. I can tell you that I truly came from a family, a mother and father, lived with my grandmother. We worked to pull our bootstraps up, if you will. We were looking for the shoes, but we did not have the sadness that people have today, and we were gratified by the kinds of services that were offered to us and my brother. And we made the best of it.

Those were the days that maybe you could bring a mayonnaise sandwich or maybe you could skip, if you will, a lunch for a period of a day or so because things were not as bad as you would find them today, but we go into homes today and we find people living in such degradation, not brought upon by crack and selling drugs but simply because of the poverty, the need of jobs, the lack of education, poor schooling.

□ 2350

So I would simply say rather than maybe getting a good oatmeal breakfast every morning which I got, which even though it was the same old same old, it was a good breakfast, some of these children are not getting any kind of breakfast. And we are told by the American pediatric Association that these children are going hungry in school here, suffering from dizziness; they are not understanding what is going on if they are not on the school breakfast program; that sometimes these meals are the only meals that our children get throughout the week. Kid Care, which is in Houston, a private organization in the city of Houston, has said how many meals children miss. And in fact if they do not get the Kid Care, which is a charitable organization, over the weekend and sometimes during the week, they do not eat all weekend long, and the only time they eat is when they come to the school that Monday morning.

What are you going to say when you block grant child nutrition programs that in fact help our children to learn, help the teachers to be able to control the classroom, and clearly as you can note, the kinds of loss that we are suffering here in Texas, the impact that nutrition block grants will have on WIC programs which have proven to be successful in and of themselves.

If you just look at these numbers, although they go up simply to 1992, you can simply see when we have the prenatal WIC which deals with nutrition and the prenatal care of those mothers that we say have gotten pregnant just to get on welfare, and I have never heard that story, but we notice what has happened: the decline in infant mortality.

Is it not interesting that a community like the city of Houston that has such a high rate of infant mortality is being compared to Third World countries. Can we even stand as an international world power when we are losing infant children at the rate of Third World countries? That is what will happen with the kind of nutrition programs that is in the Republican plan.

I am looking clearly and supporting both the Deal plan that has been proposed, a Democratic plan, and as well the Mink plan. All of those concern themselves with welfare to work. But at the same time, they recognize that you cannot fill a bucket up with water, then let it run out, and when a dying man or child comes for a drink of water you say to them, "I am sorry, we have no more."

This is what the program is that we have. And then title IV talks about the difficulty or the lack of welfare for legal immigrants. Let me simply say something to you. I am reminded of being taught as a child what the Statue of Liberty stood for, and let me share any misconception. Legal immigrants pay taxes. They pay taxes. I think what we need to understand is that welfare dollars come from our taxes, and so it is certainly irresponsible not to consider those who pay taxes and work and fall upon hard times.

Interestingly enough, we find ourselves with the SSI allotment under title VI denying some of our most severely disabled children. What I am bringing to the point of the American people is I think that we have a voting population and a constituency that is certainly more sympathetic than what is occurring on the House floor. They have decidedly said that if people are willing to work, let them continue to get benefits so that they can bridge themselves to independence. Do not cut off 18-year-olds. Help them get to the point of independence by job training, by child care, and certainly job incentive.

It is interesting to find out there are letters coming in from adoption agencies begging my office for children. We feel it is a mistake to make child protection a block grant. There should be a Federal standard to protect abused and neglected children. It should not be a matter of geography that determines how children should be treated.

This is the issue because what is happening in the State of Texas, which has not been traditionally high in its AFDC payments, this new formula that will be utilized as indicated by our comptroller has said that we will be hurt, we will be hurt in the State of Texas, our children will be going to drink out of an empty bucket. There will be known dollars for abused children, there will be no dollars for adoption assistance, there will be no dollars for WIC assistance programs, there will be no dollars for school lunches and breakfast programs, there will be no dollars to help us understand our own children.

I do not understand this. It is frustrating that when I go home and I have to see a headline like "do not short change Texas children." Is this a raving radical, somebody irresponsible? No. It happens to be the President and chief executive of Children at Risk, because before we left home we were pleaded with by the youth commission that is formulated in Harris County, we were pleaded with to remember the children.

Under the proposed legislation Texas would get $558 million annually for our children, but it would indicate that we would lose dollars because of the formula.

This means that Texas has 7.3 percent of the U.S. child population, New York 4.4 percent but we would be losing money because we would not get the number of dollars to serve that population.

Our children are at risk. And it is very important to understand that as our children are at risk, we are in fact suffering the lack of investment in those children.

Where are the family values we talk about and I have heard them discussed in this very emotional debate about grandmothers and mothers and those good people who raised us? I hear the comments saying that the good people who work do not want their tax dollars thrown away. And if I can share with you what has happened in the WIC Program, gain, and to emphasize again, for example, how this program has again been effective, but I hear all of that kind of talk about where we are, and why we are in fact trying to do it this way, the Republicans say.

But let me show you these numbers. WIC prenatal care benefits saved, if we want to save taxpayer dollars, $12,000 to $15,000 for every very low birth weight baby prevented. Is that saving the taxpayers dollars? Is that true investment for the time that we spend?

The gentleman from Louisiana is interested in this issue as well. But, does this save us money? It does save us money; that we would invest to avoid a child that is born that cannot learn, that cannot think and then to have dysfunctional behavior in school because they were a low birth weight baby. This is an investment in our future.

Mr. FIELDS of Louisiana. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE. I yield to the gentleman from Louisiana.

Mr. FIELDS of Louisiana. I thank the gentlewoman for yielding. This whole debate is really not necessarily about mothers, it is really about children. And I think all too often we lose sight of the fact that this is really about 15.7 million children who cannot make the decision and could not make the decision about what household they are born in, they cannot make the decision as to whether or not they are handicapped or not handicapped or have some type of birth defect.

But we can help in the area of prenatal care and we still find ourselves in this Congress cutting money for prenatal care where we have babies dying, high infant mortality all across this country, and I just want to commend the gentlewoman from Texas for taking out the time at this very late hour in talking about the need to preserve some of these programs, because these programs actually affect real people and those real people so happen to be children.

Ms. JACKSON-LEE. I thank the gentleman, and let me simply say as I close, I have this picture up because I want to emphasize our children are our future. Our Democratic colleagues know that and they know that Texas will lose 100,000 children who will not be able to eat school lunch and of course this is not a me, me situation, me in Texas, you in Louisiana, someone else in New York. This is really about our children.

I think what we need to do in the U.S. Congress is clearly to emphasize not the stories of yesteryear about what grandmother did for me and how we pulled our bootstraps up because we realize by the year 2000 we will be losing $1.3 million in aid to children, SSI will be losing 348,000 children, in foster care 59,000 while about 14 million children will not have school lunches, 2.2 million under this program, and 14 million children will lose food stamps.

We need to move this agenda forward and vote for legislation that will in fact assure that parents, but yes, children can be able to move with their parents from dependence to independence.

We must ensure our children of a future and we must ensure that the ugliness that has been brought about by the debate or the mean-spiritedness is not the way that we go.

We must ensure that these numbers that I have cited, the 2.2 million in school lunches will not be caught up in the term limits debate, is not caught up in what part of the country we come from, but realize actually we confront that we must represent and govern all Americans. It is so very important.

I hope tomorrow will be a day and Friday will be a day that we vote for legislation that is not a mean-spirited, mishmash, patchwork, but in fact will be a comprehensive and informative piece of legislation that goes to the U.S. Senate that represents all of the people and reflects the polls that are saying Americans are compassionate taxpayers, middle class, rich, whatever you want to call them, working class, poor people are compassionate for our children. That is what we are missing in the legislation that is being proposed. And that is what I had hoped that we would be able to work toward, my colleagues, that that would be the case and that we would be successful in making this legislation effective for all of the people and especially our children.

Mr. Speaker, I rise tonight to again speak against the short-sightedness and apparent spitefulness of H.R. 1214—the Republican welfare reform proposal.

Mr. Speaker, all Democrats unequivocally acknowledge the shortcomings of our current welfare system and are genuinely determined to do the bipartisan work necessary to fix that system.

I, for one, have always believed that welfare should be a hand up, not a hand out.

I want very much to join with all my colleagues in crafting forward-thinking reform that will provide welfare parents and their children with real hope and a renewed sense of individual responsibility.

By promoting the American work ethic with intelligent reform, we can finally make our welfare system live up to its original purposes and promises: To lift people out of poverty; move them into real jobs; and empower them to become independent, self-supporting and productive citizens.

To that end, I offered, in good faith, amendments to this welfare bill that would have accomplished three very important things.

First, so that able-bodied welfare parents ready to work could actually find real jobs in the private sector—as opposed to make-work government jobs—I proposed offering a tax incentive for businesses willing hire them.

I believe corporate America is willing and able to do more when it comes to expanding and preparing our workforce.

Second, so that welfare parents could acquire the training and job-skills private sector employers rightly demand, I proposed that the Federal Government ensure funding for training and education programs needed to prepare welfare parents for the competitive world of work.

And third, so that parents could complete their training and begin a regular work schedule without undue fears about the safety and care of their young children, I proposed that the Federal Government provide assistance for transitional child care.

Mr. Speaker, these common-sense amendments were rejected out-of-hand by the majority on the rules committee.

Unfortunately, the G-O-P proposal before this body makes no job training or child care provisions for welfare parents. And the short-term budget savings it boasts are to be squandered on tax breaks for some of the most comfortable citizens.

For the moment, let's set aside the obvious moral questions the GOP proposal raises. Let us just talk practicality.

If we just begin slashing aid to families with dependent children, emergency assistance for families, childcare assistance, nutrition assistance including the WIC and food stamps program, and supplemental security income for families with disabled children, what will we accomplish beyond tax cuts for the well-to-do?

And what will we do when the bills for our shortsightedness come due?

Will we be forced to raise taxes 5 years from now to pay for costly emergency health care as nutrition-related childhood diseases reach epidemic proportions?

How will we cope with the inevitable explosion of homelessness of women and children?

Are we fiscally prepared to build jails and orphanages to the horizon so that we might incarcerate or house all those Americans who the GOP bill would relegate to futures outside the mainstream economy?

And does corporate America want a workforce that excludes the potential and creativity of millions of Americans who, in some cases, are literally dying for a chance to succeed?

I do not think the American people would answer yes to any of these practical questions?

The Department of Health and Human Services has analyzed the GOP welfare proposal and their findings are not encouraging.

HHS projects that, during the next 5 years, 6.1 million children nationwide would be cut off from AFDC benefits. Nearly 300,000 in my home State of Texas alone.

I will share more revealing numbers in a moment but my point is this: if family values are truly a concern of my colleagues from the other side of the aisle, why won't they work with us to preserve America's safety net for families.

This welfare reform debate is indeed one of values. We must ask ourselves, what kind of nation shall America become as we prepare for the 21st century?

Shall we wisely seek to nurture the vast potential of all our citizens, or merely those with political clout?

Do we want welfare reform that steers people into productive work, or shall we continue driving them down the dead-end road of dependency?

Mr. Speaker, these are our choices and we dare not consider them lightly?

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. EDWARDS of Texas (at the request of Mr. GEPHARDT) for today on account of the death of a friend.

By unanimous consent, leave of absence was granted to Mr. MINGE (at the request of Mr. GEPHARDT) for today until 7 p.m., on account of family illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GENE GREEN of Texas) to revise and extend their remarks and include extraneous material:)

Ms. DELAURO, for 5 minutes, today.

Mr. MILLER of California for 5 minutes, today.

Mr. DURBIN, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Mr. BECERRA, for 5 minutes, today.

Mr. DEAL, for 5 minutes, today.

Mr. TANNER, for 5 minutes, today.

Mrs. THURMAN, for 5 minutes, today.

Mrs. LINCOLN, for 5 minutes, today.

Mr. CLEMENT, for 5 minutes, today.

Mr. PAYNE of Virginia, for 5 minutes, today.

Mr. KLINK, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mr. CLYBURN, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mr. FLAKE, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

Mr. OLVER, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

Mrs. SCHROEDER, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. PELOSI, for 5 minutes, today.

Mr. ROMERO-BARCELÓ, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Mr. GUTIERREZ, for 5 minutes, today.

Mr. VOLKMER, for 5 minutes, today.

Mr. MFUME, for 5 minutes, today.

Mr. STENHOLM, for 5 minutes, today.

Mr. GENE GREEN of Texas, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. WAMP for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. HOKE, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Mrs. MYRICK, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Mrs. SMITH of Washington, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. JONES, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. HOYER for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. KINGSTON, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. SALMON, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. HAYWORTH, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. WELDON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. SEASTRAND) and to include extraneous matter:)

Mr. WOLF.

Mr. COOLEY.

Mr. ISTOOK.

Mr. MOORHEAD.

Mr. GILMAN.

Mr. HYDE.

Mr. BURTON of Indiana.

Mr. PACKARD.

Mr. SOLOMON.

Mr. PORTMAN.

Mr. BATEMAN.

Mr. SMITH of New Jersey.

Mr. YOUNG of Florida in two instances.

(The following Members (at the request of Mr. GENE GREEN of Texas) and to include extraneous matter:)

Mr. UNDERWOOD in two instances.

Mr. DIXON.

Mr. CONDIT.

Mrs. MALONEY in two instances.

Ms. WOOLSEY.

Mr. BONIOR.

Mr. HOYER.

Ms. LOFGREN.

Mr. MONTGOMERY in two instances.

Mr. HAMILTON.

Mr. OBERSTAR.

Ms. DELAURO.

(The following Members (at the request of Ms. JACKSON-LEE) and to include extraneous matter:)

Mr. DOOLITTLE.

Mr. PALLONE.

Ms. PELOSI.

Mr. CARDIN.

Mr. TORRICELLI.

Ms. PRYCE.

Mrs. MORELLA.

ADJOURNMENT

Mr. FIELDS of Louisiana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 midnight), the House adjourned until Thursday, March 23, 1995, at 10 a.m.

CONTRACTUAL ACTIONS, CALENDAR YEAR 1994 TO FACILITATE NATIONAL DEFENSE

The Clerk of the House of Representatives submits the following report for printing in the CONGRESSIONAL RECORD pursuant to section 4(b) of Public Law 85–804:

OFFICE OF THE SECRETARY OF DEFENSE,
Washington, DC, March 14, 1995.

Hon. NEWT GINGRICH,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: In compliance with Section 4(a) of Public Law 85–804, enclosed is the calendar year (CY) 1994 report entitled, "Extraordinary Contractual Actions to Facilitate the National Defense."

Section A, Department of Defense Summary, indicates that 45 contractual actions were approved and that 5 were disapproved. Those approved include actions for which the Government's liability is contingent and can not be estimated.

Section B, Department Summary, presents those actions which were submitted by affected Military Departments/Agencies with an estimated or potential cost of $50,000 or more. A list of contingent liability claims is also included where applicable. The Defense Logistics Agency, Ballistic Missile Defense Organization, Defense Information Systems Agency, Defense Mapping Agency, and the Defense Nuclear Agency reported no actions, while the Departments of the Army, Navy, and Air Force, provided data regarding actions that were either approved or denied.

Sincerely,

D.O. COOKE,
Director,
Administration and Management,

Enclosure: As stated.

DEPARTMENT OF DEFENSE

EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE (Public Law 985-804), Calendar Year 1994

FOREWORD

On October 7, 1992, the Deputy Secretary of Defense (DEPSECDEF) determined that the national defense will be facilitated by the elimination of the requirement in existing Department of Defense (DoD) contracts for the reporting and recoupment of nonrecurring costs in connection with the sales of military equipment. In accordance with that decision and pursuant to the authority of Public Law 85-804, the DEPSECDEF directed that DoD contracts heretofore entered into be amended or modified to remove these requirements with respect to sales on or after October 7, 1992, except as expressly required by statute.

In accordance with the DEPSECDEF's decision, on October 9, 1992, the Under Secretary of Defense for Acquisition directed the Assistant Secretaries of the Army, Navy, and Air Force, and the Directors of the Defense Agencies, to modify or amend contracts that contain a clause that requires the reporting or recoupment of nonrecurring costs in connection with sales of defense articles or technology, through the addition of the following clause.

The requirement of a clause in this contract for the contractor to report and to pay a nonrecurring cost recoupment charge in connection with a sale of defense articles or technology is deleted with respect to sales or binding agreements to sell that are executed on or after October 7, 1992, except for those sales for which an Act of Congress (see section 21(e) of the Arms Export Control Act) requires the recoupment of nonrecurring costs.

This report reflects no costs with respect to the reporting or recoupment of nonrecurring costs in connection with sales of defense articles or technology, as none have been identified for calendar year 1994.

CONTRACTUAL ACTIONS TAKEN PURSUANT TO PUBLIC LAW 85-804 TO FACILITATE THE NATIONAL DEFENSE, CALENDAR YEAR 1994

SECTION A—DEPARTMENT OF DEFENSE SUMMARY

SUMMARY REPORT OF CONTRACTUAL ACTIONS TAKEN PURSUANT TO PUBLIC LAW 85–804 TO FACILITATE THE NATIONAL DEFENSE—JANUARY–DECEMBER 1994

Department and type of action	Actions approved			Actions denied	
	Number	Amount requested	Amount approved	Number	Amount
Department of Defense, total	45	16,016,149.00	16,016,149.00	5	18,459,908.00
Amendments without consideration	1	16,016,149.00	16,016,149.00	4	3,459,908.00
Formalization of informal commitments	0	0.00	0.00	1	15,000,000.00
Contingent liabilities	44	0.00	0.00	0	0.00
Army, total	1	16,016,149.00	[1] 16,016,149.00	0	0.00
Amendments without consideration	1	16,016,149.00	16,016,149.00	0	0.00
Navy, total	41	0.00	0.00	5	18,459,908.00
Amendments without consideration	0	0.00	0.00	4	[2] 3,459,908.00
Formalization of informal commitments	0	0.00	0.00	1	[3] 15,000,000.00
Contengent liabilities	41	[4] 0.00	0.00	0	0.00
Air Force, total	3	0.00	0.00	0	0.00
Contingent liabilities	3	[4] 0.00	0.00	0	0.00
Defense Logistics Agency, total	0	0.00	0.00	0	0.00
Ballistic Missile Defense Organization, total	0	0.00	0.00	0	0.00
Defense Information Systems Agency, total	0	0.00	0.00	0	0.00
Defense Mapping Agency, total	0	0.00	0.00	0	0.00
Defense Nuclear Agency, total	0	0.00	0.00	0	0.00

[1] Libby Corporation requested extraordinary contractual relief under P.L. 85–804. The request for relief was approved for $16,016,149.

[2] Denials involved Delphi Painting & Decorating Company ($50,000); Farrell Lines, Incorporated ($87,200); Mech-Con Corporation ($2,076,082); and Truax Engineering, Incorporated ($1,246,626).

[3] Southwest Marine, Incorporated requested extraordinary contractual relief under P.L. 85–804. The request for relief was denied.

[4] The actual or estimated potential cost of the contingent liabilities cannot be predicted, but could entail millions of dollars.

SECTION B—DEPARTMENT SUMMARY

DEPARTMENT OF THE ARMY

Contractor: Libby Corporation.

Type of action: Amendment Without Consideration.

Actual or estimated potential cost: $16,016,149.

Service and activity: U.S. Army Aviation Troop Command (ATCOM).

Description of product or service: Tactical quiet generator sets (TQG's).

Background: Libby Corporation (Libby) submitted a request for extraordinary contract relief under Public Law (P.L.) 85-804 requesting an amendment without consideration pursuant to Federal Acquisition Regulation (FAR) 50.302-1. Libby asserted that if it did not receive relief, it would not be able to complete performance on U.S. Army Aviation Troop Command (ATCOM) Contracts DAAK01-88-D-080 and DAAK01-88-D-082 for tactical quiet generator sets (TQGs) which are essential to the national defense.

Justification: Libby was awarded two firm fixed priced requirements contracts on August 30, 1988, for the production of a new generation of tactical generators. Contract D080 called for the production of: 4,498-5KW, and 3,417-10KW TQGs. Contract D082 called for the production of: 1,240-15KW, 1,261-30KW, and 2,436-60KW TQGs. A total of 12,852 TQG were placed under contract. The contracts classified these TQGs as Level III Nondevelopmental Items (NDI). No formal research and development effort preceded the award of these contracts because it was believed that contract performance would require little more than the assembly/integration of existing commercial components into generator sets, meeting military requirements.

Under the terms of the contracts, first article testing (FAT) was set to start in February 1990, production release was set for March 1991, and completion of deliveries was set for May 1993 (Contract D080) and June 1993 (Contract D082). Difficulties were encountered during the preproduction/FAT phase of the contracts. In September 1991, Libby filed a claim alleging Government delay, defective specifications, Government superior knowledge, and impossibility of performance. The contracting officer found that the Government did delay Libby during FAT and revised the delivery schedule to start production in March 1993, with completion by September 1995. While a new delivery schedule was established, the other issues were not fully resolved and a new contract amount was not definitized.

In October 1993, Libby advised the contracting officer that it could not complete production of the TQGs unless it received an additional $46,000,000 beyond the $106,800,000 priced for the production of the two contracts. As of October/November 1993, Libby had manufactured, and the Army had accepted, 3,500 of the 12,852 TQGs under contract. Libby's initial position was that these additional amounts were due under the contract as a result of defective specifications, Government superior knowledge, and impossibility of performance.

During October, November, and December 1993, a negotiation team from ATCOM and the U.S. Army Materiel Command (AMC) conducted a detailed evaluation of Libby's position. The negotiation team reviewed the amount Libby claimed it needed to complete performance of the contracts and evaluated liability for the claimed amount. After intensive negotiations, supported by DCAA, the parties agreed that $32,047,879 was needed to complete performance of the two contracts. However, of this amount, the Army was only legally liable for $16,031,748. The remaining $16,016,149 reflected costs that could not be attributed to the Government and, therefore, the Government was not legally liable for this amount.

On December 11, 1993, Libby submitted its formal request for extraordinary contract relief to the contracting officer. The Army Contract Adjustment Board (ACAB) heard the case on December 22, 1993, and approved relief in the amount of $16,016,149, subject to the execution of a Settlement Agreement between Libby and the contracting officer which reflected the understandings of the parties as to liability. On February 23, 1994, a Settlement Agreement was executed.

Applicant's contentions: Libby contended that it could not complete performance of its contracts for $106,800,000. Libby contended that it needed an additional $32,047,897 to complete performance of the contracts. Of this amount, Libby acknowledged that it was not legally entitled to $16,016,149. Libby contended that if it did not receive this relief, it would suffer a cash flow problem so severe that by December 1993/January 1994, it would have to terminate its operations and, with that, stop performance of contracts essential to the national defense. Libby cited FAR 50.302–1, Amendments Without Consideration, as authority for relief.

Decision: As of October 1993, Libby's TQGs contracts were priced at $106,852,103. By October 1993, Libby had concluded that it could not complete performance for that amount and had submitted a claim to ATCOM for an additional $46,000,000. Libby asserted that many of the difficulties it had incurred during the early phases of the contracts entitled it to additional compensation to perform the contracts. Libby characterized those problems under various legal theories like: Government caused delay, defective specifications, Government's superior knowledge, and impossibility of performance. Although the Army conceded that it had delayed Libby's performance during FAT, because the contracts called for the assembly and integration of existing commercial components, the Army was not particularly receptive to Libby's claim.

During the period October to December 1993, Libby engaged in negotiations which reached the conclusion that it would take an additional $32,047,879 to complete performance of the TQGs contracts. Of this amount, the Army agreed that it was liable, under different contract principles, in the amount of $16,031,748. Libby agreed that the Army was not responsible for the additional $16,016,149 needed to complete the TQGs contracts.

Before the ACAB, Libby presented detailed financial information which disclosed that without the additional $16,016,149, its cash flow would not be sufficient to continue performance past January 1994. This figure does not include any amount for profit.

FAR 50.302–1(a) provides that:

When an actual or threatened loss under a defense contract, however caused, will impair the productive ability of a contractor whose continued performance on any defense contract found to be essential to the national defense, the contract may be amended without consideration, but only to the extent necessary to avoid such impairment to the contractor's productive ability.

It was found to be essential to the Army and, therefore, the national defense, that it receive the TQGs currently being manufactured by Libby. The Chief of the Combat Support, Combat Service Support & Common Systems Division, Office of the Deputy Chief of Staff for Operations (DCSOPS), verified the need in a memorandum dated December 22, 1993, subject: "Mission Criticality of Tactical Quiet Generators for the U.S. Army." That memorandum detailed the impact on the Army if action was not taken and Libby ceased production of the TQGs. In particular, the following concerns were identified:

(a) A large percentage of the 132,000 Army Military Standard (MILSTD) generators currently in the inventory had two problems impacting on readiness: one, many exceeded their expected useful life of 17 years; and two, about one-third of these generators operated on gasoline instead of multi-fuel. The continued use of gasoline increases support costs and represents a safety concern because of the volatility of gasoline.

(b) Many of the critical major components required to maintain the readiness of the current fleet of generators were no longer available in the supply system. The cost of having to overhaul MILSTD generators was almost twice that of buying comparable TQGs. Delays in fielding TQGs would result in the expenditure of needed operation and maintenance funds at nearly twice the amount of procurement costs.

(c) New weapons systems that were being developed, tested, and fielded depended on the timely fielding of the TQGs. If the TQGs were not fielded as scheduled, these programs may not have been fielded or may have incurred expensive alternative costs.

(d) Modern battlefield requirements had become more sophisticated and had resulted in new needs that MILSTD generators could not fulfill. Most notable was audible and infrared signature suppression. TQGs provided an 80 percent reduction over MILSTDS in both areas, significantly reducing the vulnerability of soldiers to enemy attack. Improved survivability is a high priority on the modern battlefield.

The December 22, 1993, DCSOPS memorandum clearly established the urgent need for the TQGs and the negative impact on the national defense if the TQGs were not delivered as soon as possible.

Libby presented data, confirmed by ATCOM, which indicated that the TQGs being manufactured met the Army's specifications and would be able to meet the current delivery schedule if Libby was provided the $16,016,149 requested under P.L. 85–804.

Conclusion: Under these circumstances, the Army Contract Adjustment Board (ACAB) is of the belief that Libby's continued performance of the TQGs contracts is essential to the national defense. ACAB therefore granted Libby's requested relief. This action will facilitate the national defense. The contracting officer was authorized to amend the TQGs contracts without consideration in the total amount of $16,016,149, as memorialized in the Settlement between Libby and the contracting officer, dated February 23, 1994.

DEPARTMENT OF THE ARMY

Contingent Liabilities: None.

Contractor: None.

DEPARTMENT OF THE NAVY

Contractor: Delphi Painting & Decorating Company.

Type of action: Amendment Without Consideration.

Actual or estimated potential cost: $50,000.

Service and activity: The Department of the Navy, Naval Facilities Engineering Command.

Description of product or service: Removal and disposal of paint that potentially contains lead.

Background: The subject action is an Amendment Without Consideration under FAR Section 50.302–1. Delphi submitted a request for extraordinary relief by letter dated December 21, 1992. Delphi based the request on contractor essentiality and stated that they were entitled to compensation in the approximate amount of $50,000. Within the Department of Defense, P.L. 85–804 is implemented by the Federal Acquisition Regulation (FAR). FAR Part 50, Extraordinary Contractual Actions, Section 50.302, lists the type of adjustments available for relief. The only potentially applicable basis for adjustment in this case is contained under paragraph 50.302–1, Amendments Without Consideration, subparagraph (a). Subparagraph (a) allows Amendments Without Consideration if an actual or threatened loss will impair the productive ability of a contractor whose continued operations as a source of supply is found to be essential to the national defense. The essential nature of the work being performed is the essence of this exception. Upon review of the nature of the work involved in this contract (the removal and disposal of paint that potentially contains lead), it has been determined that this type of work is not uncommon and can not be considered essential to the national defense. Further, the suggestion that future contracts will have to be awarded on a sole source basis is unfounded.

Decision: In conclusion, the Contracting Officer determined, that pursuant to FAR 50.101, the request must be denied in its entirety.

Contractor: Farrell Lines, Incorporated.

Type of action: Amendment Without Consideration.

Actual or estimated potential cost: $87,200.

Service and activity: The Department of the Navy, Military Sealift Command.

Description of product or service: U.S. flag ocean and intermodal transportation service.

Background: The subject action is a request for a portion of the amount which was the subject of a certified claim under the Contract Disputes Act, which was previously denied by the Contracting Officer. Because the basis of the present claim involves some of the same facts as in the certified claim, a brief discussion of those facts follows.

The SMESA contract covered U.S. flag ocean and intermodal transportation services, including combination U.S. flag and foreign flag services, if all U.S. flag service was not available to meet Government requirements between the United States, as well as other parts of the world, and areas in the Middle East. The purpose of the Contract was to support U.S. Gulf War operations. The Contract was solicited and awarded during August 1990, on a firm fixed price basis for a period not to exceed one year. The effective date of the Contract was August 23, 1990. Farrell offered a combination U.S. flag/foreign flag service between the U.S. East Coast (USEC) and the Middle East (ME), including, but not limited to, service to and from Damman. Farrell offered and provided U.S. flag vessel service between the USEC and the Mediterranean, with connecting foreign flag service to the ME.

The connecting service offered and provided by Farrell under the Contract involved the use of a slot charter with Compagnie Maritime D'Affretement (CMA) which, in turn, had entered into various time charters, including one with the owners of the VILLE D'OMAN, Gebr. Peterson Schiffahrtsgesellschaft Westertal GMBH & Co. (Owners). Farrell commenced performance under the Contract in late August/early September 1990.

On January 11, 1991, the owners of the vessel VILLE D'OMAN, asserting the threat of war and reports of floating mines in the Persian Gulf, gave notice of their intent not to permit the vessel to proceed to Damman and discharge its Department of Defense (DoD) cargo. CMA, after several unsuccessful attempts to convince the Owners and crew to proceed to Damman to discharge the DoD cargo under the Contract, directed the VILLE D'OMAN on January 21, 1991, to discharge its DoD cargo in an alternate port. Farrell subsequently arranged for the replacement of the VILLE D'OMAN by another CMA chartered vessel, the TITANA, which was engaged in the European/Far East trade route, to deliver the DoD cargo to Damman, in accordance with the Contract. The costs associated with the diversion of VILLE D'OMAN and the use of the replacement vessel, the TITANA, to deliver the cargo are at issue.

Farrell's certified claim and the contracting officer's final decision: On July 10, 1992, Farrell submitted a certified claim for $485,978 for reimbursement of unanticipated costs (the $87,200 adjustment sought by Farrell was originally part of this claim). Farrell sought recovery of the additional expenses incurred in shipping the DoD cargo to Damman under a clause in its SMESA contract, which provided for reimbursement of unanticipated costs. Farrell claimed that the Contracting Officer had suggested the clause as a means by which Farrell could be reimbursed.

In support of its claim, Farrell asserted that it had considered trying to invoke the Liberties Clause. However, Farrell alleged that it was discouraged from doing so by the Contracting Officer. Farrell further alleged that the Liberties Clause, if applicable, would have relieved Farrell of the duty to ship the DoD cargo to Damman, based on the VILLE D'OMAN's refusal to proceed there out of safety concerns for the ship and its crew, and would have allowed it an equitable adjustment for its services. Farrell further asserted that it was discouraged from alternately imposing a special surcharge increase to the SMESA rates to cover the additional cost.

The Contracting Officer's Final Decision denied Farrell's claim, concluding that the contract clause permitting reimbursement for unanticipated costs was inapplicable. The Contracting Officer noted that Farrell had contracted to deliver cargo safely to Damman and that the performance of its subcontractors were Farrell's responsibility. The Contracting Officer also pointed out that the unanticipated costs clause applied only to costs not otherwise covered in the Contract, and that the Liberties Clause was the appropriate avenue for Farrell to recover its additional expense. The Contracting Officer concluded, however, that no valid claim existed under that clause because the VILLE D'OMAN was not justified in refusing to proceed to Damman. Further, Farrell had failed to seek the Contracting Officer's approval before arranging alternate delivery of the DoD cargo to Damman, as required by the Liberties Clause. Finally, the Contracting Officer was unable to conclude that MSC personnel had discouraged Farrell from seeking relief under the Liberties Clause or through surcharges.

Request for adjustment: Farrell sought extraordinary relief in the form of a contract adjustment under the provisions of P.L. 85–804 for $87,200. Farrell asserted that its loss was directly caused by Government action. To determine whether an adjustment was appropriate, the Government had to determine whether a loss occurred, whether the loss was caused by Government action, and whether that action resulted in a potential unfairness to the Contractor. 48 C.F.R. 50.302–1(b).

Farrell claimed that when they approached the Contracting Officer with the possibility of invoking the Liberties Clause under the Contract because of the VILLE D'OMAN's refusal to proceed to Damman, the Contracting Officer insisted they perform and stated that Farrell would receive no further bookings if the clause were invoked. Based on this, and the Contracting Officer's subsequent demands for assurances of performance capabilities, Farrell claimed they were forced to abandon their rights under the Liberties Clause and were required to incur additional costs to deliver the cargo to Damman.

Assuming that an $87,200 loss existed, it was not caused by the Contracting Officer's actions. The viability of Farrell's service under the Contract was clearly in doubt during the January 1991 time frame due to Farrell's problem with the owners of the VILLE D'OMAN. The Contracting Officer's response to Farrell's comment about invoking the Liberties Clause was legitimate. It was reasonable for the Government to expect Farrell to perform, as contracted, and resort to the clause would have realistically suggested that Farrell was incapable of performing. This conclusion was bolstered by Farrell's responses to the Contracting Officer's inquiries which confirmed the service problems and detailed operational plans to continue performance under the Contract. Considering that the Contract permitted the Contracting Office to suspend bookings with a carrier for its prospective inability or failure to perform, the Contracting Officer's comments to Farrell were entirely reasonable, under the circumstances, in that they only highlighted contract rights available to the Government.

Government attempts to actively ascertain and secure Farrell's commitment to continue contract performance can not be construed as an unreasonable influence causing Farrell to abandon its contract rights under the Liberties Clause. The Government had a legitimate, real, and urgent need to determine Farrell's intent and ability to provide service. If Farrell was unable to perform under the Contract, then the Government clearly would have been entitled to exercise its rights, under the Contract, to suspend the booking of cargo with Farrell for failure to perform or for the prospective inability of Farrell to make good any future bookings. Farrell's decision to abandon any contract rights it may have had under the Liberties Clause and incur additional costs to ship the cargo to Damman is considered an affirmative and voluntary business decision on its part that was not induced by the Contracting Officer. Consequently, any additional expense incurred by Farrell was not caused by Government action.

Decision: After a careful and thorough review of Farrell's case, the Navy did not find that payment of the requested amount would facilitate the national defense. Further, it was concluded that Government action was not the cause of Farrell's loss. The Government had a right and a responsibility to seek full contractor performance under the terms and conditions of the Contract, particularly during a contingency such as Desert Shield/Desert Storm. No contractual relationship existed between the Government and Farrell's subcontractor, CMA. It was Farrell's responsibility to insure that CMA fulfilled its obligations under its contract with Farrell. Thus, it was decided that Farrell must absorb the loss resulting from CMA's failure to perform. Farrell accepted the cargo under the Contract and was obligated to deliver that cargo to Damman. Farrell made a conscious business decision in choosing its subcontractor, and must, therefore, bear the consequences of that decision, not the Government. Accordingly, Farrell's request for extraordinary relief under P.L. 85–804 for a contract adjustment in the amount of $85,200 was denied.

Contactor: Mech-Con Corporation.

Type of Action: Amendment Without Consideration.

Actual or estimated potential cost: $2,076,082.

Service and activity: The Department of the Navy, Naval Facilities Engineering Command.

Description of product or service: Construction of the Propellant Disposal Facility.

Background: By letter of May 29, 1992, Mech-Con Corporation, Pomfret, Maryland, submitted a request for extraordinary relief. The Contractor's request is based on alleged unconscionable and unfair acts by the Government.

Within the Department of Defense, P.L. 85–804 is implemented by the Federal Acquisition Regulation (FAR). FAR PART 50, EXTRAORDINARY CONTRACTUAL ACTIONS, Section 50.302, lists the type of adjustments available for relief. The only appropriate adjustment in this case is contained under paragraph 50.302–1, Amendments Without Consideration, subparagraphs (a) and (b). Subparagraph (a) allows Amendments Without Consideration if an actual or threatened loss will impair the productive ability of a contractor whose continued operations as a source of supply is found to be essential to the national defense. A review of the file does not establish that Mech-Con is essential to national defense. Therefore, contractor has not met the requirements of FAR 52.302(a).

Subparagraph (b) allows relief in instances where the Government directs its action primarily at the contractor and acts in its capacity as the other contracting party, the contract may be adjusted in the issue of fairness. However, any relief under this subparagraph is limited by paragraph 50.203(c), which states that no contract shall be amended or modified unless the contractor submits a request before all obligations (including final release and payment) under the contract have been discharged.

The Contractor claimed monies in the amount of $2,076,082 for legal fees, interest expenses, and other miscellaneous costs under or relating to Contract N62477–74–C–0333, Construction of the Propellant Disposal Facility, Naval Ordinance Station, Indian Head, MD.

A review of the contract file showed that the contact was awarded to the joint venture of Mech-Con and Heller Electrical Corporation on September 26, 1977. The contract was awarded in the amount of $4,258,643, with a contract completion date of 455 days. On June 30, 1981, modification P00029 was issued which terminated the contract for the convenience of the Government. On January 27, 1982, Mech-Con signed a final release on the contract.

Decision: Entitlement could not be granted under FAR 50302–1(b), because Mech-Con signed the final release. Contained within the final release, Mech-Con agreed that for the sum of $6,433,894.38, all liabilities, obligations, and claims had been discharged and satisfied. However, following the signing of the final release, Mech-Con alleged that the Government coerced it into signing the final release. However, Mech-Con did not provide any documentation to support this allegation. Thus, the final release is valid. Therefore, Mech-Con did not meet the requirements of FAR 52.302–1(b) and FAR 52.203(c).

Contractor: Truax Engineering, Inc. (TEI).

Type of action: Amendment Without Consideration.

Actual or estimated potential cost: $1,246,626.

Service and activity: The Department of the Navy.

Description of product or service: Development of a low-cost, reusable rocket.

Background: The claimed potential cost involved in the request is $1,246,626 as of November 1, 1993, plus a claimed $50,000 per month since then. This was TEI's second Government contract, for development of a low-cost reusable rocket to be launched and recovered from the sea (SEALAR). Funding for the program was limited from the beginning. A subsequent contract modification (P00009) substantially descoped the Contract by deleting all tasks not specifically related to the proof-of-principle launch and recovery. On June 4, 1991, a burst liquid oxygen tank damaged the rocket and caused delays and additional costs. Although later contract modifications increased the estimated cost, the Contract was allowed to expire on its completion date without the proof-of-principle launch and recovery having been achieved.

Justification: As stated, the Contractor's request was for a contract adjustment without consideration. The standard, set by FAR 50.302.1(b), for granting such an adjustment is one of fairness to a contractor that sustains a loss (not merely a decrease in anticipated profit) under a defense contract because of Government action. When the Government directs its action primarily at the contractor and acts in its capacity as the other contracting party, the contract may be adjusted. When this action increases performance cost and results in a loss to the Contractor, fairness may make some adjustment appropriate. A review of the facts in this case, however, indicated that fairness with regard to the Contractor's claimed losses had already operated under an administrative provision of the contract.

Decision: For purposes of this decision, the facts regarding this case are outlined in the Contracting Officer's findings and recommendation dated December 13, 1993. In that document, it is noted that the Contractor's request was based on substantially the same circumstances as a previously settled claim, including nonbinding arbitration, under the disputes resolution process of the contract. The Contractor had misinterpreted the favorable recommendation by the arbitrator and the subsequent negotiated settlement of the earlier claim as "proof" that TEI was entitled to the entire amount claimed under P.L. 85-804. The company's approach is inconsistent with a negotiated settlement. Moreover, TEI's position overstated the arbitrator's findings and recommendation, as well as the role of the arbitrator. In submitting its P.L. 85-804 request for relief without a breakdown of actual costs incurred, the Contractor ignored a provision in the contract modification which settled the earlier dispute, viz., that it ". . . agrees to forgo any further claim or requests for relief . . . except that this shall not preclude . . . relief under Part 50 of the [FAR] for costs or losses not included in the Contractor's . . . claim."

The Contracting Officer's statement also observed that TEI further asserted it had to remain in business at continued losses until its dispute and P.L. 85-804 claims were settled. There was no apparent reason for this except that TEI apparently anticipated further SEALAR-related business from the private sector, and made a business decision to continue operations albeit at a heavy loss. The Contractor calculated its losses by comparing unaudited, undifferentiated balance sheets from December 1991 and August 1993 and requested the difference as relief under P.L. 85-804. Essentially, then, TEI asked the Government to underwrite all its business operations after the expiration of its only remaining Government contract.

Finally, given the facts that (1) the SEALAR program was canceled, and (2) TEI's self-declared principal reason for being in business was the SEALAR program, relief action under P.L. 85-804 would not appear to facilitate the national defense. In addition, information on the Contractor's recent business activity with regard to trying to develop the concept of reusable ICBM's has been evaluated and the same conclusion reached in that situation.

In light of the above circumstances, and under authority delegated by NAPS 5250.201-70, the request by Truax Engineering, Inc., for relief under P.L. 85-804 was disapproved.

Contractor: Southwest Marine, Inc.

Type of action: Formalization of Informal Commitments.

Actual or estimated potential cost: $15,000,000.

Service and activity: The Department of the Navy.

Description of product or service: Drydock overhauls performed at Atlantic Dry Dock Corporation and Southwest Marine, Inc.

I. INTRODUCTION

In the early 1980s, Southwest Marine, Inc. (SWM), and Atlantic Dry Dock Corporation (ADD) invested in drydock facilities in San Diego, California, and Jacksonville, Florida, respectively, expecting to receive more Navy ship repair and overhaul contracts. Claimants asserted that they added facilities because of representations of senior Navy officials of more repair work if increased drydock facilities were available in the homeports of San Diego and Jacksonville, and because of the existing Navy homeport policy, planned changes in the Navy master ship repair policy to require ownership of facilities, as well as planned Navy use of additional multi-ship repair contracts. SWM and ADD asserted that increases in work did not materialize to the extent expected due to Navy alteration of, or failure to implement, these policies. In particular, claimants pointed to the change in the homeport policy from all overhauls performed in the homeport if adequate competition existed, to one third of overhauls reserved for the homeport if adequate competition existed, to later all overhauls competed coastwide. SWM and ADD claimed harm because the expected number of contracts were not competed only in the homeport or for work restricted to the homeport, but due to high debt burden/facilities costs, claimants' prices were not competitive with other companies.

Conference Report No. 103-339 (at 93-94) for the FY 1994 DoD Appropriations Act provides:

The conferees are aware of a long standing dispute between Southwest Marine of San Diego, California, and Atlantic Dry Dock of Jacksonville, Florida, and the Department of the Navy over facility investments made by these two shipyards. Although [] the shipyard owners agree that there is no legal remedy for a claim to be paid by the Navy, they continue to believe that, in fairness, the Navy should pay costs which the yards incurred in making facility investments. The conferees direct the Navy to examine this issue again and inform the Committees on Appropriations of the House and Senate by May 31, 1994, on what course of action it recommends to resolve this matter.

Pursuant to this language, the Navy has conducted a reexamination of the SWM/ADD facility investment claims, making an impartial and independent review of the record. This review has encompassed the Navy Report to Congress of November 1992 on this matter and data considered in that Report, including all SWM/ADD submissions made prior to that Report. As well, the SWM/ADD joint submission of January 29, 1993; SWM 1994 submissions of May, August 8, and September 2; and ADD submission of May 1994 were considered. Additionally, ASN(RD&A) met with claimants on October 24, 1994, to provide them the opportunity to present the issues and facts of the dispute from their perspective. Also, a letter from the shipyards dated October 24, 1994, was reviewed.

II. PRIOR CONGRESSIONAL LANGUAGE AND NAVY CONSIDERATION OF CLAIMS

In 1986, P.L. 99-500, Making Continuing Appropriations for FY 1987, Section 122 of the Military Construction Appropriation (hereinafter referred to as Sec. 122), directed:

The Secretary of the Navy shall enter into negotiations with shipyards located on Sampson Street, San Diego, California, and on Fort George Island, Jacksonville, Florida, to determine what liability (if any), the United States has for damages suffered by such a shipyard resulting from facility improvements made by such shipyard during 1982 in good faith reliance on representations and assurances provided to officials of such shipyards by representatives of the Department of the Navy in 1981 and 1982 with respect to future work of the Department of the Navy at such shipyard.

Pursuant to Sec. 122, SWM and ADD submitted a joint request for relief on October 29, 1987, totaling $59,558,447 for lost profits not realized after the facility investments. In response to questions from the Navy, claimants provided supplemental documentation. The parties held negotiations on January 24 and 25, March 14, and April 26, 1989. By a May 10, 1989, letter to Congress, the Secretary of the Navy determined that the Navy bore no legal or equitable liability to the shipyards and formally denied the request. This position was supported by a 5-page Contracting Officer Memorandum of Decision and a 60-page legal memorandum.

In 1989, Conference Report No. 101-331 (at 422) for the FY 1990 DoD Authorization Act provided:

The conferees desire that the Navy fully explore all equitable and legal aspects of certain claims for relief submitted by shipyards pursuant to section 122 of the FY 1987 Military Construction Appropriations Act (P.L. 99-591).

Accordingly, the conferees direct the Secretary of the Navy to reconsider actively and together with the shipyards all facts and the quantum aspects of the claims and to report to the committees on Armed Services of the Senate and House of Representatives the results of such reconsideration with a definitive analysis of such claims under section 122.

Pursuant to this language, the parties met (first on March 28, 1990) and exchanged considerable documentation regarding the facts and legal issues of the case. On November 2, 1992, by letter to Congress, the Secretary found that the shipyards were not entitled to compensation, either as a matter of law or equity, and formally denied the request. This letter forwarded a detailed 97-page Navy analysis conducted by the Navy General Counsel of the facts, legal and equitable issues, and quantum, including copies of relevant documentation (87 attachments). This analysis will hereinafter be referred to as the 1992 Navy Report.

III. BACKGROUND

SWM and ADD claimed that, in the early 1980s, each invested in certain capital improvements at its San Diego facility and Jacksonville facility, respectively, with the expectation of receiving increased Navy ship repair and overhaul contracts. SWM began serious plans for purchase of a drydock in late 1981. The drydock was purchased in December 1982, with the loan requirements finalized in March-April 1983 with Wells Fargo

Bank. SWM installed a large new floating drydock, new piers, and a new warehouse. In the first half of 1980, ADD began planning for the construction of a 4,000 ton marine railway and made a firm decision to proceed in January/February 1982. The railway was completed in October/November 1982. ADD added a pier extension, begun in June 1983 and completed in July 1984.

Claimants alleged that investments in these facilities improvements were made in reliance on Navy policies in 1982, including the Navy's existing homeport ship repair policy, planned changes in the Navy master ship repair policy, and planned Navy use of additional multi-ship repair contracts, combined with various Navy representations of increased homeport repair work if SWM or ADD invested in increased drydock facilities. The following summarizes these areas.

Navy Representations: SWM/San Diego Homeport. Prior to facility improvements by SWM and National Steel and Shipbuilding Company (NASSCO) in the 1980s, there was a shortage of drydocking capability in the San Diego homeport. The only drydock was the Navy graving dock which the Navy leased to the San Diego Unified Port District, which made the dock available to local ship repair firms doing Navy ship repair work. The Navy dock permitted adequate competition, but only one drydock in the area limited the number of overhauls or other repair work that could be done in the homeport in any one year.

A March 12, 1981, letter from VADM Fowler, Commander, Naval Sea Systems Command (NAVSEA), to Arthur Engel, President of SWM, advised of "* * * an increase in the size of the Navy Shipbuilding Program in the forthcoming years;" that the problems caused by the increase "* * * will be solvable if the Navy and industry embark on innovative, cooperative planning;" and that one of four objectives of the Navy and industry should be to "* * * [s]trengthen the industrial base and enhance the vitality of the shipbuilding industry."

In late 1981, NAVSEA prepared a draft report outlining a business plan for overhaul and repair of Navy ships in the San Diego area which provided:

Addition of another graving dock or floating drydock would enable a significant number of Naval vessels to remain in the homeport of San Diego for repair and overhaul. "In order to foster a robust private sector industrial base, the Navy should investigate immediately all alternatives to relocate a floating drydock in San Diego."

An option for obtaining additional drydock capability would be to provide a "contractual means of providing incentives to a contractor or contractors to make substantial capital improvements in a new drydock and pier" and fully explore all appropriate methods to provide incentives to assist or encourage private development of drydocking facilities, including multi-year contracts, capital investment incentive clauses, capital investment sharing, and contractor consortiums.

"[T]here is little the Navy can do to guarantee future work to individual companies in the private sector to encourage capital investment to expand facilities/capabilities."

Acknowledgment that SWM was seeking to add a 20,000 ton drydock to its facilities.

Recognition that there was a need to establish more stringent qualification criteria for Master Ship Repair (MSR) contract holders to "continually glean contractors with inadequate resources from the ranks of eligible bidders" and that the Navy "should develop quantitative criteria for MSR eligibility that specifies minimum, albeit substantial, levels of technical, management, financial, and facilities resources."

Acknowledgment that there was a need to provide schedule stabilization of ship repair requirements to give the local ship repair industry more certainly in workload demands: "There should be a commitment to retain in San Diego as much depot maintenance repair work as port capability allows. . ." with multiship packages maximized, with minimum concurrence in schedules, for overhauls and Selected Restricted Availabilities (SRAs).

According to a Declaration by Mr. Engel, submitted with SWM's 1987 claim submission in early 1982, Mr. Engel met with Mr. Lehman, then Secretary of the Navy, to discuss SWM's intended capital improvements. "Secretary Lehman indicated that SWM's facilities improvements would be appreciated and encouraged by the Navy." In early spring of 1982, Mr. Engel met with ASN(S&L), Mr. Sawyer. "We again discussed SWM's improvement plans. Mr. Sawyer also indicated that facility improvements would be followed by more repair work in the homeport."

In March 1982, a cost type overhaul contract for USS HENRY WILSON was awarded outside the homeport at a price nearly twice that proposed by two San Diego shipyards. In relation to this award, certain Government statements were reported:

The March 31, 1982, San Diego Union reported that Mr. Carlucci, then Deputy Secretary of Defense, told Congressman Hunter that lack of sufficient drydock facilities in San Diego was the main consideration in this award decision.

The April 2, 1982, San Diego Union reported that ASN(S&L) Sawyer stated that the award was based on a superior proposal in the solicitation's higher weighted factors [presumably, facilities was one of these factors] and that "I would like to encourage some of the local (San Diego) firms to invest in their own facilities. The real bottom line is, if I could urge something on the people of San Diego, looking at the market projections for overhauls and repairs there, is to do it the American way and invest in better facilities." Mr. Sawyer was also reported as saying that improved repair facilities in San Diego would make it easier for the Navy to adhere to the homeport policies on repairs, which "is alive and well."

The June 7, 1982, San Diego Union reported that, in response to a question regarding what was needed to get overhaul contracts in San Diego, ASN(S&L) Sawyer stated: "three good shipyards."

In an undated and unidentified newspaper article provided by SWM, it was reported that a Navy memorandum to Edwin Meese, then Counselor to the President, regarding the WILSON award stated that, in order for homeport firms to obtain greater number of ship overhaul contracts, they should increase facility investment, noting that SWM has no drydock while the awardee does.

On August 12, 1982, Chapman Cox, DASN (Installations) met with San Diego business leaders and the San Diego Port Commission. (This meeting is described by SWM but not mentioned in the 1992 Navy Report.) He stated that the homeport policy was still in effect despite the recent change in policy requiring only one third of overhauls to be restricted to the homeport (discussed below); the overall percent of homeport repair and overhaul work would remain the same; there would be an increase in the number of ships homeported in San Diego there was a need for additional homeport facilities and private investment to that end was encouraged; and endorsed a proposal to build a drydock to be operated by the Port Commission and used by local firms.

The September 22, 1982, San Diego Daily transcript and San Diego Union reported that Mr. Sawyer and VADM Fowler met with San Diego contractors at a September 21, 1982, session organized by the local Chamber of Commerce. Mr. Sawyer emphasized the need to improve the quality of area facilities, noting that with the anticipated 30 percent growth in Navy work over the next two years, there was a potential for $240,000,000 in assured work in the period. Mr. Saywer said that these predictions depended on improved facilities, adequate competition, and local contractors' ability to win one third of coastwide overhaul solicitations. Both Navy officials sought to encourage interest in the Port District obtaining a drydock for the use of area contractors. Mr. Sawyer said that there was no guarantee San Diego firms would receive additional work just because the facilities were there unless a public body were involved in its construction. Mr. Engel pointed out the risk in private investment in the absence of Navy guarantees and asked whether the homeport policy would be eliminated.

According to a Declaration by a Wells Fargo employee responsible for investigating and recommending approval of the drydock loan to SWM, he met with personnel from the Supervisor of Shipbuilding, Conversion and Repair (SUPSHIP) San Diego to discuss the future of Navy ship repair and overhaul business in San Diego. "Although the Navy would not formally commit itself, SUPSHIPS personnel did indicate that there would be a substantial amount of future work in the San Diego homeport and that there was a need for additional drydock capacity and pier capacity." It was the Wells Fargo employee's impression that the Navy was encouraging the development of improved facilities to handle future work. "The anticipation of an increase in the volume of overhaul and ship repair contracts in the San Diego homeport was one of several major considerations in our credit decision."

Navy Representations: ADD/Jacksonville Homeport. Before ADD completed its marine railway, only one contractor in the homeport, Jacksonville Shipyards, Inc. (JSI), had an adequate drydock to repair Navy ships. Consequently, because there was no competition for overhaul work in Jacksonville between at least two sources, overhauls of ships homeported in Jacksonville had to be competed coastwide. A further barrier to repairing ships in the Jacksonville homeport was that JSI did not actively compete in coastwide competitions.

RADM Kinnebrew was Commander of Cruiser Destroyer Group Twelve (homeported in Mayport) from February 1980 to August 1981. According to a Naval Sea Systems Command attorney interview with RADM Kinnebrew on June 7, 1988, at some point during his tenure, RADM Kinnebrew had one or two discussions with Mr. Gibbs, President of ADD, in which he indicated that additional ship repair capability in the Mayport/Jacksonville area would be welcome because it would increase the possibility of accomplishing ship repair in the homeport. RADM Kinnebrew also indicated to Mr. Gibbs that the Navy planned to homeport some FFG–7 Class ships in Mayport and that the Navy would continue to homeport destroyers in Mayport for the foreseeable future. According to RADM Kinnebrew, he did not make any promises or commitments to ADD regarding future work. The Admiral cannot recall what was said at a particular meeting, but indicated in this interview that these were the general remarks made over the course of the discussions with Mr. Gibbs.

According to a Declaration by Mr. Gibbs, RADM Kinnebrew met with Mr. Gibbs in February 1980 and stated that he wanted ADD to construct facilities that would enable ADD to repair and overhaul destroyers and frigates and indicated that his statements to ADD were authorized by his superiors. After this conversation, Mr. Gibbs "was convinced that the initiation of a substantial facilities improvement program at ADD would result in substantial business opportunities with the Navy."

As reported in Vol. 12, Number 24 of the Weekly Report of the Jacksonville Area Chamber of Commerce (undated), ADM Train, Commander in Chief, Atlantic Fleet, addressed a session of the Jacksonville Area Chamber of Commerce in Norfolk on May 2, 1980. ADM Train indicated that: if Jacksonville expands its ship maintenance and repair capabilities, it will be in line for more Navy work; such additional capabilities in an area ensure more competition which, in turn, could lead to more Navy ship repair and maintenance work in Jacksonville; Jacksonville lacks the drydock facilities necessary for major overhauls of Navy ships; and the Navy wants major overhaul facilities to exist in the ship's homeport to avoid having the crew relocated. As a result of these remarks, the Jacksonville Chamber of Commerce indicated they would contact local shipyards about plans for expansion and help in locating additional ship repair facilities in Jacksonville.

According to a Declaration by Mr. Gibbs, in the summer of 1981, ADD and its consulting firm, SEACOR Associates, made presentations to the Navy in Norfolk and to RADM Nunnelely, Director of the Ships Maintenance and Modernization Division of the Office of the Chief of Naval Operations, regarding the proposed construction of the marine railway. The Navy audience at both sessions "responded favorably" to the proposed improvements and "encouraged continued construction."

On December 18, 1981, VADM Fowler met with a group of Jacksonville area Navy, business, and industrial leaders at the Mayport Officers Club to discuss ship maintenance support for Navy expansion at Naval Station Mayport (NAVSTA Mayport). According to a Declaration by Mr. Gibbs, VADM Fowler ". . . reiterated the notion that, if improved facilities were built, Jacksonville contractors would get work to fill those facilities."

To prepare VADM Fowler for the December 18, 1981, talk in Mayport, RADM Johnston, SUPSHIP Jacksonville, sent VADM Fowler copies of background memoranda. One memorandum (undated), entitled "Growth of Support Capability in Jacksonville," states: current ship intermediate and depot level maintenance support facilities in the Jacksonville area have a maximum capacity of 20,000 man-days per month, which capacity will be "overtaxed" by the Selected Restricted Availability (SRA) workloads projected in FYs 1983, 1984, and 1986; there is a need to expand the current ceiling of industrial capacity to between 30,000 and 35,000 man-days per month to meet long term needs; "the projected maintenance needs are well publicized and discussions with the industrial community have been conducted by local flag officers, SUPSHIPS JAX and CO, NAVSTA Mayport"; "[a]n extensive effort has been and continues in the Jacksonville area to outline the programmed Navy build up and to call for community support. A stable, predictable plan will enhance credibility and reassure commercial activities who will be investing their resources"; ADD is proposing a major expansion of facilities in order to handle FFG–7 SRAs; the problem of assuring adequate depot and intermediate level repair capacity "is real but solvable." Another memorandum (undated), entitled "Background of Current Situation," references a request from the Commander, Naval Air Forces Atlantic to review "community planning in light of Navy expansion" in the Mayport area and develop a program to encourage commercial growth for both ship maintenance support and housing for personnel. It also identifies possible questions for the meeting: "What assurances can be given that SRAs/RAVs [Restricted Availabilities] will be committed to the Mayport area and not contracted out of homeport?"; Will the NAVSEA policy of soliciting most regular overhauls on a coastwide basis continue?"

According to a Declaration by Mr. Hoepner, former President of the bank (Flagship Bank, subsequently acquired by Sun Bank) that provided the marine railway loan, Mr. Lehman and Congressman Bennett met in Washington in January 1982 with the Jacksonville Chamber of Commerce. At that meeting, Mr. Hoepner "was led to believe that existing and proposed Navy policies and practices would result in greater business for ADD if it were to make proposed capital improvements." In other discussions between bank employees and Navy officials, Navy officials reaffirmed the homeport policy and were not equivocal about its policies or the likelihood that ADD's capital improvements would result in more business.

According to a Declaration by a former employee of Flagship Bank involved in evaluation of ADD's loan application, he had several discussions with Navy personnel in which the Navy indicated that, "if another company improved its facilities so that there would be competition in the homeport, the Navy would provide more overhaul work in the homeport." Based on these discussions, he concluded that ADD's market projections were valid and that it was reasonable for ADD to rely upon Navy assurances regarding future ship repair and overhaul work in Jacksonville.

A May 1982 draft report of the Jacksonville Chamber of Commerce Ship Repair Facility Task Force stated that ship repair awards will increase during the 1980s and 1990s as a result of ADD's soon-to-be completed marine railway and JSI's drydock, which will create a competitive situation in the homeport, and that SUPSHIP advised that the Navy will restrict overhaul and SRA work requiring drydock capability when a competitive situation exists. The task force should do all it can to ascertain that this work is indeed restricted to the homeport to provide an opportunity for a fair return on the shipyards' investments in view of the "financial risk being undertaken by these shipyards in anticipation of the needs of the Navy."

The April 1982 Jacksonville Seafarer reported that: by the end of 1984, NAVSTA Mayport will be home to 45 vessels (compared to 25 in December 1981); the expansion "could mean a bonanza of repair and maintenance contracts for area shipyards;" at a March 18, 1982, meeting of local subcontractors chaired by JSI, a JSI representative indicated that Navy concerns expressed at sessions between Jacksonville Chamber of Commerce and Navy officials was that the Jacksonville area have a viable competitive base and that the industrial base capacity be adequate to handle the increase in Navy work; that JSI was encouraging ADD to proceed with the planned marine railway to meet the competition requirements in the homeport; JSI had made commitments of manpower levels to be maintained to support Navy needs; Congressman Bennett stated that, if the community does not have the industrial capacity to meet Navy ship repair needs, he will "see that the ships go somewhere else, and not only for repair, but for home basing"; the Jacksonville area shipyards, business community, and Navy were "working to expand the area's capacity for repairs," and the Navy itself was actively working to encourage capacity expansion; upon assuming his command in the area, SUPSHIP cited three goals: increased Navy housing in Mayport, development of ship repair capacity, and development of industrial capacity in the community to support that ship repair capacity.

The May 1982 Jacksonville Seafarer reported that: the Navy wants three drydock-capable yards in Jacksonville to provide a guaranteed competitive situation for repair work on new and existing ships homeported in the area; over $1.3 billion of work is scheduled to be done on vessels homeported at Mayport and Charleston during the next decade; because there are no drydocks capable of performing this work in Charleston, SUPSHIP Jacksonville indicated that Jacksonville yards can "expect to get much of the work from there [Charleston] if the area has the drydock capacity"; "Navy and Jacksonville Chamber of Commerce Task Force have agreed that if local yards cannot handle the work, it would favor having new companies established in the Jacksonville area to perform the work;" and regarding doubts about the ability of the projected ship repair business volume to support the new shipyard facilities, the Navy "can not guarantee in writing contracts over the long-term, largely because of its inability to award multiyear repair contracts because of budgeting restrictions, though Johnston [SUPSHIP JAX] did assure task force members that the work would be available if the facilities were. . . ."

Navy Homeport Policy. Before 1982, the Navy's homeport policy required that all ship repair availabilities, including overhauls (six months duration or more) or shorter term availabilities (selected restricted availabilities (SRAs), restricted availabilities, or technical availabilities), of ships having crews attached be accomplished in the homeport area when adequate competition was available. The primary goals of this policy were to minimize disruptive effects on Navy personnel and families caused by conducting ship maintenance away from the homeports and to provide industry better predictability of future business opportunities.

In testimony on March 10, 1982, before the House Armed Services Committee regarding the Naval Ship Overhaul Program, VADM Fowler had testified that the Navy policy is to overhaul ships in or near the homeport to minimize family disruption and improve crew morale. Other key factors in determining where a ship will be overhauled include ship complexity, fleet operations schedules and material readiness requirements, shipyard workload and qualifications, shipyard capacity and capability in the homeport area, and contract requirements regarding competition and small businesses. The following statements by the Admiral were also included in the record: "the long-term effect [of the homeport policy] is expected to be an increase in private sector industrial capacity near major homeport areas. In fact, the industry is already increasing its capability in areas of heavy fleet concentration such as San Diego, California; Norfolk, Virginia; and Jacksonville, Florida."

On July 19, 1982, OPNAVNOTE 4700 directed that at least one third of the regular overhauls of ships having crews attached be reserved for the homeport, with the balance to be competed coastwide and that SRAs be performed in the homeport "where feasible."

In 1985, the homeport policy required unrestricted competition for all overhauls, a change that resulted from Congressional direction (in the Conference Report on Making Continuing Appropriations for FY 1985 dated October 10, 1984) to terminate the policy of reserving one-third of overhauls for the homeport. The direction was based on factors which Congress believed would adversely affect the mobilization capability of non-homeport private shipyards—namely, decline of commercial ship repair workload making private ship repair firms more dependent on Navy work; increased ship repair work being done by shorter repair availabilities (specifically SRAs) that were 100 percent reserved for the homeport area; and corresponding decrease in overhauls available for coast-wide competition above the 30 percent homeport reservation.

In 1987, the homeport policy was codified at 10 U.S.C. 7299a by Sec. 1101 of the FY 1988/89 DoD Authorization Act. This law directs the Navy to restrict to the homeport area short-term repair or maintenance work if there is adequate competition. Short-term is defined as performance of six months or less.

Master Ship Repair (MSR) Policy. The 1981 NAVSEA draft report, mentioned above, noted that about 70 percent of work awarded under MSR contracts was subcontracted and recommended that MSR contract holders be required to meet certain qualifications regarding technical, management, financial, and facilities resources. As reported in the September 22, 1982, San Diego Union, at the September 21, 1982, meeting between the Navy and San Diego contractors, in response to a question regarding MSR contractors, VADM Fowler stated that the Navy had reached no conclusion regarding a requirement for firms to have waterfront facilities.

In the Conference Report to the Continuing Resolution for FY 1983, dated December 20, 1982, Congress directed the Navy to establish a certification procedure to qualify firms as MSR holders to guarantee fully qualified private sector capability. This language led to the Navy's establishment of a MSR recertification program on January 28, 1983, intended to ensure that MSR holders had the necessary facilities, management capability, and technical expertise.

On May 27, 1983, NAVSEAINST 4280.2 was issued to revise policy for MSR contracts. MSR contractors would be required to have the ability to perform an entire overhaul or SRA of a Naval ship of 500 tons or larger, including control (possession or committed access) of facilities (piers, shops, and a Navy-certified drydock), and an organization capable of performing 56 percent of the work for an overhaul in-house.

(In this respect, it is noted that SWM finalized its drycock purchase negotiations in December 1982—before Congressional identification of the MSR recertification program and before the SR policy change in May 1983.)

Multi-Ship Contracting Policy. In the Naval Sea Systems Command Ship Overhaul Policy Statement dated January 18, 1982, VADM Fowler stated that multiple ship procurements will be used, when appropriate, to provide incentives for shipyard improvements and capital investments as well as to obtain benefits of learning and economies of scale. In March 1982 Congressional testimony, VADM Fowler stated that multi-ship and cost type contracting under negotiated solicitations provided incentives for shipyard improvements and other benefits. The 1981 NAVSEA draft report mentioned above had recommended multi-year contracts as a possible way to provide incentives to encourage private development of ship repair facilities.

A July 13, 1982, San Diego Tribune article reported an internal NAVSEA memorandum indicating a NAVSEA desire for "a plan to award in one package in San Diego to the yard that promises to build the biggest and best facility to support this multi-ship overhaul and the Navy: 6 ships." This article stated that Navy officials would not comment on the authenticity of the memorandum or elaborate on ship repair plans in San Diego.

OPNAVNOTE 4700, issued on July 19, 1982, provided that multiple ship overhaul contracts would normally be competed coastwide and that increased use of multiple ship overhaul solicitations was desired to provide incentives for shipyard capital improvements and to achieve improved performance through greater competition. NAVSEA NOTICE 4710, issued September 3, 1982, reflected the policy to compete multiple ship contracts coast-wide.

(In this respect, it is noted that when SWM finalized its drydock purchase negotiations in December 1982, the multi-ship contracting policy provided that such contracts would normally be competed coast-wide. Moreover, multi-ship contracts never were in widespread use (partly because of the inherent restriction on competition) and have decreased in use since 1982. SWM admits that by 1982, the Navy had only awarded one multi-ship contract in San Diego and had canceled another multi-ship solicitation, repackaging the work as single ship contracts.)

IV. CLAIM SUBMISSIONS

The following discusses the SWM/ADD claims by addressing the claimants' submissions made since the last Navy analysis and decision regarding the facility investment claims—the Navy's November 2, 1992, Report to Congress—in relation to the prior record. As noted above, all the claimants' submissions have been reviewed, considered and analyzed as well as prior Navy reports.

January 29, 1993, Submission. Claimants submitted a joint document entitled "Claimants' Response to Navy Report to Congress," Dated January 29, 1993, (forwarded to Congress on February 1, 1993) in response to the Navy's November 2, 1992, Report to Congress which concluded that there was no legal or equitable basis to compensate SWM and ADD for their claims.

In arguing that it is essential that an equitable settlement be achieved and that Congress, if necessary, should give further direction/clarification to that end, claimants include various statements. Claimants identify "Navy barriers" to equitable resolution of the claims, namely: Navy placed a significant burden on claimants to draft a statement of facts, only to subsequently unilaterally draft a Navy statement of facts which raised a "whole host of new issues" and, thereby, delayed agreement on a statement of facts; Navy refused to give weight to sworn statements submitted by claimants or to provide any sworn evidence to contradict these statements; and Navy placed undue reliance on written versus oral exchanges, which denied claimants access to top-level Pentagon personnel and resulted in entitlement analysis being delegated to NAVSEA officials. Claimants also take issue with certain factual and legal conclusions of the Navy Report, which are discussed below; maintain their position that Sec. 122 creates Navy liability, with quantum being the only item to be determined; argue that P.L. 85-804 provides a "mechanism" to provide monetary settlement under formalization of informal commitment or residual powers authority; state that promissory estoppel represents a basis to provide monetary relief; argue that the doctrine and sovereign immunity is not a defense to Navy liability; and take issue with Navy conclusions regarding quantum.

This submission does not provide new facts or legal theories to support the claims but rather primarily consists of rebuttal arguments to conclusions made in the 1992 Navy Report. Those rebuttal arguments are discussed below.

May 1994 Submissions. SWM submitted in May 1994 a revised quantum proposal as a "resolution" to the claim, seeking a $15,000,000 cash payment in 1994, to be repaid $2,500,000 annually over a six-year period (1995–2000) by reducing SWM's depreciation cost pool allocated to current/future Navy cost contracts. This submission does not provide new facts or underlying legal theories to support the claim. Relative to the 1992 Navy Report, SWM's quantum request after discussions with the Navy was $18,600,000 in reliance damages for unrecovered depreciation and facilities capital cost of money, plus profit, from the time of the investment through 1987.

ADD also submitted in May 1994 a revised quantum proposal as a "resolution" to the claim. ADD and North Florida Shipyards (NFS) would form a third company (X Co.) to receive a 10 year lease of Navy AFDM 7 at NAVSTA Mayport for $1 rent per year, in return for yearly drydock operation/maintenance at X Co. expense, and ADFM 7 use dedicated to Navy ship repair. Use of AFDM 7 would be limited to ADD and NFS, which would compete for its use for specific Navy work. This submission indicates a different quantum than previously requested; ADD's request addressed in the 1992 Navy Report was for $6,900,000 in reliance damages. It does not provide new facts or underlying legal theories to support the claim.

August 8, 1994, Submission. SWM requested that the Navy provide SWM a $15,000,000 payment in 1994 pursuant to P.L. 85-804 to formalize an informal commitment or pursuant to exercise of residual powers. SWM asserted that the Navy should "report to the [appropriations] committees the amount of relief that it views as appropriate, in view of the Navy officials' inducement of Southwest's facilities investments." A legal memorandum provided arguments to support its conclusion that "relief along the lines proposed by Southwest would be an appropriate exercise of the Navy's discretion under P.L. 85-804, and in particular its discretion to formalize informal commitments by Navy officials."

This submission contains no new facts or underlying legal theories but, expands on the May 1994 submission by providing additional legal argument that P.L. 85-804 authority is available to make the $15,000,000 payment and rebuts P.L. 85-804 statements in the 1992

Navy Report. The relief requested is also different in quantum and type from that addressed in the 1992 Navy Report. See discussion above regarding the May 1994 SWM submission.

September 2, 1994, Submission. In response to an Assistant General Counsel (Research, Development & Acquisition) letter of August 24, 1994, requesting that SWM submit any additional "facts and information, or theories of relief" in support of its request for relief, SWM reiterated its request for extraordinary contractual relief in the form of a payment of $15,000,000 in 1994, with the following conditions: SWM will enter into an advance agreement providing for repayment by reduction of the depreciation cost pool allocated to SWM's Government contracts by $2,500,000 annually for the six-year period 1995–2000; SWM will reduce remaining long-term debt associated with the capital asset expenditures that gave rise to the dispute; SWM will provide a written release of any further Government liability for this claim. Alternatively, the $15,000,000 could be forgiven in equal increments over six years. According to SWM, because tax obligations relating to payment arise in the year of loan forgiveness rather than in the year of payment, more of the proceeds of payment would be applied to long-term debt reduction. SWM's request, certified in accordance with the Contract Disputes Act by Mr. Herbert Engel, SWM's President, seeks relief under P.L. 85–804 based on formalization of informal commitments or residual powers.

The narrative factual background of this submission essentially repeats the text in the January 29, 1993, submission, with minor changes. The discussion of P.L. 85–804 essentially repeats the text in the August 8, 1994, submission, with additional allegations that SWM's financial position is "far worse now than it was last April" when the Department of Transportation Board of Contract Appeals denied SWM's request for extraordinary relief; SWM will soon run out of credit and that, absent some financial relief, will "probably be insolvent within a matter of weeks." September 2, 1994, Submission at 40. A "1994 Consolidated Forecast" is also provided.

V. SPECIFIC CLAIMANT ARGUMENTS AND RELEVANT FACTS

The following summarizes those SWM/ADD arguments that take issue with the 1992 Navy Report as well as sets forth corresponding facts and Navy conclusions. (Cites are to the January 29, 1993, submission; as the other two submissions are repetitive, they are not specifically cited.)

Claimants were denied access to top-level Pentagon decision-makers. January 29 Submission at 9–10.

Facts: The negotiations and analysis of the claims undertaken for the 1992 Navy Report were handled by the General Counsel of the Navy, at the request of the Secretary of the Navy, with the exception of certain quantum issues when the General Counsel was unavailable and the Deputy General Counsel (Logistics) acted in his stead. Claimants were not denied access to senior Navy decision-makers.

The process of jointly drafting an uncontested statement of facts was arduous and unfair. January 29 Submission at 7–9.

Facts: More important than the length of time or difficulty in compiling a statement of facts is that the Navy fully considered claimants' views on all issues. When agreement could not be reached on certain issues, the 1992 Navy Report noted the claimants' differing views so that Congress would be able to consider all sides of the matter.

The Navy failed to give proper weight to sworn statements provided by claimants or to obtain sworn statements from relevant former Navy officials.

Facts: Claimants raised this argument, and the navy fully considered it, before issuance of the Navy 1992 Report. The Navy did not (and does not) consider that claimants' declarations, even if accepted as entirely accurate on their face, provide a factual basis for recovery on legal or equitable principles. Therefore, there was no need to substantiate or refute the facts asserted by claimants.

In the years following the facilities expansion programs, both ADD and SWM failed to realize the promised levels of work, which result is attributable to the Navy's refusal to issue homeport-restricted solicitations. SWM and ADD suffered a competitive disadvantage over other overhaul contractors due to the debt incurred by the facilities investments. January 29 Submission at 35.

Facts: The shipyards were independently contemplating facility improvements in the 1981–82 period and the investments were made after independent market analysis and business risk assessment. The investments were planned and initiated, in part, before Navy representations and, in part, based on expected increases in commercial work. The improvements resulted in benefits to each shipyard: an increase in Navy ship repair business and valuable operating asset improvements which enabled the shipyards to bid on and perform contracts for which they would otherwise have been unable to compete. From FY 1983–87, total overhaul work increased and total dollar volume of ship repair business in each homeport increased. The shipyards realized profits on most fixed priced Navy contracts performed during the relevant period. ADD was profitable during this time. SWM did not recover $2,600,000 of costs of performance. However, there is no evidence that this loss was attributable to purchase of the drydock. Instead, other factors could have caused the loss, such as SWM's loss of its small business size status just before its workload started to decrease, the general decline of the commercial ship repair industry during the period in question, SWM's decision to purchase a drydock with more than twice the capacity necessary for the vast majority of Navy homeported ships, or SWM inefficiencies in performance. SWM represented to its bank when obtaining the loan that SWM would lease the drydock to competitors when it was not using the drydock itself, but has not done so.

Furthermore, the shipyards do not offer any credit for cost recoveries realized under Navy fixed price and commercial contracts. SWM received over $80,000,000 in Navy payments for fixed price repair work performed in FY 1984–87 and asserts that none of this $80,000,000 represents recovery of its costs of performance. SWM also received over $50,000,000 in payments for commercial work during this time, but offers no credit for use of the drydock or recovery of drydock costs from this work. ADD received over $60,000,000 in Navy payments for fixed price repair work performed in FY 1983–87 and asserts that none of this $60,000,000 represents recovery of its costs of performance. ADD also received over $48,000,000 in payments for commercial work and non-Navy government work during this time and offers no credit for use of the marine railway or recovery of marine railway cost from such work.

Additionally, Navy policy is to not grant use of government drydock facilities to perform ship repair contracts if there is adequate competition in the homeport between private yards with dedicated access to privately-owned drydocks. This policy has benefited the shipyards. For example, in San Diego, because there is such competition between SWM and National Shipbuilding and Steel Company (NASSCO), the Navy does not make available its graving dock to offerors. As a result, offerors without dedicated access to private drydock facilities are ineligible to compete for phased maintenance multi-year/multi-ship solicitations.

The Navy attributed the decline in overhaul work in Jacksonville and San Diego to the trend to perform shorter repairs rather than overhauls, but the examples cited by the Navy do not prove that there was an inadequate supply of overhauls work for the Navy to honor its representatives. January 29 Submission at 33–41.

Facts: The Navy 1992 Report identified other trends in ship maintenance that "affected Navy ship repair planning[]" and that led to a decrease in the percentage of overhauls solicited only in the homeport. In particular, more complex ships meant that the length of time to perform an overhaul increased. Therefore, to maintain fleet operational requirements, a greater number of SRAs vice overhauls were scheduled. The Navy describes these trends as part of the factual background to the claims and does not argue that the increasing preference for SRAs somehow gave an excuse to not "honor its representations."

The Navy's correlation between SWM's loss of its small business size status and a subsequent loss of revenue does not take into account that, during "large parts" of FY 1984, SWM's facilities were unavailable for Navy work because the company was in the process of installing and testing its new drydock and SWM "expected some disruption of normal operations," and the new drydock changed SWM's business from primarily topside work and small drydock availabilities to larger jobs beyond the capacity of most small businesses. January 29 Submission at 42–43.

Facts: SWM lost its small business size status in December 1983, causing a significant loss of business because of an inability to bid on the many small business set-asides offered in the homeport. SWM had ranked first or second in Navy homeport repair business in FYs 1981, 1982, and 1983, but fell to fourth in FY 1984 and fell further to eighth in FY 1985 before beginning to recover in FYs 1986 and 1987. The Navy noted in its Report, the SWM rebuttal to this issue—specifically, that SWM in a November 25, 1991, letter asserted that it expected a decline in its FY 1984 business volume due to installation and testing of the drydock which is inconsistent with an earlier SWM statement that it is entitled to the award of numerous FY 1984 repair availabilities. Finally, where the new drydock gave SWM the capacity to perform larger jobs, the choice was with SWM to continue bidding on set-asides if it so desired; the loss of its size status took that choice away from SWM.

Contrary to the Navy's position, Congress should not be blamed for the change in homeport policy, because Congressional language on homeport policy only established "short-term, expedient measures designed to alleviate problems experienced by non-home port yards during a recession." The Navy must take responsibility for its role in reversing the homeport policy; the Navy had a "disposition toward the elimination of all homeport restrictions on overhaul solicitations" and never advised Congress of the SWM or ADD facility investments made in reliance on Navy representations. January Submission at 43–47.

Facts: See discussion above of homeport policy. In addition to direction to terminate the policy for reserving one-third of overhauls to the homeport in the Conference Report on the FY 1985 Continuing Appropriations Acts, the Conference Report for the FY 1984 DoD Appropriations Act added five additional overhauls, above the number included in the President's budget, to be awarded to private shipyards—two to be competed on the West Coast and three to be competed on the East Coast. The Navy 1992 Report notes SWM arguments similar to those in the January 29, 1993, submission and finds that there is no evidence to support that the Navy was, off the record, advocating to Congress that the homeport policy should be abandoned. Also, Congress was aware of Navy public statements regarding the need for additional drydock facilities in San Diego and Jacksonville at the time Congress directed relaxing the homeport policy. Members of the Florida and California Delegations were aware of those statements and actively participated in conveying many of them to constituents. In October 1984, Congress directed abandonment of the policy to restrict one-third of the homeport overhaul contracts to the homeport, and the Navy thereafter implemented that direction.

The principles of statutory construction dictate that Sec. 122 be interpreted to recognize Government legal liability for the claim. The words "if any" in the statute mean that Congress made no determination as to quantum of damages; Congressional interpretations of Sec. 122 after its enactment are relevant. Furthermore, Sec. 122 is like a Congressional reference case where the Court of Claims has previously ruled that equity demands compensation. January 29 Submission at 58–69.

Facts: These arguments were fully addressed in the Navy 1992 Report. Sec. 122 provides, in pertinent part, that "[t]he Secretary of the Navy shall enter into negotiations * * * to determine what liability (if any) the United States has for damages suffered by such a shipyard * * *." After the Navy originally denied the claim in 1990, Congress, in again addressing the matter, did not direct entitlement, but rather reconsideration of the claims. Conference Report accompanying the FY 1990 DoD Authorization Act. In the Conference Report for the FY 1994 DoD Authorization Act, Congress again only directed reconsideration—not entitlement. Special reference cases are generally enacted either to waive a Government affirmative defense or to provide an admission of liability by the Government, leaving to the courts the factual and legal questions relating to damages. These cases are strictly construed, and a Congressional confession of liability must be clearly expressed. Sec. 122 and its progeny have no expression of liability and is not a Congressional reference case. Post-enactment interpretations by Members of Congress are given legal effect only where not inconsistent with the statute and legislative history.

The Navy's conclusion that the Secretary will not exercise residual powers under P.L. 85–804 because such action is not "necessary and appropriate" or would not "facilitate the national defense" runs counter to the record, Sec. 122, and the post-enactment Congressional letters of clarification. P.L. 85–804 is authority for the Navy to provide equitable relief on the basis of formalization of informal commitments or residual powers authority. Federal Acquisition Regulation (FAR) 50.302-3 and FAR 50.401, respectively.

Facts: The Navy in 1992 denied relief under P.L. 85–804 on both formalization of informal commitment and residual powers grounds based on the facts. The Navy did (and does) recognize that the residual powers authority could be utilized but was (and is) not appropriate on the facts of the case. Both shipyards were never precluded from ship repair competitions; the facility improvements enhanced the ability to receive future Government contracts; and the shipyards received benefits from the capital improvements, including an increase in Navy ship repair work. Regarding the requirement to determine that granting relief will facilitate the national defense, the Navy found no evidence that the shipyards' continued viability was endangered. See also discussion below.

Although claimants now concede that they could not prevail if they sued the Government in the Court of Federal Claims on a claim of promissory estoppel, they assert that all elements of promissory estoppel essentially are present which "indicates why Congress felt a moral or honorable obligation to compensate the shipyards." Sec. 122 permits application of the "tenets of promissory estoppel to the matter." January 29 Submission at 74–75.

Facts: Statements by Navy representatives were opinions and predictions that an increase in homeport drydocking capability would increase the amount of Navy ship repair work which could be solicited within the homeport. The statements were reasonable predictions about future Navy ship repair business and expressed legitimate goals for enhanced competition and a stronger national industrial mobilization base. While the Navy desired and encouraged facility improvements in the two homeports, it disavowed any guarantees that future work would follow (and in fact expressly rejected making guarantees of work prior to the investments being made) and did not unfairly induce these investments. The Navy also did not urge specific improvements which were rather chosen by the shipyards.

There is no evidence that the Navy misled the shipyards by misrepresenting or concealing material facts. When the Navy statements were made, they were accurate and reasonable in light of the expanding 600-ship Navy and existing policy, and the Navy in 1981–82 did not know Congress would later direct changes in the homeport policy or that other later changes in policy would occur to reflect changing requirements. Navy officials never promised specific contracts or a specific amount of future repair work. The Navy representations were too indefinite and uncertain to support a claim of promissory estoppel. The record also shows that others (e.g., the Jacksonville Chamber of Commerce Ship Repair Facility Task Force) made representations and inducements to encourage homeport investment.

These shipyards were aware that Government policies affecting contractors are subject to change and, to the extent that they based their business decisions on certain existing Navy policies, they assumed the business risks that those policies could change.

Sec. 122 effectively waives sovereign immunity. The analogy of Congressional reference cases applies because Sec. 122 must be interpreted as a determination of liability. January 29 Submission at 76–78.

Facts: The Navy changes in homeport, master ship repair, and multi-ship policies were actions taken by the Government in its sovereign capacity. They were actions with a public and general application that affected all Navy ship repair contractors, all Navy ships, and ships' crews and their families, among others. These actions were not directed at SWM and ADD. The Government is immune from liability for its sovereign acts. The arguments regarding interpretation of Sec. 122 and the applicability of Congressional reference cases were found legally unpersuasive in other sections of the Navy Report. Furthermore, the case law on reference cases requires that the Government be guilty of wrongful or negligent acts in order to have liability on broad equity grounds. There is no evidence that the Navy acted wrongfully or negligently in making any representations or in changing contract or homeport policies.

Claimants repeat their disagreement with the Navy on various quantum issues—e.g., what facility investments can be considered "drydocking capacity" investments; propriety of ADD's inclusion of facilities capital cost of money; propriety of claimants' inclusion of imputed profit; and propriety of ADD's application of a discount to proposed change order prices. Claimants state that they did not recover investment costs from the fixed price contracts awarded in the claim period because, in order to win competitions, they could not raise prices to a level that would result in cost recovery for facility investments. January 29 Submission at 97–112.

Facts: Claimants have not presented any evidence to demonstrate that any alleged unrecovered facility investment costs are attributable to decreased levels of work competed in the homeport or to below-cost bids for fixed price ship repair contracts rather than other causes (such as inefficiencies). Furthermore, each shipyard realized increased Navy work after the facility investments. From FY 1983–87, the dollar volume of Navy ship repair business in Jacksonville doubled and ADD experienced a significant increase in Navy work following the investment. From FY 1983–87, San Diego Navy ship repair business increased substantially. SWM Navy work significantly increased in FY 1987 and after. Prior to FY 1987, SWM sales did not increase due, in large part, to SWM's loss of small business status in February 1984. The damages suffered are highly speculative. ADD/SWM have not acknowledged any recovery of investment costs in $60,000,000 and $80,000,000, respectively, of fixed price Navy and commercial ship repair work in the claim period. The companies may have already recovered more than the booked depreciation costs of the investments. During the October 24, 1994, meeting with ASN(RDA), both claimants admitted that they have been profitable for the last few years, with the exception of loss years in 1993 and 1994 for SWM.

VI. REEXAMINATION SUMMARIZED

In its 1993 and 1994 submissions, SWM/ADD did not submit any new facts, issues, legal theories, or supporting documentation relating to Navy actions during the relevant claim period that were not analyzed as part of the 1992 Navy Report. Also, SWM's P.L. 85–804 request at that time was the same as the present request—formalization of an informal commitment or residual powers. The only new data submitted relates to SWM's P.L. 85–804 request for payment of $15,000,000—specifically, data on its current financial position and its 1993/94 ship repair workload. The 1992 Report fully and completely documented the facts, substantive differences of opinion between the parties, legal and equitable issues and analysis, including supporting documentation. The Navy's 1992 Report fully analyzed claimants' claim on legal entitlement and on certain equitable or "fairness" theories: P.L. 85-804, broad moral responsibility, equitable estoppel, and promissory estoppel. The Navy cannot find a basis to reach conclusions different from those in the 1992 Navy Report.

Based on the Navy's independent review of the record—that existing for the 1992 Navy Report and all additional information submitted after the 1992 Navy Report—the Navy finds no legal entitlement for the claims and no reason to grant relief to the claimants based on fairness.

VII. P.L. 85-804

As mentioned above, SWM has requested payment of $15,000,000 to allow SWM "to reduce the long-term debt resulting from its facilities investment, which is contributing to its current serious cash flow problems," September 2 Submission at 4-5, pursuant to P.L. 85-804 (formalization of an informal commitment or residual powers).

Formalization of an Informal Commitment. FAR 50.302-3 provides: Under certain circumstances, informal commitments may be formalized to permit payment to persons who have taken action without a formal contract; for example, when a person, responding to an agency official's written or oral instructions and relying in good faith upon them, the official's apparent authority to issue them, has furnished or arranged to furnish supplies or services to the agency, or to a defense contractor or subcontractor, without formal contractual coverage. Formalizing commitments under such circumstances normally will facilitate the national defense by assuring such persons that they will be treated fairly and paid expeditiously.

No informal commitment shall be formalized unless the contractor submits a written request for payment within six months after furnishing, or arranging to furnish, supplies or services in reliance upon the commitment and the approving authority finds that, at the time the commitment was made, it was impracticable to use normal contracting procedures. FAR 50.203(d).

The 1992 Navy Report determined that these two conditions were absent. The Report stated that the facts "do not involve an urgency, emergency or other situation that precluded use of normal procurement procedures" (at 64) and that SWM and ADD submitted their request for relief years after the investments and changes to Navy policies (at 95).

SWM argues that it would be unfair to hold it to the six month period because it believed that payment for facilities investments would occur in the future by being awarded additional contracts pursuant to the homeport and other policies. Only years later did SWM realize such contracts were not going to be awarded. However, the Navy does not have authority to waive this regulatory limitation or allow the six months to run from when SWM knew, or should have known, that the facts upon which it relied had changed. In any case, SWM knew years before 1987, when it first submitted its claim, that the ship repair policies had substantially changed. Therefore, there is no basis to find that SWM acted promptly under any reasonable standard.

Regarding the impracticability of normal contract procedures, SWM argues that the Navy does not normally contract for private shipyards' facilities improvements and there is no requirement to find an emergency or other urgent situation. However, FAR 50.203(d)(2) requires that the agency must make a finding that, at the time the commitment was made, it was "impracticable to use normal contracting procedures." The subject matter of the informal commitment in question (e.g., private facility investments) is irrelevant to this regulatory limitation on formalization of informal commitments. While there is no specific regulatory requirement to find an emergency or other urgent situation, such time-sensitive situations are typical examples that can justify the impracticability of going through the often lengthy steps required to award a contract.

Residual Powers. Residual powers to enter into, amend, or modify a contract, or indemnify a contractor for unusually hazardous or nuclear risks, may be used "when necessary and appropriate, all circumstances considered." FAR 50.401.

The 1992 Navy Report found that the circumstances of this case did not warrant finding that extraordinary contractual relief was necessary and appropriate or that such relief would facilitate the national defense. The Report found that there was no liability on a theory of promissory estoppel because Navy representations were too vague and uncertain, were merely projections of anticipated future work in the homeports, and never promised specific contracts or guaranteed additional work. There was no liability under an equitable estoppel theory because the Navy did not mislead the claimants by misrepresentations or by concealing material facts. Navy representations in the nature of predictions of future homeport workload were reasonable and true, at the time, based on existing policies, and the claimants' investments resulted in valuable capital improvements that led to additional ship repair work. Finally, the Report found that there was no basis for relief on a theory of broad moral responsibility because there was no wrongful or negligent Government conduct.

The only new circumstances presented by SWM in its new submissions is its alleged cash flow problems, i.e., that it will soon run out of credit; absent relief, SWM will probably be insolvent within "a matter of weeks"; and insolvency may impact SWM's ability to complete Government contracts and "may require drastic actions to protect the company's assets." September 2, 1994, Submission at 40-41. In support of its financial situation, SWM submitted a "1994 Consolidated Forecast" (Attachment 19), "Projected Impact of $15,000,000 Relief Payment on Cash Flows For the Period 1994-1997" (Attachment 52), and a Port of San Diego breakdown of workload from October 1, 1992, to September 30, 1993, (Attachment 49).

SWM states that its financial position is "far worse" than last April when its P.L. 85-804 request for losses under four Maritime Administration (MARAD) contracts was denied by the Department of Transportation Contract Adjustment Board (DOTCAB). SWM's request to DOTCAB was for a $5,500,000 amendment without consideration, on the basis that it may lose sufficient working capital and have to cease operation before it can process its claims pursuant to the Contract Disputes Act.

DOTCAB solicited the positions of affected agencies regarding SWM's essentiality to the national defense and whether granting relief would facilitate the national defense. The Coast Guard responded that SWM was not essential and its continued viability would not facilitate the national defense. MARAD responded in the negative to both issues. The Navy stated that it cannot conclude that SWM is essential to the national defense and:

The company provides a significant source of competition for depot level availabilities that require drydocking of Navy ships homeported in San Diego. The loss of Southwest Marine's drydocking capability could have an adverse effect on Navy ships homeported in San Diego from a cost and time standpoint as well as on the quality of life for the ships' crews and their families.

The Navy is mindful that "[w]hether appropriate [extraordinary relief] action will facilitate the national defense is a judgment to be made on the basis of all the facts of the case." As we are not in possession of all pertinent facts and, equally important, because the matter is before the Maritime Administration and not the Navy, we offer no comment as to the advisability of granting Southwest Marine's request.

DOTCAB interpreted the Navy's letter as withholding an opinion on the question of whether granting relief (versus the continued viability of SWM) would facilitate the national defense; conveying that SWM is not essential to the national defense; and stating that the continued viability of SWM does aid and assist (i.e., facilitate) the national defense, because avoiding the adverse impact identified makes the Navy's tasks easier.

DOTCAB, in analyzing whether granting or withholding relief will affect SWM's ability to continue operations, found that SWM's actions have impaired its financial situation. SWM paid bonuses in 1993 to senior executives who, as a group, represented the four major stockholders (while aware of substantial losses being incurred under the MARAD contracts) and wrote off almost $5,000,000 in loans made to subsidiaries, both of which contributed to losses leading to default of the credit agreement with Wells Fargo Bank. SWM made a loan of $5,000,000 to its Chief Executive Officer for personal investment in another business, obtaining the funds in a transaction with its bank secured by SWM property—an impairment of SWM's ability to borrow further against its assets.

DOTCAB concluded that SWM was not essential to the national defense; that granting relief under P.L. 85-804 at that time would not facilitate the national defense; that SWM did suffer losses under the four MARAD contracts (although there is no finding as to the cause of the losses); and that it does not find that relief under the Contract Disputes Act is unavailable in sufficient time to continue SWM's viability.

Facilitation of National Defense. A prerequisite to granting relief under P.L. 85-804, including the use of residual powers, is the agency's determination that granting relief will facilitate the national defense. FAR 50.301 provides that "[w]hether appropriate action will facilitate the national defense is a judgment to be made on the basis of all of the facts of the case." Therefore, it is appropriate to consider the impact on the Navy if SWM's operations were to cease due to financial difficulties.

Uniqueness or Essentiality of SWM's Capabilities. Based on Navy projections of ship repair requirements in San Diego through the year 2000, the Navy needs at least two drydocks and sufficient pier space to conduct up to 12 depot maintenance availabilities at any one time. NASSCO and SWM are the only two private shipyards in San Diego that have the capability to drydock all Navy ships, with the exception of the largest (CVs/LHA/LHDs). If SWM were to go out of business, the Navy would be able to meet the foregoing facility requirements in San Diego. The drydocking facilities of NASSCO and the Navy in San Diego are adequate to meet Navy projected repair requirements. NASSCO has a Navy-certified floating drydock (20,750 LT capacity). The Navy has the

Naval Station graving dock (33,000 LT) and the Steadfast floating drydock (9,700 LT). In addition to this drydock capacity, four other contractors (apart from NASSCO and SWM) hold Master Ship Repair Agreements (MSRA) and three contractors hold Agreements for Boat Repair (ABR). Therefore, the continued viability of SWM as a ship repair company in San Diego is not essential for Navy operations or for industrial mobilization considerations.

Consequences if SWM Goes out of Business. If SWM were to cease operations, the Navy would lose the services of a ship repair firm with good facilities and performance record. The quality of SWM's piers and Navy-certified drydock is good. SWM's performance record, both past and current performance, on Navy ship repair contracts has been good. SWM is the San Diego shipyard with the most experience on AEGIS cruisers and destroyers. Unlike NASSCO, whose primary focus is on ship construction, SWM devotes its business to ship maintenance and modernization. Other examples of its experience include a successful completion of a major cruiser New Threat Upgrade, selection to support the USS *John Paul Jones* (DDG 53) shock trials, and award of the major amphibious ship (LPD/LSD) phased maintenance contracts in San Diego for the past five years.

Other effects should SWM cease operations include a decrease in competition and facilities available to perform homeport maintenance. There would remain only one private shipyard (NASSCO) with its own Navy-certified drydock capable of drydocking most Navy ships homeported in San Diego. Furthermore, if SWM's certified drydock were no longer available, the drydock capacity in San Diego would be significantly reduced. The Navy would have to award certain work sole source to NASSCO, if justifiable on a case by case basis; make the Navy's drydock or pier facilities available for purposes of achieving competition; or expand the solicitation area to include more distant facilities. The capacity of Government drydocks in San Diego is limited and making them available for competition would reduce their availability for emergent voyage repairs. Expanding the solicitation area could lead to contracts outside the homeport, with attendant costs of moving the ship and crew and negative affect on personnel quality of life. This could also cause a violation of Personnel Tempo (PERSTEMPO) Program Turn-Around-Ratio criteria, which could disrupt operations.

The following ships are, or soon will be, undergoing maintenance availabilities at SWM:

Contract No., ship, and completion date

N00024–89–C–8507, *Denver* (LPD–9), 10/28/94.

N00024–89–C–8507, *Duluth* (LPD–6), 1/06/95.

N00024–94–C–0057, *John Young* (DD–973), 12/16/94.

N62791–94—0103, LCM's (3), 10/14/94.

N62791–94–C–0108, *Peleliu* (LHA–5)[1], 12/09/94.

N00024–92–C–2802, *John Paul Jones* (DDG–53), 11/14/94.

N62387–93–C–3001, *San Jose* (T–AFS–7), 11/01/94; *Curtis Wilbur* (DDG–54), 12/19/94; *Fort McHenry* (LSD–43), 4/21/95; *Rushmore* (LSD–47), 4/21/95; *Cleveland* 4/28/95.

If SWM were to file for protection under Chapter 11 of the Bankruptcy Code, work on these ships would be affected and operating schedules delayed. The work would be delayed until the Bankruptcy Court approved either an assumption of these contracts by SWM or Navy terminating the contracts. Although there would be delay and perhaps additional cost in completing these contracts, the negative impact on Navy operations could be accommodated.

Therefore, as concluded in the Navy response to DOTCAB (a conclusion that remains valid), "loss of [SWM's] drydocking capability could have an adverse effect on Navy ships homeported in San Diego from a cost and time standpoint as well as on the quality of life for the ships' crews and their families."

SWM Viability. SWM has not demonstrated that it cannot obtain further lines of credit to support its cash flow requirements. There is no substantiation that SWM will cease operations any time soon. SWM merely stated that it "will probably be insolvent."

DCAA Audit Report No. 4221-94J17600001 of January 26, 1994, which analyzed SWM's financial condition in relation to its P.L. 85–804 request before MARAD, found "no adverse financial conditions which would preclude SWM from performing on its government contracts. Our audit disclosed relatively insignificant financial distress, and no indications of significant long-term problems." A basis for this opinion included audited 1994 business volume forecasts and projected cash flow resulting from this business volume. An updated financial capability audit of SWM, DCAA Audit Report No. 4151–94J17600007 of November 1, 1994, discloses "no adverse financial conditions which would preclude it [SWM] from performing on its government contracts," and "relatively insignificant" financial distress with no "indications of significant long-term problems." Regarding SWM's line of credit, SWM entered into an amended loan agreement with Wells Fargo Bank in June 1994. Although SWM may now be noncomplaint with the amended loan agreement's covenants on profitability and cash flow coverage, the bank has indicated that it will probably restructure the loan agreement. Accordingly, the audit concludes that SWM has demonstrated that it can work with the bank in resolving its needs.

Moreover, even if SWM's allegations of financial straits were accurate, granting the requested $15,000,000 relief would not necessarily result in SWM remaining a viable entity in San Diego. There is no evidence demonstrating that the amount and type of relief requested will satisfactorily resolve the alleged cash flow problems. There is no evidence to demonstrate that the amount requested related to SWM's financial viability. SWM has provided no explanation of the basis for requesting the $15,000,000 amount, i.e., how was it calculated? Nor is there any guarantee that SWM will not continue certain actions that DOTCAB found to have at least partly caused SWM's financial difficulties, such as granting bonuses to stockholders and writing off loans to subsidiaries.

Conclusion Regarding P.L. 85–804. Based on all of the foregoing considerations, it is not considered necessary to make a finding regarding "facilitation of the national defense," and, although SWM's operations in San Diego are beneficial to the Navy, the Navy cannot find that granting the requested P.L. 85–804 relief to SWM is appropriate in this case.

VIII. CONCLUSION

the Navy finds no legal entitlement for the SWM/ADD claims and no reason to grant relief to the claimants based on fairness. Moreover, the Navy cannot find that granting the requested P.L. 85–804 relief to SWM is appropriate in this case.

Contingent Liabilities: Provisions to indemnify contractors against liabilities because of claims for death, injury, or property damage arising from nuclear radiation, use of high energy propellants, or other risks not covered by the Contractor's insurance program were included in these contracts; the potential cost of the liabilities can not be estimated since the liability to the United States Government, if any, will depend upon the occurrence of an incident as described in the indemnification clause. Items procured are generally those associated with nuclear-powered vessels, nuclear armed missiles, experimental work with nuclear energy, handling of explosives, or performance in hazardous areas.

Contractor:	Number
Hercules, Inc	1
Rockwell International Corp	2
Interstate Electronics Corp	1
Unisys Systems Corporation	1
Westinghouse Electric Corporation	4
Honeywell Incorporated	2
Lockheed Missiles & Space Co., Inc	3
Raytheon Company	4
Kearfott Guidance & Navigation	4
Hughes Aircraft Company	4
Martin Marietta Defense Systems	8
General Dynamics Corps., Electric Boat Division	3
Newport News Shipbuilding and Drydock Co	3
Hughes Missile Systems Company	1
Total	41

DEPARTMENT OF THE AIR FORCE

Contractor: Various.

Type of action: Contingent Liability.

Actual or estimated potential cost: The amount the Contractors will be indemnified by the Government can not be predicted but could entail millions of dollars.

Service and activity: Civil Reserve Air Fleet (CRAF).

Description of product or service: FY 1994 Annual Airlift Contracts.

Reference: "Definitions of Unusually Hazardous Risks Applicable to CRAF FY 1994 and FY 1995 annual airlift Contracts" are described on pages 50 and 51.

Background: Twenty-six contractors have requested indemnification under P.L. 85–804, as implemented by Executive Order 10789, for the unusually hazardous risks (as defined) involved in providing airlift services for CRAF missions (as defined). In addition, Air Mobility Command (AMC) has requested indemnification for subsequently identified contractors and subcontractors who conduct or support the conduct of CRAF mission. The contractors for which indemnification is requested are those to be awarded as a result of Solicitation F11626–92–R0030 and future contracts to support CRAF missions, which are awarded prior to September 30, 1994. The 26 contractors requesting indemnification are listed below:

CONTRACTORS TO BE INDEMNIFIED AND PROPOSED CONTRACT NUMBER

Air Transport International (ATN), F11626–93–D0037.

American Int'l Airways (CKS), F11626–93–D0038.

American Trans Air (ATA), F11626–93–D0035.

Arrow Air (ARW), F11626–93–D0039.

AV Atlantic (AVA), F11626–93–D0040.

Buffalo Airways (BVA), F11626–93–D0041.

Continental Airlines (COA), F11626–93–D0042.

Delta Air Lines (DAL), F11626–93–D0043.

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[1] The U.S.S. *Peleliu* is located at a Navy pier.

DHL Airways (DHL), F11626–93–D0044.
Emery Worldwide (EWW), F11626–93–D0036.
Evergreen International (EIA), F11626–93–D0036.
Federal Express (FDX), F11626–93–D0035.
Hawaiian Airlines (HAL), F11626–93–D0045.
Int'l Charter Xpress (IXX), F11626–93–D0046.
Miami Air (MYW), F11626–93–D0047.
Northwest Airlines (NWA), F11626–93–D0035.
Private Jet (PVJ), F11626–93–D0048.
Rich International (RIA), F11626–93–D0036.
Southern Air Transport (SAT), F11626–93–D0035.
Sun Country Airlines (SCX), F11626–93–D0036.
Tower Air (TWR), F11626–93–D0051.
Trans World Airlines (TWA), F11626–93–D0050.
United Parcel Service (UPS), F11626–93–D0051.
US Air (USA), F11626–93–D0052.
World Airways (WOA), F11626–93–D0036.
Zantop International (ZIA), F11626–93–D0053.

Note: The same contract number may appear for more than one company because in some cases the companies are providing services under a joint venture arrangement.

Desert Shield/Storm showed that air carriers providing airlift services during contingencies and war require indemnification. Insurance policy war risk exclusions, or exclusions due to activation of CRAF, left many carriers uninsured—exposing them to unacceptable levels of risk. Waiting until a contingency occurs to process an indemnification request could result in delaying critical airlift missions. Contractors need to understand up front that risks will be covered by indemnification and how the coverage will be put in place once a contingency is declared.

Justification: The specific risks to be indemnified are identified in the applicable definitions. The Government will not incur a contingency liability as an immediate direct result of this advance indemnification approval; however, if the air carriers suffer losses or damages, exclusive of losses or damages that are within the air carriers' insurance deductible limits are not compensated by the contractors' insurance, the contractors will be indemnified by the Government. The amount of this indemnification can not be predicted, but could entail millions of dollars.

All of the 26 contractors are approved DoD carriers and, therefore, considered to have adequate, existing, and ongoing safety programs. Moreover, AMC has specific procedures for determining that a contractor is complying with government safety requirements. Also, the contracting officer has determined that the contractors maintain liability insurance in amounts considered to be prudent in the ordinary course of business within the industry. Specifically, each contractor has certified that its coverage satisfies the minimum level of liability insurance required by the Government. Finally, all contractors are required to obtain war hazard insurance available under Title XIII of the Federal Aviation Act of 1958 for hull and liability war risk. All but one contractor has obtained this coverage with the Federal Aviation Agency. The remaining firm will obtain it before receiving an Air Force CRAF contract. Additional contractors and subcontractors that conduct or support the conduct of CRAF missions may be indemnified only if they request indemnification, accept the same definition of unusually hazardous risks as identified, and meet the same safety and insurance requirements as the 26 contractors currently seeking indemnification.

Without indemnification, airlift operations to support contingencies or wars might be jeopardized to the detriment of the national defense, due to the non-availability to the air carriers of adequate commercial insurance covering risks of an unusually hazardous nature arising out of airlift services for CRAF missions. Aviation insurance is available under Title XIII for air carriers, but this aviation insurance, together with available commercial insurance, does not cover all risks which might arise during CRAF missions. Accordingly, it is found that incorporating the indemnification clause in current and future contracts for airlift services for CRAF missions would facilitate the national defense.

Decision: Under authority of P.L. 85–804 and Executive Order 10789, as amended, the request was approved on June 2, 1994, to indemnify the 26 air carriers listed above and other yet to be identified air carriers providing airlift services in support of CRAF missions for the unusually hazardous risks as defined. Indemnification under this authorization shall be affected by including the clause in FAR 52.250–1, entitled "Indemnification Under P.L. 85–804 (Apr 1984)," in the contracts for these services. This approval is contingent upon the air carriers complying with all applicable government safety requirements and maintaining insurance coverage as detailed above. The AMC Commander will inform the Secretary of the Air Force immediately upon each implementation of the indemnification clause.

Approval was also granted to indemnify subcontractors that request indemnification, with respect to those risks as defined.

DEPARTMENT OF THE AIR FORCE, HEADQUARTERS AIR MOBILITY COMMAND MEMORANDUM DATED OCTOBER 11, 1994

Findings: By Memorandum of Decision dated June 2, 1994, SAF granted indemnification to contractors for unusually hazardous risks involved in providing airlift support for CRAF missions. A CRAF mission means airlift services ordered pursuant to CRAF activation or directed by Commander AMC for missions that are deemed to be substantially similar to, or in lieu of, those ordered under CRAF activation.

Contracted civil air missions in support of possible military operations in Haiti could expose contractors to unusually hazardous risks, specifically war risks, because of the hostile environment they will encounter. AMC is requesting the Federal Aviation Administration (FAA) to provide Title XIII insurance for contractors flying missions in support of potential Haiti operations. Based on experience with past contingencies, AMC/DOF advises that commercial insurance may not be available at reasonable rates. Consistent with the SAF approval, indemnification will apply to the extent that the risks are not covered by Title XIII insurance or other insurance. Participation of civil air carriers is essential to successful completion of the mission. Contractors can not be expected to absorb the liability for loss that could arise while performing operations in Haiti. Without indemnification, the ability to support the airlift mission will be jeopardized.

Determination: On September 14, 1994, it was determined that missions in support of possible military operations in Haiti will be in lieu of CRAF activation and that indemnification under P.L. 85–804 is necessary to protect contractors against unusually hazardous risks associated with such missions.

AIR MOBILITY COMMAND DETERMINATION SUPPORTING INDEMNIFICATION UNDER PUBLIC LAW 85–804

Memorandum for SAF/OS dated October 11, 1994, from AMC/CC, subject: Indemnification of Contractors and Subcontractors for Unusually Hazardous Risks Involved in Providing Airlift Support for Civil Reserve Air Fleet (CRAF) Missions (SAF Memorandum of Decision, June 2, 1994).

As the June 2, 1994, memorandum requires, on October 11, 1994, AMC/CC provided notice of implementation of the indemnification clause for civil air missions supporting military operations in Haiti. The AMC staff provided verbal notice to SAF/AQCO during the week of September 12, 1994. The clause was implemented only after air carriers requested indemnification, and after it was determined these missions would be in lieu of CRAF activation and would require indemnification to protect carriers against unusually hazardous risks as defined in the June 2, 1994, memorandum. The indemnified missions began September 19, 1994.

AMC has implemented the indemnification clause for five contractors. Four of them (American Trans Air, Tower Air, World Airways, and Sun Country Airlines) are on the original list of 26 air carriers approved in the June 2, 1994, memorandum. Three additional contractors (Express One, US Air Shuttle, and North American Airlines) received FY 1994 contracts containing the indemnification clause. The indemnification clause was implemented for one of them—North American Airlines.

Contractor: Various.

Type of action: Contingent Liability.

Actual or estimated potential cost: The amount the Contractors will be indemnified by the Government can not be predicted, but could entail millions of dollars.

Service and activity: Civil Reserve Air Fleet (CRAF).

Description of product of service: FY 1995 Annual Airlift Contracts.

Reference: "Definitions of Unusually Hazardous Risks Applicable to CRAF FY 1994 and FY 1995 Annual Airlift Contracts" are described on pages 50 and 51.

Background: Twenty-nine contractors have requested indemnification under P.L. 85–804, as implemented by Executive Order 10789, for the unusually hazardous risks (as defined below) involved in providing airlift services for CRAF missions. In addition, Headquarters Air Mobility Command (HQ AMC) has requested indemnification for subsequently identified contractors and subcontractors who conduct or support the conduct of CRAF missions. The contractors for which indemnification is requested are those contracts awarded as a result of Solicitation F11626–94–R0001, and future contracts to support CRAF missions through September 30, 1995. The 29 contractors requesting indemnification are:

CONTRACTORS TO BE INDEMNIFIED AND CONTRACT NUMBER

Air Transport International (ATN), F11626–94–D0026.
Alaska Airlines (ASA), F11626–94–D0033.
American Airlines (AAL), F11626–94–D0029.
American Trans Air (ATA), F11626–94–D0026.
Arrow Air (ARW), F11626–94–D0030.
Atlas Air (GTI), F11626–94–D0031.
Buffalo Airways (BVA), F11626–94–D0034.
Continental Airlines (COA), F11626–94–D0035.
Delta Air Lines (DAL), F11626–94–D0036.
DHL Airways (DHL), F11626–94–D0037.
Emery Worldwide (EWW), F11626–94–D0027.

Evergreen International (EIA), F11626-94-D0027.
Express One (LHN), F11626-94-D0038.
Federal Express (FDX), F11626-94-D0026.
Int'l Charter Xpress (IXX), F11626-94-D0026.
Miami Air (MYW), F11626-94-D0040.
North American Airlines (NAO), F11626-94-D0041.
Northwest Airlines (NWA), F11626-94-D0026.
Rich International (RIA), F11626-94-D0027.
Southern Air Transport (SAT), F11626-94-D0026.
Sun Country Airlines (SCX), F11626-94-D0027.
Tower Air (TWR), F11626-94-D0044.
Trans World Airlines (TWA), F11626-94-D0043.
United Air Lines (UAL), F11626-94-D0045.
United Parcel Service (UPS), F11626-94-D0046.
US Air (USA), F11626-94-D0047.
US Air Shuttle (USS), F11626-94-D0048.
World Airways (WOA), F11626-94-D0027.
Zantop International (ZIA), F11626-94-D0049.

Note: The same contract number may appear for more than one company because in some cases the companies are providing services under a joint venture arrangement.

Desert Shield/Storm showed that air carriers providing airlift services during contingencies and war require indemnification. Insurance policy war risk exclusions or exclusions due to activation of CRAF left many carriers uninsured—exposing them to unacceptable levels of risk. Waiting until a contingency occurs to process an indemnification request could result in delaying critical airlift missions. Contractors need to understand up front that risks will be covered by indemnification and how the coverage will be put in place once a contingency is declared.

The specific risks to be indemnified are identified in the definitions. The Government will not incur a contingent liability as a direct result of this advance indemnification approval; however, if the air carriers suffer losses or incur damages as a result of the occurrence of a defined risk, and if those losses or damages, exclusive of losses or damages that are within the air carriers' insurance deductible limits are not compensated by the contractors' insurance, the contractors will be indemnified by the Government. The amount of this indemnification can not be predicted, but could entail millions of dollars.

All of the 29 contractors are approved DoD carriers and, therefore, considered to have adequate, existing, and ongoing safety programs. Moreover, HQ AMC has specific procedures for determining that a contractor is complying with Government safety requirements. Also, the contracting officer has determined that the contractors maintain liability insurance in amounts considered to be prudent in the ordinary course of business within the industry. Specifically, each contractor has certified that its coverage satisfies the minimum level of liability insurance required by the government. Finally, all contractors are required to obtain war hazard insurance available under Title XIII of the Federal Aviation Act of 1958 for hull and liability war risk. All but one contractor has obtained, and is required to maintain, this coverage under the Federal Aviation Act. The remaining firms will obtain it before receiving an Air Force CRAF contract. Additional contractors and subcontractors that conduct or support the conduct of CRAF missions may be indemnified only if they request indemnification, accept the same definition of unusually hazardous risks as defined, and meet the same safety and insurance requirements as the 29 contractors currently seeking indemnification.

Without indemnification, airlift operations to support contingencies or wars might be jeopardized to the detriment of the national defense, due to the non-availability to the air carriers of adequate commercial insurance covering risks of an unusually hazardous nature arising out of airlift services for CRAF missions. Aviation insurance is available under Title XIII for air carriers, but this aviation insurance, together with available commercial insurance, does not cover all risks which might arise during CRAF missions. Accordingly, it is found that incorporating the indemnification clause in current and future contracts for airlift services for CRAF missions would facilitate the national defense.

Therefore, under authority of P.L. 85-804 and Executive Order 10789, as amended, the request to indemnify the 29 air carries and other yet to be identified air carriers providing airlift services in support of CRAF missions for the unusually hazardous risks, as defined, was approved on September 30, 1994. Indemnification under this authorization shall be affected by including the clause in FAR 52.250-1, entitled "Indemnification Under P.L. 85-804 (Apr 1984)," in the contracts for these services. This approval is contingent upon the air carriers complying with all applicable Government safety requirements and maintaining insurance coverage as detailed above. The HQ AMC Commander will inform the Secretary of the Air Force immediately upon each implementation of the indemnification clause.

Approval was also granted to indemnify subcontractors that request indemnification, with respect to those risks as defined below.

DEFINITIONS OF UNUSUALLY HAZARDOUS RISKS APPLICABLE TO CRAF FY 1994 AND FY 1995 ANNUAL AIRLIFT CONTRACTS

1. Definitions:

a. "Civil Reserve Air Fleet (CRAF) Mission" means the provision of airlift services under this contract (1) ordered pursuant to authority available because of the activation of CRAF, or (2) directed by Commander, Air Mobility Command (AMC/CC), or his successor for missions substantially similar to, or in lieu of, those ordered pursuant to formal CRAF activation.

b. "Airlift Services" means all services (passenger, cargo, or medical evacuation), and anything the contractor is required to do in order to conduct or position the aircraft, personnel, supplies, and equipment for a flight and return. Airlift Services include Senior Lodger and other ground related services supporting CRAF missions. Airlift Services do not include any services involving any persons or things which, at the time of the event, act, or omission giving rise to a claim, are directly supporting commercial business operations unrelated to a CRAF mission objective.

c. "War risks" means risks of:

(1) War (including war between the Great Powers), invasion, acts of foreign enemies, hostilities (whether declared or not), civil war, rebellion, revolution, insurrection, martial law, military or usurped power, or attempt at usurpation of power;

(2) Any hostile detonation of any weapon of war employing atomic or nuclear fission and/or fusion, or other like reaction or radioactive force or matter;

(3) Strikes, riots, civil commotions, or labor disturbances related to occurrences under subparagraph (1) above;

(4) Any act of one or more persons, whether or not agents of a sovereign power, for political or terrorist purposes, and whether the loss or damage resulting therefrom is accidental or intentional, except for ransom or extortion demands;

(5) Any malicious act or act of sabotage, vandalism, or other act intended to cause loss or damage;

(6) Confiscation, nationalization, seizure, restraint, detention, appropriation, requisition for title or use by, or under the order of, any Government (whether civil or military or de facto), public, or local authority;

(7) Hijacking or any unlawful seizure or wrongful exercise of control of the aircraft or crew (including any attempt at such seizure or control) made by any person or persons on board the aircraft or otherwise acting without the consent of the insured; or

(8) The discharge or detonation of a weapon or hazardous material while on the aircraft as cargo or in the personal baggage of any passenger.

2. For the purpose of the contract clause entitled "Indemnification Under P.L. 85-804 (APR 1984)," it is agreed that all war risks resulting from the provisions of airlift services for a CRAF mission, in accordance with the contract, are unusually hazardous risks, and shall be indemnified to the extent that such risks are not covered by insurance procured under Title XIII of the Federal Aviation Act of other insurance, because such insurance has been canceled, has applicable exclusions, or has been determined by the government to be prohibitive in cost. The government's liability to indemnify the contractor shall not exceed that amount for which the contractor commercially insures under its established policies of insurance.

3. Indemnification is provided for personal injury and death claims resulting from the transportation of medical evacuation patients, whether or not the claim is related to war risks.

4. Indemnification of risks involving the operation of aircraft, as discussed above, is limited to claims or losses arising out of events, acts, or omissions involving the operation of an aircraft for airlift services for a CRAF mission, from the time that aircraft is withdrawn from the contractor's regular operations (commercial, DOD, or other activity unrelated to airlift services for a CRAF mission), until it is returned for regular operations. Indemnification with regard to other contractor personnel or property utilized or services rendered in support of CRAF missions is limited to claims or losses arising out of events, acts, or omissions occurring during the time the first prepositioning of personnel, supplies, and equipment to support the first aircraft of the contractor used for airlift services for a CRAF mission is commenced, until the timely removal of such personnel, supplies, and equipment after the last such aircraft is returned for regular operations.

5. Indemnification is contingent upon the contractor maintaining, if available, nonpremium insurance under Title XIII of the Federal Aviation Act and normal commercial insurance, as required by this contract or other competent authority. Indemnification for losses covered by a contractor self-insurance program shall only be on such terms as incorporated in this contract by the contracting officer in advance of such a loss.

Contractor: Boeing Defense and Space Group, Seattle, WA.

Type of action: Contingent Liability.

Actual or estimated potential cost: The amount the Contractor will be indemnified by the Government can not be predicted, but entail missions of dollars.

Service and activity: Department of the Air Force, AFMC/CC.

Description of product or service: Inertial Upper Stages (IUS) Program.

Background: Boeing Defense and Space Group, Seattle, WA, has requested indemnification for themselves and their major subcontractors, United Technologies Chemical Systems Division (CSD), and Lockheed Missiles & Space Company (LMSC), under P.L. 85-804, as implemented by Executive Order 10789, for the unusually hazardous risks as defined below. This indemnification request is applicable to performance of contract F04701-91-C-0011. An accident resulting from launch or landfall of the IUS or its components could be catastrophic.

The Administrative Contracting Officer (ACO) has reviewed Boeing's safety program and deemed it to be in compliance with the applicable safety requirements and acceptable for performance of this contract. In addition, Boeing currently has insurance coverage in force, and complete details of the exclusions and deductibles are contained in the schedule attached to their request. The cognizant ACO has reviewed the insurance policies and found them satisfactory and reasonable under normal business conditions. No significant changes in these insurance coverages are expected to occur during the course of this contract, except for annual updates of insurance in force and monetary limits. If the dollar value of coverage varies by more than 10 percent from that stated in the schedules provided, the contractor shall immediately submit to the contracting officer a description of the changes. It was found that the insurance coverage identified in the schedules represents an appropriate level of financial protection to permit indemnification.

Justification: The specific risks for this indemnification of Boeing have been identified below. No actual cost to the Government is anticipated as a result of the actions to be accomplished under a memorandum signed by the Secretary of the Air Force on November 4, 1994. However, if the contractor suffers losses or incurs damages as a result of the occurrence of a risk as defined below, and if those losses or damages, exclusive of losses or damages that are within the contractor's insurance deductible limits, are not compensated by the contractor's insurance, the contractor will be indemnified by the Government. It is recognized that the amount of this indemnification can not be predicted, but could entail many millions of dollars.

Aside from their importance to the IUS program, Boeing is a prime contractor for other major programs. A catastrophic financial impact on Boeing could have implications on their ability to produce launch vehicle upper stages, and ultimately on the existing defense system. Accordingly, it was found that the incorporation of an indemnification clause in this contract would facilitate the national defense.

Decision: Therefore, under the authority of P.L. 85-804 and Executive Order 10789, as amended, the indemnification of Boeing against those unusually hazardous risks, as defined below, to the extent claims arising thereunder are not covered by self-insurance or compensated by insurance coverage, facilitates the national defense was approved. Indemnification under this authorization shall be effected by including the clause at FAR 52.250-1, entitled "Indemnification Under P.L. 85-804 (Apr 1984)" and Attachment 1 in contract F04701-91-C-0011. This approval is contingent upon Boeing maintaining their aggressive safety program and current insurance coverage.

Boeing has requested indemnification be extended to their major subcontractors, United Technologies Chemical Systems Division (CSD), and Lockheed Missiles and Space Company (LMSC), with respect to the same risks as defined below. Approval to indemnify these subcontractors was granted exclusive of any insurance coverage amounts provided the contracting officer approves inclusion of the clause in each subcontract. This approval may only be granted in the case where the contracting officer determines that the subcontractors' insurance coverage represents an appropriate level of financial protection, and that, based upon a safety inspection, the subcontractors adhere to good safety practices.

DEFINITION OF UNUSUALLY HAZARDOUS RISKS CONTRACT F04701-91-C09911 (APPLICABLE TO BOEING DEFENSE AND SPACE GROUP, UNITED TECHNOLOGIES CHEMICAL SYSTEMS DIVISION, AND LOCKHEED MISSILES AND SPACE COMPANY ONLY)

For the purpose of contract clause entitled "Indemnification Under Public Law 85-804 (APR 1984)," it is agreed that all risks resulting from, or in connection with:

a. The burning, explosion, or detonation of launch vehicles or components thereof during preparation, casting, and testing of Solid Rocket Motor (SRM) propellant, shipment of SRMs, launch processing liftoff or flight, abort landing or subsequent return of the Inertial Upper Stage (IUS) to the launch site; and

b. The landfall of launch vehicles or components or fragments thereof, are unusually hazardous risks, unless it is proven that the contractor's liability arose from causes entirely independent of the design, fabrication, testing or furnishing of products or services under this contract.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

576. A letter from the Director, Administration and Management, Office of the Secretary of Defense, transmitting the calendar year 1994 report on "Extraordinary Contractual Actions to Facilitate the National Defense," pursuant to 50 U.S.C. 1434; to the Committee on National Security.

577. A letter from the Chairman, Defense Environmental Response Task Force, transmitting a report of the Defense Environmental Response Task Force for fiscal year 1994; to the Committee on National Security.

578. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Greece for defense articles and services (Transmittal No. 95-08), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

579. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to Brazil (Transmittal No. 15-95), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

580. A communication from the President of the United States, transmitting an update of events in Haiti (Operation "Uphold Democracy") consistent with the War Powers Resolution to ensure that the Congress is kept fully informed regarding events in Haiti (H. Doc. No. 104-50); to the Committee on International Relations and ordered to be printed.

581. A letter from the Chairman, Administrative Conference of the United States, transmitting the 1994 annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

582. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1994, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

583. A letter from the Director, Office of Government Ethics, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

584. A letter from the Vice President and General Counsel, Overseas Private Investment Corporation, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

585. A letter from the Adjutant General, Veterans of Foreign Wars of the United States, transmitting the financial audit for the fiscal year ended August 31, 1994, together with the auditor's opinion, pursuant to 36 U.S.C. 1101(47), 1103; to the Committee on Judiciary.

586. A letter from the Comptroller General of the United States, transmitting a report addressing the deficit entitled "Budgetary Implications of Selected GAO Work for FY 1996" (GAD/OCG-95-2); jointly, to the Committee on Government Reform and Oversight and the Budget.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BUYER:

H.R. 1288. A bill to amend the Solid Waste Disposal Act to permit Governors to limit the disposal of out-of-State solid waste in their States, and for other purposes; to the Committee on Commerce.

By Mr. ACKERMAN (for himself, Ms. Ros-Lehtinen, Mr. McCollum, Mrs. Schroeder, Mr. Smith of New Jersey, Mr. Lewis of Georgia, Mr. DeLay, Mr. McDermott, Ms. Molinari, Mr. Tauzin, Mr. Gilman, Mr. Mfume, Mrs. Kennelly, Mr. Abercrombie, Mr. Andrews, Mr. Baesler, Mr. Baldacci, Mr. Barrett of Wisconsin, Mr. Beilensen, Mr. Bentsen, Mr. Berman, Mr. Bevill, Mr. Bilbray, Mr. Bishop, Mr. Boehlert, Mr. Borski, Mr. Boucher, Mr. Brewster, Mr. Browder, Ms. Brown of Florida, Mr. Brown of Ohio, Mr. Bryant of Tennessee, Mr. Bryant of Texas, Mr. Burton of Indiana, Mr. Callahan, Mr. Calvert, Mr. Canady, Mr. Chapman, Mrs. Chenoweth, Mr. Clay, Mrs. Clayton, Mr. Clement, Mr. Clyburn, Mr. Coleman, Miss Collins of Michigan, Mrs. COLLINS of Illinois, Mr. CONDUIT, Mr. CONYERS, Mr. COSTELLO, Mr. COYNE, Mr. CRAMER, Mr. DeFAZIO, Mr. DE LA GARZA, Mr. DELLUMS, Mr. DEUTSCH, Mr. DIAZ-BALART, Mr. DICKS, Mr. DIXON, Mr. DORNAN, Mr. DOYLE, Mr. EDWARDS, Mr. ENGEL, Ms. ESHOO, Mr. EVANS, Mr. EVERETT, Mr. FARR, Mr. FATTAH, Mr. FAZIO of California, Mr. FIELDS of Louisiana, Mr. FILNER, Mr. FOGLIETTA, Mr. FOLEY, Mr. FORBES, Mr. FORD, Mr. FOX, Mr. FRISA, Mr. FROST, Mr. FUNDERBURK, Ms. FURSE, Mr. GALLEGLY, Mr. GEJDENSON, Mr. PETE GEREN of Texas, Mr. GIBBONS, Mr. GILLMOR, Mr. GORDON, Mr. GOSS, Mr. GENE GREEN of Texas, Mr. GREENWOOD, Mr. GUTIERREZ, Mr. GUTKNECHT, Mr. HALL of Ohio, Mr. HALL of Texas, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HAYES, Mr. HEFNER, Mr. HILLIARD, Mr. HINCHEY, Mr. HOLDEN, Mr. HOUGHTON, Mr. HOYER, Mr. INGLIS of South Carolina, Ms. JACKSON-LEE, Mr. JACOBS, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SAM JOHNSON, Mr. JOHNSTON of Florida, Mr. KANJORSKI, Ms. KAPTUR, Mr. KILDEE, Mr. KING, Mr. KINGSTON, Mr. KLECZKA, Mr. KLINK, Mr. LaFALCE, Mr. LANTOS, Mr. LAUGHLIN, Mr. LAZIO of New York, Mr. LEVIN, Mrs. LINCOLN, Mr. LIPINSKI, Ms. LOFGREN, Ms. LOWEY, Mr. MANTON, Mr. MANZULLO, Mr. MARTINEZ, Mr. MARTINI, Mr. MASCARA, Mr. MATSUI, Ms. McCARTHY, Mr. McHALE, Mr. McHUGH, Ms. McKINNEY, Mr. McNULTY, Mr. MEEHAN, Mrs. MEEK of Florida, Mr. METCALF, Mr. MENENDEZ, Mr. MILLER of Florida, Mr. MILLER of California, Mr. MINETA, Mr. MINGE, Mrs. MINK of Hawaii, Mr. MOAKLEY, Mr. MONTGOMERY, Mr. MORAN, Mr. MURTHA, Mr. NEAL of Massachusetts, Mr. OBERSTAR, Mr. ORTIZ, Mr. ORTON, Mr. PALLONE, Mr. PARKER, Mr. PASTOR, Mr. PAXON, Mr. PAYNE of Virginia, Mr. PAYNE of New Jersey, Mr. PETERSON of Florida, Mr. PICKETT, Mr. POMBO, Mr. POMEROY, Mr. POSHARD, Ms. PRYCE, Mr. QUINN, Mr. RAHALL, Mr. RANGEL, Mr. REYNOLDS, Mr. RICHARDSON, Ms. RIVERS, Mr. ROHRABACHER, Mr. ROSE, Mrs. ROUKEMA, Ms. ROYBAL-ALLARD, Mr. ROYCE, Mr. RUSH, Mr. SABO, Mr. SAWYER, Mr. SCHIFF, Mr. SCOTT, Mr. SHAW, Mr. SKELTON, Mrs. SMITH of Washington, Mr. SOLOMON, Mr. SOUDER, Mr. STARK, Mr. STEARNS, Mr. STENHOLM, Mr. STOCKMAN, Mr. STOKES, Mr. STUMP, Mr. TANNER, Mr. TAYLOR of Mississippi, Mr. TEJEDA, Mr. THOMAS, Mr. THOMPSON, Mrs. THURMAN, Mr. TORKILDSEN, Mr. TORRES, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAFICANT, Mr. TUCKER, Mr. UNDERWOOD, Mr. UPTON, Mr. VENTO, Mr. VISCLOSKY, Mr. VOLKMER, Mrs. WALDHOLTZ, Ms. WATERS, Mr. WATT of North Carolina, Mr. WELLER, Mr. WILLIAMS, Mr. WILSON, Mr. WISE, Ms. WOOLSEY, Mr. WYDEN, Mr. WYNN, Mr. YATES, Mr. YOUNG of Alaska, and Mr. ZIMMER):

H.R. 1289. A bill to require in certain circumstances that States disclose the HIV status of newborn infants to legal guardians of the infants, and for other purposes; to the Committee on Commerce.

By Mr. COOLEY:

H.R. 1290. A bill to reinstate the permit for, and extend the deadline under the Federal Power Act applicable to the construction of, a hydroelectric project in Oregon, and for other purposes; to the Committee on Commerce.

By Mr. GREENWOOD (for himself, Mr. FRANKS of New Jersey, Mr. FRANK of Massachusetts, and Mr. HORN):

H.R. 1291. A bill to amend title 39, United States Code, to provide that the provisions of law preventing Members of Congress from sending mass mailings within the 60-day period immediately before an election be expanded so as to prevent Members from mailing any unsolicited franked mail within that period, and for other purposes; to the Committee on House Oversight, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HYDE:

H.R. 1292. A bill to revise, codify, and enact without substantive change certain general and permanent laws, related to aliens and nationality, as title 8, United States Code, "Aliens and Nationality"; to the Committee on the Judiciary.

By Mr. JOHNSON of South Dakota (for himself and Mr. COSTELLO):

H.R. 1293. A bill to amend the Employee Retirement Income Security Act of 1974 with respect to rules governing litigation contesting termination or reduction of retiree health benefits; to the Committee on Economic and Educational Opportunities.

By Mr. LATHAM:

H.R. 1294. A bill to prohibit the Secretary of the Army from modifying water control policies in a manner which would interfere with the use of navigation channels; to the Committee on Transportation and Infrastructure.

By Mr. MOORHEAD (for himself, Mr. SENSENBRENNER, Mr. COBLE, Mr. CANADY, Mr. GOODLATTE, Mr. BONO, and Mr. BOUCHER):

H.R. 1295. A bill to amend the Trademark Act of 1946 to make certain revisions relating to the protection of famous marks; to the Committee on the Judiciary.

By Ms. PELOSI (for herself, Mr. HORN, Mr. GILMAN, and Mr. LANTOS):

H.R. 1296. A bill to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer; to the Committee on Resources.

By Mr. SHAYS (for himself and Mr. BORSKI):

H.R. 1297. A bill to promote a new urban agenda, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Banking and Financial Services, Science, Commerce, Transportation and Infrastructure, Government Reform and Oversight, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. Thomas (for himself and Mr. MOORHEAD):

H.R. 1298. A bill to amend the Federal Food, Drug, and Cosmetic Act to exempt fluid milk standards of the State of California from preemption in order to guarantee the same high quality fluid milk to the consumers of California that they have received since 1961; to the Committee on Commerce.

By Mr. THOMAS (for himself, Mr. STARK, and Mr. FARR):

H.R. 1299. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain charitable risk pools; to the Committee on Ways and Means.

By Mr. UPTON (for himself, Mr. GREENWOOD, Mr. BURR, Mr. NORWOOD, Mr. COBURN, Mr. BILBRAY, Mr. HASTERT, Mr. GANSKE, Mr. TOWNS, Mr. COX, Mr. GILLMOR, Mr. MOORHEAD, Mr. HALL of Texas, Mr. BRYANT of Tennessee, Mr. KNOLLENBERG, Mr. CHRYSLER, Mr. CAMP, Mr. BARCIA, Mr. EHLERS, Mr. MARTINI, Mr. CALVERT, Mr. ROHRABACHER, Mr. McINTOSH, Mr. CHAMBLISS, Mr. COOLEY, Mr. BREWSTER, Mr. FRELINGHUYSEN, Mr. CHABOT, Mr. TRAFICANT, Mr. SOLOMON, Mr. OXLEY, Mrs. CHENOWETH, and Mr. RAMSTAD):

H.R. 1300. A bill to amend the Federal Food, Drug, and Cosmetic Act to authorize the export of new drugs, and for other purposes; to the Committee on Commerce.

By Mr. VENTO (for himself, Mr. REGULA, Mr. RAHALL, Mr. NEAL of Massachusetts, Mr. TORKILDSEN, Mr. HINCHEY, Mr. BLUTE, Mr. COYNE, Mr. SAWYER, Mr. TRAFICANT, Mr. HALL of Ohio, Mr. MEEHAN, Mr. REED, Mr. BOEHLERT, Mr. BOUCHER, Mr. MOLLOHAN, and Mr. HOKE):

H.R. 1301. A bill to establish the American Heritage Areas Partnership Program, and for other purposes; to the Committee on Resources.

By Mr. WISE (for himself, Mr. ACKERMAN, Mr. MASCARA, Mr. OWENS, Ms. PELOSI, Mr. STUDDS, Mr. YATES, and Mr. CLINGER):

H.R. 1302. A bill to establish the Capital Budget Commission; to the Committee on Government Reform and Oversight.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. MONTGOMERY (by request) introduced a bill (H.R. 1303) for the relief of John T. Monk; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. HEFLEY and Mr. LUCAS.

H.R. 29: Mr. KNOLLENBERG.

H.R. 65: Ms. DANNER and Mr. COX.

H.R. 103: Mr. RAHALL, Mr. FOX, Mr. WILSON, Mr. STUPAK, Mr. WELDON of Pennsylvania, Mr. CLEMENT, Mr. WALSH, Mr. FOGLIETTA, and Mr. CANADY.

H.R. 104: Mr. ENGLISH of Pennsylvania.

H.R. 107: Mr. CALVERT.

H.R. 116: Ms. HARMAN, Mr. HUNTER, Mr. PACKARD, Mr. FILNER, Mr. CUNNINGHAM, Mr. HORN, Mr. CALVERT, Mr. KIM, Mr. LEWIS of California, Mr. RIGGS, and Mr. GALLEGLY.

H.R. 125: Mr. DINGELL, Mr. LEWIS of Kentucky, and Mr. PACKARD.

H.R. 218: Mr. BONO.

H.R. 248: Mr. EHLERS and Mr. HUTCHINSON.

H.R. 303: Ms. DANNER.

H.R. 329: Mr. FUNDERBURK.

H.R. 359: Mr. THORNBERRY and Mr. YATES.

H.R. 467: Mr. CALVERT and Mr. DOYLE.

H.R. 497: Mr. GUTKNECHT, Mr. PETE GEREN of Texas, and Mrs. WALDHOLTZ.

H.R. 528: Mr. RAMSTAD.

H.R. 580: Mr. FILNER, Mr. STEARNS, Mr. ROHRABACHER, Mr. HANCOCK, Mr. GENE

Green of Texas, Mr. Hefner, Mr. Underwood, and Mr. Montgomery.

H.R. 592: Mr. Bono and Mr. Hancock.

H.R. 605: Mr. Baker of Louisiana.

H.R. 661: Mr. Torkildsen.

H.R. 682: Mr. LaHood and Mrs. Vucanovich.

H.R. 698: Mr. Lewis of Kentucky.

H.R. 743: Mr. Norwood, Mr. Hall of Texas, Mr. Zimmer, Mr. Fattah, and Mr. Quillen.

H.R. 769: Mr. Shays, Mr. Fields of Texas, Mr. Faleomavaega, Mr. Baker of California, Mr. Diaz-Balart, Mr. Petri, Mrs. Cubin, Mr. Ehlers, Mr. Greenwood, Mr. Norwood, Mr. Martinez, and Mr. Weller.

H.R. 777: Mr. Abercrombie, Mr. Cardin, Mr. Clement, Mr. Coleman, Mr. Deutsch, Ms. Dunn of Washington, Mr. Gallegly, Mr. Hall of Ohio, Mr. Holden, Mr. Hyde, Mr. Johnson of South Dakota, Mr. McHugh, Mrs. Maloney, Mr. Meehan, Mr. Moakley, Mr. Oberstar, Mr. Owens, Mr. Rogers, Ms. Ros-Lehtinen, Mr. Sanders, Mr. Scott, Mr. Serrano, Mr. Torkildsen, Mr. Underwood, Mr. Filner, Mr. Cooley, Ms. Norton, and Mr. Foglietta.

H.R. 778: Mr. Abercrombie, Mr. Cardin, Mr. Clement, Mr. Coleman, Mr. DeFazio, Mr. Deutsch, Ms. Dunn of Washington, Mr. Gallegly, Mr. Hall of Ohio, Mr. Holden, Mr. Hyde, Mr. Johnson of South Dakota, Mr. McHugh, Mrs. Maloney, Mr. Meehan, Mr. Moakley, Mr. Oberstar, Mr. Owens, Mr. Rogers, Ms. Ros-Lehtinen, Mr. Sanders, Mr. Scott, Mr. Serrano, Mr. Torkildsen, Mr. Underwood, Mr. Weller, Mr. Filner, Mr. Cooley, Ms. Norton, and Mr. Foglietta.

H.R. 779: Mr. Foglietta and Mr. Serrano.

H.R. 780: Mr. Foglietta and Mr. Serrano.

H.R. 782: Mr. Jacobs and Mr. Lewis of California.

H.R. 789: Mr. Gilchrest.

H.R. 820: Mr. Bachus, Mr. Dooley, and Mr. Ehlers.

H.R. 842: Mr. Jacobs, Mr. Doyle, Mr. Klink, Ms. Eshoo, Mr. Upton, Mr. Bereuter, Mr. Chapman, Mr. Bono, Mr. Scarborough, Mr. McNulty, Mr. Nadler, Mr. Cremeans, Mr. Crapo, Mr. Longley, Mr. Doolittle, Mr. Volkmer, Mr. Gejdenson, Mr. Stupak, Mr. Roberts, Mr. Gillmor, Mr. Lewis of California, Mr. Davis, Mr. Baesler, Mr. Ney, Mr. Riggs, Mr. Houghton, Mr. Deal of Georgia, Mr. Weldon of Pennsylvania, Mr. Cooley, Mr. Montgomery, Ms. Dunn of Washington, Mr. Myers of Indiana, Mr. Neumann, Mr. Heineman, Mr. Watts of Oklahoma, Mr. Lewis of Kentucky, Mrs. Lowey, Mr. McHugh, Mr. Payne of New Jersey, Mr. Sisisky, Mr. Dornan, Mrs. Chenoweth, Mr. Chrysler, Mr. Funderburk, Mr. Hinchey, Mrs. Lincoln, Mr. Matsui, Mr. Gallegly, Mr. Ensign, Mr. Hilliard, Mrs. Cubin, Mr. Rose, Mr. Metcalf, Mr. Camp, Mr. Calvert, Mr. Schiff, Mr. Poshard, Mr. Richardson, Mr. Smith of Texas, and Mrs. Waldholtz.

H.R. 893: Mr. Payne of New Jersey, Mr. Pallone, Mr. Dingell, Mr. Goss, and Mr. Oxley.

H.R. 896: Ms. DeLauro, Ms. Lowey, and Mr. Obey.

H.R. 914: Mr. Thompson and Mr. Gene Green of Texas.

H.R. 934: Mrs. Chenoweth.

H.R. 935: Mrs. Chenoweth.

H.R. 990: Mr. Bryant of Texas, Mr. Ney, Mr. Sabo, Mr. Gene Green of Texas, Mr. Rahall, Mr. Montgomery, Mr. Emerson, and Mr. Frost.

H.R. 995: Mr. Allard, Mr. Pickett, and Mr. Gallegly.

H.R. 996: Mr. Allard and Mr. Pickett.

H.R. 1010: Mr. Jacobs, Ms. Lowey, Mr. Payne of New Jersey, Mr. Barton of Texas, and Ms. Pelosi.

H.R. 1020: Mr. Stupak, Mrs. Fowler, Mr. Gunderson, Mr. Rohrabacher, Mr. Knollenberg, Mr. Crapo, Mr. Ballenger, Mr. Frelinghuysen, Mr. Jefferson, Mr. Minge, Mr. Hutchinson, Mr. Scarborough, Mr. Bachus, and Mr. Chrysler.

H.R. 1023: Mr. Baker of Louisiana and Mr. Yates.

H.R. 1033: Mr. Waxman, Mr. Knollenberg, Mrs. Maloney, Mr. Forbes, Mr. McNulty, Mr. Frisa, and Mr. Torricelli.

H.R. 1044: Mr. Foglietta and Mr. English of Pennsylvania.

H.R. 1056: Ms. Roybal-Allard.

H.R. 1085: Mrs. Lincoln.

H.R. 1103: Mr. Chambliss.

H.R. 1114: Mr. Rose, Mr. Ehrlich, Mr. Paxon, Mr. Knollenberg, and Mrs. Chenoweth.

H.R. 1143: Mr. Kim, Mr. Doyle, Mr. Evans, Mr. Oxley, Mr. LaTourette, Mr. Bono, Mr. Baker of Louisiana, and Mr. Lipinski.

H.R. 1144: Mr. Kim, Mr. Doyle, Mr. Evans, Mr. Oxley, Mr. LaTourette, Mr. Bono, Mr. Baker of Louisiana, and Mr. Lipinski.

H.R. 1145: Mr. Kim, Mr. Evans, Ms. Rivers, Mr. Oxley, Mr. Bono, Mr. Baker of Louisiana, and Mr. Lipinski.

H.R. 1187: Mr. Brewster.

H.R. 1233: Mr. Abercrombie, Mr. Ackerman, Mr. Boucher, Mr. Clyburn, Mr. Frost, Mr. LaFalce, Mr. Mascara, Mr. Owens, Ms. Pelosi, Mr. Studds, and Mr. Yates.

H.R. 1244: Mr. Conyers.

H.R. 1250: Mr. Nadler.

H.J. Res. 79: Mr. McIntosh.

H. Con. Res. 12: Mr. Bono.

H. Con. Res. 21: Mr. Bryant of Texas, Mr. Manton, Mr. Serrano, Mr. Underwood, Ms. Furse, Mrs. Morella, Mr. Waxman, Mr. Hall of Ohio, Mr. Fazio of California, and Mr. Reed.

H. Con. Res. 45: Mr. Hefner, Mr. Sanders, and Mr. Johnson of South Dakota.

H. Res. 21: Mr. Rohrabacher.

H. Res. 39: Mr. Jacobs and Mr. Watt of North Carolina.

H. Res. 97: Mrs. Chenoweth.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 390: Mr. Stark.

EXTENSIONS OF REMARKS

TRIBUTE TO BELARUSAN INDEPENDENCE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1995

Mr. PALLONE. Mr. Speaker, on Sunday, March 26, 1995, the Belarusan American Association, Inc., in New Jersey will commemorate the 77th anniversary of the Proclamation of the Belarusan Democratic Republic at the Hyatt Regency in New Brunswick, NJ. It will be a great honor and a privilege for me to participate in this important event.

Mr. Speaker, I believe it is particularly important at this moment in history that we proclaim our strong support for the Republic of Belarus and the other Newly Independent States of the former Soviet Union. The ongoing Russian military action in Chechnya raises serious questions about the possibility of imperialistic designs by Russia on former nations under its empire—whether Czarist or Soviet. President Yeltsin, whose control over the situation seems to be less than secure, has bowed to nationalist and militarist forces in Moscow on the Chechnya question. While the official status of Chechnya as a part of the Russian Federation is different from the other independent former Soviet Republics, such as Belarus, the Yeltsin government has created a very troubling precedent. There are clearly forces in Russia that seek to reassert control over the neighboring countries.

Since the collapse of the Soviet Union, the United States has sought to provide economic assistance to the Newly Independent States. Amid the pressures that many of these states are now under because of structural economic problems, ethnic tensions and the threat of Russian imperialism, we must maintain a strong commitment to helping these emerging nations achieve a democratic political system and a market economy. For nearly half a century, we devoted considerable sums to containing the Soviet threat. Now that the Soviet Union has collapsed, we have the opportunity, with much more modest levels of spending, to invest in the long-term stability of these formerly captive nations.

Mr. Speaker, it is actually on March 25 that Belarusans throughout the world salute the sacrifices and bravery of the members of the Council of the Berlarusan Democratic Republic, who in 1918 liberated their country from the harsh and oppressive Czarist and Soviet rule. Representatives of the United Councils of the First Belarusan Convention, meeting in the capital city of Miensk [Minsk], issued a proclamation of independence of the Belarusan National Republic, adopted a national flag with three horizontal stripes—white, red and white—and received widespread international recognition. For the first time since 1795, the Belarusan nation re-emerged as an independent state. Despite the hardships from the First World War and the revolutionary turmoil in neighboring Russia, the Belarusan language, culture, and national identity flourished.

Unfortunately, the freedom and independence of the Belarusan nation did not last long. In 1921, Russia's Bolshevik regime invaded and conquered the Newly Independent State and renamed it the Byelorussian Soviet Socialist Republic. For the next 70 years, the Belarusan people endured a totalitarian Communist regime, denied the most basic civil and political rights. Millions of Belarusan nationals were exterminated. Although the Byelorussian SSR was officially considered a member of the United Nations since 1945, the country was in fact politically and militarily dominated by Moscow, with the Belarusans' aspirations for self-government and independence completed subverted.

The Belarusan Parliament initially declared its independence back in July 1990. Following the attempted coup against Soviet President Gorbachev in August 1991, the Speaker of the Belarusan Supreme Council, Stanislav Shuskevich invited Russian President Boris Yeltsin and Ukrainian President Leonid Kravchuk to Belarus in December 1991 to finally bury the moribund Soviet Union. In its place was established the Commonwealth of Independent States [CIS] with Miensk as its administrative seat. Although the Belarusan Parliament, as many other emerging East European democracies, was dominated by former Communists, protections for Belarusan culture, as well as basic human rights, were enacted. On June 23, 1994, Belarus held its first multiparty presidential elections since its independence, with a runoff election on July 10, 1994. The winner, Aleksandr Lukashenka, was a former Communist Party official and former head of the parliament's Anti-Corruption Committee. The Helsinki Commission, which observed the elections, proclaimed that the elections were conducted in conformance with international practices and that the results reflected the freely expressed will of the electorate.

Mr. Speaker, since my wife Sarah is part Belarusan, I have had the opportunity to become particularly familiar with this proud people. My district, the Sixth District of New Jersey, is home to a significant Belarusan-American community. Since the fall of the Soviet Union, Americans in general have had the opportunity to learn more about this distinct land and its culture. In 1994 President Clinton visited the Belarusan capital, and a variety of United States public and private sector initiatives have been launched in Belarus. Let us resolve to continue to improve the economic, security, and cultural ties between the great peoples of the United States and the Republic of Belarus.

STATEMENT ON TAYLOR EMERGENCY TIMBER SALVAGE SALE AMENDMENT

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1995

Mr. DOOLITTLE. Mr. Speaker, I rise today in strong support of the Taylor emergency timber salvage sale amendment. This legislation responds to the 33 lives lost fighting forest fires last year; it responds to the $1 billion spent by the taxpayer fighting high-intensity out-of-control forest fires; it responds to millions of dollars in revenues forgone by Federal and State governments; and it responds to the environmental disaster facing our Nation's forests by prescribing clearly what must be done to begin to alleviate our national forest health problem.

Mr. Speaker, this amendment mandates the removal of disease- or insect-invested trees, dead, damaged, or down trees, or trees affected by fire or insect attack. This legislation includes trees imminently susceptible to fire or insect attack that refers to any area in which 10 percent or more of the conifer basal area has been lost to drought, insect, or disease related mortality in the last 10 years.

This amendment also mandates removal, without regard to size limitations or retention standards where removal is necessary for the health, protection or restoration of the forest. Because the amendment addresses an emergency situation, it necessarily encompasses forests, such as those impacted by the California spotted owl report or the Sierra Nevada Ecosystem Project report.

In spite of these requirements, environmental concerns will be met. U.S. Forest Service Chief Jack Ward Thomas and his staff reviewed the amendment, suggested modifications, and evaluated the Forest Service's technical and operational capability to meet its requirements. The amendment neither authorizes salvage timber sales on lands specifically protected by Congress, nor does it forgo environmental requirements. An environmental assessment must be prepared which will satisfy the National Environmental Policy Act and the Endangered Species Act.

Mr. Speaker, the people of my district and my State need our national forests to be managed properly. This legislation will begin to alleviate this urgent problem. I urge my colleagues to support the Taylor emergency timber salvage sale amendment.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

IN PRAISE OF PAUL HARVEY'S COMMENTS ABOUT THE BELEAGURED OIL AND GAS INDUSTRY

HON. ERNEST J. ISTOOK, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1995

Mr. ISTOOK. Mr. Speaker, recently a column by fellow Oklahoman Paul Harvey was published which effectively highlights the problems faced by our Nation's domestic oil and gas enterprises. I commend this column to my colleagues in the hope that Mr. Harvey's wise words, born of experience, will be heeded as we consider legislation affecting this vital industry this session.

[From the Daily Oklahoman, Mar. 10, 1995]

NATION'S OIL INDUSTRY CONTINUES TO SUFFER

(By Paul Harvey)

Our nation's balance of trade with other nations is unbalanced in their favor largely because of all the foreign oil we are buying—needlessly.

While drilling rigs sit idle in Texas, Oklahoma and 28 other states, our country continues to import from other countries more than half of all the oil we use. Meanwhile, the administration persists in maintaining policies that make it impossible for stateside oil companies to compete.

Commerce Secretary Ron Brown has persistently refused even to consider a tariff on imports, which would "level the playing field." The White House has declined even to consider initiatives to bolster our own oil industry, to stimulate our own production.

Denise Bode, president of the Independent Petroleum Association of America, is outraged. She predicts "a fire storm" in the oil- and gas-producing states.

The American Petroleum Institute, convinced it will get nothing from the White House, is turning for help to Congress. The eight-member Oklahoma congressional delegation is seeking remedial legislation.

Sens. Bob Dole, R-Kan., and Don Nickles, R-Ponca City, are offering a parallel proposal to the Senate. What they seek is a $3-a-barrel tax credit for existing and new marginal oil wells, phasing out when the market prices hit $20 a barrel.

It can be argued that our nation is vulnerable again to being held hostage by Middle East potentates, who could cut off our oil within hours in the event of confrontation. That is so.

But a poor boy who grew up in Tulsa is more urgently anxious about the prospect of losing our nation's limited reserves forever.

Underground oil is not a "pool" of liquid. Mostly, it is suspended in sand or porous rock. Over time, even under applied water pressure, the flow dwindles, until one day, you have wells producing perhaps only three barrels a day.

After time, that three-barrel well will not pay its way because of cheap imports. If you plug that well, and later effort to re-drill the same well might cost $5 million, which is utterly unrealistic. So, that oil is gone forever.

Domestic United States oil production is the lowest it has been in 40 years—500,000 jobs have disappeared in the oil industry in the past 10 years. Twenty-two thousand have been eliminated in just the two Clinton years.

Considering those numbers, a tax credit to encourage production is one of the best investments our country could make.

TRIBUTE TO ARTHUR "ART" HOLLINGSWORTH

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1995

Ms. WOOLSEY. Mr. Speaker, I rise today to pay tribute to Arthur "Art" Hollingsworth. Mr. Hollingsworth is retiring after more than 21 years of public service in Rohnert Park, CA, which is located within the district I am privileged to represent. His dedication and commitment to improve the lives of the people of Rohnert Park is appreciated by those who have worked with him over the years, and by many who have benefited from his efforts.

Art spent more than 13 years on the Rohnert Park City Council, including three terms as mayor. He was a member of the city's planning commission for 8 years, and served for 2 years as its chairman. Having served on a city council myself, I know that these years were filled with lots of hard work, countless meetings, and long work days.

Despite this, however, Art's commitment to the community did not end with his official city duties. He also involved himself in a variety of local nonprofit activities and youth programs. Art was an advocate for our youth and worked to raise money for local high school athletic activities. In addition, he was a leader in many professional community groups, including the Rohnert Park Chamber of Commerce where he served as president for two terms.

Mr. Speaker, Art Hollingsworth has made many contributions to his community through his hard work and dedication. I ask my colleagues to join me in saluting his efforts today, and in wishing him, and his family, all the best in the future.

IN HONOR OF FORMER REPRESENTATIVE D. FRENCH SLAUGHTER, JR.

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1995

Mr. WOLF. Mr. Speaker, I would like to share with my colleagues information concerning the naming of the main building of the Locust Grove campus of Germanna Community College of Virginia in honor of Congressman D. French Slaughter, Jr. The special dedication ceremony will take place on April 21, 1995, in Locust Grove, VA.

French Slaughter is a 20-year veteran of the Virginia General Assembly and was the chief patron of the State Community College Act of 1966. In 1969 he was a key leader in founding Germanna Community College upon the distinctive historical 100 acre site it now occupies. Upon retiring from the House of Representatives in 1991, he donated his personal papers and other memorabilia to the college. This collection will be on display at the dedication.

Our colleague worked hard to create educational opportunities for all people. He provided vision, support, and strong leadership in pursuing this goal. His efforts were key in helping so many individuals in quest of a dream; a dream of higher education which, to many, became a reality.

Germanna Community College is providing a fitting tribute to our former colleague who worked so hard and achieved much success in the pursuit of education for the people of Virginia.

CODIFICATION OF TITLE 8, UNITED STATES CODE, "ALIENS AND NATIONALITY"

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1995

Mr. HYDE. Mr. Speaker, today I am introducing a bill to revise and codify certain general and permanent laws, related to aliens and nationality, as title 8 of the United States Code. This bill has been prepared by the Office of the Law Revision Counsel as a part of the responsibilities of that Office to prepare and submit to the Committee on the Judiciary of the House of Representatives, for enactment into positive law, all titles of the United States Code.

This bill is intended to make no substantive change in the existing law.

Anyone interested in obtaining a copy of the bill should contact the Judiciary Committee document clerk in room B–29 of the Cannon House Office Building. The telephone number is 225–0408. In addition, a section-by-section summary—containing reviser's notes and tables—of the bill, may be obtained through Edward F. Willett, Jr., Law Revision Counsel, U.S. House of Representatives, H2–304 Ford House Office Building, Washington, DC 20515–6711.

Persons wishing to comment on the bill should submit those comments to the Subcommittee on Immigration and Claims of the House Judiciary Committee no later than June 15, 1995.

TALENT IRRIGATION DISTRICT LICENSE

HON. WES COOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1995

Mr. COOLEY. Mr. Speaker, today I am introducing legislation which allows the Federal Energy Regulatory Commission to grant the Talent Irrigation District, which is in my district in Jackson County, OR, an extension of its hydro project construction commencement deadline.

The project is a 2.4-megawatt powerhouse, planned as an attachment to the existing Emigrant Dam, on the Emigrant River in southern Oregon. Low water conditions in the Emigrant River resulting from 8 years of continuous drought in Oregon have caused the irrigation district to reevaluate the project's operating plan. I believe granting an extension in this case will enable local officials to better configure this project to maximize power production and fish enhancement in light of the reduced water flows in the Emigrant River.

Construction of the existing Emigrant Dam was completed in 1959. It is a structural height of 176 feet and impounds 39,000 acre feet of water, which is delivered to about 8,000 users, irrigating approximately 30,000 acres.

On May 24, 1989, FERC issued a construction license to the Talent Irrigation District for the hydro project extension at Emigrant Dam. The license required construction to commence within 2 years—by May 24, 1991. In January 1991, the district requested and received a 2-year extension of the construction commencement deadline, until May 14, 1993, citing the need to consult further with the Bureau of Reclamation and continue negotiating a power sales agreement.

All negotiations were completed by April 1992, but the low flow conditions in the Emigrant River caused the Talent Irrigation District to postpone the commencement of construction and reevaluate the hydro project's proposed operating plan. When the 2-year extension expired on May 24, 1993, FERC canceled the license.

In order to commence with this project, the district needs its license reinstated and additional time to carefully evaluate the operating plan for the Emigrant hydro project and adjust it to perform better under low water conditions, both for power production and fish enhancement. The Federal Power Act, however, only allows FERC to grant one 2-year extension to the district, which is granted in 1991. Therefore, legislation is required to authorize FERC to extend the deadline further.

The legislation I am introducing today reinstates the Talent Irrigation District license and grants the district up to 4 years to begin construction.

CONGRATULATING JILL MOSS GREENBERG—MARYLAND WOMEN'S HALL OF FAME HONOREE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1995

Mr. HOYER. Mr. Speaker, I am pleased to rise today to recognize an outstanding citizen of Prince George's County, MD. Ms. Jill Moss Greenberg, a resident of Hyattsville, was recently named one of six women throughout the entire State of Maryland to be inducted into the Maryland Women's Hall of Fame.

I have known Jill for a number of years and have worked very closely with her on the passage of the Americans with Disabilities Act, as well as in my capacity as chairman of the Helsinki Commission in seeking the release of Jewish refuseniks from the former Soviet Union. Over the years she has been instrumental in forging change throughout our county, our State, our Nation and on the international level—change that has benefited the lives of many people. She is truly worthy of this honor.

Recently, Ms. Andrea Novotny of the Prince George's Journal wrote of the outstanding contributions Jill Moss Greenberg has made in garnering this recognition and I am pleased to share this article with my colleagues and urge them all to join me in congratulating one of Maryland's Women's Hall of Fame honorees—Jill Moss Greenberg.

HONOREE RECALLS HER ACTIVIST PAST

(By Andrea Novotny)

Twenty years ago, women could not have credit cards in their name and faced expulsion from school for running on the "boys' track."

But Jill Moss Greenberg, 52, of Hyattsville, a self-described civil rights and feminist pioneer, worked to change those and other gender, race and socio-economic inequities. She is one of six women who on Tuesday were named honorees of the Maryland Women's Hall of Fame, established by the Maryland Commission for Women in 1985.

"People don't even think of it now. But it was a hard fight to get to where we are today. . . . No one should be a second-class citizen. We are working to create a society where no one is marginalized and no one is a footnote. The whole is greater than the parts, and every individual has the potential of creating great change," Greenberg said.

"There are a lot of laws on the books, but it is a constant struggle to make them real in the lives of everyday people. We have to assure that those accomplishments remain and that we continue to go forward for the rest."

Greenberg began tackling social problems as a teenager, joining the Civil Rights movement while still in junior high school. By middle school, she was volunteering on the presidential campaign of Adlai Stevenson, who she believed shared her vision of civil liberty.

Greenberg's efforts with a friend to remove barriers for the disabled led to the creation of one of the first preschools for disabled children in the United States. She was in her junior year in college.

"From the time I was very young, my family raised me with the values that each person could make a difference. Something can always be done about social inequities," Greenberg said.

She now works as director of multicultural education at the Mid-Atlantic Equity Consortium, providing assistance to school systems in five states on issues involving gender and race. "Racial minorities and women not only have a glass ceiling, but they have to clean it too," Greenberg noted. ". . As Frederick Douglass said, 'you can't have change without a struggle.'"

Greenberg, a Maryland resident for 24 years, led the effort to form the county's Commission for Women in 1972. At that time she was also working with the state's Commission for Women to help women participate in the legislative process.

Greenberg played a significant role in the passage of the Maryland Equal Rights Amendment, the Equal Credit Opportunity Act and Title IX, a federal law that requires federally funded schools to provide equal opportunities in athletics for male and female students.

But overcoming barriers wasn't easy.

"So many people opposed civil rights and civil equity back then," Greenberg recalled. She first had to win the support of former Congresswoman Gladys Noon Spellman, who was expelled from high school for running on the school's only track, then designated for boys.

"People thought Title IX would defeminize females and demasculinize males. Other congressmen said if it became law, our daughters would have to shower with boys. But they were missing the point. It wasn't just about athletic equity, it was about learning to win and lose and letting others experience the things that prepared them for life," Greenberg said. "The education girls receive determines their employment and life-long existence.

"Our goal now is not just to put different genders, races and cultures in a classroom, but to have them treated equally within that environment," Greenberg said. She learned cultural and religious sensitivity working with the county school system's task forces on black male achievement and multicultural education and serving on the regional board of the National Conference of Christians and Jews.

Greenberg founded the Maryland Women's History Project and the Black History at Your Door Step Project to recognize historical contributions of women and members of racial minorities.

"In a 500-page social studies text-book, only seven pages were dedicated to women. When women finally won suffrage, 75 years ago, the books said they were 'given' the vote—not that they achieved it through great struggle," Greenberg said.

"We need to create respect for each other so we can understand and value diversity."

Greenberg cautions against over-simplifying complex issues facing today's multicultural society and she says finding solutions is an ongoing challenge.

"Do we stand for what our country is about or what is comfortable? We need to be able to have the courage to stand up for our convictions," Greenberg said. "We still see a lot of inequity, but when people who share the same vision work together, they become a powerful force in creating change."

GUAM COUNCIL ON THE ARTS AND HUMANITIES

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1995

Mr. UNDERWOOD. Mr. Speaker, I would like to state my strong support of the continued funding for the National Endowment of the Arts and the National Endowment of the Humanities.

In its 29-year history, the NEA has awarded over 100,000 grants for music, theater, dance, arts, education, and outreach to many communities across the country. The Federal Government's elimination of the funding of these agencies would greatly affect the lives of many people, especially children, throughout the Nation and especially on Guam. The Guam Council on the Arts and Humanities Agency [CAHA] would stand to lose a great deal because Guam does not have a large enough population base to commercialize the arts and humanities.

I would like to point out the important contributions that the NEA and the NEH have provided for us on Guam. In 1994, Guam received the basic State grant annual funding of $201,000, which is subgranted to applicant on Guam who apply to CAHA to do artistic community-related projects. In addition, CAHA received a grant of $10,000 from the Folk Arts Program to support the Folk Arts Apprentice Program.

In 1993, CAHA received a grant of $100,000 from the NEA to support the continued development of a Chamorro culture village in the village of Inarajan. During that same year CAHA also received a grant of $17,600 from the Folks Arts Program to support a survey to identify, document, and form a consortium among builders and navigators of traditional sea-faring canoes in the Micronesian Island communities. The termination of funding for the NEA and the NEH would deprive CAHA of its ability to do its job—that of supporting funds to community artists and organizations and subsequently monitoring the development of these projects.

I would like to bring to your attention what Guam could lose if the funds for the NEA and the NEH were to be eliminated: Funding for the Guam Symphony Society; folks arts, masters of traditional art apprenticeship program funding for the arts in Education Program—taking art into the schools; grants for the Isla Center for the Arts; college crafts program at Gef Pa'go, Chamorro Cultural Village; funding for the University of Guam Theater and Music Department; funding for the consortium for the Pacific Arts and Culture which brings the Missoula Children's Theater to Guam grants to Media arts, literary arts, performing arts, visual arts, and folks arts; and grants to artist fellowships.

CAHA's mission has been to show case our culture and make people understand its importance to our island. The whole point of the arts and humanities programs, which CAHA supports, is to create an opportunity for people to expand their views and knowledge about the various cultures which constitute the melting pot of America. The very existence of the CAHA, is threatened without the funding provided by the NEA and the NEH. The opportunity that CAHA affords the community to engage on a larger scale also would be gone.

In fiscal year 1995, Guam was the only jurisdiction in the United States to have all grant applications approved as well as to receive an additional grant. By these actions, the NEA and the NEH have recognized Guam's outstanding record of funding artists and projects important to our community.

Finally, I would like to commend the fine work that CAHA has accomplished in years past and to congratulate Ms. Deborah Bordallo on her recent appointment as executive director to the Guam Council on the Arts and Humanities. With the renewed funding from the NEA and the NEH, we, on Guam, will work hard toward supporting CAHA for many generations to come.

A TRIBUTE TO THE HONORABLE ROBERT M. OLSON, JUDGE OF THE LOS ANGELES SUPERIOR COURT

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1995

Mr. MOORHEAD. Mr. Speaker, the Honorable Robert M. Olson, judge of the Los Angeles Superior Court, will retire from the bench on April 7, 1995.

Judge Olson has served more than 22 years as a Los Angeles Superior Court judge, and is currently the third ranking judge in terms of seniority in that court.

The majority of Judge Olson's judicial career has been spent in the Los Angeles Superior Court's northeast district in Pasadena, where he has twice served as supervising judge of the district. Since January 1990, Judge Olson has served in a satellite courtroom of the northeast district located in the Alhambra courthouse.

Mr. Speaker, throughout his judicial career, Judge Olson has demonstrated the highest level of personal integrity and conduct. He has always shown a great respect for the law and he has consistently performed his judicial duties with compassion, sensitivity, and courtesy.

He was always regarded with the highest esteem by the Los Angeles legal community. He has a lot of heart, a wonderful temperament, and a well-honed sense of humor.

Mr. Speaker, it is an honor for me to recognize Superior Court Judge Robert M. Olson before my colleagues in the U.S. House of Representatives upon his retirement from the bench.

ANOTHER MEDICAL BREAKTHROUGH BY VA MEDICAL RESEARCHER

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1995

Mr. MONTGOMERY. Mr. Speaker, I was very pleased to see news reports this week about an important scientific advance for people who are paralyzed.

Stories in the Washington Post, the Baltimore Sun and other papers described the Neuroprosthetic Hand Grasp System—a new computerized device that can help some people with spinal cord injuries regain use of their hands.

I was absolutely delighted to learn of this exciting work, because I believe it will bring hope to thousands of people who have lost so much through catastrophic injury.

But I was also pleased by this news because it reflects the tremendous value of an outstanding research program that has not received the recognition it is due.

This development for paralyzed persons—like many other medical advances—came from the research program of the Department of Veterans Affairs.

Unfortunately, the public is not well informed about the work of VA scientists and researchers. They do not know that, over the years, VA research has established an impressive record for achieving health care improvements for disabled veterans, while bringing scientific advances for the society at large.

VA researchers are responsible for breakthroughs such as the first effective drug treatment for schizophrenia, the pioneer kidney and liver transplants, the first cardiac pacemaker implant, and development of the scientific basis for computer assisted CAT scanning—which revolutionized diagnostic medicine.

This program is one of the most cost-effective approaches to research anywhere in the medical world. It is based on a clinician-investigator approach, under which most of VA's scientists work in patient care programs, as well as in their laboratories.

Our Nation owes a debt of gratitude to the entire VA research family. On this day, I especially commend the members of the VA research team that led the way in developing the Neuroprosthetic Hand Grasp System, and to their colleagues in the academic world and the private sector.

We should take pride in the achievements of our VA medical researchers. This is a program that deserves our recognition and support as it seeks to improve the lives of all Americans.

There follows the article which appeared on the front page of the Washington Post yesterday morning:

[From the Washington Post, Mar. 21, 1995]

EVERY MOVEMENT COUNTS—DEVICE GIVES QUADRIPLEGICS A CHANCE TO GRASP

(By Paul W. Valentine)

BALTIMORE, March 20.—Slowly, laboriously, his brow knitted in concentration, Kevin Hara picked up the pen in his right hand, positioned it firmly between his thumb and first finger and scribbled his name.

A few months ago, Hara, 21, a Georgetown University student who was paralyzed below the shoulders in a 1991 trampoline accident, could not move his hands or fingers.

Now, with an experimental electrical stimulator implanted in his chest to bypass his injured spinal cord and activate hand muscles, he is able to write, grasp a cup, shave, brush his teeth and tap out letters on a computer keyboard.

Hara was one of three quadriplegic patients who gathered at the Veterans Administration Medical Center today to demonstrate the new technology, called the Neuroprosthetic Hand Grasp System.

Medical investigators in Baltimore, Cleveland, Philadelphia, Boston, Palo Alto, Calif., and Melbourne, Australia, hope to get U.S. Food and Drug Administration approval of the experimental technology within a year and put it on the medical market within five years.

"It's made a big difference in my life," Hara said. "I'm able to do more, but it's also improved my confidence." A junior, he said he hopes to become a physician and specialize in psychiatry.

Restoring the ability to do things "the rest of us take for granted" is often slow and halting, with rewards measured in minuscule improvements day to day, said Peter H. Gorman, the neurologist who heads the Baltimore program.

"After you break your neck," said Jo Heiden, 30, of Arlington, a quadriplegic who was injured in a fall 11 years ago, "anything you can do to get some independence back is important."

Besides the patients in Baltimore, an additional 21 are enrolled in similar programs in the other cities. The implant surgery and long follow-up therapy for patients to learn how to use the muscle stimulator costs about $35,000, doctors said.

Restoring muscular activity for paralyzed patients is not new. Paraplegics since the late 1970s have used external stimulators on their legs to help them walk.

But the technology demonstrated today is the only one using a surgically implanted stimulator to restore functional movements in the hands and fingers of quadriplegics, according to Gorman, chief of rehabilitative services at the VA hospital in Baltimore. He also is an assistant professor of neurology at the University of Maryland Medical Center.

The implant program is not suitable for all paralyzed patients. Of the 90,000 people with quadriplegic spinal cord injuries in the United States, Gorman said, only about 14,000 might be eligible—those able to move their shoulders and bend their elbows but not use their hands.

Another important factor, Gorman said, is to be "highly motivated to try the new technology."

In spinal cord injuries, "the brain is no longer able to send messages to the nerves in the arm," said W. Andrew Eglseder, an orthopedic surgeon who performed the implants on Hara, Heiden and Jeanette Semon last year.

The new technology, he said, "sends signals to the muscles directly, in effect, bypassing the patient's damaged nerve system."

An electrical stimulator smaller than a cassette is implanted in the upper chest and connected to a series of wires that are embedded in the arm from the shoulder almost to the wrist. The wires are attached to seven electrodes that are sewn into paralyzed forearm muscles that control the hand.

The stimulator is attached outside the body to a computerized radio transmitter control unit that the patient attaches to the back of a wheelchair. The control unit also is attached by wire to another device taped to the chest and shoulder.

By moving the shoulder up and down or backward and forward, the patient signals the control unit to send electrical impulses through the stimulator and down into the arm muscles to activate finger and hand movement.

After the surgery, patients are hospitalized for three to four weeks. Then slowly they begin months of physical therapy, learning "grasp patterns" and "integrating them into their daily routine," said Linda M. Marshall, chief of occupational therapy at the VA medical center.

The Baltimore program is funded by a $170,000 grant from the Department of Veterans Affairs and involved no cost to the three patients.

Similarly, programs in the other five cities are funded by the department, the National Institute of Disability and Rehabilitation Research and NeuroControl Corp., of Cleveland, maker of the stimulator device.

The three Baltimore patients, sitting side by side in wheelchairs eagerly displayed their newly recovered skills.

Semon, 30, a Department of Agriculture budget analyst who lives in Chantilly, leaned forward, picked up a fork and pierced a pink ball of Play-Doh on a plate.

"Yum," she said, pretending to take a bite.

Heiden, a computer software engineer, typed a quick message on a computer keyboard with one finger. That may not seem much, she said, but before the implant surgery, she could only jab at the keyboard with a broken pencil wedged in a splint on her arm.

"My typing speed has increased tremendously," she said.

"I can load and unload paper for my printer, too."

PROTECTING OUR NATION'S FLAG

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1995

Mr. YOUNG of Florida. Mr. Speaker, because of my longstanding support to affirm the right of State legislatures and the U.S. Congress to protect the American flag, I am proud to once again be an original introducer today of a constitutional amendment declaring that Congress and the States shall have the power to prohibit the act of physical desecration of the American flag.

This is not the first time the House will consider this resolution. As my colleagues may recall, on June 21, 1990, the House fell just 34 votes short of the two-thirds vote required to approve this constitutional amendment. Since that time, 44 States have passed resolutions calling on Congress to give them the opportunity to ratify an amendment to the Constitution protecting the flag—6 more than the 38 States needed for ratification.

Mr. Speaker, it is only fitting that on the 50th anniversary of the historic flag-raising atop Iwo Jima's Mount Suribachi, that we reintroduce this amendment to protect our flag from desecration. On this occasion we remember the 75,000 marines who fought for 36 days in one of the most grueling battles of World War II, a time when "uncommon valor was a common virtue." We honor the nearly 7,000 men who made the ultimate sacrifice for their country during the fight for the island, and the countless others wounded in this campaign.

In memory of those who fought that battle, we have erected the U.S. Marine Corps War Memorial in Arlington, VA, where the moving re-creation of that famous flag-raising stands with the glorious Stars and Stripes atop the flagpole. It stands as a memorial not only to the Americans who served so bravely in that battle, but for all Americans who marched in battle behind the Stars and Stripes to restore freedom and protect the ideals which our great flag symbolizes.

Few things dishonor their memory more than acts of desecration of the American flag.

Our flag waves across the United States as a symbol of freedom and democracy and as a constant reminder of those who paid the ultimate price in service to their country. Casting contempt on the flag is the same, in my view, as casting contempt upon our Constitution and all the values of our great Nation for which it stands—liberty, equality, and justice for all. On battlefields throughout our Nation's history many lives have been lost and much pain and suffering endured by those committed to the defense of these values. To desecrate the flag is to cast contempt upon these brave men and women who carried our flag into battle with them; soldiers who have fought so bravely and offered their lives to protect the freedoms which we enjoy today and the promise of a free future for our children.

The United States stands as an example of freedom and justice for all to follow. The American flag remains a symbol throughout the world of that freedom and justice. It has inspired ordinary Americans to make extraordinary sacrifice, and should be respected and protected always. I urge my colleagues to join me in cosponsoring and supporting this amendment.

A TRIBUTE TO 13 GOOD SAMARITANS

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1995

Mr. BATEMAN. Mr. Speaker, please let the record show that I submit these remarks jointly with my colleague, the Hon. ROBERT C. SCOTT of Virginia.

Too often we fail to recognize the good things today's youth do. We are always quick to criticize them, but unfortunately are often slow to offer praise when it is deserved. We want to change that today.

Thirteen children from Newport News deserve special recognition for an extraordinarily good deed. While playing a game of chase on a recent Sunday afternoon, the youngsters witnessed the mugging of a 75-year-old woman. As the mugger sprinted away from the scene of the crime, the children, some as young as 5, gave chase to the suspect. They followed the suspect for two blocks, eventually leading police to the spot where he was hiding. The kids also showed police a nearby truck where the suspect had thrown the woman's purse.

These 13 kids are a shining example of the good things that are happening in our communities. Unfortunately, we have the tendency to only focus on the negative. The children could have easily ignored Edna Moss' cries for help and continued playing. Instead, they chose not to let the crime go unnoticed. Mrs. Moss is probably correct in her belief that the police may not have been able to catch the thief if it were not for the actions of the kids.

We want to take this opportunity to enter each of the 13 youngsters names in the RECORD. They are Calvin Williams, age 12; Maurice Williams, 11; Jamar Williams, 7; Shawn Stephenson, 8; Phillip Gayles, 12; Delvin Johnson, 13; August Taylor, 12; Antonio Bell, 5; Shenell Pressley; Demarcus Gardner, 9; Michael Carter, 6; Tierra Davies, 5; and Akeem Tate, 8.

We are pleased that so many people in the community, from local business owners to the Newport News City Council, have recognized the deeds of these 13 good Samaritans. ABC's "Prime Time Live" also has done a feature on the children that was broadcast nationwide. They truly deserve the recognition.

JULIAN AND ELISE WAGER HONORED FOR ENTIRE FAMILY'S COMMITMENT TO COMMUNITY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1995

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues two of my constituents who exemplify what it means to be concerned, community activists—Julian and Elise Wager.

Mr. Speaker, contrary to some people's belief, great neighborhoods don't just happen. They are created through the hard work of hundreds and thousands of community members joining together in common cause.

Astoria, Queens, is just such a neighborhood, and Julian and Elise Wager are two of the most dedicated, most caring members of the community. My field Julie, as he is known to his legion of friends, is currently the extremely capable chief of staff at the Western Queens Gazette—without a doubt one of New York's finest newspapers.

But Julie's contributions to the community don't end at the workplace. Julie has also been president of the Steinway Street Merchants Association since 1976 and president of the Central Astoria Local Development Coalition since 1984. Under his able leadership, these two organizations have supported local Astoria businesses, preserved local jobs, and helped make Astoria the vibrant, wonderful community it is today.

Elise Wager also has a remarkable record of community involvement. In fact, until just recently, Elise was the executive director of Queens Overall Economic Development, a capacity in which she served for almost 15 years. She has now returned to Adelphi University where she is pursuing her masters in social work. I know that Queens Overall Economic Development was sad to lose her leadership, but Adelphi has truly gained a special person.

Of course Julie and Elise's greatest contributions to the world came in the form of their two lovely daughters Adrian and Stacey. Both Adrian and Stacey are now married and have moved away from Astoria, but I know they have brought their parents' commitment to community betterment to their respective homes in Arlington, VA, and Hannacroix, NY.

In fact, I am particularly pleased to announce that the Wager family has recently grown by two members. Adrian Wager-Zito and her husband Michael Zito, are the new parents of a baby girl, Francesca Barrett Zito; Stacey Wager-Pacuk and her husband Edward Pacuk, are also the parents of a baby girl, Rebecca Grace Pacuk.

Therefore, it seems appropriate to me, as the Wager family has embarked upon a new generation, to request that my colleagues take a moment to salute two members of my community who have given so much of themselves for the betterment of others: Julie and Elise Wager—community activists, caring professionals, committed citizens, and, of course, proud grandparents.

RETIREMENT OF MASTER CHIEF JOSEPH RAMIREZ ADA

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1995

Mr. UNDERWOOD. Mr. Speaker, I would like to commend and congratulate Master Chief Joseph Ramirez Ada, a native son of Guam, on his distinguished career and his well-earned retirement. He is a veteran submariner and one of the highest rated enlisted personnel in the Guam Area Command of the U.S. Navy. Master Chief Ada, the son of Jose Quichocho and Maria Ramirez Ada, first enlisted in the Navy back in 1966. He has since attained the rank of master chief quartermaster, one of the highest ranks in the naval enlisted tier, second only to the master chief petty officer of the Navy.

In addition to this extraordinary accomplishment, Master Chief Ada always represented the best that the island of Guam has to offer. Prior to his present post, he served aboard the U.S.S. *John Adams* (SSBN–620), the U.S.S. *Puffer* (SSN–652), and the U.S.S. *Haddock* (SSN–621). He was also assigned to the Submarine *Flotilla Eight* and the Navy Astronautics Group Detachment "Bravo." After this, he was named command senior chief of Submarine Group Seven and, later, command master chief of Development Group One. Throughout almost three decades of active duty service he was the deserving recipient of several significant military awards. In addition to seven Good Conduct Medals, two Navy Achievement Medals, two Navy Commendation Medals and a Meritorious Service Medal, Master Chief Ada is the first Chamorro to receive the Admiral Claude V. Ricketts Award for inspirational leadership.

Since being assigned to the Guam Area Command of the U.S. Navy, Master Chief Ada greatly assisted in many civic efforts. He assisted in combined military and civilian projects such as last year's 50th anniversary celebration of the liberation of Guam. His assistance was also instrumental in the island's recovery from natural disasters such as Typhoon Omar and the earthquake of August 1993.

He has expressed great interest in our youth and local community through his volunteer work with the Guam Special Olympics and the assistance he provided local students in their high school drill and color guard competitions. He also supported local mayors in numerous military functions, parades, funerals, fiestas, and sister-village activities in addition to being a leader in the Navy's Community Partnership Programs.

After over 29 years of distinguished service, Master Chief Ada has chosen to retire from the Navy. An official retirement ceremony celebrating his accomplishments was held last Friday, March 17 on Guam. On behalf of the people of Guam, I would like to congratulate Master Chief Ada for his accomplishments, congratulate him on his well-earned retirement, and wish him the best in his future endeavors.

DR. MARTIN STEINBERG MAKES SIGNIFICANT ADVANCES IN THE TREATMENT OF SICKLE CELL ANEMIA

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1995

Mr. MONTGOMERY. Mr. Speaker, I am pleased to call to the attention of my colleagues an article that recently appeared in the February 13–19, 1995 edition of The Stars and Stripes. The article features Dr. Martin Steinberg, the associate chief of staff for research at the Jackson, MS, VA Medical Center and his work in a nationally-recognized study of drug that may be the first successful treatment for severe cases of sickle cell anemia. Dr. Steinberg has been with the Jackson VA Medical Center since October 1967. He is well known for his expertise and is VA's sickle cell program director.

Dr. Steinberg's accomplishments in this area are another example of the tremendous research that is being done by the Department of Veterans Affairs, and all of us are extremely proud of Dr. Steinberg's work and his association with the Jackson VA Medical Center.

[From the Stars and Stripes, Feb. 1995]

VA RESEARCHER KEY FIGURE IN SICKLE-CELL ANEMIA BREAKTHROUGH

(By Dick Maggrett)

A researcher at the Jackson, MS, VA Medical Center has played a key role in a nationwide study of a cancer drug that proved to be the first successful treatment for severe cases of sickle-cell anemia, a blood disorder affecting 72,000 mostly black Americans.

Physician Martin Steinberg, an associate chief of staff for research, led a group studying hydroxyurea and its effects on sickle-cell patients. "This is a significant advance," he said.

Steinberg and his fellow scientists believe that hydroxyurea may work by stimulating the production of fetal hemoglobin, which is present in fetuses and newborn babies. By about four months of age, fetal hemoglobin has been replaced by adult hemoglobin.

Steinberg, who also is a professor of medicine at the University of Mississippi Medical Center, where some of the research was conducted, said hydroxyurea isn't a cure but that its administration was "the first effective treatment for this serious illness and may greatly improve the quality of life of sickle-cell anemia patients."

In patients with the disease, hemoglobin molecules stick to one another, forming long rods inside red blood cells and causing them to take on a sickle-like shape and become rigid. The cells, unable to squeeze through tiny blood vessels, deprive tissue of an adequate blood supply and cause pain.

In the $500,000 National Institutes of Health (NIH)-sponsored study that examined genetic analyses of patients, half received the drug and half a placebo. In this phase of the work, Steinberg examined the genetic determinants linked to the sickle hemoglobin gene.

Between January 1992 and April 1993 the study enrolled 299 adult sickle-cell anemia patients, 18 years of age and older, at 21 clinics in the United States. All patients had experience at least three pain crises within 12 months.

The only side effect was mild reversible bone marrow suppression, which caused lowering of blood counts.

The study showed that daily doses of hydroxyurea reduced the frequency of painful episodes and hospital admissions for sickle-cell crises by about 50 percent. Recurrent painful episodes are the most disabling feature of the illness and interfere with education, jobs and social development.

Hydroxyurea therapy also reduced the frequency of acute chest syndrome, a life-threatening complication characterized by chest pain, fever and an abnormal chest X-ray. Test patients taking the drug had about 50 percent fewer episodes of acute chest syndrome than those taking a placebo.

And patients on hydroxyurea also required about 50 percent fewer units of blood transfused than those on the placebo. This finding has "important" public health implications, according to the Jackson VAMC.

Hydroxyurea proved effective in dramatically reducing pain in adult patients with sickle-cell anemia, and NIH recently stopped drug trials four months early and notified 5,000 doctors of the treatment.

Steinberg hopes his research will discover the means of predicting which patients will respond best to the drug. He said he will attempt to determine whether it might be possible to foretell the response of fetal hemoglobin to hydroxyurea.

Steinberg cautioned that hydroxyurea may not be appropriate for all sickle-cell patients.

"The drug should not be used in patients likely to become pregnant," Steinberg said. "Long-term safety in adults and safety and effectiveness of treatment in children have not been determined."

And, Steinberg said, hydroxyurea also has the potential to cause life-threatening decreases in blood counts called "cytopenia."

Hydroxyurea hasn't been approved by the Food and Drug Administration for treatment of sickle-cell anemia, although physicians can prescribe it for that purpose. The FDA may consider approving hydroxyurea for sickle-cell anemia after Bristol-Myers Squibb, the drug's manufacturer, gets the study's results.

The VA facility couldn't say when that might be.

Hydroxyurea currently is used for treating polycythemia vera, a disease in which too many red blood cells are produced.

Sickle-cell anemia is an inherited disease most common in people with ancestors from Africa, the Middle East, the Mediterranean basin and India.

One in 12 African-Americans carries the sickle-cell trait.

TRIBUTE TO SIGNET BANK OF MARYLAND

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1995

Mr. CARDIN. Mr. Speaker, I rise today to pay special tribute to the Signet Bank of Maryland on its 200th anniversary of serving the Baltimore community. Originally established as the Bank of Baltimore on Christmas Eve 1795 by the Maryland General Assembly, Signet Bank of Maryland is the direct descendant of that original bank.

For two centuries, the Bank of Baltimore and its descendants have remained on the same site, at the heart and core of Baltimore. The bank has steered a steady and profitable course through the War of 1812, numerous financial panics of the 19th century, the Great Fire of Baltimore in 1904 and the Great Depression.

In 1985, Union Trust Bancorp, a descendant of the original Bank of Baltimore, and Bank of Virginia Co. merged to create a $7 billion multibank institution. The name was changed to Signet Banking Corp. a year later. Presently, Signet Bank of Maryland is a full-service commercial bank with 87 locations throughout central Maryland, the Eastern Shore, and the Maryland suburbs of Washington DC. In offering specialized services for retail and commercial banking, international trade finance, trust, asset-based lending and leasing, cash management, real estate, insurance and consumer financing, Signet is an important contributor to the prosperity of Baltimore and Maryland.

A subsidiary of Signet Banking Corp., which is approximately a $10 billion multibank holding company, Signet Bank of Maryland and its ancestors have been the financial home for many generations of Baltimoreans. Signet has shared in Maryland's rich history and there is little doubt that it will continue to be a major contributor to our community into the 21st century.

I hope my colleagues will join me in extending congratulations to Signet Bank of Maryland in celebrating its 200-year history in Maryland.

TRIBUTE TO THE LEAGUE OF WOMEN VOTERS OF MODESTO

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1995

Mr. CONDIT. Mr. Speaker, I rise today to recognize and congratulate the League of Women Voters of Modesto for its 48 years of dedicated service to the voters of our community in the 18th Congressional District. This year marks the 75th anniversary of the League of Women Voters of the United States. During its historic past throughout our Nation, the league has encouraged the informed and active participation of citizens in government as well as influenced public policy through education and advocacy.

The League of Women Voters of Modesto under the leadership of its first president in 1947, Helen Pierce, to its current president, Julie Saugstad, has provided a driving force in our community to keep our voters abreast of the issues facing our local communities as well as the Nation. In the 1950's, the Modesto league began studying local government institutions under the leadership of Esther Beard Brack and Mary Johnson, founding members and former presidents. With the aid of former president, Thelma Van Overbeek, the league opened its first office. As the 1960's progressed, so did the league's involvement with issues on both the State and local levels. The work of then presidents Doris Scanlon and Irene Chadwick made it possible for the league to hold televised Candidate's Nights. In the 1970's, the league began holding a weekly television program to educate the community about pressing issues. In addition, it began printing its ever-popular Facts for Voters in both English and Spanish. At that time, the league worked under the direction of Connie Harris, Carole Davis, and Alita Roberts.

The league of Modesto continued its work in the 1980's by actively participating in local activities. Local member Kenni Friedman went on to become president of the League of Women Voters of California. Former local presidents, Myrtle Osner, Dorothy Schmidt, Jean Hamp, and Lisa Howard along with the rest of the members brought the league into the 1990's by their continued participation in government. The league can proudly reflect on two of its local members Councilmember Friedman of Modesto and Supervisor Pat Paul of Oakdale who have been elected to local government posts.

The league has continued its original mission of providing voter service and education by its candidates forums, production of Facts for Voters, and the lobbying of government bodies.

Mr. Speaker, on March 25, 1995, the League of Women Voters of Modesto will be recognized for its years of service at the Stanislaus County Commission for Women 16th Annual Outstanding Women Celebration. Since the inception of this annual event, 32 members of the league have been recognized as Outstanding Women.

I am proud to represent such fine members of our community as well as to recognize the league for its invaluable service.

INTRODUCTION OF PRESIDIO LEGISLATION

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1995

Ms. PELOSI. Mr. Speaker, today, I am introducing bipartisan legislation to create a Presidio Trust at the Presidio in San Francisco which is included in the national park system as part of the Golden Gate National Recreation Area.

I am pleased to be joined in this bipartisan effort by my colleague from California, Representative STEPHEN HORN, and by Representative BENJAMIN GILMAN from New York. These Members, from east to west, appreciate the national significance of the Presidio and the need for innovative ways to reduce Federal costs for its operations.

Presidio Trust legislation, H.R. 3433, was considered by the Congress in the last session where it passed the House and was reported by a 20 to 0 vote in Senate committee. It was not taken up by the full Senate in the final days of the session.

Creation of a Presidio Trust would enable Federal costs for this national park to be reduced considerably. The structure of the trust is based on the study of 19 management models by independent financial and real estate experts who determined that this legislative proposal would be successful in reducing costs to the Government.

The legislation calls for private-sector expertise and management of the Presidio's extensive nonpark properties. There are over 900 structures at the Presidio, almost half of which are historic. A significant number of these properties could be leased with revenues retained to support renovation and operation of the park's facilities.

A small board of planning and financial experts would direct the trust's activities and the National Park Service would continue its traditional management of resource protection and open-space park areas.

Today's legislation differs from H.R. 3433 in its provision for a smaller, more efficient board of experts, and its streamlined management structure. The bill's financing provisions are subject to appropriations and additional private or other financing possibilities are included.

A more detailed summary of the legislation is included below:

SUMMARY OF PRESIDIO TRUST LEGISLATION, 104TH CONGRESS

Background: The Presidio is a scenic and historic former Army post that is now included in the national park system as part of the Golden Gate National Recreation Area. Because the Presidio contains substantial building space, it offers an opportunity, unique within the national park system—to generate revenues from building leases. In order to realize the savings that this opportunity affords, a public-private management entity (Presidio Trust) with specialized financing and managerial expertise is needed.

The Presidio Trust would manage the renovation and leasing of specific Presidio properties transferred by the National Park Service. Ownership would be vested with the federal government and the Presidio would be operated as a national park with the Park Service continuing its traditional management of open space areas and visitor and public safety services.

The Presidio Trust is based on studies of 19 management models by independent financial and real estate experts. The Trust would be equipped with the following authorities:

The Presidio Trust would have managerial jurisdiction over certain Presidio properties. It would manage the rehabilitation of these properties and would lease buildings to rent-paying tenants.

Revenues from leases would be retained and used to offset costs at the Presidio, driving operating costs down and reducing the need for federal appropriations.

Capital improvements would be financed primarily from private sources. The Trust could augment or leverage private lending through credit enhancement, direct loans, and bonding. Such financing would be subject to review and approval by the Treasury Department.

Oversight of the Trust would be achieved through routine reporting and auditing requirements.

The Trust would adhere to the enabling legislation for the GGNRA and the Presidio General Management Plan.

For nearly 150 years, the federal government has invested in the Presidio as an Army post. The best way to protect this asset is by creating a management and financial mechanism that will enable it to be used and to pay for itself.

The Presidio Trust offers a good government approach that recognizes fiscal realities and offers a less costly, more business-like approach to the management of important federal assets at the Presidio.

ST. PETERSBURG INTERNATIONAL FOLK FAIR SOCIETY CELEBRATES 20TH ANNIVERSARY

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1995

Mr. YOUNG of Florida. Mr. Speaker, this weekend I had the opportunity to participate in the St. Petersburg International Folk Fair Society's [SPIFFS] 20th annual International Folk Fair, one of our city's great annual traditions. As in past years, thousands of people flocked to the Thunderdome, the future home of major league baseball's Tampa Bay Devil Rays, to sample the ethnic cuisines of 55 nationalities and to walk through the cultural exhibits of the SPIFFS world village.

It was in 1976 that Bethia Caffery, a former columnist for the St. Petersburg Evening Independent, brought together a small group of our community's prominent ethnic leaders to organize SPIFFS as part of the city of St. Petersburg's Bicentennial Celebration. Their early successes turned this small, loosely organized group into a full time organization that now provides year-round programs throughout Pinellas County and the Tampa Bay area. They have also become a tremendous resource for our local schools to educate students about the history and culture of countries around the world, large and small.

This year's fair included the colorful Ukrainian Academy of Dance from Toronto, Canada, and Step Dancers from Ireland. Additional entertainment was provided by the various local groups that comprise SPIFFS. For me, however, the significance of SPIFFS takes hold during the opening ceremonies where the flags of the nations of SPIFFS gather around the Stars and Stripes. It is then that each of us puts away ethnic political differences to join in giving thanks for the freedoms of America and to pledge allegiance to the United States.

Mr. Speaker, it is with great admiration that I congratulate SPIFFS, its officers, and its societies for the contributions they have made to our community and to our country over these past 20 years. I salute them for their work, look forward to next year's fair, and thank the St. Petersburg International Folk Fair Society for making their Representative in Congress proud of their efforts to educate each of us about our Nation's great ethnic diversity and heritage.

HONORING THE 30TH ANNIVERSARY OF THE NEW YORK CITY LANDMARKS LAW

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1995

Mrs. MALONEY. Mr. Speaker, I rise today to pay tribute to the 30th anniversary of the New York City landmarks law, as well as the efforts of Barbaralee Diamonstein-Spielvogel and the New York Landmarks Preservation Foundation. On April 19, 1965, after years of seeing New York's building heritage destroyed, Mayor Robert Wagner signed the landmark law. It is because of this milestone legislation that New York City leads the Nation in the preservation of its landmarks.

In commemoration of this anniversary, an unprecedented number of organizations and individuals have collaborated to arrange over 75 diversified programs, and activities scheduled over the next several months, with Barbaralee Diamonstein-Spielvogel and the New York Landmarks Preservation Foundation coordinating these efforts. The number and variety of these projects vividly demonstrates that preservation is not just the province and concern of a limited constituency. This anniversary brings into focus over 30 years of awareness on the part of historians, preservationists, architects, appointed and elected officials, and concerned citizens that New York is a city of enormous architectural resources.

Because of the landmarks law, these landmarks resources are being held in trust for the use, pleasure, and instruction of future generations. In the last 30 years the landmarks law has preserved 1,021 of the city's individual landmarks, 66 historic districts, and 93 interiors. Though this may sound like a lot of property, it is actually less than 2 percent of real estate in New York, and there is still much that must be accomplished.

I ask that my colleagues join me in saluting the 30th anniversary of the New York City landmarks law. May we all take this opportunity to renew our commitment to the past 30 years of preservation and to see that our commitment to future preservation of these landmarks continues for the next 30 years.

CONGRATULATING JUAN TAITANO EVANGELISTA

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1995

Mr. UNDERWOOD. Mr. Speaker, I would like to commend and congratulate Mr. Juan Taitano Evangelista, for having been awarded the Purple Heart that he so rightfully deserved for having been wounded in action while in the service of our Nation's military during World War II on Guam.

Tun Juan, the son of Pedro T. and Rosalia C. Evangelista was born in the city of Agana on October 14, 1923. In the summer of 1944, right after liberation, he served as a civilian scout of the American troops. He joined the Guam Combat Patrol at the age of 18 in the fall of 1944 and was wounded in the neck by Japanese sniper fire while on duty in the city of Agana.

Forty years later, the Secretary of the Air Force, acting for the Secretary of Defense, decided to recognize the service of Guam Combat Patrol members as active duty military service. Tun Juan was awarded the World War II Victory Medal. Although the Victory Medal was presented under direct orders from the Commandant of the Marine Corps, specific details of recipients' service records were not examined. Tun Juan's wartime injury was not taken into account.

Another decade passed before full recognition could finally be bestowed upon Tun Juan. Despite proper documentation and testimony from credible witnesses, several obstacles still presented themselves. Providing proof that he was not a foreign national was the last of these hurdles. This was, however, the easiest to overcome. Tun Juan has always been and always will be a true American.

Sharing in this recognition is his supportive family. His wife, Tan Pricilla Camacho Evangelista, his 17 children, 48 grandchildren and 3 great-grandchildren are all equally deserving of recognition because they have been, through the years, the source of Tun

Juan's motivation. On behalf of the people of Guam, I commend Tun Juan Taitano Evangelista for the wartime service that he rendered our Nation and congratulate him for having been finally awarded the Purple Heart Medal that he deserved.

“WOMEN'S RIGHTS” CONFERENCE IN BEIJING, CHINA?

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1995

Mr. SOLOMON. Mr. Speaker, I commend this article by Dr. Nicholas Eberstadt of the American Enterprise Institute and Harvard University to you concerning the irony of the U.S. decision to hold a conference on women in Beijing.

[From the Washington Times, Mar. 13, 1995]

U.N. SUMMIT FOLLIES

(By Nicholas Eberstadt)

Somewhere within the United Nation's vast New York headquarters, there must be an official charged with finding the most inappropriate spot on earth for each new U.N. summit.

How else to explain the upcoming U.N. World Conference on Women in Beijing—a capital that has championed coercive abortions, and revived female infanticide? Or the choice of Copenhagen—exemplar of the discredited and hypertrophied “social welfare state—as the venue for this week's U.N. World Summit for Social Development?

Though ostensibly organized to push for the eradication of global poverty, the proceedings of the Copenhagen Summit often sounded like the work of a cruel satirist intent upon discrediting this same cause:

First Lady Hillary Clinton, whose disastrous “health care reform” initiative had just helped her husband's party lose control of both houses of Congress, arrived to instruct the summit's 13,000 delegates on the development strategies they should undertake in their own lands.

The non-aligned “Group of 77,” apparently unaware that the Cold War was over, proposed a program of “new and additional” aid for Third World governments, arguing that such subventions would be in the national interest of donor countries.

Meanwhile, off-stage, diplomats were concentrating upon a substantive question: Who would fill the top United Nation's Children's Fund (UNICEF) slot just opened by the sudden death of the American James P. Grant? The United States, it was widely agreed, no longer could lay exclusive claim to this plum job. According to rumors the British candidate, Richard Jolly, looked strong—except that U.N. Secretary General Boutros Boutros-Ghali wanted a woman . . .

Thus the Copenhagen Summit closes like so many U.N. conferences before it: forgettable, superficial, at moments plainly silly. And in the final analysis, this gathering has done another disservice to its nominal beneficiaries, the world's poor.

In the comfortable surroundings of the Copenhagen Summit, very few delegates were prepared to deal with some of the uncomfortable truths about global poverty: that national wealth must be created, rather than wished into existence, or extorted from countries that have accumulated it; that free international trade, and free blows of private investment, help create national wealth; that governments throughout the Third World routinely exacerbate poverty through unwise or even destructive policies and practices; or that the economic success of such countries as Taiwan and South Korea was sparked by the termination of their “development assistance” programs.

Unending state-to-state transfers of concessional aid will not solve the problems of the world's poor. To the contrary, as we are learning with sub-Saharan Africa and elsewhere, unconditional funding for irresponsible regimes can lead to economic ruin and national impoverishment. Such blunt themes, unfortunately, seem too serious for the light comedies we have come to expect from major U.N. productions.

TRIBUTE TO LORETTA COLLIER

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1995

Mr. DIXON. Mr. Speaker, I rise today to pay tribute to my good friend Loretta Collier, who retired from the State of California Department of Corrections on November 1, 1994. On Thursday, March 30, 1995, Loretta's colleagues and many friends, will gather at the Holiday Inn Crown Plaza in Los Angeles to honor her for her outstanding contributions to the Department of Corrections and the community. Loretta is a very good friend of many year standing, and I am especially proud to have this opportunity to share just a few of her distinguished accomplishments with my colleagues.

Loretta was born in St. Louis, MO, to Lucy and Raymond Collier. The eldest of three children, she graduated from St. Louis' renowned Vashon High School in 1957, and in 1961 received her undergraduate degree in sociology from Lincoln University in Jefferson City, MO. Loretta pursued graduate studies at the Washington University Brown School of Social Work. She also attended 2 years at the West Los Angeles School of Law.

Prior to settling in Los Angeles, Loretta worked for the Missouri division of welfare as a child welfare worker. In 1966, she moved to Cleveland, OH, and was employed as a counselor for the Neighborhood Youth Corps.

Three years later, Loretta moved to Los Angeles and joined the Los Angeles County Probation Department as a deputy probation officer. She spent a decade with the probation department, resigning in December 1979 to accept a new position as an administrative hearing officer for then-Los Angeles County District Attorney John Van De Kemp.

In June 1980, Loretta was appointed by then-Governor Jerry Brown to a 4-year term on the Board of Prison Terms as a parole commissioner. With her appointment to this important position, she became only the third African-American woman to hold such a position since the board was constituted in 1931. During her tenure, she presided over the parole hearings of a number of some of this country's most infamous criminals, including Sirhan Sirhan and Leslie Van Houton.

In 1989 Loretta was promoted to the position of associate chief deputy parole commissioner responsible for a geographical area that stretched from Fresno, CA to the Mexican border and from the Pacific Ocean to the Arizona border.

Loretta's last 2 years with the California Department of Corrections were spent as the senior administrative hearing officer. In light of her considerable expertise in parole matters, she was called upon to implement new procedures and policies related to the parole revocation process. In addition, she developed training programs for new deputy parole commissioners, and the staffs of the Parole and Community Services Division and the Department of Corrections. She represented the board on local television programs and on radio talk shows, as well.

In addition to her professional responsibilities as an authority on parole matters, Loretta served as a member of the California Probation, Parole, and Correctional Association. She has served as treasurer of the California Democratic Party, and is a former member of the Los Angeles County Democratic Central Committee. She is a member of the Alpha Kappa Alpha Sorority, the New Frontier Democratic Club, the Urban League, the NAACP, and the Black Women's Forum.

In recognition of her numerous and distinguished contributions to the Los Angeles community, Loretta has been honored as Los Angeles County Democrat of the Year; listed in Who's Who in American Politics; and received the Outstanding Community Service Award, presented by the New Frontier Democratic Club. In 1993, she was further honored when Vashon High School inducted her into the school's distinguished Hall of Fame.

Although she has officially retired, Loretta has turned her considerable energies to other community activities. She currently serves on a subcommittee which aids the Rebuild L.A. Project, and continues her involvement with the Crenshaw 28th Street YMCA and the Crenshaw Corridor Project.

Mr. Speaker, nearly 60 years ago, the late, renowned French-born American author and diarist Anaïs Nin noted that “Each friend represents a world in us, a world possibly not born until they arrive, and it is only by this meeting that a new world is born.” By her celebrated accomplishments, Loretta Collier has made this world a better place for all of us. And by her loyal and steadfast friendship, she has immeasurably enriched my world. I am pleased and honored to have this opportunity to salute her and ask that you please join me in extending to her the very best for a future that is filled with great happiness, great health, and great prosperity.

U.S.-PAKISTAN RELATIONS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1995

Mr. BURTON of Indiana. Mr. Speaker, each and every one of us was shocked by the deaths of the two American consular officers in Pakistan. I am sure that every Member in the House of Representatives would like to send their deepest condolences to the families of these two Americans.

Immediately following this tragedy, Prime Minister Benazir Bhutto sent a letter of condolence to the White House and vowed to bring to justice those responsible for this crime. I would like to commend this action. Over the past year, Pakistan has been the recipient of many unsubstantiated statements in the House regarding its role in world terrorism. In fact, there now exists a coordinated campaign in the House to brand Pakistan as a terrorist state.

In that regard, I would call my colleague's attention to a March 10, editorial in the Wall Street Journal which says "the murders should not become an excuse for the United States to turn away from Pakistan, a moderate Moslem nation." As the United States continues to work toward improved relations with this valuable ally, we should value not only what Pakistan did for the United States during the cold war, but what a modern Pakistan will mean to us in the future. Pakistan should be looked upon as a progressive, modern, and democratic bridge to 1 billion Moslems strategically located around the Earth.

[From the Wall Street Journal, Mar. 10, 1995]

DEATH IN PAKISTAN

Americans are not killed very often in Pakistan, but when political killers do get U.S. citizens in their sights, the assaults tend to be spectacularly brutal. After a Pakistani mob stormed and torched the U.S. Embassy in Islamabad in 1979, staffers hiding in a vault were saved only at the last moment from mass suffocation. Ambassador Arnold Raphael died in the still unexplained C-130 crash that killed President Zia ul Haq near Bahawalpur in 1988. On Tuesday, an unknown number of gunmen opened up on a U.S. consular van in Karachi, killing two junior diplomats and wounding a third.

After the Zia crash, the American embassy, for still unexplained reasons, refused to let FBI experts join the Pakistani team investigating suspected sabotage. This time, Bill Clinton has vowed to pursue the killers, and G-men have been dispatched to join the search. With the help of the experienced Pakistanis, they may actually find out who pulled the triggers. But Jackie Van Landingham and Gary Durell were not picked out as targets because of some widespread anti-Americanism. The bullets that killed them were aimed at Pakistan itself.

Theories about traffickers angered by U.S. drug-fighting efforts, or about Islamists bent on revenge for the recent extradition of an alleged terrorist from Pakistan to New York miss the point. The killings come on the eve of a visit to Washington by Prime Minister Benazir Bhutto. She goes in search of a restoration of U.S. aid and greater economic ties, and will now arrive in a country that sees Pakistan through a glass even more darkly than before. The radicals may hope that the American companies that have signed mega-deals for energy projects will now get cold feet and that Pakistan will become a no-go zone for foreigners in general, with all their sorely needed capital.

Sound familiar? Perhaps like Egypt, where antigovernment Islamists have systematically targeted the tourist industry? Or like Bangladesh, where power-hungry opposition forces have used the hapless feminist writer Taslima Nasrin to get Muslim mobs on the streets? Despite their proven ability to whip up crowds, Pakistan's radical Islamic parties are political failures. They have stood for election and been rejected by a solid majority of Pakistani voters. Now they, or some other frustrated power-seekers, may be going for the cheap option of destabilization.

The murders should not become an excuse for the U.S. to turn away from Pakistan, a moderate Muslim nation with which relations have lately been rocky. Given Karachi's recent history of random sniping and bloodshed, it's alarming that U.S. government vehicles are not adequately bulletproofed—if also testimony to the safety that Americans feel there. And Pakistan should certainly re-think the yellow license-plating of all diplomatic cars with numbers that identify each car by country. On Tuesday, that big American 64 was an easy bull's-eye.

And Americans everywhere should prepare for at least one nasty aftershock. When Ambassador Raphael died with Zia, the 100% of Pakistanis who are conspiracy theorists seriously entertained the notion that the plane was brought down by the CIA. Sooner or later, some will want to blame the U.S. for the Karachi shooting as well.

But letting this tragedy sour the overdue rapprochement between Pakistan and the U.S., once allies in winning the cold war, would only hand a victory to Pakistan's radical fringe. And as bad, it would lend one more brick to those in the U.S. who want to build an isolation wall against a world that still needs American leadership and friendship.

A SALUTE TO AN ORDINARY HERO

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1995

Mr. OBERSTAR. Mr. Speaker, at a time when we see, hear, and read seemingly endless reports of young people engaged in crime, drug use, and self-absorption, at a time when the reputation of our military forces has been tainted by events such as the Tailhook scandal, it is uplifting to read of an act of heroism by a young sailor from Wrenshall, MN, in my congressional district.

Scott Gardner serves as a machinist and fireman aboard the repair ship USS *Yellowstone.* Last month, when the ship was docked in Nassau, Bahamas, Gardner and his fellow crewmembers came to the rescue of 50 passengers aboard a sinking ferryboat. Gardner and his buddies pulled 38 people—including two infants—from the water that day. Such rescues are not new to Gardner; last year in Greece he jumped into the water to save a German sailor who had fallen off the dock.

I am proud of Scott Gardner and his buddies, Mr. Speaker, and I believe all America should be proud of them as well. Therefore, I commend to your attention and that of my colleagues the story of these events as reported by the Duluth News Tribune.

In reading this article, Mr. Speaker, what impressed me the most was Gardner's attitude toward his heroism. To him, these acts were not heroic; they were reflexive, natural. In his view, he could have acted no other way under the circumstances.

Scott Gardner and his equally heroic crewmates do not wear stars on their shoulders or "scrambled eggs" on their caps. They are not Annapolis graduates or the products of elite special forces training programs. They are ordinary sailors who saw their duty and responded without question or hesitation. These young members of the U.S. Navy acted in the highest traditions of the service, and displayed for the rest of the world the best of the American character.

[From the Duluth News-Tribune, Mar. 3, 1995]

A SAILOR, A SAVIOR—WRENSHALL MAN, CREW SAVE 38

(By Jason Skog)

When Scott Gardner heard there were babies on board the rapidly sinking water taxi, he jumped from the pier into the swift Bahamian channel's current and began saving lives.

After throwing dozens of life jackets into the water and swimming some frightened tourists to safety, Gardner and his fellow U.S. Navy crew members saved 38 people.

Gardner, a 24-year-old Wrenshall native serving aboard the USS Yellowstone, was docked in Nassau, Bahamas, on Feb. 22 when the alarms sounded. He humbly retold his story of heroism and bravery from a pay phone in Norfolk, VA., where his ship was docked this week.

Gardner's latest rescue came almost a year after he got wet saving a drunken German sailor from drowning off the coast of Corfu, Greece.

It was around dinner time and Gardner was washing up when the Yellowstone's alarm sounded, signaling somebody was in danger.

He grabbed his gear and ran up top to the deck, where he saw a boat in the channel sinking quickly. Panicked and without life jackets, people on the sinking boat began jumping into the water.

"We were throwing life jackets off the pier, but we couldn't throw them all the way and they were washing against the pier," Gardner said.

Gardner said he wasn't sacred.

"I saw them and something just clicks and you say, 'Hey, idiot. Go in and help.'"

When the rescue ended, the Navy crew learned there were nearly 50 people aboard the flooded boat. Gardner's crew alone had saved 38 of them, including two babies. The others were saved by passing boats.

The Navy's Yellowstone is a repair ship that fixes other boats. Gardner, who joined the navy in 1992 after graduating from technical college, works as a machinist and fireman on the ship.

The captain of the Yellowstone had planned to stop in the Bahamas for a little fun, sun and snorkeling. The crew had just finished training drills in Cuba and the captain felt his crew needed a break before sailing to the Mediterranean Sea.

And if the alarm sounds again?

"If they made the call at 2 a.m., we'd be running down the pier," Gardner said. "Because if we were in the water, we'd want somebody running to save us."

PROMINENT CIS SCIENTISTS PROTEST CHECHNYA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1995

Mr. SMITH of New Jersey. Mr. Speaker, as I noted yesterday, Russia has now passed the hundredth day of its armed intervention in Chechnya. The brutality continues. Moscow gives soothing words about a cease-fire, but the shelling and the bombing continue unabated.

With this in mind, I would call attention to an open letter that I recently received, courtesy of the American Foreign Policy Council. This letter was written by three of the most prominent scientists currently living in the former Soviet Union. In this letter, A. Belavin, a physicist, and two mathematicians, V. Drinfeld and B. Feigin, characterize Moscow's actions as "genocide and crimes against humanity" and say, as I have maintained all along, that "these actions cannot be considered merely an internal affair of Russia." I urge President Clinton and others in his administration to keep in mind the powerful message in this letter, and hope that it would be included in the President's briefing book for his upcoming trip to Moscow.

Mr. Speaker, I ask that the full text of this letter be inserted in the RECORD at this time.

DEAR FRIEND: We are compelled to write to you from the feeling that terrible crimes committed by Russian authorities and armed forces in Chechnya are not accidental, and that we are all responsible for them. These crimes, according to the testimony of journalists, human rights defenders, and mothers of the soldiers fighting there, include not only the bombing of towns and villages inhabited by civilians, but also the capturing of hostages, robberies, [and] the organization of filtration camps where people, incarcerated on the basis of their race, and cruelly beaten, tortured, maimed and murdered.

All these actions should be characterized as GENOCIDE and crimes against humanity. They cannot be considered merely an internal affair of Russia.

The Chechen crisis is not accidental. It reveals the criminal essence of the political regime that is being formed in Russia. The most dangerous aspect of the present situation is the absence of a clear appreciation of this fact.

Instead, in the public opinion, especially in the West, there still exists the myth that Russia is moving toward democracy and reforms and, unless Yeltsin is supported, fascists of the type of Zhirinovsky will take over.

We consider this opinion as deeply erroneous. Supporting democracy and human rights by words, the regime is persecuting them in a cynical and brutal way [*sic*]. Many facts give evidence for this, such as beatings and killings of honest journalists and human rights defenders who get and publish information dangerous for the regime, the criminal and corrupted methods of privatization, and many other things. Now there is an attempt of annihilation of a whole nation.

Acting by fascist methods, the regime uses Zhirinovsky and the threat of fascism for manipulating public opinion.

Russia is not moving by the path of democracy and human rights. A new regime, unusual in its cruelty and falsehood, is being born. Whether the criminal regime or democracy with a human face will take over in Russia, will, in the first place, depend on people in Russia, our ability to understand the danger and take responsibility, [and] our courage and will to stand against evil.

However, the realization by people in the West of the true state of affairs of Russia and the support of democracy, not Yeltsin, are also crucial.

We ask your help in spreading our letter.

A. BELAVIN,
V. DRINFELD,
B. FEIGIN.

THE ECONOMIC BENEFITS OF FULL COMPETITION IN ALL TELECOMMUNICATIONS MARKETS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1995

Mr. BONIOR. Mr. Speaker, in July 1993, I submitted for our colleagues highlights of the first WEFA [Wharton Econometric Forecasting Associates] Group study on the economic benefits of full competition in all telecommunications markets. In that study, the WEFA Group predicted that more than 3 million new jobs would be created over the next 10 years if all lines-of-business restrictions were lifted on the regional Bell companies.

The biggest obstacle to fulfilling the promise of telecommunications to the American people is the maintenance of policies at the Federal and State levels of government that restrict competition in communications markets. Regulation has failed to keep pace with the changes that have occurred in the telecommunications industry and the laws governing the industry are seriously outdated and need to be reformed. As Congress takes on the task of reforming and updating the Nation's telecommunications laws, policymakers should be mindful of the results of the most recent study by the WEFA Group that evaluated the economic impact of removing all regulatory barriers to entry in communications and permitting full competition in all communications markets.

Under one scenario, WEFA estimated the effects of immediate and simultaneous removal of all restrictions on competition in telecommunications, long distance, information services, and equipment manufacturing markets as well as the replacement of rate-of-return regulation with price regulation in all Federal and State jurisdictions. The predicted response by the economy, as determined by the WEFA Group—perhaps the Nation's preeminent economic forecasting group—gives overwhelming evidence and support that such change in policy is needed in the national interest. Under this scenario the economy would stand to gain an additional 3.4 million jobs over the next decade compared to the baseline forecast. In my home State of Michigan, immediate regulatory relief for all telecommunications companies would create more than 35,000 new jobs throughout the entire State's economy by 1998 and nearly 71,500 jobs by the turn of the century. Because telecommunications is so important to the functioning of the economy, the additional jobs created by the change of policy would be spread across all States and all major industry groups. Job gains would be realized as lower prices, service enhancements, and technology innovations all serve to boost economic activity. The surge in job growth would, in effect, discount the unemployment rate at the end of the 10-year period by 0.4 percent of a percentage point compared to the baseline forecast. At the conclusion of my remarks, I will include a statement by Morton Bahr, president of the Communications Workers of America, commending the WEFA Group study and stating that "we applaud any legislation that will bring jobs to communications workers and benefits to American consumers as quickly as possible."

Other significant improvements to economic growth obtain to the economy in this scenario in addition to the employment gains. Real Gross Domestic Product [GDP] is $298 billion higher growing 0.5 percent faster on average over the 10-year period and the change in policy assumed in the scenario generates more than $900 billion more real disposable income. The balance of trade improves $14 billion due to lower domestic inflation and strengthened U.S. global competitiveness. The Federal budget deficit improves by more than $140 billion over the next decades as higher incomes boost tax revenues. Other indicators of economywide growth show dramatic increases in automobile sales and housing starts and curbing or downward pressure on consumer price inflation and long-term interest rates.

Consumers benefit tremendously under the WEFA Group study scenario of full, immediate, and simultaneous competition in all communications markets. With this change in policy, over the 10-year period, consumers reap nearly $550 billion in savings from the increased competition and the lower prices it generates compared to the baseline scenario and the continuation of the status quo in telecommunications policy. The $550 billion in consumer savings is spread across all communications markets. More competition in the long-distance market produces $333 billion in consumer savings from lower rates. More competition in the cellular market yields $107 billion in consumer savings from lower rates. More competition in the local exchange market for telephone service picks up another $32 billion in consumer savings from lower rates.

WEFA Group compared the full, immediate, and simultaneous competition scenario with two other scenarios that would have delayed the introduction of full competition in all communications markets for 3- and 5-year periods, respectively. The cost of delay and staggered competition to the economy and to consumers, as estimated by the WEFA Group, are quite significant. Furthermore, this realization underscores the importance of Congress acting now to change and reform the Nation's telecommunications laws but in so doing avoid the delay of full competition. For example, the 3- and 5-year delay scenarios create 1.5 million and 1.9 million fewer jobs, respectively, than are created in the full, immediate, and simultaneous competition scenario over the same time period. WEFA also found that every year of delay in the introduction of full competition in communications markets costs consumers $55 billion in lost savings in telecommunications services and $40 billion in lost savings on long-distance rates.

The WEFA Group study findings are in keeping with earlier studies undertaken in this area, for example the study during the last Congress by the President's Council of Economic Advisors, which confirm large gains to consumer welfare and economic growth from the unleashing of restrained competition in telecommunications markets. Those of us in the Congress who are about to take up telecommunications reform legislation should be guided and instructed by the essential findings of the recent WEFA Group study, that is, the Nation's economy and consumers would fare best with a change in policy that produced competition now in all communications markets. Continuation of the current telecommunications policy or a change of policy that produced more regulatory barriers, delay, and uncertainty would not be in the best interest of consumer welfare and economic growth. There are some interests who are pushing Congress to, in fact, stagger, delay, or sequence competition in various telecommunications markets. However, if you listen very carefully to the proponents of this argument, you will note that the markets they serve today would be the last to face the new competition, if ever, under their proposal. We need to enact legislation that gives all players a fair and equal opportunity to compete in any market they choose to enter and, therefore, need to eliminate these lines-of-business restrictions on the Bell companies as soon as possible.

Finally, Mr. Speaker, I include remarks from several Wall Street analysts who dispute the notion that there is real price competition in the long-distance telephone marketplace—a key finding of the WEFA study.

STATEMENT OF MORTON BAHR, PRESIDENT, COMMUNICATIONS WORKERS OF AMERICA, ON THE WEFA GROUP STUDY ON COMMUNICATIONS COMPETITION

WASHINGTON, DC.—The recently released study on communications competition by the WEFA Group confirms what we in CWA have known for years—that delaying full competition in the communications marketplace is costing America hundreds of thousands of jobs every year.

Congress tried to pass legislation last year that would have deregulated markets and created jobs. The opportunity is at hand again and it's time we get it right, because every year we delay is another year of lost jobs and lost consumer benefits.

CWA recognizes that competition will ultimately mean a boom in new services and new industries, and an explosion in jobs in every state and every industry in the country. That's why we support the deregulation of America's telecommunications markets as soon as possible.

America shouldn't have to wait for Information Age benefits when communications workers are ready to build the infrastructure now. We applaud any legislation that will bring jobs to communications workers and benefits to American consumers as quickly as possible. Full competition will do that, delayed completion won't.

THE VIEW FROM WALL STREET: COMPETITION IN THE LONG DISTANCE TELEPHONE MARKET

AT&T and its rivals are pushing some prices up after almost 10 years of steady discounting. This gives AT&T more room to grow profits, and it creates an umbrella over MCI and Sprint, allowing them to raise prices, too.—Kenneth Leon, Bear Stearns, 10/20/92.

AT&T, MCI, and Sprint all have high-quality earnings because they operate in a stable, oligopolistic industry * * * without serious price competition. [T]he only real threat [is] posed by the Regional phone companies which are unlikely to gain regulatory freedom to enter this business for at least 3-5 years.—Philip A. Managieri, Cowen, 8/23/93.

Margins improved for all four [long distance] carriers, reflecting an impact from price increases and steady declines in access costs.—Daniel P. Reingold and Richard C. Toole, Merrill Lynch, 2/10/94.

The combination of a cozy oligopoly that wishes to avoid price wars and falling operating expenses primarily due to [exchange] access cost reductions is an unbeatable environment in which to do business.—Timothy N. Weller and Nick Frelinghuysen, Donaldson, Lufkin & Jenrette, 6/1/94.

The long distance industry is one of today's premier growth industries. Where else can you find: (1) double-digit unit volume growth, (2) declining unit costs, on a nominal as well as real basis, (3) a $10 billion barrier to entry, (4) a benign, stable oligopoly where the price leader [AT&T] is looking to generate cash to fund other ventures, and (5) a prohibition on competition * * * It is rare to see a full-fledged price war in an oligopolistic market, witness soft drinks. The same holds true in the long distance market.—G.W. Woodlief and E. Strumingher, Dean Witter, 10/28/94.

Many investors still seem to believe that there has been some sort of "price war" among the major interexchange carriers. The fact is that although interstate telephone rates have come down by about 50% over the past decade, the entire decline has been "funded" by decreases in the amounts paid by interexchange carriers to the local exchange carriers for "access."—John Bain, Raymond James & Assoc., 1/12/95.

Overall, MCI's new Friends & Family program looks like just another round of discounting funded by previously announced increases in the base rates. By focusing on the discount instead of the rate, the industry has been able to quietly raise base rates while spending millions of dollars promoting ever-increasing discounts.—D. Reingold and M. Kastan, Merrill Lynch, 1/20/95.

Regardless of your carrier, you are paying higher and higher rates if you are among the tens of millions of Americans who have not signed up for a discount calling plan. The person paying the retail rate is bearing the disproportionate burden. And these are probably the people who can't afford to make a lot of phone calls and therefore [do not] qualify for those cheaper plans.—D. Briere, TeleChoice Inc., 1/21/95.

AT&T now has the same revenues as the entire Bell system just before the break up in 1984, when they spun off about 85 percent of their assets.—John Bain, Raymond James & Assoc., 1/24/95.

MCI . . . filed for a 3.9% across-the-board rate increase. We fully expect AT&T, Sprint, and the second tier carriers to follow suit. This move by MCI is extremely bullish for the long distance stocks since it sends a clear message to the investment community that the long distance industry will practice 'safe pricing' which will lead to stable revenue per minute trends.—Jack B. Grubman, Salomon Brothers, 2/6/95.

A TRIBUTE TO THE ORKAND CORPORATION

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1995

Mrs. MORELLA. Mr. Speaker, I rise to pay tribute to the Orkand Corp., with headquarters in Silver Spring, MD, on the occasion of the company's 25th anniversary. Over the past quarter of a century, Orkand has grown from 2 to 2000 employees and is a leader in the high technology market.

The company has a long history of service to the Federal Government. More recently, the Orkand Corp. has begun serving the private sector, most notably healthcare researchers. The company has enhanced the critical work performed by several Federal agencies, including the Departments of Energy, Housing and Urban Development, Labor, State, the U.S. Postal Service and the Centers for Disease Control and Prevention.

The Company's founder and president, Dr. Donald S. Orkand, is an individualist, a man who believes in equal opportunity for all men and women. On the occasion of the company's milestone anniversary, Dr. Orkand has taken the opportunity to reflect on the accomplishments of the past and to launch his company's plans to deliver its unique brand of client-centered information into the 21st century. I am proud to pay tribute to the Orkand Corp., and I am honored to add my voice to the praises of the many friends and colleagues who gather to salute Dr. Donald Orkand and his outstanding company.

BE YOUR BEST DAY

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1995

Ms. PRYCE. Mr. Speaker, I rise to applaud the efforts of our Nation's Girl Scouts and the activities that they took part in as part of Be Your Best Day on March 14, 1995.

On this day, Girl Scouts across the country encouraged people of all ages and walks of life to improve themselves, help a friend, or better their community.

I would particularly like to submit for the RECORD the activities of several Girl Scout troops in Columbus, OH:

Eighty girls participated in conducting science experiments on the Darby Creek, a National Scenic River, to determine the kinds of service projects they will need to maintain its pristine condition.

Approximately 50 girls participated in an I'm Safe, Alert and Alive program that enabled them to take the information and share it with young girls.

Brownie Girl Scouts, age 6 to 8, participated in dancercize, an activity that taught them how to remain fit through dancing.

Fifty girls participated in a 1-day seminar on health and fitness, focusing on basic nutrition and fitness techniques. Junior Girl Scouts were paired with Brownie Girl Scouts to share the information with them.

Two Girl Scouts troops collected food and clothing items and donated them to a social service agency for distribution.

Brownie and Junior Girl Scouts participated in a computer basics course to learn more about technology and to encourage them to pursue math and science curricula.

Several Girl Scout troops filled out pledge cards to be their best on that day and to emphasize community service throughout the year.

Mr. Speaker, as a former Girl Scout myself, I would like to commend these Scouts for their efforts. They are true examples of young women dedicated to improving their own lives and making their communities better places to live.

SEAL OF OHIO GIRL SCOUT
COUNCIL, INC.,
Columbus, OH, March 1, 1995.

Memo To: Deb Fiddelke, Ass't. to U.S. Representative Deborah Pryce
From: Donna Hughes, Public Relations Director
Re Be Your Best Day activities in Columbus

Below are some of the activities Girl Scout troops in Seal of Ohio Girl Scout Council have planned to do for Girl Scouts of the U.S.A.'s Be Your Best Day, Tuesday, March 14 or during Girl Scout Week, March 12–18.

1. 80 girls will participate in conducting science experiments on the Darby Creek, a National Scenic River, to determine the kinds of service projects they will need to establish to maintain it's pristine condition.

2. Approximately 50 girls will participate in an "I'm Safe, Alert and Alive" program that will enable them to take the information and share it with younger girls.

3. Brownie Girl Scouts, ages 6–8, will participate in Dancercize, an activity that will teach them how to remain fit through dancing. This also enables them to earn a Try-It badge.

4. Scheduled later in the week, primarily due to time, 50 girls will participate in a one-day seminar on health and fitness. It will focus on basic nutrition and fitness techniques. The Junior Girl Scouts will then be paired with Brownie Girl Scouts to share the information with them.

5. Two troops are collecting food and clothing items to donate to a social service agency to distribute to clients.

6. Brownie and Junior Girl Scouts are participating in Computer Basics to learn more about the technology and how it can help them in school by encouraging them to pursue math and science curricula.

7. Troops are filling out pledge cards they have designed, pledging to be their best on March 14 and to put an increased emphasis on community service throughout the year.

The main thrust behind Be Your Best Day is to highlight the values of Girl Scouts and raise the visibility of the kind of contemporary issues Girl Scouts are confronting on a daily basis, and to get the community involved with Girl Scouts to address some of these concerns. If you need additional information about Be Your Best Day, do not hesitate to call.

GIRL SCOUTS OF THE U.S.A.,
Washington, DC, February 21, 1995.

Hon. DEBORAH PRYCE,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSWOMAN PRYCE: As a woman who has risen to the top in government because of your commitment to contemporary issues, you have shown how important it is for people to pull together and make their community a better place to live.

We would like to invite you to help us call other Americans to action on March 14, 1995. The event is "Girl Scouts' Be Your Best Day." On that day we are encouraging people—children, teens, adults and senior citizens to improve themselves, help a friend or better the community.

In the spirit of the day, we would like you to get involved, perhaps in your hometown, either individually working with a special cause, or with a local Girl Scouts troop. Should you not be with your constituents on that day, perhaps you would consider joining Girl Scouts in our nation's capital who will be participating in a series of very special activities, including an intergenerational aerobics workout program.

We hope you will join us on "Girl Scouts' Be Your Best Day," and would like to assure you that you do not need to make a major time commitment. We will be alerting the media about people's involvement in this day. Even half an hour of your time, whether it be speaking out to an important issue or promising to adhere to a personal resolution will help increase visibility for the hundreds of volunteers across the United States who will be participating that day.

Sincerely,

B. LARAE ORULLIAN,
National President.

CONGRESSIONAL REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, March 22, 1995, into the CONGRESSIONAL RECORD.

IMPROVING CONGRESSIONAL REFORM EFFORTS

The House got off to a good start this session by passing a series of internal reforms aimed at making the institution more open, efficient, and accountable. Yet in some ways the reforms are not working as well as expected. We need to revisit the changes made, as well as expand the scope of our reform effort into new areas.

Procedural reforms: On the first day of the 104th Congress, the House passed several procedural reforms—including measures to open up floor procedures, simplify the committee structure, and require Congress to comply with the same laws it passes for everyone else. These will not revolutionize the House, but they do move us in the right direction. Many were based on the work of last session's Joint Committee on the Organization of Congress. Yet there is some disappointment about the overall impact of the reforms. In many ways the House is less open and deliberative that it was last session.

A central theme of the reforms was to improve the work of congressional committees, since that is where the real work of Congress takes place. Yet the effectiveness of the committee reforms—reducing Members' committee assignments, banning proxy voting, and opening up committees further to the public—has been undermined by the new leadership's desire to pass key legislation within 100 days. The new congressional compliance bill, for example, passed the House without a single day of consideration by a House committee, even though much of the language was entirely new. No committee hearings were held on the highly complex unfunded mandates bill and only cursory hearings were held on the crime bills. Passing reforms to ban proxy voting or to open up committee deliberations makes little difference if an important bill simply bypasses the committee.

Another major reform was the promise by the new leadership to open up floor proceedings by allowing Members more opportunities to offer amendments. Yet this has simply not happened for several key bills. Many bills—from congressional compliance to the balanced budget amendment—came to the floor with limited or no opportunity for Members to amend them. The spending cut bill considered by the House last week put four-fifths of discretionary spending off limits to amendments—only those areas the committee wanted cut could be cut. It is unrealistic to expect every bill to come to the floor under open rules. That would be too unwieldy, and most Members recognize that. What is needed is that we have generous enough rules so Members can vote on the major policy issues on a particular bill; and that has not happened several times this year.

Rushing legislation through leads to mistakes. Sometimes we need to slow down to do things right and to make sure that all voices have been heard. We need a balance. The pace of legislation is important to the work product—too slow and the result is gridlock, too fast and the result is mistakes and unintended consequences.

Hearings are expected this summer on how well the new reforms are working. That is certainly appropriate. We also should consider additional procedural reforms. One change I favor is having the House regularize the congressional reform process—taking reform up every Congress rather than having one-shot, omnibus packages every twenty years. Reform should be a continual, ongoing process. We should also streamline the budget process, publicize hidden spending projects and tax breaks, and take steps to improve public understanding of Congress.

Ethics reforms: Although we have made some progress on procedural reform in the House, not enough attention has been given to other kinds of institutional reforms—in particular various ethics reforms. It is worthwhile to change our committee or floor procedures, but at a more basic level we need to ensure the basic integrity of the legislative process. We need to pass strong lobbying reform and a ban on lobbyists' gifts to Members, as well as pass campaign finance reform that reduces the role of PACs and monied special interests. Such measures will make it clear to the American people that special interests are not getting favored consideration from policymakers.

We also need to improve our procedures for enforcing House ethics rules. I have introduced a proposal to set up an outside panel of citizens to investigate Member misconduct. That will give our disciplinary proceedings much more credibility. Another priority should be broadening our "preventive ethics" efforts—greater informational, outreach efforts by the Ethics Committee to head off possible cases of Member or staff misconduct before they occur.

One of our top priorities in institutional reform should be making sure that the American people have confidence in the integrity and accountability of the legislative process.

Excessive partisanship: I am also concerned about the heightened partisan tensions in Congress and the increased interest among Members on both sides of the aisle in scoring political points and embarrassing the other side. Many observers feel that the House has become too negative, too bitter, too contentious. That has a clear impact on our ability to come together to pass legislation for the good of the country—indeed it can be a much greater roadblock to effective governance than many of the procedures we reformed on the first day of this session.

Excessive partisanship is not easily addressed through rules changes or reform packages, but it is a problem that we need to start thinking seriously about. One option might be to ask the Ethics Committee to issue clearer guidelines for Members on when spirited debate has stepped over the line and is bringing discredit upon the institution.

Another step would be better enforcement of rules now in place to encourage basic civility among Members.

Conclusion: The House has taken some initial steps this session toward reform, but much more needs to be done. To really improve the way we do business, our reforms need to be more effective and much broader in scope.

IN SUPPORT OF AN OPEN MEDIA IN TAIWAN

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1995

Mr. TORRICELLI. Mr. Speaker, I commend the following for the Record:

A Plea to American Friends of Taiwan for a Fairer Television Media System in My Country

(By Trong R. Chai, Ph.D.)

Distinguished Members of Congress, Ladies and Gentlemen: Every time I revisited Capitol, I felt so good, as if I came back to my old sweet home. During my long residency in America, I frequently visited this place, as an advocate for human rights for the Taiwanese and for security and independence for Taiwan, my country. Since I left the U.S. for Taiwan at the turn of the last decade, I have continued to champion the same cause and values.

I am here today to call your attention to the problem of equal opportunity for the opposition to access the television media in Taiwan.

At the present, all the three nationwide television stations have been firmly controlled by the ruling Koumintang (KMT) party. By manipulation of content and twist of reporting language, in the gubernatorial and mayoral elections of last December, for example, all television stations depicted the KMT as the defender of order, stability, and prosperity, while demeaning the Democrat progressive party (the DPP), the largest opposition party, as an underminer toward social unrest and a solicitor of China's military attack. In addition, by disparity of coverage, the KMT candidates were given close to 90 percent of news coverage, whereas the DPP candidates, receiving more than 40% of popular votes, were given less than 10% of exposure, thereby creating unfair elections.

The government of Taiwan has decided to license one more nationwide television station next month to three groups submitted applications for the license last June, and one of them was submitted by a KMT leader. The followup question is, "Will the fourth television station be granted to a non-KMT group?" This question is so important to the process of democratization in Taiwan that I believe each of you here in this room will be concerned with.

Distinguished Members, and dear friends of Taiwan: Your past influence on Taiwan's democratic development has been enormous and deeply appreciated by the people of Taiwan. Especially, at crucial milestones in the last decade, your voices helped Taiwan successfully end the old one-party dictatorship and create a two-party system, lift the 38 year-old martial law, and close the darkest record of human rights violations; thereby bringing real hopes for democratic reforms and freedom from fear. Now, at this critical juncture in selecting the winner of the fourth nationwide television station, would you give us a timely and most crucial support to ensure that this winner will be a non-KMT applicant so that democracy will not be an empty slogan but a real way of life in Taiwan.

Thank you for your attention and support.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the Congressional Record on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 23, 1995, may be found in the Daily Digest of today's Record.

MEETINGS SCHEDULED

MARCH 24

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Housing and Urban Development.

SD-138

10:00 a.m.

Appropriations

Business meeting, to mark up an original bill making emergency supplemental appropriations for additional disaster assistance and making rescission for the fiscal year ending September 30, 1995.

SD-192

MARCH 27

9:30 a.m.

Finance

To hold hearings to examine the accelerating growth of the Supplemental Security Income (SSI) program.

SD-215

2:00 p.m.

Foreign Relations

To hold hearings to review United States dependence on foreign oil.

SD-419

2:30 p.m.

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Executive Office of the President, and the General Services Administration.

SD-138

MARCH 28

9:30 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1995 for the Department of Defense, focusing on Army programs.

SD-138

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Bureau of Land Management, Department of the Interior.

SD-116

Armed Services

Strategic Forces Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense and the future years defense program, focusing on U.S. ballistic missile defense requirements and programs.

SR-222

Energy and Natural Resources

To hold oversight hearings on the nomination of Daniel R. Glickman, of Kansas, to be Secretary of Agriculture.

SD-366

Governmental Affairs

Oversight of Government Management and The District of Columbia Subcommittee

To hold oversight hearings to examine initiatives to reduce the cost of Pentagon travel processing.

SD-342

Labor and Human Resources

To hold hearings on S. 454, to reform the health care liability system and improve health care quality through the establishment of quality assurance programs.

SD-430

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for foreign assistance programs, focusing on Africa humanitarian and refugee issues.

SD-192

Foreign Relations

European Affairs Subcommittee

To hold hearings to examine United States assistance to Europe and the newly Independent States of the former Soviet Union.

SD-419

2:00 p.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings to examine issues relating to access to health care clinics.

SD-192

Judiciary

To hold hearings on pending nominations.

SD-226

2:30 p.m.

Armed Services

Acquisition and Technology Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense and the future years defense program, focusing on the defense technology and industrial base policy.

SR-232A

MARCH 29

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD–366

Labor and Human Resources

Business meeting, to mark up S. 141, to repeal the Davis-Bacon Act, S. 555, Health Professions Education Consolidation and Reauthorization Act of 1995, S. 184, Office for Rare Disease Research Act of 1995, proposed legislation authorizing funds for programs of the Ryan White Care Act, and pending nominations.

SD–430

10:00 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Food Safety and Inspection Service, Animal and Plant Health Inspection Service, Agricultural Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, all of the Department of Agriculture.

SD–138

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Judiciary, Administrative Office of the Courts, and the Judicial Conference.

S–146, Capitol

Armed Services

Closed business meeting, to consider certain pending military nominations.

SR–222

10:30 a.m.

Indian Affairs

Business meeting, to consider pending calendar business.

SR–485

2:00 p.m.

Judiciary

To hold hearings to examine proposals to reform habeas corpus procedures, focusing on eliminating prisoners' abuse of the judicial process.

SD–226

2:30 p.m.

Armed Services

Airland Forces Subcommittee

To resume hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense and the future years defense program, focusing on tactical aviation issues.

SR–222

MARCH 30

9:30 a.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S. 506, to reform Federal mining laws.

SD–366

Rules and Administration

To hold hearings to examine the future of the Smithsonian Institution.

SR–301

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of AMVETS, American Ex-Prisoners of War, Vietnam Veterans of America, Blinded Veterans Association, and the Military Order of the Purple Heart.

345 Cannon Building

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Aviation Administration, Department of Transportation.

SD–192

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold oversight hearings on the implementation of the science programs of the National Science Foundation and activities of the Office of Science and Technology Policy (Executive Office of the President).

SR–253

Environment and Public Works

Transportation and Infrastructure Subcommittee

To resume hearings on proposed legislation to approve the National Highway System and other related transportation requirements.

SD–406

Judiciary

Business meeting, to consider pending calendar business.

SD–226

MARCH 31

9:30 a.m.

Agriculture, Nutrition, and Forestry

To resume hearings on proposed legislation to strengthen and improve United States agricultural programs, focusing on agricultural credit.

SR–332

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Veterans Affairs, the Court of Veteran's Appeals, and Veterans Affairs Service Organizations.

SD–138

APRIL 3

2:00 p.m.

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Internal Revenue Service, Department of the Treasury, and the Office of Personnel Management.

SD–138

APRIL 4

9:30 a.m.

Agriculture, Nutrition, and Forestry

To resume hearings on proposed legislation to strengthen and improve United States agricultural programs, focusing on market effects of Federal farm policy.

SR–332

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Defense, focusing on Air Force programs.

SD–106

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the National Park Service, Department of the Interior.

SD–138

10:00 a.m.

Small Business

To hold hearings to examine the Small Business Administration's 8(a) Minority Business Development Program.

SH–216

APRIL 5

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the National Aeronautics and Space Administration.

SD–192

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold oversight hearings on the U.S. Forest Service land management planning process.

SD–366

Rules and Administration

To resume hearings to examine the future of the Smithsonian Institution.

SR–301

10:00 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Agricultural Research Service, Cooperative State Research, Education, and Extension Service, Economic Research Service, and the National Agricultural Statistics Service, all of the Department of Agriculture.

SD–138

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Immigration and Naturalization Service, and the Bureau of Prisons, both of the Department of Justice.

S–146, Capitol

2:30 p.m.

Indian Affairs

To hold oversight hearings on welfare reform in Indian Country.

SR–485

APRIL 6

9:30 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Defense, focusing on Navy programs.

SD–106

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Emergency Management Agency.

SD–138

10:00 a.m.

Environment and Public Works

Transportation and Infrastructure Subcommittee

To hold hearings on proposed legislation to approve the National Highway System, issues related to the Woodrow

Wilson Bridge, and the innovative financing of transportation facilities.

SD–406

2:00 p.m.

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of the Treasury and the Office of Management and Budget.

SD–116

APRIL 26

9:30 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for energy conservation.

SD–116

10:00 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Food and Consumer Service, Department of Agriculture.

SD–138

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Legal Services Corporation.

S–146, Capitol

11:00 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for fossil energy, clean coal technology, Strategic Petroleum Reserve, and the Naval Petroleum Reserve.

SD–116

APRIL 27

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Transit Administration, Department of Transportation.

SD–192

MAY 2

9:30 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Forest Service of the Department of Agriculture.

SD–138

MAY 3

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Environmental Protection Agency, the Council on Environmental Quality, and the Agency for Toxic Substances and Disease Registry.

SD–192

10:00 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Agriculture.

SD–138

MAY 4

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the United States Coast Guard, Department of Transportation.

SD–192

MAY 5

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for Environmental Protection Agency science programs.

SD–138

MAY 11

10:00 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Bureau of Indian Affairs, Department of the Interior.

SD–116

1:00 p.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Indian Health Service, Department of Health and Human Services.

SD–116

MAY 17

9:30 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the United States Fish and Wildlife Service, Department of the Interior.

SD–192

CANCELLATIONS

MARCH 23

9:30 a.m.

Labor and Human Resources

Education, Arts and Humanities Subcommittee

To hold oversight hearings on direct lending practices.

SD–430

3:00 p.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the National Institutes of Health, Department of Health and Human Services.

SD–138

POSTPONEMENTS

MARCH 24

9:00 a.m.

Judiciary

Constitution, Federalism, and Property Rights Subcommittee

To hold hearings on the 10th Amendment and the Conference of the States.

SD–226

MARCH 29

9:30 a.m.

Special on Aging

To hold hearings to examine ways that individuals and families can better plan and pay for their long term care needs.

SD–628